



Agenda
City Council Regular Meeting
Tuesday, September 19, 2017
City Hall Council Chamber | 505 Swift Boulevard

City Council Pre-Meeting - 6:30 p.m. (Discussion Only – Annex Building)

Agenda Item:

1. Capital Improvement Plan (30 minutes)
 - Cathleen Koch, Administrative Services Director
 - Brandon Allen, Finance Director
2. Electric Utility Load Forecasting (15 minutes)
 - Bob Hammond, Energy Services Director
3. Discuss Meeting Agenda Items (15 minutes)
 - City Council Members

City Council Regular Meeting - 7:30 p.m. (City Hall Council Chamber)

Welcome and Roll Call

Pledge of Allegiance

Approval of Agenda: (Approved by Motion)

Presentations:

4. Expressing Appreciation to Suzanne Mitchell for Service on the Economic Development Committee
 - Robert Thompson, Mayor
5. Attendance Awareness Month Proclamation
 - Dr. LoAnn Ayers, President & CEO, United Way of Benton & Franklin Counties

Public Hearing: (Please Limit Public Hearing Comments to 3 Minutes)

6. Proposed Electric Retail Rates - Ordinance No. 35-17
 - Bob Hammond, Energy Services Director
7. Proposed Alteration of the Sunshine Ridge Plat - Resolution No. 174-17
 - Kerwin Jensen, Community Development Director

Public Comments: (Please Limit Public Comments to 2 Minutes)

Consent Calendar: (Approved by single vote or Council may pull items and transfer to Items of Business)

Minutes:

8. Approve the Minutes of the Meeting Held September 5, 2017
 - Heather Kintzley, City Attorney

Ordinances - First Reading:

9. Ordinance No. 35-17, Amending RMC Title 14: Electricity, Relating to Retail Rates
 - Bob Hammond, Energy Services Director
10. Ordinance No. 36-17, Rezoning Five (5) Acres Currently Designated Under the Badger Mountain South Land Use and Development Regulations (LUDR) to R-12 Single Family
 - Kerwin Jensen, Community Development Director
11. Ordinance No. 39-17, Amending the 2017 Budget to Increase Appropriations in the Criminal Justice Sales Tax Fund
 - Chris Skinner, Police Services Director
12. Ordinance No. 40-17, Amending the Critical Areas Ordinance
 - Kerwin Jensen, Community Development Director
13. Ordinance No. 43-17, Amending RMC Title 23: Zoning, Related to Nursing and Rest Homes in the Business Commerce (B-C) Zone
 - Kerwin Jensen, Community Development Director

Ordinances - Second Reading/Passage:

14. Ordinance No. 32-17, Amending Richland Municipal Code Title 23, Section 23.22.010
 - Kerwin Jensen, Community Development Director
15. Ordinance No. 34-17, Annexing a 17.2 Acre Parcel located south of Keene Road
 - Kerwin Jensen, Community Development Director

Resolutions – Adoption:

16. Resolution No. 162-17, Authorizing the Loan Feature to the City of Richland 457 Plan No. 300042, Deferred Compensation Plan
 - Cathleen Koch, Administrative Services Director
17. Resolution No. 166-17, Expressing Appreciation to Suzanne Mitchell for Service on the Economic Development Committee
 - Heather Kintzley, City Attorney
18. Resolution No. 169-17, Authorizing a License and Services Agreement with Tyler Technologies, Inc., for Enterprise Resource Planning (ERP) Software and Implementation Support Services
 - Jon Amundson, Assistant City Manager
19. Resolution No. 170-17, Authorizing a One-Term Waiver Allowing David Larkin to be Reappointed to the Utility Advisory Committee
 - Heather Kintzley, City Attorney
20. Resolution No. 171-17, Establishing an Effective Date for the Funding Agreement with the Transportation Improvement Board (TIB) for the Duportail Bridge Project
 - Pete Rogalsky, Public Works Director

21. Resolution No. 174-17, Altering the Final Plat of Sunshine Ridge
 - Kerwin Jensen, Community Development Director
22. Resolution No. 175-17, Adopting the Name "Haul Road" for an Existing Private Street
 - Kerwin Jensen, Community Development Director
23. Resolution No. 176-17, Approving the Final Plat of Sandpiper II
 - Kerwin Jensen, Community Development Director
24. Resolution No. 177-17, Approving the Final Plat of Grayhawk Phase III
 - Kerwin Jensen, Community Development Director
25. Resolution No. 178-17, Setting a Meeting Date to Review the Lorayne J Annexation
 - Kerwin Jensen, Community Development Director
26. Resolution No. 179-17, Authorizing an Amendment to the Badger Mountain South Master Agreement to Remove the Plat of Sunshine Ridge
 - Kerwin Jensen, Community Development Director
27. Resolution No. 180-17, Authorizing Award of Bid to Potelco, Inc. for Construction of the Williams to Perkins Distribution Line
 - Bob Hammond, Energy Services Director

Items for Approval:

28. Appointments to the Economic Development Committee: Kristopher Lapp, Daniel Kenney, Nate Higgins and Douglas Sako
 - Heather Kintzley, City Attorney
29. Appointments to the Lodging Tax Advisory Committee: Douglas Sako and Mark Kerber
 - Heather Kintzley, City Attorney
30. Appointment to the Utility Advisory Committee: Graham Parker
 - Heather Kintzley, City Attorney

Expenditures - Approval:

31. Expenditures from August 28, 2017 - September 8, 2017 for \$7,195,621.76 including Check Nos. 249549-249918, Wire Nos. 6554-6566, Payroll Check Nos. 123546-124647, and Payroll Wire/ACH Nos. 10074-10095
 - Cathleen Koch, Administrative Services Director

Items of Business:

32. Ordinance No. 42-17, Adopting the Ten-Year Update to the Comprehensive Plan - First Reading
 - Kerwin Jensen, Community Development Director

Reports and Comments:

1. City Manager
2. City Council

3. Mayor

Adjournment

City Council Meetings are broadcast live on CityView Channel 192 and online at CI.RICHLAND.WA.US/CITYVIEWTV

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COUNCIL WORKSHOP COVERSHEET

Council Date: 09/19/2017

Department: Administrative Services

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Capital Improvement Plan (30 minutes)

Summary:

The Capital Improvement Plan (CIP) represents an important element in the City's long-range and strategic planning. The CIP is a multi-year planning tool used to identify needed capital projects for improvements to the City's owned and operated infrastructure and to coordinate the financing and timing of these improvements. The CIP document is a road map for the next six years, and is strategically implemented to address the City's seven key priorities: Financial Stability and Operational Effectiveness, Infrastructure and Facilities, Economic Vitality, Targeted Investments, Natural Resources Management, Community Amenities and Neighborhoods and Community Safety.

The City Manager and Department Head Team proposed to the Council CIP Subcommittee (Mayor Bob Thompson and Councilmembers Brad Anderson and Sandra Kent) the recommended 2018 CIP. The CIP, that will be presented to Council this evening, includes long range capital projects that add to, upgrade and maintain the City's infrastructure.

Additionally, the CIP:

- Facilitates coordination between capital needs and operating budgets
- Focuses attention on objectives and fiscal capacity
- Encourages careful project planning to help reach desired outcomes
- Serves as an educational tool by keeping the public informed about future capital needs and projects

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Agenda Item

Key Element:

Subject:

Electric Utility Load Forecasting (15 minutes)

Department:

Energy Services

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

Summary:

Fiscal Impact:

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Agenda Item

Key Element:

Subject:

Discuss Meeting Agenda Items (15 minutes)

Department:
City Manager

Ordinance/Resolution Number:

Document Type:
Presentation

Recommended Motion:

Summary:

Fiscal Impact:

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Presentations

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Expressing Appreciation to Suzanne Mitchell for Service on the Economic Development Committee

Department:

City Attorney

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

Summary:

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Presentations

Key Element:

Subject:

Attendance Awareness Month Proclamation

Department:
City Manager

Ordinance/Resolution Number:

Document Type:
Presentation

Recommended Motion:

Summary:

Fiscal Impact:

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Public Hearing

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Proposed Electric Retail Rates - Ordinance No. 35-17

Department:
Energy Services

Ordinance/Resolution Number:
35-17

Document Type:
Public Hearing Item

Recommended Motion:

Summary:

Give public hearing to Ordinance No. 35-17, Amending Title 14.24.060: Retail Electric Rates.

Council is not expected to take action on this proposal tonight. After public hearing comments on this matter, Council may give second reading and passage to Ordinance No. 35-17 at a future Council meeting, which will allow for an increase in electric utility rates.

Refer to Ordinance No. 35-17 on the Consent Calendar.

Fiscal Impact:

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Public Hearing

Key Element: Key 3 - Economic Vitality

Subject:

Proposed Alteration of the Sunshine Ridge Plat - Resolution No. 174-17

Department:

Community & Development Services

Ordinance/Resolution Number:

174-17

Document Type:

Public Hearing Item

Recommended Motion:

None

Summary:

See the agenda item regarding Resolution No. 174-17 for information related to this public hearing.

Fiscal Impact:

The proposed plat alteration would not have fiscal impacts on the City.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Minutes

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Approve the Minutes of the Meeting Held September 5, 2017

Department:

City Attorney

Ordinance/Resolution Number:

Document Type:

Minutes

Recommended Motion:

Approve the minutes of the Council meeting held on September 5, 2017

Summary:

None.

Fiscal Impact:

None.

Attachments:

I. Draft 090517 Minutes



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Richland City Hall ~ 505 Swift Boulevard

Tuesday, September 5, 2017

City Council Pre-Meeting - 7:00 p.m.

Mayor Thompson called the Pre-Meeting to order at 7:00 p.m. in the City Manager's Conference Room in the City Hall Annex building.

Mayor Thompson, Mayor Pro Tem Christensen, Councilmembers Rose, Lemley, Anderson and Luzzo Gilmour were present.

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Public Works Director Rogalsky, Finance Director Allen and City Clerk Hopkins.

Agenda Item

1. Discuss Meeting Agenda Items (15 minutes)
- Council Members

Council and staff briefly reviewed the proposed agenda scheduled for the regular meeting.

Mr. Rogalsky gave a brief update on the Duportail Bridge funding sources and the car tab fee.

Ms. Reents gave an update on the Tri-Cities Regional Public Facilities District Council appointment and the Richland Public Facilities District Board opening.

Councilmember Lemley was concerned that the Tri-Cities Regional Chamber of Commerce was not going to sponsor the Cool Dessert Nights after 2018. Ms. Reents said the Chamber is scheduled to speak to the Council about that topic in October.

City Council Regular Meeting - 7:30 p.m.

Welcome and Roll Call

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

Mayor Thompson, Mayor Pro Tem Christensen, Councilmembers Rose, Lemley, Anderson and Luzzo Gilmour were present.

Also present were City Manager Reents Assistant City Manager Amundson, City Attorney

Kintzley, Fire and Emergency Services Director Huntington, Public Works Director Rogalsky, Parks and Public Facilities Director Schiessl, Police Services Director Skinner, Energy Services Business Services Manager Edgemon, Community Development Planner Arrasmith and City Clerk Hopkins.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER LEMLEY SECONDED A MOTION TO EXCUSE COUNCILMEMBER KENT. THE MOTION CARRIED 6-0.

Pledge of Allegiance

Mayor Thompson led the Council and audience in the recitation of the Pledge of Allegiance.

Approval of Agenda

Councilmember Lemley added an agenda item to Items of Business requesting staff to create an inclusiveness statement and bring it forward to a future Council meeting for Council action. He gave details on what he would like to address in the statement.

COUNCILMEMBER LEMLEY MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED A MOTION TO APPROVE THE AGENDA AS AMENDED. THE MOTION CARRIED 6-0.

Presentations

2. Junior Achievement Presentation (5 minutes)
- Cindy Reents, City Manager

Susan Fillafer, Regional Director for Junior Achievement spoke about Junior Achievement and its impact on Richland. She shared information about Junior Achievement, the number of students they reach (specifically in Richland) and what concepts they teach entrepreneurship, financial literacy and work readiness) and how business leaders go into the classroom as mentors. She said they are looking for volunteers this year.

3. Ben Franklin Transit 2017 Annual Report (10 minutes)
- Cindy Reents, City Manager

Gloria Boyce, Ben Franklin Transit (BFT) General Manager, said she is attending the council meetings of the Tri-Cities jurisdictions serviced by BFT to present the 2017 BFT Annual Report. She provided a brief overview of the service changes coming in September and how they will affect Richland transit service.

4. New Hire/Retirements (5 minutes)
- Allison Jubb, Human Resources Director

Mr. Allen read the background on the new employees and introduced those in attendance: Nathaniel Carpenter, Parks & Recreation Assistant Recreation; Sean Mundy, Emergency Communications Dispatcher SECOMM; and John Deskins, Traffic Engineer Public Works.

Public Hearing

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

5. Consideration of the Keene Road Annexation Request - Ordinance No. 34-17,
Approving Annexation of Approximately 17.2 Acres Located South of Keene Road
- Kerwin Jensen, Community Development Director

Mr. Simon said the purpose of the public hearing was to provide Council with an opportunity to hear from the public concerning the proposed annexation of 17.2 acres located south of Keene Road and east of Brantingham Road. The annexation petitioner, Edward Shaw, is the sole owner of the land within the proposed annexation. Council previously took action to authorize the commencement of annexation proceedings through the adoption of Resolution No. 54-17 and further approved the circulation of a formal petition through adoption of Resolution No. 121-The Planning Commission has determined that R1-10 Single Family Residential zoning would be appropriate for the property and the Benton County Boundary Review Board has completed its review of the proposal. Beyond the public hearing, the last step in the annexation process is the adoption of an ordinance.

Mayor Thompson opened the public hearing at 7:53 p.m.

Eric Van Mason, 1620 Brantingham Road, Richland, WA, said he had concerns that no SEPA review was performed for this annexation and that it well serves the neighborhood within the annexation.

Mayor Thompson closed the public hearing at 7:54 p.m.

Public Comments

Lloyd Becker, 2120 Duportail Street, #1, Richland, WA, said he believes the City has a surplus amount of money and questioned what the City plans to do with it. He also questioned the Richland City Manager resident status.

Amy Boaro, 5410 W. 20th Ave, Kennewick, WA, said Councilmembers have heard from diverse groups of community members all requesting an inclusiveness statement and she wants Council to adopt this resolution.

Mayor Thompson said the First Amendment allows free speech and he had a dialogue with Ms. Boaro regarding that topic.

(no name given) believes there are limits to free speech.

Ryan Wagstaff, 211 New Haven Loop, Richland, WA, believes the inclusiveness statement is necessary.

Maricela Sanchez, 1001 6th St. Prosser, WA, said she is a physician at Kadlec Medical Center and believes there is nothing in the inclusiveness resolution that would endanger free speech.

Rev. Jane Schmoetar, 1940 Thayer Drive, Richland, WA, said her friends and parishioners support the inclusiveness resolution. Her son is Africa American and has experience discrimination in the area.

Shir Regev, 114 Patton St. Richland, WA, expressed her support of the inclusiveness statement.

Martin Newberry, 618 Muriel, Richland, WA, said he supports the inclusiveness statement and suggested that Council approve it at tonight's meeting.

Carly Coburn, 2200 W. Shoshone St. Pasco, WA, said she supported the inclusiveness resolution and encouragement the Councilmembers to approve it.

Ann Fraser, 570 Holly St. Richland, WA, said she supports the inclusiveness statement and is confused why there has been resistance to it.

(no name given) inquired if Cascasde Locks, OR, has called for volunteers for a smoke relief effort. She also suggested that if the City does not use the inclusiveness statement given to staff, then staff should contact the advocacy groups to help create the language which would demonstrate inclusivity.

Kelly Yokoda, 455 Mainmast, Richland, WA, believes the eastside is known for being conservative and that can deter young professionals from settling in the Tri- Cities area. She supports the inclusiveness statement.

Consent Calendar

Minutes

6. Approve the Minutes of the Meetings Held August 15 and 22, 2017
- Heather Kintzley, City Attorney

Ordinances - First Reading

7. Ordinance No. 32-17, Amending RMC Title 23, Section 23.22.010 Related to Commercial Zoning
- Kerwin Jensen, Community Development Director
8. Ordinance No. 34-17, Approving the Keene Road Annexation of Approximately 17.2 Acres Located South of Keene Road
- Kerwin Jensen, Community Development Director

Ordinances - Second Reading/Passage

9. Ordinance No. 30-17, Amending the 2017 Budget to Increase Appropriations to the Equipment Replacement Fund
- Bob Hammond, Energy Services Director

10. Ordinance No. 31-17, Authorizing Railroad Street Right-of-Way Vacation
- Pete Rogalsky, Public Works Director

Resolutions – Adoption

11. Resolution No. 144-17, Authorizing a Consultant Agreement with Parametrix Inc. for Implementation of the Landfill Monitoring Work Plan
- Pete Rogalsky, Public Works Director
12. Resolution No. 151-17, Approving a Purchase and Sale Agreement with Longship Cellars
- Kerwin Jensen, Community Development Director
13. Resolution No. 153-17, Appointing Membership to the Code Enforcement Board
- Heather Kintzley, City Attorney
14. Resolution No. 154-17, Expressing Appreciation to Adam Pechtel for Service on the Code Enforcement Board
- Heather Kintzley, City Attorney
15. Resolution No. 155-17, Expressing Appreciation to Steve Snyder for Service on the Code Enforcement Board
- Heather Kintzley, City Attorney
16. Resolution No. 156-17, Approving 2017 Park Partnership Program Funding Allocations
- Joe Schiessl, Parks and Public Facilities Director
17. Resolution No. 157-17, Authorizing an Agreement with the Bonneville Power Administration for Energy Conservation
- Bob Hammond, Energy Services Director
18. Resolution No. 158-17, Adopting an Electric Utility Privacy Policy
- Bob Hammond, Energy Services Director
19. Resolution No. 159-17, Authorizing Submittal of a Department of Ecology Stormwater Capacity Grant Application
- Pete Rogalsky, Public Works Director
20. Resolution No. 160-17, Authorizing an Amended and Restated Parking Lease Agreement with Charles Joseph Frenzel
- Kerwin Jensen, Community Development Director
21. Resolution No. 161-17, Authorizing an Amendment to a Purchase and Sale Agreement with SIRJMR, Inc.
- Kerwin Jensen, Community Development Director

Expenditures - Approval

22. Expenditures from August 7, 2017 - August 25, 2017 for
\$9,092,802.02 including Check Nos. 247920-249548, Wire Nos. 6537-6553,
Payroll Check Nos. 122431-123545, and Payroll Wire/ACH Nos. 10037-10073
- Cathleen Koch, Administrative Services Director

**MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER LUZZO GILMOUR
SECONDED A MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED.
THE MOTION CARRIED 6-0.**

Items of Business

23. Resolution No. 168-17, Approving a Sixth Amendment to the Purchase and Sale Agreement with The Crown Group, Inc.
- Kerwin Jensen, Community Development Director

Mr. Amundson said that Mr. Jensen is not in attendance and introduced Community Development Planner Arrasmith who will give the presentation.

Mr. Arrasmith said On March 17, 2015, Council authorized a Purchase and Sale Agreement (Contract No. 54-15) with The Crown Group, Inc. (Crown) for the sale and development of 650 George Washington Way. Per the contract, Crown initially agreed to develop the site as a mixed-use project with 10,000 square feet of retail space and 18,000 square feet of office space. After execution of several amendments, the Agreement now allows Crown to choose between an office/retail project or a residential/retail project. The initial contingency period expired on May 15, 2017. As required, Crown has paid \$45,000 in earnest money, and has expended no less than \$65,000 on the project.

At this time, Crown is seeking review of a modified site plan that further refines its residential/retail project concept, and for the opportunity to extend the construction date until mid-2018 to pursue a HUD loan to support the project. Staff believes the modified design proposed by Crown aligns with Council's vision for the property, and supports Crown's pursuit of the funding necessary to develop the project. That being said, staff also recommends that Council protect its interest in the property, and that it pursue valuable consideration in support of the proposed 6th Amendment.

The 6th Amendment is intended to accomplish the following: Require Crown to pay an additional \$30,000 in earnest money; Extend the closing date to mid-2018, triggered by a firm financial commitment to construct the residential/retail project; Extend the construction date to coincide with Crown's funding availability; Extend the repurchase period an additional 12 months; Require, through contractual agreement, construction substantially consistent with the revised site plan; Institute a schedule of milestones; and Secure assurances that the property will not be encumbered for any purpose other than construction or permanent financing for the 650 GWW project.

Ms. Kintzley said she supports the amendment and believes is it closer to the original design and concept Council desired in the beginning and improves the elements of the purchase

and sales agreement.

Mayor Thompson and Councilmembers Lemley and Luzzo Gilmour said they supported the resolution.

MAYOR THOMPSON MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED A MOTION TO ADOPT RESOLUTION NO. 168-17, APPROVING A SIXTH AMENDMENT TO THE PURCHASE AND SALE AGREEMENT WITH THE CROWN GROUP, INC. THE MOTION CARRIED 6-0.

24. ADDED DURING MEETING: Request Staff to Create an Inclusiveness Statement
- City Council

COUNCILMEMBER LEMLEY MOVED TO DIRECT STAFF TO PREPARE A DOCUMENT ADDRESSING INCLUSIVITY FOR COUNCIL ACTION AT A FUTURE COUNCIL MEETING.

Councilmember Lemley said that after many public comments heard by the Council on the topic of inclusivity, he decided to request that staff prepare a document on inclusivity for Council action. He gave his views on the topic and what he would like stated in the document.

COUNCILMEMBER LUZZO GILMOUR SECONDED THE MOTION.

Councilmember Anderson gave his views on the inclusiveness statement and how it relates to the City of Richland.

Councilmember Luzzo Gilmour supports the inclusiveness statement and believes Council should take action on the statement.

Mayor Pro Tem Christensen gave his views on the inclusiveness statement and said he believes the City's Values and Mission statement already states inclusivity. He said he was not opposed to creating the document for Council action, he did not want to vote for the motion that inferred Council would sign the document without first having Council discussion and then voting.

Mayor Thompson gave his views on the need for an inclusiveness statement and he will support drafting a statement for Council action.

THE MOTION CARRIED 5-1. MAYOR PRO TEM CHRISTENSEN OPPOSED.

Reports and Comments

1. City Manager Reents had no comments.
2. Councilmember Anderson said he toured The Lodge at Columbia Point, the newest boutique hotel in Richland.

3. Mayor Thompson said the Department of Energy contracts are being released at this time and there will be a community involvement

Adjournment

Mayor Thompson adjourned the meeting at 9:11 p.m.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Ordinances - First Reading

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 35-17, Amending RMC Title 14: Electricity, Relating to Retail Rates

Department:
Energy Services

Ordinance/Resolution Number:
35-17

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 35-17, amending RMC Title 14: Electricity, Relating to Retail Rates.

Summary:

Energy Services (RES) staff use a forward retail rate program for purposes of providing City Council and electric utility customers with planning information. While the program projects 10 years out, each specific program milestone that identifies a potential rate increase is processed independently with staff updating all previous assumptions in its Cost of Service Analysis (COSA) model, evaluating results with the City's Utility Advisory Committee (UAC) in open public meetings, and bringing forward recommendations for City Council consideration.

As part of this program, staff recommends rate increases effective the first of 2018 to generate a 6.5% increase in electric rate revenue for calendar year 2018. This increase is projected to generate an additional \$2,100,000 in 2018, and is necessary primarily due to Bonneville Power Administration's wholesale power increases effective October 1, 2017.

Details of the rate recommendations proposed by staff and endorsed unanimously by the UAC were presented at a City Council workshop on August 22, 2017. In addition, staff has implemented a comprehensive customer communications program to inform customers of the potential rate increase. These communication efforts include a bill insert, bill calculator, social media, website, emails, and City View messages.

If approved by City Council as proposed, Richland's electric rates will continue to be very competitive compared to other regional utilities. Staff proposes that the increase take effect with the first bill customers receive in January 2018 and apply to all electrical use reflected on that bill.

Staff recommends approval of Ordinance No. 35-17 for first reading by title only.

Fiscal Impact: The projected increased revenues from passage of Ordinance No. 35-17 are projected to be an additional 6.5% electric utility retail rate revenue over 2017 levels, and will be proposed in the 2018 City budget in Fund 401, Electric Utility Fund.

Attachments:

1. Ordinance No. 35-17
2. NW Electric Rates Comparison

ORDINANCE NO. 35-17

AN ORDINANCE of the City of Richland Amending Title 14: Electricity, of the Richland Municipal Code regarding Electric Retail Rates.

WHEREAS, the City is responsible for recovering the costs of operating its electric utility primarily through retail rates; and

WHEREAS, additional revenues are required to fund increasing costs of operating the electric utility primarily due to the increases in the cost of wholesale power from the Bonneville Power Administration (BPA); and

WHEREAS, the Utility Advisory Committee (UAC) has thoroughly reviewed staff recommendations including consideration of the cost of service analysis (COSA), multi-year rate program methodology, the electric utility's current and projected financial status, levels of rate-financed capital, debt service coverage ratios, projected revenue and expense requirements, and rate structures; and

WHEREAS, the UAC voted unanimously to endorse staff recommendations for retail rate increases and rate design changes; and

WHEREAS, staff has implemented a comprehensive customer communications program to explain the need for rate increases and allow opportunity for customer input into staff recommendations.

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

Section 1. Richland Municipal Code Chapter 14.24.060, entitled Retail electrical rates, as originally enacted by Ordinance No. 90, and last amended by Ordinance No. 39-15, is hereby amended as follows:

14.24.060 Retail electrical rates.

Rates for electricity are summarized by class of service as listed below. Rates are effective with the first bill received in January 2016~~8~~ and apply to all usage during the billing period.

SCHEDULE 10: General Residential

- A. Availability: In all territory serviced by the city's electrical utility.
- B. Applicability: To domestic uses of electric energy by all residential customers not eligible under other rate schedules.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.

- D. Delivery Point: The following rates are based upon the supply of service to the entire premises through a single delivery and metering point. Separate supply for the same customer at other points of consumption shall be separately metered and billed.
- E. Rates:
- Daily Service Charge:
- Single-phase service: ~~\$0.60~~ 0.64/day
- Multiphase service: ~~\$0.85~~ 0.91/day
- Monthly Energy Charge: ~~\$0.0644~~ 0.0686/kWh
- F. For electrical service supplied to residential customers qualifying as low income senior or low income disabled citizens, the service charge shall be waived and the energy charge shall be discounted 15 percent of Schedule 10. Qualifications and other information regarding low income senior or low income disabled citizens can be found in Chapter 3.29 RMC (finance).

SCHEDULE 20: Small General Service

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To all nonresidential uses supplied through a single meter where anticipated monthly maximum demand does not exceed 50 kilowatts and the load is not eligible under other rate schedules.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
- Daily Service Charge:
- Single-phase service: ~~\$0.75~~ 0.80/day
- Multiphase service: ~~\$1.00~~ 1.07/day
- Monthly Energy Charge: ~~\$0.0580~~ 0.0618/kWh
- Monthly Demand Charge: No Charge

SCHEDULE 22: Medium General Service

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To all nonresidential uses supplied through a single meter, where anticipated monthly maximum demand is greater than 50 kilowatts, but less than or equal to 300 kilowatts, and the load is not eligible under other rate schedules.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:

Daily Service Charge:
 Single-phase service: \$~~1.20~~ 1.28/day
 Multiphase service: \$~~1.45~~ 1.54/day
 Monthly Energy Charge: \$~~0.0372~~ 0.0396/kWh
 Monthly Demand Charge: \$~~4.50~~ 4.79/kW

SCHEDULE 24: Large General Service

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To all nonresidential uses supplied through a single meter, where anticipated monthly maximum demand is greater than 300 kilowatts, but less than or equal to 1,000 kilowatts, and the load is not eligible under other rate schedules.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Daily Service Charge:
 - Multiphase service: \$~~1.75~~ 1.86/day
 - Monthly Energy Charge: \$~~0.0372~~ 0.0396/kWh
 - Monthly Demand Charge: \$~~4.85~~ 5.17/kW

SCHEDULE 30: Small Industrial

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To all nonresidential uses supplied through a single meter where anticipated monthly maximum demand is greater than 1,000 kilowatts but less than or equal to 5,000 kilowatts and the load is not eligible under other rate schedules.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Daily Service Charge:
 - Multiphase service: \$~~7.25~~ 7.72/day
 - Monthly Energy Charge: \$~~0.0372~~ 0.0396/kWh
 - Monthly Demand Charge: \$~~5.15~~ 5.48/kW

SCHEDULE 31: Large Industrial

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To all nonresidential uses supplied through a single meter where anticipated monthly maximum demand is greater than 5,000 kilowatts and the load is not eligible for service under other rate schedules.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Daily Service Charge: ~~\$7.25~~ 7.72/day
 - Monthly Energy Charge: ~~\$0.0368~~ 0.0392/kWh
 - Monthly Demand Charge: ~~\$4.80~~ 5.11/kW

SCHEDULE 33: Economic Development Rate

- A. Terms and conditions of negotiated rate will be by contract.
- B. Will be based upon the benefits derived from the new load and/or employment opportunities that expand the local economy.
- C. Will utilize marginal costing concept.

SCHEDULE 40: Small Irrigation 0 – 60 Horsepower

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To uses of electrical power on a continuous basis for seasonal agricultural irrigation pumping or agricultural drainage pumping.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Monthly Energy Charge: ~~\$0.0565~~ 0.0602/kWh
 - Monthly Demand Charge: No Charge
 - Annual Service Charge:
To be billed at beginning of irrigation season.
 - (1) ~~\$168.75~~ 179.72 single-phase service.
 - (2) ~~\$225.00~~ 239.63 multiphase service.

SCHEDULE 45: Large Irrigation Over 60 Horsepower

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To uses of electrical power on a continuous basis for seasonal agricultural irrigation pumping or agricultural drainage pumping.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Monthly Energy Charge: ~~\$0.0372~~ 0.0396/kWh
 - Monthly Demand Charge: ~~\$6.35~~ 6.76/kW
 - Annual Service Charge:
To be billed at beginning of irrigation season.
~~\$0.50~~ 0.53/horsepower all horsepower greater than 60, plus:
 - (1) ~~\$168.75~~ 179.72 single-phase service.
 - (2) ~~\$225.00~~ 239.63 multiphase service.

SCHEDULE 60: Traffic Lighting

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To municipally owned traffic-regulating signal systems on public streets and highways.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Daily Service Charge: ~~\$0.60~~ 0.64/day
 - Monthly Energy Charge: ~~\$0.0568~~ 0.0605/kWh

SCHEDULE 90: Cable Television Amplifier

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To owners of cable television amplifiers installed on facilities owned by the city's electric utility.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Monthly Energy Charge: ~~\$0.0481~~ 0.0512/kWh

SCHEDULE 100: New Large Single Load

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To new large single load customers defined in Public Law 96-501 and as such constitute electrical loads greater than or equal to 10 average megawatts during any consecutive 12-month period and which cause the utility to incur wholesale power costs in excess of normal rates.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates: Terms and conditions of negotiated rate will be by contract.

Section 2. This ordinance shall be published in the official newspaper of the City of Richland on October 8, 2017 and take effect on December 31, 2017.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of _____ 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

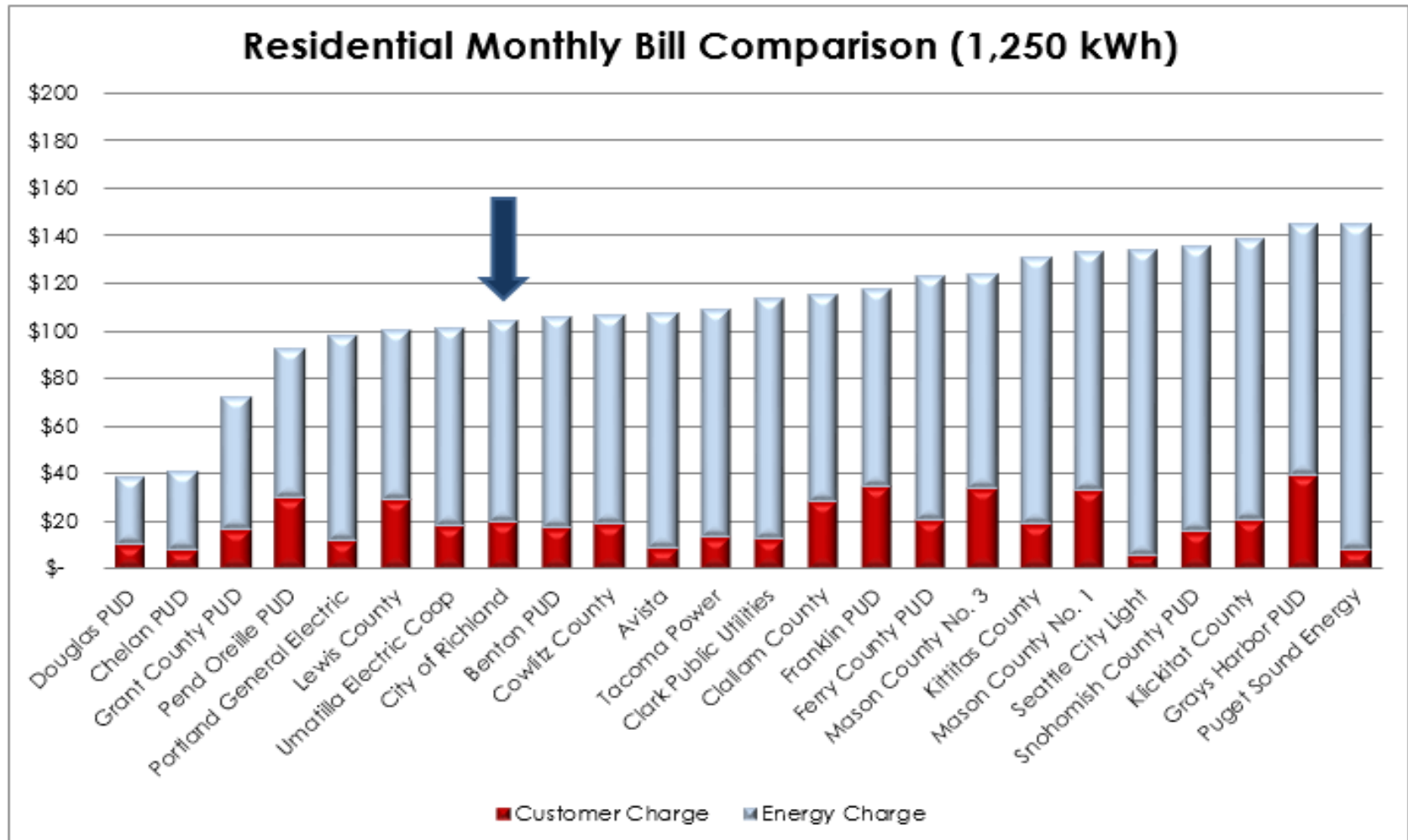
APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: _____

NW Rate Comparisons - RES Proposed 2018 Rates



[a] For Utilities with Summer/Winter rates, a weighted average rate is used.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 3 - Economic Vitality

Subject:

Ordinance No. 36-17, Rezoning Five (5) Acres Currently Designated Under the Badger Mountain South Land Use and Development Regulations (LUDR) to R-12 Single Family

Department:

Community & Development Services

Ordinance/Resolution Number:

36-17

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 36-17, rezoning the Sunshine Ridge plat from Neighborhood Edge District under the Badger Mountain South LUDR to R1-12 Single Family Residential.

Summary:

Dennis Sawby, the owner of a 7 lot plat known as Sunshine Ridge, located at the northern end of Reata Ridge Road is requesting a change in zoning on his property. Currently, the property is a part of the Badger Mountain South Master Planned Community and is subject to the Land Use and Development Regulations set forth for the Badger Mountain South community. He is requesting standard R1-12 Single Family Residential zoning for the site.

The Richland Hearing Examiner held a public hearing on July 27, 2017 and recommended that the rezone application not be brought forward to Council until the Badger Mountain South Master Agreement is amended and the Sunshine Ridge plat is altered. Both actions are on tonight's Council agenda and will be completed before or simultaneous with approval of this rezone effort.

If approved, Ordinance No. 36-17 will change the zoning on the Sunshine Ridge plat to R1-12 Single Family Residential, which is the same zoning that is in place on the adjacent property.

Staff recommends approval, for first reading, of Ordinance No. 36-17.

Fiscal Impact:

The rezone of this property would not have a fiscal impact on the City.

Attachments:

1. Ordinance No. 36-17
2. Hearing Examiner's Recommendation
3. Staff Report to Hearing Examiner

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
505 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 36-17

AN ORDINANCE of the City of Richland amending Title 23: Zoning Regulations of the Richland Municipal Code and the Official Zoning Map of the City so as to change the zoning on 5 acres from the Neighborhood Edge District as defined in the Land Use and Development Regulations for Badger Mountain South to R1-12 Single Family Residential; said property is located at the northern terminus of Sunshine Ridge Road (Sawby).

WHEREAS, on July 27, 2017, the Richland Hearing Examiner held a properly advertised public hearing to consider a petition to change the zoning of the property hereafter described; and

WHEREAS, the Richland Hearing Examiner issued a written decision recommending denial of the requested rezone unless other actions are taken by City Council, to include an alteration of the plat of Sunshine Ridge and an amendment to the master agreement between the City of Richland and the Badger Mountain South developers; and

WHEREAS, the City Council held a public hearing to consider the alteration of the plat of Sunshine Ridge and is prepared to execute an amendment to the master agreement between the City of Richland and the Badger Mountain developers; and

WHEREAS, the Richland City Council has considered the record created at the July 27, 2017 public hearing, and has considered the written recommendation of the Richland Hearing Examiner.

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

Section 1. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is R1-12 Single Family Residential when consideration is given to the interest of the general public.

Section 2. Said property is more particularly described as follows:

THE PLAT OF SUNSHINE RIDGE, ACCORDING TO THE PLAT THEREOF
RECORDED IN VOLUME 15 OF PLATS, PAGE 553, UNDER AUDITOR'S FILE
NO. 2017-012195, RECORDS OF BENTON COUNTY, WASHINGTON.

Section 3. Such land is rezoned from the Neighborhood Edge District as described in the Land Use and Development Regulations for the Badger Mountain South Master Planned Community to R1-12 Single Family Residential (R1-12).

Section 4. Title 23 of the City of Richland Municipal Code and the Official Zoning Map of the City, as adopted by Section 23.08.040 of said Title, are amended by amending said Official Zoning Map, as shown on the attached Exhibit A and bearing 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 5. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this ordinance and the attached amended zoning map, duly certified by the Clerk as a true copy.

Section 6. This ordinance shall take effect on the day following the date of its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of _____, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

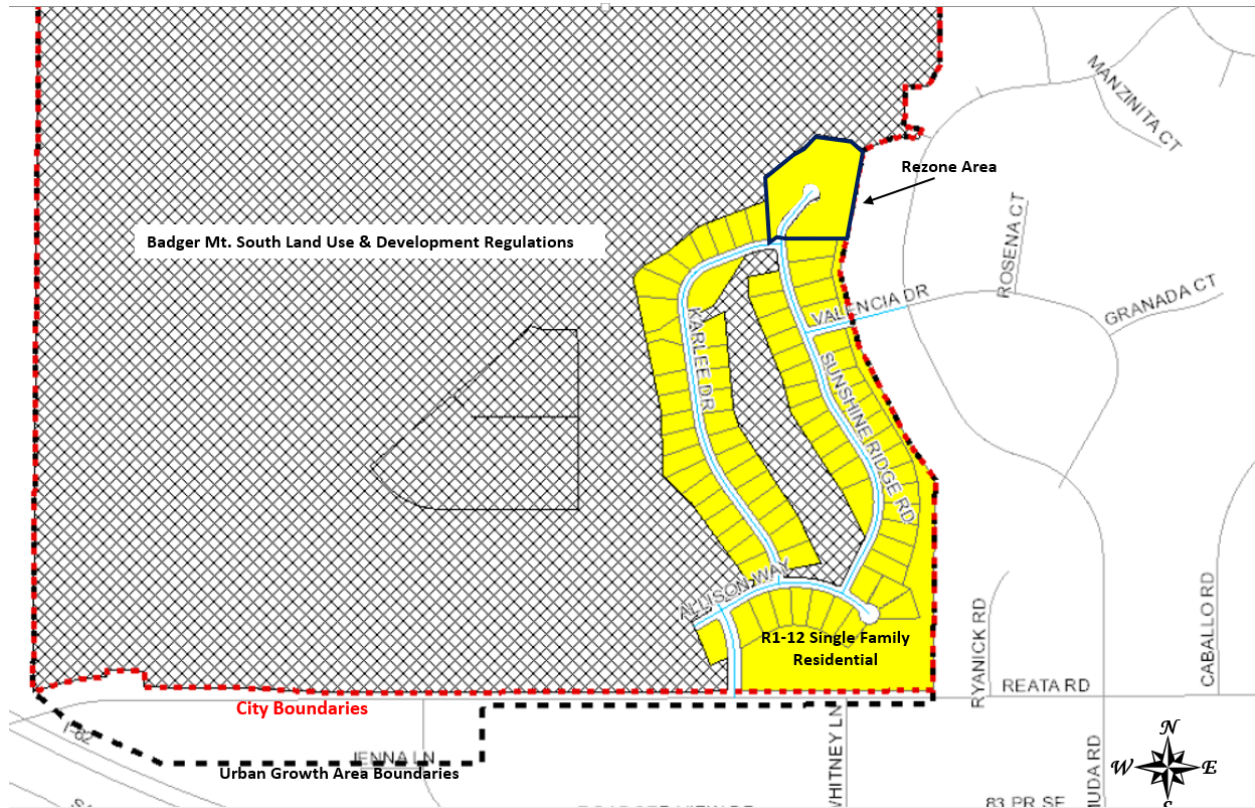
MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: _____

Exhibit A

Map of Rezone Area



**BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND**

Regarding the Application to **Rezone** the Plat)
of Sunshine Ridge, a 5-acre site with 7)
vacant lots, from BMS-NE (Badger)
Mountain South – Northeast Edge) to R1-12)
(Single Family Residential), submitted by)

File No. Z2017-103

DENNIS SAWBY CONSTRUCTION, LLC,)
Applicant,)
)
)

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

The requested rezone should not be presented for consideration by the City Council until or unless the applicant submits two additional applications, which could then be addressed with this rezone request in a consolidated process: 1) to amend the Badger Mountain South Master Agreement, specifically its Legal Description, to remove the Sunshine Ridge Plat from such area; and 2) requesting approval of a Plat Alteration to remove certain conditions now included on the face of the plat, all in a form as approved by the City Attorney.

II. BACKGROUND and APPLICABLE LAW.

In this matter, the Hearing Examiner has jurisdiction to conduct an open record public hearing on the site-specific rezone application at issue, and is directed to issue a written recommendation for consideration and final action by the Richland City Council. See Richland Municipal Code (RMC) 19.20.010(C)(2)(identifies “site-specific rezone” as a Type III permit application); RMC 19.20.030(jurisdiction to conduct public hearing, issue recommendation); RMC 19.25.110(authority for Examiner actions, including conditions of approval on applications or appeals); and RCW 35A.63.170(state statute regarding hearing examiner system).

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: SAWBY REZONE
APPLICATION TO CHANGE THE SUNSHINE
RIDGE PLAT FROM BMS-NE (BADGER
MOUNTAIN SOUTH – NORTHEAST EDGE) TO R1-
12 (SINGLE FAMILY RESIDENTIAL)
FILE NO. Z2017-103**

GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 505 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

1 The applicant bears the burden of proof to show that its application conforms to the relevant
2 elements of the city's development regulations and comprehensive plan, and that any significant
3 adverse environmental impacts have been adequately addressed. RMC 19.60.060. And, because a
4 site-specific rezone application is a Type III matter, the City's code mandates that a concurrency
review must be undertaken to determine the transportation impacts (if any) that could be created by
the proposed action. RMC 19.50.010(C).

5 Washington Courts apply three basic rules when reviewing appeals of rezone applications:
6 (1) there is no presumption favoring the rezone request; (2) the proponent of a rezone must
7 demonstrate that there has been a change of circumstances since the original zoning, PROVIDED if
8 a proposed rezone implements the policies of a comprehensive plan, a showing of changed
9 circumstances is usually not required¹; and (3) the rezone must have a substantial relationship to the
public health, safety, morals, or general welfare. *Woods v. Kittitas County*, 162 Wn.2d 597 (2007),
citing *Citizens for Mount Vernon*, 133 Wn.2d 861, at 875 (1997); *Parkridge v. City of Seattle*, 89
Wn.2d 454, 462 (1978).

10 Finally, because the subject property is located within the area known as the Badger
11 Mountain South Master Planned Community, the Examiner takes official notice of two binding,
12 legal instruments that include provisions bearing on the pending rezone request: the BMS Master
Agreement Between the City of Richland and Nor Am Investment, LLC, City Contract No. 143-15,
signed in October of 2015; and the Land Use and Development Regulations (LUDR) for the Badger
Mountain South community.

13 III. QUESTIONS PRESENTED.

14 For purposes of the pending rezone application, the central questions presented are:

15 A. Whether the requested rezone implements policies of the City's Comprehensive Plan,
16 and/or whether there has been a change of circumstances since the original BMS-NE (Badger
17 Mountain South – Northeast Edge) was adopted for the site?

18 *Short Answer:* At this point, there has been no real change in circumstances – other than a
19 builder who does not want to develop the Sunshine Ridge plat under the Badger Mountain South
Land Use and Development Regulations.

20 If the applicant submits an application seeking to amend the Master Agreement Between the
21 City of Richland and Nor Am Investment, LLC Regarding the Community Known as Badger
22 Mountain South, in a manner addressed in Sec. 22 of such Agreement, to remove the Sunshine
Ridge Plat from the legal description of property known as "Badger Mountain South", and an

23 ¹ *Save Our Rural Env't v. Snohomish County*, 99 Wn.2d 363, 370-71 (1983); *Henderson v. Kittitas County*, 124 Wn. App.
747, 754 (Div. III, 2004); *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846 (Div. III, 1995).

24 **FINDINGS OF FACT, CONCLUSIONS AND**
25 **RECOMMENDATION RE: SAWBY REZONE**
26 **APPLICATION TO CHANGE THE SUNSHINE**
RIDGE PLAT FROM BMS-NE (BADGER
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1 application for a Plat Alteration (to remove conditions on the face of the Sunshine Ridge Plat that
2 mandate compliance with the BMS LUDR), both of which require review and approval by the City
3 Council, and the City Council deems such requests worthy of approval, then the requested rezone
4 would be fully justified and necessary, to properly assign a new zoning classification other than
5 BMS to the site. If an Amendment to the Master Use Agreement and a Plat Alteration were
6 favorably viewed by the City Council, then the requested rezone to R1-12 (Single Family
7 Residential) could be deemed generally consistent with the City's Comprehensive Plan, as it will
8 not result in any development that exceeds density assigned to the affected property, and will still
9 further Housing and Land Use goals mentioned in the Staff Report on pages 8 and 9.

10 B. Whether the rezone bears a substantial relationship to the public health, safety, morals, or
11 general welfare?

12 *Short Answer:* If the applicant's rezone request is withheld from City Council consideration
13 until such time as he submits complete applications for review of a) an amendment to the Master
14 Agreement Between the City of Richland and Nor Am Investment, LLC Regarding the Community
15 Known as Badger Mountain South, addressed in Sec. 22 of such Agreement, to remove the
16 Sunshine Ridge Plat from the "Badger Mountain South" legal description; and b) an application for
17 a Plat Alteration, to remove conditions on the face of the Sunshine Ridge Plat that mandate
18 compliance with the BMS-LUDR, and the City Council deems such applications worthy of
19 approval, then yes.

20 IV. RECORD.

21 Exhibits entered into evidence as part of the record, and an audio recording of the public
22 hearing, are maintained by the City of Richland, and may be examined or reviewed by contacting
23 the City Clerk's Office.

24 *Hearing Testimony:* The following individuals presented testimony under oath at the duly
25 noticed public hearing for the underlying application, held on July 27, 2017:

- 26 1. Rick Simon, Development Services Manager for the City of Richland; and
2. Dennis Sawby, the applicant.

27 *Exhibits:* The Development Services Division Staff Report, including a recommendation
28 of approval, was provided to the Examiner in the week before the hearing. The Staff Report, and
29 the following Exhibits, were all accepted into the Record in their entirety without modification:

- 30 1. Application for Rezone;

31 FINDINGS OF FACT, CONCLUSIONS AND
32 RECOMMENDATION RE: SAWBY REZONE
33 APPLICATION TO CHANGE THE SUNSHINE
34 RIDGE PLAT FROM BMS-NE (BADGER
35 MOUNTAIN SOUTH – NORTHEAST EDGE) TO R1-
36 12 (SINGLE FAMILY RESIDENTIAL)
FILE NO. Z2017-103

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1 4. The affected property is known as the Sunshine Ridge plat, which is located in the Badger
2 Mountain South Master Planned Community. *Staff Report; BMS Master Agreement, Legal*
3 *Description; BMS-LUDR, Sec. 1-E, Illustrative Plan of Badger Mountain South.*

4 5. All properties within the Badger Mountain South (BMS) community are subject to the BMS
5 Land Use and Development Regulations (LUDR). *BMS Master Agreement, Sec. 10.*

6 6. Under the LUDR provisions, the Sunshine Ridge plat is now zoned BMS-NE (Badger
7 Mountain South – Neighborhood Edge). The Staff Report explains that the current zoning is the
8 most restrictive residential designation in the BMS community, only allowing a variety of low
9 density and low intensity single-family homes and accessory uses on large lots.

10 7. The “justification” portion of the underlying application reads in part:

11 *“The zoning for the ½ acre lots was grouped with Badger Mountain South Development*
12 *which is comprised of 5000 -8000 sqft lots that don’t have a fire station nearby. Said ½*
13 *acre lots to be rezoned are within 1 mile of a fire station on Bermuda Road. Would like to*
14 *not require sprinkler systems in the homes to be built. Please remove notes 3-6 from this*
15 *existing plat. This plat is approximately 4 miles from Badger Mountain South Development*
16 *off Dallas Road. Neighboring properties to the property to be rezoned are zoned R-10³*
17 *Single Family.”*

18 8. At the public hearing, the applicant mentioned that he would like to avoid the architectural
19 review and sprinkler system requirements for all Badger Mountain South homes.

20 9. Nor Am Investment, LLC was the original applicant for the Sunshine Ridge Preliminary
21 Plat Approval, for which the undersigned Examiner conducted a public hearing and issued a
22 Recommendation of Approval in the Fall of 2015, under File No. 2015-100. The City Council
23 approved the Preliminary Plat in November of 2015, through Resolution No. 197-15. Since then,
24 infrastructure facilities and a cul-de-sac roadway were placed in the new plat area, and the City
25 Council approved the Final Plat in September of 2016, through Resolution No. 166-16.

26 //

//

//

22 ³ The Staff Report, on page 1, corrected this error, confirming that the adjacent Reata Ridge subdivision is
23 zoned R1-12, not R-10 as shown on the application.

10. The final plat documents recorded for the property include various conditions, including the following requirements that are identified as “NOTES” on the face of the plat:

NOTES

1. ADDRESS NUMBERS [NOTED IN BRACKETS] ARE SUBJECT TO CHANGE BY THE CITY OF RICHLAND AT THE TIME OF BUILDING PERMIT ISSUANCE.
2. PARK FEES AS REQUIRED BY RICHLAND MUNICIPAL CODE CHAPTER 22.12 SHALL BE PAID BY THE PROPERTY OWNER PRIOR TO THE TIME THAT A FINAL BUILDING INSPECTION IS PERFORMED BY THE CITY FOR ANY HOME ON ANY LOT WITHIN THIS SUBDIVISION.
3. ALL RESIDENTIAL STRUCTURES TO BE CONSTRUCTED WITHIN THIS PLAT, SHALL BE CONSTRUCTED WITH A SPRINKLER SYSTEM THAT MEETS THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS 13-D.
4. ALL RESIDENTIAL LOTS SHALL BE IMPROVED WITHIN LANDSCAPING AT THE TIME A CERTIFICATE OF OCCUPANCY IS ISSUED FOR ANY RESIDENTIAL USE ON THAT LOT IN ACCORDANCE WITH THE LAND USE AND DEVELOPMENT REGULATIONS FOR THE BADGER MOUNTAIN SOUTH COMMUNITY.
5. ALL RESIDENTIAL STRUCTURES LOCATED WITHIN THIS PLAT SHALL CONFORM TO THE BUILDING TYPE STANDARDS CONTAINED IN SECTION 8 OF THE LAND USE AND DEVELOPMENT REGULATIONS FOR THE BADGER MOUNTAIN SOUTH COMMUNITY.
6. ALL RESIDENTIAL STRUCTURES LOCATED WITHIN THIS PLAT SHALL CONFORM TO THE SUSTAINABLE STANDARDS CONTAINED IN SECTION 12 OF THE LAND USE AND DEVELOPMENT REGULATIONS FOR BADGER MOUNTAIN SOUTH.

11. While the rezone application (Justification section, quoted in paragraph 7 above) indicates that the applicant would like to remove plat conditions 3 through 6, provided above, the Examiner does not have authority to alter a final plat. The pending application is limited to the requested rezone and nothing else. A rezone application cannot alter a plat or strike conditions of plat approval.

12. The Richland Municipal Code does not include separate provisions addressing the plat alteration process, although it is clearly recognized as a Type III application under RMC 19.20.010(C)(5). In the absence of any local ordinance on the subject, the provisions of RCW 58.17.215 would be the controlling legal authority detailing how an applicant can apply to alter a final, recorded plat, which is also known as a “subdivision.” The statute reads as follows:

RCW 58.17.215 Alteration of subdivision—Procedure.

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the

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subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

13. In any event, following receipt of Mr. Sawby's rezone application, City staff complied with all applicable public notice requirements for the rezone application and the public hearing held for the matter. (*Staff Report, Page 9; and Exhibit 2, copies of various public notices published and mailed*).

14. Staff determined that the pending application is categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). *Staff Report, page 10.*

15. Although notices were duly published, posted and mailed as required by law, no one provided any written comments regarding the pending rezone, except for Mr. White, as noted previously. *Staff Report, page 9; Ex. 4.*

16. Because the Sunshine Ridge plat has already been partially developed with a cul-de-sac and the approved plat will be served with on-site septic systems for each individual lot, the number of

**FINDINGS OF FACT, CONCLUSIONS AND
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homes in the plat will not increase if the requested rezone is approved. *Staff Report*. Accordingly, the rezone is not likely to have any material impact on capacity for the existing local street system serving the property – it will be the same.

Summary of Public Hearing.

17. At the public hearing, Mr. Simon made a brief presentation regarding the application, the site, and his recommendation of approval, as explained in the Staff Report. Mr. Simon credibly described how the Sunshine Ridge subdivision is physically disconnected from the greater Badger Mountain South Community and is far more connected and generally associated with the existing Reatta Ridge plat to the south, and through which all traffic to/from the new plat will have to travel.

18. Mr. Sawby, the applicant, spoke at the public hearing, and answered several questions posed by the Examiner. He testified that a fire sprinkler system for a new 4,000 sq.ft. home is typically around \$6,000.00. Mr. Sawby also testified that he “is ok” with street tree and landscaping requirements, and noted that current building code updates most likely satisfy the energy efficiency requirements for appliances that are contained in the LUDR provisions. He generally indicated that he prides himself in building quality homes throughout the tri-cities area, and represented that he plans to use high quality appliances and features in the new homes within the Sunshine Ridge plat.

Public services and utilities are adequate and readily available to serve the site.

19. As part of the review process, City staff confirms that adequate utilities, including without limitation drinking water, irrigation water, and power, are in place and/or readily available to serve the Sunrise Ridge plat that is at issue in this matter, even without the rezone. *Staff Report, page 9.*

Surrounding uses, development conditions.

20. The Sunshine Ridge plat area is only accessible by a roadway running through the existing Reatta Ridge subdivision, which was developed under county standards before the Badger Mountain South Master Plan and annexation took effect. The Badger Mountain South development area is mostly northwest of the subject property. Land to the east is in unincorporated Benton County. The Staff Report credibly describes the physical differences between the development standards and conditions readily seen when driving through Reatta Ridge, and how the Badger Mountain South LUDR standards could set the Sunshine Ridge homes apart, as different from those belonging to neighbors in the larger Reatta Ridge plat. Nevertheless, the Sunshine Ridge Plat is ready for construction. 7 new homes can be built on the site today under existing codes and plat conditions.

FINDINGS OF FACT, CONCLUSIONS AND
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1
2 ***Consistency with City Codes and Comprehensive Plan.***

3 21. Both the existing and proposed zoning for the property allow residential uses in detached
4 single-family homes. *See LUDR, 2-2, BMS land use district descriptions; and RMC 23.18.010(A),*
5 *noting R1-12 zone is lowest density single family residential zone in the city.*

6 22. Based on the record, the Examiner finds and concludes that the requested rezone from a one
7 low-density Residential classification to another means that the requested R1-12 designation is not
8 radically different from or inconsistent with existing land uses located on or zoning designations
9 assigned to surrounding properties in the area.

10 ***General findings.***

11 23. If the City Council concludes that its existing Master Agreement for the Badger Mountain
12 South area should be amended to exclude the Sunshine Ridge plat from the BMS community, and
13 that an Alteration for the Sunshine Ridge plat should be approved to remove certain conditions, then
14 it would clearly be in the public interest to assign an appropriate zone designation to the property
15 that is not a Badger Mountain South zone. The Staff Report includes credible and substantial
16 analysis that could support a rezone to R1-12, but the Examiner does not believe such rezone should
17 be approved without consideration of the Master Agreement Amendment and Plat Alteration as
18 discussed above. Without the other two applications before the council for consideration in the
19 same time frame, then this rezone application may be of no value to the applicant, who seeks to
20 build homes without being required to meet the BMS-LUDR standards. This rezone application
21 cannot erase provisions in the Master Agreement and on the face of the Sunshine Ridge plat.

22 24. The applicant failed to produce substantive evidence to establish that his requested rezone
23 truly bears a substantial relationship to the public health, safety, or welfare. He can build 7 nice
24 homes on the site today, under existing plat conditions and BMS development regulations.
25 Presumably, his purchase price took this into account. All property transactions require a willing
26 seller and a willing buyer. The desire of a homebuilder to reduce costs, so as to increase profits, is
not a justification for a rezone, especially in this matter, where the design standards were already
altered at the time of preliminary plat approval to eliminate sidewalk requirements for the
neighborhood. Sprinkler system costs are not insignificant, but they were not shown to be cost
prohibitive. In a region that experiences an active fire season in some years, the added level of
safety appears to be in the public interest.

27 25. Standing alone, a rezone is not and should not be an instrument to be used to avoid fire-
28 sprinkler or readily-attainable building requirements, such as those laid out in the BMS-LUDR
29 provisions, including the Sustainability Standards found in Section 12 that require homes designed

30 **FINDINGS OF FACT, CONCLUSIONS AND**
31 **RECOMMENDATION RE: SAWBY REZONE**
32 **APPLICATION TO CHANGE THE SUNSHINE**
33 **RIDGE PLAT FROM BMS-NE (BADGER**
34 **MOUNTAIN SOUTH – NORTHEAST EDGE) TO R1-**
35 **12 (SINGLE FAMILY RESIDENTIAL)**
36 **FILE NO. Z2017-103**

GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 505 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

1 to achieve reasonable energy efficiency principles, minimize night sky pollution, and achieve just a
2 minimum level of green building compliance. The City Council set certain goals for all
3 development in the Badger Mountain South area, after extensive public process and feedback from
4 the proponent, Mr. White, and Nor Am. Those goals are no less worthy today than they were
5 yesterday. And, just because some homes are not built to achieve reasonable and readily-attainable
6 goals does not always justify lowering standards for future homes.

7 26. Based on the record before the Examiner, the applicant did not demonstrate a compelling
8 reason why current conditions and standards for the plat cannot or should not be met, including
9 without limitation the Sustainability Standards found in Section 12 of the LUDR that require homes
10 designed to achieve reasonable energy efficiency principles, minimize night sky pollution, and
11 achieve just a minimum level of green building compliance, as well as landscaping conditions, for
12 street trees and the like.

13 VI. CONCLUSIONS.

14 Based upon the record, and the Findings set forth above, the Examiner issues the following
15 Conclusions:

16 1. A rezone application cannot amend a binding, planned community agreement such as the
17 Badger Mountain South Master Agreement, nor can it alter or strike specific conditions on the face
18 of an approved plat, such as those on the Sunshine Ridge Plat.

19 2. The applicant's justification for the proposed rezone is to remove certain development
20 conditions that are expressly noted as conditions on the face of the recorded plat. To achieve such
21 objective, the Badger Mountain South Master Agreement would need to be amended by the City
22 Council, and the Council would need to approve a formal Plat Alteration request, as detailed in
23 RCW 58.17.215.

24 3. If the City Council is favorably inclined to consider a Master Agreement amendment to
25 remove the Sunshine Ridge Plat from the greater Badger Mountain Master Planned Community,
26 and to approve a Plat Alteration request removing certain otherwise applicable (but reasonable and
attainable) requirements implementing BMS-LUDR provisions, then the requested rezone could be
justified. Without the other two applications, which could be considered in a consolidated process
by the City Council, the stand-alone rezone application would be of no effect and should be denied.

2. Any finding or other statement contained in this Recommendation that is deemed to be a
Conclusion is hereby adopted as such and incorporated by reference.

//

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: SAWBY REZONE
APPLICATION TO CHANGE THE SUNSHINE
RIDGE PLAT FROM BMS-NE (BADGER
MOUNTAIN SOUTH – NORTHEAST EDGE) TO R1-
12 (SINGLE FAMILY RESIDENTIAL)
FILE NO. Z2017-103**

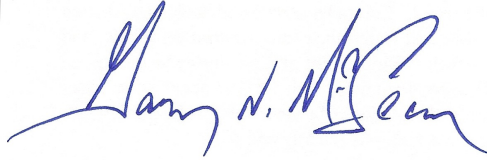
GARY N. MCLEAN
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CITY HALL – 505 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

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VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that Mr. Sawby's application to **Rezone** the Plat of Sunshine Ridge, a 5-acre site with 7 vacant lots, from BMS-NE (Badger Mountain South – Northeast Edge) to R1-12 (Single Family Residential), should be **denied**, until or unless other necessary applications (BMS Master Agreement amendment and a Plat Alteration) are favorably considered by the City Council. If the other two applications are favorably viewed by the City Council, then the requested rezone could be justified and approved.

ISSUED this 15th Day of August, 2017



Gary N. McLean
Hearing Examiner

FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: SAWBY REZONE
APPLICATION TO CHANGE THE SUNSHINE
RIDGE PLAT FROM BMS-NE (BADGER
MOUNTAIN SOUTH – NORTHEAST EDGE) TO R1-
12 (SINGLE FAMILY RESIDENTIAL)
FILE NO. Z2017-103

GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 505 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

**CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER**

GENERAL INFORMATION:

PROPOSAL NAME: Dennis Sawby Construction, LLC Rezone Application

LOCATION: Plat of Sunshine Ridge, located at the northern terminus of Reata Ridge Road

APPLICANT: Dennis Sawby Construction, LLC

FILE NO.: Z2017-103

DESCRIPTION: Request to change zoning on 5 acre site from Badger Mountain South to R1-12 Single Family Residential

PROJECT TYPE: Type 3 Site-specific rezone

HEARING DATE: July 27, 2017

REPORT BY: Rick Simon, Development Services Manager

RECOMMENDED ACTION: Approval.

Note: The application materials and public notice indicate that the requested zone change is to the R1-10 Single Family Residential district. In fact, the intent was to zone the subject property to be the same as the adjacent Reata Ridge subdivision, which is zoned R1-12 Single Family Residential. This report therefore describes the proposal as a zoning change to R1-12. The only difference between the R1-10 district and the R1-12 district is lot size, with R1-10 allowing 10,000 square foot lots and R1-12 allowing 12,000 square foot lots.



Figure 1 - Vicinity Map

DESCRIPTION OF PROPOSAL

Dennis Sawby Construction, LLC has filed a rezone request to change the zoning classification of a 5 acre site from Badger Mountain South to R1-12 Single Family Residential. The site has been recently subdivided into 7 single family residential lots known as the Plat of Sunshine Ridge. The applicant has indicated an intention to build single family homes on these seven lots.

The lots are accessed via a cul-de-sac at the end of Sunshine Ridge Road. Lots are served with city water and on-site septic systems and average 25,875 square feet in area. A 50 foot equestrian trail is located along the eastern boundary of the plat, which forms an extension of an existing trail that runs along the eastern boundary of the adjacent Reata Ridge plat. The northern portion of the site (Tract A) serves as a storm water detention facility.

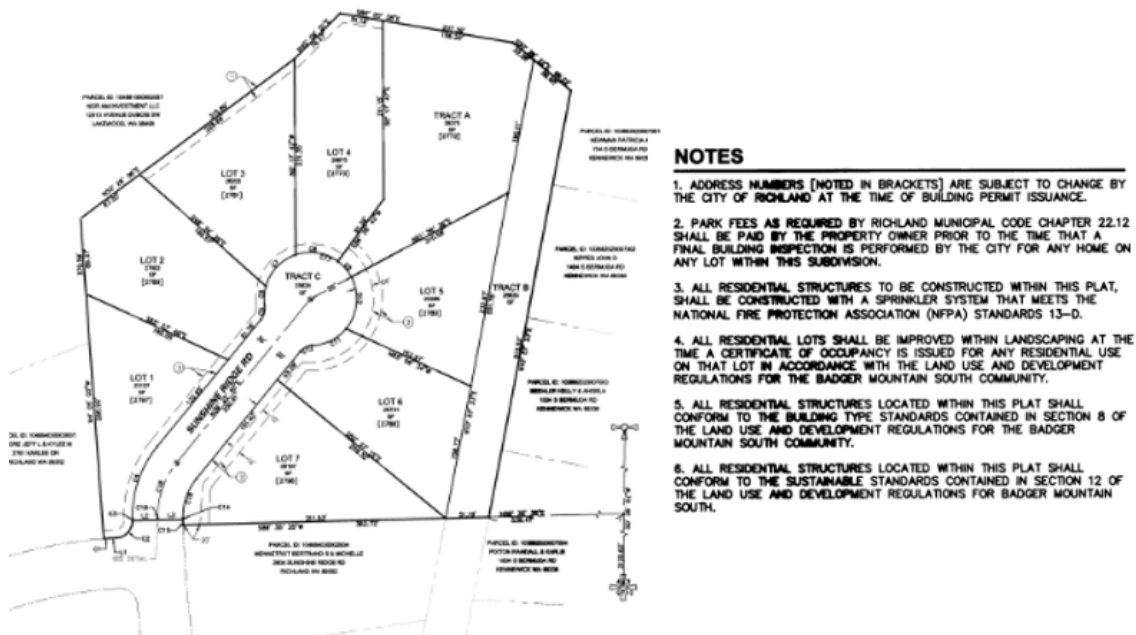


Figure 2 – Plat of Sunshine Ridge

SITE DESCRIPTION

The property has been improved with a paved cul-de-sac and the extension of water and electrical power lines. A fire hydrant is located in the cul-de-sac and a storm drainage facility has been constructed on-site. No other improvements have been constructed to date.

The property is located along a natural drainage way that drains from the west to the east. The northern portion of the site is situated at the lowest elevation and serves as the storm drainage tract. The existing development patterns in the area do not provide for access onto the County street system to the east. The only access to the property is through the Reata Ridge subdivision. Both Sunshine Ridge Road and Karlee Drive extend south through the Reata Ridge subdivision and provide connection to Reata Road.

A natural drainage way limits the potential for the future extension of an access road to the west and north.

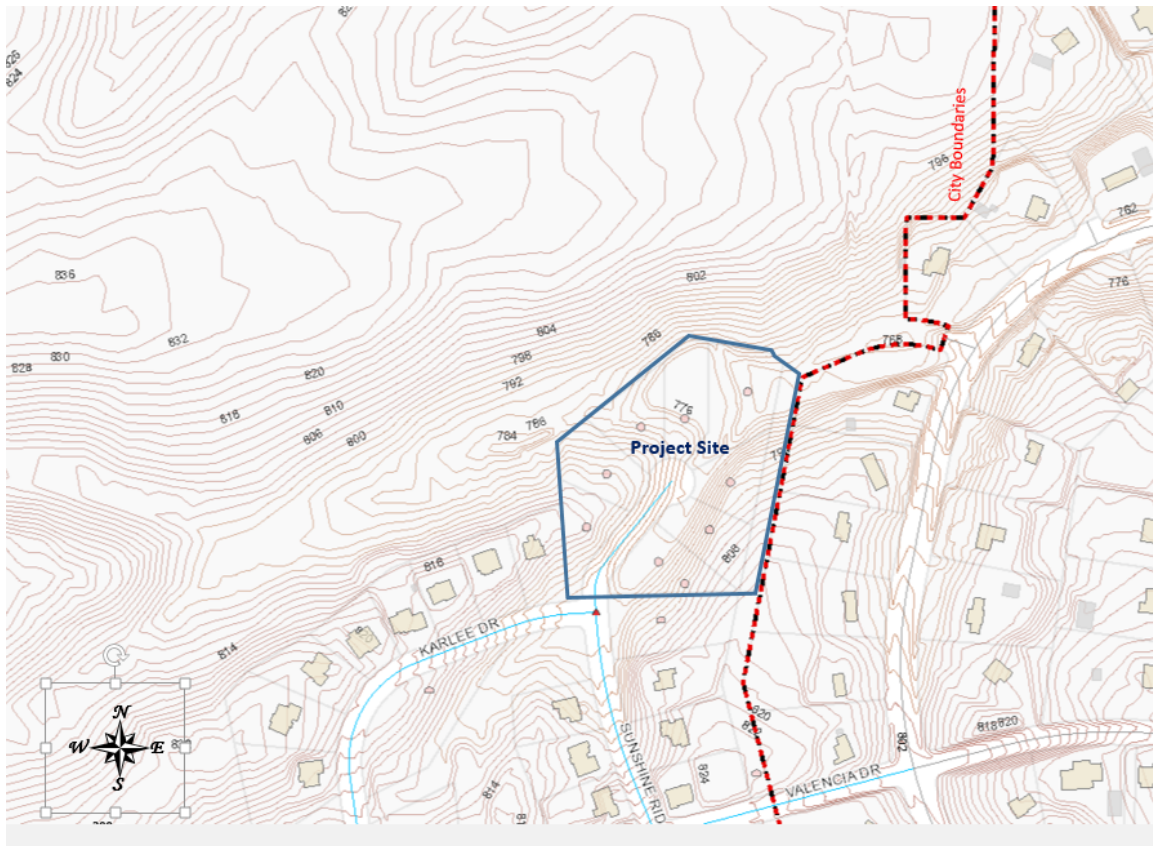


Figure 3 – Topography

ADJACENT LAND USES

Existing uses in the vicinity include the plat of Reata Ridge, a large lot subdivision located immediately south of the site and the Rancho Reata subdivision, a county plat located directly east of the site. Properties to the north and west are part of the Badger Mountain master planned community but at this point are undeveloped, although much of the land is in active agricultural production.

SURROUNDING ZONING

North/West: Properties lying adjacent to the site to the north and west are part of the Badger Mountain South Master Planned Community and are subject to the provisions of the Badger Mountain South Land Use and Development Regulations.

South: Property to the south of and adjacent to the site are part of the Reata Ridge subdivision, which has been developed with single

family residences and is located within the R1-12 Single Family Residential district.

East: Property to the east lies outside the corporate boundaries of the City of Richland and the City's Urban Growth Area in unincorporated Benton County. This property has been developed with large lot single family residences and is zoned Rural Lands 1 under the County zoning code.

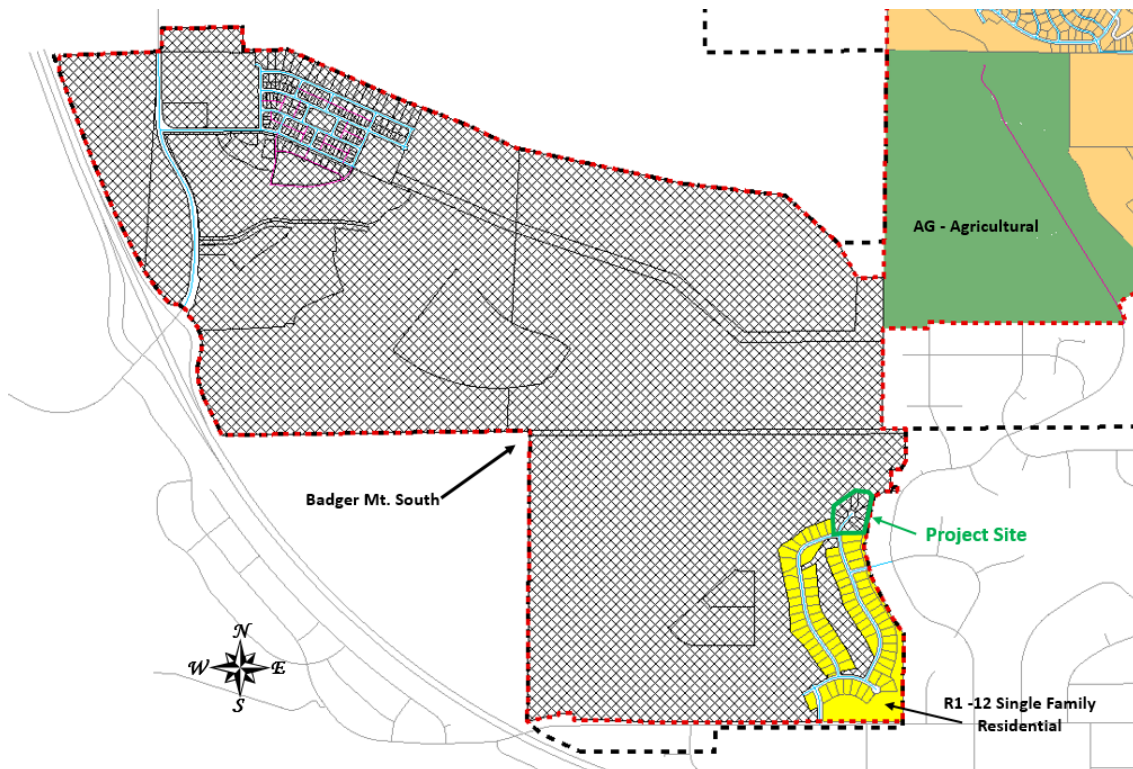


Figure 4 - Zoning Map

BACKGROUND INFORMATION

The subject site is part of the Badger Mountain South Subarea Plan that was developed in 2010. Once the plan was adopted, the entire 1,600 acre site was annexed into the City. The plan calls for the development of a master planned community known as Badger Mountain South that is intended to be a mixed use, walkable and sustainable community of up to 5,000 dwelling units. The plan calls for small lot residential development with some multi-family, commercial and

office uses with generous open spaces and extensive pedestrian trails. In recognition of the intended unique character of the master planned area, the City worked with Nor Am Investment, LLC to adopt a set of development regulations that specifically apply to the Badger Mountain South Subarea Plan known as the Land Use and Development Regulations (LUDR). The City also adopted a Planned Action Ordinance for the subarea based on a supplemental environmental impact statement that was prepared for the master planned community.

The extreme southeast corner of the Badger Mountain South Subarea consists of a subdivision known as Reata Ridge. This subdivision was approved in the mid-2000s under County jurisdiction prior to the time that the City's subarea plan was developed. It was developed under County codes and does not fall under the provisions of the LUDR that currently apply. Consequently, the road sections in this subdivision do not include curbs, gutter and sidewalks as one would normally find in City subdivisions.

At the time the Sunshine Ridge preliminary plat was approved in 2015, the City granted a deviation from typical road design standards to allow the cul-de-sac accessing the Sunshine Ridge subdivision to be built to the same standard as the adjacent Reata Ridge plat.

CURRENT ZONING:

Under the Badger Mountain South Land Use and Development Regulations the site is designated as BMS – NE (Badger Mountain South – Neighborhood Edge). According to the LUDR, this designation is the most restrictive residential district in Badger Mountain South. It is intended to allow a variety of low density and low intensity single family houses and accessory uses on larger lots.

All uses within the Badger Mountain South Master Planned Community are subject to design requirements which mandate that a porch extend in front of the building façade and that garages be recessed from the building façade. Lots must be landscaped in the front and side yards with trees planted along the street frontage at the time residential construction is completed. All residences must include a residential fire sprinkler system and all homes must comply with energy sustainability standards. These requirements are unique to the Badger Mountain South Master Planned Community and are not required in other locations throughout the City.

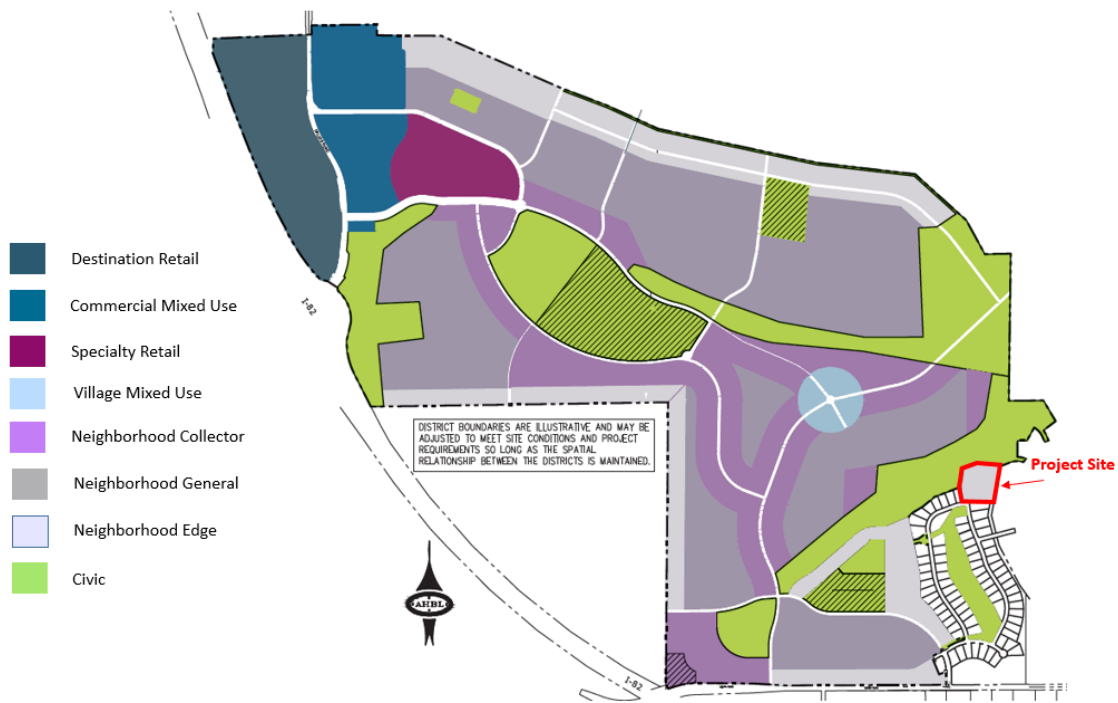


Figure 5 – Badger Mt. South Land Use Map

PROPOSED ZONING

The purpose statement of the proposed R1-12 Single Family Residential district states that the R1-12 district is a 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.

Uses permitted in this zone are limited primarily to single family homes on lots sizes that average 12,000 square feet.

COMPARISION BETWEEN ZONING DISTRICTS

Uses permitted within either of the zones are very nearly identical. Both zones limit development to detached single family homes with typical accessory structures. While the Neighborhood Edge district allows for higher density development than the R1-12 district, the limiting factor for this property is the lack of access to sanitary sewer. The existing lots within the Sunshine Ridge development will be served with on-site septic systems. The Health Department standards limit lot sizes to ½ acre, so there is no effective difference in lot size requirements in this instance.

Zoning standards concerning building height and setbacks are comparable between the two zones, with the R1-12 district being slightly more restrictive than the Neighborhood Edge district. The biggest difference between the two zones are the development standards that are required for all homes built within Badger Mountain South that do not apply to developments located outside of Badger Mountain South.

Zoning Standard	BMS – Neighborhood Edge	R1-12 Single Family Residential
Minimum Lot Area	None	10,000 square feet
Average Lot Size Requirement	None	12,000 square feet
Maximum Lot Coverage	None	40%
Front Yard Setback	15 feet	20 feet
Side Yard Setback	6 feet	10 feet
Rear Yard Setback	15 feet	25 feet
Building Height	30 feet	30 feet
Design Requirements	Yes	No
Street Trees/Front Yard Landscaping	Required	Not Required
Sustainability Standards	Required	Not Required
Residential Fire Sprinkler System	Required	Not Required

COMPREHENSIVE PLAN

The City's Badger Mountain South Comprehensive Plan includes the following goal and policy statements:

Housing Element Goal 3: Accommodate growth and maintain affordability.

BMHE Policy 3.1 – Support the development of residential neighborhoods that provide a variety of housing types, styles and densities to serve a broad spectrum on incomes, ages, and life stages.

BMHE Policy 3.2 – Promote walkable neighborhoods by encouraging a mix of land uses, nodes of higher land use intensity and access to sidewalks and a connected trail and parks system.

BMHE Policy 3.3 – Encourage higher density housing close to employment centers, retail and services and along arterials to support the efficient expansion of public transit.

BMHE Policy 3.4 – Support the development of energy-efficient housing choices.

The City's Comprehensive Land Use Plan contains the following goal and policy statements relating to housing:

Land Use Goal 4: The City will establish a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 1 – The City will provide a balanced distribution of residential uses and densities throughout the urban growth area.

Policy 2 – The City will encourage residential densification through its land use regulations.

Policy 3 – The City will encourage innovative and non-traditional residential development through expanded use of planned unit developments, density bonuses and multi-use developments.

Policy 4 – The City will encourage conservation of lands identified as “recreation Resource Conservation Area” in the City's Parks, Recreation Facilities and Open Space Master Plan, by allowing developers to increase densities on adjacent lands. Such projects should occur as Planned Unit Developments.

PUBLIC NOTICE

Notice of Application & Hearing Mailed:	June 30, 2017
Notice of Application & Hearing Published:	July 10, 2017
Notice of Application & Hearing Posted:	July 6, 2017
Public Hearing:	July 27, 2017

Notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in Exhibit 3. As of the date of this report, City staff has not received any comments.

UTILITY AVAILABILITY

Public water, irrigation water and electrical power are available to the subject property with utility stubs provided to each lot within the Sunshine Ridge plat. Each lot will be served by on-site septic tank and drain field systems, subject to the standards administered by the Benton Franklin Health Department.

SEPA

Pursuant to WAC 197-11-800(6) (c) the rezone application qualifies as a categorically exempt action by meeting the requisite circumstances; they are as follows:

Where an exempt project requires a rezone, the rezone is exempt only if:

- (i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;*
- (ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and*
- (iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.*

In this case, the proposed project is located with the City and within Richland's urban growth area; the proposed action is consistent with the City's comprehensive plan; and the City's comprehensive plan was analyzed through the preparation of an EIS in 1997. The Badger Mountain Subarea plan was reviewed in an EIS in 2010.

ANALYSIS

The proposed zone change would not affect the residential development of the site. Both the current and proposed zoning would restrict development on-site to single family homes only. The density of development is likewise not affected, as the Sunshine Ridge plat has already been completed and the lack of public sewer service in the area precludes further property divisions. Even so, the proposed zoning requires lower density development than the existing zoning.

The applicant's purpose in pursuing the application is relief from the development standards imposed by the Badger Mountain South Land Use and Development Regulations.

The differences between the existing neighborhoods within Badger Mountain South and the Reata Ridge subdivision, which is located just south of and adjacent to the subject site are readily apparent. The attached photos provide some examples of homes within each neighborhood. In general, homes within the Badger Mountain South development are built at a higher density, have urban type improvements, with a traditional street grid pattern that includes alleys, curbs, sidewalks and street lights. Street trees are planted within a planting strip between street and sidewalk and all homes have front porches with garages that are either side entry or that do not extend in front of the home. With

the Reata Ridge subdivision, development has occurred on a more suburban or rural nature with curvilinear streets. Homes are on larger lots with streets containing gravel shoulders and open ditches, without sidewalks, walking paths or street lights, although there is a pedestrian/equestrian path located along the eastern boundary of the subdivision. Homes are generally set further back from the street and do not necessarily contain front porches.

Other differences between the two developments include the amount of open space that is planned for both areas. In Badger Mountain South, the plan and implementing development regulations call for a significant amount of open space, trails and parks. Development triggers requirements for the installation of private open space improvements as well as public parks. A homeowners association has been established to maintain the open space tracts. In the Reata Ridge development there is no homeowners association and the existing open space tract is under private ownership without any specific plans for improvement or maintenance.

Finally, the subject site is physically isolated from the remainder of the Badger Mountain South development. The adopted plan for Badger Mountain South (see Figure 5) does not include any street or trail connection between the subject site and the remainder of the Badger Mountain South planning area. The lots within the Sunshine Ridge subdivision are not a part of the Badger Mountain South Homeowners Association, as the developers determined that they would not benefit from the open space and park improvements provided throughout the Badger Mountain South planning area.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a change in zoning (Z2017-103) and recommends approval of the request based on the following:

1. The subject site is located in South Richland, immediately north of and adjacent to the plat of Reata Ridge, a large lot single family residential subdivision and east of the plat of Rancho Reata, a large lot subdivision that is located within unincorporated Benton County;
2. The subject site has been subdivided into 7 residential lots and one open space tract known as the Plat of Sunshine Ridge. Average lot size within the plat is 25,875 square feet. Access to the lots is provided via a cul-de-sac located at the end of Sunshine Ridge Road. None of the seven lots has yet been developed.
3. The Plat of Sunshine Ridge is served with city water and electrical power and on-site septic systems. No further division of property is possible because public sewer service is not available to the property.

4. The subject site is included in the Badger Mountain South Subarea Plan and is subject to the Badger Mountain South Land Use and Development Regulations (LUDR);
5. The LUDR identifies the site as part of the Neighborhood Edge land use designation. This designation allows for single family homes but does not specify a maximum density;
6. The R1-12 Single Family Residential zoning proposed for the site would allow single family dwellings at an average density of 12,000 square feet per lot; however lack of public sewer service eliminates the potential for further lot division;
7. The R1-12 Single Family Residential district and the BMS – NE district contain similar provisions for setback and building height, with the R1-12 district standards having slightly greater setback requirements;
8. The BMS – NE district includes development standards for building facades that require front porches and recessed garages; street trees and front yard landscaping; energy efficient household appliances and installation of residential fire sprinkler systems. The proposed R1-12 district does not require any of these items;
9. The development standards for the Badger Mountain South LUDR require a traditional street grid pattern, with curbs, gutters, sidewalks, street lights and alleys, and street trees. Mixed use development, walkable neighborhoods and open space are important concepts included in the LUDR;
10. The Sunshine Ridge subdivision has been built to the standards contained in the adjacent Reata Ridge subdivision, with a cul-de-sac, with gravel shoulders and open ditches;
11. The existing natural drainage way that runs adjacent and through the subject property serve to isolate it from the rest of the Badger Mountain South area;
12. The Badger Mountain South Subarea Plan does not include any plans for street or pedestrian connection between the subject site and the remainder of the Badger Mountain South area;
13. The subject site has much more in common with the adjacent Reata Ridge neighborhood than the Badger Mountain South neighborhood in terms of public infrastructure, the size and type of lots and access;

14. The subject site is more appropriately developed under the provisions of the R1-12 Single Family Residential standards than the Badger Mountain South standards;
15. The project is exempt from the provisions of the State Environmental Policy Act, as identified in WAC 197-11-800(6)(c).
16. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

EXHIBIT LIST

1. Zone Change Application
2. Affidavit of mailing and public hearing notices
3. Site Photos



Planning & Development Services Division • Current Planning Section
840 Northgate Drive • Richland, WA 99352
General Information: 509/942-7794 • Fax: 509/942-7764
www.ci.richland.wa.us

Petition for Change of Zoning District Classification

Application is hereby made to the City of Richland for a change of zone, pursuant to Section 23.82.190 of the City of Richland Municipal Code.

The following required information must be typed or printed legibly in the appropriate spaces.

SECTION I – APPLICANT INFORMATION			
Applicant's Name: Dennis Sawby Construction LLC			
Address: 12904 S Grandview Lane			
City: Kennewick		State: Washington	Zip: 99338
Phone: 509-308-1423	Fax:		Other and/or e-mail address: dennis@sawbyconstruction.com
Please check under what capacity you are filing:			
☐ Recorded owner of the property as of		☒ Purchasing under contract as of 3/10/17	
☐ The lessee as of		☐ The authorized agent of any of the foregoing, duly authorized in writing (written authorization must be attached to application).	
SECTION II – PROPERTY LOCATION AND GENERAL DESCRIPTION			
Street address(es) of property for which the zone change is requested, if applicable:			
2797,2789,2781,2773,2780,2788,2796 Sunshine Ridge Road, Richland, Wa 99352			
Relationship to adjacent streets (i.e., west of Main Street between 1 st Avenue and 2 nd Avenue):			
Reata Road N on Morningside Pky E on Allison Way N on Sunshine Ridge Rd to end of Cul-de-sac.			
General description of development status (i.e., vacant, agricultural, buildings, or miscellaneous improvement): 1/2 acre Residential Lots			
Size of petition area	4.16	acres and	181,129 square feet
SECTION III - CHANGE OF ZONE REQUEST			
A change of zone from Badger Mountain South To R-10 Single Family			
is requested for the property described in Section II of this application.			
SECTION IV – JUSTIFICATION			
State the reason(s) for the requested change of zone: The Zoning for the 1/2 acre lots was grouped with Badger Mountain South Development which is Comprised of 5000-8000 sqft lots that dont have a fire station nearby. Said 1/2 acre lots to be rezoned are within 1 mile of a fire station on Bermuda Rd. Would like to not require sprinkler systems in the homes to be built. Please remove notes 3-6 from this existing plat. This plat is approximately 4 miles from Badger Mountain South Development off Dallas Road. Neighboring properties to the property to be re-zoned are zoned R-10 Single Family.			

Continued

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COMPLETE.

DATED THIS 20th DAY OF June, 2017.



Applicant's Signature

12904 S Grandview Lane

Address

Kennewick, Washington 99338

City, State, Zip

509-308-1423

Phone

Applicant's Signature

Address

City, State, Zip

Phone

FOR OFFICE USE ONLY

Date accepted for filing

Items enclosed: Filing fee and Title Insurance
Company Ownership Report showing all property
Owners of Record within 300-feet.

City Official's Signature



Badger Mountain South – Camilla Avenue



Badger Mountain South – Daphne Avenue



Badger Mountain South – Highview Street



Badger Mountain South – Highview Street



Reata Ridge – Sunshine Ridge Road



Reata Ridge – Sunshine Ridge Road



Reata Ridge – Karlee Drive



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Ordinances - First Reading

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 39-17, Amending the 2017 Budget to Increase Appropriations in the Criminal Justice Sales Tax Fund

Department:
Police Services

Ordinance/Resolution Number:
39-17

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 39-17, Amending the 2017 Budget to Increase Appropriations in the Criminal Justice Sales Tax Fund.

Summary:

The South-East Regional Internet Crimes Against Children (SERICAC) Task Force has been instrumental in the identification, apprehension, and conviction of many predators in our community who are attempting to victimize children. The Richland Police Department has taken the lead in forming, administering, and staffing the Task Force. Because of the nature of these investigations, it is necessary for investigators to rely on many different software and hardware technologies.

The Richland Police Department is requesting to allocate \$50,000 from Criminal Justice Sales Tax Reserves to fund the purchase of the hardware and software needed by SERICAC Task Force to continue investigating internet related crimes against children. Washington State ICAC has committed to paying for the licensing renewal fees in 2018 and beyond.

Fiscal Impact:

The Criminal Justice Sales Tax (CJST) currently provides \$21,000 in ongoing support for the administration of SERICAC. The recently signed interlocal agreement requires a \$5,000 contribution from each participating agency to help offset administrative costs. In the 2017 budget process, an expanded program was tentatively approved for \$50,000 to be transferred from CJST fund balance to SERICAC for much needed software licensing, with the understanding that said funding would be made available upon formalization of the SERICAC interlocal. If approved, the overall balance of the CJST reserves would be reduced by \$50,000.

Attachments:

1. Ordinance No. 39-17
2. ICAC Budget Request

ORDINANCE NO. 39-17

AN ORDINANCE of the City of Richland amending the 2017 Budget to provide for additional appropriations and declaring that a public emergency exists in the City's Criminal Justice Sales Tax Fund.

WHEREAS, on November 20, 2016, the Richland City Council approved Ordinance No. 60-16 adopting the 2017 Budget; and

WHEREAS, on August 1, 2017, the Richland City Council approved Resolution No. 132-17 approving the Southeast Regional Internet Crimes Against Children (SERICAC) Task Force Interlocal Agreement; and

WHEREAS, the Richland Police Department has an unappropriated fund balance in the Criminal Justice Sales Tax (CJST) Fund in the amount of \$1,168,339; and

WHEREAS, SERICAC Task Force is tasked with investigating, identifying and apprehending predators in our community who are attempting to victimize children; and

WHEREAS, funding is needed to purchase hardware and software to assist with these investigations; and

WHEREAS, Police Services desires to use \$50,000 of the reserve CJST funds to pay for such hardware and software; and

WHEREAS, an amendment to the budget is necessary as funds were not previously appropriated for this purchase; and

WHEREAS, on September 29, 2017, a public hearing was held pursuant to RCW 35.33.091 regarding the increase in appropriations from beginning fund balance in the Criminal Justice Sales Tax Fund.

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

Section 1. Facts Constituting Emergency. The expenses contained within this ordinance were not anticipated when the 2017 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 Criminal Justice Sales Tax Fund.

Section 3. Amendment of the 2017 Budget. The 2017 Budget is hereby amended to provide additional appropriations in the Criminal Justice Sales Tax Fund from unappropriated fund balance as follows:

Criminal Justice Sales Tax Fund

Current Appropriation: \$ 1,791,465
Increase in Appropriation: \$ 50,000
Amended Appropriation: \$ 1,841,465

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, at a regular meeting on the _____ day of _____ 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: _____

Software	Description	ICAC 1	ICAC 2	ICAC 3	RPD Lab
MacQuisition	Used for doing forensic analysis on Macintosh machines	x			x
Blacklight	Works with the MacQuisition and is the analysis tool that investigators use after carving out the data with MacQuisition	x			x
Passware	Program that assists with breaking passwords	x			x
Xnet	Used for processing date that is received from social network sites. For example, when a search warrant is given to facebook the investigator will receive a pdf file back which will contain up to 100,000 pages of data. This software is used to search through the pdf and organize the information into meaningful data for the investigator.	x			
AXIOM-Internet Evidence Finder	This is a tool used for carving out and catagorizing data. It can be used on hard drives, flash drives, or cell phones	x			
internet Evidence Finder Axiom Upgrade	This is an upgrade to the IEF tool. Will serve as a backup forensic tool to the current FTK license	x			
Carbon	In the field Triage Tool	x			
Recon	In the field Triage Tool	x			
AVS	Audio Video Software. Standard tool for working with audio and video files	x	x	x	
Adobe Pro	Standard tool for creating reports	x	x	x	
Snagit	Standard tool for screen captures. Allows investigators to grab an image or video of what is seen on the computer screen.	x	x	x	
Cellebrite	Standard for forensic exams on cell phones. We currently possess the hardware and one license. We currently have two detectives certified to use the license, but with the increased demand we are increasingly needing the additional license				x
OS Forensics	Forensic/Triage platform	x			
DME Forensics	Used for recovering data from DVR systems used in home survellaince systems				x
Hardware					
Mac Book Pro	ICAC UC Computers	x			
Write Blocker kit	Protects suspect hard drives from being changed in anyway	x			
DX513 NAS Storage	Networked storage device for additional data storage	x			

Tolino Computers	High powered processing CPUs required for sorting through large amounts of data	x	x	x
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Miscellaneous	Unforeseen increases in costs and shipping			
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Cost per	Total	Renewal
\$1,000.00	\$2,000.00	
\$1,200.00	\$2,400.00	
\$1,000.00	\$2,000.00	
\$3,500.00	\$3,500.00	
\$3,000.00	\$3,000.00	
\$1,000.00	\$1,000.00	
\$2,000.00	\$2,000.00	
\$1,800.00	\$1,800.00	
\$50.00	\$150.00	
\$284.00	\$852.00	
\$100.00	\$300.00	
\$2,700.00	\$2,700.00	
\$1,000.00	\$1,000.00	
\$269,500.00	\$2,695.00	
	\$25,397.00	\$0.00
	\$2,800.00	
	\$1,000.00	
	\$3,000.00	

\$4,000.00	\$12,000.00
	\$44,197.00
Tax	\$3,800.94
	\$2,002.06
Total	\$50,000.00

Software	Renewal	Number Licenses	Total
MacQuisition	\$515.00	2	\$1,030
Blacklight	\$995	2	\$1,990
Passware	\$995	2	\$1,990
Xnet	\$700	1	\$700
Axiom Internet Evidence Finder	\$850	3	\$2,550
Axiom Upgrade	\$850	2	\$1,700
Carbon	\$600	2	\$1,200
Recon	\$445	1	\$445
Cellebrite Physical Analyzer	\$3,300	2	\$6,600
Cellebrite Dongle	\$999	1	\$999
OS Forensics	\$400	2	\$800
DME Forensics	\$2,695	1	\$2,695
iVu	\$1,600	1	\$1,600
BlackThorn	\$750	1	\$750
	Total		\$25,049



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 5 - Natural Resources Management

Subject:

Ordinance No. 40-17, Amending the Critical Areas Ordinance

Department:

Community & Development Services

Ordinance/Resolution Number:

40-17

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 40-17, amending the City's Critical Areas Ordinance.

Summary:

In keeping with the State Growth Management Act requirements, the City has been working on updating its Critical Areas Ordinance over the past six months. The Planning Commission has held several workshops and two public hearings to consider the proposed amendments. Comments from the State Departments of Fish and Wildlife, Ecology, the Kennewick Irrigation District and the public were considered. The City also used its contracted land use attorney to provide guidance throughout the process.

The attached comment matrix provides a summary of comments received and staff's response to each comment. Comments received just prior to the Planning Commission hearing were not included in the matrix but are also attached. The resulting draft code represents an extensive change from the existing regulation.

The Planning Commission completed its process when it conducted a public hearing on August 30, 2017, and recommends approval of the draft amendments.

Staff recommends approval of Ordinance No. 40-17, by title only, for first reading.

Fiscal Impact:

There is no fiscal impact to the City associated with the adoption of this ordinance.

Attachments:

1. Ordinance No. 40-17
2. Staff Report to Planning Commission
3. Comment Matrix
4. Public Comments
5. Critical Areas Map

ORDINANCE NO. 40-17

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 22: Environment, updating City Critical Area Ordinance provisions.

WHEREAS, the City of Richland has had an adopted Sensitive Areas Ordinance in place since 1993, which has been amended several times prior to 2005; and

WHEREAS, the City has recently undergone a concerted effort to update its Sensitive Areas Ordinance, to include holding several workshops and two public hearings to consider the proposed amendments; and

WHEREAS, the existing ordinance provides protections to wetlands, geologically hazardous areas and fish and wildlife habitat areas as required under the provisions of the Growth Management Act; and

WHEREAS, in addition to the protections already provided by City code, the proposed amendments would also provide protection to critical aquifer recharge areas; and

WHEREAS, the City's zoning code includes provisions to regulate the development of properties located within the 100-year flood plain based on Federal Emergency Management Agency (FEMA) requirements, and meets the intent of the Growth Management Act's requirements to protect frequently flooded areas; and

WHEREAS, the City's Sensitive Areas Ordinance (hereinafter referred to as "Critical Areas Ordinance") is obligated to comply with the "best available science" standard as required under RCW 36.70A.172; and

WHEREAS, the proposed ordinance is largely based upon the City's 2014 Shoreline Master Program, which has been approved by the Department of Ecology, and upon the Department of Ecology's guidance regarding the requirements for best available science entitled the "Wetland Guidance for CAO Updates, June 2016"; and

WHEREAS, the Planning Commission has studied the update of the Critical Areas Ordinance in great detail over the course of six (6) months; and

WHEREAS, public hearings were held on April 26, 2017 and August 30, 2017; and

WHEREAS, the Planning Commission has recommended adoption of the updated Critical Areas Ordinance.

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

Section 1. RMC Title 22, Chapter 22.10 entitled Sensitive Areas, as enacted by Ordinance No. 48-93, and last amended by Ordinance No. 28-05, shall be amended to read as follows:

Chapter 22.10
~~SENSITIVE~~CRITICAL AREAS

Sections:

Article I. General Introduction

- 22.10.010** General purpose and intent.
- 22.10.020** General applicability of these regulations.
- 22.10.030** General relationship of regulations of one type of ~~sensitive~~ critical area protection to other regulations.

Article II. ~~Wetlands~~Definitions

- 22.10.040** Definitions — ~~Wetlands~~.

Article III. Wetlands

- 22.10.050** ~~Applicability to wetlands.~~ Reserved.
- 22.10.060** ~~Regulation wetlands.~~ Reserved.
- 22.10.070** Regulated activities in wetlands.
- 22.10.080** Exemptions ~~to wetland regulations~~ and allowed uses in wetlands.
- 22.10.090** Wetland inventory maps.
- 22.10.100** Rating – Categories of wetland.
- 22.10.110** Wetland buffer areas.
- 22.10.115** Buffer modifications.
- 22.10.120** Wetland alteration and mitigation.
- 22.10.125** Stormwater runoff.
- 22.10.130** Mitigation standards, criteria, and plan requirements.
- 22.10.140** Wetland mitigation plan requirements.
- 22.10.150** ~~Performance~~ Design standards for wetlands mitigation planning.
- 22.10.160** Wetland monitoring program and contingency plan.
- 22.10.165** Unauthorized alterations and enforcement.

Article ~~IV~~H. Fish and Wildlife Habitat Conservation Areas

- 22.10.170** ~~Definitions — Fish and wildlife habitat areas.~~ Reserved.

- 22.10.180 Exemption from fish and wildlife habitat conservation area regulations.
- 22.10.185 Fish and wildlife habitat conservation areas.
- 22.10.190 Fish and wildlife habitat conservation area inventory maps.
- 22.10.200 ~~Classification of fish and wildlife habitat areas.~~ Requirements for habitat conservation area reports.
- 22.10.210 ~~Fish and wildlife habitat buffer areas.~~ Fish and wildlife habitat conservation area performance standards.
- 22.10.220 Fish and wildlife habitat conservation area alteration.
- ~~22.10.230 Fish and wildlife habitat conservation area performance standards and incentives.~~

Article IV. Geologically Hazardous Areas

- 22.10.240 Identification and definition.
- 22.10.250 Applicability to geologically hazardous areas.
- 22.10.260 Geologically hazardous area inventory maps.
- 22.10.270 Preliminary assessment.
- 22.10.280 Geologic reports and studies.
- 22.10.290 Administrative evaluation of geologic reports and studies.
- 22.10.295 Assurance.

Article VI. Critical Aquifer Recharge Areas

- 22.10.300 Identification and definition.
- 22.10.310 Critical aquifer recharge area maps.
- 22.10.320 Exemptions for critical aquifer recharge area regulations.
- 22.10.330 Reports and studies.
- 22.10.340 Performance standards.
- 22.10.350 Uses prohibited in critical aquifer recharge areas.

Article VII. General Information

- 22.10.~~300~~360 General exemptions.
- 22.10.~~340~~370 Permit process and application requirements.
- 22.10.~~320~~380 Requirements of qualified ~~consultants~~ professionals.
- 22.10.385 Notice on Title.
- 22.10.~~330~~390 Land divisions.
- 22.10.~~340~~400 On-site density transfer for ~~sensitive~~ critical areas.
- 22.10.405 Density bonus for increased buffers
- 22.10.~~350~~410 ~~General procedural provisions.~~ Interpretations and appeals.
- 22.10.415 Penalties.
- 22.10.~~360~~420 General savings provision – Reasonable use.

22.10.~~370~~430 No special duty created.

22.10.435 Unauthorized alterations and enforcement.

22.10.~~380~~440 Severability.

Article I. General Introduction

22.10.010 General purpose and intent.

A. ~~Sensitive~~ Critical areas perform many important biological and physical functions and values that benefit the city of Richland and its residents.

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 and discharging ground water; 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 eco-system services; and (2) fish and wildlife 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 geologically ~~hazards~~ hazardous areas 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 geologically hazardous areas~~ are necessary to protect the public health, safety, and welfare. (4) In addition, certain portions of the City are located within critical aquifer recharge areas whose potential contamination that 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 in Chapter 23.34 of the Richland Municipal Code.

B. This section of the Richland Municipal Code contains standards, guidelines, criteria and requirements intended to identify, analyze, avoid and mitigate probable impacts to the city of Richland's ~~sensitive critical~~ areas ~~and geologic hazard areas~~ and to enhance and restore them when possible. The intent of these regulations is to protect ecological

[functions](#), avoid environmental impacts where such avoidance is feasible and reasonable. In appropriate circumstances, impacts to ~~sensitive and geologic hazard~~ [critical](#) areas that result from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with the requirements of this section. The city of Richland's goal shall be to achieve no net loss of wetlands and to avoid probable impacts, to the extent practical, to ~~fish and wildlife habitat and within geologic hazard~~ [other critical](#) areas.

C. It is the intent of this ~~section~~ [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. Recognize and protect the beneficial functions of critical areas through the application of the most current, accurate, and complete scientific or technical information available as determined according to WAC 365-195 \(Best Available Science\) and in consultation with state and federal agencies and other qualified professionals and integrate the full spectrum of state, tribal, and federal programs;](#)

~~23.~~ Serve as a basis for exercise of the city of Richland's substantive authority under the State Environmental Policy Act (SEPA) and the city of Richland's SEPA rules;

~~34.~~ Comply with the requirements of the Growth Management Act (RCW 36.70A) and implementing rules; and

5. Coordinate environmental review and permitting of proposals to avoid duplication and delay.

D. The city of Richland further notes that Benton County, the U.S. Department of Fish and Wildlife, the U.S. Department of Energy, [the Washington State Department of Fish and Wildlife](#) and the Washington State Department of Ecology have identified and mapped some portions of the city of Richland – based on topographic, geologic, hydrologic, and habitat characteristics – where the conditions indicate that ~~sensitive~~ [critical](#) areas or geologic hazards may exist. Additional study and mapping are needed to verify that such conditions do prevail and are needed to identify other areas that are potentially ~~geologic hazards~~ [critical areas](#). Mapping will enable the city of Richland to provide notice of the potential presence of ~~sensitive~~ [critical](#) areas or the risks associated with developing lands subject to geologic~~ally~~ hazard~~sous~~ [ous areas](#) to the public. It should be noted that the boundaries of the ~~sensitive~~ [critical](#) areas and geologic~~ally~~ hazard~~sous~~ [ous](#) 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~~ally~~ hazard~~ous~~ areas on the site shall determine the action to be taken.

E. Compliance with the provisions of this chapter does not constitute compliance with other federal, state and local regulations. Other permits, including but not limited to HPA permits, Army Corps of Engineers Section 404 permits, and/or NPDES permits may be required. It is the responsibility of the applicant to comply with other requirements apart from the provisions of this chapter.

22.10.020 General applicability of these regulations.

A. The provisions of these regulations shall apply to any activity that affects critical areas or their established buffers unless otherwise exempt.

B. To avoid duplication, the following permits and approvals shall be subject to and coordinated with the requirements of these regulations: ~~clearing and~~ grading; subdivision or short subdivision; building permit; planned unit development; shoreline substantial development; variance; ~~conditional and~~ special use; ~~permits; and~~ other permits leading to the development or alteration of land; ~~rezones and annexations~~. The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement in, over or on a critical area or associated buffer, without first assuring compliance with the requirements of this chapter.

22.10.030 General relationship of regulations of one type of ~~sensitive~~ critical area protection to other regulations.

These regulations shall apply as an overlay and in addition to zoning, land use and other regulations, including critical areas regulations, established by the city of Richland. The provisions of this chapter apply whether or not a permit or other type of City approval is being sought.

~~A.~~ Areas characterized as ~~sensitive~~ critical may also be subject to other regulations established by this chapter due to the overlap or multiple functions of some sensitive 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 chapter. Wetlands may be defined and regulated according to the wetland section and habitat management provisions of this chapter. In the event of any conflict among regulations in this chapter or with any other regulations of the City of Richland for a particular ~~sensitive~~ critical area, those regulations that provide greater protection to the ~~environmentally sensitive~~ critical area shall apply.

~~B. These sensitive area regulations shall apply as an overlay and in addition to zoning, land use, and other regulations established by the city of Richland. 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 areas shall apply.~~

Article II. ~~Wetlands~~Definitions

22.10.040 Definitions — ~~Wetlands~~.

For purposes of this article, the following definitions shall apply:

“Administrator” means such person as the City Manager of the City of Richland shall designate to administer and enforce the provisions of this title.

“Applicant” means the person, party, firm, partnership, corporation, or other entity that proposes any activity that could affect a ~~wetland~~ critical area.

“Agricultural activities, existing and ongoing” includes 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.

~~“Artificially created wetland” means wetlands created through purposeful action 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~~

“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 925.

“Best management practices (BMPs)” ~~excludes existing, ongoing, and new agricultural activities outside of sensitive areas and their buffers.~~ 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 water surface and ground water quality degradation

caused by nutrients, wastes, toxics, and sediment; and

B. Minimizes and ~~M~~itigates adverse impacts to the natural chemical, physical and biological environment of the city; and

C. Utilizes the city's natural resources on a long-term, sustainable yield basis.

D. Protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and

E. Prevent contamination of surface and groundwater resources, and protect from impacts to native and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer applications.

"Buffer" means an area adjacent to a critical area that functions to avoid loss or diminution of the ecologic functions and values of the 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 lifecycle stages of species normally associated with the resource; and
- B. Physically isolate a 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.

"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.

"Creation" ~~means the production or formation of a wetland through artificial means from an upland (dry) site.~~ (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. 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.

"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 Chapter 36.70A.030(5) RCW 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.

~~“Department” means the city of Richland community and development services group.~~

“Earth/earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

~~“Enhancement” means the improvement of an existing viable wetland or buffer, such as by increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, or removing nonindigenous plant or pest animal species.~~

“Enhancement” (habitats in general) means the improvement of existing habitat such as by increasing plant density or structural diversity, or by removing nonindigenous or noxious species.

“Enhancement” (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 non-native or invasive species, and modifying site elevations to alter hydroperiods.] Activities typically consist of planting vegetation, controlling non-native or invasive 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.~~

“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/fill materials” means a deposit of earth materials placed by human or mechanical (machine) means.~~

“Fill” means earth or any other substance or material placed in or on the ground, including earth retaining structures. 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.”

“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.

“Frequently flooded areas” are lands in the floodplain subject to at least a 1% or greater chance of flooding in any given year or within areas subject to flooding due to high groundwater. These areas include, but are not limited to streams, rivers, wetland areas where high ground water ponds on the ground surface.

“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.

“Grading” ~~means any excavating, filling, clearing, leveling, or contouring of the ground surface by human or mechanical means.~~ 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.

“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.

“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.

“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 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 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.

“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.

“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.

F. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

“Native vegetation” means vegetation indigenous to the area in question.

~~“Out-of-kind mitigation” means replacement of wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.~~

~~“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.~~

Preservation (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 have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;

- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- 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 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 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, sensitive 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 types (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)

~~Qualified Consultant. A “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, or environmental studies, fisheries, soil science, wildlife or related field, and two years of related work experience, including a minimum of one year of experience delineating~~

~~wetlands using the Unified Federal Manual preparing wetland reports. Additional education may substitute for one year of related work experience; or~~

~~B. Four years of related work experience and training, with a minimum of two years' experience delineating wetlands with the Unified Federal Manual and preparing wetland reports.~~

"Qualified professional" 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 B.S. or B.A. or equivalent degree in biology, ecology, engineering, environmental studies, fisheries, geomorphology, or related field, and 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 geo-technical 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.

"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 two years of related work experience, including a minimum of one year of experience delineating wetlands using the Federal Delineation Manual preparing wetland reports. Additional education may substitute for one year of related work experience; or
- B. Four years of related work experience and training, with a minimum of two years' experience delineating wetlands with the Federal Delineation Manual and preparing wetland reports.

"Re-establishment:" 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. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, 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 this section. 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.

"Rehabilitation" (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", "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 re-vegetation, 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.

~~"Restoration" means the reestablishment of a viable wetland from a previously filled or degraded wetland site.~~

"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: (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.

"Site" means any parcel or combination of contiguous parcels where the proposed project impacts a wetland(s) or other critical area.

"Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

"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.~~

"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 wetlands intentionally created from non-wetland 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 non-wetland areas to mitigate the conversion of wetlands or wetland areas preserved as mitigation for the conversion of wetlands. ~~However, wetlands do include those artificial wetlands intentionally created to mitigate 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. The U.S. Fish and Wildlife Service wetland classification scheme uses 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). Eleven class names are used to describe wetland and deepwater habitat types. These 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 a~~ delineation done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided for in WAC 173-22-035. ~~requires the actual flagging or staking in the field of the edges of the wetland by a qualified consultant or their representative.~~

“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.

Article III - Wetlands

22.10.050 ~~Applicability to wetlands~~Reserved.

~~A. See RMC 22.10.020 for general applicability.~~

~~B. Nonproject actions, limited to: rezones and annexations.~~

22.10.060 ~~Regulation wetlands~~Reserved.

~~A. All Category I wetlands;~~

~~B. Category II and III wetlands greater than one-half acre; and~~

~~C. Category IV wetlands greater than one acre.~~

22.10.070 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:

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 if the activity results in greater impervious surface coverage;

F. Destroying or altering vegetation including through clearing, harvesting, intentional burning, 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 section. [Ord. 48-93; Ord. 23-01].

22.10.080 Exemptions ~~to wetland regulations~~ and allowed uses in wetlands.

A. See RMC 22.10.300 for general exemptions to all ~~sensitive~~ critical areas.

~~B. The following activities shall be exempt from the provisions of this chapter, provided they are conducted using best management practices on wetlands:~~

~~1. Activities involving artificially created wetlands intentionally created from nonwetland sites, including but not limited to, grass lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands created as mitigation.~~

~~C. Notwithstanding the exemptions provided by RMC 22.10.300 and 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 avoid or minimize probable wetland impacts.~~

B. Wetlands. The following wetlands are exempt from the buffer provisions contained in this Chapter and may be filled if impacts are fully mitigated based on provisions in RMC 22.10.120 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 Washington Department of Fish and Wildlife or species of local importance.
 - d. Are not a vernal pool.
 - e. Are not an alkali wetland
 - f. Do not contain aspen stands

C. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a 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. 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.

2. 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.
3. 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.
4. 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. Enhancement of a wetland through the removal of non-native 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. Re-vegetation with appropriate native species at natural densities shall occur in conjunction with removal of invasive plant species.
6. Educational and scientific research activities.
7. 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.

D. Notwithstanding the exemptions 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.

22.10.090 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 section. 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 chapter. 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 chapter, 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 #10-06-015."

22.10.100 Rating – Categories of wetland.

Wetlands shall be designated Category I, Category II, Category III, or Category IV ~~or locally significant~~ according to the following ~~criteria~~:

A. ~~Category I, II, III, and IV are~~ As set forth in the Washington State Department of Ecology's Wetland Rating System for Eastern Washington, ~~October 1991 (Publication No. 91-58) or as amended. Publication #14-06-030, as may be amended in the future~~ (hereinafter referred to as the Ecology Wetlands Rating System).

~~B. "Locally significant wetlands" are those that are deemed important to the city of Richland because they function as part of a water quality or flood mitigation program, are planned to be or can be integrated into an identified open space plan or system, or serve other substantial public purposes. Locally significant wetlands may be considered for acquisition by the city of Richland pursuant to land trade, purchase of a fee or lesser interest, or other appropriate mechanism.~~

22.10.110 Wetland buffer areas.

A. The establishment of wetland buffer areas 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 Army Corps of Engineers Wetlands Delineation Manual](#) and the [Arid West Regional Supplement](#), as may be amended. Buffers shall be ~~Washington State Wetlands Identification and Delineation Manual and~~ marked in the field. Required buffer widths shall be determined according to the proposed land use (Table 22.10.110(C) below) and the wetland category in Table 22.10.110(D). ~~reflect the sensitivity of the wetland and the type and intensity of human activity proposed to be conducted near the wetland.~~

C. ~~The following buffer widths are established:~~ [The following table describes the types of land use:](#)

WETLAND CATEGORY	HIGH IMPACT LAND USE	LOW IMPACT LAND USE
Category I	150 feet	75 feet
Category II	100 feet	50 feet
Category III	50 feet	25 feet
Category IV	50 feet	25 feet

[Table 22.10.110\(C\) - Types of Land Uses](#)

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	• Commercial • 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

<u>Moderate</u>	• <u>Residential (1 unit/acre or less)</u> • <u>Moderate-intensity open space (parks with biking, jogging, etc.)</u> • <u>Paved driveways and gravel driveways serving 3 or more residences</u> • <u>Paved trails</u> • <u>Conversion to moderate intensity agriculture (orchards, hay fields, etc.)</u> • <u>Utility corridor or right-of-way shared by several utilities and including access/maintenance road</u>
<u>Low</u>	• <u>Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</u> • <u>Timber management (cutting of trees only)</u> • <u>Gravel driveways serving 2 or fewer residences</u> • <u>Unpaved trails</u> • <u>Utility corridor without a maintenance road and little or no vegetation management.</u>

~~D. Buffer widths may be modified by averaging buffer widths or by enhancing buffer quality as set forth herein.~~

~~1. Buffer width averaging shall be allowed only where the applicant demonstrates to the department that the wetland contains variations in sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where the buffer width is reduced, that width averaging will not adversely impact the wetland functional values, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.~~

~~2. Buffer width may be reduced by up to 25 percent if the existing buffer area is vegetated with greater than 90 percent areal cover of native species and a report by a qualified wetlands specialist demonstrates that a smaller than standard wetland buffer will provide all of the buffer functions necessary to protect all functions and values of the wetland. The department may require long term monitoring of the buffer and wetland with appropriate contingency actions if adverse impacts to the wetland occur.~~

~~3. Notwithstanding the reductions permitted in subsections (D)(1) and (2) of this section, buffer widths shall not be reduced by more than 50 percent of the required buffer or to less than 25 feet.~~

~~E. The minimum buffer width stated in subsection (E)(3) of this section shall be increased~~

not more than 125 percent (buffer width x 1.25) when the qualified consultant 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 minimum buffer for a wetland 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 wetland; or~~
 - ~~b. Twenty five feet beyond the point where the slope becomes 25 percent or less.~~

~~F. Low impact uses and activities 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 which may be permitted in appropriate cases include pedestrian trails, viewing platforms, stormwater management facilities such as grass-lined swales, and utility easements. Uses permitted within the buffer shall be located in the outer portion of the buffer as far as possible from the wetland.~~

~~D. G. Required buffers shall not deny all reasonable use of property. A variance from buffer width requirements may be granted by the city of Richland upon a demonstration by the applicant that:~~

- ~~1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirements;~~
- ~~2. Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question;~~
- ~~3. The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and~~
- ~~4. The granting of the buffer width variance will not materially affect the subject wetland.~~
- ~~5. All variances shall be in accord with RMG 23.70.110 through 23.70.170.~~

D. The following buffer widths are established:

Table 22.10.110(D) – Buffer Widths

<u>Wetland Characteristics</u>	<u>Buffer Width by Impact of Proposed Land Use</u>	<u>Other Measures Recommended for Protection</u>
<u>Category IV Wetlands (For wetlands scoring less than 16 points for all functions)</u>		
<u>Score for all 3 basic functions is less than 16 points</u>	<u>Low – 25 ft.</u> <u>Moderate – 40 ft.</u> <u>High – 50 ft.</u>	<u>None</u>
<u>Category III Wetlands (For wetlands scoring 16-18 points for all functions)</u>		
<u>Moderate level of function for habitat (score for habitat 5-7 points)</u>	<u>Low – 75 ft.</u> <u>Moderate – 110 ft.</u> <u>High – 150 ft.</u>	<u>None</u>
<u>Score for habitat 3-4 points</u>	<u>Low – 40 ft.</u> <u>Moderate – 60 ft.</u> <u>High – 80 ft.</u>	<u>None</u>
<u>Category II Wetlands (For wetlands that score 19-21 points or more for all functions or having the “Special Characteristics” identified in the rating system)</u>		
<u>High level of function for habitat (score for habitat 8-9 points)</u>	<u>Low – 100 ft.</u> <u>Moderate – 150 ft.</u> <u>High – 200 ft.</u>	<u>Maintain connections to other habitat areas.</u>
<u>Moderate level of function for habitat (score for habitat 5-7 points)</u>	<u>Low – 75 ft.</u> <u>Moderate – 110 ft.</u> <u>High – 150 ft.</u>	<u>None</u>
<u>High level of function for water quality improvement and low for habitat (score for water quality 8-9 points; habitat less than 5 points)</u>	<u>Low – 50 ft.</u> <u>Moderate – 75 ft.</u> <u>High – 100 ft.</u>	<u>No additional surface discharges of untreated runoff</u>
<u>Vernal Pool</u>	<u>150 ft.</u>	<u>None</u>
<u>Riparian forest</u>	<u>Low – 75 ft.</u> <u>Moderate – 110 ft.</u> <u>High – 150 ft.</u>	<u>Riparian forest wetlands need to be protected at a watershed or subbasin scale</u> <u>Other protection based on needs to protect habitat and/or water quality functions</u>

<u>Wetland Characteristics</u>	<u>Buffer Width by Impact of Proposed Land Use</u>	<u>Other Measures Recommended for Protection</u>
<u>Not meeting above characteristic</u>	<u>Low – 50 ft.</u> <u>Moderate – 75 ft.</u> <u>High – 100 ft.</u>	<u>None</u>
<u>Category I Wetlands (For wetlands that score 22 points or more for all functions or having the “Special Characteristics” identified in the rating system)</u>		
<u>Wetlands of High Conservation Value</u>	<u>Low – 125 ft.</u> <u>Moderate – 190 ft.</u> <u>High – 250 ft.</u>	<u>No additional surface discharges to wetland or its tributaries.</u> <u>No septic systems within 300 ft. of wetland.</u> <u>Restore degraded parts of buffer.</u>
<u>High level of function for habitat (score for habitat 8-9 points)</u>	<u>Low – 100 ft.</u> <u>Moderate – 150 ft.</u> <u>High – 200 ft.</u>	<u>Restore degraded parts of buffer.</u> <u>Maintain connections to other habitat areas</u>
<u>Moderate level of function for habitat (score for habitat 5-7 points)</u>	<u>Low – 75 ft.</u> <u>Moderate – 110 ft.</u> <u>High – 150 ft.</u>	<u>None</u>
<u>High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)</u>	<u>Low – 50 ft.</u> <u>Moderate – 75 ft.</u> <u>High – 100 ft.</u>	<u>No additional surface discharges of untreated runoff</u>
<u>Not meeting above characteristics</u>	<u>Low – 50 ft.</u> <u>Moderate – 75 ft.</u> <u>High – 100 ft.</u>	<u>None</u>

22.10.115 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

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 $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

B. Averaging 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 $\frac{3}{4}$ of the required width or 75 feet for Category 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 (5 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:
 - Wetlands
 - Riparian zones

- [Cliffs](#)
 - [Urban natural open space](#)
 - [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, as applicable in Table 22.10.110\(D\), are applied.](#)
- b. [For wetlands that score fewer than 5 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 \(see examples in Table 22.10.115 D\).](#)

[C. Required Mitigation to minimize impacts to wetlands from changes in land uses with high impacts:](#)

[Table 22.10.115 D](#)

Types of Disturbance	Examples of Activities and Uses that Cause Disturbances	Required Mitigation
Lights	• Parking lots • Warehouses • Manufacturing • Residential areas	• Direct lights away from wetland
Noise	• Manufacturing • Residential areas	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer

<u>Toxic runoff*</u>	• <u>Parking lots</u> • <u>Roads</u> • <u>Manufacturing</u> • <u>Residential areas</u> • <u>Application of agricultural pesticides</u> • <u>Landscaping</u>	• <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	• <u>Parking lots</u> • <u>Roads</u> • <u>Manufacturing</u> • <u>Residential areas</u> • <u>Commercial</u> • <u>Landscaping</u>	• <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Intensity Development techniques</u>
<u>Change in water regime</u>	• <u>Impermeable surfaces</u> • <u>Lawns</u> • <u>Tilling</u>	• <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	• <u>Residential areas</u>	• <u>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</u>
<u>Dust</u>	• <u>Tilled fields</u>	• <u>Use BMPs to control dust</u>
<u>* These examples are not necessarily adequate for minimizing toxic runoff if sensitive, threatened or endangered species are present at the site.</u>		

D. The minimum buffer width stated in Table 22.10.110(D) Wetland Buffer Widths shall be increased when the qualified 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 of 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 the greater of:
 - a. The minimum buffer for that particular wetland; or
 - b. Twenty-five feet beyond the point where the slope becomes 25 percent or less.
- E. Low impact uses and activities (see Table 22.10.110(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 Wetlands 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 facilities within an existing right-of-way and utility easements. Uses permitted within the buffer shall be located in the outer portion of the buffer as far as possible from the wetland.
- F. A variance from buffer width requirements may be granted by the city of Richland Hearing Examiner following Type II permit procedures as set forth in Title 19 of the Richland Municipal Code upon a demonstration by the applicant that the following criteria are met:
1. That the strict application of the bulk, dimensional or performance standards set forth in this title preclude, or significantly interfere with, reasonable use of the property;
 2. That the hardship described in (1) of this subsection 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 this title, 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 applicable development regulations and will not cause adverse impacts to the

wetland;

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.

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 fifty 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.

22.10.120 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:

1. Avoiding the impact by not taking a certain action or parts of actions or moving the action;

2. Minimizing 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 impact by repairing, rehabilitating, or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation and maintenance

operations during the life of the action; ~~and/or~~

5. Compensating for the impact by replacing or providing 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 based on watershed or comprehensive resource management plans may be authorized.

6. Monitoring the adverse impact and taking appropriate corrective measures.

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 ~~department~~ administrator subject to the following criteria:

1. Category I Wetlands. Alterations of Type I wetlands shall be avoided. ~~subject to the reasonable use provisions of these regulations.~~

2. Category II, III and IV Wetlands.

a. Any proposed alteration and mitigation shall comply with the requirements of this section through RMC 22.10.150; and

b. Where enhancement is proposed, replacement ratios comply with the requirements of RMC 22.10.130(C); and

~~b. c.~~ c. No net loss of wetland function and value will occur due to the alteration. ~~;~~ and

d. Avoids alterations of wetlands previously enhanced or created as mitigation.

~~3. Category III Wetlands.~~

~~a. The proposed mitigation complies with the requirements of this section through RMC 22.10.150; and~~

~~b. Where enhancement is proposed, replacement ratios comply with the requirements of RMC 22.10.130(C); and~~

~~c. No net loss of wetland function and value will occur due to the alteration.~~

22.10.125 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 ~~department~~ [administrator](#); provided, that a study undertaken by a qualified ~~consultant~~ [professional](#) in accordance with the provisions of RMC 22.10.140 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 ~~3~~ [III](#) or Category ~~4~~ [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.](#)

22.10.130 Mitigation standards, criteria, and plan requirements.

~~A. Location and Timing of Mitigation.~~

- ~~1. Mitigation shall be provided on site, except where on-site mitigation is not feasible or practical due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on site.~~
- ~~2. When mitigation cannot be provided on site, mitigation shall be provided in the immediate vicinity of and within the same watershed as the permitted activity on property owned or controlled by the applicant. When possible, this means within the same watershed as the location of the proposed project.~~
- ~~3. In-kind mitigation shall be provided except when the applicant demonstrates and the department concurs that greater functional and habitat value can be achieved through out-of-kind mitigation.~~
- ~~4. Only when it is determined by the department that subsections (A)(1), (2) and (3) of this section are inappropriate and/or impractical shall off-site, out-of-kind mitigation be considered.~~
- ~~5. Whether occurring on-site or off-site, the mitigation project shall occur near an adequate water supply (river, stream, ground water) with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration.~~
- ~~6. Any agreed-upon proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has been approved by the department.~~
- ~~7. Wetland acreage replacement ratios shall be as specified in subsection (C) of this section.~~

[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. Re-establishment.

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;
- vi. 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 sub-drainage basin and on the site of the alteration except when all of a through d below 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 sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage 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 sub-drainage 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.

B.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). 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: 1) restoration (including reestablishment and rehabilitation); 2) creation (establishment); 3) enhancement in combination with restoration or creation; and 4) 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.

~~b. c.~~ No overall net loss will occur in wetland functions and values; and

~~c. d.~~ The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

C.D. Wetland Replacement Ratios.

1. Where wetlands alterations are permitted by the ~~department~~ 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: ~~used as targets. The department may vary these standards if the applicant can demonstrate and the department agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the department justify the variation.~~

WETLAND SYSTEM CATEGORY/CLASS	WETLAND CREATION AND REPLACEMENT RATIO*	WETLAND ENHANCEMENT RATIO**
Category I	6:1	12:1
Category II and III		
—Forested	3:1	6:1

~~WETLAND SYSTEM CATEGORY/CLASS~~ ~~WETLAND CREATION AND REPLACEMENT RATIO*~~ ~~WETLAND ENHANCEMENT RATIO**~~

~~Scrub/Shrub or 2:1~~ ~~4:1~~
~~Emergent~~

~~Category IV~~ ~~1.5:1~~ ~~3:1~~

~~* Acres replaced: acres altered.~~

~~** Acres enhanced: acres altered.~~

Table 22.10.130(C) Mitigation ratios for eastern Washington¹

<u>Category and Type of Wetland Impacts</u>	<u>Re-establishment or Creation</u>	<u>Rehabilitation Only²</u>	<u>Re-establishment or Creation (R/C) and Rehabilitation (RH)²</u>	<u>Re-establishment 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>

¹Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1, (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised).

²These 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.

³Natural 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 #06-06-011a. Olympia, WA.

~~3. The qualified consultant in the wetlands report may, where feasible, recommend that restored or created wetlands shall be a higher wetland category than the altered wetland in exchange for requiring less than the required amount of restored or created wetland acreage for Categories II, III, and IV only. [Ord. 48-93; Ord. 45-00; Ord. 23-01].~~

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 #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 #11-06-015, August 2012, or as revised).

22.10.140 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 CAO Updates, 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 ~~department~~ [administrator](#) at a premitigation 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 ~~and out-of-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. Conceptual monitoring and contingency plan.

B. Detailed Plan – Standards and Criteria. Following acceptance of the conceptual mitigation plan by the ~~department~~ [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 22.10.100 through 22.10.130:

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 should 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 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.

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.
 - a. Specify procedures for monitoring and site maintenance including control of invasive species; and
 - b. Submit monitoring reports to the ~~department~~ administrator.
 - c.
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.

22.10.150 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 site to species that have questionable potential for successful establishment;
 7. Plant selection must be approved by 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 ~~25 to 100 feet from the wetland boundary;~~ from the wetland boundary in accordance with buffer requirements in Table 22.10.110(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 ~~deputy city manager for~~ community ~~and~~ development ~~services~~ administrator 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 ~~department~~ administrator.
- B. On completion of construction, the wetland mitigation project must be signed off by the applicant's qualified ~~consultant~~ professional and the ~~department~~ 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.

22.10.160 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 ensure 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 ~~three~~ five years. The ~~department~~ administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

1. During monitoring, scientific procedures for establishing the success or failure of the project must be used and shall be identified in the monitoring plan;
2. For vegetation determinations, permanent ~~sampling points shall be established~~ monitoring transects or plots shall be established that adequately represent the compensatory mitigation site;
3. Vegetative success ~~will be defined as 80 percent per year survival of planted trees and shrubs and 80 percent per year cover of desirable understory or emergent species in the compensatory mitigation wetland will be defined as:~~
 - a. An average density of at least 4 plants per 100 square feet in the scrub-shrub and forested communities in year one;
 - b. A cover of native wetland trees and shrubs combined (planted and volunteer) of at least 10% in year 3; 25% in year 5; 40% in year 7; 50% in year 10;
 - c. A cover of native wetland herbaceous plant species (planted and volunteer) of at least 25% in year 5; 40% in year 7 and 50% in year 10;
 - d. Non-native invasive species must be controlled per site specific specifications and shall not exceed the maximum amount as identified in the approved monitoring plan;
 - e. Buffer vegetation shall be maintained in the amount as identified in the approved monitoring plan.
4. Submit monitoring reports on the current status of the mitigation project to the

~~department~~ administrator. The reports are to be prepared by a qualified ~~consultant~~ professional and reviewed by the ~~city's consultant~~ 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 ~~on the following schedule:~~ for years 1, 2, 3, 4, 7 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.

~~a. At the time of construction;~~

~~b. Thirty days after planting;~~

~~c. Early in the growing season of the first year;~~

~~d. End of the growing season of the first year;~~

~~e. Twice the second year; and~~

~~f. Annually thereafter;~~

5. Monitor ~~between three and~~ for five ~~ten~~ growing seasons, ~~depending on the complexity of the wetland system. The time period will be determined and specified by the qualified consultant in writing prior to the implementation of the site plan; If the mitigation goals are obtained within the initial 5-year period, no further monitoring will be required;~~
6. If necessary, correct for failures in the mitigation project;
7. Replace dead or undesirable vegetation with appropriate plantings, based on the approved planting plan or RMC 22.10.150;
8. Repair damages caused by erosion, settling, or other geomorphological processes;
9. Redesign mitigation project (if necessary) and implement the new design; and
10. Correction procedures shall be approved by a qualified ~~consultant~~ professional and the ~~department~~ administrator.
11. 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.

Article ~~IV~~^{II}. Fish and Wildlife Habitat Conservation Areas

22.10.170 ~~Definitions — Fish and wildlife habitat areas~~Reserved.

~~For purposes of this article, the following definitions shall apply:~~

~~“Critical habitat,” or “critical wildlife habitat” means habitat areas associated with threatened, endangered, sensitive, 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 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 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 22.10.100;~~

~~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 transient and/or occasional presence, of threatened or endangered species;~~

~~6. Documented habitat, other than transient and/or occasional presence, of regional or national significance for migrating birds.~~

~~“Enhancement” means the improvement of existing habitat such as by increasing plant density or structural diversity, or by removing nonindigenous or noxious species.~~

~~“alt” means a species, plant community type, or habitat that has been introduced or~~

~~modified as a result of human actions.~~

~~“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 (titled: Fish and Wildlife Conservation Areas) adopted by the city of Richland to indicate the potential presence of wildlife species.~~

~~“Native vegetation” means vegetation existing on a site or plant species that are indigenous to the area in question.~~

~~“Priority species” means fish and wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration and/or their recreational, commercial, or tribal importance, as identified by the Washington Department of Fish and Wildlife.~~

~~“Qualified consultant,” for purposes of these regulations, shall mean a professionally trained and/or certified wildlife biologist or ecologist or other professional with expertise in the scientific disciplines necessary to identify, evaluate and manage habitat. See RMG 22.10.320 for more information.~~

~~“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.~~

~~“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.~~

~~“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 chapter. [Ord. 48-93; Ord. 23-01].~~

22.10.180 Exemption from fish and wildlife habitat conservation area regulations.

A. See RMC 22.10.~~300~~360 for general exemptions to all ~~sensitive~~ critical areas.

B. The following activities shall be exempt from the provisions of this chapter related to fish and wildlife habitat conservation areas, 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, detention facilities such as reservoirs, ponds, and landscape features, except for habitat areas created as mitigation.

C. Notwithstanding the exemption provided by this section, any otherwise exempt activities occurring in or near critical habitat 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 exempt work to minimize disturbances to wildlife including disturbance to migratory bird nesting sites.

22.10.185 Fish and wildlife habitat conservation areas.

1. Fish and wildlife habitat conservation areas include the following:

a. Areas where state or federal designated endangered, threatened, and sensitive species have a primary association:

i. 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.

ii. State designated endangered, threatened and sensitive species are those fish, wildlife and plant species native to the State of Washington identified by the state Department of Fish and Wildlife, 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.

b. The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151;

c. The Yakima River Delta area, including Lake Wallula wildlife habitat areas currently managed by the U.S. Army Corps of Engineers, the Chamna Natural Preserve, Bateman Island;

d. The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;

e. Amon Creek Natural Preserve;

f. Badger Mountain Natural Preserve;

g. Category I wetlands as defined in RMC 22.10.100;

h. State nature area preserves or natural resource conservation areas and state

wildlife areas;

i. Documented habitat, other than accidental presence, of threatened or endangered species;

j. Documented habitat, other than accidental presence, of regional or national significance for migrating birds;

k. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

l. Waters of the state; and

m. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

2. Fish and wildlife habitat conservation areas are intended to:

a. 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;

b. 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);

c. Protect riparian ecosystems including potential for restoring lost or impaired salmonid habitat;

d. Evaluate land uses that may negatively impact these areas, or conversely, that may contribute positively to their function;

e. Establish buffer zones around these areas to separate incompatible uses from habitat areas;

f. Establish or enhance non-regulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

22.10.190 Fish and wildlife habitat conservation area 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 chapter. 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 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 the city of Richland's maps and the criteria or standards of this article, the criteria and standards resulting from the field investigation shall control. [Ord. 48-93].~~

To determine the location and extent of fish and wildlife habitat conservation areas, the City shall use 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

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 species. 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.

22.10.200 ~~Classification of fish and wildlife habitat areas~~ Requirements for habitat conservation area reports.

~~Wildlife habitat areas shall be established as critical, secondary or tertiary according to the criteria established in RMC 22.10.170.~~

When development is proposed within a fish and wildlife habitat conservation area, a habitat conservation report shall be prepared consisting of the following:

1. The report shall be prepared by a qualified professional;
2. 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, flood plains, other critical areas and related buffers;
3. 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:
 - a. Detailed description of vegetation on and adjacent to the project area;
 - b. Identification of any priority species and habitats (PHS) or any endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
 - c. 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;
 - d. 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– mitigation sequencing);
- e. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;
 - f. When warranted, the Administrator may require detailed surface and subsurface hydrologic features both on and adjacent to the site;
4. 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;
 5. 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.

22.10.210 ~~Fish and wildlife habitat buffer areas~~Fish and wildlife habitat conservation area – performance standards.

~~A. The establishment of buffer areas shall be required for regulated activities in or adjacent to habitat areas. Buffer shall consist of an undisturbed area of native vegetation established to protect the integrity, functions, and values of the affected habitat.~~

~~B. The following buffer widths are established:~~

WILDLIFE HABITAT TYPE	HIGH IMPACT LAND-USE	LOW IMPACT LAND-USE
Critical	150	75
Secondary	100	50

~~C. Buffers shall be measured, on a horizontal plane, from the habitat edge as delineated by a qualified consultant. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. Buffers shall be determined by the department based on information in the wildlife 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. Buffer widths may be modified by averaging buffer widths or by enhancing buffer~~

~~quality as set forth herein.~~

~~1. Buffer width averaging shall be allowed only where the applicant demonstrates to the department that:~~

~~a. The habitat contains variations in sensitivity due to the existing physical characteristics;~~

~~b. That lower intensity land uses would be located adjacent to areas where buffer width is reduced;~~

~~c. That width averaging will not adversely impact the habitat functional values; and~~

~~d. That the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.~~

~~2. Buffer width may be reduced by up to 25 percent if the existing buffer area is vegetated with greater than 90 percent areal cover of native species and a report by a qualified fish/wildlife specialist demonstrates that a smaller than standard buffer will provide all of the buffer functions necessary to protect all functions and values of the habitat. The department may require long term monitoring of the buffer with appropriate contingency actions if adverse impacts to the wetland occur. In no instance, however, shall the buffer width be reduced by more than 50 percent of the required buffer or be less than 25 feet.~~

~~E. The buffer width stated in subsection (B) of this section shall be increased not more than 125 percent (buffer width x 1.25) when the qualified consultant determines, based upon a site specific habitat analysis, that impacts on the habitat from a proposed development can only be mitigated by a greater buffer width. The standard habitat 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 or other habitat area provides habitat for a species that is particularly sensitive to disturbance (such as sensitive, threatened or endangered species), the width of the buffer should be increased to provide adequate protection for the species based on its particular, life-history needs; or~~

~~3. 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 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 pedestrian trails, viewing platforms, stormwater management facilities such as grass-lined swales and utility easements.~~

~~G. Required buffers shall not deny all reasonable use of property. A variance from buffer widths requirements may be granted by the city of Richland Hearing Examiner, in accordance with the procedures set forth in RMC Title 19 for Type II permits, upon a showing by the applicant that:~~

~~1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirement;~~

~~2. Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question;~~

~~3. The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and~~

~~4. All variances shall be in accord with RMC 23.70.110 through 23.70.170. [Ord. 48-93; Ord. 23-01; Ord. 28-05 § 1.09].~~

Development or any regulated activity occurring within a designated habitat conservation area 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:

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, including use of bird friendly building design and use of dark sky lighting standards;
3. Integrate retained habitat into open space and native plantings, consistent with the provisions of all open space and landscaping requirements;
4. Activity within a habitat conservation area shall not result in the degradation of the functions and values of the habitat;
5. Non-indigenous species shall not be introduced into a habitat conservation area;
6. 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;

7. Identify habitat contiguous to other habitat areas, open space or landscape areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;
8. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat areas;
9. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;
10. Riparian corridors shall meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.130;
11. Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to minimize or mitigate potential adverse impacts. Conditions may include, but are not limited to, the following measures:
 - a. Establishment of undisturbed habitat areas;
 - b. Staking of undisturbed habitat areas prior to any construction, including clearing, grading and filling taking place on-site;
 - c. Fencing of undisturbed habitat areas in a manner consistent with the provisions of RMC 22.10.115(H);
 - d. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;
 - e. Preservation of critically important vegetation;
 - f. Supplemental planting of native tree or shrub cover;
 - g. Removal and/or control of any noxious or undesirable species of plants and animals;
 - h. Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;
 - i. Re-planting 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;
 - j. Limitation of access to an identified habitat area, including fencing to deter unauthorized access;
 - k. Seasonal restriction on construction activities;
 - l. Implementation of a schedule for periodic review of completed mitigation measures for a specified time period;
 - m. 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.

22.10.220 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 the following preferred sequence:

1. Avoiding the impact altogether by not taking a certain action or parts of actions;
2. Minimizing 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 impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing ~~or providing substitute resources or environments; and/or~~ 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;
6. Monitoring the impact over time and taking corrective measures to minimize additional impacts.

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. 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 22.10.210.

~~C. Alteration of habitat and/or their buffers may be permitted by the department subject to the following standards:~~

- ~~1. Critical Habitat. Alterations of critical habitat shall be avoided, subject to the reasonable use provisions of this chapter.~~
- ~~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 chapter.~~

~~22.10.230 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. Where possible, consolidate habitat and vegetated open space in contiguous blocks;~~
- ~~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 prior to any constructed work, including grading and clearing, that 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 landscape plan shall be submitted consistent with the requirements, goals and standards of this chapter. The plan shall reflect the report prepared pursuant to RMC 22.10.310.~~

~~C. As an incentive to encourage preservation of secondary habitat as defined in this article, 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 execution of an easement or other protective device acceptable to the city of Richland.~~

~~[Ord. 48-93; Ord. 23-01].~~

Article IV. Geologically Hazardous Areas

22.10.240 Identification and definition.

A. Geologically hazardous areas identification and designation shall be consistent with the minimum guideline classifications established in WAC ~~365-190-080(4)~~365-190-120 which includes 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 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.

22.10.250 Applicability to geologically hazardous areas.

The provisions of this article shall apply to any activity that occurs in or within 200 feet of a 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 geologically hazardous area; destroying or altering vegetation through clearing or harvesting; [road construction](#); [utility installation](#); and any project permit established in Chapter 19.20 RMC.

22.10.260 [Geologically hazardous](#) area inventory maps.

The approximate location and extent of geologically hazardous areas within the city of

Richland's planning area are shown on the [critical](#) areas maps adopted as part of this chapter. 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 geologically hazardous areas.

22.10.270 Preliminary assessment.

A. The ~~city of Richland~~ [administrator](#) shall conduct a preliminary assessment of the proposed activity. The preliminary assessment shall consist of reviewing geologically hazardous inventory maps, conducting an on-site evaluation, and, if necessary, consulting with state and/or federal agencies to determine whether there is a reasonable belief that a proposed activity may be present within 200 feet of a geologically hazardous area. In the event there is a disagreement as to whether the activity is within 200 feet of a geologically hazardous area, a geologic report prepared by a qualified ~~consultant~~ [professional](#) as defined in RMC 22.10.~~320~~[380](#) shall be required, at the property owner or applicant's expense, to determine this issue.

B. If it is determined that there is a reasonable belief that a proposed activity may be present within 200 feet of a geologically hazardous area, then geologic reports and studies are required at the property owner or applicant's expense.

22.10.280 Geologic reports and studies.

A. Geologic studies and reports shall comply with the requirements established in RMC 22.10.~~340 (B)(3)~~[370\(B\)\(6\)](#), Permit process and application requirements. ~~These studies and reports shall be prepared using best available science to protect the functions and values of the geologic hazard area. Best available science includes using a valid scientific process that includes the following:~~

~~1. Peer Review. The information has been critically reviewed by other persons who are qualified professionals or based on scientific publications.~~

~~2. Method. The methods used to obtain the information are clearly stated and able to be replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to assure their reliability and validity.~~

~~3. Logical conclusions and reasonable inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.~~

~~4. Quantitative Analysis. The data has been analyzed using appropriate statistical or quantitative methods.~~

~~5. Context. The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.~~

~~B. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.~~

22.10.290 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 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.

22.10.295 Assurance.

The ~~city of Richland~~ administrator may require assurance from the owner or applicant and/or ~~its geologic consultant~~ qualified professional 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 ~~its geologic consultant~~ qualified professional 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 VI. Critical Aquifer Recharge Areas Protection

22.10.300 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(3) and the groundwater contribution area in WAC 246-291-125. 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 Group B wells with a wellhead protection plan filed with the City and/or 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 section.

22.10.310 Critical Aquifer Recharge Area maps.

The approximate location and extent of aquifer recharge areas are shown on the critical areas maps. Wellhead protection areas are shown in the City's adopted Wellhead Protection Plan as presented in the City's 2017 Water System Plan. 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.

22.10.320 Exemptions from Critical Aquifer Recharge Area regulations.

- A. See RMC 22.10.360 for general exemptions to all critical areas.
- B. The following activities shall be exempt from the CARA provisions of this section, provided they are conducted using best management practices for protecting surface and ground water quality:
1. Single-family residential development.
 2. 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.
 3. Group A public water system source development and associated infrastructure.
 4. Public water supply aquifer storage and recovery (ASR) facilities.
 5. Public water pipelines and supply storage structures.
 6. The following underground storage tank (UST) systems, including any piping connected thereto:
 - a. 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;
 - b. 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;
- c. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
 - d. Any UST system whose capacity is one hundred ten (110) gallons or less;
 - e. Any UST system that contains a de minimis concentration of regulated substances;
 - f. Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
 - g. UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred (1,100) gallons are subject to the release reporting requirements of WAC 173-360-372;
 - h. Any pipeline facility (including gathering lines) regulated under:
 - i. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or
 - ii. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or
 - iii. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in Section 40.410.010(B)(3)(j)(1) or (2) of this definition;
 - i. Surface impoundments, pits, ponds, or lagoons;
 - j. Stormwater or wastewater collection systems;
 - k. Flow-through process tanks;
 - l. 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.

22.10.330 Reports and Studies.

Reports for CARAs shall be submitted to the administrator by the applicant when a development proposal activity not otherwise exempted as provided in Section 22.210.320 is proposed on a parcel within an aquifer recharge area. Requirements for a hydrogeologic assessment are found in Section 22.10.340.

22.10.340 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 County Health Department.

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) and/or the locally adopted program, as applicable.

22.10.350 Uses Prohibited in Critical Aquifer Recharge Areas.

The following activities and uses are prohibited in CARAs:

1. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, woodwaste, and inert and demolition waste landfills;
2. Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;
3. Mining in critical aquifer recharge areas determined to be highly susceptible in the City's Wellhead Protection Plan.
 - a. Metals and hard rock mining;
 - b. Sand and gravel mining.
4. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
5. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances.

Article VII. General Information

22.10.300360 General exemptions.

The following activities shall be exempt from the provisions of this chapter, provided they are conducted using best management practices and minimize and/or mitigation the impacts to critical areas:

A. Existing and ongoing agricultural activities, as defined in RMC 22.10.040 and subject to the provisions found in RMC 22.10.080(B)(3).

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, including but not limited to interpretive fields, bird watching, fishing and hiking, that will not have a significant effect on the habitat area;

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 codified in 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:

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 and development services group administrator~~ administrator to pose minimal risk to ~~the public health, safety, and general welfare~~ critical areas.

I. The operation, maintenance, or re-construction 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.

22.10.340370 Permit process and application requirements.

A. Preapplication Conference. All applicants are encouraged to meet with the ~~planning and development services manager of the city of Richland or his or her representative~~ administrator 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, a wetland determination, wetland delineation report, fish and wildlife habitat conservation area report, ~~or~~ geologic hazard report or critical aquifer recharge area report must be submitted to the ~~city of Richland~~ administrator for review ~~upon request of the planning and development services manager~~ 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 ~~wetlands, and the extent, type, function and value of wildlife habitat on any site~~ sensitive critical areas where regulated activities are proposed. The report will also be used by the ~~city of Richland~~ administrator to determine the appropriate ~~wetland rating designation and buffering requirement for the wetland, or the sensitivity and appropriate classification of the habitat, appropriate buffering requirements, and~~ implementation of 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 must be staked and flagged in the field by a qualified ~~consultant~~ professional. ~~employing the federal methodology. Field flagging must be distinguishable from other survey flagging on the site. The field flagging must be accompanied by a wetland delineation report.~~

~~3. Applicants for activities within 200 feet of geologic hazard 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. Recommend surface water management controls during construction and operation;~~
- ~~e. Propose construction scheduling;~~
- ~~f. Recommendations for site monitoring and inspection during construction;~~
- ~~g. 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;~~
- ~~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. A characterization of soils, geology and drainage;~~
- ~~l. A characterization of ground water conditions including the presence of any public or private wells in the immediate vicinity; and~~
- ~~m. Analysis of 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.~~

43. 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, an aerial photo with overlays displaying the site boundaries and wetland delineation or habitat area(s) may be required. 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 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.

~~54.~~ 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 areas maps described in RMC 22.10.090;
- 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; and describe:
 - i. Specific descriptions of plant communities, soils, and hydrology;
 - ii. A summary of existing wetland function and value; and
 - 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 22.10.140.

~~65~~. In addition to the general report requirements, a report on fish and wildlife habitat conservation areas shall include the requirements listed in RMC 22.10.200 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 ~~department~~ administrator 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 Resource's Natural Heritage and Washington State Department of Wildlife's nongame data system databases, if available; and
- d. Additional information on species occurrence available from the city of Richland or Benton County or the Washington State Department of Fish and Wildlife;
- e. ~~And describe~~ Include the following descriptions:
 - 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; and
 - 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.
 - vi. Describe how mitigation meets the criteria of RMC 22.10.210 including the specified mitigation sequence.

6. In addition to the general report requirements, applicants for activities within 200 feet of 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; and
- 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 administrator;
- k. Recommend surface water management controls during construction and operation;
- l. Propose construction scheduling;
- m. Recommend site monitoring and inspection during construction;

7. In addition to the general report requirements, a report for Critical Aquifer Recharge Areas must meet the following requirements:

- 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 one thousand feet of the project area;
 - d. Location of other critical areas, including surface waters, within one thousand feet of the project area;
 - e. Available historic water quality data for the area to be affected by the proposed activity; and
 - f. Evaluation of the potential impact of the proposed development on groundwater 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 groundwater.
- 8 In addition to the general report requirements, a report on floodplain development shall include the information required by RMC 23.34.100 Floodplain district – Development permit.

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. [Ord. 48-93; Ord. 45-00; Ord. 23-01; Ord. 31-03].

22.10.320380 Requirements of qualified ~~consultant~~ professional.

All reports or studies are to be performed by a 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 WAC 365-195-905(4).

22.10.385 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 file 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 filed for public record 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.

22.10.~~330~~390 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 the regulated ~~sensitive~~ critical area or its associated buffer or setback in which a restriction of prohibition on alteration is provided by this program.

22.10.~~340~~400 On-site density transfer for ~~sensitive~~ critical areas.

A. An owner of a residential site or property containing ~~sensitive~~ critical areas may be permitted to transfer the density attributable to the ~~sensitive~~ critical area and associated buffer area or setback to another nonsensitive portion of the same site or property, subject to the limitations of this section and other applicable regulations.

B. Density can be transferred from the ~~sensitive~~ critical portion and associated buffer area or setback to the nonsensitive portion of the residential site subject to the following conditions:

1. The basis for the density transfer will be an actual site plan for the site or property as if it did not have the ~~sensitive~~ critical area, subject to the provisions of the underlying zoning classification, applicable setbacks, and other standards of the city code or other land development regulations.

2. Based on the above site plan, a portion of the density that could be achieved on the ~~sensitive~~ critical portion and associated buffer or setback of the site can be transferred to

the nonsensitive portion of the site. The following chart indicates the amount of density that can be transferred, based on the degree of sensitivity of the ~~sensitive~~ critical area:

CATEGORY OF SENSITIVE <u>CRITICAL</u> AREA	PERCENT OF DENSITY ON SENSITIVE <u>CRITICAL</u> AREA THAT MAY BE TRANSFERRED ON SITE
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Category I and II Wetlands	25%
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~~Critical Habitat~~

High and Very High Geologically Hazardous 25%
Area

Seismic Hazard 25%

Category III and IV Wetlands 100%

~~Secondary Habitat~~

Low and Medium Geologically Hazardous Area 100%

3. In transferring the density from the ~~sensitive~~ critical portion of the site and its associated buffer or setback to the nonsensitive portion of the site the density of the nonsensitive portion of the site may be increased up to the equivalent next density classification. However, in the case of the highest density multifamily zoning classifications, the density may not be increased beyond the current density.

4. The nonwetland portion of the site is not constrained by another environmentally ~~sensitive~~ critical or geologically hazardous area regulated by this code.

5. The nonwetland portion of the site is subject to the density limitations of the new density zoning classification, and to applicable setbacks, and other standards of the city code or other land development regulations.

C. An on-site density transfer shall meet the requirements and follow the procedures of:

1. Planned unit development, RMC 23.50.010;
2. Plats and subdivisions, RMC Title 24.

D. The fact that development rights have been sold or received, and all related conditions, will be recorded, in a form acceptable to the city attorney, to become a part of the deed of the “sending” and “receiving” properties.

22.10.405 Density bonus for increased buffers.

A. An owner of a residential site or property containing critical areas who chooses to increase the buffers adjacent to a wetland or wildlife habitat area beyond the minimums required under this title shall be permitted to increase the density on the portion of the site that lies outside of a critical area or its required buffer. The amount of density bonus shall be based on the amount of additional buffer lands provided, through a calculation of the area of the additional buffer and/or wildlife corridor proposed on-site, expressed as a percentage of the total site area, exclusive of the total wetland, wetland buffer area and/or wildlife corridor as required under the provisions of this chapter. This percentage can then be doubled and applied to the total number of units located within the non-critical area portion of the site to determine the allowed density increase.

An example application of the density bonus provision is as follows: An applicant has a 15 acre site with an identified wetland area and buffer and proposes an additional .75 acres of buffer, which translates to 5% of the total site. This entitles the developer to a 10% increase in lot count. If the existing zoning permitted 40 lots, the density bonus would entitle the applicant to an additional 4 lots.

B. In order to qualify for a density bonus:

- a. Any additional wetland buffer area must be adjacent to the required wetland buffer area;
- b. Any additional habitat buffer area must be adjacent to the required habitat area;
- c. A wildlife corridor not otherwise required by this title may qualify for a density bonus provided that the fish and wildlife habitat conservation area report prepared by a qualified professional identifies the location of said wildlife corridor as beneficial to priority, threatened or endangered species.

C. In transferring the density bonus from the sensitive portion of the site and its associated buffer or setback to the non-sensitive portion of the site, the density of the non-sensitive portion of the site may be increased up to the equivalent next density classification. However, in the case of the highest density multifamily zoning classifications, the density may not be increased beyond the current density.

22.10.350410 General procedural provisions**Interpretations and appeals.**

A. Interpretations and Conflicts. 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 of the Richland Municipal Code. [Ord. 48-93; Ord. 45-00; Ord. 28-05 § 1.11; Ord. 06-10 § 1.41].~~

B. Appeals from permit decisions shall be governed by the procedures set forth in Chapter 19.70 of the Richland Municipal Code.

22.10.415 Penalties.

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.

22.10.~~360~~420 General savings provision – Reasonable use.

A. The standards and regulations of this chapter are not intended, and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. If an applicant demonstrates to the satisfaction of the ~~city of Richland~~ administrator that strict application of these standards and the utilization of cluster techniques, planned unit development, and transfer of development rights would deny all reasonable economic use of its property, development may be permitted subject to appropriate conditions, derived from this chapter as determined by the ~~deputy city manager, community and development services~~ administrator and after all variance requests from the ~~board of adjustment~~ hearing examiner have been denied.

B. An applicant for relief from strict application of these standards shall demonstrate the following:

1. That no reasonable use with less impact on the critical habitat and/or hazard area and buffer is feasible and reasonable;
2. That there is no feasible and reasonable on-site alternative to the activities proposed, considering possible changes in site layout, reductions in density and similar factors;
3. That the proposed activities, as conditioned, will result in the minimum possible impacts

to wetlands and buffers;

4. That all reasonable mitigation measures have been implemented or assured;

5. That all provisions of the city's regulations allowing density transfer on site and off site have been considered;

6. That the inability to derive a reasonable economic use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition.

22.10.370430 No special duty created.

It is the purpose of this chapter 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 chapter. No provision or term used in this chapter 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 chapter shall be discretionary and not mandatory.

Nothing contained in this chapter 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 chapter or be a reason or a consequence of any inspector, notice, or order, in connection with the implementation or enforcement of this chapter, or by reason of any action of the city related in any manner to enforcement of this chapter by its officers, agents or employees.

22.10.435 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 administrator 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 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. 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 affected critical area and its buffer 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 Section 22.10.415.

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 wetland is located. The administrator 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 conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

22.10.~~380~~440 Severability.

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

22.10.450 Critical Area Map

The Critical Area map, and all amendments thereto adopted as part of this code shall be filed in the office of the administrator and may be viewed in the development services division.

Section 2. This ordinance shall be effective immediately following the day after its publication in the official newspaper of the City.

PASSED by the City Council of the City of Richland at a regular meeting held on this ____ day of _____, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published:

August 30, 2017 Draft

Blue = proposed changes to existing code
Red = deletions of existing code language

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22.10.010 General purpose and intent.

- A. ~~Sensitive~~ Critical areas perform many important biological and physical functions and values that benefit the city of Richland and its residents.

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 and discharging ground water; 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 eco-system services; and
2. Fish and wildlife 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 geologically hazardous areas 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 geologically hazardous areas are necessary to protect the public health, safety, and welfare.
4. In addition, certain portions of the City are located within critical aquifer recharge areas whose potential contamination ~~that~~ 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 in Chapter 23.34 of the Richland Municipal Code.

- B. This section of the Richland Municipal Code contains standards, guidelines, criteria and requirements intended to identify, analyze, avoid and mitigate probable impacts to the city of Richland's ~~sensitive critical~~ areas ~~and geologic hazard areas~~ and to enhance and restore them when possible. The intent of these regulations is to protect ecological functions, avoid environmental impacts where such avoidance is feasible and reasonable. In appropriate circumstances, impacts to ~~sensitive and geologic hazard~~ critical areas that result from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with the requirements of this section. The city of Richland's goal shall be to achieve no net loss of wetlands and to avoid probable impacts, to the extent practical, to ~~fish and wildlife habitat and within geologic hazard~~ other critical areas.
- C. It is the intent of this ~~section~~ 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. Recognize and protect the beneficial functions of critical ~~Protect sensitive~~ 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), 365-195 (Best Available Science) and in consultation with state and federal agencies and other qualified professionals and integrate the full spectrum of state, tribal, and federal programs;
 3. Serve as a basis for exercise of the city of Richland's substantive authority under the State Environmental Policy Act (SEPA) and the city of Richland's SEPA rules;
 4. Comply with the requirements of the Growth Management Act (RCW 36.70A) and implementing rules; and
 5. Coordinate environmental review and permitting of proposals to avoid duplication and delay.
- D. The city of Richland further notes that Benton County, the U.S. Department of Fish and Wildlife, the U.S. Department of Energy, the Washington State Department of Fish and Wildlife and the Washington State Department of Ecology have identified and mapped some portions of the city of Richland – based on topographic, geologic, hydrologic, and habitat characteristics – where the conditions indicate that ~~sensitive critical~~ areas or geologic hazards may exist. Additional study and mapping are needed to verify that such conditions do prevail and are needed to identify other areas that are potentially ~~geologic hazards sensitive~~ critical areas. Mapping will enable the city of

Richland to provide notice of the potential presence of sensitive critical areas or the risks associated with developing lands subject to geologically hazardous areas to the public. It should be noted that the boundaries of the sensitive critical areas and geologically hazardous 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 geologically hazardous areas on the site shall determine the action to be taken.

- E. Compliance with the provisions of this chapter does not constitute compliance with other federal, state and local regulations. Other permits, including but not limited to HPA permits, Army Corps of Engineers Section 404 permits, and/or NPDES permits may be required. It is the responsibility of the applicant to comply with other requirements apart from the provisions of this chapter.

22.10.020 General applicability of these regulations.

- A. The provisions of these regulations shall apply to any activity that affects critical areas or their established buffers unless otherwise exempt.
- B. To avoid duplication, the following permits and approvals shall be subject to and coordinated with the requirements of these regulations: clearing and grading; subdivision or short subdivision; building permit; planned unit development; shoreline substantial development; variance; conditional and special use permits. and other permits leading to the development or alteration of land. rezones and annexations. The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement in, over or on a critical area or associated buffer, without first assuring compliance with the requirements of this chapter.

22.10.030 General relationship of regulations of one type of sensitive critical area protection to other regulations.

These regulations shall apply as an overlay and in addition to zoning, land use and other regulations, including critical areas regulations, established by the city of Richland. The provisions of this chapter apply whether or not a permit or other type of City approval is being sought

- A. Areas characterized as sensitive critical may also be subject to other regulations established by this chapter due to the overlap or multiple functions of some sensitive 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 chapter. Wetlands may be defined and regulated according to the wetland section and habitat management provisions of this chapter. In the event of any conflict among regulations in this chapter or with any other regulations of the City of Richland for a particular sensitive critical area, those regulations that provide greater protection to the environmentally sensitive critical area shall apply.
- B. ~~These sensitive area regulations shall apply as an overlay and in addition to zoning, land use, and other regulations established by the city of Richland. 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 areas shall apply.~~

22.10.040 Definitions —~~Wetlands.~~

For purposes of this article, the following definitions shall apply:

“Administrator” means such person as the City Manager of the City of Richland shall designate to administer and enforce the provisions of this title.

“Applicant” means the person, party, firm, partnership, corporation, or other entity that proposes any activity that could affect a ~~wetland. sensitive~~ critical area.

“Agricultural activities, existing and ongoing” includes 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.

~~“Artificially created wetland” means wetlands created through purposeful action 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.~~

~~“Best available science” means use of a valid scientific process that includes the following:~~

~~1. Peer Review. The information has been critically reviewed by other persons who are qualified professionals or based on scientific publications.~~

~~2. Method. The methods used to obtain the information are clearly stated and able to be replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer reviewed to assure their reliability and validity.~~

~~3. Logical conclusions and reasonable inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.~~

~~4. Quantitative Analysis. The data has been analyzed using appropriate statistical or quantitative methods.~~

~~5. Context. The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.~~

~~6. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.~~

“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 925.

“Best management practices (BMPs)” ~~excludes existing, ongoing, and new agricultural activities outside of sensitive areas and their buffers.~~ 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 water surface and ground water quality degradation caused by nutrients, wastes, toxics, and sediment; and
- B. Minimizes and mitigates adverse impacts to the natural chemical, physical and biological environment of the city; and
- C. Utilizes the city’s natural resources on a long-term, sustainable yield basis.
- D. Protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and
- E. Prevent contamination of surface and groundwater resources, and protect from impacts to native and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer applications.

“Buffer” means an area adjacent to a critical area that functions to avoid loss or diminution of the ecologic functions and values of the critical area. Specifically, a buffer may:

- 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 lifecycle stages of species normally associated with the resource; and
- Physically isolate a 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;
- 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.

~~“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.

“Creation” ~~means the production or formation of a wetland through artificial means from an upland (dry) site.~~ (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. 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.

“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 Chapter 36.70A.030(5) RCW 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 areas associated with threatened, endangered, sensitive, 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 Fish and Wildlife (Non-Game Data System Special Animal Species); 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 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 22.10.100;
 - 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.

“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.

“Department” means the city of Richland community and development services group.

“Earth/earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

~~“Enhancement” means the improvement of an existing viable wetland or buffer, such as by increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, or removing nonindigenous plant or pest animal species.~~

“Enhancement” (habitats in general) means the improvement of existing habitat such as by increasing plant density or structural diversity, or by removing nonindigenous or noxious species.

Enhancement (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 non-native or invasive species, and modifying site elevations to alter hydroperiods.] Activities typically consist of planting vegetation, controlling non-native or invasive 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.~~

“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/fill materials” means a deposit of earth materials placed by human or mechanical (machine) means.~~

“Fill” means earth or any other substance or material placed in or on the ground, including earth retaining structures. 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 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.”

“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.

“Frequently flooded areas” are lands in the floodplain subject to at least a 1% or greater chance of flooding in any given year or within areas subject to flooding due to high groundwater. These areas included, but are not limited to streams, rivers, wetland areas where high ground water ponds on the ground surface.

~~“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-gradient 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 any excavating, filling, clearing, leveling, or contouring of the ground surface by human or mechanical means.~~

“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.

“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.

“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.

“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:

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.

“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 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 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.

“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.

“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.
- F. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

“Native vegetation” means vegetation indigenous to the area in question.

~~“Out-of-kind mitigation” means replacement of wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.~~

~~“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.~~

Preservation (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 have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;

- High vulnerability to habitat alteration;
- Unique or dependent species; or
- 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 map" means maps of plant cover types/communities (titled: Fish and Wildlife Conservation Areas). 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 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, sensitive 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 types (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 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 threatened or sensitive. State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife for possible listing as endangered, or threatened,
- 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.

~~“Qualified consultant,” for purposes of these regulations, shall mean a professionally trained and/or certified wildlife biologist or ecologist or other professional with expertise in the scientific disciplines necessary to identify, evaluate and manage habitat.~~

“Qualified professional” 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 B.S. or B.A. or equivalent degree in biology, ecology, engineering, environmental studies, fisheries, geomorphology, or related field, and 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 geo-technical 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.

“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 two years of related work experience, including a minimum of one year of experience delineating wetlands using the Unified Federal Manual preparing wetland reports. Additional education may substitute for one year of related work experience; or
- B. Four years of related work experience and training, with a minimum of two years’ experience delineating wetlands with the Federal Delineation Manual and preparing wetland reports.

~~Qualified Consultant. A “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, or environmental studies, fisheries, soil science, wildlife or related field, and two years of related work experience, including a minimum of one year of experience delineating wetlands using the Unified Federal Manual preparing wetland reports. Additional education may substitute for one year of related work experience; or~~

~~B. Four years of related work experience and training, with a minimum of two years’ experience delineating wetlands with the Unified Federal Manual and preparing wetland reports.~~

“Re-establishment:” 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. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, 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 this section. 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.

"Rehabilitation" (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", "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 re-vegetation, 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.

~~"Restoration" means the reestablishment of a viable wetland from a previously filled or degraded wetland site.~~

~~"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. "Secondary 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.~~

"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: (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.

"Site" means any parcel or combination of contiguous parcels where the proposed project impacts a wetland(s) or other critical area.

"Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

"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.~~

“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 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 non-wetland areas to mitigate the conversion of wetlands or wetland areas preserved as mitigation for the conversion of wetlands. ~~However, wetlands do include those artificial wetlands intentionally created to mitigate 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. The U.S. Fish and Wildlife Service wetland classification scheme uses 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). Eleven class names are used to describe wetland and deepwater habitat types. These 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~~ a delineation done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided for in WAC 273-22-035. ~~requires the actual flagging or staking in the field of the edges of the wetland by a qualified consultant or their representative.~~

“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.

Article 2 - Wetlands

~~22.10.050 Applicability to wetlands.~~

~~A. See RMC 22.10.020 for general applicability.~~

~~B. Nonproject actions, limited to: rezones and annexations.~~

~~22.10.060 Regulation wetlands.~~

~~A. All Category I wetlands;~~

~~B. Category II and III wetlands greater than one-half acre; and~~

~~C. Category IV wetlands greater than one acre.~~

22.10.070 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:

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 if the activity results in greater impervious surface coverage;

F. Destroying or altering vegetation including through clearing, harvesting, intentional burning, 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 section. [Ord. 48-93; Ord. 23-01].

22.10.080 Exemptions ~~to wetland regulations~~ and allowed uses in wetlands

A. See RMC 22.10.300 for general exemptions to all sensitive critical areas.

~~B. The following activities shall be exempt from the provisions of this chapter, provided they are conducted using best management practices on wetlands:~~

~~1. Activities involving artificially created wetlands intentionally created from nonwetland sites, including but not limited to, grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands created as mitigation.~~

~~C. Notwithstanding the exemptions provided by RMC 22.10.300 and 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 avoid or minimize probable wetland impacts.~~

B. Wetlands. The following wetlands are exempt from the buffer provisions contained in this Chapter and may be filled if impacts are fully mitigated based on provisions in RMC 22.10.120 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 Washington Department of Fish and Wildlife or species of local importance.
 - d. Are not a vernal pool.
 - e. Are not an alkali wetland
 - f. Do not contain aspen stands

C. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a 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. 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.
2. 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.
3. 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.
4. 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. Enhancement of a wetland through the removal of non-native 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. Re-vegetation with appropriate native species at natural densities shall occur in conjunction with removal of invasive plant species.
6. Educational and scientific research activities.
7. 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.

D. Notwithstanding the exemptions 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.

22.10.090 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 section. 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 chapter. 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 chapter, the results of applying the criteria and standards during the field investigation shall control.

22.10.100 Rating – Categories of wetland.

Wetlands shall be designated Category I, Category II, Category III, or Category IV ~~or locally significant~~ according to the following criteria:

A. ~~Category I, II, III, and IV are~~ As set forth in the Washington State Department of Ecology's Wetland Rating System for Eastern Washington, ~~October 1991 (Publication No. 91-58) or as amended. Publication #14-06-030, as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System).~~

~~B. "Locally significant wetlands" are those that are deemed important to the city of Richland because they function as part of a water quality or flood mitigation program, are planned to be or can be integrated into an identified open space plan or system, or serve other substantial public purposes. Locally significant wetlands may be considered for acquisition by the city of Richland pursuant to land trade, purchase of a fee or lesser interest, or other appropriate mechanism.~~

22.10.110 Wetland buffer areas.

- A. The establishment of wetland buffer areas 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.
- A. B. Buffers shall be measured from the wetland edge as delineated using the 1987 Army Corps of Engineers Wetlands Delineation Manual and the Arid West Regional Supplement, as may be amended. Buffers shall be ~~Washington State Wetlands Identification and Delineation Manual and~~ marked in the field. Required buffer widths shall be determined according to the proposed land use (Table 22.10.110(C) below) and the wetland category in Table 22.10.110(D). ~~reflect the sensitivity of the wetland and the type and intensity of human activity proposed to be conducted near the wetland.~~
- C. The following buffer widths are established: The following table describes the types of land use:

WETLAND CATEGORY	HIGH—IMPACT LAND USE	LOW—IMPACT LAND USE
Category I	150 feet	75 feet
Category II	100 feet	50 feet
Category III	50 feet	25 feet
Category IV	50 feet	25 feet

Table 22.10.110(C) - Types of Land Uses

<u>Level of Impact from Proposed Change in Land Use</u>	<u>Types of Land Use Based on Common Zoning Designations</u>
<u>High</u>	• <u>Commercial</u> • <u>Urban</u> • <u>Industrial</u> • <u>Institutional</u> • <u>Retail sales</u> • <u>Residential (more than 1 unit/acre)</u> • <u>High-intensity recreation (golf courses, ball fields, etc.)</u>

	• <u>Conversion to high intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</u> • <u>Hobby Farms</u>
<u>Moderate</u>	• <u>Residential (1 unit/acre or less)</u> • <u>Moderate-intensity open space (parks with biking, jogging, etc.)</u> • <u>Paved driveways and gravel driveways serving 3 or more residences</u> • <u>Paved trails</u> • <u>Conversion to moderate intensity agriculture (orchards, hay fields, etc.)</u> • <u>Utility corridor or right-of-way shared by several utilities and including access/maintenance road</u>
<u>Low</u>	• <u>Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</u> • <u>Timber management (cutting of trees only)</u> • <u>Gravel driveways serving 2 or fewer residences</u> • <u>Unpaved trails</u> • <u>Utility corridor without a maintenance road and little or no vegetation management.</u>

- B. ~~Buffer widths may be modified by averaging buffer widths or by enhancing buffer quality as set forth herein.~~ The following buffer widths are established:

Table 22.10.110(D) – Buffer Widths

<u>Wetland Characteristics</u>	<u>Buffer Width by Impact of Proposed Land Use</u>	<u>Other Measures Recommended for Protection</u>
<u>Category IV Wetlands (For wetlands scoring less than 16 points for all functions)</u>		
<u>Score for all 3 basic functions is less than 16 points</u>	<u>Low – 25 ft.</u> <u>Moderate – 40 ft.</u> <u>High – 50 ft.</u>	<u>None</u>
<u>Category III Wetlands (For wetlands scoring 16-18 points for all functions)</u>		
<u>Moderate level of function for habitat (score for habitat 5-7 points)</u>	<u>Low – 75 ft.</u> <u>Moderate – 110 ft.</u> <u>High – 150 ft.</u>	<u>None</u>
<u>Score for habitat 3-4 points</u>	<u>Low – 40 ft.</u> <u>Moderate – 60 ft.</u> <u>High – 80 ft.</u>	<u>None</u>
<u>Category II Wetlands (For wetlands that score 19-21 points or more for all functions or having the “Special Characteristics” identified in the rating system)</u>		

<u>Wetland Characteristics</u>	<u>Buffer Width by Impact of Proposed Land Use</u>	<u>Other Measures Recommended for Protection</u>
<u>High level of function for habitat (score for habitat 8-9 points)</u>	<u>Low – 100 ft.</u> <u>Moderate – 150 ft.</u> <u>High – 200 ft.</u>	<u>Maintain connections to other habitat areas.</u>
<u>Moderate level of function for habitat (score for habitat 5-7 points)</u>	<u>Low – 75 ft.</u> <u>Moderate – 110 ft.</u> <u>High – 150 ft.</u>	<u>None</u>
<u>High level of function for water quality improvement and low for habitat (score for water quality 8-9 points; habitat less than 5 points)</u>	<u>Low – 50 ft.</u> <u>Moderate – 75 ft.</u> <u>High – 100 ft.</u>	<u>No additional surface discharges of untreated runoff</u>
<u>Vernal Pool</u>	<u>150 ft.</u>	<u>None</u>
<u>Riparian forest</u>	<u>Low – 75 ft.</u> <u>Moderate – 110 ft.</u> <u>High – 150 ft.</u>	<u>Riparian forest wetlands need to be protected at a watershed or subbasin scale</u> <u>Other protection based on needs to protect habitat and/or water quality functions</u>
<u>Not meeting above characteristic</u>	<u>Low – 50 ft.</u> <u>Moderate – 75 ft.</u> <u>High – 100 ft.</u>	<u>None</u>
<u>Category I Wetlands (For wetlands that score 22 points or more for all functions or having the “Special Characteristics” identified in the rating system)</u>		
<u>Wetlands of High Conservation Value</u>	<u>Low – 125 ft.</u> <u>Moderate – 190 ft.</u> <u>High – 250 ft.</u>	<u>No additional surface discharges to wetland or its tributaries.</u> <u>No septic systems within 300 ft. of wetland.</u> <u>Restore degraded parts of buffer.</u>
<u>High level of function for habitat (score for habitat 8-9 points)</u>	<u>Low – 100 ft.</u> <u>Moderate – 150 ft.</u> <u>High – 200 ft.</u>	<u>Restore degraded parts of buffer.</u> <u>Maintain connections to other habitat areas</u>
<u>Moderate level of function for habitat (score for habitat 5-7 points)</u>	<u>Low – 75 ft.</u> <u>Moderate – 110 ft.</u> <u>High – 150 ft.</u>	<u>None</u>

<u>Wetland Characteristics</u>	<u>Buffer Width by Impact of Proposed Land Use</u>	<u>Other Measures Recommended for Protection</u>
<u>High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)</u>	<u>Low – 50 ft.</u> <u>Moderate – 75 ft.</u> <u>High – 100 ft.</u>	<u>No additional surface discharges of untreated runoff</u>
<u>Not meeting above characteristics</u>	<u>Low – 50 ft.</u> <u>Moderate – 75 ft.</u> <u>High – 100 ft.</u>	<u>None</u>

22.10.115 Buffer modifications

1. ~~Buffer width averaging shall be allowed only where the applicant demonstrates to the department that the wetland contains variations in sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where the buffer width is reduced, that width averaging will not adversely impact the wetland functional values, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.~~

2. ~~Buffer width may be reduced by up to 25 percent if the existing buffer area is vegetated with greater than 90 percent areal cover of native species and a report by a qualified wetlands specialist demonstrates that a smaller than standard wetland buffer will provide all of the buffer functions necessary to protect all functions and values of the wetland. The department may require long term monitoring of the buffer and wetland with appropriate contingency actions if adverse impacts to the wetland occur.~~

3. ~~Notwithstanding the reductions permitted in subsections (D)(1) and (2) of this section, buffer widths shall not be reduced by more than 50 percent of the required buffer or to less than 25 feet.~~

E. ~~The minimum buffer width stated in subsection (E)(3) of this section shall be increased not more than 125 percent (buffer width x 1.25) when the qualified consultant 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 minimum buffer for a wetland 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 wetland; or~~

b. ~~Twenty-five feet beyond the point where the slope becomes 25 percent or less.~~

F. ~~Low impact uses and activities 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 which may be permitted in appropriate cases include~~

~~pedestrian trails, viewing platforms, stormwater management facilities such as grass-lined swales, and utility easements. Uses permitted within the buffer shall be located in the outer portion of the buffer as far as possible from the wetland.~~

~~G. Required buffers shall not deny all reasonable use of property. A variance from buffer width requirements may be granted by the city of Richland upon a demonstration by the applicant that:~~

~~1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirements;~~

~~2. Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question;~~

~~3. The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and~~

~~4. The granting of the buffer width variance will not materially affect the subject wetland.~~

~~5. All variances shall be in accord with RMC 23.70.110 through 23.70.170.~~

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 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 ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

B. Averaging 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 ¾ of the required width or 75 feet for Category 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 (5 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:
 - Wetlands
 - Riparian zones
 - Cliffs
 - Urban natural open space
 - 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, as applicable in Table 22.10.110(D), are applied.
 - b. For wetlands that score fewer than 5 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 22.10.115 D).
- D. Required Mitigation to minimize impacts to wetlands from changes in land uses with high impacts:

Table 22.10.115 D

<u>Types of-Disturbance</u>	<u>Examples of Activities and Uses that Cause Disturbances</u>	<u>Required Mitigation</u>
<u>Lights</u>	• <u>Parking lots</u> • <u>Warehouses</u> • <u>Manufacturing</u> • <u>Residential areas</u>	• <u>Direct lights away from wetland</u>
<u>Noise</u>	• <u>Manufacturing</u> • <u>Residential areas</u>	• <u>Locate activity that generates noise away from wetland</u> • <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</u>

		<u>industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
<u>Toxic runoff*</u>	• <u>Parking lots</u> • <u>Roads</u> • <u>Manufacturing</u> • <u>Residential areas</u> • <u>Application of agricultural pesticides</u> • <u>Landscaping</u>	• <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	• <u>Parking lots</u> • <u>Roads</u> • <u>Manufacturing</u> • <u>Residential areas</u> • <u>Commercial</u> • <u>Landscaping</u>	• <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Intensity Development techniques</u>
<u>Change in water regime</u>	• <u>Impermeable surfaces</u> • <u>Lawns</u> • <u>Tilling</u>	• <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	• <u>Residential areas</u>	• <u>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</u>
<u>Dust</u>	• <u>Tilled fields</u>	• <u>Use BMPs to control dust</u>
<u>* These examples are not necessarily adequate for minimizing toxic runoff if sensitive, threatened or endangered species are present at the site.</u>		

- E. The minimum buffer width stated in Table 22.10.110(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 of 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:
 - a. The minimum buffer for that particular wetland; or
 - b. Twenty-five feet beyond the point where the slope becomes 25 percent or less.
- F. Low impact uses and activities (see Table 22.10.110(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 Wetlands Guidance for CAO Updates, June 2016, Publication No. 16-06-002 and as amended in the future, include pedestrian trails, viewing platforms, stormwater management facilities such as grass-lined swales, and utility easements. 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 Type II permit procedures as set forth in Title 19 of the Richland Municipal Code upon a demonstration by the applicant that the following criteria are met:
1. That the strict application of the bulk, dimensional or performance standards set forth in this title preclude, or significantly interfere with, reasonable use of the property;
 2. That the hardship described in (1) of this subsection 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 this title, 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 applicable development regulations and will not cause adverse impacts to the wetland;
 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.
- 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 fifty 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.

22.10.120 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:

1. Avoiding the impact by not taking a certain action or parts of actions or moving the action;
2. Minimizing 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 impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; ~~and/or~~
5. Compensating for the impact by replacing or providing 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 based on watershed or comprehensive resource management plans may be authorized.

6. Monitoring the adverse impact and taking appropriate corrective measures.

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 ~~department~~ administrator subject to the following criteria:

1. Category I Wetlands. Alterations of Type I wetlands shall be avoided ~~subject to the reasonable-use provisions of these regulations.~~

2. Category II, III and IV Wetlands.

a. Any proposed alteration and mitigation shall comply with the requirements of this section through RMC 22.10.150; and

b. Where enhancement is proposed, replacement ratios comply with the requirements of RMC 22.10.130(C); and

- c. No net loss of wetland function and value will occur due to the alteration; and
- d. Avoids alterations of wetlands previously enhanced or created as mitigation.

~~3. Category III Wetlands:~~

- ~~a. The proposed mitigation complies with the requirements of this section through RMC 22.10.150; and~~
- ~~b. Where enhancement is proposed, replacement ratios comply with the requirements of RMC 22.10.130(C); and~~
- ~~c. No net loss of wetland function and value will occur due to the alteration.~~

22.10.125 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 ~~department~~ administrator; provided, that a study undertaken by a qualified ~~consultant~~ professional in accordance with the provisions of RMC 22.10.140 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 ~~3~~ III or Category ~~4~~ 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.

22.10.130 Mitigation standards, criteria, and plan requirements.

~~A. Location and Timing of Mitigation:~~

- ~~1. Mitigation shall be provided on-site, except where on-site mitigation is not feasible or practical due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.~~
- ~~2. When mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of and within the same watershed as the permitted activity on property owned or controlled by the applicant. When possible, this means within the same watershed as the location of the proposed project.~~
- ~~3. In-kind mitigation shall be provided except when the applicant demonstrates and the department concurs that greater functional and habitat value can be achieved through out-of-kind mitigation.~~
- ~~4. Only when it is determined by the department that subsections (A)(1), (2) and (3) of this section are inappropriate and/or impractical shall off-site, out-of-kind mitigation be considered.~~

~~5. Whether occurring on-site or off site, the mitigation project shall occur near an adequate water supply (river, stream, ground water) with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration.~~

~~6. Any agreed-upon proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has been approved by the department.~~

~~7. Wetland acreage replacement ratios shall be as specified in subsection (C) of this section.~~

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. Re-establishment.

b. Rehabilitation.

2. Establishment (creation). 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;
- vi. 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 sub-drainage basin and on the site of the alteration except when all of a through d below 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 sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage 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 sub-drainage 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 City 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). 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: 1) restoration (including reestablishment and rehabilitation); 2) creation (establishment); 3) enhancement in combination with restoration or creation; and 4) 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.

~~b.~~ c. No overall net loss will occur in wetland functions and values; and

e. 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 ~~department~~ 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: ~~used as targets. The department may vary these standards if the applicant can demonstrate and the department agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the department justify the variation.~~

WETLAND CATEGORY/CLASS	SYSTEM WETLAND REPLACEMENT RATIO*	CREATION AND WETLAND ENHANCEMENT RATIO**
Category I	6:1	12:1
Category II and III		
—Forested	3:1	6:1
—Scrub/Shrub or Emergent	2:1	4:1
Category IV	1.5:1	3:1

* Acres replaced: acres altered.

** Acres enhanced: acres altered.

Table 22.10.130(C) Mitigation ratios for eastern Washington¹

<u>Category and Type of Wetland Impacts</u>	<u>Re-establishment or Creation</u>	<u>Rehabilitation Only²</u>	<u>Re-establishment or Creation (R/C) and Rehabilitation (RH)²</u>	<u>Re-establishment 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</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 6:1</u>	<u>1:1 R/C and 12:1 E</u>	<u>16:1</u>

on score for functions			RH		
Category I Natural Heritage site	Not considered possible ³	Case by case	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 re-establishment. See Table 1b, Wetland Mitigation in Washington State – Part I: Agency Policies and Guidance--Version 1, (Ecology Publication #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 I: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-011a, Olympia, WA.

~~3. The qualified consultant in the wetlands report may, where feasible, recommend that restored or created wetlands shall be a higher wetland category than the altered wetland in exchange for requiring less than the required amount of restored or created wetland acreage for Categories II, III, and IV only.~~

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 #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 #11-06-015, August 2012, or as revised).

22.10.140 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 CAO Updates, 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 ~~department~~ administrator at a premitigation 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 ~~and out-of-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. Conceptual monitoring and contingency plan.
- B. Detailed Plan – Standards and Criteria. Following acceptance of the conceptual mitigation plan by the ~~department~~ 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 22.10.100 through 22.10.130:
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 should include:
 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:
 - 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.
 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 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 22.10.160.
- a. Specify procedures for monitoring and site maintenance including control of invasive species; and
 - b. Submit monitoring reports to the ~~department~~ administrator.
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, including monitoring, maintenance and contingency.

22.10.150 ~~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 site to species that have questionable potential for successful establishment;
 - 7. Plant selection must be approved by 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 ~~25 to 100 feet from the wetland boundary~~; from the wetland boundary in accordance with buffer requirements in Table 22.10.110(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 ~~deputy city manager for~~ community ~~and~~ development ~~services~~ administrator 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 ~~department~~ administrator.
- B. On completion of construction, the wetland mitigation project must be signed off by the applicant's qualified ~~consultant~~ professional and the ~~department~~ 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.

22.10.160 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 ensure 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 ~~three~~ five years. The ~~department~~ administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

1. During monitoring, scientific procedures for establishing the success or failure of the project must be used and shall be identified in the monitoring plan;

2. For vegetation determinations, permanent ~~sampling points shall be established~~ monitoring transects or plots shall be established that adequately represent the compensatory mitigation site;

3. Vegetative success ~~will be defined as 80 percent per year survival of planted trees and shrubs and 80 percent per year cover of desirable understory or emergent species in the compensatory mitigation wetland~~ will be defined as as:

a. An average density of at least 4 plants per 100 square feet in the scrub-shrub and forested communities in year one;

b. A cover of native wetland trees and shrubs combined (planted and volunteer) of at least 10% in year 3; 25% in year 5; 40% in year 7; 50% in year 10;

c. A cover of native wetland herbaceous plant species (planted and volunteer) of at least 25% in year 5; 40% in year 7 and 50% in year 10.

d. Non-native invasive species must be maintained per site specific specifications and shall not exceed the maximum amount as identified in the approved monitoring plan;

e. Buffer vegetation shall be maintained in the amount as identified in the approved monitoring plan;

4. Submit monitoring reports on the current status of the mitigation project to the ~~department~~ administrator. The reports are to be prepared by a qualified ~~consultant~~ professional and reviewed by the city's ~~consultant~~ 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 ~~on the following schedule:~~ for years 1, 2, 3, and 4. 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;

~~a. At the time of construction;~~

~~b. Thirty days after planting;~~

~~c. Early in the growing season of the first year;~~

~~d. End of the growing season of the first year;~~

~~e. Twice the second year; and~~

~~f. Annually thereafter;~~

5. Monitor ~~between three and~~ for five growing seasons, ~~depending on the complexity of the wetland system. The time period will be determined and specified by the qualified consultant in writing prior to the implementation of the site plan;~~ If the mitigation goals are not obtained within the initial 5-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. If monitoring beyond 5 years is required, monitoring reports shall be submitted for years 7 and 10;

6. If necessary, correct for failures in the mitigation project;
7. Replace dead or undesirable vegetation with appropriate plantings, based on the approved planting plan or RMC 22.10.150;
8. Repair damages caused by erosion, settling, or other geomorphological processes;
9. Redesign mitigation project (if necessary) and implement the new design; and
10. Correction procedures shall be approved by a qualified ~~consultant~~ professional and the ~~department~~ administrator.

11. 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.

Article III. Fish and Wildlife Habitat Conservation Areas

~~22.10.170 Definitions – Fish and wildlife habitat areas.~~

~~For purposes of this article, the following definitions shall apply:~~

~~“Critical habitat,” or “critical wildlife habitat” means habitat areas associated with threatened, endangered, sensitive, 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 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 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 22.10.100;~~

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 transient and/or occasional presence, of threatened or endangered species;

6. Documented habitat, other than transient and/or occasional presence, of regional or national significance for migrating birds.

“Enhancement” means the improvement of existing habitat such as by increasing plant density or structural diversity, or by removing nonindigenous or noxious species.

“alt” means a species, plant community type, or habitat that has been introduced or modified as a result of human actions.

“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 (titled: Fish and Wildlife Conservation Areas) adopted by the city of Richland to indicate the potential presence of wildlife species.

“Native vegetation” means vegetation existing on a site or plant species that are indigenous to the area in question.

“Priority species” means fish and wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration and/or their recreational, commercial, or tribal importance, as identified by the Washington Department of Fish and Wildlife.

“Qualified consultant,” for purposes of these regulations, shall mean a professionally trained and/or certified wildlife biologist or ecologist or other professional with expertise in the scientific disciplines necessary to identify, evaluate and manage habitat. See RMC 22.10.320 for more information.

“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.

“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.

“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 chapter. [Ord. 48-93; Ord. 23-01].

22.10.180 Exemption from fish and wildlife habitat conservation area regulations.

A. See RMC 22.10.~~300~~360 for general exemptions to all ~~sensitive~~ critical areas.

B. The following activities shall be exempt from the provisions of this chapter related to fish and wildlife habitat conservation areas, 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, detention facilities such as reservoirs, ponds, and landscape features, except for habitat areas created as mitigation.

C. Notwithstanding the exemption provided by this section, any otherwise exempt activities occurring in or near critical habitat 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 exempt work to minimize disturbances to wildlife including disturbance to migratory bird nesting sites.

22.10.185 Fish and wildlife habitat conservation areas

1. Fish and wildlife habitat conservation areas include the following:

(a) Areas where state or federal designated endangered, threatened, and sensitive species have a primary association;

(i) 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.

(ii) State designated endangered, threatened and sensitive species are those fish, wildlife and plant species native to the State of Washington identified by the state Department of Fish and Wildlife, 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.

(b) The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151;

(c) The Yakima River Delta area, including Lake Wallula wildlife habitat areas currently managed by the U.S. Army Corps of Engineers, the Chamna Natural Preserve, Bateman Island;

(d) The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;

(e) Amon Creek Natural Preserve;

(f) Badger Mountain Natural Preserve;

(g) Category I wetlands as defined in RMC 22.10.100;

(h) State nature area preserves or natural resource conservation areas and state wildlife areas;

(i) Documented habitat, other than accidental presence, of threatened or endangered species;

(j) Documented habitat, other than accidental presence, of regional or national significance for migrating birds;

(k) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

(l) Waters of the state; and

(m) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

2. Fish and wildlife habitat conservation areas are intended to:

(a) 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;

- (b) 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);
- (c) Protect riparian ecosystems including potential for restoring lost or impaired salmonid habitat;
- (d) Evaluate land uses that may negatively impact these areas, or conversely, that may contribute positively to their function;
- (e) Establish buffer zones around these areas to separate incompatible uses from habitat areas;
- (f) Establish or enhance non-regulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

22.10.190 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 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 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.

~~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 chapter. 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 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 the city of Richland's maps and the criteria or standards of this article, the criteria and standards resulting from the field investigation shall control.~~

~~22.10.200 Classification of fish and wildlife habitat areas.~~

~~Wildlife habitat areas shall be established as critical, secondary or tertiary according to the criteria established in RMC 22.10.170.~~

22.10.200 Requirements for Habitat Conservation Area Reports

When development is proposed within a fish and wildlife habitat conservation area, a habitat conservation report shall be prepared consisting of the following:

1. The report shall be prepared by a qualified professional;
2. 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, flood plains, other critical areas and related buffers;
3. 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:
 - a. Detailed description of vegetation on and adjacent to the project area;
 - b. Identification of any priority species and habitats (PHS) or any endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
 - c. 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;
 - d. 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–mitigation sequencing);
 - e. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;
 - f. When warranted, the Administrator may require detailed surface and subsurface hydrologic features both on and adjacent to the site;
 4. 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;
 5. 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.

22.10.210 Fish and wildlife habitat conservation area – performance standards

Development or any regulated activity occurring within a designated habitat conservation area 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:

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 native plantings, consistent with the provisions of all open space and landscaping requirements;
4. Activity within a habitat conservation area shall not result in the degradation of the functions and values of the habitat;
5. Non-indigenous species shall not be introduced into a habitat conservation area;

6. 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;
7. Identify habitat contiguous to other habitat areas, open space or landscape areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;
8. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat areas;
9. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;
10. Riparian corridors shall meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.130;
11. Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to minimize or mitigate potential adverse impacts. Conditions may include, but are not limited to, the following measures:
 - a. Establishment of undisturbed habitat areas;
 - b. Staking of undisturbed habitat areas prior to any construction, including clearing, grading and filling taking place on-site;
 - c. Fencing of undisturbed habitat areas in a manner consistent with the provisions of RMC 22.10.115(H);
 - d. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;
 - e. Preservation of critically important vegetation;
 - f. Supplemental planting of native tree or shrub cover;
 - g. Removal and/or control of any noxious or undesirable species of plants and animals;
 - h. Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;
 - i. Re-planting 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;
 - j. Limitation of access to an identified habitat area, including fencing to deter unauthorized access;
 - k. Seasonal restriction on construction activities;
 - l. Implementation of a schedule for periodic review of completed mitigation measures for a specified time period;
 - m. 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.

22.10.210 Fish and wildlife habitat conservation buffer areas.

- ~~B. A. The establishment of buffer areas shall be required for regulated activities in or adjacent to habitat areas. Buffer 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 or shrub cover is substantially less than a native climax community.~~

~~B. Buffer widths for the riparian areas adjacent to the Columbia and Yakima Rivers are set forth in RMC 26.60.42. For all other, non shoreline, wildlife habitat areas, the following buffer widths are established:~~

WILDLIFE HABITAT TYPE	HIGH—IMPACT LAND-USE	LOW—IMPACT LAND-USE
Critical	150	75
Secondary	100	50

~~C. Buffers shall be measured, on a horizontal plane, from the habitat edge as delineated by a qualified consultant. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. Buffers shall be determined by the department administrator based on information in the wildlife 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. Buffer widths may be modified by averaging buffer widths or by enhancing buffer quality as set forth herein.~~

~~1. Buffer width averaging shall be allowed only where the applicant demonstrates to the department that:~~

- ~~a. The habitat contains variations in sensitivity due to the existing physical characteristics;~~
- ~~b. That lower intensity land uses would be located adjacent to areas where buffer width is reduced;~~
- ~~c. That width averaging will not adversely impact the habitat functional values; and~~
- ~~d. That the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.~~

~~2. Buffer width may be reduced by up to 25 percent if the existing buffer area is vegetated with greater than 90 percent areal cover of native species and a report by a qualified fish/wildlife specialist demonstrates that a smaller than standard buffer will provide all of the buffer functions necessary to protect all functions and values of the habitat. The department may require long term monitoring of the buffer with appropriate contingency actions if adverse impacts to the wetland occur. In no instance, however, shall the buffer width be reduced by more than 50 percent of the required buffer or be less than 25 feet.~~

~~D. Administrative Buffer Adjustments.~~

~~1. The required buffer widths established in this section may be modified by the City 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;~~

~~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 seventy five (75) percent of the buffer width established under this section; and~~

~~e. The buffer width averaging does not result in a net loss of ecological function.~~

~~2. Standard Buffer Reduction. Reductions of up to twenty five (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, or installing habitat features or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer. Any mitigation plan that includes the planting of vegetation shall also include a monitoring program.~~

~~3. In-fill Development. In an effort to facilitate in-fill development in approved plats, the administrator may approve requests to reduce the standard wildlife habitat buffers up to a maximum of fifty (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: 1) a common line drawn between the nearest corners of the nearest residences; 2) a common line calculated by the average of the nearest residence's existing buffer; or 3) a fifty (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 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, a common line calculated by the average of the nearest residence's setback and the standard buffer for the adjacent vacant lot, or a fifty (50) percent reduction of the standard buffer.~~

~~E. The buffer width stated in subsection (B) of this section shall be increased not more than 125 percent (buffer width x 1.25) when the qualified consultant determines, based upon a site-specific habitat analysis, that impacts on the habitat from a proposed development can only be mitigated by a greater buffer width. The standard habitat 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 or other habitat area provides habitat for a species that is particularly sensitive to disturbance (such as sensitive, threatened or endangered species), the width of the buffer should be increased to provide adequate protection for the species based on its particular, life-history needs; or~~

~~3. 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 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 pedestrian trails, viewing platforms, stormwater management facilities such as grass-lined swales and utility easements.~~

~~G. Required buffers shall not deny all reasonable use of property. A variance from buffer widths requirements may be granted by the city of Richland Hearing Examiner, in accordance with the procedures set forth in RMC Title 19 for Type II permits, upon a showing by the applicant that:~~

~~1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirement;~~

~~2. Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question;~~

~~3. The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and~~

~~4. All variances shall be in accord with RMC 23.70.110 through 23.70.170.~~

~~1. That the strict application of the bulk, dimensional or performance standards set forth in this title preclude, or significantly interfere with, reasonable use of the property;~~

~~2. That the hardship described in (1) of this subsection 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 this title, 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 applicable development regulations and will not cause adverse impacts to the habitat;~~

~~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.~~

22.10.220 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 the following preferred sequence:

1. Avoiding the impact altogether by not taking a certain action or parts of actions;
2. Minimizing 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 impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing ~~or providing substitute resources or environments~~ 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;
6. Monitoring the impact over time and taking corrective measures to minimize additional impacts.

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. 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 22.10.210.

~~C. Alteration of habitat and/or their buffers may be permitted by the department administrator subject to the following standards:~~

- ~~1. Critical Habitat. Alterations of critical habitat shall be avoided, subject to the reasonable use provisions of this chapter.~~
- ~~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 chapter.~~

~~22.10.230 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. Where possible, consolidate habitat and vegetated open space in contiguous blocks;
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 prior to any constructed work, including grading and clearing, that 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 landscape vegetation management plan shall be submitted consistent with the requirements, goals and standards of this chapter. The plan shall reflect the report prepared pursuant to RMC 22.10.310370 Any required mitigation, including supplemental buffer plantings, shall be guaranteed by a bond or other acceptable security device. 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.

C. As an incentive to encourage preservation of secondary habitat as defined in this article, 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 execution of an easement or other protective device acceptable to the city of Richland.

Article IV. Geologically Hazardous Areas

22.10.240 Identification and definition.

A. Geologically hazardous areas identification and designation shall be consistent with the minimum guideline classifications established in WAC 365-190-120 which includes 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 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.

22.10.250 Applicability to geologically hazardous areas.

The provisions of this article shall apply to any activity that occurs in or within 200 feet of a 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 geologically hazardous area; destroying or altering vegetation through clearing or harvesting; [road construction](#); [utility installation](#) and any project permit established in Chapter 19.20 RMC.

22.10.260 Geologically hazardous area inventory maps.

The approximate location and extent of geologically hazardous areas within the city of Richland's planning area are shown on the [critical](#) areas maps adopted as part of this chapter. 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 geologically hazardous areas.

22.10.270 Preliminary assessment.

A. The ~~city of Richland~~ [administrator](#) shall conduct a preliminary assessment of the proposed activity. The preliminary assessment shall consist of reviewing geologically hazardous inventory maps, conducting an on-site evaluation, and, if necessary, consulting with state and/or federal agencies to determine whether there is a reasonable belief that a proposed activity may be present within 200 feet of a geologically hazardous area. In the event there is a disagreement as to whether the activity is within 200 feet of a geologically hazardous area, a geologic report prepared by a qualified ~~consultant~~ [professional](#) as defined

in RMC 22.10.~~320~~380 shall be required, at the property owner or applicant's expense, to determine this issue.

B. If it is determined that there is a reasonable belief that a proposed activity may be present within 200 feet of a geologically hazardous area, then geologic reports and studies are required at the property owner or applicant's expense.

22.10.280 Geologic reports and studies.

A. Geologic studies and reports shall comply with the requirements established in RMC 22.10.~~310~~370(B)(6), Permit process and application requirements. ~~These studies and reports shall be prepared using best available science to protect the functions and values of the geologic hazard area. Best available science includes using a valid scientific process that includes the following:~~

~~1. Peer Review. The information has been critically reviewed by other persons who are qualified professionals or based on scientific publications.~~

~~2. Method. The methods used to obtain the information are clearly stated and able to be replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer reviewed to assure their reliability and validity.~~

~~3. Logical conclusions and reasonable inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.~~

~~4. Quantitative Analysis. The data has been analyzed using appropriate statistical or quantitative methods.~~

~~5. Context. The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.~~

~~B. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.~~

22.10.290 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 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.

22.10.295 Assurance.

The ~~city of Richland~~ administrator may require assurance from the owner or applicant and/or ~~its geologic consultant~~ qualified professional 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 ~~its geologic consultant~~ qualified professional 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

22.10.300 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(3) and the groundwater contribution area in WAC 246-291-125. 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 Group B wells with a wellhead protection plan filed with the City and/or 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 section.

22.10.310 Critical Aquifer Recharge Area maps.

The approximate location and extent of aquifer recharge areas are shown on the critical areas maps. Wellhead protection areas are shown in the City’s adopted Wellhead Protection Plan as presented in the City’s 2017 Water System Plan. 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.

22.10.320 Exemptions from Critical Aquifer Recharge Area regulations.

- A. See RMC 22.10.360 for general exemptions to all critical areas.
- B. The following activities shall be exempt from the CARA provisions of this section, provided they are conducted using best management practices for protecting surface and ground water quality:
 - 1. Single-family residential development.

2. 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.
3. Group A public water system source development and associated infrastructure.
4. Public water supply aquifer storage and recovery (ASR) facilities.
5. Public water pipelines and supply storage structures.
6. 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 one hundred ten (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. UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred (1,100) gallons are subject to the release reporting requirements of WAC 173-360-372;
 8. Any pipeline facility (including gathering lines) regulated under:
 - a. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or
 - b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or
 - c. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in Section 40.410.010(B)(3)(j)(1) or (2) of this definition;
 9. Surface impoundments, pits, ponds, or lagoons;
 10. Stormwater or wastewater collection systems;
 11. Flow-through process tanks;
 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.

22.10.330 Reports and Studies

Reports for CARAs shall be submitted to the administrator by the applicant when a development proposal activity not otherwise exempted as provided in Section 22.210.320 is proposed on a parcel within an aquifer recharge area. Requirements for a hydrogeologic assessment are found in Section 22.10.340.

22.10.340 Performance Standards

1. 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.
2. 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 County Health Department.
3. 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) and/or the locally adopted program, as applicable.

22.10.350 Uses Prohibited in Critical Aquifer Recharge Areas

The following activities and uses are prohibited in CARAs:

1. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, woodwaste, and inert and demolition waste landfills;
2. Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;
3. Mining in critical aquifer recharge areas determined to be highly susceptible in the City's Wellhead Protection Plan.
 - a. Metals and hard rock mining;
 - b. Sand and gravel mining.
4. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
5. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances.

Article VI. General Information

22.10.360 General exemptions.

The following activities shall be exempt from the provisions of this chapter, provided they are conducted using best management practices and minimize and/or mitigation the impacts to critical areas:

- A. Existing and ongoing agricultural activities, as defined in RMC 22.10.040 and subject to the provisions found in RMC 22.10.080(B)(3).
- 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, including but not limited to interpretive fields, bird watching, fishing and hiking, that will not have a significant effect on the habitat area;

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 codified in 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:

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 and development services~~ group administrator to pose minimal risk to ~~the public health, safety, and general welfare~~ critical areas.

I. The operation, maintenance, or re-construction of existing 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.

22.10.365 Exemption Procedures

~~Any person proposing an activity within a designated critical area shall submit a written description of the proposed activity and a site plan indicating the location and extent of the proposed activity to the City. Such description and site plan may be included in an application for development, such as a preliminary plat application, site plan approval, shoreline permit application or an environmental checklist. The Administrator shall make a determination as to whether the proposed activity is exempt under the provisions of this chapter or whether the proposed activity requires the preparation of a report in accordance with RMC 22.10.370.~~

~~If determined that the proposed activity is exempt under this critical areas ordinance, the administrator shall issue a written statement to the applicant identifying the specific exemption provision(s) that are being applied to the proposed activity and identify any conditions of approval that are necessary to ensure consistency of the proposed activity with this critical areas ordinance. Copies of exemption letters involving wetlands shall be provided to the State Department of Ecology and copies of exemption letters~~

~~involving fish and wildlife habitat conservation areas shall be provided to the Washington State Department of Fish and Wildlife.~~

22.10.370 Permit process and application requirements.

A. Preapplication Conference. All applicants are encouraged to meet with the ~~planning and development services manager of the city of Richland or his or her representative~~ administrator 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, a wetland determination, wetland delineation report, fish and wildlife habitat conservation area report, ~~or geologic hazard report or critical aquifer recharge area report~~ must be submitted to the ~~city of Richland~~ administrator for review ~~upon request of the planning and development services manager~~ 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 ~~wetlands, and the extent, type, function and value of wildlife habitat on any site sensitive critical areas~~ where regulated activities are proposed. The report will also be used by the ~~city of Richland~~ administrator to determine the appropriate ~~wetland rating designation and buffering requirement for the wetland, or the sensitivity and appropriate classification of the habitat, appropriate buffering requirements, and implementation of 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 must be staked and flagged in the field by a qualified ~~consultant professional~~. ~~employing the federal methodology. Field flagging must be distinguishable from other survey flagging on the site. The field flagging must be accompanied by a wetland delineation report.~~

~~3. Applicants for activities within 200 feet of geologic hazard 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. Recommend surface water management controls during construction and operation;~~

~~e. Propose construction scheduling;~~

- ~~f. Recommendations for site monitoring and inspection during construction;~~
- ~~g. 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;~~
- ~~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. A characterization of soils, geology and drainage;~~
- ~~l. A characterization of ground water conditions including the presence of any public or private wells in the immediate vicinity; and~~
- ~~m. Analysis of 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.~~

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, an aerial photo with overlays displaying the site boundaries and wetland delineation or habitat area(s) may be required. 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 area must describe:~~
- vi. Locational information including legal description and address;
- vii. All natural and manmade features within 150 feet of the site boundary;
- viii. General site conditions including topography, acreage, and water bodies or wetlands; and

ix. Identification of any areas that have previously been disturbed or degraded by human activity or natural processes.

5.4. 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 areas maps described in RMC 22.10.090;

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; and describe:

i. Specific descriptions of plant communities, soils, and hydrology;

ii. A summary of existing wetland function and value; and

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 22.10.140.

6.5. In addition to the general report requirements, a report on fish and wildlife habitat [conservation areas](#) shall include 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 **department administrator** 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 Resource's Natural Heritage and Washington State Department of Wildlife's nongame data system databases, if available; and

d. Additional information on species occurrence available from the city of Richland or Benton County or [the Washington State Department of Fish and Wildlife](#);

e. ~~And describe~~ Include the following descriptions:

- 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; and
- 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.

vi. Describe how mitigation meets the criteria of RMC 22.10.210 including the specified mitigation sequence.

6. In addition to the general report requirements, applicants for activities within 200 feet of 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; and
- 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 administrator;
- k. Recommend surface water management controls during construction and operation;
- l. Propose construction scheduling;

m. Recommend site monitoring and inspection during construction;

7. In addition to the general report requirements, a report for Critical Aquifer Recharge Areas must meet the following requirements:

- 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 one thousand feet of the project area;
- d. Location of other ~~sensitive~~ critical areas, including surface waters, within one thousand feet of the project area;
- e. Available historic water quality data for the area to be affected by the proposed activity; and
- f. Evaluation of the potential impact of the proposed development on groundwater 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 groundwater.

8 In addition to the general report requirements, a report on floodplain development shall include the information required by RMC 23.34.100 Floodplain district – Development permit.

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.

22.10.380 Requirements of qualified ~~consultant~~ professional.

All reports or studies are to be performed by a 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 WAC 365-195-905(4).

22.10.385 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 file 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 filed for public record 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.

22.10.390 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 the regulated ~~sensitive~~ critical area or its associated buffer or setback in which a restriction of prohibition on alteration is provided by this program.

22.10.400 On-site density transfer for ~~sensitive~~ critical areas.

A. An owner of a residential site or property containing ~~sensitive~~ critical areas may be permitted to transfer the density attributable to the ~~sensitive~~ critical area and associated buffer area or setback to another nonsensitive portion of the same site or property, subject to the limitations of this section and other applicable regulations.

B. Density can be transferred from the ~~sensitive~~ critical portion and associated buffer area or setback to the nonsensitive portion of the residential site subject to the following conditions:

1. The basis for the density transfer will be an actual site plan for the site or property as if it did not have the ~~sensitive~~ critical area, subject to the provisions of the underlying zoning classification, applicable setbacks, and other standards of the city code or other land development regulations.

2. Based on the above site plan, a portion of the density that could be achieved on the ~~sensitive~~ critical portion and associated buffer or setback of the site can be transferred to the nonsensitive portion of the site. The following chart indicates the amount of density that can be transferred, based on the degree of sensitivity of the ~~sensitive~~ critical area:

CATEGORY OF SENSITIVE <u>CRITICAL</u> AREA	PERCENT OF DENSITY ON SENSITIVE <u>CRITICAL</u> AREA THAT MAY BE TRANSFERRED ON SITE
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Category I and II Wetlands	25%
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Critical Habitat

CATEGORY OF SENSITIVE <u>CRITICAL</u> AREA	PERCENT OF DENSITY ON SENSITIVE <u>CRITICAL</u> AREA THAT MAY BE TRANSFERRED ON SITE
High and Very High Geologically Hazardous Area	25%
Seismic Hazard	25%
Category III and IV Wetlands	100%

~~Secondary Habitat~~

Low and Medium Geologically Hazardous Area	100%
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3. In transferring the density from the ~~sensitive~~ critical portion of the site and its associated buffer or setback to the nonsensitive portion of the site the density of the nonsensitive portion of the site may be increased up to the equivalent next density classification. However, in the case of the highest density multifamily zoning classifications, the density may not be increased beyond the current density.

4. The nonwetland portion of the site is not constrained by another environmentally ~~sensitive~~ critical or geologically hazardous area regulated by this code.

5. The nonwetland portion of the site is subject to the density limitations of the new density zoning classification, and to applicable setbacks, and other standards of the city code or other land development regulations.

C. An on-site density transfer shall meet the requirements and follow the procedures of:

1. Planned unit development, RMC 23.50.010;
2. Plats and subdivisions, RMC Title 24.

D. The fact that development rights have been sold or received, and all related conditions, will be recorded, in a form acceptable to the city attorney, to become a part of the deed of the “sending” and “receiving” properties.

22.10.405 Density bonus for increased buffers.

1. An owner of a residential site or property containing ~~sensitive~~ critical areas who chooses to increase the buffers adjacent to a wetland or wildlife habitat area beyond the minimums required under this title shall be permitted to increase the density on the portion of the site that lies outside of a critical area or its required buffer. The amount of density bonus shall be based on the amount of additional buffer lands provided, through a calculation of the area of the additional buffer and/or wildlife corridor proposed on-site, expressed as a percentage of the total site area, exclusive of the total wetland, wetland buffer area and/or wildlife corridor as required under the provisions of this chapter. This percentage can then be doubled and applied to the total number of units located within the non-critical area portion of the site to determine the allowed density increase.

An example application of the density bonus provision is as follows: An applicant has a 15 acre site with an identified wetland area and buffer and proposes an additional .75 acres of buffer, which

translates to 5% of the total site. This entitles the developer to a 10% increase in lot count. If the existing zoning permitted 40 lots, the density bonus would entitle the applicant to an additional 4 lots.

2. In order to qualify for a density bonus:
 - a. Any additional wetland buffer area must be adjacent to the required wetland buffer area;
 - b. Any additional habitat buffer area must be adjacent to the required habitat area;
 - c. A wildlife corridor not otherwise required by this title may qualify for a density bonus provided that the fish and wildlife habitat conservation area report prepared by a qualified ~~consultant~~ professional identifies the location of said wildlife corridor as beneficial to priority, threatened or endangered species.
3. In transferring the density bonus from the sensitive portion of the site and its associated buffer or setback to the non-sensitive portion of the site, the density of the non-sensitive portion of the site may be increased up to the equivalent next density classification. However, in the case of the highest density multifamily zoning classifications, the density may not be increased beyond the current density.

22.10.410 General procedural provisions- Interpretations and appeals

A. Interpretations and Conflicts. Any question regarding interpretation of these regulations shall be resolved pursuant to the procedures set forth in RMC 23.70.070.

B. Appeals from permit decisions shall be governed by the procedures set forth in Chapter 19.70 of the Richland Municipal Code.

22.10.415 Penalties.

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.

22.10.420 General savings provision – Reasonable use.

A. The standards and regulations of this chapter are not intended, and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. If an applicant demonstrates to the satisfaction of the ~~city of Richland~~ administrator that strict application of these standards and the utilization of cluster techniques, planned unit development, and transfer of development rights would deny all reasonable economic use of its property, development may be permitted subject to appropriate conditions, derived from this chapter as determined by the ~~deputy city manager, community and development services~~ administrator and after all variance requests from the ~~board of adjustment~~ hearing examiner have been denied.

B. An applicant for relief from strict application of these standards shall demonstrate the following:

1. That no reasonable use with less impact on the critical habitat and/or hazard area and buffer is feasible and reasonable;
2. That there is no feasible and reasonable on-site alternative to the activities proposed, considering possible changes in site layout, reductions in density and similar factors;
3. That the proposed activities, as conditioned, will result in the minimum possible impacts to wetlands and buffers;
4. That all reasonable mitigation measures have been implemented or assured;
5. That all provisions of the city's regulations allowing density transfer on site and off site have been considered;
6. That the inability to derive a reasonable economic use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition.

22.10.430 No special duty created.

It is the purpose of this chapter 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 chapter. No provision or term used in this chapter 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 chapter shall be discretionary and not mandatory.

Nothing contained in this chapter 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 chapter or be a reason or a consequence of any inspector, notice, or order, in connection with the implementation or enforcement of this chapter, or by reason of any action of the city related in any manner to enforcement of this chapter by its officers, agents or employees.

22.10.435 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 administrator 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 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. 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 affected critical area and its buffer 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 Section 22.10.415.

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 wetland is located. The administrator 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 conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

22.10.440 Severability.

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

COMMENTS ON CRITICAL AREA ORDINANCE UPDATE

This matrix provides a summary of the comments received on the draft critical areas ordinance and provides a staff response to each comment made. Only comments that suggested specific amendments to the draft ordinance are reported here.

	Name	Date	Comment	Staff Response
1	Department of Ecology	8/21/17	The use of brackets throughout the document is unclear. A brief note indicating the use would be helpful.	Brackets have been removed from the text. They were only intended to provide explanatory notes for use in the draft document and not intended to be part of the final version.
2	Department of Ecology	8/21/17	Page 6: Creation: Replace establishment with creation to read, "Creation results in a gain in wetland acreage"	Change in definition of "creation" in 22.10.030 made.
3	Department of Ecology	8/21/17	Page 8: Establishment: remove paragraph. Definition of establishment and creation appear to be the same and produce the same results.	Definition of "establishment" in 22.10.030 has been removed.
4	Department of Ecology	8/21/17	Page 13: "Qualified Wetland Specialist" Item B refers to Unified Federal Manual. This should be changed to the federal delineation manual.	Change made to definition of "qualified wetland specialist" in 22.10.030.
5	Department of Ecology	8/21/17	Page 15, 3 rd paragraph, remove the sentences "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 WAC 173-22-035. Refer also to Department of Ecology publication "Focus on Irrigation Influenced Wetlands (Publication No. 10-06-015 or as may be amended in the future." Neither entry is required under the GMA and is not found with the RCW 36.70A.030(21) code. However, they could be included as criteria or guidance.	Change made to definition of "wetland" in 22.10.030.
6	Department of Ecology	8/21/17	Page 15, Wetland Delineation could be	Change made to definition of "Wetland

			strengthened by including the following: “Wetland delineation shall be done in accordance with the approved federal delineation manual and applicable regional supplements as provided in WAC 273-22-035. Remove the flagging and staking language.	delineation” in 22.10.030.
7	Department of Ecology	8/21/17	Page 17, B, Wetlands: Ecology’s previous guidance supported the exemption of small wetlands that met criteria specified within the current drafted listing due to administrative conclusions. However the Department currently recommends such wetlands be held under a higher standing and reviewed equivalent to other larger wetland areas due to the importance they play in providing critical wildlife habitat in Eastern Washington’s arid climate.	The exemption to allow filling of Category III and IV isolated wetlands less than 1,000 square feet can only be accomplished if the wetland is not part of a riparian area and does not contain priority habitat as identified by Department of Fish and Wildlife. A wetland meeting this criteria can only be filled if impacts are fully mitigated.
8	Department of Ecology	8/21/17	Page 18, 22.10.100 Rating: The publication is not correctly cited. It should be #14-06-030 and not #04-06-030.	Correction made.
9	Department of Ecology	8/21/17	Page 20, Category II wetlands: Vernal pools need to be add consistently throughout the document. The need to be included in the table within Category II wetlands.	Vernal pools were added to Table 22.10.110(D) Buffer Widths.
10	Department of Ecology	8/21/17	Page 25, Reference cited is incorrect. This paragraph should be reviewed for consistency with the <i>2016 Wetland Guidance for CAO Updates</i> (Eastern Washington) and cited correctly.	Citation included in 22.10.110(E) was corrected.
11	Department of Ecology	8/21/17	Page 32, Table 22.10.130(C) includes bogs and alkali wetlands however the buffer table does not. Revise tables for consistency and for those wetland types located within your region.	Table 22.10.130(C) was revised to eliminate Alkali and Bog type wetlands, as those type of wetlands are not present in the City.
12	Department of Ecology	8/21/17	Page 33; Incorrect reference citation. Revise to,	Citation referenced in 22.10.140 was

			<i>Wetland Guidance for CAO Updates, June 2016, Publication No. 16-06-002.</i>	corrected.
13	Department of Ecology	8/21/17	Page 35, 22.10.050. Performance standards for wetlands mitigation planning; items listed here appear to be design standards for a mitigation site and not performance standards for a mitigation site.	Title of 22.10.050 has been relabeled as Design standards for wetlands mitigation planning.
14	Department of Ecology	8/21/17	Page 35, 22.10.160 Wetland Monitoring Program and Contingency Plan; we recommend performance standards be project specific and determined on a case-by-case condition. However, we suggest using the following guidance: • A monitoring plan with methods using, scientific procedures for establishing the success or failure of the project must be submitted; • For vegetation determinations, permanent monitoring transects or plots shall be established that adequately represent the compensatory mitigation site; • Vegetation success in the compensatory mitigation wetland will be defined as: ○ An average density of at least 4 plants per 100 square feet in the scrub-shrub and forested communities in year one; ○ A cover of native wetland trees and shrubs combined (planted and volunteer) of at least 10% in year 3; 25% in year 5; 40% in year 7; 50% in year 10%; ○ A cover of native wetland herbaceous plant species (planted and volunteer) of at least: 25% in year 5; 40% in year 7;	Recommended changes to 22.10.160 have been made. Language in subsection (B)1 was amended to require monitoring plans; (B)2 requires use of monitoring transects or plots. B(3) provides standard for average planning densities over monitoring period; calls for removal of non-native invasive species and requires buffer vegetation be maintained as called for in approved monitoring plans. B(4) requires monitoring reports for first 4 years and requires the monitoring report to incorporate hydrology standards. B(5) extends the obligation for extending monitoring periods beyond 5 years if the mitigation goals are not achieved within the first 5 years.

			50% in year 10; ○ A cover of native wetland herbaceous plant species (planted and volunteer) of at least: 25% in year 5; 40% in year 7; 50% in year 10. ○ Alternatively, you could leave the success criteria at 80% for year 10 and decrease percentages per monitoring year leading up to year 10. • Non-native invasive species must be maintained per site specific specifications and shall not exceed a maximum of (x amount) 5 aerial coverage. Tailored to each compensatory mitigation site. • Buffer vegetation shall be maintained at (x amount) % aerial coverage. Tailored to each compensatory mitigation site. • Monitoring reports could be simplified and received for years 1, 2, 3, 4, 7 and 10. If the site in an emergent wetland monitoring for 5 years and 10 for predominately scrub-shrub and forested wetland habitats. • Hydrology standards and monitoring should be incorporated and tailored for each project to ensure the required area of wetland habitat and buffer are established and functioning. ○ Soils of the compensatory mitigation site must remain inundated or saturated to the surface for a minimum of (xx) days (attribute) during the growing season for each monitoring year (time frame).	
15	Department of Ecology	8/21/17	Page 55, F: Provide a time limit when mitigation must occur after an emergency	22.10.360(F) was amended to provide that retroactive mitigation is required to restore

			activity.	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.
16	Department of Ecology	8/21/17	Page 55, H: Minor activities should be better defined in addition the latter part of the sentence should read more closely to the following: "...as long as it poses minimal risk to critical areas" in place of risks to public health, safety and welfare.	22.10.360(H) was amended to read as: "Minor activities not mentioned above and determined by the administrator to pose minimal risk to critical areas."
17	Department of Ecology	8/21/17	Page 55, I: Revise sentence to demonstrate maintenance or reconstruction is to occur on EXISTING canals, waterways, drains, reservoirs or other facilities and all work is to take place within the existing footprint. Any new construction is required to occur within the existing footprint and not encroach in a critical area.	22.10.360(I) was amended to include the word "existing". The language also references that new construction or related activities shall not encroach into a critical area.
18	Department of Ecology	8/21/17	Page 63, 22.10.410: include the following: That the inability to derive a reasonable economic use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition.	22.10.420(6) to add the recommended language.
19	Department of Ecology	8/21/17	Include a Frequently Flooded Areas Section. At a minimum the City could reference the flood hazard areas ordinance found within Chapter 23.34 Floodplain Combining District of the Title 23 Zoning Regulations of the City's Municipal Code. Guidance can be found within the Benton County's Critical Areas Ordinance, Chapter 15.30 Frequently flooded areas and the	22.10.010(A) reads as follows: 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 in Chapter 23.34 of the Richland Municipal Code.

			Department of Ecology's website: http://wcy.wa.gov/programs/sea/floods/FloodedAreaGuidance.html .	
20	Kennewick Irrigation District	8/9/17	RMC 22.10.040 – Definitions, "Wetlands." The draft CAO inappropriately includes the following sentence: "Refer also to Department of Ecology publication 'Focus on Irrigation Influenced Wetlands.'" This addition is inconsistent with the definition of "wetlands" adopted by the state legislature under RCW 36.70A.030(21), which reads in full as follows: <i>"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater 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 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> According to Department of Commerce	Response from Ken Harper: I don't think it is appropriate to include the reference to the Ecology publication as part of the City's CAO regulations. The Ecology publication is useful, but it is not the type of document that is equivalent to regulatory text. I don't think Ecology itself would suggest that its publication would be valid despite changes in the law, and having it as part of the CAO leaves unanswered its exact role in the City's code. Meanwhile, the availability of the publication as a resource is not hindered by leaving it out of the code, so it can continue to be instructive wherever applicable. I would suggest accepting KID's proposed revision. Change made to 22.10.040. Also see comment #5.

			regulations, WAC 365-190-090, counties and cities must use the definition of wetlands in RCW 36.70A.030 in designating wetlands for regulatory purposes. The Department of Ecology publication that is proposed for reference in the definition of “wetland” is a policy document that consists of the agency’s legal interpretation of the statutory definition and does not constitute best-available science. This Ecology publication is not the legal equivalent of the definition established by the State Legislature under RCW 36.70A.030(21). The CAO should not be amended with the proposed reference to the Department of Ecology publication, as quoted in BOLD above.	
21	Kennewick Irrigation District	8/9/17	RMC 22.10.185(1)(d) – Fish and Wildlife Habitat Conservation Areas. The draft CAO now includes overly broad reference to the “Amon Creek Natural Preserve” as a designated fish and wildlife habitat conservation areas. Certain artificial features and constructs used by the KID, including portions of its irrigation delivery system, are located within the parcel of land commonly referenced as the Amon Creek Natural Preserve. The updated draft CAO correctly excludes the KID’s irrigation infrastructure from the definition of “fish and wildlife habitat conservation areas,” consistent with state law under RCW 36.70A.030(5). While this would necessarily exclude all of the KID infrastructure located within the Amon Creek Natural Preserve from being regulated as a fish and wildlife habitat conservation areas, to	Response from Ken Harper: I don't see why there should be any confusion here. If the entire Amon Creek Natural Preserve merits inclusion as FWHCA, then its listing at 22.10.185 is appropriate. And if portions of the ACNP are not FWHCA because they are artificial features or constructs that are part of an irrigation district or company, then they’re exempted by the definitional section at 22.10.040. It seems that going further to repeat the definitional exemption for certain kinds of structures within the ACNP is unnecessary and is itself a point of confusion. I would suggest rejecting KID’s proposed revision. No change made to code.

			avoid confusion about ongoing KID operations on this parcel of land, RCW 22.10.185(1)(d) should expressly recognize that KID's artificial features and constructs within the Amon Creek Natural Preserve are not part of the designated fish and wildlife habitat conservation areas.	
22	Kennewick Irrigation District	8/9/17	RMC 22.10.365 – Exemption Procedures. The scope of this new section within the draft CAO is unclear, but appears to require advanced City approval of benign, routine, and emergency activities currently exempt from regulation under the CAO per RMC 22.10.360. If the new exemption procedures in RCW 22.10.365 are made applicable to exemptions listed under RMC 22.10.360, a wide range of everyday activities by City staff, public agencies, and private citizens would need to approved by the City if there is any possibility that the activity occurs within a critical area (e.g., road and utility maintenance, educational and outdoor recreation – birdwatching, fishing, and hiking; public emergency activities). The KID is still analyzing the potential impact of this proposed language and reserves the right to supplement these comments before the Planning Commission takes action on the draft CAO.	Response from Ken Harper: The exemption procedures should be triggered by a type of event that poses some consequence for CAO protection. Ephemeral impacts that might arise from recreational activities and other actions would not appear to justify a formal City review and exemption process. I would suggest revision to the exemption procedures to tailor their applicability to an appropriate level of action meriting exemption review. This section has been removed from the code.
23	Kennewick Irrigation District	8/9/17	RMC 22.010.125 – Stormwater runoff and RMC 22.10.040 – Definitions, “Stormwater.” Because the term “stormwater” is used in several sections of chapter 22.10 RMC, the KID proposes the following sentence be moved from RMC 22.010.125 to the definitions section	Response from Ken Harper: The cited text seems appropriate in its current location. RMC 22.10.125 is the main section addressing stormwater runoff, and the cited text helps the reader understand how certain types of

			in RMC 22.10.040: "Streamflows that are influenced by irrigation practices are not considered stormwater runoff for the purposes of this chapter."	streamflows are or are not considered stormwater runoff. I think this is a more logical place for this information than in the definitional section for "stormwater" because this is more descriptive of stormwater runoff in certain circumstances than it is strictly definitional. I would suggest rejecting KID's proposed revision. No change made to code.
24	Kennewick Irrigation District	8/9/17	Critical Areas Map. The KID respectfully requests that those portions of the Amon Wasteway that the City has formally concluded are not designated critical areas (wetlands or fish and wildlife habitat conservation area) be removed from the critical area map. The KID further disagrees with inclusion of any portion of the Amon Wasteway within the City's critical area map.	Response from Ken Harper: I doubt that the City has sufficiently detailed mapping data to fully meet this request. The text of the CAO provides guidance on what is and what is not FWHCA within the ACNP, and I don't believe that mapping portrayal of the regulations is required or feasible at the level of detail being sought by KID. The term "Amon Wasteway" must be read in conjunction with the CAO regulatory text. Any further meaning or intent of KID in using this term is nebulous and I would suggest simply that KID's position is deemed noted. No change made to map.
25	Laurie Ness	8/8/2017	Section RMC 22.10 of the updated code defines the relationship of the various regulations. This section should be supplemented with the following language from section 16.34.030 of the model ordinance: B. Any individual critical area adjoined by another type of critical area shall have the	Section 22.10.030(A) provides similar language: In the event of any conflict among regulations in this chapter or with any other regulations of the City of Richland for a particular critical area, those regulations that provide greater protection to the

			buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this Chapter or any existing regulation, easement, covenant or deed restriction conflicts with this Chapter, that which provides more protection to the critical areas shall apply.	critical area shall apply.
26	Laurie Ness	8/8/2017	C. These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA) as locally adopted. Any potential impacts of a development and conditions required pursuant to this Chapter shall be considered in the SEPA review process.	Section 22.10.370(1) provides similar language: Prior to the issuance of a SEPA threshold determination for a proposal, a wetland determination, wetland delineation report, fish and wildlife habitat conservation area report, geologic hazard report or critical aquifer recharge area report must be submitted to the administrator for review if such critical areas are indicated on any portion of the site. The purpose of the reports is to determine the extent and function of critical areas where regulated activities are proposed. The report will also be used by the administrator to determine the implementation of 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.
27	Laurie Ness	8/8/2017	D. Compliance with the provision of this Chapter does not constitute compliance with other deferral, state, and local regulations and	Section 22.10.010(E) provides similar language: Compliance with the provisions of this

			permit requirements that may be required (for example, Shoreline Substantial Development Permits, Hydraulic Permit Act permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 Permits, National Pollution Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.	chapter does not constitute compliance with other federal, state and local regulations. Other permits, including but not limited to HPA permits, Army Corps of Engineers Section 404 permits, and/or NPDES permits may be required. It is the responsibility of the applicant to comply with other requirements apart from the provisions of this chapter.
28	Laurie Ness	8/8/2017	Section 22.10.010 of the CAO, describes the handling of frequently flooded areas. In this section please add the text: "Frequently Flooded Areas are also subject to the critical areas regulations to protect their functions and values as a type of critical area." This section, all cross references to other sections of the code should be checked. In addition, it should be stated that the cross referenced code require the same compliance that would be required if the cross referenced code were physically in the CAO. Please cross reference where the frequently flooded areas is chapter on page 9 of RMC.	Uses permitted and prohibited within a floodplain are spelled out in RMC 23.34, as are standards and procedures for development activities. The suggested amendment could create some uncertainty in the administration of the codes. If a procedure identified in 23.34 differs from one in 22.10, which one takes precedence? One area of conflict is found in 22.10.370(C) which states that the CAO does not intend to create a separate permit process; however; 23.34.100 requires that a development permit for any construction within the designated floodplain area.
29	Laurie Ness	8/8/2017	Please add the definitions from the Model Ordinance given in Appendix A. - Critical Areas - Functions and Values - Isolated Wetlands - Monitoring - Primary Association Area - Project Area - Recharge - Repair or Maintenance	The regulation could be improved with the addition of some additional definitions, so the terms critical areas, functions and values, isolated wetlands have been added. The species definitions are well covered in existing definitions of priority habitat, priority habitat and species map, priority habitat and species list and priority species. Other terms are not used in the text of the ordinance and so are not needed. Primary

			Restoration Scientific Process Species of Local Importance Species, Priority Species, Threatened Unavoidable	association area, scientific process fit in this category. Other terms have common meanings and specific definitions are not needed. Monitoring, project area, repair or maintenance, unavoidable fit in this category. A definition for restoration is already included in the ordinance.
30	Laurie Ness	8/8/2017	So that people buying property here in Richland are informed, please add the following text from the model ordinance. It should also be disclosed for zoning or in particular rezoning. Notice on Title A. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which development proposal is submitted shall file 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 or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. 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	Notice on title would be beneficial. A new section 22.10.385 has been added. The language has been altered somewhat to place the requirement for notice to be completed at or prior to the time of final approval for that is the juncture that specific requirements and locations of critical area boundaries would be known. In the case of subdivisions, short plats and binding site plans, a note on the face of the plat can serve the same function as the notice of title.

			right-of-way; or 3. On the site of a permanent public facility. C. The applicant shall submit proof that the notice has been filed for public record before the City approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments and binding site plans, at or before recording.	
31	Laurie Ness	8/8/17	Invasive species. The following text from the model ordinance should be included in the CAO to provide protection from further degradation with invasive species or to misuse. A. Unless otherwise required in this Chapter, native growth protection areas shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below: 1. All landslide hazard areas and buffers; 2. All wetlands and buffers; 3. All habitat conservation areas; 4. All other lands to be protected from alterations as conditions by project approval. B. Native growth protection areas shall be recorded on all documents of title of record all affected lots. C. Native growth protection areas shall be designated on the face of the plat or recorded drawing in a format approved by the City. The designation shall include the	Specific requirements for maintaining wetlands and wetland buffers, habitat conservation areas and steep slopes are addressed in the existing code language. Mitigation measures as identified in the reports required for compliance with this chapter may require planting and monitoring of native plants within critical areas or their buffers. Some clarifying language has been added to the new section 22.10.385 to note the restrictions that may apply in a specific circumstance, stating that: 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.

			following restriction: 1. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants, fish and animal habitat; and 2. The right of the City to enforce the terms of the restriction.	
32	Laurie Ness	8/8/17	Buffers for Fish and Wildlife Conservation Areas. A correction is needed for buffers for fish and wildlife habitat conservation areas on page 43, which states: "Riparian corridors shall meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.130." RMC 22.10.130 is wetland specific and not applicable for habitat conservation areas, as they are more varied and regulated differently. The reference to Chapter 26 needs to state it refers only to shoreline riparian buffers. Currently, this text show no equivalent statutory language for protecting the functions and values of habitat conservation areas or other critical areas. This needs to be added. The model ordinance given below includes characterization, qualification, buffers and more for habitat conservation areas. In addition, for habitat conservation areas, RMC 22.10.185(l) should include the table (in	22.10.210 establishes performance standards for fish and wildlife habitat conservation areas. It requires a report be prepared designed to preserve the habitat of the specific species that may be present on a particular site. The specific buffer standard will be customized for the site by the qualified professional preparing the habitat conservation area report, but in no case will the buffer width be less than those required for a wetland. Item #4 of 22.10.210 refers to the functions and values of habitat conservation areas. It reads: "Activity within a habitat conservation area shall not result in the degradation of the functions and values of the habitat." The draft code does not attempt to list protected or endangered species. Rather, it refers to the Washington State Department of Fish and Wildlife's priority habitat maps

			appendix) and these additional points: A combined list of federally and state identified species, state priority species and state priority habitats in included in Appendix B. 1. Waters of the state. Waters of the state include lakes, rivers, ponds, streams, inland water, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16, as it now exists or may hereinafter be amended. 2. State Natural Area Preserves and Natural Resource Conservation Areas. Natural area preserves and natural resource conservation areas are defined, established and managed by the Washington State Department of Natural Resources. 3. Areas of Rare Plant Species and High Quality Ecosystems. Areas of rare plant species and high quality ecosystems are identified by the Washington State Department of Natural Resources through the Natural Heritage Program. 4. Land Useful or Essential for Preserving Connections between Habitat Blocks and Open Spaces.	and species list. As this agency are the subject matter experts in this area, it is both more effective and expedient to rely on their listings to determine the species and habitats that should be protected. This approach eliminates the need for the City to maintain a specific list of species or to maintain a map of habitat areas.
33	Laurie Ness	8/8/17	Criteria on how habitat conservation areas are determined needs to be added; this is missing. RMC 22.10.200 needs to be reworked for habitat conservation areas and subsequently for the other types of critical areas under their own separate critical area sections. Having code in the habitat conservation area section refers	The only reference to wetlands in 22.10.200 is discussed in the comment above. The requirements for habitat conservation reports are specific to habitat issues. In fact a comparison of Sections 22.10.200 and 22.10.210 with the model ordinance language shows great similarities

			to wetland section for mitigation gives the appearance that this code for wetlands applies to habitat conservation areas. It appears to leave the habitat conservation areas and other critical areas with little or no protection. Our code needs to show that different regulatory requirements, as do the other types of critical areas. We need to show how all of these critical areas are protected. Having a catch-all code referenced from the wetlands section will not be adequate to protect our other critical area functions and values. (See appendix C)	in who is required to prepare the report, the areas to be addressed; the information to be included; the limitations that may be placed on development to protect the habitat and the agency consultation are very similar if not identical to the model ordinance language. One change to the draft code has been made to conform to the model ordinance and that is in 22.10.200(2) which calls for the report to include the project area and lands within 300 feet of the project boundaries. The draft originally stated lands within 200 feet of the boundaries need to be addressed in the report.
34	Department of Fish and Wildlife	7/10/17	The CAO update is comprehensive and makes use of newer documentation and language being incorporated by other municipalities statewide related to wetlands, buffers, and critical areas. These updates are clearer and more succinct. We support the City in its efforts to clarify jurisdictional responsibilities related to irrigation operations and City land management. In particular, we support the City in its management of the West Fork of the Amon basin through CAO regulations. Native fish, wildlife and vegetation resources are adequately addressed in the revised section (Article III Fish and Wildlife Habitat Areas.) Additionally, many of these same resources are also protected through various wetland and upland CAOs.	No amendments were suggested in this comment.
35	Patrick Paulsen		<i>Change to stormwater definition not necessary.</i> Kennewick Irrigation District proposed the	Change to stormwater definition as requested by KID was not made. Refer to

			following language be included in the CAO 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. This language is confusing and unnecessary, since irrigation returns are not considered stormwater under the definitions used by the City or state. Both current draft RMC definition and the state's definitions limit stormwater to precipitation events; irrigation returns are not included. Adding this language increases confusion and seems to give irrigation returns even more of an exempt status that they have. The state definition follows: WAC 173-218-030: Stormwater means the portion of 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.	comment #23.
36	Patrick Paulsen	7/9/17	<i>Addition of an exemption for operation of irrigation system.</i> KID has proposed the following language be included in the CAO: 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 new construction or	22.10.360(I) was amended as suggested in comment #16.

			related activity does not encroach into a critical area. The proposed language change is confusing. It exempt “construction of canals... in the first clause but then specifically says that “new construction” is covered by CAO if it would encroach into critical area. Perhaps is the text is changed to “reconstruction of canals...” that would be in line with the other exemptions listed.	
37	Patrick Paulsen	7/9/17	<i>Response to our previous comment regarding wetland definitions.</i> I’d like the code to specifically refer to guidance from the Dept. of Ecology regarding wetland definitions and delineation in addition to the reference to WAC 173-22-035.	Reference to Ecology document in wetland definition was deleted. See comment #5.
38	Patrick Paulsen	7/9/17	<i>Definition of Priority Habitat should not be removed.</i> It has been proposed that the “priority habitat” would be deleted from the definition section of the CAO. If no definition for the term “priority habitat” is given in the list of defined terms, then readers will be unaware that it is a term that is formally defined rather than a generic phrase. The definition should be kept with a citation to the relevant State code. The language can be updated in the state code changes.	Definition of priority habitat has been retained in latest draft.
39	Patrick Paulsen	7/9/17	<i>Section giving definitions should be expanded to include definitions of items related to state requirements for GMA compliance.</i> The state lays out specific criteria that a municipality must follow to ensure compliance with the GMA. For example, WAC 365-196-830,	Terms within the code have been amended and do now currently reflect terms used in the WAC including “fish and wildlife habitat conservation areas”, “critical areas”, “critical aquifer recharge areas” and “wetlands”.

			Protection of critical areas specifies that: 2.Critical areas that must be protect include the following areas and ecosystems: a. Wetlands b. Areas of critical recharging effect on aquifers used for potable water; c. Fish and wildlife habitat conservation areas; d. Frequently flooded areas; and e. Geologically hazardous areas. It is difficult to examine the draft CAO to determine if it meets the criteria required by the state. The draft uses terms that do not appear I the WAC and so, for instance, attempting to find the section of the CAO that deals with “fish and wildlife habitat conservation areas” through a text search finds no results. Terms that are synonymous with terms that appear in the WAC and RCW should be defined in the definitions section, along with the text of the term used in the state code and a reference to the State’s definition.	
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Comments regarding proposed changes to City of Richland's Draft Critical Areas Ordinance before the City Planning Commission on August 30, 2017

Patrick Paulson and Laurie Ness
2253 Davison Avenue, Richland
August 23, 2017

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Abbreviations

CAO.....	Critical Areas Ordinance
DCAO.....	Draft Critical Areas Ordinance
GMA.....	Growth Management Act
FWHCA.....	Fish and Wildlife Habitat Conservation Area
KID.....	Kennewick Irrigation District
MCAO.....	Model Critical Areas Ordinance
SEPA.....	State Environmental Protection Act
WDE.....	Washington Department of Ecology

Comments regarding proposed changes to City of Richland's Draft Critical Areas Ordinance before the City Planning Commission on August 30, 2017

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1. Overall Comments

The intent of these comments is to provide the Richland City Council and Planning Commissions with changes to the current Draft of the Critical Area Ordinance (DCAO) [1] that will ensure that it complies with the City's Comprehensive Plan and State and Federal Law, in particular Washington's Growth Management Act (GMA) [2] and the State Environmental Protection Act (SEPA) [3] .

The Washington Department of Ecology (WDE) has made a model critical ordinance (MCAO)[4] available; many of our suggestions involve adopting language from the MCAO. By adopting language from a the MCAO the City will avoid creating confusion and inadvertently cause uncertainty for developers and residents or allow harm to critical areas.

A minor note: the TOC of current DCAO wasn't recreated, makes it difficult and comment on relevant sections.

1.1. Wetland Delineation should use method currently recommended by Ecology

DCAO §22.10.110(B) states

A. [sic] B. Buffers shall be measured from the wetland edge as delineated using the 1987 Army Corps of Engineers Wetlands Delineation Manual and the Arid West Regional Supplement...

This is inconsistent with state requirements and should be updated to match the method specified in in the definition of wetlands given in DCAO §22.10.040:

"Wetland" or "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 WAC 173-22-035. [emphasis mine]

1.2. Incomplete public record

The online agenda packet for the August 9th Planning commission workshop does not include comments submitted by KID. These comments are reproduced in Appendix D.

1.3. Question regarding notification of potential conflict of interests

In reviewing minutes of Kennewick Irrigation District (KID) board meetings we came across the following item for the Board meeting of April 18, 2017 [5]:

Letter regarding Potential Conflict of Interest: Mr. Iller reported that the District received a letter from insurance defense counsel, Ken Harper, regarding a potential conflict of interest due to his representation of the City of Richland in matters of their critical areas ordinance. He said Mr. Harper believed he did not have an actual conflict and would withdraw if actual conflict developed...

Seeing that these notes specifically mention the City of Richland and the critical areas ordinance I'd like to verify that the City has received notification of the potential conflict of interest.

1.4. Balancing consequences of failing GMA compliance with the potential of legal action

There are consequences if the CAO fails to enforce and comply with the comprehensive plan and relevant state laws, including the GMA and SEPA. The city could face review by Washington's Growth Management board, which enforces the GMA, and also SEPA with respect to changes in land use and comprehensive plans; the board could require changes to the CAO and/or comprehensive plan. This review and challenge would be triggered by the adoption of the CP and/or CAO.

On the other hand, if the CAO is written in a way that inadvertently prevents legitimate use of public or private property, the City may eventually face legal challenges when a party is unable to obtain approval or permits for a project. These challenges, however, can not be made until a party can show that the CAO has caused them harm. The City can easily settle these suits if the Council did not intend to prevent the proposed activity and then make appropriate amendments to the CAO.

2. Use Ecology's Model Critical Ordinance Language to Clarify and Simply the DCAO

2.1. Adopt Language from the MCAO to ensure that existing State and Federal regulations aren't undermined

In order to ensure that the CAO is interpreted as intended by the Council, and to comply with the Comprehensive plan, the following text from section 16.34.010 (E) should be adopted :

The regulations of this Chapter are intended to protect critical areas in accordance with the Growth Management Act and Shoreline Management Act through the application of the best available science, as determined according to WAC 365-195-900 through 365-195-925, as they now exist or may be hereinafter amended, and in consultation with state and federal agencies and other qualified professionals.

For the same reasons, the following text from MCAO §16.34.060:

In the interpretation and application of this ordinance, the provisions of this Chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of this ordinance, and shall be deemed to neither limit nor repeal any other provisions under state statute.

In addition, we agree with the comments of Laurie Ness submitted before the August 8th Planning Commission workshop that §22.10.030 of DCAO, starting on page 4, be amended with the following language from §16.34.030 of the MCAO:

16.34.030 Relationship to Other Regulations

...

B. Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this Chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this Chapter, that which provides more protection to the critical areas shall apply.

C. These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any potential impacts of a development and conditions required pursuant to this Chapter shall be considered in the SEPA review process.

D. 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, Shoreline Substantial Development Permits, Hydraulic Permit Act (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollution

Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

The additions of this language will provide more guidance to the public and planners by clearly addressing how the Richland CAO (CAO) works with other permits.

2.2. Adopt Exemption Language from MCAO

§16.34.120 through §16.34.150 (Appendix A.) of the MCAO clearly describe an exemption process, how exemptions are handled for public agencies such as KID, exceptions for reasonable use, and a description of allowed activities. I find the description of exemptions in the MCAO is more precise than in the WCAO and that the MCAO describes more uniform procedures for handling exempt activities and exceptions. By providing a procedure for dealing with the activities of public agencies, the MCAO avoids requiring special language for agencies such as KID. In particular, the following language should be removed from §22.10.360 (I):

I. The operation, maintenance, or re-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.

2.3. Adopt MCAO Language Detailing the Review Processes, Mitigation Sequencing, and Required Report for all Critical Area Types; address Cumulative Impacts for all types of Critical Areas

The WCOA currently has most of the text regarding mitigation and other provisions in the article describing wetlands. The portions of these descriptions that apply to all areas should be moved to the article titled ‘General Information’

2.4. Adopt Language regarding buffers for Fish and Wildlife Habitat Conservation Areas (FWHCA)

§16.34.560 of the MCAO contains language (see Appendix B.) that gives a clearer description of required buffers for FWHCA. This language should be adopted as a performance standard for FWHCA in the DCAO, §22.10.210.

3. Ensuring that terms defined in the DCAO do not override, or occlude, the definitions given in state or federal law

Planning Commissioner Jim Wise, in comments submitted to the Planning Commission prior to its workshop on July 26, 2017, raises the possibility that definitions included in the CAO might occlude, or replace, the definitions of the same terms at the state level. That is, by including definitions of terms such as “Fish and wildlife habitat conservation areas” within the CAO, someone might argue that only the text included in the CAO can be used to designate such areas. This is a fine distinction, but this argument could potentially be used to claim any guidance made by state regulatory agencies regarding the definition at the state level applies *only* to the definition at the state level, not to the definition that is given in the CAO.

