



Agenda

RICHLAND PLANNING COMMISSION WORKSHOP

City Manager's Conference Room - 505 Swift Boulevard

WEDNESDAY, February 12, 2014

7:00 p.m.

COMMISSION MEMBERS: James Utz, Chair; Carol Moser, Vice-Chair, Debbie Berkowitz; Marianne Boring, Clifford Clark; Stanley Jones; Kent Madsen, Amanda Wallner and James Wise

LIAISONS: Rick Simon, Planning and Development Services Manager
Phil Lemley, City Council

Call to Order 7:00 p.m.

Business

- 1. DISCUSSION OF PROPOSED LUDR AMENDMENTS**
- 2. DISCUSSION OF SHORELINE MASTER PROGRAM**
- 3. DISCUSSION OF VIEW CORRIDORS**

Adjournment

Planning Commission Regular Meeting – Wednesday, February 26, 2014
Planning Commission Workshop Meeting – Wednesday, March 12, 2014

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MEMORANDUM

*Community and Development Department
Planning & Development Services Division*

TO: PLANNING COMMISSION

FROM: RICK SIMON, DEVELOPMENT SERVICES MANAGER

DATE: FEBRUARY 12, 2014

RE: FEBRUARY WORKSHOP

There are three items on the agenda this month:

Shoreline Master Program Update

Commissioners Berkowitz and Wise met with Ben Floyd and myself and had a productive meeting addressing the comments that were discussed at the hearing last month. The table below includes comments made by the Commissioners on the left column and the responses provided by the consultant on the right column. Word documents can be opened directly from the table. The pdf's referenced here cannot be opened from this document but are included in the e-mail

Commissioner Comment	Anchor QEA Response
 Comments on the SMP Restoration Plan	  REstoration plan - Comments on the Goodwin comments.dSMP Restoration Plan
 Comments on the SMP Cumulative Impa	 Comments on the SMP Cumulative Impa
 Comments on the SMP Inventory Plan 1-	 Comments on the SMP Inventory Plan 1-
 Comments on the SMP 1-27-14.docx	26.20.040.pdf 26.60 wetlands updates.pdf BMP's def.pdf Conservation Policy.pdf FWHCA buffer updatespdf

 Comments that had been agreed to previo	 Richland SMP Prior Revisions comment_re
 Ltr Rpt JAW, Amon & SMP 012614.docx	Hearing.pdf Ecology Request 2-5-14.pdf*
Letter from John Fox presented to the Commission at the 1/27/14 hearing concerning shoreline setbacks in North Richland	Bulk Dimension.pdf

*There is some uncertainty as to whether the Amon Drainage should be classified as a shoreline or not and in the meeting we were not able to resolve this issue, but did agree to ask the Department of Ecology for their evaluation. A request has gone out to Ecology but no response has been received yet.

Badger Mountain South – Land Use & Development Regulations

The Commission will get an opportunity to review proposed amendments to the Land Use and Development Regulations (LUDR) that are in place for the Badger Mountain South Master Planned Community. Badger Mountain South is unique within the City in that through an agreement between the developers and the City, the City has adopted a unique set of zoning regulations that apply to this development and nowhere else in the City. VSI, the firm representing the development company (Nor Am) has proposed a number of minor amendments to the LUDR, based upon their recent experience with the development of the West Vineyards subdivision. Included in the Commission packets is a listing of the specific amendments proposed, with both existing and proposed language. The list is much easier to read if you have a copy of the original LUDR. Copies of the LUDR have been distributed to the Commission previously when it was first adopted. An electronic version is available on the City's webpage. Look under "departments" then "community and development services" then "development services" then "Badger Mountain South". Hard copies of the LUDR will also be made available at the workshop. The intent of the workshop discussion is to familiarize the Commission with the proposed amendments in preparation for a formal hearing on the application at the Commission's upcoming regular meeting. Loren Combs of VSI will be attending the workshop to explain the proposed amendments and answer any questions.

View Corridors

At the last workshop, the Commission discussed view corridors and agreed that each Commissioner would bring a list of their top five view locations within the City to begin to identify and narrow down the most important views to be preserved.

Comments on the SMP Restoration Plan:

Italics – suggested additions.

Crossouts – suggested deletions.

1. P. 9 3.6 through operations, maintenance, and restoration actions in ~~undeveloped~~ *these* areas.
2. Table 3 #1 Bateman Island – Coordinate *low intensity* recreation use management...
3. Table 3 #2 Columbia Point South trail system –Coordinate *low intensity* recreation use management.
4. Table 3 #11 Change to “Remove Russian Olive and other invasive species and replace with native riparian and upland vegetation. “ Or eliminate for future discussion when Parks Vegetation Management Plan is provided.
5. Table 3 footnote 3 *blue* elderberry

S. Goodwin: Restoration Plan Comments	
1. The source listed for many of these “opportunities” is listed as “SVMP = Draft City of Richland Shoreline Vegetation Maintenance Plan (Pinard 2013)”. It is my understanding that this plan as per the author is “so draft that I’m not sure how much value it has”. I find it inappropriate to be referencing a report that hasn’t received formal approval from either the USACE (the lessor) or any other government agency. Using this reference as a supporting document gives the proposed actions much more credence than is deserved.	Comment noted
2. “Remove Russian Olive and other invasive species, and replace with native riparian and upland vegetation in clustered areas” a) Removing Russian olive trees to the extent outlined in this document will be nearly impossible given both budgetary constraints and limits on the use of herbicides along the shoreline. Cutting them down doesn’t kill them and tends to encourage more sprouting from the roots. An excellent example of this can be seen where the City of Richland implemented an “Adopt a Park” program from South Leslie Groves to the Hains dike. While the spiking of Russian olive trees with Garlon 3A killed a number of trees, it mostly half-killed many of them which caused a return from their roots with added vigor. To quote from a conversation I had with long-time PNNL plant ecologist William Rickard, “We will never get rid of Russian olive trees as long as we have the McNary pool”. b) Russian olive trees currently provide winter forage for many of the birds wintering in the area. Removing habitat simply to replace habitat does not make much sense in this situation. I would be in favor of thinning out some of the brushy Russian olive or perhaps trimming long established trees, but wholesale removal isn’t a realistic goal. c) Newly planted trees will have considerable competition, both from returning Russian olives, a variety of noxious weeds eager to fill the void, and beavers. One reason Russian olives thrive in this area is that beavers tend to leave them alone. Rather than planting trees, the City might have more success with shrubs like sumac, Wood’s rose, and dogwood competing with the Russian olives. d) Both upland and riparian plants are contained in the list of native replacements. The list generally looks good as long as upland species aren’t used to revegetate the riparian area. e) I would like to see “clustered areas” defined. Clusters suggests a considerable amount of vegetation removed that will not be replaced. If so, how will “no net loss” of ecological function be addressed?	Updating to de-emphasize Russian Olive removal and note other invasive species that are also problematic. Also, delete text related to “clustering” (see (e))
3. “Provide view corridors and water access at bench locations” a) Many of the benches along the river had no view of the river when they were installed. Does this mean we will now be opening up the view at each of these benches? It was my understanding that the SMP was working from the current shoreline status. How does this fit in to the “no net loss” plan? b) For many individuals, the view is the trees and not the river. I cannot emphasize this enough.	Deleted discussion of “benches” from action discussion, and refocused action on restoration only.
4. Since both the “Restoration Plan, City of Richland SMP Update (January 2014)” and the “Draft Cumulative Impacts Analysis Report, City of Richland SMP Update (January 2014)” reference the “Draft City of Richland Shoreline Vegetation Maintenance Plan (Pinard 2013)”, I would like clarification on the following items:	These comments are being provided to the City Parks and Recreation Department for consideration as they

