Agenda
City Council Regular Meeting
Tuesday, October 17, 2017
City Hall Council Chamber | 505 Swift Boulevard

City Council Pre-Meeting - 7:00 p.m. (Discussion Only – Annex Building)

Agenda Item:

1. 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:

2. Tri-City Regional Chamber of Commerce Update on Cool Desert Nights (7 minutes)
   - Lori Mattson, President and CEO

3. Special Olympics Update by The Arc of Tri-Cities (7 minutes)
   - Benton County Commissioner Jerome Delvin

4. Tri-City Regional Hotel-Motel Commission 2018 Budget and Marketing Plan (10 minutes)
   - Kris Watkins, President and CEO

5. 2016 Contributions to the Arts Awards (5 Minutes)
   - Joe Schiessl, Parks and Public Facilities Director

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

6. Proposed Revenue Sources Including Property Tax - Ordinance Nos. 45-17 and 46-17
   - Cathleen Koch, Administrative Services Director

7. Proposed Increase in 2017 Budget Appropriation in General Fund, City Streets Fund, Wastewater Fund, Solid Waste Fund, and Industrial Development Fund - Ordinance No. 47-17
   - Pete Rogalsky, Public Works 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 on October 3, 2017
   - Heather Kintzley, City Attorney

Ordinances - First Reading:

9. Ordinance No. 24-17, Establishing and Dedicating Village Parkway Right-of-Way
   - Pete Rogalsky, Public Works Director

10. Ordinance No. 33-17, Amending RMC Title 12 to Include a Complete Streets Policy
    - Pete Rogalsky, Public Works Director

11. Ordinance No. 44-17, Rezoning 89 Acres of Developed Open Space to Urban Recreation and Natural Open Space
    - Kerwin Jensen, Community Development Director

12. Ordinance No. 45-17, Approving 2018 Ad Valorem Tax and Property Tax Levies
    - Cathleen Koch, Administrative Services Director

13. Ordinance No. 46-17, Approving the 2018 Ad Valorem Tax to Preserve Un-Levied Capacity
    - Cathleen Koch, Administrative Services Director

14. Ordinance No. 47-17, Increasing the 2017 Budget Appropriation in the General Fund, City Streets Fund, Wastewater Fund, Solid Waste Fund, Industrial Development Fund and Streets Capital Fund
    - Pete Rogalsky, Public Works Director

Ordinances - Second Reading/Passage:

15. Ordinance No. 37-17, Creating a New Urban Recreation Zoning District
    - Kerwin Jensen, Community Development Director

16. Ordinance No. 40-17, Amending the Critical Areas Ordinance
    - Kerwin Jensen, Community Development Director

Resolutions – Adoption:

17. Resolution No. 163-17, Expressing Appreciation to Autumn Clark for Service on the Parks and Recreation Commission
    - Heather Kintzley, City Attorney

18. Resolution No. 164-17, Expressing Appreciation to Sonali Matta for Service on the Arts Commission
    - Heather Kintzley, City Attorney

19. Resolution No. 186-17, Authorizing an Interlocal Agreement with Benton PUD for Construction of Fiber Optic Telecommunications Cable and Infrastructure
    - Jon Amundson, Assistant City Manager

20. Resolution No. 188-17, Authorizing a Purchase and Sale Agreement with Rieve Properties for Purchase of a One-Acre Lot in the Horn Rapids Business Center
    - Kerwin Jensen, Community Development Director

21. Resolution No. 189-17, Authorizing Awards for Contributions to the Arts within Richland
    - Joe Schiessl, Parks and Public Facilities Director

22. Resolution No. 190-17, Authorizing Submittal of a Grant Application for Stormwater Funds
    - Pete Rogalsky, Public Works Director

23. Resolution No. 191-17, Authorizing the Submittal of a Funding Application to the Washington State Department of Health's Office of Drinking Water for the Lorayne J Water System Consolidation Project
    - Pete Rogalsky, Public Works Director

24. Resolution No. 193-17, Expressing Appreciation to Michael Heimbigner for Service on the Personnel Committee
    - Heather Kintzley, City Attorney

25. Resolution No. 194-17, Approving the 2018 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan
    - Cindy Reents, City Manager

26. Resolution No. 195-17, Naming a New Private Street Roslyn Court
    - Kerwin Jensen, Community Development Director

27. Resolution No. 196-17, Authorizing a Funding Agreement with Benton County for the Queensgate-Columbia Park Trail Improvements Project
    - Pete Rogalsky, Public Works Director

28. Resolution No. 197-17, Authorizing a Purchase and Sale Agreement with Randall E. Crosby for the Queensgate-Columbia Park Trail Improvements Project
    - Pete Rogalsky, Public Works Director

29. Resolution No. 198-17, Authorizing a Purchase and Sale Agreement with David S. and Kristi L. Harman for the Queensgate-Columbia Park Trail Improvements Project
    - Pete Rogalsky, Public Works Director

30. Resolution No. 199-17, Authorizing a Purchase and Sale Agreement with Alan W. Joseph, Jr. and Tracy Veronte for the Queensgate-Columbia Park Trail Improvements Project
    - Pete Rogalsky, Public Works Director

31. Resolution No. 200-17, Affirming Completion of the Periodic Review and Update of Richland's Comprehensive Plan and Development Regulations
    - Kerwin Jensen, Community Development Director

<u>Items for Approval:</u>

32. Authorize Travel for Mayor Thompson and Mayor Pro Tem Christensen
    - Cindy Reents, City Manager

33. Appointment to the Parks and Recreation Commission: Aaron White
    - Heather Kintzley, City Attorney

34. Youth Appointment to the Richland Arts Commission: Rachel Bauman
    - Heather Kintzley, City Attorney

<u>Expenditures - Approval:</u>

35. Expenditures from September 25, 2017 - October 6, 2017 for $8,084,917.22 including Check Nos. 250383-250837, Wire Nos. 6579-6594, Payroll Check Nos. 125207-125751, and Payroll Wire/ACH Nos. 10111-10132
    - Cathleen Koch, Administrative Services Director

Items of Business:

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 AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

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: 10/17/2017

Agenda Category: Presentations

Key Element:

Subject:
Tri-City Regional Chamber of Commerce Update on Cool Desert Nights (7 minutes)

Department:	Ordinance/Resolution Number:	Document Type:
City Manager		Presentation

Recommended Motion:

Summary:

Fiscal Impact:

Attachments:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Presentations

Key Element:

Subject:
Special Olympics Update by The Arc of Tri-Cities (7 minutes)

Department:
City Manager

Ordinance/Resolution Number:

Document Type:
Presentation

Recommended Motion:

Summary:
Donna Tracy
509-783-1131 x105
Cell 947-6090
donnat@arcoftricities.com

Fiscal Impact:

Attachments:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Presentations

Key Element:

Subject:
Tri-City Regional Hotel-Motel Commission 2018 Budget and Marketing Plan (10 minutes)

Department:	Ordinance/Resolution Number:	Document Type:
City Manager		Presentation

Recommended Motion:

Summary:

Fiscal Impact:

Attachments:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Presentations

Key Element:

Subject:
2016 Contributions to the Arts Awards (5 Minutes)

Department:
Parks & Public Facilities

Ordinance/Resolution Number:

Document Type:
Presentation

Recommended Motion:

Summary:
The Richland Arts Commission (RAC) implements an annual program to award one individual and one organization recognition for their contributions to the arts in Richland. RAC Chairperson Jeff Kissel will present the following awards:

Individual Award: Nancy Doran

Organization Award: Fox Vance Family Foundation

Fiscal Impact:

Attachments:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Public Hearing

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Proposed Revenue Sources Including Property Tax - Ordinance Nos. 45-17 and 46-17

Department:	Ordinance/Resolution Number:	Document Type:
Administrative Services	45-17 and 46-17	Presentation

Recommended Motion:
None.

Summary:

A public hearing will be held for the purpose of public comment on the proposed 2018 revenue sources supporting the General Fund activities.

State statutes require that the public hearing be held prior to consideration of an Ad Valorem Tax ordinance.

Upon conclusion of the public hearing, there will be first readings of the Ad Valorem Tax ordinances scheduled for this evening, October 17, 2017; the second reading and passage is scheduled for November 7, 2017.

Fiscal Impact: None.

Attachments:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Public Hearing

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Proposed Increase in 2017 Budget Appropriation in General Fund, City Streets Fund, Wastewater Fund, Solid Waste Fund, and Industrial Development Fund - Ordinance No. 47-17

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	47-17	Public Hearing Item

Recommended Motion:
None.

Summary:
Washington State law requires that a public hearing be held prior to consideration of an ordinance to increase the appropriation of existing fund balance. Ordinance No. 47-17 is on this evening's consent calendar and proposes to appropriate existing fund balances in the General, Wastewater and Solid Waste restricted reserve funds and to make changes to the 2017 City Streets Fund, Wastewater Fund and Solid Waste Fund.

Fiscal Impact: None.

Attachments:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Minutes

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Approve the Minutes of the Meeting Held on October 3, 2017

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
Minutes

Recommended Motion:
Approve the minutes of the Council meeting held on October 3, 2017

Summary:
None.

Fiscal Impact:
None.

Attachments:
1. Draft 100317 Minutes

MINUTES
RICHLAND CITY COUNCIL REGULAR MEETING
Richland City Hall ~ 505 Swift Boulevard
Tuesday, October 3, 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.

Attendance:
Mayor Robert Thompson, Mayor Pro Tem Terry Christensen, Councilmember Phillip Lemley, Councilmember Sandra Kent and Councilmember Dori Luzzo Gilmour were present.

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

Agenda Item

1. Executive Session Per RCW 42.30.110 (1) (ii): Discuss Current or Potential Litigation With Legal Counsel - Litigation Update (25 minutes)
   - Heather Kintzley, City Attorney

MAYOR PRO TEM TERRY CHISTENSEN MOVED AND COUNCILMEMBER SANDRA KENT SECONDED A MOTION TO MOVE INTO EXECUTIVE SESSION AT 7:00 P.M. TO DISCUSS Per RCW 42.30.110.(I) (iii): DISCUSS CURRENT OR POTENTIAL LITIGATION WITH LEGAL COUNSEL FOR 25 MINUTES. THE MOTION CARRIED 5-0.

COUNCILMEMBER SANDRA KENT MOVED AND COUNCILMEMBER MAYOR PRO TEM TERRY CHISTENSEN SECONDED A MOTION TO EXTEND THE EXECUTIVE SESSION FOR AN ADDITIONAL 10 MINUTES AT 7:25 P.M. THE MOTION CARRIED 5-0.

COUNCILMEMBER DORI LUZZO GILMOUR MOVED AND MAYOR PRO TEM TERRY CHRISTENSEN SECONDED A MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 7:35 P.M. THE MOTION CARRIED 5-0.

2. Discuss Meeting Agenda Items
   - City Councilmembers

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

meeting.

City Council Regular Meeting - 7:40 p.m.

Mayor Thompson called the Council meeting to order at 7:40 p.m. in the Council Chamber at City Hall.

Welcome and Roll Call

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

Attendance: Mayor Robert Thompson, Mayor Pro Tem Terry Christensen, Councilmember Phillip Lemley, Councilmember Sandra Kent, and Councilmember Dori Luzzo Gilmour were present.

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Administrative Services Director Koch, Public Works Director Rogalsky, Fire and Emergency Services Director Huntington, Community Development Director Jensen, Parks and Public Facilities Director Schiessl, Energy Services Operation and Manager Whitney, Police Services Director Skinner and City Clerk Hopkins.

COUNCILMEMBER SANDRA KENT MOVED AND MAYOR PRO TEM TERRY CHRISTENSEN SECONDED A MOTION TO EXCUSE COUNCILMEMBER DAVID ROSE AND COUNCILMEMBER BRAD ANDERSON. THE MOTION 5-0.

Pledge of Allegiance

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

Approval of Agenda

Ms. Kintzley addressed proper meeting decorum by audience members during a Council meeting. She read a list of acceptable behaviors and explained the ramifications if unacceptable behaviors persist.

Mayor Thompson added Resolution No. 192, Authorizing the Acquisition of Real Property Interests from the Tri-City Railroad Company, LLC, by negotiated settlement for the purpose of constructing the Duportail Bridge project, to Items of Business and moved Presentation No. 4 to the last Presentation position, No. 6.

COUNCILMEMBER SANDRA KENT MOVED AND MAYOR PRO TEM TERRY CHRISTENSEN SECONDED A MOTION TO APPROVE THE AGENDA AS AMENDED. THE MOTION 5-0.

Presentations

3. New Hire/Retirements (5 minutes)

- Allison Jubb, Human Resources Director

Ms. Jubb announced the retirees Bonnie Gordon, Support Specialist with 11 years of service and Glen Gordon, Lead Meter Reader, with 29 years of service. She also Introduced the new employees and gave their backgrounds: Darryl Mayfield, Plant Operator; Chenea Pontin, Emergency Communications Dispatcher; Frank Urich, Engineering Technician I; and Robert Moritz, Utility Crafts Worker.

4. Presentation of the 2018 City Manager's Proposed Budget (20 minutes)
   - Cindy Reents, City Manager

Ms. Reents highlighted the Richland community, gave an overview of the 2018 City Manager's proposed budget and reviewed the remaining 2018 Budget Calendar.

Councilmember Lemley expressed praise to the City Manager, Department Directors and staff for running a strong and successful City government.

5. Expressing Appreciation to Steve Arneson for Service on the Utility Advisory Committee
   - Robert Thompson, Mayor

Mayor Thompson read the appreciation resolution and plaque to Steve Arneson who has served on the Utility Advisory Committee for more than 16 years. Mayor Thompson gave his personal thanks to Mr. Arneson. Mr. Arneson spoke on how it was an honor to serve the City and how much he enjoyed the experience.

6. Proposed Annexation of the Lorayne J Ranch and Meadow Springs Ranch Plats West of Leslie Road and South of Lorayne J Boulevard
   - Kerwin Jensen, Community Development Director

Mr. Simon said several property owners within the Lorayne J Ranch and Meadow Springs Ranch plats have filed a request to initiate annexation proceedings to the City. This proposed annexation area consists of 120 residential lots on approximately 68 acres. A total of 18 owners, representing 15% of the total assessed valuation of the proposed annexation area have initiated this request, in satisfaction of the state law threshold that at least 10% of property owners are needed to initiate the annexation process. RCW 35.13.125 requires the City Council to meet with the parties initiating annexation for the purpose of determining whether the City will accept, reject or geographically modify the annexation proposal.

The annexation request is coming forward because this neighborhood needs an upgrade to its community water system, which presently operates on a well that has tested high in nitrates. The City has provided a temporary emergency intertie so that residents are currently receiving City water. Annexation would provide for this neighborhood to make a permanent connection to the City water system. Later in the annexation process, a formal annexation petition will be required to be signed by

property owners representing 60% of the total assessed valuation of the proposed annexation area. At this point, it is not known whether or not the neighborhood will be able to meet this requirement.

Council had questions for Mr. Simon on the annexation.

Public Hearing

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

7. Proposed Surplus of Equipment - Resolution No. 167-17
   - Cathleen Koch, Administrative Services Director

Ms. Koch said the public hearing was being held to receive input or comments on proposed Resolution No. 167-17, Authorizing Surplus and Disposal of Equipment, which is on the Consent Agenda.

Mayor Thompson opened the public hearing at 8:15 p.m.

Randy Slovic, 74 Newcomer, Richland, WA, wanted to know the City's process of selling the surplus items. Purchasing Manager Robinson explained the steps the City follows to legally dispose of surplus items.

Mayor Thompson closed the public hearing at 8:17 p.m.

8. Relinquishment of a Portion of Utility and Waterline Easement at 2100 Pullen Street - Resolution No. 184-17
   - Pete Rogalsky, Public Works Director

Mr. Rogalsky said the public hearing was to receive public comment on the proposed relinquishment of a portion of water line and utility easement lying within 2100 Pullen Street.

Mayor Thompson opened the public hearing at 8:18 p.m. and closed the hearing at 8:18:15 p.m. as there were no public comments.

Public Comments

Randy Slovic, 74 Newcomer, Richland, WA, was concerned that the boards, committees and commissions do not have more women appointed to them. She also was not in favor of the development at Columbia Point South.

Carrie Benitez, 100 Sykline Drive, Richland, WA, said the intersection of Skyline Drive and Queensgate Avenue has had a marked increase in traffic and believes it is a dangerous intersection. She gave suggestions for solutions.

Lloyd Becker, 2120 Duportail Street, Richland, WA, expressed his concerns about Councilmember Luzzo Gilmour.

Nancy Doran, 1516 Johnston Street, Richland, WA, said she supports keeping Columbia Point South as an open natural space area.

Paul Fraser, 570 Holly Street, Richland, WA, supports open spaces and encourages the Council to keep the Columbia Point South area as an open natural space.

Aaron White, 1202 Thayer Drive, Richland, WA, said he was concerned that by developing Columbia Point South, it would increase the bottleneck of traffic on George Washington Way. He supports leaving that area as an open natural space.

Shir Regev, said she supports leaving Columbia Point South as a natural open space. She said she has not heard any comments made in support of the urban recreation zoning.

Ginger Wireman, 2435 Michael Avenue, Richland, WA, said she was concerned the Comprehensive Plan update had references to developing housing in the 300 Area. She supported the work being done on the Bateman causeway, and said the Capital Improvement Plan had no plans for street and sidewalk improvements in the neighborhood south of City Hall.

Consent Calendar

City Clerk Hopkins read the Consent Calendar.

MAYOR PRO TEM TERRY CHRISTENSEN MOVED AND COUNCILMEMBER SANDRA KENT SECONDED A MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED. THE MOTION CARRIED 3-2. COUNCILMEMBER DORI LUZZO GILMOUR AND MAYOR PRO TEM TERRY CHRISTENSEN OPPOSED.

Minutes

9. Approve the Minutes of the Meetings Held on September 19 and 26, 2017
   - Heather Kintzley, City Attorney

Ordinances - First Reading

10. Ordinance No. 40-17, Amending the Critical Areas Ordinance
    - Kerwin Jensen, Community Development Director

Ordinances - Second Reading/Passage

11. Ordinance No. 35-17, Amending RMC Title 14: Electricity, Relating to Retail Rates
    - Bob Hammond, Energy Services Director

12. 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

13. Ordinance No. 39-17, Amending the 2017 Budget to Increase Appropriations in the Criminal Justice Sales Tax Fund
    - Chris Skinner, Police Services Director

14. 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

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

Resolutions – Adoption

16. Resolution No. 167-17, Approving the Sale of Surplus Property and Equipment
    - Cathleen Koch, Administrative Services Director

17. Resolution No. 172-17, Expressing Appreciation to Steve Arneson for Service on the Utility Advisory Committee
    - Heather Kintzley, City Attorney

18. Resolution No. 173-17, Authorizing the Execution of an EVITA Agreement with Energy Northwest for a WSDOT Grant
    - Bob Hammond, Energy Services Director

19. Resolution No. 182-17, Authorizing the Execution of Agreements with the Department of Natural Resources and Army Corp of Engineers for the Duportail Bridge Project
    - Pete Rogalsky, Public Works Director

20. Resolution No. 183-17, Accepting a Request for Annexation of the Lorayne J

Ranch and Meadow Springs Ranch Plats
- Kerwin Jensen, Community Development Director

21. Resolution No. 184-17, Authorizing the Relinquishment of a Portion of a Utility and Water line Easement at 2100 Pullen Street
    - Pete Rogalsky, Public Works Director

22. Resolution No. 185-17, Awarding Bid to Rotschy, Inc. for Wastewater Treatment Plant Influent Upgrades Project
    - Pete Rogalsky, Public Works Director

23. Resolution No. 187-17, Authorizing Acquisition of Access Control Rights for Duportail Bridge Project
    - Pete Rogalsky, Public Works Director

Items for Approval

24. Appointment to the Richland Public Library Board of Trustees: Kurt Maier
    - Heather Kintzley, City Attorney

25. Appointment to the Richland Personnel Committee: Kalen Finn
    - Heather Kintzley, City Attorney

Expenditures - Approval

26. Expenditures from September 11, 2017 - September 22, 2017 for $6,232,553.73 including Check Nos. 249919-250382, Wire Nos. 6567-6578, Payroll Check Nos. 124648-125206, and Payroll Wire/ACH Nos. 10096-10110
    - Cathleen Koch, Administrative Services Director

Items of Business

27. Ordinance No. 37-17, Creating a New Urban Recreation Zoning District - First Reading

    Kerwin Jensen, Community Development Director

Mr. Jensen said as part of the City's update to its Comprehensive Plan, a new land use designation called Urban Recreation is proposed and would initially be applied to the city-owned property in the Columbia Point South area. In order to implement this portion of the plan, a new zoning designation of the same name is proposed. This zoning

category is intended to provide areas for public events, parks and open space, and provide some limited commercial uses as well. The new zoning designation recognizes the environmentally sensitive nature of Columbia Point South and is proposed to require cultural resource surveys and critical areas reports prior to any development taking place on site.

The proposed ordinance was the same ordinance presented by staff to the Planning Commission. The Planning Commission held a public hearing on August 30, 2017 and recommended the following changes to the attached ordinance:

- Outdoor theatres, RV campgrounds, health spas, lodges, restaurants, specialty retail stores, and sporting good rentals all would require a special use permit and approval by the Hearing Examiner.

- Additional standards would be required of all developments to include "Bird-Friendly Building Design", compliance with the "Pattern Outdoor Lighting Code", landscaping shall consist of native species, building design shall maintain the view scape of the river, all area tribes (rather than just the Umatilla) to be notified of each development. .

Mr. Jensen said if the Council choose to adopt the more restrictive standards, staff will be directed to present the more restrictive language in the ordinance for second reading.

Council had a question and answer period with Mr. Jensen on the topic.

MAYOR ROBERT THOMPSON MOVED AND MAYOR PRO TEM TERRY CHRISTENSEN SECONDED A MOTION TO GIVE FIRST READING TO ORDINANCE NO. 37-17.

Councilmember Kent said she does not support the Columbia Point South as an urban recreation zone, but supports the natural open space designation. She will be voting no.

Councilmember Luzzo Gilmour said the citizens do not want development at Columbia Point South and she will be voting no.

Councilmember Lemley said he supports the amendment to the urban recreation zone.

Mayor Pro Tem Christensen said the urban recreation zoning may enhance the area and the City should be looking ahead at future planning.

Mayor Thompson said the Council needs to remain open to future planning.

THE MOTION CARRIED 3-2. COUNCILMEMBERS DORI LUZZO GILMOUR AND SANDRA KENT OPPOSED.

28. Resolution No. 192, Authorizing the Acquisition of Real Property Interests from the Tri-City Railroad Company, LLC by Negotiated Settlement for the Purpose of Constructing the Duportail Bridge Project

- Heather Kintzley, City Attorney

MAYOR ROBERT THOMPSON MOVED AND COUNCILMEMBER SANDRA KENT SECONDED A MOTION TO APPROVE RESOLUTION NO, 192. THE MOTION CARRIED 5-0.

Reports and Comments

1. City Manager

Ms. Reents thanked staff for their work on the budget during her absence. Ms. Reents addressed a letter to the editor recently in the Tri City Herald, saying the City should have used local contractors to build the new City Hall. She said that was not an accurate statement. She explained the process of the design bid solicitation method used for the new City Hall building and how contracts are competitively bid. Eleven of the seventeen sub-contractors submitted for the project are from the greater Tri-Cities area.

2. City Council

Councilmember Luzzo Gilmour expressed congratulations to the founders of LIGO for winning the Nobel Prize in Physics. She noted the Arts Commission Chair, Dr. Kissel, works for LIGO.

Councilmember Lemley said he attended a Richland Police Officer's funeral the past weekend and complimented Police Chief Skinner and his department on their involvement the ceremony.

Mayor Pro Tem Christensen said the Richland Fred Myer grand reopening is scheduled on October 4, 2017, and encouraged all to attend.

3. Mayor

Mayor Thompson cautioned public speakers about the consequences of making negative comments that may be out of context or unfounded.

Adjournment

Mayor Thompson adjourned the meeting at 9:01 p.m.

Respectfully Submitted,

Marcia Hopkins, City Clerk

FORM APPROVED:

Robert J. Thompson, Mayor

DATE APPROVED:

DATE PUBLISHED:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Ordinance No. 24-17, Establishing and Dedicating Village Parkway Right-of-Way

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	24-17	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 24-17, establishing and dedicating Village Parkway right-of-way.

Summary:
North Stone Richland, LLC is constructing the planned second entrance to the Horn Rapids community from SR-240. North Stone Richland, LLC has proposed naming the new street connection Village Parkway.

The Washington State Department of Transportation (WSDOT) regulates the design of new intersections to the state's highways, such as SR-240. WSDOT requires that the City dedicate a public street right-of-way for Village Parkway and establish access control regulating the location of driveways on Village Parkway.

The City has acquired access control rights from the affected private properties and provided those rights to WSDOT. Additionally, the City has assembled the property needed to dedicate the Village Parkway right-of-way. The property was assembled from a City-owned parcel and parcels owned by North Stone Richland, LLC and Columbia Golf Associates. The proposed ordinance would establish the public right-of-way for Village Parkway, thus satisfying WSDOT's requirements.

Staff recommends approval of Ordinance No. 24-17 for first reading.

Fiscal Impact: Land is being transferred to the City at no cost. The roadway will be a City street once it is completed and accepted which will add to the ongoing maintenance cost of the City's street network. This maintenance is budgeted in the City Streets annual budget.

Attachments:
1. Ordinance No. 24-17

WHEN RECORDED RETURN TO:

Richland City Clerk
505 Swift Blvd., MS-05
Richland, WA 99352

ORDINANCE NO. 24-17

AN ORDINANCE of the City of Richland establishing and dedicating the right-of-way for Village Parkway.

WHEREAS, the Horn Rapids Development Master Plan and the Horn Rapids Industrial Park Master Plan include establishing a new local street intersection with State Route 240 (SR240), west of Kingsgate Way and east of Twin Bridges Road; and

WHEREAS, North Stone Richland, LLC is the development company purchasing City-owned property to advance the Horn Rapids development; and

WHEREAS, City development conditions on North Stone Richland, LLC's recent projects include the requirement to construct the planned intersection with SR240; and

WHEREAS, North Stone Richland, LLC has proposed naming the local street at this intersection Village Parkway; and

WHEREAS, North Stone Richland, LLC has acquired a construction permit from the Washington State Department of Transportation (WSDOT) to construct the intersection of Village Parkway with SR 240; and

WHEREAS, WSDOT requires establishment of the public street right-of-way and access control as a condition of the required permit; and

WHEREAS, City and WSDOT staff have established the detailed dimensions and locations of the needed right of way and access control is indicated on the WSDOT Intersection Plan for Approval; and

WHEREAS, the described right-of-way was owned in separate parcels by North Stone Richland, LLC, Columbia Golf Associates, and the City; and

WHEREAS, North Stone Richland, LLC and Columbia Golf Associates have donated their property to the City for the purpose of assembling the Village Parkway right-of-way. The donations were acquired by Quit Claim Deeds recorded under Benton County Auditor File Numbers 2017-028071 and 2017-028-69; and

WHEREAS, the City segregated its property under a Quit Claim Deed recorded under Benton County Auditor File Number 2017-028070; and

WHEREAS, the City has acquired the required access control rights on adjacent properties and deeded such access rights to WSDOT; and

WHEREAS, it is in the City's best interest to dedicate the Village Parkway right of way to implement elements of its planned developments.

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

Section 1. The portion of road right-of-way as described and shown in **Exhibits A** and **B**, attached hereto, as Village Parkway is hereby ordered to be dedicated as a City street named Village Parkway.

Section 2. The City Clerk is directed to file with the Auditor of Benton County, Washington a copy of this ordinance and the attached exhibits, duly certified by the Clerk as a true copy.

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

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

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

Date Published: _____

Exhibit A

A parcel of land located in a portion of the Southeast quarter of Section 20, Township 10 North, Range 28 East, Willamette Meridian, City of Richland, Benton County, Washington described as follows:

BEGINNING at a 3" Brass cap marking the Southeast corner of the Southeast quarter of said Section 20 (from which the Southwest corner of the Southeast quarter of said Section 20 bears South 86°44'38" West, 2650.30 feet);

Thence North 00°30'06" East along the East line of the Southeast quarter of said Section 20 for a distance of 174.99 feet to the Southerly right-of-way line of State Route 240, said point being 75.00 feet Southerly of the center line thereof, when measured at right angles;

Thence leaving the East line of the Southeast quarter of said Section 20, North 52°35'15" West along the Southerly right-of-way line of said State Route 240 for a distance of 1883.16 feet to the TRUE POINT OF BEGINNING of the parcel to be described;

Thence leaving the Southerly right-of-way line of said State Route 240, South 37°24'45" West, 15.77 feet to the Northeast corner of the Village Parkway Road and Utility easement as described under Auditors File No. 2002-028630, Records of Benton County, Washington;

Thence along the Easterly boundary of said Village Parkway road and utility easement and continuing South 37°24'45" West, 117.24 feet;

Thence Southeasterly, along the arc of a 25.00-foot radius, tangent curve to the left (the radius of which bears South 52°35'15" East) through a central angle of 89°39'52 for an arc length of 39.12 feet (the long cord of which bears South 7°25’22” East, 35.25 feet);

Thence Southeasterly, along the arc of a 542.00-foot radius, reverse curve to the right (the radius of which bears South 37°44'53" West) through a central angle of 03°11'21 for an arc length of 30.17 feet; (the long cord of which bears South 50°39’27” East, 30.16 feet);

Thence leaving the Easterly boundary of said Village Parkway road and utility easement, South 37°24'45" West, 84.19 feet to the Southerly boundary of said Village Parkway road and utility easement;

Thence Northwesterly, along the Southerly boundary of said Village Parkway road and utility easement along the arc of a 458.00-foot radius,

non-tangent curve to the left (the radius of which bears South 41°35'04" West) through a central angle of 04°10'19 for an arc length of 33.35 feet; (the long cord of which bears North 50°30’06”, 33.34 feet);

Thence North 52°35'15" West, 159.92 feet to the Southwest corner of said Village Parkway road and utility easement;

Thence leaving the Southerly boundary of said Village Parkway road and utility easement and continuing North 52°35'15" West, 66.76 feet;

Thence North 37°24'45" East, 84.00 feet;

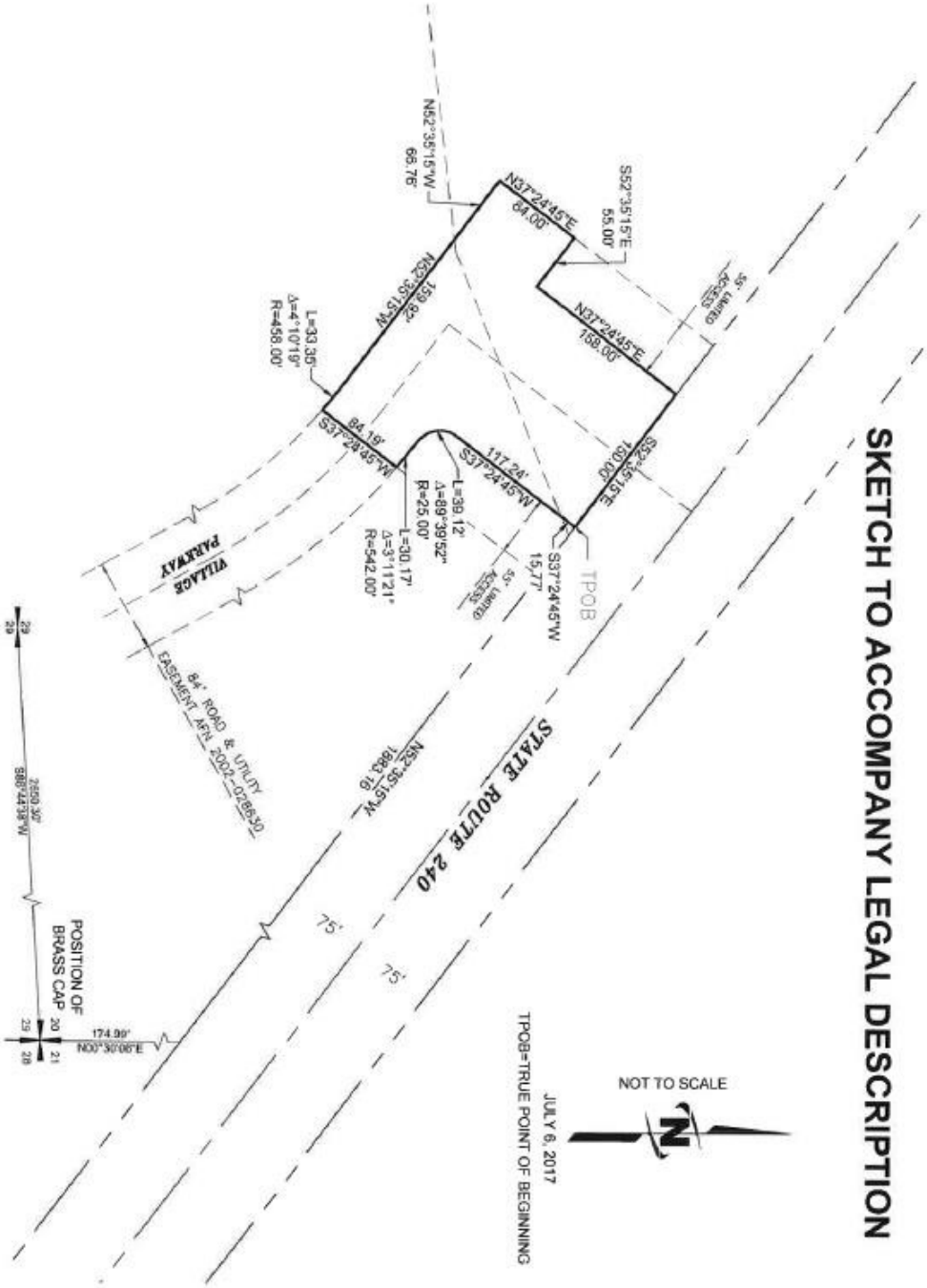
Thence South 52°35'15" East, 55.00 feet;

Thence North 37°24'45" East, 158.00 feet to the Southerly right-of-way line of said State Route 240, said point being 75.00 feet Southerly of the center line thereof, when measured at right angles;

Thence South 52°35'15" East along the Southerly right-of-way line of said State Route 240 for a distance of 150.00 feet to the TRUE POINT OF BEGINNING and the end of legal description.

TOGETHER WITH AND SUBJECT TO easements, reservations, covenants and restrictions apparent or of record.

Exhibit B


SKETCH TO ACCOMPANY LEGAL DESCRIPTION
NOT TO SCALE
JULY 6, 2017
TPOB=TRUE POINT OF BEGINNING
TPOB
S37°24'45"W
15.77'
S52°35'15"E
160.00'
S52°35'15"E
55.00'
N37°24'45"E
168.00'
N37°24'45"E
84.00'
N52°35'15"W
66.76'
N52°35'15"W
159.92'
L=33.35'
Δ=4°10'19"
R=458.00'
S37°24'45"W
84.19'
S37°24'45"W
117.24'
L=39.12'
Δ=89°39'52"
R=25.00'
L=30.17'
Δ=3°11'21"
R=542.00'
N52°35'15"W
1983.16'
STATE ROUTE 240
75'
75'
84' ROAD & UTILITY
EASEMENT AFN 2002-0288530
VILLAGE
PARKWAY
POSITION OF
BRASS CAP
174.99'
N00°30'06"E
S88°47'36"W
2260.30'

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Ordinance No. 33-17, Amending RMC Title 12 to Include a Complete Streets Policy

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	33-17	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 33-17, amending RMC Title 12 to include a Complete Streets policy.

Summary:
Staff is proposing a new Richland Municipal Code Chapter 12.06 - Complete Streets Policy. The purpose of this new chapter is to outline the City's commitment to all road users and modes of transportation, consistent with the 2005 City-wide Transportation Plan and the City's Comprehensive Land Use Plan. Adoption of this code will also make the City eligible for funding opportunities from complete street specific funding sources to make improvements to our existing streets or incorporate features in new projects.

According to the National Complete Streets Coalition, complete streets are those designed and operated to enable safe access and travel for pedestrians, bicyclists, motorists, transit users, and travelers of all ages and abilities.

The proposed code language is based off similar codes adopted elsewhere in Washington State.

This proposed code revision was brought forward through the Planning Commission at a workshop held on September 13, 2017 and at a regular meeting held on September 27, 2017. The Planning Commission provided some recommended text revisions to the proposed code and recommended Council adoption. Staff has incorporated most of the Planning Commission suggestions and has made several additional edits to improve the clarity of the code.

Staff recommends approval of Ordinance No. 33-17 for first reading.

Fiscal Impact:	Meeting the Complete Street requirements will require foresight when rebuilding existing and new roadways, which is already a component of the City's design efforts. Funding will be identified in future Capital Improvement Plan projects and the Complete Street element may provide additional grant opportunities that wouldn't exist without the Complete Street ordinance. Minor staff time is required to support this Council action.

Attachments:
1. Ordinance No. 33-17

ORDINANCE NO. 33-17

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 12: Streets and Sidewalks, adding Chapter 12.06, entitled Complete Streets Policy.

WHEREAS, designing streets that provide safe mobility for all travelers is a key approach to envisioning and building surface transportation facilities known as complete streets; and

WHEREAS, according to the National Complete Streets Coalition, complete streets are those designed and operated to enable safe access and travel for pedestrians, bicyclists, motorists, transit users, and travelers of all ages and abilities; and

WHEREAS, the Citywide Transportation Plan, adopted by the Richland City Council on December 7, 2004, establishes multi-modal policies and goals for the City's transportation system consistent with complete streets policies; and

WHEREAS, the City's Comprehensive Land Use Plan establishes policies consistent with complete streets policies; and

WHEREAS, adoption of a Complete Streets Policy will provide City planners and engineers with clear direction to develop on-the-ground solutions that promote multi-modal transportation; and

WHEREAS, the Federal Highway Administration (FHWA) and the federal Interagency Partnership for Sustainable Communities support the development of complete streets; and

WHEREAS, the Washington State Department of Transportation and the Washington State Transportation Improvement Board also support the development of complete streets; and

WHEREAS, the Richland Planning Commission has reviewed a draft of this code amendment and recommended adoption of a Complete Streets Policy that promotes active living, good health, and tourism.

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

Section 1. Chapter 12.06, entitled Complete Streets Policy, is hereby added to the Richland Municipal Code:

Title 12
STREETS AND SIDEWALKS

Chapters:

12.01 Addressing and Street Naming
12.02 Street Functional Classification Plan
12.03 Road Impact Fees
12.04 Driveways
12.05 State Highway Access Management
12.06 Complete Streets Policy
12.08 Right-of-Way Construction
12.09 Latecomer Agreements
12.10 Installation of Sidewalks, Curbs and Gutters
12.11 Intersection Sight Distance
12.12 Retaining Walls
12.16 Cleaning and Maintenance of Sidewalks and Property within Public Rights-of-Way
12.20 Moving Buildings
12.24 Parades, Dances and Processions

Chapter 12.06
COMPLETE STREETS POLICY

Sections:

12.06.010 Purpose.
12.06.020 Exceptions.
12.06.030 Complete streets infrastructure.
12.06.040 Goals to foster partnerships.
12.06.050 Best practice criteria.
12.06.060 Performance standards.

12.06.010 Purpose.

The City of Richland shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities in all new construction, retrofit or reconstruction projects. Cost-effective opportunities to include complete streets practices shall be identified and

implemented by the city as part of the standard operations and maintenance of city streets.

12.06.020 Exceptions.

Facilities for pedestrians, bicyclists, transit users, and people of all abilities are not required to be provided when, in the judgement of the Public Works Director, any of the following apply:

A. A documented absence of current or future need exists;

B. Non-motorized uses are prohibited by law;

C. Routine maintenance of the transportation network is performed that does not change the roadway geometry or operations, such as mowing, sweeping and spot repair;

D. The cost would be disproportionate to the current need or probable future uses.

12.06.030 Complete streets infrastructure.

The city shall incorporate complete streets infrastructure into existing public streets, as feasible and recommended by professional engineer design professionals, to create a comprehensive, integrated, connected transportation network that balances access, mobility, health and safety needs of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities..

"Complete Streets Infrastructure" means design features that contribute to a safe, convenient, or comfortable travel experience for users, including but not limited to, features such as: sidewalks; shared-use paths; bicycle lanes; automobile lanes of appropriate width paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb-outs; crosswalks; refuge islands; pedestrian and traffic signals,; signage; street furniture; bicycle parking facilities; public transportation stops and facilities in coordination with Ben Franklin Transit; traffic calming devices; and raised medians.

12.06.040 Goals to foster partnerships.

It is a goal of the city of Richland to foster partnerships with all Washington State transportation funding agencies including the Washington State Department of Transportation (WSDOT), the Transportation Improvement Board (TIB), the Federal

Highway Administration (FHWA), Benton County, Benton Franklin Council of Governments, Richland School District, Kennewick School District, citizens, businesses, interest groups, neighborhoods, and any funding agency to implement the complete streets ordinance.

12.06.050 Best practice criteria.

The Public Works Director or designee shall modify, develop and adopt policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operations including but not limited to, the latest editions of American Association of State Highway Transportation Officials (AASHTO), Institute of Transportation Engineers (ITE), National Association of City Transportation Officials (NACTO), Complete Streets Coalition, Washington State Department of Transportation (WSDOT), Manual on Uniform Traffic Control Devices (MUTCD) and Americans with Disabilities Act (ADA) requirements while reflecting the context and character of the surrounding built and natural environments.

12.06.060 Performance standards.

The City of Richland shall adopt performance standards with measurable benchmarks to evaluate the complete streets policy's success and opportunities for improvement. Performance standards may include miles of bicycle facilities or sidewalks, public participation, and number of exemptions from this policy that have been approved.

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

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

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

Date Published: _____

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 3 - Economic Vitality; Key 5 - Natural Resources Management

Subject:
Ordinance No. 44-17, Rezoning 89 Acres of Developed Open Space to Urban Recreation and Natural Open Space

Department:	Ordinance/Resolution Number:	Document Type:
Community & Development Services	44-17	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 44-17, changing the zoning on approximately 80 acres from PPF – Parks and Public Facilities to UR – Urban Recreation and approximately 9 acres from PPF – Parks and Public Facilities to NOS – Natural Open Space on property located at Columbia Point South.

Summary:
The Comprehensive Plan update process resulted in new proposed land use designations for Columbia Point South. The previous Public Facility and Developed Open Space land use designations are proposed to be replaced with Urban Recreation and Natural Open Space designations under the updated plan. A separate item on Council's agenda is an ordinance creating the Urban Recreation zone.

This proposed ordinance would change the zoning on the City-owned portion of Columbia Point South to the new UR-Urban Recreation district, except for a buffer of 200 feet along the shoreline of the Columbia River, which would be zoned NOS-Natural Open Space.

The Planning Commission held a public hearing on this matter on August 30, 2017 and recommended approval of this proposed rezone.

Fiscal Impact: Rezoning of the site would not result in any immediate fiscal impacts to the City. Over time, if the area is developed, increased property values may provide a positive fiscal benefit to the City.

Attachments:
1. Ordinance No. 44-17
2. Staff Report to the Planning Commission

WHEN RECORDED RETURN TO:

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

ORDINANCE NO. 44-17

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 approximately 80 acres from PPF – Parks and Public Facilities to UR – Urban Recreation and to change the zoning on approximately 9 acres from PPF – Parks and Public Facilities to NOS – Natural Open Space on property located at Columbia Point South.

WHEREAS, a proposed change in zoning is intended to implement the recommended land use designation identified for Columbia Point South in the 2017 Comprehensive Plan update;

WHEREAS, RMC 19.20.050 identifies Comprehensive Plan adoptions, amendments and areawide rezones implementing new City policies as legislative actions and provides the Planning Commission with the responsibility of conducting public hearings and providing recommendations to the City Council on legislative actions; and

WHEREAS, on August 30, 2017, the Richland Planning Commission held a properly advertised public hearing to consider a proposal to change the zoning of the property known as Columbia Point South; and

WHEREAS, the Richland City Council has considered the record created at the Planning Commission hearing, and has considered the recommendation of the Planning Commission.

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 in Section 2 below is UR – Urban Recreation when consideration is given to the interest of the general public.

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

A portion of the Southeast and Southwest ¼ of Section 13, Township 9 North, Range 28 East and the Southwest ¼ of Section 18, Township 9 North, Range 29 East, W.M., City of Richland, Benton County, Washington, Described as follows:

Beginning at monument U-37 as described by the U.S. Army Corps of Engineers Monumented Project Boundary (records of the U.S. Army Corps of Engineers Walla Walla, WA office) Thence Easterly along said Project Boundary to U-36, Thence continuing along said Project Boundary to a point that intersects the Southeasterly right of way of I-182 as described by Goose Gap interchange to Road 68 right of way plans (records of the Washington State Department of Transportation) Said point is the True Point of Beginning.

Thence leaving said right of way and continuing along said Project Boundary to U-35.

Thence continuing along said Project Boundary to U-34.

Thence continuing along said Project Boundary to U-33.

Thence continuing along said Project Boundary to U-32.

Thence continuing along said Project Boundary to U-31.

Thence continuing along said Project Boundary to U-30.

Thence continuing along said Project Boundary to U-29.

Thence continuing along said Project Boundary to U-28.

Thence continuing along said Project Boundary to U-27.

Thence continuing along said Project Boundary to U-26.

Thence continuing along said Project Boundary to U-25.

Thence continuing along said Project Boundary to a point on the Southeasterly right of way of said I-182.

Thence leaving said point and Project Boundary Northeasterly and along said right of way back to the true point of beginning.

Containing 89.3 acres, more or less. Except for those properties lying within 200 feet of the ordinary high water mark of the Columbia River.

Together with and subject to covenants, easements, and restrictions of record.

Section 3. Such land is rezoned from PPF – Parks and Public Facilities to UR – Urban Recreation.

Section 4. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described in Section 5 below is NOS – Natural Open Space when consideration is given to the interest of the general public.

Section 5. That portion of the above described property lying within 200 feet of the ordinary high water mark of the Columbia River.

Section 6. Such land is rezoned from PPF – Parks and Public Facilities to NOS – Natural Open Space.

Section 7. 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 **Exhibit A**, attached hereto 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 8. 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 9. 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, Washington, at a regular meeting on the _____day of _____, 2017.

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

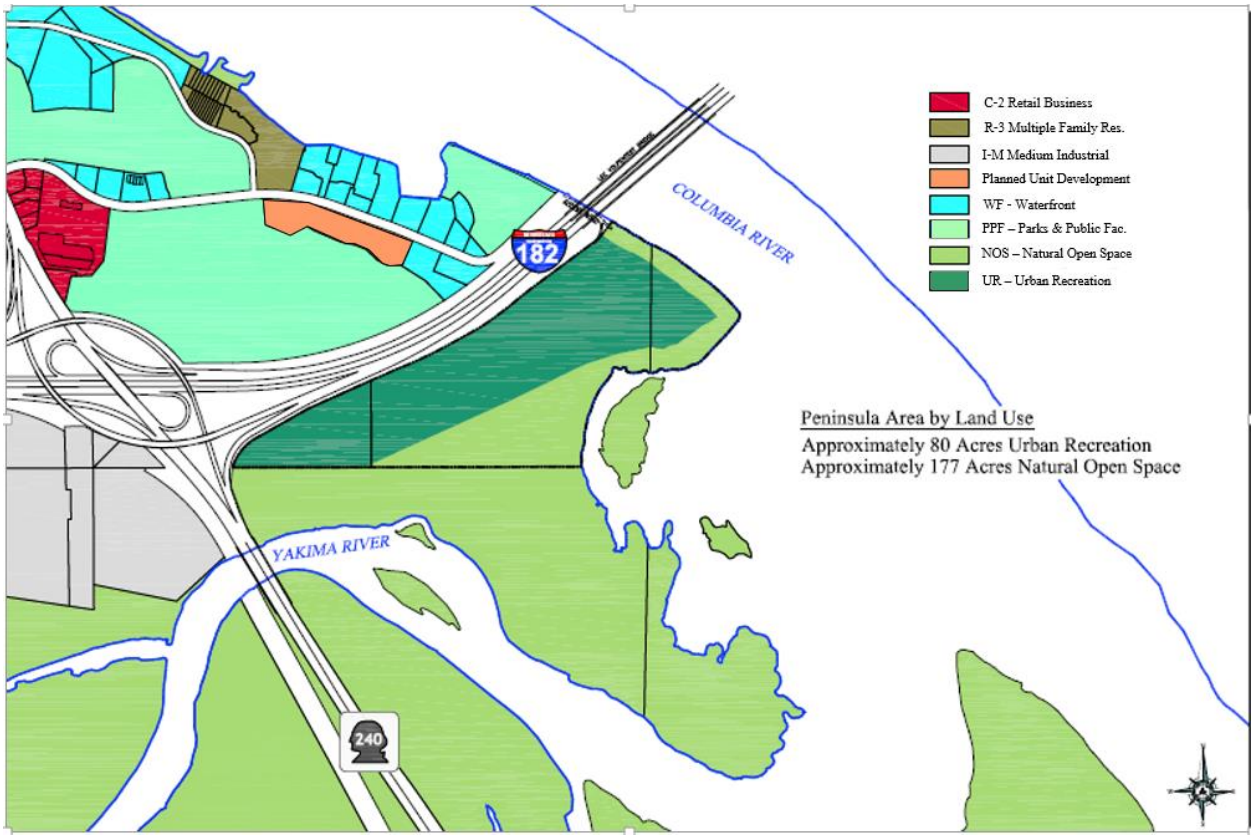
_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

Date Published: _____

Exhibit A
Map of Rezone Area



STAFF REPORT

TO: PLANNING COMMISSION PREPARED BY: RICK SIMON
FILE NO.: Z2017-105 MEETING DATE: AUGUST 30, 2017

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND

REQUEST: 1. TEXT AMENDMENTS TO CHAPTER 23.30, CREATING A NEW PUBLIC USE ZONE CALLED URBAN RECREATION

2. REZONING OF APPROXIMATELY 80 ACRES FROM DEVELOPED OPEN SPACE TO URBAN RECREATION

3. REZONING OF APPROXIMATELY 13.5 ACRES FROM DEVELOPED OPEN SPACE TO NATURAL OPEN SPACE

LOCATION: COLUMBIA POINT SOUTH

REASON FOR REQUEST:

As the City completes its update to the comprehensive plan, a new land use category, "urban recreation" has been applied to portions of Columbia Point South, creating a need for a new zoning category. The application of this new zone is proposed for approximately 80 acres on Columbia Point South. The comprehensive plan also calls for those portions of Columbia Point South along the Columbia River shoreline to be maintained as Natural Open Space.

FINDINGS AND CONCLUSIONS
Staff has drafted text amendments to Chapter 23.30 of the Richland Municipal Code and submits that:

1. Under the City's existing comprehensive plan, land use in the area south of I-82, known as Columbia Point South has been designated as Urban Recreation and the plan designates the portion of Columbia Point South adjacent to the Columbia River as Natural Open Space;

2. The City's existing zoning code does not currently contain a zoning district that corresponds to this urban recreation land use category;

3. The intent of the Urban Recreation land use designation, according to the comprehensive plan is to provide 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 designation to provide for a disbursed pattern of development that recognizes and protects both culturally and environmentally sensitive areas;

4. The proposed Urban Recreation zone allows for a variety of public uses in a disbursed setting;

5. In recognition of the environmentally sensitive nature of Columbia Point South, development standards included in the new zoning district require the preparation of critical areas studies and cultural resource surveys;

6. Existing zoning of Columbia Point South is Parks and Public Facilities;

7. The draft comprehensive plan designates the shoreline areas of Columbia Point South lying within 200 feet of the ordinary high water mark of the Columbia River as suitable for Natural Open Space land uses;

8. The draft comprehensive plan designates approximately 80 acres of the upland portions of Columbia Point South as suitable for Urban Recreation land uses;

9. Based upon the above findings and conclusions, the adoption of the proposed amendments to Chapter 23.30 – Public Use of the Richland Municipal Code creating an Urban Recreation zoning category for Columbia Point South and applying both Urban Recreation zoning and Natural Open Space zoning to Columbia Point South 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 (Z2017-105) and recommend to the City Council:

1. Adoption of the proposed code amendments to RMC Chapter 23.30 creating an Urban Recreation district; and
2. Application of the Urban Recreation zone to approximately 80 acres on Columbia Point South, as depicted on the land use map contained in the draft comprehensive plan;
3. Application of the Natural Open Space zone to approximately 13.5 acres along those portions of Columbia Point South that lie within 200 feet of the Columbia River, as depicted on the land use map contained in the draft comprehensive plan.

ATTACHMENTS

A. Supplemental Information
B. Draft Code Language
C. Map

ATTACHMENT A
(Z2017-105)

SUPPLEMENTAL INFORMATION

COMPREHENSIVE PLAN

The draft comprehensive plan in the Supporting Analysis document defines Urban Recreation as follows:

***Urban Recreation**: The Urban Recreation designation includes uses that are intended to provide the public with places together 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.*

The attached map depicts those portions of Columbia Point South that are proposed for Urban Recreation land uses.

DESCRIPTION OF URBAN RECREATION ZONING

The urban recreation zone as proposed, is a Public Use district that would allow a variety of park and open space uses, much as the existing Parks and Public Facilities zone. In addition the new zone would allow for cultural heritage uses and a limited variety of commercial uses, such as lodges, restaurants, specialty retail and sporting good rentals. The urban recreation zone would require cultural resource surveys to be completed for any proposed development. These surveys would be distributed to the Umatilla Confederated Tribes and the state for review and comment. Additionally, development within the urban recreation zone would be required to complete critical areas reports. Under the draft critical areas ordinance, Columbia Point South is identified as a priority habitat on State Department of Fish and Wildlife maps, triggering the requirement for a fish and wildlife habitat conservation area report.

The complete text of the proposed urban recreation zone, along with definitions of several terms used in the code is attached.

ANALYSIS

The draft code would provide for public and limited commercial uses in an area that is already zoned for public use. The sensitivity of the Columbia Point South area in terms of both cultural resources and wildlife habitat means that specific studies will need to be undertaken when development projects are proposed. These restrictions will result in a disbursed development pattern over time. The most sensitive portions of Columbia

Point South, located away from the freeway and along the Yakima River shoreline would retain a Natural Open Space zoning designation and the shoreline along the Columbia River would also be zoned for Natural Open Space, providing protection along both river corridors.

SUMMARY

The proposed code amendments would implement the draft comprehensive plan through the creation of an Urban Recreation zone and the application of both the Urban Recreation and Natural Open Space zones on Columbia Point South.

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Ordinance No. 45-17, Approving 2018 Ad Valorem Tax and Property Tax Levies

Department:	Ordinance/Resolution Number:	Document Type:
Administrative Services	45-17	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 45-17, approving the 2018 Ad Valorem Tax and Property Tax Levies.

Summary:

City Council sets the property tax levy during the annual budget process. For 2018, there are no new tax dollars proposed for the regular levy other than those arising from new construction value, annexations, refunds, and increases in State-assessed property ("add-ons").

Ordinance 45-17 establishes the estimated dollar amount of the regular levy, the refund levy and the three (3) voted bond levies, authorizing them to be certified to the Benton County Board of Commissioners. The amounts are based on preliminary numbers received from the Benton County Assessor. Amounts certified to the County limit the final calculated levy, so care must be taken to avoid locking in a levy amount that is too low before the values for all add-ons are known. Attached is an analysis of three options for the levy, including a 1% increase, a 0% increase (recommended), and the maximum lawful levy that can currently be adopted.

Staff recommends approval of Ordinance No. 45-17, by title only, for first reading.

Fiscal Impact: At this time any refund levy amount, annexations and the state-assessed property values have not been released and new construction values are still preliminary. As such, the estimated 2018 levy is still subject to change. However, any changes at this point should be minor.

Attachments:
1. Ordinance No. 45-17
2. 2018 Property Tax Options

ORDINANCE NO. 45-17

AN ORDINANCE of the City of Richland relating to the Ad Valorem Property tax levied for the calendar year 2018.

WHEREAS, pursuant to RCW 84.55.120, the Richland City Council has properly given notice of the public hearing held October 17, 2017, to consider the City of Richland's revenue sources for the City's following year current expense budget; and

WHEREAS, the Richland City Council, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Richland does not require an increase in property tax revenue from the previous year in excess of the increase resulting from the addition of new construction, annexation, refunds and improvements to property and any increase in the value of State-assessed property, in order to discharge, in its best interests, the expected expenses and obligations of the City of Richland.

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

Section 1. In accordance with RCW 84.52.020, the City Clerk is hereby directed to certify to the Benton County Board of Commissioners, and to the Benton County Assessor, that the Richland City Council requests that the following levy amounts be collected in 2018 as provided in the City's budget, which was adopted following a public hearing held on October 17, 2017:

Regular Levy:
General Fund,
RAISE Area Debt Service Fund and
Firemen's Pension Fund . . . . . $16,500,000 (Preliminary Estimate)

Refund Levy . . . . . $ 20,000 (Preliminary Estimate)

Police Station
Debt Service Fund $247,576

Richland Community Center
Debt Service Fund $312,525

Library Debt Service Fund $1,390,859

TOTAL $18,470,960 (Estimated)

Section 2. The taxes shall be collected and paid to the City Treasurer at the same time and in the same manner as provided by the laws of the State of Washington relating to collection of taxes in the cities of the first class.

Section 3. This ordinance shall become effective on the day following the date of its publication in the official newspaper of the City.

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

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

Date Published: _____

CITY OF RICHLAND
2018 AD VALOREM PROPERTY TAX OPTIONS - PRELIMINARY
FOR REGULAR LEVY AND SPECIAL LEVIES

Home Value	2017 Current Tax Dollars & Rate		Option 1 1% Increase Current Tax + 1% (+ New Const $577,495) (+ Annexations $------) (+ Admin. Refund $-------)	City Manager's Budget Option 2 Current Tax Dollars +0% (+ New Const $577,495) (+ Annexations $------) (+ Admin. Refund $-------)	Option 3 Current Max $17,080,673 +1% (+ New Const $577,495) (+ Annexations $------) (+ Admin. Refund $-------)
$300,000	895		896	888	959
$250,000	746		747	740	799
$200,000	597		597	592	639
$150,000	448		448	444	479
$100,000	298		299	296	320
$85,000	253		254	252	272
Regular Levy:					
Tax Dollars	$15,799,972	*	16,535,467	16,377,467	17,828,975
Levy Rate	**$2.6641**		**$2.6703**	**$2.6448**	**$2.8792**
Regular Levy Assessed Valuation	$5,930,681,465		$6,192,443,782	$6,192,443,782	$6,192,443,782
Special Levies:					
Tax Dollars - **Police Station**	$248,725	*	$247,576	$247,576	$247,576
Levy Rate	$0.0421		$0.0401	$0.0401	$0.0401
Tax Dollars - **Community Center**	$310,041	*	$312,525	$312,525	$312,525
Levy Rate	$0.0525		$0.0507	$0.0507	$0.0507
Tax Dollars - **Library**	$1,336,709	*	$1,390,859	$1,390,859	$1,390,859
Levy Rate	$0.2262		$0.2255	$0.2255	$0.2255
Tax Dollars - Total Special Levies	$1,895,475	*	$1,950,960	$1,950,960	$1,950,960
Levy Rate	**$0.3208**		**$0.3164**	**$0.3164**	**$0.3164**
Special Levy Assessed Valuation	$5,908,223,699		$6,167,014,864	$6,167,014,864	$6,167,014,864
Grand Total All Levies					
Tax Dollars	**$17,695,447**		**$18,486,427**	**$18,328,427**	**$19,779,935**
Levy Rate	**$2.9849**		**$2.9867**	**$2.9612**	**$3.1956**
Regular Levy Tax $ Differential (Option vs. Recommended):			**$158,000**	**$0**	**$1,451,508**

(*) Final levy. Amount levied by ordinance may differ due to appeals and cancellations. Original levy limit calculation is modified after appeals are processed by the County. All 2018 rates are based on estimated valuations and are subject to adjustment.

New Construction = $216768740 x 2.66410735/1000 =	577,495	Preliminary
Annexations = $---------- x 2.87915/1000 =	-	Info Pending
Increase in State Assessed Property = $0 x 2.62640228/1000 =	-	Info Pending
Administrative Refund Levy	-	Info Pending

Current MAX depicts the maximum allowable levy, including banked levy from previous years and can be found on the property tax calculation sheet that comes from Benton County

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Ordinance No. 46-17, Approving the 2018 Ad Valorem Tax to Preserve Un-Levied Capacity

Department:	Ordinance/Resolution Number:	Document Type:
Administrative Services	46-17	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 46-17, approving the 2018 ad valorem tax to preserve un-levied capacity.

Summary:

City Council sets the property tax levy during the annual budget process. For 2018, there are no new tax dollars proposed for the regular levy other than those arising from new construction value, annexations, refunds, and increases in State-assessed property ("add-ons").

Ordinance 46-17 authorizes, as required, the increase of the regular levy over the prior year, in terms of dollar amount and percentage, even though that amount is zero. This preserves the City's authority to utilize un-levied capacity in future years (referred to as "banking").

RCW 84.55.005(2)(c) sets the limit factor for annual tax increases (and for "banking" un-levied capacity) in a taxing jurisdiction with a population 10,000 or over at the lesser of 101% or 100% plus annual inflation. Annual inflation for July 2017 is 1.553%, establishing the limit factor at 101%.

Staff recommends approval of Ordinance No. 46-17, by title only, for first reading.

Fiscal Impact:	Passage of Ordinance No. 46-17 allows the City to add the annual 1% increase to the Highest Lawful Levy calculation, known as "banking" levy capacity. It does not result in an increase to the base regular levy.

Attachments:
1. Ordinance No. 46-17

ORDINANCE NO. 46-17

AN ORDINANCE of the City of Richland relating to an increase in the calendar year 2018 Ad Valorem Property tax levy over the amount levied in the previous year.