I don’t have a legal background and using limited web searches I haven’t found any cases where this argument was made. But as a retired logician and computer scientist I understand the argument and can imagine that some attorney somewhere might make it (but I don’t know if any judge would accept it). However, remedies for this problem are straightforward.

First, include the following text from the MCAO §16.34.580 as a disclaimer within the §22.10.040 of the DCAO listing definitions used by the CAO:

Words not defined in this Chapter shall be as defined in the Town code, the Washington Administrative Code, or the Revised Code of Washington. Words not found in either code shall be as defined in the Webster's Third New International Dictionary, latest edition.

It is reasonable for the CAO to include the text of definitions that are made by state law; it makes the intended meaning clear to readers, signifies that a term is being used with a defined definition rather than as normal language, and makes the definition available without requiring the reader to locate the original definition. However, when definitions are included, the text taken from the definition within state law should be clearly marked as such. As an example, use the following text:

Washington's Department of Ecology defines "Stormwater" in WAC 173-218-030 to mean

... the portion of 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.

This text would replace the definition given in the DCAO §22.10.040:

"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.

Note that by using this technique, it is no longer necessary to do a word-by-word comparison of the definition used by the CAO to the definition given by the relevant WACs; it is clear the intended definition is the one given in the WAC.

4. Include Additional Definitions

The DCAO lacks definitions of many terms with specific meanings under state law. Appendix F.Gives the definitions used by the MCAO (pardon the lack of formatting). At a minimum, definitions for the following terms should be added to the CAO with the text used by the MCAO and references to state and federal regulations where appropriate:

Alteration, Anadromous Fish, Compensatory Mitigation, Conservation Easement, Cumulative Impacts or Effects, Development, Erosion, Floodplain, Functions and Values, Ground water, Hazardous substance, hydric soil, hydrophytic vegetation, impervious surface, isolated wetland, infiltration, mitigation, monitoring, non-indigenous (exotic), project area (site), reasonable economic use, repair or maintenance, scientific process, serviceable, shoreline, soil survey, species, unavoidable.

5. Exemptions

WAC 197-11-908 states:

(1) Each county/city may select certain categorical exemptions that do not apply in one or more critical areas designated in a critical areas ordinance adopted under GMA (RCW 36.70A.060). The selection of exemptions that will not apply may be made from the following subsections of WAC 197-11-800: (1), (2) (a) through (h), (3), (5), (6)(a), (13)(c), (23)(a) through (g), and (24)(c), (e), (g), (h).

The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

All other categorical exemptions apply whether or not the proposal will be located within a critical area. Exemptions selected by an agency under this section shall be listed in the agency's SEPA procedures (WAC 197-11-906).

(2) Proposals that will be located within critical areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.

This text is problematic because the DCAO has language that specifies which exemptions are allowed, which gives the impression that the specified exemptions are the *only* exemptions allowed. The CAO should explicitly cite this relevant state code so that citizens are aware of all the exemptions that apply in critical areas; and also so that it is clear that (as specified in (2) of the code) that a threshold determination is still required for exempt activities within critical areas.

5.1. Review state-mandated exemptions to determine which exemptions should *not* apply in the City of Richland

These exemptions specified in the WAC include minor new construction; repair, remodeling, and maintenance activities; purchase or sale of property; land use decisions for exempt projects; some business licenses; utility maintenance; agricultural leases; some recreational activity including campsites; and vegetative control; some of the exemptions are quite liberal. The Planning Commission and City Council should verify that they want these exemptions to apply in the City, otherwise they will cede authority and will be unable to regulate the specified activities.

Note that disallowing these exemptions will not necessarily prevent the described activities but will give the City additional tools to manage the impact of the activities and to enforce requirements for reporting under SEPA. One of the activities that stuck out to me was section 13(c), which exempts

All licenses to operate or engage in amusement devices and rides and entertainment activities including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above

I request that the Commission take a close look at these exemptions to determine whether the City agrees that the activities should remain exempt from critical area review. Appendix C. Lists the exemptions that can be disallowed.

6. Addressing Concerns of the Kennewick Irrigation District (KID)

KID is a Special Purpose District created by the State of Washington; it provides irrigation services to agriculture and residents of the region. KID's primary mission is to deliver irrigation water efficiently to its members while complying with federal, state, and local laws. As an irrigation district, KID can levy property taxes within the district. KID's board is elected by the property owners within the district; votes are apportioned based on how much property one owns. Because of this structure, KID is likely more responsive to the needs of large agricultural interests and property holders rather than to the interests of the population as a whole (see [RCW Title 87](#))

6.1. Overall comments regarding KID and the CAO

Minutes from the K.I.D. Board of Directors meeting on June 6, 2017 [6] indicate that KID has been working towards ensuring that waterways it uses as drains are unaffected by local regulations:

Mr. Defoe reported regarding

- Cities of Kennewick, West Richland, and Richland updating critical area ordinances and comprehensive plans. He said progress was being made regarding removal of KID drains from the Kennewick and West Richland comp plans and regulations. Work with City of Richland was

more challenging, but Planner Rick Simon said he was committed to looking at KID's requested changes.

Any recommendations that KID makes with regards to changes to the CAO should be avoided, since its clear that the intent of these changes is to allow KID to avoid accountability to local agencies. Modifying the CAO so that KID is free to avoid the requirements of SEPA within potential critical areas violates the GMA under provisions, since by RCW 36.70A.280 the GMA growth management board ensures that communities enforce (referred to as 43.21C RCW):

RCW 36.70A.280

Growth management hearings board—Matters subject to review. (Effective December 31, 2020.)

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with *RCW 36.70A.5801;

On the other hand, KID and other public agencies provide needed services to area residents, and needs to maintain existing infrastructure. I believe adopting the general exemption language proposed in §2.2 and regarding KID as a public agency addresses all the issues that KID has reasonable concerns about, such as exemptions for operation and maintenance of existing infrastructure.

6.2. Regarding KIDs comments to Rick Simon dated August 9, 2017

6.2.1. Item 1, definition of wetlands

In comments submitted to Rick Simon on August 9, 2017 (See Appendix D.)

KID states

[text from RCW36.70A.030(21) omitted ...]

According to Department of Commerce regulations, WAC 365-190-090, counties and cities must use the definition of wetlands in RCW 36.70A.030 in designating wetlands for regulatory purposes. The Department of Ecology publication that is proposed for reference in the definition of "wetland" is a policy document that consists of the agency's legal interpretation of the statutory definition and does not constitute best-available science. This Ecology publication is not the legal equivalent of the definition established by the state ...

The relevant paragraph of the Department of Commerce WAC that KID cites, WAC 365-190-090, reads:

(2) In designating wetlands for regulatory purposes, counties and cities must use the definition of wetlands in RCW 36.70A.030. Counties and cities are requested and encouraged to make their actions consistent with the intent and goals of "protection of wetlands," Executive Orders 89-10 and 90-04 as they existed on September 1, 1990. Additionally, counties and cities should consider wetlands protection guidance provided by the department of ecology, including the management recommendations based on the best available science, mitigation guidance, and provisions addressing the option of using wetland mitigation banks.

The document that KID has objections to, "Focus on Irrigation influenced wetlands", constitutes "wetlands protection guidance provided by the department of ecology", and as such is not only allowed, but encouraged, under the GMA.

6.2.2. Item 2, Request to specifically exempt areas from critical area protection as fish and wildlife habitat conservation areas

In the submitted comments KID states that “The draft CAO now includes overly broad reference to the ‘Amon Creek Natural Preserve’ as a designated fish and wildlife habitat conservation area”.

WAC 365-190-130 (text in Appendix E.) grants the city wide latitude in deciding what areas it designates as FWHCA. However, the general exemptions provided by the CAO provide KID more-than-adequate flexibility to preform its missions and maintain existing infrastructure within the preserve.

KID further requests that:

RCW 22.10.185(1)(d) [sic, ‘RMC’ is the likely intention] should expressly recognize that KID’s artificial features and constructs within the Amon Creek Natural Preserve are not part of the designated fish and wildlife habitat conservation area.

Granting KID such preferential treatment, not granted to other public agencies, undermines the City’s ability to regulate activities within critical areas.

Under WAC 197-11-800 and WAC 197-11-305 categorical exemptions for threshold determination and EIS requirements do not apply to any critical area. If the CAO specifically exempts activity from threshold determination where there are potentially critical areas the city will be out of compliance with the GMA.

6.2.3. Item 3, Exemption procedures

KID’s comments regarding the exemption procedures in the current DCAO are incomplete. However, I believe adoption or adaptation of the exemption language from the MCAO, as requested in §2.2, will address most of the needs of KID and other public agencies, as well as address passive recreational uses.

6.2.4. Item 4, Stormwater

In the comments, KID requests that

...the following sentence be moved from RMC 22.010.125 to the definitions section in RMC 22.10.040:
“Streamflows that are influenced by irrigation practices are not considered stormwater runoff for the purposes of this chapter.”

Because of the issues addressed in §3, the definition of stormwater should refer to the definition given in WAC 173-218-030:

... the portion of 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.

Since this language specifically ties stormwater to ‘precipitation’ it excludes irrigation flows. There is no reason to modify definitions provided by the state since the definition already ensures that irrigation flows are not considered stormwater; further, modifying the state definition may have unforeseen consequences preventing the City the ability to adequately regulate stormwater runoff.

6.2.5. Item 5, Critical Area Map

KID states:

Critical Areas Map. The KID respectfully requests that those portions of the Amon Wasteway that the City has formally concluded are not designated critical areas (wetlands or fish and wildlife habitat conservation area) be removed from the critical area map. The KID further disagrees with inclusion of any portion of the Amon Wasteway within the City’s critical area map.

The Critical Area Map is not part of the DCAO; the inclusion or exclusion of specific areas on the map can be determined later.

Further, there is no provision in SEPA for the city to formally conclude that an area is not a critical area. Simply because the city has formerly issued a “Determination of Non-significance” for some project does not mean that additional projects will not affect critical areas.

The CAO should not be used as a catalog of specific critical areas but should instead specify the criteria used to designate critical areas. While the city might provide a map and inventory of designated critical areas, the map and inventory only provide guidance for project planning. Because of changing conditions the map and inventory cannot be exhaustive and may include areas that are not critical under closer examination. The Critical Areas Assistance Handbook [cite] states:

Critical areas may be designated by adopting specific performance standards, delineating specific geographic areas, or both. Generally, performance standards are preferred, as any attempt to comprehensively map wetlands, for example, throughout a jurisdiction would likely be too inexact for regulatory purposes. Even so, mapping critical areas for information purposes is advisable. *All areas meeting the definition of one or more critical area type, regardless of any formal identification, are required to be designated critical areas...*[emphasis is mine]

In addition, KID’s assertion that the Amon Basin is not a critical area is incorrect. Figure 1 Shows a detail view of the Amon basin from a 1953 USGS map [7] where the east and west forks converge; the forks are indicated by the dotted blue line indicating ‘intermittent or dry stream’. Note that in addition to the dotted blue line there is also a small blue dot indicating open water or a spring directly between the two forks. Since what KID claims is an intentionally created waste-way contains an area that was previously a wetland, and indicated in this map, then the waste-way must still be treated as a wetland under state law [cite]. KID uses historical aerial photographs to back their assertion that there was no water in the basin prior to irrigation, photographs only show the area at a moment in time, which could have been during a dry spell. The USGS map, on the other hand, takes into consideration the history and character of an area to determine that it should be represented as a wetland.

Note further that even the existence of this wetland in the Amon Basin in 1953 may be immaterial, since KID would have to show it ‘intentionally created’ the dry stream beds in the basin; if not, Amon basin is currently an ‘unintentionally created artificial wetland’, which, under state law, is a wetland protected as a critical area. This reasoning is consistent with recent court actions where the City of Richland successfully defended requiring an environmental impact statement for activity in the Amon Basin (Benton Superior Court case #16-2-00620-2).

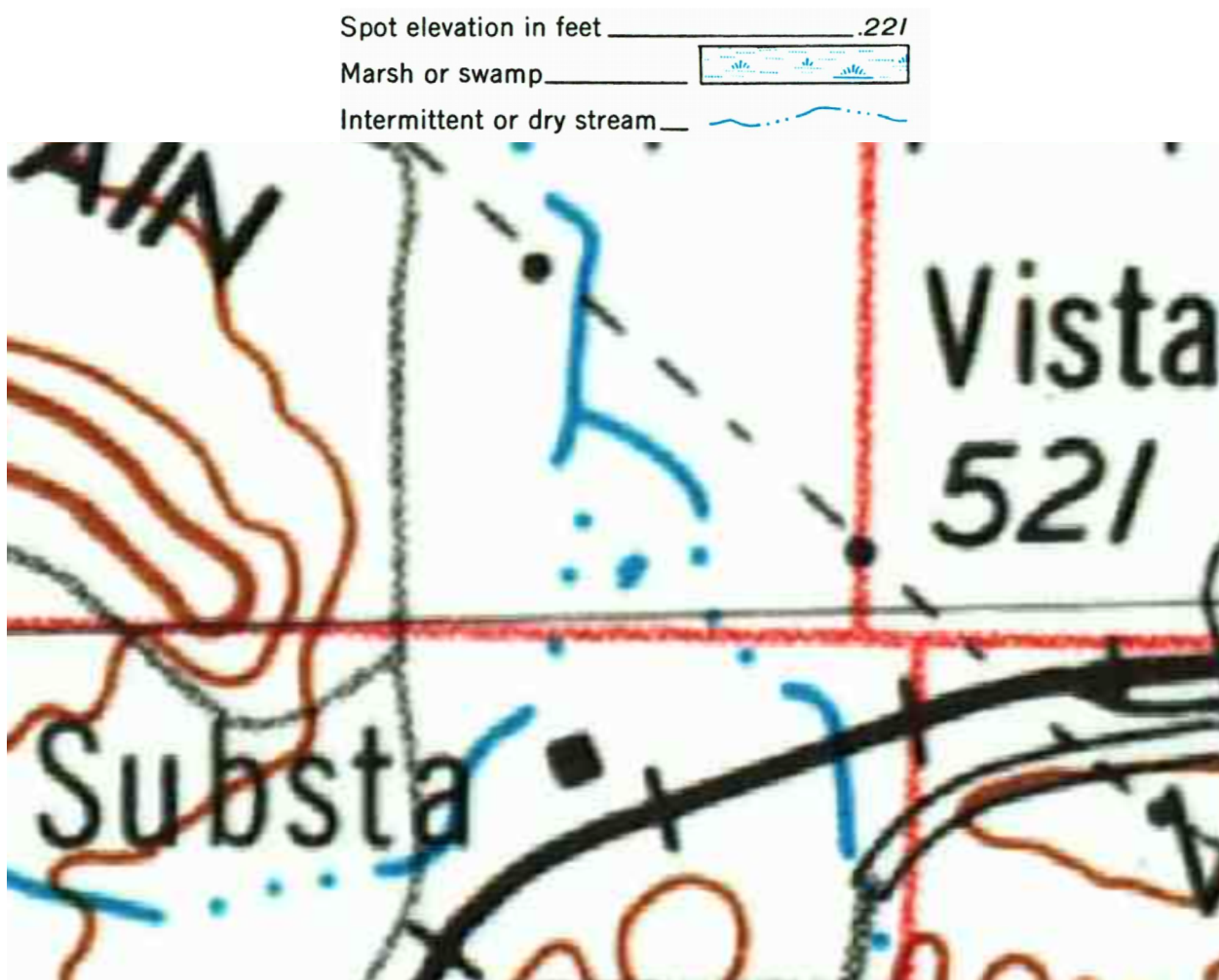


Figure 1: Amon Basin, from 1953 USGS map with legend

6.3. Regarding KID's comments presented by Rick Simon to Planning Commission July 12

I've previously submitted comments regarding this set of changes requested by KID and noted that the requested changes were unnecessary since the DCAO adequately addressed any reasonable concern that KID may have. In light of the second set of comments from KID and from KID board meeting notes it seems clear that KID hopes to avoid accountability for any operations within critical areas and I now view any change to the CAO with deeper skepticism. Again, it is my belief that by adopting MCAO language for exceptions, as requested in §2.2, will allow KID and other public agencies adequate flexibility for their activities within critical areas and their buffers while still holding them accountable and minimizing damage to such areas.

7. Recommendations Based on Ecology's Wetland Guidance for CAO Updates, Eastern Washington (EWG)

7.1. Regulate "Class IV General" Forest Practices within wetlands

EWG states:

Most forest practices (as defined in RCW 76.09) are exempted from the provisions of a wetlands chapter in the CAO. However, those forest practices that are Class IV general should be regulated. These activities constitute a conversion from forestry to some other use. As such, buffers and wetland protections are appropriate.

I would like to make sure the city regulates this activity as recommended by Ecology. I was unable to find anything in the MCAO that regulates these practices, but I did find the following text in Benton City's COA §18.08.030:

B. The following activities are regulated if they occur in a regulated wetland or its buffer:

1. ...

8. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations", WAC 222- 12-030, or as thereafter amended.

Richland's CAO should also ensure these activities area regulated within wetlands.

Bibliography

- 1: City of Richland, Critical Area Ordinance (Draft), in Agenda Packet for Planning Commision Workshop, August 9, 2017, 2017
- 2: , Chapter 365-196 WAC: GROWTH MANAGEMENT ACT—PROCEDURAL CRITERIA FOR ADOPTING COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS, , <https://app.leg.wa.gov/wac/default.aspx?cite=365-196>
- 3: , Chapter 197-11 WAC: SEPA RULES, , <http://apps.leg.wa.gov/WAC/default.aspx?cite=197-11>
- 4: City of Coupeville, Model Critical Area Ordinance,
- 5: KID, Minutes from KID Board Meeting, April 18 2017,
- 6: , Minutes from KID Board Meeting, June 6 2017,
- 7: , USGS 1:250000-scale Quadrangle for Walla Walla, WA 1953,

Appendix A. Exemptions, MCAO

16.34.120 Exemptions

1. **Exemption Request and Review Process.** The proponent of the activity may submit a written request for exemption to the town planner that describes the activity and states the exemption listed in this Section that applies. The town planner shall review the exemption request to verify that it complies with this Chapter and approve or deny the exemption. If the exemption is denied, the proponent may continue in the review process and shall be subject to the requirements of this Chapter.
2. **Exempt Activities and Impacts to Critical Areas.** All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this Chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.
3. **Exempt Activities.** The following developments, activities, and associated uses shall be exempt from the provisions of this Chapter, provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

1. **Emergencies.** Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this Chapter.

a. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area

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or its buffer. The person or agency undertaking such action shall notify the Town within one (1) working day following commencement of the emergency activity. Within thirty (30) days, the town planner shall determine if the action taken was within the scope of the emergency actions allowed in this Subsection. If the town planner determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of Unauthorized Alterations and Enforcement [Section 16.34.260] shall apply.

b. After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation plan shall be reviewed by the Town in accordance with the review procedures contained herein. Restoration and/or mitigation activities must be initiated within one (1) year of the date of the emergency, and completed in a timely manner.

2. **Operation, Maintenance, or Repair.** Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures,

infrastructure, or utilities, provided that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

3. **Passive Outdoor Activities.** Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching.

16.34.130 Exception – Public Agency and Utility

1. If the application of this Chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section.
2. **Exception Request and Review Process.** An application for a public agency and utility exception shall be made to the Town and shall include a critical area identification form; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW, as it now exists or may be hereinafter amended). The town planner shall issue a decision based on review of the submitted information, a site inspection, and the proposal's ability to comply with public agency and utility exception review criteria in Subsection

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(D).

C. **Town Planner Review.** The Town Planner shall review the application and town planner's recommendation, and conduct a public hearing pursuant to the provisions of CTC 16.06.040. The Town Planner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in Subsection (D).

4. **Public Agency and Utility Review Criteria.** The criteria for review and approval of public agency and utility exceptions follow:
 1. There is no other practical alternative to the proposed development with less impact on the critical areas;
 2. The application of this Chapter would unreasonably restrict the ability to provide utility services to the public;
 3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
 5. The proposal is consistent with other applicable regulations and standards.
5. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

16.34.140 Exception – Reasonable Use

1. If the application of this Chapter would deny all reasonable economic use of the subject property, the Town the property owner may apply for an exception pursuant to this Section. Reasonable Use Exceptions within the jurisdiction of the Shoreline Management Act are processed as a Shoreline Variance.
2. **Exception Request and Review Process.** An application for a reasonable use exception shall be made to the Town and shall include a critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW, as it now exists or may be hereinafter amended) (SEPA documents). The town planner shall issue a decision based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in Subsection (D). The decision may be appealed by the applicant to the Town Council.
3. **Town Planner Review.** The Town Planner shall review the application and provide public notice of application pursuant to the provisions of the CTC 16.06.030(F). The Town Planner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in Subsection (D).
4. **Reasonable Use Review Criteria.** Criteria for review and approval of reasonable use exceptions follow:

1. The application of this Chapter would deny all reasonable economic use of

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the property;

2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this Chapter;
5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal will result in no net loss of critical area functions and values consistent with the best available science; or
7. The proposal is consistent with other applicable regulations and standards.

E. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

16.34.150 Allowed Activities

1. **Critical Area Report.** Activities allowed under this Chapter shall have been reviewed and permitted or approved by the Town or other agency with jurisdiction, but do not require submittal of a separate critical area identification form or critical area report, unless such submittal was required previously for the underlying permit. The town planner may apply conditions to the underlying permit or approval to ensure that the allowed activity is consistent with the provisions of this Chapter to protect critical areas.

2. **Required Use of Best Management Practices.** All allowed activities shall be conducted using the best management practices that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The Town shall observe the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

3. **Allowed Activities.** The following activities are allowed:

1. **Permit Requests Subsequent to Previous Critical Area Review.** Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits) if all of the following conditions have been met:

1. The provisions of this Chapter have been previously addressed as part of another approval;
2. There have been no material changes in the potential impact to the critical area or buffer since the prior review;

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c. d.

e.

There is no new information available that is applicable to any critical area review of the site or particular critical area;

The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval; and

Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.

2. **Modification to Existing Structures.** Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one (1) year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion.
3. **Activities Within the Improved Right-of-Way.** Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a Town authorized private roadway except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater; subject to the following:
 1. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the right-of-way improvement, including disturbed areas; and
 2. Retention and replanting of native vegetation shall occur wherever possible along the right-of-way improvement and resulting disturbance.

4. **Minor Utility Projects.** Utility projects which have minor or short- duration impacts to critical areas, as determined by the town planner in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s), provided that such projects are constructed with best management practices and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria:

1. There is no practical alternative to the proposed activity with less impact on critical areas;
2. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and
3. The activity involves disturbance of an area less than 75 square feet.

5. **Public and Private Pedestrian Trails.** Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their buffers, subject to the following:

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a.

b. c.

The trail surface shall meet all other requirements including water quality standards set forth in CTC 13.20;

Critical area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and

Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report.

6. **Select Vegetation Removal Activities.** The following vegetation removal activities, provided that no vegetation shall be removed from a critical area or its buffer without approval from the town planner:

1. The removal of the following vegetation with hand labor and light equipment:
 1. Invasive and noxious weeds;
 2. English Ivy (*Hedera helix*);
 3. Himalayan blackberry (*Rubus discolor*; *R. procerus*); and
 4. Evergreen blackberry (*Rubus laciniatus*).
2. The removal of trees from critical areas and buffers that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, provided that:
 1. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;
 2. Tree cutting shall be limited to pruning and crown thinning, unless otherwise justified by a qualified professional. Where pruning or crown thinning is not sufficient to address the hazard, trees should be removed or converted to wildlife snags;

3. All vegetation cut (tree stems, branches, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;
4. The landowner shall replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one (1) year in accordance with an approved restoration plan. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be species that are native and indigenous to the site and a minimum of one (1) inch in diameter-at-breast height (dbh) for deciduous trees and a minimum of six (6) feet in height

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for evergreen trees as measured from the top of the root ball;

5. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts; and
6. Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation may be removed or pruned by the landowner prior to receiving written approval from Town provided that within fourteen (14) days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this Chapter.

c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the state Forest Practices Act; Chapter 76.09 RCW, as it now exists or may be hereinafter amended, provided that the removed vegetation shall be replaced in-kind or with similar native species within one (1) year in accordance with an approved restoration plan; and

d. Unless otherwise provided, or as a necessary part of an approved alteration, removal of any vegetation or woody debris from a habitat conservation area or wetland shall be prohibited.

7. **Minor Site Investigative Work.** Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored.
8. **Navigational Aids and Boundary Markers.** Construction or modification of navigational aids and boundary markers.

Appendix B. MCAO, Performance Standards for Fish and Wildlife Habitat Conservation Areas

16.34.560 Performance Standards – General Requirements.

1. **Non-indigenous Species.** No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.
2. **Mitigation and Contiguous Corridors.** Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved

critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

3. **Approvals of Activities.** The town planner shall condition approvals of

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activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

1. Establishment of buffer zones;
 2. Preservation of critically important vegetation and/or habitat features such as snags and downed wood;
 3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
 4. Seasonal restriction of construction activities;
 5. Establishment of a duration and timetable for periodic review of mitigation activities; and
 6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
4. **Mitigation and Equivalent or Greater Biological Functions.** Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.
5. **Approvals and the Best Available Science.** Any approval of alterations or impacts to a habitat conservation area shall be supported by the best available science.
6. **Establishment of Buffers.** The town planner shall require the establishment of buffer areas for activities adjacent to habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife. Habitat conservation areas and their buffers shall be preserved in perpetuity through the use of native growth protection areas and critical area tracts in accordance with Section 16.34.280 through Section 16.34.290.
1. **Seasonal Restrictions.** When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.
 2. **Habitat Buffer Averaging.** The town planner may allow the recommended habitat area buffer width to be reduced in accordance with a critical area report, only if:
 1. It will not reduce stream or habitat functions;
 2. It will not adversely affect salmonid habitat;

- c. It will provide additional natural resource protection, such as buffer enhancement;
 - 4. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
 - 5. The buffer area width is not reduced by more than twenty-five percent (25%) in any location.
- 7. **Temporary Markers.** The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and verified by the town planner prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction.
- 8. **Subdivisions.** The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:
 - 1. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.
 - 2. Land that is located partially within a habitat conservation area or its buffer may be divided provided that the developable portion of each new lot and its access is located outside of the habitat conservation area or its buffer and meets the minimum lot size requirements of the zoning district.
 - 3. Access roads and utilities serving the proposed may be permitted within the habitat conservation area and associated buffers only if the Town determines that no other feasible alternative exists and when consistent with this Chapter.

16.34.570

A. Endangered, Threatened, and Sensitive Species

Performance Standards – Specific Habitats

- 1. No development shall be allowed within a habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by the Washington Department of Fish and Wildlife or applicable state or federal agency.
- 2. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the Town. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife for animal species, the Washington State Department of Natural Resources for plant species, and other appropriate federal or state agencies.
- 3. Bald eagle habitat shall be protected pursuant to RCW 77.12.655 and the Washington State Bald Eagle Protection Rules (WAC 232-12-292), as they now exist or may be hereinafter amended. Approval of activity adjacent to

bald eagle sites shall not occur prior to approval of a habitat management plan by the Washington Department of Fish and Wildlife. Activities are adjacent to bald eagle sites when they are within eight hundred (800) feet or within one half mile (2,640 feet) and in a shoreline foraging area. The Town shall verify the location of eagle management areas for each proposed activity.

B. Anadromous Fish

1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:
 1. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;
 2. An alternative alignment or location for the activity is not feasible;
 3. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;
 4. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report, and
 5. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.
2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish.

Appendix C. Exemptions that the CAO can disallow within Critical Areas

This text is from WAC 197-11-800. The exemptions that can be disallowed by the CAO (as specified in WAC 197-11-908) are highlighted. Some sections of the WAC listing exemptions that can't be disallowed by the CAO are omitted.

Categorical exemptions.

The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note:

The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) Minor new construction - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection apply except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW [43.21C.0383](#);

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The following types of construction shall be exempt:

(i) The construction or location of four detached single family residential units.

(ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.

(v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in (i), (ii), (iii), or (iv) of this subsection shall be exempt.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels, such as different levels for different geographic areas, and mixed use projects.

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(iv) The city, town, or county must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. The requirements for notice and opportunity to comment for the public, affected tribes, and agencies in (c)(i) and (ii) of this subsection and the requirements for protection and mitigation in (c)(i) of this subsection must be specifically documented. The local ordinance or resolution shall include, but not be limited to, the following:

- Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.

- Planning and permitting processes that ensure compliance with applicable laws including chapters 27.44, 27.53, 68.50, and 68.60 RCW.

- Local development regulations that include at minimum preproject cultural resource review where warranted, and standard inadvertent discovery language (SIDL) for all projects.

(d) The maximum exemption levels applicable to (c) of this subsection are:

	Fully planning GMA counties		All other counties
Project types	Incorporated and unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single family residential	30 units	20 units	20 units
Multifamily residential	60 units	25 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Fill or excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

(2) Other minor new construction.

(a) The exemptions in this subsection apply to all licenses required to undertake the following types of proposals except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The construction or designation of bus stops, loading zones, shelters, access facilities, pull-out lanes for taxicabs, transit and school vehicles, and designation of transit only lanes.

(c) The construction or installation of commercial on-premise signs, and public signs and signals, including those for traffic control and wayfinding.

(d) The construction or installation of minor road and street improvements by any agency or private party that include the following:

(i) Safety structures and equipment: Such as pavement marking, adding or removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle traffic speed or volume, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;

(ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality;

(iii) Temporary traffic controls and detours;

(iv) Correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required;

(v) Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;

(vi) Channelization, rechannelization, elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;

(vii) Installation of catch basins and culverts for the purposes of road and street improvements;

(viii) Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders where capacity is not increased and no new right of way is required;

(ix) Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths including sidewalk extensions, but not including additional automobile lanes.

(e) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(f) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(g) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance such as listing in a historic register.

(h) The installation or removal of impervious underground or above-ground tanks, having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less.

(i) The vacation of streets or roads, converting public right of way, and other changes in motor vehicle access.

(j) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(k) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(l) The installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased.

(3) Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging of over fifty cubic yards of material;

(b) Reconstruction or maintenance of groins and similar shoreline protection structures;

(c) Replacement of utility cables that must be buried under the surface of the bedlands; or

(d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to a specifically designated and authorized public use established by the public landowner and used by the public for that purpose.

(c) Leasing, granting an easement for, or otherwise authorizing the use of real property when the property use will remain essentially the same as the existing use for the term of the agreement, or when the use under the lease, easement or other authorization is otherwise exempted by this chapter.

(6) **Land use decisions.** The following land use decisions shall be exempt:

(a) Land use decisions for exempt projects, except that rezones must comply with (c) of this subsection.

[...]

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

[...]

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

[...]

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines twelve inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (up to and including 115,000 volts); within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station vault, pipe, or well: Additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, the chemicals used are approved by Washington state and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality.

[...]

Appendix D. KID Comments August 9, 2017

Attached separately as KID comments 20170809.pdf.

Appendix E. WAC 365-190-130 Fish and wildlife habitat conservation areas.

Fish and wildlife habitat conservation areas.

<< 365-190-130 >>

WAC 365-190-130

(1) "Fish and wildlife habitat conservation" means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordination to help assure long term population viability.

Fish and wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs.

(2) Fish and wildlife habitat conservation areas that must be considered for classification and designation include:

(a) Areas where endangered, threatened, and sensitive species have a primary association;

(b) Habitats and species of local importance, as determined locally;

(c) Commercial and recreational shellfish areas;

(d) Kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas;

(e) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

(f) Waters of the state;

(g) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and

(h) State natural area preserves, natural resource conservation areas, and state wildlife areas.

(3) When classifying and designating these areas, counties and cities must include the best available science, as described in chapter [365-195 WAC](#).

(a) Counties and cities should consider the following:

(i) Creating a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces, integrating with open space corridor planning where appropriate;

(ii) Level of human activity in such areas including presence of roads and level of recreation type (passive or active recreation may be appropriate for certain areas and habitats);

(iii) Protecting riparian ecosystems including salmonid habitat, which also includes marine nearshore areas;

(iv) Evaluating land uses surrounding ponds and fish and wildlife habitat conservation areas that may negatively impact these areas, or conversely, that may contribute positively to their function;

(v) Establishing buffer zones around these areas to separate incompatible uses from habitat areas;

(b) Counties and cities may also consider the following:

(i) Potential for restoring lost and impaired salmonid habitat;

(ii) Potential for designating areas important for local and ecoregional biodiversity; and

(iii) Establishing or enhancing nonregulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

(4) Sources and methods.

(a) Endangered, threatened and sensitive species. Counties and cities should identify and classify seasonal ranges and habitat elements where federal and state listed endangered, threatened and sensitive species have a primary association and which, if altered, may reduce the likelihood that the species will persist over the long term. Counties and cities should consult current information on priority habitats and species identified by the Washington state department of fish and wildlife. 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.

(b) Habitats and species areas of local importance. Counties and cities should identify, classify and designate locally important habitats and species. Counties and cities should consult current information on priority habitats and species identified by the Washington state department of fish and wildlife. Priority habitat and species information includes endangered, threatened and sensitive species, but also includes candidate species and other vulnerable and unique species and habitats. While these priorities are those of the Washington state department of fish and wildlife, they should be considered by counties and cities as they include the best available science. The Washington state department of fish and wildlife can also provide assistance with identifying and mapping important habitat areas at various landscape scales. Similarly, the Washington state department of natural resources' natural heritage program can provide a list of high quality ecological communities and systems and rare plants.

(c) Shellfish areas. All public and private tidelands or bedlands suitable for shellfish harvest shall be classified as critical areas. Counties and cities should consider both commercial and recreational shellfish areas. Counties and cities should consider the Washington state department of health classification of commercial and recreational shellfish growing areas to determine the existing condition of these areas. Further consideration should be given to the vulnerability of these areas to contamination. Shellfish protection districts established pursuant to chapter [90.72 RCW](#) shall be included in the classification of critical shellfish areas.

(d) Kelp and eelgrass beds; herring, smelt and other forage fish spawning areas. Counties and cities must classify kelp and eelgrass beds, identified by the Washington state department of natural resources and the department of ecology. Though not an inclusive inventory, locations of kelp and eelgrass beds are compiled in the Washington coastal atlas published by the department of ecology. Herring, smelt and other forage fish spawning times and locations are outlined in WAC [220-110-240](#) through [220-110-271](#).

(e) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farmponds, temporary construction ponds (of less than three years duration) and landscape

amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.

(f) Waters of the state.

(i) Waters of the state are defined in RCW [90.48.020](#) and include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and water courses in Washington. Stream types are classified in Title 222 WAC, the forest practices regulations. Counties and cities may use the classification system established in WAC [222-16-030](#) to classify waters of the state. Counties and cities using the water types defined in WAC [222-16-030](#) or [222-16-031](#) (interim) should not rely solely on Washington state department of natural resources maps of these stream types for purposes of regulating land uses or establishing stream buffers.

(ii) Counties and cities that use the stream typing system developed by the department of natural resources should develop a process to verify actual stream conditions, identify flow alterations, and locate fish passage barriers by conducting a field visit. Field verification of all intermittent or nonfish bearing streams should occur during the wet season months of October to March or as determined locally.

(iii) Counties and cities may consider the following factors when classifying waters of the state as fish and wildlife habitat conservation areas:

(A) Species present which are endangered, threatened or sensitive, and other species of concern;

(B) Species present which are sensitive to habitat manipulation (e.g., priority habitats and species program);

(C) Historic presence of species of local importance;

(D) Existing surrounding land uses that are incompatible with salmonid habitat;

(E) Presence and size of riparian ecosystems;

(F) Existing water rights; and

(G) The intermittent nature of some waters of the state.

(g) Lakes, ponds, streams, and rivers planted with game fish. This includes game fish planted in these water bodies under the auspices of a federal, state, local, or tribal program or which supports priority fish species as identified by the Washington state department of fish and wildlife.

(h) State natural area preserves, natural resource conservation areas, and state wildlife areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the department of natural resources. State wildlife areas are defined, established, and managed by the Washington state department of fish and wildlife, which provides information about state wildlife areas for each county.

(i) Salmonid habitat. Counties and cities should consider recommendations found in salmon recovery plans (see the governor's salmon recovery office). Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington state department of fish and wildlife, the state recreation and conservation office, and the Puget Sound partnership to designate, protect and restore salmonid habitat.

[Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#). WSR 10-03-085, § 365-190-130, filed 1/19/10, effective 2/19/10.]

Appendix F. MCAO Definitions

16.34.580 Definitions

Words not defined in this Chapter shall be as defined in the Town code, the Washington Administrative Code, or the Revised Code of Washington. Words not found in either code shall be as defined in the Webster's Third New International Dictionary, latest edition.

A

Active Fault – A fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last 10,000 years, but faults may also be considered active in some cases if movement has occurred in the last 500,000 years.

Adaptive Management – Adaptive management relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.

Adjacent – Immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection

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of the functions located:

A. B.

C. D.

E.

and values of the critical areas. Adjacent shall mean any activity or development

On a site immediately adjoining a critical area;

A distance equal to or less than the required critical area buffer width and building setback;

A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;

A distance equal to or less than three hundred (300) feet upland from a stream, wetland, or water body;

Bordering or within the floodplain,; or

Advance Mitigation – Mitigation of an anticipated critical area impact or hazard completed according to an approved critical area report and prior to site development.

Agricultural Land – Land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, as they now exist or may be hereinafter amended, or livestock, and or that has been designated as long-term commercial significance for agricultural production.

Alteration – Any human induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

Anadromous Fish – Fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

Aquifer – A geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Aquifer Recharge Areas – Areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation.

Aquifer, Sole Source – An area designated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s) must supply fifty percent (50%) or more of the drinking water for an area without a sufficient replacement available.

B

Base Flood – A flood event having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the 100-year flood. Designations of base flood areas on flood insurance map(s) always include the letters A or V.

Basement – Any area of the building having its floor below ground level on all sides.

Best Available Science – Current scientific information used in the process to designate, protect,

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or restore critical areas, that is derived from a valid scientific process as defined by WAC 365- 195-900 through 925, as they now exist or may be hereinafter amended. Sources of the best available science are included in *Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas* published by the Washington State Department of Community, Trade and Economic Development.

Best Management Practices (BMPs) – Conservation practices or systems of practices and management measures that:

A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

B. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

C. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and

D. Provide standards for proper use of chemical herbicides within critical areas.

The Town shall monitor the application of best management practices to ensure that the standards and policies of this Chapter are adhered to.

Biodiversity – The variety of animal and plant life and its ecological processes and interconnections – represented by the richness of ecological systems and the life that depends on them, including human life and economies.

Buffer or Buffer Zone – An area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

C

Compensation Project – Actions necessary to replace project-induced critical area and buffer losses, including land acquisition, planning, construction plans, monitoring, and contingency actions.

Compensatory Mitigation – Replacing project-induced losses or impacts to a critical area, and includes, but is not limited to, the following:

1. Restoration – Actions performed to reestablish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland.
2. Creation – Actions performed to intentionally establish a wetland at a site where it did not formerly exist.
3. Enhancement – Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.
4. Preservation – Actions taken to ensure the permanent protection of existing, high-quality wetlands.

Conservation Easement – A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded

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on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

Critical Aquifer Recharge Area – Areas designated by WAC 365-190-080(2), as it now exists or may be hereinafter amended, that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2), as it now exists or may be hereinafter amended.

Critical Areas – Critical areas include any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A, as it now exists or may be hereinafter amended, and this Chapter.

Critical Area Tract – Land held in private ownership and retained in an open condition in perpetuity for the protection of critical areas. Lands within this type of dedication may include but are not limited to, portions and combinations of forest habitats, grasslands, shrub steppe, on- site watersheds, 100-year floodplains, shorelines or shorelines of statewide significance, riparian areas, and wetlands.

Critical Facility – A facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

Critical Species – All animal and plant species listed by the state or federal government as threatened or endangered.

Cumulative Impacts or Effects – The combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

D

Developable Area – A site or portion of a site that may be utilized as the location of development, in accordance with the rules of this Chapter.

Development – Any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the Town that binds land to specific patterns of use, including but not limited to, subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

1. Interior building improvements.
2. Exterior structure maintenance activities, including painting and roofing.
3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning, and weeding.
4. Maintenance of the following existing facilities that does not expand the affected

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area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

Development Permit – Any permit issued by the Town, or other authorized agency, for construction, land use, or the alteration of land.

Director – The town planner of the Town planning department or other responsible official, or other city staff granted the authority to act on behalf of the director.

E

Emergent Wetland – A wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

Erosion – The process whereby wind, rain, water, and other natural agents mobilize and transport particles.

Erosion Hazard Areas – At least those areas identified by the U.S. Department of Agriculture National Resources Conservation Service as having a “severe” rill and inter-rill erosion hazard.

Exotic – Any species of plants or animals, which are foreign to the Town. **F**

Fish and Wildlife Habitat Conservation Areas – Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5), as it now exists or may be hereinafter amended. These areas include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

2. Habitats of local importance, including but not limited to areas designated as priority habitat by the Washington Department of Fish and Wildlife;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds;
5. Herring and smelt spawning areas;
6. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
7. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington;
8. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
9. State natural area preserves and natural resource conservation areas; and
10. Land essential for preserving connections between habitat blocks and open spaces.

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Fish Habitat – Habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat.

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain – The total land area adjoining a river, stream, watercourse, or lake subject to inundation by the base flood.

Frequently Flooded Areas – Lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the town planner in accordance with WAC 365-190-080(3), as it now exists or may be hereinafter amended. Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

Functions and Values – The beneficial roles served by critical areas including, but are 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. These beneficial roles are not listed in order of priority. Critical area functions can be used to help set targets (species composition, structure, etc.) for managed areas, including mitigation sites.

G

Geologically Hazardous Areas – Areas that may not be suited to development consistent with public health, safety, or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other

geological events as designated by WAC 365-190-080(4), as it now exists or may be hereinafter amended. Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards.

Ground Water – Water in a saturated zone or stratum beneath the surface of land or a surface water body.

Growth Management Act – RCW 36.70A and 36.70B, as they now exist or may be hereinafter amended.

H

Habitat Conservation Areas – Areas designated as fish and wildlife habitat conservation areas.

Habitats of Local Importance – These areas include a seasonal range or habitat element with which a given species has a primary association, and which, if altered may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alterations such as cliffs, talus, and wetlands. (WAC 365-190-030, as it now exists or may be hereinafter amended)

Hazard Areas – Areas designated as frequently flooded areas or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geological condition.

Hazardous Substances – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100, as they now exist or may be hereinafter amended.

High Intensity Land Use – Land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium-density residential (more than 2 homes per acre), multifamily residential, some agricultural practices, and commercial and industrial land uses.

High Quality Wetlands – Those wetlands that meet the following criteria:

1. No, or isolated, human alteration of the wetland topography;
2. No human-caused alteration of the hydrology or the wetland appears to have recovered from the alteration;
3. Low cover and frequency of exotic plant species;
4. Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;
5. If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and
6. No known major water quality problems.

Historic Condition – Condition of the land, including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by human activity.

Hydraulic Project Approval (HPA) – A permit issued by the Washington Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW, as it now exists or may be hereinafter amended.

Hydric Soil – A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the *Washington State Wetland Identification and Delineation Manual*.

Hydrophytic Vegetation – Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the *Washington State Wetland Identification and Delineation Manual*.

I

Impervious Surface – A hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

In-Kind Compensation – To replace critical areas with substitute areas whose characteristics and 50 functions closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."

Isolated Wetlands – 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.

Infiltration – The downward entry of water into the immediate surface of soil. J

Joint Aquatic Resource Permits Application – A single application form that may be used to apply for hydraulic project approvals, shoreline management permits, approvals of exceedance of water quality standards, water quality certifications, coast guard bridge permits, Washington State Department of Natural Resources use authorization, and U.S. Army Corps of Engineers permits.

L

Land Use, High Intensity – See "High Intensity Land Use."

Land Use, Low Intensity – See "Low Intensity Land Use."

Land Use, Moderate Intensity – See "Moderate Intensity Land Use."

Landslide Hazard Areas – Areas that are potentially subject to risk of mass movement due to a combination of geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors.

Low Intensity Land Use – Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, low-density residential (less than 2 homes per acre), passive recreation, open space, or forest management land uses.

M

Mitigation – Avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
6. Compensating for the impact to wetlands, critical aquifer recharge areas, and

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habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

G. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

Moderate Intensity Land Use – Land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low-density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.

Monitoring – Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, including gathering baseline data.

N

Native Vegetation – Plant species that are indigenous to the area in question.

Native Growth Protection Area (NGPA) – An area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants and animal habitat;

Natural Waters – Waters, excluding water conveyance systems that are artificially constructed and actively maintained for irrigation.

Non-conformity – A legally established existing use or legally constructed structure that is not in compliance with current regulations.

Non-indigenous – See “Exotic.” **O**

Off-Site Compensation – To replace critical areas away from the site on which a critical area has been impacted.

On-site Compensation – To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

Ordinary High Water Mark (OHM) – That mark which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

Out-of-Kind Compensation – To replace critical areas with substitute critical areas whose characteristics do not closely approximate those destroyed or degraded. It does not refer to replacement "out-of-category."

P

Potable Water – Water that is safe and palatable for human use.

Practical Alternative – An alternative that is available and capable of being carried out after

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taking into consideration cost, existing technology, and logistics in light of overall project purposes, and has less impacts to critical areas.

Primary Association Area – The area used on a regular basis by, is in close association with, or is necessary for the proper functioning of the habitat of a critical species. Regular basis means that the habitat area is normally, or usually known to contain a critical species, or based on known habitat requirements of the species, the area is likely to contain the critical species. Regular basis is species and population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

Priority Habitat – Habitat type or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

Project Area – All areas within fifty (50) feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

Q

Qualified Professional – 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), as it now exists or may be hereinafter amended. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

1. A qualified professional for fish and wildlife habitats must have a degree in biology and professional experience related to the subject species.

2. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
3. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.
4. A qualified professional for wetlands shall be a certified Professional Wetland Scientist or have, at a minimum: (1) a Bachelor's degree in hydrology, soil science, botany, ecology, or related field; and (2) at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans..

R

Reasonable Economic Use – The Permitted or Conditional use of a specific Parcel of land which a Person may be expected to conduct or maintain fairly and appropriately given the site specific conditions or characteristics of the Parcel and Uses allowed for all other properties within a similar zoning classification.

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Recharge – The process involved in the absorption and addition of water to ground water.

Repair or Maintenance – An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Restoration – Measures taken to restore an altered or damaged natural feature including:

1. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

S

Scientific Process – A valid scientific process is one that produces reliable information useful in understanding the consequences of a decision. The characteristics of a valid scientific process are as follows:

A. Peer Review. The information has been critically reviewed by other qualified scientific experts in that scientific discipline.

B. Methods. The methods that were used are standardized in the pertinent scientific discipline or the methods have been appropriately peer-reviewed to ensure their reliability and validity.

C. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and are logically and reasonably derived from the assumptions and supported by the data presented.

D. Quantitative Analysis. The data have been analyzed using appropriate statistical or quantitative methods.

E. Context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.

F. References. The assumptions, techniques, and conclusions are well referenced with citations to pertinent existing information.

Seeps – A spot where water oozes from the earth, often forming the source of a small stream. **Seismic Hazard**

Areas – Areas that are subject to severe risk of damage as a result of earthquake-

induced ground shaking, slope failure, settlement, or soil liquefaction.

Serviceable – Presently usable.

Shorelines – All of the water areas of the state as defined in RCW 90.58.030, as it now exists or may be hereinafter amended, including reservoirs and their associated shorelands, together with the lands underlying them except Shorelines of statewide significance.

Shorelines of the State – The total of all “shorelines,” as defined in RCW 90.58.030(2)(d), and “shorelines of statewide significance” within the state, as defined in RCW 90.58.030(2)(c), as they now exist or may be hereinafter amended.

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Shorelines of Statewide Significance – Those areas defined in RCW 90.58.030(2)(e), as it now exists or may be hereinafter amended.

Shorelands or Shoreland Areas – Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of Chapter 90.58 RCW, as it now exists or may be hereinafter amended.

Significant Portion of its Range – That portion of a species range likely to be essential to the long-term survival of the population in Washington.

Soil Survey – The most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

Sole Source Aquifer – See “Aquifer, Sole Source.”

Species – Any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Species, Endangered – Any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Species of Local Importance – Those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, Priority – Any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species, Threatened – Any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Stream – See “Watercourse.” **U**

Unavoidable – Adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

W

Water Dependent – A use or portion of a use that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A use that can be carried out only on, in, or adjacent to water. Examples of water dependent uses include: ship cargo terminal loading areas; fishing; ferry and passenger terminals; barge loading, ship building, and dry docking facilities; marinas, moorage, and boat launching facilities; aquaculture; float plane operations; surface water intake; and sanitary sewer and storm drain outfalls.

Water Typing System – Waters classified according to WAC 222-16-031, as it now exists or may be hereinafter amended.

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Watercourse – Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined beds or banks, which influence the quality of fish habitat downstream. This definition includes watercourses that flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

Well – A bored, drilled, or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.

Wetlands – 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 non-wetland 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 non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the *Washington State Wetland Identification and Delineation Manual*.

Wetlands Categories –

Category I. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3)

bogs larger than 1/2 acre; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; and (6) wetlands that perform many functions well (scoring 70 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

Category II. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) wetlands identified by the Washington State Department of Natural Resources as containing “sensitive” plant species; (3) bogs between 1/4 and 1/2 acre; (4) interdunal wetlands larger than 1 acre; or (5) wetlands with a moderately high level of functions.

Category III. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 30 and 50 points); and (2) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 30 and 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

Category IV. Category IV wetlands have the lowest levels of functions (scoring less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

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Wetland Classes, Classes of Wetlands, or Wetland Types – The descriptive classes of the wetlands taxonomic classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).

Wetland Edge – The boundary of a wetland as delineated based on the definitions contained in this Chapter.

Wetlands Mitigation Bank – A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Coupeville Town Code Chapter 16.34

Critical Areas Ordinance

March 2008

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Coupeville Town Code Chapter 16.34 Critical Areas Ordinance

16.34.010 **Purpose**

- A. The purpose of this Chapter is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property.
- B. This Chapter is to implement the goals, policies, guidelines, and requirements of the Town Comprehensive and Shoreline plans and the Shoreline Management and Growth Management Acts.
- C. The Town finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the Town and its residents, and/or may pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of flood waters, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical, archaeological, and aesthetic value protection, and recreation. These beneficial functions are not listed in order of priority.
- D. **Goals.** By limiting development and alteration of critical areas, this Chapter seeks to:
 - 1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, or flooding;
 - 2. Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species;
 - 3. Direct activities not dependent on critical areas resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas; and
 - 4. Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.
- E. The regulations of this Chapter are intended to protect critical areas in accordance with the Growth Management Act and Shoreline Management Act through the application of the best available science, as determined according to WAC 365-195-900 through 365-195-925, as they now exist or may be hereinafter amended, and in consultation with state and federal agencies and other qualified professionals.
- F. This Chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this Chapter to make a parcel of property

unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing development and planned for by the community without decreasing current service levels below minimum standards.

- G. The Town's enactment or enforcement of this Chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

16.34.020 Authority

- A. As provided herein, the town planner is given the authority to interpret and apply, and the responsibility to enforce this Chapter to accomplish the stated purpose.
- B. The Town may withhold, condition, or deny development permits or activity approvals to ensure that the proposed action is consistent with this Chapter.

16.34.030 Relationship to Other Regulations

- A. These critical areas regulations shall apply as an overlay and in addition to zoning and other regulations adopted by the Town.
- B. Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this Chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this Chapter, that which provides more protection to the critical areas shall apply.
- C. These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any potential impacts of a development and conditions required pursuant to this Chapter shall be considered in the SEPA review process.
- D. 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, Shoreline Substantial Development Permits, Hydraulic Permit Act (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollution Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

16.34.040 Applicant Responsible for Reports Required Under This Chapter

Unless otherwise indicated in this Chapter, the applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application.

16.34.050 Severability.

If any clause, sentence, paragraph, section, or part of this Chapter or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are hereby declared to be severable.

16.34.060 Interpretation.

In the interpretation and application of this ordinance, the provisions of this Chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of this ordinance, and shall be deemed to neither limit nor repeal any other provisions under state statute.

16.34.070 Jurisdiction – Critical Areas

- A. The Town shall regulate all uses, activities, and developments within, adjacent to, or likely to affect, one or more critical areas, consistent with the best available science and the provisions herein. The Town Critical Area map is attached as Exhibit A.
- B. Critical areas regulated by this Chapter include:
 - 1. Wetlands;
 - 2. Critical aquifer recharge areas;
 - 3. Frequently flooded areas as regulated in Chapter 16.45;
 - 4. Geologically hazardous areas; and
 - 5. Fish and wildlife habitat conservation areas.
- C. All areas within the Town meeting the definition of one or more critical areas, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Chapter.

16.34.080 Activities Likely to Affect Critical Areas Subject to Regulation.

Activities likely to affect critical areas shall be considered to be within the jurisdiction of these requirements and regulations to support the intent of this Chapter and ensure protection of the functions and values of critical areas.

16.34.090 Protection of Critical Areas

Any action taken pursuant to this Chapter shall result in equivalent or greater functions and values of the critical areas associated with the proposed action, as determined by the best available science. All actions and developments shall be designed and constructed in accordance with Mitigation Sequencing [Section 16.34.210] to avoid, minimize, and restore all adverse impacts. Applicants must first demonstrate an inability to avoid or reduce impacts, before restoration and compensation of impacts will be allowed. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas except under the reasonable use provisions of this Chapter.

16.34.100 Best Available Science

- A. **Protect Functions and Values of Critical Areas With Special Consideration to Anadromous Fish.** Critical area reports and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat.
- B. **Best Available Science to be Consistent With Criteria.** The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific

professional, or team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925, as they now exist or may be hereinafter amended.

16.34.110 Applicability

- A. The provisions of this Chapter shall apply to all lands, all land uses and development activity, and all structures and facilities in the Town, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the Town. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purposes and requirements of this Chapter.
- B. The Town shall not approve any permit or otherwise issue any authorization not expressly exempted by this Chapter to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of this Chapter.
- C. Approval of a permit or development proposal pursuant to the provisions of this Chapter does not discharge the obligation of the applicant to comply with the provisions of this Chapter.

16.34.120 Exemptions

- A. **Exemption Request and Review Process.** The proponent of the activity may submit a written request for exemption to the town planner that describes the activity and states the exemption listed in this Section that applies. The town planner shall review the exemption request to verify that it complies with this Chapter and approve or deny the exemption. If the exemption is denied, the proponent may continue in the review process and shall be subject to the requirements of this Chapter.
- B. **Exempt Activities and Impacts to Critical Areas.** All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this Chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.
- C. **Exempt Activities.** The following developments, activities, and associated uses shall be exempt from the provisions of this Chapter, provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:
 - 1. **Emergencies.** Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this Chapter.
 - a. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area

or its buffer. The person or agency undertaking such action shall notify the Town within one (1) working day following commencement of the emergency activity. Within thirty (30) days, the town planner shall determine if the action taken was within the scope of the emergency actions allowed in this Subsection. If the town planner determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of Unauthorized Alterations and Enforcement [Section 16.34.260] shall apply.

- b. After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation plan shall be reviewed by the Town in accordance with the review procedures contained herein. Restoration and/or mitigation activities must be initiated within one (1) year of the date of the emergency, and completed in a timely manner.
2. **Operation, Maintenance, or Repair.** Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.
3. **Passive Outdoor Activities.** Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching.

16.34.130 Exception – Public Agency and Utility

- A. If the application of this Chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section.
- B. **Exception Request and Review Process.** An application for a public agency and utility exception shall be made to the Town and shall include a critical area identification form; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW, as it now exists or may be hereinafter amended). The town planner shall issue a decision based on review of the submitted information, a site inspection, and the proposal's ability to comply with public agency and utility exception review criteria in Subsection

(D).

- C. **Town Planner Review.** The Town Planner shall review the application and town planner's recommendation, and conduct a public hearing pursuant to the provisions of CTC 16.06.040. The Town Planner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in Subsection (D).
- D. **Public Agency and Utility Review Criteria.** The criteria for review and approval of public agency and utility exceptions follow:
 - 1. There is no other practical alternative to the proposed development with less impact on the critical areas;
 - 2. The application of this Chapter would unreasonably restrict the ability to provide utility services to the public;
 - 3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 - 4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
 - 5. The proposal is consistent with other applicable regulations and standards.
- E. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

16.34.140 Exception – Reasonable Use

- A. If the application of this Chapter would deny all reasonable economic use of the subject property, the Town the property owner may apply for an exception pursuant to this Section. Reasonable Use Exceptions within the jurisdiction of the Shoreline Management Act are processed as a Shoreline Variance.
- B. **Exception Request and Review Process.** An application for a reasonable use exception shall be made to the Town and shall include a critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW, as it now exists or may be hereinafter amended) (SEPA documents). The town planner shall issue a decision based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in Subsection (D). The decision may be appealed by the applicant to the Town Council.
- C. **Town Planner Review.** The Town Planner shall review the application and provide public notice of application pursuant to the provisions of the CTC 16.06.030(F). The Town Planner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in Subsection (D).
- D. **Reasonable Use Review Criteria.** Criteria for review and approval of reasonable use exceptions follow:
 - 1. The application of this Chapter would deny all reasonable economic use of

the property;

2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this Chapter;
5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal will result in no net loss of critical area functions and values consistent with the best available science; or
7. The proposal is consistent with other applicable regulations and standards.

- E. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

16.34.150 Allowed Activities

- A. **Critical Area Report.** Activities allowed under this Chapter shall have been reviewed and permitted or approved by the Town or other agency with jurisdiction, but do not require submittal of a separate critical area identification form or critical area report, unless such submittal was required previously for the underlying permit. The town planner may apply conditions to the underlying permit or approval to ensure that the allowed activity is consistent with the provisions of this Chapter to protect critical areas.
- B. **Required Use of Best Management Practices.** All allowed activities shall be conducted using the best management practices that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The Town shall observe the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.
- C. **Allowed Activities.** The following activities are allowed:
1. **Permit Requests Subsequent to Previous Critical Area Review.** Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits) if all of the following conditions have been met:
 - a. The provisions of this Chapter have been previously addressed as part of another approval;
 - b. There have been no material changes in the potential impact to the critical area or buffer since the prior review;

- c. There is no new information available that is applicable to any critical area review of the site or particular critical area;
 - d. The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval; and
 - e. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.
2. **Modification to Existing Structures.** Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one (1) year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion.
 3. **Activities Within the Improved Right-of-Way.** Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a Town authorized private roadway except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater; subject to the following:
 - a. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the right-of-way improvement, including disturbed areas; and
 - b. Retention and replanting of native vegetation shall occur wherever possible along the right-of-way improvement and resulting disturbance.
 4. **Minor Utility Projects.** Utility projects which have minor or short-duration impacts to critical areas, as determined by the town planner in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s), provided that such projects are constructed with best management practices and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria:
 - a. There is no practical alternative to the proposed activity with less impact on critical areas;
 - b. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and
 - c. The activity involves disturbance of an area less than 75 square feet.
 5. **Public and Private Pedestrian Trails.** Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their buffers, subject to the following:

- a. The trail surface shall meet all other requirements including water quality standards set forth in CTC 13.20;
 - b. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and
 - c. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report.
6. **Select Vegetation Removal Activities.** The following vegetation removal activities, provided that no vegetation shall be removed from a critical area or its buffer without approval from the town planner:
- a. The removal of the following vegetation with hand labor and light equipment:
 - i. Invasive and noxious weeds;
 - ii. English Ivy (*Hedera helix*);
 - iii. Himalayan blackberry (*Rubus discolor*, *R. procerus*); and
 - iv. Evergreen blackberry (*Rubus laciniatus*).
 - b. The removal of trees from critical areas and buffers that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, provided that:
 - i. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;
 - ii. Tree cutting shall be limited to pruning and crown thinning, unless otherwise justified by a qualified professional. Where pruning or crown thinning is not sufficient to address the hazard, trees should be removed or converted to wildlife snags;
 - iii. All vegetation cut (tree stems, branches, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;
 - iv. The landowner shall replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one (1) year in accordance with an approved restoration plan. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be species that are native and indigenous to the site and a minimum of one (1) inch in diameter-at-breast height (dbh) for deciduous trees and a minimum of six (6) feet in height

- for evergreen trees as measured from the top of the root ball;
- v. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts; and
- vi. Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation may be removed or pruned by the landowner prior to receiving written approval from Town provided that within fourteen (14) days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this Chapter.
- c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the state Forest Practices Act; Chapter 76.09 RCW, as it now exists or may be hereinafter amended, provided that the removed vegetation shall be replaced in-kind or with similar native species within one (1) year in accordance with an approved restoration plan; and
- d. Unless otherwise provided, or as a necessary part of an approved alteration, removal of any vegetation or woody debris from a habitat conservation area or wetland shall be prohibited.
- 7. **Minor Site Investigative Work.** Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored.
- 8. **Navigational Aids and Boundary Markers.** Construction or modification of navigational aids and boundary markers.

16.34.160 General Requirements - Critical Area Project Review Process

- A. As part of this review, the Town shall:
 - 1. Verify the information submitted by the applicant;
 - 2. Evaluate the project area and vicinity for critical areas;
 - 3. Determine whether the proposed project is likely to impact the functions or values of critical areas; and
 - 4. Determine if the proposed project adequately addresses the impacts and avoids impacts to the critical area associated with the project.
- B. If the proposed project is within, or is likely to impact a critical area, the Town shall:
 - 1. Require a critical area report from the applicant that has been prepared by a qualified professional;
 - 2. Review and evaluate the critical area report;
 - 3. Determine whether the development proposal conforms to the purposes

and performance standards of this Chapter, including the criteria in Review Criteria [Section 16.34.230];

4. Assess the potential impacts to the critical area and determine if they can be avoided or minimized; and
5. Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of this Chapter.

16.34.170 Critical Area Identification Process

- A. **Site Inspection.** Prior to the Town's consideration of any proposed activity not found to be exempt under Exemptions [Section 16.34.120] or allowed pursuant to Allowed Activities [Section 16.34.150], the town planner shall conduct a site inspection to review critical area conditions on site. The town planner shall notify the property owner of the inspection prior to the site visit. Reasonable access to the site shall be provided by the property owner for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.
- B. Following a site inspection and review of any other information available pertaining to the site and the proposal, the town planner shall make a determination as to whether any critical areas may be affected by the proposal and if a more detailed critical area report shall be submitted.
- C. **Decision**
 1. **No Critical Areas Present.** If after a site visit the town planner's analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed activity is unlikely to degrade the functions or values of a critical area, then the town planner shall rule that the critical area review is complete and no further review is required. A summary of this information shall be included in any staff report or decision on the underlying permit.
 2. **Critical Areas Present, But No Impact – Waiver.** If the town planner determines that there are critical areas within or adjacent to the project area, but that the best available science shows that the proposed activity is unlikely to degrade the functions or values of the critical area, the town planner may waive the requirement for a critical area report. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:
 - a. There will be no alteration of the critical area or buffer;
 - b. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this Chapter; and
 - c. The proposal is consistent with other applicable regulations and standards.
 - d. A summary of this analysis and the findings shall be included in any staff report or decision on the underlying permit.

3. **Critical Areas May Be Affected by Proposal.** If the town planner determines that a critical area or areas may be affected by the proposal, or is unable to determine if critical areas may be affected by the proposal, then the town planner shall notify the applicant that a critical area report must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed in the report.

D. **Town planner's Determination Subject to Reconsideration.**

1. A determination regarding the apparent presence or absence of one or more critical areas by the town planner is not an expert certification and the determination is subject to possible reconsideration and reopening if new information is received.
2. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.

16.34.180 Critical Area Report – Requirements

- A. **Preparation by Qualified Professional.** If required by the town planner in accordance with General Requirements – Critical Area Project Review Process [Section 16.34.160], the applicant shall submit a critical area report prepared by a qualified professional as defined herein.
- B. **Incorporating Best Available Science.** The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this Chapter.
- C. **Minimum Report Contents.** At a minimum, the report shall contain the following:
 1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
 2. A copy of the site plan for the development proposal including:
 - a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
 - b. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations.
 3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 4. Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;
 5. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
 6. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;
 7. An analysis of site development alternatives including a no development

alternative;

8. A description of reasonable efforts made to apply mitigation sequencing pursuant to Mitigation Sequencing [Section 16.34.210] to avoid, minimize, and mitigate impacts to critical areas;
 9. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with Mitigation Plan Requirements [Section 16.34.220], including, but not limited to:
 - a. The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and
 - b. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
 10. A discussion of the performance standards applicable to the critical area and proposed activity;
 11. Financial guarantees to ensure compliance; and
 12. Any additional information required for the critical area as specified in the corresponding chapter.
- D. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.
- E. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the town planner.

16.34.190 Critical Area Report – Modifications to Requirements

- A. **Limitations to Study Area.** The town planner may limit the required geographic area of the critical area report as appropriate if:
1. The applicant, with assistance from the Town, cannot obtain permission to access properties adjacent to the project area; or
 2. The proposed activity will affect only a limited part of the subject site.
- B. **Modifications to Required Contents.** The applicant may consult with the town planner prior to or during preparation of the critical area report to obtain Town approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.
- C. **Additional Information Requirements.** The town planner may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with this Chapter. Additional information that may be required, includes, but is not limited to:
1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
 2. Grading and drainage plans; and

3. Information specific to the type, location, and nature of the critical area.

16.34.200 Mitigation Requirements

- A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in this Chapter, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best available science in accordance with an approved critical area report and SEPA documents, so as to result in no net loss of critical area functions and values.
- B. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.
- C. Mitigation shall not be implemented until after Town approval of a critical area report that includes a mitigation plan, and mitigation shall be in accordance with the provisions of the approved critical area report.

16.34.210 Mitigation Sequencing.

Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- C. Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;
- D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- E. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- F. Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- G. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

16.34.220 Mitigation Plan Requirements.

When mitigation is required, the applicant shall submit for approval by the Town a mitigation plan as part of the critical area report. The mitigation plan shall include:

- A. **Environmental Goals and Objectives.** The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:
1. A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;
 2. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed; and
 3. An analysis of the likelihood of success of the compensation project.
- B. **Performance Standards.** The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this Chapter have been met.
- C. **Detailed Construction Plans.** The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:
1. The proposed construction sequence, timing, and duration;
 2. Grading and excavation details;
 3. Erosion and sediment control features;
 4. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 5. Measures to protect and maintain plants until established.
- D. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
- E. **Monitoring Program.** The mitigation plan shall include a program for monitoring the mitigation measures and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years 1, 3, 5, and 7 after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the project. The project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. Where the goal is establishment of a forested wetland system, the monitoring period shall be at least ten (10) years.
- F. **Contingency Plan.** The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

- G. **Financial Guarantees.** The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with Bonds to Ensure Mitigation, Maintenance, and Monitoring [Section 16.34.310].

16.34.230 Review Criteria

The town planner shall make a determination as to whether the proposed activity and mitigation, if any, is consistent with the provisions of this Chapter, based on the following criteria:

- A. Any alteration to a critical area, unless otherwise provided for in this Chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:
1. The proposal minimizes the impact on critical areas in accordance with Mitigation Sequencing [Section 16.34.210];
 2. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 3. The proposal is consistent with the general purposes of this Chapter and the public interest;
 4. Any alterations permitted to the critical area are mitigated in accordance with Mitigation Requirements [Section 16.34.200];
 5. The proposal protects the critical area functions and values consistent with the best available science and results in no net loss of critical area functions and values; and
 6. The proposal is consistent with other applicable regulations and standards.
- B. The Town may condition the proposed activity as necessary to mitigate impacts to critical areas and to conform to the standards required by this Chapter.
- C. Except as provided for by this Chapter, any project that cannot adequately mitigate its impacts to critical areas in the sequencing order of preferences in Mitigation Sequencing [Section 16.34.210] shall be denied.

16.34.240 Completion of the Critical Area Review

The Town's determination regarding critical areas pursuant to this Chapter shall be final concurrent with the final decision to approve, condition, or deny the development proposal or other activity involved.

16.34.250 Appeals

Any administrative decision to approve, condition, or deny a development proposal or other activity based on the requirements of this Chapter may be appealed according to, and as part of, the appeal procedure for the permit or approval involved.

16.34.260 Unauthorized Critical Area 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 Town 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 and approved by the Town. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in Subsection (C). The town planner 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**
1. For alterations to critical aquifer recharge areas, frequently flooded areas, wetlands, and habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
 - a. The historic structural and functional values shall be restored, including water quality and habitat functions;
 - b. The historic soil types and configuration shall be replicated;
 - c. 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; and
 - d. Information demonstrating compliance with the requirements in Mitigation Plan Requirements [Section 16.34.220] shall be submitted to the town planner.
 2. For alterations to frequently flooded and geologically hazardous areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
 - a. The hazard shall be reduced to a level equal to, or less than, the pre-development hazard;
 - b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
 - c. Upon the determination of the town planner, the hazard area and buffers shall be replanted with native vegetation sufficient to minimize the hazard.
- D. **Site Investigations.** The town planner is authorized to make site inspections and take such actions as are necessary to enforce this Chapter. The town planner shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.
- E. **Penalties.** Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Each day or portion of a day during which a violation of this Chapter is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this Chapter shall constitute a public

nuisance and may be enjoined as provided by the statutes of the state of Washington. The Town may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this Chapter. The civil penalty shall be assessed at a maximum rate of \$1,000 dollars per day per violation.

16.34.270 Notice on Title

- A. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall file a notice with the Island County Auditor's office according to the direction of the Town. The notice shall state the presence of the critical area or buffer on the property, the application of this Chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall "run with the land."
- B. This 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 filed for public record before the Town approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.

16.34.280 Native Growth Protection Areas

- A. Unless otherwise required in this Chapter, native growth protection areas shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below:
 - 1. All landslide hazard areas and buffers;
 - 2. All wetlands and buffers;
 - 3. All habitat conservation areas; and
 - 4. All other lands to be protected from alterations as conditioned by project approval.
- B. Native growth protection areas shall be recorded on all documents of title of record for all affected lots.
- C. Native growth protection areas shall be designated on the face of the plat or recorded drawing in a format approved by the Town. The designation shall include the following restrictions:
 - 1. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and

2. The right of the Town to enforce the terms of the restriction.

16.34.290 Critical Area Tracts

- A. Critical area tracts shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below that total [five thousand (5,000)] or more square feet:
 1. All landslide hazard areas and buffers;
 2. All wetlands and buffers;
 3. All habitat conservation areas; and
 4. All other lands to be protected from alterations as conditioned by project approval.
- B. Critical area tracts shall be recorded on all documents of title of record for all affected lots.
- C. Critical area tracts shall be designated on the face of the plat or recorded drawing in a format approved by the Town. The designation shall include the following restriction:
 1. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
 2. The right of the Town to enforce the terms of the restriction.
- D. The Town may require that any required critical area tract be dedicated to the Town, held in an undivided interest by each owner of a building lot within the development with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowner's association or other legal entity (such as a land trust, which ensures the ownership, maintenance, and protection of the tract).

16.34.300 Building Setbacks.

Unless otherwise provided, buildings and other structures shall be set back a distance of fifteen (15) feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the building setback area:

- A. Landscaping;
- B. Uncovered decks;
- C. Building overhangs, if such overhangs do not extend more than eighteen (18) inches into the setback area; and
- D. Impervious ground surfaces, such as driveways and patios.

16.34.310 Bonds to Ensure Mitigation, Maintenance, and Monitoring

- A. When mitigation required pursuant to a development proposal is not completed prior to the Town final permit approval, such as final plat approval or final

building inspection, the Town shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the Town. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the Town to ensure mitigation is fully functional.

- B. The bond shall be in the amount of one hundred and twenty-five percent (125%) of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.
- C. The bond shall be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the Town attorney.
- D. Bonds or other security authorized by this Section shall remain in effect until the Town determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the Town for a minimum of five (5) years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.
- E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
- F. Public development proposals shall be relieved from having to comply with the bonding requirements of this Section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the Town may demand payment of any financial guarantees or require other action authorized by the Town code or any other law.
- H. Any funds recovered pursuant to this Section shall be used to complete the required mitigation.

16.34.320 Critical Area Inspections.

Reasonable access to the site shall be provided to the Town, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

16.34.330 Designation, Rating, and Mapping of Wetlands

- A. **Designating Wetlands.** Wetlands are those areas, designated in accordance with the *Washington State Wetland Identification and Delineation Manual* (1997), 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. All areas within the Town meeting the wetland designation criteria in the Identification and Delineation Manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Chapter.
- B. **Wetlands Rating Categories:** Wetlands shall be rated according to Ecology's

Washington State Wetland Rating System for Western Washington - Revised (Ecology Publication #04-06-025), or as revised by Ecology. Wetland rating categories shall be applied as the wetland exists at the time of the adoption of this Chapter or as it exists at the time of an associated permit application. Wetland rating categories shall not change due to illegal modifications. Wetlands shall be rated according to the following categories:

1. **Category I.** Category I wetlands are: 1) relatively undisturbed estuarine wetlands larger than 1 acre; 2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality wetlands; 3) bogs larger than ½ acre; 4) mature and old-growth forested wetlands larger than 1 acre; 5) wetlands in coastal lagoons; or 6) wetlands that perform many functions well.
2. **Category II.** Category II wetlands are: 1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; 2) a wetland identified by the Washington State Department of Natural Resources as containing “sensitive” plant species; 3) a bog between ¼ and ½ acre in size; 4) an interdunal wetland larger than 1 acre; or 5) wetlands with a moderately high level of functions.
3. **Category III.** Category III wetlands are: 1) wetlands with a moderate level of functions; or 2) interdunal wetlands between 0.1 and 1 acre in size.
4. **Category IV.** Category IV wetlands have the lowest levels of functions and may be heavily disturbed.

C. Wetland Size Thresholds.

1. Wetlands less than 1000 square feet in size that are not associated with the shoreline or a riparian corridor, are not part of a wetland mosaic, and do not contain habitat identified as essential for local populations of priority species, shall be exempt from regulation under this Chapter.
2. Category III and IV wetlands between 1000 and 4000 square feet that are not associated with the shoreline or a riparian corridor, are not part of a wetland mosaic, do not contain habitat identified as essential for local populations of priority species, and the wetlands scores less than 20 points for habitat using Ecology’s *Washington State Wetland Rating System for Western Washington - Revised* (Ecology Publication #04-06-025), or as revised by Ecology, shall be exempt from the restrictions on avoiding impacts within wetlands contained in this Section, but shall be subject to mitigation requirements for any wetlands impacts.

D. Mapping. Island County’s Critical Areas Maps and the National Wetlands Inventory critical area maps depict the approximate location and extent of known or suspected wetlands, and are hereby adopted. Additionally, soil maps produced by U.S. Department of Agriculture National Resources Conservation Service may be useful in helping to identify potential wetland areas.

1. These maps are to be used as a guide for the Town, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

2. The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional wetland scientist applying the Washington State Wetlands Identification and Delineation Manual as required by RCW 36.70A.175 (Ecology Publication #96-94, 1997), as it now exists or may be hereinafter amended.

16.34.340 Activities Allowed in Wetlands.

The activities listed below are allowed in wetlands in addition to those activities listed in, and consistent with, the provisions established in Allowed Activities [Section 16.34.150], and do not require submission of a critical area report, except where such activities result in a loss to the functions and values of a wetland or wetland buffer. These activities include:

- A. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing wetland.
- B. Enhancement of a wetland through the removal of non-native invasive species. Weeding shall be restricted to hand removal and weed material shall be removed from the site. Bare areas that remain after weed removal shall be re-vegetated with native shrubs and trees at natural densities. Some hand seeding may also be done over the bare areas with native herbs.

16.34.350 Critical Area Report – Additional Requirements for Wetlands.

In addition to the general critical area report requirements of Section 16.34.180, critical area reports for wetlands must meet the requirements of this Section. .

- A. **Preparation by a Qualified Professional.** A critical area report for wetlands shall be prepared by a qualified professional who has training and experience in preparing wetland reports.
- B. **Area Addressed in Critical Area Report.** The following areas shall be addressed in a critical area report for wetlands:
 1. The project area of the proposed activity;
 2. All wetlands, shoreline areas, water features, floodplains, and other critical areas, and related buffers within one hundred (100) feet of the project area.
- C. **Wetland analysis.** In addition to the minimum required contents of Critical Area Reports – Requirements [Section 16.34.180], a critical area report for wetlands may, upon the determination of the town planner, contain an analysis of the wetlands including the following site- and proposal-related information:
 1. A written assessment and accompanying maps of the wetlands and buffers within one hundred (100) feet of the project area, including the following information at a minimum:
 - a. Wetland delineation and required buffers;
 - b. Estimated wetland acreage;
 - c. Wetland category;
 - d. Vegetative, faunal, and hydrologic characteristics;
 - e. Soil and substrate conditions;

- f. Topographic elevations, and
 - g. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits).
 - 2. A description of the functions provided by the wetland and discussion of the relative degree to which the wetland is capable of providing the identified functions.
 - 3. A scale map of the development proposal site and adjacent area.
 - 4. As appropriate, a discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands, habitat and native vegetation and restore any wetlands that were degraded prior to the current proposed land use activity.
 - 5. Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
 - a. Existing and proposed wetland acreage;
 - b. Vegetative and faunal conditions;
 - c. Surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - d. Relationship within watershed and to existing waterbodies;
 - e. Soil and substrate conditions, topographic elevations;
 - f. Existing and proposed adjacent site conditions;
 - g. Required wetland buffers (including any buffer reduction and mitigation proposed to increase the plant densities, remove weedy vegetation, and replant the buffers);
 - h. a description of the nature and timing of any previous alterations to the wetland and buffer;
 - i. Property ownership; and
 - j. Other wetlands and critical areas that may be functionally related to or associated with the subject wetland.
 - 6. A discussion of any ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.
 - 7. A bond estimate for any installation (including site preparation, plant materials and installation, fertilizers, mulch, stakes) and the proposed monitoring and maintenance work for the required number of years.
- D. When appropriate, the town planner may also require the critical area report to include an evaluation by the state Department of Ecology or an independent

qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

- E. The town planner shall determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety, and welfare, consistent with the goals, purposes, objectives and requirements of this ordinance.

16.34.360 Performance Standards – General Requirements

- A. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and functional performance of the wetland and other critical areas.
- B. Activities and uses shall be prohibited in wetlands and wetland buffers, except as provided for in this Chapter.
- C. **Category I and II Wetlands.** Activities and uses shall be prohibited from Category I and II wetlands, except as provided for in the public agency and utility exception, and reasonable use exception sections of this Chapter.
- D. **Category III and IV Wetlands.** With respect to activities proposed in Category III and IV wetlands, the following standards shall apply:
 - 1. It shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:
 - a. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impact on, identified wetlands; and
 - b. All alternative designs of the project as proposed, that would avoid or result in less of an adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project, are not feasible.

E. Wetland Buffers

- 1. **Standard Buffer Widths.** The standard buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate, then the buffer width shall be increased or the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land use intensity, are as follows:

Wetland Category	Land Use with Low Impact	Land Use with Moderate Impact	Land Use with High Impact
IV	25 ft	40 ft	50 ft
III	75 ft	110 ft	150 ft
II	150 ft	225 ft	300 ft
I	150 ft	225 ft	300 ft

Level of Impact from Proposed Change in Land Use	Examples of Types of Land Use
High	• Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.) • High-intensity recreation (golf courses, ball fields, etc.) • Hobby farms
Moderate	• Residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Conversion to moderate-intensity agriculture (orchards, hay fields, etc.) • Paved trails • Building of logging roads • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	• Forestry (cutting of trees only) • Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

The above are examples only. The town planner shall determine the level of impact of proposed land uses.

2. **Measurement of Wetland Buffers.** All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced

wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers.

3. **Increased Wetland Buffer Widths.** The town planner may require increased buffer widths in accordance with the recommendations of an experienced, qualified professional wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics.
4. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Existing buffer vegetation is considered “inadequate” and will need to be enhanced through additional native plantings and (if appropriate) removal of non-native plants when: (1) non-native or invasive plant species provide the dominant cover, (2) vegetation is lacking due to disturbance and wetland resources could be adversely affected, or (3) enhancement plantings in the buffer could significantly improve buffer functions.

F. **Wetland Buffer Width Averaging.** The town planner may allow modification of the standard wetland buffer width in accordance with an approved critical area report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified professional wetland scientist demonstrates that:

1. It will not reduce wetland functions or functional performance;
2. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
3. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
4. The buffer width is not reduced to less than 75 percent (75%) of the standard width or thirty-five (35) feet.

G. **Buffer Uses.** The following uses may be permitted within a wetland buffer in accordance with the review procedures of this Chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

1. **Conservation and Restoration Activities.** Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
2. **Passive Recreation.** In the outer 25% of wetland buffers, passive recreation facilities designed and in accordance with an approved critical area report, including pedestrian-only walkways, trails and wildlife viewing structures constructed with a surface that does not interfere with the permeability.
3. **Stormwater Management Facilities.** Stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or

IV wetlands, provided that:

- a. No other location is feasible; and
- b. The location of such facilities will not degrade the functions or values of the wetland.

H. **Fencing of Wetlands**

1. The town planner shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the town planner shall condition any permit or authorization issued pursuant to this Chapter to require the applicant to install a permanent fence at the edge of the wetland buffer, when fencing will prevent future impacts to the wetland.
2. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.
3. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

16.34.370 Performance Standards – Compensatory Mitigation Requirements

Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with the state Department of Ecology's *Guidance on Wetland Mitigation in Washington State: Parts 1 and 2* (Publication #04-065-013A and #04-06-013B, April 2004), as revised.

- A. **Mitigation for Lost or Affected Functions.** Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland functions as those lost, except when out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types. :
- B. **Preference of Mitigation Actions.** Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:
 1. Restoring wetlands on upland sites that were formerly wetlands.
 2. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.
 3. Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area meeting appropriate ratio requirements.
- C. **Type and Location of Mitigation.** Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory

mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same sub-basin or drift cell. Mitigation actions shall be conducted within the same sub-drainage basin and on the site as the alteration except when the all of the following apply:

1. There are no reasonable on-site or in-sub-drainage basin opportunities or on-site and in-sub-drainage basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the impacts. Consideration should include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity);
 2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
 3. Off-site locations shall be in the same sub-drainage basin.
- D. **Mitigation Timing.** Mitigation projects shall be completed with an approved monitoring plan prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.
- E. **Mitigation Ratios** The following ratios shall apply to creation or restoration that is in-kind, is on-site, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success. Greater ratios may apply in those cases of remedial actions resulting from unauthorized alterations. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.
1. Category I: 6-to-1
 2. Category II: 3-to-1
 3. Category III: 2:1
 4. Category IV: 1.5:1
 5. For wetland enhancement projects used for mitigation, ratios shall be double those indicated above.

16.34.380 Performance Standards – Subdivisions.

The subdivision and short subdivision of land in wetlands and associated buffers is subject to the following:

- A. Land that is located wholly within a wetland or its buffer may not be subdivided.
- B. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:
 1. Located outside of the wetland and its buffer; and
 2. Meets the minimum lot size requirements of the applicable zoning designation.

- C. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the Town determines that no other feasible alternative exists and when consistent with this Chapter.

16.34.390 Critical Aquifer Recharge Areas.

Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2), as it now exists or may be hereinafter amended. Within the Town, these Critical Aquifer Recharge Areas are wellhead protection areas as established in the Integrated Stormwater Management Plan. In the event that the wells specifically identified in the Integrated Stormwater Management Plan are either decommissioned or no longer used as a source of potable water for the Town of Coupeville the provisions specified below for CARAs are no longer applicable to the wellhead protection area(s).

16.34.400 Mapping of Critical Aquifer Recharge Areas

- A. The approximate location and extent of wellhead protection areas are shown on the adopted critical areas maps.
- B. These maps are to be used as a guide for the Town, project applicants, and/or property owners and may be continuously updated as new issues are identified.

16.34.410 Activities Allowed in Critical Aquifer Recharge Areas.

The following activities are allowed in critical aquifer recharge areas pursuant to Allowed Activities [Section 16.34.150] and do not require compliance with additional requirements of Section 16.34.420.

- A. Construction of structures and improvements, including additions, resulting in no more than seventy percent (70%) or 5,000 square feet (whichever is greater) total site impervious surface area that does not result in a change of use or increase the use of a hazardous substance.
- B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than 10 percent (10%) total site impervious surface area that do not increase the use of a hazardous substance.

16.34.420 Performance Standards – General Requirements

- 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 effect the recharging of the aquifer.
- B. Disposal of substances in public sewers shall be in compliance with the Water and Sewer Ordinance (No. 499) and CTC 13.12.080.
- C. Illicit discharges into stormwater drainage shall be a violation Title 13.12 of the CTC and subject to the enforcement and penalties of CTC 13.20.110.
- D. Storage and disposal of hazardous chemicals shall comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, and the Island County Health Department, including Island County Code Chapters 8.08A and 8.09.
- E. All activities within critical aquifer recharge areas shall implement and maintain

water quality best management practices recommended in the 2001 Washington Department of Ecology Stormwater Manual for Western Washington, as it now exists or may be hereinafter amended.

- F. All drainage systems must be designed and constructed in accordance with CTC 13.20.

16.34.430 Performance Standards – Specific Uses

- A. **Storage Tanks.** All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:
 - 1. **Underground Tanks.** All new underground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - a. Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - b. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and
 - c. Use material in the construction or lining of the tank that is compatible with the substance to be stored.
 - 2. **Aboveground Tanks.** All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - a. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;
 - b. Have a primary containment area enclosing or underlying the tank or part thereof; and
 - c. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.
- B. **Vehicle Repair and Servicing**
 - 1. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
 - 2. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.
- C. **Residential Use of Pesticides and Nutrients.** Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

16.34.440 Uses Prohibited From Critical Aquifer Recharge Areas.

The following activities and uses are prohibited in critical aquifer recharge areas:

- A. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source.
- B. Activities requiring sewer service that are not connected to an available sanitary sewer system.

16.34.450 Designation of Frequently Flooded Areas.

Frequently flooded areas, also referred herein to as floodplains, are regulated pursuant to Coupeville Town Code Chapter 16.40 as it now exists or may be hereinafter amended.

16.34.460 Geologically Hazardous Areas.

Geologically hazardous areas include areas susceptible to erosion, land sliding, bluff failures, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use.

16.34.470 Designation of Specific Hazard Areas

- A. **Erosion Hazard Areas.** Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard. Erosion hazard areas are also those areas impacted by shore land erosion.
- B. **Landslide Hazard Areas.** Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Example of these may include, but are not limited to the following:
 - 1. Areas of historic failures, such as:
 - a. Those areas mapped by the 1979 Washington State Department of Ecology (*Coastal Zone Atlas*) for Island County, as it may be amended or revised, as land which has had recent or historical slide activity and/or has unstable slope conditions, including those lands within one-hundred (100) feet (either top or base) thereof.
 - b. Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least ten (10) feet of vertical relief.

16.34.480 Mapping of Geologically Hazardous Areas.

- A. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps. The adopted critical areas maps include:
 - 1. Coastal Zone Atlas; and,
 - 2. Locally adopted maps.

- B. These maps are to be used as a guide for the Town, project applicants and/or property owners and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

16.34.490 Critical Area Report – Additional Requirements for Geologically Hazardous Areas

- A. **Preparation by a Qualified Professional.** A critical areas report for a geologically hazardous area shall be prepared by an engineer or geologist, licensed in the state of Washington, with experience analyzing geologic, hydrologic, and ground water flow systems, and who has experience preparing reports for the relevant type of hazard.
- B. **Site Plan.** The critical area report shall include a copy of the site plan for the proposal showing, as appropriate:
 - 1. The height of slope, slope gradient, and cross-section of the project area;
 - 2. The location of springs, seeps, or other surface expressions of ground water on or within two hundred (200) feet of the project area or that have potential to be affected by the proposal; and
 - 3. The top and toe of all unstable slopes and locations of erosion hazard areas.
 - 4. The location and description of surface water runoff features;
 - 5. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;
 - 6. Clearing limits; and
 - 7. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report.
- C. **Hazards Analysis.** The hazards analysis component of the critical areas report shall include, as determined by the town planner:
 - 1. A description of the extent and type of vegetative cover;
 - 2. A description of subsurface conditions based on data from site-specific explorations;
 - 3. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
 - 4. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
 - 5. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;
 - 6. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties.

7. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
 8. Recommendations for building siting limitations; and
 9. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.
- D. **Geotechnical Engineering Report.** The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:
1. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;
 2. Recommendations for drainage and subdrainage improvements;
 3. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and
 4. Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate;
- E. **Minimum Buffer and Building Setback.** The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis.
- F. **Erosion and Sediment Control Plan.** For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required.
- G. **Drainage Plan.** The technical information shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with the CTC 13.20. The drainage plan should consider on-site septic system disposal volumes where the additional volume will affect the erosion or landslide hazard area.
- H. **Mitigation Plans.** Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability.
- I. **Incorporation of Previous Study.** Where a valid critical areas report has been prepared within the last five (5) years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area report in partial fulfillment of the requirements of this Section. The applicant shall submit a hazards assessment detailing any changed environmental conditions associated with the site.

16.34.500 Performance Standards – General Requirements

- A. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:
 - 1. Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
 - 2. Will not adversely impact other critical areas;
 - 3. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
 - 4. Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.
- B. **Critical Facilities Prohibited.** Critical facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.

16.34.510 Performance Standards – Specific Hazards

- A. **Erosion and Landslide Hazard Areas.** Activities on sites containing erosion or landslide hazards shall meet the standards of Performance Standards – General Requirements [Section 16.34.510] and the specific following requirements:
- B. **Buffer Requirement.** A buffer shall be established from all edges of landslide hazard areas. The size of the buffer shall be determined by the town planner to eliminate or minimize the risk of property damage, death, or injury resulting from landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
 - 1. **Minimum Buffer.** The minimum buffer shall be equal to the height of the slope or fifty (50) feet, whichever is greater.
 - 2. **Buffer Reduction.** The buffer may be reduced to a minimum of ten (10) feet when a qualified professional demonstrates to the town planner's satisfaction that the reduction will adequately protect the proposed development, adjacent developments, and uses and the subject critical area.
 - 3. **Increased Buffer.** The buffer may be increased where the town planner determines a larger buffer is necessary to prevent risk of damage to proposed and existing development;
 - 4. **Alterations.** Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a hazards analysis is submitted and certifies that:
 - a. The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;
 - b. The development will not decrease slope stability on adjacent properties; and
 - c. Such alterations will not adversely impact other critical areas;
 - 5. **Design Standards.** Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that

deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this Chapter. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

- a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the Uniform Building Code;
 - b. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;
 - c. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;
 - d. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
 - e. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
 - f. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
 - g. Development shall be designed to minimize impervious lot coverage.
6. **Vegetation Retention.** Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.
 7. **Seasonal Restriction.** Clearing shall be allowed only from May 1 to October 1 of each year provided that the Town may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved forest practice permit issued by the Town or the Washington State Department of Natural Resources.
 8. **Utility Lines and Pipes.** Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.
 9. **Point Discharges.** Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:

- a. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;
 - b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or
 - c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.
10. **Subdivisions.** The division of land in landslide hazard areas and associated buffers is subject to the following:
- a. Land that is located wholly within a landslide hazard area or its buffer may not be subdivided. Land that is located partially within a landslide hazard area or its buffer may be divided provided that each resulting lot has sufficient buildable area outside of, and will not affect, the landslide hazard or its buffer.
 - b. Access roads and utilities may be permitted within the landslide hazard area and associated buffers if the Town determines that no other feasible alternative exists.
11. **Prohibited Development.** On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and related buffers.

16.34.520 Covenant

The town planner may require a covenant between the owner(s) of the property and the Town of Coupeville. The covenant shall be signed by the owner(s) of the site and notarized prior to issuance of any permit or approval in a potential geologically hazardous area or other area of potentially hazardous soils or drainage or erosion conditions. The covenant shall not be required where the permit or approval is for work done by the Town. The covenant shall include:

- A. A legal description of the property;
- B. A description of the property condition making this subsection applicable;
- C. A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with development on the property given the described condition, and agrees to inform future purchasers and other successors and assignees of the risks;
- D. The application date, type, and number of the permit or approval for which the covenant is required; and,
- E. A statement waiving the right of the owner(s), the owner's heirs, successors and assigns to assert any claim against the Town of Coupeville by reason of or arising out of issuance of the permit or approval by the Town of Coupeville for the development on the property, except only for such losses that may directly result from the negligence of the Town of Coupeville.

The covenant shall be filed for record by the owner with the Island County Auditor, at the expense of the owner, so as to become part of the Island County real property records.

16.34.530 Disclosure

Pursuant to the requirements of this chapter, no person shall sell, lease, or offer for sale or lease any property within a geologically hazardous area that has been the subject of a geotechnical report required by this chapter, unless the prospective buyer or lessee has been given notice substantially as follows:

“To: _____

The Property at _____ is located within a geologically hazardous area. Geologically hazardous areas include areas susceptible to the effects of erosion, landsliding, or other geologic events. They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development are sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development or when structures or facilities are sited in areas susceptible to natural or human-caused geologic events.

Some geologic hazards can be reduced or mitigated, but not eliminated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. The Town of Coupeville has placed certain restrictions on development and use of geologically hazardous areas.

Before purchasing or leasing the above property, you should consult the Critical Area Ordinance CTC 16.34, and any previously issued permits or geotechnical reports to determine restrictions, if any, which have been placed on the subject property.”

16.34.540 Designation of Fish And Wildlife Habitat Conservation Areas

A. Fish and wildlife habitat conservation areas include:

1. Areas With Which State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association.
 - a. Federally designated endangered and threatened species are those fish and wildlife 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 for current listing status.
 - b. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife, 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. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species), as they now exist or may be hereinafter amended. The state Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

2. **State Priority Habitats and Areas Associated With State Priority**

Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those 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 or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.

3. **Habitats and Species of Local Importance.** Habitats and species of local importance are those identified by the Town, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

a. **Designation Process.** The Town shall accept and consider nominations for habitat areas and species to be designated as locally important on an annual basis.

- i. Habitats and species to be designated shall exhibit the following characteristics:
 - (1) Local populations of native species are in danger of extirpation based on existing trends;
 - (2) The species or habitat has recreation, commercial, game, tribal, or other special value;
 - (3) Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat;
 - (4) Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in Town; and
 - (5) Without protection, there is a likelihood that the species or habitat will be diminished over the long term.
- ii. Areas nominated to protect a particular habitat or species must represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and which is of limited availability, highly vulnerable to alteration, or provides landscape connectivity which contributes to the integrity of the surrounding landscape.
- iii. Habitats and species may be nominated for designation by any person.
- iv. The nomination should indicate whether specific habitat

- features are to be protected (for example, nest sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety.
- v. The nomination may include management strategies for the species or habitats. Management strategies must be supported by the best available science, and where restoration of habitat is proposed, a specific plan for restoration must be provided prior to nomination.
 - vi. The town planner shall determine whether the nomination proposal is complete, and if complete, shall evaluate it according to the characteristics enumerated in subsection (i) and make a recommendation to the Town Council based on those findings.
 - vii. The Town Council shall hold a public hearing for proposals found to be complete and make a decision based on the characteristics enumerated in subsection i.
 - viii. Upon a finding that the characteristics enumerated in subsection i are met, the Town Council shall designate a Habitat or Species of Local Importance.
 - ix. Approved nominations will be subject to the provisions of this Chapter.

A combined list of federally and state identified species, state priority species, and state priority habitats, is included in Appendix A.

- 4. **Commercial and Recreational Shellfish Areas.** These areas include all public and private tidelands or bedlands suitable for shellfish harvest, including shellfish protection districts established pursuant to Chapter 90.72 RCW, as it now exists or may be hereinafter amended.
- 5. **Kelp and Eelgrass Beds and Herring, Sand Lance, and Smelt Spawning Areas.**
- 6. **Waters of the State.** Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16, as it now exists or may be hereinafter amended.
- 7. **State Natural Area Preserves and Natural Resource Conservation Areas.** Natural area preserves and natural resource conservation areas are defined, established, and managed by the Washington State Department of Natural Resources.
- 8. **Areas of Rare Plant Species and High Quality Ecosystems.** Areas of rare plant species and high quality ecosystems are identified by the Washington State Department of Natural Resources through the Natural Heritage Program.
- 9. **Land Useful or Essential for Preserving Connections Between Habitat Blocks and Open Spaces.**

- B. All areas within the Town meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Chapter and shall be managed consistent with the best available science, such as the Washington Department of Fish and Wildlife's Management Recommendations for Priority Habitat and Species.
- C. **Mapping.** The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the Town, as most recently updated. These maps are to be used as a guide for the Town, project applicants, and/or property owners and should be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

The following critical area maps are hereby adopted, as they now exist or may be hereinafter amended:

1. Washington Department of Fish and Wildlife Priority Habitat and Species maps;
2. Washington State Department of Natural Resources, Official Water Type Reference maps, as amended;
3. Washington State Department of Natural Resources Puget Sound Intertidal Habitat Inventory maps;
4. Washington State Department of Natural Resources Shorezone Inventory;
5. Washington State Department of Natural Resources Natural Heritage Program mapping data;
6. Washington State Department of Health Annual Inventory of Shellfish Harvest Areas;
7. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission;
8. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps; and
9. Town official habitat maps.

16.34.550 Critical Area Report – Additional Requirements for Habitat Conservation Areas.

In addition to the general critical area report requirements of Section 16.34.180, critical area reports for habitat conservation areas must meet the requirements of this Section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

- A. **Preparation by a Qualified Professional.** A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.
- B. **Areas Addressed in Critical Area Report.** The following areas shall be addressed in a critical area report for habitat conservation areas:
 1. The project area of the proposed activity;

2. All habitat conservation areas and recommended buffers within three hundred (300) feet of the project area; and
3. All shoreline areas, floodplains, other critical areas, and related buffers within three hundred (300) feet of the project area.

C. **Habitat Assessment.** A habitat assessment is an investigation of the project area to evaluate the potential presence or absence of designated critical fish or wildlife species or habitat. A critical area report for a habitat conservation area shall contain an assessment of habitats including the following site- and proposal-related information at a minimum:

1. Detailed description of vegetation on and adjacent to the project area and its associated buffer;
2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
3. A discussion of any federal, state, or local special management recommendations, including Washington 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 detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;
5. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with Mitigation Sequencing [Section 16.34.210]; and
6. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

D. **Agency Consultation May Be Required.** When appropriate due to the type of habitat or species present or the project area conditions, the town planner may also require the habitat management plan to include a request for consultation with the Washington Department of Fish and Wildlife or the local Native American Indian Tribe or other appropriate agency.

16.34.560 Performance Standards – General Requirements.

- A. **Non-indigenous Species.** No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.
- B. **Mitigation and Contiguous Corridors.** Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
- C. **Approvals of Activities.** The town planner shall condition approvals of

activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

1. Establishment of buffer zones;
2. Preservation of critically important vegetation and/or habitat features such as snags and downed wood;
3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
4. Seasonal restriction of construction activities;
5. Establishment of a duration and timetable for periodic review of mitigation activities; and
6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

- D. **Mitigation and Equivalent or Greater Biological Functions.** Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.
- E. **Approvals and the Best Available Science.** Any approval of alterations or impacts to a habitat conservation area shall be supported by the best available science.
- F. **Establishment of Buffers.** The town planner shall require the establishment of buffer areas for activities adjacent to habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife. Habitat conservation areas and their buffers shall be preserved in perpetuity through the use of native growth protection areas and critical area tracts in accordance with Section 16.34.280 through Section 16.34.290.
1. **Seasonal Restrictions.** When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.
 2. **Habitat Buffer Averaging.** The town planner may allow the recommended habitat area buffer width to be reduced in accordance with a critical area report, only if:
 - a. It will not reduce stream or habitat functions;
 - b. It will not adversely affect salmonid habitat;

- c. It will provide additional natural resource protection, such as buffer enhancement;
 - d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
 - e. The buffer area width is not reduced by more than twenty-five percent (25%) in any location.
- G. **Temporary Markers.** The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and verified by the town planner prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction.
- H. **Subdivisions.** The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:
 - 1. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.
 - 2. Land that is located partially within a habitat conservation area or its buffer may be divided provided that the developable portion of each new lot and its access is located outside of the habitat conservation area or its buffer and meets the minimum lot size requirements of the zoning district.
 - 3. Access roads and utilities serving the proposed may be permitted within the habitat conservation area and associated buffers only if the Town determines that no other feasible alternative exists and when consistent with this Chapter.

16.34.570 Performance Standards – Specific Habitats

A. Endangered, Threatened, and Sensitive Species

- 1. No development shall be allowed within a habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by the Washington Department of Fish and Wildlife or applicable state or federal agency.
- 2. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the Town. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife for animal species, the Washington State Department of Natural Resources for plant species, and other appropriate federal or state agencies.
- 3. Bald eagle habitat shall be protected pursuant to RCW 77.12.655 and the Washington State Bald Eagle Protection Rules (WAC 232-12-292), as they now exist or may be hereinafter amended. Approval of activity adjacent to

bald eagle sites shall not occur prior to approval of a habitat management plan by the Washington Department of Fish and Wildlife. Activities are adjacent to bald eagle sites when they are within eight hundred (800) feet or within one half mile (2,640 feet) and in a shoreline foraging area. The Town shall verify the location of eagle management areas for each proposed activity.

B. Anadromous Fish

1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:
 - a. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;
 - b. An alternative alignment or location for the activity is not feasible;
 - c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;
 - d. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report, and
 - e. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.
2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish.

16.34.580 Definitions

Words not defined in this Chapter shall be as defined in the Town code, the Washington Administrative Code, or the Revised Code of Washington. Words not found in either code shall be as defined in the Webster's Third New International Dictionary, latest edition.

A

Active Fault – A fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last 10,000 years, but faults may also be considered active in some cases if movement has occurred in the last 500,000 years.

Adaptive Management – Adaptive management relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.

Adjacent – Immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection

of the functions and values of the critical areas. Adjacent shall mean any activity or development 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;
- C. A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;
- D. A distance equal to or less than three hundred (300) feet upland from a stream, wetland, or water body;
- E. Bordering or within the floodplain,; or

Advance Mitigation – Mitigation of an anticipated critical area impact or hazard completed according to an approved critical area report and prior to site development.

Agricultural Land – Land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, as they now exist or may be hereinafter amended, or livestock, and or that has been designated as long-term commercial significance for agricultural production.

Alteration – Any human induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

Anadromous Fish – Fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

Aquifer – A geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Aquifer Recharge Areas – Areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation.

Aquifer, Sole Source – An area designated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s) must supply fifty percent (50%) or more of the drinking water for an area without a sufficient replacement available.

B

Base Flood – A flood event having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the 100-year flood. Designations of base flood areas on flood insurance map(s) always include the letters A or V.

Basement – Any area of the building having its floor below ground level on all sides.

Best Available Science – 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 925, as they now exist or may be hereinafter amended. Sources of the best available science are included in *Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas* published by the Washington State Department of Community, Trade and Economic Development.

Best Management Practices (BMPs) – Conservation practices or systems of practices and management measures that:

- A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
- B. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
- C. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and
- D. Provide standards for proper use of chemical herbicides within critical areas.

The Town shall monitor the application of best management practices to ensure that the standards and policies of this Chapter are adhered to.

Biodiversity – The variety of animal and plant life and its ecological processes and interconnections – represented by the richness of ecological systems and the life that depends on them, including human life and economies.

Buffer or Buffer Zone – An area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

C

Compensation Project – Actions necessary to replace project-induced critical area and buffer losses, including land acquisition, planning, construction plans, monitoring, and contingency actions.

Compensatory Mitigation – Replacing project-induced losses or impacts to a critical area, and includes, but is not limited to, the following:

- A. Restoration – Actions performed to reestablish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland.
- B. Creation – Actions performed to intentionally establish a wetland at a site where it did not formerly exist.
- C. Enhancement – Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.
- D. Preservation – Actions taken to ensure the permanent protection of existing, high-quality wetlands.

Conservation Easement – A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded

on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

Critical Aquifer Recharge Area – Areas designated by WAC 365-190-080(2), as it now exists or may be hereinafter amended, that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2), as it now exists or may be hereinafter amended.

Critical Areas – Critical areas include any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A, as it now exists or may be hereinafter amended, and this Chapter.

Critical Area Tract – Land held in private ownership and retained in an open condition in perpetuity for the protection of critical areas. Lands within this type of dedication may include but are not limited to, portions and combinations of forest habitats, grasslands, shrub steppe, on-site watersheds, 100-year floodplains, shorelines or shorelines of statewide significance, riparian areas, and wetlands.

Critical Facility – A facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

Critical Species – All animal and plant species listed by the state or federal government as threatened or endangered.

Cumulative Impacts or Effects – The combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

D

Developable Area – A site or portion of a site that may be utilized as the location of development, in accordance with the rules of this Chapter.

Development – Any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the Town that binds land to specific patterns of use, including but not limited to, subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

- A. Interior building improvements.
- B. Exterior structure maintenance activities, including painting and roofing.
- C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning, and weeding.
- D. Maintenance of the following existing facilities that does not expand the affected

area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

Development Permit – Any permit issued by the Town, or other authorized agency, for construction, land use, or the alteration of land.

Director – The town planner of the Town planning department or other responsible official, or other city staff granted the authority to act on behalf of the director.

E

Emergent Wetland – A wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

Erosion – The process whereby wind, rain, water, and other natural agents mobilize and transport particles.

Erosion Hazard Areas – At least those areas identified by the U.S. Department of Agriculture National Resources Conservation Service as having a “severe” rill and inter-rill erosion hazard.

Exotic – Any species of plants or animals, which are foreign to the Town.

F

Fish and Wildlife Habitat Conservation Areas – Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5), as it now exists or may be hereinafter amended. These areas include:

- A. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
- B. Habitats of local importance, including but not limited to areas designated as priority habitat by the Washington Department of Fish and Wildlife;
- C. Commercial and recreational shellfish areas;
- D. Kelp and eelgrass beds;
- E. Herring and smelt spawning areas;
- F. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
- G. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington;
- H. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- I. State natural area preserves and natural resource conservation areas; and
- J. Land essential for preserving connections between habitat blocks and open spaces.

Fish Habitat – Habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat.

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain – The total land area adjoining a river, stream, watercourse, or lake subject to inundation by the base flood.

Frequently Flooded Areas – Lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the town planner in accordance with WAC 365-190-080(3), as it now exists or may be hereinafter amended. Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

Functions and Values – The beneficial roles served by critical areas including, but are 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. These beneficial roles are not listed in order of priority. Critical area functions can be used to help set targets (species composition, structure, etc.) for managed areas, including mitigation sites.

G

Geologically Hazardous Areas – Areas that may not be suited to development consistent with public health, safety, or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4), as it now exists or may be hereinafter amended. Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards.

Ground Water – Water in a saturated zone or stratum beneath the surface of land or a surface water body.

Growth Management Act – RCW 36.70A and 36.70B, as they now exist or may be hereinafter amended.

H

Habitat Conservation Areas – Areas designated as fish and wildlife habitat conservation areas.

Habitats of Local Importance – These areas include a seasonal range or habitat element with which a given species has a primary association, and which, if altered may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alterations such as cliffs, talus, and wetlands. (WAC 365-190-030, as it now exists or may be hereinafter amended)

Hazard Areas – Areas designated as frequently flooded areas or geologically hazardous areas due

to potential for erosion, landslide, seismic activity, mine collapse, or other geological condition.

Hazardous Substances – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100, as they now exist or may be hereinafter amended.

High Intensity Land Use – Land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium-density residential (more than 2 homes per acre), multifamily residential, some agricultural practices, and commercial and industrial land uses.

High Quality Wetlands – Those wetlands that meet the following criteria:

- A. No, or isolated, human alteration of the wetland topography;
- B. No human-caused alteration of the hydrology or the wetland appears to have recovered from the alteration;
- C. Low cover and frequency of exotic plant species;
- D. Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;
- E. If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and
- F. No known major water quality problems.

Historic Condition – Condition of the land, including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by human activity.

Hydraulic Project Approval (HPA) – A permit issued by the Washington Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW, as it now exists or may be hereinafter amended.

Hydric Soil – A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the *Washington State Wetland Identification and Delineation Manual*.

Hydrophytic Vegetation – Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the *Washington State Wetland Identification and Delineation Manual*.

I

Impervious Surface – A hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

In-Kind Compensation – To replace critical areas with substitute areas whose characteristics and

functions closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."

Isolated Wetlands – 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.

Infiltration – The downward entry of water into the immediate surface of soil.

J

Joint Aquatic Resource Permits Application – A single application form that may be used to apply for hydraulic project approvals, shoreline management permits, approvals of exceedance of water quality standards, water quality certifications, coast guard bridge permits, Washington State Department of Natural Resources use authorization, and U.S. Army Corps of Engineers permits.

L

Land Use, High Intensity – See "High Intensity Land Use."

Land Use, Low Intensity – See "Low Intensity Land Use."

Land Use, Moderate Intensity – See "Moderate Intensity Land Use."

Landslide Hazard Areas – Areas that are potentially subject to risk of mass movement due to a combination of geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors.

Low Intensity Land Use – Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, low-density residential (less than 2 homes per acre), passive recreation, open space, or forest management land uses.

M

Mitigation – Avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- C. Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- E. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- F. Compensating for the impact to wetlands, critical aquifer recharge areas, and

habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

- G. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

Moderate Intensity Land Use – Land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low-density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.

Monitoring – Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, including gathering baseline data.

N

Native Vegetation – Plant species that are indigenous to the area in question.

Native Growth Protection Area (NGPA) – An area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants and animal habitat;

Natural Waters – Waters, excluding water conveyance systems that are artificially constructed and actively maintained for irrigation.

Non-conformity – A legally established existing use or legally constructed structure that is not in compliance with current regulations.

Non-indigenous – See “Exotic.”

O

Off-Site Compensation – To replace critical areas away from the site on which a critical area has been impacted.

On-site Compensation – To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

Ordinary High Water Mark (OHM) – That mark which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

Out-of-Kind Compensation – To replace critical areas with substitute critical areas whose characteristics do not closely approximate those destroyed or degraded. It does not refer to replacement "out-of-category."

P

Potable Water – Water that is safe and palatable for human use.

Practical Alternative – An alternative that is available and capable of being carried out after

taking into consideration cost, existing technology, and logistics in light of overall project purposes, and has less impacts to critical areas.

Primary Association Area – The area used on a regular basis by, is in close association with, or is necessary for the proper functioning of the habitat of a critical species. Regular basis means that the habitat area is normally, or usually known to contain a critical species, or based on known habitat requirements of the species, the area is likely to contain the critical species. Regular basis is species and population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

Priority Habitat – Habitat type or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

Project Area – All areas within fifty (50) feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

Q

Qualified Professional – 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), as it now exists or may be hereinafter amended. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

- A. A qualified professional for fish and wildlife habitats must have a degree in biology and professional experience related to the subject species.
- B. A qualified professional for a geological hazard must be a professional 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.
- D. A qualified professional for wetlands shall be a certified Professional Wetland Scientist or have, at a minimum: (1) a Bachelor's degree in hydrology, soil science, botany, ecology, or related field; and (2) at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans..

R

Reasonable Economic Use – The Permitted or Conditional use of a specific Parcel of land which a Person may be expected to conduct or maintain fairly and appropriately given the site specific conditions or characteristics of the Parcel and Uses allowed for all other properties within a similar zoning classification.

Recharge – The process involved in the absorption and addition of water to ground water.

Repair or Maintenance – An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Restoration – Measures taken to restore an altered or damaged natural feature including:

- A. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- B. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

S

Scientific Process – A valid scientific process is one that produces reliable information useful in understanding the consequences of a decision. The characteristics of a valid scientific process are as follows:

- A. Peer Review. The information has been critically reviewed by other qualified scientific experts in that scientific discipline.
- B. Methods. The methods that were used are standardized in the pertinent scientific discipline or the methods have been appropriately peer-reviewed to ensure their reliability and validity.
- C. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and are logically and reasonably derived from the assumptions and supported by the data presented.
- D. Quantitative Analysis. The data have been analyzed using appropriate statistical or quantitative methods.
- E. Context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.
- F. References. The assumptions, techniques, and conclusions are well referenced with citations to pertinent existing information.

Seeps – A spot where water oozes from the earth, often forming the source of a small stream.

Seismic Hazard Areas – Areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

Serviceable – Presently usable.

Shorelines – All of the water areas of the state as defined in RCW 90.58.030, as it now exists or may be hereinafter amended, including reservoirs and their associated shorelands, together with the lands underlying them except Shorelines of statewide significance.

Shorelines of the State – The total of all “shorelines,” as defined in RCW 90.58.030(2)(d), and “shorelines of statewide significance” within the state, as defined in RCW 90.58.030(2)(c), as they now exist or may be hereinafter amended.

Shorelines of Statewide Significance – Those areas defined in RCW 90.58.030(2)(e), as it now exists or may be hereinafter amended.

Shorelands or Shoreland Areas – Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of Chapter 90.58 RCW, as it now exists or may be hereinafter amended.

Significant Portion of its Range – That portion of a species range likely to be essential to the long-term survival of the population in Washington.

Soil Survey – The most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

Sole Source Aquifer – See “Aquifer, Sole Source.”

Species – Any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Species, Endangered – Any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Species of Local Importance – Those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, Priority – Any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species, Threatened – Any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Stream – See “Watercourse.”

U

Unavoidable – Adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

W

Water Dependent – A use or portion of a use that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A use that can be carried out only on, in, or adjacent to water. Examples of water dependent uses include: ship cargo terminal loading areas; fishing; ferry and passenger terminals; barge loading, ship building, and dry docking facilities; marinas, moorage, and boat launching facilities; aquaculture; float plane operations; surface water intake; and sanitary sewer and storm drain outfalls.

Water Typing System – Waters classified according to WAC 222-16-031, as it now exists or may be hereinafter amended.

Watercourse – Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined beds or banks, which influence the quality of fish habitat downstream. This definition includes watercourses that flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

Well – A bored, drilled, or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.

Wetlands – 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 non-wetland 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 non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the *Washington State Wetland Identification and Delineation Manual*.

Wetlands Categories –

Category I. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3) bogs larger than ½ acre; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; and (6) wetlands that perform many functions well (scoring 70 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

Category II. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) wetlands identified by the Washington State Department of Natural Resources as containing “sensitive” plant species; (3) bogs between ¼ and ½ acre; (4) interdunal wetlands larger than 1 acre; or (5) wetlands with a moderately high level of functions.

Category III. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 30 and 50 points); and (2) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 30 and 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

Category IV. Category IV wetlands have the lowest levels of functions (scoring less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

Wetland Classes, Classes of Wetlands, or Wetland Types – The descriptive classes of the wetlands taxonomic classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).

Wetland Edge – The boundary of a wetland as delineated based on the definitions contained in this Chapter.

Wetlands Mitigation Bank – A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

APPENDIX A

Federal and State listed endangered, threatened, and sensitive species, and WDFW priority habitats and species, occurring within the Town of Coupeville.

Species or Habitat Common Name	Scientific Name	Federal Status	State Status
*Bald eagle	<i>Haliaeetus leucocephalus</i>	Delisted	Threatened
Bull trout	<i>Salvelinus confluentus</i>	Threatened	Candidate
Chinook salmon (Puget Sound)	<i>Oncorhynchus tshawytscha</i>	Threatened	Candidate
Pacific herring	<i>Clupea pallasii</i>	None	PHS
Surf smelt	<i>Hypomesus pretiosus</i>	None	PHS
Sand lance	<i>Ammodytes hexapterus</i>	None	PHS
Hardshell clam beds Butter clam Littleneck clam Japanese littleneck clam	<i>Saxidomus giganteus</i> <i>Protothaca staminea</i> <i>Tapes philippinarum</i>	None	PHS
Eelgrass beds	<i>Zostera</i> spp.	None	PHS
Coastal cutthroat	<i>Oncorhynchus clarki clarki</i>	Species of Concern	PHS
Coho salmon (Puget Sound)	<i>Oncorhynchus kisutch</i>	Species of Concern	PHS
Vegetated marine/estuarine zone Eelgrass Kelp Turf algae	<i>Zostera</i> spp. <i>Macrocystis</i> spp. or <i>Nereocystis</i> spp. Various red, brown and green algae		

The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Washington Department of Fish and Wildlife should be consulted for current listing status.

* In July 2007, the bald eagle was removed from protection under the federal Endangered Species Act. However, two other federal laws still provide protection for the bald eagle, the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Bald eagle habitat protection in Washington State is authorized by the Bald Eagle Protection Law of 1984, RCW 77.12.655. This law requires the establishment and enforcement of rules for buffer zones around bald eagle nest and roost sites.

Simon, Rick

From: Seth Defoe <SDefoe@kid.org>
Sent: Wednesday, August 9, 2017 4:49 PM
To: Simon, Rick
Subject: Comments on August 9, 2017 CAO Draft

Rick,

The KID has reviewed the draft Critical Area Ordinance dated August 9, 2017, which we understand will be reviewed by the Planning Commission during their workshop this evening. We request that you share with the Planning Commission the following comments from the KID that pertain to the current draft CAO. While the KID previously suggested changes to the CAO, which you described to the Planning Commission in a July 12 memorandum, the draft CAO has significantly changed since that date and includes new draft language that is inconsistent with state law and could negatively impact KID operations.

1. RMC 22.10.040 – Definitions, "Wetlands." The draft CAO inappropriately includes the following sentence: "Refer also to Department of Ecology publication 'Focus on Irrigation Influenced Wetlands.'" This addition is inconsistent with the definition of "wetlands" adopted by the state legislature under RCW 36.70A.030(21), which reads in full as follows:

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater 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 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.

According to Department of Commerce regulations, WAC 365-190-090, counties and cities must use the definition of wetlands in RCW 36.70A.030 in designating wetlands for regulatory purposes. The Department of Ecology publication that is proposed for reference in the definition of "wetland" is a policy document that consists of the agency's legal interpretation of the statutory definition and does not constitute best-available science. This Ecology publication is not the legal equivalent of the definition established by the State Legislature under RCW 36.70A.030(21). The CAO should not be amended with the proposed reference to the Department of Ecology publication, as quoted in BOLD above.

2. RMC 22.10.185(1)(d) – Fish and Wildlife Habitat Conservation Areas. The draft CAO now includes overly broad reference to the "Amon Creek Natural Preserve" as a designated fish and wildlife habitat conservation areas. Certain artificial features and constructs used by the KID, including portions of its irrigation delivery system, are located within the parcel of land commonly referenced as the Amon Creek Natural Preserve. The updated draft CAO correctly excludes the KID's irrigation infrastructure from the definition of "fish and wildlife habitat conservation areas," consistent with state law under RCW 36.70A.030(5). While this would necessarily exclude all of the KID infrastructure located within the Amon Creek Natural Preserve from being regulated as a fish and wildlife habitat conservation areas, to avoid confusion about ongoing KID operations on this parcel of land, RCW 22.10.185(1)(d) should expressly recognize that KID's artificial features and constructs within the Amon Creek Natural Preserve are not part of the designated fish and wildlife habitat conservation areas.

3. RMC 22.10.365 – Exemption Procedures. The scope of this new section within the draft CAO is unclear, but appears to require advanced City approval of benign, routine, and emergency activities currently exempt from regulation under the CAO per RMC 22.10.360. If the new exemption procedures in RCW 22.10.365 are made applicable to exemptions listed under RMC 22.10.360, a wide range of everyday activities by City staff, public agencies, and private citizens would need to be approved by the City if there is any possibility that the activity occurs within a critical area (e.g., road and utility maintenance, educational and outdoor recreation – birdwatching, fishing, and hiking; public emergency activities). The KID is still analyzing the potential impact of this proposed language and reserves the right to supplement these comments before the Planning Commission takes action on the draft CAO.

In addition to the concerns described above, the KID would suggest the following for the draft CAO:

4. RMC 22.010.125 – Stormwater runoff and RMC 22.10.040 – Definitions, “Stormwater.” Because the term “stormwater” is used in several sections of chapter 22.10 RMC, the KID proposes the following sentence be moved from RMC 22.010.125 to the definitions section in RMC 22.10.040: “Streamflows that are influenced by irrigation practices are not considered stormwater runoff for the purposes of this chapter.”
5. Critical Areas Map. The KID respectfully requests that those portions of the Amon Wasteway that the City has formally concluded are not designated critical areas (wetlands or fish and wildlife habitat conservation area) be removed from the critical area map. The KID further disagrees with inclusion of any portion of the Amon Wasteway within the City’s critical area map.

Thank you,

Seth Defoe
Land and Water Resources Manager
Kennewick Irrigation District



Minutes

Meeting of the KID Board of Directors
Carl W. Petersen Board Room
Tuesday, April 18, 2017, 9:00 a.m.

President Huffman called the meeting to order at 9:00 a.m. and Mr. Freeman called roll.

Directors Present:

Gene Huffman, President
Dean Dennis, Vice President
David McKenzie
Kirk Rathbun

Staff Present:

Chuck Freeman, District Manager
Kipp Drummond, District Treasurer
Jason McShane, Engineering/Operations Manager
Seth Defoe, Land and Water Resources Manager
Shelbea Voelker, Public Relations Coordinator
Lori Gibson, Executive Assistant
Ben Woodard, Assistant Engineering Manager
Doris Rakowski, Executive Assistant

Other Persons Present:

Brian Iller, KID Legal Counsel

APPROVAL OF AGENDA: Director Rathbun moved to approve the agenda. Vice President Dennis seconded the motion. All present voted in favor. The motion carried.

CONSENT AGENDA: Director McKenzie moved to approve the amended consent agenda. Director Rathbun seconded the motion. All present voted in favor. The motion carried.

On the consent agenda were:

1. Minutes, KID Board Meeting, February 21, 2017
2. Minutes, KID Board Meeting, April 4, 2017
3. Vehicle Purchase
4. Short Plat 17-03 - BMB - Wet
5. Binding Site Plan 17-01 - Brinkley - Dry
6. Travel Authorization - Project Management Professional Exam Prep
7. Vouchers/Warrant Approval

74672	through	74758	\$	261,424.21
APPKT00422	through	APPKT00422	\$	124,039.81
APPKT00426	through	APPKT00426	\$	4,794.08
APPKT00419	through	APPKT00419	\$	15.53
Total Accounts Payable			\$	<u>408,746.06</u>

Payroll

Numbers:	33587	through	33589	\$	4,600.79
Direct Deposit			2017-04-05	\$	<u>169,895.38</u>
Total Payroll				\$	<u>174,496.17</u>
Total Disbursements				\$	<u>583,242.23</u>

Voided Checks: No voided checks.

PUBLIC COMMENTS: Roger Gray, owner of Union Street Development Company, reported he was in the process of turning over the Streets of Dreams neighborhood irrigation system to the homeowners association and was considering turning the system over to the KID. He said he had 30 years of records which would facilitate take over by the KID.

Mr. Gray said KID added a metering device on the 28.0 delivery point on Division IV canal, which was close to their gravity flow pond entry point. He said a contractor from Mahaffey said a direct connection would be simple to complete in less than a day. Mr. Gray said Gary Hall drew up a plan to comply with KID requirements. He spoke about process for take over and referred to his memo regarding benefits to the KID. He requested direct connection be allowed prior to completion of system turn over.

Mr. McShane and Director Rathbun recused themselves because they lived in the area being discussed. At Mr. Iller's suggestion, they left the room.

Mr. Freeman asked for time for staff to investigate the request before offering a recommendation.

Director McKenzie spoke about the District's goal of pump system regionalization and dealing with private line areas. He said Mr. Gray's willingness to "come on board" was positive. He said the District was in favor of making this happen, but in the right way, with consideration for safety and risk management. He recommended adding the matter to the Operations and Engineering Committee agenda.

Mr. Gray spoke further about the system and water master, Albert Beutler.

Mr. Freeman spoke about the age of the system and the need for an analysis of the life expectancy of the materials. Discussion ensued regarding materials.

President Huffman said he wanted to hear from engineering regarding potential impact of the proposed direct connection to systems already in place.

Mr. Freeman recommended adding a discussion of the risks of a proposed action to executive session.

Mr. Gray briefly spoke about the records he had available.

Mr. McShane and Director Rathbun returned to the room.

PRESENTATIONS:

Financial Reports for February 2017: Mr. Drummond spoke briefly about the process for producing the financial reports. He referred to the reports distributed at the meeting and presented highlights of pages including:

- Balance Sheet as of February 28, 2017 - Preliminary. Corrections to January's report were included.
- Balance Sheet - Comparative as of February 28, 2017 and 2016 - Preliminary
- Statement of Revenues & Expenditures - Budget to Actual - Summary Year to Date
- Statement of Revenues & Expenditures - Budget to Actual - Comparative
- Statement of Revenues Footnote - Grant & Matching Funds Schedule

- Fund Balance Change as of February 28, 2017
- Cash Investment Report by Investment Maturity Date

Mr. Freeman requested verification of the numbers under fringe benefits and payroll taxes.

Mr. Drummonds said Finance was finalizing financial reports due to the State Auditor in May.

Mr. Freeman confirmed to Director McKenzie that a bill was expected from the USBR for the recent pump failure. Discussion ensued regarding the USBR billing model.

Director Rathbun moved to approve the February Financial Reports. Vice President Dennis seconded the motion. All present voted in favor. The motion carried.

PUBLIC HEARING: None

BOARD REPORTS:

ACTION ITEMS:

Lorayne J Rate Discussion and Setting Date for Neighborhood Meeting: Mr. Freeman presented a recommendation that a special meeting be held to discuss a proposed rate increase with the Lorayne J neighborhood. He spoke about factors that led to the need for the increase.

Mr. Freeman reported that City of Richland required Lorayne J to be annexed prior to be taken over by the city. He said KID was being charged the out-of-city rate and must operate under the assumption that the annexation would not take place.

Mr. Freeman spoke further about the intertie which was necessary to replace water from wells which were shut down due to high nitrate levels. He said when the surcharge for the out-of-city water carriage was paid, the Lorayne J reserves potentially would be zeroed out unless rates were increased. Mr. Freeman said water from Richland was reliable, and that the proposed rate would cover the cost to continue to purchase that water. Mr. Drummond noted that KID would be retro-charged for the out-of-city surcharge when the existing contract expired.

Mr. Freeman noted edits to be made to the draft door hanger meeting notice.

Mr. Freeman asked Mr. Drummond to report the average price for water in the City of Richland. He noted that if annexation took place, the wells would be restarted and used for irrigation only.

Mr. Freeman said KID would not advocate for or against annexation, but would provide data needed for the neighborhood to make the decision. Mr. Freeman confirmed that City of Richland Public Works Director, Pete Rogalsky, agreed to attend the meeting.

Mr. Freeman said if annexation did not occur and the City of Richland agreement expired, the surcharge, which was collected but not paid to the City, would become due. The approximately \$32,000 owed would be paid from the Lorayne J reserves, which would need to be repopulated.

Mr. Freeman confirmed that the State Department of Health strongly encouraged large systems to take over smaller systems.

Director McKenzie moved to hold a special meeting of the Board of Directors at 6:00 p.m. on Thursday, May 11, 2017. Director Rathbun seconded the motion. All present voted in favor. The motion carried.

RESOLUTIONS:

Resolution 2017-09, Sole Source Purchase 2014 John Deere 160G Excavator: Mr. McShane spoke about the need for the equipment and why this specific unit was a good opportunity for the District. He provided examples of uses for the excavator and compared rental costs with the cost of purchase plus maintenance. Mr. McShane said the purchase was planned to be paid for from the Capital Upgrade and Improvement Fund.

Mr. McShane confirmed to President Huffman that the result of the accountability audit of sole source purchases was that the Auditor liked KID's methodology.

In response to a question from President Huffman, Mr. McShane spoke about the life expectancy of the excavator and the anticipated usage level.

Mr. McShane went into further detail about use of the Equipment Replacement and Capital Improvement funds. Discussion ensued about tracking and budgeting for equipment and vehicle replacement. Mr. McShane spoke about use of the Capital Improvement fund for equipment used for capital upgrade work rather than maintenance.

Vice President Dennis spoke in favor of purchase over leasing.

Vice President Dennis moved to approve Resolution 2017-09, "Authorization to Waive Competitive Bidding and Award a Sole Source Contract to Purchase a Used 2014 John Deere 160G Excavator; pursuant to RCW 87.03.435(3)(c), with funds for this purchase to come from the Capital Upgrade and Improvement Fund. Director Rathbun seconded the motion. All present voted in favor. The motion carried.

Resolution 2017- 10, Project Acceptance and Release of Retainage for Public Works Contract PW2015-09 D4 Hydroseeding for Canal Lining Grants: Mr. McShane reported that the contract was completed this spring. He said the district had poor success with hydroseeding in the spring and would try fall hydroseeding this year.

Mr. McShane said release of retainage was contingent upon receipt of three required releases

Director Rathbun moved to approve Resolution 2017-10 Project Acceptance and Release of Retainage for Public Works Contract PW2015-09 D4 Hydroseeding for Canal Lining Grants. Director McKenzie seconded the motion. All present voted in favor. The motion carried.

At 10:08 a.m., President Huffman called a five minute break.

At 10:16 a.m., the meeting resumed in open session.

STAFF REPORTS:

Finance Manager: Mr. Drummond reported regarding phone call volume and usage of Vocantas interactive voice recognition and the title company portal.

Engineering/Operations Manager: Mr. McShane reported regarding:

- Response to canal overtopping and outreach to customers
- Water start up process

- Volume of service orders completed and pending
- Pre-startup system testing
- Canal operations
- Impacts of the cold winter and wet spring
- Discussions at Integrated Plan meetings regarding reevaluation of water conservation goals and what happens with the water savings
- Discussions at next Lower River Committee meeting about deficiencies in the lower river, as well as comparison of potential costs and impacts of Chandler Electrification and the Chandler Pump Exchange
- Transient analysis of Chandler Electrification and use of existing siphon pipeline
- Red Mountain Booster Station bids. Bids were higher than the Board authorization, so in-house labor was being considered.

Mr. McShane commended operations and engineering staff for working long hours for the last month to get the system up and running under difficult circumstances.

Mr. Drummond said the average cost for a two-month period for City of Richland potable water was \$64. Mr. Freeman requested a written report which also included property tax levels.

Land & Water Resources Manager: Mr. Defoe displayed online data from the USBR, USDA, and NOAA. He spoke about water storage, weather conditions, snow pack predictions and precipitation. He reported that 100% water supply was expected and spoke about TWSA (total water supply available) estimates.

Mr. Defoe also reported regarding:

- Comprehensive Plan and Critical Area Ordinances for Cities of Richland, West Richland and Kennewick
- Upcoming Benton County Voluntary Stewardship Program review of draft work plan
- Benton County Comprehensive Plan
- Rachel Road alignment meetings. A recommendation to the Richland City Council was expected in the next few months.
- Title Transfer consultant Tom Knutson's research activities

District Manager: Mr. Freeman reported regarding the Badger East Canal overtopping. He said Project Manager Darin Arbogast was assigned to conduct a safety investigation of issues identified with the response.

Mr. Freeman said at every start up and whenever the wind blows, water moved tumbleweeds to central collection points, where crews plucked them out. This year, KID had crews removing tumbleweeds at the big siphon and at Reata Road. When staff arrived at Bridle Drive ahead of the water, plastic construction wrap, Styrofoam and wood were mixed with the tumbleweeds and we did not successfully get all of it out of the canal.

Mr. Freeman said a channel was cut to bypass the clogged culvert and stop damage from water which flowed down the road for about two hours. He said staff should to contact superiors more quickly about this type of issue in the future.

Mr. Freeman met with several property owners and did a walkthrough with City of Richland yesterday. Properties with working drains were fine, but those without drains and landscaped flat ditches were not. A house with parking curb stops was most damaged, but the stops also diverted water to a neighbor's driveway, which was rutted by the water.

Mr. Freeman said that when asked why ditches were filled in, the City responded that it did not want a code enforcement issue and was aware some culverts were missing. He said he told the City KID would not have granted the 1978 permit for the road over the canal without culverts or drainage ditches.

Mr. Freeman reported crews were putting down the base course of gravel for the ditches.

Mr. Freeman had a conference call with the insurance company Monday and was forwarding incident reports to them.

Mr. Freeman spoke briefly about social media response.

Mr. Freeman said he interviewed crews and found that long hours due to the hard winter were not a factor. He reported that the canal was slow-filled on Thursday, tumbleweeds were pulled out, and then the canal was shut down. This was repeated on Friday, but there was too much water with the construction debris. He said there was no negligence on KID's part. Mr. Freeman said Leads should call the Operations Manager as soon as they knew there was an issue.

Mr. Freeman said KID would get a tool like City of Richland's jetter, which was able to clean out the culvert.

Regarding safety, Mr. Freeman said the leadership team would be debriefed next week and that crews should put personal safety was above all else, and would be expected to wear their vest and hardhat at all times when out of their vehicles.

WORKSHOP:

Project Tracking: Mr. Freeman provided brief overviews of projects including:

Water Right Mgmt

- Lower River Sub-Committee
- Barrasso bill, S. 216 (Bureau of Reclamation Transparency Act)
- YRBWEP III bill, S. 714

Strategic Planning & Special Projects

- Conservation Plan funding eligibility

Finance

- IVR
- Capital Connection Charge
- Investment Policy

Engineering/Ops

- Finley Property
- 45th Ave

Administrative

- Platting process
- City of Prosser

EXECUTIVE SESSION: At 10:57 a.m., Mr. Iller announced on behalf of the presiding officer that the Board would go into executive session for an estimated 45 minutes, starting at about 11:05 a.m. and ending at about 11:50 a.m., for planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining as authorized by RCW 42.30.140(4)(b) and to discuss with legal counsel potential litigation, in the form of litigation or legal risks of a proposed action or current practice as authorized by RCW 42.30.110(1)(i)(iii) as relates to critical area ordinances and other environmental issues.

Mr. Iller said that action could follow in open session but was not expected.

At 11:50 a.m., executive session was extended for ten minutes and for five minutes at noon.

OPEN SESSION: The meeting returned to open session at 12:07 p.m.

Letter regarding Potential Conflict of Interest: Mr. Iller reported that the District received a letter from insurance defense counsel, Ken Harper, regarding a potential conflict of interest due to his representation of the City of Richland in matters of their critical areas ordinance. He said Mr. Harper believed he did not have an actual conflict and would withdraw if actual conflict developed. He said Mr. Harper asked that the District request their attorneys in the matter, Van Ness Feldman, to execute a letter acknowledging his disclosure.

Mr. Iller noted that the Board could not discuss legal advice regarding the matter, which was given in executive session.

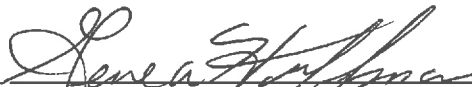
Director Rathbun moved to authorize Van Ness Feldman to sign a release of conflict of interest with Ken Harper. Director McKenzie seconded the motion. Mr. Iller clarified that it was a notification, not a release. **President Huffman corrected the motion. All present voted in favor. The motion carried.**

Director Rathbun moved to adjourn. Vice President Dennis seconded the motion. All present voted in favor. The motion carried.

The meeting adjourned at 12:10 p.m.

Attest:

Witness:


Gene Huffman, Board President
Approved May 2, 2017


Chuck Freeman, District Manager

Prepared by Doris Rakowski



Minutes

Meeting of the KID Board of Directors
Carl W. Petersen Board Room
Tuesday, June 6, 2017, 9:00 a.m.

President Huffman called the meeting to order at 9:00 a.m. and Mr. Freeman called roll.

Directors Present:

Gene Huffman, President
Dean Dennis, Vice President
David McKenzie
Kirk Rathbun

Staff Present:

Chuck Freeman, District Manager
Kipp Drummond, District Treasurer
Lynda Rosenbaum, Real Property Manager
Jason McShane, Engineering/Operations Manager
Seth Defoe, Land & Water Resources Manager
Shelbea Voelker, Public Relations Coordinator
Doris Rakowski, Executive Assistant

Other Persons Present:

Brian Iller, KID Legal Counsel

APPROVAL OF AGENDA: Director McKenzie moved to approve the agenda. Vice President Dennis seconded the motion. All present voted in favor. The motion carried.

CONSENT AGENDA: Vice President Dennis moved to approve the consent agenda. Director McKenzie seconded the motion. All present voted in favor. The motion carried.

On the consent agenda were:

1. Minutes, KID Board Special Meeting, May 11, 2017
2. Minutes, KID Board Meeting, May 16, 2017
3. SP 17-04 – Caracalcev
4. BSP 17-02 – KSD-Southridge
5. SP 17-05 – Sage Crest 5A
6. SP 16-08 – Belza
7. Preliminary Plat - Irving Square - Wet
8. Final Plat - Olympia Estates Phase 1 - Wet
9. Final Plat - White Bluff Phase 4 - Dry
10. Vouchers/Warrant Approval

Accounts Payable

Numbers:

74834	through	74913	\$	286,097.54
74914	through	74914	\$	16,730.32
74915	through	74918	\$	162,990.47
74919	through	74919	\$	276.00
Bank Drafts		2017-05-19	\$	82,528.96
Total Accounts Payable			\$	548,623.29

Payroll

Numbers:

-	through	-	\$	-
Direct Deposit		2017-05-19	\$	120,190.60
Total Payroll			\$	120,190.60
Total Disbursements			\$	668,813.89

Voided Checks: No voided checks.

President Huffman announced that an executive session was next on the agenda.

A guest asked why the meeting was not held in the evening and President Huffman replied that this was a regularly scheduled Board meeting, not a special meeting.

EXECUTIVE SESSION: At 9:04 a.m., on behalf of the presiding officer, Mr. Iller announced that the Board would go into executive session for an estimated 30 minutes until about 9:30 a.m., to consider the minimum price at which real estate will be offered for sale or lease, pursuant to RCW 42.30.110(1)(c), and to discuss with legal counsel and consultants potential litigation in the form of litigation or legal risks of a proposed action or current practice pursuant to RCW 42.30.110(1)(i)(iii). He said action was expected following executive session.

OPEN SESSION: Following a short break, the meeting returned to open session at 9:33 a.m.

PUBLIC COMMENTS:

Dan Martini, 3001 Bruce Lee Lane, said the bimonthly fees were incorrect on the Lorayne J Cost & Revenue Profile which was revised during the May 11th special meeting. In response to his questions, Mr. Freeman said the \$15,000 capital expenditure line item was for repairs such as replacing valves and would go into reserves. Mr. Freeman confirmed that the rate increase was for the City of Richland water carriage surcharge and increased operational costs.

Mr. Freeman reported that City of Richland staff would ask their City Council to extend the agreement, set to expire June 30, 2017, not collect the surcharge if annexed, though the surcharge would become due if annexation did not occur or the contract expired.

Mr. Martini said City of Richland Development Services Manager Rick Simon said annexation would take about a year and was putting together information for a meeting about annexation. Mr. Freeman encouraged Lorayne J owners to write letters or attend the Richland City Council meeting to request an extension to the agreement.

Mr. Martini requested a corrected spreadsheet and Mr. Drummond agree to double check the numbers. Mr. Drummond said the bimonthly fee had nothing to do with the revenue, which, through 2016, was actual money received. He explained that he calculated rates needed to break even from expected actual expenses.

In response to Mr. Martini's question, Mr. McShane said removal of the old meters and connection to irrigation would be part of the City of Richland's consolidation grant application.

Mr. Freeman spoke briefly about how KID rates and assessments were determined.

Ken Wobig, 3021 Lorayne J Boulevard, expressed concern about whom to call in emergencies if they retained a Kennewick postal address after annexation by Richland. Mr. McShane said to call 911, as Benton County Emergency Dispatch covered all of Benton and Franklin Counties.

Mr. Freeman referred Mr. Wobig to Benton County Roads Department Assistant Engineer, Robert Blain, a previous KID employee, for help with plugged storm drains.

Mr. Freeman referred Mr. Wobig to Mr. Simon for information about City of Richland taxes.

Mr. Freeman confirmed to Mr. Wobig that revenue from Meadow Springs was not included. Mr. McShane said Lorayne J was credited for Meadow Springs electricity use, calculated from a ten year old photograph of the meter, taken when Benton County stopped reading sub-meters.

McShane offered to look up KID rates, which were based on lot size, for interested individuals.

Mr. Wobig said if the rate went from \$113 to \$177 it would be a 56% increase, not 33%. Mr. Freeman said a 33% increase would be proposed to the Board later in the agenda.

Gary Sharp, 3011 Charity Court, reported that for three years he had wanted his meter raised. After some discussion, Mr. McShane said he would personally go out and look at it.

Mr. Drummond distributed a revised spreadsheet and offered to review it Mr. Wobig.

Mr. Martini said he would like to set up a meeting with City of Richland and Lorayne J homeowners, and noted that staff had offered to help with emailing meeting information.

PRESENTATIONS:

Financial Reports for March 2017: Mr. Drummond briefly reviewed "Schedule of Liabilities for the Year ended December 31, 2016" which was distributed at the meeting. He spoke about the Washington State Department of Retirement System changes to employer and employee deductions for state-sponsored Pension Plans.

Mr. Freeman asked Mr. Drummond to review the 1953 USBR Construction Loan pay off to firmly establish the actual completion date for use in publications regarding Title Transfer.

Mr. Drummond presented highlights of Financial Report pages including:

- Balance Sheet, as of March 31, 2017 - Final
- Statement of Revenues & Expenditures - Budget to Actual - Summary Year to Date
- Statement of Revenues & Expenditures - Budget to Actual - Comparative
- Fund Balance Change as of March 31, 2017

In response to Vice President Dennis's question, Mr. Drummond gave a Helping Hands update. He noted there would be some assistance available for qualified applicants in the fall.

Director McKenzie moved to approve the March Financial Reports. Director Rathbun seconded the motion. All present voted in favor. The motion carried.

PUBLIC HEARING: None

BOARD REPORTS: None

ACTION ITEMS:

Applications for Board Position 2: Mr. Freeman said the applicants, in the order received, were William D. McKay, James J. Holmes, and Raman M. Venkata. Eligibility to serve had been verified by staff.

Mr. Freeman said that for the vacancy in 2012, the Board interviewed applicants and sent the applications to the Benton County Commissioners without a recommendation. He said the

Board had the option to make a recommendation and that other irrigation districts had done so. He recommended that interviews be held at the Tuesday, June 20th Board meeting.

Mr. Freeman reported that he and staff met Mr. Venkata, a retired civil engineer, and gave him a building tour. He said Mr. Holmes had served on the Red Mountain Design Committee and Mr. McKay was a previous candidate for the Board of Directors.

Vice President Dennis moved to instruct staff to schedule interviews during the June 20, 2017 Board meeting with the applicants for appointment to KID Board Position 2. Director Rathbun seconded the motion. All present voted in favor. The motion carried.

Director McKenzie moved to amend the agenda to address Resolution 2017-17 next. Vice President Dennis seconded the motion. All present voted in favor. The motion carried.

Resolution 2017-17, Lorayne J Fee Resolution: Mr. Freeman said the resolution needed to be modified based on the rates discussion. He said staff recommended an increase from \$113 to \$150.63 every other month for higher labor and capital needs. He said staff recommended stepping into the potentially larger rate increase with 33.3% now and reviewing rates during 2018 budgeting, considering if City of Richland extends the surcharge agreement and whether the City received the consolidation grant.

Mr. Freeman said the Department of Health Division of Drinking Water was supportive of the project. He said nitrates were still high as of the May 11th special meeting. He said it was wise to stay with City of Richland water for public health reasons.

Mr. Freeman verified to Director Rathbun that the rate would apply until the Board changed it. He said that he thought the rate was good, but would have to increase if Richland failed to get the consolidation grant or residents did not want to annex. He said there was enough in reserves to support phasing in the increase.

In response to a question from Director McKenzie, Mr. Freeman said City of Richland had indicated that funds in the reserve at the time of transfer would be used to lessen the impact of the project cost on the Lorayne J ratepayers. Mr. Drummond spoke briefly about the potential half-forgivable grant fund.

Mr. Freeman told Mr. Wobig that KID could host a neighborhood meeting, but said City of Richland would need to answer annexation questions. He suggested City Hall as a venue.

In response to a question from Director Rathbun, Mr. Drummond said the increase would not totally cover costs, but given the circumstances and that there were reserve funds, it was a reasonable choice. Mr. McShane added that the State Department of health required reserves adequate to replace most expensive component.

Mr. Freeman reiterated the recommendation of a neighbor at the special meeting, that it was important to conserve irrigation water while on the expensive City of Richland water.

Director Rathbun moved to accept Resolution 2017-17 to increase the bimonthly potable and irrigation rate of the Lorayne J water system to \$150.63 effective July 1, 2017. Director McKenzie seconded the motion. All present voted in favor. The motion carried.

At 10:35 a.m., President Huffman called a short break.

At 10:40 a.m., the meeting resumed in open session.

Revision to Agreement with Water Strategies, LLC: Mr. Freeman spoke about KID's contractual relationship with Water Strategies for assistance in protecting KID's water supply, water rights, and other related issues, most recently, Chandler Electrification and Title Transfer.

Mr. Freeman said Kris Polly of Water Strategies proposed additional services including:

- Increased effort to boost KID's chances of title transfer and to create leverage with Reclamation and local and state officials.
- 2-full-page KID centerfold in every issue of the Irrigation Leader magazine in WA State.
- 1-full-page public service message for an agency selected by KID.
- At least 4 articles before the end of year.
- Addition of up to 250 people to magazine mailing list.
- Formatting services on the 100 Year Anniversary special issue magazine (\$1,500 value)

Mr. Freeman said staff had concerns about impact to the budget, but said Water Strategies was critical to the KID's success on the aforementioned issues. He suggested trying the enhanced services in 2017 and evaluating if \$2,500 more per month was a good investment to continue.

In response to a question from Vice President Dennis, Mr. Freeman spoke about the potential addition of 250 people to the mailing list.

Mr. McShane spoke about consultant Ton Knutson and promotion of the KID brand. Mr. Freeman noted that Mr. Polly and Mr. Knutson were highly respected.

Mr. Defoe mentioned the coincidence of the 100-year anniversary with projects such as Title Transfer.

Mr. Freeman spoke briefly about meetings facilitated by Mr. Polly.

President Huffman said it was important to consider the long term benefit to the district.

Mr. McShane spoke in favor of the investment, which was small in comparison with the potential savings on Chandler Electrification with Title Transfer.

In response to a question from Director McKenzie, Mr. Freeman said he thought Water Strategies had 35 clients, but did not know how many of them were irrigation districts.

Director McKenzie spoke about having copies of the magazine for the district to distribute locally. Mr. Freeman suggested the possibility of posting KID's articles on the District's website.

Ms. Voelker said that since the District would be showcased in the 100-year magazine, it might be better to start this in September. Timing was discussed.

Director Rathbun moved to authorize the District Manager to amend the agreement with Water Strategies to include enhanced services for \$2,500 a month for a period not to exceed six months. Vice President Dennis seconded the motion. All present voted in favor. The motion carried.

Declaration of Protective Covenants for Finley School District: Ms. Rosenbaum presented the proposed Declaration of Protective Covenants with the Finley School District (FSD). She displayed a map and spoke about the parcels and the 1991 Land Transfer Agreement.

Ms. Rosenbaum briefly reviewed terms of the declaration, drafted by the FSD attorney and approved by KID legal counsel, which would to repeal and replace the Amendment. She reported that after KID's signing of the declaration, it would be scheduled for approval by the Finley School Board at their June 16, 2017 meeting.

In response to a question from President Huffman, Ms. Rosenbaum spoke about boundary line adjustments needed following agreement with the school district and in advance of auctioning lease of the land.

Ms. Rosenbaum verified to Director Rathbun that the declaration only applied to only the Finley school property and two KID parcels bordering school property; other KID land in the vicinity would not be impacted. She reiterated that Attorney Fran Forgette approved the declaration.

Vice President Dennis commended Ms. Rosenbaum for her work on this project. Ms. Rosenbaum spoke about the District's intention to be transparent and good neighbors.

Director Rathbun moved to approve the Declaration of Protective Covenants specifically associated with the parcels North and South of Finley Elementary School, as described in said Declaration and associated with the Land Transfer Agreement of 1991. With this motion, the previously approved Amendment to the Land Transfer Agreement is repealed. Vice President Dennis seconded the motion. All present voted in favor. The motion carried.

Relegation Request: Mr. Freeman reported that Gerald C. Wick Jr. wrote on social media about frustration with being charged for water he was not receiving and that Mr. Wick was invited to petition the Board for relegation of his irrigation allotment. He referred to Mr. Wick's letter and a map indicating the location of the property. Mr. Freeman said several other parcels had been allowed to relegate their allotments before the relegation program was discontinued. Mr. Freeman said Mr. Wick blamed KID for not being timely with his request.

Mr. Freeman said failure to maintain a private line system did not make it KID's problem. He reported that Mr. Wick's neighbors would not give him an easement to run a water line and Mr. Wick could not afford to run a line from the canal. Mr. Iller said Mr. Wick could take the action of condemning a private easement.

Mr. McShane confirmed to President Huffman that some properties in the area received water and that it was 3,000 feet to the canal. He spoke about the nearby Alison Chacon short plat, which led to revisions to the short plat code to allow private line agreements. He said it was expensive to run pipe that far for one or two properties. He said the nearest KID access about 2,000 feet away in an orchard.

In response to a question from Director Rathbun, Ms. Rosenbaum said the mortgage company approval requirement was eliminated because it was a water allotment, not a water right.

Mr. Iller confirmed to President Huffman that any act could be precedent setting. He said he thought action condemning a private easement should be Mr. Wick's responsibility, not KID's.

Discussion ensued regarding the purpose of the relegation program and changes over time.

Mr. Freeman said the people allowed to relegate in May had been previously denied, but Mr. Wick did not have a request in process. Mr. Iller said Mr. Wick's use of the word extortion was interesting, since it appeared Mr. Wick was attempting to extort action from the District.

Director Rathbun suggested that Mr. Iller draft the District's response to Mr. Wick.

Mr. McShane said that it was a misconception that Mr. Wick was paying for water he was not receiving, since KID members did not pay for water. He added that local government could not insure that people did due diligence when they purchased property. Mr. Iller said Mr. Wick might have remedies against the seller or realtor if they misrepresented the property to him.

Mr. Iller offered to give legal advice to the Board in executive session. President Huffman suggested waiting to take action until a future meeting.

Mr. McShane confirmed to Vice President Dennis that there were parcels receiving water to Mr. Wick's west, south and east, but Mr. Wick was not able to get the water to his parcel.

Mr. Freeman said an executive session and open session action would be on the next agenda.

RESOLUTIONS:

Resolution 2017-17, Lorayne J Fee Resolution: See page 4.

Resolution 2017-18, Approving an Irrigation Easement on KID Property: Mr. McShane referred to the map and spoke about the easement requested by Washington Department of Natural Resources (DNR) and their leaseholder, Ramer Holtan. He said the easement of about 10 feet from the property line was not expected to impact future use of the property.

Mr. McShane said staff recommended exchanging the easement for provision, installation and testing of a pump adequate to serve KID's parcel #113971000002000 with irrigation water and provision of controls to operate the pump. He recommended the Board authorize Mr. Freeman to negotiate terms of the contract agreement.

Discussion ensued regarding the location of the pond in an easement for KID on DNR property, and the pumping plant on property owned and operated by KID.

Mr. McShane confirmed that the District tried to be as efficient as possible and have as little operational spill as possible. He confirmed there was a water allocation to the KID property.

Mr. McShane displayed a map and indicated the KID and DNR property locations relative to the highway interchange.

Director Rathbun moved to approve resolution 2017-18, approving an Irrigation Easement on KID Property (Parcel #113971000002000) and authorize Chuck Freeman to record said easement upon entering into an agreement with DNR/Holtan for the installation of a pump to service the KID Property. Director McKenzie seconded the motion. All present voted in favor. The motion carried.

STAFF REPORTS:

Finance Manager: None

Engineering/Operations Manager: Mr. McShane reported regarding:

- Paving at Bridle Drive
- Maintenance activities
- Canal lining and restoration at Canyon Lakes and Creekstone Drive, to be followed by the Sagecrest enhanced pump installation at Southridge
- Planned work at Adair Drive
- Badger East canal lining and encroachment removal open house planned
- Jamesville Irrigation informational meeting Thursday evening at 6:00 pm

In response to a question from President Huffman, Mr. McShane said digging at the east end of Cherry Creek could be for a storm water pond.

Discussion ensued regarding low water pressure last Thursday near 800 S Kellogg.

Director McKenzie commented to Ms. Voelker that the before and after pictures of the Canyon Lakes capital project were well done.

In response to a question from Director Rathbun, Mr. McShane spoke about configuration of new direct connections to the canal and reported regarding flow stability since the installation of the new Rubicon gates. He listed planned locations for additional Rubicon gate installations. He confirmed that property owners were advised not to put control valves on their side to the connection. He spoke about options for building storage for the district, facilitating on demand irrigation, and reducing costs for everyone.

Land & Water Resources Manager: Mr. Defoe displayed the USBR website Yakima River 5 Reservoirs graph and spoke about reservoir storage. He displayed noaa.gov graphs and spoke about weather conditions. He displayed the usda.gov SNOTEL map and graphs, and spoke about snowpack and climate predictions. He said the reservoirs were expected to fill this year.

Mr. Defoe reported regarding:

- Cities of Kennewick, West Richland and Richland updating critical area ordinances and comprehensive plans. He said progress was being made regarding removal of KID drains from the Kennewick and West Richland comp plans and regulations. Work with City of Richland was more challenging, but Planner Rick Simon said he was committed to looking at KID's requested changes.
- Benton County Voluntary Stewardship Program Committee progress updating of Benton County's critical area ordinances and comprehensive plan.

Mr. Defoe displayed a City of Richland map of the proposed Rachel Road extension location and spoke briefly about the preferred alternative proposed by the work group and the public. He said it was always understood that a road would eventually cross the drain. Mr. Defoe noted that the water was KID's to use and that there were KID facilities in the area. He spoke about his concerns regarding future mitigation.

Future meetings:

- Integrated Plan Water Use Subcommittee meeting June 13th
- Yakima Science and Management Conference June 14th. Mr. Defoe was invited to give a presentation with Mike Ritter of Washington Fish and Wildlife on Bateman Island work. Discussion ensued about the possible Bateman Island causeway breach.

District Manager: Mr. Freeman reported regarding:

- Municipal Water Use Subcommittee meeting Monday June 12th
- A new state licensed trapper was hired and was addressing a large colony of Townsend ground squirrels at the tail end of Badger East and rock chucks at the 22 mile of the Main Canal.
- Conditional renewal of insurance. Management would provide information regarding KID's risk avoidance and mitigation. Self insurance and catastrophic loss insurance were an option if rates were too high.

Ms. Voelker reviewed planned media buys for June through August, on topics including retraining your lawn, canal safety, and KID's 100 year anniversary in August.

WORKSHOP: None

Vice President Dennis moved to adjourn the meeting at 12:19 p.m. Director Rathbun seconded the motion. All present voted in favor and the motion carried.

Attest:

Witness:

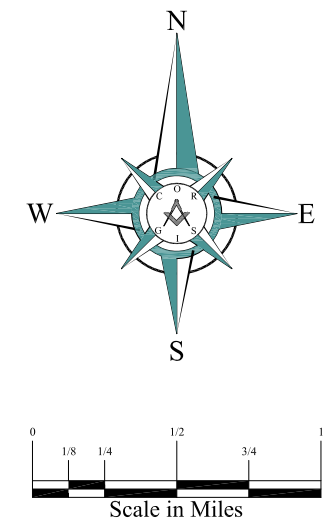

Gene Huffman, Board President
Approved July 6, 2017


Chuck Freeman, District Manager

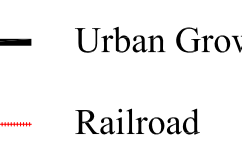
Prepared by Doris Rakowski

City of Richland

Critical Areas

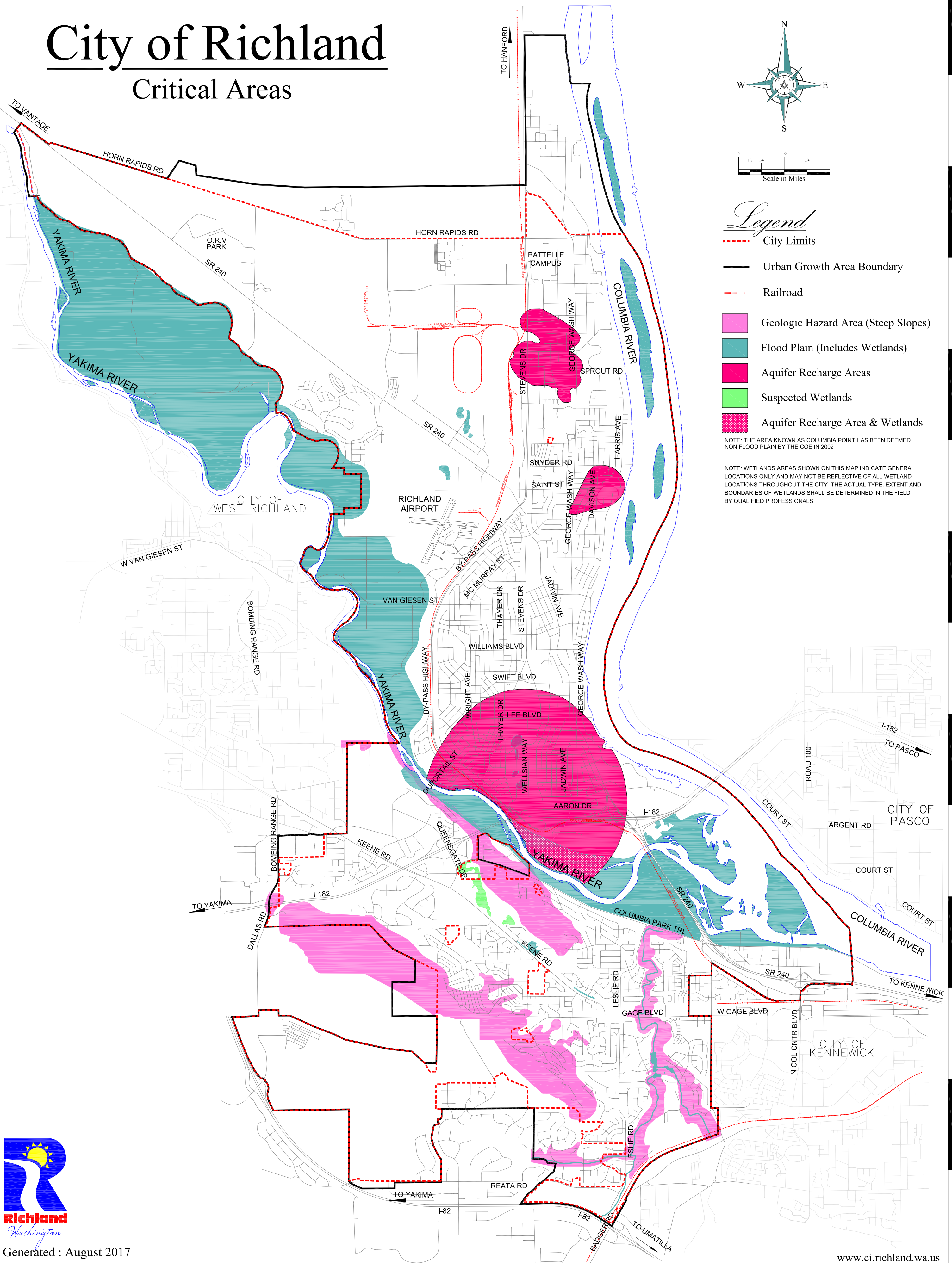


Legend

- 
-  City Limits
 -  Urban Growth Area Boundary
 -  Railroad
 -  Geologic Hazard Area (Steep Slopes)
 -  Flood Plain (Includes Wetlands)
 -  Aquifer Recharge Areas
 -  Suspected Wetlands
 -  Aquifer Recharge Area & Wetlands

NOTE: THE AREA KNOWN AS COLUMBIA POINT HAS BEEN DEEMED NON FLOOD PLAIN BY THE COE IN 2002

NOTE: WETLANDS AREAS SHOWN ON THIS MAP INDICATE GENERAL LOCATIONS ONLY AND MAY NOT BE REFLECTIVE OF ALL WETLAND LOCATIONS THROUGHOUT THE CITY. THE ACTUAL TYPE, EXTENT AND BOUNDARIES OF WETLANDS SHALL BE DETERMINED IN THE FIELD BY QUALIFIED PROFESSIONALS.



Generated : August 2017

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COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 3 - Economic Vitality; Key 7 - Neighborhoods & Community Safety

Subject:

Ordinance No. 43-17, Amending RMC Title 23: Zoning, Related to Nursing and Rest Homes in the Business Commerce (B-C) Zone

Department:

Community & Development Services

Ordinance/Resolution Number:

43-17

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 43-17, amending Richland Municipal Code Title 23: Zoning, adding nursing and rest homes to the list of permitted uses in the Business Commerce (B-C) zone.

Summary:

The Chaplaincy Health Care has requested a text amendment to the City zoning regulations to allow nursing and rest homes as a permitted use in the Business Commerce (B-C) zone. Because the Business Commerce zone allows for a mix of uses and is intended to be applied in areas that are in close proximity to residential uses, the requested nursing home use is appropriate.

The Planning Commission held a public hearing to consider this application on August 30, 2017, and recommends approval of the requested code change.

Ordinance No. 43-17 would implement this proposed change to the text of the zoning code.

Staff recommends approval, for first reading, of Ordinance 43-17.

Fiscal Impact:

The proposed zoning text amendment would not have a fiscal impact on the City.

Attachments:

1. Ordinance No. 43-17
2. Staff Report to Planning Commission
3. Application Form
4. Map of Business Commerce Areas

ORDINANCE NO. 43-17

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 23: Zoning Regulations, adding Nursing and Rest Homes to the list of permitted uses in the Business Commerce (B-C) Zone.

WHEREAS, Chaplaincy Health Care submitted an application to the City requesting an amendment to the text of the zoning code to allow nursing and rest homes within the Business Commerce district; and

WHEREAS, according to Richland Municipal Code Section 23.28.010, the purpose of the business and commerce use zoning classification (B-C) is to provide locations for a range of business and commerce uses, in a business park setting, where such uses are in close proximity to residential lands; and

WHEREAS, the proposed amendment is consistent with the goals and policies contained in the City's land use and housing elements of the Comprehensive Plan; and

WHEREAS, other forms of residential use are permitted within the Business Commerce district, including hotels or motels, temporary residences, accessory dwelling units, and dwellings for resident watchman or custodians; and

WHEREAS, landscaping requirements and building design standards associated with the B-C district are intended to minimize the potential impacts on nearby residential uses by permitted uses within the district, and should provide some protections for nursing or rest homes located within the B-C district; and

WHEREAS, the Planning Commission, on August 30, 2017, held a public hearing to consider the proposed zoning text amendment, and recommends adoption of the amendment to the City Council.

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

Section 1. RMC Title 23, Chapter 23.28 entitled Business Zoning Districts, shall be amended to read as follows:

23.28.030 Business use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol “S” appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

LAND USE	B-RP	B-C
Automotive, Marine and Heavy Equipment Uses		
Automotive Repair – Major		P
Automotive Repair – Minor		P
Automotive Repair – Specialty Shop		P
Automobile Service Station	P	P ¹⁴
Bottling Plants	P	P
Car Wash – Automatic or Self-Service		P ¹
Fuel Station/Mini Mart	P	P ¹⁴
Business and Personal Services		
Automatic Teller Machines	P	P
General Service Businesses	P	P
Health/Fitness Facility	P	P
Health/Fitness Center	P	P
Laundry/Dry Cleaning, Retail	P	P
Mini-Warehouse		P ²

Mailing Service	P	P
Personal Loan Business	P	P
Personal Services Businesses	P	P
Photo Processing, Copying and Printing Services	P	P
Telemarketing Services	S	P
Video Rental Store	P	P
Food Service		
Cafeterias	A	A
Delicatessen	A	A
Drinking Establishments	P	P
Portable Food Vendors	P ³	P ³
Restaurants/Drive-Through	A ⁴	A ⁴
Restaurants/Lounge	P	P
Restaurants/Sit Down	P	P
Restaurants/Take Out	P	P
Restaurants with Entertainment/Dancing Facilities	P	P
Industrial/Manufacturing Uses		
Light Manufacturing Uses	P	P
Research, Development and Testing Facilities	P	P
Warehousing, Storage and Distribution		A
Wholesale Facilities and Operations		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

Schools, Commercial	P	P
Schools, Trade	P	P
Travel Agencies	P	P
Public/Quasi-Public Uses		
Alternative Schools		P ⁵
Churches		P ⁶
Clubs or Fraternal Societies		P ⁶
Cultural Institutions		P ⁶
General Park Operations and Maintenance Activities	P	P
Passive Open Space Use	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ⁷	P ⁷
Public Agency Buildings	P ⁷	P ⁷
Public Agency Facilities	P ⁷	P ⁷
Public Parks	P	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
Residential Uses		
Accessory Dwelling Unit	A	A
Apartment, Condominium (3 or More Units)	S ⁸	
Day Care Center	S ^{8,9}	A ⁹
Designated Manufactured Home	S ^{8,10, 11}	
Dormitories, Fraternities, and Sororities	S ⁸	
Dwelling, One-Family Attached	S ^{8,10,11}	
Dwelling, One-Family Detached	S ^{8,10,11}	
Dwelling, Duplex	S ⁶	
Dwelling Units for a Resident Watchman or Custodian	A	A
Hotels or Motels	S ⁸	P
<u>Nursing or Rest Home</u>		<u>P</u>

Temporary Residence	P ^{8,10}	P ¹⁰
Retail Uses		
Parking Lot or Structure	P	P
Department Stores		P
Specialty Retail Stores	P	P
Miscellaneous Uses		
Bus Terminal	P	P
Bus Transfer Station	P	P
Community Festivals and Street Fairs	P	P
Convention Center	P	P
Farming of Land	P	P
Micro- and Macro-Antennas	P	P
Monopole	P ¹²	S ¹²
Outdoor Storage	P ¹³	P ¹³
Storage in an Enclosed Building	P	P

1. RMC 23.42.270
2. RMC 23.42.170
3. RMC 23.42.185
4. RMC 23.42.047
5. RMC 23.42.260
6. RMC 23.42.050
7. RMC 23.42.200
8. RMC 23.28.020(B)
9. RMC 23.42.080
10. RMC 23.42.110
11. RMC 23.18.025
12. Chapter 23.62 RMC
13. RMC 23.42.180

14. Permitted when located adjacent to a principal or minor arterial street as identified in Chapter 12.02 RMC, Street Functional Classification Plan.

Section 2. This ordinance shall be effective immediately following the day after its publication in the official newspaper of the City.

PASSED by the City Council of the City of Richland on this ____ day of _____, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: _____

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: Z2017-106

PREPARED BY: RICK SIMON
MEETING DATE: AUGUST 30, 2017

GENERAL INFORMATION:

APPLICANT: CHAPLAINCY HEALTH CARE

REQUEST: TEXT AMENDMENTS TO CHAPTER 23.28 – BUSINESS
COMMERCE DISTRICT – ALLOWING NURSING & REST HOMES

LOCATION: CITYWIDE

REASON FOR REQUEST:

Chaplaincy Health Care desires to construct a hospice care facility on property that they own adjacent to their existing office facility that is located within the BC – Business Commerce zoning district.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the proposed amendments to the Innovation Center's proposed zoning text amendments and submits that:

1. Chapter 23.28 of the RMC established the Business Commerce zoning district and has been in use within the City since 2000;
2. According to Richland Municipal Code Section 23.28.010, the purpose of the business and commerce use zoning classification (B-C) is intended to provide locations for a range of business and commerce uses, in a business park setting, where such uses are in close proximity to residential lands.
3. The Business Commerce zoning designation has been applied to properties located within the Island View area and also on properties located between Keene and Kennedy Roads, west of Duportail Street;
4. The proposed amendment to the BC district would allow for nursing and rest homes to occur within the district;
5. The proposed amendment would be consistent with the goals and policies contained in the City's land use and housing elements of the comprehensive plan;

6. Other forms of residential use are permitted within the BC district including hotels or motels, temporary residences, accessory dwelling units and dwellings for resident watchman or custodian;
7. Uses within the BC district include office uses, business and personal services, food services, some light industrial uses, public uses and limited retail uses that would not be detrimentally impacted by the proposed nursing and rest home uses;
8. Landscaping requirements and building design standards associated with the BC district are intended to minimize the potential impacts of permitted uses within the district with nearby residential uses and should provide some protections for nursing or rest homes located within the BC district;
9. Based upon the above findings and conclusions, the adoption of the proposed amendments to Chapter 23.28 of the Richland Municipal Code permitting nursing and rest homes within the Business Commerce zone 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 (Z2017-106) and recommend to the City Council adoption of the proposed zoning code amendment listing nursing and rest homes as a permitted use in the Business Commerce district.

ATTACHMENTS

- A. Supplemental Information
- B. Draft Code
- C. Map of B-C Zoned Areas
- D. Application Form

SUPPLEMENTAL INFORMATION

EXISTING CODE

The current City code does not permit nursing and rest homes within the Business Commerce district. Those uses are permitted in the R-3 Multi-Family residential, the C-LB Limited Business, the C-2 Retail Business, the CBD – Central Business District, and the WF – Waterfront zoning districts.

COMPREHENSIVE PLAN

The draft Richland Comprehensive Plan designates approximately 78 acres as Business Commerce. Approximately 28 acres are located in the Island View area and another 50 acres between Keene and Kennedy Roads.

The plan describes the BC designation as follows: *This designation applies to the Spaulding Business Park and some adjacent properties. It is intended to encourage a variety of professional office buildings, medical and/or dental laboratories and light industrial uses.*

Additionally, the plan contains the following goal and policy statements that are pertinent to this application:

Land Use Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

Policy 2: Encourage higher residential densities especially in and near the Central Business District.

Policy 3: Innovated and non-traditional residential development can occur through the use of planned unit developments, density bonuses, new types of housing and multi-use or mixed-use developments.

Housing Goal 1: Provide a range of housing densities, sizes, and types for all income and age groups of the Richland community.

Policy 1: Ensure that the comprehensive plan and development regulations allow for a variety of housing types, sizes, densities, and lot configurations such as small lot single family housing, multi-family housing, mixed-use development, cluster development, live/work housing, co-housing,

accessory dwelling units, single room occupancy units, zero lot line and similar subdivisions and planned unit developments.

Policy 2: Encourage mixed-use developments with apartments and condominiums above commercial uses in the City's urban core. Where redevelopment or infill opportunities arise, allow for increased housing density in residential-designated areas that immediately surround the CBD, while respecting the character and scale of the existing neighborhood.

Policy 3: Support the development of senior housing and long-term care/assisted living facilities in the City in close proximity to commercial uses and medical services and facilities.

SUMMARY

The proposed amendment to the City's zoning regulations would allow for an additional reasonable use and would preserve the overall intent and purpose of the Business Commerce zone.



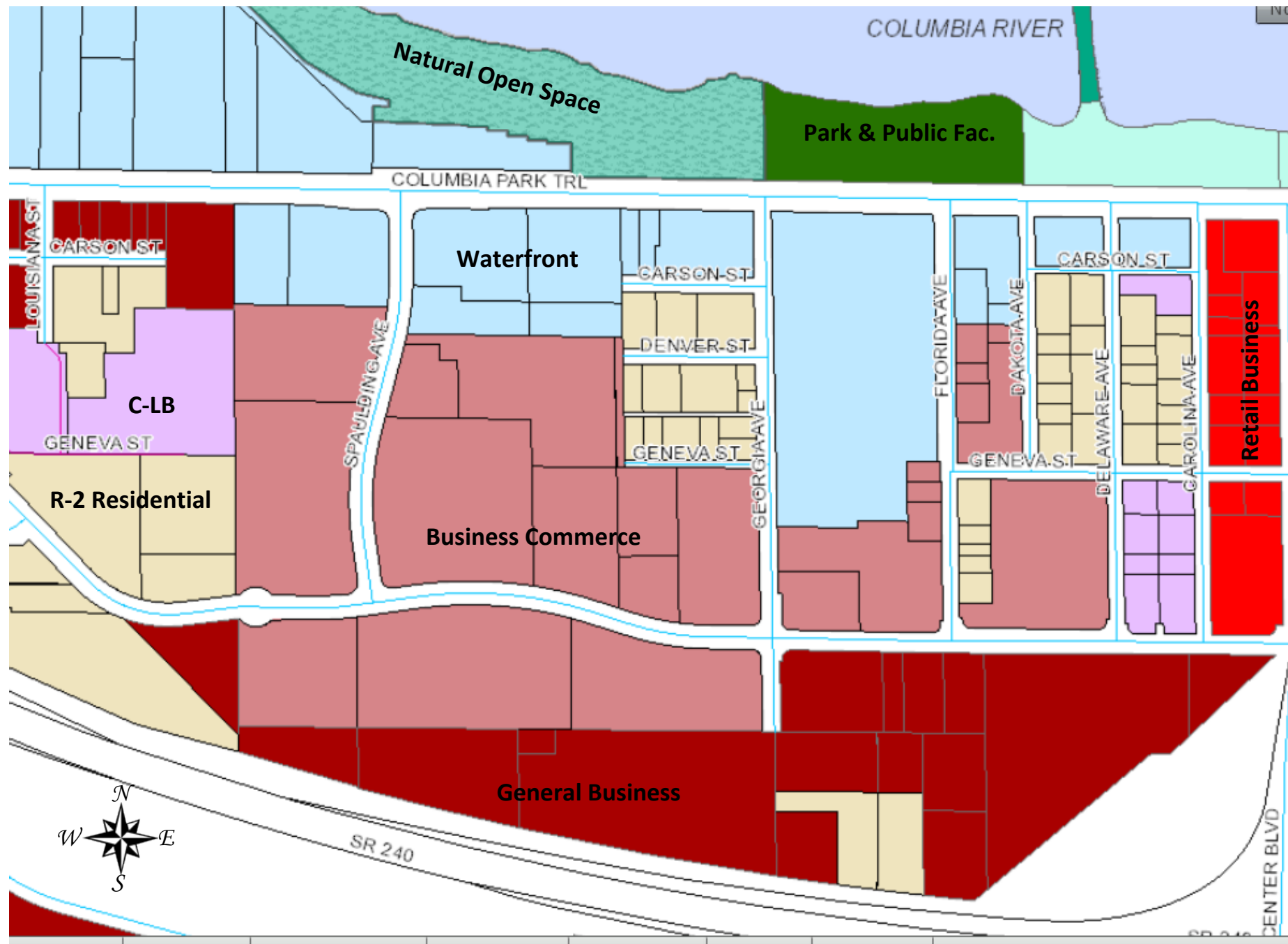
Planning & Development Services Division • Current Planning Section
840 Northgate Drive • Richland, WA 99352
General Information: 509/942-7794 • Fax: 509/942-7764
www.ci.richland.wa.us

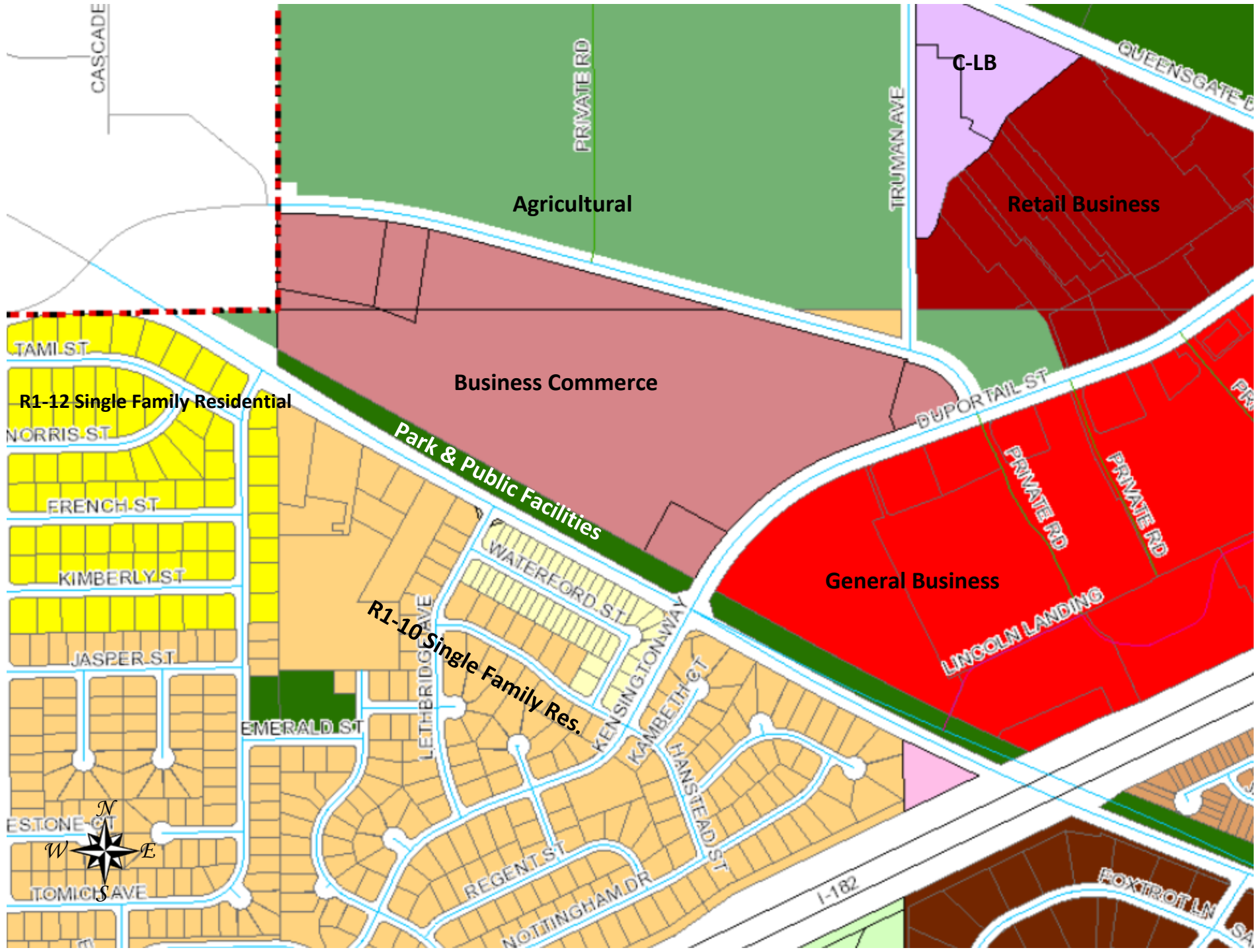
Petition for Zoning Ordinance Text Amendment

Application is hereby made to the Richland Planning Commission for a Zoning Ordinance Text Amendment pursuant to Section 23.82.180 of the Richland Municipal Code.

The following required information must be furnished and filing fee paid before the Secretary of the Physical Planning Commission will accept this application.

APPLICANT INFORMATION		
Applicant's Name: Chaplaincy Health Care - Gary Castillo		
Applicant's Address: 1480 Fowler St.		
City: Richland	State: WA	Zip: 99352
Phone: (509) 783-7416	Fax:	Other:
Section(s) for which amendment(s) is/are proposed: 23.28.030		
State exactly how you feel the section(s) should read, incorporating your amendment(s):		
Include "Nursing or Rest Home" as a permitted use in the B-C zone.		
State your reason for requesting the zoning ordinance text amendment(s): Permitting <i>Nursing or Rest Homes</i> in the B-C zone would allow a Hospice House facility to be located on the Tri-City Chaplaincy's property at 1480 Fowler St. in Spaulding Park. Hospice is an inpatient medical facility that meets the definition of Nursing Home or Rest Home (23.06.675). Hospice facilities are commonly located near residential and medical buildings. Spaulding Park contains both residential and outpatient medical buildings making the current Chaplaincy site appropriate for the Hospice use. The information provided is "said to be true under penalty of perjury by the Laws of the State of Washington."		
Signature of Applicant		
For Office Use:		
Petition accepted for filing _____		
Signature _____ Title _____		







COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Ordinances - Second Reading/Passage

Key Element: Key 3 - Economic Vitality

Subject:

Ordinance No. 32-17, Amending Richland Municipal Code Title 23, Section 23.22.010

Department:

Community & Development Services

Ordinance/Resolution Number:

32-17

Document Type:

Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 32-17, amending Richland Municipal Code Title 23, Section 23.22.010 allowing C-3 zoning to be applied to some areas designated for industrial use that are adjacent to State Route 240.

Summary:

The Planning Commission is recommending a change to the text of the zoning code relating to the location of C-3 General Business zoning. The amendment would allow C-3 zoning to be applied in areas that are adjacent to State Route 240 and that are designated in the Comprehensive Plan as suitable for industrial development. This change would provide the City with greater flexibility as it markets properties in the Horn Rapids Business Park and adjacent properties.

The Planning Commission held a public hearing to consider this amendment on July 26, 2017 and unanimously supported its adoption. Ordinance No. 32-17 would implement this change.

Staff recommends approval of Ordinance No. 32-17 for adoption.

Fiscal Impact:

The proposed amendment would not result in direct costs to the City. Additional flexibility in development of Horn Rapids properties may encourage economic development along the State Route 240 corridor.

Attachments:

1. Ordinance No. 32-17
2. Staff Report to Planning Commission
3. Table Comparing C-3 & M-I Uses
4. Comprehensive Plan & Zoning Maps

ORDINANCE NO. 32-17

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 23, allowing C-3 zoning to be applied to some areas designated for industrial use that lie adjacent to State Route 240.

WHEREAS, The City is the owner of properties located within and adjacent to the Horn Rapids Business Park, near State Route 240, and desires to sell such properties for the promotion of economic development; and

WHEREAS, C-3 General Business zoning is preferable to some potential buyers over the M-1 Medium Industrial zone that exists in the area; and

WHEREAS, as the C-3 General Business and M-1 Medium Industrial zones are very similar to and compatible with each other, it would not pose any conflicts if located adjacent to each other; and

WHEREAS, on July 26, 2017, the Planning Commission held a legally advertised public hearing to formally consider amendments to RMC Section 23.22.010, and has unanimously recommended approval of the proposed code amendment.

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

Section 1. RMC Title 23, Section 23.22.010, entitled Purpose of Commercial Use Districts, as enacted by Ordinance No. 28-05 and last amended by Ordinance No. 04-09, shall be amended to read as follows:

Section 23.22.010 Purpose of commercial use districts.

A. The limited business use district (C-LB) is a zone classification designed to provide an area for the location of buildings for professional and business offices, motels, hotels, and their associated accessory uses, and other compatible uses serving as an administrative district for the enhancement of the central business districts, with regulations to afford protection for developments in this and adjacent districts and in certain instances to provide a buffer zone between residential areas and other commercial and industrial districts. This zoning classification is intended to be applied to some portions of the city that are designated either commercial or high-density residential under the city of Richland comprehensive plan.

B. The neighborhood retail business use district (C-1) is a limited retail business zone classification for areas which primarily provide retail products and services for the convenience of nearby neighborhoods with minimal impact to the surrounding residential area. 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.

C. The retail business use district (C-2) is a business zone classification providing for a wide range of retail business uses and services compatible to the core of the city and providing a focal point for the commerce of the city. All activities shall be conducted within an enclosed building except that off-street loading, parking, and servicing of automobiles may be in the open and except that outdoor storage may be permitted when conducted in conjunction with the principal operation which is in an enclosed adjoining building. 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.

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 located adjacent to SR 240 under the city of Richland comprehensive plan.

E. The waterfront use district (WF) is a special commercial and residential zoning 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, and which are in conformance with RMC Title 26, Shoreline Management, and with applicable U.S. Corps of Engineers requirements. This zoning classification encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities. Any combination of listed uses may be located in one building or one development (i.e., related buildings on the same lot or site). This zoning classification is intended to be applied to those portions of the city that are designated waterfront under the city of Richland comprehensive plan.

F. The central business district (CBD) is a special mixed use zoning classification designed to encourage the transformation of the central business district from principally a strip commercial auto-oriented neighborhood to a more compact development pattern. The central business district is envisioned to become a center for housing, employment, shopping, recreation, professional service and culture. The uses and development pattern will be integrated and complementary to create a lively and self-supporting district. Medium rise buildings will be anchored by pedestrian oriented storefronts on the ground floor with other uses including housing on upper floors. Projects will be well designed and include quality building materials. Appropriate private development will be encouraged via public investments in the streetscape and through reduction in off-street parking standards. Uses shall generally be conducted completely within an enclosed building, except that outdoor seating for cafes, restaurants, and similar uses and outdoor product display is encouraged. Buildings shall be oriented to the fronting street or accessway, to promote a sense of enclosure and continuity along the street or accessway. This zoning classification is intended for those portions of the city that are designated as central business district, as well as some properties designated as commercial and waterfront, under the Richland

comprehensive plan. The central business district zone contains overlay districts titled medical, parkway, and uptown. The overlay districts implement varying site development requirements.

G. The commercial recreation district (CR) is a special commercial district providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, and other commercial uses which are consistent with waterfront oriented development, and which are in conformance with RMC Title 26, Shoreline Management, and with the U.S. Corps of Engineers requirements, and providing for regulations to protect the business and residents of the city from objectionable influences, building congestion and lack of light, air and privacy. This zoning classification is intended for those portions of the city that are designated as waterfront or commercial under the Richland comprehensive plan.

H. The commercial winery use district (CW) is a zone classification designed to provide an area for the operation of commercial wineries, including all aspects of the wine making industry, from the raising of crops to the production, storage and bottling of wine and the retail sales of wine and related products. Other uses, which support winery-related tourism, such as restaurants, entertainment venues, retail services such as gift shops and bed and breakfast facilities are also permitted, along with other uses that are compatible with wineries.

Section 2. This ordinance shall be effective immediately following the day after its publication in the official newspaper of the City.

PASSED by the City Council of the City of Richland on this 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: September 24, 2017

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		

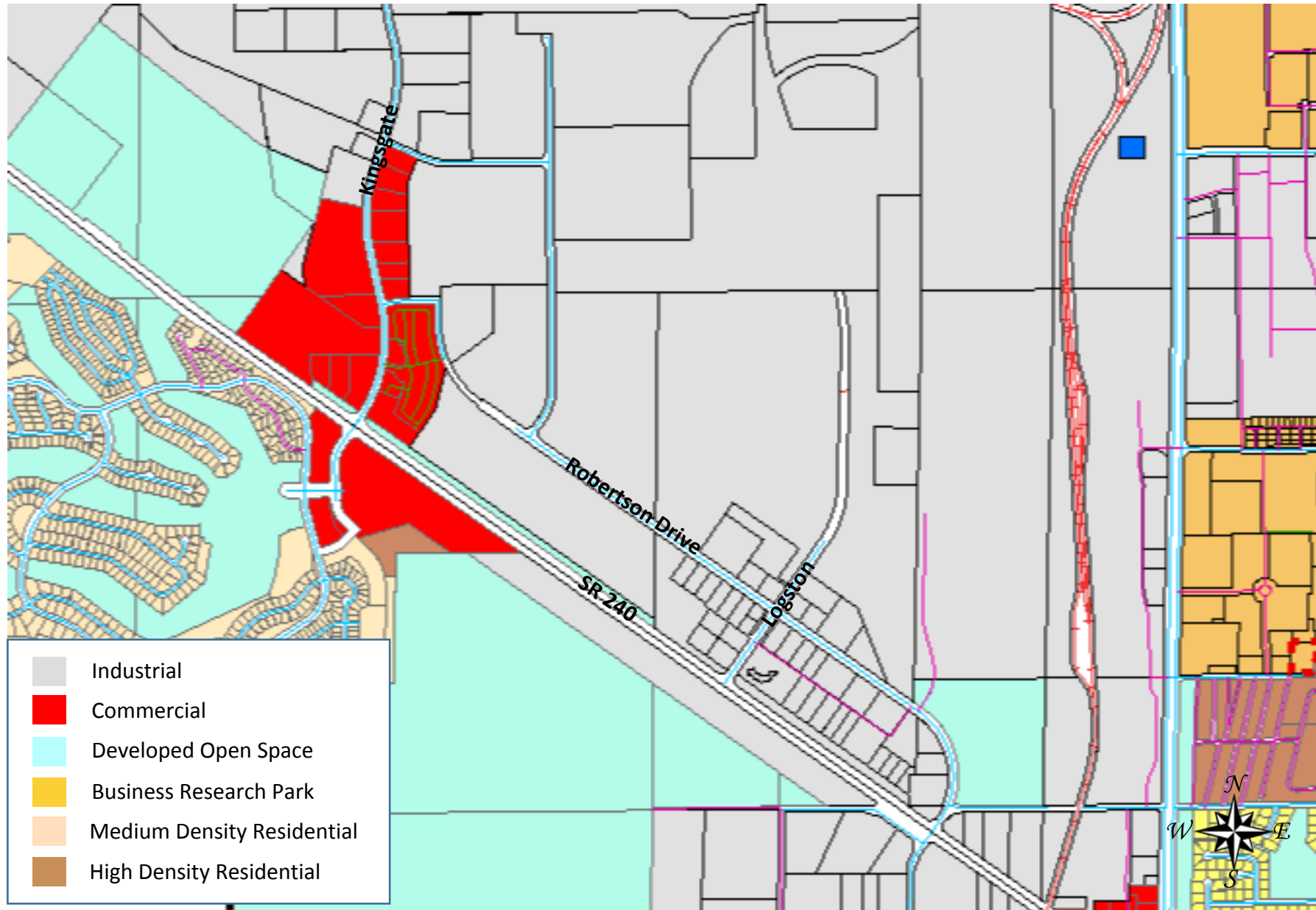
Land Use	I-M	C-3
Animal Shelter	S ⁴	S
Automatic Teller Machines		P
Commercial Kennel		P
Contractors' Offices and Shops	P	P
Funeral Establishments		P
General Service Businesses	P	P
Health/Fitness Facility	P	P
Health/Fitness Center	P	P
Health Spa		P
Laundry/Dry Cleaning, Commercial	P	P
Laundry, Dry Cleaning, 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

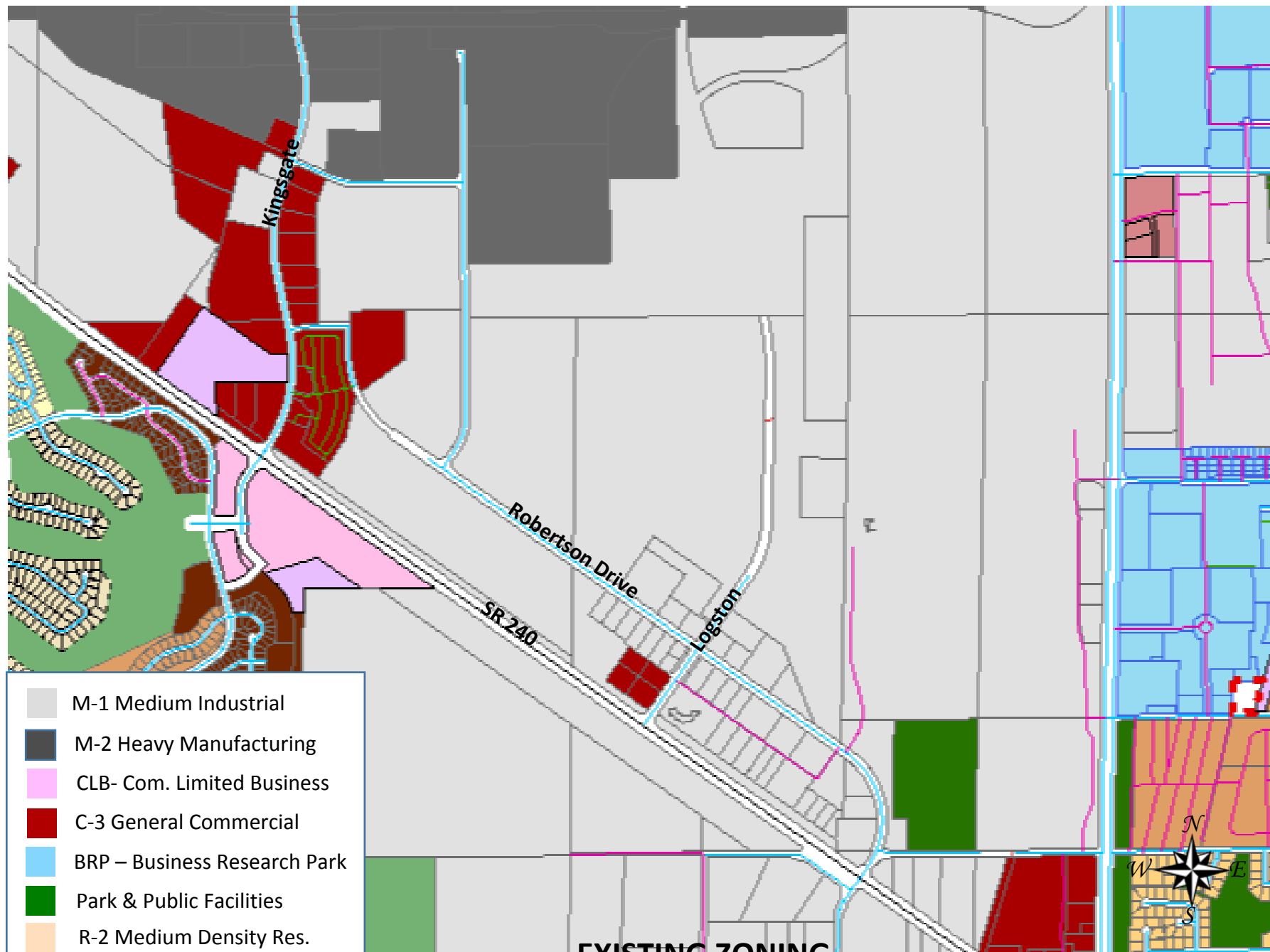
Land Use	I-M	C-3
Schools, Commercial		P
Schools, Trade		P
Travel Agencies		P
Public/Quasi-Public Uses		
Churches		P
Clubs or Fraternal Societies		P
General Park Operations and Maintenance Activities	P	P
Passive Open Space Use	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P 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



EXISTING ZONING



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Ordinances - Second Reading/Passage

Key Element: Key 3 - Economic Vitality

Subject:

Ordinance No. 34-17, Annexing a 17.2 Acre Parcel located south of Keene Road

Department:

Community & Development Services

Ordinance/Resolution Number:

34-17

Document Type:

Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 34-17, annexing a 17.2 acre parcel located south of Keene Road.

Summary:

Ordinance No. 34-17 has been prepared for Council's consideration to annex 17.2 acres located south of Keene Road and east of Brantingham Road. The annexation is proposed by Edward Shaw, who is the sole property owner within the proposed annexation area.

Fiscal Impact:

The proposed annexation is anticipated to have a minor positive fiscal impact to the City, both initially and when full build-out of the property would be achieved in the future. A copy of the fiscal impact report is attached.

Attachments:

1. ORD No. 34-17
2. Fiscal Impact Report
3. Vicinity Map

WHEN RECORDED RETURN TO:

Richland City Clerk
505 Swift Blvd., MS-05
Richland, WA 99352

PID#: 1-26983020000018

ORDINANCE NO. 34-17

AN ORDINANCE of the City of Richland, Benton County Washington, annexing approximately 17.2 acres of land located south of Keene Road and east of Brantingham Road, in Section 26, Township 9 North, Range 28 East, W.M., providing for assumption of existing City indebtedness, and amending the Official Zoning Map.

WHEREAS, the City received a notice of intent to annex from Edward Shaw, owner of real property, the value of which exceeded ten percent (10%) of the proposed annexation area and so qualified to commence annexation proceedings for annexation into the City of Richland; and

WHEREAS, a meeting was held on March 21, 2017 between the initiating party of this annexation and the City Council of the City of Richland, at which time the Council adopted Resolution No. 54-17, accepting the notice of intention 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. 54-17 further authorized and directed the Richland 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; and

WHEREAS, the Richland Planning Commission held a public hearing on April 26, 2017 to consider an appropriate zoning designation for the proposed annexation area, and recommended adoption of Single Family Residential R-1-10 zoning for the property; and

WHEREAS, a notice of intention to annex was duly filed with the Benton County Boundary Review Board. Jurisdiction of the Boundary Review Board was not invoked within 45 days of filing, and thus, the proposed annexation was deemed approved by the Boundary Review Board as of July 7, 2017; and

WHEREAS, on July 18, 2017, Richland City Council adopted Resolution No. 121-17, 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 sole property representing one hundred percent (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 September 5, 2017, 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 City Council of the City of Richland, 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 Council of 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 6, 1997 by passage of Ordinance No. 26-97, shall serve as the comprehensive plan for the Annexed Area. All properties within the annexation shall be designated as "low density residential" under the land use map that is part of the comprehensive plan.

Section 3. 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 4. Title 23 of the City of Richland Municipal Code (RMC) and the Official Zoning Map of the City as adopted by Section 23.08.040 of said title, hereby amends Sectional Map No. 61 which is one of a series of maps constituting said Official Zoning Map, bearing 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 5. 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 R1-10 Single Family Residential, as depicted on Exhibit B, attached hereto, when consideration is given to the interest of the general public.

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, as necessary, and an amended Annexation map, duly certified by the Clerk as a true copy.

Section 7. As authorized and required by RCW 35.13.280, the City shall negotiate a new franchise with the solid waste collection service provider currently serving the Annexed Area on terms that are acceptable to the City and that comply with the City's Solid Waste Management Plan.

Section 8. This ordinance shall be published in the official newspaper of the City of Richland and become effective on October 19, 2017.

PASSED by the City Council of the City of Richland on this 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: September 24, 2017

EXHIBIT A

Legal Description for the Keene Road Annexation

Lot 9 of the Plat of Badger Mountain Estates plus the Keene Court right-of-way.

This description includes the following **County Parcel Identification Number**:

1-2698-302-0000-018

EXHIBIT B

ZONING FOR KEENE ROAD ANNEXATION



FISCAL IMPACT – PROPOSED KEENE ROAD ANNEXATION

INTRODUCTION

This fiscal analysis has been prepared by staff to identify the impacts of the proposed Keene Road 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. Table I provides an estimate of the revenues that would be produced from the annexation area based only on the existing level of development. Table II provides a revenue estimate at full build-out of the annexation area. This full build-out scenario is based on the likely maximum level of development allowed under the zoning regulations applied to the proposed annexation area.

**TABLE I – Keene Road Annexation Proposal
Projected Revenue – Year 2017**

<u>Revenue Source</u>	<u>Rate</u>	<u>Basis</u>	<u>Annual Amount</u>
Property Tax	\$2.98492709/assessed valuation	\$743,610 assessed value	\$2,220
Permit Fees ¹	\$47/person	2 persons	\$94
Utility Taxes ²	0	No present utility connections	0
Sales Taxes ³	\$243/person	2 persons	\$486
Total			\$2,800

Table I & II Notes:

- ¹ Permit fees are based on the total 2017 adopted budget figures for licenses and permits, (\$2,551,425) divided by the current population (54,150).
- ² Utility taxes based on adopted budget figures for total utility tax revenue (\$13,018,600) divided by estimated number of current population (54,150).
- ³ Sales tax determined by total sales and use tax revenue (\$13,140,474) divided by current population (54,150).

**TABLE II – Keene Road Annexation Proposal
Projected Revenue – Full Build-Out**

<u>Revenue Source</u>	<u>Rate</u>	<u>Basis</u>	<u>Amount</u>
Property Tax	\$2.98492709/assessed valuation	\$18,293,180 total assessed value	\$54,603
Permit Fees ¹	\$47/person	148 persons	\$6,965
Utility Taxes ²	\$240/person	148 persons	\$35,520
Sales Taxes ³	\$243/person	148 persons	\$35,964
Total			\$133,052

Table II Assumptions:

- Assumes site would be developed at a density of approximately 3.3 units/gross acre (57 units total), which is the average density in the adjacent R1-10 zoned subdivisions.
- Average value of new construction for a single-family residence is \$320,933 according to 2016 year building permit activity records.
- Assumes 2.6 persons/household (2017 OFM Estimate).
- Assumes all new development will be served by City utilities.

No estimate has been provided on the length of time it would take to achieve full build-out of the proposed annexation area. This would be dependent upon any number of factors, including the desires of the property owner and market conditions. Rather, the two tables are offered as a comparison of revenues that would be generated from the area based on its existing and maximum potential levels of development.

PUBLIC ASSETS

Existing Infrastructure

With this annexation, the City would inherit Keene Court, a cul-de-sac that extend approximately 250 feet off of Keene Road. No other infrastructure is present within the proposed annexation area.

DEMANDS FOR NEW/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/permitting ensures that, to a large degree, new residents are paying for the costs associated with the extension/expansion of City infrastructure. It also ensures 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:

<u>Service</u>	<u>Service Provider</u>
Fire & Emergency Service	Benton County Fire District #1
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	No Service Currently Provided

FUTURE DEMAND FOR SERVICES

As development of the proposed annexation area occurs, future demands would be placed on City services. Some of these services would not be greatly impacted. Emergency fire/medical protection would be provided from the South Richland Station #72. As population increases, there would be more calls for service within the area.

City utility services, including power, water, sewer, and storm drainage would see increased usage. Present capacity of the City systems could accommodate this increased demand as the 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 those 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 III 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 III – Keene Road Annexation Proposal
Expense of Providing City Services**

Service	Annual Cost of Service	Level of Service ¹	Cost of Annexation ²	
			Initial	Full Build-Out
Fire & Emergency Service ³	\$151/person ³	5 minute emergency response time	\$302	22,348
Police ⁴	\$247/person ⁴	1.24 police/ 1,000 population	\$494	36,556
Parks ⁵	\$131/person ⁵	2.8 acres/1,000 population	\$262	19,388
Street ⁶ Maintenance	\$56/person	None established	\$112	8,288
Library ⁷	\$39/person	None established	\$78	11,544
Administrative Services ⁸	\$178/person	None established	\$296	26,344
Total	802		\$1,604⁹	\$124,468

Notes for Table III:

¹Level of Service reported from City of Richland Comprehensive Plan

²Cost of Annexation – Initial Impacts are based on current estimate of 2 persons residing within the proposed annexation area. Full build-out figures are based on projected population of 148 persons in 57 residences.

³Represents total current expense '17 budget for fire and emergency services (\$8,170,338) divided by current city population (54,150).

⁴Represents total current expense '17 budget for police (\$13,397,779) divided by current city population (54,150).

⁵Represents total current expense '17 budget for parks and facilities and recreation (\$7,119,605) divided by current city population (54,150).

⁶Represents streets capital construction fund '17 budget (\$3,061,814) divided by current city population (54,150).

⁷Library costs were derived by dividing 2017 total library budget (\$2,134,328) by total number of persons in the City (54,150).

⁸Administrative 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 (\$9,650,248) divided by current city population (54,150).

⁹Costs for police and fire services would not likely be zero for existing levels of development, but are difficult to accurately quantify and would vary greatly based on the number of times that emergency calls for service were made.

Service costs for Table III 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. So costs for actually providing services listed in Table III 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 IV provides some comparison of the costs and revenues associated with the proposed annexation.

**TABLE IV – Keene Road Annexation Proposal
Summary of General Fund Revenues and Expenses**

	Estimated Number of Households	Projected Revenues	Projected Expenses	Net Annual Benefit
Initial Annexation	1	\$2,800	\$1,604	\$1,196
Annexation at Max. Build-Out	57	\$133,052	\$124,468	\$8,584

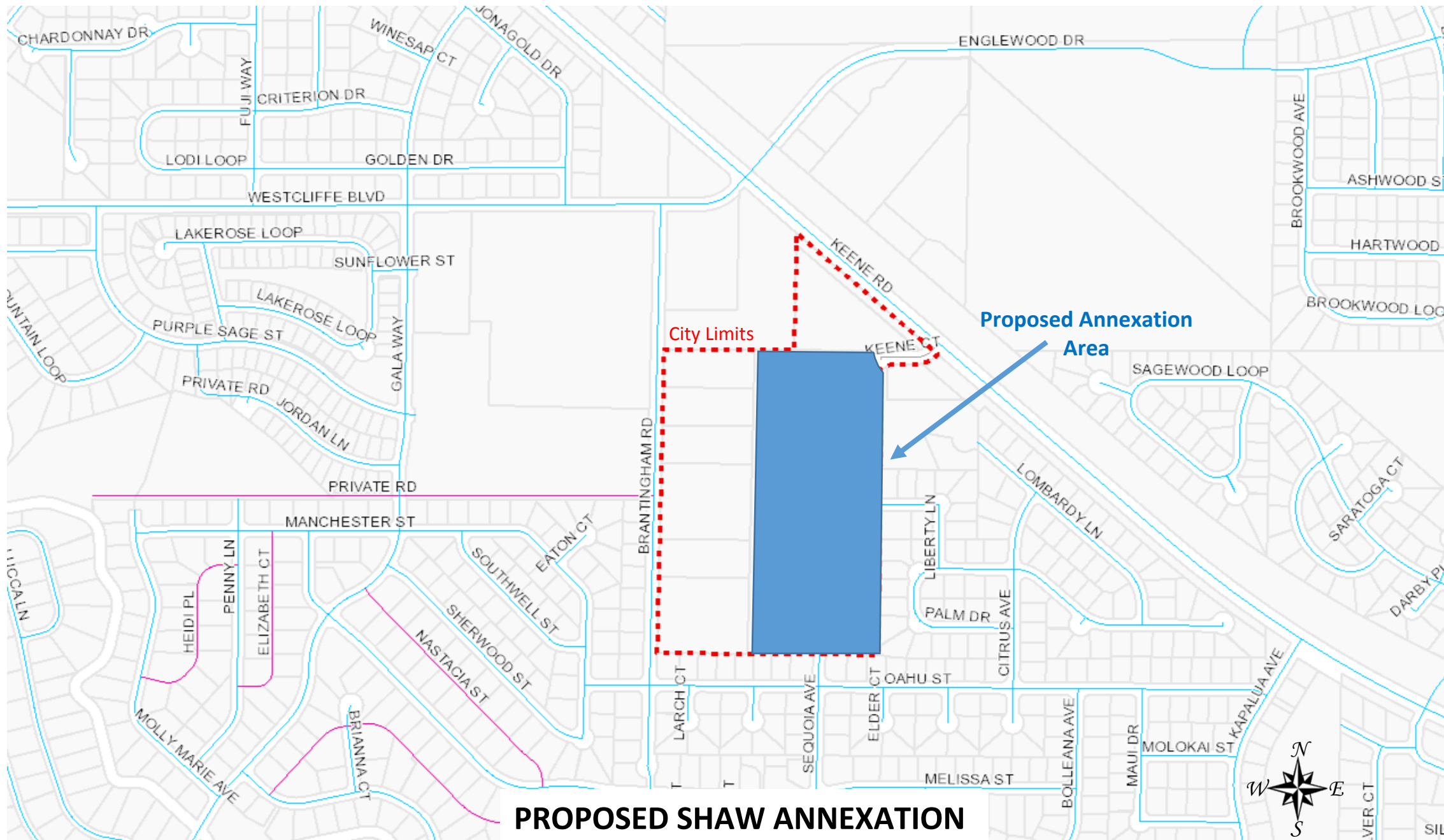
CONCLUSION

Staff concludes that the proposed Keene Road annexation would have slight positive fiscal impacts to the City both at the time of initial annexation and at the time that the area is fully developed. 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. 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 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 those unincorporated developments. In total, the drain on City services would likely be greater without annexation than with annexation.

Annexation also provides the City with some opportunity to control 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 would not control if annexation does not occur.





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Resolution No. 162-17, Authorizing the Loan Feature to the City of Richland 457 Plan No. 300042, Deferred Compensation Plan

Department:

Administrative Services

Ordinance/Resolution Number:

162-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 162-17, authorizing the Mayor to sign and execute an agreement with ICMA Retirement Corporation to add the loan feature to the City of Richland 457 Plan No. 300042, Deferred Compensation Plan.

Summary:

The City of Richland's 457 Plan No. 300042, Deferred Compensation Plan with ICMA Retirement ("Plan") was established for the purpose of providing reasonable retirement security for its employees as well as assisting in the attraction and retention of personnel.

The City is committed to providing its plan participants (employees) with increased flexibility to utilize their own vested assets. On April 19, 2016, Resolution 98-16 authorized assets in the Plan be held for the exclusive benefit of the plan participants and their beneficiaries. The adoption of Resolution 98-16 also preserved Resolution No. 77-97, which in part included the section that disallowed participant loans against assets held in the Plan.

It is a common practice for employer-sponsored deferred compensation plans to include a participant loan feature. The City's plan participants have repeatedly requested for this loan option to provide them the ability to have access to their own vested assets without being restricted to qualifying emergency withdrawals. The City will not incur any additional fees by implementing the loan feature in the Plan. The only impact to the City will be the minimal staff time required for the initial payroll setup, and processing loan requests through payroll deductions.

Resolution 162-17 authorizes a loan feature in the City's 457 Plan allowing participants to obtain loans from their own vested assets. The loan feature will be implemented in accordance with the requirements as set forth in the resolution.

Staff recommends approval of Resolution No. 162-17.

Fiscal Impact:

None.

Attachments:

1. Resolution No. 162-17
2. 457 ICMA-RC Loan Implementation Package
3. 457 Plan 300042 Loan Provision Notice to ICMA-RC

RESOLUTION NO. 162-17

A RESOLUTION of the City of Richland Amending the City of Richland 457 Plan No. 300042, Deferred Compensation Plan, to authorize a loan feature.

WHEREAS, the City of Richland ("Employer") has employees rendering valuable services that adhere to the benefit of the City; and

WHEREAS, Employer has established a deferred compensation plan ("the Plan") for such employees that serves the interest of Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, Resolution No. 97-16 affirmed prior actions taken related to the City of Richland 457 Plan No. 300042, Deferred Compensation Plan with ICMA Retirement Corporation; and

WHEREAS, Resolution No. 77-97, in part, disallowed participant loans from the assets held in the City of Richland 457 Plan; and

WHEREAS, Resolution No. 98-16 provides that 457 Plan assets shall be held for the exclusive benefit of the Plan participants and their beneficiaries; and

WHEREAS, Employer has determined that amending the Plan Adoption Agreement to allow participants to obtain loans from their own vested assets exclusively benefits those participating in the Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the qualified City of Richland Retirement Savings 457 Plan No. 300042, Deferred Compensation Plan, is hereby amended to authorize a Participant Loan feature, as follows:

1. Loans may be for any purpose; and
2. Loans are only available to active employees; and
3. Loans are expected to be repaid in full; and
4. Maximum repayment time for loans is five (5) years; and
5. Participants may have up to two (2) loans at one time; and
6. Loans may not exceed \$50,000 or fifty percent (50%) of the Participant's 457 Plan assets at the time of the loan application, whichever is less; and
7. A Participant's Designated Roth Account will not be available as a source for loans under the Plan; and

8. A Participant's Rolled-In Assets are available as a source for loans under the Plan; and
9. Loans must be repaid by employee Participants through payroll deduction; and
10. Whenever an employee has insufficient compensation to repay through payroll deduction, loans must be repaid by employee Participants via direct payment to Employer in accordance with the repayment schedule that would have applied if adequate compensation was available; and
11. Participants who separate from service will be able to continue loan repayments through an Automatic Clearing House (ACH) directly to ICMA-RC until they have withdrawn their entire account balance from the Plan.

BE IT FURTHER RESOLVED that the Mayor, through Council authority, is authorized to execute any documents necessary to fulfill this Resolution.

BE IT FURTHER RESOLVED that the specific provisions of Resolution No. 77-97 which prohibit 457 Plan loans are hereby superseded by this Resolution. All other provisions of Resolution No. 77-97 that do not prohibit 457 Plan loans remain in full force and effect.

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney



Loan Implementation Package for 457/401 Plan Sponsors

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<i>401 Plans Only. If you are amending your existing plan to add a loan program, you must complete and return this document to ICMA-RC.</i>	

Introduction and Summary Instructions for 457 and 401 Plan Sponsors

Making a loan program available in your retirement plan will provide eligible plan participants with the ability to borrow money from their accounts. As the administrator of your loan program, ICMA-RC will attempt to minimize the amount of resources you need to devote to the program. However, there are administrative and fiduciary responsibilities associated with offering loans which, as a practical matter, cannot be delegated to ICMA-RC.

Please review all of the information in this packet carefully prior to submitting the applicable forms to implement the loan program in your plan.

The below instructions provide you with easy-to-follow steps to implement a loan program in your ICMA-RC 457 or 401 plan.

STEP 1: Review the Loan Guidelines Agreement Instructions carefully prior to returning the required forms to implement your plan's loan program.

STEP 2: Complete the *Loan Guidelines Agreement*.

STEP 3: Determine whether any formal action is required by your legislative body and/or plan administrative committee to implement a loan program. If formal action is required, you may want to use the suggested resolution in this packet.

STEP 4: Complete the following documents (*if applicable*)

- **457 Plan Loan Administration Agreement** — If you have multiple 457 plan providers, you must complete and return this document to ICMA-RC.
- **Loan Amendment (401 Plans Only)** — If you are amending your existing 401 plan to add loan provisions, you must complete and return this document to ICMA-RC.

STEP 5: Return copies of the following documents to ICMA-RC (**please be sure to submit all pages and retain the originals for your records**):

- *Loan Guidelines Agreement*
- Loan Amendment to the 401 Plan Adoption Agreement (*if applicable*)
- 457 Plan Loan Administration Agreement (*if applicable*)
- Suggested Resolution (*if applicable*)

FAX TO:
Workflow Management Team
202-682-6439

OR

MAIL TO:
ICMA-RC
ATTN: Workflow Management Team
P.O. Box 96220
Washington, DC 20090-6220

STEP 6: Please allow 5–7 business days for ICMA-RC to establish your plan's loan program.

Please retain original copies of any documents you return to ICMA-RC for your records.

If you have any questions relating to the adoption process, please contact your Plan Sponsor Services team at 800-326-7272.

Loan Guidelines Agreement Instructions

The information in this packet is intended to assist you with implementing a loan program within your ICMA-RC 457 or 401 plan(s). The packet provides an overview of the issues and complexities of establishing and maintaining a loan program under the most common types of retirement plan arrangements. It is not intended to be all inclusive. Special situations and/or solutions not discussed in this document will need to be reviewed on a case-by-case basis.

The instructions contain information that will help you understand the decisions you will need to make when you establish your loan program and help you complete the *Loan Guidelines Agreement*. Please carefully review the information in this section and complete all applicable sections of the *Loan Guidelines Agreement*.

Here are a few of the elections that you will need to make:

- Will loans be available for all purposes or only in hardship situations?
- How many loans will participants be allowed to have outstanding at one time? (up to five)
- How long will participants have to repay a loan used to purchase a new primary residence? (up to 30 years)
- How will participants repay their loans? (payroll deduction, ACH payments from their bank accounts, or both)

In order to offer loans within your retirement plan, the Internal Revenue Code requires that you establish written guidelines that govern the Plan's loan program. You may elect to use the *Loan Guidelines Agreement* to serve this purpose for your Plan.

If you have any questions relating to the process of implementing a loan program, please contact your Plan Sponsor Services team at 800-326-7272.

Section I: Employer Plan Information

Enter the name of your employer plan. Also specify the plan type and your ICMA-RC plan number.

Section II: Eligibility & Loan Source

Loans are available to all active employees, except those with an existing loan in default.

Loan Source — Use this section to specify the sources that will be available for participant loans.

Section III: Loan Purpose

Specify whether loans may be taken for (A) all purposes or (B) only in the case of hardship. If you choose the “all purposes” option, more of your employees are likely to request loans than if you select the “hardship only” option.

(A) All Purposes

(B) Hardship Only

401 Plans: Under the Code, only employers can authorize a loan for hardship purposes. Generally, for loan purposes, the IRS defines “hardship” situations for these purposes to include, but not to be limited to: unreimbursed medical expenses, buying or rehabilitating the participant's principal residence, and paying for college education for the participant or his/her qualified dependents. Car loan, car repairs, and the purchase or repair of a vacation or rental property would not be included in the hardship definition.

Employers have the ability to make their plan's loan program more restrictive under both of the above options.

Section IV: Application Process

No action is required in this section. The application process available to participants will vary depending on the option you select in Section III (Loan Purpose).

Section V: Maximum Number of Loans

Specify whether participants may have only one (1) or up to five (5) loans outstanding at one time. The option you choose in this section will have a significant impact on the number of loans made from your plan. Regardless of your election, a participant may receive a maximum of one (1) loan per calendar year.

Note: If you select Payroll Deduction as a repayment option for your participants in Section VIII, *each loan repayment for each pay period must be accounted for separately*. As such, repayments of multiple loans are a much larger burden on your payroll system (and personnel) than a repayment of a single loan.

Section VI: Loan Amount

No action is required in this section. The Maximum Loan Amount Worksheet includes instructions you can use to calculate the maximum loan amount for a participant. The loan modeling option on ICMA-RC's Account Access website can also be used to calculate a participant's maximum loan amount.

Section VII: Length of Loan

Loans must be repaid in substantially equal installments of principal and interest over a period that does not exceed five (5) years. However, if the participant will be using the loan to purchase a principal residence, the five (5) year time limit may not apply. In this section of the form, you specify the maximum repayment period for principal residence loans, with 30 years being the maximum term.

In determining the maximum repayment period for residential loans, you should be mindful that the loan term may extend beyond the period the participant is employed by you. If you allow employees to continue to pay their loans after they separate from service (see the Acceleration section), repayments would continue by the participant, through you, for the entire term of the loan (e.g., 30 years). Every payroll period, the participant (former employee) will be required to give you a check for the periodic loan repayment amount. You then include this amount with your next contribution submittal to ICMA-RC. *Loan repayments may not be made directly to ICMA-RC by the participant, unless you choose ACH debit as a repayment option in Section VIII.*

Section VIII: Loan Repayment Process

Specify the repayment method(s) and repayment frequency your plan will use.

Repayment Method — You can allow repayments to be made via payroll deduction and/or ACH payments from a participant's bank account.

- (1) **Payroll Deduction** — With this option, you will include the loan repayment detail when you remit contribution detail to ICMA-RC via the EZLink website.

Initiating Payroll Deduction

Payroll deduction should begin within two payroll cycles following the employee's receipt of the loan. Employees using this method must notify the Employer immediately so that repayments will begin as soon as practicable, on a date determined by the Employer's payroll cycle. Failure to begin payroll deduction in a timely manner could lead to the employee's loan entering delinquency status.

- (2) **ACH** — With this option, participants authorize ICMA-RC to debit loan repayments directly from the participant's bank account via Automated Clearing House (ACH). This feature frees you of the burden of establishing and monitoring loan repayments via payroll deduction.

ADDITIONAL LOAN REPAYMENTS AND EARLY PAY-OFF

A participant may pay off all or a portion of the principal and interest early without penalty or additional fee. Extra payments are applied forward to both principal and interest as specified in the original repayment schedule, unless the additional payment is for the full balance due. Please note that no payment date may be "skipped" even if the employee has made a large payment or submitted multiple payments.

Section IX: Loan Interest Rate

No action is required in this section. It simply describes the interest rate that will be used for participant loans.

Section X: Security/Collateral

No action is required in this section. It simply describes the amount that will be used as collateral for participant loans.

Section XI: Acceleration

Specify whether participants who have separated from service will be able to continue loan repayments until they have withdrawn their entire account balance from the plan, or if outstanding loans will be due and payable at the time participants separate from service.

You should consider the options in this section carefully, since your election will impact when outstanding loans become taxable to participants. If a participant does not repay the outstanding loan amount at the time it is due, the loan is "foreclosed," and the outstanding loan amount must be reported by ICMA-RC as a taxable distribution in the year of the foreclosure.

Given the burdens associated with collecting loan repayments from former employees, you may not wish to maintain a potentially long term "relationship" with former employees (especially in the case of residential loans).

Section XII: Reamortization

No action is required in this section. It simply provides information related to the reamortization of participant loans.

Section XIII: Refinance

No action is required in this section. It simply provides information related to the refinancing of participant loans.

Section XIV: Reduction of Loan

No action is required in this section. It simply describes how outstanding loans will be handled in the event of a participant's death.

Section XV: Deemed Distributions

No action is required in this section. However you should familiarize yourself with this information and note that loan repayments must be made in accordance with the plan document, plan loan guidelines, and as reflected in the promissory note signed by the participant. Failure to make loan repayments according to the loan terms will result in the outstanding loan balance being deemed distributed and taxable to the participant.

TIMING

A loan will be deemed distributed when a scheduled payment is still unpaid at the end of the calendar quarter following the calendar quarter in which the payment was due. For example, if a participant does not make a loan payment that was scheduled to be made on February 1, the maximum cure period for the repayment is June 30. If the total amount of all delinquent payments is not received by the end of the cure period, the loan is deemed distributed.

CONSEQUENCES OF DEEMED DISTRIBUTED LOANS (EMPLOYERS)

Employers who do not ensure proper loan repayment practices in their retirement loan programs risk not only having individual participant loans being deemed distributed, but also potentially jeopardize the tax-favored status of the entire plan. In the extreme, plans with mismanaged loan programs — a high occurrence of deemed distributed loans, and/or program participants in default, for example — may be disqualified (in the case of 401 plans) or classified as ineligible (for 457 plans) by the IRS. Disqualification results in the loss of tax-deferred status for all contributions and a possible increase in the taxable income for participating employees.

It is a plan sponsor's fiduciary obligation to properly manage the retirement plan and its benefits. Mismanagement of a loan program may be considered failure to meet this fiduciary obligation and may expose a plan sponsor to litigation, in addition to being in violation of applicable laws and regulations.

Employers, as plan sponsors and fiduciaries, have an obligation to comply with plan document and loan guideline requirements applicable to participant loans. In this regard, loan payments must be made in accordance with the plan document, plan loan guidelines, and as reflected in the promissory note signed by the participant. Employers retain this obligation if there is a loan program

associated with their retirement plan, regardless of the provisions governing the loan program.

CONSEQUENCES OF DEEMED DISTRIBUTED LOANS (PARTICIPANTS)

The principal balance, in addition to any accrued interest, is reported as a distribution to the IRS. However, the taxable distribution is not the only event in conjunction with a deemed distribution. The following negative consequences occur as a result of deemed distribution.

- The deemed distribution is a taxable event. However, it is not an actual distribution and therefore remains an asset of the participant's account. The outstanding loan balance and accrued interest continue to be reported on the participant's account statements.
- Repayment of a deemed distribution will not change or reverse the taxable event.
- The loan continues to be considered outstanding until it is repaid or "offset" using the participant's account balance. An offset can occur only if the participant is eligible to receive a distribution from the plan as outlined in your plan document.
- Participants are required to repay any outstanding deemed distributed loan before they can become eligible for a new loan. The deemed distributed loan and any interest accrued since the date it became a taxable event is taken into account when determining the maximum amount available for a new loan.
- A participant who has had a prior deemed distribution must make repayments to a new loan through payroll deduction, or provide proof of adequate security.

Section XVI: Fees

No action is required in this section. It simply provides that fees may be charged for various services associated with the application for and issuance of loans. Participants should review the Annual Service and Fee Disclosure notice(s) for your plan for more information on the applicable fees.

Section XVII: Signatures

Please have an authorized plan representative sign and date this section of the agreement.

SPECIAL CIRCUMSTANCES

Emergency Withdrawals (457 Plans Only)

457 Plans: Loans must be coordinated with unforeseeable emergency withdrawals. The emergency withdrawal

regulations under Section 457 of the Code require that an emergency withdrawal be a resource of the “last resort.” If the participant is able to take a loan or refinance a current loan from your ICMA-RC 457 plan or any other plan you sponsor, the participant has resources available to meet, or partially meet, the financial need. Therefore, a participant will be required to take or refinance a loan before taking an emergency withdrawal.

Many emergency withdrawals are not approved because the financial need, while serious, may not meet the conditions itemized in the 457 regulations. The ability to take a loan allows participants to have access to money that is not otherwise available. And the repayment process for loans ensures that participants replenish their accounts, thereby preserving their retirement savings.

Qualified Joint and Survivor Annuity (Applies to Some 401 Plans Only)

If your plan uses the Qualified Joint and Survivor Annuity as the default form of payment, married participants must obtain spousal consent prior to obtaining a loan. The employee’s spouse must consent, in writing, to the loan and the consent must be witnessed by a plan representative or notary public. Such consent must be received in writing by ICMA-RC no more than ninety (90) days before the loan request is submitted through Account Access. In the case of the Direct Loan Application, spousal consent should be sent along with the application.

Please be advised, that some states recognize a status, such as a civil union or registered domestic partnership, to carry the same rights and obligations as marriage under state law.

Multiple Plans/Providers

If you have more than one retirement plan which offers loans, including “co-administered” or “co-provider” plans, ICMA-RC will administer your loan program in your plan(s) with ICMA-RC, but you will have to perform some loan verification activities. You will need to perform these activities if loans are available to your employees from several like retirement plans, such as two separate qualified plans, or if you have different types of retirement plans (e.g. Section 457 deferred compensation and section 401 qualified plan). The degree of your involvement will depend on your situation.

1. MULTIPLE PLANS

The Code sets a maximum on the aggregate of all loans from all retirement plans in which the employee participates. If you offer retirement plans through multiple plan providers, no provider will be able to calculate, by

itself, the maximum amount that a participant may borrow at any point in time. Since only you, the employer, can determine the current outstanding loan balance and the highest outstanding loan balance in the past 12 months from all loans from any retirement plans, you will have to calculate the maximum amount that may be borrowed. This will involve obtaining all loan amounts currently outstanding and repaid in the last 12 months. Please refer to the Maximum Loan Amount Worksheet for instructions you can use to calculate the maximum loan amount for a participant.

If you elect online loans, participants are asked to input all outstanding loan balances in their online worksheet so that the program can properly calculate the maximum amount. Participants are on the “honor system” when they enter other loan amounts; **ICMA-RC is unable to verify any loan amounts associated with plans administered by other providers.** However, if there are any outstanding loans in other plans administered by ICMA-RC, our online program will take them into account.

2. SINGLE RETIREMENT PLAN/MULTIPLE PROVIDERS

If you have adopted a single retirement plan with one master plan document under which ICMA-RC and your other administrator(s) must operate, then you may ultimately have to self-administer your loan program, unless you require:

- that the maximum that may be borrowed from any provider is 50 percent of the balance with that provider and
- that the loan must be repaid only to the provider from which the loan was made.

3. MULTIPLE TYPES OF RETIREMENT PLANS/MULTIPLE PROVIDERS

If you make loans available to your employees from all of your retirement plans (e.g. Section 457 deferred compensation plan and Section 401 qualified plan), no administrator will be able to calculate, by itself, the maximum amount that a participant may borrow at any point in time. This is because the Code sets a maximum on the aggregate of all loans from all 401 and 457 plans in which the participant participates. Since only you, the employer, can determine the current outstanding loan balance and the highest outstanding loan balance in the past 12 months from all loans from any 401 or 457 plans, you will have to calculate the maximum amount that may be borrowed. This will involve obtaining all loan amounts currently outstanding and repaid in the last 12 months. Please refer to the Maximum Loan Amount Worksheet for instructions you can use to calculate the maximum loan amount for a participant.

LOAN GUIDELINES AGREEMENT

The purpose of this agreement is to establish the terms and conditions under which the Employer will grant loans to participants. You should consider each option carefully before making your selections because your selections will apply to all loans made while the selection is in effect. If you later change any provision, the changes will apply only to loans made after the change is adopted. Loans in existence at the time of any future changes will continue to operate under the guidelines that were in effect at the time the loan was originally made.

Please read the instructions and carefully complete all sections of this agreement.

☒ New Loan Program ☐ Amendment to Loan Program

I. EMPLOYER PLAN INFORMATION

Name of Plan (Enter the complete Employer name, including state): City of Richland

Plan Type: ☒ 457 Deferred Compensation Plan ☐ 401(a) Money Purchase Plan ☐ 401 Profit-Sharing Plan

ICMA-RC Plan Number: 300042

II. ELIGIBILITY & LOAN SOURCE

Loans are available to all active employees, except those with an existing loan in default.

401 Plans — If your 401 plan is funded by a combination of Employer and Employee contributions, you must specify whether one or both of the following can be used as a source for participant loans. *(Select one or both options below)*

☐ **Employer Contribution Account** *(vested balances only)*

☐ **Participant Contribution Accounts** *(pre- and post-tax, if applicable, including Employee Mandatory, Employee Voluntary, Employer Rollover, and Portable Benefits Accounts, but excluding the Deductible Employee Contribution/Qualified Voluntary Employee Contribution Account)*

Roth Assets *(if applicable)* — If your 457 or 401(k) plan allows Roth contributions, a participant's Designated Roth Account balance will be included when calculating the amount a participant is eligible to borrow. However, you must specify whether or not a participant's Designated Roth Account can be used as a source for participant loans. *(Select one option below)*

☒ A participant's Designated Roth Account **will not** be available as a source for loans under the plan (default option)

☐ A participant's Designated Roth Account **will** be available as a source for loans under the Plan.

Note: If Roth assets are available as a source for loans, a loan that is deemed distributed will not satisfy the requirements for a qualified (tax-free) distribution of Roth assets. This may result in participants paying taxes on assets that would otherwise be available tax-free.

III. LOAN PURPOSE

Loans are available for the following purposes and must be requested in the corresponding method *(select one)*:

☒ **All Purposes** — With this option, participants can request a loan for any reason. Participants will be able to request new loans or refinance existing loans using the Online Loans option.

☐ **Hardship Only** — With this option, loans shall only be granted in the event of a participant's hardship or for the purpose of enabling a participant to meet certain specified financial situations. Participants will need to complete the loan application form for your plan and obtain your approval *(Online Loans is not available)*.

The employer shall approve the participant's loan application after determining, based on all relevant facts and circumstances that the amount of the loan is not in excess of the amount required to relieve the financial need, as defined by the employer. For this purpose, financial need shall include, but not be limited to: unreimbursed medical expenses of the participant or members of the participant's immediate family, establishing or substantially rehabilitating the principal residence of the participant, or paying for a college education (including graduate studies) for the participant or his/her dependents.

LOAN GUIDELINES AGREEMENT

IV. APPLICATION PROCESS

The loan application process will vary depending on the option you selected in Section III above (Loan Purpose).

(A) ALL PURPOSES

- **Online Loans** — Participants can request a new loan or to refinance an existing loan using the ICMA-RC website at www.icmarc.org (*Online Loans*).
- **Direct Check Issuance** — ICMA-RC sends loan documents with the loan check to the participant. When the participant endorses the check, that endorsement signifies acceptance of loan terms.

(B) HARDSHIP ONLY

- **Paper Application** — A loan application must be completed, signed by the participant and approved by you, the employer.
- **Check Issuance** — Upon receipt of an approved loan application, ICMA-RC will prepare the required loan documents (i.e., the promissory note and loan disclosure statement), and send them to the employer with the loan check.
 - The loan check may not be given to the participant until the loan documents have been signed by the participant. Because the promissory note is considered a plan asset, all loan documents must be completed and preserved for at least the life of the loan. The employer should retain the original loan documents and send copies of all documents to ICMA-RC

The loan amount will generally be redeemed from the employee's account on the same day as either ICMA-RC receipt of a loan request/application (complete and in good order), if it is submitted prior to 4:00 p.m. ET on a business day. If not, the loan amount will be redeemed on the next business day following submission. The loan check for an all purpose loan is generally issued on the next business day following redemption, and will be mailed directly to the employee. The loan check for a hardship loan will be sent to the employer. The employee's presentment of the loan check for payment constitutes an acknowledgment that the employee has received and read the loan disclosure information provided by ICMA-RC and agrees to the terms therein.

V. MAXIMUM NUMBER OF LOANS (SELECT ONE)

Participants may receive one loan per calendar year. Please specify whether participants may have only one (1) or up to five (5) loans outstanding at one time.

- ☐ **One (1).** Participants may have only one (1) outstanding loan at a time.
- ☐ **Five (5).** Participants may have up to five (5) loans outstanding at one time.
- ☒ **Other.** Participants may have up to 2 (enter 2, 3, or 4) loans outstanding at one time.

VI. LOAN AMOUNT

Maximum: The maximum amount of all loans to a participant from the Plan *and all other plans of the Employer* that are either eligible deferred compensation plans described in section 457(b) of the Code or qualified employer plans under Section 72(p)(4) of the Code (e.g., 401(a) plans) shall not exceed *the lesser of:*

- (1) \$50,000, or
- (2) One-half of the value of the Participant's interest in all of his or her Accounts under this Plan.

When calculating the maximum amount a participant is eligible to borrow from his/her account, the lesser value of (1) or (2) above must be reduced by the participant's highest outstanding loan balance over the past 12 months.

Minimum: The minimum loan amount is \$1,000.

A loan cannot be issued for more than the maximum amount. The participant's requested loan amount is subject to downward adjustment without notice due to market fluctuation between the time of application and the time the loan is issued.

Loan amounts will be taken pro-rata from all of a participant's investments.

LOAN GUIDELINES AGREEMENT

VII. LENGTH OF LOAN

Loans must be repaid in substantially equal installments of principal and interest over a period that does not exceed five (5) years.

Principal Residence Loans

If the participant will be using the loan to purchase a principal residence, the five (5) year time limit may not apply. Participants can repay a principal residence loan over a period of up to 30 years. Please specify the maximum repayment period for principal residence loans from your plan below.

Maximum repayment period for principal residence loans = 5 (Enter a number of years, up to 30)

VIII. LOAN REPAYMENT PROCESS

Specify the repayment method(s) and repayment frequency your plan will use. Note that loan amounts plus interest, minus applicable fees paid to ICMA-RC, are repaid to participant accounts and not to ICMA-RC. You can allow repayments to be made via payroll deduction and/or ACH payments from a participant's bank account. Loan repayments must be made at least monthly (457) or quarterly (401).

Repayment Method (Select One):

- ☒ Payroll deduction only.
- ☐ ACH debit only.*
- ☐ Employee may choose either payroll deduction or ACH debit.*

**ACH Reject Fee — Please note a \$20 processing fee will be assessed to a participant's ICMA-RC account when a scheduled loan repayment(s) via ACH is rejected due to insufficient funds, invalid bank account information, or account closure in the participant's designated payment account.*

Repayment Frequency (Select One):

Repayments through payroll deduction will be sent via check or wire by the Employer to ICMA-RC on the following cycle (choose one):

- ☐ Weekly (52 per year)
- ☒ Bi-weekly (26 per year)
- ☐ Semi-monthly (24 per year)
- ☐ Monthly (12 per year)
- ☐ Quarterly (4 per year) — Available to 401 plans only.

Initiating Repayments:

- ACH debits from the employee's designated bank account will begin approximately one month following the date the employee's signed ACH authorization form is received and processed by ICMA-RC, or, in the case of online loans, approximately one month following the date the loan check has been cleared for payment. Debits will normally be made on a monthly basis.
- Payroll deduction should begin within two payroll cycles following the employee's receipt of the loan. Employees using this method must notify the Employer immediately so that repayments will begin as soon as practicable, on a date determined by the Employer's payroll cycle. Failure to begin payroll deduction in a timely manner could lead to the employee's loan entering delinquency status.

Investment of Loan Repayments

All loan repayments are invested according to the instructions the participant has on file for the investment of contributions to his/her account.

Additional Loan Repayments and Early Pay-Off

A participant may pay off all or a portion of the principal and interest early without penalty or additional fee. Extra payments are applied forward to both principal and interest as specified in the original repayment schedule, unless the additional payment is for the full balance due. Please note that no payment date may be "skipped" even if the employee has made a large payment or submitted multiple payments.

VIII. LOAN REPAYMENT PROCESS *(CONTINUED)*

Loans in Default

Participants using the ACH repayment option may default on their loans for lack of repayment more frequently than those using the payroll deduction method. For this reason, you may choose to require that certain participants use the payroll deduction repayment method.

Multiple Loans

If a participant has multiple loans outstanding from the plan, each loan repayment must be separately reported to ICMA-RC.

Former Employees and Leave of Absence

Former employees and employees on a leave of absence must repay their loans on the same schedule that would have applied had they continued employment.

Your plan may allow terminated employees to continue to repay their loans either through ACH, or by giving/sending you a check each repayment period (see the Acceleration section). If you allow terminated employees to repay loans by giving/sending you a check, you will include the repayment amounts in your next regular employee contribution remittance to ICMA-RC.

In certain situations, employers may suspend loan repayments for a period of time for employees on a leave of absence or military leave. Please refer to Treasury Regulation section 1.72(p)-1, Q&A-9 for more information.

Repayments Must Continue

In implementing a loan program you should be aware that some employers have had to contend with the inability of some participants to repay their loan(s). You should be aware that you may not stop taking loan repayments from the employee's paycheck — even if the employee asks that repayments be stopped. Failure to payroll-deduct loan repayments on schedule could both jeopardize the eligibility or qualification of the entire plan as well as create a taxable event for the participant. Likewise, if an employee is repaying the loan through ACH debit of his/her bank account, and the employee fails to make payments, this could jeopardize the eligibility of your retirement plan. Employers are ultimately responsible for ensuring that loans are repaid according to the loan terms.

ICMA-RC will notify both you and the employee if a payment has not been received.

IX. LOAN INTEREST RATE

The loan interest rates are set for non-residential loans at the prime rate plus 0.5%, and for principal residence loans at the FHA/VA rate. The interest rate for new loans fluctuates from month-to-month. The rates for the following month are determined on the last business day of the month using www.moneycafe.com/library/primerate.htm (prime rate) and www.citimortgage.com (principal residence rate).

When a new loan is approved, the interest rate is locked in and remains constant throughout the life of the loan.

X. SECURITY/COLLATERAL

At the time a loan is taken, 50 percent of the participant's account balance or the amount of the loan, whichever is less, will be used as collateral for the loan.

XI. ACCELERATION *(SELECT ONE)*

Please specify whether participants who have separated from service will be able to continue loan repayments until they have withdrawn their entire account balance from the plan, or if outstanding loans will be due and payable at the time the participant separates from service.

All outstanding loans shall be due and payable by a participant upon:

- ☐ **Separation from service.** All loan repayments must stop following an employee separating from service.
- ☒ **Distribution of his/her entire account balance.** Employees can continue making loan repayments until they have withdrawn their entire account balance.

Outstanding loan balances that are not repaid will be reported as distributions to the participant. See the Deemed Distributions section for additional information.

XII. REAMORTIZATION

Reamortization changes the terms of an outstanding loan (e.g., repayment period, interest rate, frequency of repayments). Any outstanding loan may be reamortized.

Reamortization cannot extend the repayment period beyond five (5) years from the date the loan was originally issued. Or, in the case of Principal Residence Loans, beyond [the number of years specified in Section VII] years from the date the loan was originally issued.

Participants can use a loan amortization form to request that an outstanding loan be reamortized. Upon processing the request, a new disclosure statement will be sent to the employer for endorsement by the participant and approval by the employer. The executed disclosure statement must be returned to the plan administrator within 10 calendar days from the date it is signed. The new disclosure statement is considered an amendment to the original promissory note; therefore a new promissory note will not be required.

***Note:** A loan reamortization will not be considered a new loan for purposes of calculating the number of loans outstanding or the one loan per calendar year limit.*

XIII. REFINANCE

Refinancing involves a new loan replacing an employee's outstanding loan. The refinanced loan must be repaid over a period that does not exceed five (5) years from the date when the original loan was issued.

Actively employed participants with one (1) outstanding loan may elect to refinance the outstanding loan for an additional amount, subject to the loan amount limitations outlined in Section VI, provided that the participant has not yet taken out a loan during the calendar year. Participants with multiple outstanding loans, and those who are no longer employed, are not eligible to refinance an existing loan.

***Note:** Principal residence loans are not eligible for refinance.*

XIV. REDUCTION OF LOAN

If a participant dies prior to full repayment of the outstanding loan(s), the outstanding loan balance(s) will be deducted from the account prior to distribution to the beneficiary(ies). The unpaid loan amount is a taxable distribution and may be subject to early withdrawal penalties. The participant's estate is responsible for taxes and penalties on the unpaid loan amount, if any. A beneficiary is responsible for taxes due on the amount he or she receives. A Form 1099 will be issued to both the beneficiary and the estate for tax reporting purposes.

XV. DEEMED DISTRIBUTIONS

A loan will be deemed distributed when a scheduled payment is still unpaid at the end of the calendar quarter following the calendar quarter in which the payment was due. When a loan is deemed distributed, the principal balance and any accrued interest is reported to the IRS as a taxable distribution. However, since the participant received the loan amount previously, no money is actually paid to the participant as part of a deemed distribution.

The loan is deemed distributed for tax purposes, but it is not an actual distribution and therefore remains an asset of the participant's account. Interest continues to accrue. The outstanding loan balance and accrued interest are reported on the participant's account statements.

Repayment of a deemed distribution will not change or reverse the taxable event.

The loan continues to be outstanding, and to accrue interest, until it is repaid or offset using the participant's account balance. An offset can occur only if the participant is eligible to receive a distribution from the plan as outlined in the plan document. Participants are required to repay any outstanding loan which has been deemed distributed before they can be eligible for a new loan. The deemed distribution and any interest accrued since the date it became a taxable event is taken into account when determining the maximum amount available for a new loan. New loans must be repaid through payroll deduction.

***Important Note:** The employer is obligated by federal regulation to comply with the loan guideline requirements applicable to participant loans, and to ensure against deemed distribution by monitoring loan repayments, regardless of the method of repayment, and by advising employees if loans are in danger of being deemed distributed. The tax-qualified status or eligibility of the entire plan may be revoked in cases of frequent repayment delinquency or deemed distribution.*

To assist plan sponsors whose plan options include loans, ICMA-RC will provide reports of participants with payments delinquent by 30 to 89 days, 90 or more days but not yet deemed, and those whose loans have been deemed distributed. ICMA-RC is committed to supporting employers who request assistance with their loan programs in order to reduce the number of delinquent loans and decrease the occurrence of deemed distributions.

LOAN GUIDELINES AGREEMENT

XVI. FEES

Fees may be charged for various services associated with the application for and issuance of loans. All applicable fees will be debited from the participant's account balance and/or from the participant's loan repayments prior to crediting the repayment of principal and interest to the participant's account.

XVII. SIGNATURES

The Employer has the right to set other terms and conditions as it deems necessary for loans from the plan in order to comply with any legal requirements. Employer certifies that all terms and conditions will be administered in a uniform and non-discriminatory manner.

In Witness Whereof, the employer hereby caused these Guidelines to be executed

this 19th day of September, 20 17.

Day of the Month

Month

Year

EMPLOYER

By: Robert J. Thompson

Title: Mayor

Attest: _____

Maximum Loan Amount Worksheet

The maximum amount a participant can borrow from his or her account is \$50,000 or 50% of the account balance, whichever is less. However, the amount must be reduced by a participant’s highest outstanding loan balance over the past 12 months (which, obviously, only impacts participants who have previously taken a loan from a 457 or qualified 401 plan). The minimum amount a participant can borrow is \$1,000.

EXAMPLE 1

Michael has never taken a loan from his account before and his 457 plan account balance at the close of business yesterday was \$84,000. To calculate the maximum loan amount he is eligible to receive, we need to determine if 50% of his account balance ($\$84,000 \times 50\% = \$42,000$) is greater than or less than \$50,000. In this case, 50% of his account balance is less than \$50,000, so the maximum loan amount Michael is eligible to receive is \$42,000.

EXAMPLE 2

Kathy has never taken a loan from her account before and her 401 plan account balance at the close of business yesterday was \$240,000. In this case, 50% of Kathy’s balance ($\$240,000 \times 50\% = \$120,000$) is greater than \$50,000, so the maximum loan amount Kathy is eligible to receive is \$50,000 (the lesser of the two amounts).

EXAMPLE 3

Pam took a \$15,000 loan from her account eight months ago (in the previous calendar year) and her 457 plan account balance at the close of business yesterday was \$130,000. In this case, 50% of Pam’s balance ($\$130,000 \times 50\% = \$65,000$) is greater than \$50,000, but that amount must also be reduced by her highest outstanding loan balance over the past 12 months, so the maximum loan amount Pam is eligible to receive is \$35,000. ($\$50,000 - \$15,000 = \$35,000$)

MAXIMUM LOAN AMOUNT WORKSHEET		
Worksheet Template		Example (using numbers from Example 3 above)
1) Enter 50% of the participant’s total plan account balance.	1) \$ _____	1) \$65,000
2) Enter the answer to #1 or \$50,000, whichever is less.	2) \$ _____	2) \$50,000
3) Enter the participant’s highest outstanding loan balance over the past 12 months (from all of your plans combined), if applicable.	3) – \$ _____	3) – \$15,000
4) Subtract #3 from #2 and you have the maximum amount the participant is eligible to receive as a new loan.	4) \$ _____ (maximum loan amount)	4) \$35,000



SUGGESTED RESOLUTION FOR A LEGISLATIVE BODY RELATING TO AMENDING A RETIREMENT PLAN TO PERMIT LOANS

401 Money Purchase Plan # 10 _____

401 Profit-Sharing Plan # 10 _____

457 Deferred Compensation Plan # 30 0042 _____

Name of Employer: City of Richland

State: WA

Resolution of the above named Employer ("Employer")

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the Employer has established a retirement plan (the "Plan") for such employees which serves the interest of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Employer has determined that permitting participants in the retirement plan to take loans from the Plan will serve these objectives;

NOW THEREFORE BE IT RESOLVED that the Plan will permit loans.

I, Marcia Hopkins, Clerk of the (City, County, etc.) of the City of Richland, do hereby certify that the foregoing resolution, proposed by (Council Member, Trustee, etc.) 162-17, was duly passed and adopted in the (Council, Board, etc.) of the (City, County, etc.) of the City of Richland at a regular meeting thereof assembled this 19th day of September, 20 17, by the following vote:

AYES: _____

NAYS: _____

ABSENT: _____



City of Richland

CLERK OF THE (CITY, COUNTY, ETC.)

Mail or fax copies of all completed documents to ICMA-RC.

Fax to:

Workflow Management Team
202-682-6439

OR

Mail to:

ICMA-RC
ATTN: Workflow Management Team
P.O. Box 96220
Washington, DC 20090-6220



457 PLAN LOAN ADMINISTRATION AGREEMENT

This Agreement is not required if you have 1) only one 457 plan provider or 2) more than one plan provider each with its own plan document and provisions unique to each provider. **The Agreement only applies if you have adopted a single 457 plan document under which ICMA-RC and one or more other provider(s) must operate.** Please refer to the Multiple Plans/Providers section of the Loan Guidelines Agreement Instructions for more details.

This Agreement shall serve as an Addendum to the Loan Guidelines established by the Employer identified below and as an Addendum to the Administrative Services Agreement (ASA) made by and between the ICMA Retirement Corporation (ICMA-RC) and the Employer.

The Employer currently sponsors a section 457 deferred compensation plan administered by two or more providers (co-provider plan). In order to ensure the efficient administration of the loan program established by the Employer, the Employer hereby agrees and declares that

- (1) For purposes of issuing loans from the plan, that portion of the plan's assets administered by ICMA-RC will be treated as though it were a separate and distinct plan.
- (2) The Employer shall calculate the amount a participant may borrow from the ICMA-RC administered portion of the plan. No loan amount may exceed the lesser of (a) the maximum loan amount specified in Internal Revenue Code section 72(p)(2)(A) or (b) 50% of the participant's ICMA-RC-administered account balance.
- (3) All loan repayments must be made to the participant's ICMA-RC-administered account for the life of the loan.

AGREED as of the 19th day of September, 20 17:

Name of Employer: City of Richland

State: WA

Employer Plan Number: 30 0042

Authorized Official (Print Name): Robert J. Thompson

Signature of Authorized Official: _____

Mail or fax copies of all completed documents to ICMA-RC.

Fax to:

Workflow Management Team
202-682-6439

OR

Mail to:

ICMA-RC
ATTN: Workflow Management Team
P.O. Box 96220
Washington, DC 20090-6220



LOAN AMENDMENT (401 PLANS ONLY)

ICMA-RC GOVERNMENTAL 401 PLAN & TRUST AMENDMENT TO ADD LOANS

- I. Name of Employer: _____ State: ____
- II. ICMA-RC Plan # **10** _____
- III. Loans are permitted under the plan, as provided in Article XIII of the Adoption Agreement and in the executed *Loan Guidelines Agreement*.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on
this _____ day of _____, 20 ____.

EMPLOYER

By: _____

Title: _____

Attest: _____

Mail or fax copies of all completed documents to ICMA-RC.