a) Remove Russian olive and replace at a 2:1 ratio with a variety of tree species: I was under the impression from conversations at previous SMP Open Houses that the replacement ratio was higher than 2:1. b) Provide access to the water (5 ft wide) at each bench location: Is this in addition to the 20 ft wide access zones every 500 ft? Once again, not all of the benches were installed in areas that originally had river access or a view. c) Remove vegetation up to 10 ft on both sides of trail: How will this be performed? By periodic mowing, herbicides, or both? The current method of removal has resulted in the propagation of tackweed along the path. I suggest the City work towards a mitigation plan for this noxious plant. d) Trim tree branches up to 6 ft vertically off the ground: I'm not sure why the City feels compelled to remove limbs from trees to a height of 6 ft. By doing this, the City will be removing a considerable amount of existing habit and cover for the birds and mammals living in these areas. I was under the impression that the goal was to increase habitat or at a minimum no net loss. e) Provide 20 ft wide view corridors every 500 ft: Is this in addition to the water access and views at each bench? This seems excessive. How will these corridors be maintained? The loss of habitat every 500 ft adds up to a considerable loss of habitat along the river. How will this loss be mitigated? f) Provide vegetation clumps including willows and trees with grasses in between the clumps, remove invasive species/noxious weeds, seed with native grasses: This is a very ambitious plan. I'm not sure how the City intends to implement such an extensive plan and or how they will maintain it. In the not so recent past, the City was trying to decrease the number of neighborhood "pocket parks" to save money. The effort required to implement and maintain the changes recommended in the SVMP are cost prohibitive given the total area the City would have to maintain over a period of several years. The City only needs to look at the level of effort it takes to maintain the natural area just north of the Snyder boat launch. Countless hours of volunteer time are needed to keep noxious weeds from overtaking the native vegetation. Is the City really prepared to put forth such an effort? If so, I would recommend starting with a small test area before wholesale destruction of existing habitat. It may consist almost entirely of invasive plants, but it is still habitat for the existing community of birds and animals that live there.	prepare a more complete draft of the vegetation management plan.
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D. Berkowitz: Comments on the SMP Restoration Plan	
1. P. 9 3.6 through operations, maintenance, and restoration actions in undeveloped these areas.	Update
2. Table 3 #1 Bateman Island – Coordinate low intensity recreation use management...	Update
3. Table 3 #2 Columbia Point South trail system – Coordinate low intensity recreation use management.	Update
4. Table 3 #11 Change to “Remove Russian Olive and other invasive species and replace with native riparian and upland vegetation. “ Or eliminate for future discussion when Parks Vegetation Management Plan is provided.	Update
5. Table 3 footnote 3 blue elderberry	Update

Comments on the SMP Cumulative Impacts Analysis Report:

Italics – suggested additions.

Crossouts – suggested deletions.

1. P. 13 13 ...through operations, maintenance and restoration actions in ~~undeveloped~~ *these* areas; P. 13 14 define compatible species
2. P. 15 Table 2 #1 Bateman Island – Coordinate *low intensity* recreation use management... (Bateman Island is NOS)
3. P. 15 Table 2 #2 Columbia Point South trail system – should be Reach 4b, not reach 6. Coordinate *low intensity* recreation use management (this part of Columbia Point South is NOS).
4. P. 16 Table 2 #11 Change to “Remove Russian Olive and other invasive species and replace with native riparian and upland vegetation. “ Or eliminate for future discussion when Parks Vegetation Management Plan is provided.
5. P. 11 4.1 Existing CAO regulations were updated for the shoreline to be consistent with Ecology’s Wetland and CAO guidance for small cities, eastern WA edition and will be updated for critical areas outside the shoreline.
6. P. 17 4.4 Recreation. where native vegetation has been *largely, but not entirely*, replaced
7. P. 16 Table 2, footnote 3. *blue* elderberry
8. P. 6&7 Reaches 3 & 5. Include Duportail Bridge as anticipated development.
9. P. 8, 5th row. Not reach 9a for residential development.
10. P. 11 4.2 Wouldn’t impacts on State priority habitat species along the shoreline also lead to agency consultation?
11. Table 3. What do these rows refer to? They don’t seem to correspond to the different reaches and they don’t seem to be compatible with the SEDs. E.g., P. 23 Conservancy – talks about buildings and private recreation uses, etc.; P. 23 Residential talks about recreation development; P. 25 Recreation talks about agriculture; P. 25 Residential talks about 8 additional single family units with new docks – no new docks in Willowpointe area; etc.
12. P. 13 4.3 List should include Washington Native Plant Society, Columbia Basin Chapter. They are involved in several native plant restoration projects, including along the shoreline.
13. P. 21 ~~Grant County and the Coalition.~~

D. Berkowitz: Comments on the SMP Cumulative Impacts Analysis Report	
1. P. 13 l 3 ...through operations, maintenance and restoration actions in undeveloped these areas; P. 13 l 4 define compatible species	Updated – species that provide similar ecological functions to native species.
2. P. 15 Table 2 #1 Bateman Island – Coordinate low intensity recreation use management... (Bateman Island is NOS)	Update
3. P. 15 Table 2 #2 Columbia Point South trail system – should be Reach 4b, not reach 6. Coordinate low intensity recreation use management (this part of Columbia Point South is NOS).	Update
4. P. 16 Table 2 #11 Change to “Remove Russian Olive and other invasive species and replace with native riparian and upland vegetation. “ Or eliminate for future discussion when Parks Vegetation Management Plan is provided.	Update
5. P. 11 4.1 Existing CAO regulations were updated for the shoreline to be consistent with Ecology’s Wetland and CAO guidance for small cities, eastern WA edition and will be updated for critical areas outside the shoreline.	Update
6. P. 17 4.4 Recreation. where native vegetation has been largely, but not entirely, replaced	Update
7. P. 16 Table 2, footnote 3. blue elderberry	Update
8. P. 6&7 Reaches 3 & 5. Include Duportail Bridge as anticipated development.	Update
9. P. 8, 5th row. Not reach 9a for residential development.	Update (9d)
10. P. 11 4.2 Wouldn’t impacts on State priority habitat species along the shoreline also lead to agency consultation?	No – speaking to federal ESA consultation. Update to clarify.
11. Table 3. What do these rows refer to? They don’t seem to correspond to the different reaches and they don’t seem to be compatible with the SEDs. E.g., P. 23 Conservancy – talks about buildings and private recreation uses, etc.; P. 23 Residential talks about recreation development; P. 25 Recreation talks about agriculture; P. 25 Residential talks about 8 additional single family units with new docks – no new docks in Willowpointe area; etc.	Update – table not completely copied in. Missing column identifies reaches
12. P. 13 4.3 List should include Washington Native Plant Society, Columbia Basin Chapter. They are involved in several native plant restoration projects, including along the shoreline.	Update
13. P. 21 Grant County and the Coalition.	Will delete

Comments on the SMP Inventory, Analysis, and Characterization report:
These comments are related to Appendix A and the map folio.