WHEREAS, the Richland City Council has met and considered its budget for the calendar year 2018; and

WHEREAS, the Richland City Council, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Richland does not require an increase in property tax revenue from the previous year in excess of the increase resulting from the addition of new construction, annexation, refunds and improvements to property and any increase in the value of State-assessed property, in order to discharge the expected expenses and obligations of the City of Richland and in its best interest; and

WHEREAS, the City of Richland's actual regular levy amount from the previous year was $15,799,972; and

WHEREAS, the population of the City of Richland is more than 10,000.

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

Section 1. An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2018 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be zero dollars ($0) which is a percentage increase of zero percent (0%) from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of State-assessed property, any annexations that have occurred and refunds made.

Section 2. This ordinance shall become effective 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, Washington, at a regular meeting on the ____ day of _____ 2017.

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

Date Published: _____

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Ordinances - First Reading

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Ordinance No. 47-17, Increasing the 2017 Budget Appropriation in the General Fund, City Streets Fund, Wastewater Fund, Solid Waste Fund, Industrial Development Fund and Streets Capital Fund

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	47-17	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 47-17, increasing the 2017 budget appropriation in the City's General Fund, Streets Fund, Wastewater Fund, Solid Waste Fund, Streets Capital Fund and Industrial Development Fund.

Summary:
The 2017 budget was approved by Council on November 20, 2016 on Ordinance No. 60-16. Amendments to the City's General Fund, City Streets Fund, Wastewater Fund, Solid Waste Fund, Industrial Development Fund and Streets Capital Projects Fund budgets is necessary due to circumstances identified as follows.

Heavy and prolonged snow fall this past winter required levels of effort above those budgeted for in the City Streets budget. Expenses for snow and ice control exceeded budgeted capacity by more than $150,000. Throughout 2017 staff implemented cost saving measures to reduce the ultimate impact on the Streets Division budget. At this point it is necessary to increase funding in the Division to enable important planned maintenance work to be completed. This increase is funded by General Fund. In Wastewater, unanticipated equipment repairs at the Wastewater Treatment Plant along with unanticipated regulatory requirements required additional budget. In Solid Waste the third party recycled material processing fees were not correctly budgeted and must now be corrected to support this program through the end of 2017. In Streets Capital, the budget for the SR-240 - Kingsgate Traffic Signal must be increased to reflect an improved intersection design. Additional funding is proposed from the Industrial Development Fund. The proposed ordinance would increase appropriations in the above mentioned funds to support the expenses identified above.

If approved, sufficient budget will be available to support the needs identified above. Final reading of these proposed budget changes is scheduled for the November 7, 2017 Council meeting.

Fiscal Impact:	The proposed ordinance will increase appropriations in the City Streets operating budget by $115,000 . General Fund is the source of the increase and there is currently sufficient funds in General Fund reserve. Wastewater's budget will increase by $50,000. There is currently $2,676,871 in Wastewater Fund reserve. The Solid Waste budge will increase by $125,600. There is currently $2,217,468 available in Solid Waste Fund reserve. The Streets Capital Fund will increase by $290,000. Industrial Development Funds is the source of this increase and their is currently sufficient funds in Industrial Development reserve.

Attachments:
1. Ordinance No. 47-17

ORDINANCE NO. 47-17

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 General Fund, City Streets Fund, Wastewater Fund, Solid Waste Fund, Industrial Development Fund and Streets Capital Projects Fund.

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

WHEREAS, heavy and prolonged snow fall this past winter required levels of effort far above those planned for in the City Streets budget; and

WHEREAS, unanticipated equipment repairs and regulatory requirements have required unanticipated expenditures in the Wastewater budget; and

WHEREAS, third-party recycled material processing fees were inaccurately estimated and included in the Solid Waste budget; and

WHEREAS, revisions to the design of the SR240 – Kingsgate Traffic Signal require additional appropriations in the Streets Capital Projects Fund to allow for project completion, to be funded by a transfer from the Industrial Development Fund; and

WHEREAS, the circumstances described above have created budget constraints that, if not corrected, will prevent completion of certain activities identified as necessary or desirable in the current year; and

WHEREAS, sufficient unappropriated funds are available in the General Fund, Wastewater Fund, Solid Waste Fund and the Industrial Development Fund to support the required budget adjustments; and

WHEREAS, on October 17, 2017, a public hearing was held pursuant to RCW 35.33.091 regarding the increase in appropriations from beginning fund balance in the General Fund, Wastewater Fund, Solid Waste Fund and Industrial Development 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 General Fund, Wastewater Fund, Solid Waste Fund and Industrial Development Fund.

Section 3. Amendment of the 2017 Budget. The 2017 Budget is hereby amended to provide additional appropriations in the following funds and from the following sources, as indicated:

General Fund		**Source**
Current Appropriation:	$ 56,841,792	
Increase in Appropriation:	$ 115,000	(unappropriated fund balance)
Amended Appropriation:	$ 56,956,792	

City Streets Fund		
Current Appropriation:	$ 3,068,814	
Increase in Appropriation:	$ 115,000	(transfer from General Fund)
Amended Appropriation:	$ 3,183,814	

Wastewater Fund		
Current Appropriation:	$ 15,390,162	
Increase in Appropriation:	$ 50,000	(unappropriated fund balance)
Amended Appropriation:	$ 15,440,162	

Solid Waste Fund		
Current Appropriation:	$ 8,725,873	
Increase in Appropriation:	$ 125,600	(unappropriated fund balance)
Amended Appropriation:	$ 8,851,473	

Industrial Development Fund		
Current Appropriation:	$ 8,330,718	
Increase in Appropriation:	$ 290,000	(unappropriated fund balance)
Amended Appropriation:	$ 8,620,718	

Streets Capital Projects Fund		
Current Appropriation:	$ 16,838,089	
Increase in Appropriation:	$ 290,000	(transfer from Industrial Dev Fund)
Amended Appropriation:	$ 17,128,089	

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

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

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

Date Published: _____

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Ordinances - Second Reading/Passage

Key Element: Key 3 - Economic Vitality; Key 5 - Natural Resources Management

Subject:
Ordinance No. 37-17, Creating a New Urban Recreation Zoning District

Department:	Ordinance/Resolution Number:	Document Type:
Community & Development Services	37-17	Ordinance

Recommended Motion:
Give second reading and pass Ordinance No. 37-17, creating a new Urban Recreation zoning district.

Summary:
As part of the City's update to its Comprehensive Plan, a new land use designation called Urban Recreation is proposed and would initially be applied to the city-owned property in the Columbia Point South area. In order to implement this portion of the plan, a new zoning designation of the same name is proposed. This zoning category is intended to provide areas for public events, parks and open space, and provide some limited commercial uses as well. The new zoning designation recognizes the environmentally sensitive nature of Columbia Point South and is proposed to require cultural resource surveys and critical area reports prior to any development taking place on site.

Ordinance 371-7 was approved for first reading on October 3, 2017. Staff recommends approval on second reading and passage of Ordinance No. 37-17.

Fiscal Impact: Development of Columbia Point South under the provisions of the proposed Urban Recreation zone would increase the value of the land and could result in positive fiscal impacts to the City over time.

Attachments:
1. Ordinance No. 37-17
2. Staff Report to Planning Commission
3. Map of Columbia Point South

ORDINANCE NO. 37-17

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 23: Zoning Regulations, creating a new land use designation known as UR - Urban Recreation, adding new definitions to Chapter 23.06, and amending Chapter 23.08: Use Districts.

WHEREAS, with the update of the City's Comprehensive Plan, a new land use designation known as UR - Urban Recreation was created, to be applied to portions of Columbia Point South; and

WHEREAS, the 2017 Comprehensive Plan describes the urban recreation land use designation as including 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; and

WHEREAS, it is the intent of the urban recreation land use designation to provide for a disbursed pattern of development that recognizes and protects both culturally and environmentally sensitive areas; and

WHEREAS, the City, in desiring to implement its Comprehensive Plan, must develop a UR – Urban Recreation zone; and

WHEREAS, the Planning Commission held a public hearing on August 30, 2017 to consider urban recreation zoning and has recommended adoption of the designation to the City Council.

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

Section 1. Richland Municipal Code Chapter 23.30, entitled Public Use Districts, shall be amended to read as follows:

Chapter 23.30
PUBLIC USE ZONING DISTRICTS

Sections:

23.30.010 Purpose of public use districts.

23.30.020 Public use districts permitted land uses.

23.30.030 Site requirements for public use districts.
23.30.040 Parking standards for public use districts.
23.30.050 Criteria for uses in the urban recreation district.

23.30.010 Purpose of public use districts.

A. The parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.

B. The natural open space use district (NOS) is a special use classification intended to provide area for the retention of publicly owned, natural open spaces that, due to their proximity to wetlands, shorelines, floodplains or critical habitat areas, are too sensitive for intensive use or development. This zoning classification is intended to be applied to those portions of the city that are designated as natural open space under the city of Richland comprehensive plan.

C. The urban recreation district (UR) is a special district providing for the establishment of uses intended to provide the public with places to gather for public events as well as provide some limited urban amenities and passive recreation and open space uses. It is the intent of this zoning classification to provide for a disbursed pattern of development that recognizes and protects both culturally and environmentally sensitive areas. This zoning classification is intended for those portions of the city that are publically owned and designated as commercial recreation under the Richland comprehensive plan. The zoning classification is intended to be used in conjunction with Title 26 RMC, the City Shoreline Master Program, the U.S. Army Corps of Engineers requirements when applicable, and with Title 22 RMC, the city's Critical Areas Ordinance.

23.30.020 Public 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	**PPF**	**NOS**	**UR**
Public/Quasi-Public Uses			
Alternative School	P[1]		
Churches	P[2]		
Clubs or Fraternal Societies	P[2]		
Cultural Institutions	P[2]		P
Cultural Heritage Uses			P
General Park Maintenance and Operations	P	P	P
Golf Courses	P		
Passive Open Space Uses	P	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P[3]	P[3]	P
Public Agency Buildings	P[3]	P[3]	
Public Agency Facilities	P[3]	P[3]	

Land Use	PPF	NOS	UR
Public Campgrounds	P		P
Public Parks	P	P	P
Schools	P[4]		
Special Events Including Concerts, Tournaments, and Competitions, Fairs, Festivals and Similar Public Gatherings	P		P
Trail Head Facilities	P	P	P
Trail for Equestrian, Pedestrian or Nonmotorized Vehicle Use	P	P	P
Recreational Uses			
Art Galleries	P		P
Boat Mooring Facilities	P		
Outdoor Theatre			P
Recreational Vehicle Campgrounds			P
Retail Uses			
Concessionaire	P[6]	P[6]	P
Health Spas			P
Lodges			P
Parking Lot	P	S[5]	
Portable Food Vendors			P
Restaurant Sit-Down			P
Restaurant Lounge			P
Specialty Retail Stores			P[6]
Sporting Good Rentals			P[6]
Miscellaneous Uses			

Land Use	PPF	NOS	UR
Micro- and Macro-Antennas	P		
On-Site Hazardous Waste Treatment and Storage	A	A	
Cemetery	P		

1. RMC 23.42.260
2. RMC 23.42.050
3. RMC 23.42.200
4. RMC 23.42.250
5. RMC 23.42.183
6. No retail business shall operate in a building that exceeds 15,000 square feet in area

23.30.030 Site requirements for public use districts.

A. A lot in a parks and public facilities district shall have at least an area sufficient to satisfy the requirements for minimum yard and off-street parking as required by this title.

B. The minimum yard requirements in the parks and public facilities district shall be the same as those in the adjacent zone district. Where there is more than one zone district adjacent to the parks and public facilities zone district, the yard requirement in the parks and public facilities district shall be the same as the one in the adjacent zone having the most compatible setback requirement.

C. The minimum yard requirement in the urban recreation district is zero feet from property boundaries except when setbacks are required under critical area regulations, building or fire codes.

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

Standard	PPF	NOS	UR
Maximum Building Height – Main Building	55 feet	0 feet[1]	40 feet

1. Permanent structures designed for human occupancy are not permitted in the NOS district.

23.30.040 Parking standards for public use districts.

Off-street parking space shall be provided in parks and public facilities zones in compliance with the requirements of Chapter 23.54 RMC.

23.30.050 Criteria for uses in the urban recreation district.

Uses proposed within the urban recreation district shall comply with the following requirements:

A. A cultural resource survey of the proposed development site shall be completed by a qualified professional. Copies of any such survey shall be distributed to the Umatilla Confederated Tribes and the Washington State Department of Archaeology and Historic Preservation for review and comment.

B. Specific studies as required under Title 22.10 RMC (Critical Areas Ordinance) whenever a proposed development site is located within or in proximity to an area that exhibits characteristics of a wetland, fish and wildlife habitat conservation area, or other identified critical area.

Section 2. Richland Municipal Code Title 23, Chapter 23.06 entitled Definitions, shall be amended to include new definitions:

Chapter 23.06
DEFINITIONS

Sections:

23.06.010 Definitions – Introductory.
23.06.020 Accessory apartment unit.
23.06.025 Accessory dwelling unit.
23.06.027 Adult family home.
23.06.030 Adult use establishment.
23.06.035 Agriculture.
23.06.040 Airport commercial.
23.06.045 Airport industrial.
23.06.050 Alley.
23.06.053 Amendment.
23.06.055 Animal shelter.

23.06.065 Apparel and accessory stores.
23.06.070 Apartment.
23.06.071 Apartment, studio.
23.06.075 Arcade.
23.06.080 Area of special flood hazard.
23.06.085 Art galleries.
23.06.090 Assisted living facility.
23.06.095 Auto parts sales.
23.06.100 Automobile repair.
23.06.105 Automobile service station.
23.06.110 Automobile wrecking.
23.06.115 Base flood.
23.06.117 Basement.
23.06.120 Bed and breakfast.
23.06.125 Block front.
23.06.130 Book, stationery and art supply store.
23.06.135 Building.
23.06.140 Building, accessory.
23.06.145 Building, main.
23.06.150 Building, hardware and garden supply store.
23.06.155 Bus station.
23.06.160 Bus terminal.
23.06.165 Bus transfer station.
23.06.170 Cafeteria.
23.06.175 Car wash.
23.06.180 Carport.
23.06.185 Cemetery.
23.06.190 Church.
23.06.195 City officials and agencies.
23.06.200 Cinema.
23.06.205 Clinic.
23.06.210 Club or fraternal societies.
23.06.215 Commercial recreation.
23.06.217 Concessionaire.
23.06.220 Convention center.
23.06.225 Contractors' offices and shops.
23.06.230 Contractors' yards.
23.06.235 Court.
23.06.237 Cultural heritage use.
23.06.240 Cultural institution.
23.06.245 Day care center.
23.06.250 Delicatessen.
23.06.255 Department store.

23.06.260 Dependent recreational vehicle.
23.06.265 Designated manufactured home.
23.06.270 Development.
23.06.275 District.
23.06.280 Dormitories, fraternities and sororities.
23.06.285 Drinking establishment.
23.06.290 Drive-through.
23.06.295 Drug store/pharmacy.
23.06.300 Dwelling, one-family attached.
23.06.305 Dwelling, one-family detached.
23.06.310 Dwelling, two-family detached.
23.06.315 Dwelling, multiple-family.
23.06.320 Dwelling unit.
23.06.325 Electronic equipment stores.
23.06.330 Essential public facilities.
23.06.335 Equipment rental.
23.06.340 Family.
23.06.345 Family day care home.
23.06.350 Farming of land.
23.06.355 Fence.
23.06.360 Financial institution.
23.06.365 Flood or flooding – Flood Insurance Rate Map (FIRM) – Flood Insurance Study.
23.06.370 Florist.
23.06.375 Food stores.
23.06.380 Food wagon.
23.06.385 Fuel station/mini-mart.
23.06.390 Funeral establishment.
23.06.395 Furniture, home furnishings, and appliance stores.
23.06.400 General service businesses.
23.06.405 Grade plane.
23.06.410 Gross floor area.
23.06.415 Guest room.
23.06.420 Habitable floor.
23.06.425 Hazardous waste.
23.06.430 Hazardous waste storage.
23.06.435 Hazardous waste treatment.
23.06.440 Hazardous waste treatment and storage facilities, off site.
23.06.445 Hazardous waste treatment and storage facilities, on site.
23.06.450 Hedge.
23.06.455 Height of building.
23.06.460 Hog farm.
23.06.465 Home occupations.

23.06.470 Health/fitness center.
23.06.475 Health/fitness facility.
23.06.477 Health spa.
23.06.480 Homeless shelter.
23.06.485 Hospital.
23.06.490 Hospital or clinic for large animals.
23.06.495 Hospital or clinic for small animals.
23.06.500 Hot tub.
23.06.505 Hotel.
23.06.510 House-banked card room.
23.06.515 Junkyard.
23.06.520 Kennel, commercial.
23.06.525 Landscaping.
23.06.530 Landscaping material sales.
23.06.535 Large livestock farming.
23.06.540 Lattice tower.
23.06.545 Laundry, self-service.
23.06.550 Laundry/dry cleaning, retail.
23.06.552 Laundry/dry cleaning, neighborhood.
23.06.555 Laundry/dry cleaning, commercial.
23.06.560 Livestock feed lot.
23.06.563 Lodge.
23.06.565 Lot.
23.06.567 Lot area.
23.06.570 Lot, corner.
23.06.572 Lot, interior.
23.06.575 Lot line, front.
23.06.577 Lot line, rear.
23.06.580 Lot line, side.
23.06.582 Lot depth.
23.06.584 Lot width.
23.06.586 Lowest floor.
23.06.587 Lumberyard.
23.06.590 Macrofacility.
23.06.595 Mailing services.
23.06.600 Manufactured home.
23.06.605 Manufactured home lot, park, and stand.
23.06.610 Manufacturing, general.
23.06.615 Manufacturing, heavy.
23.06.617 Manufacturing, light.
23.06.620 Manufacturing use.
23.06.625 Marinas.
23.06.630 Marine equipment rentals.

23.06.635 Marine gas sales.
23.06.640 Master plan.
23.06.645 Microbrewery.
23.06.650 Microfacility.
23.06.655 Mini-warehouse.
23.06.660 Mobile home.
23.06.665 Monopole.
23.06.670 Motel.
23.06.675 Nursing home or rest home.
23.06.680 Nursery, plant.
23.06.685 Office – Corporate.
23.06.687 Office – Consulting services.
23.06.690 Office – General.
23.06.695 Office – Research and development.
23.06.700 Office supply store.
23.06.705 Outdoor advertising sign.
23.06.710 Outdoor advertising structure.
23.06.715 Outdoor storage.
23.06.717 Outdoor theater.
23.06.720 Parking lot.
23.06.725 Parking space, automobile (off street).
23.06.728 Parking structure.
23.06.730 Pasture.
23.06.732 Patio.
23.06.735 Pawn shop.
23.06.740 Pen.
23.06.745 Personal loan business.
23.06.750 Personal services business.
23.06.755 Pet shop and pet supply store.
23.06.760 Photo processing, copying and printing services.
23.06.765 Pool, private.
23.06.770 Pool, public.
23.06.775 Pool, semi-public.
23.06.777 Porch.
23.06.780 Portable food vendor.
23.06.785 Poultry farm.
23.06.790 Public agency building.
23.06.792 Public agency facility.
23.06.795 Radio and television studio.
23.06.797 Reclassification.
23.06.800 Recreational club.
23.06.802 Recreational vehicle.
23.06.805 Recreational vehicle campground.

23.06.807 Recreational vehicle park.
23.06.809 Recreational vehicle space.
23.06.810 Restaurant.
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23.06.825 Sanitary station or sanitary dumping station.
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23.06.834 School, trade.
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23.06.840 Senior housing.
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23.06.975 Yard.
23.06.980 Yard, front.
23.06.983 Yard, rear.
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23.06.010 Definitions – Introductory.
For the purpose of this title, certain terms and words are defined in this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular number shall include the plural, and the plural, the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion in making a decision. The words "used" or "occupied," unless the context otherwise requires, shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

23.06.020 Accessory apartment unit.
An "accessory apartment unit" is located within or adjacent to a detached one-family dwelling, located on the same lot and is a habitable living unit that provides the basic requirements of shelter, heating, cooking, and sanitation subject to the provisions of RMC 23.42.020.

23.06.025 Accessory dwelling unit.
"Accessory dwelling unit" means a dwelling unit located within a building that contains a nonresidential main or primary use. Occupancy of accessory dwelling units is reserved for the manager or owner of the main or primary use of the building.

23.06.027 Adult family home.
"Adult family home" means a facility licensed pursuant to Chapter 70.128 RCW, or the regular family dwelling of a person or persons who are providing personal care, special care, and/or room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

23.06.030 Adult use establishment.
"Adult use establishment" means any adult motion picture theater, adult panoram establishment, adult retail establishment or live adult entertainment establishment, as defined herein, or any establishment which provides one or more of the activities listed herein.

A. "Adult motion picture theater" means any commercial establishment where films, motion pictures, video cassettes, computer images or other similar photographic reproductions depict specified sexual activities or specified anatomical areas to patrons for a payment of a fee, membership fee, or other charge.

B. Adult Panoram Establishment. "Adult panoram" means a commercial establishment where one or more motion picture projectors, slide projectors, computers or similar devices are used to show films, video cassettes, slides, or other forms of photographic reproductions

depicting specified sexual activities or specified anatomical areas to patrons for a payment of a fee, membership fee, or other charge.

C. “Live adult entertainment establishment” means any commercial establishment featuring go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers that emphasize specified anatomical areas and/or whose performances or other activities include or mimic specified sexual activities.

D. “Adult retail establishment” means any retail establishment which, for money or any other form of consideration either:

1. Has as one of its principal purposes to sell, exchange, rent, loan, trade, transfer, and/or provide for viewing, off the premises, any adult-oriented merchandise, as defined in RMC 5.21.010; or

2. Provides, as its substantial stock-in-trade, for the sale, exchange, rental, loan, trade, transfer and/or viewing or use, off of the premises, any adult-oriented merchandise as defined in RMC 5.21.010.

23.06.035 Agriculture.
“Agriculture” means the tilling of the soil, the raising of crops, horticulture, floriculture, viticulture, apiculture, small livestock farming, dairying, livestock or animal husbandry, and sod farming, including all uses incidental thereto, including the sale of the agricultural products grown or raised upon the site. “Agriculture” excludes the following activities: hog farm, livestock feed lot, poultry farm, slaughterhouse, fertilizer works, bone yard, plant for the reduction or processing of animal matter, or similar manufacturing, processing, warehousing, storage, and related industrial and commercial activities whether or not dependent upon or closely allied to the agriculture industry.

23.06.040 Airport commercial.
“Airport commercial” means the retail sale of aviation-related products and services including aircraft service and rental, air passenger services, and air terminal activities including passenger ticketing, baggage, taxi service, car rental, restaurants, hotels and gift shops.

23.06.045 Airport industrial.
“Airport industrial” means research, design, fabrication and assembly of aircraft, aircraft parts, airfreight terminals and aviation-related products. This use also includes storage and wholesale trade of aviation-related products and air cargo operations and associated storage and processing.

23.06.050 Alley.
“Alley” means a passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots, but not intended for the general traffic circulation and including vehicular ways satisfying this definition but designated by some other name.

23.06.053 Amendment.
"Amendment" means a change to the text of the city's zoning regulations.

23.06.055 Animal shelter.
"Animal shelter" means a service use maintained and operated primarily for the impounding, holding and/or disposal of lost, stray, unwanted, or injured animals.

23.06.065 Apparel and accessory stores.
"Apparel and accessory stores" means stores primarily engaged in selling new clothing, shoes, jewelry, and related articles for personal wear and adornment and stores that rent clothing such as costumes or formal wear.

23.06.070 Apartment.
"Apartment" means a room or suite of two or more rooms, which is designed for, intended for, or occupied by one family, with facilities for cooking therein.

23.06.071 Apartment, studio.
"Apartment, studio" means a self-contained, small apartment which combines living room, kitchenette and bedroom into a single room.

23.06.075 Arcade.
"Arcade" means a commercial establishment containing six or more video, pinball, pool tables or other games, or a business with more than one game per 500 square feet of gross floor area.

23.06.080 Area of special flood hazard.
"Area of special flood hazard" means the land in the floodplain subject to one percent or greater chance of flooding in any given year as identified in the official scientific and engineering report adopted in RMC 23.34.050.

23.06.085 Art galleries.
"Art galleries" means establishments or other private or public places intended primarily for art exhibitions where people may view and/or purchase paintings, sculptures, or other works.

23.06.090 Assisted living facility.
"Assisted living facility" means an establishment which provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities, a full kitchen or no kitchen. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication, but is limited to health care services which do not require state or federal licensing. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space.

23.06.095 Auto parts sales.
"Auto parts sales" means a commercial establishment primarily engaged in the retail sale of new auto parts, automobile accessories and tools, where no automobile maintenance or repair services are provided.

23.06.100 Automobile repair.
"Automobile repair" means an establishment which provides major automobile repair, minor automobile repair or an automobile repair specialty shop as defined herein.

A. "Major automobile repair" means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop or other major repair or maintenance, including operations which may require open flame or welding.

B. "Minor automobile repair" means minor repairs, replacement of minor parts to passenger automobiles and trucks not exceeding one and one-half tons capacity, including any auto lubrication services and engine tune-up services but specifically excluding operations specified under "automobile repair, major" and "automobile repair, specialty shop."

C. "Automobile repair specialty shop" means a retail and service place of business engaged primarily in light repair and sale of goods and services for automotive vehicles including brakes, muffler and tire shops, and their accessory uses. Major automobile repair is excluded from this definition.

23.06.105 Automobile service station.
"Automobile service station" means a retail place of business for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, and minor motor vehicle repairs. Such use excludes items constituting "major automobile repair."

23.06.110 Automobile wrecking.
"Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

23.06.115 Base flood.
"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

23.06.117 Basement.
"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

23.06.120 Bed and breakfast.
"Bed and breakfast" means a one-family detached dwelling unit occupied by a resident owner/manager within which up to four rental bedrooms are made available for overnight accommodation.

23.06.125 Block front.
"Block front" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting streets and railroad right-of-way, waterway, or subdivided acreage.

23.06.130 Book, stationery and art supply store.
"Book, stationery and art supply store" means an establishment engaged in the retail sale of books and magazines, stationery, CDs, record and tapes, video and art supplies.

23.06.135 Building.
"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of any person, animal, or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

23.06.140 Building, accessory.
"Building, accessory" means a detached subordinate building, the use of which is necessary and incidental to that of a main building on the same lot, and which does not change or alter the character of the premises.

23.06.145 Building, main.
"Building, main" means a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which the same is situated.

23.06.150 Building, hardware and garden supply store.
"Building, hardware and garden supply store" means an establishment engaged in selling lumber and other building materials such as paint, glass, wallpaper, tools, seeds, and fertilizer.

23.06.155 Bus station.
"Bus station" means an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a public transit system.

23.06.160 Bus terminal.
"Bus terminal" means an establishment that sells tickets, provides scheduling information and serves as a point of arrival and departure for an inter-city bus line.

23.06.165 Bus transfer station.
"Bus transfer station" means land in a centralized location used by a municipal bus service as a point of departure for multiple bus routes and where bus passengers transfer from one bus to another.

23.06.170 Cafeteria.
"Cafeteria" means an enclosed building or portion thereof used for the preparation, sale, and consumption of food and beverages. Typically, food services offered in a cafeteria are provided as an accessory use to employees or other groups of people and are not generally offered to the general public.

23.06.175 Car wash.
"Car wash" means a facility designed for the cleaning of automobiles, of which there are two types:

A. "Car wash, automatic" means a tunnel-like structure through which cars are pulled or driven and in which high-pressure sprays and brushes clean, dry and may wax vehicles.

B. "Car wash, self-service" means a coin-actuated, self-service washing system enclosed in a walled bay, open front and rear, of not less than eight feet in height. The pumps, water heaters and like equipment are completely housed. Additional facilities may include drying material dispensers and vacuum cleaners.

23.06.180 Carport.
"Carport" means a covered space for the housing primarily of motor vehicles and enclosed on no more than two sides by walls, screens, cabinets, or other type of enclosures.

23.06.185 Cemetery.
"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

23.06.190 Church.
"Church" means a structure, group of structures, or portion thereof which is utilized for the purpose of conducting religious worship, services or ceremonies. A church may contain facilities such as a sanctuary or chapel, assembly rooms, offices, kitchen, parsonage, or multi-purpose facilities. Graded educational facilities, dwelling units except parsonages, day care facilities, and facilities for the training of religious orders shall not be considered incidental to church usage, but may be allowed subject to other provisions of this title.

23.06.195 City officials and agencies.
The word "city" means the city of Richland in Benton County, Washington; the term "city council" means the city council of said city; the terms "planning commission" or "physical planning commission" or "commission" mean the planning commission of the city; the term

“board” or “board of adjustment” means the board of adjustment of the city; the term “administrative official” or “city planner” means such person as the city manager shall designate to administer and enforce this title. [Ord. 28-05 § 1.02; amended during 2011 recodification].

23.06.200 Cinema.
“Cinema” means a motion picture theater.

23.06.205 Clinic.
“Clinic” means a building or portion of a building containing offices for providing medical, dental, psychiatric or chiropractic services for outpatients only.

23.06.210 Club or fraternal societies.
“Club” or “fraternal societies” means an association of persons (whether or not incorporated) organized for some common nonprofit purpose, but not including a group organized primarily to render a service customarily carried on as a business.

23.06.215 Commercial recreation.
“Commercial recreation” means establishments engaged in providing amusement or entertainment for a fee or admission charge. There are two categories of commercial recreation:

A. Indoor Commercial Recreation. Including but not limited to such activities as dance halls, bowling alleys, billiard and pool establishments, skating rinks, indoor batting cages and miniature golf.

B. Outdoor Commercial Recreation. Including but not limited to such activities as outdoor batting cages, arenas, golf courses, putting courses, outdoor miniature golf, amusement parks, riding academies, carnival operations, expositions, and marinas.

23.06.217 Concessionaire.
“Concessionaire,” for the purposes of this title, means and includes any person, firm, or corporation involved in any activity involving the sale of any goods or services, whether conducted for profit or not, on any property located within the PPF – parks and public facilities district. Any concession activity shall be clearly incidental to and supportive of an established primary permitted use in the underlying zoning district.

23.06.220 Convention center.
“Convention center” means a building or area designated to accommodate large groups of people usually for social occasions, or the exchange of information related to professional or commercial activity. Such a facility typically contains various large assembly halls, conference rooms, and food service facilities.

23.06.225 Contractors’ offices and shops.
“Contractors’ offices and shops” means a combination of uses in a single building or lot that includes the assembly, storage and/or manufacture of products typically used in building

construction such as cabinetry, heating/cooling systems, plumbing and mechanical systems together with administrative offices.

23.06.230 Contractors' yards.
"Contractors' yards" means the portion of a lot outside of a contractor's office and shop that is used for the outdoor storage of vehicles, equipment and supplies.

23.06.235 Court.
"Court" means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.

23.06.237 Cultural heritage use.
"Cultural heritage use" means a variety of uses traditionally practiced by Native Americans, including public gatherings, festivals, and camping. Modern interpretation of these uses would include buildings used as meeting centers, performing arts buildings, RV campgrounds, sales of locally produced foods and handcrafted items and similar uses.

23.06.240 Cultural institution.
"Cultural institution" means establishments such as museums, art galleries, and botanical and zoological gardens of historic, educational or cultural interests which are not operated for profit.

23.06.245 Day care center.
"Day care center" means a licensed facility, other than a family day care home, providing regularly scheduled care for a group of children for periods less than 24 hours.

23.06.250 Delicatessen.
"Delicatessen" means retail food stores selling ready-to-eat food products such as cooked meats, prepared salads or seafood, health food or other specialty food items.

23.06.255 Department store.
"Department store" means a large retail store arranged into departments for the sale of a variety of consumer goods.

23.06.260 Dependent recreational vehicle.
"Dependent recreational vehicle" means a recreational vehicle which does not contain water or sewage disposal facilities. [

23.06.265 Designated manufactured home.
"Designated manufactured home" means a manufactured home which:

A. Is comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.

23.06.270 Development.
"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, but not including any open wire fences in any F district.

23.06.275 District.
"District" means a portion of the city within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in this title, or any of the districts with which any combining regulations are combined.

23.06.280 Dormitories, fraternities and sororities.
"Dormitories," "fraternities" and "sororities" means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university, or other recognized institution of higher learning.

23.06.285 Drinking establishment.
"Drinking establishment" means a business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including nightclubs, bars, cocktail lounges, and taverns.

23.06.290 Drive-through.
"Drive-through" means a facility which, by its design, allows people to receive goods and/or services while remaining in their automobiles.

23.06.295 Drug store/pharmacy.
"Drug store/pharmacy" means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, vitamins, first-aid supplies, and other health-related products.

23.06.300 Dwelling, one-family attached.
"Dwelling, one-family attached" means a building designed for or containing one dwelling unit, which is attached on one or both sides with a common wall/zero lot line wall to one or more buildings of the same type.

23.06.305 Dwelling, one-family detached.
"Dwelling, one-family detached" means a detached building designed for or containing one dwelling unit, which may include an accessory apartment subject to the provisions of the zoning districts and RMC 23.42.020.

23.06.310 Dwelling, two-family detached.
"Dwelling, two-family detached" means a detached building designed for or containing two independent dwelling units.

23.06.315 Dwelling, multiple-family.
"Dwelling, multiple-family" means a building or portion thereof designed for or containing three or more independent dwelling units.

23.06.320 Dwelling unit.
"Dwelling unit" means a building or portion thereof providing complete housekeeping facilities for one family, which may include an accessory apartment unit subject to the provisions of the zoning districts and RMC 23.42.020.

23.06.325 Electronic equipment stores.
"Electronic equipment stores" means establishments engaged in the retail sale of a variety of electronic equipment including computers, televisions, stereos, and cameras.

23.06.330 Essential public facilities.
"Essential public facilities" means a facility, conveyance or site whose services are provided by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site.

23.06.335 Equipment rental.
"Equipment rental" means the use of a building or land for the purpose of providing tools, implements, or other articles to individuals or businesses on a temporary basis for a specified fee. This use does not include the rental of automobiles or trucks.

23.06.340 Family.
"Family" means one or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, boardinghouse or rooming house, fraternity or sorority house.

23.06.345 Family day care home.
"Family day care home" means a licensed facility in the licensee's home providing regularly scheduled care for 12 or fewer children for periods less than 24 hours.

23.06.350 Farming of land.
"Farming of land" means the growing of seasonal crops and/or the tilling of soil. For purposes of this definition, the farming of land is typically an interim or temporary land use and would not typically include agricultural activities that are of a long-term nature, such as the planting of orchards or vineyards or the raising of livestock.

23.06.355 Fence.
"Fence" means an upright structure serving as an enclosure, barrier or boundary usually made of posts, boards, wire, iron, steel, or masonry.

23.06.360 Financial institution.
"Financial institution" means a business or institution engaged in monetary transactions such as banks, lending, savings and loan institutions and credit unions but excluding pay day loan businesses.

23.06.365 Flood or flooding – Flood Insurance Rate Map (FIRM) – Flood Insurance Study.
"Flood" or "flooding" means 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.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable within the city.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary/floodway map, and the water surface elevation of the base flood.

23.06.370 Florist.
"Florist" means an establishment engaged in the retail sale of flowers and plants.

23.06.375 Food stores.
"Food stores" means stores primarily engaged in selling food and beverages for home preparation and consumption. It includes grocery stores; mini-market or convenience store uses; meat and fish markets, including freezer provisioners; fruit and vegetable markets; candy, nut, and confectionery stores; dairy products stores; retail bakeries; wine and beer shops; liquor stores; and miscellaneous stores specializing in items such as spices, coffee, or health foods. As an accessory use, a food store may also sell prepared foods for on-site or off-site consumption.

23.06.380 Food wagon.
"Food wagon" means a vehicle that is used for retail food sales that is capable of operating from a variety of sites, rather than from a fixed location.

23.06.385 Fuel station/mini-mart.
"Fuel station/mini-mart" means establishments engaged primarily in the sale of automobile gasoline or other auto fuel to the general public. Such uses may include mini-market or convenience store uses involving the sale of snack food and beverage items.

23.06.390 Funeral establishment.
A “funeral establishment” is a place of business devoted exclusively to such activities as are related to the preparation and arrangements for the funeral, transportation, burial, or other disposition of dead bodies, and including but not limited to: (A) a chapel in which memorial, funeral, or religious services may be conducted; and (B) a preparation room equipped for the preparation and embalming of dead bodies for burial or transportation.

23.06.395 Furniture, home furnishings, and appliance stores.
“Furniture, home furnishings, and appliance stores” means businesses primarily engaged in the retail sale of goods used for furnishing the home, such as furniture, floor coverings, draperies, lighting fixtures, woodstoves, domestic cook stoves, refrigerators, and other household electrical and gas appliances. This category also includes rental of furniture, appliances, and the like.

23.06.400 General service businesses.
“General service businesses” means establishments which provide services involving the maintenance, repair or improvement of personal and household goods including computer and consumer electronics repair and service, custom framing shops, jewelry repair, locksmiths, shoe repair, tailors, upholstery shops, and similar uses.

23.06.405 Grade plane.
“Grade plane” means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

23.06.410 Gross floor area.
“Gross floor area” means the sum of the areas of all floors included within the surrounding walls of a building, or portion thereof, exclusive of vents, shafts, and courts.

23.06.415 Guest room.
“Guest room” means a room which is intended, arranged, or designed to be occupied or which is occupied by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

23.06.420 Habitable floor.
“Habitable floor” means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, except for a floor used only for storage purposes.

23.06.425 Hazardous waste.
“Hazardous waste” means all dangerous and extremely hazardous waste as defined by RCW 70.105.010.

23.06.430 Hazardous waste storage.
"Hazardous waste storage" means the holding of dangerous waste for a temporary period as regulated by the Washington State Dangerous Waste Regulations, Chapter 173-30 WAC.

23.06.435 Hazardous waste treatment.
"Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume.

23.06.440 Hazardous waste treatment and storage facilities, off site.
"Hazardous waste treatment and storage facilities, off site" means treatment and storage facilities that treat or store waste generated on properties other than those on which the off-site facilities are located.

23.06.445 Hazardous waste treatment and storage facilities, on site.
"Hazardous waste treatment and storage facilities, on site" means treatment and storage facilities that treat and store wastes generated on the same, geographically contiguous, or bordering property.

23.06.450 Hedge.
"Hedge" means a row of closely planted shrubs, bushes, or low growing trees forming a barrier, enclosure, or boundary.

23.06.455 Height of building.
"Height of building" means the vertical distance from grade plane to the average height of the highest roof surface. (See RMC 23.06.405 for definition of "grade plane.").

23.06.460 Hog farm.
"Hog farm" means a lot, structure or building used for the raising or keeping of six or more hogs or swine.

23.06.465 Home occupations.
"Home occupations" means an occupation or business activity conducted within a dwelling unit by a member or members of the family who occupy the dwelling, where the occupation or business activity is clearly incidental and secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

23.06.470 Health/fitness center.
"Health/fitness center" means a building, group of buildings or combination of buildings and outdoor uses which together are used for sports, health and recreational uses whether on a membership basis or for the general public. Such facilities include, but are not limited to, gymnasiums, weight-reducing centers, dance studios, tennis, handball or racquetball courts, indoor or outdoor swimming pools and spas, weight training, exercise classes, and running tracks.

23.06.475 Health/fitness facility.
"Health/fitness facility" means health clubs, aerobics centers, athletic clubs and gymnasiums, handball and racquetball clubs, weight-reducing centers, dance studios, and other businesses primarily engaged in indoor health and recreation activities, whether on a membership basis or for the general public. Health/fitness facilities are conducted in buildings no larger than 5,000 square feet in area.

23.06.477 Health spa.
"Health spa" means a commercial facility providing body treatments, massage, gyms, spas, health and wellness activities and similar services.

23.06.480 Homeless shelter.
"Homeless shelter" means a facility designed to provide overnight accommodations and/or meals to homeless persons.

23.06.485 Hospital.
"Hospital" means a licensed institution designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, both mental and physical.

23.06.490 Hospital or clinic for large animals.
"Hospital or clinic for large animals" means a medical facility or institution providing in-patient and outpatient veterinary service consisting of the prevention, cure, or alleviation of disease and injury to large animals or livestock.

23.06.495 Hospital or clinic for small animals.
"Hospital or clinic for small animals" means a medical facility or institution providing inpatient and outpatient veterinary service consisting of the prevention, cure, or alleviation of disease and injury to dogs, birds, cats, and similar small animals.

23.06.500 Hot tub.
"Hot tub" means a nonpermanent structure intended for recreational bathing, in which all controls, water heating, and water circulating equipment are an integral part of the product.

23.06.505 Hotel.
"Hotel" means any building or portion thereof containing six or more guest rooms, which is used, designed, or intended to be used, let, or hired out to be occupied, or which is occupied by six or more individuals for compensation, whether the compensation be paid directly or indirectly.

23.06.510 House-banked card room.
"House-banked card room" as used in this title means an establishment licensed by the Washington State Gambling Commission (the "Commission") to offer "house-banked card games" as described in WAC 230-40-010 and subject to regulation by the Commission under RCW 9.46.070 and Chapter 230-40 WAC.

23.06.515 Junkyard.
"Junkyard" means the use of more than 100 square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of 100 feet) which adjoins any street, for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or the use of any area for an automobile wrecking yard; provided, however, that this definition shall not be deemed to include uses conducted entirely within an enclosed building or lots for the outdoor display and sale of used automobiles in operable condition.

23.06.520 Kennel, commercial.
"Kennel, commercial" means any lot, premises, building, or structure where six or more dogs, cats, and/or household pets over six months of age are kept.

23.06.525 Landscaping.
"Landscaping" shall consist of any of the following or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, and trees; and nonliving durable material commonly used in landscaping such as, but not limited to, rocks, pebbles, bark, sand, walls, or fences, but excluding paving and artificial plants.

23.06.530 Landscaping material sales.
"Landscaping material sales" means establishments engaged in the retail sale of materials commonly used in landscaping such as trees, shrubs, bark, gravel, patio bricks, concrete blocks, pond liners, and similar materials.

23.06.535 Large livestock farming.
"Large livestock farming" means the keeping of domesticated animals such as horses, ponies, burros, dairy and beef cattle, sheep, goats, swine, and similar animals which are kept for personal or agricultural use, or raised for sale and profit.

23.06.540 Lattice tower.
"Lattice tower" is a wireless communications support structure, which consists of metal crossed strips or bars to support antennas and related equipment.

23.06.545 Laundry, self-service.
"Laundry, self-service" means a business providing home-type washing, drying and/or ironing facilities where customers primarily complete the laundering of their own clothes.

23.06.550 Laundry/dry cleaning, retail.
"Laundry/dry cleaning, retail" means a business providing drop off and pick up services of laundry and dry cleaning where the actual laundry/dry cleaning activities are completed at an off-site commercial laundry/dry cleaning facility.

23.06.552 Laundry/dry cleaning, neighborhood.
"Laundry/dry cleaning, neighborhood" means a business providing drop off and pick up services of laundry and dry cleaning and where actual laundry/dry cleaning activities are

completed on site in a process that primarily uses solvents or chemicals that are not regulated as hazardous by the Environmental Protection Agency. Such businesses shall operate in facilities that are 2,000 square feet in area or less.

23.06.555 Laundry/dry cleaning, commercial.
"Laundry/dry cleaning, commercial" means a business providing commercial laundry or dry cleaning services.

23.06.560 Livestock feed lot.
"Livestock feed lot" means a lot, structure or building, or confined area used intensively for raising or keeping of more than six head of beef cattle or similar livestock for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate, but not including barns, pens or similar structures.

23.06.563 Lodge.
"Lodge" means a structure providing overnight accommodations that may include accessory uses that are related to the primary use. The construction and appearance of the building shall enhance and complement the natural surroundings of the immediate area and shall "blend" into the natural environment. Both the interior and exterior design and construction shall be set apart in appearance, materials, and workmanship from that of typical hotels/motels. Lodges can be a maximum of three stories in height and shall also meet the overall height requirement of the zoning district.

23.06.565 Lot.
"Lot" means land occupied or to be occupied by a principal use or building or unit group of buildings and accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title, for a lot in the district in which such lot is situated, and having its principal frontage on a street, or having a permanent means of access to a street. A lot as defined herein is not necessarily the same as a platted lot.

23.06.567 Lot area.
"Lot area" means the total horizontal area included within lot lines.

23.06.570 Lot, corner.
"Lot, corner" means a lot bounded on two or more sides by street lines; provided, that the interior angle of intersection or interception of said street lines does not exceed 135 degrees.

23.06.572 Lot, interior.
"Lot, interior" means a lot other than a corner lot.

23.06.575 Lot line, front.
"Lot line, front" means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; except in those cases in a C-1 district where a lot has two or more street frontages of

equal length or nearly equal length, the front lot line shall be considered to be the line adjoining the street which the comprehensive plan shows is intended to carry the heaviest traffic flow.

23.06.577 Lot line, rear.
"Lot line, rear" means the lot line which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

23.06.580 Lot line, side.
"Lot line, side" means any lot boundary line not a front lot line or a rear lot line.

23.06.582 Lot depth.
"Lot depth" means the shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line. For lots with front lines containing curves or angles, the measurement shall be taken from a line drawn parallel to a base line adjoining the front corners of the lot and lying midway between said base line and a line drawn parallel to said base line tangent to the curve or through the angle point.

23.06.584 Lot width.
"Lot width" means the distance between side lot lines measured at right angles to the lot depth at its midpoint.

23.06.586 Lowest floor.
"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found in RMC 23.34.070(A)(6) (i.e., provided there are adequate flood ventilation openings).

23.06.587 Lumberyard.
"Lumberyard" means a business that sells building materials and/or lumber in large quantities, and includes a significant portion of its product storage outdoors or in warehouse portions of a building.

23.06.590 Macrofacility.
"Macrofacility" is an attached commercial wireless communications facility, which consists of antennas equal to or less than 15 feet in height or a parabolic antenna over one meter in height.

23.06.595 Mailing services.
"Mailing services" means a private establishment engaged in the business of renting mailboxes, accepting packages for delivery, selling packaging materials and/or providing bulk mailing services for customers.

23.06.600 Manufactured home.
"Manufactured home" means a single-family residence constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

23.06.605 Manufactured home lot, park, and stand.
"Manufactured home lot" means a designated portion of a manufactured home park designed for the accommodation of one manufactured home and its accessory structures.

"Manufactured home park" means any site, lot, field or tract of land under the ownership or management of one person, partnership, firm or corporation which is divided into manufactured home lots for tenancy or lease, upon which two or more manufactured homes are located and occupied for dwelling purposes.

"Manufactured home stand" means that area of a manufactured home lot which has been reserved for the placement of a manufactured home.

23.06.610 Manufacturing, general.
"Manufacturing, general" means a manufacturing use, typically having the potential of creating moderate noise, smoke, dust, vibration or other environmental impacts or pollution, and including but not limited to the following:

A. Production of items made from stone or concrete;

B. Production of items from ferrous or nonferrous metals through use of a machine shop, welding or fabrication; or from nonferrous metals through use of a foundry; or from ferrous metals through use of a foundry heated by electricity (induction melting);

C. Production of finished goods that typically are not for household or office use, such as barrels, ceramic molds, or cardboard cartons, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, premilled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;

D. Production of finished goods, for household or nonhousehold use, such as toys, film, pens, or linoleum from plastic, rubber, or celluloid;

E. Production of parts to be assembled into a finished product;

F. Development of film on a wholesale basis;

G. Production of items through biological processes, such as pharmaceuticals and industrial purifiers, manufactured by bioengineering techniques;

H. Production of items such as paint and coatings, dyestuffs, fertilizer, glue, cosmetics, clay, or pharmaceuticals that require the mixing or packaging of chemicals;

I. Food processing for human consumption except that involving the milling of grain or the refining of sugar.

23.06.615 Manufacturing, heavy.
"Manufacturing, heavy" means a manufacturing use, typically having the potential of creating substantial noise, smoke, dust, vibration and other environmental impacts or pollution, and including but not limited to:

A. Processing or refining of raw materials, such as but not limited to minerals, petroleum, rubber, wood or wood pulp, into other products;

B. The milling of grain or refining of sugar, except when accessory to a use defined as food processing for human consumption or as a retail sales and service use;

C. Slaughterhouses, including packing and freezing of meat products;

D. Refining, extruding, rolling, or drawing of ferrous or nonferrous metals, or the use of a noninduction foundry for ferrous metal;

E. Production of large durable goods such as motorcycles, cars, manufactured homes, airplanes, or heavy farm, industrial, or construction machinery;

F. Manufacturing of electrical components, such as semi-conductors and circuit boards, using chemical processes such as etching or metal coating;

G. Production of industrial organic and inorganic chemicals, and soaps and detergents; and

H. Conversion of solid waste into useful products or preparation of solid waste for disposal at another location by processing to change its physical form or chemical composition. This includes the off-site treatment or storage of hazardous waste as regulated by the State Department of Ecology.

23.06.617 Manufacturing, light.
"Manufacturing, light" means a manufacturing use, typically having little or no potential of creating noise, smoke, dust, vibration or other environmental impacts or pollution, and including but not limited to the following:

A. Production, assembly, finishing, and/or packaging of articles from parts made at another location, such as assembly of clocks, electrical appliances, or medical equipment;

B. Production of finished household and office goods, such as jewelry, clothing or cloth, toys, furniture, or tents, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, premilled wood; or wool, clay, cork, semi-precious or precious metals or stones, fiber, or other similar materials;

C. Canning or bottling of food or beverages for human or animal consumption using a mechanized assembly line;

D. Printing plants with more than 5,000 square feet of gross floor area;

E. Electronic product and component manufacturing including radio, TV, computers, data systems equipment, optical, photographic, engineering and similar precision instruments and high-tech industries.

23.06.620 Manufacturing use.
"Manufacturing use" means a business establishment in which articles are produced by hand or by machinery, from raw or prepared materials, by giving to those materials new forms, qualities, properties, or combinations, in a process frequently characterized by the repetitive production of items made to the same or similar specifications.

23.06.625 Marinas.
"Marinas" means an establishment providing docking, moorage space and activities relating to the maintenance and minor repair of pleasure boats and yachts.

23.06.630 Marine equipment rentals.
"Marine equipment rentals" means a business engaged in the rental of marine equipment, such as boats or jet skis, to individuals or businesses on a temporary basis for a specified fee.

23.06.635 Marine gas sales.
"Marine gas sales" means a business typically associated with a marina that engages in retail gasoline sales for boats and other marine equipment.

23.06.640 Master plan.
"Master plan" means a detailed site plan for certain distinct areas of the city for which specific plans have been reviewed and approved by the planning commission and the city council. A master plan for a distinct area is not to be construed as a substitute for the comprehensive plan as set forth in Chapter 23.01 RMC.

23.06.645 Microbrewery.
"Microbrewery" means a small-scale beer brewing plant located within a restaurant or tavern building in which a portion of the building is used for the production of beer for wholesale distribution and for on-site retail sale to restaurant or tavern patrons.

23.06.650 Microfacility.
"Microfacility" is an attached commercial wireless communications facility which consists of antennas equal to or less than four feet in height and with an area of not more than 480 square inches in the aggregate (e.g., one-foot diameter parabola or two feet by one and one-half feet) as viewed from any one point. The permitted antenna height includes the wireless communications facility support structure.

23.06.655 Mini-warehouse.
"Mini-warehouse" means a structure containing separate storage spaces of varying sizes that are leased or rented on an individual basis and outdoor yards for the storage of goods where storage, retrieval and transport are the responsibilities of the renter or lessee.

23.06.660 Mobile home.
"Mobile home" means a single-family residence transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

23.06.665 Monopole.
"Monopole" means a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, typically round or square and driven into the ground or attached to a foundation.

23.06.670 Motel.
"Motel" means a building or group of buildings containing guest rooms designed or used to provide transient lodging.

23.06.675 Nursing home or rest home.
"Nursing home" or "rest home" means a home for aged, chronically ill, incurable persons, or persons in need of convalescent care outside of a hospital in which two or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

23.06.680 Nursery, plant.
"Nursery, plant" means an enterprise, establishment or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items such as clay pots, potting soil, fertilizers, insecticides, garden implements, etc.

23.06.685 Office – Corporate.
"Office – corporate" means an establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the headquarters, regional offices and/or the administrative offices for a corporation. Generally, the majority of the traffic generated from corporate offices comes from employees and not the general public.

23.06.687 Office – Consulting services.
"Office – consulting services" means establishments providing a wide variety of professional services including but not limited to: accountants, engineers, geologists, architects, financial consultants, landscape architects, land planners, surveyors and interior designers who generally conduct research, provide analysis of information, computer simulation, diagramming, mapping and/or drafting in order to create new products or plans.

23.06.690 Office – General.
"Office – general" means an establishment which provides administrative, professional, educational, financial, governmental or customer services to individuals, businesses, institutions and/or governmental agencies in an office setting; for example, branch banks, travel agencies, medical offices, real estate offices, insurance agencies, government offices, customer service offices, data processing services, union or charitable organization offices and wholesalers' offices.

23.06.695 Office – Research and development.
"Office – research and development" means an office/laboratory establishment engaged in the research, analysis, design, development and/or testing of a product.

23.06.700 Office supply store.
"Office supply store" means stores selling office products such as stationery, legal forms, writing implements, computers, copies, office furniture, and similar products.

23.06.705 Outdoor advertising sign.
"Outdoor advertising sign" means any lettered, figure, or pictorial matter or other sign of any kind or character whatsoever, made visible for outdoor advertising purposes anywhere.

23.06.710 Outdoor advertising structure.
"Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

23.06.715 Outdoor storage.
"Outdoor storage" means the storage of any products, materials, vehicles, equipment, junk, or scrap outside the confines of an enclosed building, and more specifically defined as:

A. Merchandise Display. Display of products and materials, and operable vehicles and equipment for the principal purpose of offering for sale at retail, and incidental to the business existing on the premises;

B. Equipment and Material Storage. Storage of any equipment or materials in usable condition which are not being specifically displayed as merchandise or offered for sale at retail; and

C. Junk and Scrap Storage. Storage of used products or scrap materials such as wood, cloth, paper, glass, metal, plastic, or rock material, which could be refurbished, recycled, or converted into usable stock or material.

23.06.717 Outdoor theater.
"Outdoor theater" means an outdoor facility used by and for the performing arts.

23.06.720 Parking lot.
"Parking lot" means an open area, other than a street or alley, used for the temporary parking of automobiles and available for public use, whether free or for compensation, or as an accommodation for clients or customers.

23.06.725 Parking space, automobile (off street).
"Parking space, automobile (off street)" means space within a public or private parking area, or within a building designed for or used for the temporary parking or storage of one motor vehicle.

23.06.728 Parking structure.
"Parking structure" means a structure used for the parking of vehicles where parking is accommodated on two or more levels.

23.06.730 Pasture.
"Pasture" means a fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principal food source for the livestock confined therein.

23.06.732 Patio.
"Patio" means an outdoor space that is often paved or decked directly adjacent to a main building that is at or within 30 inches of adjacent grade.

23.06.735 Pawn shop.
"Pawn shop" means an establishment engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property.

23.06.740 Pen.
"Pen" means a fenced enclosure or small confined area used for the raising or keeping of livestock or small animals, but not including barns, sheds or similar structures, or pasture.

23.06.745 Personal loan business.
"Personal loan business" means an establishment engaged in the business of cashing payroll checks and/or providing small, nonsecured, short-term loans to individuals.

23.06.750 Personal services business.
"Personal services business" means a business primarily engaged in providing services generally involving the maintenance of the human body, or other services to one's person. Such businesses include, but are not limited to, barber and beauty shops, photographic

studios, body piercing, manicuring shops, tanning parlors, body wrapping, tattoo parlors and massage practitioners.

23.06.755 Pet shop and pet supply store.
"Pet shop" and "pet supply store" mean establishments engaged in the retail sale of pets, pet food, supplies and the grooming of pets.

23.06.760 Photo processing, copying and printing services.
"Photo processing, copying and printing services" means retail establishments that provide duplicating services using photocopy, blueprint and offset printing equipment, including collating of booklets and reports.

23.06.765 Pool, private.
"Pool, private" means a swimming pool built accessory to a dwelling unit and used for the enjoyment of the family living therein.

23.06.770 Pool, public.
"Pool, public" means a swimming pool to which the general public has access through the payment of a fee or admission charge.

23.06.775 Pool, semi-public.
"Pool, semi-public" means a swimming pool accessory to a hotel, motel, multiple dwelling or similar use to which the general public does not have usual access, and located for the convenience of the guests or patrons of a hotel, motel or similar use.

23.06.777 Porch.
"Porch" means an outdoor, typically raised and covered area, providing an entrance way to a building.

23.06.780 Portable food vendor.
"Portable food vendor" means the vending of food and/or beverages from a movable cart-type stand which is located on the same lot as, and in conjunction with, a permitted use. Portable food vending stands cannot be self-propelled, must serve only walk-up customers, and may not be stored outdoors when the portable food vendor is not open for business.

23.06.785 Poultry farm.
"Poultry farm" means a lot, structure or building used intensively for the raising, feeding, breeding, or keeping of chickens, turkeys, or other poultry for marketing or slaughter, or for the production of eggs for sale.

23.06.790 Public agency building.
"Public agency building" means any agency office for the administration of any governmental activity or program.

23.06.792 Public agency facility.
"Public agency facility" means a lot, structure, facility or building which is necessary for the operation of a public utility on which is performed a public service such as supplying water, wastewater disposal, electrical, transportation or communication service, usually as a monopoly or pursuant to a franchise by a business organization under governmental regulation, or directly by government.

23.06.795 Radio and television studio.
"Radio and television studio" means an establishment engaged in transmitting oral and visual programs, and which consists of a studio, transmitter, and antennas.

23.06.797 Reclassification.
"Reclassification" means a change in the city's zoning map, resulting in a change in zoning designation on one or more parcels of property. Also referred to as a rezone.

23.06.800 Recreational club.
"Recreational club" means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses maintained by a nonprofit organization whose membership is limited to the residents within the area in which it is located; provided, that membership shall not be denied to residents of the area based solely on race, creed or color.

23.06.802 Recreational vehicle.
"Recreational vehicle" means a vehicular-type unit designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. "Recreational vehicle" shall include, but not be limited to, the following:

A. Travel Trailer. A vehicular, portable structure built on a chassis and drawn by a motorized vehicle and which is designed to be used as a temporary dwelling for travel, recreational and vacation uses;

B. Camper. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational and vacation uses;

C. Motor Home. A portable, temporary dwelling to be used for travel, recreational and vacation use constructed as an integral part of a self-propelled vehicle;

D. Camping Trailer. A folding structure mounted on wheels and designed for travel, recreational and vacation uses.

(See also "Dependent recreational vehicle," RMC 23.06.260.)

23.06.805 Recreational vehicle campground.
"Recreational vehicle campground" means a lot or parcel of land occupied or intended for occupancy by recreational vehicles or tents for travel, recreational or vacation usage for short periods of stay subject to the provisions of this title.

23.06.807 Recreational vehicle park.
"Recreational vehicle park" means a lot or parcel of land occupied or intended for occupancy by recreational vehicles for travel, recreational or vacation uses allowing for longer periods of stay subject to the provisions of this title.

23.06.809 Recreational vehicle space.
"Recreational vehicle space" means a parcel of land in a recreational vehicle park or campground for the placement of a single recreational vehicle and the exclusive use of its occupants.

23.06.810 Restaurant.
"Restaurant" means a retail establishment engaged in the preparation and sale of food and beverages, including coffee shops, sandwich shops, ice cream parlors, fast food take-out, espresso stands, and similar uses. The term "restaurant" can be further described by the following types:

A. Restaurant, Drive-Through. A "restaurant" which has one or more drive-through lanes for ordering and dispensing of food and beverages to patrons remaining in their vehicles, for consumption off the premises. A drive-through restaurant may also have seating facilities.

B. Restaurant, Lounge. A restaurant which includes licensed on-site provision of alcoholic beverages for consumption on the premises as an accessory to food service.

C. Restaurant, Sit-Down. A restaurant at which all food and drink is consumed on the premises.

D. Restaurant, Take-Out. A restaurant that offers a take-out service whereby food may be consumed off the premises. A take-out restaurant may also have seating facilities.

23.06.817 Sales, retail.
"Sales, retail" means sale to the ultimate consumer for direct consumption and not for resale.

23.06.820 Sales, wholesale.
"Sales, wholesale" means sale for resale not for direct consumption. For the purpose of land use classifications, a business primarily engaged in wholesale sales, with less than 25 percent of the square footage of sales in related retail, will be classified as wholesale.

23.06.825 Sanitary station or sanitary dumping station.
"Sanitary station" or "sanitary dumping station" means a facility used for removing and disposing of wastes from recreational vehicle sewage holding tanks.

23.06.830 School.
"School" means public or private graded educational institution facility, structure or building but not including trade schools.

23.06.832 School, alternative.
"School, alternative" means a school which offers a curriculum which is equivalent to but is a substitute for the curriculum commonly found in more traditional public or private schools.

23.06.833 School, commercial.
"School, commercial" means a business establishment where instruction is given, in exchange for payment of a fee. Examples of subjects taught include, but are not limited to, dance, computer skills, music, and martial arts.

23.06.834 School, trade.
"School, trade" means an educational facility, structure or building operated as a business enterprise offering instruction or training in the trades or industrial arts such as welding, brick laying, machinery operation, cooking, printing or similar trades or industrial arts, but not including schools.

23.06.835 Secondhand/consignment store.
"Secondhand/consignment store" means an establishment engaged in the retail sale of used clothing, sports equipment, appliances, and other merchandise.

23.06.840 Senior housing.
"Senior housing" means a complex of dwellings, exclusively designed for and occupied by households having least one person 62 years of age or older.