Fax to:

Workflow Management Team
202-682-6439

OR

Mail to:

ICMA-RC
ATTN: Workflow Management Team
P.O. Box 96220
Washington, DC 20090-6220

PKT5010-006-22962-201503-489



CITY OF RICHLAND
RICHLAND CITY COUNCIL
505 Swift Boulevard, MS-04
Richland, WA 99352
Telephone (509) 942-7381
Fax (509) 942-7379

CI.RICHLAND.WA.US · 509-942-7390

September 19, 2017

Peter Hoerber
ICMA-RC
2635 N. 1st Street - Suite 207
San Jose, CA 95134

RE: 457 PLAN #300042 LOAN PROVISION

Dear Peter:

The City of Richland, WA Plan #300042 is adding the ability for participants to access assets via a Loan in the City's 457 plan, per Resolution No. 162-17, September 19, 2017 (Attachment 1) and ICMA-RC Loan Guidelines Agreement (Attachment 2).

As part of the approved loan provision, the City hereby requests ICMA-RC open the ACH repayment method for separated participants only.

For any questions please contact Allison Jubb directly at 509-942-7393.

Regards,

Robert J. Thompson
Mayor

Attachments

Cc: ICMA-RC 457 Plan #300042 File
Allison Jubb, HR Director



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Resolution No. 166-17, Expressing Appreciation to Suzanne Mitchell for Service on the Economic Development Committee

Department:
City Attorney

Ordinance/Resolution Number:
166-17

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 166-17, expressing appreciation to Suzanne Mitchell for her service on the Economic Development Committee.

Summary:

Ms. Mitchell was appointed to the Economic Development Committee on August 7, 2007, and will serve until her term expires on September 30, 2017.

Fiscal Impact:

None.

Attachments:

I. Resolution No. 166-17

RESOLUTION NO. 166-17

A RESOLUTION expressing the appreciation of the City of Richland and its citizens to Suzanne Mitchell for the service she rendered to the City as a member of the Economic Development Committee.

WHEREAS, Suzanne Mitchell was first appointed to the Economic Development Committee on July 7, 2007, and will have served for ten years and one month when her term concludes on September 30, 2017; and

WHEREAS, Ms. Mitchell served as an At Large Member and represented the technical and business aspects of Hanford during her tenure; and

WHEREAS, during her tenure, the Economic Development Committee actively participated in the approval process for large-scale real estate transactions in the Horn Rapids area, commercial development along Columbia Point, and small business support through the Business License Reserve Fund and Commercial Improvement Program; and

WHEREAS, Ms. Mitchell has faithfully worked to support Richland businesses and to further the economic development goals and priorities through her insightful comments and generous gifts of her time and talent.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City and its citizens express publicly and formally to Suzanne Mitchell their appreciation for the service she rendered to the City during her tenure as a member of the Economic Development Committee.

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

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Resolution No. 169-17, Authorizing a License and Services Agreement with Tyler Technologies, Inc., for Enterprise Resource Planning (ERP) Software and Implementation Support Services

Department:

Assistant City Manager

Ordinance/Resolution Number:

169-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 169-17, authorizing the City Manager to sign and execute a License and Services Agreement with Tyler Technologies, Inc., to provide Enterprise Resource Planning (ERP) software and implementation support services.

Summary:

Beginning in 2010, the City has replaced its technology infrastructure and applications according to a strategic plan and governing committee. As a result, the City has systematically upgraded and/or replaced its systems to keep pace with technology and provide the most cost effective service delivery to our citizens.

One of the core systems that needs to be addressed is the financial system, also known as the Enterprise Resource Planning (ERP) system. The City has multiple disparate systems that do not integrate well with the backend financial software, requiring duplication of efforts, data across multiple applications, and multiple points of manual data entry.

The City worked with a consulting firm Berry, Dunn, McNeil and Parker LLC starting in 2016 to identify City needs and to document current processes, conduct requirements gathering, gap analysis, and development of a request for proposal to seek qualified software vendors to replace the legacy system. City staff conducted a competitive request for proposal (RFP) procurement in compliance with the City's Purchasing laws under RMC Chapter 3.04. Two RFP responses were received, and the selection of Tyler Technologies, Inc. (Tyler) was made based on services and cost. Tyler has a singular focus delivering information management solutions and services to more than 14,000 local government offices throughout all fifty states. Tyler is also singularly focused on the public sector.

Staff recommends approval of Resolution No. 169-17, authorizing the City Manager to sign and execute an agreement with Tyler Technologies, Inc. for ERP software and implementation support services.

Fiscal Impact:

The total cost of the proposed Phase I and II is estimated at \$2,118,462 excluding tax and travel expenses. The 2017-2020 expenses have been budgeted into the Capital Improvement Plan (CIP) in anticipation of this engagement.

Attachments:

1. Resolution No. 169-17
2. Proposed Contract
3. Proposed Statement of Work
4. Tyler Technologies Sales Quotation for ERP Software

RESOLUTION NO. 169-17

A RESOLUTION of the City of Richland authorizing award of bid and execution of an agreement with Tyler Technologies, Inc., for the purchase and implementation of an Enterprise Resource Planning System.

WHEREAS, in March 2016, the City contracted with Berry, Dunn, McNeil & Parker LLC (dba Berry Dunn) to provide consulting services to review current financial systems and processes for replacement including financial, human resources, payroll, fleet management, land use planning, etc.; and

WHEREAS, on November 10, 2016, the City issued Request for Proposal (RFP) No. 16-0131 for Enterprise Resource Planning Software and Implementation Services; and

WHEREAS, the RFP review committee evaluated each proposal and determined that Tyler Technologies, Inc. best met the City's operational, technological, and fiscal requirements; and

WHEREAS, funds in the City's approved budget, through the 2016-2020 Capital Improvement Plan (CIP), include software licensing, implementation, and staffing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute an agreement with Tyler Technologies, Inc. for the purchase and implementation of an Enterprise Resource Planning System.

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

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

**LICENSE AND SERVICES AGREEMENT FOR THE
ENTERPRISE RESOURCE PLANNING SYSTEM
BETWEEN THE CITY OF RICHLAND AND TYLER TECHNOLOGIES, INC.**

This License and Services Agreement ("Agreement") is made by and between Tyler Technologies, Inc., a Delaware corporation with offices at One Tyler Drive, Yarmouth, Maine 04096 (hereinafter "Tyler") and the City of Richland, a Washington municipal corporation (hereinafter "City") whose address is 505 Swift Blvd. MS-03, Richland, WA 99352.

WHEREAS, City issued a Request for Proposals on November 10, 2016 for the purpose of acquiring Software and Implementation Services for an Enterprise Resource Planning System ("Systems"); and

WHEREAS, Tyler responded to the City's Request for Proposals with their Proposal dated January 12, 2017; and

WHEREAS, City requested clarification, and Tyler responded to City's request for clarifications; and

WHEREAS, City has selected Tyler to furnish, deliver, install, and implement the System as indicated in the Investment Summary and the Statement of Work; and

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and promises set forth in this Agreement, Tyler and City agree Tyler shall provide the products and services, and City shall pay for prices as set forth in this Agreement.

SECTION A – AGREEMENT DOCUMENTS

1. Agreement Documents. This Agreement includes the following documents listed below. These form the entire Agreement between the parties, and are fully integrated into this Agreement as if stated or repeated herein. In the event of a conflict between the documents, the order of precedence will be the order listed below. An enumeration of the Agreement documents is set forth below:

- | | |
|--------------|---|
| a. Contract | City of Richland Agreement No. 184-17. |
| Exhibit A | Investment Summary |
| Exhibit E | Statement of Work |
| Exhibit B | Invoicing and Payment Policy |
| | 1. Schedule 1: Business Travel Policy |
| Exhibit C | Maintenance and Support Agreement |
| | 2. Schedule 1: Support Call Process |
| Exhibit D | DocOrigin End User License Agreement |
| Exhibit F | Agreement for Tyler Systems Management (TSM) |
| Exhibit G | Software Modifications |
| Exhibit J | Hardware Recommendations |
| b. Exhibit H | Tyler's Proposal response dated January 12, 2017 ("Proposal") |
| c. Exhibit I | Request for Proposal City's RFP 16-0131 dated November 10, 2016 |

SECTION B – DEFINITIONS

- **"Agreement"** means this License and Services Agreement including associated documents listed in

Section A (1) above.

- **“Acceptance Criteria”** means the criteria to be used to accept Deliverables from Tyler, as outlined in Exhibit E: Statement of Work.
- **“Business Travel Policy”** means Tyler’s business travel policy. A copy of Tyler’s current Business Travel Policy is attached as Schedule 1 to Exhibit B, Invoicing and Payment Policy.
- **“Change Order/Change Request” or “Amendment”** means any alteration to this Agreement that has been agreed to by both parties in writing. A form used as part of the Change Control Process whereby changes in Scope of Work, Timeline, Resources, and/or Budget are revised, reviewed and agreed upon by participating parties prior to implementation of change.
- **“City”** means City of Richland, Washington.
- **“Conditional Acceptance”** has the meaning set forth in Section D 11.1.1.1
- **“Defect”** means a failure, other than for minor or inconsequential errors (not of financial impact), of the Tyler Software or related services, to conform to:
 - To conform to the functional descriptions set forth in Tyler’s written proposal to the City, or
 - To Tyler’s functional equivalents, or
 - To Tyler’s then-current Systems Documentation.
 - Future functionality that may be updated, modified, or otherwise enhanced through our maintenance and support services. The governing functional descriptions for such future functionality will be set forth in our then-current Documentation.
- **“Deliverable”** has the meaning indicated in the Statement of Work.
- **“Developer”** means a third party who owns the intellectual property rights to Third Party Software.
- **“Documentation”** means any online or written documentation related to the use or functionality of the Tyler Software that Tyler provides or otherwise make available to the City, including instructions, user guides, manuals and other training or self-help documentation.
- **“Effective Date”** means the date upon which the Agreement has been fully executed by both parties.
- **End User** – The person who uses the Tyler Software on a day-to-day basis.
- **“Enterprise Resource Planning” or “ERP”** means the collection of business processes, policies, data, conversions, software and documentation, used by the City to manage, control and plan its financial and human resource functions in order to effectively serve its staff, residents and businesses.
- **“Final Acceptance”** has the meaning set forth in Section **D (11.1.2.2)**
- **“Force Majeure”** means without limitation an event beyond the reasonable control of either party, including, without limitation, governmental action, war, military acts, riot or civil commotion, fire, natural disaster, and/or similar occurrences beyond the non-performing party’s reasonable control, or any other cause that could not with reasonable diligence be foreseen or prevented by Tyler or the City. Refer to Section H item 3.
- **“Implementation”** means the completion of the associated services listed in Exhibit A, Investment Summary and described in Exhibit E: Statement of Work and otherwise in the accordance with the terms of this Agreement
- **Installation** means the downloading and installation of the Tyler software files and completion of placing the Tyler Software on the City hardware, including server application, database files and structure, web application and configuration and any supporting files necessary for the proper running of the Tyler software. Installation also includes basic testing levels which assure that the Tyler software can be used in the City’s non-production and production environments. As a primarily browser-based application, client side applications are limited, but if any are necessary, Tyler will educate City Staff on any PC installation related items and assist with up to five (5) client PC’s application installations at no additional cost to the City.

- **“Investment Summary”** means the agreed upon cost proposal for the software, products, and services - attached as Exhibit A.
- **“Invoicing and Payment Policy”** means the invoicing and payment policy attached as Exhibit B.
- **“Maintenance and Support Agreement”** means the terms and conditions governing the provision of maintenance and support services provided by Tyler to the City attached as Exhibit C.
- **“Milestones”** means those specific tasks identified in Exhibit E: Statement of Work associated with a defined Deliverable(s)
- **“Personally Identifiable Information (PII)”** means data and information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify a person in context.
- **“Phase”** means the primary phases of the system implementation as described in Exhibit E: Statement of Work.
- **“Project Requirements”** means the implementation of the Tyler Software in conformance with the Documentation.
- **“Proposal”** means the written response from Tyler dated January 12, 2017 to the Request for Proposal by the City for an Enterprise Resource Planning (ERP) System.
- **“Request for Proposal”** means the Request for Proposal, RFP 16-0131, titled Enterprise Resource Planning (ERP) Software and Implementation Services, issued by the City on November 10, 2016.
- **“Schedule”** means the document created to record timeframes and resources required for specific tasks that must be performed in order to produce the Deliverable(s) in accordance with Exhibit E: Statement of Work. The document includes planned start and expected finish dates for performing each task and projected timelines for meeting Milestones.
- **Self Help Code** means any back door, time bomb, drop dead service, or other disruptive technologies or software routine designed by, or for the use of, Tyler, to disable a computer program automatically with the passage of time or under the positive control of Tyler or any other person other than a licensee of the System. “Self-help-code” does not include software routines in a computer program, if any, designed to permit the owner of the computer program (or other person acting by authority of the owner) to obtain access to a licensee’s computer system(s) (e.g. remote access) for the purposes of maintenance or technical support as identified in the Maintenance and Support Agreement.
- **“Software Modification”** means the agreed upon change to the software functionality by Tyler in accordance with Exhibit E: Statement of Work, Exhibit K: Software Modifications, and Exhibit A, Investment Summary, to meet the City’s functional need.
- **“Statement of Work”** means the document set forth as Exhibit E: Statement of Work, describing the scope of work, major work activities, Schedule, and project governance roles and responsibilities of the parties and personnel involved.
- **Successor Software** means software that Tyler provides customers to replace existing software with similar features and functionality to the existing Tyler software
- **“Support Call Process”** means the support call process applicable to all of Tyler’s customers who have licensed the Tyler Software. A copy of Tyler’s current Support Call Process is attached as Schedule 1 to Exhibit C Maintenance and Support Agreement.
- **“System”** means the Enterprise Resource Planning (ERP) solution identified in the Request for Proposal, including but not limited to the Tyler Software, interfaces, Documentation, and Updates to be provided by Tyler to the City under this Agreement
- **“Third Party Terms”** means the end user license agreement(s) or similar terms for the Third Party Software, as applicable and identified in Exhibit D: OF Software Ltd., DocOrigin End User License Agreement.
- **“Third Party Hardware”** means the third party hardware, if any, identified in the Investment Summary.

- **“Third Party Products”** means the Third Party Software and Third Party Hardware, if any, identified in Exhibit A, Investment Summary.
- **“Third Party Software”** means the third party software, if any, identified in Exhibit A, Investment Summary.
- **“Tyler”** means Tyler Technologies, Inc., a Delaware corporation.
- **“Tyler Software”** means Tyler’s proprietary software, including any integrations, custom modifications, and/or other related interfaces identified in this Agreement, including Exhibit A, Investment Summary and licensed by Tyler to the City through this Agreement.
- **“Releases”** means new versions of the licensed Tyler Software provided by Tyler pursuant to this Agreement.
- **“we”, “us”, “our”** and similar terms mean Tyler Technologies, Inc.
- **“you”** and similar terms mean City of Richland, Washington.

SECTION C— SOFTWARE LICENSE

1. License Grant and Restrictions.

- 1.1 Tyler grants to the City a license to use the Tyler Software for the City’s internal business purposes only, specifically including those identified in Exhibit I, Request for Proposal. The City may make copies of the Tyler Software for backup and testing purposes, so long as such copies are not used in production and the testing is for internal use only. The City’s rights to use the Tyler Software are perpetual but may be revoked if the City unreasonably fails to comply with any of the material terms of this Agreement, and has not cured such material failure within any applicable cure period.
- 1.2 Without limiting the terms of Section 1.1 above, the City understands and agrees that the Transparency Portal module set forth in Exhibit A, Investment Summary, if purchased, is licensed to the City on a subscription basis. If the City does not pay the required annual fee in accordance with Exhibit B, Invoicing and Payment Policy, the City’s license to use the associated module will be suspended unless and until payment in full has been made.
- 1.3 The Documentation is licensed to the City and may be used and copied by City employees, contractors, agents and affiliates for its municipal non-commercial reference purposes only. The City is responsible for the compliance of its employees, contractors, agents and affiliates with these conditions. The City reserves the right to modify Documentation for its municipal, non-commercial reference purposes.
- 1.4 The City may not: (a) transfer or assign the Tyler Software to a third party; (b) reverse engineer, decompile, or disassemble the Tyler Software; (c) rent, lease, lend, or provide commercial hosting services with the Tyler Software; or (d) publish or otherwise disclose the Tyler Software or Documentation to third parties.
- 1.5 The license terms in this Agreement apply to releases Tyler provides to the City or otherwise make available to the City through Exhibit C, Maintenance and Support Agreement.
- 1.6 The right to transfer the Tyler Software to a replacement hardware system is included in the City’s perpetual license. The City will give Tyler advance written notice of any such transfer and will pay Tyler at Tyler’s then current rates for any required or requested technical assistance from Tyler associated with such transfer. In the event there are System performance issues or Tyler Software errors that Tyler identifies as arising out of a transfer that the City did not provide Tyler advance written notice of, Tyler nevertheless will work with the City to correct such issues and errors, charging the City at Tyler’s then-

current rates for those services. Should the City have a Tyler System Management Services agreement (TSM) in effect at the time of transfer, none of the foregoing shall apply in the event such work is provided by Tyler pursuant to a Tyler System Management Services agreement (TSM).

- 1.7 Tyler reserves all of its licensing and intellectual property rights not expressly granted to the City in this Agreement. The Tyler Software and Documentation are protected by copyright and other intellectual property laws and treaties. Tyler owns the title, copyright, and other intellectual property rights in the Tyler Software and the Documentation. **The Tyler Software is licensed, not sold, hereunder.**
2. License Fees. The City agrees to pay Tyler the license fees in the amounts set forth in the Investment Summary payable in accordance with Tyler's Invoicing and Payment Policy as identified in Exhibit B. Tyler guarantees pricing for software licensing as stated in Exhibit A, Investment Summary, for a period of at least twenty-four (24) months from the Effective Date.
3. Escrow. Tyler maintains an escrow agreement with a third party under which Tyler places the source code for each major release of the Tyler Software. The City may be added as a beneficiary to the escrow agreement by completing a standard beneficiary enrollment form and paying the annual beneficiary fee set forth in Exhibit A, Investment Summary. The City will be responsible for maintaining their ongoing status as a beneficiary, including payment of the then-current annual beneficiary fees. Release of source code for the Tyler Software is strictly governed by the terms of the escrow agreement.
4. Limited Warranty. Tyler warrants that the Tyler Software will be without Defect(s) as long as the City has a Maintenance and Support Agreement in effect. If the Tyler Software does not perform as warranted, Tyler will use all reasonable efforts, consistent with industry standards, to cure the Defect as set forth in the Exhibit C, Maintenance and Support Agreement and in a timely manner as described by the Support Call Process "incident handling" provisions. Defect resolution will be performed consistent with this warranty for no additional cost beyond the City's then-current maintenance and support fees. Tyler also guarantees to maintain and timely renew the Maintenance and Support Agreement annually for a period of at least ten (10) years from the Effective Date, at the then option of the City and as long as the City pays the annual fee associated with the Maintenance and Support Agreement.
5. Surreptitious Code. Tyler represents and warrants that the Tyler Software delivered to the City, including but not limited to the Tyler Software and Releases, do not contain any "self-help-code" or any "unauthorized code" as both are defined in this Agreement.
6. Successor Software / Alternative Products. Any time within ten (10) years from the Effective Date, and provided the City has maintained its Maintenance and Support Agreement for the Tyler software, in the event (i) the Tyler Software is no longer supported and (ii) Tyler makes available successor software products the City, at its sole discretion, may execute the right to transfer the Tyler software to the Successor Software for no additional license fees. In the event the City elects to transfer its perpetual license from the Tyler Software to a perpetual license for the Successor Software, the City shall return the originally licensed Tyler Software once the Successor Software is implemented. The City shall pay the then-current maintenance fees for the Successor Products, together with any fees for services, Third Party Software, Hardware and/or Products associated with the transfer to the Successor Products, at Tyler's then-current rate(s).

Alternatively, if Tyler makes available another product with substantially similar pricing, features and

functionality to the Tyler Software (Alternate Product), the City may execute the right to exchange the Tyler Software for that Alternate Product. In such an event, the City shall return the originally licensed Tyler Software once the Alternate Software is implemented. The City shall pay the then-current maintenance fees for the Alternate Products, together with any fees for services, Third Party Software, Hardware and/or Products associated with the transfer to the Alternate Products, at Tyler's then-current rate(s).

SECTION D – PROFESSIONAL SERVICES

1. Services. Tyler will provide the City its implementation-related services itemized in the Exhibit A, Investment Summary, in a professional and timely manner, consistent with industry standards, and will manage the delivery and implementation of the Tyler Software and the performance of all services in connection therewith as described in the Exhibit E: Statement of Work.
2. Professional Services Fees. The City agrees to pay Tyler the professional services fees in the amounts set forth in the Exhibit A, Investment Summary as identified in Exhibit B, Invoicing and Payment Policy. The City acknowledges that the fees stated in the Investment Summary are good-faith estimates of the amount of time and materials required for the implementation. Tyler will bill the City actual fees incurred, based on the in-scope services as described in Exhibit E: Statement of Work. The current daily implementation rate of \$1,275 shall be maintained for a minimum period of twenty-four (24) months following the Effective Date.

Any discrepancies in the total values set forth in the Investment Summary will be resolved by multiplying the applicable daily rate by the quoted days.

3. Additional Services. Exhibit A, Investment Summary, contains, and Exhibit E: Statement of Work describes, the scope of services and related costs (including programming and/or interface estimates) required for the project based on Tyler's understanding of the specifications supplied by the City. Should additional related work be required, or if the City uses or requests additional related services, Tyler will provide the City with an addendum or Change Order, as applicable, outlining the costs for the additional work. The price quotes in the addendum or Change Order will be valid for sixty (60) days from the date of the quote. Under no circumstances will Tyler deliver services to the City in excess of those itemized in the Exhibit A, Investment Summary, without the City's advance written consent. The thirty-six (36) Post Go-Live Additional Implementation, Forms and Reporting Services Days shall be scheduled and delivered if and only as mutually agreed upon by both parties.
4. On-Site Work Cancellation. Tyler will exercise all reasonable efforts to schedule Tyler personnel for travel, including arranging travel reservations, at least two (2) weeks in advance of commitments. Therefore, and notwithstanding any statement to the contrary in Exhibit A, Investment Summary, should the City repeatedly cancel on-site services less than two (2) weeks in advance (other than for Force Majeure (including weather-related) or breach by Tyler), the City will be liable for all (a) non-refundable expenses incurred by Tyler on the City's behalf, and (b) daily implementation fees associated with cancelled professional services should Tyler be unable to reassign Tyler personnel. Such services shall not to exceed two (2) days for affected personnel per instance of cancellation provided Tyler has notified the City in writing of Tyler's intent to pass those fees and expenses on to the City in result of the City's repeated late cancellations.
5. Tyler will exercise all reasonable efforts to reassign personnel in the event the City cancels within two (2) weeks of scheduled commitments. Tyler will exercise all reasonable efforts to maintain consistency of Tyler personnel originally assigned to the project for the rescheduled days. In the event that a Tyler resource,

originally assigned to t perform On-Site services is not available to perform such services at the proposed rescheduled time due to City On-Site Work Cancellation or delay, the City will retain the ability to request to modify the timeline to retain originally scheduled Tyler personnel, and Tyler will not unreasonably refuse such request. In the event replacement personnel are used for such rescheduled services, Tyler agrees that such personnel will be prepared to deliver such services in accord with Section D(9) below.

6. Services and Performance Warranty. Tyler will perform the services in connection with the implementation and Installation of the System as defined in Exhibit E: Statement of Work in a professional and timely manner, consistent with industry standards. Tyler will work in cooperation with City staff and/or other contractors under contract with the City, as may be necessary, to assure the timely and successful Implementation of the System in accordance with Exhibit E: Statement of Work. Tyler will also provide expert guidance regarding the use and configuration of the Tyler Software in order to meet the City's requirements. These shall include, but not limited to, best practice guidance for the software and local government financial business processes. In the event Tyler provide services that do not conform to this warranty, Tyler will satisfactorily re-perform such services at no additional cost to the City. In addition, Tyler warrants to the City that the Deliverables will perform in accordance with the description of the functions and capabilities as described in this Agreement, provided the Deliverables are used in accordance with Tyler's instructions and then-current Documentation.
7. Site Access and Requirements. At no cost to Tyler, the City agrees to provide Tyler with full and free access to City personnel, facilities, and equipment as may be reasonably necessary for Tyler to provide implementation services according to the project schedule and Deliverables set forth in Exhibit E, Statement of Work, subject to security protocols or other written policies provided to Tyler as of the Effective Date, and thereafter as mutually agreed to by Tyler and the City. The City further agrees to provide a reasonably suitable environment, location, and space for the installation of the Tyler Software and any Third Party Products, including, without limitation, sufficient electrical circuits, cables, and other reasonably necessary items required for the installation and operation of the Tyler Software and any Third Party Products.
8. Client Assistance. The City acknowledges that the implementation of the Tyler Software is a cooperative process requiring the time and resources of City personnel. The City agrees to use all reasonable efforts to cooperate with and assist Tyler as may be reasonably required to meet the agreed upon project deadlines and other milestones for implementation as set forth in Exhibit E: Statement of Work. This cooperation includes working with Tyler to schedule the Implementation-related services as outlined in Exhibit E: Statement of Work. Tyler will not be liable for failure to meet any deadlines and milestones when such failure is due to Force Majeure or to the failure by City personnel to provide such cooperation and assistance (either through action or omission). In the event of delays by either party in completing required actions or delays as a result of Force Majeure, the project Schedule as described in Exhibit E: Statement of Work shall be revised as mutually agreed to in writing by both parties.
9. Personnel. After the Effective Date, and in coordination with the project kick off activities identified in Exhibit E: Statement of Work, Tyler will recommend Tyler project staffing assignments for review by the City. Tyler will provide the City with project-based resumes for its key project personnel demonstrating relevant past project experience. The Tyler supplied resumes are for the City's information and planning purposes only and will not be shared outside of the project. Upon assembly of the Tyler team and identification of the City counterparts, both parties agree, except for reasons outside of their control, each party will not remove the assigned personnel without advanced written notice of at least ten (10) business days to the other party. Both parties also agree they will work together to mitigate any project impacts associated resulting from such removal and work together to manage any project impacts resulting from the

temporary unavailability of project staff from either party. In the event Tyler personnel is/are not providing services consistent with Tyler's Services and Performance Warranty as described in Section D(6) or are otherwise adversely impacting project progress as identified in Exhibit E: Statement of Work, the City will notify Tyler of the deficient issue and provide Tyler reasonable opportunity to correct any deficiency. In the event that the deficiency persists, Tyler will timely replace that personnel upon request by the City. Tyler replacement staff shall have the equivalent experience and expertise of the Tyler person being replaced. Tyler replacement personnel shall successfully acquire project knowledge to move the project forward as described in Exhibit E: Statement of Work, at no additional cost to the City.

10. Policy Violation. The city reserves the right to immediately remove any Tyler personnel that violates City Policy Prohibiting Discrimination and Harassment or City Policy Prohibiting Workplace Violence included in the Exhibit I: City's RFP 16-0131 dated November 10, 2016, or as amended. Should the City make any updates to these policies, the City will timely provide Tyler with the most current version of the policies.
11. System Acceptance.
 - 11.1 The City will use a two-staged acceptance process for each Phase of the Project as defined in Exhibit E: Statement of Work. Upon verification by Tyler that the System, including the Tyler Software and any Third Party Products, will meet all requirements in this Agreement for the respective Phase, Tyler shall provide notification to the Client that it can begin testing "pre-live testing."
 - 11.1.1 For "pre-live testing" the City shall have a minimum of forty-five (45) calendar days to test the System in a non-production environment for any Defects.
 - 11.1.1.1 If there are no Defects identified during pre-live testing, the City shall notify Tyler that "Conditional Acceptance" has been achieved for the Phase being tested.
 - 11.1.1.2 In the event that City identifies any Defects, the City shall notify Tyler in writing. Tyler will correct the Defect(s) or provide a mutually agreeable plan for future resolution of any Defect(s) and the City may repeat pre-live testing for a mutually agreeable time period, not to exceed fifteen (15) days. This procedure shall repeat until the City's confirmation that Conditional Acceptance has been achieved or Tyler and the City make decision to move system to production environment.
 - 11.1.2 Once the System has been moved and the City begins using the System in a production environment, the City will begin "post-live testing."
 - 11.1.2.1 The City will have a minimum of sixty (60) calendar days to test the System in in a live production environment for any Defects and to verify that all Services have been completed and that the Tyler Software and Third Party Products conform to the Documentation (the Project Requirements).
 - 11.1.2.2 If there are no Defects identified during post-live testing or any outstanding Project Requirements, the City shall issue "Final Acceptance" for the Phase being tested. Upon "Final Acceptance" of the last Phase of the project, the City shall also grant "Project Closure."
 - 11.1.2.3 If the City determines that there is a Defect or outstanding Project Requirement, the City will notify Tyler in writing. Tyler will correct the Defect(s) and resolve outstanding issues or provide a mutually agreeable plan for future resolution of any Defect(s) or Project Requirement. Upon resolution, the City may repeat the post-live testing for a mutually agreeable time period, not to exceed fifteen (15) days. This procedure shall repeat until all Defects have been resolved and Project Requirements satisfied or the City and Tyler in their reasonable discretion mutually agree to an alternative schedule for issue resolution and the City issues Final Acceptance.

SECTION E – MAINTENANCE AND SUPPORT

Tyler will provide the City with maintenance and support services for the Tyler software under the terms of

Exhibit C: Maintenance and Support Agreement. Tyler guarantees to maintain and renew the Maintenance and Support Agreement annually for a period of at least ten (10) years, at the option of the City and for so long as the City pays the annual fee associated with the Maintenance and Support Agreement., The City agrees to pay Tyler the annual maintenance and support fees in accordance with Tyler's Invoicing and Payment Policy as set forth in Exhibit B, for all such services. Tyler agrees to perform such services in a professional and timely manner, consistent with industry standards

The City may opt to discontinue ongoing maintenance and support services for any individual modules of the Tyler Software, in which case, the Maintenance and Support Agreement will not apply to the individual modules for which the City has not renewed the services. The City will receive only maintenance and support on the individually discontinued modules of the Tyler Software on a time and materials basis. For modules where support has not been renewed, the City will:

- (i) receive the lowest priority under the Tyler Support Call Process;
- (ii) be required to purchase new releases of the Tyler Software, including fixes, enhancements and patches;
- (iii) be charged Tyler's then-current rates for support services, or such other rates that Tyler may consider necessary to account for the City's lack of ongoing training on the Tyler Software;
- (iv) be charged for a minimum of two (2) hours of support services for every support call; and
- (v) not be granted access to the support website for the Tyler Software or the Tyler Community Forum.

The City shall provide thirty (30) calendar day advance written notice to Tyler of the City's request to discontinue maintenance and support services on certain Tyler Software modules. In such event, Tyler will calculate a pro rata reduction in the City's maintenance and support fees. Should the City desire to reinstate services, the terms of Exhibit C, Maintenance and Support Agreement will apply once the City pays the lesser of all back support due for the reinstated maintenance and support services or the then-current license fee for the Tyler Software module(s) being reinstated with Maintenance and Support.

SECTION F – THIRD PARTY PRODUCTS

To the extent there are any Third Party Products set forth in Exhibit A, Investment Summary, the following terms and conditions will apply:

1. Third Party Hardware. Tyler will sell, deliver, and install onsite the Third Party Hardware, for which the City has purchased, for the price set forth in the Exhibit A, Investment Summary. Those amounts are payable in accordance with Exhibit B, Invoicing and Payment Policy.
2. Third Party Software. Upon full payment of the Third Party Software license fees, the City will receive a non-transferable license to use the Third Party Software and related documentation for the City's internal business purposes only. The City's license rights to the Third Party Software will be governed by the Third Party Terms.

2.1 Tyler will install onsite the Third Party Software. The cost for installation is included in Exhibit A, Investment Summary.

2.2 If the Third Party Software Developer charges a fee for future updates, releases, or other enhancements

to the Third Party Software, the City will be required to pay such additional future fee”.

2.3 The right to transfer the Third Party Software to a replacement hardware system is governed by the Third Party Developer. The City will give Tyler thirty (30) days advance written notice of any such transfer. The City will pay Tyler for any required or requested technical assistance from Tyler associated with such transfer, if not already covered under Exhibit F, Tyler Systems Management Agreement. Should the City have purchased this service, within the current year, Tyler will provide the requested technical service at no additional cost to the City to the extent covered under Tyler’s Systems Management Agreement.

3. Third Party Products Warranties.

3.1 Tyler is authorized by each Third Party Developer to grant or transfer the licenses to the Third Party Software.

3.2 All Third Party Hardware will be new and unused, and upon full payment by the City, the City will receive free and clear title to the Third Party Hardware.

3.3 The City acknowledges that Tyler is not the manufacturer of the Third Party Products. Tyler does not warrant or guarantee the performance of the Third Party Products. However, Tyler shall grant and pass through to the City any warranty that Tyler may receive from the Third Party Developer or supplier of the Third Party Products. Tyler warrants that the Third Party Product will work with the originally installed version of the Tyler Software if and as indicated in Exhibit H: Tyler Proposal Response.

3.4 In the event Tyler uses any third party software to provide functionality warranted as Tyler Software under this Agreement, Tyler shall be responsible for continuing to provide the warranted functionality in accordance with **Section C(4)** of this Agreement in the event the 3rd party software is no longer available to Tyler.

4. Maintenance. If the City has a Maintenance and Support Agreement in effect, the City may report defects and other issues related of the Third Party Software directly to Tyler. Tyler will (a) directly address the Defect or issue, to the extent it relates to Tyler’s interface with the Third Party Software; and/or (b) facilitate resolution with the Third Party Developer, unless the Third Party Developer requires the City to execute a separate, direct maintenance agreement directly with that Third Party Developer. In all events, if the City does not have a Maintenance and Support Agreement in effect with Tyler, the City will be responsible for resolving Defect(s) and other issues related to the Third Party Software directly with the Developer.

SECTION G— INVOICING AND PAYMENT; INVOICE DISPUTES

1. Invoicing and Payment. Tyler will invoice the City for all fees set forth in Exhibit A, Investment Summary, as per Exhibit B, Invoicing and Payment Policy, subject to Section G(2) of this Agreement.
2. Invoice Disputes. If the City believes any delivered software or service does not conform to the Services and Performance Warranty, Section D(6) above, or other applicable provisions and warranties of this Agreement, the City will provide Tyler with written notice of same within thirty (30) days of the City’s receipt of the applicable invoice. The written notice must contain reasonable detail of the issues the City contends are in dispute. Tyler will provide a written response to the dispute within thirty (30) calendar days of receipt of the City’s written notice. Tyler’s response will either, provide a justification of the invoice to the reasonable satisfaction of the City, propose an adjustment to the invoice, or propose a solution to address the issues

presented in the City's notice. Tyler will work with the City as necessary to develop an action plan that outlines reasonable steps to be taken by each party to resolve any remaining issues or disputes presented in the City's notice. The City shall only withhold payment of the amount(s) actually in dispute, and only those amounts, until Tyler completes the action items outlined in the plan. If Tyler and the City are unable to resolve a dispute within sixty (60) calendar business days of provision of notice either party can invoke the Dispute Resolution clause set in Section J (3) of this Agreement. Tyler reserves the right to suspend delivery of all services, including maintenance and support services, if the City fails to pay an undisputed invoice within a maximum of forty-five (45) calendar days of notice of Tyler's intent to do so.

SECTION H – TERMINATION

1. For Cause by City. In the event of material breach or default by Tyler under this Agreement, the City shall invoke the Dispute Resolution clause set forth in Section J(3) of this Agreement. The City may terminate this Agreement for cause for the following:
 - a. Tyler does not cure a material breach of this Agreement within the relevant cure period, in no event less than thirty (30) days.
 - b. If the System exhibits any Priority 1 (Critical) Defect(s) causing serious disruption of use and/or repeated periods of downtime, notwithstanding Tyler's remedial or maintenance efforts, over a continuous period of sixty (60) calendar days.
 - c. If the System exhibits any Defect(s) that may compromise the data integrity of the system or security of the System.

In the event of termination for cause, the City will pay Tyler for all undisputed fees and expenses related to the software, products, and/or services the City has received, or Tyler has incurred or delivered, prior to the effective date of termination. Furthermore, Tyler shall not terminate any license granted under this Agreement due to non-payment if the City (a) reasonably and in good faith disputes the amount that is due and (b) pays all amounts that are not in dispute.

2. Lack of Appropriations. If the City should not appropriate or otherwise receive funds sufficient to purchase, lease, operate, or maintain the software or services set forth in this Agreement, the City may unilaterally terminate this Agreement effective on the final day of the fiscal year through which the City has funding. The City will make every effort to give Tyler at least thirty (30) days written notice prior to a termination for lack of appropriations. In the event of termination due to a lack of appropriations, the City will pay Tyler for all undisputed fees and expenses related to the software and/or services received by the City, or Tyler has incurred or delivered, prior to the effective date of termination. Any disputed fees and expenses must have been submitted to the Invoice Dispute process set forth in Section G(2), of this Agreement, at the time of termination in order to be withheld at termination. The City will not be entitled to a refund or offset of previously paid license and other fees.
3. Force Majeure. Neither party shall be responsible for failure to timely fulfill its obligations hereunder or become liable for damages resulting from unforeseeable circumstances, including but not limited to, delay of carrier, complete or partial shutdown of facility, unavailability of equipment of software from suppliers, acts of God, war, military operations, riot or insurrection, embargoes, acts of government, civil or military authorities, catastrophe, fire, flood, strikes, shortages of transportation, material acts of a public enemy and/or similar occurrences beyond the non-performing party's reasonable control. In the event of a Force Majeure event, Tyler or the City, as applicable, shall within five (5) business days from the end of any such delay, notify the other party in writing of the cause of the delay. In the event of such delays the City and Tyler will make their best effort to revise the project Schedule to be mutually

agreed to by both parties in writing. Either party may terminate this agreement for a Force Majeure event lasting more than ninety (90) consecutive calendar days. In the event of termination due to Force Majeure, the City will pay Tyler for all undisputed fees and expenses related to the software and/or services received, or Tyler has incurred or delivered, prior to the effective date of termination. Any disputed fees and expenses must have been submitted to the Invoice Dispute process set forth in Section G(2), of this Agreement, at the time of termination in order to be withheld at termination. The City will not be entitled to a refund or offset of previously paid license and other fees.

SECTION I – INDEMNIFICATION, LIMITATION OF LIABILITY AND INSURANCE

1. Intellectual Property Infringement Indemnification.

- 1.1 Tyler will defend the City against any third party claim(s) that the Tyler Software or Documentation infringes that third party's patent, copyright, or trademark, or misappropriates its trade secrets, and will pay the amount of any resulting adverse final judgment (or settlement to which Tyler consents). The City must notify Tyler in writing promptly (in any event, within seven (7) business days) of the claim and give Tyler sole control over its defense or settlement. The City agrees to provide Tyler with reasonable assistance, cooperation, and information in defending the claim at Tyler's expense.
- 1.2 Tyler's obligations to indemnify the City in an intellectual property infringement matter will not apply to the extent of the claim or adverse final judgement as based on the City's:
 - (a) use of a previous version of the Tyler Software and the claim would have been avoided had the City installed and used the current version of the Tyler Software, and Tyler provided notice of that requirement to the City;
 - (b) combining the Tyler Software with any product or device not provided by Tyler;
 - (c) altering or modifying the Tyler Software, including any modification by third parties at the City's direction or otherwise permitted by the City;
 - (d) use of the Tyler Software in contradiction of this Agreement, including with non-licensed, non-Tyler third parties; or
 - (e) willful infringement, including use of the Tyler Software, after Tyler notifies the City to discontinue use due to such a claim.
- 1.3 If Tyler receives information concerning an infringement or misappropriation claim related to the Tyler Software, Tyler may, at Tyler's expense and without obligation to do so, either: (a) procure for the City the right to continue its use; (b) modify it to make it non-infringing; or (c) replace it with a functional equivalent, in which case the City will stop running the allegedly infringing Tyler Software immediately. Alternatively, Tyler may decide to litigate the claim to judgment, in which case the City may continue to use the Tyler Software consistent with the terms of this Agreement.
- 1.4 If as a result of an infringement or misappropriation claim the City's use of the Tyler Software is enjoined by a court of competent jurisdiction, in addition to paying any adverse final judgment (or settlement to which Tyler consents), Tyler will, either: (a) procure the right to continue its use; (b) modify it to make it non-infringing, so long as the Tyler Software operates without Defect (c) replace it with a functional equivalent; or (d) terminate the City's license and refund the license fees paid for the infringing Tyler

Software, as depreciated on a straight-line basis measured over seven (7) years from the Effective Date. Tyler will pursue those options in the order listed herein. This section provides the City exclusive remedy for third party copyright, patent, or trademark infringement and trade secret misappropriation claims.

2. General Indemnification.

2.1 To the fullest extent of the law, Tyler shall indemnify, defend, and hold harmless the City, its employees, elected officials, contractors and volunteers from and against any and all third-party claims, losses, liabilities, damages, costs, and expenses (including reasonable attorney's fees and costs) for (a) personal injury, death or property damage to the extent caused by our negligence or willful misconduct; (b) a Tyler failure to conform to its obligations under Section J (16) of this Agreement caused by its negligence or willful misconduct; or (c) Tyler's violation of a law applicable to Tyler's performance under this Agreement. The City must notify Tyler promptly (in any event, within seven (7) business days) in writing of the claim and give Tyler sole control over its defense or settlement, which Tyler will provide at its sole expense. The City agrees to provide Tyler with reasonable assistance, cooperation, and information in defending the claim at Tyler's expense. The City shall have the right to hire its own attorney, at the City's expense, in connection with the claim. The insurance requirement set forth in Section I(6), of this Agreement, shall in no way lessen or limit the indemnification obligations of Tyler under the terms of this Agreement.

2.2 To the fullest extent allowed by law, the City will indemnify, defend, and hold harmless Tyler and Tyler's agents, officials, and employees from and against any and all direct claims, losses, liabilities, damages, costs, and expenses (including reasonable attorney's fees and costs) for personal injury or property damage to the extent caused by The City's negligence or willful misconduct; or (b) your violation of a law applicable to the City's performance under this Agreement. Tyler will notify the City promptly (in any event, within seven (7) business days in writing of the claim and will give the City sole control over its defense or settlement. Tyler agrees to provide the City with reasonable assistance, cooperation, and information in defending the claim at the City's expense.

3. **DISCLAIMER. EXCEPT FOR THE EXPRESS WARRANTIES PROVIDED IN THIS AGREEMENT AND TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, TYLER HEREBY DISCLAIMS ALL OTHER WARRANTIES AND CONDITIONS, WHETHER EXPRESS, IMPLIED, OR STATUTORY, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES, DUTIES, OR CONDITIONS OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.**
4. **LIMITATION OF LIABILITY. TO THE MAXIMUM EXTENT ALLOWED BY LAW AND EXCEPT AS OTHERWISE EXPRESSLY SET FORTH IN THIS AGREEMENT, TYLER'S LIABILITY FOR DAMAGES ARISING OUT OF THIS AGREEMENT, WHETHER BASED ON A THEORY OF CONTRACT OR TORT, INCLUDING NEGLIGENCE AND STRICT LIABILITY, SHALL BE LIMITED TO THE CITY'S ACTUAL DIRECT DAMAGES, NOT TO EXCEED (A) PRIOR TO FINAL ACCEPTANCE OF THE LAST SCHEDULED PHASE OF THE PROJECT, TWO (2) TIMES THE TOTAL ONE-TIME FEES SET FORTH IN THE INVESTMENT SUMMARY; OR (B) AFTER FINAL ACCEPTANCE OF THE LAST SCHEDULED PHASE OF THE PROJECT,, THREE (3) TIMES THE THEN-CURRENT ANNUAL MAINTENANCE AND SUPPORT FEE. THE PRICES SET FORTH IN THIS AGREEMENT ARE SET IN RELIANCE UPON THIS LIMITATION OF LIABILITY. THE FOREGOING LIMITATION OF LIABILITY SHALL NOT APPLY TO ANY TYLER INDEMNIFICATION OBLIGATIONS OR CLAIMS THAT ARE SUBJECT TO SECTIONS I(1) AND I(2) OF THIS AGREEMENT.**
5. **EXCLUSION OF CERTAIN DAMAGES. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, IN NO**

EVENT SHALL TYLER BE LIABLE FOR ANY SPECIAL, INCIDENTAL, PUNITIVE, INDIRECT, OR CONSEQUENTIAL DAMAGES WHATSOEVER, EVEN IF TYLER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

6. Insurance. During the course of performing services under this Agreement, Tyler will maintain the following levels of insurance, from insurers with a current A.M. Best rating of not less than A-: VII. with companies qualified to do business in the State of Washington. Prior to commencing of work under this Agreement, Tyler shall provide the City with evidence of such coverage:
- a. Commercial General Liability Insurance (CGL) of at least a minimum of \$1,000,000 each occurrence; The insurance shall apply as primary insurance with respect to any other insurance of self-insurance programs afforded the City. There shall be no endorsement or modification to the CGL to make it excess over other available insurance; alternately if the CGL state that it is excess or pro rata, the policy shall be endorsed to be primary with respect to the additional insured
 - b. Automobile Liability of at least \$1,000,000 minimum each accident;
 - c. Professional Liability of at least \$1,000,000;
 - d. Workers Compensation complying with applicable statutory requirements; and
 - e. Excess/Umbrella Liability of at least \$5,000,000 minimum. Tyler will add the City as an additional insured to Tyler's Commercial General Liability and Automobile Liability policies, which will automatically add the City as an additional insured to Tyler's Excess/Umbrella Liability policy as well.

If a self-insured retention or deductible is maintained on any of the policies, the amount of the self-insured retention or deductible will be disclosed to the City upon the City's written request. Tyler will be held solely responsible for the amount of such deductible and for any co-insurance.

This provision shall not be construed to be a limitation of liability for Tyler. Tyler shall procure and maintain at Tyler's own cost and expense any additional kinds and amounts of insurance that, in Tyler's own judgement, may be necessary for Tyler's property protection in performance under this Agreement.

SECTION J – GENERAL TERMS AND CONDITIONS

1. Additional Products and Services. The City may purchase additional products and services at the rates set forth in Exhibit A, Investment Summary for twenty four (24) months from the Effective Date, and thereafter at Tyler's then-current list price, by executing a mutually-agreed addendum to this Agreement. If no rate is provided in Exhibit A, Investment Summary, or those at least twenty four (24) months have expired, the City may purchase additional products and services at Tyler's then-current list price, also by executing a mutually agreed addendum to this Agreement. The terms of this Agreement will control any such additional purchase(s), unless otherwise specifically provided in the addendum. The foregoing notwithstanding, Client reserves the right to pursue acquisition of other Tyler software suites and related services via other procurement vehicles.
2. Optional Items. Notwithstanding any statement to the contrary in Exhibit A, Investment Summary, pricing for any listed optional products and services in Exhibit A, Investment Summary, will be valid for at least twenty four (24) months from the Effective Date.
3. Dispute Resolution. Unless otherwise stated in this Agreement, both the City and Tyler agree to provide the other party with written notice within thirty (30) days of becoming aware of a dispute. The parties agree to cooperate in trying to reasonably resolve all disputes, including, if requested by either party, appointing a

senior representative to meet and engage in good faith negotiations. Senior representatives will convene within thirty (30) calendar days of the written dispute notice, unless otherwise agreed. To the extent authorized by law, all meetings and discussions between senior representatives will be deemed confidential settlement discussions not subject to disclosure under Federal Rule of Evidence 408 or any similar applicable state rule. To the extent such meetings or discussions are reduced to writing, the parties will mark such writings as confidential. If the parties fail to resolve the dispute, only then, may either party assert its respective rights and remedies in a court of competent jurisdiction. Nothing in this section shall prevent either party from seeking necessary injunctive relief during the dispute resolution procedures. Pending final decision of a dispute hereunder, each party shall proceed diligently with the performance in accordance with the Services and Performance Warranty Section D (6) in this Agreement, except as otherwise dictated by the nature of the dispute.

4. Taxes. The fees in Exhibit A, Investment Summary do not include any taxes, including, without limitation, sales, use, or excise tax. The City is not tax-exempt. Tyler will pay all applicable taxes to the proper authorities and the City will reimburse Tyler for such taxes. If the City has a valid direct-pay permit, the City agrees to provide Tyler with a copy. If Tyler does not include sales tax and use tax in Tyler's invoices to the City for any Tyler Software, hardware and services (excluding professional services) as identified in this Agreement, where such taxes are due according to applicable State of Washington Laws, the City will pay the applicable sales and use tax direct to the State of Washington for each Tyler invoice when it occurs. The City reserves the right to review the tax charges, and in no event will be responsible to pay more than is appropriate or actually required to be paid under applicable law. Tyler will pass on to the City any tax refunds received with respect to the City's previous overpayment or reimbursement of applicable taxes hereunder. For clarity, Tyler is responsible for paying Tyler income taxes, both federal and state, as applicable, arising from Tyler's performance of this Agreement.
5. Nondiscrimination. Tyler will not discriminate against any person employed or applying for employment concerning the performance of Tyler's responsibilities under this Agreement. This discrimination prohibition will apply to all matters of initial employment, tenure, and terms of employment, or otherwise with respect to any matter directly or indirectly relating to employment concerning race, color, religion, national origin, age, sex, sexual orientation, ancestry, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, marital status, or political affiliation. Tyler will post, where appropriate, all notices related to nondiscrimination as may be required by applicable law.
6. E-Verify. Tyler has complied, and will comply, with the E-Verify procedures administered by the U.S. Citizenship and Immigration Services Verification Division for all Tyler employees assigned to the City's project under this Agreement.
7. Subcontractors. Tyler will not subcontract any services under this Agreement without the City's prior written consent, not to be unreasonably withheld.
8. Binding Effect; No Assignment. Neither party may assign this Agreement without the written prior consent of the other party; provided, however, that the City's consent is not required for an assignment by Tyler as a result of a corporate reorganization, merger, acquisition, or purchase of substantially all of Tyler's assets or Tyler has a change of control. Regardless of whether this Agreement is signed by Tyler, Tyler will agree that any payments owed to subcontractors under this Agreement will be paid by Tyler or by its assignee as provided for under the Agreement and/or subcontract agreement.
9. No Intended Third Party Beneficiaries. This Agreement is entered into solely for the benefit of the City and

Tyler. No third party will be deemed a beneficiary of this Agreement, and no third party will have the right to make any claim or assert any right under this Agreement. This provision does not affect the rights of third parties under any Third Party Terms.

10. Entire Agreement; Amendment. This Agreement and its exhibits, represents the entire agreement between the City and Tyler with respect to the subject matter hereof and supersedes any prior agreements, understandings, and representations, whether written, oral, expressed, implied or statutory. This Agreement shall only be modified by written amendment signed by an authorized representative of each party. In the event of a conflict between the Agreement, the Request for Proposal, and the Proposal submitted, the order of priority will be as listed in Section A (1), Agreement Documents. Purchase orders submitted by the City, if any, are for the City's internal administrative purposes only, and the terms and conditions contained in those purchase orders will have no force or effect.
11. Severability. If any term or provision of this Agreement is held invalid or unenforceable, the remainder of this Agreement will be considered valid and enforceable to the fullest extent permitted by law. If the voiding of any provision shall deny either party the consideration expected under this Agreement, the parties agree to reasonably cooperate to negotiate a substitute provision to provide that consideration or its reasonable equivalent. If a substitute provision cannot be negotiated, then the party having lost that consideration may terminate this Agreement in accordance with its terms.
12. No Waiver. In the event that the terms and conditions of this Agreement are not strictly enforced by either party, such non-enforcement will not act as or be deemed to act as a waiver or modification of this Agreement, nor will such non-enforcement prevent such party from enforcing each and every term of this Agreement thereafter.
13. Independent Contractor. Tyler is an independent contractor for all purposes under this Agreement.
14. Notices. All notices or communications required or permitted as a part of this Agreement, such as notice of an alleged material breach for a termination for cause or a dispute that must be submitted to dispute resolution, must be in writing and will be deemed delivered upon the earlier of the following: (a) actual receipt by the receiving party; (b) upon receipt by sender of a certified mail, return receipt signed by an employee or agent of the receiving party; (c) upon receipt by sender of proof of email delivery; or (d) if not actually received, five (5) days after deposit with the United States Postal Service authorized mail center with proper postage (certified mail, return receipt requested) affixed and addressed to the other party at the address set forth on the signature page hereto or such other address as the party may have designated by proper notice. The consequences for the failure to receive a notice due to improper notification by the intended receiving party of a change in address will be borne by the intended receiving party.
15. Client Lists. The City agree that Tyler may identify the City by name in client lists. Tyler may only identify the City in marketing presentations and promotional materials with the City's advanced written consent and must follow City policy on use of City slogan and logo as stated in Attachment C: Policy Compliance of the City's RFP.
16. Confidentiality & Safeguarding of Personal Information
 - a. Both parties recognize that their respective employees and agents, in the course of performance of this Agreement, may be exposed to confidential information and that disclosure of such information could violate rights to private individuals and entities, including the parties. Confidential information is nonpublic information that a reasonable person would believe to be confidential and includes, without limitation, personal identifying information (*e.g.*, social security numbers) and trade secrets, each as defined by applicable state law. Each party agrees

that it will not disclose any confidential information of the other party and further agrees to take all reasonable and appropriate action to prevent such disclosure by its employees or agents. The confidentiality covenants contained herein will survive the termination or cancellation of this Agreement. This obligation of confidentiality will not apply to information that:

- i. is in the public domain, either at the time of disclosure or afterwards, except by breach of this Agreement by a party or its employees or agents;
 - ii. a party can establish by reasonable proof was in that party's possession at the time of initial disclosure;
 - iii. a party receives from a third party who has a right to disclose it to the receiving party; or
 - iv. is the subject of a legitimate disclosure request under the open records laws or similar applicable public disclosure laws governing this Agreement; including, without limitation, Washington State's Public Records Act, Chapter 42.56 RCW; provided, however, that in the event the City receive an open records or other similar applicable request, the City will give Tyler prompt notice and otherwise perform the functions required by applicable law.
- b. Safeguarding of Personal Information. Tyler shall not use or disclose Personal Information, as defined in RCW 19.255.010, in any manner that would constitute a violation of federal law or applicable provisions of Washington State law. Tyler agrees to comply with all applicable state and federal laws and regulations, as amended, regarding data security or electronic data interchange or Personal Information (hereafter "Data Security Laws") as such Data Security Laws apply to Tyler under this Agreement.

Tyler shall ensure its directors, officers, employees, subcontractors or agents use Personal Information solely for the purposes of accomplishing in the requirements of this Agreement.

Tyler shall protect Personal Information collected, used, or acquired in connection with the Agreement, against unauthorized use, disclosure, modification or loss.

Tyler agrees not to release, divulge, publish, transfer, sell or otherwise make Personal Information known to unauthorized persons without the express written consent of the City or as otherwise authorized by law.

Tyler agrees to implement physical, electronic, and managerial policies, procedures, and safeguards to prevent unauthorized access, use, or disclosure of Personal Information.

Tyler shall make the Personal Identifiable Information available to amend as directed by Public Entity and incorporate any amendments into all the copies maintained by Tyler. Tyler shall certify its return or destruction upon expiration or termination of the Agreement and Tyler shall retain no copies. If Tyler and the City mutually determine that return or destruction is not feasible, Tyler shall not use the Personal Information in a manner other than those permitted or authorized by state and federal laws.

Tyler shall, upon becoming aware of any unauthorized access, use or disclosure of Personal Information, comply with all applicable provisions of the State of Washington Data Breach Notification law. Tyler shall take necessary steps to mitigate the harmful effects of such use or disclosure.

Any breach of this clause may result in termination of the Agreement in accordance with its terms and the demand for return of all Personal Identifiable Information.

Tyler is audited at least yearly in accordance with the AICPA's Statement on Standards for Attestation Engagements ("SSAE") No. 18. We have attained, and will maintain, SOC 1 and SOC 2 compliance, or its equivalent, for so long as you maintain an agreement with us. Upon execution of a mutually agreeable Non-Disclosure Agreement ("NDA"), we will provide you with a summary of our compliance report(s) or its equivalent. Every year thereafter, for so long as the NDA is in effect and in which you make a written request, we will provide that same information.

17. Business License. In the event a local business license is required for Tyler to perform services hereunder, the City will promptly notify Tyler within ten (10) business days of the Effective Date and provide Tyler with the necessary paperwork and/or contact information so that Tyler may timely obtain such license.
18. Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of Washington, without regard to its rules on conflicts of law. Venue for any actions hereunder shall be in a state or federal court for Benton County, Washington.
19. Multiple Originals and Authorized Signatures. This Agreement may be executed in multiple originals, any of which will be independently treated as an original document. Any electronic, faxed, scanned, photocopied, or similarly reproduced signature on this Agreement or any amendment hereto will be deemed an original signature and will be fully enforceable as if an original signature. Each party represents to the other that the signatory set forth below is duly authorized to bind that party to this Agreement.
20. Cooperative Procurement. The Washington State Interlocal Cooperative Act RCW 39.34 provides that other governmental agencies may purchase goods or services on this solicitation or contract in accordance with the terms and prices indicated therein if all parties agree. The City does not accept any responsibility or involvement in the purchase orders or contracts issued by other public agencies.

IN WITNESS WHEREOF, a duly authorized representative of each party has executed this Agreement as of the date(s) set forth below.

Tyler Technologies, Inc.

City of Richland

By: _____

By: _____

Name: _____

Name: CYNTHIA D. REENTS, ICMA-CM

Title: _____

Title: CITY MANAGER

Date: _____

Date: _____

Address for Notices:

Tyler Technologies, Inc.
One Tyler Drive
Yarmouth, ME 04096
Attention: Chief Legal Officer

Address for Notices:

City of Richland
505 Swift Blvd. MS-11
Richland, WA 99352
Attention: PURCHASING MANAGER



Exhibit A

Investment Summary

The following Investment Summary details the software, products, and services to be delivered by Tyler to the City under the Agreement. This Investment Summary is effective as of the Effective Date. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

Tyler Sales Quotation to be inserted prior to contract execution.



Exhibit B

Invoicing and Payment Policy

Tyler will provide the City with the software and services set forth in e Exhibit A, Investment Summary to the License and Service Agreement (“Agreement”). Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

Invoicing: Tyler will invoice the City for the applicable license and services fees in the Investment Summary as set forth below. The City’s rights to dispute any invoice are set forth in the Agreement.

1. Tyler Software.

1.1 *License Fees:* License fees are invoiced by Tyler as set forth in Exhibit A, Investment Summary:

- (a) 25% on the Effective Date;
- (b) 50% on the date when we make the applicable Tyler Software available to the City for downloading (the “Available Download Date”); and
- (c) 25%, by phase, on the earlier of Final Acceptance for the Phase as defined in Section D(11.1.2.2) of the Agreement or ninety (90) days following the go-live date of the phase as indicated in Exhibit E: Statement of Work as of the Effective Date. In the event the go-live date of a phase is delayed due to Tyler’s failure to perform its obligations pursuant to this Agreement, the City may delay the payment due under this Section 1.1 (c) an amount of time equal to the delay so caused by Tyler.

1.2 *Subscription Fees:* The City’s initial subscription fee for Tyler Transparency is invoiced when Tyler makes the product available to the City as mutually agreed. Subsequent subscription fees are due annually in advance on the anniversary of that date at Tyler’s then-current rates not to exceed a three (3) percent annual increase for each of the first two years.

1.3 *Maintenance and Support Fees:* Year One (1) maintenance and support fees are waived through the earlier of (a) availability of the Tyler Software for use in a live production environment; or (b) one (1) year from the Effective Date. Year 2 maintenance and support fees, at Tyler’s then-current rates, are payable on that earlier-of date, and subsequent maintenance and support fees are invoiced annually in advance of each anniversary thereof. In the event of multiple renewal dates (e.g. optional software in Exhibit A: Investment Summary activated) Tyler will work with the City where feasible to align the renewal of maintenance and support fees to a single maintenance renewal date for calendar year budget alignment.

1.4 The City’s annual maintenance fees for each subsequent year will be set at Tyler’s then-current rates. The foregoing notwithstanding, Tyler agrees to limit increases to the annual maintenance and support fees no greater than follows:

- Year 2 – No increase to the annual maintenance fees itemized in Exhibit A, Investment Summary (prior to year 1 100% discount)
- Year 3 - Three percent (3%) increase over the Year 2 fees;
- Year 4 - Three percent (3%) increase over the Year 3 fees;
- Year 5 - Four percent (4%) increase over the Year 4 fees;
- Year 6 – Six percent (6%) increase over the Year 5 fees; and

- Year 7 – Six percent (6%) increase over the Year 6 fees

2. Professional Services.

- 2.1 *Implementation and Other Professional Services (including training)*: Implementation and other professional services (including training) are billed and invoiced as delivered, at the rates set forth in Exhibit A, Investment Summary. Notwithstanding anything seemingly to the contrary in the Agreement, Tyler shall, by phase, withhold billing and invoicing an amount equal to fifteen percent (15%) of the fee for each implementation day delivered until the earlier of (i) Final Acceptance by the City of the applicable Phases or (ii) ninety (90) days following the live date of the applicable Phase as indicated in Exhibit E: Statement of Work as of the Effective Date. In the event the go-live date of has is delayed due to Tyler's failure to perform its obligations pursuant to this Agreement, the City may delay the payment of withheld fees due under this Section 2.1 an amount of time equal to the delay so caused by Tyler.
- 2.2 *Consulting Services*: The consulting services have been quoted as fixed-fee services, and shall be invoiced 50%, by module, upon the City's acceptance of the Business System Design document, and 50%, by module, upon the City's acceptance of custom desktop procedures. If the City has purchased any Business Process Consulting services and the services are quoted as an estimate, then Tyler will bill the City the actual services delivered on a time and materials basis.
- 2.3 *Conversions*: Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon The City acceptance to load the converted data into the Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will bill the City the actual services delivered on a time and materials basis.
- 2.4 *Requested Modifications to the Tyler Software*: Requested modifications to the Tyler Software are invoiced 50% upon City's acceptance of specifications and 50% upon delivery of the applicable modification. The foregoing notwithstanding, City's payment under this provision is subject to its withholding rights under Section G(2) of this this Agreement. The City must report any failure of the modification to conform to the specifications within thirty (30) days of delivery; otherwise, the modification will be deemed to be in compliance with the specifications after the 30-day window has passed. The City may still report Defects to us as set forth in the Maintenance and Support Agreement.
- 2.5 *Other Fixed Price Services*: Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment will be due upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be billed monthly in arrears, beginning on the first day of the month immediately following the project kick-off meeting.
- 2.6 *Change Management Services*: If the City has purchased any change management services, those services will be invoiced in the following amounts and upon the following milestones:

Acceptance of Change Management Discovery Analysis	15%
Delivery of Change Management Plan and Strategy Presentation	10%
Acceptance of Executive Playbook	15%
Acceptance of Resistance Management Plan	15%
Acceptance of Procedural Change Communications Plan	10%
Change Management Coach Training	20%
Change Management After-Action Review	15%

3. Other Services and Fees.

- 3.1 *Systems Management*: Systems Management Services are invoiced on the Available Download Date. Systems Management Services will renew automatically for additional one (1) year terms at our then-current Systems Management Services fee, unless terminated in writing by either party at least thirty (30) days prior to the end of the then-current term.
- 3.2 *Disaster Recovery Services*: Disaster Recovery Services are invoiced annually in advance upon Tyler's receipt of the City's data. Disaster Recovery services will renew automatically for additional one (1) year terms at our then-current Disaster Recovery fee, unless terminated in writing by either party at least thirty (30) days prior to the end of the then-current term.
4. Third Party Products.
- 4.1 *Third Party Software License Fees*: License fees for Third Party Software, if any, are invoiced when Tyler makes it available to the City for downloading.
- 4.2 *Third Party Software Maintenance*: The first year maintenance fees for the Third Party Software, if any, is invoiced when Tyler make that Third Party Software available to the City for downloading.
- 4.3 *Third Party Hardware*: Third Party Hardware costs, if any, are invoiced upon delivery and installation acceptance.
5. Expenses. The service rates in Exhibit A, Investment Summary do not include travel expenses. Expenses will be billed as incurred and only in accordance with our then-current Business Travel Policy. Tyler will provide the City with reasonable documentation of all expenses charged to the City under this Exhibit. Our current Business Travel Policy is attached to this Exhibit B at Schedule 1. Copies of receipts over \$25 for non-per diem items are required. Tyler reserves the right to charge the City an administrative fee depending on the extent of the City's requests. Receipts for miscellaneous items less than twenty-five dollars and mileage logs are not available. Tyler will reasonably cooperate in leveraging Client agreements for accommodations provided such cooperation permits Tyler to comply with its then-current Business Travel Policy. The parties agree that international travel is not authorized under this Agreement unless mutually agreed otherwise. Tyler will reasonably cooperate with City requests for substantiating documentation related to invoiced expenses, including information related to mileage charges.

Payment. Payment for undisputed invoices is due within forty-five (45) days of the invoice date. We prefer to receive payments electronically. Our electronic payment information is:

Bank:	Wells Fargo Bank, N.A. 420 Montgomery San Francisco, CA 94104
ABA:	121000248
Account:	4124302472
Beneficiary:	Tyler Technologies, Inc. – Operating



Exhibit B

Schedule 1

Business Travel Policy

1. Air Travel

A. Reservations & Tickets

Tyler's Travel Management Company (TMC) will provide an employee with a direct flight within two hours before or after the requested departure time, assuming that flight does not add more than three hours to the employee's total trip duration and the fare is within \$100 (each way) of the lowest logical fare. If a net savings of \$200 or more (each way) is possible through a connecting flight that is within two hours before or after the requested departure time and that does not add more than three hours to the employee's total trip duration, the connecting flight should be accepted.

Employees are encouraged to make advanced reservations to take full advantage of discount opportunities. Employees should use all reasonable efforts to make travel arrangements at least two (2) weeks in advance of commitments. A seven (7) day advance booking requirement is mandatory. When booking less than seven (7) days in advance, management approval will be required.

Except in the case of international travel where a segment of continuous air travel is six (6) or more consecutive hours in length, only economy or coach class seating is reimbursable. Employees shall not be reimbursed for "Basic Economy Fares" because these fares are non-refundable and have many restrictions that outweigh the cost-savings.

B. Baggage Fees

Reimbursement of personal baggage charges are based on trip duration as follows:

- Up to five (5) days = one (1) checked bag
- Six (6) or more days = two (2) checked bags

Baggage fees for sports equipment are not reimbursable.

2. Ground Transportation

A. Private Automobile

Mileage Allowance – Business use of an employee's private automobile will be reimbursed at the

current IRS allowable rate, plus out of pocket costs for tolls and parking. Mileage will be calculated by using the employee's office as the starting and ending point, in compliance with IRS regulations. Employees who have been designated a home office should calculate miles from their home.

B. Rental Car

Employees are authorized to rent cars only in conjunction with air travel when cost, convenience, and the specific situation reasonably require their use. When renting a car for Tyler business, employees should select a "mid-size" or "intermediate" car. "Full" size cars may be rented when three or more employees are traveling together. Tyler carries leased vehicle coverage for business car rentals; except for employees traveling to Alaska and internationally (excluding Canada), additional insurance on the rental agreement should be declined.

C. Public Transportation

Taxi or airport limousine services may be considered when traveling in and around cities or to and from airports when less expensive means of transportation are unavailable or impractical. The actual fare plus a reasonable tip (15-18%) are reimbursable. In the case of a free hotel shuttle to the airport, tips are included in the per diem rates and will not be reimbursed separately.

D. Parking & Tolls

When parking at the airport, employees must use longer term parking areas that are measured in days as opposed to hours. Park and fly options located near some airports may also be used. For extended trips that would result in excessive parking charges, public transportation to/from the airport should be considered. Tolls will be reimbursed when receipts are presented.

3. Lodging

Tyler's TMC will select hotel chains that are well established, reasonable in price, and conveniently located in relation to the traveler's work assignment. Typical hotel chains include Courtyard, Fairfield Inn, Hampton Inn, and Holiday Inn Express. If the employee has a discount rate with a local hotel, the hotel reservation should note that discount and the employee should confirm the lower rate with the hotel upon arrival. Employee memberships in travel clubs such as AAA should be noted in their travel profiles so that the employee can take advantage of any lower club rates.

"No shows" or cancellation fees are not reimbursable if the employee does not comply with the hotel's cancellation policy.

Tips for maids and other hotel staff are included in the per diem rate and are not reimbursed separately.

Employees are not authorized to reserve non-traditional short-term lodging, such as Airbnb, VRBO, and HomeAway. Employees who elect to make such reservations shall not be reimbursed.

4. Meals and Incidental Expenses

Employee meals and incidental expenses while on travel status within the continental U.S. are in accordance with the federal per diem rates published by the General Services Administration. Incidental expenses include tips to maids, hotel staff, and shuttle drivers and other minor travel expenses. Per diem rates are available at www.gsa.gov/perdiem.

Per diem for Alaska, Hawaii, U.S. protectorates and international destinations are provided separately by the Department of Defense and will be determined as required.

A. Overnight Travel

For each full day of travel, all three meals are reimbursable. Per diems on the first and last day of a trip are governed as set forth below.

Departure Day

Depart before 12:00 noon	Lunch and dinner
Depart after 12:00 noon	Dinner

Return Day

Return before 12:00 noon	Breakfast
Return between 12:00 noon & 7:00 p.m.	Breakfast and lunch
Return after 7:00 p.m.*	Breakfast, lunch and dinner

*7:00 p.m. is defined as direct travel time and does not include time taken to stop for dinner.

The reimbursement rates for individual meals are calculated as a percentage of the full day per diem as follows:

☐	Breakfast	15%
☐	Lunch	25%
☐	Dinner	60%

B. Same Day Travel

Employees traveling at least 100 miles to a site and returning in the same day are eligible to claim lunch on an expense report. Employees on same day travel status are eligible to claim dinner in the event they return home after 7:00 p.m.*

*7:00 p.m. is defined as direct travel time and does not include time taken to stop for dinner.

5. Internet Access – Hotels and Airports

Employees who travel may need to access their e-mail at night. Many hotels provide free high speed internet access and Tyler employees are encouraged to use such hotels whenever possible. If an employee's hotel charges for internet access it is reimbursable up to \$10.00 per day. Charges for internet access at airports are not reimbursable.

6. International Travel

All international flights with the exception of flights between the U.S. and Canada should be reserved through TMC using the “lowest practical coach fare” with the exception of flights that are six (6) or more consecutive hours in length. In such event, the next available seating class above coach shall be reimbursed.

When required to travel internationally for business, employees shall be reimbursed for photo fees, application fees, and execution fees when obtaining a new passport book, but fees related to passport renewals are not reimbursable. Visa application and legal fees, entry taxes and departure taxes are reimbursable.

The cost of vaccinations that are either required for travel to specific countries or suggested by the U.S. Department of Health & Human Services for travel to specific countries is reimbursable.

Section 4, Meals & Incidental Expenses, and Section 2.b., Rental Car, shall apply to this section.



Exhibit C

Maintenance and Support Agreement

Tyler will provide the City with the following maintenance and support services for the Tyler Software. Capitalized terms not otherwise defined in the License and Service Agreement (Agreement) will have the meaning assigned to such terms in this e Maintenance and Support Agreement.

1. **Term.** Tyler provides maintenance and support services on an annual basis. The initial term commences on the Effective Date, and remains in effect for one (1) year. The term will renew automatically for additional one (1) year terms unless terminated in writing by either party at least thirty (30) days prior to the end of the then-current term. Tyler will adjust the term to match the City's first use of the Tyler Software in live production after Final Acceptance as set forth in Section D (11.1.2.2) of the License and Service Agreement, if that event precedes the one (1) year anniversary of the Effective Date. Tyler will provide maintenance and support services to the City, at the City's option, for a minimum period of at least ten (10) years from the Effective Date, or other mutually agreed upon date, as such initial term may have been adjusted.
2. **Maintenance and Support Fees.** The City's Year One (1) maintenance and support fees for the Tyler Software are listed in the Exhibit A, Investment Summary, and the City's payment obligations are set forth in the Exhibit B, Invoicing and Payment Policy. Tyler reserves the right to suspend maintenance and support services if the City fails to pay undisputed maintenance and support fees within forty-five (45) days of Tyler's written notice. Tyler will reinstate maintenance and support services only if the City pays the lesser of all past due maintenance and support fees including all fees for the periods during which services were suspended or the then-current license fee for the Tyler software module(s) involved. The foregoing notwithstanding, the City is permitted to remove Tyler Software module(s) from the annual maintenance and support agreement. The terms for such removal and reinstatement are indicated in Section E of this License and Service Agreement (Maintenance and Support).
3. **Maintenance and Support Services.** As long as the City is not using Tyler's Help Desk as a substitute for Tyler's training services on the Tyler Software, and the City timely pay the City's maintenance and support fees as per the obligations set forth in Exhibit B, Invoicing and Payment Policy, Tyler will, consistent with its then-current Support Call Process:
 - 3.1 perform Tyler's maintenance and support obligations in a professional and timely manner, consistent with industry standards, to resolve Defects in the Tyler Software (limited to the then-current version and the immediately prior version); provided, however, that if the City modifies the Tyler Software without Tyler's consent, Tyler's obligation to provide maintenance and support services on and warrant the Tyler Software will be void;
 - 3.2 provide telephone support during Tyler's established support hours;
 - 3.3 maintain personnel that are sufficiently trained to be familiar with the Tyler Software and Third Party

Software, if any, being purchased by the City as per Exhibit A, Investment Summary in order to provide the City the required maintenance and support services;

3.4 provide the City with a copy of all major and minor releases to the Tyler Software (including updates and enhancements) that Tyler makes available without additional charge to customers who have a maintenance and support agreement in effect; and

3.5 provide non-Defect resolution support of prior releases of the Tyler Software in accordance with Tyler's then-current release life cycle policy.

4. Client Responsibilities. Tyler will use all reasonable efforts to perform any maintenance and support services remotely. Currently, Tyler uses a third-party secure unattended connectivity tool called Bomgar, as well as GotoAssist by Citrix. Therefore, the City agrees to maintain a high-speed internet connection capable of connecting us to the City's PCs and server(s). The City agrees to provide Tyler with a login account and local administrative privileges). Tyler will, at Tyler's option, use the secure connection to assist with proper diagnosis and resolution, subject to any reasonably applicable security protocols identified by the City. If Tyler cannot resolve a support issue remotely, Tyler may be required to provide onsite services. In such event, Tyler will be responsible for Tyler travel expenses, unless it is determined that the reason onsite support was required was a reason outside Tyler's control or its other obligations under the Agreement. The City agrees to provide Tyler with access to the Tyler Software subject to the City's reasonably applicable security protocols, working space, adequate facilities within a reasonable distance from the equipment, and use of machines, attachments, features, or other equipment reasonably necessary for Tyler to provide the maintenance and support services, all at no charge to Tyler. Tyler strongly recommends that the City also maintain a VPN for backup connectivity purposes. The City acknowledges that Tyler's support, maintenance and warranty obligations are contingent on the City providing Tyler reasonable access to the Tyler Software as provided herein.
5. Hardware and Other Systems. If the City is a self-hosted customer and, in the process of diagnosing a software support issue, it is discovered that one of the City's peripheral systems or other software is the cause of the issue, Tyler will notify the City so that the City may contact the support agency for that peripheral system. Tyler cannot support or maintain Third Party Products except as expressly set forth in the Agreement.

In order for Tyler to provide the highest level of software support, the City bear the following responsibility related to the Tyler hardware and software:

- (a) All infrastructure executing Tyler Software shall be managed by the City;
 - (b) The City will maintain support contracts for all non-Tyler software associated with Tyler Software (including operating systems and database management systems, but excluding Third-Party Software, if any); and
 - (c) The City will perform daily database backups and verify that those backups are successful, subject to any of Tyler's obligations to do the same under a Disaster Recovery Agreement, if the City has in-force an agreement for Tyler Disaster Recovery Service.
6. Other Excluded Services. Maintenance and support fees do not include fees for the following services: (a) initial installation or implementation of the Tyler Software; (b) onsite maintenance and support (unless Tyler cannot remotely correct a Defect in the Tyler Software, as set forth above); (c) application design; (d) other consulting services; (e) maintenance and support of an operating system or hardware, unless the City is a

hosted customer; (f) support outside our normal business hours as listed in Tyler's then-current Support Call Process; or (g) installation, training services, or third party product costs related to a new release. Requested maintenance and support services such as those outlined in this section will be billed to the City on a time and materials basis at Tyler's then current rates. The City must request those services with at least one (1) weeks' advance notice.

7. Current Support Call Process. Tyler's current Support Call Process for the Tyler Software is attached to this Agreement as Exhibit C, Schedule 1.



Exhibit C

Schedule 1

Support Call Process

Support Channels

Tyler Technologies, Inc. provides the following channels of software support:

- (1) Tyler Community – an on-line resource, Tyler Community provides a venue for all Tyler clients with current maintenance agreements to collaborate with one another, share best practices and resources, and access documentation.
- (2) On-line submission (portal) – for less urgent and functionality-based questions, users may create unlimited support incidents through the customer relationship management portal available at the Tyler Technologies website.
- (3) Email – for less urgent situations, users may submit unlimited emails directly to the software support group.
- (4) Telephone – for urgent or complex questions, users receive toll-free, unlimited telephone software support.

Support Resources

A number of additional resources are available to provide a comprehensive and complete support experience:

- (1) Tyler Website – www.tylertech.com – for accessing client tools and other information including support contact information.
- (2) Tyler Community – available through login, Tyler Community provides a venue for clients to support one another and share best practices and resources.
- (3) Knowledgebase – A fully searchable depository of thousands of documents related to procedures, best practices, release information, and job aides.
- (4) Program Updates – where development activity is made available for client consumption

Support Availability

Tyler Technologies support is available during the local business hours of 8 AM to 5 PM (Monday – Friday) across four US time zones (Pacific, Mountain, Central and Eastern). Clients may receive coverage across these time zones. Tyler's holiday schedule is outlined below. There will be no support coverage on these days.

New Year's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

Issue Handling

Incident Tracking

Every support incident is logged into Tyler's Customer Relationship Management System and given a unique incident number. This system tracks the history of each incident. The incident tracking number is used to track and reference open issues when the City contacts support. The City may track incidents, using the incident number, through the portal at Tyler's website or by calling software support directly.

Incident Priority

Each incident is assigned a priority number, which corresponds to the City's needs and deadlines. The City is responsible for reasonably setting the priority of the incident per the chart below. This chart is not intended to address every type of support incident, and certain "characteristics" may or may not apply depending on whether the Tyler software has been deployed on customer infrastructure or the Tyler cloud. The goal is to help guide the City towards clearly understanding and communicating the importance of the issue and to describe generally expected responses and resolutions.

Priority Level	Characteristics of Support Incident	Resolution Targets
1 Critical	Support incident that causes (a) complete application failure or application unavailability; (b) application failure or unavailability in one or more of the client's remote location; or (c) systemic loss of multiple essential system functions.	Tyler shall provide an initial response to Priority Level 1 incidents within one (1) business hour of receipt of the support incident. Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within one (1) business day. For non-hosted customers, Tyler's responsibility for lost or corrupted data is limited to assisting the client in restoring its last available database.
2 High	Support incident that causes (a) repeated, consistent failure of essential functionality affecting more than one user or (b) loss or corruption of data.	Tyler shall provide an initial response to Priority Level 2 incidents within four (4) business hours of receipt of the support incident. Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within ten (10) business days. For non-hosted customers, Tyler's responsibility for loss or corrupted data is limited to assisting the client in restoring its last available database.
3 Medium	Priority Level 1 incident with an existing circumvention procedure, or a Priority Level 2 incident that affects only one user or for which there is an existing circumvention procedure.	Tyler shall provide an initial response to Priority Level 3 incidents within one (1) business day of receipt of the support incident. Tyler shall use commercially reasonable efforts to resolve such support incidents without the need for a circumvention procedure with the next published maintenance update or service pack. For non-hosted customers, Tyler's responsibility for lost or corrupted data is limited to assisting the client in restoring its last available database.

Priority Level	Characteristics of Support Incident	Resolution Targets
4 Non-critical	Support incident that causes failure of non-essential functionality or a cosmetic or other issue that does not qualify as any other Priority Level.	Tyler shall provide an initial response to Priority Level 4 incidents within two (2) business days. Tyler shall use commercially reasonable efforts to resolve such support incidents, as well as cosmetic issues, with a future version release.

Incident Escalation

Tyler Technology's software support consists of four levels of personnel:

- (1) Level 1: front-line representatives
- (2) Level 2: more senior in their support role, they assist front-line representatives and take on escalated issues
- (3) Level 3: assist in incident escalations and specialized client issues
- (4) Level 4: responsible for the management of support teams for either a single product or a product group

If the City feels they are not receiving the service needed, the City may contact the appropriate Tyler Software Support Manager. After receiving the incident tracking number, the manager will follow up on the open issue and determine the necessary action to meet the City's needs.

On occasion, the priority or immediacy of a software support incident may change after initiation. Tyler encourages the City to communicate the level of urgency or priority of software support issues so that Tyler can respond appropriately. A software support incident can be escalated by any of the following methods:

- (1) Telephone – for immediate response, call toll-free to either escalate an incident's priority or to escalate an issue through management channels as described above.
- (2) Email – the City can send an email to software support in order to escalate the priority of an issue
- (3) On-line Support Incident Portal – the City can also escalate the priority of an issue by logging into the client incident portal and referencing the appropriate incident tracking number.

Remote Support Tool

Some support calls require further analysis of the City's database, process or setup to diagnose a problem or to assist with a question. Tyler will, at its discretion, use an industry-standard remote support tool. Support is able to quickly connect to the City's desktop and view the site's setup, diagnose problems, or assist with screen navigation. More information about the remote support tool Tyler uses is available upon request.



Exhibit D
DocOrigin End User License Agreement

Tyler warrants that it has written authorization from the owner of DocOrigin, Eclipse Corporation, to use the DocOrigin software as permitted and contemplated by this Agreement.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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 - B. Per-Document.** This is defined as a fee per document based on the total number of documents generated annually by merging data with a template created by the Software. The combined data and template produce documents of one or more pages. A document may contain 1 or more pages. For instance a batch of invoices for 250 customers may contain 1,000 pages, this will be counted as 250 documents which should correspond to 250 invoices.
 - C. Per-Surface.** This is defined as a fee per surface based on the total number of surfaces generated annually by merging data with a template created by the Software. The combined data and template produce documents of one or more pages, the pages may be printed one side (one surface) or duplexed (2 surfaces). The documents may be rendered to a computer file (i.e. PDF), each page placed in the file is considered a surface. A document may contain 1 or more surfaces. For instance a batch of invoices for 250 customers may contain 500 pages duplexed, this will be counted as 1000 surfaces.
- 1.5 Disaster Recovery License.** You may request a Disaster Recovery license of the Software for each production license You have purchased as a failover in the event of loss of use of the production server(s). This license is for disaster recovery purposes only and under no circumstance may the disaster recovery license be used for production simultaneously with a production license with which it is paired.
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7. TERM AND TERMINATION

- 7.1 The term of this Agreement will begin on download of the Software and, in respect of an Evaluation License, shall continue for the Evaluation Period, and in respect of all other license types defined in Section 1, shall continue for as long as You use the Software, unless earlier terminated sooner under this section 7.
- 7.2 OF Software Ltd. may terminate this Agreement in the event of any breach by You if such breach has not been cured within five (5) days of notice to You. No termination of this Agreement will entitle You to a refund of any amounts paid by You to OF Software Ltd. or its applicable distributor or reseller or affect any obligations You may have to pay any outstanding amounts owing to OF Software Ltd. or its distributor.
- 7.3 Your rights to use the Software will immediately terminate upon termination or expiration of this Agreement. Within five (5) days of termination or expiration of this Agreement, You shall purge all Software and all copies thereof from all computer systems and storage devices on which it was stored, and certify such to OF Software Ltd.

8. GENERAL PROVISIONS

- 8.1 **No Waiver.** No delay or failure in exercising any right under this Agreement, or any partial or single exercise of any right, will constitute a waiver of that right or any other rights under this Agreement. No consent to a breach of any express or implied term set out in this Agreement constitutes consent to any subsequent breach, whether of the same or any other provision.
- 8.2 **Severability.** If any provision of this Agreement is, or becomes, unenforceable, it will be severed from this Agreement and the remainder of this Agreement will remain in full force and effect.
- 8.3 **Assignment.** You may not transfer or assign this Agreement (whether voluntarily, by operation of law, or otherwise) without OF Software Ltd.'s prior written consent. OF Software Ltd. may assign this Agreement at any time without notice. This Agreement is binding upon and will inure to the benefit of both parties, and their respective successors and permitted assigns.
- 8.4 **Governing Law and Venue.** This Agreement shall be governed by the laws of the Province of Ontario. No choice of laws rules of any jurisdiction shall apply to this Agreement. You consent and agree that the courts of the Province of Ontario shall have jurisdiction over any legal action or proceeding brought by You arising out of or relating to this Agreement, and You consent to the jurisdiction of such courts for any such action or proceeding.

- 8.5 **Entire Agreement.** This Agreement is the entire understanding and agreement between You and OF Software Ltd. with respect to the subject matter hereof, and it supersedes all prior negotiations, commitments and understandings, verbal or written, and purchase order issued by You. This Agreement may be amended or otherwise modified by OF Software Ltd. from time to time and the most recent version of the Agreement will be available on the OF Software website www.docorigin.com.

Last Updated: [July 18 2013]



Exhibit E

Statement of Work

Statement of Work to be inserted prior to execution.



Exhibit F
Agreement For
Tyler Systems Management ("TSM")

Invoice to: City of Richland

Contact: **INSERT**

Address: 505 Swift Blvd., **MS-03**, Richland, WA 99352

Telephone: **INSERT**

The Tyler Systems Management Agreement (herein "TSM Agreement") is entered into between the City of Richland WA with its principal place of business at 505 Swift Blvd Richland WA 99352 and Tyler Technologies, Inc., (Tyler) with its principal place of business at One Tyler Drive, Yarmouth, Maine, 04096.

The headings use in the TSM Agreement are for reference purposes only and shall not be deemed a part of this TSM Agreement. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the License and Services Agreement ("Agreement")

The City agrees to purchase, and Tyler Technologies, Inc. ("TYLER") agrees to provide, the services listed below in accordance with the following terms and conditions.

I. Term of Agreement:

This Tyler Systems Management Agreement (herein "TSM Agreement") is effective as of the Tyler Software Installation Date, which will be agreed to by both parties in advance and shall remain in force for an initial one (1) year term. Prior to expiration of that initial one (1) year period, Tyler may invoice the City at Tyler's then-current rates for an additional one (1) year, and the City may indicate its desire to renew the service by paying the fee for the additional year, or to discontinue the services as per the terms of the License and Services Agreement. The City may terminate the TSM Agreement at any time with a thirty (30) day advance notice to Tyler.

II. Scope of the Agreement:

The City and Tyler acknowledge that this TSM Agreement covers only the services described below, for the internal business operations of the City of Richland as per Exhibit A, Investment Summary.

III. Payment:

1. The City agrees to pay Tyler for the Tyler Systems Management Services as per conditions set forth in Exhibit A, Investment Summary and Exhibit B, Invoicing and Payment Policy. Payments for renewal of this service will be due from the City annually to Tyler. Payment terms are net forty-five (45) days from invoice date.
2. Additional Charges. Any systems management services and/or related materials performed or supplied by

TYLER for the City that are not in-scope, as defined herein by this Exhibit F, will be invoiced to the City on a time and materials basis at TYLER'S then-current rates

IV. Covered System:

Window Servers that are required to run the Tyler Munis application in non-production and production environments, but subject to Section V (c) below, licensed to the City pursuant to the License and Services Agreement.

V. Scope of Services: TYLER will provide the following services for the benefit of the City:

- a. TYLER SYSTEMS MANAGEMENT Service is available during TYLER's then-current business hours. Those time, as of the Effective Date, are 8:00 PM – 9:00 PM EST Mon – Friday. TYLER'S current business hours are set forth at <http://www.tylertech.com/client-support>. The City may contact a TSM technician using the contact information set forth at <http://www.tylertech.com/client-support>. Calls will be recorded and answered on a first in first out basis, except on reports that declare the City's system down (Priority Level 1 Critical), in which case the City's call will be moved to the head of the queue.
- b. TSM services are restricted to the primary production server(s) that the Tyler Software subject to this TSM Agreement is installed on.
- c. Environments: Database administration services are restricted to three TYLER environments: one live environment, one training environment, and one test environment.
 - (1) In cases where additional databases exist, each additional database will be subject to additional fees, which TYLER will quote to the City at TYLER's then-current rates.
- d. Application Software: In-scope TSM services include two complete sets of the Tyler Software subject to this TSM Agreement: one live set and one test/train set (one production, one non-production).
- e. Required Foundation Software: TSM services include the support and installation of all foundation software TYLER requires the City to procure to utilize one live, one train and one test database. Required foundation software is set forth at <https://check.tylertech.com/>. TYLER does not support, and this TSM Agreement does not include support services for, any third party product that is not required foundation software. TYLER will reasonably cooperate with the City in investigating issues within the Tyler Software that may be created by a third party product, but it is the City's responsibility to pursue support on third party products directly from that vendor or its authorized partners.
- f. TYLER will also perform system administrative tasks on the installed operating system and database administrative tasks on the installed database engine software.
- g. TYLER will also provide a remote installation and configuration of a new or upgraded server, at the City's request, once every two (2) years.

VI. CUSTOMER Responsibilities:

- a. The City shall provide, at no charge to TYLER, access to the Tyler Software programs covered hereunder, including working space; adequate facilities within a reasonable distance from the equipment; and use of

machines, attachments, features, or other equipment necessary to provide the specified support and maintenance service.

- b. The City shall install and maintain for the duration of this TSM Agreement a stable high speed network connection available for remote connections. The City shall pay for installation, maintenance and use of such equipment and associated communication line use charges. TYLER, at its option, and with explicit permission from the City for each instance, shall use this remote interface in connection with error correction.

VI. General

- a. **Non-Assignability:** The City shall not have the right to assign or transfer its rights hereunder to any party.
- b. **Excused Non-Performance:** TYLER shall not be responsible for delays in servicing the products covered by this TSM Agreement caused by strikes, lockouts, riots, epidemic, war, government regulations, fire, power failure, acts of God, or other causes beyond its control.
- c. **Limitation of Liability:** TYLER'S liability hereunder shall not exceed the City's actual, direct damages, not to exceed the TSM services fees paid for the year in which the City's claim accrues. THE CITY SHALL NOT, IN ANY EVENT, BE ENTITLED TO, AND TYLER SHALL NOT BE LIABLE FOR, INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF ANY NATURE, EVEN IF TYLER TECHNOLOGIES HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, IRRESPECTIVE OF THE NATURE OF CUSTOMER'S CLAIM.
- d. **Governing Law:** This TSM Agreement shall be governed by, and construed in accordance with, the laws of the State of Washington. The invalidity or unenforceability of any provisions of this agreement shall not affect the validity or enforceability of any other provision.
- e. **Modification of this Contract:** No modifications or amendment of this TSM Agreement shall be effective unless set forth in writing and signed by both the City and TYLER.
- f. **Suspension:** Support and services will be suspended whenever the City's account is thirty (30) days overdue. Support and services will be reinstated when the City's account is made current by paying all past due fees as per the License and Services Agreement.
- g. **Reservation of Rights:** TYLER reserves all right, title and interest, including but not limited to intellectual property rights, in and to the Tyler Software, the TSM services, and any services or deliverables related thereto, except as expressly set forth in this TSM Agreement.





Exhibit G Software Modifications

MOD / INTERFACE Tyler Reference #	MODULE	DESCRIPTION	Price
MUN-275767	Inventory	Classifications	\$6,375
MUN-275916	PR	FMLA Eligibility	\$6,375
MUN-275768 MUN-275769	Contracts	CPP Retainage Processing	\$22,950
MUN-279525	Grants	Grant Reimbursement Maximum	\$11,475
MUN-275571	Inventory	Buyer Features	<u>\$15,300</u>



Exhibit H

Tyler's Proposal

Incorporated by reference.



Exhibit I
City's RFP 16-0131

Incorporated by reference.



Exhibit J

Hardware Recommendations

Exhibit E - Statement of Work

Enterprise Group, Tyler Technologies
requirements

Prepared for:

City of Richland, WA

2700 Duportail, Bldg 100,
Richland, WA 99352

Prepared by:

Kyle Johnson

One Tyler Drive, Yarmouth, ME 04096
Tyler Technologies, Inc.
www.tylertech.com

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1 Executive Summary

1.1 Project Overview

The Statement of Work (SOW) documents include the project scope, methodology, roles and responsibilities, implementation stages, and deliverables for the implementation of Tyler products. In the event of a conflict between this SOW and the License and Service Agreement (“Agreement”), the Agreement shall control.

The project goals are to offer City of Richland (City) the opportunity to make the City more accessible and responsive to external and internal customer needs and more efficient in its operations through:

- Streamlining, automating, and integrating efficient business processes and best practices
- Providing tools to produce and access information in a real-time environment
- Enabling and empowering users to become more efficient, productive and responsive
- Building understanding of, and enhancing the City’s working relationships internally and throughout the City
- Successfully overcoming current challenges and meeting future goals
- Meeting the City’s responsibility to maintain current service delivery levels while modifying business processes, updating procedures and policies where applicable and implementing the new Tyler system

1.2 Project Timeline

The project timeline establishes a start and end date for each Phase of the Project. Developed during the Initiate & Plan Stage and revised as mutually agreed to, if needed, the timeline accounts for resource availability, business goals, size and complexity of the Project, and task duration requirements.

Phase	Functional Areas	Modules	Start Date	Go-Live Date
1	Financials	• Accounting General Ledger • Cash Management • Project & Grant Accounting • Budgeting • Purchasing • Contract Management • Inventory • Quatred Inventory Scanning Interface • Accounts Payable • Accounts Receivable	October 2017	January 2019

		• General Billing • Tyler Cashiering • Capital Assets • CAFR Statement Builder		
	System Wide	• Munis Analytics & Reporting ○ Tyler Reporting Services ○ Munis Office ○ Role Tailored Dashboard • Tyler Forms Processing • Tyler Content Manager Enterprise		
2	Core Human Resources / Payroll	• Payroll w/Employee Self Service • HR & Talent Management • Employee Expense Reimbursement •	August 2018	July 2019

1.2.1 Program Customizations

The following Program Customizations have been identified as required for go-live. Costs for each Program Modification can be found in Exhibit F of the agreement.

ITEM #	MOD / INTERFACE	MODULE	DESCRIPTION
1	MUN-275767	Inventory	Classifications
2	MUN-275916	PR	FMLA Eligibility
3	MUN-275768 MUN-275769	Contracts	CPP Retainage Processing
4	MUN-279525	Grants	Grant Reimbursement Maximum
5	MUN-275571	Inventory	Buyer Features

1.2.2 Project Release Schedule

Tyler's implementation approach requires that the City will adhere to the following upgrade schedule. Tyler's Project Manager(s) will coordinate with the City project team to coordinate the upgrade activities as follows:

Version	Test Environment Deployment	Live, Train & Implementation Environment Deployment
2017.1 v12	Upon Installation	Upon Installation
2018.3	September 2018	October 2018

1.2.3 Optional Work Scope

Optional Work Scope (Contract Addendum Required) The following modules are listed as Phase3 – Optional, in Exhibit A: Investment Summary are not included in Phases I – 2. A contract amendment shall be used to enable any or all of the optional modules, at which time, the details of the implementation and timeline will be developed.

Undetermined Phase (Optional via Contract Addendum)	Functional Areas	Modules	Start Date	Go-Live Date
A	Work Orders	Asset Maintenance BMI Asset Track Interface BMI CollectIT Interface Tyler Incident Management	Defined via Contract Addendum	Defined via Contract Addendum
B	eProcurement	eProcurement	Defined via Contract Addendum	Defined via Contract Addendum

C	Time Entry and Scheduling	Executime Advance Scheduling Executime Advance Scheduling Mobile Access Executime Time & Attendance Executime Time & Attendance Mobile Access	Defined via Contract Addendum	Defined via Contract Addendum
D	HR Expansion	Recruiting Risk Management Tyler Incident Management	Defined via Contract Addendum	Defined via Contract Addendum
E	Utility Billing	UB CIS UB Hand-Held Interface Maplink GIS Integration Citizen Self Service Central Property File	Defined via Contract Addendum	Defined via Contract Addendum
F	Miscellaneous	Transparency Portal Bid Management	Defined via Contract Addendum	Defined via Contract Addendum

		Performance Based Budgeting Animal License		
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1.3 Project Methodology Overview

Tyler bases its implementation methodology on the Project Management Institute's (PMI) Process Groups (Initiating, Planning, Executing, Monitoring & Controlling, and Closing). Using this model, Tyler developed a 6-stage process specifically designed to focus on critical project success measurement factors.

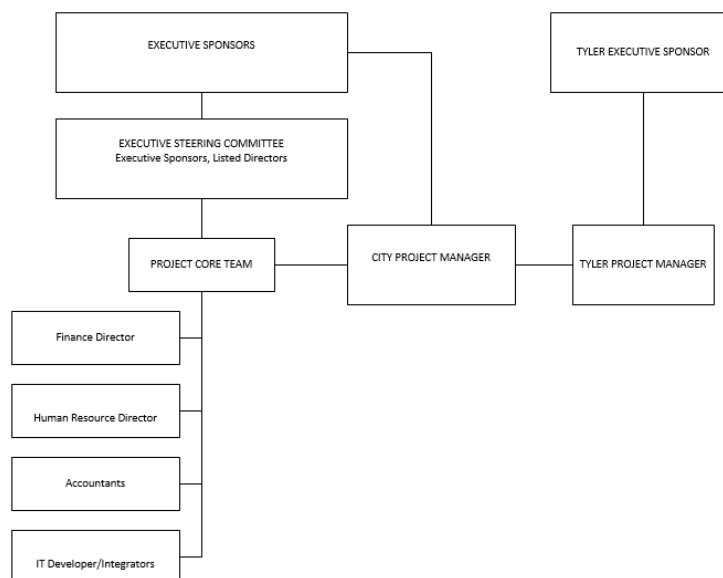
Tailored specifically for Tyler's public sector clients, the project methodology contains Stage acceptance control points throughout each Phase to ensure adherence to scope, budget, timeline controls, effective communications, and quality standards. Clearly defined, the project methodology repeats consistently across Phases, and is scaled to meet the City's and Washington State's complexity, and organizational needs. Stage and/or Phase acceptance may require not only approval but audit for acceptance by the City's Executive Sponsors and/or ERP Steering Committee.

2 Project Governance

The purpose of this section is to define the resources required to adequately establish the business needs, objectives, and priorities for the Project; communicate the goals to other project participants; and provide support and guidance to accomplish these goals. Project governance also defines the structure for issue escalation and resolution, change control review and authority, and organizational change management activities.

The preliminary governance structure establishes a clear escalation path when issues and risks require escalation above the Project Manager level. Further refinement of the governance structure, related processes, and specific roles and responsibilities occurs during the Initiate & Plan Stage.

The path below illustrates an overall team perspective where Tyler and the City will collaborate to resolve project challenges according to defined escalation paths. In the event Project Managers do not possess authority to determine a solution, resolve an issue, or mitigate a risk, Tyler implementation management and City's ERP Steering Committee become the escalation points to triage responses prior to escalation to the City and Tyler Executive Sponsors. As part of the escalation process, each project governance tier presents recommendations and supporting information to facilitate knowledge transfer and issue resolution. The City and Tyler executive sponsors serve as the final escalation point.



Depending on the City's organizational resource availability throughout the project, the following governance roles may be filled by one or more people:

City Project Manager

The City Project Manager(s) coordinate project team members, subject matter experts, and the overall implementation schedule and serves as the primary point of contact with Tyler. The City Project Manager(s) will be responsible for reporting to the City ERP Steering Committee and determining appropriate escalation points. The City Project Manager or designee will:

- Be the primary point of contact with Tyler
- Direct the City's Implementation teams to ensure the project goals and objectives are met on time and within budget
- Manage all aspects of the project including project planning, schedule, communication, scope, budget, risk tracking, issue resolution, change control and other functions needed for the successful completion of the project / project phase
- Ensure interests of the key project stakeholders are represented throughout the duration of the project / project phase.
- Identify risks, including the potential for scope creep. Develop timely, specific and detailed mitigation strategies. Escalate risks to the ERP Steering Team or Executive Sponsors as needed. Partner with the Project Core team to implement the mitigation strategies.
- Update the ERP Steering Committee and Executive Sponsors on all project progress, decisions, issues and achievement of project milestones and associated payments to Tyler.
- Identify areas for organizational change management, with the approval of the ERP Steering Committee and Executive Sponsors

City ERP Steering Committee

The City ERP Steering Committee understands and supports the cultural change necessary for the Project and fosters an appreciation of the Project's value throughout the organization.

The ERP Steering Committee will:

- Oversees the City Project Manager(s) and the Project as a whole and through participation in regular internal meetings
- Ensures the City ERP Steering Committee remains updated on all project progress, project decisions, and achievement of project milestones;
- Provides support to the City Project Manager(s) by communicating the importance of the Project to all impacted departments.

- Is responsible for ensuring the Project has appropriate resources, provides strategic direction to the Project team, for making timely decisions on critical project issues or policy decisions.
- Serves as primary level of issue resolution for the Project.
- Review, approve and support strategies for organizational change management including communication to the organization.
- Resolve issues escalated from the City Project Core Team for standard business functions.

City Executive Sponsor(s)

The City's executive sponsor provides support to the Project by allocating resources, providing strategic direction, and communicating key issues about the Project and the Project's overall importance to the organization. When called upon, the executive sponsor also acts as the final authority on all escalated project issues. The executive sponsor engages in the Project, as needed, in order to provide necessary support, oversight, guidance, and escalation, but does not participate in day-to-day project activities.

The Executive Sponsor(s) will:

- Support the City Project Manager to achieve the project vision, goals and objectives.
- Approve the system control points as well as the project control points from recommendations from the Project Manager and Project Core Team.
- If the need arises, justify and support additional staffing and/or budgeting needed to fully implement scope and complete project.
- Review recommendations from the Project Manager and Project Core Team to; remove Project roadblocks, resolve open issues that need Executive direction and provide Project oversight as needed.

City Project Core Team

The City's Project Core team understands and supports the culture change necessary for the Project and fosters an appreciation of the project's value throughout the organization.

The Project Core Team will:

- Support the City Project Manager to achieve the project vision, goals and objectives.
- Be the business owners for their respective functional areas with regards to business process review and implementation, adoption of best practices and standards, ownership of information and processes, reporting and analytics.
- Identify and include additional subject matter experts and power users as needed to participate in various project Stages.

- If the need arises, justify additional staff to the ERP Executive Team meet project goals and deadlines.
- Develop and implement strategies for organizational change management including project communication with the approval of the ERP Executive Steering Team

Tyler Project Manager

The Tyler Project Manager(s) have direct involvement with the Project and coordinates project team members, implementation consultants, the overall implementation schedule, and serves as the primary point of contact with the City. If requested, the Tyler Project Manager(s) provide regular updates to the City's Steering Committee and other Tyler governance members.

The Tyler Project Manager will:

- Direct Tyler's Implementation teams to ensure the project goals and objectives are met on time and within budget
- As a partner to the City Project Manager, manage all aspects of the project including project planning, schedule, communication, scope, budget, risk tracking, issue resolution, change control and other functions needed for the successful completion of the project / project phase for Tyler deliverables
- Identify risks, including the potential for scope creep. Work with City to develop mitigation strategies. Escalate risks to the City Project Manager, ERP Steering Team or Executive Sponsors as needed. Partner with the City Project Manager to monitor the project.
- As requested, update the ERP Steering Committee and Executive Sponsors on all project progress, decisions, issues and achievement of project milestones and associated payments to Tyler.

Tyler Implementation Management

Tyler implementation management has indirect involvement with the Project and is part of the Tyler escalation process. Tyler Project Manager(s) consult implementation management on issues and outstanding decisions critical to the Project. Implementation management works toward a solution with the Tyler Project Manager(s) or with the City management, as appropriate. Tyler executive management is the escalation point for any issues not resolved at this level. The name(s) and contact information for this resource will be provided and available to the City Project Manager, ERP Steering Committee and/or Executive team for escalation of issues.

Tyler Executive Management

Tyler executive management has indirect involvement with the Project and is part of the Tyler escalation process. This team member offers additional support to the Project team and collaborates with other Tyler department managers, as needed, in order to escalate and facilitate implementation project tasks and decisions. The name(s) and contact information for this resource will be provided and available to the City Project Manager, ERP Steering Committee and/or Executive team for escalation of issues.

2.1 Acceptance and Acknowledgment Process

All Deliverables and Control Points must be accepted following the process below. Acceptance requires a formal sign-off at the time of delivery. The parties acknowledge that the Agreement has specific, and controlling, provisions related to matters such as the completion and acceptance of Phases and payments to Tyler. To the extent not in conflict with the Agreement, the following processes will be used for accepting or acknowledging Deliverables and Control Points.

The City shall have fifteen (15) business days from the date of delivery, or as otherwise mutually agreed upon by the parties in writing, to accept each Deliverable or Control Point. If the City does not provide acceptance within fifteen (15) business days, or the otherwise agreed upon timeframe, not to be unreasonably withheld, Tyler deems the Deliverable or Control Point as accepted.

- If the City does not agree the particular Deliverable or Control Point meets requirements, the City shall notify Tyler Project Manager(s), in writing, with reasoning within fifteen (15) business days, or the otherwise agreed-upon timeframe, not to be unreasonably withheld, of receipt of the Deliverable.
- Tyler shall address any deficiencies and redeliver the Deliverable or Control Point. The City shall then have five (5) business days from receipt of the redelivered Deliverable or Control Point to accept or again submit written notification of reasons for rejecting the Deliverable or Control Point. If the City does not provide acceptance or acknowledgement within five (5) business days, or the otherwise agreed upon timeframe, not to be unreasonably withheld, Tyler deems the Deliverable or Control Point as accepted.
- Acceptance of the Deliverable or Control Point must be initiated from either the City Project Manager or City Executive Sponsor. Notification, acknowledgement or other communication from a Subject Matter Expert (SME) or other Project Team member will not suffice as authoritative approval on Deliverables or Control Points
- When possible to ensure an efficient response process, Tyler Project Manager will notify the City Project Manager of an upcoming Deliverable or Control Point to allow the City Project Manager adequate time to align resources for review, effectively use the review timeline window, or other mutually agreed upon response timelines.
- Acknowledgement of receiving a Deliverable or Control Point does not commit the City to approval of a Deliverable or Control Point. Acknowledgement only confirm that the City has received the notice and has the fifteen (15) business days or other mutually agreed upon response times, to accept or provide non-acceptance reasoning.

3 Overall Project Assumptions

3.1 Project, Resources and Scheduling

- Project activities will begin after the Agreement has been fully executed.
- The City and Tyler have the ability to allocate additional internal resources if needed. The City also ensures the alignment of their budget and Scope expectations as set forth in the Agreement, as Exhibit A: Investment Summary and this Exhibit E: Statement of Work.
- Tyler will notify the City Project Manager if/when additional resources may be required and whether the resources result in any additional cost prior to the resource joining the project.
- The City and Tyler ensure that the assigned resources are available, the resources buy-into the change process, and the resources possess the required business knowledge to complete their assigned tasks successfully.
- Should there be a change in either party's resources, the replacement resource should have a comparable level of availability, buy-in, and knowledge. It shall be each party's responsibility to bring the assigned replacement resource up to speed on scope, deliverables and tasks to be accomplished by said resource.
- Tyler and the City agree to provide adequate resources to support the efforts to complete the Project as scheduled and within the constraints of the Project budget.
- Abbreviated timelines and overlapped Phases can result in project delays if there are not sufficient resources assigned to complete all required work as scheduled.
- Changes to project Plan, schedule, availability of resources or changes in Scope may result in schedule delays, which may result in additional charges to the Project.
- Tyler will provide a written agenda and notice of any prerequisites to the City Project Manager(s) ten (10) business days prior to any scheduled on site or remote sessions.
- Tyler will provide notice of any prerequisites to the City Project Manager(s) a minimum of ten (10) business days prior to any key Deliverable or Control Point due dates.
- City users will complete prerequisites prior to applicable scheduled activities.
- Tyler will provide options, and explaining any differences and best practices, for configuration and processing options available within the Tyler software. The City is responsible for making decisions based on the options, explanations and best practices as presented.
- In the event the City may elect to add and/or modify current business policies during the course of this project, such policy changes are solely the City's responsibility to define, document, and implement unless the Customizations directly impact Tyler's software processes which are solely Tyler's responsibility to define, document and implement. Such modification may/may not result in a change order to the project if not previously identified as in scope as a software modification.
- The City will make timely project related decisions in order to achieve scheduled due dates on tasks and prepare for subsequent training sessions. Decisions left unmade may affect the Project schedule, as each analysis and implementation session builds on the decisions made in prior sessions.
- Tyler considers additional services, beyond the budgeted hours as identified in Exhibit A: Investment Summary, out of Scope which will require additional hours. Any such additional hours must be requested via Change Request approved through the Change Control process.
- The City will respond to Tyler information requests in a comprehensive and timely manner, in accordance with the Project schedule.

3.2 Data Conversion

- The City is readily able to produce the data files needed for conversion from the Legacy System and provide them to Tyler on the specified due date(s).
- Each Legacy System data file submitted for conversion includes all associated records in a single approved file layout.
- The City understands the Legacy System data file must be in the same format each time, unless changes are mutually agreed upon in advance. If not, negative impacts to the schedule, budget, and resource availability may occur and/or data in the new system may be incorrect.
- During this process, the City may need to correct data scenarios in their Legacy System prior to the final data pull. This is a complex activity and requires due diligence by the City to ensure all data pulled includes all required data and the Tyler system contains properly mapped data.
- Tyler will provide a data dictionary and layout of fields required to the City prior to the City producing any data files from legacy systems. This will be provided in a mutually agreed upon timeframe

3.3 Data Exchanges, Modifications, Forms and Reports

- For 3rd party software of the City's, the City ensures the 3rd party data received is in the correct format. Tyler will provide a layout of fields required to the City. The City will be responsible for any communication between any 3rd Party and Tyler. This will be done in a mutually agreed upon timeframe.
- For 3rd party software of the City's, the 3rd party or City staff, possesses the knowledge of how to program their portion of the interaction and understands how to manipulate the data received.
- For 3rd party software of the City's, it is the City's responsibility to ensure the City is on a supported, compatible version of the 3rd party software for use with Tyler Standard Data Exchange tools.
- The City is willing to make reasonable business process changes rather than expecting the product to conform to every aspect of the City's current system/process.
- Any Modification requests, not expressly stated in the contract, are deemed out of Scope and will require a Project Change Request to use any additional implementation days as set forth in Exhibit A: Investment Summary. Modifications requested after contract signing have the potential to change cost, Scope, schedule, and production dates for project Phases. Modification requests not in Scope must follow the Project Change Request process.

3.4 Hardware and Software

- Tyler will initially install the most current generally available version of the purchased Tyler software.
- The City will provide network access for Tyler modules, printers, and Internet access to all applicable City and Tyler project staff.
- At the time of final testing for implementation, The City has in place all hardware, software, and technical infrastructure necessary to support the Project.

- The City ensures system hardware and software meet Tyler standards to ensure sufficient speed and operability of Tyler software. Tyler will not support use of software if the City does not meet minimum standards of Tyler's published specifications as listed in Exhibit J – Hardware Recommendations.

3.5 Education

- During live and onsite training, the City will provide a training room for Tyler staff to transfer knowledge to the City's resources, as well as a place for the City staff to practice what they have learned without distraction. If Phases overlap, the City will provide multiple training facilities to allow for independent sessions and scheduling without conflict.
- The training room will be set up in a classroom setting. The City determines the number of workstations in the room. Tyler recommends every person attending a scheduled session with a Tyler Consultant or Trainer have their own workstation. However, Tyler requires there be no more than two people at a given workstation.
- The City will provide a workstation which connects to the Tyler system for the Tyler Trainer conducting the session. The computer connects to a City provided projector, allowing all attendees the ability to actively engage in the training session.
- The City testing database contains the Tyler software version required for delivery of the Modification prior to the scheduled delivery date for testing.
- The City is responsible for verifying the performance of the Modification as defined by the specification.
- Users performing User Acceptance Testing (UAT) have attended all applicable training sessions prior to performing UAT.

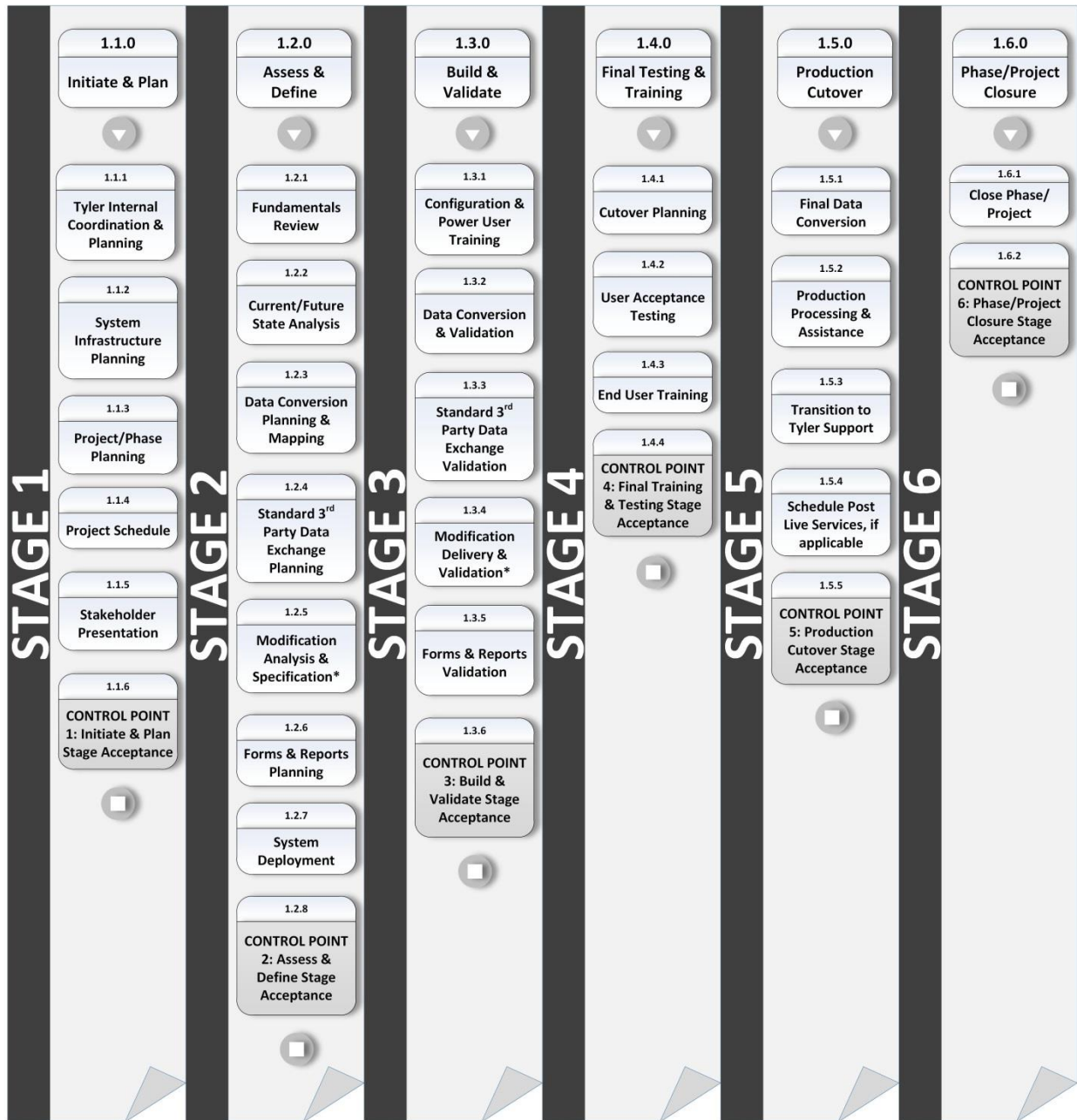
4 Implementation Stages

4.1 Work Breakdown Structure (WBS)

The Work Breakdown Structure (WBS) is a hierarchical representation of a project or Phase broken down into smaller, more manageable components. The top level components are called “Stages” and the second level components are called “work packages.” The work packages, shown below each Stage, contain the high-level work to be done. The detailed project Plan, developed during Initiate & Plan and finalized during Assess & Define, will list the tasks to be completed within each work package. Each Stage ends with a “Control Point”, confirming the work performed during that Stage of the Project.

As stated in Section 1.2: Project Timeline, there are currently two phases identified that may be altered once full project planning has taken place under Initiate and Plan.

Each of the Phases will begin with Stage 1: Initiate and Plan at the end of which, the project plan for the entire Phase will be defined and delivered. Stages 2 through 5 will be iterative for each module as well as issue correction. This iterative approach will allow modules to be configured and tested while other modules are being defined. Stage 6 will occur at the end of each Phase. Each module will have a Control Point and each Stage will end with a Control Point, confirming deliverables and work performed.



* - If included in project scope

Table 01

4.2 Initiate & Plan (Stage 1)

The Initiate & Plan Stage creates a foundation for the Project through identification of City and Tyler Project management teams, development of implementation management plans, and the provision and discussion of system infrastructure requirements. City participation in gathering information is critical. Tyler Project management teams present initial plans to stakeholder teams at Stage end and the City Project Manager will present the initial plans to the ERP Steering Committee and Executive Sponsors.

Tyler Internal Coordination & Planning

Prior to project commencement, Tyler management staff assigns Tyler Project Manager(s). Tyler provides the City with initial Project documents used in gathering basic information, which aids in preliminary planning and scheduling. City participation in gathering requested information by provided deadlines ensures the Project moves forward in a timely fashion. Internally, the Tyler Project Manager(s) coordinate with Sales to ensure transfer of vital information from the sales process prior to scheduling a Project Planning Meeting with the City's team. During this step, Tyler will work with the City to establish the date(s) for the Project/Phase Planning session and the Project kick-off meeting to be held onsite at the City. At least ten (10) days in advance of the kick off meeting, the Tyler Project Manager will deliver a detailed agenda for the kick off for approval by the City Project Manager.

Outcomes/Deliverables:

- Kick off meeting detailed agenda
- Project kick off meeting, planned, scheduled and completed
- Detailed meeting agenda and meeting minutes
- Updated implementation approach and initial issues/risk log generated

RACI MATRIX KEY: **R** = Responsible **A** = Accountable **C** = Consulted **I** = Informed

STAGE 1	Tyler Internal Coordination & Planning																			
	TYLER								CITY											
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Assign Tyler Project Manager	A	R	I						I			C								
Provide initial Project documents to City	A	I	R						C			I								
Sales to Implementation knowledge transfer	A	I	R						C											
Internal planning and phase coordination		A	R					C												
Project Kick off scheduled and completed		A	A					C	C	I	I	R	I	I	I	I	I	I	I	I

System Infrastructure Planning

The City provides, purchases or acquires hardware according to hardware specifications provided by Tyler as per Exhibit J – Hardware Recommendations and ensures it is available at the City site. The City and Tyler will complete the system infrastructure audit, ensuring vital system infrastructure information is available to the Tyler implementation team, and verifies all hardware compatibility with Tyler solutions as per the Agreement.

Outcomes/Deliverables

- System infrastructure audit complete and approved by both City and Tyler Project Managers
- Necessary hardware installed by the City and ready for Tyler initial implementation

RACI MATRIX KEY: **R** = Responsible **A** = Accountable **C** = Consulted **I** = Informed

STAGE 1	Tyler Internal Coordination & Planning																				
	TYLER									CITY											
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator	
			I					R	A			I						C			
			I					C				A						R			
			I					C				A						R			
			I					C				A						R			

Project/Phase Planning

Project and Phase planning provides an opportunity to review the contract, software, data conversions and services purchased, identify Applications to implement in each Phase (if applicable), and discuss implementation timeframes for services identified in Exhibit A: Investment Summary. The Tyler Project Manager(s) deliver an Implementation Management Plan, which is mutually agreeable by the City and Tyler. The Implementation Management plan will address how communication, quality control, risks/issues, resources and schedules, Software upgrades (if applicable) will be managed throughout the lifecycle of the project

Outcome/Deliverable:

- System Implementation Management Plan by Tyler and approved by both City and Tyler Project Managers
- Change Control template to be used, approved by both City and Tyler Project Managers

RACI MATRIX KEY: **R** = Responsible **A** = Accountable **C** = Consulted **I** = Informed

STAGE 1	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Perform Project/Phase Planning		A	R							I	I	C	C			I				
Deliver implementation management plan		A	R							I	I	C	C	I		I				
Deliver Change Control Template		A	R							I	I	C	C	I		I				

Project Schedule

City and Tyler will mutually develop an initial Project schedule. The initial schedule includes, at minimum, enough detail to begin Project activities while the detailed Project Plan/schedule is being developed and refined. The detailed project schedule/plan will identify a comprehensive list of tasks, timelines and resource assignments associated with each known Project deliverable. The Project Schedule will be adjusted, as needed, by Tyler and City Project Managers during the implementation, with prior approval of the ERP Steering Committee or Executive Sponsors.

Outcomes/Deliverables:

- Initial Project Schedule
- Detailed Project Schedule (per Phase) and overall Project Schedule

RACI MATRIX KEY: **R** = Responsible **A** = Accountable **C** = Consulted **I** = Informed

STAGE 1	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Develop initial Project schedule		A	R	I								C	I	I						
Deliver Project Plan and schedule for Project Phase		A	R	I						I	I	C	C	I	I	I				
City reviews Project Plan & initial schedule			C							I	A	R	C	C	I	C				
City approves Project Plan & initial schedule			I							I	A	R	C	C	I	I		I	I	I

Stakeholder Presentation

The Tyler and City Project Managers will partner with the ERP Steering Committee and Executive Sponsors to communicate to key City stakeholders the Project vision and goals, success criteria, deliverables, high-level milestone schedule and roles and responsibilities of the Project Teams. The City and Tyler Project Managers will define communication protocols for internal process change notification and business process change adoption.

Outcome/Deliverables:

- Project Mission statement, goals and vision presentation
- Communications Plan identifying channels of communication and escalation procedures

RACI MATRIX KEY: **R** = Responsible **A** = Accountable **C** = Consulted **I** = Informed

STAGE 1	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Present overview of Project Deliverables, project schedule and roles and responsibilities		A	R	I					I	I	I	C	I	I	I	I	I	I	I	I
Communicate successful Project criteria and goals			I							R	C	A	C	I	I	C	I	I		
Communication Plan reviewed and approved		C	R	I					I	C	C	A	I	I	I	I	I	I	I	I

Control Point 1: Initiate & Plan Stage Acceptance

Acceptance criteria for this Stage includes completion of all criteria listed below. Advancement to the Assess & Define Stage is dependent upon Tyler's receipt of the Stage Acceptance.

4.2.1.1 Initiate & Plan Stage Deliverables

- Implementation Management Plan
 - Objective: Update and deliver baseline management plans to reflect the approach to the City's Project.
 - Scope: The Implementation Management addresses how communication, quality control, risks/issues, resources and schedules, and Software Upgrades (if applicable) will be managed throughout the lifecycle of each Phase the Project.
 - Acceptance criteria: City reviews and acknowledges Implementation Management Plan
- Project Plan/Schedule
 - Objective: Provide a comprehensive list of tasks, timelines and assignments related to the Deliverables of the Project.
 - Scope: Task list, assignments and due dates
 - Acceptance criteria: City acceptance of schedule based on City's resource availability and Project budget and goals.

4.2.1.2 Initiate & Plan Stage Acceptance Criteria

- Hardware installed by the City and reviewed by Tyler
- System infrastructure audit complete and verified by Tyler
- Implementation Management Plan delivered and accepted by the City
- Project Plan/Schedule delivered; dates confirmed and accepted by the City
- Stakeholder Presentation complete and Communication escalation plan approved by the City.

4.3 Assess & Define (Stage 2)

The primary objective of Assess & Define is to gather information about current City business processes and translate the material into future To-Be business processes using Tyler Applications. Tyler uses a variety of methods for obtaining the information, all requiring City collaboration. The City shall provide complete and accurate information to Tyler staff for analysis and understanding of current workflows and business processes.

This Stage includes Business Process Consulting services as identified in Exhibit A: Investment Summary (e.g. Accounts Payable, General Ledger, Payroll with Employee Self-Service, etc.) as well as any items not listed or mutually agreed upon and approved using the “Reserve Bucket” allocation (e.g. Time Entry, Advanced Scheduling).

Fundamentals Review

Fundamentals Review provides Functional Leads and Power Users an overall understanding of software capabilities prior to beginning current and future state/process analysis. The primary goal is to provide a basic understanding of system functionality, which provides a foundation for upcoming conversations regarding future state/process processing. Tyler utilizes a variety of methods for completing fundamentals training including the use of eLearning, videos, documentation, and walkthroughs.

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Outcomes/Deliverables:

- The City Project Core Team and Power Users have a solid understanding of the fundamentals of the Tyler software modules being implemented in each Phase.
- Tyler provides the required initial user manuals for the Tyler software so that Power Users can continue self-training in the test environment.

STAGE 2	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Schedule fundamentals review & provide fundamentals materials & prerequisites, if applicable		A	R	I								C	I		I				I	
Complete fundamentals materials review and prerequisites			I									A	R		I				C	
Ensure all scheduled attendees are present			I	I							A	R	C		I	A				
Facilitate fundamentals review			A	R								C	I		I					
Provide initial user manuals to the City			R	A								C	I	I	I			I		

Current/Future State Analysis

The City and Tyler evaluate current state processes, options within the new software, pros and cons of each option based on current or desired state, and make decisions about future state configuration and processing.

As stated in section 4.3 this Stage includes Business Process Consulting services as identified in Exhibit A: Investment Summary (e.g. Accounts Payable, General Ledger, Payroll with Employee Self-Service, etc.) as well as any items not listed or mutually agreed upon and approved using the “Reserve Bucket” allocation (e.g. Time Entry, Advanced Scheduling).

The City and Tyler will evaluate current state/condition processes, options within the Tyler software, pros and cons of each options, best practices and desired state/condition and make decisions about future state/condition configurations and processing for each Phase of the Project.

As part of the Business Process Consulting engagement Tyler will:

- Interview City defined business users (as assigned by the City Leadership) in order to understand current requirements versus business processes, current practices, procedures and policies to understand the As-Is environment of the City.
- As required, involve cross functional teams to review and plan current and future business processes.
- Identify integration touch points with City applications and within the Tyler System as needed
- Identify and recommend best practices and standards to improve the City’s operation as a whole.
- Evaluate the information collected and develop recommendations for the usage and implementation of the Tyler software
- Create custom desktop training materials based on To-Be processes. Tyler will make an additional pass on the desktop documents to update them based on the v2018.3 release. The documents are listed in section A.1.1 of the SOW

As part of the engagement the City Project Team will:

- Work cooperatively with Tyler resources throughout the engagement
- Identify business process changes and policy impacts of decisions
- Identify control points for system security and auditing

Identify potential change management issues and provide resolution recommendations

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STAGE 2	Tyler Internal Coordination & Planning																			
	TYLER								CITY											
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Provide Current/Future State analysis materials to the Richland, WA, as applicable		A	R	I								C	I		I					
Conduct Current & Future State analysis			A	R							C	I	C	I	C					
Provide pros and cons of Tyler software options			A	R							I	I	C	I	C	I				
Deliver Best Practice Recommendations via System Design Document (For BPC modules)			A	R							I	I	C	I	C	I				
Make Future State Decisions according to due date in the Project Plan			I	I							C	A	R	I	C	I				
Create custom Desktop Documents See B.1.1 for processes			A	R								I	I		I					
Record Future State decisions			A	R						C	C	C	I	I	I	I				

Data Conversion Planning & Mapping

This entails the activities performed to prepare and to convert data from the City's Legacy System Applications to the Tyler system. As outlined in the Agreement, Tyler and City staff work together to complete Data Mapping for each piece of data from the Legacy System to a location in the Tyler system.

Outcomes and Deliverables:

- Tyler and the City have a thorough understanding of the data exchange interface points and agree on these as part of the implementation scope.
- The conversion process assumes a single source of data being submitted by the City, and unlimited available passes until proofed
- Data mapping document identifying the fields and formats required in the extraction and conversion
- Extraction from legacy system by City resource and migration of extracted data into Tyler system by Tyler resource
- Reconciled extraction with all issues corrected and extract approved by both parties.

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STAGE 2	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Review contracted data conversion(s) options			A	R	I							C	C		C			C		
Map data from Legacy System to Tyler system			I	C	I							A	C		C			R		
Pull conversion data extract			I		I							A	C		C			R		

Run balancing Reports for data pulled and provide to Tyler			I		I								A	C		R			I		
Review and approve initial data extract		A	I	C	R								C						I		
Correct issues with data extract, if needed			I	C	C								A	C		C			R		

Standard 3rd Party Data Exchange Planning

Standard Data Exchange tools are available to allow clients to get data in and out of the Tyler system with external systems. Data exchange tools can take the form of Imports and Exports, and Interfaces.

A Standard Interface is a real-time or automated exchange of data between two systems. This could be done programmatically or through an Application Program Interface (API). It is Tyler's responsibility to ensure the Tyler programs operate correctly. It is the City's responsibility to ensure the third party program operates or accesses the data correctly.

If not already identified in the Agreement, the City and Tyler Project Manager(s) will work together to define/confirm which Data Exchanges are required. Tyler will provide a file layout for each Standard Data Exchange. For these data exchanges it is Tyler's responsibility to ensure the Tyler programs operate correctly. It is the City's responsibility to ensure the City Applications (or third party) operate or access the data correctly.

Outcomes and Deliverables:

- Tyler and the City have a thorough understanding of the data exchange interface points and agree on these as part of the implementation scope.
- File layout and functional document identifying the fields and formats required in the extraction and exchange
- Extraction from the City's Legacy 3rd party system by City resource and migration of extracted data into Tyler system
- Reconciled extraction with all issues corrected and extract approved by both parties.

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STAGE 2	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
			A	R								C	I		I			C		
			I	C								A	C		C			R		

Modification Analysis & Specification, if contracted

Tyler staff conducts additional analysis and develops specifications based on information discovered during this Stage. The City reviews the specifications and confirms the specifications meet the City's requirements prior to acceptance. Out of Scope items or changes to specifications after acceptance will require a Change Request.

Tyler's intention is to minimize Modifications by using Standard functionality within the Application, which may require a City business process change. It is the responsibility of the City to detail all of their requirements during the Assess and Define Stage. Tyler will write up specifications, for City approval, for all contracted program Modifications. Upon approval by the City, Tyler will make the agreed upon Modifications to the respective program(s). Once the Modifications have been delivered, the City will test and approve those changes during the Build and Validate Stage.

Outcomes and Deliverables:

- Tyler will provide a specification for City review for requirement completeness and approval.
- Tyler will modify the software per the approved specification, test the modification for completeness and accuracy and provide proof of delivery of the modification along with test scripts and results from Tyler testing
- The City will review and test the modification for completeness and correctness and provide either approval or list of corrections required for approval.

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STAGE 2	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
	Analyze contracted custom program requirements			A	C			R				C	C	I	C			C		
	Develop specification document(s)	A		I	C			R				I	I		I			C		

Review specification document(s); provide changes to Tyler, if applicable			I	C			C					A	R	I	C			C		
Sign-off on specification document(s) and authorize work			I				I				A	R	C	I	I			C		

Forms & Reports Planning

The City and Tyler Project Manager(s) review Forms and Reporting needs. Items that may be included in the Agreement are either Standard Forms and Reports or known/included Modifications(s). Items not included in the Agreement could be either City developed Reports or a newly discovered Modification that will require a Change Request.

Tyler will provide the City detailed specifications for the custom forms and reports that are in the scope. If both parties agree to in writing, the additional forms and reports identified are not within the scope of the project, Tyler will provide the City a document identifying the detailed specifications as well as the estimated level of effort by Tyler to implement the additional forms and reports. If approved, the additional forms/reports may be implemented using the additional implementation days as set forth in Exhibit A: Investment Summary. If the additional forms and reports cannot be delivered using the additional implementation days, a Change Order will be considered by the City which will require the approval of the Executive Sponsors and the Tyler Executive Manager.

Outcomes/Deliverables:

- Tyler provides comprehensive documentation on approved custom forms and reports to meet the City's specific business needs. The documentation will include the data model tables and technical specifications required for the form.
- Tyler will test the form/report for completeness and accuracy and provide the City with test scripts and results for review and approval
- The City will test the form/report for completeness and accuracy prior to approval and will provide corrective action required in the case of issues.

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STAGE 2	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Review required Forms output			A	R								C	C	I	C			I		
Review and complete Forms options and submit to Tyler			I			I						A	R		C					
Review in Scope Reports			A	R								I	C		C			I		
Identify additional Report needs			I	C								A	R		C					
Add applicable tasks to Project schedule		A	R	I		C						C	I		I			I		

Security Planning

The City and Tyler will partner to review the security requirements across the functional areas of the City with regards to the system deployment. A high level scrutiny will be paid to ensure that user accounts and roles are given the least security privilege to perform their daily business functions typical of their role. Tyler and the City will plan the separation of duties and accounting controls to safeguard the access of financial information, Personally Identifiable Information (PII) or other sensitive data to only those users and roles with an approved business need.

Outcomes/Deliverables

- Tyler provides the City detailed specifications for the security roles available as part of the Tyler system
- Tyler trains City staff responsible for Tyler system security on the configuration and maintenance of the system security.
- Tyler will provide documentation on security configuration, maintenance and industry best practices.
- City and Tyler will plan and document the security controls related to the separation of duties and accounting controls to be implemented in the Tyler system to limit access.

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STAGE 2	Tyler Internal Coordination & Planning																			
	TYLER									City										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Security Documentation			I	R				C			I	I	C		C					
Security Configuration Training			I	R				C			I	C	A							
Testing of Security Configurations																				
Ensure platform operates as expected																				

System Deployment

The Tyler Technical Services team installs Tyler Applications on the City's hardware and ensures the platform operates as expected and is ready for testing. Tyler will provide the necessary training to City IT staff to perform standard system administration activities even though the City may elect to leverage the Tyler Support Management (TSM) agreement as part of Exhibit A: Investment Summary.

During each Phase, Tyler will begin system deployment by focusing on key functionality required in the Tyler system to support the Phase. Tyler and the City will work in partnership to configure the software to meet City requirements and business needs based upon information relayed during the Business Process Change (BPC) process. Tyler will provide initial testing script to the City with modifications indicated in TO-BE configuration to show that the system deployment, though not fully tested, is available for City testing.

Outcomes/Deliverables:

- Software installed and initial deployment testing complete
- Initial Test scripts documented and submitted to the City for review and approval

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STAGE 2	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Install contracted software on server	A		I					R				I						C		
Ensure platform operates as expected Unit Testing complete	A		I					R				I						C		

Control Point 2: Assess & Define Stage Acceptance

Acceptance criteria for this Stage includes completion of all criteria listed below. Advancement to the Build & Validate Stage is dependent upon Tyler's receipt of the Stage Acceptance.

4.3.1.1 Assess & Define Stage Deliverables

- Completed analysis Questionnaire
 - Objective: Gather and document information related to City business processes for current/future state analysis as it relates to Tyler approach/solution.
 - Scope: Provide comprehensive answers to all questions on Questionnaire(s).
 - Acceptance criteria: City acceptance of completed Questionnaire based on thoroughness of capturing all City business practices to be achieved through Tyler solution.
 -
 - The City's executive team will review and approve the business practices and process changes to be implemented. This will be the basis for acceptance.
- Data conversion summary and specification documents
 - Objective: Define data conversion approach and strategy
 - Scope: Data conversion approach defined, data extract strategy, conversion and reconciliation strategy.
 - Acceptance criteria: Data conversion document(s) delivered to the City reflecting complete and accurate conversion decisions.
- Customization specification documents, if contracted
 - Objective: Provide comprehensive outline of identified gaps, and how the custom program meets the City's needs
 - Scope: Design solution for Customization
 - Acceptance criteria: City accepts Custom Specification Document(s) and agrees that the Tyler proposed solution meets the City's requirements
- Completed Forms options and/or packages
 - Objective: Provide specifications for each City in Scope form, Report and output requirements
 - Scope: Complete Forms package(s) included in "Agreement" and identify Reporting needs.
 - Acceptance criteria: Identify Forms choices and receive supporting documentation
- Installation checklist
 - Objective: Installation of purchased Tyler software
 - Scope: Tyler will conduct an initial coordination call, perform an installation of the software included in the Agreement, conduct follow up to ensure all initial installation tasks are complete, and complete server system administration training has occurred, unless the City is using the hosted software system.
 - Acceptance criteria: Tyler software is successfully installed and available to authorized users, City team members are trained on applicable system administration tasks.

4.3.1.2 Assess & Define Stage Acceptance Criteria

- Tyler software is installed
- Fundamentals review is complete
- Required Form information complete and provided to Tyler
- Current/Future state/condition analysis completed;
- City's Executive team review and approval of future state/condition analysis and security components
- Data conversion mapping and extractions completed and provided to Tyler
- Installation is complete and verified by Tyler
- System Administration testing is complete

Validate configuration testing			I	C						I	A	C		R	I		C		
--------------------------------	--	--	---	---	--	--	--	--	--	---	---	---	--	---	---	--	---	--	--

Data Conversion & Validation

Tyler completes an initial review of the converted data for errors. With assistance from the City the Tyler Data Conversion Team addresses items within the conversion program to provide the most efficient data conversion possible. With guidance from Tyler, the City reviews specific data elements within the system and identifies and Reports discrepancies in writing. Iteratively, Tyler collaborates with the City to address conversion discrepancies prior to acceptance.

Outcomes/Deliverables:

- Tyler completes/participates in conversion of data files and documents results
- Tyler analyzes results and provides recommendations and solutions to the City
- Conversion validation testing is completed by the City and results agreed upon and/or issues documented for resolution

RACI MATRIX KEY: **R** = Responsible **A** = Accountable **C** = Consulted **I** = Informed

STAGE 3	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Write and run data conversion program against City data		A	I	C	R													C		
Complete initial review of data errors		A	I	C	R							I	I					C		
Review data conversion and submit required corrections			I	C	I							A	C		R			C		
Revise conversion program(s) to correct error(s)		A	I	C	R							I	I		C			C		

Standard 3rd Party Data Exchange Validation

Tyler provides training on Data Exchange(s) and the City tests each Data Exchange.

Outcomes/Deliverables:

- Tyler completes/participates in training City staff for required data exchange
- The City completes 3rd party file mapping and conversion with support from Tyler as required
- Tyler provides recommendations and solutions to the City
- Data Exchange validation testing is completed by the City and results agreed upon and/or issues documented for resolution

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STAGE 3	Tyler Internal Coordination & Planning																			
	TYLER								CITY											
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
			A	R								C	I	I	I			C	I	
			I	I								A	C		C			R		
			I	C								A	C	I	R			C		
Train Data Exchange(s) processing in Tyler software																				
Coordinate 3 rd Party Data Exchange activities																				
Test all Standard 3 rd party Data Exchange(s)																				

Modification Delivery & Validation, if contracted

Tyler delivers in Scope Modification(s) to the City for preliminary testing. Final acceptance will occur during the Final Testing and Training Stage.

Outcomes/Deliverables:

- Tyler delivers required functionality for review
- Tyler tests the delivered modification functionality and provides results to the City of results and issues
- Tyler provides recommendations on any additional adjustments required for the functionality to work as defined
- Tyler provides documentation and training on how to test the modification/customization
- Modification validation testing is completed by the City and results agreed upon and/or issues documented for resolution

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STAGE 3	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Develop and deliver contracted custom program(s)		A	I	C	I		R					I	C	I	C			C		C
Test contracted custom program(s) in isolated database			I	C			C					A	C		R			C		
Report discrepancies between specification and delivered contracted custom program(s)			I	I			I					A	R		C			C		

Make corrections to contracted custom program(s) as required		A	I	C	I		R					I	C		C			I		C
Complete modification validation testing		I	I	C	C	C	C					C	I	C	R					

Forms & Reports Validation

Tyler provides training on Standard Forms/Reports and the City tests each Standard Form/Report.

Outcomes/Deliverables:

- Tyler delivers the required functionality for review
- Tyler trains the City on the form/reports functionality. In certain mutually agreed upon Forms, Tyler will configure the form.
- Report identification completed by the City, documented on what report or form will be used in business processes and audience of report/form
- The City will validate the reports and/or forms are displaying and printing in the correct format/standards template and that data is correct.

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STAGE 3	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
			A	R								C	C		C			I		
			I	C		C						A	C		R			C		

Control Point 3: Build & Validate Stage Acceptance

Acceptance criteria for this Stage includes all criteria listed below. Advancement to the Final Testing & Training Stage is dependent upon Tyler's receipt of the Stage Acceptance.

4.4.1.1 Build & Validate Stage Deliverables

- Initial data conversion
 - Objective: Convert Legacy System data into Tyler system
 - Scope: Data conversion program documented, completed; deliver converted data for review
 - Acceptance criteria: Initial error log available for review and issue resolution agreed upon by all parties
- Data conversion verification document
 - Objective: Provide instructions to the City to verify converted data for accuracy
 - Scope: Provide self-guided instructions to verify specific data components in Tyler system
 - Acceptance criteria: Data conversion complete with issues identified and resolutions documented and agreed upon;
- Installation of Modifications on the City's server(s) *except for hosted systems.
 - Objective: Deliver Modification(s) in Tyler software
 - Scope: Program for Modification is complete and available in Tyler software, Modification testing
 - Acceptance criteria: Delivery of Modification(s) results in objectives described in the City-signed specification. Validation testing is completed with issues identified and resolutions documented and agreed upon
- Standard Forms & Reports Delivered
 - Objective: Provide Standard Forms & Reports for review
 - Scope: Installation of all Standard Forms & Reports included in the Agreement
 - Acceptance criteria: Standard Forms & Reports available in Tyler software for testing in Stage 4
 - Validation testing is completed with issues identified and resolutions documented and agreed upon

4.4.1.2 Build & Validate Stage Acceptance Criteria

- Application configuration completed
- Standard Forms & Reports delivered and available for testing in Stage 4
- Data conversions (except final pass) delivered
- Standard 3rd party Data Exchange training provided
- Customizations delivered and available for testing in Stage 4
- The City and Tyler have completed a review of primary configuration areas to Validate completeness and readiness for testing and acceptance in Stage 4.

- Validation testing is completed with issues identified and resolutions documented and agreed upon

4.5 Final Testing & Training (Stage 4)

During Final Testing and Training, Tyler and the City review the final Cutover plan, complete User Acceptance Testing and complete End User Training. A critical Project success factor is the City understanding of the importance of Final Testing and Training and dedicating the resources required for testing and training efforts in order to ensure a successful Production Cutover.

Cutover Planning

The City and Tyler Project Manager(s) discuss final preparations and critical dates for Production Cutover. Tyler delivers a Production Cutover Checklist to outline Cutover tasks to help prepare the City for success.

Output/Deliverable:

- Cut Over Check List, including Go-Live Communication Plan and Support Transition Plan

RACI MATRIX KEY: **R** = Responsible **A** = Accountable **C** = Consulted **I** = Informed

STAGE 4	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
		A	R	C						I	I	C	C	C	C	I	I	C	C	
		A	R	C						I	I	C	C	I	I	I		C		
			C	C	I					I	C	R	A	A	A	C				
			C	C	I					I	C	R	A	A	A	C				

User Acceptance Testing (UAT)

The City performs User Acceptance Testing to verify software readiness for day-to-day business processing. Tyler provides a Test Plan, as applicable, for users to follow to ensure proper Validation of the system.

Outcomes/Deliverables:

- Tyler delivers initial test plan, works with City on revised test plans to include customizations as needed
- The City completes User Acceptance Testing validating data, reports, work flow, printing, etc.

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STAGE 4	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Deliver Test Plan for User Acceptance Testing		A	R	C							I	C	I							
Perform User Acceptance Testing			I	C							A	R	C	C	C	I	I	C	I	
Accept custom program(s), if applicable			I	I			I				A	R	C	I	C			C		
Validate Report performance			I	C		C						A	C		R			C		

End User Training

End Users attend training sessions to learn how to utilize Tyler software. Training focuses primarily on day-to-day City processes that will be delivered via group training, webinar, eLearnings and/or live training sessions.

Unless stated otherwise in the Agreement, Tyler provides one occurrence of each scheduled training or implementation topic with up to the maximum number of users as defined in the Agreement, or as otherwise mutually agreed. City users who attended the Tyler sessions may train any City users not able to attend the Tyler sessions

Outcomes/Deliverables

- End User Training documentation, materials, learning sessions are provided by Tyler and agreed upon prior to training
- End User Training is scheduled and completed
- Training materials are updated for any inconsistencies and/or errors and provided to the City

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STAGE 4	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Conduct user training sessions			A	R								C	I		I	I		I	I	I
Update final training materials (as required) for support turn over			A	R								C	I		I	I		I	I	I
Conduct additional End User training sessions			I								I	A	C	I	R	I	I	I	I	

Control Point 4: Final Testing & Training Stage Acceptance

Acceptance criteria for this Stage includes all criteria listed below. Advancement to the Production Cutover Stage is dependent upon Tyler's receipt of the Stage Acceptance.

4.5.1.1 Final Testing & Training Stage Deliverables

- Production Cutover checklist
 - Objective: Provide a detailed checklist, communication plan, and initial support plan outlining tasks necessary for production Cutover
 - Scope: Dates for final conversion, date(s) to cease system processing in Legacy System, date(s) for first processing in Tyler system, contingency plan for processing
 - Acceptance criteria: Definition of all pre-production tasks, assignment of owners and establishment of due dates
- User Acceptance Test Plan
 - Objective: Provide testing scripts to guide users through testing configured business processes in Tyler software.
 - Scope: Testing scripts for Standard business processes, work flows, templates, reports, forms, etc.
 - Acceptance criteria: Testing scripts have been provided for Standard business processes, work flows, templates, reports, forms, etc. and aligned for successful testing completion/resolution. Testing completed with agreed upon functionality free of defects.

4.5.1.2 Final Testing & Training Stage Acceptance Criteria

- Production Cutover Checklist, communication plan and initial support plan delivered reviewed, and agreed upon
- Customization(s) tested and accepted, if applicable
- Standard 3rd party Data Exchange programs tested and accepted
- Standard Forms & Reports tested and accepted
- User acceptance testing completed and accepted
- End User training completed
- Training materials updated and provided

Preliminary Go-No Go decision for Cut-Over based upon testing, training and communication completion.

4.6 Production Cutover (Stage 5)

The City and Tyler resources complete tasks as outlined in the Production Cutover Plan, as agreed upon. The City begins processing day-to-day business transactions in the Tyler software. Following production Cutover, the City transitions to the Tyler support team for ongoing support of the Application.

Final Data Conversion, if applicable

The City provides final data extract(s) and Reports from the Legacy System for data conversion and Tyler executes final data conversion. The City may need to manually enter into the Tyler system any data added to the Legacy System after final data extract.

Outcomes/Deliverables:

- Implementation Check list is completed by the appropriate resources as defined
- The City begins processing in the Tyler system (with or without duplicate system)
- The City makes a go/no go decision

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STAGE 5	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Provide final data extract			C		I						I	A	C	I	I	I	I	R		
Provide final extract balancing Reports			I		I							A	C		R			I		
Convert and deliver final pass of data		A	I	I	R							I	I		I			C		
Validate final pass of data			I	C	C						I	A	C		R	I		C		
Load final conversion pass to Production environment			I		I						I	A	C	I	C	I		R		

Production Processing & Assistance

Tyler staff collaborates with the City during Production Cutover activities. The City transitions to Tyler software for day-to day business processing.

Outcomes/Deliverables

- Implementation Check list and Support tasks are completed by the appropriate resources as defined
- Implementation Support is available for production issues, additional training (as required) and the City understands day-to-day business processing in the Tyler System

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STAGE 5	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Production processing			C	C						I	I	A	R	R	R	R	R	R	I	I
Provide production assistance			A	R				C				C	C	C	C	C	C	C		

Transition to Tyler Support

Tyler Project Manager(s) introduce the City to the Tyler Support team, who provides the City with day-to-day assistance following Production Cutover.

Deliverables/Outcomes:

- Initial Support Plan is revised to Support Plan agreed upon by all parties
- The City is trained on correct escalation processes and procedures and is communicated as per the Implementation Communication Plan

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STAGE 5	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Develop internal support plan			I								A	R	C	C	C	C		C	C	C
Conduct transfer to Support meeting	A	I	C					R				C	C	C	C	I	I	C	I	I

Schedule Post-Production Services, if applicable

Tyler will provide post-production services as included in the Agreement. Prior to scheduling services, the Tyler Project Manager(s) collaborate with City Project Manager(s) to identify needs.

Outcomes/Deliverables

- Post-Production services are planned, delivered, tested and approved for implementation per agreed upon plan and dates communicated as per Post-Production Implementation Plan

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STAGE 5	Tyler Internal Coordination & Planning																			
	TYLER								CITY											
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Identify topics for post-production services			C	C						I	I	A	R	I	C	I		I	I	
Schedule services for post-production topics		A	R	I								C	C	I	C				I	

Control Point 5: Production Cutover Stage Acceptance

Acceptance criteria for this Stage includes all criteria listed below. Advancement to the Phase/Project Closure Stage is dependent upon Tyler's receipt of this Stage Acceptance.

4.6.1.1 Production Cutover Stage Deliverables

- Final data conversion, if applicable
 - Objective: Ensure, determined by in Scope, Legacy System data is available in Tyler software in preparation for production processing.
 - Scope: Final passes of all conversions completed in this Phase
 - Acceptance criteria: Data is validated as accurate and available in production environment through templates, reports, screens, etc.
- Support transition documents
 - Objective: Define strategy for on-going Tyler support
 - Scope: Define support strategy for day-to-day processing, conference call with City Project Manager(s) and Tyler support team, define roles and responsibilities, define methods for contacting support
 - Acceptance criteria: The City receives training and tools to contact support and understands proper support procedures.

4.6.1.2 Production Cutover Stage Acceptance Criteria

- Final data conversion(s) delivered and accepted
- Processing is being done in Tyler production
- Transition to Tyler support is trained, communicated and completed
- Post-live services have been scheduled, if applicable

4.7 Phase/Project Closure (Stage 6)

Project or Phase closure signifies full implementation of all products purchased and encompassed in the Phase or Project. The City moves into the next defined cycle of their relationship with Tyler (next Phase of Implementation or long-term relationship with Tyler Support).

Close Phase/Project

The City and Tyler Project Manager(s) review the list of outstanding Project activities and develop a plan to address them. The Tyler Project Manager(s) review the Project budget and status of each contract Deliverable with the City Project Manager(s) prior to closing the Phase or Project.

Outcomes/Deliverables:

- Project Issue log review and resolutions documented and agreed upon
- Go-live Checklist is completed
- Lessons Learned meeting conducted with recommendations for improvement or adjustment (if Phase related) and/or Closure recommendation (Phase or Project)

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STAGE 6	Tyler Internal Coordination & Planning																			
	TYLER									CITY										
TASKS	Tyler Executive Manager	Tyler Implementation Manager	Tyler Project Manager	Tyler Implementation Consultant	Tyler Data Conversion Experts	Tyler Forms & Reports Experts	Tyler Customization Programmers	Tyler Technical Support	Tyler Sales	City Executive Sponsor	City Steering Committee	City Project Manager	City Functional Leads	City Change Management Leads	City Power Users	City Department Heads	City End Users	City Technical Leads	City Project Toolset Coordinator	City Upgrade Coordinator
Review outstanding Project activities and develop action plan		A	R	C						I	I	C	C	I	C	I		C		
Complete Go-Live Checklist		C	R	C	C	C	C	C	I	I	I	R	A	C	C	C				
Review Project budget and status of contract Deliverables		A	R							I	I	C								

Control Point 6: Phase/Project Closure Stage Acceptance

Acceptance criteria for this Stage includes all criteria listed below. This is the final acceptance for the Phase/Project.

4.7.1.1 Phase/Project Closure Stage Deliverables

- Phase/Project reconciliation report
 - Objective: Provide comparison of contract Scope and Project budget
 - Scope: Contract Scope versus actual, analysis of services provided and remaining budget, identify any necessary Change Requests or Project activity.
 - Acceptance criteria: Acceptance of services and budget analysis and plan for changes, if needed, go-live checklist complete
 -

4.7.1.2 Phase/Project Closure Stage Acceptance Criteria

- Outstanding Phase or Project activities have been documented and assigned or completed
- Phase/final Project budget has been reconciled
- Tyler Deliverables for the Phase/Project are complete

5 Roles and Responsibilities

5.1 Tyler Roles and Responsibilities

Tyler assigns Project Manager(s) prior to the start of each Phase of the project. The Project Manager assigns additional Tyler resources as the schedule develops and as needs arise. One person may fill multiple project roles. In addition to the roles and responsibilities identified in section 2, the following may be additional that may be assigned in the course of the project

Tyler Executive Management

- Provides clear direction for Tyler staff on executing on the project deliverables to align with satisfying the City's overall organizational strategy
- Authorizes required Tyler project resources
- Resolves all decisions and/or issues not resolved at the implementation management level as part of the escalation process in conjunction with City Executive Sponsors
- Offers additional support to the project team and is able to work with other Tyler department managers in order to escalate and facilitate implementation project tasks and decisions
- Acts as the counterpart to the City's Executive Sponsor

Tyler Implementation Management

- Acts as the counterpart to the City ERP Steering Committee.
- Assigns initial Tyler project personnel
- Works to resolve all decisions and/or issues not resolved at the project Management level as part of the escalation process
- Attends City ERP Steering Committee meetings as necessary
- Provides support for the project team
- Provides management support for the project to ensure it is staffed appropriately and staff have necessary resources
- Monitors project progress including progress towards agreed upon goals and objectives

Tyler Project Manager

The Tyler Project Manager(s) provides oversight of the project, coordination of resources between departments, management of the project budget and schedule, effective risk and issue management, and is the primary point of contact for all project related items.

- Contract Management
 - Validates contract compliance throughout the project
 - Ensures Deliverables meet contract requirements
 - Acts as primary point of contact for all contract and invoicing questions
 - Prepares and presents contract milestone sign-offs for acceptance by City Project Manager(s)
 - Coordinates Change Requests, if required, to ensure proper Scope and budgetary compliance
- Planning
 - Update and deliver Implementation Management Plan

- Defines project tasks and resource requirements
- Develops initial project schedule and full scale Project Plan
- Collaborates with City Project Manager(s) to plan and schedule project timelines to achieve on-time implementation
- Implementation Management
 - Tightly manages Scope and budget of project; establishes process, project plan completion, and approval matrixes with the City to ensure Scope changes and budget planned versus actual are transparent and handled effectively and efficiently
 - Establishes and manages a schedule and resource plan that properly supports the project Plan as a whole that is also in balance with Scope/budget
 - Establishes risk/issue tracking/reporting process between the City and Tyler and takes all necessary steps to proactively mitigate these items or communicates with transparency to the City any items that may negatively impact the outcomes of the project
 - Collaborates with the City's Project Manager(s) to establish key business drivers and success indicators that will help to govern project activities and key decisions to ensure a quality outcome of the project
 - Sets a routine communication plan that will aide all project team members, of both the City and Tyler, in understanding the goals, objectives, current status and health of the project
- Team Management
 - Acts as liaison between project team and Tyler manager(s)
 - Identifies and coordinates all Tyler resources across all modules, Phases, and activities including development, conversions, forms, installation, reports, implementation, and billing
 - Provides direction and support to project team
 - Builds partnerships among the various stakeholders, negotiating authority to move the project forward
 - Manages the appropriate assignment and timely completion of tasks as defined in the project Plan, task list, and Production Cutover checklist
 - Assesses team performance and adjusts as necessary
 - Interfaces closely with Tyler developers to coordinate program Modification activities
 - Coordinates with the City Project manager to align Tyler 3rd party provider tasks within the overall project schedule

Tyler Implementation Consultant

- Completes tasks as assigned by the Tyler Project Manager(s)
- Performs problem solving and troubleshooting
- Follows up on issues identified during sessions
- Documents activities for on site services performed by Tyler
- Provides conversion Validation and error resolution assistance
- Recommends guidance for testing Forms and Reports
- Tests software functionality with the City following configuration
- Assists during Production Cutover process and provides production support until the City transitions to Tyler Support
- Provides product related education
- Effectively facilitates training sessions and discussions with City and Tyler staff to ensure adequate discussion of the appropriate agenda topics during the allotted time

- Conducts training (configuration, process, conversion Validation) for Power Users and the City designated trainers for End Users
- Clearly documents homework tasks with specific due dates and owners, supporting and reconciling with the final project plan
- Keeps Tyler Project Manager(s) proactively apprised of any and all issues which may result in the need for additional training, change in schedule, change in process decisions, or which have the potential to adversely impact the success of the project prior to taking action

Tyler Sales

- Provide Sales background information to Implementation during Project Initiation
- Support Sales transition to Implementation
- Provide historical information, as needed, throughout implementation

Tyler Software Support

- Manages incoming City issues via phone, email, and online customer incident portal
- Documents and prioritizes issues in Tyler's Customer Relationship Management (CRM) system
- Provides issue analysis and general product guidance
- Tracks issues and tickets to timely and effective resolution
- Identifies options for resolving reported issues
- Reports and escalates defects to Tyler Development
- Communicates with the City on the status and resolution of reported issues

Tyler Systems Management Services

- Manages incoming City issues via phone, email, online customer incident portal, and from Software Support
- Provides system support including remote support of City systems, operating systems, network and local printing, and SQL assistance for the systems and platform directly attributable to the Tyler Applications
- Tracks issues and tickets to timely and effective resolution
- Determine root cause and provide solutions or provide direction/escalation to Tyler Development
- Consult on pre-sales in regards to system requirements
- Troubleshoot server and workstation issues
- Migrate Tyler Applications and databases to new hardware
- Maintain systems and provide Database and Server Administration
- Provide proactive monitoring of Tyler Application/DB server(s)
- Perform and document server transfers, database analysis, file system cleanup, and backup verification.
- Assists with database refreshes, LDAP synchronization, and loading releases

5.2 City Roles and Responsibilities

City resources will be assigned prior to the start of each Phase of the project. One person may be assigned to multiple project roles.

City Executive Sponsor

- Provides clear direction for the Project and how the Project applies to the organization's overall strategy
- Champions the project at the executive level to secure buy-in
- Authorizes required project resources
- Resolves all decisions and/or issues not resolved at the Richland, WA steering committee level as part of the escalation process
- Actively participates in organizational change communications
- Has the authority to approve or deny changes impacting the following areas:
 - Cost
 - Scope
 - Schedule
 - project Goals
 - City Policies
-

City ERP Steering Committee

- Works to resolve all decisions and/or issues not resolved at the Project Manager level as part of the escalation process
- Attends all scheduled steering committee meetings
- Provides support for the project team
- Assists with communicating key project messages throughout the organization
- Prioritizes the project within the organization
- Provides management support for the project to ensure it is staffed appropriately and staff have necessary resources
- Monitors project progress including progress towards agreed upon goals and objectives

City Project Manager

The City shall assign Project Manager(s) prior to the start of this project with overall responsibility and authority to make decisions related to project Scope, scheduling, and task assignment, and communicates decisions and commitments to the Tyler Project Manager(s) in a timely and efficient manner. When the City Project Manager(s) do not have the knowledge or authority to make decisions, he or she engages the correct resources from the City to participate in discussions and make decisions in a timely fashion to avoid project delays.

- Contract Management
 - Validates contract compliance throughout the project
 - Ensures invoicing and Deliverables meet contract requirements
 - Acts as primary point of contact for all contract and invoicing questions
 - Signs off on contract milestone acknowledgment and acceptance documents
 - Collaborates on and approves Change Requests (after project approval from Executive Sponsor), if required, to ensure proper Scope and budgetary compliance
- Planning

- Review and acknowledge Implementation Management Plan
- Defines project tasks and resource requirements for City project team
- Collaborates in the development and approval of the initial Project Plan and Project Plan
- Collaborates with Tyler Project Manager(s) to plan and schedule project timelines to achieve on-time implementation
- Implementation Management
 - Tightly manages project budget and Scope and collaborates with Tyler Project Manager(s) to establish a process, project plan, and approval matrix to ensure Scope changes and budget planned versus actual are transparent and handled effectively and efficiently
 - Collaborates with Tyler Project Manager to establish and manage a schedule and resource plan that properly supports the project Plan, as a whole, that is also in balance with Scope/budget
 - Collaborates with Tyler Project Manager(s) to establishes risk/issue tracking/reporting process between the City and Tyler and takes all necessary steps to proactively mitigate these items or communicates with transparency to Tyler any items that may impact the outcomes of the project
 - Collaborates with Tyler Project Manager(s) to establish key business drivers and success indicators that will help to govern project activities and key decisions to ensure a quality outcome of the project
 - Routinely communicates with both City staff and Tyler, aiding in the understanding of goals, objectives, current status, and health of the project by all team members
- Team Management
- Identifies business process change decisions under time sensitive conditions as escalates impacts to Steering Committee and Executive Sponsors
- Identifies business processes that are not being optimized or are being configured “as-is” when a known improvement exists. Escalates business processes to ERP Steering Committee and Executive Sponsors
- Acts as liaison between project team and stakeholders
 - Identifies and coordinates all City resources across all modules, Phases, and activities including data conversions, forms design, hardware and software installation, reports building, and satisfying invoices
 - Provides direction and support to project team
 - Builds partnerships among the various stakeholders, negotiating authority to move the project forward
 - Manages the appropriate assignment and timely completion of tasks as defined in the project plan, task list, and production cutover checklist
 - Assesses team performance and takes corrective action, if required
 - Provides guidance to City technical teams to ensure appropriate response and collaboration with Tyler technical support teams to ensure timely response and appropriate resolution
 - Coordinates, in Scope, 3rd party providers (City 3rd party providers such as Cigna, NeoGov, etc.)to align activities with ongoing project tasks

City Functional Leads

- Makes business process change decisions under time sensitive conditions
- Communicates existing business processes and procedures to Tyler consultants

- Assists in identifying business process changes that may require escalation
- Attends and contributes business process expertise for current/future state analysis sessions
- Identifies and includes additional subject matter experts to participate in current/future state analysis sessions
- Provides business process change support during Power User and End User training
- Completes performance tracking review with client project team on End User competency on trained topics
- Provides Power and End Users with dedicated time to complete required homework tasks
- Act as an ambassador/champion of change for the new process.
- Identifies and communicates any additional training needs or scheduling conflicts to City Project Manager
- Prepares and Validates Forms
- Actively participates in all aspects of the implementation, including, but not limited to, the following key activities:
 - Task completion
 - Stakeholder Presentation
 - Implementation Management Plan development
 - Schedule development
 - Maintenance and monitoring of risk register
 - Escalation of issues
 - Communication with Tyler project team
 - Coordination of City resources
 - Attendance at scheduled sessions
 - Change Management activities
 - Customization specification, demonstrations, testing and approval assistance
 - Conversion Analysis and Verification Assistance
 - Decentralized End User Training
 - Process Testing
 - User Acceptance Testing

City Power Users

- Participate in project activities as required by the Project Team and Project Manager(s)
- Provide subject matter expertise on City business processes and requirements
- Act as subject matter experts and attend current/future state and validation sessions as required
- Attend all scheduled training sessions
- Participate in all required post-training processes, as needed, throughout project
- Participate in conversion Validation
- Test all Application configuration to ensure it satisfies business process requirements
- Become Application experts
- Participate in User Acceptance Testing
- Adopt and support changed procedures
- Complete all Deliverables by the due dates defined in the Project Plan
- Demonstrate competency with Tyler products processing prior to Production Cutover
- Provide knowledge transfer to City staff during and after implementation

City End Users

- Attend all scheduled training sessions
- Become proficient in Application functions related to job duties
- Adopt and utilize changed procedures
- Complete all Deliverables by the due dates defined in the Project Plan
- Utilize software to perform job functions at and beyond Production Cutover

City Technical Support

- Coordinates updates and releases with Tyler as required
- Coordinates the copying of source databases to training/testing databases, as required, for training days
- Extracts and transmits conversion data and control reports from City's Legacy System per the conversion schedule set forth in the Project Plan
- Coordinates and adds new users and printers and other Peripherals as required
- Validates all users understand log-on process and have necessary permission for all training sessions
- Coordinates Interface development for the City's 3rd party Data Exchanges.
- Develops or assists in creating Reports as required
- Ensures onsite system hardware meets specifications provided by Tyler
- Assists with software deployment as required

City Upgrade Coordinator

- Becomes familiar with the Software Upgrade process and required steps
- Becomes familiar with Tyler's releases and updates
- Utilizes Tyler Community to stay abreast of the latest Tyler releases and updates, as well as the latest helpful tools to manage the City's Software Upgrade process
- Assists with the Software Upgrade process during implementation
- Manages Software Upgrade activities post-implementation
- Manages Software Upgrade plan activities
- Coordinates Software Upgrade plan activities with City and Tyler resources
- Communicates changes affecting users and department stakeholders
- Obtains department stakeholder sign-offs to upgrade production environment

City project Toolset Coordinator

- Ensures users have appropriate access to Tyler project toolsets such as Tyler University, Tyler Community, Tyler Product Knowledgebase, SharePoint, etc.
- Conducts training on proper use of toolsets
- Validates completion of required assignments using toolsets

City Change Management Lead

- Validates users receive timely and thorough communication regarding process changes
- Provides coaching to Supervisors to prepare them to support users through the project changes

- Identifies the impact areas resulting from project activities and develops a plan to address them proactively
- Identifies areas of resistance and develops a plan to reinforce the change
- Monitors post-production performance and new process adherence

6 Glossary

Word or Term	Definition
Accountable	The person who is ultimately accountable for decisions being made on a task.
Business Requirements Document for Software Modification	A specification document used to describe Richland, WA requirements not available through Tyler software functionality, which will lead to a Modification with Richland, WA acceptance.
Change Control	A systematic approach for managing change governing how Change Requests will be received, assessed and acted on.
Change Management	An approach for ensuring that changes are thoroughly and smoothly implemented and that the lasting benefits of change are achieved. The focus is on the global impact of change with an intense focus on people and how individuals and teams move from the current situation to the new one.
Change Request	A form used as part of the Change Control process whereby changes in the Scope of work, timeline, resources, and/or budget are revised, reviewed and agreed upon by participating parties prior to any scope changes being implemented.
Consulted	Anyone who must be consulted with prior to a decision being made and/or the task being completed
Control Point	Occurring at the end of each Stage, the Control Point serves as a formal client review point. Project progress cannot continue until the client acknowledges the agreed upon Deliverables of the Stage have been met, or agree on an action plan to make the Deliverable acceptable and move to next Stage while executing final steps of current Stage.
Data Exchange	A term used to reference Imports and Exports, and Interfaces which allow data to be exchanged between an external system and Tyler software.
Data Mapping	The process of mapping fields from the Legacy System to the appropriate location in the new system from one or more sources.
Deliverable	A tangible or intangible object/document produced as a result of the Project that is intended to be delivered to a client (either internal or external) or vendor at a specific time.
End User	The person for whom the software is designed to use on a day-to-day basis.
Forms	A document which is typically printed on a template background and only captures data for one record per page. Forms are provided to entity customers whether internal (employees) or external (citizens).
Imports and Exports	A process within the system that a user is expected to run to consume (Import) or produce (Export) a specifically defined file format/layout.
Informed	Anyone who will be updated when decisions are made or a task is completed.

Install	References the initial Installation of software files on client servers and preparing the software for use during configuration. The version currently available for general release will always be used during the initial Install.
Interface	A real-time or automated exchange of data between two systems.
Legacy System	The system from which a client is converting.
Modification	Modification of software program package to provide individual client requirements documented within the Scope of the Agreement.
Peripherals	An auxiliary device that connects to and works with the computer in some way. Examples: mouse, keyboard, scanner, external drive, microphone, speaker, webcam, and digital camera.
Phase	A portion of the Project in which specific set of related products are typically implemented. Phases each have an independent start, Production Cutover and closure dates but use the same Implementation Plans as other Phases within the Project. Phases may overlap or be sequential and may have the same Tyler Project Manager and Tyler project team or different individuals assigned.
Power User	An experienced client person or group who is (are) an expert(s) in the client business processes, as well as knowledgeable in the requirements and acceptance criteria.
Production Cutover	The Richland, WA is using the Tyler software to conduct daily operations.
Project	The Project includes all implementation activity from Plan & Initiate to Closure for all products, Applications and functionality included in a single Agreement. The Project may be broken down into multiple Phases.
Project Plan	The Project Plan serves as the master roadmap for the Project. The Project Plan will be the detailed task list of the essential activities to be performed to complete the Project. Each activity will have owner(s), participant(s) if applicable, start date, and due dates. The Project Plan is a living document and will be updated quarterly with the detailed tasks for the next future quarter; only high level tasks with rough timeframes will be plotted out beyond this.
Project Planning Meeting	Occurs during the Plan & Initiate Stage to coordinate with the Client Project Manager to discuss Scope, information needed for project scheduling and resources.
RACI	A chart describing level of participation by various roles in completing tasks or Deliverables for a Project or process. Also known as a responsibility assignment matrix (RAM) or linear responsibility chart (LRC).

Reports	Formatted to return information related to multiple records in a structured format. Information is typically presented in both detail and summary form for a user to consume.
Responsible	The person who will be completing the task.
Scope	Products and services that are included in the Agreement.
Software Upgrade	References the act of updating software files to a newer software release.
Stage	The top-level components of the WBS. Each Stage is repeated for individual Phases of the Project and requires acknowledgement before continuing to the next Stage. Some tasks in the next Stage may begin before the prior Stage is complete.
Stakeholder Presentation	Representatives of the Tyler implementation team will meet with key client representatives to present high level project expectations and outline how Tyler and the Client can successfully partner to create an environment for a successful implementation.
Standard	Included in the base software (out of the box) package.
Statement of Work (SOW)	Document which will provide supporting detail to the Agreement defining project -specific activities and Deliverables Tyler will provide to the client.
Validation (or to validate)	The process of testing and approving that a specific Deliverable, process, program or product is working as expected.
Work Breakdown Structure (WBS)	A hierarchical representation of a Project or Phase broken down into smaller, more manageable components.

7 Munis Conversion Summary

The following lists a variety of components that will need to be converted, configured, tested and validated. The descriptions are high level including but not limited to the data fields listed as part of the description.

7.1 Accounting Chart Of Accounts

- Chart of Accounts (COA) segments, objects, character codes, project codes (if applicable), organization codes, if applicable, control accounts budget rollups, fund attributes, due to/due from accounts
- Requires the use of a Tyler provided spreadsheet for design and entry of the data to be converted

7.2 Accounting - Budgets

- Original budget, budget adjustments, revised budget summaries for accounts
- Up to 3 years

7.3 Accounting - Actuals

- Summary account balances
- Up to 3 years

7.4 Accounts Payable Master

- Vendor Master file including names, addresses, SSN/FID, contacts, phone numbers
- Multiple remittance addresses
- Year-to-date 1099 amounts

7.5 Accounts Payable - Checks

- Check header data including vendor, warrant, check number, check date, overall check amount, GL cash account and clearing information
- Check detail data including related document and invoice numbers for each check

7.6 Accounts Payable - Invoices

- Invoice header data containing general information for the invoice
- Invoice detail data containing line-specific information for the invoice

7.7 Capital Assets Master

- Asset description, status, acquisition quantity, date and amount, codes for asset class, subclass, department, custodian, flags for capitalization and depreciation, estimated life, serial number, model, model year, depreciation method, life-to-date depreciation amount,

last depreciation date, disposal information, if any, purchase information, if any (vendor, PO, Invoice)

7.8 Capital Assets - History

- Transaction history data for acquisitions, disposals, transfers, etc.

7.9 General Billing CID

- Customer information

7.10 General Billing – Recurring Invoices

- General Billing Invoices that are sent on a regular basis
- Header records with general information about the invoice
- Detail records with line-specific information

7.11 General Billing – Bills

- Unlimited history of open and closed invoices
- General Ledger information so open invoices can be processed in Munis

7.12 Project Grant Accounting

- Segments, account strings and fund string allocation table
- Requires the use of a Tyler provided (Chart of Accounts) spreadsheet for design and entry of the data to be converted

7.13 Project Grant Accounting - Actuals

- Summary project ledger string balances
- Up to 3 years

7.14 Project Grant Accounting – Budget

- Original project ledger budget amounts
- Up to 3 years

7.15 Purchase Orders

- Open purchase orders header data including vendor, buyer, date, accounting information, etc.
- Open purchase orders detail data including line item descriptions, quantities, amounts, etc.

7.16 Payroll

- Payroll Employee Master data including data such as name, address, SSN, legacy employee ID, date of birth, hire date, activity status (such as active/inactive), leave/termination code and date, phone(s), e-address, marital status, gender, race, personnel status (such as full-time, part-time, etc.), highest degree, advice-delivery (print/email/both) and check location, plus primary group, job, location, and account information

7.17 Payroll - Deductions

- Employee Deductions - including employee ID, deduction codes, tax information, and direct deposit information

7.18 Payroll – Accrual Balances

- Employee Accrual Balances including Vacation, Holiday, and other Leave balances
- Start of year balance, earned to date, used to date

7.19 Payroll – Accumulators

- YTD, QTD, MTD amounts for employee pay and deductions
- Required for mid-calendar-year go-live
- May not be required if converting earnings/deductions history

7.20 Payroll – Check History

- Up to 5 years, additional years must be quoted. We convert amounts for earnings and deductions in employee check history, check number and date.

7.21 Payroll – Earning/Deduction Hist.

- Up to 5 years, additional years must be quoted. Earning and deduction history broken down by individual codes (earnings and deduction) and amounts per pay period, the detail of these lines, sums the check history in opt 4.

7.22 Payroll – PM Action History

- A variety of Personnel actions, such as job or salary changes and dates these events occurred.

7.23 Payroll – Position Control

- Position, description, status, job code, bargaining group, location, number of employees allowed for each, FTE percentage, GL account, and max/min grade and step

7.24 Payroll/HR – Recruiting

- Application requisition applicant master data, plus applicant references, certifications, education, skills, tests, work history, and interviews

7.25 Payroll – State Retirement Tables

- Specific state-required data, plus related service years information, when appropriate
- Required for some states

7.26 Payroll/HR– Certifications

- Certification area and certification type codes, certification number and effective date, expiration date, and required-by date, codes for certification level and subjects

A.1.1 Detailed Processes Covered in the Business Process Consulting

The following represents a listing of the in-scope processes that will be covered under the Business Process Consulting Service. Setup and code tables are not included as part of the Business Process Consulting Service. Some processes below may not be included if it is mutually determined in the analysis that a particular process will not be utilized.

*DCT indicates this document could also be used for decentralized end user training

- **General Topics for all Modules**

- Navigation (DCT)
- Munis Office & Saved Reports (DCT)
- Dashboard (DCT)
- Tyler Content Manager (DCT)

- **General Ledger**

- Adding a New Account
- General Journal Entry
- Recurring General Journal Entry
- General Journal Approvals
- Account Trial Balance Report
- GL Account Inquiry (DCT)
- YTD Budget Report (DCT)
- Periodic Processing, including
 - Month End Processing
 - Year End Processing
- Import GL Journals

- **Purchasing & Requisitions**

- Overall Purchasing Process
- Vendor Maintenance
- Requisition Entry (DCT)
- Attaching Documentation (DCT)
- Requisition Approval (DCT)
- Requisition Conversion to PO
- PO Entry Proof
- PO Approvals (DCT)
- PO Receiving (DCT)
- Print PO's
- PO Maintenance
- PO Reports (DCT)

- **Accounts Payable**

- Overall AP Process
- Vendor Maintenance
- Invoice Entry /Proof (DCT)
- Recurring Invoice Entry
- Scanning and Attaching Invoices using Bar Codes
- Invoice Approvals (DCT)
- Post Invoices
- Check Run Process (Select Items to Be Paid, Print Checks, Cash Disbursement Journal)
- EFT Processing
- Create Positive Pay File for bank
- Void Check Process
- Invoice Maintenance
- Retainage Processing
- Check Reconciliation
- AP Reports (DCT)
- Vendor Central (DCT)
- **Budget**
 - Overall Budget Process
 - Define/Start Budget Projection
 - Next Year Budget Entry (DCT)
 - Next Year Budget Reports (DCT)
 - Roll/Factor/Merge Budget Projection
 - Next Year Budget Detail Approval (DCT)
 - Budget Transfer and Amendments (DCT)
 - Budget Transfer and Amendments Approvals (DCT)
- **Project/Grant Accounting**
 - Overall Project and Grant Accounting Process
 - Creation of Project and Grant
 - Reimbursement and Indirect Cost Process
 - Using Project Ledger
 - Project Reports (DCT)
- **Contracts**
 - Overall Contract Process
 - Contract Entry (DCT)
 - Contract Maintenance
 - Attaching Documentation (DCT)
 - Contract Approvals (DCT)
- **General Billing**

- Overall GB Process
- Customer File (DCT)
- Invoice Processing (DCT)
- Recurring Invoice (DCT)
- Invoice Approval (DCT)
- Employee Insurance Bills
- Assess Late Fees
- Print Bills and Statements
- Reports (DCT)
- **AR Miscellaneous Cash**
 - Overall Miscellaneous Cash Process
 - Payment Entry (DCT)
 - Applying a Payment to a General Bill (DCT)
 - Payment Post
 - Payment Reversals
 - Apply NSF Fee
 - Print NSF Notices
 - AR Reports (DCT)
- **Inventory**
 - Overall Inventory Process
 - Adding an Inventory Item
 - Setting up Inventory Photos
 - Transaction Entry/History
 - Requisition Entry for Pick Ticket (DCT)
 - Pick Ticket Process
 - Inventory Receiving
 - Inventory Reports
 - Periodic Processing
 - Purging Pick Tickets
- **Capital Assets**
 - Overall Fixed Asset Process
 - Adding/Importing a new asset
 - Posting Fixed Assets
 - Adjusting, Transferring and Retiring Assets
 - Depreciating Assets
 - Periodic Processing
 - Inquiry & Reports
 - GASB 34 Process Overview
- **Cash Management**

- Interest Allocation
- Cash Flow
- Bank Reconciliation
- Reports
- **Employee Expense Reimbursement**
 - Overall Employee Expense Process
 - Entering an Expense Claim (DCT)
 - Allocating an Expense Claim (DCT)
 - Approving an Expense Claim (DCT)
 - Converting an Expense Claim
- **Payroll**
 - Overall Salary & Benefit Projections Processing
 - Projection Start & Status
 - Projection Processing
 - Projection Pay Types
 - Projection Job Class
 - Projection Salary Tables
 - Projection Position Control
 - Projection Allocation Maintenance
 - Projection Employee Master
 - Projection Employee Job/Salary
 - Projection Employee Deductions/Benefits
 - Projection Contract Increases
 - Projection Step Increases
 - Projection Longevity Report
 - Projection Salary Calculate
 - Projection Benefit Calculate
 - Post Projection Data to Budget
 - Update Live Position Control
 - Overall Payroll Process
 - PR Start & Status
 - Time Entry (DCT)
 - Time Entry Approval (DCT)
 - Time Entry Import to PR
 - Void Payroll
 - Misc. Payroll
 - Payroll Vendor Processing

- Overall HR Process
 - Employee Certifications
 - Employee Evaluations
 - Case Management
 - Training Courses
 - Employee Training
 - Training Forecast Report
 - Training Hours Completed Report
- Overall Personnel Actions Process
 - Actions Entry (DCT)
 - Personnel Actions Setup
 - Rapid Entry
 - Condensed Pending Master File
 - Actions Inquiry (DCT)
- **HR Benefits Enrollment**
 - Overall Open Enrollment Process
 - Overall Life Event/New Hire Enrollment
 - Benefit Election Setup
 - Online Benefit Enrollment
 - Election Approval and Posting Process
 - 834 File layout and setup
- **Talent Management**
 - Overall Professional Development Process
 - PD Career Tracks
 - PD Development Status

The following Business Process Consulting options are listed as Phase 3 – Optional, in Exhibit A: Investment Summary are not included in Phases I – 2. A contract amendment shall be used to enable any or all of the optional modules and services, at which time, the details of the implementation and timeline will be developed:

- **Bid Management**
 - Overall Bid Process
 - Bid Entry (DCT)

- Bid Maintenance
- Attaching Documentation (DCT)

- **Recruiting**
 - Overall Applicant Tracking Process
 - Applicant Processing Setup
 - Applicant Review
 - Applicant Master
 - Pending Applicants

- **Risk Management**
 - On the Job Injury Claims
 - General Liability Claims
 - Property Damage Claims
 - Vehicle Damage Claims
 - Incident Management
 - Claim Activity

- **Asset Maintenance**
 - Overall Work Order/Fleet & Facilities Process
 - Service Requests (DCT)
 - Maintenance Programs
 - Work Order Processing – New
 - Work Order Processing – In Progress
 - Work Order Processing – Completed
 - Inquiry & Reports (DCT)

- **Utility Billing:**
 - Customer Maintenance
 - Utility Maintenance
 - Service Maintenance
 - Miscellaneous Fee Maintenance
 - Deposit Maintenance
 - Pay Fees Program
 - Account Customer Inquiry
 - Service Orders Maintenance
 - Meter Inventory Maintenance
 - Handheld Export and Import Process
 - Bill Run Processing

- Final Bill Run Processing
- EFT Processing
- Bill Refund Process
- Bill Adjustments
- Late Fees
- Delinquent Notices
- Cut Off Process
- Collections Process
- Lien Processing
- Setoff Debt Processing
- Special Conditions
- Payment Plans
- Container Inventory
- Assessments
- Budget Billing



Quoted By: Kyle Johnson
 Date: 8/24/2017
 Quote Expiration: 10/17/2017
 Quote Name: City of Richland-ERP-Munis
 Quote Number: 2017-28067-4
 Quote Description: Richland - RFP Quote v8 082417

Sales Quotation For

City of Richland
 2700 Duportail, Bldg. 100
 Richland, Washington 99352
 Phone (509) 942-7310

Tyler Software and Related Services

Description	License	Impl. Days	Impl. Cost	Data Conversion	Module Total	Year One Maintenance
Financials:						
Accounting/GL/BG/AP	\$184,800.00	46	\$58,650.00	\$20,200.00	\$263,650.00	\$33,264.00
Capital Assets	\$46,200.00	14	\$17,850.00	\$7,500.00	\$71,550.00	\$8,316.00
Cash Management	\$36,750.00	9	\$11,475.00	\$0.00	\$48,225.00	\$6,615.00
Contract Management	\$23,100.00	7	\$8,925.00	\$0.00	\$32,025.00	\$4,158.00
Employee Expense Reimbursement	\$18,900.00	9	\$11,475.00	\$0.00	\$30,375.00	\$3,402.00
Inventory	\$46,200.00	14	\$17,850.00	\$4,500.00	\$68,550.00	\$8,316.00
Project & Grant Accounting	\$31,500.00	11	\$14,025.00	\$9,500.00	\$55,025.00	\$5,670.00
Purchasing	\$86,100.00	32	\$40,800.00	\$4,000.00	\$130,900.00	\$15,498.00
Quatred Inventory Scanning Interface	\$5,800.00	5	\$6,375.00	\$0.00	\$12,175.00	\$1,044.00
Human Capital Management:						
Human Resources & Talent Management	\$36,300.00	12	\$15,300.00	\$0.00	\$51,600.00	\$6,534.00
Payroll w/ESS	\$121,550.00	30	\$38,250.00	\$48,700.00	\$208,500.00	\$21,879.00
Revenue:						
Accounts Receivable	\$40,500.00	21	\$26,775.00	\$0.00	\$67,275.00	\$7,290.00

Tyler Software and Related Services

Description	License	Impl. Days	Impl. Cost	Data Conversion	Module Total	Year One Maintenance
General Billing	\$19,250.00	12	\$15,300.00	\$12,500.00	\$47,050.00	\$3,465.00
Tyler Cashiering	\$60,000.00	9	\$11,475.00	\$0.00	\$71,475.00	\$10,800.00
Productivity:						
Tyler Forms Processing	\$19,500.00	0	\$0.00	\$0.00	\$19,500.00	\$3,900.00
Tyler Content Manager WorkFlow Enterprise Edition	\$3,000.00	2	\$2,550.00	\$0.00	\$5,550.00	\$540.00
Tyler Content Manager Self-Service (Enterprise Edition)	\$7,500.00	2	\$2,550.00	\$0.00	\$10,050.00	\$1,350.00
Tyler Content Manager Enterprise	\$95,000.00	18	\$22,950.00	\$0.00	\$117,950.00	\$17,100.00
Tyler Content Manager Enterprise 3rd Party Connector	\$9,500.00	2	\$2,550.00	\$0.00	\$12,050.00	\$1,710.00
Munis Analytics & Reporting	\$158,500.00	16	\$20,400.00	\$0.00	\$178,900.00	\$28,530.00

Additional:

CAFR Statement Builder	\$25,000.00	4	\$5,100.00	\$0.00	\$30,100.00	\$4,500.00
Tyler System Management Services Contract	\$0.00	0	\$0.00	\$0.00	\$0.00	\$30,000.00
Sub-Total:	\$1,074,950.00		\$350,625.00	\$106,900.00	\$1,532,475.00	\$223,881.00
<u>Less Discount:</u>	<u>\$214,990.00</u>		<u>\$0.00</u>	<u>\$0.00</u>	<u>\$214,990.00</u>	<u>\$193,881.00</u>
TOTAL:	\$859,960.00	275	\$350,625.00	\$106,900.00	\$1,317,485.00	\$30,000.00

Other Services

Description	Quantity	Unit Price	Unit Discount	Extended Price
50% of Dedicated Project Manager (Monthly)	24	\$12,000.00	\$0.00	\$288,000.00
Business Process Consulting - Accounts Payable	1	\$19,250.00	\$0.00	\$19,250.00
Business Process Consulting - Benefits Enrollment	1	\$7,000.00	\$0.00	\$7,000.00
Business Process Consulting - Budget	1	\$19,250.00	\$0.00	\$19,250.00
Business Process Consulting - Contract Management	1	\$12,250.00	\$0.00	\$12,250.00
Business Process Consulting - Employee Expense Reimbursement	1	\$12,250.00	\$0.00	\$12,250.00
Business Process Consulting - Capital Assets	1	\$19,250.00	\$0.00	\$19,250.00
Business Process Consulting - General Billing	1	\$28,000.00	\$0.00	\$28,000.00

Other Services

Description	Quantity	Unit Price	Unit Discount	Extended Price
Business Process Consulting - General Ledger	1	\$19,250.00	\$0.00	\$19,250.00
Business Process Consulting - HR Management	1	\$33,250.00	\$0.00	\$33,250.00
Business Process Consulting - Inventory	1	\$19,250.00	\$0.00	\$19,250.00
Business Process Consulting - Miscellaneous Cash	1	\$12,250.00	\$0.00	\$12,250.00
Business Process Consulting - Project/Grant Accounting	1	\$28,000.00	\$0.00	\$28,000.00
Business Process Consulting - Talent Management	1	\$17,500.00	\$0.00	\$17,500.00
Business Process Consulting - Purchasing & Requisitions	1	\$19,250.00	\$0.00	\$19,250.00
Business Process Consulting - Payroll	1	\$33,250.00	\$0.00	\$33,250.00
Business Process Consulting - Cash Management	1	\$19,250.00	\$0.00	\$19,250.00
Development Services - In Scope	49	\$1,275.00	\$0.00	\$62,475.00
FERC Reporting/ Implementation	10	\$1,275.00	\$0.00	\$12,750.00
Install Fee - New Server Install-WIN	1	\$12,000.00	\$0.00	\$12,000.00
POS Cash Installation (Up to 3)	1	\$1,000.00	\$0.00	\$1,000.00
Post Go-Live Additional Implementation, Forms and Reporting Services	36	\$1,275.00	\$0.00	\$45,900.00
Project Planning Services	1	\$13,000.00	\$0.00	\$13,000.00
Tyler Forms Library - Financial	1	\$3,400.00	\$0.00	\$3,400.00
Tyler Forms Library - General Billing	1	\$2,500.00	\$0.00	\$2,500.00
Tyler Forms Library - Payroll	1	\$2,500.00	\$0.00	\$2,500.00
Tyler Forms Library - Personnel Action	1	\$2,000.00	\$0.00	\$2,000.00
Tyler Forms Processing Configuration	1	\$3,000.00	\$0.00	\$3,000.00

TOTAL:

\$767,025.00

3rd Party Hardware, Software and Services

Description	Quantity	Unit Price	Unit Discount	Total Price	Unit Maintenance	Unit Maintenance Discount	Total Year One Maintenance
Cash Drawer	1	\$230.00	\$0.00	\$230.00	\$0.00	\$0.00	\$0.00
Hand Held Scanner - Model 1900GSR	1	\$385.00	\$0.00	\$385.00	\$0.00	\$0.00	\$0.00
Hand Held Scanner Stand	1	\$25.00	\$0.00	\$25.00	\$0.00	\$0.00	\$0.00
ID Tech MiniMag USB Reader	1	\$62.00	\$0.00	\$62.00	\$0.00	\$0.00	\$0.00

3rd Party Hardware, Software and Services

Description	Quantity	Unit Price	Unit Discount	Total Price	Unit Maintenance	Unit Maintenance Discount	Total Year One Maintenance
Printer (TM-S9000)	1	\$1,600.00	\$0.00	\$1,600.00	\$0.00	\$0.00	\$0.00
Tyler Secure Signature System with 2 Keys	1	\$1,650.00	\$0.00	\$1,650.00	\$0.00	\$0.00	\$0.00
<i>3rd Party Hardware Sub-Total:</i>			<i>\$0.00</i>	<i>\$3,952.00</i>			<i>\$0.00</i>
TOTAL:				\$3,952.00			\$0.00

Summary

	One Time Fees	Recurring Fees
Total Tyler Software	\$859,960.00	\$30,000.00
Total Tyler Services	\$1,224,550.00	\$0.00
Total 3rd Party Hardware, Software and Services	\$3,952.00	\$0.00
Summary Total	\$2,088,462.00	\$30,000.00
Contract Total	\$2,118,462.00	
(Excluding Estimated Travel Expenses)		
Estimated Travel Expenses	\$348,280.00	

Detailed Breakdown of Conversions (included in Contract Total)

Description	Unit Price	Unit Discount	Extended Price
Accounting - Actuals	\$3,000.00	\$0.00	\$3,000.00
Accounting - Budgets	\$3,000.00	\$0.00	\$3,000.00
Accounting Standard COA	\$3,500.00	\$0.00	\$3,500.00
Accounts Payable - Checks	\$3,200.00	\$0.00	\$3,200.00
Accounts Payable - Invoice	\$4,500.00	\$0.00	\$4,500.00
Accounts Payable Standard Master	\$3,000.00	\$0.00	\$3,000.00
Capital Assets - History	\$3,000.00	\$0.00	\$3,000.00
Capital Assets Std Master	\$4,500.00	\$0.00	\$4,500.00
General Billing - Bills	\$5,500.00	\$0.00	\$5,500.00
General Billing - Recurring Invoices	\$4,500.00	\$0.00	\$4,500.00
General Billing Std CID	\$2,500.00	\$0.00	\$2,500.00
Inventory Std Master	\$4,500.00	\$0.00	\$4,500.00
Payroll - Accrual Balances	\$3,500.00	\$0.00	\$3,500.00
Payroll - Accumulators	\$3,500.00	\$0.00	\$3,500.00
Payroll - Certifications	\$4,000.00	\$0.00	\$4,000.00
Payroll - Check History	\$3,800.00	\$0.00	\$3,800.00
Payroll - Deductions	\$4,200.00	\$0.00	\$4,200.00
Payroll - Earning/Deduction Hist	\$5,500.00	\$0.00	\$5,500.00
Payroll - Education	\$4,000.00	\$0.00	\$4,000.00
Payroll - PM Action History	\$4,000.00	\$0.00	\$4,000.00
Payroll - Position Control	\$4,000.00	\$0.00	\$4,000.00
Payroll - Recruiting	\$4,000.00	\$0.00	\$4,000.00
Payroll - Standard	\$4,200.00	\$0.00	\$4,200.00
Payroll - State Retirement Tables	\$4,000.00	\$0.00	\$4,000.00
Project Grant Accounting - Actuals	\$3,000.00	\$0.00	\$3,000.00
Project Grant Accounting - Budgets	\$3,000.00	\$0.00	\$3,000.00
Project Grant Accounting Standard	\$3,500.00	\$0.00	\$3,500.00

Detailed Breakdown of Conversions (included in Contract Total)

Description	Unit Price	Unit Discount	Extended Price
Purchasing - Purchase Orders - Standard	\$4,000.00	\$0.00	\$4,000.00
TOTAL:			\$106,900.00

Optional SaaS

Description	Annual Fee Net	# Years	Total SaaS Fee	Impl. Days
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Productivity:

Postal XPress (Lorton) Annual Subscription	\$1,649.00	1	\$1,649.00	0
Transparency Portal	\$15,000.00	1	\$15,000.00	0
TOTAL:	\$16,649.00		\$16,649.00	0

Optional Tyler Software & Related Services

Description	License	Impl. Days	Impl. Cost	Data Conversion	Module Total	Year One Maintenance
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Financials:

Bid Management	\$23,100.00	7	\$8,925.00	\$0.00	\$32,025.00	\$4,158.00
BMI Asset Track Interface	\$5,800.00	5	\$6,375.00	\$0.00	\$12,175.00	\$1,044.00
BMI CollectIT Interface	\$5,800.00	5	\$6,375.00	\$0.00	\$12,175.00	\$1,044.00
Performance Based Budgeting	\$63,000.00	26	\$33,150.00	\$0.00	\$96,150.00	\$11,340.00
Tyler Asset Maintenance	\$57,750.00	44	\$56,100.00	\$12,500.00	\$126,350.00	\$10,395.00

Human Capital Management:

ExecuTime Advance Scheduling Mobile Access	\$3,975.00	0	\$0.00	\$0.00	\$3,975.00	\$795.00
ExecuTime Advance Scheduling - Up to 650 Employees	\$39,750.00	8	\$10,200.00	\$0.00	\$49,950.00	\$7,950.00
ExecuTime Time & Attendance Mobile Access	\$5,075.00	0	\$0.00	\$0.00	\$5,075.00	\$1,015.00
ExecuTime Time & Attendance - Up to 750 Employees	\$33,125.00	18	\$22,950.00	\$0.00	\$56,075.00	\$6,625.00
Recruiting	\$18,150.00	6	\$7,650.00	\$0.00	\$25,800.00	\$3,267.00
Risk Management	\$33,000.00	11	\$14,025.00	\$0.00	\$47,025.00	\$5,940.00

Revenue:

Animal License	\$19,300.00	5	\$6,375.00	\$11,800.00	\$37,475.00	\$4,825.00
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Productivity:

Optional Tyler Software & Related Services

Description	License	Impl. Days	Impl. Cost	Data Conversion	Module Total	Year One Maintenance
Citizen Self Service	\$40,500.00	1	\$1,275.00	\$0.00	\$41,775.00	\$7,290.00
eProcurement	\$35,000.00	1	\$1,275.00	\$0.00	\$36,275.00	\$6,300.00

Additional:

Central Property File	\$4,200.00	1	\$1,275.00	\$0.00	\$5,475.00	\$756.00
Contracts - G	\$0.00	0	\$0.00	\$6,000.00	\$6,000.00	\$0.00
Inventory - Commodity Codes - G	\$0.00	0	\$0.00	\$2,500.00	\$2,500.00	\$0.00
Maplink GIS Integration	\$22,000.00	1	\$1,275.00	\$0.00	\$23,275.00	\$3,960.00
Tyler Disaster Recovery Service	\$0.00	0	\$0.00	\$0.00	\$0.00	\$30,000.00
Tyler Incident Management	\$33,000.00	10	\$12,750.00	\$0.00	\$45,750.00	\$5,940.00
Utility Billing CIS Conversion Services	\$0.00	0	\$0.00	\$30,500.00	\$30,500.00	\$0.00
Utility Billing CIS Software	\$58,000.00	26	\$33,150.00	\$0.00	\$91,150.00	\$10,440.00
Utility Billing Hand-Held Interface	\$16,500.00	6	\$7,650.00	\$0.00	\$24,150.00	\$2,970.00
TOTAL:	\$517,025.00	181	\$230,775.00	\$63,300.00	\$811,100.00	\$126,054.00

Optional Other Services

Description	Quantity	Unit Price	Discount	Extended Price
Additional Utility Billing Implementation/ Custom Forms & Reporting Services	24	\$1,275.00	\$0.00	\$30,600.00
AP/PR Check Recon Import	1	\$1,000.00	\$0.00	\$1,000.00
AP Positive Pay Export Format	1	\$3,000.00	\$0.00	\$3,000.00
Business Process Consulting - Animal Licenses	1	\$19,250.00	\$0.00	\$19,250.00
Business Process Consulting - Asset Maintenance	1	\$35,000.00	\$0.00	\$35,000.00
Business Process Consulting - Recruiting	1	\$17,500.00	\$0.00	\$17,500.00
Business Process Consulting - Bid Management	1	\$12,250.00	\$0.00	\$12,250.00
Business Process Consulting - Risk Management	1	\$19,250.00	\$0.00	\$19,250.00
Business Process Consulting - Utility Billing	19	\$1,750.00	\$0.00	\$33,250.00
Change Management Consulting Solution	1	\$75,000.00	\$0.00	\$75,000.00
Configuration Postal Xpress (Lorton)	1	\$1,275.00	\$0.00	\$1,275.00

Optional Other Services

Description	Quantity	Unit Price	Discount	Extended Price
Install Fee - Transparency Portal	1	\$4,500.00	\$0.00	\$4,500.00
Maplink GIS Integration Installation	1	\$500.00	\$0.00	\$500.00
Optional Modifications	39	\$1,275.00	\$0.00	\$49,725.00
P-Card Import Format	1	\$5,500.00	\$0.00	\$5,500.00
PR Positive Pay Export Format	1	\$3,000.00	\$0.00	\$3,000.00
Source Code Escrow	1	\$1,500.00	\$0.00	\$1,500.00
Tyler Forms Library - Utility Billing	1	\$5,500.00	\$0.00	\$5,500.00
Tyler Load Balance	1	\$1,895.00	\$0.00	\$1,895.00
Tyler Forms Look-Up - Flat Fee	1	\$2,195.00	\$0.00	\$2,195.00
Tyler Signature Application	1	\$250.00	\$0.00	\$250.00
Tyler Forms Work Order/Pick Ticket Library - 4 Forms	1	\$3,600.00	\$0.00	\$3,600.00
Tyler Graphing Agent - Flat Fee	1	\$3,500.00	\$0.00	\$3,500.00
Tyler PO Distribution - Level 1	1	\$500.00	\$0.00	\$500.00

TOTAL:**\$329,540.00****Optional Conversion Details (Prices Reflected Above)**

Description	Unit Price	Unit Discount	Extended Price
Animal License - Bills	\$6,300.00	\$0.00	\$6,300.00
Animal License Std Master	\$5,500.00	\$0.00	\$5,500.00
Contracts	\$6,000.00	\$0.00	\$6,000.00
Inventory - Commodity Codes	\$2,500.00	\$0.00	\$2,500.00
Tyler Asset Maintenance - Closed Work Order History No Cost Data	\$7,500.00	\$0.00	\$7,500.00
Tyler Asset Maintenance - Work Order Asset	\$5,000.00	\$0.00	\$5,000.00
Utility Billing CIS Conversion Serv	\$30,500.00	\$0.00	\$30,500.00

TOTAL:**\$63,300.00**

Unless otherwise indicated in the contract or Amendment thereto, pricing for optional items will be held for Six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval:

Date:

Print Name:

P.O. #:

All primary values quoted in US Dollars

Tyler Discount Detail

Description	License	License Discount	License Net	Maintenance Basis	Year One Maint Discount	Year One Maint Net
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Financials:

Accounting/GL/BG/AP	\$184,800.00	\$36,960.00	\$147,840.00	\$33,264.00	\$33,264.00	\$0.00
Capital Assets	\$46,200.00	\$9,240.00	\$36,960.00	\$8,316.00	\$8,316.00	\$0.00
Cash Management	\$36,750.00	\$7,350.00	\$29,400.00	\$6,615.00	\$6,615.00	\$0.00
Contract Management	\$23,100.00	\$4,620.00	\$18,480.00	\$4,158.00	\$4,158.00	\$0.00
Employee Expense Reimbursement	\$18,900.00	\$3,780.00	\$15,120.00	\$3,402.00	\$3,402.00	\$0.00
Inventory	\$46,200.00	\$9,240.00	\$36,960.00	\$8,316.00	\$8,316.00	\$0.00
Project & Grant Accounting	\$31,500.00	\$6,300.00	\$25,200.00	\$5,670.00	\$5,670.00	\$0.00
Purchasing	\$86,100.00	\$17,220.00	\$68,880.00	\$15,498.00	\$15,498.00	\$0.00
Quatred Inventory Scanning Interface	\$5,800.00	\$1,160.00	\$4,640.00	\$1,044.00	\$1,044.00	\$0.00

Payroll/HR:

Human Resources & Talent Management	\$36,300.00	\$7,260.00	\$29,040.00	\$6,534.00	\$6,534.00	\$0.00
Payroll w/ESS	\$121,550.00	\$24,310.00	\$97,240.00	\$21,879.00	\$21,879.00	\$0.00

Revenue:

Accounts Receivable	\$40,500.00	\$8,100.00	\$32,400.00	\$7,290.00	\$7,290.00	\$0.00
General Billing	\$19,250.00	\$3,850.00	\$15,400.00	\$3,465.00	\$3,465.00	\$0.00
Tyler Cashiering	\$60,000.00	\$12,000.00	\$48,000.00	\$10,800.00	\$10,800.00	\$0.00

Productivity:

Munis Analytics & Reporting	\$158,500.00	\$31,700.00	\$126,800.00	\$28,530.00	\$28,530.00	\$0.00
Tyler Content Manager Enterprise	\$95,000.00	\$19,000.00	\$76,000.00	\$17,100.00	\$17,100.00	\$0.00
Tyler Content Manager Enterprise 3rd Party Connector	\$9,500.00	\$1,900.00	\$7,600.00	\$1,710.00	\$1,710.00	\$0.00
Tyler Content Manager Self-Service (Enterprise Edition)	\$7,500.00	\$1,500.00	\$6,000.00	\$1,350.00	\$1,350.00	\$0.00

Tyler Discount Detail

Description	License	License Discount	License Net	Maintenance Basis	Year One Maint Discount	Year One Maint Net
Tyler Content Manager WorkFlow Enterprise Edition	\$3,000.00	\$600.00	\$2,400.00	\$540.00	\$540.00	\$0.00
Tyler Forms Processing	\$19,500.00	\$3,900.00	\$15,600.00	\$3,900.00	\$3,900.00	\$0.00
Additional:						
CAFR Statement Builder	\$25,000.00	\$5,000.00	\$20,000.00	\$4,500.00	\$4,500.00	\$0.00
Tyler System Management Services Contract	\$0.00	\$0.00	\$0.00	\$30,000.00	\$0.00	\$30,000.00
TOTAL:	\$1,074,950.00	\$214,990.00	\$859,960.00	\$223,881.00	\$193,881.00	\$30,000.00

Comments

Tyler recommends the use of a 128-bit SSL Security Certificate for any Internet Web Applications, such as the Munis Web Client and the MUNIS Self Service applications if hosted by the Client. This certificate is required to encrypt the highly sensitive payroll and financial information as it travels across the public internet. There are various vendors who sell SSL Certificates, with all ranges of prices.

Conversion prices are based on a single occurrence of the database. If additional databases need to be converted, these will need to be quoted.

Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the size and scope of your project. The actual amount of services depends on such factors as your level of involvement in the project and the speed of knowledge transfer.

Unless otherwise noted, prices submitted in the quote do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy.

Tyler's prices do not include applicable local, city or federal sales, use excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting.

In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client's behalf; and (ii) daily fees associated with the cancelled services if Tyler is unable to re-assign its personnel.

Tyler provides onsite training for a maximum of 12 people per class. In the event that more than 12 users wish to participate in a training class or more than one occurrence of a class is needed, Tyler will either provide additional days at then-current rates for training or Tyler will utilize a Train-the-Trainer approach whereby the client designated attendees of the initial training can thereafter train the remaining users.

Tyler's form library prices are based on the actual form quantities listed, and assume the forms will be provided according to the standard Munis form template. Any forms in addition to the quoted amounts and types, including custom forms or forms that otherwise require custom programming, are subject to an additional fee. Please also note that use of the Tyler Forms functionality requires the use of approved printers as well. You may contact Tyler's support team for the most current list of approved printers.

Financial library includes: 1 A/P check, 1 EFT/ACH, 1 Purchase order, 1 Contract, 1099M, 1099INT, 1099S, and 1099G.

General Billing library includes: 1 invoice, 1 statement, 1 general billing receipt and 1 miscellaneous receipt.

Programming for check reconciliation import and positive pay export assumes one bank format each. Multiple bank formats are extra.

Includes digitizing two signatures, additional charges will apply for additional signatures.

Project Management includes project planning, kickoff meeting, status calls, task monitoring, verification and transition to support.

Tyler Forms Payroll Core library includes: 1 PR check, 1 direct deposit, 1 vendor from payroll check, 1 vendor from payroll direct deposit, W2, W2c, 1099 R, ACA 1095B and ACA 1095C.

Personnel Actions Forms Library includes: 1 Personnel Action form - New and 1 Personnel Action Form - Change.

Work Order & Pick Ticket Library includes: 1 Work Order - Services, 1 Work Order - Inventory, 1 Pick Ticket and 1 Delivery Ticket.

Comments

Tyler's cost is based on all of the proposed products and services being obtained from Tyler. Should significant portions of the products or services be deleted, Tyler reserves the right to adjust prices accordingly.

The Munis Accounts Payable module utilizes a label printer for batch-scanned document indexing. This printer is to be provided by the client and must support multi-page Adobe PDF files, such as the Brother QL-700.

In the event a self-hosted customer opts to enroll as a beneficiary under Tyler's source code escrow agreement, Tyler will provide the paperwork required for enrollment. That self-hosted customer will be billed, on an annual basis, directly by Tyler's escrow agent, and all such fees must be paid directly to that escrow agent. Rates for subsequent years are subject to change at the discretion of Tyler's escrow agent.

The Tyler Software Product Tyler Forms Processing must be used in conjunction with a Hewlett Packard printer supported by Tyler for printing checks.

Transparency Portal SaaS services will renew automatically for additional one (1) year terms at our then-current fee unless terminated in writing by either party at least thirty (30) days prior to the end of the then-current term.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Resolution No. 170-17, Authorizing a One-Term Waiver Allowing David Larkin to be Reappointed to the Utility Advisory Committee

Department:
City Attorney

Ordinance/Resolution Number:
170-17

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 170-17, approving a one-time waiver and reappointing David Larkin to Position No. 5 on the Utility Advisory Committee.

Summary:

David Larkin currently serves in Position No. 5 on the Utility Advisory Committee (UCA). His term expires on September 30, 2017.

Richland Municipal Code (RMC) Section 2.04.110(D) provides that members of the City's boards, commissions and committees shall serve no more than 12 consecutive years on the same commission or committee (unless a different term limit is prescribed by law). The RMC also states that "the council may waive this limitation for any member of any board, commission or committee for one term."

Mr. Larkin will reach his 12-year term limit on September 30, 2017, and has reapplied to his current position. In order to continue service, Council must agree to grant the one-term waiver authorized by RMC.

Chair Keck, Vice Chair Porter, and Council Liaisons Christensen and Lemley recommend the reappointment of David Larkin to the Utility Advisory Committee (UAC) in Position No. 5.

If approved, the position term is effective October 1, 2017 through September 30, 2020.

Candidate applications and resumes are on file in the City Clerk's Office.

Fiscal Impact:

None.

Attachments:

1. Resolution No. 170-17
2. UAC Recommendation

RESOLUTION NO. 170-17

A RESOLUTION of the City of Richland authorizing a one-time term limit waiver as allowed under the Richland Municipal Code and confirming the reappointment of David Larkin to Position No. 5 on the Utility Advisory Committee.

WHEREAS, David Larkin has served on the Utility Advisory Committee for 12 consecutive years, with service commencing in September 2005 and concluding on September 30, 2017; and

WHEREAS, Richland Municipal Code (RMC) Section 2.04.110(D) provides that members of the City's boards, commissions and committees shall serve no more than 12 consecutive years on the same commission or committee (unless a different term limit is prescribed by law); and

WHEREAS, the RMC also states that "[t]he council may waive this limitation for any member of any board, commission or committee for one term"; and

WHEREAS, Mr. Larkin will reach his 12-year term limit on September 30, 2017, and has reapplied to his current position; and

WHEREAS, in order to continue service, Council must agree to grant the one-term waiver authorized by RMC 2.04.110(D); and

WHEREAS, Chair Keck, Vice Chair Porter, and Council Liaisons Christensen and Lemley recommend the reappointment of David Larkin to the Utility Advisory Committee (UAC) in Position No. 5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that Mr. Larkin is granted a waiver, pursuant to RMC 2.04.110(D), allowing him to serve one additional term on the Utility Advisory Committee.

BE IT FURTHER RESOLVED that Mr. Larkin's reappointment to the Utility Advisory Committee, effective October 1, 2017, is hereby confirmed as follows:

<u>NAME</u>	<u>POSITION NO.</u>	<u>TERM ENDING</u>
David Larkin	5	9/30/2020

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

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney



MEMORANDUM

TO: City Council

FROM: Roy Keck, Utility Advisory Committee Chairman

DATE: September 8, 2017

SUBJECT: Utility Advisory Committee Vacancy Recommendations

The terms of Utility Advisory Committee (UAC) Position No. 1, held by Steven Arneson and No. 5, held by David Larkin will expire on September 30, 2017. The City of Richland advertised for applicants for these positions and received six (6) responses.

A subcommittee of UAC Chairman Roy Keck, UAC Vice Chairman Dan Porter and Council Liaisons Terry Christensen and Phil Lemley reviewed applications and conducted interviews for each candidate.

The interviews were held on August 29, 2017 and resulted in the following recommendations.

- Appointment of Graham Parker to Position No. 1 for a three-year term.
- Reappointment of David Larkin to Position No. 5 for a three-year term.

The subcommittee wishes to express gratitude to all candidates and encourages each to continue to apply for City of Richland Boards and Commissions.

Respectfully,

Roy Keck
Utility Advisory Committee Chairman



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:

Resolution No. 171-17, Establishing an Effective Date for the Funding Agreement with the Transportation Improvement Board (TIB) for the Duportail Bridge Project

Department:
Public Works

Ordinance/Resolution Number:
171-17

Document Type:
Resolution

Recommended Motion:

Approve Resolution No. 171-17, establishing May 19, 2017 as the effective date of the funding agreement with the Transportation Improvement Board regarding Duportail Bridge.

Summary:

The purpose of this item is to clarify and fully leverage the funding availability from the Washington State Transportation Improvement Board (TIB) for the Duportail Bridge project.

On April 4, 2017, Council authorized an application to the TIB seeking grant funding for the Duportail Bridge. At its May 19, 2017 meeting, the TIB approved a \$9,000,000 grant award to the City. According to TIB procedures, the date establishing cost recovery eligibility is the date the funding agreement is executed. The TIB could have been prepared to execute the project funding agreement on May 19, 2017, and considers its board action as authorizing funding availability. At its July 5, 2017 meeting, Council approved Resolution No. 108-17, authorizing execution of the grant agreement. When staff prepared Resolution No. 108-17, it was not clear that the execution date on the agreement was the critical date establishing funds availability, thus Resolution 108-17 did not establish an effective date of May 19, 2017. Resolution No. 171-17, if approved, establishes a May 19, 2017 effective date for the funding agreement between the City and the TIB.

Although this action does not change the funding package or the City's contribution to the project, it does improve the cash-flow management of the project costs, which will result in savings since the City is currently financing design work with an interfund loan. Enabling cost recovery from the TIB earlier in the process will reduce the principle amount of the loan until later in the project, thus saving substantial interest on the loaned amount.

Staff recommends approval of Resolution No. 171-17.

Fiscal Impact:

The proposed action is estimated to save the City \$19,700 in interest expenses on the interfund loan.

Attachments:

- I. Resolution No. 171-17

RESOLUTION NO. 171-17

A RESOLUTION of the City of Richland establishing an effective date of a previously executed grant funding agreement with the Washington State Transportation Improvement Board for the Duportail Bridge project.

WHEREAS, the 2017-2022 Transportation Improvement Program and the 2017-2030 Capital Improvement Plan include the Duportail Bridge as a key transportation system improvement; and

WHEREAS, the City is highly dependent on grant funds to complete street system improvements other than the Pavement Preservation Program, which is funded entirely with local funds; and

WHEREAS, the Washington State Transportation Improvement Board administers an annual distribution of street improvement grants to local agencies; and

WHEREAS, the Transportation Improvement Board selects projects through a highly competitive process with specific and rigorous criteria; and

WHEREAS, the Transportation Improvement Board's typical annual programs award projects in several regions of the state, with funding capacity allocated to the regions based in part by population; and

WHEREAS, the Transportation Improvement Board occasionally selects a special project for an off-program grant award; and

WHEREAS, at its April 4, 2017 meeting, Richland City Council authorized staff to seek a \$9,000,000 special project award from the Transportation Improvement Board for the Duportail Bridge; and

WHEREAS, the Transportation Improvement Board voted at its May 19, 2017 meeting to award a \$9,000,000 grant for the Duportail Bridge project; and

WHEREAS, due to typical delays associated with obtaining contract approval through established City processes, the funding agreement between the City and the Transportation Improvement Board was not fully executed until July 5, 2017; and

WHEREAS, according to Transportation Improvement Board procedures, the date establishing cost recovery eligibility is the date the funding agreement is executed; and

WHEREAS, the City has been advised that, by establishing an effective date for the funding agreement of May 19, 2017, which is the date upon which the Transportation Improvement Board authorized execution of the funding agreement, the City can fully leverage available grant dollars for the Duportail Bridge project; and

WHEREAS, both the Transportation Improvement Board and the City of Richland are in agreement to establish an effective date of May 19, 2017 for the funding agreement through re-execution of the document; and

WHEREAS, the action contemplated herein adheres to the benefit of the citizens of the City of Richland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that an effective date of May 19, 2017 shall apply to the funding agreement between the City of Richland and the Transportation Improvement Board, and that any documents necessary to carry out the intent of this Resolution No. 171-17 shall be executed by the Mayor of the City of Richland.

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

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 3 - Economic Vitality

Subject:

Resolution No. 174-17, Altering the Final Plat of Sunshine Ridge

Department:

Community & Development Services

Ordinance/Resolution Number:

174-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 174-17, approving the proposed alteration to the final plat of Sunshine Ridge.

Summary:

This item is the subject of a public hearing held earlier on this evening's agenda.

Dennis Sawby is the owner of the 7 lot plat known as Sunshine Ridge located at the north end of Reata Ridge Road. Mr. Sawby is requesting an alteration of the plat that was originally recorded this past spring to remove 4 plat notes that specify requirements mandated under the Land Use and Development Regulations (LUDR) that govern development within the Badger Mountain South master planned community. Mr. Sawby, along with Nor Am Investments, LLC, the Badger Mountain South developer, is requesting that this plat be removed from the Badger Mountain South community. This action will require approval of the requested plat alteration, an amendment to the BMS Master Agreement between the City and Nor Am Investment, LLC, and a rezone of the property to remove it from the LUDR and place standard R1-12 zoning on the property. All three of these actions are included on tonight's consent agenda.

The rationale for the requested plat alteration and related actions to remove the plat from the Badger Mountain South development regulations is that the site is on the edge of the Badger Mountain South community, is physically separated from the rest of the planned development area, and has far more in common with the adjacent plat of Reata Ridge than it does with Badger Mountain South.

Resolution No. 174-17 has been drafted to approve the proposed plat alteration. Staff recommends approval.

Fiscal Impact:

There is no fiscal impact to the City that would result from approval of this plat alteration.

Attachments:

1. Resolution No. 174-17
2. Proposed Findings of Fact
3. Vicinity Map

RESOLUTION NO. 174-17

A RESOLUTION of the City of Richland approving alterations to the final plat of Sunshine Ridge, adopting findings contained in Staff Report (FP2017-108) and directing Development Services staff to provide notice of this decision.

WHEREAS, on August 24, 2017, Dennis Sawby Construction, the purchaser of all lots contained within the Sunshine Ridge final plat, filed an application to alter the plat of Sunshine Ridge; and

WHEREAS, in compliance with RCW 58.17.215, the City of Richland provided public notice of the proposed plat alteration to all land owners within and adjacent to the plat of Sunshine Ridge; and

WHEREAS, Richland City Council held a public hearing on September 19, 2017 to consider Dennis Sawby Construction's request to alter the final plat of Sunshine Ridge; and

WHEREAS, the proposed plat alteration is consistent with City subdivision and zoning regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the final plat of Sunshine Ridge is altered as follows:

Section 1. Plat notes numbers 3 - 6 shall be removed from the face of the plat.

BE IT FURTHER RESOLVED that the applicant is hereby directed to produce a revised drawing of the approved altered Sunshine Ridge plat, which shall be recorded with the Benton County Auditor and shall become the lawful plat of the property after all required signature are obtained.

BE IT FURTHER RESOLVED that the findings and conclusions contained in Staff Report FP2017-108 are hereby adopted as the findings and conclusions of the Richland City Council.

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

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

FINDINGS AND CONCLUSIONS

APPLICANT: DENNIS SAWBY

REQUEST: ALTERATION OF THE PLAT OF SUNSHINE RIDGE

LOCATION: NORTH OF AND ADJACENT TO THE NORTHERN
TERMINUS OF REATA RIDGE ROAD

The City Council of the City of Richland approves the proposed alteration of the Plat of Sunshine Ridge based upon the following findings and conclusions:

Findings of Fact:

1. The subject site is located in South Richland, immediately north of and adjacent to the plat of Reata Ridge, a large lot single family residential subdivision and east of the plat of Rancho Reata, a large lot subdivision that is located within unincorporated Benton County;
2. The subject site has been subdivided into 7 residential lots and one open space tract known as the Plat of Sunshine Ridge. Average lot size within the plat is 25,875 square feet. Access to the lots is provided via a cul-de-sac located at the end of Sunshine Ridge Road;
3. The Plat of Sunshine Ridge is served with city water and electrical power and on-site septic systems. No further division of property is possible because public sewer service is not available to the property;
4. The adjacent Reata Ridge plat is served with City water and on-site septic systems and has been divided into lot sizes similar to the plat of Sunshine Ridge;
5. The Sunshine Ridge subdivision has been built to the same standards as contained in the adjacent Reata Ridge subdivision, with a paved cul-de-sac street, gravel shoulders and open ditches;

Conclusion of Law:

The existing Sunshine Ridge plat has been developed in a manner consistent with and similar to the adjacent plat of Reata Ridge and other developed properties in the vicinity.

6. The subject site is included in the Badger Mountain South Subarea Plan and is currently subject to the Badger Mountain South Land Use and Development Regulations (LUDR);

7. The LUDR identifies the site as part of the Neighborhood Edge land use designation. This designation allows for single family homes but does not specify a maximum density;
8. Lack of public sewer service in the area eliminates the potential for further lot division within the Sunshine Ridge plat;
9. The BMS – NE district includes development standards for building facades that require front porches and recessed garages; street trees and front yard landscaping; energy efficient household appliances and installation of residential fire sprinkler systems. The homes adjoining the Sunshine Ridge plat have not been built to these standards;
10. The development standards for the Badger Mountain South LUDR require a traditional street grid pattern, with curbs, gutters, sidewalks, street lights and alleys, and street trees. Mixed use development, walkable neighborhoods and open space are important concepts included in the LUDR. These development concepts are not present in the adjacent Reata Ridge neighborhood;
11. The existing natural drainage way that runs adjacent to and through the subject property serves to isolate it from the rest of the Badger Mountain South area;
12. The Badger Mountain South Subarea Plan does not include any plans for street or pedestrian connection between the subject site and the remainder of the Badger Mountain South area;

Conclusion of Law:

The Sunshine Ridge plat is physically separated from the remainder of the Badger Mountain South master planned community and by virtue of the lack of sewer availability cannot be built to the same density standard as envisioned under the LUDR and has much more in common with the adjacent Reata Ridge neighborhood than the Badger Mountain South neighborhood in terms of public infrastructure, size and type of lots and access.

Findings of Fact:

13. Dennis Sawby, the applicant and the Badger Mountain South developer, Nor Am Investment, LLC have both expressed support for the proposed alteration;
14. The proposed plat alteration would trigger a need to amend the master agreement between the City and Nor Am Investment, LLC to delete Sunshine Ridge from the master agreement. Nor Am Investment, LLC has expressed support for this amendment;

15. The plat alteration also triggers the need to apply zoning to the property apart from the LUDR. The applicant has filed a rezone application that was heard by the Richland Hearing Examiner. The Examiner determined that the proposed rezone was acceptable provided that the Council authorized the plat alteration and amended the master agreement.

Conclusion of Law:

An amendment to the master agreement and a rezone of the subject site are both required and are being brought before Council in separate actions.

Findings of Fact:

16. RCW 58.17.215 establishes a process for the review of plat alteration applications that includes a requirement that the majority of lot owners within the plat must consent to the filing of the proposed plat alteration. In this case, the applicant, Dennis Sawby owns 100% of the property;
17. Notice of the public hearing was provided to all the lot owners adjacent to the plat of Sunshine Ridge.
18. The City Council is empowered to grant approval of any request for a plat alteration upon the finding that the alteration is in the public interest.

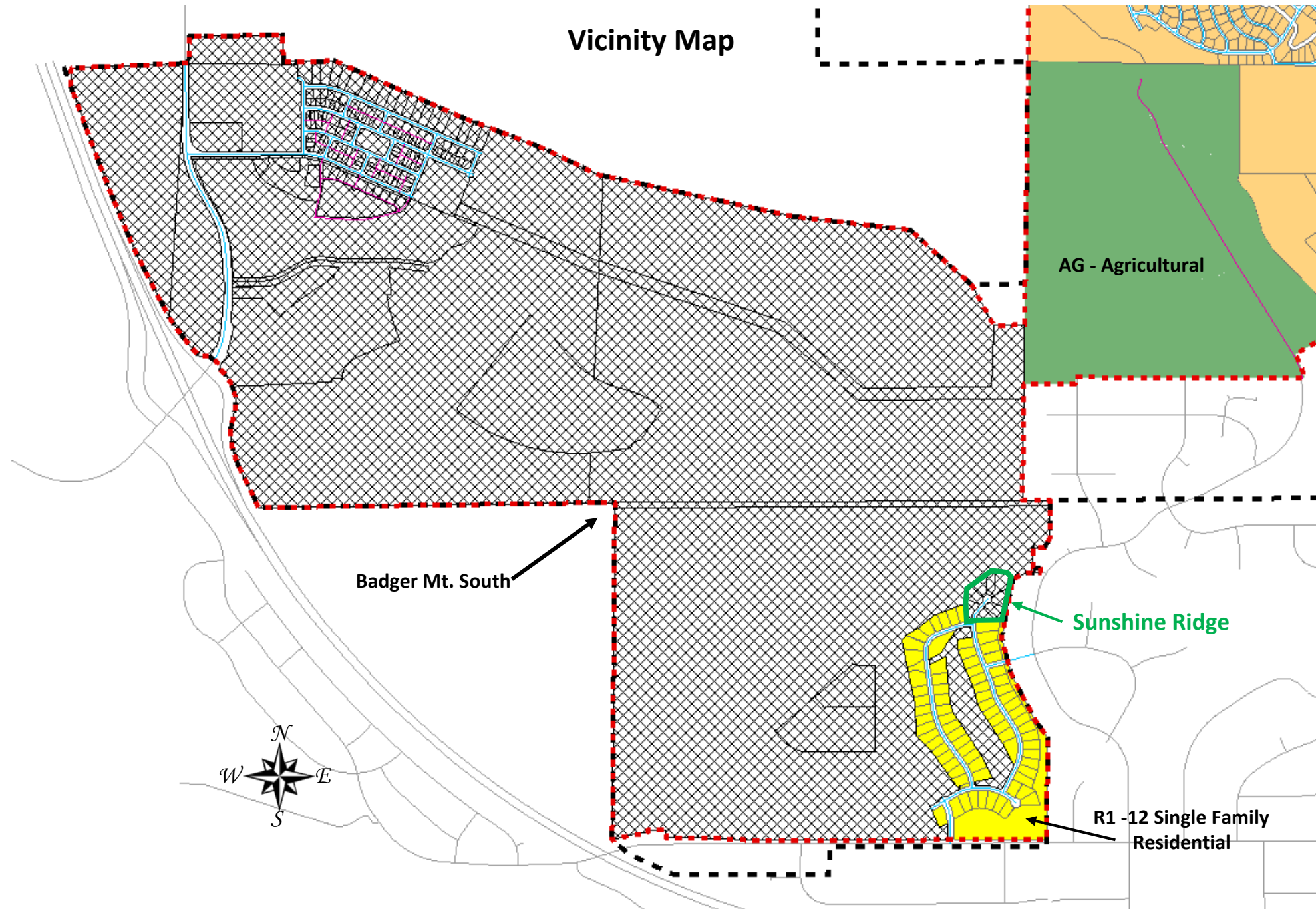
Conclusion of Law:

The proposed plat alteration was processed in a manner that is consistent with state law.

Overall Conclusion:

Based on the above findings and conclusions, approval of the proposed alteration to the plat of Sunshine Ridge is in keeping with the public interest because the project is consistent with City development regulations and is in consistent with area development patterns.

Vicinity Map





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:

Resolution No. 175-17, Adopting the Name "Haul Road" for an Existing Private Street

Department:

Community & Development Services

Ordinance/Resolution Number:

175-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 175-17, adopting the name Haul Road for the extension of a private street previously named Stirrup Road, located south of Van Giesen Street.

Summary:

Stirrup Road is a dead-end private road that extends off the end of Haul Road, travelling through W.E. Johnson Park to serve a single remote property. Recently, an emergency vehicle was delayed in responding to a call for service because of difficulties in locating Stirrup Road. The change of the road name to Haul Road would make locating the property easier in the event that emergency services calls are needed in the future. The owners of the private drive agree to the name change.

Resolution No. 175-17 would implement this road name change.

Fiscal Impact:

The street name change would not have a fiscal impact to the City.

Attachments:

1. Resolution No. 175-17
2. Vicinity Map

RESOLUTION NO. 175-17

A RESOLUTION of the City of Richland adopting the name Haul Road for the extension of a private street located south of Van Giesen Street previously named Stirrup Road.

WHEREAS, pursuant to Richland Municipal Code 12.01.110, abutting property owners of a street may petition the City of Richland to rename a street; and

WHEREAS, the City received a request from Brad and Teresa Rew for the renaming of a private street named Stirrup Road; and

WHEREAS, the Rews are the only property owners whose property is addressed off of Stirrup Road; and

WHEREAS, an emergency vehicle was recently delayed in responding to a call for service because of difficulties in locating Stirrup Road; and

WHEREAS, changing the street's name to Haul Road would make locating the property easier in the event that future emergency services calls are needed since the private street is an extension of existing Haul Road.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the existing private street currently known as Stirrup Road be renamed as Haul Road.

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

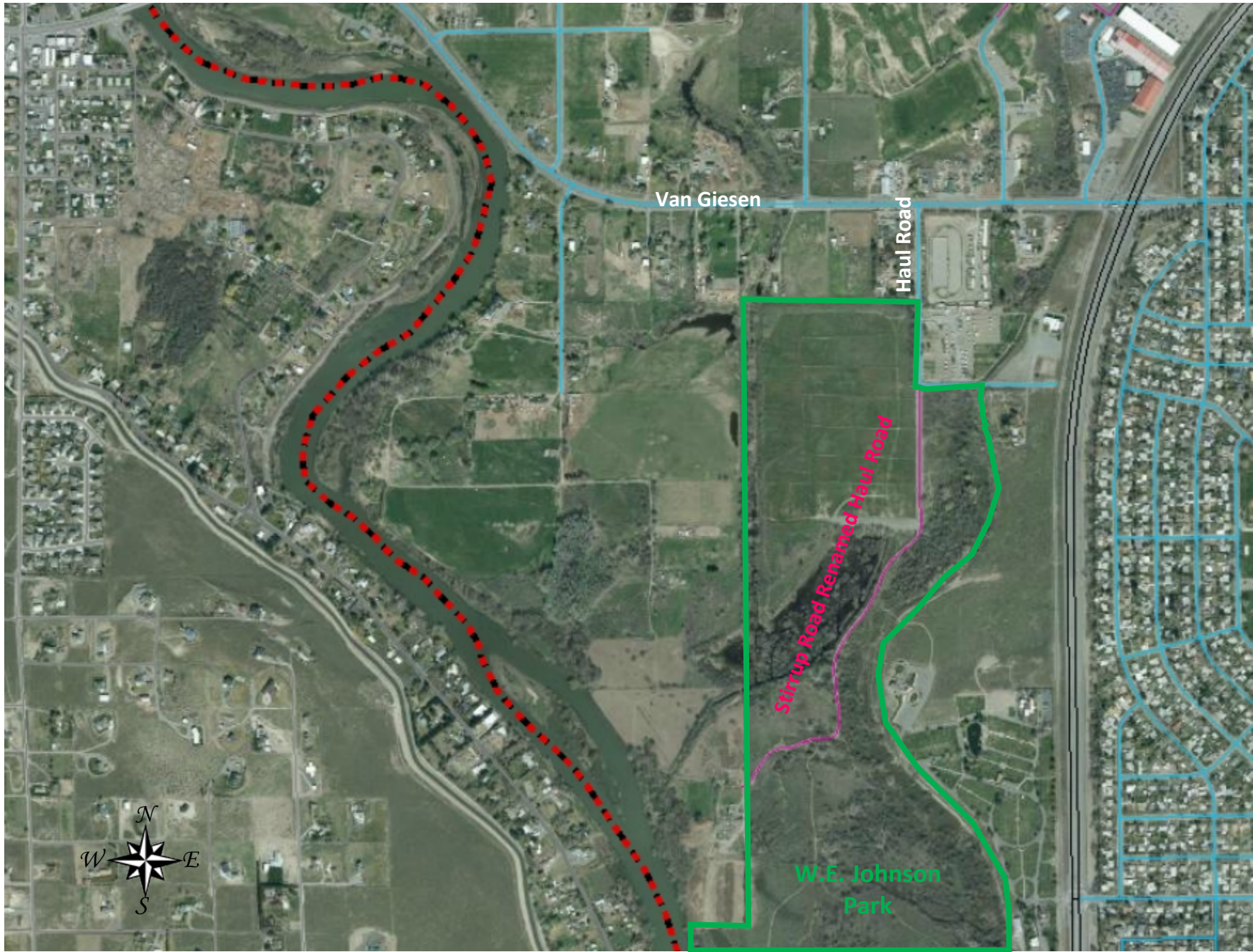
ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 3 - Economic Vitality

Subject:

Resolution No. 176-17, Approving the Final Plat of Sandpiper II

Department:

Community & Development Services

Ordinance/Resolution Number:

176-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 176-17, approving the final plat of Sandpiper II.

Summary:

North Stone Richland, LLC, the developer of the Sandpiper II plat, a subdivision located in the Horn Rapids Golf Course Community, is requesting final plat approval for the project. Sandpiper II consists of 11 lots and one tract on 2.7 acres. The plat is located in the western portion of the Horn Rapids community, at the western terminus of Torrey Pines Way.

Staff has reviewed the project to ensure compliance with the original conditions of approval, and recommends approval of the final plat through adoption of Resolution No. 176-17.

Fiscal Impact:

Future construction of the lots within the plat will raise both land values and property taxes. With residential development, demands placed on City services will also be increased.

Attachments:

1. Resolution No. 176-17
2. Final Plat of Sandpiper II
3. Vicinity Map
4. Plat Conditions

RESOLUTION NO. 176-17

A RESOLUTION of the City of Richland approving the final plat of Sandpiper II subject to the conditions of approval of the Technical Advisory Committee Report, and adopting the findings of the Richland Planning Commission as the findings of the City Council.

WHEREAS, on January 24, 2007, the Planning Commission held an open record public hearing to consider the preliminary plat application of Sandpiper II as submitted by North Stone Richland, LLC; and

WHEREAS, the Planning Commission recommended to the City Council that it conditionally approve the preliminary plat of Sandpiper II; and

WHEREAS, the Sandpiper II plat, consisting of 11 lots and one tract on 2.7 acres, is being constructed in accordance with the conditions attached to the approved preliminary plat.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richland hereby approves the final plat of Sandpiper II, a copy of which is attached hereto as **Attachment A**, subject to the conditions of approval as contained in the January 17, 2007 Technical Advisory Committee Report S2006-108.

BE IT FURTHER RESOLVED that the findings of the Planning Commission from its January 24, 2007 open record public hearing regarding the preliminary plat of Sandpiper II are hereby adopted as the findings of the Richland City Council.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

SANDPIPER II



A SUBDIVISION IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M.,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON

HELD CALCULATED POSITION, SEARCHED FOR, NOTHING FOUND OR SET THIS SURVEY.
VISITED 07-01-2010

SANDPIPER II

A SUBDIVISION IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M.,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	101.07'	577.47'	10°01'42"	N69°17'13"W	100.94'
C2	420.64'	380.00'	63°25'27"	N42°35'20"W	399.49'
C3	78.68'	604.47'	7°27'29"	S67°07'26"E	78.63'
C4	36.38'	604.47'	3°26'53"	S72°34'37"E	36.37'
C5	32.04'	353.00'	5°12'01"	S71°42'03"E	32.03'
C6	75.70'	353.00'	12°17'16"	S62°57'25"E	75.56'
C7	78.17'	353.00'	12°41'15"	S50°28'10"E	78.01'
C8	48.47'	353.00'	7°52'04"	S40°11'30"E	48.44'
C9	34.12'	353.00'	5°32'17"	S33°29'19"E	34.11'
C10	41.47'	353.00'	6°43'50"	S27°21'15"E	41.44'
C11	80.78'	353.00'	13°06'43"	S17°25'59"E	80.61'
C12	108.44'	54.00'	115°03'44"	S28°48'15"E	91.12'
C13	26.50'	20.00'	75°55'19"	N89°15'27"W	24.60'
C14	38.53'	54.00'	40°52'59"	N73°13'23"E	37.72'
C15	35.69'	54.00'	37°51'54"	S67°24'10"E	35.04'
C16	26.78'	54.00'	28°24'58"	S34°15'44"E	26.51'
C17	13.67'	54.00'	14°30'23"	S12°48'04"E	13.64'
C18	32.30'	54.00'	34°16'30"	S11°35'22"W	31.82'
C19	33.03'	54.00'	35°02'34"	S46°14'54"W	32.51'
C20	35.45'	54.00'	37°37'00"	S82°34'41"W	34.82'
C21	38.33'	54.00'	40°40'05"	N58°16'46"W	37.53'
C22	4.66'	20.00'	13°21'04"	S44°37'15"E	4.65'
C23	79.21'	535.47'	8°28'33"	N70°03'48"W	79.14'
C24	467.14'	422.00'	63°25'27"	N42°35'20"W	443.65'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N82°00'07"E	70.28'
L2	N58°08'32"E	63.08'
L3	N51°16'45"E	63.67'
L4	S38°42'11"W	27.00'
L5	N10°52'37"W	20.00'
L6	S51°17'48"E	10.00'

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ A.D.
AT _____ M., RECORDED IN VOLUME _____ OF PLATS, PAGE _____
AT THE REQUEST OF J-U-B-ENGINEERS, INC.
BENTON COUNTY AUDITOR _____
BY: _____
FEE NO.: _____

BASIS OF BEARINGS
NORTH 88°44'38" EAST ALONG THE NORTH LINE OF SECTION 29
AS SHOWN IN HORN RAPIDS DIVISION NO. 1 (VOL. 14, PG. 171)

LEGEND

- SECTION CORNER-AS NOTED
- 1/4 SECTION CORNER-AS NOTED
- SEE FOUND MONUMENT DESCRIPTION TABLE ON SHEET 1
- SEE EASEMENT NOTES
- SET 3" BRASS CAP IN MONUMENT BOX MARKED, "SHEA 33656 2017", AT ALL POINTS OF CURVATURE, POINTS OF TANGENCY, CENTER OF CUL-DE-SACS AND STREET INTERSECTIONS, PER CITY OF RICHLAND STANDARDS
- SET 5/8" x 24" IRON REBAR WITH YELLOW PLASTIC CAP, MARKED "SHEA 33656"
- FOUND AND HELD 3" BRASS CAP IN MONUMENT BOX MARKED, "SHEA 33656", AS SET IN SURVEY REFERENCE NUMBER 4. VISITED 08-04-2017.
- FOUND AND HELD 5/8" IRON REBAR WITH YELLOW PLASTIC CAP, MARKED "SHEA 33656", AS SET IN SURVEY REFERENCE NUMBER 4. VISITED 08-04-2017.
- COMPUTED POSITION, NO MONUMENT FOUND OR SET THIS SURVEY
- S.F. SQUARE FEET, APPROXIMATE
- A.F.N. AUDITOR'S FILE NUMBER
- VOL. VOLUME
- PG. PAGE
- [] INDICATES STREET ADDRESS

RIGHT-OF-WAY NOTES

- 50.00-FOOT RIGHT-OF-WAY DEDICATED TO THE CITY OF RICHLAND WITH THIS PLAT.
- VARYING WIDTH RIGHT-OF-WAY DEDICATED TO THE CITY OF RICHLAND WITH THIS PLAT.
- 69.00-FOOT RIGHT-OF-WAY DEDICATED TO CITY OF RICHLAND WITH THIS PLAT.

EASEMENT NOTES

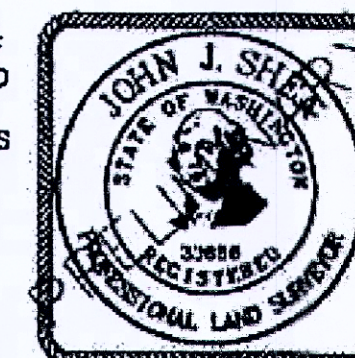
- 10.00-FOOT SANITARY SEWER UTILITY EASEMENT GRANTED WITH PLAT.
- 5.00-FOOT ELECTRICAL UTILITY EASEMENT GRANTED WITH PLAT.
- 10.00-FOOT STORM DRAIN UTILITY EASEMENT GRANTED WITH PLAT.
- 12.00-FOOT UTILITY EASEMENT GRANTED WITH PLAT.
- 10.00-FOOT IRRIGATION EASEMENT GRANTED WITH PLAT.
- VARYING WIDTH SLOPE EASEMENT GRANTED WITH PLAT.

SURVEYOR'S CERTIFICATE

I, JOHN J. SHEA, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE PLAT OF SANDPIPER II AS SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY OF THE LAND DESCRIBED AND THAT ALL CORNERS AND DIMENSIONS ARE CORRECTLY SHOWN AND THAT SAID PLAT IS STAKED ON THE GROUND AS INDICATED HEREON. THIS SURVEY WAS PREPARED AT THE REQUEST OF NORTH STONE RICHLAND, LLC IN MARCH 2017.

JOHN J. SHEA
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 33656

DATE



08-15-2017

2810 W. Clearwater Ave., Suite 201 Kennewick, WA 99336 p 509.783.2144 w www.jub.com	
Dwg Name: 30-11-040_Sandpiper II	Date: August 15, 2017
Dr: DFG	Ch: JJS
Sheet 2 of 2	

PLAT CLOSURE REPORT

NORTH: 366830.07' EAST: 1935424.89'
SEGMENT #1 : LINE
COURSE: S44°42'08"W LENGTH: 280.25'
NORTH: 366430.68' EAST: 1935227.78'
SEGMENT #2 : CURVE
LENGTH: 79.21' RADIUS: 535.47'
DELTA: 8°28'33" TANGENT: 39.68'
CHORD: 79.14' COURSE: N70°03'48"W
COURSE IN: S24°10'29"W COURSE OUT: N15°41'58"E
RP NORTH: 365942.37' EAST: 1935008.47'
END NORTH: 366457.88' EAST: 1935153.38'
SEGMENT #3 : LINE
COURSE: N74°18'04"W LENGTH: 8.79'
NORTH: 366460.24' EAST: 1935144.90'
SEGMENT #4 : CURVE
LENGTH: 467.14' RADIUS: 422.00'
DELTA: 63°25'27" TANGENT: 260.76'
CHORD: 443.65' COURSE: N42°35'20"W
COURSE IN: N15°41'58"E COURSE OUT: S79°07'23"W
RP NORTH: 366868.50' EAST: 1935259.95'
END NORTH: 366796.87' EAST: 1934844.67'
SEGMENT #5 : LINE
COURSE: N10°52'37"W LENGTH: 46.08'
NORTH: 366832.12' EAST: 1934835.97'
SEGMENT #6 : LINE
COURSE: S85°53'49"E LENGTH: 86.96'
NORTH: 366825.90' EAST: 1934922.71'
SEGMENT #7 : LINE
COURSE: N10°52'37"W LENGTH: 68.38'
NORTH: 366893.05' EAST: 1934909.81'
SEGMENT #8 : LINE
COURSE: N90°00'00"E LENGTH: 186.88'
NORTH: 366893.05' EAST: 1935098.89'
SEGMENT #9 : LINE
COURSE: S51°17'48"E LENGTH: 420.57'
NORTH: 366830.07' EAST: 1935424.90'

PERIMETER: 1644.25' AREA: 180743 SQ. FT.
ERROR CLOSURE: 0.00 COURSE: N58°12'35"E
ERROR NORTH: 0.002 EAST: 0.003
PRECISION 1: 1820700000.00

CITY OF RICHLAND REQUIRED NOTES

- ADDRESS SHOWN IN BRACKETS ARE SUBJECT TO CHANGE BY THE CITY OF RICHLAND, ZIP CODE: 99354
- SIDEWALKS AND PEDESTRIAN PATHWAYS FRONTING COMMON AREAS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
- LANDSCAPED AREAS WITHIN THE PUBLIC RIGHT-OF-WAY OF ALL STREETS WITHIN THIS PLAT ARE THE RESPONSIBILITY OF THE PROPERTY/HOME OWNERS TO MAINTAIN.
- PRIOR TO PLAT RECORDING THE DEVELOPER SHALL PROVIDE THE CITY OF RICHLAND DEVELOPMENT SERVICES WITH CBU PLACEMENT AND INSTALLATION APPROVAL FROM USPS GROWTH MANAGEMENT. CURRENT USPS CONTACT - JOSEPH E. SPRY@USPS.GOV, 509-967-0500.
- ALL LOTS WITHIN THIS PLAT WILL BE REQUIRED TO HAVE A MINIMUM 15-INCH WIDE CONTINUOUS AND 24-INCH WIDE SPREAD FOOTING.
- ALL LOTS WITHIN THIS PLAT ARE REQUIRED TO INSTALL PRESSURE REGULATING VALVES ON THEIR WATER SERVICES DUE TO POSSIBLE WATER PRESSURE FLUCTUATIONS AT HIGH PRESSURES.

ZONING COVENANT NOTE

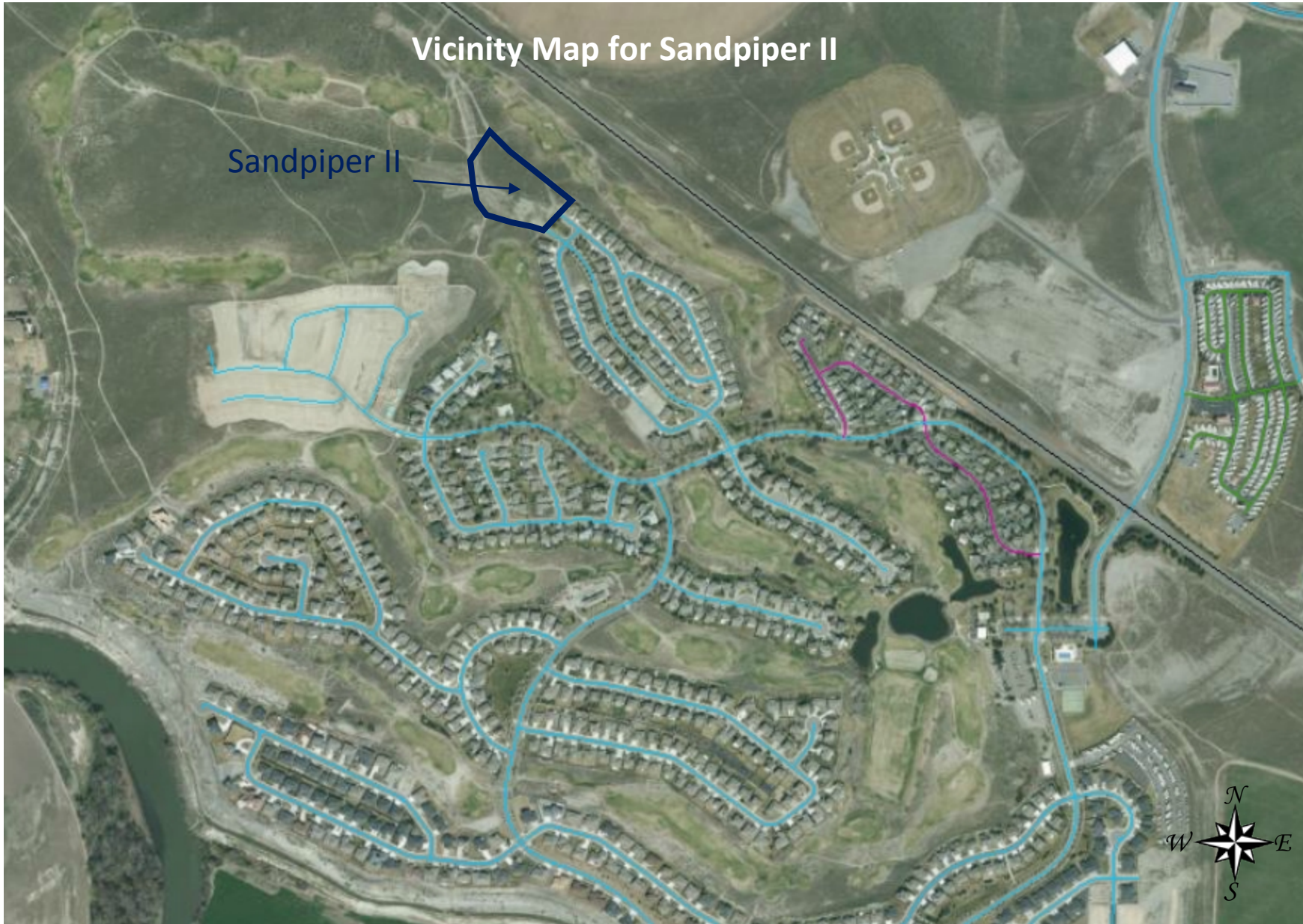
RESIDENTIAL DEVELOPMENT SHALL CONFORM TO THE STANDARDS CONTAINED IN THE R2-S-SINGLE FAMILY RESIDENTIAL SMALL LOT ZONING DISTRICT AS THEY EXIST NOW OR ARE HEREINAFTER AMENDED; ONLY DETACHED SINGLE FAMILY DWELLINGS SHALL BE PERMITTED. NO ONE-FAMILY ATTACHED DWELLINGS OR TWO-FAMILY DETACHED DWELLINGS SHALL BE PERMITTED WITHIN THE SANDPIPER II SUBDIVISION.

TRACT NOTES

TRACTS "A" AND "B" ARE OPEN SPACE / COMMON AREAS. THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR ALL LANDSCAPE MAINTENANCE OF SAID TRACTS.

Vicinity Map for Sandpiper II

Sandpiper II



**RICHLAND PLANNING COMMISSION
TECHNICAL ADVISORY COMMITTEE REPORT
JANUARY 17, 2007**

APPLICANT: NORTH STONE RICHLAND, LLC

REQUEST: PRELIMINARY PLAT APPROVAL TO SUBDIVIDE A 2.78-ACRE PARCEL INTO 11 RESIDENTIAL LOTS AND 2 TRACTS (SANDPIPER II AT HORN RAPIDS).

LOCATION: WITHIN THE HORN RAPIDS RESIDENTIAL COMMUNITY, GENERALLY WEST THE PLATS OF SANDPIPER AND EAGLEWATCH .

ENGINEER: SCM CONSULTANTS, INC.

TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS

The Technical Advisory Committee conducted a review of the subject request and recommends that if the preliminary plat is approved, approval be subject to the following conditions:

1. Prior to final plat approval, complete engineering plans indicating street design and grading, utility plans including water and sewer, electrical, street lighting, telephone, television cable, natural gas, and irrigation system shall be approved by the Richland Civil and Utility Engineering Division and shall be consistent with the requirements of the responsible departments or companies.
2. Prior to final plat approval all improvements required by Richland Municipal Code (RMC) Title 24 Plats and Subdivisions shall be installed and accepted by the City or the developer shall provide bonding or other sufficient security acceptable to the City ensuring their installation.
3. Prior to final plat approval, cluster mail boxes as required by the United States Postal Service shall be installed.
4. Addresses shall be finalized at time of final plat submittal and review. Addressing shall be in conformance with RMC Chapter 12.01.
5. The following note shall be placed on the final plat(s): **“ADDRESS NUMBERS [NOTED IN BRACKETS] ARE SUBJECT TO CHANGE BY THE CITY OF RICHLAND AT TIME OF BUILDING PERMIT ISSUANCE.”**

6. Fire hydrants capable of supplying the required fire flow shall be provided prior to combustible construction. Hydrants and blue reflective hydrant markers shall be installed at locations approved by the Fire and Emergency Services Department.

Shrubs and similar landscape material shall not be installed within 3 feet of any hydrant, nor shall any plant that grows higher than 12 inches be installed within 5 feet. Trees shall be located at least 10 feet from any hydrant.

7. Approval is subject to compliance with provisions of RMC Section 9.16.046 pertaining to dust control during construction.
8. The final plat shall include a note identifying the intended use of any non-residential tract(s) within the plat boundaries. The note shall further state that all residential lots within the plat share an equal undivided ownership interest in any non-residential tract(s) that are not otherwise formally dedicated for ownership by either the City or other appropriate entity.
9. Preliminary plat approval is subject to the conditions of approval set forth in the memorandum from the Richland Building Official related to required grading permits and plans, dated December 21, 2006 and from the Civil and Utility Engineering Division dated January 16, 2007.



505 Swift Boulevard, P.O. Box 190, Richland, WA 99352
Telephone 509-942-7390, Fax 509-942-5666

www.ci.richland.wa.us

**COMMUNITY DEVELOPMENT DEPARTMENT
Development Permitting Division**

840 Northgate Drive
Richland, WA 99352
Telephone 509-942-7762
Fax 509-942-7764

December 21, 2006

To: Jeff Rolph, Senior Planner

For: TAC Meeting on 1/9/07 for Sandpiper II and Highland @ Horn Rapids

RE: GRADING PERMIT REQUIREMENTS FOR ALL NEW SUBDIVISIONS & PLATS

A grading permit issued by the City of Richland's building permit office—in addition to any and all other permits required by the City of Richland—is required prior to any grading work in a new subdivision or plat area. The grading permit CAN be issued prior to other City of Richland approvals for the subdivision, but the permit holder must understand that the grading permit is not an approval for the street grades, underground excavations for utilities, or any other portion of the proposed infrastructure work, and the grading permit is NOT an approval by the City to subdivide or plat. The applicant for a grading permit issued before the final subdivision or plat construction plans are approved accepts any and all risks and liabilities associated with commencement of grading, including the risk that the City may not approve the subdivision or plat. Even if grading does not commence until the infrastructure construction plans have been approved by the City of Richland, a grading permit is still required prior to any work being done on the site.

SUBMITTAL REQUIREMENTS

Site/Grading Plan:

A site plan showing existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work shall be submitted. The grades must also show in detail that it complies with all the requirements for slopes and setbacks in Appendix J. The site plan must also show the existing grades on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of Appendix J. The plan must be stamped by a licensed engineer and must specifically reference that all requirements of the soils report (see below) have been complied with on the plan.

Soils Report:

A soils report prepared by a registered geotechnical engineer shall be provided. It must contain the following minimum information:

1. Existing soils types and distribution of existing soils.
2. Conclusions and recommendations for grading procedures, specifically describing that all Appendix J requirements are being met.

GRADING PERMIT REQUIREMENTS FOR ALL NEW SUBDIVISIONS AND PLATS

Soils Report (cont.):

3. Soil design criteria for any structures (walls, etc.) or embankments, required to accomplish the proposed grading.
4. Slope stability studies and recommendations, specifically describing that all Appendix J requirements are being met, including recommendations and conclusions regarding site geology. Sometimes these specific types of studies are referred to as "global stability."
5. Liquefaction study (required only where mapped maximum earthquake Ss is greater than 0.5g).

Application and payment of grading plan review fees:

City of Richland fees for the review of the grading plans and reports are based upon the currently adopted schedule. Please inquire at the front permit office for a copy of these fees. The application must be filled out and the plan review fee paid at the time of submittal.

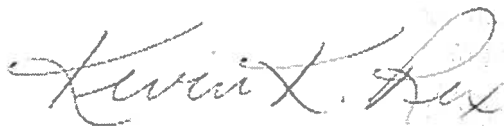
INSPECTION PROCESS AFTER PERMIT ISSUANCE

In addition to periodic inspections by the City (pre-fill placement, all buried items—such as filter fabrics, etc.—prior to burial, and at least one inspection of one layer of fill placement during compaction), the owner shall hire either a certified special inspector or a licensed professional soils engineer to inspect all work in accordance with Section 1704.7 of the 2003 IBC (site preparation, during fill placement, in-place density evaluations). Written field reports and density test reports by either the special inspector or by the licensed professional soils engineer shall be submitted to the City following each site visit. A final inspection by the City will occur when all the work is done AND all written reports have been submitted.

Please read and have your professionals read and apply each section of Appendix J of the 2003 IBC (or currently adopted grading code) concerning excavations, fills, and especially SETBACKS and drainage, terracing, and erosion. The plans and reports submitted must clearly show how each of these sections is being addressed in your proposal.

Please direct applicants for new subdivisions or plats to me should they have questions about the grading permit process.

Thank you.



Kevin K. Rex
Building Official

**CITY OF RICHLAND
CIVIL AND UTILITY ENGINEERING
DEVELOPMENT COMMENTS**

DATE: January 16, 2007

TO: JEFF ROLPH, SENIOR PLANNER

PLAT REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4
PETE ROGALSKY, PUBLIC WORKS DIRECTOR
STEVE STAIRS, TRANSPORTATION ENGINEER

PROJECT NAME: SANDPIPER 2 AT HORN RAPIDS (S2006-108)

PROJECT LOCATION: WEST OF THE PLAT OF EAGLEWATCH / SANDPIPER

The Civil and Utility Engineering Division has reviewed the preliminary plat received in this office on January 16, 2007, for the above referenced property and has the following conditions.

General Conditions:

1. All final plans for public improvements shall be submitted on a 24" x 36" format. Addendums are not allowed, all information shall be supplied in 24 x 36 format. When construction of the infrastructure has been substantially completed, the applicant shall provide 3 mil mylar and electronic record drawings to the City. The electronic as-built record drawings shall be submitted in a AutoCAD format compatible with the City's standard CAD software. The record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat. Mylar record drawings of the street lights are also required prior to the final inspection.
2. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way permit prior to construction. A plan review and inspection fee in the amount equal to 5% of the construction costs of the work within the right-of-way or easement will be collected at the time the permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) shall be submitted along with the final submittal.
3. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Civil and Environmental Engineering Division at 942-7500 to schedule a pre-construction conference.
4. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard 24" x 36" drawing format to a scale which shall not be less than 1"= 40'.
5. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
6. All construction plan sheets shall include the note "CALL TWO WORKING DAYS BEFORE YOU DIG 1-800-424-5555."
7. An irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. *Construction plans will not be accepted for review until adequate and viable proof of an irrigation source is made available by the developer.* The designing Engineer shall submit plans for the proposed irrigation system to the Irrigation District with jurisdiction

over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat for this system where needed.

8. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.
9. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

10. Public improvement design shall follow the following general format:
 - A. Sanitary sewer shall be aligned on the north and west side of street centerlines.
 - B. Storm sewer shall be aligned on the south and east side of street centerlines.
 - C. Any sewer or storm manholes that are installed outside of public Right of Way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
 - D. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
 - E. Water lines shall be aligned on the south and east side of street centerlines.
 - F. Watermains larger than 8-inches in diameter shall be ductile iron.
 - G. Watermains installed outside of City Right of Way shall be ductile iron and may need restrained joints.
 - H. All watermains outside areas zoned R1 shall be ductile iron.
 - I. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - J. Sewer mains over 15-feet deep shall be constructed out of C900 PVC or ductile iron. The entire main from manhole to manhole shall be the same material. Private sewer service lines over 15-feet deep shall also be constructed of the same material, then transition to regular sewer piping above 15-feet.
 - K. All utilities shall be extended to the adjacent property (properties) at the time of construction.
 - L. The minimum centerline finish grade shall be no less than 0.30 % and the maximum centerline finish grade shall be no more than 10.0 % for local streets.
 - M. The minimum centerline radius for local streets shall be 100-feet.
 - N. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.
 - O. A composite utility plan shall be included in the submitted plan set.
 - P. A detailed grading plan shall be included in the submitted plan set.
 - Q. For public utilities not located within public street rights-of-way the applicant shall provide maintenance access acceptable to the City and the applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
 - R. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
 - S. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
 - T. All cul-de-sacs shall have a minimum radius of 45 feet to the face of curb to allow for adequate turning radius of fire trucks and solid waste collection vehicles.
 - U. Curb returns at minor intersections shall have a minimum radius of 25 feet. Curb returns at major intersections should have minimum radius of 30 feet but should be evaluated on a case by case basis.
 - V. All public streets shall meet design requirements for sight distance (horizontal, vertical and intersectional).
 - W. The final engineered construction plans shall identify locations for irrigation system, street lighting, gas service, power lines, telephone lines, cable television lines, street trees and mail

- boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.
- X. Construction plans shall provide or reference all standard drawings or special details that will be necessary to construct all public improvements which will be owned, operated, maintained by the City or used by the general public (Commercial Driveway, Curb, Gutter, Sidewalk, Water, Sewer, Storm, Street and Street lighting etc.).
 - Y. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
11. If the project will be built in phases the applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
12. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
- A. 2-inches compacted gravel, minimum (temp. SEVA only).
 - B. 2% cross-slope, maximum.
 - C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - D. Be 20-feet in width.
 - E. Have radii that are accommodating with those needed for City Fire apparatus.

Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.

13. **SURVEY MONUMENT DESTRUCTION:**

All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments." (RCW 58.09.130).
- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
- C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and file a permit with the DNR.

It shall be the responsibility of the designing Engineer to identify the affected monuments on the project plans and include a construction note directing them to the DNR permit.

Traffic & Streets:

14. The Horn Rapids Development Transportation Impact Study determined that 600 lots may be built before a second access onto SR240 is required. The plans for the second entrance have been submitted, reviewed and approved by the City of Richland and the Washington State Dept. of Transportation. If not already built at the time of construction plan submittal, this preliminary plat shall construct the second entrance off of SR240, and the remainder of Village Parkway to the entrance (full width asphalt and 8-foot pathways) when this plat is built. this work will be considered part of the plat construction, and the plat will not be signed or released until the improvements are accepted.
If the State does not authorize construction of the second entrance, or is delaying the project, the developer shall contribute \$800 per lot per lot as their "pay-as-you-go" mitigation towards construction of needed traffic improvements to SR240. However, Staff can adjust this amount based on approved security for construction of needed improvements. This impact mitigation is due at the time of final plat for the phase which was constructed. This proposal is consistent with the other preliminary plats approved in Horn Rapids in the last 2 years.
15. The road sections proposed for this plat are extensions of non-typical road sections that were approved for the preliminary PUD plats of Sandpiper and Eaglewatch. The 5-foot wide walkways installed alongside Village Parkway as part of the plat of Sandpiper will be extended on both sides of Village Parkway up to the intersection of the new street extending west into the undeveloped parcel. The walkway on the south side shall then transition to a typical 8-foot paved pathway from that street on to the new entrance. The pathway on the north side of Village Parkway can transition to 8-feet wide at the end of Tract A where the Right of Way widens back out to 84-feet (the typical Right of Way width for collector roads in Horn Rapids).
16. City standards require that all proposed Right of Ways narrower than 54-feet shall have restricted parking. This department supports a deviation from this standard and would allow a continuation of the 36-foot street in a 50-foot Right of Way that was built in Sandpiper, and which would allow for parking on both sides. 12-foot public utility easements (instead of 10-foot) would be needed on either side of the narrower Right of Way to accommodate all the necessary utilities and allow for infrastructure needs.
17. The cul-de-sac as proposed for this pre-plat is longer than the maximum length allowed by municipal code. The developer of the property has requested a deviation from the code, given the size of the property and the topographic limitations of the plat boundaries. It is this department's opinion to allow a deviation and approve the road design as submitted. A secondary emergency vehicle access to Village Parkway could be constructed, if determined necessary by the Fire Dept.
18. Sidewalks shall be installed along all public Right of Way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, tracts, etc.).
19. A note will be shown on the face of the final plat stating that Village Parkway is classified as a "Neighborhood Collector street". Subsequently, no driveways accessing single-family lots will be allowed onto Village Parkway.
20. The maximum centerline finish grade for the proposed Village Parkway shall be no more than 6%.
21. The golf cart path crossing shown on the preliminary plat shall incorporate City standards. The crosswalk and warning signs shall be part of the Village Parkway design and paid for by the project developer.

22. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turn-arounds built at the end of them. The radius of these turn-arounds shall be 45-feet minimum, and shall be constructed of 2-inches of compacted top course gravel for slopes less than 5%, or of 2-inches of asphalt atop 2-inches of gravel for slopes greater than 5%. If the temporary turn around is not located within the final plat an easement with a 50-foot radius will be required.

Domestic Water:

23. As per the Horn Rapids Master Plan, and to be consistent with previous neighboring development, the existing 20-inch water main in Village Parkway shall be extended to the west to the end of Village Parkway. This watermain will be eligible for an oversizing agreement which will reimburse the property developer for the difference in costs once it is installed. Watermain plans must be consistent with the Horn Rapids master plan.
24. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations.
25. All building lots within this plat will be required to install pressure regulating valves on their water services due to possible water pressure fluctuations and high pressures.

Sanitary Sewer:

26. The off-site sanitary sewer main that needs to be extended as part of this project shall be installed at a depth and grade sufficient to provide the remainder of the undeveloped Horn Rapids property to the west with gravity flow sanitary sewer (as per the sewer master plan).

Storm Water:

27. A storm sewer system shall be designed to contain or pass a 25-year storm. The applicant shall provide storm drainage calculations based on a 25-year storm using the Benton County Hydrology Manual. Calculations shall be stamped by a professional Civil Engineer. Prior to discharging any storm drainage waters from paved surfaces into drainage ditches, groundwater or a public system, an oil/water separator must be installed. The applicant's design shall provide runoff protection to downstream property owners. The project will require detailed erosion control plans.
- A. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds.
- B. As per RMC chapter 24.20.070 and the City of Richland's Comprehensive Stormwater Management Plan, the storm drainage system installed as part of this plat may need to be oversized in order to handle the additional flow from future developments in the vicinity.
28. If any existing storm drainage or ground water seepage empties onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.
29. If the storm drain ponds slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles. A maintenance road from the public Right of Way to the bottom of the pond is also needed (2-inches of compacted gravel, minimum). The city's maintenance of the pond in the future will consist of trimming weeds to keep them below 6-inches, and maintaining the pond for functionality. If the developer wishes for the pond to be landscaped and visually appealing, then the homeowners association should be considered for maintenance

responsibilities. This will require an irrigation meter and sprinkler system (including a power source), and responsibility for maintaining the landscaping.

Final Platting Requirements:

30. Any public access and utility easements, such as water, sewer, electrical etc., must be provided prior to final acceptance by the City.
31. Any off-site easements necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
32. Ten foot wide public utility easements will be required on the final plat along both sides of all Right-of-Ways within the proposed plat.
33. A note shall be placed on the face of the final plat stating: *"All lots within this plat are required to install pressure regulating valves on their water services due to possible water pressure fluctuations and high pressures."*
34. A note shall be placed on the face of the plat that states: *"All landscaped tracts and areas within the plat of Sandpiper 2 that are in the public Right of Way shall be the responsibility of the homeowners to maintain."*
35. A note shall be placed on the face of the plat that states: *"The City of Richland's standard for storm pond maintenance consists of semi-annual vegetation abatement and specifically does not include irrigation, landscaping or other aesthetic improvements"*
36. A note shall be placed on the face of the plat that states: *"Village Parkway is classified as a "Neighborhood Collector" road, no driveway access is allowed directly onto it."*
37. A one-foot "No access / screening easement" will be required along the Village Parkway Right of Way.
38. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
39. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 3 - Economic Vitality

Subject:

Resolution No. 177-17, Approving the Final Plat of Grayhawk Phase III

Department:

Community & Development Services

Ordinance/Resolution Number:

177-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 177-17, approving the final plat of Grayhawk Phase 3 subject to the conditions of approval of the Technical Advisory Committee (TAC) report.

Summary:

North Stone Richland, LLC, the developer of the Greyhawk plat, a subdivision located in the Horn Rapids Golf Course Community, is requesting final plat approval for the third and final phase of the development. Phase 3 consists of 12 lots and one (1) tract on 6.3 acres. The plat is located at the west end of the Horn Rapids community and is part of the development that triggers the requirement for construction of the second entrance into Horn Rapids, which is scheduled to begin shortly.

Staff has reviewed the project to ensure compliance with the original conditions of approval and recommends approval of the final plat through adoption of Resolution No. 177-17.

Fiscal Impact:

Future construction of the lots within the plat will raise both land values and property taxes. With residential development, demands placed on City services will also be increased.

Attachments:

1. Resolution No. 177-17
2. Final Plat of Greyhawk Phase 3
3. Greyhawk Conditions of Approval
4. Vicinity Map

RESOLUTION NO. 177-17

A RESOLUTION of the City of Richland approving the final plat of Grayhawk Phase 3 subject to the conditions of approval of the Technical Advisory Committee Report, and adopting the findings of the Richland Planning Commission as the findings of the City Council.

WHEREAS, on January 24, 2007, the Planning Commission held an open record public hearing to consider the preliminary plat application of Grayhawk (also known as the plat of the Highlands) as submitted by North Stone Richland, LLC; and

WHEREAS, the Planning Commission recommended to the City Council that it conditionally approve the preliminary plat of Grayhawk; and

WHEREAS, Phase 3 of the Grayhawk plat, consisting of 12 lots and one tract on 6.3 acres, is being constructed in accordance with the conditions attached to the approved preliminary plat.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richland hereby approves the final plat of Grayhawk Phase 3, a copy of which is attached hereto as **Attachment A**, subject to the conditions of approval as contained in the January 17, 2007 Technical Advisory Committee Report S2006-109.

BE IT FURTHER RESOLVED that the findings of the Planning Commission from its January 24, 2007 open record public hearing regarding the Grayhawk preliminary plat (also referred to as the Highlands) are hereby adopted as the findings of the Richland City Council.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

GRAYHAWK PHASE 3

A SUBDIVISION IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M.,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



- LEGEND**
- SECTION CORNER-AS NOTED
 - 1/4 SECTION CORNER-AS NOTED
 - SEE FOUND MONUMENT DESCRIPTION TABLE ON SHEET 1
 - SET 3" BRASS CAP IN MONUMENT BOX MARKED, "SHEA 33656 2017", AT ALL POINTS OF CURVATURE, POINTS OF TANGENCY, CENTER OF CUL-DE-SACS AND STREET INTERSECTIONS, PER CITY OF RICHLAND STANDARDS
 - FOUND AND HELD 3" BRASS CAP IN MONUMENT BOX MARKED, "SHEA 33656 2017", AS SET IN SURVEY REFERENCE NUMBER 7.
 - FOUND AND HELD 5/8" IRON REBAR WITH YELLOW PLASTIC CAP, MARKED "SHEA 33656", AS SET IN SURVEY REFERENCE NUMBER 7.
 - WITNESS CORNER. FOUND AND HELD 5/8" IRON REBAR WITH YELLOW PLASTIC CAP, MARKED "SHEA 33656", AS SET IN SURVEY REFERENCE NUMBER 7.
 - SET 5/8" x 24" IRON REBAR WITH YELLOW PLASTIC CAP, MARKED "SHEA 33656"
 - WITNESS CORNER, SET 5/8" x 24" IRON REBAR WITH YELLOW PLASTIC CAP, MARKED "SHEA 33656"
 - COMPUTED POSITION, NO MONUMENT FOUND OR SET THIS SURVEY
 - S.F. SQUARE FEET, APPROXIMATE
 - R/W RIGHT-OF-WAY
 - T.P.N. TAX PARCEL NUMBER
 - A.F.N. AUDITOR'S FILE NUMBER
 - VOL. VOLUME
 - PG. PAGE
 - NO. NUMBER
 - ROS RECORD OF SURVEY
 - [] INDICATES STREET ADDRESS

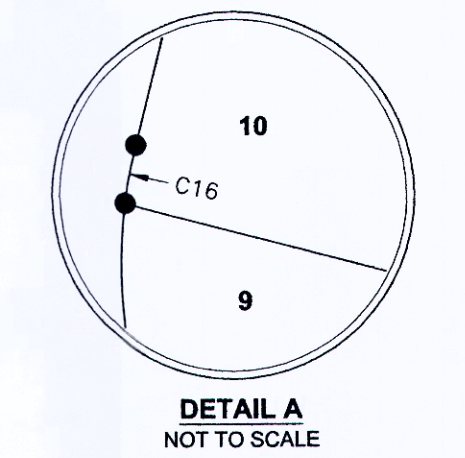
PLAT CLOSURE REPORT
NORTH: 364356.27' EAST: 1932696.28'
LINE COURSE: S62°10'13"W LENGTH: 87.22'
NORTH: 364315.55' EAST: 1932619.14'
LINE COURSE: S57°25'12"W LENGTH: 413.92'
NORTH: 364092.67' EAST: 1932270.36'
LINE COURSE: S69°08'53"W LENGTH: 145.17'
NORTH: 364040.99' EAST: 1932134.70'
LINE COURSE: S21°09'54"W LENGTH: 150.46'
NORTH: 363900.68' EAST: 1932080.37'
LINE COURSE: N83°18'03"W LENGTH: 149.61'
NORTH: 363918.13' EAST: 1931931.78'
LINE COURSE: N37°49'02"E LENGTH: 59.06'
NORTH: 363964.79' EAST: 1931968.00'
LINE COURSE: N42°34'58"E LENGTH: 48.62'
NORTH: 364000.59' EAST: 1932000.90'
LINE COURSE: N45°45'17"E LENGTH: 55.08'
NORTH: 364039.02' EAST: 1932040.35'
LINE COURSE: N44°38'37"E LENGTH: 47.07'
NORTH: 364072.51' EAST: 1932073.43'
LINE COURSE: N40°44'09"E LENGTH: 53.78'
NORTH: 364113.26' EAST: 1932108.52'
LINE COURSE: N35°43'55"E LENGTH: 54.16'
NORTH: 364157.23' EAST: 1932140.15'
LINE COURSE: N32°27'28"E LENGTH: 56.52'
NORTH: 364204.92' EAST: 1932170.49'
LINE COURSE: N27°20'53"E LENGTH: 56.37'
NORTH: 364254.99' EAST: 1932196.38'
LINE COURSE: N24°47'35"E LENGTH: 28.68'
NORTH: 364281.02' EAST: 1932208.41'
LINE COURSE: N24°47'38"E LENGTH: 28.68'
NORTH: 364307.06' EAST: 1932220.44'
LINE COURSE: N22°06'48"E LENGTH: 59.21'
NORTH: 364361.91' EAST: 1932242.73'
LINE COURSE: N19°42'21"E LENGTH: 50.83'
NORTH: 364409.77' EAST: 1932259.86'
LINE COURSE: N18°29'49"E LENGTH: 56.52'
NORTH: 364463.37' EAST: 1932277.80'
LINE COURSE: N15°59'46"E LENGTH: 56.84'
NORTH: 364518.01' EAST: 1932293.46'
LINE COURSE: N15°58'33"E LENGTH: 53.36'
NORTH: 364569.30' EAST: 1932308.15'
LINE COURSE: N14°43'37"E LENGTH: 54.17'
NORTH: 364621.70' EAST: 1932321.92'
LINE COURSE: N13°06'15"E LENGTH: 51.38'
NORTH: 364671.74' EAST: 1932333.57'
LINE COURSE: N1°06'37"E LENGTH: 55.03'
NORTH: 364725.11' EAST: 1932346.98'
LINE COURSE: N08°22'19"E LENGTH: 67.21'
NORTH: 364791.60' EAST: 1932356.77'
LINE COURSE: N07°38'49"E LENGTH: 38.64'
NORTH: 364829.90' EAST: 1932361.91'
LINE COURSE: S62°40'36"E LENGTH: 219.58'
NORTH: 364801.91' EAST: 1932579.70'
CURVE SEGMENT: LENGTH: 10.08' RADIUS: 577.00'
DELTA: 1°00'05" TANGENT: 5.04'
CHORD: 10.08' COURSE: N08°49'21"E
COURSE IN: N82°40'36"W COURSE OUT: S83°40'41"E
RP NORTH: 364875.46' EAST: 1932007.40'
END NORTH: 364811.92' EAST: 1932580.89'
LINE COURSE: S83°21'43"E LENGTH: 157.11'
LINE COURSE: S14°22'14"W LENGTH: 357.60'
NORTH: 364447.34' EAST: 1932648.20'
LINE COURSE: S27°49'47"E LENGTH: 103.00'
NORTH: 364356.26' EAST: 1932696.28'

PERIMETER: 2824.98' AREA: 277016 SQ. FT.
ERROR CLOSURE: 0.01' COURSE: S24°14'38"E
ERROR NORTH: -0.014' EAST: 0.006

PRECISION 1: 282496.00

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	110.95'	550.00'	11°33'30"	S01°32'39"W
C2	67.65'	550.00'	7°02'50"	S10°50'49"W
C3	32.16'	100.00'	18°25'30"	S05°09'29"W
C4	10.08'	577.00'	1°00'05"	N06°49'21"E
C7	64.33'	523.00'	7°02'50"	N10°50'49"E
C8	11.55'	20.00'	33°05'15"	N30°54'52"E
C9	42.08'	54.00'	44°39'14"	S25°07'52"W
C10	47.60'	54.00'	50°30'04"	S22°26'47"E
C11	31.77'	54.00'	33°42'28"	S64°33'02"E
C12	12.71'	54.00'	13°29'23"	S88°08'57"E
C13	48.53'	54.00'	51°29'45"	N59°21'29"E
C14	76.63'	54.00'	81°18'43"	N07°02'45"W
C15	24.01'	25.00'	55°01'01"	S20°11'36"E
C16	3.08'	25.00'	7°03'20"	S10°50'34"W
C17	70.97'	577.00'	7°02'50"	N10°50'49"E

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S04°03'16"E	31.24'
L2	N62°10'13"E	14.79'
L3	S20°10'54"W	20.42'
L4	N04°33'22"E	24.23'
L5	N08°39'34"E	4.95'
L6	N15°01'47"E	27.13'
L7	N27°49'47"W	48.36'



- RIGHT-OF-WAY AND EASEMENT NOTES**
- 54.00-FOOT RIGHT-OF-WAY DEDICATED TO THE CITY OF RICHLAND WITH THIS PLAT.
 - VARYING WIDTH RIGHT-OF-WAY DEDICATED TO THE CITY OF RICHLAND WITH THIS PLAT
 - 10.00-FOOT IRRIGATION EASEMENT GRANTED WITH THIS PLAT.
 - 10.00-FOOT PUBLIC UTILITY EASEMENT GRANTED WITH THIS PLAT.

VARYING WIDTH LANDSCAPE EASEMENT NOTE
THE LANDSCAPE EASEMENT AREA GRANTED TO THE HOME OWNERS ASSOCIATION (HOA) ON THE REAR PORTIONS OF LOTS 9, 10, 11, AND 12 RESTRICTS INDIVIDUAL LOT/PROPERTY OWNERS FROM ENCROACHING UPON THE SLOPE AREA TO PLACE FILL, CONSTRUCT ANY RETAINING WALLS, FENCES, STRUCTURES OF ANY KIND, PLANT SHRUBS OR TREES WITHOUT WRITTEN APPROVAL FROM THE ACC.

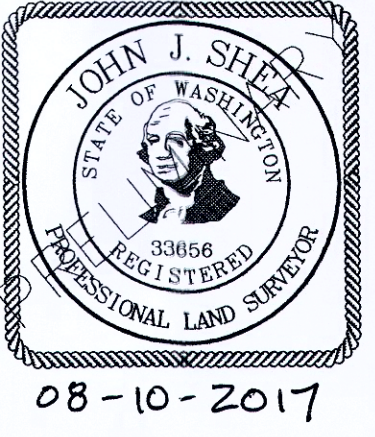
TRACT NOTES
TRACT "A" IS GRANTED TO THE HOME OWNERS ASSOCIATION (HOA) ON THE REAR PORTIONS OF LOTS 1-6 AND RESTRICTS INDIVIDUAL LOT/PROPERTY OWNERS FROM ENCROACHING UPON THE TRACT TO PLACE FILL, CONSTRUCT ANY RETAINING WALLS, FENCES, STRUCTURES OF ANY KIND, PLANT SHRUBS OR TREES WITHOUT WRITTEN APPROVAL FROM THE ACC.

TRACT "B" IS A STORM DRAIN RETENTION FACILITY. HOME OWNER'S ARE HEREBY GRANTED PEDESTRIAN ACCESS OVER PAVED DRIVEWAY AND GRAVEL TRAIL WITHIN TRACT B TO ACCESS THE TAPEAL RIVER TRAIL. THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR ALL LANDSCAPE MAINTENANCE OF SAID TRACT.

SURVEYOR'S CERTIFICATE
I, JOHN J. SHEA, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE PLAT OF GRAYHAWK PHASE 3 AS SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY OF THE LAND DESCRIBED AND THAT ALL CORNERS AND DIMENSIONS ARE CORRECTLY SHOWN AND THAT SAID PLAT IS STAKED ON THE GROUND AS INDICATED HEREON. THIS SURVEY WAS PREPARED AT THE REQUEST OF NORTH STONE RICHLAND, LLC IN MARCH 2017.

08-10-2017
DATE

JOHN J. SHEA
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 33656



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____ 20 _____ A.D.

AT _____ M., RECORDED IN VOLUME _____ OF PLATS, PAGE _____

AT THE REQUEST OF J-U-B-ENGINEERS, INC.

BENTON COUNTY AUDITOR

BY: _____

FEE NO.: _____

2810 W. Clearwater Ave., Suite 201 Kennewick, WA 99336 p 509 783 2144 w www.jub.com
Dwg Name: 30-11-040, Grayhawk Ph 3
Date: August 2, 2017
Dr: DFG
Ch: JUS
Sheet 2 of 2

**RICHLAND PLANNING COMMISSION
TECHNICAL ADVISORY COMMITTEE REPORT
JANUARY 17, 2007**

APPLICANT: NORTH STONE RICHLAND, LLC

REQUEST: PRELIMINARY PLAT APPROVAL TO SUBDIVIDE A 39.83-ACRE PARCEL INTO 109 RESIDENTIAL LOTS AND 9 TRACTS (THE HIGHLANDS AT HORN RAPIDS).

LOCATION: WITHIN THE HORN RAPIDS RESIDENTIAL COMMUNITY, GENERALLY WEST THE PLAT OF MAIDSTONE AT HORN RAPIDS AND NORTH OF THE PLAT OF SEDONA II AT HORN RAPIDS.

ENGINEER: SCM CONSULTANTS, INC.

TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS

The Technical Advisory Committee conducted a review of the subject request and recommends that if the preliminary plat is approved, approval be subject to the following conditions:

1. Prior to final plat approval, complete engineering plans indicating street design and grading, utility plans including water and sewer, electrical, street lighting, telephone, television cable, natural gas, and irrigation system shall be approved by the Richland Civil and Utility Engineering Division and shall be consistent with the requirements of the responsible departments or companies.
2. Prior to final plat approval all improvements required by Richland Municipal Code (RMC) Title 24 Plats and Subdivisions shall be installed and accepted by the City or the developer shall provide bonding or other sufficient security acceptable to the City ensuring their installation.
3. Prior to final plat approval, cluster mail boxes as required by the United States Postal Service shall be installed.
4. Street naming and addresses shall be finalized at time of final plat submittal and review. Street naming and addressing shall be in conformance with RMC Chapter 12.01.
5. The following note shall be placed on the final plat(s): **"ADDRESS NUMBERS [NOTED IN BRACKETS] ARE SUBJECT TO CHANGE BY THE CITY OF RICHLAND AT TIME OF BUILDING PERMIT ISSUANCE."**

6. Secondary emergency vehicle access (SEVA) as required and approved by the Richland Fire and Emergency Services Department shall be provided prior to final plat approval for all phases of development. Due to the length of the SEVA road, it may be reduced to 12-feet in width with provisions made for vehicle turnouts every 400 linear feet. The road must be constructed of an all weather surface with a minimum two inches of compacted gravel.
7. Fire hydrants capable of supplying the required fire flow shall be provided prior to combustible construction. Hydrants and blue reflective hydrant markers shall be installed at locations approved by the Fire and Emergency Services Department.

Shrubs and similar landscape material shall not be installed within 3 feet of any hydrant, nor shall any plant that grows higher than 12 inches be installed within 5 feet. Trees shall be located at least 10 feet from any hydrant.
8. Approval is subject to compliance with provisions of RMC Section 9.16.046 pertaining to dust control during construction.
9. Consistent with the trail plan in the approved Horn Rapids Master Plan, walkways shall be provided between the street and the golf course in the general vicinity of "E" Court and also between "A" Loop and the golf course in the general vicinity of proposed Tract E.
10. The final plat shall include a note identifying the intended use of any non-residential tract(s) within the plat boundaries. The note shall further state that all residential lots within the plat share an equal undivided ownership interest in any non-residential tract(s) that are not otherwise formally dedicated for ownership by either the City or other appropriate entity.
11. Preliminary plat approval is subject to the conditions of approval set forth in the memorandum from the Richland Building Official related to required grading permits and plans, dated December 21, 2006 and from the Civil and Utility Engineering Division dated January 17, 2007.



505 Swift Boulevard, P.O. Box 190, Richland, WA 99352
Telephone 509-942-7390, Fax 509-942-5666

www.ci.richland.wa.us

COMMUNITY DEVELOPMENT DEPARTMENT
Development Permitting Division
840 Northgate Drive
Richland, WA 99352
Telephone 509-942-7762
Fax 509-942-7764

December 21, 2006

To: Jeff Rolph, Senior Planner

For: TAC Meeting on 1/9/07 for Sandpiper II and Highland @ Horn Rapids

RE: GRADING PERMIT REQUIREMENTS FOR ALL NEW SUBDIVISIONS & PLATS

A grading permit issued by the City of Richland's building permit office—in addition to any and all other permits required by the City of Richland—is required prior to any grading work in a new subdivision or plat area. The grading permit CAN be issued prior to other City of Richland approvals for the subdivision, but the permit holder must understand that the grading permit is not an approval for the street grades, underground excavations for utilities, or any other portion of the proposed infrastructure work, and the grading permit is NOT an approval by the City to subdivide or plat. The applicant for a grading permit issued before the final subdivision or plat construction plans are approved accepts any and all risks and liabilities associated with commencement of grading, including the risk that the City may not approve the subdivision or plat. Even if grading does not commence until the infrastructure construction plans have been approved by the City of Richland, a grading permit is still required prior to any work being done on the site.

SUBMITTAL REQUIREMENTS

Site/Grading Plan:

A site plan showing existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work shall be submitted. The grades must also show in detail that it complies with all the requirements for slopes and setbacks in Appendix J. The site plan must also show the existing grades on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of Appendix J. The plan must be stamped by a licensed engineer and must specifically reference that all requirements of the soils report (see below) have been complied with on the plan.

Soils Report:

A soils report prepared by a registered geotechnical engineer shall be provided. It must contain the following minimum information:

1. Existing soils types and distribution of existing soils.
2. Conclusions and recommendations for grading procedures, specifically describing that all Appendix J requirements are being met.

GRADING PERMIT REQUIREMENTS FOR ALL NEW SUBDIVISIONS AND PLATS

Soils Report (cont.):

3. Soil design criteria for any structures (walls, etc.) or embankments, required to accomplish the proposed grading.
4. Slope stability studies and recommendations, specifically describing that all Appendix J requirements are being met, including recommendations and conclusions regarding site geology. Sometimes these specific types of studies are referred to as "global stability."
5. Liquefaction study (required only where mapped maximum earthquake S_s is greater than 0.5g).

Application and payment of grading plan review fees:

City of Richland fees for the review of the grading plans and reports are based upon the currently adopted schedule. Please inquire at the front permit office for a copy of these fees. The application must be filled out and the plan review fee paid at the time of submittal.

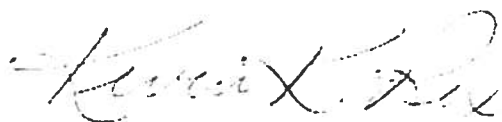
INSPECTION PROCESS AFTER PERMIT ISSUANCE

In addition to periodic inspections by the City (pre-fill placement, all buried items—such as filter fabrics, etc.—prior to burial, and at least one inspection of one layer of fill placement during compaction), the owner shall hire either a certified special inspector or a licensed professional soils engineer to inspect all work in accordance with Section 1704.7 of the 2003 IBC (site preparation, during fill placement, in-place density evaluations). Written field reports and density test reports by either the special inspector or by the licensed professional soils engineer shall be submitted to the City following each site visit. A final inspection by the City will occur when all the work is done AND all written reports have been submitted.

Please read and have your professionals read and apply each section of Appendix J of the 2003 IBC (or currently adopted grading code) concerning excavations, fills, and especially SETBACKS and drainage, terracing, and erosion. The plans and reports submitted must clearly show how each of these sections is being addressed in your proposal.

Please direct applicants for new subdivisions or plats to me should they have questions about the grading permit process.

Thank you.



Kevin K. Rex
Building Official

**CITY OF RICHLAND
CIVIL AND UTILITY ENGINEERING
DEVELOPMENT COMMENTS**

DATE: January 17, 2007

TO: JEFF ROLPH, SENIOR PLANNER

PLAT REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4
PETE ROGALSKY, PUBLIC WORKS DIRECTOR
STEVE STAIRS, TRANSPORTATION ENGINEER

PROJECT NAME: HIGHLANDS AT HORN RAPIDS (S2006-109)

PROJECT LOCATION: WEST OF THE PLAT OF MAIDSTONE

The Civil and Utility Engineering Division has reviewed preliminary plat the received in this office on January 16, 2007, for the above referenced property and has the following conditions.

General Conditions:

1. All final plans for public improvements shall be submitted on a 24" x 36" format. Addendums are not allowed, all information shall be supplied in 24 x 36 format. When construction of the infrastructure has been substantially completed, the applicant shall provide 3 mil mylar and electronic record drawings to the City. The electronic as-built record drawings shall be submitted in a AutoCAD format compatible with the City's standard CAD software. The record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat. Mylar record drawings of the street lights are also required prior to the final inspection.
2. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way permit prior to construction. A plan review and inspection fee in the amount equal to 5% of the construction costs of the work within the right-of-way or easement will be collected at the time the permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) shall be submitted along with the final submittal.
3. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Civil and Environmental Engineering Division at 942-7500 to schedule a pre-construction conference.
4. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard 24" x 36" drawing format to a scale which shall not be less than 1"= 40'.
5. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
6. All construction plan sheets shall include the note "CALL TWO WORKING DAYS BEFORE YOU DIG 1-800-424-5555."
7. An irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. *Construction plans will not be accepted for review until adequate and viable proof of an irrigation source is made available by the developer.* The designing Engineer shall submit plans for the proposed irrigation system to the Irrigation District with jurisdiction

over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat for this system where needed.

8. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.
9. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

10. Public improvement design shall follow the following general format:
 - A. Sanitary sewer shall be aligned on the north and west side of street centerlines.
 - B. Storm sewer shall be aligned on the south and east side of street centerlines.
 - C. Any sewer or storm manholes that are installed outside of public Right of Way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
 - D. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
 - E. Water lines shall be aligned on the south and east side of street centerlines.
 - F. Watermains larger than 8-inches in diameter shall be ductile iron.
 - G. Watermains installed outside of City Right of Way shall be ductile iron and may need restrained joints.
 - H. All watermains outside areas zoned R1 shall be ductile iron.
 - I. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - J. Sewer mains over 15-feet deep shall be constructed out of C900 PVC or ductile iron. The entire main from manhole to manhole shall be the same material. Private sewer service lines over 15-feet deep shall also be constructed of the same material, then transition to regular sewer piping above 15-feet.
 - K. All utilities shall be extended to the adjacent property (properties) at the time of construction.
 - L. The minimum centerline finish grade shall be no less than 0.30 % and the maximum centerline finish grade shall be no more than 10.0 % for local streets.
 - M. The minimum centerline radius for local streets shall be 100-feet.
 - N. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.
 - O. A composite utility plan shall be included in the submitted plan set.
 - P. A detailed grading plan shall be included in the submitted plan set.
 - Q. For public utilities not located within public street rights-of-way the applicant shall provide maintenance access acceptable to the City and the applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
 - R. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
 - S. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
 - T. All cul-de-sacs shall have a minimum radius of 45 feet to the face of curb to allow for adequate turning radius of fire trucks and solid waste collection vehicles.
 - U. Curb returns at minor intersections shall have a minimum radius of 25 feet. Curb returns at major intersections should have minimum radius of 30 feet but should be evaluated on a case by case basis.
 - V. All public streets shall meet design requirements for sight distance (horizontal, vertical and intersectional).
 - W. The final engineered construction plans shall identify locations for irrigation system, street lighting, gas service, power lines, telephone lines, cable television lines, street trees and mail

- boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.
- X. Construction plans shall provide or reference all standard drawings or special details that will be necessary to construct all public improvements which will be owned, operated, maintained by the City or used by the general public (Commercial Driveway, Curb, Gutter, Sidewalk, Water, Sewer, Storm, Street and Street lighting etc.).
 - Y. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
11. If the project will be built in phases the applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
 12. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
 - A. 2-inches compacted gravel, minimum (temp. SEVA only).
 - B. 2% cross-slope, maximum.
 - C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - D. Be 20-feet in width.
 - E. Have radii that are accommodating with those needed for City Fire apparatus.

Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.

13. **SURVEY MONUMENT DESTRUCTION:**

All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments." (RCW 58.09.130).
- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
- C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and file a permit with the DNR.

It shall be the responsibility of the designing Engineer to identify the affected monuments on the project plans and include a construction note directing them to the DNR permit.

Traffic & Streets:

14. The Horn Rapids Development Transportation Impact Study determined that 600 lots may be built before a second access onto SR240 is required. The plans for the second entrance have been submitted, reviewed and approved by the City of Richland and the Washington State Dept. of Transportation. If not already built at the time of construction plan submittal, this preliminary plat shall construct the second entrance off of SR240, and the remainder of Village Parkway from it's terminus to the SR240 entrance (full width asphalt and 8-foot pathways) when this plat is built. This work will be considered part of the plat construction, and the plat will not be signed or released until the improvements are accepted.
If the State does not authorize construction of the second entrance, or is delaying the project, the developer shall contribute \$800 per lot per lot as their "pay-as-you-go" mitigation towards construction of needed traffic improvements to SR240. However, Staff can adjust this amount based on approved security for construction of needed improvements. This impact mitigation is due at the time of final plat for the phase which was constructed. This proposal is consistent with the other preliminary plats approved in Horn Rapids in the last 2 years.
15. The road section proposed on this preliminary plat for River Park Drive is a deviation from the approved Horn Rapids master plan for the "Collector Road" specified for this area, and also a deviation from the collector roads previously constructed. Due to the proposed design of the preliminary plat and the location of this road in relation to the two proposed entrances into Horn Rapids, this Department supports this deviation and the proposed road section, given the following comments and conditions;
 - ❑ River Park Drive from the east boundary of the plat to the intersection with "C" Street shall have a 62-foot Right of Way. It shall be a 36-foot wide street with a 4.5-foot landscape strip and an 8-foot paved pathway (similar to other collector streets in Horn Rapids).
 - ❑ River Park Drive from "C" Street to the intersection with "E" Street shall have a 58-foot Right of Way (31' and 27') with an 8-foot path on the south side, and a 5-foot concrete sidewalk on the north side. The street shall remain 36-feet wide.
 - ❑ River Park Drive from "E" Street to "D" Blvd. and "D" Blvd. from River Park Drive to the intersection with "C" street shall have a 54-foot wide Right of Way with a 36-foot street and 5-foot sidewalks on both sides (City standard residential street).
 - ❑ "D" Blvd. from "C" Street to the plat boundary shall return to the Horn Rapids collector standard (84-foot Right of Way with landscape strips and 8-foot asphalt paths on both sides).
16. A note will be shown on the face of the final plat stating that River Park Drive and "D Blvd." north of the intersection of River Park Drive are classified as "Neighborhood Collector streets". Subsequently, no driveways accessing single family lots will be allowed onto them. Exceptions will be made for the few lots that will be allowed driveway access (lots 1-3 and 19-23).
17. The "D" Blvd. cul-de-sac as proposed for this pre-plat is longer than the maximum length allowed by municipal code. The developer of the property has requested a deviation from the code, given that the number of lots it serves is fewer than the number required for a secondary emergency access. It is this department's opinion to allow a deviation and approve the road design as submitted.
18. The intersection of the east end of "E" Loop and River Park Drive shall be designed to City standards.
19. Sidewalks shall be installed along all public Right of Way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, tracts, etc.).
20. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turn-arounds built at the end of them. The radius of these

turn-arounds shall be 45-feet minimum, and shall be constructed of 2-inches of compacted top course gravel for slopes less than 5%, or of 2-inches of asphalt atop 2-inches of gravel for slopes greater than 5%. If the temporary turn around is not located within the final plat an easement with a 50-foot radius will be required.

Domestic Water:

21. The Horn Rapids domestic water master plan shows a water connection between this preliminary plat and the plat of Sedona 2 to the south, and the undeveloped property to the north (tentatively called "Horseshoe Canyon"). These connections shall be made as needed to provide necessary fire flows and redundant water supplies, and shall all be constructed prior to acceptance of the various phases.
22. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations.
23. All building lots within this plat will be required to install pressure regulating valves on their water services due to possible water pressure fluctuations and high pressures.

Sanitary Sewer:

24. The closest gravity flow sanitary sewer available for this development is located in the plat of Gleneagle to the east. The sanitary sewer system in the plat of Maidstone is not at the correct elevation to serve this property. The plans for the off-site sewer extension have been submitted, reviewed and approved by the City of Richland and the Washington State Dept. of Transportation. It shall be the responsibility of the developer to extend a sewer main to this property to serve sanitary sewer at the time of plat construction.

Storm Water:

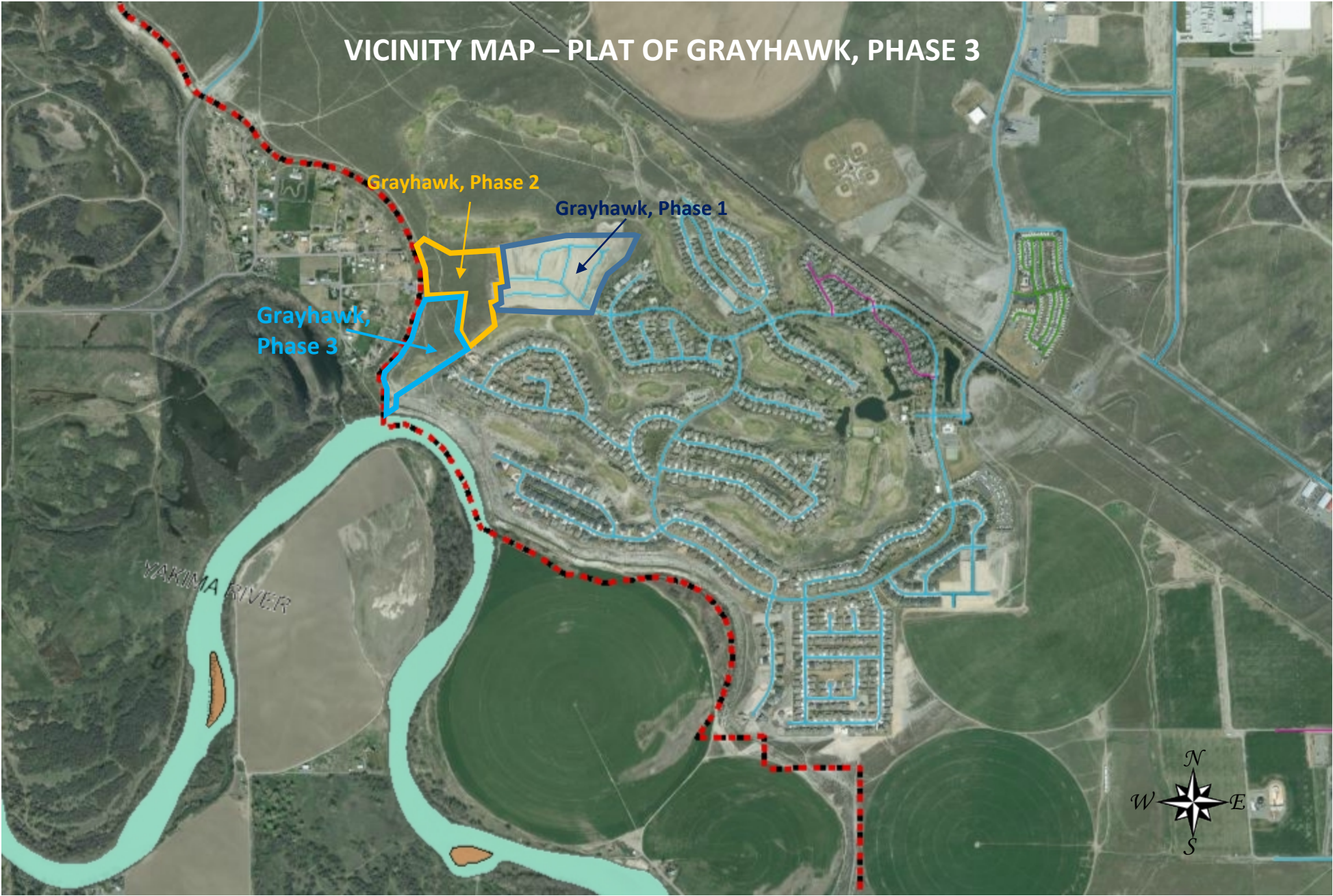
25. A storm sewer system shall be designed to contain or pass a 25-year storm. The applicant shall provide storm drainage calculations based on a 25-year storm using the Benton County Hydrology Manual. Calculations shall be stamped by a professional Civil Engineer licensed in the State of Washington. Prior to discharging any storm drainage waters from paved surfaces into drainage ditches, groundwater or a public system, an oil/water separator must be installed. The applicant's design shall provide runoff protection to downstream property owners. The project will require detailed erosion control plans.
 - A. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds.
 - B. As per RMC chapter 24.20.070 and the City of Richland's Comprehensive Stormwater Management Plan, the storm drainage system installed as part of this plat may need to be oversized in order to handle the additional flow from future developments in the vicinity.
26. If any existing storm drainage or ground water seepage empties onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.
27. If the storm drain ponds slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles. A maintenance road from the public Right of Way to the bottom of the pond is also needed (2-inches of compacted gravel, minimum). The city's maintenance of the pond in the future will consist of trimming weeds to keep them below 6-inches, and maintaining

the pond for functionality. If the developer wishes for the pond to be landscaped and visually appealing, then the homeowners association should be considered for maintenance responsibilities. This will require an irrigation meter and sprinkler system (including a power source), and responsibility for maintaining the landscaping.

Final Platting Requirements:

28. Any public access and utility easements, such as water, sewer, electrical etc., must be provided prior to final acceptance by the City.
29. Any off-site easements necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
30. Ten foot wide public utility easements will be required on the final plat along both sides of all Right-of-Ways within the proposed plat.
31. A note shall be placed on the face of the final plat stating: *"All lots within this plat are required to install pressure regulating valves on their water services due to possible water pressure fluctuations and high pressures."*
32. A note shall be placed on the face of the plat that states: *"All landscaped tracts and areas within the plat of Sandpiper 2 that are in the public Right of Way shall be the responsibility of the homeowners to maintain."*
33. A note shall be placed on the face of the plat that states: *"The City of Richland's standard for storm pond maintenance consists of semi-annual vegetation abatement and specifically does not include irrigation, landscaping or other aesthetic improvements"*
34. A note shall be placed on the face of the plat that states: *"River Park Drive and "D" Blvd. north of River Park Drive are classified as "Neighborhood Collector" roads, no driveway access is allowed directly onto them."* Exceptions will be made for the few lots that will be allowed driveway access (lots 1-3 and 19-23). The actual name of "D" Blvd. will be noted on the final plat.
35. A one-foot "No access / screening easement" will be required along:
 - ☐ The River Park Drive Right of Way from the east end of the preliminary plat to "C" Street
 - ☐ The south side of River Park Drive from "C" Street to "D" Blvd.
 - ☐ The east side of "D" Blvd. from River Park Drive to the north plat boundary
36. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
37. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

VICINITY MAP – PLAT OF GRAYHAWK, PHASE 3





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 7 - Neighborhoods & Community Safety

Subject:

Resolution No. 178-17, Setting a Meeting Date to Review the Lorayne J Annexation

Department:

Community & Development Services

Ordinance/Resolution Number:

178-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 178-17, setting October 3, 2017 as the meeting date to review a proposed annexation of approximately 67 acres located south and west of Lorayne J Boulevard and west of Leslie Road.

Summary:

The Lorayne J Ranch and Meadow Springs Ranch subdivisions are located along the City's southern boundary in unincorporated Benton County. These subdivisions (approximately 120 lots) share a water system that is failing. The City is providing water to the development on a temporary basis, and the City water system could be extended to permanently provide water if the property were to be annexed. Some residents within the subdivision have initiated the annexation process through the filing of a notice with the City indicating their desire to initiate the annexation process.

State law requires that the Council set a meeting to discuss the potential annexation with the annexation proponents. Resolution No. 178-17 would set Council's regular meeting date of October 3, 2017 as the date to meet with the annexation proponents.

Fiscal Impact:

Annexation would result in fiscal impacts to the City. A fiscal impact report will be prepared as a part of the annexation process.

Attachments:

1. Resolution No. 178-17
2. Notices - Requests for Annexation
3. Vicinity Map

RESOLUTION NO. 178-17

A RESOLUTION of the City of Richland setting a meeting date to review a proposed annexation of approximately 67 acres located south and west of Lorayne J Boulevard and west of Leslie Road.

WHEREAS, the City of Richland received a written notice of intent to commence annexation proceedings from 17 homeowners within the Lorayne J subdivision, representing approximately 13.5% of the total assessed valuation within the proposed annexation area; and

WHEREAS, RCW 35.13.125 requires the legislative body to set a date for a meeting with the parties who are initiating a request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regular City Council meeting of October 3, 2017 is hereby established as the date upon which Council will meet with the initiators of the annexation proposal.

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

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

LORAYNE J & MEADOW SPRINGS LOT OWNERS

NAME	ADDRESS	FOR
Dan Martini	3001 Bruce Lee Lane	X
Dave & Deb Hanah	3006 Bruce Lee Lane	X
Gary & Connie McCallum	3014 Bruce Lee Lane	X
Rachel Sachs (Weidner)	3082 Bruce Lee Lane	X
Jason Kintner	3011 Lesa Marie Court	X
Nancy Lysher	3018 Lesa Marie Court	X
Mark & Joli Miller	3035 Lesa Marie Court	X
Gary Jones	3041 Lesa Marie Court	X
Dave & Marlo Doak	3015 Lorayne J Blvd	X
Ken Wobig	3021 Lorayne J Blvd	X
Eric & Wendy Shutz	125 Travis Lane	X
Todd and Denise Ofsthun	149 Travis Lane	X
Carol Hall	189 Travis lane	X
Jimmie & Betty Lakey	197 Travis lane	X
Texanita Cole Royal	3017 Charity Court	X
Jerry and Susan Callahan	3039 Charity Court	X

**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

The Honorable Mayor and City Council:

WE, the undersigned, who are the owners of not less than ten percent (10%) in value, according to the assessed valuation for general taxation, of the real property geographically depicted on the map attached hereto as Attachment 1, lying contiguous to the City of Richland, Washington, do hereby notify the City Council of the City of Richland of our intent to commence annexation proceedings and request the City Council schedule a meeting to consider the proposed annexation, as set forth in RCW 35.13.125.

Assessor's Parcel Number: 102884050002001

Address: 3001 BRUCE LEE LANE, Kennewick, WA 99338

Name(s) of Property Owner: MARTINI DANIEL K & MABEL (DECEASED)

Signature:

By: Daniel K. Martini Date: 7/21/2017

Signature:

By: _____ Date: _____



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

The Honorable Mayor and City Council:

WE, the undersigned, who are the owners of not less than ten percent (10%) in value, according to the assessed valuation for general taxation, of the real property geographically depicted on the map attached hereto as Attachment 1, lying contiguous to the City of Richland, Washington, do hereby notify the City Council of the City of Richland of our intent to commence annexation proceedings and request the City Council schedule a meeting to consider the proposed annexation, as set forth in RCW 35.13.125.

Assessor's Parcel Number: 102884050001001

Address: 3006 BRUCE LEE LANE, KENNEWICK, WA 99338-7328

Name(s) of Property Owner: DAVID & DEBRA HANNAH

Signature: By: David W. Hannah Date: 07/27/2017

Signature: By: Debra A. Hannah Date: 7-27-17



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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Assessor's Parcel Number: TCA 1731 PARCEL # 102884050001002

Address: 3014 Bruce Lee Lane KENN. WA 99338-7328

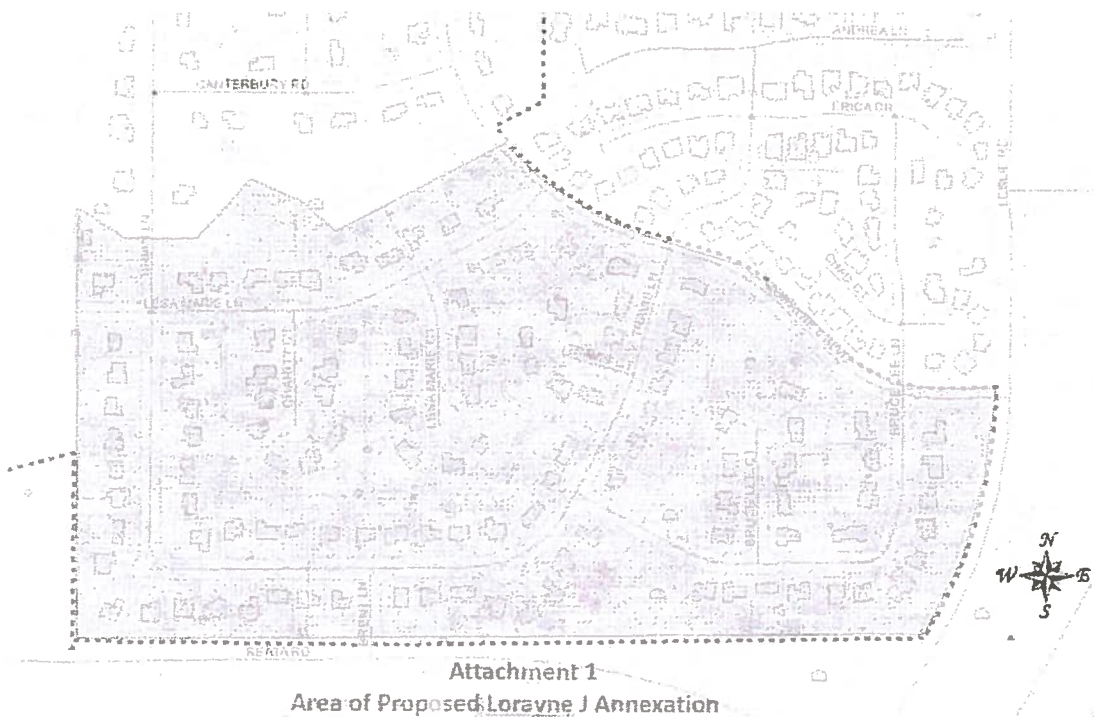
Name(s) of Property Owner: Gary E. & Connie McCallum

Signature:

By: [Signature] Date: 7-23-14

Signature:

By: [Signature] Date: 7-23-14



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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WE, the undersigned, who are the owners of not less than ten percent (10%) in value, according to the assessed valuation for general taxation, of the real property geographically depicted on the map attached hereto as Attachment 1, lying contiguous to the City of Richland, Washington, do hereby notify the City Council of the City of Richland of our intent to commence annexation proceedings and request the City Council schedule a meeting to consider the proposed annexation, as set forth in RCW 35.13.125.

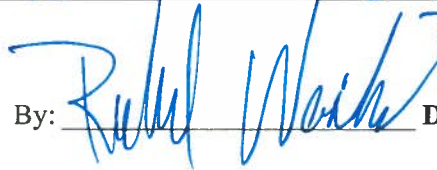
Assessor's Parcel Number: 102884050001011

Address: 3082 Bruce Lee Ln Kennewick WA

Name(s) of Property Owner: Rachel Sachs (may be listed as Rachel Weidner)

Signature:

By:



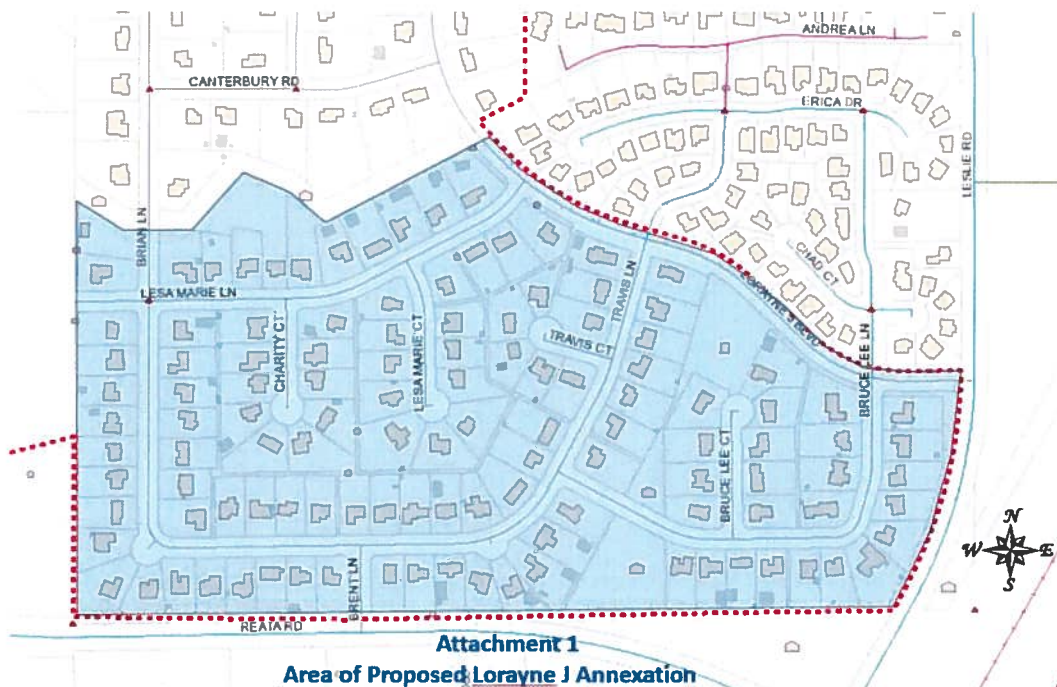
Date:

8/2/17

Signature:

By:

Date:



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

The Honorable Mayor and City Council:

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Assessor's Parcel Number: 102884020003013

Address: 3011 Lesa Marie Ct., Kennewick, Wa 99338

Name(s) of Property Owner: Jason Guy Kintner

Signature:

By:

Jason Kintner

Date:

7/30/17

Signature:

By:

Date:



Attachment 1

Area of Proposed Lorayne J Annexation

**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

The Honorable Mayor and City Council:

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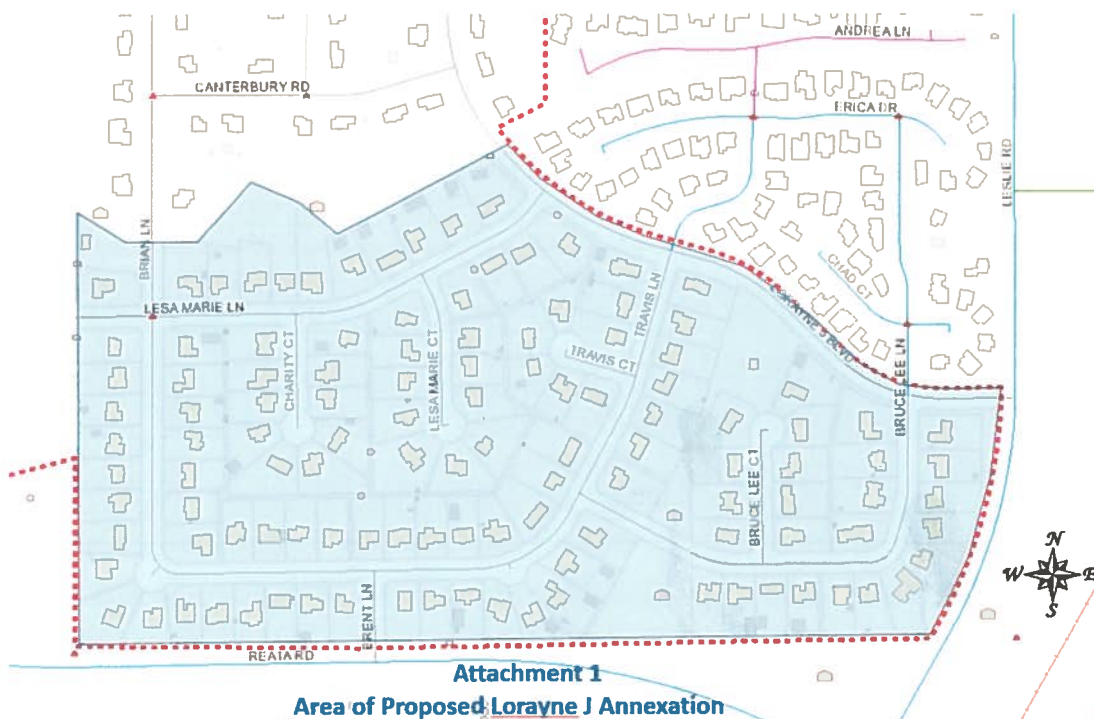
Assessor's Parcel Number: 102854020003007

Address: 3018 Lesa Marie Ct

Name(s) of Property Owner: Nancy L Lysher

Signature: By: [Signature] **Date:** 7/27/2017

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



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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Assessor's Parcel Number: 102884020003010

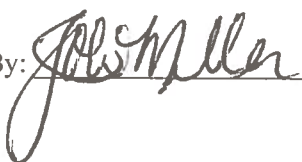
Address: 3035 Lesa Marie Ct., Kennewick, WA

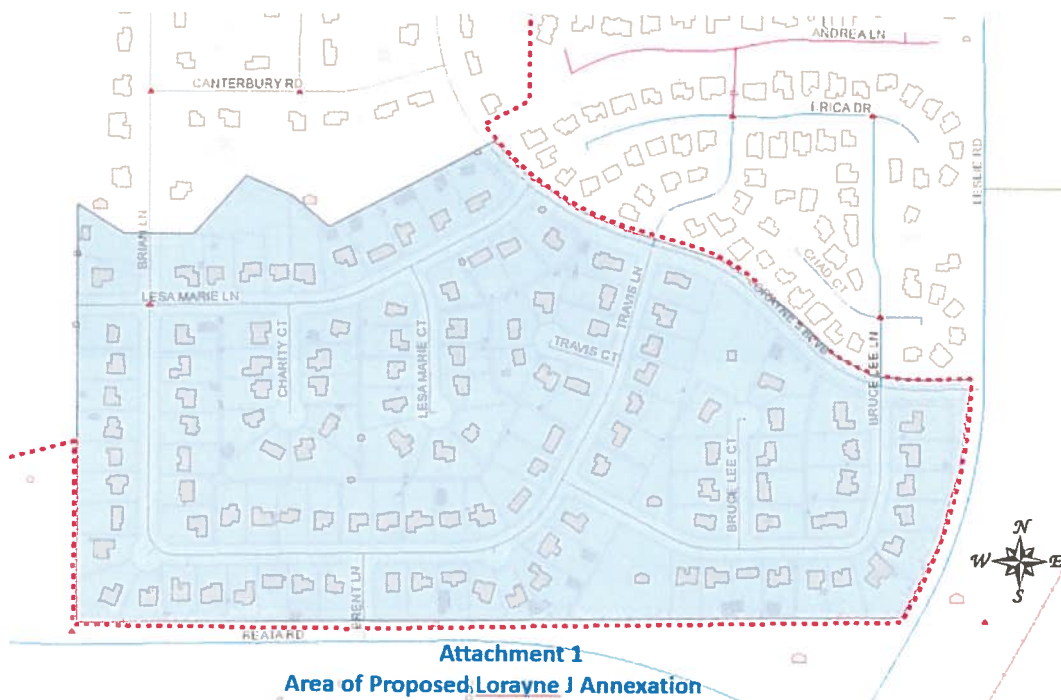
Name(s) of Property Owner: Mark and Joli Miller

Signature:

By:  Date: 7/27/17

Signature:

By:  Date: 7-27-17



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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Assessor's Parcel Number: 102884020003009

Address: 3041 Lesa Marie Ct

Name(s) of Property Owner: GARY R & Patricia ANN Jones

Signature:

By:

Gary R Jones

Date:

7-26-17

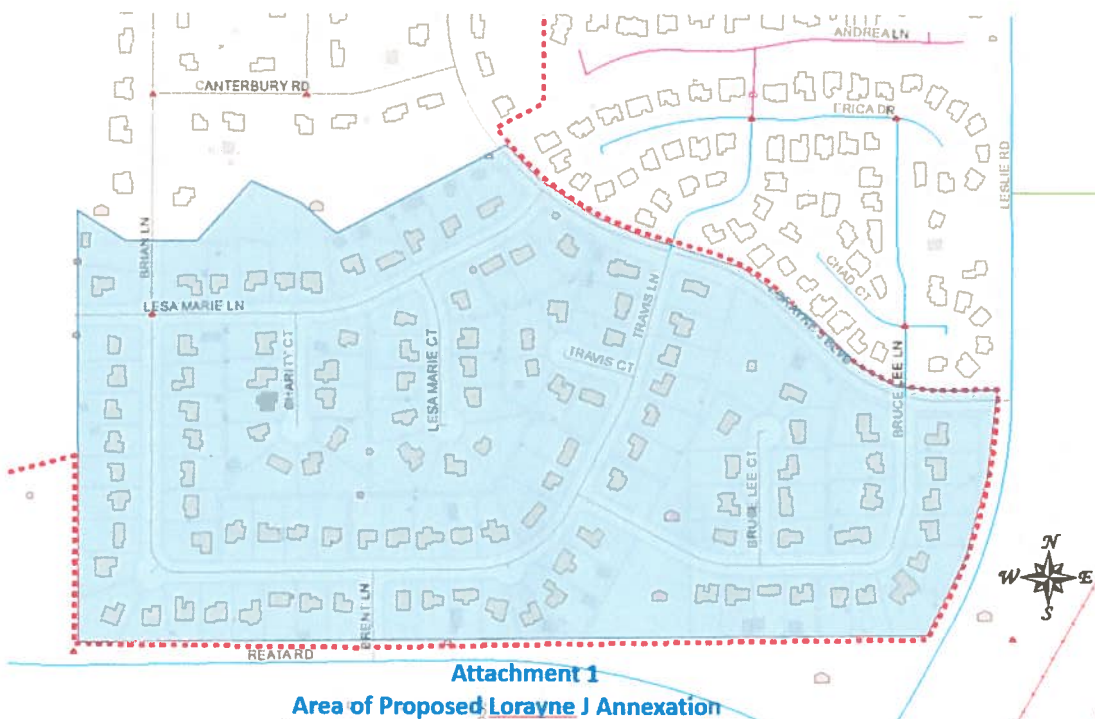
Signature:

By:

Patricia Jones

Date:

7-26-17



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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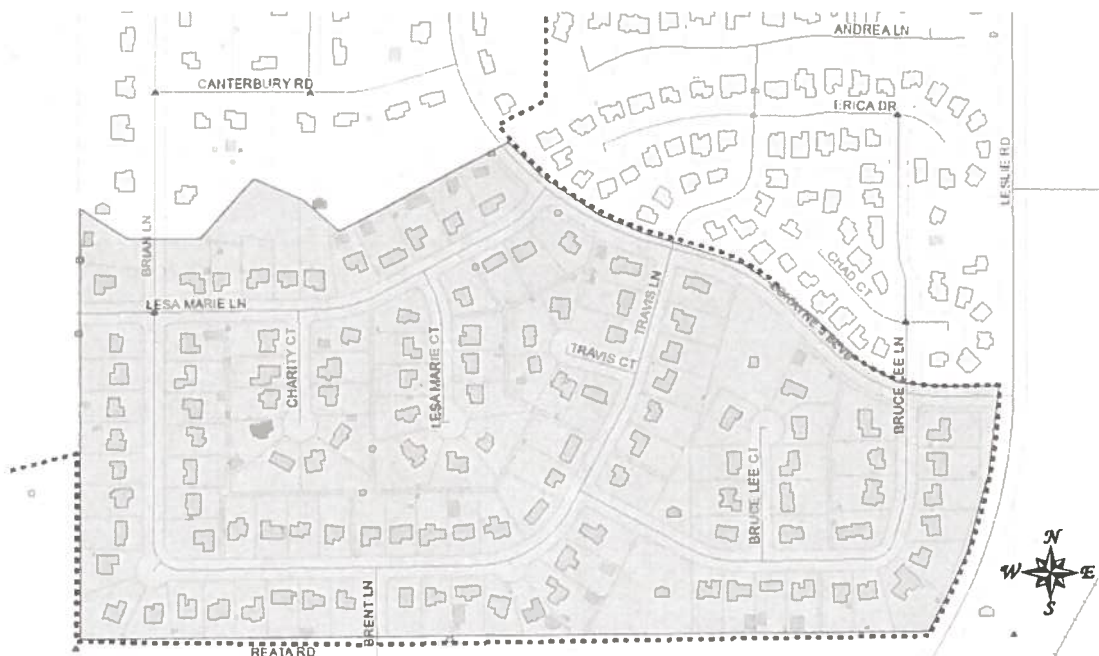
Assessor's Parcel Number: 102884040003001

Address: 3015 LORayne J Blvd Kennewick, WA 99338

Name(s) of Property Owner: DAVID + MARLO DOAK

Signature: By: [Signature] Date: 7/31/2017

Signature: By: Marlo J. Doak Date: 8.1.17



Attachment 1
Area of Proposed Lorraine J Annexation

**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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Assessor's Parcel Number: 102884020003001

Address: 3021 LORAYNE J BLVD.

Name(s) of Property Owner: KENNETH G. & MARIA M.

Signature:

By: Kenneth Worrig Date: July 30-2017

Signature:

By: Maria Worrig Date: July 30-2017



Attachment 1
Area of Proposed Lorayne J Annexation

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GEO PARCEL ID.

Assessor's Parcel Number: 102884040001004

Address: 125 TRAVIS LN KENNEWICK WA, 99338

Name(s) of Property Owner: ERIC R. + WENDY S. SCHUTZ

Signature:

By:

Eric Schutz

Date:

7-30-17

Signature:

By:

Wendy Schutz

Date:

7-30-17



Attachment 1

Area of Proposed Lorayne J Annexation

INTENTION TO COMMENCE ANNEXATION PROCEEDINGS TO CITY OF RICHLAND, WASHINGTON

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Assessor's Parcel Number: 102884040002002

Address: 149 Travis Lane, Kennewick

Name(s) of Property Owner: Todd & Denise Ofsthun

Signature:

By:

Date:

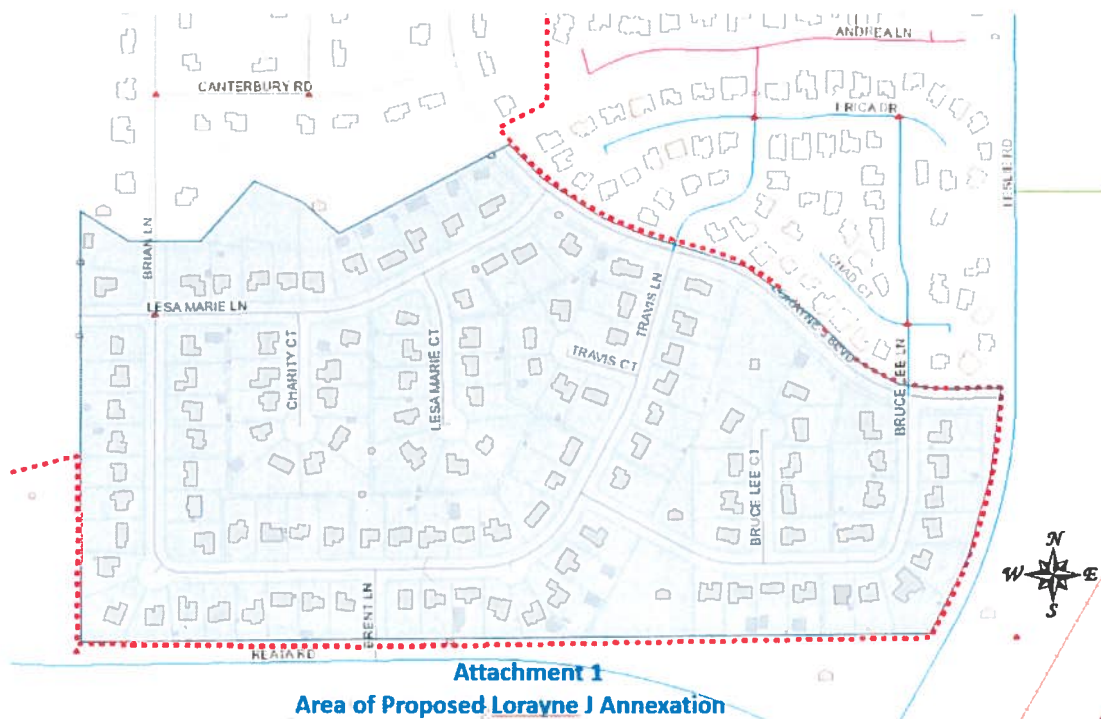
8/2/17

Signature:

By:

Date:

8.2.17



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
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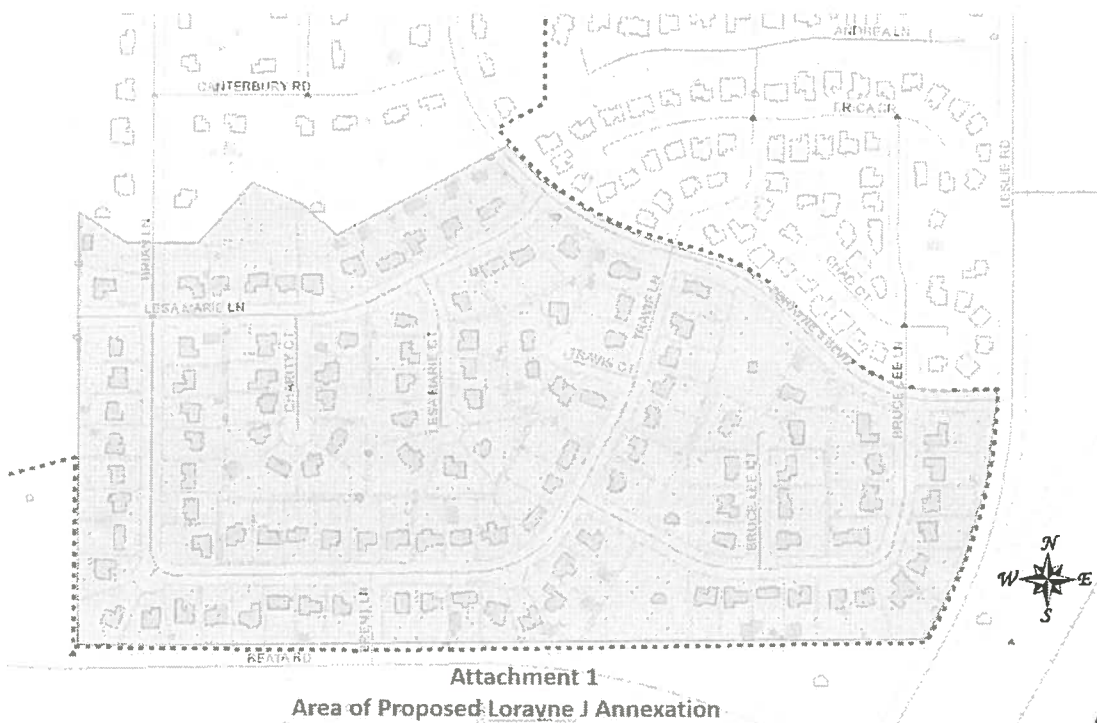
Assessor's Parcel Number: 10 288 40 3000 2013

Address: 189 TRAVIS LN

Name(s) of Property Owner: Carol Lynn Hall

Signature: By: C & Hall Date: 7-26-17

Signature: By: _____ Date: _____



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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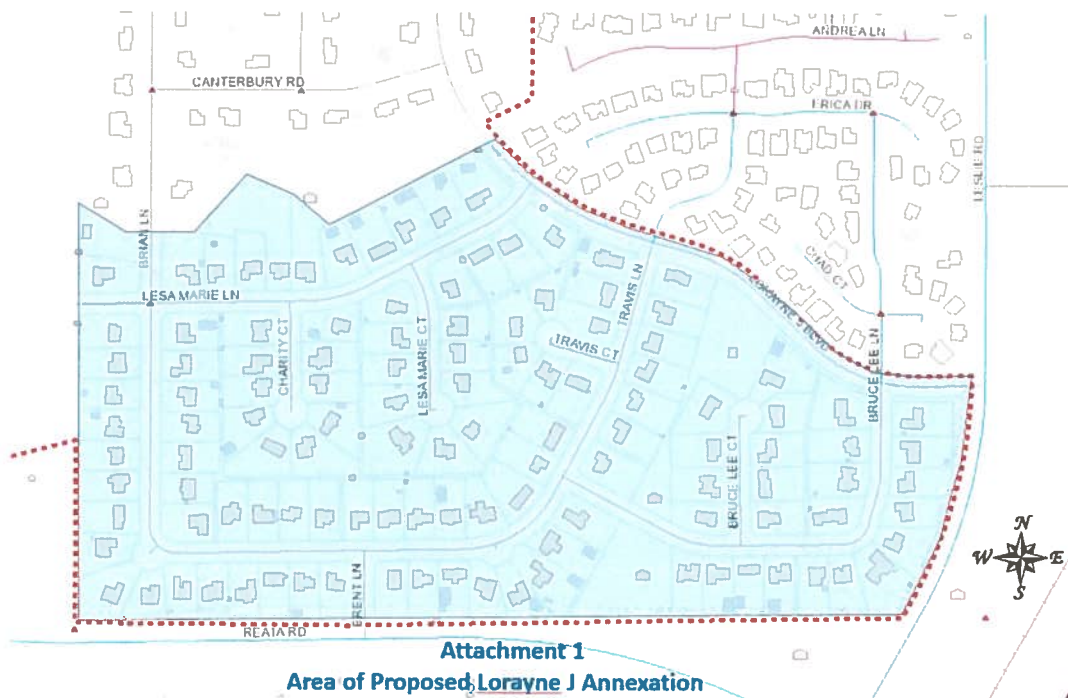
Assessor's Parcel Number: 102884030002010

Address: 197 Travis Lane, Kennewick, WA 99338

Name(s) of Property Owner: Betty L + Jimmie A Lakey

Signature: By: Jimmie A. Lakey Date: 7/27/2017

Signature: By: Betty L. Lakey Date: 7/27/2017



**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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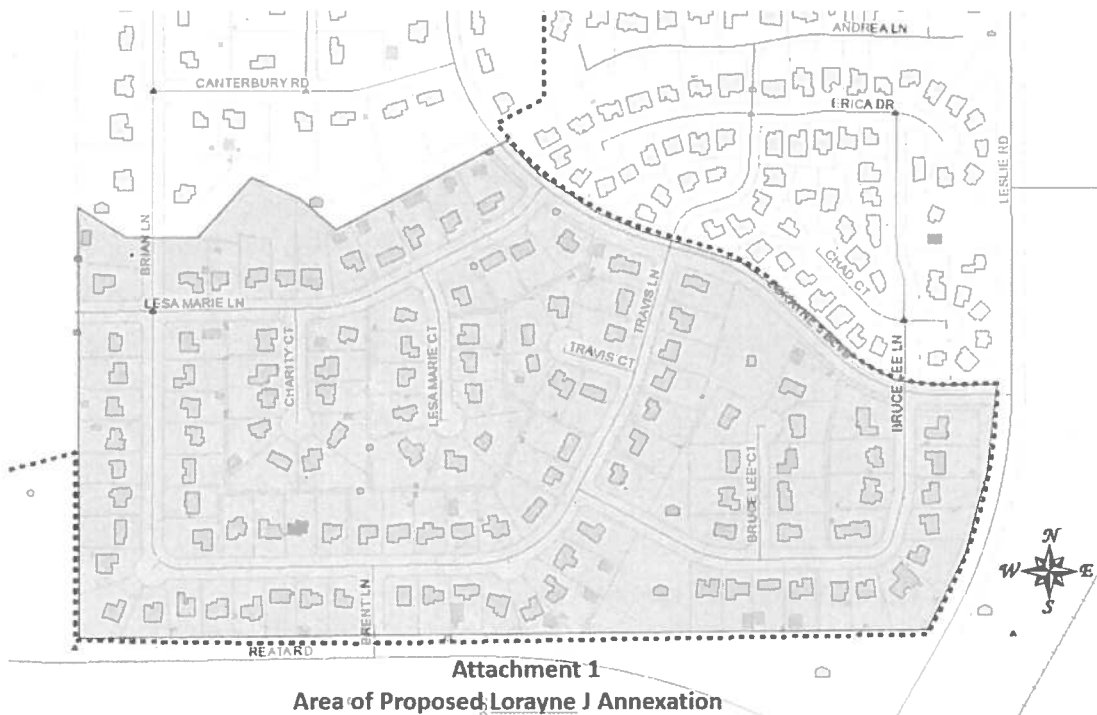
Assessor's Parcel Number: 1-0288-402-0004-004

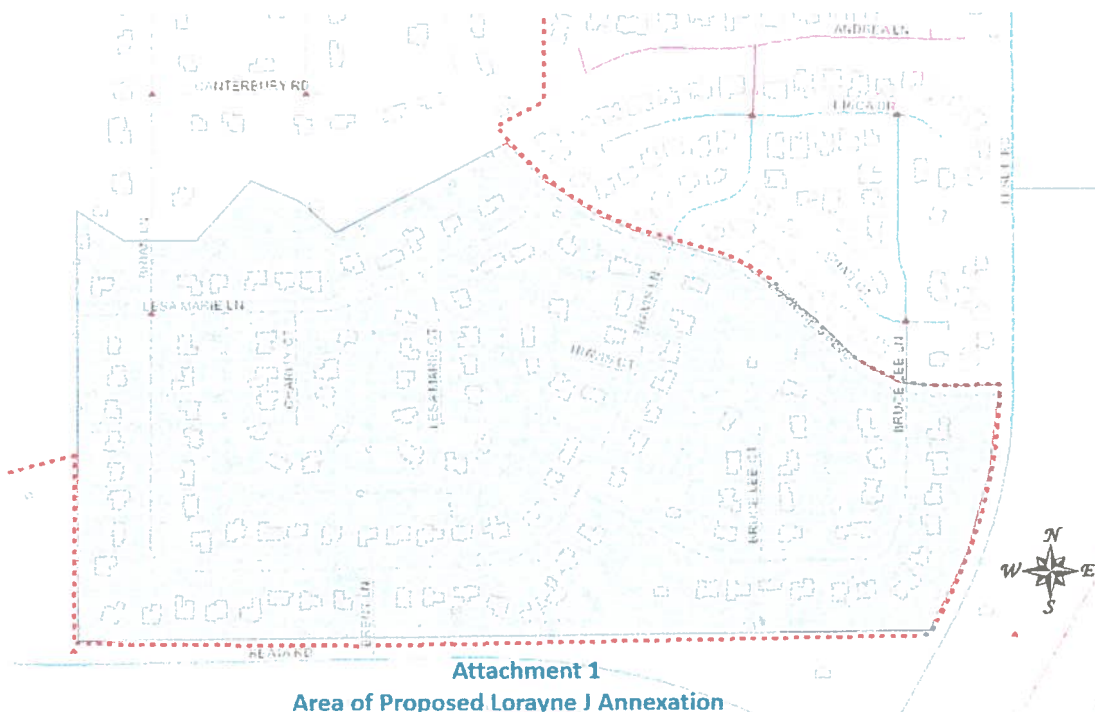
Address: 3017 Charity Court

Name(s) of Property Owner: Texanita Cole Royal

Signature: Texanita Cole Royal By: Texanita Cole Royal Date: 7-31-2017

Signature: _____ By: _____ Date: _____





**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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Assessor's Parcel Number: Geo ID# 102884030002007

Address: 3041 Brian Lane Kennewick, WA 99338

Name(s) of Property Owner: E. Leon Pope

Signature:

By:



Date:

8-10-17

Signature:

By:

Date:



Attachment 1

Area of Proposed Lorayne J Annexation

**INTENTION TO COMMENCE ANNEXATION PROCEEDINGS
TO CITY OF RICHLAND, WASHINGTON**

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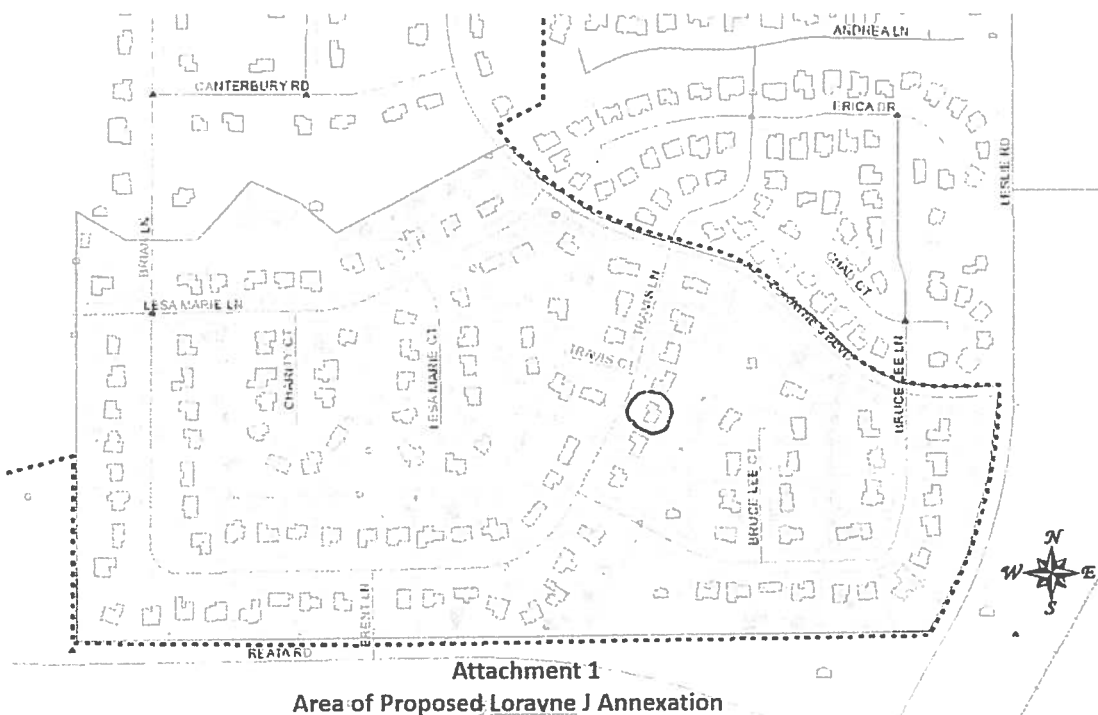
Assessor's Parcel Number: 102284040001005

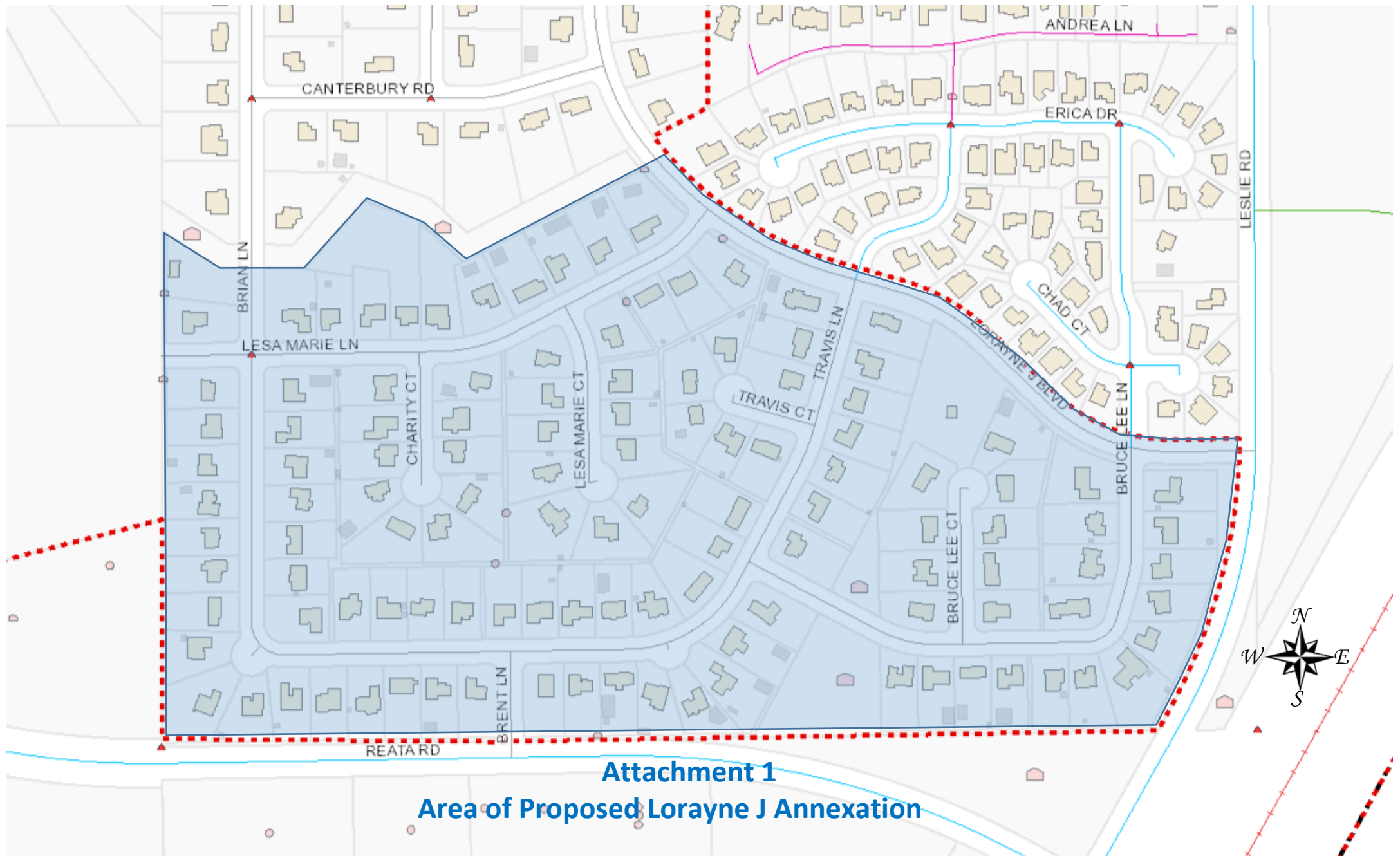
Address: 133 Travis Ln.

Name(s) of Property Owner: Ann E. Hostetter

Signature: [Signature] By: Ann E. Hostetter Date: 8/7/17

Signature: _____ By: _____ Date: _____







COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 3 - Economic Vitality

Subject:

Resolution No. 179-17, Authorizing an Amendment to the Badger Mountain South Master Agreement to Remove the Plat of Sunshine Ridge

Department:

Community & Development Services

Ordinance/Resolution Number:

179-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 179-17, authorizing the City Manager to sign and execute an amendment to the Badger Mountain South Master Agreement between the City of Richland and Nor Am investment, LLC for the limited purpose of removing the plat of Sunshine Ridge.

Summary:

The Badger Mountain South Master Agreement is an agreement between the City and Nor Am Investments, LLC, the developer of the Badger Mountain South Master Planned Community. Originally established in 2011, the agreement is intended to govern the development of the 1,480 acre site that is planned for up to 5,000 dwelling units over the next 20 years. The agreement establishes a separate development code for lands within the Badger Mountain South community, known as the Badger Mountain South Land Use and Development Regulations (LUDR).

Nor Am Investments, LLC has approached the City with a request to amend the agreement to delete the 5-acre final plat of Sunshine Ridge from the agreement. This plat is located on the boundary and is physically isolated from the rest of the Badger Mountain South community. The owner of the plat, Dennis Sawby, has requested a plat alteration for the Sunshine Ridge plat, which is the topic of a public hearing on tonight's Council's agenda.

Resolution No. 179-17 would authorize the City Manager to execute an amendment to the Badger Mountain South Master Agreement for the limited purpose of excluding the plat of Sunshine Ridge from the agreement.

Staff recommends approval of Resolution 179-17.

Fiscal Impact:

There is no fiscal impact associated with the proposed amendment to this agreement.

Attachments:

1. Resolution No. 179-17
2. First Amendment to BMS Master Agreement
3. Request for Agreement Amendment
4. Amended and Restated Badger Mountain South Master Agreement
5. Amended Legal Description
6. Vicinity Map

RESOLUTION NO. 179-17

A RESOLUTION of the City of Richland authorizing amendments to the Master Agreement between the City of Richland and Nor Am Investment, LLC regarding the Badger Mountain South Master Planned Community.

WHEREAS, RCW 36.70B.170-200 authorizes the City to enter into development agreements by resolution or ordinance that set forth the development standards and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement; and

WHEREAS, the City previously entered into a Master Agreement with Nor Am Investment, LLC (Contract No. 137-10) to govern the development of Badger Mountain South, a master planned community of 1,480 acres located within the City of Richland; and

WHEREAS, Contract No. 137-10 was later amended and restated (Contract No. 143-15); and

WHEREAS, the intent of the proposed Master Agreement is to (1) further the goals and policies of the City's Comprehensive Plan; (2) provide mechanisms to assure that public health and safety are protected while having growth pay for growth; (3) provide adequate space for elementary and middle schools so that the affected school districts can place schools in the areas where the need is generated; (4) create a new tourist destination and freeway-oriented development to capture additional tax revenue for the City; (5) provide for public investment to stimulate the economy while assuring that development occurs in a financially responsible manner that does not adversely impact the City's financial integrity; (6) stimulate economic development within the City by creating areas for business development and expansion; (7) create a viable walkable community with standards designed to meet sustainability goals; (8) provide a broad range of housing types; (9) provide recreational opportunities within close proximity to housing; (10) provide for expedited permit processing while assuring adequate public input and mitigation of environmental impacts; and (11) provide flexibility in uses and timing of development to accommodate market trends and conditions; and

WHEREAS, the City Council recognizes that changes to the Master Agreement are necessary and desirable to provide additional flexibility and to reflect changed circumstances; and

WHEREAS, Lawrence White, the Badger Mountain South Master Plan Administrator, by letter dated August 19, 2017, requested removal of Sunshine Ridge from inclusion in the Badger Mountain South Master Planned Community; and

WHEREAS, the City Council finds that the proposed amendment to the Master Agreement does not detract from the overall intent or purpose of the Agreement;

WHEREAS, the Final Supplemental Environmental Impact Statement for the Badger Mountain Subarea Plan, dated August 23, 2010, has been adopted in fulfillment of the provisions of the State Environmental Policy Act; and

WHEREAS, the City and Nor Am Investment, LLC both agree that it is more logical for the Sunshine Ridge plat to be developed under common City development standards instead of the Badger Mountain South Land Use and Development Regulations (LUDR) since Sunshine Ridge is physically isolated from the Badger Mountain South Master Planned Community and has more in common with the adjacent Reata Ridge subdivision; and

WHEREAS, nothing in the proposed amendment to the Badger Mountain South Master Agreement jeopardizes the viability of the original development or the SEPA review previously performed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute an amendment to the Badger Mountain South Master Agreement deleting that area known as the plat of Sunshine Ridge from the lands that are subject to the Agreement.

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

PASSED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

**FIRST AMENDMENT TO THE
AMENDED AND RESTATED MASTER AGREEMENT
BETWEEN THE CITY OF RICHLAND AND NOR AM INVESTMENT, LLC
REGARDING THE COMMUNITY KNOWN AS BADGER MOUNTAIN SOUTH**

This **First Amendment** to the March 17, 2015 Amended and Restated Master Agreement regarding the community known as Badger Mountain South is made and entered into by and between the **City of Richland**, a chartered 1st Class City organized under the laws of the State of Washington (“City”) and **Nor Am Investment, LLC**, a Washington limited liability company (“Nor Am”). Nor Am and City are sometimes referred to individually as “Party” or collectively as “Parties.”

I. Recitals

WHEREAS, on March 17, 2015, the Parties entered into an Amended and Restated Master Agreement for the community known as Badger Mountain South (hereinafter “Original Agreement”); and

WHEREAS, Exhibit A to the Original Agreement identifies the properties considered to be located within Badger Mountain South that must be developed according to requirements of Badger Mountain South’s Land Use Designation Regulations (LUDR); and

WHEREAS, per Exhibit A, the plat of Sunshine Ridge is located within Badger Mountain South and is subject to the LUDR; and

WHEREAS, Nor Am sold all of the parcels contained within the plat of Sunshine Ridge, and is now seeking to remove the plat of Sunshine Ridge from inclusion in the Badger Mountain South Master Agreement so that it can be developed according to typical City development regulations; and

WHEREAS, Sunshine Ridge is geographically isolated from the rest of the property that comprises Badger Mountain South, and is located such that it is logical to develop the property consistent with its closest neighboring subdivision, Reata Ridge; and

WHEREAS, Nor Am has approached the City with a request that the plat of Sunshine Ridge be removed from the Badger Mountain South Master Agreement.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

II. Agreement

1. Exhibit A is modified to replace, in its entirety, the existing legal description for “Parcel D” with the legal description provided below:

Section 4, Township 8 North, Range 28 East, W.M., Benton County, Washington;

EXCEPT That Portion Lying Within The Plat Of El Rancho Reata No. 3, According To The Plat Thereof Recorded In Volume 12 Of Plats, Page 42, Records Of Benton County, Washington;

And Except State Highway Right-Of-Way Conveyed Under Recording No. 870597, Records Of Benton County, Washington;

AND EXCEPT That Portion Lying Southerly Of Reata Road Right-Of-Way;

AND EXCEPT That Portion Lying Within The Plat Of Reata Ridge;

AND EXCEPT The South 420 Feet Of The Southeast Quarter Thereof;

AND EXCEPT That Portion Lying Within The Plat Of Sunshine Ridge, According To The Plat Thereof Recorded In Volume 15 Of Plats, Page 553, Under Auditor's File No. 2017-012195, Records Of Benton County, Washington;

AND ALSO EXCEPT That Portion Conveyed To Benton County By Deed Recorded May 1, 2007, Under Auditor's File No. 2007-013594, Records Of Benton County, Washington.

2. Except as expressly amended and modified by this Amendment, the Original Agreement is and shall continue to be in full force and effect in accordance with the terms thereof.
3. This Amendment shall be construed in accordance with, and governed by, the laws of the state of Washington.

IN WITNESS WHEREOF, the Parties have executed this First Amendment on the ____ day of September, 2017.

CITY OF RICHLAND

NOR AM INVESTMENT, LLC

CYNTHIA D. REENTS, ICMA-CM
City Manager

By:
Its:

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

Rick Simon,
Development Services Manager
City of Richland

August 19, 2017

Lawrence J White
BMS Master Plan Administrator
CEO, Nor Am Investment LLC

Dear Rick,

I wish to formally request that the small 7 lot plat know as Sunshine Ridge be removed from Badger Mountain South by amending the BMS Master Agreement. I request this based on a change in the BMS design as demonstrated by the change shown in the LUDR as amended on March 3, 2015 when compared with the prior LUDR as amended on April 15, 2014 plus the practical matter that arises from the fact that this small, disconnected plat is not part of one of the BMS villages or one of the HOA's that are set up to manage affairs within the villages.

7.F in the 2014 LUDR shows that this small plat was not anticipated and in the 2015 amended LUDR in 7.D one can see that this small, disconnected plat appears. This demonstrates that this request comes from a change in circumstances, more specifically a change in the LUDR which is part of the Master Agreement, and also makes sense from the plat's location which is a significant distance from the rest of BMS, but is intimately connected to Reata Ridge, an area built under County standards.

As you know, BMS is set up into 5 residential neighborhoods and each of these will have their own separate HOA and CCR's. Sunshine ridge is not part of a neighborhood and is too small to support an HOA in my opinion. Without an HOA, BMS has no established way to impose BMS standards on these few lots nor an interest in doing so. The isolated location makes imposing a common BMS look and feel to the homes unimportant and homeowners there will very likely resent interference from a distant authority such as BMS. I would rather see them operate under typical City standards.

Thank you for your attention to the matter.

Lawrence White

CONTRACT NO. 143-15

**MASTER AGREEMENT BETWEEN THE CITY OF RICHLAND AND
NOR AM INVESTMENT, LLC REGARDING
THE COMMUNITY KNOWN AS BADGER MOUNTAIN SOUTH**

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**AMENDED AND RESTATED
MASTER AGREEMENT BETWEEN THE CITY OF RICHLAND AND
NOR AM INVESTMENT, LLC REGARDING THE COMMUNITY
KNOWN AS BADGER MOUNTAIN SOUTH**

1. AGREEMENT.

1.1 In consideration for the mutual promises and obligations set forth below, the City of Richland Washington, a chartered 1st Class City organized under the laws of the State of Washington (the “City”); and Nor Am Investment, LLC, a Washington limited liability company (“Nor Am”) do hereby agree as set forth below. The City and Nor Am are sometimes referred to herein individually as “Party” and collectively as “Parties”. The reference date of this Amended and Restated Master Agreement is March 17, 2015.

2. AUTHORITY.

2.1 The City is entering into the Master Agreement under the authority and power given to it by the general laws and the constitution of the state of Washington; pursuant to Sections 1.04, 2.07 (A), (E), (G), (I) and (J) of the City Charter, Chapter 36.70B of the Revised Code of Washington relating to development agreements, RCW 43.21C.031 relating to Planned Action Ordinances, and City Resolution 77-10 that authorized the City Manager to sign this Master Agreement.

2.2 Nor Am is entering into this Master Agreement as the owner of the property to be subject to the Master Agreement terms, and pursuant to a motion passed by the members of Nor Am.

3. SUBJECT PROPERTY.

3.1 The real property that is subject to the terms and conditions of this Master Agreement is legally described in Exhibit A attached hereto and by referenced incorporated herein and shall be referred to as “Badger Mountain South”.

4. MASTER AGREEMENT INTENT AND PURPOSE.

4.1 The intent of this Master Agreement is to: (1) further the goals and policies of the City’s comprehensive plan; (2) provide mechanisms to assure that the public health and safety is protected while having growth pay for growth; (3) provide adequate space for elementary and middle schools so that the affected school districts can place schools in the areas in which the need will be generated; (4) create a new tourist destination and freeway oriented development to capture additional tax revenue for the City; (5) provide for public investment to stimulate the economy while assuring that development occurs in a financially responsible manner that does not adversely impact the City’s financial integrity; (6) stimulate economic development within the City by creating areas for business development and expansion; (7) create a viable walkable community with standards designed to meet sustainability goals; (8) provide a broad range of housing types; (9) provide recreational opportunities within close proximity to housing; (10) provide for

expedited permit processing while assuring adequate public input and mitigation of environmental impacts; and (11) provide flexibility in uses and timing of development to accommodate market trends and conditions.

4.2 The purpose of this Master Agreement is to provide for an organized, self-contained set of documents that shall govern the development of Badger Mountain South over the next 20 years in order to accomplish the goals set forth in paragraph 3.1.

5. **MASTER AGREEMENT TERM.**

5.1 The Master Agreement term shall commence on February 9, 2011 “Master Agreement Term Commencement Date”) and shall terminate at midnight on February 8, 2035. This time period shall be known as the Master Agreement Term.

6. **VESTING.**

6.1 Any development to occur within Badger Mountain South during the Master Agreement Term shall do so in conformity with the provisions of the Master Agreement. For purposes of the Master Agreement, development means any activity that affects the temporary or permanent use of any land within Badger Mountain South, and/or results in the alteration of the surface or subsurface of land within Badger Mountain South, and that is regulated in whole or in part by the City.

6.2 Except as otherwise noted in the Master Agreement, during the Master Agreement Term Nor Am shall have the vested right to develop any property within Badger Mountain South in accordance with the provisions of the Master Agreement, and the City codes and regulations in effect on the Master Agreement Term Commencement Date.

6.3 The provision of Paragraph 6.2 notwithstanding, the City reserves the right for the City Council to modify a condition of the Master Agreement if the City Council determines its modification is necessary as a result of a serious threat to the public health and safety, and the modification is the minimum necessary, both in content and duration, to alleviate the adverse consequences to the public health and safety that would be caused by the serious threat. Provided, no modification shall occur until consultation with Nor Am has occurred in order to seek its input on how to modify the Master Agreement so as to address the serious threat to the public health and safety, while minimizing the impact on the Badger Mountain South development and the Master Agreement’s intent and purpose. The Parties agree to use the Master Agreement’s dispute resolution process regarding any dispute over the appropriate way to modify the vested rights of Nor Am. If the modification is mandated by governmental action other than the City’s, then the City agrees that Nor Am shall have the right, at its sole discretion and expense, to contest the governmental action.

6.4 The vesting date for a building permit application as to the following codes that are City-wide in nature shall be the date that a complete building permit application is filed: Building Code (RMC Title 21), Life Safety Code (RMC Title 20), and Electrical Code (RMC Title 14), Energy Code (Chapter 19.27A). Provided however, any provisions of those codes relating to street

improvements and access that are otherwise covered by Master Agreement Exhibit C (“LUDR”) and Master Agreement Exhibit B (“Environmental Mitigation Conditions”) shall not apply.

6.5 The vesting date for impact fees that only affect portions of the Badger Mountain Subarea shall be the date that a complete application is filed. The vesting date for impact fees that affect larger areas of the City shall be the date a permit is issued that would require the payment of an impact fee, or the date otherwise provided by City regulations at the time of application.

7. **PHASING AND TIMING.**

7.1 The Parties acknowledge that the sequencing of development shall occur in accordance with Nor Am’s own time schedule in light of market conditions and Nor Am shall determine the order, size, number and timing of phases of development.

7.2 The City shall determine which mitigation measures must be constructed in each phase in order to mitigate the impacts associated with that phase, as more fully set forth in section 9 below.

7.3 The provisions of paragraph 7.1 notwithstanding, the City may, but shall not be required to, build or accept any facilities that cannot be operationally supported by new revenues generated within Badger Mountain South.

7.4 Failure to make substantial progress on pursuing the proposed Badger Mountain South development within any 5-year period following the Master Agreement Term Commencement Date, may be deemed by the City to be a serious threat to the public health and safety, triggering the process set forth in paragraph 6.3 above. As established in section 6.3 the City shall have the right to terminate this Master Agreement without liability and without incurring any further obligation to Nor Am, if no other adequate lesser remedy is appropriate. “Substantial progress” shall mean the issuance of building permits for the construction of at least two hundred residential units and/or commercial structures, the expenditure of at least \$10,000,000 for street, utility and other infrastructure improvements that have been dedicated to the City or other governmental entity, or the expenditure by any governmental agency of at least \$5,000,000 for buildings or other improvements within Badger Mountain South. The termination of the Master Agreement shall not occur until after NorAm is provided with notice and an opportunity to be heard. If the Master Agreement is terminated, it shall not affect the vested rights for entitlements obtained prior to the date of termination.

8. **DEVELOPMENT TO BE CONSISTENT WITH THE MASTER AGREEMENT CONDITIONS.**

8.1 All development within Badger Mountain South shall comply with the Master Agreement terms. If a development application is consistent with the Master Agreement, then it shall be approved. If a development application is not consistent with the Master Agreement, then the conditions of approval shall include such conditions as will make the application consistent with the Master Agreement. If it is determined that the application cannot be conditioned to make it consistent with the Master Agreement terms, then the application shall be denied.

9. **ENVIRONMENTAL REVIEW AND MITIGATION CONDITIONS.**

9.1 A Final Supplemental Environmental Impact Statement dated August 23, 2010 ("FSEIS") was issued for the Badger Mountain South Subarea Plan. In accordance with RMC 22.09.080 a mitigated determination of non-significance ("MDNS") was issued by the City for the Master Agreement on September 23, 2010, in which the mitigation conditions listed in the FSEIS relative to Badger Mountain South were listed as mitigation conditions for the Master Agreement. In the enabling resolution that authorized the City Manager to execute the Master Agreement (Resolution 77-10) the City Council, in accordance with the provisions of RCW 43.21C.031, determined that for the Master Agreement Term, Badger Mountain South shall be deemed a planned action for environmental review purposes.

9.2 The mitigation conditions set forth in the MDNS are hereby adopted as mitigation conditions for Badger Mountain South, and are set forth in Exhibit B attached hereto and by reference incorporated herein. Any development occurring within Badger Mountain South must be consistent with those conditions. The relevant mitigation conditions shall be made conditions of any development permit which would generate the impact that requires the mitigation measure. If an Exhibit B mitigation condition for water or sewer utility improvements require a specific size or type of improvement, and the detail level construction drawings require a different size in order to accommodate the Badger Mountain Development needs, then the sizing shown by the detail level drawings shall be required.

9.3 All development within Badger Mountain South that is consistent with the Master Agreement terms shall be deemed a planned action project and an environmental threshold determination shall not be required. The City's responsible official for environmental review shall issue a planned action consistency determination for any application for development that would otherwise require environmental review under RMC chapter 22.09. The consistency determination shall indicate that the proposed action is within the scope of the environmental review conducted in the FSEIS and shall list the environmental mitigation conditions from Exhibit B that must be included as conditions for the underlying permit approval.

9.4 Public notice for projects that qualify as planned actions shall be tied to the underlying project permit. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required.

10. **DEVELOPMENT REGULATIONS.**

10.1 Unless the Master Agreement specifies otherwise in lieu of the zoning and development regulations set forth in the Richland Municipal Code, the Master Agreement conditions shall apply to all development in Badger Mountain South.

10.2 The provisions of the document entitled "Land Use and Development Regulations" (hereinafter "LUDR") dated March 17, 2015, which is set forth in Exhibit C attached hereto and incorporated by reference, shall be applicable to all development in Badger Mountain South. The acronym LUDR may be used when referring to Exhibit C of the Master Agreement. LUDR chapter

10 is reserved for major amendments to the LUDR that may be incorporated during the Master Agreement Term and that do not easily incorporate into the other LUDR chapters.

10.3 The Nor Am representative shall be deemed a party in interest with standing to participate in any City process relating to a development application within Badger Mountain South.

10.4 As part of the LUDR approval process, the construction of the applicable green infrastructure improvements set forth in Exhibit D shall be added as conditions of approval. Each green infrastructure improvement in residential neighborhoods is tied to the construction of a certain number of residential units, and to the construction of roads, as indicated in Exhibit D. The green infrastructure improvements shall be selected by Nor Am at the time the threshold number of residential units is met so that the improvements are constructed in concert with the proposed residential units.

10.5 Until such time as development occurs, the undeveloped portions of the Property may continue to be used for agricultural purposes.

10.6 The conceptual drawings in the LUDR convey the general concept and layout which will guide the application of the detailed regulations and conditions contained in the LUDR and the remainder of the Master Plan at the time of site plan, subdivision, and construction application approvals. The text of the LUDR and the Master Agreement shall govern the actual layout of the final development.

11. INTERPRETATION OF APPLICABLE DEVELOPMENT CONDITIONS.

11.1 It is the Parties intent that all development within Badger Mountain South be consistent with the provisions of the Master Agreement. The provisions of any applicable City codes and regulations shall be so construed whenever possible in a manner that shall make the applicable code and/or regulation consistent with the Master Agreement's intent and purpose.

11.2 In the case of any conflict between governing regulations, the following shall be the order of priority, with the highest level of priority controlling. The level of priority, starting with the highest level and then descending in priority, is as follows: (1) Changes adopted pursuant to Master Agreement paragraph 6.3; (2) Master Agreement Exhibit B; (3) the Master Agreement provisions not contained in an Exhibit; (4) Master Agreement Exhibit C; (5) Master Agreement Exhibit D; (6) all other Master Agreement Exhibits; (7) any project specific conditions of development approval; and (8) all other City Codes and regulations.

12. AGREEMENTS WITH CURRENT UTILITY PROVIDERS.

12.1 The City of Richland is the energy services provider for all new development within Badger Mountain South. Some existing properties continue to be served by Benton Public Utility District ("Benton PUD") using existing Benton PUD infrastructure. The City and Benton PUD entered into a service area agreement on May 24, 2005 titled "Electrical Service Area and Facilities Purchase Agreement" which governs the provision of electric energy services in this southwest

area of the City, including Badger Mountain South and surrounding properties. The fundamental principle of this service area agreement is that the City will assume, over time, all provision of electrical energy services within its Urban Growth Area.

12.2 The City and Badger Mountain Irrigation District (BMID) have entered into an agreement whereby all of Badger Mountain South is in the City's water service area for potable water, and in BMID's service area for irrigation water.

13. **OFF-SITE SANITARY SEWER SYSTEM EXTENSION.**

13.1 Nor Am has completed and dedicated to the City an extension of the City's sanitary sewer collection system that enables development to commence. While the City anticipates that service will be available at the time of development, it cannot predict future demands or regulatory limitations that may affect the City's ability to provide service, the provisions of Paragraph 6.3 may apply.

13.2 No development permit shall be issued for any improvements in Badger Mountain South, other than improvements that will be owned by the City or another public utility, such as roads, water, sewer and electrical improvements, until such time as the off-site sanitary sewer system extension is substantially complete. This prohibition shall not apply to the submittal, processing and approval of subdivisions, short plats, and site plans.

14. **IMPACT FEES AND OTHER AREA SPECIFIC ASSESSMENTS.**

14.1 The City may impose impact fees that apply to areas included within the Badger Mountain Subarea only after providing actual notice to Nor Am as set forth in paragraph 25.1 and providing an opportunity for timely comment.

14.2 The City may allow the formation of Local Improvement Districts and Utility Local Improvement Districts (collectively "LIDs") to fund infrastructure improvements within Badger Mountain South. Provided, the formation of LIDs shall not be allowed, until such time as Nor Am has completed the construction of the off-site extension of the City's sanitary sewer system to Badger Mountain South and has constructed and deeded to the City the off-site water system improvements necessary to provide fire flow to the area within Badger Mountain South designated in the LUDR as the "special district-specialty retail" area.

14.3 To the extent allowed under City regulations in effect at the time a dedication of land to the City is made or the construction of an improvement by Nor Am that is subsequently dedicated to the City, the City shall give Nor Am a credit toward applicable City fees and charges for the fair market value of the land dedicated and the cost of the construction of the improvement that is dedicated. To the extent the City requires oversizing of any utilities to serve areas outside of Badger Mountain South, the City shall compensate Nor Am for such oversizing.

14.4 Any impact fee credit Nor Am may be entitled to under the Master Agreement terms may be used by Nor Am for any development within Badger Mountain South for which the applicable impact fees are required. It is not required that Nor Am be the building permit applicant.

If Nor Am wants any of the impact fee credit to be used for a particular development, it shall notify the City's representative in writing of the application upon which the credit is to be given, and the amount of the credit to be used.

14.5 The rates for utility services shall be the same rates charged throughout the City. No rate surcharge on any City utility shall be imposed unless it is a city wide surcharge, or is calculated based on a specific enhanced service provided to the Badger Mountain South.

14.6 Impact fees or utility connection fees shall be established by the same method and calculations in effect City-wide at the time a development permit is processed. At the time of this Master Agreement, the City administers fees for transportation, potable water service, and sanitary sewer service. Fees established for Badger Mountain South shall be established by the City's methods in place at the time of execution of this Master Agreement, based on the Badger Mountain South's planned impacts and loads. For each of the transportation, potable water, and sanitary sewer system, the Badger Mountain South subarea plan defines off-site system improvements that shall be required as development occurs. The City may impose a surcharge to the impact fees and connection charges for Badger Mountain South in order to recapture the cost of the off-site upgrades that provide capacity to Badger Mountain South so long as those upgrade costs are not already included in a capital facility charge, impact fee or other type of assessment, and it is an improvement that Nor Am is not obligated to construct under the terms of the Master Agreement. Once the City constructs the improvement, the cost shall be included in base impact fee and connection charges for the area that the improvement was intended to serve. In lieu of the City building the needed improvements and imposing a surcharge, the parties may agree that Nor Am may build the improvements, and, if appropriate, be entitled to partial cost reimbursement from non-contributing benefited properties, as authorized by state law. The City and Nor Am may agree in writing to such additional area-specific surcharge or to the City forming a local improvement district for the construction of public utilities within Badger Mountain South.

14.7 The Master Agreement requires certain off site sanitary sewer and transportation improvements to be made by Nor Am after a certain number of residential unit equivalents has been platted or permitted ("Target ERU"). In order to assure sewer adequate capacity, however, the parties agree that sanitary sewer flow monitoring at or near the location of the needed improvements shall commence when 50% of the Target ERU has been reached. If the flow monitoring indicates that the flow assumptions were incorrect, then the needed improvements shall be commenced sooner than the Target ERU. The monitoring shall be done by Nor Am, at its expense.

14.8 In order to assure adequate transportation service, updated traffic analyses shall commence at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter. If any development is proposed on the eastern edge of the Badger South Development that would directly access Reata Road prior to the 1,000 pm peak trip trigger, an updated traffic analysis shall be required to assess the impacts. If the traffic analyses indicate that any planning assumptions were incorrect, then the needed improvements shall commence prior to the issuance of additional building permits for development that would impact the needed improvements identified in the analyses.

14.9 The City agrees to include in its connection fee models any infrastructure constructed by Nor Am that provides service or capacity to properties outside of Badger Mountain South, and thus Nor Am will be eligible for oversizing reimbursement by the City.

14.10 At a future date to be determined by the City's electrical utility system capacity and operation needs, the City will construct a new electrical substation within Badger Mountain South to serve Badger Mountain South and other electrical service areas of the City. Nor Am shall dedicate land meeting the City's purpose and use for this substation and portions of the high voltage transmission line that will be constructed to connect the new substation to the regional power grid (see paragraph 18.1 below, and Exhibit B, section 9.1). Nor Am shall pay a portion of the construction costs of this substation, calculated in accordance with RMC 14.30 Line Extensions. A credit towards Nor Am's cost shall be allowed by the City equal to the unimproved value of the donated land for this substation. Nor Am's portion of the substation construction cost may be paid on a prorated basis prior to the time of final plat approval or final binding site plan approval for phased development of Badger Mountain South properties.

15. **RECAPTURE AND REIMBURSEMENT OF SANITARY SEWER, WATER AND OTHER UTILITY SYSTEM IMPROVEMENTS.**

15.1 The City authorizes Nor Am to recapture a pro-rata portion of the cost it incurs for the design and construction of any City utility improvement for which it would be entitled under state law for reimbursement from non-contributing benefitted properties. The method and manner of determining the amount of the reimbursement, and the non-contributing benefitted properties to which the assessment will apply shall be done in accordance with state law. The City reserves the right to establish administrative fees it deems necessary for the administration of latecomer agreements and the administrative fee shall be added to the assessment. Nor Am may, in its sole discretion, designate some or all properties within Badger Mountain South as non-contributing properties. Provided, property in Badger Mountain South that is owned by the City or that is subsequently conveyed to the City for municipal purposes shall not be deemed a non-contributing property without the City's written consent, which can be withheld in the City's absolute and sole discretion.

15.2 The City shall reimburse Nor Am for a portion of the design and construction costs it incurs relative to the improvements it must design and build at its own expense under the provisions of section 13 above. Nor Am shall provide documentation of the actual charges for the design and construction costs. If Nor Am delays payment of any of the design and construction costs until sales of property have occurred it shall not be reimbursed for any interest charges, but only the actual design and construction costs incurred. The portion of costs that will be reimbursed shall be the portion that would have been required to be constructed if the only properties to be served were the Destination Retail, Specialty Retail and Commercial Mixed Use Districts as identified in the LUDR and you assume the property is fully built out with uses that are the highest sanitary sewer capacity uses that would be allowed in those Districts. The cost of performing this additional design calculation shall be considered a reimbursable cost. The City shall also reimburse Nor Am for the cost of the improvements necessary to provide fire flow as set forth in section 9.2 above in accordance with the methodology set forth in section 15.4. Provided,

Nor Am shall only be entitled to reimbursement up to fifty percent (50%) of an amount that is equal to the combined revenues received by the City that are generated in Badger Mountain South that exceed the actual unreimbursed costs of providing general governmental services to Badger Mountain South. All revenue sources that could be used to pay for some of the annual costs listed in paragraph 15.4.2 shall be included in calculating the amount of reimbursement, including, but not limited to property taxes, utility taxes, sales taxes, lodging taxes (unless excluded by paragraph 16.1), state shared revenues as determined on a per capita basis, and such similar types of revenues. Provided, it shall not apply to fees that are generated to cover the costs of processing applications, fees for city services, and similar types of fees, unless the City has included the costs of those services in calculating the cost of providing general governmental services to Badger Mountain South. Nor Am shall receive fifty percent (50%) of the amounts received by the City that exceed the unreimbursed costs until such time as Nor Am has been fully reimbursed for the portion of reimbursable costs as defined in this paragraph.

15.3 If Nor Am receives monies pursuant to the provisions of paragraphs 14.3, 14.9 or 15.1 above that were for reimbursement of costs incurred for the improvements listed in paragraph 15.2, then that amount shall be deducted from the amount that it will be reimbursed under paragraph 15.2. If Nor Am has been fully reimbursed by the City by operation of the provisions of paragraph 15.2, then Nor Am shall assign to the City its right to reimbursement for any amounts it would be entitled to under paragraph 15.1 for the improvement covered by the provisions of paragraph 15.2. Any reimbursement paid to Nor Am shall be on principal only and not include interest. The City shall not be responsible for any reimbursement after the term of this agreement expires.

15.4 The formula used for determining City revenues, costs of service and reimbursements made to Nor Am shall be determined on a calendar year using the methodology set forth in paragraphs 15.4.1 and 15.4.2.

15.4.1 The "total annual revenue" shall equal the sum of the following:

- 1) Annual property taxes paid to the City from all parcels located within the boundaries of Badger Mountain South;
- 2) Utility taxes attached to the utility bills of all properties within Badger Mountain South;
- 3) The portion of sales tax that is paid to the City generated within Badger Mountain South as determined from the records of the Washington State Department of Revenue;
- 4) State shared revenues as determined on a per capita basis; and
- 5) All other revenues that could be used to pay for annual costs listed in paragraph 15.4.2, unless excluded by paragraph 16.1.
- 6) The cumulative total of items 1-5 shall be the total annual revenue.

15.4.2 Annual costs shall be determined as follows:

- 1) Adopted City budget figures for police services, fire and emergency services, library, park administration, recreation and library services minus the financing,

operational and maintenance cost in any of these budgets for facilities located in Badger Mountain South shall be divided by the total estimated City population to determine an annualized cost of service per resident. Population estimates published by the Washington State Office of Financial Management shall be used to determine total City population.

2) The annualized cost of service per resident is multiplied by 0.7 to determine the cost of service factor (CSF). In 2010 the CSF is approximately \$360.

3) The annual cost of providing City services to Badger Mountain South is determined by adding the products of each of the following cost of service calculations:

a) Total resident population of BMS multiplied by the CSF;
plus

b) Total number of acres within BMS that are undeveloped or in private open space multiplied by 0.1 multiplied by the CSF; plus

c) Total square feet of non-residential structures within BMS multiplied by 0.0013 multiplied by the CSF; plus

d) The actual costs of financing, operating and maintaining City facilities such as roads, parks, fire station, branch library or community facilities within BMS that are not included in a-c above.

4) The number of building permits issued by the City during the calendar year shall be used to establish the total number of residential units within Badger Mountain South for the first year the agreement is in place. Each subsequent year, the total number of housing units established during the previous year plus all building permit data for the current year will be added together to determine total number of housing units. The Washington State Office of Financial Management's published housing occupancy rates and persons per household, broken down by household type shall be used to determine an estimated population for Badger Mountain South. The annualized cost of service per resident will then be multiplied by 0.7 to determine the Cost of Service Factor (CSF) which is then used to estimate service costs for developed and undeveloped land in Badger Mountain South.

5) At the time that the City constructs or is granted actual facilities within Badger Mountain South, such as streets, public parks, fire station, branch library, or community facilities, the following estimate of cost for the maintenance and operation of the facility shall be used:

a) Annual wages and benefits for City staff and/or outside contractors used to operate and maintain the facility and not accounted for in 15.4.2 (3) shall be determined;

b) Any annualized debt service used to retire the City's debt incurred for the construction of the facility and capital expenditures directly associated with the facility shall be determined;

c) Utility costs to operate the facility shall be calculated;

d) Any other City costs that are directly related to the maintenance and operation of the facility

6) The total annual operating cost of all facilities within Badger Mountain South shall be added to the estimated cost of service. Provided that the annual cost of facility operation shall be used instead of and not in addition to the estimated costs of service established in item 3 above.

Annual costs shall be subtracted from total revenues resulting in total "excess revenues". Fifty percent of these "excess revenues" shall be reimbursed to Nor Am as set forth in Section 15.2 above.

16. **CITY'S CONTRIBUTION TO SPECIAL DISTRICT-SPECIALTY RETAIL IMPROVEMENTS.**

16.1 The Port of Kennewick is considering investing in the Specialty Retail District in Badger Mountain South in order to construct a world class pedestrian-oriented destination village, which will include numerous uses related to the agricultural products of the region, including wines and grapes (See LUDR, Exhibit C). It is also intended to include class rooms, meeting areas, hotel, restaurants, and other related uses, all centered around a common pedestrian corridor. The City is also desirous of investing funds to stimulate tourism and economic development. If the City invests lodging tax revenues in improvements to this district in order to stimulate tourism, then the amount of lodging taxes generated from Badger Mountain South shall not be used in the annual revenue calculation required by paragraph 15.2.

16.2 The parties intend to enter into further agreements regarding the preparation of a master site plan for the specialty retail area, and the design and construction of certain improvements within the specialty retail area, including a business incubator building, a public meeting area, and related public facilities. It is contemplated that that the agreement will be a three party agreement between the City, the Port of Kennewick, and Nor Am and will include an investment by all parties.

16.3 It is anticipated that the Master Site Plan will be completed by September, 2011, and construction will occur in 2012 and 2013.

17. **PUBLIC PARK CONVEYANCE, DEVELOPMENT AND IMPACT FEE CREDIT.**

17.1 The City, in accordance with its adopted standards, shall develop and maintain two public parks within Badger Mountain South; an approximately six acre park in the BMS South Orchard neighborhood and an approximately thirty acre park in the BMS West Village Neighborhood. The legal description for the South Orchard Park is set forth in Exhibit F attached hereto. The legal description for the West Village Park is set forth in Exhibit G attached hereto. The parties acknowledge that the final legal description may be adjusted, either before or after

conveyance to the City, in order to accommodate the as-built location of the adjoining roads. It is intended that the parks shall abut the adjoining public street right-of-way. However, it is agreed that in the field conditions at the time of street design and/or construction may necessitate the street to be moved to obtain the best location for the street, and thus the park boundary shall be adjusted accordingly, if necessary, as opposed to the street location being adjusted to accommodate the as-built location of the street.

17.2 The two park parcels each exceed five acres in size and thus are exempt from the City's subdivision requirements. The City will allow creation of the lots so that they can be conveyed to the City, and any City permit fees for such process shall be waived. The City shall not require the construction of any improvements as a condition of approving the creation of the two park parcels.

17.3 Ownership of the two park sites will be conveyed for park purposes to the City, subject to the provisions of paragraphs 17.1, 17.2, 17.4, 17.5, 17.6 and 17.9, when the site is created as a separate parcel as part of final plat or final binding site plan approval, or such other time as the parties may mutually agree. Nor Am shall receive credit toward park impact fees equal to \$0.5829 per square foot of land conveyed. To facilitate development of the park sites per paragraph 17.5 and 17.6 park fee credits to cover the cost of the property conveyance to the City shall not take effect until sufficient park impact fees have been collected to cover the cost of required City park improvements, if the City is constructing the park improvements. If Nor Am is required to construct the park improvement, as authorized by paragraph 17.10 below, then the park credits for the phase or phases constructed by Nor Am, including the park credits for the park land associated with the phase or phases constructed by Nor Am, shall be available for use at any time after the park improvements are constructed and accepted by the City.

17.4 The parties shall each be responsible for one half of the closing costs. The conveyance shall be by statutory warranty deed, subject to the conditions set forth in paragraph 17.1, 17.2, 17.4, 17.5, 17.6, and 17.9 below, which shall be included as part of the statutory warranty deed, or as a separate agreement to be recorded at closing.

17.5 The West Village Park will be developed in four phases; an initial phase ("Phase 1") to turf and irrigate ten acres; a second phase ("Phase 2") to complete full build-out of the ten acres included in Phase 1; a third phase ("Phase 3") to turf and irrigate the remaining acreage; and a final phase ("Phase 4") to complete full build-out of the West Village Park. Each phase of the West Village Park shall be developed by the City, or by Nor Am if required by operation of the provisions of paragraph 17.10 below, in accordance with the City's adopted standards for community parks. No later than 2016, the Council shall include the development of Phase I of the West Village Park in the City's Park Capital Facility Plan ("PCFP"). Each subsequent phase shall be added to the PCFP no later than the year in which building permits have been issued for 70 percent of the housing units required to trigger the development of the particular phase. The City may, but shall not be required to, delay commencement of the development of each phase until the trigger point number of building permits have been issued within the West Village, West Vineyard and/or East Garden neighborhoods for the respective phase. The trigger points for each phase are as follows: Phase 1 trigger point is 400 units; Phase 2 trigger point is 1,000 units; Phase 3 trigger point is 1,750 units, and Phase 4 is 2,750 units. Within 18 months of the issuance of the building

permit that triggers the applicable phase, the City shall complete the improvements required for the particular phase unless Nor Am has already been required to construct the improvements, as authorized by paragraph 17.10 below.

17.6 The South Orchard Park will be developed in two phases; an initial phase ("Phase 1") to turf and irrigate the site; and a final phase ("Phase 2") to complete full build-out of the park. Each phase of the South Orchard Park shall be developed by the City, or by Nor Am if agreed to by both parties, in accordance with the City's adopted standards for neighborhood parks. Each phase shall be added to the PCFP no later than the year in which building permits have been issued for 70 percent of the housing units required to trigger the development of the particular phase. The City may, but shall not be required to, delay commencement of the development of each phase until the trigger point number of building permits have been issued within the South Orchard Park and/or East Market Neighborhoods for the respective phase. The trigger points for each phase are as follows: Phase 1 trigger point is 250 units; Phase 2 trigger point is 750 units. Within 18 months of the issuance of the building permit that triggers the applicable phase, the City shall complete the improvements required for the particular phase, unless Nor Am has already been required to construct the improvements, as authorized by paragraph 17.10 below.

17.7 Nor Am shall construct a paved primary trail as part of, and in accordance with, the required green infrastructure improvements. This trail, once constructed to City standards, shall be conveyed to the City, and the City shall then be responsible for its ongoing operation and maintenance expense. Nor Am shall receive impact fee credit for the cost of the improvements constructed. The amount of the credit for the trail improvements shall be the construction costs.

17.8 Nor Am is already providing significant recreational opportunities as part of the green infrastructure being required by other provisions of the Master Agreement, thus no further public or private park improvements shall be required. However, the City and Nor Am may agree to additional public park improvements being made conditions of approval and for which Nor Am shall receive park impact fee credit. By agreement with the City, Nor Am may be permitted to improve portions of either West Village Park or South Orchard Park and in doing so shall be entitled to a credit against park impact fees equal to the documented value of the pre-approved improvements. The provisions of paragraph 17.3 notwithstanding, if Nor Am earns additional park impact fee credits for improvements it makes to the West Village Park, these credits may be used by Nor Am at any time to offset park impact fees for residential permits within the West Village, West Vineyard or East Garden neighborhoods. Likewise, additional park impact fee credits earned for Nor Am improvements to the South Orchard Park may be applied at any time to park fees for residential permits in the East Market or South Orchard neighborhoods.

17.9 Nor Am retains the right to continue the use of the surface of the park property conveyed to the City for agricultural or passive open space uses only. Said right to use the surface of each phase of a park site shall terminate 90 days prior to the time the City intends to commence construction of improvements it is required to make pursuant to the provisions of paragraphs 17.5 and 17.6. The City shall provide Nor Am notice of its intent to commence construction at least 180 days prior to the intended construction start date. Provided, however, if the City intends to commence the park improvements prior to the time it is required to make the improvements in

accordance with the provisions of paragraph 17.5 or 17.6, it shall provide notice to Nor Am no later than August 1 in the year preceding the year in which it intends to make the improvements. In that case the right to use the surface for agriculture shall terminate 90 days prior to the time the City intends to commence construction. Nor Am shall be responsible for payment of all utilities and any taxes or assessments on the park property at any time that it has the right to use the surface of the park site(s). Nor Am, at all times that it has the right to use the surface of a park property after the property has been conveyed to the City, shall maintain general risk liability insurance on the park property(ies) in an amount of not less than \$1,000,000.00 and shall name the City as an additional insured. The City reserves the right to access the park property(ies) after conveyance to the City, and to use the park property(ies) in any way not inconsistent with the use of the surface for agricultural purposes.

17.10 The above provisions of section 17 notwithstanding, the City may require Nor Am to develop one or more phases of one or both parks in accordance with the provisions set forth in this subsection.

17.10.1 At any time after the park property has been conveyed to the City, a public road has been or is being constructed to the park boundaries, and a trigger point set forth in paragraph 17.6 or 17.7 has been reached for one or more phases, the City may require that Nor Am construct park improvements on the Park. The City shall send Nor Am written notice of the City's intent to require Nor Am to construct park improvements. The notice shall indicate which phase or phases of the park the City is requiring Nor Am to construct. Since the Park properties will be in active agriculture or passive open space uses, the notice must be given no later than July 1 of the year prior to the year in which construction is to be commenced.

17.10.2 Once the required notice is given the Parties shall meet to discuss which improvements are required to be constructed by Nor Am. The improvements that can be required to be constructed are any of the improvements listed in Exhibit D, and the Park Impact Fee credits available for the construction of said improvements are also listed in Exhibit D. The Parties may agree that other improvements may be substituted for the Exhibit D improvements, and the appropriate impact fee credit to be given for the alternate improvements. Allowing alternate park improvements and the appropriate impact fee credit for the construction of the improvements, shall be an administrative decision that will be documented in a writing signed by both Parties.

18. **DEDICATIONS OF LAND AND IMPROVEMENTS WITHOUT COST TO CITY.**

18.1 Any dedications of land or other improvements required to be conveyed to the City to provide service to Badger Mountain South shall be without cost to the City, with appropriate credit, if any, toward applicable City fees and charges, as authorized by City code, state law or the Master Agreement. The land required to be conveyed to the City are the street right-of-ways within Badger Mountain South at the time the streets are constructed, utility easements for City utilities within Badger Mountain South at the time the utility easements are needed for City utilities, a two-acre site for a new fire station facility (Exhibit B, section 8.3), and two-acre site for a new electrical substation (Exhibit B, section 9.1), and two City parks (Section 17 above.)

19. **TRANSPORTATION IMPROVEMENTS TO BE CONSTRUCTED.**

19.1 Nor Am shall be responsible for the construction of all street improvements within Badger Mountain South, and the offsite improvements identified in Exhibit B that are attributable to impacts created by development within Badger Mountain South. In addition, Nor Am shall pay its pro-rata share of other offsite improvements as identified by the transportation impact analyses required during the build out of Badger Mountain South, as set forth in Exhibit B paragraph 5.3. No other transportation improvements shall be required, unless triggered by the operation of paragraph 6.3.

19.2 The provisions of 19.1 notwithstanding, the City may form local improvement districts that include land inside and outside of Badger Mountain South for the construction of improvements, including those that would otherwise be required to be funded by Nor Am.

19.3 The Council shall place the arterial roads within Badger Mountain South on its transportation improvement plan. The provisions of 19.1 notwithstanding, the City may, but is not obligated to, seek grants or other sources of funding to pay for all or a portion of improvements to be dedicated to the City.

19.4 The timing for the construction of transportation improvements is set forth in Exhibit B. The City and Nor Am may agree to change the timing of construction of road improvements if deemed to be in the public interest.

20. **MAINTENANCE OF COMMUNITY FACILITIES AND OPEN SPACES.**

20.1 Until such time as the homeowner's associations or other community entities are legally established and have sufficient revenues to take over ongoing maintenance, Nor Am shall be responsible for all community facilities and properties which are intended for community use and are not the specific responsibility of others. The determination of whether or not there are sufficient revenues to justify the release of Nor Am from this condition as to any area within Badger Mountain South, shall be determined by the City based upon Nor Am's provision of a breakdown of the anticipated annual maintenance costs, and evidence that assessments have been legally imposed upon property pursuant to recorded covenants, conditions and restrictions ("CC&Rs") that shall provide for the generation of an annual revenue stream of at least 110% of the anticipated maintenance costs to a legally established homeowner's association or other community entity. Following City approval, Nor Am shall be released from this responsibility as to the area for which the association or other community entity has been created and sufficient assessments imposed.

20.2 As part of any subdivision, short plat, or site plan approval in which CC&Rs are to be created and recorded against the property, the City may require that the City shall have the right, but not the responsibility, to enforce provisions requiring the maintenance of green infrastructure improvements that are to be maintained by the homeowner's associations or other community entities. This provision shall allow for the City's costs associated therewith to be charged as an assessment against the properties for which the homeowner's association was created and

foreclosed in the same manner as the CC&Rs allow for delinquent homeowner's association assessments.

21. **SUMMARY OF CREDITS, OFFSETS, AND OBLIGATIONS.**

21.1 Attached as Exhibit H is a summary of the credits, offsets, and obligations of Nor Am and the City that are set forth in the Master Agreement. This summary is to aid in the administration of the Master Agreement and is not intended to create, substitute for, or alter any condition of the Master Agreement, which shall control.

22. **AMENDMENTS.**

22.1 The Master Agreement may be modified, including termination of the Agreement or any part thereof, at any time, but only by the Parties by written agreement. Provided, if the amendment involves property not owned by Nor Am, the consent of the property owner whose property is directly affected by the proposed modification must be provided with notice and an opportunity to participate in the amendment process. If a particular process is called out in the agreement relative to modifying or terminating the Master Agreement, such as in case of a serious threat to public health and safety as set forth in paragraph 6.3, then that process shall be followed.

22.2 In considering an application to be processed in accordance with the LUDR provisions, the responsible city official may agree to minor changes to the concept plan, site plan or subdivision approval consistent with the LUDR and provisions of this Agreement, but all changes to the Master Agreement must be approved by the City Council. A minor change is a change that does not involve a change of use, a major change in the vehicular circulation system, an increase in density or relocation of density patterns, a reduction in open space, a change in the exterior boundaries, an increase in building height, or a change that would be inconsistent with the Master Agreement or LUDR. The minor amendment process shall be the administrative process used by the City in processing minor amendments under its Planned Unit Development code (RMC 23.50.070).

22.3 Any variance or administrative approval process authorized by the LUDR shall follow the City's process set forth in the Richland Municipal Code for variance and other administrative approvals.

22.4 Any amendments to the development regulations in the LUDR or the required green infrastructure improvements set forth in Exhibit D, shall follow the development regulation amendment process set forth in RMC chapter 19.90.

23. **CONSISTENCY DETERMINATION REQUIRED FOR ALL DEVELOPMENT APPROVALS.**

23.1 All development approvals for any site plan, short plat, subdivision, binding site plan or building permit that are not categorically exempt from environmental review under the City Code, shall include a Planned Action Consistency Determination ("PACD"). The PACD

shall contain the information set forth in paragraph 9.3 above. The conditions of the PACD shall be included as conditions of approval for the underlying application.

23.2 All development approvals for any site plan, short plat, subdivision, binding site plan, or building permit shall include a Master Agreement Consistency Determination ("MACD"). The MACD will be issued by the Planning Manager after review by the BMS Master Agreement Administrator (See paragraph 23.3).

23.3 No MACD shall be issued until Nor Am has had 10 business days to review the application in order to provide the City with a recommendation on the draft MACD that indicates how the application is in compliance with the Master Agreement in general, and the LUDR in particular, and any recommended changes that need to be made in order to make the application consistent with the LUDR and the Master Agreement. More detailed discussion of the MACD is set forth in LUDR section 1.H. The LUDR refers to the Badger Mountain South Master Agreement Administrator ("MAA"). Until Nor Am delegates its authority in accordance with paragraph 24.3 below, all references to the MAA shall be construed to mean the Nor Am representative identified in paragraph 24.2. If Nor Am does not respond to the MACD application within 10 days, the City is authorized, but not required, to make a decision on the MACD without Nor Am's input.

23.4 In order to expedite the review process, the applicant may seek a pre-submittal meeting with the MPAC to obtain a draft MACD prior to submitting its application to the City. If the applicant submits the draft MACD from the MAA with its application, then the 10-day review period set forth in paragraph 22.3 shall not apply.

23.5 If the MACD finds that the application is consistent with the Master Agreement and the LUDR, then the application shall not be modified without first obtaining a new MACD, after review by the MAA in accordance with the provisions of paragraphs 22.3 and 22.4.

23.6 If the MACD finds that the application is not consistent with the Master Agreement and the LUDR, then the MACD shall set forth the added conditions that are necessary in order for the application to be consistent with the MACD and the LUDR. Those conditions shall be required conditions of approval for the underlying application. The application shall not then be modified without first obtaining a new MACD, after review by the MPAC in accordance with the provisions of paragraphs 22.3 and 22.4.

23.7 If the Planning Manager finds that the application cannot be sufficiently conditioned to make it consistent with the Master Agreement and the LUDR, then the application shall be denied.

24. **DESIGNATED REPRESENTATIVE FOR EACH PARTY.**

24.1 Representative of City. Rick Simon, as the Environmental Official and Planning Manager for the City of Richland shall be the designated person with overall responsibility in connection administering the Master Agreement on behalf of the City.

24.2 Representative of Nor Am. Lawrence J. White shall be the designated person for Nor Am Investment, LLC with overall responsibility in connection with administering the Master Agreement on behalf of Nor Am. The Nor Am representative for this purpose shall be referred to as the “Badger Mountain South Master Agreement Administrator (“MAA”).”

24.3 Nor Am shall be responsible for funding the MAA position and having the Administrator be a person that has an in depth knowledge of the Master Agreement, the related documents, and the City’s processes and procedures related thereto. Nor Am may be released from the obligation to fund the MAA in the same method and manner that it is released from its obligation to provide for ongoing maintenance as set forth in paragraph 20.1, or if the obligation is assumed by another entity that, in the City’s reasonable discretion, is determined to have sufficient revenues to fund.

25. **DUTIES OF THE BMS MASTER AGREEMENT ADMINISTRATOR AND CITY AUTHORITY TO ENSURE COORDINATED DEVELOPMENT OF REQUIRED INFRASTRUCTURE.**

25.1 The designated representatives identified in Paragraph 24 shall meet on a regular basis, but no less than quarterly to discuss; 1) the development of Badger Mountain South; 2) the order of construction, timing and funding for necessary improvements; 3) the preparation and implementation of other agreements necessary to carry out the intent and purpose of the Master Agreement; 4) the anticipated sale of development sites within the Badger Mountain South; 5) anticipated timing for submittal of development permit applications within the succeeding 6 month period; 5) such other matters as are deemed by other party to be matters that need to be discussed in order to assist in the timely and orderly development of Badger Mountain South the position. The City reserves the right to approve any change in the BMS Master Agreement Administrator and said approval shall not be unreasonably withheld.

25.2 The BMS Master Agreement Administrator will be responsible for coordinating the activities of private developers within Badger Mountain South to insure compliance with the LUDR, orderly extension of infrastructure, development of required improvements and planning for future mitigation measures.

25.3 The orderly extension of infrastructure and coordinated payment for, and construction of, required mitigation, including, without limitation, mitigation identified in this Master Agreement and Exhibit B are of primary concern to the City. As part of the Master Plan Consistency Determination described in Paragraph 23, the City, shall consult with the Master Agreement Administrator, and the applicant in determining the appropriate share of infrastructure and mitigation costs that shall be borne by the proposed development and how that development’s share of infrastructure and mitigation relates to the overall infrastructure and mitigation that is required for buildout of Badger Mountain South.

25.4 It is intended by the parties that the infrastructure improvements will be timely implemented as part of the City’s already established permitting process. The parties will, as part of their regular consultation process, review the progress of this approach and if appropriate to keep the development progress proceeding in an orderly manner, adopt other infrastructure or

mitigation funding mechanisms. The parties agree however, that infrastructure improvements that are necessary to mitigate the impacts of any development shall be installed so that the mitigation measure has been constructed before the impact occurs. If required infrastructure or mitigation measures are not sufficiently funded through the mechanisms established this Master Agreement, the City shall have the right to adopt infrastructure or mitigation funding mechanisms, including but not limited to Badger Mountain South-specific per unit fees, impact fees, or local improvement districts, to ensure the orderly extension of infrastructure and construction of required mitigation within Badger Mountain South.

26. **NOTICES.**

26.1 Any notice or communication required by this Agreement between the City and Nor Am must be in writing, and may be given either personally, electronically with evidence or receipt, or by express delivery service, return receipt requested. If given personally, or by registered or certified mail, such notice or communication shall be deemed to have been given and received upon actual receipt. If delivery is made electronically, either by e-mail or facsimile transmission, a notice shall be deemed to have been given when delivered to the party to who it is addressed, and there is electronic confirmation that it was received. Such notices or communications shall be given to the Parties at their addresses set forth below:

To: Nor Am Investment, LLC

Lawrence J. White
12513 Avenue DuBois
Lakewood, WA 98498
Facsimile: (253) 582-3652
Email: LJWhiteMD@aol.com

With a copy to:

Loren D. Combs
VSI Law Group, PLLC
3600 Port of Tacoma Road, Suite 311
Tacoma, WA 98424
Facsimile: (253) 922-5848
Email: ldc@vsilawgroup.com

To: City of Richland

Cindy Reents
City Manager
City of Richland
505 Swift Blvd.
Richland, WA 99352
Facsimile: (509) 942-7379
Email: creents@ci.richland.wa.us

With a copy to:

Heather Kintzley
City Attorney
City of Richland
505 Swift Blvd.
Richland, WA 99352

Facsimile: (509) 942-7689
Email: hkintzley@ci.richland.wa.us

With a copy to:

Rick Simon
Development Services Manager
City of Richland
840 Northgate Drive
Richland, WA 99352
Facsimile: (509) 942-7764
Email: rsimon@ci.richland.wa.us

26.2 Either party, by giving 10 days notice, may at any time change its contact information by sending its new contact information to the other party in the same manner as is provided for sending the other party notice under the provisions of paragraph 24.1.

27. **BINDING EFFECT; ASSIGNABILITY.**

27.1 This Master Agreement shall bind and inure to the benefit of the Parties hereto; their heirs, successors, and assigns; and all future owners of Badger Mountain properties.

27.2 The City reserves the right to approve the assignment to any third parties of the personal obligations of Nor Am set forth in Paragraph 27.4 of this Master Agreement, with such approval not to be unreasonably withheld.

27.3 This Master Agreement shall run with the land and shall be binding on the Parties hereto; their heirs, successors, and assigns; and all future owners of Badger Mountain properties. All future development shall be consistent with the LUDR.

27.4 The obligations set forth herein shall not be personal obligations, but shall be obligations and commitments running with the land, except for the City's financial commitments, obligations and benefits under Section 14 and 15 and Nor Am's financial commitments, obligations and benefits under Sections 13, 14, 15, 17, 20 and 24.

27.5 Unless otherwise agreed to by the City, the sale of property within Badger Mountain South shall not relieve Nor Am of any of its obligation under 27.4 above.

28. **NO THIRD PARTY BENEFICIARIES.**

28.1 This Agreement is between Nor Am and the City. This Agreement is not intended to, and shall not be construed as benefitting third-parties.

28.2 Unless otherwise specified in this Agreement, neither the City or Nor Am shall be obligated to construct or extend construct utility or transportation infrastructure within Badger Mountain for the benefit of any particular future development.

29. **REPRESENTATIONS AND WARRANTIES**

Each signatory to this Agreement represents and warrants that he or she has full power and authority to execute and deliver this Agreement on behalf of the Party for which he or she is signing, and that he or she shall defend and hold harmless the other Parties and signatories from any claim that he or she was not fully authorized to execute this Agreement on behalf of the person or entity for whom he or she signed. Upon proper execution and delivery, this Agreement shall have been duly entered into by the Parties, shall constitute as against each Party a valid, legal and binding obligation that shall run with the land, and shall be enforceable against each Party in accordance with the terms herein.

30. **DEFENSE OF AGREEMENT AND WAIVER OF CLAIMS.**

30.1 Upon the City's request, Nor Am agrees to defend, at its expense, and with its choice of legal counsel, the City relative to any challenge to the validity of any provision of the Master Agreement and any attachments thereto. Notwithstanding the foregoing, the City would remain responsible for defending actions brought by third-parties arising from the City's application of the Master Agreement to a particular development application.

30.2 Nor Am acknowledges that it has done a thorough feasibility analysis of the development model that it has proposed and acknowledges that the City does not make any guarantees or warranties, express or implied with regards to the suitability for development of the Badger Mountain South property or the financial viability of the development that would occur pursuant to the Master Agreement. NorAm is relying on their own analysis of the market conditions and availability of infrastructure at an affordable cost and agrees that it will not bring a claim against the City if its economic expectations are not realized.

31. **EXHIBITS.**

31.1 The following are the Exhibits that are a part of the Master Agreement and are incorporated herein by reference:

Exhibit A	Legal Description for Badger Mountain South
Exhibit B	Environmental Mitigation Conditions
Exhibit C	Land Use Development Regulations (LUDR)
Exhibit D	Green Infrastructure
Exhibit E	Wine Village Conceptual Drawing
Exhibit F	Legal Description for South Orchard Park
Exhibit G	Legal Description for West Village Park
Exhibit H	Summary of Credits, Offsets, and Obligations
Exhibit I	Draft Memorandum of Agreement for recording

32. **NO PRESUMPTION OF DRAFTSMANSHIP BY EITHER PARTY.**

32.1 The Master Agreement has been reviewed and revised by both parties and has been the subject of public hearings. No presumption or rule construing ambiguity against the drafter of the document shall apply to the interpretation or enforcement of the Master Agreement.

33. **CAPTIONS.**

33.1 The captions are for ease of reference and are not considered substantive provisions of the Master Agreement, nor shall they be given any weight in determining the interpretation of any provision of the Master Agreement

34. **SEVERABILITY.**

34.1 If any provision of the Master Agreement is determined to be unenforceable or invalid pursuant to a final decree or judgment by a court of law with jurisdiction, then the remainder of this Agreement not decreed or adjudged unenforceable or invalid shall remain unaffected and in full force and effect, subject to the provisions of paragraph 27.2.

34.2 If any provision or provisions of the Master Agreement are determined to be unenforceable, then the Parties agree to negotiate in good faith a substitute provision or provisions that would accomplish the intent and purpose of the invalid provision in a method and manner that would be legal.

34.3 In the event of any administrative, legal or equitable action or other proceeding instituted by any person not a party to this Agreement challenging the validity of any provision of the this Agreement, or any subsequent action taken by the parties to implement the Master Agreement conditions, the Parties shall cooperate in defending such action or proceeding to settlement or final judgment, including all appeals. Each Party shall select its own legal counsel, subject to the provisions of paragraph 27.4.

35. **AGREEMENT TO BE RECORDED.**

35.1 The parties shall sign the Memorandum of Agreement attached as Exhibit I and record it against the real property legally described in Exhibit A, as well as against each of the tax parcels within Bader Mountain South that exist on the Master Agreement Commencement Date. Nor Am shall pay the costs of recording.

36. **JURISDICTION AND VENUE.**

36.1 The Master Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is agreed by each party that the Master Agreement

shall be governed by the laws of the State of Washington both as to interpretation and performance. Any action at law, suit in equity or judicial proceeding for the enforcement of this Master Agreement or any provisions thereof shall be instituted and maintained only in any of the courts of competent jurisdiction in Benton County, Washington.

37. **COOPERATION IN EXECUTION OF DOCUMENTS.**

37.1 The Parties agree to properly and promptly execute and deliver any and all additional documents that may be necessary to render this Master Agreement practically effective. This paragraph shall not require the execution of any document that expands, alters or in any way changes the terms of this Master Agreement.

38. **FINAL AND COMPLETE AGREEMENT.**

38.1 This Master Agreement constitutes the final and complete expression of the Parties on all subjects relating to the development of the Badger Mountain South development. This Master Agreement may not be modified, interpreted, amended, waived or revoked orally, but only by a writing signed by all Parties. This Master Agreement supersedes and replaces all prior agreements, discussions and representations on all subjects discussed herein, without limitation. No Party is entering into this Master Agreement in reliance on any oral or written promises, inducements, representations, understandings, interpretations or agreements other than those contained in this Master Agreement and the exhibits hereto.

CITY OF RICHLAND:

NOR AM INVESTMENT, LLC

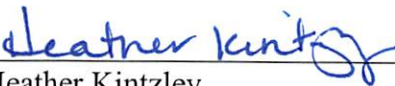
By: 
Cindy Reents, ICMA-CM
Its: City Manager

By: 
Lawrence J. White
Its: Manager

ATTEST:

By: 
 Marcia Hopkins
City Clerk

APPROVED AS TO FORM:

By: 
Heather Kintzley
Its: City Attorney

**EXHIBIT A
TO
MASTER AGREEMENT
LEGAL DESCRIPTION FOR BADGER MOUNTAIN SOUTH**

Parcel "A":

The East half of the East half of Section 31, Township 9 North, Range 28 East, W.M., Benton County, Washington;
EXCEPT that portion described as follows:

The Southwest corner of the Southeast quarter of the Southeast quarter being the True Point of Beginning;

Thence East along the South line thereof 360.00 feet;

Thence Northwesterly in a straight line to a point on the West line of said Southeast quarter of the Southeast quarter, a distance of 360.00 feet North of the Southwest corner thereof;

Thence Southerly along said West line 360.00 feet to the True Point of Beginning;

AND EXCEPT that portion thereof lying Southerly and Westerly of the State Highway right-of-way.

AND EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded October 10, 1968, under Auditor's File No. 595151, records of Benton County, Washington;

AND EXCEPT State Highway right-of-ways;

AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778, 92-16779, 93-1864, and 93-1871.

Parcel "B":

All of Section 32, Township 9 North, Range 28 East, W.M., Benton County Washington;

EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded October 10, 1968, under Auditor's File No. 595151, records of Benton County, Washington;

AND EXCEPT that portion thereof lying Southerly and Westerly of the State Highway right-of-way.

AND EXCEPT State Highway right-of-ways;

AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778 and 92-16779;

AND ALSO EXCEPT any portion lying within Short Plat 2465.

Parcel "C":

Section 33, Township 9 North, Range 28 East, W.M., Benton county, Washington, EXCEPT that portion thereof lying Northerly and Easterly of the following described line:

Beginning at the Northwest corner of said section;
Thence South 02°34'20" West, 1330.20 feet along the West line of said section to the True Point of Beginning;
thence South 77°57'14" East, 2389.11 feet;
thence South 83°23'24" East, 1450.14 feet;
thence South 48°00'49" East, 1013.41 feet;
thence South 28°44'51" East, 566.24 feet;
thence North 88°55'28" East, 380.42 feet to the East line of said section and the terminus of said line, said point bears South 00°45'19" West, 3237.80 feet from the Northeast corner of said section.

(Also known as Tract 4 of Survey recorded August 31, 1998, under Recording No. 1998-025706, records of Benton County, Washington.)

EXCEPT State Highway right-of-way;
AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

Parcel "D":

Section 4, Township 8 North, Range 28 East, W.M., Benton County, Washington,
EXCEPT that portion lying within the plat of EL RANCHO REATA NO. 3, according to the Plat thereof recorded in Volume 12 of Plats, Page 42, records of Benton County, Washington,
ALSO EXCEPT State highway right-of-way conveyed under Recording No. 870597, records of Benton County, Washington;
AND EXCEPT that portion lying southerly of the Reata Road right of way
AND EXCEPT that portion lying within the Plat of REATA RIDGE
AND EXCEPT the South 420 feet of the Southeast quarter thereof;
AND ALSO EXCEPT that portion conveyed to Benton County by deed recorded May 1, 2007, under Auditor's File No. 2007-013594, records of Benton County, Washington.

Parcel "E":

That portion of Section 29, Township 9 North, Range 28 East, W.M., Benton County, Washington, lying Southerly and Westerly of the following described line:

Beginning at the Southwest corner of said Section 29;
Thence South 89°23'44" East 1154.11 feet along the South line of said Section to the True Point of Beginning;
Thence North 00°38'28" West, 310.56 feet;
Thence South 89°21'30" West, 1103.84 feet to the East line of Dallas Road and the terminus of said line.
EXCEPT the West 40 feet for County Road right-of-way;
AND EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded February 13, 1979, under Auditor's File No. 783437, records of Benton County, Washington;
AND EXCEPT State Highway right-of-way;
AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778 and 92-16779;
AND ALSO EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00889-6;

EXHIBIT B
To
MASTER AGREEMENT
ENVIRONMENTAL MITIGATION CONDITIONS

1. To mitigate potential **Erosion and Soil Stability** impacts during construction:
 - 1.1 Implement erosion control measures per City of Richland requirements.
Provide vegetative cover on exposed soils as soon as practicable following clearing and grading.
 - 1.2 Water exposed areas during construction in accordance with local air-quality agency requirements.
 - 1.3 Compact soils at densities appropriate for planned land uses.
2. To mitigate **Air Quality** impacts during construction, develop a dust control plan prior to construction and comply with applicable Benton County Clean Air Authority's Fugitive Dust standards.
3. To mitigate **Surface Water** impacts, use the Washington State Department of Ecology's Stormwater Management Manual for Eastern Washington for Hydrologic and Hydrology design. All stormwater improvements are identified, sized and related to development activity in identified basins. A treatment BMP shall be used for each entire pond basin or individual BMPs shall be used on a project by project basis.
4. To mitigate **Noise** impacts from construction, comply with existing city noise regulations.
5. To mitigate **Transportation** impacts the following mitigation measures will be taken:
 - 5.1 Traffic mitigation measures for the first 1000 PM peak hour trips is as follows (for transportation impact purposes this is known as Phase 1):
 - 5.1.1 Dallas Road
Phase 1 of the Badger Mountain Subarea is expected to add roughly 900 trips to Dallas Road just north of the I-82 ramps during the PM peak hour, and over 9,400 daily trips. While Dallas is currently a high speed, low-volume road with significant excess capacity, the additional volumes would require the roadway to be widened to a four-lane cross section between the site and the I-82 WB ramp intersection. Dallas Road north of the site should be adequate as a two-lane section.

Mitigation Trigger:
Lanes will be added when Dallas Road intersections require them due to LOS deficiencies. Further analysis will occur at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter.
 - 5.1.2 Dallas Road and Project Access
While the access configurations are not known at this time, some preliminary analysis indicates that a major project access could require dual left turn lanes for the westbound approach. Dallas Road would require left turn lanes at project entrances, and right turn lanes would be advisable.

Mitigation Trigger:

Further analysis will occur at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter. Specific site improvements will occur to meet the City of Richland's adopted LOS.

5.1.3 Dallas Road and I-82 EB Ramps

This intersection would see heavy delays for the left turn from the off ramp onto Dallas Road. MUTCD Warrant 3 is met for the PM peak hour. Recommended mitigation for this intersection is widening on Dallas Road for a left turn lane for the southbound to eastbound turn onto the on ramp. In addition, the eastbound off-ramp approach should be widened for a separate left turn lane. Finally, the intersection should be signalized.

Mitigation Trigger:

Turn lane improvements shall be made when at the 600 p.m. peak trip level and the traffic signal shall be installed at the 750 p.m. peak trip level.

5.1.4 Dallas Road and I-82 WB Ramps

While this intersection would meet MUTCD Warrant 3 for the PM peak hour, delays at this location would not be as severe as at the I-82 EB ramp intersection. Recommended improvements include a free right turn lane for the I-82 WB off ramp approach (this movement becoming the additional travel lane required on Dallas between I-82 and the project as listed above), and a free right turn drop lane for the turn from Dallas onto the NB on ramp. Finally, the eastbound Dallas approach should be widened for a left turn lane for the eastbound left turn onto the on ramp. This would be a continuation of the left turn lane widening for the EB ramp intersection (continuous 3-lane section for Dallas between the two ramp intersections, assuming adequate space is available under the I-82 overpass). This intersection should be monitored for signal warrants as the project develops.

Mitigation Trigger:

Improvements shall be constructed when at the 600 p.m. peak trip level. Further analysis of traffic signal warrants will occur at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter.

5.1.5 Dallas Road and Badger Mountain Parkway

At the start of Phase 1, this intersection should have additional left turn lanes and right turn pockets on Dallas Road. The intersection could operate adequately with stop control for Badger Mountain Parkway at roughly up to 60% of Phase 1 volumes, or 7.5% of full build out. At higher volumes, a signal should be considered to mitigate delays. At full build out this intersection should be widened with separate lanes for all turning movements, and dual left turn lanes for the westbound approach.

Mitigation Trigger:

At the start of Phase 1, this intersection should have additional left turn lanes and right turn pockets. The intersection could operate adequately with stop control for Badger Mountain Parkway at up to the 600 p.m. peak trip level. At that level of development, a traffic signal shall be constructed. At full build out this intersection should be widened with separate lanes for all turning movements, and dual left turn lanes for the westbound approach. Further analysis will occur at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter.

5.1.6 Queensgate Drive & I-182 EB Ramps

This intersection should perform adequately with project traffic assuming WSDOT improvements are in place.

5.1.7 Leslie Road & Badger Road

This intersection is to be reconstructed from its current all-way stop configuration to a roundabout, as listed in the City of Richland TIP. Performance at this intersection is expected to be adequate at LOS B.

5.2 Transportation Mitigation beyond Phase 1 of Badger Mountain South

Analysis of on-site mitigation improvements will be tied to each new 500 peak p.m. trips generated within in Badger Mountain South and as follows:

5.2.1 Badger Mountain Parkway

Badger Mountain Parkway will be completed at a rate that will cause full completion to occur on or before 50% development of the entire Badger Mountain South site, i.e., 10% of site development will trigger 20% of parkway to be completed.

5.2.2 Market Street

Market Street will be completed on or before 50% build out of the East Market neighborhood.

5.2.3 Orchard Green Parkway

Orchard Green Parkway will be completed on or before 50% build out of the South Orchard neighborhood.

5.2.4 Local and Collector Streets

Improvements within Badger Mountain South will be made on a project-specific basis to serve the project and foster connectivity within and among neighborhoods, using the road standards identified in the LUDR and providing two avenues of access to each residential structure.

5.3 For off-site improvements beyond Phase 1:

After the Phase 1 threshold has been reached, and the Phase 1 improvements constructed, a Traffic Impact Analysis (TIA) will be provided to the city by the master developer at every point when 500 p.m. peak hour trips are generated from the Badger Mountain South development. The analysis shall be made using the city's traffic impact formulas for general applicability throughout the city that are in effect at the time the need for the TIA is triggered. The master developer will pay its fair share of improvements that are identified in the TIA as being needed to mitigate the effects of the additional 500 p.m. peak hour trips. The fair share payment shall be paid within 30 days after the city's acceptance of the TIA.

6. To mitigate **Potable Water** impacts the following mitigation measures will be taken:

6.1 Service to Badger Mountain South will require both on-site and off-site water system improvements.

6.2 A list of all of the proposed improvements is as follows:

- Approximately 1.0 Million gallons of water storage facilities located on the west side of Badger Mountain

New Tapteal 4 Pump Station located near the west end of the existing City distribution system.

Approximately 1.0 Million gallons of water storage facilities located on the east side of Badger Mountain

- New Tapteal 4 Pump Station located near the end of Meadow Hills Drive
- Two wholesale water distribution connections from the City's water system to the BMID distribution system.
- Approximately 2,300 lineal feet of 20" water mains, 600 feet of which is within Badger Mountain South and 1,700 feet off-site.
- Approximately 40,700 lineal feet of 16" water mains, of which 25,000 lineal feet is within Badger Mountain South, 10,500 feet is off site but intended to serve Badger Mountain South, and 5,200 feet is off site and principally intended to serve the Wilson properties, as identified in the BMS SubArea Plan.
- Approximately 39,300 lineal feet of 12" water mains, of which 23,000 lineal feet is within Badger Mountain South, 5,500 feet is off site but intended to serve Badger Mountain South, and 10,800 feet is off site and principally intended to serve the Wilson properties, as identified in the BMS SubArea Plan.
- Approximately 6 Pressure Reducing Valves (PRV's) to maintain separation between BMID Zone 1 and BMID Zone 3.

Upstream improvements to the pumps and pipes in Tapteal 1, 2 and 3 as identified in the City's water model.

6.3 Improvements will be constructed in phases as development progresses. All proposed improvements will be designed and constructed in accordance with the City of Richland standards.

6.4 Additional techniques will be used to reduce water consumption overall in the development of the Badger Mountain South master planned community. First, incorporating the use of xeriscaping techniques including the use of native and other drought tolerant plants that have adapted to dry conditions and require less water once established. Second, residential and commercial structures will include low-flow and water-efficient appliances. Developers of commercial structures will be encouraged to consider the use of "green roofs" or "cool roofs" on their buildings. All private homeowners associations will be provided education materials for their membership that identifies household water conservation methods.

7. To mitigate **Sanitary Sewer** impacts the following mitigation measures will be taken: The Badger Mountain South development will require 10 different capital improvements to mitigate the impacts to the City of Richland's current sewer system. The need for these improvements is triggered by the addition of new customers to the sewer system. Each project as identified below is triggered by a different number of equivalent residential units (ERU's). One ERU is defined as 200 gallons per day. Capital improvement projects were identified for

all offsite improvements and for all on-site improvements resulting in a sewer pipe diameter of 10" or larger. Following are the capital improvements:

7.1 On-site improvements include 3,000 lineal feet of new 15" sewer that conveys flows from the West Vineyard and West Village Basins to the Badger West Lift Station. Off-site improvements include 15,000 lineal feet of new 10" forcemain (or equivalent) to convey flows from the Badger West Lift Station to the west end of Strawberry Roane Lane in the Country Ridge Subdivision. The need for this project is triggered by development in the Badger West Basin.

7.2 On-site improvements include the Badger East Lift Station, approximately 6,900 lineal feet of 8" forcemain (or equivalent), and 4,200 lineal feet of new 10", 15", and 18" sewers. The need for this project is triggered by development in the Badger East Basin.

7.3 On-site improvements include 2,600 lineal feet of new 10" sewer and 1,900 lineal feet of new 12" sewer that convey flows from Wilson/Other Basin A, East Garden Basin, East Market Basin, and South Orchard Basin towards the Badger East Lift Station. The need for this project is triggered by development within tributary basins.

7.4 On-site improvements include 3,300 lineal feet of new 10" sewer that conveys flows from Wilson/Other Basin A towards the Badger East Lift Station. The need for this project is triggered by development within the Wilson Basin A.

7.5 Off-site improvements include 3,000 lineal feet of new 8" sewers to serve the Wilson/Other Basin B. The need for this project is triggered by development within Wilson Basin B.

7.6 Off-site improvements include the upsizing of 2,450 lineal feet of existing 8" sewers to 12", 18", and 21" sewers. The need for this project is triggered by the construction of 1,100 ERU's within the Badger Mountain Subarea.

7.7 Off-site improvements include the upsizing of 1,850 lineal feet of existing 8" sewers to 15", 18", and 21" sewers. The need for this project is triggered by the construction of 1,700ERU's within the Badger Mountain Subarea.

7.8 Off-site improvements include the upsizing of 3,600 lineal feet of existing 12" sewers to 15", 18", 21", and 24" sewers. The need for this project is triggered by the construction of 2,000 ERU's within the Badger Mountain Subarea.

7.9 Off-site improvements include the upsizing of 3,700 lineal feet of existing 8" sewers to 12", 15", 18", & 21" sewers. The need for this project is triggered by the construction of 2,100 ERU's within the Badger Mountain Subarea.

7.10 Off-site improvements include the upsizing of 1,000 lineal feet of existing 15" and 21" sewers to 18", 24", & 27" sewers. The need for this project is triggered by the construction of 7,4 ERU's within the Badger Mountain Subarea.

8. To mitigate **Life Safety Services** impacts the following mitigation measures will be taken:

8.1 Two avenues of access will be provided to each residential structure to allow life-safety access.

8.2 All single family and duplex residential structures shall be constructed with a sprinkler system that meets NFPA standard 13-D.

8.3 A two-acre site for a new fire station facility will be dedicated in Badger Mountain South upon the city's determination that a new fire facility is needed.

9. To mitigate **Electrical Services** impacts the following mitigation measures will be taken:

9.1 A site up to two-acres in size and located in the northwest corner of Badger Mountain South, and adjacent to I-82, will be dedicated upon the city's determination that a new substation facility is needed.

9.2 Additional energy conservation measures are required for all development including:

- Achieve Energy Star certification applicable for the year of construction.
- Include passive and/or active means of allowing for both solar gain where used for passive solar heating as well as shading protection from unwanted solar gain.
- Include building space, conduits and roof support for future addition of solar hot water and PV systems on every building.
- Meet ANSI/ASHRAE/IESNA standards for all exterior lighting (Dark Sky Standards).
- Within residential structures, reduce energy demand for domestic hot water through the installation of either a solar hot water system or an on-demand hot water system.

10. To mitigate **Carbon Footprint** impacts the following mitigation measures will be taken:

10.1 Create development densities that support transit, walking and bicycling to reduce VMT and direct and indirect emissions from reduced parking facilities.

10.2 Develop with compact building design and mixed uses to reduce onsite fuel combustion emissions and purchased electricity consumption.

10.3 Require the planting of new street trees, establishing new greenways, and require solar-readiness in all development to reduce onsite fuel combustion emissions and purchased electricity plus enhance carbon sink.

10.4 Require the use of water conserving fixtures that exceed building code requirements and use drought-tolerant landscaping to reduce water consumption.

10.5 Require the use of low-VOC paints and building materials in all development to reduce fugitive emissions and indirect emissions.

10.6 Develop as a walkable and sustainable community in order to reduce sprawl and direct and indirect VMT.

11. To mitigate **School** impacts the following mitigation measures will be taken:

11.1 The school sites identified in the LUDR land use map as school sites and that are currently within the Richland School District, are intended to be used for the construction of two elementary schools and a middle school. By making these sites available for acquisition for the construction and operation of schools for the children intended to live within Badger Mountain South and the Richland School District (RSD) boundaries Nor Am has adequately mitigated the impacts of the Badger Mountain South development for school sites (Kennewick School District has already acquired a site from Nor Am that is located within Badger Mountain South as well as

in the Kennewick School District that will service the children within Badger Mountain South if and when a school is constructed on the site). The sites within the Richland School District that are identified as school sites shall remain available for acquisition by the Richland School District, or such other entity as is authorized by the State of Washington to operate an elementary school or middle school, until such time as Nor Am provides a census of the students living in the area with BMS and the RSD that shows there are currently children residing in that area that would reach 80 percent of the capacity of the average design capacity for then existing Richland School District Middle schools, in case of the Middle School site, and elementary schools in case of an elementary school site, not including portables. Nor Am will then give the Richland School District notice, with a copy to the City, of the census results, and the RSD, or such other entity as is authorized by the State of Washington to operate an elementary school, or middle school, shall then have two years to purchase the school site. The purchase price for the RSD shall not be more than the fair market value of the property at the time the census is provided to the RSD. If the RSD, or another entity authorized by the State of Washington to operate an elementary school or middle school, does not purchase the property within the two year period, then Nor Am may sell and/or develop the applicable school site for which the census applied, either for school purposes, or any other use permitted in the BMS-NG district or the Civic District.

11.2 The school site identified in the LUDR land use map as school site and that is currently within the Kennewick School District is intended to be used for the construction of an elementary school. By making this site available for acquisition for the construction and operation of a school for the children intended to live within Badger Mountain South and the Kennewick School District boundaries Nor Am has adequately mitigated the impacts of the Badger Mountain South development for school sites within the Kennewick School District. The Kennewick School District has already acquired the site from Nor Am.

END OF MITIGATION CONDITIONS.

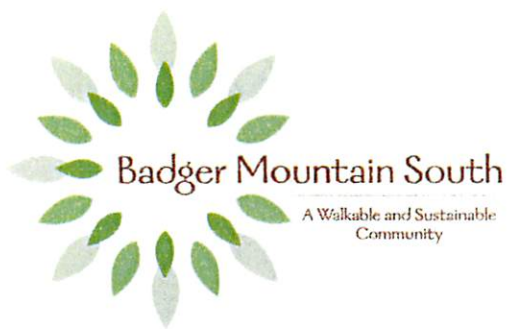
**EXHIBIT C
TO
MASTER AGREEMENT
LAND USE DEVELOPMENT REGULATIONS (LUDR)**

Exhibit C is a Separate Document Entitled:

Land Use & Development Regulations
With an Issue Date of: December 7, 2010

The cover page of which has been signed by the City Manager.
That document is incorporated by reference.

**EXHIBIT D
TO
MASTER AGREEMENT
GREEN INFRASTRUCTURE**



**Green Infrastructure Improvements
5,000 Residential Units**

*Note – Primary & Secondary Trail segments within the Neighborhoods will be constructed in association with adjacent street improvements

1. Badger Mountain Hub

Improvements

- 5,500 LF – Urban Trail (to be designed and constructed as part of the Destination Retail development)
- 2,900 LF – Secondary Trail
- 3,500 LF - Greenbelt

2. West Vineyard Neighborhood – 900 RU

Improvements	RU – Residential Unit Non-Sequential Trigger
○ Local Park #4	45 RU
○ Local Park #2 – Phase 1	110 RU
○ 1,800 LF – Primary Trail 1,800 LF Greenbelt	75 RU
○ 3,000 LF – Primary Trail 3,000 LF Greenbelt	120 RU
○ Local Park #3	65 RU
○ 1,800 LF – Primary Trail 1,800 LF - Greenbelt 600 LF – Secondary Trail	75 RU
○ The Reserve: 1/4 of Landscape Improvements 4,400 LF – Primary Trail 800 LF – Secondary Trail	150 RU
○ Local Park #2 – Phase 2	200 RU
○ <u>Block Parks (to be distributed) – 1.8 Acres</u>	60 RU
	900 RU

Note: Neighborhood Park #1 will be developed as a community-wide facility as part of the East Garden neighborhood.

3. West Village Neighborhood – 1,320 RU

Improvements	RU – Residential Unit Non-Sequential Trigger
○ Local Park #3	45 RU
○ Village Green	235 RU
○ Median Park 1,400 LF – Secondary Trail	65 RU
○ Local Park #1 1,800 LF Primary Trail 1,800 LF – Greenbelt	130 RU
○ The Ravine: Landscape Improvements 2,700 LF – Primary Trail	80 RU
○ Local Park #2	50 RU
○ 4,000 LF – Primary Trail 4,000 LF - Greenbelt	150 RU
○ 2,800 LF – Primary Trail 2,800 LF – Greenbelt	105 RU
○ The Reserve: ½ of Landscape Improvements Open Play Field 5,000 LF – Primary Trail 2,000 LF – Secondary Trail Dog Park	310 RU
○ The Ravine: 6,900 LF – Secondary Trail Site Furnishings Multi-Station Exercise Course	65 RU
○ <u>Block Parks (to be distributed) – 2.7 Acres</u>	85 RU

1,320 RU

4. East Garden Neighborhood – 870 RU

Improvements	RU – Residential Unit Non-Sequential Trigger
○ Local Park #2	45 RU
○ 1,500 LF – Primary Trail 1,750 LF – Secondary Trail 3,250 LF – Greenbelt	100 RU
○ Local Park #1 (West Vineyard)	300 RU
○ The Reserve: 1/4 of Landscape Improvements 5,000 LF – Primary Trail 1,400 LF Secondary Trail (3) Picnic Areas	210 RU
○ Local Park #1	120 RU
○ 2,300 LF - Secondary Trail 2,300 LF – Greenbelt 650 LF – Equestrian Trail	35 RU
○ <u>Block Parks (to be distributed) – 1.8 Acres</u>	60 RU
	870 RU

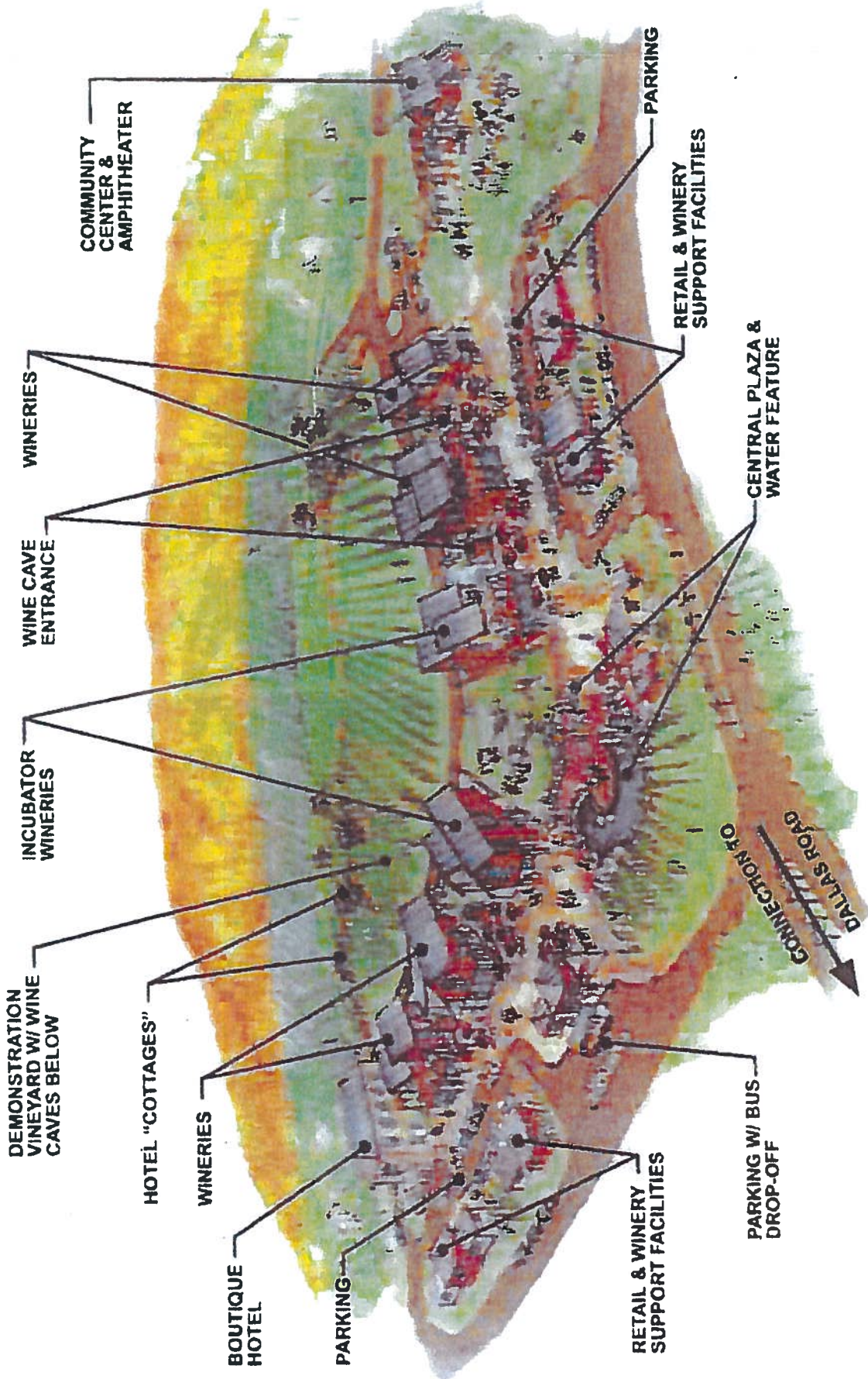
5. East Market Neighborhood – 1,150 RU

Improvements	RU – Residential Unit Non-Sequential Trigger
○ Local Park #1 (w/Public Library)	50 RU
○ Median Park 1,900 LF – Secondary Trail	75 RU
○ Farmers Market Plaza Local Park #2	65 RU
○ The Reserve: Activity Courts & Sand Volleyball 3,100 LF – Secondary Trail Site Furnishings Children’s Playground	250 RU
○ Local Park #3	120 RU
○ 2,400 LF – Primary Trail 2,400 LF – Greenbelt	100 RU
○ The Orchard Green: 5,000 LF – Primary Trail 2,700 LF – Secondary Trail 1/2 of Landscape Improvements Community Garden w/Orchard 3,300 LF – Equestrian Trail Water Feature	400 RU
○ <u>Block Parks (to be distributed) – 2.3 Acres</u>	90 RU
	1,150 RU

6. South Orchard Neighborhood – 760 RU

Improvements	RU – Residential Unit Non-Sequential Trigger
○ Local Park #2	40 RU
○ 2,500 LF – Primary Trail 2,500 LF – Secondary Trail 5,000 LF – Greenbelt	140 RU
○ Local Park #1	230 RU
○ 2,000 LF – Primary Trail 2,000 LF – Secondary Trail 4,000 LF - Greenbelt	90 RU
○ 2,800 LF – Secondary Trail 4,200 LF – Greenbelt	50 RU
○ The Orchard Green: 5,300 LF – Primary Trail 2,700 LF – Secondary Trail 1/2 of Landscape Improvements Open Play Field Dog Park (3) Picnic Areas Site Furnishings	160 RU
○ <u>Block Parks (to be distributed) – 1.4 Acres</u>	50 RU
	760 RU

EXHIBIT E
TO
MASTER AGREEMENT
WINE VILLAGE CONCEPTUAL DRAWING



JUNE 7, 2009

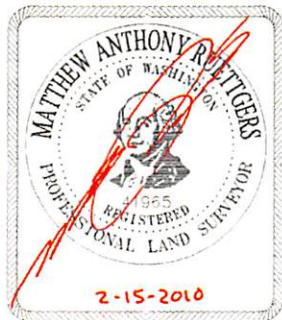
BADGER MOUNTAIN SOUTH: A WALKABLE AND SUSTAINABLE COMMUNITY

	
RICHLAND	NOR AM

**EXHIBIT F
TO
MASTER AGREEMENT
LEGAL DESCRIPTION FOR SOUTH ORCHARD PARK**

A portion of the Northeast, Southeast, Southwest, and Northwest $\frac{1}{4}$ of Section 4, Township 8 North, Range 28 East, Willamette Meridian, Benton County, Washington, described as follows:

Commencing at the centerline, centerline intersection of Reata Road and Badger Mountain Parkway, as shown on the Plat of Reata Ridge; thence North $00^{\circ}11'38''$ West - 230.34 feet, on the centerline of said Badger Mountain Parkway to a point of curve; thence continuing on said centerline 305.38 feet on the arc of a 600.00 foot radius curve to the left, whose central angle is $29^{\circ}09'41''$, and chord bears North $14^{\circ}46'29''$ West - 302.09 feet to its intersection with the centerline of Country Club Way; thence continuing on said Badger Mountain Parkway centerline, 50.15 feet on the arc of a 600.00 foot radius curve to the left, whose central angle is $04^{\circ}47'20''$, and chord bears North $31^{\circ}45'00''$ West - 50.13 feet to the terminus point of said centerline, lying on the Northerly boundary of the Plat of Reata Ridge; thence 21.43 feet on the curve of a 600.00 foot radius curve to the left, whose central angle is $02^{\circ}02'45''$, and chord bears North $35^{\circ}10'02''$ West - 21.42 feet to a point of reversing curve; thence 12.56 feet on the arc of a 600.00 foot radius curve to the right, whose central angle is $01^{\circ}11'59''$, and chord bears North $35^{\circ}35'25''$ West - 12.56 feet to a point of tangent; thence North $34^{\circ}59'26''$ West - 758.34 feet to a point; thence South $55^{\circ}00'34''$ West - 193.78 feet to a point of curve; thence 60.73 feet on the arc of a 100.00 foot radius curve to the right, whose central angle is $34^{\circ}47'51''$, and chord bears South $72^{\circ}24'30''$ West - 59.80 feet to a point of tangent; thence South $89^{\circ}48'25''$ West - 953.46 feet; thence North $00^{\circ}11'35''$ West 37.50 feet to a point; thence 400.68 feet on the arc of a 462.50 foot radius curve to the right, whose central angle is $49^{\circ}38'14''$, and chord bears North $65^{\circ}22'28''$ West - 388.27 feet to a point; thence North $40^{\circ}33'21''$ West - 125.84 feet to a point; thence North $49^{\circ}26'39''$ East - 650.33 feet to the **True Point of Beginning**; thence continuing North $49^{\circ}26'39''$ East - 526.94 feet to a point of curve; thence 87.07 feet on the arc of a 289.00 foot radius curve to the left, whose central angle is $17^{\circ}15'47''$, and chord bears North $40^{\circ}48'46''$ East - 86.75 feet to a point; thence South $72^{\circ}51'37''$ East - 52.28 feet to a point of curve; thence 37.82 feet on the arc of a 125.00 foot radius curve to the left, whose central angle is $17^{\circ}20'02''$, and chord bears South $81^{\circ}31'37''$ East - 37.67 feet to a point; thence North $89^{\circ}48'22''$ East - 192.13 feet to a point; thence South $00^{\circ}11'38''$ East - 515.92 feet to a point; thence South $89^{\circ}48'22''$ West - 626.83 feet to a point; thence North $40^{\circ}33'21''$ West - 171.21 feet to the True Point of Beginning, and the terminus point of this description. All lying in the Northeast, Southeast, Southwest, and Northwest $\frac{1}{4}$ of Section 4, Township 8 North, Range 28 East, Willamette Meridian, Benton County, Washington, and containing 6.59 acres, more or less.



**EXHIBIT G
TO
MASTER AGREEMENT
LEGAL DESCRIPTION FOR WEST VILLAGE PARK**

A portion of the Southeast $\frac{1}{4}$ of Section 32, Township 9 North, Range 28 East, Willamette Meridian, Benton County, Washington, described as follows:

Commencing at the Southeast corner of said Section 32; thence North $02^{\circ}33'53''$ East, 1006.14 feet on the East line of said section to a point; thence leaving said East line, South $89^{\circ}08'34''$ West, 360.64 feet to the **True Point of Beginning**; thence South $89^{\circ}08'34''$ West, 754.23 feet to a point; thence North $00^{\circ}51'26''$ West, 771.80 feet to a point; thence South $89^{\circ}08'34''$ West, 671.21 feet to a point; thence North $00^{\circ}51'26''$ West, 418.20 feet to a point; thence North $89^{\circ}08'34''$ East, 189.80 feet to a point of tangent curve; thence 535.62 feet on the arc of a 500.00 foot radius curve to the left, whose central angle is $61^{\circ}22'37''$, and chord bears North $58^{\circ}27'15''$ East, 510.37 feet to a point; thence North $27^{\circ}45'57''$ East, 119.63 feet to a point; thence South $62^{\circ}14'11''$ East, 4.57 feet to a point of tangent curve; thence 1047.86 feet on the arc of a 2061.00 foot radius curve to the right, whose central angle is $29^{\circ}07'50''$, and chord bears South $47^{\circ}40'15''$ East, 1036.61 feet to a point of reversing curve; thence 187.97 feet on the arc of a 939.00 foot radius curve to the left, whose central angle is $11^{\circ}28'11''$, and chord bears South $38^{\circ}50'26''$ East, 187.66 feet to a point; thence South $45^{\circ}25'28''$ West, 188.03 feet to a point; thence South $00^{\circ}51'26''$ East, 566.00 feet to the **True Point of Beginning**. All lying in the Southeast $\frac{1}{4}$ of Section 32, Township 9 North, Range 28 East, Willamette Meridian, Benton County, Washington, and containing 30.07 acres, more or less.

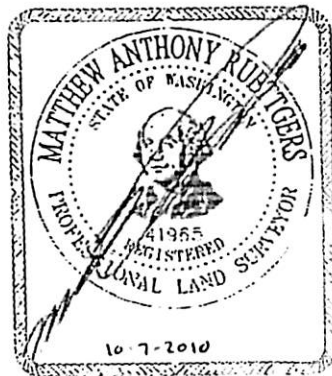
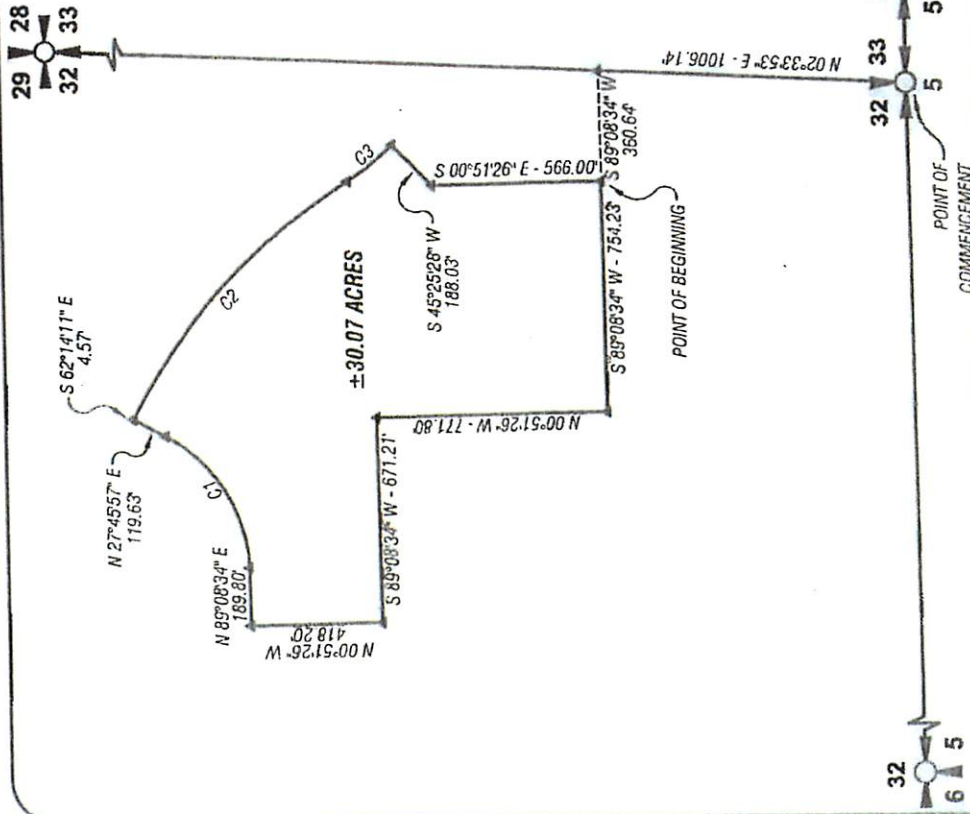


EXHIBIT G - PAGE 2
PARK PROPERTY PICTORIAL ILLUSTRATION
 LOCATED IN SE 1/4 OF SECTION 32,
 TOWNSHIP 9 NORTH, RANGE 28 EAST,
 W.M., BENTON COUNTY, WASHINGTON



CURVE TABLE:

C1 - D=61°22'37"	C2 - D=29°07'50"	C3 - D=11°28'11"
L=535.62	L=1047.86	L=187.97
R=500.00	R=2061.00	R=939.00
CH=N 58°27'15" E - 510.37	CH=S 47°40'15" E - 1036.61	CH=S 38°50'28" E - 187.66

NOT TO SCALE

LEGEND:

▲ CALCULATED POINT



PacWest Engineering, LLC
 10209 Bridgeport Way SW, Suite C-1
 Lakewood, Wa. 98499
 Phone (253) 830-5960
 Fax (253) 830-5999

DWG: 07-540KSD.DWG
 DATE: 10-07-2010
 PROJECT: 07-540

RICHLAND NOR AM

**EXHIBIT H
TO MASTER AGREEMENT
SUMMARY OF CREDITS, OFFSETS AND OBLIGATIONS**

Nor Am Obligations	Master Agreement Section Reference
1. Design, construct and dedicate to the City, off site water and sewer lines needed to bring sewer capacity to the site and create sufficient water supply to insure fire flow.	Section 13
2. Unless otherwise provided, design, construct and dedicate to the service provider, all onsite infrastructure needed to support the planned development.	Sections 10, 13 and 19
3. Convey to the City one community park site of approximately 30 acres, and one neighborhood park site of approximately 5 acre. City will pay half the closing costs and grant a future park impact fee credit equal to pre-development value of the land.	Section 17
4. Construct and convey to the City a class one backbone trail of approximately 2 ¾ miles which connects neighborhoods, parks with the City wide trail system.	Section 17
5. Convey to the City other sites necessary to support the development of the project including streets, utility easements, an electrical sub-station site and a fire station site.	Section 18
6. Fund a Master Agreement Administrator who will be responsible for coordinating onsite development, insuring compliance with the LUDR, orderly extension of infrastructure and the timely development of required mitigation measures.	Sections 24 and 25
7. Require development within BMS to comply with all conditions of the Master Agreement including the LUDR, environmental mitigation conditions and the "Green Infrastructure Improvements".	Section 8
8. Monitor traffic and sewer flows to determine when mitigation measures are required and pay their pro-rata share of required off-site improvements.	Section 14
9. Maintain open spaces, non –City trails, and other community facilities, until such time the City deem the homeowners' association to have sufficient revenues to assume this responsibility.	Section 20

**EXHIBIT H
TO MASTER AGREEMENT
SUMMARY OF CREDITS, OFFSETS AND OBLIGATIONS**

City of Richland Obligations	Master Agreement Section Reference
1. Reimburse Nor Am for the cost of designing and constructing offsite improvements necessary to provide fire flow for the site and that portion of offsite sewer improvements needed to support commercial development near the Dallas Road interchange. The reimbursement shall occur at a rate equal to 50% of any surplus revenues generate from the project in excess of the City's cost to provide services.	Section 15
2. Construct a Community Park (30 acres) in phases based on number of residential building permits issued.	Section 17.5
3. Construct a Neighborhood Park (6 acres) in phases based on number of residential building permits issued.	Section 17.6
4. Accept into the City's trail system a backbone trail constructed by NorAm of approximately 2 ¾ miles in length.	Section 17
5. Place public improvements needed for BMS in the City's Capital Facilities plan, and Transportation Improvement Plan to insure eligibility for potential grants.	Sections 17 and 19
6. Use the approved EIS to determine mitigation measures which must be constructed with each development project within BMS.	Section 9
NorAm and City of Richland Joint Obligations	
1. Implement the standards contained in the Land Use and Development Regulations.	Section 10
2. Use best efforts to negotiate new service agreements with Benton PUD and BMID that insure electric and water service is obtained in a timely and cost-effective manner for the build-out of the project.	Section 12
3. Work with the Port of Kennewick to jointly fund the public elements of the proposed Wine Village.	Section 16

EXHIBIT I
To
MASTER AGREEMENT
DRAFT MEMORANDUM OF AGREEMENT FOR RECORDING

RECORDED AT THE REQUEST OF:
AND AFTER RECORDING RETURN TO:

Thomas O. Lampson
City Attorney
City of Richland
975 George Washington Way
P.O. Box 190 MS-07
Richland, WA 99352

MEMORANDUM OF MASTER AGREEMENT

1. This Memorandum of Master Agreement is made by and between the CITY OF RICHLAND, a Washington municipal corporation, whose address is P.O. Box 190, Richland, Washington 99352 and NOR AM INVESTMENT, LLC, a Washington limited liability company whose address is 12513 Avenue DuBois, Lakewood, Washington 98498.

2. Agreements and the Property Affected.

2.1 The parties hereto entered into an agreement dated December 7, 2010, entitled "Agreement Between the City of Richland and Nor Am Investment, LLC Regarding the Community Known as Badger Mountain South" (the "Master Agreement"). The real

MEMORANDUM OF MASTER AGREEMENT
PAGE 1 OF 6



RICHLAND



NOR AM

EXHIBIT I TO MASTER AGREEMENT
PAGE I-1 OF 6

property affected by the Master Agreement is identified by Benton County Assessor's Tax Parcel Numbers 104881000001000, 104884030009000, 104884030010000, 104881000002006, 104884000001003, 129982000001000, 131981000001000, 132981000002001, 132981000002002, and 133983000001000; and is legally described in Exhibit "A" attached hereto ("Subject Property"). The term of the Master Agreement is for twenty years, commencing on the 9 day of February, 2011, and continuing through and including 8 day of February, 2031.

2.2 The Master Agreement referenced in paragraph 2.1 is a binding agreement that affects the right to develop the Subject Property. The Master Agreement is a public document on file with the City Clerk of the City of Richland, Washington and was approved by the City Council with the adoption of Resolution No. 77-10. The Master Agreement should be reviewed before purchasing any of the Subject Property.

3. The parties hereto have executed this Memorandum of Agreement this 9 day of February, 2011.

THE CITY OF RICHLAND

NOR AM INVESTMENT, LLC

By: 
Cindy Johnson, City Manager

By: 
Lawrence J. White, Manager

STATE OF WASHINGTON | ss.

MEMORANDUM OF MASTER AGREEMENT
PAGE 2 OF 6


RICHLAND

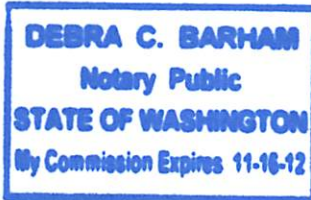

NOR AM

EXHIBIT I TO MASTER AGREEMENT
PAGE I-2 OF 6

COUNTY OF BENTON

On this day personally appeared before me Cindy Johnson, to me known to be the individual described in and who executed the within and foregoing instrument in her capacity as City Manager for the CITY OF RICHLAND, and acknowledge that she signed the same as her free and voluntary act and deed in the capacity herein stated, for the uses and purposes therein mentioned.

Dated this 9 day of ~~December~~ ^{FEBRUARY 2011}, 2010.



Debra C. Barham
(Signature of Notary) DEBRA C. BARHAM
(Legibly Print or Stamp Name of Notary)
Notary public in and for the State of Washington,
residing at BENTON COUNTY
My appointment expires 11/16/12

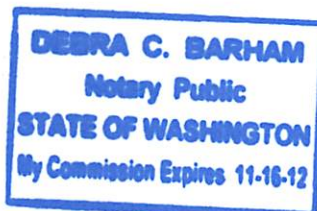
STATE OF WASHINGTON

ss.

COUNTY OF PIERCE

On this day personally appeared before me Lawrence J. White, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledge that he signed the same as his free and voluntary act and deed in his capacity as Manager of NOR AM INVESTMENT, LLC, a Washington limited liability company, for the uses and purposes therein mentioned.

Dated this 9 day of ~~December~~ ^{FEBRUARY 2011}, 2010.



Debra C. Barham
(Signature of Notary)
DEBRA C. BARHAM
(Legibly Print or Stamp Name of Notary)
Notary public in and for the State of Washington,
residing at BENTON COUNTY
My appointment expires 11/16/12

MEMORANDUM OF MASTER AGREEMENT
PAGE 3 OF 6

WK R
RICHLAND NOR AM

EXHIBIT I TO MASTER AGREEMENT
PAGE I-3 OF 6

EXHIBIT A
TO
MEMORANDUM OF MASTER AGREEMENT

Parcel "A":

The East half of the East half of Section 31, Township 9 North, Range 28 East, W.M., Benton County, Washington;

EXCEPT that portion described as follows:

The Southwest corner of the Southeast quarter of the Southeast quarter being the True Point of Beginning;

Thence East along the South line thereof 360.00 feet;

Thence Northwesterly in a straight line to a point on the West line of said Southeast quarter of the Southeast quarter, a distance of 360.00 feet North of the Southwest corner thereof;

Thence Southerly along said West line 360.00 feet to the True Point of Beginning;

AND EXCEPT that portion thereof lying Southerly and Westerly of the State Highway right-of-way.

AND EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded October 10, 1968, under Auditor's File No. 595151, records of Benton County, Washington;

AND EXCEPT State Highway right-of-ways;

AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778, 92-16779, 93-1864, and 93-1871.

Parcel "B":

All of Section 32, Township 9 North, Range 28 East, W.M., Benton County Washington;

EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded October 10, 1968, under Auditor's File No. 595151, records of Benton County, Washington;

MEMORANDUM OF MASTER AGREEMENT
PAGE 4 OF 6



RICHLAND



NOR AM

EXHIBIT I TO MASTER AGREEMENT
PAGE I-4 OF 6

AND EXCEPT that portion thereof lying Southerly and Westerly of the State Highway right-of-way.

AND EXCEPT State Highway right-of-ways;

AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778 and 92-16779;

AND ALSO EXCEPT any portion lying within Short Plat 2465. Exhibit A to Master Agreement Page A-2 of 3

Parcel "C":

Section 33, Township 9 North, Range 28 East, W.M., Benton county, Washington, EXCEPT that portion thereof lying Northerly and Easterly of the following described line:

Beginning at the Northwest corner of said section;

Thence South 02°34'20" West, 1330.20 feet along the West line of said section to the True Point of Beginning;

thence South 77°57'14" East, 2389.11 feet;

thence South 83°23'24" East, 1450.14 feet;

thence South 48°00'49" East, 1013.41 feet;

thence South 28°44'51" East, 566.24 feet;

thence North 88°55'28" East, 380.42 feet to the East line of said section and the terminus of said line, said point bears South 00°45'19" West, 3237.80 feet from the Northeast corner of said section.

(Also known as Tract 4 of Survey recorded August 31, 1998, under Recording No. 1998-025706, records of Benton County, Washington.)

EXCEPT State Highway right-of-way;

AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

Parcel "D":

Section 4, Township 8 North, Range 28 East, W.M., Benton County, Washington,

EXCEPT that portion lying within the plat of EL RANCHO REATA NO. 3, according to the Plat thereof recorded in Volume 12 of Plats, Page 42, records of Benton County, Washington,

ALSO EXCEPT State highway right-of-way conveyed under Recording No. 870597, records of Benton County, Washington;

MEMORANDUM OF MASTER AGREEMENT
PAGE 5 OF 6



RICHLAND



NOR AM

EXHIBIT I TO MASTER AGREEMENT
PAGE I-5 OF 6

AND EXCEPT that portion lying southerly of the Reata Road right of way
AND EXCEPT that portion lying within the Plat of REATA RIDGE
AND EXCEPT the South 420 feet of the Southeast quarter thereof;
AND ALSO EXCEPT that portion conveyed to Benton County by deed recorded May 1, 2007,
under Auditor's File No. 2007-013594, records of Benton County, Washington. Exhibit A to
Master Agreement Page A-3 of 3

Parcel "E":

That portion of Section 29, Township 9 North, Range 28 East, W.M., Benton County,
Washington, lying Southerly and Westerly of the following described line:
Beginning at the Southwest corner of said Section 29;
Thence South 89°23'44" East 1154.11 feet along the South line of said Section to the True
Point of Beginning;
Thence North 00°38'28" West, 310.56 feet;
Thence South 89°21'30" West, 1103.84 feet to the East line of Dallas Road and the terminus of
said line.
EXCEPT the West 40 feet for County Road right-of-way;
AND EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit
Claim Deed, recorded February 13, 1979, under Auditor's File No. 783437, records of Benton
County, Washington;
AND EXCEPT State Highway right-of-way;
AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File
No's. 92-16778 and 92-16779;
AND ALSO EXCEPT those portions acquired by the State of Washington under eminent
domain proceedings filed in Benton County Superior Court Cause No. 82-2-00889-6;

Parcel "F":

Tracts "C" & "D" of the plat of Reata Ridge, according to the Plat thereof recorded in Volume
15 of Plats, Page 389, records of Benton County, Washington.

MEMORANDUM OF MASTER AGREEMENT
PAGE 6 OF 6



RICHLAND



NOR AM

EXHIBIT I TO MASTER AGREEMENT
PAGE I-6 OF 6

RESOLUTION NO. 117-15

A RESOLUTION of the City of Richland authorizing amendments to the Master Agreement between the City of Richland and Nor Am Investment, LLC regarding the Badger Mountain South Master Planned Community.

WHEREAS, RCW 36.70B.170-200 authorizes the City to enter into development agreements by resolution or ordinance that set forth the development standards and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement; and

WHEREAS, the City previously entered into a Master Agreement with Nor Am Investment LLC, through the adoption of Resolution No. 77-10 to govern the development of Badger Mountain South, a master planned community of 1480 acres located within the City of Richland; and

WHEREAS, the intent of the proposed Master Agreement is to (1) further the goals and policies of the City's comprehensive plan; (2) provide mechanisms to assure that the public health and safety is protected while having growth pay for growth; (3) provide adequate space for elementary and middle schools so that the affected school districts can place schools in the areas in which the need will be generated; (4) create a new tourist destination and freeway oriented development to capture additional tax revenue for the City; (5) provide for public investment to stimulate the economy while assuring that development occurs in a financially responsible manner that does not adversely impact the City's financial integrity; (6) stimulate economic development within the City by creating areas for business development and expansion; (7) create a viable walkable community with standards designed to meet sustainability goals; (8) provide a broad range of housing types; (9) provide recreational opportunities within close proximity to housing; (10) provide for expedited permit processing while assuring adequate public input and mitigation of environmental impacts and (11) provide flexibility in uses and timing of development to accommodate market trends and conditions; and

WHEREAS, the City Council held a legally advertised public hearing to consider the proposed amendments to the Master Agreement on March 3, 2015; and

WHEREAS, the City Council recognizes that changes to the Master Agreement are necessary and desirable to provide additional flexibility and to reflect changed circumstances that have occurred over the past five year period;

WHEREAS, the City Council finds that the proposed amendments to the Master Agreement do not detract from the overall intent or purpose of the agreement;

WHEREAS, the Final Supplemental Environmental Impact Statement for the Badger Mountain Subarea Plan, dated August 23, 2010 has been adopted in fulfillment of the provisions of the State Environmental Policy Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland, Washington, that the City Council accepts the proposed changes to the Master Agreement between the City of Richland and Nor Am Investment, LLC regarding the community known as Badger Mountain South and authorizes and directs the City Manager to execute the Master Agreement on behalf of the City.

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

PASSED by the City Council of the City of Richland at a regular meeting on the 16th day of June, 2015.



DAVID W. ROSE
Mayor

ATTEST:



MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:



HEATHER KINTZLEY
City Attorney

EXHIBIT A
TO
MEMORANDUM OF MASTER AGREEMENT

SECTION 4, TOWNSHIP 8 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON;

EXCEPT THAT PORTION LYING WITHIN THE PLAT OF EL RANCHO REATA NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 42, RECORDS OF BENTON COUNTY, WASHINGTON;

AND EXCEPT STATE HIGHWAY RIGHT-OF-WAY CONVEYED UNDER RECORDING NO. 870597, RECORDS OF BENTON COUNTY, WASHINGTON;

AND EXCEPT THAT PORTION LYING SOUTHERLY OF REATA ROAD RIGHT-OF-WAY;

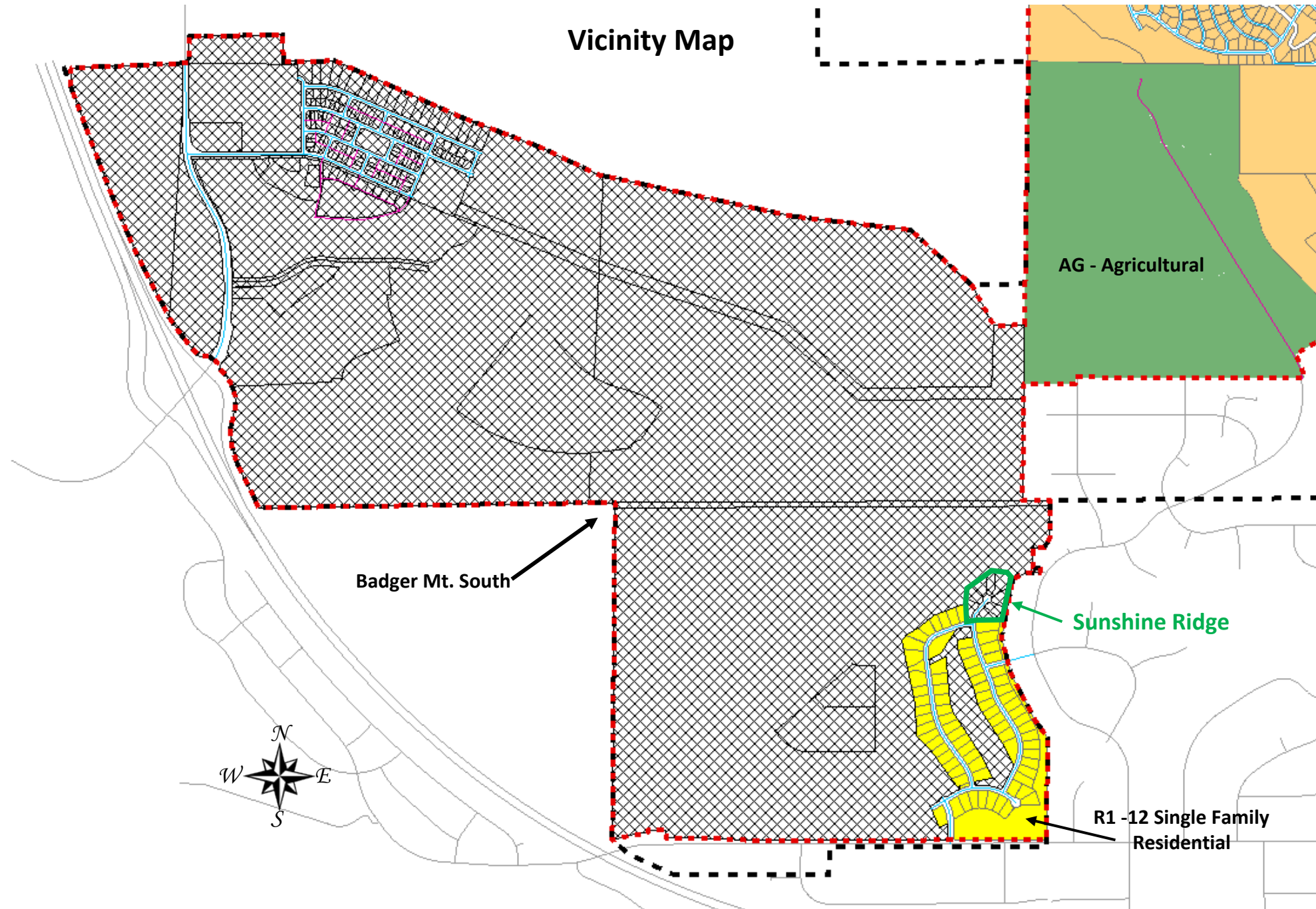
AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF REATA RIDGE;

AND EXCEPT THE SOUTH 420 FEET OF THE SOUTHEAST QUARTER THEREOF;

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF SUNSHINE RIDGE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 553, UNDER AUDITOR'S FILE NO. 2017-012195, RECORDS OF BENTON COUNTY, WASHINGTON;

AND ALSO EXCEPT THAT PORTION CONVEYED TO BENTON COUNTY BY DEED RECORDED MAY 1, 2007, UNDER AUDITOR'S FILE NO. 2007-013594, RECORDS OF BENTON COUNTY, WASHINGTON.

Vicinity Map





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Key 2 - Infrastructure & Facilities

Subject:

Resolution No. 180-17, Authorizing Award of Bid to Potelco, Inc. for Construction of the Williams to Perkins Distribution Line

Department:

Energy Services

Ordinance/Resolution Number:

180-17

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 180-17, authorizing the City Manager to sign and execute a contract award to Potelco, Inc. in the amount of \$219,870.07 and to execute change orders up to ten percent (10%) of the approved contract amount.

Summary:

The City of Richland Energy Services (RES) completed a twelve-year long-range electric utility infrastructure plan in 2014. A primary objective of the Plan was to identify targeted infrastructure improvements required in order to sustain reliable service to existing electric utility customers. The City's 2017 Capital Improvement Plan (CIP) identified the construction of the Williams to Perkins Distribution Line (formerly Roberdeau).

This distribution feeder tie between the Stevens Substation and the Thayer Substation will increase capacity of the existing infrastructure, enhance reliability and enable RES to switch electrical load from one substation to the other in the event of damage or to complete maintenance.

The City received two bids on August 28, 2017, with the lowest qualified bid of \$219,870.07 from Potelco, Inc. of Sumner, Washington. The engineer's estimate for the project was \$118,872 and was based upon using RES field crews instead of external contract crews; however, the 2017 CIP Budget has adequate funds to cover the additional costs. Construction will begin in October and be completed by December, 2017.

Staff recommends approval of Resolution No. 180-17.

Fiscal Impact:

This project is included in the City's approved 2017 Capital Improvement Plan for the Electric Utility, and funding of \$219,870.07 is in the City's approved 2017 Budget.

Attachments:

1. Resolution No. 180-17
2. Bid Tab Summary

RESOLUTION NO. 180-17

A RESOLUTION of the City of Richland authorizing award of bid and execution of an agreement with Potelco, Inc. for the construction of the Williams to Perkins Distribution Line.

WHEREAS, the City of Richland operates and maintains an electric utility, referred to as Richland Energy Services (RES), consisting of substations, distribution equipment and infrastructure that delivers power to customers served by RES; and

WHEREAS, RES, with consulting services provided by HDR Engineering, Inc. (HDR), completed a Long Range Plan (Plan) for the City's electric utility in December, 2014; and

WHEREAS, a primary objective of the Plan was to identify targeted infrastructure improvements required in order to sustain reliable service to existing electric utility customers; and

WHEREAS, the City has a need to build a new substation distribution feeder tie between the Stevens Substation and the Thayer Substation; and

WHEREAS, distribution line construction to implement the design and equipment installation was identified in the City's 2017-2032 Capital Improvement Plan (CIP); and

WHEREAS, funds in the City's 2017 Electric Utility Fund approved budget include renewals and replacement through the City's CIP for this project; and

WHEREAS, Potelco, Inc. has been selected by RES as the lowest responsible bidder through a competitive, sealed bid process to provide the construction of the Williams to Perkins Distribution Line.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute an agreement with Potelco, Inc. in the amount of \$219,870.70, and to execute change orders valued at up to ten percent (10%) of the approved contract amount, for the construction of the Williams to Perkins Distribution Line.

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

ADOPTED by the City Council of the City of Richland at a regular meeting on the 19th day of September, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney



City of Richland

DATE BIDS OPENED:	8/28/2017	ITB #	17-0061
WILLIAMS TO PERKINS ELECTRICAL DISTRIBUTION LINE			

Item	Description	Qty	Unit	ENGINEER'S ESTIMATE		POTELCO, INC. SUMNER, WA		MICHEL'S POWER NEENAH, WI	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization	1	EA	\$20,000.00	20,000.00	17,000.00	17,000.00	6,420.11	6,420.11
2	Trenching, Excavating, backfill and installing 6" Sch. 40 Conduit	250	LF	\$100.00	25,000.00	114.35	28,587.50	132.44	33,110.00
3	Installing Three Phase 750 MCM JAL Conductor	352	LF	\$66.00	23,232.00	11.26	3,963.52	19.26	6,779.52
4	Install 35-3 pole	2	EA	\$350.00	700.00	856.13	1,712.26	4,785.27	9,570.54
5	Install 40-3 pole	1	EA	\$360.00	360.00	816.13	816.13	4,785.27	4,785.27
6	Install 45-3 pole	14	EA	\$390.00	5,460.00	1,027.36	14,383.04	4,785.27	66,993.78
7	Install 50-3 pole	1	EA	\$430.00	430.00	1,027.36	1,027.36	4,785.27	4,785.27
8	Install E10 Down Guy	4	EA	\$90.00	360.00	209.84	839.36	240.75	963.00
9	Install E15 Down Guy	9	EA	\$130.00	1,170.00	262.31	2,360.79	240.75	2,166.75
10	Install F24 Plate Anchor	6	EA	\$234.00	1,404.00	416.60	2,499.60	802.51	4,815.06
11	Install Single Phase A5	1	EA	\$70.00	70.00	409.86	409.86	481.51	481.51
12	Install Three Phase C1	11	EA	\$278.00	3,058.00	409.86	4,508.46	321.01	3,531.11
13	Install Three Phase C7	1	EA	\$416.00	416.00	491.84	491.84	401.26	401.26
14	Install Three Phase C7-1	4	EA	\$416.00	1,664.00	491.84	1,967.36	401.26	1,605.04
15	Install Three Phase C8	1	EA	\$720.00	720.00	513.68	513.68	642.01	642.01
16	Install Three Phase C8-1	4	EA	\$720.00	2,880.00	513.68	2,054.72	642.01	2,568.04
17	Install Three Phase C9	2	EA	\$296.00	592.00	642.10	1,284.20	321.01	642.02
18	Install Three Phase C10-48	1	EA	\$500.00	500.00	642.10	642.10	321.01	321.01
19	Install Pole Ground GRP	13	EA	\$44.00	572.00	164.38	2,136.94	481.51	6,259.63
20	Install Three Phase Gang Switch S3Phase	2	EA	\$52.00	104.00	1,712.26	3,424.52	6,420.11	12,840.22
21	Install Three Phase Riser RP6	1	EA	\$694.00	694.00	2,568.39	2,568.39	1,926.03	1,926.03
22	Install Cutout 200A SC200	3	EA	\$52.00	156.00	256.84	770.52	240.75	722.25
23	Install Cutout 100A SC100	3	EA	\$52.00	156.00	256.84	770.52	240.75	722.25
24	Install MOV Arrester SMOV	4	EA	\$34.00	136.00	205.47	821.88	321.01	1,284.04
25	Install Primary 336 ACSR	9,294	LF	\$0.40	3,717.60	3.58	33,272.52	2.73	25,372.62
26	Install Neutral 4/0 ACSR	3,098	LF	\$0.26	805.48	2.57	7,961.86	1.93	5,979.14
27	Install Vault Base V19B	1	EA	\$1,300.00	1,300.00	3,164.48	3,164.48	1,605.03	1,605.03
28	Install Switch Ring V19SWTDF	1	EA	\$434.00	434.00	904.24	904.24	802.51	802.51
29	Install 600A U/G Switch PME11	1	EA	\$174.00	174.00	5,190.68	5,190.68	1,605.03	1,605.03
30	Install Vault Ground V19-28	1	EA	\$43.46	43.46	365.98	365.98	802.51	802.51
31	Install 750 MCM T-Body UT7JT	9	EA	\$52.00	468.00	570.75	5,136.75	401.26	3,611.34
32	Install Single Phase O/H Transformer TO25-F	2	EA	\$234.00	468.00	856.13	1,712.26	963.02	1,926.04
33	Install Single Phase O/H Transformer TO37.5-F	1	EA	\$296.00	296.00	856.13	856.13	963.02	963.02
34	Install Single Phase O/H Transformer TO50-F	2	EA	\$364.00	728.00	1,027.36	2,054.72	963.02	1,926.04
35	Install Secondary Clevis and Spool JCLEVIS	14	EA	\$18.00	252.00	130.05	1,820.70	240.75	3,370.50
36	Install 4/0 TXP O/H Secondary	123	LF	\$0.22	27.06	2.52	309.96	12.84	1,579.32
37	Transfer 3" Risers RP3	3	EA	\$174.00	522.00	439.95	1,319.85	642.01	1,926.03
38	Transfer 1/0 TXP O/H Secondary	334	LF	\$0.16	53.44	3.42	1,142.28	16.05	5,360.70
39	Transfer 4/0 TXP O/H Secondary	132	LF	\$0.16	21.12	1.95	257.40	16.05	2,118.60
40	Remove Single Phase A5	1	EA	\$26.00	26.00	195.19	195.19	240.75	240.75
41	Remove Three Phase C1	1	EA	\$96.00	96.00	215.29	215.29	321.01	321.01
42	Remove Three Phase C2	1	EA	\$174.00	174.00	256.84	256.84	321.01	321.01
43	Remove Three Phase C7	3	EA	\$304.00	912.00	256.84	770.52	401.26	1,203.78
44	Remove Three Phase C8	4	EA	\$234.00	936.00	342.45	1,369.80	401.26	1,605.04
45	Remove Three Phase C9	7	EA	\$74.00	518.00	428.06	2,996.42	321.01	2,247.07
46	Remove E10 Down Guy	5	EA	\$42.00	210.00	172.23	861.15	160.50	802.50
47	Remove 40-4 Pole	1	EA	\$174.00	174.00	642.10	642.10	481.51	481.51
48	Remove 45-3 Pole	10	EA	\$174.00	1,740.00	642.10	6,421.00	481.51	4,815.10
49	Remove 50-2 Pole	2	EA	\$174.00	348.00	642.10	1,284.20	481.51	963.02
50	Remove Pole Ground GRP	6	EA	\$30.00	180.00	98.11	588.66	160.50	963.00
51	Remove Primary 1/0 ACSR	4,606	LF	\$0.14	644.84	1.47	6,770.82	0.96	4,421.76
52	Remove Primary 1/0 CU	885	LF	\$0.14	123.90	1.47	1,300.95	0.96	849.60
53	Remove Primary 2/0 CU	423	LF	\$0.14	59.22	1.47	621.81	0.96	406.08
54	Remove Three Phase Gang Switch S3PHASE	2	EA	\$30.00	60.00	1,027.46	2,054.92	1,284.02	2,568.04
55	Remove Three Phase 750 MCM AL Conductor	25	LF	\$0.56	14.00	10.27	256.75	19.26	481.50
56	Remove Stress Cone USC75.0	3	EA	\$24.00	72.00	102.74	308.22	321.01	963.03
57	Remove Single Phase O/H Transformer TO25-F	2	EA	\$86.00	172.00	856.13	1,712.26	642.01	1,284.02
58	Remove Single Phase O/H Transformer TO37.5-F	1	EA	\$104.00	104.00	856.13	856.13	642.01	642.01
59	Remove Single Phase O/H Transformer TO50-F	2	EA	\$130.00	260.00	856.13	1,712.26	642.01	1,284.02
60	Remove Secondary Rack 3 Spool JRACK3W	4	EA	\$18.00	72.00	171.34	685.36	321.01	1,284.04
61	Remove Secondary Rack 4 Spool JRACK4W	4	EA	\$18.00	72.00	171.34	685.36	321.01	1,284.04
62	Remove Service Assembly K13	9	EA	\$18.00	162.00	128.42	1,155.78	321.01	2,889.09
63	Remove Secondary Wire #2 CU WP	246	LF	\$0.14	34.44	1.88	462.48	2.73	671.58
64	Flagging	1	LS	2,000.00	2,000.00	2,250.00	2,250.00	11,982.74	11,982.74
65	ROW Permitting	1	LS	150.00	150.00	1,500.00	1,500.00	1,104.40	1,104.40
66	Trench Safety	1	LS	1,000.00	1,000.00	3,500.00	3,500.00	8,025.13	8,025.13
SUBTOTAL					\$109,458.56		\$202,458.63		\$287,389.02
8.6% SALES TAX					9,413.44		17,411.44		24,715.46
TOTAL					\$118,872.00		\$219,870.07		\$312,104.48
GRAND TOTAL					\$118,872.00		\$219,870.07		\$312,104.48



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Items for Approval

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Appointments to the Economic Development Committee: Kristopher Lapp, Daniel Kenney, Nate Higgins and Douglas Sako

Department:

City Attorney

Ordinance/Resolution Number:

Document Type:

General Business Item

Recommended Motion:

Approve the appointment of Kristopher Lapp to Position No. 2; Daniel Kenney to Position No. 6; Nate Higgins to Position No. 7; and Douglas Sako to Position No. 8 on the Economic Development Committee.

Summary:

The Economic Development Committee position terms currently held by Kristopher Lapp (No. 2); Daniel Kenney (No. 6); Suzanne Mitchel (No. 7); and Douglas Sako (No. 8) will expire on September 30, 2017.

Vice Chair Bricker and Council Liaison Christensen are recommending the appointment of Nate Higgins to Position No. 7, and the reappointments of Kristopher Lapp to Position No. 2; Daniel Kenney to Position No. 6; and Douglas Sako to Position No. 8.

Each position term is three years, effective October 1, 2017 through March 31, 2020.

Candidate applications and resumes are on file in the City Clerk's Office.

Fiscal Impact:

None.

Attachments:

I. EDC Recommendations



MEMORANDUM

TO: Richland City Clerk

FROM: Brad Bricker, Economic Development Committee Vice Chair

DATE: August 31, 2017

SUBJECT: Economic Development Committee Vacancies

On August 31, 2017, City Council Liaison, Terry Christensen and myself considered 6 candidates for the Economic Development Committee Vacancies for positions held by Kristopher Lapp, Daniel Kenney, Suzanne Mitchell, and Gus Sako.

The candidate selected to fill the vacancies are as follows:

Position #2:

Currently Held by:

Kristopher Lapp

Selected Candidate:

Kristopher Lapp

Position #6

Currently Held by:

Daniel Kenney

Selected Candidate:

Daniel Kenney

Position #7

Currently Held by:

Suzanne Mitchell

Selected Candidate:

Nate Higgins

Position #8:

Currently Held by:

Gus Sako

Selected Candidate:

Gus Sako

If you have any questions, please feel free to contact me.

Brad Bricker, Vice Chair
Economic Development Committee



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Items for Approval

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Appointments to the Lodging Tax Advisory Committee: Douglas Sako and Mark Kerber

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Approve the reappointments of Douglas Sako to Position No. 1 and Mark Kerber to Position No. 2 on the Lodging Tax Advisory Committee

Summary:

The Lodging Tax Advisory Committee position terms currently held by Douglas Sako (No. 1) and Mark Kerber (No. 2) will expire on September 30, 2017.

Mayor Thompson, Chair of the Lodging Tax Advisory Committee, is recommending the reappointment of Douglas Sako to Position No. 1 and Mark Kerber to Position No 2.

The position term is two-years, effective October 1, 2017 through September 30, 2019.

Candidate applications and resumes are on file in the City Clerk's Office.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Items for Approval

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Appointment to the Utility Advisory Committee: Graham Parker

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Approve the Appointment of Graham Parker to Position No. I on the Utility Advisory Committee.

Summary:

The Utility Advisory Committee (UAC) position term held by Steve Arneson (No. I) expires on September 30, 2017.

Chair Keck, Vice Chair Porter and Council Liaisons Christensen and Lemley are recommending the appointment of Graham Parker to Position No. I on the Utility Advisory Committee.

The position term is effective October 1, 2017 through September 30, 2020.

Candidate applications and resumes are on file in the City Clerk's Office.

Fiscal Impact:

None.

Attachments:

I. UAC Recommendation



MEMORANDUM

TO: City Council

FROM: Roy Keck, Utility Advisory Committee Chairman

DATE: September 8, 2017

SUBJECT: Utility Advisory Committee Vacancy Recommendations

The terms of Utility Advisory Committee (UAC) Position No. 1, held by Steven Arneson and No. 5, held by David Larkin will expire on September 30, 2017. The City of Richland advertised for applicants for these positions and received six (6) responses.

A subcommittee of UAC Chairman Roy Keck, UAC Vice Chairman Dan Porter and Council Liaisons Terry Christensen and Phil Lemley reviewed applications and conducted interviews for each candidate.

The interviews were held on August 29, 2017 and resulted in the following recommendations.

- Appointment of Graham Parker to Position No. 1 for a three-year term.
- Reappointment of David Larkin to Position No. 5 for a three-year term.

The subcommittee wishes to express gratitude to all candidates and encourages each to continue to apply for City of Richland Boards and Commissions.

Respectfully,

Roy Keck
Utility Advisory Committee Chairman



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Expenditures - Approval

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Expenditures from August 28, 2017 - September 8, 2017 for \$7,195,621.76 including Check Nos. 249549-249918, Wire Nos. 6554-6566, Payroll Check Nos. 123546-124647, and Payroll Wire/ACH Nos. 10074-10095

Department:

Administrative Services

Ordinance/Resolution Number:

Document Type:

Expenditures

Recommended Motion:

Approve the expenditures from August 28, 2017, to September 8, 2017 in the amount of \$7,195,621.76.

Summary:

Breakdown of Expenditures:

Check Nos.	249549-249918	965,210.49
Wire Nos.	6554-6566	3,877,108.22
Payroll Check Nos.	123546-124647	24,580.50
Payroll Wires/ACH	10074-10095	2,328,722.55
TOTAL		\$7,195,621.76

Fiscal Impact:

Yes

Total Disbursements: \$7,195,621.76. Disbursements (wire transfers) include \$3,614,665.00 for purchase power.

Attachments:

1. Wire Transfers
2. Voucher Listing Report

VOUCHER LISTING REPORT
SUMMARY OF WIRE TRANSFERS
AUGUST 28 - SEPTEMBER 8, 2017

Payee	Wire Description	Amount
Claim Wires - Wire No. 6554 to 6566		
AW Rehn Insurance	Fire Health Reimbursement Account	21,000.00
Bonneville Power Administration	Purchase Power	3,614,665.00
CIGNA Health/Matrix/QBE/VSP	Insurance Claims	238,048.71
Conover	Section 125	652.22
Department of Licensing	Firearms Online Pmt for Concealed Licenses	639.00
Payment Processing, Inc.	Landfill Merchant Service Fees	2,103.29
	Total Claim Wire Transfers	\$ 3,877,108.22
Payroll Wires & Direct Deposits (ACH) - Wire No. 10074 to 10095		
Payroll Wires *see description below	Total Payroll Wire Transfers & Deposits	\$ 2,328,722.55
	Total Claim & Payroll Wires/ACH	\$ 6,205,830.77

*Payroll Wires - transactions represent; employee payroll, payment of benefits, payroll taxes and other related payroll benefits.



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
FUND 001		GENERAL FUND			
Division:	000	UNASSIGNED			
BENSON, ROBERT		17-362 BENSON	249623	17-362 TASK FORCE OFFICER	\$1,413.76
BUNCH, KAYLEE		17-365 BUNCH	249842	17-365 EUCI UNDERSTANDING U	\$1,006.90
JENSEN, KERWIN		17-352 JENSEN	249664	17-352 WEDA CONFERENCE	\$419.70
MOORE, ROSE MARIE		136813	249784	REFUND CPL FEES	\$18.00
				REFUND CPL FEES	\$14.00
RECWARE REFUND		081517	249696	DEPOSIT REFUND	\$425.00
		081717	249625	DEPOSIT REFUND	\$150.00
				DEPOSIT REFUND	\$425.00
				DEPOSIT REFUND	\$500.00
			249634	DEPOSIT REFUND	\$425.00
				DEPOSIT REFUND	\$150.00
				DEPOSIT REFUND	\$500.00
			249699	DEPOSIT REFUND	\$425.00
				DEPOSIT REFUND	\$500.00
				DEPOSIT REFUND	\$150.00
			249704	DEPOSIT REFUND	\$150.00
				DEPOSIT REFUND	\$500.00
				DEPOSIT REFUND	\$425.00
		081817	249690	OVERPAYMENT PUB N GRUB	\$35.00
			249708	OVERPAYMENT PUB N GRUB	\$35.00
		082117	249659	DEPOSIT REFUND	\$200.00
		082817	249618	DEPOSIT REFUND	\$150.00
				DEPOSIT REFUND	\$200.00
			249627	DEPOSIT REFUND	\$150.00
				DEPOSIT REFUND	\$200.00
			249679	DEPOSIT REFUND	\$200.00
				DEPOSIT REFUND	\$150.00
UNASSIGNED TOTAL ****					\$8,917.36
Division:	100	CITY MANAGER			
AYERS, JACKIE		17-367 AYERS	249832	17-367 WCMA SUMMER CONFEREN	\$237.38
CITY OF RICHLAND		17-366 REENTS	249848	17-366 WCMA SUMMER CONFEREN	\$276.38
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$51.02
SPRINGSTED INCORPORATED	P057871	2	249903	CLASS AND COMPENSATION STUDY	\$16,250.00
CITY MANAGER TOTAL ****					\$16,814.78
Division:	101	CITY CLERK			
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$30.04
CITY CLERK TOTAL ****					\$30.04



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 102 CITY ATTORNEY					
BELL BROWN & RIO PLLC		893	249834	PROSECUTION SRVCS-SEPTEMBER	\$22,143.88
DIVERSIFIED HUMAN RESOURCES CONSULTING, LLP		R201701	249858	INVESTIGATION- COBB	\$10,246.30
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$1.38
PRONTO PROCESS SERVICE INC		PTO-2017006568	249894	MESSENGER SERVICE-AUGUST	\$40.00
SUMMIT LAW GROUP PLLC		86495	249603	LGL SERVICES- FAMILY CARE ACT	\$88.50
CITY ATTORNEY TOTAL ****					\$32,520.06
Division: 113 HANFORD COMMUNITIES					
LUNDGREN, REGINA E		RCH-SB-524	249672	SPEAKERS BUREAU - AUGUST	\$280.00
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$3.49
HANFORD COMMUNITIES TOTAL ****					\$283.49
Division: 120 FIRE					
EAGLE PRINTING & GRAPHIC DESIGN INC	P058280	45724	249859	#J317 CORE JACKET, MEDIUM	\$42.30
	P058280			#ST310 SHORTS, NAVY, 2XL	\$155.90
	P058280			#4850MP SWEATPANT, NAVY, 2XL	\$174.63
	P058280			SCREENS	\$184.62
	P058280			#4850MP SWEATPANT, NAVY	\$691.24
	P058280			#ST310 SHORTS, NAVY	\$806.36
LONE WOLF WILDFIRE LLC		109	249583	*BI- T6 ENGINE W/3 CREW (X2)	\$4,065.50
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$18.41
STEVENSON, JERRY		051215	249713	REIMB ACLS RECERTIFICATION	\$175.00
FIRE TOTAL ****					\$6,313.96
Division: 130 POLICE					
ACE SALES & SERVICE INC		A-37248	249729	1 DAY POL RENTAL	\$85.00
BENSON, ROBERT		17-362 BENSON	249623	17-362 TASK FORCE OFFICER	\$172.00
BENTON COUNTY SHERIFF'S OFFICE		07/17-CUSTODY	249737	CUSTODY COSTS-JULY 2017	\$135,722.13
BLAZE CONE COMPANY, INC	P058271	29208	249836	12" BLAZE CONES	\$218.00
	P058271			SHIPPING	\$36.00
CASCADE NATURAL GAS CORP		08/17-75997100005	249744	NAT GAS 871 GW WAY 07/18-08/17	\$10.85
CHARTER COMMUNICATIONS		09/17-0309703POL	249745	RPD INTERNET SRVCS 8/29-09/28	\$80.12
CITY OF PASCO		2017-00000024	249746	COP-ANIMAL CONTROL SERV-AUG	\$20,806.38
CITY OF POST FALLS		INV03935	249747	ALPR ANNUAL MAINT FEES	\$3,000.00
CITY OF RICHLAND		17-362 BENSON	249636	17-362 TASK FORCE OFFICER	\$1,413.76
		17-370 DOSS	249848	17-370 THE LETHAL WEAPON	\$828.90
		17-371 EDWARDS		17-371 THE LETHAL WEAPON	\$828.90
DOMESTIC VIOLENCE SERVICES		23905	249755	DOMESTIC VIOLENCE SRVCS-JUN 17	\$888.50
		23934		DOMESTIC VIOLENCE SRVCS-JUL 17	\$888.50
FRONTIER	S017570	09/17 2061882614	249864	TELEPHONE CHARGES 08/19/17 TO	\$68.13
GALLS, LLC	P058190	BC0456408	249568	SHIPPING	\$34.74



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GALLS, LLC	P058190	BC0456408	249568	SH087 DKNV MD REG ELBECTO LADI	\$48.82
	P058190			SH085 DKNV MD REG ELBECO LADIE	\$86.77
	P058190			CUSTOMER SPECIFIC EMBLEM	\$2.17
	P058190			CUSTOMER SPECIFIC EMBLEM	\$4.34
	P058190			BC246 SHD GALLS CLIP ON BADGE	\$34.71
KADLEC REGIONAL MEDICAL CENTER		H10163610024602	249576	HICKS MED CLRNC 16-27590	\$455.72
		H101700510205502		RAMOS MED CLRNC 17-03573	\$110.06
		H10170510002502		GOLLADAY MED CLRNC 17-03510	\$554.71
		H10170510198302		EATMON MED CLRNC 17-03565	\$73.37
		H10170540003502		LINK MED CLRNC 17-03706	\$333.83
		H10171210223101		LAMAR MED CLRNC 17-08880	\$189.35
		H10171220126901		PARSONS MED CLRNC 17-08927	\$73.37
		H10171220187401		FRENCH MED CLRNC 17-08904	\$604.04
		H10171230220601		WILCOX MED CLRNC 17-09048	\$73.37
		H10171270051501		KAPITULA MED CLRNC 17-09345	\$110.06
		H10171280206301		ENGELHARDT MED CLRNC 17-09452	\$110.06
		H10171330005801		KEFFELER MED CLRNC 17-09813	\$73.37
		H10171350124301		SMITH MED CLRNC 17-09976	\$455.20
		H10171350153201		SHATRAW MED CLRNC 17-09976	\$73.37
		H10171390131201		MCMANUS MED CLRNC 17-10358	\$110.06
		H10171540007701		HAMILL MED CLRNC 17-11566	\$110.06
		H10171590131501		ANDREWS MED CLRNC 17-08788	\$208.73
		H10171620001001		KUHLMAN MED CLRNC 17-12268	\$583.17
		H10171650121201		HOWELL MED CLRNC 17-12509	\$208.73
		H10171660141701		MCEACHERN MED CLRNC 17-12575	\$117.30
		H10171760012801		BARRON MED CLRNC 17-13436	\$306.13
		H10171970003100		WRIGHT MED CLRNC 17-15404	\$110.06
		H10171980116400		CLAYTON MED CLRNC 17-15509	\$110.06
		H10171980122000		DOWNEY MED CLRNC 17-15513	\$1,102.98
		H10172020024300		MCLAIN MED CLRNC 17-15846	\$110.06
		H10172040003200		GOSNEY MED CLRNC 17-16034	\$208.73
LARSEN GUNSMITHING & FIREARMS	P058216	9248	249580	PELICAN AIR CASE 1555	\$193.31
LN CURTIS & SONS	P057563	INV101344	249582	TP19A6248-M-YB NAVY 4X6 UTILIT	\$54.30
	P057563			ADJUST FOR TAX	(\$0.01)
	P057563			FREIGHT	\$19.94
	P057563			TP10A-M-YB NAVY TP10A SIDE ARM	\$27.15
	P057563			TP12-M-YB NAVY TP12 37/40 MM L	\$27.15
	P057563			TP17-M-YB NAVY TP17 HANDCUFF P	\$27.15
	P057563			TP21B-M-YB NAVY OPEN TOP UNIVE	\$27.15
	P057563			11PT02-OD HIGH SPEED GEAR OLIV	\$54.25
	P057563			TP5-M-YB NAVY TP5 M4 MAGAZINE	\$54.30
	P057563				



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
LN CURTIS & SONS	P057563	INV101344	249582	APEX2 SAFARI CUSTOM CARRIER CO	\$162.90
	P057563			DN6313 SAFARI OREGON CITY CARR	\$190.05
	P057563			SM02LVLIHIA SAFARI W/BLACKAPEX	\$2,524.95
	P057563			TP58MYB POUCH FOR STRION FLASH	\$27.15
LOURDES HEALTH WELLNESS		53898	249778	HIV SCREEN-VICTOR SANCHEZ	\$38.50
LUNDQUIST, ERIK		17-379 LUNDQUIST	249673	17-379 SEARCH WARRANT	\$221.24
MOON SECURITY SERVICES INC		888266	249687	RPD RANGE MONITORING	\$59.90
NET TRANSCRIPTS INC		0013855-IN	249789	TRANSCRIPTION SERVICE 16-15185	\$672.92
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$6.90
				POSTAGE 08/01/17 TO 08/31/17	\$21.35
RIVER CITY TOWING INC		15635	249803	TOW CHARGE	\$48.87
		15644		TOW CHARGE	\$48.87
		15670		TOW CHARGE	\$48.87
		15698		TOW CHARGE	\$48.87
		15703		TOW CHARGE	\$48.87
		15713		TOW CHARGE	\$48.87
		15716		TOW CHARGE	\$48.87
		15722		TOW CHARGE	\$48.87
SAN DIEGO POLICE EQUIPMENT CO	P058296	629006	249900	SIM-5320761 SIMUNITION 9MM FX	\$521.21
	P058296			FREIGHT	\$14.94
	P058296			ADJUST FOR TAX	\$0.01
STOHEL, HYRUM		17-380 STOHEL	249714	17-380 SEARCH WARRANT	\$221.24
STONEWAY ELECTRIC SUPPLY		S102105988.001	249809	EVIDENCE FREEZER INSTALL PARTS	\$161.25
		S102105988.002		EVIDENCE FREEZER INSTALL PARTS	\$41.91
		S102129148.001		EVIDENCE FREEZER INSTALL PARTS	\$7.79
TIGER MOUNTAIN WOODCRAFTS	S017540	081817	249606	WOODEN BATONS	\$244.35
TREASURE VALLEY COFFEE CO		109637	249816	RPD COFFEE DELIVERY	\$32.53
VER STEEG, CARMEN K		17-359 VERSTEEG	249722	17-359 NARCOTICS DISPOSAL	\$18.00
				17-359 NARCOTICS DISPOSAL	\$22.12
POLICE TOTAL ****					\$177,921.53
Division:	210	ADMINISTRATIVE SERVICES			
CABOT DOW ASSOCIATES INC	P057294	AUGUST 2017	249843	HR LABOR NEGOTIONS	\$2,268.75
ADMINISTRATIVE SERVICES TOTAL ****					\$2,268.75
Division:	211	FINANCE			
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$5,702.96
				POSTAGE 08/01/17 TO 08/31/17	\$1,219.44
				POSTAGE 08/01/17 TO 08/31/17	\$148.75
XEROX CORPORATION		090249119	249727	LX5-692029 BASE/PRINTS-JUN/JUL	\$355.87
FINANCE TOTAL ****					\$7,427.02
Division:	212	PURCHASING			



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$2.76
PURCHASING TOTAL ****					\$2.76
Division:	213	INFORMATION TECHNOLOGY			
DELL COMPUTER CORPORATION	P058033	10175102090	249564	Dell 24" Monitor P2417H	\$1,185.85
	P058033			DELL BUSINESS DOCK-WD15 WITH 1	\$291.03
	P058033			ADJUST FOR TAX	(\$0.01)
	P058038	10175171730		Precisions Workstations T5810	\$11,719.09
	P058038			ADJUST FOR TAX	(\$0.01)
	P058033	10175171773		DELL 22" MONITOR P2217H	\$9,740.77
	P058036	10175378945		Latitude 14 Rugged 5414	\$1,491.36
	P058036			ADJUST FOR TAX	(\$0.01)
SP MARKETPLACE	P058322	1189	249902	SP Services: DIY Training	\$1,995.00
INFORMATION TECHNOLOGY TOTAL ****					\$26,423.07
Division:	220	HUMAN RESOURCES			
FOSTER PEPPER PLLC		09/18-19 CONF	249654	2017 CIVIL SERVICE CONFERENCE	\$475.00
JUBB, ALLISON		081717	249668	REIMB NEGOTIATIONS PREP MEE	\$36.11
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$1.19
THE WESLEY GROUP	P057966	19698	249908	LABOR NEGOTATION SVCS-WESLEY G	\$4,000.00
HUMAN RESOURCES TOTAL ****					\$4,512.30
Division:	300	COMMUNITY &DEVELOPMENT SERVICE			
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$4.27
COMMUNITY &DEVELOPMENT SERVICE TOTAL ****					\$4.27
Division:	301	DEVELOPMENT SERVICES			
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$521.08
DEVELOPMENT SERVICES TOTAL ****					\$521.08
Division:	302	REDEVELOPMENT			
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$5.08
THOMAS, MILES		17-293 THOMAS	249718	17-293 NW ECON DEVELOP COUR	\$196.91
REDEVELOPMENT TOTAL ****					\$201.99
Division:	303	LIBRARY			
ARTS FOUNDATION OF THE MID COLUMBIA		1001	249551	AFMC FOR THE ROI GRANT	\$1,000.00
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$2,163.93
THE SHERWIN WILLIAMS CO		5978-6	249907	PAINT	\$34.23
LIBRARY TOTAL ****					\$3,198.16
Division:	331	PARKS & REC - RECREATION			
FRONTIER	S017570	09/17 2061882614	249864	TELEPHONE CHARGES 08/19/17 TO	\$192.97
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$9.66
PARKS & REC - RECREATION TOTAL ****					\$202.63



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From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 335 PARKS & REC - PARKS&FACILITIES					
AMERICAN ROCK PRODUCTS INC		318063	249827	312 ENGLEWOOD DR	\$1,865.12
		321757		312 ENGLEWOOD DR	\$2,124.76
		321782		312 ENGLEWOOD DR	\$2,148.11
		321895		312 ENGLEWOOD DR	\$2,148.11
BEAVER BARK & ROCK		831846	249833	GRASS	\$130.23
		833060		GRAY RIVER ROCK	\$117.22
		833065		GRAY RIVER ROCK	\$117.22
		833072		SOIL DIRT FILL	\$65.09
		833080		DIRT FILL SOIL	\$65.09
CASCADE NATURAL GAS CORP		08/17 61897100006	249846	NAT GAS 955 NRTHGT 07/19-08/17	\$22.66
		08/17 73638100005		NAT GAS 500 AMON 07/19-8/17	\$58.10
		08/17-51897100007		NAT GAS 1005 SWIFT 07/19-08/17	\$10.85
		08/17-75226321539		NAT GAS 2710 DUPRT 7/18-8/16	\$29.11
		08/17-80577100003		NAT GAS 200 BLDG 07/18-08/16	\$10.85
		08/17-90577100002		NAT GAS 300 BLDG 07/18-8/16	\$142.37
		08/17-96738100005		NAT GAS 505 SWIFT 07/18-8/17	\$11.63
COMPLETE CLEANING SYSTEMS		74658	249852	MACHINE SCRUB WAREHOUSE	\$175.00
DEPARTMENT OF LABOR & INDUSTRIES		198577 LIBRARY	249857	RENEWAL FOR OPERATING CERT	\$258.00
		214919	249565	FAILURE TO CORRECT	\$500.00
		215226		FAILURE TO CORRECT	\$500.00
FRONTIER	S017570	09/17 2061882614	249864	TELEPHONE CHARGES 08/19/17 TO	\$1,106.40
	S017570			TELEPHONE CHARGES 08/19/17 TO	\$32.18
G-A-P SUPPLY CORP DBA		20352751-00	249865	CONTROL MONITOR	\$83.92
GTP INVESTMENTS LLC	P057396	404436296	249866	BADGER MTN LEASE FOR CITY CELL	\$312.50
MILLER PAINT COMPANY INC		30085403	249885	FIELD MARKING PAINT	\$133.24
		30114611		HOWARD AMON GAZEBOS PAINT	\$30.95
		30126219		PAINT FOR PLAYGROUND	\$561.85
		30277068		PICKLEBALL PAINT	\$264.60
MOON SECURITY SERVICES INC		887964	249886	BASIC FIRE MONITOR LIBRARY	\$36.00
		888791		ST#74 CELL GSM FIRE B/U	\$50.00
		889154		BASIC FIRE MONITORING CREST	\$59.00
		890343		BASIC FIRE MONITORING	\$33.00
				BASIC FIRE MONITORING	\$36.00
OXARC INC		30110509	249890	CO2	\$141.18
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$1.61
RICHLAND ACE HARDWARE		213804	249896	ANT SPRAY	\$21.68
		213887		FREEZER BAGS	\$4.98
		213915		CLEANING/WORK SUPPLIES	\$110.84
		57266		TAPE/CRAYON/KNIFE/CHALK	\$116.46
		57488		IRRIGATION SUPPLIES	\$32.78



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND ACE HARDWARE		57647	249896	COUPLE	\$12.48
		57693		BATTERIES	\$10.41
		57701		O-RINGS	\$2.57
		57726		TRASH CAN/SIMPLE GREEN CLNR	\$45.58
		57854		FLAGGING TAPE/STRAP	\$8.66
THE DRAIN SURGEON		37353	249906	SNAKE LINE IN MENS RESTROOM	\$278.29
THE PERSONAL TOUCH CLEANING INC		73462	249605	JANITOR SERVICES-LIBRARY-JULY	\$8,536.03
THERMAL SUPPLY INC		6385657	249909	HVAC PARTS	\$176.27
TOTAL FILTRATION SERVICES INC	S017543	PSV1673753	249719	AIR FILTER, 18 X 30 X 2, MERV	\$199.91
	S017543			AIR FILTER, 12 X 24 X 2, MERV	\$34.14
	S017543			AIR FILTER, 14 X 20 X 1, MERV	\$30.10
	S017543			ADJUST TAX	\$0.01
	S017543			AIR FILTER, 16 X 20 X 2, MERV	\$67.77
	S017543			AIR FILTER, 24 X 24 X 2, MERV	\$99.04
	S017543			AIR FILTER, 16 X 25 X 2, MERV	\$157.43
	S017543			AIR FILTER, 20 X 20 X 2, MERV	\$275.50
	S017543			AIR FILTER, 20 X 25 X 2, MERV	\$274.45
	S017543			AIR FILTER, 18 X 20 X 1, MERV	\$36.88
TREVINO, LUCAS		081817	249910	REIMB CDL ENDORSEMENT	\$102.00
TRI CITIES BATTERY & AUTO REPAIR		120159	249911	FIRE ALARM BATTERY	\$71.74
WOOD'S NURSERY INC		0020819	249916	ROLLS OF SOD	\$13.01
PARKS & REC - PARKS&FACILITIES TOTAL ****					\$24,100.96
Division:	900	NON-DEPARTMENTAL			
WASHINGTON CITIES INSURANCE AUTHORITY		AUGUST 2017	249915	WCIA CLAIMS PAID-AUG 2017	\$703.00
NON-DEPARTMENTAL TOTAL ****					\$703.00
GENERAL FUND Total ***					\$312,367.21
FUND	101	CITY STREETS			
Division:	401	STREETS MAINTENANCE			
3M	S017547	SS79034	249614	SHEETING FOR SIGNS, YELLOW 409	\$1,143.56
	S017547			SHEETING FOR SIGNS, FLUORESCEN	\$1,143.56
	S017547	SS79035		SHEETING FOR SIGNS, FLUORESCEN	\$757.49
	S017547			VINYL FOR SIGNS, BLACK 7725-12	\$195.48
FRONTIER	S017570	09/17 2061882614	249864	TELEPHONE CHARGES 08/19/17 TO	\$32.18
	S017570			TELEPHONE CHARGES 08/19/17 TO	\$56.51
GTP INVESTMENTS LLC	P057396	404436296	249866	BADGER MTN LEASE FOR CITY CELL	\$200.00
INLAND ASPHALT CO	P058316	2477853	249869	1/2" HMA 100 GYRA ASPHALT	\$83.08
	P058316	2479217		1/2" HMA 100 GYRA ASPHALT	\$127.39
RICHLAND ACE HARDWARE		213986	249797	KEY HIDER/RING/SPRING SNAP	\$10.82
		214004		SIMPLE GREEN	\$26.04



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND ACE HARDWARE		58148	249797	PADDLE LAMINATED WOOD	\$54.28
THE SHERWIN WILLIAMS CO		0974-0	249812	PISTON LUBE	\$30.39
STREETS MAINTENANCE TOTAL ****					\$3,860.78
CITY STREETS Total ***					\$3,860.78
FUND 112	INDUSTRIAL DEVELOPMENT FUND				
Division:	305	ECONOMIC DEVELOPMENT			
CITY OF RICHLAND		17-352 JENSEN	249636	17-352 WEDA SUMMER CONFEREN	\$419.70
JENSEN, KERWIN			249664	17-352 WEDA SUMMER CONFEREN	\$26.07
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$2.11
RATKAI, N. ZACH		17-309 RATKAI	249700	17-309 WEDA SUMMER CONFEREN	\$47.51
RGW ENTERPRISES PC	P057815	07/17-ENG/DRFT HR	249796	2017 ENGINEERING AND DRAFTING	\$4,318.11
	P057809	07/17-PM HOURS		2017 PROJECT MANAGEMENT SERVIC	\$805.00
ECONOMIC DEVELOPMENT TOTAL ****					\$5,618.50
Division:	306	ECONOMIC DEVELOPMENT PROJECTS			
IMT INC		8864	249572	SCHAEFFER STREET M17225	\$1,448.00
ECONOMIC DEVELOPMENT PROJECTS TOTAL ****					\$1,448.00
INDUSTRIAL DEVELOPMENT FUND Total ***					\$7,066.50
FUND 117	CRIMINAL JUSTICE SALES TAX				
Division:	131	CJST POLICE ACTIVITY			
CITY OF RICHLAND		17-273 BICKFORD	249636	17-273 ICAC CONFERENCE	\$320.00
GALLS, LLC	P058190	BC0456408	249568	CUSTOMER SPECIFIC EMBLEM	\$2.17
	P058190			SR611 MDNV MD REG MENS SS PDU	\$108.58
	P058190			SH086 DKNV 165 35 ELBECO UNDER	\$48.82
	P058190			TR666 MDNV 31 OB MENS CARGO PD	\$108.58
	P058190			SR612 MDNV MD REG MENS LS PDU	\$54.29
	P058190			NAME STRIP - ANDERSON	\$4.34
	P058190			CUSTOMER SPECIFIC EMBLEM PATCH	\$2.17
	P058190			CUSTOMER SPECIFIC EMBLEM	\$2.17
	P058190			CUSTOMER SPECIFIC EMBLEM	\$1.09
	P058190			CUSTOMER SPECIFIC EMBLEM	\$1.09
	P058190			NAMESTRIP - ANDERSON	\$2.17
CJST POLICE ACTIVITY TOTAL ****					\$655.47
CRIMINAL JUSTICE SALES TAX Total ***					\$655.47
FUND 301	STREETS CAPITAL CONSTRUCTION				
Division:	402	ARTERIAL STREETS			
AMERICAN ROCK PRODUCTS INC	P058317	322299	249827	5/8" MINUS TOP COURSE, INV:322	\$180.61



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AMERICAN ROCK PRODUCTS INC	P058317	322632	249827	3 YARDS 3500 EXTERIOR CONCRETE	\$526.80
	P058317	322818		3 YARDS 3500 EXTERIOR CONCRETE	\$332.32
	P058317	323146		5/8" MINUS TOP COURSE, INV:323	\$147.83
	P058317	323147		6 YARDS 3500 EXTERIOR CONCRETE	\$664.63
	P058317	323148		3 YARDS 3500 EXTERIOR CONCRETE	\$332.32
	P058317	323292		6.5 YARDS 3500 EXTERIOR CONCRE	\$720.02
	P058317	323293		3 YARDS 3500 EXTERIOR CONCRETE	\$468.07
	P058317	323672		3.5 YARDS 3500 EXTERIOR CONCRE	\$387.70
	P058317	323673		3.5 YARDS 3500 EXTERIOR CONCRE	\$387.70
	P058317	323806		5/8" MINUS TOP COURSE, INV:323	\$90.46
	P058317	323807		3.5 YARDS 3500 EXTERIOR CONCRE	\$387.70
ARROW CONSTRUCTION SUPPLY INC		199460	249732	ADA DOMES	\$325.80
BEAVER BARK & ROCK		835579	249735	BARK/ROCK	\$130.25
		835624		DIRT	\$108.49
MENKE JACKSON BEYER LLP		07/2017-077	249683	DUPORTAIL BRIDGE-Legal Service	\$727.24
RICHLAND ACE HARDWARE		213990	249797	FUNNY PIPE/ ELBOW	\$15.15
		213996		COUPLER/ELBOW/TEE	\$11.14
		58065		PVC PARTS/SEED/SAW/SPRINKLER	\$97.34
		58133		SPRAYER	\$21.70
SHANNON & WILSON INC		8306	249805	HR MITIGATION 204-15	\$652.50
		8307		RAIL LOOP MITIGATION	\$240.00
WESTERN CONCRETE ACCESSORIES		26278	249820	SUPER DIAMOND CLEAR	\$161.16
ARTERIAL STREETS TOTAL ****					\$7,116.93
STREETS CAPITAL CONSTRUCTION Total ***					\$7,116.93
FUND 380	PARK PROJECT CONSTRUCTION				
Division:	337	PARKS & REC PROJECTS			
NORTHWEST CULTURAL RESOURCES	P057466	NCRS-CP.5	249691	PERFORM ADDITIONAL CULTURAL	\$13,445.00
PARAMOUNT COMMUNICATIONS INC	P058025	32191 #2	249589	Extend Fiber Service to Goetha	\$4,166.00
PARKS & REC PROJECTS TOTAL ****					\$17,611.00
PARK PROJECT CONSTRUCTION Total ***					\$17,611.00
FUND 385	GENERAL GOVT CONSTRUCTION				
Division:	900	NON-DEPARTMENTAL			
LEONE & KEEBLE INC	P057361	16-292 #5	249581	NEW CITY HALL DESIGN BUILD	\$96,021.95
NON-DEPARTMENTAL TOTAL ****					\$96,021.95
GENERAL GOVT CONSTRUCTION Total ***					\$96,021.95
FUND 401	ELECTRIC UTILITY FUND				
Division:	000				



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
ANIXTER INC	P058176	3635071-00	249829	ELBOW, LOADBREAK, 1/0 STR,	\$18,116.65
	P058176			TERM, JACKETED 1/0 SEALING KIT	\$7,793.14
	P058176			FEED-THRU, 15KV, 200A	\$1,705.02
	P058176			SPLICE, 3-M PRIMARY,1/0 STRAND	\$894.86
	P058176			LOADBREAK BUSHING INSERT XFMR	\$1,153.88
	P058176			TERM, JACKETED 750, 3M QT III	\$1,686.02
	P058176			STANDOFF INSULATOR, 200A,	\$733.05
	P058176	3635071-02		SPLICE, 3-M CONNECTOR, 1/0 STR	\$45.07
	P058176	3658435-00		T-BODY TAP PLUG, HUBBELL	\$5,099.58
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	S017472	3627-579029	249640	LAMP HPS, 200W, MOGUL BASE,	\$1,083.83
	P058204	3627-580315		CABLE, CU UG 500 THHN/THW/THWN	\$14,934.67
	P058204	3627-580979	249853	CONDUCTOR, CU, 4/0 19 STR BARE	\$2,584.68
	P058204			CONDUCTOR, CU,2/0 7 STR BARE	\$1,629.00
	P058204			CONDUCTOR, CU SD, #6 SOL BARE,	\$504.07
	P058204			CONDUCTOR, CU, #2 7 STR BARE	\$3,258.00
PLATT ELECTRIC SUPPLY	P058207	N812909	249697	TIE, CABLE, 11" MIN, HVY DUTY	\$200.69
STONEWAY ELECTRIC SUPPLY	P058205	S102097575.002	249602	ROPE PULL LINE, POLYPROP, 200#	\$76.02
	P058205	S102106634.002		TAPE 3M 88, 1 1/2 X 44FT	\$624.45
WESCO DISTRIBUTION INC	P057923	791069	249724	XFMR, POLE 25 KVA 120/240 1-PH	\$6,505.48
	P057923	792237		XFMR, POLE 25 KVA 120/240 1-PH	\$722.83
TOTAL ****					\$69,350.99
Division:	501	BUSINESS SERVICES			
BUNCH, KAYLEE		17-365 BUNCH	249842	17-365 EUCI UNDERSTANDING U	\$54.00
CITY OF RICHLAND			249848	17-365 EUCI UNDERSTANDING U	\$1,006.90
FEDERAL EXPRESS CORP		5-902-04537	249567	SHIPPING CHARGES- BONDS	\$7.61
FRONTIER	S017570	09/17 2061882614	249864	TELEPHONE CHARGES 08/19/17 TO	\$91.64
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$29.99
BUSINESS SERVICES TOTAL ****					\$1,190.14
Division:	502	ELECTRICAL ENGINEERING			
SCHNEIDER AUTOMATION	P057353	39326931-01	249598	TAX	\$64.50
	P057353			STONEWAY ANNUAL RENWAL ADVANCE	\$750.00
WA STATE DEPT OF TRANSPORTATION		RE-45JE5719L015	249611	PLANS REVIEW-FR50320	\$823.00
ELECTRICAL ENGINEERING TOTAL ****					\$1,637.50
Division:	503	POWER OPERATIONS			
BOYD'S TREE SERVICE LLC	P057573	5587	249838	TREE TRIMMING & VEGETATION CON	\$6,336.69
	P057573	5601		TREE TRIMMING & VEGETATION CON	\$7,247.26
CDW GOVERNMENT INC	P058155	JVM0420	249554	AVTEQ RPS Series 500s Cart Mfg	\$1,833.56
D HITTLE & ASSOCIATES INC	P056798	11639	249856	REATA SUB TO DALLAS RD SUB TRA	\$177.00
PARAMOUNT COMMUNICATIONS INC	P058014	32161	249695	UNDERGROUND CONDUIT BORE ACROS	\$4,235.40
SOMES, SAM		080717	249710	REIMB DOT PHYSICAL	\$76.00



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
TRAFFIC MANAGEMENT INC		545	249608	TRAFFIC FLAGGING 6/13/17	\$442.50
POWER OPERATIONS TOTAL ****					\$20,348.41
Division:	504	SYSTEMS DIVISION			
ELR CONSULTING INC	P057428	3067	249860	SCADA System integration suppo	\$3,069.46
S & C ELECTRIC COMPANY	S017502	1165838	249597	15KV 600AMP BUSHING FINAL ASSE	\$282.36
	S017502			FREIGHT	\$14.46
UNITED PARCEL SERVICE	S017569	000986641357	249818	2 GROUND PKGS TO DOBLE ENGNEEE	\$42.51
	S017569			WEIGHT CORRECTION FOR PKG TO D	\$7.48
SYSTEMS DIVISION TOTAL ****					\$3,416.27
Division:	505	ENERGY POLICY MGMT			
BENTON PUD		08/17- 1065	249553	ELECTRIC SRVCS 07/21-08/20/17	\$449.15
CITY OF RICHLAND		181960	249637	1001 WILLARD-REBATE-INS/WIN/HP	\$5,529.23
		431700	249558	2252 CARRIAGE-REBATE-HP	\$1,000.00
		52700		1012 ADAMS-REBATE-HP	\$1,000.00
		621740		2021 DAVISON-REBATE-WINDOWS	\$669.00
DAYCO HEATING & AIR		58763	249649	2162 CASCADE-REBATE-HP	\$1,000.00
DELTA HEATING & COOLING INC		25116	249650	1944 MAHAN-REBATE-HP	\$1,000.00
GLASS NOOK INC		77872	249657	2407 BOISE-REBATE-WINDOWS	\$717.40
JACOBS & RHODES INC		37853	249768	1730 HORN-REBATE-HP	\$1,000.00
		38014	249661	2241 HARRIS-REBATE-HP	\$1,000.00
		38024		2532 BANYON-REBATE-HP	\$1,000.00
M CAMPBELL & COMPANY INC		128751	249674	2026 HOWELL-REBATE-HP	\$1,000.00
		131120		2633 QUARTERHORSE-REBATE-HP	\$1,000.00
PERFECTION GLASS	P057804	9993658739	249590	WEATHERWISE LOAN: JAYNES, 2021	\$10,346.59
SMITH INSULATION INC	P058110	13993-COFR	249709	WEATHERWISE LOAN: GOMEZ, 1001	\$2,129.32
	P058112	13993-COFR1		WEATHERWISE LOAN: GOMEZ, 1001	\$664.63
ENERGY POLICY MGMT TOTAL ****					\$29,505.32
Division:	506	TECHNICAL SERVICES			
GTP INVESTMENTS LLC	P057396	404436296	249866	BADGER MTN LEASE FOR CITY CELL	\$625.00
TECHNICAL SERVICES TOTAL ****					\$625.00
ELECTRIC UTILITY FUND Total ***					\$126,073.63
FUND	402	WATER UTILITY FUND			
Division:	000				
BLACKLINE INC		17-01185	249624	HYDRANT METER REFUND	\$750.00
CULBERT CONSTRUCTION		16-02885	249644	HYDRANT METER REFUND	\$750.00
				HYDRANT METER RENTAL	(\$30.00)
				WATER USAGE	(\$258.40)
NATIONAL METER & AUTOMATION	P058252	S1088222.003	249788	METER,WATER BRONZE DISC, 1",	\$1,259.76
WHEELER EXCAVATION LLC		17-01035	249725	HYDRANT METER REFUND	\$750.00



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
UNASSIGNED TOTAL ****					\$3,221.36
Division: 410	WATER CAPITAL PROJECTS				
CASCADE DIVE CO	S017531	1555	249630	INSPECTION OF TRAVELING TRASH	\$2,823.60
IMT INC		8865	249572	DUPORTAIL TRANS MAIN M17227	\$555.50
WATER CAPITAL PROJECTS TOTAL ****					\$3,379.10
Division: 412	WATER OPERATIONS				
BUILDERS HARDWARE & SUPPLY CO INC	P057905	S3563217.001	249740	BHS ACCESS Control Service, No	\$1,911.01
CORRECT EQUIPMENT INC	S017530	35662	249641	FREIGHT	\$292.00
	S017530			CHLORINATION TABLETS, 55LB PAI	\$5,755.20
ENERGY NORTHWEST		ENV03135	249760	WATER SAMPLES	\$60.00
GTP INVESTMENTS LLC	P057396	404436296	249866	BADGER MTN LEASE FOR CITY CELL	\$525.00
LAB/COR INC		170826-4218	249773	WATER SAMPLES	\$825.00
MEASUREMENT TECHNOLOGIES INC	S017542	2186	249680	NO-CHLOR, CALCIUM THIOSULFATE	\$754.77
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$2.76
RANCH AND HOME INC		50064888	249793	SALT	\$265.54
RICHLAND ACE HARDWARE		213989	249797	TROWEL	\$3.03
		58087		BOLT/FASTENERS	\$3.53
UNITED PARCEL SERVICE	S017559	000986641347	249609	COLLECT PKG FROM HACH FOR WATE	\$7.99
WATER OPERATIONS TOTAL ****					\$10,405.83
Division: 413	WATER MAINTENANCE				
EVERHAM, PAT		17-357 EVERHAM	249653	17-357 ASSET MGMT WORKSHOP	\$328.76
HD FOWLER COMPANY INC		I4606583	249867	CARBIDE CUTTER	\$662.09
KELLEY'S TELE-COMMUNICATIONS INC		276309012017	249771	AFTER HOURS EMERGENCY CALL SVC	\$53.15
NATIONAL METER & AUTOMATION	P058252	S1088222.001	249788	HEAD ASSEMBLY COVER PLATE FOR	\$71.12
	P058252	S1088222.003		SERVICE ELEMENT ASSEMBLY FOR 4	\$331.90
TACOMA SCREW PRODUCTS INC		22187429	249810	SOCKET	\$47.19
WATER MAINTENANCE TOTAL ****					\$1,494.21
WATER UTILITY FUND Total ***					\$18,500.50
FUND 403	WASTEWATER UTILITY FUND				
Division: 000					
WILLIAMS BROTHER CONSTRUCTION, LLC		156-15/RETAINAGE	249726	WWTF SOLIDS UPGRADE PROJECT -	\$141,060.94
UNASSIGNED TOTAL ****					\$141,060.94
Division: 421	SEWER CAPITAL PROJECTS				
BRANOM INSTRUMENT CO	P058242	587343	249626	FREIGHT	\$11.45
	P058242			POWER SUPPLY FOR WWTP HEAT	\$269.33
	P058242			ADJUST TAX	(\$0.01)
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC		3627-580566	249561	TERMINALS/ENCLOSURE	\$1,104.69
HD FOWLER COMPANY INC		I4604749	249570	THREADED FLANGE	\$152.16
IRRIGATION SPECIALISTS INC		1224307-01	249574	FITTINGS FOR CHLRBASIN SPRYPMP	\$426.86



City Of Richland

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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
PUMPTech INC	P058092	0119894-IN	249698	TAX	\$1,579.53
	P058092			HEAT EXCHANGE PUMP #2, WWTP	\$17,074.00
	P058092			EXPEDITE FEE FOR DELIVERY: 5 W	\$820.00
	P058092			FREIGHT	\$472.61
STONEWAY ELECTRIC SUPPLY		S102121965.001	249602	ELECTRICAL COMPONENTS HTX PMP	\$43.97
TACOMA SCREW PRODUCTS INC		22185948	249604	SCREWS/TAPE	\$93.15
SEWER CAPITAL PROJECTS TOTAL****					\$22,047.74
Division:	422	SEWER OPERATIONS			
ALS ENVIRONMENTAL	P057842	51-388933-0	249619	WATER - 335.4 TOTAL CYANIDE	\$80.00
	P057842			CITY OF RICHLAND WWTP	\$260.00
	P057842			WATER - 1631E TOTAL MERCURY	\$120.00
	P057842			WATER - OIL & GREASE TOTAL HEM	\$200.00
	P057842			WATER - 420.1 PHENOLICS	\$90.00
	P058115	51-396090-0	249550	OTHER DRY - 200.7 MODIFIED - M	\$32.00
	P058115			OTHER DRY - 353.2M NITROGEN,	\$25.00
	P058115			OTHER DRY - TS-MET TOTAL SOLID	\$10.00
	P058115			OTHER DRY - 365.3M PHOSPHORUS	\$18.00
	P058115			OTHER DRY - 1631APP TOTAL MERC	\$60.00
	P058115			CITY OF RICHLAND WWTP BIO-SOLI	\$140.00
	P058115			OTHER DRY - 9065 MODIFIED PHEN	\$45.00
	P058115			OTHER DRY - ASTM D1426-931 TOT	\$35.00
	P058115			OTHER DRY - 353.2M NITROGEN,	\$25.00
	P058115			OTHER DRY - 350.1M NITROGEN AM	\$25.00
	P058115			OTHER DRY - 9056 SULFATE	\$25.00
	P058115			OTHER DRY - 335.2M CYANIDE, TO	\$45.00
	P058117	51-397156-0	249619	ATI 7-19-17 SAMPLING EVENT- WA	\$60.00
	P058117			WATER - 420.1 PHENOLICS	\$45.00
	P058117			WATER - 1631E TOTAL MERCURY	\$60.00
	P058117			WATER - 335.4 TOTAL CYANIDE	\$40.00
	P058117			WATER - AMMONIA-N EPA 350.1/35	\$25.00
	P058117			WATER - TSS EPA 160.2	\$18.00
	P058117			WATER - BOD (5 DAY) EPA 405.1	\$48.00
	P058117			WATER - 624 VOLATILE ORGANIC C	\$640.00
	P058117			WATER - OIL & GREASE TOTAL HEM	\$200.00
	P058117			WATER - 608 ORGANOCHLOR.PEST./	\$160.00
CASCADE COLUMBIA DISTRIBUTION COMPANY	P058117	699443	249629	WATER- 200.7 METALS BY ICP-AES	\$30.00
	P058117			WATER - 200.8 TRACE ELEMENTS	\$130.00
	P058117			WATER - 625 SEMIVOL. ORGANIC C	\$215.00
	P058128			CONTAINER DEPOSIT	\$200.00
	P058128			ENERGY/INVOICE SURCHARGE	\$27.15
	P058128			POLYALUMINUM CHLORIDE LIQUID,	\$1,368.25



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GLASS NOOK INC		77877	249569	REPLACEMENT GLASS	\$10.60
GTP INVESTMENTS LLC	P057396	404436296	249866	BADGER MTN LEASE FOR CITY CELL	\$525.00
IVES EQUIPMENT CORPORATION	P058282	5174024	249870	DIFFERENTIAL PRESSURE SWITCH F	\$312.00
	P058282			FREIGHT	\$13.34
KAMAN INDUSTRIAL TECHNOLOGIES		C354245	249578	V-BELTS	\$20.03
MOON SECURITY SERVICES INC		888609	249687	WWTP-BASIC MONITORING	\$54.87
OXARC INC		30117859	249586	NACLO DRUMS	\$763.52
SERV-A-PURE COMPANY		109948	249599	CARBON TANK	\$390.00
UNITED PARCEL SERVICE	S017559	000986641347	249609	2 NDA PKGS TO ALS FOR WWTP OPS	\$68.60
	S017559			ADDITIONAL HANDLING FOR 2 NDA	\$16.90
	S017569	000986641357	249818	COLLECT PKG FROM COLE PARMER F	\$18.75
SEWER OPERATIONS TOTAL ****					\$6,695.01
Division:	423	SEWER MAINTENANCE			
HERC RENTALS INC		29371829-001 TAX	249571	PROPANE-TAX THAT WAS MISSED	\$1.65
KELLEY'S TELE-COMMUNICATIONS INC		276309012017	249771	AFTER HOURS EMERGENCY CALL SVC	\$53.15
MOON SECURITY SERVICES INC		888609	249687	WWTP-BASIC MONITORING	\$54.87
RICHLAND ACE HARDWARE		58070	249593	TENSION CLIPS	\$7.80
		58086		HOOK ROPES	\$3.89
TACOMA SCREW PRODUCTS INC		22186120	249604	AIR HOSE FITTINGS	\$5.65
		22186222		ROLL PINS	\$29.68
		22187045		BRAKE CLEANER/COUPLINGS/RAKE	\$38.87
SEWER MAINTENANCE TOTAL ****					\$195.56
WASTEWATER UTILITY FUND Total ***					\$169,999.25
FUND	404	SOLID WASTE UTILITY FUND			
Division:	430	CAPITAL PROJECTS			
PARAMETRIX INC		03-40217	249588	LANDFILL CONTAMINATION ASSESSM	\$1,024.22
		03-40219	249694	LANDFILL CONTAMINATION ASSESSM	\$21,281.61
CAPITAL PROJECTS TOTAL ****					\$22,305.83
Division:	431	SOLID WASTE ADMINISTRATION			
JOYCE ZIKER PARKINSON PLLC		47684	249667	LANDFILL CONTAMINATION-INSURAN	\$3,140.50
		47685		LANDFILL CONTAMINATION-LEGAL	\$187.00
SOLID WASTE ADMINISTRATION TOTAL ****					\$3,327.50
Division:	432	SOLID WASTE COLLECTION			
CLAYTON WARD COMPANY		1650001	249849	CURBSIDE RECYCLING-AUGUST	\$10,034.77
		628920		PAPER RECYCLING- AUGUST 2017	\$300.00
		628930		2017 DROP BOX RECYCLING SERVIC	\$10,200.00
GTP INVESTMENTS LLC	P057396	404436296	249866	BADGER MTN LEASE FOR CITY CELL	\$312.50
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$107.18
ROUTEWARE INC		98516-2	249705	MISAPPLIED CREDIT	\$228.08



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
SOLID WASTE COLLECTION TOTAL ****					\$21,182.53
Division: 433	SOLID WASTE DISPOSAL				
FRONTIER	S017570	09/17 2061882614	249864	TELEPHONE CHARGES 08/19/17 TO	\$121.43
MITCHELL, FRANK		083017	249686	REIMB MILEAGE - AUG 17	\$52.43
ORRCO		401340	249790	USED OIL TESTING/PICK-UP/HAUL	\$277.50
RICHLAND ACE HARDWARE		58179	249797	WEED TRIMMER	\$141.13
ROACH, ANNIKA		083117	249702	REIMB MILEAGE - AUG 17	\$33.71
STAR RENTALS & SALES		235130-11	249712	WATER TRUCK RENTAL - 4 WEEKS	\$3,909.60
		235130A-11	249808	WATER TRUCK RENTAL - FINAL	\$1,905.92
SOLID WASTE DISPOSAL TOTAL ****					\$6,441.72
SOLID WASTE UTILITY FUND Total ***					\$53,257.58
FUND 405	STORMWATER UTILITY FUND				
Division: 441	STORMWATER				
TACOMA SCREW PRODUCTS INC		22187045	249604	BRAKE CLEANER/COUPLINGS/RAKE	\$93.46
STORMWATER TOTAL ****					\$93.46
STORMWATER UTILITY FUND Total ***					\$93.46
FUND 407	MEDICAL SERVICES FUND				
Division: 121	AMBULANCE				
BOUND TREE MEDICAL LLC		82549161	249837	IV SETS/SALINE/GLOVES	\$606.29
		82552222		EPINEPHRINE	\$227.70
		82553744		SALINE/FILM DRESSING/INFU-STAT	\$453.51
		82555232		COLD PACK/GERMICIDAL WIPES	\$37.10
		82556816		SALINE/GLOVES/NEEDLE/GUAZE	\$512.05
		82558341		HYPODERMIC NEEDLE STERILE	\$27.58
		82561128		O2 MASKS	\$125.96
		82561129		MASIMO SENSOR/SP02 CABLES	\$1,071.84
		82561130		ELECTRODES/SALINE/CHUX PAD	\$1,062.57
		82567405		BVM'S SMALL ADULT	\$193.20
		82568756		ELECTRODES/BVMS/SALINE/IV SETS	\$1,654.39
		82570037		IV CATHETER/IV SETS/GLOVES	\$935.35
		82572976		TRIAGE TAGS/TRIAGE BELT	\$163.07
		82577553		TRIAGE BELT	\$23.88
		82577554		MEGAMOVER/DEFIB PADS/IV FLUSH	\$1,350.03
EAGLE PRINTING & GRAPHIC DESIGN INC	P058280	45724	249859	#K321 MOCK NECK, LONG SLEEVE T	\$90.79
	P058280			ADJUST FOR TAX	(\$0.02)
	P058280			#PC61T PORT TEE, 100% COTTON,	\$2,634.09
	P058280			#PC61T PORT TEE, 100% COTTON,	\$619.02
	P058280			#K321 MOCK NECK, LONG SLEEVE T	\$279.54



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
EAGLE PRINTING & GRAPHIC DESIGN INC	P058280	45724	249859	#PC61 PORT TEE, 100% COTTON, N	\$133.58
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$112.54
AMBULANCE TOTAL ****					\$12,314.06
MEDICAL SERVICES FUND Total ***					\$12,314.06
FUND 408	BROADBAND FUND				
Division:	460	BROADBAND ADMINISTRATION			
PARAMOUNT COMMUNICATIONS INC	P057084	32152	249695	BROADBAND FIBER FOR HAPO STAGE	\$2,257.27
BROADBAND ADMINISTRATION TOTAL ****					\$2,257.27
BROADBAND FUND Total ***					\$2,257.27
FUND 501	CENTRAL STORES FUND				
Division:	000				
CROWN PAPER & JANITORIAL SUPPLY INC	P058266	230918	249642	WIPES, 1/4 FOLD, POLY WRAPPED	\$209.29
	P058266	230958		WIPES, 1/4 FOLD, POLY WRAPPED	\$1,360.41
	P058266			TOWEL, ROLL, REINFORCED, WHITE	\$734.74
OXARC INC	P058026	30118934	249692	GLOVES, HYLITE, 4" SAFETY CUFF	\$175.15
UNASSIGNED TOTAL ****					\$2,479.59
CENTRAL STORES FUND Total ***					\$2,479.59
FUND 502	EQUIPMENT MAINTENANCE FUND				
Division:	214	EQUIPMENT MAINTENANCE			
ALTEC INDUSTRIES INC		21954	249730	HYD VALVE VEH 3325 WO 47589	\$322.89
ATOMIC AUTO BODY INC		32441	249552	DOOR VEH 2398 WO 47707	\$2,072.09
CENTRAL HOSE & FITTINGS INC		466196	249555	MEGAFLOW VEH 7141 WO 47716	\$137.21
		466782	249633	HYD ASSY VEH 7119 WO 47739	\$85.58
COAST CRANE COMPANY		DI/088755	249638	SEAL KIT VEH 3265 WO 47749	\$2,196.98
COLEMAN OIL COMPANY		0450309-IN	249559	LANDFILL DIESEL DYED	\$3,972.69
		0450351-IN		LANDFILL DIESEL CLEAR	\$1,415.71
		0450904-IN	249752	LANDFILL DIESEL DYED	\$2,343.90
		CL18509	249639	CARD LOCK FUEL 08/21-08/27/17	\$15,093.36
		CL19013	249850	CARD LOCK FUEL 08/28-08/31/17	\$12,328.98
		CL23165		CARD LOCK FUEL 09/01-09/03/17	\$4,389.59
CONNELL OIL INC		0191982-IN	249560	HYD OIL VEH 6606 WO 47644	\$102.14
CORWIN OF PASCO LLC		403492	249562	WO 47686/47687/47688/47689	\$290.61
DAY WIRELESS SYSTEMS		443673	249563	FILLER PLATE VEH 9500 WO 47373	\$65.16
		443765		FILLER PLATE VEH 9500 WO 47373	\$92.32
FAST SIGNS		139-55867	249566	NUMBERS VEH 2452 WO 47721	\$645.08
		139-55868		VINYL VEH 2472 WO 47691	\$645.08
		139-55869		NUMBERS VEH 2473 WO 47722	\$645.08



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
FAST SIGNS		139-55926	249762	NUMBERS VEH 2447 WO 47774	\$27.15
HERC RENTALS INC		29503500-001	249571	WTR TNK KIT VEH 0030 WO 47718	\$157.47
JIM'S PACIFIC GARAGES INC		X100086933	249575	BRAKE DRUM VEH 3312 WO 47594	\$221.46
		X100087736		WATER SENSOR VEH 3255 WO 47694	\$71.04
KENWORTH SALES COMPANY		PASIN2463644	249579	SHOP TOOL	\$21.98
		PASIN2464137		FILTER VEH 7152 WO 47681	\$33.47
LIBERTY LAWN & SAW SHOP		980	249777	FILTER VEH 6580 WO 47491	\$24.00
MCCURLEY CHEVROLET		447775	249584	IGNITN PROG VEH 2386 WO 47705	\$187.34
		448367	249780	PRGRM TRLR VEH 3299 WO 47758	\$74.93
		929013		GASKETS VEH 3247 WO 47136	\$48.31
		929629	249584	PAN VEH 2342 WO 47655	\$179.26
		929676		FLOOR MATS VEH 3401 WO 47708	\$73.85
		929677		FLOOR MATS VEH 3402 WO 47709	\$73.85
		929678		FLOOR MATS VEH 3403 WO 47710	\$73.85
		929685		HEADLAMP VEH 2389 WO 47664	\$251.14
		929717		HOUSING VEH 2386 WO 47705	\$107.70
		929809		RECEPT VEH 2382 WO 47690	\$7.78
		929875		HARNESS VEH 2404 WO 47692	\$72.50
		929895		SENSOR VEH 2382 WO 47690	\$82.92
		930332	249780	MODULE VEH 3299 WO 47758	\$105.61
		930436		HOSES VEH 2360 WO 47764	\$468.17
		CM930436		RETURN HOSE VEH 2360	(\$120.90)
MOBILE FLEET SERVICE INC		1272340020	249585	STEERING ARM VEH 3230 WO 47285	\$1,649.78
		1272410018	249782	FUEL TANK VEH 3212 WO 47693	\$1,650.94
MPH INDUSTRIES INC		6001490	249785	CABLE VEH 2448 WO 47767	\$53.76
		6001561	249688	REMOTE VEH 9500 WO 47750	\$1,098.58
NATIONAL METER & AUTOMATION	P058252	S1088222.001	249788	FIRE HYDRANT METER, 3" ALUMINU	\$684.18
OXARC INC		30126640	249586	BRACKET VEH 2473 WO 47654	\$48.47
PAPE' MATERIAL HANDLING		10597850	249587	BEARING VEH 7122 WO 47619	\$560.98
RANCH AND HOME INC		50064904	249591	PUMP VEH 7152 WO 47497	\$249.77
RDO EQUIPMENT CO		P52779	249592	SEALS VEH 6594 WO 47488	\$209.35
		P53182	249794	AXLE/WHEEL VEH 6566 WO 47733	\$34.62
		P53354		FILTERS VEH 6595 WO 47782	\$386.75
RICHLAND NAPA		394116	249798	FILTER VEH 2398 WO 47635	\$16.43
		394117		FILTER VEH 3235 WO 47636	\$17.43
		394118		FILTER VEH 2399 WO 47632	\$16.43
		394120		ADHESIVE VEH 3320 WO 47564	\$10.00
		394121		FILTER VEH 3327 WO 47684	\$16.43
		394123		FILTER VEH 3313 WO 47628	\$145.84
		394125		FILTER VEH 2382 WO 47639	\$16.93
		394132		FILTER VEH 2365 WO 47641	\$17.06



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND NAPA		394144	249798	FILTER VEH 2460 WO 47647	\$16.43
		394149		FILTER VEH 2419 WO 47651	\$17.51
		394178		TERM VEH 2473 WO 47654	\$27.37
		394179		CHISEL VEH 2410 WO 47593	\$15.74
		394265		FLASHER VEH 3205 WO 47665	\$13.02
		394282		BATTERY VEH 3223 WO 47656	\$124.74
		394308		HOSE VEH 3311 WO 47580	\$58.29
		394310		FILTER VEH 6579 WO 47663	\$136.63
		394328		ADAPTER VEH SHOP WO SUPPLIE	\$10.37
		394370		FILTER VEH 3255 WO 47682	\$184.76
		394373		FILTER VEH 7152 WO 47681	\$250.69
		394383		HELMET VEH 3243 WO 47698	\$86.87
		394389		FILTER VEH 7152 WO 47681	\$21.48
		394390		FILTER VEH 7152 WO 47681	\$72.87
		394391		FILTER VEH 7152 WO 47681	\$20.57
		394401		BELT VEH 1381 WO 47699	\$18.21
		394402		FILTER VEH 1381 WO 47700	\$26.01
		394421		FUSES VEH 3311 WO 47580	\$59.43
		394422		SOCKET VEH 6594 WO 47488	\$13.13
		394451		WIRE VEH 4050 WO 47695	\$16.82
		394453		WIPER VEH 1106 WO 47697	\$39.94
		394463		BATTERY VEH 5044 WO 47703	\$118.79
		394464		BELT VEH 3243 WO 47698	\$78.24
		394465		BRAKES VEH 2382 WO 47690	\$169.23
		394468		PENT VEH 3320 WO 47564	\$76.17
		394508		PIG KIT VEH 2406 WO 47620	\$63.72
		394509		BATTERY VEH 5044 WO 47703	\$146.48
		394510		LAMP VEH 2442 WO 47696	\$3.40
		394511		WIPERS VEH 2363 WO 47645	\$19.53
		394512		RELAY VEH 3223 WO 47656	\$32.07
		394513		MISC VEH 2382 WO 47639	\$18.98
		394514		CONN VEH 3268 WO 47683	\$10.63
		394517		CONN VEH 4143 WO 47640	\$177.55
		394564		BATTERY VEH 3302 WO 47704	\$211.61
		394571		BATTERY VEH 4140 WO 47706	\$93.32
		394573		BATTERY VEH CREDIT WO CREDI	(\$129.85)
		394586		WIPERS VEH 3267 WO 47642	\$24.96
		394588		FILTER VEH 2419 WO 47651	\$16.55
		394590		WIPERS VEH 3327 WO 47684	\$24.96
		394597		FILTER VEH 3267 WO 47724	\$17.38
		394608		FILTER VEH 2383 WO 47723	\$16.68



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Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND NAPA		394635	249798	BRAKES VEH 3267 WO 47725	\$309.26
		394640		BRK CONT VEH 3267 WO 47725	\$106.95
		394664		BEARING VEH 3277 WO 47773	\$178.74
		394671		FUSES VEH SHOP WO SUPPLIES	\$41.18
		394745		LAMP VEH 5038 WO 47730	\$5.84
		394749		BRAKES VEH 2398 WO 47770	\$215.05
		394772		B/FLUID VEH 3277 WO 47773	\$14.51
		394775		LAMP VEH 3301 WO 47729	\$7.32
		394777		FILTER VEH 3277 WO 47738	\$17.38
		394784		BRAKES VEH 3277 WO 47773	\$112.09
		394793		PADS VEH CREDIT WO CREDIT	(\$38.12)
		394820		BRAKES VEH 2398 WO 47770	\$227.45
		394838		FILTER VEH 2360 WO 47763	\$17.38
		394841		WD40 VEH 3311 WO 47580	\$13.01
		394854		CORES VEH CREDIT WO CREDIT	(\$135.77)
		394855		TUBE VEH 72 WO 47745	\$2.80
		394862		HOSE VEH 72 WO 47745	\$3.84
		394928		TAPE VEH 6562 WO 47751	\$5.93
		394970		SOCKET VEH SHOP WO SUPPLIE	\$3.01
		395044		BRK CLN VEH 2360 WO 47764	\$50.69
RMT EQUIPMENT		T65238	249594	BLADES VEH 7145 WO 47499	\$781.92
		T66008	249701	KIT VEH 6564 WO 47346	\$1,752.64
RUSS DEAN INC		572475	249595	PAINT/DECAL VEH 3271 WO 47720	\$5,593.99
RWC INTERNATIONAL LTD		36982Y	249596	HOSE VEH 5042 WO 47576	\$187.89
SNAP ON INDUSTRIAL		ARV/33368638	249600	SHOP TOOLS	\$1,041.51
SOLID WASTE SYSTEMS INC		0098380-IN	249601	ACTUATOR VEH 7152 WO 47497	\$36.47
		0098528-IN		INTAKE SEAL VEH 7146 WO 47249	\$94.17
TACOMA SCREW PRODUCTS INC		22187050	249604	SHOP TOOLS	\$101.20
		22187067		SHOP TOOL RETURN	(\$61.52)
		22187068		HEX SCREW VEH 6579 WO 47663	\$16.33
		22187424		SPRINGS VEH 3230 WO 47285	\$56.55
		22187681	249715	FILTER VEH 3311 WO 47580	\$25.29
		22187974	249810	SHOP SUPPLIES	\$453.31
		22188006		SHOP SUPPLIES	\$70.39
		22188024		SHOP SUPPLIES	\$47.98
TEREX SERVICES		90851615	249716	SEAL KIT VEH 3329 WO 47748	\$418.31
TIRE FACTORY INC		03-124643	249607	TIRE VEH 2468 WO 47677	\$465.35
		03-124648		TIRES VEH 2441 WO 47675	\$395.09
		03-124655		TIRES VEH 2448 WO 47675	\$790.18
		03-124703		TIRE VEH 2469 WO 47678	\$438.20
		03-124704		TIRE VEH 2470 WO 47679	\$438.20



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
TIRE FACTORY INC	S017559	03-124705	249607	TIRE VEH 2471 WO 47680	\$438.20
		03-124749		FLAT REPAIR VEH 3320 WO 47674	\$46.16
		03-124806	249814	TIRES VEH 3317 WO 47771	\$1,050.95
		03-124878		TIRES VEH 3277 WO 47769	\$632.66
		03-124881		FLAT REPAIR VEH 3302 WO 47772	\$18.41
		03-124895		TIRES VEH 3284 WO 47768	\$2,947.38
TOM DENCHEL FORD		56566	249815	COVER VEH 2443 WO 47566	\$14.88
		56602		COVER VEH 2398 WO 47770	\$65.88
TRI CITIES BATTERY & AUTO REPAIR		120225	249720	BATTERY VEH 4108 WO 47732	\$2,258.71
UNITED PARCEL SERVICE		000986641347	249609	GROUND PKG TO DSU PETERBILT FO	\$21.93
WESTERN CASCADE CONTAINER LLC		WCC117356	249612	TARPER ARMS VEH 3320 WO 47353	\$1,067.32
WESTERN STATES EQUIPMENT COMPANY		IN000427855	249821	CUTTING EDGE VEH 6286 WO 46476	\$178.55
		IN000427881		COUPLING VEH 3315 WO 47621	\$49.91
		IN000427890		COUPLING VEH 3244 WO 47618	\$7.22
		IN000428227		COUPLING VEH 3283 WO 47603	\$157.47
	IN000429184		COUPLING VEH 3315 WO 47621	\$16.42	
	IN000429192		COUPLING VEH 3244 WO 47618	\$11.15	
WESTERN SYSTEMS & FABRICATION INC	20243	249613	BELT VEH 3284 WO 47685	\$148.65	
	20244		BELT VEH 3311 WO 47580	\$166.10	
	20245		BELT VEH 3309 WO 47662	\$148.65	
	20377	249822	LATCH VEH 3315 WO 47754	\$273.22	
EQUIPMENT MAINTENANCE TOTAL****					\$82,414.15
EQUIPMENT MAINTENANCE FUND Total ***					\$82,414.15
FUND	505	PUBLIC WORKS ADMIN & ENGINEER			
Division:	450	PW ADMIN & ENGINEERING			
ABADAN INC		ARIN074232-A	249616	PLOTTER PAPER	\$119.67
MELTON, MARK		081717	249682	REIMB MEETING EXPENSES	\$14.00
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$86.61
PW ADMIN & ENGINEERING TOTAL****					\$220.28
PUBLIC WORKS ADMIN & ENGINEER Total ***					\$220.28
FUND	520	HEALTH CARE/BENEFITS PLAN			
Division:	222	EMPLOYEE BENEFIT PROGRAM			
MAGELLAN BEHAVIORAL HEALTH		SEPT 2017	249779	EAP PREMIUMS-SEPTEMBER	\$709.24
EMPLOYEE BENEFIT PROGRAM TOTAL****					\$709.24
HEALTH CARE/BENEFITS PLAN Total ***					\$709.24
FUND	611	FIREMAN'S PENSION			
Division:	216	FIRE PENSION			



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
BAKER, MARSHALL R		SEPTEMBER 2017	249733	MEDICARE PREMIUM/BAKER	\$108.00
BOWLS, DAVID			249738	MEDICARE PREMIUM/BOWLS	\$104.90
CANFIELD, HARRY R			249742	MEDICARE PREMIUM/CANFIELD	\$107.00
CARRICK, HENRY			249743	MEDICARE PREMIUM/CARRICK	\$104.90
CLARK, FRANK M			249748	MEDICARE PREMIUM/CLARK	\$104.90
DOWNS, DANNY			249756	MEDICARE PREMIUM/DOWNS	\$134.00
ELIASON, CURTIS			249759	MEDICARE PREMIUM/ELIASON	\$109.00
ESTY, RAYMOND J			249761	MEDICARE PREMIUM/ESTY	\$104.90
FERRIANS, ALLEN LARRY			249763	MEDICARE PREMIUM/FERRIANS	\$109.00
HOUCHIN, EARL			249767	MEDICARE PREMIUM/HOUCHIN	\$104.90
JOHNSON, NEILS E			249769	MEDICARE PREMIUM/JOHNSON	\$105.00
JONES, HAROLD			249770	MEDICARE PREMIUM/JONES	\$104.90
KEYS, JACK D			249772	MEDICARE PREMIUM/KEYS	\$134.80
LAHTI, ROGER P			249774	MEDICARE PREMIUM/LAHTI	\$104.90
MITCHELL, RAYMOND L			249781	MEDICARE PREMIUM/MITCHELL	\$107.00
MURRAY, DAVID			249786	MEDICARE PREMIUM/MURRAY	\$104.90
MYERS, EDWARD A			249787	MEDICARE PREMIUM/MYERS	\$107.00
OWEN, MICHAEL			249791	MEDICARE PREMIUM/OWEN	\$104.90
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$33.57
POLLARD, JAMES		SEPTEMBER 2017	249792	MEDICARE PREMIUM/POLLARD	\$104.90
RONEY, LARRY			249804	MEDICARE PREMIUM/RONEY	\$106.00
SIEMENS, DONALD			249806	MEDICARE PREMIUM/SIEMENS	\$107.00
WEST, ROYAL			249819	MEDICARE PREMIUM/WEST	\$106.00
WILLIAMSON, CRAIG E			249823	MEDICARE PREMIUM/WILLIAMSON	\$105.00

FIRE PENSION TOTAL ****

\$2,527.37

FIREMAN'S PENSION Total ***

\$2,527.37

FUND 612 POLICEMEN'S PENSION

Division: 217 POLICE PENSION

ANDERS, PETER	Sep 17 2017 12:00	249731	MEDICARE PREMIUM/ANDERS	\$107.00
BATES, LAURIE VERN JR		249734	MEDICARE PREMIUM/BATES	\$108.00
BEDEN, LARRY		249736	MEDICARE PREMIUM/BEDEN	\$108.00
BRUNSON, DALE A		249739	MEDICARE PREMIUM/BRUNSON	\$106.00
BUSH, LEE		249741	MEDICARE PREMIUM/BUSH	\$106.00
CLEAVENGER, MICHAEL		249749	MEDICARE PREMIUM/CLEAVENGER	\$134.00
CLEAVENGER, WILL J		249750	MEDICARE PREMIUM/CLEAVENGER	\$107.00
CLEMENTS, JOHN M		249751	MEDICARE PREMIUM/CLEMENTS	\$104.90
COUCH, LARRY		249753	MEDICARE PREMIUM/COUCH	\$108.00
DEMYER, JAMES J		249754	MEDICARE PREMIUM/DEMYER	\$112.00
DRIVER, DOUGLAS D		249757	MEDICARE PREMIUM/DRIVER	\$125.00
DUCHEMIN, ROGER		249758	MEDICARE PREMIUM/DUCHEMIN	\$107.00



City Of Richland

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From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GANLEY, JOHN M		Sep 17 2017 12:00	249764	MEDICARE PREMIUM/GANLEY	\$107.00
HIGGINS, FRED C			249766	MEDICARE PREMIUM/HIGGINS	\$106.00
LARSON, SCOTT K			249775	MEDICARE PREMIUM/LARSON	\$125.00
LEWIS, DAVID L			249776	MEDICARE PREMIUM/LEWIS	\$105.80
MOORE, ROBERT			249783	MEDICARE PREMIUM/MOORE	\$106.00
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$7.68
SPARKS, DAVID W		Sep 17 2017 12:00	249807	MEDICARE PREMIUM/SPARKS	\$107.00
TAYLOR, RANDAL L			249811	MEDICARE PREMIUM/TAYLOR	\$134.00
THOMAS, GERALD D			249813	MEDICARE PREMIUM/THOMAS	\$107.00
TURNER, ROY			249817	MEDICARE PREMIUM/TURNER	\$108.00
WILMOTH, ROD			249824	MEDICARE PREMIUM/WILMOTH	\$108.00
ZIMMERMAN, GERALD			249825	MEDICARE PREMIUM/ZIMMERMAN	\$104.90
POLICE PENSION TOTAL ****					\$2,559.28
POLICEMEN'S PENSION Total ***					\$2,559.28
FUND 641	SOUTHEAST COMMUNICATIONS CTR				
Division:	600	SECOMM OPERATIONS GENERAL			
AT&T LONG DISTANCE		08/17 03030107210	249830	FAX LINES 07/21-08/22/17	\$32.82
CENTURYLINK		0817-509-624-3863	249556	GENERAL 08/16-09/16/17	\$7.32
CERIUM NETWORKS INC	P058247	70181-1	249557	ADJUST FOR TAX	(\$0.03)
	P058247			NETWORK CONNECTION TO COR PROJ	\$2,267.68
	P058292	CERQ74584		SMARTNET RENEWAL - TRUE UP 201	\$1,347.77
CHARTER COMMUNICATIONS		0817-180070706114	249847	CABLE SERVICE 08/30-09/29/17	\$28.13
FRONTIER		08/17 2061881060	249864	GENERAL 08/19-09/18/17	\$204.55
INSEEGO NORTH AMERICA, LLC	P058159	30157293	249573	FW9231 NETMOTION MOBILITY	\$3,249.86
	P058159			1 YR MOBILITY PREMIUM SOFTWARE	\$883.69
	P058159			ADJUST FOR TAX	(\$0.01)
VERIZON WIRELESS		9790481587	249610	CELL PHONES 07/7-08/6/17	\$502.81
SECOMM OPERATIONS GENERAL TOTAL ****					\$8,524.59
Division:	601	E911 OPERATIONS			
VERIZON WIRELESS		9790481587	249610	CELL PHONES 07/7-08/6/17	\$147.23
E911 OPERATIONS TOTAL ****					\$147.23
SOUTHEAST COMMUNICATIONS CTR Total ***					\$8,671.82
FUND 642	800 MHZ PROJECT				
Division:	610	800 MHZ			
BENTON PUD		08/17-513	249835	UTILITY SRVCS 7/27-8/27	\$703.82
CERIUM NETWORKS INC	P058292	CERQ74584	249557	SMARTNET RENEWAL - TRUE UP 201	\$1,347.77
800 MHZ TOTAL ****					\$2,051.59
800 MHZ PROJECT Total ***					\$2,051.59



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
FUND 643	EMERGENCY MANAGEMENT				
Division:	620	STATE / LOCAL ASSISTANCE			
4IMPRINT, INC	P058241	5659145	249549	FREIGHT	\$119.20
	P058241			ASTRO LED FLASHFLIGHTS (1,000)	\$1,750.00
AT&T LONG DISTANCE		08/17 03030107210	249830	FAX LINES 07/21-08/22/17	\$8.20
CDW GOVERNMENT INC	P058122	JNG7716	249631	MICROSOFT SURFACE 65W POWER SU	\$295.35
	P058122			UAG SURFACE PRO 4 RUGGED CASE	\$158.86
	P058122	JNV4404		TRIPP LITE MICROSOFT SURFACE	\$247.13
	P058122	JPL9279		MICROSOFT SURFACE PRO 4 CORE I	\$6,291.46
	P058230	JWF2992		MICROSOFT SURFACE PRO 4 TYPE C	\$359.98
CERIUM NETWORKS INC	P058247	70181-1	249557	NETWORK CONNECTION TO COR PROJ	\$2,267.68
	P058292	CERQ74584		SMARTNET RENEWAL - TRUE UP 201	\$449.26
CHARTER COMMUNICATIONS		0817-180070706114	249847	CABLE SERVICE 08/30-09/29/17	\$28.13
VERIZON WIRELESS		9790481587	249610	CELL PHONES 07/7-08/6/17	\$98.90
STATE / LOCAL ASSISTANCE TOTAL ****					\$12,074.15
Division:	621	RADIOLOGICAL EMGCY PREPAREDNES			
AT&T LONG DISTANCE		08/17 03030107210	249830	FAX LINES 07/21-08/22/17	\$8.20
CERIUM NETWORKS INC	P058247	70181-1	249557	NETWORK CONNECTION TO COR PROJ	\$2,267.68
	P058292	CERQ74584		SMARTNET RENEWAL - TRUE UP 201	\$449.26
CHARTER COMMUNICATIONS		0817-180070706114	249847	CABLE SERVICE 08/30-09/29/17	\$28.14
VERIZON WIRELESS		9790481587	249610	CELL PHONES 07/7-08/6/17	\$98.90
RADIOLOGICAL EMGCY PREPAREDNES TOTAL ****					\$2,852.18
Division:	622	DOE EMERGENCY PREPAREDNESS			
AT&T LONG DISTANCE		08/17 03030107210	249830	FAX LINES 07/21-08/22/17	\$8.20
CDW GOVERNMENT INC	P058230	JWF2992	249631	MICROSOFT SURFACE PRO 4 TYPE C	\$119.99
CERIUM NETWORKS INC	P058247	70181-1	249557	NETWORK CONNECTION TO COR PROJ	\$11,832.57
	P058292	CERQ74584		SMARTNET RENEWAL - TRUE UP 201	\$449.26
CHARTER COMMUNICATIONS		0817-180070706114	249847	CABLE SERVICE 08/30-09/29/17	\$28.14
LUDLUM MEASUREMENTS INC	P058257	00433342	249878	LUDLUM MODEL 12 CALIBRATION WI	\$586.44
	P058257			LUDLUM MODEL 12 ADDITIONAL PRO	\$146.61
	P058257			FREIGHT	\$85.79
	P058257			ADJUST FOR TAX	\$0.03
	P058257	00433343		ADJUST FOR TAX	\$0.01
	P058257			LUDLUM MODEL 12 ADDITIONAL PRO	\$16.29
	P058257			LUDLUM MODEL 12 CALIBRATION WI	\$65.16
UNITED PARCEL SERVICE	S017569	000986641357	249818	GROUND PKG TO ARROW TECH FOR B	\$7.10
	S017569			WEIGHT CORRECTION FOR 5 PKGS T	\$20.28
	S017569			5 GROUND PKGS W/INSURANCE TO	\$354.38
VERIZON WIRELESS		9790481587	249610	CELL PHONES 07/7-08/6/17	\$98.90



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
DOE EMERGENCY PREPAREDNESS TOTAL ****					\$13,819.15
Division: 623 JURISIDITION					
AT&T LONG DISTANCE		08/17 03030107210	249830	FAX LINES 07/21-08/22/17	\$8.21
CHARTER COMMUNICATIONS		0817-180070706114	249847	CABLE SERVICE 08/30-09/29/17	\$28.13
PITNEY BOWES PURCHASE POWER		0817/14823173	249795	POSTAGE 08/01/17 TO 08/31/17	\$4.24
JURISIDITION TOTAL ****					\$40.58
EMERGENCY MANAGEMENT Total ***					\$28,786.06
FUND 803 UTILITY BILL CLEARING FUND					
Division: 000					
ADVANCED UTILITY ACCOUNTS PAYABLE INVOICES		CISPAY14132	249615	Customer Refund	\$8.34
				Customer Refund	\$9.19
				CUSTOMER REFUND	\$85.18
		CISPAY14133	249635	Customer Refund	\$20.00
		CISPAY14134	249632	Customer Refund	\$107.25
		CISPAY14135	249647	Customer Refund	\$322.47
		CISPAY14136	249689	Customer Refund	\$281.99
		CISPAY14137	249655	Customer Refund	\$40.37
				Customer Refund	\$38.19
				Customer Refund	\$35.44
				Customer Refund	\$23.05
		CISPAY14138	249662	Customer Refund	\$149.33
		CISPAY14139	249670	Customer Refund	\$170.31
		CISPAY14140	249643	Customer Refund	\$4.73
		CISPAY14141	249665	Customer Refund	\$33.53
		CISPAY14142	249645	Customer Refund	\$7.14
		CISPAY14143	249721	Customer Refund	\$24.97
		CISPAY14144	249723	Customer Refund	\$15.06
				Customer Refund	\$13.69
		CISPAY14145	249693	Customer Refund	\$373.37
		CISPAY14146	249684	Customer Refund	\$272.12
		CISPAY14147	249681	Customer Refund	\$69.76
		CISPAY14148	249671	Customer Refund	\$330.30
		CISPAY14149	249706	Customer Refund	\$49.31
				Customer Refund	\$23.69
		CISPAY14150	249648	Customer Refund	\$164.92
		CISPAY14151	249678	Customer Refund	\$147.41
		CISPAY14152	249621	Customer Refund	\$27.98
		CISPAY14153	249651	Customer Refund	\$47.66
		CISPAY14154	249617	Customer Refund	\$44.57



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
ADVANCED UTILITY ACCOUNTS PAYABLE INVOICES		CISPAY14155	249717	Customer Refund	\$53.42
		CISPAY14156	249660	Customer Refund	\$123.31
		CISPAY14157	249622	Customer Refund	\$15.00
		CISPAY14158	249652	Customer Refund	\$124.58
		CISPAY14159	249666	Customer Refund	\$20.64
		CISPAY14160	249669	Customer Refund	\$1.60
		CISPAY14161	249658	Customer Refund	\$315.73
		CISPAY14162	249711	Customer Refund	\$18.29
		CISPAY14163	249675	Customer Refund	\$105.76
		CISPAY14164	249685	Customer Refund	\$107.15
		CISPAY14165	249703	Customer Refund	\$121.96
		CISPAY14166	249663	Customer Refund	\$73.27
		CISPAY14167	249707	Customer Refund	\$60.39
		CISPAY14168	249646	Customer Refund	\$3.21
		CISPAY14169	249620	Customer Refund	\$24.47
		CISPAY14170	249677	Customer Refund	\$172.00
		CISPAY14171	249676	Customer Refund	\$97.21
		CISPAY14172	249628	Customer Refund	\$9.50
		CISPAY14173	249656	Customer Refund	\$63.83
		CISPAY14174	249879	Customer Refund	\$36.60
		CISPAY14175	249880	Customer Refund	\$141.85
		CISPAY14176	249914	Customer Refund	\$115.59
		CISPAY14177	249855	Customer Refund	\$61.45
		CISPAY14178	249872	Customer Refund	\$89.78
		CISPAY14179	249889	Customer Refund	\$133.51
		CISPAY14180	249898	Customer Refund	\$10.31
		CISPAY14181	249895	Customer Refund	\$9.55
		CISPAY14182	249862	Customer Refund	\$72.61
		CISPAY14183	249845	Customer Refund	\$31.47
		CISPAY14184	249868	Customer Refund	\$89.18
		CISPAY14185	249913	Customer Refund	\$22.30
		CISPAY14186	249871	Customer Refund	\$104.44
		CISPAY14187	249899	Customer Refund	\$63.38
		CISPAY14188	249883	Customer Refund	\$119.99
		CISPAY14189	249901	Customer Refund	\$46.23
		CISPAY14191	249905	Customer Refund	\$14.78
		CISPAY14192	249877	Customer Refund	\$126.74
		CISPAY14193	249917	Customer Refund	\$26.52
		CISPAY14194	249891	Customer Refund	\$84.93
		CISPAY14195	249881	Customer Refund	\$27.72



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
ADVANCED UTILITY ACCOUNTS PAYABLE INVOICES		CISPAY14196	249839	Customer Refund	\$75.59
		CISPAY14197	249831	Customer Refund	\$19.56
		CISPAY14198	249863	Customer Refund	\$132.47
		CISPAY14199	249873	Customer Refund	\$96.91
		CISPAY14200	249892	Customer Refund	\$96.94
		CISPAY14201	249844	Customer Refund	\$60.52
		CISPAY14202	249826	Customer Refund	\$81.91
		CISPAY14203	249874	Customer Refund	\$82.53
		CISPAY14204	249851	Customer Refund	\$116.67
		CISPAY14205	249904	Customer Refund	\$140.56
		CISPAY14206	249841	Customer Refund	\$23.71
		CISPAY14207	249912	Customer Refund	\$53.48
		CISPAY14208	249888	Customer Refund	\$56.48
		CISPAY14209	249897	Customer Refund	\$37.14
		CISPAY14210	249875	Customer Refund	\$23.07
		CISPAY14211	249884	Customer Refund	\$47.36
		CISPAY14212	249876	Customer Refund	\$92.05
		CISPAY14213	249887	Customer Refund	\$97.34
		CISPAY14214	249840	Customer Refund	\$42.97
		CISPAY14215	249882	Customer Refund	\$122.60
		CISPAY14216	249893	Customer Refund	\$0.27
		CISPAY14217	249861	Customer Refund	\$81.08
		CISPAY14218	249854	Customer Refund	\$109.57
		CISPAY14219	249918	CUSTOMER REFUND	\$23.17
UNASSIGNED TOTAL ****					\$7,595.52
UTILITY BILL CLEARING FUND Total ***					\$7,595.52



City Of Richland

VL-1 Voucher Listing

From: 8/28/2017 To: 9/8/2017

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
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Invoice Total: ****

\$965,210.49

Number of Invoices

Amount

Vouchers In Richland	193	\$62,396.67
Vouchers In Tri Cities	101	\$278,402.43
Vouchers In WA	129	\$392,682.71
Vouchers Outside WA	410	\$231,728.68
Vouchers Final Total.....	833	\$965,210.49

Ob ject Category	Title	Total	Percentage
2	BENEFITS	\$14,600.90	1.51%
3	SUPPLIES	\$193,004.21	20%
4	OTHER SERVICES & CHARGES	\$262,258.89	27.17%
5	INTERGOVERNMENTAL SERVICES	\$137,499.13	14.25%
6	CAPITAL PROJECTS	\$122,964.33	12.74%
	MACHINERY & EQUIPMENT	\$2,257.27	0.23%
	REFUNDS	\$7,595.52	0.79%
	INVENTORY PURCHASES	\$225,030.24	23.31%
	Total	\$965,210.49	



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 09/19/2017

Agenda Category: Items of Business

Key Element: Key 1 - Financial Stability & Operational Effectiveness; Key 2 - Infrastructure & Facilities; Key 3 - Economic Vitality; Key 4 - Targeted Investments; Key 5 - Natural Resources Management; Key 6 - Community Amenities & Key 7 - Neighborhoods & Community Safety

Subject:

Ordinance No. 42-17, Adopting the Ten-Year Update to the Comprehensive Plan - First Reading

Department:

Community & Development Services

Ordinance/Resolution Number:

42-17

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 42-17, Amending Title 23: Zoning Regulations of the Richland Municipal Code regarding the update of the Comprehensive Land Use Plan.

Summary:

The City of Richland is obligated under the provisions of the Growth Management Act to update its comprehensive plan on a set schedule, which mandates that the City review and update its plan by June 30, 2017. A draft comprehensive plan and supporting analysis document has been prepared for City Council consideration. The Planning Commission conducted two public hearings during the process (one public hearing is required), the most recent of which was held on August 30, 2017. During the August hearing, three (3) citizens testified. Five (5) citizens testified at the first public hearing, which was held on May 10, 2017.

City Staff recommends the City Council concur with the findings and conclusions set forth in the Comprehensive Plan Staff Report and adopt the draft plan. This recommendation includes: 1) Revised Alternative 3 for City View West; 2) Alternative 3 for Horn Rapids Northwest; and 3) Revised Alternative 3/Urban Recreation for Columbia Point South

The Planning Commission gave a favorable recommendation (5-2 vote) to approve the Comprehensive Plan with the recommendations listed above. An additional consideration from the Planning Commission was to ask the Parks & Recreation Commission (PRC) to review the proposed land use designation on Columbia Point South prior to Council's adoption of the Comprehensive Plan, but this request becomes moot if Council agrees that Urban Recreation is the desired designation for that area. Staff recommends approval of Ordinance No. 42-17, by title only, for first reading.

Fiscal Impact:

Adoption of the comprehensive plan will provide the City with guidance as it makes future decisions on capital investments.

Attachments:

1. Ordinance No. 42-17 - 2017 Comprehensive Plan Update
2. Staff Report
3. Staff Presentation
4. Draft Comprehensive Plan 2017 - August 30, 2017 - Exhibit A
5. Draft Supporting Analysis - August 30, 2017
6. Final EIS
7. Public Participation Plan
8. Comments Matrix - All comments received during the public comment period
9. Additional Comments after Date

ORDINANCE NO. 42-17

AN ORDINANCE of the City of Richland Amending
Title 23: Zoning Regulations of the Richland Municipal Code
regarding the update of the Comprehensive Land Use Plan.

WHEREAS, the City of Richland, by and through its City Council, and pursuant to the Washington State Growth Management Act, directed the Richland Planning Commission to review and update the Comprehensive Plan for the purpose of coordinating all plan and programs relating to the physical and social development of the Richland Planning Area and the people therein; and

WHEREAS, the latest amendments to the City of Richland's existing Comprehensive Plan were adopted on November 15, 2016, superseding all comprehensive plans previously adopted by the City of Richland; and

WHEREAS, the consulting firm of Oneza and Associates, having been hired by the City to assist City staff in updating the plan and having met, discussed and researched the physical and social development needs and potential of the Richland Urban Growth Area, and having received information from federal, state and city agencies, including municipal and non-municipal departments and agencies, and having held public meetings and workshops, has developed and prepared a new Comprehensive Plan and has submitted said Plan to the City Council of the City of Richland for acceptance; and

WHEREAS, the City Council adopted and implemented a public participation plan for the comprehensive plan update that included a variety of methods of inviting public input, including visioning workshops, focus group discussions, on-line survey, open houses, public hearings and providing a City webpage devoted to the plan update; and

WHEREAS, the plan draft was reviewed in workshop sessions by the City Council, the Planning Commission, and other City boards including the Parks and Recreation Commission and the Economic Development Committee; and

WHEREAS, the City considered and followed the Benton County Countywide Planning Policies in the development of its comprehensive plan update, and used the population projections provided by Benton County in its planning efforts as mandated under the Growth Management Act; and

WHEREAS, the City provided formal 60-day comment periods of the draft plan to the public and to a wide variety of local, state and federal agencies and private organizations in accordance with Growth Management Act requirements; and

WHEREAS, the Planning Commission conducted public hearings on the proposed Comprehensive Plan on May 10, 2017 and August 30, 2017, and adopted findings of fact and a made a formal recommendation to the City Council for approval of the proposed

Comprehensive Plan and associated amendments to Title 23 of the Richland Municipal Code; and

WHEREAS, pursuant to the State Environmental Policy Act, the City prepared Draft and Final Environmental Impact Statements for the proposed Comprehensive Plan; and

WHEREAS, the City Council has considered all recommendations and reports submitted to it and all comments made to it at public hearings, and concurs with the findings and recommendations of the Planning Commission and City staff; and

WHEREAS, it is hereby found to be in the best interest of the citizens of the City of Richland that a Comprehensive Plan in the form provided herein as **Exhibit A** be adopted as the new Comprehensive Plan of the City of Richland to replace the existing Comprehensive Plan; and

WHEREAS, it is hereby found that the new Comprehensive Plan is in compliance with the Washington State Growth Management Act.

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

Section 1. Section 23.01.030, as last amended by Ordinance No. 63-16, is hereby amended to read as follows:

23.01.030 Plan Adopted.

There is hereby adopted as a current and flexible guide to coordinate the public and private development of property and other resources of the City of Richland that certain comprehensive plan adopted by the Richland city council on October 6, 1997, and amended on December 14, 1998, December 7, 1999, December 19, 2000, October 16, 2001, December 2, 2002, December 3, 2003, December 7, 2004, December 6, 2005, December 19, 2006, December 4, 2007, December 2, 2008, November 17, 2009, August 3, 2010, November 16, 2010, November 27, 2012, November 19, 2013, November 18, 2014, December 1, 2015, and November 15, 2016, and [updated as required by law on October 3, 2017](#), which is on file with the City Clerk and consists of general goals and policies relating to economic development, land use, transportation, utilities, capital facilities and housing, and also ~~establishes~~ [includes a revised](#) urban growth boundary land use plan map.

Section 2. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this ordinance and the attached Comprehensive Plan and Plan Map contained within, duly certified by the Clerk as a true copy.

Section 3. The City Clerk is directed to file with the Washington State Department of Community, Trade and Economic Development, a copy of this ordinance

and the attached Comprehensive Plan and Plan Map contained within, 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.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of _____ 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: _____

STAFF REPORT

TO: CITY COUNCIL

PREPARED BY: R. SIMON/K. JENSEN

MEETING DATE: SEPT. 19, 2017

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND

REQUEST: CONSIDERATION OF A COMPREHENSIVE PLAN FOR 2017-2037

LOCATION: CITYWIDE AND INCLUDING THE CITY'S URBAN GROWTH AREA.

REASON FOR REQUEST:

The City of Richland is obligated under the provisions of the Growth Management Act to update its comprehensive plan on a set schedule, which mandates that the City review and update its plan by June 30, 2017. Due to providing additional opportunities for public input, the time frame for adoption has exceeded the June 30th deadline. The City has engaged the firm of Oneza and Associates to assist in the update of its Comprehensive Plan over the past 14 months. A draft comprehensive plan and supporting analysis document has been prepared for City Council consideration.

FINDINGS AND CONCLUSIONS

Both Staff and the Planning Commission have completed their review of the proposed draft Comprehensive Plan and submits that:

Findings:

1. The Richland Comprehensive Plan was first adopted by the City in 1997 and has been updated on an annual basis since then;
2. The City prepared a public participation plan for the comprehensive plan update and published said plan on its website. Public participation included a variety of methods including visioning workshops, focus group discussions, an on-line survey, open houses, two public hearings, providing a webpage devoted to the plan update, planning commission and city council workshops, review by other City boards including the parks and recreation commission and the economic

development committee, and soliciting comments from other local agencies and organizations. Public notification was also provided in a variety of methods including notices through City utility bills, notices on the City webpage and in the newspaper and notices via email;

3. The City considered the Benton County Countywide Planning Policies in the development of its comprehensive plan and used the population projections provided by Benton County in its planning efforts as mandated under the Growth Management Act;
4. The draft plan did not include an expansion of the Urban Growth Area, except for the specific purpose of providing lands for future industrial development, said land having been granted to the City and Port of Benton through an act of Congress;
5. The City's plan demonstrates that it has adequate land area to accommodate the future growth forecast for the next twenty-year period as required under RCW 36.70A.115;
6. The draft plan includes chapters addressing economic development, land use, housing, transportation, utilities, capital facilities and parks and recreation as required under RCW 36.70A.070;
7. The draft plan considers and incorporates the 14 goals stated in the growth management act under RCW 36.70A.020;
8. The draft plan considered, but did not identify, any agricultural, forest or mineral resource lands of long term significance within the City's urban growth area in conformance with RCW 36.70A.050;
9. The draft plan identifies the general location of critical areas within the City including frequently flooded areas, wetlands, geologic hazards, fish and wildlife habitat and aquifer recharge areas in compliance with RCW 36.70A.050;
10. The draft plan identifies lands that are useful for public purposes, specifically in alternatives for the City View West area, where land for school and park uses are identified in accordance with the provisions of RCW 36.70A.150;
11. The draft plan identifies a siting process for essential public facilities as required under RCW 36.70A.200;

Overall Conclusion:

- 12. Based on the above findings and conclusions, adoption of the proposed Richland Comprehensive Plan 2017 - 2037 would be in the best interest of the community of Richland and in compliance with the provisions of the Growth Management Act.**

RECOMMENDATION

City Staff recommends the City Council concur with the findings and conclusions set forth in the Comprehensive Plan Staff Report and adopt the draft plan. This recommendation includes:

- Revised Alternative 3 for City View West
- Alternative 3 for Horn Rapids Northwest
- Revised Alternative 3/Urban Recreation for Columbia Point South

The Planning Commission gave a favorable recommendation (5-2 vote) to approve the Comprehensive Plan with the recommendations listed above. An additional consideration from the Planning Commission was to ask the Parks & Recreation Commission (PRC) to review the proposed land use designation on Columbia Point South prior to Council's adoption of the Comprehensive Plan, but this request becomes moot if Council agrees that Urban Recreation is the desired designation for that area. Staff recommends approval of Ordinance No. 42-17, by title only, for first reading.

ATTACHMENTS

- A. Draft Comprehensive Plan 2017 – August 30, 2017
- B. Draft Comprehensive Plan Supporting Analysis – August 30, 2017
- C. Integrated Non-project Final Environmental Impact Statement
- D. Public Participation Plan
- E. General Public Comments, Public Agency Comments, Board & Commission Comments, etc.

SUPPLEMENTAL INFORMATION

DESCRIPTION OF PROPOSAL

The City of Richland has prepared a draft land use plan and supporting analysis document for adoption by City Council. The plan is intended to be a guide for the city's physical development over the next 10 to 20 years and reflects the community's values, activities and future growth. It is intended to fulfill the City's mandate to update its comprehensive plan as required under the provisions of the State Growth Management Act. A copy of the plan and the supporting analysis document is attached.

The plan includes a vision statement, and goals and policies addressing economic development, land use, transportation, housing, utilities and capital facilities. It includes a series of maps depicting future land use, critical areas, shorelines, open space, transportation and utility facilities and capital facilities, and parks and open space.

The plan contains three alternatives as follows:

Alternative 1: No Action. This alternative would maintain the City's existing plan without modification. Growth would occur based on past trends, without land use changes to affect growth patterns.

Alternative 2: Recommended Growth Target. This alternative includes the following changes to the plan: Re-designation of 272 acres of land from an urban reserve designation to a low density residential designation in an area termed Horn Rapids Northwest. This land is located south of SR 240 and west of Twin Bridges Road. Secondly, this alternative would reclassify 330 acres of urban reserve land termed the City View West area into a mix of land uses, consisting of 155 acres of low density residential; 41 acres of medium density residential; 18 acres of high density residential; 41 acres of commercial; 40 acres of public facility; five acres of developed open space and 32 acres of natural open space. Finally, this alternative proposes changes in land use designations to the Columbia Point South area that is currently designated as public facility, developed open space and natural open space. This alternative would designate the area as commercial recreation and natural open space.

Alternative 3: Recommended Growth Target – High Density, Preferred Alternative. This alternative is similar to alternative 2, in that it proposes land use changes for the same three areas, but has a slightly different mix of land use designations. In the Horn Rapids Northwest area, the urban reserve area would be changed to 230 acres of low density residential and 42 acres of medium density residential. In the City View West area, the land use designations would consist of 34 acres of high density, 16 acres of medium density, 143 acres of low density, 40 acres of public facility, 54 acres of commercial, 38 acres of natural open space, and five acres of developed open space. In the Columbia Point South area, this alternative would have designate 80 acres as urban recreation and 177 acres as natural open space.

CITY DATA

The plan addresses the 25,846 acres that are currently within City limits as well as the 2,848 acres that are located outside of City limits but located within the Urban Growth Area. Finally, there is another 901 acres that is proposed for inclusion within the Urban Growth Area, pending approval of Benton County. The City's current population within its city limits is estimated at 53,410 persons (2016 OFM estimate) with another 1,323 persons residing within the Urban Growth Area.

PREVIOUS COMPREHENSIVE PLANS

The City first adopted a comprehensive plan in response to Growth Management Act requirements in 1997. Since then, the plan has been updated on an annual basis. The current draft represents the first time that the plan has undergone a complete revision.

ENVIRONMENTAL REVIEW

A final Environmental Impact Statement (EIS) has been prepared to evaluate the environmental impacts of the three alternatives. In accordance with the provisions of the State Environmental Policy Act, a 60-day public comment period was provided for the public. Additionally, an extra 30-day public comment period was also provided. Comments were accepted through August 14, 2017. Comments have been evaluated and any necessary adjustments have been made to the document and a final environmental impact statement has been issued.

GROWTH MANAGEMENT ACT COMPLIANCE

Under the provisions of the State Growth Management Act (GMA), the City is obligated to adopt, maintain and update a comprehensive plan in a manner consistent with the state law. The following is a brief summary of the specific provisions of the GMA applicable to the adoption of the proposed draft plan.

According to RCW 36.70A.130, cities within Washington are obligated to update their plans on an eight-year schedule. In Benton County, cities are required to complete their plan updates by June 30, 2017. While Richland has made significant progress in this endeavor up to and including the preparation of a draft plan for public review and comment, the plan will not be officially adopted by the deadline. One of the other GMA requirements calls for the city to provide a 60-day comment period to state agencies (RCW 36.70A.106). This comment period was initiated, and in fact, an additional 30-day review period was implemented. After June 30th and up until final plan adoption, the City will be considered to be noncompliant and will not be eligible for a variety of state grants or loans. A check with City departments revealed that the City would not be impacted by the brief period of grant ineligibility.

RCW 36.70A.140 requires each city preparing a plan to establish and disseminate a public participation plan, which is attached and has been posted to the City's website. The draft plan briefly summarizes public involvement activities. Of particular note was an online survey in which over 850 individuals participated. One of the most recent steps in the public participation plan was to provide opportunities for approximately two dozen local agencies and organizations, as well as local Native American tribes, to review and comment on the plan. The comments received from these agencies are attached. Notification of these local agencies also serves to satisfy the City's obligations for coordination with other jurisdictions as required under RCW 36.70A.100. Part of coordination with Benton County involves the City's adoption and use of countywide planning policies per RCW 36.70A.210.

RCW 36.70A.110 establishes that counties must delineate Urban Growth Area (UGA) boundaries, beyond which cities cannot grow. The City has filed a request with Benton County to expand its UGA boundaries by 901 acres in order to include lands that were deeded to the City, the Port of Benton and Energy Northwest by the federal government. These lands have been reserved for future industrial development. The County has not yet made a final decision on this application, but one is expected in the near future. The maps contained in the draft plan show the proposed UGA boundaries.

Each City under RCW 36.70A.115 must demonstrate that it has sufficient land capacity to accommodate the development needed to serve the anticipated population growth over the next 20-year period. With the exception of the need for additional industrial land (see above), the City has adequate lands within its current UGA boundary to accommodate the expected population growth of approximately 23,700 persons over the next 20 years. (Refer to the discussion beginning on page 23 of the Supporting Analysis document.) The projected level of population increase is established by Benton County, based on population projections published by the Washington State Office of Financial Management.

For each comprehensive plan, RCW 36.70A.070 requires the following elements to be addressed: Land Use, Housing, Capital Facilities, Utilities, Transportation, Economic Development, and Parks and Recreation. Further detail on this topic is included in the Supporting Analysis document.

Each city is required to identify and designate mineral lands, agricultural lands, forest lands of long-term commercial significance and critical areas per RCW 36.70A.050. During the adoption of its initial comprehensive plan in 1997, the City determined that no lands within the Richland UGA qualified for these designations. (Refer to page 30 of the plan draft.) While some lands within the City are designated as agricultural lands, they received that designation because they are located in the floodplain or were assigned that designation on an interim basis and are not considered agricultural lands of long-term commercial significance. Not surprisingly, there are no forest lands within the City. While there are some active gravel pit sites within the City, none of these sites qualify for designation and since no new information is available in this regard, the City continues its practice of not designating lands as suitable as mineral resource lands per RCW 36.70A.131. The City does have critical areas and has amended its critical areas regulation and updated its map (See LU-4 on page 34 of the plan draft.)

RCW 36.70A.150 requires cities to identify lands that are useful for public purposes. In addition to designating existing publically owned properties as Public Facilities, the plan draft identifies new park and school sites within the City View West area.

The siting of essential public facilities is required under RCW 36.70A.200. The plan draft addresses this issue on page 61.

RECENT AMENDMENTS

Staff has identified some proposed changes to the land use map to be included in the draft comprehensive plan but are not yet reflected on the map. These changes can be described as housekeeping measures and are described below and in the attached maps:

- Within the Badger Mountain South master planned area, both the Richland and Kennewick School District have purchased properties for future school sites. The City, through a development agreement has obligated itself to construct and operate two future park sites that are located adjacent to the school sites. The map amendment would designate the school sites as public facility and the park sites as developed open space;
- Richland Energy Services has obtained a 3.5 acre parcel located at the northwest corner of the intersection of Leslie and Reata Roads for the construction of a substation, prompting a change in the land use designation from commercial to public facility;
- The Kennewick School District has purchased a 13.6 acre site for the construction of an elementary school located within the Clearwater Creek development, adjacent to Bellerive Drive. The proposal would amend the land use designation on this site from low density residential to public facility;
- The Bonneville Power Administration has a power line easement that runs through South Richland. A portion of this easement runs between the subdivisions of Meadows East and the Heights at Meadow Springs. The proposal would change the designation on this 5.8 acre tract from low density residential to developed open space, in keeping with the land use designation in place on the remainder of this easement;
- The Richland School District has constructed Orchards Elementary School on a 12.3 acre site located on Gala Way. The proposal would amend the designation from low density residential to public facility. Additionally, the City has constructed a neighborhood park on the adjoining 3 acres. The designation on this property would change from low density residential to developed open space;
- The City operates a fire station at 710 Gage Boulevard on .86 acres. The proposal would amend the land use designation from commercial to public facility on this site;
- The Kennewick Irrigation District owns 50 acres of property located north of Keene Road, west of Duportail and south of Kennedy Road that is currently designated as industrial. This property is zoned business commerce and the proposal would change the land use designation to business commerce. At the time that this property was first zoned for this use, the City did not have a business commerce land use designation;
- Within the City's Howard Amon Park, the area between the riverfront trail and the river is designated as natural open space. Throughout the City's riverfront only this particular trail segment carries this designation. The proposal would change the designation on 2.5 acres from natural open space to developed open space.
- Land Use Map LU-4 Critical Areas has been modified to reflect the location of potential wetland areas. Because specific wetland delineations have not been

completed on these areas, they are designated as “suspected wetlands” on the map.

PUBLIC AGENCY COMMENT

A variety of local agencies and organizations were given an opportunity to comment on the plan. The list of agencies contacted included both the Richland and Kennewick School Districts, the Benton Franklin Health District, both the Benton and Kennewick Ports, the Benton-Franklin Council of Governments, the Benton-Franklin Transit Authority, the cities of Kennewick and West Richland, Benton County, the Kennewick, Columbia and Badger Mountain Irrigation Districts, the Benton Clean Air Authority, the Bonneville Power Administration, Kadlec Regional Hospital, the Pacific Northwest National Laboratories, WSU Tri-Cities, Columbia Basin College, Charter Communications, Frontier Communications, and Suddenlink Communications.

State agencies are given a separate opportunity to comment on the draft plan as mandated under the Growth Management Act. This comment period was initiated on May 15th and concluded on August 14th. Additionally, all area Native American tribes were notified of the comment period (Umatilla, Yakama, Nez Perce, Colville, and Wanapum).

BOARD AND COMMISSION COMMENTS

The draft plan was circulated to the Richland Parks and Recreation Commission and the Richland Economic Development Committee. Comments from both boards are attached.

PUBLIC COMMENTS

A number of public comments have been received throughout the comprehensive planning process. Copies of the latest public comments that have not been previously supplied are attached.

ANALYSIS

The draft plan can best be described as an update to the existing plan rather than an entirely new plan. Generally, land use designations, transportation and utility corridors, and capital facilities have largely been left in place, with some minor modification. Existing goals and policies have been refined and condensed but the general direction outlined in the previous plan remains largely intact.

The draft plan has been significantly streamlined when compared to the existing plan, having been divided into two documents. The plan itself, contains the vision statement and goals and policies and maps for each chapter of the plan – economic development, land use, housing, transportation, utilities and capital facilities. The supporting analysis document includes more detailed background information for each of the chapters. The combination of the two documents makes the plan a more user friendly document for both

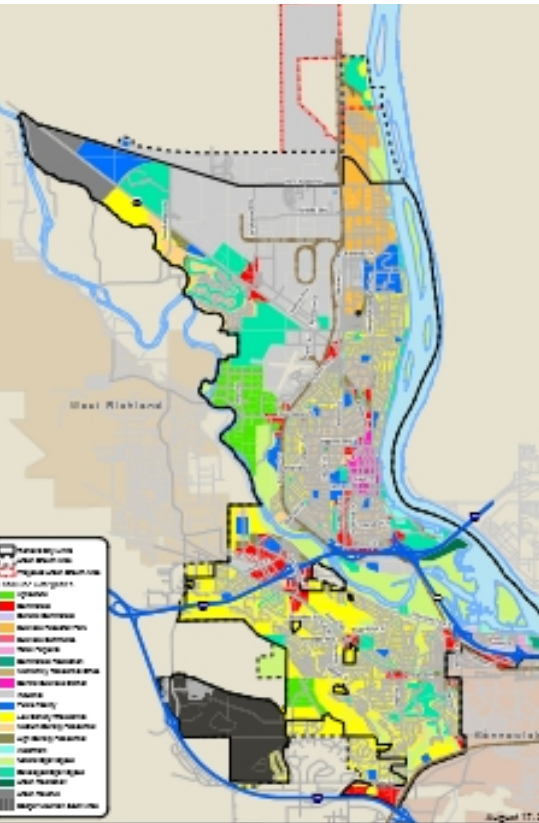
those that are interested in an overview of the plan and for those that want more detailed information.

The draft plan does differ from the existing plan in three distinct areas: Horn Rapids Northwest, City View West and Columbia Point South. The no action alternative (alternative 1) would not change the existing land use designations for these areas, while alternatives 2 and 3 would place a variety of new land designations on these areas.

Staff and the Planning Commission have identified Alternative 3 for the Horn Rapids Northwest and Revised Alternative 3 for City View West as the preferred alternatives as they provide for higher density development. Additionally, the Revised Alternative 3/Urban Recreation was identified as the preferred alternative for Columbia Point South as it would leave more natural open space, while still providing potential for some limited urban recreation development.

SUMMARY

Approval of the proposed comprehensive plan would provide a guideline for the City's physical development over the next 10 to 20 years in a manner that complies with the provisions of the Growth Management Act and would be in the best interests of the community of Richland.



Comprehensive Plan Update

City of Richland

City Council Meeting

September 19, 2017

Oneza & Associates

In partnership with:
Anchor QEA, J-U-B Engineers Inc., and
ECONorthwest



Public Involvement Overview

- Started in August 2016
- Public Visioning Meetings & Open Houses
- Multiple meetings and workshops
 - Planning Commission
 - Parks Commission
 - Economic Development Committee
 - City Council
- Online survey - over 850 responses
- Online comments - 46 comments
- Topic group meetings – 5 groups
- Meetings with other agencies
- Two Planning Commission public hearings

Plan Contents

- Community vision and values
- Goals and policies, and Plan Elements
 - Economic Development
 - Land Use
 - Housing
 - Transportation
 - Utilities
 - Capital Facilities

Plan Alternatives

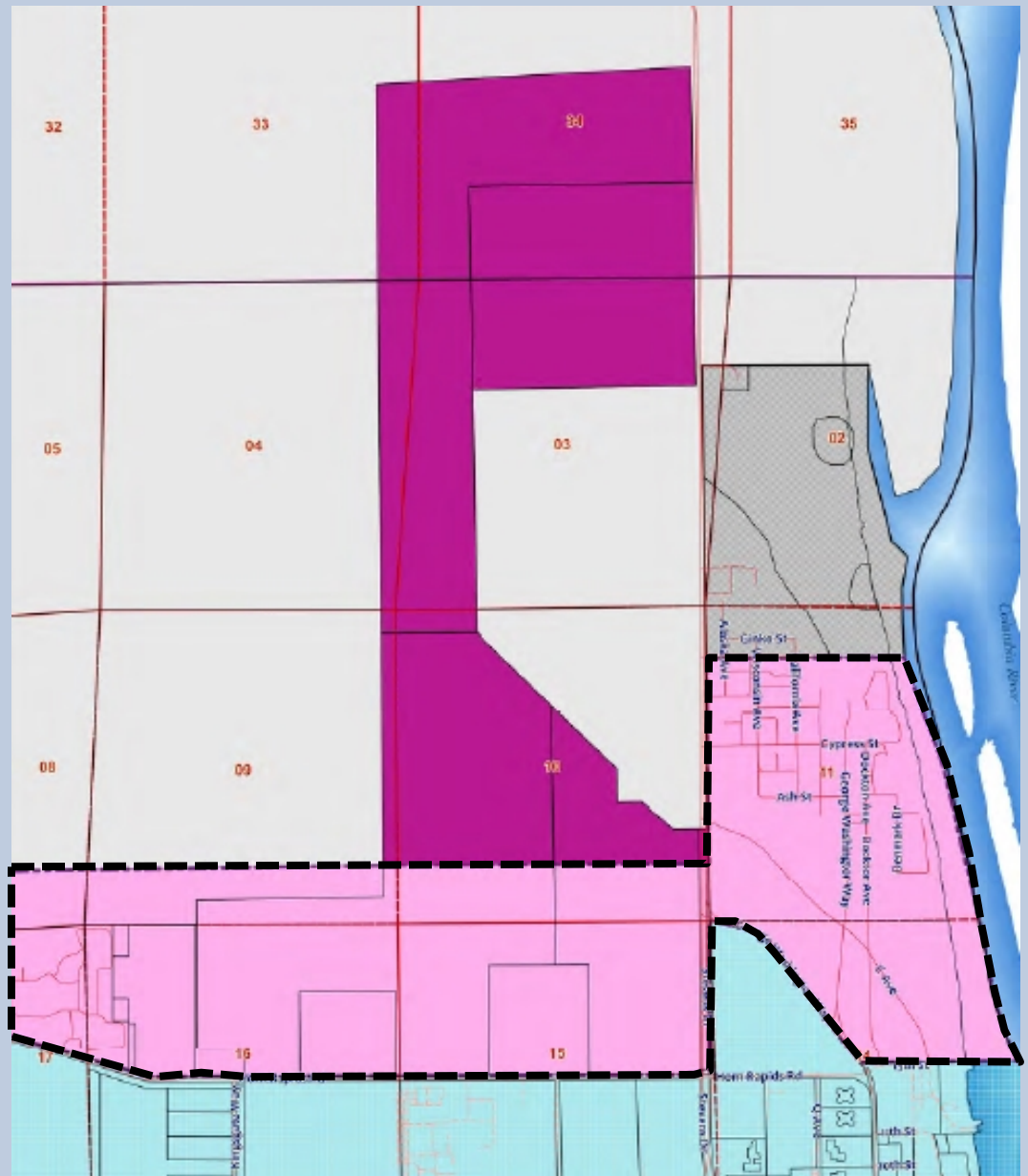
- No Action Alternative
- Low Density Alternative
- High Density Alternative
- Revised High Density Alternative

Proposed UGA Expansion

Richland 2017 UGA

- Richland 2017 UGA Addition
- Richland 2017 UGA Reduction
- Current UGA Boundary
- City Limits

- Addition – 1,184 acres
- Reduction – 283 acres
- **Net increase – 901 acres**



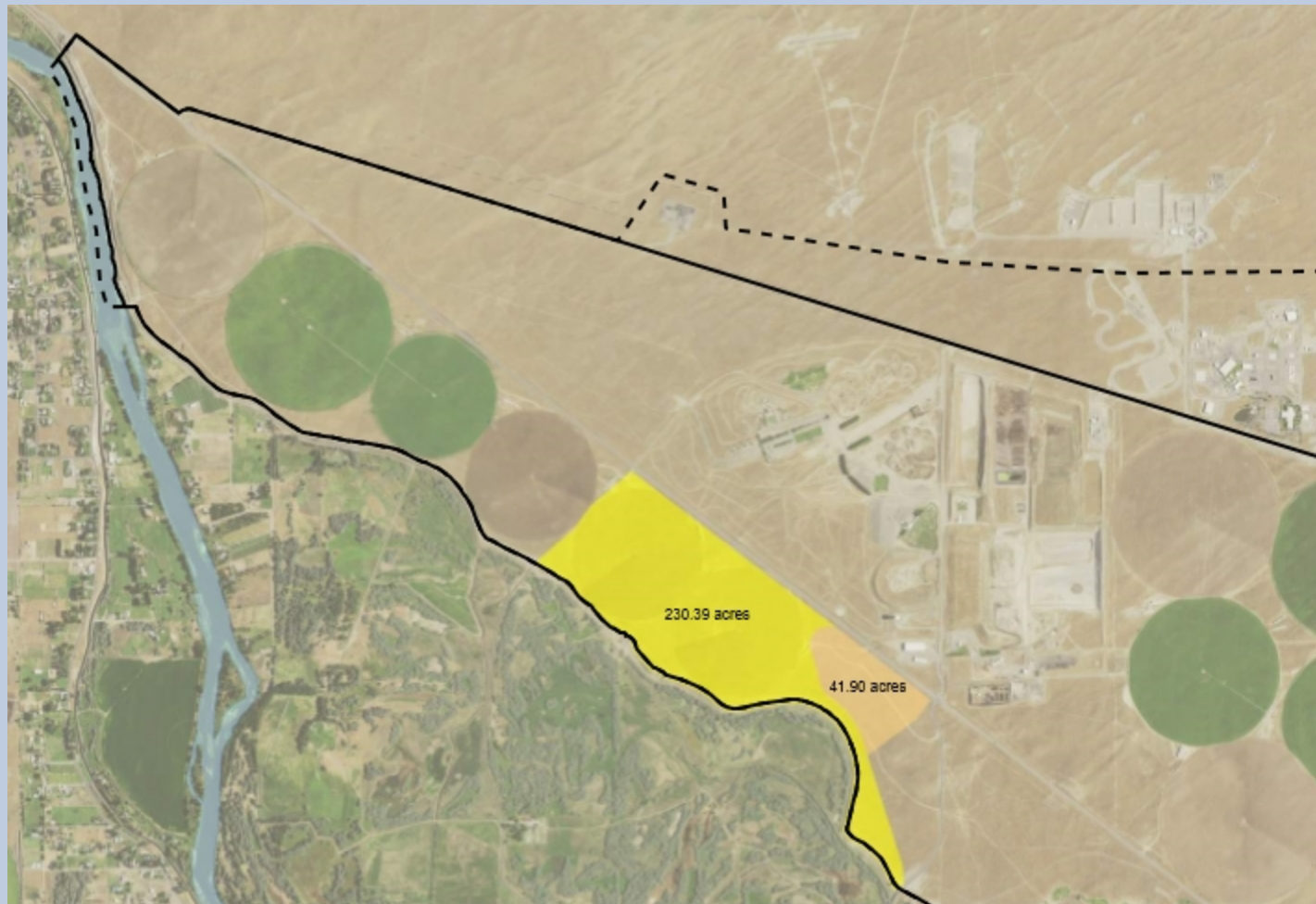
City View West

Recommended Alternative



Horn Rapids Northwest

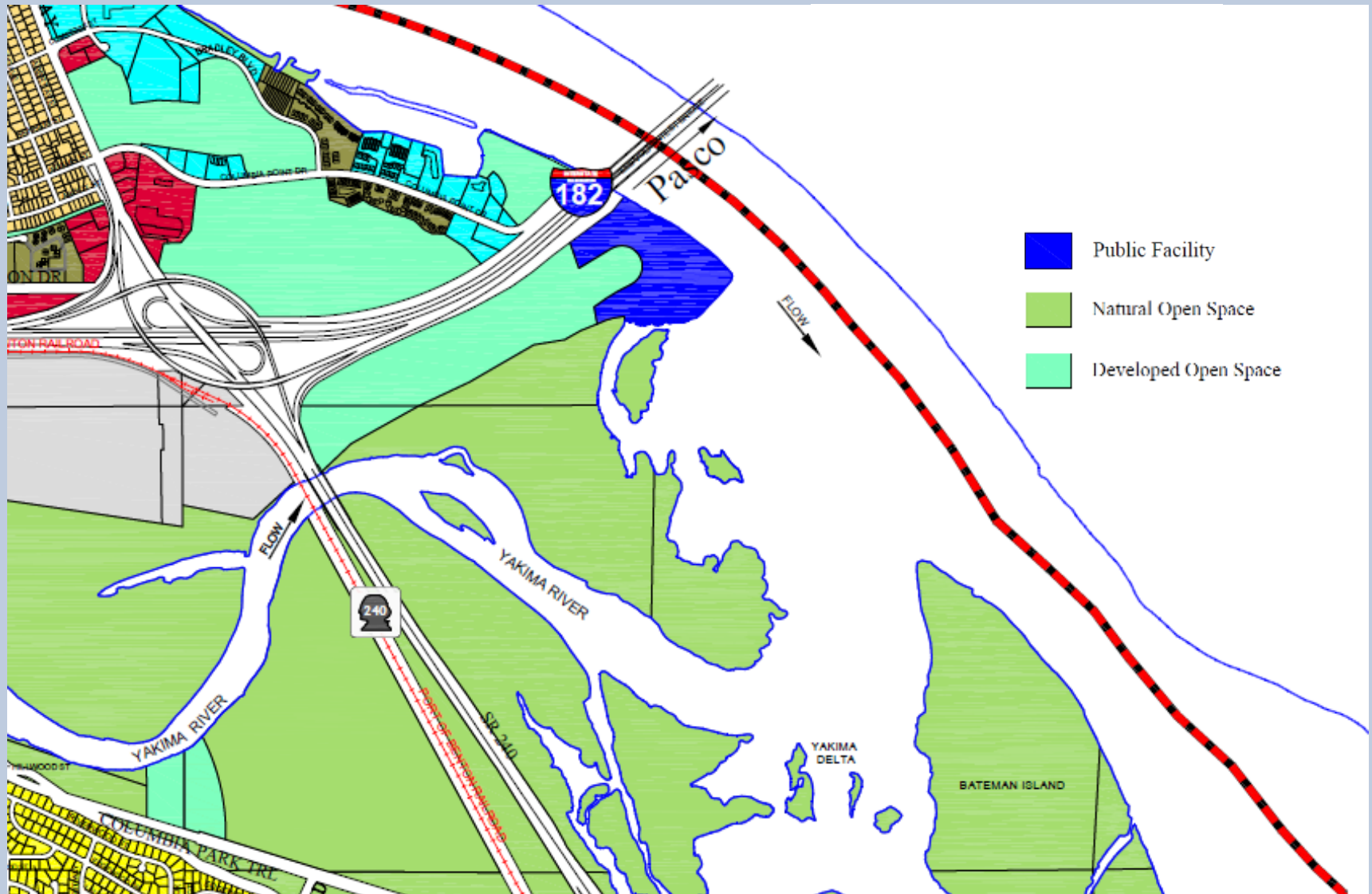
Recommended Alternative



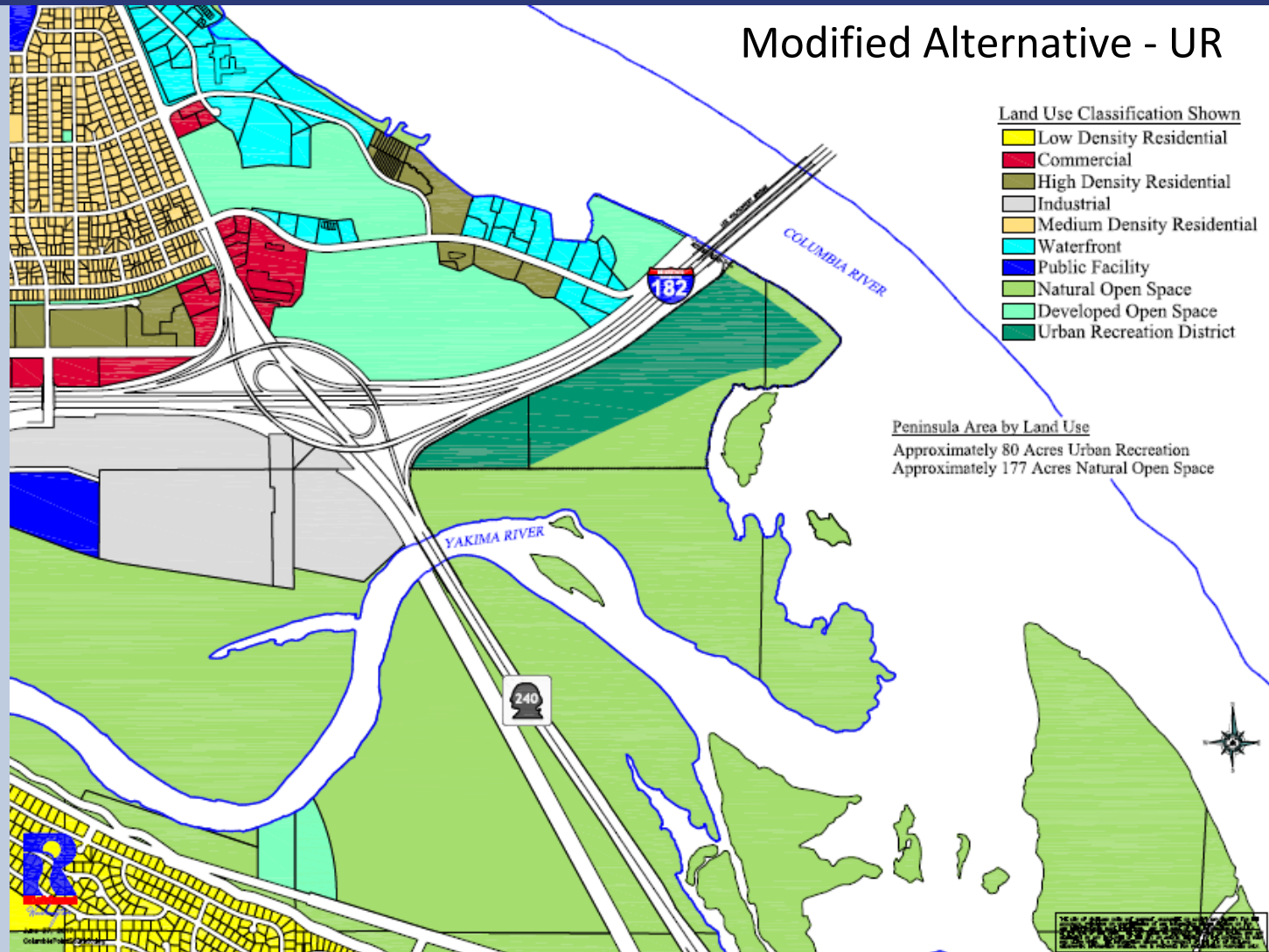
Columbia Point South – City Ownership



Columbia Point South – Existing



Columbia Point South- Urban Recreation



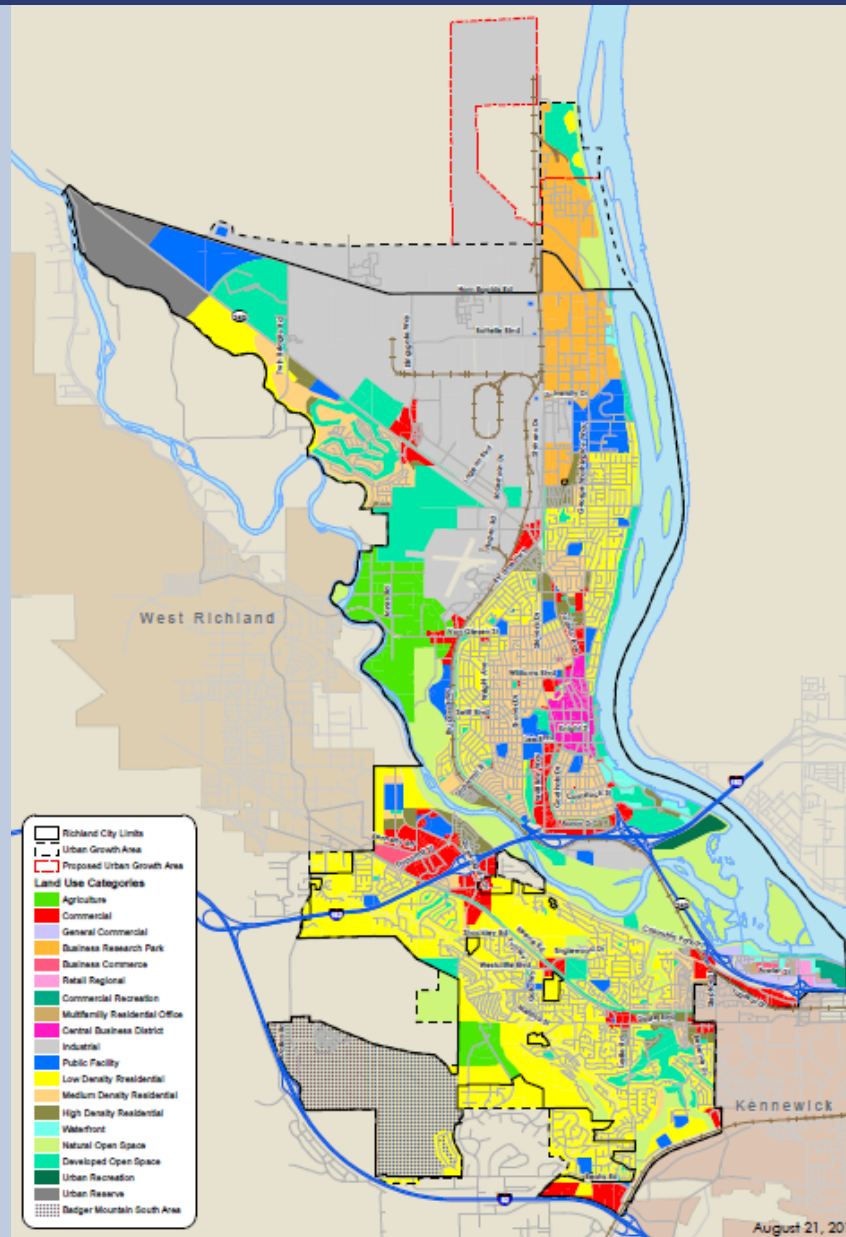
Urban Recreation – 80 acres

Natural Open Space – 177 acres

Urban Recreation District

- Allow a variety of park and open space uses.
- Allow for cultural heritage uses and a limited variety of commercial uses, such as lodges, restaurants, specialty retail and sporting good rentals.
- Cultural resource surveys to be completed for any proposed development.
- Critical areas report to be completed for any proposed development.

Proposed Land Use Map



Next Steps

- Council First Reading
 - September 19, 2017
- Council Second Reading/Adoption
 - October 3, 2017



City of Richland

Comprehensive Plan 2017



CITY OF RICHLAND COMPREHENSIVE PLAN

2017 – 2037

August 30, 2017

Prepared for
City of Richland



Prepared by
Oneza & Associates



Prepared with assistance from

Anchor QEA
J-U-B Engineers Inc.
ECONorthwest

ACKNOWLEDGEMENTS

Thank you to the members of our community for valuable input. Thank you also to current and previous City Council Members and Planning Commissioners for your time and effort in the creation of this document and the original plan to build on.

2017 City Council

Robert Thompson, Mayor
Terry Christensen, Mayor Pro Tem
Brad Anderson
Dori Luzzo-Gilmour
Phillip Lemley
Sandra Kent
David Rose

2017 Planning Commission

Amanda Wallner, Chair
Kent Madsen, Vice Chair
Clifford Clark
James Wise
Marianne Boring
Kyle Palmer
Debbie Berkowitz
Michael Mealer

City Staff

Cindy Reents, City Manager
Jon Amundson, Assistant City Manager
Kerwin Jensen, Community & Development Services Director
Rick Simon, Development Services Manager
Pete Rogalsky, Public Works Director
Bob Hammond, Energy Services Director
Joe Schiessl, Park & Public Facilities Director
Tom Huntington, Fire & Emergency Services Director
Chris Skinner, Police Services Director
Cathleen Koch, Administrative Services Director
Heather Kintzley, City Attorney

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INTRODUCTION

In this chapter, you will find:

- Planning Background: why we plan
 - o Growth Management Act (GMA)
 - o Benton County Countywide Planning Policies
- Richland Community Profile
- Public Participation Plan
- Comprehensive Plan Framework

BACKGROUND

The Comprehensive Plan is a basic foundation for local government planning. Richland's Comprehensive Plan acts as a guide for the community's physical development (land use) over the long term that reflects the community's values, activities, and future growth. It guides the City's decisions on land use, transportation, infrastructure, housing, economic development, and the environment.

Cities and other government jurisdictions adopt comprehensive plans to serve as guides for future activities. A comprehensive plan does not carry the weight of law. Rather, it is a policy statement that points the way to a future in which the City of Richland thrives and maintains all the qualities its citizens

value. The vision, goals, and policies included in this plan are developed through extensive communication with a wide range of groups and individuals.

GMA Planning Goals:

- Urban Growth
- Reduce Sprawl
- Transportation
- Housing
- Economic Development
- Protection of Property Rights
- Predictable Permits
- Natural Resource Industries
- Open Space and Recreation
- Environmental Protection
- Citizen Participation and Coordination
- Public Facilities and Services
- Historic Preservation
- Shoreline Management

The City uses the policies in a comprehensive plan as a guide for its future activities, particularly the crafting of ordinances that relate to zoning, land use, and development. The plan provides a consistent framework for legislative and administrative action, always steering the City towards the desired future and away from a patchwork of laws and rules

that conflict with the vision or with one another.

Growth Management Act

In 1990, the Washington State Legislature adopted the Growth Management Act (GMA), mandating growth to occur within Urban Growth Areas (UGA). Its goals include concentrating development in urban areas to prevent sprawl, encouraging affordable housing, efficient transportation systems and economic development, providing adequate public facilities, and protecting historic and natural resources. It contains additional goals for citizen participation, permit processing, private property rights etc.

Richland developed its first Comprehensive Plan under the GMA guidelines in 1998. The population in Richland has grown at an average rate of two percent each year in the last 20 years. With the plan in place, the City has accomplished many of its planning goals to accommodate growth. This updated Comprehensive Plan will serve as a guideline for the next 10 years under the Growth Management Act. As the City continues to experience steady population and economic growth, delivering public services is key to maintaining this continued growth pattern.

Benton County Countywide Planning Policies

Managing growth can be ineffective if it is carried out in a patchwork fashion. Therefore, the GMA provides a framework for regional coordination. Counties planning under the GMA should prepare Countywide Planning Policies (CWPP) and establish urban growth areas (UGAs). Cities and the county are required to be consistent with the Countywide Planning Policies in their comprehensive planning.

The Benton County Board of Commissioners adopted the “Benton Countywide Planning Policies” in 2016 (Appendix B). This document establishes policies that the City’s

Comprehensive Plan follows in addressing everything from transportation to the provision of municipal services to economic development to fiscal considerations.

COMMUNITY PROFILE

The City of Richland lies at the confluence of the Yakima and Columbia Rivers, in the geographic region known as the Mid-Columbia Basin. Richland and the nearby communities of Pasco and Kennewick are commonly called the Tri-Cities. This Comprehensive Plan looks at the area in Richland from the Hanford Nuclear Reservation on the north, to Kennewick on the south, and from the Columbia River on the east, to the Yakima River and the City of West Richland on the west. The Yakima River delta has shaped the City’s growth into two areas, the north and south sides of the City.

Due to its location, Richland enjoys access to water and natural resources. The Columbia and Yakima Rivers provide water for irrigation of nearby farmland as well as for domestic use. They offer a variety of opportunities for the City, such as open spaces, recreation systems, parks, and waterfront developments.

History

Native Americans lived at the mouth of the Yakima River, which they called the Tapteal, in an area that is known as Richland today.

Richland falls within the Southern Plateau, part of the larger Columbia Plateau culture area. The Yakima-Columbia confluence has a rich archaeological record, with sites in the area attributed to all of the Southern Plateau cultural phases. The area has been “occupied more or less continuously for the last 10,000 years” (Western Heritage 1983:4). There are many recorded archaeological sites within a mile of the confluence. National Register-listed properties include the Columbia Point

area, Bateman Island, and the Tri-Cities Archaeological District (Anchor QEA, 2014).

In 1943, Richland was a small farming town of about 300 residents. In that year, the US Army Corps of Engineers, Manhattan Engineer District purchased most of the area for a massive project to produce plutonium. The federal government planned and built a complete community to serve this project, including schools, housing, and parks. Two years later, Richland residents working at the new Hanford Nuclear Reservation produced the plutonium fuel for America's first nuclear detonation and for the second nuclear bomb used in World War II. By the end of World War II, the population in Richland swelled to 21,000 persons.

For 15 years, only employees of the Hanford Reservation could live in the town that the federal government built. After several years of discussion at both the local and federal levels, the federal government began the process of turning Richland into a self-governing city. Citizens were able to purchase their government-owned houses and Richland was incorporated as a first-class Washington city in 1958. The federal government began to sell the prefabricated housing erected for Hanford workers, which had been intended to be temporary. Much of that housing was renovated and remains in use today.



In addition to prefabricated homes, Alphabet Homes were built in Richland between 1943

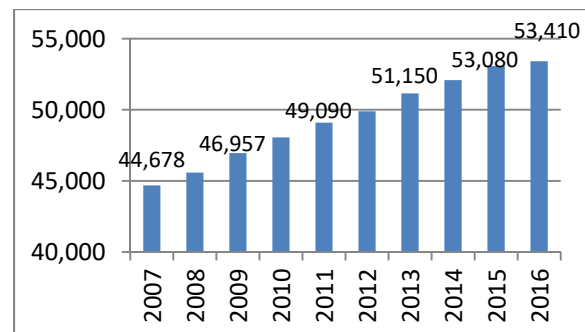
and 1951. The Alphabet Homes were based on a series of house plans denoted by a letter in the alphabet (an A house, an F house, etc.).

Current Trends

Richland has experienced rapid growth in the last decade. The Tri-Cities Metro area is one of the fastest growing areas in Washington State. In addition to its 2016 population of 53,410 in the City limits, and 54,732 including the UGA boundary, the City is expected to add 23,699 persons in the next 20 years.

Much of the development within the City can be linked with the Department of Energy's activities at Hanford. Most of the highly skilled Hanford workforce, such as researchers, engineers, and scientists, live in Richland. The top three employers in the Tri-Cities metro area, Battelle/Pacific Northwest National Laboratory (PNNL), Kadlec Regional Medical Center (KRMCC), and Bechtel National, are all located in Richland. The economy of the City, however, is becoming more diverse with the rise of the healthcare sector (Kadlec), education (WSU Tri-Cities and Columbia Basin College (CBC)), and the agricultural industry in the region.

Figure INT-1: Population Growth in the Last 10 Years in Richland



Source: Office of Financial Management, 2016 estimate

PUBLIC PARTICIPATION

The City of Richland updated its Public Participation Plan in 2016. Cities and counties planning under the GMA must establish “...procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans.”

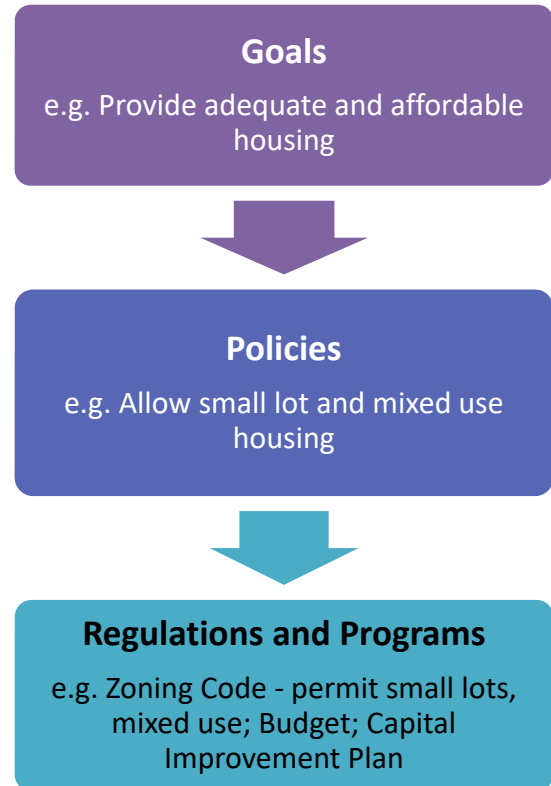
In 2016 and 2017, the City conducted multiple opportunities for public involvement in the form of public workshops, topic group discussions, open houses, citizen surveys, etc. The City established a Comprehensive Plan webpage to disseminate information to, and gather input from, the public. The City reached out to stakeholders such as Pacific Northwest National Lab (PNNL), Richland School District, Columbia Basin College, and Benton Franklin Council of Government (BFCG). The City also held Planning Commission and Council workshops. Planning Commission hearings were held in May and August of 2017 with published notices. The City Council adopted the Plan in XX, 2017. The Plan’s goals and policies directly reflect the input received from the public.

PLANNING FRAMEWORK

Richland’s Comprehensive Plan includes major planning components, visions, goals, policies, and analyses.

A vision is a collective value and target of a community, it is what a community wants to become.

Goals are individual values aimed at achieving the vision.



Policies define how we accomplish the goals.

Regulations, codes and ordinances implement policies.

There are six key elements in the Comprehensive Plan: economic development, land use, housing, transportation, utilities, and capital facilities.

Plan Elements:

- Economic Development
- Land Use
- Housing
- Transportation
- Utilities
- Capital Facilities

Goals and policies are included in relevant elements in order to ensure they carry out the vision of the community. There are sub-

elements under some of these elements with specific goals and policies.

This Core Comprehensive Plan is designed to be user-friendly. A supporting analysis document includes additional detailed information. The supporting analysis document also includes inventory data and analysis. In order to eliminate redundancy, goals and policies are only included in the Core Comprehensive Plan.

Integrated EIS

An integrated Environmental Impact Statement (EIS) is prepared to review the significant impacts the updated Plan is likely to have. An integrated EIS is a combined GMA/State Environmental Policy Act (SEPA) document prepared in accordance with Washington Administrative Code (WAC) 197-11-235. It discusses how environmental values are considered in the plan such as goals, policies, and land use designations.

This integrated document analyzes alternatives in an environmental impact statement summary document (Appendix C).

COMMUNITY VISION

In this chapter, you will find:

The City of Richland's vision and values for the following,

- Community and Neighborhood Character
- Economic Development
- Land Use and Growth
- Housing and Neighborhood
- Transportation
- Open Space and Natural Areas
- Public Engagement
- Urban Design and Culture
- Sustainability
- Parks and Recreation
- Public Facilities
- Utilities
- Public Safety
- School

VISION AND VALUES

Visions are ideas of what Richland will be like at the end of the 20 years planning period. In 2016, the City conducted several visioning workshops with the public, Planning Commission, and City Council. An online survey was also conducted with more than 850 respondents participating, offering input on multiple issues. Vision ideas were gathered from a range of people living or doing business in Richland.

Vision

Richland is a progressive, safe, and family-friendly community that welcomes diversity. It is noted for excellence in technology, medicine, education, recreation, tourism, and citizen participation. This dynamic city, situated on two rivers, actively supports opportunities for economic development that are in harmony with the area's unique natural resources.

Key components of the community's land use vision are categorized into several values discussed in the subsections below. Detailed vision information is available in the Public Involvement Summary document (Appendix D).

Community and Neighborhood Character

Richland is a vibrant, progressive, safe, diverse, and family-friendly community with opportunities for jobs, housing, and recreation.

Public Engagement



Public visioning meeting

Richland communicates with the public in a variety of ways to engage, understand, and address the community preferences, values, and concerns.

Economic Development

Richland uses sound economic development practice to create a diverse and sustainable economy. It is a leader in technology, medical services, and research. Both small and large businesses are vibrant and growing. The City Center is walkable with mixed-uses. The mixed-use waterfront areas offer views, amenities, and recreational opportunities while protecting certain unique natural resources.

Land Use and Growth

Richland manages growth within its urban growth area while revitalizing existing neighborhoods and the City Center. Richland's bustling Central Business District is developed as a mixed-use village with pedestrian amenities, transit access, and bike paths.

Housing and Neighborhood

Housing is available in Richland for all income and age groups. It offers multiple housing choices such as single-family, multi-family, mixed-use, and assisted living facilities.

Transportation

The City's transportation system is efficient and multi-modal. Richland's neighborhoods are well connected for car and transit, and safe for bike and pedestrian traffic. It maintains efficient connectivity with neighboring jurisdictions.



Streets and crosswalks

Open Space and Natural Areas

The community recognizes that natural resources add value to the quality of life. Richland preserves and protects existing natural resources, and critical areas. Uses along the riverfront protect natural resources.

Urban Design and Culture

Richland is a physically appealing community with a diverse cultural heritage. It is a hub of arts, culture, and education.



Farmers' market

The community values high quality design in shaping its natural and physical character in building, landscape, and streetscape design. Its urban areas are revitalized with public spaces and pedestrian-friendly features.

Sustainability

Sustainable growth in Richland brings opportunities for mass transit, and bike and pedestrian trails. The community practices water conservation, recycling, and natural resource protection.

Parks and Recreation



Howard Amon Park and the Community Center

Richland protects and maintains its highly valued parks and recreation system. Richland's park system meets a variety of user needs including sports and other recreational activities in its developed and undeveloped parks.

Public Facilities

Richland provides quality public facilities for all age and income groups. This includes education, library, medical, municipal, and community facilities.

Utilities

Richland is forward thinking in providing utilities with systems that are sustainable and support the planned growth.

Public Safety



Richland Fire Station 74

Richland highly values public safety and a safe lifestyle. As such the City maintains public safety for all ages and neighborhoods.

Schools

Schools that provide quality education are important for the community. Richland's schools are economically and ethnically diverse, providing neighborhood stability and excellent education outcomes for all students. Richland coordinates with school districts to ensure schools are located appropriately to serve its community.

GENERAL COMMUNITY GOALS

Community Goal 1: Ensure and enhance the continuing sense of a livable and sustainable community in Richland.

Community Goal 2: Create a vibrant, progressive, and physically, socially, economically, and culturally diverse community providing choices of jobs, housing, and recreational opportunities to its residents of all ages.

Community Goal 3: Encourage continued interaction with other city, county, regional, tribal, state, and federal governments in order to coordinate regional efforts.

Community Goal 4: Encourage the identification, preservation, and enhancement of historic elements to give the future of the City continuity with the past.

Community Goal 5: Encourage the identification, preservation, and restoration of the City's open space and natural areas to maintain habitat, provide opportunities for residents to connect with nature, and meet educational, health, and outdoor recreational needs with associated economic opportunities to the community.

Community Goal 6: Implement programs for the improvement of the built environment and its aesthetic quality to maintain a clean, safe, and attractive community.

Community Goal 7: Develop a vibrant Central Business District planned on a high density land use.

Community Goal 8: Provide infrastructure and public facilities that serve the best interest of the community.

Community Goal 9: Provide and support an efficient, varied, and well-maintained transportation network.

Community Goal 10: Achieve a diversified mix of private industry and commerce capable of supporting a strong and growing economy.

Community Goal 11: Work to implement the City's Strategic Keys.

Community Goal 12: Continue active citizen involvement and outreach education in development decisions and planning for Richland's future.

ECONOMIC DEVELOPMENT ELEMENT



In this chapter, you will find:

- Goals and policies guiding economic development in Richland
- Challenges and opportunities
- Trends and forecasts
- Key recommendations

INTRODUCTION

The economic development element of the comprehensive plan is intended to guide investments through a framework of strategies and policies with the overall goal of growing economic opportunities in the City. The intent is to identify sound economic development practices to build a strong economy where local businesses are welcomed and encouraged by the City, and ensure the economy is resilient, dynamic, and sustainable for current and future generations.

The City's ability to understand its competitive advantages and proactively work to attract a wide range of employers will in turn create more high-wage jobs, which will in turn produce municipal revenues for maintaining and enhancing quality service levels, infrastructure, and facilities.

GOALS AND POLICIES

ED Goal 1: Build the diversity, resiliency, and equity of the City's economy to ensure opportunities for growth and shared prosperity.

Policy 1: Support the growth of a balanced mix of companies in the following sectors: high technology, professional service, personal service, retail trade, agricultural processing, energy industries, manufacturing, and tourism.

Policy 2: Support expansion and improvement of business recruitment, retention and expansion programs to provide outreach and assistance to startup and existing businesses.

Policy 3: Encourage educational institutions and non-profits to train a skilled future workforce.

Policy 4: Recognize that infrastructure, including transportation and utility planning are vital to economic development and attracting businesses.

ED Goal 2: Make Richland a center of entrepreneurial business, and research and development opportunities.

Policy 1: Develop a detailed strategy to help grow technology businesses in the City of Richland.

Policy 2: Leverage scientific and technology research at PNNL and WSU-Tri-Cities for spin-off local businesses.

Policy 3: Enhance Richland's physical and business environment for technology-based companies.

Policy 4: Remove unnecessary barriers for start-ups and entrepreneurs.

ED Goal 3: Support businesses of all sizes.

Policy 1: Ensure that small and medium businesses receive similar advantages as large businesses in terms of assistance from the City and other agencies.

Policy 2: Streamline and administer regulations to ensure predictability, efficiency, and transparency.



ED Goal 4: Work closely with healthcare, education, and other regional institutional partners to strengthen collaboration.

Policy 1: Enhance the connection between sectors – medical, educational, research, and technology to encourage collaboration and skilled job placement.

Policy 2: Engage local and regional partners in discussions about land use, transportation, and facilities to complement business development.

Policy 3: Support growth and expansion of Kadlec Regional Medical Center and diverse medical companies, WSU-Tri-Cities, Columbia Basin College, and PNNL within the City.

ED Goal 5: Ensure that Richland's economic development goals are aligned with regional economic development and marketing efforts.

- Policy 1: Coordinate with local, regional, and state economic development organizations in activities to attract new businesses and industries to the community.
- Policy 2: Facilitate collaboration with Tri-City Development Council (TRIDEC) and the Tri-Cities Visitor and Convention Bureau to develop and implement seamless, collaborative, low-cost, and effective marketing efforts designed to recruit new businesses, expand existing businesses, and build a positive national image.
- Policy 3: Accommodate the continued use of the Port of Benton barging facilities in north Richland, consistent with the City's Shoreline Master Program (SMP).
- Policy 4: Market the newly transferred 1,341 areas land from DOE to the City, the Port of Benton, and Energy Northwest for large industrial developments.

ED Goal 6: Encourage vibrant mixed-use areas in Tri-Cities as destinations to live, work, and visit.

- Policy 1: Stimulate the development of quality retail and entertainment venues through incentives and infrastructure investments.
- Policy 2: Assist small business owners to enhance their skills and profit opportunities.
- Policy 3: Work with public and private groups to expand the range of tourist attractions within the city.
- Policy 4: Facilitate retail development and encourage infill in the Central

Business District, Uptown, and nearby commercial areas.

- Policy 5: Promote performing arts venues and activities through partnerships with regional economic development agencies.
- Policy 6: Expand the range of options for housing in areas planned for higher density development.
- Policy 7: Support development of higher density housing.
- Policy 8: Attract young professionals by promoting their preferred types of job, housing, and entertainment options.

ED Goal 7: Recognize parks, natural areas, and a built environment with quality design for the value they offer as major attractions.

- Policy 1: Preserve open space areas and associated functions and values.
- Policy 2: Work with public and private groups to support these areas.
- Policy 3: Provide opportunities for active and passive recreation in parks and open spaces.
- Policy 4: Promote quality design for public projects as well as private developments.

CHALLENGES AND OPPORTUNITIES

Richland includes major employers of the Tri-Cities area. The work performed at the Hanford site in tandem with the research at PNNL have driven economic development in the region and City for decades. This is currently the region's largest economic strength and a source of its greatest economic opportunity.

The region has shown strong growth in economic output over the past several decades leading to sustained employment growth. From a regional economic perspective, the agricultural sector is one of the most competitive in the region, which is not surprising given the region's agricultural advantages. The region has a strong industrial/manufacturing base that has sustained itself over time yet the largest portion of the economy is service-based (both professional/business and personal) that continues to drive economic growth in the recent decade. However, growth in most other sectors have mirrored the nation as a whole; fueling economic conversations that the region needs to find new growth in sectors that can produce and sustain both comparative and competitive advantages.



The City of Richland contains a large concentration of the region's professional service sector. The City is home to the two of the largest non-governmental employers in the region, PNNL and Kadlec, that account for nearly 8,000 employees in the City. From a land use perspective, Richland has more than half of the region's commercial office space and industrial space, respectively; and is second only to Kennewick in the amount of retail space.

Additionally, Richland has strong demographics for future economic growth. Employees and households are on average better educated and better paid, with a larger

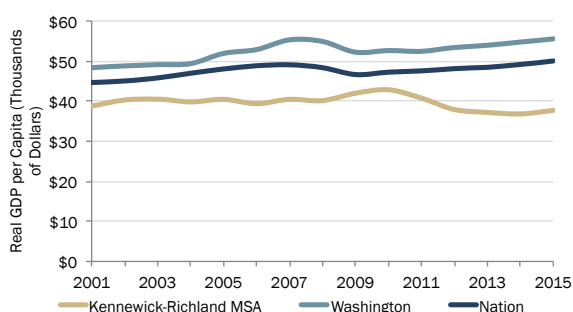
segment of the population in its prime working age. From this perspective, the City should be well positioned to capitalize its past performance and existing assets to extend its economic growth.

TRENDS AND FORECAST

The economy of the Tri-Cities region is primarily service-based. Goods-producing industries (such as manufacturing) make up for less than 25 percent of the total economic output. The Tri-Cities economy was less impacted by the recession in 2008, due to the increase in employment at Hanford as part of the American Recovery and Reinvestment Act (ARRA) of 2009. The total output declined from \$10.3 billion in 2010 to \$8.6 billion in 2014 partly due to the end of ARRA and partly reflecting the national recession trends. However, most recent data has indicated that economic conditions have continued to improve over the past two years.

On a Gross Domestic Product (GDP) per capita basis, the Tri-Cities region is not as productive when compared to Washington State and to the nation. On this measure, the region has been slower to recover than the state as a whole. GDP per capita is the most common indicator of economic performance of regions. GDP per capita is calculated by measuring Gross Domestic Product in a year, and dividing it by the population. The reasons for the lower GDP per capita in the region are complex but are due to the large presence of government-supported activities.

Figure ED-1: GDP per Capita, 2001-2015



Source: Bureau of Economic Analysis, 2016

The Tri-Cities area is unique in that its employment base is dominated by a select number of large employers.

Table ED-1: Top Ten Tri-Cities Employers

	Company	Industry	Employees
1	Battelle/ Pacific Northwest National Laboratory	Research & Development	4,365
2	Kadlec Regional Medical Center	Health Services	3,304
3	Bechtel National	Engineering & Construction	2,898
4	ConAgra Foods	Food Processing	2,727
5	Kennewick School District	Education	2,130
6	Washington River Protection Solutions	Environmental Remediation Services	2,077
7	Pasco School District	Education	2,015
8	Mission Support Alliance, LLC	Support Services, Hanford/Dept. of Energy Site	1,928
9	Richland School District	Education	1,500
10	CH2M Hill	Environmental Remediation Services	1,400

Source: Tri-City Development Council (TRIDEC), [link](#). Accessed February 14, 2017

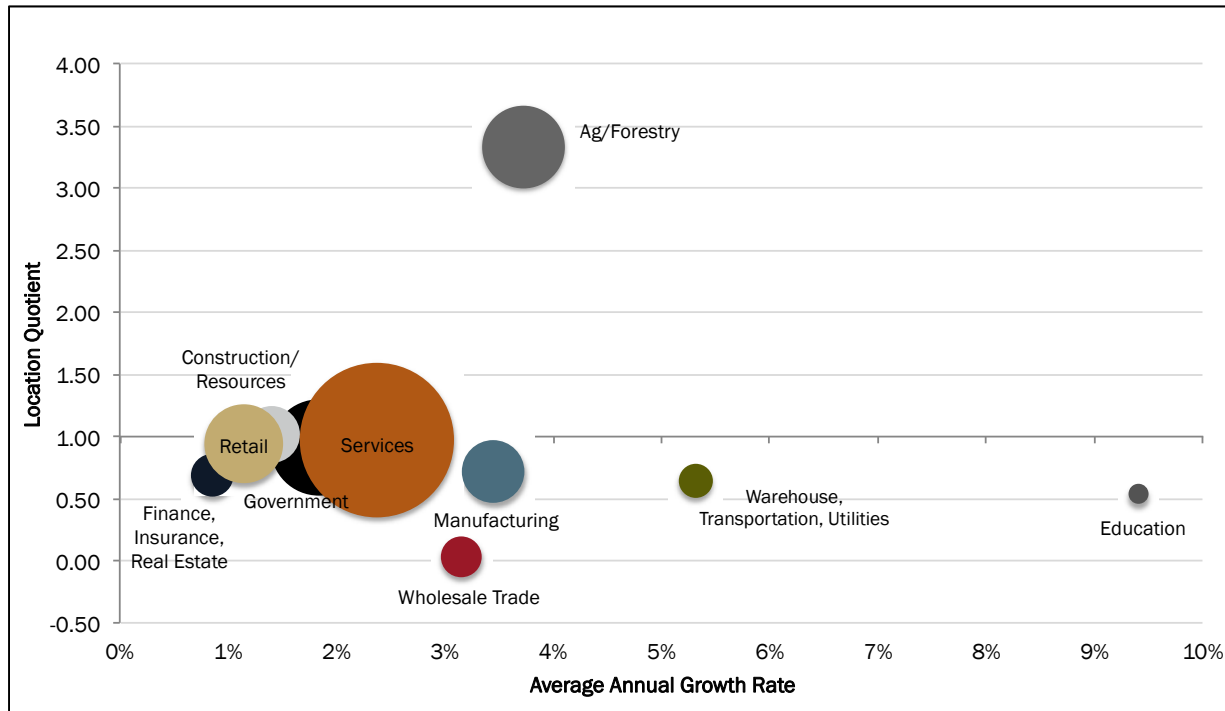
Roughly one in five of an estimated 116,000 jobs in the Benton-Franklin area are from one of the 10 largest firms/agencies listed below. Eight of the 10 top employers in the Tri-Cities

are located in Richland, a legacy largely due to significant federal investments in the Hanford Nuclear Reservation.

The chart below shows the local concentration of jobs by sector (location quotient) along with measures of industry size and average annual employment change in the Tri-Cities region. Location quotients measure the concentration of jobs in a sector compared to the statewide average. A value of 1.0 signifies that the sector possesses the same level of employment concentration as the state. Values above 1.0 are more concentrated than the state average. The size of the bubble represents the number of jobs within that sector. Sectors with sizable employment and higher than average concentration represent strengths for the region. Fast growing sectors, even if they are not very large, represent potential opportunity areas.

In the Tri-Cities region, the largest sectors—services and government—have a similar concentration as the state, and are growing at a rate of one to three percent a year, indicating they are the base of the regional economy. The agriculture sector is a strength in the Tri-Cities; it is much more concentrated relative to the state and is growing at a rate of 3.7 percent per year. Education, manufacturing, wholesale trade, warehousing, transportation, and utilities are also growing at a rate of more than three percent a year, but are smaller and less prevalent in the Tri-Cities compared to the state. Much of the growth in food manufacturing, wholesale trade, warehousing, transportation, and utilities may be related to the growth and prevalence of the agriculture sector in the Tri-Cities.

Figure ED-2: Benton & Franklin Counties Employment Concentration and Change by Sector, 2006-2015

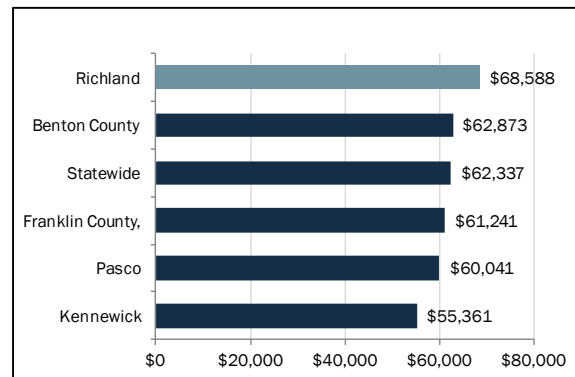


Source: Washington State Employment Security Department

Federal funding for Hanford has been a significant economic catalyst for the Tri-Cities Region generally with Richland at the forefront. Even with significant downsizing at Hanford in the 1990s, household incomes in Franklin and Benton Counties continued to grow steadily.

Today, household incomes for Richland residents are nearly ten percent higher than the County average and more than twenty percent higher when compared to those of Kennewick residents. Richland enjoys economic prosperity not just compared to their Tri-Cities neighbors, but compared to state averages as well, as illustrated in Figure ED-3. Higher incomes are the result of technical and professional positions that require higher levels of education.

Figure ED-3: Median Household Income



Source: US Census Bureau, American Community Survey, 2015 5-year, Table B19013A

Relative to Kennewick and Pasco, Richland is home to a highly educated workforce. The demands for engineers and scientists generated by Hanford and its subsidiary research and development activities have been a central employment and demographic characteristic for the Tri-Cities Region, in particular for Richland.

KEY OPPORTUNITIES

Area 1. Create a resilient economy

The single greatest threat to the Richland and Tri-Cities economy is the winding down of business and employment and the Hanford Nuclear Reservation without suitable economic opportunities in place that would provide for a comparable standard of living. A reduction in work at Hanford will mean less direct employment in Richland and large negative impacts on the businesses that support them directly as well as the resulting households whose wages they support. However, Hanford is also an asset to the community and has been effective at attracting a highly educated workforce in science and technology. These fields produce professional-wage jobs and have produced spinoff businesses coming from PNNL.

To ensure the stability and resiliency of the economy, the City should leverage existing assets but adapt them to a changing economy. These efforts should focus on increasing primary sector, non-Hanford science and tech employment by creating a business environment that encourages and welcomes local business. Additionally, the City should develop partnerships with TRIDEC, PNNL, Kadlec, and other major employers to plan for expansion and delivery of adequate infrastructure and services.

Area 2. Build and attract a more entrepreneurial and dynamic economy

Richland is the regional hub for highly educated science and technology professionals. Labor force participation is high, particularly for the most productive segment of the population – 30 to 54 year olds. With access to innovation partners and relatively low land costs when compared to bigger cities like Seattle, the climate for entrepreneurial startup companies is present. However, attracting innovation and investment is a goal of many municipalities.

The City can advance this environment through infrastructure investment, streamlined regulation, and “second paycheck” benefits such as livability and access to recreation. Working with its regional education and economic development partners, the City can play its role by creating and supporting a rich “entrepreneurial ecosystem” in the area.

Area 3. Leverage the natural landscape as an asset for economic development

Richland’s location along the Columbia River offers exceptional opportunities to easily access attractive natural recreational spaces, as well as close proximity to the region’s vibrant agri-tourism and wine industries. In addition to this, professional service employees living in Richland enjoy lifestyle amenities, also called the “second paycheck.” These include access to parks, walkable business districts, good schools, diverse housing options, quality restaurants, and arts and cultural activities. Richland’s ability to leverage its natural environment to directly spur economic activities and provide an attractive setting for professionals will further enhance its competitive advantage. However, residents must be cognizant of maintaining a healthy balance between environmental preservation and economic development activities.

Area 4. Closely monitor zoning and land use in the City

The City has the dual challenge of planning for urban infill development as well as planning to accommodate development on many large and relatively undeveloped sites within the City. To ensure zoning is responsive to market conditions, it should be monitored periodically to evaluate potential hindrances. Working to concentrate development in areas with existing infrastructure and near job centers will be instrumental to optimize the City’s funding.

LAND USE ELEMENT



In this chapter, you will find:

- Goals and policies guiding land use in Richland
- Existing land uses and future projections
 - Overall capacity
- Proposed land use
- Sub-elements:
 - Critical areas
 - Mineral resources
 - Open space
 - Historic and cultural resources
 - Urban design

INTRODUCTION

The Land Use Element guides and accommodates future growth of the City while maintaining the community's high quality of life and unique characteristics. It determines the community's need for and distribution of residential, business, governmental, recreational, open space, and other types of land uses. The accompanying land use map (Fig. LU-3) identifies land use categories within the City limits and the UGA. A key component of the GMA and the Comprehensive Plan is to allow growth within the urban growth area.

Richland implements its various land uses through zoning designations as shown in Table LU-1 below.

The City must assess its financial ability to provide services at its urban density level and provide an appropriate supply of land uses for new developments. The desired result is to provide a greater market choice in lands for development while allowing for the maximum accountability for public funds

needed to provide for existing and planned urban areas. The City's Capital Improvement Plan is a six-year plan that reassesses priority areas for funding should the funding falls short of meeting the existing needs. To that effect, the City also adjusts its long term land use goals to align them with the funding availability.

Table LU-1: Land Use Implementation by Zoning

Land Use Designation	Zoning Categories
Residential	
Low Density Residential	R-1-12, R-1-10, SAG
Medium Density Residential	R-2, R-2S
High Density Residential	R-3, C-LB
Badger Mountain South	Badger Mountain Master Plan
Commercial	
Business Commerce	B-C
Central Business District	CBD
Commercial	C-1, C-2, C-3, C-LB, CW
General Commercial	C-3
Regional Retail	C-2
Waterfront	WF
Commercial Recreation	CR
Public Lands/Open Space	
Developed Open Space	PPF
Natural Open Space	NOS
Urban Recreation	UR
Public Facility	PPF
Industrial	
Business Research Park	B-RP
Industrial	I-M, M-2
Mixed Use Designations	
Agricultural	FP, AG
Residential Office	C-LB
Urban Reserve	AG

GOALS AND POLICIES

LU Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 1: Revitalize areas that are already within the City, especially areas within the Central Business District, such as the Parkway and Uptown, and the Island View areas.

Policy 2: Facilitate planned growth and infill developments within the City.

LU Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

Policy 2: Ensure that adequate public services are provided in a reasonable time frame for new developments.

Policy 3: Ensure that the intent of the land use and districts are maintained.

LU Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

Policy 2: Encourage higher residential densities especially in and near the Central Business District area.

Policy 3: Innovative and non-traditional residential developments can occur through the use of planned unit developments, density bonuses, new types of housing, and multi-use or mixed-use developments.

LU Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

Policy 2: Promote developments such as business and research parks, office parks, technology centers, manufacturing and processing facilities, and other types for high-tech uses.

Policy 3: Locate neighborhood-oriented commercial land uses in Neighborhood Retail Business areas.

Policy 4: Encourage the use of buffers or transition zones between non-compatible land uses.

Policy 5: In areas where residential uses are in close proximity to industrial or commercial lands, adequate development standards should be used in industrial or commercial developments to mitigate the impacts on residential uses.

Policy 6: Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.

LU Goal 5: Ensure connectivity that enhances community access and promotes physical, social, and overall well-being so residents can live healthier and more active lives.

Policy 1: Locate commercial uses so that they conveniently serve the needs of residential neighborhoods, workplaces, and are easily accessible via non-motorized modes of transport.

Policy 2: Promote pedestrian and bicycle circulation throughout the community by connecting with the infrastructure and the City's network of parks and trail system.

Central Business District

LU Goal 6: Develop an attractive and vibrant Central Business District that displays the unique character of Richland.



Policy 1: Revitalize declining commercial areas by promoting clean, safe, and pedestrian- and bicycle-friendly environments.

Policy 2: Designate land use and zoning for higher-density residential uses, mixed-use, and business uses within and adjacent to the Central Business District.

Policy 3: Encourage infill development and redevelopment in the Central Business District.

Public Facilities



LU Goal 7: Encourage efficient use and location of public facilities such as transit centers, utility facilities, schools, parks, and other public uses.

- Policy 1: Locate municipal facilities within their service areas and ensure the grouping of facilities within neighborhoods, whenever feasible.
- Policy 2: Ensure that the scale, and location of public facilities are compatible with or buffered from existing and planned surrounding areas.
- Policy 3: Wherever possible, the City will locate park and school facilities together for efficient use of public facilities.
- Policy 4: Encourage the development of private and public regional sports and recreational facilities of a size and quality to attract significant numbers of users and spectators.

Land Use in Specific Areas

LU Goal 8: Address unique land use situations in the urban area with policies specific to those situations that ensure compatibility between land uses without infringing on private property rights.

- Policy 1: Ensure that lands designated Urban Reserve remain in this holding category to serve future demand for land.

- Policy 2: Apply the Agricultural designation in the Yakima River floodplain.
- Policy 3: At designated Waterfront land use locations, encourage an active mix of commercial, residential, and marine uses as allowed in the SMP.
- Policy 4: Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.
- Policy 5: Define and identify mineral resource lands located within its boundaries that are not already compromised by on-site, immediate, or adjacent urban growth and that have long-term significance for the extraction of minerals on a commercially-viable basis.
- Policy 6: Property and/or mineral rights owners should work with the City and appropriate agencies for protection of these sites. Designate mineral resource lands located in the City of Richland that meet the Criteria for Classification of Mineral Resources (WAC 365-190-070).
- Policy 7: Ensure that land uses surrounding the Richland Airport are compatible with existing and future airport operations and do not restrict the airport's ability to maintain or expand its existing and future aviation demands. Coordinate with the Port of Benton to restrict land uses in airport areas that would create conflict or negatively impact the safe and effective airport operations.

LU Goal 9: Within Island View, the City will implement a Single Family Overlay land use designation for clusters of property that are currently used as single family residences which have high probability of being redeveloped with non-residential land uses.

Policy 1: The city will use the Single Family Overlay concept only in those instances where the majority of property owners have expressed a preference for its use.

Policy 2: Areas designated as Single Family Overlay will be zoned for single-family residential uses, as identified in the city's R-2 Medium Density Residential zoning district.

Policy 3: Areas designated as Single Family Overlay will remain as such until property owner(s) bring forward a request to remove the overlay and change the zoning to the designation contained in the Island View Subarea Plan. In such cases, an amendment to the comprehensive plan is not necessary.

Policy 4: Applicants bringing forward a request to change the zoning of property designated Single Family Overlay should demonstrate that the land proposed for amendment is:

a) large enough to support redevelopment for non-single family residential land uses; and

b) will have sufficient access to City streets and utility systems to support redevelopment.

Policy 5: Whenever properties designated with the Single Family Overlay are rezoned for non-single family residential uses in accordance with Policy 4 above, the Single Family

Overlay designation should be removed from the subject property.

Private Property Rights

LU Goal 10: Follow controlling law and constitutional requirements, both state and federal, to ensure the appropriate protection of private property rights.

Policy 1: Monitor evolving state and federal statutory amendments and judicial precedent so that timely amendments or changes can be made in the process of implementing the comprehensive plan policies and development regulations.

Policy 2: Process comprehensive plan amendments and development regulations using a fair and open hearing process, with adequate public notice and opportunities to participate to ensure the protection of all due process rights.

Policy 3: Process timely, fair, and predictable processing and review of land use permit applications in conformance with applicable federal and state legal and regulatory requirements.

Natural Environment

NE Goal 1: Promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas as unique assets to the community, and provide public access for enjoyment of such facilities based on the ability of the resource to support the use.

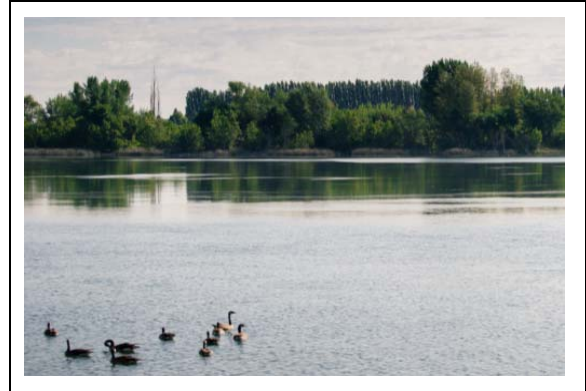


Policy 1: Use the critical areas ordinance, SMP, the state environmental policy act (SEPA), and other ordinances, as applicable, to designate and protect the critical areas and natural environment.



Policy 2: Consider the goals and policies of the SMP as part of this Comprehensive Plan. Encourage development of water-oriented recreational, cultural, and commercial facilities in certain Columbia River locations, consistent with the SMP and its criteria of no net loss of ecological functions, to enhance and diversify Richland's community recreational resources and its attractiveness to tourists.

Policy 3: Ensure public access to shorelines on public land, subject to regulations protecting public safety, sensitive habitat areas, and wildlife.



Policy 4: Encourage the public and/or private acquisition of the prominent ridges in the south Richland area to preserve views, protect shrub-steppe habitat, and to provide public access. Consider the preservation of the ridges and hillside areas through various standards.

Policy 5: Develop an integrated pedestrian trail system to provide access through the City's important natural features, such as prominent ridges and rivershore areas and provide necessary trail linkages between these natural features.

Historic and Cultural Resources

HP Goal 1: Preserve significant historic structures, districts, and cultural resources that are unique to Richland.

Policy 1: Encourage preservation and promotion of adaptive reuse of historic "Alphabet Homes" of Richland.

Policy 2: Coordinate with local tribes, federal, state and local agencies to protect historic and cultural resources.



Urban Design

UD Goal 1: Create a physically attractive and culturally vibrant, pedestrian- and bicycle-friendly environment in the City.

- Policy 1: Establish and enhance the positive attributes of residential, commercial, central business, and other districts with appropriate transition between them.
- Policy 2: Encourage redevelopment and upgrade of suitable commercial areas.
- Policy 3: Improve streetscape and connectivity for safe and pedestrian-friendly environments.



- Policy 4: Promote public arts, museums, and interpretive centers in coordination with public plazas and community spaces that reflect the unique history and culture of Richland.

UD Goal 2: Revitalize commercial areas, such as areas in the Central Business District including the Uptown retail area and the Island View area.

- Policy 1: Enhance the appearance, image, and design character of the Central Business District.
- Policy 2: Ensure adequate public transit, bicycle, and pedestrian access in the commercial centers along with parking and landscaping.
- Policy 3: Enhance the welcoming experience into the community through well-designed gateway features in prominent locations.
- Policy 4: Design the public realm, including streetscapes, parks, plazas, and civic amenities for the community to gather and interact.
- Policy 5: Provide continuity among adjacent uses by using cohesive landscaping, decorative paving, street furniture, public art, and integrated infrastructure elements.

UD Goal 3: Development through appropriate design, should protect natural features such as rivers, shorelines, ridgelines, steep slopes, and archaeological and historical resources.

- Policy 1: Development should be sensitive to existing topography and landscape, and should minimize environmental impacts.
- Policy 2: Hillside development should, as much as practical, blend with the natural shape and texture of the land.
- Policy 3: Lighting should be designed so as to promote public safety as well as promote "Dark Sky" principals.

UD Goal 4: Promote community beautification by enhancing public spaces and thoroughfares and encouraging private property beautification.



- Policy 1: Improve the appearance of all city-owned space and major thoroughfares.
- Policy 2: Promote programs to improve landscaping. Encourage xeriscaping and use of native plants.
- Policy 3: Promote more attractive signage throughout the City, especially in commercial districts.

EXISTING LAND USE

Richland includes a variety of land uses as follows:

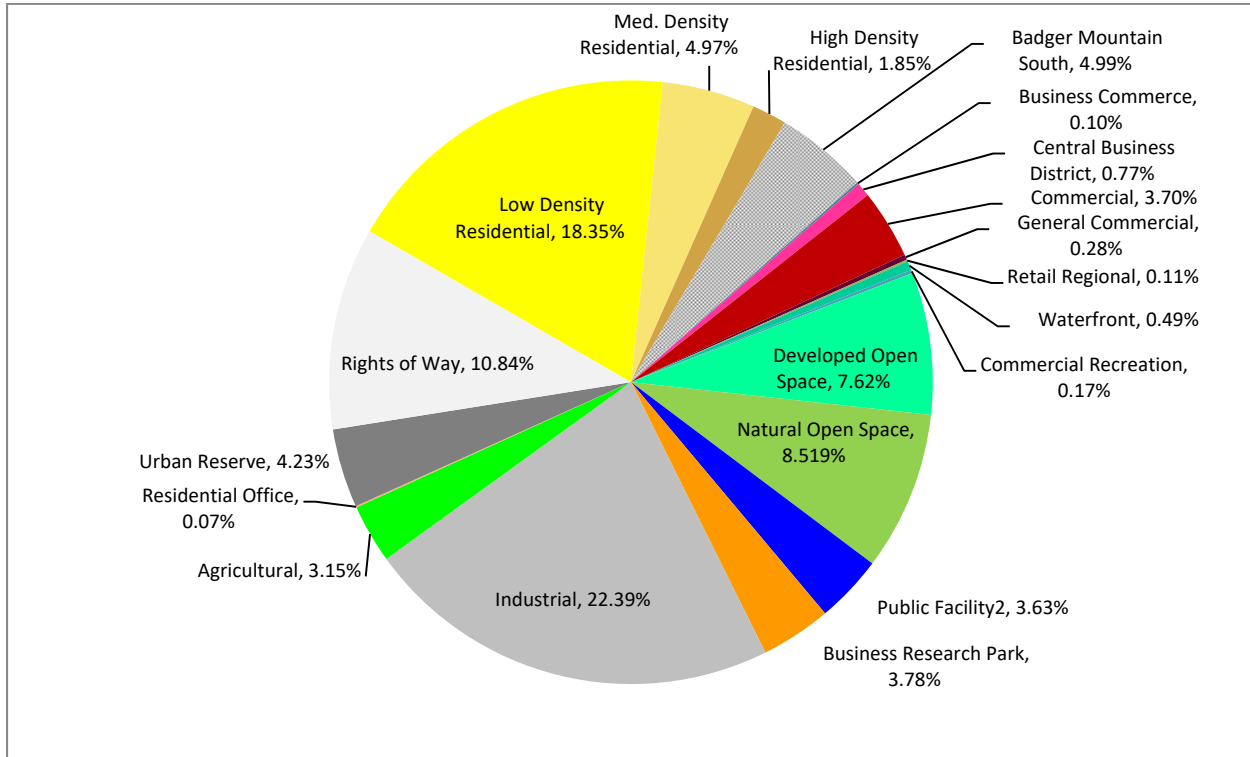
- Agriculture (AG)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Badger Mountain South (BMS)
- Multifamily Residential Office (RO)
- Central Business District (CBD)
- Commercial (C)
- Retail Regional (RR)
- General Commercial (GC)
- Business Commerce (BC)
- Single Family Overlay (SFO)
- Commercial Recreation (CR)
- Waterfront (WF)
- Industrial (I)
- Business/Research Park (BRP)
- Public Facility (PF)
- Urban Recreation (UR)
- Developed Open Space (DOS)
- Natural Open Space (NOS)
- Urban Reserve (UR)

Richland's land area consists of a total of 28,694 acres (25,846 acres in the City limits and 2,848 acres in the UGA). Richland's land use is dominated by residential land use consisting of about 32 percent of the total land use (low, medium, and high density land uses combined), followed by 22 percent industrial, and 16 percent open space (developed and natural) land use. Single-family residential use are predominant in both LDR and MDR land uses areas. The industrial land includes a recent transfer of

1,641 acres of land from the Department of Energy (DOE) to the City, the Port of Benton, and Energy Northwest on the north side of the City. A major portion of this land was

located outside of the UGA, and is currently being processed to be included within the UGA. .

Figure LU-1: Existing Land Use Distribution in City Limits and UGA



Land Use Pattern and Compatibility

Due to the linear geographic pattern of the City along the Columbia River running north and south, Richland's land is also distributed primarily from north to south covering approximately 25,000 acres in the current incorporated limits and additional over 2,800 acres in the UGA. Residential lands are concentrated in three major areas, the central area between the Columbia River and SR 240, areas south of the Yakima River, and the Horn Rapids area. The Yakima River delta and associated natural open space land run almost through the middle of the City. Although commercial lands are distributed throughout the City, the major concentrations

are found in the Central Business District, Queensgate, and the Island View areas. Much of the industrial and research uses are located on the northern part of the City starting from Richland Airport on the south side to the north City limits.

Richland's land use distribution focuses on placing compatible land uses next to each other. Compatibility is based on the intensity of land uses. Generally speaking, industrial is the most intense use due to the impacts of its operations (noise, light, dust, etc.), need of supporting facilities, and overall impact on the land. Natural areas are considered the least intense as there are no developments or improvements on such areas. Therefore, a low density residential next to a heavy industrial land use would be considered

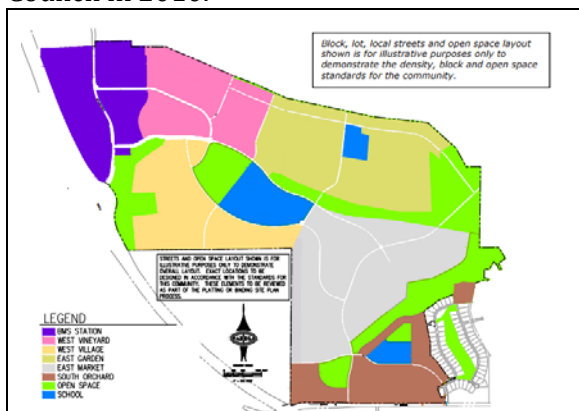
incompatible because of the impacts industrial use may have on the residences. Appropriately designed buffers, landscaping, and transition areas between uses should be considered between incompatible land uses.



Mixed uses are encouraged in Richland where they are allowed. Such uses are generally mutually supportive of each other. Locating residences, offices, neighborhood shops, cafes, etc. in the same building or same site promotes walkability and reduces the vehicle miles traveled.

Badger Mountain South

Badger Mountain South is a master-planned community of 1,480 acres located in the southwest side of the City. The area is intended to be developed with 5,000 homes, businesses, and other community activities. The sub-area plan sets forth various uses in the area and was adopted by Richland City Council in 2010.



The purpose of this area is to establish neighborhoods with a range of housing types and to accommodate a population of diverse ages and incomes. The plan promotes pedestrian-friendly and mixed-use neighborhoods with areas for parks, trails, and open space in a connected network.

Central Business District

Richland CBD is planned to encourage the transformation of the area from principally a strip commercial auto-oriented neighborhood to a more compact development pattern. The area is characterized by its close proximity to the Columbia River and Howard Amon Park, concentration of pedestrian-oriented businesses, and the presence of medical, educational, and public institutions. Multiple planning studies and efforts have been conducted in the past decades, many of which have been or are being implemented in this area including public investments on infrastructure and streetscape improvements, and code revisions to attract private investment.



The Parkway has been a center of pedestrian-oriented retail and restaurants. Kadlec Regional Medical Center's campus and Columbia Basin College's Health Science Center both are located in the CBD. The Swift Corridor improvement will connect the CBD with the waterfront parks and recreation areas.

Columbia Point



The Columbia Point area is located between I-82 to the south and George Washington Way to the west. The area is developed with a mix of shops, hotels, restaurants, offices, condominiums, and recreational amenities. Recreational amenities include a golf course, park, marina, and waterfront trail. The area is close to buildout.

Horn Rapids

The Horn Rapids area is located on the north side of the City. This constitutes two planning areas: a) the Horn Rapids Industrial Park area, a triangular area bounded by Horn Rapids Road to the north and SR 240 to the south; and b) the 1,641 acres Horn Rapids North Industrial Area, north of Horn Rapids Road.

A master plan for Horn Rapids Industrial Park was originally adopted in 1995 and updated in 2011 and 2016. This area has been envisioned as an employment and economic center in the region. The master plan identifies the necessary infrastructure required to serve the area and associated cost for infrastructure improvements. The Horn Rapids planned residential community is located south of this area.

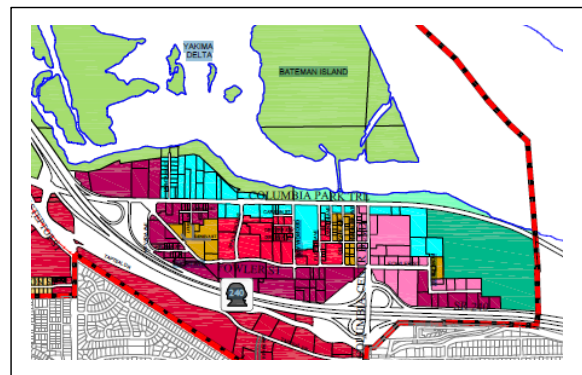
The 1,641-acre industrial area has recently been transferred from the Department of

Energy to the City, the Port of Benton, and Energy Northwest by an act of Congress. This 1,341-acre Horn Rapids Industrial Area is specifically set aside for industrial



development. The City and the Port plan to market the property to industrial developers as “mega-sites” of 200 acres or larger. The proximity of this land to highways, rail, and utility services together with the large acreages available provide development opportunities for industries that exist in very few places throughout the Pacific Northwest.

Island View



The Island View area, also known as Richland Wye, is located on the southeast side of the City between the Columbia River to the north and SR 240 to the south. It is north of the

regional Columbia Center Mall in Kennewick. Columbia Park West is located to the east and Bateman Island to the north of the area.

The Richland Wye Master Plan was prepared in 1998 to revitalize the area and provide a general guideline for the planning and future development of the area. The objective of the master plan includes stimulating mixed use development, providing flexibility in the changing market condition, and ensuring high quality developments with increased opportunities for waterfront recreation. Implementation strategies were developed to address infrastructure, land use, and economic development issues. The area consists of a mix of General Commercial and Regional Retail on the south side, Business Commerce and Multi-family Residential Office in the middle, with Waterfront land use designation on the north side fronting the Columbia River. The entire length of the Columbia River waterfront has public access. The area is now being revitalized with uses such as, residential, commercial, business park, marina, etc.

POPULATION TRENDS AND PROJECTIONS

The Tri-Cities Metro area is one of the fastest growing areas in Washington. The City has grown rapidly in the last decade with a 24 percent growth from 2000 to 2010, and an 11 percent growth from 2010 to 2016.

Based on the 2016 estimate of the Office of Financial Management (OFM), the City of Richland's current population is 53,410. The population including the UGA boundary is 54,732.

Benton County's county-wide allocation and projected population numbers for Richland are 76,533 for the year 2035 and 81,366 for the year 2040. The end of the 20-year planning horizon is 2037. Based on current trends, Richland's projected population in the

year 2037 will be 78,431 persons. This means over the next 20 years, the City and its UGA will add 23,699 (78,431-54,732) persons in addition to its existing population. Identifying land for growth and delivering public services will be important to maintaining the high quality of life for its residents.

Figure LU-2: Projected Population Growth

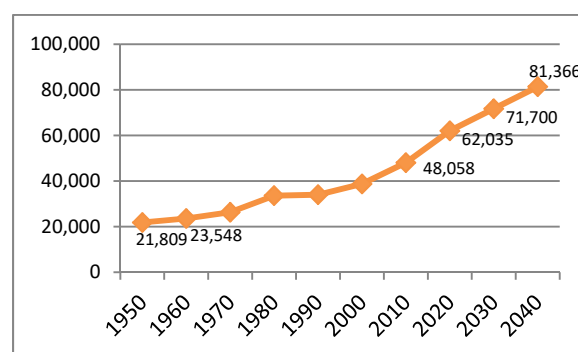


Table LU-2: Population and Employment Projections for 2037

Year	Population	Jobs
2016/ 2017	53,410	37,675 ¹
2037 Projection	78,431	50,295

¹ Estimated jobs in 2017

Source: OFM, US Census, OnTheMap; Washington Employment Security Department; ECONorthwest.

Future Land Capacity

In order to identify land necessary to meet the future demand, an analysis of available land was performed. Details of the analysis are available in the Comprehensive Plan Supporting Analysis (Appendix A). This analysis used the City's existing land use density and land inventory in order to identify vacant and undeveloped land within the City and UGA. The results of this analysis indicated that the City has sufficient land within its UGA to accommodate the land needs for the projected residential and commercial growth. In 2016, the City and the Port of Benton received land from the Department of Energy that is specifically targeted for future industrial use. This land,

together with the vacant industrial land that is within the City, provides an adequate industrial land supply for future employment growth.

A significant portion of future residential growth will occur in the Badger Mountain South and Horn Rapids areas. Additional growth will take place in the existing vacant residential lands throughout the City. It is also anticipated that commercial and waterfront areas will accommodate some high-density and mixed-use growth.

Some lands designated as “Urban Reserve” in the land use plan will need to be re-designated for residential land uses to ensure that an adequate land supply is provided to serve future growth.

Lands for Public Purposes

According to the GMA, the City is required to identify the needs for public facilities, including lands for public purposes. Current City-owned public facilities include parks and open spaces, transportation, water, sewer, storm water, solid waste, energy, and municipal facilities. Using the existing ratio of land per capita for public use, there is a surplus of 72 acres for public facilities land. The City’s developed open space requirement for parks facilities is determined by the parks level of service. The existing parklands are adequate to meet the demand. However, areas with new residential land use discussed in the next section will require an additional community park. The natural open space is determined by the existence of critical and natural areas, and other priority areas within the City. As the City grows, natural open spaces will be identified based on the GMA criteria and best available science (BAS). Existing data and findings from similar communities indicate Richland has adequate open space to meet the future demand. Additional information regarding the City parklands and open space can be found in the Capital Facilities Element under “Parks,

Recreation and Open Space” in this Plan, and in the supporting analysis in Appendix A.

PROPOSED LAND USE

The City is planning to accommodate future growth in two areas within the City, on the north and west sides of the City. One area is located on the southwest side near the City View area, abutting Kennedy Road to the south and Queensgate Drive to the east. The other area is located on the north side of the City abutting the Horn Rapids residential development.

The land use in the City View West area is re-designated from Urban Reserve to a mix of Low, Medium, and High Density Residential, Commercial, Public Facility, Developed, and Natural Open Space. The land use in the Horn Rapids Northwest area is re-designated from Urban Reserve to Low, and Medium Density Residential uses. These are shown in Table LU-3.

Additional land use re-designation includes a portion of an area in Columbia Point South, re-designated from Developed Open Space and Public Facility to Urban Recreation and Natural Open Space. The existing Natural Open Space land in the Columbia Point South area remains unchanged. Additional Natural Open Space land is designated along the shoreline. See Table LU-3, Proposed Land Use, and Figure LU-3, the Future Land Use Map.

Table LU-3: Proposed Land Use

Land Use	Acres
Horn Rapids Northwest	
Existing Land Use	
Urban Reserve	272
Proposed Land Uses	
Low Density Residential	230
Medium Density Residential	42
Total	272
City View West	
Existing Land Use	
Urban Reserve	340
Proposed Land Uses	
Low Density Residential	143
Medium Density Residential	25
High Density Residential	34
Commercial	55
Public Facility	40
Developed Open Space	5
Natural Open Space	38
Total	340
Columbia Point South	
Existing Land Uses	
Public Facility	33
Developed Open Space	71
Natural Open Space	153
Total	257
Proposed Land Uses	
Urban Recreation	80
Natural Open Space	177
Total	257

NATURAL ENVIRONMENT

Critical Areas

Richland's environmentally critical areas include wetlands, fish and wildlife habitat areas, frequently flooded areas, geologic hazard areas, and natural aquifer areas. Most of the critical areas are discussed under the open space subsection below. The critical areas map (Fig. LU-4) indicates wetlands, fish and wildlife habitat areas, aquifer recharge

areas, and other critical areas such as landslide, erosion, or seismic hazard areas.

The City uses the best available science in developing policies and development regulations to protect the functions and values of critical areas and give special consideration to conservation or protection measures.

Shoreline

Richland's shoreline consists of approximately 2,600 acres of land on the Columbia and Yakima Rivers shoreline. A Shoreline Master Program (SMP) was developed and adopted by Richland City Council and approved by the Department of Ecology in 2014. This Comprehensive Plan incorporates the SMP by reference. The SMP aims to utilize Richland's shoreline for various water-oriented uses and facilities while protecting the ecological functions and cultural and historic values of the shoreline. The SMP designates eight shoreline environments as follows:

1. Natural Environment
2. Recreation Conservancy Environment
3. Recreation Environment
4. Rural Environment
5. Residential Environment
6. Waterfront Use Environment
7. Industrial Conservancy
8. Aquatic Environment

Open Space

Open space in Richland and the UGA comprises over 17 percent of the total land. These areas include natural areas (Natural Open Space) and more formal developed parks and trails (Developed Open Space) in the land use map. Developed Open Space is discussed under the Parks and Recreation Sub Element under Capital Facilities. This section discusses the natural open space.

The natural open space system includes the Yakima River and Columbia River shorelines, islands, greenways, and designated areas within residential developments. It also includes environmentally sensitive areas or critical areas where development would be constrained by wetlands, geologic hazards areas, aquifer recharge areas, fish and wildlife habitat areas, and frequently flooded areas along river or stream corridors.

The natural open spaces on or near the Yakima River include:

- The Tapteal Greenway, located on the lower Yakima River. It provides potential opportunities for non-motorized recreation, education, and habitat protection. The Tapteal Greenway is owned by multiple public and private entities including US Army Corps of Engineers (USACE).
- The Chamna Natural Preserve, located on the north bank of the Yakima River. This area is owned by USACE.
- The Riverview Preserve is located at the confluence of the Yakima and Columbia Rivers and is owned and managed by the USACE.
- Bateman Island in the Yakima River Delta is also owned by the USACE and leased to the City.
- W.E. Johnson Park is located south of Van Giesen Street and is owned by the City of Richland.
- The Amon Natural Preserve, a part of the west branch of the Amon Basin is owned by the City. This area is located on the south end of the City near the Interstate-82.

On the Columbia River, natural open spaces include:

- A portion of Leslie Groves Park area located between Snyder Street and Ferry Street.

- A portion of Columbia Point South area; a largely undeveloped area located at the confluence of the Yakima River and the Columbia River.
- The islands on the river that are part of the McNary National Wildlife Refuge.

In 2004, the City worked with community groups and several funding agencies to help Benton County acquire from willing sellers a 575-acre preserve on Badger Mountain located north of the Badger Mountain South area. The City also worked with community groups and funding agencies to purchase properties from willing sellers along the west branch of Amon Basin in order to enlarge the City-owned natural open space areas.

Mineral Resources

Mineral resource lands are resource lands that are primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals. The GMA requires cities and counties to designate natural resource lands where appropriate and adopt development regulations to assure the conservation of agricultural, forest, and mineral resource lands. The City undertook a detailed analysis of its mineral resources in 1998 and determined that no lands within the Richland UGA should be designated as mineral resource lands.

BUILT ENVIRONMENT

Historic and Cultural Resources

Due to its settlement history, the City of Richland does not have an abundance of historical resources. Historic structures unique to the City include 12 tract farm houses in the central city and six buildings in downtown that predate World War II, and the Alphabet Homes, built between 1943 and

1951. The Alphabet Homes were based on a series of house plans denoted by a letter in the alphabet (an A house, an F house, etc.). In addition, several apartment buildings and pre-fabricated homes were part of this development scheme. These houses have historical significance in that they were built as part of the federal city created for the Hanford project. Historic structures that have been formally recognized on the National Register of Historic Places include the “Gold Coast” District, a north Richland neighborhood comprised of Alphabet Homes that have largely retained their original character.

Cultural resources are typically discovered during excavation and site preparation for development proposals. While it is difficult to know where every cultural resource site exists, the Washington State Office of Archaeology and Historic Preservation has records of previous investigations in the region. As discussed before, there are recorded archaeological sites within a mile of the Yakima River confluence. National Register-listed properties include the Columbia Point area, Bateman Island, and the Tri-Cities Archaeological District (Anchor QEA, 2014).

Goals and policies in the Comprehensive Plan provide a framework for reviewing and permitting future development proposals. Coordination with the State Office of Archaeology and Historic Preservation and implementation of policies relating to the preservation of cultural and historic resources will help to ensure that these resources are protected.

Urban Design

Urban design applies to the three dimensional aspects of the built environment such as buildings, streets, sidewalks, open spaces, and plazas. It also addresses other urban issues such as circulation and connectivity, sustainability, neighborhoods, and districts.

Design

The City aims to achieve quality design in citywide civic projects such as public buildings and plazas, streetscape and corridor development, public art, parks, and open spaces. High quality design in public projects will set the standards for the City and may encourage further quality developments by the private sector. Richland’s Public Library, Community Center, and the Reach Interpretive Center all display quality design. The City promotes quality design in the commercial and residential developments through its development standards. The City is also planning to add gateway features in the downtown area that will enhance the identity of the community.

Pedestrian-and Bicycle-Friendly Environment

It has been a priority of the community to create a vibrant and livable community in Richland. Goals and policies are geared towards creating a pedestrian-friendly community. Mix of uses, higher density, access to transit, safe sidewalks, streetscape elements, network of paths and trails, building orientation, and articulation are some of the considerations for creating a pedestrian-friendly community. Richland has prioritized its downtown area to be more pedestrian- and bicycle-friendly. Swift Corridor development is already underway that will create a pedestrian- and bicycle-friendly connection between the downtown businesses and the residential neighborhoods. The Parkway area, CBD, and Kadlec campus are designed with pedestrian-friendly components.

Circulation and Connectivity

Connectivity between major destinations and neighborhoods within the City and the region is important to Richland. Richland’s transportation system aims to provide a multi-modal circulation system for pedestrian, bike, car, and transit users.

Richland has multi-use trails connecting its parks and natural areas, as well as some key locations within the City. The City works with public agencies and private developers to create an efficient circulation pattern within business and residential neighborhoods. The proposed Duportail Bridge, once built, will make a significant improvement in connecting the northern and southern parts of Richland.

Public Realm

Richland's public realm includes plazas, parks, playgrounds, sidewalks, and open spaces. Each public realm is different and serves a different purpose in their formal, semi-formal, or natural settings. They offer places for gathering, interaction, and recreation. Public places are further enhanced by artworks and pedestrian amenities. The John Dam Plaza is a heavily used public place for community gathering and events, while the Parkway area offers an urban setting for the community. Parks and natural areas offer recreation and tranquil environment for the residents.

District

The visual character of the Richland UGA varies widely from downtown, Uptown, and the Richland Wye/Island View area, to relatively new commercial areas such as Queensgate and City View, to master planned areas like Columbia Point and Horn Rapids to older alphabet housing neighborhoods in central Richland and to the new residential neighborhoods in Badger Mountain South. Each of these distinct areas calls for a different design approach. In older areas, the emphasis needs to be placed on revitalizing neighborhoods; in other areas, maintenance can be a priority. In newly developing areas, the emphasis needs to be placed on building design and site planning standards. The City

recognizes that it needs to take a targeted approach with different urban design standards and strategies to reflect the differing needs of each area within the City.

Environment and Sustainability

Richland's built and natural environment is maintained through multiple design and environmental protection approaches. Its natural resources are protected under the Critical Area Regulations, the SMP, as well as State and Federal Laws. The City also maintains energy efficiency, renewable energy, and recycling programs. The City encourages the use of sustainable standards including, but not limited to, passive solar energy, geothermal energy, solar hot water systems, Green Building Certification, Energy Star Certification, bird-friendly buildings (i.e., those that are designed to minimize collisions with birds). The City encourages minimizing light trespass for energy savings, dark sky ambience, and glare reduction.

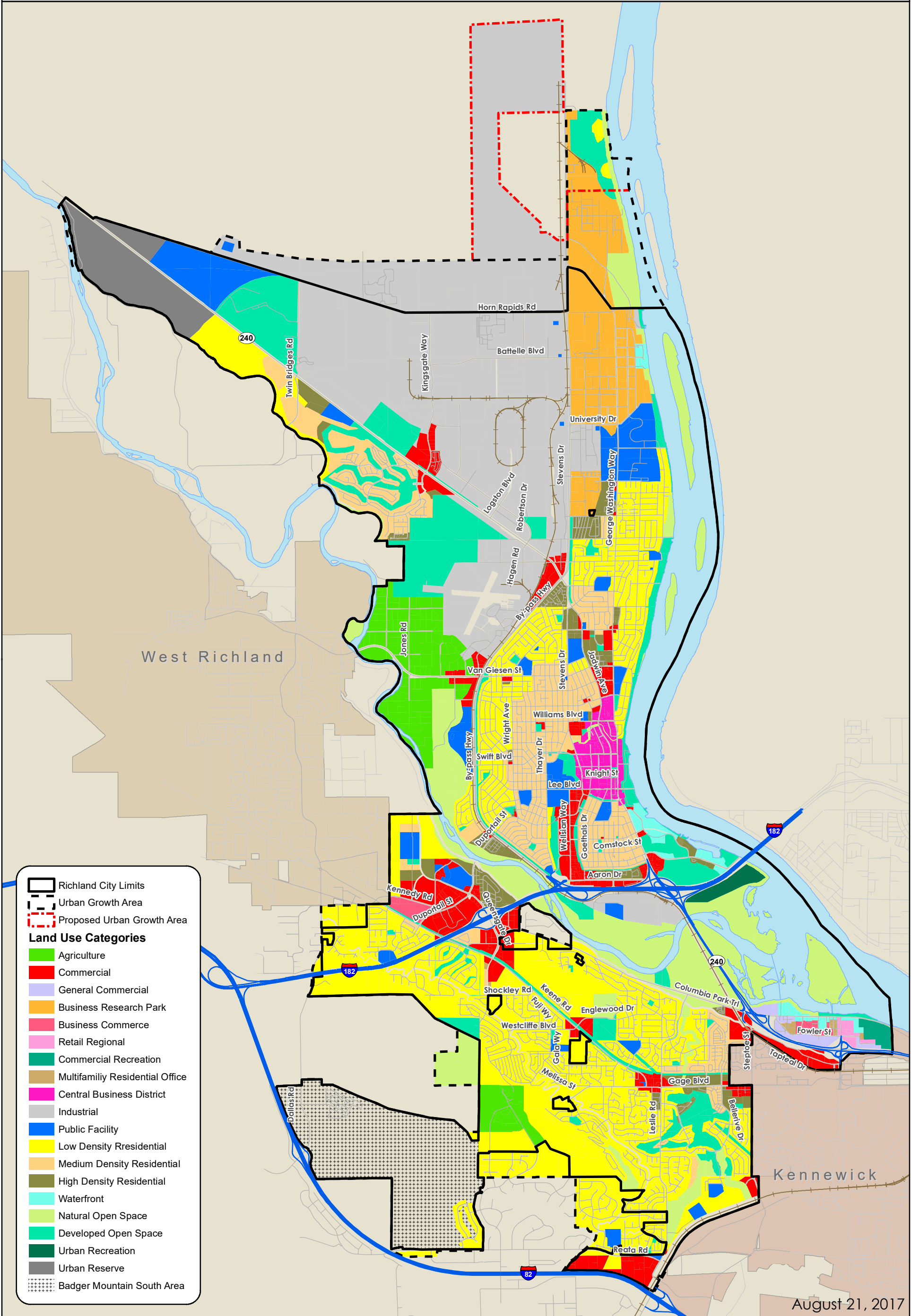
Landscaping

Landscaping is important for maintaining Richland's attractive physical appearance. Proper landscaping can highlight an area's features and add aesthetic value. Landscaping is applicable for both public and private developments. Given the hot-arid climate in the Tri-Cities area, native landscape and plants are more desirable. Using xeriscape principles can make a water-efficient landscape and signify the area's climate and geology. Selection of trees that offer shade on hot summer days is important for this area.



City of Richland

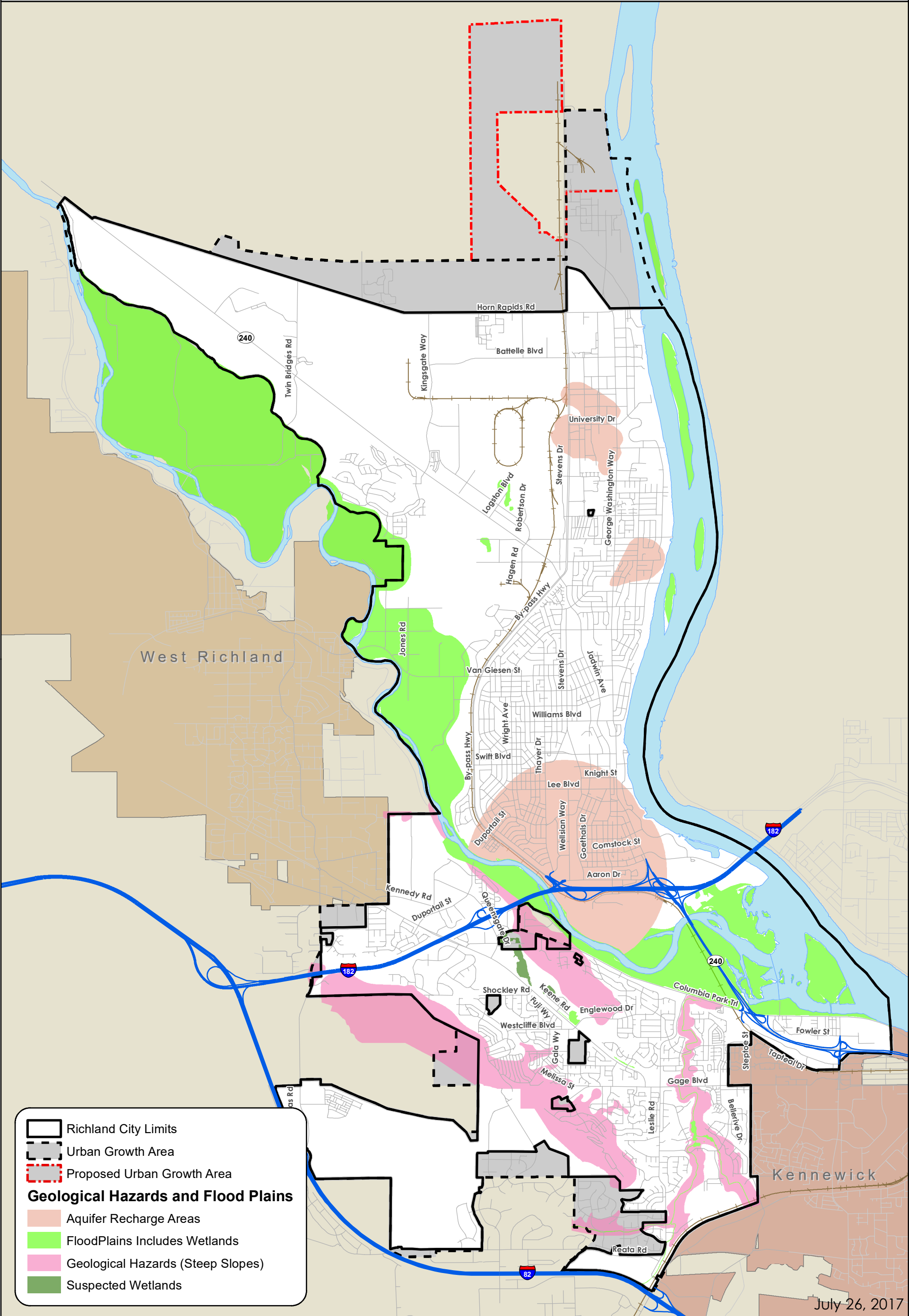
LU-3 - Future Land Use





City of Richland

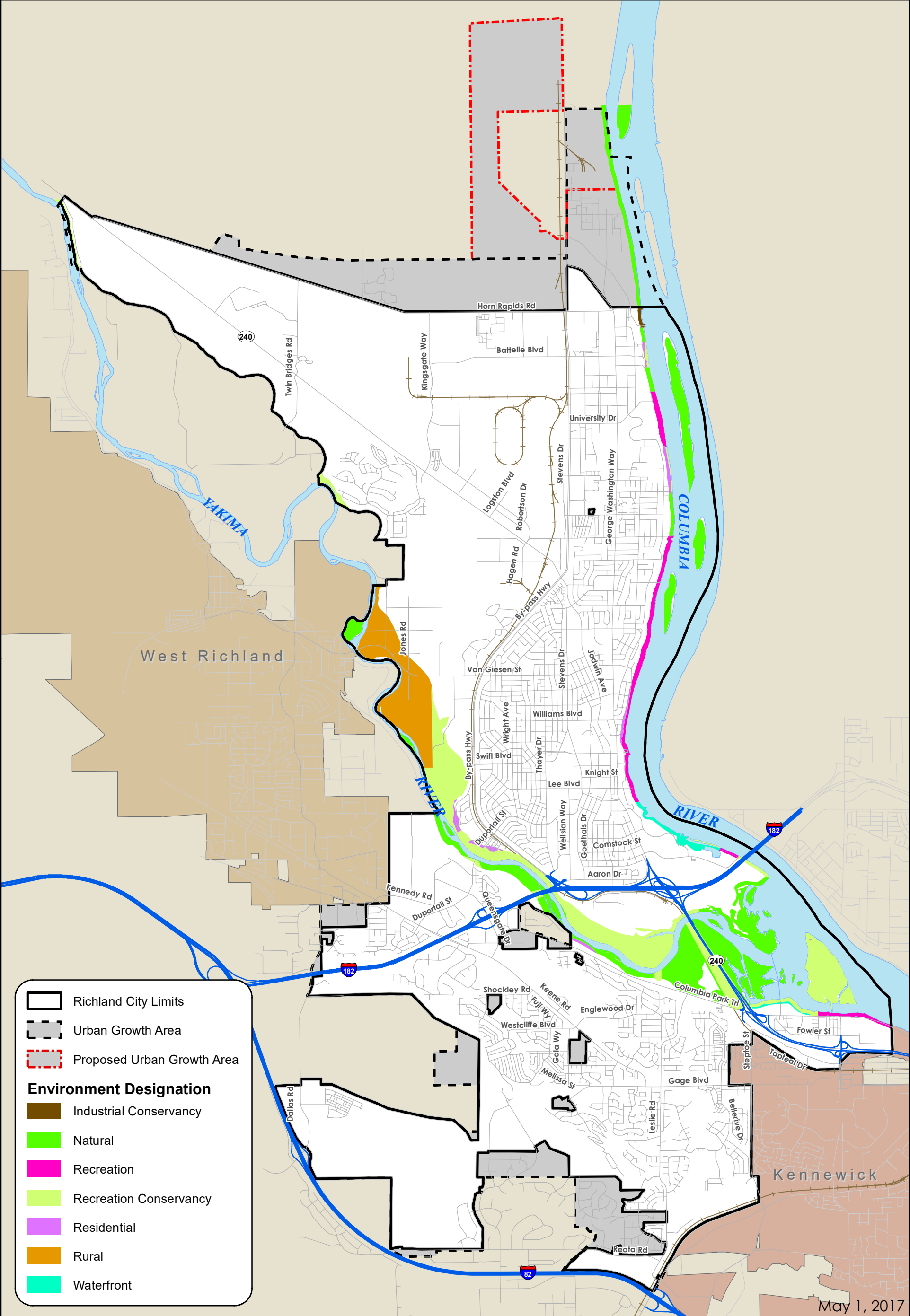
LU-4 - Critical Areas





City of Richland

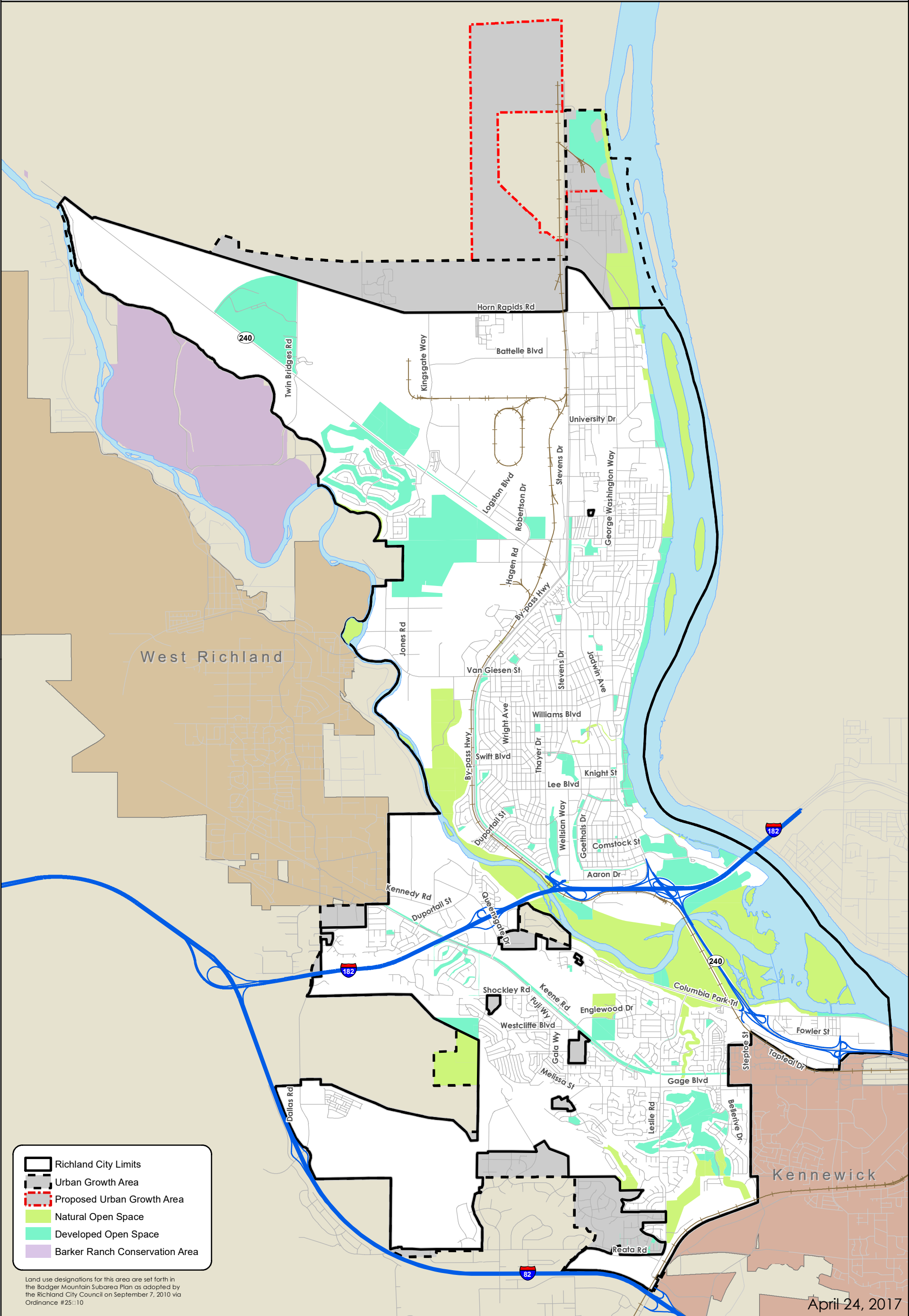
LU-5 - Shoreline



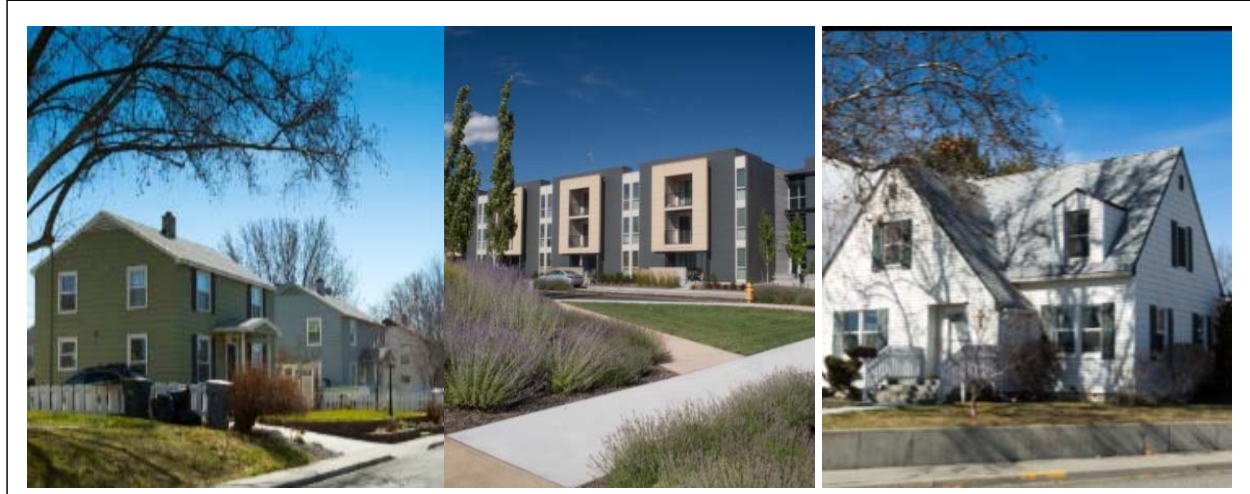


City of Richland

LU-6 - Open Space



HOUSING ELEMENT



In this chapter, you will find:

- Goals and policies guiding housing in Richland
- Existing housing condition
- Projected needs and addressing the demand

INTRODUCTION

Providing affordable housing for all groups is a priority for Richland. Providing housing near shopping and transportation and offering multiple choices for owner and renter occupied housing would also benefit the City's vision for diversity.

The Housing Element of the City's Comprehensive Plan is intended to provide policy background and broad direction for housing programs and decisions towards meeting the City's goals. Similar to the other elements of the Comprehensive Plan, the Housing Element provides a framework for future planning decisions and outlines goals and objectives the City plans to implement in meeting its housing needs. The Housing Element is consistent with other elements of the Comprehensive Plan.

GOALS AND POLICIES

HE Goal 1: Provide a range of housing densities, sizes, and types for all income and age groups of the Richland community.

Policy 1: Ensure that the comprehensive plan and development regulations allow for a variety of housing types, sizes, densities, and lot configurations such as small lot single family housing, multi-family housing, mixed-use development, cluster development, live/work housing, co-housing, accessory dwelling units, single room occupancy units, zero lot line and similar subdivisions, and planned unit developments.



Policy 2: Encourage mixed-use developments with apartments and condominiums above commercial uses in the City's urban core. Where redevelopment or infill opportunities arise, allow for increased housing density in residential-designated areas that immediately surround the CBD, while respecting the character and scale of the existing neighborhood.

Policy 3: Support the development of senior housing and long-term care/assisted living facilities in the City in close proximity to commercial uses and medical services and facilities.

Policy 4: Promote and provide incentives (such as zoning/rezoning, revised regulations, and provision of infrastructure) for infill development and redevelopment, while respecting the character and scale of the existing neighborhood.

Policy 5: Allow and regulate manufactured homes in the same way as site-built homes.

Policy 6: Plan for an adequate supply of land in appropriate land use designations and zoning categories to accommodate projected household growth, while accommodating other commercial, industrial, and open space needs of the City.

HE Goal 2: Improve affordable housing opportunities for lower-income individuals, households, and first time homebuyers.

Policy 1: Expand the supply of affordable units by promoting owner- and renter-occupied housing throughout the City, consistent with Comprehensive Plan.

Policy 2: Promote the use of mixed-income housing developments and mixed-use developments that provide both affordable housing and economic opportunities throughout the City consistent with Comprehensive Plan.

Policy 3: Sustain or improve the quality of existing affordable housing stock by encouraging rehabilitation of housing units by current owners.

HE Goal 3: Implement the current version of the Tri-Cities Consolidated Plan.

- Policy 1: Provide assistance to lower-income households that participate in local improvement districts for infrastructure projects. Assistance may be limited to selected neighborhoods or to the neediest households based upon a percentage of median income and fund availability.
- Policy 2: Assist infrastructure activities that revitalize and stabilize older or declining neighborhoods or areas in which the majority of households are lower-income.
- Policy 3: Improve access for persons with disabilities and the elderly by improving streets and sidewalk systems.

Neighborhood Character

HE Goal 4: Encourage the maintenance and preservation of existing housing stock and residential neighborhoods.

- Policy 1: Encourage reinvestment in older residential neighborhoods and support the revitalization of such neighborhoods by keeping the streets and other municipal systems in good repair.
- a) Encourage the formation of local improvement districts.
- Policy 2: Implement the City's affordable housing and weatherization programs.
- a) Continue to participate in the Tri-Cities HOME Consortium.
- b) Continue to utilize federal Community Development Block Grant and HOME funds for housing rehabilitation and first-time homebuyer opportunities.

Policy 3: Continue to allow accessory dwelling units in single-family residential districts.

Policy 4: Accommodate non-profit and public agencies' efforts to purchase, construct, and rehabilitate housing to meet the affordable and other housing needs of the community.

Policy 5: Strive to increase the rate of owner-occupancy over time through City's assistance programs.

Policy 6: Maintain a strong code enforcement program.

Policy 7: Update and implement the Island View Master Plan to include mixed-use housing and multi-family residential rehabilitation and construction.

Policy 8: Encourage the use of the City's Crime Prevention Through Environmental Design (CPTED) program in developments.

Policy 9: Continue to participate in the City Police Department's Crime Resistant Community Living (CRCL) Program, which provides free training for property owners and landlords to help provide safe, crime-resistant communities for all residents.

HE Goal 5: Ensure compatibility of new residential developments with established neighborhoods and the community.



Policy 1: Maintain quality design and landscaping in the new developments.

HE Goal 6: Improve Public Facilities.

Policy 1: Support the revitalization of neighborhoods by improving and supporting public facilities that serve neighborhoods of all income levels.

Policy 2: Improve parks and recreation facilities in targeted neighborhoods by supporting a range of improvements to existing or new parks such as building bicycle and walking paths, improving public restrooms, landscaping, or installing play equipment.

Policy 3: Support beautification of our community by integrating art into public facilities in creative and engaging ways.

EXISTING CONDITION

Based on American Community Survey (ACS) Census data of 2015, Richland has a total of 22,130 housing units. About 65 percent of the housing units are owner-occupied and 35 percent renter-occupied. This is similar to the United States occupancy rate of 64 percent owner-occupied and 36 percent renter-occupied. Single unit detached housing types dominate the existing housing inventory with 63 percent of the total share. Based on this data, the housing occupancy rate in Richland is 94 percent.

Table HE-1: Housing Occupancy in Richland

Occupancy Type	Units	%
Owner-occupied	13,622	65.5
Renter-occupied	7,170	34.5
Total occupied ¹	20,792	100
¹ 94% of the total housing units		

Richland's single-family homes are mostly concentrated between Spengler Street and the greenbelt (Abbott Street) in north Richland, and between Columbia Park Trail and Interstate-82 in south Richland. Another concentration of housing exists in north Richland in the Horn Rapids area. The City has new housing developments as well as the old Alphabet Homes built between 1943 and 1951. Alphabet Homes are mostly located in the older part of the City near the downtown area.

PROJECTED NEEDS

As discussed in the Land Use Element, Richland's population growth will require additional housing units in the City in the next 20 years. An increase of over 23,000 people in the City and UGA will require 1,270 additional housing units. This will include housing demand for all income and age groups. With the baby boomers retiring, there is a growing need for affordable senior housing in the City. Based on a discussion with the affordable housing group for seniors over the period of 2010 and 2016, occupancy at the affordable senior housing communities averaged 98 percent. This indicates a high demand for affordable senior housing. The expansion of educational institutions triggers the need for student housing and multi-family housing in conjunction with the region's growing need for single-family housing.

ADDRESSING THE NEEDS

This demand of additional housing will be met by developments in the existing planned areas, infill developments, and by re-designating two Urban Reserve areas. This plan will create a mix of residential, commercial, and public facilities land uses as shown in the land use plan (Fig LU-3). This will add additional housing units including

single-family, multi-family, and apartment homes.

The City's current housing assistance program will continue to assist homeownership for Richland citizens. The City's policies promote infill development, which will be another option for housing development where infrastructure already exists. The City provides additional housing choices by allowing accessory dwelling units in single-family neighborhoods.

TRANSPORTATION ELEMENT



In this chapter, you will find:

- Goals and policies for transportation
- Existing systems and future improvements for:
 - Motorized systems
 - Non-motorized systems

INTRODUCTION

The City of Richland maintains a complete multi-modal network of transportation facilities serving residents and businesses. A brief summary of transportation facilities is provided here, with more details provided in the supporting analysis document (Appendix A).

GOALS AND POLICIES

TE Goal 1: Provide an efficient and multi-modal transportation network including road, trail, rail, water, and air, to support the City's land use vision and existing needs.

Policy 1: Plan new street segments and consider modifying existing streets to provide comfortable and safe elements for bicyclists, pedestrians, and transit users in addition to vehicles.

Policy 2: Identify and secure the rights of way for new and/or expanded transportation corridors.

Policy 3: Support rail services for industries and commerce within the area.

Policy 4: Support regional planning efforts for roadway, rail, air, and non-motorized travel.

Policy 5: Plan and implement transportation system improvements that meet the needs of all areas and residents.

Policy 6: Plan transportation facilities that are compatible with adjacent land uses.

Policy 7: Plan and implement an appropriately classified and designed roadway system that provides for efficient movement of people and goods and the comfort and safety of residential neighborhoods.



TE Goal 2: Improve safety, connectivity, and operating efficiency of the transportation system.

Policy 1: Implement appropriate access control for arterial collectors and arterial streets.

Policy 2: Link local street networks through subdivisions to provide efficient local circulation, as appropriate, and provide additional collector arterial access for major residential areas.

Policy 3: Evaluate, plan, and install traffic control devices and intersection designs to improve travel safety and efficiency.

TE Goal 3: Encourage the use of transportation modes that promote energy conservation, circulation efficiency, and an active lifestyle.

Policy 1: Support increased use of transit, bicycling, and pedestrian travel.

Policy 2: Plan facilities for non-motorized travel across jurisdictional boundaries.

Policy 3: Require sidewalks, improved shoulders, appropriate signage, or off-street trails within new developments to accommodate internal bicycle and pedestrian circulation within and between neighborhoods.

Policy 4: Encourage new developments to be pedestrian-friendly and compatible with the public transportation system.

Policy 5: Design a circulation system to become a bicycle-friendly community with complete streets.

TE Goal 4: Ensure that the road network is sensitive to the natural and built environment and offers a sense of the community.

Policy 1: Use appropriate streetscape and gateway features along the major entryways into the City.

Policy 2: Implement landscaping and other types of buffers along major transportation corridors.

Policy 3: Construct street system improvements to reduce traffic congestion as a measure to improve air quality.

Policy 4: Plan new streets and consider modifying existing streets to include storm water management best practices to reduce pollution from stormwater runoff.

Policy 5: Plan and implement new streets with features that mitigate the hazard to wildlife.

Policy 6: Plan and implement new streets and consider modifying existing streets to improve access control to sensitive areas.

EXISTING SYSTEM AND FUTURE IMPROVEMENTS

The most recent Transportation Plan for the City of Richland was completed in 2005 and was used to prepare the 2008 Comprehensive Plan. Many of the improvements identified in that Plan have been completed. Several studies have been conducted to identify preferred improvements in corridors where congestion is occurring today. These studies have determined the basis for many of the short-range improvements that are identified in the Capital Improvement Program for the City.

A major transportation challenge within the City of Richland transportation system is the congestion facing north-south travel during commute times. Several factors contribute to this situation, such as the major regional employers situated north of the City, and significant amount of housing is provided south and east of the Yakima and Columbia Rivers within the region. Regional commute traffic from south Richland, Kennewick and Pasco, is currently limited to SR 240 and George Washington Way for north-south travel through the City of Richland due to the challenge of providing adequate capacity to

cross the Yakima River to the south and Columbia River to the east. I-182 also creates a barrier given that there are only three access points and four crossings within the city as well. Congestion as a result of this north-south demand at commute times is manifest at several locations as discussed in the supporting analysis document. A number of planned projects are being considered to address this issue; but the considerations are complicated by the needs and vision of residents as they relate to George Washington Way. As described above George Washington Way is a key element in supporting a regional travel need. George Washington Way is also a City street passing through areas of Richland in which a regional commute route doesn't align with the users goals. Achieving acceptable performance levels for the economic vitality of the City and region and meeting the desires for livability on the City's transportation system will continue to be significant challenges.

For the purposes of this Comprehensive Plan Update, traffic counts from 2016 conducted by the Benton Franklin Council of Governments were used to conduct an analysis of the existing system to identify any additional deficiencies. Those traffic counts were also used to calibrate and update the regional traffic model to be consistent with anticipated land use for year 2040. Subsequently, an analysis for forecast traffic volumes was used to identify potential long-range issues with the transportation network.

Motorized System

Automobile

There are over 275 miles of roadway within the City of Richland, including a functionally classified network of arterial and collector roadways as well as local streets. There are 66 traffic signals within the City (some are operated by WSDOT or the City of Kennewick) and four roundabouts.

Significant improvements identified in the short term include the Duportail Bridge over the Yakima River, the widening and extension of Queensgate Drive, South George Washington Way safety and mobility improvements, and the Center Parkway Extension west of Steptoe Street. These projects are anticipated to cost at least \$53 million.

Long-range improvements include the extension of Gage Boulevard and Queensgate Drive to serve the Badger Mountain South sub-area, interchange improvements on both I-182 and SR240, as well as other collector road improvements to serve developing areas. A new arterial route is proposed to connect the existing north end of Queensgate Drive to SR 224 (with a Yakima River crossing) as well as an extension south from Kingsgate Way to connect to SR 224. Additional traffic signals or roundabouts are anticipated at several locations as well.

Air

Commuter air travel service is provided at the Tri-Cities Airport in Pasco. The Richland Airport provides general aviation facilities on two 4,000 foot runways. The Airport Master Plan currently calls for the extension of the north-south runway to 5,000 feet in order to accommodate large aircraft. This runway extension will require further study and potential mitigation since the Runway Protection Zone will be extended over SR 240 and some developed industrial properties.

Freight

There are currently approximately 30 miles of railroad tracks within the City of Richland. Much of this track is owned by the Port of Benton and operated and maintained through a lease to the Tri-City Railroad (TCRR). TCRR provides local freight switching and interconnect services to the Union Pacific Railroad, while the Burlington Northern Santa Fe provides direct service to the City of Richland.

The rail network has recently been expanded by the City to serve the Horn Rapids Industrial Park and includes a loop that accommodates the loading of unit trains. Additional expansions are anticipated to the north of Horn Rapids Road to serve new industrial property acquired from the Department of Energy.

Port Barge

The Port of Benton provides a high dock as well as a barge slip along the Columbia River in the northern part of the City. These facilities are able to serve barges that travel to the Pacific Ocean and Pacific Rim markets in a cost effective transportation mode.

Transit

There are currently nine transit routes operated by Ben Franklin Transit that serve the City of Richland, with four of those being Inter-City routes that also serve other communities and make connections at Transit Centers. Ben Franklin Transit regularly modifies its services and routes to accommodate growth and development.

Non-motorized System

Non-motorized facilities within the City of Richland are mainly composed of sidewalks constructed in association with streets and a separate bicycle and pedestrian trail system. There are currently about 30 miles of Class I trails that serve the City of Richland, with over six miles of secondary trails and 36 miles of soft trails that traverse natural areas such as Badger Mountain or Columbia Point South and the Amon Basin. There are also over 68 miles of on-street bike routes that facilitate bicycle travel throughout the City.

FINANCING

The City receives funding for transportation projects from a variety of sources, including impact fees, developer construction, City General Funds, Arterial Street Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.

The City collects Traffic Impact Fee according to Richland Municipal Code (12.03). It is called the South Richland Street Collector Financing Plan. It assists to develop the arterial street network in south Richland and to make other improvements such as traffic signals as traffic volumes grow. The impact fee area generally involves two zones and covers the area south of the Yakima River with the exception of the Badger Mountain South Sub-Area. The impact fee was updated in 2008 and 2012 and is expected to be updated again in 2017.

Details of proposed transportation improvements, timeframe and financing sources can be found in the supporting analysis document (Appendix A).

UTILITIES ELEMENT



In this chapter, you will find:

- Goals and policies for utilities
- Wastewater facilities
- Water supply system and facilities
- Storm water system and facilities
- Solid waste management and facilities
- Energy services
- Utilities provided by others
 - Natural gas supply
 - Telecommunications
 - Irrigation

INTRODUCTION

The Utilities Element of the City of Richland Comprehensive Plan describes utility policies and regulations to implement the goals of the Comprehensive Plan. It was developed in accordance with Section 36.70A.070 of the GMA to address utility service within the City of Richland over the next 20 years. It consists of the general location, proposed location, and capacity of all existing utilities in the UGA. General utility corridors are identified in this Element. The Element was also developed in accordance with the County-Wide Planning Policies and has been integrated with all other Comprehensive Plan elements to ensure consistency.

GOALS AND POLICIES

UE Goal 1: Utilities should support the land use and economic development goals of the City.

Policy 1: Siting of proposed public facilities should be consistent with adopted land use policies.

Policy 2: When available and permitted under prevailing power supply contracts, the City will use its market access to low-cost electricity to provide favorable rates targeted at expansion and attraction of industries offering additional family-wage jobs.

Policy 3: Ensure that aesthetic impacts of utilities will be addressed through measures such as landscaping and screening.

UE Goal 2: Maintain existing service levels to current customers and ensure that public facilities and services necessary to support development are planned, sized, and constructed to serve new development.

Policy 1: Maintain current utility service levels based on local, state, and federal standards.

Policy 2: Use a minimum 20-year planning horizon to plan for City-provided public utilities and identify new facilities, expansions, and improvements that will be needed. The City will work with other purveyors of public services to provide facilities and services concurrent with development.

Policy 3: Promote the efficient use of land and minimize environmental disturbance by requiring that the facilities of various utilities be located together in the City right-of-way wherever possible.

Policy 4: The City will designate utility corridors and utility facilities as required to facilitate and promote the expansion of commercial and industrial development.

Policy 5: The City will actively cooperate with other utility providers to establish a City electrical service territory boundary that allows the City's municipal utility to serve new loads.

UE Goal 3: Provide utility facilities that ensure environmentally sensitive, safe, and reliable service.

Policy 1: All utility expansion and construction will consider the environment and ways to minimize impacts to it in siting, construction, and use.

Policy 2: The City will use the best available technology to mitigate adverse impacts resulting from utilities projects.

UE Goal 4: Adopt programs to conserve and promote sustainable use of resources.

Policy 1: Establish public outreach programs to promote the conservation of resources, waste reduction, reuse, and recycling.

Policy 2: Implement the City's utility systems management plans.

UE Goal 5: Coordinate with outside utility providers for efficient, cost-effective, and reliable utility service.

Policy 1: Ensure that land will be made available for the location of utility lines, including location within transportation corridors.

Policy 2: Promote, when feasible, location of new public and private utility distribution facilities in shared trenches, and coordination of construction timing to minimize construction-related disruptions to the public and reduce the cost of utility delivery.

Policy 3: When and where natural gas franchises exist, promote the

extension of natural gas distribution lines to and within the UGA, constructed or reconstructed.

Policy 4: Promote a wider range of high-speed internet providers to encourage competition.

WASTEWATER FACILITIES

The Richland sanitary sewer system was originally developed to serve the Richland core area, but has been extended to other areas as they have developed, including north Richland, south Richland, the Badger Mountain area, and the Horn Rapids community. The sanitary sewer system includes a conveyance system, a wastewater treatment facility, and effluent disposal. A General Sewer Plan was adopted in 2016, which provides a general evaluation of the sewer collection system and Wastewater Treatment Plant, a Capital Improvement Plan (CIP) with a particular emphasis on the next 20 years, and assessment of the utility's financial condition and ability to support the recommendations of the CIP.

The existing Richland sanitary sewer collection system serves approximately 40 square miles of area that is divided into seventeen drainage basins. The collection system consists of over 262 miles of gravity collection pipes, which range in size from six inches in diameter to 54 inches in diameter. The City owns and operates 14 pump stations, ranging in size from 1.5 to 35 horsepower. Overall, the collection system had adequate hydraulic capacity to convey current flows as well as future flows. Although the hydraulic analysis indicated relatively few capacity issues, the collection system is showing its age and a proactive renewal and replacement program has been developed to address this.

All flows collected by the Richland sanitary sewer collection system are transported to and treated at the Richland Wastewater Treatment Plant. Since its completion in 1985, the plant has consistently achieved the discharge requirements specified in its National Pollution Discharge Elimination System (NPDES) permit. The plant provides primary sedimentation, followed by secondary treatment using an activated sludge process. Plant effluent is disinfected with chlorine prior to discharge to the Columbia River. Several renewal and replacement projects have been identified at the Wastewater Treatment Plant through the planning period.

WATER SUPPLY SYSTEM

The Richland water system was constructed during the 1940s to support the wartime activities at the Hanford Nuclear Reservation. This temporary system has developed into the modern permanent water system used in the City today. The City's water supply system consists of wells, a surface water treatment plant, pump stations and chlorinators, interties, water lines, and reservoirs. A Water System Plan was completed in 2016 to be adopted in 2017, which provides a general evaluation of the water distribution system and Water Treatment Plant, a CIP with a particular emphasis on the next 20 years, and assessment of the utility's financial condition and ability to support the recommendations of the CIP.

The majority of the population within the corporate limits of the City of Richland is served by the City of Richland Water Utility. The Utility serves approximately 18,689 connections (as of 2016), which includes residential, commercial, and industrial users.

The City has a total available water right of 34,948 acre-feet per year and 43,786 gallons per minute (gpm) for instantaneous flow.

The City appears to have adequate water rights for future growth. The City's potable water sources include a wellfield and the Columbia River Water Treatment Plant (WTP). The wellfield has a total capacity of 15 million gallons per day (MGD) while the WTP has a capacity of 36 MGD. Source capacity is adequate for future growth, and water supplied to the City of Richland is of high quality meeting federal and state drinking water standards.

The City has approximately 340 miles of pipelines in the water distribution system ranging in size from two inches in diameter to 36 inches in diameter. There are ten storage facility sites that provide approximately 22 million gallons of storage and ten booster pumping stations that provide direct water storage to seven pressure zones within the City. Several projects to address capacity as well as renewal/replacement have been identified through the planning period.

STORM WATER SYSTEM

Richland's storm water system facilities consist of collection and conveyance, pumps, underground injection control (UIC) facilities, regional detention/ water quality facilities, and regional outfalls. A Storm Water System Plan was developed by the City in April 2017.

Collection and conveyance facilities include catch basins, manholes, pipes, forced main, culvert and open channel. There are currently over 4000 catch basins and over 127 miles of gravity pipe in the City.

There are seven public and privately owned pump stations throughout the City.

Some storm water runoff generated within the City is infiltrated via the City's over 280 UIC facilities.

Regional detention/ water quality facilities include 22 ponds, 2 bioretention cells, 6 underground storm chambers, and 21 swales.

Stormwater runoff that does not infiltrate is conveyed to surface receiving waters via 21 regional outfalls that discharge to the Columbia River, the Yakima River, and the Amon Wasteway.

Future improvements of the storm water system are identified to reduce:

- Existing conveyance capacity and flooding issues;
- Potential future conveyance capacity and flooding issues;
- Pollutant loading to receiving water bodies; and
- Chronic system maintenance needs.

SOLID WASTE MANAGEMENT

The City of Richland Solid Waste Division provides municipal solid waste collection and disposal services to residences and businesses within the City limits. About 26 percent of the solid waste is recycled in Richland based on the 2015 tonnage of generation, recycling, and disposal.

The City of Richland owns and operates the Richland Landfill (also known as the Horn Rapids Landfill). The landfill site is 275 acres in size. Approximately 46 acres are permitted for solid waste disposal. The site also includes a 14-acre composting facility, a residential and small commercial customer transfer station, a scale house and administration building, and an operations and equipment maintenance building.

The City offers curbside recycling to its residential and commercial customers. The City currently operates seven drop-box recycling collection centers throughout the

City and delivers the collected recyclable items to Clayton-Ward Recycling in Richland.

The City's waste generation is forecast to increase to 80,000 tons by 2031. The current space in the Landfill will be used up sometime in 2020 at the City's current rate of waste placement. The City is planning for its future solid waste disposal capacity by exploring two options:

1. Expanding landfill capacity on the current site by building a landfill that meets current state and federal design regulations; or
2. Building a transfer station and hauling waste to a large regional landfill.

It is expected that a decision will be made in calendar year 2017, after which preparations will be made to construct the necessary facilities. Regardless of the disposal alternative selected, the City anticipates maintaining its current customer service levels at the Richland landfill.

ENERGY

Richland provides electrical service throughout the City, most of the UGA, and the City's 50-square mile service territory using 552 miles of primary line and eight substations. Ownership and operation of these facilities is shared by the City and the Bonneville Power Administration (BPA). Bulk transmission of electrical power supply to customers in the UGA has historically been provided from the BPA transmission grid, with the local utilities providing final pass-through services. Benton PUD also provides power to a limited number of people in Richland through a service agreement between Benton PUD and the City.

The City currently runs an energy efficiency program by providing incentives for reduced energy usage. Its renewable option program allows residents to purchase clean, zero-emission wind energy. The City also offers

low-interest loans to promote use of solar power.

Electrical service plans are designed and upgraded to provide for future growth and accommodate new and increased loads. Richland maintains a performance based level of service where failure in one system will not cause failure of other systems and can be picked up by other components within eight hours.

Future deficiencies are identified based on projected loads. The City has identified multiple capital improvement projects through the year 2027. Major capital improvement projects include: plan, design, and construction of a new substation in the Dallas Road and Leslie Road area; construction of Kingsgate substation for the Horn Rapids Industrial Park; design and implementation of smart grid/smart metering infrastructure; and purchase of southwest service area infrastructure.

OTHER AGENCY UTILITIES

Natural Gas Supply

Cascade Natural Gas Corporation builds, operates, and maintains natural gas distribution facilities serving the City of Richland. It currently serves most parts of the City. Natural gas is made available concurrently with growth to the best of the purveyor's ability. The City will promote locating utility distribution lines together and using existing utility easements wherever possible.

Telecommunications

Telecommunication in Richland is provided by the licensing agency's franchise agreements with the City. Telecommunication is mostly regulated at the state level by the

Washington Utilities and Transportation Commission.

The City of Richland currently franchises Charter Communications to serve its population. Charter provides cable TV, Internet, and phone services in Richland. Some other phone and Internet services providers include but are not limited to Verizon, Cellular One, U.S. Cellular, AT&T Wireless, T-Mobile, and Cingular Wireless. Telecommunication facilities offer services through cell towers on tall poles, lattice towers, and/or co-located in buildings.

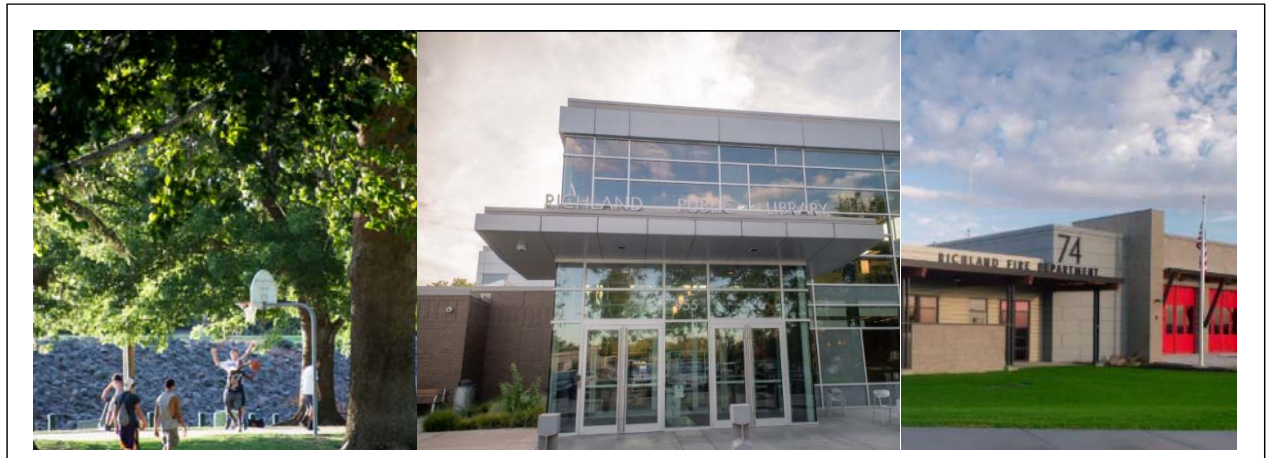
As growth occurs within the City, demand for reliable telecommunication services also grows. Telecommunication companies provide adequate services according to Federal Communications Commission (FCC).

Irrigation

Only portions of the City of Richland currently have irrigation services. The southern part of the City is served by the Columbia, Kennewick and Badger Mountain Irrigation Districts. Columbia Irrigation District operates an irrigation canal and a pump station in that area.

Within the unincorporated UGA, irrigation services are provided by the Columbia and Badger Mountain Irrigation Districts.

CAPITAL FACILITIES ELEMENT



In this chapter, you will find:

- Goals and policies for Capital Facilities
- Parks, recreation, and open spaces
- Municipal facilities
- Fire and emergency services
- Police services
- Schools
- Essential public facilities

INTRODUCTION

The Capital Facilities Element addresses facilities that are important for the City's growth in the next 20 years. Accommodation of the additional growth within the City's available land area and the provision of adequate services for the expected growth are two key aspects to be addressed in the comprehensive planning process. The Comprehensive Plan Supporting Analysis (Appendix A) provides additional details of the Capital Facilities Plan.

This element integrates the Comprehensive Plan with the City's Capital Improvement Plan (CIP) for capital facilities budget allocations. The CIP prioritizes the needs of the City for infrastructure and other capital needs, both within the City and the UGA. Prioritization for budget decisions are made based on the goals and policies and future growth indicated in the Comprehensive Plan. The Capital Improvement Plan (CIP) is a tool for identifying and prioritizing capital projects

and major capital purchases for budget consideration. The plan provides a project planning schedule for at least a six year period and identifies funding sources for projects approved in the current budget cycle.

The CIP is useful in coordinating community planning, determining financial capacity and ensuring capital expenditures demonstrate support for the key elements of the City's Strategic Plan. The CIP is comprised of projects that maintain, enhance, or construct new facilities and infrastructure.

The Richland CIP uses many revenue sources to fund the capital investment projects identified in the CIP, including various taxes, revenues, bonds, and grants. The City also collects park impact fees to mitigate park impacts. Impact fees collected from specific park zones are used within that park district to address the impact by providing park and facilities according to the standards set in the 2014-2019 Parks, Recreation and Open Space Plan.

GOALS AND POLICIES

General Goals and Policies

CF Goal 1: Ensure that adequate infrastructure and public facilities exist or can be provided concurrent with new development takes place.

Policy 1: The City will work with other purveyors of public services to provide facilities and services concurrent with development.

Policy 2: The City will strive to ensure convenient and safe student access to school sites.

CF Goal 2: The City will provide capital facilities that ensure environmentally sensitive, safe, and reliable service.

Policy 1: The City will consider ways to minimize environmental impacts in siting, construction, and use of all capital facility expansion and construction projects.

Policy 2: The City will mitigate adverse impacts resulting from capital facilities projects according to the State Environmental Policy Act (SEPA) and other local, state and federal requirements.

Policy 3: The City will locate capital facilities identified as essential public facilities to provide the necessary service to the intended users with the least impact on surrounding land uses.

CF Goal 3: Provide adequate resources for capital improvements and make efficient use of fiscal and other resources.

Policy 1: Prioritize capital improvement needs that are consistent with overall planning goals.

Parks, Recreation and Open Space

CF Goal 4: Provide an integrated system of parks, recreation facilities, trails, and open spaces as an asset consistent with the Parks, Trails, Open Space, and Facilities Master Plan that enhances the community's quality of life.

Policy 1: Implement the Parks, Trails, Open Space, and Facilities Master Plan and programs for park and recreation facilities.



Policy 2: Coordinate the development of City of Richland trails, open space, and other recreational facilities and programs with other municipal facilities development, where appropriate.

Policy 3: Develop and adopt Master Plans for specific parks as necessary.

CF Goal 5: Provide diverse active and passive recreational opportunities for residents and visitors of all ages, based on needs.

Policy 1: Develop participation and interest in organized and individual recreation based on trends and changing lifestyles.

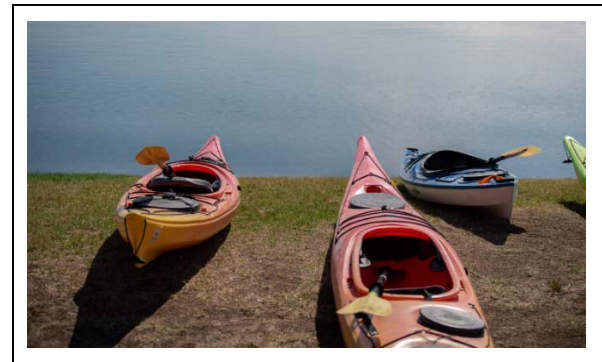
Policy 2: Provide adequate facilities to meet the sports and active recreational needs of different age groups.

Policy 3: Help citizens make full use of existing facilities through increased public awareness, revised and clear maps, and directional signage.

CF Goal 6: Identify, prioritize, and preserve unique natural habitat, ecologically critical areas, shorelines, and significant landforms and develop public recreational activities appropriate to these resources.

Policy 1: Develop property and ecological management programs consistent with the SMP, and Critical Areas Ordinance.

Policy 2: Provide public access and use of the Columbia River and Yakima River shoreline consistent with the SMP.



Policy 3: Evaluate opportunities to acquire and/or protect additional open space to protect significant landforms, critical habitat areas, and appropriate native vegetation areas.

Policy 4: Promote environmental education in an appropriate manner based on the sensitivity of the subject area.

CF Goal 7: Enhance the community and region's cultural and historic heritage through features incorporated in community and regional parks.

Policy 1: In cooperation with the Arts Commission, incorporate art in suitable public locations.

CF Goal 8: Extend and improve the multi-use trail system to link parks, activity centers, schools, and employment centers.

Policy 1: Identify desirable trail linkages and trail extensions needed to connect with the City's trail network as part of existing trail plan.



Schools

CF Goal 9: Work with the Richland and Kennewick School Districts to help meet the needs of the school districts to serve the community.

Policy 1: Coordinate with the school districts to identify locations of future school sites.

Policy 2: Continue to work closely with the Richland and Kennewick School Districts and special user groups to promote joint use recreation programs and facilities.

Policy 3: Develop and maintain safe routes to schools by pedestrian and other modes of transportation.

Municipal Facilities

CF Goal 10: Provide municipal facilities as needed for efficient services, rapid response times, and convenient customer service.

Policy 1: Consider leveraging investments in new municipal facilities that help the City achieve other goals and operate efficiently.

CF Goal 11: The City's investment in municipal facilities should, to the extent practicable, encourage additional private investment.

Policy 1: Consider strategically locating certain municipal facilities in areas that can act as catalysts for private developments.

Fire, Police, and Emergency Services

CF Goal 12: The City will provide efficient, cost-effective, and concurrent levels of public safety services designed to maintain quality of life.

Policy 1: The City will identify the funding mechanism to construct and staff fire and emergency service facilities in areas of the City wherever five hundred homes or more are located outside a four-minute drive time from an existing Richland Fire & Emergency Services facility or a neighboring jurisdiction facility with similar staffing levels participating in an automatic aid agreement.

Policy 2: The City will identify a funding mechanism to increase staffing levels from three to six in station's initial response districts when the resources/crew out of service norm

reaches 4.8 hours per 24-hour period for emergency response.

Policy 3: The City will evaluate the adequacy of the public safety facilities and equipment, mutual and auto aid agreements, and personnel staffing levels and deployment needs for the present and projected change.

CF Goal 13: Maintain and improve safe neighborhoods in Richland.

Policy 1: Maintain an adequate force of police officers throughout the City.

Policy 2: Implement physical planning and Crime Prevention Through Environmental Design (CPTED) principles to enhance user surveillance, de-opportunize criminal activities, and minimize potential for crimes.

Policy 3: Create a high level of public awareness and support from the community for positive engagement with the police and crime prevention and deterrence programs

CF Goal 14: Provide efficient, cost-effective, and concurrent levels of public safety services designed to maintain quality of life.

Policy 1: Maintain community education programs on crime and fire prevention to increase the level of community awareness.

Policy 2: Emphasize continued cooperation through inter-local agreements with rural fire districts, fire, and police agencies of adjacent jurisdictions and other public safety service providers.

Policy 3: Evaluate the adequacy of public safety facilities and equipment, mutual aid agreements, and personnel staffing and program

needs, for the present and for changes in needs with anticipated growth.

Policy 4: Ensure quality public safety personnel to serve the community.

Library Facilities

CF Goal 15: Maintain the Richland Public Library as a safe, inviting, inclusive destination, as well as a center of creativity and innovation that also offers services, collections, and gathering spaces that meet diverse needs.



Policy 1: Provide library facilities appropriate for Richland's population, circulation, technology, books, and material resources.

Policy 2: Maintain adequate service levels, based on comparative statistics gathered by the Washington State Library for libraries of a similar statistical size.

Policy 3: Maintain and accommodate technological advances in resource and information management.

PARKS, RECREATION, AND OPEN SPACE

Richland's parks system consists of neighborhood parks, community parks,

regional parks, special use areas, linear parks, and natural open spaces in 2,286 acres of land. Although some natural open spaces are included, many natural open space areas are not included in the park system. Richland's natural open space in general is discussed under the Land Use Element.

Table CF-1: Park Categories

Park type	Acres	Number of Parks
Neighborhood Parks	78.6	25
Community Parks	220	4
Regional Parks	170	2
Special Use Areas	702	11
Linear Parks	240	9
Natural Open Space	873.98	7
Total Parks and Recreation Areas	2,285.6	58

In addition to City-owned parks, Richland residents enjoy parks and recreational facilities owned by other agencies such as the Badger Mountain Centennial Preserve owned by Benton County, the open space owned by USACE, and Richland School District facilities, etc.

The City also has a system of trails consisting of Class 1 trails, secondary trails, and soft trails. The existing trails map (Fig. TE-6) indicates the locations and distribution of trails throughout the City.

Richland Parks and Public Facilities Department offers events, aquatic, and athletics programs in multiple City-owned facilities (see Table CF-2). Listed below is a brief sample of activity categories with categories changing based on demand:

- Aquatics swim lessons, lap swim, open swim pre-school educational activities
- Arts & Crafts, General Education-chess, hunter education, first aid, and more
- Dog training, park ranger programs, geocaching, hikes, and classes

- Home and garden, language, computer and technologies
- Fitness
- Yoga, martial arts, dance, wellness-check-ups
- Sports: team and individual sports
- Adventure camp for youth
- Cards, socials trips

Table CF-2: School District and City of Richland Facilities

Facility Type	Existing Inventory
Youth Baseball Game Fields	10 Fields
Youth Baseball Practice Fields	12 Fields
Youth Softball Game Fields	5 Fields
Youth Softball Practice Fields	10 Fields
Adult Softball Fields	4 Fields
Indoor Basketball Practice Courts (Richland School District)	7 Courts
Indoor Basketball Game Courts (Richland School District)	5 Courts
Indoor Volleyball Courts	21 Courts
Outdoor Swimming Pool	1 Pool
Youth Soccer Practice Fields	27 Fields
Youth Lacrosse Game Fields	0 Fields
Youth Lacrosse Practice Fields	0 Fields
Youth Football Game Fields	1 Field
Youth Football Practice Fields	0 Field
Golf Driving Ranges	1 Range
Golf, 18-Hole Courses	1 Course
Archery Ranges	1 Course
Skateboard Park	22,700 sf
Outdoor Tennis Courts	28 Courts

As the City grows, the use of park and recreation facilities will increase. The current inventory of neighborhood parkland is adequate to meet the future demand. New areas re-designated with this Comprehensive Plan update will require one additional community park to serve the area. There is a need to complete the park amenities at

Badger Mountain Park and Hanford Legacy Park. Master plans have been completed for each Community Park. Additional recreational facilities will be needed such as sports fields and courts, golf courses, etc.

Although Richland includes more open space than adjacent communities do, there is community interest in preserving open space. Approximately 34 acres of Urban Reserve land along the Yakima River is re-designated to Natural Open Space (Table LU-3). The need for open space and associated cost to maintain them should be further assessed through stakeholders and public involvement.

MUNICIPAL FACILITIES

This section describes the City of Richland's administrative buildings and other municipal facilities, including City Hall, City Hall Annex, Community Center, Development Services Center, and the City Shops and Warehouse Facility.

The current City Hall, located at the intersection of Swift Boulevard and George Washington Way was constructed in 1959. It houses the Council Chambers, along with a few other departments. The City Hall Annex adjacent to it was built in 1977.

The Community Center was constructed in 2002 and serves a dual role as a new senior center and a recreation and meeting facility. It also houses the administrative offices of the Parks Department.

The Development Services Center building was acquired from the federal government as surplus property and renovated to become a one-stop planning and development facility.

The City's shops complex is located on a 160-acre parcel near the Queensgate interchange. The complex was constructed in 1999. In 2010, the City constructed an addition to house the City's IT data center. The complex

consists of three separate buildings and outdoor storage.

An evaluation of the City Hall building was done last in 2003 and was assessed that the facility was inadequate in size and flexibility and does not comply with basic accessibility and energy code requirements. Based on this, a new City Hall has been planned across the street from its current location, in the parking lot of the Federal Courthouse. The new building will be three stories, approximately 46,000 square feet, and will combine the City Hall, the City Hall Annex, and the Development Services Building into one facility, therefore eliminating three aging buildings. Construction will begin in 2017 and will be completed in 2018.

An assessment of major municipal facilities is available in the supporting analysis document (Appendix A), under the Capital Facilities Element.

FIRE AND EMERGENCY SERVICES AND FACILITIES

Fire and emergency medical services are a key part of public safety services for the citizens of Richland and the thousands of visitors and workers who pass through the City. The City of Richland has a professional fire department, which provides fire and life safety protection, emergency medical services (EMS), technical rescue and hazardous materials response to citizens, visitors, and the business community.

The Richland Fire & Emergency Services Department also provides Advanced Life Support EMS through Inter-local Agreements to segments of unincorporated areas of Benton County.

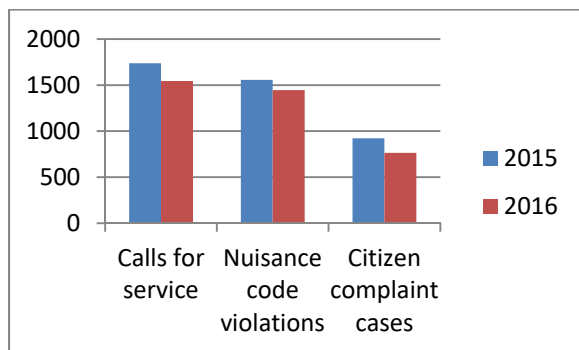
POLICE SERVICES

The Richland Police Department provides law enforcement services within the City limits. Law enforcement within the unincorporated UGA is currently provided by the Benton County Sheriff's office. The Police Department is located at 871 George Washington Way. The station was constructed in 2001.

The Richland Police Department established a partnership with the Washington State Department of Corrections (DOC) in 2002 to better monitor criminals who are under active DOC supervision and living in Richland. At present, Richland Police is also leading the Benton County Emergency Management Agency's activities.

Based on 2015 and 2016 data, the incidence of some types of crime is decreasing while other types are increasing. For code enforcement cases, calls for service, code violations, and citizen complaints are decreasing as shown in the table below.

Figure CF-1: Code Violations



Richland Police provides a value-based service. Richland measures its levels of service for public safety based on the committed and uncommitted time of the officers and support staff. Future growth will increase demand for police protection services and police department community programs. However, the Department is currently not seeking an increase in the number of police officers as it aims to meet its

demand through an efficient allocation of committed time. It continues its current programs of community services and crime prevention programs.

LIBRARY FACILITIES

Library services for Richland residents are provided primarily by the Richland Public Library, operated by the City of Richland Parks and Public Facilities Department. Additional library services are available at the Washington State University (WSU) Consolidated Information Center (CIC), Columbia Basin College in Pasco, and the Mid-Columbia Library System in the adjacent jurisdictions. The Kadlec Neurological Resource Center has a specialized library on neurological disorders that is open to the public.

SCHOOLS

Richland is served by both Richland and Kennewick School Districts, as the school district borders do not follow the municipalities' geographic borders. Schools serving Richland students are as follows:

Elementary schools: Badger Mountain, Jason Lee, Jefferson, Lewis and Clark, Marcus Whitman, Orchard, Sacajawea, Tapteal, White Bluffs, William Wiley, and Vista.

Middle schools: Carmichael, Chief Joseph, Enterprise, and Desert Hills.

High schools: Richland High, Hanford High, Rivers Edge, Three Rivers HomeLink, and Kamiakin.

Special education schools located outside Richland but serving the region include: Delta High School (Science, Technology, Engineering, Math) located in Pasco and Tri-Tech Skills Center located in Kennewick.

School districts provide services based on population growth. Currently, the planned

growth of the Badger Mountain South area is creating the need for future schools in this area. The Richland School District is planning to expand service in this area on approximately 54 acres owned by the school district. Adequate services such as roads, utilities, and safety are needed in this area to serve the school site once built. The school districts face challenges in locating school sites within the UGAs. Coordination between the school district and City during the planning process helps addressing the siting issues.

ESSENTIAL PUBLIC FACILITIES

Essential Public Facilities (EPF) include facilities that are typically difficult to site due to difficulties in finding the suitable and appropriate locations and perceived or real environmental, economic, or social impacts. Examples of EPF include airports, state education facilities, state and local correctional facilities, solid waste handling facilities, state or regional transportation facilities, the interstate highway system etc.

Cities and counties are required to establish a process for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities.

Richland reviews the siting of such facilities with a process established in the Richland Municipal Code (RMC 23.42.060, Essential public facilities).

REFERENCES

Anchor QEA, 2014. City of Richland Shoreline Inventory, Analysis and Characterization Report. 2014.

APPENDICES

- A. Comprehensive Plan Supporting Analysis
- B. Benton County Countywide Planning Policies
- C. Environmental Impact Statement Summary Document
- D. Public Involvement Summary
- E. City of Richland Shoreline Master Program Update , 2014
- F. City of Richland Capital Improvement Plan 2017 to 2030
- G. 2015 General Sewer Plan Update
- H. City of Richland Comprehensive Water System Plan, 2017
- I. City of Richland Storm Water Management Plan , March 2016
- J. City of Richland 2011 Solid Waste Management Plan
- K. Parks, Trails, Open Space and Facilities Master Plan, 2014-2019
- L. Strategic Leadership Plan

City of Richland

COMPREHENSIVE PLAN SUPPORTING ANALYSIS

August 30, 2017

Prepared for:

City of Richland



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INTRODUCTION AND BACKGROUND

SECTION ONE

INTRODUCTION

This document elaborates on the discussion in the Core Comprehensive Plan. It also contains technical analysis of most of the Comprehensive Plan elements. Organization of this document follows the same hierarchy of elements as in the Core Comprehensive Plan with additional information included in it.

Every comprehensive plan must include key pieces to fulfill its purpose of providing a yardstick for future government activities. The following terms have special meanings in comprehensive planning and it's important to understand their meaning and purpose.

Vision Statement: The Vision Statement is the target the City decides to aim for. It is a verbal picture of what Richland will be like at the end of the period covered by a comprehensive plan. An important part of future decision-making should be to ask, "Which of our choices will best help us become like the City described in the vision statement?"

Existing Conditions Inventory: We can't decide how to get from the present to our desired future without a clear picture of where we are today. That's why comprehensive plans must include a detailed inventory of the existing state of the City: How are our roads? Is our water system adequate to accommodate future growth? Do we have the parks and other recreation facilities to satisfy the community's desire for such public amenities?

Goals: If the Vision Statement defines the target for comprehensive planning, then goals are like individual points on the target. We set as goals the distinct achievements we hope for: maintain adequate and affordable housing; avoid traffic congestion; protect natural resources; ensure economic vitality. We have reached our vision if all our goals are accomplished.

Policies: Goals are what we want to accomplish; policies define how we accomplish them. For each goal established in a comprehensive plan, one or more policies define the steps that goal calls for. If we have a goal of protecting natural resources, for example, we might establish a policy that says that development shall be restricted on and near wetlands.

Planning Time Frame: A comprehensive plan must define time frames for achieving its vision and goals. These time frames are called the planning horizons. In Washington State, comprehensive plans use both a ten-year short-term planning horizon and a 20-year long-term planning horizon. The long-term planning horizon is the full period for achieving the vision in our Vision Statement. The short-term planning horizon is the period for which we can make more concrete plans for specific steps toward our goals.

These are the features that a Comprehensive Plan needs to include in order to act as our yardstick for the future. The Comprehensive Plan must apply these features to specific aspects of the City's life. The parts of a plan addressing each of these are commonly called "elements." Under State law, all Washington city and county comprehensive plans must address at least five specific elements: land use, transportation, utilities, capital facilities, and housing. Each element includes an inventory of existing conditions as well as goals and policies specific to the element. In addition to the

required five elements, the City of Richland has chosen to include an optional economic development element in this Comprehensive Plan.

The final feature of comprehensive plans in Washington is a Finance Plan. This is the proposal for specific capital improvements required over the short-term (six-year) planning horizon. It describes projects to be carried out, their estimated costs, a schedule for completing them, and a plan to pay for them. Financing plans from the City's Capital Improvement Plan (CIP) are included under the Capital Facilities and Utilities Chapters in this document.

GMA AND BACKGROUND

The Washington State Growth Management Act (GMA) includes 14 broad goals for comprehensive planning, which local governments must balance to develop an approach consistent with their vision of the future. The 14 GMA goals are as follows:

1. Urban Growth - Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. Reduce Sprawl - Reduce inappropriate conversion of undeveloped land into sprawling, low-density development.
3. Transportation - Encourage efficient multi-modal transportation systems based on regional priorities and coordinated with county and city comprehensive plans.
4. Housing - Encourage the availability of affordable housing to all economic segments of the population of the state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
5. Economic Development - Encourage economic development throughout the state consistent with adopted comprehensive plans, promote economic opportunity for all citizens of the state, especially for the unemployed and the disadvantaged, and encourage growth in areas experiencing insufficient economic growth, all within the capacity of the state's natural resources, public services, and public facilities.
6. Property Rights - Private property shall not be taken for public use without just compensation. The property rights of landowners shall be protected from arbitrary and discriminatory action.
7. Permits - Application for state and local government permits should be processed in a timely and fair manner.
8. Natural Resource Industries - Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
9. Open Space and Recreation - Encourage the retention of open space and development of recreation opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
10. Environment - Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
11. Citizen Participation and Coordination - Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to resolve conflicts.