1. Species diversity is greater than indicated in many of the reaches. Please reference within Appendix A some of the information provided previously about WE Johnson birds and about birds along the Columbia River as well as the new information provided at the workshop. Waterfowl, shorebirds, and riparian and upland species are present. A more limited listing of large mammals was also supplied earlier. The water, riparian and upland areas of the Yakima and Columbia Rivers support both migratory and resident species.
2. Maps 10 and 11 should more accurately reflect the Comp Plan and zoning, e.g., at Bateman Island (no split designation); Columbia Point South (accurately show split); and Chamna (accurately show split); WSU and north (can't tell).
3. Reach 5. Geological hazard includes slumping of steep slope.
4. Reach 6c. Parts provide cover, understory, and food sources for songbirds, shorebirds, and small mammals.
5. Reach 9a, b, c. Parts provide cover, understory, and food sources for songbirds, shorebirds, and small mammals.
6. Reach 6 (b?). Includes a tunnel under Hwy 240 for a wildlife movement corridor.
7. Reach 3 and 4. "The small area of upland shrub/steppe habitat and the inherent low productivity of such habitat limits the range of species and populations." Shrub/steppe habitat does not inherently have low productivity; productivity is reduced because of the fragmentation of the habitat. Corridors would improve productivity.
8. Reach 8. Only a small portion of this is designated waterfront, mainly in 8c; much of the adjacent area is BRP (8a, b, part of 8c). Most of the shoreline is either NOS or DOS, part (in 8b/c) has a conservation easement with a specific vegetation management plan. 8d is WSU, so P&PF and DOS (not 8e). 8e is residential.

D. Berkowitz: Comments on the SMP Inventory, Analysis, and Characterization Report (These comments are related to Appendix A and the map folio.)	
1. Species diversity is greater than indicated in many of the reaches. Please reference within Appendix A some of the information provided previously about WE Johnson birds and about birds along the Columbia River as well as the new information provided at the workshop. Waterfowl, shorebirds, and riparian and upland species are present. A more limited listing of large mammals was also supplied earlier. The water, riparian and upland areas of the Yakima and Columbia Rivers support both migratory and resident species.	Update
2. Maps 10 and 11 should more accurately reflect the Comp Plan and zoning, e.g., at Bateman Island (no split designation); Columbia Point South (accurately show split); and Chamna (accurately show split); WSU and north (can't tell).	Update
3. Reach 5. Geological hazard includes slumping of steep slope.	Update
4. Reach 6c. Parts provide cover, understory, and food sources for songbirds, shorebirds, and small mammals.	Update
5. Reach 9a, b, c. Parts provide cover, understory, and food sources for songbirds, shorebirds, and small mammals.	Update
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8. Reach 8. Only a small portion of this is designated waterfront, mainly in 8c; much of the adjacent area is BRP (8a, b, part of 8c). Most of the shoreline is either NOS or DOS, part (in 8b/c) has a conservation easement with a specific vegetation management plan. 8d is WSU, so P&PF and DOS (not 8e). 8e is residential.	Update
9. Restoration Plan, Table 2. I had checked a number of additional reaches for some of the categories. I thought you had agreed to at least some of them:	Update

Comments on the SMP Plan.

Italics – suggested additions. (Anything in quotes is taken from one of the Guidance documents)

Crossouts – suggested deletions.

1. There is additional guidance in both the Wetlands and CAO Guidance for Small Cities, E. Washington version (dated Jan. 2010, revised Oct. 2012) and in the Wetlands Guidance Appendix 8-D volume 2 that are based on BAS and that I think should be included in the SMP in place of some of the current sections.
 - a. There is additional info in the Wetlands Guidance Appendix 8-D that specifies when buffer widths may be reduced based on reducing the intensity of impacts from proposed land uses (8D.2.4.1) and where existing roads or structures lie within the buffer (8D.2.4.2) (see attached). These should replace 26.20.024E2 and 26.60.042D2 since they more specifically define when buffer widths may be reduced.
 - b. There is also additional info in the Wetlands Guidance Appendix that discusses when buffer widths should be increased (8D.2.5.3); the shorter version is from the Wetlands and CAO Guidance (#5) (see attached). Either works and should replace 26.20.024F and 26.60.042E.
 - c. Buffer width averaging is covered in Wetlands and CAO Guidance (#6) (see attached). This should replace 26.20.024E1 and 26.60.042D1 since it more specifically defines when buffer width averaging may be used.
 - d. If these changes are made to the wording of the SMP text, I'm not sure that 26.20.024E3 or 26.60.042D3 is needed. (If changes aren't made, then the 25 ft minimum should be put back in.)
 - e. 26.60.027A. Location and Timing of Mitigation is covered in Wetlands and CAO Guidance, P. A17-19 (see attached). This should replace 26.60.027A.
 - f. (26.60.027 Preference of Mitigation Actions is covered in Wetlands and CAO Guidance, P. A15-17. Maybe just list preferences in order of restoration (reestablishment and rehabilitation), enhancement, and preservation.
 - g. 26.60.030 5. Monitor for five growing seasons. *"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."* (Wetlands & CAO Guidance, P. A-22).
 - h. 26.60.030 C. Add Unauthorized Alterations and Enforcement section from Wetlands and CAO Guidance, P. A24-26 (see attached).
 - i. Definition, Best Management Practices. Add: *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 re-vegetation of disturbed areas; and E. Proved standards for proper use of chemical herbicides within critical areas.*
2. 26.20.040A P. 22 l 21 through operations, maintenance, restoration actions in ~~undeveloped~~ these areas. l 22 and replace ~~removing~~ existing... (sentence was not grammatical). Also, define "compatible species." Add statement from WAC 173-26-201: "While there may be less vegetation remaining in urbanized areas than in rural areas, the importance of this vegetation, in terms of the ecological functions it provides, is often as great or greater than in rural areas due to its scarcity. Identify measures to ensure that new development meets vegetation conservation objectives."
3. 26.60.025 G and 26.60.042F. Examples of uses and activities which may be permitted in appropriate cases, *based on guidance in the Wetlands and CAO Guidance for Small Cities, E. WA version (dated Jan. 2010, revised Oct. 2012, as may be amended in the future)*, include....
4. 26.60.027B.1.c. *"Compensatory mitigation shall achieve equivalent or greater wetland function and values."*
5. 26.60.028 Where it is determined by the city that compensatory wetland mitigation is required or appropriate, a mitigation plan shall be prepared. *The mitigation plan shall meet the minimum requirements contained in the Wetlands and CAO Guidance for Small Cities, E. WA version (dated Jan. 2010, revised Oct. 2012, as may be amended in the future).*...
6. 26.60.043A. Adverse impacts to habitat functions and values shall be mitigated to the extent feasible ~~and~~ *reasonable*.
7. 26.30.070 (P. 49 l 11). priority species *and/or* public access (avoidance of interference with public recreation is already included)