23.06.845 Sensitive land uses.
"Sensitive land uses" means those land uses which are particularly sensitive to the secondary effects of adult use businesses. "Sensitive land uses" include the following:

A. Churches, or other religious facilities or institutions;

B. Multiple-family and single-family residential zones;

C. Playgrounds and public parks;

D. Public and private schools, technical schools and training facilities which have 25 percent or more of their students under the age of 18.

23.06.850 Small livestock farming.
"Small livestock farming" means the keeping of four or more domesticated animals such as rabbits, chickens, ducks, turkeys, and similar fowl and animals which are kept for personal or agricultural use, or raised for sale and profit.

23.06.855 Specialty retail store.
"Specialty retail store" means one of a wide variety of stores involved in the retail sale of one or more general categories of specialty goods and merchandise, including but not limited to the following types of specialty stores: sporting goods, bicycles, glassware and chinaware, fishing tackle, music, greeting cards, jewelry, toys, hobby supplies, games, cameras, gifts and souvenirs, sewing supplies, tobacco products, newspapers, magazines, and comic books, religious supplies, guns and gun supplies or other miscellaneous goods.

23.06.860 Specified anatomical areas.
"Specified anatomical areas" means:

A. Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

23.06.863 Sporting good rentals.
"Sporting good rentals" means a business engaged in short term rentals of outdoor related sporting goods such as bicycles, kayaks, paddle boards or similar items.

23.06.862 Specified sexual activities.
"Specified sexual activities" means:

A. Human genitals in a state of sexual stimulation or arousal; and/or

B. Acts of human masturbation, sexual intercourse or sodomy, whether between persons of the same or opposite sex; and/or

C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and/or

D. Excretory functions as part of or in connection with any of the activities set forth in this chapter.

23.06.865 Stable, private.
"Stable, private" means a building in which horses are kept for private use and not for remuneration, hire, or sale.

23.06.867 Stable, public.
"Stable, public" means a building in which horses are kept for remuneration, hire, or sale, including a riding academy.

23.06.870 Stock-in-trade.
"Stock-in-trade" means all books, equipment, magazines, periodicals, pictures, posters, printed material, products (including prerecorded video tapes, discs, or similar material), or

other items readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not open to patrons.

23.06.875 Story.
"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A mezzanine floor shall be counted as a story if it covers over one-third of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. A basement shall be counted as a story if its ceiling is over six feet above the level from which the height of the building is measured.

23.06.880 Street.
"Street" means a public thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

23.06.885 Structure.
"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

23.06.888 Substantial damage.
"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

23.06.890 Substantial improvement.
"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term "substantial improvement" does not include any project for improvement to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official which are the minimum necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

23.06.895 Theater.
"Theater" means a facility used by and for the performing arts but not including cinema.

23.06.900 Towing, vehicle impound lots.
"Towing, vehicle impound lots" means lots used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles, but which does not include permanent vehicle storage or dismantling of vehicles.

23.06.905 Travel trailer.
See "Recreational vehicle," RMC 23.06.802.

23.06.910 Truck terminal.
"Truck terminal" means a business providing a location where goods carried by motor transport can be received, transferred from one vehicle to another, and/or shipped, where the primary purpose is not storage but to serve as a point of transfer.

23.06.915 Use – Permitted.
"Use – permitted" means a use authorized or allowed alone in a specified use district for the preservation or promotion of which the use district is established and subject to the requirements of the regulations and standards of such use district, and to which all other uses are accessory, special, conditional, or nonconforming.

23.06.920 Use – Accessory (secondary).
"Use – accessory (secondary)" means a secondary or minor use of a lot, structure, or building designed or employed in conjunction with, but subordinate or incidental to, and compatible with the principal permitted use for which the use district is established, and subject to the regulations and standards of such use district.

23.06.925 Use – Nonconforming.
"Use – nonconforming" means the use of a building or other structure or of a tract of land which does not conform to the use regulations of this title for the district in which it is located, either at the effective date of the ordinance codified in this title or as a result of subsequent amendments which may be incorporated into this title.

23.06.930 Use – Special.
"Use – special" means any use of a lot, structure or building which by its nature, intensity or potential impact upon an area cannot be considered as a principal or accessory use within a use district, but when subject to special conditions and standards specified in a special use permit may be compatible with other uses in the same or adjacent use districts.

23.06.935 Variance.
"Variance" means a modification of the regulations of this title granted by the board of adjustment after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

23.06.940 Vehicle leasing and rentals.
"Vehicle leasing and rentals" means the use of any building or land for a business involving the leasing of vehicles.

23.06.945 Vehicle sales.
"Vehicle sales" means the use of any building or land for the display and sale or long-term lease of new or used automobiles, panel trucks or vans, boats, or motorcycles and including any warranty repair work and other repair service conducted as an accessory use.

23.06.950 Video rental store.
"Video rental store" means an establishment engaged primarily in the renting or sale of videocassettes, DVDs, and video games.

23.06.955 Warehousing and wholesale trade.
"Warehousing and wholesale trade" means establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public.

23.06.960 Warehousing, storage and distribution.
"Warehousing, storage and distribution" means a building where goods and materials are kept immediately prior to their delivery to retail outlets or their sale to other businesses. This use may include vehicle maintenance or storage as an accessory use.

23.06.965 Wholesale use.
"Wholesale use" means a business that stores large stocks of goods for sale in bulk quantities to retail outlets. Sales to the general public do not occur on the site, nor is the location of the business advertised through newspapers, flyers or other media designed to reach the consumer.

23.06.970 Wineries – Production.
"Wineries – production" means an establishment engaged in the production of wine for wholesale distribution.

23.06.972 Wineries – Tasting room.
"Wineries – tasting room" means an establishment engaged in the retail sales of wines.

23.06.975 Yard.
"Yard" means an open space of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except for the certain exceptions specified in this title. In measuring a yard, as hereinafter provided, the "line of a building" shall be deemed to mean a line parallel to or concentric with the nearest lot line drawn through the point of a building or the point of a group of buildings nearest to such a lot line, exclusive of the exceptions referenced above, and the measurements shall be taken from the line of the building to the nearest lot line.

23.06.980 Yard, front.
"Yard, front" means a yard extending the full width of the site and measured as to depth at the least horizontal distance between the street right-of-way line and the exterior wall.

23.06.983 Yard, rear.
"Yard, rear" means a yard which extends the full width of the site and is measured as to depth at the least horizontal distance between the rear lot line and the exterior wall.

23.06.985 Yard, side.
"Yard, side" means a yard which extends from the front yard or front lot line where no front yard exists to the rear yard or rear lot line where no rear yard exists and is measured as to width at the least horizontal distance between the side lot line and the exterior wall.

Section 3. Richland Municipal Code Section 23.08.010, entitled Establishment of Use Districts, shall be amended to read as follows:

23.08.010 Establishment of use districts.
In order to classify, segregate, and regulate the use of land, buildings, and structures, the city is divided into the following use districts:

PRIMARY DISTRICTS

Description	Symbol	Typical Uses
Floodplain district	FP	Pasture, recreation, agriculture
Agricultural district	AG	Agriculture, horticulture, five-acre minimum subdivision
Suburban agricultural district	SAG	Residential uses 43,560 square feet minimum lot size; limited agriculture
Single-family residential district 12,000	R-1-12	Residential uses 12,000 square feet average lot size
Single-family residential district 10,000	R-1-10	Residential uses 10,000 square feet average lot size
Medium-density residential district	R-2	Residential uses 6,000 square feet minimum lot size for a single-family dwelling; 8,000 square feet for duplex dwelling
Medium-density residential – small lot use district	R-2S	Residential uses 4,000 square feet minimum lot size

PRIMARY DISTRICTS

Description	Symbol	Typical Uses
		for detached one-family dwelling, 7,000 square feet minimum lot size for two-family dwelling, and 3,000 square feet minimum lot size for attached one-family dwelling
Multiple-family residential district	R-3	Single-family, duplex, multifamily residential; single-family 6,000 square feet; duplex 8,000 square feet; multifamily 1,500 square feet per dwelling unit
Limited business district	C-LB	Offices, clubs, motels, hotels, clinics, apartments
Neighborhood retail business district	C-1	Convenience stores serving immediate neighborhood
Retail business district	C-2	Retail activities, motels, hotels, etc.
General business district	C-3	Retail-wholesale; small fabricating; used/new car sale
Central business district	CBD	Central business mixed uses
Waterfront	WF	Commercial and residential water oriented uses
Commercial winery	CW	Wineries and supporting uses
Commercial recreation	CR	Marina, resort, hotel, recreation
Medium industrial	I-M	Manufacturing district
Heavy manufacturing district	M-2	Manufacturing, warehousing and related uses
Business and commerce use district	B-C	Business and commercial uses

PRIMARY DISTRICTS

Description	Symbol	Typical Uses
Business research park use district	B-RP	Business research and business park uses
Parks and public facilities	PPF	Parks, playgrounds, and public facility uses
Natural open space district	NOS	Undeveloped open space, pedestrian trails
Urban Recreation	UR	Cultural and Recreational Uses

Section 4. 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, Washington, at a regular meeting on this 17th day of October, 2017.

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

Date Published: October 22, 2017

STAFF REPORT

TO: PLANNING COMMISSION PREPARED BY: RICK SIMON
FILE NO.: Z2017-105 MEETING DATE: AUGUST 30, 2017

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND

REQUEST: 1. TEXT AMENDMENTS TO CHAPTER 23.30, CREATING A NEW PUBLIC USE ZONE CALLED URBAN RECREATION

2. REZONING OF APPROXIMATELY 80 ACRES FROM DEVELOPED OPEN SPACE TO URBAN RECREATION

3. REZONING OF APPROXIMATELY 13.5 ACRES FROM DEVELOPED OPEN SPACE TO NATURAL OPEN SPACE

LOCATION: COLUMBIA POINT SOUTH

REASON FOR REQUEST:

As the City completes its update to the comprehensive plan, a new land use category, "urban recreation" has been applied to portions of Columbia Point South, creating a need for a new zoning category. The application of this new zone is proposed for approximately 80 acres on Columbia Point South. The comprehensive plan also calls for those portions of Columbia Point South along the Columbia River shoreline to be maintained as Natural Open Space.

FINDINGS AND CONCLUSIONS
Staff has drafted text amendments to Chapter 23.30 of the Richland Municipal Code and submits that:

1. Under the City's existing comprehensive plan, land use in the area south of I-82, known as Columbia Point South has been designated as Urban Recreation and the plan designates the portion of Columbia Point South adjacent to the Columbia River as Natural Open Space;

2. The City's existing zoning code does not currently contain a zoning district that corresponds to this urban recreation land use category;

3. The intent of the Urban Recreation land use designation, according to the comprehensive plan is to provide 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 designation to provide for a disbursed pattern of development that recognizes and protects both culturally and environmentally sensitive areas;

4. The proposed Urban Recreation zone allows for a variety of public uses in a disbursed setting;

5. In recognition of the environmentally sensitive nature of Columbia Point South, development standards included in the new zoning district require the preparation of critical areas studies and cultural resource surveys;

6. Existing zoning of Columbia Point South is Parks and Public Facilities;

7. The draft comprehensive plan designates the shoreline areas of Columbia Point South lying within 200 feet of the ordinary high water mark of the Columbia River as suitable for Natural Open Space land uses;

8. The draft comprehensive plan designates approximately 80 acres of the upland portions of Columbia Point South as suitable for Urban Recreation land uses;

9. Based upon the above findings and conclusions, the adoption of the proposed amendments to Chapter 23.30 – Public Use of the Richland Municipal Code creating an Urban Recreation zoning category for Columbia Point South and applying both Urban Recreation zoning and Natural Open Space zoning to Columbia Point South 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 (Z2017-105) and recommend to the City Council:

1. Adoption of the proposed code amendments to RMC Chapter 23.30 creating an Urban Recreation district; and
2. Application of the Urban Recreation zone to approximately 80 acres on Columbia Point South, as depicted on the land use map contained in the draft comprehensive plan;
3. Application of the Natural Open Space zone to approximately 13.5 acres along those portions of Columbia Point South that lie within 200 feet of the Columbia River, as depicted on the land use map contained in the draft comprehensive plan.

ATTACHMENTS

A. Supplemental Information
B. Draft Code Language
C. Map

ATTACHMENT A
(Z2017-105)

SUPPLEMENTAL INFORMATION

COMPREHENSIVE PLAN

The draft comprehensive plan in the Supporting Analysis document defines Urban Recreation as follows:

***Urban Recreation**: The Urban Recreation designation includes uses that are intended to provide the public with places together 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.*

The attached map depicts those portions of Columbia Point South that are proposed for Urban Recreation land uses.

DESCRIPTION OF URBAN RECREATION ZONING

The urban recreation zone as proposed, is a Public Use district that would allow a variety of park and open space uses, much as the existing Parks and Public Facilities zone. In addition the new zone would allow for cultural heritage uses and a limited variety of commercial uses, such as lodges, restaurants, specialty retail and sporting good rentals. The urban recreation zone would require cultural resource surveys to be completed for any proposed development. These surveys would be distributed to the Umatilla Confederated Tribes and the state for review and comment. Additionally, development within the urban recreation zone would be required to complete critical areas reports. Under the draft critical areas ordinance, Columbia Point South is identified as a priority habitat on State Department of Fish and Wildlife maps, triggering the requirement for a fish and wildlife habitat conservation area report.

The complete text of the proposed urban recreation zone, along with definitions of several terms used in the code is attached.

ANALYSIS

The draft code would provide for public and limited commercial uses in an area that is already zoned for public use. The sensitivity of the Columbia Point South area in terms of both cultural resources and wildlife habitat means that specific studies will need to be undertaken when development projects are proposed. These restrictions will result in a disbursed development pattern over time. The most sensitive portions of Columbia

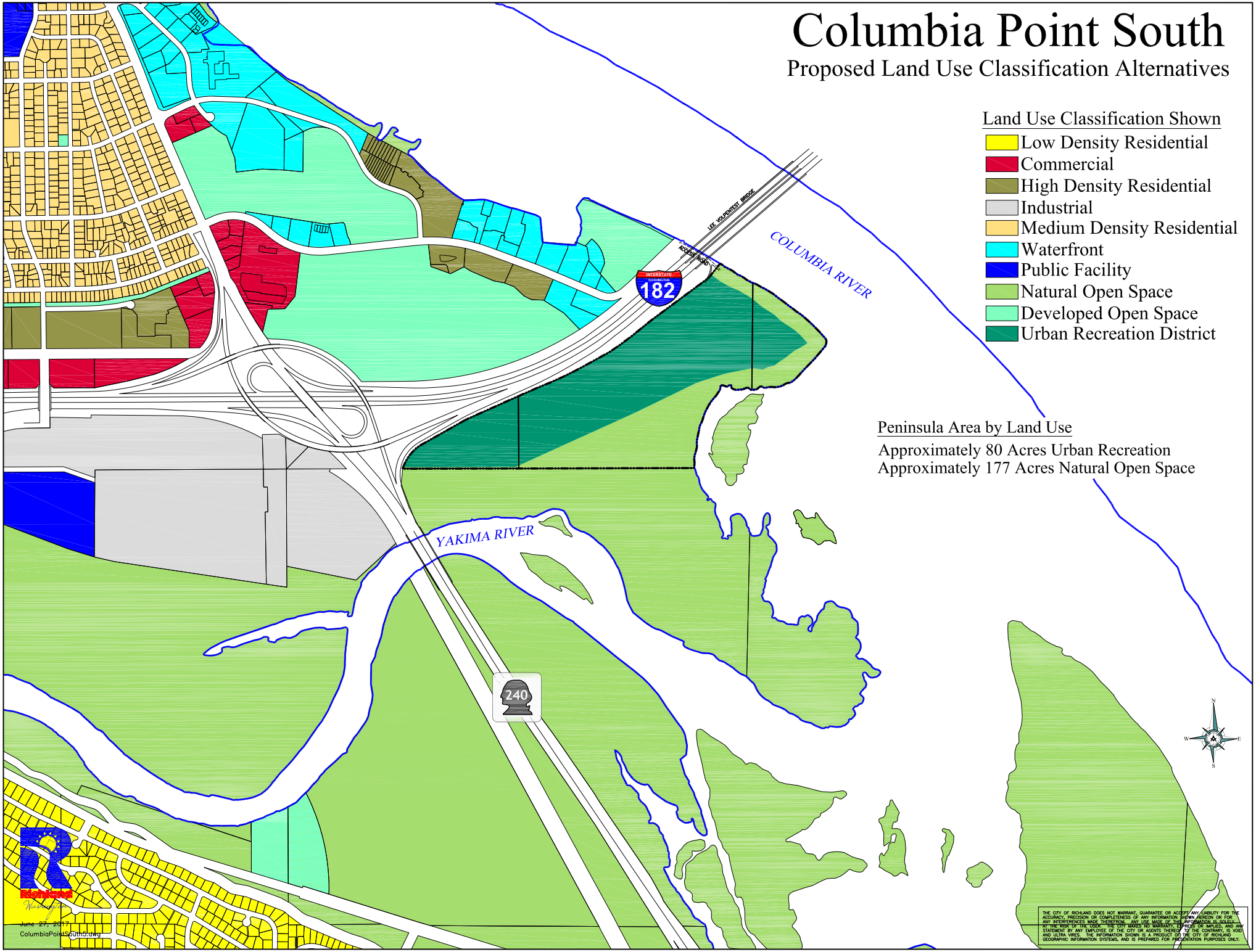
Point South, located away from the freeway and along the Yakima River shoreline would retain a Natural Open Space zoning designation and the shoreline along the Columbia River would also be zoned for Natural Open Space, providing protection along both river corridors.

SUMMARY

The proposed code amendments would implement the draft comprehensive plan through the creation of an Urban Recreation zone and the application of both the Urban Recreation and Natural Open Space zones on Columbia Point South.

Columbia Point South

Proposed Land Use Classification Alternatives



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Ordinances - Second Reading/Passage

Key Element: Key 5 - Natural Resources Management

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

Department:	Ordinance/Resolution Number:	Document Type:
Community & Development Services	40-17	Ordinance

Recommended Motion:
Give second reading and pass 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 Department of Fish and Wildlife, Department of Ecology, the Kennewick Irrigation District and the public were considered. The City also used its contracted land use attorney to provide guidance throughout portions of 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 amendments.

Staff recommends second reading and passage of Ordinance No. 40-17.

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. Critical Areas Map
5. Public Comments
6. Laurie Ness Comments

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~~II~~. 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 ~~I~~V. 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.~~310~~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;

~~2~~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;

~~3~~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~~ 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 hazard~~s~~ous 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.~~

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~~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:

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 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

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

~~D. 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 RMC 23.70.110 through 23.70.170.~~

D. The following buffer widths are established:

Table 22.10.110(D) – Buffer Widths

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

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

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 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).

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

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

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. 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 in 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 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 Washington[1]

Category and Type of Wetland Impacts	**Re-establishment or Creation**	**Rehabilitation Only[2]**	**Re-establishment or Creation (R/C) and Rehabilitation (RH)[2]**	**Re-establishment or Creation (R, C) and Enhancement (E)[2]**	**Enhancement Only[2]**
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I 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 1: 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 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% I 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 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.

~~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 ~~I~~V. 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.~~310 (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.~~300~~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, 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.~~310~~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.~~

~~4~~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~~:

~~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.

~~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 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. Ccharacterize 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.~~320~~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.~~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~~ CRITICAL AREA	PERCENT OF DENSITY ON ~~SENSITIVE~~ CRITICAL AREA THAT MAY BE TRANSFERRED ON SITE
Category I and II Wetlands	25%
~~Critical Habitat~~	
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%

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.~~350~~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. 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.~~370~~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.~~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, Washington, at a regular meeting held on this 17th day of October, 2017.

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

Date Published: _____

STAFF REPORT

TO: PLANNING COMMISSION PREPARED BY: RICK SIMON
FILE NO.: M2017-101 MEETING DATE: AUGUST 30, 2017

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND

REQUEST: TEXT AMENDMENTS CRITICAL AREAS ORDINANCE – TITLE 22.10 OF THE RICHLAND MUNICIPAL CODE

LOCATION: CITYWIDE

REASON FOR REQUEST:

The City's is mandated under the provisions of the Growth Management Act to review and update its Critical Areas Ordinance regulations to ensure that it remains consistent with state requirements.

FINDINGS AND CONCLUSIONS
Staff has completed its review of the proposed critical areas ordinance amendments and submits that:

1. The City has had an adopted Sensitive Areas Ordinance in place since 1993, which has been amended several times but not since 2005;

2. 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;

3. The proposed changes to the City code would also provide protections to critical aquifer recharge areas as mandated under the Growth Management Act;

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

5. The City's Critical Areas Ordinance is obligated to comply with the "best available science" standard as required under RCW 36.70A.172;

6. The proposed ordinance is largely based upon the City's adopted 2014 Shoreline Master Program which was approved by the Department of Ecology and on the Department of Ecology's "Wetland Guidance for CAO Updates, June, 2016" which meet the requirements for best available science;

7. Based upon the above findings and conclusions, the adoption of the proposed amendments to Chapter 22.10 of the Richland Municipal Code concerning the City's Critical Areas Ordinance 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 (M2017-101) and recommend to the City Council adoption of the proposed amendments to RMC 22.10.

ATTACHMENTS

A. Draft Ordinance
B. Updated Critical Areas Map
C. Comments
D. Amon deed

ATTACHMENT A
(M2017-101)

SUPPLEMENTAL INFORMATION

EXISTING CODE

The current City code, Chapter 22.10 of the Richland Municipal Code, is titled "Sensitive Areas Ordinance and was initially adopted in 1993 in response to Growth Management Act requirements. The current code regulates wetlands, wildlife habitats and geologic hazard areas. It has been amended several times over the years, but the last amendment was completed in 2005. The City also regulates frequently flooded areas through its zoning code, rather than through its sensitive areas ordinance.

STATE REQUIREMENTS

The Growth Management Act mandates that cities and counties adopt regulations to protect critical areas, which it defines as including wetlands, frequently flooded areas, fish and wildlife habitat conservation areas, geologically hazardous areas and areas with a critical recharging effect on aquifers used for potable water. RCW 36.70A.172 states:

> *In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.*

The critical element in this language is the requirement that "best available science" be used to protect the functions and values of the critical areas. As with any field of science, as time goes on, more knowledge is gained and science is advanced, requiring local governments to review and update their regulations on a regular basis to ensure compliance with the best available science requirement. State agencies help in this regard and have published guidance documents to assist local governments in applying best available science standards.

Another mandate of the Growth Management Act requires Richland to review and update its comprehensive plan and development regulations on a regular cycle. RCW 36.70A.130 requires that Richland complete its update by June 30th of this year.

PROPOSED AMENDMENTS

The code revisions have been drafted based largely on the City's Shoreline Master Program which was completed in 2014. The shoreline program, mandated by the Shoreline Management Act has a parallel requirement that the City regulate critical areas along the shoreline using the same "best available science" standard. The master program was reviewed by the State Department of Ecology, was accepted and so was used as the basis for updating the critical areas ordinance.

The Department of Ecology also published "Wetland Guidance for CAO Updates, Eastern Washington Version, June 2016" which was also used as a source document in the code update process.

Changes to the code are extensive and are highlighted on the draft document, using ~~strikeouts~~ and underlined text. Changes include the following items:

- The name of the ordinance is changed from "sensitive areas ordinance" to "critical areas ordinance" in order to be consistent with the terminology used in the Growth Management Act;
- A number of new terms have been included in the definition section of the ordinance and some terms have been deleted, as they are no longer necessary;
- Standards have been updated, with the effect that greater protections are offered to the critical areas than those specified in the existing code;
- The critical areas map is updated to reflect the locations of aquifer recharge areas and some suspected wetland areas;
- A section on the protection of aquifer recharge areas has been added to the code, as this was a subject that is not addressed in the existing regulation; and
- A provision to allow for increased densities when property owners provide buffers that are in excess of minimum code requirements;
- The method of protecting fish and wildlife habitat areas has been modified and so now relies on priority species and habitat maps published by the State Department of Fish and Wildlife

The Critical Areas map has also been revised and now shows some areas along the Keene Road corridor as "suspected wetlands". These are areas for which wetland delineations have not been completed nor have they been included in National Wetland Inventory mapping, but may appear to possibly contain wetlands. These additions to the map are done to provide some general guidance to property owners. However, whether a wetland is mapped or not, according to section 22.10.090, the actual type, extent and boundaries of wetlands are determined in the field by a qualified consultant.

PROCESS

The Commission has held a public hearing on the draft ordinance on April 26th. Additionally, the Commission has conducted workshop sessions on March 8th, March 22nd, May 24th, June 14th, July 12th, July 26th and August 9th.

Part of the process required for code amendments relating to growth management act requirements directs the City to provide copies of the proposed code amendments to state agencies for a 60 day period for their review and comment. This comment period was initiated on May 15th. Comments were received from the Departments of Fish and Wildlife and Ecology and are attached. Additionally, comments received from the public are also attached.

COMMENTS

Comments on the draft critical areas ordinance have been received over the past two months from public agencies including the Department of Ecology, the Department of Fish and Wildlife, the Kennewick Irrigation District as well as from individuals Laurie Ness and Patrick Paulsen. Staff asked the City's land use attorney for comments on the specific issues raised in the KID correspondence. Attached is a comment matrix that lists the specific issues raised in the comment letters together with a response from staff. Responses received from Ken Harper have been inserted into the matrix under the staff response.

Comments received before the July timeframe were not included in the matrix, as significant changes have been made to the draft document since that time frame. Additionally, comments were received on August 23rd from Patrick Paulsen and Laurie Ness and were not added to the matrix due to timing issues. A complete copy of their comments are attached.

VOLUNTARY AGREEMENTS

At previous meetings, the Commission has discussed the potential for entering into a voluntary agreement with the Kennewick Irrigation District. The notion is that the two agencies could identify a number of best management practices that the KID would agree to employ for any maintenance work that needed to be done within the Amon Basin. Mr. Harper was also asked to comment on this issue and he provided the following response:

"The CAO should be generally applicable to all landowners in the City, and negotiating different terms with KID would be an aberration from how cities typically exercise their

land use legislative authority. This is not to say that an agreement could not be explored, but it would likely require an extensive work effort to identify the lawful scope of any agreement, the acceptable range of deal terms, and the studies necessary to justify an agreement. Then, detailed negotiations would be required to get to a plausible draft. All of this would require careful thought to public participation rights.

At the least, it would be a difficult undertaking with an uncertain outcome, and would represent a type of action very different from how most cities handle CAO legislation."

SUMMARY

The proposed amendments would update and improve the City's Critical Areas Ordinance in a way that is consistent with state requirements and should be approved.

August 30, 2017 Draft

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

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.
22.10.040 Definitions

Article II. 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 III. Fish and Wildlife Habitat 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 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 V. 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
22.10.360 General exemptions.
22.10.365 Exemption procedures.
22.10.370 Permit process and application requirements.
22.10.380 Requirements of qualified ~~consultant~~ professional.
22.10.385 Notice on Title
22.10.390 Land divisions.
22.10.400 On-site density transfer for ~~sensitive~~ critical areas.
22.10.405 Density bonus for increased buffers
22.10.410 ~~General procedural provisions~~. Interpretations and appeals.
22. 10.415 Penalties
22.10.420 General savings provision – Reasonable use.
22.10.430 No special duty created.
22.10.435 Unauthorized alterations and enforcement.
22.10.440 Severability.

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.~~

DRAFT

~~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.

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~~"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.

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"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

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

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

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category IV Wetlands (For wetlands scoring less than 16 points for all functions)		
Score for all 3 basic functions is less than 16 points	Low – 25 ft. Moderate – 40 ft. High – 50 ft.	None
Category III Wetlands (For wetlands scoring 16-18 points for all functions)		
Moderate level of function for habitat (score for habitat 5-7 points)	Low – 75 ft. Moderate – 110 ft. High – 150 ft.	None
Score for habitat 3-4 points	Low – 40 ft. Moderate – 60 ft. High – 80 ft.	None
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)		
High level of function for habitat (score for habitat 8-9 points)	Low – 100 ft. Moderate – 150 ft.	Maintain connections to other habitat areas.

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

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
	Moderate – 75 ft. High – 100 ft.	

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:~~

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~~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

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
Toxic runoff*	• Parking lots • Roads • Manufacturing • Residential areas	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland

	• Application of agricultural pesticides • Landscaping	• Apply integrated pest management
Stormwater runoff	• Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques
Change in water regime	• Impermeable surfaces • Lawns • Tilling	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Residential areas	• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	• Tilled fields	• Use BMPs to control dust
* These examples are not necessarily adequate for minimizing toxic runoff if sensitive, threatened or endangered species are present at the site.		

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.

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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.

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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~~

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~~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 in 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.

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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

~~c~~. 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 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~~
~~– 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 Washington[1]

Category and Type of Wetland Impacts	**Re-establishment or Creation**	**Rehabilitation Only[2]**	**Re-establishment or Creation (R/C) and Rehabilitation (RH)[2]**	**Re-establishment or Creation (R, C) and Enhancement (E)[2]**	**Enhancement Only[2]**
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I 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 1: 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 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.~~

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% I 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

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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.~~

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~~"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;

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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.

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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;

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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. Ccharacterize 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~~ CRITICAL AREA	PERCENT OF DENSITY ON ~~SENSITIVE~~ CRITICAL AREA THAT MAY BE TRANSFERRED ON SITE
Category I and II Wetlands	25%
~~Critical Habitat~~	
High and Very High Geologically Hazardous Area	25%
Seismic Hazard	25%

CATEGORY OF ~~SENSITIVE~~ CRITICAL AREA	PERCENT OF DENSITY ON ~~SENSITIVE~~ CRITICAL AREA THAT MAY BE TRANSFERRED ON SITE
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.

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.

DRAFT

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 again 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, 3rd 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 *2016 Wetland Guidance for CAO Updates* (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

			Wetland Guidance for CAO Updates, *June 2016, Publication No. 16-06-002.*	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: *"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	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		*Change to stormwater definition not necessary.* Kennewick Irrigation District proposed the	Change to stormwater definition as requested by KID was not made. Refer to

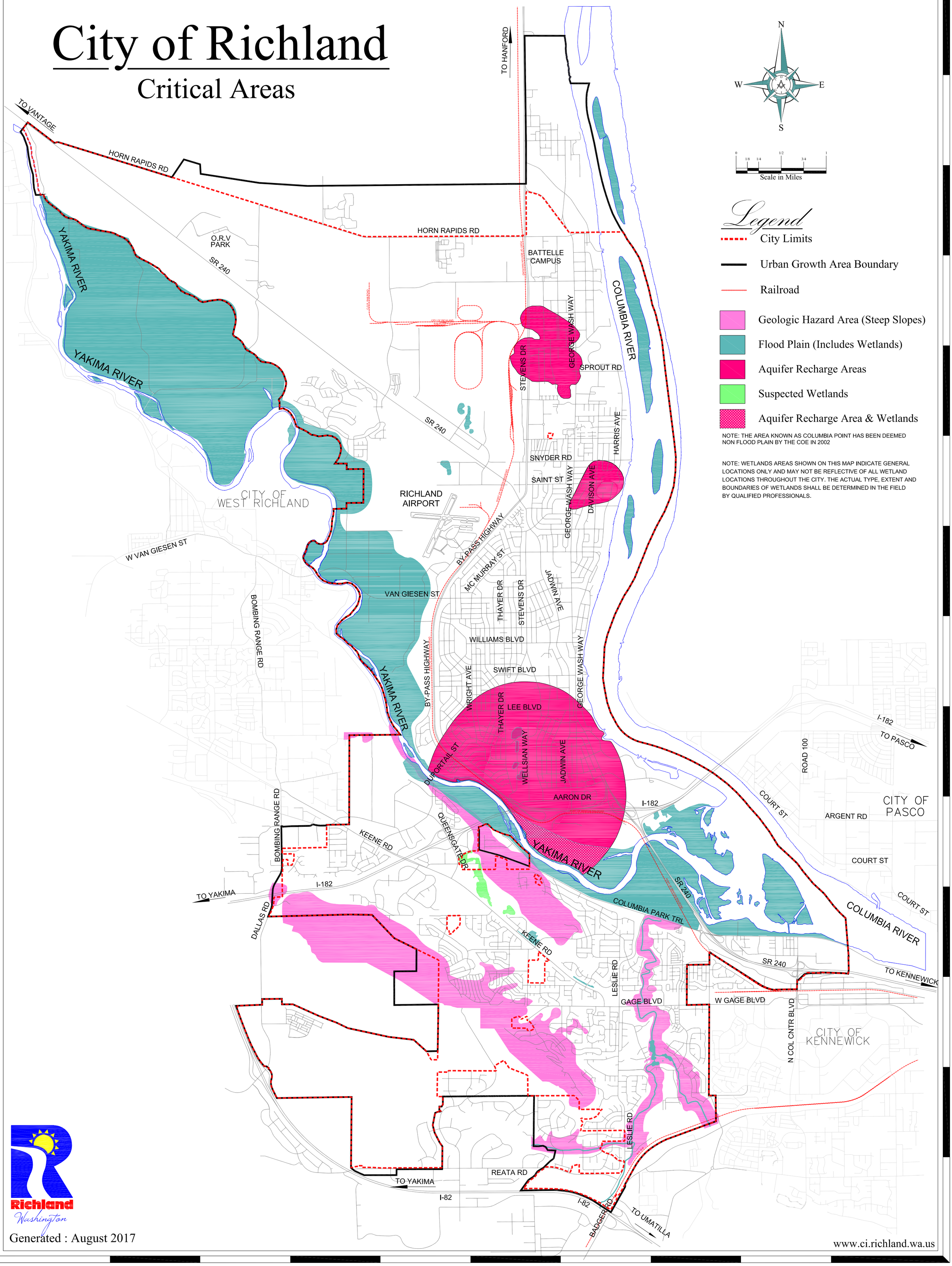
			following language be included in the CAO Stormwater means runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow and does not include irrigation surface runoff or drainage. This language is confusing and unnecessary, since irrigation returns are 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	*Addition of an exemption for operation of irrigation system.* 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	*Response to our previous comment regarding wetland definitions.* 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	*Definition of Priority Habitat should not be removed.* 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	*Section giving definitions should be expanded to include definitions of items related to state requirements for GMA compliance.* 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.	

City of Richland

Critical Areas



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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 how 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 and 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 languages (see Appendix B.) that gives a clearer description of required buffers for FWHCA. This language should by 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 ceded 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. KIDs 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 statuatory definition and does not constitute best-available science. This Ecology publication is note 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 is 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 pubic 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).

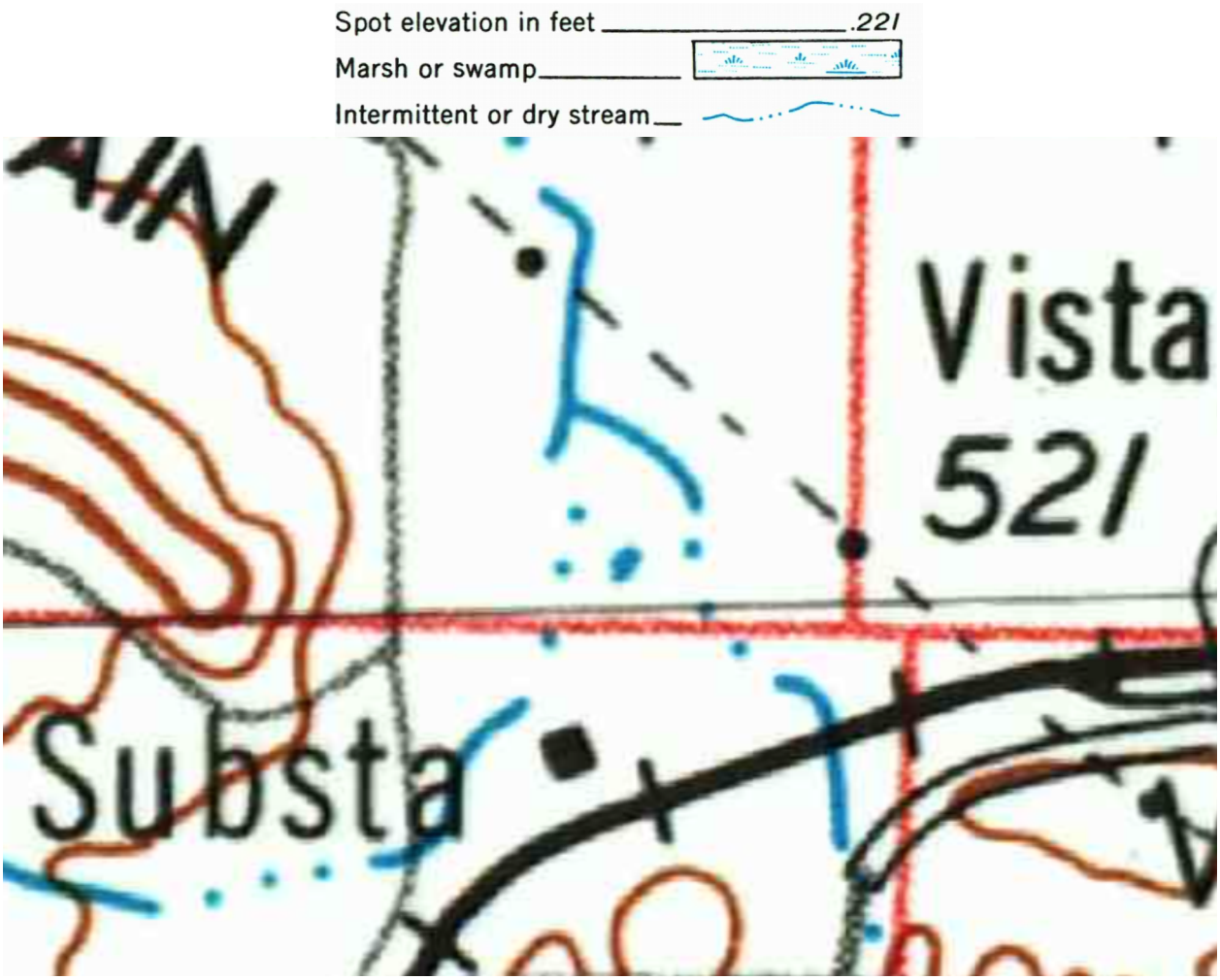

Figure 1: Amon Basin, from 1953 USGS map with legend

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

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

(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

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;

7

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:

8

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

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 or 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

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 Unites 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

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,

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

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

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.

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

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

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.

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.

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.

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 that 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.

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

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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 or 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 that 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 project 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 that 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	*Haliaeetus leucocephalus*	Delisted	Threatened
Bull trout	*Salvelinus confluentus*	Threatened	Candidate
Chinook salmon (Puget Sound)	*Oncorhynchus tshawytscha*	Threatened	Candidate
Pacific herring	*Clupea pallasi*	None	PHS
Surf smelt	*Hypomesus pretiosus*	None	PHS
Sand lance	*Ammodytes hexapterus*	None	PHS
Hardshell clam beds Butter clam Littleneck clam Japanese littleneck clam	 *Saxidomus giganteus* *Protothaca staminea* *Tapes philippinarum*	None	PHS
Eelgrass beds	*Zostera* spp.	None	PHS
Coastal cutthroat	*Oncorhynchus clarki clarki*	Species of Concern	PHS
Coho salmon (Puget Sound)	*Oncorhynchus kisutch*	Species of Concern	PHS
Vegetated marine/estuarine zone Eelgrass Kelp Turf algae	 *Zostera* spp. *Macrocystis* spp. or *Nereocystis* 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 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

Other Persons Present:
Brian Iller, KID Legal Counsel

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

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					**$**	**408,746.06**
Payroll						
Numbers:	33587	through	33589		$	4,600.79
Direct Deposit			2017-04-05	$ 169,895.38		
Total Payroll					$	174,496.17
Total Disbursements					$	583,242.23

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:

Gene Huffman, Board President
Approved May 2, 2017

Witness:

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

Other Persons Present:
Brian Iller, KID Legal Counsel

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

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 safely, 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:

Gene Huffman, Board President
Approved July 6, 2017

Witness:

Chuck Freeman, District Manager

Prepared by Doris Rakowski

Comments on Proposed City of Richland's Draft Critical Area Ordinance (DCAO) Update

Laurie Ness & Patrick Paulson, August 23, 2017

Article I General Introduction	This text shown below should be covered in our code or if not addressed from the CAO Model Code at http://www.ecy.wa.gov/programs/sea/sma/download/coupeville/CoupevilleCAO.pdf **Addition**: **A.** The purpose of this Chapter is to designate and classify ecologically critical 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 City Comprehensive and Shoreline plans and the Shoreline Management and Growth Management Acts. **C**. The City finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the City 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.
Article I General Introduction	**Add**: The Comprehensive Plan map reference for critical areas (LU 5), identifies several critical area types helpful to the reader before the reference shown in Article II wetlands. Put the map reference here in the general introduction. **Incongruent information, revise**: On the now referenced LU-5 map: Drop the word "suspected wetlands", change the legend and name them as wetlands. The City cannot withdraw critical area protection from these areas even though it has tried. All protections in critical area statutory language stands as long as CAs are within the City's boundaries. Projects in these areas require CA designation and CA delineation.
RMC 22.10.030	**Add**: Allowed Passive Uses. Photography, Hiking, Nature Field trips and other similar non-motorized activities etc.
RMC 22.10.040 Definitions	**Add**: Definition of Fish And Wildlife Habitat Conservation Areas **See Model code for referance:** http://www.ecy.wa.gov/programs/sea/sma/download/coupeville/CoupevilleCAO.pdf **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 non-regulatory 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.
General comment on "Unavoidable" and addition of consistent use of BAS applied to all our CAs	**Add/Revise**: Minimizing impacts after impact avoidance has only been shown to be *unavoidable* by using Best Available Science as determined according to WAC 365-195-900 through 365-195-925. Then using BAS minimize all adverse impacts whether direct or cumulative, to all critical areas and their buffers. **Revise:** 6. B. It refers to code RMC 22.10.210. See model code 16.34.550, 5. C. or my comments dated 7/8/2017 which cover Habitat Assessment of Critical Area Report.
Cont. RMC 22.10.040 Definitions FWHCA	**Add: WAC 360-190-030(6)** to replace FWHCA this definition.
Article III RMC 22.10.200 For Req. FWHCAs reports.	Thus far our code does not show what criteria are used to characterize or define the FWHCA type of Critical Area or how to determine its Buffers. The code only states Washington Department of Fish and Wildlife as the authority (WDFW) and the online Priority Habitat Species Map. Those maps are opaque about FWHCAs and as stated, not binding. The city needs to codify, where FWHCAs are, what buffers they have, who and how they characterize and enforce violations and why developers should avoid them. **Add**: These headings and accompanying text will address these historical problems that keep our Critical areas unprotected. Supplement our DCAO with these model code headings and text to have a more complete **process for designation of CAs.**

	See Model CAO code for text: **http://www.ecy.wa.gov/programs/sea/sma/download/coupeville/CoupevilleCAO.pdf** Pages 10-16, CCAO 16.34.160-280. 16.34.160 **General Requirements - Critical Area Project Review Process**, 16.34.170 **Critical Area Identification Process,** 16.34.180 **Critical Area Report – Requirements,** 16.34.190 **Critical Area Report – Modifications to Requirements,** 16.34.200 **Mitigation Requirements,** 16.34.210 **Mitigation Sequencing,** 16.34.220 **Mitigation Plan Requirements,** 16.34.230 **Review Criteria,** 16.34.240 **Completion of the Critical Area Review,** 16.34.250 **Appeals**, 16.34.260 **Unauthorized Critical Area Alterations and Enforcement**
Article III Fish and Wildlife Habitat Areas The process under which locally unique FWHCAs can be created	**Add: Habitats and Species of Local Importance Designation Process.** 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 non-regulatory 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.
Article III Fish and Wildlife Habitat Areas RMC 22.10.180	**Replace with:** WAC 365-190-030(6)
Article III RMC 22.10.180 Exemption from Fish and Wildlife Habitat Conservation	**Per RMC 22.10.180.** **Codify & publish**: A collaborative Best Management Practices Manual for irrigation operation and maintenance and reconstruction with the KID, and other users. Include Tapteal Greenway, the Planning Commission and concerned citizens. Currently, there is no Best Practice Manual between irrigators and other users for Critical Areas. History shows Richland's citizens that we can't protect our critical areas from irrigation districts without a BMP manual. The manual needs to be complete and clear to all parties. Best Management Practices are for protection of critical areas, balanced with other interests, not the exclusion of them.
RMC 22.10.185 FWHCAs	**Add Locations:** Nelson Island, All Amon watercourses, forks and springs, Leslie Canyon watercourse running into the Yakima Delta. The Yakima River Delta, Logston Isolated Wetlands Complex, Keene/Shockley Wetlands, Hip Deep Creek. Wetlands off Snyder St. near Lamb-Weston Plant and WSDOT yard. Cite the Salmonid Habitat Study and report from 2009, published in 2010 as best available science.
RMC 22.10.190	**Delete**; text regarding WDFW species recovery plans. This should not be included pointlessly in this code. It is not part of mapping and does not apply.
RMC 22.10.190	**Add:** Eagle buffers around nest sites located at Columbia Point on LU-5 map for protection.
RMC 22.10.190	**Add**: More detailed characteristics needed here for a good definition of FWHCAs. Leaving the text as is, leaves many undetermined/unmapped FWHCAs unprotected.
RMC 22.10.200 Requirements for FWHCA Reports	These points below are not clear and need revision in the DCAO under Article VI for FWHCAs. **Examples;** 1) 22.10.200 does not require BAS for the FWHCA report. 2) The word "discussion" should be replaced with the word "documentation" in

	22.10.200 3. C.D. and E. **Delete**: Number 5. This will insure that no FWHCAs will be designated or protected if waiver power is granted in this manner. Thus violating the GMA.
RMC 22.10.220 Fish and Wildlife Habitat Alteration	**Revise**: This code contains broad and unclear language. Using the word alteration sends a poor message of protection. Make this heading consistent to ensure continuity with other CAs, thus protected. **ADD**: 2. Best Available Science, not appropriate technology and engineering.
Article VI General Information 22.10.360 General Exemptions	"The following activities shall be exempt…. **ADD:** Activities may be exempt but they are not exempt from a SEPA threshold determination and checklist and public review by law. Any language promoting non-disclosure of projects affecting a critical area is in violation of SEPA and the GMA. Insure these stated "exempt" projects are SEPA reviewed so the public has access, knowledge and can comment on their governments permitted actions.
22.10.360 General Exemptions	**Revise**: Incompletely protects FWHCAs and needs to be covered more specifically under Article III.
22.10.360 General exemptions.	**Add**: State in this DCAO code the creation of a collaborative manual for Best Management Practices for operation, maintenance and reconstruction of "exempt activities" in critical areas and their buffers. This will more effectively mitigate impacts to Critical Areas and their buffers. It is quite clear, we now have nothing to hold our "exempt" groups accountable or responsible. For example, deleterious effects to Amon Basin wetlands and buffers during the Richland Sewer line expansion project. A BMP Manual representing the interests of all stakeholders with adequate representation as mandatory will accomplish three things. First, to keep these groups from obstructing our CAO process as they have currently been doing. Second, avoid lawsuits. Third, ensure GMA compliance. Included, should be the addition of enforcement powers in text, penalties for non-compliance and incentives for compliance. Commitment to this BMP Manual should be codified along with a timeline for draft and completion with mandatory participation.
RMC 22.10.365	**Strike** the word "designated" since it is as yet, ill-defined in RMC. The Critical Areas Project Review Process must be followed before exemption procedures can be addressed, to ensure set standards and GMA requirements are met.
RMC 22.10.370 Permit Process & Application	**Add**: Best Available Science in A. and B.

Req.	
RMC 22.10.370 Permit Process and Application Requirements	**Revise:** 5. States that the only FWHCA studies required are only within the applicants project area. This wording will not protect an FWHCA. An FWHCA must be evaluated at the landscape level, not rated only at the project area level, this is too small. Using the recommended Model Code for this process, 16.34.160-280. An example, what is the importance of a wildlife corridor or adverse impact of an FWHCA if the proposed project area was repurposed as a temporary laydown yard? It would result in increased fragmenting of habitat and species losses, adversely impacting the FWHCA as a whole on a permanent basis. How is this accounted for in this text? This text also incentivizes the applicant and city to continue the common practice of segmenting projects. This means, chopping up bigger projects into little projects to avoid revealing adverse critical areas impacts to regulating agencies and the public. They can then push these smaller projects through the SEPA process because the documentation for the little project lacks future planned uses and/or tracts of land involved. This allows the developers and the City to degrade or destroy a critical area slowly and systematically.
Appendices	**Add**: Appendix A. Table showing a combined list of federally and state identified species, state priority species, and state priority habitats, similar to what is included in Appendix A of model code but specific to our area using guidance from WDFW.

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Resolution No. 163-17, Expressing Appreciation to Autumn Clark for Service on the Parks and Recreation Commission

Department:	Ordinance/Resolution Number:	Document Type:
City Attorney	163-17	Resolution

Recommended Motion:
Adopt Resolution No. 163-17, expressing appreciation to Autumn Clark for her service on the Parks and Recreation Commission.

Summary:
Autumn Clark was appointed to the Parks and Recreation Commission effective March 31, 2017 and served until her resignation dated September 8, 2017.

Fiscal Impact:
None.

Attachments:
1. Resolution No. 163-17

RESOLUTION NO. 163-17

A RESOLUTION expressing the appreciation of the City of Richland and its citizens to Autumn Clark for the service she rendered to the City as a youth member of the Parks and Recreation Commission.

BE IT RESOLVED by the City Council of the City of Richland that the City and its citizens express to Autumn Clark, publicly and formally, their appreciation for the service she rendered to the City during her tenure as a youth member of the Parks and Recreation Commission.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Resolution No. 164-17, Expressing Appreciation to Sonali Matta for Service on the Arts Commission

Department:	Ordinance/Resolution Number:	Document Type:
City Attorney	164-17	Resolution

Recommended Motion:
Adopt Resolution No. 164-17, expressing appreciation to Sonali Matta for her service on the Arts Commission.

Summary:
Sonali Matta was appointed as a youth member to the Arts Commission effective September 1, 2015 and served until her resignation effective July 31, 2017.

Fiscal Impact:
None.

Attachments:
1. Resolution No. 164-17

RESOLUTION NO. 164-17

A RESOLUTION expressing the appreciation of the City of Richland and its citizens to Sonali Matta for the service she rendered to the City as a youth member of the Arts Commission.

BE IT RESOLVED by the City Council of the City of Richland, Washington, that the City and its citizens express to Sonali Matta, publicly and formally, their appreciation for the service she rendered to the City during her tenure as a youth member of the Arts Commission.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Resolution No. 186-17, Authorizing an Interlocal Agreement with Benton PUD for Construction of Fiber Optic Telecommunications Cable and Infrastructure

Department:	Ordinance/Resolution Number:	Document Type:
Assistant City Manager	186-17	Resolution

Recommended Motion:
Adopt Resolution No. 186-17, authorizing the City Manager to sign and execute an interlocal cooperative agreement with Public Utility District No. 1 of Benton County in the amount of $21,000 for the construction of the fiber optic telecommunications cable and infrastructure to connect the location of 295 Bradley Boulevard.

Summary:
In May 2016, the Richland School District (District) and the City of Richland (City) signed Modification No. 2 to a previously existing interlocal agreement for lease of fiber optic telecommunications cable (Contract No. 77-13). Modification No. 2 provided for the extension of additional fiber to the District's Special Programs Office located at 295 Bradley Boulevard.

Contract Modification No. 2 only covered part of the work required to make the necessary fiber optic connection. Benton PUD provided the other infrastructure and fiber optic cable necessary to complete the connection for the District. Benton PUD covered the costs of construction ($42,000), and the District has agreed to compensate Benton PUD for one-half of their construction expenses ($21,000) passed through the City of Richland.

The proposed Interlocal Cooperative Agreement between the City and Benton PUD provides the City the right to use the conduit and vault infrastructure for a ten (10) year term, and provides for the use of two strands of fiber from the shared fiber vault to the 295 Bradley Boulevard location. Under the agreement, the City pays $21,000 to Benton PUD for infrastructure and fiber optic cabling constructed to 295 Bradley Boulevard, and will seek reimbursement of this $21,000 from the Richland School District.

Staff recommends approval of Resolution 186-17.

Fiscal Impact:	Benton PUD paid the total cost of construction ($42,000) and will be reimbursed $21,000 by the City of Richland. Richland will then seek reimbursement from the Richland School District in the amount of $21,000. This arrangement is intended to be zero cost to the City.

Attachments:
1. Resolution No. 186-17
2. Proposed Interlocal Agreement with Benton PUD
3. Contract 77-13
4. Contract 77-13 Modification #4

RESOLUTION NO. 186-17

A RESOLUTION of the City of Richland authorizing execution of an Interlocal Cooperative Agreement with Public Utility District No. 1 of Benton County for Fiber Optic Cable and Infrastructure.

WHEREAS, Chapter 39.34 RCW, the Interlocal Cooperation Act, allows public agencies to exercise their powers jointly, thereby maximizing their ability to provide services and facilities which will best fulfill common needs of the jurisdictions; and

WHEREAS, the City of Richland requests that Public Utility District No. 1 of Benton County (Benton PUD) construct fiber optic telecommunications cable and infrastructure to connect 295 Bradley Boulevard; and

WHEREAS, Benton PUD seeks to construct and provide the right to use the conduit and vault infrastructure with the City; and

WHEREAS, both parties will mutually benefit from entering into a fiber and infrastructure sharing agreement, and therefore wish to memorialize the terms of their relationship.

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 Interlocal Agreement with Benton PUD for fiber optic cable and infrastructure.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

INTERLOCAL COOPERATIVE AGREEMENT FOR FIBER OPTIC CABLE AND INFRASTRUCTURE

Contract #17-46-03

This AGREEMENT is made and entered into this _____ day of _____, 2017, between the CITY OF RICHLAND, a Washington municipal corporation (the "City") and Public Utility District No. 1 of Benton County, Washington ("Benton PUD").

I. Recitals

WHEREAS, the Jurisdictions are, pursuant to Revised Code of Washington State Chapter 39.34 (the Interlocal Cooperation Act) authorized to exercise their powers jointly, thereby maximizing their ability to provide services and facilities which will best fulfill common needs of the Jurisdictions; and

WHEREAS, the City requests that Benton PUD construct fiber optic telecommunications cable and infrastructure to connect the following location in the City of Richland;

295 Bradley Boulevard; and

WHEREAS, Benton PUD seeks to construct and provide the right to use the conduit and vault infrastructure with the city; and

WHEREAS, both parties receive mutual benefit by entering into a fiber and infrastructure sharing agreement, and therefore wish to memorialize the terms of their relationship.

NOW THEREFORE, it is mutually agreed as follows:

II. Agreement

1. FIBER AND INFRASTRUCTURE SHARING

1.1. Benton PUD will construct the necessary infrastructure for use of fiber optic telecommunications cable to the location in Section 1.2 of the agreement. The City will have the right to use the conduit and vault infrastructure during the term of this agreement. Two (2) strands of the fiber will be available for use by the City.

1.2 Location is; 295 Bradley Boulevard, Richland, WA.

2. MAINTENANCE AND REPAIRS

2.1. Benton PUD shall maintain the twelve fiber strands provided by Benton PUD to a best level of effort service standard.

2.2. In order to facilitate timely restoration of service, Benton PUD shall supply the City with an after-hours emergency contact number that the City can contact in case of an outage on the

provided fibers.

2.3. During normal operating conditions, Benton PUD shall acknowledge outage reports by the City on the provided fiber within two (2) hours.

2.4. During normal operating conditions, Benton PUD will mobilize crews with qualifications required to complete restoration or repairs within four (4) hours after receiving notification from the City of a confirmed fiber cable-related disruption in service on the provided fibers.

2.5. Damage to any of the provided fiber optic cables shall be repaired as soon as possible.

2.6. Neither Benton PUD nor the City shall be liable to the other for consequential damages suffered by the other party, or by any third party, as a result of damages or repairs to the provided cables, no matter what the cause of the interruption or damage.

3. PRINCIPAL CONTACTS

The following individuals have been identified by the City and Benton PUD as Principal Contacts for this Agreement:

For Benton PUD	**For City of Richland**
Rick Dunn	Jon Amundson
P.O. Box 6270	P.O. Box 190
Kennewick, WA 99336	Richland, WA 99352
(509) 582-2175	(509) 942-7380
Email: dunnr@bentonpud.org	Email: jadmundson@ci.richland.wa.us

4. TERM / CANCELLATION

4.1. This Agreement shall commence on the date listed above and shall continue, based on location, terminating at midnight on the tenth anniversary of the date the fiber was made available to City for use (see Appendix A).

4.2. Either party may cancel this Agreement prior to its scheduled termination date by providing the other party with one (1) year's written notice of termination.

4.3. This Agreement may be renewed upon expiration. Price shall be re-negotiated at the time of renewal.

5. INSTALLATION EXPENSE REIMBURSEMENT

5.1. As a non-recurring cost, the City shall pay Benton PUD the one half of the actual cost of initial installation incurred by Benton PUD. The cost that the City can expect to pay for the

installation is twenty one thousand dollars and zero cents ($21,000.00).

5.2. In addition to the non-recurring costs identified in Section 5.1 above, no monthly re-occurring expenses will be incurred by the City.

5.3. Payment by the City shall be due within 30 days of invoice by Benton PUD.

6. MODIFICATION

6.1. No modification of this Agreement, including any extensions, shall be valid unless evidenced in writing and signed by both parties. No verbal agreement may supersede, replace or amend this section or any other provision of this Agreement.

7. INTEGRATION

7.1. This Agreement constitutes the final and complete integrated agreement between the parties concerning its subject matter. All other agreements or understandings, whether verbal or in writing, outside of this Agreement are hereby terminated.

8. ASSIGNMENT

8.1. Neither party to this Agreement shall transfer or assign any right or obligation hereunder without prior written consent of the other party. Any such transfer or assignment made without the required consent shall be null and void.

9. SEVERABILITY

9.1. Should any part, term or provision of this Agreement be determined to be invalid, the remainder of this Agreement shall not be affected, and it shall continue in full force and effect.

10. INDEMNIFICATION

10.1. Each of the parties to this Agreement shall protect, indemnify, and save harmless the other party, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from the other party's negligent acts or omissions. Neither party will be required to indemnify, defend, or save harmless the other party if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other party. Where such claims, suits, or actions result from concurrent negligence of the parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the party's own negligence. Each of the parties agrees that its obligations under this subparagraph extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the parties, by mutual negotiation, hereby waives, with respect to each of the other party only, any immunity that

would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW. In the event that any of the parties or combination of the parties incurs any judgment, award, and/or cost arising therefrom, including attorneys' fees, to enforce the provisions of this Section, all such fees, expenses, and costs shall be recoverable from the responsible party or combination of the parties to the extent of that party's/those parties' culpability. This indemnification shall survive the termination of this Agreement.

11. CONTROLLING LAW AND VENUE

11.1. This Agreement is entered into under, and shall be controlled by, the laws of the State of Washington.

11.2. In the event that either party deems it necessary to institute legal action or proceeding to enforce any right or obligation under this Agreement, that action or proceeding shall be brought in the Superior Court for Benton County, Washington. All parties consent to personal jurisdiction in Benton County Superior Court.

12. NO PARTNERSHIP OR THIRD PARTY RIGHTS

12.1. This Agreement shall not be interpreted or construed to create an association, joint venture or partnership between the parties, or to impose any partnership obligations or liability upon either party.

12.2. This Agreement shall not be construed to create rights in or grant remedies to any third party as a beneficiary of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF RICHLAND

By: Cindy Reents, ICMA-CM
Title: City Manager

Approved as to Form:

Heather Kintzley, City Attorney

PUBLIC UTILITY DISTRICT NO. 1 OF BENTON COUNTY

for By: Chad Bartram
Title: General Manager

APPENDIX A

Right to Use	Address	Build Costs	Build Costs + NRC*	MRC**	Term
Customer	295 Bradley Boulevard	$21,000.00	$0.00	$0.00	10 Yrs.
Totals		**$21,000.00**	**$21,000.00**	**$0.00**	

*NRC = Non-Recurring Cost

**MRC = Monthly Recurring Cost

CONTRACT NO. 77-13

AGREEMENT FOR
A FIBER OPTIC CABLE LEASE

This AGREEMENT is made and entered into this 5 day of June, 2013, between the CITY OF RICHLAND, hereinafter called the "CITY" and the RICHLAND SCHOOL DISTRICT NO. 400, hereinafter called the "RSD".

WHEREAS, the CITY and RSD have been working collaboratively towards the development of a fiber optic backbone that will connect both CITY and RSD assets and replace reliance on an Institutional Network provided through an expiring franchise agreement between the CITY and Charter Telecommunications; and

WHEREAS, per Resolution 32-12, the Richland City Council authorized the construction of a CITY owned fiber optic backbone; and

WHEREAS, RSD wishes to lease fiber optic telecommunication cables, hereinafter "fiber" from the CITY; and

WHEREAS, the parties wish to memorialize the terms of their relationship.

NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. FIBER LEASE

1.1 The CITY will provide RSD with fiber optic cable to each of the seventeen locations as provided by Paragraph 1.2. The fiber will be spliced and terminated and allocated within the CITY's fiber optic backbone as provided in the schematic, attached and incorporated herein as Exhibit A.

1.2 Locations include the following seventeen (17) locations:

a. Badger Mountain Elementary – 1515 Elementary Street
b. Lewis & Clark Elementary – 800 Downing Street
c. Carmichael Middle School – 620 Thayer Street
d. Richland High School – 930 Long Avenue
e. Jefferson Elementary – 1525 Hunt Avenue
f. Jason Lee Elementary – 1750 McMurray Avenue
g. Chief Joseph Middle School – 504 Wilson Street
h. Sacajawea Elementary – 518 Catskill Street
i. Hanford High School – 450 Hanford Street
j. Delta High School – 901 Northgate Drive
k. White Bluffs Elementary – 1250 Kensington Way
l. Rivers Edge High School - 975 Gillespie Street
m. Richland School District Administration Building – 615 Snow Avenue
n. Franklin PUD Interconnect – 592 Columbia Point Drive
o. APEL Facility – 350 Hills Street
p. Thayer Complex – 710 Thayer Drive

q. Stevens Center – 701 Stevens Drive

2. AUTHORIZATION AND LIMITATIONS FOR RSD ACCESS TO CITY TELECOMMUNICATIONS FACILITIES

2.1 The CITY shall provide the RSD limited access to connect 4 -single mode fibers or 2-single mode fibers of the CITY fiber optic cable at the vault locations as shown in Exhibit A. The RSD shall contact the CITY at least 4 hours in advance to secure that access.