12. Public Facilities and Service - Ensure that public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use, without decreasing the current service levels below locally established minimum standards.
13. Historic Preservation - Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.
14. Shoreline Management – Develop a Shoreline Master Program (SMP) pursuant to Shoreline Management Act (SMA). The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered a part of the county or city's comprehensive plan.

Under the GMA, comprehensive plans should identify essential public facilities that often are difficult to site and ensure that locations for them will be available. These facilities include airports, state education facilities, state, or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes. Local comprehensive plans may not prevent outright the location or provision of such facilities. Richland will participate in the siting study for any of these facilities when they are identified for potential siting within the City.

CONSISTENCY AND CONCURRENCY

GMA requires that the Comprehensive Plan must be internally consistent for objectives, goals, policies, text, and maps. At the same time, the comprehensive plans of adjacent jurisdictions must also be consistent and capital budget decisions must be made in conformance with each jurisdiction's adopted Comprehensive Plan.

The consistency progresses from the broad goal, through its policies, and then to specific actions. The maps of the Plan augment both the text and even the goals and policies. For example, the land use map included in the Land Use Element is, in essence, a graphic policy statement regarding future land development in Richland. As such, the land use policy serves, and is served by, the transportation, housing, utilities, and capital facilities elements. Based upon the land use designations on the Land Use Map, private and public sector service providers can project future locational demands for water, sewer, natural gas, electrical power, roads, fire protection, transit, emergency response, communications, and other services

All development regulations within the City of Richland are required to match with each other and with the Comprehensive Plan. These include the zoning and subdivision codes, the Critical Areas Ordinance, the Shoreline Master Program, and any other City regulation as contained in the Richland Municipal Code and other adopted plans such as the Park & Recreation Plan and the Storm Water Management Plan. A complete listing of adopted plans is included as an Appendix of the Core Comprehensive Plan.

The consistency also applies to adjacent jurisdictions such as Benton County, through the County-wide Planning Policies (CWPP), and the adjacent cities of West Richland and Kennewick.

GMA defines concurrency to mean that needed improvements for water, sewer, and transportation are in place at the time of development; or in the case of transportation, that a financial commitment exists to complete the improvements within six years.

There must be a baseline standard established to use when evaluating the anticipated impacts of new development to determine if concurrency can be met. The minimum acceptable performance level has been chosen as the baseline, and is defined as the level of service (LOS). Levels of service

should be realistic. Setting them too high could result in little or no growth, and would be contrary to GMA. Setting them too low could cause unmanaged growth without optimum service.

AMENDMENTS

Amendments to the comprehensive plan are legislative actions requiring City Council approval. Amendments must be approved as prescribed by GMA. With a few exceptions, they cannot be considered more often than once per year and in accordance with specific procedures. Major updates occur by legislative action on an eight-year cycle as established by RCW 36.70A.130 (4)(c).

Amendments can be requested by the City or by private individuals. Multiple applications for amendments will be considered in a single legislative review process in order to evaluate the potential cumulative effect of the requests. All amendment requests require a public hearing with the Planning Commission. They make a recommendation to the City Council. The City Council will approve or deny the amendments in a public hearing. Public involvement with this process is required and encouraged through direction of the Richland Public Participation Plan.

Annual amendments will address the issues of major or minor land use classification changes; changes to the goals, policies, and text of the comprehensive plan; changes to supporting data and implementation; changes to the land use maps; and changes to the inventories and technical documents.

Every ten years, the annual amendment review may be combined with the required review of the urban growth area to determine the next twenty-years' anticipated growth. This ten-year review will use the comprehensive plans of each county and city and the permitted densities of the incorporated and un-incorporated areas pursuant to RCW 36.70A.130(3).

Exceptions to the annual amendment limitation, according to RCW 36.70A.130, include the adoption of a subarea plan; the development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment; shoreline master programs; or the amendment of the capital facilities element occurring concurrently with the adoption or amendment of the City's budget.

ECONOMIC DEVELOPMENT

SECTION ONE

INTRODUCTION

PURPOSE

The economic development element of the comprehensive plan is intended to guide investments through a framework of strategy and policy with the overall goal of growing economic opportunities in the City. The intent is to identify sound economic development practices to build a strong economy where local businesses are welcomed and encouraged by the City and ensure the economy is resilient, dynamic, and sustainable for current and future generations.

The City's ability to understand their competitive advantages and proactively work to attract cutting edge employers will in turn create more living wage jobs which will in turn produce municipal revenues for maintaining and enhancing quality service levels, infrastructure, and facilities.

Strategies outlined in the economic development element are designed to work in concert with the other comprehensive plan elements herein. This element is intended to be consistent with and build upon existing documents such as the policies and strategies outlined in the CWPP, Strategic Leadership Plan, and community visioning documents. The roles of the policies laid out in this plan are to 1) create strong City leadership for economic development, 2) ensure that appropriate land capacity and infrastructure can support future employment and housing growth, and 3) articulate a business environment that supports a dynamic, prosperous, and equitable economy.

BACKGROUND AND OVERVIEW

Washington State's GMA includes economic development as a central goal and integral to a thriving city. Economic development connects to and is instrumental in informing the other elements of the comprehensive plan; without a strong local economy, goals related to land use, housing, capital planning, and transportation serve little value.

It is due to the hard work and good fortune of the residents and businesses located in the City of Richland that the City has a strong and growing economic base. It is important, however, to consider Richland within the context of the other two Tri-Cities – Pasco and Kennewick – to which the region's economy is inextricably linked.

The City of Richland's economy is explored in this section by first examining what drives the growth in the regional economy and then discussing Richland's role in the economy and some implications for growing as part of this plan.

SECTION TWO

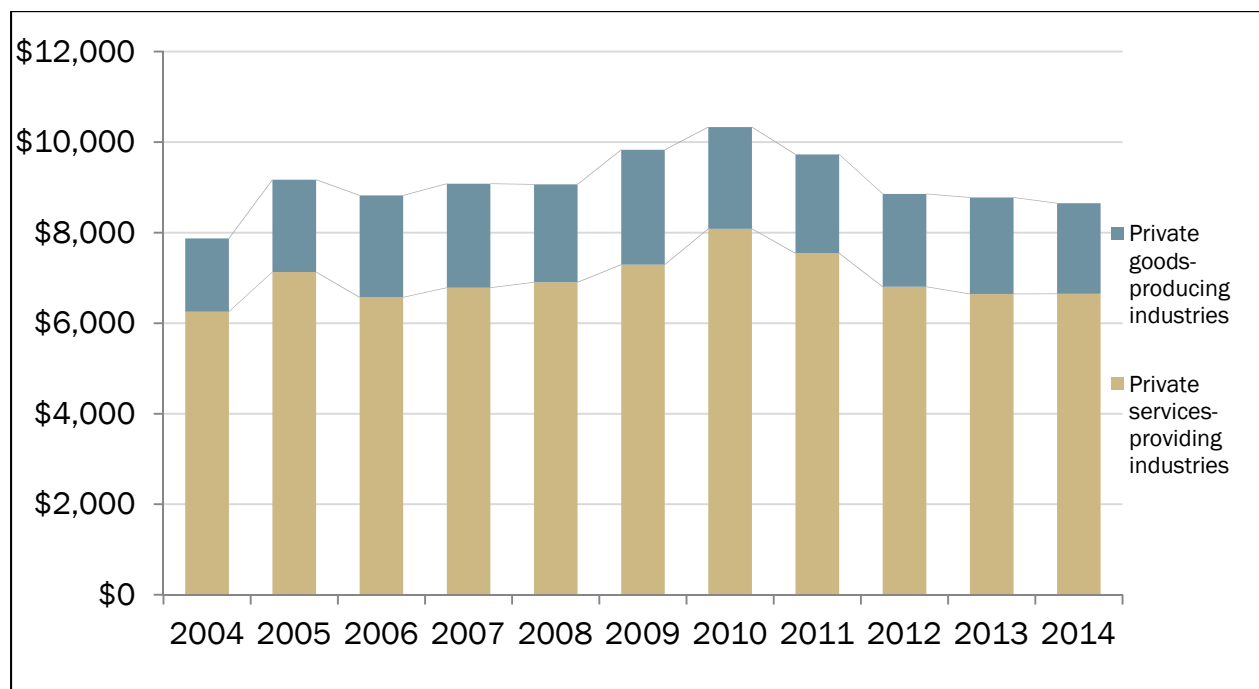
EXISTING CONDITIONS

REGIONAL ECONOMIC TRENDS

Gross Domestic Product

The economy of the Tri-Cities region is primarily a service-based economy. Goods producing industries (such as manufacturing) make up less than 25 percent of the total economic output. Figure ED-1 shows the trend of gross domestic product (GDP) in 2016 inflation-adjusted dollars. The Tri-Cities economy was less impacted by the recession in 2008 than the rest of the nation due to the increase in employment at Hanford and PNNL as part of the American Recovery and Reinvestment Act (ARRA) of 2009. The total output declined from \$10.3 billion in 2010 to \$8.6 billion in 2014, partly due to the end of ARRA and partly reflecting the national recession trends. However, most recent data (not shown) have indicated that economic conditions have continued to improve over the past two years.

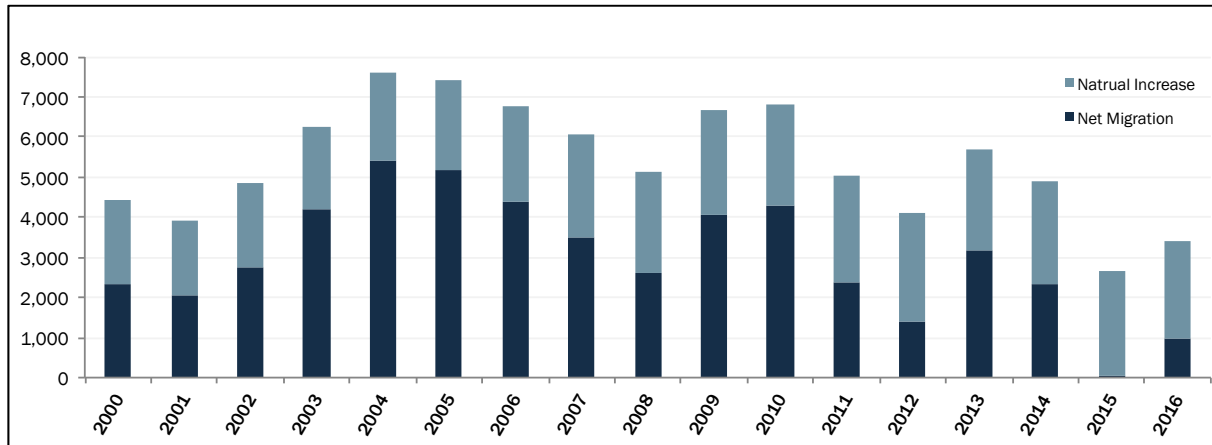
Figure ED-1: Real GDP Kennewick-Richland Metropolitan Statistical Area (in millions)



Source: Bureau of Economic Analysis, 2016

The Tri-Cities region (Benton and Franklin Counties) has realized strong population growth over the last 20 years, averaging an annual growth rate of 2.4 percent. Much of that growth occurred in the mid 2000's fueled by in-migration responding to the growth in jobs, but population growth has slowed since 2010. Calendar year 2015 was the first year in 20 years where net in-migration was nearly zero, where the same amount of people moved out of the region than to the region.

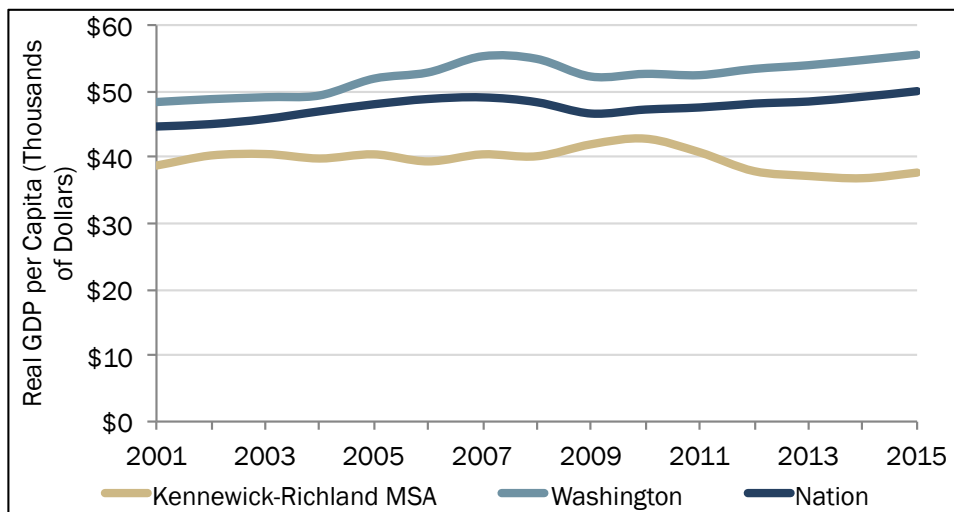
Figure ED-2: Benton and Franklin County Annual Population Growth, 2000-2016



Source: Washington Office of Financial Management, 2016

On a GDP per capita basis, the Tri-Cities region is not as productive when compared to Washington State and to the nation. On this measure, the region has been slower to recover than the state as whole. GDP per capita is the most common economic performance indicator of regions. GDP per capita is calculated by measuring Gross Domestic Product in a year, and dividing it by the population. The reasons for the lower GDP per capita in the region are complex but are due to the large presence of government-supported activities. These activities are, on the whole, less productive than emerging information technology or business services, which have become increasingly productive by comparison.

Figure ED-3: GDP per Capita, 2001-2015



Source: Bureau of Economic Analysis, 2016

EMPLOYER TRENDS

The Tri-Cities is unique in that its employment base is dominated by a select number of large employers. Roughly one in five of estimated 116,000 jobs in the Benton-Franklin area are for one of the ten largest firms/agencies listed below. Eight of the ten top employers in the Tri-Cities are

located in Richland, a legacy largely of significant federal investments in the Hanford Nuclear Reservation. These sectors employ many talented workers, many of whom live in Richland.

Table ED-1: Top Ten Tri-Cities Employers

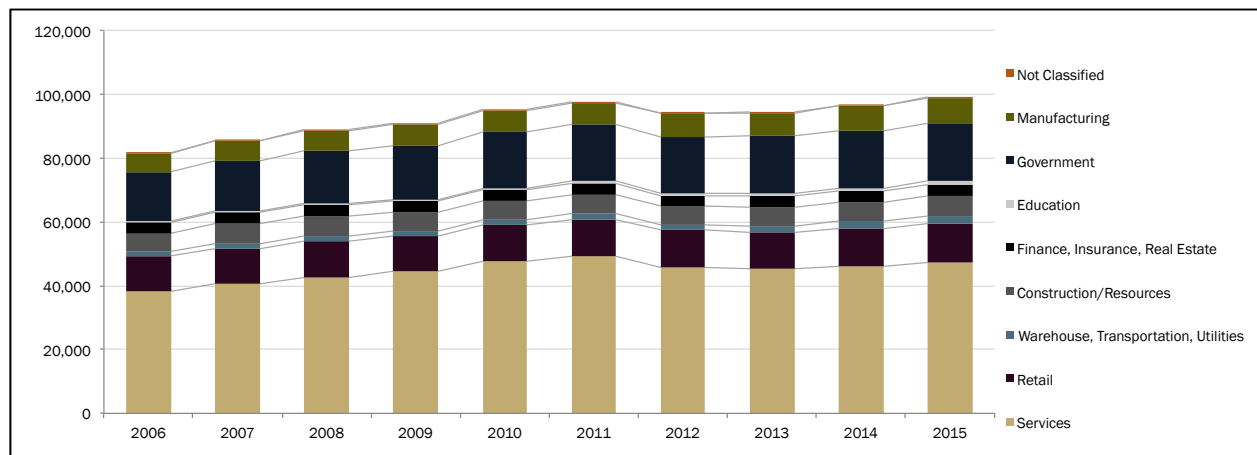
	Company	Industry	Employees
1	Battelle/Pacific Northwest National Laboratory	Research & Development	4,365
2	Kadlec Regional Medical Center	Health Services	3,304
3	Bechtel National	Engineering & Construction	2,898
4	ConAgra Foods	Food Processing	2,727
5	Kennewick School District	Education	2,130
6	Washington River Protection Solutions	Environmental Remediation Services	2,077
7	Pasco School District	Education	2,015
8	Mission Support Alliance, LLC	Support Services, Hanford/DOE Site	1,928
9	Richland School District	Education	1,500
10	CH2M Hill	Environmental Remediation Services	1,400

Source: Tri-City Development Council (TRIDEC), [link](#). Accessed February 14, 2017

Total Employment by Industry sector

Employment in the Tri-Cities region increased from 2006-2015 by over 22,000 jobs with an average annual growth rate of 2.0 percent. There are roughly 116,000 jobs in the region. All industries experienced positive employment growth by the end of the 10-year period. However, from 2011 to 2014 employment slightly declined as spending cuts at Hanford impacted the entire regional economy.

Figure ED-4: Benton and Franklin Counties Cumulative Employment by Sector

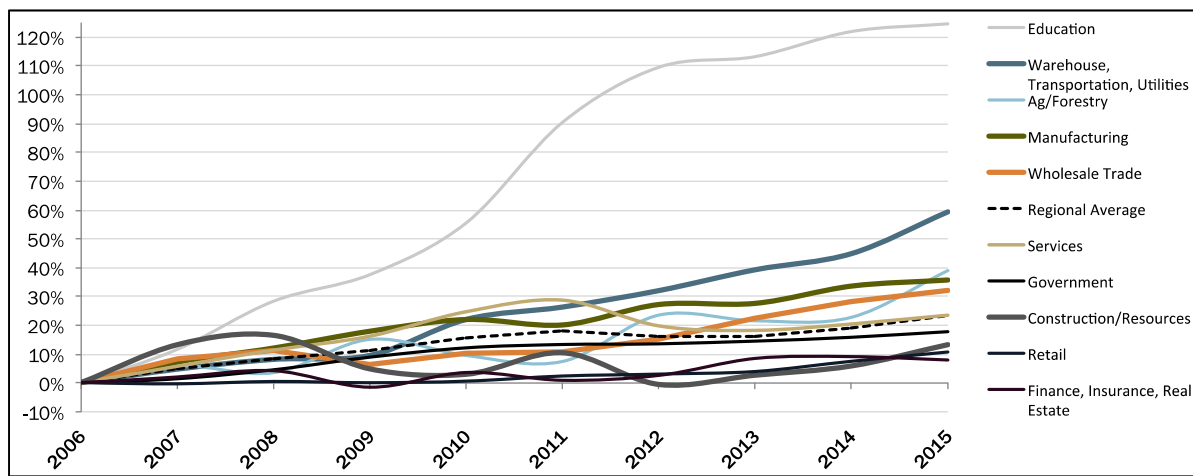


Source: Washington State Employment Security Department

Education, while small in total numbers, grew the most in the region. Warehousing, transportation, and utilities; manufacturing; wholesale trade (the main users of industrial land); and agriculture all

grew faster than the regional average. Employment in the retail and finance, insurance, and real estate sectors grew the least.

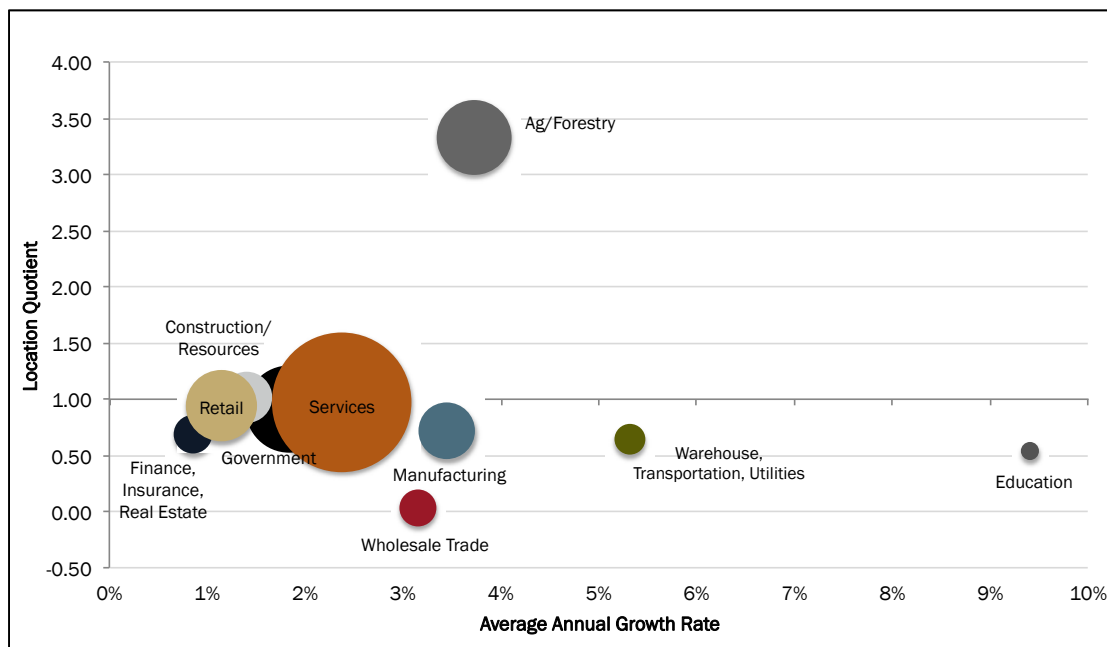
Figure ED-5: Benton and Franklin Counties Cumulative Percent Employment Growth by Sector



Source: Washington State Employment Security Department

The chart below shows the local concentration of jobs by sector (location quotient) along with measures of industry size and average annual employment change in the Tri-Cities region. Location quotients measure the concentration of jobs in a sector compared to the statewide average. A value of 1.0 signifies that the sector possesses the same level of employment concentration as the state. Values above 1.0 are more concentrated than the state average. The size of the bubble represents the number of jobs within that sector. Sectors with sizable employment and higher than average concentration, represent strengths for the region. Fast growing sectors, even if they are not very large, represent potential opportunity areas.

Figure ED-6: Benton and Franklin Counties Employment Concentration and Change by Sector, 2006-2015



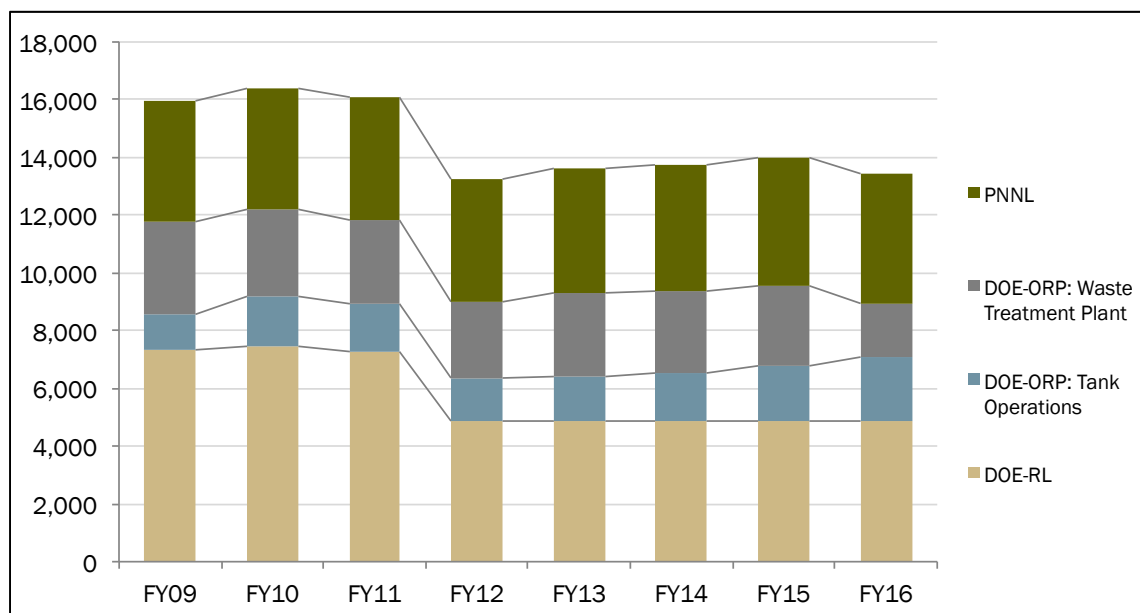
Source: Washington State Employment Security Department

In the Tri-Cities region, the largest sectors - services and government - have a similar concentration as the state and the region are growing at a rate of one to three percent a year, indicating they are the base of the regional economy. The agriculture sector is a strength in the Tri-Cities; it is much more concentrated relative to the state and is growing at a rate of 3.7 percent per year. Education; manufacturing; wholesale trade; and warehousing, transportation, and utilities are also growing at a rate of more than three percent a year, but are smaller and less prevalent in the Tri-Cities compared to the state. Much of the growth in food manufacturing; wholesale trade; and warehousing, transportation and utilities may be related to the growth and prevalence of the agriculture sector in the Tri-Cities.

Hanford Employment

While total employment increased over the last ten years, employment at Hanford decreased by over 2,800 jobs in the 2012 fiscal year as part of federal spending cuts. This decrease was part of a region-wide decline in employment from 2012 and 2013, and also the end of ARRA funding. It may also be what led to the decrease in regional GDP shown in Figure ED-1.

Figure ED-7: Hanford and PNNL Employment, Fiscal Year 2009 to Fiscal Year 2016



Source: Tri-City Development Council (TRIDEC), 2016

COMMERCIAL REAL ESTATE TRENDS

With much of the Hanford, PNNL and health care activities located in Richland, the City is home to much of the built commercial real estate in the region. It trails only Kennewick, which is home to the region's shopping malls. According to the Benton County Assessor, Richland holds the highest share of office and industrial building square footage but lags considerably with respect to retail businesses, primarily located in Kennewick.

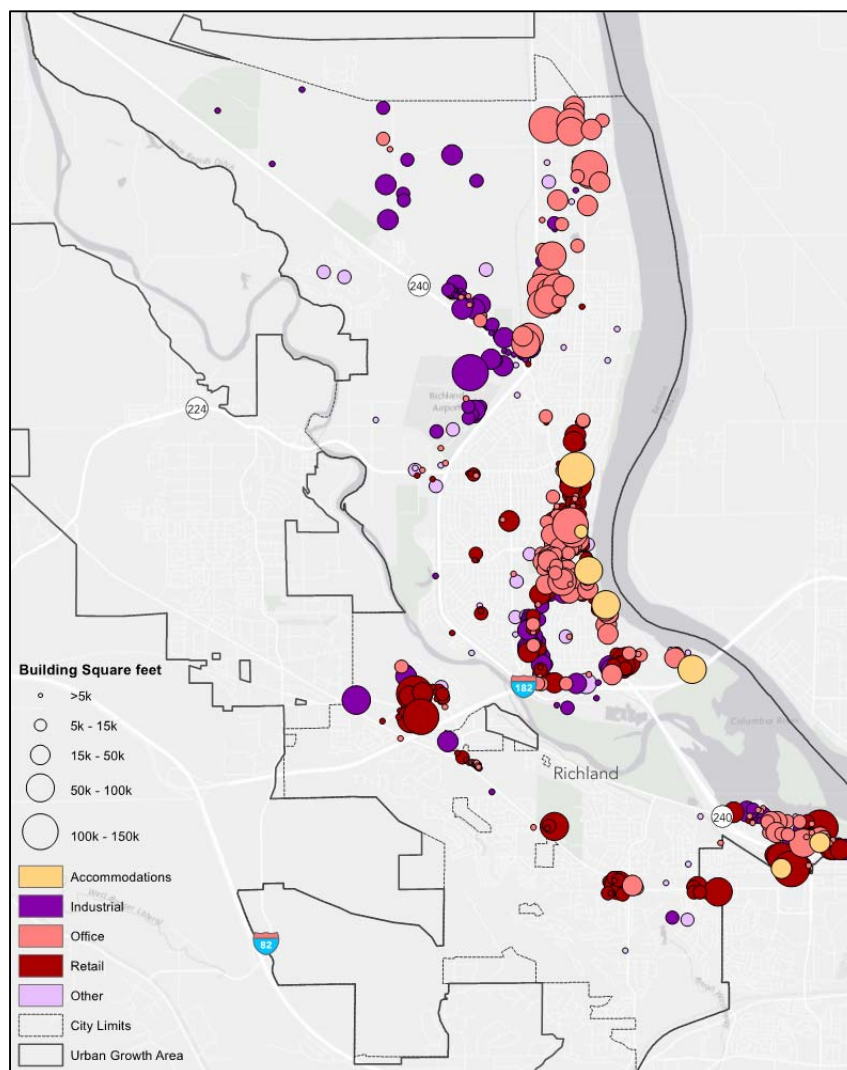
Figure ED-8 below shows that office and retail uses are clustered in the downtown core as to be expected; retail is also heavy but isolated near the Queensgate area; a considerable amount of industrial development is located to the north in Horn Rapids; and a cluster of office and retail to the south in Island View.

Table ED-2: Building Square Footage, by Type

Use	Richland	West Richland	Kennewick	Prosser	Rest of County	Total
Retail	2,775,000	205,000	5,089,000	421,000	123,000	8,613,000
Industrial	2,803,000	282,000	2,475,000	924,000	1,381,000	7,866,000
Office	3,259,000	52,000	2,645,000	110,000	57,000	6,123,000
Accommodations	462,000	-	633,000	54,000	-	1,149,000
Other	326,000	59,000	1,087,000	57,000	259,000	1,788,000
Total Commercial	9,626,000	597,000	11,930,000	1,566,000	1,821,000	25,540,000

Source: Benton County Assessor, 2016, Washington Office of Financial Management Estimates.

Figure ED-8: Commercial Building Sizes and Types in Richland



Source: Benton County Assessor, 2016

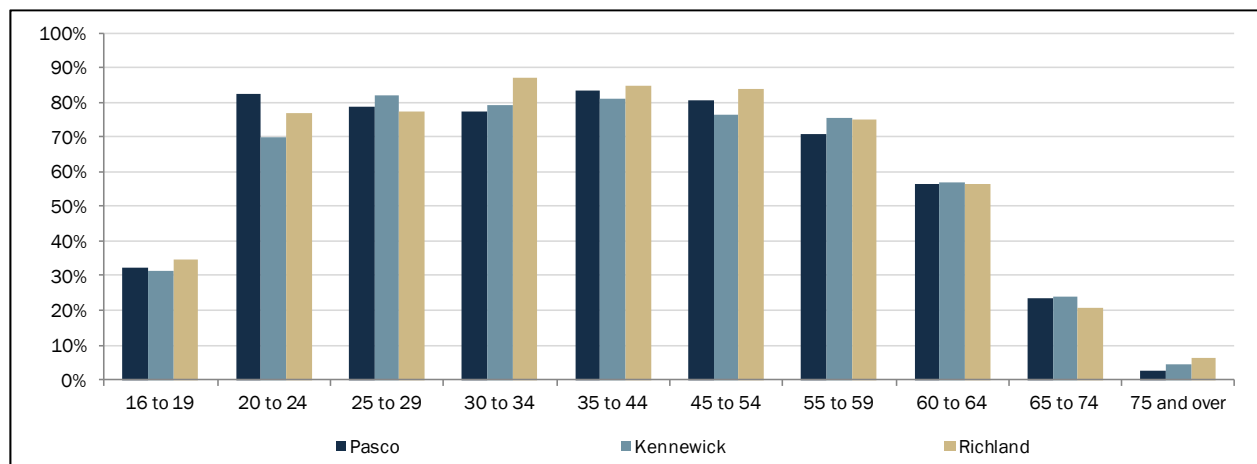
EMPLOYMENT AND HOUSEHOLD TRENDS

The following section summarizes selected relevant employment and household characteristics that frame the economic performance in Richland.

Employment Status, Income, and Demographic Characteristics

Relative to Kennewick and Pasco, Richland has high labor force participation for residents with ages between 30 and 54. This typically is the prime working age for most Americans, a time when they are most productive as workers. Rates for younger populations are slightly lower than in Pasco due to a higher share of full-time students in higher education. Similarly, rates are lower for those 65 and older due to their long-term financial stability enabling retirement.

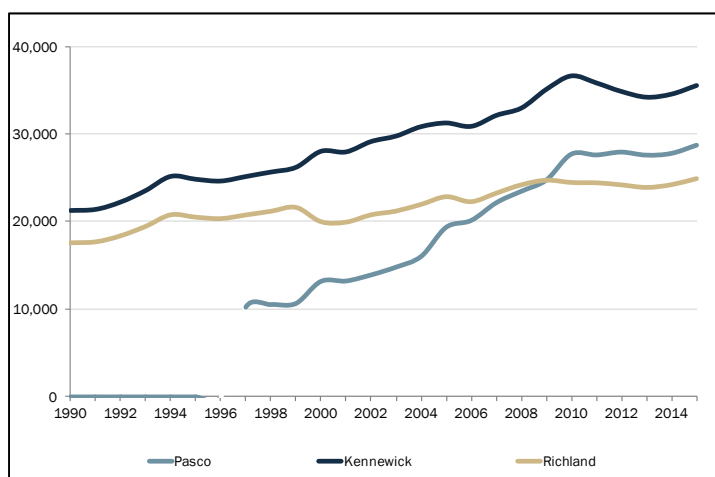
Figure ED-9: Labor Force Participation



Source: US Census Bureau, American Community Survey, 5-Year ACS, Table S2301

Total employment in Richland has grown over the past 25 years. Current estimates of employment in the City place the number at approximately 25,000. Growth in employment in Kennewick and Pasco has been a function of higher rates of population and labor force growth over the same time.

Figure ED-10: Total Employment, 1990 - 2016

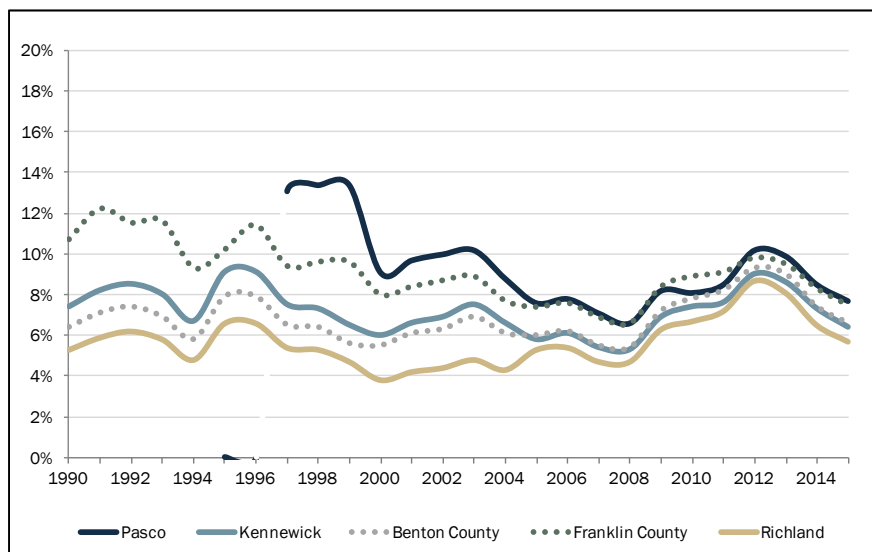


Source: Bureau of Labor Statistics, Local Area Unemployment Statistics.

Benton County's unemployment rate is currently 7.0%, which is higher than the state average of 5.3%, but lower than in adjacent Franklin County (Employee Security Department/LMPA, March

2016). Richland has consistently fared better than the cities of Kennewick and Pasco as well as Benton County and Franklin County.

Figure ED-11: Unemployment Rate, 1990 - 2016

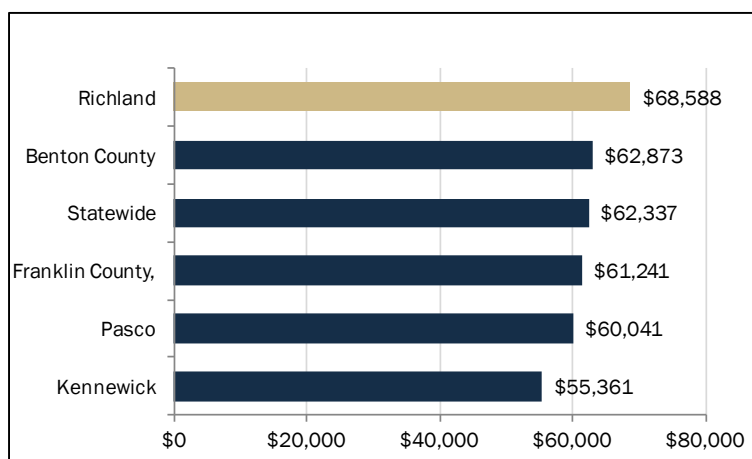


Source: Bureau of Labor Statistics, Local Area Unemployment Statistics.

Federal funding for Hanford has been a significant economic catalyst for the Tri-Cities Region, generally with Richland at the forefront. Even with significant downsizing at Hanford in the 1990s, household incomes in Franklin and Benton Counties continued to grow steadily.

Today, household incomes for Richland residents are nearly ten percent higher than the County average and more than twenty percent higher when compared to those of Kennewick residents. Richland enjoys economic prosperity not just compared to its Tri-Cities neighbors, but compared to state averages as well as illustrated in Figure ED-12 below. Higher incomes are the result of technical and professional positions that require higher levels of education, as illustrated below in Table ED-3- Educational Attainment, 2011 - 2015.

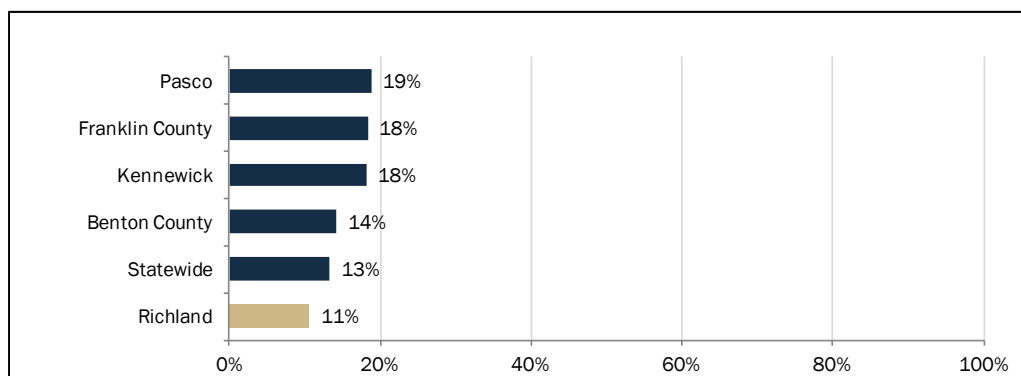
Figure ED-12: Median Household Income



Source: US Census Bureau, American Community Survey, 2015 5-year, Table B19013A

Similarly, Richland has fewer households living in poverty when compared to Benton County on the whole, Franklin County, and the statewide average. This indicates a strong economy and access to opportunity.

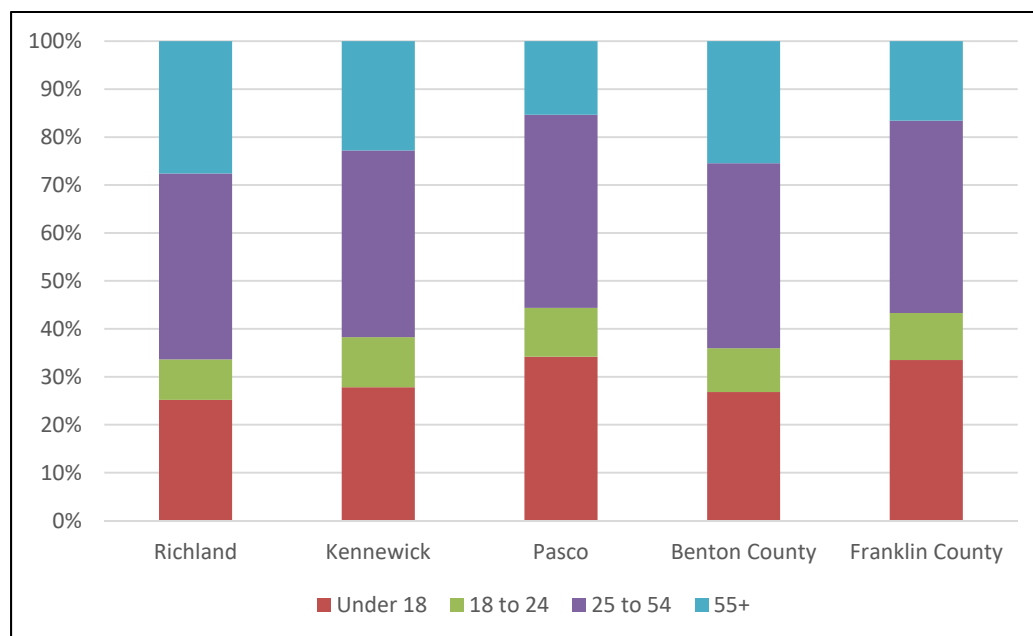
Figure ED-13: Share of Population Living in Poverty, 2011 - 2015



Source: US Census Bureau, American Community Survey, 2015 5-year, Table S1701.

The population living in Richland is not drastically different from the region with respect to age, but upon further examination of job force impacts there are some important differences. For employment purposes, prime working age is defined as 25 to 54 years old. The statewide average for population that falls into prime working age is 41%. Richland's is 39%, the same for Kennewick, and slightly lower than Pasco's 40%. However, Richland has a relatively high population of residents over age 55 (28%) as compared to Kennewick (23%) and Pasco (15%). Given this, the share of children, those under 18 years of age, in Richland is low (25%) as compared to Kennewick (28%) and Pasco (34%).

Figure ED-14: Age Distribution, Average from 2011 – 2015



Source: US Census Bureau, American Community Survey, 2015 5-year, Table B01001.

Relative to Kennewick and Pasco, Richland is home to a highly educated workforce. The demand for educated engineers and scientists generated by Hanford , PNNL and their subsidiary research

and development activities has been a central employment and demographic characteristic for the Tri-Cities Region, in particular for Richland.

Table ED-3: Educational Attainment, 2011 - 2015

	Population 25 Years and Over	High School Diploma/GED	Associate's Degree	Bachelor's Degree	Graduate Degree
Richland	34,712	95%	56%	45%	19%
Kennewick	47,478	86%	33%	22%	7%
Pasco	37,479	72%	25%	16%	5%
Benton County	118,423	89%	40%	29%	11%
Franklin County	49,013	74%	25%	16%	5%
Statewide	4,721,438	90%	43%	33%	12%

Source: US Census Bureau, American Community Survey, 2015 5-year, Table B15003.

Housing Stock

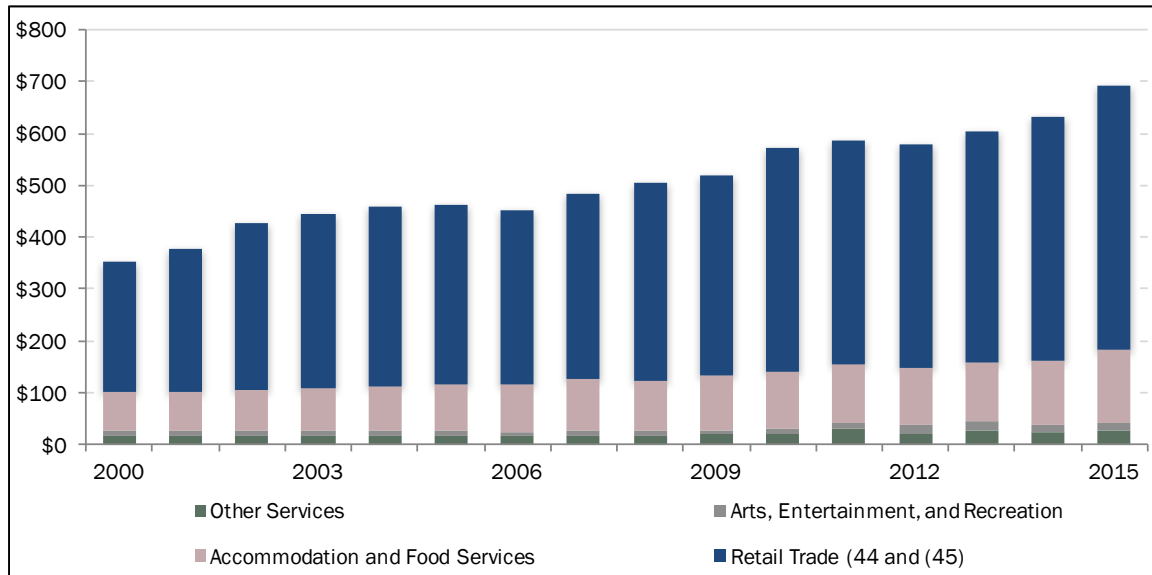
Housing in Richland is generally characterized as single-family (62%) and mostly owner-occupied (65%) with moderate vacancy rates similar to those seen in Kennewick and double that of Pasco; roughly 6%. Most homeowners spend less than 20% of their income on housing (57%) – a larger share than in Kennewick (50%) or Pasco (41%). However, 18% of homeowners are considered cost-burdened defined as spending more than 35% of their income on housing. This is slightly higher than the 17% seen in Kennewick and Pasco. For more on housing conditions, see the Housing Element.

Retail Performance

The location of retail stores and their economic performance are important to cities for two reasons. First, the proximity and mix of retail services is an essential service and amenity for area residents. Second, the importance of sales taxes in funding essential services means jurisdictions have a built-in preference for maximizing the scale, scope, and productivity of the retail sales base. The following set of charts examines the productivity data of taxable retail sales in Richland.

As shown below, the data for Richland show steady growth in retail sales over the past 15 years. The City has seen strong growth in the accommodation and food service sectors with more restaurants taking hold in recent years. Compared to its regional neighbors, Richland has comparable sales to Pasco but both are about half of Kennewick's totals.

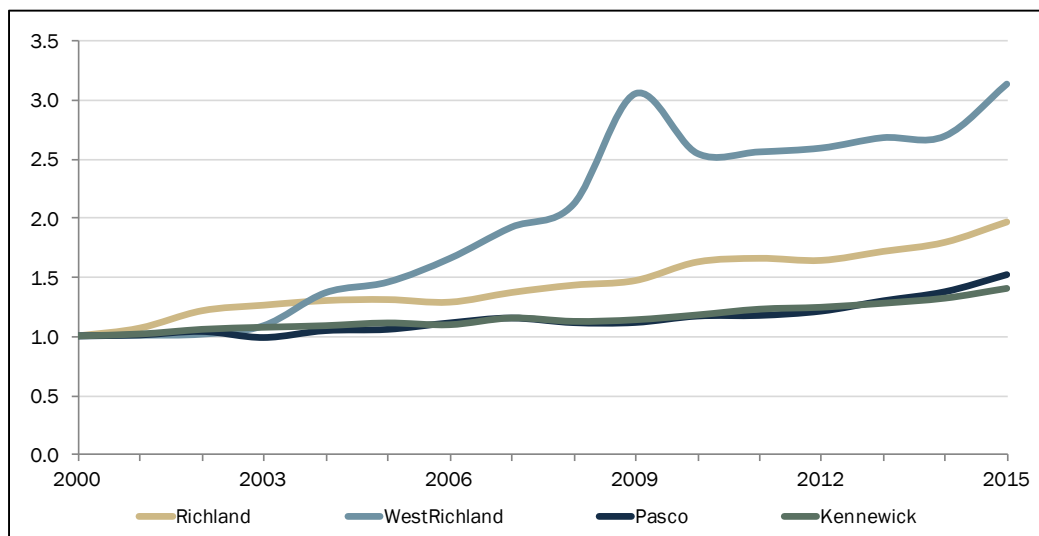
Figure ED-15: Select Category Sales, Richland in 2016 Dollars (in Millions)



Source: Washington State Department of Revenue, Taxable Retail Sales [Link](#). Accessed October 24, 2016

Richland has seen higher increases in taxable retail sales relative to both Kennewick and Pasco since 2000, as seen in Figure ED-16. This indicates the retail sector is growing and increasing its market share while retail sales in Pasco and Kennewick have slowed relatively. While West Richland has seen significant increases (2009 saw three times their 2000 sales), it continues to provide only a very small share of the overall market.

Figure ED-16: Taxable Retail Sales in Millions Indexed to 2000



Source: Washington State Department of Revenue. Accessed October 24, 2016

FUTURE GROWTH FORECASTS

Employment Forecasts

Short-term industry forecasts for the region continue to expect positive growth in the region. Strongest growth is forecast in the service sector, specifically business and health services – two sectors where Richland is driving the region’s growth and that are well positioned for future growth.

Table ED-4: Employment Forecast by Industry for the MSA

	2014	2019	2024	Change		
				#	%	AAGR ¹
Construction	6,300	7,300	7,600	1,300	21%	1.9%
Manufacturing	7,800	8,200	8,400	600	8%	0.7%
Wholesale Trade	3,300	3,700	3,900	600	18%	1.7%
Retail Trade	12,200	13,400	14,100	1,900	16%	1.5%
Transportation, Warehousing and Utilities	2,700	3,000	3,100	400	15%	1.4%
Information	800	800	900	100	13%	1.2%
Financial Activities	4,300	4,400	4,400	100	2%	0.2%
Professional and Business Services	20,600	23,400	26,000	5,400	26%	2.4%
Education and Health Services	14,400	16,100	17,600	3,200	22%	2.0%
Leisure and Hospitality	9,900	10,900	11,800	1,900	19%	1.8%
Other Services	3,300	3,600	3,800	500	15%	1.4%
Government	18,500	19,800	20,700	2,200	12%	1.1%
Federal	1,200	1,200	1,200	0	0%	0.0%
State	8,100	8,600	8,900	800	10%	0.9%
Local	9,200	10,000	10,600	1,400	15%	1.4%

¹ Annual Average Growth Rate

Source: Benton Franklin Council of Governments

The Benton Franklin Council of Government’s transportation and land use model also provides some forecasts on land use and employment for transportation planning purposes. Based on these model results, Richland is estimated to reach some 40,000 jobs by 2030.

Table ED-5: Employment Forecast in Richland

	2014	2017	2024	2037	2014-2019 AAGR ¹	2019-2024 AAGR
Services	16,414	17,305	19,577	24,617	1.78%	1.78%
Professional Technical Services ²	7,548	7,548	7,548	7,548	0.00%	0.00%
Retail and Food	5,012	5,306	6,060	7,755	1.92%	1.92%
Warehousing, Transportation & Utilities	2,308	2,466	2,878	3,834	2.23%	2.23%
Manufacturing	1,523	1,569	1,683	1,917	1.01%	1.01%
Construction	1,390	1,518	1,866	2,737	2.99%	2.99%
Government	1,251	1,303	1,433	1,710	1.37%	1.37%
Resources	118	124	141	177	1.77%	1.77% ³
Total	35,564	37,675	41,185	50,295	1.94%	1.31%

¹ Annual Average Growth Rate

² Assumes no new growth; implies e.g. PNNL employees find new related jobs but no new growth

³ Assumes same growth as in 2014-2019

Source: US Census, OnTheMap; Washington Employment Security Department; ECONorthwest

SUMMARY OF EXISTING ECONOMIC CONDITIONS AND FORECAST

Richland is at the epicenter of the major driving economic forces on the Tri-Cities area. The work performed at the Hanford Site, in tandem with the research at Pacific Northwest National Laboratory (PNNL), has driven economic development in the region and City for decades. This circumstance is currently the region's largest economic strength and a source of its greatest economic fears. These dual assets have driven the need for urban land development and created strong markets for housing, retail, and household services. Along with the agricultural sector, they have also created the foundation for a larger regional economy, which has supported more economic opportunity overall, allowing other unrelated industries to take hold in the area. However, the exposure of such a large segment of the economy to a single entity is a cause for concern for regional leadership and local residents. Recent spending cuts following the recession demonstrate the extent to which the economy depends on government spending to support these activities.

The region has shown strong growth in economic output over the past several decades leading to sustained employment growth. From a regional economic perspective, the agricultural sector is one of the most competitive for the region, which is not surprising given the region's agricultural advantages. The region has a strong industrial/manufacturing base that has sustained itself over time yet the largest portion of the economy is service-based (both professional/business and personal) that continues to drive economic growth in the recent decade. However, growth in most other sectors have mirrored the nation as a whole; fueling economic conversations that the region needs to find new growth in sectors that can produce and sustain both comparative and competitive advantages.

The City of Richland specifically has been the location where much of the professional service sector is located. The City is home to the two largest non-governmental employers in the region in PNNL and Kadlec Health that account for nearly 8,000 employees in the City. From a land use

perspective, Richland has more than half of the region's commercial office space and industrial space, respectively; and is second only to Kennewick in the amount of retail space. Examination of the recent commercial real estate productivity suggests that much of the built space is well occupied and rents have been resilient. Richland has seen stronger retail growth and has outpaced growth in the region as a whole.

Richland has strong demographics for future economic growth. Employees and households are on average better educated, better paid, and with a larger segment of the population in its prime working age. The community is also relatively less-burdened with the costs of poverty when compared to the region. Future forecasts of economic growth remain positive of the regions outlook with growth in the service and health sector continuing to drive growth in the future. From this perspective, the City should be well positioned to capitalize on its past performance and existing assets to extend its economic growth.

SECTION THREE

CHALLENGES AND OPPORTUNITIES

Upon review of existing economic conditions, survey results, and in conversations with elected officials, local economic development professionals, visioning work sessions, and through public outreach with business leaders and the general public, stakeholders collectively identified several recurring themes: the need for stronger economic resiliency able to withstand future economic shocks; the need to harness the entrepreneurial spirit and create a more dynamic economy and economic opportunity; leverage the natural landscape and heritage within the City and region to create sustainable economic development opportunities; and diversify and more intensely use the available land within the City. The following is a summary of the primary concerns and goals related to achieving a thriving Richland economy.

Area 1. Create a Resilient Economy

The single greatest threat to the Richland and Tri-Cities economy is the winding down of business and employment and Hanford without suitable economic opportunities in place that would provide for a comparable standard of living. A reduction in work at Hanford will mean less direct employment in Richland and large negative impacts on the businesses that support them directly as well as the resulting households whose wages they support. However, Hanford is also an asset to the community and has been effective at attracting a highly educated workforce in science and technology. These fields produce professional-wage jobs and have produced spinoff businesses coming from PNNL.

To ensure the stability and resiliency of the economy, the City should leverage existing assets but adapt them to a changing economy. These efforts should focus on increasing primary sector, non-Hanford -related science and tech employment by creating a business environment that encourages and welcomes local business. Additionally, the City should develop partnerships with the Tri-Cities Development Council (TRIDEC), PNNL, Kadlec Medical Center, and other major employers to plan for expansion and delivery of adequate infrastructure and services.

Area 2. Build and attract a more entrepreneurial and dynamic economy

Richland is the regional hub for highly educated, science and technology professionals. Labor force participation is high, particularly for the most productive segment of the population – 30 to 54 year olds. With access to innovation partners and relatively low land costs when compared to bigger cities like Seattle, the climate for entrepreneurial startup companies is present. However, attracting

innovation and investment is a goal of many municipalities. The City can advance this environment through infrastructure investment, streamlined regulation, and “second paycheck” benefits such as livability and access to recreation. Working with its regional education and economic development partners, the City can play its role creating and supporting a rich “entrepreneurial ecosystem” in the area.

Area 3. Leverage the natural landscape as an asset for economic development

Richland’s location along the Columbia and Yakima Rivers offers exceptional opportunities to easily access attractive, natural, recreational spaces, as well as close proximity to the region’s vibrant agritourism and wine industries. In addition to this, professional service employees living in Richland enjoy lifestyle amenities, also called the “second paycheck.” These include access to parks, walkable business districts, good schools, diverse housing options, quality restaurants, and arts and cultural activities. Richland’s ability to leverage its natural environment to directly spur economic activities and provide an attractive setting for professionals will further enhance its competitive advantage. However, residents must be cognizant of maintaining a healthy balance between environmental preservation and economic development activities.

Area 4. Closely monitor zoning and land use in the City

The City has the dual challenge of planning for urban infill development as well as planning to accommodate development on many large and relatively undeveloped sites within the City. To ensure zoning is responsive to market conditions, it should be monitored periodically to evaluate potential hindrances. Working to concentrate development in areas with existing infrastructure and near jobs centers will be instrumental to optimize the City’s funding.

LAND USE

SECTION ONE

INTRODUCTION

Due to the linear geographic pattern of the City along the Columbia River, Richland's land is distributed primarily from north to south covering a little over 27,000 acres in the current incorporated City limits and additional 3,000 acres in the Urban Growth Area (UGA).

Land use patterns determine individual neighborhoods, businesses, amenities, public facilities, and the types and locations of future development and redevelopment. Land use patterns also determine traffic patterns. This element includes future population projections and needs for land use types for the next 20 years. The Comprehensive Plan land use map identifies land use categories within the City limits and the UGA. This section also elaborates on critical areas, shoreline and open space lands in Richland.

SECTION TWO

DESCRIPTION OF LAND USES

Agriculture (AG) - This category includes uses devoted primarily to the tilling of soil, the raising of crops, horticulture, livestock, poultry, feed lots, and related commercial and industrial activities. It allows residential densities up to one dwelling unit per five acres.

Low Density Residential (LDR) - The LDR category includes single-family residential uses with an average density of 3.5 dwelling units per acre.

Medium Density Residential (MDR) - The MDR category includes single-family residential uses with an average density of eight dwelling units per acre.

High Density Residential (HDR) - The HDR category includes multifamily residential uses with an average density of 15 dwelling units per acre. In transitional areas between more intensive commercial uses and lower density residential uses, limited office/institutional uses may also be located within the HDR designated areas.

Badger Mountain South (BMS) - This includes land uses set forth in the Badger Mountain Subarea Plan as adopted by the Richland City Council on September 7, 2010.

Multifamily Residential Office (RO) - This designation applies to areas within Island View where senior housing and condominium projects would be encouraged. Compatible office projects and light commercial uses also would be allowed within this designation.

Central Business District (CBD) - This classification includes a mix of residential, retail, service, and business uses that provide for the daily convenience needs of on-site and nearby employees and residents. The purpose is to provide for pedestrian- and transit-oriented high density employment and cultural uses, together with complementary retail and higher density residential and other compatible uses that enhance the Central Business District.

Commercial (C) - The commercial land use category includes a variety of retail, wholesale, and office uses. Within this category are professional business offices, hotels, motels, and related uses. It also includes a variety of retail and service uses oriented to serving residential neighborhoods, such as grocery stores, hardware supply, and garden supply. Other commercial uses include automobile-

related uses, and uses that normally require outdoor storage and display of goods. In transitional areas between more intensive commercial uses and lower density residential uses, high-density residential development may also be located within the Commercial designated areas.

Retail Regional (RR) - This designation is applied to the existing retail area that is commonly known as Columbia Center North, as well as other nearby locations on Columbia Center Boulevard and Fowler Street. Within this designation infill development is encouraged. Large format region-serving retail establishments are also encouraged on parcels large enough to support such uses.

General Commercial (GC) - This designation is applied to lands in the southernmost portions of Island View that are adjacent to and visible from SR 240. Within this category, new and used auto sales, RV, truck dealers, and similar retail uses are encouraged. Service-related businesses that require a central location within the Tri-Cities are also included in this designation.

Business Commerce (BC) - This designation applies to the Spaulding Business Park and some adjacent properties. It is intended to encourage a variety of professional office buildings, medical and/or dental laboratories, and light industrial uses.

Single Family Overlay (SFO) - This designation is applied to several pockets of single family residences throughout the Island View area where property owners have expressed a preference for this designation. The comprehensive land use plan map identifies a land use designation other than single family residential for all properties within Island View. For these identified parcels, there are two land use designations: the Single Family Overlay designation and another land use designation. The Single Family Overlay designation will remain in effect, allowing for continued residential use of the property, until such time the owner(s) seeks a change in the use of the property. At that time, the City will remove the Single Family Overlay and apply the other land use designation as identified in the comprehensive plan land use map in accordance with Land Use Goal #9, Single Family Overlay.

Commercial Recreation (CR) - This designation typically applies to properties under the ownership of the local, state or federal government. These properties are typically used to site regional recreational, educational, water-oriented facilities, and associated uses.

Waterfront (WF) - The Waterfront category includes a variety of water-oriented uses such as marinas, boat docks, resorts, mixed commercial/residential development, hotels, motels, and offices along the Columbia River shoreline. The intent is to bring significant development to the Columbia riverfront that is consistent with the City's vision and that incorporates public access recreational features and attractive and high quality development.

Industrial (I) - This category includes a variety of light and heavy manufacturing, assembly, and warehousing and distribution uses. It also includes uses devoted to the sale of retail and wholesale products manufactured on-site, and a variety of research and development uses for science-related activities.

Business/Research Park (BRP) - The Business/Research Park designation provides for a variety of office and research and development facilities in a planned business park setting. Permitted uses include science-related research and development and testing facilities; administrative offices for those uses; and other general office uses.

Public Facility (PF) - This category includes a variety of public and institutional uses including facilities operated by federal, state, county, municipal, or other government agencies; public educational institutions; public libraries; hospitals; cemeteries; and some developed parks.

Urban Recreation (UR) - The Urban Recreation designation includes uses that are intended to provide the public with places to gather for public events as well as provide some limited urban

amenities, passive recreation opportunities and open space uses. It is the intent of the UR land use to provide for a disbursed pattern of development that recognizes and protects both culturally and environmentally sensitive areas.

Developed Open Space (DOS) - This category includes golf courses, federal power transmission and irrigation wasteway easements, private open space, riverfront parks, undeveloped parks, and parks intended for long-term open space.

Natural Open Space (NOS) - The Natural Open Space category includes public lands intended to remain as long-term undeveloped open space with appropriate public access. This category primarily includes, for example, lands associated with the Yakima River floodplain, islands in the Columbia River, steeply sloped areas, sensitive areas along the Amon Basin, and other designated areas. Natural Open Space lands are managed as natural areas and may include riparian corridors along creeks and rivers, wetlands, shrub-steppe, open ridges, and hillsides.

Mineral Resource (MRL) - This classification includes lands that have long-term significance for the extraction of minerals on a commercially-viable basis and are not already compromised by on-site, immediate, or adjacent urban growth. Mineral Resource designation must be requested by the owner of the property and/or of the mineral rights, or her/his designated agent.

Urban Reserve (UR) - The Urban Reserve designation is assigned to lands that are to be held in reserve during the 20-year planning period of the comprehensive plan. A significant amount of the land in this designation is in agricultural use. Uses of land designated Urban Reserve are intended to be temporary to provide the City a basis to evaluate future needs for additional land in other land use designations.

Table LU-1 indicates the land use distribution within the City and in the UGA.

Table LU-1: Existing Land Use Acreage

Land Use Designation	City Limits (acres)	Area within UGA(acres)	Total Acreage¹	% of total
Residential				
Low Density Residential	4,598	689	5,287	18.15
Med. Density Residential	1,427		1,427	4.90
High Density Residential	530		530	1.82
Badger Mountain South	1,431		1,431	4.91
Commercial				
Business Commerce	28		28	0.10
Central Business District	222		222	0.77
Commercial	1,046	16	1,062	3.7
General Commercial	79		79	0.28
Retail Regional	31		31	0.11
Waterfront	140		140	0.49
Commercial Recreation	50		50	0.17
Public Lands/Open Space				
Developed Open Space	2,170	144	2,314	7.62
Natural Open Space	2,154	322	2,476	8.52
Public Lands/Facilities				
Public Facility ²	1,014	27	1,041	3.63
Industrial				
Business Research Park	750	437	1,187	3.78
Industrial	5,374	1,050	6,424	22.39
Other Designations			0	
Agricultural	903		903	3.15
Residential Office	21		21	0.07
Urban Reserve	1,214		1,214	4.23
Public Service Lands				
Rights of Way	2,947	163	3,110	10.84
Total	25,846	2,848	28,694	100.00%
¹ Does not include water area				
² Public facilities lands include public school sites, WSU campus, City owned facilities, and cemeteries				
³ Includes proposed UGA expansion area related to Department of Energy land transfer				

SECTION THREE

POPULATION TREND

Richland and the Tri-Cities area experienced strong growth from 1973 to 1981 due to the development of nuclear power plants for the Washington Public Power Supply System. In the 1980s, however, the power plant program was discontinued, as was the federal government's production of nuclear material at the Hanford Site. These changes created a difficult economic period throughout Benton County and neighboring Franklin County as indicated in the reduced growth in 1990 data.

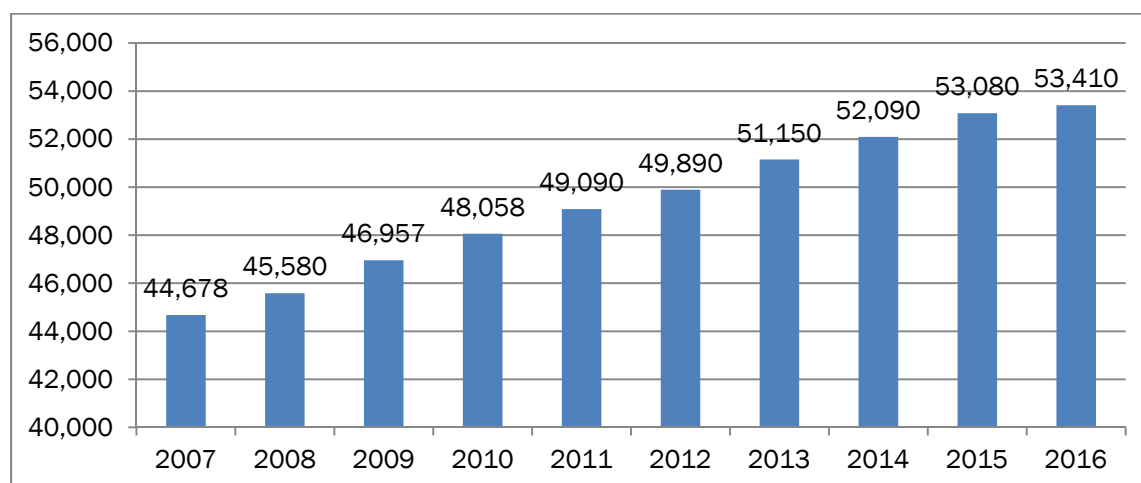
With plutonium production discontinued at the Hanford Site, the federal government redefined its mission there. The new mission became environmental restoration or cleanup of the site, together with ongoing management of the hazardous wastes stored there. In association with these missions, areas near the Hanford Site has become a hub for research and development into energy, health, waste management, and the environment, as well as development for new technologies in these fields in the last two decades. As a result, population in Richland grew 13.87 percent in a decade in 2000, and 24.16 percent in a decade in 2010. Table LU-2 below indicates the historic population growth in Richland and Benton County.

Table LU-2: Historic Population Growth in Richland and Benton County

Year	Richland	% Change Richland	Benton County	% Change Benton County
1950	21,809	n/a	Data not available	Data not available
1960	23,548	7.97%	62,070	Data not available
1970	26,290	11.64%	67,540	8.81%
1980	33,578	27.72%	105,800	56.65%
1990	33,993	1.24%	112,560	6.39%
2000	38,708	13.87%	142,475	26.58%
2010	48,058	24.16%	175,177	22.95%

Population in Richland has grown significantly in the last decade from 44,678 in 2007 to 53,410 in 2016. Much of this growth can be linked with the Department of Energy's nuclear cleanup and related operations at the Hanford Site. However, the economy in the Tri-Cities area is becoming more diverse with the growth of other employment sectors such as healthcare and education. It appeared from the past trends that many of the individuals retiring from Hanford chose to stay in Richland or in the Tri-Cities area. Table ED-14 indicates about 28 percent of Richland's population are 55 years or older, and 25 percent of the total population are 18 years or under. These contribute to Richland's family-friendly environment and education sector improvement.

Figure LU-1: Population Growth in Richland in the Last 10 Years



As discussed in the Economic Development section, Richland's median household income is the highest in the Tri-Cities, \$70,806 in 2017, with Kennewick at \$52,831 and Pasco at \$53,950 (TRIDEC, 2017). Over 95 percent of the residents in Richland are high school graduates or graduates with higher degrees (US Census, 2015).

POPULATION FORECAST

WASHINGTON GMA REQUIREMENTS

The Washington State GMA requires the Land Use Element to include population densities and estimates of future growth (RCW 36.70A.070(1)). The Benton County CWPP contains several provisions addressing population growth and capacity. They include agreement or cooperation in determining the following:

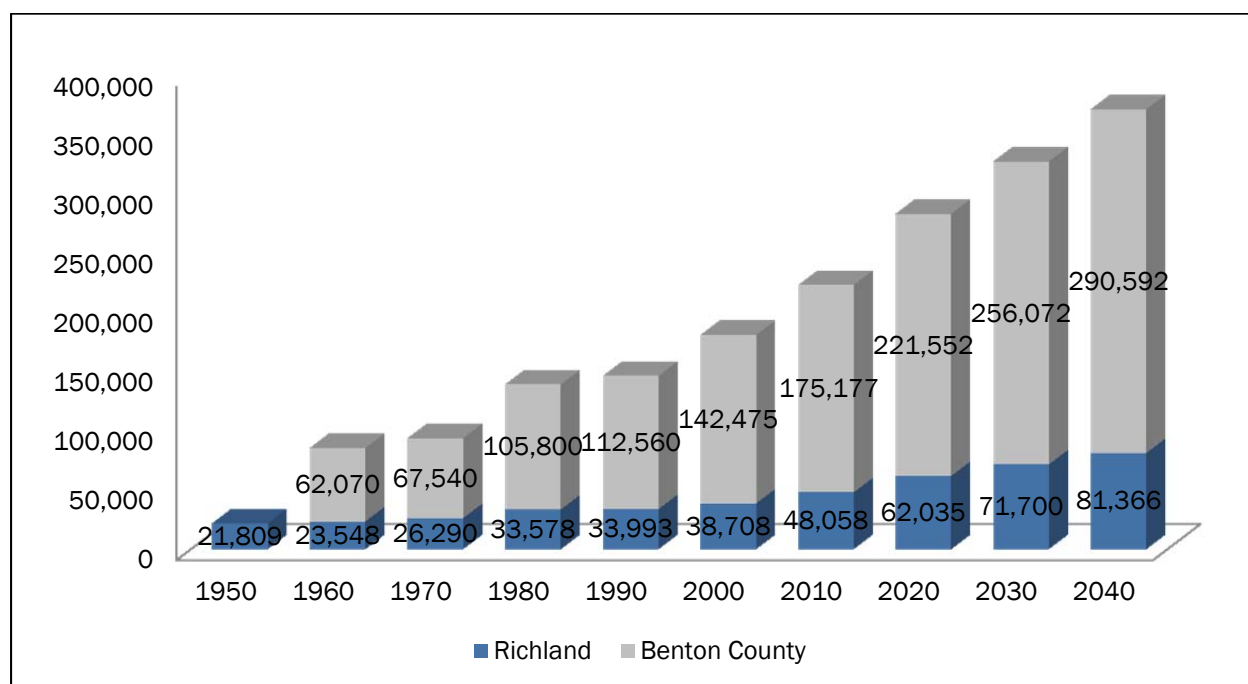
- The portion of the 20-year population forecast allocated to the City of Richland.
- The boundaries of the urban growth area.
- The amount of land necessary to provide sufficient service capacity to meet projected populations at urban densities and service standards.
- Consistency with Benton County CWPP.

FORECAST

Based on the 2016 estimate of Office of Financial Management (OFM), Richland and its UGA contain a population of 54,733 (53,410 within City limits, 1,323 in the UGA). Benton County's county-wide allocation and projected population for Richland are 76,533 for the year 2035, and 81,366 for the year 2040.

The current population and the additional 20-year projected population equals 78,431 persons in the year 2037. The projected additional population that will be added to the City during the next twenty years, per consultation between the cities and Benton County and based upon the official projections from the OFM, is 23,699 persons.

Figure LU-2: Richland and Benton County's Population Forecast



FUTURE LAND CAPACITY

In order to identify land necessary to meet the future demand, a land capacity analysis was performed. The analysis used the City's existing land use density and land inventory.

The first part of this analysis is based on the capacity of existing vacant and underdeveloped residential land to add additional units. This doesn't reflect the property owners' intention of development; neither does it require the property owners to develop their properties.

In this methodology, all vacant and undeveloped lands were identified. Critical areas or environmentally sensitive lands present on the land were excluded in order to estimate the amount of buildable land. Twenty percent of the buildable land area was allocated for infrastructure. The remaining acreage was identified to be buildable and units were projected according to the City's average land use density.

As discussed in the previous section, 23,699 persons will be added to the City during the next twenty years. This will require 9,874 residential units ($23,699/2.4$) considering Richland's average household size of 2.4 persons/unit. In order to assess adequate land for future growth, the second phase analyzes residential units projected primarily on Low Density, Medium Density, High Density lands, and the Badger Mountain South area. Additionally, a percentage of vacant Commercial and Waterfront lands are projected to be developed with multi-family housing. Table LU-3 below indicates projected residential development within different land use categories.

Table LU-3: Land's Capacity for Future Residential Development

Land Use Category	Projected Units
Low Density Residential Undeveloped = 1230 acres	BLM ownership (135 acres) 300 Area (23 acres) McDonald (14 acres) = 172 acres 515 acres constrained by steep slopes $1,058 \text{ acres} - 515 = 543 \text{ acres}$ $543 \text{ acres} \times 80\% \text{ (after infrastructure)} = 434 \text{ acres @ } 3.5 \text{ units/acre} = 1,520 \text{ units}$ $515 \times 80\% \text{ (after infrastructure)} = 412 \text{ acres @ } 2 \text{ units/acre} = 824 \text{ units}$ <i>2,344 units projected</i>
Medium Density Residential Undeveloped = 255 acres	Horn Rapids Open Space areas = 25 acres $230 \text{ acres} \times 80\% \text{ (after infrastructure)} = 184 \text{ acres}$ $184 \times 6.5 \text{ units/acre} = 1196 \text{ units}$ <i>1,196 units projected</i>
High Density Residential Undeveloped = 107 acres	$107 \times 80\% \text{ (after infrastructure)} = 86 \text{ acres}$ $86 \times 75\% \text{ (available for residential)} = 65 \text{ acres}$ Average density = 15 units/acre $65 \times 15 = 975$ <i>975 units projected</i>
Badger Mountain South Undeveloped = 1416 acres	Currently 60 dwellings Total Projection at Full Build Out: 4,150 to 5,000 units <i>4,090 units projected</i>
Commercial Undeveloped = 471 acres 39 acres undeveloped in Commercial Limited Business zoned land (8% of undeveloped commercial land)	Average density = 15 units/acre $39 \times 80\% \text{ (after infrastructure)} = 31 \text{ acres}$ <i>465 units projected</i>
Waterfront Undeveloped = 56 acres	10 acres unusable (landfill/shoreline setback areas) $1/3 \text{ waterfront area used for residential}$ $15 \text{ acres @ } 15 \text{ units/acre} = 225 \text{ units}$ <i>225 units projected</i>
Total	9,295 units projected

As indicated in the table above, 9,295 residential units can be developed at full buildout to accommodate 22,308 people. This still leaves the City with the need to accommodate an additional 1391 people (23,699-22,308) in a full buildout scenario. The City currently has an urban reserve land use category. Re-designation of this land for residential uses will satisfy the City's need for an additional residential land base.

Table LU-4: Vacant and Developed Commercial, Industrial and Public Lands

Land Use	Developed (acres)	Vacant (acres)	Total Acres
Commercial (City)	1,007	538	1,546
Commercial (UGA)	11	5	16
Industrial (City)	2,914	2,026	4,940
Industrial ¹ (UGA)	447	1863.5	1,487
Public Lands ² (City)	4,385	953	5,338
Public Lands ² (UGA)	351	0	351

¹ Includes Department of Energy (DOE) transferred land

² Includes open space and public facilities land

The amount of vacant commercial land is anticipated to be sufficient to meet the needs of the projected population expected over the 20-year planning period. Re-development of underutilized lands within the Central Business District will also help to satisfy the demands for commercial lands created by an expanding population.

The City's industrial land base has recently been expanded significantly by an act of Congress that transferred 1,641 acres from the Department of Energy (DOE) to the City, the Port of Benton, and Energy Northwest. This land is located north of Horn Rapids Road and is specifically set aside for industrial development. The City and Port plan to market the property to industrial developers as "mega-sites" of 200 acres or larger. The proximity of this land to highways, rail, and utility services together with the large acreages available provide development opportunities for industries that exist in very few places throughout the Pacific Northwest.

Industrial lands located south of Horn Rapids Road will continue to be developed with industrial developments of a more typical scale. The available industrial lands within these two areas will ensure that the City has an adequate industrial land base throughout the planning period.

LANDS FOR PUBLIC PURPOSES

According to RCW 36.70A.150, the county and jurisdictions within it are required to work together to identify the needs for public facilities, including lands for public purposes. Current City-owned public facilities include parks and open spaces, transportation, water, sewer, storm water, solid waste, energy, and municipal facilities. Other public facilities include schools, irrigation, natural gas, and telecommunication services. Table LU-1 indicates public facility and transportation rights of way lands.

Table LU-5: Public Land in the City and UGA

Land Use	Acres in the City	Acres in the UGA	Total
Developed Open Space	2,170	144	2,314
Natural Open Space	2,154	322	2,476
Public Facility ²	1,014	27	1,041
Public Lands Subtotal	5,338	493	5,831

²Public facility lands includes public school sites, WSU campus, City owned facilities and cemeteries

Excluding the open space land, there are about 361 acres of vacant public facility land within the City limits. Richland's current land per capita for public facility use (without including open space per capita) is 0.0122 acres. Based on this ratio, the additional 23,699 people will require 289 acres (23,699 x 0.0122) of land. Considering the vacant 361 acres, the City will have a surplus of approximately 72 acres of land for public facilities.

This analysis indicates the total land deficits and surpluses. However, the surplus land may not always be useful to meet specific needs due to its location and compatibility for specific public use. Additional information regarding park and open space lands can be found in the Capital Facilities Chapter of the Plan under "Parks, Recreation, and Open Space".

ADDRESSING THE DEMAND

The City is planning to accommodate additional growth in two currently undeveloped areas to the north and west sides all within the City limits. One area is located on the southwest side of the City near the City View and Queensgate area, abutting Kennedy Road to the south and Queensgate Drive to the east. The other area is located on the north side abutting the Horn Rapids residential development to the south. See Figure LU-3 and Appendix C of the Comprehensive Plan for details.

The land use in these areas is re-designated from underutilized Urban Reserve to a mix of Low, Medium, and High Density Residential, Commercial, Public Facility, and Developed and Natural Open Spaces as shown in Table LU-6.

Table LU-6: Proposed Land Use in Horn Rapids Northwest and City View West

Land Use	Existing Land Use (acres)	Proposed Land Uses (acres)
Horn Rapids Northwest		
Urban Reserve	272	
Low Density Residential		230
Medium Density Residential		42
Total	272	272
City View West		
Urban Reserve	340	
Low Density Residential		143
Medium Density Residential		25
High Density Residential		34
Commercial		55
Public Facility		40
Developed Open Space		5
Natural Open Space		38
Total	340	340

Additional land use re-designation includes a portion of an area in Columbia Point South, re-designated from Developed Open Space and Public Facility to Urban Recreation. The proposed land use is shown in Table LU-7. Also see Figure LU-3, the Future Land Use Map.

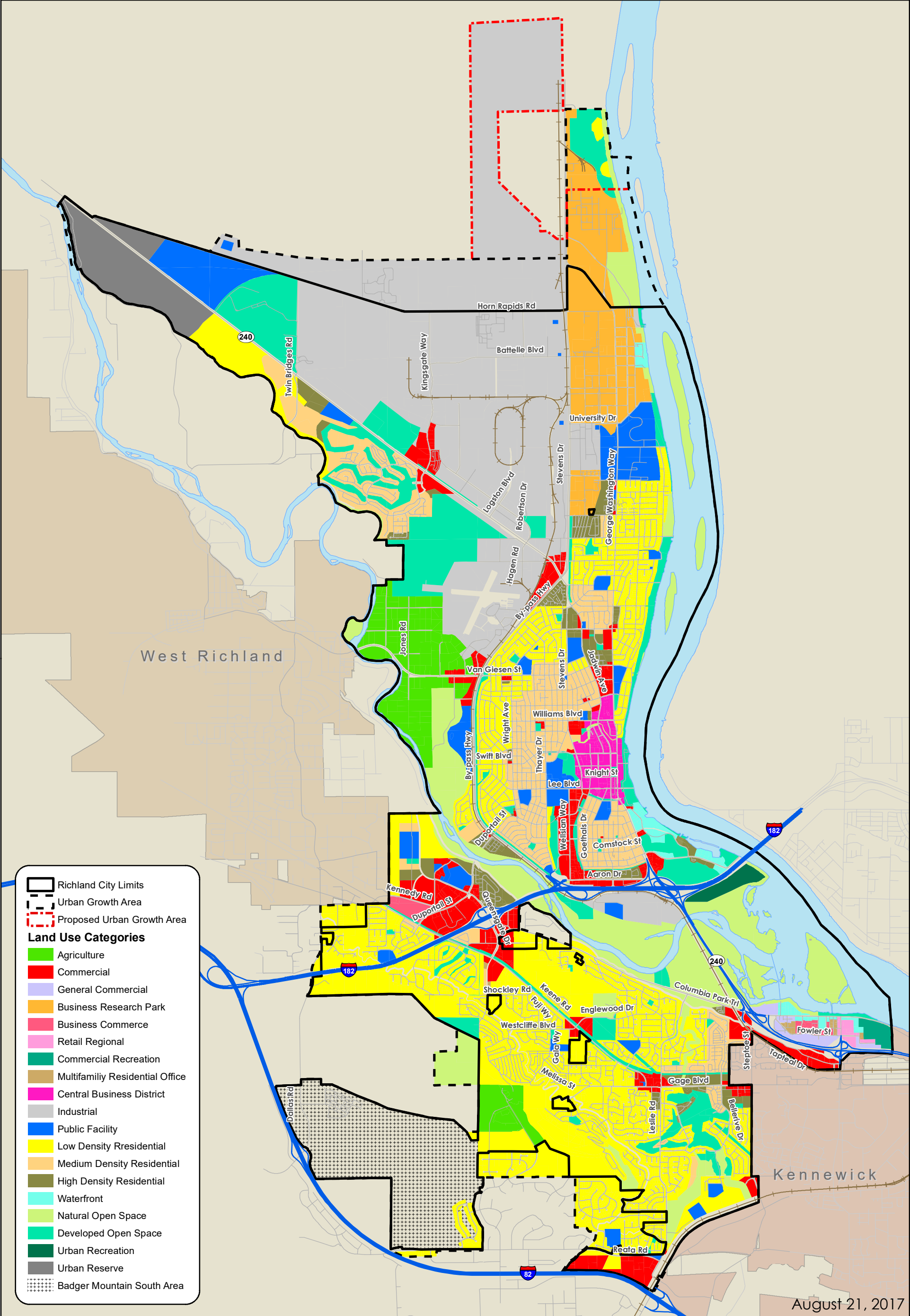
Table LU-7: Proposed Land Uses in Columbia Point South

Land Use	Existing Land Use (acres)	Proposed Land Uses (acres)
Public Facility	33	
Developed Open Space	71	
Natural Open Space	153	177
Urban Recreation		80
Total	257	257



City of Richland

LU-3 - Future Land Use



SECTION FOUR

NATURAL ENVIRONMENT

CRITICAL AREAS

Richland's critical areas include wetlands, fish and wildlife habitat areas, aquifer recharge areas, and geologically hazardous areas.

The critical areas map in the Comprehensive Plan, Figure LU-4, indicates floodplains, geologic hazard areas (steep slopes), and wetlands in Richland.

- **Wetlands.** Wetlands are ecosystems that serve a number of important beneficial functions. They help maintain water quality, store and convey storm water and floodwater, and recharge groundwater. Wetlands provide important wildlife habitat and serve as areas for recreation, educational and scientific study, and aesthetic appreciation.
- **Fish and Wildlife Habitat Areas.** These areas are important for maintaining flora and fauna species diversity; 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.
- **Frequently Flooded Areas.** Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas should include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP).
- **Aquifer Recharge Areas.** Critical aquifer recharge areas are defined as those areas having a critical recharging effect on aquifer use for potable water in community systems. They consist primarily of wellhead protection areas associated with City water supplies and are intended to protect public health and safety, prevent degradation of ground water supplies, and control risks to the degradation of ground water quality and quantity.
- **Other Critical Areas.** These are characterized by geologic hazards that pose a risk to public and private property and human life and safety. Geologically hazardous areas include areas susceptible to landslide, erosion, or seismic activity. Because of this susceptibility, these areas may not be suitable for new development. In many cases, hazards can be reduced or mitigated through engineering design or modified construction practices.

The City uses the best available science (BAS) in developing policies and development regulations to protect the functions and values of critical areas and give special consideration to conservation or protection measures. The BAS involves adopting information from local, state, or federal natural resource agencies that are appropriate for local circumstances; consultation with a qualified scientific expert or team to assess applicability to the local critical area; and determination if a person is a qualified scientific expert.

SHORELINE

The GMA requires that Shoreline Management Plan (SMP) goals and policies are included in the Comprehensive Plan and that they are consistent with each other. The City of Richland received grant funding from the Washington State Department of Ecology to develop an updated SMP. A primary purpose of this effort is to update the SMP to comply with Chapter 90.58 Revised Code of

Washington (RCW), the Shoreline Management Act (SMA), and the Department of Ecology's 2003 Shoreline Master Program Guidelines (Chapter 173-26 Washington Administrative Code [WAC]).

The City of Richland worked closely with the citizens and the Department of Ecology and updated the SMP in 2014. The goals and policies of the SMP are incorporated by reference in the Comprehensive Plan.

The City has prepared an Inventory and Analysis of local shoreline ecological, land use, and other resources to provide the scientific basis of the program. The City has approximately 2,600 acres of land on the Columbia and Yakima Rivers shoreline. The City's overall approach of shoreline use is as follows:

- The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.
- The utilization of shorelines and the waters they encompass for public access and recreation.
- Protection and restoration of the ecological functions of shoreline natural resources.
- Protection of the public right of navigation and corollary uses of waters of the state.
- The protection and restoration of buildings and sites having historic, cultural, and educational value.
- Planning for public facilities and utilities correlated with other shoreline uses.
- Prevention and minimization of flood damages.
- Recognizing and protecting private property rights.
- Coordination of the SMP with other relevant local, state, and federal programs.

OPEN SPACE

Open space in the Richland and its UGA comprises over 17 percent of the total land. These areas include natural areas (Natural Open Space) and more formal developed parks and trails (Developed Open Space). Park and trail facilities are discussed in detail in the Capital Facilities Element. This section discusses the natural elements of Richland's open space system, which comprise approximately 9 percent of the land area within the City.

The Tapteal Greenway, located on the lower Yakima River, is one of Richland's most notable open space areas. The entire Greenway is a 35-mile natural corridor that runs from Kiona at Benton City to the river's confluence with the Columbia River at Bateman Island in Richland. It goes through the Chamna Natural Preserve and W.E. Johnson Park that are discussed below. It has been preserved as an area where wildlife, natural vegetation, and people can co-exist. It provides potential opportunities for non-motorized recreation, education, and habitat protection.

The Chamna Natural Preserve is about 276 acres and is located on the north bank of the Yakima River. It is part of the Yakima River delta and is managed by the Tapteal Greenway Association. The Tapteal Greenway Association manages other lands owned by the USACE as a nature preserve with limited non-motorized access. Habitat area includes about 100 acres of upland, with 50 acres of abandoned farm fields (Anchor QEA, 2014). Riverview Preserve is a 268-acre area owned and managed by the USACE at the confluence of the Yakima and Columbia Rivers; Bateman Island is 160 acres in the Yakima River Delta under USACE ownership and leased to the City.

W.E. Johnson Park is primarily a natural open space area consisting of 236 acres. It has about a half mile of Yakima River frontage. It is located south of Van Giesen Street.

The Amon Basin includes approximately 75 acres of City-owned open space and is located on the southeast side of the City east of Leslie Road. The Amon Basin Natural Preserve has been preserved as compensatory mitigation for SR 240 bridge expansion project over the Yakima River delta that took place in 2005. The mitigation area includes upland and wetland habitat. Irrigation canal system operations, raised groundwater tables and associated seepage and return flow surface in this natural drainage and run through the Amon Basin and other areas into the Yakima River near the confluence with the Columbia River.

On the Columbia River, the City managed major open space land includes Leslie Groves Park located between Snyder Street and Ferry Street; and the Columbia Point South area, which is a largely undeveloped area of 230 acres located at the confluence of the Yakima River and the Columbia River. Other major open space land includes the islands on the river that are part of the McNary National Wildlife Refuge.

MINERAL RESOURCES

Mineral resource lands are natural resource lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

Each city and county planning under the Washington State GMA is required to designate natural resource lands where appropriate, and adopt development regulations to assure the conservation of agricultural, forest, and mineral resource lands (RCW 36.70A.060, RCW 36.70A.170). Jurisdictions need to designate mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.

In order to classify mineral resource lands, cities and counties are required to consult with the Department of Natural Resources. Lands from which extraction of mineral occurs or can be anticipated shall be identified and classified as mineral resource lands (WAC 365-190-070).

Classification criteria shall be established according to the state guidelines in WAC 365- 190-070. Areas shall be classified as mineral resource lands based on geologic, environmental, and economic factors, existing land uses, and land ownership. Cities and counties should classify lands with long-term commercial significance for extracting at least one of the following minerals: sand, gravel, and valuable metallic substances. Other minerals may be classified as appropriate. Classification should be based on the maps and information provided by the Washington State Department of Natural Resources and the United States Bureau of Mines.

The City undertook a detailed analysis of its mineral resources in 1998 and determined that no lands within the Richland Urban Growth Area should be designated as mineral resource lands.

HOUSING

SECTION ONE

INTRODUCTION

The Washington State GMA established Housing as one of the fourteen planning goals to be used exclusively for guiding the development of comprehensive plans and development regulations. The adopted goal for Housing states: “Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety residential densities and housing types, and encourage preservation of existing housing stock.” This section analyzes existing housing and projected housing demand in Richland.

SECTION TWO

EXISTING INVENTORY AND PROGRAMS

The 2015 American Community Survey (ACS) data indicates 22,130 housing units in Richland. About 65 percent of the housing units are owner-occupied, and 35 percent renter-occupied. Table HE-1 below indicates housing types and occupancy.

Table HE-1: Existing Housing Inventory

	Estimate in 2015	%
Total Housing units	22,130	100.00
Occupied housing units	20,792	94.00
Vacant housing units	1,338	6.00
Owner-occupied housing units	13,622	65.50
Renter-occupied housing units	7,170	34.50
Unit types		
1-unit, detached	13,858	62.60
1-unit, attached	1,142	5.20
2 units	1,356	6.10
3 or 4 units	666	3.00
5 to 9 units	1,098	5.00
10 to 19 units	1,077	4.90
20 or more units	2,112	9.50
Mobile home	786	3.60
Boat, RV, van, etc.	35	0.20

Source: American Community Survey, 2015

The US Department of Housing and Urban Development provides the City of Richland with federal Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funds on an annual basis.

In 2016, \$468,330 of HOME funds was awarded to the Tri Cities HOME Consortium (Cities of Richland, Kennewick, and Pasco). Each year, ten percent of the award is used for administrative purposes, fifteen percent is set aside for a Community Housing Development Organization (CHDO) affordable housing development project, and the balance of the award is divided among the three Cities. The HOME funds were used to provide eligible low- and moderate-income first-time homebuyers with the necessary funds to assist with down payment and closing costs, making it more affordable to purchase their first home in Richland. In 2016, the City provided approximately \$ 163,581 in funding to assist sixteen borrowers with the purchase of their first home.

A portion of CDBG funds are made available each year through the revolving loan fund to eligible low- and moderate-income homeowners to make needed health and safety repairs to the home they own and are living in through the Owner-Occupied Rehabilitation program. Homeowners can apply for up to \$20,000 to make needed repairs and weatherization improvements to their home. The loan is secured by a lien on the property. The loan is zero percent interest, non-payment. The loan is due and payable when the homeowner refinances, sells, or no longer uses the property as their primary residence.

Similar to the rest of the state, Richland faces the challenge of homelessness. The total number of homeless population in Benton and Franklin Counties in 2014 was 226 (Benton-Franklin Health District, 2014). The City recognizes the need to address homelessness through various measures, programs and outreach.

SECTION THREE

PROJECTED NEEDS

As discussed in the Land Use Chapter, Richland's population is expected to grow from 53,410 in 2016 to 78,431 in 20 years, adding 23,699 people in the City and UGA by 2037. Using the average household size of 2.4 persons per unit, this additional population will require 9,875 housing units. According to the land use analysis, existing vacant buildable land will provide 9,295 units in a variety of housing types (single-family, multi-family, townhome, condo, etc.). An additional 580 housing units will be required to meet the demand of future housing.

Currently, there is a shortage of senior affordable housing in Richland. Based on the discussion with the affordable housing groups for seniors (Shalom Ecumenical Center and Luther Senior Center), over the period of 2010 and 2016, occupancy at the senior housing communities averaged 98%. Some senior rental housing communities also have a long waiting list.

RECOMMENDATIONS

This demand of additional housing will be met by developments in the existing planned areas, infill developments, and by re-designating two underutilized areas currently designated Urban Reserve to a mix of residential, commercial, and public facilities land use. One area is located on the west side near the City View area, and the other area is located on the north side near the Horn Rapids development. Details of the land uses are discussed in the Land Use Chapter of this Plan.

The City's current housing assistance programs - CDBG and HOME - will continue to assist homeownership for Richland citizens.

TRANSPORTATION

SECTION ONE

INTRODUCTION

Washington's 1990 GMA requires rapidly growing cities and counties in Washington State to develop comprehensive plans that describe and plan for their future development. These plans must discuss facilities, functions, and financing for specific elements of the community. The specific goal of the GMA with regard to transportation is to "encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans." The GMA also requires that local comprehensive plans, including the land use and transportation elements, be consistent and coordinated with required regional programs.

The ability to move goods and people is essential for a healthy community, and the Transportation Element of Richland's comprehensive plan describes how it is done now and will be done in the future. To meet GMA requirements, the Transportation Element must identify existing transportation system characteristics, establish standards for levels of service (LOS), and identify existing and future deficiencies based on traffic growth projections.

The GMA also requires that a jurisdiction's transportation plan contain a funding analysis of the capital transportation projects it recommends. This analysis covers funding needs and resources, and includes a multi-year funding plan. The purpose of the analysis is to ensure that each jurisdiction's transportation plan is affordable and achievable.

PURPOSE AND INTENT

Over the next 20 years Richland is projected to experience a 28 percent increase in population. This growth will result in an increase in traffic volumes to, from, through, and within the City. Transportation strategies must be developed to maintain or achieve acceptable levels of congestion and roadway condition. This Transportation Element will serve as Richland's strategy for accommodating anticipated growth. It combines technical and financial analyses of the City's transportation system using methods that meet GMA requirements.

The Transportation Element analyzes the current transportation system, identifies what improvements need to be made to serve the City, and determines how the improvements can be financed. Levels of service have been developed to reflect the system's ability to serve City users, applied to the existing facilities to determine current deficiencies, and used to predict deficiencies for the horizon years. Each year the City prepares a 6-year Transportation Improvement Program. In accordance with the GMA, the plan will be updated each year, maintaining the 6-year planning horizon.

Coordination with other elements of the City's Comprehensive Plan and the plans of adjacent jurisdictions is important to the success of this element. The land use designations from the Land Use Element are used to forecast traffic, and the City's transportation goals and policies are used to guide project selection. The City has shared information and coordinated with the Benton-Franklin Council of Governments (BFCOG), the Washington State Department of Transportation (WSDOT), and neighboring cities in the preparation of this element. The plan meets the concurrency requirement of the GMA, under which improvements are required to match growth and development.

This element is divided into the following sections: existing conditions, level-of-service development and analysis, and existing and future deficiencies and recommendations. The roadway system inventory detailed in the Existing Conditions section and land use information from the Land Use Element are used together with a traffic model and the desired level of service to form the basis for the analysis of conditions in 2040. The results of this analysis are reported in the Deficiencies and Recommendations section. In addition to the roadway system, non-motorized transportation systems, air, rail and transit systems are also discussed.

ANALYSIS METHODOLOGY

The Transportation Element of the 2008 Comprehensive Plan was based on the 2005 Transportation Plan and the significant evaluation of the transportation system that was completed at that time. The City of Richland has completed many of the projects identified in the current Transportation Plan and continues to perform studies and develop projects that address transportation needs within the City. Since a formal update of the City Transportation Plan has not been completed since 2005, substantial evaluation of the system has been undertaken for this current effort. For the purposes of this Comprehensive Plan Update, four primary inputs have been used to evaluate the transportation system for the need for transportation improvements.

1. Results of recent studies where known deficiencies exist and solutions have been identified.
2. Roadway segment traffic volumes collected by the Benton Franklin Council of Governments during 2016 were used to evaluate the vast majority of functionally classified roadway segments and intersections of functionally classified roads at a planning level.
3. Other projects developed by City staff to address issues and concerns.
4. Future conditions have been evaluated through the use of the Benton Franklin Council of Governments' regional traffic model which incorporates future population and land use projections to forecast year 2040 traffic volumes throughout the Tri-Cities region.

SECTION TWO

EXISTING CONDITIONS

The Tri-Cities is the largest metropolitan area between Spokane to the northeast, Seattle to the northwest, Portland to the west, and Boise to the southeast. Because of its location, the Tri-Cities is a major transportation hub for travelers and commodities in the Pacific Northwest. As part of the Tri-Cities, Richland has easy, direct access to all modes of commercial transportation services. This section provides an inventory of the existing transportation system, which will be used as the baseline for assessing future development of the system.

DATA COLLECTION AND REVIEW

This element focuses on facilities operated by the City of Richland, as well as those operated by others, within the UGA. Additional facilities and services operated outside this area by other jurisdictions that are critical to the functioning of the transportation system are briefly described. Data for this section were obtained from the City of Richland Public Works Department, Information Services Department and the Benton Franklin Council of Governments. Data for non-City-operated transportation systems were obtained from service providers and secondary documents.

EXISTING ROADWAY SYSTEM

Each City roadway is classified according to its function within the system. The currently approved functionally classified roadway system is shown in Figure T-1. The City uses the following street classifications, based on the amount of traffic and the origin and destination of the traffic:

- Interstate (4.84 miles)
- Other freeway/expressway (14.87 miles)
- Principal arterials (15.57 miles)
- Minor arterials (28.62 miles)
- Collectors (22.97 miles)
- Local (residential) streets (191.97 miles)

The Tri-Cities is connected to the interstate highway system. I-82 links the Tri-Cities metropolitan area to I-90 to the north and west, through Yakima, and to I-84 to the south, in northern Oregon. I-182, which passes through Richland, links Richland to these interstates and US 395. US 12 links the Tri-Cities to the interstates and to US 395, and provides access to Walla Walla and other southeastern Washington locales. The limited-access interstates serving the Tri-Cities carry between 40,000 and 60,000 vehicles per day. SR 240, which originates at US 395, links Richland and Kennewick and provides a western bypass route around the City to the Hanford Site, then continues northwest to connect with SR 24. Access to West Richland is via SR 224 (Van Giesen Street) and I-182. WSDOT is responsible for maintaining an adequate level of service on these highways.

Arterials are used in an urban setting and are divided into principal and minor arterials. They carry the highest volumes of traffic within the urban roadway system, provide connections within the system for traffic using other classifications of roadways, and link high-volume destinations and land uses, such as major employers or larger commercial centers

Collectors connect traffic from residential streets to arterials. They can be used for through trips, or they may be the origin or destination of trips for purposes such as neighborhood services.

Residential streets are low volume roadways serving specific residential areas. They are typically not used for through trips, and are often the origin or destination of vehicle trips. Residential streets are typically designed for travel at no more than 25 miles per hour.

The existing number of lanes on City streets is shown in Figure T-2, with the existing traffic control at intersections of functionally classified roads shown in Figure T-3. As shown in Figure T-3, there are 66 traffic signals within the City of Richland, some of these are operated by the Washington State Department of Transportation or through partnership by the City of Kennewick.

The Benton Franklin Council of Governments collected roadway segment volumes on the vast majority of the functionally classified roadways in the region from which to calibrate the regional traffic model. The results of these traffic counts within the City of Richland are shown in Figures T-2 and T-3 representing average weekday traffic volumes and PM peak hour traffic volumes.

EXISTING NON-MOTORIZED SYSTEM

Pedestrian Facilities

Pedestrian facilities within the City of Richland are mainly composed of sidewalks constructed in association with streets and a separate bicycle and pedestrian trail discussed below. Current design standards for residential collectors and residential streets include provisions for 5-foot sidewalks; current standards for the Central Business District and C-2, C-3 zoning areas adjacent to collectors

is 8-foot. However, not all existing residential areas have sidewalks. Bicycle paths, described below, also serve as pedestrian pathways.

Bicycle Facilities

The City of Richland currently has a bicycle/pedestrian path network of about 30 miles of Class I trails that run along the Columbia River as part of the Sacajawea Heritage Trail network that traverses both sides of the Columbia River throughout the Tri-Cities area, Keene Road, SR-240 By-Pass, and a portion of the Yakima River. The bicycle/pedestrian network of facilities also includes 6.38 miles of secondary trails and more than 36 miles of soft trails primarily in natural areas of Badger Mountain, South Columbia Point, Chamna Natural Preserve and the Amon Basin. There are continued plans to expand this bikeway network through the construction of additional segments. Since the last Comprehensive Plan Update, the City has designated about 68 miles of City streets as bicycle routes, including principal and minor arterials and some collectors, which now provide major routes through and across the City. Links to the other cities in the area are also included in the bicycle route network. Figure T-6 shows the existing bicycle route system.

OTHER TRANSPORTATION SYSTEMS

Airport Facilities

Primary air traffic to Richland uses the Tri-City Airport in Pasco. Downtown Richland and Richland's industrial areas are a 20 minute drive via I-182 to the airport. The airport is classified as an air carrier airport, and offers direct passenger service to Seattle, Portland, Salt Lake City, San Francisco, Minneapolis/St. Paul, Denver, Los Angeles, Las Vegas, and Mesa, Arizona. Commuter airlines also link the Tri-Cities with other regional cities. Tri-City Airport passenger carriers include Allegiant, Delta, Alaska/Horizon, and United Express. UPS, Federal Express, and Ameriflight freight service is also provided. MedStar provides air ambulance service from the Tri-Cities Airport. In 2016, annual passenger enplanements at the Tri-Cities airport was over 375,000, making it the third busiest airport in the state of Washington. The Port of Pasco owns the Tri-City Airport, which features a newly expanded 110,000 square-foot terminal with state of the art services. The airport contains 2,235 acres and has three runways. The airport master plan identifies a runway extension to accommodate larger aircraft to serve the region.

The Richland Airport, owned and operated by the Port of Benton, is classified as a commuter service airport. Located northwest of Richland's core area, it is the second largest airport in the area. A system of roadways links hangars, fixed-based operators, and commuter terminal facilities to associated industrial properties. The 650-acre airport has two 4,000-foot runways capable of supporting commuter aviation. The airport master plan calls for a runway extension to the north for a total of 5,000 feet in order to accommodate faster aircraft and corporate jets. This runway extension will require study and potential mitigation since the Runway Protection Zone will be extended over SR 240 and some developed industrial properties. At this time, the airport serves general aviation aircraft only, with 165 aircraft based there. This is a marked increase in recent years due to the closure of Vista Field in Kennewick. DHL provides daily flights for domestic and international shipping from the Richland Airport. MedStar also provides air ambulance service from the Richland Airport.

Rail Freight Facilities

Both the Burlington Northern and Union Pacific railroads provide mainline rail service to more than 35 states from the Tri-Cities, including service from Richland's industrial area. The Tri-Cities urban region is the only major metropolitan and manufacturing area between the Cascade Range and the Rocky Mountains offering this level of service from these two major national carriers.

Burlington Northern, the nation's longest railroad, has its Pacific Northwest hub in the Tri-Cities. Union Pacific, the nation's second longest railroad, connects the Tri-Cities to the Great Lakes and the Gulf of Mexico. Union Pacific operates the largest fleet of refrigerated rail cars in the nation.

Tri-City rail service passes through Pasco's computerized terminal or through the Kennewick rail yard. Both are within 10 miles of downtown Richland. Computerized rail service and flatcar ramps provide quick, efficient truck-to-rail exchanges, an important consideration for the area's large fresh, frozen, and processed food industry. Significant extensions of the rail system have been made in recent years to serve the Horn Rapids Industrial Park, including a loop that accommodates Unit Trains which are typically longer than one mile in length. Total length of railroad track within the City of Richland is 30 miles and is shown in Figure T-7. There are 11 at-grade crossings of the railroad.

The Port of Benton owns a railroad track connecting Richland to the Union Pacific Railroad and Burlington Northern Santa Fe systems. The Port track enables rail service to the City's Horn Rapids Industrial Park, in which the City has developed a City-owned industrial service railroad track. Several existing industrial businesses now take rail service over these tracks. Additional available development property could expand rail shipping businesses in the future. At present the Port leases its track to the Tri-City Railroad, who maintains the Port's track and provides local rail connection to the Union Pacific Railroad.

The United States Department of Energy controls rail entry into the Hanford Site north of Richland. Both Burlington Northern and Union Pacific have unlimited access to these tracks, which pass near Richland's industrial areas. A public rail dock has been constructed on Richland's northwest side, and there are plans to extend tracks west into Richland's vacant industrial area, north of the Richland Airport.

Passenger Rail Facilities

Amtrak's Empire Builder line provides passenger rail service daily from the Tri-Cities to Spokane and to Portland. Trains use the passenger station at West Clark Street and Tacoma Avenue in Pasco.

Port Facilities and Barge Services

Three port districts operate on the Columbia and Snake Rivers in the Tri-Cities metropolitan area. The Port of Benton has more than 6,000 feet of Columbia River frontage zoned for heavy industrial use at the Richland Industrial Park, which includes a barge facility that includes a high dock as well as a barge slip with 14 feet depth berths. The Port of Pasco has nearly two miles of waterfront, including a 650-foot dock, 20-foot-depth berths, and a 36-ton overhead crane. The neighboring 28-acre marine terminal facility has the largest bulk cargo tonnage movement on the upper Columbia River system. The Port of Kennewick has dock facilities along a 12-mile stretch of the Columbia

The Columbia-Snake River System is one of the most modern transportation networks in the nation. Numerous barge lines dock in the Tri-Cities, 325 river miles inland from the Pacific Ocean, furnishing easy, direct access to domestic and Pacific Rim markets. River transportation is a cost-effective shipping mode for the Tri-Cities. Commodities often move from the Tri-Cities to Pacific Rim nations at a time advantage when compared to ports in San Francisco and Los Angeles. Nearly three million tons of barge freight, composed of a wide variety of bulk and raw agricultural and industrial cargoes and intermodal container cargoes, enter and leave the Tri-Cities annually. Seven barge companies service the Tri-Cities, with a container dock offering direct access to truck and rail service. Port facilities are shown in Figure T-7.

Public Transit System

Ben Franklin Transit provides community fixed route bus service in Richland as shown in Figure T-8 and throughout the Tri-Cities area. This service radiates from the Bob Ellis/Knight Street Transit Center in the core area of Richland, with routes, 23, 25, 26, 27, and 39 providing local service within the Richland City limits. Route 10 serves West Richland; routes 110, 120, 170, 225 and 815 provide inter-city connections between West Richland, Richland, Kennewick, and Pasco. Current fares are \$1.50 for adults and \$1.00 for youths (ages 6 to High School); senior citizens 65 and over and children under 6 ride free. Monthly passes are available as well. The fixed route bus system does not operate on Sundays, but evening and Sunday transit service can be obtained through TransPlus. Ben Franklin Transit serves some areas of the community through a shuttle service called Taxi Feeder. Such areas within and near Richland include: Broadmoor/Bellerive, Crested Hills, Rancho Reata and Willowbrook. Ben Franklin Transit also provides transit and vanpool services to the Hanford Site.

Trucking Lines

Richland and the Tri-Cities metropolitan area are served by more than 35 local, regional and national trucking lines. Eleven western states, Alberta, and British Columbia are within second-morning delivery service of the Tri-Cities.

Other Services

Several taxi and limousine services operate in the Tri-Cities area. Greyhound Bus Lines also serves the Tri-Cities, with daily stops at the joint Amtrak station in Pasco. Connections can be made there through the Ben Franklin Transit System. In addition, several transportation companies offer charter bus service throughout the region on an as-needed basis.

SECTION THREE

LEVEL OF SERVICE

LOS DEVELOPMENT

The GMA requires jurisdictions to maintain standards for transportation LOS. These standards are used during transportation studies to determine appropriate improvements to achieve acceptable Levels of Service. For future conditions, these standards are also used in conjunction with forecasts that come from a computerized model of the City's roadway system to analyze the transportation network and determine deficiencies under the Comprehensive Plan.

A capacity-based system for measuring LOS, developed by the Transportation Research Board, is outlined in the Highway Capacity Manual. Levels of service for different types of transportation facilities are based on parameters that best describe operating conditions for that type of facility, as well as the perceptions of drivers and passengers. These parameters are called measures of effectiveness. The measures of effectiveness used for Richland's transportation system are outlined in Table T-1.

Table T-1: LOS Measures of Effectiveness

Type of Facility	Measure of Effectiveness
Freeways (basic segments)	Density (vehicles/mile/lane)
Multi-lane highways	Density (vehicles/mile/lane) or Free-flow speed (miles/hour)
Arterials	Average travel speed (miles/hour)
Signalized intersections	Average stopped delay (seconds/vehicle)
Un-signalized intersections	Average total delay (seconds/vehicle)

Levels of service are expressed using a scale with letter designations ranging from A to F. LOS A represents the highest level and the best operating conditions, and LOS F is the lowest level. The computerized traffic model replicates the operating conditions of the network and is used to assign an LOS to each roadway segment and intersection. Table T-2 generally defines the LOS rating scale.

LOS MEASUREMENT

Methodology

Levels of Service for Richland used during traffic impact studies and corridor studies are measured using the Highway Capacity Manual procedures and methods.

The afternoon peak time period (PM peak hour) was used for the traffic modeling; this has been determined through research to provide the best overall results and is a standard used in all traffic model preparation. Roadway data collected from City records included traffic counts, locations of stop signs and signals, speed limits, and lane configurations. Land use data were collected for existing employment and housing. The model output can be expressed in terms of both traffic volumes and average speeds. These are used to determine levels of service.

Table T-2: Level of Service Criteria for Intersections

LOS Rating	Signalized Intersections Control Delay per Vehicle (s/veh)	Un-signalized Intersections Control Delay per Vehicle (s/veh)
A	> 0-10	>0 - 10
B	> 10-20	>10 - 15
C	> 20-35	>15 - 25
D	> 35-55	>25 - 35
E	> 55-80	>35 - 50
F	> 80	>50

Threshold LOS

To determine whether service levels of a roadway system are deficient, a threshold LOS must be established. Any roadway with an LOS better than the threshold is considered acceptable, and a roadway with an LOS worse than the threshold is considered deficient. For this analysis, the threshold is LOS D, which is the same level adopted by Benton Franklin Council of Governments and used in the Regional Transportation Plan. Existing conditions was evaluated using a single peak-hour calculation. As with the previous analysis, the minimum threshold LOS will be D, and roads with an average LOS of E or F will be considered deficient.

SECTION FOUR

DEFICIENCIES AND IMPROVEMENTS

The City meets its transportation concurrency requirements by identifying deficiencies based on the LOS established above, and addressing deficiencies through short and long term improvements. The City plans to provide adequate transportation facilities within its growth areas as growth occurs according to the GMA.

SHORT TERM IMPROVEMENTS

As mentioned above, existing conditions analysis was performed for the purposes of this Comprehensive Plan update by reviewing recent studies that have been performed within the City of Richland to determine the impacts of proposed development. Other studies have been commissioned by the City to evaluate corridors for which short and long-range improvements were necessary in order to address congestion caused by growth in the region. City staff's knowledge of the transportation system has also contributed to identifying where problems are, especially at existing stop-controlled intersections.

Traffic volumes collected by the Benton Franklin Council of Governments in 2016 were reviewed as well and examined at a planning level for both roadway segments and intersection levels to identify other potential areas of concern that may not meet City LOS standards. The resulting roadway network PM peak hour existing volume to capacity ratios are shown in Figure T-9. Intersection entering volumes were also examined and evaluated for two conditions. First, whether stop control is adequate when comparing major street and minor street traffic volumes. Second, for signalized intersections, whether additional turn lanes are warranted based on volume to capacity ratios. Because of these studies, several roadway network improvements have been identified and are shown in Figure T-10.

As shown in Figure T-10, new traffic signals, and associated roadway improvements as applicable, are proposed at six existing un-signalized intersections. Improvements to existing signalized intersections are proposed, as determined through various studies to increase capacity at six locations as well. The most significant areas of concern are in the Queensgate Corridor from just north of I-182 south to Keene Road, and George Washington Way north of I-182.

Table T-3: City of Richland 2017 - 2022 Transportation Improvement Program

Project Title	Project Description	Total Cost (\$)
Duportail Bridge	New bridge and roadway over Yakima River	35,000,000.00
Center Parkway Extension	Extend Center Parkway from Tapteal Drive to Gage Boulevard	1,334,120.00
I-182/Queensgate Drive Ramp Terminal Improvements	Construct roundabout at EB I-182 ramp terminals	2,715,000.00
Queensgate Drive/Columbia Park Trail Improvements	Add lanes to Queensgate Drive between Keene Road and I-182. Construct roundabout at Queensgate/Columbia Park Trail	1,700,000.00
Swift Boulevard Improvements	Pavement rehab, widen sidewalks, reduce lanes, streetscaping	1,365,000.00

Project Title	Project Description	Total Cost (\$)
Vantage Highway Pathway - Phase 2	Separated multi-use pathway between Robertson Drive and Stevens Drive	670,000.00
S. George Washington Way Intersection Improvements	Reconfigure GWW/Col. Point Drive intersection and modify I-182/SR 240 ramps	9,890,000.00
Columbia Park Trail - East	Reconstruct roadway to provide 3 lanes, curb and gutter, sidewalks, bike lanes, and streetscaping	1,300,000.00
Steptoe Street/Tapteal Drive Intersection Improvements	Realign Tapteal Drive to construct a new intersection with Steptoe Street including modifications to the at-grade rail crossing	1,380,000.00
Rachel Road Improvements	Construct a collector street between Bellerive Drive and Leslie Road	2,200,000.00
Queensgate Drive Extension	Construct a 3-lane roadway between Shockley Road and Keene Road	1,100,000.00
Gage Boulevard Improvements	Add bike lanes, shoulders, sidewalks, street lights, and storm drainage between Penny Royal and Morency	825,000.00
Bellerive Drive Extension	Construct a two-lane collector street between Wenatchee Lane and Rachel Road	70,000.00
Marcus Whitman Elementary - SRTS	Construct sidewalks and frontage improvements and overlay on Snow Avenue between Duportail Street and Hoffman Street, and Gray Street between Snow Avenue and Winslow Avenue	491,200.00
Stevens Drive Pathway	Construct a separated multi-use pathway on the east side of Stevens Drive between Spengler Street and Horn Rapids Road	950,000.00
Queensgate Drive - Phase II	Construct a two-lane collector street between Bermuda Road and Alla Vista Road, including frontage improvements	3,400,000.00
Vantage Highway Pathway - Phase 3	Construct a separated multi-use pathway on the north side of SR 240 between Twin Bridges Road and Kingsgate Way	600,000.00

LONG TERM IMPROVEMENTS

This section discusses the future roadway network to serve the anticipated growth within the City. It identifies additional bicycle and pedestrian projects as well.

Future Functionally Classified Roadway Network

Growth in the City of Richland is anticipated in several undeveloped areas, including the south Richland area south of the Yakima River, as well as the Badger Mountain South sub-area and the Horn Rapids Industrial Park in north Richland. The City of Richland has planned a roadway

network to serve these developing areas and many of the improvements will be paid for by private development.

The City Municipal Code has definitions for various types of streets, identifying the purpose for each road along with associated standards. The code divides collectors into two types, the Arterial Collector and Neighborhood Collector, which is somewhat different than the currently approved state classified system. The future functionally classified street system of roadways is shown in Figure T-11 and is the network towards which the City is working to provide in order to serve development. It includes the following mileages of the various types of roads.

FUTURE DEFICIENCIES

Roadway System

The GMA requires that communities forecast anticipated growth in traffic volumes for at least a 10-year horizon based on the adopted land use plan to provide information on the needs of future growth.

As a tool in preparing the Regional Transportation Plan (RTP), the Benton Franklin Council of Governments maintains a set of regional computerized transportation models. The model is developed using current traffic data and land uses in the region using Transportation Analysis Zones (TAZs) that are defined by various attributes describing the number and type of households and employees as well as other land uses within each zone. The model is calibrated for existing conditions using Federal Highway Administration procedures and methods. Once calibrated for existing conditions, changes in assumptions for future land uses and roadway networks can be made to determine the potential impacts of developments and roadway scenarios. Land use assumptions representing future conditions are developed to determine various impacts on the roadway network at a regional level. The future year model representing the year 2032 developed by Benton Franklin Council of Governments and prepared in 2012 represents the best land use and roadway assumptions available at the time it was created and substantially represents the land use scenario presented in this Comprehensive Plan Update. The current RTP is in the process of being updated to the year 2040 but is unavailable during this Comprehensive Plan Update. Once updated, the City will review the results and plan accordingly to address congestion that is anticipated in the long-range scenarios beyond those that are already identified.

It must be recognized that although traffic models are calibrated within acceptable ranges, the model is just one tool in transportation planning and traffic forecasting. The Benton Franklin Council of Governments model is a PM peak hour model that provides roadway segment volumes (not specific turn movement volumes).

A major transportation challenge within the City of Richland transportation system is for north-south travel. Several factors contribute to this situation, including the major regional employers situated north of the City, combined with the fact that significant housing that is provided south and east of the Yakima and Columbia Rivers within the region. Regional commute traffic from south Richland, Kennewick and Pasco, is currently limited to SR 240 and George Washington Way for north-south travel through the City of Richland because of the challenge of providing adequate capacity to cross the Yakima River to the south and Columbia River to the east. I-182 also creates a barrier given that there are only three access points and four crossings within the City as well.

Congestion as a result of this north-south demand at commute times is manifest at the I-182/George Washington Way interchange and also at I-182/SR 240/Aaron Drive interchange as well as most other cross-streets of SR 240 such as Duportail Street, Swift Boulevard, Van Giesen Street and Jadwin Avenue. A related issue with this north-south congestion is the associated

congestion at city street facilities that interface with the state highway facilities. For example SR 240/Columbia Park Trail and I-182/Queensgate Drive.

The 2032 Regional Transportation Model was reviewed for deficiencies, and as noted above identifies several locations of anticipated future deficiencies. Many of the corridors discussed above have been studied by the City to better understand future conditions in more detail and to determine appropriate solutions to address anticipated transportation issues. Such studies have considered the following improvements for these corridors, and the projects have already been included above in Table T-3 Transportation Improvement Program:

- Southern portion of the George Washington Way corridor in the vicinity of I-182 interchange
- Queensgate Drive/I-182 Interchange eastbound ramps to the south

Relatively few congestion issues exist on the local street system as the City has engaged in planning and financing efforts for the South Richland Collector system. Completed projects such as Steptoe Street south of Gage Boulevard to Clearwater Avenue have helped to alleviate congestion. The extension of Rachel Road between Leslie Road and Steptoe Street will also help to address congestion on other facilities such as Gage Boulevard. Some long range projects, in addition to those listed above under existing deficiencies, have already been identified by City Staff and are included in the 2040 regional modeling process, that to address issues identified in the 2032 regional traffic model. Major projects of note include:

- I-182 / SR240 / Aaron Drive Interchange Improvements
- Kingsgate / Queensgate Corridor

These projects are listed below in the recommendations section as well, along with other projects identified in the South Richland Collector Financing Program that has set impact fees for development.

The BFCOG also conducted a study for an additional crossing of the Columbia River. Although not likely to be funded within the next 20 years, the City of Richland is supportive of an alternative north of the Hanford 300 Area in north Richland.

Air and Rail Services

Growth in Richland and the Tri-Cities area will increase demand for airport services, but air transportation demand is more directly related to regional changes. For example, the closure of Vista Field in the City of Kennewick significantly increased the number of based aircraft at the Richland Airport and therefore the demand for more hangars. As mentioned earlier, the Richland Airport Master Plan calls for a runway extension to the north for a total of 5,000 feet in order to accommodate faster aircraft and corporate jets. This runway extension will cause the Runway Protection Zone (RPZ) to be extended over SR 240 and some developed industrial properties. The Federal Aviation Administration (FAA) in recent years has taken significant interest in development within Runway Protection Zones, thus this action will require study and potential mitigation. Of note also is the fact that the future roadway deficiencies list the widening of SR 240 between Stevens Drive and Kingsgate Way. Since this roadway widening is within the future RPZ, the FAA would require an RPZ Analysis as well.

Demand for freight and passenger rail facilities could increase, depending on the type of new commercial and industrial development the plan's economic strategy attracts. The City of Richland has put significant investment into additional rail lines to serve the Horn Rapids Industrial Park. Additional rail lines may be warranted as well to serve areas to the north of Horn Rapids Road.

Bicycle and Pedestrian Facilities

The Benton Franklin Council of Governments completed a Regional Active Transportation Plan in 2016. As part of the planning process several workshops were held to give participants the opportunity to identify issues and concerns with providing facilities that foster active transportation. Specific issues within the City of Richland ranged from specific maintenance locations as well as barriers such as missing trail segments, railroad crossings, freeway overpasses, and shared parking lanes that make bicycle travel more challenging. Five specific projects within the City of Richland were identified, four of which were listed in the TIP projects for 2017 – 2022 in Table T-3. The fifth project is a pedestrian overpass along Columbia Center Boulevard over SR 240.

The City also considers multi-modal needs in new corridors and in street standards for when new roadway facilities are constructed.

There are no identified deficiencies in bicycle and pedestrian facilities within the City from a Level of Service perspective. However, the City regularly develops stand-alone bicycle and pedestrian projects and also incorporates bicycle and pedestrian facilities into roadway projects to enhance the transportation system and improve the quality of life of its citizens and visitors.

Improvement Projects

The Comprehensive Plan will require improvement projects for both planning periods to address level of service deficiencies. Additional improvements will be needed as part of the Plan's proactive strategy to encourage economic development. Projects also may be needed to address safety or maintenance needs. Table T-4 shows the preliminary recommended improvements to address LOS deficiencies. It also includes projects anticipated to be constructed not just to address LOS deficiencies, but to provide the future functionally classified network shown earlier in Figure T-11. Improvements identified in both tables T-3 and T-4 are shown in Figure T-12.

Some projects will be City's responsibility; others will be the responsibility of the Washington State Department of Transportation (WSDOT), and in many cases developers will be required to construct improvements associated with proposed subdivisions or other developments.

Table T-4: Long Range Transportation Improvements

Project Title	Project Description	Total Cost ¹ (\$)
Queensgate North Extension	New arterial route from the existing west end of Queensgate to SR224 (Van Giesen)(Portions of the route will likely be on Jones Road right of way)	60,000,000
Kingsgate South Extension	New arterial route from south end of Kingsate @ SR 240 to SR 224 (Van Giesen). Portions of the route will likely be on the Jones Road right of way	4,280,000
I-182 / Eastbound Onramp	New eastbound onramp at Queensgate / I-182 Interchange	15,000,000
I-182 / SR240 / Aaron Drive Interchange Improvements	Interchange improvements to grade-separate key movements	40,000,000
SR240 Pedestrian Overpass	Pedestrian bridge parallel to Columbia Center Blvd. over SR240	4,000,000

Project Title	Project Description	Total Cost ¹ (\$)
SR240 / Twin Bridge Road Improvements	Twin Bridge extension to Horn Rapids Road and signal at SR240	1,425,000
SR240 Widening	Add travel lanes between Kingsgate and Stevens Drive	1,700,000
Gage Boulevard Improvements	Extension from Morency to Queensgate	1,250,000
Badger Mountain Parkway	New route extension from Dallas Road to Queensgate	2,625,000
Dallas Road Improvements	Urban street improvements between I-82 and Keene Road	2,904,300
Shockley Road	New route extension from Keene Road to Columbia Park Trail	360,000
Reata Road Improvements	Urban street improvements between KID Canal and Leslie Road with signal at Leslie	3,045,735
Van Giesen, Swift Blvd. Duportail Street / SR240 Intersection Improvements	Add lanes	1,700,000
Columbia Park Trail/Leslie Road	Add traffic signal	300,000
Badger South Sub-Area Plan	Collector roadway network	TBD, Developer Funded
Horn Rapids Industrial Area	Collector roadway network	TBD, Developer Funded

¹Funding for these projects will come from a variety of sources, including impact fees, developer construction, City General Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.

Transportation Demand Management

Consistent with TE Goal 1, Policy 4, the City of Richland also actively participates in the preparation of the Regional Transportation Plan and the planning process with the Benton Franklin Council of Governments. This process regularly includes efforts regarding all modes of travel including transit, bicycle and pedestrian facilities, rail, and air. The Regional Transportation Plan includes a chapter on Transportation Choices that discusses the results and benefits of these alternative modes of travel that can reduce congestion, postpone the need for roadway improvements and improve air quality.

Other common strategies to reduce the automobile travel and the need for roadway improvements include the following:

- Assignment of a transportation coordinator to help employees find alternative commuting options;

- Cash-out parking programs that pay employees to give up their parking spaces;
- Employer-sponsored shuttles or vanpools;
- Carpool or vanpool incentives or subsidies;
- Ride-matching services;
- Preferential carpool and vanpool parking;
- Commute alternatives information;
- Provision of showers and locker facilities for bicycle and pedestrian commuters;
- Employer-provided travel allowances that employees can use to pay for parking or to commute by a travel alternative;
- Flexible work hours;
- Compressed work-week schedules; and
- Telecommuting programs allowing employees to work from home for certain tasks or positions.
- Form a transportation demand management committee made up of major employers and government representatives.
- Develop park-and-ride facilities near freeway interchanges.
- Develop pedestrian and bicycle facilities between key destinations.

FINANCING AND RECOMMENDATIONS

The City receives funding for transportation projects from a variety of sources, including impact fees, developer construction, City General Funds, Arterial Street Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.

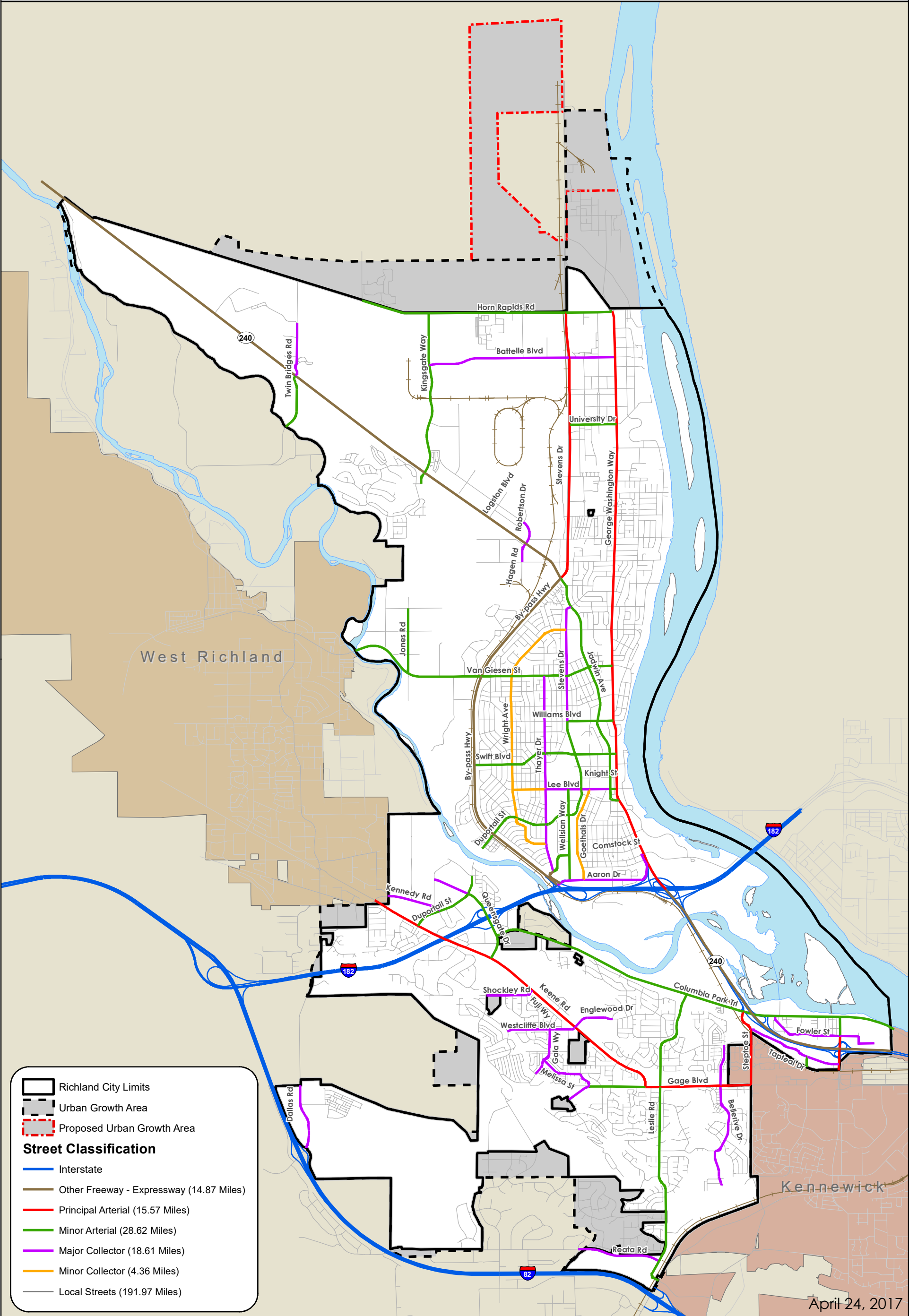
The City collects impact fees established in the Richland Municipal Code (12.03) and began in 2004. It is called the South Richland Street Collector Financing Plan and assists to develop the arterial street network in south Richland and to make other improvements such as traffic signals as traffic volumes grow. The impact fee area generally involves two zones and covers the area south of the Yakima River with the exception of the Badger Mountain South Sub-Area. The impact fee was updated in 2008 and 2012 and is expected to be updated again in 2017.

Richland CIP and Transportation Improvement Plan (TIP) are updated every year. The TIP prioritized projects that are listed in Table T-3 above .



City of Richland

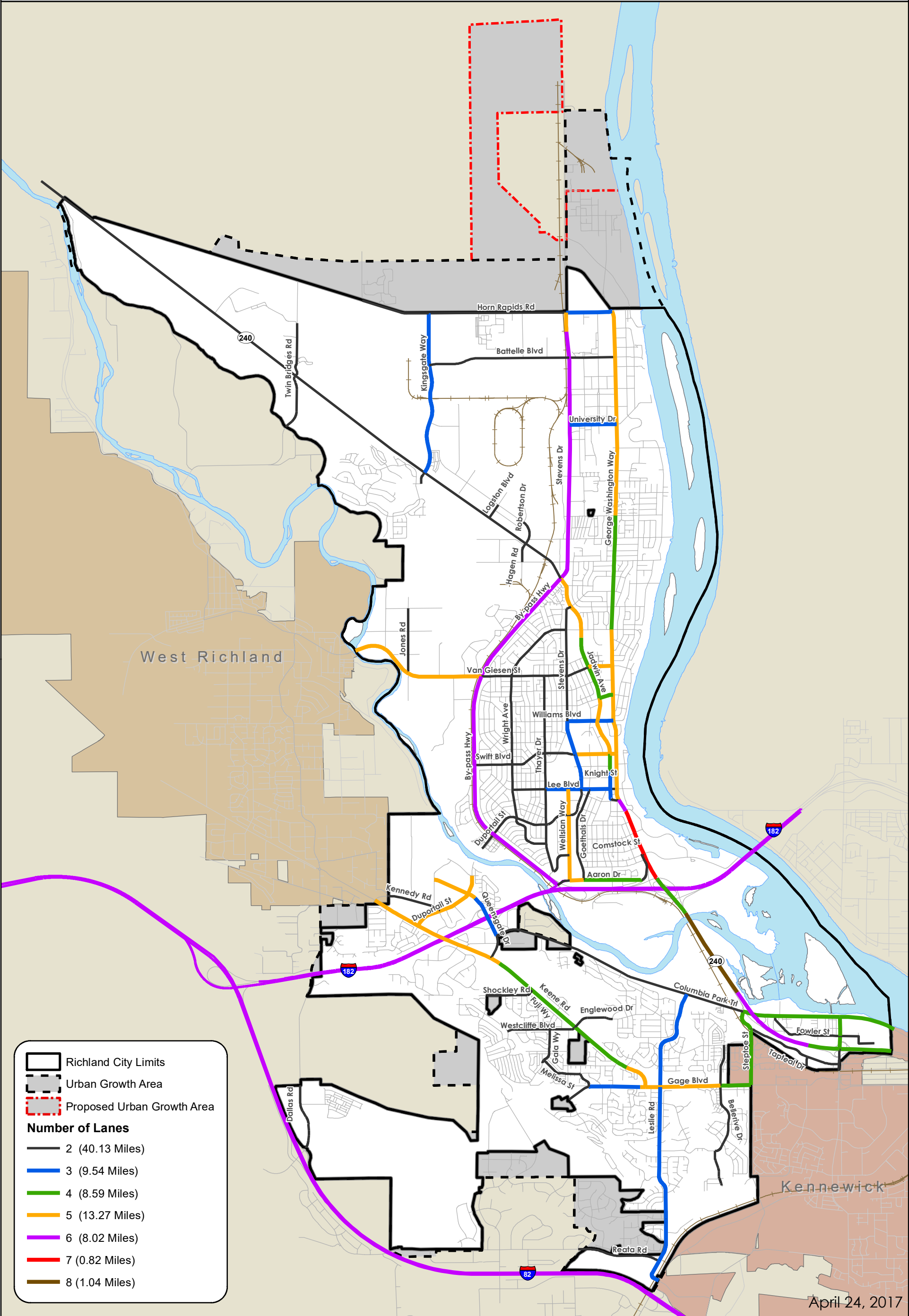
T-1 - Street Functional Classification System

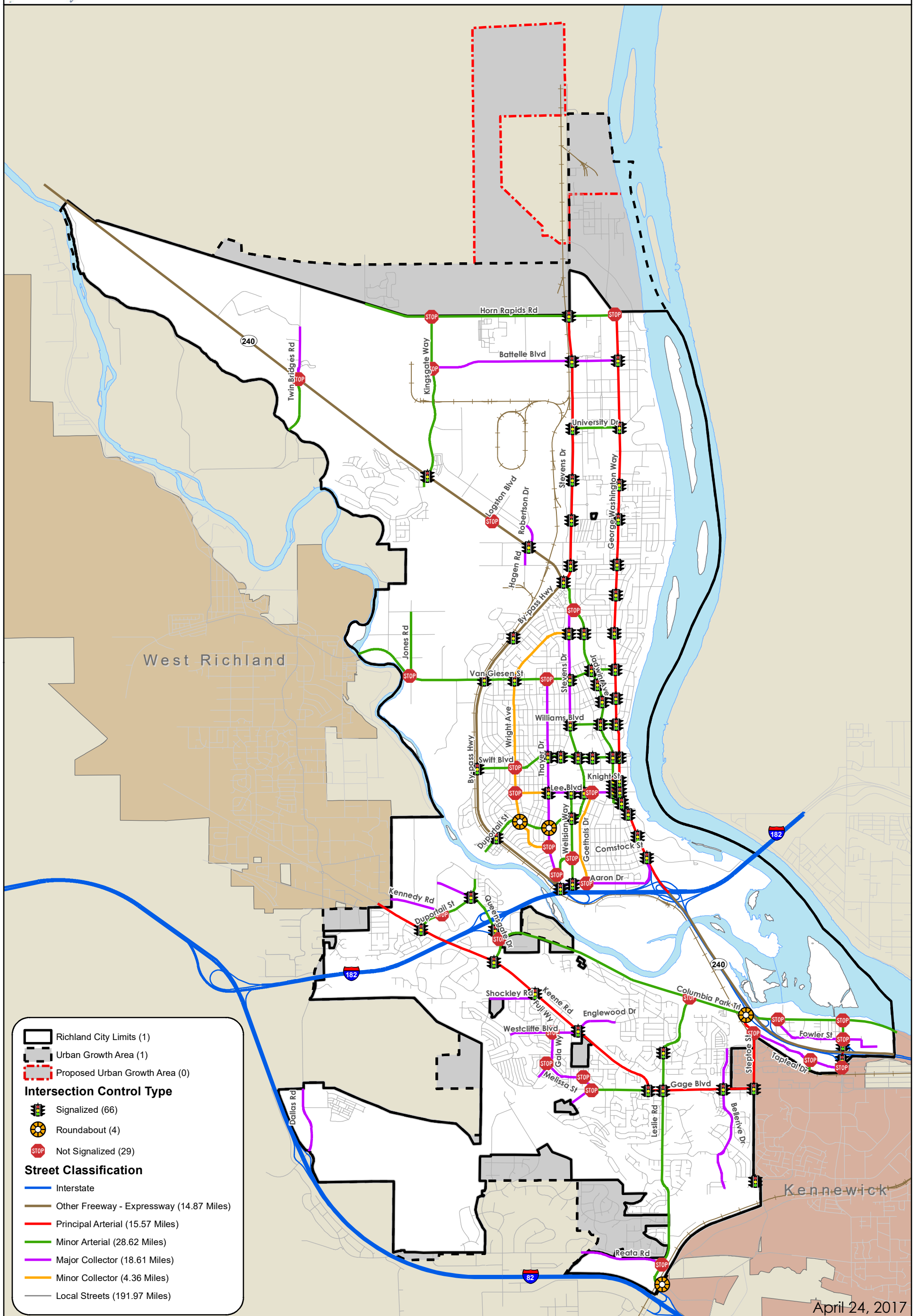




City of Richland

T-2 - Number of Lanes



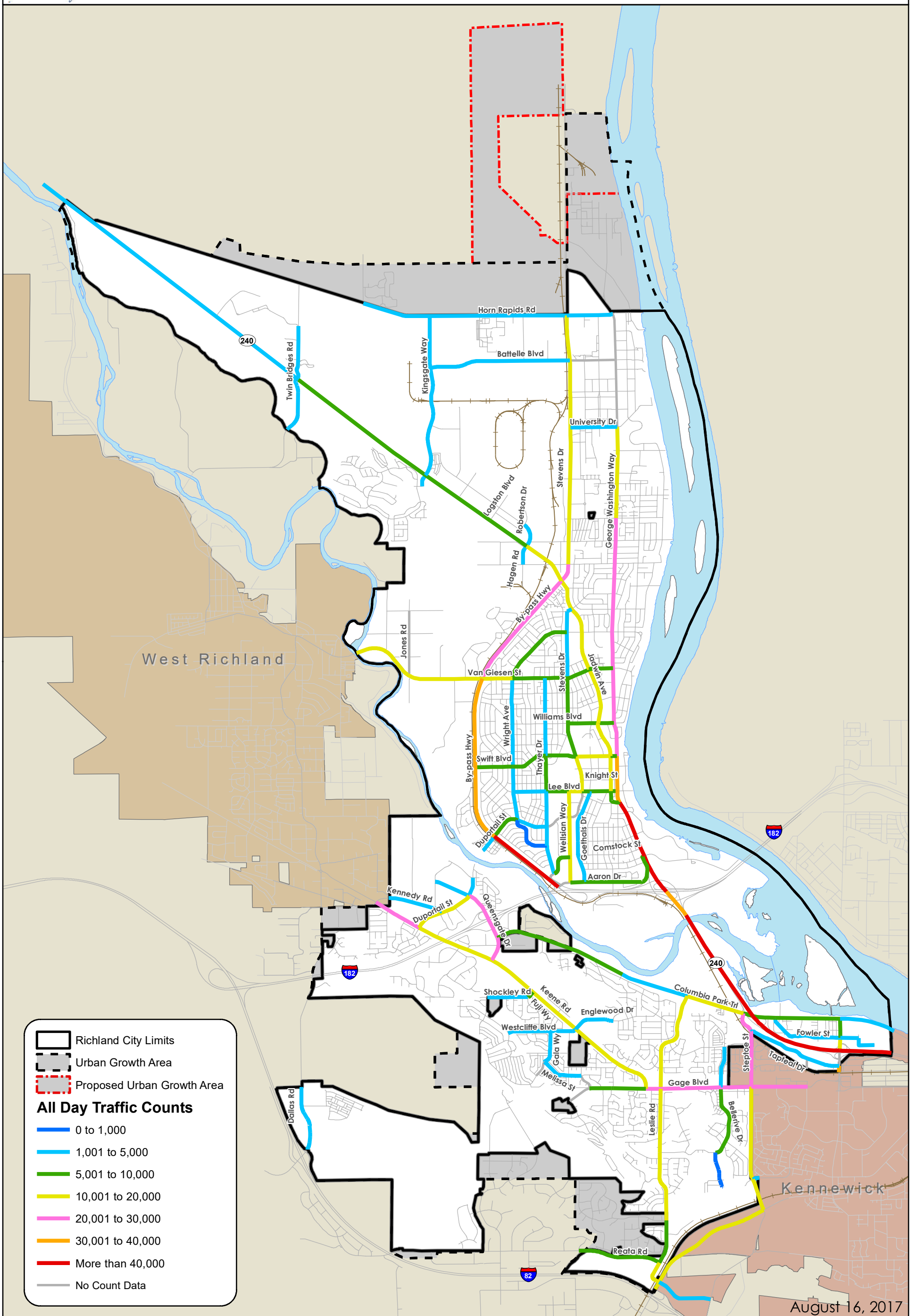


April 24, 2017



City of Richland

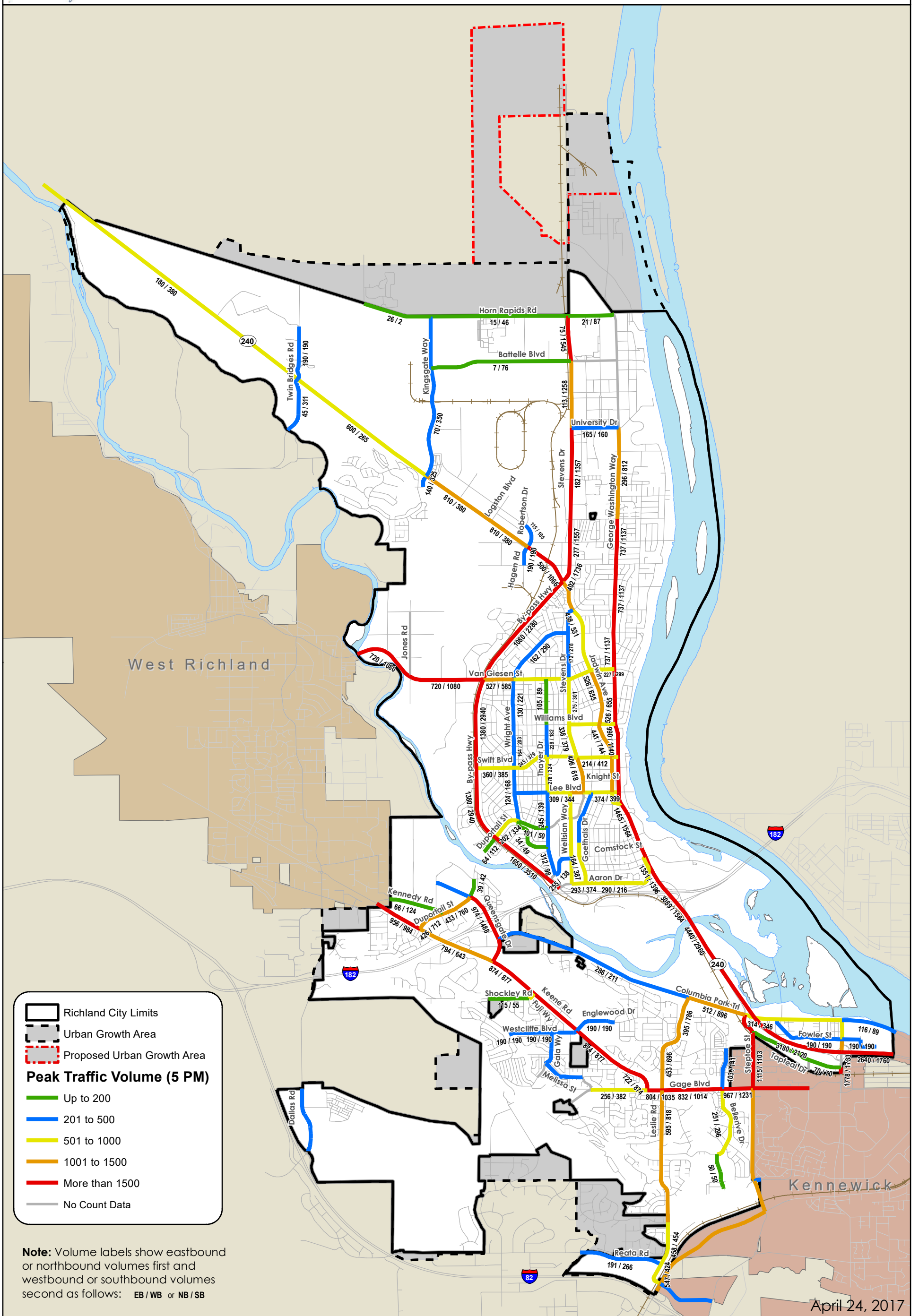
T-4 - 2016 All Day Traffic Counts





City of Richland

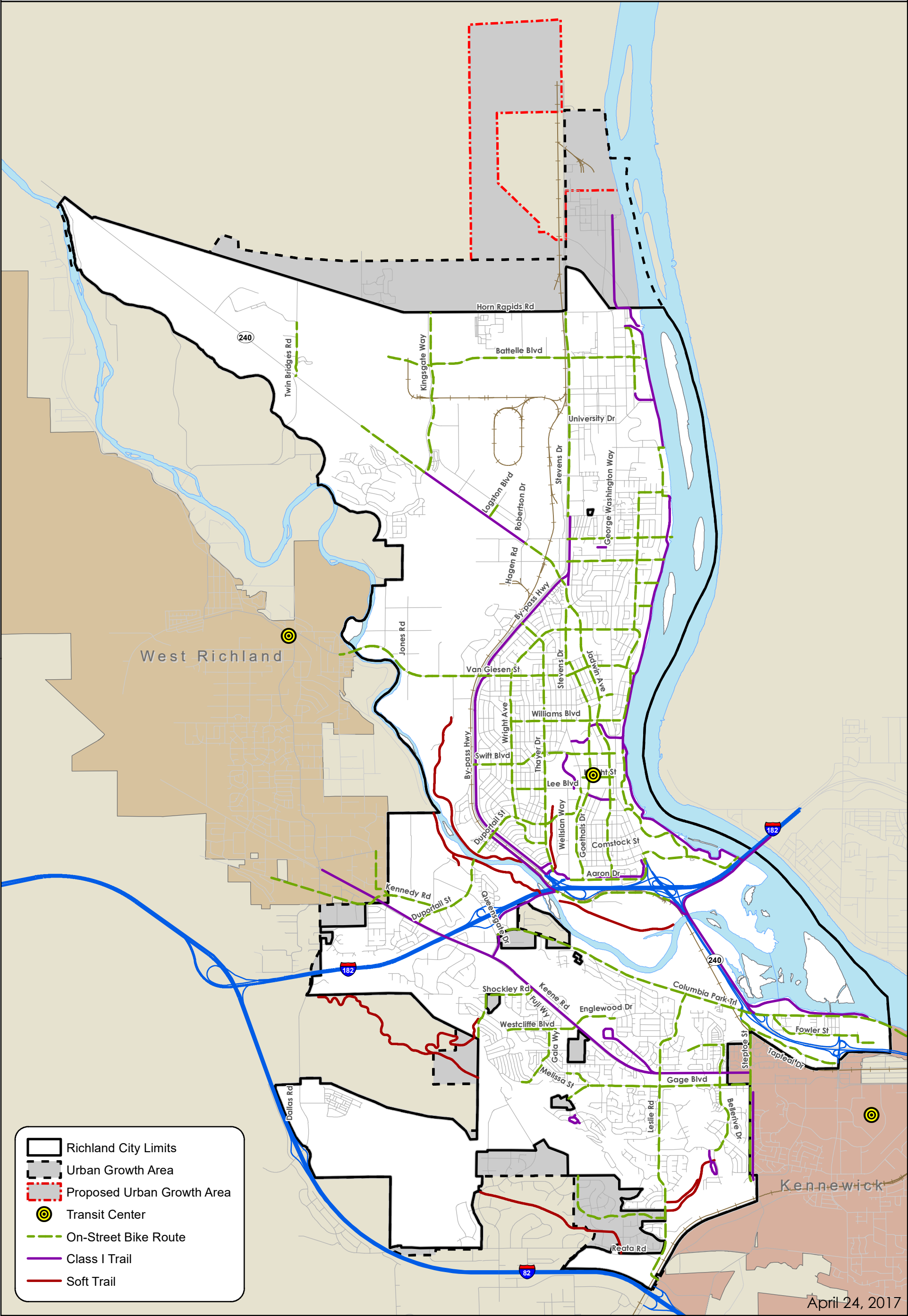
T-5 - 2016 Peak Traffic Volumes





City of Richland

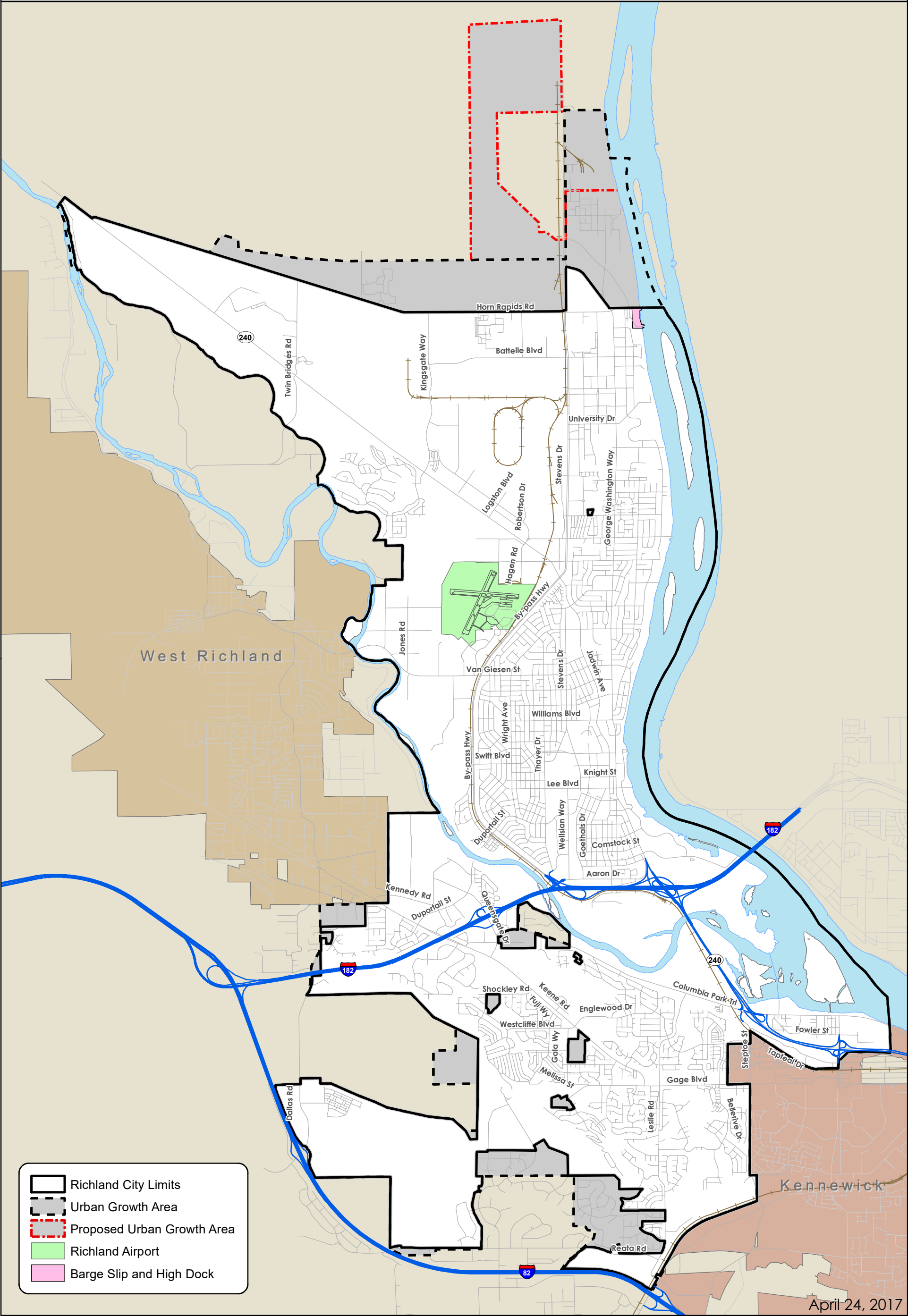
T-6 - Bike Routes and Paths





City of Richland

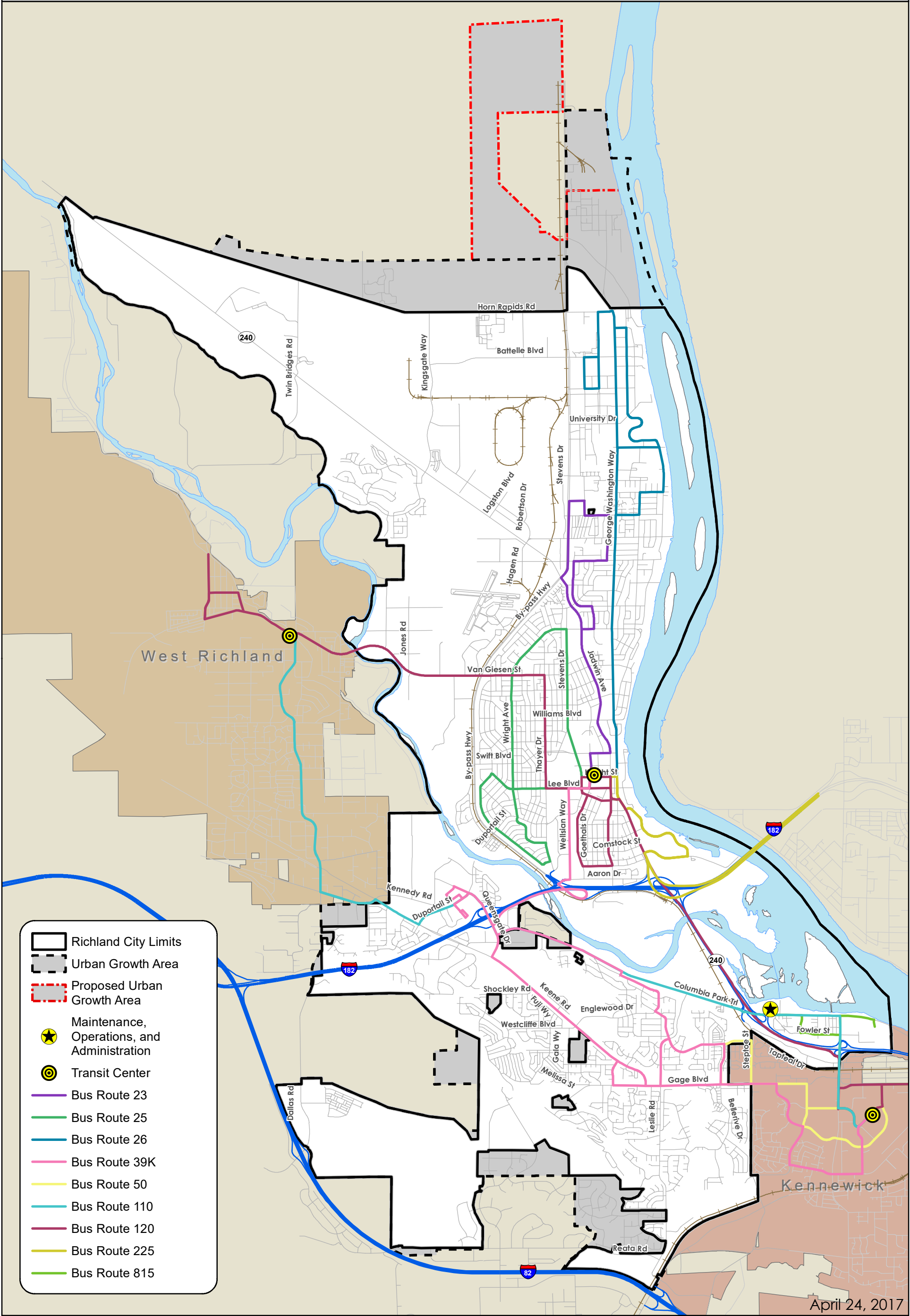
T-7 - Airport and Port Transportation Facilities

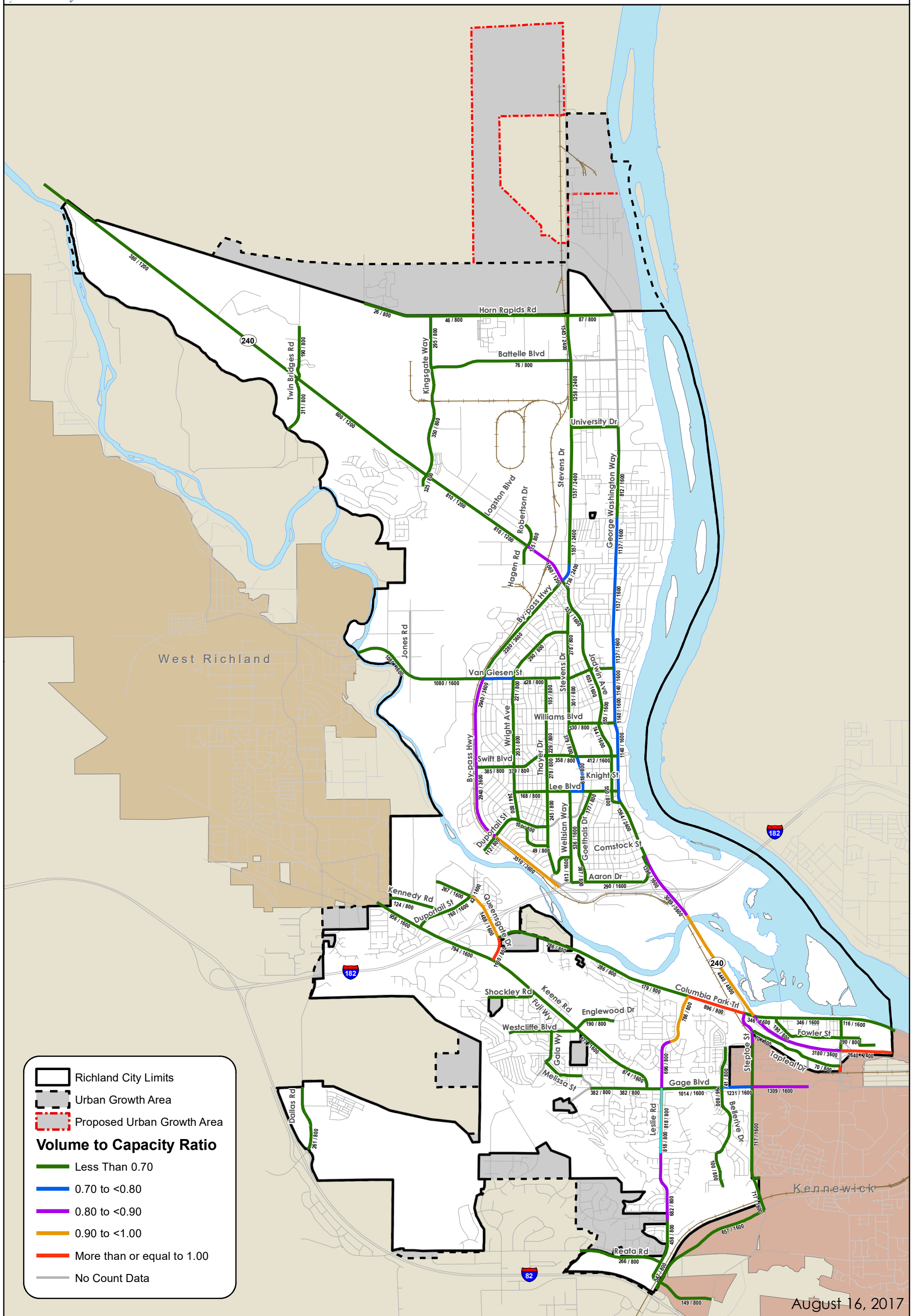




City of Richland

T-8 - Transit Routes

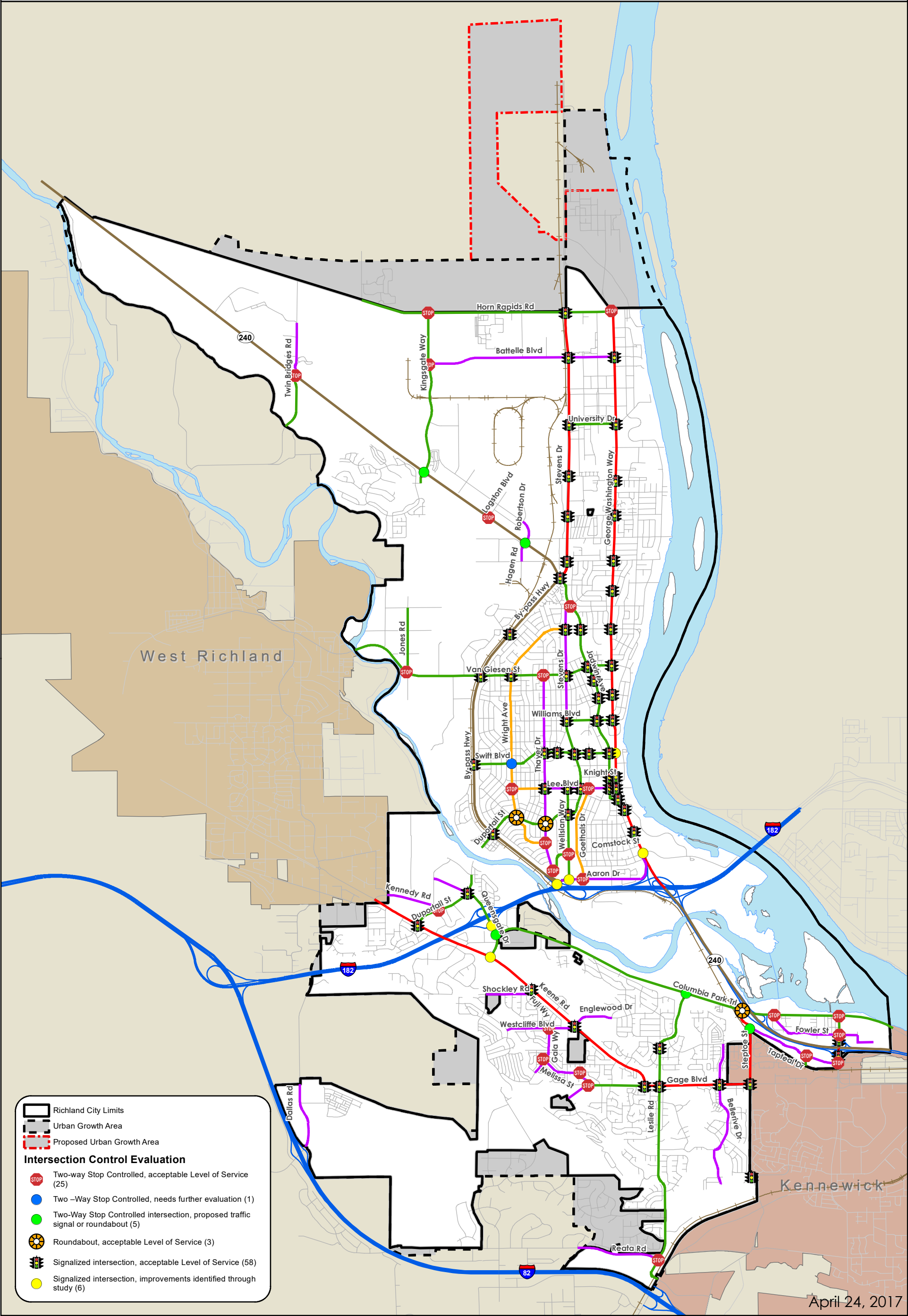






City of Richland

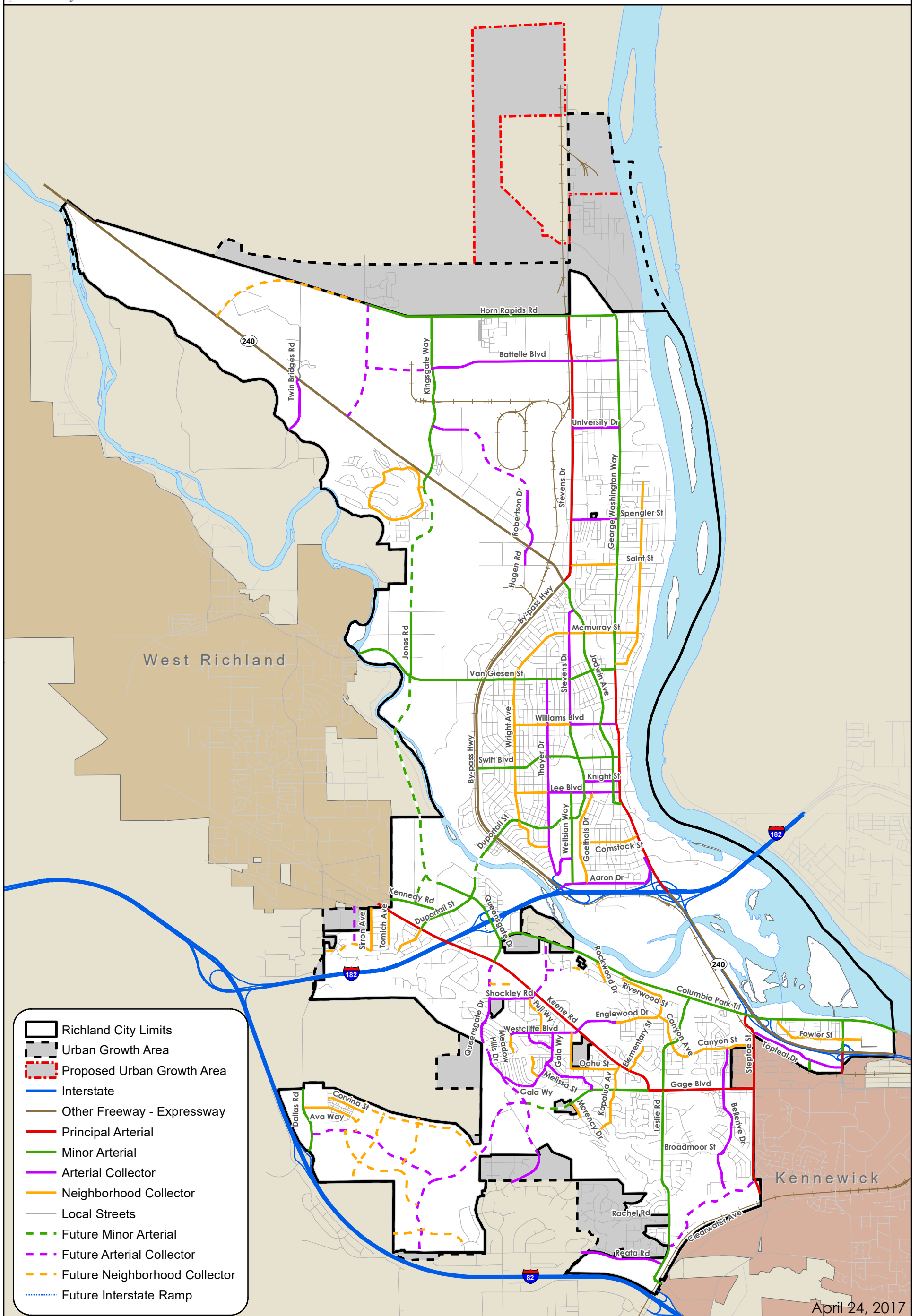
T-10 - Intersection Traffic Control Evaluations





City of Richland

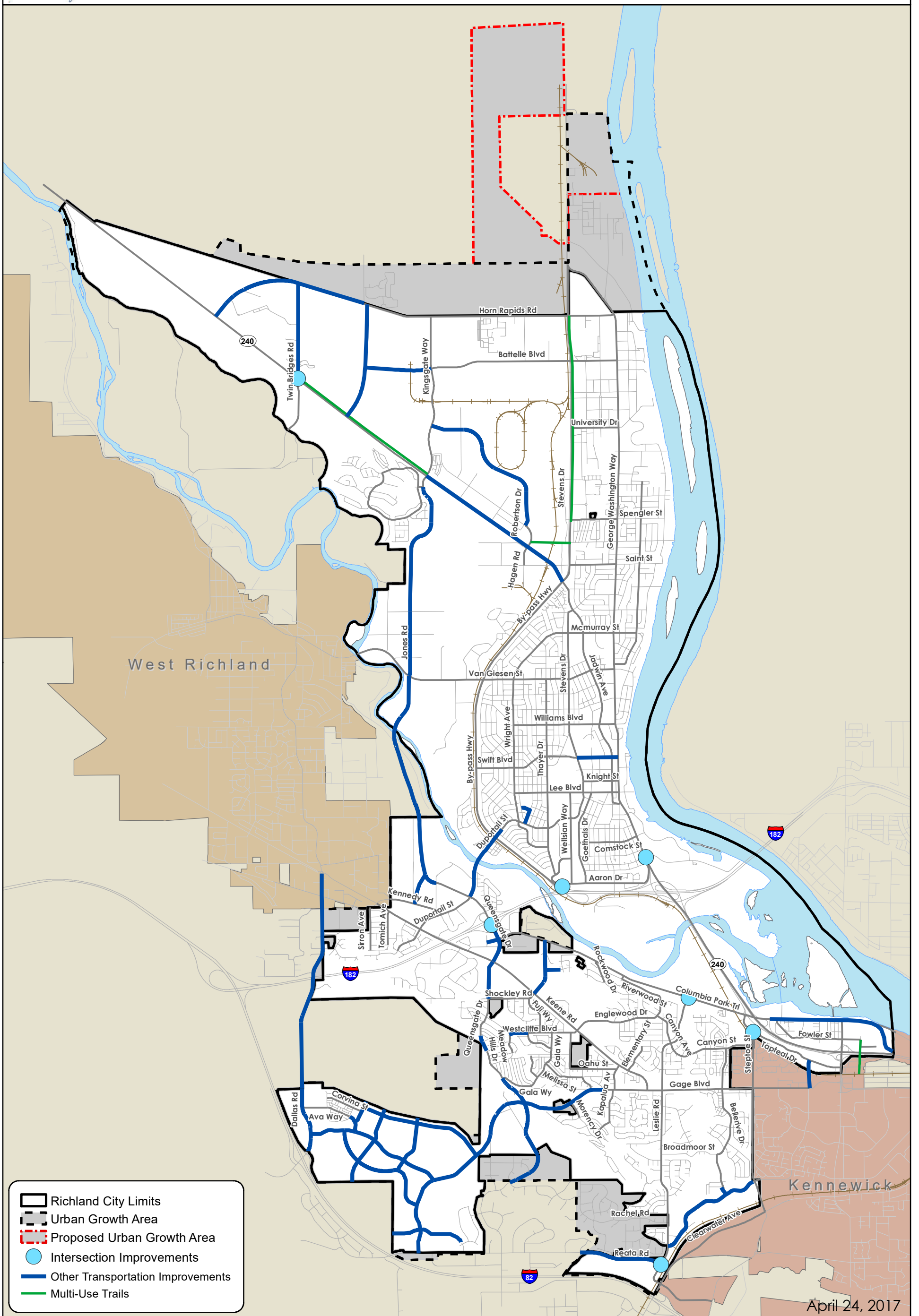
T-11 - Future Functionally Classified Street Network





City of Richland

T-12 -Transportation Improvements



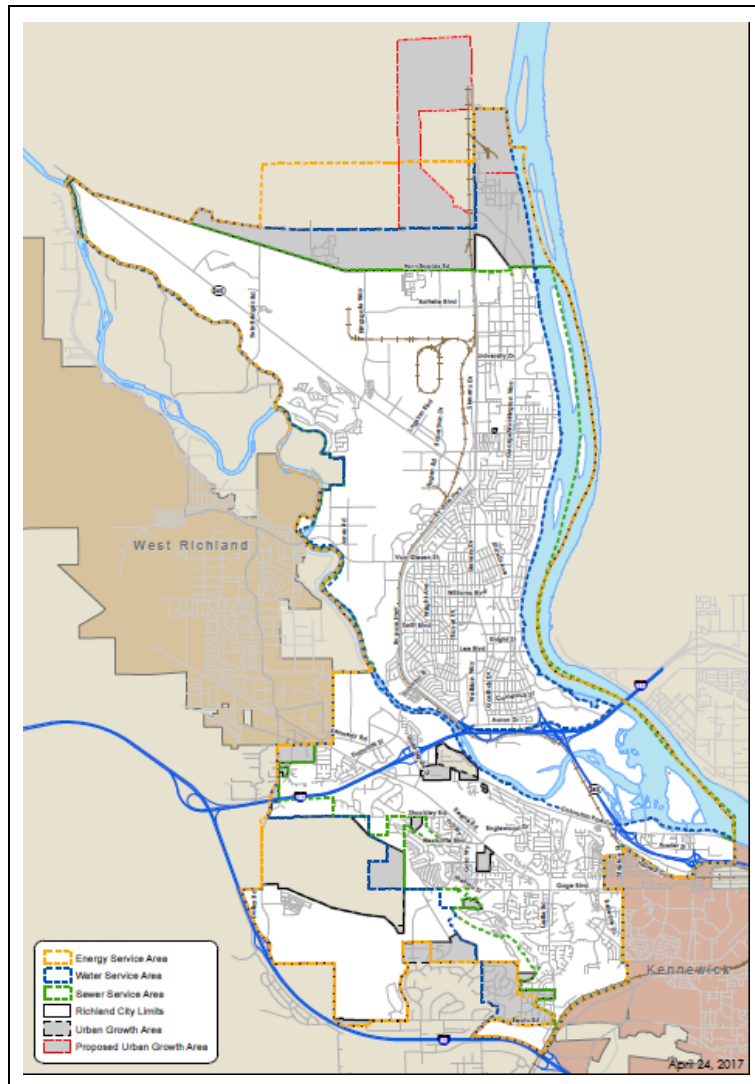
UTILITIES

SECTION ONE

INTRODUCTION

This section was developed in accordance with RCW 36.70A070 to address utility service within the City of Richland over the next 20 years. It consists of the general location, proposed location, and capacity of all existing utilities in the UGA. General utility corridors are identified in utility and transportation elements as many utilities are placed in conjunction with the transportation corridors. Utilities include wastewater, water, storm water, solid waste, and energy services provided by the City. This section also discusses utilities served by other providers in Richland. These are natural gas supply, tele-communications, and irrigation.

Figure U-1: Utility Service Areas



SECTION TWO

WASTEWATER FACILITIES

EXISTING CONDITIONS

The Richland sanitary sewer system was originally developed to serve the area around the CBD and the surrounding residential areas, but has been extended to other areas as they have developed, including north Richland, the Badger Mountain area, and the Horn Rapids community. The City's wastewater collection system serves the majority of Richland residents, but some outlying areas are still served by onsite septic systems; there are currently approximately 475 people served with onsite septic systems within the Richland City limits.

The sanitary sewer system includes a conveyance system, a wastewater treatment facility, and effluent disposal. Limited monitoring and analysis of the major trunks and interceptors were done in 1990s that showed that the system was in relatively good condition, with low levels of infiltration and inflow. However, the assessment data has become dated, and the City is planning on a more comprehensive assessment of the condition of the collection system in the next few years.

Sanitary Sewer Collection System

The existing Richland sanitary sewer collection system serves approximately 40 square miles of area, divided into seventeen drainage basins. The sewer service area boundary is shown in Figure U-2.

The collection system consists of over 262 miles of gravity collection pipes which range in size from six inches in diameter to 54 inches in diameter. Much of the Richland sewer service area is flat, making it difficult to construct sewers with the minimum slopes necessary for sewage flow. Pump stations receive sewage by gravity and augment the flow by pumping it to the treatment facility.

The City owns and operates 14 pump stations, ranging in size from 1.5 to 35 horsepower. Because of the cost of operation and maintenance, it is desirable to minimize the number of pump stations; many have already been eliminated by the interceptor improvements.

The 2015 General Sewer Plan Update included hydraulic modeling of all of the sanitary sewer pipes ten inches in diameter and larger. Overall, the collection system had adequate hydraulic capacity to convey current flows as well as future flows. Although the hydraulic analysis indicated relatively few capacity issues, the collection system is showing its age and a proactive renewal and replacement program has been developed to address this. A pipe replacement program was developed to prioritize sanitary sewer pipes with the greatest need for replacement each budget year. A significant element of this program includes an intensive survey of the existing pipes in order to determine condition ratings – this is scheduled to occur over the next three years.

The components of Richland's wastewater flow are sanitary flow, infiltration, and inflow. Sanitary flow includes wastewater discharged to the sewer from residential, commercial, and industrial sources. Infiltration refers to groundwater that enters the collection system through cracks in pipes and loose connections. The rate of infiltration is likely to be higher in older sections of the City because of older pipes and construction methods. New sewers are usually constructed with precast manholes and rubber-gasketed pipe, which effectively limit infiltration. Inflow is surface water that enters the system through downspouts, area drains, ponding over manhole covers, or cross connections with storm drains. Due to Richland's desert climate, storm-related inflow does not have a significant impact on the system.

Seasonal variations in wastewater flows are slight, with the total daily flow ranging from five to seven million gallons per day (MGD). The lowest flows occur during the winter months, the highest during the summer. Because Richland has a fairly permanent population and does not experience high tourist or vacation activity, the higher flows appear to be caused by elevated groundwater levels from irrigation, which results in higher infiltration. The wastewater flow characteristics are given in Table U-1.

Table U-1: Wastewater Flow Characteristics

Average Daily Flow	5.7 MGD
Peak Daily Flow	7.1 MGD
Residential Population	53,054 (2015)

Source: City of Richland General Sewer Plan, 2015

Wastewater Treatment Facilities

All flows collected by the Richland sanitary sewer collection system are transported to and treated at the Richland Wastewater Treatment Plant. Since its completion in 1985, the plant has consistently achieved the discharge requirements specified in its National Pollution Discharge Elimination System (NPDES) permit. The plant provides primary sedimentation, followed by secondary treatment using an activated sludge process. Plant effluent is disinfected with chlorine prior to discharge to the Columbia River. The design criteria and the current loadings for flow, organic loading, and suspended solids are summarized in Table U-2.

Table U-2: Richland Wastewater Treatment Plant Design Criteria

	Design Criteria	2015
Average daily flow for maximum month	11.4 MGD	6.25 MGD
BOD ₅ loading for maximum month	17,250 lbs/day	14,099 lbs/day
TSS loading for maximum month	21,200 lbs/day	18,146 lbs/day
NH ₃ -N loading for maximum month	2,750 lbs/day	2,063 lbs/day

a. BOD = biochemical oxygen demand

b. TSS = total suspended solids

Source: City of Richland General Sewer Plan, 2015

The NPDES permit requires the City to submit a plan and a schedule for maintaining capacity whenever the actual flow or load reaches 85% of any one of the design criteria for three consecutive months. This is projected to occur in 2020.

LEVEL OF SERVICE

The service area for the City of Richland sewer system matches the UGA, although not all areas have sewer service. The City's 2015 General Sewer Plan addresses proposed future system improvements based upon current land uses within the UGA.

Current LOS standards for elements of the wastewater facilities system, contained in the 2015 Plan, are listed in Table U-3. Improvements recommended in the City of Richland Comprehensive Plan Utilities Element are aimed at maintaining these guideline LOS standards.

Table U-3: Wastewater Guideline LOS Standards

Element	LOS Standard
Residential Unit Flows ^a	160 GPDU ^b
Commercial Unit Flows	625 GPAD ^c
Industrial Unit Flows	1,250 GPAD ^c
Manning pipe roughness coefficient	0.012
Min velocity	2 feet/second

a. Based on 2.42 people per dwelling unit

b. GPDU = gallons per dwelling unit

c. GPAD = gallons per acre per day

Source: City of Richland General Sewer Plan, 2015

FUTURE DEFICIENCIES

The 2015 General Sewer Plan includes a CIP through the year 2024. For the planning period of 2017-2022, planned costs amount to approximately \$18 million.

The 2015 General Sewer Plan also includes a financial plan that allows the wastewater utility to remain financially viable during the planning period. The analysis considers the historical financial condition of the utility, the financial impact of executing the CIP, the sufficiency of the utility reserves to meet future financial and policy obligation, and rate affordability.

RECOMMENDATIONS

The improvements described in the 2015 General Sewer Plan will address deficiencies resulting from growth for the planning period. The General Sewer Plan includes long term improvement plans from 2015 to 2024. The 2017 Capital Improvement Program identifies the priority projects and associated financing as shown in tables U-4 and U-5 below.

Table U-4: Capital Improvement Project Costs

Facilities	Total Cost	Time-frame
City View Sewer Relocation	\$180,000	2017
Collection System Renewal & Replacement	\$12,244,000	2017 - 2022
WWTP Influent Upgrades	\$2,183,000	2017
WWTP Renewal & Replacement	\$3,343,000	2017 - 2022
Total	\$17,950,000	2017 - 2022

Table U-5: Capital Improvement Funding Sources

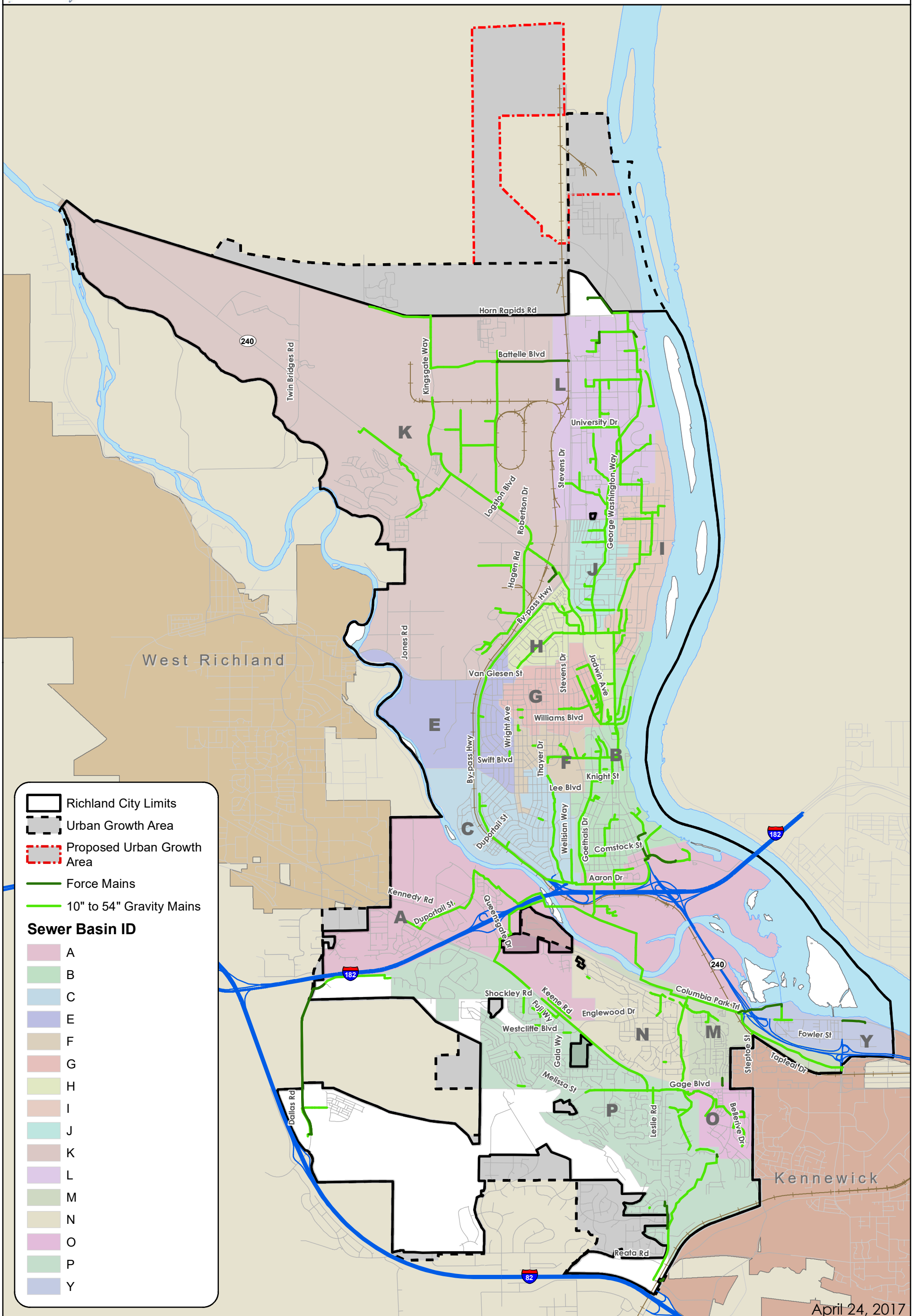
Funding Source	Total Fund	Time-frame
Bonds - Future Issue	\$2,183,000	2017
Rate Revenue	\$11,567,000	2017 - 2022
Wastewater Facility Fees	\$4,200,000	2017 - 2022
Total	\$17,950,000	2017 - 2022

Long term projects include collection system upgrades for the Bellerive Lift Station in South Richland and the Upper North Interceptor in North Richland. These projects would cost approximately \$3,000,000 and will be funded by connection fees. In addition, there is about \$4,000,000 projected cost for annual renewal/replacement projects for both the collection system and the Wastewater Treatment Plan. These will be funded by rates.



City of Richland

U-2 - Sanitary Sewer Mains



SECTION THREE

WATER SUPPLY SYSTEM

EXISTING CONDITIONS

The majority of the population within the corporate limits of the City of Richland is served by the City of Richland Water Utility. The Utility serves approximately 18,689 connections (as of 2016), which includes residential, commercial, and industrial users. The Utility is managed by the City as part of the Public Works Department.

The Richland water system was constructed during the 1940s to support the wartime activities at the Hanford Site. This temporary system has developed into the modern permanent water system used in the City today.

The utility service area is bordered on the southwest by the City of West Richland utility service area, which has a wholesale water service intertie agreement with Richland. This intertie is located along Keene Road. The City of Kennewick's water and sewer utility area lies to the southeast and has an emergency intertie located at Gage Boulevard connection on Columbia Center Boulevard near Tapteal Drive. The Badger Mountain Irrigation District has a potable water service utility area that lies to the south of the City with an emergency intertie located on Rachel Road.

The City has one private water district within its corporate limits. Tri-City Estates, a residential housing development, maintains its own water supply system. It has an emergency water supply agreement whereby the City of Richland would supply water to that area if its system proves inadequate. Two private water districts exist beyond the City limits. The Badger Mountain Irrigation District (BMID) operates a potable water system that serves the Rancho Reata area beyond the southern boundary of Richland's service area (an area north of I-82). The BMID uses a wholesale water supply intertie with the City.

The City's water supply system consists of wells, a water treatment plant, pump stations and chlorinators, interties, water lines, and reservoirs.

Source of Supply

According to the 2016 Comprehensive Water System Plan (WSP), the City has a total available water right of 34,948 acre-feet per year and 43,786 gpm for instantaneous flow. This total available water right covers to a Maximum Day Demand (MDD) of 63.0 MGD. The 2015 population-based MDD is 38.4 MGD. The WSP projects that MDD will be 55 MGD in 2035. Therefore, the City appears to have adequate water rights for future growth.

The City's potable water sources include a wellfield and the Columbia River Water Treatment Plant (WTP). The wellfield has a total capacity of 15 MGD while the WTP has a capacity of 36 MGD. The City maintains the quality and quantity of groundwater used for public water supplies through Best Management Practices in the wellfield and the Water Treatment Plant. Water supplied to the City of Richland is of high quality, meeting federal and state drinking water standards.

The locations of the sources of supply as well as the distribution system are shown in Figure U-3.

Distribution System

The City has approximately 340 miles of pipeline in the water distribution system ranging in size from two inches in diameter to 36 inches in diameter. There are ten storage facility sites that

provide approximately 22 million gallons of storage and ten booster pumping stations that provide direct water storage to seven pressure zones within the City.

The water system characteristics are summarized in Table U-6.

Table U-6: Water System Characteristics

Average Annual Supply	6.2 billion gallons
Residential Population	54,466 (2016)

Source: City of Richland Water System Plan, 2016

LEVEL OF SERVICE

The service area for the City of Richland water system matches the UGA. The City's 2016 Water System Plan addresses proposed future system improvements based upon current land uses within the UGA.

Current LOS standards for elements of the water system facilities, contained in the 2016 Plan, are listed in Table U-7. Improvements recommended in the City of Richland Comprehensive Plan Utilities Element are aimed at maintaining these guideline LOS standards.

Table U-7: Water Guideline LOS Standards

Element	LOS Standard
Demand per ERU ^a	1,032 gallons per day
Demand per ERU ^b	181 gallons per day
MDD ^c /ADD ^d Factor	2.33
PHD ^d /MDD Factor	1.32
Service Pressure	40 – 80 psi

a. ERU = equivalent residential unit, assuming domestic water is used for irrigation

b. ERU = assuming a non-domestic irrigation source

c. MDD = maximum daily demand

d. ADD = average daily demand

e. PHD = peak hour demand

Source: City of Richland Water System Plan, 2016

FUTURE DEFICIENCIES

The 2016 Water System Plan includes a CIP through the year 2036. For the planning period of 2017-2022, planned costs amount to approximately \$23 million.

The 2016 Water System Plan also includes a financial plan that allows the water utility to remain financially viable during the planning period. The analysis considers the historical financial condition of the utility, the financial impact of executing the CIP, the sufficiency of the utility reserves to meet future financial and policy obligation, and rate affordability.

RECOMMENDATIONS

The improvements described in the 2016 Water System Plan will address deficiencies resulting from growth for the planning period. The 2017 Capital Improvement Program identifies the priority projects and associated financing as follows.

Table U-8: Water System Capital Improvement Project Costs

Facilities	Total Cost	Time-frame
Automatic Meter Reading System	\$3,235,000	2017-2018
Broadmoor Street Conversion from Tap I to Tap II	\$107,000	2021
Chief Joseph Middle School Irrigation Well	\$150,000	2018
Columbia River Intake Screen Upgrade	\$4,630,000	2018 - 2020
Core Y Additional Plant Replacement Value (PRV)	\$406,000	2021
Distribution System Repairs & Replacement	\$1,950,000	2017 - 2022
Duportail Street Transmission Main	\$750,000	2017
Duportail Street Well	\$500,000	2017
High Meadows St. and Leslie Road PRV	\$102,000	2021
Irrigation Utility Capital Improvements	\$730,000	2017 - 2022
Orchard Way Conversion from Tap I to Tap II	\$35,000	2021
Tapteal I Pump Station Upgrade	\$500,000	2020-2021
Tapteal II Loop	\$114,000	2020
Tapteal VI Water Main	\$487,000	2021
Water Treatment Plant Renewals & Replacement	\$1,716,000	2017 - 2022
WTP Solids Handling Improvements	\$400,000	2021
Yakima River Crossing Pipeline Replacement	\$7,499,000	2017 - 2019
Total	\$23,311,000	2017 - 2022

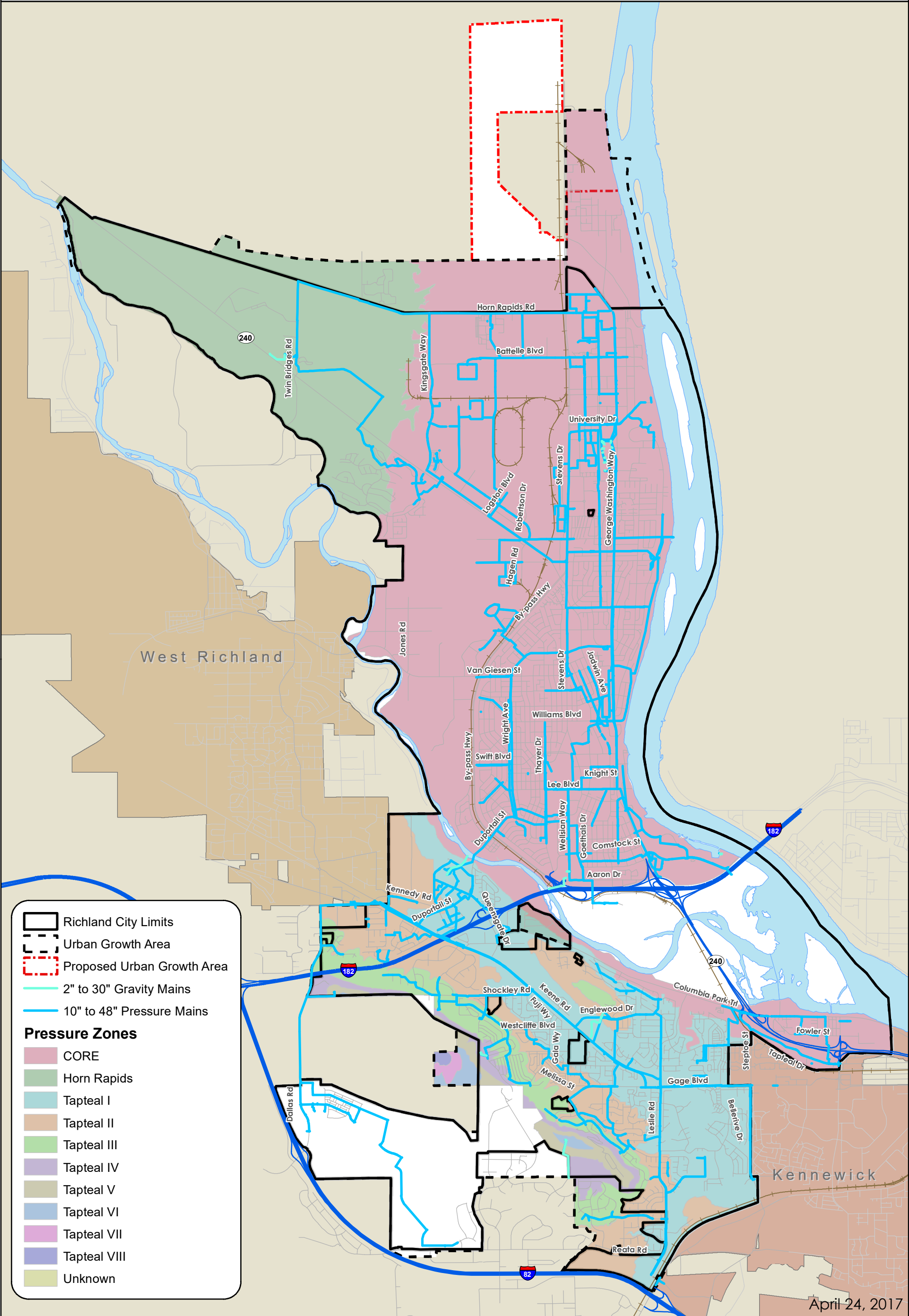
Table U-9: Water System Capital Improvement Funding Sources

Funding Source	Total Fund	Time-frame
Facility Fees	\$3,223,500	2017 - 2021
Federal Emergency Management Agency Grant	\$1,893,301	2017 - 2018
Irrigation Utility Rate Revenue	\$755,000	2017 - 2022
Private Development	\$601,000	2017 - 2022
Rate Revenue	\$6,202,500	2017 - 2022
Revenue Bond Issue	\$9,935,699	2017 - 2020
Richland School District	\$50,000	2017
Surplus Property Sale	\$400,000	2021
West Richland	\$250,000	2020 - 2021
Total	\$23,311,000	2017 - 2022



City of Richland

U-3 - Water Mains



SECTION FOUR

STORM WATER SYSTEM

EXISTING CONDITIONS

The storm water service area in Richland is divided into nine drainage areas covering over 30,000 acres. These are: North Richland (NR), Columbia River (CR), Richland Core Area (RC), Yakima River North (YRN), Yakima River South (YRS), CID Main Canal (CM), Amon Wasteway (AW), Badger East Canal (BEC), and Badger Mountain South (BMS).

The City's storm water system facilities consist of the following:

- Collection and conveyance
- Pumps
- Underground injection control (UIC) facilities
- Regional detention/ water quality facilities
- Regional outfalls

The collection and conveyance system includes catch basins, manholes and pipes. Tables U-10 and U-11 indicates existing collection and conveyance facilities.

Table U-10: Storm Water Collection Structures

Owner	Catch Basins and Manhole Catch Basins	Catch Basins and Manhole Catch Basins with OWS ¹	Manhole	Manholes with OWS
City	3,995	166	1,928	12
Port of Benton	160	0	0	0
¹ Oil Water Separator				

Table U-11: Storm Water Conveyance Facilities (length in Units of Miles)

Gravity Pipe	Force Main	Perforated Pipe and Underdrain	Culvert	Open Channel
127.3	0.7	2.6	3.2	11.5

The storm water system includes public and privately owned seven pump stations throughout the City as indicated in Table U-12 below.

Table U-12: Storm Water System Pumps

Name	Owner	Capacity (GPM)
Carriage Pump Station	City	1,045
McMurray Pump Station	City	5,790
Berkshire	City	Unknown

Name	Owner	Capacity (GPM)
Corps of Engineers Pump Station	USACE	Unknown
Horn Rapids Triangle Pump Station	City	Unknown
Lawless Pump Station	Private	Unknown
Wellsian Pump Station	Private	Unknown

Some storm water runoff generated within the City is infiltrated via the City's underground injection control facilities. There are over 280 UIC facilities in the City. The City's regional detention/ water quality facilities include 22 ponds, 2 bioretention cells, 6 underground storm chambers, and 21 swales. Stormwater runoff that does not infiltrate within the service area is conveyed to surface receiving waters via regional outfalls that discharge to the Columbia River, the Yakima River, and the Amon Wasteway. There are 11 outfalls discharging to the Columbia River, two discharging to the Yakima River, and eight discharging to the Amon Wasteway.

The City's 2016 Stormwater Management Plan provides detailed information on the system facilities. The Management Plan also provides guidance for the City's maintaining the requirements of the Phase II Eastern Washington Municipal Stormwater Permit (Phase II Permit), received from the Department of Ecology. This Permit regulates operation of the City's Municipal Separated Storm Sewer System (MS4).

FUTURE DEFICIENCIES AND RECOMMENDATIONS

The City strives to maintain the level of service of the storm water system by addressing existing and potential issues. Improvements are identified with the intent of reducing:

- Existing conveyance capacity and flooding issues;
- Potential future conveyance capacity and flooding issues;
- Pollutant loading to receiving water bodies; and
- Chronic system maintenance needs.

Identification of capital projects are based on the criteria such as projects previously identified in the management plan but not yet constructed, chronic maintenance issues identified by staff, etc.

The 2016 Stormwater Management Plan categorizes capital projects into one of four types based on the primary objective of the project:

- Flood risk (FR) – Projects that primarily address hydraulic deficiencies to help reduce flooding or surcharging of the system.
- Renewal and replacement (RR) – Projects that primarily repair or replace existing system components to help restore the original design function.
- Water quality retrofit (WQ) – Projects that primarily address water quality through treatment of stormwater runoff prior to discharging to receiving waters.
- Development Driven (DD) – Projects that may be built based on future development. These projects are assumed to be partially paid for by developers. See Section 8 for detailed documentation on funding assumptions.

The 2017 CIP identifies the priority projects and associated financing in Tables U-13 and U-14.

Table U-13: Storm Water Management Facilities Financing 2017-2030

Facilities	Total Cost	Time-frame
Leslie Road Storm Drain Replacement	\$839,000	2018
Storm Water Rehabilitation & Replacement	\$2,616,090	2015-2022
Water Quality Retrofit Program	\$2,618,717	2015-2022
Total	\$6,073,807	2017-2022

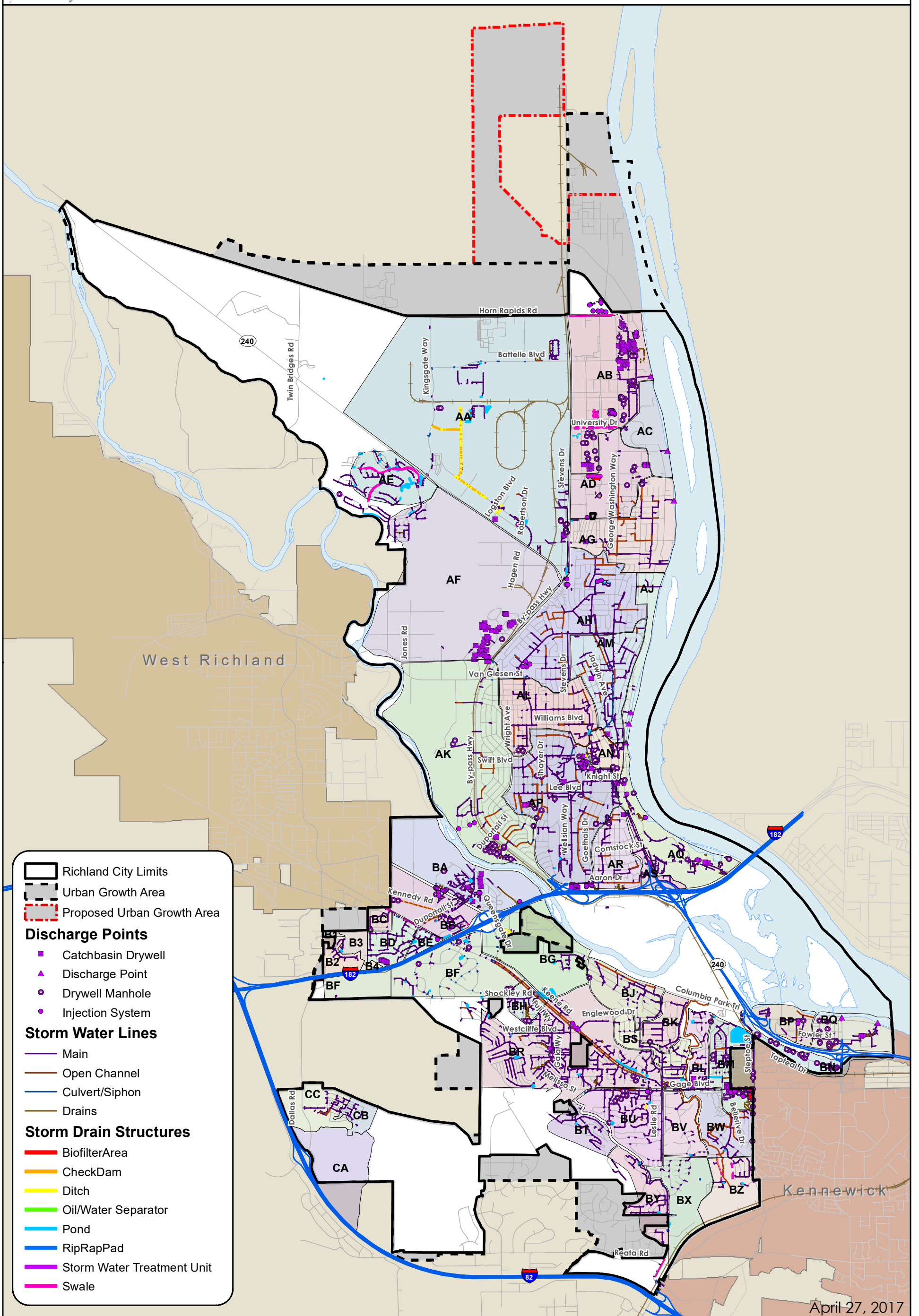
Table U-14: Storm Water Capital Improvement Funding Sources 2017-2030

Funding Source	Total Fund	Time-frame
Grant – WA State Department of Ecology	\$759,717	2015-2016
Grant Funds (Unsecured)	\$1,285,500	2017-2022
Rate Revenue	\$4,028,590	2015-2022
Total	\$6,073,807	2017-2022



City of Richland

U-4 - Storm Water System



SECTION FIVE

SOLID WASTE MANAGEMENT

GENERAL LOCATIONS AND CAPACITY

State RCW 70.95.030 defines solid waste or waste as “all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.” Each municipality may fulfill its solid waste management responsibilities in one of three ways:

1. Prepare its own solid waste management plan for integration into the county comprehensive solid waste plan;
2. Participate with the county in preparing a joint city-county plan for solid waste management; or
3. Authorize the county to prepare a plan for the City’s solid waste management for inclusion in the county comprehensive plan.

The City of Richland has chosen the first option. RCW 70.95.080(3)(a) defines that option as: “Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan”.

In 2009, the City chose to develop their own solid waste management plan as a tool to guide the continued development of their collection system and landfill. The City’s Plan was updated in August 2011. This updated Plan was prepared in accordance with the Department of Ecology’s “Guidelines for Development of Local Comprehensive Solid Waste Management Plans and Plan Revision”, January 2010. The City’s Plan was submitted for inclusion in Benton County’s 2013 update of its Solid Waste and Moderate Risk Waste Plan. The County’s 2013 Plan was subsequently approved by the Washington State Department of Ecology. The Department of Ecology’s action formalized the completion of the City’s planning responsibilities under RCW 70.95.030.

The City’s Solid Waste Management includes these goal statements as guiding principles for its solid waste services:

- Goal 1: Manage solid waste in compliance with State and local regulations to promote and protect human and environmental health and safety.
- Goal 2: Optimize the solid waste management system to provide for long-term stability in a cost-effective manner.
- Goal 3: Provide solid waste programs with emphasis on customer service and satisfaction.
- Goal 4: Identify the types of recyclables and establish programs to efficiently and effectively recycle and market these materials.
- Goal 5: Promote programs and balance incentives and disincentives to encourage reduction, reuse, and recycling.
- Goal 6: Educate businesses and the public on opportunities available for waste reduction, reuse, and recycling.
- Goal 7: Encourage and support the research and development of new technologies for solid waste management and recycling.

Solid Waste Collection and Disposal

The City of Richland Solid Waste Division provides municipal solid waste collection and disposal services to residences and businesses within the City limits. Solid Waste Collection services for lands outside the City limits is provided by private waste haulers licensed through the Washington State Utilities and Transportation Commission. This City's landfill accepts waste from the surrounding areas on an individual load basis. The City has no disposal contracts with private haulers or other government agencies.

Solid waste collection services for the City of Richland are provided by the City's Public Works Department, except in newly annexed areas. The Department administers user-fee-funded refuse collection services, and bills its customers through the City Administrative Services Department. Solid waste collection in Richland is available five days a week. Industrial and commercial pickup is provided by the City of Richland. Commercial waste pickup can range from one to five times a week.

Collection services within newly annexed areas are provided by private solid waste hauling companies operating under contracts with the City. The contracts, which are required by State law, provide for a ten-year transition period during which the private solid waste haulers continue services in keeping with their State-authorized permits. The haulers do not align their services with the City's Solid Waste Management Plan. At the expiration of the contracts the City may choose to extend the contracts or assume service to the area customers. When the City elects to assume these service areas, it will provide services consistent with the Solid Waste Management Plan and its adopted rate structure.

About 26 percent of solid waste is recycled in Richland based on the 2015 data of generation, recycling, and disposal as shown in the table below:

Table U-15: Solid Waste Generation

	Tons	%
Generation	77,697	100
Recycling	22,216	26
Disposal	55,481	74

Petroleum-contaminated soils are accepted occasionally at the Richland landfill. They are treated in a separate area on the landfill property and ultimately disposed of in the landfill. Dewatered biosolids from the City's wastewater treatment plant are combined with yard waste in a composting process conducted at the Richland landfill. The finished compost material is tested to confirm compliance with U.S. Composting Council quality criteria and marketed to area contractors, nurseries, and local agencies.

Richland residents can dispose of self-hauled waste at the resident rate. Oil, antifreeze, and automotive batteries are accepted for recycling at the landfill. Benton County operates a household hazardous waste program that accepts many other categories of wastes that are not accepted at the Richland landfill.

Solid waste collected by service type is shown in table below.

Table U-16: Solid Waste Collection

Service Type	% of Total Tonnage Collected
Residential	40%
Commercial	40%
Dropbox	20%

Richland Landfill

The City of Richland owns and operates the Richland Landfill (also known as the Horn Rapids Landfill), located on 275 acres of designated landfill space approximately 3.5 miles northwest of the City center on Highway 240 (see Figure CF-3, Facilities Map). Approximately 46 acres are permitted for solid waste disposal. The Benton Franklin Health District has issued a permit in 2017, for use of an additional 90 acres for landfill disposal. Also on the landfill property are a 14-acre composting facility, a residential and small commercial customer transfer station, scalehouse and administration building, and an operations and equipment maintenance building.

The current capacity of the permitted disposal area will be exhausted by the year 2020.

The Richland Landfill currently meets minimum functional standards (Chapter 173-351 WAC) and operates under a solid waste disposal permit issued and renewed annually by the Benton Franklin Health District. The site is designed and operated as an arid-climate landfill, and therefore, has no bottom liner or leachate collection system. Vadose zone moisture monitoring has been implemented within a portion of the current 46 acre fill area for data collection. In the late 1990's groundwater contamination with volatile organic compounds was detected in several of the landfill's monitoring wells. The City installed the methane gas extraction / flare stations. The City initially implemented an independent remedial action program in compliance with Washington State Law (RCW 70.105D.040). In 2017 the City entered into an Agreed Order with the Washington State Department of Ecology to advance the characterization and remediation of the contamination.

Recycling

The City of Richland offers curbside recycling to its residential and commercial customers. In addition, the City currently operates seven drop-box recycling collection centers throughout the City and delivers the collected recyclable items to Clayton-Ward Recycling in Richland, which prepares the recyclable material and transports it to material processing facilities in the Portland or Seattle areas.

The recycling centers currently accept scrap paper, plastic beverage containers, tin and aluminum cans, newspaper, telephone directories, magazines, catalogs and calendars, glass jars and bottles, cardboard, and brown paper bags. In 2015, the City collected 1,524 tons in the drop box collection centers and 1,099 tons through curbside collection.

Composting

The Horn Rapids Compost Facility is a treatment facility for bio-solids coming from the City's Wastewater Treatment Plant, the residential green waste program and green waste self-haul. The compost facility opened in 2010, and accepts residential green yard waste with no charge to the resident. It saves landfill space and provides finished compost material to the public through a number of wholesale customers.

Household Hazardous Waste

The Benton County Moderate-Risk Waste Facility is located at a facility on Ely Street in Kennewick and which can collect Household Hazardous Waste and Small Quantity Generator Waste from residents of Benton County. The facility is jointly funded by the Washington Department of Ecology, Benton County, and the Cities of Kennewick, Richland, West Richland, Prosser, and Benton City.

Moderate-risk waste includes material such as waste oil, paints, flammable materials, and anti-freeze. The facility also collects hazardous waste from commercial businesses classified as small quantity generators (SQG). SQGs are conditionally exempt from federal and state regulation when they generate or accumulate hazardous waste in quantities below a 220 pound per month threshold.

LEVEL OF SERVICE

According to Richland's Solid Waste Management Plan, the following solid waste management facility areas will likely require no major capital improvements during the 20-year planning period:

- Domestic and Commercial Waste Collection Services - No current deficiencies are identified in the service provided by the City's Solid Waste Utility.
- The City's existing curbside and drop boxes recycling program is sufficient to meet customer demands. A minority of residents indicate through surveys that they favor universal curbside recycling. To date the costs of this service expansion and the compulsory nature of it have not been adopted by the City Council.

FUTURE DEFICIENCIES

Estimates of solid waste generation are based on population projections. Based on Richland's 2011 Solid Waste Management Plan (Appendix H), annual waste generation is forecast to increase to 80,000 tons in 2031. This forecast utilizes the per capita rate of 6 pounds per person per day and population projections.

The current capacity in the Landfill will be exhausted sometime in 2020. The City is planning for its future solid waste disposal capacity by exploring two options:

1. Expand landfill capacity on the current site by building a landfill that meets current state and federal design regulations; as part of preparing for the possible expansion of the landfill, the City has submitted and received a permit from the DOH for expansion of approximately 90 acres. or
2. Building a transfer station and hauling waste to a large regional landfill.

A consultant is assisting City staff in preparing information to support this decision. It is expected that a decision will be made in calendar year 2017, after which preparations will be made to construct the necessary facilities. Regardless of the disposal alternative selected, the City anticipates maintaining its current customer service levels at the Richland landfill.

RECOMMENDATIONS

It is recommended that the City:

- Selects a preferred solid waste disposal approach that is cost effective, maintains service levels, and mitigates risk to the City; and
- Provides and maintains collection services to all City residents consistent with adopted service levels and Solid Waste Management Plan goals and objectives.

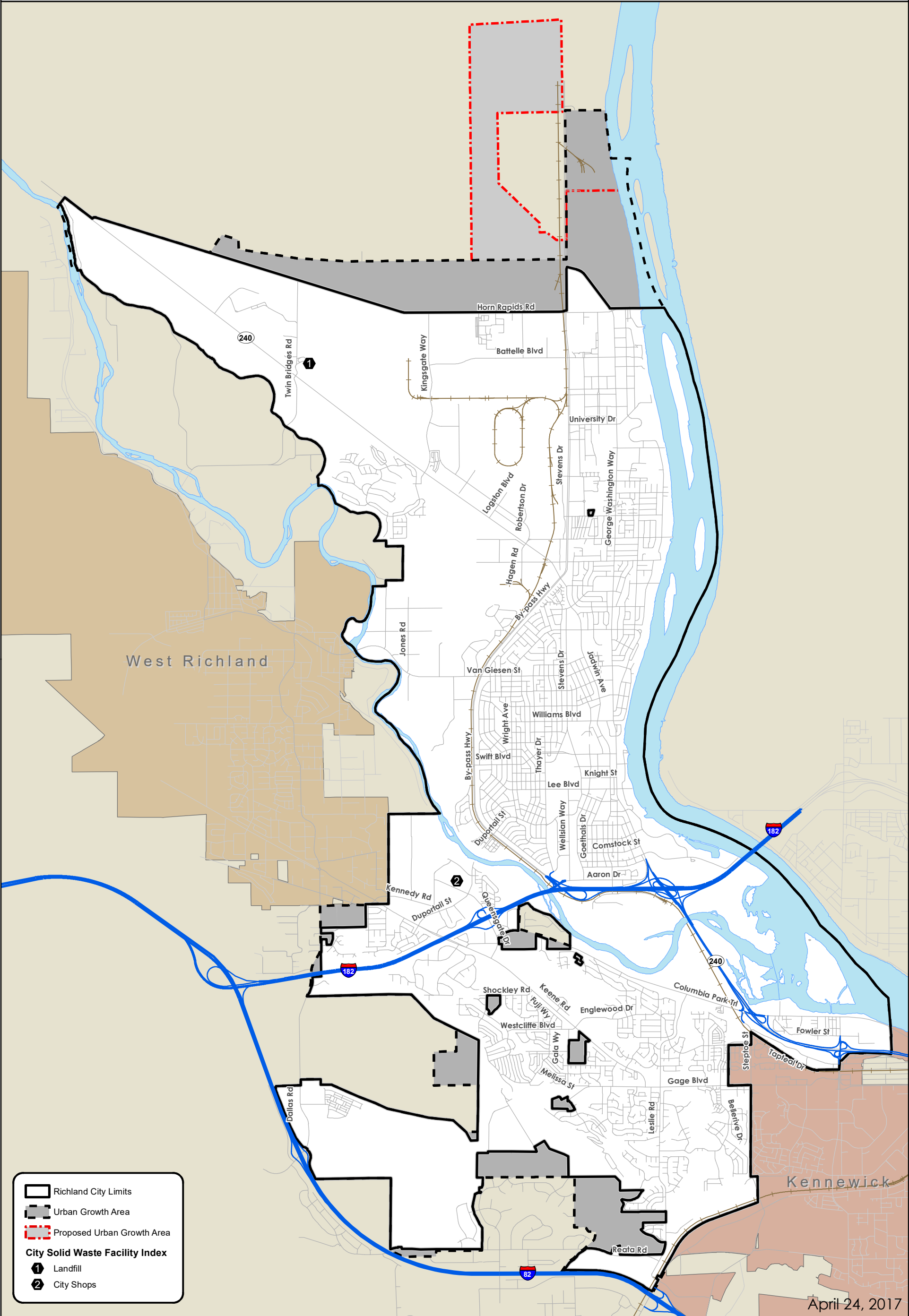
Table U-17: Solid Waste Management Facilities Financing 2014-2030

Facilities	Total Cost	Funding Sources	Time Frame
Disposal Capacity Improvements	8,003,512	Bonds – future issue	2017-2019
Landfill Closure, Phase 2	3,780,000	Solid waste fund	2017-2020
Container Maintenance Facility/ Facility Improvements	\$185,000	Rate Revenue	2017-2018



City of Richland

U-5 - Solid Waste



SECTION SIX

ENERGY/ELECTRICAL POWER

EXISTING CONDITIONS

Richland's electrical service is provided primarily by Richland Energy Services (RES) Department. RES provides electric service to over 25,000 residential, commercial, industrial, and irrigation customers throughout the City's 50-square mile service territory, using 552 miles of primary line and eight substations. Ownership and operation of these facilities is shared by the City and the Bonneville Power Administration (BPA). Bulk transmission of electrical power supply to customers in the UGA has historically been provided from the BPA transmission grid, with the local utilities providing final pass-through services. BPA is contractually obligated to supply all of the City's power requirements through 2028.

Electric system planners design and build facilities to follow population and employment projections for the City and county. The electric load is determined from these plans and projections. An electric system plan is then developed to serve those loads at the reliability level prescribed by the individual utility, taking into account environmental, economic, financial, and operational factors. Utility construction is coordinated with the appropriate jurisdictions and agencies, and is typically phased in as actual growth occurs. Transmission lines and substations are installed based upon projections and early growth while electrical distribution lines are installed at customer request with the continued growth.

Future electrical service plans are designed not only to provide for future growth and accommodate new and increased loads, but also include changes to the existing systems to improve reliability, maintain power quality, and maintain redundancy backup service in the system.

The City has service area agreements with Benton County PUD (BPUD) and Benton Rural Electric Association (BREA). Approximately 102 customers within the City service area are being served by BPUD while no customers within the City service area are served by BREA. The City transfers remaining customers served by BPUD within the City service area based upon the terms within the service area agreement. All 102 are expected to be transferred by 2021.

Table U-18: City of Richland Electric Substations

Substation	Total Capacity	Used Capacity (2014)	Remaining Capacity (2014)
Sandhill Crane	45,000 KVA	31,000 KVA	14,000 KVA
First Street	45,000 KVA	32,000 KVA	13,000 KVA
Snyder	23,000 KVA	20,000 KVA	3,000 KVA
Stevens	46,000 KVA	41,000 KVA	5,000 KVA
Thayer	53,000 KVA	29,000 KVA	24,000 KVA
Richland Switch	23,000 KVA	10,000 KVA	13,000 KVA
Tapteal	45,000 KVA	37,000 KVA	8,000 KVA
City View	23,000 KVA	19,000 KVA	4,000 KVA
Total System	303,000 KVA	219,000 KVA	84,000 KVA

Source: City of Richland 2014 Long Range Plan – Richland Energy Services

Energy Efficiency Program

RES offers energy efficiency programs to its commercial and residential customers. Commercial and industrial customers are offered incentives for lighting and custom projects that reduce energy use. Custom projects include heating, ventilation, and air conditioning (HVAC), motor efficiency upgrades, etc. For residential customers, Richland offers rebates and low-interest loans to qualified customers for energy efficient HVAC equipment and weatherization measures including insulation, windows, and doors. Customers can select a rebate only or apply for a low-interest loan with a rebate. Richland also offers energy efficiency program specifically designed for low-income families for insulation, duct sealing, ductless heat pumps, windows, and doors for their home.

Renewable Option Program

Through the City's partnership with the Renewable Option Program offered by the Bonneville Environmental Foundation (BEF), Richland residents can affordably purchase the environmental benefits of wind power generated throughout the Pacific Northwest. BEF's Green-e Energy Certified Renewable Option Renewable Energy Credits (RECs) represent renewable energy sources from Pacific Northwest projects where clean zero-emission wind energy has been delivered to the North American power grid to replace fossil fuel based electricity.

Each block of Renewable Option RECs represents the environmental attributes of 100 kilowatt-hours of electricity generated from wind energy facilities throughout the Pacific Northwest.

Solar Power and Net Metering

The City offers low-interest loans to promote the use of solar power. The loan period is up to 10 years for up to \$5,000 per installed kilowatt (kW), not to exceed \$15,000. The customer must agree to maintain the system and allow the City to claim the environmental benefits.

LEVEL OF SERVICE (UTILITY SERVICE AREA)

The level of service set by the RES and BPA for their respective portions of the system is based on performance. The goal is an N-1 contingency, which means that one failure in system equipment will not cause the failure of other system components, and the failure can be picked up by other components within eight hours.

The City of Richland currently provides electrical service throughout most of the UGA. Under its Utility Service Area Policy, it is the City's goal to provide service throughout the City limits, UGA, and service area agreements with adjoining BPUD and BREA utilities. The greater of the City limits, UGA, and service area agreements constitutes its current utility service area and planned future service areas.

FUTURE DEFICIENCIES AND RECOMMENDATIONS

The City has identified power supply system capital improvement projects that will be needed to meet the demands of growth as detailed in the Energy Service Department's Capital Facilities Plan for 2016-2027. The list consists of electrical projects with an estimated cost of approximately \$60 million during this period. The \$60 million capital cost is derived from the latest long-range capital expenditure forecast and extrapolating the average annual expenditure through calendar year 2027.

Specific projects have been identified for the second planning period. Critical service deficiencies in this period could result unless needed capital improvements are identified and implemented.

The Energy Services Department has identified electric utility capital improvement projects that will be needed to meet the demands of growth through calendar year 2022. Cost of service and sources of funding are identified in Table U-19.

Table U-19: Electrical Power Facilities Improvement and Fund Resources

Facilities	Total Cost	Time-frame
Miscellaneous Electrical Projects	\$81,754,000	2017-2022
Funding Source	Total Fund	
Benton PUD Contributions	\$1,250,000	2016-2020
Bonds - Future Issue	\$21,955,000	2018-2022
Bonds - Prior Issue	\$21,254,000	2016-2018
Facility Fees	\$6,200,000	2016-2022
RAISE (LRF)	\$980,000	2017-2022
Rate Revenue	\$30,115,000	2016-2018
Total	\$81,754,000	

Long-range capital projects for the power supply system are identified and will be based on the need for improvements to serve growth in the second planning period and on the ability of the City to finance them. Implementation of improvements will be planned as part of an overall finance plan for all City-owned utilities and capital facilities. Projects and related costs identified through 2022 by the Energy Services Department include:

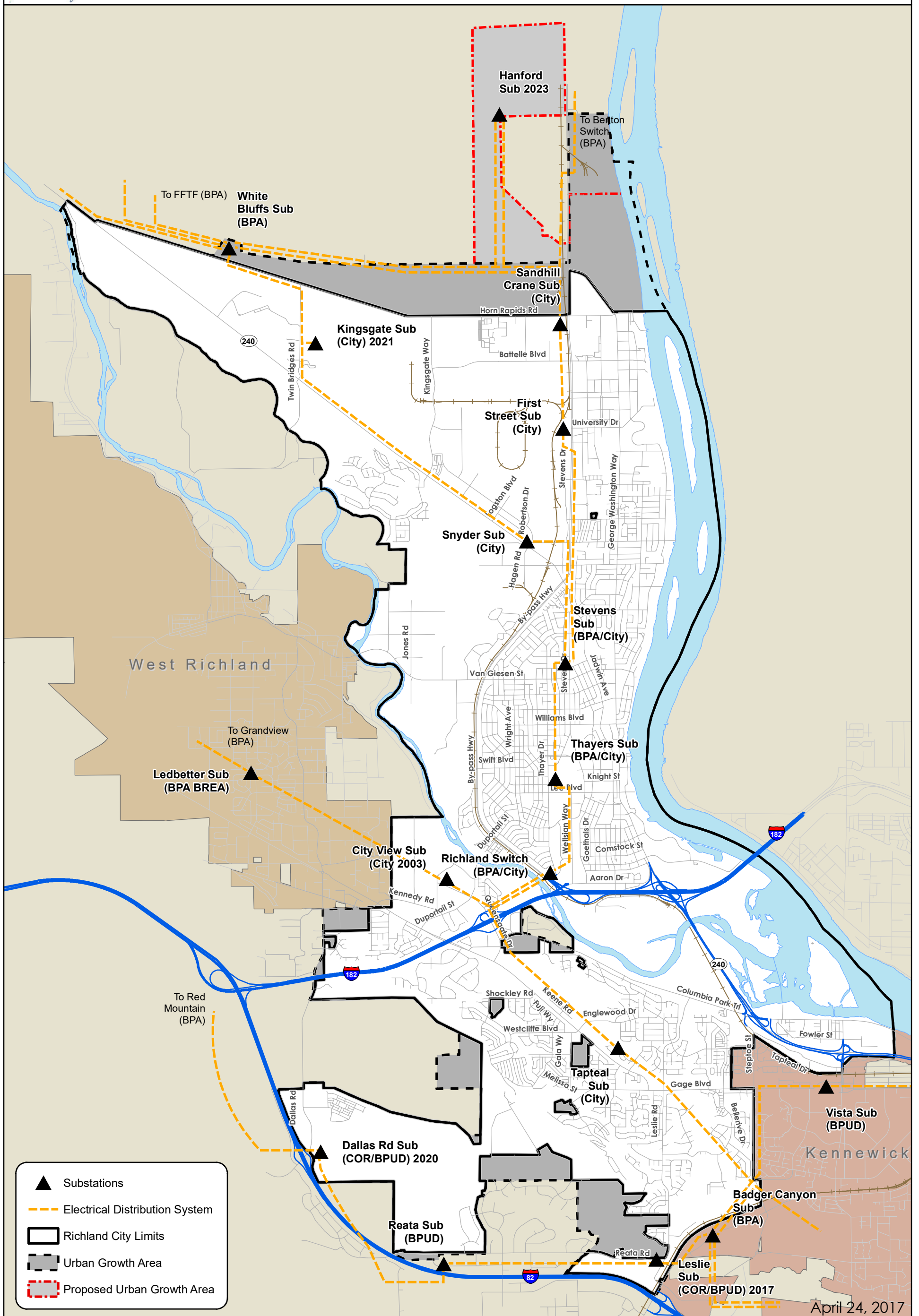
- Dallas Road Area Improvement - Plan, design, and construct a new electrical system substation and connect via new and existing transmission power lines into the electric system grid. Total Estimated Cost: \$9,222,000.
- Kingsgate Substation - New substation for the Horn Rapids Industrial Park. One 28,000 KVA capacity transformer and major materials purchased by City. Substation to be constructed and commissioned by the end of 2021. Total Estimated Cost: \$4,236,000.
- Leslie Rd Substation - Plan, design, and construct a new electrical system substation and connect into the electrical system grid operated by the BPA. Additionally, plan, design, and construct primary underground distribution feeders from new substation to the City's new and existing electrical system. Total Estimated Cost: \$10,081,000.
- Smart Grid – Advanced Metering Infrastructure - Complete a detailed design and implement an electrical utility smart grid program to cost-effectively improve utility operations and provide the utility customers with options to control their power consumption and usage patterns. Total Estimated Cost: \$10,600,000.
- Purchase Southwest Service Area Infrastructure - Per 2005 Electrical Service Area Agreement, purchase the depreciated value of BPUD infrastructure currently serving Hidden Hills Phase 1, Badger Mountain Irrigation District pumping station, and Reata Ridge in 2015 and other PUD facilities in 2020 serving any new City-annexed properties in the southwest service area. Total Estimated Cost: \$812,000.

The capital improvements identified by the City will address deficiencies resulting from growth during the second planning period. Mitigating system improvements will have to be identified by the City for the second planning period.



City of Richland

U-6 - Major Electrical Transmission Lines



UTILITIES BY OTHER PROVIDERS

SECTION ONE

NATURAL GAS SUPPLY

EXISTING CONDITIONS

Cascade Natural Gas Corporation builds, operates, and maintains natural gas distribution facilities serving the City of Richland. Cascade is an investor-owned utility serving customers in 68 communities in Washington and Oregon. Interstate pipelines transmit Cascade's natural gas from production areas in the Rocky Mountains and western Canada. The Cascade headquarters is located in Kennewick, WA (Cascade Natural Gas, 2017).

Cascade's service areas are concentrated in western, central, and southeast Washington; and central and eastern Oregon. Richland's natural gas supply system currently meets existing demand.

LEVEL OF SERVICE

Natural gas service and availability are currently sufficient to meet existing demand. Cascade Natural Gas works with its suppliers to ensure that local gas supply needs are met.

Future levels of availability and service will be maintainable through market demand. Cascade Natural Gas and its affiliates will need to coordinate with the City to ensure that future service extensions are consistent with local growth plans.

FUTURE DEFICIENCIES AND RECOMMENDATIONS

Natural gas will be made available concurrently with growth to the best of the purveyor's ability. No deficiencies in the natural gas supply have been identified. The City will promote locating utility distribution lines together and using existing utility easements wherever possible.

SECTION TWO

TELECOMMUNICATIONS

EXISTING CONDITIONS

Telecommunications is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. In Richland, telecommunication utilities include telephone, cellular telephone, Internet, and cable television.

The telecommunications industry is undergoing tremendous advances in technology as cellular and optical fiber technologies transform the way service is delivered. Additionally, advances in computer technology, particularly the Internet, will have an impact on the type and quantity of services provided by the industry. As the distinctions that separate data, video, and voice technologies disappear, it becomes more difficult to assess the future configuration of telecommunications service.

Many telecommunication utilities are under the directive by their licensing agency and franchise agreements to provide a specific level of service to their service area. Most of these utilities are regulated at the state level by the Washington Utilities and Transportation Commission.

Nearly all land uses require one or more of the utilities involving telecommunications. As growth occurs within the residential, commercial, and industrial areas throughout the City and urban growth area, demand for reliable telecommunication services is placed on these utilities.

Many new providers have entered the market and provide options that create a very competitive environment in the telecommunications field; therefore, it is very difficult to accurately assess the way in which telecommunications will be provided throughout the City.

While the provision of advanced communications technology is important to the City's residents and businesses, and vital to the continued economic development of the City, the associated infrastructure can be aesthetically unattractive and present negative impacts to existing services. The City strives to encourage and facilitate the continued development of high quality communications infrastructure while minimizing any associated adverse impacts upon the community or upon the reliability of existing services that are often delivered via the public rights-of-way.

Cable TV

The City of Richland currently franchises Charter Communications Holding Company, LLC, to serve its population in compliance with Federal Communications Commission (FCC) regulations.

Charter Communications provides television services in the Tri-Cities area from a central facility to individual subscriber sets. An electronic control center ("head-end" site) processes reception and generation for distribution through the cable system. The signal can be received from a hard line (cable), a satellite dish, a microwave antenna, or a TV antenna.

Charter Communications' direct cable facilities in Richland include trunk lines and smaller distribution lines. Distribution lines run either along poles on space leased from an electrical or telephone utility, or underground, along the street right of way.

Phone and Internet

Basic and enhanced telecommunication services in Richland and much of the Northwest is provided by Frontier. For the cellular network, almost all nation-wide companies serve the City such as Verizon, Cellular One, U.S. Cellular, AT&T Wireless, T-Mobile, and Cingular Wireless.

Cell towers may be located on tall poles, lattice towers, or buildings. Each cellular site facility includes antennas, radios, air conditioners, and computerized switching equipment. Most sites also contain backup power equipment. Sites located on buildings typically house the associated equipment in self-contained shelters. Cell sites do not emit smoke or loud noise during normal operation. The location of cell sites is typically affected by terrain, other existing cell sites with which new sites must interact, and the cellular company's ability to reach agreement on leases with potential land owners.

The Federal Communications Commission (FCC) licenses cellular companies to operate within strict guidelines. The license allows the licensee the right to use a group of radio frequencies to provide telephone service.

LEVEL OF SERVICE

Federal and state regulations require that telecommunications purveyors provide adequate telecommunications services on demand.

FUTURE DEFICIENCIES & RECOMMENDATIONS

No deficiencies in the telecommunications system were identified under the Comprehensive Plan, therefore, no improvement recommendations were developed.

SECTION THREE

IRRIGATION DISTRICT FACILITIES

EXISTING CONDITIONS

Irrigation is not typically considered an urban service, nor is it a public service or utility provided by the City. However, irrigation water is used for lawns and landscaping by public facilities and grounds, schools, and residential subdivisions. Irrigation water lessens the demand on public drinking water supplies for these urban irrigation purposes.

Only portions of the City of Richland currently have irrigation services. The southern part of the City is served by the Columbia and Kennewick Irrigation Districts. Columbia Irrigation District operates an irrigation canal and a pump station in that area.

Within the unincorporated UGA, irrigation services are provided by the Columbia, Kennewick, and Badger Mountain Irrigation Districts. The Kennewick Irrigation District is composed of local improvement districts which collectively provide irrigation water for a large area in Richland. It serves an area along Keene Road and Gage Boulevard via Division 4 Canal and Amon Pump Lateral. The Badger Mountain Irrigation District serves irrigation water to 4,800 acres in the Badger Mountain vicinity. The service area in Richland City limits includes the Heritage Hills, Westcliffe, Crested Hills, and Country Ridge subdivisions; Badger Mountain School and Park; and Cherrywood and Sundance Badger Mountain School.

FUTURE RECOMMENDATIONS

No improvement recommendations are made as part of this Comprehensive Plan.

CAPITAL FACILITIES

SECTION ONE

INTRODUCTION

PURPOSE OF THE ELEMENT

The Capital Facilities Element, required under the Washington State GMA, addresses capital facilities needs in the City of Richland and UGA and represents the City's policy plan for the next 20 years.

This Capital Facilities Element was developed to be consistent with the Benton CWPP and integrated with all other plan elements to ensure consistency throughout the Comprehensive Plan. The Capital Facilities Element considers the public capital facilities necessary to support the other Comprehensive Plan elements.

The Capital Facilities Element promotes efficiency by prioritizing capital improvements for the first planning period, 2017 through 2022, and second planning period, 2023 through 2037. Long-range financial planning enables the City to schedule projects so that the steps in development logically follow one another based on relative urgency, economic desirability, and community benefit. The identification of adequate funding sources results in the prioritization of needs and allows tradeoffs between projects to be evaluated explicitly. The Capital Facilities Element will guide decision-making to achieve the community goals as defined in the Comprehensive Plan.

According to the GMA Procedural Criteria, Chapter 365-195 WAC, the Capital Facilities Element should contain at least the following features:

- An inventory of existing capital facilities;
- A forecast of the future needs for such capital facilities;
- Proposed locations and sizes of expanded or new capital facilities;
- A six-year plan to finance such capital facilities; and
- A requirement to reassess the Land Use Element if funding falls short of meeting capital facilities' needs, and to ensure consistency between the Land Use Element and the Capital Facilities Element and associated Finance Plan.

The Capital Facilities Element documents all capital projects needed to accommodate projected growth. The Finance Plan identifies the City-provided facilities and the sources and levels of financial commitment and revenues necessary to meet the concurrency requirements of the GMA. Concurrency means that needed capital facilities must be installed and available for use at the time of development, or within a reasonable time period following completion of the development.

Richland CIP uses many revenue sources to fund the capital investment projects identified in the plan, including sales tax, business and occupation tax, utility rates, state revenues, bonds, and grants. City also collects park impact fees to mitigate park impacts. Impact fees collected from specific park zones are used within that park district to address the impact by providing park and facilities according to the standards set in the Parks, recreation and Open Space Plan.

The capital facilities covered in this element are as follows:

- Parks, Recreation and Open Space Facilities
- Municipal Facilities

- Fire and Emergency Service Facilities
- Police Service Facilities
- Library Facilities
- Schools

SECTION TWO

PARKS, RECREATION, AND OPEN SPACE

EXISTING CONDITIONS

Existing Parks and Recreation Sites

The City of Richland has a total of 2,286 acres of city-owned park land within its corporate limits. Richland's park land inventory includes neighborhood, community, regional, linear, natural open space, and special use parks. Richland's open space is discussed under the Land Use Element.

Neighborhood parks are intended to serve specific neighborhoods within one mile. It is generally located in the center of a service area and adjacent to, or in close proximity to other open space or school sites. Community parks serve multiple neighborhoods and are larger in size than the neighborhood parks. Regional parks offer recreational opportunities that attract a diverse group of people from the Tri-Cities metropolitan or county area. Special use parks offer major specialized or single-purpose facilities, with a service area generally being community wide or larger. Linear parks are developed for recreational travel, or to enjoy linear resources such as waterways, shelterbelts, streetscapes, or similar amenities. They are typically long and narrow in shape, with a community wide or larger service area. Detailed criteria for each type of park are identified in the Parks, Trails, Open Space and Facilities Master Plan, 2014-2019.

Table CF-1: Park Area Total

Park type	Acres	Number of Parks
Neighborhood Parks	78.6	25
Community Parks	220	4
Regional Parks	170	2
Special Use Areas	702	11
Linear Parks	240	9
Natural Open Space	873.98	7
Total Parks and Recreation Areas	2,285.6	58

Each park's classification, acreage, and development status is shown in Table CF-2. The location of all parks is shown in the parks and open space map in the Comprehensive Plan.

Table CF-2: Inventory of Existing City Parks

Park	Acreage	Type1
Barth Park	0.35	Neighborhood park, developed
Beverly Heights Park	2.6	Neighborhood park, developed

Park	Acreage	Type1
Brookshire Park	2.5	Neighborhood park, developed
Chaparral Park	3	Neighborhood park, developed
Craighill Park	3.41	Neighborhood park, developed
Crested Hills Park	5.8	Neighborhood park, developed
Desert Rim Park	2.84	Neighborhood park, developed
Drollinger Park	1.5	Neighborhood park, developed
Frankfort Park	2.86	Neighborhood park, developed
Gala Park	3	Neighborhood park, developed
Goethals Park	2	Neighborhood park, developed
Heritage Hills Park	1.59	Neighborhood park, developed
Hills West Park	2.06	Neighborhood park, developed
Jadwin/Stevens Triangle	1.41	Neighborhood park, developed
Jason Lee Park	4.1	Neighborhood park, developed
Jefferson Park	8.71	Neighborhood park, developed
Lynnwood Loop Park	10.9	Neighborhood park, developed
McMurray park	3.04	Neighborhood park, developed
Meadows East Park	3.04	Neighborhood park, developed
Oak Park	3.1	Neighborhood park, developed
Overlook Park	0.91	Neighborhood park, developed
Paul Liddell Park	2.75	Neighborhood park, developed
Rodney Block Park	3.1	Neighborhood park, developed
Stevens Park	1.41	Neighborhood park, developed
McMurray Park	3.04	Neighborhood park, undeveloped
Westwood Park	0.89	Neighborhood park, developed
Wye Neighborhood Park	3.15	Neighborhood park, developed
Unnamed Park in Badger Mountain South	6.0	Neighborhood park, undeveloped
Badger Mountain Community Park	80	Partially Developed
Claybell Park	46	Community park, partially developed, includes natural open space
Hanford Legacy Park	117	Community park, partially developed
Trailhead park	40	Community park, partially developed
Unnamed Park in Badger Mountain South	30	Community park, undeveloped and undedicated
Howard Amon Park	45.91	Regional park, developed

Park	Acreage	Type1
Leslie Groves Park	149.2	Regional park, developed
Abbott Shelterbelt	4.1	Linear park, developed
Bypass Shelterbelt	55.74	Linear park, developed
Gillespie Parkway	2.9	Developed
Goethals Shelterbelt	15	Linear park, developed
Haines Levee	19	Linear park, developed
James Lawless Park	34	Linear park, undeveloped
Keene Road Trail Corridor	78.7	Linear park, undeveloped
Marjorie Sutch Greenway	14.6	Linear park, partially developed
Stevens Islands	16.27	Linear park, developed
Amon Basin Natural Preserve	75	Natural open space, undeveloped
Badger Mountain Park	80	Community park, partially developed, includes natural open space
Bateman Island ¹	160	Natural open space, undeveloped
Chamna Natural Preserve ¹	293	Natural open space, undeveloped
Columbia Point South	116	Natural open space, undeveloped
W.E. Johnson Park	236	Natural open space, partially developed
Wye Levee	21	Developed
Bradley Boulevard Park	0.2	Special use areas, developed
Carol Woodruff Plaza	0.1	Special use areas, developed
Columbia Park West ²	65	Special use areas, partially developed
Columbia Playfield (includes George Prout Pool)	28.89	Special use areas, developed
Columbia Point Golf Course	170	Special use areas, developed
Columbia Point Marina Park	13.2	Special use areas, developed
Horn Rapids Athletic Complex	24	Special use areas, developed
Horn Rapids ORV Park	300	Special use areas, developed
Jeanette Taylor Park	2.02	Developed
John Dam Plaza	3.9	Developed
South Columbia Point	116	Special use areas, partially developed
¹ "Developed" is used for parks using irrigation and landscape at a minimum; "partially developed" describes parks that include both developed and natural open space		
² US Army Corps of Engineers owned, leased to the City of Richland		

Trails and Bicycle Paths

The City has a system of trails, consisting of Class 1 trails, secondary trails, and soft trails as identified in Table CF-3 below. See Figure T-6 for bike and route maps within the City.

Table CF-3: Inventory of Existing Trails

Park Type	Acres
Existing Class 1 Trails	
Richland Riverfront Trail (Horn Rapids Road to I-182 Bridge)	7.22 mi
Leslie Groves Bike Trail	1.6 mi
Bypass Shelterbelt (Wellsian Way to Jadwin Ave)	4.36 mi
Sacagawea Heritage Trail	3.67 mi
Chamna/Coulee Street Trail	0.96 mi
Keene Road/ Gage Boulevard Trail	4.5 mi
Stevens Drive Trail	0.82 mi
Existing Secondary Trails	
Aaron Drive Trail	0.54 mi
Badger Mountain Community Park	0.71 mi
Crested Hills Park	0.34 mi
Desert Rim Park	0.25 mi
Urban Greenbelt Trail	2.68 mi
Lynwood Loop Park	.25 mi
McMurray Park	0.35 mi
Paul Liddell Park	0.14 mi
Sagewood Meadows Open Area	0.56 mi
Claybell Park	0.56 mi
Existing Soft Trails	
W.E. Johnson Park	>5 mi
Badger Mountain Centennial Preserve ¹	6 mi
Trailhead Park canyon trail 0.26/Badger Flats Trail 0.4	0.3
Claybell Park	>2 mi
Tapteal Greenway Trail	2 mi
Badger Mountain Overlook	>1 mi
Riverview Management Unit ²	2 mi
Chamna Natural Preserve ²	> 11 mi
Bateman Island ²	> 2 mi
James Lawless Park	>1 mi
Amon Basin	>2 mi
South Columbia Point	>2 mi
Rivers to Ridges Trail (Falconcrest)	0.36 mi

Park Type	Acres
¹ Owned and maintained by Benton County; portion of the park is in the City's UGA	
² US Army Corps of Engineers owned, leased to the City of Richland	

In addition to facilities mentioned above, the Barker Ranch trail exists as an easement on City property also encumbered by an irrigation main easement. The City is in the process of relocating this trail to City property adjacent to the irrigation main.

Other Recreational Activities

In addition to City-owned park land and indoor recreational facilities, other facilities include the 647-acre Badger Mountain Centennial Preserve owned by Benton County, 1,112 acres of USACE-owned open space, and various Richland School District facilities. The USACE manages two open space preserves in the Yakima River delta area, the Yakima Delta Habitat Management Unit totaling 1,112 acres. Other private entities such as private schools, neighborhood clubs, private health clubs, and employers provide many indoor and outdoor sports, recreational, and health facilities.

Community Center

The Richland Community Center is available to all citizens of Richland. The Center serves as the venue for a wide variety of programs and activities designed for individuals and groups of all ages. The Center is used for City sponsored and administered recreational activities and programs, and for rental. A number of the facility's rooms are designed and used as multi-purpose spaces for a variety of activities.

Hanford Reach Interpretive Center

The Hanford Reach Interpretive Center is located in Columbia Park West. It opened to the public in 2014. This is a center exhibiting local culture and history and it promotes education and tourism. The structure is owned by the Richland Public Facilities District (PFD) on USACE property leased by the City of Richland and subleased to the PFD.

Motor Cross

The Off Road Vehicle Park (ORV Park) has a public motor cross (MX) course, an All-Terrain Vehicle (ATV) course, open trails, mini/pee-wee MX track, and RV camping. Portions of the park are leased for remote controlled airplanes and go-karts.

The Horn Rapids Athletic Complex provides a public Bicycle Motor Cross (BMX) course and four men's softball fields.

Aquatic Facilities

The George Prout Aquatic Complex provides public swimming and swim classes. The facility has a 25-meter pool with dive tank and a 1,100-square foot wading pool. The Howard Amon Park has a 1,962-square foot wading pool, and Badger Mountain Park has a 6,000-square foot splash and spray park. Both Leslie Groves and Howard Amon Parks have roped off areas for swimming in the Columbia River.

Water-Oriented Facilities on the River

Boat launches and moorage are provided at Leslie Groves Park, Howard Amon Park, Columbia Point Marina Park, and Columbia Park West. A dock for large watercraft is provided at the end of Lee Boulevard in Howard Amon Park. Primitive launch sites are provided at Wye Park, the north end of

Snively Road, Hyde Road, and Duportail Street. Transient moorage is provided at Columbia Point Marina Park and Columbia Park West. Private moorage is available at Columbia Park West.

Sports Facilities

Columbia Playfield provides five game-ready lit softball fields. Badger Mountain Community Park and Jefferson Park provide five additional game-ready little league fields. Many City Parks and School District facilities contain backstops for informal ballfield practice.

Jeannette Taylor Park contains a 22,000-square foot concrete skate park for skateboards and BMX bicycles. Many of the City parks provide shared areas or dedicated practice fields for soccer, baseball, and basketball. Football fields are mostly provided within the school facilities. Columbia Point provides a golf course; James Lawless Park includes one 18-hole disc golf course. Table CF-4 indicates current facilities within the City.

Private Recreational Facilities

Several neighborhoods, apartment complexes, private businesses, and churches throughout Richland have built private facilities, such as swimming pools, tennis courts, gymnasiums, golf courses, and playgrounds for their residents, members, and employees. While these amenities are not considered in the inventory of available public facilities, private facilities reduce the demand on public facilities.

LEVEL OF SERVICE

Parks

City of Richland level of service standards have been established for the location of neighborhood and community Parks. Neighborhood parks should be available within a one-mile radius from any dwelling unit. The level of service for community parks is a two-mile radius from any dwelling unit. For the purpose of establishing level of service standards, community and regional parks are considered to provide Neighborhood Park service. Park area level of service standards have not been established for the other park types, as they are developed based upon specific activity needs of the City.

Trails

There are no established national standards for trails. The City of Richland has chosen not to identify a level of service standard for trails. Currently, Richland has 30 miles of paved Class 1 trails, or 0.49 miles per 1,000 population.

Natural Open Space

There are no established national standards for open space. The City of Richland has chosen not to identify a level of service standard for natural open space. As discussed in Table CF-1, the City has 874 acres of natural open space in seven parks. With additional acres managed by other government agencies within, or adjacent to the City limits, the total natural open space area in the City limits and UGA is 2,476 acres (Table LU-1). This equates to approximately 40 acres per 1,000 population or 1,730 square foot per resident.

Aquatics

The National Recreation and Park Association's (NRPA) Recreation, Park, and Open Space Standards and Guidelines recommend that the City of Richland should provide one swimming pool per 20,000 residents and the pools should be able to accommodate 3-5 percent of the total

population or 1,964 people at a time. The City has no adopted standards for aquatic facilities. Several private, neighborhood pools exist in the City and are not included in this evaluation.

Recreation Programing

The City of Richland Recreation Department provides recreational opportunities on a continuous, year-round basis, with up-to-date event/activity guides and calendars available online for the public. These facilities and programs are intended to enhance residents' health and provide comfortable access to their local government and other community amenities. Listed below is a brief sample of activity categories with categories changing based on demand.

- Aquatics-swim lessons, lap swim, open swim pre-school educational activities
- Arts & Crafts, General Education-chess, juggling, hunter education, first aid and more
- Dog training, park ranger programs, geocaching, hikes and classes
- Home and garden, language, computer and technologies
- Fitness
- Yoga, martial arts, dance, wellness-check-ups
- Sports: team and individual sports
- Adventure camps-for youth
- Cards, socials trips

FUTURE DEFICIENCIES

Parks

The City is not in need of any additional neighborhood park land. The development of Horn Rapids and Badger Mountain South neighborhood parks will provide adequate park service. New areas near City View re-designated with this Comprehensive Plan update will require one additional community park to serve the area.

The four community parks (Badger Mountain, Claybell, Hanford Legacy, and Trailhead) provide adequate land for development of needed park amenities. There is a need to complete the park amenities at Badger Mountain Park and Hanford Legacy Park. Master plans have been completed for each community park with the exception of Trailhead Park.

Natural Open Space

An analysis on park land in low density cities indicates only eight cities in US have more than 40 acres per 1000 population of park land, which Richland has (The Trust for Public Land, 2015). With the park and natural open space combined, Richland has 79 acres per 1000 people. With the projected 20 years' population, this ratio will be 55 acres per 1000 people. The land use changes indicated in Tables LU-6 and LU-7 will increase the Natural Open Space, and decrease the Developed Open Space. Approximately 38 acres of Urban Reserve land along the Yakima River is re-designated to Natural Open Space (Table LU-6). With these changes, Richland will have about 78.7 acres of open space per 1000 people. For the next 20 years' population, this ratio will remain about 55 acres of open space per 1000 people. The proposed land use changes will result in 54 acres of increase in Natural Open Space and 67 acres of decrease in Development Open Space with a net reduction of 17 acres.

Although Richland includes more open space than communities around the nation, there is a community interest in preserving and expanding open space. The need of open space should be further assessed through stakeholder and public involvement.

Recreation

Table CF-4: Recreational Facilities Inventory and Deficiency

Facility Type	Existing Inventory	Build-out Demand	Additional Need
Youth Baseball Game Fields	10 Fields	10 Fields	0
Youth Baseball Practice Fields	12 Fields	18 Fields	6 Fields
Youth Softball Game Fields	5 Fields	6 Fields	2 Fields
Youth Softball Practice Fields	10 Fields	16 Fields	6 Fields
Adult Softball Fields	4 Fields	6 Fields	2 Fields
Indoor Basketball Practice Courts	7 Courts	16 Courts	9 Courts
Indoor Basketball Game Courts	5 Courts	7 Courts	2 Courts
Indoor Volleyball Courts	21 Courts	14 Courts	4 Courts
Youth Soccer Practice Fields	27 Fields	38 Fields	15 Fields
Youth Lacrosse Game Fields	0 Fields	8 Fields	4 Fields
Youth Lacrosse Practice Fields	0 Fields	2 Fields	2 Fields
Youth Football Game Fields	1 Field	3 Fields	2 Fields
Youth Football Practice Fields	0 Field	0 Fields	0 Fields
Golf Driving Ranges	1 Range	2 Ranges	1 Range
Golf, 18-Hole Courses	1 Course	2 Courses	1 Course
Archery Ranges	1 Course	2 Courses	1 Course
Skateboard Park	22,700 sf	30,000 sf	7,300 sf
Outdoor Tennis Courts	28 Courts	45 Courts	17 Courts
Indoor Swimming Pools	1 Pool	4 Pools	3 Pool

(Based on a 2030 Population 70,000; Source: 2014-2019 Parks, Trails, Open Space and Facilities Master Plan)

RECOMMENDATIONS

Table CF-5: Parks, Trail, Recreation, and Open Space Financing

Facilities	Total Cost ¹ (\$)	Funding Sources	Time Frame
Badger Mountain Park	1,950,000	Park Reserve Fund Park Districts 5 RCO Grant General Fund	2019 - 2020
Columbia Playfield Improvement	1,096,109	Right-of-way Sale Lodging tax Grant Re Excise tax 1st ¼%	2018
Gateway Entrance Improvement	361,000	Re Excise tax 1st ¼%	2012 - 2017
Hanford Legacy Park	7,600,000	Lodging tax Fund RCO Grant	2013 - 2030

Facilities	Total Cost ¹ (\$)	Funding Sources	Time Frame
		Re Excise tax 1st ¼%	
John Dam Plaza Improvements	2,000,000	Business License reserve Fund Private Donations Re Excise tax 1st ¼%	2018
Park, Facilities and Trail Signage	1,70,000	Undesignated Park Reserve Fund Re Excise tax 1st ¼%	2017 - 2030
Park, Facilities Deferred Maintenance	2,140,725	Park Districts 3 Undesignated Park Reserve Fund RCO Tier 1 Big Grant Donation	2013 - 2030
Shoreline Deferred Maintenance	280,000	Undesignated Park Reserve Fund Re Excise tax 1st ¼%	2014 - 2030
Tree Replacement and Deferred Maintenance	120,000	Re Excise tax 1st ¼% WCIA Insurance Settlement Payment	2014 - 2030
West Village Park at Badger Mountain South	250,000	Park District 4	2017
¹ Includes amount that has already been spent in previous years starting in 2012; projects with budget already spent before 2017 is not included in this table.			

Park and recreational facility improvements will be met through proactive long-term planning. Programs and planning shall be done in accordance with the Parks, Trails, Open Space and Facilities Plan. The 2014 – 2019 Parks, Trails, and Open Space Facilities Master Plan indicates major facilities proposed for parks and recreation and their funding sources for a timeframe between 2017 and 2030.

The 2017 Capital Improvement Plan provides a detailed project list for 2017 through 2022. Additional projects in the CIP include:

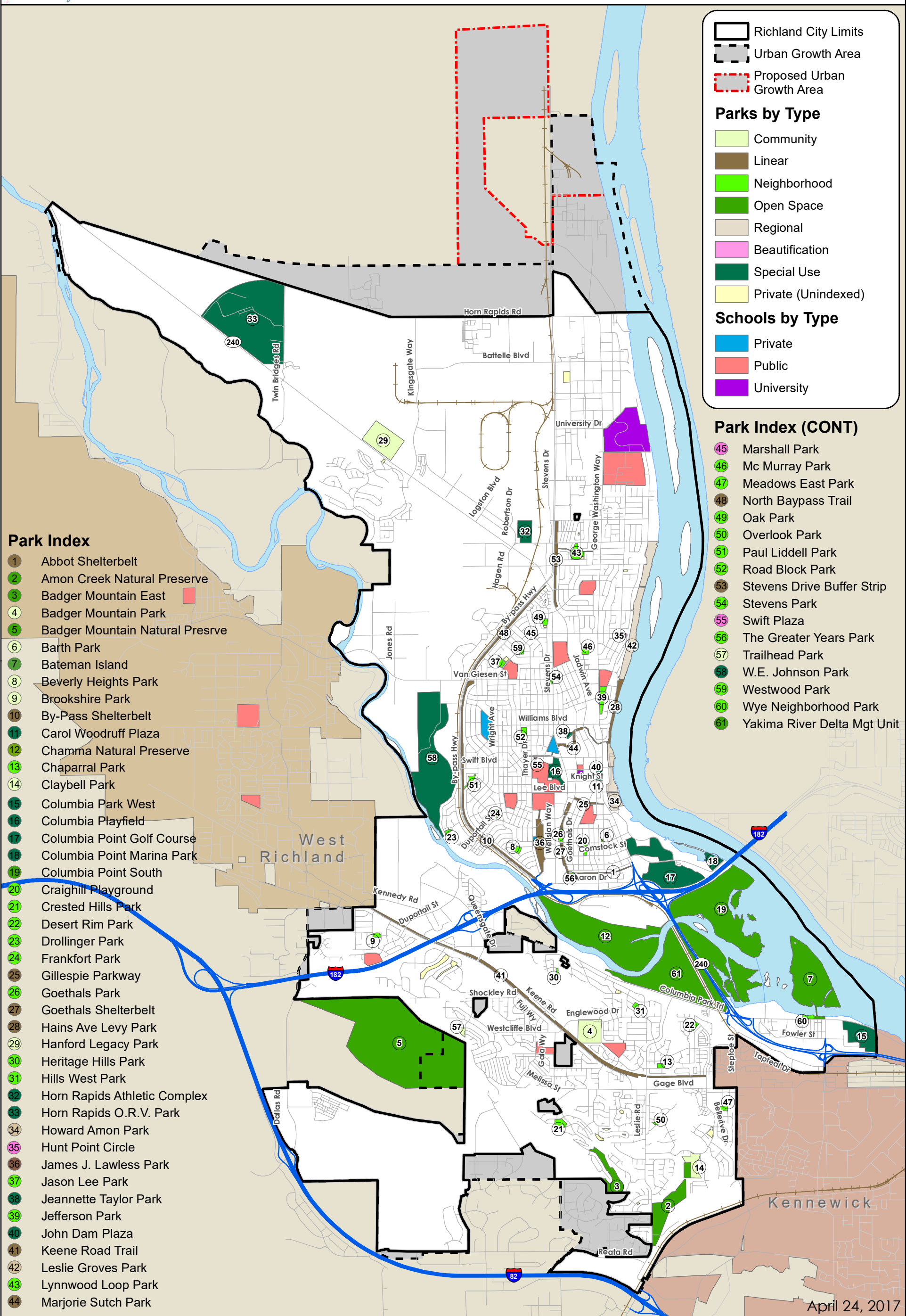
- Bypass Shelterbelt, budgeted for \$1,206,458 in 2020 through 2022
- Conversion of State Funded Recreation Land Mitigation, budgeted for \$60,000 in 2017
- Craighill Park, budgeted and spent \$50,000 in 2016
- Drollinger Park, budgeted for \$120,000; remains \$60,000 for 2018
- Gala Park, budgeted for \$398,386; remains \$70,000 for 2019
- Horn Rapids Athletic Complex, budgeted for \$650,000 for 2017 through 2021
- Parks Facilities ongoing maintenance, budgeted for \$4,192,000 for 2017 through 2022

Land use change indicated in Tables LU-6 and -7 will result in 50 acres on increase in Natural Open Space and 67 acres of decrease in Development Open Space with a net reduction of 17 acres of Open Space. However, this will increase Commercial Recreational land that will offer water-oriented recreational opportunities.



City of Richland

CF-1 - Parks, Schools and Open Space



Park Index

- 1 Abbot Shelterbelt
- 2 Amon Creek Natural Preserve
- 3 Badger Mountain East
- 4 Badger Mountain Park
- 5 Badger Mountain Natural Presrve
- 6 Barth Park
- 7 Bateman Island
- 8 Beverly Heights Park
- 9 Brookshire Park
- 10 By-Pass Shelterbelt
- 11 Carol Woodruff Plaza
- 12 Chamma Natural Preserve
- 13 Chaparral Park
- 14 Claybell Park
- 15 Columbia Park West
- 16 Columbia Playfield
- 17 Columbia Point Golf Course
- 18 Columbia Point Marina Park
- 19 Columbia Point South
- 20 Craighill Playground
- 21 Crested Hills Park
- 22 Desert Rim Park
- 23 Drollinger Park
- 24 Frankfort Park
- 25 Gillespie Parkway
- 26 Goethals Park
- 27 Goethals Shelterbelt
- 28 Hains Ave Levy Park
- 29 Hanford Legacy Park
- 30 Heritage Hills Park
- 31 Hills West Park
- 32 Horn Rapids Athletic Complex
- 33 Horn Rapids O.R.V. Park
- 34 Howard Amon Park
- 35 Hunt Point Circle
- 36 James J. Lawless Park
- 37 Jason Lee Park
- 38 Jeannette Taylor Park
- 39 Jefferson Park
- 40 John Dam Plaza
- 41 Keene Road Trail
- 42 Leslie Groves Park
- 43 Lynnwood Loop Park
- 44 Marjorie Sutch Park

Richland City Limits

Urban Growth Area

Proposed Urban Growth Area

Parks by Type

Community

Linear

Neighborhood

Open Space

Regional

Beautification

Special Use

Private (Unindexed)

Schools by Type

Private

Public

University

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- 45 Marshall Park
- 46 Mc Murray Park
- 47 Meadows East Park
- 48 North Baypass Trail
- 49 Oak Park
- 50 Overlook Park
- 51 Paul Liddell Park
- 52 Road Block Park
- 53 Stevens Drive Buffer Strip
- 54 Stevens Park
- 55 Swift Plaza
- 56 The Greater Years Park
- 57 Trailhead Park
- 58 W.E. Johnson Park
- 59 Westwood Park
- 60 Wye Neighborhood Park
- 61 Yakima River Delta Mgt Unit

April 24, 2017

SECTION THREE

MUNICIPAL FACILITIES

EXISTING CONDITIONS

The City of Richland provides many services at municipal facilities throughout the City. Many of these services are discussed in detail in other sections of this Capital Facilities Element and in the Utilities Element. This section describes the City of Richland's administrative buildings and civic center municipal facilities, including City Hall, City Hall Annex, Community Center, Development Services Center, and the City Shops and Warehouse Facility.

City Hall in downtown Richland houses the Council Chambers, Finance Division, and Administrative Services. It also houses the Cable Communications and the Public Information Officer. The City Hall Annex, adjacent to City Hall, houses the City Manager's office, Assistant City Manager and City Clerk, City Attorney, and Hanford Communities.

The Community Center, a 13,000-square foot facility built in 2002, serves a dual role as a new senior center and a recreation and meeting facility. The facility has a dividable multi-purpose assembly room, game room, commercial kitchen, meeting rooms, and fitness facility. It also houses the administrative offices of the Parks Department.

The Development Services Center houses the Building and Permit Services Division, the Housing Resource Division, Electrical Administration and Engineering, and Public Works Administration and Engineering groups. The building was acquired from the Federal government as surplus property and renovated to become a one-stop planning and development facility during the City's construction expansion period. The renovated area provides increased space and improved working conditions for existing staff. With these services becoming centralized, productivity and efficiency improvements are being recognized.

Staffing for these operations includes 217 employees. The location of major municipal facilities is shown in Figure CF-3, Facilities Map. No municipal facilities are located in the unincorporated areas of the UGA.

In 1994 the City purchased a 160-acre parcel near the Kennedy Road/I-182 interchange, of which 33 acres are dedicated to the construction of a new city shops complex. This campus-style complex completed in 1999 houses the Information Technology and Human Resource Divisions and the construction and maintenance divisions of the electric, water, and solid waste utilities, parks and facilities, fleet services, as well as purchasing and warehousing. In 2010 the City constructed an addition that houses the Information Technology Data Center. The complex consists of three separate buildings and outdoor storage.

LEVEL OF SERVICE

Planning for municipal facilities is based on employment trends, current occupancy, life cycle of the building, efficiency of use, and expansion requirements. Space plans are also determined based on the program objectives of individual departments. Studies prepared by ALSC Architects in April 1992 and 2003, evaluated municipal buildings and recognized that some municipal facilities within the City of Richland were operating at a substandard level.

Assessment of Facilities

City Hall is a 27,914-square foot two-story building. Apart from a minor cosmetic remodeling of the Council Chambers and addition of technology, minimal improvements have been made since it was

constructed in 1959. A facilities analysis, completed by ALSC Architects in April 1992 and again in 2003, evaluated each building for the adequacy of architectural, structural, mechanical, electrical, and safety qualities. The study identified facility needs for City divisions to remain at the site after relocation of the Service Functions and Senior Center. The study concluded that the City Hall Complex is inadequate in size and flexibility and is not in compliance with basic accessibility and energy code requirements. The HVAC system is well beyond its intended life cycle and consists of an electric steam boiler original to the building and a cooling tower. Currently, the City is undertaking a review of its various administrative facilities.

The 5,600-square foot Administrative Building was built in 1977 and has only had minor cosmetic improvements. The ALSC study concluded that the building is basically sound and, is in compliance with building codes. Minor additional aesthetic improvements to the interior finish and carpeting in part of the building were recommended. The HVAC system is running at half of its design capability and cannot be repaired without significant investment.

FUTURE DEFICIENCIES

Municipal facility needs that are affected by growth include equipment and space needs as well as additional staff time to process building permits, conduct development plan reviews, and perform City administrative functions. Future growth and development will place increased demand on the City's municipal facilities and services. However, many factors that influence the need for municipal facilities space do not correlate directly with population growth. With technological advances that affect space demands and the trend toward the "right-sizing" of government, it cannot be assumed that municipal facility needs will increase proportionally with growth.

RECOMMENDATIONS

Currently a plan is underway for the construction of a new City Hall that will combine the City Hall, the City Hall Annex, and the Development Services Building into one facility, therefore eliminating three aging buildings. Construction of a 46,000-square foot facility will begin in 2017 and be complete in 2018.

The Facilities Matrix below in Table CF-6 evaluates major facilities' lifecycles. The lifecycle of a facility can be measured based on the age of a building and cost of operation and maintenance over time. Efficiency in the building design can reduce the maintenance cost. Maintenance and operation cost rises as the building gets older until it reaches a point when maintenance is no longer cost-effective. The average age of an office building can range from 30 to 50 years. However, a building can reach its lifecycle sooner if it does not meet current code and safety requirements, and the cost of retrofitting outweighs the benefit. Future municipal facilities planning should assess the lifecycle of facilities and plan in advance to maintain desired level of service.

Table CF-6: Municipal Facilities Matrix and Lifecycle Assessment

Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/ Replacement Allocation in CIP (\$)
City Hall	1959	Inadequate in size and flexibility; not in compliance with energy code or ADA requirements; major MEP components are failing and the cost of maintenance is increasing every year	The facility has passed its effective lifecycle. The building is in year 59 of a 50 year lifecycle and will be replaced within 2 years.	18,500,000 for new facility to be completed in 2018
City Shops 100, 200, 300	1998	The facility is still functioning very well for its intended purpose. The MEP systems have been well maintained and are performing as expected. The roof material has failed and will need to be replaced in 2018	The facility is on a 50-year lifecycle. If a proactive maintenance program continues, the building should meet its intended lifecycle. The current remaining lifecycle is 60%	
Development Services Building	1944	Major MEP failure throughout the building	The facility has passed its effective lifecycle and will be replaced within 2 years as part of the new City Hall	18,500,000 for new facility to be completed in 2018
Fire Station 71	1953	Even though the facility was remodeled in 1992, it is not performing well. The MEP systems are failing	The facility is currently on year 64 of a 50 year lifecycle. The facility is well past its effective lifecycle and is requiring significant maintenance to keep it functioning properly	<u>\$5,000,000</u>
Fire Station 72	1991	The facility has sustained water damage over the years based on a poor roof and parapet design. The facility will require a significant remodel in 2017 to address the	The facility was intended for a 50 year lifecycle. Based on the current status, its actual lifecycle has been reduced based on	

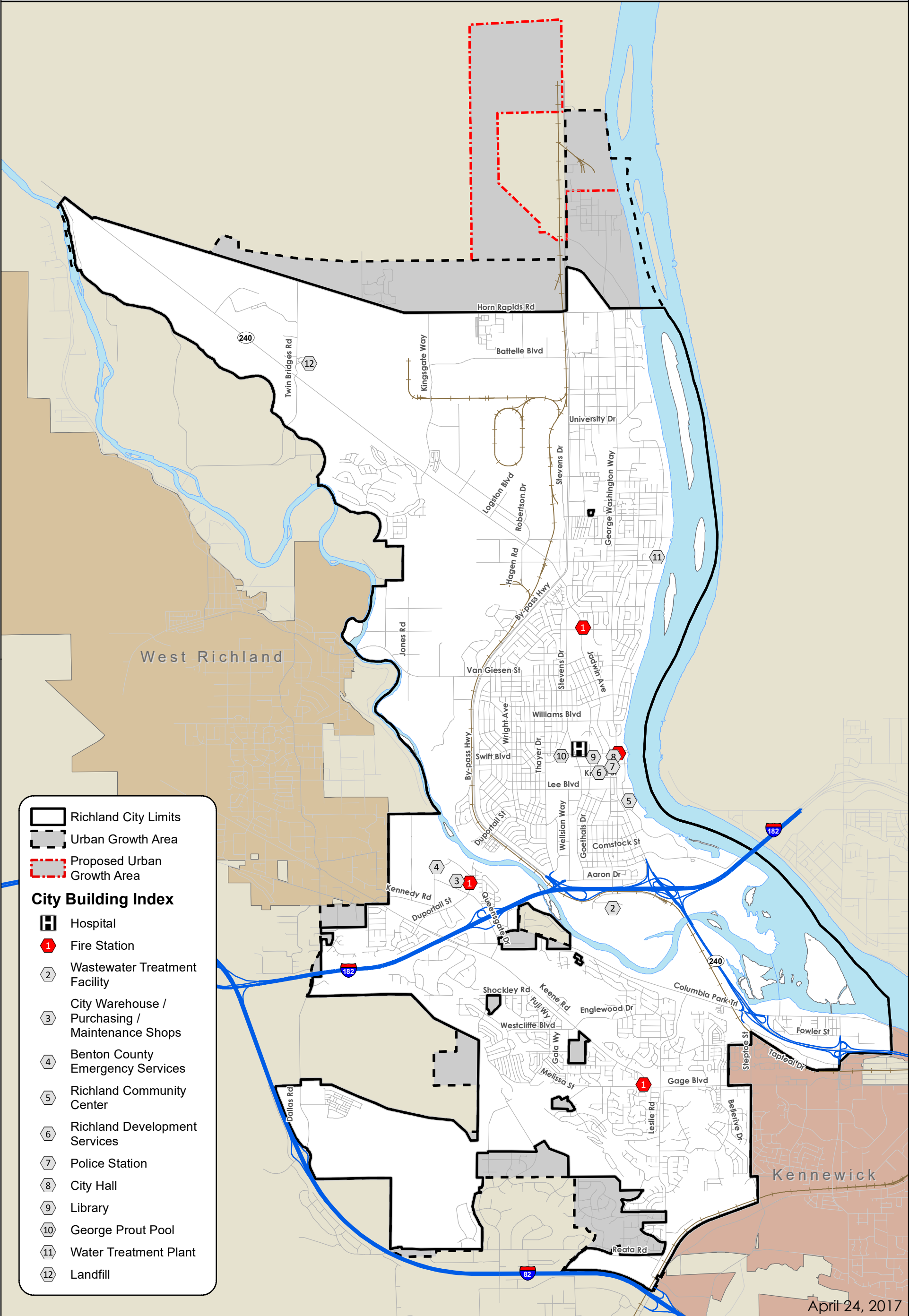
Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/Replacement Allocation in CIP (\$)
		water damage. Overall, the major MEP components are functioning properly	water damage. The remaining lifecycle is approximately 40%	
Fire Station 73	1958	The facility is not performing well and requires significant maintenance to sustain operations. The MEP systems are at the end of their life	The facility is currently on year 59 of a 50-year lifecycle. It is well past its effective lifecycle	\$4,100,000
Fire Station 74	2015	The facility is performing extremely well	98% lifecycle remaining	
Landfill	1977, additions and updates 2001, 2003, 2008	Customer areas such as transfer station and administrative offices scheduled for update or relocation as part of capacity improvements 2018-2019	5% - 10%	\$8,003,512
Police Station	2001	The facility has performed well other than normal MEP and building maintenance	70% lifecycle remaining	
Richland Community Center	2001	The facility has performed well other than normal MEP and building maintenance. The roof is an area of concern and will require significant maintenance	70% lifecycle remaining	
Richland Library	2009	The facility has performed well other than normal MEP and building maintenance. The roof has been a concern and will require replacement well before its intended lifecycle	80% lifecycle remaining	Money is being held in the library reserve fund to replace the roof
Water Treatment Plant	2005	Renewal/Replacement projects scheduled for 2017-2021		\$4,382,770

Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/ Replacement Allocation in CIP (\$)
Waste Water Treatment Plant	1985/1986	Repair/Replacement of influent building and treatment facility are scheduled for update in 2017-2018		\$2,283,000 – Influent Upgrades \$6,611,369 – Treatment Facility



City of Richland

CF-2 - Municipal Facilities



SECTION FOUR

FIRE AND EMERGENCY SERVICES AND FACILITIES

EXISTING CONDITIONS

Fire and emergency medical services are a key part of public safety services for the citizens of Richland and the thousands of visitors and workers who pass through the City. The City of Richland has a professional fire department, which provides fire and life safety protection, emergency medical services (EMS), technical rescue, and hazardous materials response to citizens, visitors and the business community.

The Richland Fire & Emergency Services Department also provides Advanced Life Support EMS through Interlocal Agreements to segments of unincorporated areas of Benton County.

Existing Fire Stations are located as follows:

- Fire Station 71 at 1000 George Washington Way.
- Fire Station 72 at 710 Gage Blvd.
- Fire Station 73 at 1900 Jadwin Avenue.
- Fire Station 74 at 2710 Duportail Street.

The map indicates existing and future Fire Stations serving the City.

LEVEL OF SERVICE

Emergency Response Standard

Richland Fire & Emergency Service historic LOS dates back prior to 2000. Minimum level of service goal is a response time of 5 minutes to 90% of all emergency calls within the City of Richland. The 5-minute response time is defined from time of dispatch to arrival on scene.

Professional Industry Standard

Richland Fire & Emergency Services was given an Insurance Service Office (ISO) rating of 3 following an evaluation conducted in 1994 and again in 2016. ISO ratings range from 1 to 10, with lower numbers being better.

FUTURE DEFICIENCIES

- Inability to meet the City's historic minimum level of service in the northern and southern perimeters of the City as outlined in CFPS Goal 1 policies 1, 2 & 3.
- Enhanced difficulties maintaining WAC training compliance without having access to a training complex.

RECOMMENDATIONS

The following facility recommendations are based on the Comprehensive Plan goals and desire to maintain a level of service standard for the time period of 2017 to 2037.

Short Term 2017-2021 Capital Cost Estimate \$12.9 to \$14.1 million

1. Relocation of the north station (Jadwin & McMurray) further north near the intersection of SR 240 and Stevens Drive (Capital cost estimate: \$4.1 million). Optimal timing for relocation of north station is simultaneous with the completion of the Duportail Bridge. Historic note:

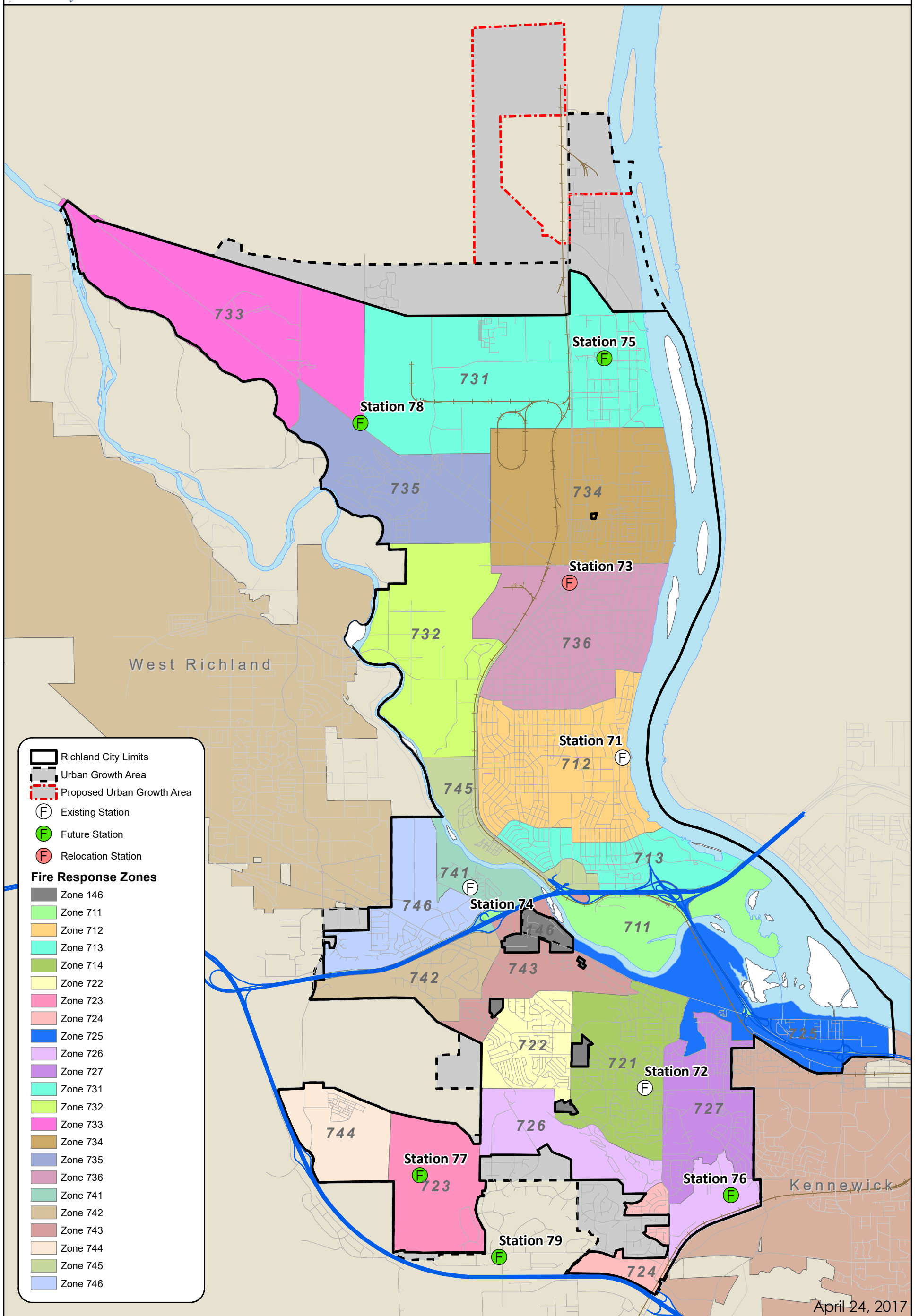
earlier comprehensive plans from the 1990s identified the replacement of station 73 (Jadwin & McMurray) in 2004.

- a. Secure property and change zone and land use designation.
 - b. Construct emergency response facility
2. Construct a satellite/decentralized fire and emergency services facility in north Richland (Capital cost estimate: for facility \$1.8 to \$3 million based on existing or new construction plus \$1 million for apparatus).
 - a. Secure property in appropriate geographic area in North Richland for future facility (Science/tech Park)
 - b. Construct emergency response facility
 - c. Include cost of apparatus: Fire Engine and Ambulance
3. Secure property in appropriate geographic area in northwest Richland for future facility (Horn Rapids Golf Community). City currently owns land in targeted area. Need to confirm zoning and land use change (Capital cost estimate: \$5.7 million).
4. Relocation of Central Fire Station #71 located at George Washington Way & Swift Boulevard to an area near the Richland Police Station (Capital cost estimate: \$5 million).
5. Construct a decentralized fire and emergency services facility in southeast Richland.
 - a. Secure property in appropriate geographic area in southeast Richland for future facility (Capital/property cost estimate: \$500,000).
6. Construct a satellite/decentralized fire and emergency services facility in Badger South area of Richland.
 - a. Secure properties in appropriate geographic areas in South Badger for future facilities (Capital/property cost estimate: \$500,000; total cost: 4.5 million).



City of Richland

CF-3 - Emergency Service Zones



SECTION FIVE

POLICE SERVICE FACILITIES

EXISTING CONDITIONS

The City of Richland has its own Police Department to provide law enforcement services within the City limits. Law enforcement within the unincorporated UGA is currently provided by the Benton County Sheriff's office. The Police Department is located at 871 George Washington Way. The Department employed commissioned officers and civilian employees.

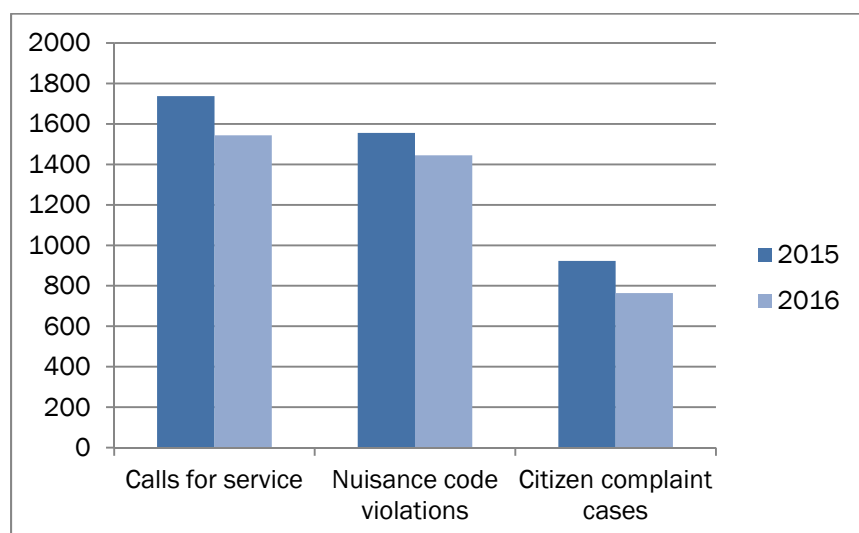
The Richland Police Department established a partnership with the Washington State Department of Corrections (DOC) in 2002 to better monitor criminals who are under active DOC supervision and living in Richland. At present, Richland Police is also leading the Benton County Emergency Management Agency's activities.

Crime rates are decreasing in some categories, while increasing in other categories, based on 2015 and 2016 National Incident-Based Reporting System (NIBRS) data for Richland. Robbery, motor vehicle theft, and stolen property offences have increased slightly, but kidnapping and burglary have decreased. For code enforcement cases, calls for service, code violations, and citizen complaints have decreased as shown in the Table CR-7 below.

Table CF-7: NIBRS Crime Statistics for Richland

Crime Categories	Total Crimes 2015	Total Crimes 2016
Robbery	6	11
Aggravated Assault	53	69
Simple assault	337	313
Kidnapping	15	5
Burglary	217	178
Arson	6	6
Larceny	1111	1100
Motor vehicle theft	48	80
Fraud	190	179
Stolen property offences	29	42
Destruction/ vandalism	461	444
Drug/ Narcotic offences	175	201

Figure CF-4: Code Enforcement Incidents



Current average response times to high priority calls range from one to seven minutes, depending on the type of call and location. The priority categories of police response to calls for service are as follows:

1. Priority I calls are where the safety of people is involved and in progress calls, officers will respond with all urgency, using emergency response equipment when justified.
2. Priority II calls are calls that just occurred. These calls do receive a high-priority response, again using emergency equipment when justified.
3. Priority III calls do not require an emergency response. These calls will be handled as soon as practical but will have lower priority than Category I or II calls. Officers answer Priority III calls when time allows.

Law enforcement within Richland's unincorporated UGA is provided by the Benton County Sheriff's Office. The City of Richland and Benton County have signed a Consent Agreement for Mutual Aid Peace Officers Powers in accordance with the Washington Mutual Aid Peace Officers Powers Act (Chapter 10.93 RCW). By signing this agreement, the jurisdictions agree to provide cooperative enforcement of the law beyond their territorial boundaries as requested by the jurisdiction in need of assistance.

The Police Services Division occupies a police station constructed in 2001.

LEVEL OF SERVICE

Richland Police provides a value-based service. Instead of measuring levels of service by officers per population, Richland measures its levels of service for public safety based on the committed and uncommitted time of the officers and support staff. A balance of committed vs. uncommitted time allows for an efficient response to citizen's calls for service while allocating uncommitted time to allow for proactive police work throughout the community. This balance generally needs to stay at 60 percent committed time and 40 percent uncommitted time.

FUTURE DEFICIENCIES

Future growth will increase demand for police protection services and police department community programs. This may result in a need for additional police officers, equipment, and support staff in the long term.

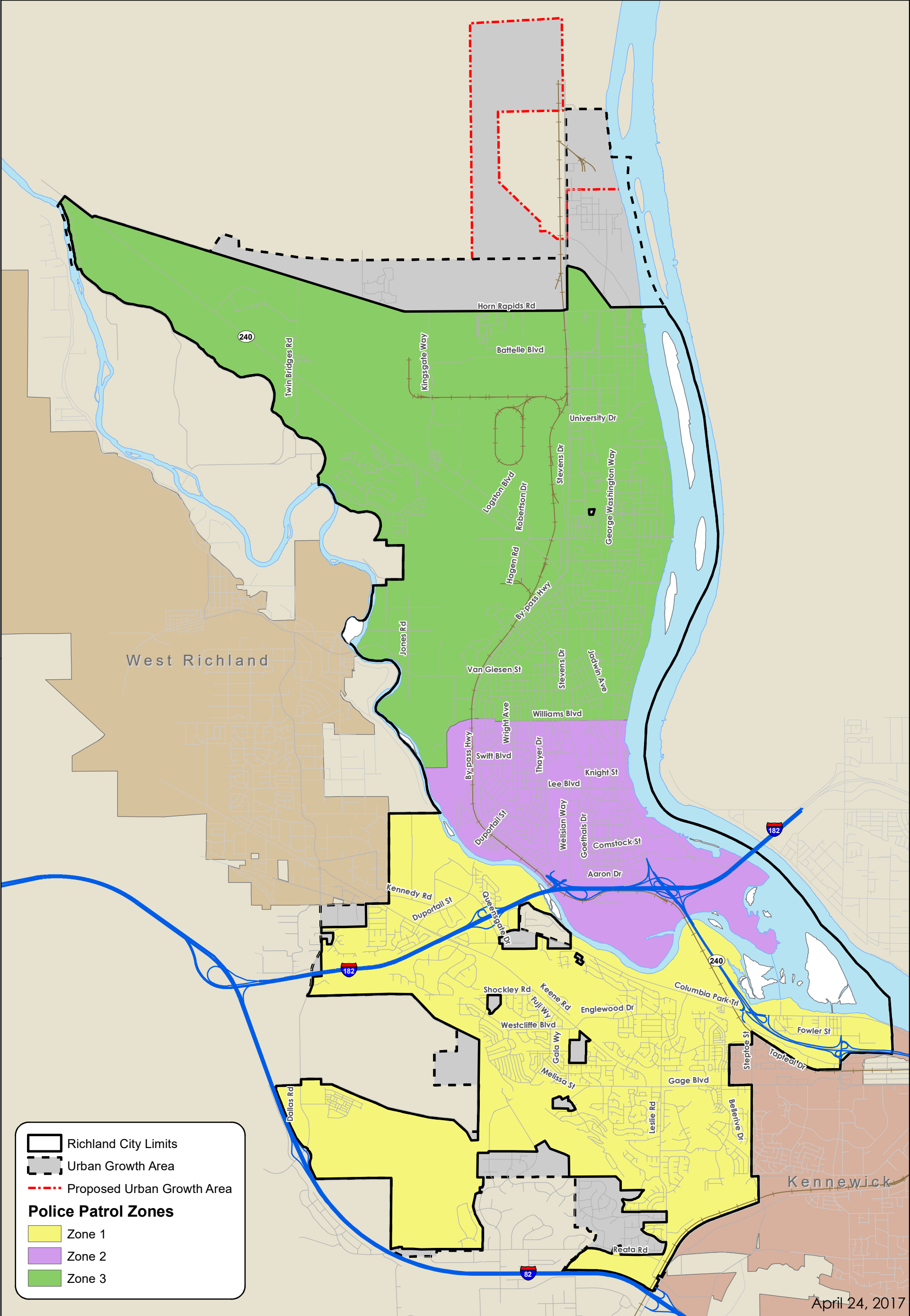
RECOMMENDATIONS

The Police Department is currently not seeking an increase in the number of police officers as it aims to meet its demand through an efficient allocation of committed time. It continues its current programs of community services and crime prevention programs.



City of Richland

CF-5 - Police Patrol Zones



SECTION SIX

LIBRARY FACILITIES

EXISTING CONDITIONS

Library services for Richland residents are provided primarily by the Richland Public Library, operated by the City of Richland Parks and Public Facilities Department. Additional library services are available at the Washington State University (WSU) Consolidated Information Center (CIC), Columbia Basin College in Pasco, and the Mid-Columbia Library System in the adjacent jurisdictions. The Kadlec Neurological Resource Center has a specialized library on neurological disorders that is open to public. The PNNL campus master plan also indicates an on-campus library that is available only to PNNL staff and visiting officials. The Richland Public Library and the WSU CIC are both located within Richland City limits. In addition to those listed above, other library facilities in Richland include school libraries at each school in the Richland School District except Rivers Edge High School.

The Richland Public Library is located at 955 Northgate Drive, is a single facility with no bookmobile or branch outlets. The library serves all of Richland's population and the population in the region. The current library facility was expanded and remodeled in 2009 with state of the art facilities, such as two 19 feet x 24 feet meeting rooms with adjustable lighting and dividers. Each room can accommodate 32 people and the rooms can be combined into a single 38 feet x 24 feet room accommodating 64 people. A 62 feet x 32 feet room seating 132 people was also added. This room features a projector, retractable movie screen, retractable black-out shades as well as conventional shades, a sound system, and DVD player.

The remodel also included the addition of a second floor, which allowed for the expansion of the library's collection as well as the addition of multiple study tables, a fire place, and upholstered seating.

The remodeled lobby features exhibit space that is highly sought after for the display of paintings and sculptures. Glass display cases, a vendor kiosk, and a bookstore were also a part of the building's expansion. During an average week, the library is open 69 hours. Hours of operation vary from winter to summer months. During winter months the library is open from 9:30 a.m. to 9:00 p.m. on Monday through Thursday, 9:30 a.m. to 5:00 p.m. on Friday and Saturday, and 1:00 p.m. to 5:00 p.m. on Sunday. During summer months, the library is closed on Sundays.

LEVEL OF SERVICE

The library facilities are currently operating to serve the population within the City and the UGA. Its service and capacity level is adequate to serve its existing population.

FUTURE DEFICIENCIES

With the future growth of the City, there may be a need for additional library facilities on the south side of the City.

RECOMMENDATIONS

Based on the current Urban Growth Boundary and population growth projections, the City of Richland should look forward to one or more branches or explore other ways to expand service.

SECTION SEVEN

SCHOOLS

EXISTING CONDITIONS

Richland is mostly served by the Richland School District. Table CF-8 describes all facilities that serve residents within the UGA although some schools are located outside the UGA. Table CF-9 lists the special purpose facilities, such as gymnasiums and libraries, in those schools.

Table CF-8: School Buildings

	Building Area (square feet)	Grounds (acres)	Main Buildings	Classrooms
Richland School District				
Elementary Schools				
Badger Mountain	48,371	15	1	25
Jason Lee	78,905	17	1	28
Jefferson	50,882	12	2	24
Lewis and Clark	43,412	15	1	20
Marcus Whitman	43,312	13	1	20
Orchard	72,000	12.33	1	27
Sacajawea	44,100	16	1	21
Tapteal	48,371	15	1	25
White Bluffs	72,626	15	1	
William Wiley	49,138	13.5	1	25
Middle Schools				
Carmichael	107,066	26	1	31
Chief Joseph	116,837	22	1	31
Enterprise	91,300	40	1	36
High Schools				
Richland High	271,536	35	6	69
Hanford High	243,031	72	8	75
Rivers Edge	8,811	1	1	6
Three Rivers HomeLink (located on Jason Lee Elementary)	16,780	N/A	1	8
Kennewick School District				
Elementary School				
Vista	38,026	11.5	1	20
Middle School				
Desert Hills	88,362	20	4	37
High School				

	Building Area (square feet)	Grounds (acres)	Main Buildings	Classrooms
Kamiakin	192,841	30	5	67
Special Schools Outside Richland				
Delta High School (Science, Technology, Engineering, Math) ²	44,013	6	1	20
Tri-Tech Skills Center ¹				
¹ Serves the region and operated by multiple school districts.				
² Located in Pasco. Serves the region and operated by multiple school districts. Students are selected by lottery. Richland has a lottery allocation of 133 students accepted per year.				

Table CF-9: Special Purpose Facilities

School	Gymnasiums	Auditoriums	Cafeterias	Libraries
Badger Mountain	1	0	0	1
Jason Lee	1	1	1	1
Jefferson	1	0	0	1
Lewis and Clark	1	0	0	1
Marcus Whitman	1	0	0	1
Orchard	1	0	1	1
Sacajawea	1	0	0	1
Tapteal	1	0	0	1
White Bluffs	1	0	1	1
William Wiley	1	0	0	1
Carmichael	2	1	1	1
Chief Joseph	2	1	1	1
Richland High	3	1	1	1
Hanford High	3	1	1	1
Rivers Edge (Alternative)	0	0	0	0
<i>Source: Richland School District, 2017.</i>				

LEVEL OF SERVICE

Schools will be designed to accommodate the following:

- Elementary: 500 to 600 students per school;
- Middle: 650 to 800 students per school; and
- High: 1,500 to 1,750 students per school.

DEFICIENCIES AND RECOMMENDATIONS

The Richland School District is required by the State of Washington to provide annual enrollment projections. The District uses the Cohort Survival Method, with consideration of other factors, as the basis for these projections. The Cohort Survival Method uses a five-year average of the percent of students progressing from grade to grade. The average over the most recently completed five-year period is used to project enrollment for the next five years.

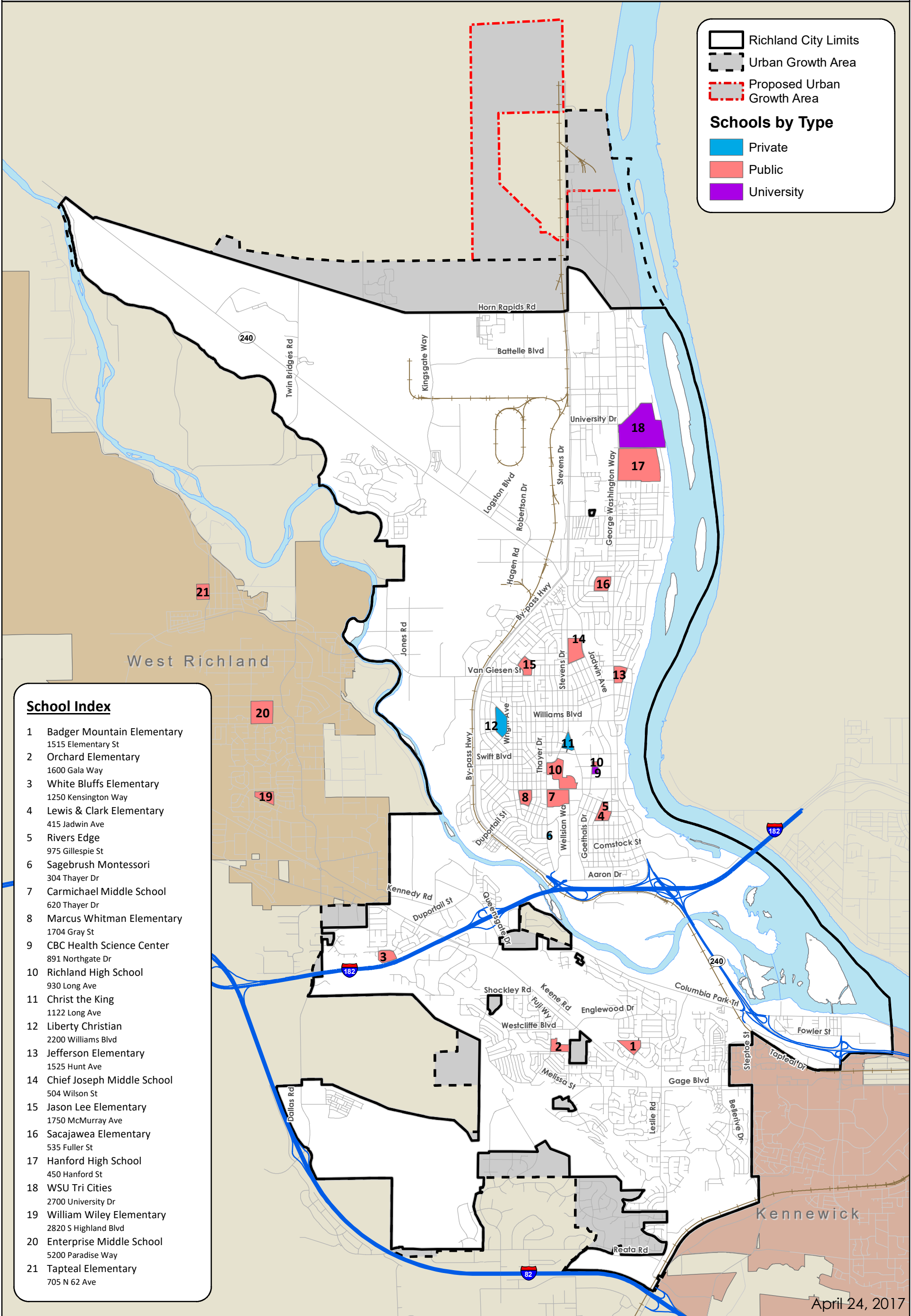
A long range planning study, done for the school district by E.D. Hovee & Company in 2011, developed projections and long range enrollment trends in four areas of the school district: north Richland, central Richland, south Richland, and West Richland. These planning projections, summarized below, were used to develop the bond issue in 2013.

The planned growth of the Badger Mountain South area (BMS) is creating the need for future schools in that area of the city. The school district owns approximately 54 acres in BMS for schools. Improved transportation to meet the access needs of the new schools will also need to be planned. Construction of a middle school (Leona Libby Middle School) is underway and is expected to open in 2017 near Belmont Boulevard and Keene Road, West Richland. The Richland School District purchased 72 acres for a potential high school near the Leona Libby Middle School site. An elementary school is also being planned in this area.



City of Richland

CF-6 - Schools



SECTION EIGHT

ESSENTIAL PUBLIC FACILITIES

According to the GMA, Essential Public Facilities (EPF) include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities as defined in RCW 47.06.140; regional transit authority facilities as defined in RCW 81.112.020; state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

EXISTING FACILITIES

The City provided essential public facilities are already identified under the Utility Elements. This includes Richland's landfill in the Horn Rapids area. Other facilities within the City but operated by the state or other public agency include the existing airport, Interstate Highway I-182, interregional State principal arterials of SR 240 and SR 224, and the freight railroad system (BNSF, Union Pacific, Port of Benton). The Columbia-Snake River System is also identified as an EPF as it provides an important inter-modal commercial transportation network for the state extending to the Pacific Ocean. Other EPF provided by institutions in Richland include mental health facilities associated with Kadlec and the Lourdes Counseling Center.

SITING

The siting process should be consistent with the Benton CWPP. Policy 11 of the CWPP indicates that the County and Cities, along with public participation, shall develop a cooperative regional process to site essential public facilities of regional and statewide importance. The objective of the process shall be to ensure that such facilities are located so as to protect environmental quality, optimize access and usefulness to all jurisdictions, and equitably distribute economic benefits/burdens throughout the region or county.

At the Countywide and multi-county level, the following action should be accomplished:

1. Develop a uniform siting procedure which enables selection of optimum project sites and appropriate size and scale relative to intended benefit area.

Richland's Capital Facilities Goal 2 Policy 3 states to locate capital facilities identified as essential public facilities so as to provide the necessary service to the intended users with the least impact on surrounding land uses.

The City establishes the siting criteria with the understanding that some EPF may not pose any siting difficulties beyond those associated with commercial or public developments. Richland reviews the siting of essential public facilities with a process established in the Richland Municipal Code (RMC 23.42.060, Essential Public Facilities). This process first identifies criteria for determining if the facility is to be reviewed as an EPF. The process reviews and addresses mitigation of potential impacts.

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City of Richland
Comprehensive Plan:
**Integrated
Non-project Final
Environmental
Impact Statement**

September 12, 2017

Prepared for:

City of Richland



Prepared by:

Oneza & Associates

With assistance from:

Anchor QEA

Integrated Non-project Final Environmental Impact Statement

Factsheet

Project Title:

Integrated Non-Project Final Environmental Impact Statement for the City of Richland 10-year Comprehensive Plan

Proposed Action and Alternatives:

The City is updating its Comprehensive Plan based on projected growth projections. Three alternatives were studied in the Draft Environmental Impact Statement (EIS), including a No Action Alternative and two Action Alternatives. The Urban Growth Area (UGA) boundaries would remain the same under all alternatives.

No Action Alternative

The No Action Alternative growth will occur based on the past trends. No land use change will occur to affect the growth pattern.

Alternative 2: Recommended Growth Target

Alternative 2 proposes changes in the Comprehensive Plan land use designations to accommodate Richland's 20-year population growth and capitalize on other development opportunities at Horn Rapids Northwest, City View West, and Columbia Point South.

Alternative 3: Recommended Growth Target High Density, Preferred Alternative

Alternative 3, the Preferred Alternative, proposes changes in the Comprehensive Plan land use designations similar to Alternative 2, with higher density land use designations proposed at Horn Rapids Northwest and City View West. Since the Draft EIS, Alternative 3 has been updated to change the proposed land use designation at Columbia Point South from Commercial Recreation to Urban Recreation, a less-intensive land use designation. The Natural Open Space land use designation surrounding the property will stay the same.

Lead Agency:

City of Richland Community Development Services
840 Northgate Drive
Richland, Washington 99352

State Environmental Policy Act Responsible Official:

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Required Permits and/or Approvals:

Adoption of the Comprehensive Plan by the City of Richland Council; review by the Washington State Department of Commerce, as required by the GMA.

Authors and Principal Contributors:

This Integrated Non-Project Final EIS was prepared under the direction of the City of Richland Community Development Services. Research and analysis was provided by:

- Oneza & Associates, Lead Author
- Anchor QEA, LLC, Built and Natural Environment Analysis

Date of Final EIS Issuance:

September 12, 2017

Date of Draft EIS Issuance:

May 10, 2017

Date of Draft EIS Comments Due:

August 14, 2017

Public Meetings

Open House: March 20, 2017

Public Hearings: May 10, 2017; August 30, 2017

Final Action:

Council Adoption of the Comprehensive Plan Update is October 3, 2017 (subject to change)

Related Plans and Documents

- City of Richland Final Comprehensive Plan 2017 (August 30, 2017)
- City of Richland Final Comprehensive Plan Supporting Analysis (August 30, 2017)

A limited number of CD and hard copy EIS documents are available at the City of Richland Community Development Services at 840 Northgate Drive Richland, Washington 99352. The EIS is also available online at:

<https://www.ci.richland.wa.us/departments/community-development-services/2017-comprehensive-plan-update>

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Chapter 1. Overview

1.1. Introduction

The City of Richland (City) is updating its Comprehensive Plan (Plan) consistent with the Growth Management Act (GMA; Revised Code of Washington [RCW] 36.70A). Every 10 years, the City is required to update its Plan. Pursuant to the GMA, the City is required to complete the update by June 30, 2017. The Plan consists of goals, policies, and analyses of the following elements: economic, land use, transportation, utilities, capital facilities, and housing. It also includes parks and recreation, schools, municipal facilities, fire and emergency services, police services, telecommunications, and Irrigation District Facilities. The Plan guides decisions about development and growth within the City limits and in the Urban Growth Area (UGA). It is designed to help the City meet its long-term vision for growth. The updated document contains visions, goals and policies, and analyses. The Plan is also required to be consistent with the County-wide Planning Policies established for Benton County (Benton County 2017).

The City has determined this proposal is likely to have significant adverse impact of the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030(2)(c) and will be prepared. Materials indicating likely environmental impacts can be reviewed at our office and at the project website at: www.ci.richland.wa.us/compplan.

1.2. What is an Integrated SEPA/GMA document?

In 1995, the Department of Ecology (Ecology) adopted amendments to the Washington State Environmental Policy Act (SEPA; Washington Administrative Code [WAC] 197-11-210) to authorize cities and counties planning under GMA to integrate the requirements of SEPA and GMA. These new rules (WAC 197-11-210 through 235) allow the environmental analysis required under SEPA to occur concurrently with and as an integral part of the planning and decision making under GMA. The City has decided to follow this course and incorporate the EIS discussion of the impacts of the Plan by SEPA into the Plan itself.

The integration of SEPA and GMA results in improved planning and project decisions from the environmental prospective. Just as GMA goals cannot be addressed without consideration of environmental factors, the goals of SEPA are benefited by the examination of the "big picture" and identification of mitigation to address cumulative impacts of development that occurs during GMA planning.

1.3. What is an EIS

An EIS is a document required under the SEPA that evaluates the possible impacts of a proposed action. Several different ways of achieving the goal must be explored and contrasted before a final option/alternative is chosen. The EIS alternatives provide a framework for analyzing impacts and making comparisons among different land use options.

This document discusses the current state of the City, presents two action and one no-action alternative for the future of the City, and analyzes expected changes under each alternative. No alternative should be considered definitive. This will allow decision makers, with input from residents, the opportunity to incorporate the better features of each alternative (if appropriate) into a recommended Plan.

1.4. What is this Process

First, the Responsible Official of the City determined an EIS was required. Once that occurred, the City issued a Scoping Notice to request public input on the scope of the document, including issues to be addressed, alternatives to be evaluated, and the level of detail to be provided. Once a final scope of work had been determined based on public comment, a draft EIS was prepared for public review and public comments were received. A public hearing was also held to solicit public input. This Final EIS document contains all the corrections, responses, and public comments received.

1.5. Background information on GMA

In 1990, the Washington State Legislature recognized that uncoordinated and unplanned growth was reducing the quality of the environment and of life in many areas of the State, and so adopted the GMA. The overall goal of this legislation is to provide a managed framework for growth and development throughout Washington State. There are 14 goals in GMA as follows:

- Urban growth: Encourage development in urban areas where adequate public facilities exist or can be provided.
- Reduce Sprawl: Reduce inappropriate conversion of undeveloped land into sprawling, low-density development.
- Transportation: Encourage efficient multimodal transportation systems based on regional priorities.
- Housing: Encourage the availability of affordable housing to all economic segments of the population.
- Economic Development: Encourage economic development consistent with adopted Plans, promote economic opportunity for all citizens, especially for the unemployed and the disadvantaged, and encourage growth in areas experiencing insufficient economic growth, all within the capacity of the state's natural resources, public services and public facilities.
- Property Rights: Protect property rights from arbitrary or discriminatory actions.
- Permits: Process permits in a timely and predictable manner.
- Natural Resource Industries: Conserve timber, agricultural, and mineral resource lands.
- Open Space and Recreation: Retain open space and enhance recreational opportunities.
- Environment: Protect the environment and enhance air quality and availability of water.
- Citizen Participation and Coordination: Foster early and continuous public participation in the planning process.
- Public Facilities and Services: Provide adequate public facilities and services to serve new growth.
- Historic Preservation: Encourage historic preservation.

Shoreline Management: Incorporate the goals and policies of the Shoreline Master Program (SMP) into the Plan.

In order to attain these goals, cities and counties planning under GMA are required to develop Plans addressing land use, transportation, housing, utilities, and capital facilities for the next 20 years. Plans are required to be updated every 10 years.

1.6. Location

The proposal includes the City limits and UGA boundary. The City of Richland, Washington, is in Benton County at the confluence of the Yakima and Columbia rivers, in the geographic region known as the Mid-Columbia Basin. Richland and the nearby communities of Pasco and Kennewick are commonly called the Tri-Cities. The planning area is bordered on the north side by Hanford Nuclear Reservation, on the south by the City of Kennewick and Benton County, on the east by the Columbia River, and on the west by the Yakima River and the City of West Richland. The Yakima River delta has shaped the City's growth into two areas, north and south sides of the City.

The Tri-Cities area is the largest metropolitan area between Spokane, 145 miles to the northeast, and Seattle, 220 miles to the northwest. Boise, Idaho, is situated 300 miles southeast of Tri-Cities. Because of its location, the Tri-Cities metro has become a major transportation and commercial hub for travelers, and commodities in the Pacific Northwest. Figure 1-1 shows the City regional context.

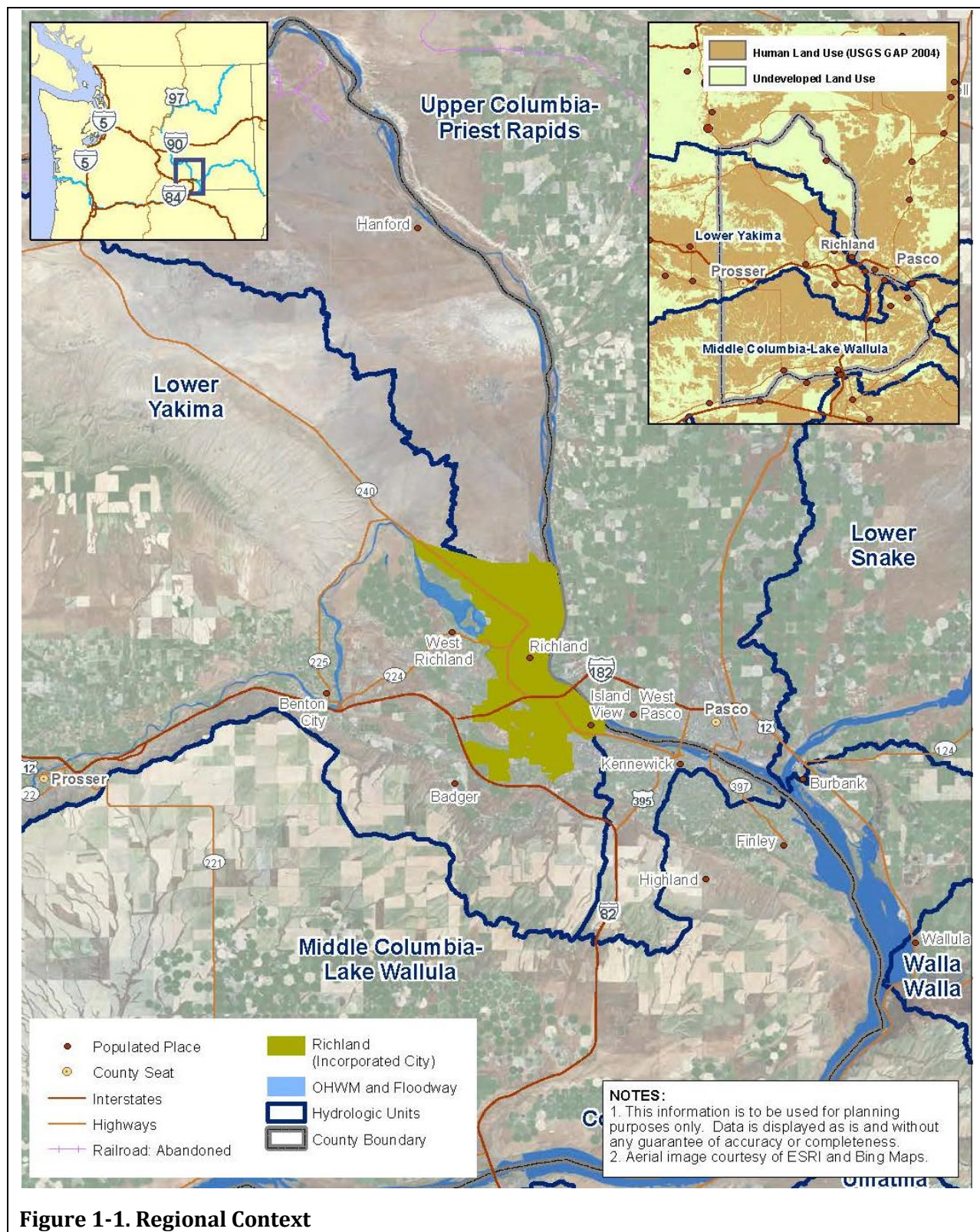


Figure 1-1. Regional Context

1.7. Summary of the Proposal

Richland's Plan includes major planning components, visions, goals, policies, and analyses. A vision is a collective value and target of a community; it is what a community wants to become. Goals are like individual points on the targeted vision. They articulate what we hope to achieve. Policies define how we accomplish the goals. Regulations are codes and ordinances that implement policies. There are six key elements in the Plan: 1) economic development; 2) land use; 3) housing; 4) transportation; 5) utilities; and 6) capital facilities. The Capital Facilities Element includes parks and recreation, schools, municipal facilities, fire and emergency services, police services, telecommunications, and Irrigation District Facilities. The Plan guides decisions about development and growth within the City's UGA. It is designed to help the City meet its long-term vision for growth. Goals and policies are included in relevant elements in order to ensure they carry out the vision of the community.

A Public Participation Plan was adopted by the City. The City provided multiple opportunities for public involvement in the form of public workshops, topic group discussions, open houses, citizen surveys, etc. The City established a Plan webpage to disseminate information to, and gather input from, the public. The City reached out to agencies such as Pacific Northwest National Lab, Richland School District, Columbia Basin College, and Benton Franklin Council of Government. The City also held Planning Commission and Council workshops. The Plan's goals and policies reflect the input received from the public.

1.8. Scope of Review

This Integrated EIS analyzes, at a programmatic level, the potential impacts on the following elements of the environment identified through the scoping process.

- Earth
- Surface Water
- Plants and Animals
- Land Use
- Shoreline Use
- Population, Housing, and Employment
- Parks and Recreation
- Transportation
- Public Services and Utilities
- Heritage Conservation

Chapter 2. Alternatives

2.1. Description of EIS Alternatives

The City is proposing three alternatives based on projected future growth patterns. Alternative 1, No Action, calls for keeping the City's existing Plan without modifications. Alternative 2, Recommended Growth Target, allows for changes in the Plan to accommodate the 20-year population growth projection for Richland allocated by the Office of Financial Management (OFM). Alternative 3, Recommended Growth Target High Density, is similar to Alternative 2, with consideration for a growth pattern of higher density.

2.2. How the Alternatives Were Developed

For the Draft EIS, the City conducted multiple visioning workshops with the public, Planning Commission, and City Council to develop the alternatives. An online survey was also available to offer input on multiple issues. Public input was gathered in accordance with the adopted Public Participation Plan. Multiple ways of outreach include:

- Online, television, and mail
- Public meetings
- Council and Commission workshops
- Online survey
- Topic group discussion
- Other agency coordination

Key topics to address in the Plan were gathered during the outreach process. These include community and neighborhood character, economic development, land use and growth, housing and neighborhood, transportation, open space and natural areas, public participation/communication, urban design and culture, sustainability, parks and recreation, facilities, utilities, public safety, and education.

Following publication of the Draft EIS, Alternative 3, the Preferred Alternative, was updated based on input received during the public comment period. Comments on the Plan and the Draft EIS were incorporated into both and are reflected in this Final EIS.

2.3. The Alternatives

2.3.1. Alternative 1: No Action

SEPA requires an EIS study to contain a "no action" alternative. This alternative would maintain the City's existing Plan without modifications. This means growth will occur based on the past trends. No land use change will occur to affect the growth pattern. The UGA will remain the same. Limited policy changes may be needed to maintain consistency with the GMA and the Countywide Planning Policies.

The existing land use distribution in the City is shown in Figure 2-1 and described in Table 1. Draft EIS Chapter 2 includes a more detailed description of Alternative 1.

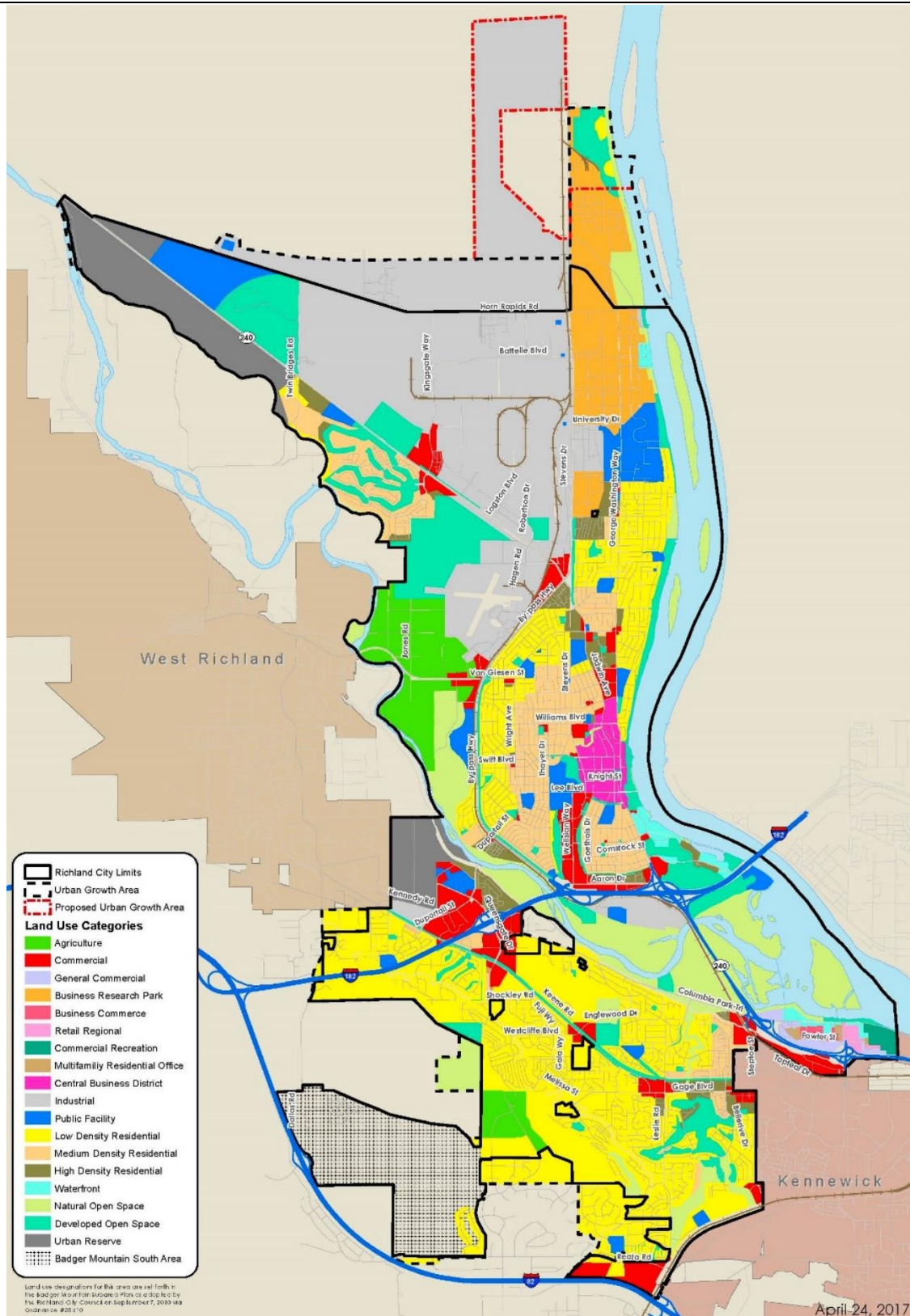


Figure 2-1. No Action Alternative

Table 1: No Action Land Use Acreage

Land Use Designation	City Limits (acres)	Area within UGA (acres)	Total Acreage ¹	% of Total
Residential				
Low Density Residential	4,598	689	5,266	18.15
Medium Density Residential	1,427		1,427	4.90
High Density Residential	530		530	1.82
Badger Mountain South	1,431		1,431	4.91
Commercial				
Business Commerce	28		28	0.10
Central Business District	222		222	0.77
Commercial	1,046	16	1,062	3.70
General Commercial	79		79	0.28
Regional Retail	31		31	0.11
Waterfront	140		140	0.49
Commercial Recreation	50		50	0.17
Public Lands/Open Space				
Developed Open Space	2,170	144	2,314	7.62
Natural Open Space	2,154	322	2,476	8.52
Public Lands/Facilities				
Public Facility ²	1,014	27	1,041	3.63
Industrial				
Business Research Park	750	437	1,084	3.78
Industrial ³	5,374	1,050	6,424	22.39
Mixed Use Designations			0	
Agricultural	903		903	3.15
Residential Office	21		21	0.07
Urban Reserve	1,214		1,214	4.23
Public Service Lands				
Rights of Way	2,947	163	3,110	10.84
Total	25,846	2,848	28,694	100.00%
¹ Does not include water area.				
² Public facilities lands include public school sites, Washington State University (WSU) campus, City-owned facilities, and cemeteries.				
³ Includes proposed UGA expansion area related to Department of Energy land transfer				

2.3.2. Alternative 2: Recommended Growth Target

This alternative allows for changes in the Plan to accommodate the Richland 20-year population growth and to capitalize on other development opportunities.

It includes considering land use, transportation, and policy changes in the Plan to gain an increase in development capacity within the undeveloped and infill areas of the City. The updated vision, goals, and policies will reflect the City's current and future objectives.

The land use distribution in Alternative 2 is shown in Table 2 and Figures 2-2 through 2-4. Draft EIS Chapter 2 includes a more detailed description of Alternative 2.

Table 2: Alternative 2 Land Use Acreage

Land Use Designation	City Limits (acres)	Area within UGA (acres)	Total Acreage ¹	% of Total
Residential				
Low Density Residential	5,004	689	5,693	19.84
Medium Density Residential	1,468		1,468	5.12
High Density Residential	548		548	1.91
Badger Mountain South	1,431		1,431	4.99
Commercial				
Business Commerce	28		28	0.10
Central Business District	222		222	0.76
Commercial	1,087	16	1,103	3.85
General Commercial	79		79	0.28
Regional Retail	31		31	0.11
Waterfront	140		140	0.49
Commercial Recreation	150.2		150.2	0.52
Public Lands/Open Space				
Developed Open Space	1,977	144	2,121	7.39
Natural Open Space	2,166	322	2,488	8.669
Public Lands/Facilities				
Public Facility ²	1,021	27	1,048	3.60
Industrial				
Business Research Park	647	437	1,084	3.78
Industrial ³	5,374	1,050	6,424	22.39
Mixed Use Designations			0	
Agricultural	903		903	3.10
Residential Office	21		21	0.07
Urban Reserve	612		612	2.13
Public Service Lands				
Rights of Way	2,937	163	3,100	10.80
Total	25,846	2,848	28,694	100.00%
¹ Does not include water area.				
² Public facilities lands include public school sites, WSU campus, City-owned facilities and cemeteries.				
³ Includes proposed UGA expansion area related to Department of Energy land transfer				

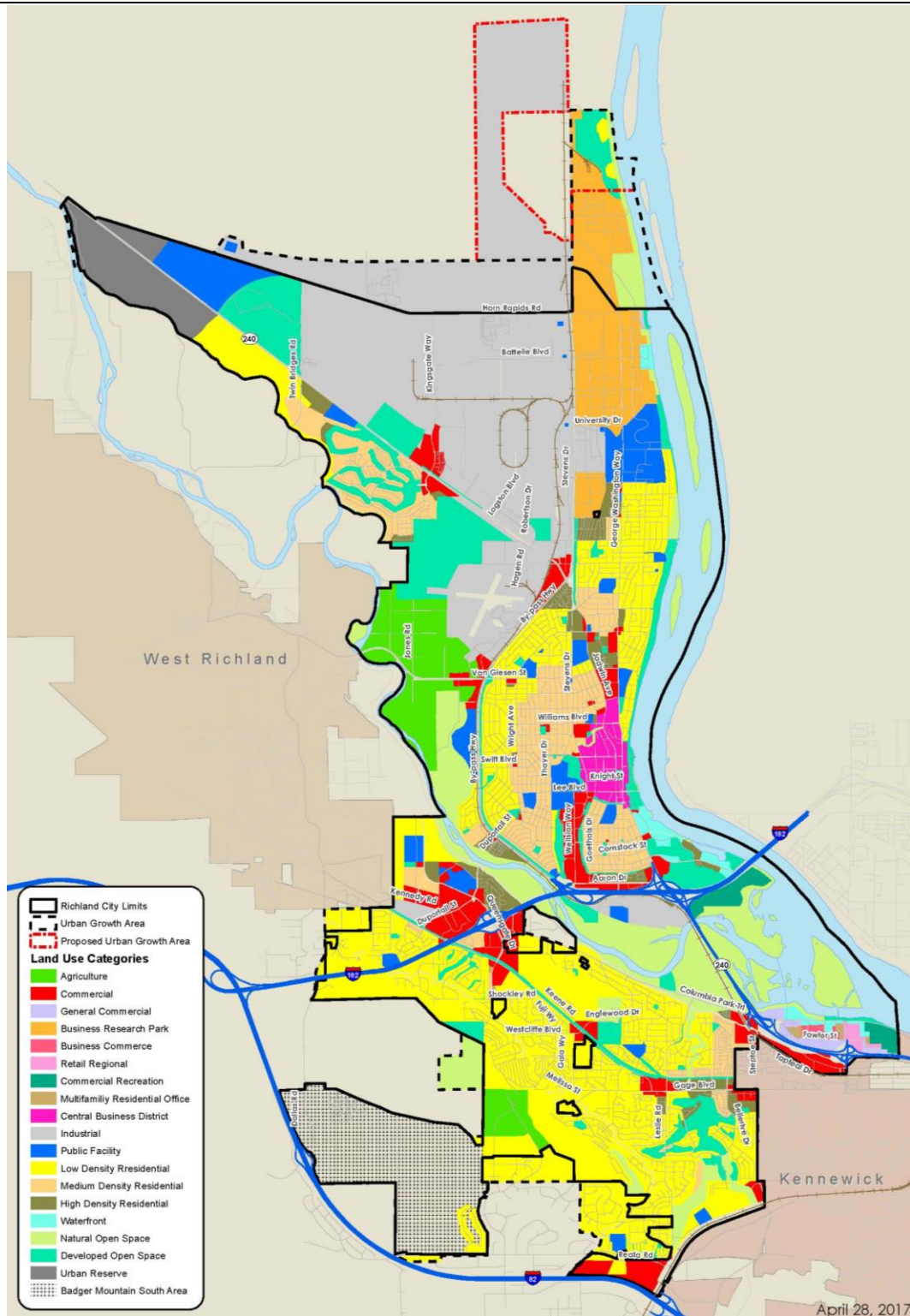


Figure 2-2. Alternative 2: Recommended Growth Target

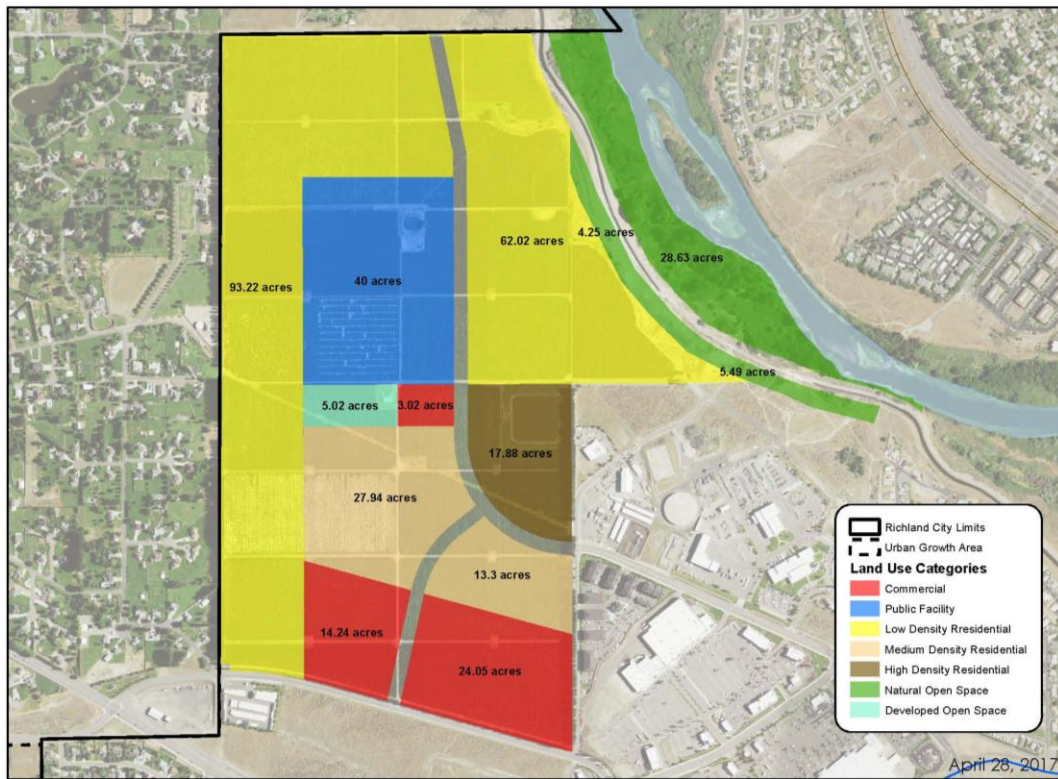
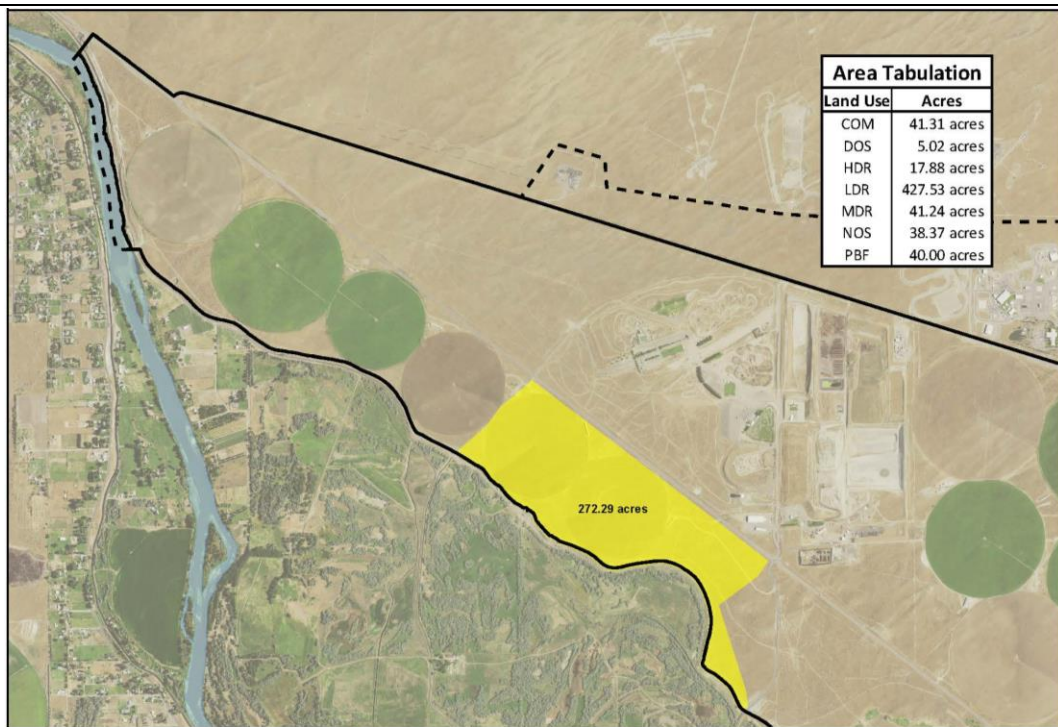


Figure 2-3. Alternative 2: Horn Rapids Northwest and City View West

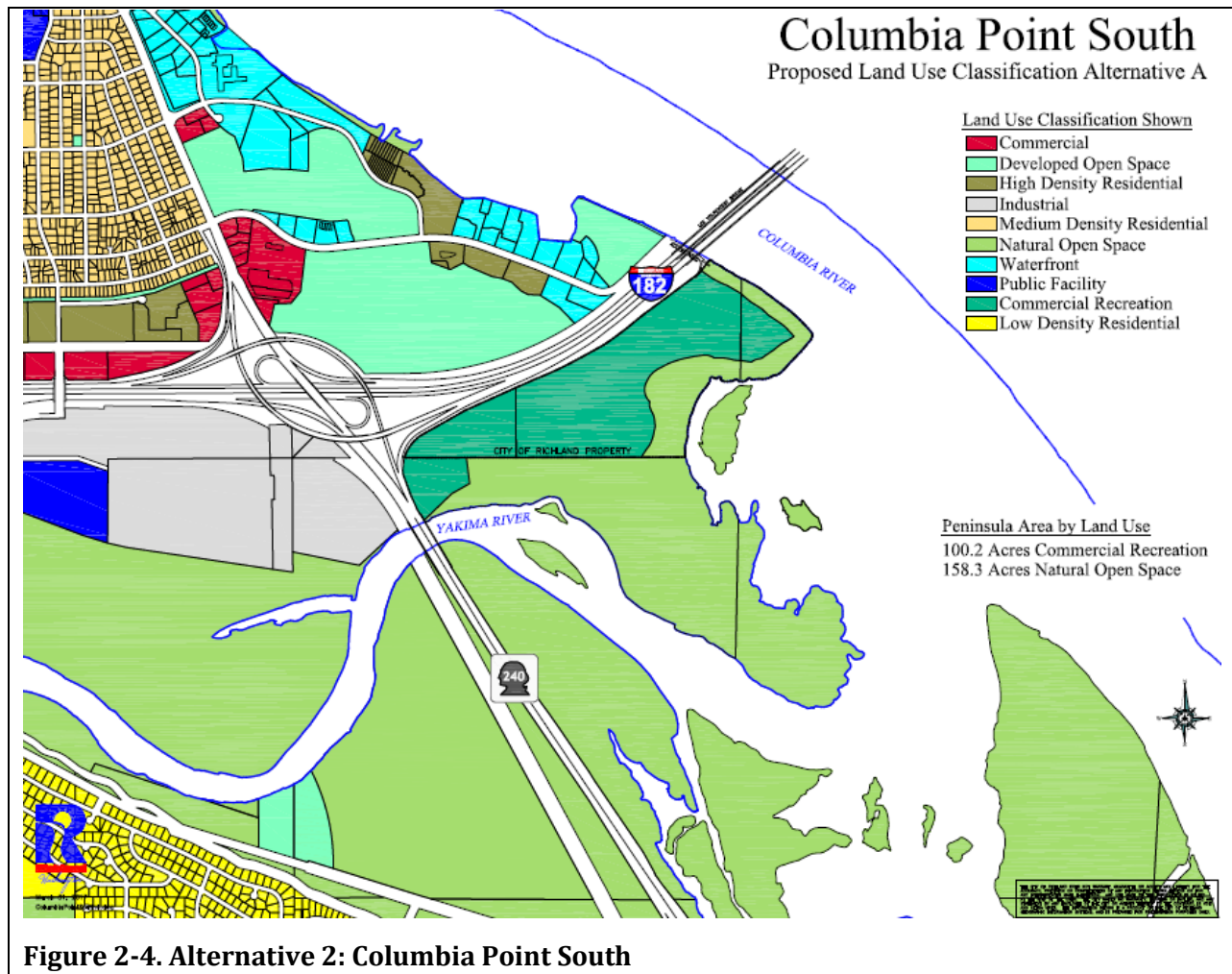


Figure 2-4. Alternative 2: Columbia Point South

2.3.3. Alternative 3: Recommended Growth Target High Density, Preferred Alternative

This alternative allows for changes in the Plan to accommodate the Richland 20-year population growth projection, and to capitalize on other development opportunities. It includes considering land use, transportation, and policy changes in the Plan to gain an increase in development capacity within the undeveloped and infill areas of the City. It will also consider new development in the City's Urban Reserve land adjoining State Route (SR) 240 in north Richland, west of City View in south Richland and in Columbia Point South. It will consider land use and policy change in order to maintain consistency with the GMA and the Countywide Planning Policies and to accommodate growth.

Under the Land Use Element in this Alternative, the Horn Rapids Northwest area will change 230 acres of existing Urban Reserve land to Low Density Residential land, and 42 acres of existing Urban Reserve land to Medium Density Residential land. The City View West area will change 330 acres of existing Urban Reserve land, and 10 acres of right-of-way land, to a mix of Low, Medium, and High Density Residential, Commercial, Public Facility, and Developed and Natural Open Space land uses. This alternative meets the target growth at a higher density by adding 486 acres of residential land, 40 acres of Public Facility land, and 41 acres of Commercial Land. It will add 38 acres of Natural Open

Space and 5 acres of park land under Developed Open Space. This alternative will have more High and Medium Density Residential land uses compared to Alternative 2.

In the Columbia Point South area, about 33 acres of Public Facility land, and 72 acres of Developed Open Space land use will change to 89 acres of Urban Recreation and the remainder of the area to Natural Open Space land use (16 acres). Natural Open Space land will be added along the shoreline.

The updated land use distribution in Alternative 3 is shown in Table 3. No additional changes are anticipated in the UGA.

Table 3: Alternative 3 Land Use Acreage

Land Use Designation	City Limits (acres)	Area within UGA (acres)	Total Acreage ¹	% of Total
Residential				
Low Density Residential	4,950	689	5,639	19.65
Medium Density Residential	1,494		1,494	5.212
High Density Residential	564		564	1.97
Badger Mountain South	1,431		1,431	4.99
Commercial				
Business Commerce	28		28	0.10
Central Business District	222		222	0.77
Commercial	1,101	16	1,103	3.89
General Commercial	79		79	0.28
Regional Retail	31		31	0.11
Waterfront	140		140	0.49
Commercial Recreation	50		50	0.17
Public Lands/Open Space				
Developed Open Space	1,978	144	2,1224	7.39
Natural Open Space	2,185	322	2,507	8.74
Urban Recreation	80		80	0.28
Public Lands/Facilities				
Public Facility ²	1,021	27	1,048	3.65
Industrial				
Business Research Park	646.5	437	1,083.5	3.78
Industrial ³	5,374	1,050	6,424	22.39
Mixed Use Designations			0	
Agricultural	903		903	3.15
Residential Office	21		21	0.07
Urban Reserve	611		611	2.13
Public Service Lands				
Rights of Way	2,937	163	3,100	10.80
Total	25,846	2,848	28,694	100.00%
¹ Does not include water area.				
² Public facilities lands include public school sites, WSU campus, City-owned facilities, and cemeteries.				
³ Includes proposed UGA expansion area related to Department of Energy land transfer				

All other elements in this alternative remain the same as Alternative 2, except for the Housing Element. A variety of housing opportunities are provided through higher density residential land use in this alternative for Horn Rapids Northwest and City View West areas. Draft EIS Chapter 2 includes a more detailed description of the alternatives.

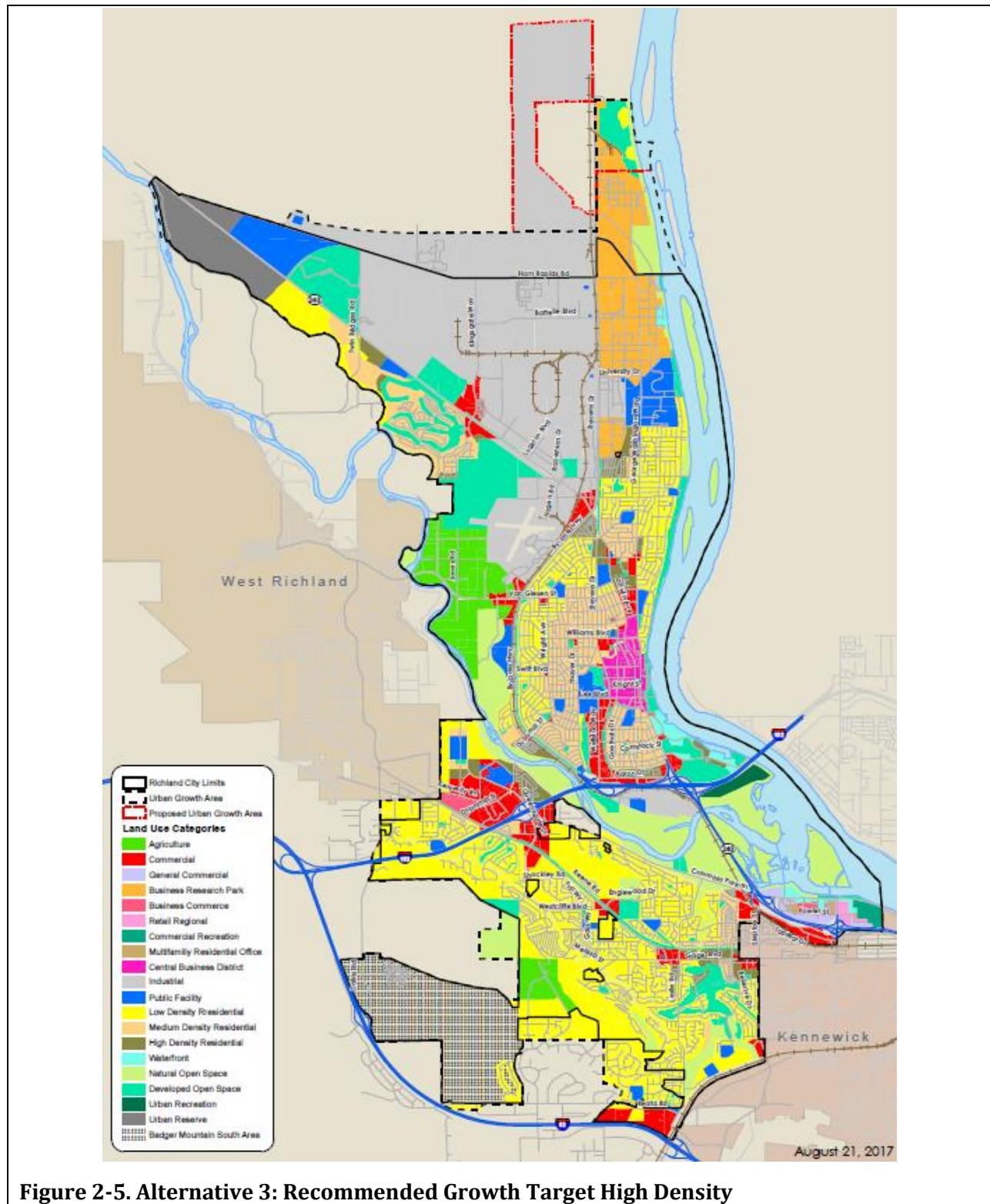


Figure 2-5. Alternative 3: Recommended Growth Target High Density

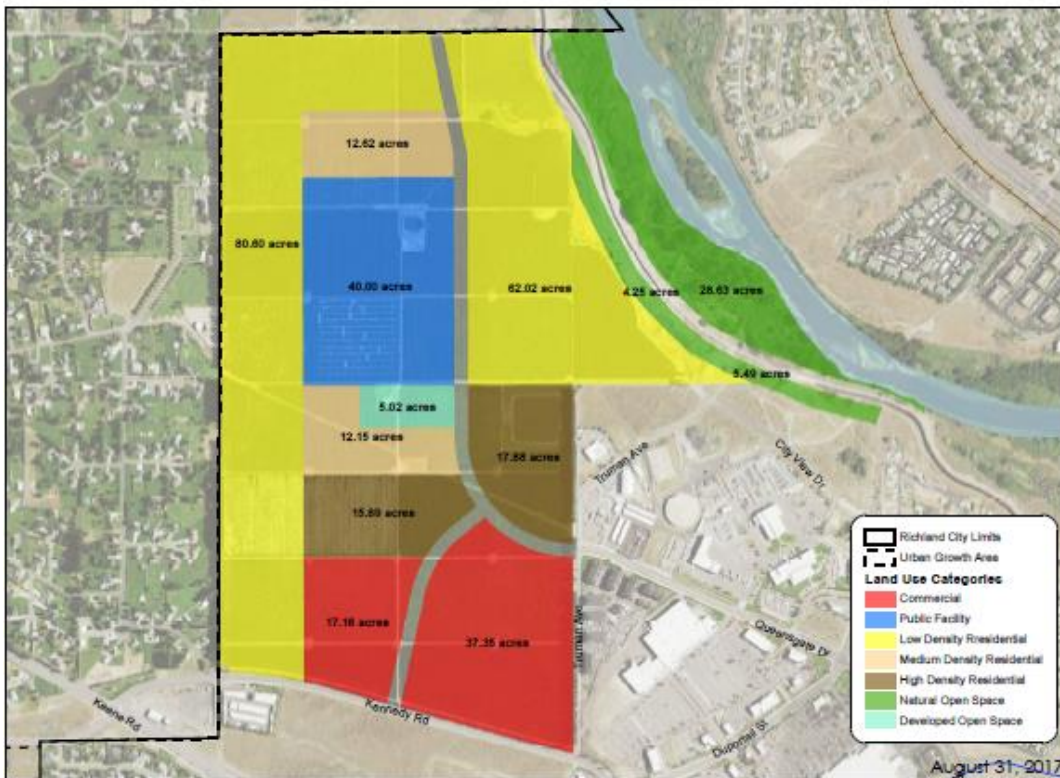
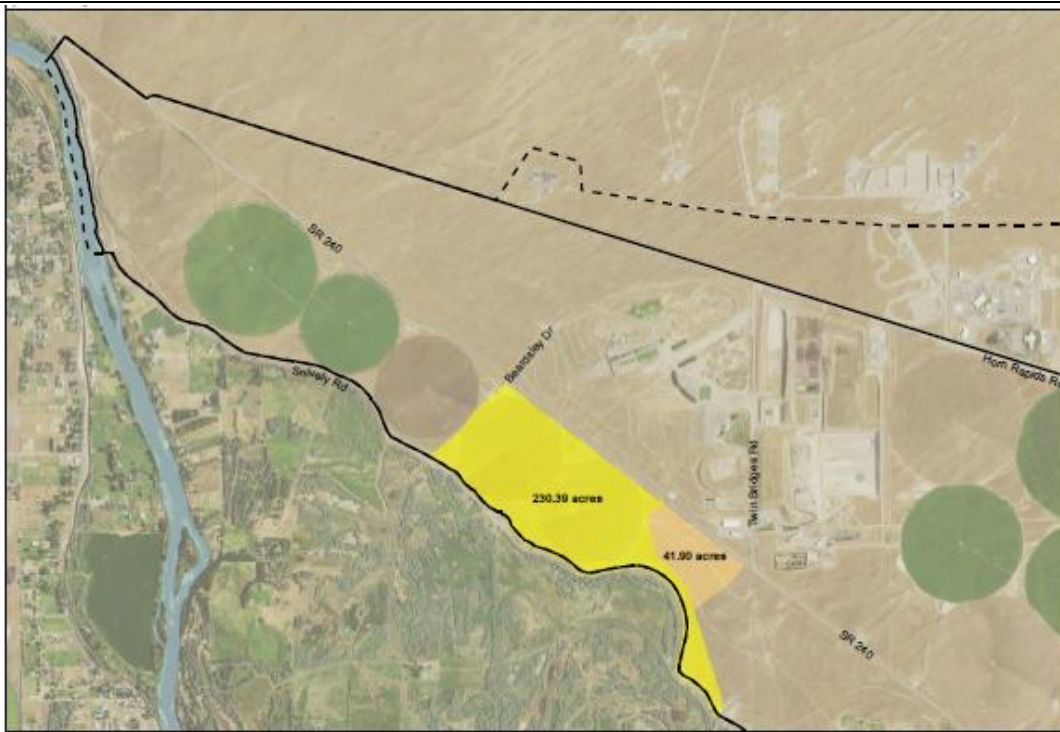
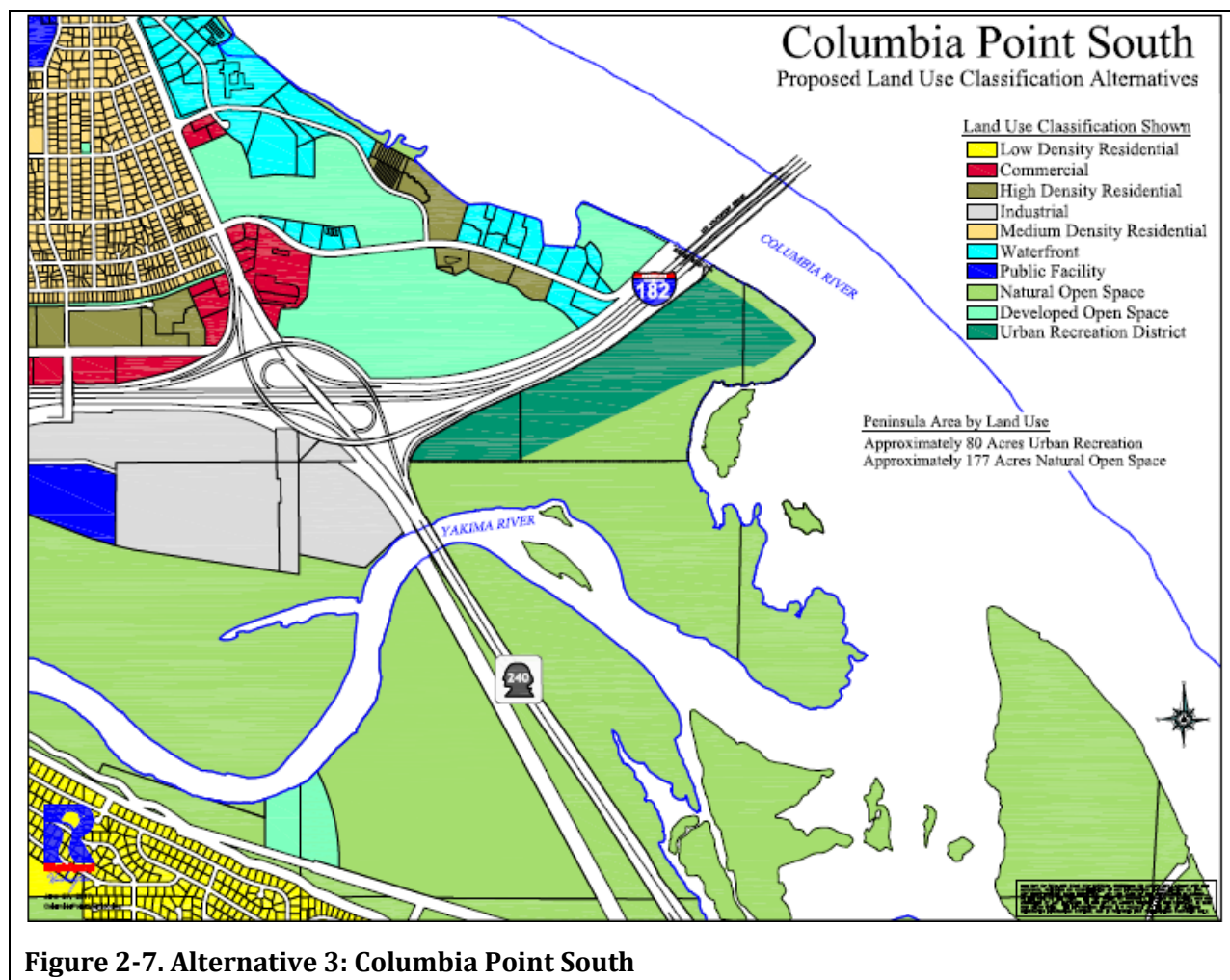


Figure 2-6. Alternative 3: Horn Rapids Northwest and City View West



Chapter 3. Major Issues and Summary of Environmental Impacts

3.1. Major Issues and Areas

3.1.1. Increased Density and Development

Densities will be increased under both action alternatives, which may significantly impact the character of the City, especially in the City View West, and Horn Rapids Northwest areas under Alternatives 2 and 3. Some areas in existing single-family neighborhoods may have increased densities.

Future development under both action alternatives will change the character of the primarily undeveloped areas of the City. Alternative 3 will have a variety of housing styles, including cluster and multi-family housing.

At multiple public meetings, the Richland community has largely expressed support for higher density development and a variety of housing choices.

3.1.2. Traffic

The additional traffic generated by the increased housing densities, and commercial, and public facilities land uses could impact existing traffic pattern. Both action alternatives would result in a substantial increase in traffic volume, although proposed mitigation could reduce transportation impacts sufficiently under either alternative to meet the City's current Level-of-Service requirements. Additionally, the City View Area West in both alternatives will retain more traffic internally due to the increase of mix land uses.

On Columbia Point South, only one access to the area has been a concern expressed by the community. Uses in this area will be limited due to traffic volume and capacity.

3.1.3. Open Space and Natural Areas

Preserving the City's open space and natural areas has been one of the priorities as expressed by the community. The community has also expressed interest in developing more water-oriented recreational opportunities. Although, these two notions might seem contradicting to each other, a balanced plan can preserve the open space to meet the City's need and add water-oriented opportunities at the same time. The Community has expressed maintaining the Columbia Point South as Natural Open Space and/or allowing very limited developments in the area. The City's existing environmental protection regulations should protect wetlands, habitats, and other critical areas. The state and federal regulations will guide the preservation of cultural resources in this area.

3.1.4. Healthy Community

As the growth occurs in the City, there has been concern about the planning for a walkable, bike-friendly and a more active community that promotes a healthy lifestyle. The City's zoning code currently allows mixed uses in most of the commercial zones. Both alternatives would promote mixed-use developments as future development in anticipated in some of the City's infill mixed use areas (e.g. Waterfront zone). Both alternatives' goals and policies include streetscape and traffic improvement, along with pedestrian- and bike-friendly options. The City View West area in both alternatives includes a mix of residential, commercial, park, and public facilities land uses that would promote life and work environments and increase physical activity.

3.2. Comparison of Alternatives to GMA Goals

Table 4: Summary of Alternatives Compared to GMA Goals

Goals	Alternative 1 No Action	Alternative 2	Alternative 3
Urban Growth: Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.	Least future growth in the City. Most dispersed and low rise pattern.	Focused growth within the UGA.	Focused growth within the UGA with higher density.
Reduce Sprawl: Reduce inappropriate conversion of undeveloped land into sprawling, low-density development.	Disbursed and low rise pattern, would go beyond the UGA to accommodate growth, thus creating sprawl.	Growth within the UGA, planned areas would reduce sprawl.	Growth within the UGA, planned areas would reduce sprawl.
Transportation: Encourage efficient multi-modal transportation systems based on regional priorities and coordinated with the City Plan.	Retains current transportation plans with certain improvements.	Adds new transportation improvements to improve connectivity and street design that supports urban environment.	Adds new transportation improvements to improve connectivity and street design that supports urban environment.
Housing: Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.	Housing not adequate to meet the 20-year demand. Disbursed and low rise pattern of housing development.	Housing meets the 20-year demand.	Housing meets the 20-year demand with a variety of housing types and residential densities.
Economic Development: Encourage economic development consistent with adopted Plans, promote economic opportunity for all citizens, especially for the unemployed and the disadvantaged, and encourage growth in areas experiencing insufficient economic	Current economic development trends continue. Employment to occur in the existing commercial and industrial areas.	Economic opportunities are identified in the plan. Additional commercial areas will accommodate more employment.	Economic opportunities are identified in the plan. Additional commercial areas will accommodate more employment.

Goals	Alternative 1 No Action	Alternative 2	Alternative 3
growth, all within the capacity of the state's natural resources, public services and public facilities.			
Open Space and Recreation: Encourage the retention of open space and development of recreation opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.	Maintains existing parks and Natural Open Space. Recreation opportunities will be provided based on the Parks and Recreation's adopted Level of Service.	Decreased park area and increased Natural Open Space results in a net decrease of 28 acres of open space. Increases the recreational opportunities.	Decreased park area and increased Natural Open Space results in a net decrease of 17 acres of open space. Increases the recreational opportunities.
Environment: Protect the environment and enhance the City's high quality of life, including air and water quality, and the availability of water.	Environmental qualities are protected based on the current regulations and development pattern.	Environmental qualities are protected based on the current regulations and development pattern.	Environmental qualities are protected based on the current regulations and development pattern.
Public Facilities and Service. Adequate public facilities to serve the development.	Public facilities continue to serve the current development pattern.	Additional public facilities will be required in certain areas for urban development.	Additional public facilities will be required in certain areas for urban development.
Historic Preservation. Identify and encourage the preservation of lands, sites and structures that have historical or archaeological significance.	Historical or archaeologically significant sites or structures are protected under the current regulations during construction phase.	Historical or archaeologically significant sites or structures are protected in the planning phase, and also under the current regulations during construction phase.	Historical or archaeologically significant sites or structures are protected in the planning phase, and also under the current regulations during construction phase.

Chapter 4. Draft EIS Chapter 4 Clarifications and Corrections

This chapter includes clarifications and corrections to Chapter 4 of the Draft EIS. The following addresses changes carried over to the Final EIS in the same order of the Draft EIS. The changes are made in response to comments or by consultant or agency staff review. The clarifications or corrections do not alter fundamental conclusions of the Draft EIS.

4.1. Earth

No changes to Chapter 4.1.

4.2. Surface Water

Chapter 4.2.2, Page 31, has been amended to include the following statement:

At Columbia Point South, the land use designation change from Commercial Recreation, as proposed in the Draft EIS, to Urban Recreation will limit the uses proposed in the area and further limit development intensity near the confluence of the Yakima and Columbia rivers, wetlands, and wetland buffers.

4.3. Plants and Animals

Chapter 4.3.1, Page 36, has been amended to state:

Columbia Point South is located at the confluence of the Yakima and Columbia rivers. ~~There are no PHS habitat or species documented within it.~~ The Columbia Point South planning area is within a biodiversity corridor for Priority Habitat and Species. ~~However,~~ immediately adjacent to the planning area are several wetlands and a large waterfowl concentration area as shown in Figure 4-3. The Yakima and Columbia rivers provide habitat for a variety of salmonid and migratory bird species as described above.

Chapter 4.3.2, Page 37, has been amended to state:

Additionally, operational impacts include light from buildings, streetlamps, and vehicles; traffic noise; and other urban activities, causing sensitive wildlife species to avoid the area. Traffic would also continue to cause mortality to wildlife crossing roadways. The presence of buildings and structures also has the potential to increase the chance of bird collisions. These impacts would increase with the intensity of development and population growth.

Chapter 4.3.2, Page 38, has been amended to include the following statement:

At Columbia Point South, the land use designation change from Commercial Recreation, as proposed in the Draft EIS, to Urban Recreation will limit the uses proposed in the area and further limit development intensity near designated fish and wildlife habitat.

Chapter 4.3.3, Page 38, first bullet list, has been amended to include the following statement:

Encourage development that is designed to minimize potential impacts to fish and wildlife and habitat consistent with local, state, and federal regulations.

4.4. Land Use

Chapter 4.4.1, Page 41, has been amended to state:

Columbia Point South includes an ~~23080~~-acre City-owned property that is currently zoned as Public Facility (adjacent to the Columbia River shoreline) and Developed Open Space (landward of the Public Facility zoning; City of Richland 2017b).

Chapter 4.4.2, Page 42, has been amended to state:

Alternatives 2 and 3 would change the Columbia Point South area land use designation from Public Facility and Developed Open Space to Natural Open Space along the shoreline and Commercial Recreation (Alternative 2) or Urban Recreation (Alternative 3) further upland, adjacent to Interstate 182 (I-182). The land use change from Public Facility to Natural Open Space along the shoreline would reduce the impact of future development compared to the existing use designation which would be maintained under Alternative 1. ~~Additionally, the~~ change to Commercial Recreation under Alternative 2 would promote recreational and water-oriented uses in Columbia Point South, reducing the impact of future development compared to Alternative 1. The Commercial Recreation land use designation change area is a larger area in Alternative 2 and could result in greater impacts compared to Alternative 3. The Commercial Recreation land use designation is also more intensive than the Urban Recreation land use designation proposed under Alternative 3. These land use designation changes would maintain public access to this area. However, future use of this area by the public could increase from existing conditions.

Chapter 4.4.2, Page 43, has been amended to include the following statement:

Also at Columbia Point South, the land use designation change from Commercial Recreation, as proposed in the Draft EIS, to Urban Recreation will limit the uses proposed in the area and further limit development intensity next to sensitive resources. Compared to Alternative 2, this land use designation change would provide limited urban amenities, passive recreation opportunities, and open space uses.

4.5. Shoreline Use

Chapter 4.5.2, Page 45, has been amended to state:

At Columbia Point South, the land use designation under Alternatives 2 and 3 would change to Natural Open Space along the shoreline and Commercial Recreation (Alternative 2) or Urban Recreation (Alternative 3) further upland, adjacent to I-182. The change to Natural Open Space along the shoreline would provide a buffer between the shoreline and future development, which would allow recreational and water-oriented uses to occur. The land use designation change would maintain public access to the area and support future recreational uses in and adjacent to the shoreline. Future use of this area by the public could increase from existing conditions. Alternative 2 includes ~~11~~ more acres of Commercial Recreation land use designation along the south side of the property which would result in more intensive use of the area compared to Alternative 3. The Commercial Recreation land use designation is also more intensive than the Urban Recreation land use designation proposed under Alternative 3.

Chapter 4.5.2, Pages 45 and 46, have been amended to state:

At Columbia Point South, land use designation under Alternative 3, would change to Natural Open Space along the shoreline and Urban Recreation further upland, adjacent to I-182. Impacts would be similar to Alternative 2; however, ~~11~~ more acres would be designated as

Natural Open Space along the south side of the property, protecting additional area from future development near the shoreline. Additionally, the land use designation change from Commercial Recreation, as proposed in the Draft EIS, to Urban Recreation will limit the uses proposed in the area and further limit development intensity near the shoreline. Compared to Alternative 2, this land use designation change would provide limited urban amenities, passive recreation opportunities, and open space uses.

4.6. Population, Housing, and Employment

Chapter 4.6.2, Page 49, has been amended to state:

At Columbia Point South, ~~11~~ fewer acres would be designated as ~~Commercial~~ Urban Recreation, compared to the Commercial Recreation zoning under Alternative 2, potentially reducing the available land that could accommodate employment opportunities in the area.

4.7. Parks and Recreation

Chapter 4.7.2, Page 51, has been amended to state:

Alternatives 2 and 3 would also provide recreational opportunities at the Columbia Point South planning area under the ~~new~~ Commercial Recreation (Alternative 2) or Urban Recreation (Alternative 3) land use designation.

Chapter 4.7.2, Page 51, has been amended to state:

Alternative 3 would provide ~~an~~ additional ~~11~~ acres of Natural Open Space land in Columbia Point South compared to Alternative 2, preserving more waterfront area and access to the public for low-intensity recreational uses.

4.8. Transportation

Chapter 4.8.2, Page 55, has been amended to state:

At Columbia Point South, ~~11~~ fewer acres of ~~Commercial~~ Urban Recreation are provided under Alternative 3 compared to the Commercial Recreation land use designation in Alternative 2. This proposed land use designation could reduce the intensity of development and associated commercial recreation uses requiring transportation to the site.

Chapter 4.8.3, Pages 55 and 56, bullet list, has been amended to include the following statement:

Economic Development Policy 4: Recognize that infrastructure, including transportation and utility planning are vital to economic development and attracting businesses.

4.9. Public Services and Utilities

Chapter 4.9.2, Page 59, has been amended to include the following statement:

At Columbia Point South, the Urban Recreation land use designation could reduce the demand for public services and utilities due to less-intensive development compared to the Commercial Recreation land use designation proposed in Alternative 2.

Chapter 4.9.3, Page 60, has been amended to include the following statement:

Economic Development Policy 4: Recognize that infrastructure, including transportation and utility planning are vital to economic development and attracting businesses.

4.10. Heritage Conservation

Chapter 4.10.2., Page 63, has been amended to state:

The eastern extent of Columbia Point South would be designated as Open Space and less likely to be developed than under its current zoning for public facilities. The remainder of the area would be designated as Commercial Recreation to allow for recreational and water-oriented uses to occur. This could potentially impact cultural resources, including recorded and unrecorded archaeological sites, and the Columbia Point South Cultural Landscape. The Commercial Recreation ~~land use designation change~~ area is ~~11~~ acres larger and could potentially result in greater impacts compared to Alternative 3.

Chapter 4.10.2., Page 64, has been amended to state:

At Columbia Point South, the eastern side would be designated as Natural Open Space and less likely to be developed than under its current zoning as Public Facility. The remainder of the area would be designated as Urban Recreation to allow for limited urban amenities, passive recreation, and open space uses to occur. The Natural Open Space land use designation change area is 11 acres smaller provides an increase in acres than compared to Alternative 2, protecting a larger portion along the shoreline and reducing potential future impacts from development in that area.

4.11. Summary of Impacts by Alternative

Topics/ Impacts Common to All Alternatives	Alternative 1: No Action Alternative	Alternative 2: Recommended Growth Target	Alternative 3: Recommended Growth Target High Density, Preferred Alternative
4.2.1. Earth			
No change			
4.2.2. Surface Water			
No change	No change	No change	- Similar impacts as Alternative 2, but denser residential development in Horn Rapids Northwest and City View West would increase impervious surfaces and other development-related impacts within the planning areas. - More area would be designated as Natural Open Space at Columbia Point South, reducing potential impacts to wetlands and wetland buffers from future development. <u>At Columbia Point South, the change to the Urban Recreation land use designation will limit the uses proposed in the area and further limit development intensity near the confluence of the Yakima and Columbia rivers, wetlands, and wetland buffers.</u>

Topics/ Impacts Common to All Alternatives	Alternative 1: No Action Alternative	Alternative 2: Recommended Growth Target	Alternative 3: Recommended Growth Target High Density, Preferred Alternative
4.2.3. Plants and Animals			
No change	No change	No change	- Similar impacts as Alternative 2, but denser residential development in Horn Rapids Northwest and City View West would potentially reduce habitat provided by existing uses. - More area would be designated as Natural Open Space at Columbia Point South, reducing potential impacts to wetlands and wetland buffers from future development. - At Columbia Point South, the <u>change to the Urban Recreation land use designation will limit the uses proposed in the area and further limit development intensity near designated fish and wildlife habitat.</u>
4.2.4. Land Use			
No change	No change	No change	- Similar impacts as Alternative 2, but denser residential development in Horn Rapids Northwest and City View West would better accommodate future population growth. - At Columbia South, more area would be designated as Natural Open Space compared to Alternative 2, reducing potential

Topics/ Impacts Common to All Alternatives	Alternative 1: No Action Alternative	Alternative 2: Recommended Growth Target	Alternative 3: Recommended Growth Target High Density, Preferred Alternative
			future impacts from development in those areas. <u>Additionally, the change to Urban Recreation would provide less-intensive development opportunities including limited urban amenities, passive recreation, and open space uses, reducing the impact from future development compared to Alternatives 1 and 2.</u>

Topics/ Impacts Common to All Alternatives	Alternative 1: No Action Alternative	Alternative 2: Recommended Growth Target	Alternative 3: Recommended Growth Target High Density, Preferred Alternative
4.2.5. Shoreline Use			
No change	No change	No change	- Similar impacts as Alternative 2, but denser residential development in Horn Rapids Northwest and City View West would better accommodate future population growth, reducing shoreline impacts in other parts of the City or nearby rural areas. - More area would be designated as Natural Open Space along the shoreline at Columbia Point South, protecting more area from future development near the shoreline. Additionally, <u>the land use designation change to Urban Recreation will limit the uses proposed in the area and further limit development intensity near the shoreline.</u>
4.2.6. Population, Housing and Employment			
No change	No change	No change	Similar impacts as Alternative 2, but denser residential development in Horn Rapids Northwest and City View West would better accommodate future population growth and provide more opportunities for housing and employment.

Topics/ Impacts Common to All Alternatives	Alternative 1: No Action Alternative	Alternative 2: Recommended Growth Target	Alternative 3: Recommended Growth Target High Density, Preferred Alternative
			Less area would be designated as Commercial <u>Urban</u> Recreation at Columbia Point South, potentially reducing the available land that would accommodate employment opportunities in the area.
4.2.7. Parks and Recreation			
No change			
4.2.8. Transportation			
No change	No change	No change	- Similar impacts as Alternative 2, but denser residential development proposed at Horn Rapids Northwest and City View West would place greater but more localized demand in these areas. - At Columbia Point South, less acres of Commercial <u>Urban</u> Recreation would reduce the intensity of commercial recreation uses requiring transportation to the site compared to Alternative 2.
4.2.9. Public Services and Utilities			
No change	No change	No change	Similar impacts as Alternative 2, but denser residential development would place the greatest demand on public services and utilities. The increased demand would be

Topics/ Impacts Common to All Alternatives	Alternative 1: No Action Alternative	Alternative 2: Recommended Growth Target	Alternative 3: Recommended Growth Target High Density, Preferred Alternative
			more localized to urban areas under this alternative. At Columbia Point South, less acres of Commercial <u>Urban</u> Recreation would reduce the intensity public services and utilities required at the site compared to Alternative 2.
4.2.10. Heritage Conservation			
<i>No change</i>			

4.12. Summary of Mitigation Measures by Topic

Topics
4.3.1. Earth
No change
4.3.2. Surface Water
No change
4.3.3. Plants and Animals
For Action Alternatives 2 and 3: - Provide erosion and stormwater control measures during construction, particularly in areas adjacent to surface waters that provide fish and wildlife habitat such as Columbia Point South. - Consider landscaping with native plants to provide vegetation of habitat significance in streetscapes, buffers for stormwater swales, rain gardens, and other habitat features. - Impacts to wetlands or wetland buffers near Columbia Point South should be avoided, minimized, or mitigated in accordance with the CAO and SMP. <u>Encourage development that is designed to minimize potential impacts to fish and wildlife and habitat consistent with local, state, and federal regulations.</u> - Provide a Natural Open Space buffer along the Yakima River shoreline at City View West and Columbia Point South. Other mitigation measures include: - Development should be consistent with the goals and policies of the Comprehensive Plan. - Maintain compliance with the CAO.
4.3.4. Land Use
No change
4.3.5. Shoreline Use
No change
4.3.6. Population, Housing and Employment
No change
4.3.7. Parks and Recreation
No change
4.3.8. Transportation
No change
4.3.9. Public Services and Utilities
No change

Topics
4.3.10. Heritage Conservation
<i>No change</i>

Chapter 5. Comments and Responses

The general statistics on comments received are as follows:

- Open House: 104 comments
- Online: 45 comments
- Other Public: 2 comments
- Agencies/Departments: 8 comments
- Commissioners: 3 comments
- Organizations: 2 comments
- Tribal: 1 comment

Major comment categories included:

- General
- Columbia Point South
 - Preserve area as open space
 - Concerns over increased traffic from development
 - Concerns over type of development
- City View West
 - Potential interference with the airport
- Goals and Policies
- Transportation
 - General
 - Public transit
 - Bike lanes and trails
 - Duportail Bridge
 - Traffic
 - Road construction (especially concerns around Rachel Road)
- Land Use
 - General
 - Stronger downtown
 - Badger Mountain
 - Schools
- Parks and open space (specifically protecting open space in the cities)
- Environment
 - General
 - Climate Change
 - Sustainability and renewable energy
 - Critical Areas
 - Fish and wildlife

- Cultural and historic resources
- Utilities
- Housing
 - Types of housing
 - Distribution of housing

Comments were processed and responded to in two parts. Tables 5-1 and 5-2 include a summary of comments and responses that were received for the Plan and DEIS for Parts 1 and 2, respectively.

5.1. Comments and Responses Part 1

Table 5-1: Comment and Response Matrix Part 1

#	Name/Affiliation	Date	Sub-topic	Comment	Response
General Comments					
1	Laurie Ness	9/7/2016	Public participation	On the Comprehensive Plan Periodic Update Washington State Law requires through RCW 36.70A.130 (2)(a), RCW 36.70A.140 and RCW 36.70A.035 for the establishment of a Public Participation Program. 1) This is a program that identifies procedures and schedules for the public to participate in the periodic update. 2) The program must provide for early and continuous public participation. 3) The program should clearly identify the scope of the review and 4) Identify when legislative action on the review and update component are proposed to occur. 5) Cities must ensure that notice of the update process is broadly and effectively disseminated. I did a Google search and a search within the City's website for Public Participation / Plan and found nothing pertaining to one. How do you plan on meeting this requirement; is this not the time to address this state law?	Public Participation Plan was adopted per GMA in 2016. See Appendix D.
2	Debbie Berkowitz (Planning Commission)	No date	UGA	P. 33 LU-3 (also in supporting analysis). Shouldn't the area that is being removed from the City's UGA in North Richland have the land use designation removed?	This should be removed once the proposed UGA is finalized and approved by Benton County.
3	Open House	3/20/2017	Editorial	Drawing CF-1 (and possibly others) - "Ammon" should be "Amon"	Updated
4	Debbie Berkowitz (Planning Commission)	No date	Editorial	P. 36 'Bicycle Facilities' should probably be labeled 'Bicycle/Pedestrian Facilities' since both are discussed. Tapteal Greenway does include soft trails (I'm not sure why that was crossed out).	Updated

#	Name/Affiliation	Date	Sub-topic	Comment	Response
5	Debbie Berkowitz (Planning Commission)	No date	Editorial	P. 30 'The Amon Basin includes ~75 acres of City-owned open space and is located on the southeast side of the City east of Leslie Road.' I request that the following be added – 'The Amon Basin Natural Preserve has been preserved as compensatory mitigation for upland and wetland habitat.' The next part reads 'Irrigation application, canal seepage, and return flow run through the Amon Basin and other areas into the Yakima River near the confluence with the Columbia River.' I'd like to suggest the following revision: 'Irrigation application, canal seepage, and return flow surface in this natural channel as a result of the regional rise in groundwater levels and run through the Amon Basin and other areas into the Yakima River near the confluence with the Columbia River.'	Updated
6	Debbie Berkowitz (Planning Commission)	No date	Economic development	Comments from the EDC I agree with many of their comments and propose the following for consideration: Comments 1 & 2. Language pertaining to transportation, utility, and infrastructure: Add Policy 4 to ED Goal 1 or Goal 5. 'Recognize that infrastructure, including transportation and utility planning are vital to economic development and attracting businesses.' Comment 3. 1,341-acre area. Add Policy 4 to ED Goal 5. 'Market the newly acquired 1,341 acres for large scale industrial development.' Comment 5. ED Goal 7 and Policy 4. Move the built environment part to ED Goal 6 – Encourage vibrant mixed-use areas to establish Richland as the premier Tri-Cities destination to live, work, and visit by offering options for housing, services, entertainment, and retail 'and a built environment with quality design.' Then add Policy 9 to Goal 6 'Promote quality design for public projects as well as private developments.'	New policies have been added.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
7	John Haakenson (Port of Benton)	7/18/2017	Airport	After review of the Draft Comprehensive Plan, the Port would like to encourage the City to include the following additional Land Use Policies which would provide further protection of the airport. Coordinate the protection of the Richland Airport with the City of Richland by developing consistent development regulations through development of an airport overlay district that utilize WSDOT Aviation Airport and Land Use Compatibility guidelines and other best management practices for encouraging compatible land uses within close proximity to the Richland Airport. Within the Airport Influence area, a notice to title/disclosure statement should be required for new or substantial redevelopment of lots, buildings, structures, and activities. The notice should indicate that the property is located in close proximity to the Richland Airport and may experience low overhead flights, odor, vibrations, noise, and other similar aviation impacts. Encourage the adoption of development regulations that protect the airport from height hazards by developing a Height Overlay District that will prohibit buildings or structures from penetrating the Federal Aviation Regulations (FAR) Part 77 "Imaginary Surfaces."	LU Goal 8, Policy 7 updated. Many of these comments will be addressed through development regulations (see Richland Municipal Code).
8	Open House	3/20/2017	Praise	The experts were very nice and patient explaining things. Thank you!	Thank you.
Columbia Point South					
9	Open House	3/20/2017	Open space	Everything south (east) of the interstate at Columbia Point should be Natural Open Space.	The existing Natural Open Space land use areas are not proposed for change. Existing Developed Open Space and Public Facility land uses are proposed to change to a modified "Urban Recreation" land use with limited uses.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
10	Open House	3/20/2017	Traffic	"Commercial Recreation" designation immediately south of 182 will create many traffic issues; access (only 1 obvious route) and adding traffic volume to Geo Way is ridiculous - especially with Hanford commute traffic.	The land use proposal has been modified with a less intense "Urban Recreation" land use designation for this area. It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.
11	Open House	3/20/2017	Open space	DO NOT BUILD ANYTHING ON COLUMBIA SOUTH IT needs to remain OPEN SPACE	The existing Natural Open Space land use areas are not proposed for change. Existing Developed Open Space and Public Facility land uses are proposed to change to a modified "Urban Recreation" land use with more limited uses. Urban Recreation is intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities, and open space uses.
12	Open House	3/20/2017	Open space	Columbia Point South should be preserved as open space for recreation use and not be developed in any way.	Recreational uses are proposed in the "Urban Recreation" land use. Also See response to comment #11.
13	Open House	3/20/2017	Open space	Designate all area south of I-182 as Naturally Open Space. This would benefit to the community and for the high concentration of people now occurring in the Columbia Point area with hotels, restaurants, apartments, & condos. Natural Open Space cannot be recovered once developed and there are few natural open spaces in the City of Richland	See response to comment #11.
14	Open House	3/20/2017	Open space, traffic, development	Leave as a park that everyone can use. Development will bring increased traffic, noise, light pollution, etc. Having the REACH located there would have been fantastic; too bad it fell through. If the city is determined to develop, I think the lowest impact would be a performing arts center. Not used every day, but would have a fantastic view. That being said, leave as open space! We are losing open space to development at an accelerating pace.	Current land use is Developed Open Space and Public Facility. Public Facility currently allows more intense use than the proposed Urban Recreation. Urban Recreation designation is proposed to allow limited uses in this area. It is intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities and open space uses. Existing Natural Open Space areas would remain unchanged.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
15	Open House	3/20/2017	Development	I have concerns about the "commercial development" along the Columbia Point area. I understand some of it is owned by Native Americans. My concern is the construction of hotels and casinos. One of the attractions to Richland is the natural landscape.	See response to comment #14.
16	Open House	3/20/2017	Open space	Please keep all of Columbia Point South natural open space - not many places left in Richland devoted purely to open space - provide recreational use preferred, hiking, etc.	See response to comment #14.
17	Open House	3/20/2017	Traffic	Need alternate access besides Columbia Dr. (don't want the traffic through Columbia Point)	It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.
18	Open House	3/20/2017	Traffic	Is there additional access at C.P. South other than under I-182 bridge? (for future dev?)	No additional access currently exists. It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.
19	Open House	3/20/2017	Open space	Keep Columbia Point South as natural open space with limited access. Develop a better trail system in the area for bike, hike, and boat access	See response to comment #14.
20	Open House	3/20/2017	Open space	My suggestion concerns the proposed Public Recreation space south of I-182 and between 240 & the Columbia River. It appears to overlap some flood plains/wetland. I would lock that up with sufficient controls to minimize City liability.	Boundaries have been refined to avoid developing any areas with designated floodplain or wetlands.
21	Open House	3/20/2017	Open space	Developing the land in any other fashion than park like open space south of I-182/Columbia Point would be detrimental both to the natural river delta & traffic safety for those entering/exiting that space.	See response to comment #14.
22	Open House	3/20/2017	Traffic	Commercial Rec. on Columbia Point - Access? Bound by freeway, road from Winco already pretty busy, trash what could be a decent park?	It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
23	Open House	3/20/2017	Open space, traffic	Proposed change to the parcel currently zoned "developed open space" to "Commercial Recreation" is not logical or feasible. Access is poor, along the existing bike trail and directly adjacent to the Columbia River. Creating a one-way egress & ingress is ludicrous. Alternative ideas: Keep open space open! Perhaps create a soft trail system, involve the Umatilla tribes for occasional cultural events, but absolutely no "commercial development." Another issue, once again is continued fragmentation of wildlife habitat and/or impact on habitat. From salmon to migratory birds to resident mammals, commercial development would no doubt have a negative impact.	Land use proposal has been modified with a less intense "Urban Recreation" land use in this area to address these concerns.
24	Open House	3/20/2017	Open space	Really disappointed that any type of development is proposed for Columbia Point South. That area should be designated as naturally open space and left as is. No hotels (a travesty!), no trading posts, no development! That was what was discussed in the 1980s and the public (and tribes) had a clear preference for that then. Do NOT develop!	See response to comment #14.
25	Open House	3/20/2017	Open space	Please consider keeping the bike trail that now exists in Columbia Point South.	Modified land use proposal is intended to maintain recreational uses in this area
26	Open House	3/20/2017	Development	How about a new designation for Col Pt. S. that would allow a Native American trading post or cultural center	Land use proposal has been modified with "Urban Recreation" land use in this area. It is intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities, and open space uses.
27	Open House	3/20/2017	Open space	Please leave this area vehicle free. I like the idea of recreational space, but it would be great to keep it foot accessible only. Yakima, for example, has a beautiful playground on their greenway path that families have to walk to in order to utilize.	Some vehicle traffic will likely be allowed. See response to comment #10.
28	Open House	3/20/2017	Open space	I feel that it should remain Natural Open Space. Once development comes in (i.e. - commercial recreation) the open space concept leaves. So does tranquility.	See response to comment #14.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
29	Open House	3/20/2017	Open space	Don't decrease the NOS classification that's already there (the 200' shoreline was already designated natural and recreation conservancy). When roads were there before, there was a lot of destruction by ATVs. A trolley system would be the best means of access, if there were any access other than pedestrian. The most I'd like to see is a Native American trading post/cultural site and habitat restoration.	See response to comment #14.
30	Open House	3/20/2017	Open space	Proposed Commercial Recreation - Please do not allow hotels and other commercial facilities on the area to the SE of the I-182 bridge. It is a wonderful natural open space as it is. Commercialization will only ruin it. There are also access issues that could be insurmountable. I wouldn't be surprised if Indians would have concerns about development on that property since Indian artifacts could be found there many years ago.	Land use proposal has been modified with a less intense "Urban Recreation" land use in this area to address these concerns. Efforts would be implemented to avoid or mitigate impacts to cultural resources.
31	Open House	3/20/2017	Open space	I don't feel comfortable with commercial recreation designation. By definition it needs a large buffer to protect the natural open space. Any large scale commercial prospects need to be on the N. side of the Community Recreation Area. We need to soften the obvious negative impact to the Nat. Open Space.	See response to comment #14.
32	Open House	3/20/2017	Open space	Do not commercialize south of I-182, consider making recreation conservancy	See response to comment #15.
33	Open House	3/20/2017	Open space	I strongly believe the land bordered by 182, 240, and the Yakima River should be preserved as natural open space. Such areas in town are much more valuable than commercial development.	Much of this area is currently Natural Open Space. Natural Open Space land is not proposed to change. Only a portion of this area, currently designated Developed Open Space and Public Facility is proposed to be changed to Urban Recreation.
34	Open House	3/20/2017	Traffic	Columbia Point South - concern about access for proposed commercial recreation. The increase in traffic in an area geared for recreation. Also, thinking about the loss of the bike trail that so nicely connects the Sacagawea Heritage trail to Richland.	The modified land use proposal is intended to maintain recreational uses in this area.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
35	Open House	3/20/2017	Open space	Don't let hotels develop this wonderful recreational area. All this will do is create terrible congestion at an already problematic intersection. We especially don't need development that will fall to neglect if waterfront businesses stagnate. Not to mention the Native American heritage issue	Proposed "Urban Recreation" land use is intended to address this concern.
36	Open House	3/20/2017	Open space	Looking at the City's "Draft Goals & Policies" document along with the proposal for Columbia Point South, it seems that hotels, trading posts, restaurants, etc. (as would be allowed under "Commercial Recreation") is incompatible with Community Goals 1, 4, 5, and 6. The city (and other cities of the county) are rapidly losing natural areas and open space. Columbia Point South should be retained as a natural area, formally designated as "Natural Open Space" and preserved for future generations. We do not need more hotels and restaurants and continued encroachment and desecration of shorelines and natural areas. The development of Columbia Point north of the I-182 bridge was not well done. It did not preserve enough shoreline access and undeveloped areas. Please do not make the same mistake with Columbia Point South. Leave is as it is - but formally designate as Natural Open Space. Thank you	Thank you for your comment. Proposed "Urban Recreation" land use is intended to address this concern.
37	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Development	The proposed rezoning of Columbia Point South as Commercial Recreation seems opposed to all citizen input we have received in the Comp Plan revision process. This would allow for a Casino and Hotels and Entertainment venues on that site. We have been thoughtfully and extensively informed that the citizens want this area preserved as a Park or as a light active recreation area. Rezoning it as Developed Open Space would allow for economic development opportunities and still be in line with our citizens stated wishes. Perhaps there is a way to reserve both designations as we study it further with the help of our local university and college who have programs for such activities.	See response to comment #14 and #35.
38	Michael Ritter (WDFW)	4/17/2017	Development, open space	Proposed change to the extent of "Commercial Recreation" designation. (See diagram included with the letter.)	Map is updated. Land use proposal has been modified with a less intense "Urban Recreation" land use in this area.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
39	Michael Ritter (WDFW)	7/10/2017	Development, open space	In an attempt to offer some additional clarity to the original map we submitted in April 2017, we have attached an updated map that better represents our recommendations for the extent of development on Columbia Point South. The attached map shows an actual satellite image of the point with most of the eastern half of the Uptown Shopping Center superimposed along the south side if the highway. Our recommendation is that development occur only within an approximately 300-foot wide area. The bike/pedestrian paths should be preserved. The view shed from Interstate 82 traveling eastbound should be maintained. Building heights should not obstruct this down river view of the Columbia River, Bateman Island, and the Yakima Delta. Since the Interstate gains elevation eastbound towards the bridge over the Columbia River, building heights could also increase from low to high; west to east. We support section 23.30.030 (Site requirements for public use districts) with building height maximums of 40-55 feet, but only insofar as they do not obstruct the down river view. Project specific permitting should ensure that the down river view is maintained.	Thank you for submitting your map/illustration of Columbia Point South. Your comments and suggestions will be considered during the public process.
40	DHAP	5/23/2017	Cultural Resources	There are several references in the draft to Columbia Point and Columbia Point South. While we recognize that Columbia Point north of I-182 is mostly developed, the plan text and associated goals and policies should reflect that Columbia Point and the vicinity of the Yakima River confluence with the Columbia River is a highly sensitive cultural resource that has been determined eligible for the National Register of Historic Places as an archaeological district.	Goals and policies are updated, and discussion added in the Comprehensive Plan to address comments. Land use proposal has been modified with a less intense "Urban Recreation" land use in this area. Land use and development regulations are intended to address these concerns.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
41	Teara Farrow Ferman (CTUIR)	7/12/2017	General	I was able to review with the Cultural Resources Committee yesterday. They haven't had a meeting a quite a while. Their recommendation is for minimal ground disturbance. In reviewing the list of permitted uses, they were somewhat comfortable with public parks, special events, and RV park with either portable bathrooms or a bathroom that doesn't require sewer systems. Also, they were comfortable with portable food trucks. For electrical needs and other needs, they recommend building up the site(s) and staying out of the native soils due to the archaeological sites, unknown resources subsurface, and the rich cultural history and use of the area.	See response to comment #14.
City View West					
42	Open House	3/20/2017	General	Allowing residential development across SR 240 from the landfill & motocross track is a horrible idea. For a very modest addition of residences and taxable properties, the city will reap in return absolutely NO END of complaints. The people will pay a fine price for their new place, and of course they will want a little slice of heaven. Soon enough they will be at City Council meetings demanding that these legitimate - and pre-existing facilities be shut down. Those shutdowns shouldn't happen, but the fight won't go away. Any city with an airport can tell you how this drama develops. People build next to the airport, then complain about the noise. Duh! The airport was there first, and they knew about it.	Thank you for your comment. This area has existing residential development in the Horn Rapids area.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
43	John Haakenson (Port of Benton)	7/18/2017	Airport	It has come to our attention that the City is proposing to change the land use of the urban reserve area within the City View West area to include a mixture of uses including residential (low, medium, and high), commercial, parks, and schools... This property is currently located within the Conical Surface of the airspace which has a 20:1 slope... The attached is an analysis of the airspace at the City View West property... Site 1 is the only location where the airspace is within 30' of the ground elevation... proposed school area the airspace clearance is 65' at the northwest corner and is greater than 100' at the center of the school site... It appears that the proposed land use changes in this area will not impact airspace, however, future residential development along the northern portion of the site could impact the airspace. It is recommended that further analysis be conducted at the time of pre-platting and development to make sure the future site layout and grading does not impact any potential airspace conflicts. Regarding the land use compatibility, all of the proposed land use changes are located outside of the land use compatibility zones and impact to these areas should be minimal.	Thank you for your comment. Further review should be done during the development permit process.
Goals and Policies					
44	Open House	3/20/2017	General	ED Goal 6 - Encourage fill-in of existing high density commercial buildings	Infill is addressed in ED Goal 6, Policy 4.
Transportation					
45	Open House	3/20/2017	Bike lanes and walkways	UD Goal 3 - Light walkways, not streets, to reduce light pollution	Thank you for your comment. The City has standards that are followed to address lighting on both sidewalks and streets.
46	Open House	3/20/2017	Bike lanes and walkways	TE Goal 3 - Bike route signage on arterial streets directing cyclists to bike paths/routes	Updated
47	Open House	3/20/2017	Public transit	TE Goal 5 - Encourage availability of reasonably priced motorized public transportation with wide operating hours (mornings/evenings)	See TE Goal 3, Policy 1. Transit pricing and operating hours are assessed by Ben-Franklin Transit.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
48	Open House	3/20/2017	Duportail Bridge	The residents of Richland should not be the only ones taxed for the Duportail Bridge. Residents of West Richland will also be using the bridge. Kennewick residents will also use the bridge. Why do only Richland residents pay for it? Question - Do you really think the bridge will solve the poor design of the freeway area at Queensgate - NOT	Between 80 and 90 percent of project funding is expected to come from Washington State. The City has also established a car tab registration fee with a majority of the new revenue going to the City's ongoing pavement preservation program, along with helping fund portion of Duportail bridge. Bidding for the bridge construction is planned for fall 2017, and traffic analysis indicates it will improve traffic conditions in Queensgate.
49	Open House	3/20/2017	Duportail Bridge	A bridge across the river around WSU Tri Cities > Pasco would be a better bridge to build. It would take 1/3 of the traffic off the roads in Richland. My father says this was the plan back in the 80s to take a bridge across at around Alder Rd. in Pasco. I would fully support that! Bridge at Duportail -never understood that.	A north Richland Columbia River crossing bridge has been studied several times. Cost/benefit analysis has not indicated that this crossing is feasible.
50	Open House	3/20/2017	Public transit	I appreciate Ben Franklin Transit expanding their services	Thank you for your comment.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
51	Open House	3/20/2017	Traffic, public transit, bike lanes and walkways	What is the City doing to address current city infrastructure that is in need of repair? For example: Alphabet homes are a historic gem of Richland, yet many are located in areas of the city that are neglected and run down. There are few sidewalks in the Goethals-Comstock-G-Way neighborhoods. This poses a safety risk to children walking to Lewis & Clark Elementary, Comstock Park, Goethals Park, & the areas near Howard Amon. Further, sidewalks and bike paths in this particular area would alleviate congestion on the roadways, provide a safe place for pedestrians, and encourage residents to consider alternative forms of transportation. It may even make the businesses in the Parkway (area where a farmers market is held) more prosperous as residents in the area (rather than congestion from residents driving in from other neighborhoods) would have easier, safer access. What are the plans for the increased city tax dollars that will be coming from the newly added / to be added hotels and restaurants on the waterfront area by the Marina? Will this money go towards further "transit" type improvements or will it be funneled back into existing areas that need significant improvements?	Comments noted. Please see the Capital Improvement Plan 2017 to 2030 (Appendix F of the Comprehensive Plan) for detailed improvements proposed. The City's transportation planning includes a robust focus on pedestrian and bicycle improvements, and is based upon available funding.
52	Open House	3/20/2017	Bike lanes and walkways	I would suggest connecting up the Keene-Gage Class I separated trails to Queensgate and the trails in that area. I would also suggest connecting it to the Columbia Park Trail down near Steptoe and the Traffic circle in that area. Having a separated trail would help for safety for pedestrians and bikers around the Steptoe circle. I would also prefer if the trail on Gage could continue out to the Mall, but I realize that is something Kennewick would need to handle.	On-street bike routes currently connect with Keene-Gage Class I trail. The proposed improvement is included in the City's TIP and will be constructed when funding becomes available.
53	Open House	3/20/2017	Public transit	Create transit oriented areas to ensure vitality of transit system. Consider lunchtime circulation to more people between Hanford/PNNL and restaurants.	Goals and policies promote transit access.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
54	Open House	3/20/2017	Bike lanes and walkways, infrastructure	Better bike paths and walking trails. Solar lighting for trails. Bike/Walking path for Duportal Bridge. Crosswalk for the path/trail that connects to Howard Amon George Wash. Way westbound entrance to the 240 yield sign needs a light or other emphasis as people entering highway do not yield. Improvement to roads. Beautify city especially old rundown buildings please.	This comment will be shared with the City Public Works Department for consideration in the next update of the City's TIP.
55	Open House	3/20/2017	Bike lanes and walkways	I love our river trails, but they are quite dark in N. Richland. For year around use, lighting would be nice	Thank you for your comment. The City has plans for improving bicycle and pedestrian safety and is actively pursuing implementation.
56	Open House	3/20/2017	EIS, traffic	City of Richland Proposed Land Use Alternatives S. of Horn Rapids and W of Richland City Shops. Neither alternative 2 or 3 show traffic mitigation for or to existing roads. Will traffic infrastructure planning be completed PRIOR to approving development?	Appropriate traffic improvements and mitigations will be done during the development process.
57	Open House	3/20/2017	Traffic, bike lanes and walkways	Goethals Neighborhood Traffic: Facilities located between Aaron Dr., Goethals Dr., Jadwin Ave: Lewis & Clark Elementary, Day Care Facility, Comstock Park, Goethals Park, Toddler Park (new area on Comstock) - Residents are using these neighborhood streets to circumvent the heavy traffic on G-Way & the By-Pass. Poses a significant safety hazard for these small neighborhoods as the streets are narrow. We have significant lack of sidewalks in this area. Children walking to school, parks, & other pedestrians trying to access Winco, Fred Meyer, Howard Amon, John Dam Plaza, and the other facilities listed previously do not have access to safe walking/biking routes.	Thank you for your comment. Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements.
58	Open House	3/20/2017	Duportail Bridge	Please let me know how to get the data on how the Duportail bridge will impact on traffic on the By-Pass - Thank you Chuck Eaton, chaneaton@gmail.com 509-375-0309	Study is posted on City website. See study for additional information. The Duportail/Stevens Corridor improvements were not designed to ease congestion on SR 240; it is designed to link the downtown area to Queensgate. Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
59	Open House	3/20/2017	Traffic, infrastructure	1) Why does traffic planning appear to be reactive and not proactive? 2) Hayden Homes (Kennewick) and fully built out S. side of Badger Mountain will put ~ 3,000 additional vehicle trips* per day onto Leslie, Steptoe, and Dallas. Both Leslie and Steptoe are busy now. What will be done to ease traffic? 3). Why is street maintenance underfunded by about \$600,000/year? *2+trips/single family house	A plan for this area has been in place for several decades, and is being implemented as development occurs. Funding for maintenance is costly and this must compete with other city priorities. The City is committed to maintaining its road network.
60	Open House	3/20/2017	Traffic	In regards to the upcoming new Queensgate road plan - * between Keene & Duportail: Do you plan to have 2 lanes go from Duportail to the roundabout plus a 3rd lane for those going WEST onto 182? Badly needed. *In regards to the left turn lane on going West Queensgate (aligned with Sterlings) to signal do away with it!! Have traffic go to signal then left into Exxon, Walmart, fast foods, etc. parking lot. Right turn only from driveway out of Exxon - I-182. * Regarding signal at City View & Duportail for new bridge - were on ramps = North considered? would it work for the Hills residents to go down and under Duportail on (currently) dirt road & curve around to get on Queensgate at West end? People coming off the bridge, use an off ramp for the Hills?? Possible?? (comment includes diagram reference)	The Queensgate plan with graphics is posted on the Public Work's website. Interchange ramps are not typically designed as part of local road networks.
61	Open House	3/20/2017	Infrastructure	No more go rounds!	Thank you for your comment. Roundabouts are one of the intersection approaches that can be appropriate given certain circumstances.
62	Open House	3/20/2017	Traffic, infrastructure	Concern about RR crossing, pedestrian crossing, and speeding vehicles causing several accidents at Duportain and 240 intersection. Flashing warning lights on 240 to show that lights are changing similar to Hwy2 Wenatchee to Leavenworth. We have youngsters crossing to go to school, those who cross to use trails on both sides, people crossing to catch city busses - it's a very busy intersection. Plus, the train for those going to work in AM.	At-grade railroad crossing improvements are addressed by the Port of Benton (railroad owner/lessor) and the Washington State Department of Transportation, based on incident history.
63	Open House	3/20/2017	Infrastructure	Jones Road extension: Not in my lifetime	Thank you for your comment.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
64	Open House	3/20/2017	Infrastructure, traffic, bike lanes and walkways	I have 2 concerns. I live in the Hills community & we need a safe bike path from skyline to Keene Rd on Queensgate. We also need a roundabout or other safe intersection upgrade for the off ramp and on ramp from 182 to Queensgate. The concentration of traffic makes it very difficult to exit Skyline onto Queensgate.	The planned Queensgate improvements address these concerns. See PW website for additional information on these plans, expected to be constructed in 2018. Physical constraints at Skyline and Queensgate are difficult to improve.
65	Open House	3/20/2017	Infrastructure, traffic, bike lanes and walkways	I do not want GW Way from Van Geisen to 240 to be a principal artery! N. Richland does not exist to provide a speedy exit and entrance to Hanford. We need a downtown that is pedestrian friendly and connected to the river resource. The proposal here is backward. The rest of the world has moved on from this kind of planning! Jadwin could be an around and we have a BYPASS! We desperately need a real downtown area.	Alternate routes are being analyzed in a separate process.
66	Open House	3/20/2017	bike lanes and walkways	I encourage a permaculture approach to land development. I also support a more bike friendly city road system with bike lanes on roads like GW-way.	Existing laws and regulations are currently guiding developments.
67	Open House	3/20/2017	Duportail Bridge, traffic, bike lanes and walkways	Many participants at the March 20, 2017 Comprehensive Plan open house were disappointed at the lack of justification for the Duportail bridge. It was not clear from any of the material how this bridge would reduce congestion on G.W. Way (which was a major concern for participants). Many citizens were also concerned about the lack of attention given to making Richland a more walkable/bike-able city. As traffic has gotten worse, it's become increasingly more dangerous to ride a bicycle for local shopping & recreation. Only hard-core racing bike riders can use our streets. Please make Richland a more bike friendly community!	Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements. Goals and policies promote bicycles and pedestrians. The City has plans for improving bicycle and pedestrian safety and is actively pursuing implementation. Please see studies on PW website for additional information on justification for Duportail project.
68	Open House	3/20/2017	Traffic, bike lanes and walkways	GW Way should be more pedestrian friendly with traffic relaxers, median strips to make a better connection to river resources.	The City has studied this issue and is trying to make the road system more bike and pedestrian friendly while maintaining traffic flow.
69	Open House	3/20/2017	Bike lanes and walkways	I'd like a map of current bike paths and hiking paths	See Exhibit T-6.
70	Open House	3/20/2017	Infrastructure, traffic	Is there a plan for a left turn lane on Gway between McMurray and Spengler? The need is great and it would improve traffic flow and safety. There is space for it. All that is required is to restripe the lanes.	The City will re-evaluate GW striping during the next resurfacing project, expected in 2019.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
71	Open House	3/20/2017	Rachel Road	Do not put Rachel Road through Amon Creek natural preserve, instead use one of the southernmost routes to connect Leslie Road to the Hayden Homes development (i.e., existing BPA road opposite Lorayne J Road that intersects with Leslie) don't destroy the preserve!	Rachel Road expansion was addressed in a separate public involvement process. A decision has been made by the City Council to construct this project.
72	Open House	3/20/2017	Infrastructure	I-84 northbound bridge was paid off in record time as a toll bridge. Those that use it and benefit from it should pay for it. The new bridge should be paid for by toll-not by taxes!	Thank you for your comment. Options were considered by the City Council and a funding source, a vehicle registration fee, was selected.
73	Open House	3/20/2017	Public transit, bike lanes and walkways	Long Range Planning - why is there no light rail? Plans build more roads vs looking at other ways to move people. Better bus systems - smaller busses. Good bike trails to encourage cycling! Be creative; look at other ways to move people.	Policies and the plan promote transit, bicycles, and pedestrian traffic. Economic viability and cost effectiveness pay roles in traffic improvements such as light rail.
74	Open House	3/20/2017	Public transit	I would like to see a city plan incorporate some sort of light rail main loop linking all 3 cities	Economic viability and cost effectiveness pay roles in traffic improvements such as light rail.
75	Open House	3/20/2017	Infrastructure	Jones Road from Horn Rapids to Walmart area? Why? Across a flood plain? Requires another bridge \$ Probably expensive and certainly ugly road above CID canal on sandy hillside, through a bunch of view property - 3 jurisdictions in 1/4 mile	Both the City and BFCG are in the process of planning for reducing congestion in several areas throughout the City. This will result in identifying future improvements. Jones Road is one of the alternatives being evaluated.
76	Open House	3/20/2017	Rachel Road	Save Amon Creek Natural Preserve! No Rachel Road. Need to keep natural open space! Please!	See comment response #71 on Rachel Road.
77	Open House	3/20/2017	Infrastructure	Remove stop lights on the Bypass 240; put in overpasses and regular freeway on ramps and off ramps.	Thank you for your comment. Interchanges are expensive and are part of ongoing evaluation for congestion relief.
78	Open House	3/20/2017	Infrastructure	No roundabout on Queensgate/Keene	Thank you for your comment. No roundabout is planned at this intersection.
79	Open House	3/20/2017	Infrastructure	I'm happy to see the connection from Queensgate back to Bermuda.	Thank you.
80	Open House	3/20/2017	Rachel Road	Rachel Rd - please do not cross Amon Creek Preserve @ Rachel Rd.	See comment response #71 on Rachel Road.
81	Open House	3/20/2017	Duportail Bridge	Please consider getting Duportail Bridge done ASAP and we need more senior housing in Richland.	Process is undergoing with the bridge planned for opening in 2020. Thank you for your comment on senior housing.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
82	Open House	3/20/2017	Rachel Road	I DO NOT WANT RACHEL RD going through the natural area. Connect to Bellerive Dr. if you must, but not any further	See comment response #71 on Rachel Road.
83	Open House	3/20/2017	Infrastructure	I like the purple "Future Arterial Collector" to Gala Way	Thank you for your comment.
84	Open House	3/20/2017	Infrastructure	Do Not connect Shockley Queensgate to Rachel Bermuda (Don't encroach on county!)	Thank you for your comment; growth requires improvements to address traffic needs.
85	Open House	3/20/2017	Traffic	I am concerned about an even greater increase in traffic on Bermuda Road with the planned extension. What will be done about that?	Growth results in increased traffic. Road system plans are in place and are prepared to provide acceptable levels of service.
86	Open House	3/20/2017	Infrastructure	Add (back) a right turn only lane at Queensgate and Keene. Map traffic intersections (arterials) showing freeway and severeness of accidents (including pedestrian and bicycle accidents)	This will be addressed as part of the 2018 Queensgate improvements. Safety incidents are mapped, tracked, and analyzed for the City road system.
87	Open House	3/20/2017	Infrastructure	Amon Extension Rd. - was glad to see the proposed road not going through the preserve. Thank you for listening.	Thank you for your comment.
88	Open House	3/20/2017	Public transit	I don't understand why the City Council does not address/embrace higher density housing, more public transportation, and more use of already developed land that sits empty, as there is in N. Richland. The Duportail Bridge is only going to result in more neglect of northern neighborhoods, and property values will suffer. Instead, the age and development of these neighborhoods deserve attention. This could make them more attractive to salary-earning workers and the businesses that serve them. But I'm worried enough by the lack of attention from the Council that I am considering selling my N. Richland house and moving out of the area entirely.	Higher density housing is already allowed in many areas in the City. The Comprehensive Plan goals and policies are supportive of it. Much of this will be implemented when the property owners' and developers' apply for developments.
89	Open House	3/20/2017	Public transit	With more shops and proposed housing in Queensgate area would like to see a transit center there	BFT plans and provides for transit improvements. This comment will be shared with them.
90	Open House	3/20/2017	Public transit	Make area much more transit friendly. Please	See comment response #89.
91	Open House	3/20/2017	Rachel Road	Do not like the Rachel Rd. expansion through the Natural Preserve.	See comment response #71 on Rachel Road.
92	Open House	3/20/2017	Bike lanes and walkways	Off road bike routes for safer commuting	Thank you for your comment. See comment response #55 on bike safety.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
93	Open House	3/20/2017	Bike lanes and walkways	Proper pedestrian and bike routes on Columbia Center Boulevard where it crosses 240. This is a dangerous area for pedestrians and bikes	Thank you for your comment. See comment response #55 on bike safety.
94	Thomas Atkinson	8/27/2017	Traffic	The speed limit on Keene should be lowered by 5 mph. As businesses and residences have been added to the south side of Richland traffic volumes have increased as well on Keene. The speed limit is too high for the volume of traffic. Specifically, I live in the Country Ridge/Country Heights area. There is only one exit from the subdivisions, onto Keene. With the current speed limit and volume of traffic, it's getting much more difficult to exit the subdivisions safely. I don't think we are to the point yet that a stop light is required, but a reduction in the speed limit on Keene would make it much safer to pull out from Country Ridge Road.	Thank you for your comment. Speed limits are established through standardized professional engineering evaluations. Thank you for your comment. The City monitors the safety of intersections and understands safety concerns exist.
95	Paul Gonseth (WSDOT)	7/14/2017	Infrastructure	WSDOT requires that table T-4: Long Range Transportation Improvement and supporting text in the supporting analysis be changed to remove all reference to WSDOT projects and or responsibility.	Thank you for your comment.
Land Use					
96	Open House	3/20/2017	Downtown	I would like to see stronger "downtown" area. When I moved here last year, I had google take me downtown and it didn't feel like any downtown worth visiting. A prominent square with local shops and restaurants is a good investment and would draw in outsiders.	The Comprehensive Plan vision, values, goals, and policies promote a prominent downtown.
97	Open House	3/20/2017	General	Encourage infill development to connect centers - downtown, uptown mall, Wellsian/Duportail. Improve neighborhood diversity to ensure that schools remain/become economically and ethnically diverse. Infill neighborhoods with developments that improve economic diversity.	Goals and policies throughout the document promote infill. Discussion is added in the Comprehensive Plan.
98	Open House	3/20/2017	Schools	Bravo for designing space for schools, in the area behind Target.	Thank you.
99	Open House	3/20/2017	Density	Proposed land use alternatives (map) - I prefer the medium res option to the high density res option	Thank you.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
100	Open House	3/20/2017	Recreation	We should start a conversation about what will happen with the gravel pits so the City has right of first refusal to develop a recreation plan	Thank you for your comment. This is a topic that has been raised and discussed in Planning Commission meetings. The gravel pit is currently under private ownership.
101	Open House	3/20/2017	Downtown, neighborhoods	Concerned citizen of Comstock Neighborhood: The city is spending significant portions of resources on growth & development of shopping centers, housing developments, parks in the newly developed neighborhoods, but is not re-investing in the existing neighborhoods. There are many areas from improvement of Jon Dam Plaza & downtown areas that would continue to bring youth & vitality to the area.	Thank you for your comment. Goals and policies are added in the Comprehensive Plan to revitalize the downtown area and existing neighborhoods.
102	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Downtown, neighborhoods	The Comprehensive Plan continues to speak as if the CoR wishes to and will develop a central core city layout. But it is already too late for that, and we are currently developing what could be an exciting and 21st century 'archipelago' city structure. This would mean that we don't have and don't need a 'downtown', but rather have a very well developed sequence of interconnected unique neighborhoods, each with their own character and appeal. I believe this kind of vision and plan alternative has much to offer, and could build upon development forces already underway.	Thank you for your comment. Neighborhood activity centers are currently in place and can be promoted with proposed goals and policies.
103	Rich Scrivner (DNR)	5/25/2017	Schools	In particular, I would like to increase (but not too much) the acreage of the commercial property...I want to inquire as to whether you have light industrial zoning...I would like to remove or relocate the small open space designation...but most importantly, relocate the 40-acre proposed school site. We have had previous experiences with the jurisdiction trying to anticipate a future school campus/site, similar to your proposal. Each time the school district could not secure sufficient funding, thus, the master plan was left with a donut hole, which caused difficulties with adjacent developments and infrastructure layout. If we could finesse the campus/site towards an exterior boundary, still with direct frontage, that would work best for DNR, as well as other interested parties.	The plan has been modified. However, the school site remains at the center. If the school is not built, other applicable land uses can be reviewed and considered.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
104	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	Now that the Comp Plan Amendment process for our "Urban Reserve" property has gained support and traction, I want to share with you some internal challenges that DNR will encounter going forward. In addition, I will also include a few questions. (see below)	
105	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	With respect to the target adoption date of late September or early October of the Comp Plan Amendment process, will said adoption be by the Planning Commission or the City Council? If it is the former, when will the Amendment go before the City Council?	City Council will adopt. Recommendation from the Planning Commission will go to the City Council, currently scheduled for September 19, and October 3, 2017
106	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	Knowing that the Amendment process is focused on the identification of logical and compatible land use designations, when will the City seek to re-zone the properties? Will this action be a City sponsored initiative, one that simply reflects the land use designations, or will you request that DNR submit formal re-zone applications?	It is expected that a property owner submits an application.
107	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	I want to clarify that the green shaded areas (along the river) on the two original exhibits produced by the City, are not under the ownership of DNR. Those areas were transferred to the Corps of Engineers in the early 1950s.	That is correct.
108	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	I think we have discussed this matter previously, but it is worth repeating, DNR has an agricultural/orchard lease on the subject property, which has 2+ years remaining on its term. The lessee has been informed that we will not be renewing this lease. We have a good working relationship with the current lessee.	Thank you for the information.
109	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	Once the Comp Plan Amendment and re-zone processes have concluded, what are the City's thoughts regarding the public access roads which will traverse our property and connect with existing and aligned corridors? Are you anticipating a federal/state grant(s) funded project...an LID project...a City/developer coordinated project...or combination thereof? Has the City begun to discuss timeframes in which this critically important aspect to the overall project, not to mention, the installation of public utilities, would commence?	The proposed roads are shown as long range transportation facilities. See the Transportation Element. Funding for these projects will come from a variety of sources, including impact fees, developer construction, City General Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
110	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	By statute (RCW 79.11.250) and the state constitution (Article 16, Section 4), DNR is required to plat properties located within city jurisdictions or with 2-miles of said jurisdiction, into 5-acre parcels before being offered for sale at public auction. These requirements do not pertain to a direct transfer sale to a public agency. This is an onerous task on DNR, but we have successfully navigated through these constraints in the past via the guidance of other related legal means and statutes. I only mention this "additional consideration or step" that DNR must adhere to, so that you are aware. It does not involve the City and will not adversely affect the outcome of any public auction sale. It is all a very public process in our fiduciary management of the state's trust lands.	Thank you for providing this information.
111	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	Do you know what the status is on the revised Amendment exhibit? Our momentum has also gained the attention of Executive Management; thus, it is incumbent of me to keep them informed, early and often.	The updated maps and Comprehensive Plan are scheduled for Planning Commission public hearing on August 30, 2017, and Council's adoption on October 3, 2017.
Parks and Open Space					
112	Open House	3/20/2017	Dogs	If you could plan for areas, walkways, and spaces to accommodate professionals that have no children and only dogs. please.	Goals and policies promote all segments of the population.
113	Open House	3/20/2017	Open space	Protect open spaces in the Yakima Delta.	Natural Open Space designated land and associated wetlands, floodplain habitat, and riparian areas in the Yakima River Delta will continue to be protected.
114	Open House	3/20/2017	Open space	Need to ensure Amon Natural Preserve is really preserved as undeveloped open space. As South Richland continues to grow with new homes, Amon will be the only natural open space remaining. Let's keep it that way.	Amon Natural Preserve is Natural Open Space land use under the current map and not proposed for any change.
115	Open House	3/20/2017	Open space	Proposed land use alternatives (map) - Please provide more open space. Richland has become so high density, at least provide us with smaller, more frequent community parks.	Community park is proposed in the City View West area. Additional area north of City View West is proposed natural Open Space.
116	Open House	3/20/2017	EIS, dogs	I like proposed land use alt. 2 please. But could you add a small park with small fenced in area for dogs	Community park is proposed in the City View West area.
117	Open House	3/20/2017	Open space	Keep Amon Creek Natural Preserve as it is.	No change is proposed with this Comprehensive Plan update process.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
118	Open House	3/20/2017	EIS, parks	Proposed land use alternatives. I prefer alternative 2, but you should plan a park in the center and make it WALKABLE - Narrow streets, sharrows, etc. Room for proper trees. Safe passage footbridge to areas on the other side of irrigation ditch, better yet pressurize ditch and build trail	Community park is proposed in the City View West area. Additional details will be developed during the site development.
119	Open House	3/20/2017	Open space	In the proposed land use alternatives in the Duportail area, I believe more area should be designated as developed open space.	Parks or Developed Open Spaces are proposed based on service areas and service levels.
120	Open House	3/20/2017	Open space	Proposed land use alternatives 2 & 3 - Would like to see more parks or open space designated in these areas	See comment response #20.
121	Open House	3/20/2017	Open space	As little development as possible. Please encourage open space.	Developments will continue within the City according to the Growth Management Act, and are based on OFM's future population projection.
122	Open House	3/20/2017	Parks	Goethals Park: 1). Located on road w/30 mph speed limit. No crosswalk, signal, or crossing bridge for kids/families to pass safely. 2). NO bathroom facility. People are using the trees as a bathroom. 3). 1 garbage can for entire park area. Often has garbage piled up and overflowing. 4). No dog waste bags. Animal excrement is an issue.	The City works to improve safety of the road network and provide amenities in public parks as funding becomes available.
123	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Open space	There is no mention of "Amon Natural Preserve" in the part of the draft Comprehensive Plan that addresses open space, and yet the 'west branch' of Amon Basin. This is a stunning omission, considering the considerable effort in citizen participation and raising of private funds it took to establish the Preserve. Amon Natural Preserve represents one of the finest 'Central Park' type preservation and passive recreation opportunities open to any city in terms of its valuable land, health, and economic benefits. It needs to be recognized as such.	Updated
Environment					
124	Open House	3/20/2017	Climate change	Consider the economic impact of climate change scenarios - flood, drought, extreme winter events, extreme heat, etc. on city infrastructure and vulnerable citizens (elderly, disabled, young children, etc.)	Climate change impacts are generally discussed in the environmental review. It is unclear over the next 10 to 20 years, the planning period for this update, what, if any, climate changes will occur.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
125	Open House	3/20/2017	General	Desert ecologies are fragile. The Council doesn't seem at all interested in protecting them!	The local natural resources and habitat are being protected through the goals, policies, and environmental regulations such as State Environmental Policy Act and Critical Areas Ordinance.
126	Open House	3/20/2017	General	I also disagree with spraying W.E. Johnson park & other "natural" landscapes with mosquito poison. The spray is not confined to public area and does land on people's private "organic gardens."	Comments will be forwarded to the Park's Department.
127	Open House	3/20/2017	Critical areas	Keene Road wetlands aren't designated on the critical areas map.	Map has been updated.
128	Open House	3/20/2017	General	Get on with it! I know it's not the City's project but please do whatever is needed to facilitate the breach of the Bateman Island Causeway - the salmon and steelhead will benefit	This project is being addressed through a separate process, and plans are being formulated to improve habitat conditions and water quality around Bateman Island.
129	Open House	3/20/2017	Critical areas	Sensitive areas - there are Corps owned wetlands off Keene/Jericho. Stop illegal filling; Put on Map - East of Queensgate Village	Map has been updated.
130	Open House	3/20/2017	Renewable energy, sustainability	I would like to see the city lead in renewable energy by equipping their buildings with solar, strive for LEED certs, supply EV charging stations, and enforce recycling. I thought new apartment complexes were supposed to commit to recycling. I live @ Mosaic on the River apartments - they have one cardboard bin on the far side that no one uses. How do they get away with breaking a promise? Also, the trash/litter is out of control in that area. I spend time picking up trash along the Yakima River trail leading to W.E. Johnson park, but the trail along 240 is disgusting.	The City offers low-interest loans to promote the use of solar. See Utility Element of the Comprehensive Plan.
131	James A. Wise (Planning Commission)	No date	Critical areas	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.	A separate comment response matrix addresses questions related to the Critical Areas Ordinance.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				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 <i>simply recognize the change made to state law</i> and include the exemption provided therein. (<i>Italics added.</i>) My Analysis: The proposed change <u>does much more than that</u>, because it is included inside our proposed COR Fish and Wildlife Conservation Areas definition, and does not include any of the clarifying language or guidance that the WA State Department of Ecology provided with their extended definition, as the letter from Mr. Paulson so aptly points out. Also, legally it can be argued that it makes a difference to have such a statement occur inside a City’s Fish and Wildlife Conservation Areas definition, rather than as a distinction of such areas at the superordinate level of WA State Law. At the superordinate level of WA State law, this statement distinguishes which artificial areas or constructs are not included under the definition of a Fish and Wildlife Conservation Area. To coincide with this distinction, <u>all the CoR has to do is to reference the (RCW 36.70A.030(5) and its 2012 state legislature amendment and state that our definition complies. We should also reference all State Department of Ecology guidance accompanying this definition.</u>	

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				Under no circumstances should we put such a single statement unqualified inside our Critical Areas Ordinance, because this immediately implies that our Critical Areas contain such elements which thereby exempt them from all protections under the ordinance. <u>We have completely undermined our own ordinance.</u> Proposed Solution: When other cities in the State have faced such situations where activities relating to agriculture or irrigation system maintenance may conflict with Critical Areas protections, they simply include an exemption regarding such activities within the Critical Area. (I have found several of these online and have sent them to Rick Simon.) This protects the farmer or irrigator while also keeping in place defined Critical Area protections. Usually these exemptions involve the exempted practice agreeing to proceed under a 'Best Management Practices' agreement that can be adopted by the City and exempted businesses. These examples are widely available online. <u>I strongly recommend that the City, Tapteal Greenway, and KID combine their perspectives to draft a Best Management Practices Guide,</u> using extant ones in the State of Washington as a model. In this way, we can ensure creative and productive future cooperation among all involved parties, while preserving their respective interests	
132	James A. Wise (Planning Commission)	No date	Critical areas	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 under Addition of Stormwater Definition in 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. <i>Rationale for change:</i> This is the same definition of stormwater used in Title 16 of RMC, except that it	See response to comment #131.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				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. My Analysis: There is a good reason why the current RMC does not include an exemption for irrigation water. This is because it is a ludicrous distinction, and no city's stormwater definition nor that of the State of Washington includes any exemption for any origin of stormwater that enters the system. Stormwater what ends up in the stormwater drain system, is stormwater period. And that is as it should be. Exempting irrigation water in particular sets a very bad precedent, and raises the question of whether anyone's yard irrigation water runoff should now not be considered 'stormwater' by definition. Besides, this exemption is totally unnecessary. KID's irrigation water does not get into stormwater system by design because that's not where it is supposed to go, except as overflow. And when such overflow occurs, it is because of bad design, bad operation, or bad maintenance, as it is costing the KID in ways that will become more important under urban growth and climate change impacts in our future. Does the CoR really want to indemnify the KID for all of its practices which may result in identifiable quantities of irrigation water ending up in our stormwater system,	

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				which is not where this water should be going? Absolutely not. Besides, any specific question of this type can be addressed in a Best Management Practices standard set between the CoR and the KID. Solution: Do not include this addition into our CAO definition of stormwater. It serves no useful or beneficial purpose for the city whatsoever. If KID has some specific concerns, they can be addressed in a Best Management Practices agreement.	
133	James A. Wise (Planning Commission)	No date	Critical areas	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: l. 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. My Analysis: As proposed, this nullifies any protection of our identified (Critical Areas) Fish and Wildlife Conservation Areas from KID operations. It gives them free rein to do anything they want to do in and around Amon Basin and any other protected designated wetland. The question is not <i>encroachment</i> but <i>impact</i>. One does not need to <i>encroach</i> to produce major impacts. Besides, KID could argue that any of their listed 'facilities' are already there <i>within</i> the boundaries of the protected area, and by the first exemption they've proposed are also excluded. This proposal literally gives the KID freedom to do whatever it wishes within our protected areas. Solution: Simply do not include this exemption. Any concerns about operation of existing "operation, maintenance, or construction of canals, waterways, drains, reservoirs or other facilities" can be handled in a Best Management Practices standard. These have worked, and are working elsewhere around the United States.	See response to comment #131.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
134	James A. Wise (Planning Commission)	No date	Critical areas	The Richland City Council has just voted to accept a roadway across Amon Basin which is designed to minimize damage to the wetlands there and preserve its significant different health, educational, and economic values for the city and its residents. These changes to our Critical Areas Ordinance proposed by the KID would seriously undermine the entire intent of the cooperative study that led to the planning and adopting of this alternate roadway from the original proposal. The city has shown that it can adopt a development path that meets the values and requirements of its varied interests and residents. These proposed changes introduced by the KID do not, but they can be easily resolved. Under no circumstances are they acceptable as proposed.	See response to comment #131.
135	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Climate change	There is no mention anywhere in the draft Comprehensive Plan of "Climate Change." I believe this is a significant oversight, as Climate Change will be a major driver of city development over the remainder of this century. As a widely recognized "Climate Refuge," the City of Richland would benefit significantly from acknowledging this and positioning itself to both mitigate consequences and take advantage of opportunities.	Climate change impacts are generally discussed in the environmental review. It is unclear how it will impact Richland over the next 10 to 20 years, the planning period for this update.
136	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Renewable energy	The City of Richland utilizes only .1% of fossil fuel in its total energy mix. This makes us one of the carbon cleanest cities in the State. We should be taking advantage of this in our economic development efforts, as it means something very positive to both potential future businesses and new residents. It also tells us where we should be placing our efforts if we wanted to significantly improve further our 'carbon footprint'. In a word, this would be the transportation sector, where we should encourage the use of Electric Vehicles (EVs) at all appropriate levels of fleet and private operations. We can do this by establishing charging stations throughout the city, as other cities have done. I see now mention of EVs or charging stations in the Draft Comprehensive Plan, but I hope this addition can be made.	Thank you for your comments.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
137	Debbie Berkowitz (Planning Commission)	No date	Critical areas	P. 34 (also in CAO) LU-4 (wetlands map). I appreciate that Rick included some of the Keene Road wetland areas on the critical areas map. Since these are not well-defined and since there may be some additional areas, I request that we include something like the following statement in the legend, 'Wetlands shown do not necessarily depict all wetland areas within the City. Property owners are advised that whenever there is a conflict between the critical area location shown or not shown on this map and the application of the City's critical areas ordinance, the provisions of the ordinance shall control.'	Maps have been updated.
138	DAHP	5/23/2017	Cultural Resources	We are supportive of HP Goal 1 and UD Goal 3 regarding cultural and historic resources in Richland because they provide direction for the City to proactively work to identify and preserve these resource types.	Thank you for your comment.
139	DAHP	5/23/2017	Cultural Resources	While HP and UD goals provide policy direction for protecting cultural and historic resources, it is unclear as to how development proposals affecting these resources will be reviewed and permitted. There is currently no methodology for consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP).	Details on City consultation are described in development regulations. The City will consult with DAHP on development proposals with potential to impact cultural or historic resources.
140	DAHP	5/23/2017	Cultural Resources	In regard to coordination with DAHP on project reviews, we recommend the City execute a data sharing agreement with DHAP as well as applying for Certified Local Government (CLG) status that establishes a local historic preservation program. Instituting a CLG program allows Richland to apply to DHAP for federal pass through funds that can assist with historic preservation planning activities. For information about a data-sharing agreement contact Morgan McLemore (Morgan.McLemore@dahp.wa.gov) and Kim Gant (Kim.Gant@dahp.wa.gov) for information about CLG status.	This comment is being considered by the City.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
141	Mike Ritter (WDFW)	7/10/2017	Critical areas	The CAO update is comprehensive and makes use of newer documentation and language being incorporated by other municipalities statewide related to wetlands, buffers, and critical areas. These updates are clearer and more succinct. We support the City in its efforts to clarify jurisdictional responsibilities related to irrigation operations and City land management. In particular, we support the City in its management of the West Fork of the Amon basin through CAO regulations. Native fish, wildlife, and vegetation resources are adequately addressed in the revised section (Article III, Fish and Wildlife Habitat Areas). Additionally, many of these same resources are also protected through various wetland and upland CAOs.	Thank you for your comment.
Utilities					
142	Open House	3/20/2017	Landfill	I don't see any indication of future expansion of the landfill, which will be needed someday.	See the Capital Facilities Element for discussion on future landfill expansions
Housing					
143	Open House	3/20/2017	Type	Embrace the tiny house neighborhood. Make tiny house culture part of Richland culture.	Diverse housing types are encouraged in the goals and policies.
144	Open House	3/20/2017	Type	Zoning that supports "tiny houses" development should be approved. Homes of 2000-3000+ sq. ft. are a waste of resources; people should at least have a choice.	Tiny houses and associated smaller lots are not excluded in current zoning code.
145	Open House	3/20/2017	Type, density	OPPOSED to high density housing (aka apartments) between Willowbrook and Amon Basin. Put in like houses of like value if you build at all.	Thank you for your comment. This area has been zoned for multi-family housing since the 1970s.
146	Open House	3/20/2017	EIS, density	In terms of zoning, I think Alternative 3 for the Queensgate area has more high density residential and would be the better choice. It should also include walking trails to connect all the new residential areas with the Queensgate shopping center by bike or pedestrian.	Walking trails are to be considered during the parks planning process and during the development of this area.

5.2. Comments and Responses Part 2

Table 5-2: Comment and Response Matrix Part 2

#	Name/Affiliation	Date	Sub-topic	Comment	Response
General Comments					
147	Robert Benedetti	3/11/2017	Planning and vision	Let me summarize what I will say below: Money talks and BS walks Thanks for the opportunity to comment on the comprehensive plan. I would like to share some of the experience in my life and why The Plan, any plan will fail. It was fun and I got to hear other opinions. Yes, I am being negative, but honest. I do not envy you take on this project in the Tri - Cities I believe a plan has to have a visual, so the public can see what it means. Not a 2 dimension lay out, because it is the voting public who has to buy in. Every developer creates the visual to sell the Plat but seldom show what will happen in the surrounding areas in the future. First. My experience has been as boy growing up in Kansas City, a high-density city at its core and in the beginning you lived in apartments and single family homes next to each other, where you lived and work, up until 1951, when the city annex a large section north of the Missouri river, low cost land. The suburbs exploded. Now Downtown Kansas City is a place to go around and only used for some businesses and special events. Fortunately, the highway system affords fast transit to the Sprawling neighborhoods. Cities surrounded with cheap affordable land are hard to get high density Buildings and Appartments in the center of the town. Second. To assure this will occur you have to have the money to build the supporting infrastructure. Richland of all our cities has the highest downtown buildings because Fed dollars drove their construction. The federal building is the best example. So how do we get this done? The second highest density area of Richland is the Hanford and PNNL. Can the federal building be bought and turned into a low-cost business center in the future or a high rise condominium? DOE has moved out and contractors have moved in.	Thank you for your comments and observations of sprawling communities in other areas. Infrastructure and financing are key elements for future growth. Information on the City's infrastructure is available in the Transportation, Utilities, and Capital Facilities Elements. Also see the Capital Improvement Plan 2017 to 2030, Appendix F of the Comprehensive Plan.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				So if we have this future vision how do we fund it? Bonds? Make the builders pay for the infrastructure, toll bridges, Higher taxes. How do you get the public to buy into vision, not just the city council and planning committee? And if it requires connection with Kennewick, how do we get them to support it. With these questions asked and answered growth will be organic, developers will rule. Before the meeting last night, I meet with the Kennewick School District Chairman. He can't plan new schools because of the land prices/available land and no funds for supporting infrastructure to support the schools being set aside. Somehow the voters have to support the future of development and as you have seen few turn up to the meetings. Maybe we are missing the most important planning element.????	
148	David Orcutt	3/11/2017	Utilities, traffic, Rachel Road	1. What sense does it make to have a comment form when the "drafts and maps"" are unavailable online? 2. Why doesn't Richland utilities offer the same financial incentives/rebates as other local public power utilities do? 3. Traffic is becoming a bigger and bigger problem, in multiple locations. 4. I hope the Rachael Rd process is not just a fig leaf covering up someone's personal agenda. 5. I'd like an e-mail response from you to these questions and comments.	All maps and drafts have been made available online on the City's webpage at: https://www.ci.richland.wa.us/departments/community-development-services/2017-comprehensive-plan-update. Richland offers incentives to its Commercial and industrial customers for lighting and custom projects that reduce energy use. For residential customers, rebates and low-interest loans to qualified customers. See the Energy and Power sub-section of the Comprehensive Plan Supporting Document for details. Rachel Road expansion was addressed in a separate public involvement process. A decision has been made by the City Council to construct this project.
149	Nancy Doran	8/6/2017	Editorial	This is one of two sets of comments you will receive from me. These deal primarily with factual errors and questions about phrasing. The second one, not yet completed will deal with land use. 1) On p. 2, the plan says: In 1943, Richland was a small farming town of	The Comprehensive Plan documents have been updated to address these items.

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				about 300 residents. In that year, the Federal Atomic Energy Commission purchased most of the area for a massive project to produce plutonium. This reads like a whitewash for what actually happened to the landowners, several of whom did not settle with the government until after the war. Furthermore, it was the US Army Corps of Engineers, Manhattan Engineer District that took over the land. The Atomic Energy Commission was not created until after the war. 2) On page 3: Then, in 1958, Richland citizens chose to incorporate as a first-class Washington city. The federal government began to sell the prefabricated housing erected for Hanford workers known as alphabet homes, which had been intended to be temporary. Much of that housing remains in use today. Several inaccuracies in this statement: Your statement implies that all the houses were prefabricated, and somehow sub-standard, which simply isn't true. • The first alphabet houses (A, B, D, E, F, G, H and L), were built in 1943 and 1944. Since no one could predict how long the project would go on for, the buildings were solid and well-constructed. Your illustration shows an F house, which is not one of the prefabs. • 1,800 prefabricated houses (1, 2, and 3 bedroom) were brought in to supplement the on-site construction, but these were never given a letter designation. 500 of these were removed after the war. By mid-1951, the prefabs had all been renovated by placing them on proper foundations and giving them the gable roofs they have today. • Additional standard houses (K, M, Q, R, S, T) were constructed in the late 40s, followed by pre-cuts (U and V) and finally by 1951 the Ranch houses (Y and Z) were built. • Sales of the houses began in June 1957; the first house was completed on June 2 - when Paul Huckleberry purchased an M house at 78 Hodges Court. More accurate to say: After several years of discussion at both the local and federal levels, the federal government began the process of turning Richland into a self-governing city. Citizens were able to purchase their government-owned houses and Richland became a first-class city in December 1958. (If you really want to talk about the	

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				alphabet houses, insert an accurate paragraph about them.) p. 7 "Richland's park system serves a variety of users in its developed and undeveloped parks, including sports and other recreational activities. " Badly phrased – "sports and other recreational activities" should not be modifying parks, which is where these activities take place not the activities themselves. Suggest instead Richland's park system meets a variety of user needs including sports and other recreational activities in its developed and undeveloped parks, p.11 Why is "Research and Development" activities capitalized in the middle of the sentence. It isn't the name of a specific group. (What style sheet does the document use? Not the only place where the caps are used unnecessarily.) 3) On p.31 (and again in the supporting analysis p.30) The descriptions of the Tapteal Greenway don't seem right. The Tapteal Greenway is an organization, a trail, and a water trail. Your text clearly refers to the trail but gives the impression that there is a separate specific area along the Yakima with that name. In fact, the Greenway starts at Bateman Island, it goes through Chamna, and WE Johnson Park – areas covered elsewhere in the document -and north towards Benton City. Yes, there are multiple owners but your description doesn't capture it very well, and in fact seems to double-count areas p. 32 Built environment Due to its settlement history, the City of Richland does not have an abundance of historical resources. Historic structures unique to the City include 12 tract farm houses in the central city and six buildings in downtown that predate World War II, and the Alphabet Homes built between 1943 and 1951. Since you don't define "central city," this is a somewhat misleading statement. There are, in fact, 19 tract houses in the portion of the city between the river and SR 240 north of the Yakima, and that is the number typically used. I can supply addresses. Supporting Analysis Comments 1) P. 92 text says "James Lawless Park includes one 18-hole disc golf course." I believe that the disc golf club removed the course structures a few years ago. 2) T-4 - 2016 All Day Traffic Counts The legend box includes both "1001-	

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				5000" and "5000-10,000." I assume that it should be 5001-10000.	
150	Ginger Wireman	No date	Editorial	p. 2 Richland enjoys abundant water and natural Suggest removing - Abundant makes it sound unlimited. We have a limited water right. Flows in the rivers are not guaranteed. p. 2 Native Americans once lived at the mouth of the Yakima River, Native Americans continuously habited the area prior to Anglo settlement for about 9,000 years. (once lived sounds temporary) p. 8 Community Goal 5: Encourage the identification, preservation, and restoration of the City's open space and natural areas to maintain habitat, The fact that the wetlands are STILL not on critical areas ordinance maps after I have pointed this out to the Planning Dept. numerous times in the last 20 years is disappointing. Wetlands, and hydric plant communities are clearly visible in aerial photos. Incidental or accidental wetlands – those not owned by KID or another irrigation district should be protected. PUT THEM ON THE MAPS.	Text has been updated to address these comments.
151	Ginger Wireman	No date	Editorial	DRAFT Comp Plan - p. 2 Richland enjoys abundant water and natural AMENDED Additional Comment to that submitted at original deadline SUGGEST - Richland currently has access to both the Yakima and Columbia rivers as well as groundwater, for some irrigation and domestic water supplies. However, because of climate change, future water supplies are uncertain and we must use water judiciously to allow for projected growth. The UW Climate Impacts Group shows a likely decline in water supplies and snowpack. We would be foolish to ignore the findings of our top research university. https://cig.uw.edu/learn/climate-impacts-in-brief/acts Memorandum on Critical Areas Ordinance Update from Rick Simon Use of the WDFW Priority Habitat Species mapping is a good idea. Paragraph 1 fish and wildlife conservation areas:	Comprehensive Plan text has been modified to address these comments. A separate comment response matrix addresses questions related to the Critical Areas Ordinance.

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				Please acknowledge that 'mitigation measures' are highly unlikely to be successful in any undeveloped areas remaining. There are no more jackrabbits in areas where they thrived 16 years ago, for example, because of habitat loss. That can't be mitigated. Last sentence: Once completed, these reports would be reviewed and approved by the City, after consultation with the Department of Fish and Wildlife and Native American Tribes may be approved by the city. DO NOT START WITH THE ASSUMPTION OF APPROVAL	
152	Ginger Wireman	No date		SUPPORTING ANALYSIS AREA 2 CHALLENGES AND OPPORTUNITIES – AREA 2 Richland may need to be a little flexible in permitting and licensing new business. I heard of an entrepreneur who was denied a business license in town because the city called his work manufacturing – he was building extremely high-end circuit boards for medical equipment or something – only a handful a month. I believe he wanted to locate in the Parkway and was denied. The number of units produced did not sound like manufacturing of a scale that should have precluded his occupancy and potential for job creation. If his business ramped up maybe he'd need to move, but he'd be established in Richland at that point. Instead he took his company elsewhere. Scale and reality should be considered in business licensing and permitting. I also know of a food business that is afraid to update their property because they don't want to trigger other (unnecessary, one-size-fits-all requirements). TABLE LU-3 Top Cell Putting housing in the 300 Area will never be a responsible option. DOE will not clean below 15'. The efforts to clean the uranium plume are not working and many plants could have roots deep enough to pick up contaminants. Last Cell Where exactly does the city think it has 15 acres available to put in 225 units on our waterfront?? That	Thank you for your comment. Housing is not proposed in the DOE land. This is based on existing vacant lands in the Waterfront zoning district.

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				goes against “leveraging the natural landscape.” Richland has the best riverfront in the Tri not because of those properties but the undeveloped Rivershore/parks. The current homes at Columbia Point and Bradley Landing have already created conflicts between residents and recreationists. I’ve spent a lot of time on “The Strand” in Newport Beach and the South Bay (Los Angeles) the setbacks are farther, the paths are wider and the mix seems okay but really, who owns this land, and why not create more public access to benefit all of us. TRANSPORTATION p. 34 PURPOSE AND INTENT Typo in first sentence, the next 20 years is in there twice.	Corrected.
153	Jim Bixler (Pacific Northwest National Laboratory)	5/16/2107	Editorial	The primary comment we have is that there are inconsistencies and inaccuracies in how the DOE land and business/operations are addressed. In many places, the Hanford Site is addressed and is written to be inclusive of the PNNL Site and PNNL operations. This is not the case. Other places, it reads appropriate. So, my primary comment is for this planning info to either recognize: 1. the Hanford Site and PNNL Site (and PNNL operations) separately, or 2. the DOE site/land in total which includes the combination of the Hanford Site and the PNNL Site/PNNL operations. (FYI, attached is survey info from earlier that depicts the PNNL Site and Hanford Site boundaries.) Additionally, the recent DOE land transfer of 1,641 acres to the City, Port of Benton, and ENW, is addressed and notes it as part of its economic development/plans. This is good. And, the draft Comp. Plan info speaks to City fire and emergency services and its plans to include future fire station locations and services to include a replacement #73 station at the corner of Stevens Dr. and 240 and a new station #75 in north Richland at/near the PNNL campus. This is in-line with what the City planning provided and discussed to-date with the City. This is also good.	Updated Thank you for the comments.

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Columbia Point South					
154	Nancy Hess	4/5/2017	Public participation	I don't feel that City of Richland has informed public about changes planned for natural open space near Columbia point	Proposed changes are posted on the City's website. Numerous public meetings and workshops were conducted regarding this. Additional updates to the Council and the Planning Commission took place, and public comment period was extended for one additional month.
155	Heidi Hampt	4/5/2017	Public participation, open space	I am writing regarding the city's change to zoning at Columbia Point. I am concerned that recent changes were made without real public input. My preference for this area is to continue to see it as a natural area. I do not see a need for the zoning changes and would prefer no development on that area.	Initial land use proposal for "Commercial Recreation" has been modified with a less intense "Urban Recreation" designation in this area. Existing Natural Open Space designated lands are not proposed for any change.
156	Marcene Daines	4/7/2017	Development, open space	I live in a small area of Benton County surrounded by Richland. Most of my activities are in Richland, so I have concerns about the use of land there and the environment of the area. I prefer and recommend the area designated as Columbia Point South be kept as open space. If this is not possible, then I hope that you can keep any development to a minimum and not destroy the beauty of the river delta and surrounding area with lots of permanent structures, roadways, parking lots, etc. Money cannot replace the natural open space that we need to make our daily life more pleasant and free from commercialism. Leave that to the inner-city areas. Thank you.	Please see response to comment #9.
157	Carl Baker	4/7/2017	Open space	I would like to see the entire South Columbia Point area designated as a natural open space and that no motorized vehicles be allowed in that space.	Please see response to comment #9.
158	Scott Woodward (President, Ridges to Rivers of Space Network)	4/7/2017	Open space	The primary focus of our comments is Columbia Point South. While we applaud the city's effort to plan for growth and community needs we are opposed to the proposed uses at Columbia Point South. The proposed concepts which place commercial recreational adjacent to natural open space bodes ill for the remaining habitat and wildlife currently enjoying the area in question. The proposed use options in the commercial recreational space appear to have no consideration for the impact on the diversity of the ecosystem that	Current land use is Developed Open Space and Public Facility. Public Facility currently allows more intense use than the proposed Urban Recreation. Urban Recreation designation is proposed to allow limited uses in this area. It is intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities, and

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				presently exists at Columbia Point South. At the very least we recommend that: No motor vehicles other than shuttle or service vehicles be allowed onto Columbia Point South. Pedestrian and bicycle traffic will be the mode of transport. The highest impact facilities planned for commercial recreational space need to be located on the freeway side of the property to diminish the impact on the natural open space. The list of allowable uses in commercial recreational space is very broad and should be abbreviated. An additional natural buffer needs to be implemented at the border of the commercial recreational space and natural open space. Native vegetation will be the landscaping norm in the commercial recreational space. We have been participating as individuals in the process up to this point and appreciate the opportunity to express our concerns on this aspect of the City of Richland's Comprehensive Plan.	open space uses. Existing Natural Open Space areas would remain unchanged. It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.
159	Dartanya Helgeson	4/10/2017	Open space	I have reviewed the current draft of Richland's Comprehensive Plan, and I see that part of Columbia Point South is designated as natural open space and part is designated as commercial recreation. This area is a great habitat for native birds and migrating waterfowl and I would ask that all of Columbia Point South be designated as a natural open space. With the growth this area is experiencing, open spaces are quickly being gobbled up, so it is vital to have oasis of open, natural areas to provide a buffer for other land uses. Please keep this area closed to motorized vehicles to allow wildlife and people have a "breath of fresh air." Thank you!!	Please see response to comment #9.

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160	Kathy Criddle, (President, Lower Columbia Basin Audubon Society)	4/10/2017	Open space	Dear Council Members and City Staff, From the current (2008) Comprehensive Plan (P. CF2-13): Natural Open Space consists of land intended to remain largely undeveloped over the long term with limited public access, including Bateman Island, Chamna Natural Preserve, South Columbia Point, and Badger Mountain. With this letter we are reminding you of a promise the city made in 2013 to the Lower Columbia Basin Audubon Society at a Parks & Rec Commission meeting when we protested the change of South Columbia Point from a natural open space park to a special use park. We were promised that the city would hold open public meetings when considering changes to South Columbia Point. Now, with this Comprehensive Plan update, the city has changed part of what was a 230-acre natural open space park to a commercial recreation area, not even a park any more - and again, without a public discussion. We are one of a number of organizations that prefer to see all of CPS remain as a natural open space park where citizens can have a sense of isolation in a natural area, all within our growing urban setting. Having CPS as a natural open space park would make it an extension of the well-used Chamna Natural Area just west of CPS. We can support the idea of a Native American trading post with the rest of the area restored with native plant species appropriate to the area. We do not support many of the other uses that are allowed in the commercial recreation zoning. Any building should be close to the bridge access point to minimize damage to the rest of the area. We can also support shuttle service to the trading post, but no private motor vehicle access. Before motor vehicle traffic was restricted at South Columbia Point, the area was badly damaged by ATVs/ORVs. Since then, it has had a chance to heal to some extent. Pedestrian and bicycle traffic are encouraged, as they are now. Thank you for considering our request made on behalf of our local Audubon chapter (of over 200 members) and also the requests of other organizations and citizens who support having South Columbia Point as a natural open space area for the region.	Please see response to comment #12.

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161	Kathleen Megow	4/8/2017	Open space	My husband, Louis Boliou, and I wish to see Columbia Point South designated as a natural open space with no commercial development whatsoever. We live in West Pasco, across the river from Richland; however, we have both worked and shopped in Richland for many years. Columbia Point South is a Tri-City natural area, a place where residents of the Tri-Cities can go to hike, jog, walk their dogs, bike, bird watch, and generally enjoy nature. Just steps away, near Anthony's, are hotels, condos, more hotels, and restaurants. By opening Columbia Point South to commercial development, you deprive Tri-City residents of a lovely natural open area in favor of real estate moguls. I'm sure the existing hotels near Anthony's would not enjoy all the new competition. Enough public land has been turned over to commercial development in the Tri-Cities as it is, with hoteliers competing with other hoteliers. What we don't have are enough natural, open spaces. Destroy that, and it is gone forever.	Please see response to comment #9. Recreation opportunities will continue to be available for this area.
162	George Hagen	4/7/2017	Open space	I wish to say that the area identified as the South Columbia Point should stay as open space. First the egress to that area does not support any businesses such as hotels, casinos, trading post, etc. Also, I for one would not want to see those types of businesses in that area as I drive by from and to Pasco or Kennewick. We need open space over financial gain. That is a wonderful area to walk and the wildlife is abundant. Please leave South Columbia Point as open space.	Please see response to comment #12.
163	Mike Lilga (Board Member, Tapteal Greenway)	4/14/2017		Since its inception, the Tapteal Greenway has held as a goal the preservation of Columbia Point South for its habitat, cultural, and passive recreational values. We believe the highest and best use of this land is as natural open space, protected in perpetuity for all generations. We are not alone in this belief. Originating as an outcome of a broad public process, Ridges to Rivers Open Space Network recognized the importance of Columbia Point South and established the following goal in its Vision Plan: Recommendation OS8.6: Set aside the area known as Columbia Point South, Richland as Natural Open Space not subject to future development. From the RROSN Plan: Located on the south side of Interstate 182 near the Columbia River	Please see response to comment #12.

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				Bridge, this parcel buffers, and helps to protect, the 813-acre Yakima Delta Habitat Management Unit (HMU), managed by the Army Corps of Engineers. The HMU contains a great diversity of habitat and wildlife, including resident and migratory birds, mule deer, and other animal species. The adjacent Columbia and Yakima rivers support salmon and other fish passage. Historic use of the Columbia Point South area includes Native American cultural sites as well as early settlement locations. The cultural value is significant enough that the site is eligible for listing on the National Register for Historic Places. Columbia Point South is a node – a place where trails, cultures, and wildlife have historically met and, if protected, will continue to meet as they always have. The habitats of Columbia Point and the Yakima Delta have remarkably high value, especially in our arid climate. While the upland habitats of Columbia Point South are somewhat degraded (but do contain native species and are suitable for restoration), other habitats rare in our part of the state, such as the open waters, wetlands, mud flats, shallow areas, gravelly and sandy shorelines, riparian areas, and grasses are critically important to numerous species. The importance is magnified by the location along the Pacific Flyway bird migration route. As a result, this area has been given the national designation of Important Bird Area by the National Audubon Society. A variety of migratory and resident fish species, including threatened and endangered salmonid species, also use the Delta. The combination of both warm water and cold water river systems provides an unusually rich food source for both fish and birds. In addition to the habitats on and directly adjacent to this area, Columbia Point South is important to wildlife as a buffer to urban impacts. Sensitive species are negatively impacted by the close presence of human development activity. Retaining Columbia Point South as natural open space is one step that can be taken to benefit wildlife. All trails of the Tri-Cities and Greater Mid-Columbia Region meet at Columbia Point. Trails parallel the journeys of the earliest residents, Native Americans; explorers, such as Lewis	

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				and Clark; and early settlers of the Northwest, such as members of the Longmire wagon train. Today, land trails north lead to Howard Amon and Leslie Groves Parks. Trails south and east comprise the Sacagawea Heritage Trail, connecting to Columbia Park, the Columbia river shore in Pasco, and the Snake River at Sacagawea State Park. Trails to the west of Columbia Point consist of the Tapteal Greenway Trail, connecting Columbia Point and Bateman Island to the Chamna Natural Preserve, W.E. Johnson Park, Horn Rapids County Park, and eventually Benton City. Columbia Point South is the nexus of three major water trails connecting Canada, Idaho, and the Mid-Columbia region to the Pacific Ocean. The Greater Columbia Water Trail connects the Canadian border with Columbia Point and Bateman Island. The Northwest Discovery Trail – including the Bateman spur which links Columbia Point and Bateman Island (believed to be the furthest point upriver travelled by Lewis and Clark) to Sacagawea State Park along the Columbia River – connects the Clearwater River in Idaho via the Snake River to the Columbia River Gorge at Bonneville Dam. Columbia Point is the downstream terminus of the Tapteal Water Trail that originates at Benton City. Columbia Point South is a node where cultures have long met. Native American tribes and bands lived and died there. They fished, traded, and camped there. It's the site of the historic St. Rose of Chemna, an oblate mission where white cultures met native cultures. It's the site of the Timmerman Ferry used by early settlers. The cultural and historic importance of Columbia Point South has been acknowledged by its nomination to the National Register of Historic Places, a designation reserved for only the most significant sites in the United States. We ask that you also recognize its significance and take steps to protect Columbia Point South in perpetuity. We ask that the status of the entire park be changed back to "natural open space," which is the designation in a previous Parks Master Plan and that you recommend that the Comprehensive Plan be amended to change the designation of the entire area to "natural open space."	

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				In addition, the Capital Facilities section of a previous Comp Plan states “Natural Open Space consists of land intended to remain largely undeveloped over the long term with limited public access, including Bateman Island, Chamna Natural Preserve, South Columbia Point, and Badger Mountain.” Designation as commercial recreation is inconsistent with preservation of the significant historic, cultural, recreational, and wildlife values of this area. We also ask that the area continue to be closed to motorized vehicles. As privately owned open lands continue to be developed and the associated habitats and recreational opportunities continue to be lost, publicly owned open spaces become increasingly important. We encourage you to re-designate this publicly owned land as natural open space.	
164	Richard Badalamente	5/11/2017	Open space, EIS	I oppose the plan to convert most of Columbia Point South to commercial recreation zoned space. The division of what is now natural open space into 72 acres of commercial recreation and just 16 acres of open space as called for in the draft Comprehensive Plan, Alternative A, will result in a fragmented landscape and compromised ecosystem functioning. Fragmented landscapes degrade biodiversity, and have more edge adjacent to converted and disturbed habitat, making them more vulnerable to encroachment by non-native species. Lack of continuous habitat also poses challenges for species that need to move around. I urge the Commission to follow the recommendations of the 2012 Rivershore Master Plan and ensure this delta region remains a rich environmental center of Richland and the surrounding area.	Initial land use proposal for “Commercial Recreation” has been modified with a less intense “Urban Recreation” designation in this area. Existing Natural Open Space designated lands are not proposed for any change. Limited uses are proposed in the Urban Recreation land use, and related zoning district. Also, the acreages mentioned indicates only the areas where land use change is proposed. There will be a total of 177 acres of Natural Open Space and 80 acres of Urban Recreation.
165	Mary Peters	5/12/2017	Open space	Please do not develop Columbia Pt. south of the harbor along the shoreline. I do not want to see an amusement park, multi-level hotels/condos/ apts in that area either. A grassy park with trees could be OK but the more natural the better. Would like to see the transit buses run on Sundays and until 10 PM.	Please see comment response #9. BFT plans and provides for transit improvements. This comment will be shared with them.

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166	Paul Fraser	5/17/2017	Open space, development	I am extremely concerned about the Land Use portion of the Comprehensive Plan. Specifically, I am against zoning Columbia Point South as "Commercial Recreation." Hundreds of citizens use the bike path and walking trails in this area and enjoy the calming effects and intrinsic value of open space. As our community grows we need to remember that open space is becoming much more limited than it used to be. Columbia Point South would be ruined if the city allowed hotels, restaurants, boat rental, and the other development that is allowed under "commercial recreation" zoning. I am also concerned about magnifying an already bad traffic problem that occurs at the intersection of George Washington Way and Columbia Point Drive. Commercial traffic driving through the park and all the current restaurant, residential, and boat launch traffic would be unacceptable. My final reason to be against the development of Columbia Point South is the increased impact on wildlife and river fisheries from traffic, stormwater runoff, and the increased noise and traffic that development of Columbia Point South would bring. I cannot support the Comprehensive Plan with the current zoning for the inappropriate development of open spaces in Richland. Thank you for your Time, Paul Fraser	Please see comment response #9.
167	Nancy Doran	8/6/2017	Development	Land Use - I am very concerned about the proposed changes to Columbia Pt S. At every comp plan meeting I attended, there was overwhelming support for preserving natural open space. This plan doesn't preserve the area; rather the new urban recreation zoning will ruin the area. The area does not need another hotel. (A 3-story lodge is still a hotel.) Nor does it need restaurants, delis, and shops. Ideally development in this area should be kept to the absolute minimum (i.e., what the tribes have a legal right to erect.) The city could turn the area into an economic advantage – a walking destination – for the large number of local residents and hotel guests in the area. Bird blinds on the delta side. Better paths etc. Capital Facilities - Looking at the city's projected growth, there's no question that the city should be looking	Please see comment response #9.

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				ahead to providing additional recreational facilities locating them where the main growth has and will take place – south of the Yakima. The Richland public library is a fabulous institution, but children in south Richland are unlikely to be able to get there on their own. The RCC is similarly difficult for them to access. The Prout Memorial swimming pool is insufficient to meet the city's current needs; it won't get any better in the future. (While north Richland has a number of neighborhood pools, most of south Richland has no local option.) A 10- to 20-year plan should include some plans for these facilities. The city should be looking for land where it could establish satellite locations for these facilities.	As the city continues to grow, considerations for these types of amenities will take place.
168	Carl Baker	8/10/2017	Development	I do not want to see development of the south portion of Columbia Point. It's best kept as a natural area with minimal development.	Please see comment responses #9, #12.
169	Mary Hartman	8/11/2017	Open space	I favor Columbia Point South being designated as natural open space.	Please see comment response #9.
170	Bob Rosselli (FOBM)	8/13/2017	Open space	When we responded to the initial comment period, we noted that the last two community surveys gave significant priority to natural open space. For the citizens of this community having more natural open space is very important. As one reviews the existing and current draft plan, natural open space is one component of land use that is still significantly underrepresented. The most important area that is still undeveloped and natural is Columbia Point South. This is an area that should remain natural and undeveloped. Not every section of the community needs to be developed or partially developed. That unfortunately is the City's current planning approach to Columbia Point South i.e., constrain development to businesses that cater to outdoor activities and would in the City's mind mesh well with natural open space. Unfortunately, it is still development and goes against the wishes of the majority of community citizens who bothered to fill out your surveys. At this point, the City is proposing changing the zoning to enable development of that area with businesses that cater to outdoor activities. Development is development and please listen to your citizens who do not want any type of development in	Please see comment response #9.

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				that area. Leave it natural. There are many communities in America that have significant areas of natural open space that citizens flock to in order to hike, bike, do birding, see animals, enjoy the wildflower and shrub steppe plants, and, in our case, even launch kayaks and canoes. Do not ruin this possibility with further development and do not enable further development by changing your zoning. That is so non-transparent that even children can see through your ultimate objective. (And while you're at it, remove the electrical transformers that have already been placed next to the existing bike path along route 1182. Leave Columbia Point South in its present natural state and develop it into a nature preserve with soft surface trails and non-motorized boat launches where the community can go out and really enjoy a part of what this region was all about for all times. This really is your last chance to address one of the highest priorities of your citizens. Let's hope you listen. Nature preserves do bring outsiders to your community and outsiders do bring economic benefit to local businesses who fortunately can still flourish and not be located on the spot.	
171	Shir Regev	8/14/2017	Development	I am concerned about proposed development of Columbia Point South. Due to the area's significance as a nature preserve (it is one of only two designated IBAs by the Audubon Society in the region and it is home to Chemna, the original, First American village. The city needs to focus on developing the CBD to attract visitors to the area instead of trying to develop the last bit of wetland we have.	Please see comment response #9. Existing goals and policies promote development in the City Center. Additionally, critical areas and other environmental regulations are in place and proposed to protect wetlands.
172	Ginger Wireman	No date	Development	NO FURTHER DEVELOPMENT AT COLUMBIA POINT Nice how you tucked this into a figure further through the document – and at a page break! 16% open space 89% Commercial Recreation? NOT ACCEPTABLE p. 19 Land Use Goal 8 – policy 4 NO FURTHER DEVELOPMENT AT COLUMBIA POINT P. 28/29 Proposed Land Use Table This is really sneaky! I hope it was accidental, it sure worked well to obscure the importance of it!	The Columbia Point South area land use as proposed will increase the total Open Space land from existing 153 acres to 177 acres.
173	Ginger Wireman	No date	Development	SUPPORTING ANALYSIS CHALLENGES AND CHALLENGES AND OPPORTUNITIES – AREA 3	See comment response #9.

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				The city should stop talking out both sides of our mouths. We need to take Columbia Point off the table! Adding it back in at the recommendation of an outside consultant who has no knowledge or context for the history of the area was foolish. AREA 4 Further, in the additional supporting documents I was disappointed that WDFW created their overlay photo with Uptown in the Col Pt. South up against I-82. While it wouldn't be IN the critical habitat, increased noise and light pollution from businesses in that area will very likely disturb wildlife.	
City View West					
174					
Goals and Policies					
175	Ginger Wireman	No date	General	p. 8 Community Goal 7: Develop a vibrant Central Business District planned on a high-density land use. I believe this is similar to what is on the existing comp plan, yet the city is allowing Kadlec to sprawl all over. If the CBD is supposed to have high density, that's what it should be zoned and builders should have to do it or wait to build. p. 8 Community Goal 9: Provide and support an efficient, varied, and well-maintained transportation network. Until we get Hanford traffic off our streets this we will not have an efficient transportation network. SUGGESTED ADDING – Work with local employers to support commute trip reduction/ car and van pooling. Work with DOE to reinstate bus to central Hanford. (90% of Hanford employees drive single-occupancy vehicles. We have three bottleneck entries – four when Queensgate is done – it will not help) p. 8 Community Goal 12: Continue active citizen involvement and outreach education in development decisions and planning for Richland's future.	City guidelines encourage higher residential densities downtown, which in turn promotes CBD development. The City supports regional cooperation as indicated in various goals and policies. Also see Transportation Demand Management sub-section for additional details. Multiple public input opportunities were provided. See Public Involvement Summary.

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				Planning and Engagement can be more proactive and doesn't have to occur in the library or school gym on a weeknight. I encourage Richland to conduct planning in Parks or set up at the Community Center during events to capture people who are already there. Also, I somehow stopped getting notices – one would think a person who participated in a first meeting would continue getting notices until a plan is on the books. p. 10 ED Goals Implementing city-wide community owned broadband would help strengthen education and small business opportunities. Community Wi-Fi in city parks and public spaces would also enhance our ability to help students and educators. p. 11 ED Goal 6 Policy 7 and 8 Has the City made any effort to specifically ask Millennials what they are looking for in housing? What about first time homebuyers? I think they would like mixed-use urban style apartment living and if we had the data to prove it perhaps developers would build it. Also, many want electric car charging stations and recycling at the apartment complexes. Also, many first-time home buyers might look at existing housing stock in Richland and start to 'gentrify,' but the state of many older neighborhoods with unkempt rental properties is a discouragement. p. 15 ED Key Opportunities Area 2 Build and Attract a more entrepreneurial and dynamic economy Again, Richland would do well to do a study with the young adults and the entrepreneurs who are here to determine why and what is missing. Frequent complaints about lack of recycling and why is there no solar infrastructure come up in surprising settings. I know the recycling issue is a tough one – net carbon footprint-wise, but young people who grew up doing it are greatly bothered that it's not a given part of the life here – they find it embarrassing. They worry about sustainability and wonder why we don't embrace	Thank you for your comment. Policy updated to address Young Professionals. Thank you for your comment.

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				deliberate actions like solar on city owned facilities or schools, etc. p. 15 ED Key Opportunities Area 4 Closely monitor zoning and land use in the City Rick Simon and perhaps others were at the meeting Ridges to Rivers and the BFCHA hosted at WSU TC with Randall Arendt. He said stick to your zoning. Period. If a developer is interested in a site they will build on it within the zoning regs. He showed strip malls that had second and third stories added, MacDonald's IN historic homes, etc. Allowing Kadlec to build their offsite center, rip out perfectly fine and mature landscaping and waste prime commercial property with parking is a travesty. Let's not mess it up at Albertsons. p. 17 Land Use goal 1 See above... ED Area 4 and ED Goal 6.7, 6.8 Allowing infill is one thing, promoting and encouraging is another. While there is a lot of space for infill in old, central Richland neighborhoods, the poor code enforcement and shoddy condition of rental properties is likely a disincentive. People just move to Pasco or Kennewick to a newer home rather than deal with crappy properties nearby. p. 17 LU Goal 2 Establish land uses that are sustainable and create a livable and vibrant community. Badger Mt. South set a disastrous precedent! It is not sustainable by virtue of the fact you have to drive ten minutes (stated on their website) and through aforementioned bottlenecks to get to the high school, library, pool, river, etc. Trails in a neighborhood do not make it sustainable. Stop 'greenwashing' and do real sustainable building. Also 5,000 SF homes? NOT SUSTAINABLE! p. 18 LU Goal 5	Thank you for your comment. Thank you for your comment. Thank you for your comment. Thank you for your comment.

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				When/If Center Parkway ever goes through to Tapteal, we should partner with Kennewick to finish the rail trail and connect it to our portion. p. 18 LU Goal 5 policy 1 & 2 Revise commercial building code to require a proper bike rack at businesses like restaurants, bars, coffee houses, and stores (insurance/law offices may want them, too!) Ensure SAFE access to businesses with a sidewalk or marked pedestrian trail across the parking lot. See Attached Appendix 2 (Overlaps with UD Goal One?) p. 19 Land Use Goal 8 – policy 3 No more commercial or residential use along waterfront! Nothing closer than Sterling’s or the Hanford House! There is enough. Even with the trail in front it is super elitist! The few remaining parcels – south of Shilo - should have the plaza, fountain, and public spaces envisioned in old shoreline plans. We lost the Greek Theater (Hampton Inn) and it was never replaced. HAPO stage does not count! p. 19 Land Use Goal 8 Policy 5 & 6 Richland needs to start discussions now with the owners of Central Premix and start a public process for when they pull out of their site between the highway and Yakima River. p. 20 LU Goal 9 Island View How will you engage the tenants and land owners in the Island View Neighborhood? Donnie at the Bait shop and the gals who own Sage Port Grill would likely be very interested in this section plan but probably haven’t seen it. This area has the potential to be a cool, mixed use neighborhood! The city should come up for building and design standards for the remaining portions so it doesn’t look all crazy like what’s there now.	Goals and policies are proposed. Specific design standards and development regulations will implement the details during the time of developments. Thank you for your comments. Your suggestions will be considered. Thank you for your comment. The city can provide outreach to property owners in various parts of our community.

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				p. 21 LU NE Goal 1 Policy 2 Commercial recreation is not appropriate for S. Columbia Point. The fact that staff couldn't define it at the Planning Hearing last week - then defined it with such things as casinos and restaurants - is astonishing. That is wholly incompatible with the adjacent natural areas. Please note, any paved or built surface creates Net Loss of ecological services. P. 22 LU Historic and Cultural Resources Policy 1 What is adaptive reuse? Do we want to maintain character with limited modifications? Let's say that. Also, please ADD ... historic "Alphabet Homes" and Mid Century Modern homes of Richland. p. 22 UD Goal 1 Policy 3 See comment for LU Goal 5 Policy 1 & 2 p. 22 UD Goal 2 Policy 2 If we really care about complete streets and ped/bike friendly switch this around! Ensure public transit, bicycle, and pedestrian access in the commercial centers along with adequate parking, landscaping. We have more than adequate parking and listing it first shows ongoing bias toward cars. p. 22 UD Goal 3 Policy 3 The City needs to adhere to Dark Sky principals. Street lighting along Keene is like daylight! The city can significantly decrease lighting. Drive down Steptoe – the Kennewick side of the street is adequately lit. The Richland side is obnoxious. Save some money, start toning it down as bulbs need replacing. p. 22 UD Goal 4 Policy 1 & 2 The city needs to follow this itself.	See comment response #9. Adaptive reuse is intended to maintain the character and place similar uses of the buildings. Updated This is a suggestion for plan implementation. Thank you for your comment.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				p. 24 LU-1 Existing Land Use Separating Badger Mt. South is a poor choice. It should be broken out and added with the portions of low, mid, and high density noted appropriately. But creating high density and allowing houses that are too big and expensive will not provide an adequate supply of housing stock. The City encourages minimizing light trespass for energy savings, dark sky ambience, and glare reduction. Again, City street lights are some of the worst offenders. p. 39 Housing goal 4, policy 1.a When we lived at 703 Abbot we were told an LID would be implemented if majority of property owners WHO VOTED supported one. We wanted sidewalks. The City told us residents who lived in the boundary of the new LID would have a lien on their property and the sidewalk would be built if they voted no. We ended up moving to a neighborhood with sidewalks. The neighbors voted on an LID but several properties apparently voted no. The city should do liens. Stop messing around and get the streets done. That block looks bad, AND it's near the major intersection with Jadwin and has more traffic! p. 39 Housing goal 4. Policy 5 & 6 The situation described above and poor condition of many rental houses is a disincentive for people to move into old Richland. But maybe assistance and better code enforcement could help. p. 42 T Goal 1 YES PLEASE!! p. 43 T Goal 3 Would it be possible to put a few passenger cars on the tracks from Columbia Center and have at least commuter trains to PNNL & 2440?	Badger Mountain South area is being implemented according to the Badger Mountain Sub-area plan and a land use category called Badger Mountain South currently exists. Thank you for your comments. Your suggestions will be considered. The city has a strong interest in neighborhoods being maintained properly. Please contact the code enforcement division with any reports of zoning violations. Thank you for your comments. Thank you for your comments. Much of this route is leased by a private company and would need appropriate approval.

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				p. 43 T Goal 7 Connecting Queensgate/Shockley or whatever you do, over the top to the Reata neighborhood is counter to this. The people who bought out there did so because they wanted the rural element. Creating a 'cut through' that will become a shortcut and major thoroughfare is a bad idea. Richland should not force our development concepts onto the unincorporated part of the county. p. 43 T Goal 3 YES PLEASE ADD – Work with BFT to install shelters at bus shelters in unprotected areas (wind/sun) TE Goal 4 Policy 4 Our weather has changed dramatically in the last forty years and the thunderstorms have become quite frequent. This is a good idea! TE Goal 4 Policy 6 Policy 6: Plan and implement new streets and consider modifying existing streets to improve access control to sensitive areas. This sounds like a bad idea, what is the intention? If this is the road to Columbia Point South, no. p. 48 Utilities Goal 1 Policy 2 This speaks to prevailing power supply contracts and accessing low cost electricity... Has Richland done a cost benefit analysis of installing some wind and solar capacity and weaning the city off the coal portion of our mix as our contract is renewed with BPA? We have acres of roofs (city owned and large commercial structures like the freezer), and several significant easements where solar panels or small wind could be installed. This would be city owned power, and could lead to true community independence and resiliency. We could partner with PNNL and Energy NW to do research and learn from what we install.	There is no Goal 7 under Transportation Element. The road network between Richland and County are being planned in a regional planning process. Transit is promoted in the policy. This is intended for maintenance and street improvements. While solar and wind development costs are continuing to decrease, they are considerably above the market price for wholesale power. The City continues to monitor all prices for power generation including renewables and are positioning to act prudently when it comes under compliance with the Washington State Energy Independence Act.

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				P. 49 UE Goal 5 Policy 4 We need MUNICIPAL BROADBAND!! For a community with our brain trust we should expect the best and assure access to our low income neighbors so they can meet their highest goals. We own the easements because of our electrical utility, it's silly to rely on the HORRIBLE cable companies – even if we had several, which we don't. http://muniwireless.com/2016/02/03/city-owned-fiber-better-model-for-cities/ P 50 Solid Waste Mgt. The City should look into building a waste sorting facility and recycling infrastructure as a business opportunity. Even if we have to ship recyclables to be reused for manufacturing, sorting them ourselves and keeping stuff out of our landfill could be a worthwhile investment. Also, if we had a Materials Recovery Facility here, we might be likely to find companies that would site here because of the availability of 'raw materials'. It's worth looking into. P. 51 Energy See comment on p. 48 about city owned clean power. p. 52 Irrigation The city should be moving toward gray water infrastructure in new developments. Wasting treated water on my lawn (because I'm not on KID) makes me sick. It's totally inefficient in our desert environment. The sewer utility might have to be a different scale, and maybe it could only be done with commercial properties, but we should look into the areas in the Southwest that already do this. P 54 Capital Facilities Goal 1 & 4 The sprawl the city has already set up is pretty significant. How can we better serve south Richland and that ridiculous Badger Mt. South? Perhaps the City could purchase properties across from Yoke's and put another pool, a little wetland park (because there's a wetland) and a library annex. A pedestrian crossing	The City continues to install broadband as economically feasible. Thank you for your comment Using xeriscape principles can make a water-efficient landscape. See discussion under Urban Design. Thank you for your comment. Your suggestions will be considered.

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				over Keene would make it an expansion of Badger Park... or perhaps this could go between Cherrywood and the ridge. Not all of us belong to Meadow Springs or Hills West Pool! P 55 CF Goal 6 Yes, please do. And also, don't mess up what's left! Remember, mitigation is almost never successful without a lot of TLC. p. 56 CF Goal 9 Schools Sigh... I disagree with schools buried in neighborhoods, it creates traffic problems. The city should work with the school district on Walking School Bus and Safe Routes to School. p. 57 CF Goal 13 I generally feel very safe in Richland and think our police force does a great job. Parks and Open Space? There are no goals? We need more lacrosse fields. We can use football/soccer fields, but there just aren't enough. I personally would be fine with fields on the easement under the BPA line off Bellerive, but probably the neighbors wouldn't like it. General Comment There were no links to the Appendices on the website. That seems problematic and puts us at a disadvantage!	Schools are generally located at central locations of neighborhoods in order to serve children in the neighborhoods. This also is intended to ensure children's safety. Thank you for your comments. Your suggestions will be considered. Sorry for any confusion this may have caused. Appendices are now available in the webpage: https://www.ci.richland.wa.us/compplan.
Transportation					
176	Jim Kelly	10/4/2017	Rachel Road	The Rachel Road extension I fear will be disruptive and not in alignment with the "Amon Creek Phase I, 60.12 acres, Future use agreement" that Mike Mills helped authored in 2009. Connectivity is the key. Why isn't the BPA utility road being considered? The BPA substation at the Southern end of Thayer is a good example of a city road providing access to a substation. The BPA access road	Rachel Road expansion is being addressed in a separate public involvement process. A decision has been made by the City Council to construct this project.

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				at the South end of the Amon Preserve is adjacent to the railroad right-of-way and is the least disruptive to the Preserve. The BPA access road currently provides parking at the Southern end of the Preserve near the yellow gate. This parking along with the Claybell parking provides wonderful access to the Preserve. The proposed road will cut through the Preserve. I fear the proposed road would look like Columbia Park Trail between Leslie and the railroad overpass were I often see wildlife that have been hit by traffic on Columbia Park Trail. Let's try and maintain the original intent of the agreement: "...the Amon Creek Property, in its present state, has significant natural features and provides critical habitat for fish and wildlife and should be managed as a public nature preserve providing opportunity for education, passive recreation, and quiet enjoyment by the public..." Please urge BPA and others to consider supporting an alternate route and maintain quality open space for future generations as the communities grow in South Richland.	
177	Albert Jacobs	11/5/2016	Traffic	Before you approve of any more housing or apartments, you must solve the traffic problems on Keene and Queensgate.	City proposes traffic improvements and additional roads in this area.
178	Judith Pardee	3/14/2017	Duportail Bridge	I am very concerned about the plans for the Duportail Bridge. I live in the Hills Community situated between I-82 and the proposed bridge. There is so much traffic going to the Walmart area on Queensgate that we residents cannot drive out of our complex; we are forced to use the back entrance which dumps into Duportail. When the bridge is completed, both of our access roads will be inundated with continuous traffic and we will be virtually stuck.	The city council has reviewed many options over the past several years and it has been determined that the Duportail Bridge is a solution that is important for the city.

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179	James Franz	3/14/2017	Traffic, housing	Ensure that development does not occur where traffic is routed through already established communities, and high volume housing imposes on already established communities. My example is the Willowbrook Community in Richland. Care should be taken to not allow the proposed Duane Smith apartment complex to be built on the adjacent land, as this will drastically reduce the value of homes in the surrounding area, and negatively impact the environment and enjoyment of existing residents. Additionally, care must be taken to not allow a through-traffic-travel route through this community, when alternative routes exist that would keep through-traffic streets from being added in the community, in other words, the Rachel Road extension should be considered to impact the already established community and wetland as little as possible. My opinion is that building more apartments is a negative trend, and that when built, they should not impose on already established communities. Thank you for your time!	Long- and short-term traffic improvements are proposed throughout the City that are intended to flow traffic in the arterial and collector roads. Rachel Road expansion was addressed in a separate public involvement process. A decision has been made by the City Council to construct this project. Cities are required to allow land use for multi-family housing/apartments in order to increase choices of housing. When they are developed, traffic volume and capacity are considered during the development review process.
180	David Orcutt	3/19/2017	Rachel Road, EIS	An alternative needs to be found to the Rachel Road extension. I'm very interested in seeing a comprehensive EIS on the apartments by Amon Creek.	Rachel Road expansion was addressed in a separate public involvement process. A decision has been made by the City Council to construct this project.
181	Carl Van Hoff	3/20/2017	Traffic	I hope that your near term and longer term planning address the traffic burden in the Queensgate area. Currently the bridge across I-182 is too small for the traffic, and the configuration of lanes is difficult. This will only get worse as more traffic is delivered into this area. This increase can come about as more businesses locate out here, and will certainly jump if the apple orchard is developed. The Duportail Bridge will help this issue -- a little -- but the traffic flow in the area within a half mile of the city shops really needs to be thought through, and provisions need to be made to enable the increased traffic to actually flow through the area in an orderly way.	Both the City and BFCG are in the process of planning for reducing congestion in several areas throughout the City. This will result in identifying future improvements. The planned Queensgate improvements address these concerns. See PW website for additional information on these plans, expected to be constructed in 2018.

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				And while you're at the traffic flow issue, spend some time on the ground, experiencing the thrill of trying to drive from Walmart to Target. The hump in the road in the Gold's Gym area makes this a death trap.	
182	Jim Talbott	5/10/2017	Traffic	I believe, as many do, that we need to somehow enhance our downtown area. My thought is that a crucial part of this will be to LOWER the speed limits on Jadwin and George Washington Way, reduce them to 2/3 TOTAL lanes each, and add diagonal parking spaces. Obviously, this would NOT enhance our current traffic flow, so at the same time, we need to make our "Bypass" into a true bypass - by installing on/off ramps, over/underpasses, and removing all stop-lights. Between this and the new Duportail Bridge, we'll be in good shape for the coming decades.	The City's transportation planning includes a robust focus on pedestrian and bicycle improvements, and is based upon available funding. Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements. There is no plan to reduce the number of lanes on George Washington Way
183	Don Bachand	5/11/2017	Traffic	I have lived in the Tri-Cities since 1993, and have resided in all three cities each for several years over that time frame, currently in Richland. When I first moved here, I was working at Hanford, and now work for PNNL. In my opinion, the Transportation section of the plan does not go far enough to address the traffic issues on George Washington Way and the Bypass Highway during the morning and afternoon commutes. I am an engineer, and it is counterintuitive to me to have any traffic lights on the Bypass highway because they defeat the stated function of the road. In my opinion, one of the goals should be to eliminate traffic lights on the Bypass highway to the extent possible, to make it largely free-flowing. As it currently functions, it is faster for someone commuting from North Richland to Pasco or Kennewick to drive through Richland than on the Bypass. So not only is the traffic bad on the bypass due to the traffic lights, it makes traffic on George Washington Way and Jadwin worse. This not only reduces the quality of life for people residing in the downtown area who need to make a short trip across town, it also reduces the safety of pedestrians and bicycle riders. Eliminating traffic lights on the Bypass highway (in particular Van Giesen, Duportail, and Aaron Drive) requires two things: 1) acknowledgement by the City of Richland and Washington DOT that although the Hanford workforce	Both the City and BFCG are in the process of planning for George Washington Way to reduce congestion. This will result in identifying future improvements.

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				is shrinking, the volume of traffic isn't going to go away because other businesses are moving into the general area or expanding; and 2) support from the state level to fund overpasses. In closing, I feel that the traffic issues created by traffic lights on the Bypass Highway are the most significant traffic issues in Richland, which also effect residents of the other two cities. This is clearly evident by the All Day and Peak traffic counts shown in figures T-4 and T-5 of the Draft Comprehensive Plan. It is frustrating as a taxpayer to see state funding put towards widening Route 12 between the Tri-Cities and Walla Walla, with no attention on the traffic issues relating to the Bypass Highway, which impact many more people.	
184	Laila Krowiak	5/9/2017	Bike lanes and walkways	Richland had the potential to be the most pedestrian and bicyclist city in Washington. In other words, the most desirable place to live. In order to achieve this goal two things are important: making pedestrians and bicyclists comfortable with having the right of way and by training drivers to offer the right of way. This can be done by increasing bicyclist infrastructure that does not demand bicyclists to take risks, widening sidewalks on main roads, planting shade trees on main roads, decreasing the in-city limits traffic speed to 24mph, and installing pedestrian lights at common crossing points. Doing so will benefit business as shoppers want a pedestrian experience as an alternative to the mall and strip malls. This is what Richland needs to be completely awesome and this is what families want.	Policies in the Comprehensive Plan promote bicycle traffic. Further details can be implemented at project level.
185	Ginger Wireman	No date	General	QUESTION – many of the Projects in the last Comp Plan (2009) seem to have fallen off the list. Connecting Comstock to Wellsian should be priority to make the neighborhood more walk and bikeable. It is unlikely most people will choose to walk to Fred Meyer from say, Benham and Jadwin, via Aaron or Stevens. They'll drive or wait for a ride. The City has an easement. This is a social/environmental justice issue. You are prioritizing roads in the wealthy neighborhoods (albeit ones no one wants built except developers) over roads that can give low income families the ability to safely walk to the store.	The projects indicated in the Comprehensive Plan are based on identifying deficiencies based on the established LOS, and addressing deficiencies through short and long term improvements.

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				With the closure of Albertson's, people are faced with walking out in the elements on Wellsian Way, or crossing GWay to go to WinCo. Neither is a great option with a cart full of groceries or a stroller. In the case of Wellsian it's a long walk with no shelter from the sun or wind. This proposed completion of Comstock to Wellsian is no longer in the Comprehensive Plan. Why? The City claims it wants to create a walkable city with complete streets (safe for walking and cycling). This is a perfect example of a place where it should be a priority connection. If not a street, at least a proper pedestrian/bike way. Also, would it be possible to work with Craftsman Tile (and the property owner) to gain a bike/ped easement from Benham to Wellsian too? 2009 Comp Plan Completing the sidewalk on Columbia Park Trail between Steptoe and Columbia Center Blvd. has also fallen off the planned list. Again this is a social/environmental justice issue. S. George Washington Way Intersection Improvements Table T-3 Please postpone or remove completely discussion of GWay intersection improvements until the City does a concerted effort to work with PNNL, Kadlec, USDOE, and Contractors to improve the number of car and vanpools. It is unreasonable to spend almost \$10 million to accommodate mostly Pasco and Kennewick residents for a savings of about 15 minutes a day. The past proposals would damage successful businesses. The disruption to the neighborhood is a horrible idea. Please construct a pedestrian OVERPASS at this location. It could serve dual purpose, hanging traffic lights from it, welcome to Richland artwork, etc. Table T-3 Bellerive Drive Extension Is this funded from Hayden Homes developers' fees? If not, why not?	Developers are required to pay impact fees that offset costs for development.

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				Table T-3 Queensgate Drive – Phase II The people do not want this road. Despite what council seems to believe, we do not have to approve these types of sprawl. The developer is not guaranteed maximum profit at the cost of ruining the safety and character of the surrounding neighborhoods. Also, why would it be so expensive (\$3.4 million) and will that come solely out of developers’ fees? Instead, prioritize the walkable/bikeable projects that improve the quality of life for a larger majority of residents. Table T-4 LONG RANGE TRANSPORTATION IMPROVEMENTS Queensgate North – DELETE! This will ruin WE Johnson park, and destroy too much habitat. Also, the cost of an additional bridge seems like something the public will not want to pay for – consider Duportail started out at \$9 million and is not \$35 million! Kingsgate South – Please work with the residents of Horn Rapids so that you don’t ruin their neighborhood. Sound walls, lower speed limits, etc., should be part of any expansion of this route. SR 240 Widening While this may be necessary, please consider budgeting for a greenbelt along the highway to make the bike/walk path tolerable and not a horrible experience. SR 240 Pedestrian overpass at Columbia Center Blvd. projected cost (currently) is \$4 million. Suggest taking \$3.4 million from Alla Vista to Bermuda (which no one wants) to invest in the connection between the TC’s “Arts and Entertainment District – Toyota Center, Hotels, etc. and Rivershore/Bateman Island. It is 1.5 miles from the Red Lion to the overlook at the Wye. It should be an easy walk for visitors to get to the river without having to get in their car. If you sat in a convention hall all day, would you want to get in your	Queensgate Drive improvements have been adopted as part of the city’s long-range transportation plans. Thank you for your comments. Your suggestions will be considered. Each project is expected to mitigate environmental and other impacts. Thank you for your comments. Your suggestions will be considered.

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				car to drive to a river which is right nearby on your maps app? No of course not! And, if you don't care about convention goers, how about the visitors at the Holiday Inn Express, paying Richland's hotel motel tax? But really, this is a social/environmental justice issue. The people in the Island View neighborhood should be able to safely walk or ride bikes to Columbia Center, etc. Gage Blvd. and Badger Mt. Parkway. REMOVE Stop trying to turn neighborhoods into arterials! People who want to live close to the mall should buy a house close to the mall. Those of us who live in these neighborhoods should not be overburdened by the additional traffic these two proposed roads would bring in from the back side of Badger. Those people should get on I-82 and use Clearwater. Gage Blvd. has nowhere to expand and already has too much traffic between Leslie and the Mall many days of the year. Columbia Park Trail/Leslie A traffic circle (yes, I believe in them) would be a much better alternative at this site if the space can be made available. Also, this should be a much higher priority. Horn Rapids Industrial Area The development of the freezer at Horn Rapids is already heavily impacting the quality of life for residents of Horn Rapids. The City needs to meet with Horn Rapids homeowners and those at the RV park too, and enforce some standards of behavior for the commercial traffic. Truckers are spending the night alongside Kingsgate, ruining the shoulder and one wonders where they are relieving themselves. The neighborhood of Prestwick, near the entrance of HR is a nice neighborhood occupied primarily by folks over 55. The additional sound, light and noise occurring could dramatically decrease their property values.	Thank you for your observations. Existing Columbia Park Trail and other on-street trails are indicated in Island View area in map T-6.

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186	Len Pavelka (Transportation Planner, Benton-Franklin Council of Governments)	8/14/2017	Funding	Two of the mandatory elements - Transportation Facilities and Services, and Finances, as incorporated into the Report, are the framework for this letter. Section (6) of RCW 36.70A outlines the necessary components of a transportation element, within Section (6), Subsection (iii) address facilities and services, while Subsection (iv) addresses finance. The Transportation Facilities and Services section of our report echoes Section iii, which requests specific narrative on components of the transportation system and actions taken in the Plan. These topics will need to be discussed between BFCG and Richland staff. I believe in some instances maps are intended to be used as an explanation and I wonder if a citizen could grasp the intent of a map over a paragraph of explanation and a list. Financing asks, "Does the plan provide an analysis of the jurisdictions funding capability?" I would have to answer No. Subsequent questions in this section follow from the first one. Financing capability to fund current and future identified need should be addressed in the plan and I could not find such a discussion in this update. I believe a purpose of a Comprehensive Plan is to provide citizens, council members, and city staff with a knowledge base for an informed discussion of a city's future. Richland has a very good base to work with, but some details need to be ironed out.	The City plans to continue discussion with regional agencies on the transportation system. Financing is based the Transportation Improvement Plan, Capital Improvement Plan, and the City's budget. Financing for long term projects will come from a variety of sources, including impact fees, developer construction, City General Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.
Land Use					
187	Robert Benedetti	4/10/2017	Open space, housing, development	I think this plan needs focus and integration. All of the elements cannot be done in a vacuum. They must be integrated and supportive. Many of Richland's issues center around a lack of priority and vision in our planning. This parallel element approach leads to division in our community and government leadership. A good example is all of the fight surrounding the Hayden Homes development and the Amon Basin Preserve conflict over the extension of Rachael Rd. This road extension was put on paper because it was meant to serve a purpose in the future that in reality it could not do.	Priorities are identified in the vision and values developed based on community visioning processes.

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				Our planning should start with a vision of our community that starts with what every citizen would like to see and then supported with other important elements. 1) Example for: North Richland residents would like to see the Shoreline of the Columbia and Yakima River, as the city expands, remain with full access of the shoreline by the public and possibly wildlife areas first, second limit commercialization on the shoreline. We do not want these public assets sold under the name of Economic development. Likewise, the South Richland City citizens want our special physical attribute Ridges and remaining wetlands and wildlife areas saved for public use and not used as an asset to be sold under the name of business development. 2) Diversity of housing without degradation of standards. Our low-cost housing should not be relegated to areas that are basically degrading to one's self-image. For example, low-cost housing plots lot next rail road tracks and huge power stations. 3) Next comes our Economic Development Vision and I believe that is clearly what we do not want to become. We don't want to become the mid to low tech industrial side of the Tri-Cities as Pasco is quickly becoming. Vineyards are wonderful, but that is not the Economic development core that we should be seeking, it should be Science and Technology. Our assets are many, PNNL, the Hanford site, Education, Health (Kadlec as a resource) center of neurological and genetic research, sport fishing etc. Once the top visions are set then everything should fall in place to support them; roads, housing, infrastructure, schools, parks and recreation, business development investment and on.	
188	Claudia Johnson	7/14/2017	General	Land use--All of Badger Mountain should be protected in perpetuity--and not be approved for residential on the Southern part--as your maps show. The river front property that Doc Hastings is trying to get back from the Feds--should be protected and if ever developed--done so with complete permission from ALL of the tribes in the area--not just one or two. Downtown	Badger Mountain Centennial Preserve is preserved in perpetuity. Badger Mountain South Sub-area Plan is an adopted plan north of the Preserve.

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				should reflect our strong Native American heritage--the fact this was Indian land. Rural areas, particularly around Kennedy (Ray's French Orchard should be put in an agricultural trust so that is always an orchard with trees. The city should work w/the family--it should never be zoned for commercial. Richland needs to start a Public Housing Authority--relying on Habitat excludes those who are not church goers--that is illegal. Also, the city needs to up the % of land that goes to high density housing to 10-15% or so. Right now it is a less than 2 people. People who work here should be able to live here--and not have to commute from Pasco or outside Richland if they work in service jobs. Also, a lot 5-10% of land for use by nonprofits--so there can be child care centers. Transportation the plan pays lip service to trails and walking, but if the city keeps building roads and roundabouts--then it is lip service. The city needs to connect the bus line on Keene (39) and make it go all the way to Hanford High. Right now, it stops at Lee. If the line was complete to HHS and to the Lab, there would be less cars on the road. Add an express service also during peak hours--and keep that line running until 12 midnight--so that the WSU students who live in S. Richland can come home on the bus. People who work at night will be safer in the bus/train than driving at night. Parks--set aside more land in trust for non-development. Protect the Queensgate trail. Don't connect Queensgate to Shockley--don't make that a super highway coming from Kennewick (Gage) all the way to Queensgate. That will destroy S. Richland. Stop building Dairy Queens and fast food joints--bring in Trader Joes, and independent stores--not burgers, and pizza, and fast food. Build community gardens around the city. Require all developers to allot 10% of the land they develop to gardens and common outdoor areas. Require that people move to xeriscape by a certain year--each year increasing a % of land that is xeriscaped. Encourage solar 100 panels. Give tax credits for people to do this. Encourage tiny houses instead of single homes--and provide temp housing in	The Orchard area is owned by DNR and leased to the orchard. It will be between the owner and lessee on how long the orchard use is intended to be continued. Comments noted. Many of these need to be coordinated with other regional agencies. Thank you for your observations and ideas. Your suggestions will be considered.

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				tiny homes through a Voucher/PHA program. Don't approve developer plans with homes with garage in the front--those increase crime. Require garages in the back--so that the front is open and visible.	
189	Brenda Wiesner	7/23/2017	Downtown	We really need to have mixed use facilities in downtown Richland. It's time for this. We need housing above businesses. We need office and art space above businesses. We need Central Richland to be a hub for shopping housing living. We need to have senior housing above some of these businesses the so that seniors can walk downstairs go have coffee and lunch do some shopping walk to the river, be close to doctor's office for medical visits, etc. We need to preserve as much land as possible and increase density in Central in downtown Richland. Green spaces, more mixed-use, and density.	These ideas are promoted in the goals and policies.
190	Francesca Maier	8/5/2017	Schools	2. Schools. This section is extremely weak. There is strong evidence that concentrated poverty leads to poor educational outcomes, and that ALL students thrive in diverse schools. The relationship between land use and healthy, excellent schools is clear. The vision statements and policies for schools need to protect the vitality of the neighborhoods around the schools, and creating diverse, mixed-income neighborhoods is critical to ensuring that ALL of Richland's schools are excellent. Currently, four of Richland's schools have Title 1 status, and their neighborhoods will continue to decline, while the schools perform worse due to concentrated poverty. Add a community goal that "Richland's schools are economically and ethnically diverse, providing neighborhood stability and excellent education outcomes for all students."	Updated
191	Ginger Wireman	No date	Library	If the City were visionary, they could use the land across from Yokes across Englewood/below the water tower, and put a library annex and maybe pool on that property, with a nature park in the wetlands. Alternately the large parcels on Brantingham would be good, but are not in public ownership.	Thank you for your ideas.

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Parks and Open Space					
192	Robert Rosselli (President Friends of Badger Mountain Board)	4/12/2017	Open space	We, the Friends of Badger Mountain Board, appreciate the opportunity to comment on the City of Richland's Ten (10) Year Comprehensive Plan Update. Our mission is to preserve and protect our local ridges which provide natural open space, scenic views, educational walks and recreational opportunities for local residents. Upon reviewing the plan, it turns out that our mission is completely in sync with the views expressed by Richland residents in response to the two latest community based surveys conducted by the City. The first community survey, taken in 2015, was summarized in the following manner: "protecting open space was the main message reiterated throughout the comments received. Unlike previous surveys most comments discouraged development." The second relevant survey was completed in October 2016. This survey was specifically meant to gather resident input to assist in the development of the updated 10-year comprehensive plan. Again, the message was clear: protecting and preserving natural open space was a recurring theme and one of the top three conclusions specified when residents were asked to rate-how would you like to see Richland in the next 20 years? What do you like most in the City? Identify the things that need improvement? And finally, what do you like most within the city? Given the priority of the responses, it appears to us that the citizens of Richland want and expect to see more natural open space in any future land use plan. However, the present January 2017 map with land use designations is not congruent with the desires of your citizens as stated in the above mentioned community surveys. If you examine the map the availability of existing natural open space is further diminished in areas where large swaths of natural open space currently exist. Here are two examples of this situation: the natural open space of Columbia Point South is diminished by designating some of the land available for commercial development; and the natural open	Natural Open Space land in Columbia Point South is not proposed for change. The originally proposed "Commercial Recreation" is now modified with less intense "Urban Recreation" land use.

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				space of Little Badger Mountain and the area surrounding the mountain is further constrained by more residential development without providing for an open space corridor for soft surface trail development. Given the disparity between the survey results and the draft plan, the open question is: are you truly listening to the feedback provided by your residents as you update this plan? Over the past 10 years there has been significant commercial and residential development throughout Richland. The citizens are now saying enough is enough. They and we now need and want a more sustainable balance in the community by preserving all of the remaining natural open space within Richland's boundaries. There are, among others, two great opportunities to fulfill the wishes of residents and this organization and provide more natural open space. These opportunities are: preserving the areas not currently developed on Little Badger Mountain as well as the connectivity space through the saddle to Badger Mountain and leaving Columbia Point South exactly like it is today. We are available to answer any questions or to discuss our concerns further.	
193	Janet Davis	4/20/2017	Open space	Please add something to the Comprehensive Plan Update that will protect the land adjacent to Willowbrook on the east (property currently owned by Duane Smith). This property borders the Amon Creek Natural Preserve and contains wetlands determined by the Washington Department of Ecology to be "high value wetlands." This unique area desperately needs protection. An ideal approach would be for the City of Richland to purchase the property from Duane Smith. (He might be a willing seller after realizing he cannot build an apartment complex there without writing an Environmental Impact Statement.) The property could then be added to the Preserve with Tapteal Greenway continuing their current role of caring for it accordingly. If we want Richland to be the best it can be and fulfill its goal of protecting natural habitat within the city limits, we need to protect this property as well as other sensitive and critical areas.	Wetlands are regulated for protection under the Critical Areas Ordinance.

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194	Launa Morasch	4/20/2017	Open space	One of the goals identified for the Parks and Rec Dept. is to protect natural habitat within the city limits whenever possible. I believe the city has a once-in-a-lifetime opportunity to preserve just such an area within the city limits. It would provide opportunities for young and old alike to enjoy native habitat and wildlife they may not be able to enjoy in other areas of our city. The area is located between the Amon Creek Nature Preserve and Claybill Park - a perfect area to link these two recreation areas. The 14 acres is currently owned by Duane Smith, but I think the city could purchase the land with the intent of preserving its natural habitat. Yes, I understand that money is tight. However, the city could make the down payment on the property and citizens can create a nonprofit agency (like "Friends of Badger") to solicit funds from local businesses, people, and clubs. If we want to make Richland a "livable" place to attract business and their employees, we need to take every opportunity to preserve what is essentially a gem of natural habitat in our city. The housing developers nearby have already confirmed the benefit of such an approach when they agreed to allow land by the Amon Creek Nature Preserve to be put aside for the benefit of the residents surrounding the area. Please include this recommendation in our new Comprehensive Plan.	The area is located between the Amon Creek Nature Preserve and Claybill Park is currently designated NOS and DOS. Thank you for your comments. Your suggestions will be considered.
195	Carl and Debby Berkowitz	8/14/2017	Open space, parks, Columbia Point South, EIS (#4)	According to Richland's adopted "Tri-Cities Rivershore Master Plan," the Yakima delta region is the 'environmental heart of the Tri-Cities' and all of Columbia Point South is recognized as an Open Space area. As evidenced by surveys, open houses, and written comments taken during the Comprehensive Plan update process, the citizens of Richland highly value their parks and open space areas including their waterfront parks and natural areas. During this very open public process in which all citizens had multiple opportunities to provide input, the overwhelming majority of comments received to date (both written and at open houses) in response to the city's request for input on plans for Columbia Point South favored keeping the entire space as a natural area with a secondary preference for keeping part of it as a natural	Natural Open Space land in Columbia Point South is not proposed for change. The originally proposed "Commercial Recreation" is now modified with less intense "Urban Recreation" land use.

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				area and part of it as a developed park. In addition, the Richland Parks & Rec Commission recently had a unanimous vote in support of maintaining the Developed Open Space designation instead of the (then proposed) Commercial Recreation designation for the upland area while leaving open the possibility for future cultural uses by the tribes. Recall also that a majority (55%) of Richland voters voted to voluntarily tax themselves to preserve open space in Benton County in the Conservation Futures ballot resolution in Nov. 2014. Finally, please note that the decrease in amount of parkland per 1,000 population over the next 20 yrs. is inconsistent with the expressed interest of the community to preserve and expand open space. Question: Given clear sentiments from citizens for their vision of the future of Richland, as expressed through the open and public Comp Plan update process and other indicators of their support for open space, how can the City justify removing Columbia Point South land from its park system? Clearly, the strong preference of citizens is to keep all of Columbia Point South as a natural area. However, if the Urban Recreation zoning does go into effect, the City should at least consider the following comments, concerns and questions: 1. The proposed Urban Recreation district in the Municipal Code (RMC 23.30.050) codifies the City's relationship with just one tribe, the Umatillas. Question: Why aren't all the interested tribes (including the Yakamas, Nez Perce, Wanapum, and Colvilles) included in the distribution of the cultural resource surveys? Question: The City has noted that the Umatillas have concerns about the future of Columbia Point South; for the public record, what are these concerns and what is the City doing to address them? 2. More attention needs to be given to how the proposed uses in the Urban Recreation zoning at Columbia Point South impact the ecologically critical area of the Yakima delta. WDFW shows all of Columbia Point South (along with the Yakima River delta area and other areas along the Yakima River) as a Priority Habitat, and specifically "Biodiversity corridor. Area of mixed riparian, wetland, and shrub-steppe. Used as	The City has notified all related tribes about this proposal. Concerns from Umatilla Tribe are mentioned in comment #41 of the part 1 responses. No other comments were received. Thank you for your comment.

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				migration corridor by mule deer. Bald eagle foraging. Important shorebird migration area and waterfowl wintering.” (Note that this is in contrast to the statement in the EIS that Columbia Point South has no Priority Habitat.) Upland habitat is also important to many of the shorebirds, songbirds, raptors, mammals, and reptiles that frequent the delta. As proposed by WDFW in their July 10, 2017 comment to the City, setbacks from the shoreline and wetlands to the Urban Recreation area larger than those proposed by the City would minimize impacts to wildlife while still leaving an ~300 ft. wide corridor at the north end of Columbia Point South for development. 3. With the great decrease in easily seen views of our beautiful shoreline, we urge the city to adopt building standards that would preclude further blocking views of both the natural area and the river from I-182. Any buildings in Columbia Point South should be restricted to a height such that they would not impact views into this area (and, in any case, no more than the proposed 40 ft. height limitation). 4. The EIS doesn’t consider the impact of buildings on birds. Since the Yakima River Delta is a major bird breeding area and the Columbia River is an important migratory bird route, the City should require bird friendly building standards in the Urban Recreation zone (e.g., see the American Bird Conservancy’s publication, “Bird-Friendly Building Design” and updated information at collisions.abcbirds.org). 5. To further maintain the natural feel of this open area in our growing urban region, dark sky standards should be applied to the lighting requirements for all facilities at Columbia Point South. 6. Before vehicular access to Columbia Point South was blocked in the 1990s, much damage had been done to the shoreline, wetlands, and shrub steppe areas by ORVs. Therefore, private vehicles shouldn’t be allowed at Columbia Point South and motorized vehicular access should be by shuttle only, with most access along ADA certified trails, asphalt bike paths or designated horseback trails. Since being closed to motor vehicles, Columbia Point South has started to	3. Development standards can be prepared as a separate process. 4. Discussion has been added in the Comprehensive Plan and EIS to address this comment. 5. Thank you for your idea. Your suggestions will be considered. 6. With the proposed revised zoning, vehicular access could still occur, but to a limited number. Traffic volume and capacity will be analyzed during any development.

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				heal with native vegetation starting to return to the upland area. The existing 'keep out' boulders won't block all vehicular access to the very sensitive delta area. But limiting vehicle access to shuttle service would minimize the return of this potential problem of damage to critical areas by ORVs. Question: How does the City propose to minimize vehicular damage to the critical areas of Columbia Point South? 7. There is not much room for even a rural standard road with bike path and storm water ditches under the I-182 bridge (Note: the eroding bank would further limit the maximum possible width). An important safety issue is also related to having only one vehicular exit from Columbia Point South. Not allowing overnight camping would decrease this risk. Question: But more generally, how does the City propose to address this safety concern in its development plans? 8. The addition of impervious surfaces and irrigation at Columbia Point South will result in surface water runoff to ecologically sensitive areas. To minimize the damage, the City should require use of native plant landscaping and native habitat restoration for all construction projects. The city should also require that any storm water retention basins be placed outside the natural open space areas and that they be planted with native vegetation. 9. Because of its historical context, one of the most intriguing uses for the Urban Recreation District is establishment of a traditional trading post - with the definition being consistent with the term as it has been historically used, i.e., a building at which locally produced foods and handcrafted or traditional items could be sold. Cultural heritage uses could also be established, but should be limited to those that would not require vehicular access (other than shuttle service) and those that don't require overnight camping (as discussed above). Other uses such as lodges (which sounds like another term for a hotel), restaurants, health spas, specialty shops, and outdoor theaters are already found in many other places in the city; Columbia Point South should be reserved for more historical tribal or environmentally oriented uses. A	7. Accessibility options will need to be reviewed and considered prior to any type of development. 8. Should be addressed through development regulations and permit process. 9. Thank you for your comments and suggestions. These will be considered as we continue to proceed through the process.

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				traditional trading post might be supplemented with a small educational kiosk, and possibly a small playground area – all near the bike path and with access by ADA foot/asphalt bike/well marked horseback/shuttle access. Doing so could increase the use of Columbia Point South in a way that minimizes disturbance to this important natural area.	
196	Ginger Wireman	No date	Open space	p. 29 Natural Environment Again, wetlands are not shown on the maps. Also, the city has consistently NOT used the best available science. Or even common sense. When you build on a wetland, people end up with wet crawl spaces. Like in Applewood! As Debbie Berkowitz suggested, the wetlands are clearly visible on aerial photos. p. 29/30 Natural Areas Why is Amon Basin left off of the natural areas list? Did you hope we'd forget our most valuable wetland outside the river corridor? PLEASE ADD! p. 32 Land Use Environment and Sustainability "Richland's built and natural environment is maintained through multiple design and environmental protection approaches. Its natural resources are protected under the Critical Area Regulations, ..." except where they are left off the map. Also, building on basalt outcrops and very steep slopes while feasible from an engineering standpoint, should be avoided.	Maps are updated Additional discussion on Amon Basin Natural Preserve is added in the Comprehensive Plan
197	Ginger Wireman	No date	Parks	Richland should be extremely careful when deciding whether to take a land set-aside or cash from developers. In the case of the Drollinger development off Duportail, we were screwed. It's a gravel pit and I don't see the City planning to improve it for soccer or lacrosse fields any time soon. The set-aside Bauder is promising is not a great gift if he expects volunteers to build a trail on a steep slope. The kids that live in those houses would be better off with more fields and a south Richland PUBLIC POOL Please prioritize additional Lacrosse fields. It is a growing sport, while soccer and baseball are probably experiencing level enrollment.	Thank you for your comments and observations. Parks and recreation needs are assessed based on demand, and the City is working on meeting the demand for various recreational facilities.

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				We desperately need a full pool in south Richland. Not all of us can afford Hills West or MS Country Club and we do not have any other lap pools. George Prout is not convenient for kids to be able to get themselves too- from on their own.	
Environment					
198	Gretchen Graber	9/7/2017	Sustainability, urban farming, parks	Concept of sustainability should be part of every working group or commission. Regardless of the working groups subject-sustainability should be part of every new idea or partnership the city engages in. There is a lack of leadership expertise in the area of sustainability and sustainable thinking in the city, please hire professional sustainability experts/consultants. If the city has not recognized this and is not working towards a sustainable ethic it is being negligent to future generations. Utilities should be partnering with solar technology, not just PV cells but passive solar hot water heaters, for low, medium, and high income consumers. Stop building homes that do not have a solar component of some kind. Take pride in our sunny weather, market it to new community members and business. Create a solar demonstration and education park/community center, that demonstrates how to replace high-water use landscaping. Put women in managerial positions. Hire effective people, to include women and other pragmatic thinkers. Stop hiring fast-talking, do-nothing, my way or the hi-way people. Hire people who understand science, environmental thinking, and sustainable development. Talk about climate change. Address the changes we can expect and how to prepare for these changes. Public leaders who are doing business as usual, at this point, are irresponsible and I would argue unethical. Support economically disadvantaged families by creating incentives for solar energy via solar panels AND passive solar hot water heaters. Hire someone who knows about practical applications for solar technology use. If each low-income alphabet house had a \$3,500 solar hot water heater installed they could	The City currently offers low-interest loans to promote the use of solar power.

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				have more money to pay their other bills and to spend in the local economy, instead of going to the food bank and getting unhealthy food that causes disease. Can the city donate land to grow healthy organic food to give to the food banks? Want to decrease tax payer dollars on disease, get people to eat healthy food, make healthy food cool. Create internships that focus on sustainable changes that need to be made. Create a recycling program. Partner with PNNL to install solar hot water heaters in blocks of houses in low-income alphabet housing neighborhoods. Hire a sustainable landscape expert to plant trees that increase heating and cooling efficiencies in individual homes. Create partnerships with local non-profits for small 3- to 5-acre farms that should be incorporated into each neighborhood. Horticulture therapy is well known for stress-release, reduction in violence and other social ills, like stress and anxiety. Small sustainably managed gardens/farms create clean air and water. Take a stance for sustainability. Engage CBCC/WSU campus in sustainable engineering projects. Stop crowding and ruining our best downtown locations with chain restaurants that create obese and diabetic citizens. Benton Franklin Counties have the highest rate of diabetes IN THE STATE! Create a sand beach on the Columbia River. We live in the desert, surrounded by rivers and sand dunes, but have no beaches. Create a nice beach and swim area in Richland. Create a 50-year plan that incorporates green/open space, parks, sustainable and affordable housing, green corridors that pedestrians and bicyclists can maneuver through. Plan schools so they can be connected to natural or open space.	The City has a recycling program. Please see the Solid Waste Management subsection.
199	Janet Davis	3/21/2017	Critical areas	SUMMARY: Richland should provide (a) a system for public input on identification of critical areas, including	Map has been updated to show critical areas.

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				community treasures, and (b) protection of community treasures. The City should provide a system for public input on identification of areas in Richland that should be protected as critical areas. This would include areas in the commonly known critical area categories (wetlands, aquifer recharge areas, flood plains, geologically hazardous areas, and fish and wildlife habitat conservation areas) as well as areas with historical, natural, cultural, and educational significance – our community treasures. It looks like the City is doing a good job of identifying critical areas in the commonly known categories. Allowing public input would increase the chances that all critical areas are identified (e.g., a geologist may gain new knowledge that shows a previously unidentified area to be geologically hazardous). The public should also be able to identify community treasures with historical, natural, cultural, and educational significance as possible critical areas. To repeat a concept in another comment I submitted about critical areas, it is important that critical areas of all types be identified early on, to allow for efficient growth management decisions. It wastes developers' and the City's time if critical areas are identified late in the planning process. We can't allow financial, development, and political pressures to "take over" when critical areas have not been identified up front. An online submittal process would be nice. A simple process for considering the submittals would also be necessary. Perhaps the first submittal to the system could be the Keene Road wetland, which needs to be designated as a critical area in the wetland category. It was nice to learn at the open house that the area by the river below Duportail St with the visible layers of ice age flood deposits is now designated as a critical area because of its steep slope. That area is also a prime educational area, since it shows the ice age flood deposits so clearly - it is truly a community treasure. Thank you for the opportunity to provide input!	Area near Durpail St is proposed is proposed for Natural Open Space land use.

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				NOTE: The “community treasures” aspect of this comment is based on a checklist (“Ten Questions to Ask About Your City’s or County’s Comprehensive Plan”) by Futurewise – a Washington State organization that was founded to support implementation of the Growth Management Act. Item 8 on the checklist is: “Does the plan encourage maintaining key aspects of your community that make it special? This could include landmarks, views, access to a river or lake, or other important community treasures.” If it is inappropriate to use the critical area system to protect community treasures, the comment is still relevant – the City should provide a system for public input on identification of community treasures. The City should also have a system for protecting community treasures. The Comprehensive Plan should address the identification and protection of community treasures.	
200	Francesca Maier	8/5/2017	Climate change	1. Climate Change – the Comp Plan does not address the City of Richland’s need to prepare for the impacts of climate change. Contingency plans, emergency response plans, and a rainy day fund need to prepare for more frequent flooding, drought, wild fires, large snowfall or ice events, etc. Add a community goal that “Richland is a city that is resilient to climate change impacts.”	Thank you for your comments. Your suggestions will be considered.
201	Ginger Wireman	No date	Climate Change	SUPPORTING ANALYSIS AREA 1 CHALLENGES AND OPPORTUNITIES – AREA 1 - We must have Climate Resiliency to be economically resilient. Increasingly bizarre weather patterns, summer flash flooding in particular, but potential water scarcity and temperatures that cause work stoppages, will hurt our economy. At the HAB meetings this week we found out that last week 7 workers in the tank farms alone, suffered heat illness at Hanford, four required an ambulance. What happens to landscapers and construction workers?	Thank you for your suggestions. Your suggestions will be considered.
Utilities					
202	Ginger Wireman	No date	General	SOLID WASTE the practice of charging a one-time fee for a second trash can and charging extra each month for curbside	

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				bins is asinine. AT Minimum charge for extra garbage, not recyclables. Even if there's no net benefit from a 'carbon footprint' perspective recycling extends the life of our landfill and saves us money there. It is nauseating to see homes with trash cans overflowing with cardboard when we don't even fill our trash bin most of the time. Utilities- electrical Happy to see the City is still offering loans for net metering. Wish the city would invest in our own non-hydro, non-fossil power. We have acres and acres of public and private rooftops to do community solar atop! City Shops, Walmart, Freezer, Police Station... you name it. Utilities CABLE It would be great if Richland installed community owned broadband. We have a decent percentage of people for whom Charter is cost prohibitive. If we didn't already own the electrical utility, that would likely be out of reach. But we do, so easements are readily available. It could level the playing field and better support the growth of STEM in our homes, giving the kids computers at school that they can't use at home is kind of pointless. https://www.consumerreports.org/municipal-broadband/are-city-owned-municipal-broadband-networks-better/ Irrigation Be careful with KIDs effort to gain control over Amon. They use it as a discharge point, but they did not BUILD the landscape. The landscape was already there. The creek provides a valuable recreational amenity and potential learning spot.	Thank you for your comments. Your suggestions will be considered. Thank you for comments. Your suggestions will be considered.
Housing					
203	Carina ICJ Mitchell	7/18/2017	Type, EIS	I have lived in Richland for 23 years and I've been pleased to watch it grow. As an engineer and a student of public policy I know that for a community of this size	Thank you.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				it's critical to manage growth and development in order to balance the needs of people and protect the delicate environment that sustains it. And so I am pleased to see that Richland has embraced Washington State's goals for urban planning. I have read the comprehensive plan. I think it has done a thorough and reasonable job at evaluating Richland's options for the future. I would like the city to know that I strongly support Alternative 3 (emphasis on high- and medium-density housing). I currently live in North Richland, near the Van Giesen-Jadwin intersection, in one of Richland's very few high-density zones. Over the past months, I have noticed increasing criminal activity and police presence. I think the fact that it is nearly the only area of the city where lower-income individuals can access, it has concentrated the poverty, and therefore the motive to commit property and drug-related crimes. I think adding more high-density and medium-density housing will help alleviate the pressure and make this neighborhood safer. Long-term urban studies conducted by HUD, as well as independent advocacy groups, have shown that mixed-residential (where low, medium, and high-density housing are in close proximity or zoned together, supporting a certain percentage of subsidized housing) provide better opportunity for low-income households to succeed. These communities have improved social integration, more resident involvement in local matters (such as school boards), and lower overall crime rates, all of which lead to more stable local economies. These mixed-housing zones often result in localized business growth as well, because such populations provide a good income base for commercial expansion. That alone, I believe, is reason for Richland to enact this plan. However, there are other reasons which the report spells out clearly as an advantage of this planning strategy: increased open space for public use, more efficient use of utilities, less environmental impact overall, and more efficient transportation opportunities. High- and medium-density housing is likely to promote the use of public and shared transportation options, which has the potential to help	Mixed uses and housing for all income groups are promoted in the goals and policies.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				ease congestion on our city roads (particularly if there is localized commercial growth in these areas as well). All of these issues are critical ones Richland will face as the population continues to grow. Thank you	
204	Ginger Wireman	No date	General	HOUSING ELEMENT There is no admission that much of the housing stock is in pretty bad shape. While HE Goals in the Comp Plan suggest code enforcement, we must acknowledge the problems, and address residential decay so that we can find a way to solve it. Another issue that should be of concern is that vacant houses lead to dying trees. In our climate the loss of a shade tree is a very sad thing and contributes to heat island effect and higher energy demand.	Thank you for your observations.

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CITY OF RICHLAND GROWTH MANAGEMENT ACT - PUBLIC PARTICIPATION PLAN FOR THE CITY'S COMPREHENSIVE PLAN UPDATE

2016

Introduction

One cornerstone for the success of the Growth Management Act (GMA) is citizen participation. That concept is first articulated in the GMA planning goals, specifically RCW 36.70A.020(11), which states that jurisdictions shall “...*encourage the involvement of citizens in the planning process.*” Other provisions of the GMA expand upon that public participation planning goal. Cities and counties planning under the GMA must establish “...*procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans.*” [RCW 36.70A.140 and WAC 365-195-600]

That early and continuous mandate sets a standard for ‘enhanced’ public participation to be used continuously throughout the local planning processes. The enhanced procedures augment the minimum legal public notification requirements found in Chapter 36.70 RCW - the Planning Enabling Act and Chapter 36.70A - Growth Management Planning by Selected Counties and Cities and supplements the Open Public Meetings Act. These required public notification/hearing requirements have been codified in Title 19 of the Richland Municipal Code. However, methods of soliciting public involvement are not specified in the GMA laws. The development, adoption, and implementation of a local public participation program is left to the City’s own determination pursuant to the requirements of RCW 36.70A.140, RCW 36.70A.035, and WAC 365-195-600.

The following guidelines form the basic framework for providing appropriate opportunities for the public to participate in the City’s GMA planning activities. These guidelines apply throughout the local planning process leading to adoption of the comprehensive plan, development regulations to implement the plan, and amendments to either. Specific public participation programs should be implemented consistent with the guidelines established here. Ultimately, it is Richland City Council that will decide on the direction and content of policy documents or regulations that they find to be in the community’s best interest.

The guidelines that follow are intended to guide and form the basis for public participation programs related to GMA and the City of Richland’s local planning process. The City intends to comply with these guidelines as appropriate to a situation. However, it should be noted that legitimate deviations from the guidelines might be warranted, given specific circumstances. The GMA, specifically RCW 36.70A.140, states that “... *errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.*”

Public Participation Plan

1. Participation efforts based on scope of proposed amendment(s).

The City of Richland will establish minimum requirements for public participation tailored to the scope of proposed amendments to the comprehensive plan and development regulations.

The magnitude of a proposed change in the city's comprehensive plan and/or development regulations has a bearing in determining the extent of the City's efforts in soliciting public participation/involvement. Amendments that are minor in nature would include such things as annual comprehensive plan updates, review of applicant initiated, site specific comprehensive plan/zoning code amendments, and minor language changes to clarify policy and/or land use regulations. By their nature, minor amendments are expected to occur on an annual basis. Major amendments would be expected to occur much less frequently, on a five to ten year basis. They would consist of the development of a new comprehensive plan, the periodic review of a comprehensive plan or major shifts in policy or development regulations.

All proposed comprehensive plan/development regulation amendments should follow the guidelines set forward in policies 2 – 6 as listed below. Additionally, major amendments should include further efforts to generate public participation. Such efforts may include:

- Use of community surveys;
- Community visioning processes;
- Holding neighborhood meetings;
- Soliciting involvement of individuals from known organizations and associations with an interest in GMA issues in order to include a wide demographic in the development of the plan update;
- Informational programs on the City's cablecast channel;
- Announcements/solicitations on the City's web site;
- Develop fact sheets to post copies in library, City Hall, post on website or include with utility bill inserts;
- Use of focus groups to develop policy on specific plan elements.

2. Communication programs and information services

The City of Richland will develop, implement, and maintain communication programs and information services for the purpose of involving the broadest cross-section of the community in the planning process.

To ensure the overall success of the GMA planning process, the City must take steps to involve the public in a meaningful manner. To accomplish that, there are several things that must occur. First, the public should understand the basic concepts of GMA, the local planning process, and how their own participation can affect local plans and regulations. Secondly, the public needs to know how and when to get involved. And finally, they need to understand how their input is used.

In order to accomplish these purposes, the City will develop information tools including fact sheets, website posts, or public service announcements that clearly explain what is wanted from the public by the City, define or explain proposed plans or programs, identify the desired timeframe for feedback or comment, identify opportunities for public involvement, identify a point of contact and explain how public input will be used or considered.

The City of Richland will inform the public through various techniques including, but not limited to, the following:

- Develop a comment form that can be posted on website and provided at public forums; ensure it includes a mailing address and/or contact person (name/email/phone)
- List meeting notices on the City web page, along with GMA related documents, proposals, summaries, or maps. Clearly define how documents, maps, proposals, etc. relate to the overall planning effort.
- Compile, on an ongoing basis, mailing lists of parties interested in GMA and local planning issues. Names should come from meeting and hearing sign-in sheets, written correspondence, and known community groups, as well as specific requests to be included. The list should be used for special mailings and notices as appropriate and should be used for both hard mail and electronic mailings.
- Issue news releases as appropriate to inform the public concerning local planning activities, availability of documents, or meeting and hearing dates.
- Use the City's cablecast station to generate public service announcements and informational programs.
- Publishing notices in the *Tri-City Herald*, as well as issuing press releases to attract coverage from paper.
- Develop and post on website an events calendar.
- Develop a written comment sheet to post on the City website and to use at public meetings/forums.

3. Broad dissemination of proposals and alternatives

The City of Richland will distribute documents so that they are readily available in a timely fashion to all who want to review them.

Documents that contain or describe proposed plans, policies, maps, regulations, or the amendment of those should be readily available. Supporting documents such as reports, analyses, recommendations, or environmental reviews should also be easily accessible. Documents must be available for review well in advance of opportunities for public discussion or testimony.

The City of Richland will take the following steps to ensure that when scheduled for discussion or decision, pertinent documents will be available in a timely manner as follows:

- Electronic versions posted on the City's web site.
- A hard copy will be available at the City Library.
- Hard copies shall be made available for checkout or in-office review at the Planning and Development Services Division and, as appropriate, through other divisions or agencies.
- Copies available for the cost of reproduction through the Development Services Division or, as appropriate, through other divisions or agencies.
- Interested parties (individuals on City mailing lists) will be notified when documents are posted on web and/or available for review.

Meeting and hearing notices should state the availability and location of documents describing proposals and alternatives or other supporting documents being considered.

4. Public meetings after effective notice

The City of Richland will publicize public meetings and hearings to ensure that the broadest cross-section of the community is made aware of the opportunities to become involved in the planning process.

At a minimum, the requirements of RCW 36.70 and RCW 36.70A and the requirements listed in Title 19 of the Richland Municipal Code pertaining to public hearings and notification will always be met.

Public meetings (that include activities such as workshops or open houses) are opportunities for open discussion between the public, staff, and decision-makers. These meetings do not normally involve public testimony. Public hearings are more formalized legal proceedings where public testimony is presented to a decision-maker for consideration. The outcome of a public hearing generally results in an official recommendation in the case of the Planning Commission or a legislative decision in the case of the City Council.

The following guidelines provide direction regarding the number, location, and notification of meetings or hearings relative to the local GMA planning process.

- At least one public hearing will be conducted prior to making either a recommendation or an official decision on a comprehensive plan, a development regulation implementing the plan, or an amendment to either.
- Public meetings or hearings should be advertised at least 10 days before the scheduled date.
- Notification of public meetings or hearings should follow the guidelines specified in policy #1 of this document and should be reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations of proposed amendments to the comprehensive plan and development regulations.
- Sign-in sheets should be used at each meeting to develop a specific mailing list for the group itself, as well as adding to the compiled list of parties interested in local planning issues.
- Meeting summaries should be prepared and available as soon as possible after the meeting and posted on the City website.
- All regular City Council and Planning Commission hearings should be cablecast on the City's cable channel.
- Working subgroups or technical advisory committees may deviate from these guidelines at times due to the unique circumstances associated with their function. These include the rapid, high volume, recurring meetings of technical committees, subcommittees, or work groups that focus their efforts on specific issues or limited supporting tasks. Meetings of a quorum of the Planning Commission or City Council that include the review of complete draft plans, regulations, or amendment proposals shall not deviate from these guidelines. In all cases, the subgroup meetings follow the provisions of the Open Public Meetings Act. The initial meeting(s) of the group should be widely advertised through the most appropriate method(s) as described above.

5. Provision for open discussion

The City of Richland will ensure that public meetings allow for an open discussion of the relevant issues and those hearings allow for appropriate public testimony.

When public meetings or hearings are conducted, the City of Richland will ensure that those who choose to participate in the planning process have the opportunity to actually take part and have their opinions heard. Towards that end, the following actions will be implemented.

- Agendas shall clearly define the purpose of the meeting or hearing, the items to be considered, and actions that may be taken.
- The scheduled date, time, and place should be convenient so as to encourage the greatest number of people to attend.
- A clearly identifiable facilitator or chair will conduct the meeting or hearing in an orderly fashion to ensure that all attendees have an opportunity to discuss issues, offer comments, or provide testimony.
- The facilitator or chair should provide introductory remarks outlining the purpose of the meeting or hearing and describing how the attendees can best participate and how their input may be used.
- As appropriate, a brief overview of any documents or proposals to be considered will be provided by the facilitator or chair or staff member.
- All persons desiring to participate should be allowed to do so. However, specific factors, such as the purpose of the meeting, size of attendance, time factors, or other opportunities to participate, may suggest some appropriate constraints to be applied. Rules of order for the meeting or hearing should be set forth clearly by the chair or facilitator.
- All attendees will be encouraged to identify themselves on sign-in sheets.
- All meetings and hearings should be tape-recorded and/or video recorded.
- Summaries should be prepared and available as soon as possible following a meeting or hearing. As appropriate, summaries should include a listing of relevant issues, comments, or responses. In the case of public hearings, the findings and decision document should serve as the actual summary.
- Special arrangements for meetings or hearings will be made under the provisions of the Americans with Disabilities Act (ADA) with advance notice.
- The City Council shall not consider a change to the comprehensive plan or development regulations if such change is proposed after the opportunity for review and comment has passed under the city's public participation procedures. An opportunity for public review and comment on the proposed change shall be provided to the public before the City Council votes on any proposed change. An additional opportunity for public review and comment is not required if:
 1. An environmental impact statement has been prepared under Chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

2. The proposed change is within the scope of the alternatives available for public comment;
3. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
4. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
5. The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

6. Opportunity for written comments

The City of Richland will encourage submission of written comments or written testimony throughout the planning process.

In many instances, detailed, technical, or personal comments can be best expressed and understood in written format. The following steps should be taken to encourage written comments.

- As appropriate, notices for meetings and hearings should include the name and address of the person(s) to whom written comments should be sent, along with the deadline for submitting written comments.
- Persons speaking or testifying should be encouraged to concisely express their comments verbally and provide specific details in written format.
- The deadline for submitting written comments, if allowed subsequent to a meeting or hearing, should be clearly announced by the facilitator or chair.

7. Consideration of and response to public comments

The City of Richland will consider relevant public comments and public testimony in the decision-making process.

- Time should be reserved subsequent to the close of a hearing or comment deadline and prior to an actual decision so that the decision-maker(s) can adequately review all relevant material or comments.
- Reconvening a hearing for the purpose of addressing comments is an option that the decision-maker(s) may use on a case-by-case basis.
- Substantive comments pertaining to studies, analyses, or reports, along with necessary responses, should be included in the published document itself (such as occurs in the SEPA process of developing a Draft Environmental Impact Statement (EIS) and then a Final EIS with comments and responses).
- The record (such as tape recordings, written comments or testimony, documents, summaries, etc.) will be compiled and maintained by the appropriate City departments. That record will be made available to the decision-maker(s) for their consideration and review prior to a decision.
- Relevant comments or testimony should be addressed through the findings-of-fact portion of the decision-maker's written decision or recommendation.

City of Richland Comprehensive Plan Update Comment Matrix – Part 1

August 2017

General Statistics

- Open House: 104 comments
- Online: 45 comments
- Other Public: 2 comments
- Agencies/Departments: 8 comments
- Commissioners: 3 comments
- Organizations: 2 comments
- Tribal: 1 comment

Major Categories

- General
- Columbia Point South
 - Preserve area as open space
 - Concerns over increased traffic from development
 - Concerns over type of development
- City View West
 - Potential interference with the airport
- Goals and Policies
- Transportation
 - General
 - Public transit
 - Bike lanes and trails
 - Duportail Bridge
 - Traffic
 - Road construction (especially concerns around Rachel Road)
- Land Use
 - General
 - Stronger downtown
 - Badger Mountain
 - Schools
- Parks and open space (specifically protecting open space in the cities)
- Environment
 - General
 - Climate Change
 - Sustainability and renewable energy
 - Critical Areas
 - Fish and wildlife
 - Cultural and historic resources
- Utilities
- Housing
 - Types of housing
 - Distribution of housing

Comments

#	Name/Affiliation	Date	Sub-topic	Comment	Response
General Comments					
1	Laurie Ness	9/7/2016	Public participation	On the Comprehensive Plan Periodic Update Washington State Law requires through RCW 36.70A.130 (2)(a), RCW 36.70A.140 and RCW 36.70A.035 for the establishment of a Public Participation Program. 1) This is a program that identifies procedures and schedules for the public to participate in the periodic update. 2) The program must provide for early and continuous public participation. 3) The program should clearly identify the scope of the review and 4) identify when legislative action on the review and update component are proposed to occur. 5) Cities must ensure that notice of the update process is broadly and effectively disseminated. I did a Google search and a search within the City's website for Public Participation / Plan and found nothing pertaining to one. How do you plan on meeting this requirement is this not the time to address this state law?	Public Participation Plan was adopted per GMA in 2016. See Appendix D.
2	Debbie Berkowitz (Planning Commission)	No date	UGA	P. 33 LU-3 (also in supporting analysis). Shouldn't the area that is being removed from the City's UGA in North Richland have the land use designation removed?	This should be removed once the proposed UGA is finalized and approved by Benton County.
3	Open House	3/20/2017	Editorial	Drawing CF-1 (and possibly others) - "Ammon" should be "Amon"	Updated

#	Name/Affiliation	Date	Sub-topic	Comment	Response
4	Debbie Berkowitz (Planning Commission)	No date	Editorial	P. 36 'Bicycle Facilities' should probably be labeled 'Bicycle/Pedestrian Facilities' since both are discussed. Tapteal Greenway does include soft trails (I'm not sure why that was crossed out).	Updated
5	Debbie Berkowitz (Planning Commission)	No date	Editorial	P. 30 'The Amon Basin includes ~75 acres of City-owned open space and is located on the southeast side of the City east of Leslie Road.' I request that the following be added – 'The Amon Basin Natural Preserve has been preserved as compensatory mitigation for upland and wetland habitat.' The next part reads 'Irrigation application, canal seepage and return flow run through the Amon Basin and other areas into the Yakima River near the confluence with the Columbia River.' I'd like to suggest the following revision: 'Irrigation application, canal seepage and return flow surface in this natural channel as a result of the regional rise in groundwater levels and run through the Amon Basin and other areas into the Yakima River near the confluence with the Columbia River.'	Updated

#	Name/Affiliation	Date	Sub-topic	Comment	Response
6	Debbie Berkowitz (Planning Commission)	No date	Economic development	Comments from the EDC I agree with many of their comments and propose the following for consideration: Comments 1 & 2. Language pertaining to transportation , utility, and infrastructure: Add Policy 4 to ED Goal 1 or Goal 5. 'Recognize that infrastructure, including transportation and utility planning are vital to economic development and attracting businesses.' Comment 3. 1341 acre area. Add Policy 4 to ED Goal 5. 'Market the newly acquired 1341 acres for large scale industrial development. Comment 5. ED Goal 7 and Policy 4. Move the built environment part to ED Goal 6 – Encourage vibrant mixed-use areas to establish Richland as the premier Tri-Cities destination to live, work, and visit by offering options for housing, services, entertainment, and retail 'and a built environment with quality design.' Then add Policy 9 to Goal 6 'Promote quality design for public projects as well as private developments.'	New policies have been added

#	Name/Affiliation	Date	Sub-topic	Comment	Response
7	John Haakenson (Port of Benton)	7/18/2017	Airport	After review of the Draft Comprehensive Plan, the Port would like to encourage the City to include the following additional Land Use Policies with would provide further protection of the airport. - Coordinate the protection of the Richland Airport with the City of Richland by developing consistent development regulations through development of an airport overlay district that utilize WSDOT Aviation Airport and Land Use Compatibility guidelines and other best management practices for encouraging compatible land uses within close proximity to the Richland Airport. - Within the Airport Influence area a notice to title/disclosure statement should be required for new or substantial redevelopment of lots, buildings, structures, and activities. The notice should indicate that the property is located in close proximity to the Richland Airport and may experience low overhead flights, odor, vibrations, noise and other similar aviation impacts. - Encourage the adoption of development regulations that protect the airport from height hazards by developing a Height Overlay District that will prohibit buildings or structures from penetrating the Federal Aviation Regulations (FAR) Part 77 "Imaginary Surfaces."	LU Goal 8, Policy 7 updated. Many of these comments will be addressed through development regulations (see Richland Municipal Code).
8	Open House	3/20/2017	Praise	The experts were very nice and patient explaining things. Thank you!	Thank you
Columbia Point South					
9	Open House	3/20/2017	Open space	Everything south (east) of the interstate at Columbia Point should be Natural Open Space.	

#	Name/Affiliation	Date	Sub-topic	Comment	Response
10	Open House	3/20/2017	Traffic	"Commercial Recreation" designation immediately south of 182 will create many traffic issues; access (only 1 obvious route) and adding traffic volume to Geo Way is ridiculous - especially with Hanford commute traffic.	Land use proposal has been modified with a less intense "Urban Recreation" land use designation for this area. It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.
11	Open House	3/20/2017	Open space	DO NOT BUILD ANYTHING ON COLUMBIA SOUTH IT needs to remain OPEN SPACE	The existing Natural Open Space land use areas are not proposed for change. Existing Developed Open Space and Public Facility land uses are proposed to change to a modified "Urban Recreation" land use with more limited uses. Urban Recreation is intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities and open space uses.
12	Open House	3/20/2017	Open space	Columbia Point South should be preserved as open space for recreation use and Not develop in any way.	Recreational uses are proposed in the "Urban Recreation" land use. Also See response to comment #11
13	Open House	3/20/2017	Open space	Designate all area South of I82 as Naturally Open Space. This would benefit to the community and for the high concentration of people now occurring in the Columbia Point area with Hotels, Restaurants, Apartments, & Condos. Natural Open Space cannot be recovered once developed and there are few natural open spaces in the City of Richland	See response to comment #11

#	Name/Affiliation	Date	Sub-topic	Comment	Response
14	Open House	3/20/2017	Open space, traffic, development	Leave as a park that everyone can use. Development will bring increased traffic, noise, light pollution etc. Having the REACH located there would have been fantastic, too bad it fell through. If the city is determined to develop, I think the lowest impact would be a performing arts center. Not used every day but would have a fantastic view. That being said, leave as open space! We are losing open space to development at an accelerating pace.	Current land use is Developed Open Space and Public Facility. Public Facility currently allows more intense use than the proposed Urban Recreation. Urban Recreation designation is proposed to allow limited uses in this area. It is intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities and open space uses. Existing Natural Open Space areas would remain unchanged.
15	Open House	3/20/2017	Development	I have concerns about the "commercial development" along the Columbia Point area. I understand some of it is owned by native Americans. My concern is the construction of hotels and casinos. One of the attractions to Richland is the natural landscape.	See response to comment #14.
16	Open House	3/20/2017	Open space	Please keep all of Columbia Point South natural open space - not many places left in Richland devoted purely to open space - provide recreational use preferred, hiking, etc.	See response to comment #14.
17	Open House	3/20/2017	Traffic	Need alternate access besides Columbia Dr. (don't want the traffic through Columbia Point)	It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.
18	Open House	3/20/2017	Traffic	Is there additional access at C.P. South other than under I-182 bridge? (for future dev?)	No additional access currently exists. It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
19	Open House	3/20/2017	Open space	Keep Columbia Point South as natural open space with limited access. Develop a better trail system in the area for bike, hike, and boat access	See response to comment #14.
20	Open House	3/20/2017	Open space	My suggestion concerns the proposed Public Recreation space south of I-182 and between 240 & the Columbia River. It appears to overlap some flood plains/wetland. I would lock that up with sufficient controls to minimize City liability.	Boundaries have been refined to avoid developing any areas with designated floodplain or wetlands.
21	Open House	3/20/2017	Open space	Developing the land in any other fashion than park like open space south of I-182/Columbia Point would be detrimental both to the natural river delta & traffic safety for those entering/exiting that space.	See response to comment #14.
22	Open House	3/20/2017	Traffic	Commercial Rec. on Columbia Point - Access? Bound by freeway, road from Winco already pretty busy, trash what could be a decent park?	It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be addressed in the future.
23	Open House	3/20/2017	Open space, traffic	Proposed change to the parcel currently zoned "developed open space" to "Commercial Recreation" is not logical or feasible. Access is poor, along the existing bike trail and directly adjacent to the Columbia River. Creating a one-way egress & ingress is ludicrous. Alternative ideas: Keep open space open! Perhaps create a soft trail system, involve the Umatilla tribes for occasional cultural events, but absolutely no "commercial development". Another issue, once again is continued fragmentation of wildlife habitat and/or impact on habitat. From salmon to migratory birds to resident mammals, commercial development would no doubt have a negative impact.	Land use proposal has been modified with a less intense "Urban Recreation" land use in this area to address these concerns

#	Name/Affiliation	Date	Sub-topic	Comment	Response
24	Open House	3/20/2017	Open space	Really disappointed that any type of development is proposed for Columbia Point South. That area should be designated as naturally open space and left as is. No hotels (a travesty!), no trading posts, no development! That was what was discussed in the 1980's and the public (and tribes) had a clear preference for that then. Do NOT develop!	See response to comment #14.
25	Open House	3/20/2017	Open space	Please consider keeping the bike trail that now exists in Columbia Point South.	Modified land use proposal is intended to maintain recreational uses in this area
26	Open House	3/20/2017	Development	How about a new designation for Col Pt. S. that would allow a Native American trading post or cultural center	Land use proposal has been modified with "Urban Recreation" land use in this area. It is intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities and open space uses.
27	Open House	3/20/2017	Open space	Please leave this area vehicle free. I like the idea of recreational space, but it would be great to keep it foot accessible only. Yakima, for example, has a beautiful playground on their greenway path that families have to walk to in order to utilize.	Some vehicle traffic will likely be allowed. See response to comment #10
28	Open House	3/20/2017	Open space	I feel that it should remain Natural Open Space. Once development comes in (i.e. - commercial recreation) the open space concept leaves. So does tranquility.	See response to comment #14
29	Open House	3/20/2017	Open space	Don't decrease the NOS classification that's already there. (the 200' shoreline was already designated natural and recreation conservancy) When roads were there before, there was a lot of destruction by ATVs. A trolley system would be the best means of access if there were any access other than pedestrian. The most I'd like to see is a Native American trading post/cultural site and habitat restoration.	See response to comment #14

#	Name/Affiliation	Date	Sub-topic	Comment	Response
30	Open House	3/20/2017	Open space	Proposed Commercial Recreation - Please do not allow hotels and other commercial facilities on the area to the SE of the I-182 bridge. It is a wonderful natural open space as it is. Commercialization will only ruin it. There are also access issues that could be insurmountable. I wouldn't be surprised if Indians would have concerns about development on that property since Indian artifacts could be found there many years ago.	Land use proposal has been modified with a less intense "Urban Recreation" land use in this area to address these concerns. Efforts would be implemented to avoid or mitigate impacts to cultural resources
31	Open House	3/20/2017	Open space	I don't feel comfortable with commercial recreation designation. By definition it needs a large buffer to protect the natural open space. Any large scale commercial prospects need to be on the N. side of the Community Recreation Area. We need to soften the obvious negative impact to the Nat. Open Space.	See response to comment #14
32	Open House	3/20/2017	Open space	Do not commercialize south of I-182, consider making recreation conservancy	See response to comment #15
33	Open House	3/20/2017	Open space	I strongly believe the land bordered by 182, 240, and the Yakima River should be preserved as natural open space. Such areas in town are much more valuable than commercial development.	Much of this area is currently Natural Open Space. Natural Open Space land is not proposed to change. Only a portion of this area, currently designated Developed Open Space and Public Facility is proposed to be changed to Urban Recreation.
34	Open House	3/20/2017	Traffic	Columbia Point South - concern about access for proposed commercial recreation. The increase in traffic in an area geared for recreation. Also, thinking about the loss of the bike trail that so nicely connects to Sacagawea Heritage trail to Richland.	Modified land use proposal is intended to maintain recreational uses in this area

#	Name/Affiliation	Date	Sub-topic	Comment	Response
35	Open House	3/20/2017	Open space	Don't let hotels develop this wonderful recreational area. All this will do is create terrible congestion at an already problematic intersection. We especially don't need development that will fall to neglect if waterfront businesses stagnate. Not to mention the Native American heritage issue	Proposed "Urban Recreation" land use is intended to address this concern
36	Open House	3/20/2017	Open space	Looking at the City's "Draft Goals & Policies" document along with the proposal for Columbia Point South, it seems that hotels, trading posts, restaurants, etc. (as would be allowed under "Commercial Recreation") is incompatible with Community Goals 1, 4, 5, and 6. The city (and other cities of the county) are rapidly losing natural areas and open space. Columbia Point South should be retained as a natural area, formally designated as "Natural Open Space" and preserved for future generations. We do not need more hotels and restaurants and continued encroachment and desecration of shorelines and natural areas. The development of Columbia Point north of the I-182 bridge was not well done. It did not preserve enough shoreline access and undeveloped areas. Please do not make the same mistake with Columbia Point South. Leave is as it is - but formally designate as Natural Open Space. Thank you	Thank you for your comment. Proposed "Urban Recreation" land use is intended to address this concern

#	Name/Affiliation	Date	Sub-topic	Comment	Response
37	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Development	The proposed rezoning of Columbia Point South as Commercial Recreation seems opposed to all citizen input we have received in the COMP Plan revision process. This would allow for a Casino and Hotels and Entertainment venues on that site. We have been thoughtfully and extensively informed that the citizens want this area preserved as a Park or as a light active recreation area. Rezoning it as Developed Open Space would allow for economic development opportunities and still be in line with our citizens stated wishes. Perhaps there is a way to reserve both designations as we study it further with the help of our local university and college who have programs for such activities.	See response to comment #14 and #35
38	Michael Ritter (WDFW)	4/17/2017	Development, open space	Proposed change to the extent of "Commercial Recreation" designation. (see diagram included with the letter)	Map is updated. Land use proposal has been modified with a less intense "Urban Recreation" land use in this area.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
39	Michael Ritter (WDFW)	7/10/2017	Development, open space	In an attempt to offer some additional clarity to the original map we submitted in April 2017, we have attached an updated map that better represents our recommendations for the extent of development on Columbia Point South. The attached map shows an actual satellite image of the point with most of the eastern half of the Uptown Shopping Center superimposed along the south side of the highway. Our recommendation is that development occur only within an approximately 300-foot wide area. The bike/pedestrian paths should be preserved. The view shed from Interstate 82 traveling eastbound should be maintained. Building heights should not obstruct this down river view of the Columbia River, Bateman Island, and the Yakima Delta. Since the Interstate gains elevation eastbound towards the bridge over the Columbia River, building heights could also increase from low to high; west to east. We support section 23.30.030 (Site requirements for public use districts) with building height maximums of 40-55 feet, but only insofar as they do not obstruct the down river view. Project specific permitting should ensure that the down river view is maintained.	
40	DHAP	5/23/2017	Cultural Resources	There are several references in the draft to Columbia Point and Columbia Point South. While we recognize that Columbia Point north of I-182 is mostly developed, the plan text and associated goals and policies should reflect that Columbia Point and the vicinity of the Yakima River confluence with the Columbia River is a highly sensitive cultural resource that has been determined eligible for the National Register of Historic Places as an archaeological district.	Goals and policies are updated, and discussion added in the Comprehensive Plan to address comments. Land use proposal has been modified with a less intense "Urban Recreation" land use in this area. Land use and development regulations are intended to address these concerns.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
41	Teara Farrow Ferman (CTUIR)	7/12/2017	General	I was able to review with the Cultural Resources Committee yesterday. They haven't had a meeting a quite a while. Their recommendation is for minimal ground disturbance. In reviewing the list of permitted uses, they were somewhat comfortable with public parks, special events, and RV park with either portable bathrooms or bathroom that don't require sewer systems. Also, they were comfortable with portable food trucks. For electrical needs and other needs, they recommend building up the site(s) and staying out of the native soils due to the archaeological sites, unknown resources subsurface and the rich cultural history and use of the area.	See response to comment #14
City View West					
42	Open House	3/20/2017	General	Allowing residential development across SR240 from the landfill & motocross track is a horrible idea. For a very modest addition of residences and taxable properties, the city will reap in return absolutely NO END of complaints. The people will pay a fine price for their new place, and of course they will want a little slice of heaven. Soon enough they will be at City Council meeting, demanding that these legitimate - and pre-existing facilities be shut down. Those shutdowns shouldn't happen, but the fight won't go away. Any city with an airport can tell you how this drama develops. People build next to the airport, then complain about the noise. Duh! The airport was there first, and they knew about it.	Thank you for your comment. This area has existing residential development in the Horn Rapids area.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
43	John Haakenson (Port of Benton)	7/18/2017	Airport	It has come to our attention that the City is proposing to change the land use of the urban reserve area within the City View West area to include a mixture of uses including residential (low, medium, and high), commercial, parks, and schools... This property is currently located within the Conical Surface of the airspace which has a 20:1 slope... The attached is an analysis of the airspace at the City View West property... Site 1 is the only location where the airspace is within 30' of the ground elevation... proposed school area the airspace clearance is 65' at the northwest corner and is greater than 100' at the center of the school site... It appears that the proposed land use changes in this area will not impact airspace, however, future residential development along the northern portion of the site could impact the airspace. It is recommended that further analysis be conducted at the time of pre-platting and development to make sure the future site layout and grading does not impact any potential airspace conflicts. Regarding the land use compatibility, all of the proposed land use changes are located outside of the land use compatibility zones and impact to these areas should be minimal.	Thank you for your comment. Further review should be done during the development permit process.
Goals and Policies					
44	Open House	3/20/2017	General	ED Goal 6 - Encourage fill-in of existing high density commercial buildings	Infill is addressed in ED Goal 6, Policy 4
Transportation					
45	Open House	3/20/2017	Bike lanes and walkways	UD Goal 3 - Light walkways not streets to reduce light pollution	Thank you for your comment. The City has standards that are followed to address lighting on both sidewalks and streets.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
46	Open House	3/20/2017	Bike lanes and walkways	TE Goal 3 - Bike route signage on arterial streets directing cyclist to bike paths/routes	Updated
47	Open House	3/20/2017	Public transit	TE Goal 5 - Encourage availability of reasonably priced motorized public transportation with wide operating hours (mornings/evenings)	See TE Goal 3, Policy 1. Transit pricing and operating hours are assessed by Ben-Franklin Transit.
48	Open House	3/20/2017	Duportail Bridge	The residents of Richland should not be the only ones taxed for the Duportail Bridge. Residents of West Richland will also be using the bridge. Kennewick residents will also use the bridge. Why do only Richland residents pay for it. Question - Do you really think the bridge will solve the poor design of the freeway area at Queensgate - NOT	Between 80 and 90 percent of project funding is expected to come from Washington State. The City has also established a car tab registration fee with a majority of the new revenue going to the City's ongoing pavement preservation program, along with helping fund portion of Duportail bridge. Bidding for the bridge construction is planned for fall 2017, and traffic analysis indicates it will improve traffic conditions in Queensgate.
49	Open House	3/20/2017	Duportail Bridge	A bridge across the river around WSU Tri Cities > Pasco would be a better bridge to build. It would take 1/3 of the traffic off the roads in Richland. My father says this was the plan back in the 80s to take bridge across at around Alder Rd. in Pasco. I would fully support that! Bridge at Duportail -never understood that.	A north Richland Columbia River crossing bridge has been studied several times. Cost/benefit analysis has not indicated that this crossing is feasible.
50	Open House	3/20/2017	Public transit	I appreciate Ben Franklin transit expanding their services	Thank you for your comment.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
51	Open House	3/20/2017	Traffic, public transit, bike lanes and walkways	What is the City doing to address current city infrastructure that is in need of repair? For example: Alphabet homes are a historic gem of Richland, yet many are located in areas of the city that are neglected and run down. There are few sidewalks in the Goethals-Comstock-G-Way neighborhoods. This poses a safety risk to children walking to Lewis & Clark Elementary, Comstock Park, Goethals Park & the areas near Howard Amon. Further, sidewalks and bike paths in this particular area would alleviate congestion on the roadways, provide a safe place for pedestrians and encourage residents to consider alternative forms of transportation. It may even make the businesses in the Parkway (area where Farmers market is held) more prosperous as residents in the area (rather than congestion from residents driving in from other neighborhoods) would have easier, safer access. What are the plans for the increased city tax dollars that will be coming from the newly added / to be added hotels and restaurants on the waterfront area by the Marina? Will this money go towards further "transit" type improvements or will it be funneled back into existing areas that need significant improvements?	Comments noted. Please see the Capital Improvement Plan 2017 to 2030 (Appendix F of the Comprehensive Plan) for detailed improvements proposed. The City's transportation planning includes a robust focus on pedestrian and bicycle improvements, and is based upon available funding.
52	Open House	3/20/2017	Bike lanes and walkways	I would suggest connecting up the Keene-Gage Class I separated trails to Queensgate and the trails in that area. I would also suggest connecting it to the Columbia Park Trail down near Steptoe and the Traffic circle in that area. Having a separated trail would help for safety for pedestrians and bikers around the Steptoe circle. I would also prefer if the trail on Gage could continue out to the Mall, but I realize that is something Kennewick would need to handle.	On-street bike routes currently connect with Keene-Gage Class I trail. The proposed improvement is included in the City's TIP and will be constructed when funding becomes available.
53	Open House	3/20/2017	Public transit	Create transit oriented areas to ensure vitality of transit system. Consider lunchtime circulation to more people between Hanford/PNNL and restaurants.	Goals and policies promote transit access.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
54	Open House	3/20/2017	Bike lanes and walkways, infrastructure	Better bike paths and walking trails. Solar lighting for trails. Bike/Walking path for Duportal Bridge. Crosswalk for the path/trail that connects to Howard Amon George Wash. Way westbound entrance to the 240 yield sign needs a light or other emphasis as people entering highway do not yield. Improvement to roads. Beautify city especially old rundown buildings please.	This comment will be shared with the City Public Works Department for consideration in the next update of the City's TIP.
55	Open House	3/20/2017	Bike lanes and walkways	I love our river trails, but they are quite dark in N. Richland for year around use lighting would be nice	Thank you for your comment. The City has plans for improving bicycle and pedestrian safety and is actively pursuing implementation.
56	Open House	3/20/2017	EIS, traffic	City of Richland Proposed Land Use Alternatives S. of Horn Rapids and W of Richland City Shops. Neither alternative 2 or 3 show traffic mitigation for or to existing roads. Will traffic infrastructure planning be completed PRIOR to approving development?	Appropriate traffic improvements and mitigations will be done during the development process.
57	Open House	3/20/2017	Traffic, bike lanes and walkways	Goethals Neighborhood Traffic: Facilities located between Aaron Dr., Goethals Dr., Jadwin Ave: Lewis & Clark Elementary, Day Care Facility, Comstock Park, Goethals Park, Toddler Park (new area on Comstock) - Residents are using these neighborhood streets to circumvent the heavy traffic on G-Way & the By-Pass. Poses a significant safety hazard for these small neighborhoods as the streets are narrow. We have significant lack of sidewalks in this area. Children walking to school, parks & other pedestrians trying to access Winco, Fred Meyer, Howard Amon, John Dam Plaza and the other facilities listed previously do not have access to safe walking/biking routes.	Thank you for your comment. Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
58	Open House	3/20/2017	Duportail Bridge	Please let me know how to get the data on how the Duportail bridge will impact on traffic on the By-Pass - Thank you Chuck Eaton, chaneaton@gmail.com 509-375-0309	Study is posted on City website. See study for additional information. The Duportail/Stevens Corridor improvements were not designed to ease congestion on SR 240; it is designed to link the downtown area to Queensgate. Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements.
59	Open House	3/20/2017	Traffic, infrastructure	1) Why does traffic planning appear to be reactive and not proactive? 2) Hayden Homes (Kennewick) and fully built out S. side of Badger Mountain will put ~ 3,000 additional vehicle trips* per day onto Leslie, Steptoe and Dallas. Both Leslie and Steptoe are busy now. What will be done to ease traffic? 3). Why is street maintenance underfunded by about \$600,000/yr? *2+trips/single family house	A plan for this area has been in place for several decades, and is being implemented as development occurs. Funding for maintenance is costly and this must compete with other city priorities. The City is committed to maintaining its road network.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
60	Open House	3/20/2017	Traffic	In regards to the upcoming new Queensgate road plan - * between Keene & Duportail: Do you plan to have 2 lanes go from Duportail to the roundabout plus a 3rd lane for those going WEST onto 182? Badly needed. *In regards to the left turn lane on going West Queensgate (aligned with Sterlings) to signal do away with it!! Have traffic go to signal then left into Exxon, Walmart Walmart, fast foods etc parking lot. Right turn only from driveway out of Exxon - H182 -182. * Regarding signal at City View & Duportain -Duportail for new bridge - were on ramps = North considered? would it work for the Hills residents to go down and under Duportail on (currently) dirt road & curve around to get on Queensgate at West end? People coming off the bridge, use an off ramp for the Hills?? Possible?? (comment included -includes diagram reference)	The Queensgate plan with graphics is posted on the Public Work's website. Interchange ramps are not typically designed as part of local road networks.
61	Open House	3/20/2017	Infrastructure	No more go rounds!	Thank you for your comment. Roundabouts are one of the intersection approaches that can be appropriate given certain circumstances.
62	Open House	3/20/2017	Traffic, infrastructure	Concern about RR crossing, pedestrian crossing and speeding vehicles causing several accidents at Duportain and 240 intersection. Flashing warning lights on 240 to show that lights are changing similar to Hwy2 Wenatchee to Leavenworth. We have youngsters crossing to go to school, those who cross to use trails on both sides, people crossing to catch city busses - it's a very busy intersection. Plus the train for those going to work in AM.	At-grade railroad crossing improvements are addressed by the Port of Benton (railroad owner/lessor) and the Washington State Department of Transportation, based on incident history.
63	Open House	3/20/2017	Infrastructure	Jones Road extension: Not in my lifetime	Thank you for your comment

#	Name/Affiliation	Date	Sub-topic	Comment	Response
64	Open House	3/20/2017	Infrastructure, traffic, bike lanes and walkways	I have 2 concerns. I live in the Hills community & we need a safe bike path from skyline to Keene Rd on Queensgate. We also need a roundabout or other safe intersection upgrade for the off ramp and on ramp from 182 to Queensgate. The concentration of traffic makes it very difficult to exit Skyline onto Queensgate.	The planned Queensgate improvements address these concerns. See PW website for additional information on these plans, expected to be constructed in 2018. Physical constraints at Skyline and Queensgate are difficult to improve.
65	Open House	3/20/2017	Infrastructure, traffic, bike lanes and walkways	I do not want GW Way from Van Geisen to 240 to be a principal artery! N. Richland does not exist to provide a speedy exit and entrance to Hanford. We need a downtown that is pedestrian friendly and connected to the river resource. The proposal here is backward. The rest of the world has moved on from this kind of planning! Jadwin could be an around and we have a BYPASS! We desperately need a real downtown area.	Alternate routes are being analyzed in a separate process.
66	Open House	3/20/2017	bike lanes and walkways	I encourage a permaculture approach to land development. I also support a more bike friendly city road system with bike lanes on roads like GW-way.	Existing laws and regulations are currently guiding developments.
67	Open House	3/20/2017	Duportail Bridge, traffic, bike lanes and walkways	Many participants at the March 20, 2017 Comprehensive Plan open house were disappointed at the lack of justification for the Duportail bridge. It was not clear from any of the material how this bridge would reduce congestion on G.W. Way (which was a major concern for participants) Many citizens were also concerned about the lack of attention given to making Richland a more walkable/bike-able city. As traffic has gotten worse it's become increasingly more dangerous to ride a bicycle for local shopping & recreation. Only hard-core racing bike riders can use our streets. Please make Richland a more bike friendly community!	Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements. Goals and policies promote bicycles and pedestrians. The City has plans for improving bicycle and pedestrian safety and is actively pursuing implementation. Please see studies on PW website for additional information on justification for Duportail project.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
68	Open House	3/20/2017	Traffic, bike lanes and walkways	GW Way should be more pedestrian friendly with traffic relaxers, median strips to make a better connection to river resources.	The City has studied this issue and is trying to make the road system more bike and pedestrian friendly while maintaining traffic flow.
69	Open House	3/20/2017	Bike lanes and walkways	I'd like a map of current bike paths and hiking paths	See Exhibit T-6
70	Open House	3/20/2017	Infrastructure, traffic	Is there a plan for a left turn lane on Gway between McMurray and Spengler? The need is great and it would improve traffic flow and safety. There is space for it. All that is required is to restripe the lanes.	The City will re-evaluate GW striping during the next resurfacing project, expected in 2019.
71	Open House	3/20/2017	Rachel Road	Do not put Rachel Road through Amon Creek natural preserve instead use one of the southernmost routes to connect Leslie Road to the Hayden Homes development (i.e. existing BPA road opposite Lorayne J Road that intersects with Leslie) don't destroy the preserve!	Rachel Road expansion was addressed in a separate public involvement process. A decision has been made by the City Council to construct this project.
72	Open House	3/20/2017	Infrastructure	I-84 northbound bridge was paid off in record time as a toll bridge. Those that use it and benefit from it should pay for it. The new bridge should be paid for by toll-not by taxes!	Thank you for your comment. Options were considered by the City Council and a funding source, a vehicle registration fee, was selected.
73	Open House	3/20/2017	Public transit, bike lanes and walkways	Long Range Planning - why is there no light rail? Plans build more roads vs looking at other ways to move people. Better bus systems - smaller busses. Good bike trails to encourage cycling! Be creative look at other ways to move people.	Policies and the plan promote transit, bicycles and pedestrian traffic. Economic viability, cost effectiveness pay roles in traffic improvements such as light rail.
74	Open House	3/20/2017	Public transit	I would like to see a city plan incorporate some sort of light rail main loop linking all 3 cities	Economic viability, cost effectiveness pay roles in traffic improvements such as light rail.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
75	Open House	3/20/2017	Infrastructure	Jones Road from Horn Rapids to Walmart area? Why? Across a flood plain? Requires another bridge \$ Probably expensive and certainly ugly road above CID canal on sandy hillside, through a bunch of view property - 3 jurisdictions in 1/4 mile	Both the City and BFCG are in the process of planning for reducing congestion in several areas throughout the City. This will result in identifying future improvements. Jones Road is one of the alternatives being evaluated.
76	Open House	3/20/2017	Rachel Road	Save Amon Creek Natural Preserve! No Rachel Road Need to keep natural open space! Please!	See comment response #71 on Rachel Road.
77	Open House	3/20/2017	Infrastructure	Remove stop lights on the ByPass 240 put in overpasses and regular freeway on ramps and off ramps.	Thank you for your comment. Interchanges are expensive, and are part of ongoing evaluation for congestion relief.
78	Open House	3/20/2017	Infrastructure	No roundabout on Queensgate/Keene	Thank you for your commentNo roundabout is planned at this intersection.
79	Open House	3/20/2017	Infrastructure	I'm happy to see the connection from Queengate back to Bermuda.	Thank you.
80	Open House	3/20/2017	Rachel Road	Rachel Rd - please do not cross Amon Creek Preserve @ Rachel Rd.	See comment response #71 on Rachel Road.
81	Open House	3/20/2017	Duportail Bridge	Please consider getting Duportail Bridge done ASAP and we need more senior housing in Richland.	Process is undergoing with the bridge planned for opening in 2020. Thank you for your comment on senior housing.
82	Open House	3/20/2017	Rachel Road	I DO NOT WANT RACHEL RD going through the natural area. Connect to Bellerive Dr. if you must but not any further	See comment response #71 on Rachel Road.
83	Open House	3/20/2017	Infrastructure	I like the purple "Future Arterial Collector" to Gala Way	Thank you for your comment.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
84	Open House	3/20/2017	Infrastructure	Do Not connect Shockley Queensgate to Rachel Bermuda (Don't encroach on county!)	Thank you for your comment; growth requires improvements to address traffic needs.
85	Open House	3/20/2017	Traffic	I am concerned about an even greater increase in traffic on Bermuda Road with the planned extension. What will be done about that?	Growth results in increased traffic. Road system plans are in place and are prepared to provide acceptable levels of service
86	Open House	3/20/2017	Infrastructure	Add (back) a right turn only lane at Queensgate and Keene. Map traffic intersections (arterials) showing freeway and severeness of accidents (including pedestrian and bicycle accidents)	This will be addressed as part of the 2018 Queensgate improvements. Safety incidents are mapped, tracked and analyzed for the City road system.
87	Open House	3/20/2017	Infrastructure	Amon Extension Rd. - was glad to see the proposed road not going through the preserve. Thank you for listening.	Thank you for your comment.
88	Open House	3/20/2017	Public transit	I don't understand why the City Council does not address/embrace higher density housing, more public transportation, and more use of already developed land that sits empty, as there is in N. Richland. The Duportail Bridge is only going to result in more neglect of northern neighborhoods, and property values will suffer. Instead, the age and development of these neighborhoods deserve attention. This could make them more attractive to salary-earning workers and the businesses that serve them. But I'm worried enough by the lack of attention from the Council that I am considering selling my N. Richland house and moving out of the area entirely.	Higher density housing is already allowed in many areas in the City. The Comprehensive Plan goals and policies are supportive of it. Much of this will be implemented when the property owners' and developers' apply for developments.
89	Open House	3/20/2017	Public transit	With more shops and proposed housing in Queensgate area would like to see a transit center there	BFT plans and provides for transit improvements. This comment will be shared with them.
90	Open House	3/20/2017	Public transit	Make area much more transit friendly. Please	See comment response #89.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
91	Open House	3/20/2017	Rachel Road	Do not like the Rachel Rd. expansion through the Natural Preserve.	See comment response #71 on Rachel Road.
92	Open House	3/20/2017	Bike lanes and walkways	Off road bike routes for safer commuting	Thank you for your comment. See comment response #55 on bike safety.
93	Open House	3/20/2017	Bike lanes and walkways	Proper pedestrian and bike routes on Columbia Center Boulevard where it crosses 240. This is a dangerous area for pedestrians and bikes	Thank you for your comment. See comment response #55 on bike safety.
94	Thomas Atkinson	8/27/2017	Traffic	The speed limit on Keene should be lowered by 5 mph. As businesses and residences have been added to the south side of Richland traffic volumes have increased as well on Keene. The speed limit is too high for the volume of traffic. Specifically, I live in the Country Ridge/Country Heights area. There is only one exit from the subdivisions, onto Keene. With the current speed limit and volume of traffic its getting much more difficult to exit the subdivisions safely. I don't think we are to the point yet that a stop light is required but a reduction in the speed limit on Keene would make it much safer to pull out from Country Ridge Road.	Thank you for your comment. Speed limits are established through standardized professional engineering evaluations. Thank you for your comment. The City monitors the safety of intersections and understands safety concerns exist.
95	Paul Gonseth (WSDOT)	7/14/2017	Infrastructure	WSDOT requires that table T-4: Long Range Transportation Improvement and supporting text in the supporting analysis be changed to remove all reference to WSDOT projects and or responsibility.	Thank you for your comment.
Land Use					
96	Open House	3/20/2017	Downtown	I would like to see stronger "downtown" area. When I moved here last year I had google take me downtown and it didn't feel like any downtown worth visiting. A prominent square with local shops and restaurants is a good investment and would draw in outsiders.	The Comprehensive Plan vision, values, goals and policies promote a prominent downtown.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
97	Open House	3/20/2017	General	Encourage infill development to connect centers - downtown, uptown mall, Wellsian/Duportail. Improve neighborhood diversity to ensure that schools remain/become economically and ethnically diverse. Infill neighborhoods with developments that improve economic diversity.	Goals and policies throughout the document promote infill. Discussion in added in the Comprehensive Plan.
98	Open House	3/20/2017	Schools	Bravo for designing space for school, in the area behind Target.	Thank you
99	Open House	3/20/2017	Density	Proposed land use alternatives (map) - I prefer the medium res option to the high density res option	Thank you
100	Open House	3/20/2017	Recreation	We should start a conversation about what will happen with the gravel pits so the City has right of first refusal to develop a recreation plan	Thank you for your comment. This is a topic that has been raised and discussed in Planning Commission meetings. The gravel pit is currently under private ownership.
101	Open House	3/20/2017	Downtown, neighborhoods	Concerned citizen of Comstock Neighborhood: The city is spending significant portions of resources on growth & development of shopping centers, housing developments, parks in the newly developed neighborhoods, but is not re-investing in the existing neighborhoods. There are many areas from improvement of Jon Dam Plaza & downtown areas that would continue to bring youth & vitality to the area.	Thank you for your comment. Goals and policies are added in the Comprehensive Plan to revitalize the downtown area and existing neighborhoods.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
02	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Downtown, neighborhoods	The Comprehensive Plan continues to speak as if the CoR wishes to and will develop a central core city layout. But it is already too late for that, and we are currently developing what could be an exciting and 21st century 'archipelago' city structure. This would mean that we don't have and don't need a 'downtown', but rather have a very well developed sequence of interconnected unique neighborhoods, each with their own character and appeal. I believe this kind of vision and plan alternative has much to offer, and could build upon development forces already underway.	Thank you for your comment. Neighborhood activity centers are currently in place and can be promoted with proposed goals and policies.
03	Rich Scrivner (DNR)	5/25/2017	Schools	In particular, I would like to increase (but not too much) the acreage of the commercial property...I want to inquire as to whether you have light industrial zoning...I would like to remove or relocate the small open space designation...but most importantly, relocate the 40 acre proposed school site. We have had previous experiences with jurisdiction trying to anticipate a future school campus/site, similar to your proposal. Each time the school district could not perform in securing sufficient funding, thus, the master plan was left with a donut hole, which caused difficulties with adjacent developments and infrastructure layout. If we could finesse the campus/site towards an exterior boundary, still with direct frontage, that would work best for DNR, as well as other interested parties.	The plan has been modified. However, the school site remains at the center. If the school is not build, other applicable land uses can be reviewed and considered.
04	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	Now that the Comp Plan Amendment process for our "Urban Reserve" property has gained support and traction, I want to share with you some internal challenges that DNR will encounter going forward. In addition, I will also include a few questions. (see below)	

#	Name/Affiliation	Date	Sub-topic	Comment	Response
05	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	With respect to the target adoption date of late September or early October of the Comp Plan Amendment process, will said adoption be by the Planning Commission or the City Council? If it is the former, when will the Amendment go before the City Council?	City Council will adopt. Recommendation from the Planning Commission will go to the City Council, currently scheduled for September 19, and October 3, 2017
06	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	Knowing that the Amendment process is focused on the identification of logical and compatible land use designations, when will the City seek to re-zone the properties? Will this action be a City sponsored initiative, one that simply reflects the land use designations, or will you request that DNR submit formal re-zone applications?	It is expected that a property owner submits an application.
07	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	I want to clarify that the green shaded areas (along the river) on the two original exhibits produced by the City, are not under the ownership of DNR. Those areas were transferred to the Corps of Engineers in the early 1950s.	That is correct.
08	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	I think we have discussed this matter previously, but it is worth repeating, DNR has an agricultural/orchard lease on the subject property, which has 2+ years remaining on its term. The lessee has been informed that we will not be renewing this lease. We have a good working relationship with the current lessee.	Thanks for the information

#	Name/Affiliation	Date	Sub-topic	Comment	Response
09	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	Once the Comp Plan Amendment and re-zone processes have concluded, what are the City's thoughts regarding the public access roads which will traverse our property and connect with existing and aligned corridors? Are you anticipating a federal/state grant(s) funded project...an LID project...a City/developer coordinated project...or combination thereof? Has the City begun to discuss timeframes in which this critically important aspect to the overall project, not to mention, the installation of public utilities, would commence?	The proposed roads are shown as long range transportation facilities. See the Transportation Element. Funding for these projects will come from a variety of sources, including impact fees, developer construction, City General Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.
10	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	By statute (RCW 79.11.250) and the state constitution (Article 16, Section 4), DNR is required to plat properties located within city jurisdictions or with 2-miles of said jurisdiction, into 5-acre parcels before being offered for sale at public auction. These requirements does not pertain to a direct transfer sale to a public agency. This is an onerous task on DNR, but we have successfully navigated through these constraints in the past via the guidance of other related legal means and statutes. I only mention this "additional consideration or step" that DNR must adhere to, so that you are aware. It does not involve the City and will not adversely affect the outcome of any public auction sale. It is all a very public process in our fiduciary management of the state's trust lands.	Thanks for providing this information
11	Rich Scrivner (DNR)	7/10/2017	DNR Urban Reserve	Do you know what the status is on the revised Amendment exhibit? Our momentum has also gained the attention of Executive Management, thus, it is incumbent of me to keep them informed, early and often.	The updated maps and Comprehensive Plan are scheduled for Planning Commission public hearing on August 30, 2017, and Council's adoption on October 3, 2017.
Parks and Open Space					

#	Name/Affiliation	Date	Sub-topic	Comment	Response
12	Open House	3/20/2017	Dogs	If you could plan for areas, walkways, and spaces to accommodate professionals that have no children and only dogs. please.	Goals and policies promote all segments of the population.
13	Open House	3/20/2017	Open space	Protect open spaces in the Yakima Delta.	Natural Open Space designated land and associated wetlands, floodplain habitat and riparian areas in the Yakima River Delta will continue to be protected.
14	Open House	3/20/2017	Open space	Need to ensure Amon Natural Preserve is really preserved as undeveloped open space. As South Richland continues to grow with new homes, Amon will be the only natural open space remaining. Let's keep it that way.	Amon Natural Preserve is Natural Open Space land use under the current map and not proposed for any change.
15	Open House	3/20/2017	Open space	Proposed land use alternatives (map) - Please provide more open space. Richland has become so high density, at least provide us with smaller, more frequent community parks.	Community park is proposed in the City View West area. Additional area north of City View West is proposed natural Open Space.
16	Open House	3/20/2017	EIS, dogs	I like proposed land use alt. 2 please. But could you add a small park with small fenced in area for dogs	Community park is proposed in the City View West area.
17	Open House	3/20/2017	Open space	Keep Amon Creek Natural Preserve as it is.	No change is proposed with this Comprehensive Plan update process.
18	Open House	3/20/2017	EIS, parks	Proposed land use alternatives. I prefer alternative 2 but you should plan a park in the center and make it WALKABLE- Narrow streets, sharrows etc. Room for proper trees. Safe passage footbridge to areas on the other side of irrigation ditch better yet pressurize ditch and build trail	Community park is proposed in the City View West area. Additional details will be developed during the site development.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
19	Open House	3/20/2017	Open space	In the proposed land use alternatives in the Duportail area I believe more area should be designated as developed open space.	Parks or Developed Open Spaces are proposed based on service areas and service levels.
20	Open House	3/20/2017	Open space	Proposed land use alternatives 2 & 3 - Would like to see more parks or open space designated in these areas	See comment response #20.
21	Open House	3/20/2017	Open space	As little development as possible. Please encourage open space.	Developments will continue within the City according to the Growth Management Act, and are based on OFM's future population projection.
22	Open House	3/20/2017	Parks	Goethals Park: 1). Located on road w/30 mph speed limit. No crosswalk, signal or crossing bridge for kids/families to pass safely. 2). NO bathroom facility. People are using the trees as a bathroom. 3). 1 garbage can for entire park area. Often has garbage piled up and overflowing. 4). No dog waste bags. Animal excrement is an issue.	The City works to improve safety of the road network, and provide amenities in public parks as funding becomes available.
23	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Open space	There is no mention of "Amon Natural Preserve" in the part of the draft Comprehensive Plan that addresses open space, and yet the 'west branch' of Amon Basin. This is a stunning omission, considering the considerable effort in citizen participation and raising of private funds it took to establish the Preserve. Amon Natural Preserve represents one of the finest 'Central Park' type preservation and passive recreation opportunities open to any city in terms of its valuable land, health and economic benefits. It needs to be recognized as such.	Updated
Environment					

#	Name/Affiliation	Date	Sub-topic	Comment	Response
24	Open House	3/20/2017	Climate change	Consider the economic impact of climate change scenarios - flood, drought, extreme winter events, extreme heat, etc. on city infrastructure and vulnerable citizens (elderly, disabled, young children, etc.)	Climate change impacts are generally discussed in the environmental review. It is unclear over the next 10 to 20 years, the planning period for this update, what if any climate changes will occur.
25	Open House	3/20/2017	General	Desert ecologies are fragile. The Council doesn't seem at all interested in protecting them!	The local natural resources and habitat are being protected through the goals, policies, and environmental regulations such as State Environmental Policy Act and Critical Areas Ordinance.
26	Open House	3/20/2017	General	I also disagree with spraying W.E. Johnson park & other "natural" landscapes with mosquito poison. The spray is not confined to public area and does land on people's private "organic gardens".	Comments will be forwarded to the Park's Department.
27	Open House	3/20/2017	Critical areas	Keene Road wetlands aren't designated on the critical areas map.	Map has been updated
28	Open House	3/20/2017	General	Get on with it! I know it's not the City's project but please do whatever is needed to facilitate the breach of the Bateman Island Causeway - the salmon and steelhead will benefit	This project is being addressed through a separate process, and plans are being formulated to improve habitat conditions and water quality around Bateman Island.
29	Open House	3/20/2017	Critical areas	Sensitive areas - there are Corps owned wetlands off Keene/Jericho. Stop illegal filling Put on Map - East of Queensgate Village	Map has been updated

#	Name/Affiliation	Date	Sub-topic	Comment	Response
30	Open House	3/20/2017	Renewable energy, sustainability	I would like to see the city lead in renewable energy by equipping their buildings with solar, strive for LEED certs, supply EV charging stations, and enforce recycling. I thought new apartment complexes were supposed to commit to recycling. I live @ Mosaic on the River apartments - they have one cardboard bin on the far side that no one uses. How do they get away with breaking a promise? Also, the trash/litter is out of control in that area. I spend time picking up trash along the Yakima River trail leading to W.E. Johnson park but the trail along 240 is disgusting.	The City offers low-interest loans to promote the use of solar. See Utility Element of the Comprehensive Plan.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
31	James A. Wise (Planning Commission)	No date	Critical areas	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 <i>simply recognize the change made to state law</i> and include the exemption provided therein. (<i>Italics added.</i>) My Analysis: The proposed change <u>does much more than that</u>, because it is included inside our proposed COR Fish and Wildlife Conservation Areas definition, and does not include any of the clarifying language or guidance that the WA State Department of Ecology provided with their extended definition, as the letter from Mr. Paulson so aptly points out. Also, legally it can be argued that it makes a difference to have such a statement occur inside a City's Fish and Wildlife Conservation Areas definition, rather than as a distinction of such areas at the superordinate level of	A separate comment response matrix addresses questions related to the Critical Areas Ordinance

#	Name/Affiliation	Date	Sub-topic	Comment	Response
132	James A. Wise (Planning Commission)	No date	Critical areas	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 under Addition of Stormwater Definition in 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. <i>Rationale for change:</i> 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. My Analysis: There is a good reason why the current RMC does not include an exemption for irrigation water. This is because it is a ludicrous distinction, and no city’s stormwater definition nor that of the State of Washington includes any exemption for any origin of stormwater that enters the system. Stormwater what ends up in the stormwater drain system, is stormwater period. And that is as it should be. Exempting irrigation water in particular sets a very bad	See response to comment #131

#	Name/Affiliation	Date	Sub-topic	Comment	Response
33	James A. Wise (Planning Commission)	No date	Critical areas	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. My Analysis: As proposed, this nullifies any protection of our identified (Critical Areas) Fish and Wildlife Conservation Areas from KID operations. It gives them free rein to do anything they want to do in and around Amon Basin and any other protected designated wetland. The question is not <i>encroachment</i> but <i>impact</i>. One does not need to <i>encroach</i> to produce major impacts. Besides, KID could argue that any of their listed 'facilities' are already there <i>within</i> the boundaries of the protected area, and by the first exemption they've proposed are also excluded. This proposal literally gives the KID freedom to do whatever it wishes within our protected areas. Solution: Simply do not include this exemption. Any concerns about operation of existing "operation, maintenance, or construction of canals, waterways, drains, reservoirs or other facilities" can be handled in a Best Management Practices standard. These have worked, and are working elsewhere around the United States.	See response to comment #131

#	Name/Affiliation	Date	Sub-topic	Comment	Response
134	James A. Wise (Planning Commission)	No date	Critical areas	The Richland City Council has just voted to accept a roadway across Amon Basin which is designed to minimize damage to the wetlands there and preserve its significant different health, educational, and economic values for the city and its residents. These changes to our Critical Areas Ordinance proposed by the KID would seriously undermine the entire intent of the cooperative study that led to the planning and adopting of this alternate roadway from the original proposal. The city has shown that it can adopt a development path that meets the values and requirements of its varied interests and residents. These proposed changes introduced by the KID do not, but they can be easily resolved. Under no circumstances are they acceptable as proposed.	See response to comment #131
135	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Climate change	There is no mention anywhere in the draft Comprehensive Plan of "Climate Change". I believe this is a significant oversight, as Climate Change will be a major driver of city development over the remainder of this century. As a widely recognized "Climate Refuge", the City of Richland would benefit significantly from acknowledging this and positioning itself to both mitigate consequences and take advantage of opportunities.	Climate change impacts are generally discussed in the environmental review. It is unclear how it will impact Richland over the next 10 to 20 years, the planning period for this update.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
36	Planning Commission Meeting (submitted by James A. Wise)	5/24/2017	Renewable energy	The City of Richland utilizes only .1% of fossil fuel in its total energy mix. This makes us one of the carbon cleanest cities in the State. We should be taking advantage of this in our economic development efforts, as it means something very positive to both potential future businesses and new residents. It also tells us where we should be placing our efforts if we wanted to significantly improve further our 'carbon footprint'. In a word, this would be the transportation sector, where we should encourage the use of Electric Vehicles (EVs) at all appropriate levels of fleet and private operations. We can do this by establishing charging stations throughout the city, as other cities have done. I see now mention of EVs or charging stations in the Draft Comprehensive Plan, but I hope this addition can be made.	Thank you for your comments
37	Debbie Berkowitz (Planning Commission)	No date	Critical areas	P. 34 (also in CAO) LU-4 (wetlands map). I appreciate that Rick included some of the Keene Road wetland areas on the critical areas map. Since these are not well-defined and since there may be some additional areas, I request that we include something like the following statement in the legend: 'Wetlands shown do not necessarily depict all wetland areas within the City. Property owners are advised that whenever there is a conflict between the critical area location shown or not shown on this map and the application of the City's critical areas ordinance, the provisions of the ordinance shall control.'	Maps have been updated.
38	DHAP	5/23/2017	Cultural Resources	We are supportive of HP Goal 1 and UD Goal 3 regarding cultural and historic resources in Richland because they provide direction for the City to proactively work to identify and preserve these resource types.	Thank you for your comment

#	Name/Affiliation	Date	Sub-topic	Comment	Response
39	DHAP	5/23/2017	Cultural Resources	While HP and UD goals provide policy direction for protection cultural and historic resources it is unclear as to how development proposals affecting these resources will be reviewed and permitted. There is currently no methodology for consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP).	Details on City consultation are described in development regulations. The City will consult with DAHP on development proposals with potential to impact cultural or historic resources.
40	DHAP	5/23/2017	Cultural Resources	In regard to coordination with DAHP on project reviews, we recommend the City execute a data sharing agreement with DHAP as well as applying for Certified Local Government (CLG) status that establishes a local historic preservation program. Instituting a CLG program allows Richland to apply to DHAP for federal pass through funds that can assist with historic preservation planning activities. For information about a data-sharing agreement contact Morgan McLemore (Morgan.McLemore@dahp.wa.gov) and Kim Gant (Kim.Gant@dahp.wa.gov) for information about CLG status.	This comment is being considered by the City.
41	Mike Ritter (WDFW)	7/10/2017	Critical areas	The CAO update is comprehensive and makes use of newer documentation and language being incorporated by other municipalities statewide related to wetlands, buffers, and critical areas. These updates are clearer and more succinct. We support the City in its efforts to clarify jurisdictional responsibilities related to irrigation operations and City land management. In particular, we support the City in its management of the West Fork of the Amon basin through CAO regulations. Native fish, wildlife and vegetation resources are adequately addressed in the revised section (Article III, Fish and Wildlife Habitat Areas). Additionally, many of these same resources are also protected through various wetland and upland CAOs.	Thank you for your comment

#	Name/Affiliation	Date	Sub-topic	Comment	Response
Utilities					
42	Open House	3/20/2017	Landfill	I don't see any indication of future expansion of the landfill, which will be needed someday.	See the Capital Facilities Element for discussion on future landfill expansions
Housing					
43	Open House	3/20/2017	Type	Embrace the tiny house neighborhod. Make tiny house culture part of Richland culture.	Diverse housing types are encouraged in the goals and policies.
44	Open House	3/20/2017	Type	Zoning that supports "tiny houses" development should be approved. Homes of 2000-3000+ sq ft are a waste of resources; people should at least have a choice.	Tiny houses and associated smaller lots are not excluded in current zoning code.
45	Open House	3/20/2017	Type, density	OPPOSED to high density housing (aka apartments) between Willowbrook and Amon Basin. Put in like houses of like value if you build at all.	Thank you for your comment. This area has been zoned for multi-family housing since the 1970s.
46	Open House	3/20/2017	EIS, density	In terms of zoning, I think Alternative 3 for the Queensgate area has more high density residential and would be the better choice. It should also include walking trails to connect up all the new residential with the Queensgate shopping center by bike or pedestrian.	Walking trails are to be considered during the parks planning process and during the development of this area.

City of Richland Comprehensive Plan Update Comment Matrix – Part 2

Comments

#	Name/Affiliation	Date	Sub-topic	Comment	Response
General Comments					
1	Robert Benedetti	3/11/2017	Planning and vision	Let me summarize what I will say below: Money talks and BS walks Thanks for the opportunity to comment on the comprehensive plan. I would like to share some of the experience in my life and why The Plan, any plan will fail. It was fun and I got to hear other opinions. Yes I am being negative but honest I do not envy you take on this project in the Tri - Cities I believe a plan has to have a visual, so the public can see what it means. Not a 2 dimension lay out, because it is the voting public how has to buy in. Every developer creates the visual to sell the Plat but seldom show what will happen in the surrounding areas in the future. First. My experience has been as boy growing up in Kansas City a high density city at its core and in the beginning you lived in apartments and single family homes next to each other, where you lived and work, up until 1951, when the city annex a large section north of the Missouri river, low cost land. The suburbs exploded. Now Down Town Kansas City is a place to go around and only used for some businesses and special event. Fortunately, the highway system affords fast transit to the Sprawling neighbor hoods. Cities surrounded with cheap affordable land are hard to get high density Buildings and Appalments in the center of the town. Second. To assure this will occur you have to have the money to build the supporting infrastructure. Richland of all our cities has the highest down town buildings	Thanks for your comments and observations of sprawling communities in other areas. Infrastructure and financing are key elements for future growth. Information on the City's infrastructure is available in the Transportation, Utilities and Capital Facilities Elements. Also see the Capital Improvement Plan 2017 to 2030, Appendix F of the Comprehensive Plan.

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				because Fed dollars drove their construction. The federal building is the best example. So how do we get this done? The second highest density area of Richland is the Hanford and PNNL. Can the federal build be bought and turned into a low cost business center in the future or a high rise condominium? DOE has move out and contractors have moved in. So if we have this future vision how do we fund it? Bonds? Make the builders pay for the infrastructure, toll bridges, Higher taxes. How do you get the public to buy into vision, not just the city council and planning committee? And if it requires connection with Kennewick how do we get them to support it. With these questions asked and answered growth will be organic, developer will rule. Before the meeting last night I meet with the Kennewick School District Chairman. He can't plan new schools because of the land prices/available land and no funds for supporting infrastructure to support the schools being set aside. Somehow the voters have to support the future of development and as you have seen few turn up to the meetings. Maybe we are missing the most important planning element.????	
2	David Orcutt	3/11/2017	Utilities, traffic, Rachel Road	1. What sense does it make to have a comment form when the ""drafts and maps"" are unavailable online? 2. Why doesn't Richland utilities offer the same financial incentives/rebates as other local public power utilities do? 3. Traffic is becoming a bigger and bigger problem, in multiple locations. 4. I hope the Rachael Rd process is not just a fig leaf covering up someone's personal agenda.	All maps and drafts have <u>been</u> made available online on the City's webpage at: https://www.ci.richland.wa.us/departments/community-development-services/2017-comprehensive-plan-update . Richland offers incentives to its

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				5. I'd like an e-mail response from you to these questions and comments.	Commercial and industrial customers for lighting and custom projects that reduce energy use. For residential customers, rebates and low-interest loans to qualified customers. See the Energy and Power sub-section of the Comprehensive Plan supporting Document for details. Rachel Road expansion was addressed in a separate public involvement process. A decision has been made by the City Council to construct this project.
3	Nancy Doran	8/6/2017	Editorial	This is one of two sets of comments you will receive from me. These deal primarily with factual errors and questions about phrasing. The second one, not yet completed will deal with land use. 1) On p. 2, the plan says: In 1943, Richland was a small farming town of about 300 residents. In that year, the Federal Atomic Energy Commission purchased most of the area for a massive project to produce plutonium. This reads like a whitewash for what actually happened to the landowners, several of whom did not settle with the government until after the war. Furthermore it was the US Army Corps of Engineers, Manhattan Engineer District that took over the land. The Atomic Energy Commission was not created until after the war. 2) On page 3: Then, in 1958, Richland citizens chose to incorporate as a first-class Washington city. The federal government began to sell the prefabricated housing erected for Hanford workers known as alphabet homes, which had been intended to be temporary. Much of that housing remains in use today. Several inaccuracies in this statement: Your statement	The Comprehensive Plan documents have been updated to address these items.

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				implies that all the houses were prefabricated, and somehow sub-standard, which simply isn't true. • The first alphabet houses (A, B, D, E, F, G, H and L), were built in 1943 and 1944. Since no one could predict how long the project would go on for, the buildings were solid and well constructed. Your illustration shows an F house, which is not one of the prefabs. • 1800 prefabricated houses (1, 2 and 3 bdrom) were brought in to supplement the onsite-construction but these were never given a letter designation. 500 of these were removed after the war. By mid-1951, the prefabs had all been renovated by placing them on proper foundations and giving them the gable roofs they have today. • additional standard houses (K, M, Q, R, S, T) were constructed in the late 40's, followed by pre-cuts (U and V) and finally by 1951 the Ranch houses (Y and Z) were built . • Sales of the houses began in June 1957; the first house was completed on June 2- when Paul Huckleberry purchased an M house at 78 Hodges Court. More accurate to say: After several years of discussion at both the local and federal levels, the federal government began the process of turning Richland into a self-governing city. Citizens were able to purchase their government-owned houses and Richland became a first class city in December 1958. (If you really want to talk about the alphabet houses, insert an accurate paragraph about them.) p. 7 "Richland's park system serves a variety of users in its developed and undeveloped parks, including sports and other recreational activities. " Badly phrased – “sports and other recreational activities” should not be modifying parks, which is where these activities take place not the activities themselves. Suggest instead Richland's park system meets a variety of user needs including sports and other recreational activities in its	

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				developed and undeveloped parks, p.11 Why is “Research and Development” activities capitalized in the middle of the sentence. It isn’t the name of a specific group. (What style sheet does the document use? Not the only place where the caps are used unnecessarily.) 3) On p.31 (and again in the supporting analysis p.30) The descriptions of the Tapteal greenway don’t seem right. The Tapteal Greenway is an organization, a trail and a water trail. Your text clearly refers to the trail but gives the impression that there is a separate specific area along the Yakima with that name. In fact the Greenway starts at Bateman Island, it goes through Chamna, and WE Johnson Park – areas covered elsewhere in the document -and north towards Benton City. Yes there are multiple owners but your description doesn’t capture it very well, and in fact seems to double-count areas p. 32 Built environment Due to its settlement history, the City of Richland does not have an abundance of historical resources. Historic structures unique to the City include 12 tract farm houses in the central city and six buildings in downtown that predate World War II, and the Alphabet Homes built between 1943 and 1951. Since you don’t define “central city,” this is a somewhat misleading statement. There are in fact, 19 tract houses in the portion of the city between the river and SR240 north of the Yakima, and that is the number typically used. I can supply addresses. Supporting Analysis Comments 1) P. 92 text says "James Lawless Park includes one 18-hole disc golf course." I believe that the disc golf club removed the course structures a few years ago. 2) T-4 - 2016 All Day Traffic Counts The legend box includes both “1001-5000” and “5000-10,000.” I assume that it should be 5001-10000.	

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4	Ginger Wireman	No date	Editorial	p. 2 Richland enjoys abundant water and natural Suggest removing - Abundant makes it sound unlimited. We have a limited water right. Flows in the rivers are not guaranteed. p. 2 Native Americans once lived at the mouth of the Yakima River, Native Americans continuously habited the area prior to Anglo settlement for about 9,000 years. (once lived sounds temporary) p. 8 Community Goal 5: Encourage the identification, preservation, and restoration of the City's open space and natural areas to maintain habitat, The fact that the wetlands are STILL Not on critical areas ordinance maps after I have pointed this out to the Planning Dept. numerous times in the last 20 years is disappointing. Wetlands, and hydric plant communities are clearly visible in aerial photos. Incidental or accidental wetlands – those not owned by KID or another irrigation district should be protected. PUT THEM ON THE MAPS.	Text has been updated to address these comments
5	Ginger Wireman	No date	Editorial	DRAFT Comp Plan - p. 2 Richland enjoys abundant water and natural AMENDED Additional Comment to that submitted at original deadline SUGGEST - Richland currently has access to both the Yakima and Columbia Rivers as well as groundwater, for some irrigation and domestic water supplies. However, because of climate change, future water supplies are uncertain and we must use water judiciously to allow for projected growth. The UW Climate Impacts Group shows a likely decline in water supplies and snowpack. We would be foolish to ignore the findings of our top research university.	Comprehensive Plan text has been modified to address these comments

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				https://cig.uw.edu/learn/climate-impacts-in-brief/acts Memorandum on Critical Areas Ordinance Update from Rick Simon Use of the WDFW Priority Habitat Species mapping is a good idea. Paragraph 1 fish and wildlife conservation areas: Please acknowledge that 'mitigation measures' are highly unlikely to be successful in any undeveloped areas remaining. There are no more jackrabbits in areas where they thrived 16 years ago, for example, because of habitat loss. That can't be mitigated. Last sentence: Once completed, these reports would be reviewed and approved by the City , after consultation with the Department of Fish and Wildlife and Native American Tribes may be approved by the city. DO NOT START WITH THE ASSUMPTION OF APPROVAL	A separate comment response matrix addresses questions related to the Critical Areas Ordinance
6	Ginger Wireman	No date		SUPPORTING ANALYSIS AREA 2 CHALLENGES AND OPPORTUNITIES – AREA 2 Richland may need to be a little flexible in permitting and licensing new business. I heard of an entrepreneur who was denied a business license in town because the city called his work manufacturing – he was building extremely high-end circuit boards for medical equipment or something – only a handful a month. I believe he wanted to locate in the Parkway and was denied. The number of units produced did not sound like manufacturing of a scale that should have precluded his occupancy and potential for job creation. If his business ramped up maybe he'd need to move, but he'd be established in Richland at that point. Instead he took his company elsewhere. Scale and reality should be considered in business licensing and permitting. I also know of a food	Thank you for your comment.

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				business that is afraid to update their property because they don't want to trigger other (unnecessary, one-size-fits-all requirements). TABLE LU-3 Top Cell Putting housing in the 300 Area will never be a responsible option. DOE will not clean below 15'. The efforts to clean the uranium plume are not working and many plants could have roots deep enough to pick up contaminants. Last Cell Where exactly does the city think it has 15 acres available to put in 225 units on our waterfront?? That goes against "leveraging the natural landscape". Richland has the best riverfront in the Tri not because of those properties but the undeveloped Rivershore/parks. The current homes at Columbia Point and Bradley Landing have already created conflicts between residents and recreationists. I've spent a lot of time on "The Strand" in Newport Beach and the South Bay (Los Angeles) the setbacks are farther, the paths are wider and the mix seems okay but really, who owns this land, and why not create more public access to benefit all of us. TRANSPORTATION p. 34 PURPOSE AND INTENT Typo in first sentence, the next 20 years is in there twice.	Housing is not proposed in the DOE land This is based on existing vacant lands in the Waterfront zoning district. Corrected.
7	Jim Bixler (Pacific Northwest National Laboratory)	5/16/2107	Editorial	The primary comment we have is that there are inconsistencies and inaccuracies in how the DOE land and business/operations are addressed. In many places, the Hanford Site is addressed and is written to be inclusive of the PNNL Site and PNNL operations. This is not the case. Other places, it reads appropriate.	Updated

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				So, my primary comment is for this planning info to either recognize: 1. the Hanford Site and PNNL Site (and PNNL operations) separately, or 2. the DOE site/land in total which includes the combination of the Hanford Site and the PNNL Site/PNNL operations. (FYI, attached is survey info from earlier that depicts the PNNL Site and Hanford Site boundaries.) Additionally, the recent DOE land transfer of 1,641 acres to the City, Port of Benton, and ENW, is addressed and notes it as part of its economic development/plans. This is good. And, the draft Comp. Plan info speaks to City fire and emergency services and its plans to include future fire station locations and services to include a replacement #73 station at the corner of Stevens Dr. and 240 and a new station #75 in north Richland at/near the PNNL campus. This is in-line with the City planning provided and discussed to-date with the City. This is also good.	Thank you for the comments
Columbia Point South					
8	Nancy Hess	4/5/2017	Public participation	I don't feel that City of Richland has informed public about changes planned for natural open space near Columbia point	Proposed changes are posted on the City's website. Numerous public meetings, workshops were conducted regarding this. Additional updates to the Council and the Planning Commission took place, and public comment period was extended for one additional month.
9	Heidi Hampt	4/5/2017	Public participation, open space	I am writing regarding the city's change to zoning at Columbia Point. I am concerned that recent changes were made without real public input. My preference for this area is to continue to see it as a natural area. I do not see a need for the zoning changes and would prefer no development on that area.	Initial land use proposal for "Commercial Recreation" has been modified with a less intense "Urban Recreation" designation in this area. Existing Natural Open Space designated lands are not proposed for any change.

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10	Marcene Daines	4/7/2017	Development, open space	I live in a small area of Benton County surrounded by Richland. Most of my activities are in Richland so I have concerns about the use of land there and the environment of the area. I prefer and recommend the area designated as Columbia Point South be kept as open space. If this is not possible, then I hope that you can keep any development to a minimum and not destroy the beauty of the river delta and surrounding area with lots of permanent structures, roadways, parking lots, etc. Money cannot replace the natural open space that we need to make our daily life more pleasant and free from commercialism. Leave that to the inner city areas. Thank you.	Please see response to comment #9.
11	Carl Baker	4/7/2017	Open space	I would like to see the entire South Columbia Point area designated as a natural open space and that no motorized vehicles be allowed in that space.	Please see response to comment #9.
12	Scott Woodward (President, Ridges to Rivers of Space Network)	4/7/2017	Open space	The primary focus of our comments is Columbia Point South. While we applaud the city's effort to plan for growth and community needs we are opposed to the proposed uses at Columbia Point South. The proposed concepts which place commercial recreational adjacent to natural open space bodes ill for the remaining habitat and wildlife currently enjoying the area in question. The proposed use options in the commercial recreational space appear to have no consideration for the impact on the diversity of the ecosystem that presently exists at Columbia Point South. At the very least we recommend that: – No motor vehicles other than shuttle or service vehicles be allowed onto Columbia Point South. – Pedestrian and bicycle traffic will be the mode of transport. – The highest impact facilities planned for commercial recreational space need to be located on the freeway side of the property to diminish the impact	Current land use is Developed Open Space and Public Facility. Public Facility currently allows more intense use than the proposed Urban Recreation. Urban Recreation designation is proposed to allow limited uses in this area. It is intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities and open space uses. Existing Natural Open Space areas would remain unchanged. It is recognized that limitations exist for access to Columbia Point South, and this is a condition that would need to be

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				on the natural open space. The list of allowable uses in commercial recreational space is very broad and should be abbreviated. – An additional natural buffer needs to be implemented at the border of the commercial recreational space and natural open space. – Native vegetation will be the landscaping norm in the commercial recreational space. We have been participating as individuals in the process up to this point and appreciate the opportunity to express our concerns on this aspect of the City of Richland's Comprehensive Plan.	addressed in the future.
13	Dartanya Helgeson	4/10/2017	Open space	I have reviewed the current draft of Richland's Comprehensive Plan, and I see that part of Columbia Point South is designated as natural open space and part is designated as commercial recreation. This area is a great habitat for native birds and migrating waterfowl and I would ask that all of Columbia Point South be designated as a natural open space. With the growth this area is experiencing, open spaces are quickly being gobbled up, so it is vital to have oasis of open, natural areas to provide a buffer for other land uses. Please keep this area closed to motorized vehicles to allow wildlife and people have a "breath of fresh air". Thank you!!	Please see response to comment #9.
14	Kathy Criddle, (President, Lower Columbia Basin Audubon Society)	4/10/2017	Open space	Dear Council Members and City Staff, From the current (2008) Comprehensive Plan (P. CF2-13): Natural Open Space consists of land intended to remain largely undeveloped over the long term with limited public access, including Bateman Island, Chamna Natural Preserve, South Columbia Point, and Badger Mountain. With this letter we are reminding you of a promise the city made in 2013 to the Lower Columbia Basin Audubon Society at a Parks & Rec Commission meeting when we protested the change of South	Please see response to comment #12.

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				Columbia Point from a natural open space park to a special use park. We were promised that the city would hold open public meetings when considering changes to South Columbia Point. Now, with this Comprehensive Plan update, the city has changed part of what was a 230 acre natural open space park to a commercial recreation area, not even a park any more - and again, without a public discussion. We are one of a number of organizations that prefer to see all of CPS remain as a natural open space park where citizens can have a sense of isolation in a natural area, all within our growing urban setting. Having CPS as a natural open space park would make it an extension of the well-used Chamna Natural Area just west of CPS. We can support the idea of a Native American trading post with the rest of the area restored with native plant species appropriate to the area. We do not support many of the other uses that are allowed in the commercial recreation zoning. Any building should be close to the bridge access point to minimize damage to the rest of the area. We can also support shuttle service to the trading post, but no private motor vehicle access. Before motor vehicle traffic was restricted at South Columbia Point, the area was badly damaged by ATVs/ORVs. Since then, it has had a chance to heal to some extent. Pedestrian and bicycle traffic are encouraged, as they are now. Thank you for considering our request made on behalf of our local Audubon chapter (of over 200 members) and also the requests of other organizations and citizens who support having South Columbia Point as a natural open space area for the region.	
15	Kathleen Megow	4/8/2017	Open space	My husband, Louis Boliou, and I wish to see Columbia Point South designated as a natural open space with no commercial development whatsoever. We live in West Pasco, across the river from Richland; however, we have both worked and shopped in Richland for	Please see response to comment #9. Recreation opportunities will continue to be available for this area.

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				many years. Columbia Point South is a Tri-City natural area, a place where residents of the Tri-Cities can go to hike, jog, walk their dogs, bike, bird watch, and generally enjoy nature. Just steps away, near Anthony's, are hotels, condos, more hotels, and restaurants. By opening Columbia Point South to commercial development, you deprive Tri-City residents of a lovely natural open area in favor of real estate moguls. I'm sure the existing hotels near Anthony's would not enjoy all the new competition. Enough public land has been turned over to commercial development in the Tri-Cities as it is, with hoteliers competing with other hoteliers. What we don't have are enough natural, open spaces. Destroy that, and it is gone forever.	
16	George Hagen	4/7/2017	Open space	I wish to say that the area identified as the South Columbia Point should stay as open space. First the egress to that area does not support any businesses such as hotels, casinos, trading post, etc. Also I for one would not want to see those types of businesses I that area as I drive by from and to Pasco or Kennewick. We need open space over financial gain. That is a wonderful area to walk and the wild life is abundant. Please leave South Columbia Point as open space.	Please see response to comment #12.
17	Mike Lilga (Board Member, Tapteal Greenway)	4/14/2017		Since its inception, the Tapteal Greenway has held as a goal the preservation of Columbia Point South for its habitat, cultural, and passive recreational values. We believe the highest and best use of this land is as natural open space, protected in perpetuity for all generations. We are not alone in this belief. Originating as an outcome of a broad public process, Ridges to Rivers Open Space Network recognized the importance of Columbia Point South and established the following goal in its Vision Plan: Recommendation OS8.6: Set aside the area known as Columbia Point South, Richland as Natural Open Space not subject to	Please see response to comment #12.

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				future development. From the RROSN Plan: Located on the south side of Interstate 182 near the Columbia River Bridge, this parcel buffers, and helps to protect, the 813-acre Yakima Delta Habitat Management Unit (HMU), managed by the Army Corps of Engineers. The HMU contains a great diversity of habitat and wildlife, including resident and migratory birds, mule deer, and other animal species. The adjacent Columbia and Yakima Rivers support salmon and other fish passage. Historic use of the Columbia Point South area includes Native American cultural sites as well as early settlement locations. The cultural value is significant enough that the site is eligible for listing on the National Register for Historic Places. Columbia Point South is a node – a place where trails, cultures, and wildlife have historically met and, if protected, will continue to meet as they always have. The habitats of Columbia Point and the Yakima Delta have remarkably high value, especially in our arid climate. While the upland habitats of Columbia Point South are somewhat degraded (but do contain native species and are suitable for restoration), other habitats rare in our part of the state, such as the open waters, wetlands, mud flats, shallow areas, gravelly and sandy shorelines, riparian areas, and grasses, are critically important to numerous species. The importance is magnified by the location along the Pacific Flyway bird migration route. As a result, this area has been given the national designation of Important Bird Area by the National Audubon Society. A variety of migratory and resident fish species, including threatened and endangered salmonid species, also use the Delta. The combination of both warm water and cold water river systems provides an unusually rich food source for both fish and birds. In addition to the habitats on and directly adjacent to this area, Columbia Point South is important to wildlife as a buffer to urban impacts.	

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				Sensitive species are negatively impacted by the close presence of human development activity. Retaining Columbia Point South as natural open space is one step that can be taken to benefit wildlife. All trails of the Tri-Cities and Greater Mid-Columbia Region meet at Columbia Point. Trails parallel the journeys of the earliest residents, Native Americans; explorers, such as Lewis and Clark; and early settlers of the Northwest, such as members of the Longmire wagon train. Today, land trails north lead to Howard Amon and Leslie Groves Parks. Trails south and east comprise the Sacagawea Heritage Trail, connecting to Columbia Park, the Columbia river shore in Pasco, and the Snake River at Sacagawea State Park. Trails to the west of Columbia Point consist of the Tapteal Greenway Trail, connecting Columbia Point and Bateman Island to the Chamna Natural Preserve, W.E. Johnson Park, Horn Rapids County Park, and eventually Benton City. Columbia Point South is the nexus of three major water trails connecting Canada, Idaho, and the Mid-Columbia region to the Pacific Ocean. The Greater Columbia Water Trail connects the Canadian border with Columbia Point and Bateman Island. The Northwest Discovery Trail – including the Bateman spur which links Columbia Point and Bateman Island (believed to be the furthest point upriver travelled by Lewis and Clark) to Sacagawea State Park along the Columbia River – connects the Clearwater River in Idaho via the Snake River to the Columbia River Gorge at Bonneville Dam. Columbia Point is the downstream terminus of the Tapteal Water Trail that originates at Benton City. Columbia Point South is a node where cultures have long met. Native American tribes and bands lived and died there. They fished, traded, and camped there. It's the site of the historic St. Rose of Chemna, an oblate mission where white cultures met native cultures. It's the site of the	

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				Timmerman Ferry used by early settlers. The cultural and historic importance of Columbia Point South has been acknowledged by its nomination to the National Register of Historic Places, a designation reserved for only the most significant sites in the United States. We ask that you also recognize its significance and take steps to protect Columbia Point South in perpetuity. We ask that the status of the entire park be changed back to "natural open space", which is the designation in a previous Parks Master Plan and that you recommend that the Comprehensive Plan be amended to change the designation of the entire area to "natural open space." In addition, the Capital Facilities section of a previous Comp Plan states "Natural Open Space consists of land intended to remain largely undeveloped over the long term with limited public access, including Bateman Island, Chamna Natural Preserve, South Columbia Point, and Badger Mountain." Designation as commercial recreation is inconsistent with preservation of the significant historic, cultural, recreational, and wildlife values of this area. We also ask that the area continue to be closed to motorized vehicles. As privately owned open lands continue to be developed and the associated habitats and recreational opportunities continue to be lost, publicly owned open spaces become increasingly important. We encourage you to re-designate this publicly owned land as natural open space.	
18	Richard Badalamente	5/11/2017	Open space, EIS	I oppose the plan to convert most of Columbia Point South to commercial recreation zoned space. The division of what is now natural open space into 72 acres of commercial recreation and just 16 acres of open space as called for in the draft Comprehensive Plan, Alternative A, will result in a fragmented landscape and compromised ecosystem functioning. Fragmented landscapes degrade biodiversity, and have more edge adjacent to converted and disturbed	Initial land use proposal for "Commercial Recreation" has been modified with a less intense "Urban Recreation" designation in this area. Existing Natural Open Space designated lands are not proposed for any change. Limited uses are proposed in the Urban Recreation

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				habitat, making them more vulnerable to encroachment by non-native species. Lack of continuous habitat also poses challenges for species that need to move around. I urge the Commission to follow the recommendations of the 2012 Rivershore Master Plan and ensure this delta region remains a rich environmental center of Richland and the surrounding area.	land use, and related zoning district. Also the acreages mentioned indicates only the areas where land use change is proposed. There will be a total of 177 acres of Natural Open Space and 80 acres or Urban Recreation.
19	Mary Peters	5/12/2017	Open space	Please do not develop Columbia Pt. south of the harbor along the shoreline. I do not want to see an amusement park, multi-level hotels/condos/ apts in that area either. A grassy park with trees could be OK but the more natural the better. Would like to see the transit buses run on Sundays and until 10 PM.	Please see comment response #9
20	Paul Fraser	5/17/2017	Open space, development	I am extremely concerned about the Land Use portion of the Comprehensive plan. Specifically I am against zoning Columbia Point South as "Commercial Recreation". Hundreds of citizens use the bike path and walking trails in this area and enjoy the calming effects and intrinsic value of open space. As our community grows we need to remember that open space is becoming much more limited than it used to be. Columbia Point South would be ruined if the city allowed hotels, restaurants, boat rental, and the other development that is allowed under "commercial recreation" zoning. I am also concerned about magnifying an already bad traffic problem that occurs at the intersection of George Washington Way and Columbia Point Drive. Commercial traffic driving through the park and all the current restaurant, residential and boat launch traffic would be unacceptable. My final reason to be against the development of Columbia Point South is the increased impact on wildlife and river fisheries from traffic, stormwater runoff, and the increased noise and traffic that development of Columbia Point South would	Please see comment response #9

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				bring. I cannot support the Comprehensive Plan with the current zoning for the inappropriate development of open spaces in Richland. Thank you for your Time, Paul Fraser	
21	Nancy Doran	8/6/2017	Development	Land Use - I am very concerned about the proposed changes to Columbia Pt S. At every comp plan meeting I attended, there was overwhelming support for preserving natural open space. This plan doesn't preserve the area; rather the new urban recreation zoning will ruin the area. The area does not need another hotel. (A 3-story lodge is still a hotel.) Nor does it need restaurants, delis, and shops. Ideally development in this area should be kept to the absolute minimum (i.e. what the tribes have a legal right to erect.) The city could turn the area into an economic advantage – a walking destination – for the large number of local residents and hotel guests in the area. Bird blinds on the delta side. Better paths etc. Capital Facilities - Looking at the city's projected growth, there's no question that the city should be looking ahead to providing additional recreational facilities locating them where the main growth has and will take place – south of the Yakima. The Richland public library is a fabulous institution but children in south Richland are unlikely to be able to get there on their own. The RCC is similarly difficult for them to access. The Prout Memorial swimming pool is insufficient to meet the city's current needs; it won't get any better in the future. (While north Richland has a number of neighborhood pools, most of south Richland has no local option.) A 10-20 year plan should include some plans for these facilities. The city should be looking for land where it could establish satellite locations for these facilities.	Please see comment response #9 As the city continues to grow, considerations for these types of amenities will take place.
22	Carl Baker	8/10/2017	Development	I do not want to see development of the south	

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				portion of Columbia Point. It's best kept as a natural area with minimal development.	
23	Mary Hartman	8/11/2017	Open space	I favor Columbia Point South being designated as natural open space.	Please see comment response #9
24	Bob Rosselli (FOBM)	8/13/2017	Open space	When we responded to the initial comment period, we noted that the last two community surveys gave significant priority to natural open space. For the citizens of this community having more natural open space is very important. As one reviews the existing and current draft plan, natural open space is one component of land use that is still significantly underrepresented. The most important area that is still undeveloped and natural is Columbia Point South. This is an area that should remain natural and undeveloped. Not every section of the community needs to be developed or partially developed. That unfortunately is the City's current planning approach to Columbia Point South i.e. constrain development to businesses that cater to outdoor activities and would in the City's mind mesh well with natural open space. Unfortunately, it is still development and goes against the wishes of the majority of community citizens who bothered to fill out your surveys. At this point, the City is proposing changing the zoning to enable development of that area with businesses that cater to outdoor activities. Development is development and please listen to your citizens who do not want any type of development in that area. Leave it natural. There are many communities in America that have significant areas of natural open space that citizens flock to in order to hike, bike, do birding, see animals, enjoy the wildflower and shrub steppe plants and in our case even launch kayaks and canoes. Do not ruin this possibility with further development and do not enable further development by changing your zoning. That is so non transparent that even children can see through	Please see comment response #9

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				your ultimate objective. (and while your at it, remove the electrical transformers that have already be place next to the existing bike path along route I182. Leave Columbia Point South in its present natural state and develop it into a nature preserve with soft surface trails and non motorized boat launches where the community can go out and really enjoy a part of what this region was all about for all times. This really is your last chance to address one of the highest priorities of your citizens. Let's hope you listen. Nature preserves do bring outsiders to your community and outsiders do bring economic benefit to local businesses who fortunately can still flourish and not be located on the spot.	
25	Shir Regev	8/14/2017	Development	I am concerned about proposed development of Columbia Point South. Due to the area's significance as a nature preserve (it is one of only two designated IBAs by the Audubon Society in the region and it is home to Chemna, the original, First American village. The city needs to focus on developing the CBD to attract visitors to the area instead of trying to develop the last bit of wetland we have.	Please see comment response #9 Existing goals and polices promote development in the City Center. Additionally, critical areas and other environmental regulations are in place and proposed to protect wetlands.
26	Ginger Wireman	No date	Development	NO FURTHER DEVELOPMENT AT COLUMBIA POINT Nice how you tucked this into a figure further through the document – and at a page break! 16% open space 89% Commercial Recreation? NOT ACCEPTABLE p. 19 Land Use Goal 8 – policy 4 NO FURTHER DEVELOPMENT AT COLUMBIA POINT P. 28/29 Proposed Land Use Table This is really sneaky! I hope it was accidental, it sure worked well to obscure the importance of it! AGAIN NO FURTHER DEVELOPMENT AT COLUMBIA POINT Nice how you tucked this into a figure further through the document – and at a page break! 16%	The Columbia Point South area land use as proposed will increase the total Open Space land from existing 153 acres to 177 acres.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				open space 89% Commercial Recreation? NOT ACCEPTABLE	
27	Ginger Wireman	No date	Development	SUPPORTING ANALYSIS CHALLENGES AND CHALLENGES AND OPPORTUNITIES – AREA 3 The city should stop talking out both sides of our mouths. We need to take Columbia Point off the table! Adding it back in at the recommendation of an outside consultant who has no knowledge or context for the history of the area was foolish. AREA 4 Further, in the additional supporting documents I was disappointed that WDFW created their overlay photo with Uptown in the Col Pt. South up against I-82. While it wouldn't be IN the critical habitat, increased noise and light pollution from businesses in that area will very likely disturb wildlife.	See comment response #9
City View West					
28					
Goals and Policies					
29	Ginger Wireman	No date	General	p. 8 Community Goal 7: Develop a vibrant Central Business District planned on a high density land use. I believe this is similar to what is on the existing comp plan, yet the city is allowing Kadlec to sprawl all over. If the CBD is supposed to have high density, that's what it should be zoned and builders should have to do it or wait to build. p. 8 Community Goal 9: Provide and support an efficient, varied, and well-maintained transportation network. Until we get Hanford traffic off our streets this we will not have an efficient transportation network.	City guidelines encourage higher residential densities downtown, which in turn promotes CBD development. The City supports regional cooperation

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				SUGGESTED ADDING – Work with local employers to support commute trip reduction/ car and van pooling. Work with DOE to reinstate bus to central Hanford. (90% of Hanford employees drive single-occupancy vehicles. We have three bottleneck entries – four when Queensgate is done – it will not help) p. 8 Community Goal 12: Continue active citizen involvement and outreach education in development decisions and planning for Richland’s future. Planning and Engagement can be more proactive and doesn’t have to occur in the library or school gym on a weeknight. I encourage Richland to conduct planning in Parks or set up at the Community Center during events to capture people who are already there. Also, I somehow stopped getting notices – one would think a person who participated in a first meeting would continue getting notices until a plan is on the books. p. 10 ED Goals Implementing city-wide community owned broadband would help strengthen education and small business opportunities. Community Wi-Fi in city parks and public spaces would also enhance our ability to help students and educators. p. 11 ED Goal 6 Policy 7 and 8 Has the City made any effort to specifically ask Millennials what they are looking for in housing? What about first time homebuyers? I think they would like mixed-use urban style apartment living and if we had the data to prove it	as indicated in various goals and policies. Also see Transportation Demand Management sub-section for additional details. Multiple public input opportunities were provided. See Public Involvement Summary. Thank you for your comment Policy updated to address Young Professionals

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				perhaps developers would build it. Also, many want electric car charging stations and recycling at the apartment complexes. Also, many first time home buyers might look at existing housing stock in Richland and start to 'gentrify' but the state of many older neighborhoods with unkempt rental properties is a discouragement. p. 15 ED Key Opportunities Area 2 Build and Attract a more entrepreneurial and dynamic economy Again Richland would do well to do a study with the young adults and the entrepreneurs who are here to determine why and what is missing. Frequent complaints about lack of recycling and why is there no solar infrastructure come up in surprising settings. I know the recycling issue is a tough one – net carbon footprint-wise, but young people who grew up doing it are greatly bothered that it's not a given part of the life here – they find it embarrassing. They worry about sustainability and wonder why we don't embrace deliberate actions like solar on city owned facilities or schools, etc. p. 15 ED Key Opportunities Area 4 Closely monitor zoning and land use in the City Rick Simon and perhaps others were at the meeting Ridges to Rivers and the BFCHA hosted at WSU TC with Randall Arendt. He said stick to your zoning. Period. If a developer is interested in a site they will build on it within the zoning regs. He showed strip malls that had second and third stories added, MacDonald's IN historic homes, etc. Allowing Kadlec to build their offsite center, rip out perfectly find and mature landscaping and waste prime commercial property with parking is a travesty. Let's	Thank you for your comment.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				not mess it up at Albertsons. p. 17 Land Use goal 1 See above... ED Area 4 and ED Goal 6.7, 6.8 Allowing infill is one thing, promoting and encouraging is another. While there is a lot of space for infill in old, central Richland neighborhoods, the poor code enforcement and shoddy condition of rental properties is likely a disincentive. People just move to Pasco or Kennewick to a newer home rather than deal with crappy properties nearby. p. 17 LU Goal 2 Establish land uses that are sustainable and create a livable and vibrant community. Badger Mt. South set a disastrous precedent! It is not sustainable by virtue of the fact you have to drive ten minutes (stated on their website) and through aforementioned bottlenecks to get to the high school, library, pool, river, etc. Trails in a neighborhood do not make it sustainable. Stop 'greenwashing' and do real sustainable building. Also 5,000 SF homes? NOT SUSTAINABLE! p. 18 LU Goal 5 When/If Center Parkway ever goes through to Tapteal, we should partner with Kennewick to finish the rail trail and connect it to our portion. p. 18 LU Goal 5 policy 1 & 2 Revise commercial building code to require a proper bike rack at businesses like restaurants, bars, coffee houses and stores (insurance/law offices may want them too!) Ensure SAFE access to business with a sidewalk or marked ped trail across the parking lot. See Attached Appendix 2 (Overlaps with UD Goal One?)	Thank you for your comment. Thank you for your comment. Thank you for your comment. Goals and policies are proposed. Specific design standards and development regulations will implement

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				p. 19 Land Use Goal 8 – policy 3 No more commercial or residential use along waterfront! Nothing closer than Sterling's or the Hanford House! There is enough. Even with the trail in front it is super elitist! The few remaining parcels – south of Shilo- should have the plaza, fountain and public spaces envisioned in old shoreline plans. We lost the Greek Theater (Hampton Inn) and it was never replaced. HAPO stage does not count! p. 19 Land Use Goal 8 Policy 5 & 6 Richland needs to start discussions now with the owners of Central Premix and start a public process for when they pull out of their site between the highway and Yakima River. p. 20 LU Goal 9 Island View How will you engage the tenants and land owners in the Island View Neighborhood? Donnie at the Bait shop and the gals who own Sage Port Grill would likely be very interested in this section plan but probably haven't seen it. This area has the potential to be a cool, mixed use neighborhood! The city should come up for building and design standards for the remaining portions so it doesn't look all crazy like what's there now. p. 21 LU NE Goal 1 Policy 2 Commercial recreation is not appropriate for S. Columbia Point. The fact that staff couldn't define it at the Planning Hearing last week - then defined it with such things as casinos and restaurants - is astonishing. That is wholly incompatible with the adjacent natural	the details during the time of developments. Thank you for your comment. See comment response #9

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				areas. Please note, any paved or built surface creates Net Loss of ecological services. P. 22 LU Historic and Cultural Resources Policy 1 What is adaptive reuse? Do we want to maintain character with limited modifications? Let's say that. Also, please ADD ... historic "Alphabet Homes" and Mid Century Modern homes of Richland. p. 22 UD Goal 1 Policy 3 See comment for LU Goal 5 Policy 1 & 2 p. 22 UD Goal 2 Policy 2 If we really care about complete streets and ped/bike friendly switch this around! Ensure public transit, bicycle, and pedestrian access in the commercial centers along with adequate parking, landscaping. We have more than adequate parking and listing it first shows ongoing bias toward cars. p. 22 UD Goal 3 Policy 3 The City needs to adhere to Dark Sky principals. Street lighting along Keene is like daylight! The city can significantly decrease lighting. Drive down Steptoe – the Kennewick side of the street is adequately lit. The Richland side is obnoxious. Save some money, start toning it down as bulbs need replacing. p. 22 UD Goal 4 Policy 1 & 2 The city needs to follow this itself.	Adaptive reuse is intended to maintain the character and place similar uses of the buildings. Updated This is a suggestion for plan implementation. Thank you for your comment.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				p. 24 LU-1 Existing Land Use Separating Badger Mt. South is a poor choice. It should be broken out and added with the portions of low, mid and high density noted appropriately. But creating high density, but allowing houses that are too big and expensive will not provide an adequate supply of housing stock. The City encourages minimizing light trespass for energy savings, dark sky ambience, and glare reduction. Again, City street lights are some of the worst offenders. p. 39 Housing goal 4, policy 1.a When we lived at 703 Abbot we were told an LID would be implemented if majority of property owners WHO VOTED supported one. We wanted sidewalks. The City told us residents who lived in the boundary of the new LID would have a lien on their property and the sidewalk would be built if they voted no. We ended up moving to a neighborhood with sidewalks. The neighbors voted on an LID but several properties apparently voted no. The city should do liens. Stop messing around and get the streets done. That block looks bad, AND its near the major intersection with Jadwin and has more traffic! p. 39 Housing goal 4. Policy 5 & 6 The situation described above and poor condition of many rental houses is a disincentive for people to move into old Richland. But maybe assistance and better code enforcement could help. p. 42 T Goal 1	Badger Mountain South area is being implemented according to the Badger Mountain Sub-area plan and a land use category called Badger Mountain South currently exists. Thank you for your comments. We will consider your suggestions.

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				YES PLEASE!! p. 43 T goal 3 Would it be possible to put a few passenger cars on the tracks from Columbia Center and have at least commuter trains to PNNL & 2440? p. 43 T goal 7 Connecting Queensgate/Shockley or whatever you do, over the top to the Reata neighborhood is counter to this. The people who bought out there did so because they wanted the rural element. Creating a 'cut through' that will become a shortcut and major thoroughfare is a bad idea. Richland should not force our development concepts onto the unincorporated part of the county. p. 43 T goal 3 YES PLEASE ADD – Work with BFT to install shelters at bus shelters in unprotected areas (wind/sun) TE Goal 4 Policy 4 Our weather has changed dramatically in the last forty years and the thunderstorms have become quite frequent. This is a good idea! TE Goal 4 Policy 6 Policy 6: Plan and implement new streets and consider modifying existing streets to improve access control to sensitive areas. This sounds like a bad idea, what is the intention? If this is the road to Columbia Point South, no.	Thank you for your comments. Much of this route is leased by a private company and would need appropriate approval. There is no Goal 7 under Transportation Element. The road network between Richland and County are being planned in a regional planning process. Transit is promoted in the policy.

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				p. 48 Utilities Goal 1 Policy 2 This speaks to prevailing power supply contracts and accessing low cost electricity... Has Richland done a cost benefit analysis of installing some wind and solar capacity and weaning the city off the coal portion of our mix as our contract is renewed with BPA? We have acres of roofs (city owned and large commercial structures like the freezer), and several significant easements where solar panels or small wind could be installed. This would be city owned power, and could lead to true community independence and resiliency. We could partner with PNNL and Energy NW to do research and learn from what we install. P. 49 UE Goal 5 Policy 4 We need MUNICIPAL BROADBAND!! For a community with our brain trust we should expect the best and assure access to our low income neighbors so they can meet their highest goals. We own the easements because of our electrical utility, it's silly to rely on the HORRIBLE cable companies – even if we had several, which we don't. http://muniwireless.com/2016/02/03/city-owned-fiber-better-model-for-cities/ P 50 Solid Waste Mgt. The City should look into building a waste sorting facility and recycling infrastructure as a business opportunity. Even if we have to ship recyclables to be reused for manufacturing, sorting them ourselves and keeping stuff out of our landfill could be a worthwhile investment. Also, if we had a Materials Recovery Facility here, we might be likely to find companies that would site here because of the availability of 'raw materials'. It's worth looking into.	This is intended for maintenance and street improvements. Thank you for your comment

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				P. 51 Energy See comment on p. 48 about city owned clean power. p. 52 Irrigation The city should be moving toward gray water infrastructure in new developments. Wasting treated water on my lawn (because I'm not on KID) makes me sick. It's totally inefficient in our desert environment. The sewer utility might have to be a different scale, and maybe it could only be done with commercial properties, but we should look into the areas in the Southwest that already do this. P 54 Capital Facilities Goal 1 & 4 The sprawl the city has already set up is pretty significant. How can we better serve south Richland and that ridiculous Badger Mt. South? Perhaps the City could purchase properties across from Yoke's and put another pool, a little wetland park (because there's a wetland) and a library annex. A pedestrian crossing over Keene would make it an expansion of Badger Park... or perhaps this could go between Cherrywood and the ridge. Not all of us belong to Meadow Springs or Hills West Pool! P 55 CF Goal 6 Yes, please do. And also, don't mess up what's left! Remember, mitigation is almost never successful without a lot of TLC. p. 56 CF Goal 9 Schools Sigh... I disagree with schools buried in neighborhoods, it creates traffic problems. The city should work with the school district on Walking School	Using xeriscape principles can make a water-efficient landscape. See discussion under Urban Design. Thank you for your comment. We will consider your suggestions.

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				Bus and Safe Routes to School. p. 57 CF Goal 13 I generally feel very safe in Richland and think our police force does a great job. Parks and Open Space? There are no goals? We need more lacrosse fields. We can use football/soccer fields, but there just aren't enough. I personally would be fine with fields on the easement under the BPA line off Bellerive but probably the neighbors wouldn't like it. General Comment There were no links to the Appendices on the website. That seems problematic and puts us at a disadvantage!	Schools are generally located at central locations of neighborhoods in order to serve children in the neighborhoods. This also is intended to ensure children's safety. Sorry for any confusion this may have caused. Appendices are now available in the webpage: https://www.ci.richland.wa.us/compplan).

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Transportation					
30	Jim Kelly	10/4/2017	Rachel Road	The Rachel Road extension I fear will be disruptive and not in alignment with the "Amon Creek Phase I, 60.12 acres, Future use agreement" that Mike Mills helped authored in 2009. Connectivity is the key. Why isn't the BPA utility road being considered? As an example the BPA substation at the Southern end of Thayer is a good example of a city road providing access to a substation. The BPA access road at the South end of the Amon Preserve is adjacent to the railroad right-of-way and is the least disruptive to the Preserve. The BPA access road currently provides parking at the Southern end of the Preserve near the yellow gate. This parking along with the Claybell parking provides wonderful access to the Preserve. The proposed road will cut through the Preserve. I fear the proposed road would look like Columbia Park Trail between Leslie and the railroad overpass were I often see wildlife that have been hit by traffic on Columbia Park Trail.	Rachel Road expansion is being addressed in a separate public involvement process. A decision has been made by the City Council to construct this project.

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				Let's try and maintain the original intent of the agreement: "...the Amon Creek Property, in its present state, has significant natural features and provides critical habitat for fish and wildlife and should be managed as a public nature preserve providing opportunity for education, passive recreation, and quiet enjoyment by the public..." Please urge BPA and others to consider supporting an alternate route and maintain quality open space for future generations as the communities grow in South Richland.	
31	Albert Jacobs	11/5/2016	Traffic	Before you approve of any more housing or apartments you must solve the traffic problems on Keene and Queensgate.	City proposes traffic improvements and additional roads in this area
32	Judith Pardee	3/14/2017	Duportail Bridge	I am very concerned about the plans for the Duportail Bridge. I live in the Hills Community situated between I-82 and the proposed bridge. There is so much traffic going to the Walmart area on Queensgate that we residents cannot drive out of our complex; we are forced to use the back entrance which dumps into Duportail. When the bridge is completed, both of our access roads will be inundated with continuous traffic and we will be virtually stuck.	The process is under way
33	James Franz	3/14/2017	Traffic, housing	Ensure that development does not occur where traffic is routed through already established communities, and high volume housing imposes on already established communities. My example is the Willowbrook Community in Richland. Care should be taken to not allow the proposed Duane Smith apartment complex to be built on the adjacent land, as this will drastically reduce the value of homes in the surrounding area, and negatively impact the environment and enjoyment of existing residents.. Additionally, care must be taken to not allow a	Long a short term traffic improvements are proposed throughout the City that are intended to flow traffic in the arterial and collector roads. Rachel Road expansion was addressed

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				through-traffic-travel route through this community, when alternative routes exist that would keep through-traffic streets from being added in the community, in other words, the Racheal Road extension should be considered to impact the already established community and wetland as little as possible.. My opinion is that building more apartments is a negative trend, and that when built, they should not impose on already established communities. Thank you for your time!	in a separate public involvement process. A decision has been made by the City Council to construct this project. Cities are required to allow land use for multi-family housing/apartments in order to increase choices of housing. When they are developed, traffic volume and capacity are considered during the development review process.
34	David Orcutt	3/19/2017	Rachel Road, EIS	An alternative needs to be found to the Rachael Road extension. I'm very interested in seeing a comprehensive EIS on the apartments by Amon Creek.	Rachel Road expansion was addressed in a separate public involvement process. A decision has been made by the City Council to construct this project.
35	Carl Van Hoff	3/20/2017	Traffic	I hope that your near term and longer term planning address the traffic burden in the Queensgate area. Currently the bridge across I-182 is too small for the traffic, and the configuration of lanes is difficult. This will only get worse as more traffic is delivered into this area. This increase can come about as more businesses locate out here, and will certainly jump if the apple orchard is developed. The Duportail Bridge will help this issue -- a little -- but the traffic flow in the area within a half mile of the city shops really needs to be thought through, and provisions need to be made to enable the increased traffic to actually flow through the area in an orderly way. And while you're at the traffic flow issue, spend some time on the ground, experiencing the thrill of trying to drive from Walmart to Target. The hump in the road in the Gold's Gym area makes this a death trap.	Both the City and BFCG are in the process of planning for reducing congestion in several areas throughout the City. This will result in identifying future improvements. The planned Queensgate improvements address these concerns. See PW website for additional information on these plans, expected to be constructed in 2018.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
36	Jim Talbott	5/10/2017	Traffic	I believe, as many do, that we need to somehow enhance our downtown area. My thought is that a crucial part of this will be to LOWER the speed limits on Jadwin and George Washington Way, reduce them to 2/3 TOTAL lanes each, and add diagonal parking spaces. Obviously this would NOT enhance our current traffic flow, so at the same time, we need to make our "Bypass" into a true bypass - by Installing on/off ramps, over/underpasses, and removing all stop-lights. Between this and the new Duportail bridge, we'll be in good shape for the coming decades.	The City's transportation planning includes a robust focus on pedestrian and bicycle improvements, and is based upon available funding. Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements. There is no plan to reduce the # of lanes on GWay
37	Don Bachand	5/11/2017	Traffic	I have lived in the Tri-Cities since 1993, and have resided in all three cities each for several years over that time frame, currently in Richland. When I first moved here, I was working at Hanford, and now work for PNNL. In my opinion, the Transportation section of the plan does not go far enough to address the traffic issues on George Washington Way and the Bypass Highway during the morning and afternoon commutes. I am an engineer, and it is counterintuitive to me to have any traffic lights on the Bypass highway because they defeat the stated function of the road. In my opinion, one of the goals should be to eliminate traffic lights on the Bypass highway to the extent possible, to make it largely free-flowing. As it currently functions, it is faster for someone commuting from North Richland to Pasco or Kennewick to drive through Richland than on the Bypass. So not only is the traffic bad on the bypass due to the traffic lights, it makes traffic on George Washington Way and Jadwin worse. This not only reduces the quality of life for people residing in the downtown area who need to make a short trip across town, it also reduces the safety of pedestrians and bicycle riders. Eliminating traffic lights on the Bypass highway (in particular Van Giesen, Duportail, and Aaron Drive) requires two things: 1)	Both the City and BFCG are in the process of planning for GW Way to reduce congestion. This will result in identifying future improvements.

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				acknowledgement by the City of Richland and Washington DOT that although the Hanford workforce is shrinking, the volume of traffic isn't going to go away because other businesses are moving into the general area or expanding; and 2) support from the state level to fund overpasses. In closing, I feel that the traffic issues created by traffic lights on the Bypass Highway are the most significant traffic issues in Richland, which also effect residents of the other two cities. This is clearly evident by the All Day and Peak traffic counts shown in figures T-4 and T-5 of the Draft Comprehensive Plan. It is frustrating as a taxpayer to see state funding put towards widening Route 12 between the Tri-Cities and Walla Walla, with no attention on the traffic issues relating to the Bypass Highway, which impact many more people.	
38	Laila Krowiak	5/9/2017	Bike lanes and walkways	Richland had the potential to be the most pedestrian and bicyclist city in Washington. In other words, the most desirable place to live. In order to achieve this goal two things are important: making pedestrians and bicyclist comfortable with having the right of way and by training drivers to offer the right of way. This can be done by increasing bicyclist infrastructure that does not demand bicyclist to take risks, widening sidewalks on main roads, planting shade trees on main roads, decreasing the in city limits traffic speed to 24mph, and installing pedestrian lights at common crossing points. Doing so will benefit business as shoppers want a pedestrian experience as an alternative to the mall and strip malls. This is what Richland needs to be completely awesome and this is what families want.	Policies in the Comprehensive Plan promote bicycle traffic. Further details can be implemented at project level.
39	Ginger Wireman	No date	General	QUESTION – many of the Projects in the last Comp Plan (2009) seem to have fallen off the list. Connecting Comstock to Wellsian should be priority to make the neighborhood more walk and bikeable. It is unlikely most people will choose to walk to Fred Meyer	The projects indicated in the Comprehensive Plan are based on identifying deficiencies based on the established LOS, and addressing

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				from say, Benham and Jadwin, via Aaron or Stevens. They'll drive or wait for a ride. The City has an easement. This is a social/environmental justice issue. You are prioritizing roads in the wealthy neighborhoods (albeit ones no one wants built except developers) over roads that can give low income families the ability to safely walk to the store. With the closure of Albertson's, people are faced with walking out in the elements on Wellsian Way, or crossing GWay to go to WinCo. Neither is a great option with a cart full of groceries or a stroller. In the case of Wellsian it's a long walk with no shelter from the sun or wind. This proposed completion of Comstock to Wellsian is no longer in the Comprehensive Plan. Why? The City claims it wants to create a walkable city with complete streets (safe for walking and cycling). This is a perfect example of a place where it should be a priority connection. If not a street, at least a proper pedestrian/bike way. Also, would it be possible to work with Craftsman Tile (and the property owner) to gain a bike/ped easement from Benham to Wellsian too? 2009 Comp Plan Completing the sidewalk on Columbia Park Trail between Steptoe and Columbia Center Blvd. has also fallen off the planned list. Again this is a social/environmental justice issue. S. George Washington Way Intersection Improvements Table T-3 Please postpone or remove completely discussion of GWay intersection improvements until the City does a concerted effort to work with PNNL, Kadlec, USDOE and Contractors to improve the	deficiencies through short and long term improvements.

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				number of car and vanpools. It is unreasonable to spend almost \$10 million to accommodate mostly Pasco and Kennewick residents for a savings of about 15 minutes a day. The past proposals would damage successful businesses. The disruption to the neighborhood is a horrible idea. Please construct a pedestrian OVERPASS at this location. It could serve dual purpose, hanging traffic lights from it, welcome to Richland artwork, etc. Table T-3 Bellerive Drive Extension Is this funded from Hayden Homes developers fees? If not, why not? Table T-3 Queensgate Drive – Phase II The people do not want this road. Despite what council seems to believe, we do not have to approve these types of sprawl. The developer is not guaranteed maximum profit at the cost of ruining the safety and character of the surrounding neighborhoods. Also, why would it be so expensive (\$3.4 million) and will that come solely out of developers fees? Instead, prioritize the walkable/bikeable projects that improve the quality of life for a larger majority of residents. Table T-4 LONG RANGE TRANSPORTATION IMPROVEMENTS Queensgate North – DELETE! This will ruin WE Johnson park, and destroy too much habitat. Also, the cost of an additional bridge seems like something the public will not want to pay for – consider Duportail started out at \$9 million and is not	Each project is expected to mitigate environmental and other impacts.

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				\$35 million! Kingsgate South – Please work with the residents of Horn Rapids so that you don't ruin their neighborhood. Sound walls, lower speed limits, etc., should be part of any expansion of this route. SR-240 Widening While this may be necessary, please consider budgeting for a greenbelt along the highway to make the bike/walk path tolerable and not a horrible experience. SR-240 Pedestrian overpass at Columbia Center Blvd. projected cost (currently) is \$4 million. Suggest taking \$3.4 million from Alla Vista to Bermuda (which no one wants) to invest in the connection between the TC's "Arts and Entertainment District – Toyota Center, Hotels, etc. and Rivershore/Bateman Island. It is 1.5 miles from the Red Lion to the overlook at the Wye. It should be an easy walk for visitors to get to the river without having to get in their car. If you sat in a convention hall all day, would you want to get in your car to drive to a river which is right nearby on your maps app? No of course not! And, if you don't care about convention goers, how about the visitors at the Holiday Inn Express, paying Richland's hotel motel tax? But really, this is a social/environmental justice issue. The people in the Island View neighborhood should be able to safely walk or ride bikes to Columbia Center, etc. Gage Blvd. and Badger Mt. Parkway. REMOVE Stop trying to turn neighborhoods into arterials! People who want to live close to the mall should buy a house close to the mall. Those of us who live in these	Existing Columbia Park Trail and other on-street trails are indicated in Island View area in map T-6

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				neighborhoods should not be overburdened by the additional traffic these two proposed roads would bring in from the back side of Badger. Those people should get on I-82 and use Clearwater. Gage Blvd. has nowhere to expand and already has too much traffic between Leslie and the Mall many days of the year. Columbia Park Trail/Leslie A traffic circle (yes, I believe in them) would be a much better alternative at this site if the space can be made available. Also, this should be a much higher priority. Horn Rapids Industrial Area The development of the freezer at Horn Rapids is already heavily impacting the quality of life for residents of Horn Rapids. The City needs to meet with Horn Rapids homeowners and those at the RV park too, and enforce some standards of behavior for the commercial traffic. Truckers are spending the night alongside Kingsgate, ruining the shoulder and one wonders where they are relieving themselves. The neighborhood of Prestwick, near the entrance of HR is a nice neighborhood occupied primarily by folks over 55. The additional sound, light and noise occurring could dramatically decrease their property values.	

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40	Len Pavelka (Transportation Planner, Benton-Franklin Council of Governments)	8/14/2017	Funding	Two of the mandatory elements - Transportation Facilities and Services, and Finances, as incorporated into the Report, are the framework for this letter. Section (6) of RCW 36.70A outlines the necessary components of a transportation element, within Section (6), Subsection (iii) address facilities and services, while Subsection (iv) addresses finance. The Transportation Facilities and Services section of our report echoes Section iii, which requests specific narrative on components of the transportation system and actions taken in the Plan. These topics will need to be discussed between BFCG and Richland staff. I believe in some instances maps are intended to be used as an explanation and I wonder if a citizen could grasp the intent of a map over a paragraph of explanation and a list. Financing asks "Does the plan provide an analysis of the jurisdictions funding capability?". I would have to answer No. Subsequent questions in this section follow from the first one. Financing capability to fund current and future identified need should be addressed in the	The City plans to continue discussion with regional agencies on the transportation system. Financing is based the Transportation Improvement Plan, Capital Improvement Plan and the City's budget. Financing for long term projects will come from a variety of sources, including impact fees,

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				plan and I could not find such a discussion in this update. I believe a purpose of a Comprehensive Plan is to provide citizens, council members and city staff with a knowledge base for an informed discussion of a city's future. Richland has a very good base to work with, but some details need to be ironed out.	developer construction, City General Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.
Land Use					
41	Robert Benedetti	4/10/2017	Open space, housing, development	I think this plan needs focus and integration. All of the elements cannot be done in a vacuum. They must be integrated and supportive. Many of of Richland issue center around a lack of priority and vision in our planning. This parallel element approach leads to division in our community and government leadership. A good example is all of the fight surrounding the Hayden Homes development and the Amon Basin Preserve conflict over the extension of Rachael Rd. This road extension was put on paper because it was meant to serve a purpose in the future that in reality it could not do. Our planning should start with a vision of our community that starts with what every citizen would like to see and then supported with other important elements. – 1)Example for: North Richland residence would like to see the Shore line of the Columbia and Yakima River, as the city expands, remain with full access of the shore line by the public and possibly wild life areas first, second limit commercialization on the shoreline. – We do not want these public asset sold under the name of Economic development. – Like wise the South Richland City citizens want out special physical attribute Ridges and remaining wet	Priorities are identified in the vision and values developed based on community visioning processes.

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				lands and wild life area saved for public use and not used as an asset to be sold under the name of business development. – 2) Diversity of housing without degradation of standards. Our low cost housing should not be relegated to areas that are basically degrading to one's self-image. For example low cost housing plots lot next rail road tracks and huge power stations. – 3) Next comes our Economic Development Vision and I believe that is clearly what we do not want to become. We don't want to become the mid to low tech industrial side of the Tri-Cities as Pasco is quickly becoming. Vineyards are wonderful but that is not the Economic development core that we should be seeking, it should be Science and Technology. Our assets are many, PNNL, the Hanford site, Education, Health (Kadlec as a resource) center of neurological and genetic research, sport fishing etc. Once the top visions are set then everything should fall in place to support them; Roads, Housing, infrastructure, Schools, Parks and recreation, business development investment and on.	
42	Claudia Johnson	7/14/2017	General	Land use--All of Badger Mountain should be protected in perpetuity--and not be approved for residential on the Southern part--as your maps show. The river front property that Doc Hastings is trying to get back from the Feds--should be protected and if ever developed--done so with complete permission from ALL of the tribes in the area--not just one or two. Downtown should reflect our strong Native American heritage--the fact this was Indian land. Rural areas, particularly around Kennedy (Ray's French Orchard should be put in an agricultural trust so that is always an orchard with trees. The city should work w/the family--it should never be zoned for commercial. Richland needs to start	Badger Mountain Centennial Preserve is preserved in perpetuity. Badger Mountain South Sub-area Plan is an adopted plan north of the Preserve. The Orchard area is owned by DNR and leased to the orchard. It will be between the owner and lessee on how long the orchard use is intended to be continued.

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				a Public Housing Authority--relying on Habitat excludes those who are not church goes--that is illegal. Also, the city needs to up the % of land that goes to high density housing to 10-15% or so. Right now it is a less than 2 person. People who work here should be able to live here--and not have to commute from Pasco or outside Richland if they work in service jobs. Also a lot 5-10% of land for use by non profits--so there can be child care centers. Transportation the plan pays lip service to trails and walking, but if the city keeps building roads and roundabouts--then it is lip service. The city needs to connect the busline on Keene (39) and make it go all the way to Hanford High. Righ now it stops at Lee. If the line was complete to HHS and to the Lab, there would be less cars on the road. Add an express service also during peak hours--and keep that line running until 12 midnight--so that the WSU students who live in S. Richland can come home on the bus. People who work at night will be safer in the bus/train than driving at night. Parks--set aside more land in trust for non development. Protect the Queensgate trail. Don't connect Queensgate to Shockley--don't make that a super highway coming from Kennewick (Gage) all the way to Queensgate. That will destroy S. Richland. Stop building Diary Queens and fast food joints--bring in Trader Joes, and independent stores--not burgers, and pizza, and fast food. Build community gardes around the city. Require all developers to alot 10% of the land they develop to gardens and common outdoor areas. Require that people move to xeriscape by a certain year--each year inceasing a % of land that is xeriscaped. Encourage solar 44anel. Give tax credits for people to do this. Encourage Tiny houses instead of single homes--and provide temp housing in tiny homes through a Voucher/PHA program. Don't	Comments noted. Many of these need to be coordinated with other regional agencies.

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				approve developer plans with homes with garage in the front--those increase crime. Require garages in the back--so that the front is open and visible.	
43	Brenda Wiesner	7/23/2017	Downtown	We really need to have mixed use facilities in downtown Richland. It's time for this. We need housing above businesses. We need office and art space above businesses. We need Central Richland to be a hub for shopping housing living. We need to have senior housing above some of these businesses the so that seniors can walk downstairs go have coffee and lunch do some shopping walk to the river, be close to doctor's office for medical visits, Etc. We need to preserve as much land as possible and increase density in Central in downtown Richland. Green spaces, more mixed-use, and density.	These ideas are promoted in the goals and policies.
44	Francesca Maier	8/5/2017	Schools	2. Schools. This section is extremely weak. There is strong evidence that concentrated poverty leads to poor education outcomes, and that ALL students thrive in diverse schools. The relationship between land use and healthy, excellent schools is clear. The vision statements and policies for schools need to protect the vitality of the neighborhoods around the schools, and creating diverse, mixed-income neighborhoods is critical to ensuring that ALL of Richland's schools are excellent. Currently, four of Richland's schools have Title 1 status, and their neighborhoods will continue to decline, while the schools perform worse due to concentrated poverty. Add a community goal that "Richland's schools are economically and ethnically diverse, providing neighborhood stability and excellent education outcomes for all students."	Updated
45	Ginger Wireman	No date	Library	If the City were visionary, they could use the the land across from Yokes across Englewood/below the water tower, and put a library annex and maybe pool on that property, with a nature park in the wetlands. Alternately the large parcels on Brantingham would be	

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				good, but are not in public ownership.	
Parks and Open Space					
46	Robert Rosselli (President Friends of Badger Mountain Board)	4/12/2017	Open space	We, the Friends of Badger Mountain Board, appreciate the opportunity to comment on the City of Richland's Ten (10) Year Comprehensive Plan Update. Our mission is to preserve and protect our local ridges which provide natural open space, scenic views, educational walks and recreational opportunities for local residents. Upon reviewing the plan, it turns out that our mission is completely in sync with the views expressed by Richland residents in response to the two latest community based surveys conducted by the City. The first community survey, taken in 2015, was summarized in the following manner: "protecting open space was the main message reiterated throughout the comments received. Unlike previous surveys most comments discouraged development." The second relevant survey was completed in October, 2016. This survey was specifically meant to gather resident input to assist in the development of the updated 10 year comprehensive plan. Again, the message was clear: protecting and preserving natural open space was a recurring theme and one of the top three conclusions specified when residents were asked to rate-how would you like to see Richland in the next 20 years?; what do you like most in the City?; identify the things that need improvement?; and finally, what do you like most within the city? Given the priority of the responses, it appears to us that the citizens of Richland want and expect to see more natural open space in any future land use plan. However, the present January, 2017 map with land use designations is not congruent with the desires of your citizens as stated in the above mentioned community surveys. If you examine the map the availability if existing	Natural Open Space land in Columbia

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				natural open space is further diminished in areas where large swaths of natural open space currently exists. Here are two examples of this situation: the natural open space of Columbia Point South is diminished by designating some of the land available for commercial development; and the natural open space of Little Badger Mountain and the area surrounding the mountain is further constrained by more residential development without providing for an open space corridor for soft surface trail development. Given the disparity between the survey results and the draft plan, the open question is: are you truly listening to the feedback provided by your residents as you update this plan? Over the past 10 years there has been significant commercial and residential development throughout Richland. The citizens are now saying enough is enough. They and we now need and want a more sustainable balance in the community by preserving all of the remaining natural open space within Richland's boundaries. There are, among others, two great opportunities to fulfill the wishes of residents and this organization and provide more natural open space. These opportunities are: preserving the areas not currently developed on Little Badger Mountain as well as the connectivity space through the saddle to Badger Mountain and leaving Columbia Point South exactly like it is today. We are available to answer any questions or to discuss our concerns further.	Point South is not proposed for change. The originally proposed "Commercial Recreation" is now modified with less intense "Urban Recreation" land use.
47	Janet Davis	4/20/2017	Open space	Please add something to the Comprehensive Plan Update that will protect the land adjacent to Willowbrook on the east (property currently owned by Duane Smith). This property borders the Amon Creek Natural Preserve and contains wetlands determined by the Washington Department of Ecology to be "high	Wetlands are regulated for protection under the Critical Areas Ordinance.

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				value wetlands". This unique area desperately needs protection. An ideal approach would be for the City of Richland to purchase the property from Duane Smith. (He might be a willing seller after realizing he cannot build an apartment complex there without writing an Environmental Impact Statement.) The property could then be added to the Preserve with Tapteal Greenway continuing their current role of caring for it accordingly. If we want Richland to be the best it can be and fulfill its goal of protecting natural habitat within the city limits, we need to protect this property as well as other sensitive and critical areas.	
48	Launa Morasch	4/20/2017	Open space	One of the goals identified for the Parks and Rec Dept is to protect natural habitat within the city limits whenever possible. I believe the city has a once-in-a-lifetime opportunity to preserve just such an area within the city limits. It would provide opportunities for young and old alike to enjoy native habitat and wild life the may not be able to enjoy in other areas of our city. The area is located between the Amon Creek Nature Preserve and Claybill Park - a perfect area to link these two recreation areas. The 14 acres is currently owned by Duane Smith, but I think the city could purchase the land with the intent of preserving its natural habitat. Yes, I understand that money is tight. However, the city could make the down payment on the property and citizens can create a nonprofit agency (like "Friends of Badger") to solicit funds from local businesses, people, and clubs. If we want to make Richland a "livable" place to attract business and their employees, we need to take every opportunity to preserve what is essentially a gem of natural habitat in our city. The housing developers nearby have already confirmed the benefit of such an approach when they agreed to allow land by the Amon Creek Nature Preserve to be put aside for the benefit of the residents surrounding the area. Please include this	The area is located between the Amon Creek Nature Preserve and Claybill Park is currently designated NOS and DOS. Thank you for your comments. We will consider your suggestions.

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				recommendation in our new Comprehensive Plan.	
49	Carl and Debby Berkowitz	8/14/2017	Open space, parks, Columbia Point South, EIS (#4)	According to Richland's adopted "Tri-Cities Rivershore Master Plan", the Yakima delta region is the 'environmental heart of the Tri-Cities' and all of Columbia Point South is recognized as an Open Space area. As evidenced by surveys, open houses and written comments taken during the Comprehensive Plan update process, the citizens of Richland highly value their parks and open space areas including their waterfront parks and natural areas. During this very open public process in which all citizens had multiple opportunities to provide input, the overwhelming majority of comments received to date (both written and at open houses) in response to the city's request for input on plans for Columbia Point South favored keeping the entire space as a natural area with a secondary preference for keeping part of it as a natural area and part of it as a developed park. In addition, the Richland Parks & Rec Commission recently had a unanimous vote in support of maintaining the Developed Open Space designation instead of the (then proposed) Commercial Recreation designation for the upland area while leaving open the possibility for future cultural uses by the tribes. Recall also that a majority (55%) of Richland voters voted to voluntarily tax themselves to preserve open space in Benton County in the Conservation Futures ballot resolution in Nov. 2014. Finally, please note that the decrease in amount of parkland per 1000 population over the next 20 yrs. is inconsistent with the expressed interest of the community to preserve and expand open space. Question: Given clear sentiments from citizens for their vision of the future of Richland, as expressed through the open and public Comp Plan update process and other indicators of their support for open space, how can the City justify removing Columbia Point South land from its park system? Clearly, the strong	Natural Open Space land in Columbia Point South is not proposed for change. The originally proposed "Commercial Recreation" is now modified with less intense "Urban Recreation" land use.

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				preference of citizens is to keep all of Columbia Point South as a natural area. However, if the Urban Recreation zoning does go into effect, the City should at least consider the following comments, concerns and questions: 1. The proposed Urban Recreation district in the Municipal Code (RMC 23.30.050) codifies the City's relationship with just one tribe, the Umatillas. Question: Why aren't all the interested tribes (including the Yakamas, Nez Perce, Wanapum, and Colvilles) included in the distribution of the cultural resource surveys? Question: The City has noted that the Umatillas have concerns about the future of Columbia Point South; for the public record, what are these concerns and what is the City doing to address them? 2. More attention needs to be given to how the proposed uses in the Urban Recreation zoning at Columbia Point South impact the ecologically critical area of the Yakima delta. WDFW shows all of Columbia Point South (along with the Yakima River delta area and other areas along the Yakima River) as a Priority Habitat, and specifically "Biodiversity corridor. Area of mixed riparian, wetland, and shrub-steppe. Used as migration corridor by mule deer. Bald eagle foraging. Important shorebird migration area and waterfowl wintering." (Note that this is in contrast to the statement in the EIS that Columbia Point South has no Priority Habitat.) Upland habitat is also important to many of the shorebirds, songbirds, raptors, mammals, and reptiles that frequent the delta. As proposed by WDFW in their July 10, 2017 comment to the City, setbacks from the shoreline and wetlands to the Urban Recreation area larger than those proposed by the City would minimize impacts to wildlife while still leaving an ~300 ft wide corridor at the north end of Columbia Point South for development.	1. The City has notified all related tribes about this proposal. Concerns from Umatilla Tribe are mentioned in comment #of the part 1 responses. No other comments were received. Thank you for your comment.

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				3. With the great decrease in easily seen views of our beautiful shoreline, we urge the city to adopt building standards that would preclude further blocking views of both the natural area and the river from I-182. Any buildings in Columbia Point South should be restricted to a height such that they would not impact views into this area (and, in any case, no more than the proposed 40 ft height limitation). 4. The EIS doesn't consider the impact of buildings on birds. Since the Yakima River Delta is a major bird breeding area and the Columbia River is an important migratory bird route, the City should require bird friendly building standards in the Urban Recreation zone (e.g., see the American Bird Conservancy's publication, "Bird-Friendly Building Design" and updated information at collisions.abcbirds.org). 5. To further maintain the natural feel of this open area in our growing urban region, dark sky standards should be applied to the lighting requirements for all facilities at Columbia Point South. 6. Before vehicular access to Columbia Point South was blocked in the 1990's, much damage had been done to the shoreline, wetlands, and shrub steppe areas by ORVs. Therefore, private vehicles shouldn't be allowed at Columbia Point South and motorized vehicular access should be by shuttle only, with most access along ADA certified trails, asphalt bike paths or designated horseback trails. Since being closed to motor vehicles, Columbia Point South has started to heal with native vegetation starting to return to the upland area. The existing 'keep out' boulders won't block all vehicular access to the very sensitive delta area. But limiting vehicle access to shuttle service would minimize the return of this potential problem of damage to critical areas by ORVs. Question: How does the City propose to minimize vehicular damage to the	3. Development standards can be prepared as a separate process. 4. Discussion has been added in the Comprehensive Plan and EIS to address this comment. 6. With the proposed revised zoning, vehicular access could still occur, but to a limited number. Traffic volume and capacity will be analyzed during any development.

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				critical areas of Columbia Point South? 7. There is not much room for even a rural standard road with bike path and storm water ditches under the I-182 bridge (Note: the eroding bank would further limit the maximum possible width). An important safety issue is also related to having only one vehicular exit from Columbia Point South. Not allowing overnight camping would decrease this risk. Question: But more generally, how does the City propose to address this safety concern in its development plans? 8. The addition of impervious surfaces and irrigation at Columbia Point South will result in surface water runoff to ecologically sensitive areas. To minimize the damage, the City should require use of native plant landscaping and native habitat restoration for all construction projects. The city should also require that any storm water retention basins be placed outside the natural open space areas and that they be planted with native vegetation. 9. Because of its historical context, one of the most intriguing uses for the Urban Recreation District is establishment of a traditional trading post - with the definition being consistent with the term as it has been historically used, i.e., a building at which locally produced foods and handcrafted or traditional items could be sold. Cultural heritage uses could also be established, but should be limited to those that would not require vehicular access (other than shuttle service) and those that don't require overnight camping (as discussed above). Other uses such as lodges (which sounds like another term for a hotel), restaurants, health spas, specialty shops, and outdoor theaters are already found in many other places in the city; Columbia Point South should be reserved for more historical tribal or environmentally oriented uses. A traditional trading post might be supplemented with a	8. Should be addressed through development regulations and permit process.

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				small educational kiosk, and possibly a small playground area – all near the bike path and with access by ADA foot/asphalt bike/well marked horseback/shuttle access. Doing so could increase the use of Columbia Point South in a way that minimizes disturbance to this important natural area.	
50	Ginger Wireman	No date	Open space	p. 29 Natural Environment Again, wetlands are not shown on the maps. Also, the city has consistently NOT used the best available science. Or even common sense. When you build on a wetland, people end up with wet crawl spaces. Like in Applewood! As Debbie Berkowitz suggested, the wetlands are clearly visible on aerial photos. p. 29/30 Natural Areas Why is Amon Basin left off of the natural areas list? Did you hope we'd forget our most valuable wetland outside the river corridor? PLEASE ADD! p. 32 Land Use Environment and Sustainability "Richland's built and natural environment is maintained through multiple design and environmental protection approaches. Its natural resources are protected under the Critical Area Regulations, ..." except where they are left off the map. Also, building on basalt outcrops and very steep slopes while feasible from an engineering standpoint, should be avoided.	Maps are updated Additional discussion on Amon Basin Natural Preserve is added in the Comprehensive Plan
51	Ginger Wireman	No date	Parks	Richland should be extremely careful when deciding whether to take a land set-aside or cash from developers. In the case of the Drollinger development off Duportail, we were screwed. It's a gravel pit and I don't see the City planning to improve it for soccer or lacrosse fields any time soon. The set-aside Bauder is promising is not a great gift if he expects volunteers to	

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				build a trail on a steep slope. The kids that live in those houses would be better off with more fields and a south Richland PUBLIC POOL Please prioritize additional Lacrosse fields. It is a growing sport, while soccer and baseball are probably experiencing level enrollment. We desperately need a full pool in south Richland. Not all of us can afford Hills West or MS Country Club and we do not have any other lap pools. George Prout is not convenient for kids to be able to get themselves too-from on their own.	Parks and recreation needs are assessed based on demand, and the City is working on meeting the demand for various recreational facilities.
Environment					
52	Gretchen Graber	9/7/2017	Sustainability, urban farming, parks	Concept of sustainability should be part of every working group or commission. Regardless of the working groups subject -sustainability should be part of every new idea or partnership the city engages in. There is a lack of leadership expertise in the area of sustainability and sustainable thinking in the city, please hire professional sustainability experts/consultants. If the city has not recognized this and is not working towards a sustainable ethic it is being negligent to future generations. Utilities should be partnering with solar technology, not just PV cells but passive solar hot water heaters, for lo, medium and high income consumers. Stop building homes that do not have a solar component of some kind. Take pride in our sunny weather, market it to new community members and business'. Create a solar demonstration and education park/community center, that demonstrates how to replace high-water use landscaping. – Put women in managerial positions. – Hire effective people, to include women and other pragmatic thinkers. Stop hiring fast-talking, do-nothing, my way or the hi-way people. Hire people	The City currently offers low-interest loans to promote the use of solar power.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				who understand science, environmental thinking and sustainable development. – Talk about climate change. Address the changes we can expect and how to prepare for these changes. – Public leaders who are doing business as usual, at this point, are irresponsible and I would argue unethical. – Support economically disadvantaged families by creating incentives for solar energy via solar panels AND passive solar hot water heaters. Hire someone who knows about practical applications for solar technology use. If each low-income alphabet house had a \$3500 solar hot water heater installed they could have more money to pay their other bills and to spend in the local economy, instead of going to the food bank and getting unhealthy food that causes disease. – Can the city donate land to grow healthy organic food to give to the food banks? Want to decrease tax payer dollars on disease, get people to eat healthy food, make healthy food cool. Create internships that focus on sustainable changes that need to be made. – Create a recycling program. – Partner with PNNL to install solar hot water heaters in blocks of houses in low-income alphabet housing neighborhoods. – Hire a sustainable landscape expert to plant trees that increase heating and cooling efficiencies in individual homes. – Create partnerships with local non-profits for small 3-5 acres farms that should be incorporated into each neighborhood. – Horticulture therapy is well known for stress -release, reduction in violence and other social ills, like stress	The City has a recycling program. Please see the Solid Waste Management subsection.

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				and anxiety. Small sustainably managed gardens/farms create clean air and water. Take a stance for sustainability. – Engage CBCC/WSU campus in sustainable engineering projects. – Stop crowding and ruining our best downtown locations with chain restaurants that create obese and diabetic citizens. – Benton Franklin Counties have the highest rate of diabetes IN THE STATE! – Create a sand beach on the Columbia river. We live in the desert, surrounded by rivers and sand dunes but have no beaches. Create a nice beach and swim area in Richland. – Create a 50 year plan that incorporates green/open space, parks, sustainable and affordable housing, green corridors that pedestrians and bicyclists can maneuver through. Plan schools so they can be connected to natural or open space.	
53	Janet Davis	3/21/2017	Critical areas	SUMMARY: Richland should provide (a) a system for public input on identification of critical areas, including community treasures, and (b) protection of community treasures. The City should provide a system for public input on identification of areas in Richland that should be protected as critical areas. This would include areas in the commonly known critical area categories (wetlands, aquifer recharge areas, flood plains, geologically hazardous areas, and fish and wildlife habitat conservation areas) as well as areas with historical, natural, cultural, and educational significance – our community treasures. It looks like the City is doing a good job of identifying critical areas in the commonly known categories. Allowing public input would increase the chances that all critical areas are identified (e.g., a geologist may gain new knowledge	Map has been updated to show critical areas.

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				that shows a previously unidentified area to be geologically hazardous). The public should also be able to identify community treasures with historical, natural, cultural, and educational significance as possible critical areas. To repeat a concept in another comment I submitted about critical areas, it is important that critical areas of all types be identified early on, to allow for efficient growth management decisions. It wastes developers' and the City's time if critical areas are identified late in the planning process. We can't allow financial, development, and political pressures to "take over" when critical areas have not been identified up front. An online submittal process would be nice. A simple process for considering the submittals would also be necessary. Perhaps the first submittal to the system could be the Keene Road wetland, which needs to be designated as a critical area in the wetland category. It was nice to learn at the open house that the area by the river below Duportail St with the visible layers of ice age flood deposits is now designated as a critical area because of its steep slope. That area is also a prime educational area, since it shows the ice age flood deposits so clearly - it is truly a community treasure. Thank you for the opportunity to provide input! NOTE: The "community treasures" aspect of this comment is based on a checklist ("Ten Questions to Ask About Your City's or County's Comprehensive Plan") by Futurewise – a Washington State organization that was founded to support implementation of the Growth Management Act. Item 8 on the checklist is: "Does the plan encourage maintaining key aspects of your community that make it special? This could include landmarks, views,	Area near Durpail St is proposed is proposed for Natural Open Space land use.

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				access to a river or lake, or other important community treasures.” If it is inappropriate to use the critical area system to protect community treasures, the comment is still relevant – the City should provide a system for public input on identification of community treasures. The City should also have a system for protecting community treasures. The Comprehensive Plan should address the identification and protection of community treasures.	
54	Francesca Maier	8/5/2017	Climate change	1. Climate Change – the Comp Plan does not address the City of Richland’s need to prepare for the impacts of climate change. Contingency plans, emergency response plans, and rainy day fund need to prepare for more frequent flooding, drought, wild fires, large snowfall or ice events, etc. Add a community goal that “Richland is a city that is resilient to climate change impacts.”	Thank you for your comments. We will consider your suggestions.
55	Ginger Wireman	No date	Climate Change	SUPPORTING ANALYSIS AREA 1 CHALLENGES AND OPPORTUNITIES – AREA 1 - We must have Climate Resiliency to be economically resilient. Increasingly bizarre weather patterns, summer flash flooding in particular, but potential water scarcity and temperatures which cause work stoppages, will hurt our economy. At the HAB meetings this week we found out that last week 7 workers in the tank farms alone, suffered heat illness at Hanford, four required an ambulance. What happens to landscapers and construction workers?	Thank you for your suggestions. We will consider your suggestions.
Utilities					
56	Ginger Wireman	No date	General	SOLID WASTE	

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				the practice of charging a one time fee for a second trash can and charging extra each month for curbside bins is asinine. AT Minimum charge for extra garbage, not recyclables. Even if there's no net benefit from a 'carbon footprint' perspective recycling extends the life of our landfill and saves us money there. It is nauseating to see homes with trash cans overflowing with cardboard when we don't even fill our trash bin most of the time. Utilities- electrical Happy to see the City is still offering loans for net metering. Wish the city would invest in our own non-hydro, non fossil power. We have acres and acres of public and private rooftops to do community solar atop! City Shops, WalMart, Freezer, Police Station... you name it. Utilities CABLE It would be great if Richland installed community owned broadband. We have a decent percentage of people for whom Charter is cost prohibitive. If we didn't already own the electrical utility, that would likely be out of reach. But we do, so easements are readily available. It could level the playing field and better support the growth of STEM in our homes, giving the kids computers at school that they can't use at home is kind of pointless. https://www.consumerreports.org/municipal-broadband/are-city-owned-municipal-broadband-networks-better/ Irrigation	Thank you for your comments. We will consider your suggestions. Thank you for comments. We will consider your suggestions.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				Be careful with KIDs effort to gain control over Amon. They use it as a discharge point, but they did not BUILD the landscape. The landscape was already there. The creek provides a valuable recreational amenity and potential learning spot.	
Housing					
57	Carina ICJ Mitchell	7/18/2017	Type, EIS	I have lived in Richland for 23 years and I've been pleased to watch it grow. As an engineer and a student of public policy I know that for a community of this size it's critical to manage growth and development in order to balance the needs of people and protect the delicate environment that sustains it. And so I am pleased to see that Richland has embraced Washington State's goals for urban planning. I have read the comprehensive plan. I think it has done a thorough and reasonable job at evaluating Richland's options for the future. I would like the city to know that I strongly support Alternative 3 (emphasis on high- and medium-density housing). I currently live in North Richland, near the Van Giesen-Jadwin intersection, in one of Richland's very few high-density zones. Over the past months I have noticed increasing criminal activity and police presence. I think the fact that it is nearly the only area of the city where lower-income individuals can access, it has concentrated the poverty, and therefore the motive to commit property and drug-related crimes. I think adding more high-density and medium-density housing will help alleviate the pressure and make this	Thank you.

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				neighborhood safer. Long-term urban studies conducted by HUD, as well as independent advocacy groups, have shown that mixed-residential (where low, medium, and high-density housing are in close proximity or zoned together, supporting a certain percentage of subsidized housing) provide better opportunity for low-income households to succeed. These communities have improved social integration, more resident involvement in local matters (such as school boards), and lower overall crime rates, all of which lead to more stable local economies. These mixed-housing zones often result in localized business growth as well, because such populations provide a good income base for commercial expansion. That alone, I believe, is reason for Richland to enact this plan. However, there are other reasons which the report spells out clearly as an advantage of this planning strategy: increased open space for public use, more efficient use of utilities, less environmental impact overall, and more efficient transportation opportunities. High- and medium-density housing is likely to promote the use of public and shared transportation options, which has the potential to help ease congestion on our city roads (particularly if there is localized commercial growth in these areas as well). All of these issues are critical ones Richland will face as the population continues to grow. Thank you	Mixed uses and housing for all income groups are promoted in the goals and policies.
58	Ginger Wireman	No date	General	HOUSING ELEMENT There is no admission that much of the housing stock is in pretty bad shape. While HE Goals in the Comp Plan suggest code enforcement, we must acknowledge the problems, and address residential decay so that we can find a way to solve it. Another issue that should be of concern is that vacant houses lead to dying trees. In our climate the loss of a	

#	Name/Affiliation	Date	Sub-topic	Comment	Response
				shade tree is a very sad thing and contributes to heat island effect and higher energy demand.	

August 30, 2017

Ms. Amanda Wallner, Chair
City Richland Planning Commission
505 Swift Blvd., MS-02
Richland, Washington 99352

Dear Chair Wallner and Planning Commissioners:

Subject: Comments on the Ten Year Comprehensive Plan Update.

Sent via email to: planningcommission@ci.richland.wa.us; rsimon@ci.richland.wa.us

Thank you for the opportunity to comment on the on the Ten Year Comprehensive Plan Update. Futurewise supports the comprehensive plan update. It is clear and well written and includes many good policies. We do have suggestions to improve the comprehensive plan identified below.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable, and opportunity-rich communities, and that protect our most valuable farmlands, forests and water resources. Futurewise has members across Washington State.

The Ten Year Comprehensive Plan Update includes many provisions we support

They include the following provisions in the updated comprehensive plan.

- The Urban Design policies. These policies will help Richland maintain its unique character.
- The policy of designating flood plains for agricultural and open space uses. Flood plains are poor places for development, Richland is wise to designate these areas for uses that are less likely to be damaged by flooding.
- Preparing an integrated environmental impact statement for the comprehensive plan. This can streamline environmental review for future projects consistent with the comprehensive plan.

We recommend the following improvements to the proposed comprehensive plan update to encourage smart growth, protect water quality, and enhance the community

We recommend that the density of the Low Density Residential and downtown comprehensive plan designations be increased

Carefully planned densities have significant benefits to cities, taxpayers, and ratepayers. They can also help protect water quality and reduce water demands.

Well planned higher densities save cities and taxpayers and ratepayers money

Low-density development leads to higher public facility capital costs.¹ Public facilities include streets, water systems, sewer systems, storm drainage systems, parks, schools, public works facilities, administrative facilities, fire stations and fire trucks, police stations, jails, and vehicles. Capital costs are the costs of building the public facilities.

In a study published in a peer reviewed journal, John Carruthers and Gudmaundur Ulfarsson analyzed urban areas throughout the United States including Benton County.² They found that the per capita costs of most public services declined with density and increased where urban areas were large.³ **Compact urban growth saves taxpayers and ratepayers money.** This study was published in a peer reviewed journal.⁴ This is consistent with other studies that found that low density development increases public utility operating and maintenance costs.⁵

Compact urban growth areas also help conserve water long-term

Large lots and low densities increase water demand, increase leakage from water systems, and increase costs to water system customers.⁶ So well planned, higher densities can reduce future water demands and costs.⁷

¹ Robert W. Burchell, Naveed A. Shad, David Listokin, Hilary Phillips, Anthony Downs, Samuel Seskin, Judy S. Davis, Terry Moore, David Helton, and Michelle Gall, *The Costs of Sprawl—Revisited* pp. 46 – 50 (Transit Cooperative Research Program Report 39, Transportation Research Board, National Research Council 1998) in “Part B” accessed on Aug. 29, 2017 at: <http://www.trb.org/Main/Blurbs/153808.aspx>

² John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 511 (2003) enclosed with this letter.

³ *Id.* at 518.

⁴ Environment and Planning B: Urban Analytics and City Science webpage submission guidelines tab accessed on May 23, 2017 at: <https://us.sagepub.com/en-us/nam/environment-and-planning-b-urban-analytics-and-city-science/journal203385#PeerReviewPolicy>

⁵ See for example the Natural Resources Defense Council, *Another Cost of Sprawl: The Effects of Land Use on Wastewater Utility Costs* webpage accessed on Aug. 29, 2017 at: <http://www.laondaverde.org/cities/smartGrowth/cost/execsum.asp>

⁶ United States Environmental Protection Agency, *Growing Toward More Efficient Water Use: Linking Development, Infrastructure, and Drinking Water Policies* pp. 3 – 5 (EPA 230-R-06-001: January 2006). Accessed on Aug. 29, 2017 at: <https://www.epa.gov/smartgrowth/growing-toward-more-efficient-water-use>.

⁷ *Id.* at p. 8.

Well planned higher densities can increase housing affordability

Well planned higher densities can provide lead to the production of more affordable housing.⁸ Not all higher density housing is affordable, but unless the number of units that can be produced on a given piece of land is high enough the development cannot be affordable. So density is necessary to produce affordable housing. Carefully increasing densities in Richland can enhance housing affordability.

More compact urban development protects water quality

“Development that uses land efficiently and protects undisturbed natural lands allows a community to grow and still protect its water resources.”⁹ The United States Environmental Protection agency modeled different development scenarios to determine their impacts on water quality. The modeling found that:

- The higher-density scenarios generate less stormwater runoff per house at all scales—one acre, lot, and watershed—and time series build-out examples;
- For the same amount of development, higher-density development produces less runoff and less impervious cover than low-density development; and
- For a given amount of growth, lower-density development impacts more of the watershed.¹⁰

Given these significant benefits to the community, to taxpayers and ratepayers, and the environment, many of our recommendations address the allowed densities in the comprehensive plan update.

Increase the density of the Low Density Residential comprehensive plan designation

The *Smart Codes: Model Land-Development Regulations* recommends that “[c]ity zoning ordinances should provide a significant portion of single-family zoning devoted to single-family development on lots of 5,000 to 6,000 square feet.”¹¹ The Low Density Residential comprehensive plan designation is the largest residential designation applied to the city. It requires lots twice as large as *Smart Codes: Model Land-Development Regulations* recommends, over 12,400 square feet. We recommend that the density be increased to seven units per acre or the

⁸ Arnab Chakraborty, Gerrit-Jan Knaap, Doan Nguyen and Jung Ho Shin, *The Effects of High-density Zoning on Multifamily Housing Construction in the Suburbs of Six US Metropolitan Areas* 47 Urban Studies 437 pp. 466 – 67 (2010).

⁹ United States Environmental Protection Agency Office of Sustainable Communities Smart Growth Program, *Protecting Water Resources with Higher-Density Development* p. 1 (EPA 231-R-06-001: Jan. 2006) accessed on Aug. 29, 2017 at: <https://www.epa.gov/smartgrowth/protecting-water-resources-higher-density-development>

¹⁰ *Id.*

¹¹ Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 34 (Planning Advisory Service Report Number 556: 2009) enclosed in a separate email.

Low Density Residential comprehensive plan designation not be applied to extensive areas of undeveloped land.

Increase the density of the downtown and mixed use comprehensive plan designations

The *Smart Codes: Model Land-Development Regulations* calls for zoning at least some of the residential land in the community at densities between 8 and 15 dwelling units per acre, with even higher densities provided for in urban centers such as downtown Richland.¹² The maximum density used in the land capacity analysis is 15 dwelling units per acre.¹³ We recommend that the comprehensive plan designations applied to downtown and other mixed use areas have a higher allowed density, 25 or 30 dwelling units per acre. This density can be easily produced by three or four story buildings.

Include a policy requiring low impact development in the comprehensive plan

As the *City of Richland Comprehensive Plan: Integrated Non-project Draft Environmental Impact Statement* documents, adopting low impact development (LID) requirements can reduce adverse storm water impacts of new development and redevelopment.¹⁴ Low impact techniques can reduce costs for developers by reducing storm water facilities sizes and the land needed for those facilities.¹⁵ We recommend that the comprehensive plan include policy requiring new development to comply with the with low-impact development (LID) requirements from the *Eastern Washington Low Impact Development Guidance Manual*.¹⁶

Include a revenues policy requiring low impact development in the comprehensive plan

RCW 36.70A.070(3) provides that the comprehensive plan capital facilities plan element must include “at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes ...” However, the capital facility plan does not identify projected funding capacities and funding sources for several types of capital facilities.¹⁷ Those are needed to comply with this requirement and to adequately fund the needed facilities.

¹² Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 34 (Planning Advisory Service Report Number 556: 2009).

¹³ City of Richland *Comprehensive Plan Supporting Analysis* pp. 21 – 24 (Aug. 30, 2017).

¹⁴ *City of Richland Comprehensive Plan: Integrated Non-project Draft Environmental Impact Statement* p. 41 (May 2, 2017).

¹⁵ United States Environmental Protection Agency, *Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices* p. 27 (EPA 841-F-07-006: Dec. 2007) accessed on Aug. 29, 2017 at: <https://www.h-gac.com/community/low-impact-development/documents/Reducing-Stormwater-Costs-through-LID.pdf>

¹⁶ The *Eastern Washington Low Impact Development Guidance Manual* can be accessed at: <https://fortress.wa.gov/ecy/publications/SummaryPages/1310036.html>

¹⁷ City of Richland *Comprehensive Plan Supporting Analysis* pp. 100 – 109 (Aug. 30, 2017).

Please address the other recommendations from the Smart Growth Audit Checklist

Attached to this letter, beginning on page 6, is a table with the Smart Growth Audit Checklist questions from the Planning Advisory Service's *Smart Codes: Model Land-Development Regulations* applicable to zoning codes. We have found this table helpful in reviewing existing and proposed zoning regulations and proposing improvements. We recommend that the proposed zoning update be amended to include provisions identified in the table and not already included in the zoning update. The table explains why the improvements would benefit West Richland.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 118 and email tim@futurewise.org

Very Truly Yours,

A handwritten signature in blue ink, appearing to be 'TT' or 'Tim Trohimovich'.

Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

Smart Growth Audit Checklist

The following table is adapted from Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* pp. 33 – 39 (Planning Advisory Service Report Number 556: 2009). Only the questions applicable to comprehensive plans are included and they are direct quotes from the report as are the “commentaries.” The other columns were prepared by Futurewise staff. A copy of *Smart Codes: Model Land-Development Regulations* is included in a separate email.

Topic	Addressed?	Reviewer Comments
Efficient Land Consumption		
Population and employment projections: Are they realistic in terms of regional and state projections?	Yes. ¹⁸	Benton County and the cities chose the high Office of Financial Management population projection.
Are housing unit projections based on a housing needs assessment?	No.	The only housing projection is for total housing units based on the adopted population projection. ¹⁹ This does not address housing demand by income level, housing type, or special needs housing. Some information is provided on the need for affordable senior housing which is helpful.
Is the amount of future residential land use shown on the land-use plan based on calculations of the number of acres needed for each type of residential land-use category and prevailing or planned densities (e.g., 200 acres of R-1 vacant land at 3 units per acre = 600 units; 75 acres of MR vacant land at 8 units per acre = 600 units, etc.), based on reasonable projections of housing units by type?	No.	The only housing projection is for total housing units based on the adopted population projection. ²⁰ This does not address housing need or demand by income level, housing type, or special needs housing.
Is the land-use plan efficient in terms of the amount of undeveloped land devoted to residential uses when compared with the projections of residential land needed?	Yes, but a large proportion of the city, 18.35 percent, is	There is enough land in the city and UGAs for all land uses, but a very high proportion of the land is designated Low Density Residential with an average density of 3.5

¹⁸ See *City of Richland Comprehensive Plan 2017 – 2037* p. 28 (Aug. 30, 2017).

¹⁹ *City of Richland Comprehensive Plan 2017 – 2037* p. 41 (Aug. 30, 2017) and *City of Richland Comprehensive Plan Supporting Analysis* p. 37 (Aug. 30, 2017).

²⁰ *City of Richland Comprehensive Plan 2017 – 2037* p. 41 (Aug. 30, 2017) and *City of Richland Comprehensive Plan Supporting Analysis* p. 37 (Aug. 30, 2017).

Topic	Addressed?	Reviewer Comments
	designated Low Density Residential.	housing units per acre. ²¹ Higher densities would be more efficient, better protection water quality, reduce water consumption, and improve transit service.
Direction of Growth (Inward, Not Outward)		
Do land-use policies favor an inward “direction of growth” toward existing developed areas (where such areas exist), instead of promoting or favoring new development on the fringe of developed areas (i.e., “greenfield”)?	No.	A high percentage of the new housing units, 44 percent, will be built at Badger Mountain South a greenfield site. Other housing units are also on greenfield sites. ²²
Does the land-use analysis identify in quantitative terms (i.e., number of acres and preferably buildout potential in numbers of units) what the potential is for residential infill development?	Yes.	The projections area limited to undeveloped land. There are no redevelopment projections. ²³ Please see the following commentary.
Are there specific policies that promote and encourage infill development (where such areas exist)?	Yes. ²⁴	
“Commentary: Efficient land use, or smart growth, means that undeveloped land within built-up areas should be used rather than left vacant, because it saves on the consumption of land at the urban fringe and often can make use of existing infrastructure (e.g., roads, water and sewer line capacity, etc.). Local governments cannot be smart about infill development unless they have provided an inventory of vacant lands that can serve as infill development sites. A land-use plan is smart when it studies the capacity of residential infill land (currently vacant or underused), determines the capacity of that land for new residential units, and poses policies, strategies, and regulations supportive of development on infill sites.”²⁵		
Does the land-use plan contain an analysis of redevelopment potential? If it finds there is redevelopment potential, does the land-use analysis identify what the redevelopment potential means in terms	No.	The comprehensive plan does identify the potential for redevelopment in the Central Business District, other areas, and for nonresidential redevelopment in Island View. ²⁶ An analysis of the housing units and commercial

²¹ *City of Richland Comprehensive Plan 2017 – 2037* p. 25 (Aug. 30, 2017); *City of Richland Comprehensive Plan Supporting Analysis* p. 21, p. 24 (Aug. 30, 2017).

²² *City of Richland Comprehensive Plan Supporting Analysis* p. 28 (Aug. 30, 2017).

²³ *Id.* at pp. 27 – 28.

²⁴ *City of Richland Comprehensive Plan 2017 – 2037* p. 12, p. 18 (Aug. 30, 2017).

²⁵ Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 33 (Planning Advisory Service Report Number 556: 2009).

²⁶ *City of Richland Comprehensive Plan 2017 – 2037* p. 19, p. 21, p. 23, p. 39 (Aug. 30, 2017).

Topic	Addressed?	Reviewer Comments
of new housing units and square footage of nonresidential development?		square footage that can be achieved through redevelopment is not included.
Does the plan recognize the need to reclaim and reuse any temporarily obsolete or abandoned sites (TOADs) and to clean up and reclaim for future use any brownfields?	Not explicitly.	The plan would benefit from policies related to brownfield cleanups.
Density		
Does the land-use element contain an analysis of developed residential densities and how they relate to planned densities and densities permitted by zoning districts?	No.	The housing projections say they used the “City’s average land use density,” but that was not explained or documented. ²⁷ There was no analysis of existing and permitted densities. Please see the following commentary.
“Commentary: Cities and counties should calculate the built residential densities (i.e., number of units per acre) of recent developments to get an idea of the average or prevailing densities being constructed. These figures on existing densities should be compared to the land-use plan for differences or inconsistencies. They should also be compared to allowable densities according to the various zoning districts in which the recent development is located. If actual (built) densities are much less than planned densities, or if actual densities are much lower than the maximum densities permitted by zoning district, residential development is not occurring efficiently with regard to land consumption and use of planned infrastructure. Smart plans bring actual (developed) densities in line with densities recommended in plans and allowed by zoning ordinances. In other words, if the number of residential acres consumed vastly exceeds the number of acres projected to be used during a given time period, it can be observed that residential growth has occurred inefficiently, counter to accepted principles of smart growth.”²⁸		
Do land-use policies encourage the establishment of minimum (not just maximum) densities to promote the efficient use of lands designated for higher densities? Alternatively, does the plan address any findings that density allowances in the land-use plan and zoning district have been underutilized?	No.	The comprehensive plan should include minimum density policies to improve housing affordability, protect water quality, and reduce water use.
Is at least some of the residential land in the community planned and zoned for densities between 8 and 15	Yes, but it is not clear the plan envisions	The comprehensive plan would be improved by identifying the densities for the urban centers at higher densities, 25 to 30 dwelling units per acre. The highest

²⁷ City of Richland *Comprehensive Plan Supporting Analysis* p. 27 (Aug. 30, 2017)

²⁸ Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 34 (Planning Advisory Service Report Number 556: 2009).

Topic	Addressed?	Reviewer Comments
dwelling units per acre, with even higher densities provided for in urban centers?	densities higher than 15 dwelling units per acre. ²⁹	densities in capacity analysis are 15 dwelling units per acre net. ³⁰ The comprehensive plan would be clearer if it explicitly included density ranges for each of the comprehensive plan designations.
Does the land-use plan propose a sequential, phased pattern of future development in areas contiguous to developed areas, so that a compact urban (or suburban) form can be obtained?	Yes.	The comprehensive plan does include an Urban Reserve comprehensive plan designation to phase growth. ³¹ Higher densities, especially for the Low Density Residential designation would make for a more compact urban form. Please see the following commentary.
“Commentary: Smart growth means that urban areas are expanded efficiently (only as much land is used as is needed), and in a pattern where new growth is abutting (contiguous to) existing developed areas. To develop in a contiguous and compact form means that scattered development and sprawl can be avoided. Sequential development also provides for a better return on the public investment in public facilities, and it reduces the linear footage that facilities must be extended.”³²		
Land Use		
Does the land-use plan designate areas, where appropriate, for mixed-use development?	Yes. ³³	The mixed-use developments would benefit from densities higher than 15 dwelling units per acre.
Do plan policies discuss opportunities and encourage the mixing of land uses at the building, site, and neighborhood levels?	No.	
Do the future land-use plan and zoning ordinance allow for compatible, small-scale neighborhood commercial uses (e.g., a corner store) adjacent to or within residential neighborhoods?	Yes.	Neighborhood commercial uses are provided for in LU Goal 4 Policy 3. ³⁴ The comprehensive plan would benefit from a policy on the distribution of Neighborhood Retail Business areas encouraging these areas to be located in unserved residential areas.

²⁹ City of Richland *Comprehensive Plan Supporting Analysis* pp. 21 – 24 (Aug. 30, 2017).

³⁰ *Id.* at p. 28.

³¹ *City of Richland Comprehensive Plan 2017 – 2037* pp. 20 – 34 (Aug. 30, 2017).

³² Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 34 (Planning Advisory Service Report Number 556: 2009).

³³ See *City of Richland Comprehensive Plan 2017 – 2037* p. 12 (Aug. 30, 2017).

³⁴ *City of Richland Comprehensive Plan 2017 – 2037* p. 19 (Aug. 30, 2017).

Topic	Addressed?	Reviewer Comments
Jobs/Housing Balance		
Does the comprehensive plan consider the appropriateness of balancing jobs and housing, both qualitatively and quantitatively?	No.	Please see the following commentary.
“Commentary: The concept of jobs-housing balance holds that communities should plan for a rough match between the number of jobs and the number of housing units. A desirable range is approximately 1.5 housing units for every job in the community. Plans should also investigate whether the characteristics of housing in the community match the needs of workers residing in the community, and whether the types of jobs in the community match the skills of the resident work force (i.e., consider the “qualitative” aspects of balance). A quantitative balance of jobs and housing does not necessarily signal smart growth, especially if there are qualitative mismatches between jobs and housing.”³⁵		
Open Space/Green Space		
Does the plan establish a goal, policies, and implementation measures to set aside a certain percentage of total land area in the community as open space or green space?	No percentage, but the plan includes good open space provisions.	While the comprehensive plan does not include a percentage of open space to be conserved, it does including an open space subelement, open space policies, an open space designation on the future land use map, and map LU-6 - Open Space. So, the comprehensive plan adequately addresses this requirement. Consistent with RCW 36.70A.160, map LU-6 should also identify critical areas, including wetlands, fish and wildlife habitats, rivers, streams, and their buffers as connected open space corridors and include a policy to fill in any gaps to create a connected system of open space corridors for recreation and fish and wildlife movement.
Energy Conservation		
Does the comprehensive plan identify energy conservation as a goal, and do policies exist to promote energy conservation?	Yes, for transportation modes. No for other energy uses such as	The comprehensive plan would benefit from a goal and policy calling for energy conservation, especially given that land use patterns strongly influence transportation energy uses and certain building types are more energy

³⁵ Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 35 (Planning Advisory Service Report Number 556: 2009).

Topic	Addressed?	Reviewer Comments
	heating and cooling.	efficient than other building types. Please see the following commentary.
“Commentary: There are multiple ways a local plan can promote energy conservation. For instance, tree protection ordinances help retain and enhance shade, which reduces cooling costs. Shade tree requirements along streets and parking lots provide aesthetic benefits in addition to helping to attain energy conservation objectives. Local governments can adopt design guidelines for energy efficient buildings and site designs. Though more popular in the 1970s than today, changing local codes to facilitate efficient energy use can provide for designing subdivisions with appropriate solar access, which then facilitate solar panels (and cells) for domestic energy use.”³⁶		
Air Quality		
Does the comprehensive plan discuss the issue of air quality and identify policies and implementation measures to protect air quality?	Only for transportation. ³⁷	A broader discussion of air quality and land use related measures to maintain air quality would be helpful.
Housing		
Does the housing element of the comprehensive plan contain a housing needs assessment?	No.	There is no housing needs assessment addressing housing need by income level, housing type, or special needs housing. Some information is provided on the need for affordable senior housing which is helpful. ³⁸ Please see the following commentary.
“Commentary: A local plan cannot be ‘smart’ unless it has forecasted the future housing needs of the community and ensured that land-use regulations provide for development practices to meet those forecasted housing needs.”³⁹		
Does the comprehensive plan establish a policy of providing for a wide range of housing types (detached single-family, duplex, manufactured home, apartment, etc.)?	Yes. ⁴⁰	
Does the comprehensive plan establish a policy of providing for meeting the housing needs for all income levels, as determined by a housing needs assessment?	Yes for all income levels, but there is no	The comprehensive plan would benefit from a housing needs assessment to determine city and regional housing needs. RCW 36.70A.070(2)(a) requires a housing element

³⁶ Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 36 (Planning Advisory Service Report Number 556: 2009).

³⁷ *City of Richland Comprehensive Plan 2017 – 2037* p. 44 (Aug. 30, 2017).

³⁸ *City of Richland Comprehensive Plan 2017 – 2037* p. 41 (Aug. 30, 2017) and *City of Richland Comprehensive Plan Supporting Analysis* p. 37 (Aug. 30, 2017).

³⁹ Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 36 (Planning Advisory Service Report Number 556: 2009).

⁴⁰ *City of Richland Comprehensive Plan 2017 – 2037* p. 39 (Aug. 30, 2017).

Topic	Addressed?	Reviewer Comments
	housing needs assessment. ⁴¹	that: “[i]ncludes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth ...” While the comprehensive plan does identify the total number of housing units, it does not break it down by housing or income type. Nor does it include the full range of existing and projected housing needs. A housing needs assessment would address this requirement.
Transportation		
Does the comprehensive plan include a transportation element that addresses long-range needs for roads, sidewalks, bicycle paths, transit (where appropriate), freight movement, and water and air travel (where appropriate)?	Yes, but it does not have the GMA required transportation funding.	RCW 36.70A.070(6)(a)(iv) requires the transportation element to include: “(A) An analysis of funding capability to judge needs against probable funding resources; (B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030 ...” We were unable to find this financing plan in the transportation element.⁴² This is necessary to adequately plan for the future and comply with the Growth Management Act.

⁴¹ *City of Richland Comprehensive Plan 2017 – 2037* p. 39 (Aug. 30, 2017).

⁴² *City of Richland Comprehensive Plan Supporting Analysis* pp. 45 – 51 (Aug. 30, 2017).

Topic	Addressed?	Reviewer Comments
Do local transportation policies provide for the maintenance of current roads and existing transportation systems before spending money on new ones?	No.	The transportation element would benefit from a fix it first policy for transportation facilities.
Do transportation policies and the future transportation system provide for local street networks (as opposed to the conventional hierarchical system of arterials, collectors, and local streets)?	No.	The transportation element would benefit from a policy calling for an interconnected network of local streets. Please see the following commentary.
“Commentary: Over time, planners have learned that a major cause of traffic congestion is, in addition to an overreliance on automobile travel, the way road systems have been built. Conventional thinking, which is not considered to be “smart” growth, calls for local roads to empty onto collector roads, which often empty onto a single (or few) arterial(s). Because only one or a few major routes of travel are provided, all traffic is concentrated onto those few roads, resulting in traffic congestion. Smart growth means providing a road network with more than one means of through travel in any given area.”⁴³		
Does the comprehensive plan provide for an analysis of local street standards and recommendations for reducing excessive right-of-way and pavement widths?	No.	Please see the following commentary.
“Commentary: Many suburban street standards require excessive pavement widths for streets (e.g., 29 to 36 feet for local streets). Smart growth means local streets are placed on a “diet,” so that “skinny” streets are provided. Reducing street pavement width standards (e.g., to 24 feet rather than 29 to 36 feet) reduces development costs and impervious surfaces and may increase safety by lowering vehicle speeds.”⁴⁴		
Water, Sewer, and Other Infrastructure		
Does the comprehensive plan provide clear discussions of how water and sewer infrastructure policies are tied to the goals and objectives of the land-use plan and the transportation plan?	Yes.	
Do water and sewer facility master plans provide for the phasing of future trunk water and sewer extensions into areas designated for development in the short term, versus allowing such lines to be extended without restraint anywhere in the community?	No.	However, the urban growth area does limit water extensions at urban levels of service and sewer extensions. Please see the following commentary.

⁴³ Marya Morris, General Editor, *Smart Codes: Model Land-Development Regulations* p. 37 (Planning Advisory Service Report Number 556: 2009).

⁴⁴ *Id.* at p. 38.

Topic	Addressed?	Reviewer Comments
“Commentary: Some communities designate “urban service boundaries,” beyond which they do not intend to extend public water and sewer lines. Smart growth means tying facility planning and land use together. Controlling infrastructure is one of the most powerful means of guiding the urban form of a community (see related commentary under “urban form”).”⁴⁵		
Does the comprehensive plan reference the plans and policies of the local school system, with an eye toward bringing consistency of school-siting policies with comprehensive plan policies?	Yes. ⁴⁶	
Regionalism and Intergovernmental Relations		
Does the comprehensive plan place the community within the context of the region in which it is located?	Yes. ⁴⁷	
Does the comprehensive plan recommend intergovernmental agreements where needed to foster cooperation toward attaining mutual goals of community building?	No.	The Countywide Planning Policies function like an interlocal or intergovernmental agreement for the coordination of Benton County and the cities. So, the need for intergovernmental agreements is reduced.
Do comprehensive plan policies reflect notions of social equity and environmental justice?	No.	The comprehensive plan update has limited references to social equity or environmental justice. ⁴⁸ We recommend incorporating the ideas from <i>Fair and Healthy Land Use: Environmental Justice and Planning</i> , Chapter 3: Comprehensive Planning and Environmental Justice into the comprehensive plan. A copy of <i>Fair and Healthy Land Use: Environmental Justice and Planning</i> is enclosed in separate email.

⁴⁵ *Id.* at p. 39.

⁴⁶ *City of Richland Comprehensive Plan 2017 – 2037* p. 57 (Aug. 30, 2017).

⁴⁷ *Id.* at pp. 1 – 5.

⁴⁸ *Id.* at p. 11.

Follett, Lynne

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Sent: Wednesday, August 23, 2017 3:21 PM
To: Simon, Rick; Planning Commission
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Subject: Comments on Critical Areas Ordinance for Agenda Packet for August 30th Planning Commission Meeting
Attachments: paulson comments 20170823.pdf; ATT00001.txt; KID comments 20170809.pdf; ATT00002.txt; 20170418-Minutes.pdf; Model Ordinance CoupevilleCAO.pdf; 20170606-Minutes-KID-Board.pdf; ATT00003.txt

We realized that we still have one more shot before it goes to council, so sending these comments as is.

**Comments regarding proposed changes to City of Richland's Draft Critical Areas
Ordinance before the City Planning Commission on August 30, 2017**

Patrick Paulson and Laurie Ness
2253 Davison Avenue, Richland
August 23, 2017

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Abbreviations

CAO.....	Critical Areas Ordinance
DCAO.....	Draft Critical Areas Ordinance
GMA.....	Growth Management Act
FWHCA.....	Fish and Wildlife Habitat Conservation Area
KID.....	Kennewick Irrigation District
MCAO.....	Model Critical Areas Ordinance
SEPA.....	State Environmental Protection Act
WDE.....	Washington Department of Ecology

Comments regarding proposed changes to City of Richland's Draft Critical Areas Ordinance before the City Planning Commission on August 30, 2017

Patrick Paulson and Laurie Ness
2253 Davison Avenue, Richland
August 23, 2017

1. Overall Comments

The intent of these comments is to provide the Richland City Council and Planning Commissions with changes to the current Draft of the Critical Area Ordinance (DCAO) [1] that will ensure that it complies with the City's Comprehensive Plan and State and Federal Law, in particular Washington's Growth Management Act (GMA) [2] and the State Environmental Protection Act (SEPA) [3] .

The Washington Department of Ecology (WDE) has made a model critical ordinance (MCAO)[4] available; many of our suggestions involve adopting language from the MCAO. By adopting language from a the MCAO the City will avoid creating confusion and inadvertently cause uncertainty for developers and residents or allow harm to critical areas.

A minor note: the TOC of current DCAO wasn't recreated, makes it difficult and comment on relevant sections.

1.1. Wetland Delineation should use method currently recommended by Ecology

DCAO §22.10.110(B) states

A. [sic] B. Buffers shall be measured from the wetland edge as delineated using the 1987 Army Corps of Engineers Wetlands Delineation Manual and the Arid West Regional Supplement...

This is inconsistent with state requirements and should be updated to match the method specified in in the definition of wetlands given in DCAO §22.10.040:

"Wetland" or "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 WAC 173-22-035. [emphasis mine]

1.2. Incomplete public record

The online agenda packet for the August 9th Planning commission workshop does not include comments submitted by KID. These comments are reproduced in Appendix D.

1.3. Question regarding notification of potential conflict of interests

In reviewing minutes of Kennewick Irrigation District (KID) board meetings we came across the following item for the Board meeting of April 18, 2017 [5]:

Letter regarding Potential Conflict of Interest: Mr. Iller reported that the District received a letter from insurance defense counsel, Ken Harper, regarding a potential conflict of interest due to his representation of the City of Richland in matters of their critical areas ordinance. He said Mr. Harper believed he did not have an actual conflict and would withdraw if actual conflict developed...

Seeing that these notes specifically mention the City of Richland and the critical areas ordinance I'd like to verify that the City has received notification of the potential conflict of interest.

1.4. Balancing consequences of failing GMA compliance with the potential of legal action

There are consequences if the CAO fails to enforce and comply with the comprehensive plan and relevant state laws, including the GMA and SEPA. The city could face review by Washington's Growth Management board, which enforces the GMA, and also SEPA with respect to changes in land use and comprehensive plans; the board could require changes to the CAO and/or comprehensive plan. This review and challenge would be triggered by the adoption of the CP and/or CAO.

On the other hand, if the CAO is written in a way that inadvertently prevents legitimate use of public or private property, the City may eventually face legal challenges when a party is unable to obtain approval or permits for a project. These challenges, however, can not be made until a party can show that the CAO has caused them harm. The City can easily settle these suits if the Council did not intend to prevent the proposed activity and then make appropriate amendments to the CAO.

2. Use Ecology's Model Critical Ordinance Language to Clarify and Simply the DCAO

2.1. Adopt Language from the MCAO to ensure that existing State and Federal regulations aren't undermined

In order to ensure that the CAO is interpreted as intended by the Council, and to comply with the Comprehensive plan, the following text from section 16.34.010 (E) should be adopted :

The regulations of this Chapter are intended to protect critical areas in accordance with the Growth Management Act and Shoreline Management Act through the application of the best available science, as determined according to WAC 365-195-900 through 365-195-925, as they now exist or may be hereinafter amended, and in consultation with state and federal agencies and other qualified professionals.

For the same reasons, the following text from MCAO §16.34.060:

In the interpretation and application of this ordinance, the provisions of this Chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of this ordinance, and shall be deemed to neither limit nor repeal any other provisions under state statute.

In addition, we agree with the comments of Laurie Ness submitted before the August 8th Planning Commission workshop that §22.10.030 of DCAO, starting on page 4, be amended with the following language from §16.34.030 of the MCAO:

16.34.030 Relationship to Other Regulations

...

B. Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this Chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this Chapter, that which provides more protection to the critical areas shall apply.

C. These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any potential impacts of a development and conditions required pursuant to this Chapter shall be considered in the SEPA review process.

D. 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, Shoreline Substantial Development Permits, Hydraulic Permit Act (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollution

Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

The additions of this language will provide more guidance to the public and planners by clearly addressing how the Richland CAO (CAO) works with other permits.

2.2. Adopt Exemption Language from MCAO

§16.34.120 through §16.34.150 (Appendix A.) of the MCAO clearly describe an exemption process, how exemptions are handled for public agencies such as KID, exceptions for reasonable use, and a description of allowed activities. I find the description of exemptions in the MCAO is more precise than in the WCAO and that the MCAO describes more uniform procedures for handling exempt activities and exceptions. By providing a procedure for dealing with the activities of public agencies, the MCAO avoids requiring special language for agencies such as KID. In particular, the following language should be removed from §22.10.360 (I):

I. The operation, maintenance, or re-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.

2.3. Adopt MCAO Language Detailing the Review Processes, Mitigation Sequencing, and Required Report for all Critical Area Types; address Cumulative Impacts for all types of Critical Areas

The WCOA currently has most of the text regarding mitigation and other provisions in the article describing wetlands. The portions of these descriptions that apply to all areas should be moved to the article titled ‘General Information’

2.4. Adopt Language regarding buffers for Fish and Wildlife Habitat Conservation Areas (FWHCA)

§16.34.560 of the MCAO contains language (see Appendix B.) that gives a clearer description of required buffers for FWHCA. This language should be adopted as a performance standard for FWHCA in the DCAO, §22.10.210.

3. Ensuring that terms defined in the DCAO do not override, or occlude, the definitions given in state or federal law

Planning Commissioner Jim Wise, in comments submitted to the Planning Commission prior to its workshop on July 26, 2017, raises the possibility that definitions included in the CAO might occlude, or replace, the definitions of the same terms at the state level. That is, by including definitions of terms such as “Fish and wildlife habitat conservation areas” within the CAO, someone might argue that only the text included in the CAO can be used to designate such areas. This is a fine distinction, but this argument could potentially be used to claim any guidance made by state regulatory agencies regarding the definition at the state level applies *only* to the definition at the state level, not to the definition that is given in the CAO.

I don’t have a legal background and using limited web searches I haven’t found any cases where this argument was made. But as a retired logician and computer scientist I understand the argument and can imagine that some attorney somewhere might make it (but I don’t know if any judge would accept it). However, remedies for this problem are straightforward.

First, include the following text from the MCAO §16.34.580 as a disclaimer within the §22.10.040 of the DCAO listing definitions used by the CAO:

Words not defined in this Chapter shall be as defined in the Town code, the Washington Administrative Code, or the Revised Code of Washington. Words not found in either code shall be as defined in the Webster's Third New International Dictionary, latest edition.

It is reasonable for the CAO to include the text of definitions that are made by state law; it makes the intended meaning clear to readers, signifies that a term is being used with a defined definition rather than as normal language, and makes the definition available without requiring the reader to locate the original definition. However, when definitions are included, the text taken from the definition within state law should be clearly marked as such. As an example, use the following text:

Washington's Department of Ecology defines "Stormwater" in WAC 173-218-030 to mean

... the portion of 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.

This text would replace the definition given in the DCAO §22.10.040:

"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.

Note that by using this technique, it is no longer necessary to do a word-by-word comparison of the definition used by the CAO to the definition given by the relevant WACs; it is clear the intended definition is the one given in the WAC.

4. Include Additional Definitions

The DCAO lacks definitions of many terms with specific meanings under state law. Appendix F.Gives the definitions used by the MCAO (pardon the lack of formatting). At a minimum, definitions for the following terms should be added to the CAO with the text used by the MCAO and references to state and federal regulations where appropriate:

Alteration, Anadromous Fish, Compensatory Mitigation, Conservation Easement, Cumulative Impacts or Effects, Development, Erosion, Floodplain, Functions and Values, Ground water, Hazardous substance, hydric soil, hydrophytic vegetation, impervious surface, isolated wetland, infiltration, mitigation, monitoring, non-indigenous (exotic), project area (site), reasonable economic use, repair or maintenance, scientific process, serviceable, shoreline, soil survey, species, unavoidable.

5. Exemptions

WAC 197-11-908 states:

(1) Each county/city may select certain categorical exemptions that do not apply in one or more critical areas designated in a critical areas ordinance adopted under GMA (RCW 36.70A.060). The selection of exemptions that will not apply may be made from the following subsections of WAC 197-11-800: (1), (2) (a) through (h), (3), (5), (6)(a), (13)(c), (23)(a) through (g), and (24)(c), (e), (g), (h).

The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

All other categorical exemptions apply whether or not the proposal will be located within a critical area. Exemptions selected by an agency under this section shall be listed in the agency's SEPA procedures (WAC 197-11-906).

(2) Proposals that will be located within critical areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.

This text is problematic because the DCAO has language that specifies which exemptions are allowed, which gives the impression that the specified exemptions are the *only* exemptions allowed. The CAO should explicitly cite this relevant state code so that citizens are aware of all the exemptions that apply in critical areas; and also so that it is clear that (as specified in (2) of the code) that a threshold determination is still required for exempt activities within critical areas.

5.1. Review state-mandated exemptions to determine which exemptions should *not* apply in the City of Richland

These exemptions specified in the WAC include minor new construction; repair, remodeling, and maintenance activities; purchase or sale of property; land use decisions for exempt projects; some business licenses; utility maintenance; agricultural leases; some recreational activity including campsites; and vegetative control; some of the exemptions are quite liberal. The Planning Commission and City Council should verify that they want these exemptions to apply in the City, otherwise they will cede authority and will be unable to regulate the specified activities.

Note that disallowing these exemptions will not necessarily prevent the described activities but will give the City additional tools to manage the impact of the activities and to enforce requirements for reporting under SEPA. One of the activities that stuck out to me was section 13(c), which exempts

All licenses to operate or engage in amusement devices and rides and entertainment activities including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above

I request that the Commission take a close look at these exemptions to determine whether the City agrees that the activities should remain exempt from critical area review. Appendix C. Lists the exemptions that can be disallowed.

6. Addressing Concerns of the Kennewick Irrigation District (KID)

KID is a Special Purpose District created by the State of Washington; it provides irrigation services to agriculture and residents of the region. KID's primary mission is to deliver irrigation water efficiently to its members while complying with federal, state, and local laws. As an irrigation district, KID can levy property taxes within the district. KID's board is elected by the property owners within the district; votes are apportioned based on how much property one owns. Because of this structure, KID is likely more responsive to the needs of large agricultural interests and property holders rather than to the interests of the population as a whole (see [RCW Title 87](#))

6.1. Overall comments regarding KID and the CAO

Minutes from the K.I.D. Board of Directors meeting on June 6, 2017 [6] indicate that KID has been working towards ensuring that waterways it uses as drains are unaffected by local regulations:

Mr. Defoe reported regarding

- Cities of Kennewick, West Richland, and Richland updating critical area ordinances and comprehensive plans. He said progress was being made regarding removal of KID drains from the Kennewick and West Richland comp plans and regulations. Work with City of Richland was

more challenging, but Planner Rick Simon said he was committed to looking at KID's requested changes.

Any recommendations that KID makes with regards to changes to the CAO should be avoided, since it's clear that the intent of these changes is to allow KID to avoid accountability to local agencies. Modifying the CAO so that KID is free to avoid the requirements of SEPA within potential critical areas violates the GMA under provisions, since by RCW 36.70A.280 the GMA growth management board ensures that communities enforce (referred to as 43.21C RCW):

RCW 36.70A.280

Growth management hearings board—Matters subject to review. (Effective December 31, 2020.)

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with *RCW 36.70A.5801;

On the other hand, KID and other public agencies provide needed services to area residents, and needs to maintain existing infrastructure. I believe adopting the general exemption language proposed in §2.2 and regarding KID as a public agency addresses all the issues that KID has reasonable concerns about, such as exemptions for operation and maintenance of existing infrastructure.

6.2. Regarding KID's comments to Rick Simon dated August 9, 2017

6.2.1. Item 1, definition of wetlands

In comments submitted to Rick Simon on August 9, 2017 (See Appendix D.)

KID states

[text from RCW 36.70A.030(21) omitted ...]

According to Department of Commerce regulations, WAC 365-190-090, counties and cities must use the definition of wetlands in RCW 36.70A.030 in designating wetlands for regulatory purposes. The Department of Ecology publication that is proposed for reference in the definition of "wetland" is a policy document that consists of the agency's legal interpretation of the statutory definition and does not constitute best-available science. This Ecology publication is not the legal equivalent of the definition established by the state ...

The relevant paragraph of the Department of Commerce WAC that KID cites, WAC 365-190-090, reads:

(2) In designating wetlands for regulatory purposes, counties and cities must use the definition of wetlands in RCW 36.70A.030. Counties and cities are requested and encouraged to make their actions consistent with the intent and goals of "protection of wetlands," Executive Orders 89-10 and 90-04 as they existed on September 1, 1990. Additionally, counties and cities should consider wetlands protection guidance provided by the department of ecology, including the management recommendations based on the best available science, mitigation guidance, and provisions addressing the option of using wetland mitigation banks.

The document that KID has objections to, "Focus on Irrigation influenced wetlands", constitutes "wetlands protection guidance provided by the department of ecology", and as such is not only allowed, but encouraged, under the GMA.

6.2.2. Item 2, Request to specifically exempt areas from critical area protection as fish and wildlife habitat conservation areas

In the submitted comments KID states that “The draft CAO now includes overly broad reference to the ‘Amon Creek Natural Preserve’ as a designated fish and wildlife habitat conservation area”.

WAC 365-190-130 (text in Appendix E.) grants the city wide latitude in deciding what areas it designates as FWHCA. However, the general exemptions provided by the CAO provide KID more-than-adequate flexibility to preform its missions and maintain existing infrastructure within the preserve.

KID further requests that:

RCW 22.10.185(1)(d) [sic, ‘RMC’ is the likely intention] should expressly recognize that KID’s artificial features and constructs within the Amon Creek Natural Preserve are not part of the designated fish and wildlife habitat conservation area.

Granting KID such preferential treatment, not granted to other public agencies, undermines the City’s ability to regulate activities within critical areas.

Under WAC 197-11-800 and WAC 197-11-305 categorical exemptions for threshold determination and EIS requirements do not apply to any critical area. If the CAO specifically exempts activity from threshold determination where there are potentially critical areas the city will be out of compliance with the GMA.

6.2.3. Item 3, Exemption procedures

KID’s comments regarding the exemption procedures in the current DCAO are incomplete. However, I believe adoption or adaptation of the exemption language from the MCAO, as requested in §2.2, will address most of the needs of KID and other public agencies, as well as address passive recreational uses.

6.2.4. Item 4, Stormwater

In the comments, KID requests that

...the following sentence be moved from RMC 22.010.125 to the definitions section in RMC 22.10.040:
“Streamflows that are influenced by irrigation practices are not considered stormwater runoff for the purposes of this chapter.”

Because of the issues addressed in §3, the definition of stormwater should refer to the definition given in WAC 173-218-030:

... the portion of 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.

Since this language specifically ties stormwater to ‘precipitation’ it excludes irrigation flows. There is no reason to modify definitions provided by the state since the definition already ensures that irrigation flows are not considered stormwater; further, modifying the state definition may have unforeseen consequences preventing the City the ability to adequately regulate stormwater runoff.

6.2.5. Item 5, Critical Area Map

KID states:

Critical Areas Map. The KID respectfully requests that those portions of the Amon Wasteway that the City has formally concluded are not designated critical areas (wetlands or fish and wildlife habitat conservation area) be removed from the critical area map. The KID further disagrees with inclusion of any portion of the Amon Wasteway within the City’s critical area map.

The Critical Area Map is not part of the DCAO; the inclusion or exclusion of specific areas on the map can be determined later.

Further, there is no provision in SEPA for the city to formally conclude that an area is not a critical area. Simply because the city has formerly issued a “Determination of Non-significance” for some project does not mean that additional projects will not affect critical areas.

The CAO should not be used as a catalog of specific critical areas but should instead specify the criteria used to designate critical areas. While the city might provide a map and inventory of designated critical areas, the map and inventory only provide guidance for project planning. Because of changing conditions the map and inventory cannot be exhaustive and may include areas that are not critical under closer examination. The Critical Areas Assistance Handbook [cite] states:

Critical areas may be designated by adopting specific performance standards, delineating specific geographic areas, or both. Generally, performance standards are preferred, as any attempt to comprehensively map wetlands, for example, throughout a jurisdiction would likely be too inexact for regulatory purposes. Even so, mapping critical areas for information purposes is advisable. *All areas meeting the definition of one or more critical area type, regardless of any formal identification, are required to be designated critical areas...*[emphasis is mine]

In addition, KID’s assertion that the Amon Basin is not a critical area is incorrect. Figure 1 Shows a detail view of the Amon basin from a 1953 USGS map [7] where the east and west forks converge; the forks are indicated by the dotted blue line indicating ‘intermittent or dry stream’. Note that in addition to the dotted blue line there is also a small blue dot indicating open water or a spring directly between the two forks. Since what KID claims is an intentionally created waste-way contains an area that was previously a wetland, and indicated in this map, then the waste-way must still be treated as a wetland under state law [cite]. KID uses historical aerial photographs to back their assertion that there was no water in the basin prior to irrigation, photographs only show the area at a moment in time, which could have been during a dry spell. The USGS map, on the other hand, takes into consideration the history and character of an area to determine that it should be represented as a wetland.

Note further that even the existence of this wetland in the Amon Basin in 1953 may be immaterial, since KID would have to show it ‘intentionally created’ the dry stream beds in the basin; if not, Amon basin is currently an ‘unintentionally created artificial wetland’, which, under state law, is a wetland protected as a critical area. This reasoning is consistent with recent court actions where the City of Richland successfully defended requiring an environmental impact statement for activity in the Amon Basin (Benton Superior Court case #16-2-00620-2).

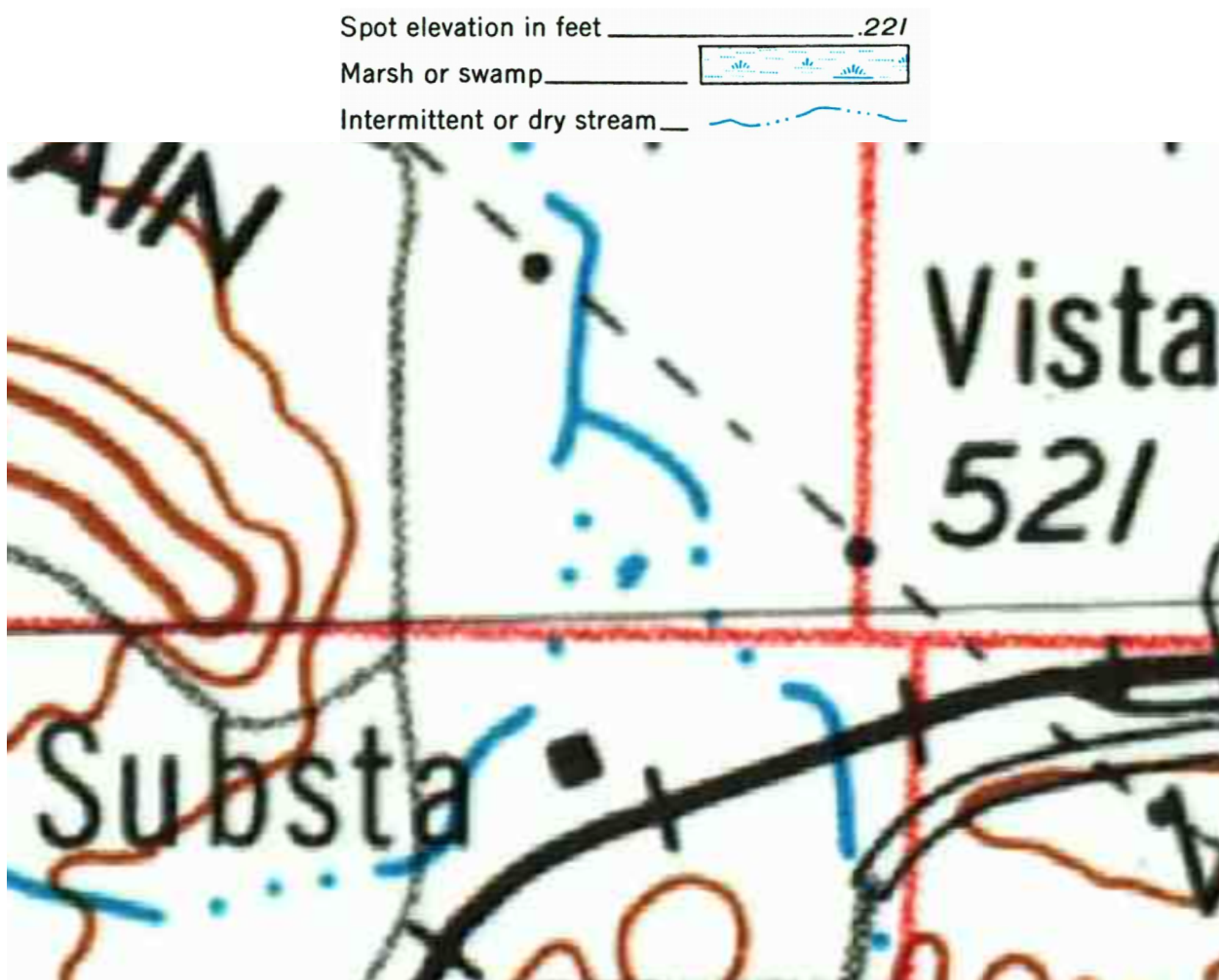


Figure 1: Amon Basin, from 1953 USGS map with legend

6.3. Regarding KID's comments presented by Rick Simon to Planning Commission July 12

I've previously submitted comments regarding this set of changes requested by KID and noted that the requested changes were unnecessary since the DCAO adequately addressed any reasonable concern that KID may have. In light of the second set of comments from KID and from KID board meeting notes it seems clear that KID hopes to avoid accountability for any operations within critical areas and I now view any change to the CAO with deeper skepticism. Again, it is my belief that by adopting MCAO language for exceptions, as requested in §2.2, will allow KID and other public agencies adequate flexibility for their activities within critical areas and their buffers while still holding them accountable and minimizing damage to such areas.

7. Recommendations Based on Ecology's Wetland Guidance for CAO Updates, Eastern Washington (EWG)

7.1. Regulate "Class IV General" Forest Practices within wetlands

EWG states:

Most forest practices (as defined in RCW 76.09) are exempted from the provisions of a wetlands chapter in the CAO. However, those forest practices that are Class IV general should be regulated. These activities constitute a conversion from forestry to some other use. As such, buffers and wetland protections are appropriate.

I would like to make sure the city regulates this activity as recommended by Ecology. I was unable to find anything in the MCAO that regulates these practices, but I did find the following text in Benton City's COA §18.08.030:

B. The following activities are regulated if they occur in a regulated wetland or its buffer:

1. ...

8. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations", WAC 222- 12-030, or as thereafter amended.

Richland's CAO should also ensure these activities area regulated within wetlands.

Bibliography

- 1: City of Richland, Critical Area Ordinance (Draft), in Agenda Packet for Planning Commision Workshop, August 9, 2017, 2017
- 2: , Chapter 365-196 WAC: GROWTH MANAGEMENT ACT—PROCEDURAL CRITERIA FOR ADOPTING COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS, , <https://app.leg.wa.gov/wac/default.aspx?cite=365-196>
- 3: , Chapter 197-11 WAC: SEPA RULES, , <http://apps.leg.wa.gov/WAC/default.aspx?cite=197-11>
- 4: City of Coupeville, Model Critical Area Ordinance,
- 5: KID, Minutes from KID Board Meeting, April 18 2017,
- 6: , Minutes from KID Board Meeting, June 6 2017,
- 7: , USGS 1:250000-scale Quadrangle for Walla Walla, WA 1953,

Appendix A. Exemptions, MCAO

16.34.120 Exemptions

1. **Exemption Request and Review Process.** The proponent of the activity may submit a written request for exemption to the town planner that describes the activity and states the exemption listed in this Section that applies. The town planner shall review the exemption request to verify that it complies with this Chapter and approve or deny the exemption. If the exemption is denied, the proponent may continue in the review process and shall be subject to the requirements of this Chapter.
2. **Exempt Activities and Impacts to Critical Areas.** All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this Chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.
3. **Exempt Activities.** The following developments, activities, and associated uses shall be exempt from the provisions of this Chapter, provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

1. **Emergencies.** Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this Chapter.

a. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area

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or its buffer. The person or agency undertaking such action shall notify the Town within one (1) working day following commencement of the emergency activity. Within thirty (30) days, the town planner shall determine if the action taken was within the scope of the emergency actions allowed in this Subsection. If the town planner determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of Unauthorized Alterations and Enforcement [Section 16.34.260] shall apply.

b. After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation plan shall be reviewed by the Town in accordance with the review procedures contained herein. Restoration and/or mitigation activities must be initiated within one (1) year of the date of the emergency, and completed in a timely manner.

2. **Operation, Maintenance, or Repair.** Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures,

infrastructure, or utilities, provided that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

3. **Passive Outdoor Activities.** Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching.

16.34.130 Exception – Public Agency and Utility

1. If the application of this Chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section.
2. **Exception Request and Review Process.** An application for a public agency and utility exception shall be made to the Town and shall include a critical area identification form; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW, as it now exists or may be hereinafter amended). The town planner shall issue a decision based on review of the submitted information, a site inspection, and the proposal's ability to comply with public agency and utility exception review criteria in Subsection

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(D).

C. **Town Planner Review.** The Town Planner shall review the application and town planner's recommendation, and conduct a public hearing pursuant to the provisions of CTC 16.06.040. The Town Planner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in Subsection (D).

4. **Public Agency and Utility Review Criteria.** The criteria for review and approval of public agency and utility exceptions follow:
 1. There is no other practical alternative to the proposed development with less impact on the critical areas;
 2. The application of this Chapter would unreasonably restrict the ability to provide utility services to the public;
 3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
 5. The proposal is consistent with other applicable regulations and standards.
5. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

16.34.140 Exception – Reasonable Use

1. If the application of this Chapter would deny all reasonable economic use of the subject property, the Town the property owner may apply for an exception pursuant to this Section. Reasonable Use Exceptions within the jurisdiction of the Shoreline Management Act are processed as a Shoreline Variance.
2. **Exception Request and Review Process.** An application for a reasonable use exception shall be made to the Town and shall include a critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW, as it now exists or may be hereinafter amended) (SEPA documents). The town planner shall issue a decision based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in Subsection (D). The decision may be appealed by the applicant to the Town Council.
3. **Town Planner Review.** The Town Planner shall review the application and provide public notice of application pursuant to the provisions of the CTC 16.06.030(F). The Town Planner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in Subsection (D).
4. **Reasonable Use Review Criteria.** Criteria for review and approval of reasonable use exceptions follow:

1. The application of this Chapter would deny all reasonable economic use of

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the property;

2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this Chapter;
5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal will result in no net loss of critical area functions and values consistent with the best available science; or
7. The proposal is consistent with other applicable regulations and standards.

E. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

16.34.150 Allowed Activities

1. **Critical Area Report.** Activities allowed under this Chapter shall have been reviewed and permitted or approved by the Town or other agency with jurisdiction, but do not require submittal of a separate critical area identification form or critical area report, unless such submittal was required previously for the underlying permit. The town planner may apply conditions to the underlying permit or approval to ensure that the allowed activity is consistent with the provisions of this Chapter to protect critical areas.

2. **Required Use of Best Management Practices.** All allowed activities shall be conducted using the best management practices that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The Town shall observe the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

3. **Allowed Activities.** The following activities are allowed:

1. **Permit Requests Subsequent to Previous Critical Area Review.** Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits) if all of the following conditions have been met:

1. The provisions of this Chapter have been previously addressed as part of another approval;
2. There have been no material changes in the potential impact to the critical area or buffer since the prior review;

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c. d.

e.

There is no new information available that is applicable to any critical area review of the site or particular critical area;

The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval; and

Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.

2. **Modification to Existing Structures.** Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one (1) year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion.
3. **Activities Within the Improved Right-of-Way.** Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a Town authorized private roadway except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater; subject to the following:
 1. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the right-of-way improvement, including disturbed areas; and
 2. Retention and replanting of native vegetation shall occur wherever possible along the right-of-way improvement and resulting disturbance.

4. **Minor Utility Projects.** Utility projects which have minor or short- duration impacts to critical areas, as determined by the town planner in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s), provided that such projects are constructed with best management practices and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria:

1. There is no practical alternative to the proposed activity with less impact on critical areas;
2. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and
3. The activity involves disturbance of an area less than 75 square feet.

5. **Public and Private Pedestrian Trails.** Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their buffers, subject to the following:

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a.

b. c.

The trail surface shall meet all other requirements including water quality standards set forth in CTC 13.20;

Critical area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and

Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report.

6. **Select Vegetation Removal Activities.** The following vegetation removal activities, provided that no vegetation shall be removed from a critical area or its buffer without approval from the town planner:

1. The removal of the following vegetation with hand labor and light equipment:
 1. Invasive and noxious weeds;
 2. English Ivy (*Hedera helix*);
 3. Himalayan blackberry (*Rubus discolor*; *R. procerus*); and
 4. Evergreen blackberry (*Rubus laciniatus*).
2. The removal of trees from critical areas and buffers that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, provided that:
 1. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;
 2. Tree cutting shall be limited to pruning and crown thinning, unless otherwise justified by a qualified professional. Where pruning or crown thinning is not sufficient to address the hazard, trees should be removed or converted to wildlife snags;

3. All vegetation cut (tree stems, branches, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;
4. The landowner shall replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one (1) year in accordance with an approved restoration plan. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be species that are native and indigenous to the site and a minimum of one (1) inch in diameter-at-breast height (dbh) for deciduous trees and a minimum of six (6) feet in height

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for evergreen trees as measured from the top of the root ball;

5. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts; and
6. Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation may be removed or pruned by the landowner prior to receiving written approval from Town provided that within fourteen (14) days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this Chapter.

c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the state Forest Practices Act; Chapter 76.09 RCW, as it now exists or may be hereinafter amended, provided that the removed vegetation shall be replaced in-kind or with similar native species within one (1) year in accordance with an approved restoration plan; and

d. Unless otherwise provided, or as a necessary part of an approved alteration, removal of any vegetation or woody debris from a habitat conservation area or wetland shall be prohibited.

7. **Minor Site Investigative Work.** Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored.
8. **Navigational Aids and Boundary Markers.** Construction or modification of navigational aids and boundary markers.

Appendix B. MCAO, Performance Standards for Fish and Wildlife Habitat Conservation Areas

16.34.560 Performance Standards – General Requirements.

1. **Non-indigenous Species.** No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.
2. **Mitigation and Contiguous Corridors.** Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved

critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

3. **Approvals of Activities.** The town planner shall condition approvals of

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activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

1. Establishment of buffer zones;
 2. Preservation of critically important vegetation and/or habitat features such as snags and downed wood;
 3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
 4. Seasonal restriction of construction activities;
 5. Establishment of a duration and timetable for periodic review of mitigation activities; and
 6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
4. **Mitigation and Equivalent or Greater Biological Functions.** Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.
5. **Approvals and the Best Available Science.** Any approval of alterations or impacts to a habitat conservation area shall be supported by the best available science.
6. **Establishment of Buffers.** The town planner shall require the establishment of buffer areas for activities adjacent to habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife. Habitat conservation areas and their buffers shall be preserved in perpetuity through the use of native growth protection areas and critical area tracts in accordance with Section 16.34.280 through Section 16.34.290.
1. **Seasonal Restrictions.** When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.
 2. **Habitat Buffer Averaging.** The town planner may allow the recommended habitat area buffer width to be reduced in accordance with a critical area report, only if:
 1. It will not reduce stream or habitat functions;
 2. It will not adversely affect salmonid habitat;

- c. It will provide additional natural resource protection, such as buffer enhancement;
4. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
 5. The buffer area width is not reduced by more than twenty-five percent (25%) in any location.
 7. **Temporary Markers.** The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and verified by the town planner prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction.
 8. **Subdivisions.** The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:
 1. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.
 2. Land that is located partially within a habitat conservation area or its buffer may be divided provided that the developable portion of each new lot and its access is located outside of the habitat conservation area or its buffer and meets the minimum lot size requirements of the zoning district.
 3. Access roads and utilities serving the proposed may be permitted within the habitat conservation area and associated buffers only if the Town determines that no other feasible alternative exists and when consistent with this Chapter.

16.34.570

A. Endangered, Threatened, and Sensitive Species

Performance Standards – Specific Habitats

1. No development shall be allowed within a habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by the Washington Department of Fish and Wildlife or applicable state or federal agency.
2. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the Town. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife for animal species, the Washington State Department of Natural Resources for plant species, and other appropriate federal or state agencies.
3. Bald eagle habitat shall be protected pursuant to RCW 77.12.655 and the Washington State Bald Eagle Protection Rules (WAC 232-12-292), as they now exist or may be hereinafter amended. Approval of activity adjacent to

bald eagle sites shall not occur prior to approval of a habitat management plan by the Washington Department of Fish and Wildlife. Activities are adjacent to bald eagle sites when they are within eight hundred (800) feet or within one half mile (2,640 feet) and in a shoreline foraging area. The Town shall verify the location of eagle management areas for each proposed activity.

B. Anadromous Fish

1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:
 1. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;
 2. An alternative alignment or location for the activity is not feasible;
 3. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;
 4. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report, and
 5. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.
2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish.

Appendix C. Exemptions that the CAO can disallow within Critical Areas

This text is from WAC 197-11-800. The exemptions that can be disallowed by the CAO (as specified in WAC 197-11-908) are highlighted. Some sections of the WAC listing exemptions that can't be disallowed by the CAO are omitted.

Categorical exemptions.

The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note:

The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) Minor new construction - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection apply except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW [43.21C.0383](#);

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The following types of construction shall be exempt:

(i) The construction or location of four detached single family residential units.

(ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.

(v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in (i), (ii), (iii), or (iv) of this subsection shall be exempt.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels, such as different levels for different geographic areas, and mixed use projects.

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(iv) The city, town, or county must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. The requirements for notice and opportunity to comment for the public, affected tribes, and agencies in (c)(i) and (ii) of this subsection and the requirements for protection and mitigation in (c)(i) of this subsection must be specifically documented. The local ordinance or resolution shall include, but not be limited to, the following:

- Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.

- Planning and permitting processes that ensure compliance with applicable laws including chapters 27.44, 27.53, 68.50, and 68.60 RCW.

- Local development regulations that include at minimum preproject cultural resource review where warranted, and standard inadvertent discovery language (SIDL) for all projects.

(d) The maximum exemption levels applicable to (c) of this subsection are:

	Fully planning GMA counties		All other counties
Project types	Incorporated and unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single family residential	30 units	20 units	20 units
Multifamily residential	60 units	25 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Fill or excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

(2) Other minor new construction.

(a) The exemptions in this subsection apply to all licenses required to undertake the following types of proposals except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW [43.21C.0383](#);

(iii) Requires a license governing emissions to air that is not exempt under RCW [43.21C.0381](#) or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The construction or designation of bus stops, loading zones, shelters, access facilities, pull-out lanes for taxicabs, transit and school vehicles, and designation of transit only lanes.

(c) The construction or installation of commercial on-premise signs, and public signs and signals, including those for traffic control and wayfinding.

(d) The construction or installation of minor road and street improvements by any agency or private party that include the following:

(i) Safety structures and equipment: Such as pavement marking, adding or removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle traffic speed or volume, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;

(ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality;

(iii) Temporary traffic controls and detours;

(iv) Correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required;

(v) Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;

(vi) Channelization, rechannelization, elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;

(vii) Installation of catch basins and culverts for the purposes of road and street improvements;

(viii) Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders where capacity is not increased and no new right of way is required;

(ix) Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths including sidewalk extensions, but not including additional automobile lanes.

(e) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(f) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(g) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance such as listing in a historic register.

(h) The installation or removal of impervious underground or above-ground tanks, having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less.

(i) The vacation of streets or roads, converting public right of way, and other changes in motor vehicle access.

(j) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(k) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(l) The installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased.

(3) Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging of over fifty cubic yards of material;

(b) Reconstruction or maintenance of groins and similar shoreline protection structures;

(c) Replacement of utility cables that must be buried under the surface of the bedlands; or

(d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to a specifically designated and authorized public use established by the public landowner and used by the public for that purpose.

(c) Leasing, granting an easement for, or otherwise authorizing the use of real property when the property use will remain essentially the same as the existing use for the term of the agreement, or when the use under the lease, easement or other authorization is otherwise exempted by this chapter.

(6) **Land use decisions.** The following land use decisions shall be exempt:

(a) Land use decisions for exempt projects, except that rezones must comply with (c) of this subsection.

[...]

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

[...]

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

[...]

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines twelve inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (up to and including 115,000 volts); within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station vault, pipe, or well: Additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, the chemicals used are approved by Washington state and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality.

[...]

Appendix D. KID Comments August 9, 2017

Attached separately as KID comments 20170809.pdf.

Appendix E. WAC 365-190-130 Fish and wildlife habitat conservation areas.

Fish and wildlife habitat conservation areas.

<< 365-190-130 >>

WAC 365-190-130

(1) "Fish and wildlife habitat conservation" means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordination to help assure long term population viability.

Fish and wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs.

(2) Fish and wildlife habitat conservation areas that must be considered for classification and designation include:

(a) Areas where endangered, threatened, and sensitive species have a primary association;

(b) Habitats and species of local importance, as determined locally;

(c) Commercial and recreational shellfish areas;

(d) Kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas;

(e) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

(f) Waters of the state;

(g) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and

(h) State natural area preserves, natural resource conservation areas, and state wildlife areas.

(3) When classifying and designating these areas, counties and cities must include the best available science, as described in chapter [365-195 WAC](#).

(a) Counties and cities should consider the following:

(i) Creating a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces, integrating with open space corridor planning where appropriate;

(ii) Level of human activity in such areas including presence of roads and level of recreation type (passive or active recreation may be appropriate for certain areas and habitats);

(iii) Protecting riparian ecosystems including salmonid habitat, which also includes marine nearshore areas;

(iv) Evaluating land uses surrounding ponds and fish and wildlife habitat conservation areas that may negatively impact these areas, or conversely, that may contribute positively to their function;

(v) Establishing buffer zones around these areas to separate incompatible uses from habitat areas;

(b) Counties and cities may also consider the following:

(i) Potential for restoring lost and impaired salmonid habitat;

(ii) Potential for designating areas important for local and ecoregional biodiversity; and

(iii) Establishing or enhancing nonregulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

(4) Sources and methods.

(a) Endangered, threatened and sensitive species. Counties and cities should identify and classify seasonal ranges and habitat elements where federal and state listed endangered, threatened and sensitive species have a primary association and which, if altered, may reduce the likelihood that the species will persist over the long term. Counties and cities should consult current information on priority habitats and species identified by the Washington state department of fish and wildlife. 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.

(b) Habitats and species areas of local importance. Counties and cities should identify, classify and designate locally important habitats and species. Counties and cities should consult current information on priority habitats and species identified by the Washington state department of fish and wildlife. Priority habitat and species information includes endangered, threatened and sensitive species, but also includes candidate species and other vulnerable and unique species and habitats. While these priorities are those of the Washington state department of fish and wildlife, they should be considered by counties and cities as they include the best available science. The Washington state department of fish and wildlife can also provide assistance with identifying and mapping important habitat areas at various landscape scales. Similarly, the Washington state department of natural resources' natural heritage program can provide a list of high quality ecological communities and systems and rare plants.

(c) Shellfish areas. All public and private tidelands or bedlands suitable for shellfish harvest shall be classified as critical areas. Counties and cities should consider both commercial and recreational shellfish areas. Counties and cities should consider the Washington state department of health classification of commercial and recreational shellfish growing areas to determine the existing condition of these areas. Further consideration should be given to the vulnerability of these areas to contamination. Shellfish protection districts established pursuant to chapter [90.72 RCW](#) shall be included in the classification of critical shellfish areas.

(d) Kelp and eelgrass beds; herring, smelt and other forage fish spawning areas. Counties and cities must classify kelp and eelgrass beds, identified by the Washington state department of natural resources and the department of ecology. Though not an inclusive inventory, locations of kelp and eelgrass beds are compiled in the Washington coastal atlas published by the department of ecology. Herring, smelt and other forage fish spawning times and locations are outlined in WAC [220-110-240](#) through [220-110-271](#).

(e) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farmponds, temporary construction ponds (of less than three years duration) and landscape

amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.

(f) Waters of the state.

(i) Waters of the state are defined in RCW [90.48.020](#) and include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and water courses in Washington. Stream types are classified in Title 222 WAC, the forest practices regulations. Counties and cities may use the classification system established in WAC [222-16-030](#) to classify waters of the state. Counties and cities using the water types defined in WAC [222-16-030](#) or [222-16-031](#) (interim) should not rely solely on Washington state department of natural resources maps of these stream types for purposes of regulating land uses or establishing stream buffers.

(ii) Counties and cities that use the stream typing system developed by the department of natural resources should develop a process to verify actual stream conditions, identify flow alterations, and locate fish passage barriers by conducting a field visit. Field verification of all intermittent or nonfish bearing streams should occur during the wet season months of October to March or as determined locally.

(iii) Counties and cities may consider the following factors when classifying waters of the state as fish and wildlife habitat conservation areas:

(A) Species present which are endangered, threatened or sensitive, and other species of concern;

(B) Species present which are sensitive to habitat manipulation (e.g., priority habitats and species program);

(C) Historic presence of species of local importance;

(D) Existing surrounding land uses that are incompatible with salmonid habitat;

(E) Presence and size of riparian ecosystems;

(F) Existing water rights; and

(G) The intermittent nature of some waters of the state.

(g) Lakes, ponds, streams, and rivers planted with game fish. This includes game fish planted in these water bodies under the auspices of a federal, state, local, or tribal program or which supports priority fish species as identified by the Washington state department of fish and wildlife.

(h) State natural area preserves, natural resource conservation areas, and state wildlife areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the department of natural resources. State wildlife areas are defined, established, and managed by the Washington state department of fish and wildlife, which provides information about state wildlife areas for each county.

(i) Salmonid habitat. Counties and cities should consider recommendations found in salmon recovery plans (see the governor's salmon recovery office). Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington state department of fish and wildlife, the state recreation and conservation office, and the Puget Sound partnership to designate, protect and restore salmonid habitat.

[Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#). WSR 10-03-085, § 365-190-130, filed 1/19/10, effective 2/19/10.]

Appendix F. MCAO Definitions

16.34.580 Definitions

Words not defined in this Chapter shall be as defined in the Town code, the Washington Administrative Code, or the Revised Code of Washington. Words not found in either code shall be as defined in the Webster's Third New International Dictionary, latest edition.

A

Active Fault – A fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last 10,000 years, but faults may also be considered active in some cases if movement has occurred in the last 500,000 years.

Adaptive Management – Adaptive management relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.

Adjacent – Immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection

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of the functions located:

A. B.

C. D.

E.

and values of the critical areas. Adjacent shall mean any activity or development

On a site immediately adjoining a critical area;

A distance equal to or less than the required critical area buffer width and building setback;

A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;

A distance equal to or less than three hundred (300) feet upland from a stream, wetland, or water body;

Bordering or within the floodplain,; or

Advance Mitigation – Mitigation of an anticipated critical area impact or hazard completed according to an approved critical area report and prior to site development.

Agricultural Land – Land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, as they now exist or may be hereinafter amended, or livestock, and or that has been designated as long-term commercial significance for agricultural production.

Alteration – Any human induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

Anadromous Fish – Fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

Aquifer – A geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Aquifer Recharge Areas – Areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation.

Aquifer, Sole Source – An area designated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s) must supply fifty percent (50%) or more of the drinking water for an area without a sufficient replacement available.

B

Base Flood – A flood event having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the 100-year flood. Designations of base flood areas on flood insurance map(s) always include the letters A or V.

Basement – Any area of the building having its floor below ground level on all sides.

Best Available Science – Current scientific information used in the process to designate, protect,

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or restore critical areas, that is derived from a valid scientific process as defined by WAC 365- 195-900 through 925, as they now exist or may be hereinafter amended. Sources of the best available science are included in *Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas* published by the Washington State Department of Community, Trade and Economic Development.

Best Management Practices (BMPs) – Conservation practices or systems of practices and management measures that:

A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

B. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

C. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and

D. Provide standards for proper use of chemical herbicides within critical areas.

The Town shall monitor the application of best management practices to ensure that the standards and policies of this Chapter are adhered to.

Biodiversity – The variety of animal and plant life and its ecological processes and interconnections – represented by the richness of ecological systems and the life that depends on them, including human life and economies.

Buffer or Buffer Zone – An area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

C

Compensation Project – Actions necessary to replace project-induced critical area and buffer losses, including land acquisition, planning, construction plans, monitoring, and contingency actions.

Compensatory Mitigation – Replacing project-induced losses or impacts to a critical area, and includes, but is not limited to, the following:

1. Restoration – Actions performed to reestablish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland.
2. Creation – Actions performed to intentionally establish a wetland at a site where it did not formerly exist.
3. Enhancement – Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.
4. Preservation – Actions taken to ensure the permanent protection of existing, high-quality wetlands.

Conservation Easement – A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded

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on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

Critical Aquifer Recharge Area – Areas designated by WAC 365-190-080(2), as it now exists or may be hereinafter amended, that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2), as it now exists or may be hereinafter amended.

Critical Areas – Critical areas include any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A, as it now exists or may be hereinafter amended, and this Chapter.

Critical Area Tract – Land held in private ownership and retained in an open condition in perpetuity for the protection of critical areas. Lands within this type of dedication may include but are not limited to, portions and combinations of forest habitats, grasslands, shrub steppe, on- site watersheds, 100-year floodplains, shorelines or shorelines of statewide significance, riparian areas, and wetlands.

Critical Facility – A facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

Critical Species – All animal and plant species listed by the state or federal government as threatened or endangered.

Cumulative Impacts or Effects – The combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

D

Developable Area – A site or portion of a site that may be utilized as the location of development, in accordance with the rules of this Chapter.

Development – Any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the Town that binds land to specific patterns of use, including but not limited to, subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

1. Interior building improvements.
2. Exterior structure maintenance activities, including painting and roofing.
3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning, and weeding.
4. Maintenance of the following existing facilities that does not expand the affected

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area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

Development Permit – Any permit issued by the Town, or other authorized agency, for construction, land use, or the alteration of land.

Director – The town planner of the Town planning department or other responsible official, or other city staff granted the authority to act on behalf of the director.

E

Emergent Wetland – A wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

Erosion – The process whereby wind, rain, water, and other natural agents mobilize and transport particles.

Erosion Hazard Areas – At least those areas identified by the U.S. Department of Agriculture National Resources Conservation Service as having a “severe” rill and inter-rill erosion hazard.

Exotic – Any species of plants or animals, which are foreign to the Town. **F**

Fish and Wildlife Habitat Conservation Areas – Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5), as it now exists or may be hereinafter amended. These areas include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

2. Habitats of local importance, including but not limited to areas designated as priority habitat by the Washington Department of Fish and Wildlife;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds;
5. Herring and smelt spawning areas;
6. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
7. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington;
8. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
9. State natural area preserves and natural resource conservation areas; and
10. Land essential for preserving connections between habitat blocks and open spaces.

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Fish Habitat – Habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat.

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain – The total land area adjoining a river, stream, watercourse, or lake subject to inundation by the base flood.

Frequently Flooded Areas – Lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the town planner in accordance with WAC 365-190-080(3), as it now exists or may be hereinafter amended. Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

Functions and Values – The beneficial roles served by critical areas including, but are 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. These beneficial roles are not listed in order of priority. Critical area functions can be used to help set targets (species composition, structure, etc.) for managed areas, including mitigation sites.

G

Geologically Hazardous Areas – Areas that may not be suited to development consistent with public health, safety, or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other

geological events as designated by WAC 365-190-080(4), as it now exists or may be hereinafter amended. Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards.

Ground Water – Water in a saturated zone or stratum beneath the surface of land or a surface water body.

Growth Management Act – RCW 36.70A and 36.70B, as they now exist or may be hereinafter amended.

H

Habitat Conservation Areas – Areas designated as fish and wildlife habitat conservation areas.

Habitats of Local Importance – These areas include a seasonal range or habitat element with which a given species has a primary association, and which, if altered may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alterations such as cliffs, talus, and wetlands. (WAC 365-190-030, as it now exists or may be hereinafter amended)

Hazard Areas – Areas designated as frequently flooded areas or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geological condition.

Hazardous Substances – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100, as they now exist or may be hereinafter amended.

High Intensity Land Use – Land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium-density residential (more than 2 homes per acre), multifamily residential, some agricultural practices, and commercial and industrial land uses.

High Quality Wetlands – Those wetlands that meet the following criteria:

1. No, or isolated, human alteration of the wetland topography;
2. No human-caused alteration of the hydrology or the wetland appears to have recovered from the alteration;
3. Low cover and frequency of exotic plant species;
4. Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;
5. If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and
6. No known major water quality problems.

Historic Condition – Condition of the land, including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by human activity.

Hydraulic Project Approval (HPA) – A permit issued by the Washington Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW, as it now exists or may be hereinafter amended.

Hydric Soil – A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the *Washington State Wetland Identification and Delineation Manual*.

Hydrophytic Vegetation – Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the *Washington State Wetland Identification and Delineation Manual*.

I

Impervious Surface – A hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

In-Kind Compensation – To replace critical areas with substitute areas whose characteristics and 50 functions closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."

Isolated Wetlands – 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.

Infiltration – The downward entry of water into the immediate surface of soil. **J**

Joint Aquatic Resource Permits Application – A single application form that may be used to apply for hydraulic project approvals, shoreline management permits, approvals of exceedance of water quality standards, water quality certifications, coast guard bridge permits, Washington State Department of Natural Resources use authorization, and U.S. Army Corps of Engineers permits.

L

Land Use, High Intensity – See “High Intensity Land Use.”

Land Use, Low Intensity – See “Low Intensity Land Use.”

Land Use, Moderate Intensity – See “Moderate Intensity Land Use.”

Landslide Hazard Areas – Areas that are potentially subject to risk of mass movement due to a combination of geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors.

Low Intensity Land Use – Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, low-density residential (less than 2 homes per acre), passive recreation, open space, or forest management land uses.

M

Mitigation – Avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
6. Compensating for the impact to wetlands, critical aquifer recharge areas, and

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habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

G. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

Moderate Intensity Land Use – Land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low-density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.

Monitoring – Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, including gathering baseline data.

N

Native Vegetation – Plant species that are indigenous to the area in question.

Native Growth Protection Area (NGPA) – An area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants and animal habitat;

Natural Waters – Waters, excluding water conveyance systems that are artificially constructed and actively maintained for irrigation.

Non-conformity – A legally established existing use or legally constructed structure that is not in compliance with current regulations.

Non-indigenous – See “Exotic.” **O**

Off-Site Compensation – To replace critical areas away from the site on which a critical area has been impacted.

On-site Compensation – To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

Ordinary High Water Mark (OHM) – That mark which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

Out-of-Kind Compensation – To replace critical areas with substitute critical areas whose characteristics do not closely approximate those destroyed or degraded. It does not refer to replacement "out-of-category."

P

Potable Water – Water that is safe and palatable for human use.

Practical Alternative – An alternative that is available and capable of being carried out after

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taking into consideration cost, existing technology, and logistics in light of overall project purposes, and has less impacts to critical areas.

Primary Association Area – The area used on a regular basis by, is in close association with, or is necessary for the proper functioning of the habitat of a critical species. Regular basis means that the habitat area is normally, or usually known to contain a critical species, or based on known habitat requirements of the species, the area is likely to contain the critical species. Regular basis is species and population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

Priority Habitat – Habitat type or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

Project Area – All areas within fifty (50) feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

Q

Qualified Professional – 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), as it now exists or may be hereinafter amended. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

1. A qualified professional for fish and wildlife habitats must have a degree in biology and professional experience related to the subject species.

2. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
3. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.
4. A qualified professional for wetlands shall be a certified Professional Wetland Scientist or have, at a minimum: (1) a Bachelor's degree in hydrology, soil science, botany, ecology, or related field; and (2) at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans..

R

Reasonable Economic Use – The Permitted or Conditional use of a specific Parcel of land which a Person may be expected to conduct or maintain fairly and appropriately given the site specific conditions or characteristics of the Parcel and Uses allowed for all other properties within a similar zoning classification.

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Recharge – The process involved in the absorption and addition of water to ground water.

Repair or Maintenance – An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Restoration – Measures taken to restore an altered or damaged natural feature including:

1. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

S

Scientific Process – A valid scientific process is one that produces reliable information useful in understanding the consequences of a decision. The characteristics of a valid scientific process are as follows:

A. Peer Review. The information has been critically reviewed by other qualified scientific experts in that scientific discipline.

B. Methods. The methods that were used are standardized in the pertinent scientific discipline or the methods have been appropriately peer-reviewed to ensure their reliability and validity.

C. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and are logically and reasonably derived from the assumptions and supported by the data presented.

D. Quantitative Analysis. The data have been analyzed using appropriate statistical or quantitative methods.

E. Context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.

F. References. The assumptions, techniques, and conclusions are well referenced with citations to pertinent existing information.

Seeps – A spot where water oozes from the earth, often forming the source of a small stream. **Seismic Hazard**

Areas – Areas that are subject to severe risk of damage as a result of earthquake-

induced ground shaking, slope failure, settlement, or soil liquefaction.

Serviceable – Presently usable.

Shorelines – All of the water areas of the state as defined in RCW 90.58.030, as it now exists or may be hereinafter amended, including reservoirs and their associated shorelands, together with the lands underlying them except Shorelines of statewide significance.

Shorelines of the State – The total of all “shorelines,” as defined in RCW 90.58.030(2)(d), and “shorelines of statewide significance” within the state, as defined in RCW 90.58.030(2)(c), as they now exist or may be hereinafter amended.

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Shorelines of Statewide Significance – Those areas defined in RCW 90.58.030(2)(e), as it now exists or may be hereinafter amended.

Shorelands or Shoreland Areas – Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of Chapter 90.58 RCW, as it now exists or may be hereinafter amended.

Significant Portion of its Range – That portion of a species range likely to be essential to the long-term survival of the population in Washington.

Soil Survey – The most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

Sole Source Aquifer – See “Aquifer, Sole Source.”

Species – Any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Species, Endangered – Any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Species of Local Importance – Those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, Priority – Any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species, Threatened – Any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Stream – See “Watercourse.” **U**

Unavoidable – Adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

W

Water Dependent – A use or portion of a use that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A use that can be carried out only on, in, or adjacent to water. Examples of water dependent uses include: ship cargo terminal loading areas; fishing; ferry and passenger terminals; barge loading, ship building, and dry docking facilities; marinas, moorage, and boat launching facilities; aquaculture; float plane operations; surface water intake; and sanitary sewer and storm drain outfalls.

Water Typing System – Waters classified according to WAC 222-16-031, as it now exists or may be hereinafter amended.

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Watercourse – Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined beds or banks, which influence the quality of fish habitat downstream. This definition includes watercourses that flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

Well – A bored, drilled, or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.

Wetlands – 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 non-wetland 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 non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the *Washington State Wetland Identification and Delineation Manual*.

Wetlands Categories –

Category I. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3)

bogs larger than 1/2 acre; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; and (6) wetlands that perform many functions well (scoring 70 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

Category II. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) wetlands identified by the Washington State Department of Natural Resources as containing “sensitive” plant species; (3) bogs between 1/4 and 1/2 acre; (4) interdunal wetlands larger than 1 acre; or (5) wetlands with a moderately high level of functions.

Category III. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 30 and 50 points); and (2) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 30 and 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

Category IV. Category IV wetlands have the lowest levels of functions (scoring less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

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Wetland Classes, Classes of Wetlands, or Wetland Types – The descriptive classes of the wetlands taxonomic classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).

Wetland Edge – The boundary of a wetland as delineated based on the definitions contained in this Chapter.

Wetlands Mitigation Bank – A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.



COUNCIL AGENDA ITEM COVERSHEET

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Fiscal Impact:

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