8. 26.60.020 (P. 81 l 15-16) shall be regulated pursuant to the standards of this chapter *to achieve, at a minimum, no net loss of wetland area and functions, including lost time when the wetland does not perform the function:*” (WAC 173-26-221)
9. 26.60.020 (P. 81 l 23) ~~if the activity results in greater impervious surface coverage.~~
10. P. 26 l 6. Incomplete sentence - shoreline environmental designation *and may* consist of
11. 26.10.033D (P. 15, l 8) ~~hunting~~. (Didn’t think hunting was allowed within the city.)
12. 26.50.060B. (P. 73 l 27) RMC Chapter ~~23.46~~ 26.50.050
13. 26.6.010E4 (P. 80 l 11) Does this include updates to the Wetlands & CAO updates, Guidance for small cities, E WA version?
14. P. 115 l 8 ~~RMC 22.10.100~~ RMC 26.60.023
15. From Lennard’s question. Why aren’t you including land necessary for buffers for critical areas in the SMP?
16. P. 116 l 4-8 ?eliminate because redundant. Enhancement is defined according to the guidelines in l 9.
17. P. 38 left out heading: *Recreational Uses* before Art Galleries

- C. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the Shoreline Master Program and the Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

26.20.030 Sensitive Areas

Sensitive Areas within the shoreline jurisdiction shall be regulated in accordance with Section 26.60 of this program and include:

Article I. General Introduction

Article II. Wetlands

Article III. Fish and Wildlife Habitat Areas

Article IV. Geologic Hazard Areas

Article V. Aquifer Protection Areas

Article VI. Flood Hazard Areas

Article VII. General Information

26.20.040 Shoreline Vegetation Conservation

In addition to the Sensitive Areas standards of Section 26.60 RMC Chapter 22.10, the following shall apply to development on the shoreline:

- A. A vegetation management plan for City parks and recreation areas, including both developed and undeveloped lands, shall be developed and implemented in coordination with the US Army Corps of Engineers that protects ecological functions, and results in no net loss of these functions through operations, maintenance, restoration actions in these undeveloped areas. Include integrated vegetation management for control of invasive weeds, and replace ~~removing~~ existing invasive species with native or compatible species that perform ecological functions similar to native species.
- B. A vegetation management plan shall be required for all Sensitive Area buffer areas with degraded native vegetation within SMA jurisdiction and shall:
1. Maintain adequate cover of native vegetation including trees and understory. If a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax community, enhancement plantings shall be installed.
 2. Provide a dense screen of native trees at the perimeter of the buffer to provide and protect ecological functions and prevent viewing of adjacent development from within the buffer. If existing vegetation, or topographic features are not sufficient for these purposes, planting shall be required. Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen.

Moderate level of function for habitat (score for habitat 20-28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 24-32 points; habitat less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristic	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time
<i>Category I Wetlands (For wetlands that score 70 points or more for all functions or having the “Special Characteristics” identified in the rating system)</i>		
Natural Heritage Wetlands	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 29-36 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 20-28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (24-32 points) and low for habitat (less than 20 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	No recommendations at this time

~~G. 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 City 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 City may require long term monitoring of the buffer and wetland with appropriate contingency actions if adverse impacts to the wetland were to occur.~~
- ~~3. Notwithstanding the reductions permitted in subsections (E)(1) and (2) of this section, buffer widths shall not be reduced by more than 25 percent of the required buffer, and no net loss of ecological functions shall be achieved.~~

26.50.010 Buffer Modifications

A. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area.
2. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.
3. The total area of the buffer after averaging is equal to the area required without averaging.
4. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

B. Averaging for proposed land uses may be allowed when all of the following are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
2. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a critical areas report from a qualified wetland professional.
3. The total buffer area after averaging is equal to the area required without averaging.
4. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

C. Reduction in Buffer Width Based on Reducing the Intensity of Impacts from Proposed Land Uses

1. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions:

2. For wetlands that score moderate or high for habitat (20 points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:

a. 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 questions H 2.1 and H 2.2.1 of the Washington State Wetland Rating System for Eastern Washington – Revised (Hruby 2004a), or latest update). Priority Habitats in eastern Washington include:

- Wetlands
- Riparian zones
- Cliffs
- Urban natural open space

b. 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.

3. Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 8D-8, are applied.

D. For wetlands that score less than 20 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 8D-8).

27 Wetlands in Washington State Appendix 8-D Volume 2 – Protecting and Managing Wetlands 9 Guidance on Buffers and Ratios – Eastern Washington April 2005

<u>Table 8D-8. Examples of measures to minimize impacts to wetlands from proposed change in land use that have high impacts. (This is not a complete list of measures.) Examples of Disturbance</u>	<u>Activities and Uses that Cause Disturbances</u>	<u>Examples of Measures to Minimize Impacts</u>
<u>Lights</u>	• <u>Parking lots</u> • <u>Warehouses</u> • <u>Manufacturing</u> • <u>Residential</u>	• <u>Direct lights away from wetland</u>
<u>Noise</u>	• <u>Manufacturing</u> • <u>Residential</u>	• <u>Locate activity that generates noise away from wetland</u>

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

are present at the site.

H.E. The minimum buffer width stated in Table 26.60. 024.D Wetland Buffer Widths 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

~~2.3.~~ When the wetland provides habitat for a species that is particularly sensitive to disturbance (such as a 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.

~~3.4.~~ 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.

I.F. Low impact uses and activities (see Table 25.50.090 (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 which may be permitted in appropriate cases, based on guidance in the Wetlands and CAO Guidance for Small Cities, Eastern Washington version (dated Jan. 2010, revised Oct. 2012, as may be 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.

J.G. A variance from buffer width requirements may be granted by the city of Richland upon a demonstration by the applicant that the Shoreline variance criteria are met per RMC 26.50.060.

26.60.025 Wetland alteration and mitigation.

A. All adverse impacts to wetland functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the following priority sequence per RMC 26.20.020 Ecological Functions, No Net Loss B. (Mitigation Sequence)

B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. These shall include consideration of alternative site plans and building layouts and/or reduction in the density or scope of the proposal.