3. MAINTENANCE AND REPAIRS

3.1 The CITY shall maintain the fibers leased by RSD to a best level of effort service standard.

3.2 In order to facilitate timely restoration of service, the CITY shall supply the RSD with an after-hours emergency contact number that the RSD can contact in case of an outage on the leased fibers.

3.3 During normal operating conditions, the CITY shall respond to outage reports by the RSD on the leased fiber within 2 hours.

3.4 During normal operating conditions, the CITY will mobilize crews with qualifications required to complete restoration or repairs within four hours after receiving notification from RSD of a confirmed fiber cable related disruption in service on the leased fibers.

3.5 Damages to the any of the leased fiber optic cables shall be repaired as soon as possible.

3.6 The CITY nor the RSD, however, shall be liable to the other for consequential damages suffered by the other party or by any third parties as a result of damages or repairs to the leased cables, no matter what the cause of the interruption or damage.

4. PRINCIPAL CONTACTS

The following individuals have been identified by the CITY and the PUD as Principal Contacts for this AGREEMENT.

RICHLAND SCHOOL DISTRICT		**CITY**
Mike Leseberg		Michelle Burden
RICHLAND SCHOOL DISTRICT		CITY OF RICHLAND
615 Snow Ave		P. O. Box 190
Richland, WA 99352		Richland, WA 99352
(509) 967-6110		(509) 942-7580

5. TERM / CANCELLATION

5.1 This AGREEMENT shall commence on September 1, 2013 and shall continue for ten years.

5.2 Either party may cancel the AGREEMENT prior to its scheduled termination date by providing the other party with 1 year's written notice of termination.

5.3 The AGREEMENT may be renewed with five (5) five-year options. Price shall be determined based on increasing the lease payment as provided in Section 6.1 by the Consumer Price Index (CPI-W), at time of renewal. This AGREEMENT shall not extend beyond August 31, 2038.

6. INSTALLATION AND LEASE PAYMENT

6.1 RSD shall pay the CITY a fixed amount of zero dollars ($0.00) for the initial installation and set-up costs incurred by the CITY.

6.2 RSD shall then pay the CITY two-hundred and seventy dollars ($270.00) per month per location for the term of this AGREEMENT.

6.3 RSD and the CITY shall cooperate on the extension and connection of additional fiber to connect new or additional RSD properties. The CITY will construct extensions if agreed by both parties. If the capital costs for such extension are less than twenty-thousand dollars ($20,000) then RSD shall be responsible for fifty percent (50%) of the extension costs, which shall be paid to the CITY as a non-recurring fee upon the completion of the extension. If the capital costs for such extension exceed twenty-thousand dollars ($20,000) then RSD shall be responsible for fifty percent (50%) of the extension costs up to ten-thousand dollars and one-hundred percent (100%) of the extension costs in excess of twenty-thousand dollars ($20,000). RSD shall then pay the CITY two-hundred and seventy dollars ($270.00) per month per location for the term of this AGREEMENT.

6.4 Payment by the RSD shall be due within 30 days of invoice by the CITY.

7. MODIFICATION

7.1 No modification of this AGREEMENT, including any extensions, shall be valid unless evidenced in writing and signed by both parties. No verbal agreement may supersede, replace or amend this section.

8. INTEGRATION

8.1 This AGREEMENT constitutes the final and complete integrated agreement between the parties concerning its subject matter.

9. ASSIGNMENT

9.1 Neither party to this AGREEMENT shall transfer or assign any right or obligation hereunder without prior written consent of the other party. No reason need be given for either granting or refusing that consent.

10. SEVERABILITY

10.1 Should any part, term or provision of this AGREEMENT be determined to be invalid, the remainder of this AGREEMENT shall not be affected, and it shall continue in full force and effect.

11. INDEMNIFICATION

11.1 Each of the parties to this AGREEMENT shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from the other party's negligent acts or omissions. Neither party will be required to indemnify, defend, or save harmless the other party if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other party. Where such claims, suits, or actions result from concurrent negligence of the parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the party's own negligence. Each of the parties agrees that its obligations under this subparagraph extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the parties, by mutual negotiation, hereby waives, with respect to each of the other party only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW. In the event that any of the parties or combination of the parties incurs any judgment, award, and/or cost arising there from, including attorneys' fees, to enforce the provisions of this Section, all such fees, expenses, and costs shall be recoverable from the responsible party or combination of the parties to the extent of that party's/those parties' culpability. This indemnification shall survive the termination of this AGREEMENT.

12. CONTROLLING LAW AND VENUE

12.1 This AGREEMENT is entered into under the laws of the State of Washington.

12.2 In the event that either party deems it necessary to institute legal action or proceeding to enforce any right or obligation under this AGREEMENT, that action or proceeding shall be brought in the Superior Court for Benton County, Washington.

13. NO PARTNERSHIP OR THIRD PARTY RIGHTS

13.1 This AGREEMENT shall not be interpreted or construed to create an association, joint venture or partnership between the parties, or to impose any partnership obligations or liability upon either party.

13.2 This AGREEMENT shall not be construed to create rights in or grant remedies to any third party as a beneficiary of this AGREEMENT.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT as of the day and year first above written.

CITY
CITY OF RICHLAND

By: Cindy Johnson
Title: City Manager

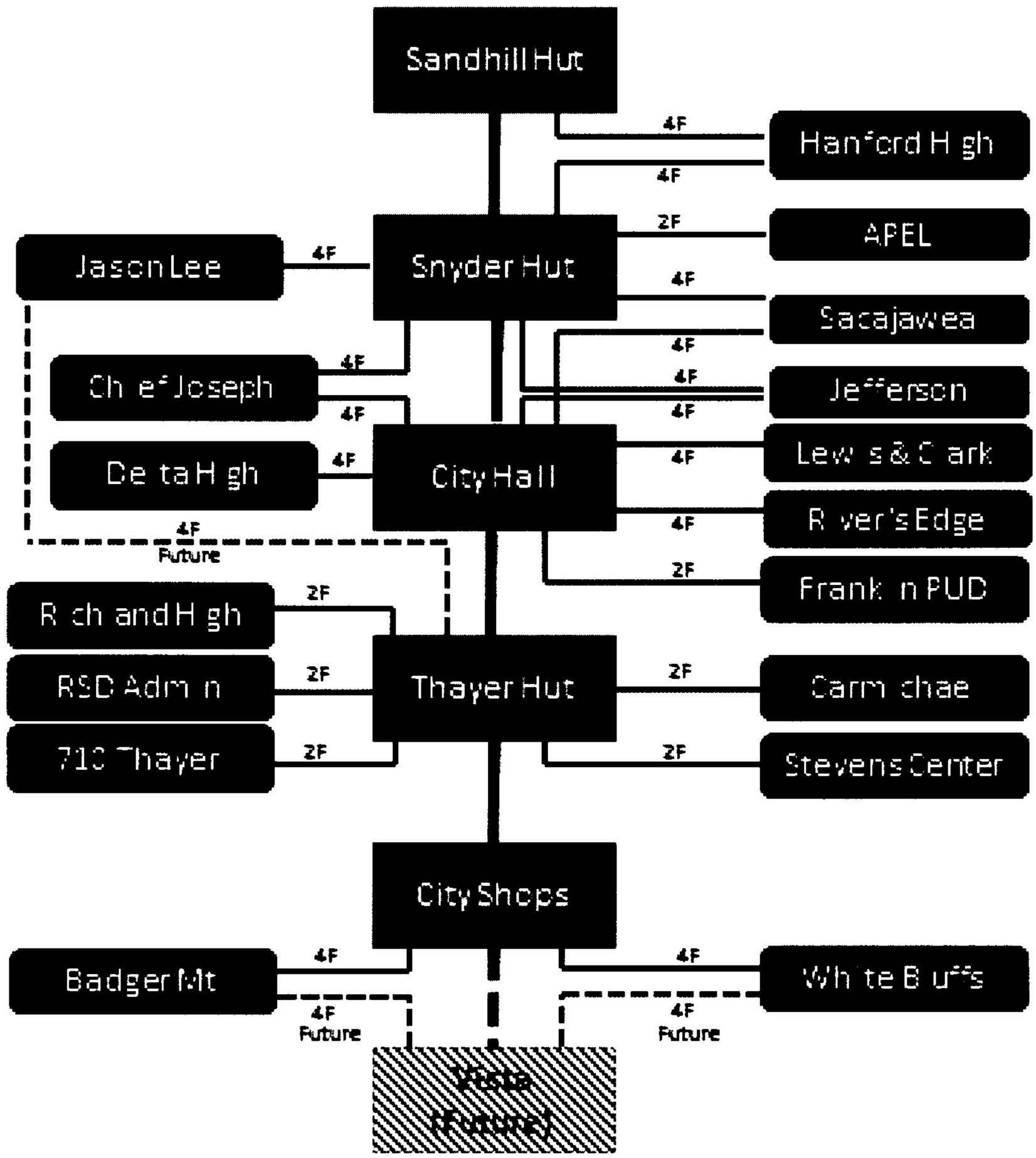
6-12-13
Date

RSD
RICHLAND SCHOOL DISTRICT

By: Mike Leseberg
Title: Executive Director of Information Technology

6/5/13
Date

EXHIBIT A: SCHEMATIC DIAGRAM



CITY OF RICHLAND, WASHINGTON
AGREEMENT FOR A FIBER OPTIC CABLE LEASE
WITH RICHLAND SCHOOL DISTRICT

MODIFICATION NUMBER 4

I. RECITALS

This is Modification Number 4 to the Agreement for a Fiber Optic Cable Lease between the contracting parties, City of Richland, Washington (hereinafter "City") and the Richland School District No. 400, (hereinafter the "RSD").

There is now in full force and effect between the parties an Agreement, City contract number 77-13 executed by the City on, June 5, 2013.

The parties to this contract desire to modify said Agreement as defined under section 7.0 MODIFICATION as follows;

II. FIBER OPTIC LEASE – EXTENSION ADDITIONS/DELETIONS

1. Additions
   In accordance with section 6.3 the CITY and RSD shall cooperate on the extension of additional fiber to connect the new or additional RSD properties as listed below. Additionally, the CITY has an agreement with Benton PUD to share the construction cost thus reducing the construction costs to RSD.

   a. Special Programs Office – 295 Bradley Avenue, Suite # 102 and 204

III. FIBER OPTIC LEASE – PAYMENTS FOR THE CAPITAL COSTS OF INSTALLATION

The CITY has constructed the fiber extension addition listed in this Modification Number 4. In accordance with the Agreement, City contract 77-13, the parties will be responsible for the capital costs as listed below in accordance with section 6.3.

CITY OF RICHLAND, WASHINGTON
AGREEMENT FOR A FIBER OPTIC CABLE LEASE
WITH RICHLAND SCHOOL DISTRICT

MODIFICATION NUMBER 4

1. Special Programs Office – 295 Bradley Avenue, Suite # 102 and 204
    a. Cost of extension – $42,000.00
    b. RSD responsibility – $21,000.00
    c. Benton PUD responsibility – $21,000.00
    d. City responsibility – $0.00

IV. FIBER OPTIC LEASE – LEASE PAYMENTS

The CITY has constructed the fiber extension additions listed in this Modification Number 4. In accordance with section 6.2 of the Agreement RSD is already paying the CITY two-hundred and seventy dollars ($270.00) per month per location listed below for the term of the Agreement as agreed to in Modification Number 2.

1. Special Programs Office – 295 Bradley Avenue, Suite # 102 & 204

CITY OF RICHLAND, WASHINGTON
AGREEMENT FOR A FIBER OPTIC CABLE LEASE
WITH RICHLAND SCHOOL DISTRICT

MODIFICATION NUMBER 4

SIGNATURES

CITY:

By: _____
Cindy Reents, City Manager

Date: 10/4/17

By: _____
Mike Leseberg, Executive Director
Information Technology

Date: 3/21/17

APPROVED AS TO FORM:

By: _____
Heather Kintzley, City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 3 - Economic Vitality

Subject:
Resolution No. 188-17, Authorizing a Purchase and Sale Agreement with Rieve Properties for Purchase of a One-Acre Lot in the Horn Rapids Business Center

Department:	Ordinance/Resolution Number:	Document Type:
Community & Development Services	188-17	Resolution

Recommended Motion:
Adopt Resolution No. 188-17, authorizing the City Manager to sign and execute a Purchase and Sale Agreement with Rieve Properties, LLC, for the purchase of a 1.00 acre lot in the Horn Rapids Business Center.

Summary:
Rieve Properties is proposing to purchase a 1.00 acre lot in the Horn Rapids Business Center along the north side of Robertson Drive for the development of a construction office and warehouse facility.

Rieve Properties is owned by Lee Petty, owner of LCR Construction in Kennewick.

The purchase price is $1.50 per square foot for the 1.00 acre property, amounting to an estimated gross proceeds of $65,340. The purchase price is consistent with Resolution No. 35-13, which established pricing in the Horn Rapids Business Center in September, 2013.

The City will retain a repurchase right if Rieve Properties has not submitted an application for approval of building plans to the City within six (6) months of closing, and if they do not begin construction within eighteen (18) months of closing.

The proposed purchase was reviewed by the Economic Development Committee (EDC) at its September 25, 2017 meeting. The EDC recommends approval.

Fiscal Impact: The Purchaser will pay $65,340 for the 1.00 acre lot in the Horn Rapids Business Center. Net proceeds after closing will be deposited in the City's Industrial Development Fund.

Attachments:
1. Resolution No. 188-17
2. PSA -Rieve Properties
3. Site Map
4. Record Survey No. 4756
5. Letter of Intent

RESOLUTION NO. 188-17

A RESOLUTION of the City of Richland authorizing execution of a Purchase and Sale Agreement by and between the City of Richland and Rieve Properties, LLC.

WHEREAS, the City of Richland is the record owner of an acre of City-owned surplus property described as Parcel E of Record Survey No. 4756 along the north side of Robertson Drive in the Horn Rapids Business Center; and

WHEREAS, pursuant to Richland Municipal Code (RMC) Chapter 3.06, the City of Richland has full authority to negotiate the sale of surplus property that is in the best interest of the City; and

WHEREAS, the aforesaid City-owned property is managed by the Economic Development Office and is available for sale; and

WHEREAS, pursuant to Resolution No. 35-13, adopted by City Council on September 17, 2013 for the purpose of setting prices for City-owned surplus property, the acre of business center property is available for sale at $1.50 per square foot, for a total price of $65,340; and

WHEREAS, Rieve Properties, LLC has agreed to purchase the property for said amount; and

WHEREAS, at its September 25, 2017 meeting, the Economic Development Committee (EDC) recommended to the Richland City Council that it sell the City-owned surplus property in the Horn Rapids Business Center to Rieve Properties, LLC, for the total sale price of $65,340.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a Purchase and Sale Agreement selling an acre of City-owned property along the north side of Robertson Drive in the Horn Rapids Business Center, described as Parcel E of Record Survey No. 4756, to Rieve Properties, LLC, for a total sale price of $65,340.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

Contract No. __-17

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

This Agreement for Purchase and Sale of Real Property (the "Agreement") is made and entered into this ____ day of _____, 2017 between the **CITY OF RICHLAND**, a Washington municipal corporation ("Seller"), and **RIEVE PROPERTIES, LLC**, a Washington limited liability company ("Purchaser").

1. Purchase and Sale of Property. Seller agrees to sell and Purchaser agrees to purchase, on the terms hereafter stated, all of the following described property (collectively, the "Property"):

1.1. The Property. The land involved in this transaction is located in the City of Richland, Benton County, Washington, as depicted in **Exhibit A and B**, and is legally described as follows:

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOLUME 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1764.71 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING. THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.00 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.CONTAINS 1.00 ACRES

1.2. Scrivener's Errors. In the event of an error in the legal description, the parties agree that either party or a scrivener may correct the error.

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

1.4. Timing of Conveyance. The Property described in Section 1.1 shall be conveyed to Purchaser by a Statutory Warranty Deed ("Deed") subject to the permitted exceptions and at the time of payment. The Deed shall be delivered to Purchaser at closing.

2. Purchase Price. The Purchase Price for the Property shall be **one dollar and fifty cents ($1.50)** per square foot, for a total Purchase Price of **sixty-five thousand three hundred forty dollars ($65,340)** for the one (1) acre property. The Purchase Price shall be paid by Purchaser to Seller in the form of all cash to be deposited in an escrow account with Chicago Title Company.

2.1. Earnest Money Deposit. As consideration for Seller's execution and delivery of this Agreement, Purchaser will deposit with Chicago Title Company ("Title Company") a cashier's check in the amount of **five thousand dollars ($5,000)** within five (5) business days after both parties have signed this Agreement. Hereafter, the term "Earnest Money Deposit" shall be used to refer, when appropriate, to the Earnest Money Check and, when paid, to the principal thereof and any interest thereon. Purchaser shall be entitled to direct the Title Company to place the Earnest Money Deposit in an interest bearing account of Purchaser's choice. The Earnest Money Deposit will be returned if Purchaser determines to terminate this Agreement during the due diligence period provided in Section 3.3. However, should Purchaser default or terminate this Agreement at any time after the due diligence period has expired, the balance of the earnest money shall be forfeited to Seller pursuant to Section 9 herein, but only after any outstanding obligations for Title Company services as specified in 4.1 have been deducted and paid from the Earnest Money Deposit.

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

3.1. Executed Contract. The "Executed Contract" date is the date that both parties have signed this Purchase and Sale Agreement. If the Purchase and Sale Agreement is signed on different days, the "Executed Contract" date is the date of the last signing party. Both Purchaser and Seller must sign this Purchase and Sale Agreement within fifteen (15) business days of approval from the Richland City Council. If signatures are not received by both parties within fifteen (15) business days, this Agreement shall automatically terminate and be without any further force and effect, and without further obligation of either party to the other.

3.2. Preliminary Title Report. Within five (5) business days after the Execution Date, Purchaser, at its sole cost and expense, shall order from Chicago Title Company a preliminary title report on the Property, and copies of all documents referred to therein, and upon receipt, furnish same to Seller.

3.3. Due Diligence. Purchaser is granted a due diligence period until and including thirty (30) business days after receipt of the title report described in Section 3.2. Said due diligence period may be extended an additional thirty (30) business days upon written agreement by both Purchaser and Seller. Purchaser may conduct, at its own expense, a full review of legal, title, environmental, archaeological and any other related issues. If the results of said review are unsatisfactory in Purchaser's opinion, Purchaser may, at its option, elect to terminate this Agreement by giving Seller written notice of termination prior to the end of the due diligence period. In the event of termination by

Purchaser under this section, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other. If Purchaser has terminated this Agreement and items specified in 6.1.3 have been completed, the costs incurred for these services shall be deducted from the Earnest Money Deposit, and the balance paid to Purchaser within five (5) business days of termination.

3.4. Council Approval. The closing of this transaction is contingent upon approval of this Agreement by the City Council of the City of Richland. In the event the Richland City Council determines not to approve this Agreement, this Agreement shall immediately terminate and be without any further force and effect, and be without further obligation of either party to the other.

4. Closing. On or before the date of closing, Purchaser shall deliver to Chicago Title Company the Purchase Price for the Property in all cash. Seller shall deliver the Deed, as approved by Purchaser, to the Title Company for placing in escrow. Title Company shall be instructed that when it is in a position to issue a standard owner's policy of title insurance in the full amount of the Purchase Price, insuring fee simple title to the Property as described in Section 1.1 in Purchaser, Title Company shall record and deliver to Purchaser the Deed; and issue and deliver to Purchaser the standard owner's policy of title insurance.

4.1. Closing Costs. Each party shall pay its own attorney's fees. Seller shall pay one-half of all recording costs, escrow closing costs, if applicable, and the full premium for a standard owner's policy of title insurance. Purchaser shall pay one-half of all transfer taxes, recording costs and escrow closing costs.

4.2. Closing Date. The closing of the transaction and delivery of all items shall occur at Chicago Title Company, and shall occur on a date specified by Chicago Title Company with written notice to Seller and Purchaser. Unless extended in writing by the parties, closing shall occur no later than sixty (60) business days after the last day of the Due Diligence period. If, due to fault of the Purchaser, this transaction fails to close within sixty (60) business days as provided herein, the Earnest Money shall be forfeited and this Agreement shall terminate. If, due to fault of the Seller, this transaction fails to close within sixty (60) business days as provided herein, the Earnest Money shall be returned to the Purchaser and the remedies available under Section 8 shall apply. For good cause, the parties may choose by written agreement to extend the closing date beyond 60 business days.

Comment [KH1]: Take a look at this. I rewrote it because it doesn't make a lot of sense to have the document simply terminate and be of no further force and effect. That's a way out of the agreement (just run the clock) with no penalty. I changed it. Let me know if you have any concerns.

5. Title. Upon closing of escrow as set forth in Section 4, fee title to the Property shall be conveyed by Seller to Purchaser by a duly executed Statutory Warranty Deed.

6. Covenants, Representations and Warranties.

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

6.1.1. From the date of this Agreement through the Closing Date, Seller shall not make any material alterations to the Property or to any of the licenses, permits, legal classifications or other governmental regulations relating to the Property, nor enter into any leases or agreements pertaining to the Property without Purchaser's prior written consent.

6.1.2. During the Contract Period, Seller shall not voluntarily cause to be recorded any encumbrance, lien, deed of trust, easement or the like against the title to the Property without Purchaser's prior consent.

6.1.3. Seller shall use its best efforts to remove all disapproved exceptions within the Preliminary Title Report.

6.1.4. During the Contract Period, Seller will operate and maintain the Property in a manner consistent with Seller's past practices relative to the Property and so as not to cause waste to the Property.

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

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

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

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

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

6.2.5. No special or general assessments have been levied against the Property except those disclosed in the Preliminary Title Report, and Seller has not received written notice that any such assessments are threatened.

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

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

6.3. Purchaser's Representations: Purchaser hereby makes the following representations to Seller, each of which shall be true on the date hereof and on the date of closing.

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

6.3.2. Purchaser represents that it has sufficient funds to close this transaction.

6.3.3. Purchaser represents that the Property will be developed with a minimum 5,000 square foot construction office and warehouse facility. Deviation from this intended use must be authorized by the Seller in writing or be subject to the Right to Repurchase Clause in Section 10.13. Nothing in this Agreement shall be construed as alleviating the Purchaser from obtaining the necessary approvals, authorizations or permits required for the development of the Property for said use.

6.3.4. PURCHASER ACKNOWLEDGES THAT POLE BUILDINGS ARE NOT ALLOWED IN THE HORN RAPIDS INDUSTRIAL PARK AND BUSINESS CENTER, AND WILL NOT BE CONSTRUCTED ON SAID PROPERTY.

6.4. Survival of Covenants. The Covenants, Representations, and Warranties contained in Section 6 of this Agreement shall survive the delivery and recording of the Deed from Seller to Purchaser.

7. Casualty and Condemnation.

7.1. Material Casualty or Condemnation. If prior to the closing Date: (i) the Property shall sustain damage caused by casualty which would cost ten thousand dollars ($10,000.00) or more to repair or replace; or (ii) if a taking or condemnation of any portion of the Property has occurred, or is threatened, which would materially affect the value of the Property, either Purchaser or Seller may, at its option, terminate this Agreement by written notice to the other party given within two (2) days after notice of such event. If prior to the closing Date neither party provides said termination notice within such two (2)

day period, the closing shall take place as provided herein with a credit against the Purchase Price in an amount equal to any insurance proceeds or condemnation awards actually collected by Seller and an assignment to Purchaser at closing of all Seller's interest in and to any insurance proceeds or condemnation awards which may be due but unpaid to Seller on account of such occurrence.

7.2. Immaterial Casualty or Condemnation. If prior to Closing Date, the Property shall sustain damage caused by casualty which is not described in Section 7.1, or a taking or condemnation has occurred, or is threatened, which is not described in Section 7.1, neither Purchaser nor Seller shall have the right to terminate this Agreement. Closing shall take place as provided herein with a credit against the Purchase Price equal to (i) the cost to repair that portion of the Property so damaged by insured casualty, or (ii) an amount equal to the anticipated condemnation award, as applicable. At closing, Purchaser shall assign to Seller all rights or interest in and to any insurance proceeds or condemnation awards which may be due on account of any such occurrence.

8. Purchaser's Remedies. In the event of material breach of this Agreement by Seller, Purchaser shall have, as its sole remedy (a) the right to pursue specific performance of this Agreement, (b) the right to terminate this Agreement and (c) all remedies presently or hereafter available at law or in equity. Purchaser hereby waives all other remedies on account of a breach hereof by Seller.

9. Liquidated Damages. IN THE EVENT OF MATERIAL DEFAULT BY PURCHASER IN THE PERFORMANCE OF ITS OBLIGATIONS HEREUNDER, SELLER SHALL HAVE THE RIGHT TO TERMINATE THIS AGREEMENT FORTHWITH AND WITHOUT FURTHER OBLIGATION TO PURCHASER AND KEEP THE EARNEST MONEY DEPOSIT AS LIQUIDATED DAMAGES. PURCHASER AGREES THAT IT IS DIFFICULT TO ASSESS THE AMOUNT OF DAMAGES INCURRED BY THE SELLER IN THE EVENT OF A DEFAULT BY THE PURCHASER. AS OF THE ENTRY OF THIS CONTRACT, THE AMOUNT OF THE EARNEST MONEY DEPOSIT IS A REASONABLE ESTIMATE OF THE DAMAGES.

10. Miscellaneous.

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

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

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

If to Seller:	City of Richland Attn: Economic Development Office P.O. Box 190, MS #18 Richland, Washington 99352 Phone: (509) 942-7583
If to Purchaser:	Rieve Properties, LLC Attn: Lee Petty Pasco, Washington 99301 Phone: (509) 987-2747

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

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

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

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

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

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

10.9. Counterparts. This Purchase Agreement may be executed in several counterparts each of which shall be an original, but all of such counterparts shall

constitute one such Agreement.

10.10. Cooperation and Further Assurances. Each party shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold responses to requests for information, approvals, or consents provided for in this Agreement. The parties agree to take further action and execute further documents, both jointly or within their respective powers and authority, as may be reasonably necessary to implement the intent of this Agreement.

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

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

10.13. Right to Repurchase. This Property is being sold to Purchaser in anticipation of being developed with a minimum 5,000 square foot construction office and warehouse facility, subject to the following:

10.13.1. If Purchaser fails to submit an application to Seller for approval of building plans within six (6) months of closing, Seller reserves the right to reclaim title to the Property.

10.13.2. If Purchaser does not initiate construction of structures, as authorized by the issuance of a building permit, within eighteen (18) months of closing, Seller reserves the right to reclaim title to the Property.

10.13.3. Seller shall reclaim the Property by refunding the original Purchase Price as cited in Section 2 of this Agreement for approximately 1.00 acre of property (the "Purchase Price"), without interest.

10.13.4. Purchaser and Seller shall each pay for one-half of the closing costs related to the repurchase of the Property. Other than closing costs, Seller will not assume any liability for expenses incurred by Purchaser in conducting this transaction. Purchaser agrees to re-convey Title to Seller within sixty (60) days of receipt of notification of Seller's decision to seek re-conveyance of the Property.

10.13.5. This Reversionary Right is exclusive to Seller and shall be exercised at Seller's sole discretion. This Right to Repurchase survives sixty (60) months after closing or until such time as building commences, whichever is earlier.

10.13.6. Seller shall be under no obligation to exercise this Right to Repurchase. Purchaser agrees that any resale of the Property by Purchaser to any third party within the thirty-six (36) month Right to Repurchase Period requires Seller's approval, which shall be given in Seller's sole discretion. Seller's Right to Repurchase as identified in Section 10.13 shall survive the delivery of the Deed.

10.14. Scrivener. The party drafting this Agreement is the City of Richland. The City of Richland makes no representations regarding the rights or responsibilities of Purchaser under this Agreement. Purchaser is encouraged to review the completed contract with counsel before signing this Agreement.

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

CITY OF RICHLAND – SELLER	**RIEVE PROPERTIES, LLC – PURCHASER**
_____	_____
By: Cynthia D. Reents, ICMA-CM	By: Lee Petty
Its: City Manager	Its: Owner

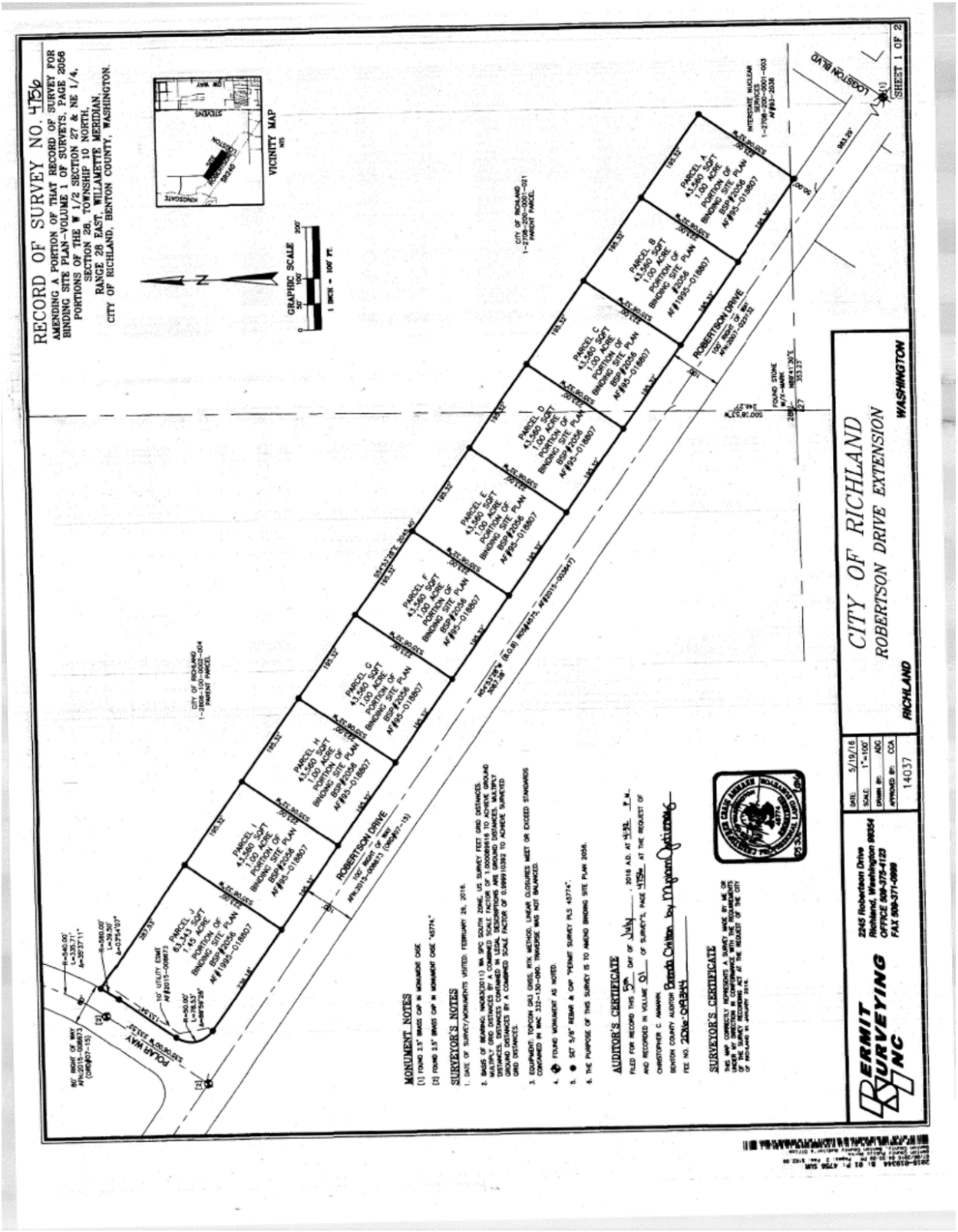
APPROVED AS TO FORM:

_____

By: Heather Kintzley

Its: City Attorney

EXHIBIT A
RECORD SURVEY NO. 4756



RECORD OF SURVEY NO. 4756

AMENDING A PORTION OF THAT RECORD OF SURVEY FOR BINDING SITE PLAN-VOLUME 1 OF SURVEYS, PAGE 2056
PORTIONS OF THE W 1/2 SECTION 27 & NE 1/4, SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

PARCEL A LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NO. 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE WEST HALF OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 28 EAST WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIME FOR A DISTANCE OF 983.39 FEET; THENCE NORTH 35°06'46" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE AND THE SOUTHEAST CORNER OF PARCEL 6, BLOCK 4 AS DEPICTED IN SAID BINDING SITE PLAN 2056, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'46" EAST ALONG THE EAST LINE THEREOF, FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.32 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL B LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1178.70 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL C LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1374.04 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL D LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1549.38 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL E LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1784.71 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL F LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1980.05 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL G LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A PORTION OF BINDING SITE PLAN 2056, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, LOCATED IN SECTION 27, TOWNSHIP 10, RANGE 28 EAST W.M., BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 2155.38 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL H LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 2350.72 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL I LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 2548.06 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL J LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995-018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 2741.39 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 287.56 FEET TO A POINT ON THE EASTERLY MARGIN OF A PUBLIC ROAD KNOWN AS POLAR WAY, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015-003647, RECORDS OF BENTON COUNTY, WASHINGTON AND THE BEGINNING OF A 880.00 RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY A DISTANCE OF 36.50 ALONG THE EASTERLY MARGIN AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°54'07"; THENCE CONTINUING ALONG THE EASTERLY MARGIN THEREOF SOUTH 35°06'00" WEST FOR A DISTANCE OF 133.55 FEET TO THE BEGINNING OF A 50.00 RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY AND EASTERLY A DISTANCE OF 78.53 ALONG THE EASTERLY MARGIN AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'28" TO A POINT ON THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 236.18 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.45 ACRES

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 5th DAY OF July, 2016 A.D. AT 4:32 P.M.,
AND RECORDED IN VOLUME 01 OF SURVEY'S, PAGE 4756 AT THE REQUEST OF
CHRISTOPHER C. AMMANN.
BENTON COUNTY AUDITOR Brenda Chilton by Miriam Quintana Deputy
FEE NO. 2016-019341

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF THE CITY OF RICHLAND IN JANUARY 2016.

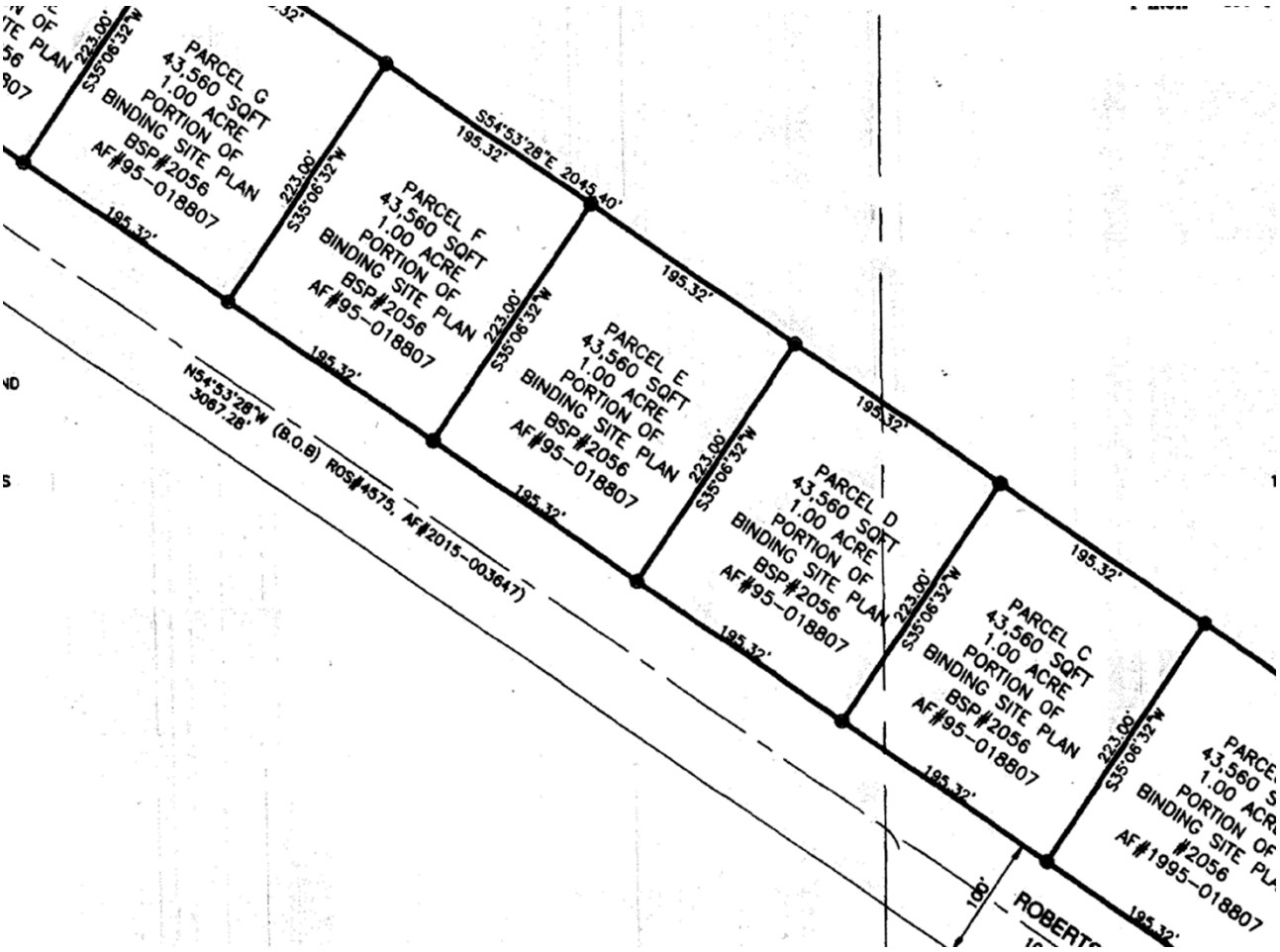
PERMIT SURVEYING INC
2245 Robertson Drive
Richland, Washington 99354
OFFICE 509-375-4123
FAX 509-371-0999

DATE:	05/19/16
SCALE:	NTS
DRAWN BY:	ADG
APPROVED BY:	CCA
14037	

CITY OF RICHLAND
ROBERTSON DRIVE EXTENSION
RICHLAND WASHINGTON

SHEET 2 OF 2

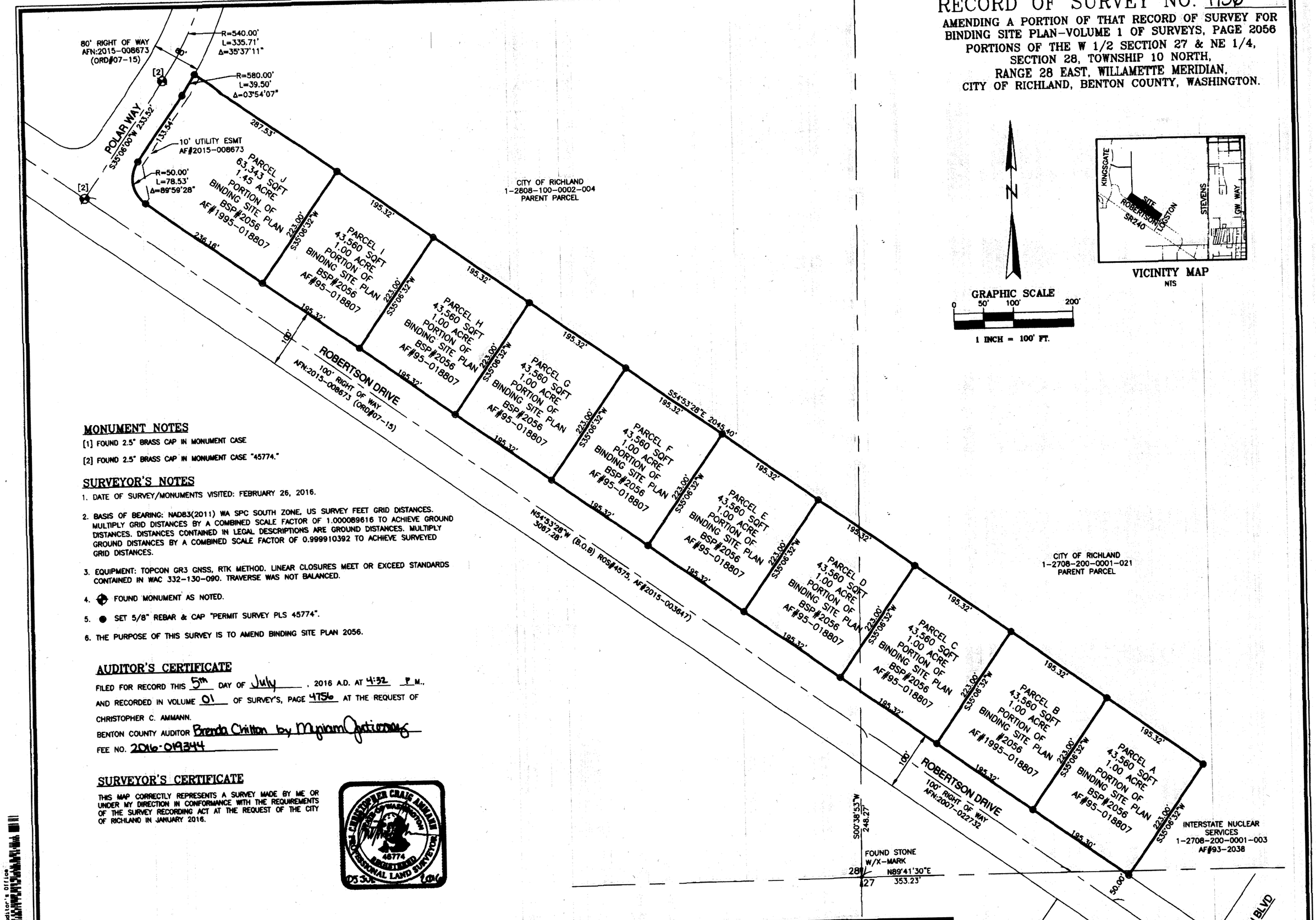
EXHIBIT B
PARCL "E" RECORD SURVEY NO. 4756



KINGSGATE WAY
LOGAN ST
ROBERTSON DR
PRIVATE RD
POLAR WAY
RIEVE PROPERTIES – 1 ACRE
SR 240
RIVER PARK DR
RIVER VALLEY DR
ROBERTSON DR
LOGSTON BLVD
HENDERSON LOOP
PRIVATE RD
TUSCANNA DR
500 m

RECORD OF SURVEY NO. 4756

AMENDING A PORTION OF THAT RECORD OF SURVEY FOR BINDING SITE PLAN–VOLUME 1 OF SURVEYS, PAGE 2056
PORTIONS OF THE W 1/2 SECTION 27 & NE 1/4, SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.



MONUMENT NOTES

[1] FOUND 2.5" BRASS CAP IN MONUMENT CASE

[2] FOUND 2.5" BRASS CAP IN MONUMENT CASE "45774."

SURVEYOR'S NOTES

1. DATE OF SURVEY/MONUMENTS VISITED: FEBRUARY 26, 2016.
2. BASIS OF BEARING: NAD83(2011) WA SPC SOUTH ZONE, US SURVEY FEET GRID DISTANCES. MULTIPLY GRID DISTANCES BY A COMBINED SCALE FACTOR OF 1.000089616 TO ACHIEVE GROUND DISTANCES. DISTANCES CONTAINED IN LEGAL DESCRIPTIONS ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY A COMBINED SCALE FACTOR OF 0.999910392 TO ACHIEVE SURVEYED GRID DISTANCES.
3. EQUIPMENT: TOPCON GR3 GNSS, RTK METHOD. LINEAR CLOSURES MEET OR EXCEED STANDARDS CONTAINED IN WAC 332-130-090. TRAVERSE WAS NOT BALANCED.
4. ⊕ FOUND MONUMENT AS NOTED.
5. ● SET 5/8" REBAR & CAP "PERMIT SURVEY PLS 45774".
6. THE PURPOSE OF THIS SURVEY IS TO AMEND BINDING SITE PLAN 2056.

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 5th DAY OF July, 2016 A.D. AT 4:32 P.M.,
AND RECORDED IN VOLUME 01 OF SURVEY'S, PAGE 4756 AT THE REQUEST OF
CHRISTOPHER C. AMMANN.
BENTON COUNTY AUDITOR Brenda Chilton by Myriam Quintanilla
FEE NO. 2016-019344

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF THE CITY OF RICHLAND IN JANUARY 2016.

CHRISTOPHER CRAIG AMMANN
STATE OF WASHINGTON
46774
REGISTERED
PROFESSIONAL LAND SURVEYOR
05 30 2016

PERMIT SURVEYING INC
2245 Robertson Drive
Richland, Washington 99354
OFFICE 509-375-4123
FAX 509-371-0999

DATE:	5/19/16
SCALE:	1"=100'
DRAWN BY:	ADG
APPROVED BY:	CCA
	14037

CITY OF RICHLAND
ROBERTSON DRIVE EXTENSION

RICHLAND WASHINGTON

SHEET 1 OF 2

2016-019344 B: 01 P: 4756 SUR
07/05/2016 04:32:06 PM Pages: 2 Fee: $162.00
Brenda Chilton, Benton County Auditor's Office
Benton County, Benton County Public Works

RECORD OF SURVEY NO. 4756

AMENDING A PORTION OF THAT RECORD OF SURVEY FOR BINDING SITE PLAN–VOLUME 1 OF SURVEYS, PAGE 2056
PORTIONS OF THE W 1/2 SECTION 27 & NE 1/4, SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

PARCEL A LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NO. 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE WEST HALF OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 28 EAST WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 983.39 FEET; THENCE NORTH 35°06'46" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE AND THE SOUTHEAST CORNER OF PARCEL 6, BLOCK 4 AS DEPICTED IN SAID BINDING SITE PLAN 2056, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'46" EAST ALONG THE EAST LINE THEREOF, FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.32 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL B LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1178.70 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL C LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1374.04 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL D LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1569.38 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL E LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1764.71 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL F LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 1960.05 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL G LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A PORTION OF BINDING SITE PLAN 2056, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, LOCATED IN SECTION 27, TOWNSHIP 10, RANGE 28 EAST W.M., BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 2155.38 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL H LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 2350.72 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL I LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 2546.06 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 195.34 FEET; THENCE SOUTH 35°06'32" WEST FOR A DISTANCE OF 223.02 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 195.34 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.00 ACRES

PARCEL J LEGAL DESCRIPTION

A PORTION OF BINDING SITE PLAN 2056, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2056, UNDER AUDITOR'S FILE NUMBER 1995–018807, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF A PUBLIC ROAD KNOWN AS LOGSTON BOULEVARD AND ROBERTSON DRIVE, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON. THENCE NORTH 54°53'28" WEST ALONG THE CENTERLINE OF SAID ROBERTSON DRIVE FOR A DISTANCE OF 2741.39 FEET; THENCE NORTH 35°06'32" EAST AT RIGHT ANGLES FOR A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 35°06'32" EAST FOR A DISTANCE OF 223.02 FEET; THENCE NORTH 54°53'28" WEST FOR A DISTANCE OF 287.56 FEET TO A POINT ON THE EASTERLY MARGIN OF A PUBLIC ROAD KNOWN AS POLAR WAY, AS DEPICTED ON RECORD OF SURVEY 4575, AS RECORDED IN VOL. 1 OF SURVEYS, PAGE 4575, UNDER AUDITOR'S FILE NUMBER 2015–003647, RECORDS OF BENTON COUNTY, WASHINGTON AND THE BEGINNING OF A 580.00 RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY A DISTANCE OF 39.50 ALONG THE EASTERLY MARGIN AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°54'07"; THENCE CONTINUING ALONG THE EASTERLY MARGIN THEREOF SOUTH 35°06'00" WEST FOR A DISTANCE OF 133.55 FEET TO THE BEGINNING OF A 50.00 RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY AND EASTERLY A DISTANCE OF 78.53 ALONG THE EASTERLY MARGIN AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'28" TO A POINT ON THE NORTHERLY RIGHT–OF–WAY MARGIN OF SAID ROBERTSON DRIVE; THENCE SOUTH 54°53'28" EAST ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 236.18 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1.45 ACRES

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 5th DAY OF July, 2016 A.D. AT 4:32 P.M., AND RECORDED IN VOLUME 01 OF SURVEY'S, PAGE 4756 AT THE REQUEST OF CHRISTOPHER C. AMMANN.

BENTON COUNTY AUDITOR Brenda Chilton by Myriam Quintana Deputy

FEE NO. 2016-019344

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF THE CITY OF RICHLAND IN JANUARY 2016.

CHRISTOPHER C. AMMANN STATE OF WASHINGTON 48774 REGISTERED PROFESSIONAL LAND SURVEYOR 05/19/2016

PERMIT SURVEYING INC
2245 Robertson Drive
Richland, Washington 99354
OFFICE 509-375-4123
FAX 509-371-0999

DATE:	05/19/16
SCALE:	NTS
DRAWN BY:	ADG
APPROVED BY:	CCA
	14037

CITY OF RICHLAND
ROBERTSON DRIVE EXTENSION
RICHLAND WASHINGTON

September 1, 2017

Darin K. Arrasmith
Economic Developer
City of Richland, WA 99352

RE: Robertson Drive Extension on Robertson Drive: Tax Parcel "E" and Tax Parcel "F"

I am submitting this letting of intent to purchase Parcel E which is 1.0 acres on binding site plan 2056 in Richland, WA currently owned by the City of Richland.

I propose to build a 5,000 sq. ft. commercial building on parcel E with 3,000 sq. ft. of that being used as office space to run my commercial construction company, LCR Construction, out of and the other 2,000 sq. ft. will be used as warehouse space. Our expected construction start date is late 2017 and the estimated completion date is within 3-6 months after. In the future I have plans to expand the building by an additional 5,000 sq. ft. of warehouse space.

The purposed purchase price for Parcel E is $1.50 per sq. ft., totaling $65,340.00. I understand that the purchase and sale agreement still need to be negotiated and reviewed and that this transaction requires Council approval in order to move forward. Traditional distribution of closing costs will occur.

I also would like to express my interest in purchasing Parcel F which is located directly NW of Parcel E also on Robertson Drive in Richland. I would like first right of refusal on Parcel F meaning that if the City of Richland markets and accepts other offers on Parcel F I would like 30 days from the time of the City of Richlands' notice of potential buyer to procure funding and provide earnest money to City of Richland. If I cannot fulfill my fiduciary responsibly within the 30 days then both parties agree to a mutual release of the obligation to purchase Parcel F.

Sincerely,

Lee Petty, Individual

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element:

Subject:
Resolution No. 189-17, Authorizing Awards for Contributions to the Arts within Richland

Department:	Ordinance/Resolution Number:	Document Type:
Parks & Public Facilities	189-17	Resolution

Recommended Motion:
Adopt Resolution No. 189-17, authorizing the issuance of awards for individual and organizational support of the arts within Richland.

Summary:
The Richland Arts Commission (RAC) implements an annual program to recognize one individual and one organization for their contributions to the arts in Richland. RAC Chairperson Jeff Kissel will present the following awards:

Individual Award: Nancy Doran

Organization Award: The Fox Vance Family Foundation

Fiscal Impact:

Attachments:
1. Resolution No. 189-17

RESOLUTION NO. 189-17

A RESOLUTION of the City of Richland authorizing awards for 2016 Contributions to the Arts.

WHEREAS, in 2007, the Richland Arts Commission (RAC) initiated an annual Contributions to the Arts program; and

WHEREAS, the intent of the program was designed to distinguish two (2) recipients annually for their outstanding contribution and support of the arts in Richland; and

WHEREAS, the RAC solicited nominations for individual and organization awards for Contributions to the Arts during the calendar year 2016; and

WHEREAS, two (2) nominations were received for the individual award and one (1) nomination was received for the organization award; and

WHEREAS, the RAC recommends awarding the individual award to Nancy Doran; and

WHEREAS, the RAC recommends awarding the organization award to the Fox Vance Family Foundation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the 2016 Contributions to the Arts awardees shall be Nancy Doran and the Fox Vance Family Foundation.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 5 - Natural Resources Management

Subject:
Resolution No. 190-17, Authorizing Submittal of a Grant Application for Stormwater Funds

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	190-17	Resolution

Recommended Motion:
Adopt Resolution No. 190-17, authorizing the submittal of a water quality grant application to the Department of Ecology.

Summary:
The City's stormwater utility is regulated by a Washington State-issued National Pollution Discharge Elimination permit. The permit holds the City responsible for the quality of the stormwater discharged to the Columbia and Yakima rivers.

The Public Works Department has completed studies identifying and prioritizing opportunities to install water quality treatment features on existing stormwater facilities. In an effort to help fund the construction of some of these proposed improvements, City staff recommend submitting a FY2019 Water Quality Grant application to the Department of Ecology.

The grant application would focus on improving water quality at three discharge points along Columbia Park Trail and would also be beneficial in eliminating erosion issues that have occurred in this area during large storm events. The proposed project would require cooperation from the Columbia Irrigation District and the U.S. Army Corps of Engineers. Staff have contacted both agencies and received favorable feedback to this project proposal. The proposed project would be constructed along Columbia Park Trail with no direct impact to residential or commercial properties.

Staff recommends approval of Resolution No. 190-17.

Fiscal Impact:	The project is estimated to cost approximately $1,000,000. The grant would cover 75% or $750,000. The City match would be $250,000 and is currently available in the Stormwater Fund unappropriated fund balance which has a current balance of $1,989,566.

Attachments:
1. Resolution No. 190-17

RESOLUTION NO. 190-17

A RESOLUTION of the City of Richland authorizing submission of a State Fiscal Year 2019 Water Quality Financial Assistance application to the Washington State Department of Ecology for a Stormwater Retrofit Project along Columbia Park Trail between Leslie Road and Rockwood Drive.

WHEREAS, the City of Richland's stormwater management operation is regulated by a Washington State-issued National Pollution Discharge Elimination System (NPDES) permit; and

WHEREAS, the NPDES permit holds the City responsible for the quality of stormwater runoff discharged to the Columbia and Yakima Rivers; and

WHEREAS, the City's Strategic Leadership Plan includes a goal to protect and enhance the City's water resources; and

WHEREAS, the Public Works Department has completed studies identifying and prioritizing opportunities to install water quality treatment features on untreated stormwater discharge outfalls; and

WHEREAS, the proposed project will also address stormwater erosion issues that have caused ongoing maintenance challenges after large storm events; and

WHEREAS, the studies identified three (3) outfalls along Columbia Park Trail as a good opportunity for water quality improvement features; and

WHEREAS, the proposed project will be located within City of Richland right-of-way, on Columbia Irrigation District and U.S. Army Corps of Engineers property; and

WHEREAS, this project, if funded, would improve the water quality of the Amon Wasteway and Yakima and Columbia Rivers through improved management of stormwater runoff; and

WHEREAS, City staff is qualified and capable of administering a Water Quality Financial Assistance grant; and

WHEREAS, the City's Stormwater Utility Fund is sufficiently funded to the provide the matching funds required by the grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that staff is authorized to complete and submit a State Fiscal Year 2019 Water Quality Financial Assistance application for the Stormwater Retrofit Project along Columbia Park Trail.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Resolution No. 191-17, Authorizing the Submittal of a Funding Application to the Washington State Department of Health's Office of Drinking Water for the Lorayne J Water System Consolidation Project

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	191-17	Resolution

Recommended Motion:
Adopt Resolution No. 191-17, authorizing the submittal of a 2017 Drinking Water State Revolving Fund construction loan application for the Lorayne J Water System Consolidation project.

Summary:
The Kennewick Irrigation District (KID) owns and operates a small water system called the Lorayne J Water System. This system is located in south Richland outside of the City limits between Reata Road and Leslie Road. The system's water is supplied from several groundwater wells that are contaminated with high nitrates, above the levels allowed by the Washington State and federal drinking water standards. Richland is currently providing water to the system through an emergency intertie.

The State Department of Health and KID are promoting consolidation of the Lorayne J water system with the City's system as a solution to the contaminated water. A consolidation study was completed in fall 2016 and reviewed by the Department of Health.

The consolidation study shows that the existing Lorayne J water system is not up to the City standards. Due to concerns about the water usage for irrigation, City staff recommends construction of a new City-operated distribution system and conversion of the existing system to irrigation supply.

City staff are approaching the potential consolidation based on guidance from the City Council, given at its January 26, 2016 workshop. If consolidation is completed, it must not require City financing and must include annexation. An annexation process has been started by local Lorayne J area residents.

The Drinking Water State Revolving Fund (DWSRF) has a very attractive interest rate and the possibility of 50% forgiveness of the loan principle. The Department of Health will require that a loan be administered by the City as the ultimate owner of the improvements.

Staff is requesting permission to apply for the loan to allow consideration of it as the City, KID, Department of Health and Lorayne J residents continue to evaluate consolidation.

Fiscal Impact:
Applying for the loan carries no cost other than a modest staff effort to prepare the application.

Attachments:
1. Resolution No. 191-17

RESOLUTION NO. 191-17

A RESOLUTION of the City of Richland authorizing the application for a 2017 Drinking Water State Revolving Fund (DWSRF) Construction Loan for the Lorayne J Water System Consolidation Project.

WHEREAS, the Lorayne J water system is owned and operated by the Kennewick Irrigation District (KID); and

WHEREAS, each of the available wells providing water to the Lorayne J water system is contaminated with nitrates at levels above those allowed by Washington State and federal drinking water standards; and

WHEREAS, the City of Richland is currently providing water to the Lorayne J water system through an existing emergency intertie located on Lorayne J Boulevard; and

WHEREAS, KID and Washington State Department of Health are seeking a permanent and sustainable solution to the contaminated water supply issue; and

WHEREAS, the City does not support long term supply to the existing system through the emergency intertie; and

WHEREAS, the Department of Health and KID are promoting consolidation of the Lorayne J water system with the City's water system as a solution to the contaminated water supply issue; and

WHEREAS, in 2016, the Department of Health issued a Consolidation Study Grant to the City to investigate the possible consolidation of the Lorayne J water system with the City's water system; and

WHEREAS, the Consolidation Study showed that the existing Lorayne J water system does not meet current City of Richland water system specifications or standards; and

WHEREAS, the Lorayne J water system does not have the facilities to separately provide landscape irrigation water and indoor potable water. To address the City's concern regarding landscape irrigation demand, the Lorayne J subdivision will require a piping system to distribute landscape irrigation water from the existing wells; and

WHEREAS, consolidation of the Lorayne J water system with the City's water system will not be possible until system improvements are made to bring the Lorayne J water system to current City standards with the ability to deliver landscape irrigation water to each lot from a separate system; and

WHEREAS, one of the requirements for consolidation is that consolidation would be at no cost to the City or current rate payers; and

WHEREAS, to ensure a no-cost consolidating, funding agreements will be required that may include the Department of Health, KID, and resident users of the Lorayne J water system; and

WHEREAS, the Drinking Water State Revolving Fund (DWSRF) has a very attractive interest rate with the possibility of fifty percent (50%) forgiveness of the loan principal; and

WHEREAS, the City has the ability to administer a DWSRF loan and the consolidation construction project; and

WHEREAS, the Department of Health requires that the City administer the loan agreement as the intended owner of the water system improvements; and

WHEREAS, the consolidation project, if completed, will provide a lasting clean water source to 118 residential parcels within the current Lorayne J water system; and

WHEREAS, staff believes the loan funding is an attractive opportunity for KID and Lorayne J residents to partially fund this project and proceed with the potential consolidation; and

WHEREAS, the consolidation, if completed, will require additional future action by City Council, KID, and Lorayne J residents; and

WHEREAS, applying for the loan funding will provide an opportunity for all parties to determine if the attractive funding terms are available as they consider future decisions regarding water system consolidation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that staff is authorized to complete and submit a 2017 Drinking Water State Revolving Fund Construction Loan application for the Lorayne J Water System Consolidation Project.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Resolution No. 193-17, Expressing Appreciation to Michael Heimbigner for Service on the Personnel Committee

Department:	Ordinance/Resolution Number:	Document Type:
City Attorney	193-17	Resolution

Recommended Motion:
Adopt Resolution No. 193-17, expressing appreciation to Mr. Heimbigner for his service on the Personnel Committee.

Summary:
Mr. Heimbigner was appointed to the Personnel Committee on March 2, 2010 and served until his replacement was appointed on October 3, 2017.

Fiscal Impact:
None.

Attachments:
1. Resolution No. 193-17

RESOLUTION NO. 193-17

A RESOLUTION expressing the appreciation of the City of Richland and its citizens to Michael Heimbigner for the service he rendered to the City as a member of the Personnel Committee.

WHEREAS, Michael Heimbigner was first appointed to the Personnel Committee in March of 2010 and served over seven (7) years, until October of 2017, when his replacement was appointed; and

WHEREAS, Mr. Heimbigner served as the Personnel Committee chair from 2012 through 2017; and

WHEREAS, Mr. Heimbigner dedicated his time, knowledge and talents for the benefit of the citizens of Richland; and

WHEREAS, Mr. Heimbigner's tenure on the Committee included updating the promotional process for both the Richland Police Department and the Richland Fire Department, to include the significant switch to administering assessment centers internally. This process change allowed the City to prepare and promote from top talent within both departments in a manner consistent with the City's values of Teamwork, Integrity and Excellence.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richland, that the City of Richland and its citizens express publicly and formally to Michael Heimbigner their appreciation for the service he rendered to the City during his tenure as a member of the Personnel Committee.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Resolution No. 194-17, Approving the 2018 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan

Department:	Ordinance/Resolution Number:	Document Type:
City Manager	194-17	Resolution

Recommended Motion:
Adopt Resolution No. 194-17, approving the 2018 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan as presented.