C. Alteration of wetlands and/or their buffers may be permitted by the City subject to the following criteria:

1. Category I Wetlands. Alterations of Type I wetlands shall be avoided. .

2. Category II Wetlands.

a. Any proposed alteration and mitigation shall comply with the requirements of this section through RMC 26.60.027 Mitigation standards, criteria, and plan requirements; and

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

3. Category III Wetlands.

a. The proposed mitigation complies with the requirements of this section through RMC 26.60.027. Mitigation standards, criteria, and plan requirements; and

b. Where enhancement is proposed, replacement ratios comply with the requirements of RMC 26.60.027. Mitigation standards, criteria, and plan requirements (C) Wetland Replacement Ratios .

26.60.026 Stormwater runoff.

New development within 150 feet of a wetland buffer shall contain stormwater runoff within the developed portions of the site. No stormwater runoff shall drain into the wetland. Deviations from this standard may be approved by the City; provided, that a study undertaken by a qualified consultant in accordance with the provisions of RMC 26.60.028 indicates that the potential discharge of stormwater runoff from a development site into a wetland is adequately mitigated to protect the functions and values of the wetland. In the case of a Category 3 or Category 4 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.

26.60.027 Mitigation standards, criteria, and plan requirements.

A. Location and Timing of Mitigation.

1. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of paragraphs 1-4 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.

- ~~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. Mitigation shall be accomplished in accordance with RMC 26.20.020 Ecological Functions, No Net Loss including the specified mitigation sequence. 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.~~
- ~~2. 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.~~
- ~~3. Any agreed-upon proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has been approved by the City.~~
- ~~4. Wetland acreage replacement ratios shall be as specified in subsection (C) of this section.~~

A.B. Mitigation Performance Standards.

1. Adverse impacts to wetlands functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in RMC 26.20.020 Ecological Functions. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:
 - a. All feasible and reasonable measures will be taken to reduce impacts and losses to the original wetland. Describe how preferred order of wetlands mitigation was followed: 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.
 - ~~a.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.

B.C. Wetland Replacement Ratios.

“Best management practices (BMPs)” excludes existing, ongoing, and new agricultural and land management activities inside and 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. 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; and-

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 re-vegetation of disturbed areas.

~~C-E.~~ Prevents contamination of surface and groundwater resources, and protects from impacts to native and other desirable vegetation with best management practices for chemical pesticide, herbicide and fertilizer applications.

“Bioengineering” means the use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

“Boating facility” for the purposes of this Program means any public or private facility for mooring, storing, or transfer of materials from vessels on the water, such as docks and piers, including on-land related facilities such as approaches and ramps, and includes any private and publicly accessible launch sites or facilities. A boating facility does not include on-land accessory facilities such as parking or storage.

“Buffer” means an area adjacent to a sensitive area that functions to avoid loss or diminution of the ecologic functions and values of the sensitive 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 sensitive 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 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.

SH -Goal 3

Conservation:

Assure that uses and activities in shorelines are designed and conducted to protect and restore ecological functions of the shoreline -scenic resources, and non-renewable natural resources while assuming continued proper management of renewable resources.

Policy 1

The City will work to ensure that all shoreline development and activities are located, designed, constructed, and maintained to protect natural resources, avoid net loss of ecological functions and avoid impacts that degrade water quality, quantity, hydrologic connections, or local hydrology.

Policy 2

The City will work to ensure that Shoreline uses and developments are designed to minimize the need for chemical treatments, including fertilizers and pesticides, to prevent contamination of surface and groundwater resources.

Policy 3

The City will work to ensure that structures placed within waterbodies or which may come in contact with a regulated water body are not treated with substances that could potentially adversely affect water quality.

Policy 4

The City recognizes the importance of vegetation remaining in urbanized areas, and the importance of this vegetation, in terms of the ecological functions provided, which is often as great as or greater than in rural areas due to its scarcity and will work to ensure that new development meets vegetation conservation objectives.

SH Goal 4

Public Access: The City will maintain and improve existing public access and provide additional safe, convenient and diversified access to and through publicly owned shorelines of the City of Richland compatible with aims of achieving equitable distribution of public usage with minimal adverse effects on natural features or areas of the shoreline, and which recognize the impacts on private property.

1 **Table 26.60.42. Riparian Buffer Width**

Regulatory Reach (see Environment Designation with Regulatory Reaches Map)	Riparian Buffer Width (Feet) ^{(1) (2)}
A, C, I, T	50
B, U and all other Natural environment designation areas within various regulatory reaches except Reach Q	Entire shoreline jurisdiction
D, N, O, P,	75 except where roadway, canal, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
E, F	100
G, I	75 except where roadway, canal, levee, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
H, J, K	100 except where roadway, canal, levee, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
L, Q, S	Waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
M	50 or waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
R	<u>75 From the OHWM to the federal/private property boundary line⁽³⁾</u>
⁽¹⁾ Measured from the OHWM or top of bank, as applicable	
⁽²⁾ Accompanied by other sensitive area protections and stormwater management measures, as applicable	
<u>⁽³⁾ Administrative Buffer Adjustments do not apply.</u>	

2

- 3 C. Buffers shall be measured, on a horizontal plane, from the habitat edge as delineated by a
 4 qualified consultant. Required buffer widths shall reflect the sensitivity of the habitat and the type
 5 and intensity of human activity proposed to be conducted nearby. Buffers shall be determined by
 6 the City based on information in the wildlife report supplemented by its own investigations, the
 7 sensitivity and value of the habitat areas, the intensity and design of the proposed use, and
 8 adjacent uses and activities.

1 D. Administrative Buffer Adjustments.

2 1. The required buffer widths established in this SMP may be modified by the Shoreline
3 Administrator for a development on existing legal lots of record in place at the time of
4 adoption of this Program, in accordance with the provisions of this section only where the
5 applicant demonstrates all of the following:

6 a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by
7 circumstances peculiar to the property;

8 b. The designated buffer area contains variations in sensitivity to ecological impacts due to
9 existing physical characteristics or the character of the buffer varies in slope, soils, or
10 vegetation;

11 c. The total area contained within the buffer after averaging is no less than that contained
12 within the standard buffer prior to averaging;

13 d. The minimum buffer width at its narrowest point shall not be less than twenty five (25)
14 percent of the buffer width established under this SMP; and

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

16 2. Standard Buffer Reduction. Reductions of up to twenty-five (25) percent of the standard
17 buffer may be approved if the applicant demonstrates to the satisfaction of the Shoreline
18 Administrator that a mitigation plan developed by a qualified professional pursuant to GCC
19 24.12.520 (g) indicates that enhancing the buffer (by removing invasive plants or impervious
20 surfaces, planting native vegetation, installing habitat features or other means) will result in a
21 reduced buffer that functions at a higher level than the existing standard buffer.

22 3. In Fill Development. In an effort to facilitate in-fill development in approved plats, the
23 County may approve requests to reduce the standard shoreline buffers up to a maximum of 50
24 percent for a new single-family residence and appurtenant structures in accordance with the
25 following criteria:

26 a. Where there are single family residences within 150 feet on either side of the proposed
27 residence in an existing plat, the buffer shall be determined as the greater of one of the
28 following three options: 1) a common line drawn between the nearest corners of the
29 nearest residence, 2) a common line calculated by the average of the nearest residences'
30 existing buffer, or 3) a 50 percent reduction of the standard buffer.

31 b. Where there is only a residence located within 150 feet on one side of the proposed
32 residence in an existing plat, the standard buffer shall be determined as the greater of a
33 common line drawn between nearest corner of the nearest residence and the nearest point
34 of the standard buffer on the adjacent vacant lot, a common line calculated by the average
35 of the nearest residence's setback and the standard buffer for the adjacent vacant lot, or a
36 50 percent reduction of the standard buffer.

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

2. ~~Buffer width averaging shall be allowed only where the applicant demonstrates to the City 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.~~

3. ~~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 City may require long term monitoring of the buffer with appropriate contingency actions if adverse impacts to the buffer were to occur.~~

4. ~~Notwithstanding the reductions permitted in subsections D.1 and D.2 of this section, in no instance, however, shall the buffer width be reduced by more than 25 percent of the required buffer, and no net loss of ecological functions shall be achieved.~~

D.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 provides habitat for a species that is particularly sensitive to disturbance (such as a 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.

~~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.

26.60.043 Fish and wildlife habitat 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 ~~per~~ in accordance with RMC 26.20.020 Ecological Functions, No Net Loss including the specified mitigation sequence.

Previous comments that had been agreed to either in workshop or as “minor revision made” – but it hasn’t been changed.

1. Regulatory Reaches Map. Reach K. Include the ponds on the other side of Columbia Park Trail near Leslie.
2. P. 3, l 25 ~~developments~~ *activities*
3. P. 4, l 15 public access *and/or* ecological restoration
4. P. 12, l 12 ~~control~~ *limit*
5. P. 13, l 21 ~~should~~ *shall*
6. P. 39 micro or macro antennas X in NOS; parking areas under recreation conservancy – footnote re NOS restrictions. You were going to check zoning code for both to make table consistent.
7. P. 41 footnote that buildings are not allowed in NOS portions of recreation conservancy
8. P. 47, l 10 ecological functions *and/or* enhance public use
9. Restoration Plan, Table 2. I had checked a number of additional reaches for some of the categories. I thought you had agreed to at least some of them:

For Yakima reaches:

- #1 Add Reach 4A
- #2 Add Reach 3B, 4A, 4B
- #3 Add Reach 3B, 4A
- #7 Add Reach 2, 3C, 5, 6C

For Columbia reaches:

- #1 Add Reach 7A, 7B, 7C
- #2 Add Reach 8A, 8B, 8C, 8D, 9A (not sure about 7A, 7B, 7C)
- #7 Add Reach 8D, 9B, 9C, 9D, 10B, 10C.
- #8 Reach 7B
- #10 Add Reach 8D, 9C, 9D, 10B
- #12 Add Reach 10B?

D. Berkowitz: Previous comments that had been agreed to either in workshop or as “minor revision made” – but it hasn’t been changed.	
1. Regulatory Reaches Map. Reach K. Include the ponds on the other side of Columbia Park Trail near Leslie.	After further review of elevation and hydrology (including floodplain and floodway mapping) with one of our senior wetland biologists, his professional opinion is that this wetland is not hydrologically associated with the Columbia River. The 100 year floodplain ends at the north edge of the Columbia Trail.
2. P. 3, l 25 developments <i>activities</i>	Updated
3. P. 4, l 15 public access <i>and/or</i> ecological restoration	Updated
4. P. 12, l 12 control <i>limit</i>	Not changed
5. P. 13, l 21 should <i>shall</i>	Updated
6. P. 39 micro or macro antennas X in NOS; parking areas under recreation conservancy – footnote re NOS restrictions. You were going to check zoning code for both to make table consistent.	Micro/Macro antenna. - The Shoreline “Natural Environment Designation” and the Zoning “NOS- Natural Open Space” are not entirely coincident. An area of PPF zoning on Columbia Point has a Natural Shoreline ED. A micro/macro antenna is allowed by the zoning, the additional SU requirement would apply in the shoreline. In the NOS zoning district, this is not a listed use and therefore would not be allowed per 23.30.020. As provided in 26.30.011.C. If a use is prohibited in the underlying zoning district, it is also prohibited in the shoreline. Alternatively, this could be a prohibited use in all Natural SEDs, if the Planning Commission wishes
parking areas under recreation conservancy – footnote re NOS restrictions. You were going to check zoning code for both to make table consistent.	Some areas of Shoreline “Recreation Conservancy” have a NOS zoning. Parking Lots are a Special Use in the NOS district per RMC 23.30.020 with specific regulations in RMC 23.42.183. There are a variety of uses which require a Special Use Permit in zoning which will continue to require that zoning process. It is not practical to footnote every case where a SU is provided for in zoning.
7. P. 41 footnote that buildings are not allowed in NOS portions of recreation conservancy	Footnote 2 on page 41 should be added to the two lines for “Minimum building setback” for the “Recreation Conservancy” SED and the text of footnote 2 should be changed to read “2. Buildings are not allowed in the <u>NOS – Natural Open Space Zoning District SED</u> .”
8. P. 47, l 10 ecological functions <i>and/or</i> enhance public use	Updated
9. Restoration Plan, Table 2. I had checked a number of additional reaches for some of the categories. I thought you had agreed to at least some of them:	
For Yakima reaches:	Updated
#1 Add Reach 4A	Updated
#2 Add Reach 3B, 4A, 4B	Updated
#3 Add Reach 3B, 4A	Updated
#7 Add Reach 2, 3C, 5, 6C	Updated
For Columbia reaches:	Updated
#1 Add Reach 7A, 7B, 7C	Updated
#2 Add Reach 8A, 8B, 8C, 8D, 9A (not sure about 7A,	Updated

7B, 7C)	
#7 Add Reach 8D, 9B, 9C, 9D, 10B, 10C.	Updated
#8 Reach 7B	Updated
#10 Add Reach 8D, 9C, 9D, 10B	Updated
#12 Add Reach 10B?	Updated

January 26, 2014

Letter Report Re: 1. Suggestion for improvement in Public Involvement with Shoreline Permit Application Procedures (26.50.010 CoR SMP Draft January 2014)
And
2. Analysis of Anchor QEA Memorandum on “Amon Drain Shoreline Jurisdiction Review”, by Ben Floyd, October 31, 2013.

To: Rick Simon, City of Richland
Ben Floyd, Anchor QEA
City of Richland Planning Commission

From: James A. Wise, Ph.D., Planning Commissioner

1: Re: Shoreline Permit Application Procedure, page 71, Line 21 of the CoR Shoreline Master Plan (SMP) reads: “3. Publication at least once in the official newspaper of the city.”

This wording is insufficient to guarantee that citizens of Richland will have sufficient public notice of permit applications under the SMP. I recommend it be changed to read: *“Publication at least once in the primary section(s) of the City’s official newspaper at the start of the public comment period.”* This will ensure that notices are published in a place where the public will actually see them, in a timely manner giving full opportunity for public comment. Previously numbered statements in this section do not provide this additional clarification.