Summary:
In 2004, the Tri-Cities Area Hotel and Lodging Association (TCAH&LA) proposed that Tourism Promotion Areas (TPA) be formed in each of the three principal cities in the Tri-Cities area, and that, via an interlocal agreement, the assessments be pooled for use by the Tri-Cities Visitor and Convention Bureau (TCVCB) to conduct specified promotional activities on behalf of the entire region. On June 15, 2004, Council passed Ordinance No. 17-04, establishing the City of Richland TPA as part of the Tri-City Regional TPA.

Under the management contract with the City, the TPA must submit an annual Business Plan and Budget. Approval of the Business Plan and Budget by Richland and the other participating agencies is necessary in order to accept and implement the plan for 2018.

Additionally, the City recognizes and promotes the TPA as a possible funding program for event organizers, and considers it one of the funding resources within the City's tourism sponsorship program.

Approval of the Budget and Marketing plan for 2018 will allow the TPA to spend funds collected from area hoteliers to support tourism.

Staff recommends approval of Resolution No. 194-17.

Fiscal Impact:	There is no direct fiscal impact to approving the Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan. If successful, these marketing efforts will help boost hotel stays resulting in additional tax revenue for the City.

Attachments:
1. Resolution No. 194-17
2. 2018 Letter from Visit Tri-Cities
3. 2018 Budget and Marketing Plan

RESOLUTION NO. 194-17

A RESOLUTION of the City of Richland approving the 2018 Tri-City Hotel-Motel Commission Budget and Marketing Plan.

WHEREAS, in 2004, the Tri-Cities Area Hotel and Lodging Association (TCAH&LA) proposed that Tourism Promotion Areas (TPA) be formed in each of the three principal cities in the Tri-Cities area; and

WHEREAS, by interlocal agreement, the assessments are pooled for use by the Tri-Cities Visitor and Convention Bureau (TCVCB) to conduct specified promotional activities on behalf of the entire region; and

WHEREAS, on June 16, 2004, City Council passed Ordinance No. 17-04, authorizing the City of Richland TPA to become part of the Tri-City Regional TPA; and

WHEREAS, under the management contract with the City, the TPA must submit an annual Business Plan and Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the 2018 Tri-City Hotel-Motel Commission Budget and Marketing Plan is hereby approved.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

P.O. Box 2241
Tri-Cities, WA 99302-2241
509-735-8486
1-800-254-5824
info@VisitTRI-CITIES.com
www.VisitTRI-CITIES.com

RECEIVED
City Manager's Office
SEP 27 2017
City of Richland
Washington

September 22, 2017

Ms. Cindy Reents
City of Richland
P.O. Box 190
Richland, WA 99352

Dear Ms. Reents,

On behalf of the Tri-City Regional Hotel-Motel Commission, we are pleased to present the 2018 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan for approval by the Richland City Council.

Each year Visit TRI-CITIES prepares a budget and marketing plan for the Tri-City Regional Hotel-Motel Commission, detailing projected revenues and expenses for the programs supported by the funds collected from the Tourism Promotion Assessment (TPA). As outlined in the *Interlocal Cooperation Agreement for Establishment of the Tri-City Regional Tourism Promotion Area,* the Commission's recommended version of the budget and marketing plan is due to the each of the cities for City Council review by no later than October 1st of each year.

The 2018 Budget and Marketing Plan received the unanimous support of the Commissioners present at the September 21, 2017 commission meeting. I am very much looking forward to presenting the particulars of the 2018 Plan with the City Council on Tuesday, October 17th, 2017.

We are including copies of the Plan for each council member, plus a few extra for key staff members. If I can answer any questions that you may have prior to providing the information to the council members, please do not hesitate to call me on my direct line (735-6816).

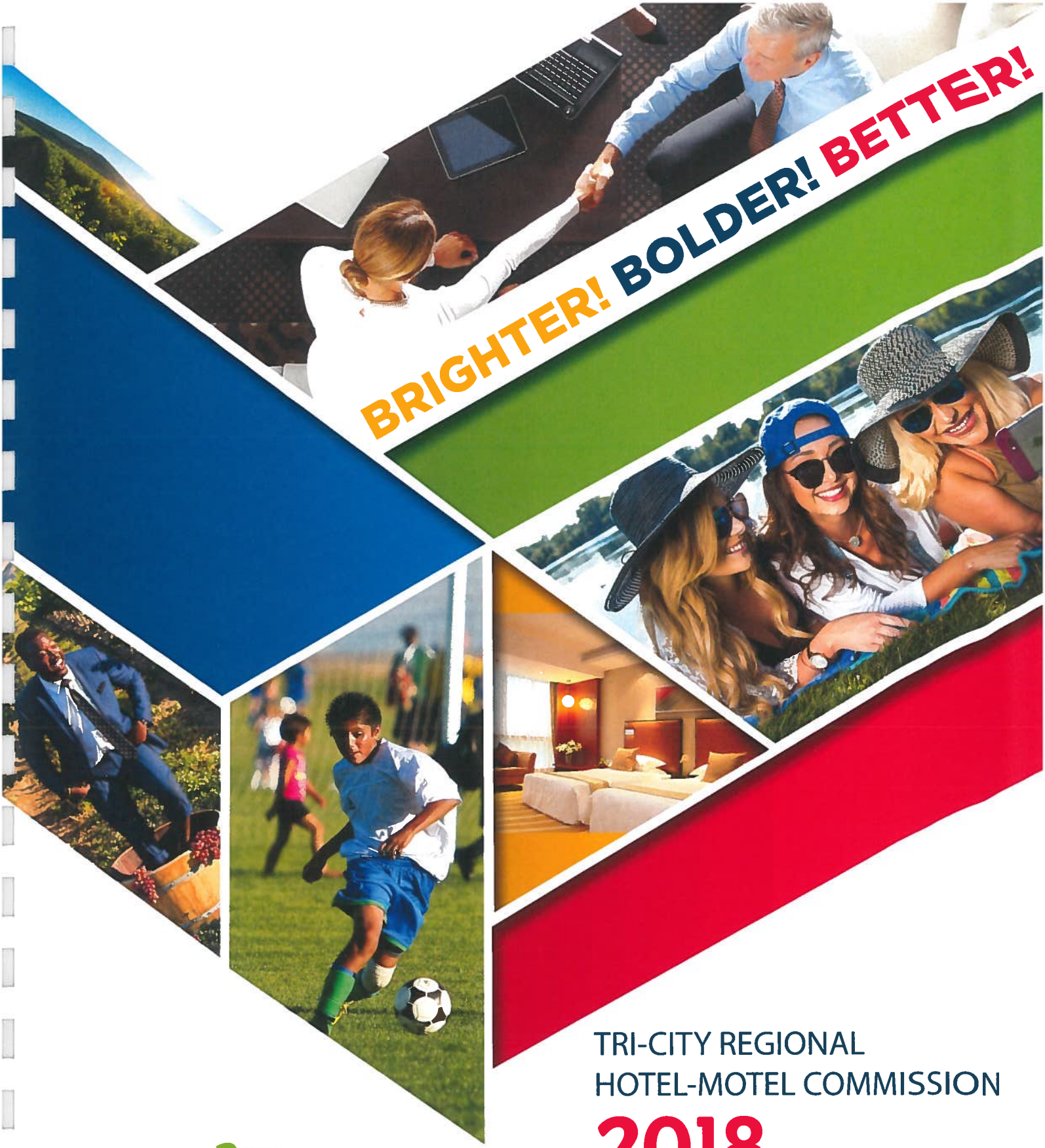
Thank you for your ongoing support of the Tri-City Regional Tourism Promotion Area. It has been an extremely successful venture that has greatly enhanced our destination marketing efforts for the Tri-Cities region.

Sincerely,

Kris Watkins

Kris Watkins
President & CEO

Enclosures: Tri-City Regional Hotel-Motel Commission 2018 Budget and Marketing Plan (9)



TRI-CITY REGIONAL
HOTEL-MOTEL COMMISSION

2018
Budget and Marketing Plan

Visit TRI-CITIES WASHINGTON

www.VisitTRI-CITIES.com

2018 Tourism Promotion Area Marketing Plan

Prepared by:

Visit TRI-CITIES

Please Note: The attached document reflects *only* those programs and costs associated with *Tourism Promotion Area (TPA) funding*. Visit TRI-CITIES manages many other aspects of tourism development which are funded by Hotel & Lodging Taxes and membership investment, including:

Heritage & Eco-Tourism

- ***Tri-Cities National Park Committee***

Rivershore Enhancement
Media Outreach
Visitor Fulfillment
Membership Development

For:
City of Kennewick
City of Pasco
City of Richland

Acknowledgements

Special thanks to the city managers and hoteliers that have dedicated staff time to support the Tri-City Regional Hotel-Motel Commission; these efforts have greatly contributed to the success of Visit TRI-CITIES and the management of the Tourism Promotion Area.

Tri-City Regional Hotel-Motel Commission:

Kennewick:
Mark Blotz, Clover Island Inn
Kathy Moore, SpringHill Suites by Marriott
Marie Mosley, Ex Officio, City of Kennewick

Pasco:
Monica Hammerberg, Hampton Inn & Suites Pasco / Tri-Cities
Vijay Patel, A1 Hospitality
Dave Zabell, Ex Officio, City of Pasco

Richland:
Jerry Beach, Courtyard by Marriott
Cody Opstedal, Home2 Suites by Hilton
Cindy Reents, Ex Officio, City of Richland

The Tourism Promotion Area is managed by Visit TRI-CITIES for the City of Kennewick, City of Pasco and the City of Richland.

Visit TRI-CITIES

Vision: ***Visit TRI-CITIES shall be recognized as an organization that is an industry leader for destination marketing in the Pacific Northwest; the primary source of visitor information and the lead advocate for visitor industry development in the Tri-Cities region. We will pursue a competitive advantage for the destination in all market segments and we will adhere to our mission with a focus on leadership, innovation and results.***

As the premier marketing entity for the entire Tri-Cities community and region, we will deliver sales and marketing initiatives that are innovative and provide community direction through management practices that are considered top of class.

Mission: ***The mission of Visit TRI-CITIES is to promote, market and sell the region as a preferred destination to visitors. We will develop incremental visitation by promoting our destination products, programs and activities; the overall economic vitality of our communities and the quality of life of our citizens.***

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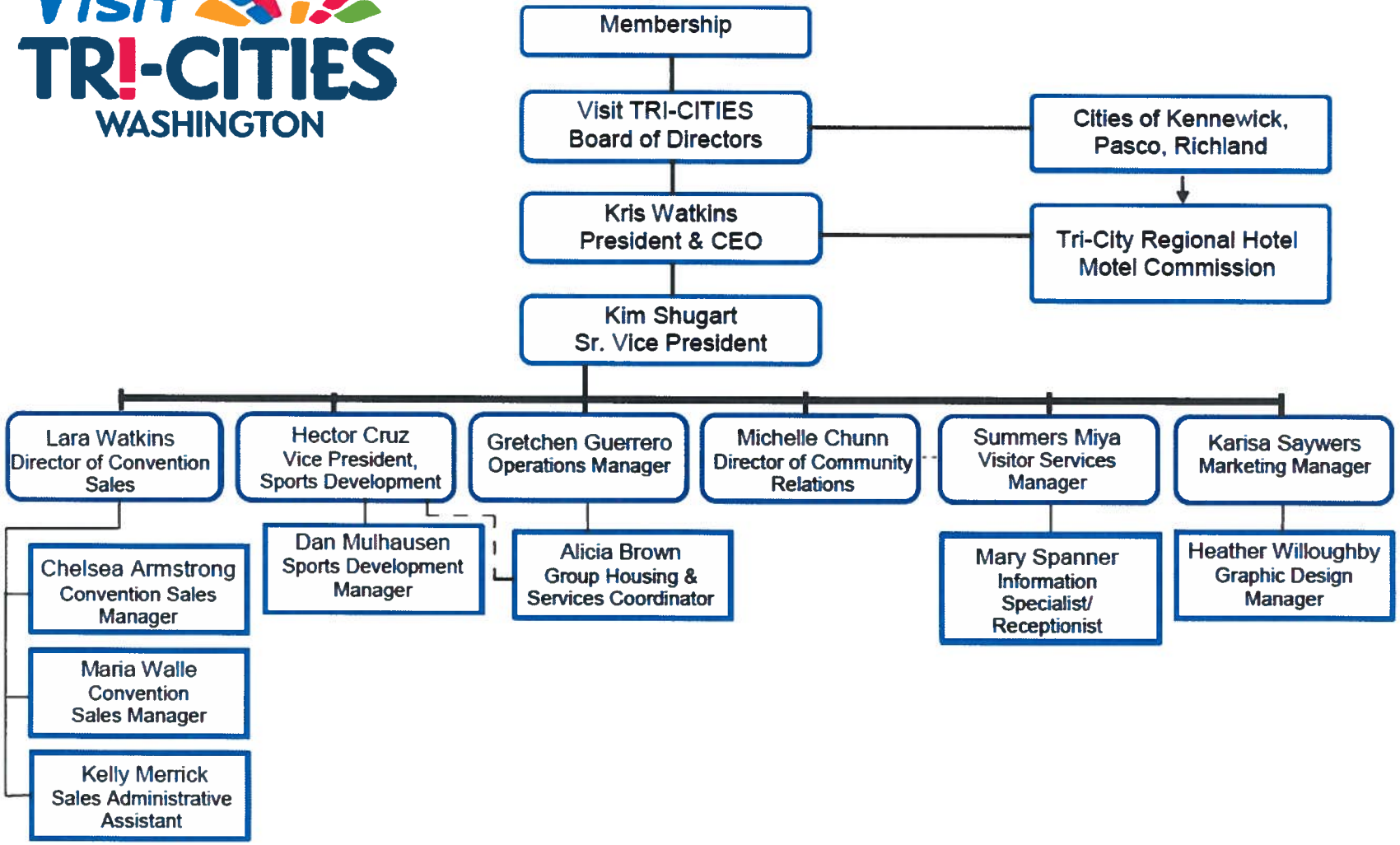
Visit TRI-CITIES Organizational Chart



Tourism 2018: National Outlook

The onslaught of new hotels opening is not isolated to the Tri-Cities region alone; the growth in the number of new hotels across the nation has been explosive.

Midway through 2017, the increase in new hotel projects under contract grew by 13.8% over the prior year, representing 580,068 guest rooms. The figures for projects that have actually started construction is even greater with a 16.4% increase, or 191,832 more hotel rooms being added to the market over prior year.

Nashville, Tennessee leads the trend with 134.3% growth in guest rooms under construction, followed by Seattle at 80.6%; Denver, CO at 64.3%; and Dallas, TX at 55.4%. This large increase in the supply of hotel rooms may possibly create future challenges if the demand for hotel rooms does not keep pace with the aggressive growth rate.

U.S. Performance Outlook (% Change vs. Prior Year)

	2017 Forecast	2018 Forecast
Supply	+2.0%	+2.2%
Demand	+1.7%	+2.0%
Occupancy	-0.3%	-0.2%
ADR	+2.5%	+2.7%
RevPar	+2.2%	+2.5%

Source: 2017 Smith Travel Research

Case in point, occupancy rates are already seeing some stagnation due to the increase in rooms available as new projects reach completion. STR (Smith Travel Research) reports that while the supply of hotel rooms in 2017 is expected to grow by 2%, the demand for hotel rooms is only expected to grow by 1.7%. The performance for hotel occupancy by year-end is predicted to show a slight decline of -0.3%, running 65.3% on a national level. Hotel revenues will grow by 2.2% over the same time-period however, due to a 2.5% increase in average daily guest room rates to $127.13

"Accelerating supply growth is pressuring occupancy levels, but rate increases will continue to push overall RevPar growth, albeit below the historical average," states Amanda Hite, president and CEO of STR, a recognized resource for global data benchmarking, analytics and marketplace insights for the hospitality industry. This trend of growing revenues by increasing rates rather than increasing occupancy is expected to continue into 2018. It is predicted that occupancies will continue to decrease by an additional -0.2% to 65.1%, while the average daily rate will increase by 2.7% to $130.59, resulting in overall revenue growth of 2.5%.

U.S. Hotel Occupancy Performance

2016	2017 Forecast	2018 Forecast
65.5%	65.3%	65.1%

Tourism 2018: Regional Outlook

The Pacific Northwest is leading the nation in positive growth; in fact, STR reports "Nineteen of the top 25 markets are expected to post flat or growing revenues for the year. While most will likely see an increase between 0% and 5%, Seattle, Washington is the only U.S. market expected to record growth in the range of 5% to 10%."

Seattle has been performing well for the last few years, which has spurred investment in new hotel projects. There are more than 30 hotel projects in varying stages scheduled to take place in the coming years. In 2017, the number of guest rooms under construction was 5,325, an increase of 80.6% over 2016. Seattle is home to corporate giants like Microsoft, Starbucks, Amazon, Nordstrom, Expedia and Costco. Amazon's continued expansion has created a strong demand for business travel, while convention and group business has shown steady growth since 2012.

The Washington State Convention Center (WSCC) is challenged with capacity constraints and a major expansion is underway, with completion expected by 2020. Once finished, the expansion will add 440,000 square feet to the facility and double the amount of exhibit and meeting space available. To complement the expansion, the Hyatt Regency is constructing a 1,260-room convention hotel.

As cruise ship departures from Seattle have continued to flourish, the demand for leisure travel has increased as patrons reserve hotel rooms for pre and post cruise overnight stays. Hotel occupancies for 2017 are forecasted to be in the high 70% to low 80% range by year-end. Revenue per available room (RevPAR) is forecasted to decrease by 3% in 2018 due to the increase in the number of new guest rooms added to the market but should adjust to show a 3.5% growth in 2019.

Portland is also enjoying positive growth, with hotel occupancies running in the mid-70% range. The Oregon Convention Center reports that bookings for future events have returned to pre-recession levels. Local officials have worked for years to secure a convention hotel and, in 2019, a new 600-room Hyatt Regency will open. With the addition of a convention hotel, it is predicted that citywide conventions will increase by 5 to 10 per year for future years. There are 25 hotel projects in varying stages of development scheduled for the greater Portland metro area.

Spokane, with its newly expanded convention center, is also showing growth in occupancy, despite the 2015 addition of the 716-room Grand Hotel. At the end of second quarter 2017, Spokane was reporting occupancies of 61.3%, a 3% increase over prior year; and revenue increases of 5.9% over prior year. In 2018 Spokane will benefit from the five new direct air flights added in 2017; including San Francisco, Sacramento, San Diego, Dallas and Chicago.

The Washington Tourism Alliance was unsuccessful in its attempts to secure state sponsored funding for the promotion of tourism in Washington State during the 2017 legislative session and retains the unenviable status as the state tourism organization with the least amount of funding out of all 50 states.

2017 Performance
January – June

	OCC	ADR	RevPAR	RevPAR Vs. Prior Year
Seattle	**82.1%**	**$177.45**	**$145.67**	**11%**
Spokane	**61.3%**	**$105.57**	**$64.74**	**5.9%**
Tacoma	**66.9%**	**$102.58**	**$68.67**	**5.2%**
Tri-Cities	**64.5%**	**$87.36**	**$56.37**	**6%**
Vancouver	**73.8%**	**$108.88**	**$80.33**	**8.3%**
Yakima	**56.2%**	**$94.88**	**$53.34**	**3.3%**

Tourism 2018: Tri-Cities Area Outlook

The Tri-Cities tourism industry is poised to have a very good year, if the trends from the first half of the year hold true through year-end. There was some concern going into the year that the hotels would face challenges given the aggressive increase in the number of available rooms added to the market over the past several years. The theory was that with the increase in the number of new hotels, if the demand remained flat, each individual hotel would see their occupied rooms decrease as they experienced their new fair market share. Essentially, the same number of visitors spread around to more hotels means most hotels would experience a drop in the number rooms sold.

In reality however, through the first six months of 2017, the demand for rooms is actually keeping pace with the increase in inventory; at least for mid-week travel. The same cannot be said for weekend and leisure travel, which is holding steady but not keeping pace with the added inventory at the same rate as the mid-week travel.

In the 2018 marketing plan survey sent to hotels contributing to the tourism promotion assessment, there was indication that strategies have shifted and group and leisure travel are more important to hotels to assist in filling vacant guest rooms on weekends.

	2014	2015	2016	2017	2018
Number of Available Hotel Rooms	3,553	3,867	3,989	4,191	4,191
Increase to prior year	Base	+8.8%	+3.2%	+5.0%	+0.0%

The need for an expanded convention center has never been greater, not only to maintain the number of large conferences that currently use the Three Rivers Convention Center, but to allow the Tri-Cities to successfully compete to secure larger events that require more guest rooms and create compression in the market, which benefits all hotels. The Kennewick Public Facilities District, which owns the Three Rivers Convention Center, will again ask voters to approve a 0.2% increase in sales tax to fund the expansion of not only the Three Rivers Convention Center; but the Toyota Center, Toyota Arena, an expanded lobby and theater/auditorium in a project called "The Link". The proposition will come before Kennewick voters in November of 2017.

Work on branding the Manhattan Project National Historical Park, which needs to be completed before the Park can be marketed to the public, is well underway and expected to be complete in early 2018. The recent federal hiring freeze by the current administration has hampered progress to get the Park up and running to full capacity. B-Reactor tours currently attract 13,500 visitors per year; it is expected that after the Park is fully up and running the number of visitors per year could grow to 50,000.

The wine industry continues to generate demand for out-of-town leisure travelers and in late 2016 the 139-passenger Water2Wine cruise ship, the Chrysalis, started offering sightseeing cruises on the Columbia River, further enhancing the list of things to do for wine enthusiasts in the Tri-Cities. The Tri-Cities Wine Tourism Council remains active and in 2018 will add a second consumer tradeshow, in addition to participating in the Taste Washington event in Seattle. These consumer tradeshows are valuable in promoting the Tri-Cities as the Heart of Washington Wine Country®, a perfect getaway destination for long weekends and holidays.

There are currently no planned new hotel projects scheduled to open in 2018.

Competitive Situation Analysis

In order to promote the Tri-Cities as a preferred destination for group, business and leisure travelers, it is important to recognize both the strengths and challenges within our community and to set sales strategies accordingly.

Group Travel
(Convention & Sports)

Strengths

1. Three large public venues: Three Rivers Convention Center; Toyota Center & TRAC Center.
2. The number and condition of sports related facilities.
3. Variety of hotel choices and national brands; something for every budget.
4. Strong Sports Council.
5. Transportation: easy access to venues.
6. Ample complimentary parking available.
7. The addition of a river cruise ship to accommodate groups of up to 139.
8. Opportunity fund available for qualifying convention & sports groups.
9. Variety of nationally branded hotels.
10. Strong hotel industry support and successful TPA program.

Challenges

1. Distance from Greater Seattle Area vs. competition.
2. The absence of a single hotel capable of hosting 300+ delegates for overnight guest rooms.
3. Guest room rates are slightly higher than some communities for group bookings.
4. Number of meeting rooms and exhibit space available at public meeting venues.
5. Recent expansion of the Spokane Convention Center with nearby 716 room convention hotel.
6. Funding needed to expand Three Rivers Convention Center.
7. Although more rooms have been added, competing destinations such as Yakima and Spokane offer more rooms within walking distance to the convention center.
8. Lack of resort style convention hotel; able to accommodate meetings for groups of up to 300 people.

Leisure Travel

Strengths

1. Location in the Heart of Washington Wine Country.
2. New Mid-Columbia Wine Council marketing and programs.
3. Manhattan Project National Historical Park.
4. Taste and Tote Campaign makes travel more convenient for wine enthusiasts.
5. Great media coverage for the Tri-Cities due to travel writers' outreach.
6. Growing interest and availability of Hanford B Reactor tours.
7. Ten reasonably priced golf courses.
8. Increase in development of retail and restaurant businesses.
9. Attractiveness of river shore and trail system.
10. Great attractions such as The REACH, Carousel of Dreams and WSU Wine Science Center.
11. Weather.
12. New cruise ship offering Sunday brunch, lunch, dinner and sunset cruises.
13. Creates overnight stays on weekends.

Challenges

1. Demand can be very seasonal.
2. Difficult to track as a market segment.
3. Price of airfare and inconvenience of air travel.
4. Leisure travel is more budget sensitive than convention or business travel, which are seen as necessary.
5. Perception of mountain snow and winter driving conditions November – April.
6. Heavy weekend traffic along I-90/Snoqualmie Pass.

Business Travel

Strengths

1. Less price sensitive for airfare and hotels.
2. Visit TRI-CITIES can target groups to "fill in" around high demand periods (Tuesday-Thursday.)
3. Direct flights from Minneapolis, Portland, Denver, Salt Lake City, Seattle, Mesa/Phoenix, and San Francisco.
4. Forecast for Hanford is stable.
5. Recently expanded Tri-Cities Airport.

Challenges

1. Destination choice not influenced by outside forces.
2. Very dependent on Hanford business trends.
3. Mostly mid-week travel.

Group Business Sales Strategies

Given the increase in the number of hotel guest rooms available in the Tri-Cities, it is of little surprise that group business (conventions, sports tournaments, tour groups) is of utmost importance to hoteliers. Group business is highly desirable because most times, especially with sports tournaments, the delegates require rooms on the weekend which has been defined as a "need period" by those hotels contributing to the tourism promotion assessment.

The results of the 2018 marketing survey sent to hotels that collect tourism promotion assessments (hotels with more than 40 rooms) showed that 100% of respondents rated group business as either important (6.25%) or very important (93.75%). The direction was clear: "We want more conventions and sports tournaments."

The biggest challenge in growing the number and types of conventions that take place in the Tri-Cities is due to the capacity constraints of the Three Rivers Convention Center. Many of the existing groups such as the Washington Wine Growers, the Washington-Oregon Potato Conference and the Washington State Tree Fruit Association have expressed that they are outgrowing the current facilities; while other groups such as Washington Association of School Business Officials (with 580 delegates), Pacific Northwest Clean Water Association (with 800 delegates) and Washington Association of Career & Technical Education (with 600 delegates) have large events and the existing facilities are not adequate for them to even consider the Tri-Cities as a destination. There is an urgent need to expand the convention center. In November of 2017 the Kennewick Public Facilities District will be approaching voters to request a 0.2% increase in sales tax to fund the convention center expansion.

Of all the group segments, sports tournaments are perhaps the most popular with hotels for two reasons. First, most sporting events take place on the weekends, when business travel is low; and second, although teams usually pile many players in each room, they share expenses so they are less rate sensitive than other groups. The cities have continued to invest in the infrastructure which allows the Tri-Cities to remain competitive. The ability to successfully host outdoor events due to the good weather only strengthens that position.

In 2018 the Tri-City Hotel-Motel Commission will begin to work with the cities to discuss contracting for a feasibility study to research if the number of sports tournaments booked would benefit from adding some playfields with artificial turf.

Request for Proposal (RFP) Production

	2014	2015	2016	2017	2018
Leads Issued					
Qtr 1	54	41	52	64	65
Qtr 2	56	65	69	62	65
Qtr 3	54	49	63	67*	70
Qtr 4	71	63	75	67*	65
Total	**235**	**218**	**259**	**260***	**265**

*Estimated production.

Request for Proposal Lost Business Analysis

(July 2016 - June 2017)

Selected another city due to:

	July 2014 – June 2015	July 2015 – June 2016	July 2016 – June 2017
Preferred Date Not Available	2	1	4
Location Preference	16	19	23
Price of Hotels	2	1	0
Overall Cost	5	7	6
Convenience of Location	3	7	6
# of Hotel Rooms Next to Convention Center	0	0	1
Resort Setting	1	2	3
Other	5	12	8
Lack of Adequate Public Meeting Space	1	2	6
Event Cancelled/Postponed	12	8	12
Total Bookings Lost:	47	59	69
Total Room Nights Lost:	14,652	18,337	22,559

Estimated Loss of Visitor Spending to the Local Economy:

	$8,102,810	$9,204,415	$9,809,022

Request for Proposal Lost Business Analysis

(July 2016 - June 2017)

Cities/locations business was lost to:

	July 2014 – June 2015	July 2015 – June 2016	July 2016 – June 2017
Spokane*	3	7	11
Resort	7	7	13
Wenatchee	4	4	5
Walla Walla	1	1	3
Seattle	5	1	2
Yakima	4	11	3
Tacoma	1	2	3
Leavenworth	0	0	0
Vancouver	2	2	5
Other	8	16	12
Cancelled/Postponed	12	8	12
Total	47	59	69

* In addition, the Convention Sales department has identified 22 accounts with 27 meetings that have selected Spokane to host events between 2017-2023 that the Tri-Cities did not have the opportunity to issue a Request for Proposal.

Staffing Comparative (Sales Team)

VISIT SPOKANE AND SPOKANE SPORTS COMMISSION

1	Vice President of Sales
3	Director of Sales
4	Director of National Accounts
3	Sales Associates
2	Full Time Sports Commission Sales Staff
13	**Total Full Time Sales Staff**

VISIT TRI-CITIES

1	Vice President, Sports Development
1	Director of Convention Sales
2	Convention Sales Managers
1	Sports Development Manager
5	**Total Full Time Sales Staff**

VISIT VANCOUVER USA

1	Director of Business Development
1	Sr. Business Development Manager
1	Business Development Manager
3	**Total Full Time Sales Staff**

YAKIMA VALLEY TOURISM

1	Director of Convention Sales
1	Sr. Sales Manager
1	Convention Sales Manager
1	Director of Sports Sales
2	Sports Managers
6	**Total Full Time Sales Staff**

Guest Room Productivity

Market Segments	2016 Actuals	2017 Forecasted Productivity	2018 Goals
Citywide Conventions	15,261	14,500	15,500
Single Property Meetings & Conventions	16,358	17,500	17,500
Sporting Events	19,337*	26,000	28,000
Total	50,956	58,000	61,000

Return on Investment

Economic Impact of Groups Booked in 2018 for Future

Conventions: (see page 16)	$ 8,137,500
Sports: (see page 20)	$ 8,316,000
	$16,453,500

2018 Investment in Convention & Sports Marketing: $ 649,200
(see page 27)

Return on each dollar invested: $25.34

*In 2016 the National Softball Association and USA Track & Field reduced the number of tournaments held. In 2017 they returned to original numbers.

Destination Marketing Funding Comparative

The following chart provides a **total budget** comparative (including Hotel Motel Tax, Membership Investments and Tourism Promotion Assessment) in key competitive markets:

Competing City	Bureau Budget	Number of Hotel Rooms	$ Spent per Room
Visit Seattle & Sports Council	$24,000,000	12,308	$1,950
Yakima Valley Tourism	$2,842,601	1,877	$1,514
Walla Walla Tourism	$1,000,000	1,100	$909
Visit Spokane & Sports Council	$6,457,294	7,890	$818
Seattle Southside Tourism Authority	$5,105,940	8,421	$606
Visit TRI-CITIES	**$2,444,990**	**4,191**	**$583**
Visit Vancouver USA	$1,141,744	2,504	$456
Travel Tacoma	$2,600,000	6,100	$426
Bellingham Whatcom Co. Tourism	$1,200,000	3,170	$379
Snohomish County Tourism	$1,239,168	6,388	$194
Visit Bellevue Washington	$864,440	4,796	$180

The following chart provides a comparative for **Hotel Motel Tax investments** only for each destination marketing organization within key competitor markets:

Competing City	Hotel Motel Tax	Number of Hotel Rooms	$ Spent per Room
Visit Seattle & Sports Council	$11,000,000	12,308	$894
Walla Walla Tourism	$668,000	1,100	$607
Visit Spokane & Sports Council	$2,018,064	6,795*	$297
Bellingham Whatcom Co. Tourism	$937,762	3,170	$296
Yakima Valley Tourism	$533,000	1,877	$284
Travel Tacoma	$1,500,000	6,100	$246
Visit Bellevue Washington	$765,040	4,796	$160
Snohomish County Tourism	$913,290	6,388	$143
Visit TRI-CITIES	**$565,427**	**4,191**	**$135**
Seattle Southside Tourism Authority	$997,500	8,421	$118
Visit Vancouver USA	$0	2,504	$0

The following chart provides a comparative for **Tourism Promotion Assessments** only for each destination marketing organization within key competitor markets:

Competing City	TPA Collection	Number of Hotel Rooms	$ Spent per Room
Visit Seattle & Sports Council	$7,600,000	12,308	$617
Seattle Southside Tourism Authority	$3,985,440	8,421	$473
Visit Vancouver USA	$1,141,744	2,504	$456
Visit Spokane & Sports Council	$2,239,519	6,008*	$373
Yakima Valley Tourism	$650,000	1,877	$346
Visit TRI-CITIES	**$1,421,663**	**4,191**	**$339**
Walla Walla Tourism	$240,000	1,100	$218
Travel Tacoma	$937,000	5,679*	$165
Snohomish County Tourism	$189,693	6,388	$30

*Not all hotels contribute to the Hotel Motel Tax and/or Tourism Promotion Assessment.

Meetings & Conventions

Includes:
1 FTE Director of Sales
2 FTE Convention Sales Managers
1 FTE Convention Sales Assistant

2018 Actions:

- **Sales Blitz:** Develop two multi-day sales blitzes events in Olympia (Spring and Fall), encourage hotel participation in Spring Blitz.
- **Customer Events:** Organize meeting planner customer luncheon in the spring to promote the Tri-Cities as a destination. Event to be held in conjunction with the Olympia Spring Sales Blitz.
- **Sales Calls:** Two sales trips to the greater Seattle/Puget Sound area.
- **Meeting Planner FAM Tours:** Host qualified meeting planners for individual, customized FAM tours.
- **Relationships:** Continue staff attendance at Washington Society of Association Executives (WSAE) and Professional Convention Management Association (PCMA) monthly/quarterly meetings to strengthen relationship with key meeting planners.
- **New Markets:** Attend the 2018 National Tour Association Annual Convention.
- **Promote the Destination:** Sponsor events at the annual conventions for WSAE and MPI.
- **Advertise:** Place advertising in WSAE, MPI, PCMA, Convene DMA West Special Section and Northwest Meetings & Events publications. Purchase enhanced listing on Cvent website. Add Meetings Today print ads.
- **New Business:** Continue a recognition/ incentive program to focus sales managers on the pursuit of conferences and events that have never previously been held in the Tri-Cities with increased rewards for room night production.
- **Marketing Fund:** Utilize the Opportunity Fund specifically to offset costs for conventions that block more than 300 rooms per night.
- **Network:** Attend the annual conventions for WSAE, MPI, Your Military Reunions Market Place, Society of Government Meeting Planners and Rejuvenate Faith Conference. Attend Annual Meetings Industry Summit.

Performance Measures

- 33,000 Guest rooms booked
- Direct hotel spending of $3,597,000
- Economic impact of $8,137,500

CONVENTION, TOUR, AND GROUP SALES

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Advertising	$2,500	$600	$2,250	$2,500	$0	$7,300	$3,700	$2,250	$10,200	$2,500	$0	$4,800	$38,600
Travel	$200	$500	$3,200	$700	$700	$2,000	$730	$200	$375	$4,900	$200	$1,800	$15,505
Trade Show	$1,075	$1,000	$0	$0	$800	$0	$695	$4,275	$0	$1,600	$0	$0	$9,445
Staff Development	$0	$0	$1,000	$0	$0	$0	$0	$1,000	$0	$1,000	$0	$0	$3,000
Promo Items	$0	$750	$0	$0	$0	$0	$400	$350	$400	$0	$0	$0	$1,900
Dues/Subsc.	$2,800	$950	$485	$400	$195	$520	$0	$0	$0	$0	$0	$375	$5,725
Totals:	$6,575	$3,800	$6,935	$3,600	$1,695	$9,820	$5,525	$8,075	$10,975	$10,000	$200	$6,975	$74,175

Advertising:
Misc. Ad projects: $600 in Feb and July = $1,200
DMA West Western Destination Guide Convene = $4,800 (Dec)
Cvent – enhanced listing on meeting planner website = $10,200 (Sept)
DMAI –EmpowerMINT = $7,300 (Jun)
Northwest Meetings and Events: $2,500 each in Jan, Apr, July and Oct = $10,000
Meetings Today: $2,250 each in Mar and Aug = $5,500

Travel:
Mileage stipend at $200/month for site inspections and meetings = $2,400
Professional Convention Management Association: attend 2 meetings per year; Apr and June at $500 each = $1,000
Washington Society of Association Execs: attend 2 meetings per year; May and Oct at $500 each = $1,000
Meeting Planners Intl.: Annual Convention: hotel, meals, and flight = $1,000 (Mar)
Olympia Spring Sales Blitz: $500 per staff person, 4 people = $2,000 (Mar)
Washington Society of Association Execs Convention: hotel, meals, travel for 2 staff @ $650 each = $1,300 (Jun)
Olympia Fall Sales Blitz: $400 per staff person, 3 people = $1,200 (Oct)
Training Classes: continuing education courses for 2 staff, hotel, meals and travel @ $600 per session = $1,200 (Oct)
Professional Convention Management Association/Meeting Planners Intl. Annual Meetings Industry Summit: $175 in September
Society of Government Meeting Professionals Winter Workshop: hotel, meals, travel= $300 (Feb)
Military Reunion Connection Marketplace: hotel, meals, travel = $530 (July)
National Tour Association: hotel, meals, travel = $1,600 (Dec)
Rejuvenate Faith Conference: hotel, meals, travel = $1,800 (Oct)

Trade Shows:
Meeting Planner Intl.: Registration ($300), buyer program ($675) fees = $975 (Jan)
Meeting Planner Intl.: Sponsorship = $1,000 (Feb)
Washington Society of Association Executives: Convention registration for 2 staff @ $400 each = $800 (May)
Professional Convention Management Association/Meeting Planners Intl. Annual Meetings Industry Summit: registration = $75 (Aug)
Society of Government Meeting Professionals Winter Workshop: registration = $100 (Jan)
Your Military Reunion Connection Marketplace = $695 (July)
National Tour Association = $1,600 (Oct)
Rejuvenate Faith Conference: registration = $4,200 (Aug)

Staff Development:
Continuing Education Training Courses: 3 staff to attend, $1,000 registration in March, August and October

Promo Items:
Amenities: $400: Feb, July and Sept = $1,200
Logo'd items: $350 in Feb and Aug = $700

Dues and Subscriptions:
Washington Society Association Executives Sapphire level sponsorship: $2,550 (Jan)
Washington Society Association Executives Dues: $260 each for 2 staff due = $520 (June)
Meeting Planners International Dues: $375 (Dec)
Society Government Meeting Professionals Dues: $400 (Apr)
Religious Conference Management Association Dues: $195 (May)
Professional Conference Management Association Dues $485 (Mar)
National Tour Association Dues $700 (Feb)
Christian Meetings & Conventions Association Dues: $250 (Jan)
Military Reunion Connection Dues: $250 (Feb)

CONVENTION, TOUR, AND GROUP SALES – *Items Not Included in TPA Budget**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Customer Events	$0	$0	$5,000	$0	$1,250	$500	$0	$0	$2,000	$0	$0	$0	$8,750
Hotels and Airfare	$0	$0	$1,140	$0	$800	$340	$340	$0	$340	$740	$0	$0	$3,700
Entertaining	$250	$250	$750	$250	$750	$250	$250	$250	$750	$250	$250	$250	$4,500
Gifts	$100	$100	$100	$50	$100	$100	$100	$50	$100	$100	$100	$50	$1,050
Total	$350	$350	$6,990	$300	$2,900	$1,190	$690	$300	$3,190	$1,090	$350	$300	$18,000

Customer Events:
Customer events in Olympia: $5,000 (Mar)
Planner FAM event: $2,000 (Sept)
Association of Public Safety Communications Officials Sponsored Break: $500 (June)
Washington Society of Association Executives (WSAE) Sponsorship of Opening Breakfast: $1,250 (May)

Hotels and Airfare:
Hotel rooms for visiting meeting planners, where comps not available: 10 rooms for 2 nights @ $85 = $1,700 ($340 in Mar, June, July, Sept, and Oct)
Meeting Planner Fly-In: 5 airfares @ $400 each, 2 per month in Mar, May, and 1 in Oct = $2,000

Entertaining:
Hosted board meetings for decision makers: meals, tours, $500 each in Mar, May, Sept = $1,500
Meals with meeting planners: $250 per month = $3,000

Gifts:
Gift Baskets: $50-$100 per month = $1,050

Note: Items included in Visit TRI-CITIES' general membership budget (private sector).

Sports Events

Includes:
1 FTE Vice President, Sports Development
1 FTE Sports Development Manager

2018 Actions

- **Sports Council:** Organize and administer activities for the Tri-Cities Sports Council.
- **Advertising:** Place print and digital advertising as appropriate in publications such as: Sports Events, Sports Destination Management, and Connect Sports.
- **Sales Blitz:** Conduct sales calls in October in the greater Seattle area.
- **Promote Resources:** Reprint and update the sports facilities guide.
- **FAM Tours & Services:** Arrange site inspections for tournament planners, provide tools and information for promotional purposes and communicate with tournament planners during their event.
- **Opportunity Fund:** Utilize the opportunity fund specifically to offset tournament costs for groups that block more than 300 rooms per night city-wide.
- **Tradeshows:** Promote the Tri-Cities as a premier sports destination at National Tradeshow Events such as Teams, S.P.O.R.T.S, Connect Sports Marketplace, and National Association of Sports Commissions.
- **Promote the Destination:** Sponsor events at annual national sports tradeshows.
- **Bidding Fees:** Bid on new regional/national level tournaments that demand bidding fees to host events.

Performance Measures

- 28,000 Guest rooms booked
- Direct hotel spending of $3,052,000
- Economic impact of $8,316,000

SPORTS GROUP SALES

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Advertising	$100	$0	$170	$0	$400	$0	$0	$0	$0	$0	$300	$1,170	$2,140
Bidding Fees	$0	$0	$0	$0	$10,000	$0	$0	$5,000	$0	$0	$0	$0	$15,000
Travel	$75	$75	$75	$2,555	$75	$75	$75	$1,875	$1,820	$1,520	$75	$75	$8,370
Trade Show	$9,140	$10,000	$6,400	$0	$0	$0	$0	$0	$0	$0	$0	$0	$25,540
Staff Development	$0	$0	$0	$0	$1,000	$0	$1,000	$0	$0	$0	$0	$0	$2,000
Promo items	$0	$0	$0	$200	$0	$0	$0	$0	$0	$0	$0	$0	$200
Dues/Subsc.	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$795	$795
Totals:	$9,315	$10,075	$6,645	$2,755	$11,475	$75	$1,075	$6,875	$1,820	$1,520	$375	$2,040	$54,045

Advertising:
Miscellaneous Ads to support tournaments: $1,000 ($100 Jan; $170 Mar; $400 May; $300 Nov; $170 Dec)
Sports Events Magazine Featured Listing = $1,000 (Dec)

Bidding Fees:
Senior Softball USA Regional Championship = $10,000 (May)
US Lacrosse National Team Development Regional Camp = $5,000 (Aug)

Travel:
Monthly Mileage Stipend: $75/month = $900
National Association of Sports Commissions (NASC) Symposium: $1,240 per staff (Hotel-$180 x 3 = $540; Airfare-$575; Meals-$125) x 2 staff =$2,480 (Apr)
TEAMS Conference: (Hotel-$180 x 4 =$720; Airfare-$875; Meals-$150) = $1,445 (Oct)
S.P.O.R.T.S-Relationship Conference: (Hotel-$180 x 4 =$720; Airfare-$875; Meals-$150) = $1,745 (Sept)
Connect Sports Marketplace: (Hotel = $950, Airfare = $700, Meals = $150) = $1,800 (Aug)

Trade Show:
TEAMS Conference: registration = $2,600 (Feb)
TEAMS Conference: sponsorship = $7,400 (Feb)
S.P.O.R.T.S-Relationship Conference: registration $1,400, sponsorship $5,000 = $6,400 (Mar)
National Association of Sports Commissions (NASC) Symposium: $1,395 for staff #1, $995 for staff #2 = $2,390 (Jan)
Connect Sports Marketplace: registration $4,250, sponsorship $6,750 (Jan)

Staff Development:
Continuing Education Training Courses: 2 staff to attend, $1,000 registration in May and July

Promo Items:
Sports Amenities: $200 (Apr)

Dues and Subscriptions:
National Association of Sports Commissions (NASC) Membership: $795 (Dec)

SPORTS EVENT SALES – *Items Not Included in TPA Budget **

Customer Events and Entertainment:
Customer Entertainment: $50/month = $600
Sports Gifts: $50/Month = $600

Note: Items included in Visit TRI-CITIES' general membership budget (private sector).

Housing & Group Services

Includes:
1 FTE Housing & Group Services Coordinator

Our group sales strategies include support personnel to help achieve repeat bookings by facilitating and supporting meeting and event planners, ensuring that expectations are exceeded from initial booking through culmination of the event; and that their attendees' visit is a positive experience. We offer registration and reservation assistance to large conventions, making it easier for event planners to host their events here. Housing also increases customer satisfaction for individual travelers through reservation assistance during peak season. Satisfied individual travelers create a positive image of our destination through word of mouth and return travel in off-peak months.

2018 Actions

- **Hot Dates Program:** Coordinate Hot Dates Program; maximizing hotel occupancy during peak season. Assist group and individual travelers find guest rooms within the Tri-Cities. Manage guest room inventory of all hotels within Tri-Cities and act as liaison between hotel partners and guests.
- **VisitTRI-CITIES.com Website:** Support day-to-day management of Visit TRI-CITIES website including creating, developing and managing content, maintain consistent look and feel throughout website, and coordinate web projects across departments.
- **Show Your Badge VIP Program:** Manage all functions of program including securing discounts/specials at member businesses, gathering group information, continuing on-going communications with member businesses and event planners, and tracking.
- **Reporting:** Handle all group tracking including data entry, inventory, keeping files on housing operations and continuing on-going communications with the hotel/DOS reservation personnel. Report on aRes Travel On-line Booking system guestroom reservation activity. Post event reports will be used by the TPA commission to determine and validate the funding appropriations for applicants and payment from the opportunity fund.
- **Group Services:** Establish contact with sports and convention planners who are scheduled to bring groups into the area; develop service promotion package to be sent to planners of forthcoming events; maintain routine written, telephone, and personal contact with the clients, oversees maintenance of all client files.
- **Membership Liaison:** Act as liaison between planner and service members; offers suggestions and assistance planning entertainment, tours, shopping, spouse and children's programs and other attractions; solicits, collects and files information for speaker/entertainment lists.
- **Hands-on Support:** When appropriate, attend and organize pre- and post-event meetings with planners.
- **Customer Service Surveys:** Follow up with planners/tournament directors post-event to determine strengths/weakness of delivery of hospitality goods & service.
- **Promote the Destination:** Help build attendance and promote tourism through supply of customized booth materials and scheduling of displays.
- **Sales Staff Support:** Create and distribute all sporting event leads and updates to hotels.

HOUSING & GROUP SERVICES

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Travel	$30	$30	$50	$50	$50	$50	$50	$50	$50	$50	$45	$30	$535
Promo Items	$2,160	$0	$0	$0	$0	$240	$0	$0	$0	$0	$0	$0	$2,400
Totals:	$2,190	$30	$50	$50	$50	$290	$50	$50	$50	$50	$45	$30	$2,935

Travel:
Mileage for Convention & Sports Services = $535

Promo Items:
Registration Bags – 6,000 @ $.36 = $2,160 (Jan)
Sunglasses = $240 (June)

Tourism Development

2018 Actions

- **Wayfinding:** As suggested in the branding study, there is a community-wide need to create a comprehensive wayfinding master plan which will serve to increase visitor spending and enhance the visitor experience in the region. Visit TRI-CITIES has been joined by the cities of Kennewick, Pasco, Richland and West Richland; the ports of Benton, Kennewick and Pasco; as well as Benton and Franklin Counties to fund the project. In 2017 the results of the study will be complete and the steering committee, led by Visit TRI-CITIES, will work on producing four gateways that will serve as a kick-off for the multi-year project. It is expected that visitor spending will increase in core business areas once a comprehensive wayfinding system is in place.

- **Website:** The Visit TRI-CITIES website, www.VisitTRI-CITIES.com, has experienced phenomenal growth in the number of unique visits and pageviews due in part to a dedicated search engine optimization strategy and digital advertising campaigns. The website is Visit TRI-CITIES' most important marketing tool and print, television, and digital advertising campaigns all direct to the website as the "call to action".

- **Promote the Destination:** Promote increased leisure travel through development of campaigns targeting wine enthusiasts, golfers, outdoor adventurers and cyclists. Visit TRI-CITIES will continue to lead the efforts for branding and marketing the Manhattan Project National Historical Park.

- **Travel Tradeshows:** Target travel and golf related tradeshows in key Northwest markets; participate in one tradeshow to promote the national park; and promote wine tourism through Taste Washington and Vintage Spokane.

- **Materials:** Publications including the Official Tri-Cities Visitor Guide, the Golf in Washington Wine Country brochure, and the Shop, Wine & Dine brochure all support the Tri-Cities brand and are targeted to key markets to increase visitor spending. These publications will be released in six-month intervals to complement each other and maximize their timeliness. Electronic versions are also posted to www.VisitTRI-CITIES.com.

- **Advertise:** The successful Puget Sound region television ad campaign will be joined by both spring and fall campaigns in Portland, Spokane and Boise. Digital and social media advertising will supplement the traditional advertising campaigns where it makes sense.

- **Social Media**: Visit TRI-CITIES promotes the destination and activities of the Tri-Cities Wine Tourism Council through Tri-Cities WA (21,400 followers) on Facebook, as well as through Twitter, Instagram and Pinterest. In 2018 we will look at targeting specific demographics with compelling messages designed to increase leisure travel to the Tri-Cities.

- **Tri-Cities Wine Tourism Council:** There has long been the need to assist wine industry related businesses in becoming more cohesive and organized in order to market the region. Visit TRI-CITIES staff provides management and leadership for the Tri-Cities Wine Tourism Council, which works on marketing projects designed to increase wine tourism. New in 2018 will be the addition of a second consumer tradeshow and more events targeted to out of town visitors.

- **Packages:** Work with member hotels to showcase their existing packages to travel media and on the Visit TRI-CITIES website.

TOURISM DEVELOPMENT

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Advertising	$800	$11,800	$8,550	$5,050	$33,000	$39,100	$3,800	$33,800	$37,800	$4,550	$3,800	$1,450	$183,500
Travel	$0	$2,750	$4,700	$0	$0	$0	$0	$0	$3,000	$0	$0	$0	$10,450
Trade Show	$0	$0	$0	$0	$0	$0	$0	$0	$5,165	$1,000	$0	$0	$6,165
Website	$1,600	$1,600	$1,600	$1,600	$400	$1,600	$1,600	$1,600	$1,600	$1,600	$1,600	$1,600	$18,000
Totals:	$2,400	$16,150	$14,850	$6,650	$33,400	$40,700	$5,400	$35,400	$47,565	$7,150	$5,400	$3,050	$218,115

Advertising:
Golf & Wine Getaway Brochure: Brochure $8,000 Feb, Ad Inserts $4,000 Mar = $12,000
Golf ads in Spokesman Review: Mar, Apr, Oct at $750 each = $2,250
Golf Map: $650 (Dec)
Images for Ad Design = $5,300 (June)
WSHLA Official Visitor Guide: $4,000 (Sept)
Social Media/Google Ads = $800/month (Jan, Feb, Mar, Apr, June, July, Aug, Sept, Oct, Nov, Dec) = $9,600
Television Commercials in Puget Sound Region $30,000 each for Spring (May/June) and Fall (Aug/Sept) = $60,000
Television Commercials in Portland, Spokane, Boise $30,000 each for Spring (May/June) and Fall (Aug/Sept) = $60,000
Digital Ad Campaigns targeting golf, wine and cycling $3,500 in Feb, $3,000 each in Mar, Apr, May, June, July, Aug, Sept, Oct, Nov= $30,500

Trade Shows:
Seattle Golf & Travel Show: Exhibit fees due Sept = $1,600
Spokane Golf & Travel Show: Exhibit fees due Oct = $1,000
Portland Golf & Travel Show: Exhibit fees due Sept = $1,500
Spokane Wine Show "Vintage Spokane" in September = $2,065

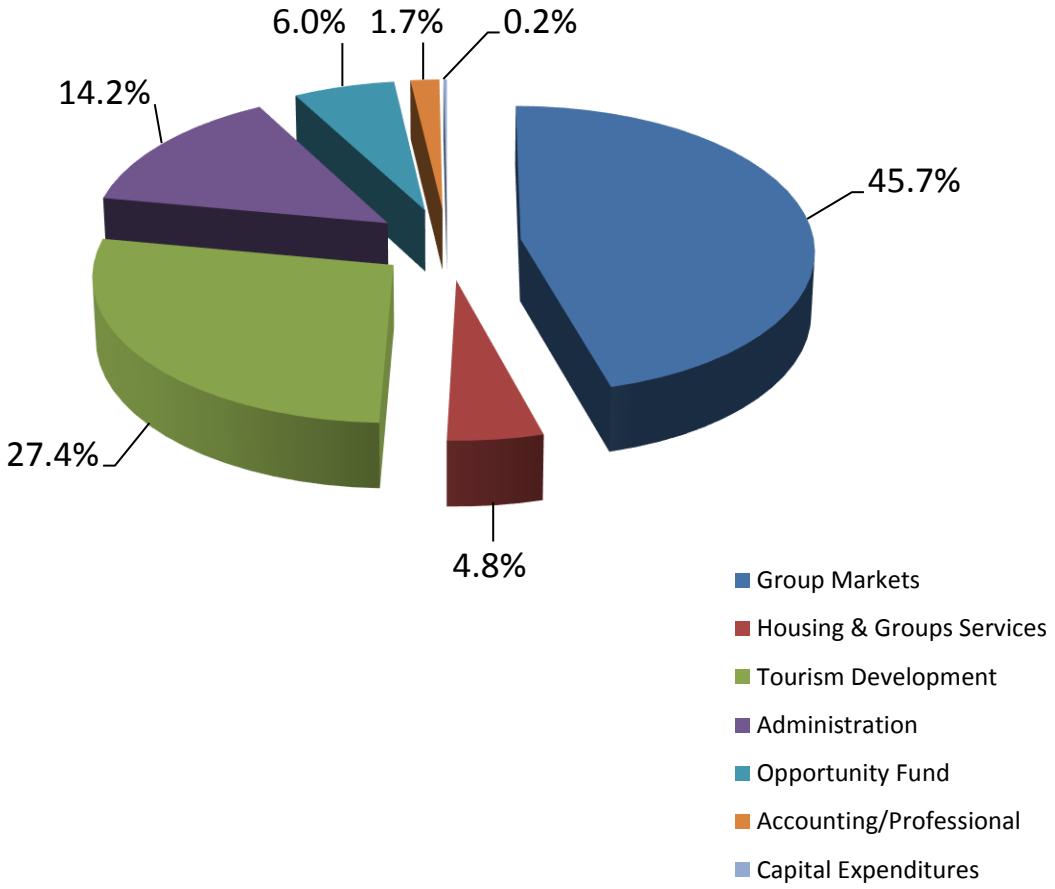
Travel:
Seattle Golf & Travel Show: hotels, meals, car rental, parking, and fuel for 2 staff = $1,700 (Mar)
Spokane Golf & Travel Show: hotels, meals, car rental, parking, and fuel for 2 staff = $1,200 (Feb)
Portland Golf & Travel Show: hotels, meals, car rental, parking and fuel for 2 staff = $1,550 (Feb)
Tri-Cities Wine Tourism Council: Quarterly travel allowance to support Tradeshows $1,000 each show, 2 staff members (Mar, Sept) = $4,000

Website/ Internet Marketing:
Invest in Search Engine Optimization for new website: Aristotle Bronze SEO Package $1,200/month (Jan, Feb, Mar, Apr, June, July, Aug, Sept, Oct, Nov, Dec) = $14,400
Website Hosting Fee: $4,700 annually = $400/month

Budget Summary

Revenues	2017 Budget		Proposed 2018 Budget	
Kennewick	**$594,000**	**44%**	**$625,531**	**44%**
Pasco	**$310,500**	**23%**	**$326,983**	**23%**
Richland	**$445,500**	**33%**	**$469,149**	**33%**
Total:	**$1,350,000**	**100%**	**$1,421,663**	**100%**
Expenditures				
Group Markets City Wide Conventions Associations Corporate & Government SMERF (social, military, education, religious, fraternal) Sports	**$614,383**	**44.5%**	**$649,200**	**45.7%**
Housing & Group Services	**$65,476**	**4.9%**	**$68,652**	**4.8%**
Tourism Development	**$358,926**	**26.6%**	**$389,278**	**27.4%**
Administration (administrative staff, office supplies, rent, telephone postage, equipment maintenance, etc.)	**$194,895**	**14.4%**	**$201,247**	**14.2%**
Opportunity Fund	**$90,000**	**6.7%**	**$86,500**	**6%**
Accounting/Professional	**$23,320**	**1.7%**	**$23,786**	**1.7%**
Capital Expenditures	**$3,000**	**.2%**	**$3,000**	**.2%**
Total:	**$1,350,000**	**100%**	**$1,421,663**	**100%**

Budget Summary



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COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Resolution No. 195-17, Naming a New Private Street Roslyn Court

Department:	Ordinance/Resolution Number:	Document Type:
Community & Development Services	195-17	Resolution

Recommended Motion:
Adopt Resolution No. 195-17, naming a new private street located in the Clearwater Creek subdivision as Roslyn Court.

Summary:
A short, private drive has been platted and constructed within Phase IV of the Clearwater Creek subdivision, which extends east from Bellerive Drive and provides access to a total of five residential lots. This street is not yet named. Hayden Homes, the developer of the Clearwater Creek plat, has chosen the name Rosyln Court. The name was reviewed and approved by City emergency service providers as a unique name within Benton County, and the name is consistent with City street naming protocols.

Resolution No. 195-17 would establish Roslyn Court as the name of this street.

Fiscal Impact: Naming the private street will result in minimal costs associated with updating City records and maps.

Attachments:
1. Resolution No. 195-17
2. Vicinity Map

RESOLUTION NO. 195-17

A RESOLUTION of the City of Richland adopting the name Roslyn Court for a new private street located in the Clearwater Creek subdivision.

WHEREAS, pursuant to Richland Municipal Code (RMC) 12.01.110, abutting property owners of a street may petition the City of Richland to name an unnamed street; and

WHEREAS, the City received a petition from Hayden Homes, the owners of property that is to be served by this new and currently unnamed private street, to name the street Roslyn Court; and

WHEREAS, City staff has circulated the proposed street name of Roslyn Court to area emergency service providers, and has determined that the proposed street name is not duplicative of other existing street names and is consistent with the City's street naming conventions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the new private street extending immediately east of Bellerive Drive and serving Lots 30-34 of the Clearwater Creek Phase 4 Plat shall be named Roslyn Court.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

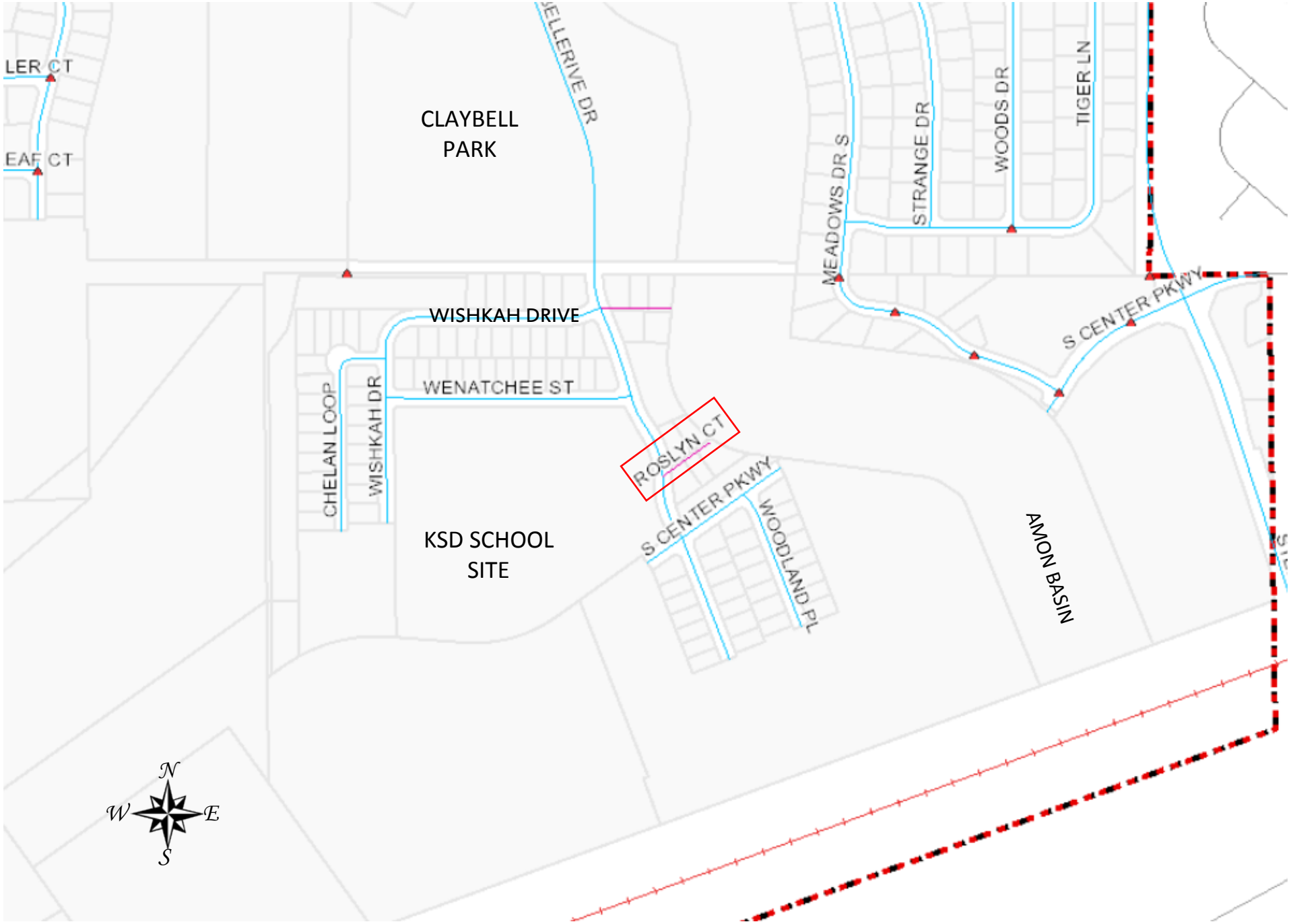
ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney


LER CT
EAF CT
CLAYBELL PARK
ELLERIVE DR
MEADOWS DR S
STRANGE DR
WOODS DR
TIGER LN
WISHKAH DRIVE
WENATCHEE ST
CHELAN LOOP
WISHKAH DR
ROSLYN CT
S CENTER PKWY
WOODLAND PL
KSD SCHOOL SITE
AMON BASIN
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COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Resolution No. 196-17, Authorizing a Funding Agreement with Benton County for the Queensgate-Columbia Park Trail Improvements Project

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	196-17	Resolution

Recommended Motion:
Approve Resolution No. 196-17, authorizing the City Manager to sign and execute a Disbursement Agreement for Use of Rural County Capital Funds with Benton County for the Queensgate Drive / Columbia Park Trail Improvements Project.