2. Analysis of Anchor QEA Memorandum on “Amon Drain Shoreline Jurisdiction Review, by Ben Floyd, dated October 31, 2013.

This memorandum documents the “recommendation by Anchor QEA that the Amon drain (also referred to as wasteway, return drain and creek) not be included in shoreline jurisdiction” (page 1).

However, the Memorandum seems to disregard or not consider best available data, inconsistently applies the Washington Administrative Code WAC, contradicts itself, and does not make the case to support its conclusion. , The document introduces unsubstantiated comments that could be regarded as ‘hearsay’ into the quasi-legal decision process of the Planning Commission and the Richland City Council, and thus potentially opens both bodies to serious litigation risk.

The evidence for these assertions is as follows:

Disregarding Best Available Data

On Page 1 and 2 the Memorandum cites 16 references used in its preparation, yet appears to make little or no use of their data or findings. And the SMP conclusion reached is actually opposite to the three major study sources cited, those of Blair, (2005), Early, (2001), and Littleton, (2010). An important fourth thesis (Perryman, 2002) comparing water quality of three other lower Yakima River tributaries also produced by wastewater returns (Sulphur, Spring, Snipes creeks) is not referenced. The latter is important because the thesis by Blair (2005) shows the water quality of Amon waterway to be superior to any of these streams for salmon rearing. Have they been included in any other jurisdiction's SMP?

Each of these research projects was a published Masters thesis relevant to Amon Basin for the Masters of Science in Environmental Science degree. They were developed at Washington State University, Tri-Cities, and they were vetted and passed by their respective thesis committees. Their work was performed with the assistance of the Kennewick Irrigation District (KID), and the now deceased former Board Member and President of KID, William Kinsel, Ph.D. He signed two of the theses (Littleton, 2010, and Blair, 2005). This demonstrates that their findings were reviewed and accepted by KID personnel.

In short, these theses' data are trustworthy, professionally acquired, and unbiased. The conclusions provide support that the Amon waterway (avoiding any pejorative or laudatory designations) meets all of the criteria to be included as a managed waterway under the City of Richland Shoreline Master Plan.

Accurate History of Amon

The Floyd Memorandum incorrectly conveys on page 2 that the 'Amon drain' was a primarily artificially constructed waterway seemingly intentionally constructed only to create the Amon basin wetlands. Its origin is quite different, and thoroughly documented in the introduction to Early's thesis (2001, pages 4-5) and discussed by Littleton (2010, page 2), both signed by Prof. Kinsel.

The Amon waterway originates from a canal outflow at an elevation of 183 m and follows ancient natural drainage routes for approximately 7 km where the water rejoins the Yakima River near its confluence with the Columbia River at 101 m elevation (Early, 2001, page 4). Current perennial water in the Amon outflow originated with a Yakima River diversion at Prosser for irrigation purposes in 1957, 50 km from where Amon waterway exits into the Yakima again. There was no water return built into this upland irrigation system, so the leftover water is simply discharged into the natural topography to find its way back to the Yakima.

Over 50 years of this kind of irrigation has changed the water table in Southeastern Washington; and Blair, (2005) reports the presence of 'relatively distinct springs'

(page3) in the West Fork of Amon waterway just northeast of Rancho Reata. These springs, and “several flow sources that discharge directly into the mainstream of Amon Creek, which are of unknown origin, quality, and volume of flow “(Blair, 2005, page 5) now make Amon waterway a perennial stream. This perennial flow condition is also documented in Littleton, (2010), and Early, (2001). In short, 57 years of water diversion from the Yakima River for upland irrigation purposes has inadvertently succeeded in making the Amon Basin wetlands ‘natural’.

Department of Ecology Policy on Irrigation Influenced Wetlands

Amon waterway and its associated wetland landscape has met one or both of the requirements in the Department of Ecology’s “Focus on Irrigation-Influenced Wetlands” (Publication # 10-06-015) to require it to be regulated as a ‘natural’ wetland. For some reason this Washington State Department of Ecology publication was not referenced in the Floyd Memorandum.

The publication states that a regulated wetland not be ‘intentionally created’, and that it not be in a formerly non-wetland (upland) site. In fact, an example on page 3 of this Department of Ecology publication describes the Amon basin almost perfectly: “ 3. A wetland is found down-gradient of a leaking irrigation canal or pipe. And again, “5. A wetland is found in a field that is not irrigated, but irrigation water from a field higher up has raised the groundwater table.” **The wetland is subject to regulation because it is an unintentional result of digging a canal.**” And “**The wetland is subject to regulation because it was not intentionally created as part of a water feature.**”(Emphasis added.)

These conditions were cited in the January 21, 2014 letter to Rick Simon (Development Services Manager, CoR) from Mike Lilga of Tapteal Greenway, with full attachments, and shared with the Planning Commission at their Hearing on January 22, 2014.

Inconsistent and Contradictory Use of the WAC in the Memorandum

On page 3 of the Floyd Memorandum, it cites three factors from the WAC 173-18-040 on whether the “Amon drain should be designated as a shoreline jurisdiction water body.” Yet this portion of the WAC specifically deals with **Streams and Rivers**, which the Floyd Memorandum had previously argued that the Amon waterway is not. The designations of ‘drain’ or ‘wasteway’ do not occur in this section of the WAC.

On page 5 of the Floyd Memorandum, it argues that RCW 90.58.065 exempts the City’s SMP from including Amon waterway in the SMP because this section excludes lands of “Agricultural activities.” Yet examination of this section of the RCW shows that it deals specifically with lands where such “Agricultural activities” takes place. There is no such agricultural activities taking place in Amon Basin, and including

Amon waterway in the SMP would in no way exclude activities on those upland agricultural areas where it has taken place for the past 57 years.

Selective and Disregarded use of Flow Data on Amon Waterway

The Floyd Memorandum argues that the Amon waterway is unlikely to meet the mean annual flow data, citing again the WAC 173-18-040. This citation is again a tacit admission that the Amon waterway is a *Stream*, and not a drain.

Considered as a stream, though, Amon waterway does meet the requirements in this section of the WAC as it “reaches the mean annual flow of 20 cubic feet per second down to the mouth of said stream”.

This is documented in the first thesis by Early (2001) who recorded flow rates from 1.4 -2.0 m³/s and a “relatively constant 0.75 m³/s in the off season”, when no irrigation is conducted. The magic number here is .56633 m³/s, which corresponds to the 20 cubic feet per second criterion in the WAC. *All of these measures exceed that number.*

Additionally, Blair (2005) finds that the flow from distinct Amon waterway springs alone near Rancho Reata appears to be relatively constant year round at~ 0.170 m³/s. Littleton (2010) reports significantly different flow velocity and other metrics of water quality between on and off irrigation seasons at her two sampling points in the Amon waterway.

It is apparent from the theses findings that upland irrigation affects flow and water quality in the Amon waterway, as it does in the other Yakima streams studied by Perryman (2002). And yet Blair (2005) found that the Amon waterway is superior to any of these streams for salmon rearing. It is the most significant Yakima River tributary waterway in Southeastern Washington State in terms of flows and water quality. All of this data gathered over the past 10 years support its being included in the CoR SMP.