Summary:
The 2017 - 2030 Capital Improvement Plan includes a project titled Queensgate Drive / Columbia Park Trail Improvements. The project is a component of a larger Queensgate Corridor improvement program intended to address capacity, safety, bicycle and pedestrian deficiencies on Queensgate between Keene Road and I-182. The project is largely dependent on grant funds to proceed. At its April 4, 2017 meeting, the Council adopted resolution No. 66-17, authorizing staff to apply to Benton County for a Rural County Capital Fund grant for the Queensgate Drive / Columbia Park Trail Improvements project.

Staff submitted the completed application in August, requesting $2,305,000 to fully fund the project. Benton County has determined the project eligible for funding, but is constrained by the current capacity of the Rural County Capital Fund. As a result, the County is offering the City a grant agreement for the current capacity of the Fund, which is $1,800,000.

Staff have evaluated alternative strategies for addressing the project funding gap, concluding that there are several pathways to achieving full funding before the project is complete.

Staff have programmed project construction to compliment the I-182 / Queensgate Eastbound Ramp Terminal Improvements project. The I-182 / Queensgate project is being overseen by the Washington State Department of Transportation and planned for construction in the first half of 2018. City staff plans to advance the Queensgate Drive / Columbia Park Trail Improvements project at the same time as the I-182 / Queensgate project to shorten the period of disruption to travelers and complete the projects in a complimentary manner.

Staff recommend approval of this grant funding agreement to enable this important project to proceed to construction.

Fiscal Impact:	The proposed agreement will provide $1,800,000 toward the total funding needed of $2,315,000 for the project. Staff anticipate bringing an updated project funding proposal to Council in the coming weeks to fully fund the project.

Attachments:
1. Resolution No. 196-17
2. Benton County Rural County Capital Fund Disbursement Agreement

RESOLUTION NO. 196-17

A RESOLUTION of the City of Richland authorizing execution of a funding agreement with Benton County for the purpose of constructing the Queensgate Drive and Columbia Park Trail Improvements project.

WHEREAS, the City of Richland conducted a corridor study in 2015 on Queensgate Drive to identify improvements necessary to address the increased traffic volume and congestion; and

WHEREAS, the Queensgate Drive and Columbia Park Trail Improvements project is included in the City's 2017-2022 Six-Year Transportation Improvement Program and in the 2017-2030 Capital Improvement Plan; and

WHEREAS, the Capital Improvement Plan identifies the Benton County Rural County Capital Fund as the majority funding source for the Queensgate Drive and Columbia Park Trail Improvements project; and

WHEREAS, the City completed a funding application to the Benton County Rural County Capital Fund as required by Benton County; and

WHEREAS, Benton County approved the City's application for funding and has proposed a funding agreement; and

WHEREAS, the proposed funding agreement will award $1,800,000 of the $2,305,000 requested as Benton County's supporting fund does not have adequate capacity to fully fund the City's request; and

WHEREAS, staff recommends Council approval of the proposed agreement as it provides a significant contribution toward fully funding this important project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute the Disbursement Agreement for Use of Rural County Capital Funds.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

DISBURSEMENT AGREEMENT

FOR USE OF RURAL COUNTY CAPITAL FUNDS

This Agreement, among and between Benton County (hereinafter "County"), and the City of Richland (hereinafter "City"), shall be effective upon execution by both parties.

WHEREAS, the County has previously agreed to distribute certain funds received from the State of Washington that it has deposited in its Rural County Capital Fund (hereinafter "Fund") after April 1, 2016 for the financing of certain "public facilities [projects] serving economic development purposes" as contemplated by State statute (RCW 82.14.370) and in conformance with County policy (Resolution 2017-103, adopted January 31, 2017); and

WHEREAS, the County and the City are authorized, including under Chapters 39.33 and 39.34 of the Revised Code of Washington, to contract with each other and other public agencies in order to effectively and efficiently operate, administer, and carry out their programs and public projects; and

WHEREAS, the City intends to construct: 1) a new westbound right-turn lane from Keene Road onto Queesngate Drive, 2) two new travel lanes on Queensgate Drive, 3) new bicycle lanes, shared use path and sidewalks along Queensgate Drive, 4) a new segment of Columbia Park Trail between Queensgate Drive and Jericho Court; and 5) a reconfigured intersection (Queensgate Drive and Columbia Park Trail) that will include a new two-lane roundabout (hereinafter the "Project"); and,

WHEREAS, the Project includes all design, engineering, environmental review, permitting, rights-of-way acquisitions, and construction; and,

WHEREAS, The Project's purpose is to facilitate business and commercial growth in the Project through added traffic capacity, increased property access, and improved safety; and,

WHEREAS, the Project will assist in the recruitment of new businesses to 145 acres of commercially zone properties within the "Queensgate Study Area", and is expected to result in up to 2,100 permanent retail/commercial jobs in the area at full build-out, and would positively impact sales, business and occupation, and property tax revenues within Benton County; and

WHEREAS, the City has requested $2,305,000.00 for the Project from that portion of the Fund allocated to it by the County to be reimbursed to the City by the County; and

WHEREAS, the County's evaluation of the City's project confirms its eligibility for funding, but the current available balance to Richland is $1,800,000.00.

NOW THEREFORE, in consideration of the mutual covenants, conditions, and terms contained herein, the County and the City mutually agree to the following:

1. Based on the City's request for reimbursement from the Fund, the County agrees to reimburse the City for up to $1,800,000.00 of qualified direct costs incurred by the City for the Project *after* the execution of this Agreement; contingent upon (i) such funds being less than the amount of the Fund allocated to the City, and (ii) that each reimbursement is consistent with the County's Rural County Capital Fund Disbursement Policy.

2. The City represents that the use of revenues from the Fund for the Project is consistent with RCW 82.14.370.

3. The City agrees to use all funds allocated by this Agreement solely for the purpose of financing the Project and warrants that all expenditures by the City for which it seeks reimbursement will comply with RCW 82.14.370.

4. The estimated Project schedule and a disbursement schedule are attached hereto as Exhibit A. The parties agree that funds will be disbursed only as reimbursement for actual, direct costs incurred by the City in connection with the Project. The City will keep the County informed of changes to the schedule as the Project progresses.

5. The City shall invoice the County every ninety (90) days after the effective date of this Agreement, identifying all Project costs incurred by the City during the prior quarter that are eligible for and for which reimbursement is sought. All invoices shall be mailed to the County at the following address:

   Benton County Commissioners Office
   ATTN: Sustainable Development Manager
   7122 West Okanogan Place
   Kennewick, Washington 99336

6. All approved reimbursement payments will be made via check mailed directly to the City at Post Office Box 190 – MS-26, Richland, Washington 99352.

7. The City shall not hold the County liable for any delay in disbursements, but the County agrees to use its best efforts to make appropriate disbursement payments to the City in a reasonably timely fashion.

8. The City shall be responsible for establishing policies for implementing this Agreement, monitoring progress of the Project, and monitoring the fulfillment of the Parties' responsibilities under the Agreement. In addition to other responsibilities set forth in this Agreement, the City is responsible for following applicable bid and prevailing wage law policies and procedures when awarding bids for the Project contemplated by this Agreement.

9. The City agrees to provide the County with a quarterly report along with each invoice outlining the status of the Project, including a spreadsheet detailing all costs being reimbursed by the County.

10. If Rural County Capital Funds are applied by the City toward non-eligible expenditures, the County may cease all disbursements and the City shall repay to the County all monies inappropriately expended.

11. The records and documents with respect to all matters covered by this Agreement shall be subject to inspection by the parties during the term of this Agreement and for three years after its termination. This Agreement shall be filed by the City with the Benton County Auditor.

12. It is not the intention that a separate legal entity be established with respect to the Project, nor is the joint acquisition, holding, or disposing of real or personal property anticipated.

13. The City agrees to indemnify the County from and against any claims, actions, losses, costs, penalties, damages, attorneys' fees, and all other liabilities and costs of defense of any nature arising out of the County's agreement to disburse funds under this Agreement.

14. The City shall not have the right to assign the rights under this Agreement nor to terminate its obligations hereunder without first securing the written consent of the County.

15. This Agreement shall terminate and the County's obligation to disburse funds under this Agreement shall cease at any time that any aspect of the Project falls thirty-six (36) months or more behind the schedule set forth in Exhibit A. In such case, the County's rights under this Agreement shall continue, but the County may use the funds previously allocated under this Agreement for any purpose allowable under state law. The County will make a good faith effort to notify the City whenever it believes any aspect of the Project is thirty (30) months or more behind schedule and that the Agreement will terminate in six months' time thereafter under this provision; provided that maintaining the Project on schedule is the Port's responsibility and the City shall have no recourse against the County if such notice is not provided.

16. This Agreement contains the entire, complete, and integrated statement of each and every term agreed-to by and between the City and the County, and this Agreement supersedes any and all prior written and unwritten agreements and understandings pertaining to the Project.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date signed below.

BENTON COUNTY

_____
Jim Beaver, Commission Chairman

Date: _____

ATTEST:

_____
Cami McKenzie, Clerk to the Board

APPROVED AS TO FORM:

_____
Chief Deputy Prosecuting Attorney

CITY OF RICHLAND

_____
Cindy Reents, City Manager

Date: _____

ATTEST:

_____
Marcia Hopkins, City Clerk

APPROVED AS TO FORM:

_____
Heather Kintzley, City Attorney

EXHIBIT A

ESTIMATED PROJECT COMPLETION AND FUND DISBURSEMENT SCHEDULE

Projected schedule and expenses, in dollars. Disbursement schedule is depicted quarterly.

PROJECT PHASES	DISBURSEMENT			
	2017	2018		TOTAL
	10/01-12/31	01/31-03/31	04/01-06/30	
Design / Environmental	15,000			
Right of Way	325,400			
Construction		100,000	1,295,000	
Construction Management		10,000	54,600	
Project Total				
RCCF Funds	**340,400**	**110,000**	**1,349,600**	**1,800,000**

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Resolution No. 197-17, Authorizing a Purchase and Sale Agreement with Randall E. Crosby for the Queensgate-Columbia Park Trail Improvements Project

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	197-17	Resolution

Recommended Motion:
Adopt Resolution No. 197-17, authorizing the City Manager to sign and execute a Purchase and Sale agreement with Randal E. Crosby for right-of-way on the Queensgate-Columbia Park Trail Improvements project.

Summary:
The City conducted a corridor study in 2015 on Queensgate Drive to identify improvements necessary to address the increased traffic volume and congestion. The outcome of the study was a scope of improvements between Keene Road and I-182 that was programmed into the 2017 - 2030 Capital Improvement Plan. One of the projects, Queensgate Drive / Columbia Park Trail Improvements will install a roundabout intersection and extend Columbia Park Trail west from Queensgate to Jericho Court. Several properties must be acquired to extend Columbia Park Trail west of Queensgate Drive.

The property acquisitions for the Queensgate Drive / Columbia Park Trail Improvements project are being completed based on appraisals of fair market value as determined by an in dependent professional land appraiser. Staff completed negotiations based on the fair market value and in good faith with the owners of the property to be acquired.

The proposed Agreement reflects completion of successful negotiations with Randal E Crosby. The total compensation will be $39,800 for 6,125 square feet of land in fee.

Staff recommends approval of Resolution No. 197-17.

Fiscal Impact:	The total cost of the property acquisition is estimated to be $39,800 plus an estimated $1,000 in closing costs. These costs will be funded by the Benton County funding agreement presented to Council tonight (Resolution 196-17). This agreement funds $1,800,000 to the Queensgate-Columbia Park Trail Improvements project budget for right-of-way acquisition, design, construction and construction management.

Attachments:
1. Resolution No. 197-17
2. PSA - Crosby

RESOLUTION NO. 197-17

A RESOLUTION of the City of Richland authorizing the acquisition of real property interests from Randall E. Crosby by negotiated voluntary purchase for the purpose of constructing the Queensgate Drive and Columbia Park Trail Improvements project.

WHEREAS, the City of Richland conducted a corridor study in 2015 on Queensgate Drive to identify improvements necessary to address the increased traffic volume and congestion; and

WHEREAS, the Queensgate Drive and Columbia Park Trail Improvements project is included in the City's 2017-2022 Six-Year Transportation Improvement Program and in the 2017-2030 Capital Improvement Plan; and

WHEREAS, the City has identified several properties that must be acquired to complete the Queensgate Drive and Columbia Park Trail Improvements project; and

WHEREAS, property acquisitions for the Queensgate Drive and Columbia Park Trail Improvements project are being completed based on appraisals of fair market value as determined by an independent professional land appraiser; and

WHEREAS, City staff completed negotiations based on the fair market value appraisal and in good faith with the owners of the property to be acquired; and

WHEREAS, Randall E. Crosby has property affected by the Queensgate Drive and Columbia Park Trail Improvements project in the form of land in fee, and has agreed to terms allowing the City to acquire the necessary portion of property rights required for this project; and

WHEREAS, the funds necessary to acquire the property shall be paid by Queensgate Drive and Columbia Park Trail Improvements Project funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute the purchase and sale agreement and all other documents necessary to complete the purchase of the required portion of Randall E. Crosby's property.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

This Agreement for Purchase and Sale of Real Property ("Agreement") is made and entered into this ____ day of _____, 2017 between the **CITY OF RICHLAND**, a Washington municipal corporation ("Purchaser"), and **Randall E Crosby**, a single person ("Seller).

1. Purchase and Sale of Property. Seller agrees to sell and Purchaser agrees to purchase, on the terms hereafter stated, all of the following described interests in real property (collectively, the "Property"):

1.1. The Property. The land involved in this transaction is located in the City of Richland, Benton County, Washington, and is legally described as follows:

***See* Exhibit A**

1.2. Scrivener's Errors. In the event of an error in the legal description, the parties agree that either party or a scrivener may correct the error.

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

1.4. Timing of Conveyance.

1.4.1 The land in fee described in Section 1.1 shall be conveyed to Purchaser by a Statutory Warranty Deed ("Deed") subject to the permitted exceptions and at the time of payment. The Deed shall be delivered to Purchaser at closing.

2. Purchase Price. Purchaser shall pay to Seller as the Purchase Price for the Property the sum of thirty nine thousand eight hundred dollars and no cents **($39,800)** for land in fee.

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

3.1. Executed Contract. The "Executed Contract Date" is the date upon which both parties have signed this Purchase and Sale Agreement. If the Purchase and Sale Agreement is signed on different days, the Executed Contract Date is the date of the last

signing party. Both Purchaser and Seller must sign this Purchase and Sale Agreement within fifteen (15) business days of approval from the City Council. If signatures are not received by both parties within fifteen (15) business days, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

3.2. Title Review. Within ten (10) business days after the Execution Date, Purchaser, at its sole cost and expense, shall order from Tri-City Title & Escrow (the "Title Company") a preliminary title report on the Property, and copies of all documents referred to therein, and upon receipt, furnish same to Seller.

3.3. Due Diligence. Purchaser is granted a due diligence period until and including thirty (30) business days after receipt of the title report described in Section 3.2. Said due diligence period may be extended an additional thirty (30) business days upon written mutual agreement by both Purchaser and Seller. Purchaser may conduct, at its own expense, a full review of legal, title, environmental, archaeological and any other related issues. If the results of said review are unsatisfactory in Purchaser's opinion, Purchaser may, at its option, elect to terminate this Agreement by giving Seller written notice of termination prior to the end of the due diligence period. In the event of termination by Purchaser under this section, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

3.4. Mortgage/Financial Institution. The closing of this transaction is contingent upon approval of this agreement by the Seller's mortgage company/financial institution holding a lien on the property.

3.5. Council Approval. The closing of this transaction is contingent upon approval of this Agreement by the City Council of the City of Richland. In the event the Richland City Council determines not to approve this Agreement, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

4. Closing. On or before the date of Closing, Purchaser shall deliver to the Title Company the Purchase Price for the Property in the form of a certified or cashier's check. Purchaser shall deliver all Deeds, as approved by Seller, to the Title Company for placing in escrow. Title Company shall be instructed that when it is in a position to issue a standard owner's policy of title insurance in the full amount of the Purchase Price, insuring fee simple title to the Property as described in Section 1.1. in Purchaser, Title Company shall record and deliver to Purchaser the Deeds; and issue and deliver to Purchaser the standard owner's policy of title insurance.

4.1. Closing Costs. Purchaser shall pay all attorney's fees, recording costs, escrow

closing costs, if applicable, and the full premium for a standard owner's policy of title insurance.

4.2. Closing Date. The closing of the transaction and delivery of all items shall occur at Tri-City Title & Escrow, and shall occur on a date specified by Tri-City Title & Escrow with written notice to Seller and Purchaser. Unless extended in writing by the parties, closing shall occur no later than 90 days after the date of execution of this Agreement. Failure to close within 90 days or to extend the closing date by mutual agreement of the parties shall cause this Agreement to terminate and be without any further force and effect, and without further obligation of either party to the other.

5. Title. Upon closing of escrow as set forth in Section 4, fee title to the Property shall be conveyed by Seller to Purchaser by a duly-executed Statutory Warranty Deed.

6. Covenants, Representations and Warranties.

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

6.1.1. From the date of this Agreement through the closing date, the Seller shall not make any material alterations to the Property or to any of the licenses, permits, legal classifications or other governmental regulations relating to the Property, nor enter into any leases or agreements pertaining to the Property without the Purchaser's prior written consent.

6.1.2. During the contract period, Seller shall not voluntarily cause to be recorded any encumbrance, lien, deed of trust, easement or the like against the title to the Property without Purchaser's prior consent.

6.1.3. Seller shall use its best efforts to remove all disapproved exceptions within the preliminary title report.

6.1.4. During the contract period, Seller will operate and maintain the Property in a manner consistent with Seller's past practices relative to the Property and so as not to cause waste to the Property.

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

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

6.2.2. Seller has not received any written notice from any governmental authorities or regulatory agencies, excepting the City of Richland, that eminent domain proceedings for the condemnation of the Property are pending or threatened.

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

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

6.2.5. No special or general assessments have been levied against the Property except those disclosed in the Preliminary Title Report, and Seller has not received written notice that any such assessments are threatened.

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

6.2.7. Seller is a single person owning fee title to the Property.

6.3. Purchaser's Representations. Purchaser hereby makes the following representations to Seller, each of which shall be true on the date hereof and on the date of closing:

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

6.3.2. Purchaser represents that it has sufficient funds to close this transaction.

6.4. Survival of Covenants. The covenants, representations, and warranties contained

in Section 6 of this Agreement shall survive the delivery and recording of the Deed from the Seller to the Purchaser.

7. Casualty and Condemnation.

7.1. Material Casualty or Condemnation. If prior to the closing date: (i) the Property shall sustain damage caused by casualty which would cost ten thousand dollars ($10,000.00) or more to repair or replace, or (ii) if a taking or condemnation of any portion of the Property has occurred, or is threatened, which would materially affect the value of the Property, either Purchaser or Seller may, at its option, terminate this Agreement by written notice to the other party within two (2) days' notice of such event. If, prior to the closing date, neither party provides said termination notice within such two-day period, the closing shall take place as provided herein with a credit against the Purchase Price in an amount equal to any insurance proceeds or condemnation awards actually collected by Seller. At closing, Seller shall assign to Purchaser Seller's full interest in any insurance proceeds or condemnation awards which may be due but unpaid to Seller on account of such occurrence.

7.2. Immaterial Casualty or Condemnation. If, prior to the closing date, the Property shall sustain damage caused by casualty which is not described in Section 7.1., or a taking or condemnation has occurred, or is imminently threatened, which is not described in Section 7.1., neither Purchaser nor Seller have the right to terminate this Agreement. Closing shall take place as provided herein with a credit against the Purchase Price equal to the cost to repair that portion of the Property so damaged by insured casualty, or an amount equal to the anticipated condemnation award, as applicable. At closing, Purchaser shall assign to Seller all rights or interest in and to any insurance proceeds or condemnation awards which may be due on account of any such occurrence.

8. Purchasers' Remedies. In the event of material breach of this Agreement by Seller, Purchaser shall have, as their sole remedies: (a) the right to pursue specific performance of this Agreement, (b) the right to terminate this Agreement and (c) all remedies presently or hereafter available at law or in equity. Purchaser hereby waives all other remedies on account of a breach hereof by Seller.

9. Miscellaneous.

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

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

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

TO SELLER:
Randall E Crosby
922 Allenwhite Dr
Richland, WA 99352
Phone: (509) 727-6873
Email:

TO PURCHASER:
City of Richland
Attn: Mrs. Julie West
505 Swift Boulevard, MS #26
Richland, WA 99352
Phone: (509) 942-7461
Fax: (509) 942-7468
Email: jwest@ci.richland.wa.us

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

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

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

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

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

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

9.9. Counterparts. This Purchase and Sale Agreement may be executed in several counterparts, each of which shall be an original, but all of such counterparts shall constitute one such Agreement.

9.10. Cooperation and Further Assurances. Each party shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold responses to requests for information, approvals, or consents provided for in this Agreement. The parties agree to take further action and execute further documents, both jointly or within their respective powers and authority, as may be reasonably necessary to implement the intent of this Agreement.

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

9.12. Complete Agreement. This Agreement represents and contains the entire understanding between the parties related to the acquisition of the Property. The parties acknowledge that no other oral or written collateral agreements, understandings, or representations exist outside of this document, with the exception of any documents expressly incorporated by reference in this Agreement. Any prior agreements, whether verbal or written, not specifically referred to in this Agreement are hereby terminated.

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

9.14. Scrivener. The party drafting this Agreement is the City of Richland. The City of Richland makes no representations regarding the rights or responsibilities of Seller under this Agreement. Seller is encouraged to review the completed contract with counsel before signing this Agreement.

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

RANDALL E CROSBY - SELLER		**CITY OF RICHLAND - PURCHASER**	
_____	_____	_____	_____
By:	Date	By: Cynthia D. Reents, ICMA-CM	Date
Its:		Richland City Manager	
_____	_____	_____	
By:	Date	Marcia Hopkins	
Its:		Richland City Clerk	

Approved by Legal Counsel:

_____	_____
By:	By: Heather Kintzley
Its:	Richland City Attorney

Exhibit A
Legal Description of Subject Property

Land in Fee

A portion of the Northwest ¼ of Section 22 Township 9 North, Range 28 East W.M. the City of Richland, Benton County, Washington, described as follows:

A portion of Lot 11 Block 3 of the Plat of Badger Heights as recorded in Volume 5 of Plats on Page 11, records of said State and County, more particularly described as follows:

Beginning at the Southwest corner of said Lot 11. Said corner is at the intersection of the Easterly right-of-way of Jericho Court and the Northerly right-of-way of Jericho Road; Thence North 00°30'21" West a distance of 252.39 feet along the Westerly line of said Lot 11, and said Easterly right-of-way of Jericho Court to the TRUE POINT of BEGINNING; Thence continuing North 00°30'21" West a distance of 50.00 feet along said Westerly line to the Northwest corner of said Lot 11; Thence North 89°39'42" East a distance of 298.55 feet leaving said corner along the Northerly line of said Lot 11 to the Northeast corner of said Lot 11; Thence South 00°24'47" East a distance of 4.07 feet leaving said corner along the Westerly line of said Lot 11 to the beginning of a 1,827.00 foot radius non-tangent curve concave to the Northwest, and having a radial bearing of North 09°25'28" West; Thence Southwesterly a distance of 276.71 feet along the arc of said curve through a central angle of 08°40'39"; Thence South 44°29'39" West a distance of 32.50 feet leaving said curve back to the true point of beginning.

Containing 6,124.5 square feet, more or less according to the bearings and distances listed above and as depicted on the attached Exhibit "A".

Reference document: Real Estate Contract (Residential Short Form) recorded under Auditor's File Number 2014-020178, records of said County and State.

TOGETHER WITH AND SUBJECT TO covenants, easements, and restrictions of record.

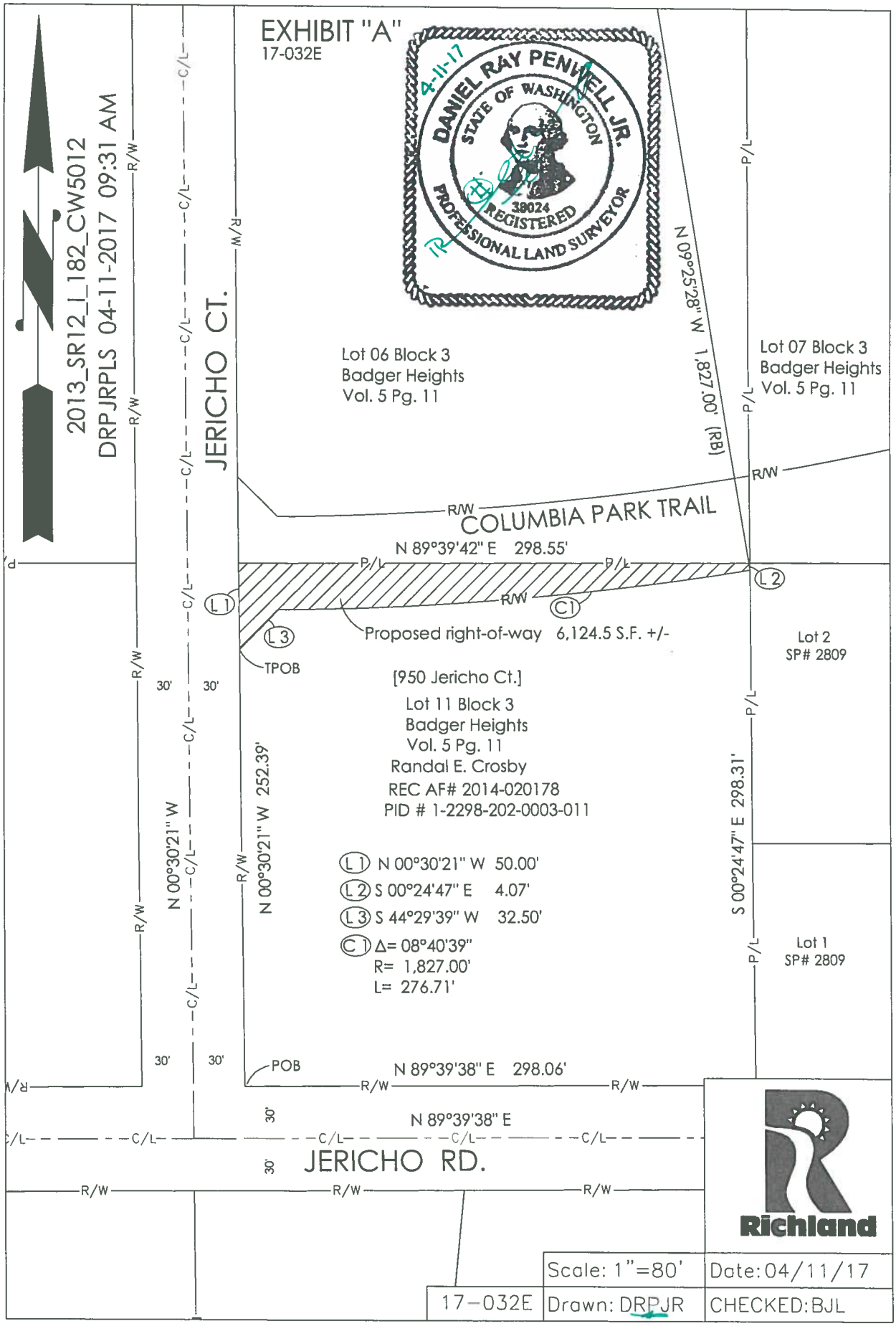
EXHIBIT "A"
17-032E
2013_SR12_I_182_CW5012
DRPJRPLS 04-11-2017 09:31 AM
DANIEL RAY PENNELL JR.
STATE OF WASHINGTON
38024
REGISTERED
PROFESSIONAL LAND SURVEYOR
4-11-17
JERICHO CT.
Lot 06 Block 3
Badger Heights
Vol. 5 Pg. 11
N 09°25'28" W 1,827.00' (RB)
Lot 07 Block 3
Badger Heights
Vol. 5 Pg. 11
COLUMBIA PARK TRAIL
N 89°39'42" E 298.55'
Proposed right-of-way 6,124.5 S.F. +/-
TPOB
[950 Jericho Ct.]
Lot 11 Block 3
Badger Heights
Vol. 5 Pg. 11
Randal E. Crosby
REC AF# 2014-020178
PID # 1-2298-202-0003-011
N 00°30'21" W 252.39'
N 00°30'21" W
S 00°24'47" E 298.31'
L1 N 00°30'21" W 50.00'
L2 S 00°24'47" E 4.07'
L3 S 44°29'39" W 32.50'
C1 Δ= 08°40'39"
R= 1,827.00'
L= 276.71'
Lot 2
SP# 2809
Lot 1
SP# 2809
POB
N 89°39'38" E 298.06'
N 89°39'38" E
JERICHO RD.
30'
R/W
C/L
P/L
Richland
Scale: 1"=80'
Date: 04/11/17
17-032E
Drawn: DRPJR
CHECKED: BJL

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Resolution No. 198-17, Authorizing a Purchase and Sale Agreement with David S. and Kristi L. Harman for the Queensgate-Columbia Park Trail Improvements Project

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	198-17	Resolution

Recommended Motion:
Adopt Resolution No. 198-17, authorizing the City Manager to sign and execute a Purchase and Sale Agreement with David S. and Kristi L. Harman for right-of-way on the Queensgate-Columbia Park Trai Improvements project.

Summary:
The City conducted a corridor study in 2015 on Queensgate Drive to identify improvements necessary to address the increased traffic volume and congestion. The outcome of the study was a scope of improvements between Keene Road and I-182 that was programmed into the 2017 - 2030 Capital Improvement Plan. One of the projects, Queensgate Drive / Columbia Park Trail Improvements will install a roundabout intersection and extend Columbia Park Trail west from Queensgate to Jericho Court. Several properties must be acquired to extend Columbia Park Trail west of Queensgate Drive.

The property acquisitions for the Queensgate Drive / Columbia Park Trail Improvements project are being completed based on appraisals of fair market value as determined by an in dependent professional land appraiser. Staff completed negotiations based on the fair market value and in good faith with the owners of the property to be acquired.

The proposed Agreement reflects completion of successful negotiations with David S and Kristi L Harman. The total compensation will be $69,300, of which $66,200 is for 10,592 square feet of land in fee and $3,100 is for cost sharing in chain-link fence replacement.

Staff recommends approval of Resolution No. 198-17.

Fiscal Impact:	The total cost of the property acquisition is estimated to be $69,300 plus closing costs of an estimated $1,000. These costs will be funded by the Benton County funding agreement presented to Council tonight (Resolution 196-17). This agreement funds $1,800,000 to the Queensgate-Columbia Park Trail Improvements project budget for right-of-way acquisition, design, construction and construction management.

Attachments:
1. Resolution No. 198-17
2. PSA - Harmen

RESOLUTION NO. 198-17

A RESOLUTION of the City of Richland authorizing the acquisition of real property interests from David S. Harman and Kristi L. Harman by negotiated voluntary purchase for the purpose of constructing the Queensgate Drive and Columbia Park Trail Improvements project.

WHEREAS, the City of Richland conducted a corridor study in 2015 on Queensgate Drive to identify improvements necessary to address the increased traffic volume and congestion; and

WHEREAS, the Queensgate Drive and Columbia Park Trail Improvements project is included in the City's 2017-2022 Six-Year Transportation Improvement Program and in the 2017-2030 Capital Improvement Plan; and

WHEREAS, the City has identified several properties that must be acquired to complete the Queensgate Drive and Columbia Park Trail Improvements project; and

WHEREAS, property acquisitions for the Queensgate Drive and Columbia Park Trail Improvements project are being completed based on appraisals of fair market value as determined by an independent professional land appraiser; and

WHEREAS, City staff completed negotiations based on the fair market value appraisal and in good faith with the owners of the property to be acquired; and

WHEREAS, David S. Harman and Kristi L. Harman have property affected by the Queensgate Drive and Columbia Park Trail Improvements project in the form of land in fee, and have agreed to terms allowing the City to acquire the necessary portion of property rights required for this project; and

WHEREAS, the funds necessary to acquire the property shall be paid by Queensgate Drive and Columbia Park Trail Improvements Project funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute the purchase and sale agreement and all other documents necessary to complete the purchase of the required portion of the David S. Harman and Kristi L. Harman property.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

This Agreement for Purchase and Sale of Real Property ("Agreement") is made and entered into this ____ day of _____, 2017 between the **CITY OF RICHLAND**, a Washington municipal corporation ("Purchaser"), and **David S Harman and Kristi L Harman**, Husband and Wife ("Seller).

1. Purchase and Sale of Property. Seller agrees to sell and Purchaser agrees to purchase, on the terms hereafter stated, all of the following described interests in real property (collectively, the "Property"):

1.1. The Property. The land involved in this transaction is located in the City of Richland, Benton County, Washington, and is legally described as follows:

***See* Exhibit A**

1.2. Scrivener's Errors. In the event of an error in the legal description, the parties agree that either party or a scrivener may correct the error.

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

1.4. Timing of Conveyance.

1.4.1 The land in fee described in Section 1.1 shall be conveyed to Purchaser by a Statutory Warranty Deed ("Deed") subject to the permitted exceptions and at the time of payment. The Deed shall be delivered to Purchaser at closing.

2. Purchase Price. Purchaser shall pay to Seller as the Purchase Price for the Property the sum of sixty six thousand two hundred dollars and no cents **($66,200)** for land in fee and an additional three thousand one hundred dollars and no cents **($3,100)** for cost sharing in a chain link fence to be installed by the owner.

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

3.1. Executed Contract. The "Executed Contract Date" is the date upon which both parties have signed this Purchase and Sale Agreement. If the Purchase and Sale Agreement is signed on different days, the Executed Contract Date is the date of the last signing party. Both Purchaser and Seller must sign this Purchase and Sale Agreement

within fifteen (15) business days of approval from the City Council. If signatures are not received by both parties within fifteen (15) business days, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

3.2. Title Review. Within ten (10) business days after the Execution Date, Purchaser, at its sole cost and expense, shall order from Tri-City Title & Escrow (the "Title Company") a preliminary title report on the Property, and copies of all documents referred to therein, and upon receipt, furnish same to Seller.

3.3. Due Diligence. Purchaser is granted a due diligence period until and including thirty (30) business days after receipt of the title report described in Section 3.2. Said due diligence period may be extended an additional thirty (30) business days upon written mutual agreement by both Purchaser and Seller. Purchaser may conduct, at its own expense, a full review of legal, title, environmental, archaeological and any other related issues. If the results of said review are unsatisfactory in Purchaser's opinion, Purchaser may, at its option, elect to terminate this Agreement by giving Seller written notice of termination prior to the end of the due diligence period. In the event of termination by Purchaser under this section, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

3.4. Mortgage/Financial Institution. The closing of this transaction is contingent upon approval of this agreement by the Seller's mortgage company/financial institution holding a lien on the property.

3.5. Council Approval. The closing of this transaction is contingent upon approval of this Agreement by the City Council of the City of Richland. In the event the Richland City Council determines not to approve this Agreement, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

4. Closing. On or before the date of Closing, Purchaser shall deliver to the Title Company the Purchase Price for the Property in the form of a certified or cashier's check. Purchaser shall deliver all Deeds, as approved by Seller, to the Title Company for placing in escrow. Title Company shall be instructed that when it is in a position to issue a standard owner's policy of title insurance in the full amount of the Purchase Price, insuring fee simple title to the Property as described in Section 1.1. in Purchaser, Title Company shall record and deliver to Purchaser the Deeds; and issue and deliver to Purchaser the standard owner's policy of title insurance.

4.1. Closing Costs. Purchaser shall pay all attorney's fees, recording costs, escrow closing costs, if applicable, and the full premium for a standard owner's policy of title insurance.

4.2. Closing Date. The closing of the transaction and delivery of all items shall occur at Tri-City Title & Escrow, and shall occur on a date specified by Tri-City Title & Escrow with written notice to Seller and Purchaser. Unless extended in writing by the parties, closing shall occur no later than 90 days after the date of execution of this Agreement. Failure to close within 90 days or to extend the closing date by mutual agreement of the parties shall cause this Agreement to terminate and be without any further force and effect, and without further obligation of either party to the other.

5. Title. Upon closing of escrow as set forth in Section 4, fee title to the Property shall be conveyed by Seller to Purchaser by a duly-executed Statutory Warranty Deed.

6. Covenants, Representations and Warranties.

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

6.1.1. From the date of this Agreement through the closing date, the Seller shall not make any material alterations to the Property or to any of the licenses, permits, legal classifications or other governmental regulations relating to the Property, nor enter into any leases or agreements pertaining to the Property without the Purchaser's prior written consent.

6.1.2. During the contract period, Seller shall not voluntarily cause to be recorded any encumbrance, lien, deed of trust, easement or the like against the title to the Property without Purchaser's prior consent.

6.1.3. Seller shall use its best efforts to remove all disapproved exceptions within the preliminary title report.

6.1.4. During the contract period, Seller will operate and maintain the Property in a manner consistent with Seller's past practices relative to the Property and so as not to cause waste to the Property.

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

6.2.1. Seller has full power and authority to enter into and carry out the terms and provisions of this Purchase and Sale Agreement and to execute and deliver all documents

which are contemplated by this Agreement, and all actions of Seller necessary to confer such authority upon the persons executing this Purchase and Sale Agreement and such other documents have been, or will be, taken.

6.2.2. Seller has not received any written notice from any governmental authorities or regulatory agencies, excepting the City of Richland, that eminent domain proceedings for the condemnation of the Property are pending or threatened.

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

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

6.2.5. No special or general assessments have been levied against the Property except those disclosed in the Preliminary Title Report, and Seller has not received written notice that any such assessments are threatened.

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

6.2.7. Seller is a husband and wife owning fee title to the Property.

6.3. Purchaser's Representations. Purchaser hereby makes the following representations to Seller, each of which shall be true on the date hereof and on the date of closing:

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

6.3.2. Purchaser represents that it has sufficient funds to close this transaction.

6.4. Survival of Covenants. The covenants, representations, and warranties contained in Section 6 of this Agreement shall survive the delivery and recording of the Deed from the Seller to the Purchaser.

7. Casualty and Condemnation.

7.1. Material Casualty or Condemnation. If prior to the closing date: (i) the Property shall sustain damage caused by casualty which would cost ten thousand dollars ($10,000.00) or more to repair or replace, or (ii) if a taking or condemnation of any portion of the Property has occurred, or is threatened, which would materially affect the value of the Property, either Purchaser or Seller may, at its option, terminate this Agreement by written notice to the other party within two (2) days' notice of such event. If, prior to the closing date, neither party provides said termination notice within such two-day period, the closing shall take place as provided herein with a credit against the Purchase Price in an amount equal to any insurance proceeds or condemnation awards actually collected by Seller. At closing, Seller shall assign to Purchaser Seller's full interest in any insurance proceeds or condemnation awards which may be due but unpaid to Seller on account of such occurrence.

7.2. Immaterial Casualty or Condemnation. If, prior to the closing date, the Property shall sustain damage caused by casualty which is not described in Section 7.1., or a taking or condemnation has occurred, or is imminently threatened, which is not described in Section 7.1., neither Purchaser nor Seller have the right to terminate this Agreement. Closing shall take place as provided herein with a credit against the Purchase Price equal to the cost to repair that portion of the Property so damaged by insured casualty, or an amount equal to the anticipated condemnation award, as applicable. At closing, Purchaser shall assign to Seller all rights or interest in and to any insurance proceeds or condemnation awards which may be due on account of any such occurrence.

8. Purchasers' Remedies. In the event of material breach of this Agreement by Seller, Purchaser shall have, as their sole remedies: (a) the right to pursue specific performance of this Agreement, (b) the right to terminate this Agreement and (c) all remedies presently or hereafter available at law or in equity. Purchaser hereby waives all other remedies on account of a breach hereof by Seller.

9. Miscellaneous.

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

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

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

TO SELLER:
David S & Kristi L Harman
920 Jericho Ct
Richland, WA 99352
Phone: (509) 308-0505
Email: queensgateknkk@frontier.com

TO PURCHASER:
City of Richland
Attn: Mrs. Julie West
505 Swift Boulevard, MS #26
Richland, WA 99352
Phone: (509) 942-7461
Fax: (509) 942-7468
Email: jwest@ci.richland.wa.us

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

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

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

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

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

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

9.9. Counterparts. This Purchase and Sale Agreement may be executed in several counterparts, each of which shall be an original, but all of such counterparts shall constitute one such Agreement.

9.10. Cooperation and Further Assurances. Each party shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold responses to requests for information, approvals, or consents provided for in this Agreement. The parties agree to take further action and execute further documents, both jointly or within their respective powers and authority, as may be reasonably necessary to implement the intent of this Agreement.

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

9.12. Complete Agreement. This Agreement represents and contains the entire understanding between the parties related to the acquisition of the Property. The parties acknowledge that no other oral or written collateral agreements, understandings, or representations exist outside of this document, with the exception of any documents expressly incorporated by reference in this Agreement. Any prior agreements, whether verbal or written, not specifically referred to in this Agreement are hereby terminated.

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

9.14. Scrivener. The party drafting this Agreement is the City of Richland. The City of Richland makes no representations regarding the rights or responsibilities of Seller under this Agreement. Seller is encouraged to review the completed contract with counsel before signing this Agreement.

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

DAVID S & KRISTI L HARMAN - SELLER		CITY OF RICHLAND - PURCHASER	
By: Its:	Date	By: Cynthia D. Reents, ICMA-CM Richland City Manager	Date
By: Its:	Date	Marcia Hopkins Richland City Clerk	

Approved by Legal Counsel:

By: Its:	By: Heather Kintzley Richland City Attorney

Exhibit A
Legal Description of Subject Property

Land in Fee

A portion of the Northwest ¼ of Section 22 Township 9 North, Range 28 East W.M. the City of Richland, Benton County, Washington, described as follows:

A portion of Lot 6 Block 3 of the Plat of Badger Heights as recorded in Volume 5 of Plats on Page 11, records of said State and County, more particularly described as follows:

Beginning at the Northwest corner of said Lot 6. Said point is lying on the Easterly right-of-way of Jericho Court; Thence South 00°30'21" East a distance of 282.39 feet along the Westerly line of said Lot 6 and said Easterly right-of-way of Jericho Court to the TRUE POINT of BEGINNING; Thence South 45°30'21" East a distance of 32.56 feet leaving said Westerly line and Easterly right-of-way to the beginning of a 1,773.00 foot radius non-tangent curve concave to the Northwest, and having a radial bearing of North 00°45'20" West; Thence Northeasterly a distance of 276.83 feet along the arc of said curve through a central angle of 08°56'45" to a point on the Easterly line of said Lot 6; Thence South 00°24'47" East a distance of 50.62 feet leaving said curve along said Easterly line to the Southeast corner of said Lot 6; Thence South 89°39'42" West a distance of 298.54 feet leaving said corner along the Southerly line of said Lot 6 to its Southwest corner, and a point on said Easterly right-of-way of Jericho Court; Thence North 00°30'21" West a distance of 50.00 feet leaving said corner along the Westerly line of said Lot 6 and said Easterly right-of-way back to the true point of beginning.

Containing 10,591.9 square feet, more or less according to the bearings and distances listed above and as depicted on the attached Exhibit "A".

Reference document: Statutory Warranty Deed recorded under Auditor's File Number 2004-026427, records of said County and State.

TOGETHER WITH AND SUBJECT TO covenants, easements, and restrictions of record.

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

Key Element: Key 2 - Infrastructure & Facilities

Subject:
Resolution No. 199-17, Authorizing a Purchase and Sale Agreement with Alan W. Joseph, Jr. and Tracy Veronte for the Queensgate-Columbia Park Trail Improvements Project

Department:	Ordinance/Resolution Number:	Document Type:
Public Works	199-17	Resolution

Recommended Motion:
Adopt Resolution No. 199-17, authorizing the City Manager to sign and execute a Purchase and Sale Agreement with Alan W. Joseph, Jr. and Tracy Veronte for right-of-way on the Queensgate-Columbia Park Trail Improvements project.

Summary:
The City conducted a corridor study in 2015 on Queensgate Drive to identify improvements necessary to address the increased traffic volume and congestion. The outcome of the study was a scope of improvements between Keene Road and I-182 that was programmed into the 2017 - 2030 Capital Improvement Plan. One of the projects, Queensgate Drive / Columbia Park Trail Improvements will install a roundabout intersection and extend Columbia Park Trail west from Queensgate to Jericho Court. Several properties must be acquired to extend Columbia Park Trail west of Queensgate Drive.

The property acquisitions for the Queensgate Drive / Columbia Park Trail Improvements project are being completed based on appraisals of fair market value as determined by an independent professional land appraiser. Staff completed negotiations based on the fair market value and in good faith with the owners of the property to be acquired.

The proposed Agreement reflects completion of successful negotiations with Alan W Joseph, Jr. and Tracy Veronte. The total compensation will be $212,800 for 26,603 square feet of land in fee.

Staff recommends approval of Resolution No. 199-17.

Fiscal Impact:	The total cost of the property acquisition is estimated to be $212,800 plus an estimated $1,500 in closing costs. These costs will be funded by the Benton County funding agreement presented to Council tonight (Resolution 196-17). This agreement funds $1,800,000 to the Queensgate-Columbia Park Trail Improvements project budget for right-of-way acquisition, design, construction and construction management.

Attachments:
1. Resolution No. 199-17
2. PSA - Joseph Jr. & Veronte

RESOLUTION NO. 199-17

A RESOLUTION of the City of Richland authorizing the acquisition of real property interests from Alan W. Joseph, Jr. and Tracy Veronte by negotiated voluntary purchase for the purpose of constructing the Queensgate Drive and Columbia Park Trail Improvements project.

WHEREAS, the City of Richland conducted a corridor study in 2015 on Queensgate Drive to identify improvements necessary to address the increased traffic volume and congestion; and

WHEREAS, the Queensgate Drive and Columbia Park Trail Improvements project is included in the City's 2017-2022 Six-Year Transportation Improvement Program and in the 2017-2030 Capital Improvement Plan; and

WHEREAS, the City has identified several properties that must be acquired to complete the Queensgate Drive and Columbia Park Trail Improvements project; and

WHEREAS, property acquisitions for the Queensgate Drive and Columbia Park Trail Improvements project are being completed based on appraisals of fair market value as determined by an independent professional land appraiser; and

WHEREAS, City staff completed negotiations based on the fair market value appraisal and in good faith with the owners of the property to be acquired; and

WHEREAS, Alan W. Joseph, Jr. and Tracy Veronte have property affected by the Queensgate Drive and Columbia Park Trail Improvements project in the form of land in fee, and have agreed to terms allowing the City to acquire the necessary portion of property rights required for this project; and

WHEREAS, the funds necessary to acquire the property shall be paid by Queensgate Drive and Columbia Park Trail Improvements Project funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute the purchase and sale agreement and all other documents necessary to complete the purchase of the required portion of Alan W. Joseph, Jr. and Tracy Veronte's property.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

ROBERT J. THOMPSON
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY
City Attorney

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

This Agreement for Purchase and Sale of Real Property ("Agreement") is made and entered into this ____ day of _____, 2017 between the **CITY OF RICHLAND**, a Washington municipal corporation ("Purchaser"), and **Alan W Joseph, Jr**, a single man and **Tracy Veronte**, a single woman ("Seller).

1. Purchase and Sale of Property. Seller agrees to sell and Purchaser agrees to purchase, on the terms hereafter stated, all of the following described interests in real property (collectively, the "Property"):

1.1. The Property. The land involved in this transaction is located in the City of Richland, Benton County, Washington, and is legally described as follows:

***See* Exhibit A**

1.2. Scrivener's Errors. In the event of an error in the legal description, the parties agree that either party or a scrivener may correct the error.

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

1.4. Timing of Conveyance.

1.4.1 The land in fee described in Section 1.1 shall be conveyed to Purchaser by a Statutory Warranty Deed ("Deed") subject to the permitted exceptions and at the time of payment. The Deed shall be delivered to Purchaser at closing.

2. Purchase Price. Purchaser shall pay to Seller as the Purchase Price for the Property the sum of two hundred twelve thousand eight hundred dollars and no cents **($212,800)** for land in fee.

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

3.1. Executed Contract. The "Executed Contract Date" is the date upon which both parties have signed this Purchase and Sale Agreement. If the Purchase and Sale Agreement is signed on different days, the Executed Contract Date is the date of the last

signing party. Both Purchaser and Seller must sign this Purchase and Sale Agreement within fifteen (15) business days of approval from the City Council. If signatures are not received by both parties within fifteen (15) business days, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

3.2. Title Review. Within ten (10) business days after the Execution Date, Purchaser, at its sole cost and expense, shall order from Tri-City Title & Escrow (the "Title Company") a preliminary title report on the Property, and copies of all documents referred to therein, and upon receipt, furnish same to Seller.

3.3. Due Diligence. Purchaser is granted a due diligence period until and including thirty (30) business days after receipt of the title report described in Section 3.2. Said due diligence period may be extended an additional thirty (30) business days upon written mutual agreement by both Purchaser and Seller. Purchaser may conduct, at its own expense, a full review of legal, title, environmental, archaeological and any other related issues. If the results of said review are unsatisfactory in Purchaser's opinion, Purchaser may, at its option, elect to terminate this Agreement by giving Seller written notice of termination prior to the end of the due diligence period. In the event of termination by Purchaser under this section, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

3.4. Mortgage/Financial Institution. The closing of this transaction is contingent upon approval of this agreement by the Seller's mortgage company/financial institution holding a lien on the property.

3.5. Council Approval. The closing of this transaction is contingent upon approval of this Agreement by the City Council of the City of Richland. In the event the Richland City Council determines not to approve this Agreement, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

4. Closing. On or before the date of Closing, Purchaser shall deliver to the Title Company the Purchase Price for the Property in the form of a certified or cashier's check. Purchaser shall deliver all Deeds, as approved by Seller, to the Title Company for placing in escrow. Title Company shall be instructed that when it is in a position to issue a standard owner's policy of title insurance in the full amount of the Purchase Price, insuring fee simple title to the Property as described in Section 1.1. in Purchaser, Title Company shall record and deliver to Purchaser the Deeds; and issue and deliver to Purchaser the standard owner's policy of title insurance.

4.1. Closing Costs. Purchaser shall pay all attorney's fees, recording costs, escrow

closing costs, if applicable, and the full premium for a standard owner's policy of title insurance.

4.2. Closing Date. The closing of the transaction and delivery of all items shall occur at Tri-City Title & Escrow, and shall occur on a date specified by Tri-City Title & Escrow with written notice to Seller and Purchaser. Unless extended in writing by the parties, closing shall occur no later than 90 days after the date of execution of this Agreement. Failure to close within 90 days or to extend the closing date by mutual agreement of the parties shall cause this Agreement to terminate and be without any further force and effect, and without further obligation of either party to the other.

5. Title. Upon closing of escrow as set forth in Section 4, fee title to the Property shall be conveyed by Seller to Purchaser by a duly-executed Statutory Warranty Deed.

6. Covenants, Representations and Warranties.

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

6.1.1. From the date of this Agreement through the closing date, the Seller shall not make any material alterations to the Property or to any of the licenses, permits, legal classifications or other governmental regulations relating to the Property, nor enter into any leases or agreements pertaining to the Property without the Purchaser's prior written consent.

6.1.2. During the contract period, Seller shall not voluntarily cause to be recorded any encumbrance, lien, deed of trust, easement or the like against the title to the Property without Purchaser's prior consent.

6.1.3. Seller shall use its best efforts to remove all disapproved exceptions within the preliminary title report.

6.1.4. During the contract period, Seller will operate and maintain the Property in a manner consistent with Seller's past practices relative to the Property and so as not to cause waste to the Property.

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

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

6.2.2. Seller has not received any written notice from any governmental authorities or regulatory agencies, excepting the City of Richland, that eminent domain proceedings for the condemnation of the Property are pending or threatened.

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

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

6.2.5. No special or general assessments have been levied against the Property except those disclosed in the Preliminary Title Report, and Seller has not received written notice that any such assessments are threatened.

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

6.2.7. Sellers are a single woman and single man owning fee title to the Property.

6.3. Purchaser's Representations. Purchaser hereby makes the following representations to Seller, each of which shall be true on the date hereof and on the date of closing:

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

6.3.2. Purchaser represents that it has sufficient funds to close this transaction.

6.4. Survival of Covenants. The covenants, representations, and warranties contained

in Section 6 of this Agreement shall survive the delivery and recording of the Deed from the Seller to the Purchaser.

7. Casualty and Condemnation.

7.1. Material Casualty or Condemnation. If prior to the closing date: (i) the Property shall sustain damage caused by casualty which would cost ten thousand dollars ($10,000.00) or more to repair or replace, or (ii) if a taking or condemnation of any portion of the Property has occurred, or is threatened, which would materially affect the value of the Property, either Purchaser or Seller may, at its option, terminate this Agreement by written notice to the other party within two (2) days' notice of such event. If, prior to the closing date, neither party provides said termination notice within such two-day period, the closing shall take place as provided herein with a credit against the Purchase Price in an amount equal to any insurance proceeds or condemnation awards actually collected by Seller. At closing, Seller shall assign to Purchaser Seller's full interest in any insurance proceeds or condemnation awards which may be due but unpaid to Seller on account of such occurrence.

7.2. Immaterial Casualty or Condemnation. If, prior to the closing date, the Property shall sustain damage caused by casualty which is not described in Section 7.1., or a taking or condemnation has occurred, or is imminently threatened, which is not described in Section 7.1., neither Purchaser nor Seller have the right to terminate this Agreement. Closing shall take place as provided herein with a credit against the Purchase Price equal to the cost to repair that portion of the Property so damaged by insured casualty, or an amount equal to the anticipated condemnation award, as applicable. At closing, Purchaser shall assign to Seller all rights or interest in and to any insurance proceeds or condemnation awards which may be due on account of any such occurrence.

8. Purchasers' Remedies. In the event of material breach of this Agreement by Seller, Purchaser shall have, as their sole remedies: (a) the right to pursue specific performance of this Agreement, (b) the right to terminate this Agreement and (c) all remedies presently or hereafter available at law or in equity. Purchaser hereby waives all other remedies on account of a breach hereof by Seller.

9. Miscellaneous.

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

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

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

TO SELLER:
Alan W Joseph Jr
2614 Thoroughbred Way
Richland, WA 99352
Phone: (509) 351-0067
Email: alan.w.joseph@gmail.com

TO PURCHASER:
City of Richland
Attn: Mrs. Julie West
505 Swift Boulevard, MS #26
Richland, WA 99352
Phone: (509) 942-7461
Fax: (509) 942-7468
Email: jwest@ci.richland.wa.us

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

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

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

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

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

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

9.9. Counterparts. This Purchase and Sale Agreement may be executed in several counterparts, each of which shall be an original, but all of such counterparts shall constitute one such Agreement.

9.10. Cooperation and Further Assurances. Each party shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold responses to requests for information, approvals, or consents provided for in this Agreement. The parties agree to take further action and execute further documents, both jointly or within their respective powers and authority, as may be reasonably necessary to implement the intent of this Agreement.

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

9.12. Complete Agreement. This Agreement represents and contains the entire understanding between the parties related to the acquisition of the Property. The parties acknowledge that no other oral or written collateral agreements, understandings, or representations exist outside of this document, with the exception of any documents expressly incorporated by reference in this Agreement. Any prior agreements, whether verbal or written, not specifically referred to in this Agreement are hereby terminated.

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

9.14. Scrivener. The party drafting this Agreement is the City of Richland. The City of Richland makes no representations regarding the rights or responsibilities of Seller under this Agreement. Seller is encouraged to review the completed contract with counsel before signing this Agreement.

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

ALAN W JOSEPH, JR & TRACY VERONTE - SELLER		**CITY OF RICHLAND - PURCHASER**	
_____	_____	_____	_____
By: Its:	Date	By: Cynthia D. Reents, ICMA-CM Richland City Manager	Date
_____	_____	_____	
By: Its:	Date	Marcia Hopkins Richland City Clerk	

Approved by Legal Counsel:

_____	_____
By: Its:	By: Heather Kintzley Richland City Attorney

Exhibit A
Legal Description of Subject Property

Land in Fee

A portion of the Northwest ¼ of Section 22 Township 9 North, Range 28 East W.M. the City of Richland, Benton County, Washington, described as follows:

A portion of Lot 7 Block 3 of the Plat of Badger Heights as recorded in Volume 5 of Plats on Page 11, records of said State and County, more particularly described as follows:

Beginning at the Northwest corner of said Lot 7; Thence South 00°24'47" East a distance of 281.76 feet along the Westerly line of said Lot 7 to the TRUE POINT of BEGINNING, and the beginning of a 1,773.00 foot radius non-tangent curve concave to the Northwest and having a radial bearing of North 09°42'05" West; Thence Northeasterly a distance of 117.76 feet leaving said Westerly line along the arc of said curve through a central angle of 03°48'20"; Thence North 76°29'35" East a distance of 49.55 feet; Thence North 43°57'28" East a distance of 66.74 feet; Thence North 37°17'56" East a distance of 49.72 feet to a point on the Easterly line of said Lot 7 and a point on the Westerly right-of-way of Queensgate Drive; Thence South 24°21'24" East a distance of 9.21 feet along said Easterly line and said Westerly right-of-way to the beginning of a 920.00 foot radius non-tangent curve concave to the Southwest, and having a radial bearing of South 64°13'00" West; Thence Southeasterly a distance of 174.42 feet along said curve through a central angle of 10°51'46"; to the Southeast corner of said Lot 7; Thence South 89°39'42" West a distance of 303.98 feet leaving said curve along the Southerly line of said Lot 7 to the Southwest corner of said Lot 7; Thence North 00°24'47" West a distance of 50.62 feet leaving said Southerly line along said Westerly line of said Lot 7 back to the true point of beginning.

Containing 26,602.6 square feet, more or less according to the bearings and distances listed above and as depicted on the attached Exhibit "A".

Reference document: Quit Claim Deed recorded under Auditor's File Number 2012-026466, records of said County and State.

TOGETHER WITH AND SUBJECT TO covenants, easements, and restrictions of record.

EXHIBIT "A"
17-034E

2013_SR12_I_182_CW5012
DRPJRPLS 04-11-2017 9:24 AM

POB
P/L
N 89°39'46" E 169.62'
N 09°42'05" W 1,773.00' (RB)
S 00°24'47" E 281.76'
S 24°21'24" E 175.53'
S 25°47'00" E
R/W
C/L
QUEENSGATE DRIVE

[2200 Jericho Rd.]
Lot 07 Block 3
Badger Heights
Vol. 5 Pg. 11
Alan W. Joseph Jr.
& Tracy R. Veronte
DOT AFN 2013-007036
PID # 1-2298-202-0003-007

Proposed right-of-way 26,602.6 S.F. +/-

Lot 06 Block 3
Badger Heights
Vol. 5 Pg. 11

TPOB
COLUMBIA PARK TRAIL
S 89°39'42" W 303.98'
30' Access & Utility Esmt. AFN 2002-023514
10' Utility Esmt.

Lot 11 Block 3
Badger Heights
Vol. 5 Pg. 11

L1 N 76°29'35" E 49.55'
L2 N 43°57'28" E 66.74'
L3 N 37°17'56" E 49.72'
L4 S 24°21'24" E 9.21'
L5 N 00°24'47" W 50.62'
L6 S 64°13'00" W 920.00' (RB)

C1 Δ= 03°48'20"
R= 1,773.00'
L= 117.76'

C2 Δ= 10°51'46"
R= 920.00'
L= 174.42'

Lot 2 SP# 2809
Lot 1 SP# 2809

DANIEL RAY PENWELL JR.
STATE OF WASHINGTON
38024
REGISTERED
PROFESSIONAL LAND SURVEYOR
4-11-17

Richland

	Scale: 1"=80'	Date: 04-11-17
17-034E	Drawn: DRPJR	CHECKED: BJL

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Resolutions – Adoption

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:
Resolution No. 200-17, Affirming Completion of the Periodic Review and Update of Richland's Comprehensive Plan and Development Regulations

Department:	Ordinance/Resolution Number:	Document Type:
Community & Development Services	200-17	Resolution

Recommended Motion:
Adopt Resolution No. 200-17, affirming completion of the periodic review and update of Richland's Comprehensive Plan and development regulations.

Summary:
Under the provisions of the Growth Management Act, the City is mandated to review and update its comprehensive plan and development regulations on a periodic basis. All cities within Benton County are required to complete this update in 2017. The City has now completed this task through the adoption of a new 2017 Comprehensive Plan, the adoption of Critical Areas Ordinance revisions, and the creation of an Urban Recreation zoning district.