Introducing Unsubstantiated Comments into the CoR SMP Decision Process

The Floyd Memorandum states that the Washington State Department of Ecology concurs with its recommendation to “not regulate wetland type habitat in irrigation returns and wasteways such as Amon (2012) (page 4) and references alleged email communications from Thomas G. Tebb, the Central Region Director for the Washington State Department of Ecology. This series of correspondence allegedly supports the recommendation in the memorandum to exclude the Amon waterway. However, this communication is not directly referenced or provided as an attachment to the memorandum. This makes it an unsubstantiated, subjective reference in a quasi-legal decision-making process, and potentially opens any decision made using it to subsequent challenge litigation.

I am requesting that Planning Commissioners be provided with a copy of all correspondence, including emails, from individuals at the Department of Ecology (including Mr. Tebbs) regarding the determination of Amon Basin under the SMP.

This correspondence should include all relevant questions sent to Ecology from Mr. Floyd and his company. Of special interest are any references to Ecology of the Washington State University Theses regarding Amon Basin that was formerly provided to Mr. Floyd and the Richland Planning Commission.

Pathways to Resolution

In the spirit of productively moving forward together despite the conflict over Amon waterway's inclusion in the SMP, I offer these suggestions:

1. Withdraw the memorandum and seek a final decision from the Department of Ecology. The exact wording of the request and any supporting documentation for it should be jointly agreed to by the City of Richland and Tapteal Greenway, which submitted the letter protest on January 21, 2014 regarding the Amon waterway exclusion from the SMP. This would help ensure that the parties involved all agree on what exactly is being asked of the cognizant director in the Department of Ecology, and what information was reviewed in order to make that determination.
2. Temporarily delay any decision on Amon waterway's inclusion in the CoR SMP until resolution is forthcoming by the Department of Ecology, and resubmit the rest of the SMP to the next Planning Commission Hearing with any other inclusive changes.
3. Alternatively, the CoR and the Planning Commission could reject the Floyd Memorandum's recommendation and include Amon Waterway in its SMP as extant published policy of Ecology and the best available research suggests.

References

Integration of Macroinvertebrate and Chemical Indices to Assess Water Quality of an Irrigation Wasteway. (August 2001) Steven K. Early, WSU-TRIC, TD, 224, W2, E37, 2001

Water Quality Improvements and Coho Salmon Habitat on Three Lower Yakima River Tributaries: Sulphur Spring, and Snipes Creeks. (August 2002) Jim Perryman, WSU-TRIC, QL, 638, S2, P437, 2002.

An Evaluation of Coho Salmon Spawning Habitat in Amon Creek: Benton County, Washington. (August 2005) Patrick S. Blair, WSU-TRIC QL 638 S2 B58 2005.

Water Quality Assessment of Amon Wasteway Using Aquatic Macroinvertebrate and Chemical Indices. (July 2010) Miriam E. Littleton. WSU-TRIC TD, 224, W2, L577, 2018.

Letter from Tapteal Greenway to Rick Simon, City of Richland, replying to a memo from Ben Floyd, October 1, 2013 regarding Amon Drain Shoreline Jurisdiction Review. Mike Lilga, January 21, 2014.

2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, 36.70B.090 and WAC 173-27-180;
3. The identification of other permits not included in the application to the extent known by the local government;
4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;
5. A statement of the public comment period, which shall be not less than thirty days following the date of notice of application,
6. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments shall be accepted at any time prior to the closing of the record of an open record hearing, if any, or, if no open record hearing is provided, prior to the decision on the project permit;
7. The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
8. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and
9. Any other information determined appropriate by the administrator.

B. Public notice shall include:

1. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed
2. Posting on the property.
3. Publication at least once in the official newspaper of the city.
4. If an open record -public hearing is required, a notice shall be provided at least fifteen (15) days prior to the hearing. In addition to mailing and posting requirements identified in items 1 and 2 above, notice of public hearing shall include a publication in one of the primary sections of the City's official newspaper, not in the legal advertisement section.

26.50.040 Approval Criteria

In order to approve any development within SMP jurisdiction, the City must find that a proposal is consistent with the following criteria in addition to the requirements of RMC Title 19, Permit Administration.



www.ci.richland.wa.us

Development Permitting Division

840 Northgate Drive
Richland, WA 99352
Telephone 509-942-7794
Fax 509-942-7764

February 5, 2014

Lennard Jordan
Shoreline Planner
Department of Ecology – Central Regional Office
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902

RE: Request for Clarification of Shoreline Jurisdiction – Amon Drainage

Dear Mr. Jordan:

The City of Richland is requesting assistance from the Department of Ecology in determining whether the Amon Drainage is within shoreline jurisdiction or not. As the City is going through the shoreline master program update process, there have been conflicting opinions expressed on this question.

The City has taken the position that Amon does not fall under shoreline jurisdiction. This position is consistent with the position that the City has historically taken, as Amon has never been classified as a shoreline since the City's initial adoption of a shoreline program in 1979. The City's consultant has studied this issue and concluded that while Amon has stream and ecological functions, the system was constructed as a drain and wasteway and is currently managed as such and therefore should not be under shoreline jurisdiction. Does your office concur with this assessment?

Attached, please find the memo that Anchor QEA has written on this subject along with other background materials that may provide some insight. If you need any additional information, please contact me at 942-7596. Thank you for your review of this request.

Sincerely,

Rick Simon,
Development Services Manager

1 **26.30.012 Bulk and Dimension Chart**

Standard	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial	Industrial Conservancy
Sensitive Area Buffer Water Dependent Use	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹
Sensitive Area Buffer Non Water Dependent Use	As provided by Table 26.60.090 (D). 088(B) Wetland Buffer Widths, Table 26.60.9816.12.440 (B)(9)(f). Riparian Buffer Width							
Minimum building setback from OHWM Water Dependent Use	NA ²	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹
Minimum building setback from OHWM Non Water Dependent Use	NA ²	100 feet 100 feet 100 feet 100 feet 30 feet 30 feet 30 feet10 feet from the edge of the applicable riparian buffer, as provided in Section/Table 26.60.42						
Minimum Front Yard Setback	As provided by zoning							
Minimum Side Yard Setback	As provided by zoning							
Minimum Rear Yard Setback	As provided by zoning							
Minimum Lot Width – One-Family Attached Dwellings	As provided by zoning							
Minimum Lot Area	As provided by zoning							
Maximum Density – Multifamily Dwellings (units/square feet)	NA	NA	NA	NA	NA	1:1,500	NA	NA
Maximum Lot Coverage	0%	5%	10%	10%	40%	NA	50%	20%
Maximum Building Height	NA ²	16 feet	35 feet	25 feet	35 feet	35/55 ³ feet	35 feet	35 feet
Maximum Building Height – Detached Accessory Buildings	NA ²	16 feet	16 feet	16 feet	16 feet	35 feet	35 feet	35 feet