Resolution No. 200-17 affirms that the City has completed its obligations as required under the Growth Management Act. Staff recommends approval.

Fiscal Impact: None

Attachments:
1. Resolution No. 200-17

RESOLUTION NO. 200-17

A RESOLUTION of the City of Richland affirming completion of the periodic review and update of the City's Comprehensive Plan and development regulations in compliance with the Growth Management Act requirements as set forth in RCW 36.70A.130.

WHEREAS, the City of Richland is mandated, by the Washington State Growth Management Act, to review and consider revisions to its Comprehensive Plan and development regulations on a periodic basis; and

WHEREAS, cities within Benton County are required to complete this review in 2017; and

WHEREAS, Richland City Council adopted Resolution No. 155-16 on August 16, 2016, adopting a public participation plan to be used in the update of the Comprehensive Plan; and

WHEREAS, the public participation plan included a variety of public participation strategies including visioning workshops, focus group discussions, an online survey, open houses, public hearings and updates posted to the City's website; and

WHEREAS, the City conducted a public scoping process in August 2016 to identify issues to be considered in the preparation of environmental documents required under the Growth Management and State Environmental Policy Acts; and

WHEREAS, the City reviewed its Comprehensive Plan and development regulations for consistency with Benton County's Countywide Planning Policies and other regional plans as well as conditions which have been modified since the last Plan update; and

WHEREAS, the City of Richland published a Comprehensive Plan draft and an update to its Critical Areas Ordinance that were widely circulated for review to a variety of local, state and federal agencies, tribes, and private organizations; 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 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, the Planning Commission also conducted public hearings on the proposed updates to the Critical Areas Ordinance on April 26, 2017 and August 30, 2017, and forwarded a formal recommendation to City Council for approval of the

updates to the City's Critical Areas Ordinance, codified as Chapter 22.10 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 updates; and

WHEREAS, by passage of Ordinance No. 42-17 on October 3, 2017, City Council adopted updates to the City's Comprehensive Plan; and

WHEREAS, by passage of Ordinance No. 40-17 on October 17, 2017, City Council adopted updates to its Critical Areas Ordinance; and

WHEREAS, by passage of Ordinance No. 37-17 on October 17, 2017, City Council adopted updates to its development regulations through the creation of a new Urban Recreation zoning district.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that completion of the City's periodic review and revision of its Comprehensive Plan and development regulations as mandated by RCW 36.70A.130 is hereby affirmed.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of October, 2017.

_____
ROBERT J. THOMPSON
Mayor

ATTEST:

_____
MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

_____
HEATHER KINTZLEY
City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Items for Approval

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Authorize Travel for Mayor Thompson and Mayor Pro Tem Christensen

Department:	Ordinance/Resolution Number:	Document Type:
City Manager		General Business Item

Recommended Motion:
Authorize Travel for Mayor Thompson and Mayor Pro Tem Christensen to Attend the 2017 Intergovernmental Meeting with the Department of Energy in San Antonio, Texas, November 14-17, 2017.

Summary:
Mayor Thompson and Mayor Pro Tem Christensen plan to attend the 2017 Intergovernmental Meeting with the Department of Energy (DOE), in San Antonio, Texas, November 14-17, 2017.

The meeting will provide opportunities for increased communication and coordination with DOE and among states, tribes and local communities affected by the ongoing cleanup of the nuclear weapons complex. Meeting attendees will have the opportunity to hear from and have discussions with officials from DOE;s Office of Environmental Management (EM) and other senior officials within the DOE and other relevant federal agencies.

Richland Municipal Code Sections 1.01.040 and 2.26.062 require Council approval for travel which requires either an overnight stay, the use of commercial transportation to travel outside of Washington State or when expenses exceed $500.

Fiscal Impact: Estimated expenses for Mayor Thompson and Mayor Pro Tem Christensen to attend ECA's Intergovernmental meeting are $3,774. There are enough funds in Council's travel and tuition line items to cover all expenses; however, most of these expenses will be reimbursed by ECA.

Attachments:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Items for Approval

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Appointment to the Parks and Recreation Commission: Aaron White

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:
Approve the appointment of Aaron White to Position No. 7 on the Parks and Recreation Commission.

Summary:
Autumn Clark submitted her resignation to the Parks and Recreation Commission on September 8, 2017. The unexpired term for her position (No. 7) is until March 31, 2020.

Chair Gutierrez is recommending the appointment of Aaron White to Position No. 7.

The position term is effective October 17, 2017 through March 31, 2020.

Candidate applications and resumes are on file in the City Clerk's Office.

Fiscal Impact:
None.

Attachments:
1. Recommendation for PRC Position

Barham, Debby

From: Maria Gutierrez <perublossom@yahoo.com>
Sent: Friday, October 06, 2017 11:25 AM
To: Schiessl, Joe
Cc: Barham, Debby
Subject: Re: PRC recommendation

Hello Debby, last night we conducted interviews for the PRC vacancy. As a result of the interview process, we would like to recommend Aaron White for the vacancy position.

If you have any questions, please feel free to contact me.

Maria Gutierrez

On Friday, October 6, 2017, 11:10:10 AM PDT, Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US> wrote:

Hi Maria, could you please respond to Debby Barham (copied here) with the panel's recommendation from last night? I confirmed with Sherry and we have full support.

Thanks, Joe

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Items for Approval

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Youth Appointment to the Richland Arts Commission: Rachel Bauman

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:
Approve the appointment of Rachel Bauman to Youth Position No. 7 on the Richland Arts Commission.

Summary:
The Arts Commission Youth member Sonali Matta resigned from Position No. 7 effective July 31, 2017.

Chair Kissel and Council Liaison Lemley are recommending the appointment of Rachel Bauman to fill Position No. 7 for the remainder of the unexpired term.

The position term is effective October 3, 2017 through March 31, 2018.

Candidate applications and resumes are on file in the City Clerk's Office.

Fiscal Impact:
None.

Attachments:
1. AC Youth Member Recommendation

Barham, Debby

From: Jeff Kissel <jkissel@ligo.MIT.EDU>
Sent: Friday, September 29, 2017 1:26 PM
To: Hopkins, Marcia; Barham, Debby
Cc: Roseberry, Ann; Vance, Amber
Subject: Richland Arts Commission, Youth Member Recommendation

Hi Marcia, Debby,

As chair of the Richland Arts Commission, I recommend the appointment of Rachel Bauman as our new Youth Member of the Commission. We had three strong candidates for this opening, each representing a different sector of the arts community. While the decision was not easy, I know that Ms. Bauman make an excellent addition to our team.

Thank you!

Cheers,
Jeff Kissel
Controls Engineer
LIGO Hanford Observatory
Mailing Address: P.O Box 159, Richland, WA 99352-0159
Shipping Address: 127124 N Route 10, Richland, WA 99354
Office Phone: +1 509 372 8108

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Expenditures - Approval

Key Element: Key 1 - Financial Stability & Operational Effectiveness

Subject:
Expenditures from September 25, 2017 - October 6, 2017 for $8,084,917.22 including Check Nos. 250383-250837, Wire Nos. 6579-6594, Payroll Check Nos. 125207-125751, and Payroll Wire/ACH Nos. 10111-10132

Department:
Administrative Services

Ordinance/Resolution Number:

Document Type:
Expenditures

Recommended Motion:
Approve the expenditures from September 25, 2017, to October 6, 2017 in the amount of $8,084,917.22.

Summary:
Breakdown of Expenditures:

Check Nos.	250383-250837	1,624,726.46
Wire Nos.	6579-6594	4,080,886.89
Payroll Check Nos.	125207-125751	22,315.60
Payroll Wires/ACH	10111-10132	2,356,988.27
TOTAL		$8,084,917.22

Fiscal Impact:
Yes

Total Disbursements: $8,084,917.22. Disbursements (wire transfers) include $3,565,697.00 for purchase power.

Attachments:
1. Wire Transfers
2. Voucher Listing Report

VOUCHER LISTING REPORT
SUMMARY OF WIRE TRANSFERS
SEPTEMBER 25 - OCTOBER 6, 2017

Payee	Wire Description	Amount
Claim Wires - Wire No. 6579 to 6594		
AW Rehn Insurance	Fire Health Reimbursement Account	21,000.00
Bonneville Power Administration	Purchase Power	3,565,697.00
CIGNA Health/Matrix/QBE/VSP	Insurance Claims	317,662.12
Conover	Section 125	2,343.36
Department of Licensing	Firearms Online Pmt for Concealed Licenses	645.00
LEOFF Trust	Fire Health Premiums	75,618.79
Payment Processing, Inc.	Landfill Merchant Service Fees	1,974.67
US Bank Trust	Interest Only Payment-Public Facility District	91,600.00
Zenith Administrators	Insurance Claims	4,345.95
	Total Claim Wire Transfers	$ 4,080,886.89
Payroll Wires & Direct Deposits (ACH) - Wire No. 10111 to 10132		
Payroll Wires *see description below	Total Payroll Wire Transfers & Deposits	$ 2,356,988.27
	Total Claim & Payroll Wires/ACH	**$ 6,437,875.16**

*Payroll Wires - transactions represent; employee payroll, payment of benefits, payroll taxes and other related payroll benefits.

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
FUND 001		**GENERAL FUND**			
Division: 000		UNASSIGNED			
BANK OF AMERICA		17070062113-	250412	ADD'L BANK ANALYSIS FEES	$113.50
		17080061753		BANK ANALYSIS FEES	$3,280.11
BENTON COUNTY TREASURER		0917BC	250757	CRIME VICTIMS COMP BCDC-SEP 17	$800.47
CITY OF RICHLAND		092217	250427	CASHIER SHORTAGE-ZEPEDA	$0.10
		092517		CASHIER SHORTAGE-PLATA	$108.18
LIBRARY REFUND		082517	250477	REFUND NON-RESIDENT FEE	$40.00
PARKER, RACHELL		17-331 PARKER	250805	17-331 NHRMA CONFERENCE	$867.49
PAULSEN, LACEY		17-332 PAULSEN	250807	17-332 NHRMA CONFERENCE	$582.87
PERMIT REFUND		2017-002277	250820	REFUND PERMIT BC-17-01376	$3,666.53
RECWARE REFUND		090517	250518	REFUND: DAMAGE DEPOSIT	$500.00
		090717	250415	REFUND: CLASS CANCELLED	$15.00
			250473	REFUND: CLASS CANCELLED	$15.00
			250517	REFUND: CLASS CANCELLED	$15.00
		091117	250439	REFUND: DAMAGE DEPOSIT	$200.00
				REFUND: DAMAGE DEPOSIT	$150.00
			250537	REFUND: DAMAGE DEPOSIT	$150.00
				REFUND: DAMAGE DEPOSIT	$200.00
		091417	250483	REFUND: SENIOR BUTTON	$7.00
		091517	250423	REFUND: CHARGED IN ERROR	$25.00
		091817	250535	REFUND: DAMAGE DEPOSIT	$425.00
				REFUND: FLAG FOOTBALL	$64.00
			250541	REFUND: FLAG FOOTBALL	$64.00
				REFUND: DAMAGE DEPOSIT	$425.00
		091917	250505	REFUND: DAMAGE DEPOSIT	$425.00
		092517	250806	REFUND: DAMAGE DEPOSIT	$150.00
		100217	250780	REFUND: DAMAGE DEPOSIT	$150.00
				REFUND: DAMAGE DEPOSIT	$200.00
			250784	REFUND: DAMAGE DEPOSIT	$200.00
				REFUND: DAMAGE DEPOSIT	$150.00
			250812	REFUND: DAMAGE DEPOSIT	$200.00
				REFUND: DAMAGE DEPOSIT	$150.00
WASHINGTON STATE TREASURER		0917WS	250835	FINES & FORFEITURES BC-SEPT 17	$1,503.90
				FINES & FORFEITURES BC-SEPT 17	$40,830.99
				UNASSIGNED TOTAL****	**$55,674.14**
Division: 001		CITY COUNCIL			
PARADISE BOTTLED WATER CO		08/17-CITYATTORNE	250804	BOTTLED WATER-AUGUST	$33.15
		09/17-CITYATTORNE		BOTTLED WATER-AUGUST	$14.37
THOMPSON, ROBERT		17-387 THOMPSON	250613	17-387 ECA CLEANUP WORKSHOP	$1,901.08

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
				CITY COUNCIL TOTAL****	**$1,948.60**
Division: 100 CITY MANAGER					
FEDERAL EXPRESS CORP		5-915-94771	250445	SHIPPING CHARGES	$29.78
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$38.93
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$65.80
				CITY MANAGER TOTAL****	**$134.51**
Division: 101 CITY CLERK					
BENTON COUNTY AUDITOR		2017 PRIMARY	250756	AUG 2017 PRIMARY ELECTION COST	$37,828.32
PARADISE BOTTLED WATER CO		08/17-CITYATTORNE	250804	BOTTLED WATER-AUGUST	$9.94
		09/17-CITYATTORNE		BOTTLED WATER-AUGUST	$4.31
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$42.42
				CITY CLERK TOTAL****	**$37,884.99**
Division: 102 CITY ATTORNEY					
BELL BROWN & RIO PLLC		902	250754	PROSECUTION SRVCS-OCTOBER	$22,143.88
BENTON COUNTY DISTRICT COURT		C04486798	250567	DDD APPEAL - FILING FEE-HOLMAN	$83.00
PARADISE BOTTLED WATER CO		08/17-CITYATTORNE	250804	BOTTLED WATER-AUGUST	$6.63
		09/17-CITYATTORNE		BOTTLED WATER-AUGUST	$2.87
PRONTO PROCESS SERVICE INC		PT O-2017007354	250810	MESSENGER SERVICE-SEPTEMBER	$40.00
SENNER, ERIC		17-399 SENNER	250823	17-399 WCIA RISK MANAGER'S	$18.00
THOMSON REUTERS-WEST		836734064	250524	INFORMATION CHARGES-AUG 2017	$2,171.88
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$38.68
	P058382			VERIZON SERVICES FOR AUGUST 20	$38.68
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$67.59
				CITY ATTORNEY TOTAL****	**$24,611.21**
Division: 110 ASSISTANT CITY MANAGER					
PARADISE BOTTLED WATER CO		08/17-CITYATTORNE	250804	BOTTLED WATER-AUGUST	$9.94
		09/17-CITYATTORNE		BOTTLED WATER-AUGUST	$4.31
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$38.68
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$43.85
				ASSISTANT CITY MANAGER TOTAL****	**$96.78**
Division: 111 COMMUNICATIONS & MARKETING					
VERIZON WIRELESS	P058382	9791815188	250730	VERIZONE SERVICES FOR AUGUST 2	$76.17
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$0.27
				PHONE CHARGES 8/23-9/22/17	$16.45
				PHONE CHARGES 8/23-9/22/17	$16.58
				COMMUNICATIONS & MARKETING TOTAL****	**$109.47**
Division: 112 CABLE COMMUNICATIONS					
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$17.80
				CABLE COMMUNICATIONS TOTAL****	**$17.80**

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 113 HANFORD COMMUNITIES					
LARSEN, PAM BROWN		17-427 LARSEN	250596	17-427 ECA CLEANUP WORKSHOP	$367.31
LUNDGREN, REGINA E		RCH-HCN-527A	250791	FALL NEWSLETTER	$1,700.00
		RCH-SB-527B		SPEAKERS BUREAU - SEPTEMBER	$320.00
PARADISE BOTTLED WATER CO		08/17-CITYATTORNE	250804	BOTTLED WATER-AUGUST	$6.63
		09/17-CITYATTORNE		BOTTLED WATER-AUGUST	$2.87
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$10.98
				HANFORD COMMUNITIES TOTAL****	**$2,407.79**
Division: 120 FIRE					
CASCADE FIRE EQUIPMENT CORP DBA		121098	250635	SCRENCH HOLDER/MIT GRIP HANDLE	$383.30
D&D TELECOMMUNICATION PROPERTIES LLC		395	250648	PERRY MONUMENT RD RENT-OCT	$760.07
EMERGENCY REPORTING		2017_5644	250652	ERS SUBSCRIPTION-OCTOBER	$208.92
EMERICK, MIKE		090617	250584	REIMB FUEL FOR SAWMILL FIRE	$46.86
FRONTIER		09/17 2061880334	250664	VHF PHONE LINE 09/19-10/18/17	$422.86
		09/17 2530045365		SILVER CLOUD PHONE LINE	$66.64
LN CURTIS & SONS	P058310	INV127540	250686	#D1040ID TFT, 1 NPSH TWISTER,	$121.63
	P058310			SHIPPING	$13.48
MALLORY SAFETY & SUPPLY LLC		4295936	250688	FOAM CONCENTRATE	$738.48
NW AIR & SAFETY		2106	250698	ST 71/72/73 COMPRESSOR SVC	$953.67
RICHLAND ACE HARDWARE		214141	250709	5GAL BUCKETS FOR MASK CLEANING	$10.84
STEEBER'S LOCK SERVICE		479489	250717	2 STAMPED DUP KEYS	$9.45
UNITED PARCEL SERVICE	S017601	000986641397	250728	GROUND PKG W/INSURANCE TO	$63.27
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$902.03
	P058382			Verizon invoice for August	$512.67
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$241.00
				FIRE TOTAL****	**$5,455.17**
Division: 130 POLICE					
AMERICAN MESSAGING SERVICES LLC		W4100724RG	250403	PAGER RENTAL JULY 2017	$49.47
		W4100724RH		PAGER RENTAL AUGUST 2017	$143.29
		W4-100724RI		PAGER RENTAL SEPTEMBER 2017	$3.16
BENTON COUNTY SHERIFF'S OFFICE		08/17-CUSTODY	250630	CUSTODY COSTS-AUGUST 2017	$11,154.45
CASCADE NATURAL GAS CORP		09/17-75997100005	250420	NAT GAS 871 GW WAY 08/18-09/18	$10.85
CHARTER COMMUNICATIONS		10/17-0309703POL	250573	RPD INTERNET SRVCS 9/29-10/28	$80.12
CITY OF PASCO		2017-00000026	250575	COP-ANIMAL CONTROL SERV-SEP	$20,806.38
COLUMBIA FITNESS		M125	250430	DIAGNOSTIC SERVICE	$81.45
DOMESTIC VIOLENCE SERVICES		23959	250581	DOMESTIC VIOLENCE SRVCS-AUG 17	$888.50
FRONTIER	S017594	09/17 2530035792	250447	FRONTIER COMMUNICATIONS MONTHL	$636.63
GALLS, LLC	P058278	BC0463235	250449	JS370 LGR XXL POL HI-VIS CLASS	$91.19
	P058278			SHIPPING	$16.33
	P058278			FE514 BLU SPRING LOADED WINDOW	$86.83

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GALLS, LLC	P058278	BC0471389	250449	SHIPPING	$5.18
	P058278			RS352 HOBBLE/48/FLAT WEBBING B	$93.88
	P057855	BC0472372	250781	COLLAR CO6ABDOS0J	$110.25
	P057855			BICEP ADAPTERS UB3N00AC0J	$21.70
	P057855			SHIPPING	$38.36
	P057855			ARMOR VENT RET	$81.41
	P057855			THROAT TP9ABDOS0J	$103.80
	P057855			ARMOR VET RETRO AV-RETRO-KIT	$81.41
	P057855			GT BUCKLES METAL	$116.20
	P057855			GT BUCKLES METAL	$116.20
	P057855			GROIN GPRABDOS0J	$176.52
	P057855			BICEPS BUIBADOS0J	$413.77
	P057855			SOHPC WITH LASER CUT NO BALLIS	$428.10
	P057855			APC GEN II WITH LASER CUT RANG	$1,341.60
	P057855			APC GEN II WITH LASER CUT RANG	$1,341.60
HARRINGTON'S TROPHIES		77286	250458	LETTRICK 30YR PLAQUE	$81.45
KENNEWICK INDUSTRIAL & ELECTRICAL SUPPLY		297927	250680	PD ICE MACHINE INSTALL	$39.94
LARSEN GUNSMITHING & FIREARMS	P058332	9266	250684	SUREFIRE BATTERIES (400 PK)	$803.64
MOON SECURITY SERVICES INC		892391	250695	RPD RANGE MONITORING	$59.90
ON SCENE MEDICAL SERVICES, P.C.		00238	250492	PRE EMP-PHYSICALS/CDL/VAC	$660.00
RICHLAND ACE HARDWARE		58303	250709	PD ICE MACHINE INSTALL	$22.98
RIVER CITY TOWING INC		15745	250510	TOW CHARGE	$48.87
STEEBER'S LOCK SERVICE		479457	250519	3 DUP KEYS	$12.43
		479459		4 DUP KEYS	$11.95
		595499	250610	SVC CALL 2-1 HANDLE ENTRY	$553.86
STONEWAY ELECTRIC SUPPLY		S1021568333.001	250611	TV OUTLET TRAINING ROOM	$11.51
TRITECH FORENSICS INC		150624	250727	SEXUAL ASSAULT KITS	$654.24
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$5,818.98
WASHINGTON CITIES INSURANCE AUTHORITY		RI-1744	250546	NO SHOW CHARGE-GRANT	$50.00
WASHINGTON STATE PATROL		00064843	250618	ACCESS USER FEE 7/1-09/30/17	$600.00
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$395.58
				PHONE CHARGES 8/23-9/22/17	$8.85
				POLICE TOTAL****	**$48,352.81**
Division: 210 ADMINISTRATIVE SERVICES					
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$38.68
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$26.08
				ADMINISTRATIVE SERVICES TOTAL****	**$64.76**
Division: 211 FINANCE					
FEDERAL EXPRESS CORP		5-931-29781	250445	SHIPPING-PITNEY BOWES RESERVE	$8.24
GOVERNMENT FINANCE OFFICERS ASN		0102683 2017	250453	10/1/17-9/30/18 DUES-KISON	$150.00

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
JETPAY PAYMENT SERVICES, FL, LLC		2018229	250674	MERCHANT SRVC CHRGS AUG 17	$35,758.95
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$39.19
	P058382			VERIZON SERVICES FOR AUGUST 20	$58.52
XEROX CORPORATION		090599779	250738	LX5-692029 BASE/PRINTS-AUGUST	$164.84
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$0.22
				PHONE CHARGES 8/23-9/22/17	$173.27
				PHONE CHARGES 8/23-9/22/17	$98.31
				FINANCE TOTAL****	**$36,451.54**
Division: 212 PURCHASING					
GRAINGER	S017590	9556576099	250454	WEB SLING ITEM #38V041	$79.52
ORKIN EXTERMINATING INC	S017270	160875227	250801	PEST CONTROL SERVICES FOR BLDG	$29.86
	S017270			PEST CONTROL SERVICES FOR BLDG	$29.87
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$19.33
	P058382			VERIZON SERVICES FOR AUGUST 20	$33.01
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$57.62
				PHONE CHARGES 8/23-9/22/17	$75.75
				PURCHASING TOTAL****	**$324.96**
Division: 213 INFORMATION TECHNOLOGY					
COLUMBIA BASIN INFORMATION TECHNOLOGY	S017599	INV-000129	250643	MONTHLY SERVICE FEE BROADBAND	$412.90
	S017599			BROADBAND INSTALLATION AND	$500.00
DELL COMPUTER CORPORATION	P058370	10193614982	250771	DELL 22 MONITOR, #P2217H	$189.82
	P058370			USB SOUNDBAR, #AC511	$284.97
	P058365	10193661456		DELL 22 MONITOR, #P2217H	$2,657.51
	P058368	10193661464		TOWER, DELL OPTIPLEX 7050 MFF	$4,440.33
MODERN OFFICE EQUIPMENT INC	P058383	124989	250693	HP Technician Inspected and	$870.70
TELEMATE NET SOFTWARE	P058166	75096	250827	TeleMate Professional Services	$1,600.00
TRI CITIES BATTERY & AUTO REPAIR	P058363	120496	250531	Replacement Battery for Fire	$100.04
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$374.03
	P058382			Verizon M2M Share August Invoi	$15.02
XIOLOGIX LLC	P058333	5472	250551	EMC POWERPATH RENEWAL CONTRACT	$297.24
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$57.63
				PHONE CHARGES 8/23-9/22/17	$326.97
				INFORMATION TECHNOLOGY TOTAL****	**$12,127.16**
Division: 220 HUMAN RESOURCES					
CITY OF RICHLAND		17-331 PARKER	250763	17-331 2017 NHRMA CONFERENC	$867.49
		17-332 PAULSEN		17-332 2017 NHRMA CONFERENC	$582.87
EMPLOYMENT SCREENING SERVICES, INC		38448541194	250653	BACKGROUND/REFERENCE CHECKS	$82.00
JUBB, ALLISON		17-445 JUBB	250593	17-445 2017 ANNUAL CIVIL SV	$124.60
ON SCENE MEDICAL SERVICES, P.C.		00238	250492	PRE EMP-PHYSICALS/CDL/VAC	$680.00
PARKER, RACHELL		17-331 PARKER	250805	17-331 2017 NHRMA CONFERENC	$56.01

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
PAULSEN, LACEY		17-332 PAULSEN	250807	17-332 2017 NHRMA CONFERENC	$56.01
		17-444 PAULSEN	250603	17-444 2017 ANNUAL CIVIL SV	$109.60
RETTIG, JESSICA		17-446 RETTIG	250606	17-446 2017 ANNUAL CIVIL SV	$51.00
THE WESLEY GROUP	P057966	19729	250722	LABOR NEGOTATION SVCS-WESLEY G	$4,000.00
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$33.50
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$92.15
				HUMAN RESOURCES TOTAL****	**$6,735.23**
Division: 300 COMMUNITY &DEVELOPMENT SERVICE					
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$178.12
WASHINGTON CITIES INSURANCE AUTHORITY		RI-1743	250546	WCIA TRAINING	$50.00
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$26.33
				PHONE CHARGES 8/23-9/22/17	$26.02
				PHONE CHARGES 8/23-9/22/17	$35.57
				PHONE CHARGES 8/23-9/22/17	$146.41
				PHONE CHARGES 8/23-9/22/17	$8.22
				PHONE CHARGES 8/23-9/22/17	$26.39
				COMMUNITY &DEVELOPMENT SERVICE TOTAL****	**$497.06**
Division: 301 DEVELOPMENT SERVICES					
BENTON CLEAN AIR AUTHORITY		2017-COR-Q4	250566	4TH QTR 2017 ASSESSMENT PYMT	$14,823.04
MID COLUMBIA ENGINEERING INC	P058331	ST009532	250487	ANISA GARCIA, CLERICAL ASSISTA	$372.60
	P058331	ST009543	250795	ANISA GARCIA, CLERICAL ASSISTA	$372.60
ONEZA & ASSOCIATES		#11	250601	COMP PLAN UPDATE	$16,179.82
SOMERS, CYNTHIA		17-443 SOMERS	250824	17-443 WA ASSOC OF PERMIT T	$281.99
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$508.54
				DEVELOPMENT SERVICES TOTAL****	**$32,538.59**
Division: 302 REDEVELOPMENT					
ROGER BROOKS INTERNATIONAL, INC		13900	250609	WATERFRONT CONSULTING SVCS	$1,050.00
		13908		WATERFRONT CONSULTING SVCS	$475.00
				REDEVELOPMENT TOTAL****	**$1,525.00**
Division: 303 LIBRARY					
BEKINS NORTHWEST - RICHLAND		BPAS-390-17	250414	MOVING FURNITURE	$456.00
FRONTIER	S017595	08/17 5099433152	250447	FRONTIER COMMUNICATIONS MONTHL	$376.13
HERC RENTALS INC		29549344-001	250460	SCISSOR LIFT RENTAL	$135.75
IDENTISYS INC		P112249	250466	MAINTENANCE CONTRACT PROPOSAL	$258.49
INKSLINGER BOOKS		135wh	250671	BOOK PURCHASE- TAX INCLUDED	$14.50
OCLC INC		0000554833	250800	CATALOGING SRVCS - AUGUST	$2,494.28
PACIFIC OFFICE AUTOMATION		855741	250495	RICOH PRINTER	$69.11
		957026	250803	RICOH PRINTER	$159.67
PERFECTION GLASS		9993658814	250703	POWER ASSIST DOOR-LIBRARY	$1,842.94

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND ACE HARDWARE		57789	250506	LIBRARY PEOPLE COUNTER SLEEVE	$13.01
		58466	250709	LIBRARY INDUSTRIAL ICE MACHINE	$31.92
STONEWAY ELECTRIC SUPPLY		S102101477.001	250520	LIBRARY PEOPLE COUNTER	$21.92
		S102101477.002		LIBRARY PEOPLE COUNTER	$95.74
THERMAL SUPPLY INC		6416048	250723	LIBRARY INDUSTRIAL ICE MACHINE	$2,094.35
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$74.60
WT COX SUBSCRIPTIONS		2053879	250549	2017 MAGAZINE SUBSCRIPTIONS	$7,946.69
XEROX CORPORATION		090249121	250550	LX5-692939 BASE/PRINTS-JULY	$172.54
		090249122		LX5-692946 BASE/PRINTS-JULY	$294.55
		090490915		LX5-692917 BASE/PRINT- AUGUST	$418.68
		090490916		LX5-692943 BASE/PRINTS-AUGUST	$147.69
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$199.52
				LIBRARY TOTAL****	**$17,318.08**
Division: 330 PARKS & RECREATION ADMIN					
COLUMBIA INDUSTRIES SUPPORT LLC		0054184	250578	ON SITE SHREDDING WO #0087176	$81.89
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$1,363.78
				PARKS & RECREATION ADMIN TOTAL****	**$1,445.67**
Division: 331 PARKS & REC - RECREATION					
CAMARENA LATIN RHYTHMS		SEPTEMBER 2017	250632	SALSA INSTRUCTOR-SEPTEMBER	$608.44
ELIZABETH E TROST		AUGUST 2017	250441	AUGUST CLASS-6170	$348.08
GLOWING SUN		JAN-AUG 2017	250452	SHOTOKAN KARATE CLASSES	$1,394.77
HEALTHY FEET LLC		SEPTEMBER 2017	250668	FOOT CARE CLASSES-SEPTEMBER	$883.20
INGSTAD RADIO WASHINGTON LLC		10710	250785	LIVE@5 ADS- ADDITIONAL WEEKS	$3,430.00
MASON, PATTI L		SEPTEMBER 2017	250793	FITNESS CLASSES-SEPTEMBER	$406.35
MILLER, JO ANN			250796	DANCE INSTRUCTOR-SEPTEMBER	$651.09
RICHLAND ACE HARDWARE		58507	250607	PUSH BROOM	$16.28
TREASURE VALLEY COFFEE CO		109898	250530	RCC COFFEE DELIVERY	$240.00
XEROX CORPORATION		090490892	250550	MX4-322135 BASE/PRINTS- AUGUST	$231.35
				MX4-322135 BASE/PRINTS- AUGUST	$50.01
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$8.22
				PHONE CHARGES 8/23-9/22/17	$49.35
				PHONE CHARGES 8/23-9/22/17	$126.58
				PARKS & REC - RECREATION TOTAL****	**$8,443.72**
Division: 335 PARKS & REC - PARKS&FACILITIES					
ABM JANITORIAL NORTHWEST		11422366	250621	JANITORIAL SRVCS-SEPTEMBER	$2,667.25
				JANITORIAL SRVCS-SEPTEMBER	$527.01
				JANITORIAL SRVCS-SEPTEMBER	$3,128.45
				JANITORIAL SRVCS-SEPTEMBER	$2,342.86
				JANITORIAL SRVCS-SEPTEMBER	$903.54
				JANITORIAL SRVCS-SEPTEMBER	$978.44

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
ABM JANITORIAL NORTHWEST		11437556	250621	POOL FLOOR CLEANING	$1,453.40
APOLLO SHEET METAL INC		940009076	250622	REPLACEMENT OF CONTROL BOARD	$410.51
AQUATIC SPECIALTY SERVICES INC		13940	250624	SOLENOID PULSAR LINE	$217.20
BEAVER BARK & ROCK		833067	250628	WADER POOL DRAIN PROJECT	$65.15
		833068		WADER POOL DRAIN PROJECT	$149.37
		833912		COLUMBIA PLAYFIELDS	$179.17
		837487		SOIL	$43.42
BEDROCK SPECIALTY STONE PRODUCTS		47763	250629	BROWN BASALT BALLAST	$380.10
BENTON COUNTY SHERIFF'S OFFICE		08/17-WORKCREW II	250630	WORKCREW II-AUG 2017	$6,791.21
CASCADE NATURAL GAS CORP		09/17 61897100006	250636	NAT GAS 955 NRTHGT 08/18-09/18	$39.20
		09/17 73638100005		NAT GAS 500 AMON 08/18-9/18	$62.82
		09/17-51897100007		NAT GAS 1005 SWIFT 08/18-09/18	$10.85
		09/17-75226321539		NAT GAS 2710 DUPRT 8/17-9/14	$42.94
		09/17-80577100003		NAT GAS 200 BLDG 08/17-09/14	$10.85
		09/17-90577100002		NAT GAS 300 BLDG 08/17-9/14	$15.59
		09/17-96738100005		NAT GAS 505 SWIFT 08/18-9/18	$10.85
CENTRAL HOSE & FITTINGS INC		468833	250637	SHOPS 100 PLUMBING	$120.06
CENTRAL PRE-MIX CONCRETE PRODUCTS COMPANY		110192688	250638	BADGER MTN SEWER PAVER	$20.20
CITY OF RICHLAND		08/2017-24	250639	#24 LANDFILL FEES	$3,706.46
COFFEY REFRIGERATION		76791	250641	RANGE AT RCC KITCHEN	$184.62
COLUMBIA RIGGING CORP		31162	250644	WIRE ROPE SLINGS	$133.58
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC		3627-581467	250647	PARKWAY LIGHTS	$173.98
		3627-581493		PARKWAY LIGHTS	$69.53
		3627-581500		PARKWAY LIGHTS	$69.53
		3627-581550		PARKWAY LIGHTS	$139.05
DEPARTMENT OF LABOR & INDUSTRIES		215486	250649	RENEWAL FOR OPERATING CERT	$32.00
EWING IRRIGATION PRODUCTS INC		3848258	250656	WESTWOOD IRRIGATION	$92.73
		3905674		COLUMBIA PLAYFIELDS IRRIGATION	$1,142.70
		3905675		COLUMBIA PLAYFIELDS IRRIGATION	$249.31
		4017912		HOWARD AMON	$328.16
		4017913		HANES DIKE	$413.99
		4046778		HOWARD AMON-NEW PATH	$164.08
FARMERS EXCHANGE		53779	250658	WEEDEATER STRING AMON	$136.84
FASTENAL COMPANY		WARIC69190	250660	JEFFERSON HANG BANNERS	$53.91
FERGUSON ENTERPRISES INC		5535718	250661	PLUMBING RCC	$102.93
		5550711		METERING PILLAR	$109.02
		5553936		HANDLES AND VAC BREAKERS	$27.15
		5568741		LEFT HAND STEM KIT	$160.72
		PY4868106		CREDIT FOR DOUBLE PAYMENT	($312.00)
G-A-P SUPPLY CORP DBA		20354725-00	250665	SHOP0S 100 HVAC	$573.08

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
G-A-P SUPPLY CORP DBA		20355720-00	250665	HVAC VAN-PINCH TOOL	$52.35
GRAINGER	S017604	9567107744	250783	SUPER GLUE ITEM #4GZK5	$4.29
GROUND SOURCE SUPPLY INC		1266	250666	MAIN CONTROL BOARD	$404.31
HERC RENTALS INC		29497660-001	250669	LAWLESS	$59.73
		29517772-001		COLUMBIA PLAYFIELDS	$95.57
KAMAN INDUSTRIAL TECHNOLOGIES		O497660	250470	RETURN BALL BEARING	($52.24)
KELLER SUPPLY COMPANY		S011133942.001	250678	STEVENS PARK VANDALISM	$356.31
		S011147165.001		STEVENS PARK VANDALISM	$4.83
LESCO ELECTRICAL CONTRACTORS		15-55	250685	BUILDING 100 OPERATION OF GATE	$1,751.72
MCDONALD'S & ASSOCIATES INC		090617	250689	TOPSOIL	$157.47
MIGHTY JOHNS PORTABLE TOILET & SEPTIC		40007	250690	POL RENTAL-GOETHALS PARK	$91.00
		40008		POL RENTAL-GOETHALS PARK	$91.00
		40009		POL RENTAL-CP MARINA	$764.00
MOON SECURITY SERVICES INC		892085	250695	BASIC FIRE MONITOR LIBRARY	$36.00
		893315		BASIC FIRE MONITORING CREST	$59.00
		894681		BASIC FIRE MONITORING	$36.00
				BASIC FIRE MONITORING	$33.00
ON SCENE MEDICAL SERVICES, P.C.		00238	250492	PRE EMP-PHYSICALS/CDL/VAC	$85.00
OVERHEAD DOOR COMPANY OF TRI CITIES		17894	250699	RESET SPROCKET AND LIMITS	$203.63
		17954		ADD SPACER TO SHAFT FS73	$271.77
OXARC INC		30101453	250701	CO2	$156.38
		30103021		FIRE EXT SERVICE ANNL MNT	$216.66
		30142097		CO2	$156.38
		30147189		CO2	$152.20
		30151044		CO2	$137.38
		60025677		CYLINDER RENTAL-JULY	$105.79
		60031987		CYLINDER RENTAL-AUGUST	$143.81
		60031990		CYLINDER RENTAL-AUGUST	$105.79
PACIFIC BACKFLOW SERVICES LLC		1709220701	250702	BACKFLOW TESTING	$600.00
PLATT ELECTRIC SUPPLY		N908013	250705	KITCHEN COVER-RCC	$588.46
		N928313		LGD LED	$537.31
PORT OF BENTON		0042553-IN	250707	RENT-LAND ONLY 1100 AREA	$150.00
RICHLAND ACE HARDWARE		214171	250709	CONCRETE MIX KEENE TRAIL	$26.02
		57493		MOW CREW SUPPLIES	$39.09
		57863		COLUMBIA PLAYFIELDS	$78.11
		58055		LAWLESS	$10.41
		58182		COLUMBIA PLAYFIELDS	$8.24
		58230		RESTROOM MAINTENANCE AMON	$9.33
		58298		TIE DOWN RATCHET	$39.09
		58307		PHONE CORD FOR TRUCK 2359	$24.97
		58340		GRAFFITI SHELTERBELT	$27.10

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND ACE HARDWARE		58349	250709	GRAFFITI-LESLIE GROVES	$52.06
		58395		HOWARD AMON GRAFFITI COAL BOX	$30.36
		58407		HOWARD AMON TENNIS NETS	$6.51
		58409		HOWARD AMON TENNIS NETS	$19.31
		58410		SHELTERBELT GRAFFITI	$54.19
		58424		HOWARD AMON LITTER	$27.13
		58426		RCC PAINT RENO	$25.68
		58447		GRAFFITI-JEFFERSON/LESLIE GROV	$32.53
		58488		COLUMBIA PLAYFIELDS MAINT	$74.84
		58508		COLUMBIA PLAYFIELDS MAINT	$29.22
		58519		RCC PAINT RENO	$16.92
		58520		PAINT WALLS AMON & LESLIE	$45.96
		58529		LESLIE GROVES-GRAFFITI	$51.37
		58534		PAINT	($13.01)
		58549		LIBRARY ROOF REPAIRS	$43.42
RICHLAND NAPA		389166	250712	BALL BEARING	$75.87
		389294		BALL BEARING	($75.87)
		393001		POWERATED BELT	$35.15
STONEWAY ELECTRIC SUPPLY		S102138083.001	250718	BALLFIELD LIGHTS	$28.66
		S102143457.001		LIGHTS AT SIGN SHOP	$65.95
		S102153146.001		MCMURRAY PARK LIGHTS	$76.34
THE DRAIN SURGEON		37513	250721	69 LEE BLVD-CLEARED STOPPAGE	$157.47
		37534		LESLIE PARK RESTROOM	$157.47
		37592		703 BLDG-SNAKE BAR SINK	$157.47
THE KENERSON GROUP	P058364	946	250522	Tree Works Maintenance Invoice	$800.00
THERMAL SUPPLY INC		6412305	250723	HVAC	$375.81
		6413529		ICE MACHINE LIBRARY	$14.19
		6413533		ICE MACHINE LIBRARY	$14.83
		6413537		FAN CYCLE PRESSURE SWITCH	$64.50
		6413682		ICE MACHINE LIBRARY	$182.45
WA STATE DEPT OF AGRICULTURE		74983/2017	250731	2017 PESTICIDE LIC/TILLEY	$66.00
WESMAR COMPANY INC		243126	250732	MISC HVAC EQUIP	$226.90
WILBUR ELLIS COMPANY	S017600	11300226	250735	DRIVE XLR8 2EA 1/2GAL JUGS	$108.60
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$127.96
				PARKS & REC - PARKS&FACILITIES TOTAL****	**$39,295.31**
Division: 900 NON-DEPARTMENTAL					
KCMB LLC		2780015499	250472	KCMB-104.7FM TOURISM-AUGUST	$299.00
KWRL LLC		1780015500	250476	KWRL-99.9FM TOURISM-AUGUST	$299.00
UPTOWN BUSINESS IMPROVEMENT DISTRICT		BLRF2017-008 (1)	250540	BLRF REIMB- CHALK ART	$5,000.00
		BLRF2017-009 (2)		BLRF REIMB-MURAL INV 00034	$3,870.93
		BLRF2017-009 (3)		BLRF REIMB-MURAL INV 00035	$4,268.00

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
				NON-DEPARTMENTAL TOTAL****	**$13,736.93**
				GENERAL FUND Total ***	**$347,197.28**
FUND 101		**CITY STREETS**			
Division: 401	STREETS MAINTENANCE				
3M	S017592	SS84440	250749	ELECTROCUT TRANSPARENT FILM, G	$371.41
ADRIAN, MIKE		092617	250750	REIMB CDL RENEWAL	$102.00
ADVANCED SIGNAL & CONTRACTING LLC	P057465	2588	250399	C/O #4 - MASTER LOCKS FOR BUNG	$144.44
	P057465			2017 RAILROAD XING INSPECTIONS	$320.00
BC SALES CO INC		B449769	250627	BOOTS- PEREZ	$119.41
BEAVER BARK & ROCK		839533	250413	CONCRETE	$119.44
		839995	250628	CONCRETE	$155.28
		840124		CONCRETE	$138.99
HERC RENTALS INC		29556835-001	250460	LIQUID PROPANE	$18.64
		29565045-001	250669	LIQUID PROPANE	$59.80
		29572283-001		LIQUID PROPANE	$26.87
		29572771-001		LIQUID PROPANE	$26.00
IRRIGATION SPECIALISTS INC		1226543-01	250673	SPRINKLER PARTS	$2.72
MILNE NAIL, POWER TOOL & REPAIR		154322	250488	CHALK/STRING HOLDER	$48.79
RICHLAND ACE HARDWARE		214121	250506	PVC TEE	$1.94
		214122		PVC BUSHING	$1.51
		214159		MICE BAIT-DUP/KEENE SIGNAL	$8.24
		214190	250709	BATTERY	$8.68
		58384	250506	SAWSALL BLADES	$14.11
		58489		TAPE MEASURE/CRAYON	$30.77
		58523	250709	SPRINKLER/NIPPLE	$13.19
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$340.13
WASHINGTON ASPHALT PAVEMENT ASSN		21440	250545	ASPHALT CONF-LEE, ADRIAN	$380.00
WESTERN CONCRETE ACCESSORIES		26369	250547	GLOVES/CURE/SEAL	$32.91
		26400		GLOVES/DETECTABLE WARNING	$21.94
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$32.90
				STREETS MAINTENANCE TOTAL****	**$2,540.11**
				CITY STREETS Total ***	**$2,540.11**
FUND 111		**PARK RESERVE FUND**			
Division: 304	PARK RESERVE				
APPRAISAL GROUP SEWA		2017-192	250623	APPRAISAL REPORT-JADWIN	$2,500.00
				PARK RESERVE TOTAL****	**$2,500.00**
				PARK RESERVE FUND Total ***	**$2,500.00**

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
FUND 112		**INDUSTRIAL DEVELOPMENT FUND**			
Division: 305		ECONOMIC DEVELOPMENT			
BEN FRANKLIN TRANSIT		2043056	250565	VAN RENTAL-EDC TOUR	$25.52
FLETCHER & SIPPEL LLC		37881	250446	HORN RAPID SPUR-LEGAL SERVICES	$116.00
KIM FETROW PHOTOGRAPHY		1542	250595	AERIAL PHOTOS	$1,086.00
RATKAI, N. ZACH		17-377 RATKAI	250604	17-377 ELGL POP UP	$46.00
RGW ENTERPRISES PC	P057815	08/17-ENG/DRFT HR	250708	2017 ENGINEERING AND DRAFTING	$7,980.00
TRI CITIES RESEARCH DISTRICT		TCRD2018	250532	2018 MEMBERSHIP DUES	$500.00
				ECONOMIC DEVELOPMENT TOTAL****	**$9,753.52**
Division: 306		ECONOMIC DEVELOPMENT PROJECTS			
IMT INC		8932	250467	SCHAEFFER STREET TEST M17225	$1,738.00
PERMIT SURVEYING INC		17048-2.INV	250499	LOGSTON RD BINDING SITE PLAN	$3,455.00
		17048-3	250809	LOGSTON RD BINDING SITE PLAN	$247.50
		17100-1.INV	250499	HR BINDING SITE PLAN	$5,857.50
				ECONOMIC DEVELOPMENT PROJECTS TOTAL****	**$11,298.00**
				INDUSTRIAL DEVELOPMENT FUND Total ***	**$21,051.52**
FUND 117		**CRIMINAL JUSTICE SALES TAX**			
Division: 131		CJST POLICE ACTIVITY			
101 CLEANERS		08/17-9427360	250397	UNIFORM LAUNDRY SRVCS-AUGUST	$189.02
CITY OF RICHLAND		17-410 CROSKREY	250763	17-410 ACCREDIDATION	$227.43
LARSEN GUNSMITHING & FIREARMS	P058093	9271	250684	SCOI D37R DEUCE, RIFLED BORE	$1,405.28
	P058093			HAX MAT FREIGHT PER SAGE	$101.00
	P058093			SCOI KO1/S STANDARD ENERGY	$78.84
	P058093			PGTSB SINGLE POINT SLING FOR D	$66.25
PUBLIC AGENCY TRAINING COUNCIL		221564	250503	USE OF FORCE REG-LEE/TAYLOR/FL	$1,650.00
RIVER CITY TOWING INC		15746	250510	TOW CHARGE	$48.87
		15749		TOW CHARGE	$48.87
		15761		TOW CHARGE	$48.87
		15774	250608	TOW CHARGE	$48.87
		15776		TOW CHARGE	$48.87
		15777		TOW CHARGE	$292.68
		15802	250510	TOW CHARGE	$48.87
		15810	250608	TOW CHARGE	$418.11
WA STATE CRIMINAL JUSTICE TRAINING		201128892	250543	BLEA-FANCHER	$3,187.00
				CJST POLICE ACTIVITY TOTAL****	**$7,908.83**
				CRIMINAL JUSTICE SALES TAX Total ***	**$7,908.83**
FUND 150		**HOTEL/MOTEL FUND**			

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 307 HOTEL/MOTEL TAX					
ALLIED ARTS ASSOCIATION		082517	250400	ART IN THE PARK 2017	$3,500.00
KAY PARK RECREATION CORPORATION	S017515	180292	250471	FREIGHT	$658.42
	S017515			BLA521VA BLEACHER 5 ROW ALUMN	$7,797.00
RICHLAND BABE RUTH BASEBALL ASSN		23455	250508	INSTALL CHAIN LINK FENCE	$29,475.75
TRI CITIES VISITOR & CONVENTION BUREAU		155468	250533	TCVCB MONTHLY DUES-AUG 17	$17,604.03
TRI CITY WATER FOLLIES ASSN INC		4525	250534	C09-17 COLUMBIA CUP BOATS-H/M	$15,000.00
				HOTEL/MOTEL TAX TOTAL****	**$74,035.20**
				HOTEL/MOTEL FUND Total ***	**$74,035.20**
FUND 151 SPECIAL LODGING ASSESSMENT					
Division: 339 TOURISM PROMOTION AREA					
TRI CITIES VISITOR & CONVENTION BUREAU		AUG 2017	250533	SPECIAL LODGING ACCESS AUG 17	$57,168.36
				TOURISM PROMOTION AREA TOTAL****	**$57,168.36**
				SPECIAL LODGING ASSESSMENT Total ***	**$57,168.36**
FUND 153 COMMUNITY DEV BLOCK GRANT					
Division: 308 CDBG PROGRAM					
BURDEN, MICHELLE		17-390	250570	17-390 NWACDM ANNUAL CONF	$67.10
CITY OF RICHLAND		17-390 BURDEN	250576	17-390 NWACDM ANNUAL CONF	$1,656.35
IRON SHARPENS IRON CONSTRUCTION CO		00-1	250672	OOR/TUTTLE 1037 WRIGHT AVE	$2,328.38
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$8.22
				PHONE CHARGES 8/23-9/22/17	$8.51
				CDBG PROGRAM TOTAL****	**$4,068.56**
				COMMUNITY DEV BLOCK GRANT Total ***	**$4,068.56**
FUND 154 HOME FUND					
Division: 309 HOME PROGRAM					
CASCADE TITLE COMPANY OF BENTON		17-08	250421	HOME DPA/MCCALLUM-1908 MAHAN	$10,000.00
CHICAGO TITLE INSURANCE COMPANY		17-09	250424	HOME DPA/SMITH-1513 JADWIN	$10,000.00
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$8.51
				HOME PROGRAM TOTAL****	**$20,008.51**
				HOME FUND Total ***	**$20,008.51**
FUND 216 LTGO BONDS					
Division: 971 LTGO IMPROVEMENT/REFUNDING					
US BANK ST PAUL		4710767	250615	RICLTGOREF05-SHP ADMN/FISC FEE	$126.58
		4710770		RICLTGREF10 FISCAL AGENT FEES	$81.69
				LTGO IMPROVEMENT/REFUNDING TOTAL****	**$208.27**

Vendor		P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
					LTGO BONDS Total ***	**$208.27**
FUND 217		**FIRE STATION 74**				
Division:	976	FIRE STATION 74 DEBT SERVICE				
US BANK ST PAUL			4710766	250615	RICLTGO14 FISCAL AGENT FEES	$300.00
					FIRE STATION 74 DEBT SERVICE TOTAL****	**$300.00**
					FIRE STATION 74 Total ***	**$300.00**
FUND 218		**POLICE STATION DEBT SERVICE**				
Division:	972	POLICE STATION DEBT SERVICE				
US BANK ST PAUL			4710774	250615	RICUTGOREF05-POL ADMN/FISC FEE	$14.81
					POLICE STATION DEBT SERVICE TOTAL****	**$14.81**
					POLICE STATION DEBT SERVICE Total ***	**$14.81**
FUND 220		**RICHLAND COMMUNITY CTR DEBT**				
Division:	973	RICHLAND CENTER DEBT SERVICE				
US BANK ST PAUL			4710774	250615	RICUTGOREF05-POL ADMN/FISC FEE	$18.70
					RICHLAND CENTER DEBT SERVICE TOTAL****	**$18.70**
					RICHLAND COMMUNITY CTR DEBT Total ***	**$18.70**
FUND 222		**LIBRARY DEBT SERVICE**				
Division:	974	LIBRARY DEBT SERVICE				
US BANK ST PAUL			4710774	250615	RICUTGOREF05-POL ADMN/FISC FEE	$266.49
					LIBRARY DEBT SERVICE TOTAL****	**$266.49**
					LIBRARY DEBT SERVICE Total ***	**$266.49**
FUND 224		**LRF DEBT SERVICE**				
Division:	975	RAISE AREA DEBT SERVICE				
US BANK ST PAUL			4710771	250615	RICLTGREF13A-BB ADMN/FISC FEE	$300.00
					RAISE AREA DEBT SERVICE TOTAL****	**$300.00**
					LRF DEBT SERVICE Total ***	**$300.00**
FUND 301		**STREETS CAPITAL CONSTRUCTION**				
Division:	402	ARTERIAL STREETS				
BEAVER BARK & ROCK			839344	250413	BARK	$54.28
			839989	250628	SOD	$38.97
FLETCHER & SIPPEL LLC			37992	250663	CENTER PARKWAY-LEGAL SERVICES	$3,145.00
IMT INC			8921	250590	LOGAN & HAGEN TESTING M17137	$2,049.00
			8976		MICROSURFACING TESTING M17313	$585.00

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
KSB LITIGATION PS		DUPORTAIL SETLMNT	250744	DUPRTAIL BRDGE-TCRY SETTLEMNT	$150,000.00
MENKE JACKSON BEYER LLP		08/2017-077	250485	DUPORTAIL BRIDGE-Legal Service	$1,435.00
RICHLAND ACE HARDWARE		58326	250506	PVC CAP	$7.16
		58492		CAULK GUN/LANDSCAPE FABRIC	$26.03
TRANSPO GROUP USA, INC	P058131	20816	250529	QUEENSGATE-COLUMBIA PARK TRAIL	$1,675.87
TRI CITY TITLE & ESCROW		15-16683-PS	250726	DUPORTAIL BRIDGE CLOSING COSTS	$1,095.79
		17-21437-KH	250748	DUPRTAIL BRDG-EASEMENT CLOSING	$816.67
WA STATE DEPARTMENT OF ECOLOGY		2018-WAR304645	250834	LOGAN-HAGEN STRMWTR FY2018	$2,006.00
WA STATE DEPT OF TRANSPORTATION	P058194	RE-313ATB70814024	250544	AARON/WELLSIAN WAY INTERSECTIO	$16,847.10
	P057759	RE-313ATB70918032	250617	I-182/QUEENSGATE ROUNDABOUT -	$11,461.88
WESTERN CONCRETE ACCESSORIES		26369	250547	GLOVES/CURE/SEAL	$161.16
		26400		GLOVES/DETECTABLE WARNING	$146.90
WILDLANDS INC	P057221	10907	250736	ADJUST FOR TAX	($0.01)
	P057221			LOGSTON ST-HAGEN RD CONSTRUCTI	$1,444.60
	P057221			LOGSTON-HAGEN RD CONSTRUCTION	$7,889.87
	P057221			LOGSTON ST-HAGEN RD CONSTRUCTI	$705.05
	P057221			LOGSTON ST-HAGEN RD CONSTRUCTI	$5,466.44
				ARTERIAL STREETS TOTAL****	**$207,057.76**
				STREETS CAPITAL CONSTRUCTION Total ***	**$207,057.76**

FUND 380 PARK PROJECT CONSTRUCTION

Division: 337 PARKS & REC PROJECTS

BASIN SOD INC		63766	250626	SOD	$652.44
CONFEDERATED TRIBES OF THE UMATILLA		20863	250646	HOWARD AMON RIVERFRONT TRAIL	$582.62
EWING IRRIGATION PRODUCTS INC		4039490	250656	HOWARD AMON-NEW PATH	$294.40
FAMILY FARMS DBA	P057689	C80-17/PMT 2	250657	GEORGE PROUT POOL SIDEWALK FOR	$10,773.94
	P057689			CHANGE ORDER #2 ADDITIONAL BID	$9,517.16
HERC RENTALS INC		29527769-001	250669	DOG PARK IRRIGATION	$122.71
		29530667-001		DOG PARK IRRIGATION	$60.82
		29549388-001		HORN RAPIDS LIPS	$684.18
KENNEWICK INDUSTRIAL & ELECTRICAL SUPPLY		297830	250680	NEW DOG PARK IRRIGATION	$142.91
NORTHWEST PLAYGROUND EQUIPMENT INC	S017557	41563	250491	15653, 6' BENCH SEAT W/ BACK &	$2,178.46
	S017557			SP310, ROUND POST PACKAGE -	$1,009.98
	S017557			10193, ARMS ON SWING SEAT AND	$2,477.71
	S017557			FREIGHT	$3,034.28
	S017557			SY116P, ADA ROUND TABLE	$5,143.30
	S017557			MC104N, MOUNTING PLATE COVER (	$238.92
	S017557			NPEI DISCOUNT 5%	($658.74)
	S017557			KCDA DISCOUNT 8%	($1,053.98)
	S017557			SP400R, ESTATE 6' BENCH W/BACK	$2,126.39
RICHLAND ACE HARDWARE		58425	250709	SHELTERBELT TREE REMOVAL	$59.68

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND ACE HARDWARE		58494	250709	SHELTERBELT TREE REMOVAL	$7.59
SUNBELT RENTALS INC		72343757-0001	250719	TANDEM AXLE TRAILER	$511.86
				PARKS & REC PROJECTS TOTAL****	**$37,906.63**
				PARK PROJECT CONSTRUCTION Total ***	**$37,906.63**
FUND 385	**GENERAL GOVT CONSTRUCTION**				
Division: 900	NON-DEPARTMENTAL				
HILL INTERNATIONAL INC	P056666	C81-16/0000015	250461	DESIGN-BUILD OVERSIGHT SERVICE	$231.01
				NON-DEPARTMENTAL TOTAL****	**$231.01**
				GENERAL GOVT CONSTRUCTION Total ***	**$231.01**
FUND 401	**ELECTRIC UTILITY FUND**				
Division: 000					
ANIXTER INC	P058150	3643711-01	250407	CONN,BRONZE,VISE RICHARDS VC10	$866.09
	P058150			CONN, GRD XFMR, 6 SOL-1/0 STR	$649.97
	S017566	3671538-00		T-BODY TAP PLUG, HUBBELL	$8,272.66
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	S017465	3627-578585	250768	LUMINAIRE, PARKWAY WALKWAY LED	$3,790.14
	S017539	3627-582241		LUMINAIRE, LED, 200W EQUIV,	$6,157.62
	S017539	3627-582242		LUMINAIRE, LED, 400W EQUIV,	$8,063.55
	S017539			LUMINAIRE, LED, 200W EQUIV,	$6,157.62
GENERAL PACIFIC INC	P057888	1282691	250782	TERMINAL,XFMR 6COND 750-1	$686.79
	P057888	1283335		CONN, CT UTILCO PED 6-350,	$212.94
	P057888			CONN, CT, 8 CONDUCTOR,8-350	$278.36
	P057888			ADJUST FOR TAX	$0.01
	P057888	1284253		TERMINAL, XFMR 4 COND 500-2,	$227.80
	P057888			CONN, UG WATERTITE, 3 COND.	$327.23
	P057888	1284393		CONN, CT UTILCO PED 6-350,	$212.94
	P057888	1284395		TERMINAL,XFMR 6COND 750-1	$686.79
	P057888			CONN, UG WATERTITE, 3 COND.	$436.31
	P057888	1287319		ADJUST FOR TAX	($0.01)
	P057888			CONN, INSULATED 8-COND, 12-500	$873.67
	P057888			TERMINAL, XFMR 8 COND 350-10,	$246.17
	P057888			TERMINAL, COMP 750, 2-HOLE	$587.65
	P057888			TERMINAL, COMP 4/0 STR, 2-HOLE	$235.23
	P057888	1287894		CONN, UG WATERTITE, 3 COND.	$109.08
UTILITY VAULT COMPANY	P057961	010213749	250542	VAULT V19, 84X56X48, BASE,	$2,650.68
				TOTAL****	**$41,729.29**
Division: 501	BUSINESS SERVICES				
CITY OF RICHLAND		17-384 HAMMOND	250576	17-384 NWPPA BOARD MEETING	$1,186.55
		17-394 CARPENTER		17-394 NWPPA BOARD MEETING	$528.34

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CITY OF RICHLAND		17-401 SENGER	250576	17-401 NWPPA	$1,277.21
FEDERAL EXPRESS CORP		5-909-51572	250445	SHIPPING-AUG 2017	$9.82
		5-937-43269	250586	SHIPPING-SEPT 2017	$20.38
UNITED PARCEL SERVICE	S017593	000986641387	250539	GROUND PKG TO HJ ARNETT FOR PO	$3.85
	S017601	000986641397	250728	WEIGHT CORRECTION FOR PKG TO S	$1.59
	S017601			GROUND PKG TO SD MYERS FOR MPP	$8.60
US BANK ST PAUL		4710761	250615	RICELE15 FISCAL AGENT FEES	$300.00
		4710762		RICELEBAB09-ELEC ADMN/FISC FEE	$300.00
		4710763		RICELEIMP13B-ELE ADMN/FISC FEE	$300.00
		4710764		RICELEREF07-ELEC ADMN/FISC FEE	$300.00
		4710765		RICELEREF13A-ELE ADMN/FISC FEE	$300.00
		4710769		RICLTGOREF17 FISCAL AGENT FEES	$309.04
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$179.65
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$68.13
				PHONE CHARGES 8/23-9/22/17	$133.41
				PHONE CHARGES 8/23-9/22/17	$158.24
				PHONE CHARGES 8/23-9/22/17	$71.05
				PHONE CHARGES 8/23-9/22/17	$165.75
				BUSINESS SERVICES TOTAL****	**$5,621.61**
Division: 502 ELECTRICAL ENGINEERING					
STANLEY CONSULTANTS, INC	P058391	0198891 REVISED	250825	FINAL WORK PERFORMED UNDER	$4,362.00
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$369.25
				ELECTRICAL ENGINEERING TOTAL****	**$4,731.25**
Division: 503 POWER OPERATIONS					
AMERICAN ROCK PRODUCTS INC	P058357	313952	250404	C33 CONCRETE SAND 61, INV #313	$38.03
	P058357	324986		DELIVERY FEE, INV #324986 9/6	$217.20
	P058357			5/8" MINUS MIXER DELIVERY, INV	$162.91
	P058357	325578		ECOLOGY BLOCK 2X2X6, INVOICE	$130.32
BEAVER BARK & ROCK		838203	250413	SOIL FILL DIRT	$86.79
CITY OF RICHLAND		08/2017-1901	250426	#1901 DROP BOX DISP/HAULING	$762.00
		08/2017-28		#28 LANDFILL FEES	$30.00
				#28 LANDFILL FEES	$167.83
FASTENAL COMPANY		WARIC69184	250444	SAFETY GLASSES-ROESSLER	$38.08
		WARIC69303		HEADLAMP-ROBIE	$66.43
GRAINGER	S017604	9561944258	250783	DAWN SOAP ITEM #54PA71	$44.14
	S017604	9563979617		DAWN SOAP ITEM #54PA71	$44.14
	S017604	9566563442		CREDIT FOR DAWN SOAP DAMAGED I	($44.14)
HJ ARNETT INDUSTRIES LLC	S017555	INV51109	250462	HASTING A10019 SHOTGUN ADAPTER	$144.00
	S017418	INV51187		REPAIR OF ANDERSON HAND PRESS	$540.97
M & L CONSTRUCTION INC	P057387	1158	250481	CO #5 - FOR TASK ORDER 3	$15,850.80

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
M & L CONSTRUCTION INC	P057387	1158	250481	TASK 3: LESLIE RD FEEDER	$102,667.60
	P057387	1187	250792	TASK 7: RICHLAND COLONIAL	$16,835.00
RICHLAND ACE HARDWARE		214035	250506	MEASURING WHEEL	$70.58
		58242		CLAMPS/FASTENERS	$33.03
TYNDALE ENTERPRISES INC	P057360	1305584	250538	FIRE RETARDANT CLOTHING-2017	$448.46
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$489.49
				POWER OPERATIONS TOTAL****	**$138,823.66**
Division: 504 SYSTEMS DIVISION					
ARES CORPORATION	P056486	6730301-17	250408	SNYDER SUB EXPANSION PROJECT	$1,468.77
ENERGY NORTHWEST	P057784	O&M00615	250774	C49136 SNYDER SUB ADDTN PROJEC	$1,131.35
	P057784			C59127 LESLIE RD SUB PROJECT	$1,131.35
	P057784			C59133 SYSTEM IMPROVEMENT RELA	$1,131.35
	P057784			EW16007 THAYER STAFF SUPPORT -	$1,131.35
GRAINGER	S017604	9559302188	250783	MARKING FLAG RED ITEM #3JUZ9	$42.53
	S017604	9570661331		TUBING 1/8 ITEM #2LPX5	$128.43
OXARC INC		30142127	250494	NITROGEN	$41.65
		60031989		CYLINDER RENTAL-AUGUST	$66.39
PRATER ELECTRIC INC	P057575	310-5	250502	SNYDER SUB BANK 2 ADDITION	$15,747.00
	P057575			C/O 2- ADD'L COST DUE TO UNFOR	$39,952.85
SD MYERS LLC	S017575	771214	250512	GAS IN OIL TEST ITEM #4042	$220.00
STEEBER'S LOCK SERVICE		910724	250519	SVC CALL-REYEY LOCKS	$173.76
UNITED PARCEL SERVICE	S017601	000986641397	250728	GROUND PKG TO SD MYERS FOR MPP	$4.61
UTILITIES UNDERGROUND LOCATION CENTER		7090197	250833	UTILITIES LOCATE SERVICE	$278.64
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$268.88
				SYSTEMS DIVISION TOTAL****	**$62,918.91**
Division: 505 ENERGY POLICY MGMT					
A ONE REFRIGERATION & HEATING INC		S-20919	250398	1130 CATSKILL-REBATE-HP	$1,000.00
		S-21996		514 SINGLETREE CT-REBATE-HP	$1,000.00
		S-22337		160 ORCHARD WAY-REBATE-HP	$1,000.00
AIR TIGHT REMODELING		170-460	250751	80 WILLIS-REBATE-WINDOWS	$324.12
AREVA NP INC		ES11128FY20170061	250409	2101 HORN RAPIDS-REBATE-LIGHT	$81,980.00
		ES11128FY20170062		2101 HORN RAPID-REBATE-LIGHT	$4,604.00
AUTOZONE		ES11128FY20170069	250411	1701 GEORGE WA WY-REBATE-LIGHT	$3,300.00
BENTON PUD		09/17-30228005	250569	ELECTRIC SRVCS 08/21-09/21/17	$399.13
BMW OF TRI CITIES		ES11128FY20170064	250417	955 AARON-REBATE-COMM LIGHTING	$18,698.00
BRUCE INC	P058287	17-0824	250418	WEATHERWISE LOAN: ROBERTS, 621	$9,060.50
CHINOOK HEATING & AIR INC		34997	250425	101 RACHEL-REBATE-HP	$1,000.00
CITY OF RICHLAND		270520	250764	934 MCPHERSON-REBATE-HP	$1,000.00
		73480	250577	1913 DUPORTAIL-REBATE-DHP	$1,000.00
DAYCO HEATING & AIR		57958	250770	400 SANFORD-REBATE-HP	$1,000.00

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
DAYCO HEATING & AIR		59631	250436	170 ENGLEWOOD-REBATE-HP	$1,000.00
DELTA HEATING & COOLING INC		25118	250437	1408 TOWNSEND-REBATE-HP	$1,000.00
		25123		339 COL PRK TRL-REBATE-HP 1	$1,000.00
		25143		339 COL PRK TRL-REBATE-HP 2	$1,000.00
	P058245	25150	250772	WEATHERWISE LOAN: OLSON, 934	$7,384.80
	P058321	35157	250580	WEATHERWISE LOAN: HIGGINS, 191	$8,362.20
ENERGY INCENTIVES INC	P057388	CORAUGUST2017	250773	RESIDENTIAL ENERGY EFFICIENCY	$2,549.25
FINANCIAL CONSULTING SOLUTION GROUP	P057201	2614-21709013	250778	COSA, Rate Design Support, and	$255.00
GLASS NOOK INC		76051	250451	108 SOMERSET-REBATE-WINDOWS	$493.62
GRIGGS DEPARTMENT STORE		ES11128FY20170068	250456	1415 GEORGE WA WAY-REBATE-LIGH	$17,319.00
IWI INC		95566	250468	315 GREENBRIAR-REBATE-INSULATI	$462.40
		96084	250591	155 HIGH MEADOWS-REBATE-INSULA	$369.18
		97222	250468	513 MEADOWS DR S-REBATE-INSUL	$941.60
KOHL'S DEPARTMENT STORE #11169		ES11128FY20170067	250475	1451 TAPTEAL-REBATE-COMM LIGHT	$46,125.00
M CAMPBELL & COMPANY INC		135607	250482	650 COTTONWOOD-REBATE-HP	$1,000.00
PERFECTION GLASS		9993659330	250498	223 JADWIN-REBATE-WINDOWS	$138.51
PORT OF BENTON		ES11128FY20170049	250501	2000 LOGSTON-REBATE-COMM LIGHT	$2,800.00
		ES11128FY20170050		2000 LOGSTON-REBATE-COMM LIGHT	$6,060.00
		ES11128FY20170059		2650 SALK-REBATE-COMM LIGHTING	$12,594.00
		ES11128FY20170060		3100 GEO WA WAY-REBATE-LIGHT	$11,908.00
SAFEWAY, INC		ES11128FY20170057	250511	1803 GEORGE WA WAY-REBATE-LIGH	$5,390.00
				ENERGY POLICY MGMT TOTAL****	**$253,518.31**
Division: 506 TECHNICAL SERVICES					
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$204.70
				TECHNICAL SERVICES TOTAL****	**$204.70**
				ELECTRIC UTILITY FUND Total ***	**$507,547.73**
FUND 402 WATER UTILITY FUND					
Division: 000					
BIG D'S CONSTRUCTION OF TRI CITIES LLC		17-01626	250416	HYDRANT METER REFUND	$750.00
FERGUSON ENTERPRISES INC	P058329	0568210	250776	SADDLE ROMAC 202S-14.38 X 2"IP	$123.23
	P058329			CLAMP STEEL, 3/4" X 4", ROMAC	$26.28
	P058329			CLAMP STEEL, 1" X 4", ROMAC	$52.57
	P058329			VALVE, MJ KIT FOR 6" FITTINGS,	$53.01
	P058329			CLAMP STEEL 1-1/4" X 4", ROMAC	$55.84
	P058329			COUPLING ROMAC 501 13.55X14.40	$275.95
	P058329			COUPLING, ROMAC 8"AC X 8"PVC	$315.32
	P058329			SADDLE ROMAC 202S-9.80 X 2"IP,	$440.57
HOLT SERVICES INC		17-01806	250463	MONTHLY RENTAL	($30.00)
				WATER USAGE	($11.40)

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
HOLT SERVICES INC		17-01806	250463	HYDRANT METER REFUND	$750.00
M & L CONSTRUCTION		17-00174	250480	MONTHLY RENTAL	($30.00)
				WATER USAGE	($6.65)
				HYDRANT METER REFUND	$750.00
				UNASSIGNED TOTAL****	**$3,514.72**
Division: 410 WATER CAPITAL PROJECTS					
FERGUSON ENTERPRISES INC		CM569915	250661	RETURNED PIPE	($337.53)
FRONTIER FENCE INC	S017481	41363	250448	REPLACE DAMAGED FENCE WITH WOO	$2,302.32
IMT INC		8934	250590	KEENE VILLAGE WATERLINE M17233	$219.50
		8967		WRIGHT AVE TESTING M17303	$526.00
				WATER CAPITAL PROJECTS TOTAL****	**$2,710.29**
Division: 411 WATER ADMINISTRATION					
US BANK ST PAUL		4710775	250615	RICWAT14-WW ADMIN/FISC FEES	$169.05
		4710776		RICWATIREF09-WTR ADMN/FISC FEE	$153.12
		4710777		RICWATIREF12-WTR ADMN/FISC FEE	$235.00
		4710778		RICWATREF17 FISCAL AGENT FEES	$159.18
				WATER ADMINISTRATION TOTAL****	**$716.35**
Division: 412 WATER OPERATIONS					
BC SALES CO INC		B449770	250627	VEST- MORITZ	$12.98
CASCADE NATURAL GAS CORP		09/17-28638100009	250420	NAT GAS 110 SAINT 08/18-09/18	$10.85
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC		3627-582311	250647	DLC 4' 2200LM-WTP	$40.40
CORRECT EQUIPMENT INC	S017581	35986	250769	FREIGHT	$292.00
	S017581			CHLORINATION TABLETS, 55LB PAI	$5,755.20
ENERGY NORTHWEST		ENV03188	250654	WATER SAMPLES	$60.00
FILTRATION TECHNOLOGY INC	S017573	S740	250777	CARUS AQUAMAG BLENDED PHOSPHAT	$2,575.00
GRAINGER	S017590	9545908874	250454	PLEATED FILTER ITEM #2W238	$90.32
	S017590	9549795442		CHECK VALVE ITEM #33Z884	$321.13
	S017604	9558838497	250783	PULLER LEG SET ITEM #5MF73	$269.98
	S017604	9558838505		GAUGE PRESSURE ITEM #36TW18	$279.62
	S017604	9560200686		PULLER LEG SET ITEM #5MF72	$69.67
KEMIRA WATER SOLUTIONS INC	S017320	9017560641	250788	ADDITIONAL POLYALUMINUM CHLORI	$11,248.20
	S017320			ANNUAL PO FOR THE PURCHASE OF	$1,744.20
LAB/COR INC		170949-4306	250682	WATER SAMPLES	$450.00
RICHLAND ACE HARDWARE		214202	250709	2X4'S/NAILS/GRADE STAKE	$37.74
		58565		MORTAR	$7.37
		58591		PIPE FOAM/CEMENT/ELBOW	$25.13
STONEWAY ELECTRIC SUPPLY		S102154027.001	250718	LIGHT-WTP	$14.15
UNITED PARCEL SERVICE	S017593	000986641387	250539	DELIVERY SURCHARGE FOR PKG TO	$1.62
	S017593			NDA PKG TO LAB/COR FOR WATER	$19.61
VERIZON WIRELESS	P058382	9791815188	250730	Verizon Charges for August	$182.73

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$82.92
				WATER OPERATIONS TOTAL****	**$23,590.82**
Division: 413 WATER MAINTENANCE					
BEAVER BARK & ROCK		840008	250628	CONCRETE	$119.44
CENTRAL HOSE & FITTINGS INC		468007	250422	HYD HOSE ASSY	$54.14
FASTENAL COMPANY		WARIC69933	250660	BOLTS	$35.86
FERGUSON ENTERPRISES INC		5581212	250661	PVC PIPE/PARTS	$414.96
		5581212-1		PVC PIPE/PARTS	$289.91
HD FOWLER COMPANY INC		I4626598	250459	HYDRANT PARTS	$107.12
		I4637592	250667	REPAIR BAND	$617.83
KELLEY'S TELE-COMMUNICATIONS INC		276310012017	250679	ANSWERING SRVC CHARGES SEPT	$54.75
OXARC INC		30142006	250494	SNIFFER GAS	$344.87
RICHLAND ACE HARDWARE		214123	250506	OIL/BRAKE CLEAN	$31.88
		214155		HOSE/BRAKE CLEAN	$16.90
STEEBER'S LOCK SERVICE		479484	250717	DUPLICATE KEYS	$42.35
		479486		DUPLICATE KEY	$8.96
TACOMA SCREW PRODUCTS INC		22189241	250521	PEG BOARD HOOKS	$16.67
TC INK LLC		16131	250720	SAFETY VESTS	$260.38
UTILITIES UNDERGROUND LOCATION CENTER		7090197	250833	UTILITIES LOCATE SERVICE	$46.44
VERIZON WIRELESS	P058382	9791815188	250730	Verizon Charges for August	$480.07
	P058382			VERIZON SERVICES FOR AUGUST 20	$324.74
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$25.79
				WATER MAINTENANCE TOTAL****	**$3,293.06**
				WATER UTILITY FUND Total ***	**$33,825.24**
FUND 403 WASTEWATER UTILITY FUND					
Division: 420 SEWER ADMINISTRATION					
US BANK ST PAUL		4710775	250615	RICWAT14-WW ADMIN/FISC FEES	$130.95
		4710776		RICWATIREF09-WTR ADMN/FISC FEE	$136.15
		4710777		RICWATIREF12-WTR ADMN/FISC FEE	$65.00
		4710778		RICWATREF17 FISCAL AGENT FEES	$129.22
				SEWER ADMINISTRATION TOTAL****	**$461.32**
Division: 421 SEWER CAPITAL PROJECTS					
CENTRAL HOSE & FITTINGS INC		467758	250422	GARDEN HOSE AND FITTINGS	$196.46
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC		3627-581524	250433	EMERGENCY STOP BUTTONS	$102.92
		3627-581935		WIRING COMPONENTS	$581.38
		3627-582022		CONDUIT BODY	$49.77
GRAY & OSBORNE INC	P057512	8	250455	WWTF INFLUENT UPGRADES - DESIG	$33,137.37
HANCOCK SANDBLAST & PAINT LLC	P058269	1070	250457	WWTF DIGESTER WALL REPAIR AND	$3,104.33
	P058269			WWTF PRIMARY PIPING ROOM PAINT	$6,220.07

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
MP CONSTRUCTION INC	P057638	1702-22-01RETAIN	250600	Install 8' x 9' pair hollow me	$4,627.89
	P057638	1702-22-2		Install 8' x 9' pair hollow me	$689.61
PARAMOUNT SUPPLY COMPANY		601937	250497	BALL VALVES	$100.25
TACOMA SCREW PRODUCTS INC		22188643	250521	EPOXY	$37.08
		22188777		KNEE PADS/FITTINGS/TAPE MEASUR	$241.24
				SEWER CAPITAL PROJECTS TOTAL****	**$49,088.37**
Division: 422 SEWER OPERATIONS					
ALS ENVIRONMENTAL	P058042	51-399190-0	250401	WATER - 625 SEMIVOL. ORGANIC C	$215.00
	P058042			WATER - 608 ORGANOCHLOR.PEST./	$160.00
	P058042			WATER - 200.8 TRACE ELEMENTS	$130.00
	P058042			WATER - 1631E TOTAL MERCURY	$60.00
	P058042			UNITECH 8-8-17 SAMPLING EVENT	$60.00
	P058042			WATER - BOD (5 DAY) EPA 405.1	$48.00
	P058042			WATER - 335.4 TOTAL CYANIDE	$40.00
	P058042			WATER - 200.7 METALS BY	$30.00
	P058042			WATER - AMMONIA-N EPA 350.1/35	$25.00
	P058042			WATER - TSS EPA 160.2	$18.00
	P058042			WATER - OIL & GREASE TOTAL HEM	$200.00
	P058042			WATER - 420.1 PHENOLICS	$45.00
	P058042			WATER - 624 VOLATILE ORGANIC C	$640.00
	P058167	51-400814-0	250752	WATER- 335.4 TOTAL CYANIDE	$80.00
	P058167			WATER- 624 VOLATILE ORGANIC CO	$1,280.00
	P058167			WATER- 625 SEMIVOL. ORGANIC CO	$430.00
	P058167			WATER- 608 ORGANOCHLOR.PEST./P	$320.00
	P058167			WWTP INFLUENT/EFFLUENT 8-15-17	$260.00
	P058167			WATER- OIL & GREASE TOTAL HEM	$200.00
	P058167			WATER- 1631E TOTAL MERCURY	$120.00
	P058167			WATER- 420.1 PHENOLICS	$90.00
	P058042	CHK 249278	250401	CREDIT FROM P058086 OVER CHARG	($310.00)
AMERIGAS		3068980446	250405	PROPANE-BOILER WWTP	$91.52
BENTON COUNTY SHERIFF'S OFFICE		08/17-WORKCREW II	250630	WORKCREW II-AUG 2017	$1,455.76
CENTRAL HOSE & FITTINGS INC		466783-B	250422	COUPLER/GARDEN HOSE	$124.19
COMPLETE PEST PREVENTION INC		34998	250431	WWTP PEST CONTROL SRVCS	$130.32
LINKO TECHNOLOGY INC	P058289	5169	250479	LINKO SW Maintenance Support P	$3,880.00
MOON SECURITY SERVICES INC		892738	250695	WWTP-BASIC MONITORING	$54.87
RICHLAND ACE HARDWARE		58175	250506	COPPER TUBE/FASTENERS	$18.42
RICHLAND NAPA		394063	250509	SAE 30 SOLIDS AIR COMP	$3.31
SOLENIS LLC	P058337	131212712	250515	POLYMER, PRAESTOL K 260 FL, IN	$2,735.63
TACOMA SCREW PRODUCTS INC		22186908	250521	NUTS/BOLTS	$125.24
UNITED PARCEL SERVICE	S017601	000986641397	250728	2 NDA PKGS TO ALS FOR WWTP OPS	$78.47
VERIZON WIRELESS	P058382	9791815188	250730	Verizon invoice for August	$329.88

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
XEROX CORPORATION		089781975	250550	MX4-749822 BASE/PRINTS-JUNE	$267.14
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$133.77
				SEWER OPERATIONS TOTAL****	**$13,569.52**
Division: 423 SEWER MAINTENANCE					
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC		36274-582123	250433	LAMPS	$173.72
KAMAN INDUSTRIAL TECHNOLOGIES		B438144	250470	HI POWER V-BELT	$10.68
		V525234		V-BELT	$73.58
KELLEY'S TELE-COMMUNICATIONS INC		276310012017	250679	ANSWERING SRVC CHARGES SEPT	$54.75
MOON SECURITY SERVICES INC		892738	250695	WWTP-BASIC MONITORING	$54.87
ON SCENE MEDICAL SERVICES, P.C.		00238	250492	PRE EMP-PHYSICALS/CDL/VAC	$85.00
OXARC INC		30142071	250494	COMPRESSED GASSES ARG/HEL	$201.17
PLATT ELECTRIC SUPPLY		O010091	250500	SPARE FUSES FOR PLCS WWTP	$33.45
RICHLAND ACE HARDWARE		58190	250506	5 GAL BUCKET	$7.16
		58192		AA BATTERIES FOR 3338	$9.76
		58331		BUNGEE CORDS LANDFILL POND	$15.14
RICHLAND NAPA		396022	250509	AIR FILTER	$41.90
STEEBER'S LOCK SERVICE		129814	250519	DUP KEYS WWTP	$17.92
STONEWAY ELECTRIC SUPPLY		S102153128.001	250520	LAMP	$33.84
TACOMA SCREW PRODUCTS INC		22187524	250521	MISC FITTINGS	$106.23
		22187952		STRUT/HITCH PINS AND CLIP	$253.98
		22188698		LOCTITE & PIPE FITTING	$102.86
		22188775		ADJUSTABLE CLAMPS	$49.55
		221888015		DRILL BITS VEH 3328	$30.79
		22189160		TROLLEY FOR STRUT	$240.22
		22189163		TROLLEY FOR STRUT	$288.27
		22189164		SS FITTINGS FOR BELT SPRAYS	$184.04
UTILITIES UNDERGROUND LOCATION CENTER		7090197	250833	UTILITIES LOCATE SERVICE	$46.44
VERIZON WIRELESS	P058382	9791815188	250730	Verizon invoice for August	$116.39
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$1.39
				SEWER MAINTENANCE TOTAL****	**$2,233.10**
				WASTEWATER UTILITY FUND Total ***	**$65,352.31**
FUND 404 SOLID WASTE UTILITY FUND					
Division: 430 CAPITAL PROJECTS					
HD FOWLER COMPANY INC		I4640301	250667	SEAT VALVE RINGS	$43.54
		I4641666		MAIN VALVE RUBBER	$61.61
				CAPITAL PROJECTS TOTAL****	**$105.15**
Division: 431 SOLID WASTE ADMINISTRATION					
JOYCE ZIKER PARKINSON PLLC		47907	250677	LANDFILL CONTAMINATION-INSURAN	$2,777.50
		47908		LANDFILL CONTAMINATION-LEGAL	$341.50

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
US BANK ST PAUL		4710768	250615	RICLTGOREF10-SW ADMIN/FISC FEE	$300.00
				SOLID WASTE ADMINISTRATION TOTAL****	**$3,419.00**
Division: 432 SOLID WASTE COLLECTION					
ON SCENE MEDICAL SERVICES, P.C.		00238	250492	PRE EMP-PHYSICALS/CDL/VAC	$95.00
TOTER INC	S017560	65494068	250725	TOTER 96 GALLON GEN II LID	$1,819.05
	S017560			STRAP CLAW HINGE FOR LID	$30.41
	S017560			TOTER 96 GALLON GEN II LID	$1,819.05
	S017560			SHIPPING	$549.03
	S017560			TORX FASTENER FOR LID	$34.75
	S017560			ADJUST FOR TAX	$0.02
VERIZON WIRELESS	P058382	9791815188	250730	VERIZON SERVICES FOR AUGUST 20	$724.99
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$27.38
				SOLID WASTE COLLECTION TOTAL****	**$5,099.68**
Division: 433 SOLID WASTE DISPOSAL					
BLAIR, JEANNETTE		093117	250758	REIMB MILEAGE AUG-SEPT 2017	$91.38
COMPLETE PEST PREVENTION INC		34979	250645	PEST CONTROL SRVCS-SEPT	$97.74
COYOTE RIDGE CORRECTIONS CENTER		CRCC1708.485	250435	WORK CREW AUGUST 2017	$652.81
MITCHELL, FRANK		093117	250797	REIMB MILEAGE - SEPT 17	$41.20
ORRCO		402190	250493	USED OIL TESTING/PICK-UP/HAUL	$277.50
PARAMETRIX INC	P057762	03-40202	250496	2017 LANDFILL MONITORING,SAMPL	$3,744.05
TESTAMERICA LABORATORIES INC	P057822	58106881	250612	2017 LANDFILL MONITORING - LAB	$6,794.50
VERIZON WIRELESS	P058382	9791815188	250730	Verizon Services for August	$52.87
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$58.00
				SOLID WASTE DISPOSAL TOTAL****	**$11,810.05**
				SOLID WASTE UTILITY FUND Total ***	**$20,433.88**
FUND 405 STORMWATER UTILITY FUND					
Division: 000					
C & E TRENCHING LLC	P058109	C59-17/PMT 5FINAL	250419	C59-17/PMT 5-FINAL RETAINAGE	($264.41)
				UNASSIGNED TOTAL****	**($264.41)**
Division: 440 STORMWATER CAPITAL PROJECTS					
C & E TRENCHING LLC	P058109	C59-17/PMT 5FINAL	250419	GAGE BLVD EMERGENCY EROSION	$5,288.27
				STORMWATER CAPITAL PROJECTS TOTAL****	**$5,288.27**
Division: 441 STORMWATER					
RICHLAND ACE HARDWARE		58332	250506	PARACORD/SNAP BELT	$19.52
US BANK ST PAUL		4710776	250615	RICWATIREF09-WTR ADMN/FISC FEE	$10.73
		4710778		RICWATREF17 FISCAL AGENT FEES	$19.00
VERIZON WIRELESS	P058382	9791815188	250730	Verizon Charges for August	$13.68
				STORMWATER TOTAL****	**$62.93**

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
				STORMWATER UTILITY FUND Total ***	**$5,086.79**
FUND 406		**GOLF COURSE FUND**			
Division: 336		GOLF COURSE			
US BANK ST PAUL		4710770	250615	RICLTGREF10 FISCAL AGENT FEES	$218.31
				GOLF COURSE TOTAL****	**$218.31**
				GOLF COURSE FUND Total ***	**$218.31**
FUND 407		**MEDICAL SERVICES FUND**			
Division: 121		AMBULANCE			
EMERGENCY REPORTING		2017_5644	250652	ERS SUBSCRIPTION-OCTOBER	$348.20
PHYSIO-CONTROL INC		117070142	250704	LITHIUM BATTERY PACK	$865.86
RICHLAND ACE HARDWARE		214142	250709	BATTERY FOR GLUCOMETER	$8.68
SEA WESTERN INC	P058298	201018	250715	#BDU 1951-P-20, LION TRI-CERTI	$1,824.48
	P058298			SHIPPING	$27.26
VERIZON WIRELESS	P058382	9791815188	250730	Verizon M2M ACCOUNT AUGUST INV	$35.10
	P058382			Invoice for August	$341.77
				AMBULANCE TOTAL****	**$3,451.35**
				MEDICAL SERVICES FUND Total ***	**$3,451.35**
FUND 408		**BROADBAND FUND**			
Division: 460		BROADBAND ADMINISTRATION			
US BANK ST PAUL		4710772	250615	RICLTGREF13B-BB ADMIN/FISC FEE	$300.00
				BROADBAND ADMINISTRATION TOTAL****	**$300.00**
				BROADBAND FUND Total ***	**$300.00**
FUND 501		**CENTRAL STORES FUND**			
Division: 000					
CONNELL OIL INC	P058359	0195609-IN	250767	OIL, BAR & CHAIN, HIGH TAC	$72.78
	P058359			GREASE CARTRIDGE, RED TAC 2	$142.16
FISHER SCIENTIFIC COMPANY, LLC	P058353	3435713	250779	GLOVES, DISPOSABLE NITRILE,LG	$1,555.24
NORCO INC	P058354	22075248	250798	PAINT,MARKING,REGULAR RED	$176.58
	P058354			PAINT,MARKING,REGULAR WHITE	$282.53
	P058354			PAINT,MARKING,FLUORESCENT BLUE	$380.53
	P058354			PAINT,MARKING,REGULAR PURPLE	$70.63
	P058354			ADJUST TAX	$0.01
	P058354			PAINT,MARKING,FLUORESCNT GREEN	$304.43
RDO EQUIPMENT CO	P058358	P55112	250811	BLADE, EDGER,JOHN DEERE M92907	$875.32
				UNASSIGNED TOTAL****	**$3,860.21**

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
				CENTRAL STORES FUND Total ***	**$3,860.21**
FUND 502		**EQUIPMENT MAINTENANCE FUND**			
Division: 214		EQUIPMENT MAINTENANCE			
ALTEC INDUSTRIES INC		10812010	250402	FILTERS VEH 3334 WO 48032	$520.82
ATOMIC AUTO BODY INC		32535	250753	REPAIR VEH 1203 WO 48144	$4,003.08
BUSH CAR WASH		4545	250760	VEHICLE WASHES-SEPTEMBER	$84.00
CASCADE FIRE EQUIPMENT CORP DBA		120915	250762	PUMP VEH 9000 WO 47334	$7,075.29
CENTRAL HOSE & FITTINGS INC		468702	250571	VEH 3230 WO 48030	$19.15
		469167	250637	HOSES VEH 9000 WO 47334	$96.97
COLEMAN OIL COMPANY		0453498-IN	250428	LANDFILL DIESEL DYED	$4,642.84
		0453499-IN		LANDFILL DIESEL CLEAR	$1,168.62
		CL26560		CARD LOCK FUEL 09/18-09/24/17	$15,119.55
		CL27220	250642	CARD LOCK FUEL 09/25-09/30/17	$16,076.29
		CL31148	250765	CARD LOCK FUEL 10/01-10/01/17	$374.88
COLUMBIA BASIN HOTSY LLC		IN14470	250429	PRESSURE WASHER WAND	$161.76
COLUMBIA RIGGING CORP		31071	250579	ANCHR SHCKLS VEH 3251 WO 48067	$140.96
CONNELL OIL INC		0194454-IN	250432	RED TAC GREASE	$142.16
		C182940-IN		LUBE PRODUCTS	$1,441.73
CORWIN OF PASCO LLC		403308	250434	SENDER VEH 3238 WO 47571	$405.16
DSU PETERBILT & GMC INC		365757L	250440	RADIO VEH 3333 WO 47815	$545.01
		366234L		ARMREST VEH 3336 WO 47867	$437.20
		367515L	250582	FENDER SKIRT VEH 3333 WO 47815	$312.68
		CM362953L	250440	CORE RETURN VEH 3283	($500.00)
FAST SIGNS		139-55997	250443	NUMBERS VEH 2445 WO 48005	$27.15
		139-56029	250659	DECALS VEH 9500 WO 48097	$540.20
		139-56100		NUMBERS VEH 3340 WO 48096	$35.45
FASTENAL COMPANY		WARIC69908	250775	SHOP SUPPLIES	$79.26
		WARIC70054		PARTS VEH 7139 WO 48035	$18.91
		WARIC70055		METAL KIT VEH 3339 WO 48044	$46.85
		WARIC70056		METAL KIT VEH 3340 WO 48045	$46.85
		WARIC70100		METAL KIT VEH 2447 WO 48125	$46.85
		WARIC70101		METAL KIT VEH 2432 WO 48124	$46.85
		WARIC70102		METAL KIT VEH 2431 WO 48123	$46.85
GENUINE AUTO GLASS OF TRI CITIES LLC		623252	250450	WS REPAIR VEH 2402 WO 47400	$32.58
		624642		WNDSHLD TINT VEH 3320 WO 48004	$148.59
GRAINGER	S017590	9552781636	250454	TUBE CLAMP KIT ITEM #4WFF6	$192.84
	S017604	9564097971	250783	GAUGE, PRESSURE ITEM #36TW07	$83.74
HOTSY OF SPOKANE		23271	250464	475 GAL CARBON-ATE PLUS SOAP	$2,063.40
JIM'S PACIFIC GARAGES INC		R100012424	250592	ABS DIAG VEH 7146 WO 47958	$414.99
		X100092027	250469	LAMP VEH 3320 WO 48004	$11.88

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
JIM'S PACIFIC GARAGES INC		X100092279	250592	MUDFLAP VEH 3297 WO 47837	$39.75
		X100093672	250786	AIR DRYER VEH 3284 WO 48145	$482.12
		X100093673		KIT FILTER VEH 3248 WO 48146	$86.28
		X100093680		SWITCH VEH 3248 WO 48146	$272.71
		X10092064	250469	AIR SPRING VEH 3321 WO 48019	$53.46
KENWORTH SALES COMPANY		PASIN2501687	250474	HEADLAMP VEH 3205 WO 47948	$13.46
MCCURLEY CHEVROLET		449406	250484	DETAIL VEH 3245 WO 48046	$285.62
		449591		DETAIL VEH 2370 WO 47943	$285.62
		449748		DETAIL VEH 7136 WO 47814	$285.62
		450188		DETAIL VEH 3257 WO 47973	$285.62
		930972		COMPRESSOR VEH 3297 WO 47837	$669.51
		931247		LAMP VEH 2393 WO 47975	$71.62
		931532		SEAL VEH 1382 WO 47957	$2.30
		931661		HANDLE VEH 2386 WO 48007	$94.17
		932295	250794	HANDLE VEH 3299 WO 48174	$8.83
MOBILE FLEET SERVICE INC		1271110008	250692	VEH 3222 CORE CREDIT	($161.76)
		1272680015		PANEL VEH 3230 WO 48030	$1,113.81
		1272690002		PANEL VEH 3230 WO 48030	$240.52
MONARCH MACHINE & TOOL CO INC		A192354	250599	FLAT BAR VEH 7200 WO 48061	$62.18
		D192216		ORGANIZER VEH 9500 WO 48095	$851.42
		F192007	250694	INSTAL HINGE VEH 2461 WO 48102	$294.39
		F192317	250489	REBLD T HNDL VEH 7200 WO 48036	$183.48
NORCO INC		22015739	250490	NORTON GEMINI SHOP TOOL	$199.11
OXARC INC		60038331	250802	CYLINDER RENTAL- SEPTEMBER	$153.72
PAPE' MATERIAL HANDLING		10643967	250602	WINDOW VEH 7109 WO 48023	$22.68
RDO EQUIPMENT CO		P54481	250504	PARTS VEH 6566 WO 48000	$20.21
		P54482		SPACER VEH 6595 WO 47884	$98.72
		P55111		NEEDLE VEH 6566 WO 48000	$91.34
		P55546	250605	SPINDLE VEH 6566 WO 48065	$647.67
RICHLAND NAPA		395924	250813	WIPER VEH 2388 WO 47972	$10.31
		395933		OIL VEH 6595 WO 47884	$87.71
		395934		PUMP VEH 6595 WO 47884	$5.63
		395943		LAMP VEH 2467 WO 47945	$53.12
		396006		PAD VEH SHOP WO SUPPLIES	$18.42
		396060		FILTER VEH 2372 WO 47942	$19.82
		396085		LAMP VEH 6543 WO 47907	$8.72
		396086		CONN VEH 4125 WO 47904	$22.78
		396200		FILTER VEH 2324 WO 47953	$17.38
		396218		ADHESIVE VEH 9500 WO 47954	$20.55
		396233		TENSIONER VEH 2387 WO 47956	$98.42
		396260		WIPER VEH 2372 WO 47942	$32.73

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND NAPA		396264	250813	GASK SET VEH 1382 WO 47957	$150.06
		396265		BATTERY VEH 3257 WO 47973	$105.66
		396292		WIPERS VEH 3317 WO 47853	$24.96
		396300		SEALANT VEH 1382 WO 47957	$4.33
		396327		TESTER VEH SHOP WO TOOLS	$69.76
		396352		ELBOW VEH 9000 WO 47334	$33.77
		396377		BULB VEH 1384 WO 47873	$10.64
		396378		WASH FLUID VEH 800 WO 48001	$32.19
		396397		ATF VEH 2384 WO 47860	$29.97
		396441		HOSE VEH 9000 WO 47334	$118.37
		396479		FILTER VEH 7136 WO 48714	$41.71
		396482		FILTER VEH CREDIT WO CREDIT	($15.89)
		396483		SOCKET VEH 2374 WO 47995	$8.66
		396497		WIPER VEH 1384 WO 47873	$50.26
		396499		ADHESIVE VEH 9000 WO 47334	$36.90
		396511		WIPER VEH 1384 WO 48025	$12.66
		396523		BULB VEH 3296 WO 48016	$19.34
		396556		ADHESIVE VEH 5029 WO 47971	$8.76
		396557		BRK CLN VEH 3311 WO 47580	$45.63
		396558		FILTER VEH 3230 WO 48030	$26.56
		396561		SOLENOID VEH 3319 WO 48053	$75.35
		396572		FILTER VEH 2452 WO 48027	$20.37
		396574		FILTER VEH 3403 WO 48028	$31.75
		396600		DISC VEH SHOP WO SUPPLIES	$13.90
		396601		DISC VEH SHOP WO SUPPLIES	$49.96
		396610		CUT OFF VEH SHOP WO SUPPLIE	$25.06
		396726		WIPER VEH 3238 WO 48026	$19.53
		396727		BRK CLN VEH 3283 WO 48020	$4.97
		396729		FILTER VEH 9500 WO 48040	$14.31
		396740		HOSE VEH 9000 WO 47334	$51.04
		396745		FILTER VEH 7137 WO 48043	$7.10
		396760		SEALANT VEH 3336 WO 47867	$15.27
		396798		FILTER VEH 7137 WO 48043	$129.47
		396823		BATTERY VEH 1382 WO 48052	$133.43
		396824		CORE VEH 1382 WO 48052	($19.55)
		396861		ADAPTER VEH 30 WO 48109	$10.63
		396894		BATTERY VEH 3321 WO 48054	$472.87
		396903		ERASER VEH 1103 WO 48105	$75.42
		396926		BATTERY VEH 2432 WO 48057	$160.24
		396945		FILTER VEH 2458 WO 48080	$16.55
		396946		FILTER VEH 2465 WO 48081	$16.55

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND NAPA		396948	250813	FILTER VEH 2432 WO 48056	$20.37
		396950		FILTER VEH 3212 WO 48083	$180.67
		396952		FILTER VEH 2387 WO 48082	$19.82
		396953		FILTER VEH 3247 WO 48084	$78.19
		396954		FILTER VEH 3248 WO 48085	$176.74
		396955		FILTER VEH 3266 WO 48086	$17.38
		396956		FILTER VEH 3278 WO 48087	$17.38
		396957		FILTER VEH 3302 WO 48088	$17.06
		396958		FILTER VEH 3321 WO 48089	$161.40
		396960		FILTER VEH 6544 WO 48090	$81.98
		396961		FILTER VEH 2386 WO 48091	$19.82
		396962		FILTER VEH 2435 WO 48092	$16.55
		396963		FILTER VEH 3298 WO 48094	$16.68
		396964		FILTER VEH 3204 WO 48093	$110.71
		396991		FILTER VEH 2448 WO 48063	$20.37
		396992		FILTER VEH 2350 WO 48068	$12.24
		397001		FILTER VEH 3226 WO 48072	$29.91
		397010		FILTER VEH 2344 WO 48174	$17.06
		397012		FILTER VEH 3276 WO 48176	$12.81
		397013		FILTER VEH 3319 WO 48079	$12.81
		397015		FILTER VEH 3307 WO 48078	$12.81
		397016		FILTER VEH 3213 WO 48075	$115.82
		397020		GASKET VEH 3339 WO 48044	$16.88
		397021		GASKET VEH 3340 WO 48045	$16.88
		397032		BATTERY VEH 3301 WO 48099	$131.29
		397054		WIPER VEH 2448 WO 48063	$27.19
		397096		ALTERNATOR VEH 3301 WO 4809	$164.57
		397126		BRAKE PAD VEH 2447 WO 48110	$60.90
		397130		CORE VEH CREDIT WO	($29.87)
		397332		HUB CAP VEH 3248 WO 48146	$60.75
		397359		FLOOR DRY VEH 3311 WO 48148	$100.70
		397414		BRAKES VEH 2375 WO 48172	$68.30
		397415		BLADES VEH 2432 WO 48057	$21.70
		397422		FLOOR DRY VEH 3311 WO 48148	$91.55
		397424		SYSTEM VEH SHOP WO TOOLS	$34.73
RUSS DEAN INC		574904	250714	REPAIR VEH 2461 WO 48102	$2,291.46
SHERMAN & REILLY INC		25380	250513	COUNTER VEH 6543 WO 47807	$1,018.72
SNAP ON INDUSTRIAL		ARV/33459011	250514	SHOP TOOLS	$100.08
SOLID WASTE SYSTEMS INC		0099127-IN	250516	SOLENOID VEH 7152 WO 47832	$115.15
		0099150-IN		RELAY VEH 7153 WO 47832	$126.57
		0099306-IN		EYEBOLT VEH 7146 WO 11253	$68.93

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
STEEBER'S LOCK SERVICE		129848	250519	DUP KEYS VEH 3279 WO 47966	$9.45
		479480	250610	3 DUP KEYS VEH 2467 WO 48069	$14.17
		910803	250519	SERVICE CALL VEH 3279 WO 47966	$65.16
TACOMA SCREW PRODUCTS INC		22189470	250521	SHOP TOOLS	$1,371.63
THERMO KING NORTHWEST, INC DBA		2387142	250523	HOLDERS VEH 6570 WO 47726	$1,610.42
TIRE FACTORY INC		03-124732	250525	SERVICE CALL VEH 3142 WO 47981	$142.27
		03-124950		REPAIR VEH 6595 WO 47999	$93.10
		03-124990		FLAT REPAIR VEH 6566 WO 48000	$98.41
		03-125024		BILLED IN ERROR VEH 3230	$419.74
		03-125096		REPAIR VEH 3266 WO 47981	$18.41
		03-125099		TIRES VEH 2378 WO 47978	$742.48
		03-125144		MOUNT/DISMNT VEH 2365 WO 47979	$54.79
		03-125146		BILLING ERR VEH 3266 WO 47981	($18.41)
		03-125147		REPAIR VEH 4160 WO 47980	$18.41
		03-125163		TIRE VEH 2468 WO 47983	$170.99
		03-125164		TIRES VEH 3311 WO 47989	$1,698.25
		03-125186		BALANCE VEH 2466 WO 47977	$71.68
		03-125231		BILLED IN ERROR VEH 3230	($419.74)
		03-125232		SERVICE CALL VEH 3230 WO 47982	$734.48
		03-125279		TIRES VEH 3283 WO 47987	$2,864.79
		03-125280		WHEEL SWITCH VEH 3309 WO 47986	$137.92
		03-125289		WHEEL SWITCH VEH 3310 WO 47985	$72.76
		03-125290		FLAT REPAIR VEH 3310 WO 47984	$46.16
		03-125310		WHEEL SWITCH VEH 3337 WO 47998	$108.60
		03-125312		FLAT REPAIR VEH 3335 WO 47997	$46.16
		03-125313		TIRES VEH 3280 WO 47996	$870.84
		03-125315	250724	FIX TIRE VEH 3319 WO 48101	$18.41
		03-125352	250828	FLAT REPAIR VEH 3230 WO 48134	$46.16
		03-125381	250724	REPLC SENSOR VEH 1106 WO 48103	$26.55
		03-125447		SWEEL SWITCH VEH 3333 WO 48100	$86.88
		03-125448		TIRES VEH 3285 WO 48098	$1,333.65
		03-125449		TIRE REPAIR VEH 3280 WO 48121	$770.50
		03-125467		FLAT REPAIR VEH 3337 WO 48122	$46.16
		03-125471	250828	TIRES VEH 3337 WO 48130	$1,246.77
		03-125472		TIRES VEH 3252 WO 48131	$1,762.45
		03-125474		WHEEL SWITCH VEH 3310 WO 48133	$84.71
		03-125488		FLAT REPAIR VEH 6588 WO 48128	$70.32
		03-125501		SVC CALL VEH 6000 WO 48143	$138.47
		03-125503		FLAT REPAIR VEH 3222 WO 48135	$92.31
TITAN TRUCK EQUIPMENT		1167704B	250527	ARROW BOARD VEH 3404 WO 47968	$6,869.91
TOM DENCHEL FORD		56935	250830	MOULING VEH 2406 WO 48159	$138.60

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
TOM DENCHEL FORD		56952	250830	MOULDING VEH 2406 WO 48159	$105.39
		F1CS323669	250528	SVC REPAIR VEH 2469 WO 47937	$356.84
		F1CS323773		REPAIR VEH 2467 WO 48006	$61.58
TRI CITIES BATTERY & AUTO REPAIR		0120815	250531	BATTERY VEH 2399 WO 48002	$260.26
		120948		CABLE VEH 3319 WO 47991	$219.07
TSE INTERNATIONAL INC		412777	250536	BEARINGS VEH 6238 WO 47634	$914.18
UNITED PARCEL SERVICE	S017601	000986641397	250728	GROUND PKG TO ROUTEWARE FOR FL	$3.77
	S017601			GROUND PKG TO DSU PETERBILT FO	$4.16
US LINEN & UNIFORM		2029635	250832	UNIFORM SERVICES	$80.82
		2033324		UNIFORM SERVICES	$80.82
		2036956		UNIFORM SERVICES	$80.82
		2040577		UNIFORM SERVICES	$80.82
VERIZON WIRELESS	P058382	9791815188	250730	Verizon Invoice for August	$38.68
	P058382			Verizon Invoice for August	$355.59
WESTERN STATES EQUIPMENT COMPANY		IN000448672	250548	COUPLING VEH 3285 WO 47886	$123.45
		IN000449969	250734	COUPLING VEH 3285 WO 47886	$27.43
		IN000452487	250619	COUPLINGS VEH 3335 WO 47888	$309.29
		IN000453881		ELEMENT VEH 7138 WO 48011	$359.03
		IN000453897		ELEMENTS VEH 7090 WO 48012	$162.14
		IN000453899		ELEMENTS VEH 7123 WO 48013	$473.94
		IN000453907		ELEMENTS VEH 7130 WO 48009	$220.02
		IN000455146		COUPLING VEH 3335 WO 47888	$42.83
		IN000457675	250734	BLADE VEH 7090 WO 48108	$60.63
		IN000457688		BLADE VEH 7131 WO 48107	$59.69
		IN000457696		BLADE VEH 7138 WO 48106	$84.88
		IN000457702		BLADE VEH 7123 WO 48104	$84.88
		IN000458830	250836	COUPLING VEH 7136 WO 47814	$9.64
		IN000458876		COUPLING VEH 3311 WO 47580	$7.30
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$92.65
				EQUIPMENT MAINTENANCE TOTAL****	**$99,630.11**
				EQUIPMENT MAINTENANCE FUND Total ***	**$99,630.11**

FUND 503 EQUIPMENT REPLACEMENT FUND

Division: 215 EQUIPMENT REPLACEMENT

TITAN TRUCK EQUIPMENT	P057619	1167704	250829	ONE (1) NEW CM ALUMINUM FLATBE	$27,919.72
	P057619			SALES TAX	$2,401.10
				EQUIPMENT REPLACEMENT TOTAL****	**$30,320.82**
				EQUIPMENT REPLACEMENT FUND Total ***	**$30,320.82**

FUND 505 PUBLIC WORKS ADMIN & ENGINEER

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 450 PW ADMIN & ENGINEERING					
ABADAN INC		ARIN076593	250564	ASBUILTS	$21.18
FEDERAL EXPRESS CORP		5-909-51572	250445	SHIPPING-AUG 2017	$3.97
IMT INC		8908	250590	W VILLAGE PH 1 TESTING M16472	$213.50
		8909	250467	WESTCLIFFE PH16 TESTING M16706	$427.00
		8945	250590	SUNDANCE ESTATES M17276	$659.00
PENWELL, DAN		092817	250808	REIMB EXCISE TAX	$30.00
		092917		REIMB EXCISE TAX	$10.00
TRI CITIES LEGISLATIVE COUNCIL		457	250831	10/10/17 RECEPTION-ROGALSKY	$25.00
VERIZON WIRELESS	P058382	9791815188	250730	Verizon Invoice for August	$860.87
WASHINGTON STATE TREASURER		NOTARY/PENWELL	250438	NOTARY RENEWAL-PENWELL	$30.00
XO HOLDINGS LLC DBA		0295206765	250837	PHONE CHARGES 8/23-9/22/17	$246.65
				PW ADMIN & ENGINEERING TOTAL****	**$2,527.17**
				PUBLIC WORKS ADMIN & ENGINEER Total ***	**$2,527.17**
FUND 520 HEALTH CARE/BENEFITS PLAN					
Division: 222 EMPLOYEE BENEFIT PROGRAM					
LIFE INSURANCE COMPANY OF NORTH AMERICA		9/2017-FLI051384	250478	FLI051384 PREMIUMS - SEPTEMBER	$10,176.82
		9/2017-LK030278		LK030278 PREMIUMS-SEPTEMBER	$10,950.16
		9/2017-OK807703		OK807703 PREMIUMS-SEPTEMBER	$3,132.94
MAGELLAN BEHAVIORAL HEALTH		OCT 2017	250687	EAP PREMIUMS-OCTOBER	$713.71
MERCER (US) INC	P057474	102210003389	250486	PROVIDE BENEFITS CONSULTING AN	$3,541.67
				EMPLOYEE BENEFIT PROGRAM TOTAL****	**$28,515.30**
				HEALTH CARE/BENEFITS PLAN Total ***	**$28,515.30**
FUND 522 POST EMP HEALTHCARE PLAN					
Division: 224 POST EMPLOYMENT BENEFITS PRGM					
MERCER (US) INC	P057474	102210003389	250486	PROVIDE BENEFITS CONSULTING AN	$3,541.66
				POST EMPLOYMENT BENEFITS PRGM TOTAL****	**$3,541.66**
				POST EMP HEALTHCARE PLAN Total ***	**$3,541.66**
FUND 611 FIREMAN'S PENSION					
Division: 216 FIRE PENSION					
BAKER, MARSHALL R		OCTOBER 2017	250625	MEDICARE PREMIUM/BAKER	$108.00
BENTON COUNTY FIRE DIST 1		2017-34	250568	FIRE PENSION AUGUST 2017	$690.83
BOWLS, DAVID		OCTOBER 2017	250631	MEDICARE PREMIUM/BOWLS	$104.90
CANFIELD, HARRY R			250633	MEDICARE PREMIUM/CANFIELD	$107.00
CARRICK, HENRY			250634	MEDICARE PREMIUM/CARRICK	$104.90
CENTER VISION & CONTACT LENS CLINIC INC		071417HJ	250552	NON COVERED VISION	$82.00

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CLARK, FRANK M		OCTOBER 2017	250640	MEDICARE PREMIUM/CLARK	$104.90
COLUMBIA POINT VISION		082317GR	250553	NON COVERED VISION	$635.00
COLUMBIA RIVER EYE CENTER		081717EM	250554	NON COVERED VISION	$640.00
DOWNS, DANNY		OCTOBER 2017	250650	MEDICARE PREMIUM/DOWNS	$134.00
ELIASON, CURTIS			250651	MEDICARE PREMIUM/ELIASON	$109.00
ESTY, RAYMOND J		081017	250555	NON COVERED RX	$58.23
		OCTOBER 2017	250655	MEDICARE PREMIUM/ESTY	$104.90
FAMILY FIRST DENTAL		041817RL	250556	NON COVERED DENTAL	$37.00
FERRIANS, ALLEN LARRY		OCTOBER 2017	250662	MEDICARE PREMIUM/FERRIANS	$109.00
HOUCHIN, EARL			250670	MEDICARE PREMIUM/HOUCHIN	$104.90
JOHNSON, NEILS E			250675	MEDICARE PREMIUM/JOHNSON	$105.00
JONES, HAROLD			250676	MEDICARE PREMIUM/JONES	$104.90
KEYS, JACK D			250681	MEDICARE PREMIUM/KEYS	$134.80
LAHTI, ROGER P		081417RL	250557	NON COVERED RX	$125.97
		OCTOBER 2017	250683	MEDICARE PREMIUM/LAHTI	$104.90
MITCHELL, RAYMOND L			250691	MEDICARE PREMIUM/MITCHELL	$107.00
MULROY, JAMES P		SEPTEMBER 2017	250558	MEDICARE PREMIUM/MULROY	$134.00
MURRAY, DAVID		OCTOBER 2017	250696	MEDICARE PREMIUM/MURRAY	$104.90
MYERS, EDWARD A			250697	MEDICARE PREMIUM/MYERS	$107.00
OWEN, MICHAEL			250700	MEDICARE PREMIUM/OWEN	$104.90
PACIFIC MEDICAL INC		12/16-01/17JB	250559	NON COVERED MEDICAL	$378.08
POLLARD, JAMES		OCTOBER 2017	250706	MEDICARE PREMIUM/POLLARD	$104.90
RONEY, LARRY			250713	MEDICARE PREMIUM/RONEY	$106.00
RX PHARMACY		00807-091117CE	250560	NON COVERED RX	$1,022.22
		082117RB		NON COVERED RX	$777.30
		082317HJ		NON COVERED RX	$139.28
		083117EM		NON COVERED RX	$37.40
SIEMENS, DONALD		OCTOBER 2017	250716	MEDICARE PREMIUM/SIEMENS	$107.00
THRALL, TERRY		0905-090817TT	250561	NON COVERED MEDICAL	$150.00
VIEWPOINT DENTISTRY		010617DB	250562	NON COVERED DENTAL	$4.00
WEST, ROYAL		080217	250563	NON COVERED VISION	$55.00
		OCTOBER 2017	250733	MEDICARE PREMIUM/WEST	$106.00
WILLIAMSON, CRAIG E			250737	MEDICARE PREMIUM/WILLIAMSON	$105.00
				FIRE PENSION TOTAL****	**$7,460.11**
				FIREMAN'S PENSION Total ***	**$7,460.11**

FUND 612 POLICEMEN'S PENSION

Division: 217 POLICE PENSION

ADVANCED ENDODONTIC CARE PLLC		080417LB	250383	NON COVERED DENTAL	$159.00
ANDERS, PETER		082417	250384	NON COVERED RX	$582.99
BOLSTAD, BARRY		SEPTEMBER 2017	250385	MEDICARE PREMIUM/BOLSTAD	$134.00

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
BRUNSON, DALE A		071117	250386	NON COVERED DENTAL	$75.20
BUSH, LEE		0758446848	250387	NON COVERED MEDICAL	$6,628.00
		0758557049		NON COVERED MEDICAL	$6,628.00
CASE, MIKE		080817	250388	NON COVERED RX	$5.69
		081517		NON COVERED RX	$33.86
		081617		NON COVERED RX	$21.66
		SEPT-NOV 2017		MEDICARE PREMIUM/CASE	$402.00
CENTER VISION & CONTACT LENS CLINIC INC		080317JG	250389	NON COVERED VISION	$412.00
HEASTON & THOMPSON VISION CLINIC		081817RC	250390	NON COVERED VISION	$60.00
LARSON, SCOTT K		082917	250391	NON COVERED VISION	$759.80
MATHESON, HAN & GIESA PLLC		072517DB	250392	NON COVERED DENTAL	$671.73
OREGON EYE SPECIALISTS PC		080317KB	250393	NON COVERED VISION	$152.45
RX PHARMACY		071417JC	250394	NON COVERED RX	$392.50
SNYDER, RONALD K DDS		062617JD	250395	NON COVERED DENTAL	$1,246.80
		080717GT		NON COVERED DENTAL	$55.40
TANNER, WILLIAM		SEPT-OCT 2017	250396	MEDICARE PREMIUM/TANNER	$268.00
				POLICE PENSION TOTAL****	**$18,689.08**
				POLICEMEN'S PENSION Total ***	**$18,689.08**

FUND 641 SOUTHEAST COMMUNICATIONS CTR

Division: 600 SECOMM OPERATIONS GENERAL

CENTURYLINK		0917-509-624-3863	250572	GENERAL 09/16-10/16/17	$7.32
CHARTER COMMUNICATIONS		1017-180070706114	250573	CABLE SERVICE 09/30-10/29/17	$28.13
EMPLOYMENT SCREENING SERVICES, INC		38409341194	250442	BACKGROUND/REFERENCE CHECKS	$31.50
		38448541194	250653	BACKGROUND/REFERENCE CHECKS	$38.50
FRONTIER		09/17 2061881060	250587	GENERAL 09/19-10/18/17	$204.55
HP INC		0418221	250465	PRINTER SPRT 5/15/17-8/15/17	$296.12
UNITED PARCEL SERVICE	S017601	000986641397	250728	GROUND PKG TO PLANTRONICS FOR	$4.40
VANGUARD CLEANING SYSTEM OF INLAND NW		72293	250729	BCES JANITORIAL SRVCS-OCT	$375.00
WASHINGTON STATE PATROL		00064770	250618	ACCESS USER FEE 7/1-09/30/17	$2,700.00
				SECOMM OPERATIONS GENERAL TOTAL****	**$3,685.52**

Division: 601 E911 OPERATIONS

EMPLOYMENT SCREENING SERVICES, INC		38409341194	250442	BACKGROUND/REFERENCE CHECKS	$31.50
		38448541194	250653	BACKGROUND/REFERENCE CHECKS	$38.50
HP INC		0418221	250465	PRINTER SPRT 5/15/17-8/15/17	$296.12
LETTRICK, R. KIM		17-313 LETTRICK	250790	17-313 SECO CONTRACTS MEETI	$359.01
				E911 OPERATIONS TOTAL****	**$725.13**
				SOUTHEAST COMMUNICATIONS CTR Total ***	**$4,410.65**

FUND 643 EMERGENCY MANAGEMENT

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 620 STATE / LOCAL ASSISTANCE					
CHARTER COMMUNICATIONS		1017-180070706114	250573	CABLE SERVICE 09/30-10/29/17	$28.13
VANGUARD CLEANING SYSTEM OF INLAND NW		72293	250729	BCES JANITORIAL SRVCS-OCT	$62.50
				STATE / LOCAL ASSISTANCE TOTAL****	**$90.63**
Division: 621 RADIOLOGICAL EMGCY PREPAREDNES					
CHARTER COMMUNICATIONS		1017-180070706114	250573	CABLE SERVICE 09/30-10/29/17	$28.14
HP INC		0418221	250465	PRINTER SPRT 5/15/17-8/15/17	$328.88
VANGUARD CLEANING SYSTEM OF INLAND NW		72293	250729	BCES JANITORIAL SRVCS-OCT	$62.50
				RADIOLOGICAL EMGCY PREPAREDNES TOTAL****	**$419.52**
Division: 622 DOE EMERGENCY PREPAREDNESS					
ARROW TECH INC	P058308	22897	250410	DRDCAL-100 ** DIRECT-READING	$1,500.00
	P058308			SHIPPING	$25.00
CHARTER COMMUNICATIONS		1017-180070706114	250573	CABLE SERVICE 09/30-10/29/17	$28.14
LUDLUM MEASUREMENTS INC	P058313	00434412	250597	ADJUST FOR TAX	$0.01
	P058313			FREIGHT	$135.75
	P058313			CALIBRATE TEN LUDLUM MODEL 12	$162.90
	P058313			LUDLUM MODEL 12 CALIBRATION WI	$1,303.20
VANGUARD CLEANING SYSTEM OF INLAND NW		72293	250729	BCES JANITORIAL SRVCS-OCT	$62.50
				DOE EMERGENCY PREPAREDNESS TOTAL****	**$3,217.50**
Division: 623 JURISIDICTION					
CALVERT, BRIAN		091917	250761	REIMB MILEAGE - CHETCO BAR	$564.43
CHARTER COMMUNICATIONS		1017-180070706114	250573	CABLE SERVICE 09/30-10/29/17	$28.13
HP INC		0418221	250465	PRINTER SPRT 5/15/17-8/15/17	$328.87
VANGUARD CLEANING SYSTEM OF INLAND NW		72293	250729	BCES JANITORIAL SRVCS-OCT	$62.50
				JURISIDICTION TOTAL****	**$983.93**
				EMERGENCY MANAGEMENT Total ***	**$4,711.58**
FUND 803 UTILITY BILL CLEARING FUND					
Division: 000					
ADVANCED UTILITY ACCOUNTS PAYABLE INVOICES		CISPAY14315	250574	Customer Refund	$4.22
		CISPAY14316	250583	Customer Refund	$279.82
		CISPAY14317	250614	Customer Refund	$167.41
		CISPAY14318	250588	Customer Refund	$91.14
		CISPAY14319	250585	Customer Refund	$24.30
		CISPAY14320	250620	Customer Refund	$31.68
		CISPAY14321	250598	Customer Refund	$132.09
		CISPAY14322	250594	Customer Refund	$106.14
		CISPAY14323	250739	Customer Refund	$19.90

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
ADVANCED UTILITY ACCOUNTS PAYABLE INVOICES		CISPAY14324	250742	Customer Refund	$59.35
		CISPAY14325	250743	Customer Refund	$42.93
		CISPAY14326	250747	Customer Refund	$10.46
		CISPAY14327	250741	Customer Refund	$15.26
				Customer Refund	$49.55
		CISPAY14328	250745	Customer Refund	$125.94
		CISPAY14329	250746	Customer Refund	$16.63
		CISPAY14330	250740	Customer Refund	$54.29
		CISPAY14331	250766	Customer Refund	$9.91
				Customer Refund	$53.21
		CISPAY14332	250821	Customer Refund	$153.83
		CISPAY14333	250787	Customer Refund	$248.41
		CISPAY14334	250822	Customer Refund	$9.50
		CISPAY14335	250826	Customer Refund	$190.71
		CISPAY14336	250799	Customer Refund	$11.34
		CISPAY14337	250759	Customer Refund	$131.43
		CISPAY14338	250755	Customer Refund	$22.67
				UNASSIGNED TOTAL****	**$2,062.12**
				UTILITY BILL CLEARING FUND Total ***	**$2,062.12**

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
				Invoice Total: ****	$1,624,726.46

	Number of Invoices	Amount
Vouchers In Richland	307	$303,056.87
Vouchers In Tri Cities	149	$306,087.27
Vouchers In WA	198	$656,041.86
Vouchers Outside WA	489	$359,540.46
Vouchers Final Total.....	1143	$1,624,726.46

Ob ject Category	Title	Total	Percentage
2	BENEFITS	$63,024.27	3.88%
3	SUPPLIES	$175,733.20	10.82%
4	OTHER SERVICES & CHARGES	$887,449.84	54.62%
5	INTERGOVERNMENTAL SERVICES	$71,485.52	4.4%
6	CAPITAL PROJECTS	$288,299.06	17.74%
	MACHINERY & EQUIPMENT	$30,776.82	1.89%
8	INTEREST	$1,326.58	0.08%
	REFUNDS	$2,062.12	0.13%
9	INTERFUND SERVICES	$55.10	0%
	INVENTORY PURCHASES	$104,513.95	6.43%
	Total	$1,624,726.46	

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Reports and Comments

Key Element:

Subject:
City Manager

Department:
City Manager

Ordinance/Resolution Number:

Document Type:
Presentation

Recommended Motion:

Summary:

Fiscal Impact:

Attachments:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

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COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/17/2017

Agenda Category: Reports and Comments

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Mayor

Department:
City Council

Ordinance/Resolution Number:

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Attachments: