



Agenda
City Council Regular Meeting
Tuesday, February 19, 2019
City Hall Council Chamber | 505 Swift Boulevard

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

Agenda Item:

1. Horn Rapids Water Right Process (10 minutes)
 - Pete Rogalsky, Public Works Director
2. Discuss Meeting Agenda Items (15 minutes)
 - City Councilmembers

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:

3. Development Services Annual Report (10 minutes)
 - Kerwin Jensen, Community Development Director

Public Hearing: (Please Limit Public Hearing Comments to 3 Minutes) Note: Records intended for Council consideration must be given to the City Clerk.

4. Proposed Budget Amendment to 2019 Streets Capital Construction, City Streets and Industrial Development Funds, Ordinance No. 15-19
 - Pete Rogalsky, Public Works Director
5. Proposed Amendment to Equipment Replacement Fund within 2019 Budget, Ordinance No. 16-19
 - Pete Rogalsky, Public Works Director
6. Proposed Surplus of Equipment, Resolution No. 22-19
 - Cathleen Koch, Administrative Services Director
7. Proposed Amendment to the 2019-2024 Transportation Improvement Program to add Safety Grant Projects, Resolution No. 24-19
 - Pete Rogalsky, Public Works Director

Public Comments: (Please Limit Public Comments to 2 Minutes) Note: Records intended for Council consideration must be given to the City Clerk.

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

Minutes:

8. Approve the February 5, 2019 Council Meeting Minutes
 - Heather Kintzley, City Attorney

Ordinances - First Reading:

9. Ordinance No. 14-19, Approving a Zone Change on 1019 Wright Avenue from C-1 to C-LB
 - Kerwin Jensen, Community Development Director
10. Ordinance No. 15-19, Amending the 2019 Budget in the Streets Capital Construction, City Streets and Industrial Development Funds
 - Pete Rogalsky, Public Works Director
11. Ordinance No. 16-19, Amending the 2019 Budget to add appropriations to the Equipment Replacement Fund
 - Pete Rogalsky, Public Works Director
12. Ordinance No. 17-19, Amending Chapter 2.18 of the Richland Municipal Code related to the Parks & Recreation Commission
 - Heather Kintzley, City Attorney

Ordinances - Second Reading/Passage:

13. Ordinance No. 09-19, Amending Chapter 2.15 of the Richland Municipal Code related to the Lodging Tax Advisory Committee
 - Heather Kintzley, City Attorney
14. Ordinance No. 10-19, Amending Chapter 2.14 of the Richland Municipal Code related to the Economic Development Committee
 - Heather Kintzley, City Attorney
15. Ordinance No. 12-19, Amending Chapter 22.10 of the Richland Municipal Code related to Critical Areas
 - Kerwin Jensen, Community Development Director
16. Ordinance No. 13-19, Amending Title 14: Electricity, of the Richland Municipal Code regarding Net Metering
 - Clint Whitney, Energy Services Director

Resolutions – Adoption:

17. Resolution No. 20-19, Approving a Second Amendment to Contract No. 230-15 with Shannon & Wilson, Inc.
 - Kerwin Jensen, Community Development Director
18. Resolution No. 21-19, Authorizing a Consultant Agreement with Cloudburst Consulting Group, Inc. for the HOME Consortium
 - Kerwin Jensen, Community Development Director
19. Resolution No. 22-19, Approving the Sale of Surplus Property and Equipment
 - Cathleen Koch, Administrative Services Director
20. Resolution No. 23-19, Approving an Agreement with the Tri-City Development Council (TRIDEC) for Marketing and Business Recruitment Services
 - Kerwin Jensen, Community Development Director

21. Resolution No. 24-19, Authorizing an Amendment to the 2019-2024 Transportation Improvement Program to add Safety Grant Projects

- Pete Rogalsky, Public Works Director

Items for Approval:

Expenditures - Approval:

22. Expenditures from January 28, 2019 - February 8, 2019 for \$7,798,080.50 including Check Nos. 265171-265590, Wire Nos. 7342-7363, Payroll Check Nos. 146840-147366, and Payroll Wire/ACH Nos. 10841-10863

- Cathleen Koch, Administrative Services Director

Items of Business:

23. Emergency Ordinance No. 18-19, Declaring an Emergency at the Wastewater Treatment Facility related to the Presence of Mold

- Pete Rogalsky, Public Works Director

Reports and Comments:

1. City Manager

2. City Council

3. Mayor

Adjournment

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

Richland City Hall is ADA accessible. Council Chamber parking and access is available at the entrance facing George Washington Way. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the City Council Meeting by calling the City Clerk's Office at 942-7388.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Agenda Item

Subject:

Horn Rapids Water Right Process (10 minutes)

Department:

Public Works

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

Summary:

Staff will brief Council on the status of a water right certification review being conducted by the Washington State Department of Ecology. The water right permit that is the subject of the review serves non-potable water to the Horn Rapids and north Richland Port of Benton area.

The water right is in permit status, which is the mid-point of water rights processing defined in state law. The final step, certification, makes a water right firm and permanent for municipalities. The quantity of water certificated is an important planning consideration for the City. Staff and supporting counsel have been engaged with Ecology's process for more than a year, with periodic reports having been provided to the Utility Advisory Committee. This workshop discussion will provide Council with a first touch in preparation for potential actions.

Fiscal Impact:

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Presentations

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Core Focus Area 3 - Increase Economic Vitality

Subject:

Development Services Annual Report (10 minutes)

Department:

Community Development Services

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

Summary:

Fiscal Impact:

None

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Public Hearing

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Proposed Budget Amendment to 2019 Streets Capital Construction, City Streets and Industrial Development Funds, Ordinance No. 15-19

Department:
Public Works

Ordinance/Resolution Number:

Document Type:
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 15-19 is on this evening's consent calendar and proposes to appropriate existing fund balance in the Capital Construction and Industrial Development funds restricted reserve fund and to make changes to the 2019 Streets Capital Construction Fund and City Streets Fund.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Public Hearing

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Proposed Amendment to Equipment Replacement Fund within 2019 Budget, Ordinance No. 16-19

Department:

Public Works

Ordinance/Resolution Number:

Document Type:

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 16-19 is on this evening's consent calendar and proposes to appropriate existing fund balance in the Equipment Replacement funds restricted reserve fund and to make changes to the 2019 Equipment Replacement Fund.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Public Hearing

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Proposed Surplus of Equipment, Resolution No. 22-19

Department:

Administrative Services

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

None.

Summary:

A public hearing is being held to receive input or comments on the proposed resolution authorizing surplus and disposal of equipment. Refer to Resolution No. 22-19 on the Consent Agenda.

Fiscal Impact:

No

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Public Hearing

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Proposed Amendment to the 2019-2024 Transportation Improvement Program to add Safety Grant Projects, Resolution No. 24-19

Department:

Public Works

Ordinance/Resolution Number:

Document Type:

Public Hearing Item

Recommended Motion:

None.

Summary:

As required by state law a public hearing will be held to receive testimony on proposed Resolution 24-19, amending the 2019-2024 Transportation Improvement Program (TIP) to add Washington State Safety Grant projects that have received funding.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Minutes

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Approve the February 5, 2019 Council Meeting Minutes

Department:

City Attorney

Ordinance/Resolution Number:

Document Type:

Minutes

Recommended Motion:

Approve the Council Meeting Minutes Held February 5, 2019

Summary:

None.

Fiscal Impact:

None.

Attachments:

I. February 5, 2019 Council Meeting Minutes



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Richland City Hall ~ 505 Swift Boulevard

Tuesday, February 5, 2019

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

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

Attendance: Mayor Thompson, Mayor Pro Tem Christensen, Councilmembers Alvarez, Lemley, Lukson, and Kent were present.

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Administrative Services Director Koch, Public Works Director Rogalsky, Community Development Director Jensen, Finance Director Allen, Communications and Marketing Manager Logan and City Clerk Hopkins.

Agenda Item

1. Animal Licensing (5 minutes)

Mr. Allen reviewed the City's animal licensing practice and said that with only 11% compliance, the cost of continuing the practice will soon equal or surpass the revenue. Staff recommends to discontinue the practice. Council agreed to move this idea forward.

2. Compressed Natural Gas Fueling for Solid Waste (20 minutes)

Mr. Rogalsky said the compressed natural gas (CNG) fueling feasibility study was completed in 2018. Based on the results of the study, staff recommends seeking grant funds to implement a conversion of the solid waste collection fleet to CNG fueling. Mr. Rogalsky gave a detailed presentation on the advantages of using CNG.

Ms. Reents noted that Richland's legislative priorities are ready to be submitted to the City's lobbyist, unless a Councilmember had any additions.

3. Discuss Meeting Agenda Items (5 minutes)

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

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

Mayor Thompson called the Council meeting to order at 7:30 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 Thompson, Mayor Pro Tem Christensen, Councilmembers Alvarez, Lemley, Lukson, and Kent were present.

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

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 Director Whitney, Interim Police Services Director Taylor and City Clerk Hopkins.

Pledge of Allegiance

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

Approval of Agenda

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

Presentations

4. New Hire/Retirements (5 minutes)

Ms. Koch announced the retirees: Wayne DuBois, Police Sergeant, with 14 years of service; Thomas Croskrey, Police Lieutenant, with 14 years of service; and Lance Greenwood, Firefighter/EMT, with 25 years of service. Ms. Koch continued by announcing the new hires, Shairr Rahseparian, Library Assistant II; Douglas Ricard, Engineering Technician II; Megan Phillips, Fire Data Analyst; David DesChane, Utility Craftworker; and Terra Flores, Electrical Distribution Engineer II.

5. Retirement Recognition for Lance Greenwood (5 minutes)

Mayor Thompson read the retirement plaque and letter and presented them to Mr. Greenwood.

6. Annual Arts Commission Report (7 minutes)

Arts Commission Chair Jeff Kissel gave a detailed presentation recapping the Arts Commission's 2018 major achievements. He said the 2019 Arts Commission Work Plan includes goals to explore, enhance, facilitate and promote the City of Richland's arts-related activities. These activities will provide an economic benefit, beautification and enhancement of the City's image and community. All goals will be achieved within the availability of current City resources, in alignment with the City's current Strategic

Leadership Plan, and in accordance with Richland Municipal Code.

Councilmembers praised the work of the Arts Commission.

Public Hearing

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

7. Proposed Amendment to Richland Municipal Code Title 14 Related to Net Metering, Ordinance No. 13-19

Mr. Whitney said the City of Richland's Energy Services Department (RES) provides net metering for renewable energy generators, i.e., solar photovoltaic (PV) systems. To prevent one customer group from subsidizing another, staff recommends net metering systems installed after November 1, 2018 be charged a fee on the received energy and a one-time meter installation fee. The fees will be published in the City's Fee Schedule. Systems installed prior to November 1, 2018 will not experience program changes. Ordinance No. 13-19 also amends the RMC regarding investment cost recovery incentive to align with recent changes in state law.

Mayor Thompson opened the public hearing at 7:56 p.m. and closed the hearing at 7:56:15 p.m.

Public Comments

David Brager, 517 Newcomer Street, Richland, WA, thanked the Council for discussing cannabis at their recent workshop and shared his view on the topic.

Danielle Belliston, 1417 Westwood Court, Richland, WA, represented the Tri Citites Girls Fast Pitch Softball Association and gave details on the program.

Andrue Ott, 110 Davenport Street, Richland, WA, thanked Council for discussing cannabis at their recent workshop. He suggested that the City consider districting the City so that all citizens can be represented on Council.

Councilmember Alvarez said he works hard to communicate with all citizens and represent them on Council.

Consent Calendar

City Clerk Hopkins read the Consent Calendar.

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

Minutes

8. Approve the Minutes of the Council Meetings Held January 15, 22 & 29, 2019, and December 4, 2018 Amended Minutes

Ordinances - First Reading

9. Ordinance No. 09-19, Amending Chapter 2.15 of the Richland Municipal Code related to the Lodging Tax Advisory Committee
10. Ordinance No. 10-19, Amending Chapter 2.14 of the Richland Municipal Code related to the Economic Development Committee
11. Ordinance No. 12-19, Amending Chapter 22.10 of the Richland Municipal Code related to Critical Areas
12. Ordinance No. 13-19, Amending Title 14 of the Richland Municipal Code related to Net Metering

Ordinances - Second Reading/Passage

13. Ordinance No. 04-19, Establishing and Dedicating the Right-of-Way for Henderson Loop and Manufacturing Lane
14. Ordinance No. 06-19, Amending the Richland Municipal Code to Create a new Chapter 28.14 entitled Small Cell Deployment - Franchise and Small Cell Permits
15. Ordinance No. 07-19, Amending Chapter 23.62 of the Richland Municipal Code related to Wireless Communications Facilities
16. Ordinance No. 08-19, Amending Title 27 of the Richland Municipal Code related to Signs

Resolutions – Adoption

17. Resolution No. 03-19, Authorizing After-Tax Contributions on 401(a) Plan No. 107162, Governmental Money Purchase Plan & Trust
18. Resolution No. 10-19, Authorizing an Interlocal Agreement with Kennewick Irrigation District for Conversion of the Lorayne J Water System
19. Resolution No. 11-19, Authorizing a Loan Agreement with the Washington State Department of Health for the Lorayne J Water System Consolidation Project
20. Resolution No. 14-19, Authorizing a Consulting Agreement with RGW Enterprises, PC for Engineering Services
21. Resolution No. 15-19, Authorizing a Funding Agreement with Benton County for the Swift Boulevard Improvements Project
22. Resolution No. 16-19, Authorizing a Consultant Agreement with Carollo

Engineers, Inc. for the Water Treatment Plant Solids Handling Improvements Project

23. Resolution No. 18-19, Providing Notice of City Council's Intent to Determine Lodging Tax Funding Awards and Establishing a 45-Day Comment Period

24. Resolution No. 19-19, Approving 2019 Business License Reserve Fund Awards

Items for Approval

Expenditures - Approval

25. Expenditures from January 7, 2019 - January 25, 2019 for \$12,928,197.16 including Check Nos. 264491-265170, Wire Nos. 7302-7341, Payroll Check Nos. 143091-146839, and Payroll Wire/ACH Nos. 10804-10840

Items of Business

Reports and Comments

City Manager

Ms. Reents said the recent editorial in the Tri-City Herald was not factual and asked Council if they wanted her to correct the facts for the record. She said only three Councilmembers responded to her question and she would like further input from Council.

City Council

Ms. Kent agreed with Councilmember Alvarez stating she represents all citizens as well.

Councilmember Alvarez said he doesn't want the Mayor's comments after the public comments period to appear as if he is speaking for all Councilmembers. He continued by thanking the Arts Commission for their hard work.

Councilmember Lukson encouraged citizens to contact the City to discuss the recent editorial. He is not in favor of districting the City and said there is diversity on Council now.

Mayor Pro Tem Christensen thanked the citizens for their comments and the Arts Commission for their hard work. He said he doesn't object if Ms. Reents wants to respond to the editorial in the Tri City Herald.

Mayor

Mayor Thompson suggested the City Attorney research meeting protocols for Council's review.

Adjournment

Mayor Thompson adjourned the meeting at 8:15 p.m.

Respectfully Submitted,

Marcia Hopkins, City Clerk

FORM APPROVED:

Robert J. Thompson, Mayor

DATE APPROVED:

DATE PUBLISHED:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Ordinances - First Reading

Core Focus Area 3 - Economic Vitality

Subject:

Ordinance No. 14-19, Approving a Zone Change on 1019 Wright Avenue from C-I to C-LB

Department:

Community Development Services

Ordinance/Resolution Number:

14-19

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 14-19, approving a zone change on 1019 Wright Avenue from Neighborhood Retail Business (C-I) to Limited Business (C-LB).

Summary:

Jonathan Reynolds filed a request to change the zoning on his 46,460 square foot parcel located at 1019 Wright Avenue from C-I (Neighborhood Retail Business) to C-LB (Limited Business). The site consists of one platted parcel totaling approximately 46,460 square feet and is currently developed with an 8,400 square foot commercial building and associated off-street parking.

North of the subject property lies two (2) empty – undeveloped lots. South of the property is a large building currently being utilized as a church.

In a report issued on January 30, 2019, the Richland Hearing Examiner recommended approval of the requested zone change.

Staff recommends approval of Ordinance No. 14-19 for first reading, by title only.

Fiscal Impact:

The proposed rezone from C-I to C-LB will allow the property to be redeveloped in a manner that will result in increased tax revenue for the City.

Attachments:

1. Ordinance No. 14-19
2. Hearing Examiner's Recommendation - Reynolds Rezone

WHEN RECORDED RETURN TO:

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

ORDINANCE NO. 14-19

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 to change the zoning on 1.07 acres from Neighborhood Retail (C-1) to Commercial Limited Business (C-LB); said property being located at 1019 Wright Avenue, and adopting the findings and conclusions of the Hearing Examiner as the findings and conclusions of the Richland City Council.

WHEREAS, on January 14, 2019, the Richland Hearing Examiner held a duly advertised public hearing to consider a petition from Jonathan Reynolds to change the zoning of the property hereafter described in Section 2 and located at 1019 Wright Avenue; and

WHEREAS, on January 30, 2019, the Richland Hearing Examiner issued a written decision recommending approval of the requested rezone; and

WHEREAS, the Richland City Council has considered the record created at the January 14, 2019 public hearing and the written recommendation of the Richland Hearing Examiner.

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

Section 1. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is Commercial Limited Business (C-LB) when consideration is given to the interest of the general public.

Section 2. Said property, as depicted in **Exhibit A**, attached hereto, is more particularly described as follows:

PLAT OF RICHLAND BLOCK 222, LOT 3, LOCATED WITHIN
SECTION 10 OF TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M.,
BENTON COUNTY, WASHINGTON.

ASSESSOR'S TAX PARCEL NUMBER 110982020222003

Section 3. Such property is rezoned from Neighborhood Retail Business (C-1) to Commercial Limited Business (C-LB).

Section 4. Title 23 of the City of Richland Municipal Code and the Official Zoning Map of the City, as adopted by Section 23.08.040 of said Title, are amended by amending Sectional Map No. 12, which is one of a series of maps constituting said Official Zoning Map, as shown on the attached **Exhibit B** and bearing the number and date of passage of this ordinance, and by this reference made a part of this ordinance and of the Official Zoning Map of the City.

Section 5. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this ordinance and the attached amended zoning map, duly certified by the Clerk as a true copy.

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

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____

EXHIBIT A
MAP OF REZONE AREA

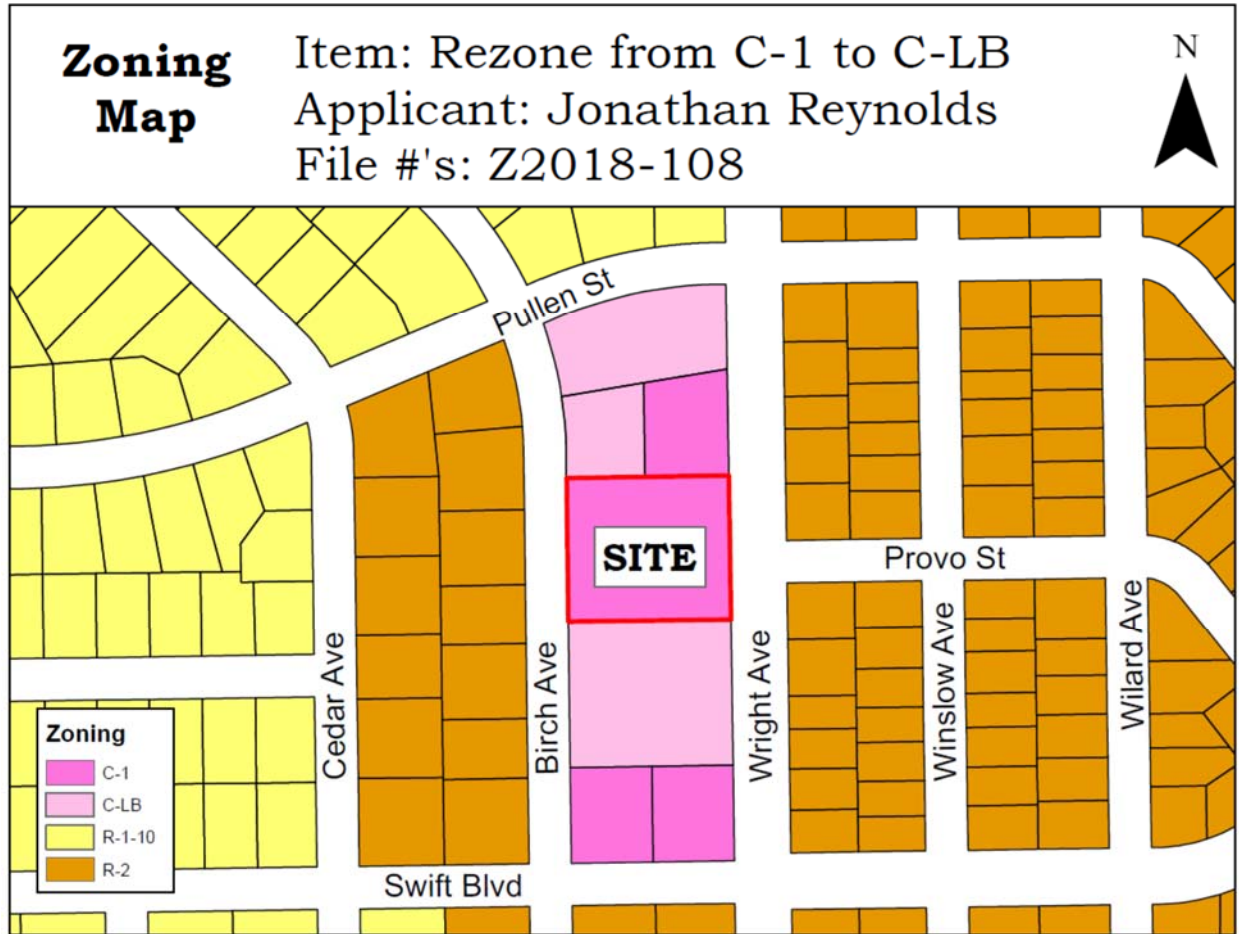
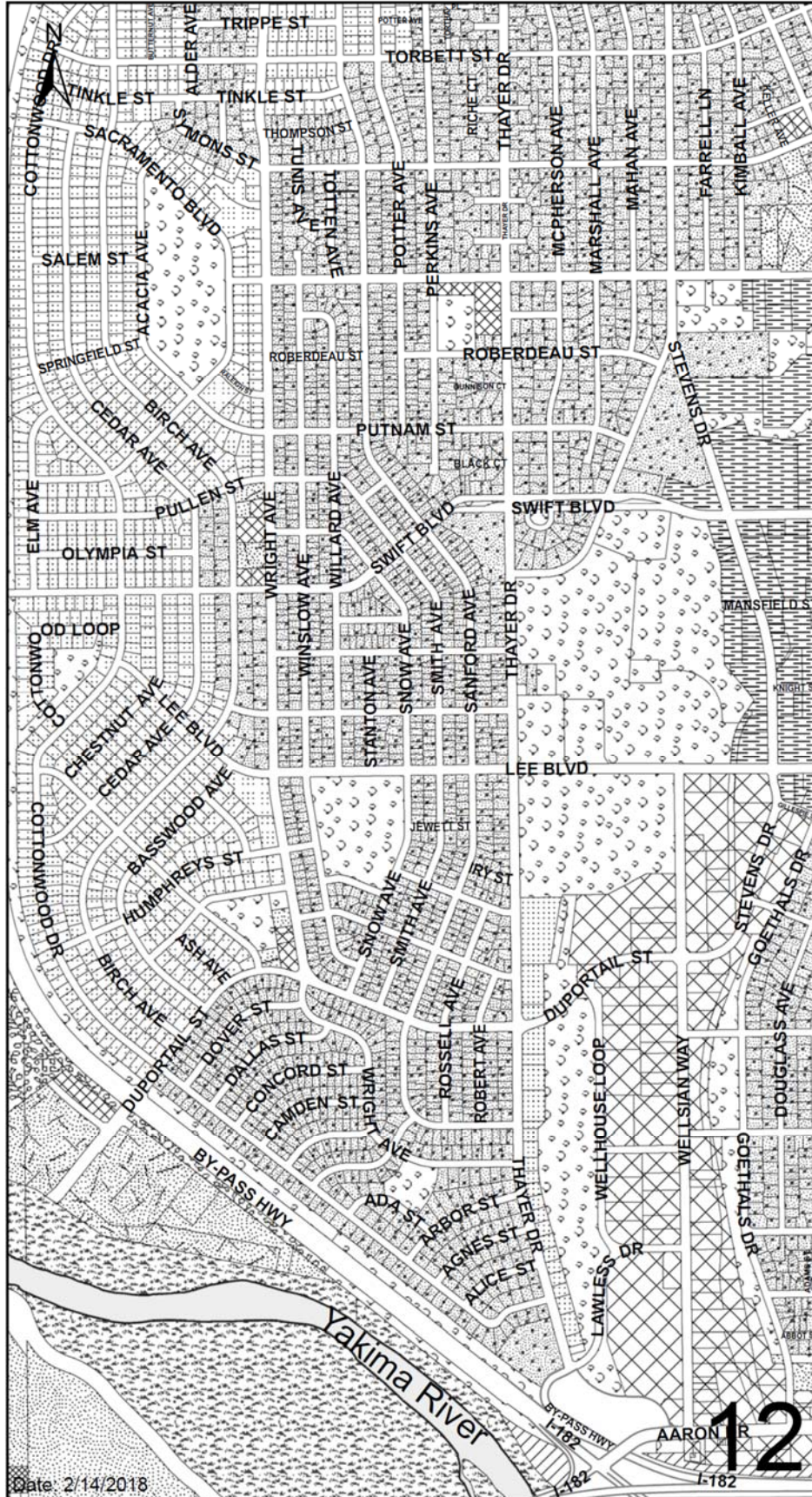


EXHIBIT B OFFICIAL ZONING MAP



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

Regarding the Application to *Rezone* a)
commercially developed 1+ acre parcel)
located at 1019 Wright Avenue from C-1)
(Neighborhood Retail) to C-LB)
(Commercial Limited Business), submitted)
by the property owner)

File No. Z2018-108

JONATHAN REYNOLDS,)
Applicant,)

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

The property owner, Jonathan Reynolds, can meet his burden of proof to demonstrate that the requested rezone merits approval. The site is now designated as suitable for Commercial land uses under the City's Comprehensive Plan, and the request is to rezone the property from a relatively more-intense commercial designation to a less-intense commercial designation that allows for some residential development opportunities. After public notices provided in accord with law, there was no opposition.

II. BACKGROUND and APPLICABLE LAW.

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

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: REYNOLDS REZONE
APPLICATION TO CHANGE A 1+ ACRE PARCEL
LOCATED AT 1019 WRIGHT AVENUE FROM C-1
(NEIGHBORHOOD RETAIL) TO C-LB
(COMMERCIAL LIMITED BUSINESS) FILE NO.
Z2018-108**

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

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

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

10 III. QUESTIONS PRESENTED.

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

12 A. Whether the requested rezone implements policies of the City's Comprehensive Plan,
13 and/or whether there has been a change of circumstances since the original C-1 zoning adopted for
the site?

14 *Short Answer:* Yes. The site is already designated for Commercial land uses.

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

17 *Short Answer:* Yes.

19 IV. RECORD.

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

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

24 **FINDINGS OF FACT, CONCLUSIONS AND**
25 **RECOMMENDATION RE: REYNOLDS REZONE**
26 **APPLICATION TO CHANGE A 1+ ACRE PARCEL**
LOCATED AT 1019 WRIGHT AVENUE FROM C-1
(NEIGHBORHOOD RETAIL) TO C-LB
(COMMERCIAL LIMITED BUSINESS) FILE NO.
Z2018-108

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

Hearing Testimony: The following individuals presented testimony under oath at the duly noticed public hearing for the underlying application, held on January 14, 2019:

1. Mike Stevens, Planning Manager for the City of Richland;
2. Jonathan Reynolds, the applicant/owner; and
3. Joelle Reynolds, the applicant/owner.

The applicant(s), Jonathan and Joelle Reynolds, attended the hearing, and fully supported the staff recommendation to approve the rezone. No one opposed the requested rezone.

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

1. Application for Rezone, including Justification statement, handwritten by the applicants, which reads: *"We would like to remove the existing building and rebuild with retail on the ground level & residential above,"* signed by applicants on August 30, 2018, but not stamped "Received" by the city until November 8, 2018.
2. Commercial zoning regulations – RMC Chapter 23.22;
3. Public notices with supporting affidavits;
4. Site photos; and
5. Written comment from BPA, with no objection.

No one submitted any written comments opposing the pending rezone application.

The Examiner visited the road network and vicinity of the proposed rezone and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.

V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

Application, Public Notice, and Review

1. In November of 2018, the applicants and owners of the subject property, Jonathan and Joelle Reynolds, submitted an application seeking to rezone a commercially developed 1+ acre

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: REYNOLDS REZONE
APPLICATION TO CHANGE A 1+ ACRE PARCEL
LOCATED AT 1019 WRIGHT AVENUE FROM C-1
(NEIGHBORHOOD RETAIL) TO C-LB
(COMMERCIAL LIMITED BUSINESS) FILE NO.
Z2018-108**

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

1 parcel located at 1019 Wright Avenue from C-1 (Neighborhood Retail) to C-LB (Commercial
2 Limited Business). The property is identified as Benton County Parcel No. 110982020222003.

3 2. The single 1+ acre (46,460 sq.ft.) parcel that is subject to this rezone application is already
4 developed with an 8,400 square foot commercial building and associated off-street parking. It is
5 located in the middle of a long rectangular block formed by Pullen Street on the north, Wright
6 Avenue to the east, Swift Boulevard to the south, and Birch Avenue to the west. The Reynolds'
7 parcel runs the full width of the narrow block, fronting Birch Avenue on the west and Wright
8 Avenue on the east. All parcels in the block are already zoned Commercial, with the parcel to the
9 south zoned C-LB, the requested zoning designation, and two parcels to the north zoned C-LB on
10 the western parcel and C-1 on the eastern parcel. Properties across the street on each side of the
11 Reynolds' parcel are all zoned R-2. (See Figure 2, Zoning Map, on page 3 of Staff Report).

12 3. The application includes the following notation as "Justification" for the requested rezone:
13 "*We would like to remove the existing building and rebuild with retail on the ground level &*
14 *residential above,*" signed by applicants on August 30, 2018, but stamped received by the City on
15 November 8, 2018. (See Ex. 1, application form).

16 4. Following receipt, City staff complied with all applicable public notice requirements for the
17 rezone application and the public hearing held for the matter. (Staff Report, Page 4; and Exhibit 3,
18 copies of public notices published and mailed).

19 5. Because staff deemed the application to be consistent with the City's Comprehensive Plan,
20 which already designates the rezone site as suitable for Commercial land uses, and the City's plan
21 was analyzed in an environmental impact statement at the time of its adoption, the pending
22 application is categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). Staff
23 Report, pages 5 through 7.

24 6. Although notices were duly published, posted and mailed as required by law, no one
25 provided any written comments questioning or opposing the pending rezone. Staff Report, page 6.

26 7. The rezone is not likely to have any material impact on capacity for the existing local street
system serving the property. The property is already developed with a commercial building. The
record does not include any evidence that existing commercial uses are incompatible with
surrounding uses.

27 ***Summary of Public Hearing.***

28 8. At the public hearing, Mr. Stevens made a brief presentation regarding the application, the
29 site, and his recommendation of approval, as explained in the Staff Report. The applicants,
30 Jonathan and Joelle Reynolds, both appeared at the hearing confirmed their support for the staff
31 recommendation of approval. The applicant noted that the requested rezone would allow for more
32 flexibility in pursuing mixed-use options with the possibility of razing the existing structure and

33 **FINDINGS OF FACT, CONCLUSIONS AND**
34 **RECOMMENDATION RE: REYNOLDS REZONE**
35 **APPLICATION TO CHANGE A 1+ ACRE PARCEL**
36 **LOCATED AT 1019 WRIGHT AVENUE FROM C-1**
(NEIGHBORHOOD RETAIL) TO C-LB
(COMMERCIAL LIMITED BUSINESS) FILE NO.
Z2018-108

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

replacing it with a new building with commercial businesses below residential space above. Future plans are not binding on the applicant, and do not serve as a basis to deny the requested rezone. The requested rezone is fully consistent with land use policy goals in the City's Comprehensive Plan. No one testified to express concerns with or opposition to the Reynolds' rezone application.

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

9. As part of the review process, City staff confirmed that adequate utilities, including without limitation water, power, and sewer, are in place and/or readily available to serve the parcel that is at issue in this matter, provided that any future application for redevelopment on the site may include requirements to reroute some utility lines or to make roadway frontage improvements and the like, depending on the nature of such future development proposal. *Staff Report, page 5.*

Consistency with City Codes and Comprehensive Plan.

10. As explained elsewhere in this Recommendation, the rezone site is already designated as "Commercial" in the City's Comprehensive Plan, and the request is to modify the classification from one Commercial classification to another, in this case from C-1 to C-LB.

11. Based on the record, the Examiner finds and concludes that the requested rezone from one Commercial classification to another in an area where commercial uses already face residential uses on the other side of the street is appropriate, especially given the fact that one of the stated purposes of the C-LB Zone is, in certain instances (such as this one) to provide a buffer zone between residential areas and other commercial districts. (*See C-LB Zone Purpose, quoted on page 4 of Staff Report*). The requested C-LB zone is not inconsistent with existing land uses located on or zoning designations assigned to surrounding properties in the area.

12. Standing alone, the requested rezone conforms to the Comprehensive Plan, because the plan already identifies the property as suitable for Commercial uses.

General findings.

13. The requested rezone bears a substantial relationship to the public health, safety, and general welfare. The requested rezone is appropriate in the context of adjacent properties.

14. The Development Services Division Staff Report, prepared by Mr. Stevens, includes a number of specific findings and explanations that establish how the underlying application satisfies provisions of applicable law and is consistent with the city's Comprehensive Plan and zoning regulations. Except as modified in this Recommendation, all Findings contained in the Staff Report are incorporated herein by reference as Findings of the undersigned-hearing examiner.

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: REYNOLDS REZONE
APPLICATION TO CHANGE A 1+ ACRE PARCEL
LOCATED AT 1019 WRIGHT AVENUE FROM C-1
(NEIGHBORHOOD RETAIL) TO C-LB
(COMMERCIAL LIMITED BUSINESS) FILE NO.
Z2018-108**

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

1 15. Any factual matters set forth in the foregoing or following sections of this Recommendation
2 are hereby adopted by the Hearing Examiner as findings of fact, and incorporated into this section
3 as such.

4 VI. CONCLUSIONS.

5 Based upon the record, and the Findings set forth above, the Examiner issues the following
6 Conclusions:

7 1. The applicants met their burden to demonstrate that the requested rezone conforms to, and
8 in fact implements objectives of, the City's Comprehensive Plan. *Findings; Staff Report.*

9 2. The applicants met their burden to demonstrate that the requested rezone bears a substantial
10 relationship to the public health, safety, or welfare.

11 3. The Staff Report and testimony on the record demonstrate that the proposed rezone will not
12 require new public facilities and that there is capacity within the transportation network, the utility
13 system, and other public services, to accommodate commercial uses on the rezone site. The rezone
14 from one Commercial zoning classification to another, C-1 to C-LB, will keep the property
15 compatible with the character of the existing uses and zoning districts surrounding the site.

16 4. The rezoned site will not be materially detrimental to uses or property in the immediate vicinity
17 of the subject property

18 5. While the pending rezone application is categorically exempt from formal SEPA review, the
19 record demonstrates that the potential for adverse impacts is very unlikely. And, despite the ample
20 public notice issued for the application, no one spoke or submitted any written comments opposing
21 the pending rezone request.

22 6. As required by RMC 19.50.010(C), the transportation system is sufficient to accommodate
23 the type of development envisioned with the proposed rezone, subject to frontage improvements and
24 other infrastructure upgrades possibly required as conditions for developing various types of
25 commercial uses on the site. The site visit to the area confirms that the road network is fully
26 functional, and no transportation concurrency problems are likely to arise as a result of the rezone
for the site. Development regulations, including without limitation those detailing setbacks, will
apply to any future project built on the site.

7. Based on the record, the applicant demonstrated its rezone application merits approval,
meeting its burden of proof imposed by RMC 19.60.060.

8. Approval of this rezone will not and does not constitute, nor does it imply any expectation

24 FINDINGS OF FACT, CONCLUSIONS AND
25 RECOMMENDATION RE: REYNOLDS REZONE
26 APPLICATION TO CHANGE A 1+ ACRE PARCEL
LOCATED AT 1019 WRIGHT AVENUE FROM C-1
(NEIGHBORHOOD RETAIL) TO C-LB
(COMMERCIAL LIMITED BUSINESS) FILE NO.
Z2018-108

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

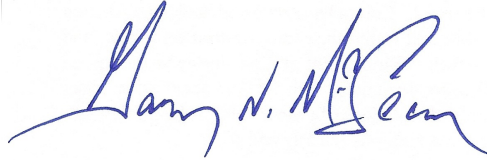
of, approval of any permit or subsequent reviews that may be required for development or other regulated activities on the site of the subject rezone.

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

VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the Reynold's application (File No. Z2018-108) to rezone a 1+ acre site located at 1019 Wright Avenue, from C-1 (Neighborhood Retail) to C-LB (Commercial Limited Business), should be **APPROVED**.

ISSUED this 30th Day of January, 2018



Gary N. McLean
Hearing Examiner

FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: REYNOLDS REZONE
APPLICATION TO CHANGE A 1+ ACRE PARCEL
LOCATED AT 1019 WRIGHT AVENUE FROM C-1
(NEIGHBORHOOD RETAIL) TO C-LB
(COMMERCIAL LIMITED BUSINESS) FILE NO.
Z2018-108

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



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Ordinances - First Reading

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Ordinance No. 15-19, Amending the 2019 Budget in the Streets Capital Construction, City Streets and Industrial Development Funds

Department:

Public Works

Ordinance/Resolution Number:

15-19

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 15-19, increasing the 2019 budget appropriation in the Streets Capital Construction Fund, City Streets Fund, Capital Improvement Fund and Industrial Development Fund.

Summary:

The Washington State Department of Transportation's 2018 City Safety Grant Program awarded funds to four different City projects. Two of the projects were anticipated during preparation of the 2019 budget (the McMurray Rapid Flash Beacon Project and the Van Giesen/Thayer Intersection Improvements Project). Two projects, a Traffic Signal Systemic Safety Upgrade Program and a Traffic Count Program, were not anticipated during the 2019 budget process, and are therefore not represented in the current City budget.

Ordinance No. 15-19 would add these two projects and their associated matching funds to the 2019 budget.

Additionally, City Council previously authorized construction of the Logan Street/Hagen Road construction project in the Horn Rapids Industrial Park. The project was among several projects funded using bond proceeds backed by the State-authorized Local Revitalization Financing (LRF) Program. The Logan Street/Hagen Road construction project was the final element of the LRF Infrastructure Investment Program, and is now complete. With this project complete, the total LRF program costs exceeded the available bond proceeds by \$142,146. Therefore, staff proposes to increase the 2019 budget by this amount, funded from Industrial Development Fund reserves, to close out the LRF program.

Staff recommends approval of Ordinance No. 15-19 for first reading, by title only.

Fiscal Impact:

The Traffic Signal Systemic Safety Upgrades grant and required matching funds will increase the Streets Capital Construction budget by \$578,700, and is shown in the new Capital Improvement Plan sheet. The Traffic Count Program grant and required matching funds will add \$39,000 to the City Streets Fund since this work will be completed via professional services and will not produce a tangible physical asset. The additional funds from the Industrial Development Fund will add \$142,146 to the Streets Capital Construction budget to complete funding for Horn Rapids Industrial Park projects.

Attachments:

- I. Ordinance No. 15-19

ORDINANCE NO. 15-19

AN ORDINANCE of the City of Richland amending the 2019-2024 Capital Improvement Plan and 2019 Budget to provide for additional appropriations in the City's Streets Capital Construction Fund, City Streets Fund, Capital Improvements Fund and Industrial Development Fund and declaring that a public emergency exists in the Capital Improvements Fund and Industrial Development Fund.

WHEREAS, on November 20, 2018, the Richland City Council passed Ordinance No. 60-18 approving the 2019 Budget and Capital Improvement Plan (CIP); and

WHEREAS, the City received notice from the Washington State Department of Transportation on January 7, 2019 that two (2) unbudgeted safety projects were selected for federal grant funding; and

WHEREAS, on February 19, 2019, City Council approved an amendment to the current six-year Transportation Improvement Program (TIP) to add the two (2) unbudgeted projects: Traffic Count Program (\$39,000) and Traffic Signal Systemic Safety Upgrades (\$578,700); and

WHEREAS, as the Traffic Count Program is non-construction work completed by a third party professional services company. Funding will be budgeted in the City Streets Fund. The Traffic Signal System Safety Upgrades project will require a construction contract. Funding will be budgeted in the Streets Capital Construction Fund and presented in the CIP; and

WHEREAS, the approved Streets Capital Construction Fund and City Streets Fund did not include funding for these grant projects; and

WHEREAS, matching grants funds totaling \$9,500 are required for these projects; and

WHEREAS, sufficient unappropriated funds are available in the Capital Improvement Fund to support the required budget adjustment; and

WHEREAS, another project, the Logan Street/Hagen Road Construction project, was the final project funded with Local Revitalization Financing (LRF) bond proceeds transferred from the Industrial Development Fund, with the expectation that in the event LRF funding was insufficient, other Industrial Development Fund resources could be utilized; and

WHEREAS, final costs are expected to exceed available LRF funding and appropriated transfers by \$142,146; and

WHEREAS, a public hearing was held pursuant to RCW 35.33.091 on February 19, 2019 regarding the increase in appropriations from beginning fund balance in the Capital Improvement Fund and the Industrial Development Fund.

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

Section 1. Facts Constituting Emergency. The expenses contained within this ordinance were not anticipated when the 2019 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 Capital Improvements Fund and the Industrial Development Fund.

Section 3. Amendment of the 2019 Budget. The 2019 Budget is hereby amended to provide additional appropriations in the Streets Capital Construction Fund and City Streets Fund from a combination of grant proceeds and interfund transfers, and in the Industrial Development Fund and Capital Improvements Fund from unappropriated fund balance as follows:

Streets Capital Construction Fund

Current Appropriation:	\$ 18,297,227	
Increase in Appropriation:	\$ 142,146	Transfer from Industrial Dev Fund
Increase in Appropriation:	\$ 5,600	Transfer from Capital Improv Fund
Increase in Appropriation:	\$ 573,100	Traffic Signal Systemic Safety grant
Amended Appropriation:	<u>\$ 19,018,073</u>	

City Streets Fund

Current Appropriation:	\$ 3,468,297	
Increase in Appropriation:	\$ 3,900	Transfer from Capital Improv Fund
Increase in Appropriation:	\$ 35,100	Traffic Count Program grant
Amended Appropriation:	<u>\$ 3,507,297</u>	

Industrial Development Fund

Current Appropriation:	\$ 2,486,788	
Increase in Appropriation:	\$ 142,146	Unappropriated Fund Balance
Amended Appropriation:	<u>\$ 2,628,934</u>	

Capital Improvement Fund

Current Appropriation:	\$ 1,889,341	
Increase in Appropriation:	\$ 9,500	Unappropriated Fund Balance
Amended Appropriation:	<u>\$ 1,898,841</u>	

Section 4. The 2019-2024 Capital Improvement Plan is hereby amended to include the Traffic Signal Systemic Safety Upgrades project as shown on **Exhibit A**, attached hereto.

Section 5. 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 _____, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 16-19, Amending the 2019 Budget to add appropriations to the Equipment Replacement Fund

Department:
Public Works

Ordinance/Resolution Number:
16-19

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 16-19, increasing the 2019 budget appropriation in the Equipment Replacement Fund.

Summary:

The Operating Permit for Richland's Horn Rapids Landfill requires provisions for fire protection and dust control. Until it failed in late 2018, the City met this requirement through use of a 1985 Mack water truck.

Because staff sought to extend the life of the truck until its planned replacement in 2020, the 2019 Equipment Replacement Fund budget does not include funding for a replacement water truck. However, there are sufficient unappropriated funds available in the Equipment Replacement Fund to support the required budget adjustment. The Solid Waste Utility's contributions to this Fund have provided the necessary capacity, so no other resources will be used to make the proposed budget increase.

Staff recommends amending the 2019 Budget to provide additional appropriations in the Equipment Replacement Fund from the unappropriated fund balance. The purpose of the adjustment is to fund replacement of the 1985 Mack truck used for fire protection and dust control at the Horn Rapids Landfill.

Staff recommends approval of Ordinance No. 16-19 for first reading, by title only.

Fiscal Impact:

The Equipment Replacement Fund appropriation will increase by \$175,000 to allow for the purchase of the landfill water truck. The funds will come from unappropriated fund balance generated by contributions from the Solid Waste Fund.

Attachments:

- I. Ordinance No. 16-19

ORDINANCE NO. 16-19

AN ORDINANCE of the City of Richland amending the 2019 Budget and 2019-2024 Capital Improvement Plan to provide for additional appropriations and declaring that a public emergency exists in the City's Equipment Replacement Fund.

WHEREAS, on November 20, 2018, the Richland City Council passed Ordinance No. 60-18 approving the 2019 Budget; and

WHEREAS, the operating permit for the Horn Rapids Landfill requires provisions for fire protection and dust control; and

WHEREAS, these provisions were previously met utilizing a 1985 Mack water truck which suffered systemic failures in late 2018, making it risky and prohibitively expensive to repair; and

WHEREAS, rental instead of replacement would require a budget adjustment to the Solid Waste Fund of approximately \$40,000 annually into the foreseeable future; and

WHEREAS, the approved 2019 Equipment Replacement Fund does not include funding for replacement of the water truck as staff sought to extend the life of the truck until its planned replacement in 2020; and

WHEREAS, sufficient unappropriated funds are available in the Equipment Replacement Fund to support the required budget adjustment; and

WHEREAS, a public hearing was held pursuant to RCW 35.33.091 on February 19, 2019 regarding the increase in appropriations from beginning fund balance in the Equipment Replacement Fund.

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

Section 1. Facts Constituting Emergency. The expenses contained within this ordinance were not anticipated when the 2019 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 Equipment Replacement Fund.

Section 3. Amendment of the 2019 Budget. The 2019 Budget is hereby amended to provide additional appropriations in the Equipment Replacement Fund from unappropriated fund balance as follows:

Equipment Replacement Fund

Current Appropriation: \$ 3,555,521

Increase in Appropriation: \$ 175,000

Amended Appropriation: \$ 3,730,521

Section 4. The 2019-2024 Capital Improvement Plan (CIP) is hereby amended to increase appropriations in 2019 and reduce planned appropriations in 2020 related to the landfill water truck as provided in **Exhibit A**.

Section 5. 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 _____, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____

Equipment Replacement Program

Type of Project
Municipal

Partnership Project?
NO

Project #
MN140016

Core Focus Area
1

Strategic Leadership Plan Project?
No

Revision to Council 3-05-19

PROJECT NAME:
Equipment Replacement Program

PROJECT ADMINISTRATION:
Administrative Services

PROJECT LOCATION:
City Sites

PROJECT TIMELINE:
2019 - 2024

RESPONSE TO *GMA LEVEL OF SERVICE?
NO

PROJECT DESCRIPTION

The city-wide equipment replacement program is reviewed by the Equipment Replacement Task Team. Year 2019 has been reviewed and recommendations for replacements have been determined as shown. The appropriated costs for the Solid Waste Fund were increased by Ordinance No. 16-19 for the 2019 year and reduced for the 2020 year to enable the 2019 purchase of a replacement water truck.

PROJECT ASSUMPTIONS

BENEFITS

PROJECT COST ESTIMATE	Total Estimated Project Cost	Project Costs To-Date 12/31/17	Authorized Budget Remaining in 2018	2019	2020	2021	2022	2023	2024
ELECTRIC FUND	4,406,541	448,129	148,119	242,537	1,539,728	387,079	194,522	216,350	1,230,077
WATER FUND	1,314,665	-	63,953	123,000	494,369	273,104	200,248	68,385	91,606
WASTEWATER FUND	2,523,562	540,466	69,922	260,000	873,510	520,207	198,106	40,067	21,284
SOLID WASTE FUND	8,843,364	1,119,100	819,751	1,580,393	1,726,886	684,755	1,353,364	335,325	1,223,790
STORMWATER FUND	959,738	-	-	-	262,606	247,172	-	449,960	-
AMBULANCE FUND	1,484,935	259,935	295,000	-	300,000	-	310,000	-	320,000
PW ADMIN & ENGINEERING	423,177	-	46,859	40,000	80,000	114,594	70,204	-	71,520
GENERAL FUND	9,874,427	1,727,091	643,673	922,798	2,134,827	951,957	1,000,757	1,624,018	869,306
STREETS FUND (GF)	1,479,850	65,531	244,632	378,981	228,337	452,300	-	110,069	-
EQUIPMENT MAINTENANCE FUND	225,685	-	99,500	-	126,185	-	-	-	-
CRIMINAL JUSTICE FUND	423,770	-	-	-	105,005	149,913	-	115,000	53,852
TOTAL	\$ 31,959,714	\$ 4,160,252	\$ 2,431,409	\$ 3,547,709	\$ 7,871,453	\$ 3,781,081	\$ 3,327,201	\$ 2,959,174	\$ 3,881,435
RECOMMENDED FUNDING SOURCES	Total Estimated Project Revenues	Project Revenue To-Date 12/31/17	Authorized Budget Remaining in 2018	2019	2020	2021	2022	2023	2024
ELECTRIC FUND CONTRIBUTIONS	2,773,735	257,500	265,225	291,748	320,922	353,014	388,316	427,148	469,862
WATER FUND CONTRIBUTIONS	1,946,853	121,600	145,920	206,937	231,769	259,582	290,732	325,619	364,694
WASTEWATER FUND CONTRIBUTIONS	2,202,737	156,340	187,608	243,592	292,310	306,925	322,272	338,385	355,305
SOLID WASTE FUND CONTRIBUTIONS	9,204,021	-	802,175	1,579,739	970,632	1,067,695	1,174,464	1,291,911	2,317,405
STORMWATER FUND CONTRIBUTIONS	743,400	83,600	86,108	88,691	91,352	94,093	96,915	99,823	102,818
AMBULANCE FUND CONTRIBUTIONS	1,534,538	131,250	137,813	186,047	195,349	205,117	215,373	226,141	237,448
PW ADMIN & ENG CONTRIBUTIONS	295,640	11,025	30,000	33,000	36,300	39,930	43,923	48,315	53,147
GENERAL FUND CONTRIBUTIONS	7,468,338	784,470	792,128	866,188	909,499	954,973	1,002,721	1,052,858	1,105,501
CAPITAL LEASE/LT DEBT PROCEEDS	2,107,836	632,836	-	-	730,000	-	-	745,000	-
STREETS FUND CONTRIBUTIONS	1,477,405	151,725	159,311	171,477	180,050	189,053	198,506	208,431	218,852
EQUIPMENT MAINTENANCE FUND CONTRIB	136,791	14,325	15,041	15,793	16,583	17,412	18,283	19,197	20,157
PUBLIC SAFETY SALES TAX CONTRIB	455,095	51,000	52,020	55,813	56,929	58,068	59,229	60,414	61,622
EQUIPMENT RESERVES	1,613,325	1,764,581	(241,940)	(191,316)	3,839,758	235,219	(483,533)	(1,884,068)	(1,425,376)
TOTAL	\$ 31,959,714	\$ 4,160,252	\$ 2,431,409	\$ 3,547,709	\$ 7,871,453	\$ 3,781,081	\$ 3,327,201	\$ 2,959,174	\$ 3,881,435
OPERATING & MAINTENANCE COSTS (IMPACTS)	Total Estimated Project Operating & Maint. Costs			2019	2020	2021	2022	2023	2024
	-								
TOTAL	\$ -	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

FOR FINANCE STAFF USE ONLY ALL 2019 PROJECTS MUST HAVE CODING AND IDENTIFIED AS CAPITAL/MAINTENANCE		
DESCRIPTION	2019	CODING
EQUIPMENT REPLACEMENT - VEHICLES >\$5,000	3,282,543	503-215-0006-594480-6405
EQUIPMENT REPLACEMENT - LEASE PRINCIPAL	225,362	503-215-0007-591180-7501
EQUIPMENT REPLACEMENT - LEASE INTEREST	39,804	503-215-0008-592180-8201
EQUIPMENT REPLACEMENT - INTERFUND PRINCIPAL	-	503-215-0007-581100-7901
EQUIPMENT REPLACEMENT - INTERFUND INTEREST	-	503-215-0008-581100-8201
TOTAL	\$ 3,547,709	TOTAL MUST EQUAL PROJECT COSTS FOR 2019 ABOVE



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 17-19, Amending Chapter 2.18 of the Richland Municipal Code related to the Parks & Recreation Commission

Department:
City Attorney

Ordinance/Resolution Number:
17-19

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 17-19, amending Chapter 2.18 of the Richland Municipal Code related to the Parks & Recreation Commission.

Summary:

The City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with current practices and to eliminate conflict and ambiguity. Over time, disparate regulations have been codified for the City's various boards, commissions and committees which make consistent and clear administration difficult. On May 15, 2018, Council approved Ordinance No. 21-18, which amended RMC 2.04.110 to lend consistency to the overall administration of the City's boards, commissions and committees, and to bring the Richland Municipal Code into alignment with current practices. However, in the process of adopting Ordinance No. 21-18, the City created temporary conflicts in existing individual board, commission and committee code sections that now require amendment. This action is housekeeping in nature.

Proposed Ordinance No. 17-19 eliminates the conflicts currently existing between revised RMC 2.04.110 and Chapter 2.18 RMC concerning the Parks & Recreation Commission. In addition, some minor edits are proposed to create a consistent format that will be used in each individual board, commission and committee chapter under the RMC.

Staff recommends approval of Ordinance No. 17-19 for first reading, by title only.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 17-19

ORDINANCE NO. 17-19

AN ORDINANCE of the City of Richland amending Chapter 2.18 of the Richland Municipal Code related to the Parks and Recreation Commission.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with current practices and to eliminate conflict and ambiguity; and

WHEREAS, over time, disparate regulations have been codified for the City's various boards, commissions and committees which make consistent and clear administration difficult; and

WHEREAS, on May 15, 2018, Council approved Ordinance No. 21-18, which amended RMC 2.04.110 to lend consistency to the overall administration of the City's boards, commissions and committees, and to bring the Richland Municipal Code into alignment with current practices; and

WHEREAS, in the process of adopting Ordinance No. 21-18, the City created temporary conflicts in existing individual board, commission and committee code sections that now require amendment; and

WHEREAS, an element of the City's strategic plan is to ensure that proper foundational authorities are in place to allow for successful government.

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

Section 1. Richland Municipal Code Chapter 2.28, entitled Parks and Recreation Commission, as first enacted by Ordinance No. 303, and last amended by Ordinance No. 18-09, is hereby amended as follows:

Chapter 2.18 PARKS AND RECREATION COMMISSION

Sections:

- 2.18.005 Purpose.**
- 2.18.010 Parks and recreation commission created – Membership.**
- ~~2.18.020 Removal – Vacancies.~~**
- 2.18.030 Meetings, ~~officers, records, and quorum.~~**
- ~~2.18.035 Rules and bylaws.~~**
- 2.18.040 Duties.**
- 2.18.050 Severability. ~~Expenditures – Budget.~~**
- ~~2.18.060 Staff assistance.~~**

2.18.005 Purpose.

The purpose and intent of this chapter is to make available to the city council and staff an advisory body to provide additional expertise and citizen input relative to the provision of facilities and programs for recreation, environmental and cultural preservation and education and civic beautification in order to enhance the quality of life.

2.18.010 Parks and recreation commission created – Membership.

There is created a parks and recreation commission (hereinafter referred to as “commission”) composed of seven adult and two youth members, all of whom have commission voting privileges, who shall be appointed by the city council. The two youth members shall serve one-year terms. The adult members shall serve staggered three-year terms and until their successors are appointed and confirmed. ~~Members shall be selected without regard to political affiliation and shall serve without compensation. Members shall be residents of Richland or attend Richland schools. Selection of members shall follow established procedures as set forth in RMC 2.04.120.~~

~~2.18.020 Removal – Vacancies.~~

~~The commission may, by majority vote, recommend to the city council removal of an appointed member upon such grounds as may be deemed appropriate. The council, by majority vote, may remove any member of the commission and declare the position vacant. Vacancies occurring other than by expiration of terms shall be filled for the unexpired terms in the manner used for regular appointments to the commission.~~

2.18.030 Meetings, officers, records, and quorum.

The commission shall hold monthly and/or special meetings at least 10 times each year, and shall encourage public comment on major items.; ~~shall adopt rules for transaction of business; shall elect a chairperson and vice-chairperson each year at the last regular meeting, and fill such other offices as deemed necessary. The city clerk’s office shall keep records of meetings, resolutions, transactions, findings and determinations. These records shall be open to public inspection. All meetings shall be conducted following Robert’s Rules of Order, be open to the public and shall be advertised in advance; the commission shall encourage public comment on major items. Five members of the commission shall constitute a quorum for the transaction of business. In the event of a vacancy (or vacancies), a quorum shall be a majority of the remaining members, however, not to be less than four members.~~

~~2.18.035 Rules and bylaws.~~

~~The commission shall adopt bylaws, rules and regulations for the proper conduct of business of the commission. The bylaws, rules and regulations are subject to the approval of the city council.~~

2.18.040 Duties.

The commission shall perform the following duties:

A. Serve as an advisor to the city council in order to promote parks, trails, open space and recreation for the city.

B. Provide recommendations to the council and, as appropriate, to other boards and commissions, on matters related to the provision of parks and recreation facilities and services that promote healthy lifestyles and contribute to the quality of life for all citizens. In this role, the commission shall seek public input at regular monthly meetings, neighborhood meetings, master plan meetings and as needed to determine the public view on parks and recreation matters.

C. Regularly review and provide recommendations to the council on updating the parks, trails and open space master plan and the individual venue master plans based on needs assessment, utilization data, staff proposals, and public input.

D. Review and recommend to the council, priorities for the parks and recreation portion of the annual capital facilities plan and for trail and streetscape portions of the transportation section of this plan. Review and recommend to council, park reserve fund appropriations, park partnership projects, applications for grants, park impact fees, and donations.

E. Review, comment and make recommendations on the annual city long range transportation plan with respect to bicycle lanes, trails and multi-use trails.

F. Review and make recommendations to the council on park and recreational facility names and site selection of art in park and recreation lands.

G. Review and recommend to the council rules and regulations for the use of public grounds, facilities and equipment.

H. Support cooperative and collaborative partnerships with the Richland school district, neighboring communities, Native American organizations and other governmental jurisdictions to promote healthy lifestyle opportunities.

~~I. Designate from its members liaison representatives to such city boards, commissions and committees or other organizations as may be necessary to promote parks, trails, open space and recreation, e.g., Richland arts commission and Mid-Columbia community forestry council and as directed by council.~~

J. Review and recommend to the council proposed amendments to the city code for events, concessions or use of facilities on park property and make recommendations on leases of city park property.

~~K. Review, comment and make recommendations to the planning commission and city council on applications for substantial development of shorelines or wetlands.~~

L. Review, analyze and provide comments or recommendations on matters referred to the commission by city staff, council or other boards, commissions or committees.

~~M~~K. Adopt annual commission goals and, at a regular council meeting during the first quarter of the year, report to council on the past year's commission activities and progress and submit goals for the new year.

2.18.050 Severability. ~~Expenditures – Budget.~~

~~The expenditures of the commission shall be limited to appropriations. All services requiring appropriations shall be submitted through the annual budget process. If any one or more sections, subsections or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter, and the same shall remain in full force and effect.~~

2.18.060 Staff assistance.

~~The parks and recreation department shall provide staff assistance and serve as liaison to the commission and facilitate communication by the commission to other boards, commissions or committees as appropriate, and city council. The department presents to the commission its recommendations on matters as specified above or on matters referred to the commission. The department staff presents the commission's recommendations to the city council.~~

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 _____, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Ordinances - Second Reading/Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 09-19, Amending Chapter 2.15 of the Richland Municipal Code related to the Lodging Tax Advisory Committee

Department:
City Attorney

Ordinance/Resolution Number:
09-19

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 09-19, amending Chapter 2.15 of the Richland Municipal Code related to the Lodging Tax Advisory Committee.

Summary:

The City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with current practices and to eliminate conflict and ambiguity. Over time, disparate regulations have been codified for the City's various boards, commissions and committees which make consistent and clear administration difficult. On May 15, 2018, Council approved Ordinance No. 21-18, which amended RMC 2.04.110 to lend consistency to the overall administration of the City's boards, commissions and committees, and to bring the Richland Municipal Code into alignment with current practices. However, in the process of adopting Ordinance No. 21-18, the City created temporary conflicts in existing individual board, commission and committee code sections that now require amendment. This action is housekeeping in nature.

Proposed Ordinance No. 09-19 eliminates the conflicts currently existing between revised RMC 2.04.110 and Chapter 2.15 RMC concerning the Lodging Tax Advisory Committee. In addition, some minor edits are proposed to create a consistent format that will be used in each individual board, commission and committee chapter under the RMC.

Staff recommends approval of Ordinance No. 09-19 for second reading and passage.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 09-19

ORDINANCE NO. 09-19

AN ORDINANCE of the City of Richland amending Title 2.15 of the Richland Municipal Code related to the Lodging Tax Advisory Committee.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with current practices and to eliminate conflict and ambiguity; and

WHEREAS, over time, disparate regulations have been codified for the City's various boards, commissions and committees which make consistent and clear administration difficult; and

WHEREAS, on May 15, 2018, Council approved Ordinance No. 21-18, which amended RMC 2.04.110 to lend consistency to the overall administration of the City's boards, commissions and committees, and to bring the Richland Municipal Code into alignment with current practices; and

WHEREAS, in the process of adopting Ordinance No. 21-18, the City created temporary conflicts in existing individual board, commission and committee code sections that now require amendment; and

WHEREAS, an element of the City's strategic plan is to ensure that proper foundational authorities are in place to allow for successful government.

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

Section 1. Richland Municipal Code Chapter 2.15, entitled Lodging Tax Advisory Committee, as first enacted by Ordinance No. 17-97, and last amended by Ordinance No. 40-98, is hereby amended as follows:

Chapter 2.15 LODGING TAX ADVISORY COMMITTEE

Sections:

2.15.005 Purpose.

2.15.010 Lodging tax advisory committee created – Membership.

~~**2.15.020 Removal – Vacancies.**~~

2.15.030 Meetings, ~~officers, records,~~ and quorum.

2.15.040 Duties ~~of the committee~~.

2.15.050 Severability. ~~Expenditures – Budget.~~

~~**2.15.060 Staff assistance.**~~

2.15.005 Purpose.

The purpose and intent of this chapter is to establish a committee to review and comment on any proposed imposition of hotel/motel tax, proposed increase in the hotel/motel tax rate, and any proposed change in the use of revenue derived from the hotel/motel tax and make recommendations to council regarding the distribution of hotel/motel tax funds, all as set forth in Chapter 67.28 RCW as it currently exists or may hereafter be amended.

2.15.010 Lodging tax advisory committee created – Membership.

There is created within the city of Richland a lodging tax advisory committee. The committee will be composed of five members appointed by the city council. One position must be filled by a councilmember; two members must represent businesses required to collect lodging tax, ~~one such member shall be appointed initially to a one-year term and one member shall be appointed to a two-year term~~; and two members must be involved in activities eligible for funding by lodging tax revenue, ~~one such member shall be appointed initially to a one-year term and one member shall be appointed to a two-year term. The limitations of RCW 67.28.1817(1) apply to appointments. In order to assure continuity of this committee after the initial appointments,~~ The membership shall be appointed to staggered two-year terms and until their successors are appointed and confirmed.

~~The members of the committee shall be selected without regard to political affiliation and shall serve without compensation. Selection of members shall follow established procedures as set forth in RMC 2.04.120.~~

2.15.020 Removal – Vacancies.

~~The council and committee, by mutual consent, may remove a member upon such grounds as may be deemed appropriate by the council and committee. The council and committee, by mutual agreement, may remove any appointed member of the committee and declare the position vacant. Unexcused absences from any two consecutive meetings shall be grounds for removal. Vacancies shall be filled in the manner used for regular appointments to the committee.~~

2.15.030 Meetings, ~~officers, records,~~ and quorum.

A. A councilmember shall serve as the committee's chairperson. The vice-chairperson and all other officers shall be filled as the committee determines it requires. The committee shall meet ~~initially for the purpose of establishing its operating procedures. It will then meet~~ as determined by the committee. ~~A record shall be kept of its meetings, findings and determinations, which records shall be open to public inspection.~~

B. Three members of the committee, comprised of one representative from council, one representative from a business required to collect lodging tax and one representative involved in activities eligible for funding by lodging tax revenue, shall constitute a quorum. ~~A member not present at the time of a meeting shall not participate in a decision.~~

2.15.040 Duties ~~of the committee.~~

The committee shall perform the following duties:

A. The committee shall serve as an advisory committee for the council as it relates to hotel/motel tax funds. All meetings shall be open to the public following publication of a notice for such meeting in the legal newspaper for the city of Richland.

B. The committee shall review and comment on any proposed imposition of the hotel/motel tax, any proposed increase in the hotel/motel tax rate, and any change in the use of revenue derived from the hotel/motel tax and recommend to council any distribution of hotel/motel tax funds.

C. The committee shall maintain a written log of activities in which it is involved, and shall report annually, in written form, to the city council ~~in written form annually of~~ regarding its involvement on behalf of the city.

~~D. All meetings shall be recorded and a written transcript shall be maintained in the files of the city clerk's office.~~

2.15.050 Severability. ~~Expenditures — Budget.~~

~~The expenditures of the committee shall be limited to appropriations made to the budget line item for implementation and administration of the lodging tax advisory committee. The services and facilities of the city of Richland shall be utilized by the committee in performing its duties unless specific services are authorized by the city council.~~ If any one or more sections, subsections or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter, and the same shall remain in full force and effect.

~~2.15.060 Staff assistance.~~

~~The community and development services group shall provide staff assistance to the committee and shall serve to facilitate communications by the committee to the city council.~~

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 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: February 24, 2019



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Ordinances - Second Reading/Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 10-19, Amending Chapter 2.14 of the Richland Municipal Code related to the Economic Development Committee

Department:
City Attorney

Ordinance/Resolution Number:
10-19

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 10-19, amending Chapter 2.14 of the Richland Municipal Code related to the Economic Development Committee.

Summary:

The City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with current practices and to eliminate conflict and ambiguity. Over time, disparate regulations have been codified for the City's various boards, commissions and committees which make consistent and clear administration difficult. On May 15, 2018, Council approved Ordinance No. 21-18, which amended RMC 2.04.110 to lend consistency to the overall administration of the City's boards, commissions and committees, and to bring the Richland Municipal Code into alignment with current practices. However, in the process of adopting Ordinance No. 21-18, the City created temporary conflicts in existing individual board, commission and committee code sections that now require amendment. This action is housekeeping in nature.

Proposed Ordinance No. 10-19 eliminates the conflicts currently existing between revised RMC 2.04.110 and Chapter 2.14 RMC concerning the Economic Development Committee. In addition, some minor edits are proposed to create a consistent format that will be used in each individual board, commission and committee chapter under the RMC.

Staff recommends approval of Ordinance No. 10-19 for second reading and passage.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 10-19

ORDINANCE NO. 10-19

AN ORDINANCE of the City of Richland amending Title 2.14 of the Richland Municipal Code related to the Economic Development Committee.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with current practices and to eliminate conflict and ambiguity; and

WHEREAS, over time, disparate regulations have been codified for the City's various boards, commissions and committees which make consistent and clear administration difficult; and

WHEREAS, on May 15, 2018, Council approved Ordinance No. 21-18, which amended RMC 2.04.110 to lend consistency to the overall administration of the City's boards, commissions and committees, and to bring the Richland Municipal Code into alignment with current practices; and

WHEREAS, in the process of adopting Ordinance No. 21-18, the City created temporary conflicts in existing individual board, commission and committee code sections that now require amendment; and

WHEREAS, an element of the City's strategic plan is to ensure that proper foundational authorities are in place to allow for successful government.

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

Section 1. Richland Municipal Code Chapter 2.14, entitled Economic Development Committee, as first enacted by Ordinance No. 23-83, and last amended by Ordinance No. 04-07, is hereby amended as follows:

Chapter 2.14 ECONOMIC DEVELOPMENT COMMITTEE

Sections:

- 2.14.010 Purpose.**
- 2.14.020 Economic development committee created – Membership.**
- ~~**2.14.030 Removal – Vacancies.**~~
- ~~**2.14.040 Meetings, officers, records, and quorum.**~~
- ~~**2.14.050 Functions and d**~~**Duties.**
- ~~**2.14.060 Severability. Expenditures – Budget.**~~
- ~~**2.14.070 Staff assistance.**~~

2.14.010 Purpose.

The purpose and intent of this chapter is to make available to the city council and staff additional expertise relative to the monitoring, assessing and strengthening of existing economic development strategies and to develop new strategies of economic development for the city by establishing an economic development committee consisting of representatives from various professional disciplines. The economic development committee herein created shall not supplant administrative input to the city council by staff, but shall complement staff input through the utilization and application of the special expertise possessed by its members.

2.14.020 Economic development committee created – Membership.

There is hereby created within the city of Richland an economic development committee composed of eight members appointed by the city council. Members will serve staggered three-year terms and until their successors are appointed and confirmed. ~~The three at-large members shall have initial staggered terms of three, two and one years respectively. The retail and hospitality member shall serve an initial two-year term, the manufacturing and industry member shall serve an initial one-year term, the professional services member shall serve an initial two-year term and the Hanford-related industry and research institutions member shall serve an initial three-year term. Thereafter, members shall be appointed for a term of three years.~~

~~The members of the committee shall be selected without regard to political affiliation and shall serve without compensation.~~ Four members shall be involved in retail and hospitality, manufacturing and industry, professional services and Hanford-related industry and research institutions. One member shall be involved in the tourism business or be an advocate and representative of tourism activities. In making appointments to the committee, the city council shall strive to appoint individuals with multiple skills and with experience and expertise from various disciplines and backgrounds. ~~Selection of members shall follow established procedures as set forth in RMC 2.04.120. A tie vote of the eight member board shall result in the defeat of the issue being voted upon by the members.~~

2.14.030 Removal – Vacancies.

~~The committee may, by majority vote, recommend to the city council removal of an appointed member upon such grounds as may be deemed appropriate. The city council, by majority vote, may remove any appointed member of the committee and declare the position vacant. Vacancies occurring otherwise than by expiration of term shall be filled for any unexpired term in the manner used for regular appointments. Workshops shall be excluded from the definition of “meetings” for the purposes of this section.~~

2.14.040 Meetings, officers, records, and quorum.

~~The committee shall elect its own chairperson and vice chairperson and create and fill such other offices as it may determine it requires.~~ The committee shall hold regular meetings no less than every second month with the first annual meeting to be held in February of each calendar year of the year unless cancelled by the chairperson as a result of having no business or for other good cause. ~~It shall adopt rules for transaction~~

~~of business and shall keep a record of its meetings, resolutions, transactions, findings and determinations, which record shall be open to public inspection.~~

~~Any four members of the committee shall constitute a quorum for the transaction of business. An agenda shall be prepared and distributed prior to each meeting which sets forth specified time periods during which individual items of committee business shall be discussed. These time periods may be extended, but only by a vote of a majority of committee members present. At the initial meeting of the committee, a skeleton agenda with time lines shall be prepared.~~

2.14.050 Functions and ~~d~~Duties.

A. The economic development committee shall perform the following functions:

1. Assist staff with the formulation of ~~Formulate~~ economic development goals for the city in a structured framework ~~providing both time and measurement criteria.~~
2. Assess existing economic development policies for the purpose of recommending such modifications as may be appropriate to achieve the economic goals approved by the city council.
3. ~~Formulate~~ Assist with the formulation of new economic development strategies and policies for the purpose of assuring achievement of the economic development goals approved by the city council.

B. In addition to the broad major functions outlined above, the economic development committee shall, consistent with established city council policy:

1. Prepare and submit recommendations to staff and council on a broad range of matters generally related to economic development.
- ~~2. Provide direction to staff and assist in formulating, refining and developing economic development strategies, plans and policies.~~
- ~~23. Develop~~ Assist in the development of plans and programs for the purpose of retaining and enhancing the existing commercial and industrial base of the city.
- ~~4. Develop plans and programs to promote creative incentives including funding mechanisms, to attract, and retain, commercial and industrial development.~~
- ~~35. Develop~~ Assist in the development of strategies and programs to strengthen the concept of the public/private development partnership.

~~46.~~ Review and advise the city council on the relative merits of individual economic development proposals.

~~57.~~ Convene, when necessary, to greet potential commercial and industrial ~~residents~~ business owners and serve as a central body for the dissemination of economic

development information relating to availability of land, financial tools and resources and other factors relating to successful commercial and economic development.

~~8. Provide guidance and recommendations relative to the appropriate timing, organization and formation of a public corporation for the purpose of issuing industrial revenue bonds.~~

~~9. Appoint a liaison to the Tri-City regional chamber of commerce.~~

~~610.~~ Perform such other duties and provide such additional information, assistance and advice to the city council as the city council may request or direct.

2.14.060 Severability. ~~Expenditures – Budget.~~

~~The expenditures of the committee, exclusive of donations, shall be limited to appropriations. All services requiring appropriations shall be submitted through the budget of the city community and development services group; provided, however, that the services of outside consultants may be obtained for a temporary period of time when specifically authorized by the city council.~~ If any one or more sections, subsections or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter, and the same shall remain in full force and effect.

~~2.14.070 Staff assistance.~~

~~The staff of the various departments within the city, as assigned by the city manager, shall provide staff assistance and shall also serve to facilitate communications by the economic development committee to the city council.~~

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 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: February 24, 2019



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Ordinances - Second Reading/Passage

Core Focus Area 4 - Natural Resources

Subject:

Ordinance No. 12-19, Amending Chapter 22.10 of the Richland Municipal Code related to Critical Areas

Department:

Community Development Services

Ordinance/Resolution Number:

12-19

Document Type:

Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 12-19, amending Chapter 22.10 of the Richland Municipal Code related to critical areas.

Summary:

On June 7, 2018, the Growth Management Hearings Board for the Eastern Washington Region ("GMHB") determined that Ordinance No. 40-17 failed to comply with the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1). The proposed code amendments to RMC 22.10.040, RMC 22.10.185, RMC 22.10.200, and RMC 22.10.210 are intended to satisfy the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1) as they specifically pertain to the appeal filed with the GMHB (Case No. 17-I-0006).

The proposed changes have been heavily vetted by legal counsel and reviewed by the Planning Commission in multiple workshops. Public comment has been received and incorporated into the proposed ordinance where appropriate.

The Planning Commission held a public hearing on January 23, 2019. At the hearing, the Planning Commission voted unanimously to recommend approval of Ordinance No. 12-19 to the Richland City Council.

This ordinance must be passed by March 5, 2019 to comply with the order issued by the GMHB. Staff recommends approval.

Fiscal Impact:

None.

Attachments:

1. Ordinance No. 12-19
2. CA 2018-103 Planning Commission - Staff Report

ORDINANCE NO. 12-19

AN ORDINANCE of the City of Richland amending Chapter 22.10 of the Richland Municipal Code related to critical areas.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code (RMC) to bring it into alignment with state law; and

WHEREAS, on June 7, 2018, the Growth Management Hearings Board for the Eastern Washington Region determined that Ordinance No. 40-17, amending RMC 22.10.185, RMC 22.10.200, and RMC 22.10.210, fails to comply with the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1); and

WHEREAS, to remedy the deficiencies identified by the Growth Management Hearings Board, amendments to Chapter 22.10 RMC are necessary.

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

Section 1. Richland Municipal Code Section 22.10.040, entitled Definitions, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.040 Definitions.

For purposes of this chapter, 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.

“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.

“Adjacent” shall mean any activity located:

A. On a site immediately adjoining a critical area;

B. A distance equal to or less than the required critical area buffer width and building setback, or where the buffer width has yet to be determined, a distance equal to a buffer and setback that would typically be required for the present habitat or species;

C. A distance equal to or less than two hundred fifty (250) feet* from a stream, wetland, channel migration zone or water body;

D. Within the floodway or floodplain; or

E. A distance equal to or less than two hundred (200) feet** from a critical aquifer recharge area.

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

“Best available science” means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

“Best management practices (BMPs)” 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;

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

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

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

E. Prevents contamination of surface and ground water resources, and protects from impacts to native and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer applications.

“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 life cycle stages of species normally associated with the resource;

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; and

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.

“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 ordinance, 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” (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 RCW 36.70A.030(5) including any of the following areas or ecosystems: wetlands; areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

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

“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 nonnative or invasive species, and modifying site elevations to alter hydroperiods.] Activities typically consist of planting vegetation, controlling nonnative 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.

“Federal manual” or “federal methodology” means the methodology for identifying wetlands in the field as described in the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

“Fill” means earth or any other substance or material placed in or on the ground, including earth-retaining structures. In wetlands, it includes any action that raises the elevation or creates dry land.

“Filling” means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, sediment surface, or other fill material.

“Fish and wildlife habitat conservation area” means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range and movement corridors; and areas with high relative population density or species richness. “Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

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

“Functions and values” means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological and aesthetic value protection; educational opportunities and recreation.

“Geologically hazardous areas” are areas that because of their susceptibility to erosion, sliding, earthquakes or other geological events are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns.

“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:

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 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 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.

“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:

A. Comparatively high fish or wildlife density;

B. Comparatively high fish or wildlife species diversity;

- C. Fish spawning habitat;
- D. Important wildlife habitat;
- E. Important fish or wildlife seasonal range;
- F. Important fish or wildlife movement corridor;
- G. Rearing and foraging habitat;
- H. Important marine mammal haul-out;
- I. Refugia habitat;
- J. Limited availability;
- K. High vulnerability to habitat alteration;
- L. Unique or dependent species; or
- M. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows or shrub steppe habitat). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

“Priority habitat and species list” means a list published by the Washington Department of Fish and Wildlife, which is a catalog of habitats and species considered to be priorities for conservation and management. Priority species require protective measures for their survival due to their population status, sensitivity to habitat alteration, and/or recreational, commercial or tribal importance. Priority species include state endangered, threatened, 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 type (e.g., shrub-steppe) or dominant plant species (e.g., juniper savannah), a described successional stage (e.g., old-growth forest) or a specific habitat feature (e.g., cliffs).

“Priority habitat and species map” means maps of plant cover types/communities. Considered by Washington State Department of Fish and Wildlife to contain priority habitat or wildlife species. PHS is a source of best available science that informs local planning activities and land use applications.

“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 geotechnical engineer or geologist, licensed in the state of Washington.

C. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

“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.

“Reestablishment” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in 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~~ including, but ~~are~~ not limited to, ~~any~~ filling, dredging, dumping, ~~or~~ stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing or harvesting, or any other activity that may impact the functions and values of the nearby critical area as determined by the Administrator.

“Rehabilitation” (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 processes or functions. This may be accomplished through measures including but not limited to revegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the area to pre-Columbia Basin Project, aboriginal or pre-European settlement conditions.

“Riparian ecosystem” means the area alongside a waterbody that significantly influences exchanges of energy and matter among terrestrial and aquatic ecosystems. Along streams and rivers, it includes the active channel, channel migration zone, floodplain, and portions of the adjacent uplands that contribute organic matter and shade, provide space for nutrient cycling, and keep pollutants from entering the stream.

“Riparian Management Zone” (RMZ) means the Fish and Wildlife Habitat Conservation Area adjacent to all rivers and streams delineated to protect riparian ecosystem functions and values. Its inner point of measure is the wide of (a) the Ordinary High Water Mark or (b) the outer extent of the Channel Migration Zone. Its width is the greater of (a) 100 feet, (b) one Site Potential Tree Height of a 200-year old tree, and (c) the width needed to reliably remove pollutants as determined through a habitat conservation report.

“Seismic hazard areas” are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by: (A) magnitude of an earthquake; (B) distance from the source of an earthquake; (C) type of thickness of geologic materials at the surface; and (D) type of subsurface geologic structure.

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

“Site-Potential Tree Height” (SPTH) means the average maximum height of the tallest dominant trees (200 years or more) for a given site class. For most of the City of Richland, soils do not support trees that grow in excess of 100 feet. For the few sites that may grow trees taller than 100 feet, SPTH is determined through a habitat conservation report.

“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.

“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 nonwetland areas to mitigate the conversion of wetlands or wetland areas preserved as mitigation for the conversion of wetlands.

“Wetland buffer area” means a naturally vegetated and undisturbed, enhanced or revegetated zone surrounding a natural, restored or newly created wetland that is an integral part of a wetland ecosystem, and protects a wetland from adverse impacts to the integrity and value of the wetland. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

“Wetland delineation” means a delineation done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided for in WAC 173-22-035.

“Wetland determination” means a report prepared by a qualified 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

Footnotes to Definitions:

**“Adjacent” (C) - The distance of two hundred fifty (250) feet is based on maximum wetland buffer.

**“Adjacent” (E) - The distance of two hundred (200) feet is a suggested distance to ensure that activities within the critical aquifer recharge area are included under this Chapter, even when the exact boundaries of the critical aquifer recharge area are not known at the time of application.

Section 2. Richland Municipal Code Section 22.10.185, entitled Fish and wildlife habitat conservation areas, as first enacted by Ordinance No. 40-17, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.185 Fish and wildlife habitat conservation areas.

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

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

a. Federal designated endangered and threatened species are those fish, wildlife and plant species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.

b. State designated endangered, threatened and sensitive species are those fish, wildlife and plant species native to the state of Washington identified by the State Department of Fish and Wildlife and/or State of Washington Natural Heritage Program, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. The State of Washington’s Department of Fish and Wildlife and/or Natural Heritage Program maintains the most current listings and should be consulted as necessary for current state listing status.

2. State priority habitats and areas associated with state priority species.

a. State of Washington Priority Habitats and Species are considered priorities for conservation and management. The State of Washington’s Department of Fish and Wildlife should be consulted for current listing of priority habitats and species.

3. Habitats and species of local importance. The City of Richland hereby adopts by reference those Priority Habitats and Species considered priorities for conservation and management identified by the State Department of Fish and Wildlife and State of Washington Natural Heritage Program as now exist or as may be amended.

4. In addition to the Priority Habitats and Species recognized by WDFW and/or State of Washington Natural Heritage Program, a process is provided for listing other habitats and species that are important locally to the people of Richland. This action may be initiated at the request of the Washington State Department of Fish and Wildlife, other government agency, city staff, non-profit organization or interested citizen. Any such request shall be in writing and shall include:

- a. The common and scientific name for a species under consideration;
- b. Habitat location on a map (scale 1:24,000);
- c. Demonstrate a need for special consideration based upon Best Available Science and considering:
 - i. Declining or increasing population;
 - ii. Sensitivity to habitat manipulation; or
 - iii. Commercial or game value or other special value, such as public appeal.
- d. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas and other guidelines necessary for the protection of the species;
- e. Reasons for the species/habitat to be designated;
- f. Name and address of the nominator, along with a list of property owners and mailing addresses for each property mapped as containing habitat and/or species;
- g. Other supporting documentation (as determined by the Administrator);
- h. SEPA Checklist;
- i. Fee as established by the City of Richland Fee Schedule.

Submitted proposals shall be reviewed by city staff as a Type IV legislative action pursuant to RMC 19.20.010(D)(2) and Chapter 19.90 RMC. Suggested amendments to this section of the Critical Areas regulations shall result in amendment no more often than once each calendar year with the deadline for submittal being January 31st. Copies of the proposal shall be submitted to WDFW and/or other local, state or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies as part of the public comment period. Approved nominations will be designated priority habitats/species as appropriate and will be given all protection under this Ordinance afforded other priority habitats and species.

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

~~3~~6. 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;

~~4~~7. The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;

~~5~~8. Amon Creek Natural Preserve;

~~6~~9. Badger Mountain Natural Preserve;

~~7~~10. Category I wetlands as defined in RMC 22.10.100;

~~8~~11. State nature area preserves or natural resource conservation areas and state wildlife areas;

~~9~~12. Documented habitat, other than accidental presence, of threatened or endangered species;

~~10~~13. Documented habitat, other than accidental presence, of regional or national significance for migrating birds;

~~14~~14. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

~~12~~15. Waters of the state; ~~and~~

~~13~~16. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

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

1. Create a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces, integrating with open space corridor planning where appropriate;

2. Limit the level of human activity within such areas that is appropriate for certain areas and habitats, including presence of roads and level of recreation type (passive or active recreation);

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

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

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

6. Establish or enhance nonregulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

Section 3. Richland Municipal Code Section 22.10.190, entitled Fish and wildlife habitat conservation area inventory maps, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

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 [best available science, including](#) current information contained in priority habitats and species maps as maintained by the Washington State Department of Fish and Wildlife. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of habitat 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~~ [priority habitats or species \(PHS\), endangered, threatened or sensitive \(ETS\) species, or habitats and species of local importance \(HSLI\)](#). If such a species is known to exist within an unmapped area, the type, extent and boundaries of this area shall be determined by a qualified professional.

Section 4. Richland Municipal Code Section 22.10.200, entitled Requirements for habitat conservation area reports, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.200 Requirements for habitat conservation area reports.

When development is proposed within a fish and wildlife habitat conservation area [or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer or close enough to the FWHCA so as to likely impact critical area ecosystem functions and values](#), a habitat conservation report shall be prepared consisting of the following:

A. The report shall be prepared by a qualified professional [using the best available science](#);

B. The area addressed in any report for a fish and wildlife habitat conservation area shall include the project area and adjacent lands within 300 feet of the project boundaries to account for potential buffers that may not be accurately mapped at the

time of application. Further the report shall identify all habitat conservation areas, shorelines, floodplains, other critical areas and related buffers;

C. A habitat conservation report shall include an assessment to evaluate the presence or absence of priority habitat. At a minimum the habitat assessment shall include:

1. Detailed description of vegetation on and adjacent to the project area; including the existence or non-existence of plant species native to the state of Washington identified by the State of Washington Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats;

2. Identification of any priority species and habitats (PHS) or any endangered, threatened, sensitive or candidate species and any habitat or species of local concern that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the protected habitat or use of the site by the species;

3. A discussion of any federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

4. A discussion of measures, including avoidance, minimization and mitigation proposed to preserve existing habitats or restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with RMC 22.10.220 (mitigation sequencing);

5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;

6. When warranted, the administrator may require detailed surface and subsurface hydrologic features both on and adjacent to the site;

D. Habitat conservation area reports shall be forwarded to the Washington Department of Fish and Wildlife and local Native American Indian Tribes to provide them with an opportunity to comment on the adequacy and accuracy of the report;

E. The administrator may waive the requirement for the preparation of a habitat conservation area report upon a determination that by reason of previous development that the proposed project site does not provide functional habitat. Such waiver shall be made in writing and a copy shall be provided to the Washington State Department of Fish and Wildlife.

Section 5. Richland Municipal Code Section 22.10.210, entitled Fish and wildlife habitat conservation area – Performance standards, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.210 Fish and wildlife habitat conservation area – Performance standards.

Development or any regulated activity occurring within a designated habitat conservation area or within its respective protection buffer, or development or any regulated activity proposed to occur adjacent to, or close enough to, a habitat conservation area so as to likely impact critical area ecosystem functions and values, shall only be permitted in accordance with the conditions of an approved habitat conservation area report. Such report shall be based on the following standards using the best available science:

- A. Consider habitat in site planning and design;
- B. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas, including use of bird-friendly building design and use of dark sky lighting standards;
- C. Integrate retained habitat into open space and native plantings, consistent with the provisions of all open space and landscaping requirements;
- D. Activity within or close to a habitat conservation area shall not result in the degradation of the functions and values of the habitat;
- E. Nonindigenous species shall not be introduced into a habitat conservation area;
- F. Contiguous corridors through a project area shall be maintained. Measures necessary to mitigate impacts within a habitat conservation area shall attempt to achieve contiguous functioning habitat corridors in order to minimize the isolating effects of development on habitat;
- G. Identify habitat contiguous to other habitat 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;
- H. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat areas;
- I. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;
- J. Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication *Riparian Ecosystems, Volume 2: Management Recommendations*, May 2018, or as revised. Riparian corridors shall also meet the

minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;

K. Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to avoid, minimize, or mitigate potential adverse impacts. Conditions shall include protective buffers based on the State of Washington Department of Fish and Wildlife Management recommendations for Washington's priority species modified for local conditions and the recommendations of the Department of Fish and Wildlife biologists and may include, but are not limited to, the following measures:

1. Establishment of undisturbed habitat areas;
2. Staking of undisturbed habitat areas prior to any construction, including clearing, grading and filling taking place on site;
3. Fencing of undisturbed habitat areas in a manner consistent with the provisions of RMC 22.10.115(H);
4. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;
5. Preservation of critically important vegetation;
6. Supplemental planting of native tree or shrub cover;
7. Removal and/or control of any noxious or undesirable species of plants and animals;
8. Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;
9. Replanting of disturbed areas and/or areas where noxious weed species were removed with native vegetation types, including ongoing plans for weed control and irrigation as appropriate;
10. Limitation of access to an identified habitat area, including fencing to deter unauthorized access;
11. Seasonal restriction on construction activities;
12. Implementation of a schedule for periodic review of completed mitigation measures for a specified time period;

13. Posting of a bond or other financial surety to ensure completion and success of proposed mitigation measures. Such bond or other security device shall be required to assure successful establishment of required planting for an appropriate monitoring period. The amount of the bond or other security device shall equal 125 percent of the cost of the mitigation project for a period of five years. The administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

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

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: February 24, 2018

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: CA2018-103

PREPARED BY: MIKE STEVENS
MEETING DATE: JANUARY 23, 2019

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND

REQUEST: TEXT AMENDMENT TO CHAPTER 22.10 – CRITICAL AREAS

LOCATION: CITYWIDE

REASON FOR REQUEST:

On June 7, 2018, the Growth Management Hearings Board for the Eastern Washington Region determined that Ordinance No. 40-17 failed to comply with the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1). As result, city staff has proposed amendments to RMC 22.10.040, RMC 22.10.185, RMC 22.10.200, and RMC 22.10.210 as shown in the attached draft ordinance.

ANALYSIS

The proposed code amendments are intended to satisfy the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1) as they specifically pertain to the appeal filed by Laurie Ness and Patrick Paulson (Case No. 17-1-0006 - attached).

PUBLIC NOTICE/ COMMENTS

Given the city's desire to receive public and agency comment, city staff issued a first draft of the proposed code amendments for review and comment on October 31, 2018. The public and various agencies were provided a 30-day comment period within which to provide comment. The close of the first draft comment period was 5:00 PM on Friday, November 30, 2018.

Comments received were evaluated by city staff and legal counsel. Modifications to the draft ordinance were then made and provided to the Planning Commission for review and discussion during a workshop held on December 12, 2018. The Planning Commission reviewed the proposed modifications and directed staff to further modify the draft ordinance prior to the final draft being distributed for official public comment and SEPA review.

On December 21, 2018 the final draft was distributed to the public via the city website, posting in the Tri-City Herald and City Hall as well as sending notification to various

agencies including the Washington State Departments of Ecology, Fish & Wildlife and Commerce as required by RCW 36.70A.

All comments from the first draft review and the final draft review are included as an attachment to this report.

SEPA

The City of Richland utilized the Optional DNS Process as outlined in WAC 197-11-355 for this proposed code amendment. The end of the public comment period for comments was Friday, January 11, 2019. The City of Richland issued a Determination of Non-Significance (DNS) for the proposal on January 14, 2019.

FINDINGS OF FACT

1. On June 7, 2018, the Growth Management Hearings Board for the Eastern Washington Region determined that Ordinance No. 40-17 failed to comply with the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1). As result, city staff has proposed amendments to RMC 22.10.040, RMC 22.10.185, RMC 22.10.200, and RMC 22.10.210.
2. The proposed code amendments are intended to satisfy the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1) as they specifically pertain to the appeal filed by Laurie Ness and Patrick Paulson (Case No. 17-1-0006).
3. Notice of the proposed amendment was provided to local and state agencies. Notice was also published in the Tri-Cities Herald, posted at the official posting places and on the city's official website. Notice was provided to the Washington State Dept. of Commerce and other state agencies as required by RCW 36.70A.
4. City staff issued a first draft of the proposed code amendments for review and comment on October 31, 2018. The public and various agencies were provided a 30-day comment period within which to provide comment. The close of the first draft comment period was 5:00 PM on Friday, November 30, 2018.
5. Modifications to the draft ordinance were made and provided to the Planning Commission for review and discussion during a workshop held on December 12, 2018.
6. The Planning Commission reviewed the proposed modifications and directed staff to further modify the draft ordinance prior to the final draft being distributed for official public comment and SEPA review.
7. On December 21, 2018 the final draft was distributed to the public via the city website, posting in the Tri-City Herald and City Hall as well as sending notification to various agencies including the Washington State Departments of Ecology, Fish & Wildlife and Commerce as required by RCW 36.70A.
8. The City issued a SEPA Threshold Determination of Non-Significance on January 14, 2019.
9. The City of Richland utilized the Optional DNS Process as outlined in WAC 197-11-355. The end of the public comment period was Friday, January 11, 2019.

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hold an open record public hearing and issue a recommendation on the proposed ordinance amendments to the City Council.
2. The proposed code amendments are consistent with the goals and policies of the City's Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (CA2018-103) and recommend to the City Council adoption of the proposed code amendments to RMC Chapter 22.10 – Critical Areas, as modified within Draft 3 Ordinance (Exhibit 5).

ALTERNATIVES

1. Recommend approval of the amendments as proposed;
2. Recommend approval of the amendments, as modified by the Planning Commission.
3. Recommend denial of the amendments;

RECOMMENDED MOTION

I move that the Planning Commission recommend approval of the proposed amendments to Chapter 22.10 of the Richland Municipal Code, as contained in the attached Draft 3 Ordinance (Exhibit 5) based upon the above listed Findings of Fact and Conclusions of Law.

Exhibits

1. Application Materials
2. Draft 2 Ordinance – Prior to final comments
3. SEPA DNS & SEPA Checklist
4. Public Notice and Comments Received
5. Draft 3 Ordinance – Based upon final comments

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
EASTERN WASHINGTON REGION

Laurie Ness and Patrick Paulson,

Petitioners,

v.

City of Richland,

Respondent.

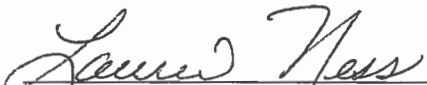
Case No. 17-1-0006

**REQUEST FOR EXTENSION OF
COMPLIANCE DEADLINE AND
RELATED DATES**

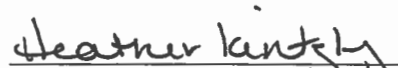
COMES NOW the Petitioners, Laurie Ness and Patrick Paulson, and the Respondent, City of Richland, who respectfully submit this request that the Board grant a *90-day* extension from the deadlines established in the Final Decision and Order dated June 7, 2018. Due to turnover in Richland's Planning Manager position, and the City's desire to facilitate public participation in the compliance process, City and Petitioners agree that additional time is needed for compliance. The following compliance schedule is proposed:

- By October 31, 2018: Provide public notice of a 30-day comment period on the draft code language.
- December 12, 2018: Planning Commission workshop meeting to review submitted comments and any proposed revisions to the draft code language.
- December 2018 – February 2019: Publish proposed final draft of the code revisions; hold an open public hearing prior to vote by the Planning Commission.
- By March 5, 2019: Compliance achieved by action of the Richland City Council.

Dated this 30th day of October, 2018.


Laurie Ness, *Pro Se*


Patrick Paulson, *Pro Se*


Heather Kintzley, WSBA #33520
Richland City Attorney



Department of Commerce

Innovation is in our nature.

Notice of Proposed Amendment Request for Expedited Review

Pursuant to RCW 36.70A.106(3)(b), the following jurisdiction provides notice of a proposed development regulation amendment and requests expedited state agency review under the Growth Management Act.

Under statute, proposed amendments to comprehensive plans are not eligible for expedited review. The expedited review period is 10 business days (14 calendar days).

(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)

Jurisdiction:	City Richland, Development Services - Planning
Mailing Address:	505 Swift Blvd., MS-35 Richland, WA 99352
Date:	December 21, 2018

Contact Name:	Mike Stevens
Title/Position:	Planning Manager
Phone Number:	(509) 942-7596
E-mail Address:	mstevens@ci.richland.wa.us

Brief Description of the Proposed/Draft Development Regulations Amendment: <i>(40 words or less)</i>	• Amend RMC Section 22.10.040, Definitions. • Amend RMC Section 22.10.185, Fish and wildlife habitat conservation areas. • Amend RMC Section 22.10.200, Requirements for habitat conservation area reports. • Amend RMC Section 22.10.210, Fish and wildlife habitat conservation area – Performance standards.
Is this action part of the periodic review and update? GMA requires review every 8 years under RCW 36.70A.130(4)-(6) .	Yes: <u> X* </u> No: <u> </u> *June 7, 2018, the Growth Management Hearings Board for the Eastern Washington Region determined that Ordinance No. 40-17, amending RMC 22.10.185, RMC 22.10.200, and RMC 22.10.210, fails to comply with the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1).

Public Hearing Date:	Planning Board/Commission: January 23, 2019 Council/County Commission: February 5 & 19, 2019
Proposed Adoption Date:	February 19, 2019 or as soon thereafter as possible

REQUIRED: Attach or include a copy of the proposed amendment text.



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

December 29, 2018

Mike Stevens
Planning Manager
City of Richland
505 Swift Boulevard
MS: 35
Richland, Washington 99352

Dear Mr. Stevens:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Richland - Proposed amendment to (1). RMC Section 22.10.040, Definitions. (2). Amend RMC Section 22.10.185, Fish and wildlife habitat conservation areas. (3). Amend RMC Section 22.10.200, Requirements for habitat conservation area reports. (4) Amend RMC Section 22.10.210, Fish and wildlife habitat conservation area -Performance standards. These materials were received on December 29, 2018 and processed with the material ID # 25641. Expedited Review is requested under RCW 36.70A.106(3)(b).

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment requesting expedited review, then we have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services

ORDINANCE NO. XX-XX

AN ORDINANCE of the City of Richland amending Chapter 22.10 of the Richland Municipal Code related to Critical Areas.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with state law; and

WHEREAS, on June 7, 2018, the Growth Management Hearings Board for the Eastern Washington Region determined that Ordinance No. 40-17, amending RMC 22.10.185, RMC 22.10.200, and RMC 22.10.210, fails to comply with the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1); and

WHEREAS, to remedy the deficiencies identified by the Growth Management Hearings Board, amendments to the above-referenced code sections are necessary.

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

Section 1. Richland Municipal Code Section 22.10.040, entitled Definitions, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.040 Definitions.

For purposes of this chapter, 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.

“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.

“Adjacent” shall mean any activity located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer width and building setback;

3. A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;
4. A distance equal to or less than three hundred (300) feet upland from a stream, wetland, or water body;
5. Within the floodway, floodplain or channel migration zone; or
6. A distance equal to or less than two hundred (200) feet from a critical aquifer recharge area

3* The distance of 2,640 feet is based on the Washington Department of Fish and Wildlife Management.

4* The distance of three hundred (300) feet is based on maximum recommended riparian habitat area width from the Washington Department of Fish and Wildlife Management Recommendations for Washington's Priority Habitats: Riparian.

6* The distance of two hundred (200) feet is a suggested distance to ensure that activities within the critical aquifer recharge area are included under this Chapter, even when the exact boundaries of the critical aquifer recharge area are not known at the time of application.

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

“Best available science” means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

“Best management practices (BMPs)” 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;
- B. Minimizes and mitigates adverse impacts to the natural chemical, physical and biological environment of the city;
- C. Utilizes the city's natural resources on a long-term, sustainable yield basis;
- D. Protects trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and

E. Prevents contamination of surface and ground water resources, and protects from impacts to native and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer applications.

“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 life cycle stages of species normally associated with the resource;

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; and

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” (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 RCW 36.70A.030(5) including any of the following areas or ecosystems: wetlands; areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

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

“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 nonnative or invasive species, and modifying site elevations to alter hydroperiods.] Activities typically consist of planting vegetation, controlling nonnative 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.

“Federal manual” or “federal methodology” means the methodology for identifying wetlands in the field as described in the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

“Fill” means earth or any other substance or material placed in or on the ground, including earth-retaining structures. In wetlands, it includes any action that raises the elevation or creates dry land.

“Filling” means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, sediment surface, or other fill material.

“Fish and wildlife habitat conservation area” means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range and movement corridors; and areas with high relative population density or species richness. “Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

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

“Functions and values” means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food

chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological and aesthetic value protection; educational opportunities and recreation.

“Geologically hazardous areas” are areas that because of their susceptibility to erosion, sliding, earthquakes or other geological events are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns.

“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:

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 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 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.

“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:

- A. Comparatively high fish or wildlife density;
- B. Comparatively high fish or wildlife species diversity;
- C. Fish spawning habitat;
- D. Important wildlife habitat;
- E. Important fish or wildlife seasonal range;
- F. Important fish or wildlife movement corridor;
- G. Rearing and foraging habitat;
- H. Important marine mammal haul-out;

- I. Refugia habitat;
- J. Limited availability;
- K. High vulnerability to habitat alteration;
- L. Unique or dependent species; or
- M. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows or shrub steppe habitat). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

“Priority habitat and species list” means a list published by the Washington Department of Fish and Wildlife, which is a catalog of habitats and species considered to be priorities for conservation and management. Priority species require protective measures for their survival due to their population status, sensitivity to habitat alteration, and/or recreational, commercial or tribal importance. Priority species include state endangered, threatened, 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 type (e.g., shrub-steppe) or dominant plant species (e.g., juniper savannah), a described successional stage (e.g., old-growth forest) or a specific habitat feature (e.g., cliffs).

“Priority habitat and species map” means maps of plant cover types/communities. Considered by Washington State Department of Fish and Wildlife to contain priority habitat or wildlife species. PHS is a source of best available science that informs local planning activities and land use applications.

“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 geotechnical engineer or geologist, licensed in the state of Washington.

C. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

“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.

“Reestablishment” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in 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 processes or functions. This may be accomplished through measures including but not limited to revegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the area to pre-Columbia Basin Project, aboriginal or pre-European settlement conditions.

“Seismic hazard areas” are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface

faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by: (A) magnitude of an earthquake; (B) distance from the source of an earthquake; (C) type of thickness of geologic materials at the surface; and (D) type of subsurface geologic structure.

“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.

“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 nonwetland areas to mitigate the conversion of wetlands or wetland areas preserved as mitigation for the conversion of wetlands.

“Wetland buffer area” means a naturally vegetated and undisturbed, enhanced or revegetated zone surrounding a natural, restored or newly created wetland that is an integral part of a wetland ecosystem, and protects a wetland from adverse impacts to the integrity and value of the wetland. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to

maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

“Wetland delineation” means a delineation done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided for in WAC 173-22-035.

“Wetland determination” means a report prepared by a qualified 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. [Ord. 48-93; Ord. 45-00; Ord. 23-01; Ord. 31-03; Ord. 40-17 § 1; Ord. 40-17A § 1].

Section 2. Richland Municipal Code Section 22.10.185, entitled Fish and wildlife habitat conservation areas, as first enacted by Ordinance No. 40-17, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.185 Fish and wildlife habitat conservation areas.

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

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

a. Federal designated endangered and threatened species are those fish, wildlife and plant species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.

b. State designated endangered, threatened and sensitive species are those fish, wildlife and plant species native to the state of Washington identified by the State Department of Fish and Wildlife [and/or State of Washington Natural Heritage Program](#), that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. [The State of Washington’s Department of Fish and Wildlife and/or Natural Heritage Program maintains the most current listings and should be consulted as necessary for current state listing status.](#)

[2. State priority habitats and areas associated with state priority species.](#)

[a. State of Washington Priority Habitats and Species are considered priorities for conservation and management. The State of Washington’s](#)

Department of Fish and Wildlife should be consulted for current listing of priority habitats and species.

3. Habitats and species of local importance. The City of Richland hereby adopts by reference those Priority Habitats and Species considered priorities for conservation and management identified by the State Department of Fish and Wildlife and State of Washington Natural Heritage Program as now exist or as may be amended.

4. In addition to the Priority Habitats and Species recognized by WDFW, a process is provided for listing or delisting other habitats and species that are important locally to the people of Richland. This action may be initiated at the request of the Washington State Department of Fish and Wildlife, other government agency, city staff, non-profit organization or interested citizen. Any such request shall be in writing and shall include:

- a. The common and scientific name for a species under consideration;
- b. Habitat location on a map (scale 1:24,000);
- c. Demonstrate a need for special consideration based upon Best Available Science and considering:
 1. Declining or increasing population;
 2. Sensitivity to habitat manipulation; or
 3. Commercial or game value or other special value, such as public appeal.
- d. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas and other guidelines necessary for the protection of the species;
- e. Reasons for the species/habitat to be designated or deleted from designation as a priority habitat or species;
- f. Name and address of the nominator, along with a statement of support for the nomination signed by the owner of the property on which the habitat is located;
- g. Other supporting documentation (as determined by the Administrator);
- h. SEPA Checklist;
- i. Fee, as established by the City of Richland Fee Schedule.

Submitted proposals shall be reviewed by city staff as a Type IV legislative action pursuant to RMC 19.20.010 (D)(2) and RMC Chapter 19.90. Suggested amendments to this Section of the Critical Areas regulations shall be amended no more often than once each calendar year with the deadline for submittal being January 31st. Copies of the proposal shall be submitted to WDFW and/or other local, state or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies as part of the public comment period. Approved nominations will be

designated priority habitats/species as appropriate and will be given all protection under this Ordinance afforded other priority habitats and species.

~~2~~ 5. The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151;

~~3~~ 6. 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;

~~4~~ 7. The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;

~~5~~ 8. Amon Creek Natural Preserve;

~~6~~ 9. Badger Mountain Natural Preserve;

~~7~~10. Category I wetlands as defined in RMC 22.10.100;

~~8~~ 11. State nature area preserves or natural resource conservation areas and state wildlife areas;

~~9~~ 12. Documented habitat, other than accidental presence, of threatened or endangered species;

~~10~~ 13. Documented habitat, other than accidental presence, of regional or national significance for migrating birds;

~~11~~ 14. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

~~12~~ 15. Waters of the state; and

~~13~~ 16. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

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

1. Create a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces, integrating with open space corridor planning where appropriate;

2. Limit the level of human activity within such areas that is appropriate for certain areas and habitats, including presence of roads and level of recreation type (passive or active recreation);

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

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

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

6. Establish or enhance nonregulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

Section 3. Richland Municipal Code Section 22.10.190, entitled Fish and wildlife habitat conservation area inventory maps, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

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.

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.

Section 4. Richland Municipal Code Section 22.10.200, entitled Requirements for habitat conservation area reports, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.200 Requirements for habitat conservation area reports.

When development is proposed within a fish and wildlife habitat conservation area [or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer so as to likely impact critical area ecosystem functions and values](#), a habitat conservation report shall be prepared consisting of the following:

A. The report shall be prepared by a qualified professional [using the best available science](#);

B. The area addressed in any report for a fish and wildlife habitat conservation area shall include the project area and adjacent lands within 300 feet of the project boundaries to account for potential buffers that may not be accurately mapped at the time of application. Further the report shall identify all habitat conservation areas, shorelines, floodplains, other critical areas and related buffers;

C. A habitat conservation report shall include an assessment to evaluate the presence or absence of priority habitat. At a minimum the habitat assessment shall include:

1. Detailed description of vegetation on and adjacent to the project area~~;~~, including the existence or non-existence of plant species native to the state of Washington identified by the State of Washington Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats;
2. Identification of any priority species and habitats (PHS) or any endangered, threatened, sensitive or candidate species and any species of local concern that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
3. A discussion of any federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
4. A discussion of measures, including avoidance, minimization and mitigation proposed to preserve existing habitats or restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with RMC 22.10.220 (mitigation sequencing);
5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;
6. When warranted, the administrator may require detailed surface and subsurface hydrologic features both on and adjacent to the site;

D. Habitat conservation area reports shall be forwarded to the Washington Department of Fish and Wildlife and local Native American Indian Tribes to provide them with an opportunity to comment on the adequacy and accuracy of the report;

E. The administrator may waive the requirement for the preparation of a habitat conservation area report upon a determination that by reason of previous development that the proposed project site does not provide functional habitat. Such waiver shall be made in writing and a copy shall be provided to the Washington State Department of Fish and Wildlife.

Section 4. Richland Municipal Code Section 22.10.210, entitled Fish and wildlife habitat conservation area – Performance standards, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.210 Fish and wildlife habitat conservation area – Performance standards.

Development or any regulated activity occurring within a designated habitat conservation area or within its respective protection buffer, or development or any regulated activity proposed to occur adjacent to, or close enough to, a habitat conservation area so as to likely impact critical area ecosystem functions and values, shall only be permitted in accordance with the conditions of an approved habitat conservation area report. Such report shall be based on the following standards using the best available science:

- A. Consider habitat in site planning and design;
- B. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas, including use of bird-friendly building design and use of dark sky lighting standards;
- C. Integrate retained habitat into open space and native plantings, consistent with the provisions of all open space and landscaping requirements;
- D. Activity within or close to a habitat conservation area shall not result in the degradation of the functions and values of the habitat;
- E. Nonindigenous species shall not be introduced into a habitat conservation area;
- F. Contiguous corridors through a project area shall be maintained. Measures necessary to mitigate impacts within a habitat conservation area shall attempt to achieve contiguous functioning habitat corridors in order to minimize the isolating effects of development on habitat;
- G. Identify habitat contiguous to other habitat 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;
- H. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat areas;
- I. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;
- J. Riparian corridors shall meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;

K. 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:

1. Establishment of undisturbed habitat areas;
2. Staking of undisturbed habitat areas prior to any construction, including clearing, grading and filling taking place on site;
3. Fencing of undisturbed habitat areas in a manner consistent with the provisions of RMC 22.10.115(H);
4. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;
5. Preservation of critically important vegetation;
6. Supplemental planting of native tree or shrub cover;
7. Removal and/or control of any noxious or undesirable species of plants and animals;
8. Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;
9. Replanting of disturbed areas and/or areas where noxious weed species were removed with native vegetation types, including ongoing plans for weed control and irrigation as appropriate;
10. Limitation of access to an identified habitat area, including fencing to deter unauthorized access;
11. Seasonal restriction on construction activities;
12. Implementation of a schedule for periodic review of completed mitigation measures for a specified time period;
13. Posting of a bond or other financial surety to ensure completion and success of proposed mitigation measures. Such bond or other security device shall be required to assure successful establishment of required planting for an appropriate monitoring period. The amount of the bond or other security device shall equal 125 percent of the cost of the mitigation project for a period of five years. The administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

Section 5. 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 _____, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____



File No. EA2018-128

CITY OF RICHLAND
Determination of Non-Significance

Description of Proposal: Text amendment to RMC Sections 22.10.040, 22.10.185, 22.10.200 & 22.10.210 - Critical Areas, to comply with the Growth Management Hearings Board Final Decision and Order concerning Case No. 17-1-0006.

Proponent: City of Richland

Location of Proposal: City Wide Code Amendment

Lead Agency: City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☐ There is no comment for the DNS.

☐ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen days from the date of issuance.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Mike Stevens

Position/Title: Planning Manager

Address: 505 Swift Boulevard, Richland, WA 99352

Date: January 14, 2019

Signature _____

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. background

1. Name of proposed project, if applicable: 2018 RMC CAO Text Amendment

Amend Sections 22.10.040, 22.10.185, 22.10.200 and 22.10.210 - Critical Areas.

2. Name of applicant:

City of Richland

3. Address and phone number of applicant and contact person:

**City of Richland Planning Division
Mike Stevens, Planning Manager
505 Swift Boulevard, MS #35
Richland, WA 99352
509-942-7596**

4. Date checklist prepared:

December 18, 2018

5. Agency requesting checklist:

City of Richland

6. Proposed timing or schedule (including phasing, if applicable):

We hope to implement the proposed amendments by March 2019.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No, these code amendments stand alone. Further activity related to this proposal would be project-specific, whereas this is a non-project action.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None other than existing environmental documents prepared during the initial review/adoption of Ordinance No. 40-17.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No. This proposal is a non-project action.

10. List any government approvals or permits that will be needed for your proposal, if known.

None. This proposal is a non-project action.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Amend RMC Sections 22.10.040, 22.10.185, 22.10.200 and 22.10.210 - Critical Areas to be compliant with the Growth Management Hearings Board Final Decision and Order concerning Case No. 17-1-0006 .

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or

boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This is a non-project action. The proposed text amendments would apply to properties within the city limits of Richland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site(s):
(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

Not applicable- this is a non-project action.

- b. What is the steepest slope on the site (approximate percent slope)?

Not applicable- this is a non-project action. However, the slopes within the City of Richland vary from very flat to relatively steep (+/- 10%).

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not applicable- this is a non-project action. Refer to the "Soil Survey Benton County Area, Washington" published by the USDA, July 1971 for detailed soils information.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Within the City of Richland, there are a few areas designated under our Critical Areas Ordinance as an Erosion Hazard Area. However, this is a non-project action and any potential projects that come about because of these code amendments would still need to follow the Critical Areas Ordinance.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable- this is a non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not as part of this code amendment, as it is a non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable- this is a non-project action. However, development proposals are reviewed for consistency with local, state and federal stormwater runoff regulations.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable- this is a non-project action.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable- this is a non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable- this is a non-project action.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable- this is a non-project action.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable- Non-project action. The Yakima River, Columbia River and several irrigation canals and wetlands are located within the City of Richland's municipal boundaries.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable- this is a non-project action.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable- this is a non-project action.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable- this is a non-project action.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Portions of the City of Richland are located within the 100-year floodplain.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable- this is a non-project action.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable- this is a non-project action.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable- non-project action.

c. Water runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable- non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable- non-project action.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable- non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable- non-project action.

4. Plants

Check the types of vegetation found on the site: ***Not applicable- non-project action.***

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Not applicable- non-project action.

- c. List threatened and endangered species known to be on or near the site.
Not applicable- non-project action.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
Not applicable- non-project action.
- e. List all noxious weeds and invasive species known to be on or near the site.
Not applicable- non-project action.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.
Not applicable- non-project action.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened and endangered species known to be on or near the site.
Not applicable- non-project action.
- c. Is the site part of a migration route? If so, explain.
Not applicable- non-project action.
- d. Proposed measures to preserve or enhance wildlife, if any:
All future development must comply with these updated regulations for Fish and Wildlife Habitat area protection.
- e. List any invasive animal species known to be on or near the site.
Not applicable- non-project action.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
Not applicable- non-project action.
- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.
Not applicable- non-project action.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

Not applicable- non-project action.

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. ***Not applicable- non-project action.***

1) Describe any known or possible contamination at the site from present or past uses.

Not applicable- non-project action.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable- non-project action.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable- non-project action.

4) Describe special emergency services that might be required.

Not applicable- non-project action. To be evaluated at time of permit application.

5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable- non-project action. To be evaluated at time of permit application.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable- non-project action.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

There would be no noise created associated directly with this non-project application.

3) Proposed measures to reduce or control noise impacts, if any:

Not applicable- non-project action. To be evaluated at time of permit application.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not applicable- non-project action.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable- non-project action.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable- non-project action.

c. Describe any structures on the site.

Not applicable- non-project action.

d. Will any structures be demolished? If so, what?

Not applicable- non-project action.

e. What is the current zoning classification of the site?

Not applicable- non-project action. The current zoning throughout the city varies.

f. What is the current comprehensive plan designation of the site?

Not applicable- non-project action. These proposed amendments will not impact the comprehensive plan designation in any way.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable- non-project action.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

The City contains numerous areas designated as a "critical area". The proposed update to the Critical Area regulations is being done to ensure consistency with current state requirements.

i. Approximately how many people would reside or work in the completed project?

Not applicable- non-project action.

j. Approximately how many people would the completed project displace?

Not applicable- non-project action.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable- non-project action.

- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable- non-project action.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

There are no agricultural and forest lands of long-term commercial significance within the city of Richland.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable- non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable- non-project action.

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable- non-project action.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable- non-project action.

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable- non-project action.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable- non-project action.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable- non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable- non-project action.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable- non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable- non-project action.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable- non-project action. Throughout the city of Richland, there are numerous parks and multiple trails.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No. The proposed code amendments would not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable- non-project action.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

Not applicable- non-project action.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable- non-project action.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable- non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable- non-project action. To be evaluated at time of permit application.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Any new development impacted by the proposed code amendment will still be required to meet City of Richland code regarding public streets and highways. Access to the existing street system is not applicable at this time, and will be evaluated at time of site-specific permit application.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not applicable- non-project action.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable- non-project action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable- non-project action. To be evaluated at time of permit application.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No. Not applicable- non-project action.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable- non-project action. This will be evaluated at time of permit application.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable- non-project action.

- h. Proposed measures to reduce or control transportation impacts, if any:

Not applicable- non-project action.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable- non-project action. To be evaluated at time of permit application.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable- non-project action.

16. Utilities

- a. Circle utilities currently available at the site: ***Not applicable- non-project action.***

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable- non-project action.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Darin K. Arrasmith

Name of signee _____

Darin K. Arrasmith

Position and Agency/Organization _____

Planner

Date Submitted: 12/18/18

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed changes to the code will not result in any increased discharges to water, air, hazardous substances, and noise. If anything, the regulations contained within the proposed amendment will further reduce the possibility of discharges.

Proposed measures to avoid or reduce such increases are:

Compliance with state requirement to amend the regulations to meet "Best Available Science" requirement.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

In and of itself, this proposal will not affect plants, animals, fish, or marine life. This is a minor text change only. However, utilizing the regulations within the updated Critical Areas Ordinance will likely result in fewer impacts to plants, animals and fish based upon requirements of "Best Available Science".

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Meet requirements to utilize "Best Available Science" and to ensure consistency with local, state and federal environmental regulations.

3. How would the proposal be likely to deplete energy or natural resources?

There will be no depletion of energy or natural resources from this proposal.

Proposed measures to protect or conserve energy and natural resources are:

None at this time.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed amendments to the Richland Municipal Code will likely further reduce possible impacts to environmentally sensitive areas or areas designated for governmental protection as each project submitted for review is evaluated at the time of permit application for such

impacts by these updated regulations. These updated regulations will ensure consistency between the Critical Areas Ordinance and Richland Shoreline Master Program for those areas designated as such.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Ensure consistency between regulations and comply with "Best Available Science" requirements.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed code amendments will not affect land and shoreline uses or make them incompatible with existing plans. Rather, the proposed amendments to the Critical Areas regulations will ensure consistency with the City's Shoreline Master Program and Goals and Policies of the City's 2017 Update to its Comprehensive Plan.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The proposed amendments to the Critical Areas regulations will ensure consistency with the City's Shoreline Master Program and Goals and Policies of the City's 2017 Update to its Comprehensive Plan.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed amendment will not increase demands on services and utilities. All development must conform to Richland Municipal Code regarding building the infrastructure necessary to handle the proposed development. This is a minor text change only.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This proposal should not conflict with any local, state, or federal laws or requirements for the protection of the environment.



**CITY OF RICHLAND
NOTICE OF PROPOSED CODE AMENDMENT AND
REQUEST FOR PUBLIC COMMENT
(CA2018-103)**

Notice is hereby given that the City of Richland is soliciting input regarding an amendment to the City's Critical Areas Ordinance as a result of the Growth Management Hearings Board Final Decision and Order concerning Case No. 17-1-0006.

A copy of the proposed changes to the Critical Areas Ordinance are available to the public and can be viewed in the Development Services Division Office (840 Northgate Drive) or at the City of Richland website www.ci.richland.wa.us.

Any person desiring to express his/her views regarding this proposed code amendment should notify Mike Stevens, Planning Manager, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to mstevens@ci.richland.wa.us. Written comments regarding the proposed code amendment should be received no later than 5:00 p.m. on Friday, November 30, 2018.

A Planning Commission Workshop will be held at 6:00 p.m., Wednesday, December 12, 2018 in the City Manager's Conference Room located at 975 George Washington Way, in order to review the public comments received. All interested parties are invited to attend; however public testimony will not be allowed. Additional opportunity to provide comment and a formal public hearing will be held at a later date.

Stevens, Mike

From: Ritter, Michael W (DFW) <Michael.Ritter@dfw.wa.gov>
Sent: Thursday, November 29, 2018 9:00 AM
To: Stevens, Mike
Subject: RE: City of Richland CAO Update

Mike,
Thanks for the opportunity to review the draft language in 22.10.185, 22.10.190, 22.10.200, 22.10.210, 22.10.220, and 22.10.040.

Order 1.

The draft language includes reference to DNR Natural Heritage Program and supports existing language (WDFW PHS) for consideration of listed and sensitive species.

Also 22.10.185 (3) specifically designates and defines habitats and species of local importance

Order 2.

The draft language does not provide a method to nominate species/habitats of local importance. 22.10.185 (3) provides the draft language "...or as may be amended," which implies that additional species/habitats of local importance may be added/considered.

I am not sure that a nomination process should/could be included in Richland Code, but a process could certainly be referenced. City, WDFW, interested parties might need to meet to develop a nomination process.

Or, maybe the city has an annual public request for nominations of new species/habitats of local importance. These nominations would then be reviewed by the city/wdfw/other?

Or maybe the city already has a process that I am not aware of

Order 3.

Is supported by buffer distances from published reports that used BAS to develop buffer distances. The draft language provides what is required to be considered within the buffer for potential impacts.

Contact me with any questions.

Mike

Michael Ritter
Fish and Wildlife Area Habitat Biologist
Washington Department of Fish and Wildlife
2620 N. Commercial Ave
Pasco, WA 99301
509-543-3319 (office)
509-380-3028 (cell)

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Thursday, November 29, 2018 8:10 AM

November 23, 2018

From: Patrick Paulson and Laurie Ness

2253 Davison Avenue

Richland WA 99354

Patrick_paulson@acm.org

Pennifurs.mom@gmail.com

To: City of Richland Planning Staff

**RE: Protecting FWHCA associated with Category 1 wetlands, waters of the state, and small ponds
And FWHCA designated by Location**

These comments pertain to Fish and Wildlife Habitat Conservation Areas (FWHCA) which either 1) are named as places in the CAO and /or should have geographical boundaries identified within the CAO, or 2) are waters of the state, including Category I wetlands and small ponds.

We see at least 3 issues with the draft language that leave these areas insufficiently protected from development activity which may occur within or outside of these areas, leaving the CAO out of compliance with the Board's order. In brief, these issues are:

1. The geographical boundaries of these FWHCA are insufficiently specified
2. No protective buffers are specified for these FWHCA
3. The protection provided for these FWHCA by the "Habitat Conservation Report" and "Performance Standards" provide no more protection for these areas than for any other part of the City: only areas designated as FWHCA under paragraphs 1-3 of RMC 22.10.185.A¹ that lie within these areas will be protected.

In addition, we note a textual correction: RMC 22.10.185.A.10 should read "State natural area preserves" rather than "State nature area preserves".

Boundaries and protective buffers are discussed in Section 3 below and Section 4 address the lack of buffers. Section 5 discusses how the habitat management report fails to identify habitat functions and values associated with FWHCA that are not associated with Priority Habitats and Species (PHS), Endangered, Threatened and Sensitive species (ETS), or habitats and species of local importance as determined locally (HSLI).

The deficiencies of the habitat conservation report and performance standards will be taken up in a different document. The next section discusses general characteristics of FWHCA which are designated by named location.

All of these FWHCA are established in order to provide these areas with greater protections not provided by 22.10.185.A paragraphs 1-3 and 14-15.

Consider national wildlife refuge land, designated as FWHCA by RMC 22.10.185.A.4. It is natural to assume that the purpose of this designation is to protect game species and other species that one would naturally expect to occur within a wildlife refuge.

Likewise, consider Category I wetlands. These wetlands are already protected as critical areas elsewhere in the CAO; here they are also designated as FWHCA. As with national wildlife refuge lands the intent must be to

¹ RMC references are to the Draft CAO

protect functions and values of these wetlands that are not protected either by being designated as a wetland, or by designation of any areas within the wetland as an FWHCA of “primary association”.

1. FWHCA Designated by Location

The areas discussed here are designated as FWHCA by RMC 22.10.185.A.4-8,10:

- The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151
- 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;
- The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;
- Amon Creek Natural Preserve;
- Badger Mountain Natural Preserve; and
- State natural area preserves or natural resource conservation areas and state wildlife areas;

These all have known geographical coordinates and boundaries, unlike the FWHCA designated by RMC 22.10.185.A paragraphs 1-3 and 14-15

2. Assumptions made about habitat conservation functions and values to be protected in specific FWHCA

2.1 “The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151” and “The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service”

The McNary NWR web pages mention the following species and habitats that the refuge protects, including waterfowl, shorebirds, colonial nesting water-birds, peregrine falcon, and cottonwoods and riparian areas.

2.2 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;

These areas are abundant in songbirds, waterfowl, salmonids, and mammals. The entire area could serve as a riparian corridor that connects and allows for movement of wildlife.

2.3 Amon Creek Natural Preserve

The *Wildlife Report for the Rachel Road Alignment Study in Richland, Benton County, Washington*² contains inventories of species recorded within the preserve. The report mostly considers possible affects to ETS and PHS species. But, as argued above, the City’s designation of the Preserve as FWHCA is intended to provide additional protection to the area beyond what would be provided for areas associated with ETS and PHS habitats and species. Some of the more vulnerable non-PHS species noted in the report are Swainson’s Hawk, Black-crowned Night Heron, and Yellow-headed Blackbird. Several species that occur regularly within the preserve are rare outside the preserve area within Richland; these include Virginia Rail, Mink, Wilson’s Snipe, Black-capped Chickadee, Otter, and Cinnamon Teal.

² <https://www.ci.richland.wa.us/home/showdocument?id=4416>

2.4 *Badger Mountain Natural Preserve*

Features unique to this Preserve include the potential for unfragmented shrub steppe.

Species that occur within the Preserve³ but that are uncommon outside of the Preserve include Lark Sparrow, Horned Lark, Meadow Lark, Black-billed Magpie, Common Raven, Chukar, Common Poorwill, Sage Thrasher, Common Nighthawk, Lazuli Bunting, and Black-throated Sparrow. (This is bird-centric, but that's what we have data for through eBird).

2.5 *Category I wetlands, small ponds under 20 acres, and waters of the state*

RMC 22.10.185.A.13 designates "Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;". It is clear that the intention is to protect any fish within the pond and, presumably, any wildlife such as nesting songbirds, waterfowl, and native mammals, just as in the FWHCA such as the Amon Creek Natural Preserve.

Activities will be regulated within the buffers of Category I wetlands. But if habitat functions and values are to be protected additional FWHCA buffers should be specified and overlaid onto the wetland protections to ensure areas associated with wetland-associated species, such as Yellow-headed Blackbird, are protected during nesting season.

"Waters of the state" encompasses wetlands but also water-courses and riparian areas. FWHCA buffers backed by BAS should be assigned to these areas, such as stream typing or similar.

3. **Geographic Boundaries Insufficiently Specified**

For those FWHCA with boundaries set by Richland – Amon Creek Natural Preserver, Badger Mountain Natural Preserve, and the "Yakima River Delta", a list of parcels that are included in the area should be specified somewhere and the CAO should indicate how these boundaries can be located through City resources.

For FWHCA with boundaries set by other agencies, such as national wildlife refuges and "state nature area preserves", the CAO should specify how to obtain the boundaries of these areas from appropriate agencies. For example, the National Wildlife Refuge Locator⁴ could be referenced as a source for national wildlife refuge boundaries. Washington's Department of Natural Resources has a list of natural area preserves⁵.

Since the boundaries of these areas *can* be determined the CAO should require that their boundaries are indicated on the City's Critical Areas Map for easy reference by planners, developers, agencies, and citizens.

4. **No protective buffers are specified for these FWHCAs**

In order to protect the functions and values of the areas discussed in Section 2, the CAO should explicitly appropriate buffers for each type FWHCA it designates; these buffers should be based on BAS and the habitat functions and values to be protected for the designated FWHCA. Buffers should be sufficient to ensure a habitat conservation report is created for any activity that could affect functions and values of FWHCA.

³ <https://ebird.org/hotspot/L4837764?yr=all&m=&rank=mrec>

⁴ <https://www.fws.gov/refuges/refugelocatormaps/>

⁵ <https://www.dnr.wa.gov/managed-lands/natural-areas/natural-area-preserves>

Based on the habitat functions and values that the areas possess, we propose some minimum buffer widths for these FWHCAs. Since we assume that these areas are meant to preserve functions and values beyond the protection of PHS and ETS species we base our recommendations on other sources of BAS, notably *Nesting Birds: Species-Specific Buffers for PG&E Activities*⁶

- 4.1 *"The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151" and "The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service"*

Most waterfowl require a 100 ft. protective buffer. California Gull, however, require a 150 ft. buffer and they are colonial nesters on the Hanford Islands. Therefore a 150 ft. buffer should be the provided for these FWHCA.

- 4.2 *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;*

A 300 ft. buffer should be provided to protect any potential riparian areas around the FWHCA.

- 4.3 *Amon Creek Natural Preserve and Badger Mountain Natural Preserve*

Most of the species within the Amon and Badger Creek Preserves require a 75 or 100 ft. buffer during nesting season; therefore a 100 ft. buffer should be established around these Preserves.

Additional considerations, however, should be made for Amon Creek Natural Preserve. Yellow-headed Blackbird require a 350 ft. buffer; known nesting sites for this species should be evaluated to ensure that the 100 ft. overall buffer will be sufficient. Cooper's and Sharp-shinned Hawks require a 300 ft. buffer and known nesting sites for them should also be evaluated.

Swainson's Hawk requires a 2,640 ft. buffer; since this is probably too high for a buffer distance around all of the preserve areas. Known nesting sites should be identified by the City and used to trigger habitat assessment reports that would not otherwise be triggered by the standard 100 ft. buffer.

- 4.4 *Category I wetlands, small ponds under 20 acres, and waters of the state*

Appropriate buffers should be created for riparian areas associated with waters of the state; these might be based on stream type. Category I wetlands and small ponds should be assigned FWHCA buffers in addition to any wetland buffer requirements. These buffers should be sufficient to ensure that a habitat associated with native species such as songbirds, waterfowl, and mammals are protected.

5. Habitat Conservation Report and Performance Standards Insufficient

The requirements for the Habitat Conservation Report described in the Draft RMC 22.10.200 are insufficient with regards to the following types of areas designated as FWHCA by RMC 22.10.185.A:

- Any area designated by specifying geographical boundaries, including those FWHCA designated by paragraphs 4-8 and paragraph 10.

⁶ http://www.cpuc.ca.gov/environment/info/panoramaenv/Fulton-Fitch/Application/Appendix_E_Birds.pdf

- Category I wetlands, naturally occurring ponds under 20 acres, and waters of the state (paragraphs 9, 13, and 14)

The requirements for habitat conservation reports are crucial because the protective measures prescribed by the performance standards for FWHCA (RMC 22.10.210) are “conditioned *as identified in the habitat conservation area report* to minimize or mitigate potential adverse impacts” (our emphasis). This implies that any habitat not identified by the report need not be protected.

As we show above, the CAO designates these areas as FWHCA in order protect native habitat and species associated with these areas. In order to protect these functions and values, habitat conservation reports should identify native habitats and species with a primary association for these FWHCA that development activities might impact.

Protecting Critical Areas

Patrick Paulson and Laurie Ness

Acronyms	iii
1. Introduction	1
1.1 Summary	1
1.2 Purpose	1
1.3 Scope	2
1.4 Document Overview	3
2. Summary of Policy Recommendations	3
3. Preliminaries: Terminology and GMA Requirements	4
3.1 GMA Requirements	4
3.2 Habitats and Species Designated for Protection	4
3.3 Protective Measures	4
3.4 The Habitat Conservation Report	5
4. BAS and Guidance on FWHCA Assessment Triggers	5
4.1 Guidance on Assessment Triggers from the Department of Fish and Wildlife (WDFW) and the Department of Commerce (WDOC)	5
4.2 How other Jurisdictions Trigger FWHCA Assessments	6
4.2.1 Ferry County	6
4.2.2 City of Everett	6
5. Triggering Habitat Conservation Reports	6
5.1 Trigger Optimization	7
5.2 Trigger Definition	7
5.2.1 Trigger Areas	7
6. Trigger Distances	7
7. Trigger Areas	10
7.1 FWHCA Designated by Location	10
7.2 Triggers for Areas Designated by Rule	10

7.2.1 Determining Areas that may Have Primary Association with Protected Habitats and Species.....	11
8. Richland’s Habitat Conservation Report <i>does not protect</i> all values and functions of FWHCA designated by Location	11
9. Additional BAS Resources for Triggering and Preparing Wildlife Conservation Reports	12
9.1 Washington Wildlife Habitat Connectivity Working Group	12
10. References	12
Appendix A. Ferry County CAO Section 9.02	14
Appendix B. City of Everett CAO, Excerpts	16
Appendix C. BAS for proposed FWHCA Trigger Distances	18
C.1. Burrowing Owl	18
C.2. Common Loon, Greater Sage Grouse, Lewis’ Woodpecker, Northern Goshawk, Yellow-billed Cuckoo, Townsend’s Big-eared Bat.	18
C.3. Ferruginous Hawk and Golden Eagle	18
C.4. Loggerhead Shrike, Sage Sparrow, Sage Thrasher, Townsend’s Ground Squirrel, White-tailed Jackrabbit, Striped Whipsnake, and Black-tailed Jackrabbit	18
C.5. Peregrine Falcon.....	19
C.6. Vaux’s Swift	19
C.7. Merriam’s Shrew.....	19
C.8. Common Sagebrush Lizard	19

Acronyms

BAS - Best Available Science.....	1, 3, 5, 6, 7, 8, 9, 10, 12, 18
CAO - Critical Areas Ordinance	1, 2, 3, 4, 5, 6, 7, 10, 11, 14
DL -Designation by Location.....	7
DR - Designation by Rule.....	7
ETS - Endangered, Threatened, or Sensitive	4, 10, 11
FDO - Final Decision and Order	2
FWHCA - Fish and Wildlife Habitat Conservation Area...	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 15, 18
GMA - Growth Management Act.....	1, 2, 3, 4, 6, 7
NWI - National Wetlands Inventory	11
PHS - Priority Habitats and Species.....	7, 8, 9, 10, 11
WDFW - Washington Department of Fish and Wildlife.....	5, 7, 11, 12, 18, 19
WDOC – Washington Department of Commerce.....	5
WNHP - Washington Natural Heritage Program.....	11

1. Introduction

1.1 Summary

This document provides approaches to protect the functions and values of Fish and Wildlife Habitat Conservation Areas (FWHCA). It also provides methods to determine when proposed an activity requires a Habitat Conservation (HC) Report to determine if the activity would impact ecosystem functions and values of a FWHCA.

Main points addressed are:

1. FWHCA designated by a place name, such as Amon Creek Natural Preserve, should be located and mapped on the Critical Areas Map;
2. The Critical Areas Ordinance (CAO) must clearly specify what methods the City will use to determine if a Habitat Conservation Report will be required for proposed activities. That is, the CAO must specify *triggers* for requiring Habitat Conservation Area reports;
3. The term *buffer*, when applied to FWHCA, should usually be interpreted as a *trigger distance*. These buffers don't specify areas where activities are regulated but instead specify areas within which all activity require a habitat conservation report.
4. The current requirements for Habitat Conservation Reports and performance standards fail to adequately protect some types of FWHCA designated by the CAO.

This document provides references to Best Available Science (BAS that specify minimum distances required to ensure that proposed development activities do not adversely affect functions and values of FWHCAs.

The primary contributions of this document are

- A framework for understanding the purpose of FWHCA *buffers* is to *trigger* Habitat Conservation Reports;
- The argument that the Habitat Conservation Report requirements fail to protect functions and values for all FWHCAs;
- The argument that trigger distances for HC reports must be based on the particular habitat functions a designated FWHCA is intended to protect;
- Clear distinctions between FWHCA designated by place name/*location* as opposed to those designated by *rule*; and
- How triggers are designed for each type of FWHCA; and
- The concept of "trigger optimization" to limit amount of staff time and developer cost spent on unnecessary HC Reports.

1.2 Purpose

This material is of interest to the Planning Commission because the Growth Management Act (GMA) Hearings Board's finding Richland's current Critical Areas Ordinance (CAO), adopted by Richland Ordinance 40-17, is out of compliance with the GMA. The Board determined that the CAO was out of compliance in three areas. Two of those areas involve the failure to designate

FWHCA as required by the GMA. This document deals with the third area of non-compliance raised by the Board: the failure to adequately protect FWHCA from impacts¹.

1.3 Scope

This document is concerned with *protection* of designated FWHCA; it does not address the areas where Richland was found out-of-compliance because of failure to designate FWHCA to protect state-listed plants, high-quality ecosystems, or habitats and species of local importance.

¹ The Board's Final Decision and Order (FDO) noted that

In adopting Ordinance 40-17, Richland chose to protect against loss of the functions and values of the ecosystem by requiring a "habitat conservation report" when "development is proposed within a fish and wildlife habitat conservation area." Under the CAO [Ordinance 40-17], the requirement to prepare a habitat conservation report is not triggered when a proposed development is located in the buffer adjacent to the FWHCA or, if there is no buffer, located adjacent to the FWHCA boundary so as to impact Critical Area ecosystem functions and values. *Laurie Ness & Patrick Paulson. v. City Of Richland*, EWGMHB Case #17-1-0006, Final Decision and Order (June 7, 2018), p. 11.

And that:

... challenged Ordinance 40-17 applies protections from development projects occurring "*within*" FWHCAs but fails to apply those protections to proposed development located *adjacent* to the FWHCA where the *science shows that proposed development would harm ecosystem functions and values* of the FWHCA [Our emphasis]. *Ibid.* p. 12.

The Board's Order found that:

1. The GMA requires cities and counties to include the Best Available Science to protect against the loss of ecosystem functions and values resulting from activities occurring within or outside of Critical Areas where the science shows that proposed development would harm ecosystem functions and values of the FWHCA.
2. The City of Richland failed to include the Best Available Science where, under RMC 22.10.200, a required habitat conservation report is triggered only for development proposals occurring "*within*" a FWHCA but is not triggered for development proposals occurring in the adjacent buffer or close to the FWHCA so as to impact ecosystem functions and values of the FWHCA.
3. RMC 22.10. 210(D) protects against degradation of ecosystem functions and values resulting from activities occurring within the FWHCA but fails to protect against degradation of ecosystem functions and values resulting from activities occurring just outside of FWHCA boundaries where the science shows that proposed development would degrade ecosystem functions and values of the FWHCA. *Ibid.* pp. 12-13.

1.4 Document Overview

Section 2 summarizes the policy recommendations resulting from the discussions and contributions presented in the rest of the document. These recommendations can be used to update existing regulations so they adequately designate and protect fish and wildlife habitat. Section 3 discusses GMA requirements regarding CAOs and introduces terminology that will be used throughout the document. Section 4 addresses guidance from state agencies on how to comply with the GMA requirements, sources of Best Available Science to include in order to comply with the GMA, and reviews CAO for other jurisdictions.

Sections 5, 6, and 7 give a workable framework for HC Report triggers that can be used to optimize triggers while ensuring that habitat functions are protected as required by the GMA. Section 5 provides frameworks for understanding habitat report triggers and introduces trigger optimization. Section 6 lists *trigger distances* (one of the elements needed for a HC Report triggers) necessary to protect habitat value, based on BAS. Section 7 completes the trigger definitions for FWHCA by outlining how to determine appropriate *trigger areas* for each type of FWHCA designated by Richland's CAO.

While we make a general assumption that FWHCA will be protected by the CAO if habitat reports are triggered when necessary, Section 8 argues the values and functions of FWHCA designated by *location* will not be protected by the CAO because of deficiencies in the Habitat Conservation Report requirements. Finally, Section 9 provides additional sources of BAS to be considered by the Commission, Council, and Planning Staff as they move the CAO towards compliance with the GMA.

2. Summary of Policy Recommendations

The policy recommendations given here reflect the findings given in this document.

1. Areas of habitat should be designated explicitly as *geographical areas* or as *areas of primary association*.
2. Geographical habitat areas should
 - a. Have explicit buffers – or trigger distances. Habitat Conservation Reports are required for any activity affecting areas within the distance from the designated FWHCA.
 - b. Require habitat conservation reports to consider impacts to all native species (plant or animal) and habitats within the habitat area
3. For areas of primary association, the CAO should
 - a. Specify the process used to determine what areas of primary association might be impacted by a proposed activity
 - b. Specify for each type of primary association the trigger distances to be used to fire the requirement of a habitat conservation report

3. Preliminaries: Terminology and GMA Requirements

3.1 GMA Requirements

The City is required to protect critical areas as specified by the Growth Management Act (GMA). Protection of critical areas consists of

1. Designating critical areas, and
2. Adopting development regulations that protect the functions and values (FV) of the designated critical areas.

FWHCA are one of the five types of critical areas the GMA requires cities and counties to designate. The functions and values of FWHCA are related to “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” (WAC 365-190-030.1). We use the term *habitat function* to specify some specific ecological function an area possesses, for example what species is supported by the provided habitat. The *habitat value* of any given area is the sum of the value of the area of all the functions it serves. We often simply use the term *habitat* to refer to habitat function or value.

A particular geographical area can be designated as FWHCA for multiple reasons. An area might be both a water of the state and also be associated with one or more Endangered, Threatened, or Sensitive (ETS) species. Thus, we find it more useful to think in terms of different sets of habitat functions associated with the area; one set is the habitat value associated with “waters of the state”; the others are determined by the ETS species associated with the area. When we think this way area we can identify *all* the functions of the area that are required to be protected by the GMA.

We use the term *geographic area* to refer to a land area with specific boundaries. Using this terminology, then, a FWHCA is a geographic area that provides some habitat function².

3.2 Habitats and Species Designated for Protection

We use the term *protected* habitat or species to refer to habitats and species that the City has used to designate FWHCA. For example, since RMC 22.10.185-1 designates as FWHCA “Areas where state or federal designated endangered, threatened, and sensitive species have a primary association” these species are protected species.

3.3 Protective Measures

Protective measures that a CAO can use to protect habitat value include:

- *Buffers* that limit the types of activities that can be performed in certain areas where they may impact the habitat value HC values and functions some geographic area. Note that this use of the term “buffer” is different from the “trigger distance” for habitat assessment; protective buffers will only be determined once an assessment is completed and so are not useful for determining when assessment is required.

² Don’t want to get ahead of ourselves, but this point causes confusion: note that, as discussed in Section 5.2.1, “designation” does not mean that the CAO *maps* each FWHCA. The location of some designated FWHCA will not be known until a project proposal triggers a Habitat Conservation Report.

- Specifying Best Management practices (BMP)s for activities that are allowed in designated parts of the geographic area. The BMPs must be based on BAS.

Additional measures can be specified in the CAO, such as those given in RMC 22.10.210³

3.4 The Habitat Conservation Report

One of the basic tools given in Richland's CAO for protection of FWHCA is the Habitat Conservation Report which we refer to as the *habitat report* or *report*. Each habitat report considers a specific geographic area with regards to a proposed project and each habitat function provided by the area. The habitat report is prepared by qualified professionals and is reviewed by city staff, citizens, and appropriate federal and state agencies. The report specifies a minimal set of measures necessary to protect the habitat value of the geographic area considered by the report with regard to proposed development activities.

4. BAS and Guidance on FWHCA Assessment Triggers

4.1 Guidance on Assessment Triggers from the Department of Fish and Wildlife (WDFW) and the Department of Commerce (WDOC)

Guidance from the WDOC's *Critical Area Handbook* explicitly addresses this problem and includes suggested code language (Washington State Department of Community 2007):

The [city/ county] 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. Adjacent shall mean any activity located:

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;
[footnoted: The distance of 2,640 feet is based on the Washington Department of Fish and Wildlife *Management*]

A distance equal to or less than three hundred (300) feet upland from a stream, wetland, or water body; [footnoted: The distance of three hundred (300) feet is based on maximum recommended riparian habitat area width from the Washington Department of Fish and Wildlife *Management Recommendations for Washington's Priority Habitats: Riparian*]

Within the floodway, floodplain or channel migration zone; or

³ *Fish and Wildlife Habitat Conservation Areas – Performance Standards.*

A distance equal to or less than two hundred (200) feet from a critical aquifer recharge area [footnoted: The distance of two hundred (200) feet is a suggested distance to ensure that activities within the critical aquifer recharge area are included under this Chapter, even when the exact boundaries of the critical aquifer recharge area are not known at the time of application]

4.2 How other Jurisdictions Trigger FWHCA Assessments

4.2.1 Ferry County

Other municipalities have CAO language that complies with this requirement. Ferry County had long been out of compliance with the GMA because of similar issues; however, the Board found their current CAO *is* compliant in this regard. Appendix A gives an excerpt of the relevant code from Ferry County's CAO.

While Ferry County's CAO may protect FWHCA it is flawed because of (1) over-reliance on the judgement of the Planning Director; (2) lack of guidance based on BAS for the Planning Director to follow; (3) developers are unable to determine from the CAO whether a project is likely to require an assessment early in their planning process, and (4) lack of opportunity to review decisions made by the Planning Director. These points are further discussed in Section 0 below.

4.2.2 City of Everett

Everett's CAO uses the term "habitats of primary association" to refer to FWHCA designated by the CAO because of the value of the habitat to a protected species. Everett's code also recognizes the distance threshold for habitat reports depends on the habitat function of the area facing impacts.

5. Triggering Habitat Conservation Reports

The creation of a habitat report can be a time and cost intensive activity; these costs are borne by the applicant with no guarantee of a successful application. Therefore, the CAO should specify the minimal set of necessary and sufficient criteria –habitat report *triggers* -- to determine when a project requires a habitat report and the geographic area that must be assessed. When a trigger requires report we say the project *fires* the trigger.

Report triggers should be clearly stated in terms of clear and quantifiable criteria. The triggers should allow staff and developers to easily determine if a proposal fires the trigger. Such triggers will

- Allow staff to determine when an application requires an report without being charged with bias towards allowing or disallowing the proposed activity, and
- Allow developers to formulate proposals that avoid the requirement for the report.

We want to emphasize that triggers are used *only to trigger a habitat report*. In many cases the report will recommend protection measures that will allow the proposed activities to proceed. If the protective measures are too restrictive, there is an option of requiring mitigation measures to compensate for adverse effects to habitat.

5.1 Trigger Optimization

Assuming a habitat report protects habitat function, we can also assume habitat is protected as long as the report trigger fires on any activity that can harm habitat. If we can further ensure that the trigger only fires if habitat *will* be affected—and is easy for staff and developers to apply to proposals in the early stages of planning—we can minimize cost and inconvenience to developers, staff, agencies, and citizens.

The term “trigger optimization” is the process of developing habitat report triggers that are easy to apply, protect habitat, and minimize the generation of unnecessary reports.

5.2 Trigger Definition

A trigger requires two elements, a *trigger area* and a *trigger distance*. The trigger fires for any activity within the trigger distance of a trigger’s area. The trigger distance must be at least the largest buffer distance required to protect some habitat function filled by the trigger’s area.

5.2.1 Trigger Areas

The City designates FWHCAs by identifying all geographic areas that fill some habitat function. This identification can be done 2 ways:

1. The boundaries of a geographic area can be given explicitly in the CAO, or
2. Giving a rule that determines whether a given geographic area provides habitat function.

We refer to the first type of designation as *designation by location* (DL) and to the second type of designation as *Designation by Rule* (DR). Designation by Rule is also referred to as “designation by performance standards”, but we find “designation by rule” easier to understand. Everett’s CAO refers to these areas as “habitats of primary association”. These two types of designation result in different types of triggers.

6. Trigger Distances

Trigger distances for FWHCA must be based on BAS as required by the GMA. The distances are selected to ensure that possible adverse effects to species and habitats protected by the CAO will trigger an HC Report. *Priority Habitats and Species* (PHS) are those habitats and species recognized by WDFW to require protection where ever they occur. Table 1 gives for non-PHS species; these distances mostly apply to nesting birds and are taken from (Pacific Gas And Electric Company 2015). Distances for selected PHS species are given in Table 2. Appendix B gives the BAS used to determine the distances given in Table 2.

Table 1. Trigger distances for Non-PHS Species

Taxon	Common_Name	Scientific_Name	State Status	Federal Status	CART Distance
Bird	Nesting Vaux’s Swift	<i>Chaetura vauxi</i>	C		75 ft.
Bird	Nesting Song Birds (typical)				75 ft.
Bird	Nesting Waterfowl, Rails (typical)				100 ft.
Bird	Nesting Cooper’s Hawk	<i>Accipiter cooperii</i>			300 ft.
Bird	Nesting Red-tailed Hawk	<i>Buteo jamaicensis</i>			250 ft.
Bird	Nesting Swainson’s Hawk	<i>Buteo swainsoni</i>			2,640 ft.

Taxon	Common_Name	Scientific_Name	State Status	Federal Status	CART Distance
Bird	Nesting Black-crowned Night-Heron	<i>Nycticorax</i>			300 ft.
Bird	Nesting American Kestrel	<i>Falco sparverius</i>			200 ft.
Bird	Nesting Prairie Falcon	<i>Falco mexicanus</i>			300 ft.
Bird	Nesting Peregrine Falcon	<i>Falco peregrinus</i>			500 ft.
Bird	Western Screech Owl	<i>Otus kennicottii</i>			200 ft.
Bird	Great Horned Owl	<i>Bubo virginianus</i>			300 ft.
Bird	Long-eared Owl	<i>Asio otus</i>			300 ft.
Bird	Bank Swallow	<i>Riparia riparia</i>			100 ft.
Bird	Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>			350 ft.

Table 2. Suggested Trigger distances for selected PHS species occurring in Benton County. Species occurrence compiled from compiled from Appendix D of (Azerrad et al. 2009) . Trigger distances are omitted when not applicable, see notes in Appendix B.

Taxon	Common_Name	Scientific_Name	SGCN	PHS	State Status	Federal Status	Trigger Distance
Bird	Burrowing Owl	<i>Athene cunicularia</i>	Y	1	C	SC	0.5 mi
Bird	Common Loon	<i>Gavia immer</i>	Y	1,2	S		-
Bird	Ferruginous Hawk	<i>Buteo regalis</i>	Y	1	T	SC	1.0 mi
Bird	Golden Eagle	<i>Aquila chrysaetos</i>	Y	1	C		2.0 mi
Bird	Greater Sage-grouse	<i>Centrocercus urophasianus</i>	Y	1,3	T	C	-
Bird	Lewis' Woodpecker	<i>Melanerpes lewis</i>	Y	1	C		-
Bird	Loggerhead Shrike	<i>Lanius ludovicianus</i>	Y	1	C	SC	Require report when Shrub steppe will be disturbed
Bird	Merlin	<i>Falco columbarius</i>		1	C		-
Bird	Northern Goshawk	<i>Accipiter gentilis</i>	Y	1	C	SC	-
Bird	Peregrine Falcon	<i>Falco peregrinus</i>	Y	1	S	SC	0.5 mi
Bird	Sage Sparrow	<i>Amphispiza belli</i>	Y	1	C		Require report when Shrub steppe will be disturbed
Bird	Sage Thrasher	<i>Oreoscoptes montanus</i>	Y	1	C		Require report when Shrub steppe will be disturbed
Bird	Vaux's Swift	<i>Chaetura vauxi</i>	Y	1	C		Within 500m of

Taxon	Common_Name	Scientific_Name	SGCN	PHS	State Status	Federal Status	Trigger Distance
							Large Chimneys or forested areas with snags where presence is indicated by PHS or other resources indicates presence
Bird	Western Grebe	Aechmophorus occidentalis	Y	1,2	C		[No BAS found]
Bird	Yellow-billed Cuckoo	Coccyzus americanus	Y	1	C	C	-
Mammal	Black-tailed Jackrabbit	Lepus californicus	Y	1,3	C		Require report when Shrub steppe will be disturbed
Mammal	Merriam's Shrew	Sorex merriami	Y	1	C		Require report when shrub steppe or native grass stands—or habitat corridors connecting such stands—will be disturbed
Mammal	Townsend's Big-eared Bat	Corynorhinus townsendii	Y	1,2	C	SC	-
Mammal	Townsend's Ground Squirrel	Urocitellus townsendii	Y	1	C	SC	Require report when Shrub steppe will be disturbed
Mammal	White-tailed Jackrabbit	Lepus townsendii	Y	1,3	C		Require report when Shrub steppe will be disturbed

Taxon	Common_Name	Scientific_Name	SGCN	PHS	State Status	Federal Status	Trigger Distance
Reptile	Common Sagebrush Lizard	Sceloporus graciosus	Y	1	C	SC	Require report when Shrub Steppe or Inland Dunes will be disturbed
Reptile	Striped Whipsnake	Coluber taeniatus	Y	1	C		Benton

7. Trigger Areas

7.1 FWHCA Designated by Location

Designation by location means that the area within known boundaries is designated as a FWHCA; these boundaries are set by the City or a state or federal agency. In addition to having known boundaries it is presumed that these areas are designation because they are presumed to possess specific habitat values that are known to the City. The triggering area for these areas is the area within the specified boundaries.

Unless otherwise noted, we must assume that in designating the areas the City intends to protect *all* the habitat functions of the specified area. For example, RMC 22.10.185.2 designates areas listed as a “national wildlife refuge” or a “national park”. If the intent of the COA was to protect *only* the habitats and species specified in RMC 22.10.185.1 there would be no need to separately designate the specific locations identified in RMC 22.10.185.2-6,8; further, it makes no sense for the CAO not to protect non-PHS species such as native game birds within national wildlife refuges.

The trigger distance for these areas is the maximum trigger distance for all wildlife or habitat within the DGA. As the values in Table 2 show, the distance should be at least 0.5 miles unless the City includes BAS within its CAO to show that a smaller distance suffices for specific FWHCA designated by location.

Another approach that can be used that avoids the requirement of a habitat report for development activities. Knowledge of the designated area can be used to specify explicit distances for the area. The required buffer widths depend on the functions being protected and the proposed activities. The advantage of buffers is that they allow the geographic area to be sized appropriately in order to allow low-impact activities in a way that do no harm to habitat.

7.2 Triggers for Areas Designated by Rule

Designation by rule means that *any* geographic area that meets the specified requirements is designated as FWHCA; e.g. “Areas where state or federal designated endangered, threatened, and sensitive species have a primary association”.

We’d like to develop a process that allows us to identify appropriate trigger areas for each such designation in the CAO. The trigger areas identified by these processes must contain any geographic area – in this case an area where ETS have a primary association – identified by the rule for FWHCA designation. The process must also be transparent enough so that developers have

a clear idea of when an activity might require a habitat report and so that state agencies and other parties can determine that the process was properly applied when evaluating and application.

7.2.1 Determining Areas that may Have Primary Association with Protected Habitats and Species

Triggering areas for a habitats and species should include any area that has known occurrences of the species. Additionally, triggering areas include appropriate habitat for protected species. The code should require that at least PHS and the Washington Natural Heritage Program (WNHP) mapping resources should be consulted for occurrences and appropriate habitat. The City should use PHS and WNHP mapping resources that are not restricted to data approved for public release to ensure that all data is visible at the finest granularity possible.

Resources for determine occurrences of “waters of the state” include the National Wetlands Inventory (NWI) mapper⁴ and WNHP mapping resources.

The process to determine if an application requires a habitat report, then, includes the following steps:

1. The project is evaluated to determine the degree of disturbance it represents both during construction and operation.
2. The degree of disturbance is used to determine the search radius for potential habitats of primary association (areas designated by rule)
3. The Critical Area Map, PHS mapping resources, WDFW expertise, and Planning staff experience is used to determine all “habitats of primary associations” might be affected by the activity
4. The triggers associated with each such habitat (consisting of the geographic area of the habitat and the trigger distance for the associated species) are used to determine if the proposed activity requires a habitat report. The report needs to consider all possible habitats of primary association that may be affected by the activity.

8. Richland’s Habitat Conservation Report *does not protect* all values and functions of FWHCA designated by Location

The current CAO fails to protect FWHCA as expected because of oversights in the requirements for the habitat conservation report. The report is required to only catalog PHS habitats and species and ETS species.⁵ As noted in Section 7.1, however, FWHCA designated for locations are intended to protect *all* native habitats, plants, and wildlife within the designated area. As an illustration, I can see nothing in the current CAO that would prevent a project from adding buildings and parking lots within Amon Creek Natural Preserve *as long as the project did not impact PHS*, with no regard to impacts to species such as beaver, Cinnamon Teal, Yellow-headed Blackbird, etc., that make their home there.

⁴ <https://www.fws.gov/wetlands/data/mapper.html>

⁵ Since ETS species are not tied to WDFW, this section of the RHC *does* include ETS plant species if we choose to read it that way.

9. Additional BAS Resources for Triggering and Preparing Wildlife Conservation Reports

Our comments submitted to the Planning Commission on August 6, 2018 referenced multiple documents that should be considered as BAS by the Commission when revising code so that it protects FWHCA. Most of the referenced BAS consist of recommendations from WDFW which the WACs explicitly recognize as a source of BAS regarding FWHCA. Additional BAS is referenced in the appendixes below. This section provides references to additional BAS that should be considered by the Commission, Council, and city Staff.

9.1 Washington Wildlife Habitat Connectivity Working Group

This effort (Washington Wildlife Habitat Connectivity Working Group 2018) quantitatively assessed habitat needs for multiple species and habitats. Relevant portions of the working group's modeling effort for the Columbia Plateau (Washington Wildlife Habitat Connectivity Working Group 2012b) include reports on Black-tailed Jackrabbit (Ferguson and Atamian 2012a), White-tailed Jackrabbit (Ferguson and Atamian 2012b), Townsend's Ground Squirrel (Sato 2010), and Beaver (Teske 2012). In addition, BAS supporting the importance of protecting these species is presented in (Washington Wildlife Habitat Connectivity Working Group 2012a).

10. References

- Azerrad, Jeff, John Carleton, Jennifer Davis, Timothy Quinn, Chris Sato, Michelle Tirhi, George (WDFW) Wilhere, and Suzanne (The Watershed Company) Tomassi. 2009. "Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas (A Priority Habitats and Species Guidance Document)." Olympia, WA. <https://wdfw.wa.gov/publications/00023/>.
- Cranna, K, and J Nugent. 2016. "Hanford Site Ground Squirrel Monitoring Report for Calendar Year 2015." https://www.hanford.gov/files.cfm/HNF-59911_-_Rev_00.pdf.
- Ferguson, Howard L., and Michael Atamian. 2012a. "Appendix A.3 Habitat Connectivity for Black-Tailed Jackrabbit (*Lepus Californicus*) in the Columbia Plateau Ecoregion." In *Washington Connected Landscape Project: Analysis of the Columbia Plateau Ecoregion*. https://waconnected.org/wp-content/uploads/2013/09/A3_Black-tailed_jackrabbit_ColumbiaPlateau_2012.pdf.
- . 2012b. "Appendix A.4 Habitat Connectivity for White-Tailed Jackrabbit (*Lepus Townsendii*) in the Columbia Plateau Ecoregion." In *Washington Connected Landscape Project: Analysis of the Columbia Plateau Ecoregion*. https://waconnected.org/wp-content/uploads/2013/09/A4_White-tailed_jackrabbit_ColumbiaPlateau_2012_A.pdf.
- Green, Gregory A, Kent B Livezey, and Russell L Morgan. 2001. "Habitat Selection by Northern Sagebrush Lizards (*Sceloporus Graciosus Graciosus*) in the Columbia Basin, Oregon." *Northwestern Naturalist*. <https://doi.org/10.2307/3536485>.
- Larsen, Eric M., Jeffrey M. Azerrad, and Noelle Nordstrom. 2004. "Management Recommendations for Washington's Priority Species Volume IV: Birds (Revised 2012)." Olympia, WA. <https://wdfw.wa.gov/publications/00026/>.

- NatureServe. 2018. "Uroditellus Townsendii (Errata Version Published in 2017)." The IUCN Red List of Threatened Species 2016: E.T20476A112212554. 2018. <http://www.iucnredlist.org/details/20476/0>.
- Pacific Gas And Electric Company. 2015. "Nesting Birds: Species-Specific Buffers for PG&E Activities." http://www.cpuc.ca.gov/environment/info/panoramaenv/Fulton-Fitch/Application/Appendix_E_Birds.pdf.
- Painter, Charles W, Bruce L Christman, and Donald S Sias. 2001. "Masticophis Taeniatus (Striped Whipsnake)." In *Herpetological Review*, edited by Eric M. Larsen, 32:196. Olympia, WA: Washington Department of Fish and Wildlife. <https://wdfw.wa.gov/publications/00025/>.
- Sato, Chris. 2010. "Appendix A.5 Habitat Connectivity for Townsend's Ground Squirrel (Uroditellus Townsendii) in the Columbia Plateau Ecoregion." In *Washington Connected Landscape Project: Analysis of the Columbia Plateau Ecoregion*.
- Smith, A T, and C H Johnston. 2008. "Lepus Townsendii." The IUCN Red List of Threatened Species. 2008. <http://www.iucnredlist.org/details/41288/0>.
- Teske, Mark. 2012. "Appendix A.10 Habitat Connectivity for Beaver (Castor Canadensis) in the Columbia Plateau Ecoregion." In *Washington Connected Landscape Project: Analysis of the Columbia Plateau Ecoregion*. https://waconnected.org/wp-content/uploads/2012/A10_Beaver_ColumbiaPlateau_2012.pdf.
- Washington State Department of Community, Trade and Economic Development. 2007. "Critical Areas Assistance Handbook." <https://www.commerce.wa.gov/wp-content/uploads/2016/08/gms-ca-handbook-critareas-2007.pdf>.
- Washington Wildlife Habitat Connectivity Working. 2018. "Washington Wildlife Habitat Connectivity Working Group." 2018. <https://waconnected.org/>.
- Washington Wildlife Habitat Connectivity Working Group. 2012a. "Appendix E. Focal Species Selection." In *Washington Connected Landscape Project: Analysis of the Columbia Plateau Ecoregion*. https://waconnected.org/wp-content/uploads/2013/07/ColumbiaPlateauEcoregion_2012_Appendix E.pdf.
- . 2012b. "Columbia Plateau: Focal Species and Landscape Integrity Connectivity." 2012. https://waconnected.org/cp_focalspecies_landscapeintegrity/.
- WDFW. 2018. "Management Recommendations for Washington's Priority Species, Volume V: Mammals (IN PROGRESS)." Olympia, WA. <https://wdfw.wa.gov/publications/00027/>.
- Whitfield, Sheri, and Heidi Newsome. 2017. "SAGEBRUSH LIZARD PROJECT ANNUAL REPORT 2017."

Appendix A. Ferry County CAO Section 9.02

Ferry Counties code defines the following review process for FWHCA (FC CAO 9.02)

The Flaming Director will review each development permit application in accordance with the following process to determine whether critical habitat is present and to determine the extent to which FWHCA should be designated:

- 1) Review the information and the Critical Areas Checklist submitted by the applicant for the applicable permit;
- 2) Evaluate the project area and Vicinity for critical areas;
- 3) Review applicable maps and inventories as identified in Section 9.04, and any applicable maps and information provided by a State or federal agency;
- 4) Determine whether the proposed project is likely to impact the functions or values of critical areas.

If the Planning Director determines as a result of this process that FWHCA for a designated species may exist, the Planning Director will take the following steps:

- (1) The Planning Director will determine if the proposed development activity is within a priority habitat area for a designated species. If so, a site inspection and consultation with federal and/or state wildlife agency personnel or a qualified biologist may be conducted to more definitively determine if a FWHCA exists on the site. Any cost incurred will be the responsibility of the landowner.
- (2) If it is determined by the Planning Director that the proposed development activity is within an FWHCA, the Planning Director will designate the FWHCA for the relevant species and will make one of the following determinations:
 - (a) FWHCA present, but no impact - waiver. If the Flaming Director determines That there is FWHCA within or adjacent to the proposed development, but that the proposed activity is unlikely to impact the FWHCA, the Flaming Director may waive the requirement for a report or other applicable information with assistance from a federal, state, or local resource agency. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:
 - (i) There will be no alteration of the FWHCA;
 - (ii) The development proposal will not impact the FWHCA in a manner contrary to the purpose, intent, and requirements of this section; and
 - (iii) The proposal is consistent with other applicable regulations and standards.
 - (b) FWCHA Present and Potential Impact Likely. If the Planning Director determines that the proposed project is within, adjacent to,

or is likely to impact a FWHCA, the Planning Director shall require the applicant to submit a Habitat Management and Mitigation Plan in accordance with Appendix A to this Ordinance prior to further review of the project.

- (3) Review and evaluate the Habitat Management and Mitigation Plan and other applicable information to determine whether the development proposal conforms to the purpose and performance standards of this Section;
- (4) Assess potential impacts to the FWHCA and determine if they are necessary and unavoidable;
- (5) Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the FWHCA consistent with the goals, purposes, objectives, and requirements of this Section; and
- (6) Include a summary of this analysis and the findings in any decision on the underlying permit(s). Findings may result in: a) no adverse impacts to FWHCA, b) list of applicable FWHCA protection conditions for the underlying permit(s), c) denial of permit in the event the impacts cannot be effectively mitigated, or d) in the event of a denial, the landowner may apply for a reasonable use exception.

Habitat areas that meet the above classification criteria are designated as fish and wildlife habitat conservation areas and are subject to the provisions of this ordinance and shall be managed with the Best Available Science on a site by site basis.

Appendix B. City of Everett CAO, Excerpts

Everett's Code explicitly differentiates areas that are explicitly mapped and those that are designated based on characteristics. FWHCA of types 1-4 are recognized by their function, while type 5 indicates areas explicitly mapped by the City.

19.37.140 Fish and wildlife habitat conservation areas designation and mapping.

A. "Fish and wildlife habitat conservation areas" means an area of habitat that is necessary and suitable for maintaining individual species, species diversity, or biological diversity. Fish and wildlife habitat conservation areas include:

1. Lakes and ponds less than twenty acres in size;
2. Streams/riparian corridors;
3. Habitats of primary association;
4. Continuous vegetative corridors linking watersheds; and
5. Significant biological areas listed by the city:
 - a. Plant associations of infrequent occurrence;
 - ...
 - e. State natural area preserves and natural resource conservation areas; and
 - f. Significant biological areas of local importance:
 - i. Mulsby Swamp,
 - ii. Kasch Park (Bomarc) Bog,
 - iii. Simpson site, category I wetlands,
 - iv. Narbeck Swamp,
 - v. Jetty Island.

Specific definitions are supplied for FHWCA types 3 and 4:

19.37.190 Additional fish and wildlife habitat conservation areas requirements.

A. Definitions.

1. "Habitats of primary association" means a critical component(s) of the habitats of federally or state-listed endangered, threatened, candidate, sensitive, and priority wildlife or plant species which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Habitats of primary association include, but are not limited to: winter ranges, migration ranges, breeding sites, nesting sites, regular large concentrations, communal roosts, roosting sites, staging areas, and "priority habitats" listed by the Washington State Department of Fish and Wildlife.

2. "Continuous vegetative corridors linking watersheds" means areas that link larger habitat blocks. The corridors can provide wildlife habitat and allow for relatively free movement of animals among larger habitat blocks that would otherwise be isolated. This allows use of habitat patches that are not themselves large enough to support sustainable breeding

populations. The corridors also allow wildlife to move from a habitat area used for one activity, such as feeding, to a habitat area used for another activity, such as nesting.

This allows the CAO to specifically address when a habitat report is required based on the habitat function that's at risk. Section 19.37.190.B contains the following sections (emphasis added, numbers in brackets refer to notes below).

2. If a development is proposed on or within a *distance* which could impact habitats of primary association, significant biological areas, and/or vegetative corridors linking watersheds, as described in this section, the applicant shall provide a habitat assessment...

a. *Distance* [1] for Habitats of Primary Association.

i. Salmonids and Steelhead. When development is proposed within the distances specified in Planning Director Interpretations (PDIs) Nos. 2011-1 and 2000-2, as revised, a habitat assessment shall be required.

ii. Bald Eagles. When a development is proposed within eight hundred feet of an eagle nest, ...

iii. Other Species. If habitats of primary association are identified for other species, the director, after consulting with the Department of Fish and Wildlife, shall determine the appropriate distance from a designated fish and wildlife habitat conservation area which will require a habitat assessment or habitat management plan.[2]

...

c. Significant Biological Areas. If a development is proposed within three hundred feet of a significant biological area, a habitat assessment is required. [3]

Note the following points (indicated by square brackets in the CAO excerpt):

1. The distance for determine if assessment is required varies based on type of FHWCA
2. This clause allows planner to refer to management recommendations and other BAS from WDFW, WNHP, based on which species the habitat is associated with
3. Areas that the City has explicitly designated are assigned a 300 trigger distance, presumably because that was determined to be an adequate distance for the functions the areas are designed to protect

Appendix C. BAS for proposed FWHCA Trigger Distances

C.1. Burrowing Owl

BAS from WDFW indicates that in order to protect burrowing owls the City must “Restrict activities such as oil and gas exploration and development or other sources of human disturbance within 0.8 km (0.5 mi) of burrowing owl nests between 15 February and 25 September” (Larsen, Azerrad, and Nordstrom 2004). A CA Report needs to determine whether owls are present within this radius for some types of development; if so those activities can be scheduled outside of nesting season. The same BAS recommends that “Carbofuran should not be applied within 250 m (820 ft) of active burrowing owl nests.”; a trigger distance of at least 820 ft. should be required for activities that could include application of Carbofuran or other pesticides.

C.2. Common Loon, Greater Sage Grouse, Lewis’ Woodpecker, Northern Goshawk, Yellow-billed Cuckoo, Townsend’s Big-eared Bat.

Although Common Loons and Lewis’ Woodpeckers occur in Richland, we don’t have records of them nesting. WDFW’s recommendations (ibid.) are only concerned with nesting sites for these species.

While Sage Grouse and Northern Goshawk may occur in Benton County they are not known to occur near Richland. There are no recent occurrences of Yellow-billed Cuckoo.

Townsend’s Big-eared Bats are not known to occur in Richland (personal Communication with local authority, Jonathan Lucas (varanus7@gmail.com), September 2018).

C.3. Ferruginous Hawk and Golden Eagle

WDFW (ibid.) recommend restricting development within 1 mile of Ferruginous Hawk nest sites and within 2 miles of Golden Eagle nest sites.

C.4. Loggerhead Shrike, Sage Sparrow⁶, Sage Thrasher, Townsend’s Ground Squirrel, White-tailed Jackrabbit, Striped Whipsnake, and Black-tailed Jackrabbit

In addition to a triggering a report when occurrence data indicates species presence, a report should be triggered whenever native Shrub Steppe or grasslands will be disturbed. Such reports should include a survey for these species.

WDFW (ibid.) recommends to “Retain shrub-steppe communities, especially big sagebrush and mixed shrub communities” to support Loggerhead Shrike. Likewise, for Sage Sparrow and Sage Thrasher, WDFW recommends to “Retain large blocks of sagebrush communities and avoid fragmentation of existing stands”.

For protection of Black-tailed jackrabbit BAS recommends to retain native vegetation⁷. (NatureServe 2018) notes that Townsend’s Ground Squirrels are found in Shrub Steppe habitat. White-tailed Jackrabbit may also be found in Shrub Steppe (Smith and Johnston 2008).

Part of the report requirements for Shrub Steppe habitats should be to note the occurrence of these species and appropriate protective measures when they occur.

⁶ This species is currently known as “Sagebrush Sparrow”

⁷ <https://mdc.mo.gov/sites/default/files/downloads/Blacktailed%20Jackrabbit.pdf>

WDFW recommendations (Painter, Christman, and Sias 2001) regarding Townsend's Ground Squirrel note that "Areas of shrub-steppe habitat that support rodent burrow systems should be conserved" and that "Disturbances to known hibernacula should be avoided." The Washington Connected Working Group's habitat model for Townsend's Ground Squirrel (Sato, Chris. 2010) is another useful source of BAS; this model is used by the U.S. Department of Energy when modeling ground squirrel activity on the Hanford Site (Cranna and Nugent 2016).

C.5. Peregrine Falcon

WDFW (Larsen, Azerrad, and Nordstrom 2004) recommends to "Avoid disturbance during the breeding season (March through June); restrict access to cliff rims where nests are built within 0.8 km (0.5 mi) and within 0.4 km (0.25 mi) of cliff faces."

C.6. Vaux's Swift

WDFW (ibid.) that development be restricted near Vaux's swifts nesting in chimneys and the retention of "all large, hollow large snags and large "defective" live trees, especially in younger, managed stands." Benton County isn't ideal for Vaux's swift but WDFW notes that "Breeding populations may occur in forested habitats throughout the state".

C.7. Merriam's Shrew

WDFW recommendations (WDFW 2018) note that "Sage-grass and undisturbed bunchgrass habitats should not be degraded through activities ..." and that an "Attempt should be made to not only protect patches of known habitat, but adjacent habitat corridors (i.e., riparian areas) that potentially allow individuals within a population to disperse."

C.8. Common Sagebrush Lizard

Sagebrush lizard requires shrub-steppe and is negatively impacted by cheat-grass (Green, Livezey, and Morgan 2001), (Whitfield and Newsome 2017).

November 13, 2018

From: Patrick Paulson and Laurie Ness

2253 Davison Avenue

Richland WA 99354

Patrick_paulson@acm.org

Pennifurs.mom@gmail.com

To: City of Richland Planning Staff

RE: 'Adjacency' and triggering mechanism for habitat conservation reports

Administrative Waiver for Habitat Conservation Report doesn't consider impacts to FWHCA outside of project area.

The waiver allowed by RMC 22.10.200.E seems redundant; if the area doesn't provide functional habitat than no report will be required anyway.

E. The administrator may waive the requirement for the preparation of a habitat conservation area report upon a determination that by reason of previous development that the proposed project site does not provide functional habitat. Such waiver shall be made in writing and a copy shall be provided to the Washington State Department of Fish and Wildlife.

If this stays in the text, then it has to be reworked to include words 'adjacent' and 'or its buffer', etc., etc. seems like more trouble than it's worth.

Triggering habitat conservation reports

As we noted in comments dated 11/5/2018, the CAO fails to trigger a report that provides an assessment of impacts of projects located outside fish and wildlife habitat conservation areas. The draft CAO relies on the existence of critical area buffers within this CAO for the definition of 'adjacency' to be pertinent; however, the CAO **does not** specify any buffers for FWHCA except those that might be required by a habitat conservation report. (That is, the CAO shows a circular argument on this issue— buffers are assigned by the habitat conservation report, but the report is triggered when a project is in a buffer).

Without getting too bound up in difficulties with language; we want to first bring in some language from other another jurisdiction to start to address the problem.

FWHCA Buffers in Island County's CAO

Here's part of Island County's CAO (with our edits) that specifies how buffers for FWHCA are established there. Note that the types of activities regulated in the buffer will depend on what kind of habitat the buffer protects.

D. Buffers shall be established adjacent to FWHCA as necessary to protect the ecological integrity, structure and functions of the resource from development induced impacts. Buffer widths shall reflect the sensitivity of the species or habitat present and the type and intensity of the proposed adjacent human use or activity.

E. The Planning Director shall determine the appropriate buffer for FWHCA other than streams based on best available science and the following guidance:

Fish and Wildlife Habitat Conservation Area	Buffer Requirement
Areas with a primary association with endangered, threatened, and sensitive species	Buffer shall be based on best available science , including management recommendations provided by the Washington State Department of Fish and Wildlife PHS Program and Washington State Department of Natural Resources WNHP Program, and shall consider site-specific conditions and recommendations of qualified professionals.
...	
Species and habitats of local importance	The need for and dimensions of buffers for approved species and habitats of local importance shall be determined on a case-by-case basis by the Planning Director according to an adopted or approved habitat management plan for the specific resource. Buffer shall be based on best available science and shall consider site-specific conditions and recommendations of qualified professionals.

In order to comply with the Board's order, similar language must be used for triggering habitat conservation reports (RMC 22.10.200).

Ensuring Potential Buffers are Considered determining when Habitat Conservation Reports are Required

It will be a lot easier, we think, to reach compliance if instead of talking about when a habitat conservation report is *required* we instead talk about when it is *not required*. In either case we want to make sure the report is completed whenever there is a potential that habitat will be impacted it's just easier to express this way. So, we change the language to:

22.10.200 Requirements for habitat conservation area reports.

A habitat conservation report shall be prepared on all projects unless it can be determined that the project will have no direct or cumulative impacts on any fish and wildlife habitat conservation area. Such a habitat conservation report shall consist of the following:

Now add a paragraph to ensure that it's not too onerous to "determine that a project will have no impacts on any fish and wildlife habitat conservation area" (this is all text we made up):

The administrator may determine that a project will have no impacts on any FWHCA if all the following conditions are met:

- For any area that the PHS mapping resource, or other resource available to the administrator, indicates as having a primary association with some PHS habitat or species, either
 - The administrator has determined, in consultation with WDFW and based on BAS, including habitat conservation reports on file, that the area does not have the indicated association, or
 - The project area lies outside of the area and any buffers that would be required for those areas based on WDFW management recommendations for the indicated habitats or species;
- The project area is outside of any area that inventory lists and maps kept for habitats or species of local importance, or buffers required for such areas;
- The project area is not within or adjacent to any FHWCA or its buffer.

This is just an example...

November 26, 2018

From: Patrick Paulson and Laurie Ness

2253 Davison Avenue

Richland WA 99354

Patrick_paulson@acm.org

Pennifurs.mom@gmail.com

To: City of Richland Planning Staff and Planning Commission

RE: Additional Performance Standards, BAS, and habitats and species of local importance

1. Habitat Conservation Report, Cumulative Impacts

1.1 Name of the report

Clean up language regarding "Habitat conservation area report". It is referred to, in various places, as the "habitat conservation report" (most of RMC 22.10.200) and the "Habitat conservation area report" (§D and E and RMC 22.10.210, 370, and 405). (We prefer "habitat conservation report", its shorter).

1.2 Cumulative impact to habitat

Add following requirement for the habitat conservation report:

Habitat Conservation Reports shall evaluate the potential impact of the proposed development on FWHCAs or their buffers, both short term (e.g. construction) and long term, based on an assessment of the direct, indirect, and cumulative impacts of the proposal in combination with existing and potential future land use activities;

This text is based on the requirements for critical aquifer recharge areas (RMC 2.10.370.B.7.f). This test is to ensure the evaluation includes the entire project as it is known to prevent segmenting or piecemealing of a larger project.

2. Best Available Science (BAS) regarding buffer widths for Fish and Wildlife Habitat Conservation Areas (FWHCA)

(Fischer 2000) suggests that "If avian habitat is a management objective, managers should consider managing for riparian zones that are at least 100 m wide. This recommendation applies to either side of the channel in larger river systems and to total width for lower-order streams and rivers."

Science from the Washington Department of Fish and Wildlife (WDFW) - (Quinn, Wilhere, and Krueger 2018) -contains additional BAS for Riparian areas. In particular they note the benefits of riparian buffers on stream bank stability. In addition to other benefits, they cite literature that indicates

Streambanks along incised channels of arid or semi-arid regions are particularly sensitive to Matric¹ suction above the water table, enhanced by transpiration of riparian vegetation, has the effect of increasing the apparent soil cohesion, and decreases in soil strength due to a loss of suction are a leading cause of bank failures in incised channels [p. 201].

This document also stresses the importance of riparian buffers to provide shade for salmonid species:

Numerous studies in dryland riparian areas have shown that salmonid species abundance is negatively correlated with stream temperature ... Even when primary and secondary production increase in response to reduced shading, salmonid populations often respond negatively to high temperatures...Shade is important because it directly affects stream temperatures [p. 205].

3. BAS for inclusion of Beaver as Species of Local Importance as determined locally

In (Quinn, Wilhere, and Krueger 2018), pp. 197-199, WDFW cites literature stating that “Beaver may play an essential role in the restoration of dryland riparian areas”. They cite literature noting several benefits that Beaver provide to wildlife habitat. For example:

Beaver dams store organic nutrients and large quantities of sediment, reduce channel incision, remove excess nutrients from water, increase surface water storage and base flows, reduce peak flows, increase groundwater recharge, raise water table elevations, expand the area of riparian vegetation, and increase the salmonid habitat capacity of small streams ... For dryland riparian areas where the extent of riparian vegetation depends on shallow groundwater, the hydrologic and geomorphic effects of beaver dams may be necessary for the mere existence of a riparian zone at many sites.

4. BAS regarding logs and snags

RMC 22.10.210.K.8, regarding Performance standards for FWHCA includes the following provision:

Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;

We suggest (Parks, Bull, and Torgersen 1997) as a source of BAS and a guide for determining when snags are “significant”. In particular, this document notes that cottonwood is a:

¹ Matric suction is a negative pore pressure that induces water to flow in unsaturated soil. It results from the combined effects of adsorption and capillarity of the soil matrix. Water flows from a soil with low matric suction (a wet soil) to soil with a high matric suction (a dry soil).[footnote in source]

Valuable riparian habitat species; bole and branches commonly used for nest cavities by northern flickers and Lewis' woodpeckers (*Melanerpes lewis*) because of the soft decayed wood; used by pileated woodpeckers for nesting and roosting in Montana. Old woodpecker cavities and natural cavities located on bole at branch scars used by many secondary cavity nesters including western screech-owls (*Otus kennicottii*) and northern saw-whet owls (*Aegolius acadicus*).

Another document represented BAS for retention of snags is (Blewett and Marzluff 2005), which notes that "Retaining portions of second growth forest in a rapidly urbanizing region appears to be an effective way to provide breeding sites for a diversity of cavity-nesting birds."

(Coe 1997) notes that Black-capped Chickadee, American Kestrel, Barn Owl, and Western Screech-Owl, among others, rely on the existence of snags for nesting.

5. BAS on habitat preservation for Townsend's Ground Squirrels (TOGs)

There are several sources of BAS that should be considered when a habitat conservation report indicates the presence of TOGs to ensure the quality of habitat preservation and restoration with regard to this PHS species.

On the introduction of cheatgrass, (Yensen et al. 1992) states "[That Townsend's Ground Squirrel] Burrow densities were highly variable in exotic annual communities, and negatively correlated with cheatgrass (*Bromus tectorum*) and other exotic annuals in all communities;" this indicates efforts to suppress cheatgrass should be made in areas where TOGs are present.

(Knick 1993) is another source of BAS for the preservation of TOGs; this paper notes:

The number of active and total burrows were significantly higher in habitats with perennial grasses.....Sandberg's bluegrass and six-weeks fescue had a significant positive correlation with the total number of ground squirrel burrows. Russian thistle was the only other plant species with a significant correlation and was negatively associated with the total number of burrows.

Knick also notes that

The negative correlation between burrow numbers and Russian thistle has strong implications for habitat alterations in the SRBOPA. Disturbances, such as wildfires, greenstripping, overgrazing, or soil erosion, that result in takeover by Russian thistle (Yensen 1980) may reduce resident populations of Townsend's ground squirrels.

6. Accessing BAS from Washington Natural Heritage Program (WNHP) applicable to protection of Priority Habitats and Species (PHS) habitats

WDFW's State Wildlife Action Plan (Washington Department of Fish and Wildlife 2015b) contains a catalog of "Habitats of Greatest Conservation Concern" (Washington Department of Fish and Wildlife 2015a). This gives background on habitats selected for PHS status. Of particular note is the *Crosswalk between Formations, Ecological Systems and Priority Habitats and Species (PHS) Categories* (pp. 4-110 to 4-113), which gives a cross reference between habitats in WDFW's PHS list with the equivalent

of the Ecological Systems terms used by WNHP publications, such as WNHP's *Conservation Status Ranks for Washington's Ecological Systems* (Rocchio and Crawford 2015).

7. References

- Blewett, Christina M., and John M. Marzluff. 2005. "Effects of Urban Sprawl on Snags and the Abundance and Productivity of Cavity-Nesting Birds." *Condor*. [https://doi.org/10.1650/0010-5422\(2005\)107\[0678:EUSOS\]2.0.CO;2](https://doi.org/10.1650/0010-5422(2005)107[0678:EUSOS]2.0.CO;2).
- Coe, Fran Cafferata. 1997. "Cavity-Nesting Birds and Small Woodlands." *Woodland Fish & Wildlife*, no. July. http://westernforestry.org/WoodlandFishAndWildlife/wp-content/uploads/2015/06/WFW-2014-Cavity_Nesting-Birds-v3.pdf.
- Fischer, Richard. 2000. *Width of Riparian Areas for Birds. USACE EMRRP Technical Notes Collection*. <https://dnr.wi.gov/topic/ShorelandZoning/documents/riparianzonewidthforbirds.pdf>.
- Knick, Steven T. 1993. "Habitat Classification & the Ability of Habitats to Support Populations of Townsend's Ground Squirrels and Black-Tailed Jackrabbits." In *Snake River Birds of Prey National Conservation Area Research and Monitoring Annual Report*, edited by Karen Steenhof, 237–63. Boise, ID: U.S. Department of the Interior, Bureau of Land Management, Boise District. [https://srfs.wr.usgs.gov/SRBP_annuals/1991/SRBP/Habitat classification and the ability of habitats to support populations of Townsend's Ground Squirrels and Black-tailed Jackrabbits.pdf](https://srfs.wr.usgs.gov/SRBP_annuals/1991/SRBP/Habitat%20classification%20and%20the%20ability%20of%20habitats%20to%20support%20populations%20of%20Townsend%27s%20Ground%20Squirrels%20and%20Black-tailed%20Jackrabbits.pdf).
- Parks, Catherine G, Evelyn L Bull, and Torolf R Torgersen. 1997. "Field Guide for the Identification of Snags and Logs in the Interior Columbia River Basin." *USDA Forest Service General Technical Report*. https://www.fs.fed.us/pnw/pubs/pnw_gtr390.pdf.
- Quinn, Timothy, George Wilhere, and Kirk Krueger. 2018. "Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications." Olympia, WA. <https://wdfw.wa.gov/publications/01987/>.
- Rocchio, F. Joseph, and Rex C. Crawford. 2015. "Conservation Status Ranks for Washington's Ecological Systems." Olympia, WA. https://www.dnr.wa.gov/publications/amp_nh_conservation_status.pdf.
- Washington Department of Fish and Wildlife. 2015a. "Habitats of Greatest Conservation Concern." In *2015 STATE WILDLIFE ACTION PLAN*. Olympia, WA: Washington Department of Fish and Wildlife. https://wdfw.wa.gov/publications/01742/6_Chapter4.pdf.
- . 2015b. "Washington's State Wildlife Action Plan: 2015 Update." Olympia, WA. <https://wdfw.wa.gov/conservation/cwcs/>.
- Yensen, Eric, Dana L. Quinney, Katherine Johnson, Kristina Timmerman, and Karen Steenhof. 1992. "Fire, Vegetation Changes, and Population Fluctuations of Townsend's Ground Squirrels." *American Midland Naturalist*. <https://doi.org/10.2307/2426464>.

Stevens, Mike

From: Lori Wollerman Nelson <wollerman.nelson@gmail.com>
Sent: Thursday, November 29, 2018 7:09 PM
To: Stevens, Mike
Subject: comments on proposed code amendment to CAO

Dear Mr. Stevens,

I am a resident of Richland and I would like to submit the following comments on the proposed amendments to Richland's Critical Areas Ordinance.

Under "Habitats and species of local importance", I request the addition of "snags and logs" as a habitat of local importance. Furthermore, I request the addition of "Downy woodpecker and Black-capped chickadee" as species of local importance because of their ecological role as primary excavators of cavities.

Snags and logs are identified by the Washington Department of Fish and Wildlife (2008) as a priority habitat feature. These are "dead or dying trees that exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife." Priority snag and log habitat includes areas with "individual snags and/or logs, or groups of snags and/or logs of exceptional value to wildlife due to their scarcity or location in a particular landscape." Parks et al. (1997) provide a useful guide for classifying snags and logs in the Interior Columbia River Basin and include features of snags and logs that make them most attractive to wildlife.

In the Tri-Cities, there are about 14 species of birds that nest in cavities in dead or dying trees, including dead snags, limbs, and logs. Included in this list are priority species for the state of Washington (Vaux's swift and cavity-nesting ducks like Wood duck and Bufflehead).

Primary excavators, like Downy woodpeckers, Northern flickers, and Black-capped chickadees, make their own cavity for nesting. Secondary cavity nesting birds (e.g. Vaux's swifts, Tree swallows, Bewick's wrens, American kestrels, Wood ducks) use the cavities created by primary excavators. A range of other local animals use cavities, including bats, like the Pallid bat (a Washington priority species), raccoons, and porcupines. Primary excavators are thus considered critical for ecosystem function.

Dead and dying trees also provide valuable food resources for birds, especially woodpeckers.

Snag removal would have negative effects on local populations of these birds. The Best Available Science (BAS) suggests that larger snags (>38 cm (15 inches) DBH) are more valuable to cavity-nesting birds living in urban environments (Blewett and Marzluff 2005). In Eastern Washington, priority snags have a diameter of >30 cm (12 inches) and are more than 2 m (6.5 ft) tall (Washington Department of Fish and Wildlife 2008).

Given the wide array of birds that use this habitat feature (from birds of prey, like American kestrels, to waterfowl, like Wood ducks), snags in both upland and wetland/riparian areas are important.

Snags should not be removed unless they pose a danger. In the case of a dangerous snag, BAS indicates that retaining a tall stump (>2 m tall) is preferable to removing the entire tree (Harris 2001, Morrison et al. 1983). This would minimize the impact of snag removal by limiting the magnitude of the action to reduce adverse impacts in accordance with RMC 22.10.220.

References:

Blewett CM and Marzluff JM. 2005. Effects of urban sprawl on snags and the abundance and productivity of cavity-nesting birds. *Condor* 107:678-693.

Harris B. 2001. Observations of the use of stubs by wild birds: A 10-year update. *B.C. Journal of Ecosystems and Management*. 1: 1 – 5. Available at www.siferp.org/jem/2001/vol1/no1/art3.pdf.

Morrison ML, Raphael MG, Heald RC. 1983. The use of high-cut stumps by cavity-nesting birds. In: *Snag Habitat Management: Proceedings of the Symposium*. Pp. 73-79. Gen. Tech. Rep. RM-99. Fort Collins, CO: US Department of Agriculture, Forest Service. Rocky Mountain Forest and Experiment Station. Available from http://www.fs.fed.us/rm/pubs_rm/rm_gtr099/rm_gtr099_073_079.pdf.

Parks CG, Bull EL, Torgersen TR. 1997. Field Guide for the Identification of Snags and Logs in the Interior Columbia River Basin. Gen. Tech. Rep. PNW-GTR-390. Portland, OR: US Department of Agriculture, Forest Service. Pacific Northwest Research Station. 40 pp. <http://www.fs.usda.gov/treesearch/pubs/5303>

Washington Department of Fish and Wildlife. 2008. Priority Habitat and Species List. Olympia, Washington. 288 pp. <https://wdfw.wa.gov/publications/00165/wdfw00165.pdf>

Thank you for this opportunity.

Sincerely,
Lori Nelson

--

Lori Wollerman Nelson
254 Riverwood Street
Richland, WA 99352
509 619-0143 (H)
301 367-6463 (C)



PO Box 2002
Richland, WA 99352
www.tapteal.org

November 30, 2018

Mike Stevens, Planning Manager
City of Richland
840 Northgate Dr.
PO Box 190
Richland, WA 99352

Dear Mike:

Tapteal Greenway has reviewed the proposed amendment to the City's Critical Areas Ordinance as a result of the Growth Management Hearings Board Final Decision and Order concerning Case No. 17-1-0006.

We find that the proposed changes to the Critical Areas Ordinance do not adequately address all of the findings presented in the Growth Management Hearings Board Final Decision and Order. In particular Issue 4 Findings 2 and 3:

2. The City of Richland failed to include Best Available Science where, under RMC 22.10.200, a required habitat conservation report is triggered only for development proposals occurring "within" a FWHCA but is not triggered for development proposals occurring in the adjacent buffer or close to the FWHCA so as to impact ecosystem functions and values of the FWHCA. [Underlining added for emphasis.]

3. RMC 22.10.210(D) protects against degradation of ecosystem functions and values resulting from activities occurring within the FWHCA but fails to protect against degradation of ecosystem functions and values resulting from activities occurring just outside of FWHCA boundaries where the science shows that proposed development would degrade ecosystem functions and values of the FWHCA.

Revised CAO:

22.10.200 Requirements for habitat conservation area reports.

When development is proposed within a fish and wildlife habitat conservation area **or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer so as to likely impact critical area ecosystem functions and values**, a habitat conservation report shall be prepared consisting of the following:

To fully incorporate the requirements of Finding 2 additional wording needs to be added to the above section:

where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer or close enough to the FWHCA so as to likely impact critical area ecosystem functions and values

Revised CAO:

22.10.210 Fish and wildlife habitat conservation area – Performance standards.

Development or any regulated activity occurring within a designated habitat conservation area **or within its respective protection buffer, or development or any regulated activity proposed to occur adjacent to a habitat conservation area so as to likely impact critical area ecosystem functions and values,** shall only be permitted in accordance with the conditions of an approved habitat conservation area report. Such report shall be based on the following standards **using the best available science:**

and

D. Activity within a habitat conservation area shall not result in the degradation of the functions and values of the habitat;

To fully incorporate the requirements of Finding 3 additional wording needs to be added to the opening paragraph and section D:

or within its respective protection buffer, or development or any regulated activity proposed to occur close enough to a habitat conservation area so as to likely impact critical area ecosystem functions and values,

D. Activity within **or close to** a habitat conservation area shall not result in the degradation of the functions and values of the habitat;

Additionally, the GMA requires the protection of Critical Areas from activities occurring outside of their boundaries. In Richland's Critical Areas Ordinance for FWHCA this is largely accomplished by reference to buffers. However, nowhere are FWHCA buffers specified or guidance given as to their determination. If they are not specified in the ordinance than their determination needs to be one of the requirements of a habitat conservation area report.

Sincerely,



Dirk Peterson
President, Tapteal Greenway

Stevens, Mike

From: Alison Cable <alison@futurewise.org>
Sent: Friday, November 30, 2018 11:35 AM
To: Planning Commission; Stevens, Mike
Cc: Tim Trohimovich; Chris Wierzbicki
Subject: COR PC CAO 113018Final.docx
Attachments: COR PC CAO 113018Final.docx

Dear Chair Palmer and Planning Commissioners:

Thank you for the opportunity to comment on the planned amendments to the City of Richland Critical Areas Ordinance. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests & water resources. We have members across Washington State including in the City of Richland.

We are pleased to provide the following recommendations on the draft Critical Areas Ordinance to help the City ensure compliance with the Growth Management Act and the Growth Management Hearings Board Final Decision and Order. Critical Areas protections help maintain healthy, functioning ecosystems including ground and surface waters, wetlands, and fish and wildlife and their habitats and prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat. Additionally, these updates to the City's critical areas regulations will help protect resources that contribute to the economy and help generate jobs in our region.

Alison Cable
Tri-Cities Program Manager



**future
wise**

206-343-0681 x114

connect:  

futurewise.org



816 Second Ave, Suite 200, Seattle, WA 98104
p. (206) 343-0681 f. (206) 709-8218
futurewise.org



November 30, 2018

City of Richland Planning Commission
c/o Kyle Palmer, Chair
505 Swift Boulevard
Richland, WA 99352

Dear Chair Palmer and Planning Commissioners:

Subject: Comments on the Critical Area Ordinance amendments to address the Growth Management Hearings Board Final Decision and Order concerning Case No. 17-1-0006 (CA2018-103).
Via email: planningcommission@ci.richland.wa.us; mstevens@ci.richland.wa.us

Thank you for the opportunity to comment on the planned amendments to the City of Richland Critical Areas Ordinance. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests & water resources. We have members across Washington State including in the City of Richland.

We are pleased to provide the following recommendations on the draft Critical Areas Ordinance to help the City ensure compliance with the Growth Management Act and the Growth Management Hearings Board Final Decision and Order. Critical Areas protections help maintain healthy, functioning ecosystems including ground and surface waters, wetlands, and fish and wildlife and their habitats and prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat. Additionally, these updates to the City's critical areas regulations will help protect resources that contribute to the economy and help generate jobs in our region.

Summary of Recommendations

The Growth Management Act requires all counties and cities to designate and protect five types of critical areas: (a) wetlands; (b) areas with a 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. We discuss the critical areas protections being considered for this remand and provide some specific comments and recommendations on the proposed changes to the city's Critical Areas Ordinance. In short, we support the designation of endangered, threatened, and sensitive plant species identified by State of Washington Natural Heritage Program as fish and wildlife habitat conservation areas. We also support designating priority habitats and species as species of local importance. We have some recommendations for improving protections for these important species.

Fish and Wildlife Habitat Conservation Areas

The Growth Management Act requires all counties and cities to designate and protect fish and wildlife habitat conservation areas.¹ Wildlife protection regulations are important to city residents who hunt, fish, and view wildlife. They are also important to the tourism economy of Washington State and Richland since birding,

¹ RCW 36.70A.030(5)(c); RCW 36.70A.060(2); and RCW 36.70A.170(1)(d).





hunting, fishing, and boating are important economic draws and support many businesses. Outdoor recreation is estimated to contribute \$451,326,000 to the Benton County economy, generating 7,074 jobs and paying \$32,518,000 in state and local taxes.² Protecting fish and wildlife habitats and rivers and streams will help maintain the economic benefits of outdoor recreation for Benton County and the City of Richland.

While the Washington State Department of Fish and Wildlife lists priority species and habitats and provides technical assistance on the designation and protection of these habitats, the Department of Fish and Wildlife does not have the authority to protect habitats that are not within the wetted perimeter of a river, stream, lake, or marine water body. As the Washington Department of Fish and Wildlife wrote:

Fish and wildlife are public resources. Although the Washington Department of Fish and Wildlife (WDFW) is charged with protecting and perpetuating fish and wildlife species, the agency has very limited authority over the habitat on which animals depend. Instead, protection of Washington's fish and wildlife resources is currently achieved through voluntary actions of landowners and through the State Environmental Policy Act (SEPA), Growth Management Act (GMA), Forest Practices Act (FPA), Shoreline Management Act (SMA), and similar planning processes that primarily involve city and county governments. Landowners, agencies, governments, and members of the public have a shared responsibility to protect and maintain fish and wildlife resources for present and future generations; the information contained in this document is intended to assist all entities in this endeavor.³

The Growth Management Act assigns the responsibility of protecting fish and wildlife habitats to cities and counties. That is why policies and regulations to designate and protect these habitats are needed.

Priority Habitat and Species (PHS)

The Washington Department of Fish and Wildlife Priority Habitats and Species (PHS) list 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...considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable.”⁴ We support the City's proposal to designate state priority habitats and areas associated with state priority species as fish and wildlife habitat conservation areas in proposed 22.10.185A.2.

Native Plants

Native plants of the Columbia Basin have ecological, aesthetic, and historical value. The Benton-Franklin Conservation District Heritage Gardens of the Columbia Basin and Washington Native Plant Society educate the public on the value of native plants and help prevent the conversion and degradation of these local resources and wildlife habitats. “Unconverted areas are threatened by a negative feedback loop that combines disturbance, invasion of noxious weeds and more frequent fires. When fragile soils are disturbed and cryptobiotic soil crusts are removed, annual invasive species such as cheatgrass become established.”⁵ The communities of native plants and wildlife that make up the iconic Columbia Basin shrub-steppe have been

² Tania Briceno & Greg Schundler, *Economic Analysis of Outdoor Recreation in Washington State* p. 83 (Earth Economics: 2015) accessed on May 10, 2018 at: <https://www.rco.wa.gov/documents/ORTF/EconomicAnalysisOutdoorRec.pdf>; hard copy upon request.

³ E. Larsen, J. M. Azerrad, N. Nordstrom, editors, *Management recommendations for Washington's priority species, Volume IV: Birds* p. vi (Washington Department of Fish and Wildlife, Olympia, Washington, USA: 2004) accessed on May 10, 2018 at: <https://wdfw.wa.gov/publications/00026/> enclosed in a separate email.

⁴ Washington State Department of Fish and Wildlife, “Priority Habitats and Species (PHS)”, wdfw.wa.gov/conservation/phs/list/ last visited on October 23, 2018.

⁵ Washington Native Plant Society, last visited on October 23, 2018 <https://www.wnps.org/ecosystems/shrub-steppe>.



severely diminished. Today, less than 50% of Washington's historic shrub-steppe remains, and much of it is degraded, fragmented, and/or isolated from other similar habitats⁶. For these reasons, we support the City's inclusion of the Department of Natural Resources Washington Natural Heritage Program that designates endangered, threatened, and sensitive plant species for the state⁷ in 22.10.185A.1(b) Fish and wildlife habitat conservation areas.

Habitat and Species of Local Importance

The Growth Management Act requires cities to work with their community to design locally appropriate programs for designating and protecting critical areas. We strongly support the city's public comment period that will allow citizens to give input on Habitat and Species of Local Importance and the inclusion of section 22.10.185 Fish and wildlife habitat conservation areas section 3. We also support designating the State of Washington's Department of Fish and Wildlife's Priority Habitats and Species as habitats and species of local importance. This is consistent with WAC 365-190-130(4)(b).

WAC 365-190-130(4)(b) also recommends considering the State of Washington Department of Natural Resources Natural Heritage Program list of high quality ecological communities and systems and rare plants. However, proposed 22.10.185 section 3 does not provide protection or designation of plants included in the Department of Natural Resources Washington Natural Heritage Program. Furthermore, it does not provide for additional consideration of best available science or designation of habitats and species of local importance that are in danger of extirpation locally where there is not an existing state protection and a likelihood that the species or habitat will be diminished over the long term exists. So, we recommend including a process to designate these types of habitats.

As an example, in Eastern Washington, Spokane County code 11.20.060F, provides protections for species of local importance in the following manner:

In addition to the Priority Habitats and Species recognized by WDFW, a process is provided for listing or delisting other habitats and species that are important locally to the people of Spokane County. This action may be initiated at the request of the Washington State Department of Fish and Wildlife, other government agency, county staff, non-profit organization or interested citizen. Any such request shall be in writing and shall include:

1. The common and scientific name for a species under consideration;
2. Habitat location on a map (scale 1:24,000);
3. Demonstrate a need for special consideration based on:
 - a. Declining or increasing population;
 - b. Sensitivity to habitat manipulation; or
 - c. Commercial or game value or other special value, such as public appeal.
4. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas and other guidelines necessary for the protection of the species;
5. Reasons for the species/habitat to be designated or deleted from designation as a priority habitat or species.
6. Name and address of the nominator, along with a statement of support for the nomination signed by the owner of the property on which the habitat is located.
7. Other supporting documentation.

⁶ Washington State Department of Fish and Wildlife Habitat Conservation or Species and Ecosystems Science, <https://wdfw.wa.gov/conservation/research/projects/shrubsteppe/> last visited November 2, 2018.

⁷ Washington State department of Natural Resources relevant data set on Rare Plants and High Quality Ecosystems: http://data.wadnr.opendata.arcgis.com/datasets?group_ids=266f0b3bdc014f5ab2a96ad4ea358a28

Submitted proposals will be reviewed by county staff, WDFW and/or other local, state or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies. A public hearing shall be held for proposals found to be completed pursuant to the process contained in Section 14.402.060 of the Spokane County Zoning Code, or as amended. Approved nominations will be designated priority habitats/species as appropriate and will be given all protection under this Ordinance afforded other priority habitats and species.⁸

Fish and Wildlife Habitat Conservation Area – Performance Standards.

We strongly support the inclusion of “respective protection buffer” in 22.10.210 Fish and wildlife habitat conservation area – Performance standards, and we recommend that the City require buffers for the Fish and Wildlife Habitat Conservation areas. Buffers are necessary to aquatic areas and many upland wildlife habitats. For example, the Department of Fish and Wildlife recommends buffers around ferruginous hawk nests, a state threatened species.⁹ Additionally, we recommend the City make it clear that any impact to habitat and buffers must be mitigated. We suggest a few additions which are double underlined and deletions which are double struck through as follows:

K. Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to avoid, minimize, and ~~or~~ mitigate potential adverse impacts. Conditions shall include protective buffers based on the State of Washington Department of Fish and Wildlife Management recommendations for Washington’s priority species modified for local conditions and the recommendations of the Department of Fish and Wildlife biologists and may include, but are not limited to, the following measures:

[No additional recommendations for this subsection.]

Requirements for habitat conservation area reports

As with buffers mentioned above, in 22.10.200 states, “When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer so as to likely impact critical area ecosystem functions and values, a habitat conservation report shall be prepared consisting of the following...” However, buffer delineations are not defined here or elsewhere in the code. In addition to our recommendations for Fish and Wildlife Habitat Conservation Area – Performance Standards we recommend that the definition of “Adjacent” be updated with the addition of the double underlined text:

“Adjacent” shall mean any activity located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer width and building setback; or where the buffer width has yet to be determined, a distance equal to a buffer and set back that would typically be required for present habitat or species.

Furthermore, we have read Mr. Patrick Paulson’s comments from November 9, 2018, to deal with the issues of conservation report triggers and buffer delineations and agree that these could significantly address these issues as well.

⁸ Spokane County, Washington Critical Areas Ordinance for the Protection of Wetlands, Fish and Wildlife Habitats, Geo-hazard Areas and Critical Aquifer Recharge Areas <https://www.commerce.wa.gov/wp-content/uploads/2016/08/gms-ca-handbook-critareas-2007.pdf> last visited November 2, 2018.

⁹ Scott Richardson, Morie Whalen, Dinah Demers, and Ruth Milner, Ferruginous Hawk *Buteo regalis* p. 7-1 & p. 7-3 (1999) in E. Larsen, J. M. Azerrad, N. Nordstrom, editors, *Management recommendations for Washington’s priority species, Volume IV: Birds* p. vi (Washington Department of Fish and Wildlife, Olympia, Washington, USA: 2004).

Thank you for considering our comments. If you require additional information, please contact Alison Cable at telephone 206-343-0681 x114 and email: alison@futurewise.org or Tim Trohimovich at telephone (206) 343-0681 Ext. 118 and email: tim@futurewise.org.

Very Truly Yours,

A handwritten signature in black ink that reads "Alison Cable". The script is cursive and fluid.

Alison Cable
Tri-Cities Program Manager

A handwritten signature in blue ink. It consists of a large, stylized "T" followed by a cursive "S" and a small flourish.

Tim Trohimovich, AICP
Director of Planning & Law

Stevens, Mike

From: ivar@pocketinet.com
Sent: Thursday, November 29, 2018 9:43 PM
To: Stevens, Mike
Subject: Critical Areas Ordinance

Mike,

I looked at the Critical Areas Ordinance, and I sure liked that red mark up. I trust those are words to be added.

Among other things, they spoke of giving value to plants and creatures of local importance. We need that! We are at a pivotal time. We need to preserve where it is most needed.

Thanks.

Ivar

Information that should be considered in the Critical Area Ordinance (CAO) for the City of Richland.

Mr. Mike Stevens, Planning Manager,

The Lower Columbia Basin Audubon Society would like to inform the City of Richland about an overlay designation titled the **"Yakima Delta Important Bird Area"** (IBA). An IBA is a National Audubon program which is supported by local Audubon chapters. The program uses a rigorous set of specific criteria based on critical habitat, the presence of important bird species and other demanding site standards to designate an IBA. The Yakima Delta Important Bird Area qualified and was designated in fall of 2000. It is one of two IBAs in Benton County. The other IBA is located on the Hanford Site.

The 2800 acre Yakima Delta IBA is centered on the confluence of the Yakima River with the Columbia River and includes all of Bateman Island.

The west boundary is Intrastate 182 which includes the Volpentest Bridge and up to the Yakima Bridge. The north boundary is the shoreline of Franklin County. The east boundary is a straight line across the Columbia River to Franklin County 200 yards down river of Bateman Island. The south boundary is a little more complicated. The boundary is Columbia Drive which connects to a short section of Kennedy Road which joins I-182 near the Yakima Bridge.

The Yakima Delta IBA holds a significant number of birds that are state or federally listed or threatened or endangered species or species of concern. It regularly holds an assemblage of bird species associated with a representative, rare or threatened habitat type. Has a long history of bird research and monitoring contributing to long-term bird conservation. Regularly holds significant concentrations of birds such as waterfowl, gulls, terns, migratory shorebirds, herons and raptors such as falcons, hawks and eagles.

Birds of importance in the Yakima Delta IBA:

Common Loon
American White Pelican
Bald Eagle (nesting)
Peregrine Falcon
Pied-billed Grebe
Horned Grebe
Western Grebe
Clark's Grebe
Red-necked Grebe
Great Blue Heron
Great Egret
Black Crowned Night Heron

WATERFOWL:

Canada Goose
Green Winged Teal
Mallard

American Wigeon
Northern Shoveler
Gadwall
Common Golden Eye
Bufflehead
Ruddy Duck
Common Merganser
American Coot
Wood Duck

SHOREBIRDS:

Black Backed Plover
Killdeer
Black Necked Stilt
Common Snipe
American Avocet
Greater Yellowlegs
Lesser Yellowlegs
Spotted Sandpiper
Western Sandpiper
Least Sandpiper
Pictorial Sandpiper
Dunlin
Long Billed Dowitcher

GULLS:

Ring-billed Gull
California Gull
Lesser Black-Backed Gull

TERNs:

Forster's Tern
Caspian Tern
Common Tern
Black Tern

LAND BASED BIRDS:

Red-winged Black Birds
Cliff Swallow
Bank Swallow
Tree Swallow
Barn Swallow
Rough-Winged Swallow
Yellow-Rumped Warbler
Black-Capped Chickadee
Bewick's Wren
Hermit Thrush
American Robin

Mourning Dove
Long-Eared Owl
Great Horned Owl
Cooper's Hawk
Sharp-Shinned Hawk
Kestrel
Magpie
American Crow
Marsh Wren
Pacific Wren
Catbird
Oriole
White-Crowned Sparrow
Golden-Crowned sparrow
Fox Sparrow
Belted Kingfisher

The bird data above was collected for over a 40 years observation period by expert birders of the Lower Columbia Basin Audubon Society. This is not a complete list of birds sighted in the IBA but is a list of the more common yet critical bird species that utilize the area. The data is maintained by the society in its historical records.

I hope this information is helpful to CAO for Richland. If you have any questions or need additional information please contact me by email, dcarlward@gmail.com or phone 509-545-0627.

Sincerely,

Dana Carl Ward
Important Bird Area Coordinator
Lower Columbia Basin Audubon Society

November 5, 2018

From: Patrick Paulson and Laurie Ness

2253 Davison Avenue

Richland WA 99354

Patrick_paulson@acm.org

To: City of Richland Planning Staff

RE: Comments on Draft CAO language

1. ***The Draft CAO fails to trigger an assessment of impacts from projects located outside of fish and wildlife conservation areas.***

The draft CAO includes a new definition of “adjacent” intended to address this compliance issue (our emphasis):

Add Definition to Section 22.10.040, Definitions: “Adjacent” shall mean any activity located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the *required critical area buffer width* and building setback;
3. ...

But, as discussed below in Section 4 (No buffers are assigned to FWHCA) the current CAO text requires *no buffers* for FWHCA. As an example, BAS from WDFW indicates that in order to protect burrowing owls the City must “Restrict activities such as oil and gas exploration and development or other sources of human disturbance within 0.8 km (0.5 mi) of burrowing owl nests between 15 February and 25 September”¹. This implies that burrowing owls require a 0.5 buffer for parts of the calendar year. The lack of a specified buffer for areas with a primary association with Burrowing Owl means that no habitat conservation report will be required for projects that will impact the functions and values of that habitat.

¹ Larsen, Eric M., Jeffrey M. Azerrad, and Noelle Nordstrom. 2004. “Management Recommendations for Washington’s Priority Species Volume IV: Birds (Revised 2012).” Olympia, WA. <https://wdfw.wa.gov/publications/00026>.

2. No consideration of “high quality ecosystems” in areas designated as Fish and Wildlife Habitat Conservation Areas.

RMC 22.10.185A. makes no mention or consideration of “high quality ecosystems” as required by the board.

3. Text of 22.10.185.1.b is unclear

Strike out ‘as necessary’ in the text:

...The State of Washington’s Department of Fish and Wildlife and/or Natural Heritage Program maintains the most current listings and should be consulted ~~as necessary~~ for current state listing status.

This phrase doesn’t add anything to the text and is potentially confusing.

4. No buffers are assigned to FWHCAs

The CAO refers to the buffers of FWHCA in multiple places. There are no provisions for FWHCA buffers in the CAO, so these references are confounding. The CAO’s regulations for FWHCA only refer to buffers for riparian areas, but these buffers provide no additional protection for FWHCA since they are already required for *all* wetlands under the CAO.

These non-existent FWHCA buffers are mentioned in the following sections of the RMC (all emphasis is added):

- RMC 22.10.200: “... fish and wildlife habitat conservation area *or its buffer*, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area *or its buffer* ...”
- RMC 22.10.200.B: “... to account for *potential buffers* that may...”
- RMC 22.10.210: “Development or any regulated activity occurring within a designated habitat conservation area or within *its respective protection buffer*.”

5. Resources to determine location of FWHCA unnecessarily restrictive

RMC 22.10.190 seems to restrict the information to locate FWHCA to WDFW’s PHS website. Modify it to allow other resources to be used at the discretion of the planner. One possibility is

To determine the location and extent of fish and wildlife habitat conservation areas, the city shall use **best available science including** current information contained in priority habitats and species maps as maintained by the Washington State Department of Fish and Wildlife.

As written, the CAO seems to preclude mapping resources from Washington Natural Heritage Program (WNHP), the National Wetlands Inventory (NWI), habitat conservation reports from other projects and staff expertise. In addition, PHS maps are insufficient for determining the

location of the different types “habitats of primary association”, including plants identified as endangered, threatened, or sensitive (ETS) by WHNP or habitats and species of local importance (HSLI) as locally determined.

The text is also internally inconsistent, since the rest of this section talks about the PHS resource being only a guide and may not map all habitats associated with ‘Priority species.’”

6. Text of RMC 22.10.190 should reference all species and habitats that may not be mapped by PHS

The last paragraph of 22.10.190 should refer to all types of FWHCA which have no specified location. An improvement would be:

It is also possible that unmapped areas may include ~~priority species~~ **priority habitats or species (PHS), endangered, threatened or sensitive (ETS) species, or habitats and species of local importance (HSLI)**. If such a species is known to exist within an unmapped area, the type, extent and boundaries of this area shall be determined by a qualified professional.

However, our revised text is still incomplete; it doesn’t address Category I wetlands, waters of the state, or ponds under 20 acres (RMC 22.10.185.A.1, paragraphs 7, 11, and 12 in the current CAO).

7. Habitat Conservation Report requirements insufficient for FWHCAs not associated with PHS, ETS, or HSLI habitats or species

First, note that it’s clear that FWHCAs such as a “national wildlife refuge” or the “Amon Creek Natural Preserve” are established to protect habitats and species and natural areas in addition to those already designated for protection as either ETS, PHS, or HSLI. Otherwise there would be no need for these specifically designated areas and no protection afforded for non-sensitive wildlife such as migratory waterfowl.

But the requirements for the report *only require protection measures for ETS, PHS, and HSLI* as indicated in this text from RMC 22.10.200.C (our emphasis):

1. Detailed description of vegetation on and adjacent to the project area, including the existence or non-existence of plant species native to the state of Washington *identified by the State of Washington Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats;*
2. Identification of any *priority species and habitats (PHS) or any endangered, threatened, sensitive or candidate species and any species of local concern* that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

3. A discussion of any *federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations* [these recommendations likely only exist for PHS/ETS species], that have been developed for species or habitats located on or adjacent to the project area;

A report for any location specifically designated as FWHCA, such as Amon Creek Natural Preserve or the Yakima Delta, should address protection for *any native habitat or species or ecosystem* the area was designated to protect.

We don't have any suggestions for how this might look (yet).

8. Adjacency

The lack of FWHCA buffers is often overlooked because the CAO *does* specify buffers for wetlands, and because wetland buffers take 'habitat value' into account. But these buffers for wetlands don't protect functions and values of FWHCA, especially FWHCA not associated with wetlands. An example we put before the Planning Commission was BAS from WDFW that to protect Peregrine Falcons:

Avoid disturbance during the breeding season (March through June); restrict access to cliff rims where nests are built within 0.8 km (0.5 mi) and within 0.4 km (0.25 mi) of cliff faces.

Unfortunately, we don't have any simple recommendations on how to address this issue.



Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

TRANSMISSION SERVICES

November 19, 2018

In reply refer to: CA2018-103 City of Richland Critical Areas Compliance
Located within the City of Richland, WM, Benton County, Washington

Mike Stevens
City of West Richland
Community Planning/Senior Planner
3801 West Van Giesen
West Richland, WA 99353

Dear Mike:

Bonneville Power Administration (BPA) has had the opportunity to review CA2018-103 City of Richland Critical Areas Compliance. The proposal is to amend RMC 22.10.185, 22.10.200, 22.10.210 and 22.10.220.

In researching our records, we have found that this proposal will not directly impact BPA facilities. BPA does not have any objections to the approval of this request at this time.

Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact me. I can be reached at (509) 230-5510 or by email at mjdeklyen@bpa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike DeKlyen", is located below the "Sincerely," text.

Mike DeKlyen
BPA Field Realty Specialist

October 15, 2018

From: Patrick Paulson and Laurie Ness

2253 Davison Avenue

Richland WA 99354

Patrick_paulson@acm.org

To: City of Richland Planning Staff

RE: Comments on PC Workshop held October 2018

Random comments for items that came up during the workshop, based on our understanding of GMA and previous Board's rulings. Please consider these comments as you prepare for the special workshop this week and include them as comments to the Commission for the OPM next week.

List of PHS Species provided by WDFW

Our understanding is that WDFW sent a list Priority Habitats and Species that have been documented within Benton County. We don't think the PHS data goes down to the city level. We were informed by Mike Ritter that WDFW's intent was to inform the City of the habitats and species that occur locally and that the City should designate as protected. Note that WDFW is the source for BAS regarding habitats and (non-plant) species.

Shrub-steppe

First, designating shrub-steppe does *not* mean no development can be carried out where ever sage occurs, only that WDFW management recommendations¹ regarding development within these areas need to be followed. This is not unreasonable. As pointed out in guidance form the Dept. of Commerce's Critical Areas Handbook²

Protection of the functions and values of critical areas does not mean a prohibition of all uses or development within or adjacent to these areas. Rather, it means governing changes in land uses, new activities, or development that could adversely affect critical areas.

¹ WDFW, *MANAGEMENT RECOMMENDATIONS FOR WASHINGTON'S PRIORITY HABITATS: Managing Shrub-steppe in Developing Landscapes*, November 2011. (<https://wdfw.wa.gov/publications/01333/>)

² Washington State Department of Community, Trade and Economic Development, *Critical Areas Assistance Handbook*, January, 2007

Second, there is likely not much shrub-steppe left in Richland that has habitat value; working with WDFW will likely provide ways of determining when a habitat conservation report should be required.

Third, if the project still needs to alter shrub-steppe the CAO provides options for that mitigation. Finally, the CAO provides an exemption for “reasonable use” which comes into play whenever the CAO regulations would cause someone’s property to have no economic value. (The City will not have to purchase the property)

Finally, the protection of the functions of values of critical areas *is not optional* under the GMA. Economic development is not a justification for the destruction of critical area.

GMA Requirements for Best Available Science

By statute, WDFW and WNHP are statutorily acknowledged as the sources of BAS for FWHCA. That’s why the WDFW’s Priority Habitats and Species specifies the habitats and (non-plant) species are to be protected as habitats and species of local importance. Other science can be used to refute these sources, but that science must meet the GMA requirements for BAS and be documented.

Plants

The Board’s ruling on plant species is not part of “habitats and species of local importance”. One of the problems with the CAO is it uses WDFW as source for what plants are endangered, threatened or sensitive (ETS). Addressing the plant issue is straightforward: change paragraph 22.10.185.A.1.b to read something like this text from Benton County’s recent CAO update:

State designated endangered, threatened, and sensitive species are those fish, wildlife and plant species identified by the Washington State Department of Fish and Wildlife and/or State of Washington Natural Heritage Program. The State of Washington’s Department of Fish and Wildlife and/or Natural Heritage Program maintains the most current listing and should be consulted as necessary for current state listing status.

Also note that *all* the plant species listed as ETS by WNHP should be designated; Shane mentioned the status numbers given in plant lists, but these numbers were not assigned by Washington State.

(These textual changes, however, do not address the Board’s emphasis on high quality ecosystems.)

No FWHCA Buffers

The proposed language includes references to FWHCA buffers, e.g. this proposed text under RMC 22.10.200:

When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer so as to likely impact critical area ecosystem functions and values ...

This text is misleading since the CAO contains *no provisions for FWHCA buffers*. The only buffers specified in the CAO are for *wetlands*.

Considering only FWHCA that are “adjacent” to development activity does not comply with Board’s mandate to protect FWHCA from development activity.

“Adjacent” is normally understood to mean “touching”. A 10 ft. path between a proposed development and an FWHCA would then mean no assessment would be required. Guidance from the Dept. of Commerce’s *Critical Area Handbook* explicitly addresses this problem noting that an explicit definition of “adjacent” as in the following suggested code language:

The [city/county] 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. Adjacent shall mean any activity located³:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer width and building setback;
3. A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest; [The distance of 2,640 feet is based on the Washington Department of Fish and Wildlife *Management*]
4. A distance equal to or less than three hundred (300) feet upland from a stream, wetland, or water body; [The distance of three hundred (300) feet is based on maximum recommended riparian habitat area width from the Washington Department of Fish and Wildlife *Management Recommendations for Washington’s Priority Habitats: Riparian*]
5. Within the floodway, floodplain or channel migration zone; or
6. A distance equal to or less than two hundred (200) feet from a critical aquifer recharge area [The distance of two hundred (200) feet is a suggested distance to ensure that activities within the critical aquifer recharge area are included under this Chapter, even when the exact boundaries of the critical aquifer recharge area are not known at the time of application]

Use of nomination process

The proposed nomination process does not address the Board’s requirement to use as a source of BAS for designation plants identified as endangered, threatened, or sensitive. Nor does it address the requirement to use BAS to identify habitats and species of local importance. Note that WAC specifically identifies WDFW as a source of BAS for habitats and species of local importance. Plants and ecosystems may also be included.

³ *Critical Areas Handbook*, pp. 36-37.

In addition, neither the City nor the property owner has any motivation to make such a nomination since nothing in the code requires that they do so.

"Will the board look at the comments?"

We feel the Commission and Council are obligated to consider all science put before it and document this in the record to ensure that either the CAO includes this science or the record contains a reasoned justification for departing from the best available science. The Commission and Council should understand that the Board will likely hold them accountable for giving due consideration to all comments submitted in a timely manner.

Regards,

Patrick Paulson and Laurie Ness

Comments on July 11 2018 Workshop

Patrick Paulson and Laurie Ness

We will be out of town on July 25 and will be unable to make comments; below are a few comments regarding the last workshop. We will likely be submitting additional comments soon.

At this workshop Kerwin Jensen presented the Commission with a Final Decision and Order from the Washington State Growth Management Hearings Board. The Order finds portions of the City's Critical Area Ordinance (CAO) update, approved by the Council in October last year, out of compliance with the State's Growth Management Act (GMA). Below we address a few issues that may have been confusing to the Commission.

1 Habitats and Species of Local Importance

Mr. Jensen noted the Growth Management Hearings Board found the City out of compliance because of failure the designate areas associated with Endangered, Threatened, and Sensitive plant species—as well as important ecosystems-- identified by the Washington Dept. of Natural Resource's Natural Heritage Program.

However, Mr. Jensen did not mention that the Board also found the City out of compliance because it failed to designate areas associated with Habitats and Species of local importance. The Board's findings (p. 6) state:

1. The City of Richland failed to include the Best Available Science when it gave no consideration to designating species and habitats of local importance as Fish and Wildlife Habitat Conservation Areas.

Previous Boards have found that one source of best available science for habitats and species of local importance is WDFW's list of Priority Habitats and Species (PHS). WAC 365-190-130(4)(b) states that cities "should identify, classify and designate locally important habitats and species" and consult the WDFW PHS information as a source of Best Available Science (BAS) in doing so.

2 Protecting Fish and Wildlife Habitat Conservation Areas (FWHCA)

Mr. Jensen characterized the Boards finding as indicating insufficient 'buffers' for FWHCAs. This characterization is not quite right; rather the CAO needs to ensure that FWHCAs, as designated by the CAO, are protected from harmful impacts to ensure 'no net loss to functions and values'. Ensuring this protection does not require 'buffers' in the sense of a wetland buffer, where no development can occur within the buffer. It is instead a requirement that potential impacts be assessed in areas where development may have negative impacts on a FWHCA. The assessment may determine that there will be no impacts or provide ways to avoid the impact while allowing the development to proceed—or it may be determined that a buffer is required to ensure the functions and values of the FWHCAs affected.

The current CAO attempts to ensure protection by requiring the project proponent to provide a wildlife habitat conservation report prepared by a qualified professional when "development is

proposed within a fish and wildlife habitat conservation area” (RMC 22.10.100¹). The Board noted that this doesn’t comply with BAS since a FWHCA can be harmed by development outside of the area.

A further difficulty is determining when a development is ‘within’ a designated FWHCA. Note that the current CAO designates, for example, “Areas where state or federal designated endangered, threatened, and sensitive species have a primary association.” as FWHCA (RMC 22.10.185.A.1); but such areas may have fluid boundaries.

The CAO calls out WDFW’s PHS mapping tool (RMC 22.10.190), but gives no procedure for using the maps to determine when a habitat conservation area report is required. However, notes from Staff in the record² outline such a procedure:

The proposed new language relies on the Priority Habitat Species (PHS) mapping maintained by the State Department of Fish and Wildlife. ... It identifies some large areas where priority habitats or species exist. If development is proposed in one of those areas, the developer would need to hire a qualified professional to prepare a report that would specifically identify the location and type of habitat present.

Note that the PHS maps are not perfect; presence of habitats/species may be indicated where they don’t exist. Further, habitats/species may be present but not indicated on the map. Nonetheless, it’s a place to start.

The problem with the above procedure, as noted by the Board, is that development may cause negative impacts to a species even if the development is not within an “area with primary association” with that species. Therefore, the wildlife habitat conservation report should be required whenever development may have impacts on such areas. This could possibly be addressed by requiring the report to be provided whenever the development is within some fixed distance of an area indicated in PHS maps. This distance would have to be determined by reviewing the BAS for recommended buffer distances for all habitats and species designated for protection by the CAO. If this distance is too large, unnecessary expense will be required of developers. If it’s too small, FWHCA will be damaged.

Some of the WDFW management recommendation publications that are available³ :

- Long-range Planning: Considering the Shrub-steppe Landscape
- Management Recommendations for Washington's Priority Habitats: Managing Shrub-steppe in Developing Landscapes
- Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands

¹ We cite the CAO as it is published at
<http://www.codepublishing.com/WA/Richland/html/Richland22/Richland2210.html>

² Memorandum from Rick Simon, Development Services Manager, to Planning Commission, RE: Critical Areas Update, August 9, 2017.

³ <https://wdfw.wa.gov/publications/search.php?Cat=Priority%20Habitats%20and%20Species>

- Management Recommendations for Washington's Priority Habitats: Riparian
- Management Recommendations for Washington's Priority Species Volume III: Amphibians and Reptiles
- Management Recommendations for Washington's Priority Species Volume IV: Birds
- Management Recommendations for Washington's Priority Habitats and Species
- Management Recommendations for Washington's Priority Species, Volume I: Invertebrates
- Management Recommendations for Washington's Priority Species, Volume V: Mammals (IN PROGRESS)
- Management Recommendations For Washington's Priority Species: Dungeness Crab (Cancer magister)
- Priority Habitats and Species Management Recommendations: Great Blue Heron
- Priority Habitats and Species Management Recommendations: Mazama Pocket Gopher
- Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications
- Riparian Ecosystems, Volume 2: Management Recommendations (2018)
- Site-specific Management: How to Avoid and Minimize Impacts of Development to Shrub-steppe

Other sources of BAS for buffers for wildlife are available from WDFW:

- Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas (A Priority Habitats and Species Guidance Document) (<https://wdfw.wa.gov/publications/00023/>) (Also has appendices giving specific buffer distances)
- Management Recommendations for Washington's Priority Habitats: Managing Shrub-steppe in Developing Landscapes (<https://wdfw.wa.gov/publications/01333/>)
- **Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery** (<https://wdfw.wa.gov/publications/00033/>)
- Management Recommendations for Washington's Priority Habitats: Riparian (<https://wdfw.wa.gov/publications/00029/>)
- Management Recommendations for Washington's Priority Species Volume IV: Birds (<https://wdfw.wa.gov/publications/00026/>) (Also note species specific recommendations for Burrowing Owl, Ferruginous Hawk, and Great Blue Heron among others)
- Management Recommendations for Washington's Priority Species, Volume V: Mammals (IN PROGRESS) (<https://wdfw.wa.gov/publications/00027/>)

- Site-specific Management: How to Avoid and Minimize Impacts of Development to Shrub-steppe (<https://wdfw.wa.gov/publications/01335/>)



Alliance for a Livable and Sustainable Community

5822 W. Yellowstone Ave. Kennewick, WA 99336

www.alsctc.org

November 2, 2018

Planning Commission and City Council, City of Richland
Mike Stevens, Planning Manager
City of Richland Planning Department
505 Swift Blvd. MS#35
Richland, WA 99352

RE: Critical Area Ordinance Revisions to reach Compliance with GMA

Commissioners and Council Members:

The Alliance for a Livable and Sustainable Community (ALSC) is an affiliation of local government, educational, community health, business and citizen stakeholders working to create a vibrant local community through a long-term policy, planning, and investment strategy. Our mission is to promote and advocate livable and sustainable principles and practices in the Tri-City region by bringing stakeholders together to create and maintain a community-wide collaborative effort for improved quality of life for all in our community. We have 8 affiliate organizations. In this context, we strongly support the goals of Washington's Growth Management Act to foster intelligent urban growth, reduce sprawl, "retain open space, enhance recreational opportunities, conserve fish and wildlife habitat", and to "protect the environment and enhance the state's high quality of life".

We have three requests related to the CAO:

- We applaud the City on their recent review and update of their Critical Area Ordinance and understand that the GMA Hearings Board found the CAO deficient in protection of wildlife habitat. In responding to this issue, we urge Richland to not only to overcome the Board's objections but to fully embrace the spirit of the GMA and let the "land speak first".
- We support the goals of the GMA and recognize that its enforcement mechanism has resulted in a hodge-podge of development regulations, some of which have put critical habitat at risk. To resolve these issues we strongly encourage Richland to work closely with Washington's Natural Heritage Program and the Washington Department of Fish and Wildlife to draft and adopt a critical area ordinance that will protect the fish and wildlife habitat. This effort will give clear criteria for city staff, property owners, and public to develop and evaluate future project proposals. By taking the lead in this area Richland can serve as a model for other growing communities across the state to protect wildlife habitats within urban areas.
- As noted in Richland's GMA Public Participation Plan "One cornerstone for the success of the Growth Management Act (GMA) is citizen participation." As an extension the City's periodic update of its critical area ordinance work we support a public participation plan that ensures that interested parties will have a chance to review and comment on the planned CAO amendments.

With our history of partnerships with the cities and our extensive ties to the community we respectfully hope that these suggestions are instituted. Please feel free to contact us if further information is needed.

Respectfully,

Steve Mallory, AIA
Board President
Alliance for a Livable and Sustainable Community

December 10, 2018

From: Patrick Paulson and Laurie Ness

2253 Davison Avenue

Richland WA 99354

Patrick_paulson@acm.org

Pennifurs.mom@gmail.com

RE: 'Regulated Activities' for Fish and Wildlife Habitat Conservation Areas (FWHCA) and their buffers

The current CAO Draft language, section RMC 22.10.210, *Fish and Wildlife Habitat conservation area - Performance Standards* states (our emphasis):

Development or any *regulated activity* occurring within a designated habitat conservation area or within its respective protection buffer, or development or any *regulated activity* proposed to occur adjacent to a habitat conservation area so as to likely impact critical area ecosystem functions and values, ...

The use of the term “regulated activity” has no meaning since the CAO only defines regulated activities with regard to wetland buffers (RMC 22.10.040, RMC 22.10.070). We suggest the following text be included in the CAO, perhaps as a sub-paragraph under RMC 22.10.210:

Regulated activities within or adjacent to fish and wildlife habitat conservation areas include any activity that may impact the functions and values of the area, unless otherwise exempt from the provisions of this section.

In general, there would be no way to determine which activities might impact functions and values without a habitat conservation report. In order to avoid requiring a report for activities which clearly will not impact functions and values, include a section specifying exempt activities such as passive wildlife viewing.

Stevens, Mike

From: Ken Harper <kharp@mjbe.com>
Sent: Friday, January 18, 2019 10:00 AM
To: Stevens, Mike
Cc: Kintzley, Heather
Subject: RE: Critical Area Comments

Mike:

Thanks for the opportunity to review the accumulated public comments on this proposal, as well as the latest integrated version of the amended ordinance (revision date of 1/16/19). I also appreciated our detailed discussion earlier today.

This email is not intended to be attorney client privileged but is for use by you and the City during the public review process of the amended ordinance.

To summarize, the Growth Management Hearings Board's final decision and order ("FDO") dated June 7, 2018, dismissed seven out of nine of the petitioners' legal issues. (FDO at 1). As to the remaining issues, the FDO deemed the City out of compliance with the requirements of RCW 36.70A.060(2) (protection of critical areas) and RCW 36.70A.172(1) (inclusion of best available science ["BAS"]).

More specifically:

1) the FDO found that the City "failed to include the Best Available Science when it gave no consideration to the high quality ecosystem and rare plant categories and listings from the DNR Natural Heritage Program, a recognized source of Best Available Science." (FDO at 6).

Compliance action: see amended ordinance at RMC 22.10.185(A)(1)(b), -(3), -(4), and RMC 22.10.200(C)(1).

2) the FDO found that the City "failed to include the Best Available Science when it gave no consideration to designating species and habitats of local importance as Fish and Wildlife Habitat Conservation Areas." (FDO at 6).

Compliance action: see amended ordinance at RMC 22.10.185(A)(3) and -(4), RMC 22.10.190, and RMC 22.10.200(C)(2).

3) the FDO found that the City's prior ordinance "fails to protect against degradation of ecosystem functions and values resulting from activities occurring just outside of FWHCA boundaries where the science shows that proposed development would degrade ecosystem functions and values of the FWHCA." (FDO at 13).

Compliance action: see amended ordinance at RMC 22.10.040 (definitions of "adjacent" and "regulated activity"), RMC 22.10.200, and RMC 22.10.210.

The compliance actions contained in the amended ordinance give the City a good likelihood of a finding of compliance by the Board.

Please don't hesitate to call with any additional questions or concerns.

K

Kenneth W. Harper
Menke Jackson Beyer, LLP
807 North 39th Avenue
Yakima, WA 98902 USA
Voice - 509-575-0313
Fax - 509-575-0351
Email - kharp@mjbe.com
Website - www.mjbe.com



State of Washington
Department of Fish and Wildlife

Habitat Program
2620 North Commercial Avenue, Pasco, WA 99301
Phone: (509) 543-3319, E-mail, Michael.Ritter@dfw.wa.gov

January 10, 2019

Mike Stevens, Planning Manager
City of Richland Development Services Department
505 Swift Boulevard MS#35
Richland, WA 99352

Subject: Comments on Richland Municipal Code Proposed Revisions to Sections 22.10.040, 22.10.185, 22.10.200, and 22.10.210

Dear Mr. Stevens,

The Washington Department of Fish & Wildlife (WDFW) has been actively engaged in the City of Richland's process to revise its Critical Areas Ordinance (CAO). We appreciate the transparent and cooperative effort that has transpired between your office and WDFW during this process.

WDFW has recently published a synthesis of science related riparian areas; we will soon publish revised Priority Habitats and Species (PHS) riparian management recommendations. In light of these documents and cognizant of the recent Growth Management Hearings Board (GMHB) decision regarding your CAO we provide the following comments and recommendations. These recommendations are intended to benefit the City, as any future comments WDFW might submit regarding development projects in the City will follow from the new PHS riparian science and management recommendations.

Recommended approach for protecting riparian areas and other FWHCAs

Consistent with our riparian science synthesis and the issues raised by the GMHB, we recommend the City consider taking a somewhat different approach to designating and protecting riparian areas and other Fish and Wildlife Habitat Conservation Areas (FWHCAs).

Riparian ecosystems: Consistent with the GMHB's finding that FWHCAs should protect ecosystem functions and values, WDFW considers riparian ecosystems [as delineated by Riparian Management Zones (RMZ)] to be a "critical area" *per se*, not just a buffer for a stream/river (although RMZs also serve to buffer the stream/river from pollutants, etc.). Our riparian management recommendations do not differentiate between riparian areas of major rivers and seasonal streams—they are all critical areas. We consider the width of the RMZ to be with wider of (a) the Site Potential Tree Height (SPTH) of a 200-year old tree (the data we have for Richland shows that the max SPTH200 is almost always less than 100') or (b) the width necessary to provide removal of pollutants (identified as a minimum of 100'—wider in cases of steep slopes or the potential for high nitrogen loading up-gradient). We consider the Channel

Migration Zone (CMZ) to be fully within the RMZ; we recommend that the RMZ width measurement commence at the outer edge of the CMZ.

The following two items are on the topic raised by GMHB regarding protecting ecosystem functions and values adjacent to FWHCAs:

Riparian ecosystems: See above regarding CMZs. Although we recommend that the full RMZ be protected (i.e., no net loss of ecosystem functions through compensatory mitigation for all disturbances within the full RMZ), we do not have any recommendations regarding protection of buffers adjacent to (outside of) the full RMZ. Although, as stated above, the RMZ may expand to include the full pollutant removal function, meaning it may need to be wider than 100', especially in cases of high nitrogen loading or steep slopes and resultant pollutant/sediment delivery. This requires a site-specific analysis.

Bald eagles: The proposed revisions includes a half mile radius around a bald eagle's nest. However, bald eagles are no longer a PHS species so we no longer recommend local governments take specific actions to protect them. However, the city may wish to protect bald eagles as an additional species of local significance or as a way of ensuring compliance with the federal Bald and Golden Eagle Protection Act, but they should not cite us as the source of such a policy.

Definitions

We recommend the city consider revising the definition in section 22.10.040 to reflect the information provided above. The recommended deleted (strikethrough) and new (underlined) language is illustrated in the following:

"Adjacent" shall mean any activity located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer width and building setback;
- ~~3. A distance equal to or less than one half mile (2,640 feet) from a bald eagle nest;~~
4. A distance equal to or less than two hundred fifty (250) ~~three hundred (300)~~ feet upland from a stream, wetland, channel migration zone or water body;
5. Within the floodway, or floodplain ~~or channel migration zone~~; or
6. A distance equal to or less than two hundred (200) feet from a critical aquifer recharge area

~~3* The distance of 2,640 feet is based on the Washington Department of Fish and Wildlife Management.~~

4* The distance of two hundred fifty (250) ~~three hundred (300)~~ feet is based on maximum wetland buffer recommended riparian habitat area management zone width from the Washington Department of Fish and Wildlife Management Recommendations for Washington's Priority Habitats: Riparian.

6* The distance of two hundred (200) feet is a suggested distance to ensure that activities within the critical aquifer recharge area are included under this Chapter, even when the exact boundaries of the critical aquifer recharge area are not known at the time of application.

"Riparian ecosystem: The area alongside a waterbody that significantly influences exchanges of energy and matter among terrestrial and aquatic ecosystems. Along streams and rivers it includes the active channel, channel migration zone, floodplain, and portions of the adjacent uplands that contribute organic matter and shade, provide space for nutrient cycling, and keep pollutants from entering the stream.

"Riparian Management Zone" (RMZ) means the Fish and Wildlife Habitat Conservation Area adjacent to all rivers and streams delineated to protect riparian ecosystem functions and values. Its inner point of measure is the wider of (a) the Ordinary High Water Mark or (b) the outer extent of the Channel Migration Zone. Its width is the greater of (a) 100 feet, (b) one Site Potential Tree Height of a 200-year old tree, and (c) the width needed to reliably remove pollutants as determined through a habitat conservation report.

"Site-Potential Tree Height" (SPTH) means the average maximum height of the tallest dominant trees (200 years or more) for a given site class. For most of the City of Richland, soils do not support trees that grow in excess of 100 feet. For the few sites that may grow trees taller than 100 feet, SPTH is determined through a habitat conservation report.

"Channel Migration Zone" see RMC 26.80.010.

DNR's Natural Heritage Program

RMC 22.10.185 (A)(1)(b) reference both DNR Natural Heritage Program and WDFW PHS for consideration of listed and sensitive species. However, the Natural Heritage Program is not referenced in RMC 22.10.185(A)(4). We recommend that RMC 22.10.185(A)(4) reads as follows:

In addition to Priority Habitats and Species recognized by WDFW and/or State of Washington Natural Heritage Program, a process is provided...

Conclusions

Your proposed revisions will make habitat protection of FWHCAs in the city limits stronger and more closely aligned with best available science. Please do not hesitate to contact me if you have any questions with what I have presented above. If my proposed recommendations have an impact on other sections of your code, I am willing to work with you to modify them. We look forward to continuing to work with you as you finalize your CAO. Please contact me with any questions at Michael.ritter@dfw.wa.gov or at 509-543-3319.

Sincerely,



Michael Ritter
Habitat Biologist



816 Second Ave, Suite 200, Seattle, WA 98104

p. (206) 343-0681 f. (206) 709-8218

futurewise.org

January 11, 2019

Mr. Kyle Palmer, Chair
City of Richland Planning Commission
505 Swift Boulevard
Richland, WA 99352

Dear Chair Palmer and Planning Commissioners:

Subject: Comments on the Critical Area Ordinance amendments to address the Growth Management Hearings Board Final Decision and Order concerning Case No. 171-0006.

Via email: planningcommission@ci.richland.wa.us; mstevens@ci.richland.wa.us

Thank you for the opportunity to comment on the second draft of planned amendments to the City of Richland Critical Areas Ordinance. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests & water resources. We have members across Washington State including in the City of Richland.

We are pleased to provide the following recommendations on the draft Critical Areas Ordinance to help the City ensure compliance with the Growth Management Act and the Growth Management Hearings Board Final Decision and Order. Critical Areas protections help maintain healthy, functioning ecosystems including ground and surface waters, wetlands, and fish and wildlife and their habitats and prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat. Additionally, these updates to the City's critical areas regulations will help protect resources that contribute to the economy and help generate jobs in our region.

Summary of Recommendations

As we discussed in our previous letter of November 30, 2018, the Growth Management Act requires all counties and cities to designate and protect critical areas. Thank you for taking our comments into consideration and making some of the changes we recommended. We have some additional comments below.



Habitat and Species of Local Importance

The Growth Management Act requires cities to work with their community to design locally appropriate programs for designating and protecting critical areas. We strongly support the city's public comment period that will allow citizens to give input on Habitat and Species of Local Importance and the inclusion of section 22.10.185 Fish and wildlife habitat conservation areas section 3. We also support designating the State of Washington's Department of Fish and Wildlife's Priority Habitats and Species as habitats and species of local importance. This is consistent with WAC 365-190-130(4)(b).

In our last letter we recommend including a process to designate these types of habitats. In hearing the staff and planning commission concerns about the requirements of the owners signing off on the nomination making the approval harder to administer and less likely to achieve, we recommend some changes that will make it less onerous on the nominators. Furthermore, having reviewed the recommendations from other interested parties we support the recommendations from Debbie Berkowitz which were provided at the hearing but not included in the packet. We find her recommendation for the nomination procedure (based on the CAO of Pacific County) to satisfy the requirements for consideration of HSLI and provides a better process for identifying habitat based on habitat features, with mapping only necessary if an entire ecosystem is being identified. We support the inclusion of her recommendations for 22.10.185A4 as follows:

22.10.185A4. In addition to the Priority Habitats and Species recognized by WDFW, the City also will allow nomination of habitats and species of local importance by any person. The nomination shall include the following: (a) Identification of specific habitat features to be protected (for example, nest sites, breeding areas, and nurseries), or if a habitat or ecosystem is being nominated in its entirety, a description and map of the geographic boundaries encompassed in the nomination; (b) Documentation of how the proposed species or habitat meets the following criteria (i) local populations of native species that are likely to become endangered, are vulnerable, or declining; (ii) species or habitats with recreational, cultural, economic, or other special value to the citizens of Richland, such as public appeal; (iii) Protection by other City, County, State, or Federal policies, laws, regulations, or non-regulatory tools are not sufficient to prevent degradation of the habitat or decline of the species; or (iv) Habitats of local importance represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and that is limited in availability, highly vulnerable to alteration, or provides landscape connectivity that contributes to the integrity of the surrounding landscape; (c) Management strategies, supported by the best available science, that if implemented would measurably help to conserve the species or habitat. The Administrator shall review and evaluate the nomination and make a recommendation to the planning commission which shall hold a public hearing and make a recommendation to the City Council.

While we appreciate the incorporation of the changes we recommended in our November 30, 2018 letter we feel the above language is a better option and will satisfy the concerns from the Planning Commission and other commenters.

[No additional recommendations for this subsection.]

Fish and Wildlife Habitat Conservation Area – Performance Standards.

We strongly support the inclusion of “respective protection buffer” in 22.10.210 Fish and wildlife habitat conservation area – Performance standards, and we recommend that the City require buffers for the Fish and Wildlife Habitat Conservation areas. As mentioned in our previous comment letter and other comments received by the City, wetland buffers will not fully protect FWHCA. Buffers are necessary to protect aquatic areas and many upland wildlife habitats. For example, the Department of Fish and Wildlife recommends buffers around ferruginous hawk nests, a state threatened species.¹ Additionally, we recommend the City make it clear that any impact to habitat and buffers must be mitigated. We suggest a few additions which are double underlined and deletions which are double struck through as follows:

K. Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to avoid, minimize, and ~~or~~ mitigate potential adverse impacts. Conditions shall include protective buffers based on the State of Washington Department of Fish and Wildlife Management recommendations for Washington’s priority species modified for local conditions and the recommendations of the Department of Fish and Wildlife biologists and may include, but are not limited to, the following measures:

[No additional recommendations for this subsection.]

Requirements for habitat conservation area reports

As with buffers mentioned above, in 22.10.200 states, “When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer so as to likely impact critical area ecosystem functions and values, a habitat conservation report shall be prepared consisting of the following...” However, buffer delineations are not defined here or elsewhere in the code. In addition to our recommendations for Fish and Wildlife Habitat Conservation Area – Performance Standards we recommend that the definition of “Adjacent” be updated with the addition of the double underlined text:

“Adjacent” shall mean any activity located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer width and building setback; or where the buffer width has yet to be determined, a distance equal to a buffer and set back that would typically be required for the present habitat or species.

Furthermore, at the last Planning Commission Workshop discussion of the draft ordinance, it seemed that there was consensus to include the recommendations from Tapteal Greenway. This will help to clarify what triggers a conservation report. However, the words double underlined below still need to be included to fully implement their recommendations on 22.10.200

Requirements for habitat conservation area reports.

“where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer or close enough to the FWHCA so as to likely impact critical area ecosystem functions and values.”

¹ Scott Richardson, Morie Whalen, Dinah Demers, and Ruth Milner, Ferruginous Hawk *Buteo regalis* p. 7-1 & p. 7-3 (1999) in E. Larsen, J. M. Azerrad, N. Nordstrom, editors, *Management recommendations for Washington’s priority species, Volume IV: Birds* p. vi (Washington Department of Fish and Wildlife, Olympia, Washington, USA: 2004).

Thank you for considering our comments. If you require additional information, please contact Alison Cable at 206-343-0681 x114 and email: alison@futurewise.org or Tim Trohimovich at (206) 343-0681 Ext. 118 and email: tim@futurewise.org.

Very Truly Yours,



Alison Cable
Tri-Cities Program Manager



Tim Trohimovich, AICP
Director of Planning & Law

Stevens, Mike

From: Alison Cable <alison@futurewise.org>
Sent: Thursday, January 10, 2019 8:44 AM
To: Stevens, Mike
Subject: RE: CAO

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Again,

Below is the excerpt from the Tapteal Greenway letter and the draft code for comparison. I don't see the inclusion of the highlighted portion of the definition from Tapteal.

From Tapteal:

22.10.200 Requirements for habitat conservation area reports.

When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer so as to likely impact critical area ecosystem functions and values, a habitat conservation report shall be prepared consisting of the following:

To fully incorporate the requirements of Finding 2 additional wording needs to be added to the above section:

where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer or close enough to the FWHCA so as to likely impact critical area ecosystem functions and values

From DRAFT Code:

22.10.200 Requirements for habitat conservation area reports. When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer so as to likely impact critical area ecosystem functions and values, a habitat conservation report shall be prepared consisting of the following:

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>

Sent: Wednesday, January 9, 2019 2:00 PM

To: Alison Cable <alison@futurewise.org>

Subject: RE: CAO

Alison:

The current draft does include Tapteal's recommendations. If you look at Dirk's comment letter, you will see recommended changes that were made. If I missed something, please provide a specific reference.

It is my recollection that the Planning Commission was in favor of having the property owner sign off on the nomination process. If you recall differently, then that would be a good comment to ask them at the hearing or to put in your letter.

Thanks,
Mike

From: Alison Cable [<mailto:alison@futurewise.org>]
Sent: Wednesday, January 9, 2019 10:55 AM
To: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Subject: Re: CAO

Mike,

Looking through the latest draft I have a question for you before we send more comments. I thought from the comments at the workshop that the city was planning to update the definition of adjacent to include Tapteal's recommendations? Has that just not happened yet? Futurewise had some suggested language for that part as well that we thought would help clear up a gap on triggers for conservation report requirements.

Also, I messed up and included some language from Spokane County's ordinance that should have been struck out requires owner sign-off and I think that maybe onerous for the nomination process. From the discussion at the workshop it sounded like the planning commission agreed that the owner sign off portion would be unnecessary.

There may be a couple of other items but on my first read through that was what stood out.

Thank you!
Alison

Get [Outlook for iOS](#)

From: Alison Cable <alison@futurewise.org>

Sent: Tuesday, January 8, 2019 2:54 PM

To: Stevens, Mike

Subject: RE: CAO

Ok – got it. Thanks!

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>

Sent: Tuesday, January 8, 2019 2:49 PM

To: Alison Cable <alison@futurewise.org>

Subject: RE: CAO

The link titled: [CA2018-103 Critical Areas Update](#) is at the bottom of the heading “2018 CAO Update”. This link contains the draft as discussed and directed by the Planning Commission. Let me know if you still have trouble.

Mike

From: Alison Cable [<mailto:alison@futurewise.org>]

Sent: Tuesday, January 8, 2019 2:44 PM

To: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>

Subject: RE: CAO

Thank you – do you have a link to the latest CAO? The link on the SEPA proposed land use actions doesn’t seem to include all of the changes discussed at the workshop.

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>

Sent: Tuesday, January 8, 2019 2:40 PM

To: Alison Cable <alison@futurewise.org>

Subject: RE: CAO

Alison:

The final draft that is out for comment took into consideration the Planning Commission Workshop comments/outcomes from the first 30-day review/comment period. The Planning Commission discussed the comments received and staff recommended changes based upon those comments at the December 12th workshop, which resulted in the final draft that has been sent back out for comment with a deadline of January 11th.

There will not be a comment matrix with responses given to the comments received.

If you still have concerns about the definition of "adjacent" and what/when a HCA report is needed, I strongly suggest that you include proposed language that you think would satisfy your concerns. The Planning Commission will then be able to take the suggested language into consideration when making their final recommendation to City Council at the January 23rd public hearing.

Hope that helps.

Thanks,
Mike

From: Alison Cable [<mailto:alison@futurewise.org>]
Sent: Tuesday, January 8, 2019 2:25 PM
To: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Subject: CAO

Hi Mike,

I noticed the deadline for comments on the CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (CA2018-103 & EA2018-128) is January 11. Based on the outcome of the workshop it sounds like the next draft of the CAO that will include the staff and planning commission recommendations on January 17. What is the process for responding to the planning commission workshop outcomes? We are still concerned about the definition of "adjacent" and proposed changes for triggering a habitat conservation area report. Is there going to be a Comment Matrix with responses to the comments received to date and the City's response to them?

Thank you!
Alison

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Friday, December 14, 2018 7:58 AM

To: Alison Cable <alison@futurewise.org>

Subject: RE: ALSC

Once I get the new draft of the CAO back from the attorney's office (putting it in Ordinance format), I will make it available for public review.

Thanks,

Mike

From: Alison Cable [<mailto:alison@futurewise.org>]

Sent: Thursday, December 13, 2018 4:02 PM

To: Stevens, Mike <mstevens@ci.richland.wa.us>

Subject: Fwd: ALSC

Thanks Mike –

It's looking like July at this point! We are finalizing our presenter schedule for 2019 and I'll send it out to you and check back in as we get closer to make sure it still works for you.

On a different note – is there a new version of the CAO that you can send me? Sorry I wasn't able to make it to the meeting yesterday, I have been under the weather. Sounds like a lot of good progress was made last night.

Thanks!

Alison

Get [Outlook for iOS](#)

From: Stevens, Mike <mstevens@ci.richland.wa.us>

Sent: Monday, December 10, 2018 3:54 PM

To: Alison Cable

Cc: Wallner, Amanda

Subject: RE: ALSC

Hi Alison:

Feel free to contact me prior to any upcoming meeting(s) and if available I would be happy to attend.

Thanks,

Mike

From: Alison Cable [<mailto:alison@futurewise.org>]

Sent: Monday, December 10, 2018 3:11 PM

To: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>

Cc: Wallner, Amanda <awallner@CI.RICHLAND.WA.US>

Subject: ALSC

Hi Mike,

I hope this finds you well. The Alliance for a Livable and Sustainable Community meets the 2nd Monday of the month in the Bechtel Board room at the Regional Chamber/TRIDEC offices. These meetings provided a forum where our affiliate organizations can work with local governments, Educational, Community Health, Business and Citizen stakeholders to create a vibrant local community through a long-term policy, planning, and investment strategy that:

- Promotes community health and wellness
- Protects and preserves the unique attributes of our natural environment
- Encourages local enterprise innovation and economic diversity
- Organizes community events that build awareness and promote sustainable principles and practices.

We would like to invite you to a meeting in 2019, to discuss the City's Comprehensive Plan and ongoing Development and Planning processes.

Sincerely,

Alison Cable

ALSC Treasurer

www.alsctc.org

Get [Outlook for iOS](#)

December 10, 2018

From: Patrick Paulson and Laurie Ness

2253 Davison Avenue

Richland WA 99354

Patrick_paulson@acm.org

Pennifurs.mom@gmail.com

RE: 'Regulated Activities' for Fish and Wildlife Habitat Conservation Areas (FWHCA) and their buffers

The current CAO Draft language, section RMC 22.10.210, *Fish and Wildlife Habitat conservation area - Performance Standards* states (our emphasis):

Development or any *regulated activity* occurring within a designated habitat conservation area or within its respective protection buffer, or development or any *regulated activity* proposed to occur adjacent to a habitat conservation area so as to likely impact critical area ecosystem functions and values, ...

The use of the term "regulated activity" has no meaning since the CAO only defines regulated activities with regard to wetland buffers (RMC 22.10.040, RMC 22.10.070). We suggest the following text be included in the CAO, perhaps as a sub-paragraph under RMC 22.10.210:

Regulated activities within or adjacent to fish and wildlife habitat conservation areas include any activity that may impact the functions and values of the area, unless otherwise exempt from the provisions of this section.

In general, there would be no way to determine which activities might impact functions and values without a habitat conservation report. In order to avoid requiring a report for activities which clearly will not impact functions and values, include a section specifying exempt activities such as passive wildlife viewing.

Date: 1/11/19

To: Mike Stevens and the Richland Planning Commission

From: Debbie Berkowitz

Re: Comments on the proposed changes to the CAO.

I appreciate that you have included a nomination process for habitats or species of local importance. However, the text in 22.10.185A4 requires a statement of support for the nomination by the owner of the property. There are three problems with this:

- The FWHCA shouldn't depend on a property owner's approval; best available science should determine whether or not an area or species can be designated.
- As was stated at the workshop, it is unlikely that a property owner would nominate his property for an FWHCA. It is also unlikely that a property owner would support an FWHCA for his property.
- And it is also probable that a species of local importance wouldn't necessarily be associated with a particular property.

Therefore, the current wording would make the designation of a habitat or species of local importance almost impossible and negate the intent of including such a process.

I have read the CAOs for the city of Spokane, Ferry County, and Pacific County – and none of them mentions a statement of support by the owner of the property. Ferry County mentions notification of the property owner (as well as adjacent property owners and public or private groups that may have an interest in the application), which seems reasonable.

In addition, I am not sure why there is a removal process; neither the City of Spokane nor Pacific County has one. A report would determine if a species or habitat is no longer present in an area proposed for development.

In my comments for the December Planning Commission workshop, I recommended using the Pacific County version of the nomination process. I still think it's a better one to use as a template for Richland's nomination process.

This process has already taken too long because nothing was brought to Planning Commission by the City in a timely fashion, i.e., from July through September. It needs to be finished expeditiously.

Thank you for considering my proposed changes.

Stevens, Mike

From: Patrick Paulson <patrick_paulson@acm.org>
Sent: Friday, January 11, 2019 10:31 AM
To: Stevens, Mike; Planning Commission
Cc: Laurie Ness; Keith E Folkerts; Jensen, Kerwin; Ritter, Michael W (DFW); Gwen.clear@ecy.wa.gov
Subject: Comments CAO Text Amendments (CA2018-103 & EA2018-128, SEPA# 201807125)
Attachments: comments-1210-regulated-activities.pdf; FWHCA comments, Berkowitz, 2018_11_29.docx; Comments on CAO Remand for Planning Commission Workshop 20180912.pdf

Here are comments on the CAO, text included below. Also attaching documents referred to in the comments.
(audio attached as shared link, too big otherwise)



January 11, 2019

From: Patrick Paulson and Laurie Ness
2253 Davison Avenue
Richland WA 99354
Patrick_paulson@acm.org
Pennifurs.mom@gmail.com

RE: Compliance issues with CAO draft language Posted as of 1/4/2019

1. Failure to address non-compliance findings by Growth Management Hearings Board

1.1 High Quality Ecosystems

No consideration given to “high quality ecosystems” as required by the Board’s order. This issue was raised in our comments submitted 11/5/2018, where we specifically note that the revised code language “makes no mention or consideration of ‘high quality ecosystems’ as required by the board”^[1]. We also noted this omission in comments submitted in October 2018.^[2]

1.2 Lack of appropriate trigger for determining impacts of activities to FWHCA

The language for habitat conservation report triggers is still flawed. The proposed language states:

where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer so as to likely impact critical area ecosystem functions and values...

This means that the City only checks if development is “likely to impact critical area ecosystem functions and values” if the development is “located adjacent to a fish and wildlife habitat conservation area or its buffer”. However, as we and other commenters pointed out multiple times this fails to protect FWHCA since no buffers are required for FWHCA^[3]. Because of the lack of buffers for FWHCA, the current draft language *still* only addresses impacts from projects

that are *immediately* adjacent to FWHCA, leaving the CAO out of compliance with the Board's order. As Mike Stevens, Richland's Planning Manager, acknowledged at the 12/12/2018 Planning Commission (PC) workshop, this language fails to provide an adequate trigger for some FWHCA^[4] The problem was discussed in depth by the planning commission but the proposed language does not reflect the discussed changes, which were to include language proposed by Tapteal Greenway^[5].

1.3 Failure to include and consider BAS when designating species and habitats of local importance as FWHCA

The City was presented with science that clearly indicates that Beavers, Otters, Black-capped Chickadee, and Downy Woodpecker should be designated as species of local importance and that Beaver Ponds and the Yakima Delta Important Bird Area should be designated as habitats of local importance^[6].

Prior decisions by the Board indicate that when such science is on the record the City is required to consider the science and provide a reasoned justification for not using this science when designating species and habitats of local importance^[7]. Additionally, the board has ruled that when a jurisdiction has been provided science showing the importance of beavers and beaver dams that it cannot, without justification, reject that science and exempt activities that impact the ecological functions of beavers and beaver dams^[8].

The City was also requested to add Bald Eagle as a species of local importance. In previous comments we noted that

WDFW recommends that CAO Updates "require that developers who may potentially impact bald eagle habitat complete the USFWS' self-assessment to determine if a permit from USFWS is needed". WDFW and the U.S. Fish and Wildlife Service (USFWS) also recommends "that development activities near bald eagle habitat be carried out consistent with the national Bald Eagle guidelines [(U.S. Fish and Wildlife Service 2007), also applicable to Golden Eagles]" (Muller 2016, p. 14). ... Since these guidelines require evaluation of variables such as nesting chronology and the likely impact of activities on eagles[,] Richland's CAO should require that when activities are carried out near eagle habitat the developer is required to hire a qualified professional to prepare a Wildlife Habitat Conservation report to ensure that USFWS guidelines are followed^[9].

2. Issues resulting in lack of protection of designated areas

2.1 Functions and values intended to be protected by designated FWHCA should be specified

In our submitted comments we noted that

... it's clear that FWHCAs such as a "national wildlife refuge" or the "Amon Creek Natural Preserve" are established to protect habitats and species and natural areas in addition to those already designated for protection as either ETS, PHS, or HSLI. Otherwise there would be no need for these specifically designated areas and no protection afforded for non-sensitive wildlife such as migratory waterfowl ... But the requirements for the report only require protection measures for ETS, PHS, and HSLI ... ^[10]

This point has multiple ramifications throughout the CAO, since much of the CAO language regarding FWHCA only refers to the protection of PHS or ETS species. We suggest the following language be added to the CAO, perhaps as a paragraph between 22.10.185.A and B:

Areas described by 22.10.185.A, paragraphs 4-10 and 13-14, are designated as FWHCA in order to protect any species (plant or animal) native to Washington State that has a primary association with the designated area.

This will help ensure that the protections provided by the rest of the CAO provisions will protect designated FWHCA as intended.

2.2 FWHCAs designated by geographic location are not adequately described

In previous comments we noted that the CAO does not adequately specify the boundaries of some FWHCA:

For those FWHCA with boundaries set by Richland -- Amon Creek Natural Preserver [sic], Badger Mountain Natural Preserve, and the "Yakima River Delta", a list of parcels that are included in the area should be specified somewhere and the CAO should indicate how these boundaries can be located through City resources.

For FWHCA with boundaries set by other agencies, such as national wildlife refuges and "state nature area preserves", the CAO should specify how to obtain the boundaries of these areas from appropriate agencies...

...the CAO should require that [boundaries of these FWHCA] are indicated on the City's Critical Areas Map...^[11]

2.3 Requirements for the habitat conservation report insufficient to protect FWHCAs designated by geographic location, wetlands, small ponds, and waters of the state

The current language of RMC 22.10.200, Requirements for habitat conservation area reports, fails to account for habitats of local importance. Paragraph C.2 should be revised to read as follows (our addition is emphasized):

Identification of any priority species and habitats (PHS) or any endangered, threatened, sensitive or candidate species **and any habitat or species of local concern** that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to **the protected habitat or** the use of the site by the species;

We submitted comments noting that the City's designation of areas such as Amon Creek Natural Preserve provide no additional protection for the designated areas since the requirements for habitat conservation reports only consider habitats and species that are either PHS, ETS, or HSLI^[12]. The clear intent of designating the areas described by paragraphs 4-10 and 13-14 of RMC 22.10.185.A as FWHCA is to provide protection not already provided by other provisions of the CAO.

As we pointed out,

The requirements for habitat conservation reports are crucial because the protective measures prescribed by the performance standards for FWHCA (RMC 22.10.210) are "conditioned *as identified in the habitat conservation area report* to minimize or mitigate potential adverse impacts" (our emphasis). This implies that any habitat not identified by the report need not be protected^[13].

We suggest the following additional requirement be added to RMC 22.10.200.C between subparagraphs 2 and 3:

Within areas designated FWHCA by RMC 22.10.185.A paragraphs 4-10 and 13-14 the identification of all species (plant or animal) native to Washington State 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.

2.4 *Current language unduly restricts BAS used to locate areas with primary association to protected species and habitats*

As we noted in our comments^[14], the draft language (RMC 22.10.190) unduly restricts BAS to be considered to determine locations that have a primary association with protected habitats and species, stating “the city shall use current information contained in priority habitats and species maps as maintained by the Washington State Department of Fish and Wildlife”. While WDFW is a source of BAS it is not the *only* source. We suggested the following revision:

To determine the location and extent of fish and wildlife habitat conservation areas, the city shall **use best available science** including current information contained in priority habitats and species maps as maintained by the Washington State Department of Fish and Wildlife.

Our comments further noted that the last paragraph of RMC 22.10.190, allowing protection for areas not mapped by PHS if a “[priority] species is known to exist within an unmapped area...”, is vague, imprecise, and fails to protect all areas designated as FWHCA. We suggested the following revision:

It is also possible that unmapped areas may include ~~priority species~~ **priority habitats or species (PHS), endangered, threatened or sensitive (ETS) species, or habitats and species of local importance (HSLI)**. If such a species or habitat is known to exist within an unmapped area, the type, extent and boundaries of this area shall be determined by a qualified professional.

2.5 *“Regulated Activities” not defined.*

The draft language fails to address the problem that the term “regulated activities” is not defined for FWHCA. In submitted comments we noted^[15]:

The current CAO Draft language, section RMC 22.10.210, *Fish and Wildlife Habitat conservation area - Performance Standards* states (our emphasis):

Development or any *regulated activity* occurring within a designated habitat conservation area or within its respective protection buffer, or development or any *regulated activity* proposed to occur adjacent to a habitat conservation area so as to likely impact critical area ecosystem functions and values, ...

The use of the term “regulated activity” has no meaning since the CAO only defines regulated activities with regard to wetland buffers (RMC 22.10.040, RMC 22.10.070). We suggest the following text be included in the CAO, perhaps as a sub-paragraph under RMC 22.10.210:

Regulated activities within or adjacent to fish and wildlife habitat conservation areas include any activity that may impact the functions and values of the area, unless otherwise exempt from the provisions of this section.

In general, there would be no way to determine which activities might impact functions and values without a habitat conservation report. In order to avoid requiring a report for activities which clearly will not impact functions and values, include a section specifying exempt activities such as passive wildlife viewing.

2.6 CAO does not protect FWHCA from cumulative impacts

The current language fails to protect FWHCA from cumulative impacts. We submitted comments suggesting the following requirement be added to the habitat conservation report in order to address these impacts:

Habitat Conservation Reports shall evaluate the potential impact of the proposed development on FWHCAs or their buffers, both short term (e.g. construction) and long term, based on an assessment of the direct, indirect, and cumulative impacts of the proposal in combination with existing and potential future land use activities; ^[16]

As we noted in our comments this text is based on the requirements for critical aquifer recharge areas (RMC 2.10.370.B.7.f).

2.7 Buffers specified by performance standards for FWHCA do not reflect BAS

The performance standards for FWHCA (RMC 22.10.210) specify that:

J. Riparian corridors shall meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;

The minimum requirements for buffers specified in RMC Title 26 for Riparian areas (Table 26.60.042) only apply to “regulatory reaches” within the shoreline. This effectively means that *no* minimum requirements are given by Title 26 for areas where the CAO applies. The only other mention of buffers for riparian areas in Title 26 is in Table 26.60.024(D), where the buffer entry for “Riparian Forest” contains the text “Buffer width to be based on score for habitat functions or water quality functions”; no minimum buffer width is given.

RMC 22.10.110 provides buffers for wetlands; the prescribed buffer widths are not necessarily applicable to the protection of FWHCAs. Additionally, the CAO gives no guidance on how to apply these buffer width requirements to riparian areas not associated with wetlands.

In order to ensure adequate buffers for riparian areas, we recommend the City revise this provision to read:

J. Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication *Riparian Ecosystems, Volume 2: Management Recommendations*, May 2018, or as revised. Riparian corridors shall also meet the minimum buffer requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;

3. Nomination Process for Habitats and Species of Local Importance

The nomination process for habitats and species described by RMC 22.10.185.A.4 has multiple flaws.

Requirement (a), for habitat location on a map, is impractical for the nomination of areas with a primary association with some species, such as Beaver or Black-capped Chickadee. Since WDFW does not map non-PHS species, identifying areas with primary associations to such a species might require the nominator to perform a city-wide survey to find occurrences of the nominated species. It should be sufficient for the nominator to provide a description of likely habitat for a nominated species.

Requirement (f) includes a “statement of support for the nomination signed by the owner of the property”. This requires the nominator to identify all property on which a nominated species might

occur, which is infeasible. In addition, as Mike Stevens, City of Richland Planning Manager, remarked: “to be honest, a property owner that’s going to develop is likely not going to, you know, volunteer to [submit statement preventing development]”.^[17]

To address these faults, we suggest the City adopt the nomination process proposed by Debbie Berkowitz in her comments submitted during the first comment period^[18].

4. Attachments

Comments on Critical Area Ordinance for Planning Commission Workshop on September 12, 2018: Patrick Paulson and Laurie Ness, attached as “Comments on CAO Remand for Planning Commission Workshop 20180912.pdf”

Re: Comments on the proposed changes to the CAO: Debbie Berkowitz, 12/10/2018, attached as “FWHCA comments, Berkowitz, 2018_11_29.docx”.

‘Regulated Activities’ for Fish and Wildlife Habitat Conservation Areas (FWHCA) and their buffers: Patrick Paulson and Laurie Ness, attached as “comments-1210-regulated-activities.pdf”.

Workshop Agenda Packet: City of Richland, *Richland Planning Commission 12/12/2018 Workshop Agenda packet*, accessible

at <https://richlandwa.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=2397>.

Workshop Audio: Laurie Ness, *Richland Planning Commission Workshop 12/12/2018, Audio Recording*, attached as “workshop-audio.mp3”.

^[1]Patrick Paulson and Laurie Ness, “RE: Comments on Draft CAO language”, 11/5/2018, at pp. 60 in *Richland Planning Commission 12/12/2018 Workshop Agenda packet (Workshop Agenda Packet)* (<https://richlandwa.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=2397>).

^[2]Patrick Paulson and Laurie Ness, “RE: Comments on PC Workshop held October 2018”, 10/15/2018, at pp. 65-68 in *Workshop Agenda Packet*.

^[3]Patrick Paulson and Laurie Ness, “Protecting Critical Areas”, pp. 17-38 in *Workshop Agenda Packet*; “RE: ‘Adjacency’ and triggering mechanism for habitat conservation reports”, 11/13/2018, pp. 39-42 in *Workshop Agenda Packet*; “RE: Comments on Draft CAO language”, 11/5/2018, pp. 60-63 in *Workshop Agenda Packet*. Dirk Peterson, Tapteal Greenway, comments dated 11/30/2018, pp. 48-49 in *Workshop Agenda Packet*. Futurewise, comments dated 11/30/2018, pp. 51-55 in *Workshop Agenda Packet*.

^[4]Mr. Stevens states the current language will provide assessment for “some of the areas but not all” possible impacts to FWHCA. Laurie Ness, *Richland Planning Commission Workshop 12/12/2018 (Workshop Audio)*, Audio Recording, at 19:10).

^[5]*Workshop Audio* at 16:40-25:40.

^[6]Patrick Paulson and Laurie Ness, “RE: Additional Performance Standards, BAS, and habitats and species of local importance”, 11/26/2018, pp. 42-45 in *Workshop Agenda Packet* (Beavers and Beaver Dams); *Comments on Critical Area Ordinance for Planning Commission Workshop on September 12, 2018*, submitted 1/9/2019 (Beavers and Otters). Lori Wollerman Nelson, “comments on proposed code amendment to CAO”, 11/29/2018, pp. 46-47 in *Workshop Agenda*

Packet (Black-capped Chickadee and Downy Woodpecker). Dana Ward, Lower Columbian Basin Audubon Society, “Information that should be considered in the Critical Area Ordinance (CAO) for the City of Richland”, pp. 57-59 in *Workshop Agenda Packet* (Yakima Delta Important Bird Area).

^[7]The County is required to make a “reasoned analysis on the record, including best available science and other local factors” in determining whether or not a habitat or species should be designated as Habitat or Species of Local Importance. *Island County Citizens' Growth Management Coalition, et al v. Island County* WWGMHB Case 98-2-0023c, Compliance Hearing Order on FDO Remand Issues 5,7,9,13 and 17 (Oct. 12, 2000), p. 18.

^[8]*WEAN v. Island County*, WWGMHB Case 14-2-0009, Final Decision and Order (June 24, 2015), pp. 12-15.

^[9]*Comments on Critical Area Ordinance for Planning Commission Workshop on September 12, 2018*, submitted 1/9/2019.

^[10]Patrick Paulson and Laurie Ness, section titled “Habitat Conservation Report requirements insufficient for FWHCAs not associated with PHS, ETS, or HSLI habitats or species” within “RE: Comments on Draft CAO language”, 11/5/2018, pp. 60-63 in *Workshop Agenda Packet*.

^[11]Patrick Paulson and Laurie Ness, “RE: Protecting FWHCA associated with Category 1 wetlands, waters of the state, and small ponds And FWHCA designated by Location”, 11/23/2018, pp. 12-16 in *Workshop Agenda Packet*.

^[12]*Ibid.*, also Patrick Paulson and Laurie Ness, section titled “Habitat Conservation Report requirements insufficient for FWHCAs not associated with PHS, ETS, or HSLI habitats or species” within “RE: Comments on Draft CAO language”, 11/5/2018, pp. 60-63 in *Workshop Agenda Packet*.

^[13]*Supra*, note 10.

^[14]“Habitat Conservation Report requirements insufficient for FWHCAs not associated with PHS, ETS, or HSLI habitats or species” within “RE: Comments on Draft CAO language”, 11/5/2018, pp. 60-63 in *Workshop Agenda Packet*.

^[15]Patrick Paulson and Laurie Ness, *RE: ‘Regulated Activities’ for Fish and Wildlife Habitat Conservation Areas (FWHCA) and their buffers*, 12/10/2018 (submitted 1/10/2019).

^[16]Patrick Paulson and Laurie Ness, “RE: Additional Performance Standards, BAS, and habitats and species of local importance”, 11/26/2018, pp. 42-45 in *Workshop Agenda Packet*.

^[17]*Workshop Audio* at 10:25.

^[18]Debbie Berkowitz, *Re: Comments on the proposed changes to the CAO*, 12/10/2018.

--

Patrick Paulson

December 10, 2018

From: Patrick Paulson and Laurie Ness

2253 Davison Avenue

Richland WA 99354

Patrick_paulson@acm.org

Pennifurs.mom@gmail.com

RE: 'Regulated Activities' for Fish and Wildlife Habitat Conservation Areas (FWHCA) and their buffers

The current CAO Draft language, section RMC 22.10.210, *Fish and Wildlife Habitat conservation area - Performance Standards* states (our emphasis):

Development or any *regulated activity* occurring within a designated habitat conservation area or within its respective protection buffer, or development or any *regulated activity* proposed to occur adjacent to a habitat conservation area so as to likely impact critical area ecosystem functions and values, ...

The use of the term "regulated activity" has no meaning since the CAO only defines regulated activities with regard to wetland buffers (RMC 22.10.040, RMC 22.10.070). We suggest the following text be included in the CAO, perhaps as a sub-paragraph under RMC 22.10.210:

Regulated activities within or adjacent to fish and wildlife habitat conservation areas include any activity that may impact the functions and values of the area, unless otherwise exempt from the provisions of this section.

In general, there would be no way to determine which activities might impact functions and values without a habitat conservation report. In order to avoid requiring a report for activities which clearly will not impact functions and values, include a section specifying exempt activities such as passive wildlife viewing.

Date: 11/29/18

To: Mike Stevens and the Richland Planning Commission

From: Debbie Berkowitz

Re: Comments on the proposed changes to the CAO.

I appreciate the changes that have been proposed by staff to 22.10.185 - 200 FWCA and associated definition.

I would suggest the following additions (in track changes) based on the actions items from the Growth Management Hearings Board. These all relate to habitats of local importance, WNHP, and buffers.

22.10.185A3. Habitats and species of local importance.

- The City of Richland hereby adopts by reference those Priority Habitats and Species considered priorities for conservation and management identified by the State Department of Fish and Wildlife as the same now exist or as may be amended.
- The City also will allow nomination of habitats and species of local importance by any person. The nomination shall include the following: (a) Identification of specific habitat features to be protected (for example, nest sites, breeding areas, and nurseries), or if a habitat or ecosystem is being nominated in its entirety, a description and map of the geographic boundaries encompassed in the nomination; (b) Documentation of how the proposed species or habitat meets the following criteria (i) local populations of native species that are likely to become endangered, are vulnerable, or declining; (ii) species or habitats with recreational, cultural, economic, or other special value to the citizens of Richland, such as public appeal; (iii) Protection by other City, County, State, or Federal policies, laws, regulations, or non-regulatory tools are not sufficient to prevent degradation of the habitat or decline of the species; or (iv) Habitats of local importance represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and that is limited in availability, highly vulnerable to alteration, or provides landscape connectivity that contributes to the integrity of the surrounding landscape; (c) Management strategies, supported by the best available science, that if implemented would measurably help to conserve the species or habitat. The Administrator shall review and evaluate the nomination and make a recommendation to the planning commission which shall hold a public hearing and make a recommendation to the City Council.

Formatted: Font: (Default) Times New Roman, 10 pt

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

Commented [C1]: I'm pleased that the City is proposing to adopt by reference the PHS identified by WDFW, but think that there should also be an opportunity for citizens to have direct input to the process. Both of these aspects are part of a number of cities/counties critical areas ordinances.

Formatted: Font: (Default) Times New Roman, 10 pt

Commented [C2]: An example of a nomination process.

Formatted: Font: (Default) Times New Roman, 10 pt

22.10.185B. Fish and wildlife habitat conservation buffer areas

Buffer zones shall be established around fish and wildlife habitat conservation areas to protect the ecological integrity, structure and functions of the resource from development-induced impacts. Buffer widths shall reflect the sensitivity of the species or habitat present and the type and intensity of the proposed adjacent human use or activity, consistent with best available science.

Commented [C3]: Buffers are alluded to in the next section and in 22.10.200, but their establishment is not required in those sections. This separate section would establish the requirement.

22.10.185CB. Fish and wildlife habitat conservation areas are intended to and the city shall use the best available science to

Commented [C4]: These shouldn't be just an 'intent'.

22.10.190 Fish and wildlife habitat conservation area inventory maps.

(1st paragraph): 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 as well as maps from other sources based on best available science. The City's critical areas map shall include FWHCAs as mapped by the WDFW and WNHP and shall also include maps of habitats or species of local importance.

(last paragraph): It is also possible that unmapped areas may include priority species or habitats as well as FWHCAs described in 22.10.185A. If such a species or habitat is known to exist within an unmapped area.....

22.10.200 Requirements for habitat conservation area reports.

C2. Identification of any priority species and habitats (PHS), habitats of local importance, or any endangered, threatened, sensitive or candidate species and any species of local concern.....

22.10.210 Fish and wildlife habitat conservation area – Performance standards.

C. Integrate retained habitat and its buffers into open space and native plantings....

D. Activity within a habitat conservation area and its buffers shall not result in the degradation of the functions and values of the habitat.

E. ... into a habitat conservation area or its buffers.

F.within a habitat conservation and its buffers.

Etc. i.e., include buffers when discussing habitat areas.

Thank you for considering these proposed additions.

Comments on Critical Area Ordinance for Planning Commission Workshop on September 12, 2018

Patrick Paulson and Laurie Ness

1. Plant Species (Issue 1a)

While the textual changes to protect state-listed plant species should be straight forward, we'd like to emphasize to the commission that this is not merely a bookkeeping item—it provides the City with the means to protect important plant species that occur within the City's urban growth area. The Washington Natural Heritage Program (WNHP) provides online mapping resources showing occurrences of state listed plant Species in/near Richland (WNHP 2017). These areas contain Columbia Yellowcress (*Rorippa columbiae*) and Grand Redstem (*Ammannia robusta*), both listed as threatened by the Washington Department of Natural Resources (WDNR). They also contain Snake River Cryptantha and Lowland Toothcup (*Rotala ramosior*), both listed as sensitive by WDNR. Since none of these plant species are listed federally they are unprotected by the current CAO.

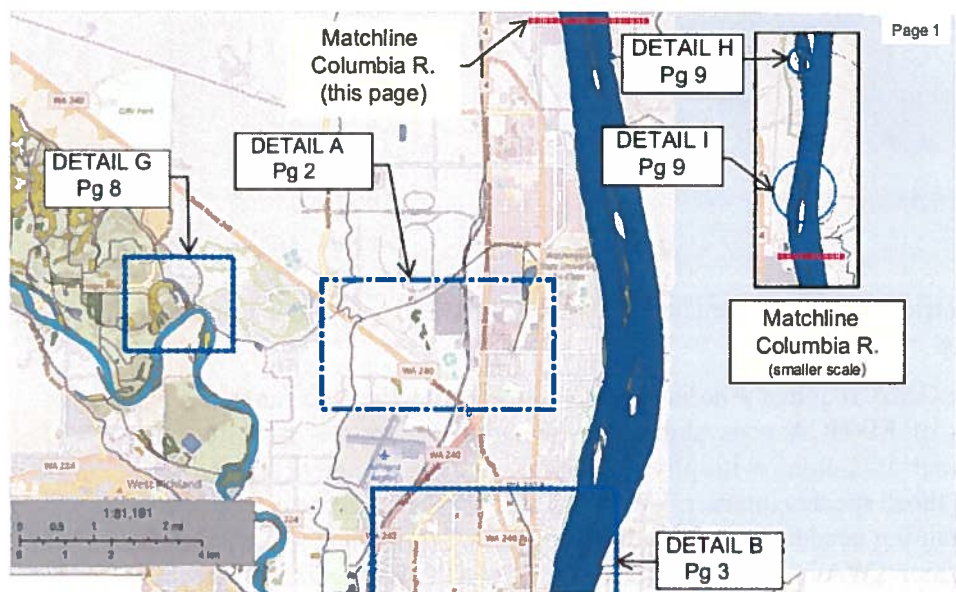


Figure 1 Overview of areas where state-designated plant species occur

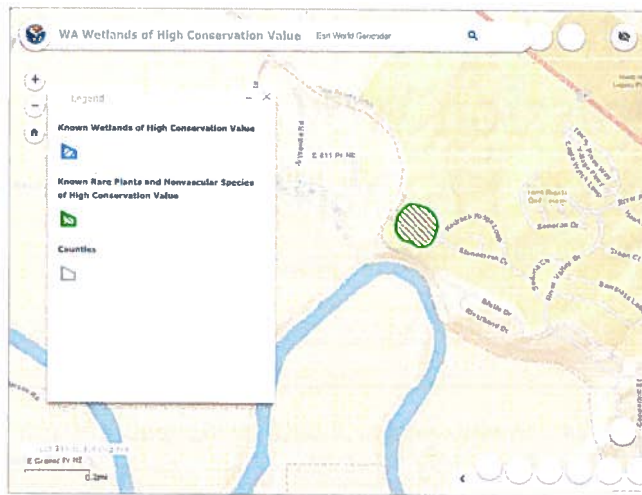


Figure 2 Horn Rapids area

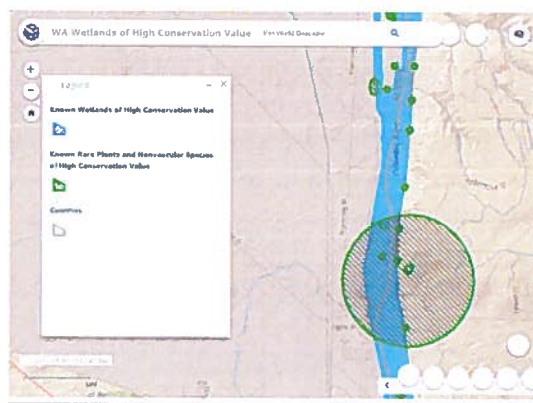


Figure 3. Vicinity of North Richland Industrial Area

1.1 Ecosystems

The Board specifically enjoins the City to designate FWHCA in order to protect high quality ecosystems, stating

... the GMA requires a holistic approach to protecting the functions and values of FWHCA ecosystems consisting of the species that live in a particular area along with physical components of the environment with which those species interact. FWHCAs are “areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem [WAC 365-190-030(6)(a)] (Growth Management Hearings Board 2018).

We suggest that the City designate any high-quality examples of Ecosystems identified by WNHP be designated as FWHCA. WNHP is identifying “subgroups” of ecosystems that will allow it to “track the various ecological settings on the landscape while plant associations provide the ability to track the biotic diversity within those settings” (WDNR 2018a). Areas that belong to the

ecosystem subgroups identified by WNHP should be designated as FWHCA. WNHP has a catalog of wetland and riparian ecosystem subgroups (WDNR 2018b); future efforts will designate upland ecosystem subgroups.

Example CAOs that designate ecosystems include section 24.25.075.D of Thurston County's CAO designates and protects prairie habitat as a FWHCA (Thurston County 2012); the City of Leavenworth has a mechanism for formally including ecosystems as FWHCA. Section 16.08.430.F of its CAO states:

Areas formally designated by the city as areas of rare plant species, high quality ecosystems, or land useful or essential for preserving connections between habitat blocks and open spaces: classified as fish and wildlife habitat conservation areas of local importance (City of Leavenworth 2018).

2. Habitats and Species of Local Importance (HSLI)

2.1 PHS Habitats and Species

WDFW recommends that "CAOs designate and protect *all* PHS Habitats/Species as Habitats and Species of Local Importance (or through some other means)" [emphasis ours] and also notes that "For jurisdictions that choose not to designate/protect all PHS species/habitats, jurisdiction should maintain a record of the science used to reach that conclusion" (Muller 2016)¹. The PHS List compiled by WDFW represents the BAS regarding areas that should be designated as FWHCA. While it possible for Richland to bring forward science to justify *not* designating these areas the Board will likely find the language non-compliant with the GMA.

State GMA rules require that

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 ...* [emphasis added].²

Many jurisdictions use the PHS list to designate FWCHA; Appendix B below shows example code from other jurisdictions. Appendix A below gives a summary of Board findings on this issue.

¹ P. 20. The text is obscured by an image in the PDF version, but can be selected and viewed with a PDF reader. (Muller 2016)

² WAC 365-190-130(4)(b). The PHS information is the BAS.

2.2 HSLI as Determined Locally

2.2.1 Habitat: Beaver Dams

Beaver dams support biodiversity and are correlated with the occurrence of many species. They are especially important in arid climates such as ours. We cite science that supports our argument that beaver dams should be designated as a habitat of local importance.

Beaver dams have been shown to be beneficial to the breeding success of dabbling ducks such as teal (Nummi and Hahtola 2008). Since damage to beaver dams may adversely affect dabbling ducks, most of which are protected under the North American Migratory Bird Act, beaver dams should be designated as FWHCA. In addition, research has shown that “total species richness, total abundance, and aquatic assemblage abundance were each positively correlated with [beaver] dam density, suggesting that dam density is related to other riparian characteristics selected by birds” and suggest that “increasing dam-building activity may be important in creating favorable riparian conditions for a rich and abundant bird community in semiarid regions” (Cooke and Zack 2008).

Beaver dams may also be correlated with populations of Great Blue Herons (New Hampshire Fish and Game Department. 2005), a PHS candidate species. Further, beaver dams “increased niche availability [of invertebrates] through active maintenance of wetlands” and “played an important role in aquatic invertebrate diversity and distribution” (Hood and Larson 2014); invertebrates are an important food source for many migratory bird species.

Beaver dams are frequently used by juvenile Coho salmon and other fishes and recent research suggests that “Watershed-scale restoration activities designed to increase Coho Salmon production should emphasize the creation of ponds and other slow-water environments; increasing beaver populations may be a simple and effective means of creating slow-water habitat.” (Pollock et al. 2004). Research also shows that beaver ponds “increased rearing habitat for Coho during the late summer low flow” and that “Beaver represent a low-cost tool deserving more consideration for stream rehabilitation projects” (Hibbs, McComb, and Leidholt-bruner 1992). A meta-analysis of studies on the influence of beaver dams and fish populations found that “The majority of 49 North American and European experts considered beaver to have an overall positive impact on fish populations, through their influence on abundance and productivity” (Kemp et al. 2012).

Research suggests that “Beaver-induced changes to habitat quality, stability, and connectivity may increase spotted [Columbia] frog population resistance and resilience to seasonal drought, grazing, non-native predators, and climate change, factors which threaten local or regional persistence” (Arkle and Pilliod 2015).

2.2.2 Species: Protections for Eagles

Bald and Golden Eagles are not listed as a protected species at either the State or Federal level. However, federal and state laws prohibit killing, injuring, or disturbing bald and golden eagles without a permit (WDFW 2018a). We believe the CAO should help developers take actions to avoid requiring a federal permit and, failing that to ensure developers obtain necessary permits. This can be facilitated by designating areas associated with eagles as FWHCA.

WDFW recommends that CAO Updates “require that developers who may potentially impact bald eagle habitat complete the USFWS’ self-assessment to determine if a permit from USFWS is needed”. WDFW and the U.S. Fish and Wildlife Service (USFWS) also recommends “that

development activities near bald eagle habitat be carried out consistent with the national Bald Eagle guidelines [(U.S. Fish and Wildlife Service 2007), also applicable to Golden Eagles]" (Muller 2016, p. 14). This recommendation to be expanded to include Golden Eagles. Since these guidelines require evaluation of variables such as nesting chronology and the likely impact of activities on eagles Richland's CAO should require that when activities are carried out near eagle habitat the developer is required to hire a qualified professional to prepare a Wildlife Habitat Conservation report to ensure that USFWS guidelines are followed.

The City of Sequim's CAO, Section 18.80.070.D.4 specifies that "Whenever activities are proposed within 800 feet of a verified nest territory or communal roost, a habitat management plan must be developed by a qualified professional. The director must verify the location of eagle management areas for each proposed activity" (City of Sequim 2018). Similar language should be adopted by the City of Richland specifying that the plan must follow USFWS recommendations.

2.2.3 Species: Beavers and Otters

Beavers and Otters server as "sentinel species". Their reliance on marine environments mean that their presence in our arid region indicates an area of high ecological diversity. Beavers and otters should be specified by the CAO as species of local importance.

(Peterson and Schulte 2016) write "Sentinel species can serve as indicators for both individual and population-level health risks to both wildlife and humans, and therefore facilitate the mitigation and prevention of such contamination. When such species are also keystone species and/or ecological engineers in aquatic ecosystems, understanding the influence of pollutants on their physiology and behavior acquires added importance. Given that river otters (*Lontra canadensis* and *Lutra lutra*) and beavers (*Castor canadensis* and *C. fiber*) serve such roles and are susceptible to a wide-range of anthropogenic pollution, this makes them prime candidates as indicators or sentinels of aquatic ecosystem health."

3. Protecting Designated Fish and Wildlife Habitat Conservation Areas (FWHCA) (Issue 4)

3.1 Determining the location and extent of designated FWHCA

Developers should be required create a Habitat Conservation Report when the proposed activity may adversely affect a FWHCA. However, many of the areas designated as FWHCA in the CAO do not have clear geographical boundaries to help the City and developers determine when such adverse effects are possible. The Board has required the City to update the CAO so that assessment of the impact of development activities is done, when necessary, to ensure that FWHCAs are protected.

3.1.1 Show borders of Named areas on critical areas map.

Several specific geographical areas are designated as FWHCA by RMC 22.10.185. The following areas do not have firm geographical boundaries or boundaries that are determined by the City:

- "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" (RMC 22.10.185.A.3)

- “Amon Creek Natural Preserve” (22.10.185.A.5)
- “Badger Mountain Natural Preserve” (22.10.185.A.6)

Some of these areas appear on various maps produced by the City; however, they do not occur on Richland’s Critical Area Map [cite map]. The CAO should specify exactly how to determine the borders of these regions.

In addition, the CAO should either require that other designated FWHCA with known geographical boundaries; preferably by showing them explicitly on the Critical Areas Map or alternately by specifying how to determine boundaries through the appropriate federal or state agencies.

3.1.2 Specify additional resources to identify areas that contain designated FWHCA

The current CAO states “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” (RMC 22.10.190). While the PHS service should definitely be used, the current language seems to unnecessarily restrict which resources can be used to determine the location of designated FWHCA. The CAO should make it clear that in addition to the PHS mapping service mapping tools from other agencies should be used when appropriate, especially in the preparation of Wildlife Conservation Area reports. Ideally the CAO should explicitly call out resources that meet BAS requirements. Such resources can include WNHP’s mapping services for high quality ecosystems and threatened and sensitive plants and the National Wetlands Inventory for wetlands and riverine habitat.

3.1.3 Identifying “waters of the state” and small wetlands and streams

RMC 22.10.185.A.12 designates waters of the state as FWHCA, which “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” (RCW 90.38.20). Additional tools can be suggested by the CAO to determine if development may adversely affect waters of the state.

Our small wetlands and streams make up riparian ecosystems. This ecosystem is essential to both aquatic and terrestrial wildlife species. As noted in (Windrope et al. 2018), “More than 85% of all species on the landscape use riparian ecosystems during some phase of their life. Of these, about 170 species including 134 mollusks, 11 amphibians, 3 reptiles, 10 birds, and 9 mammals are likely riparian obligates—requiring riparian habitat to complete their life cycle.” These habitats are especially important in Richland’s arid climate.

Resources to identify waters of the state include the National Wetlands Inventory Mapper (USFWS 2015) and WNHP’s wetland viewer (WDNR 2018c). The use of these tools is illustrated in (Ness and Paulson 2018) which shows wetland habitats and streams in the City of Richland.

3.2 Best Available Science on activities that negatively impact FWHCA

In our comments submitted for the Planning Commission Workshop on July 11, 2018, we provided a partial catalog of sources of BAS to use to determine when activities may cause harm to the values and functions of FWHCA. WDFW provides management recommendations which can be used to ensure the CAO includes appropriate triggers to determine when a development proposal requires an assessment of impacts to FWHCA (WDFW 2018c). WDFW’s PHS list (WDFW 2008) provides an overview of every priority habitat and species; (Windrope et al. 2018)

provides management recommendations for riparian ecosystems, including minimum buffers based on stream type and site-specific recommendations.

Resources for the identification and protection of ecosystems include WDFW's Habitat Program (WDFW 2012), which provides "...sound scientific information, management recommendations, and expert technical guidance to other agencies and the public". The program can provide "policy leadership and coordination of land use planning issues related to the Growth Management Act, Shoreline Management Act, and Priority Habitats and Species (PHS) program... and science-based support for the development of local growth management and shoreline management plans, ordinances, and programs" and PHS information to ensure fish and wildlife needs (WDFW 2012, 3). WDFW's regional offices offer "technical support consistent with habitat conservation priorities to local governments participating in ... Critical Area Ordinance updates, and the application of PHS information to regulatory activities" and provides "technical assistance to citizens on habitat protection and restoration" (WDFW 2012, 5). The regional office for the City of Richland, Region 3, has focus areas on "Conserving and protecting remaining shrub-steppe habitat and priority species that depend on these habitats" and "Restoring habitat to aid recovery of threatened salmon and steelhead populations in the Yakima River Basin" (WDFW 2012, 6).

3.3 BAS for specific species and habitats

The CAO must determine the conditions for the requiring a Wildlife Conservation Area report to ensure that buffers and other protective measures can be recommended by a qualified professional when a development activity may harm the values of functions of FWHCA. This section highlights sources of BAS to use in the development of the CAO. These sources can be used to determine recommended buffer widths to protect habitats and species; the CAO could ensure that the Wildlife Conservation Area report is required whenever development might occur in such a buffer. It should be noted that the report may conclude that a suspect area is not a FWHCA – that is, is not associated with a PHS habitat or species, or that measures other than a buffer can be used to protect FWHCA.

Table 1 lists species that are known to occur in Benton county and which should be considered in the development of Richland's CAO. The table is not complete, notable omissions include steelhead trout and American White Pelican. In this table a State Status of 'T', 'S', 'C', or 'M' indicates 'Threatened', 'Sensitive', 'Candidate', or 'Monitored', respectively. The CAO is required to protect all State-listed threatened and sensitive species; it is also required to protect state candidate species unless it can provide convincing BAS for not doing so. A Federal Status of 'C' indicates a Federal Candidate species while 'SC' indicates a species of concert. Candidate species may potentially be listed as threatened or endangered; it makes sense for the CAO to protect them proactively. A Species of Greatest Concern (SGCN) is a species that the State of Washington has determined may require immediate protection to prevent future decline.

In addition to the species listed in Table 1 anadromous fish species should also be protected by the CAO; these species are given a special status in the GMA. Note that PHS shows occurrences of salmonid species in Richland outside of the Shoreline Management Plan (SMP) jurisdiction; development in these areas are only regulated by the CAO. (Knight 2009) gives land-use planning recommendations for anadromous fisheries.

Table 1. State-monitored species, compiled from Appendix D of (J. Azerrad et al. 2009)

Taxon	Common_Name	Scientific_Name	SGCN	PHS	State Status	Federal Status	County
Amphibian	Woodhouse's Toad	Anaxyrus woodhousii			M		Benton
Bird	Bald Eagle	Haliaeetus leucocephalus	Y	1	S	SC	Benton
Bird	Black-crowned Night-heron	Nycticorax nycticorax		2	M		Benton
Bird	Black-necked Stilt	Himantopus mexicanus		2	M		Benton
Bird	Burrowing Owl	Athene cunicularia	Y	1	C	SC	Benton
Bird	Caspian Tern	Hydroprogne caspia		2	M		Benton
Bird	Common Loon	Gavia immer	Y	1,2	S		Benton
Bird	Ferruginous Hawk	Buteo regalis	Y	1	T	SC	Benton
Bird	Forster's Tern	Sterna forsteri		2	M		Benton
Bird	Golden Eagle	Aquila chrysaetos	Y	1	C		Benton
Bird	Grasshopper Sparrow	Ammodramus savannarum			M		Benton
Bird	Great Blue Heron	Ardea herodias	Y	2	M		Benton
Bird	Great Egret	Ardea alba			M		Benton
Bird	Great Egret	Ardea alba			M		Benton
Bird	Greater Sage-grouse	Centrocercus urophasianus	Y	1,3	T	C	Benton
Bird	Lewis' Woodpecker	Melanerpes lewis	Y	1	C		Benton
Bird	Loggerhead Shrike	Lanius ludovicianus	Y	1	C	SC	Benton
Bird	Long-billed Curlew	Numenius americanus		2	M		Benton
Bird	Merlin	Falco columbarius		1	C		Benton
Bird	Northern Goshawk	Accipiter gentilis	Y	1	C	SC	Benton
Bird	Osprey	Pandion haliaetus			M		Benton
Bird	Peregrine Falcon	Falco peregrinus	Y	1	S	SC	Benton
Bird	Prairie Falcon	Falco mexicanus	Y	3	M		Benton
Bird	Sage Sparrow	Amphispiza belli	Y	1	C		Benton
Bird	Sage Thrasher	Oreoscoptes montanus	Y	1	C		Benton
Bird	Swainson's Hawk	Buteo swainsoni			M		Benton
Bird	Turkey Vulture	Cathartes aura			M		Benton
Bird	Vaux's Swift	Chaetura vauxi	Y	1	C		Benton
Bird	Western Grebe	Aechmophorus occidentalis	Y	1,2	C		Benton
Bird	Yellow-billed Cuckoo	Coccyzus americanus	Y	1	C	C	Benton
Mammal	American Badger	Taxidea taxus	Y		M		Benton
Mammal	Black-tailed Jackrabbit	Lepus californicus	Y	1,3	C		Benton
Mammal	Fringed Myotis	Myotis thysanodes		2	M	SC	Benton
Mammal	Hoary Bat	Lasiurus cinereus			M		Benton
Mammal	Long-eared Myotis	Myotis evotis		2	M	SC	Benton
Mammal	Long-legged Myotis	Myotis volans		2	M	SC	Benton
Mammal	Merriam's Shrew	Sorex merriami	Y	1	C		Benton
Mammal	Northern Grasshopper Mouse	Onychomys leucogaster			M		Benton
Mammal	Ord's Kangaroo Rat	Dipodomys ordii			M		Benton

Taxon	Common_Name	Scientific_Name	SGCN	PHS	State Status	Federal Status	County
Mammal	Pallid Bat	<i>Antrozous pallidus</i>		2	M		Benton
Mammal	Sagebrush Vole	<i>Lemmiscus curtatus</i>			M		Benton
Mammal	Spotted Bat	<i>Euderma maculatum</i>			M		Benton
Mammal	Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	Y	1,2	C	SC	Benton
Mammal	Townsend's Ground Squirrel	<i>Urocitellus townsendii</i>	Y	1	C	SC	Benton
Mammal	Western Pipistrelle	<i>Pipistrellus hesperus</i>			M		Benton
Mammal	Western Small-footed Myotis	<i>Myotis ciliolabrum</i>		2	M	SC	Benton
Mammal	White-tailed Jackrabbit	<i>Lepus townsendii</i>	Y	1,3	C		Benton
Reptile	Common Sagebrush Lizard	<i>Sceloporus graciosus</i>	Y	1	C	SC	Benton
Reptile	Desert Nightsnake	<i>Hypsiglena chlorophaea</i>			M		Benton
Reptile	Gopher Snake	<i>Pituophis catenifer</i>	Y		M		Benton
Reptile	Pygmy Short-horned Lizard	<i>Phrynosoma douglassii</i>	Y		M		Benton
Reptile	Ringneck Snake	<i>Diadophis punctatus</i>			M		Benton
Reptile	Southern Alligator Lizard	<i>Elgaria multicarinata</i>			M		Benton
Reptile	Striped Whipsnake	<i>Coluber taeniatus</i>	Y	1	C		Benton
Reptile	Western Yellow-bellied Racer	<i>Coluber constrictor</i>	Y		M		Benton

3.3.1 Birds

(Larsen, Azerrad, and Nordstrom 2004) contains management recommendations for the protection of bird species. It includes specific recommendations for Common Loon, American White Pelican, Great Blue Heron, Ferruginous Hawk, Golden Eagle, Bald Eagle, Prairie Falcon, Burrowing Owl, Vaux's Swift, Lewis' Woodpecker, Loggerhead Shrike, Sage Thrasher, and Sage Sparrow; all of these species occur in Benton County (Table 1).

A review of the scientific literature on appropriate buffer widths to protect avian species concluded "If avian habitat is a management objective, managers should consider managing for riparian zones that are at least 100 m wide" (Fischer and F. Theriot 2000).

WDFW recommendations for Great Blue Heron colonies recommend (Azerrad 2012) year-round buffer sizes ranging from 200 ft. in urban areas to about 1000 ft. in rural areas. The CAO could account for this by requiring habitat assessment for projects that are located within 1000 ft. when PHS mapping or other resources indicate the possibility of Heron rookeries.

3.3.2 Mammals

WDFW is currently finalizing recommendations for mammals (WDFW 2018b).

3.3.3 Shrub-Steppe

Sources of BAS from WDFW include (Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson 2011a) and (Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson 2011b). These sources suggest that a survey of existing shrub-steppe and a long range plan for shrub-steppe management are required. (J. M. Azerrad et al. 2011) contains practices

that should be considered when preparing a Habitat Conservation Report for shrub-steppe areas and could be incorporated in a list of Best Management Practices (BMP).

4. Bibliography

- Arkle, Robert S., and David S. Pilliod. 2015. "Persistence at Distributional Edges: Columbia Spotted Frog Habitat in the Arid Great Basin, USA." *Ecology and Evolution*. doi:10.1002/ece3.1627.
- Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011a. "Long-Range Planning: Considering the Shrub-Steppe Landscape." Olympia, WA. <https://wdfw.wa.gov/publications/01334/>
- . 2011b. "Management Recommendations for Washington's Priority Habitats: Managing Shrub-Steppe in Developing Landscapes." Olympia, WA. <https://wdfw.wa.gov/publications/01333/wdfw01333.pdf>.
- Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011. "Site-Specific Management: How to Avoid and Minimize Impacts of Development to Shrub-Steppe." Olympia, WA. <https://wdfw.wa.gov/publications/01335/>.
- Azerrad, Jeff, John Carleton, Jennifer Davis, Timothy Quinn, Chris Sato, Michelle Tirhi, George (WDFW) Wilhere, and Suzanne (The Watershed Company) Tomassi. 2009. "Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas (A Priority Habitats and Species Guidance Document)." Olympia, WA. <https://wdfw.wa.gov/publications/00023/>.
- Azerrad, Jeffrey M. 2012. "Priority Habitats and Species Management Recommendations: Great Blue Heron." Olympia, WA. <https://wdfw.wa.gov/publications/01371/wdfw01371.pdf>.
- City of Sequim. 2018. *CRITICAL AND ENVIRONMENTALLY SENSITIVE AREAS PROTECTION*. <https://www.codepublishing.com/WA/Sequim/html/Sequim18/Sequim1880.html>.
- Cooke, Hilary a., and Steve Zack. 2008. "Influence of Beaver Dam Density on Riparian Areas and Riparian Birds in Shrubsteppe of Wyoming." *Western North American Naturalist*. doi:10.3398/1527-0904(2008)68[365:IOBDDO]2.0.CO;2.
- Fischer, Richard, and Russell F. Theriot. 2000. "Width of Riparian Zones for Birds,". <https://dnr.wi.gov/topic/ShorelandZoning/documents/riparianzonewidthforbirds.pdf>
- Growth Management Hearings Board, Eastern Washington Division (State of Washington). 2018. Final Decision and Order, Case #17-1-0006, Laurie Ness & Patrick Paulson v. City of Richland.
- Hibbs, David E, William C Mccomb, and Karen Leidholt-bruner. 1992. "Beaver Dam Locations and Their Effects on Distribution and Abundance of Coho Salmon Fry in Two Coastal Oregon Streams." *Northwest Science*. https://www.researchgate.net/profile/Brenda_Mccomb2/publication/267970331_Beaver_Dam_Locations_and_Their_Effects_on_Distribution_and_Abundance_of_Coho_Salmon_Fry_in_Two_Coastal_Oregon_Streams/links/54d260720cf28e069723fe9f/Beaver-Dam-

Locations-and-Their-Effects-on-Distribution-and-Abundance-of-Coho-Salmon-Fry-in-Two-Coastal-Oregon-Streams.pdf

- Hood, Glynnis A., and David G. Larson. 2014. "Beaver-Created Habitat Heterogeneity Influences Aquatic Invertebrate Assemblages in Boreal Canada." *Wetlands*. doi:10.1007/s13157-013-0476-z.
- Kemp, Paul S., Tom A. Worthington, Terence E.L. Langford, Angus R.J. Tree, and Martin J. Gaywood. 2012. "Qualitative and Quantitative Effects of Reintroduced Beavers on Stream Fish." *Fish and Fisheries*. doi:10.1111/j.1467-2979.2011.00421.x.
- Knight, Katie. 2009. "Land Use Planning for Salmon, Steelhead and Trout: A Land Use Planner's Guide to Salmonid Habitat Protection and Recovery." Olympia, WA. <https://wdfw.wa.gov/publications/00033/>
- Larsen, Eric M., Jeffrey M. Azerrad, and Noelle Nordstrom. 2004. "Management Recommendations for Washington's Priority Species Volume IV: Birds (Revised 2012)." Olympia, WA. <https://wdfw.wa.gov/publications/00026/>
- Muller, Matt (WDFW PHS SECTION). 2016. "Fish and Wildlife Habitat Conservation Areas, Rev. 7/15/2016." In *CAO Workshop, SW Washington Planners Forum*. Vancouver, WA. https://www.google.com/url?q=https://www.ezview.wa.gov/Portals/_1949/images/03-DFW-FWHCA.pdf&sa=U&ved=0ahUKEwibs4fZpKTdAhVLRK0KHdx6D2UQFggMMAM&client=internal-uds-cse&cx=006237070161275942077:ua7ttvn4j6u&usg=AOvVaw20OQrYex4rbKiIL_QEJUP E.
- Ness, Laurie, and Patrick Paulson. 2018. "Riverine Streams, Wetlands & Plants of High Ecological Value: Overview Map with Detail Maps Labeled A-I (Exhibit for Board Hearing)."
- New Hampshire Fish and Game Department. 2005. "New Hampshire Wildlife Action Plan, Appendix B." <https://www.martinezbeavers.org/wordpress/wp-content/uploads/2011/02/Great-Blue-Heron-and-beaver-dependence-Kelly-JR-New-Hampshire-Fish-and-Game.pdf>
- Nummi, Petri, and Anna Hahtola. 2008. "The Beaver as an Ecosystem Engineer Facilitates Teal Breeding." *Ecography*. doi:10.1111/j.0906-7590.2008.05477.x.
- Peterson, Elizabeth K., and Bruce A. Schulte. 2016. "Impacts of Pollutants on Beavers and Otters with Implications for Ecosystem Ramifications." *Journal of Contemporary Water Research & Education*. doi:10.1111/j.1936-704X.2016.03212.x.
- Pollock, Michael M., George R. Pess, Timothy J. Beechie, and David R. Montgomery. 2004. "The Importance of Beaver Ponds to Coho Salmon Production in the Stillaguamish River Basin, Washington, USA." *North American Journal of Fisheries Management*. doi:10.1577/M03-156.1.
- Thurston County. 2012. *Fish and Wildlife Habitat Conservation Areas (CAO)*. https://www.co.thurston.wa.us/planning/critical_areas/adopted-ordinance/cao-attachment-b-chapter-24-25-fish-and-wildlife-habitat-conservation-areas.pdf.

- U.S. Fish and Wildlife Service. 2007. "National Bald Eagle Management Guidelines." *U.S. Fish and Wildlife Service. May 2007. 25 Pp.*
<https://www.fws.gov/southdakotafielddoffice/NationalBaldEagleManagementGuidelines.pdf>
- USFWS. 2015. "National Wetlands Inventory." *Wetlands Mapper*, 1.
<http://www.fws.gov/wetlands/data/mapper.HTML>.
- WDFW. 2008. "Priority Habitats and Species List (Updated June 2016)." Olympia, WA.
<https://wdfw.wa.gov/conservation/phs/list/>
- . 2012. "Habitat Program." <https://wdfw.wa.gov/publications/01064/>
- . 2018a. "Bald Eagles in Washington." https://wdfw.wa.gov/conservation/bald_eagle/.
- . 2018b. "Management Recommendations for Washington's Priority Species, Volume V: Mammals (IN PROGRESS)." Olympia, WA. <https://wdfw.wa.gov/publications/00027/>
- . 2018c. "WDFW Publications, Priority Habitats and Species."
[https://wdfw.wa.gov/publications/search.php?Cat=Priority Habitats and Species.](https://wdfw.wa.gov/publications/search.php?Cat=Priority%20Habitats%20and%20Species)
- WDNR. 2018a. "U.S. National Vegetation Classification." <https://www.dnr.wa.gov/NHP-USNVC>
- . 2018b. "Wetland and Riparian Vegetation Types."
[https://www.dnr.wa.gov/NHPwetlands.](https://www.dnr.wa.gov/NHPwetlands)
- . 2018c. "Wetlands of High Conservation Value Map Viewer."
[https://www.dnr.wa.gov/NHPwetlandviewer.](https://www.dnr.wa.gov/NHPwetlandviewer)
- Windrope, Amy, Timothy Quinn, Keith Folkerts, and Terra Rentz. 2018. "Riparian Ecosystems, Volume 2: Management Recommendations (2018)." Olympia, WA.
<https://wdfw.wa.gov/publications/01988/>
- WNHP. 2017. "Rare Plants and High Quality Ecosystems - WNHP Current Element Occurrences."
[https://www.arcgis.com/home/webmap/viewer.html?panel=gallery&suggestField=true&url=https%3A%2F%2Fgis.dnr.wa.gov%2Fsite%2Frest%2Fservices%2FPublic_Natural_Heritage%2FWADNR_PUBLIC_WNHP_Element_Occurrences%2FMapServer%2F2.](https://www.arcgis.com/home/webmap/viewer.html?panel=gallery&suggestField=true&url=https%3A%2F%2Fgis.dnr.wa.gov%2Fsite%2Frest%2Fservices%2FPublic_Natural_Heritage%2FWADNR_PUBLIC_WNHP_Element_Occurrences%2FMapServer%2F2)

Appendix A Board findings regarding Habitats and Species of Local importance; PHS

In *WEAN vs. Island County* the Board cited the Court of Appeals (*Ferry County v. Growth Mgmt. Hr'gs Bd.*, 184 Wn. App. 685, 731 (Wash. Ct. App. 2014), p. 731):

... That ordinance must comply with the GMA, which requires it to include BAS when it decides whether to designate species and habitats of local importance. *Honesty in Env'tl. Analysis & Legislation (HEAL) v. Cent. Puget Sound Growth Mgmt. Hr'gs Bd.*, 96 Wn. App. 522, 527, 979 P.2d 864 (1999). "RCW 36.70A.172(1) provides that counties and cities 'shall include' the best available science in developing both policies and regulations regarding critical areas. Inclusion of the best available science

in the development of critical areas policies and regulations is therefore a mandate of the GMA.” HEAL, 96 Wn. App. At 528.

The GMHB did not require the county to designate any species or habitat of local importance. The GMHB found the county enacted a critical areas ordinance. Therefore, the GMHB initially ruled that Ferry County must include BAS in the adoption of that regulation. In the alternative, the county must provide a reasoned justification for departing from BAS³.

In its order, the GMHB found

Generally, the WDFW’s priority habitat maps are the BAS for a county’s critical areas for listed species [citing *Stevens County v. Futurewise*, 146 Wn. App. 493, 511]. WDFW’s PHS indicates “any occurrence” of [a priority species] should be a “priority area.” [citing Washington Department of Fish and Wildlife, 2008, Priority Habitat and Species List. Olympia, Washington., p. 6, p. 6: “Any Occurrence: Applies to a priority species with limiting habitat that is not known or to a species that is so rare that any occurrence is important in a land use decision”]. ... Jurisdictions may depart from BAS but, in doing so, must provide a reasoned justification [citing ‘Swinomish Indian Tribal Cmty., 161 Wn.2d at 431-32’]⁴.

In the same case, the Board stated: “WAC 365-190-130(4)(b) provides that priority habitats and species include candidate species”⁵ and that “so long as the Western toad remains a state candidate species, it must be considered for protection.”⁶

The Board has also commented extensively on this matter in Case 97-1-0018c:

... The County’s reading of WAC 365-190-080(5) [“that only habitat protection is required for endangered, threatened, and sensitive species, but [optional for the other components of the WDFW/PHS program”] fails to consider that BAS is required to be included to justify its decision whether or not to protect and designate fish and wildlife habitat conservation areas, which include “habitats and species of local importance... The optional/permissive “sources and methods” under WAC 365-190-080(5)(c) allows counties to use other sources for BAS

³ WEAN v. Island County, Final Decision and Order, 6/24/2015 at p. 38

⁴ *Ibid*, pp. 38-39

⁵ *Ibid*. at p. 39

⁶ GMHB 14-2-0009 CO WEAN v. Island County, Order Finding Compliance and Continuing Non-Compliance 9/29/2016 at p. 15

“other than the WDFW PHS program,” not completely ignore habitats and species of local importance, particularly if the County has the science available in the record that shows certain habitat and species of local importance in the County are “candidates”, a step from ETS listing.

...

Critical areas are, among other areas, fish and wildlife habitat areas, which include not only areas with which endangered, threatened, and sensitive species have a primary association, but habitats and species of local importance. If habitats and species of local importance weren't required elements to be protected, they would not have been listed under fish and wildlife Habitat areas⁷.

The Board's conclusions in this case have been affirmed by the courts⁸.
The Board has also ruled:

The County's failure to include Candidate species and the inclusion of only two species of local importance does not comply with the Act in the face of clear and strong recommendations to the contrary by those agencies responsible for the protection of fish and wildlife habitat⁹.

The Board found Mason County out of compliance because its CAO failed "...to identify and protect habitats and species of local importance pursuant to WAC 365-190-080(5)(a)(ii). The County must identify habitats and species of local importance..."¹⁰.

Appendix B Example Code Language for including designating PHS areas as Habitats and Species of Local Importance

Benton County's recently adopted CAO designates the following as FWHCA:

- (2) State priority habitats and areas associated with state
priority species.

⁷ GMHB 97-1-0018c - Concerned Friends of Ferry County v. Ferry County, Seventh Order on Compliance at pp. 13-14

⁸ Ferry County v. Growth Mgmt. Hr'gs Bd., 184 Wn. App. 685, 339 P.3d 478, 2014 Wash. App. LEXIS 2347, 184 Wn. App. 685, 339 P.3d 478, 2014 Wash. App. LEXIS 2347

⁹ GMHB 95-2-0073 CO 3/2000 - Diehl, et al v. Mason County, et al, (Aquatic Management Areas) Order Finding Continued Noncompliance and Invalidity 3/22/2000 at p. 19

¹⁰ GMHB 95-2-0073 CO Diehl, et al. v. Mason County, et al., Stipulated Order Finding Continuing Noncompliance 2/8/1999 at p. 3

(i) State of Washington Priority Habitats and Species are considered priorities for conservation and management. The State of Washington's Department of Fish and Wildlife should be consulted for current listing of priority habitats and species.

(3) Habitats and species of local importance. Benton County designates the following as a habitat and species of local importance:

(i) Shrub-steppe habitat. Critical to supporting priority species in Benton County, shrub-steppe habitat as identified by the Washington State Department of Fish and Wildlife and included in the State Priority Habitats and Species List.

Note that (3) is currently redundant, since Shrub-steppe habitat is currently a priority habitat and therefore designated as FWHCA by paragraph (2).

1. State Listed Species and Associated Habitats.

1. Priority species and their habitats of primary association. Priority species identified on the WDFW Priority Habitats and Species (PHS) List and their habitats of primary association. (Consult the State Department of Fish and Wildlife for the current PHS list).
2. Priority habitats. Priority habitats identified on the WDFW Priority Habitats and Species (PHS) List. (Consult the State Department of Fish and Wildlife for the current PHS list).

1. Designation. The city of Chelan designates the following lands within the city and its urban growth area as fish and wildlife habitat conservation areas:

- a. All priority habitat and species areas shown on the Washington Department of Fish and Wildlife's (WDFW) priority habitat and species maps, as amended;
- b. All areas shown as wildlife habitat on the city's generalized critical areas map; and
- c. All riparian and wildlife corridors shown on the city's open space map.

¹¹ https://www.co.thurston.wa.us/planning/critical_areas/adopted-ordinance/cao-attachment-b-chapter-24-25-fish-and-wildlife-habitat-conservation-areas.pdf

¹² <http://www.codepublishing.com/WA/Chelan/#!/Chelan14/Chelan1410.html#14.10.060>

B. State priority habitats and areas associated with state priority species, including riparian habitat areas (RHAs): classified as fish and wildlife habitat conservation areas of state or federal importance.

Stevens, Mike

From: Patrick Paulson <pennifur.pop@gmail.com> on behalf of Patrick Paulson <patrick_paulson@acm.org>
Sent: Wednesday, January 9, 2019 4:39 PM
To: Planning Commission; Stevens, Mike
Cc: Laurie Ness
Subject: (CAO update: Comments missing from Dec. 12 PC workshop agenda packet. Fwd: Electronic versions of oral and comments from Sept. 26 OPM)
Attachments: Oral Comments.docx; ATT00001.htm; Oral Comments.pdf; ATT00002.htm; Comments on CAO Remand for Planning Commission Workshop 20180912.pdf; ATT00003.htm; Excerpts From Prehearing Brief.pdf; ATT00004.htm; Excerpts from Reply to Respondent's Brief.pdf; ATT00005.htm; Excerpts from Respondent's Prehearing Brief copy.pdf; ATT00006.htm

Follow Up Flag: Follow up
Flag Status: Flagged

sending with smaller documents as attachments in case "air drop" links don't work...

Begin forwarded message:

From: Patrick Paulson <patrick_paulson@acm.org>
Subject: Electronic versions of oral and comments from Sept. 26 OPM
Date: October 15, 2018 at 10:46:57 AM PDT
To: planningcommission@ci.richland.wa.us
Cc: Laurie Ness <pennifurs.mom@gmail.com>

I don't think I ever sent in electronic versions, might be easier to handle than the handouts from the meeting. We'd like these comments to be considered during the OPM PC meeting on 10/24/2018 along with this email.

This email includes

- Electronic version of oral comments
- Handouts
 - updated version of comments submitted for Sept. Workshop. This version includes active URIs for all referenced BAS
 - pdf of material prepared by us from PHS and other web sources
 - extracts of briefs and findings from Board case

Thanks

Comments to Planning Commission, September 26, 2018

Patrick Paulson, 2253 Davison Avenue, Richland

At your next meeting the Commission will make a recommendation on updates to the Critical Area Ordinance intended to bring it into compliance with the Growth Management Act.

Your next meeting is also the first time the public will be able to comment on the revised ordinance, since it seems like the revisions will only become available when the agenda packet is posted. There's a good possibility that you will have a lot of public input to weigh before you make your decision.

I don't envy you; you'll be wading through a lot of information, opinion, science, and regulations in a short period of time.

I urge you to vote to *not* adopt the revised ordinance unless you are convinced it complies with the GMA. The City can petition the Board for more time if needed; the Board will agree if the City shows it is working towards compliance.

If the City instead is once again found out of compliance the city may face sanctions – including the loss of state revenue. And then the whole process will have to be repeated. Ferry County was out of compliance regarding Fish and Wildlife Habitat Conservation Areas—FWHCA--from 2004 until 2017. Even then the County was only found compliant because it declared itself a “partial-planning county”; Richland does not have this option under the GMA.

In order to make a recommendation you'll need to review the Best Available Science relevant to protection of FWHCA, understand the relevant portions of the GMA, and understand why the Board found the City out of compliance.

With regard to Best Available Science, I've distributed copies of comments we submitted to the Commission for your workshop earlier this

month. (We assumed the workshop would be about the CAO). We'll be submitting additional comments for your next workshop.

I've also distributed relevant portions of the arguments brought before the Board. The 'Petitioners' Brief' argues that the CAO didn't properly designate and protect FWHCA. The "Respondent's Brief" was the City's argument that the CAO *does* comply (I've put a box around the relevant portions); and the Petitioner's Reply is our rebuttal.

The arguments presented by the City were rejected by the Board. The Board states it has a "firm and definite conviction that a mistake has been made", that the ordinance adopting the CAO is "clearly erroneous" and that the CAO "fails to comply with the requirements" of the GMA with regard to designation and protection of FWHCA.

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
EASTERN WASHINGTON REGION
STATE OF WASHINGTON

LAURIE NESS AND PATRICK PAULSON, Petitioners, v. CITY OF RICHLAND, Respondent	Case No.: 17-1-0006 PETITIONERS' REPLY TO RESPONDENT'S BRIEF
--	--

I. TABLE OF CONTENTS

I. Table of Contents	i
II. Exhibits.....	i
III. Acronyms	ii
IV. Issues Presented for Review and Argument.....	1
A. Issues 1, 2, and 3, FWHCA Designation and Mapping Resources.....	1
B. Issues 4 and 5, FWHCA Protection and Riparian Corridors	2

II. EXHIBITS

TAB 31, Washington State Department of Fish & Wildlife - Priority Habitat Species Map,
PETITIONERS' REPLY TO RESPONDENT'S BRIEF - i

1	attached to Petitioner’s request for official notice	1
2	TAB 32, Critical Areas Map, attached to Petitioner’s request for official notice.....	1
3	Tab 504 (<i>Priority Habitats and Species (PHS) List</i> , Washington Department of Fish and Wildlife (WDFW), Updated 2016	1
4	TAB 521, <i>Rare Species</i> , Washington State Department of Natural Resources, web page, https://www.dnr.wa.gov/NHPspecies , attached to Petitioner’s Second Motion to Supplement the Record	1
5		
6	TAB 522, <i>2017 Endangered, Threatened, and Sensitive Vascular Plant List</i> , attached to Petitioners’ Second Motion to Supplement the Record	1
7		

III. ACRONYMS

9		
10	BAS – Best Available Science	1
11	CA - Critical Area	1
12	ETS – Endangered, Threatened, and Sensitive	1
13	FWHCA – Fish and Wildlife Habitat Conservation Area	1, 2
14	PHS – Priority Habitats and Species	1
15	WDFW - Washington Department of Fish and Wildlife.....	1
16	WNHP - Washington Natural Heritage Program	1
17		
18		
19		
20		
21		
22		
23		

1 **IV. ISSUES PRESENTED FOR REVIEW AND ARGUMENT**

2 **A. Issues 1, 2, and 3, FWHCA Designation and Mapping Resources**

3 *Issue 1a.* The City fails to address our arguments. The Washington Natural Heritage Program
4 (WNHP) , not Washington Department of Fish and Wildlife (WDFW) , evaluates and ranks
5 native plants based on state-wide rarity.¹ WAC 365-190-040.4.a-b specifically lists “*rare plant*
6 *categories* and listings from the department of natural resources, natural heritage program” [our
7 emphasis]. This is the BAS for rare plants in Washington (*Ibid*). The City has neither designated
8 nor protected state listed endangered, threatened, and sensitive (ETS) plant species nor presented
9 a reasoned justification for this departure from the BAS.

10 *Issue 1b.* The City fails to respond to our argument that, by not designating WDFW Priority
11 Habitats and Species (PHS) , it has failed GMA's BAS and protection requirements. Fish and
12 Wildlife Habitat Conservation Areas (FWHCAs) are designated in RMC 22.10.185; the
13 standards for triggering, and required content of, reports are given in RMC 22.10.190-210. Ord.
14 40-17 neither designate as FWHCA, nor provide authority to protect areas outside of, the critical
15 areas (CAs) actually designated by the ordinance. The result is that PHS habitats and candidate
16 species occurring outside of designated FWHCA are neither designated or protected.²

17
18
19 ¹ “There are ...155 vertebrate species, 41 invertebrate species, and 11 species groups currently in the PHS
20 List.” Tab 504 (*Priority Habitats and Species (PHS) List*, Washington Department of Fish and
21 Wildlife (WDFW), Updated 2016, attached to our Addendum to Motion to Supplement the Record) at
22 1. “[WNHP] generates lists of those plants and nonvascular species ... of conservation concern.” TAB
23 521, *Rare Species*, Washington State Department of Natural Resources, web page at 1. Also note
TAB 522, *2017 Endangered, Threatened, and Sensitive Vascular Plant List*. TABS 521 and 522
attached to 2nd motion to supplement.

² TAB 32, Critical Areas Map at IR 459, and TAB 31, Washington State Department of Fish & Wildlife
- Priority Habitat Species Map, at IR 458, both attached to our Request for Official Notice. Any area
highlighted in TAB 31 that lies outside a FWHCA might contain candidate species or habitats.

1 **B. Issues 4 and 5, FWHCA Protection and Riparian Corridors**

2 4a. The City must protect FWHCA and use BAS to do so. The CAO must include protections
3 sufficient to ensure that impacts on FWHCA are assessed whenever a proposed activity will
4 affect the functions and values of a critical area. Yet, the City “does not claim to exclusively
5 define circumstances where such reports may be required (*Rpb* 13.5-7).” Claims that a qualified
6 professional will determine the extent or boundaries of a FWHCA (*Rpb* 13.9) and the
7 administrator has the authority to require studies for buffers (*Rpb* 13.12-13) presume that
8 FWHCA reports have been completed. But the only trigger for reports is when proposed activity
9 is *within* an FWHCA³, contradicting the BAS cited by the City (*Rpb* 12.20-25).

10
11
12
13
14
15
16
17
18
19
20
21
22 _____
23 ³ “When development is proposed *within* a fish and wildlife habitat conservation area, a habitat
conservation report shall be prepared [our emphasis]”, RMC 22.10.200.

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
EASTERN WASHINGTON REGION
STATE OF WASHINGTON

LAURIE NESS	Case No.: 17-1-0006
AND PATRICK PAULSON,	
Petitioners,	PETITIONERS' PREHEARING BRIEF
v.	
CITY OF RICHLAND,	
Respondent	

I. TABLE OF CONTENTS

I. Table of Contents	i
II. Authorities	ii
III. Washington Appellate and Supreme Court Decisions	ii
IV. Growth Management Hearings Board Decisions	ii
V. Exhibits.....	iii
VI. Acronyms	iii
VII. ISSUES PRESENTED FOR REVIEW AND ARGUMENT	1
1. Does Ordinance 40-17, reviewing and updating (RCW 36.70A.130) Richland's Critical Area Ordinance, fail to comply with GMA's requirements for protection of critical areas	
PETITIONERS' PREHEARING BRIEF - i	

(RCW 36.70A.060(2)) while including the best available science (RCW 36.70A.172) by failing to:..... 1

a) refer to the appropriate state agencies (as identified by WAC 365-190-040) regarding state-listed endangered, threatened, and sensitive plant species, or by failing to designate as FWHCAs, or otherwise protect, those areas with a primary association to such species (RMC 22.10.185(A), RMC 22.10.080(B)(1)(c))?..... 1

b) designate as Fish and Wildlife Habitat Conservation Areas (FWHCAs) and adopt adequate protective regulations, for those areas with a primary association with habitats and species of local importance, including Priority Habitats and Species (PHS) (which includes candidate species), designated by the Washington Department of Fish and Wildlife (WDFW) (WAC 365-190-130(2)(b))?..... 1

c) by failing to define “primary association”?..... 1

1.a. Endangered, threatened, and sensitive (ETS) plant species..... 1

1.b. Priority Habitats and Species, including Candidate species 3

2. [Issue 4] Does Ordinance 40-17, reviewing and updating (RCW 36.70A.130) Richland’s Critical Area Ordinance, fail to comply with GMA’s requirements for protection of critical areas (RCW 36.70A.060(2)) while including the best available science (RCW 36.70A.172) by failing to specify adequate buffers and other standards for protection of streams or other FWHCAs? 5

2.a. [Issue 4(a)] Failure to protect FWHCAs by not specifying adequate triggers for critical areas reports 5

II. AUTHORITIES

III. WASHINGTON APPELLATE AND SUPREME COURT DECISIONS

Yakima Cty. v. E. Wash. Growth Mgmt. Hearings Bd., 168 Wn. App. 680, 279 P.3d 434 (2012). 8

IV. GROWTH MANAGEMENT HEARINGS BOARD DECISIONS

Clark County Natural Resources Council, et al v. Clark County, et al, WWGMHB Case 96-2-0017c, Final Decision and Order (Dec. 6, 1996) 8

Concerned Friends of Ferry County v. Ferry County, EWGMHB Case 97-1-0018c, 8th Order on Compliance (Feb. 23, 2010)..... 8

V. EXHIBITS

TAB 29, <i>Community and Development Department, Planning & Development Services Division -Memorandum Re: Critical Area Ordinance Update, August 9, 2017</i> , attached to this brief.....	8
TAB 38, <i>Comments Matrix - Comments on Critical Area Ordinance Update, 2017</i> , attached to this brief.....	4
TAB 40, Laurie Ness and Patrick Paulson, <i>Comments on Proposed City of Richland's Draft Critical Area Ordinance (DCAO) Update, August 23, 2017</i> , attached to this brief.....	5, 8
TAB 501, City of Richland, <i>Chapter 22.10 SENSITIVE AREAS</i> , attached to this brief.....	3
TAB 502, Washington State Department of Community, Trade and Economic Development, <i>Critical Areas Assistance Handbook</i> , January, 2007, attached to Petitioners' Motion to Supplement the Record.....	7
TAB 504 <i>Priority Habitats and Species (PHS) List</i> , Washington Department of Fish and Wildlife (WDFW), Updated 2016, attached to Petitioners' Addendum to Motion to Supplement the Record.....	4
TAB 506, <i>Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas (A Priority Habitats and Species Guidance Document)</i> , WDFW, 2009, attached to Petitioners' Addendum to Motion to Supplement the Record	6, 7

VI. ACRONYMS

CA - critical area	7
ETS - Endangered, Threatened, and Sensitive species	1, 2, 3
FWHCA - Fish and Wildlife Habitat Conservation Area	1, 2, 8
MCAO - Washington Department of Ecology's Model Critical Areas Ordinance	4, 5
PHS -Priority Habitats and Species	1, 3, 7, 8
WDFW - Washington Department of Fish and Wildlife.....	1, 2, 3, 8
WDOC - Washington Department of Commerce	7
WDOE - Washington Department of Ecology.....	4, 5
WNHP - Dept. of Natural Resources Natural Heritage Program.....	1, 2

VII. ISSUES PRESENTED FOR REVIEW AND ARGUMENT

1. Does Ordinance 40-17, reviewing and updating (RCW 36.70A.130) Richland's Critical Area Ordinance, fail to comply with GMA's requirements for protection of critical areas (RCW 36.70A.060(2)) while including the best available science (RCW 36.70A.172) by failing to:

- a) refer to the appropriate state agencies (as identified by WAC 365-190-040) regarding state-listed endangered, threatened, and sensitive plant species, or by failing to designate as FWHCAs, or otherwise protect, those areas with a primary association to such species (RMC 22.10.185(A), RMC 22.10.080(B)(1)(c))?
- b) designate as Fish and Wildlife Habitat Conservation Areas (FWHCAs) and adopt adequate protective regulations, for those areas with a primary association with habitats and species of local importance, including Priority Habitats and Species (PHS) (which includes candidate species), designated by the Washington Department of Fish and Wildlife (WDFW) (WAC 365-190-130(2)(b))?
- c) by failing to define "primary association"?

Fish and Wildlife Habitat Conservation Areas (FWHCAs) that must be considered for classification and designation include "Areas where endangered, threatened, and sensitive species (ETS species) have a primary association", "Habitats and species of local importance" and "waters of the state."¹ BAS for these critical areas includes the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) program and Dept. of Natural Resources Natural Heritage Program (WNHP).²

1.a. Endangered, threatened, and sensitive (ETS) plant species

Rare plants are classified as endangered, threatened, and sensitive at the state level by the WNHP. This state agency's work is formally recognized as BAS.³ While the updated regulations

¹ WAC 365-190-130(2)(a)(b)(f).

² WAC 365-190-130(4)(a)(b)(f).

³ WAC 365-190.040(4)(b), 130(4)(a)(b).

1 purport to designate and protect ETS plant species, due to misidentification of the relevant state
2 agency they do not.

3 RMC 22.10.185 (A) designates as FWHCAs:

4 A. Fish and wildlife habitat conservation areas include the following:

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

6 ...

7 b. State designated endangered, threatened and sensitive species are
those fish, wildlife and plant species native to the state of Washington
8 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
9 significant portion of their range within the state without cooperative
management or removal of threats;

10 The reliance on WDFW makes the regulatory inclusion of native plant species meaningless.

11 WDFW simply does not identify or rank rare plant species; that task is performed by WNHP.

12 The City has failed to include the BAS regarding ETS plants by not referencing and relying on
13 the correct agency. Moreover, the result of this misidentification is that state listed ETS plant
14 species are not in fact designated or protected. While the updated CAO appears to indicate intent
15 to protect state-listed ETS plant species, that intent is not fulfilled because of the erroneous
16 reference to WDFW instead of WNHP.⁴ The Board should find noncompliance on issue no. 1.a
17 and remand to the City to either correct its erroneous reliance on WDFW regarding state listed
18 ETS plant species or establish on the record why it has not properly designated and protected
19 state listed ETS plant species.

20 _____
21 ⁴ Besides the inclusion in RMC 22.10.185A of rare plants in the FWHCA designation language, the
22 general purpose and intent of FWHCAs is "maintaining species diversity and genetic diversity of
local *flora* and fauna [*Emphasis added*]." RMC 22.10.010.

1 *1.b. Priority Habitats and Species, including Candidate species*

2 Cities “should identify, classify and designate locally important habitats and species” and
3 consult the WDFW PHS information as a source of BAS in doing so.⁵ But RMC 22.10.185 has
4 no provision for designating habitats and species of local importance, including priority habitats
5 or candidate species identified by WDFW. Further, nothing in Richland’s CAO or the record
6 show that these designations were considered.

7 In its failure to designate PHS as FWHCAs or include BAS in the record to justify not
8 designating PHS, the City has not complied with GMA’s protection and BAS requirements. In
9 fact, this CAO appears to weaken previous protections which defined areas associated with PHS
10 listed species as “Critical Habitat.”⁶

11 As with state listed ETS plant species, the updated ordinance suggests intent to protect PHS.
12 For example, habitat conservation reports must identify PHS during project review, but
13 protection is not required because PHS (including state Candidate species), are not designated.⁷
14 Additionally, the ordinance definitions of “priority habitat,” and “priority habitat and species
15 list” and associated maps either mirror the WDFW PHS definitions or refer to that information.⁸
16 Exemptions from and reductions of wetland buffer requirements are qualified based on PHS, as
17

18
19 ⁵ WAC 365-190-130(4)(b). The PHS information is the BAS.

20 ⁶ TAB 501, City of Richland, *Chapter 22.10 SENSITIVE AREAS*, attached to this brief, at pp.. 26-27.
21 Compare to treatment of PHS in newly adopted RMC 22.10.200.C.2, 3.

22 ⁷ RMC 22.10.200(C)(2).

23 ⁸ RMC 22.10.040; §190.

1 are buffer width increases, mitigation requirements, and development density bonuses.⁹ But this
2 incidental protection is not equivalent to actual designation and protection of PHS themselves.
3 This failure to designate leaves PHS species unprotected, such as Townsend's Ground Squirrel,
4 White-tailed Jackrabbit, Yellow-billed Cuckoo, Burrowing Owl, Sagebrush Sparrow, and Sage
5 Thrasher. Unprotected habitats include Aspen Stands, Biodiversity Areas and Corridors, Inland
6 Dunes, Riparian, and Shrub-steppe.¹⁰

7 The Petitioners' requested a definition of "Species of Local Importance" be added to the
8 CAO; the City ignored this request.¹¹ The Petitioners also provided language from Washington
9 Department of Ecology's (WDOE) Model Critical Areas Ordinance (MCAO). The model
10 ordinance suggests compliance with GMA's BAS requirements by designating PHS as habitats
11

12
13 ⁹ RMC 22.10.080 1.c; §115C.1.a; §115E.3; §130A.4.c.iii; §405B.3.

14 ¹⁰ TAB 504 *Priority Habitats and Species (PHS) List*, Washington Department of Fish and Wildlife
15 (WDFW), Updated 2016, attached to Petitioners' Addendum to Motion to Supplement the Record,
16 (Priority species) pp. 214, 211, 179-81, 194-5, 196, (Terrestrial Habitats) pp. 258, 259-60, 264-5, 271-
17 2, and 273-4. Other priority habitats include Freshwater Wetlands-Fresh Deepwater and Instream (pp.
18 281-283). Other candidate species include Burrowing Owl (pp. 180-1), Golden Eagle (p. 161),
19 Western Grebe (p. 145), Loggerhead Shrike (p. 190), Vaux's Swift (p. 185), Black-tailed Jackrabbit
20 (p. 208), Merriam's Shrew (p. 200), Preble's Shrew (p. 201), Townsend's Big-eared Bat (pp. 206-7),
21 Common Sagebrush Lizard (p. 128), Striped Whipsnake (pp. 130-1), California Floater (p. 23),
22 Columbia Clutail (p. 36), River Lamprey (p. 62), Leopard and Umatilla Dace (pp. 68-69), Mountain
23 Sucker (p. 70), Bull Trout (pp. 74-75), and Chinook, Chum Salmon (pp. 76-79). Priority habit areas-
vulnerable aggregations include Eastern Washington breeding concentrations of Grebes and
cormorants (p. 140), Black-crowned Night-Heron (p. 148), Great Blue Heron (p. 149) and Waterfowl
Concentrations (p. 157). Priority habitat areas also include Roosting Concentrations of Townsend's
Big-eared Bat, Myotis bats, Pallid bat (pp. 204-5), Eastern Washington breeding terns (p. 141), and
Eastern Washington breeding occurrences of Phalaropes, Stilts and Avocets (p. 174). Priority habitats
features include Caves, Cliffs, Talus Snags and Logs, (pp. 291-294).

21 ¹¹ TAB 38, *Comments Matrix - Comments on Critical Area Ordinance Update, 2017*, attached to this
22 brief, at IR 550.

1 and species of local importance.¹² The Petitioners also provided language from Washington
2 Department of Ecology's (WDOE) Model Critical Areas Ordinance (MCAO). The model
3 ordinance suggests compliance with GMA's BAS requirements by designating PHS as habitats
4 and species of local importance.¹³

5 The City's record does not provide BAS or reasoned justification for failing to designate and
6 protect these habitats and species. The City should provide regulations illustrating the processes
7 designating and protecting habitats and species of local importance including candidates and
8 other CAs that are locally unique as locally determined or show why it has departed from the
9 BAS.

10 **2. [Issue 4] Does Ordinance 40-17, reviewing and updating (RCW 36.70A.130) Richland's**
11 **Critical Area Ordinance, fail to comply with GMA's requirements for protection of**
12 **critical areas (RCW 36.70A.060(2)) while including the best available science (RCW**
36.70A.172) by failing to specify adequate buffers and other standards for protection of
streams or other FWHCAs?

13 *2.a. [Issue 4(a)] Failure to protect FWHCAs by not specifying adequate triggers for critical*
14 *areas reports*

15 The City's protections for FWHCAs and wetlands rely exclusively on requiring a "habitat
16 conservation report" and implementing its recommendations.¹⁴ Habitat conservation reports are
17 only required "When development is proposed within a fish and wildlife habitat conservation
18

19 ¹² TAB 40, Laurie Ness and Patrick Paulson, *Comments on Proposed City of Richland's Draft Critical*
20 *Area Ordinance (DCAO) Update*, August 23, 2017, attached to this brief, at IR 560.

21 ¹³ TAB 40, Laurie Ness and Patrick Paulson, *Comments on Proposed City of Richland's Draft Critical*
22 *Area Ordinance (DCAO) Update*, August 23, 2017, attached to this brief, at IR 560.

23 ¹⁴ RMC 22.10.200.

area". The scope of this report is limited to 300 ft. from a project boundary regardless of the size of the critical area or characteristics of the surrounding landscape.¹⁵ This report is used by the City for application review and approval.¹⁶ In addition, the FWHCA standards and regulations apply only to "Development or any regulated activity occurring *within* a designated habitat conservation area [*Emphasis added*]."¹⁷

This approach fails to protect critical areas and include the BAS. First, impacts from development or other activity within any buffers that are established by the CAO is exempt from the report requirement.¹⁸ Second, it implicitly assumes that when development is within a critical area the impacts can extend no further than 300 feet within or outside of the same critical area.¹⁹ Third, it assumes that impacts in one critical area cannot affect another critical area.²⁰ Fourth, it

¹⁵ RMC 22.10.200.

¹⁶ RMC 22.10.210, RMC 22.10.370 (B) (1).

¹⁷ RMC 22.10.210.

¹⁸ RMC 22.10.210 (J), requires that within FWHCA "Riparian corridors shall meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110." The buffer could then extend outside the designated FWHCA.

¹⁹ For example, BAS suggests 330 ft. as the "Recommended setback distance to protect wading bird colonies from approaching pedestrians and motor boats." TAB 506, *Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas (A Priority Habitats and Species Guidance Document)*, WDFW, 2009, attached to Petitioners' Addendum to Motion to Supplement the Record, at Table D.1. New roads can affect amphibian populations over 0.5 miles away. *Ibid.* at Table 4.2 at p. 4-5.

²⁰ For example, development in or near one FWHCA can affect the functions and values of other FWHCA, since "Many wildlife species, including small mammals and ground- and shrub-nesting birds (Ferguson et al. 2001), and reptiles and amphibians (Hayes et al. 2008) require complex habitat elements, such as layered tree canopies, shrub layers, ground vegetation, downed wood, and leaf litter. These elements are often removed or reduced by development (Adams et al. 2005)." *Ibid.* at p. 3-2.

1 implicitly assumes that any development outside of a critical area cannot ever affect critical areas
2 generally.²¹ These assumptions do not include the BAS. Guidance from Washington Department
3 of Commerce (WDOC) states that this approach fails to adequately regulate activities that impact
4 critical areas. This guidance states that review should be required when development is near to or
5 impacts to a critical area (CA) are likely. The guide states that this approach ignores potential
6 critical areas on adjacent property or in right-of-ways and can exempt development in buffers or
7 immediately adjacent to CAs. The approach also ignores impacts that extend outside of buffers,
8 such as light, noise, and smoke.²²

9 The City rationalized the lack of appropriate triggers for CA assessment by pointing to its use
10 of PHS mapping, stating:

11 The proposed new language relies on the Priority Habitat Species (PHS)
12 mapping maintained by the State Department of Fish and Wildlife. A
13 copy of the PHS map for Richland is attached. It identifies some large
14 areas where priority habitats or species exist. If development is proposed
15 in one of those areas, the developer would need to hire a qualified
16 professional to prepare a report that would specifically identify the
17 location and type of habitat present. The report would provide a plan for
18 areas that would need to be maintained to protect the habitat and areas
19 that would be available for development, as well as other mitigation
20 measures as appropriate, such as replanting of disturbed areas, creation
21 of buffers, etc. With this approach, specific buffer standards are

22 ²¹ *Supra* note 20.

23 ²² TAB 502, Washington State Department of Community, Trade and Economic Development, *Critical
Areas Assistance Handbook*, January, 2007, attached to Petitioners' Motion to Supplement the
Record, at p. 36. Also, "All development activities (including clearing and grading) that alter the
landscape trigger an initial assessment of wildlife and habitat *on or near the site*. This assessment can
be done in the planning office if a complete and recent wildlife inventory has been done, and it should
include a field visit by qualified staff if wildlife resources might be affected [*emphasis added*]". TAB
506 at p. 6-10.

1 eliminated, as the reports prepared by the qualified professional would
2 be specific to the site and the habitat and species present.²³

3 There are multiple problems with this approach, including: WDFW's PHS service does not
4 map plant species, FWHCAs not mapped by PHS are not protected, and some designated
5 FWHCAs, e.g. waters of the state, are not mapped by PHS. The Petitioners commented on the
6 lack of protections for FWHCA from activities that could impact their functions and values.²⁴

7 Courts have found that when BAS is lacking, regulations should err in the direction of
8 providing more, not less protection.²⁵ The Board has addressed the problem of activities in
9 adjacent areas.²⁶ The Board found Ferry County out of compliance because the County did not
10 specify that a 'project review process' be triggered by development proposals near areas likely to
11 contain protected species or habitat.²⁷ The Board should find the City out of compliance for the
12 same reason.

13 ²³ TAB 29, *Community and Development Department, Planning & Development Services Division -*
14 *Memorandum Re: Critical Area Ordinance Update*, August 9, 2017, attached to this brief, at IR 391.

15 ²⁴[Comment on RMC 22.10.370 (5):] "Revise: 5. States that the only FWHCA studies required are only
16 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". TAB 40 at IR 566.

17 ²⁵ [When stream buffers are already minimal and there is no locally specific science, BAS rules require
18 use of a "precautionary or a no risk approach".] *Yakima Cty. v. E. Wash. Growth Mgmt. Hearings*
Bd., 168 Wn. App. 680, 279 P.3d 434 (2012).

19 ²⁶ [BAS shows need for protection adjacent to or near mapped PHS polygons.] *Concerned Friends of*
Ferry County v. Ferry County, EWGMHB Case 97-1-0018c, 8th Order on Compliance (Feb. 23,
20 2010) , at p. 10; [Designation area around PHS areas generally needed]. *Clark County Natural*
Resources Council, et al v. Clark County, et al, WWGMHB Case 96-2-0017c, Final Decision and
21 Order (Dec. 6, 1996).

22 ²⁷ "There is substantial scientific evidence in the record to support a project review process 'triggered' by
23 proposals within a specified distance of both habitat points and habitat polygons. On remand, Ferry

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

County should provide a reasoned justification if it wishes to depart from BAS.” *Concerned Friends of Ferry County v. Ferry County*, EWGMHB Case 97-1-0018c, Compliance Order (Dec. 1, 2011), at p. 20.

PETITIONERS’ PREHEARING BRIEF - 9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
EASTERN WASHINGTON REGION
STATE OF WASHINGTON

LAURIE NESS AND PATRICK
PAULSON,

Petitioners,

v.

CITY OF RICHLAND,

Respondent.

NO. 17-1-0006

RESPONDENT'S PREHEARING
BRIEF

TABLE OF CONTENTS

Table of Authorities	iii
Table of Attachments	vi
I. Introduction	1
II. Standard of Review and Burden of Proof	1
III. Legal Argument	3
A. Relevant ordinance for review and extent of review.	3
B. Response to issues presented for review	3
1. Petitioners' first issue	3

RESPONDENT'S
PREHEARING BRIEF - i

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

2. Petitioners' second issue.....8

3. Petitioners' third issue.....10

4. Petitioners' fourth issue.....11

5. Petitioners' fifth issue.....17

6. Petitioners' sixth issue.....18

7. Petitioners' seventh issue.....22

8. Petitioners' eighth issue.....23

9. Petitioners' ninth issue.....24

IV. Conclusion.....26

1
2
3 **TABLE OF AUTHORITIES**

4 **Page**

5 **STATE APPELLATE COURT CASES**

6 *Common Sense Alliance v. GMHB,*
7 189 Wn. App. 1026 (2015).....23

8 *Ferry County v. Concerned Friends of Ferry County,*
9 155 Wn.2d 824, 123 P.3d 102 (2005).....23

10 *Honesty in Envtl. Analysis & Legislation (HEAL) v.*
11 *Cent. Puget Sound Growth Mgmt. Hearings Bd.,*
12 96 Wn. App. 522, 979 P.2d 864 (1999).....2

13 *Stevens County v. Futurewise,*
14 146 Wn. App. 493, 192 P.3d 1 (2008).....6, 7

15 *Thurston County v. W. Wash. Growth Mgmt. Hearings Bd.,*
16 164 Wn.2d 329, 190 P.3d 38 (2008).....2, 3, 20

17 **GROWTH MANAGEMENT HEARINGS BOARD CASES**

18 *Advocates for Responsible Development v. Mason County,*
19 WWGMHB Case No. 07-2-0006
(Final Decision and Order, August 20, 2007).....2

20 *Concerned Friends of Ferry County v. Ferry County,*
21 EWGMHB Case No. 97-1-0018
(Seventh Order on Compliance, February 13, 2009).....7

22 *Friends of the San Juans v. San Juan County,*
23 WWGMHB Case No. 13-2-0012c
(Final Decision and Order, September 6, 2013).....23

24 *Larson Beach Neighbors v. Stevens County,*
25 EWGMHB Case No. 07-1-0013
26 (Fourth Order on Compliance, September 30, 2016)14

27 *Pilchuck v. Snohomish County,*
28 CPSGMHB Case No. 95-3-0047
(Final Decision and Order, December 6, 1995).....15, 19

29 **RESPONDENT'S**
30 **PREHEARING BRIEF - iii**

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

<i>RE Sources, Inc. v. City of Blaine</i> , WWGMHB Case No. 09-2-0015 (Final Decision and Order, March 29, 2010).....	14
<i>Seattle Audubon Soc’y v. City of Seattle</i> , CPSGMHB Case No. 06-3-0024 (Final Decision and Order, December 11, 2006).....	23
<i>Whidbey Envtl. Action Network v. Island County</i> , WWGMHB Case No. 98-2-0023c (Final Decision and Order, August 30, 2006).....	24
<i>Whidbey Envtl. Action Network v. Island County</i> , WWGMHB Case No. 14-2-0009 (Final Decision and Order, June 24, 2015).....	5, 6

STATUTES

RCW 36.70A.....	1
RCW 36.70A.030(5).....	14
RCW 36.70A.060(2).....	2
RCW 36.70A.130(1).....	1
RCW 36.70A.130(5).....	1
RCW 36.70A.170(1)(d)	2
RCW 36.70A.172(1).....	2
RCW 36.70A.320(1).....	1
RCW 36.70A.320(2).....	1
RCW 36.70A.320(3).....	2

REGULATIONS

WAC 242-03-565.....	16, 17, 23
---------------------	------------

RESPONDENT'S
PREHEARING BRIEF - iv

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

WAC 242-03-630.....	16, 17, 23
WAC 242-03-640.....	16, 17, 23
WAC 332-30-151.....	6, 8
WAC 365-190-030(6)(a)	6
WAC 365-190-040(4)(b)	5
WAC 365-190-080(1).....	18
WAC 365-190-130	5
WAC 365-190-130(4)(f)(i)-(ii).....	17
WAC 365-195-905	10
WAC 365-195-905(4).....	24
WAC 365-195-910	10
WAC 365-195-915	10, 19

PUBLICATIONS

<i>Washington State Department of Community, Trade and Economic Development, Critical Areas Assistance Handbook, January 2007</i>	12
<i>Wetland Guidance for CAO Updates, Eastern Washington Version, June 2016</i>	15
<i>Wetlands & CAO Updates: Guidance for Small Cities, Eastern Washington Version, dated January 2010</i>	23
<i>Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands, April 2005</i>	16

TABLE OF ATTACHMENTS

Index of the Record (IR) No.	Tab	Document
174	174	Supplemental staff report dated May 24, 2017, Attachment A
391	391	Memorandum to planning commission dated August 9, 2017
469	469	Staff report dated August 30, 2017
553	553	Pages 14 and 15 of comment matrix
1643	1643	State of Washington Department of Fish and Wildlife comment letter dated July 10, 2017
		Appendix A - Section 8D.2.3 of the publication of WDOE titled <i>Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands</i> , dated April 2005
		Appendix B - Title 26 RMC, Shoreline Management
		Appendix C - Section XX.040 of <i>Wetlands & CAO Updates: Guidance for Small Cities, Eastern Washington Version</i> , January 2010 (second revision October 2012)

1
2
3 **III. LEGAL ARGUMENT**

4 **A. Relevant ordinance for review and extent of review.**

5 Due to scriveners' errors identified after the passage of Ord. No. 40-17, a subsequent
6 version of this ordinance was created and designated as Ord. No. 40-17A. The City agrees
7 with petitioners that the ordinance properly subject to review is Ord. No. 40-17, enacted on
8 October 17, 2017, although Ord. No. 40-17A was provided in the index of record primarily
9 for the sake of completeness.
10

11 Before turning to the petitioners' arguments on the merits, the City takes issue with
12 the petitioners' introductory claim that "all of [the City's] critical area regulations are subject
13 to challenge, including those not amended or addressed by the City." Br. 1. Contrary to
14 petitioners' argument, a party may challenge: 1) those amendments actually adopted by a
15 city or county and 2) a city or county's failure to revise a provision, but only if it has been
16 directly affected by newly adopted or recently amended GMA requirements. *Thurston*
17 *County v. W. Wash. Growth Mgmt. Hearings Bd.*, 164 Wn.2d 329, 344, 347, 190 P.3d 38
18 (2008).
19
20

21 The City acknowledges that most of the petitioners' issues relate to regulations newly
22 adopted by the City. However, in a few instances petitioners' arguments relate to provisions
23 of the City's CAO that were neither newly adopted nor directly affected by any recent GMA
24 requirements. This issue will be pointed out below where relevant.

25 **B. Response to issues presented for review.**

26 **1. Petitioners' first issue.**
27
28

Petitioners' first issue challenges RMC 22.10.185(A) and RMC 22.10.080(B)(1)(c)¹. In the first sub-issue of their argument, petitioners claim that the City erred by listing the Washington Department of Fish & Wildlife ("WDFW") rather than the Department of Natural Resources' Natural Heritage Program ("WNHP") in relation to the identification of fish and wildlife habitat conservation areas ("FWHCAs"). Petitioners argue that the failure to refer to WNHP constitutes a failure to include BAS and leaves "native plant species" unprotected. Br. 4-5.

The listing of resource agencies in this subsection does not in and of itself constitute an instance of the applicability or the inapplicability of BAS. The petitioners' imprecise use of BAS concepts throughout their opening brief will be addressed again below. For present purposes, it is sufficient to point out that no legal authority or materials in the record show that BAS requires a designation of one particular resource agency instead of another.

More substantively, petitioners' argument fails because it misperceives the role of the reference to WDFW in the cited text. Taken in context, the definition of "fish and wildlife habitat conservation areas" contained at RMC 22.10.185 is expansive, inclusive, and illustrated but not limited by the reference to WDFW. All areas "where state or federal designated endangered, threatened, and sensitive species have a primary association" are included within the definition. RMC 22.10.185(1)(a). Likewise, any "documented habitat, other than accidental presence, of threatened or endangered species" is also included. RMC 22.10.185(1)(i). The reference to "species native to the State of Washington identified by the state Department of Fish and Wildlife" is not an omission of any native plant species

¹ The petitioners' reference to RMC 22.10.185(A) appears to be in error because no such section exists.

1
2
3 merely by lack of parallel reference to any rare plant species inventory that may be compiled
4 by WNHP. RMC 22.10.185(a)(ii). Petitioners have no support for the suggestion that
5 WDFW's identification of "fish, wildlife and plant species native to the State of
6 Washington" is not BAS for the purpose of identifying FWHCAs.

7
8 Petitioners' argument makes a red herring of the phrase "native plant species" and
9 elevates this over the subject properly at issue. This is because native plant species, standing
10 alone, are not inherently synonymous with "state or federal designated endangered,
11 threatened, and sensitive species" ("ETS") nor are they necessarily related through a
12 "primary association" link. Put differently, "native plant species" and "endangered,
13 threatened and sensitive species" are not the same thing. There is no requirement in any
14 provision of the GMA to link FWHCAs with native plant species. To the extent that
15 WDFW does not identify native plant species per se, the ordinance nevertheless provides
16 appropriate protection of critical areas including FWHCAs. The proper focus should be on
17 the functional integrity of an ecosystem, which sometimes may be fostered even in the
18 absence of native plant species. Although WNHP is listed as an available resource in the
19 minimum guidelines, nothing requires that WNHP data be specifically enumerated. WAC
20 365-190-040(4)(b). WNHP data is not included in the minimum guidelines for any purpose
21 germane to FWHCAs. WAC 365-190-130. It is likely true that native plant species may
22 commonly be associated with ETS and FWHCAs, but the focus of GMA is on the
23 ecosystem, not a particular species, whether native or otherwise. *See Whidbey Envtl. Action*
24
25
26
27

28 Instead, petitioners' argument is probably intended to apply to RMC 22.10.185(1)(a)(ii), and is so treated by
29 the above response argument.

30 RESPONDENT'S
PREHEARING BRIEF - 5

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

1
2
3 *Network v. Island County*, WWGMHB Case No. 14-2-0009 (Final Decision and Order, June
4 24, 2015) p. 18.

5 As their second sub-issue on this topic, petitioners state that the City erred in failing
6 to identify priority habitats and species ("PHS") as FWHCAs. Br. 5.

7
8 Petitioners err because PHS information maintained by WDFW is an integral part of
9 the City's FWHCA regulations. At RMC 22.10.190, the relevant text specifically makes
10 PHS maps maintained by WDFW a touchstone for determining "the location and extent of
11 fish and wildlife habitat conservation areas." It is commonly recognized that WDFW PHS
12 maps are the BAS for critical areas for PHS species. *Stevens County v. Futurewise*, 146 Wn.
13 App. 493, 511, 192 P.3d 1 (2008). The CAO defines PHS to encompass ETS. RMC
14 22.10.040 (definition of "priority habitat and species list" includes statement specifying that
15 "priority species include state endangered, threatened, sensitive and candidate species.")).
16

17 In part, petitioners' argument may arise over their mistaken reference to the CAO
18 text. In the crux of their argument on this point (claiming that PHS "are not designated"),
19 petitioners cite to RMC 22.10.200(C)(2). Br. 6, n.21. This citation does not exist in the
20 CAO. The City cannot discern any other code section at that petitioners might have
21 intended.
22

23 It is also untrue that the CAO lacks any designation of locally important habitat and
24 species. *See* WAC 365-190-030(6)(a) ("Cities may also designate locally important habitats
25 and species."). The CAO categorically designates all wildlife refuges, preserves, reserves
26 (as defined under WAC 332-30-151), as well as specific locales such as the Yakima River
27
28

1
2
3 Delta, the Chamna Natural Preserve, Bateman Island, the Hanford Islands, the Amon Creek
4 Natural Preserve, and the Badger Mountain Natural Preserve. RMC 22.10.185(1)(b)-(f).

5 Petitioners' argument as to individual PHS species overlooks the fact that the
6 adoption of WDFW PHS mapping provides an avenue for locally important habitats and
7 species to be clearly integrated into FWHCA status and, in turn, CAO protection. This
8 occurs through incorporating WDFW's PHS mapping into RMC 22.10.190. In this way,
9 locally important habitats and species may be supplemented through WDFW PHS mapping.
10 This approach will seamlessly allow their inclusion in the City's ordinance. This was the
11 City's deliberate approach behind this portion of the CAO.² This comports with BAS. *See*
12 *Stevens County*, 146 Wn. App. at 512 (parties agree that WDFW "priority habitat maps are
13 the best available science on the county's critical areas for listed species."); *see also*
14 *Concerned Friends of Ferry County v. Ferry County*, EWGMHB Case No. 97-1-0018
15 (Seventh Order on Compliance, February 13, 2009) pp. 7-9 (recognizing primacy of PHS
16 concept as broader and inclusive of ETS concept).

17
18
19 A fundamental mechanism behind the City's FWHCA regulation is its commitment
20 to WDFW PHS mapping. Petitioners' argument complaining that individual PHS species
21 (e.g., Townsend's Ground Squirrel, White-tailed Jackrabbit, etc.) are "unprotected" is not
22 true. Br. 6. The City's reliance on PHS mapping as an integral part of its FWHCA
23 regulations was deemed superior by the City to actual enumeration of particular ETS or PHS
24 species.³ This is because, as noted above, WDFW's PHS data is the BAS on the subject.
25
26

27
28 ² Index of Record No. ("IR") 391 at tab 391 of this brief, staff report dated August 9, 2017; *see also* IR 469 at
tab 469 of this brief, staff report dated August 30, 2017, p. 4.

29 ³ IR 553 at tab 553 of this brief, comment matrix, pp. 14-15.

1
2
3 This is also because the City is unlikely to have sufficient resources to rapidly, flexibly, and
4 accurately address the changing status of ETS and PHS species. Symmetry with WDFW
5 PHS data helps avoid a situation where actual enumeration of ETS or PHS species by the
6 City is either under- or over-inclusive. In such an event, an error could only be remedied
7 through an uncertain and time-consuming formal amendment to the CAO. On the other
8 hand, changes in WDFW PHS data will be automatically integrated into the CAO as those
9 changes occur at the actual BAS level.
10

11 **2. Petitioners' second issue.**

12 As their second issue, petitioners argue that the CAO fails to give "special
13 consideration to conservation or protection measures necessary to preserve or enhance
14 anadromous fisheries." Br. 8.
15

16 Petitioners concede that the CAO states an intent to "protect riparian ecosystems
17 including potential for restoring lost or impaired salmonid habitat" and also concede that the
18 CAO states that limited agricultural activities allowed in wetlands must "minimize their
19 effects on water quality, riparian ecology, salmonid populations and wildlife habitat." Br. 8
20 (citing RMC 22.10.080(C)(3) and RMC 22.10.185(2)(c)).
21

22 The City of Richland is primarily an urban center and is unlike a rural county in
23 terms of its likely or potential salmonid habitat. As mentioned above, the CAO includes as
24 FWHCAs all wildlife refuges, preserves, reserves (as designated under WAC 332-30-151),
25 as well as specific locales such as the Yakima River Delta, the Chamna Natural Preserve,
26 Bateman Island, the Hanford Islands, and the Amon Creek Natural Preserve. RMC
27 22.10.185(1)(b)-(e). All waters of the state are also included. RMC 22.10.185(1)(l).
28

1
2
3 Third, petitioners err by their misreading of the CAO. For instance, petitioners argue
4 that some FWHCAs are not also mapped on WDFW PHS maps (a point with which the City
5 agrees) but it is incorrect that WDFW PHS maps are the only trigger for a critical area report
6 for FWHCAs. Br. 10. To the contrary, RMC 22.10.200 requires a habitat conservation
7 report for any development within a FWHCA, and as discussed above RMC 22.10.185 lists
8 many FWHCAs beyond those established based on WDFW PHS maps. Many FWHCA
9 types exist that are entirely independent of WDFW PHS maps. See RMC 22.10.185(1)(a)-
10 (m). Further, the reference at RMC 22.10.190 to PHS maps is stated as "a general guide
11 only" and is in no way a limitation on the enumeration of FWHCAs at RMC 22.10.185.
12

13 Fourth, the potential presence of priority species in unmapped areas can justify a
14 habitat conservation area report. See RMC 22.10.190 ("It is also possible that unmapped
15 areas may include priority species. If such a species is known to exist within an unmapped
16 area, the type, extent and boundaries of this area shall be determined by a qualified
17 professional.").

18
19 **4. Petitioners' fourth issue.**

20 In their fourth issue for review, petitioners argue that the City's CAO fails to
21 adequately protect critical areas because, allegedly, only impacts "occurring *within* a
22 designated habitat conservation area" are addressed. Br. 11 (italics in original).

23
24 Petitioners' argument arises from a misreading of the CAO. The scope of the CAO's
25 coverage is not limited to actual critical areas but also includes their buffers. RMC
26 22.10.020(A) ("The provisions of these regulations shall apply to any activity that *affects*
27 critical areas *or their established buffers* unless otherwise exempt.") (italics added). The
28

1
2
3 CAO's applicability expressly attaches to not only critical areas as defined, but also
4 applicable buffers. Nor is the CAO applicable only when development is within a CAO or
5 its buffer, but the CAO's applicability also encompasses "any activity" that may be any
6 distance from a CAO or its buffer if the activity "affects" either the CAO or its buffer.
7

8 This manner of linking CAO protection to the impacts of non-adjacent activities will
9 include situations of development activity outside of critical areas and their buffers. That
10 this concept is a basic component of the CAO is confirmed elsewhere in the CAO text. *See,*
11 *e.g.*, RMC 22.10.070 ("The following activities which occur within a wetland and its
12 associated buffer, or outside a wetland or buffer, but affecting the wetland or buffer, shall be
13 regulated pursuant to the standards of this chapter."); RMC 22.10.070(I) ("Any other
14 activities affecting a wetland or wetland buffer not otherwise exempt from the provisions of
15 this section."); RMC 22.10.040 (defining "regulated activity" to mean "activities occurring
16 in or near and/or potentially affecting a wetland or wetland buffer that are subject to the
17 provisions of this section.").

18
19 The formulation contained in the City's CAO is closely comparable to a source cited
20 by petitioners. *See Washington State Department of Community, Trade and Economic*
21 *Development, Critical Areas Assistance Handbook*, January 2007, at p. 36 ("To fully protect
22 critical areas, the code language should include a statement that the community shall
23 regulate development that is 'likely to affect' a critical area.").⁹

24
25 Petitioners argue that the CAO has inadequate triggers for critical area reports. Br.

26 11. Petitioners are correct that a habitat conservation report is always required for
27
28

1
2
3 development proposed within a FWHCA. RMC 22.10.200. But petitioners are incorrect
4 that development within a FWHCA is the only trigger for a critical area report. This is
5 simply not what RMC 22.10.200 states. The text does not claim to exclusively define
6 circumstances where such reports may be required. In any situation where the extent or
7 boundaries of a FWHCA are unclear, reporting by a qualified professional is required.
8 RMC 22.10.190. The City's administrator has the authority to require field studies which,
9 consistent with the CAO's emphasis on protecting CAOs and their buffers from even
10 indirect and non-adjacent impacts, protects against the risk raised by petitioners. RMC
11 22.10.370(B)(5). And the CAO's emphasis for FWHCAs is not limited to development
12 *within* a FWHCA, because any adverse impact *to* FWHCAs must also be assessed. RMC
13
14 22.10.220(A).
15

16 As a second sub-issue on this point, petitioners argue that the CAO contains overly
17 broad exemptions. Br. 14.

18 Petitioners claim that "[n]ew construction' adjacent to critical areas is exempt
19 regardless of impacts." Br. 14. As shown above, it is a fallacy that only impacts arising
20 from within a critical area are regulated. Moreover, there is no text of the CAO's exemption
21 section that generally excludes from coverage "new construction." Petitioners cite RMC
22 22.10.360(I) as support for their claim. But this section of the CAO does not support
23 petitioner's argument because it is limited to certain types of irrigation infrastructure. The
24 cited text is a faithful implementation of the GMA relating to definitional terms. *Compare*
25 RMC 22.10.360(I) *with* RCW 36.70A.030(5) ("Fish and wildlife habitat conservation areas'
26
27

28 ⁹ IR 502 at tab 502 of petitioners' prehearing brief. The same publication is cited by petitioners at Br. 13, 18,
29



Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

TRANSMISSION SERVICES

December 27, 2018

In reply refer to: City of Richland Critical Areas Update (CA2018-103 & EA2018-128)
Located within the City of West Richland, WM, Benton County, Washington

Mike Stevens
City of West Richland
Community Planning/Senior Planner
3801 West Van Giesen
West Richland, WA 99353

Dear Mike:

Bonneville Power Administration (BPA) has had the opportunity to review City of Richland Critical Areas Update (CA2018-103 & EA2018-128). The review is for text amendments to Richland Municipal Code Sections 22.10.040, 22.10.185, 22.10.200 and 22.10.210 - Critical Areas, to comply with the Growth Management Hearings Board Final Decision and Order concerning Case No. 17-1-0006.

In researching our records, we have found that this proposal will not directly impact BPA facilities. BPA does not have any objections to the approval of this request at this time.

Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact me. I can be reached at (503) 230-5510 or by email at mjdeklyen@bpa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike DeKlyen", is written over a horizontal line.

Mike DeKlyen
BPA Field Realty Specialist



CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (CA2018-103 & EA2018-128)

Notice is hereby given that the City of Richland is proposing text amendments to Richland Municipal Code Sections 22.10.040, 22.10.185, 22.10.200 & 22.10.210 - Critical Areas, to comply with the Growth Management Hearings Board Final Decision and Order concerning Case No. 17-1-0006.

Pursuant to Richland Municipal Code (RMC) Section 19.20 the Richland Planning Commission will conduct a public hearing and review of the application at 6:00 p.m., Wednesday, January 23, 2019 in the Richland City Hall Council Chambers, 505 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing.

Environmental Review: The proposal is subject to environmental review. The City of Richland is lead agency for the proposal under the State Environmental Policy Act (SEPA) and has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed development. The environmental checklist and related file information are available to the public and can be viewed in the Development Services Division Office or City of Richland website www.ci.richland.wa.us.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Mike Stevens, Planning Manager, 505 Swift Boulevard MS#35, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Friday, January 11, 2019 to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing.

Copies of the staff report and recommendation will be available in the Development Services Division Office or City of Richland website www.ci.richland.wa.us beginning Thursday, January 17, 2019.

ORDINANCE NO. XX-XX

AN ORDINANCE of the City of Richland amending Chapter 22.10 of the Richland Municipal Code related to Critical Areas.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with state law; and

WHEREAS, on June 7, 2018, the Growth Management Hearings Board for the Eastern Washington Region determined that Ordinance No. 40-17, amending RMC 22.10.185, RMC 22.10.200, and RMC 22.10.210, fails to comply with the requirements of RCW 36.70A.060(2) and RCW 36.70A.172(1); and

WHEREAS, to remedy the deficiencies identified by the Growth Management Hearings Board, amendments to the above-referenced code sections are necessary.

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

Section 1. Richland Municipal Code Section 22.10.040, entitled Definitions, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.040 Definitions.

For purposes of this chapter, 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.

“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.

“Adjacent” shall mean any activity located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer width and building setback, or where the buffer width has yet to be determined, a distance

equal to a buffer and setback that would typically be required for the present habitat or species;

3. ~~A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;~~
4. A distance equal to or less than ~~two hundred fifty (250) three hundred (300)~~ feet from a stream, wetland, ~~channel migration zone~~ or water body;
5. Within the floodway ~~or floodplain or channel migration zone~~; or
6. A distance equal to or less than two hundred (200) feet from a critical aquifer recharge area

3* The distance of 2,640 feet is based on the Washington Department of Fish and Wildlife Management.

4* The distance of ~~two hundred fifty (250) three hundred (300)~~ feet is based on maximum ~~wetland buffer. recommended riparian habitat area width from the Washington Department of Fish and Wildlife Management Recommendations for Washington's Priority Habitats: Riparian.~~

6* The distance of two hundred (200) feet is a suggested distance to ensure that activities within the critical aquifer recharge area are included under this Chapter, even when the exact boundaries of the critical aquifer recharge area are not known at the time of application.

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

“Best available science” means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

“Best management practices (BMPs)” 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;
- B. Minimizes and mitigates adverse impacts to the natural chemical, physical and biological environment of the city;
- C. Utilizes the city’s natural resources on a long-term, sustainable yield basis;

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

E. Prevents contamination of surface and ground water resources, and protects from impacts to native and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer applications.

“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 life cycle stages of species normally associated with the resource;

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; and

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.

“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 ordinance, 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” (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 RCW 36.70A.030(5) including any of the following areas or ecosystems: wetlands; areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

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

“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 nonnative or invasive species, and modifying site elevations to alter hydroperiods.] Activities typically consist of planting vegetation, controlling nonnative 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.

“Federal manual” or “federal methodology” means the methodology for identifying wetlands in the field as described in the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

“Fill” means earth or any other substance or material placed in or on the ground, including earth-retaining structures. In wetlands, it includes any action that raises the elevation or creates dry land.

“Filling” means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, sediment surface, or other fill material.

“Fish and wildlife habitat conservation area” means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges,

breeding habitat, winter range and movement corridors; and areas with high relative population density or species richness. “Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

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

“Functions and values” means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological and aesthetic value protection; educational opportunities and recreation.

“Geologically hazardous areas” are areas that because of their susceptibility to erosion, sliding, earthquakes or other geological events are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns.

“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:

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 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 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.

“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:

- A. Comparatively high fish or wildlife density;
- B. Comparatively high fish or wildlife species diversity;
- C. Fish spawning habitat;
- D. Important wildlife habitat;
- E. Important fish or wildlife seasonal range;
- F. Important fish or wildlife movement corridor;
- G. Rearing and foraging habitat;
- H. Important marine mammal haul-out;
- I. Refugia habitat;
- J. Limited availability;
- K. High vulnerability to habitat alteration;
- L. Unique or dependent species; or
- M. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows or shrub steppe habitat). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

“Priority habitat and species list” means a list published by the Washington Department of Fish and Wildlife, which is a catalog of habitats and species considered to be priorities for conservation and management. Priority species require protective measures for their survival due to their population status, sensitivity to habitat alteration, and/or recreational, commercial or tribal importance. Priority species include state endangered, threatened, 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 type (e.g., shrub-steppe) or dominant plant species (e.g., juniper savannah), a described successional stage (e.g., old-growth forest) or a specific habitat feature (e.g., cliffs).

“Priority habitat and species map” means maps of plant cover types/communities. Considered by Washington State Department of Fish and Wildlife to contain priority

habitat or wildlife species. PHS is a source of best available science that informs local planning activities and land use applications.

“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 geotechnical engineer or geologist, licensed in the state of Washington.

C. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

“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.

“Reestablishment” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in 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 **including**, but are not limited to, ~~any~~ filling, dredging, dumping, ~~or~~ stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing or harvesting, **or any other activity that may impact the functions and values of the nearby critical area as determined by the Administrator.**

“Rehabilitation” (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 processes or functions. This may be accomplished through measures including but not limited to revegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the area to pre-Columbia Basin Project, aboriginal or pre-European settlement conditions.

“Riparian ecosystem” means the area alongside a waterbody that significantly influences exchanges of energy and matter among terrestrial and aquatic ecosystems. Along streams and rivers it includes the active channel, channel migration zone, floodplain, and portions of the adjacent uplands that contribute organic matter and shade, provide space for nutrient cycling, and keep pollutants from entering the stream.

“Riparian Management Zone” (RMZ) means the Fish and Wildlife Habitat Conservation Area adjacent to all rivers and streams delineated to protect riparian ecosystem functions and values. Its inner point of measure is the wide of (a) the Ordinary High Water Mark or (b) the outer extent of the Channel Migration Zone. Its width is the greater of (a) 100 feet, (b) one Site Potential Tree Height of a 200-year old tree, and (c) the width needed to reliably remove pollutants as determined through a habitat conservation report.

“Seismic hazard areas” are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by: (A) magnitude of an earthquake; (B) distance from the source of an earthquake; (C) type of thickness of geologic materials at the surface; and (D) type of subsurface geologic structure.

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

“Site-Potential Tree Height” (SPTH) means the average maximum height of the tallest dominant trees (200 years or more) for a given site class. For most of the City of Richland, soils do not support trees that grow in excess of 100 feet. For the few sites that may grow trees taller than 100 feet, SPTH is determined through a habitat conservation report.

“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.

“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 nonwetland areas to mitigate the conversion of wetlands or wetland areas preserved as mitigation for the conversion of wetlands.

“Wetland buffer area” means a naturally vegetated and undisturbed, enhanced or revegetated zone surrounding a natural, restored or newly created wetland that is an integral part of a wetland ecosystem, and protects a wetland from adverse impacts to the integrity and value of the wetland. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

“Wetland delineation” means a delineation done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided for in WAC 173-22-035.

“Wetland determination” means a report prepared by a qualified 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. [Ord. 48-93; Ord. 45-00; Ord. 23-01; Ord. 31-03; Ord. 40-17 § 1; Ord. 40-17A § 1].

Section 2. Richland Municipal Code Section 22.10.185, entitled Fish and wildlife habitat conservation areas, as first enacted by Ordinance No. 40-17, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.185 Fish and wildlife habitat conservation areas.

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

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

a. Federal designated endangered and threatened species are those fish, wildlife and plant species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.

b. State designated endangered, threatened and sensitive species are those fish, wildlife and plant species native to the state of Washington identified by the State Department of Fish and Wildlife and/or State of Washington Natural Heritage Program, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. The State of Washington's Department of Fish and Wildlife and/or Natural Heritage Program maintains the most current listings and should be consulted as necessary for current state listing status.

2. State priority habitats and areas associated with state priority species.

a. State of Washington Priority Habitats and Species are considered priorities for conservation and management. The State of Washington's Department of Fish and Wildlife should be consulted for current listing of priority habitats and species.

3. Habitats and species of local importance. The City of Richland hereby adopts by reference those Priority Habitats and Species considered priorities for conservation and management identified by the State Department of Fish and Wildlife and State of Washington Natural Heritage Program as now exist or as may be amended.

4. In addition to the Priority Habitats and Species recognized by WDFW ~~and/or State of Washington Natural Heritage Program~~, a process is provided for listing or delisting other habitats and species that are important locally to the people of Richland. This action may be initiated at the request of the Washington State

Department of Fish and Wildlife, other government agency, city staff, non-profit organization or interested citizen. Any such request shall be in writing and shall include:

- a. The common and scientific name for a species under consideration;
- b. Habitat location on a map, (scale of 1:24,000);
- c. Demonstrate a need for special consideration based upon Best Available Science and considering:
 1. Declining or increasing population;
 2. Sensitivity to habitat manipulation; or
 3. Commercial or game value or other special value, such as public appeal.
- d. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas and other guidelines necessary for the protection of the species;
- e. Reasons for the species/habitat to be designated ~~or deleted from designation as a priority habitat or species;~~
- f. Name and address of the nominator, along with a list of property owners and mailing addresses for each property mapped as containing habitats and/or species. ~~(along with a statement of support for the nomination signed by the owner of the property on which the habitat is located;~~
- g. Other supporting documentation (as determined by the Administrator);
- h. SEPA Checklist;
- i. Fee, as established by the City of Richland Fee Schedule.

Submitted proposals shall be reviewed by city staff as a Type IV legislative action pursuant to RMC 19.20.010 (D)(2) and RMC Chapter 19.90. Suggested amendments to this Section of the Critical Areas regulations shall be amended no more often than once each calendar year with the deadline for submittal being January 31st. Copies of the proposal shall be submitted to WDFW and/or other local, state or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies as part of the public comment period. Approved nominations will be designated priority habitats/species as appropriate and will be given all protection under this Ordinance afforded other priority habitats and species.

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

3 6. 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;

- ~~4~~ 7. The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;
- ~~5~~ 8. Amon Creek Natural Preserve;
- ~~6~~ 9. Badger Mountain Natural Preserve;
- ~~7~~ 10. Category I wetlands as defined in RMC 22.10.100;
- ~~8~~ 11. State nature area preserves or natural resource conservation areas and state wildlife areas;
- ~~9~~ 12. Documented habitat, other than accidental presence, of threatened or endangered species;
- ~~10~~ 13. Documented habitat, other than accidental presence, of regional or national significance for migrating birds;
- ~~11~~ 14. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;
- ~~12~~ 15. Waters of the state; and
- ~~13~~ 16. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

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

1. Create a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces, integrating with open space corridor planning where appropriate;
2. Limit the level of human activity within such areas that is appropriate for certain areas and habitats, including presence of roads and level of recreation type (passive or active recreation);
3. Protect riparian ecosystems including potential for restoring lost or impaired salmonid habitat;
4. Evaluate land uses that may negatively impact these areas, or conversely, that may contribute positively to their function;
5. Establish buffer zones around these areas to separate incompatible uses from habitat areas;
6. Establish or enhance nonregulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

Section 3. Richland Municipal Code Section 22.10.190, entitled Fish and wildlife habitat conservation area inventory maps, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

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 **best available science including** current information contained in priority habitats and species maps as maintained by the Washington State Department of Fish and Wildlife. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of habitat 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~~ **priority habitats or species (PHS), endangered, threatened or sensitive (ETS) species, or habitats and species of local importance (HSLI)**. If such a species is known to exist within an unmapped area, the type, extent and boundaries of this area shall be determined by a qualified professional.

Section 4. Richland Municipal Code Section 22.10.200, entitled Requirements for habitat conservation area reports, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.200 Requirements for habitat conservation area reports.

When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer or close enough to the FWHCA so as to likely impact critical area ecosystem functions and values, a habitat conservation report shall be prepared consisting of the following:

A. The report shall be prepared by a qualified professional using the best available science;

B. The area addressed in any report for a fish and wildlife habitat conservation area shall include the project area and adjacent lands within 300 feet of the project boundaries to account for potential buffers that may not be accurately mapped at the time of application. Further the report shall identify all habitat conservation areas, shorelines, floodplains, other critical areas and related buffers;

C. A habitat conservation report shall include an assessment to evaluate the presence or absence of priority habitat. At a minimum the habitat assessment shall include:

1. Detailed description of vegetation on and adjacent to the project area, including the existence or non-existence of plant species native to the state of Washington identified by the State of Washington Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats;
2. Identification of any priority species and habitats (PHS) or any endangered, threatened, sensitive or candidate species and any habitat or species of local concern that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the protected habitat or use of the site by the species;
3. A discussion of any federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
4. A discussion of measures, including avoidance, minimization and mitigation proposed to preserve existing habitats or restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with RMC 22.10.220 (mitigation sequencing);
5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;
6. When warranted, the administrator may require detailed surface and subsurface hydrologic features both on and adjacent to the site;

D. Habitat conservation area reports shall be forwarded to the Washington Department of Fish and Wildlife and local Native American Indian Tribes to provide them with an opportunity to comment on the adequacy and accuracy of the report;

E. The administrator may waive the requirement for the preparation of a habitat conservation area report upon a determination that by reason of previous development that the proposed project site does not provide functional habitat. Such waiver shall be made in writing and a copy shall be provided to the Washington State Department of Fish and Wildlife.

Section 4. Richland Municipal Code Section 22.10.210, entitled Fish and wildlife habitat conservation area – Performance standards, as first enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended as follows:

22.10.210 Fish and wildlife habitat conservation area – Performance standards.

Development or any regulated activity occurring within a designated habitat conservation area or within its respective protection buffer, or development or any regulated activity proposed to occur adjacent to, or close enough to, a habitat conservation area so as to likely impact critical area ecosystem functions and values, shall only be permitted in accordance with the conditions of an approved habitat conservation area report. Such report shall be based on the following standards using the best available science:

- A. Consider habitat in site planning and design;
- B. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas, including use of bird-friendly building design and use of dark sky lighting standards;
- C. Integrate retained habitat into open space and native plantings, consistent with the provisions of all open space and landscaping requirements;
- D. Activity within or close to a habitat conservation area shall not result in the degradation of the functions and values of the habitat;
- E. Nonindigenous species shall not be introduced into a habitat conservation area;
- F. Contiguous corridors through a project area shall be maintained. Measures necessary to mitigate impacts within a habitat conservation area shall attempt to achieve contiguous functioning habitat corridors in order to minimize the isolating effects of development on habitat;
- G. Identify habitat contiguous to other habitat 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;
- H. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat areas;
- I. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;
- J. **Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication *Riparian Ecosystems, Volume 2: Management Recommendations*, May 2018, or as revised.** Riparian corridors shall **also** meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;
- K. Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to **avoid**, minimize, ~~and~~ or mitigate potential adverse impacts. Conditions **shall include protective buffers based on the State of Washington**

Department of Fish and Wildlife Management recommendations for Washington's priority species modified for local conditions and the recommendations of the Department of Fish and Wildlife biologists and may include, but are not limited to, the following measures:

1. Establishment of undisturbed habitat areas;
2. Staking of undisturbed habitat areas prior to any construction, including clearing, grading and filling taking place on site;
3. Fencing of undisturbed habitat areas in a manner consistent with the provisions of RMC 22.10.115(H);
4. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;
5. Preservation of critically important vegetation;
6. Supplemental planting of native tree or shrub cover;
7. Removal and/or control of any noxious or undesirable species of plants and animals;
8. Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;
9. Replanting of disturbed areas and/or areas where noxious weed species were removed with native vegetation types, including ongoing plans for weed control and irrigation as appropriate;
10. Limitation of access to an identified habitat area, including fencing to deter unauthorized access;
11. Seasonal restriction on construction activities;
12. Implementation of a schedule for periodic review of completed mitigation measures for a specified time period;
13. Posting of a bond or other financial surety to ensure completion and success of proposed mitigation measures. Such bond or other security device shall be required to assure successful establishment of required planting for an appropriate monitoring period. The amount of the bond or other security device shall equal 125 percent of the cost of the mitigation project for a period of five years. The administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

Section 5. 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 _____, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Ordinances - Second Reading/Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 13-19, Amending Title 14: Electricity, of the Richland Municipal Code regarding Net Metering

Department:

Energy Services

Ordinance/Resolution Number:

13-19

Document Type:

Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 13-19, amending Title 14 of the Richland Municipal Code related to net metering.

Summary:

City of Richland's Energy Services Department (RES) provides net metering for renewable energy generators, i.e., solar photovoltaic (PV) systems. Net metering is the application of a meter measuring the net difference, over a billing interval, between delivered real energy (kWh) to a customer and received real energy (kWh) from a customer.

Chapter 80.60 RCW Net Metering of Electricity requires an electric utility to provide net metering until the cumulative generating capacity of systems equal 0.5% of its 1996 utility peak demand. In September 2018, RES reached its threshold of 1023 kW and suspended its program to new systems until staff could determine the value of the excess generation from additional net metering systems.

Staff has determined, and the Utility Advisory Committee (UAC) agrees, that the value of excess generated power is equal to the avoided cost of power, which is the cost of power that RES would purchase from another source. RES' avoided cost of power for 2018 is \$0.0424 per kWh, which is less than the retail rate of \$0.0686 per kWh that RES currently credits customers for received generation. As such, customer generators are being over-compensated for the excess power their systems generate. Non-net metering customers subsidize net metering excess generation at \$0.0262 per kWh.

To prevent one customer group from subsidizing another, staff recommends net metering systems installed after November 1, 2018 be charged a fee on the received energy and a one-time meter installation fee. The fees will be published in the City's Fee Schedule. See the attached example calculation. Systems installed prior to November 1, 2018 will not experience program changes.

Ordinance No. 13-19 also amends the RMC regarding investment cost recovery incentive to align with recent changes in state law. Staff recommends approval of Ordinance No. 13-19 for second reading and passage.

Fiscal Impact:

The projected increased revenues from passage of this ordinance are expected to offset expenses, thereby producing a net zero change in the 2019 City budget for Fund 401, Electric Utility Fund.

Attachments:

1. Ordinance No. 13-19
2. Calculation Example

ORDINANCE NO. 13-19

AN ORDINANCE of the City of Richland amending
Title 14: Electricity, of the Richland Municipal Code regarding
Net Metering.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to bring local ordinances into alignment with developed practices, to eliminate conflicts and ambiguities, and to bring local laws into compliance with state laws; and

WHEREAS, the City of Richland Energy Services (RES) operates and maintains an electric utility delivering power to customers served by RES with a focus on reliability and keeping rates as low as reasonably possible; and

WHEREAS, Chapter 80.60 RCW, Net Metering of Electricity, requires electric utilities to provide a net metering program; and

WHEREAS, since 2008, RES has offered customers net metering pursuant to Chapter 80.60 RCW; and

WHEREAS, RES has exceeded the requirements of Chapter 80.60 RCW to make net metering available until the cumulative generating capacity of net metering systems equals 0.5% of RES' 1996 utility peak demand of 1023 kW; and

WHEREAS, RES charges net metering customers for utility energy delivered to the customer during a billing interval at the current retail rate of \$0.0686 per kWh; and

WHEREAS, RES credits net metering customers for excess energy received from customer generators during a billing interval at the current retail rate of \$0.0686 per kWh; and

WHEREAS, the net metering credit currently exceeds the avoided cost of wholesale energy, and the value RES receives from customer-generated electricity results in non-net metering customers subsidizing the net metering credit and distribution infrastructure fixed costs; and

WHEREAS, the Utility Financial Operating Policy adopted by City Council on September 19, 2006 established a principle that current and future customers within each class will pay their fair shares of the cost of service; and

WHEREAS, the Utility Advisory Committee (UAC) supports staff's recommendation that any net metering system approved and installed after November 1, 2018 be provided a credit for received generation according to the value RES obtains from customer-generated electricity; and

WHEREAS, the value of excess customer-generated electricity received is equal to no more than the avoided cost of purchasing additional wholesale energy; and

WHEREAS, staff recommends charging a net metering infrastructure fee based on this avoided cost for received generation from net metering systems approved and installed after November 1, 2018, and an additional one-time fee for installing net metering equipment for net metering systems approved and installed after November 1, 2018; and

WHEREAS, the net metering infrastructure fee and net metering equipment installation fee shall be published in the City Fee Schedule and be revised as needed to meet the City's Utility Financial Operations Policy principles; and

WHEREAS, amendments to Title 14 RMC are required to bring the City into compliance with RCW 82.16.160, RCW 82.16.165, RCW 82.16.170, RCW 82.16.175, and WAC 504-49.

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

Section 1. Richland Municipal Code Chapter 14.08, entitled Definitions, as originally enacted by Ordinance No. 90, and last amended by Ordinance No. 09-18, is hereby amended as follows:

Chapter 14.08 DEFINITIONS

Sections:

14.08.010 Definitions.

14.08.015 Avoided cost.

14.08.020 Billing month.

14.08.025 Chief electrical engineer.

14.08.030 Customer.

14.08.040 Construction costs of distribution facilities.

14.08.050 Construction payment.

14.08.060 Demand.

14.08.070 Department.

14.08.075 Director.

14.08.080 Distribution extension.

14.08.090 Distribution reinforcement.

14.08.100 Extension completion date.

14.08.110 Indeterminate service.

~~14.08.115 Investment cost recovery incentive.~~

14.08.120 Multiple dwellings.

14.08.130 Net metering.

14.08.140 On-peak period.

14.08.150 Permanent service.

- 14.08.160 Person.**
- 14.08.170 Point of delivery.**
- 14.08.175 Power quality.**
- 14.08.180 Refund of construction payment.**
- 14.08.190 Residence.**
- 14.08.200 Service lateral.**
- 14.08.205 Special equipment.**
- 14.08.210 Standard construction allowance.**
- 14.08.220 Temporary service.**
- 14.08.230 Traffic management systems.**

14.08.010 Definitions.

The following words and phrases shall, when used in this title, have the meanings attributed to them in this chapter.

14.08.015 Avoided cost.

“Avoided cost” means the cost to the electric utility of electric energy which could be purchased from another source.

14.08.020 Billing month.

“Billing month” means the month which includes the last day of the period of electrical consumption for which the customer will be billed.

14.08.025 Chief electrical engineer.

“Chief electrical engineer” means the chief electrical engineer of the department.

14.08.030 Customer.

“Customer” means any person who uses, has used, or has contracted to use department electric energy.

14.08.040 Construction costs of distribution facilities.

“Construction costs of distribution facilities” means the combined costs of all facilities necessary to the distribution extension or reinforcement, including satisfactory right-of-way.

14.08.050 Construction payment.

“Construction payment” means the amount advanced by the applicant to pay all construction costs in excess of the standard construction allowance.

14.08.060 Demand.

“Demand” for any billing period means the average kilowatt delivery during the 30-minute period in which the consumption of energy is the greatest during the billing period.

14.08.070 Department.

“Department” means the energy services department of the city.

14.08.075 Director.

"Director" means the director of the department.

14.08.080 Distribution extension.

"Distribution extension" means distribution facilities including primary and secondary distribution lines, service laterals, and all appurtenant facilities excepting transformers and meters necessary to supply service to an additional customer.

14.08.090 Distribution reinforcement.

"Distribution reinforcement" means increase in size of existing facilities necessitated by applicant's estimated electric requirements.

14.08.100 Extension completion date.

"Extension completion date" means the date on which the construction of the distribution extension or distribution reinforcement is completed as shown by the city's records.

14.08.110 Indeterminate service.

"Indeterminate service" means service where the amount and permanency of service cannot be assured including industrial or commercial enterprises of speculative nature, real estate subdivisions, development of property for sale, enterprises where the applicant will not be the user of electric service or where there is little or no immediate demand for service.

~~14.08.115 Investment cost recovery incentive.~~

~~The "investment cost recovery incentive" is an incentive in addition to net metering in cooperation with the generating customer, the city, and Washington State Department of Revenue. Customers shall meet the requirements of WAC 458-20-273 as currently written or as it may hereafter be amended.~~

14.08.120 Multiple dwellings.

For rate purposes, premises including two or more residential units are residences only if separate metering circuits for each unit are provided without costs to the department. All other premises including two or more residential units shall be considered multiple dwellings. Such premises are billed at a commercial rate.

14.08.130 Net metering.

"Net metering" is the application of ~~a metering~~ing that measures the net difference between delivered real energy (kWh) to a customer and received real energy (kWh) from a customer's net metering system over a billing interval. ~~as defined in Chapter 80.60 RCW or hereafter amended.~~~~over a billing interval. Any remaining received real energy (kWh) from the customer at the end of each calendar year is forfeited by the customer. Net metered locations are limited to a generation capacity of not more than 100 kilowatts; use solar, wind or hydropower as fuel; and are intended to offset part or all of a customer's electrical load. The cumulative generating capacity of net metering systems connected to the city distribution system is limited to 1,023 kilowatts on a first-come basis (based upon~~

~~one-half percent of the 1996 city of Richland peak demand of 204,768 kilowatts as required by Chapter 80.60 RCW).~~

14.08.140 On-peak period.

“On-peak period” means the interval of time from 7:00 a.m. to 10:00 p.m., Monday through Saturday. All other hours are considered the “off-peak period.”

14.08.150 Permanent service.

“Permanent service” means service to residential, commercial or industrial customers where the use of service, including amount and permanency, can be reasonably assured.

14.08.160 Person.

“Person” means any natural person, firm, partnership, or corporation.

14.08.170 Point of delivery.

“Point of delivery” means the point where the department’s electric facilities are first connected to the electric facilities of a customer. The location of the point of delivery will be determined by the city in accordance with standard practice or as individual circumstances may dictate.

14.08.175 Power quality.

Acceptable “power quality” at the point of common coupling demarcation point is that which meets general, steady state, transient, and harmonics recommendations of ANSI C84.1, IEEE 1159, IEEE 1250, IEEE 519, IEEE 446, IEC 868, and other recognized standards as determined by the chief electrical engineer. Interconnection power quality shall additionally meet recommendations of IEEE P1453 and IEEE 929.

14.08.180 Refund of construction payment.

“Refund of construction payment” means the amount of construction payment returned to customers or assignees by the city.

14.08.190 Residence.

“Residence” means any residential unit with a separate meter, any mobile home in a mobile home park if it is supplied with electricity through a separate meter, and any house or building used on a farm; any building used as a place of worship, school, grange building, or building used by a fraternal organization, if the connected load is less than 25 kilowatts.

14.08.200 Service lateral.

“Service lateral” means the secondary overhead or underground electric circuit and associated facilities located between the department’s distribution line and the point of delivery to a customer. Service lateral provides service for customer’s exclusive use.

14.08.205 Special equipment.

“Special equipment” means equipment above and beyond what is normally included in each rate structure to provide electrical service on the distribution system. Special

equipment is items not stocked as part of warehouse inventory and ordered for specific installations at a customer's request with the intent of providing additional reliability, capacity, or enhanced service.

14.08.210 Standard construction allowance.

"Standard construction allowance" means that portion of necessary construction made by the department at its expense. Separate allowances will be established for residential customers and for nonresidential customers.

14.08.220 Temporary service.

"Temporary service" means service to customers where the expected period of usage is less than 12 months, including service to circuses, bazaars, fairs, concessions and construction sites.

14.08.230 Traffic management systems.

"Traffic management systems" shall be as defined and described in WAC Title 296, WAC 296-46B-010(16) through (23).

Section 2. Richland Municipal Code Chapter 14.24, entitled Rates and Charges, as originally enacted by Ordinance No. 90, and last amended by Ordinance No. 35-17, is hereby amended as follows:

**Chapter 14.25
RATES AND CHARGES**

Sections:

- 14.24.020 Termination of contract by customer.**
- 14.24.030 Service charges – Temporary service.**
- 14.24.035 Service charges – Permanent or altered service.**
- 14.24.040 Trouble calls.**
- 14.24.050 Nonstandard service.**
- 14.24.060 Retail electrical rates.**
- 14.24.070 Character of certain special uses.**
- 14.24.100 Special rules if premises used for both residential and commercial purposes.**
- 14.24.120 Street lighting.**
- 14.24.130 Rental lighting.**
- 14.24.140 De minimus unmetered loads.**
- 14.24.150 School and municipal building rate.**
- 14.24.180 Athletic field floodlighting.**
- 14.24.190 Special charges and billing rules.**
- ~~**14.24.200 Investment cost recovery incentive.**~~
- 14.24.210 Renewable energy system incentive.**
- 14.24.220 Net metering.**

14.24.020 Termination of contract by customer.

A customer who has fulfilled his contract terms and wishes to discontinue service must give at least three days' notice to that effect, unless his contract specifies otherwise. Notice to discontinue service prior to expiration of the contract term will not relieve the customer from any minimum or guaranteed payment required by the contract or rate.

14.24.030 Service charges – Temporary service.

Customers requiring temporary electrical service, at premises where electric utility facilities are available, shall pay to the department an amount equal to the estimated cost of all labor, equipment and all nonrecoverable materials required to install and remove the temporary service, less the estimated salvage value. In cases where temporary service can be provided from an existing power source using light duty service wire the charge shall not be less than the temporary service fee published in the city's user fees and charges schedule. Where electric utility facilities are not adequate or available to provide temporary electrical service, the department will extend service in accordance with the policies in Chapter 14.30 RMC.

The rate for electricity used from the temporary service shall be at the rate schedule applicable to the class of service. At the discretion of the chief electrical engineer, unmetered temporary services will be allowed when the service provides temporary construction power to a single-family dwelling lot and the term of the service is less than three months. In the event an unmetered temporary service extends beyond three months the customer shall pay an additional three-month temporary service fee for each three-month period beyond the initial three-month term.

14.24.035 Service charges – Permanent or altered service.

Customers requiring permanent electrical service rated at 600 volts or less, at premises where electric utility facilities are available at the property, shall pay to the department an amount equal to the estimated cost of all labor, equipment and materials, including metering, required to install the service. In cases where permanent services are of a capacity of 400 amps or less the charge shall not be less than the new service charges published in the city's user fees and charges schedule. The charge assumes the department shall install up to 100 feet of service wire, as measured on the premises. Any additional service wire over 100 feet shall be charged at the estimated cost of additional wire.

Customers requiring alteration of existing electric utility facilities, including but not limited to rewires, relocations, conversions or upgrades, shall pay the department an amount equal to the estimated cost of all labor, equipment and materials, including metering, required to alter the utility facilities serving such services.

Where electric utility facilities are not adequate or available to provide permanent service or accommodate the required customer service alterations the department will extend service in accordance with the policies of Chapter 14.30 RMC.

14.24.040 Trouble calls.

The customer shall notify the department immediately should service be unsatisfactory for any reason or should there be any defects, trouble or accidents affecting the supply of electricity.

The department will be responsible for promptly making repairs to damage occurring to city equipment, which impairs service to its customers or results in a hazardous condition. When a trouble call is made at a customer's request, and the trouble is due to the customer's acts, negligence, or to failure of his equipment or wiring, the minimum charge shall be actual cost, plus overhead costs, but in no case less than \$15.00. Billing costs shall be as determined by the chief electrical engineer.

14.24.050 Nonstandard service.

Customers shall pay the cost of any special installation necessary to meet particular requirements for service at other than standard voltages or for the supply of closer voltage regulation than required by standard practice.

When it is necessary to construct additional lines and install facilities for furnishing three-phase service or a nonstandard voltage or phase, the service will be provided in accordance with the policies of Chapter 14.30 RMC.

14.24.060 Retail electrical rates.

Rates for electricity are summarized by class of service as listed below. Rates are effective with the first bill received in January 2018 and apply to all usage during the billing period.

SCHEDULE 10: General Residential

- A. Availability: In all territory serviced by the city's electrical utility.
- B. Applicability: To domestic uses of electric energy by all residential customers not eligible under other rate schedules.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Delivery Point: The following rates are based upon the supply of service to the entire premises through a single delivery and metering point. Separate supply for the same customer at other points of consumption shall be separately metered and billed.
- E. Rates:
 - Daily Service Charge:
 - Single-phase service: \$0.64/day
 - Multiphase service: \$0.91/day
 - Monthly Energy Charge: \$0.0686/kWh
- F. For electrical service supplied to residential customers qualifying as low income senior or low income disabled citizens, the service charge shall be waived and the energy charge shall be discounted 15 percent of Schedule 10. Qualifications and

other information regarding low income senior or low income disabled citizens can be found in Chapter 3.29 RMC (finance).

SCHEDULE 20: Small General Service

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

SCHEDULE 22: Medium General Service

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To all nonresidential uses supplied through a single meter, where anticipated monthly maximum demand is greater than 50 kilowatts, but less than or equal to 300 kilowatts, and the load is not eligible under other rate schedules.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Daily Service Charge:
 - Single-phase service: \$1.28/day
 - Multiphase service: \$1.54/day
 - Monthly Energy Charge: \$0.0396/kWh
 - Monthly Demand Charge: \$4.79/kW

SCHEDULE 24: Large General Service

- A. Availability: In all territory served by the city's electric utility.
- B. Applicability: To all nonresidential uses supplied through a single meter, where anticipated monthly maximum demand is greater than 300 kilowatts, but less than or equal to 1,000 kilowatts, and the load is not eligible under other rate schedules.

C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.

D. Rates:

Daily Service Charge:

Multiphase service: \$1.86/day

Monthly Energy Charge: \$0.0396/kWh

Monthly Demand Charge: \$5.17/kW

SCHEDULE 30: Small Industrial

A. Availability: In all territory served by the city's electric utility.

B. Applicability: To all nonresidential uses supplied through a single meter where anticipated monthly maximum demand is greater than 1,000 kilowatts but less than or equal to 5,000 kilowatts and the load is not eligible under other rate schedules.

C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.

D. Rates:

Daily Service Charge:

Multiphase service: \$7.72/day

Monthly Energy Charge: \$0.0396/kWh

Monthly Demand Charge: \$5.48/kW

SCHEDULE 31: Large Industrial

A. Availability: In all territory served by the city's electric utility.

B. Applicability: To all nonresidential uses supplied through a single meter where anticipated monthly maximum demand is greater than 5,000 kilowatts and the load is not eligible for service under other rate schedules.

C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.

D. Rates:

Daily Service Charge: \$7.72/day

Monthly Energy Charge: \$0.0392/kWh

Monthly Demand Charge: \$5.11/kW

SCHEDULE 33: Economic Development Rate

A. Terms and conditions of negotiated rate will be by contract.

- B. Will be based upon the benefits derived from the new load and/or employment opportunities that expand the local economy.
- C. Will utilize marginal costing concept.

SCHEDULE 40: Small Irrigation 0 – 60 Horsepower

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

SCHEDULE 45: Large Irrigation Over 60 Horsepower

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

SCHEDULE 60: Traffic Lighting

- A. Availability: In all territory served by the city's electric utility.

- B. Applicability: To municipally owned traffic-regulating signal systems on public streets and highways.
- C. Character of Service: Sixty hertz alternating current of such phase and voltage as the electric utility may have available.
- D. Rates:
 - Daily Service Charge: \$0.64/day
 - Monthly Energy Charge: \$0.0605/kWh

SCHEDULE 90: Cable Television Amplifier

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

SCHEDULE 100: New Large Single Load

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

14.24.070 Character of certain special uses.

Motors with individually rated capacities of more than seven and one-half horsepower must be served at commercial rates. Christmas or other temporary decorative residential lighting may be served at residential rates. Where additional facilities are required to serve decorative lighting, the distributor will charge the customer actual costs, including overhead costs, for the installation and removal of the facilities.

14.24.100 Special rules if premises used for both residential and commercial purposes.

The residential rate is not applicable to any space in a residential dwelling which is regularly used for commercial purposes or for other gainful activities. In such cases, if a separately metered circuit is provided at no cost to the city for the commercial portion of the dwelling, the appropriate commercial rate shall be applied to the power requirements.

If a separately metered circuit is not provided, the entire power requirements of the premises must be billed under the commercial rate.

If the premises are used primarily as a private dwelling and space in the dwelling is only occasionally used for commercial purposes, the residential rate shall be applied to the entire power requirements.

14.24.120 Street lighting.

For all municipally owned lighting systems for public streets, publicly owned parking areas, and parks, service shall be provided pursuant to the applicable street lighting rates published in the city's user fees and charges schedule. Such service shall include maintenance of and replacement of lamps for overhead lighting systems of such areas. The provisions of this fee schedule shall not apply to rates for energy supplied under specific contracts negotiated for such purpose.

14.24.130 Rental lighting.

For municipally owned rental lighting facilities consisting of overhead construction with mast arms and luminaires mounted on poles, service shall be provided at the request of property owners or long-term lessees of property pursuant to the applicable rental lighting rates published in the city's user fees and charges schedule. Lighting facilities supplied under this provision shall remain the property of the city and shall be supplied only pursuant to a contract with the customer, the term of which shall be a period of not less than three years.

14.24.140 De minimis unmetered loads.

For loads determined by the chief electrical engineer to be of a de minimis nature, service shall, with the authorization of the director, be provided pursuant to the applicable de minimis unmetered loads rate published in the city's user fees and charges schedule.

14.24.150 School and municipal building rate.

There are no rate discounts for electricity supplied at schools or municipal buildings.

14.24.180 Athletic field floodlighting.

For athletic field lighting, an investment charge may be made based upon the city's investment in furnishing and installing the equipment devoted to supplying the athletic field lighting service. Energy will be billed in accordance with the appropriate rate schedule and each installation will be considered a separate customer for billing purposes. Customers' bills rendered in accordance with this provision shall be subject to any surcharge and amortization charge applied by the director.

14.24.190 Special charges and billing rules.

Charges for energy supplied under the provisions of RMC 14.24.180 shall be computed as follows:

A. Energy. When the energy supplied is metered, the meter shall be installed in or connected to the lighting circuit and the billing shall include the energy delivered to and consumed in all circuits and equipment used exclusively for lighting purposes. When the energy supplied is not metered, the monthly energy charge shall be computed from the

lamp wattage plus five percent for losses, multiplied by the number of hours of use, multiplied by the applicable energy rate as determined by the chief electrical engineer.

B. Capital Investment Computation. The department's capital investment costs, used as a basis for computing charges, shall consist of the cost of all labor, material and equipment, plus appropriate overhead costs, used to construct the lighting system.

C. Annual Operation and Maintenance Computation. The department's annual operation and maintenance costs, used as a basis for computing charges, shall be eight percent of the capital investment cost and shall provide for all routine maintenance, including lamp replacement, performed on the lighting system.

D. Computation of Charges. Computation of monthly charges shall be one percent of the capital investment cost plus one-twelfth of the annual operation and maintenance cost plus the charge for energy consumed by the lighting system.

~~14.24.200 Investment cost recovery incentive.~~

~~Customers shall meet the requirements set forth in WAC 458-20-273 and the investment cost recovery incentive shall be paid according to WAC 458-20-273 as currently written or as it may hereafter be amended.~~

~~Energy produced as a part of the investment cost recovery incentive may be used in conservation programs by the city. An initial installation fee will be charged for participation in investment cost recovery. This fee is listed in the city of Richland user fees and charges.~~

14.24.210 Renewable energy system incentive.

The department may offer a renewable energy system incentive program that shall be governed by RCW 82.16.160, RCW.82.16.165, RCW 82.16.170, RCW 82.16.175, and WAC 504-49 as written or hereafter amended.

Customers participating in the renewable energy system incentive program with systems approved and installed after November 1, 2018, shall be assessed a program and production meter fee as listed in the city Fee Schedule.

14.24.220 Net metering.

A net metering customer shall be billed according to the applicable retail electric rate in RMC 14.24.060. Each net metering customer shall be charged the daily service charge and the energy charge for all energy delivered to the customer from the utility for the applicable billing period. Each net metering customer shall be credited the energy charge for all real energy received by the utility from the net metering system. Customers with net metering systems approved and installed after November 1, 2018, shall be assessed a net metering infrastructure fee per kWh of received generation as listed in the city Fee Schedule. The net metering infrastructure fee shall be calculated as the current retail kWh rate less the avoided cost of energy.

Customers with net metering systems approved and installed after November 1, 2018, shall be assessed a net meter installation fee as listed in the city Fee Schedule.

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 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: February 24, 2019

Attachment 1
Example Calculations for Existing and New Net Metering Residential Customers

Rate

Daily Service Charge:	\$0.064
All Delivered kWh:	\$0.0686
All Received kWh:	(\$0.0686)
Infrastructure Fee @ kWh of Received Generation ¹ :	\$0.0262
Utility Tax:	\$0.0929

1. Infrastructure fee applies to net metering systems approved and installed after November 1, 2018. It is calculated as Retail rate per kWh – Avoided cost of energy.

Existing Net Metering System Installed by November 1, 2018

Delivered kWh = 500 kWh

Received kWh = 400 kWh

30 day billing cycle

Billed Amount = Service Charge + Delivered Charge - Received Credit + Tax

Billed Amount = $(\$0.64 * 30) + (\$0.0686 * 500) - (\$0.0686 * 400) + \text{Tax}$

Billed Amount = $\$19.20 + \$34.30 - \$27.44 + \text{Tax}$

Billed Amount = $\$26.06 + (\$0.0929 * \$26.06)$

Billed Amount = $\$26.06 + \2.42

Billed Amount = \$28.48

New Net Metering System Installed after November 1, 2018

Given: Delivered kWh = 500 kWh

Received kWh = 400 kWh

30 day billing cycle

Billed Amount = Service Charge + Delivered Charge – Received Credit + Infrastructure Fee + Tax

Billed Amount = $(\$0.64 * 30) + (\$0.0686 * 500) - (\$0.0686 * 400) + (\$0.0262 * 400) + \text{Tax}$

Billed Amount = $\$19.20 + \$34.30 - \$27.44 + \$10.48 + \text{Tax}$

Billed Amount = $\$36.54 + (\$0.0929 * \$36.54)$

Billed Amount = $\$36.54 + \3.39

Billed Amount = \$39.93



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Resolutions – Adoption

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Core Focus Area 4 - Manage our Natural Resources

Subject:

Resolution No. 20-19, Approving a Second Amendment to Contract No. 230-15 with Shannon & Wilson, Inc.

Department:

Community Development Services

Ordinance/Resolution Number:

20-19

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 20-19, authorizing the City Manager to sign and execute an amendment to Contract No. 230-15 with Shannon & Wilson, Inc. for additional monitoring at the old City Shops location.

Summary:

In November 2015, the City hired Shannon & Wilson, Inc. to conduct groundwater monitoring and sampling at the Former City Shops Site at the corner of Goethals Drive and Mansfield Street. In 1998, underground storage tanks were removed and petroleum contamination was discovered in the excavated sites.

In October 2018, Shannon & Wilson completed the last monitoring and sampling event under the current contract. Analytical results from this sampling event indicated that, for the first time, petroleum contamination concentrations in the groundwater immediately downgradient of the former underground storage tanks were below the State's clean-up levels.

To determine if these results are indicative of a new steady-state condition, additional groundwater monitoring is needed.

Shannon & Wilson's scope of services under this amended contract will include collection and analysis of two (2) additional groundwater sampling events, and serving as the City's liaison with the Washington State Department of Ecology. This additional scope is valued at \$17,071.50.

Staff recommends adoption of Resolution No. 20-19.

Fiscal Impact:

Current budget in the Industrial Development Fund will cover the cost of this contract amendment.

Attachments:

1. Resolution No. 20-19
2. Second Amendment to Contract No. 230-15

RESOLUTION NO. 20-19

A RESOLUTION of the City of Richland authorizing a Second Amendment to the Professional Services Agreement with Shannon & Wilson for additional required environmental services related to environmental monitoring at the former City Shops location.

WHEREAS, there is now in full force and effect between the City of Richland and Shannon & Wilson, Inc. a consulting agreement for environmental monitoring related to the City of Richland's former City Shops site at the intersection of Mansfield Street and Goethals Drive (the "Original Agreement"); and

WHEREAS, the Washington State Department of Ecology requires additional mitigation and observation resulting in additional scope and cost; and

WHEREAS, the Original Agreement with Shannon & Wilson, Inc. did not include adequate scope or budget to support this additional mitigation and observation; and

WHEREAS, the Original Agreement has been amended once previously; and

WHEREAS, the aggregate of the amendments to the Original Agreement exceeds the signature authority provided under RMC 3.04.080(A)(3); and

WHEREAS, adequate funding exists in the Industrial Development Fund to cover these additional costs.

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 Second Amendment to Contract No. 230-15 between the City of Richland and Shannon & Wilson, Inc.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney



**CITY OF RICHLAND
AGREEMENT WITH SHANNON & WILSON
CONTRACT NO. 230-15**

AMENDMENT NO. 2

I. RECITALS

There is now in full force and effect between the parties a professional services agreement, Contract No. 17,071.50, related to **Soil and Ground Water Monitoring, Former City Shop Site**. The agreement was fully executed on **11/17/2015**. The expiration date of the agreement is **2018**. The parties desire to amend the agreement as provided in Section II below.

II. AGREEMENT

In exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend Contract No. 230-15 as follows:

1. The Consultant shall provide services described in the attached **Scope of Work**, which is hereby incorporated into Contract No. 230-15.
2. Fees.
 - a. ☐ The contract value remains unchanged.
 - b. ☒ Compensation for the additional services rendered pursuant to this amendment shall be \$17,071.50. The new contract value is now \$79,895.50.
3. The contract period shall: ☐ remain unchanged; ☒ extend to **12/31/2019**.
4. It is understood and agreed that all other terms and conditions of the agreement shall be and remain the same.

III. SIGNATURES

City:

Shannon & Wilson

By: _____

By: _____

Cynthia D. Reents
Richland City Manager

Name: _____

Date: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

Heather Kintzley, City Attorney



ALASKA
CALIFORNIA
COLORADO
FLORIDA
MISSOURI
OREGON
WASHINGTON
WISCONSIN

January 25, 2019

City of Richland
P.O. Box 190, MS #19
Richland, Washington 99352

Attn: Mr. Darin Arrasmith, Planner

RE: PROPOSAL FOR ADDITIONAL ENVIRONMENTAL SERVICES, FORMER CITY SHOPS SITE, RICHLAND, WASHINGTON

As requested, we have prepared this proposal to provide additional environmental services regarding the City of Richland's (City) former shop site at the intersection of Mansfield Street and Goethals Drive (former address 1300 Mansfield Street). The scope of services described herein includes performing additional groundwater monitoring, serving as liaison with Washington Department of Ecology (Ecology) on behalf of the City, and entering site data into Ecology's Electronic Information Management (EIM) system. The services will be provided as Extra Work, per Contract No. 230-15 Section 22.

SCOPE OF SERVICES

Groundwater Sampling and Analysis

Shannon & Wilson's groundwater sampling services will include collection and analysis of two sets of groundwater samples from Monitoring Wells 6, 11 and 12, and disposal of wastewater generated during sampling. The semi-annual monitoring events are planned to occur during high and low groundwater conditions, which are typically between July and September (high) and January and March (low). Two sampling events are included in this contract amendment and are estimated to occur in or around March and September 2019. The events will also include obtaining groundwater elevation data and estimating the groundwater flow direction. We propose to provide the following services.

2705 ST. ANDREWS LOOP, SUITE A
PASCO, WASHINGTON 99301
509•543•2860 FAX 509•492•5970
TDD: 1-800-833-6388

22-2-15485-005

City of Richland
Attn: Mr. Darin Arrasmith
January 25, 2019
Page 2

- Measure depth to groundwater at MW-6, -11 and -12 using an electronic water level indicator prior to sample collection. Water elevations will also be checked at other accessible site monitoring wells to help determine groundwater flow direction.
- Collect groundwater samples from the three wells in general accordance with EPA low-flow sampling procedures. Briefly, the process will include the following: 1) Purge water from the well using a peristaltic pump; 2) pass the purge water through a flow-through cell, periodically measuring pH, temperature, conductivity, dissolved oxygen, oxidation/reduction potential (ORP), total dissolved solids, and turbidity; and 3) after measurements stabilize, disconnect the flow-through cell and collect water sample for laboratory analysis. Samples will be collected directly in laboratory-furnished bottles, labeled, logged onto a chain-of-custody form, and placed on ice in a cooler.
- Ship samples for overnight delivery to an Ecology-accredited laboratory. We propose to use ESN Northwest of Olympia, Washington as the subcontracted laboratory. Samples will be analyzed for petroleum constituents by method Northwest Total Petroleum Hydrocarbons gasoline range and volatiles benzene, ethylbenzene, toluene and xylenes (NWTPH-G/BTEX).
- Prepare one report to include three monitoring events: the two proposed 2019 events and the previous October 2018 sampling event. The report will include water level readings, estimated groundwater flow direction, field observations during sampling, laboratory results, and our findings. We will prepare the report as a draft for the City's review, prior to finalizing the report.

To reduce the potential for cross-contamination, reusable equipment, including the water level indicator, will be decontaminated prior to first use and between each well. New, single-use disposable tubing will be used with the pump at each well. Shannon & Wilson's field and sample handling procedures will be in accordance with standard environmental protocols.

We will collect purge water in 5-gallon plastic buckets, and cover, seal and label them with information regarding contents. We will temporarily store the sealed buckets indoors at our office until receipt of the laboratory results.

Upon receipt of the laboratory results, we will compare the reported values to the City's criteria for safe disposal of wastewater to the municipal sanitary sewer. If the water meets the City's criteria for disposal in the sanitary sewer, the water will be disposed of by this means. If the water does not meet the criteria, we propose to allow the water to evaporate in an outdoor location away from potential human exposure.

Liaison with Ecology

Shannon & Wilson will serve as the City's liaison with Ecology. We will provide information to Ecology in the form of reports (after review and authorization from the City), emails, phone

City of Richland
Attn: Mr. Darin Arrasmith
January 25, 2019
Page 3

conversations and letters. At the City's request, our project environmental professional will meet with City representatives to discuss project status and progress.

The proposed services do not include submitting information and documentation that may be needed to support a potential City request to use one of Ecology's Model Remedies for Sites with Petroleum Impacts to Groundwater. After obtaining sampling results from 2019, it may be appropriate for the City to pursue this option, but such services are not currently planned.

EIM Submittals

Shannon & Wilson will submit analytical results and water elevation data from the planned monitoring events into Ecology's EIM system.

ASSUMPTIONS

We have assumed the City will obtain entry permission for the purpose of collecting groundwater samples.

ESTIMATED FEES

The services described in this proposal will be provided on a time and expense basis. We have prepared the attached cost estimate based on our current project understanding. The estimated fees total \$17,071.50 for the described services.

Our proposed fee is based on a standard 5-working day laboratory turn-around. We assume the City will prepare a contract modification for our review and signature. Thank you for the opportunity to furnish this proposal.

Sincerely,

SHANNON & WILSON, INC.



Donna Parkes
Senior Environmental Specialist

DRP/SWG:drp

Enclosure: Cost Estimate – Additional Environmental Services

SHANNON & WILSON, INC.

Geotechnical and Environmental Consultants

Date: 01/21/2019
Proposal No.: 22-2-15485-006
Client: City of Richland

COST ESTIMATE - ADDITIONAL ENVIRONMENTAL SERVICES**Former City Shop - 2019 monitoring well sampling**

	Unit Price	Quantity	Estimated Cost	Extended Total
<u>Task 1 - Groundwater Sampling/Laboratory/Report</u>				
Groundwater sampling and reporting (2 monitoring events; one report)				
Officer/Env. Manager, per hour	\$250.00	4	\$1,000.00	
Sr. Environmental Specialist, per hour	\$150.00	8	\$1,200.00	
Professional III, per hour	\$110.00	88	\$9,680.00	
Drafting, per hour	\$115.00	4	\$460.00	
Adm. Assistant, per hour	\$75.00	4	\$300.00	
Multi-parameter meter, per day	\$75.00	2	\$150.00	
Water level indicator, per day	\$15.00	2	\$30.00	
Sampling supplies, per well	\$30.00	6	\$180.00	
Sample pump, per day	\$125.00	2	\$250.00	
Purge water containment, per well	\$20.00	6	\$120.00	
Purge water disposal, lump sum	\$50.00	2	\$100.00	
Mileage, per mile	\$0.58	50	\$29.00	
				\$13,499.00
Subcontracted Analytical Laboratory				
NWTPH-G/BTEX, each	\$60.00	3	\$180.00	
Shipping	\$100.00	2	\$200.00	
			\$380.00	
Markup, 10%			\$38.00	
				\$418.00
Groundwater monitoring subtotal				\$13,917.00
<u>Task 2 - Liaison with Ecology and Meetings</u>				
Officer/Env. Manager, per hour	\$250.00	1	\$250.00	
Sr. Environmental Specialist, per hour	\$150.00	6	\$900.00	
Professional III, per hour	\$110.00	6	\$660.00	
Adm. Assistant, per hour	\$75.00	2	\$150.00	
Mileage, per mile	\$0.58	25	\$14.50	
				\$1,974.50
<u>Task 3 - EIM Data Input</u>				
Sr. Environmental Specialist, per hour	\$150.00	2	\$300.00	
Environmental Professional III, per hour	\$110.00	8	\$880.00	
Subtotal				\$1,180.00
ESTIMATED TOTAL				\$17,071.50



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Resolutions – Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 21-19, Authorizing a Consultant Agreement with Cloudburst Consulting Group, Inc. for the HOME Consortium

Department:

Community Development Services

Ordinance/Resolution Number:

21-19

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 21-19, authorizing the City Manager to sign and execute an agreement with The Cloudburst Group for the development of the 2020-2024 Tri-Cities Consolidated, First Year Annual Action and Analysis of Impediments to Fair Housing Choice Plans for the HOME Consortium.

Summary:

Richland entered into a HOME Consortium Agreement with Kennewick and Pasco in 1995 making the City eligible for Federal HOME funds. Richland is lead agency of the Consortium. Approval of a Consolidated Plan and Analysis of Impediments (AI) to Fair Housing Choice are required by the U.S. Department of Housing and Urban Development (HUD) to expand federal funds for both the HOME and Community Development Block Grant (CDBG) programs in successive five-year plans. The current 2015-2019 Consolidated Plan and AI Plan expire at the end of this year.

In November 2018, a Request for Proposals was issued from the HOME Consortium for the update of these plans. Data from numerous sources will be collected and analyzed and will lead to the development of strategies addressing local community development, affordable housing needs and fair housing choice. Cloudburst Consulting Group, Inc. provided the most comprehensive proposal to update the necessary documents. Further, Cloudburst Consulting Group, Inc. has completed over 25 HUD-approved consolidated plans and AIs in the past five years, all on schedule and within budget.

In addition to assisting the Consortium with development of the Consolidated Plan and AI Plan, the team will also advise and assist Consortium staff in developing a flexible framework to accommodate each City's individual projects through their Annual Action Plans for the 5-year period. The Annual Action Plans will be pre-populated by the framework of the Consolidated Plan goals, including their relationship to priority needs, descriptions, outcomes and indicator measures and are structured in a way that each city's individual annual projects must fit within.

Staff recommends adoption of Resolution No. 21-19.

Fiscal Impact:

The base cost for assistance in the preparation of the 2020-2024 Consolidated Plan, Annual Action Plans and Analysis of Impediments to Fair Housing Choices will be equally shared by the partner cities. Richland's share of the contract is \$19,642. Funding is available in the HOME Administrative Budget. The total contract cost is \$58,924.

Attachments:

1. Resolution No. 21-19
2. Draft Agreement with Cloudburst Consulting Group, Inc.

RESOLUTION NO. 21-19

A RESOLUTION of the City of Richland authorizing a consultant agreement with The Cloudburst Group for the development of the 2020-2024 Tri-Cities Consolidated Plan, the First Year Annual Action Plan, and the Analysis of Impediments to Fair Housing Plan for the HOME Consortium.

WHEREAS, the HOME Consortium (Consortium) is responsible for the development and implementation of successive five-year plans; and

WHEREAS, the City of Richland, as lead entity for the Consortium, issued a Request for Proposal (RFP) in compliance with City purchasing policies; and

WHEREAS, the City received three (3) responses to the RFP; and

WHEREAS, The Cloudburst Group was selected as the most qualified vendor to complete the development of the 2020-2024 Tri-Cities Consolidated Plan, the First Year Annual Action Plan, and the Analysis of Impediments to Housing Plan; and

WHEREAS, the cities of Richland, Kennewick and Pasco shall pay equal shares of the total cost pursuant to the master agreement between the member agencies of the Consortium.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager, as representative of the lead agency of the Consortium, is authorized to sign and execute a consultant agreement with The Cloudburst Group for preparation of the 2020-2024 Tri-Cities Consolidated Plan, First Year Annual Action Plan and Analysis of Impediments to Fair Housing Plan.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney



AGREEMENT BETWEEN CONSORTIUM AND CONSULTANT

Development of 2020-2024 Consolidated Plan, 2020 Annual Action Plan and Analysis of Impediments to Fair Housing Choice Plan

This Agreement is entered into this _____ day of _____, 2019 ("Effective Date") by and between the **City of Richland**, as lead entity for the Tri-Cities HOME Consortium, a Washington municipal corporation located at 505 Swift Blvd., Richland, WA 99352, the **City of Kennewick**, a Washington municipal corporation located at 210 W. 6th Ave., Kennewick, WA 99336, the **City of Pasco**, a Washington municipal corporation located at 525 N. 3rd Ave., Pasco, WA 99301 (hereinafter the "**Consortium**") and **Cloudburst Consulting Group, Inc.** ("**Consultant**"), a foreign for-profit corporation located at 8400 Corporate Drive, Suite 550 Landover, MD 20785-2238. **Consortium** and **Consultant** are referred to individually herein as a "Party" and collectively herein as the "Parties."

WITNESSETH:

1. SCOPE OF WORK

- a. Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work outlined in Exhibit A. In performing these services, Consultant shall at all times comply with all federal, state and local statutes, rules and ordinances applicable to the performance of such services. In addition, these services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance. All services performed under this Agreement will be conducted solely for the benefit of the Consortium and will not be used for any other purpose without written consent of the Consortium.
- b. This Agreement consists of this Agreement and other documents listed below. These form the entire Agreement between the Parties, and are fully integrated into this Agreement as if stated or repeated herein. In the event of a conflict between documents, the order of precedence will be the order listed below. An enumeration of the Agreement documents is set forth below (mark all that apply):
 1. ☒ Consortium Agreement No. _____
 2. ☒ Exhibit A: Scope of Work
 3. ☒ City of Richland Solicitation No. 18-0001
 4. ☒ Exhibit B: Solicitation No. 18-0001 proposal response submitted by Consultant dated January 22, 2019.
 5. ☐ Additional Documents – N/A.

2. TIME FOR COMPLETION

Consultant shall not begin any work under the terms of this Agreement until authorized in writing by the Consortium. Consultant agrees to use best efforts to complete all work described under this Agreement by November 15, 2019.

3. TERM

The term of this Agreement shall commence on the Effective Date identified above and end at midnight on December 31, 2019.

4. PAYMENT

- a. Services rendered by Consultant under this Agreement will be paid at the rate set forth in Exhibit A - Scope of Work, but in no event shall the total compensation for services rendered under this Agreement exceed **Fifty-Eight Thousand Nine Hundred Twenty-Four Dollars and No Cents (\$58,924)**, including all fees and those reimbursable expenses listed in Exhibit A. This is a Time & Materials agreement.
- b. Consortium shall pay Consultant for services rendered after receipt of a detailed invoice. Invoices not in dispute by the Consortium will be paid net thirty (30) days and shall reference the contract number and/or purchase order applicable to the work. The invoice shall provide sufficient detail on the work being billed and include detailed receipts for any invoices. Invoices are to be remitted to mburden@ci.richland.wa.us.
- c. Partial payments to cover the percentage of work completed may be requested by Consultant. These payments shall not be more than one (1) per month.
- d. Pre-approved travel, meals and lodging will be reimbursed at cost and only when Consultant travels at least 150 miles per one-way trip. Reimbursable expenses are limited to the following: coach airfare, ground transportation (taxi, shuttle, car rental), hotel accommodations at the government rate, personal or company vehicle use at the then-current federal mileage rate, and meals at the current federal per-diem meal allowance or up to the current federal per-diem with detailed receipts, no alcohol, and a 20% maximum gratuity.
 - (i) Consultant applies G&A indirect burden to travel and other direct costs (ODCs) consistent with practices that have been reviewed and approved by its cognizant audit agency, U.S. Department of Housing and Urban Development (HUD). The G&A rate used (23%) is consistent with its current agreement with HUD which can be provided upon request.
 - (ii) Consultant has established travel policies and procedures in place which are consistent with Federal Acquisition Regulations (FAR) as well as Federal Travel Regulations (FTR) and Department of State Per Diems and Allowances.
- e. Reimbursement for extra services/reimbursable expenses are not authorized under this Agreement unless detailed in the Scope of Work or agreed upon in writing as a modification to this Agreement.
- f. Consultant will allow access to the Consortium, State of Washington, Federal Grantor Agency, Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions. Unless otherwise provided, said records must be retained for three (3) years from the date of receipt of final payment. If any litigation, claim, or audit arising out of, in connection with, or relating to this Agreement is initiated before the expiration of the three-year period, the records shall be retained until such litigation, claim, or audit involving the records is completed.

5. INDEPENDENT CONTRACTOR

Consultant, and any and all employees of Consultant or other persons engaged in the performance of any work or services required of Consultant under this Agreement, are independent contractors and shall not be considered employees of the Consortium. Any and all claims that arise at any time under any Workers' Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a third party as a consequence of any act or omission on the part of Consultant's employees or other persons engaged in any of the work or services required to be provided herein, shall be the sole obligation and responsibility of Consultant.

6. OWNERSHIP OF DOCUMENTS

Any and all data, analyses, documents, photographs, plans, designs, drawings, specifications, surveys, films, documents, reports and other work products created, prepared, produced, constructed, assembled, made, performed, or otherwise produced by Consultant or Consultant's subcontractors for delivery to the Consortium pursuant to this Agreement shall become the sole and absolute property of the Consortium upon completion of the services and payment in full of all payment due to Consultant of the fees set forth in this Agreement. Such property shall constitute "work made for hire" as defined by the U.S. Copyright Act of 1976, 17 U.S.C. § 101, and the ownership of the copyright and any other intellectual property rights in such property shall vest in the Consortium at the time of its creation. Ownership of the intellectual property includes the right to copyright, patent, and register, and the ability to transfer these rights. Material which Consultant uses to perform this Agreement but is not created, prepared, constructed, assembled, made, performed or otherwise produced for or paid for by the Consortium is owned by Consultant and is not "work made for hire" within the terms of this Agreement. Consultant will ensure that all independent contractors have written agreements in place that transfers ownership of all Intellectual Property created by them or provided by them to the Consortium.

The Consortium may make or permit to be made any modifications to the plans and specifications without the prior written authorization of Consultant. The Consortium agrees to waive any claim against Consultant arising from any unauthorized reuse of the plans and specifications, and to indemnify and hold Consultant harmless from any claim, liability or cost arising or allegedly arising out of any reuse of the plans and specifications by the Consortium or its agent not authorized by Consultant.

7. TERMINATION

- a. This Agreement may be terminated by either Party upon thirty (30) days' written notice. In the event this Agreement is terminated by Consultant, the Consortium shall be entitled to reimbursement of costs occasioned by such termination. In the event the Consortium terminates this Agreement, the Consortium shall pay Consultant for the work performed, which shall be an amount equal to the percentage of completion of the work as mutually agreed between the Consortium and Consultant.
- b. If any work covered by this Agreement shall be suspended or abandoned by the Consortium before Consultant has completed the assigned work, Consultant shall be paid an amount equal to the costs incurred up to the date of termination or suspension as mutually agreed upon between the Consortium and Consultant.

8. AVAILABILITY OF RECORDS FOR PUBLIC INSPECTION

- a. As a public contract, all records prepared, generated or used by Consultant or its agents, employees and subcontractors relating to this Agreement and associated work (hereinafter "public records") may be subject to disclosure under the Washington State Public Record Act, Chapter 42.56 RCW.

- b. Contractor shall maintain and retain all such public records in a manner that is readily accessible for a minimum term of no less than three (3) years following completion of the contract work. Consortium shall have the right to timely review all such public records upon request. Contractor shall provide copies of any public records requested by Consortium within thirty (30) calendar days of Consortium's request. If Consortium requests that copies of public records be provided to Consortium in an electronic format, said records shall be provided at no cost to Consortium. If paper copies are requested by Consortium, Consortium shall pay \$.10 per page. Payment for paper copies shall be rendered to Consultant within twenty (20) calendar days of receipt.
- c. All records subject to a public disclosure request will be provided to a requester unless exempted from disclosure by law. The Consortium's decision to exempt or redact any public record shall be based only upon valid exemptions that apply to the City. Consortium will not refrain from disclosing any record under an exemption that may be personal to Consultant. In the event Consultant objects to release of any public record under this Agreement, Consultant may seek judicial approval to prevent such disclosure at Consultant's sole expense. Consortium shall neither aid nor interfere with Consultant's request for an injunction to prevent disclosure of any public record under this Agreement.
- d. Consultant shall insert this provision in all contracts with subcontractors or agents providing services relating to this Agreement.

9. DISPUTE RESOLUTION

- a. The Consortium and Consultant agree to negotiate in good faith for a period of thirty (30) days from the date of notice of all disputes between them prior to exercising their rights under this Agreement, or under law.
- b. All disputes between the Consortium and Consultant not resolved by negotiation between the Parties may be arbitrated only by mutual agreement of the Consortium and Consultant. If not mutually agreed to resolve the claim by arbitration, the claim will resolve by legal action.

10. DEBARMENT CERTIFICATION

Consultant certifies that neither Consultant nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this contract by any federal or state department or agency. Further, Consultant agrees not to enter into any arrangements or contracts related to completion of the work contemplated under this Agreement with any party that is on the "General Service Administration List of Parties Excluded from Federal Procurement or Non-Procurement Programs" which can be found at:

www.sam.gov and
<http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/default.asp>

11. VENUE, APPLICABLE LAW AND PERSONAL JURISDICTION

In the event that either Party deems it necessary to initiate a legal action to enforce any right or obligation under this Agreement, the Parties agree that any such action shall be initiated in the Superior Court of the State of Washington situated in Benton County. The Parties agree that all questions shall be resolved by application of Washington law, and that the Parties to such action shall have the right of appeal from such decision of the Superior Court in accordance with the laws of the State of Washington. Consultant hereby consents to the personal jurisdiction of the Superior Court of the State of Washington situated in Benton County.

12. ATTORNEY'S FEES

The Parties agree that should legal action be necessary to enforce any of the provisions of this Agreement, that the substantially prevailing Party will be awarded its reasonable attorney's fees and costs in action, including costs and attorney's fees on appeal if appeal is taken.

13. INSURANCE

Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Consultant, its agents, representatives, or employees.

- a. No Limitation. Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of Consultant to the coverage provided by such insurance, or otherwise limit the Consortium's recourse to any remedy available at law or in equity.
- b. Minimum Scope of Insurance. Consultant shall obtain insurance of the types described below:
 1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
 2. Commercial General Liability insurance shall be as least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent contractors and personal injury and advertising injury. The Consortium shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the Consortium using an additional insured endorsement at least as broad as ISO CG 20 26.
 3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
 4. Professional Liability, Errors or Omissions insurance appropriate to the Consultant's profession. Coverage shall be provided if Consultant is providing services under this Agreement as a licensed professional, including, but not limited to, engineers, architects, accountants, surveyors, and attorneys.
- c. Minimum Amounts of Insurance. Consultant shall maintain the following insurance limits:
 1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
 2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
 3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

- d. Other Insurance Provisions. Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance with respect to the Consortium. Any insurance, self-insurance, or self-insured pool coverage maintained by the Consortium shall be excess of Consultant's insurance and shall not contribute with it.
- e. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- f. Verification of Coverage. Consultant shall furnish the Consortium with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to, the additional insured endorsement, evidencing the insurance requirements of Consultant before commencement of the work.
- g. Notice of Cancellation. Consultant shall provide the Consortium with written notice of any policy cancellation within two (2) business days of Consultant's receipt of such notice.
- h. Failure to Maintain Insurance. Failure on the part of Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the Consortium may, after giving five (5) business days' notice to Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the Consortium on demand, or at the sole discretion of the Consortium, offset against funds due Consultant from the Consortium.
- i. Public Entity Full Availability of Consultant Limits. If Consultant maintains higher insurance limits than the minimum shown above, the Consortium shall be insured for the full available limits of the Commercial General and Excess or Umbrella liability maintained by Consultant, irrespective of whether such limits maintained by Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the Consortium evidences limits of liability lower than those maintained by Consultant.

14. INDEMNIFICATION / HOLD HARMLESS

- a) Consultant shall defend, indemnify, and hold the Consortium, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the willful or negligent acts, or alleged willful or alleged negligent acts, errors or omissions of the Consultant or the Consultant's employees or agents in performance of this Agreement, except for injuries and damages caused by the sole negligence of the Consortium.
- b) Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the Consortium, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This

waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.

15. STANDARD OF CARE

The professional services will be furnished in accordance with the care and skill ordinarily used by members of the same profession practicing under similar conditions at the same time and in the same locality.

16. SUCCESSORS OR ASSIGNS

All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the Parties hereto, and their respective successors and assigns; provided, however, that no assignment of the Agreement shall be made without written consent of the non-assigning Party, which may be given in the non-assigning Party's sole discretion.

17. NOTICES

Any notices required under this Agreement will be in writing, addressed to the appropriate Party at the address which appears below (as modified in writing from time to time by such party), and given by electronic submission, by facsimile personally, by registered or certified mail, return receipt requested, or by nationally recognized overnight courier service. All notices shall be effective upon the date sent.

Purchasing Manager
Consortium of Richland
505 Swift Blvd., MS-11
Richland, WA 99352
Email: purchasing@ci.richland.wa.us
Phone: (509) 942-7710
Fax: (509) 942-7397

Contact Name: Michelle Hayes
Name of Firm: The Cloudburst Group, Inc.
Address: 8400 Corporate Drive, Suite 550
Address: Landover, MD 20785-2238
Email: Michelle.Hayes@cloudburstgroup.com
Phone Number: (202) 253-2346
Fax Number: N/A

18. EQUAL OPPORTUNITY AGREEMENT

Consultant agrees that Consultant will not discriminate against any employee or job applicants for work under this Agreement for reasons of race, sex, nationality, religious creed, sexual orientation, or any other protected class status.

19. SEVERABILITY

If any provision of this Agreement conflicts with applicable law, or its application is found to be invalid by a court of competent jurisdiction, the remainder of this Agreement shall not be affected, and to this end, the terms of this Agreement are declared to be severable.

20. AMENDMENTS

All amendments must be in writing and be approved and signed by both Parties.

21. CHANGE IN LAW

The Parties hereto agree that in the event legislation is enacted or regulations are promulgated, or a decision of court is rendered, or any interpretive policy or opinion of any governmental agency charged with the enforcement of any such law or regulation is published that affects or may affect the legality of this Agreement or any part thereof or that materially and adversely affects the ability of either Party to perform its obligations or receive the benefits intended hereunder ("Adverse Change in Law"), then within fourteen (14) calendar days following written notice by either Party to the other Party of such adverse change in law, the Parties shall meet to negotiate in good faith an amendment which will carry out the original

intention of the Parties to the extent possible. If, despite good faith attempts, the Parties cannot reach agreement upon an amendment within sixty (60) calendar days after commencing negotiation, then this Agreement may be terminated by either Party as of the earlier of: (i) the effective date of the adverse change in law, or (ii) the expiration of a period of sixty (60) days following written notice of termination provided by one Party to the other.

22. CONFIDENTIALITY

In the course of performing under this Agreement, Consultant, including its employees, agents or representatives, may receive, be exposed to, or acquire confidential information. Confidential information may include, but is not limited to, patient information, contract terms, sensitive employee information, or proprietary data in any form, whether written, oral, or contained in any computer database or computer readable form. Consultant shall: i) not disclose or sell confidential information except as permitted by this Agreement; (ii) only permit use of such confidential information by employees, agents and representatives having a need to know in connection with performance under this Agreement; and (iii) advise each of its employees, agents, and representatives of their obligations to keep such information confidential.

23. CHANGES OF WORK

- a. When required to do so, and without any additional compensation, Consultant shall make such changes and revisions in the completed work of this Agreement as necessary to correct or revise any errors, omissions, or other deficiencies in the design, drawings, specifications, reports, and other similar documents which Consultant is responsible for preparing or furnishing under this Agreement.
- b. Should the Consortium find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, Consultant shall make such revisions as directed by the Consortium. This work shall be considered as Extra Work and will be paid for as herein provided under Section 24, Extra Work.

24. EXTRA WORK

The Consortium may desire to have Consultant perform work or render additional services within the general scope of this Agreement. Such work shall be considered as extra work and will be specified in a written supplement to this Agreement which will set forth the nature of the scope, schedule for additional work, additional fees and the method of payment. Work under a supplemental Agreement shall not proceed until authorized in writing by the Consortium.

25. ENTIRE AGREEMENT

This Agreement contains the entire agreement of the Parties hereto and supersedes all previous understandings and agreements, written and oral, with respect to this transaction. Neither Party shall be liable to the other for any representations made by any person regarding the terms of this Agreement, except to the extent that the same are expressed in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

CONSORTIUM

CONSULTANT

Cynthia D. Reents, Richland City Manager
Lead, Tri-Cities HOME Consortium

Signature

Printed Name

REPRESENTATIVE MEMBERS:

Title

Marie E. Mosley, City Manager
City of Kennewick

David Zabell, City Manager
City of Pasco

APPROVED AS TO FORM:

Heather Kintzley, Richland City Attorney

Lisa Beaton, Kennewick City Attorney

Eric Ferguson, Pasco City Attorney

Project Scope

Task 1 - Project Launch and Management

After contract execution, Cloudburst will work with City staff to schedule an in-person kick-off meeting, inviting City Staff, Consortium members and any key stakeholders to accomplish the following:

- Finalize the project schedule
- Discuss and finalize community engagement methods
- Identify consultation partners, key stakeholders, and/or organizations critical to contextualizing local data/priority needs
- Discuss the development of survey and other data collection tools
- Review Consolidated Plan procedures and work flows / policies and procedures of existing programs

In addition to the project kick-off meeting, Cloudburst will coordinate with City staff on IDIS logistics, stakeholder survey development, and regular project update meetings.

IDIS Coordination

Up to two (2) Cloudburst staff members will submit the IDIS Online Access Request Form to each Member City staff to obtain access to their IDIS Profile. Cloudburst's IDIS team will work with the City to create the Consolidated Plan template for the Consortium early in the planning process. We will prepare the Consolidated Plan in IDIS following the guidance provided in the *Consolidated Plan in IDIS Desk Guide*, which was written by Cloudburst.

Develop Stakeholder/Community Survey

To leverage resources and include the input from City staff, the Cloudburst team will develop a citywide online survey that will solicit the input of key stakeholders and constituents to determine the public and private housing needs of the area and inform the Consolidated Plan.

Project Management/Status Meetings

Through the duration of the project, Cloudburst will facilitate regular check-in meetings with City staff to keep everyone abreast of project schedules, challenges, and anticipated deliverables for review.

Deliverables	Proposed Timeline
Finalized Project Schedule	March 2019
Draft online survey	March 2019-April 2019

Task 2 - Initial Data Analysis

The Cloudburst team will use existing HUD data, augmenting it with readily available local data where applicable and available, to capture a more complete picture of the diversity and dynamics of the Tri-Cities region. The most recent data available through the Consolidated Plan template is the 2009-2013 ACS data; however, Cloudburst will use more up-to-date datasets where available, ensuring consistency throughout the analysis.

To inform stakeholder meetings and citizen participation, Cloudburst will update all data from the eCon Planning Suite for the Consortium and conduct initial analysis of the housing,

demographic, and socioeconomic data for the area. For some data points, comparisons will be done at the state and national levels to give a more complete picture of the area and its key jurisdictions. Cloudburst will conduct a trend analysis from the last Consolidated Plan cycle to show changes over time in key data points.

Cloudburst will present this data for one round of review and comment by the City and Consortium participating members (Kennewick and Pasco). This data will be presented in Microsoft PowerPoint, comprised of charts, graphs, tables, and other visualization tools and accompanied by initial written analysis identifying potential challenges and strengths.

Based on feedback from the City and the first set of stakeholders, Cloudburst will update the draft data analysis to inform the Consolidated Plan. This analysis will include updated data tables, charts, as well as maps to highlight key priority needs and/or conditions in the area and specific demographic groups. Cloudburst will ensure that the data elements fully comply with the requirements set forth in 24 CFR Part 91. This data analysis will lay the foundation for the Needs Assessment and identification of Priority Needs.

Deliverables	Proposed Timeline
Complete Consortium--specific data analysis	April 2019
Provide PowerPoint presentation with all relevant quantitative data to inform community engagements, agency consultations, and the Consolidated Plan	April 2019

Task 3 - Public Participation and Consultation

In working with the Consortium following its Citizen Participation Plan, Cloudburst proposes an intensive community engagement process that will enable the Tri-Cities to gather feedback from an array of residents and stakeholders throughout the Tri-Cities region. Cloudburst will especially focus on the engagement with those households earning 0%-80% of the Area Median Income (AMI) and those households that have been historically not invited to contribute their voice to community planning documents.

Conduct Four Community Focus Groups

Cloudburst will facilitate at least four (4) on-site focus groups to discuss housing needs, economic and community development goals, prioritizations, and fair housing, among any other topics requested by City staff. Cloudburst will coordinate with City staff to establish a set of questions and discussion areas to generate qualitative data that will accompany quantitative data to support the goals, priority needs, and objectives of the Consolidated Plan. In coordination with the City, the community meetings will ensure that the diversity of the area is represented in linguistic, social, and economic terms and the time and places of such meetings align with the needs and expectations of the community members.

Stakeholder Meetings

Cloudburst will facilitate three (3) in-person or virtual stakeholder meetings (based on scheduling availability) to gather input and feedback on community conditions and priority needs. During these meetings, Cloudburst will review the prior Consolidated Plan goals, CAPER reports, and other relevant planning or status reports, and facilitate conversation to identify the most pressing community needs. Cloudburst will review relevant programs with stakeholders to identify shortcomings that may limit the effectiveness of these projects. Cloudburst will also review the

draft data analysis with each stakeholder to validate the data and identify what topics require more detailed analysis either using state or local sources or analyzing conditions at a communitywide Census-tract level.

Deliverables	Proposed Timeline
Facilitate up to seven (7) community meetings (Stakeholder and Focus Groups)	March 2019 – June 2019
Produce Summary Report from each of community meetings	June 2019

Task 4 - Final Data Analysis

Analyzing and Summarizing Results of the Community-Wide Survey

The Cloudburst team will work with the City and key local organizations to collect, analyze, and summarize the results of the community-wide web survey (see Task 1). The data will identify strengths and gaps within the Tri-Cities HOME Consortium and the effectiveness and public awareness of existing programs. Cloudburst will produce this report in a format that displays its results in written analysis and graphic visualizations.

Facilitate Discussion on Priority Needs

Using the information gathered from the initial data analysis, Cloudburst will review high and low priority needs with City staff via a remote virtual meeting. As provided with the initial data review, Cloudburst will present this information in Microsoft PowerPoint, comprised of charts, graphs, tables, and other visualization tools and accompanied by initial written analysis identifying the key needs.

Finalize Needs Analysis, Goals and Priorities

After facilitating a discussion of high and low priority needs, the community-wide stakeholder survey, and community outreach meetings, Cloudburst will present City staff with a draft of needs, goals, and priorities the City should consider in the Consolidated Plan process.

Deliverables	Proposed Timeline
Analysis and Summary Report of community survey results	June 2019
High and low priority needs presentation	June 2019
Draft of goals and priorities	June 2019

Task 5 - Update Analysis of Impediments to Fair Housing Plan

Under the guidance and direction of the City staff, Cloudburst will update the Analysis of Impediments to Fair Housing Choice (AI) integrating the qualitative and quantitative data, community needs survey, and other initial data collected. The update of the AI will occur ahead of the Consolidated Plan process to enable the alignment between the fair housing goals and the Strategic Plan.

Cloudburst will consult with the Tri-Cities Consortium's previous Fair Housing Plan to create a framework for the 2020 Analysis of Impediments to Fair Housing Choice. A thorough review of existing laws, regulations, administrative policies and procedures will launch the work on the AI. This review will be followed up with an analysis of how those regulations and policies affect

affordable housing choice and access to such housing in the City. In updating the AI, Cloudburst will incorporate the following:

- Summary of comments from remote one-on-one consultations with public and private agencies and community groups
- Summary report analyzing the results and findings from the community needs survey
- An assessment of current land use and group home practices based on zoning data provided by City staff and information gathered from the Housing Authority
- Patterns of ownership versus rental, housing density, housing age, and/or condition, overcrowding, income, family size, residency tenure, and other available information based on CHAS, ACS, and local information
- Demographic overview of Bakersfield showing how the jurisdiction compares to the Consortium as a whole in racial composition, homeownership by race, affluence, and poverty by race and trends since 2010

In updating the AI, Cloudburst will utilize already gathered datasets and analysis to further inform the AFFH Mapping Tool data and maps provided by HUD. Cloudburst will update the AI taking into account the area as a whole and the unique communities within the Consortium that have seen tremendous changes in the last few years. Throughout the development of the AI, Cloudburst will regularly consult with the City and key stakeholders to ensure that the AI and its findings are reflective of how the Consortium functions on a practical level, as indicated through both quantitative and qualitative data. The preliminary Draft AI Plan will be presented to each jurisdiction (Richland, Kennewick, and Pasco) for review and comments. After the 30-day public comment period, the revised AI Plan will be resubmitted to City staff and collaborating parties. The Final AI Plan will be provided as a CD disk or appropriate media in the latest Microsoft Office Word format, along with a resource binder that will include a list of data sources, backup of data collected, consultation records, correspondence, and other supporting documentation used in developing the AI.

Deliverables	Proposed Timeline
AI Data Collection and Consultation with residents and stakeholders	March-April 2019
Submit Draft AI Plan for review	July 2019
Submit Final AI Plan	August 30, 2019
Cloudburst assumes a final AI date of November 2019. Schedule will be adjusted based on actual contract timing.	

Task 6 - Consolidated Plan

To draft the Consolidated Plan, Cloudburst will include the action items identified in the Analysis of Impediments to Fair Housing Choice and use existing HUD data augmented with readily available local data, where applicable and available, to capture a more complete picture of diversity and dynamics of the Consortium. Moreover, to inform stakeholder meetings and citizen participation, Cloudburst will update all data from the eCon Planning Suite for the City and conduct initial analysis of the housing, demographic, and socioeconomic data for the area. For some data points, comparisons will be done at the state and national levels to give a more complete picture of the area and its key jurisdictions.

The Executive Summary and Process

The Executive Summary section serves as an introduction and summarizes the key points of the Consolidated Plan. The Process section of the template is where grantees identify the lead agencies responsible for the development of the plan and the administration of the grants; identify which public and private service providers and other stakeholders were consulted; and describe the process of outreach conducted to encourage citizen participation during the development of the plan.

Incorporating Broadband and Resiliency into the Consultation and Citizen Participation

Process: Our team understands HUD's recently released requirements related to incorporating broadband and resiliency analysis into the Consolidated Plan process as documented in the December 16, 2016 edition of the Federal Register Volume 81, Number 242, 90997-91012. Cloudburst will ensure broadband and resiliency is incorporated throughout the consultation and citizen participation process.

PR-10 Consultation: Cloudburst will include the broadband providers consulted to understand if/how expansion is happening and any nonprofits supporting access to high speed internet. For resiliency, Cloudburst will consult with the Tri-Cities emergency management agencies and other agencies responsible for managing flood prone areas, public land, or water resources. Additionally, Cloudburst will ensure close alignment with any National Disaster Resiliency activities and programs related to resiliency.

Description of Lead Entity and Process: In the PR-05 Lead and Responsible Agencies screen, Cloudburst will provide a description of the City (Richland) as the Lead Entity of the Tri-Cities HOME Consortium and responsible for overseeing the development of the 5-year Consolidated Plan. On the ES-05 Executive Summary screen, we will include a summary of the process undertaken to develop the plan.

Needs Assessment and Market Analysis

Cloudburst will work with the City staff and utilize local data and information provided by the Housing Authority of the City of Kennewick, the Housing Authority of the City of Pasco and Franklin County, and other local housing and homelessness service providers to develop a thorough assessment of housing and non-housing needs throughout the Tri-Cities region. We will pay close attention to data highlighting local issues, such as a rise in homelessness, land use and development potential, communities with disproportional housing needs, and community-wide housing affordability issues to gain a deeper understanding of the wide differences in housing and homelessness needs throughout the City. Cloudburst is wholly familiar with the Needs Assessment screens and will not lose the City's urban expansion in the narrative.

Cloudburst will conduct a housing market analysis as part of the Consolidated Plan for the Tri-Cities in accordance with the requirements at 24 CFR 91.210. Utilizing the information generated from the data analysis, Cloudburst will dive deeper into the general characteristics of the housing market for Richland, Kennewick, and Pasco. This analysis will maintain a focus on the dynamics of the area as housing hot spot and the strains of such growth on the public and assisted housing stock. The analysis will use tables within the eCon Planning Suite and bring in accompanying data to first create a more robust qualitative picture. This will be followed by a comprehensive narrative account of the housing market to highlight the housing gaps for all residents, particularly those with special needs, and the various housing barriers faced by different communities in the Tri-Cities region. In addition, Cloudburst will pay particularly close

attention to estimating the number of housing units that are occupied by low-income families or moderate-income families that contain lead-based paint hazards.

Finally, the Housing Market Analysis will result in a report that will use GIS and other visualization tools to further understand the inventory of available land in the Tri-Cities region that could be used for the development of affordable housing.

Incorporating Broadband Access and Resiliency into the Market Analysis: As part of the market analysis, Cloudburst will identify and address the needs of low- and moderate-income communities as it relates to broadband. To inform this, Cloudburst will use data such as: <https://broadbandmap.fcc.gov/>. For resiliency, Cloudburst will support the Tri-Cities in considering the vulnerability of low-income neighborhoods to climate-related changes and confirming that areas of targeted investment are not in floodplains. Cloudburst will conduct evaluations using readily available data sources developed by Federal government agencies, other available data and analyses (including State, Tribal, and local hazard mitigation plans that have been approved by FEMA), and existing data the Tri-Cities may have available.

Analysis of Community and Economic Development Needs: As part of the Needs Assessment and Market Analysis, Cloudburst will conduct an analysis of the community and economic development needs for the City of Richland. This analysis will include the needs for public facilities, public improvements, public services, and other eligible uses of the Community Development Block Grant program.

Five-Year Strategic Plan Development

Using the qualitative and quantitative data identified in the data analysis and consultation, Cloudburst will complete all required fields for the Consortium Strategic Plan, as listed in Part D.4 under Section 2.1 of the RFP. Cloudburst will use the current monitoring checklists to ensure all fields are complete. To complete the Strategic Plan, Cloudburst will facilitate up to two remote working sessions with the Consortium and key stakeholders in which Cloudburst will present recommendations for the Strategic Plan. The goal of the working sessions will be to enable the Consortium to finalize their needs, resource allocation, and goals. Cloudburst has utilized this process with multiple grantees and has found it enables the community to best prepare to launch and implement the Strategic Plan and subsequent Action Plans.

Other

In addition to the Needs Assessment, Market Analysis and Strategic Plan sections, Cloudburst will finalize and complete the remaining sections of the Con Plan to comply with 24 CFR Part 91.

Deliverables	Proposed Timeline
Initial draft of Needs Assessment and Market Analysis sections of Con Plan	July 2019
Two working remote sessions and initial draft of Strategic Plan for review and feedback	June-July 2019
Draft of Executive Summary and remaining sections of the Con Plan as requested by City staff	July 2019

Task 7 - First Year Annual Action Plan

Using the qualitative and quantitative data from State and local sources, Cloudburst will complete all required fields for the Tri-Cities Annual Action Plan for the 2020 Program Year. Cloudburst will use the current checklists to ensure all sections of the action plan are completed. To complete the Annual Action Plan, Cloudburst will facilitate up to one remote working session with the Member City staff. The goal of the working session will be to enable the Member City to finalize the needs, resource allocation, and goals for the First Year Action and to incorporate its findings in the Consolidated Plan.

Deliverables	Proposed Timeline
Draft Annual Action Plans for PY2020	July 2019

Task 8 - Final Drafts of Documents and IDIS Entry

The Consolidated Plan and the PY 2020 Annual Action Plan document will be provided to the Cities of Richland, Kennewick and Pasco for a final round of consolidated edits and internal feedback. Cloudburst will work with the Tri-Cities to integrate any new feedback, developing a final draft of both documents. Hard copies of the final document will be provided as instructed in the RFP.

Concurrently, Cloudburst will initiate the IDIS entry process for these documents. Based on our experience using the eCon Planning Suite template, the later IDIS entry occurs in the development of the Consolidated Plan and AAP documents, the more efficient the process.

Deliverables	Proposed Timeline
Final draft of Consolidated Plan and PY2020 Annual Action Plan (both printed and electronic Microsoft Word versions) provided to the Cities of Richland, Kennewick, and Pasco	August 30, 2019

Task 9 - Public Hearings and Plan Submission

Cloudburst will support up to one public hearing, as requested by the Cities, to be scheduled at mutually agreeable dates. This public hearing will include, but may not be limited to, meeting of the City Council and City Committees.

Following the completion of the 30-day public display and review period, Cloudburst will work with the Tri-Cities to summarize the comments received for incorporation into the Consolidated Plan and AAP. Cloudburst will complete final data entry in IDIS based on the review period and deliver Word and PDF files to the Tri-Cities for posting on its website.

Deliverables	Proposed Timeline
Support for up to one public hearing	September 2019
Final Consolidated Plan and AAP documents submitted to HUD	Before November 15, 2019

Project Schedule

Based on the timeline provided in Section 2.1.B of the RFP, Cloudburst proposes the following schedule of tasks for completion of the 2020-2024 Consolidated Plan, Analysis of Impediments, and Annual Action Plans.

During the kick-off meeting, Cloudburst will confirm the final schedule with the City. Based on this meeting, we will make appropriate adjustments to the schedule, including the addition of anticipated completion dates for all sub-tasks and deliverables. Progress, timeline, and all due dates will be reviewed at least monthly over the period of the contract.

Schedule of Tasks and Activities

		2019*											
Task	Activity**	J	F	M	A	M	J	J	A	S	O	N	D
Task 1. Project Launch and Management	Project kick-off meeting												
	Review Consortium documents and regulations												
	IDIS Coordination												
	Develop Stakeholder Online Survey												
	Project Management/Status Meetings												
Task 2. Initial Data Analysis	Data collection and analysis												
	Microsoft PowerPoint data presentation												
Task 3. Public Participation and Consultation	Review the Consortium's Citizen Participation Plan												
	Facilitate up to four (4) in-person community focus groups												
	Facilitate up to three (3) stakeholder meetings												
Task 4. Final Data Analysis	Analyze and summarize online survey results												
	Facilitate one (1) remote discussion on Priority Needs												
	Finalize needs analysis, goals, and priorities												
Task 5. Update of Analysis of Impediments to Fair Housing Plan	Review of Consortium's current Fair Housing plan, practices, programs, and requirements												
	AI data collection and consultation with residents and stakeholders												
	Analysis and Summary Report of community survey results												
	Draft AI Plan												
	Final AI Plan												
Task 6. Consolidated Plan	Draft Needs Assessment (NA 05-50 screens)												
	Draft Market Analysis (MA 05-50 screens)												
	Facilitate two (2) remote working sessions with Consortium and key stakeholders												
	Draft Strategic Plan (SP 05-80 screens)												
	Draft Executive Summary and remaining sections of the Con Plan (AD 25-55, ES-05, and PR 05-15 screens)												
Task 7. First Year Annual Action Plan	Draft PY2020 Annual Action Plan (AP 15-90 screens)												
Task 8. Final Drafts of Documents and IDIS Entry	Final Draft Con Plan												
	IDIS Entry												
Task 9. Public Hearing and Plan Submission	Participate in one (1) Public Hearing												
	Final Consolidated Plan and AAP												
	Provide up to 24 hours of Technical Assistance during HUD 45-day review												

*Cloudburst assumes a project start date of March 1, 2019. Schedule will be adjusted based on actual contract timing.

**Please see the Schedule of Deliverables, provided in Appendix I

Budget Summary

PROPOSAL NAME: City of Richland Proposal



				Project Launch & Management		Initial Data Analysis		Public Participation and Consultation		Final Data Analysis		Update Analysis of Impediments to Fair Housing Plan	
Team Member	Role	Labor Category	Rate	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hour	Subtotal
Joel Warren	Project Manager	Analyst II	\$ 84	21	\$ 1,764	4	\$ 336	55	\$ 4,620	6	\$ 504	26	\$ 2,184
Benjamin Sturm	Lead Analyst	Analyst III	\$ 94	20	\$ 1,880	10	\$ 940	0	\$ -	10	\$ 940	14	\$ 1,316
Melissa Campbell	Analyst	Senior Analyst I	\$ 102	14	\$ 1,428	18	\$ 1,836	0	\$ -	26	\$ 2,652	34	\$ 3,468
Shea Lilly	Analyst	Junior Analyst II	\$ 68	4	\$ 272	24	\$ 1,632	0	\$ -	0	\$ -	26	\$ 1,768
LABOR TOTAL				59	\$ 5,344	56	\$ 4,744	55	\$ 4,620	42	\$ 4,096	100	\$ 8,736
Travel					\$ 373				\$ 373				
Reproduction/Materials/Teleconference					\$ 107		\$ 95		\$ 92		\$ 82		\$ 175
TOTAL					\$ 5,824		\$ 4,839		\$ 5,085		\$ 4,178		\$ 8,911

				Draft Consolidated Plan		First Year Annual Action Plan		Final Drafts of Documents and IDIS Entry		Public Hearings and Plan Submission		TOTAL	
Team Member	Role	Labor Category	Rate	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Dollars
Joel Warren	Project Manager	Analyst II	\$ 84	34	\$ 2,856	6	\$ 504	2	\$ 168	10	\$ 840	164	\$ 13,776
Benjamin Sturm	Lead Analyst	Analyst III	\$ 94	88	\$ 8,272	30	\$ 2,820	8	\$ 752	0	\$ -	180	\$ 16,920
Melissa Campbell	Analyst	Senior Analyst I	\$ 102	58	\$ 5,916	30	\$ 3,060	0	\$ -	0	\$ -	180	\$ 18,360
Shea Lilly	Analyst	Junior Analyst II	\$ 68	20	\$ 1,360	12	\$ 816	24	\$ 1,632	2	\$ 136	112	\$ 7,616
LABOR TOTAL				200	\$ 18,404	78	\$ 7,200	34	\$ 2,552	12	\$ 976	636	\$ 56,672
Travel											\$ 373		\$ 1,118
Reproduction/Materials/Teleconference					\$ 368		\$ 144		\$ 51		\$ 20		\$ 1,133
TOTAL					\$ 18,772		\$ 7,344		\$ 2,603		\$ 1,368	636	\$ 58,924



2020-2024 Consolidated Plan (Con Plan), 2020 Annual Action Plan (AAP), and Analysis of Impediments to Fair Housing Choice (AI)

RFP Number 18-0001

Submitted on: January 22, 2019

SUBMITTED BY:

Michelle Hayes, President
8400 Corporate Drive, Suite 550
Landover, MD 20785-2238
(202) 253-2346
Michelle.Hayes@cloudburstgroup.com

SUBMITTED TO:

www.publicpurchase.com

Economically Disadvantaged Women-Owned Small Business (EDWOSB)

DUNS: 602539111

NAICS Code: 541990

Tax Identification Number: 26-0121775

RESTRICTION ON DISCLOSURE AND USE OF DATA

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror because of, or in connection with, the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in all pages/sheets and attachments of this proposal.

Table of Contents

A. Preface	2
1. Attachment A – RFP Signature Form and Addendum Acknowledgement.....	2
2. New 2018 Internal Revenue Service Form W-9, Revised October 2018	4
B. Executive Summary.....	6
1. The Cloudburst Group	6
2. Cloudburst’s Expertise.....	6
3. Cloudburst’s Location	8
C. Project Approach and Schedule.....	9
1. Work Plan	9
2. Methodology	16
3. Team Organization	16
4. Project Schedule	17
D. Related Project Experience / References	19
1. Relevant Experience and Project Examples	19
2. References	20
E. Cost of Services.....	24
Budget Summary	24
Budget Assumptions	24
Appendix I – Project Deliverable Schedule	27
Appendix II – Project Team Resumes.....	28

A. Preface

1. Attachment A – RFP Signature Form and Addendum Acknowledgement

See below.

	City of Richland	Solicitation Number: RFP 18-0001
	Attachment A RFP Signature Form and Addendum Acknowledgement	Page 1 of 1

2020-2024 Consolidated Plan (Con Plan) and 2020 Annual Action Plan (AAP)

ALL PROPOSERS COMPLETE THIS PAGE AND INCLUDE WITH SUBMITTAL:

1. By submitting a response, the Proposer certifies that the Proposer has fully read and understands this RFP document and has full knowledge of the scope, nature, quantity, and quality of work to be performed; the detailed requirements of the services to be provided; and the conditions under which the services are to be performed.
2. The Proposer certifies that he or she has read and understands all terms and conditions of this solicitation.
3. By signing this document, the Proposer certifies that they have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding. If the City determines that collusion has occurred among the Proposers, none of the submittals from the participants of such collusion will be considered. The City's determination will be final.
4. The Proposer acknowledges that the person who signs below is fully authorized to sign on behalf of the firm listed and to fully bind the firm to all conditions and provisions thereof.
5. The Proposer acknowledges receipt of the following addenda: 1 through 3.

Respectfully submitted this 22nd day of January, 2019.

Name of Firm: Cloudburst Consulting Group, Inc.

Address: 8400 Corporate Drive, Suite 550, Landover, MD 20785-2238

Signature: 

Name (Print): Michelle L. Hayes

Title: President

Email: michelle.hayes@cloudburstgroup.com Phone: 202-253-2346

2. New 2018 Internal Revenue Service Form W-9, Revised October 2018

See below.

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Cloudburst Consulting Group, Inc.	
	2 Business name/disregarded entity name, if different from above The Cloudburst Group	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ►	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
	5 Address (number, street, and apt. or suite no.) See instructions. 8400 Corporate Drive, Suite 550	Requester's name and address (optional)
	6 City, state, and ZIP code Landover, MD 20785-2238	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

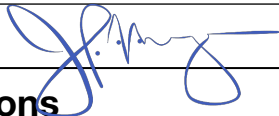
Social security number									
			-				-		
or									
Employer identification number									
2	6		-	0	1	2	1	7	5

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► 	Date ► 1/17/19
------------------	--	---------------------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

B. Executive Summary

1. The Cloudburst Group

The Cloudburst Group is mission-driven and focused on supporting communities to improve access to resources for low-income and vulnerable populations. Over the past 13 years, Cloudburst has provided comprehensive technical assistance to over 20 states, counties, and cities across the country to develop Consolidated Plans, fair housing strategies, action plans, and community development and housing plans that inform communities on how to effectively promote stability, growth, and outcome-driven programs.

In the last decade the Tri-Cities area has experienced incredible growth, seeing over a 14% increase in the population of the City of Richland alone since 2010, and a demographic shift that has transformed the region into an ethnically and linguistically diverse community. As reported in the Tri-City Herald in September 2017, Pasco is the fastest growth city in the State, and Latinos represent a growing share of the population on both sides of the Columbia River. In context of the Tri-Cities and the diverse range of employment opportunities, a critical part of our analysis and community interaction will be understanding and relating how those dynamics impact access to affordable housing and create future economic opportunities to increase housing investments in the region. We put great value into first understanding local landscapes and then working with the community to define and address their housing and economic development concerns.

As the following sections will show, the Cloudburst team will ensure that all the requirements for producing the Con Plan, Action Plan, and Analysis of Impediments (AI) are met and the diverse mix of economic, social, and community dynamics of the region are accounted for in analysis and narrative. Our team's qualifications and experience, proposed approach and scope of work, and tasks and timelines for completing activities can be found detailed below.

2. Cloudburst's Expertise

Cloudburst stands ready to support the Consortium to submit their Consolidated Plan, Action Plans, and AI to HUD by November 2019. Leveraging our team's experience of developing over 25 Consolidated Plans and Analysis of Impediments to Fair Housing Choice in the past five years, Cloudburst will apply cost-effective, interdisciplinary and inclusive analysis to existing data and new stakeholder input informed by sound planning principles. Our approach will focus on the needs and goals of the Cities of Richland, Kennewick, and Pasco and their diverse set of economic conditions, communities, cultures, and housing dynamics. Throughout the process, Cloudburst will work closely with the different cities' staff via regular remote project meetings and status updates. Furthermore, Cloudburst will work closely with the Tri-Cities and its private and public stakeholders to create an inclusive planning process that will support the plan's implementation.

Cloudburst will bring its national expertise and experience in supporting hundreds of communities to develop and implement data-driven and regulatory compliant Consolidated Plans, Citizen Participation Plans, and Analysis of Impediment documents to support the local needs and expectations of the Tri-Cities Consortium. Specific areas of expertise include:

Community Engagement

Community engagement is the foundation from which we work - beginning with our multilayered information gathering approach, to the creation of approachable and flexible spaces for stakeholders to provide honest input, and ending with the launch of community-focused public hearings to gain acceptance of the plans. As the primary authors of HUD's Citizen Participation and Consultation Toolkit, Cloudburst has the tools necessary to help the City navigate the strains that rapid growth has had on the City's housing stock and infrastructure from a strengths-based perspective. We implement such tools and practices because it is the community that has the best understanding of priority needs and recommendations for how to address these issues. In the context of the trichotomies of growth in the Tri-Cities, capturing such voices within the cultural context of the region is critical in ensuring the long-term success of planning efforts throughout City.

Data Analysis

Cloudburst is HUD's lead contractor on data-driven planning for housing and community development programs. In addition to providing expert support for HUD in CDBG, HOME, HOPWA, and homelessness programs, Cloudburst is also working directly for the States of Idaho, Iowa, and Kansas, the City of San Diego, CA, and Marion County, FL to produce data-driven needs assessments to inform impact-driven community planning decisions and development outcomes. We know local and federal data sets and will use them to illustrate the Consortium's dynamic story. Our work will aim to capture the impact of rapid growth and urban expansion in the fastest growing metropolitan area of the State. Moreover, our analysis will frame the housing booms and population bursts in the context of the region and the experiences of private and public developers projecting further growth. Cloudburst understands such dynamics and the squeeze on affordable housing stock and community resources that come from such growth and transition. We will support the Consortium to use qualitative and quantitative data to accurately understand the underlying conditions to inform appropriate actions.

Consolidated Plans and the eCon Planning Suite

Cloudburst is HUD's leading national Technical Assistance Provider on the eCon Planning Suite. We have trained thousands of individuals on the system and developed standard resource guides on how to operate within it.

We know the eCon Planning Suite better than anyone in the country and will leverage this to ensure that the Consolidated Plan for the Consortium is compliant, complete, and clear to residents and stakeholders.

Comprehensive Annual Action Plans

Cloudburst has vast experience helping an array of jurisdictions and consortiums set their annual action and strategic plans to meet the needs of their communities. From Kent County, MI down to Marion County, FL, over to Seattle, WA, Cloudburst has worked with jurisdictions across the country facing rapid urban growth, dichotomies in income levels, and increases in homelessness such as the Tri-Cities. We will apply lessons learned from these communities to establish clear expectations for future investment strategies, programs, and plans based on solid analysis and

inclusive citizen participation that will leverage online outreach, remote one-on-one meetings with stakeholders, and in-person community meetings.

Analysis of Impediments to Fair Housing Choice Requirements

We are familiar with analyzing data elements, identifying contributing factors to fair housing issues and developing short and long-term action steps in an array of contexts and communities experiencing similar challenges as the Tri-Cities. While the Tri-Cities works to maintain its existing affordable housing stock and balance the expectations from public and private developers as it embraces its place as a top mid-size city and region in the country, Cloudburst's team is ready to provide the technical expertise and professional knowledge and experience to help guide the Tri-Cities in achieving their housing and economic development goals. Moreover, we are experts in understanding fair housing issues and programs in the context of Washington as we have worked with cities and counties across the State.

3. Cloudburst's Location

The Cloudburst headquarters is located in Landover, MD at the following address:

8400 Corporate Drive, Suite 550
Landover, MD 20785-2238
Phone: 301-918-4400

Our proposed project team is comprised of staff located throughout the country. The primary point of contact and Project Manager, Joel Warren, is located in King County, WA, with two team members located in Maryland and one in Pennsylvania. Due to Mr. Warren's proximity to Benton and Franklin Counties, he understands the needs of the region and will be readily available for on-site meetings with City staff (as scheduled), community and stakeholder meetings, and public hearings.

C. Project Approach and Schedule



Throughout the following sections, we present an orientation to how we will support the Tri-Cities Consortium to prepare and develop its 2020-2024 Consolidated Plan, PY 2020 Annual Action Plan, and update the Analysis of Impediments to Fair Housing Plan.

1. Work Plan

Below we discuss each project task for the development of the Consolidated Plan, Annual Action Plan, and updates to the Analysis of Impediments to Fair Housing Plan. The tasks are listed in the sequence and order that we will follow to accomplish this project.



Task 1 - Project Launch and Management

After contract execution, Cloudburst will work with City staff to schedule an in-person kick-off meeting, inviting City Staff, Consortium members and any key stakeholders to accomplish the following:

- Finalize the project schedule
- Discuss and finalize community engagement methods
- Identify consultation partners, key stakeholders, and/or organizations critical to contextualizing local data/priority needs
- Discuss the development of survey and other data collection tools
- Review Consolidated Plan procedures and work flows / policies and procedures of existing programs

In addition to the project kick-off meeting, Cloudburst will coordinate with City staff on IDIS logistics, stakeholder survey development, and regular project update meetings.

IDIS Coordination

Up to two (2) Cloudburst staff members will submit the IDIS Online Access Request Form to each Member City staff to obtain access to their IDIS Profile. Cloudburst's IDIS team will work with the City to create the Consolidated Plan template for the Consortium early in the planning process. We will prepare the Consolidated Plan in IDIS following the guidance provided in the *Consolidated Plan in IDIS Desk Guide*, which was written by Cloudburst.

Develop Stakeholder/Community Survey

To leverage resources and include the input from City staff, the Cloudburst team will develop a citywide online survey that will solicit the input of key stakeholders and constituents to determine the public and private housing needs of the area and inform the Consolidated Plan.

Project Management/Status Meetings

Through the duration of the project, Cloudburst will facilitate regular check-in meetings with City staff to keep everyone abreast of project schedules, challenges, and anticipated deliverables for review.

Deliverables	Proposed Timeline
Finalized Project Schedule	March 2019
Draft online survey	March 2019-April 2019

Task 2 - Initial Data Analysis

The Cloudburst team will use existing HUD data, augmenting it with readily available local data where applicable and available, to capture a more complete picture of the diversity and dynamics of the Tri-Cities region. The most recent data available through the Consolidated Plan template is the 2009-2013 ACS data; however, Cloudburst will use more up-to-date datasets where available, ensuring consistency throughout the analysis.

To inform stakeholder meetings and citizen participation, Cloudburst will update all data from the eCon Planning Suite for the Consortium and conduct initial analysis of the housing, demographic, and socioeconomic data for the area. For some data points, comparisons will be done at the state and national levels to give a more complete picture of the area and its key jurisdictions. Cloudburst will conduct a trend analysis from the last Consolidated Plan cycle to show changes over time in key data points.

Cloudburst will present this data for one round of review and comment by the City and Consortium participating members (Kennewick and Pasco). This data will be presented in Microsoft PowerPoint, comprised of charts, graphs, tables, and other visualization tools and accompanied by initial written analysis identifying potential challenges and strengths.

Based on feedback from the City and the first set of stakeholders, Cloudburst will update the draft data analysis to inform the Consolidated Plan. This analysis will include updated data tables, charts, as well as maps to highlight key priority needs and/or conditions in the area and specific demographic groups. Cloudburst will ensure that the data elements fully comply with the requirements set forth in 24 CFR Part 91. This data analysis will lay the foundation for the Needs Assessment and identification of Priority Needs.

Deliverables	Proposed Timeline
Complete Consortium--specific data analysis	April 2019
Provide PowerPoint presentation with all relevant quantitative data to inform community engagements, agency consultations, and the Consolidated Plan	April 2019



Task 3 - Public Participation and Consultation

In working with the Consortium following its Citizen Participation Plan, Cloudburst proposes an intensive community engagement process that will enable the Tri-Cities to gather feedback from an array of residents and stakeholders throughout the Tri-Cities region. Cloudburst will especially focus on the engagement with those households earning 0%-80% of the Area Median Income (AMI) and those households that have been historically not invited to contribute their voice to community planning documents.

Conduct Four Community Focus Groups

Cloudburst will facilitate at least four (4) on-site focus groups to discuss housing needs, economic and community development goals, prioritizations, and fair housing, among any other topics requested by City staff. Cloudburst will coordinate with City staff to establish a set of questions and discussion areas to generate qualitative data that will accompany quantitative data to support the goals, priority needs, and objectives of the Consolidated Plan. In coordination with the City, the community meetings will ensure that the diversity of the area is represented in

linguistic, social, and economic terms and the time and places of such meetings align with the needs and expectations of the community members.

Stakeholder Meetings

Cloudburst will facilitate three (3) in-person or virtual stakeholder meetings (based on scheduling availability) to gather input and feedback on community conditions and priority needs. During these meetings, Cloudburst will review the prior Consolidated Plan goals, CAPER reports, and other relevant planning or status reports, and facilitate conversation to identify the most pressing community needs. Cloudburst will review relevant programs with stakeholders to identify shortcomings that may limit the effectiveness of these projects. Cloudburst will also review the draft data analysis with each stakeholder to validate the data and identify what topics require more detailed analysis either using state or local sources or analyzing conditions at a communitywide Census-tract level.

Deliverables	Proposed Timeline
Facilitate up to seven (7) community meetings (Stakeholder and Focus Groups)	March 2019 – June 2019
Produce Summary Report from each of community meetings	June 2019



Task 4 - Final Data Analysis

Analyzing and Summarizing Results of the Community-Wide Survey

The Cloudburst team will work with the City and key local organizations to collect, analyze, and summarize the results of the community-wide web survey (see Task 1). The data will identify strengths and gaps within the Tri-Cities HOME Consortium and the effectiveness and public awareness of existing programs. Cloudburst will produce this report in a format that displays its results in written analysis and graphic visualizations.

Facilitate Discussion on Priority Needs

Using the information gathered from the initial data analysis, Cloudburst will review high and low priority needs with City staff via a remote virtual meeting. As provided with the initial data review, Cloudburst will present this information in Microsoft PowerPoint, comprised of charts, graphs, tables, and other visualization tools and accompanied by initial written analysis identifying the key needs.

Finalize Needs Analysis, Goals and Priorities

After facilitating a discussion of high and low priority needs, the community-wide stakeholder survey, and community outreach meetings, Cloudburst will present City staff with a draft of needs, goals, and priorities the City should consider in the Consolidated Plan process.

Deliverables	Proposed Timeline
Analysis and Summary Report of community survey results	June 2019
High and low priority needs presentation	June 2019
Draft of goals and priorities	June 2019

Task 5 - Update Analysis of Impediments to Fair Housing Plan

Under the guidance and direction of the City staff, Cloudburst will update the Analysis of Impediments to Fair Housing Choice (AI) integrating the qualitative and quantitative data,

community needs survey, and other initial data collected. The update of the AI will occur ahead of the Consolidated Plan process to enable the alignment between the fair housing goals and the Strategic Plan.

Cloudburst will consult with the Tri-Cities Consortium's previous Fair Housing Plan to create a framework for the 2020 Analysis of Impediments to Fair Housing Choice. A thorough review of existing laws, regulations, administrative policies and procedures will launch the work on the AI. This review will be followed up with an analysis of how those regulations and policies affect affordable housing choice and access to such housing in the City. In updating the AI, Cloudburst will incorporate the following:

- Summary of comments from remote one-on-one consultations with public and private agencies and community groups
- Summary report analyzing the results and findings from the community needs survey
- An assessment of current land use and group home practices based on zoning data provided by City staff and information gathered from the Housing Authority
- Patterns of ownership versus rental, housing density, housing age, and/or condition, overcrowding, income, family size, residency tenure, and other available information based on CHAS, ACS, and local information
- Demographic overview of Bakersfield showing how the jurisdiction compares to the Consortium as a whole in racial composition, homeownership by race, affluence, and poverty by race and trends since 2010

In updating the AI, Cloudburst will utilize already gathered datasets and analysis to further inform the AFFH Mapping Tool data and maps provided by HUD. Cloudburst will update the AI taking into account the area as a whole and the unique communities within the Consortium that have seen tremendous changes in the last few years. Throughout the development of the AI, Cloudburst will regularly consult with the City and key stakeholders to ensure that the AI and its findings are reflective of how the Consortium functions on a practical level, as indicated through both quantitative and qualitative data. The preliminary Draft AI Plan will be presented to each jurisdiction (Richland, Kennewick, and Pasco) for review and comments. After the 30-day public comment period, the revised AI Plan will be resubmitted to City staff and collaborating parties. The Final AI Plan will be provided as a CD disk or appropriate media in the latest Microsoft Office Word format, along with a resource binder that will include a list of data sources, backup of data collected, consultation records, correspondence, and other supporting documentation used in developing the AI.

Deliverables	Proposed Timeline
AI Data Collection and Consultation with residents and stakeholders	March-April 2019
Submit Draft AI Plan for review	July 2019
Submit Final AI Plan	August 30, 2019
Cloudburst assumes a final AI date of November 2019. Schedule will be adjusted based on actual contract timing.	



Task 6 - Consolidated Plan

To draft the Consolidated Plan, Cloudburst will include the action items identified in the Analysis of Impediments to Fair Housing Choice and use existing HUD data augmented with readily available local data, where applicable and available, to capture a more complete picture of diversity and dynamics of the Consortium. Moreover, to inform stakeholder meetings and citizen participation, Cloudburst will update all data from the eCon Planning Suite for the City and conduct initial analysis of the housing, demographic, and socioeconomic data for the area. For some data points, comparisons will be done at the state and national levels to give a more complete picture of the area and its key jurisdictions.

The Executive Summary and Process

The Executive Summary section serves as an introduction and summarizes the key points of the Consolidated Plan. The Process section of the template is where grantees identify the lead agencies responsible for the development of the plan and the administration of the grants; identify which public and private service providers and other stakeholders were consulted; and describe the process of outreach conducted to encourage citizen participation during the development of the plan.

Incorporating Broadband and Resiliency into the Consultation and Citizen Participation

Process: Our team understands HUD's recently released requirements related to incorporating broadband and resiliency analysis into the Consolidated Plan process as documented in the December 16, 2016 edition of the Federal Register Volume 81, Number 242, 90997-91012. Cloudburst will ensure broadband and resiliency is incorporated throughout the consultation and citizen participation process.

PR-10 Consultation: Cloudburst will include the broadband providers consulted to understand if/how expansion is happening and any nonprofits supporting access to high speed internet. For resiliency, Cloudburst will consult with the Tri-Cities emergency management agencies and other agencies responsible for managing flood prone areas, public land, or water resources. Additionally, Cloudburst will ensure close alignment with any National Disaster Resiliency activities and programs related to resiliency.

Description of Lead Entity and Process: In the PR-05 Lead and Responsible Agencies screen, Cloudburst will provide a description of the City (Richland) as the Lead Entity of the Tri-Cities HOME Consortium and responsible for overseeing the development of the 5-year Consolidated Plan. On the ES-05 Executive Summary screen, we will include a summary of the process undertaken to develop the plan.

Needs Assessment and Market Analysis

Cloudburst will work with the City staff and utilize local data and information provided by the Housing Authority of the City of Kennewick, the Housing Authority of the City of Pasco and Franklin County, and other local housing and homelessness service providers to develop a thorough assessment of housing and non-housing needs throughout the Tri-Cities region. We will pay close attention to data highlighting local issues, such as a rise in homelessness, land use and development potential, communities with disproportional housing needs, and community-wide housing affordability issues to gain a deeper understanding of the wide differences in housing and homelessness needs throughout the City. Cloudburst is wholly familiar with the Needs Assessment screens and will not lose the City's urban expansion in the narrative.

Cloudburst will conduct a housing market analysis as part of the Consolidated Plan for the Tri-Cities in accordance with the requirements at 24 CFR 91.210. Utilizing the information generated from the data analysis, Cloudburst will dive deeper into the general characteristics of the housing market for Richland, Kennewick, and Pasco. This analysis will maintain a focus on the dynamics of the area as housing hot spot and the strains of such growth on the public and assisted housing stock. The analysis will use tables within the eCon Planning Suite and bring in accompanying data to first create a more robust qualitative picture. This will be followed by a comprehensive narrative account of the housing market to highlight the housing gaps for all residents, particularly those with special needs, and the various housing barriers faced by different communities in the Tri-Cities region. In addition, Cloudburst will pay particularly close attention to estimating the number of housing units that are occupied by low-income families or moderate-income families that contain lead-based paint hazards.

Finally, the Housing Market Analysis will result in a report that will use GIS and other visualization tools to further understand the inventory of available land in the Tri-Cities region that could be used for the development of affordable housing.

Incorporating Broadband Access and Resiliency into the Market Analysis: As part of the market analysis, Cloudburst will identify and address the needs of low- and moderate-income communities as it relates to broadband. To inform this, Cloudburst will use data such as: <https://broadbandmap.fcc.gov/>. For resiliency, Cloudburst will support the Tri-Cities in considering the vulnerability of low-income neighborhoods to climate-related changes and confirming that areas of targeted investment are not in floodplains. Cloudburst will conduct evaluations using readily available data sources developed by Federal government agencies, other available data and analyses (including State, Tribal, and local hazard mitigation plans that have been approved by FEMA), and existing data the Tri-Cities may have available.

Analysis of Community and Economic Development Needs: As part of the Needs Assessment and Market Analysis, Cloudburst will conduct an analysis of the community and economic development needs for the City of Richland. This analysis will include the needs for public facilities, public improvements, public services, and other eligible uses of the Community Development Block Grant program.

Five-Year Strategic Plan Development

Using the qualitative and quantitative data identified in the data analysis and consultation, Cloudburst will complete all required fields for the Consortium Strategic Plan, as listed in Part D.4 under Section 2.1 of the RFP. Cloudburst will use the current monitoring checklists to ensure all fields are complete. To complete the Strategic Plan, Cloudburst will facilitate up to two remote working sessions with the Consortium and key stakeholders in which Cloudburst will present recommendations for the Strategic Plan. The goal of the working sessions will be to enable the Consortium to finalize their needs, resource allocation, and goals. Cloudburst has utilized this process with multiple grantees and has found it enables the community to best prepare to launch and implement the Strategic Plan and subsequent Action Plans.

Other

In addition to the Needs Assessment, Market Analysis and Strategic Plan sections, Cloudburst will finalize and complete the remaining sections of the Con Plan to comply with 24 CFR Part 91.

Deliverables	Proposed Timeline
Initial draft of Needs Assessment and Market Analysis sections of Con Plan	July 2019
Two working remote sessions and initial draft of Strategic Plan for review and feedback	June-July 2019
Draft of Executive Summary and remaining sections of the Con Plan as requested by City staff	July 2019

Task 7 - First Year Annual Action Plan

Using the qualitative and quantitative data from State and local sources, Cloudburst will complete all required fields for the Tri-Cities Annual Action Plan for the 2020 Program Year. Cloudburst will use the current checklists to ensure all sections of the action plan are completed. To complete the Annual Action Plan, Cloudburst will facilitate up to one remote working session with the Member City staff. The goal of the working session will be to enable the Member City to finalize the needs, resource allocation, and goals for the First Year Action and to incorporate its findings in the Consolidated Plan.

Deliverables	Proposed Timeline
Draft Annual Action Plans for PY2020	July 2019



Task 8 - Final Drafts of Documents and IDIS Entry

The Consolidated Plan and the PY 2020 Annual Action Plan document will be provided to the Cities of Richland, Kennewick and Pasco for a final round of consolidated edits and internal feedback. Cloudburst will work with the Tri-Cities to integrate any new feedback, developing a final draft of both documents. Hard copies of the final document will be provided as instructed in the RFP.

Concurrently, Cloudburst will initiate the IDIS entry process for these documents. Based on our experience using the eCon Planning Suite template, the later IDIS entry occurs in the development of the Consolidated Plan and AAP documents, the more efficient the process.

Deliverables	Proposed Timeline
Final draft of Consolidated Plan and PY2020 Annual Action Plan (both printed and electronic Microsoft Word versions) provided to the Cities of Richland, Kennewick, and Pasco	August 30, 2019



Task 9 - Public Hearings and Plan Submission

Cloudburst will support up to one public hearing, as requested by the Cities, to be scheduled at mutually agreeable dates. This public hearing will include, but may not be limited to, meeting of the City Council and City Committees.

Following the completion of the 30-day public display and review period, Cloudburst will work with the Tri-Cities to summarize the comments received for incorporation into the Consolidated Plan and AAP. Cloudburst will complete final data entry in IDIS based on the review period and deliver Word and PDF files to the Tri-Cities for posting on its website.

Deliverables	Proposed Timeline
Support for up to one public hearing	September 2019
Final Consolidated Plan and AAP documents submitted to HUD	Before November 15, 2019

2. Methodology

Our team's approach has been tried, tested, and proven efficient and successful. The volume of our current and historical HUD TA assignments demonstrates our capacity to effectively manage multiple large-scale projects simultaneously. Our team will build on this expertise to create a customized approach for the Consortium's 2020-2024 Consolidated Plan, 2020 AAP, and AI. Our scope of work and deliverables comply with the requirements of the RFP and will be guided by HUD's regulatory framework. As described in the project schedule section, Cloudburst will finalize a timeline and deliverable schedule during the kick-off meeting with City staff. The Project Manager will review schedules and labor assignments to identify any potential risks and ensure that they do not interfere with the deliverables, timeline, or cost of the project.

Cloudburst manages all programs with a Project Management Plan (PMP) style framework, consistently monitoring performance according to scope, cost, and schedule of deliverables. The Project Manager will be responsible for reporting status updates to City staff on a routine basis, noting any deviations from plan and ensuring that meetings are confirmed well in advance when their participation is required to provide input and/or feedback. For efficiency and as noted in the cost assumptions, we request one round of consolidated feedback from the community on written deliverables where required in order to streamline the finalization of deliverables, adequately respond to the timeline, and effectively maintain the cost of the project.

3. Team Organization

The Cloudburst team will be managed and led by Joel Warren. Mr. Warren has worked with grantees and consortia of varying sizes, including the King County, WA HOME Consortium and the City of Seattle, where he currently resides. Mr. Warren is experienced in organizing and tracking multiple staff on multiple assignments. The Cloudburst team are familiar with each other's capacity, schedules, and workloads, and work together in a unified process that provides high-quality deliverables on time. Coordinating schedules and keeping everyone informed of regular progress will be critical to our success, and Mr. Warren is proven to be capable of this.

Cloudburst proposes the following staff to provide the City of Richland and Consortium members with consulting services for the development of the Consolidated Plan (Con Plan), Annual Action Plans (Action Plan), and the Analysis of Impediments to Fair Housing Choice (AI).

Staff	Project Role & Responsibilities	% to Project	% to Other Projects
Joel	Project Manager; Lead Consultation/Engagement Facilitator; and Lead AI	40%	60%

Warren	Writer. Key responsibilities include oversight of tasks, activities, and deliverables; lead facilitator of consultation activities and lead writer for the AI.		
Benjamin Sturm	Lead Data Analyst; Lead Con Plan and AAP Writer; eCon Planning Suite SME. Key responsibilities include gathering and collecting all Con Plan and AI data, writing all sections of the Con Plan and first-year action plan, and creating the Consortia Con Plan in IDIS.	50%	50%
Melissa Campbell	Data Analyst. Key responsibilities include development of online survey, supporting data gathering and analysis, as well as program & policies review.	30%	70%
Shea Lily	IDIS Analyst. Key responsibilities include data/information entry into the eCon Planning Suite as well as data and program support.	20%	80%

Resumes and experience of each team member available in Appendix II

Cloudburst has structured our team to provide a small number of Subject Matter Experts including Joel Warren and Benjamin Sturm, who are well versed in the programmatic and regulatory challenges facing the Tri-Cities. We believe small teams that work closely with grantees throughout the engagement develop a more complete understanding of the community conditions, the grant management process, and are more capable to assist the grantee than are larger teams. Mr. Warren will work closely with the City of Richland, Consortium members, and the proposed team members to ensure we are able to meet all requested deliverables.



4. Project Schedule

Based on the timeline provided in Section 2.1.B of the RFP, Cloudburst proposes the following schedule of tasks for completion of the 2020-2024 Consolidated Plan, Analysis of Impediments, and Annual Action Plans.

During the kick-off meeting, Cloudburst will confirm the final schedule with the City. Based on this meeting, we will make appropriate adjustments to the schedule, including the addition of anticipated completion dates for all sub-tasks and deliverables. Progress, timeline, and all due dates will be reviewed at least monthly over the period of the contract.

Schedule of Tasks and Activities

		2019*											
Task	Activity**	J	F	M	A	M	J	J	A	S	O	N	D
Task 1. Project Launch and Management	Project kick-off meeting												
	Review Consortium documents and regulations												
	IDIS Coordination												
	Develop Stakeholder Online Survey												
	Project Management/Status Meetings												
Task 2. Initial Data Analysis	Data collection and analysis												
	Microsoft PowerPoint data presentation												
Task 3. Public Participation and Consultation	Review the Consortium's Citizen Participation Plan												
	Facilitate up to four (4) in-person community focus groups												
	Facilitate up to three (3) stakeholder meetings												
Task 4. Final Data Analysis	Analyze and summarize online survey results												
	Facilitate one (1) remote discussion on Priority Needs												
	Finalize needs analysis, goals, and priorities												
Task 5. Update of Analysis of Impediments to Fair Housing Plan	Review of Consortium's current Fair Housing plan, practices, programs, and requirements												
	AI data collection and consultation with residents and stakeholders												
	Analysis and Summary Report of community survey results												
	Draft AI Plan												
	Final AI Plan												
Task 6. Consolidated Plan	Draft Needs Assessment (NA 05-50 screens)												
	Draft Market Analysis (MA 05-50 screens)												
	Facilitate two (2) remote working sessions with Consortium and key stakeholders												
	Draft Strategic Plan (SP 05-80 screens)												
	Draft Executive Summary and remaining sections of the Con Plan (AD 25-55, ES-05, and PR 05-15 screens)												
Task 7. First Year Annual Action Plan	Draft PY2020 Annual Action Plan (AP 15-90 screens)												
Task 8. Final Drafts of Documents and IDIS Entry	Final Draft Con Plan												
	IDIS Entry												
Task 9. Public Hearing and Plan Submission	Participate in one (1) Public Hearing												
	Final Consolidated Plan and AAP												
	Provide up to 24 hours of Technical Assistance during HUD 45-day review												

*Cloudburst assumes a project start date of March 1, 2019. Schedule will be adjusted based on actual contract timing.

**Please see the Schedule of Deliverables, provided in Appendix I

D. Related Project Experience / References

1. Relevant Experience and Project Examples

Cloudburst has a tremendous breadth of understanding and knowledge of HUD CPD programs, the Consolidated Plan process, and developing Analysis of Impediments to Fair Housing Choice. Cloudburst's experience with providing technical assistance to HUD and HUD grantees is extensive. Over the past five (5) years, Cloudburst has developed over 25 Consolidated Plans and Analysis of Impediments. Examples of our expertise that will be used in this assignment include:

- Cross-program TA experience in HOME, CDBG, economic development, public housing, disaster resiliency and recovery, AFFH, HTF, and other federal requirements
- Skills in applying market-based, comprehensive, community development plans to improve targeting of CPD funds
- Strategic planning facilitation to leverage CPD funding and other public/private financing for neighborhood revitalization, community and economic development, and homeless solutions
- Robust experience with public housing, Housing Choice Voucher, permanent supportive housing programs, and capacity to advise grantees in how to use these subsidies to increase access to affordable housing
- Application of extensive knowledge in training and TA to grantees and subrecipients
- Effective communication skills, provided timely, relevant, and actionable guidance, as well as status and outcome reports

eCon Planning Suite Experience

Since the launch of the eCon Planning Suite in 2012, Cloudburst has collaborated with HUD as the national lead for providing technical assistance, trainings, and resource development for the eCon Planning Suite, Consolidated Plans, and integrating data into community development planning. In addition, Cloudburst team members Joel Warren and Ben Sturm act as the Question Pool Managers for the HUD Exchange 'Ask-a-Question' (AAQ) help desk for the eCon Planning Suite. Through these engagements, we have trained over 1,000 grantees on the requirements of the eCon Planning Suite; developed the *Consolidated Plan in IDIS* and *CPD Maps* desk guides, *Guide to Data-Driven Planning Toolkit*, and *Citizen Participation and Consultation Toolkit*; facilitated over twenty (20) live webinar sessions and developed twelve (12) tutorial videos; responded to over 6,000 questions submitted through the HUD Exchange 'Ask-a-Question' help desk for the eCon Planning Suite; and provided direct technical assistance to more than twenty-five (25) state and local governments with developing their Consolidated Plans through the eCon Planning Suite.

Consolidated Plan Experience with Multiple Jurisdictions

This experience as a HUD TA provider working directly with communities has given Cloudburst the on-the-ground experience that roots all our work. Cloudburst has worked with grantees at every governmental and regional level, including those part of a HOME Consortium, in the development of a Consolidated Plan.

Experience in developing Regional Con Plans: Working with Kent County, MI, and several jurisdictions within, Cloudburst analyzed regional data and drafted all sections of the Regional Consolidated Plan. From this experience, Cloudburst recognizes the importance of engaging stakeholders across all impacted jurisdictions while working to create a Regional Consolidated Plan. Further, Cloudburst understands the nuance and

intricacy that comes with developing priority needs and strategic plan goals in a Regional Consolidated Plan.

Experience in working with HOME Consortia: Through our engagement with the HUD Exchange AAQ, our proposed team has assisted numerous HOME Consortia in both the set-up and development of the Consortium Con Plan and subsequent AAPs. Through this experience, we understand the complexities surrounding the Consortia templates in IDIS. We also know how important it is to create the Lead Entity's template correctly, so that all Participating Member's plans are properly aligned. Currently, Cloudburst is working with the King County, WA, and Marion County, FL, HOME Consortia in the set-up of their Con Plan and AI.

Analysis of Impediments to Fair Housing Choice

The Cloudburst team has conducted numerous Analysis of Impediments to Fair Housing Choice for HUD grantees, many of which were conducted simultaneously with the development of the Consolidated Plan. In the past, Cloudburst has used the Community of Opportunities model to develop AIs in Birmingham, AL; Oakland, CA; and the State of Iowa. More recently, we have used HUD's AFFH Mapping Tool to gather data and serve as a guide in drafting the AI document. Cloudburst recently used this tool to develop the State of Kansas AI.

2. References

In addition to the clients listed in the examples below, the following is a list of jurisdictions that Cloudburst has also provided services similar to those sought by the City of Richland.

References	Contact Information	Services Performed	Date of Services
State of Iowa Iowa Economic Development Authority 200 East Grand Ave Des Moines, IA 50309	Leslie Leager (515) 725-3071 Leslie.Leager@iowaeda.com	2020-2024 Consolidated Plan; 2015-2019 Consolidated Plan and Analysis of Impediments; 2015, 2016, 2017, & 2018 CAPERs	Mar 2014 to Present
Birmingham, AL Community Development Department 710 North 20 th Street, RM 1000 Birmingham, AL 35203	Nigel Roberts Nigel.roberts@birminghamal.gov	2015-2019 Consolidated Plan and Analysis of Impediments	Jan 2015 to Aug 2015
State of Kansas Kansas Housing Resources Corporation 611 S. Kansas Avenue, Suite 300 Topeka, KS 66603	Christine Reimler (785) 217-2023 creimler@kshousingcorp.org	2019-2023 Consolidated Plan and Analysis of Impediments	Mar 2018 to Dec 2018

Below are three (3) specific and detailed examples of Cloudburst's work that directly corresponds to the work described in the RFP.



Kent County, City of Grand Rapids and City of Wyoming

Regional Consolidated Housing and Community Development Plan

Five-Year Strategy
July 1, 2016 – June 30, 2021



REGIONAL CONSOLIDATED PLAN

Kent County, MI

PROJECT SUMMARY

Cloudburst developed the regional Consolidated Plan for three HUD jurisdictions in Kent County, MI. Cloudburst conducted more than ten focus groups with stakeholders, developed web- and paper-based community surveys, gathered and analyzed HUD-provided and local data sources to inform the Needs Assessment and Market Analysis and developed the Strategic Plan to guide the region's housing and community development investments.

For this regional plan, Cloudburst conducted detailed data analysis for each jurisdiction and an overall profile of the region. Further, Cloudburst carefully targeted focus groups to assess regional needs and conditions and issues specific to each community. Finally, Cloudburst worked closely with each jurisdiction to structure regional and jurisdiction specific goals with measurable metrics and milestones that facilitate compliance with and reporting for Consolidated Plans and PHA Plans.

Following the completion of the Consolidated Plan, Cloudburst conducted a training for all three grantees on strategies to complete subsequent Action Plans and the CAPER.

CLIENT REFERENCE:

Darrell Singleton

County of Kent Department of
Community Development

(616) 632-7422

Darrell.singleton@kentcountymi.gov

PROJECT BUDGET:

\$98,000

**Project stayed within agreed upon budget*

PROJECT MANAGER:

Chris Andrews

PERIOD OF PERFORMANCE

May 2015 – May 2016

KEY RELEVANCIES:

- Through detailed data analysis on each jurisdiction, an overall profile of the region was created
- Identified regional needs, issues, and trends through carefully targeted focus groups and data analytics
- Facilitated multiple community engagement strategies including focus groups, public meetings, public hearings and web-based/ paper-based survey
- Developed series of region-wide and jurisdiction-specific goals to reflect regional trends and jurisdictional needs and conditions





SEATTLE CONSOLIDATED PLAN AND AFH INTEGRATION

Seattle, WA

PROJECT SUMMARY

Cloudburst recently completed the a final draft of the Consolidated Plan, a culmination of several months of efforts working with the City, its partners, and community stakeholders. Completing a full review of the Citizen Participation Plan, Cloudburst aided the City in updating the plan to streamline the Action Plan amendment process, ensuring compliance to all applicable federal rules and regulations. Cloudburst analyzed HUD-provided data, Census data, and local data sources to inform the Executive Summary, the Needs Assessment, and the Market Analysis.

Conducting an analysis of HUD-provided and Census data, Cloudburst was able to develop a rich narrative for the Executive Summary, Needs Assessment, and Market Analysis; making for an effective document that serves the public.

For this Consolidated Plan, Cloudburst worked with the City to incorporate the AFH through developing metrics for AFH goals and creating a system in which to track progress made towards their achievement. Cloudburst assisted the City in integrating the AFH into the Consolidated Plan's Strategic Plan as well as the Annual Action plan through moving AFH goal descriptions, contributing factors, and achievement measures into the Consolidated Plan format. Finally, Cloudburst conducted a detailed survey including twelve of the City's departments and agencies, producing a single document allowing the City to track all AFH metrics and milestones throughout the Consolidated Plan's lifecycle.

CLIENT REFERENCE

Debra Rhinehart
Strategic Advisor
Federal Grants Management
Debra.Rhinehart@seattle.gov
206-684-0574

PROJECT BUDGET

\$50,000

**Project stayed within agreed upon budget*

PROJECT MANAGER:

Joel Warren

PERIOD OF PERFORMANCE

September 2017 – March 2018

KEY RELEVANCIES

- Conducted full review of Citizen Participation Plan to ensure compliance with current rules and regulations
- In collaboration with the City and its partners, produced sections of the Consolidated Plan such as the Executive Summary, Needs Assessment, and Market Analysis
- Developed strategies to incorporate AFH into the Consolidated Plan and Annual Action Plan
- Provided assistance to the City to include AFH elements into the CAPER and establish processes and systems to collect and integrate AFH data into the CAPER



ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

Oakland, California

PROJECT SUMMARY

Using the Community of Opportunities model (basis for AFH rule), Cloudburst developed the City of Oakland's Analysis of Impediments to Fair Housing Choice and provided comprehensive technical assistance to the City on redesigning its community and economic development programs to better integrate with other City agencies. The analysis included a series of assessments that were a part of the draft AFH rule, including RCAP/ECAP analysis and analysis of community assets. In preparing the Analysis of Impediments, Cloudburst conducted comprehensive outreach to stakeholders and residents through interviews and focus groups; conducted a City-wide survey; facilitated two community meetings to gather feedback and input from residents.

As a result of the qualitative and quantitative data analysis, Cloudburst identified a series of impediments to fair housing and worked closely with the City to develop actionable strategies to address these impediments.

Concurrently, Cloudburst advised Oakland on strategies to revise the funding for its community development and economic development programs to better align with other city-wide initiatives, to leveraging the efforts of multiple city departments to achieve targeted economic and community development goals.

CLIENT REFERENCE

Gregory Garrett
Department of Housing and
Community Development
Acting Manager – CDBG
250 Frank H Ogawa Plaza, Suite
5313
Oakland, CA 94612
ggarrett@oaklandnet.com
510-238-6183

PROJECT BUDGET

\$50,000

**Project stayed within agreed upon budget*

PROJECT MANAGER:

Chris Andrews

PERIOD OF PERFORMANCE

March 2015 – October 2015

KEY RELEVANCIES

- Analyzed demographic changes in the City and regional economies and the impact those changes had on ensuring to fair housing
- Conducted robust stakeholder interviews to gather input from community, health, and job leaders in the City
- Developed set of action plans and outcome metrics to assess the progress made to achieving the City's fair housing goals
- Developed State's fair housing action plan to guide future programs to ensure fair housing

E. Cost of Services

The Cloudburst Group applies G&A indirect burden to travel and other direct costs (ODCs) consistent with practices that have been reviewed and approved by our cognizant audit agency, U.S. Department of Housing and Urban Development (HUD). The G&A rate used (23%) is consistent with our current agreement with HUD which can be provided upon request.

The Cloudburst Group has established travel policies and procedures in place which are consistent with Federal Acquisition Regulations (FAR) as well as Federal Travel Regulations (FTR) and Department of State Per Diems and Allowances.

Budget Summary

PROPOSAL NAME: City of Richland Proposal

				Project Launch & Management		Initial Data Analysis		Public Participation and Consultation		Final Data Analysis		Update Analysis of Impediments to Fair Housing Plan	
Team Member	Role	Labor Category	Rate	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hour	Subtotal
Joel Warren	Project Manager	Analyst II	\$ 84	21	\$ 1,764	4	\$ 336	55	\$ 4,620	6	\$ 504	26	\$ 2,184
Benjamin Sturm	Lead Analyst	Analyst III	\$ 94	20	\$ 1,880	10	\$ 940	0	\$ -	10	\$ 940	14	\$ 1,316
Melissa Campbell	Analyst	Senior Analyst I	\$ 102	14	\$ 1,428	18	\$ 1,836	0	\$ -	26	\$ 2,652	34	\$ 3,468
Shea Lilly	Analyst	Junior Analyst II	\$ 68	4	\$ 272	24	\$ 1,632	0	\$ -	0	\$ -	26	\$ 1,768
LABOR TOTAL				59	\$ 5,344	56	\$ 4,744	55	\$ 4,620	42	\$ 4,096	100	\$ 8,736
Travel					\$ 373				\$ 373				
Reproduction/Materials/Teleconference					\$ 107		\$ 95		\$ 92		\$ 82		\$ 175
TOTAL					\$ 5,824		\$ 4,839		\$ 5,085		\$ 4,178		\$ 8,911

				Draft Consolidated Plan		First Year Annual Action Plan		Final Drafts of Documents and IDIS Entry		Public Hearings and Plan Submission		TOTAL	
Team Member	Role	Labor Category	Rate	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Dollars
Joel Warren	Project Manager	Analyst II	\$ 84	34	\$ 2,856	6	\$ 504	2	\$ 168	10	\$ 840	164	\$ 13,776
Benjamin Sturm	Lead Analyst	Analyst III	\$ 94	88	\$ 8,272	30	\$ 2,820	8	\$ 752	0	\$ -	180	\$ 16,920
Melissa Campbell	Analyst	Senior Analyst I	\$ 102	58	\$ 5,916	30	\$ 3,060	0	\$ -	0	\$ -	180	\$ 18,360
Shea Lilly	Analyst	Junior Analyst II	\$ 68	20	\$ 1,360	12	\$ 816	24	\$ 1,632	2	\$ 136	112	\$ 7,616
LABOR TOTAL				200	\$ 18,404	78	\$ 7,200	34	\$ 2,552	12	\$ 976	636	\$ 56,672
Travel											\$ 373		\$ 1,118
Reproduction/Materials/Teleconference					\$ 368		\$ 144		\$ 51		\$ 20		\$ 1,133
TOTAL					\$ 18,772		\$ 7,344		\$ 2,603		\$ 1,368		\$ 58,924

Budget Assumptions

Task 1: Project Launch and Management

- Project kick-off meeting with Cloudburst and City of Richland staff.
 - Cloudburst will finalize the project schedule and roles.
- Cloudburst will conduct one round of review and comment on existing policies and procedures for CDBG and HOME programs.
- Cloudburst will develop a draft web survey.
 - The survey will be available in both English and Spanish. The City may provide a translator for other preferred languages.
 - One round of review and comment on the draft web survey.

- Cloudburst will facilitate regularly scheduled project management and status update meetings with City of Richland staff.

Task 2: Initial Data Analysis

- Cloudburst will review existing data.
 - Cloudburst will identify specific analysis updated with supplemental data.
- Cloudburst will collect and analyze data.
- Cloudburst will develop one copy of the draft presentation and one copy of the final data presentation.
 - Each deliverable will be submitted to the City in Microsoft PowerPoint, in read-write format.
 - A resource document including all relevant quantitative data to inform community engagements, agency consultations, and eventually the Consolidated Plan will be provided to the City.

Task 3: Public Participation and Consultation

- Cloudburst will review the Consortium's existing Citizen Participation Plan.
- Cloudburst will facilitate up to four (4) in-person community focus group meetings.
 - The City will confirm location and times for facilitating the community focus group meetings led by Cloudburst.
- Cloudburst will facilitate up to three (3) stakeholder meetings.
 - The City will confirm location and times for facilitating the stakeholder meetings led by Cloudburst.
- As a part of developing the Consolidated Plan, Cloudburst will draft a summary overview of feedback provided during the community focus group meetings and stakeholder meetings.

Task 4: Final Data Analysis

- Cloudburst will analyze and summarize online survey results.
- Cloudburst will facilitate with City of Richland Staff and Consortium member representatives one (1) remote discussion on priority needs.
- Cloudburst will finalize needs analysis, goals and priorities.

Task 5: Update Analysis of Impediments to Fair Housing Plan

- The team will review existing data.
 - Cloudburst will identify specific analysis updated with supplemental data.
- The team will identify impediments and recommend remedies to overcome impediments to fair housing choices.
- Cloudburst will conduct up to two remote consultation meetings with public and private agencies and community groups.
- The team will ensure all HUD required actions, as a part of the Analysis of Impediments to Fair Housing Choice, are satisfied.
- Cloudburst will develop one copy of the draft and one copy of the final Analysis of Impediments to Fair Housing Choice.

- Each deliverable will be submitted to the City on a CD disk in Microsoft Office Word in read-write format.
- A resource binder including all relevant quantitative data to inform community engagement, agency consultations, and eventually the Consolidated Plan will be provided to the City.

Task 6: Draft Consolidated Plan

- The team will analyze and summarize the data collected from the Initial and Final Data Analysis. This information will be used to support the development of the:
 - Needs Assessment
 - Market Analysis
 - Draft analysis of the community and economic development needs
 - Five Year Strategic Plan
 - Executive Summary and remaining sections of the Con Plan
- Cloudburst will draft First-Year Annual Action Plan (PY 2020)
- As a part of developing the Consolidated Plan, the team will:
 - Integrate AI Action Items
 - Provide up to one round of review and comments between the City, Consortium member representatives, and Cloudburst; and
 - Cloudburst will ensure all HUD required actions, as a part of the, are satisfied.

Task 7: First Year Annual Action Plan

- Cloudburst will draft the First Year Annual Action Plan (PY2020), specific to each individual City and incorporate CDBG-specific goals and projects.

Task 6: Final Drafts of Documents and IDIS Entry

- A final Consolidated Plan deliverable integrating the First Year Annual Action Plan with the Consolidated Plan will be available for review prior to final submission to the City.
 - Cloudburst will facilitate the Consolidated Plan IDIS submittal to HUD.

Task 7: Public Hearings and Plan Submission

- Cloudburst will assist with integrating feedback from up to one (1) public hearing in the final Consolidated Plan deliverable.
- Cloudburst will finalize the Consolidated Plan and Annual Action Plan deliverable.
- Cloudburst will facilitate the Consolidated Plan IDIS submittal to HUD.

On-Site Meetings

Cloudburst will support the following meetings with on-site personnel by 1-2 team members.

1. (1) Project Kick-off Meeting
2. (3) Stakeholder Meetings
3. (4) Community Focus Group Meetings
4. (1) Public hearing

Appendix I – Project Deliverable Schedule

The following table includes the total list of expected deliverables as part of this project. The dates provided represent the anticipated month each deliverable is expected to be finalized and delivered to City staff. During the kick-off meeting, Cloudburst will confirm the final schedule of deliverables with the City. Based on this meeting, appropriate adjustments will be made.

Task	Deliverables	Anticipated Due Date
1	Finalized project schedule	March 2019
	Draft online survey	April 2019
2	Complete Consortium -specific data analysis	April 2019
	Provide PowerPoint presentation with all relevant quantitative data to inform community engagements, agency consultation, and the Consolidated Plan	April 2019
3	Facilitate up to seven (7) on-site community meetings (Stakeholder and Focus Groups)	June 2019
	Produce Summary Report from each of the community meetings	June 2019
4	Analysis and Summary Report of community survey results	June 2019
	High and low priority needs presentation	June 2019
	Draft of goals and priorities	June 2019
5	AI Data collection and consultation with residents and stakeholders	April 2019
	Submit Draft AI Plan for review	July 2019
	Submit Final AI Plan	August 30, 2019
6	Initial draft of Needs Assessment and Market Analysis	July 2019
	Two remote working sessions and initial draft of Strategic Plan	July 2019
	Draft of Executive Summary and remaining section of the Con Plan	July 2019
7	Draft Annual Action Plans for PY2020	July 2019
8	Final draft of Consolidated Plan and PY2020 Annual Action Plan (one printed copy and electronic version for each jurisdiction).	August 30, 2019
9	Public Hearing and adoption of plans by Consortium	October 2019
	Final 2020-2024 Consolidated Plan and 2020 AAP ready for IDIS submittal to HUD	Before November 15, 2019
* <i>Cloudburst assumes a project start date of March 1, 2019. Schedule will be adjusted based on actual contract timing.</i>		

Appendix II – Project Team Resumes



Joel Warren, Program Analyst, Housing and Community Development

EDUCATION

M.S.W, Macro Social Work, Catholic University of America, 2017

B.S., Applied Psychology, University of Michigan - Flint, 2012

SUMMARY OF EXPERIENCE

Joel Warren has 3 years of housing and community development experience, during which time he has worked as a Case Manager in a Permanent Supportive Housing program for veterans. With Clodburst, Mr. Warren supports HUD grantees to operate in HUD online systems, such as IDIS, eCon Planning Suite, and HEROS. Mr. Warren has experience in data and system analysis, strategic planning, goal development, outcome measurement, and CPD program regulations and requirements.

Examples of housing and community development project experience are provided below.

Incorporating AFH into eCon Planning Suite, Analyst, Clodburst Consulting Group.

Mr. Warren assisted in developing guidance on how jurisdictions should incorporate AFH goals into their Consolidated Plans and Annual Action Plans within the eCon Planning Suite. This guidance consisted of developing a matrix tool to increase effectiveness and clarity when integrating AFH goals into the IDIS template.

Contact: Chris Andrews, Clodburst Consulting Group, 240-582-3305

HUD Exchange “Ask-a-Question (AAQ)” Portal, Analyst, Clodburst Consulting Group.

Mr. Warren assists grantees through the HUD Exchange ‘Ask A Question’ help desk for the eCon Planning Suite and HEROS. Being skilled in HUD’s online systems, Mr. Warren provides on-call technical assistance to grantees experiencing issues and challenges in developing or editing their Consolidated Plans, Annual Action Plans, or CAPER in the eCon Planning Suite. Mr. Warren has also helped HUD grantees in setting up activities and projects in IDIS that will ensure accurate capture of data each program year.

Contact: Benjamin Sturm, Clodburst Consulting Group, 240-582-3620

Consulting Services: State and Local Governments, Analyst, Clodburst Consulting Group.

Mr. Warren has provided data collection, entry and analysis for Needs Assessments, Market Analyses, and Executive Summaries of the Consolidated Plan. Mr. Warren has aided in the review and edit of both data analyses and narrative sections of the Consolidated Plans for City and local governments.

Contact: Chris Andrews, Clodburst Consulting Group, 240-582-3305

EMPLOYMENT HISTORY

10/17 - present: Program Analyst, The Clodburst Group, Landover, MD.

Responsibilities include providing system based technical assistance to HUD grantees, conducting data analytics on HUD program and system information and assisting grantees to develop Consolidated Plans, Assessments of Fair Housing and other planning documents.

6/15 - 9/17: Facilities Maintenance Analyst, National Park Service, Washington, DC.

Responsibilities included the management and oversight of property, equipment, and labor database records used to track and project park costs and facility condition status. Developed a quality workflow system to maintain park assets resulting in efficient use of contractor and park labor personnel.

8/16 - 6/17: Government Research Fellow, Food Research and Action Center, Washington DC.

Synthesized complex government reports and data on a wide variety of federal programs with the goal to communicate effectively to program delivery agencies at the state and local levels. Created briefs for audiences of varying levels of expertise, simplifying in-depth Congressional hearings and reports for use by research and advocacy organizations across the country. Developed a network of over 3,000 organizations that signed on to advocacy efforts and received weekly communications from the government affairs team.

8/14 - 5/15: Veterans Housing Case Manager, Community Connection, Washington, DC.

Assisted clients of the Permanent Supportive Housing program in the search for adequate housing suitable to their needs. Worked with clients to first ensure program compliance and then to accompany program requirements with counseling and guidance towards the attainment of client-identified goals. Analyzed Homeless Management Information System (HMIS) program data to identify client trends and possible programmatic gaps, leading to the formation of new outreach efforts and program supplements.

9/13 - 6/14: Medical Support Assistant, Department of Veterans Affairs, Reading, PA.

Supported a team of primary care providers, social workers, and psychologists in carrying out thoughtful and quality health care for veterans. Counseled veterans on benefits available and patients' rights leading to a health care setting where patients were educated on all options available to them regarding their health care.

4/12 - 6/13: Research Coordinator, AmeriCorps VISTA, Anchorage, AK.

Conducted market research leading to the creation of a business plan for an agricultural subsidiary of a Boys & Girls Club; eventually being created teaching children agricultural basics as well as increased revenue for the organization. Maintained the State of Alaska's Summer Food Service Program (SFSP) website through collaboration with all Anchorage based service sites, allowing children and families to easily access program distribution locations.

SKILLS

Advanced skills in information and grants management online systems as well as specific skills in: Adobe products, HMIS systems, GoToMeeting/Webinar, WebEx, Dropbox, Google Suite, Microsoft Office Suite, Database Management, WordPress, Salsa, and GIS Systems

HONORS, AWARDS AND FELLOWSHIPS

Horatio Alger Military Scholar - 2012

Honors Graduate, University of Flint, Michigan - 2012

Meritorious Promotion, Marine Corps - 2006

Corporal in the Marine Corps Reserve Battalion of the Year - 2007



BENJAMIN STURM, Program & Systems Analyst

EDUCATION

M.P.A., Public Policy & Administration, West Chester University, 2016 - Present

B.A., History, Millersville University, 2008

- Minor in Government & Political Science

SUMMARY OF EXPERIENCE

Benjamin Sturm has 10 years of housing and community development experience, during which time he has worked as a Revitalization Coordinator with the Chester County Department of Community Development administering HUD and State funded programs to local municipalities, non-profit agencies, and other community organizations. After joining the Cloudburst Group, Mr. Sturm became a national expert in community planning and providing technical assistance to HUD Grantees working with HUD online systems, such as IDIS, eCon Planning Suite, and HEROS. Mr. Sturm has extensive skills in project management, community and regional strategic planning, environmental compliance, CPD program regulations and requirements, and data/system analysis.

Examples of Mr. Sturm's project experience are provided below.

Incorporating AFH into eCon Planning Suite

Mr. Sturm assisted in developing guidance on how jurisdictions should incorporate their AFH into their Consolidated Plans and Annual Action Plans through the eCon Planning Suite. This guidance consisted of a User Guide and several interactive webinar presentations between grantees, HUD Field Officers, and FHEO's.

HUD Exchange "Ask-a-Question (AAQ)" Portal

Mr. Sturm assists over 1,000 grantees each year through the HUD Exchange 'Ask A Question' help desk for the eCon Planning Suite, HEROS, and IDIS. As a national expert in HUD's online systems, Mr. Sturm provides on-call technical assistance to grantees experiencing issues and/or challenges in developing or modifying their Consolidated Plans/Annual Action Plans/CAPERs in the eCon Planning Suite, setting-up activities/projects in IDIS, and completing environmental reviews in HEROS. Through his extensive experience in working with local governments, Mr. Sturm can simplify even the most complex system issues to local government staff so that they can easily understand the steps toward solving the problem.

eCon Planning Suite Tools, Products, and Trainings.

Mr. Sturm has developed numerous guides and online resources that provide grantees with step-by-steps instructions for completing using the eCon Planning Suite. Mr. Sturm also develops content for web-based trainings that are designed to provide comprehensive guidance to grantees on how to use the eCon Planning Suite to complete data-driven, HUD-compliant Consolidated Plans.

Consulting Services: State and Local Governments.

In the past five years, Mr. Sturm has worked directly with over 20 State and local entities. Most recently with the State of Iowa in development of the 2015, 2016, and 2017 CAPERs.

Services provided include: monitoring and risk-based analysis, data collection and entry, technical assistance and training, development of policy & procedure manuals, program close-outs, environmental compliance, strategic planning, stakeholder outreach, and community engagement.

EMPLOYMENT HISTORY

5/13 - present: Analyst, Cloudburst Consulting Group Inc., Landover, MD.

Responsibilities include the development of the firm's technical offerings, project management and technical support in the areas of HUD environmental review compliance, HUD CPD online systems, community planning, data analysis, and design of adult learning materials. Among other areas of expertise, Mr. Sturm is Cloudburst's resident SME for HUD Environmental Compliance.

9/10 - 4/13: Construction Coordinator, Chester County Department of Community Development, West Chester, PA.

Responsibilities included the oversight of Federal, State, and County funding including CDBG, HOME, ESG, HTF, and Community Revitalization Programs. Managed contracts including contract compliance, budgets, monitoring, reporting, and evaluation for contracts with Chester County municipalities and organizations for activities such as construction, community revitalization, and permanent housing. Designated Environmental Officer for the County of Chester and responsible for conducting the environmental reviews for all federally funded projects throughout the County. Created and developed strategies that aligned with the Consolidated Plan, the Planning Commission's Landscapes 2 Plan, Decade to Doorways 10 Year Plan to Prevent and End Homelessness, and the Chester County Strategic Business Plan. Supervised the AmeriCorps*VISTA program including coaching VISTAs, developing leadership skills, designing work plans, ensuring grant compliance, coordinating with State Community Action office, and created strategic policy decisions.

7/09 - 8/10: Housing Coordinator, AmeriCorps*VISTA - Corporation for National and Community Service, Chester County, PA.

Served as AmeriCorps*VISTA in Chester County. Led project management efforts around the Homelessness Prevention and Rapid Re-Housing Program (HPRP) including facilitating work groups, relationships and meetings with over 8 counties in Pennsylvania to develop a more regional approach, providing training and technical assistance, and creating a comprehensive operations strategy. Responsible for developing policies and conducting inspections for Housing Quality Standards (HQS), Habitability Inspections, and Lead Based Paint and Safety Standards. Led the planning and data collection for the Annual Point in Time County Homeless Count including coordinating over 100 volunteers to increase coverage throughout the County.

COMPUTER SKILLS

Advanced skills in information and grants management online systems, FEMA Map Service Center, NEPA Assist, Adobe products, Lectora, Snag It, GoToMeeting/Webinar, WebEx, Base Camp, Drop Box, Google products, Microsoft Office, Database Management, and GIS Systems

HONORS, AWARDS AND FELLOWSHIPS

Continuum of Care Program Certification - June 2016

U.S. Department of Housing and Urban Development Visual Lead Assessment Certification

Recipient of award at Department of Community Development for exceptional service with the U.S. Department of Labor



MELISSA CAMPBELL, Program Manager

EDUCATION

M.A., Real Estate Development & Finance, Georgetown University, 2013
B.A., Political Science/Business Management, Oakwood University, 2011

SUMMARY OF EXPERIENCE

Melissa Campbell has been working in real estate and urban development for the past seven years assisting with community development, economic development and the design and planning of affordable housing and mixed-income housing projects across the country.

EMPLOYMENT HISTORY

01/17 - 08/18: Economic Development Project Manager, City of Atlanta, Atlanta GA.

Integrated targeted programs, outreach, and coordination focused on investment for small local businesses and development of neighborhood commercial districts. Utilized community-based and holistic economic development approach to deploy CDBG Entitlement Funds, implemented local small business tax program, and managed other HUD programs.

01/16 - 12/17: Assistant Project Manager, Brailsford & Dunlavey, Washington D.C.

Management support for project team. Reported to project executives and senior project managers and served as a liaison for multidisciplinary planning project teams. Developed deliverables tailored to meet client's desired outcomes, scope requirements, and achieved project goals and objectives.

01/14 - 01/15: Community Relations Specialist, Detroit Landbank Authority, Detroit, MI.

Engaged with local community organizations, faith-based organizations, non-profits, and corporations to deliver community outreach efforts for the Quasi-governmental agency encouraging home and land ownership. Tasked with program development, managed property sales, fund overview and reporting, and coordinating community outreach events.

01/13 - 01/14: Real Estate Analyst/Urban Development Coordinator, Rock Ventures LLC Detroit, MI.

Tasked with activating public spaces, collaborated with public-private partners to launch initiatives spur community investment and economic development. Also tasked with investing in community development with the Detroit-based real estate development firm specializing in acquiring, financing, developing and managing 90+ properties and businesses in downtown Detroit.

Examples of Melissa Campbell's project experience are provided below.

Edgewood Court Apartments, Economic Development Project Manager, City of Atlanta. Analyze the project feasibility, project financing, and ten-year operating pro forma. Provide recommendation for compliance, tax revenue fiscal impact, resident retention, and affordability of proposed multifamily rehabilitation project. Served as City liaison and internal City lead as the project needed to be evaluated to ensure consistency with scope, intent, and compliance of meeting low-income housing needs. Project met city standards and able to deliver 100% affordable units.

Contact: *Valerie Bernardo, City of Atlanta, 404-330-6390*

Florida State University Southwest Campus Hotel, Assistant Project Manager, Brailsford & Dunlavey. Identified, quantified, and characterized demand for a short-stay hotel on the southwest campus. Determined the suitability of the Tallahassee hotel marketplace to support the Southwest Campus Hotel. Developed best practices from comparable niche campus hotels. Assessed the financial feasibility and sensitivities of a short-stay hotel project sized to accommodate the identified demand. After assembling and analyzing the data outlined above, recommended program consisted of three three-bedroom cottages and three one-bedroom flats. A development budget was also presented, along with a 10-year operating pro forma, additional demand opportunities, and potential management partnership strategies.

Contact: *Marcus Huff, Brailsford & Dunlavey, 313-598-6195*

City of Atlanta Urban Enterprise Zone Program, Economic Development Project Manager, City of Atlanta. Program administrator of the Urban Enterprise Zone (UEZ) Program. Managed program design, policies, guidelines and procedures consistent with scope and intent of program. Interdepartmental team lead in program analysis, application review, program pre-eligibility analysis, eligibility determination, City Tax Revenue impact analysis. Also served as external City liaison for projects.

Contact: *Christina Cummings, City of Atlanta, 404-330-6390*

Small Business Support (CDBG), Economic Development Project Manager, City of Atlanta. Contract administrator for strategic coordination focused on small business investment and support in neighborhood commercial areas. Strategic partnerships identified and established for the following economic outcomes: business retention, expansion and growth using a holistic community-based approach. Oversaw CDBG Entitlement funds, managed contracts, interdepartmental coordination, and tasked with annual compliance of entitlement funds used by community-based organizations and partners to deliver resources for small business owners to build capacity.

Contact: *Christina Cummings, City of Atlanta, 404-330-6390*

Shea Lilly, Jr. Data Analyst

EDUCATION

MSBA, Master of Science in Business Analysis, The Catholic University of America, 2015
BA, Political Science, The Catholic University of America, 2013

SUMMARY OF EXPERIENCE

Disaster Recovery TA for Post-Maria Puerto Rico, Jr. Data Analyst. Employer: The Cloudburst Group. Mr. Lilly has been active in the recovery effort after hurricane Maria destroyed major areas of the US territory of Puerto Rico. Continues to provide efficient analytical skills and assisted in translating large amounts of housing data. Currently Shea Lilly has been supporting the CDBG-DR TA team with administrative tasks. He has created analytical toolkits on his travel to Puerto Rico and trained local staff in Puerto Rico on how to interpret data so people who are homeless as a result of Hurricane Maria receive housing as quickly as possible.

Contact: Christopher Andrews, The Cloudburst Group, 802-342-3985

Task 3 HOPWA Data Validation, Jr. Data Analyst. Employer: The Cloudburst Group. Shea Lilly acts as an integral team member to validate Consolidated Annual Performance and Evaluation Report (CAPER) and Annual Performance Reports (APR) for Housing Opportunities for Persons with AIDS Program (HOPWA) grantees. Mr. Lilly conducts direct outreach with grantees to correct data discrepancies for a report to be considered a Tier 1 Report by HUD.

Contact: Morgan Stephenson, The Cloudburst Group, 240-582-3327

Task 16 Data Analytics, Jr. Data Analyst. Employer: The Cloudburst Group. Shea Lilly has supported Cloudburst staff with monthly deliverables for HUD by updating Chief Elected Officials (CEO). Recently Shea Lilly has been in charge of completing and orientating new staff on how to conduct properly (CEO) research and clean up for the monthly deliverable to HUD. On a semi-annual basis Mr. Lilly will contact CPD program grantees requesting updates to programmatic points of contact (POC) information by using a variety of data collecting tools.

Contact: Heidi Schilpp, The Cloudburst Group, 240-582-3329

EMPLOYMENT HISTORY

2/17 - present: Jr. Data Analyst, Cloudburst Consulting Group Inc., Landover, MD. Responsibilities include the development of the firm's technical offerings, project management and technical support in the areas of need by offering data analytics.

10/16 - 1/17 Business and Production Analyst, Alexandria, VA.

Responsibilities included renewing, upselling and generating additional annual contracts, and analyzing and improving crew performance. Assisted the CEO and Service Autopilot with the development of customer estimates, scheduling work and generating work orders.

COMPUTER SKILLS

Microsoft Office Suite, Research, Business Analysis, Market Research, Salesforce, Data Mining, Data Analysis, Regression Testing

LANGUAGE SKILLS

- English (native proficiency)
- Spanish (native proficiency)
- Italian (conversational, strong reading, writing and comprehension)
- American Sign Language



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Resolutions – Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 22-19, Approving the Sale of Surplus Property and Equipment

Department:

Administrative Services

Ordinance/Resolution Number:

22-19

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 22-19, declaring the items in Exhibit A as surplus to the City's needs, and authorizing staff to dispose of the equipment and items in a manner most advantageous to the City.

Summary:

From time to time, as City equipment and other personal property reaches the end of its useful life, the property is removed from service and disposed of according to Chapter 3.08 of the Richland Municipal Code (RMC) regarding disposition of City-owned personal property. RMC 3.08 requires Council approval for disposition of items purchased for use in a utility or having an estimated salvage value of over \$5,000.

The listed equipment and items in Exhibit A to Resolution No. 22-19 are determined to be excess to the City, and are ready for disposition in accordance with RMC 3.08.

Staff recommends adoption of Resolution No. 22-19.

Fiscal Impact:

Yes

Proceeds from the sale of these surplus items will be deposited into the fund from which the equipment originated.

Attachments:

- I. Resolution No. 22-19

RESOLUTION NO. 22-19

A RESOLUTION of the City of Richland declaring certain vehicles and equipment surplus to the City's needs.

WHEREAS, Richland City Council, as legislative authority of the City of Richland, has determined that certain vehicles and equipment are surplus to the City's needs.

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

Section 1. Richland City Council finds and declares that certain vehicles and equipment, as listed on **Exhibit A**, attached hereto and incorporated by this reference, are no longer needed and are therefore surplus to the City's needs.

Section 2. Staff is hereby authorized to sell or dispose of said equipment on behalf of the City.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

EXHIBIT A

CITY ID NO.	SERIAL OR VIN NO.	YEAR / ID #	QTY	EST. TOTAL VALUE	DIVISION	ITEM DESCRIPTION
N/A			3	\$1,500	EQUIPMENT MAINTENANCE	VARIOUS TOOL BOXES
N/A			1	\$500	EQUIPMENT MAINTENANCE	HYDROBLAST CABINET PARTS WASHER
N/A			LOT	\$300	EQUIPMENT MAINTENANCE	SOLAR PANEL
N/A			LOT	\$100	POLICE SERVICES	MISC. INTERCEPTOR SEATS
N/A			1	\$10	ENERGY SERVICES-PWR OPS	GE PERSONAL RADIO TESTER
N/A			1	\$10	ENERGY SERVICES-PWR OPS	40KVA DC PROBE
N/A			1	\$10	ENERGY SERVICES-PWR OPS	B&K PRECISION TV TUBE TESTER
N/A			1	\$10	ENERGY SERVICES-PWR OPS	BLONDERTONGUE FIELD STRENGTH METER
N/A			1	SCRAP	ENERGY SERVICES-PWR OPS	CUSHMAN SERVICE MONITOR, CE50A
N/A			38	SCRAP	ENERGY SERVICES-PWR OPS	DETECTOR SYSTEMS, VARIOUS MODELS
N/A			11	SCRAP	ENERGY SERVICES-PWR OPS	ECONOLITE DETECTOR, VARIOUS MODELS
N/A			1	\$10	ENERGY SERVICES-PWR OPS	EMICO VOLTAGE CALIBRATOR
N/A			1	\$10	ENERGY SERVICES-PWR OPS	GE CHARGER CALIBRATOR
N/A			3	\$30	ENERGY SERVICES-PWR OPS	GE IF GENERATOR/TEST ADAPTER/AMPLIFIER
N/A			2	\$20	ENERGY SERVICES-PWR OPS	HEATHKIT AUDIO/SIGNAL GENERATOR
N/A			1	\$10	ENERGY SERVICES-PWR OPS	HEATHKIT VOLTAGE CALIBRATOR
N/A			18	SCRAP	ENERGY SERVICES-PWR OPS	IDC DETECTOR
N/A			1	SCRAP	ENERGY SERVICES-PWR OPS	JERK & RUN CRADLE

EXHIBIT A

CITY ID NO.	SERIAL OR VIN NO.	YEAR / ID #	QTY	EST. TOTAL VALUE	DIVISION	ITEM DESCRIPTION
N/A			2	SCRAP	ENERGY SERVICES-PWR OPS	JOHNSON RNET 9600S
N/A			8	SCRAP	ENERGY SERVICES-PWR OPS	KING FISHER ALARM PANEL
N/A			1	\$10	ENERGY SERVICES-PWR OPS	LEADER NTSC GENERATOR
N/A			1	\$10	ENERGY SERVICES-PWR OPS	MODULAR TELEPHONE TEST SET
N/A			5	SCRAP	ENERGY SERVICES-PWR OPS	MOTOROLA HT/RNET 9600 RX/TX
N/A			1	\$10	ENERGY SERVICES-PWR OPS	MOTOROLA S1327A SERVICE MONITOR
N/A			1	\$10	ENERGY SERVICES-PWR OPS	MOTOROLA TUBE TESTER
N/A			1	SCRAP	ENERGY SERVICES-PWR OPS	MVS MOBILE RADIO
N/A			3	SCRAP	ENERGY SERVICES-PWR OPS	OPTICOM MODEL M168J DETECTOR
N/A			1	\$10	ENERGY SERVICES-PWR OPS	RCA VOLT OHM METER
N/A			42	SCRAP	ENERGY SERVICES-PWR OPS	RENO DETECTOR, MODEL E/L
N/A			1	SCRAP	ENERGY SERVICES-PWR OPS	RNET DATA RADIO CDR LTD
N/A			1	\$10	ENERGY SERVICES-PWR OPS	SENCORE FIELD CALIBRATOR
N/A			1	\$10	ENERGY SERVICES-PWR OPS	SENCORE SCR TESTER
N/A			1	\$10	ENERGY SERVICES-PWR OPS	SIMPSON DC VOLT METER
N/A			1	\$10	ENERGY SERVICES-PWR OPS	TEKTRONICS OSCILLISCOPE

EXHIBIT A

CITY ID NO.	SERIAL OR VIN NO.	YEAR / ID #	QTY	EST. TOTAL VALUE	DIVISION	ITEM DESCRIPTION
N/A			1	\$10	ENERGY SERVICES-PWR OPS	TRIPLETT VOLT OHM METER, MODEL 8033
N/A			1	\$10	ENERGY SERVICES-PWR OPS	WESTINGHOUSE MV METER
IN LIST			50	SCRAP	ENERGY SERVICES-PWR OPS	TRANSFORMERS - VARIOUS
E7130730			9	\$25	ENERGY SERVICES-PWR OPS	CONTROL EF20 BRIDGE RECTIFIER (X9)
E7130880			16	\$28	ENERGY SERVICES-PWR OPS	ADAPTER PED SWITCH EJ0 (X16)
E7670129			16	\$265	ENERGY SERVICES-PWR OPS	EAGLE KB-422 PED LENS (X16)
E7690045			12	\$63	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" SOCKET (X12)
E7690050			6	\$33	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" LAMP (X6)
E7690060			16	SCRAP	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" PBG (X16)
E7690070			12	SCRAP	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" REFLECTOR (X12)
E7690080			9	\$37	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" REF (X9)
E7690100			5	\$5	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" GASKET (X3)
E7690110			8	\$12	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" HOLDDOWN (X8)
E7690120			56	\$187	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" GASKET (X56)
E7690140			23	\$176	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" LENS, YELLOW (X23)
E7690150			16	\$122	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" LENS, RED (X16)

EXHIBIT A

CITY ID NO.	SERIAL OR VIN NO.	YEAR / ID #	QTY	EST. TOTAL VALUE	DIVISION	ITEM DESCRIPTION
E7690165			18	\$5	ENERGY SERVICES-PWR OPS	EAGLE KB-170 8" GASKET (X18)
E7700049			16	\$89	ENERGY SERVICES-PWR OPS	EAGLE KB-401 12" LAMP (X16)
E7700050			9	\$49	ENERGY SERVICES-PWR OPS	EAGLE KB-401 12" LAMP (X9)
E7700075			4	\$29	ENERGY SERVICES-PWR OPS	EAGLE KB-401 12" HOLDER (X4)
E7700080			9	\$90	ENERGY SERVICES-PWR OPS	EAGLE KB-401 12" REFLECTOR (X9)
E7700085			7	\$20	ENERGY SERVICES-PWR OPS	EAGLE KB-401 12" GASKET (X7)
E7700156			18	\$106	ENERGY SERVICES-PWR OPS	AMBER 12" LENS (X18)
N/A	10DB-1	2/1/95	1	\$3,000	PUBLIC WORKS – WASTEWATER	PENSKY MARTENS FLASH POINT TESTER
N/A	BD-6	2006	1	\$1,600	PUBLIC WORKS – WASTEWATER	FISHER SCIENTIFIC FOG DIGESTOR
N/A	99A0508 AG 02M0366AL		2	\$1,600	PUBLIC WORKS – WASTEWATER	YSI DISSOLVED OXYGEN METER 52CE
N/A	10L104597 PCS10K 07J100403 PCS 07I 13G100439 PCS 13G		4	\$2,800	PUBLIC WORKS – WASTEWATER	YSI DISSOLVED OXYGEN PROBE MODEL 5905 / 0655815 SN#1 02E0735 FRMTC0218
N/A	8555665		1	\$600	PUBLIC WORKS – WASTEWATER	SWIFT INSTRUMENTS INTERNATIONAL, M1000-D MICROSCOPE
N/A	590		1	\$500	PUBLIC WORKS – WASTEWATER	MILLIPORE DRY INCUBATOR TQ270
N/A			1	\$75	PUBLIC WORKS – WASTEWATER	OHAUS DIAL O GRAM 310
N/A	860106		1	\$150	PUBLIC WORKS – WASTEWATER	VWR 1145 WATER CIRCULATOR / CHILLER



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Resolutions – Adoption

Core Focus Area 3 - Increase Economic Vitality

Subject:

Resolution No. 23-19, Approving an Agreement with the Tri-City Development Council (TRIDEC) for Marketing and Business Recruitment Services

Department:

Community Development Services

Ordinance/Resolution Number:

23-19

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 23-19, authorizing the City Manager to sign and execute an agreement with the Tri-City Development Council for marketing and business recruitment services.

Summary:

This economic development service contract extends the long-standing relationship between the City of Richland and the Tri-City Development Council (TRIDEC). TRIDEC provides economic development services to the Tri-Cities region, including the City of Richland.

Activities are focused on recruitment of businesses in agricultural processing, manufacturing and technology industries. One of the most notable projects was TRIDEC's investment of \$200,000 in the Lamb Weston expansion. TRIDEC's support of this project was instrumental in promoting the expansion of Lamb Weston at its current Richland location.

In 2019 will bring an additional focus on the marketing of real estate and further assistance in generating lead contacts for development in Richland. Future private development projects are also anticipated to be coordinated through this contract.

Staff recommends adoption of Resolution No. 23-19.

Fiscal Impact:

Funds are available and budgeted in the Industrial Development Fund to cover the value of this agreement, which is not to exceed \$30,000.

Attachments:

1. Resolution No. 23-19
2. TRIDEC 2019 Contract

RESOLUTION NO. 23-19

A RESOLUTION of the City of Richland authorizing an agreement with the Tri-City Development Council for economic development marketing and business and industry recruitment services.

WHEREAS, economic vitality is a core focus of the City of Richland; and

WHEREAS, successful economic development in the City of Richland requires coordination throughout the Tri-Cities; and

WHEREAS, Tri-City Development Council (TRIDEC) is the only authorized entity for regional coordination of economic development activity throughout the Tri-Cities; and

WHEREAS, TRIDEC actively recruits industrial and professional businesses to locate within the City of Richland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute an agreement with Tri-City Development Council for economic development marketing and business and industry recruitment services.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney



AGREEMENT BETWEEN CITY AND CONSULTANT

2019 Marketing

This Agreement is entered into this _____ day of February, 2019 (“Effective Date”) by and between the **City of Richland (“City”)**, a Washington municipal corporation located at 505 Swift Blvd. Richland, WA 99352, and **Tri-City Development Council (“Consultant”)**, a Washington non-profit corporation with service at 7130 W. Grandridge Blvd., Suite A, Kennewick, WA 99336. **City** and **Consultant** are referred to individually herein as a “Party” and collectively herein as the “Parties.”

WITNESSETH:

1. SCOPE OF WORK

- a. Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work outlined in Exhibit A. In performing these services, Consultant shall at all times comply with all federal, state and local statutes, rules and ordinances applicable to the performance of such services. In addition, these services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance. All services performed under this Agreement will be conducted solely for the benefit of the City and will not be used for any other purpose without written consent of the City.
- b. This Agreement consists of this Agreement and other documents listed below. These form the entire Agreement between the Parties, and are fully integrated into this Agreement as if stated or repeated herein. In the event of a conflict between documents, the order of precedence will be the order listed below. An enumeration of the Agreement documents is set forth below (mark all that apply):
 1. ☒ City of Richland Agreement No. 36-19
 2. ☒ Exhibit A: Scope of Work
 3. ☐ City Richland Solicitation No. n/a
 4. ☐ Exhibit B: Solicitation No. n/a proposal response submitted by Consultant dated n/a.
 5. ☐ Additional Documents – n/a.

2. TIME FOR COMPLETION

Consultant shall not begin any work under the terms of this Agreement until authorized in writing by the City. Consultant agrees to use best efforts to complete all work described under this Agreement by December 31, 2019.

3. TERM

The term of this Agreement shall commence on the Effective Date identified above and end at midnight on December 31, 2019.

4. PAYMENT

- a. Services rendered by Consultant under this Agreement will be paid at the rate set forth in Exhibit A Scope of Work, but in no event shall the total compensation for services rendered under this Agreement exceed **thirty thousand dollars and no cents (\$30,000.)**, including all fees and those reimbursable expenses listed in Exhibit A.
- b. City shall pay Consultant for services rendered after receipt of a detailed invoice. Invoices not in dispute by the City will be paid net thirty (30) days and shall reference the contract number and/or purchase order applicable to the work. The invoice shall provide sufficient detail on the work being billed and include detailed receipts for any invoices.
- c. Partial payments to cover the percentage of work completed may be requested by Consultant. These payments shall not be more than one (1) per month.
- d. Pre-approved travel, meals and lodging will be reimbursed at cost and only when Consultant travels at least 150 miles per one-way trip. Reimbursable expenses are limited to the following: coach airfare, ground transportation (taxi, shuttle, car rental), hotel accommodations at the government rate, personal or company vehicle use at the then-current federal mileage rate, and meals at the current federal per-diem meal allowance or up to the current federal per-diem with detailed receipts, no alcohol, and a 20% maximum gratuity.
- e. Reimbursement for extra services/reimbursable expenses are not authorized under this Agreement unless detailed in the Scope of Work or agreed upon in writing as a modification to this Agreement.
- f. Consultant will allow access to the City, State of Washington, Federal Grantor Agency, Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions. Unless otherwise provided, said records must be retained for three (3) years from the date of receipt of final payment. If any litigation, claim, or audit arising out of, in connection with, or relating to this Agreement is initiated before the expiration of the three-year period, the records shall be retained until such litigation, claim, or audit involving the records is completed.

5. INDEPENDENT CONTRACTOR

Consultant, and any and all employees of Consultant or other persons engaged in the performance of any work or services required of Consultant under this Agreement, are independent contractors and shall not be considered employees of the City. Any and all claims that arise at any time under any Workers' Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a third party as a consequence of any act or omission on the part of Consultant's employees or other persons engaged in any of the work or services required to be provided herein, shall be the sole obligation and responsibility of Consultant.

6. OWNERSHIP OF DOCUMENTS

Any and all data, analyses, documents, photographs, plans, designs, drawings, specifications, surveys, films, documents, reports and other work products created, prepared, produced, constructed, assembled, made, performed, or otherwise produced by Consultant or Consultant's subcontractors for delivery to the City pursuant to this Agreement shall become the sole and

absolute property of the City upon completion of the services and payment in full of all payment due to Consultant of the fees set forth in this Agreement. Such property shall constitute "work made for hire" as defined by the U.S. Copyright Act of 1976, 17 U.S.C. § 101, and the ownership of the copyright and any other intellectual property rights in such property shall vest in the City at the time of its creation. Ownership of the intellectual property includes the right to copyright, patent, and register, and the ability to transfer these rights. Material which Consultant uses to perform this Agreement but is not created, prepared, constructed, assembled, made, performed or otherwise produced for or paid for by the City is owned by Consultant and is not "work made for hire" within the terms of this Agreement. Consultant will ensure that all independent contractors have written agreements in place that transfers ownership of all Intellectual Property created by them or provided by them to the City.

The City may make or permit to be made any modifications to the plans and specifications without the prior written authorization of Consultant. The City agrees to waive any claim against Consultant arising from any unauthorized reuse of the plans and specifications, and to indemnify and hold Consultant harmless from any claim, liability or cost arising or allegedly arising out of any reuse of the plans and specifications by the City or its agent not authorized by Consultant.

7. TERMINATION

- a. This Agreement may be terminated by either Party upon thirty (30) days' written notice. In the event this Agreement is terminated by Consultant, the City shall be entitled to reimbursement of costs occasioned by such termination. In the event the City terminates this Agreement, the City shall pay Consultant for the work performed, which shall be an amount equal to the percentage of completion of the work as mutually agreed between the City and Consultant.
- b. If any work covered by this Agreement shall be suspended or abandoned by the City before Consultant has completed the assigned work, Consultant shall be paid an amount equal to the costs incurred up to the date of termination or suspension as mutually agreed upon between the City and Consultant.

8. AVAILABILITY OF RECORDS FOR PUBLIC INSPECTION

- a. As a public contract, all records prepared, generated or used by Consultant or its agents, employees and subcontractors relating to this Agreement and associated work (hereinafter "public records") may be subject to disclosure under the Washington State Public Record Act, Chapter 42.56 RCW.
- b. Contractor shall maintain and retain all such public records in a manner that is readily accessible for a minimum term of no less than three (3) years following completion of the contract work. City shall have the right to timely review all such public records upon request. Contractor shall provide copies of any public records requested by City within thirty (30) calendar days of City's request. If City requests that copies of public records be provided to City in an electronic format, said records shall be provided at no cost to City. If paper copies are requested by City, City shall pay \$.10 per page. Payment for paper copies shall be rendered to Consultant within twenty (20) calendar days of receipt.
- c. All records subject to a public disclosure request will be provided to a requester unless exempted from disclosure by law. The City's decision to exempt or redact any public record shall be based only upon valid exemptions that apply to the City. City will not refrain from disclosing any record under an exemption that may be personal to Consultant. In the event Consultant objects to release of any public record under this Agreement, Consultant

may seek judicial approval to prevent such disclosure at Consultant's sole expense. City shall neither aid nor interfere with Consultant's request for an injunction to prevent disclosure of any public record under this Agreement.

- d. Consultant shall insert this provision in all contracts with subcontractors or agents providing services relating to this Agreement.

9. DISPUTE RESOLUTION

- a. The City and Consultant agree to negotiate in good faith for a period of thirty (30) days from the date of notice of all disputes between them prior to exercising their rights under this Agreement, or under law.
- b. All disputes between the City and Consultant not resolved by negotiation between the Parties may be arbitrated only by mutual agreement of the City and Consultant. If not mutually agreed to resolve the claim by arbitration, the claim will resolve by legal action.

10. DEBARMENT CERTIFICATION

Consultant certifies that neither Consultant nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this contract by any federal or state department or agency. Further, Consultant agrees not to enter into any arrangements or contracts related to completion of the work contemplated under this Agreement with any party that is on the "General Service Administration List of Parties Excluded from Federal Procurement or Non-Procurement Programs" which can be found at:

www.sam.gov and

<http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/default.asp>

11. VENUE, APPLICABLE LAW AND PERSONAL JURISDICTION

In the event that either Party deems it necessary to initiate a legal action to enforce any right or obligation under this Agreement, the Parties agree that any such action shall be initiated in the Superior Court of the State of Washington situated in Benton County. The Parties agree that all questions shall be resolved by application of Washington law, and that the Parties to such action shall have the right of appeal from such decision of the Superior Court in accordance with the laws of the State of Washington. Consultant hereby consents to the personal jurisdiction of the Superior Court of the State of Washington situated in Benton County.

12. ATTORNEY'S FEES

The Parties agree that should legal action be necessary to enforce any of the provisions of this Agreement, that the substantially prevailing Party will be awarded its reasonable attorney's fees and costs in action, including costs and attorney's fees on appeal if appeal is taken.

13. INSURANCE

Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Consultant, its agents, representatives, or employees.

- a. No Limitation. Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

- b. Minimum Scope of Insurance. Consultant shall obtain insurance of the types described below:
1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
 2. Commercial General Liability insurance shall be as least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
 3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
 4. Professional Liability, Errors or Omissions insurance appropriate to the Consultant's profession. Coverage shall be provided if Consultant is providing services under this Agreement as a licensed professional, including, but not limited to, engineers, architects, accountants, surveyors, and attorneys.
- c. Minimum Amounts of Insurance. Consultant shall maintain the following insurance limits:
1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
 2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
 3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.
- d. Other Insurance Provisions. Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance with respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of Consultant's insurance and shall not contribute with it.
- e. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- f. Verification of Coverage. Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to, the additional insured endorsement, evidencing the insurance requirements of Consultant before commencement of the work.
- g. Notice of Cancellation. Consultant shall provide the City with written notice of any policy cancellation within two (2) business days of Consultant's receipt of such notice.

- h. Failure to Maintain Insurance. Failure on the part of Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due Consultant from the City.
- i. Public Entity Full Availability of Consultant Limits. If Consultant maintains higher insurance limits than the minimum shown above, the City shall be insured for the full available limits of the Commercial General and Excess or Umbrella liability maintained by Consultant, irrespective of whether such limits maintained by Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by Consultant.

14. INDEMNIFICATION / HOLD HARMLESS

- a) Consultant shall defend, indemnify, and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the willful or negligent acts, or alleged willful or alleged negligent acts, errors or omissions of the Consultant or the Consultant's employees or agents in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.
- b) Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.

15. STANDARD OF CARE

The professional services will be furnished in accordance with the care and skill ordinarily used by members of the same profession practicing under similar conditions at the same time and in the same locality.

16. SUCCESSORS OR ASSIGNS

All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the Parties hereto, and their respective successors and assigns; provided, however, that no assignment of the Agreement shall be made without written consent of the non-assigning Party, which may be given in the non-assigning Party's sole discretion.

17. NOTICES

Any notices required under this Agreement will be in writing, addressed to the appropriate Party at the address which appears below (as modified in writing from time to time by such party), and given by electronic submission, by facsimile personally, by registered or certified mail, return

receipt requested, or by nationally recognized overnight courier service. All notices shall be effective upon the date sent.

Purchasing Manager
City of Richland
505 Swift Blvd., MS-11
Richland, WA 99352
Email: purchasing@ci.richland.wa.us
Phone: (509) 942-7710
Fax: (509) 942-7397

Contact Name: Carl Adrian
Name of Firm: Tri-City Development Council
Address: 7130 W. Grandridge Blvd. #A
Kennewick, WA 99336
Email: cadrian@tridec.org
Phone Number: 509-735-1000
Fax Number: 509-735-6009

18. EQUAL OPPORTUNITY AGREEMENT

Consultant agrees that Consultant will not discriminate against any employee or job applicants for work under this Agreement for reasons of race, sex, nationality, religious creed, or sexual orientation.

19. SEVERABILITY

If any provision of this Agreement conflicts with applicable law, or its application is found to be invalid by a court of competent jurisdiction, the remainder of this Agreement shall not be affected, and to this end, the terms of this Agreement are declared to be severable.

20. AMENDMENTS

All amendments must be in writing and be approved and signed by both Parties.

21. CHANGE IN LAW

The Parties hereto agree that in the event legislation is enacted or regulations are promulgated, or a decision of court is rendered, or any interpretive policy or opinion of any governmental agency charged with the enforcement of any such law or regulation is published that affects or may affect the legality of this Agreement or any part thereof or that materially and adversely affects the ability of either Party to perform its obligations or receive the benefits intended hereunder ("Adverse Change in Law"), then within fourteen (14) calendar days following written notice by either Party to the other Party of such adverse change in law, the Parties shall meet to negotiate in good faith an amendment which will carry out the original intention of the Parties to the extent possible. If, despite good faith attempts, the Parties cannot reach agreement upon an amendment within sixty (60) calendar days after commencing negotiation, then this Agreement may be terminated by either Party as of the earlier of: (i) the effective date of the adverse change in law, or (ii) the expiration of a period of sixty (60) days following written notice of termination provided by one Party to the other.

22. CONFIDENTIALITY

In the course of performing under this Agreement, Consultant, including its employees, agents or representatives, may receive, be exposed to, or acquire confidential information. Confidential information may include, but is not limited to, patient information, contract terms, sensitive employee information, or proprietary data in any form, whether written, oral, or contained in any computer database or computer readable form. Consultant shall: i) not disclose or sell confidential information except as permitted by this Agreement; (ii) only permit use of such confidential information by employees, agents and representatives having a need to know in connection with performance under this Agreement; and (iii) advise each of its employees, agents, and representatives of their obligations to keep such information confidential.

23. CHANGES OF WORK

- a. When required to do so, and without any additional compensation, Consultant shall make such changes and revisions in the completed work of this Agreement as necessary to correct or revise any errors, omissions, or other deficiencies in the design, drawings, specifications, reports, and other similar documents which Consultant is responsible for preparing or furnishing under this Agreement.
- b. Should the City find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, Consultant shall make such revisions as directed by the City. This work shall be considered as Extra Work and will be paid for as herein provided under Section 24, Extra Work.

24. EXTRA WORK

The City may desire to have Consultant perform work or render additional services within the general scope of this Agreement. Such work shall be considered as extra work and will be specified in a written supplement to this Agreement which will set forth the nature of the scope, schedule for additional work, additional fees and the method of payment. Work under a supplemental Agreement shall not proceed until authorized in writing by the City.

25. ENTIRE AGREEMENT

This Agreement contains the entire agreement of the Parties hereto and supersedes all previous understandings and agreements, written and oral, with respect to this transaction. Neither Party shall be liable to the other for any representations made by any person regarding the terms of this Agreement, except to the extent that the same are expressed in this Agreement.

(Signature page to follow)

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

CITY OF RICHLAND, WASHINGTON

CONSULTANT

Cynthia D. Reents, City Manager

Signature

ATTEST:

Printed Name

Marcia Hopkins, City Clerk

Title

APPROVED AS TO FORM:

Heather Kintzley, City Attorney

EXHIBIT A: Detailed Scope of Work

1. Participate in at least four (4) trade shows and host at least two (2) outreach events to prospective businesses within the targeted industries.
2. Identify and document specific metrics for tracking and reporting the success of the 2019 Work Plan. Provide information to the City Manager via the Economic Development office quarterly. (2018 Summary in January and then April, July, October)
3. Provide annual review and marketing update to City Council in January.
4. Continue to assist Richland in recruitment efforts and report outcomes to the Economic Development Committee on a quarterly basis, adding an additional relevant topic for presentation. (2018 Summary in January and then April 22, July 22, October 28, January 27)
5. Consultant will coordinate the recruiting effort, making productive use of its own staff and volunteers, as well as personnel resources supplied by other partners, including but not limited to the City.
 - a. Provide the City Manager via the Economic Development office a quarterly update as to the number of successful recruitment efforts that specifically relate to Richland. (April 22, July 22, October 28, January 27)
6. Consultant functions as the Associate Development Organization for the Washington State Department of Commerce (Commerce). Consultant also engages businesses, educational institutions, the Department of Energy and its contractors, the Tri-Cities Visitor and Convention Bureau, and other bi-county economic development agencies to effectively support its industrial recruitment program. Consultant, in cooperation with the City, will accomplish the following objectives:
 - a. Retain a qualified business recruiting staff to work with designated City staff.
 - b. Maintain and follow a formal, written plan to market to, identify, recruit, qualify, and service industrial prospects. Companies in Research and Development, Technology, Manufacturing/Distribution, and Food/Agriculture are targets for recruitment. Additional industries for recruitment shall include those sectors identified in the 2014 Target Industry study such as carbon fiber and machinery manufacturing, logistics, and energy as well as recommendations therein, as well as other businesses identified by the City of Richland, within the constraints of funding and resources.
 - c. Administer a client tracking system to manage and record prospect contacts. Reports shall be made to the Economic Development Committee a quarterly basis, beginning April 2019, and Council annually when the new work plan is presented. Report should be on all contacts made within the constraints of confidentiality agreements.
 - d. Develop and administer a database including the following information for industrial sites and facilities available for recruited industries; site and structure plans, location, site dimensions and acreage, soil conditions and slope, transportation access, availability of utilities, zoning, neighboring land uses, ownership, and contact person. The inventory for the City should be comparable with those of other partners. All parties should agree as to the system used to compile this information. A sub-committee of staff from all partners and no less

than two Consultant staff shall be on the review and recommendation committee (Case Management Committee). This database should be used to complete Site Information Matrix questionnaires as they come in, notifying the City designated contact if there are items requested that are not in the database to allow for faster response times.

- e. Regularly monitor and report industrial recruiting progress using a mutually agreed measurement system that gauges program effectiveness. Outcomes for Richland recruitments should be reported quarterly to the City Manager via the Economic Development office beginning April 2019.
- 7. Through its Internet Web site and e-mail, printed reports, newsletters, media releases, and briefing sessions, keep the City of Richland and the general public adequately informed of industrial recruitment activities. These updates shall be reported quarterly, beginning April 2019 to Economic Development Committee.
- 8. Provide targeted recruitment services of the Tri-Cities Research District, Horn Rapids Industrial Area, and current and future local revitalization funding areas, to assist in attracting more jobs to the City, while creating a stronger diversification of businesses. Report industry specific marketing outcomes for this area to the Economic Development Committee quarterly and to the Economic Development office to provide City Council annually; beginning April of 2019.
- 9. Support the City of Richland redevelopment marketing efforts by assisting in attracting more jobs to the Richland Central Business District and City View project areas. Report on contacts made on a quarterly basis to the Economic Development Office, beginning in April of 2019.
- 10. Provide City Council with an annual report, highlighting accomplishments for the region and specifically those which result in the growth of businesses in the City of Richland.
- 11. The TRIDEC 2019 Plan of Work is hereby incorporated with this scope of work.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Resolutions – Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 24-19, Authorizing an Amendment to the 2019-2024 Transportation Improvement Program to add Safety Grant Projects

Department:
Public Works

Ordinance/Resolution Number:
24-19

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 24-19, amending the 2019-2024 Transportation Improvement Program to add Safety Grant projects, and authorizing execution of WSDOT grant documents to access the funds.

Summary:

On June 19, 2018, by Resolution No. 99-18, Richland City Council adopted the 2019-2014 Transportation Improvement Program (TIP). On April 3, 2018, Richland City Council adopted Resolution No. 67-18 authorizing the submittal of grant applications to the Washington State Department of Transportation (WSDOT) 2018 City Safety Grant Program.

WSDOT's 2018 City Safety Grant Program awarded four (4) separate safety projects to Richland: Traffic Count Program; Traffic Signal Systemic Safety Upgrades; McMurray Rapid Flashing Beacon (RFB); and Van Giesen/Thayer Intersection Improvements (the "2018 City Safety Projects").

The 2019-2024 TIP does not currently include two of the four 2018 City Safety Projects, namely the Traffic Count Program and Traffic Signal Systemic Safety Upgrades. The projects must be individually identified in the TIP to enable use of the funds. A TIP amendment is required to formally add these projects.

Local Agency Agreements and Local Agency Prospectus documents are also required by WSDOT to implement the 2018 City Safety Projects.

Staff recommends adoption of Resolution No. 24-19, amending the 2019-2024 Transportation Improvement Program and authorizing standard WSDOT documents to implement all four 2018 City Safety Projects.

Fiscal Impact:

The Transportation Improvement Program (TIP) amendment adds the Traffic Signal Systemic Safety Upgrades grant to the Capital Improvement Plan, along with required matching funds. The Traffic Count Program grant and required matching funds are added to the City Streets Fund since this work is operational versus capital. These projects add a combined \$608,200 in grant funds, and will require a combined \$9,500 in City matching funds. Ordinance No. 15-19 proposes to increase the 2019 budget to include these funds.

Attachments:

- I. Resolution No. 24-19

RESOLUTION NO. 24-19

A RESOLUTION of the City of Richland authorizing an amendment to the 2019-2024 Six-Year Transportation Improvement Program and authorizing Local Agency Agreements with the Washington State Department of Transportation for the 2018 City Safety Projects.

WHEREAS, RCW 35.77.010 requires local jurisdictions to prepare and adopt a perpetual six-year Transportation Improvement Program (TIP); and

WHEREAS, on June 19, 2018, by Resolution No. 99-18, Richland City Council adopted the 2019-2024 TIP; and

WHEREAS, on April 3, 2018, Richland City Council adopted Resolution No. 67-18 authorizing the submittal of a grant application to the Washington State Department of Transportation (WSDOT) 2018 City Safety Grant Program; and

WHEREAS, the City was selected to receive grant funding through the 2018 City Safety Grant Program; and

WHEREAS, the 2018 City Safety Grant Program included four (4) separate safety projects: Traffic Count Program; Traffic Signal Systemic Safety Upgrades; McMurray Rapid Flashing Beacon (RFB); and Van Giesen / Thayer Intersection Improvements (the “2018 City Safety Projects”); and

WHEREAS, the 2019–2024 TIP does not currently include two (2) of the four (4) 2018 City Safety Projects, namely the Traffic Count Program and Traffic Signal Systemic Safety Upgrades; and

WHEREAS, the projects must be individually identified in the TIP to enable use of the funds; and

WHEREAS, a TIP amendment is required to formally add these projects; and

WHEREAS, the proposed amendment is consistent with city, regional and state transportation plans; and

WHEREAS, Local Agency Agreements and Local Agency Prospectus documents are required by WSDOT to implement the 2018 City Safety Projects; and

WHEREAS, a duly noticed public hearing was held on February 19, 2019 regarding the proposed TIP amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that an amendment to the 2019-2024 Six-Year Transportation Improvement Program, attached as **Exhibit A**, is hereby adopted.

BE IT FURTHER RESOLVED that staff is authorized to prepare and execute standard Washington State Department of Transportation Local Agency Agreements and Local Agency Prospectus documents as necessary to implement the 2018 City Safety Projects identified herein.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Exhibit A to Resolution No. 24-19



Six Year Transportation Improvement Program From 2019 to 2024

Agency: Richland

County: Benton

MPO/RTPO: BFCG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00		Traffic Count Program - Safety Grant City Wide to Collect turning movement count data to be used for future traffic safety analysis and projects.	WA-11915	02/19/19	02/19/19	02/19/19	XX-19	21			CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2019	HSIP	35,100		0	3,900	39,000
Totals				35,100		0	3,900	39,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	39,000	0	0	0	0
Totals	39,000	0	0	0	0



Six Year Transportation Improvement Program From 2019 to 2024

Agency: Richland

County: Benton

MPO/RTPO: BFCG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00		Traffic Signal Systemic Safety Upgrades City Wide to Upgrade traffic signal equipment and phasing throughout the City.	WA-11916	02/19/19	02/19/19	02/19/19	XX-19	21				Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2019	HSIP	47,000		0	5,200	52,200
S	RW	2019	HSIP	3,600		0	400	4,000
S	CN	2020	HSIP	522,500		0	0	522,500
Totals				573,100		0	5,600	578,700

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	52,200	0	0	0	0
RW	0	4,000	0	0	0
CN	0	522,500	0	0	0
Totals	52,200	526,500	0	0	0



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Expenditures - Approval

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Expenditures from January 28, 2019 - February 8, 2019 for \$7,798,080.50 including Check Nos. 265171-265590, Wire Nos. 7342-7363, Payroll Check Nos. 146840-147366, and Payroll Wire/ACH Nos. 10841-10863

Department:

Administrative Services

Ordinance/Resolution Number:

Document Type:

Expenditures

Recommended Motion:

Approve the expenditures from January 28, 2019, to February 8, 2019 in the amount of \$7,798,080.50.

Summary:

Breakdown of Expenditures:

Check Nos.	265171-265590	1,336,244.89
Wire Nos.	7342-7363	3,853,502.29
Payroll Check Nos.	146840-147366	31,273.49
Payroll Wires/ACH	10841-10863	2,577,059.83
TOTAL		\$7,798,080.50

Fiscal Impact:

Yes

Total Disbursements: \$7,798,080.50. Disbursements (wire transfers) include \$3,461,081.00 for purchase power.

Attachments:

1. Wire Transfers
2. Voucher Listing Report

VOUCHER LISTING REPORT
SUMMARY OF WIRE TRANSFERS
JANUARY 28, 2018 - FEBRUARY 8, 2019

Payee	Wire Description	Amount
Claim Wires - Wire No. 7342 to 7363		
AW Rehn Insurance	Fire Health Reimbursement Account	20,812.50
Bonneville Power Administration	Purchase Power	3,461,081.00
CIGNA Health/Matrix/QBE/VSP	Insurance Claims	261,097.36
Discovery Benefits	Section 125	15,473.01
LEOFF Trust	Fire Health Premiums	93,254.63
Payment Processing, Inc.	Landfill Merchant Service Fees	1,783.79
	Total Claim Wire Transfers	\$ 3,853,502.29
Payroll Wires & Direct Deposits (ACH) - Wire No. 10841 to 10863		
Payroll Wires *see description below	Total Payroll Wire Transfers & Deposits	\$ 2,577,059.83
Total Claim & Payroll Wires/ACH		\$ 6,430,562.12

*Payroll Wires - transactions represent; employee payroll, payment of benefits, payroll taxes and other related payroll benefits.



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
FUND 001 GENERAL FUND					
Division: 000 UNASSIGNED					
BANK OF AMERICA		18120057707	265176	BANK ANALYSIS FEES	\$2,998.20
BENTON COUNTY TREASURER		0119BC	265521	CRIME VICTIMS COMP BCDC-JAN 19	\$572.75
CITY OF RICHLAND		012419	265188	CSR SHORTAGE-A.MARLEY	\$70.00
		012519		CSR SHORTAGE-A.MARLEY	\$100.00
DESKINS, JOHN		19-068 DESKINS	265535	19-068 ESDOT TRGT SPD PL DE	\$193.00
HUNTINGTON, THOMAS		19-024 HUNTINGTON	265549	19-024 2019 SERV LEAD CONF	\$571.00
RECWARE REFUND		012419	265584	DEPOSIT REFUND	\$500.00
		012819	265541	DEPOSIT REFUND	\$425.00
		013119	265563	WITHDREW FROM SALSA CLASS	\$28.50
		020119	265562	DEPOSIT REFUND	\$150.00
		020519	265527	DEPOSIT REFUND	\$150.00
			265531	DEPOSIT REFUND	\$150.00
		CLASS REFUND 172	265233	CLASS REFUND	\$16.75
TALENT WISE INC		7667464	265244	BACKGROUND CHECKS	\$91.54
WASHINGTON STATE TREASURER		0119WS	265588	FINES & FORFEITURES BC-JAN 19	\$31,684.70
WEBCHECK INC		6221	265504	WEBCHECK SRVC JAN 19	\$1,030.61
UNASSIGNED TOTAL ****					\$38,732.05
Division: 101 CITY CLERK					
CODE PUBLISHING INC		62397	265407	WEB UPDATE 1/07/19	\$212.35
CITY CLERK TOTAL ****					\$212.35
Division: 102 CITY ATTORNEY					
BENTON FRANKLIN COUNTY BAR ASSOCIATION		2019 DUES	265179	BF COUNTY BAR ASSN DUES/2019	\$60.00
JOYCE ZIKER PARKINSON PLLC		51904	265212	TRAVELERS LITIGATION	\$2,291.00
MENKE JACKSON BEYER LLP		12/2018-065	265217	GENERAL (CITY ATTY)	\$58.50
		12/2018-077	265464	TRI-CITY RAILROAD	\$6,470.03
		12/2018-088	265217	NESS/PAULSEL V. COR	\$819.00
		12/2018-456		DENNEY V COR - PRR	\$156.00
OGDEN MURPHY WALLACE, PLLC		820201	265223	WIRELESS CODE	\$2,322.00
PUBLIC RISK MANAGEMENT ASSN WA CHAPTER		2019 DUES	265230	PRIMA MEMBERSHIP DUES 2018	\$150.00
CITY ATTORNEY TOTAL ****					\$12,326.53
Division: 110 ASSISTANT CITY MANAGER					
AMUNDSON, JON		19-072 AMUNDSON	265515	19-072 SGR SVNT LEAD CONF	\$85.00
ASSISTANT CITY MANAGER TOTAL ****					\$85.00
Division: 111 COMMUNICATIONS & MARKETING					
ABADAN INC		AR50547	265372	PA OFFER SHEETS	\$152.04
COMMUNICATIONS & MARKETING TOTAL ****					\$152.04
Division: 113 HANFORD COMMUNITIES					



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
LARSEN, PAM BROWN		19-075 BROWN-LARS	265560	19-075 TC LEGISLATIVE DAY	\$39.00
LUNDGREN, REGINA E		RCH-SB-652	265458	SPEAKERS BUREAU - JANUARY	\$320.00
TRI CITY REGIONAL CHAMBER OF COMMERCE		588	265500	LEGISLATIVE COUNCIL OLYMPIC MT	\$300.00
HANFORD COMMUNITIES TOTAL ****					\$659.00
Division:	120	FIRE			
BRYAN, DAMON		19-066 BRYAN	265523	19-066 WI NEW FIRE TRK	\$585.55
DUNCAN, RONALD K		19-064 DUNCAN	265285	19-064 NEW FIRE TRK WI	\$244.00
HUNTINGTON, THOMAS		19-024 HUNTINGTON	265549	19-024 19 SERVNT LEAD CONF	\$488.02
LANDON, KEVIN		012919	265558	REIMB BOOTS PURCHASED	\$266.05
MULFORD, DALE		19-067 MULFORD	265333	19-067 NEW FIRE TRK WI	\$585.55
NIELSEN, RYAN L		19-065 NIELSEN	265334	19-065 NEW FIRE TRK WI	\$585.55
UNITED PARCEL SERVICE	S018205	000986641049	265250	GROUND PKG TO PACIFIC ELECTRON	\$4.28
FIRE TOTAL ****					\$2,759.00
Division:	130	POLICE			
101 CLEANERS		12/18-9427360	265255	UNIFORM LAUNDRY SRVCS-DEC	\$188.96
CASCADE NATURAL GAS CORP		01/19-75997100005	265271	NAT GAS 871 GW WAY 12/15-1/17	\$1,219.52
CHARTER COMMUNICATIONS		0309703012019	265275	RPD INTERNET SRVCS 1/29-2/28	\$80.11
cloudPWR, LLC	P060031	2010	265370	BOX ENTERPRISE EDITION LICENSE	\$436.51
ENTERPRISE RENT A CAR		19774470	265538	BUSINESS RENTAL CAR	\$225.80
		20084925		BUSINESS RENTAL CAR	\$186.28
FARO TECHNOLOGIES INC.	P059924	90573895	265539	LS-8-S-150 3D_HW_LS_FocusS 150	\$47,600.00
	P059924			DISCOUNT	(\$987.45)
	P059924			SOFTL0002 SINGLE USER HARD LOC	\$181.35
	P059924			ACCSS8001 3D_AC_LS_FocusS BATT	\$525.94
	P059924			SMA51002 FARO ZONE 3D ADVANCED	\$987.45
	P059924			ACCSS8032 3D_AC_LS_STANDARD CA	\$997.42
	P059924			SOFT51002-XGD FARO ZONE 3D	\$1,355.59
	P059924			SMA0900-3Y 3D_MA_SC_SCENE	\$2,303.27
	P059924			COMP0123X64 VR READY NOTEBOOK	\$4,125.94
	P059924			SOFTS0900 3D_SW_SC_SCENE FARO	\$5,540.55
	P059924			SWS-FCS-3Y 3D_WA_LS_FocusS	\$8,368.86
	P059924			TAX	\$5,822.91
	P059924	90573896		TAX	\$112.30
	P059924			ACCSS0299 80Mm KOPPA TARGET SE	\$1,305.79
FRONTIER	S018209	01/19 5099464177	265429	TELEPHONE CHARGE 1/19/19-2/18/	\$71.79
GLASEN, HEIDI		19-074 GLASEN	265544	19-074 MEAL PER DIEM WSP LA	\$18.00
		19-074 GLASEN-		19-074 WSP LAB & DRUG DISP	\$96.64
HOLEN, JONATHAN		19-019 HOLEN	265547	19-019 BLEA PHYS AGI TEST	\$33.00
		19-073 HOLEN		19-073 MEAL PER DIEM WSP LA	\$18.00
JABRI, CHRISTIAN		19-045 JABRI	265312	19-045 LAW ENF EQUV ACAD	\$266.96



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
KANE, RICHARD		19-042 KANE	265318	19-042 FBI LEEDA SUPV TR	\$847.34
MATHENY, RODNEY C		19-018 MATHENY	265564	19-018 BLEA PHYS AGI TEST	\$33.00
MOON SECURITY SERVICES INC		961447	265330	RPD RANGE MONITORING	\$59.90
MOUNTS LOCK & KEY INC		233603	265332	RPD TRIP CHARGE 19-01060	\$50.00
RINGOLD EMBROIDERY		841	265343	EMBROIDERED PATCHES CRIME UNIT	\$25.52
RIVER CITY TOWING INC		16696	265344	TOW CHARGE	\$48.87
		16825		TOW CHARGE	\$48.87
		16827		TOW CHARGE	\$48.87
		16833		TOW CHARGE	\$48.87
ROMER, BRIAN		19-044 ROMER	265346	19-044 ACCESS II	\$81.84
TREASURE VALLEY COFFEE CO		103716	265359	RPD COFFEE DELIVERY	\$210.76
WA STATE CRIMINAL JUSTICE TRAINING		201131827	265361	DT LEVEL 2 INSTRUCTOR-KOE	\$500.00
WASHINGTON ASN OF SHERIFFS & POLICE CHIEFS		DUES 2019-00261	265362	2018 WASPC DUES-TAYLOR	\$365.00
POLICE TOTAL ****					\$83,450.33
Division:	211	FINANCE			
ALLIED ENVELOPE	P059798	194555	265260	ENVELOPES #10 - PER QUOTE 1933	\$657.50
	P059798			FREIGHT	\$63.25
	P059798			SALES TAX	\$61.98
	P059798	194556		FREIGHT	\$63.25
	P059798			SALES TAX	\$42.89
	P059798			UB STATEMENTS-8X11PER QUOTE 19	\$435.50
FEDERAL EXPRESS CORP		6-427-30537	265540	FED EX SHIPPING CHARGES	\$9.80
		6-440-98010	265426	FED EX SHIPPING CHARGES	\$18.30
N HARRIS COMPUTER CORPORATION		XT00148877	265221	2018 TAX FORMS	\$745.82
REDSSON LTD		198949	265574	PORTAL SERVICE LOCATES-JAN	\$269.05
RETAIL LOCKBOX INC		19014812	265480	UB PYMT PROCESSING JAN 19	\$2,565.86
FINANCE TOTAL ****					\$4,933.20
Division:	212	PURCHASING			
ANIXTER INC	S018178	4120114-00	265263	CAT5 CABLE, WEATHERPROOF, BLAC	\$385.53
FRONTIER FENCE INC	S018129	40482	265297	RELOCATE FENCE IN WAREHOUSE,	\$8,611.72
GRAINGER	S018210	9071383468	265436	WEB SLING ITEM #38V039	\$119.73
	S018210	9072757314		WEB SLING ITEM #38V041	\$139.53
ORKIN EXTERMINATING INC	S018202	179226700	265472	2019 PEST CONTROL SERVICES FOR	\$33.56
	S018202			2019 PEST CONTROL SERVICES FOR	\$33.57
XEROX CORPORATION		095966193	265589	MX4-340609 BASE/PRINTS-JAN-IT	\$232.00
		095966203		MX4-354245 BASE/PRINTS-JAN-HR	\$236.70
		095966204		MX4-133936 BASE/PRINTS-JAN	\$205.69
PURCHASING TOTAL ****					\$9,998.03
Division:	213	INFORMATION TECHNOLOGY			
BMC SOFTWARE INC	P059922	1323622	265270	BMC CONTINUOUS SUPPORT TRACK-I	\$5,106.12



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CANON FINANCIAL SERVICES, INC		19661628	265182	COPIER LEASE & USAGE CHARGES	\$89.89
cloudPWR, LLC	P060031	2010	265370	BOX ENTERPRISE EDITION LICENSE	\$218.26
DELL COMPUTER CORPORATION	P059935	10292869944	265283	MOBILE DEVICE MANAGEMENT LICEN	\$19,065.77
	P059969	10293671794		STEREO SOUNDBAR, DELL #AC511M	\$2,233.47
	P060009	10294819005		DELL MICRO ALL-IN-ONE STAND	\$283.62
	P060010	10294819013		DELL 24 MONITOR P2419H	\$757.72
	P060011	10294819021		DELL 27 MONITOR P2719H	\$487.11
	P060012	10294819030		DELL LATITUDE RUGGED DISPLAY P	\$1,077.88
	P060008	10294853156		DELL BUSINESS DOCK WD15 WITH 1	\$2,142.97
EN POINTE TECHNOLOGIES SALES LLC	P059666	900141193	265286	SOFTWARE LICENSE, WINSVRSTDCOR	\$692.06
FORCEPOINT LLC	P059923	100115280	265296	FORCEPOINT TRITON AP-WEB SOFTW	\$17,895.26
	P059923			SALES TAX	\$1,330.12
GOVERNMENTJOBS.COM INC	P059743	INV25881	265301	LS SUBSCRIPTION PRO-RATED 575	\$3,625.84
	P059743			SET UP, IMPLEMENTATION AND TRA	\$5,000.00
GROUPE SHAREGATE INC	P059992	89806	265302	SHAREGATE DESKTOP 1 USER-12 MO	\$3,995.00
MSDS ONLINE INC	P060078	192835	265469	MSDSONLINE HQ ACCOUNT/SITE	\$1,791.36
N HARRIS COMPUTER CORPORATION	P059959	MN00113297	265568	GEMS FMS,HRMS,SUP APPS,SYS SW,	\$116,606.92
TED BROWN MUSIC COMPANY INC	P060079	3232828	265494	LIBRARY GALLERY MEETING ROOM-	\$298.64

INFORMATION TECHNOLOGY TOTAL ****

\$182,698.01

Division: 220 HUMAN RESOURCES

CANON FINANCIAL SERVICES, INC		19661628	265182	COPIER LEASE & USAGE CHARGES	\$1.70
		19661630	265394	CANON-IRC55501-XLG04984-JAN	\$290.02
		19661631		CANON-IRC55501-XLG04984-JAN	\$28.00
cloudPWR, LLC	P060031	2010	265370	BOX ENTERPRISE EDITION LICENSE	\$218.25
COLUMBIA INDUSTRIES SUPPORT LLC		0075915	265410	ON SITE SHREDDING WO #0127822	\$37.63
HARRINGTON'S TROPHIES		79039	265440	RTRMNT PLAQUE - GREENWOOD	\$74.39
		79083		RTRMNT PLAQUE-CROSKREY	\$74.39
MOON, TAE-IM PHD		01032019	265467	PSYCH EVALUATION-C. CASILLAS	\$800.00
SOCIETY FOR HUMAN RESOURCE MANAGEMENT		9007817064	265489	MEMBERSHIP DUES - KATIE NASH	\$209.00
TALENT WISE INC		7667464	265244	BACKGROUND CHECKS	\$12.57

HUMAN RESOURCES TOTAL ****

\$1,745.95

Division: 300 DEVELOPMENT SERVICES ADMIN

HARRINGTON'S TROPHIES		79123	265206	NAME TAGS	\$20.63
-----------------------	--	-------	--------	-----------	---------

DEVELOPMENT SERVICES ADMIN TOTAL ****

\$20.63

Division: 301 DEVELOPMENT SERVICES

AVANTECH INC	S018034	19-3237	265266	TRACEY PELOQUIN - CLERICAL	\$1,509.69
cloudPWR, LLC	P060031	2010	265370	BOX ENTERPRISE EDITION LICENSE	\$218.25
FEDERAL EXPRESS CORP		6-441-57784	265426	SHIPPING CHARGES	\$34.09

DEVELOPMENT SERVICES TOTAL ****

\$1,762.03

Division: 303 LIBRARY



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CAMPBELL-HIME, LESLIE		19-043 CAMPBELL HI	265525	19-043 ALA MID WINTER CONF	\$341.27
LIBRARY TOTAL ****					\$341.27
Division:	331	PARKS & REC - RECREATION			
FRONTIER	S018209	01/19 5099464177	265429	TELEPHONE CHARGE 1/19/19-2/18/	\$200.87
	S018209			TELEPHONE CHARGE 1/19/19-2/18/	\$74.44
HEALTHY FEET LLC		JANUARY 2019	265306	FOOT CARE CLASSES-JAN	\$855.60
MASON, PATTI L		DECEMBER 2018	265324	FITNESS CLASSES-DEC	\$674.98
MILESTONES ATHLETIC SUPPLY INC		87231	265328	100-YOUTH BB WHISTLES/LANYARDS	\$87.97
MILLER, JO ANN		JANUARY 2019	265465	DANCE INSTRUCTOR-JANUARY	\$479.50
TALENT WISE INC		7667464	265244	BACKGROUND CHECKS	\$664.55
PARKS & REC - RECREATION TOTAL ****					\$3,037.91
Division:	335	PARKS & REC - PARKS&FACILITIES			
AMERICAN ROCK PRODUCTS INC	P060066	398233	265374	SAND, DOG PARK, INV #398233	\$114.03
	P060066	398361		SAND, DOG PARK, INV #398361	\$115.63
ARAMARK UNIFORM SERVICES INC	S018215	01-934962000	265377	LINEN CHARGES FOR JANUARY 2019	\$579.39
BEAVER BARK & ROCK		927690	265268	CONCRETE FRANKFORT FENCE	\$401.19
		928178		CONCRETE BADGER FENCE	\$314.92
		928484		DIRT	\$43.40
CASCADE NATURAL GAS CORP		01 51897100007	265271	NAT GAS 1005 SWIFT 12/15-1/16	\$14.11
		01/19 61897100006		NAT GAS 955 NRTHGT 12/15-01/17	\$1,661.94
		01/19 73638100005		NAT GAS 500 AMON 12/15-01/17	\$1,906.35
		01/19 75226321539		NAT GAS 2710 DUPRT 12/14-01/15	\$847.44
		01/19 80577100003		NAT GAS 200 BLDG 12/14-1/15	\$3,203.89
		01/19 90577100002		NAT GAS BLDG 300 12/14-1/15	\$2,792.65
		01/19 96738100005		NAT GAS 505 SWIFT 12/15-1/15	\$2,393.73
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC		3627-603805	265280	DNL KIT-SHOPS 100	\$195.48
		3627-603835		LED LIGHTS-SHOPS 100	\$940.48
		3627-604041		LITE-BADGER IRR PUMP ROOM	\$27.76
		3627-604213		BALLASTS-FIRE #72	\$54.30
		3627-604503		LIGHTS-FIRE STATION 73	\$199.28
		3627-604616		COVERS FOR LED LITES-SHOPS 100	\$4.91
DEPARTMENT OF LABOR & INDUSTRIES		231553	265284	ELEVATOR INSP LIBRARY	\$258.00
EWING IRRIGATION PRODUCTS INC		6805489	265288	IRR PARTS - TRUCK STOCK	\$1,374.71
FARMERS EXCHANGE		225306	265289	REPAIR SAW STARTER	\$45.61
FASTENAL COMPANY		WARIC81334	265291	SAFETY GLASSES	\$5.46
FRONTIER	S018209	01/19 5099464177	265429	TELEPHONE CHARGE 1/19/19-2/18/	\$1,144.20
	S018209			TELEPHONE CHARGE 1/19/19-2/18/	\$33.93
FRONTIER FENCE INC	P059712	40448-RETAIN	265542	REPAIR THE HI SECURITY GATE	\$2,325.00
GRAINGER	S018210	9071916150	265436	FILTER/DRYER ITEM #6X585	\$268.94
GTP INVESTMENTS LLC	P059942	405856207	265438	BADGER MTN LEASE FOR CITY CELL	\$312.50



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GTP INVESTMENTS LLC	P059942	405856721-	265438	BADGER MTN LEASE FOR CITY CELL	\$33.98
HARBOR FREIGHT TOOLS USA INC		02420642	265205	SOCKET ADAPTER	\$81.43
		02420650		EXT CORD IMPACT SOCKETS	\$70.57
HAWORTH INC	P059826	3001145594	265207	TODO, SINGLE, STATIONARLY, FAU	\$9,675.09
	P059826			ADJUST TAX	(\$0.01)
	P059826			TODO, WOOD TABLET W/ ARM	\$918.30
	P059826			INSTALLATION NON HAWORTH PROVI	\$212.86
INTERLINE BRANDS INC DBA	S018172	472220300	265310	HAND SANITIZER REFILL, 1200ML,	\$349.78
IRRIGATION SPECIALISTS INC		1262767-01	265311	IRRIGATION PARTS	\$23.67
		1262790-01		IRRIGATION PARTS	\$10.23
KNUTZEN ENGINEERING	P060039	1339	265321	CONSULTING SERVICES FOR HR	\$2,080.00
MIGHTY JOHNS PORTABLE TOILET & SEPTIC		A-1325	265327	SKATE PARK	\$91.00
MONARCH MACHINE & TOOL CO INC		A200047	265329	BB STANDS FLAT BAR	\$36.92
MOON SECURITY SERVICES INC		961177	265330	BASIC FIRE MONITOR LIBRARY	\$36.00
		961890		ST#74 CELL GSM FIRE B/U	\$53.00
PERFECTION GLASS		9993672651	265335	POWER ASSIST DOOR-LIBRARY	\$4,344.00
PLATT ELECTRIC SUPPLY		U261977	265336	LITE PARTS-FIRE #72	\$87.10
RICHLAND ACE HARDWARE		216912/2	265339	REPAIR PARTS - #72	\$37.25
		216918/2		GLOVES	\$8.68
		216919/2		PLIERS	\$21.71
		216925/2		PRESSURE GAUGE	\$10.85
		216938/2		UNIONS	\$30.92
		216951/2		PICNIC TABLE ASSEMBLY PARTS	\$59.71
		2169558/2		BOLT CUTTER	\$24.97
		216956/2		CONCRETE-FENCE WORK-BADGER	\$20.83
		216961/2		PAINT - GRAFITTI	\$9.97
		2216957/2		TAPE, TAPE MEASURE, BIT, SH	\$94.84
		65875/1		FASTENERS	\$9.55
		65896/1		GRIND WHEELS, TAPE MEASURE	\$37.81
		65905/1		DRILL BITS	\$27.12
		65908/1		SPIKE NAIL	\$21.71
		65909/1		KICKDOWN DOOR STOP	\$48.82
		65910/1		TRUCK TOOLS - ARSANTO	\$120.48
		65936/1		LUBE	\$12.58
				PRUNER, GLUE, TAPE, RAKE	\$58.15
		65998/1		PAINT - GRAFITTI	\$13.03
ROTO ROOTER		5509903	265348	DRAIN CLN BLDG 300	\$255.21
SPORT SUPPLY GROUP INC		904283939	265352	BACKSTOPS	\$4,452.58
SPRAGUE PEST SOLUTIONS		3729033	265353	JAN 2019 MONTHLY SERVICE-FS 1	\$103.17
		3729036		JAN 20189MONTHLY SERVICE-FS 4	\$103.17
		3729037		JAN 2019 MONTHLY SERVICE-RCC	\$124.89



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
STEEBER'S LOCK SERVICE		651243	265354	DUPLICATE KEYS	\$119.46
STONEMAN ELECTRIC SUPPLY		S102640785.001	265355	EXHAUST FAN-FIRE #72	\$23.19
STRAIGHT LINE CONCRETE SAWING & DRILLING INC		3826	265356	MOP SINK-BLDG 300	\$325.80
WESMAR COMPANY INC		259381	265363	HVAC PARTS	\$441.38
WESTERN STATES EQUIPMENT COMPANY		IN000784144	265366	BACKHOE	\$2,472.23
		IN000858154		BACKHOE-JEFFERSON PARK	\$2,084.03
PARKS & REC - PARKS&FACILITIES TOTAL ****					\$50,857.24
Division:	338	PARKS & REC - PROJECT ADMIN			
CANON FINANCIAL SERVICES, INC		19661628	265182	COPIER LEASE & USAGE CHARGES	\$58.97
PARKS & REC - PROJECT ADMIN TOTAL ****					\$58.97
Division:	900	NON-DEPARTMENTAL			
DEPARTMENT OF HUMAN SERVICES		3RD QTR 2018-	265418	3RD QTR CORREC TAXES & PROFITS	\$653.19
NON-DEPARTMENTAL TOTAL ****					\$653.19
GENERAL FUND Total ***					\$394,482.73
FUND 101	CITY STREETS				
Division:	401	STREETS MAINTENANCE			
3M	S018188	9403244829	265256	CLEAR TRANSFER TAPE, 18" X 100	\$343.35
ADVANCED SIGNAL & CONTRACTING LLC	P060071	2704	265373	2019 RAILROAD CROSSING INSPECT	\$470.00
ALPINE PRODUCTS INC	S018179	TM-182761	265261	PREFORMED MARKING TAPE, LOW SP	\$368.41
	S018179			PREFORMED MARKING TAPE, LOW SP	\$363.25
	S018179			PREFORMED MARKING TAPE, LOW SP	\$363.25
	S018179			FREIGHT	\$179.19
ANIXTER INC	S018178	4120114-00	265263	CAT5 CABLE, WEATHERPROOF, BLAC	\$385.53
BENTON PUD		1/19-39091002	265180	(9) WYE LIGHTS-BADGER REPEATER	\$93.24
CANON FINANCIAL SERVICES, INC		19661628	265182	COPIER LEASE & USAGE CHARGES	\$11.91
CORAL SALES COMPANY	S018173	INV-64330	265196	QUADTREND 350 PART, BLOCKOUT,	\$456.12
	S018173			FREIGHT	\$76.02
ECONOLITE CONTROL PRODUCTS INC		147544	265423	TRAFFIC CONTROL REPAIRS 1/2019	\$569.06
FASTENAL COMPANY		WARIC80616	265204	WRENCH	\$11.94
		WARIC80965		PRTS FOR VISION CAMERA UPGRADE	\$74.61
FRONTIER	S018209	01/19 5099464177	265429	TELEPHONE CHARGE 1/19/19-2/18/	\$92.43
GTP INVESTMENTS LLC	P059942	405856207	265438	BADGER MTN LEASE FOR CITY CELL	\$200.00
	P059942	405856721-		BADGER MTN LEASE FOR CITY CELL	\$21.74
RICHLAND ACE HARDWARE		216891/2	265339	SOCKET RAIL SOCKETS	\$27.12
		65943/1		LIQUID NAILS	\$13.00
RICHLAND NAPA		416952	265341	POWERATED BELT	\$24.52
		417069		POWERATED BELT	(\$12.42)
TRI CITY SIGN & BARRICADE		14688	265248	TEMP TAPE	\$179.32



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
STREETS MAINTENANCE TOTAL ****					\$4,311.59
CITY STREETS Total ***					\$4,311.59
FUND 102	ARTERIAL STREET FUND				
Division:	402	ARTERIAL STREETS			
IMT INC	P025762	M07713-T-4	123118	HORN RAPIDS TRIANGLE/PNNL TEST	\$3,827.10
	P025763	M07736-T-5		THAYER DR IMPR.-MATERIAL TESTI	\$1,923.30
ARTERIAL STREETS TOTAL ****					\$5,750.40
ARTERIAL STREET FUND Total ***					\$5,750.40
FUND 112	INDUSTRIAL DEVELOPMENT FUND				
Division:	305	ECONOMIC DEVELOPMENT			
SHI INTERNATIONAL CORP	P059993	B09409590	265351	ADOBE ACROBAT PRO 2017 LICENSE	\$341.32
WASHINGTON ECONOMIC DEVELOPMENT ASN		8046	265251	2019 WEDA DUES	\$650.00
ECONOMIC DEVELOPMENT TOTAL ****					\$991.32
Division:	306	ECONOMIC DEVELOPMENT PROJECTS			
CITY OF RICHLAND		2019-000227	265189	LAND DIVISION EXEMPT APP	\$35.00
PERMIT SURVEYING INC		18132-2INV	265227	RAIL TOPO-ALTA EXHIBIT	\$720.00
		18138-2INV		KINGSGATE/BATTELLE TOPO	\$270.00
ECONOMIC DEVELOPMENT PROJECTS TOTAL ****					\$1,025.00
INDUSTRIAL DEVELOPMENT FUND Total ***					\$2,016.32
FUND 117	PUBLIC SAFETY SALES TAX				
Division:	131	PSST POLICE ACTIVITY			
CITY OF KENNEWICK		013768-	265401	BIPIN COMP SUPPORT MNT-1ST QTR	\$43,537.26
		013777-		METRO CONTRIBUTION FY19	\$2,875.00
MAGNET FORENSICS USA, INC	P060082	SIN026223	265461	SMS MAGNET AXIOM 2AX03 AS-0251	\$3,333.33
	P060082			SMS MAGNET AXIOM 2AX03 AS-0098	\$2,833.33
	P060082			SMS MAGNET IEF TRIAGE MODULE	\$70.83
	P060082			SMS MAGNET AXIOM 2AX03 A5-0255	\$4,166.67
POW CONTRACTING	P059795	C361-18/PMT RET	265229	1604 MCPHERSON, RICHLAND SIDEW	\$515.00
RINGOLD EMBROIDERY		837	265343	NAME PATCHES HOLEN	\$11.67
PSST POLICE ACTIVITY TOTAL ****					\$57,343.09
PUBLIC SAFETY SALES TAX Total ***					\$57,343.09
FUND 154	HOME FUND				
Division:	309	HOME PROGRAM			
CASCADE TITLE COMPANY OF BENTON		19-006	265272	RECON TERZIC 1998-036735	\$175.00
HOME PROGRAM TOTAL ****					\$175.00



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
HOME FUND Total ***					\$175.00
FUND 301	STREETS CAPITAL CONSTRUCTION				
Division:	402	ARTERIAL STREETS			
A CORE INC		358094	265258	CONCRETE CUTTING	\$423.54
JUB ENGINEERS INC	P059006	0122792	265449	DUPORTAIL BRIDGE - CNST ENG FO	\$871.51
RICHLAND ACE HARDWARE		65683/1	265339	MARKER/LUMBER CRAYON	\$17.47
		65744/1		SCREWS	\$21.71
WA STATE DEPT OF TRANSPORTATION	P057759	RE313ATB90114019	265587	CO #1 - I-182/QUEENSGATE	\$7,419.91
WILDLANDS INC	P059867	11396	265254	LOGSTON EXTENSION WETLAND 2018	\$9,410.45
ARTERIAL STREETS TOTAL ****					\$18,164.59
STREETS CAPITAL CONSTRUCTION Total ***					\$18,164.59
FUND 380	PARK PROJECT CONSTRUCTION				
Division:	337	PARKS & REC PROJECTS			
HARRINGTON'S TROPHIES		79113	265304	PARK BENCH PLAQUE	\$19.55
HERC RENTALS INC		79212662-001	265307	DAMAGE ON FORK RENTAL	\$766.07
JOB'S NURSERY		I-108868	265315	PEAR, CHERRY-WYE LEVEE	\$972.00
WILDWOOD PLAYGROUNDS NW		10145	265367	SURFACE MAX 100 CU YDS	\$3,877.02
PARKS & REC PROJECTS TOTAL ****					\$5,634.64
PARK PROJECT CONSTRUCTION Total ***					\$5,634.64
FUND 385	GENERAL GOVT CONSTRUCTION				
Division:	900	NON-DEPARTMENTAL			
SENSERA SYSTEMS INC	P060030	191084	265350	SITECLOUD SERVICE PLUS CELLULA	\$2,149.20
NON-DEPARTMENTAL TOTAL ****					\$2,149.20
GENERAL GOVT CONSTRUCTION Total ***					\$2,149.20
FUND 401	ELECTRIC UTILITY FUND				
Division:	000				
ANIXTER INC	P059645	4056151-06	265172	SLEEVE, COPPER 4/0 - 500 MCM,	\$260.12
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	P059873	3627-603333	265195	MAST ARM, WOOD POLE FLOODLIGHT	\$638.57
	P059985	3627-604555	265280	PHOTOCONTROL FOR LED LUMINAIRE	\$2,924.06
	P059824	1326663	265432	CONN, CT UTILCO PED 6-350KCJJ	\$213.72
GENERAL PACIFIC INC	P059824			CONN, CT, 8 CONDUCTOR,8-350	\$292.70
	P060048	U374701	265572	TIE, CABLE, 11" MIN, HVY DUTY	\$124.67
PLATT ELECTRIC SUPPLY	P060048	U376441		TIE, CABLE, 11" MIN, HVY DUTY	\$124.67
	P060048	Y108587	265476	TIE, CABLE, 11" MIN, HVY DUTY	\$249.35
	P060048			TIE, CABLE, 11" MIN, BLACK	\$156.38
	P060048			TIE, CABLE, 4" MIN, BLACK	\$23.46
	P060048				



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
PLATT ELECTRIC SUPPLY	P060048	Y108587	265476	INHIBITOR COLD GALVANIZE SPRAY	\$124.86
	P060048			ROPE PULL LINE, POLYPROP, 500#	\$329.72
	P060048			INHIBITOR DE-OX, OXIDE INHIBIT	\$378.74
	P060048			TIE, CABLE, 5.9" MIN, BLACK	\$22.94
	P060048			PULLING LUBE LIQUID 1GAL,PJ128	\$39.07
STONEWAY ELECTRIC SUPPLY	P060047	S102651620.001	265580	INHIBITOR COLD GALVANIZE SPRAY	\$103.17
TOTAL ****					\$6,006.20
Division:	501	BUSINESS SERVICES			
CANON FINANCIAL SERVICES, INC		19661628	265182	COPIER LEASE & USAGE CHARGES	\$101.74
ENTERPRISE RENT A CAR		19774470	265538	BUSINESS RENTAL CAR	\$127.87
FRONTIER	S018209	01/19 5099464177	265429	TELEPHONE CHARGE 1/19/19-2/18/	\$94.00
UNITED PARCEL SERVICE	S018205	000986641049	265250	WEIGHT CORRECTION FOR PKG TO S	\$1.43
	S018205			GROUND PKG TO SD MYERS FOR SYS	\$4.94
BUSINESS SERVICES TOTAL ****					\$329.98
Division:	502	ELECTRICAL ENGINEERING			
AVANTECH INC	P059745	19-3238	265266	GREG O'NEIL, ELECTRICAL DESIGN	\$3,110.40
GEORGIA TECH RESEARCH CORPORATION		702646	265433	C91-18 CABLE QUALITY TESTING	\$727.68
ELECTRICAL ENGINEERING TOTAL ****					\$3,838.08
Division:	503	POWER OPERATIONS			
BC SALES CO INC		B444369	265177	SAFETY GLASS-HATMAN	\$14.06
		B444565		SAFETY GLASS-BUSH	\$86.77
		B496443	265385	SAFETY GLASS-HALL	\$43.39
BEAVER BARK & ROCK		927824	265178	SOIL, DIRT FILL	\$130.19
		927827		SOIL,DIRT FILL	\$130.19
		927831		SOIL,DIRT FILL	\$130.19
BENTON PUD		1/19-39091002	265180	(9) WYE LIGHTS-BADGER REPEATER	\$16.20
FASTENAL COMPANY		WARIC80841	265204	SAFETY GLASSES-HATMAN	\$42.41
		WARIC81053		SAFETY GLASS-GIBSON	\$81.78
GRAINGER	S018210	9065287352	265436	MEASURING WHEEL ITEM #2UJY6	\$72.18
	S018210	9071383476		CORDLESS ROTARY HAMMER ITEM #4	\$396.33
	S018210	9071870506		CORDLESS ROTARY HAMMER RETURN	(\$629.76)
	S018210	9072122576		CORDLESS ROTARY HAMMER ITEM #4	\$629.76
	S018210	9072989263		CORDLESS ROTARY HAMMER ITEM #4	(\$396.33)
HERC RENTALS INC		30490762-001	265208	RNTL:HAMR DRL PURCHASE TOOLS	\$485.47
		30519104-003		LIGHT TOWER RENTAL	\$206.34
HJ ARNETT INDUSTRIES LLC	S018112	INV70407	265308	REPAIR OF ROBO CUTTER #REC-585	\$314.90
	S018112			FREIGHT	\$49.39
	S018112			REPAIR OF ROBO CUTTER #REC-585	\$633.32
KELLEY'S TELE-COMMUNICATIONS INC		022401012019	265450	AFTER HOURS EMERGENCY CALL SVC	\$361.90
		022402012019		AFTER HOURS EMERGENCY CALL SVC	\$353.10



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
NORTH COAST ELECTRIC COMPANY		S9087245.001	265222	PHOTO CELLS, LEDS	\$277.29
RICHLAND ACE HARDWARE		216913/2	265232	PROPANE REFILL	\$21.71
POWER OPERATIONS TOTAL ****					\$3,450.78
Division:	504	SYSTEMS DIVISION			
GRAINGER	S018210	9069284264	265436	PAINT MARKER ITEM #23YT75	\$45.50
HARBOR FREIGHT TOOLS USA INC		392475	265439	EXTENSION HEX SOCKETS	\$31.47
PLATT ELECTRIC SUPPLY		U227339	265228	WALL MT, PANELS	\$455.10
		U228697		CHANNEL, BUSHINGS, NIPL	\$67.67
SD MYERS LLC	S018200	789128	265349	GAS IN OIL TEST ITEM #4042 TC	\$55.00
SENSERA SYSTEMS INC	P060030	191084	265350	SITECLOUD SERVICE PLUS CELLULA	\$2,149.20
SYSTEMS DIVISION TOTAL ****					\$2,803.94
Division:	505	ENERGY POLICY MGMT			
APOLLO SHEET METAL INC		18100517	265173	2915 VAN GIESEN-REBATE HP	\$1,000.00
BENTON FRANKLIN COMMUNITY ACTION COMMITTEE	P059956	2018Q4-CR-LIECP	265522	LOW-INCOME ENERGY EFFICIENCY	\$10.00
BENTON PUD		1/19-30228005	265180	ELEC SVC 12/21/18-1/21/19	\$760.82
CITY OF RICHLAND		222900-	265402	2413 TINKLE-REBATE-INS/WINDOWS	\$578.70
		32060	265276	317 JADWIN-REBATE-WINDOWS	\$542.00
		780940	265402	142 PINETREE-REBATE-HP	\$1,000.00
COLUMBIA BASIN RACQUET CLUB		ES11540FY20190017	265409	1776 TERMINAL-REBATE-COMM LIGH	\$7,072.00
DAYCO HEATING & AIR	P059928	75792	265200	WEATHERWISE LOAN: RAHIMLOU, 11	\$7,905.00
DELTA HEATING & COOLING INC		25874	265415	404 GOETHALS-REBATE-HP	\$1,000.00
		25875		1716 ALDER-REBATE-HP	\$1,000.00
		25876		523 GREENBROOK-REBATE-HP	\$1,000.00
		25877		1775 BOSTON-REBATE-HP	\$1,000.00
		25878		50 CANYON-REBATE-HP	\$1,000.00
FINANCIAL CONSULTING SOLUTION GROUP	P058839	2824-21901095	265428	COSA & RATE DESIGN SUPPORT PER	\$2,282.50
	P058839	2978-21901096		COSA & RATE DESIGN SUPPORT 220	\$10,060.43
GLASS NOOK INC	P058894	83229	265300	WEATHERWISE LOAN: LINNEY, 317	\$7,662.54
IWI INC		113168	265444	2035 RAINER-REBATE-INSULATIO	\$770.88
	P059635	114052		WEATHERWISE LOAN: REYES, 2413	\$1,120.75
JACOBS & RHODES INC		40029	265210	2112 DAVISON-REBATE-HP	\$1,000.00
M CAMPBELL & COMPANY INC		238321	265459	2101 TORGETT-REBATE-HP	\$1,000.00
PERFECTION GLASS		9993671383	265475	1435 JOHNSTON-REBATE-WINDOWS	\$12.08
		9993672115		1435 JOHNSTON-REBATE-WINDOWS	\$350.70
PETERS & KEATTS EQUIPMENT INC		ES11540FY20190020	265571	3349 KINGSGATE-REBATE-COMM LTG	\$1,440.00
SMITH INSULATION INC		14350-CofR	265488	657 COTTONWOOD-REBATE-INSULATE	\$695.75
TOTAL ENERGY MANAGEMENT INC		59275WWR	265246	1643 LARKSPUR - REBATE-HP	\$300.00
	P059945	59359LOAN	265496	WEATHERWISE LOAN: SHIELDS, 142	\$11,328.07
TRI CITIES COMMUNITY HEALTH		ES11540FY20190019	265498	915 GOETHALS REBATE-COMM LTG	\$960.00
TRI CITY GLASS INC		535645	265499	1105 VAN GIESEN-REBATE-WINDOWS	\$209.22



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
WILHELM, LYLE		00312500/18-	265368	1412 FARRELL/REBATE/SOLAR-I	\$1,650.24
ENERGY POLICY MGMT TOTAL ****					\$64,711.68
Division:	506	TECHNICAL SERVICES			
GTP INVESTMENTS LLC	P059942	405856207	265438	BADGER MTN LEASE FOR CITY CELL	\$625.00
	P059942	405856721-		BADGER MTN LEASE FOR CITY CELL	\$67.94
TECHNICAL SERVICES TOTAL ****					\$692.94
ELECTRIC UTILITY FUND Total ***					\$81,833.60
FUND	402	WATER UTILITY FUND			
Division:	000				
BADGER MOUNTAIN IRRIGATION DISTRICT		4TH QTR 2018	265520	BADGER SOUTH WTR CONNECT FEES	\$4,500.00
BAUDER HOMES LLC		18-00360	265384	WATER USAGE	(\$1.90)
				MONTHLY RENTAL	(\$30.00)
				HYDRANT REFUND	\$750.00
CH2M HILL-PRC		17-02034	265399	HYDRANT REFUND	\$750.00
				MONTHLY RENTAL	(\$30.00)
CONTRACTORS EQUIPMENT MAINTENANCE INC		18-02344	265412	WATER USAGE	(\$513.95)
				HYDRANT REFUND	\$750.00
				MONTHLY RENTAL	(\$30.00)
HOLIDAY INN EXPRESS		19-00092	265442	MONTHLY RENTAL	(\$30.00)
				HYDRANT REFUND	\$750.00
				WATER USAGE	(\$32.30)
LCR CONSTRUCTION		17-01755	265456	MONTHLY RENTAL	(\$30.00)
				HYDRANT REFUND	\$750.00
MAHAFFEY ENTERPRISES INC		18-02288	265462	HYDDRANT REFUND	\$750.00
				WATER USAGE	\$169.10
				MONTHLY RENTAL	(\$30.00)
TOTAL SITE SERVICES LLC		19-00045	265497	MONTHLY RENTAL	(\$30.00)
				WATER USUAGE	(\$10.45)
				HYDRANT REFUND	\$750.00
UNASSIGNED TOTAL ****					\$9,150.50
Division:	410	WATER CAPITAL PROJECTS			
RH2 ENGINEERING INC	P059490	72270	265481	WTP INTAKE SCREEN UPGRADE: 22	\$1,231.54
SHOEMAKER EXCAVATION INC	P059797	10920 RETAINAGE	265486	HORN RAPIDS IRRIGATION	\$1,571.10
WATER CAPITAL PROJECTS TOTAL ****					\$2,802.64
Division:	411	WATER ADMINISTRATION			
RH2 ENGINEERING INC	P059902	72271	265481	2019 WATER SYSTEM MODELING (2n	\$1,104.93
WATER ADMINISTRATION TOTAL ****					\$1,104.93
Division:	412	WATER OPERATIONS			
ARAMARK UNIFORM SERVICES INC	S018215	01-934962000	265377	LINEN CHARGES FOR JANUARY 2019	\$65.16



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
BENTON FRANKLIN HEALTH DISTRICT		10248	265269	WATER SAMPLES	\$2,680.00
BENTON RURAL ELECTRIC ASSOCIATION		12/29-385100	265181	KENNEDY BOOSTER STATION	\$1,970.51
CANON FINANCIAL SERVICES, INC		19661628	265182	COPIER LEASE & USAGE CHARGES	\$4.32
FILTRATION TECHNOLOGY INC	S018180	S7709	265295	CARUS AQUA MAG BLENDED PHOSPHA	\$2,684.20
GRAINGER	S018210	9059700196	265436	TUBING 3/16 ITEM #4EHD6	\$37.23
	S018210	9066781999		DRUM PUMP ITEM #5FZU5	\$545.77
GTP INVESTMENTS LLC	P059942	405856207	265438	BADGER MTN LEASE FOR CITY CELL	\$525.00
	P059942	405856721-		BADGER MTN LEASE FOR CITY CELL	\$57.08
OXARC INC		60307418	265225	CYLINDER RENTAL-DECEMBER	\$77.04
STEP SAVER INC	P060092	T495496	265579	BULK, SODIUM CHLORIDE (NACL),	\$560.80
	P060092			PTO &/OR DELIVERY	\$252.19
	P060092			FREIGHT / SHPPING CHARGE	\$740.62
	P060092			STOP OFF / RE-DIRECT FEE	\$100.00
XEROX CORPORATION		095659540	265369	LX5-693082 BASE/PRINTS-DEC	\$136.38
WATER OPERATIONS TOTAL ****					\$10,436.30
Division:	413	WATER MAINTENANCE			
AMERICAN ROCK PRODUCTS INC	P060049	398362	265262	5/8" TOP COURSE, INV #398362	\$165.18
BC SALES CO INC		B444350	265267	YELLOW SUITE-SANDERS	\$11.89
		B496441		YELLOW SUITE-SANDERS	\$11.89
CANON FINANCIAL SERVICES, INC		19661628	265182	COPIER LEASE & USAGE CHARGES	\$62.00
FASTENAL COMPANY		WARIC80652	265204	NUTS/BOLTS	\$11.94
		WARIC80730		HEX SCREWS	\$6.94
FERGUSON ENTERPRISES INC		6840491	265293	COUPLERS AND NIPPLES	\$35.81
		6855409		CPVC PIPE FITTINGS PRIMER ETC	\$789.97
OXARC INC		30543947	265225	CO2 W/SEPHON TUBE	\$20.66
RICHLAND ACE HARDWARE		216881/2	265339	VELCRO STRAPS	\$19.94
		216906/2		FLAP BRUSH/WHEEL/STRIPPER	\$44.05
		216924-2		LIQUID SOAP	\$4.98
		65922/1		VALVE FOR WTP BATHROOM	\$14.11
TRI CITIES BATTERY & AUTO REPAIR		128909	265247	12 VOLT TERMINAL BATTERY	\$48.59
TWIN CITY METALS INC		108451	265360	STAINLESS STEEL FOR LADDER	\$96.93
		108598		CONCRETE CUTTING	\$100.57
		108636		STAINLESS STEEL FOR LADDER	\$99.70
WATER MAINTENANCE TOTAL ****					\$1,545.15
WATER UTILITY FUND Total ***					\$25,039.52
FUND	403	WASTEWATER UTILITY FUND			
Division:	420	SEWER ADMINISTRATION			
GRAY & OSBORNE INC	P058441	12	265437	CO #1 - 2018 BUDGET TO FULFILL	\$232.32
SEWER ADMINISTRATION TOTAL ****					\$232.32



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 421 SEWER CAPITAL PROJECTS					
GRAY & OSBORNE INC	P057512	16	265437	AMD #1 CONSTRUCTION MANAGEMENT	\$5,653.27
	P057512	23		WWTF INFLUENT UPGRADES - DESIG	\$13,845.78
STONEWAY ELECTRIC SUPPLY		S102645730.001	265242	SEAL WATER PLUGS INFLUENT	\$56.25
SEWER CAPITAL PROJECTS TOTAL ****					\$19,555.30
Division: 422 SEWER OPERATIONS					
ARAMARK UNIFORM SERVICES INC	S018215	01-934962000	265377	LINEN CHARGES FOR JANUARY 2019	\$109.47
ASBESTOS AND MOLD SOLUTIONS INC		1692	265517	MOLD/ASBESTOS TESTING	\$315.75
BACKFLOW APPARATUS & VALVE CO		887768	265175	BACKFLOW REPAIR PARTS	\$228.17
		888388	265519	BACKFLOW REPAIR PARTS	\$444.99
		888389		BACKFLOW REPAIR PARTS	\$100.13
CENTRAL HOSE & FITTINGS INC		C024953	265526	SHOP SUPPLIES	\$121.27
CH2O INC	P059999	277448	265274	HYDRONIC LOOP TREATMENT, 6438	\$955.64
	P059999			FREIGHT	\$124.84
		277867	265528	BOILER TESTING-JAN 19 BW LABOR	\$64.49
COLEMAN OIL COMPANY		0490302-IN	265530	LANDFILL DIESEL DYED	\$4,537.74
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC		3627-602707	265195	OCT FLAT CVR 1/2KO CHLB LGHTS	\$4.79
	P059873	3627-603636		CREDIT FOR ORIGINAL INV#602661	(\$636.10)
GRAINGER	S018210	9071477849	265436	PUMP SEAL RELAY ITEM #5WMJ7	\$83.06
	S018210	9074539371		ELECTRONIC BALL VALVE ITEM #1A	\$582.59
GTP INVESTMENTS LLC	P059942	405856207	265438	BADGER MTN LEASE FOR CITY CELL	\$525.00
	P059942	405856721-		BADGER MTN LEASE FOR CITY CELL	\$57.08
HERC RENTALS INC		30496258-001	265208	LIQUID PROPANE	\$53.74
KAMAN INDUSTRIAL TECHNOLOGIES		C250951	265213	O RINGS	\$4.78
		N 23351	265556	V BELTS HVAC	\$77.23
MOON SECURITY SERVICES INC		961735	265220	WWTP-BASIC MONITORING	\$56.37
		964176	265566	WWTP-BASIC MONITORING	\$169.33
MURRAYSMITH, INC	P060093	18-2330-1	265567	WWTF PROCESS MODELING - 321-18	\$3,739.00
OXARC INC		60328657	265569	CYLINDER RENTAL-JANUARY WWTF	\$17.90
RICHLAND ACE HARDWARE		65687/1	265232	SPRING SNAPS CHLB LIGHTS	\$4.98
		65694/1		BLADE CARBIDE GRIT LAB DSHW	\$41.26
		66061/1	265575	CONN, BALL VALVE	\$91.14
STEP SAVER INC	P060092	T495496	265579	BULK, SODIUM CHLORIDE (NACL),	\$701.70
	P060092			PTO &/OR DELIVERY	\$252.19
	P060092			STOP OFF / RE-DIRECT FEE	\$100.00
	P060092			FREIGHT / SHIPPING CHARGE	\$740.63
STONEWAY ELECTRIC SUPPLY		S102626956.001	265242	OZ-GDNY CRDCNCTR CHLB LIGHTS	\$14.70
		S102645418.001		RELAYS FOR INFLU CMPCTR	\$60.81
TACOMA SCREW PRODUCTS INC		22231856	265243	SHOP TOOLS	\$156.22
		22231947		NUTS,BOLTS LAB DSHWSHR	\$14.43



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
TACOMA SCREW PRODUCTS INC		22232178	265243	ELBW NIPPLE VLV #1 SCUM PMP	\$53.72
		22232280		MLTIFOLD TWL DSPNR INFLU BLDG	\$33.09
		22232575		RIVETS HINGE DIESEL TNK CVR	\$13.26
		22232816		SHOP RAGS, PRTS TRAY, SCWDR	\$20.52
				SHOP RAGS, PRTS TRAY, SCWDR	\$175.04
		22233842		BIT & ANCHRS FR HDSET CABNET	\$15.79
UNITED PARCEL SERVICE	S018205	000986641049	265250	GROUND PKG TO ALS FOR WWTP OPS	\$15.96
	S018205			COLLECT PKG FROM GLOBAL EQUIP	\$3.82
	S018206	000986641059	265502	WEIGHT ADJUSTMENT FOR PKG FROM	\$1.40
SEWER OPERATIONS TOTAL ****					\$14,247.92
Division:	423	SEWER MAINTENANCE			
CASCADE NATURAL GAS CORP		1/19-91606896263	265183	NAT GAS 1023 BVW 12/14-1/15	\$14.83
MOON SECURITY SERVICES INC		961735	265220	WWTP-BASIC MONITORING	\$56.37
RICHLAND ACE HARDWARE		216958/2	265575	EXT CORD,HD SETS	\$51.67
SEWER MAINTENANCE TOTAL ****					\$122.87
WASTEWATER UTILITY FUND Total ***					\$34,158.41
FUND	404	SOLID WASTE UTILITY FUND			
Division:	000				
CARPENTER DRILLING LLC		C334-18/RELEASE	265395	LANDFILL MONITORING WELL-PMT1F	\$2,598.00
UNASSIGNED TOTAL ****					\$2,598.00
Division:	431	SOLID WASTE ADMINISTRATION			
JOYCE ZIKER PARKINSON PLLC		51902	265448	LANDFILL CONTAM-INS COV DEC 18	\$1,207.00
SOLID WASTE ADMINISTRATION TOTAL ****					\$1,207.00
Division:	432	SOLID WASTE COLLECTION			
GTP INVESTMENTS LLC	P059942	405856207	265438	BADGER MTN LEASE FOR CITY CELL	\$312.50
	P059942	405856721-		BADGER MTN LEASE FOR CITY CELL	\$33.98
HERC RENTALS INC		30470103-001	265208	LIGHT TOWER RENTAL	\$230.77
RICHLAND ACE HARDWARE		65950/1	265232	RAIN SUIT	\$30.34
ROUTEWARE INC		100032	265239	USB CABLES/HUB/CHARGER	\$202.77
SPRAGUE PEST SOLUTIONS		3729813	265353	DEC MONTHLY SVCS-SW	\$61.90
TOTER INC	S018177	65573068	265585	MODEL 79296 - TOTER 96 GALLON	\$26,383.72
	S018177			SHIPPING	\$2,514.79
	S018177	65573418		SHIPPING	\$2,514.79
	S018177			MODEL 79296 - TOTER 96 GALLON	\$26,383.72
	S018177			B99796 LID PLUS 2 SCREWS AND	\$1,890.73
SOLID WASTE COLLECTION TOTAL ****					\$60,560.01
Division:	433	SOLID WASTE DISPOSAL			
ARAMARK UNIFORM SERVICES INC	S018215	01-934962000	265377	LINEN CHARGES FOR JANUARY 2019	\$164.09
CONNELL OIL INC		0245233-IN	265194	LANFILL OILS/HYD OIL,PWRDR OIL	\$785.95



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
FRONTIER	S018209	01/19 5099464177	265429	TELEPHONE CHARGE 1/19/19-2/18/	\$129.08
HERC RENTALS INC		30470103-001	265208	LIGHT TOWER RENTAL	\$230.78
JOHNSON, CARRIE		013119	265554	REIMB JAN 19 MILEAGE	\$16.24
ORRCO		416870	265224	USED OIL TESTING/PICK-UP/HAUL	\$335.00
ROACH, ANNIKA		013118	265345	REIMB 01/19 MILEAGE	\$77.14
SANITAS TECHNOLOGIES		554389	265485	STATISTICAL SW RENEWAL-2019	\$395.00
SPRAGUE PEST SOLUTIONS		3729801	265491	JAN MONTHLY SVCS-SW DISPOSAL	\$99.91
WESTERN CONCRETE ACCESSORIES		38940	265507	ACRYLIC ADHESIVE	\$61.22

SOLID WASTE DISPOSAL TOTAL ** \$2,294.41**

SOLID WASTE UTILITY FUND Total * \$66,659.42**

FUND 405 STORMWATER UTILITY FUND

Division: 441 STORMWATER

CENTRAL HOSE & FITTINGS INC	C023679	265184	FEM CAMLOCK 3-IN TRSH PMP	\$77.89
TACOMA SCREW PRODUCTS INC	22231975	265243	SEALNT SHACKLES TRASH PMP	\$55.26

STORMWATER TOTAL ** \$133.15**

STORMWATER UTILITY FUND Total * \$133.15**

FUND 407 MEDICAL SERVICES FUND

Division: 121 AMBULANCE

CHANNING BETE CO / AMER HEART ASSCO	S018170	53622168	265187	SHIPPING	\$191.27
	S018170			CPRCUBE ITEM #HSG1CPRCUBE	\$1,922.22
LAERDAL MEDICAL CORP	S018171	2019/2000001777	265453	SHIPPING	\$572.87
	S018171			LLEAP FOR SIMPAD PLUS #204-501	\$2,682.42
	S018171	2019/2000002508		INFANT AIRWAY MANAGEMENT TRAIN	\$768.62
	S018171			ADJUST FOR TAX	(\$0.01)
	S018171			PHYSIO/MINDRAY TO SHOCKLINK	\$68.71
	S018171			SHOCKLINK SYSTEM #185-10050	\$566.40
	S018171			SIMMAN ALS MANIKIN & ACCESSORI	\$20,641.71
	S018171			SHOCKLINK SYSTEM #185-10050	\$566.40
	S018171			DELUXE DIFFICULT AIRWAY TRAINE	\$2,610.20
	S018171			PEDIATRIC INTUBATION TRAINER	\$1,480.49
	S018171			RESUSCI ANNE QCPR AED AW FULL	\$3,502.62
	S018171	2019/2000004014		ADJUST FOR TAX	(\$0.01)
	S018171			SIMPAD PLUS PROTECTION PLAN	\$980.12
	S018171	2019/20000054002		SIMPAD PLUS #204-30101	\$753.14

AMBULANCE TOTAL ** \$37,307.17**

MEDICAL SERVICES FUND Total * \$37,307.17**

FUND 502 EQUIPMENT MAINTENANCE FUND



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 214 EQUIPMENT MAINTENANCE					
A & E TOWING LLC		3480	265257	TOW CHARGE VEH 3339 WO 53119	\$423.54
		3481	265371	TOW CHARGE VEH 3328 WO 53260	\$144.44
A L COMPRESSED GASES INC		1875725	265171	PELLETS VEH 6545 WO 53196	\$215.03
ABADAN INC		AR49769	265259	SHOP SUPPLIES	\$52.13
ARROW CONSTRUCTION SUPPLY INC		19609	265378	PNT STRIP VEH 0030 CREDIT	\$369.79
		233635	265264	PNT STRIP VEH 0030 WO 53224	\$369.79
		233764	265378	GRACO VEH 0030 WO 53224	\$401.59
AUTOZONE		3733428327	265174	FASTENERS VEH 3342 WO 53166	\$10.63
		3733428556		TOOLS	\$6.51
		3733428562		TOOLS	\$6.51
		3733428563		TOOLS	\$6.51
		3733428564		TOOLS	\$6.51
		3733428566		TOOLS	\$17.37
		3733428597		SHOP TOOLS	\$31.24
		3733429085		STARTER VEH 2386 WO 53195	\$162.89
		3733429643		SHOP SUPPLY	\$10.85
		3733429644		SHOP SUPPLY	\$10.85
		3733430231	265265	SHOP TOOLS	\$17.37
		3733430242		SHOP TOOLS	\$26.02
		3733432003		STARTER WO 53241-NO CHG	\$0.00
		3733432554		BRAKE PARTS VEH 2372 WO 53241	\$233.85
		3733433603	265380	BELT VEH 3336 WO 53238	\$49.93
		3733436609	265518	ROTORS VEH 2372 WO 53241	\$84.69
B AND B TRAILERS LLC		3424	265381	D RING VEH 4107 WO 53190	\$125.98
BRAUN NORTHWEST INC		23679	265390	DISPLAY VEH 5036 WO 53262	\$210.47
BUSH CAR WASH		6170	265524	VEHICLE WASHES-JANUARY	\$84.00
CENTRAL HOSE & FITTINGS INC		C024728	265184	SHOP TOOLS	\$15.83
		C024823	265273	MALE ELBW VEH 3290 WO 53209	\$28.39
		C024877		SHOP SUPPLIES	\$82.41
		C025052	265397	MB-FB VEH 3306 WO 53245	\$31.21
		C025054		MJ-MB 90 VEH 3306 WO 53245	\$17.55
COLEMAN OIL COMPANY		0492833-IN	265190	LANDFILL DIESEL DYED	\$3,886.72
		0494065-IN	265277	LANDFILL DIESEL DYED	\$3,061.09
		CL45843	265530	CARD LOCK FUEL 12/10-12/14/18	\$15,010.93
		CL52926	265190	CARD LOCK FUEL 1/14-1/20/19	\$12,259.38
		CL53592	265277	CARD LOCK FUEL 1/21-1/27/19	\$12,941.53
		CL54079	265408	CARD LOCK FUEL 1/28-1/31/19	\$9,625.26
		CL57794	265530	CARD LOCK FUEL 2/1-2/03/19	\$2,940.01
COMMERCIAL TIRE INC		19-262919	265278	TFORCE VEH 2383 WO 53239	\$774.93
		19-262920		TIRES VEH 2365 WO 53240	\$909.55



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount	
COMMERCIAL TIRE INC		262337	265193	TIRES VEH 6545 WO 53208	\$577.42	
		262467		TIRES VEH 6564 WO 53215	\$573.84	
		262469		TIRES VEH 7158 WO 53213	\$907.03	
		262473		ROTATE TIRES VEH 3285 WO 53216	\$104.26	
		262620		ROTATE TIRES VEH 3315 WO 53219	\$104.26	
		262621	265192	ROTATE TIRES VEH 3283 WO 53218	\$104.26	
		262622	265193	FLAT REPAIR VEH 7152 WO 53217	\$49.96	
		262771		TIRE CHANGE VEH 4099 WO 53220	\$595.39	
		262854		WHL BALANCE VEH 3319 WO 53221	\$584.47	
		263158	265532	TIRES VEH 3316 WO 53309	\$1,148.32	
	CONNELL OIL INC		0238864-IN	265194	HYD OILS VEH 3251 W/O 51936	\$1,252.95
		0244926-IN		TURBINE OIL VEH 6545 WO 53107	\$326.73	
		0244929-IN	265279	TURBINE OIL VEH 6585 WO 52969	\$174.63	
CORWIN OF PASCO LLC		01/29/2019	265281	LICENSE FEE VEH 3343/3349	\$95.50	
		430955	265197	112 KIT T VEH 2398 WO 53105	\$249.74	
		431188		MODULE VEH 3334 WO 53152	\$130.43	
		431196		ROTORS VEH 3334 WO 53152	\$999.29	
		431205		STEP KIT VEH 3343 WO 53151	\$520.48	
		431276		KIT VEH 3334 WO 53152	\$189.29	
		431444	265281	PARTS VEH 2399 WO 53211	\$408.55	
		431580		SOR KIT VEH 3327 WO 53258	\$234.74	
		431613		STEP KIT VEH 3349 WO 53259	\$515.05	
	DAY WIRELESS SYSTEMS		479018	265199	CK VEH PWR VEH 2472 WO 53203	\$114.04
			480324		FITTING VEH 2470 WO 53202	\$73.31
FAST SIGNS		139-58679	265203	VEH NUMBERS VEH 3343 WO 53151	\$27.17	
		139-58731	265290	2" PREMIUM VEH 3349 WO 53259	\$27.15	
FASTENAL COMPANY		WAKEN190360	265425	SHOP SUPPLIES	\$11.28	
		WAKEN190361		VEH 5044 WO 52619	\$4.42	
		WARIC81437	265204	SHOP SUPPLY	\$68.42	
GENUINE AUTO GLASS OF TRI CITIES LLC		635499	265299	WINDSHIELD VEH 1208 WO 53247	\$32.58	
GLOBAL EQUIPMENT COMPANY		14954736	265435	SHOP SUPPLIES	\$440.76	
HAWORTH INC	P059783	3001145593	265305	WORKSTATION FOR JEANETTE BLAIR	\$2,707.24	
JIM'S PACIFIC GARAGES INC		R100018502:01	265314	ALIGNMNT VEH 3286 WO 53191	\$407.41	
		X100157763:01	265211	SAIL RUB VEH 3255 WO 53066	\$40.38	
		X100158401:01		UBOLT KIT VEH 3286 WO 53191	\$41.59	
		X100158468:01		SEAL VEH 3247 WO 52784	\$100.04	
		X100158468:02		SEAL VEH 3247 WO 52784	\$39.99	
		X100158786:01	265314	HYDRL DISC VEH 3286 WO 53191	\$139.57	
		X100158926:01	265211	SEAL VEH 3247 CREDIT	(\$39.99)	
		X100159452:01	265314	INF GP FUEL VEH 3291 WO 53181	\$1,060.80	
		X100159452:02		SEAL VEH 3291 WO 53181	\$105.36	

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
JIM'S PACIFIC GARAGES INC		X100159793:01	265314	HDLGT CNTRL VEH 3321 WO 53237	\$114.66
		X100159854:01	265445	MOD HDLIGHT VEH 3321 WO 53237	\$264.32
		X100160479:01	265553	WIPER BLADES VEH 3321 WO 53290	\$25.24
KENWORTH SALES COMPANY		PASIN3200944	265320	FAN-DEFROST VEH 3351 WO 53225	\$57.94
		PASIN3200951	265451	FAN-DEFROST VEH 3344 WO 53039	\$57.94
LIBERTY LAWN & SAW SHOP		4562	265323	SHOP SUPPLIES	\$19.37
MCCURLEY CHEVROLET		488910	265325	SHOP TOOLS	\$325.75
		488997		TRANSPONDER VEH 3328 WO 53250	\$385.00
		958251	265216	HINGE KIT VEH 3187 WO 52945	\$258.88
		958475		PIPE VEH 2382 WO 53113	\$80.84
		958578		NUTS VEH 2382 WO 53113	\$8.01
		959218	265463	HANDLE VEH 2375 WO 53283	\$5.66
		CM958181	265216	SOLENOID VEH 2325 CREDIT	(\$177.05)
MILNE NAIL, POWER TOOL & REPAIR		164048	265219	SHOP SUPPLY	\$462.61
MONARCH MACHINE & TOOL CO INC		A200280	265329	VAC TUBE VEH 3291 WO 53181	\$298.90
		A200309		REPAIR TANK VEH 3291 WO 53181	\$169.90
		A200337	265466	SHOP TOOLS	\$163.83
		F200133	265329	SHEAR MATLS VEH 0030 WO 53170	\$114.03
OXARC INC		30563971	265225	WELDER REPAIR	\$242.10
		30569720	265474	SHOP SUPPLY	\$40.36
PAPE' MATERIAL HANDLING		11319622	265226	FILTERS VEH 7147 WO 53223	\$154.03
RDO EQUIPMENT CO		P91146	265231	BUSHING VEH 6562 WO 53100	\$267.00
		P91426		SPARK PLUG VEH 3343 WO 53151	\$6.51
		P92052	265338	LEVER VEH 6562 WO 53100	\$67.77
RICHLAND NAPA		423926	265482	BEACON VEH 3326 WO 52458	\$566.24
		427474	265234	DEGREASER VEH SHOP WO SUPPL	\$19.52
		427558		FILTERS VEH 2452 WO 53140	\$18.39
		427559		FILTERS VEH 2372 WO 53139	\$18.32
		427560		FILTERS VEH 5049 WO 53137	\$123.17
		427561		FILTERS VEH 5046 WO 53138	\$14.77
		427564		FILTERS VEH 5033 WO 53131	\$57.47
		427565		FILTERS VEH 5038 WO 53128	\$141.95
		427568		FILTERS VEH 2400 WO 53130	\$14.98
		427569		FILTERS VEH 3335 WO 53132	\$128.73
		427570		FILTERS VEH 3339 WO 53133	\$128.73
		427574		FILTERS VEH 3291 WO 53136	\$217.70
		427575		CORE DEP VEH 2382 WO 53113	(\$10.10)
		427577		TOWELS VEH SHOP WO SUPPLIES	\$31.47
		427584		BLADE VEH 2440 WO 53142	\$5.66
		427585		FILTERS VEH CORRECT WO FILT	\$11.10
		427588		REORD FLTR VEH REORDR WO FL	\$122.09



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND NAPA		427603	265234	WRNG FLTRS VEH CREDIT WO FL	(\$161.21)
		427622		BRK FLUID VEH 2382 WO 53113	\$28.56
		427646		SAE 10W/40 VEH 6580 WO 5300	\$54.51
		427647		CABIN FILTER VEH 2436 WO 53	\$12.50
		427673		LAMP VEH 3335 WO 53146	\$9.44
		427687		FILTERS VEH 2398 WO 53167	\$14.28
		427688		FILTERS VEH 2399 WO 53168	\$14.28
		427689		FILTERS VEH 2459 WO 53169	\$14.28
		427690		FILTERS VEH 3251 WO 53170	\$144.11
		427691		FILTERS VEH 3252 WO 53171	\$140.84
		427692		FILTERS VEH 3289 WO 53172	\$14.98
		427693		FILTERS VEH 3301 WO 53173	\$14.98
		427694		FILTERS VEH 3313 WO 53174	\$124.97
		427695		FILTERS VEH 3316 WO 53175	\$14.28
		427696		FILTERS VEH 3327 WO 53177	\$14.28
		427697		FILTERS VEH 3325 WO 53176	\$160.50
		427699		FILTERS VEH 3329 WO 53178	\$105.28
		427702		FILTERS VEH 3334 WO 53179	\$96.36
		427720		LAMP VEH 2469 WO 53182	\$6.87
		427726		BATT CABLE VEH 3343 WO 5315	\$59.17
		427736		FITLERS VEH 3403 WO 53186	\$14.98
		427740		GREASE,CLNR VEH 3342 WO 531	\$70.23
		427755		BLADES VEH 3285 WO 53184	\$49.91
		427777		BRK CLNR VEH 3351 WO 53110	\$41.68
		427804		FILTERS VEH 6606 WO 53192	\$54.06
		427828		RELAYS VEH 3339 WO 53183	\$22.90
		427838		RTN FILTER VEH CREDIT WO FL	(\$28.11)
		427892		BATTERY VEH 2386 WO 53195	\$131.04
		427900		FILTERS VEH 7150 WO 53205	\$51.07
		427905		GLOSS PAINT VEH SHOP WO SUP	\$14.38
		427911	265482	COUPLERS VEH SHOP WO SUPPLI	\$108.35
		427913		COUPLERS VEH SHOP WO SUPPLI	\$85.03
		427918		AUX LAMP VEH 3337 WO 53206	\$154.99
		427937	265234	BATTERY VEH SHOP WO SUPPLIE	\$241.54
		427938		LAMP VEH 3303 WO 53210	\$12.97
		427996	265482	BLADES VEH 2399 WO 53211	\$50.48
		428015		BRK CLNR VEH 3334 WO 53152	\$32.58
		428017		SWITCH VEH 3338 WO 53212	\$6.99
		428020		BATTERY VEH SHOP WO SUPPLIE	\$119.43
		428026		BATTERY VEH CREDIT WO FLEET	(\$241.54)
		428035		HEXBIT VEH 3291 WO 53181	\$52.00



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND NAPA		428078	265482	LAMP VEH SHOP WO SUPPLIES	\$7.23
		428084		TOOLS VEH SHOP WO TOOLS	\$431.52
		428087		CAPS VEH SHOP WO SUPPLIES	\$15.12
		428119		TAPE VEH SHOP WO SUPPLIES	\$71.29
		428144		ATP KIT VEH 3301 WO 53246	\$93.09
		428145		BLADES VEH 3301 WO 53173	\$25.87
		428161		BREAKERS VEH 3341 WO 53225	\$8.75
		428164		BREAKERS VEH 3344 WO 53039	\$8.75
		428168		SOCKETS VEH SHOP WO TOOLS	\$26.28
		428220		BREAKERS VEH 3284 WO 52929	\$12.03
		428226		BELTS VEH 3336 WO 53238	\$130.06
		428236		FILTER VEH 3306 WO 53245	\$6.54
		428237		LAMP VEH 3336 WO 53238	\$33.87
		428288		FILTER VEH 3403 WO 53186	\$12.50
		428289		BATTERY VEH 2475 WO 53264	\$252.26
		428290		PAINT VEH 3291 WO 53181	\$29.02
		428311		WELD WIRE VEH 4107 WO 53190	\$76.01
RMT EQUIPMENT	P02397		265238	SEAT VEH 6580 WO 53002	\$348.68
	P02414			BELT TENSION VEH 6580 WO 53002	\$190.16
SOLID WASTE SYSTEMS INC	0111098-IN		265240	SWITCH VEH 3333 WO 53127	\$27.68
	0111155-IN			BEARINGS VEH 3339 WO 53080	\$730.98
	0111157-IN			MOTOR VEH 7146 WO 52989	\$1,028.92
SPECIAL ASPHALT PRODUCTS INC	INVC079755		265241	ROPER PUMP VEH 6545 WO 53196	\$1,612.72
	INVC079756			TERMOCLPLR VEH 6545 WO 53196	\$343.25
STEEBER'S LOCK SERVICE	999903		265354	TRANSPONDER VEH 3303 WO 53244	\$124.02
TACOMA SCREW PRODUCTS INC	22233596		265243	SHOP SUPPLY CREDIT	(\$25.03)
	22233597			SHOP SUPPLY CREDIT	(\$23.15)
	22233972			SHOP SUPPLY	\$295.33
	22234013			SHOP SUPPLY	\$323.50
	22234126		265357	COUPLING VEH 3290 WO 53209	\$34.26
	22234492		265492	REPAIR KIT VEH 3291 WO 53181	\$106.78
	22234660		265582	SHOP SUPPLIES	\$2,134.49
	90936092		265245	CNTRL CVR VEH 3329 WO 53200	\$364.20
	06 266797		265249	WORKLAMP VEH 3342 WO 53166	\$95.77
	25904-28		265505	TOOL BOX VEH 3324 WO 53267	\$5,967.09
WESTERN CASCADE CONTAINER LLC	WCCI19009		265252	200 CHAIN VEH 3342 WO 53193	\$57.44
	WCCI19047		265364	TARPER CHAIN VEH 3351 WO 53156	\$39.47
WESTERN PETERBILT INC	028P288277		265365	CNTRL VALVE VEH 3290 WO 53209	\$351.10
	028P288417			WARNING LGHT VEH 3285 WO 53252	\$1,049.44
	028P288454		265508	PUMP-CAB AIR VEH 3311 WO 53256	\$725.75
WESTERN STATES EQUIPMENT COMPANY	CM00064361		265366	MOTOR VEH 3203 WO 52901 CREDIT	(\$1,194.42)



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
WESTERN STATES EQUIPMENT COMPANY		IN000881836	265366	PKG GEN SET VEH 6592 WO 53231	\$268.79
		IN000881845		PKG GEN SET VEH 6591 WO 53233	\$270.99
		IN000881851		PKG GEN SET VEH 6577 WO 53236	\$282.72
WESTERN SYSTEMS & FABRICATION INC		25519	265253	BUSHING VEH 3283 WO 52596	\$186.05
		25664	265509	FILTER VEH 3306 WO 53245	\$846.84
EQUIPMENT MAINTENANCE TOTAL****					\$104,667.41
EQUIPMENT MAINTENANCE FUND Total ***					\$104,667.41
FUND 503	EQUIPMENT REPLACEMENT FUND				
Division:	215	EQUIPMENT REPLACEMENT			
PROFESSIONAL SALES AND SERVICE LC	P058924	26868	265337	WA STATE SALES TAX @ 8.6 %	\$22,514.20
	P058924			ONE (1) NEW 2018 HORTON 603 TY	\$261,793.00
EQUIPMENT REPLACEMENT TOTAL****					\$284,307.20
EQUIPMENT REPLACEMENT FUND Total ***					\$284,307.20
FUND 505	PUBLIC WORKS ADMIN & ENGINEER				
Division:	000				
PERMIT REFUND		2018-003203	265430	EASEMENT REFUND TO CUST	\$102.00
UNASSIGNED TOTAL****					\$102.00
Division:	450	PW ADMIN & ENGINEERING			
ABADAN INC		AR51996	265514	PAPER	\$366.42
BENTON COUNTY AUDITOR		0252898	265387	BC IMAGES	\$30.00
cloudPWR, LLC	P060031	2010	265370	BOX ENTERPRISE EDITION LICENSE	\$654.76
COLUMBIA SNAKE RIVER IRRIGATORS ASSN		2019 DUES	265191	CSRIA 2019 MEMBERSHIP DUES	\$2,000.00
DAILY JOURNAL OF COMMERCE	S018204	3343779	265198	2018 TRI-CITIES REGIONAL	\$273.00
DESKINS, JOHN		19-068 DESKINS	265535	19-068 WSDOT TRGT SPEED POL	\$76.00
MATERIALS TESTING & INSPECTION, LLC		161020	265215	MATERIALS TESTING-PRIVATE	\$971.86
PW ADMIN & ENGINEERING TOTAL****					\$4,372.04
PUBLIC WORKS ADMIN & ENGINEER Total ***					\$4,474.04
FUND 506	WORKERS COMPENSATION FUND				
Division:	221	WORKERS COMP INSURANCE RESERVE			
DEPARTMENT OF LABOR & INDUSTRIES		Q4 18 SELF INS	265201	Q4-18 036001852 SELF INSURANCE	\$43,435.78
WORKERS COMP INSURANCE RESERVE TOTAL****					\$43,435.78
WORKERS COMPENSATION FUND Total ***					\$43,435.78
FUND 520	HEALTH CARE/BENEFITS PLAN				
Division:	222	EMPLOYEE BENEFIT PROGRAM			
DEPARTMENT OF ENTERPRISE SERVICES		84117731	265417	SELF INSUR ASSESS 7/1-06/30/19	\$822.80



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
MAGELLAN BEHAVIORAL HEALTH		FEB 2019	265460	EAP PREMIUMS-FEBRUARY	\$728.61
EMPLOYEE BENEFIT PROGRAM TOTAL ****					\$1,551.41
HEALTH CARE/BENEFITS PLAN Total ***					\$1,551.41
FUND 521	UNEMPLOYMENT FUND				
Division:	223	UNEMPLOYEMENT COMPENSATION			
STATE OF WASHINGTON		036001852 Q4/2018	265202	Q4 18 UNEMPLOYMENT	\$24,417.65
UNEMPLOYEMENT COMPENSATION TOTAL ****					\$24,417.65
UNEMPLOYMENT FUND Total ***					\$24,417.65
FUND 611	FIREMAN'S PENSION				
Division:	216	FIRE PENSION			
BAKER, MARSHALL R		FEB 2019	265382	MEDICARE PREMIUM/BAKER	\$142.00
BOWLS, DAVID			265389	MEDICARE PREMIUM/BOWLS	\$104.90
CANFIELD, HARRY R			265393	MEDICARE PREMIUM/CANFIELD	\$152.00
CARRICK, HENRY			265396	MEDICARE PREMIUM/CARRICK	\$134.00
CLARK, FRANK M			265403	MEDICARE PREMIUM/CLARK	\$104.90
DOWNS, DANNY			265420	MEDICARE PREMIUM/DOWNS	\$135.50
ESTY, RAYMOND J			265424	MEDICARE PREMIUM/ESTY	\$120.00
FERRIANS, ALLEN LARRY			265427	MEDICARE PREMIUM/FERRIANS	\$135.50
HOUCHIN, EARL			265443	MEDICARE PREMIUM/HOUCHIN	\$118.00
JOHNSON, NEILS E			265446	MEDICARE PREMIUM/JOHNSON	\$116.50
JONES, HAROLD			265447	MEDICARE PREMIUM/JONES	\$148.00
KEYS, JACK D			265452	MEDICARE PREMIUM/KEYS	\$134.00
LAHTI, ROGER P			265454	MEDICARE PREMIUM/LAHTI	\$104.90
MURRAY, DAVID			265470	MEDICARE PREMIUM/MURRAY	\$123.00
MYERS, EDWARD A			265471	MEDICARE PREMIUM/MYERS	\$135.50
OWEN, MICHAEL			265473	MEDICARE PREMIUM/OWEN	\$123.00
POLLARD, JAMES			265478	MEDICARE PREMIUM/POLLARD	\$135.50
RONEY, LARRY			265484	MEDICARE PREMIUM/RONEY	\$122.50
SIEMENS, DONALD			265487	MEDICARE PREMIUM/SIEMENS	\$135.50
WEST, ROYAL			265506	MEDICARE PREMIUM/WEST	\$116.00
WILLIAMSON, CRAIG E			265510	MEDICARE PREMIUM/WILLIAMSON	\$108.00
FIRE PENSION TOTAL ****					\$2,649.20
FIREMAN'S PENSION Total ***					\$2,649.20
FUND 612	POLICEMEN'S PENSION				
Division:	217	POLICE PENSION			
ANDERS, PETER		FEBRUARY 2019	265375	MEDICARE PREMIUM/ANDERS	\$135.50
BATES, LAURIE VERN JR			265383	MEDICARE PREMIUM/BATES	\$135.50



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
BEDEN, LARRY		FEBRUARY 2019	265386	MEDICARE PREMIUM/BEDEN	\$135.50
BRUNSON, DALE A			265391	MEDICARE PREMIUM/BRUNSON	\$119.50
BUSH, LEE			265392	MEDICARE PREMIUM/BUSH	\$131.50
CLEAVENGER, MICHAEL			265404	MEDICARE PREMIUM/CLEAVENGER	\$135.50
CLEAVENGER, WILL J			265405	MEDICARE PREMIUM/CLEAVENGER	\$135.50
CLEMENTS, JOHN M			265406	MEDICARE PREMIUM/CLEMENTS	\$131.50
COUCH, LARRY			265413	MEDICARE PREMIUM/COUCH	\$135.50
DEMYER, JAMES J			265416	MEDICARE PREMIUM/DEMYER	\$135.50
DRIVER, DOUGLAS D			265421	MEDICARE PREMIUM/DRIVER	\$135.50
DUCHEMIN, ROGER			265422	MEDICARE PREMIUM/DUCHEMIN	\$135.50
GANLEY, JOHN M			265431	MEDICARE PREMIUM/GANLEY	\$135.50
GILL, JAMES GREG			265434	MEDICARE PREMIUM/GILL	\$135.50
HIGGINS, FRED C			265441	MEDICARE PREMIUM/HIGGINS	\$117.50
LARSON, SCOTT K			265455	MEDICARE PREMIUM/LARSON	\$135.50
LEWIS, DAVID L			265457	MEDICARE PREMIUM/LEWIS	\$113.50
MOORE, ROBERT			265468	MEDICARE PREMIUM/MOORE	\$124.50
SPARKS, DAVID W			265490	MEDICARE PREMIUM/SPARKS	\$133.50
TAYLOR, RANDAL L			265493	MEDICARE PREMIUM/TAYLOR	\$135.50
THOMAS, GERALD D			265495	MEDICARE PREMIUM/THOMAS	\$134.50
TURNER, ROY			265501	MEDICARE PREMIUM/TURNER	\$135.50
WILMOTH, ROD			265511	MEDICARE PREMIUM/WILMOTH	\$135.50
ZIMMERMAN, GERALD			265512	MEDICARE PREMIUM/ZIMMERMAN	\$118.00
POLICE PENSION TOTAL ****					\$3,156.50
POLICEMEN'S PENSION Total ***					\$3,156.50

FUND 641 SOUTHEAST COMMUNICATIONS CTR**Division: 600 SECOMM OPERATIONS GENERAL**

AT&T LONG DISTANCE	01/19 03030107210	265379	FAX LINES 12/22/18-01/21/19	\$34.48
CENTURYLINK	1/19 509-624-3863	265185	GENERAL 1/16-02/16/19	\$7.32
CHARTER COMMUNICATIONS	02/19 0706114	265400	01/19 0706114	\$28.06
CITY OF KENNEWICK	013766-	265401	1ST QTR 2018 BI-PIN S/W MAINT	\$430.00
COMPUNET, INC	P060018 124517	265411	2019 VEEAM RENEWAL	\$2,360.42
CORPORATE TRANSLATION SERVICES INC	140033	265533	TRANSLATION SRVCS-JAN 2019	\$211.56
DEVRIES BUSINESS SERVICES	0107518	265419	SHREDDING SERVICES	\$4.41
FRONTIER	02/19 2061881060	265429	GENERAL 1/19-02/18/19	\$208.92
MOON, TAE-IM PHD	011719	265331	PSYCH EVALUATION-B. MORENO	\$400.00
	012419	265467	PSYCH EVALUATION - K.LAGIER	\$400.00
	01242019		PSYCH EVALUATION - LAGIER	\$400.00
POCKETINET COMMUNICATIONS INC	260700	265573	WIRELESS TRNSPRT/INTERNET-BACK	\$437.49
	285268	265477	WIRELESS TRNSPRT/INTERNET-MAR	\$269.50
PUBLIC SAFETY TESTING INC	PST119-0013	265479	BACKGROUND INVESTIGATIONS	\$2,178.42



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
PUBLIC SAFETY TESTING INC		PSTI19-0014	265479	BACKGROUND INVESTIGATIONS	\$2,137.69
SPRAGUE PEST SOLUTIONS		3716127	265353	JAN 2019 MONTHLY SERVICE-BCES	\$46.42
VANGUARD CLEANING SYSTEM OF INLAND NW		83673	265503	CLEANING SVS 02/01-02/28/19	\$375.00
SECOMM OPERATIONS GENERAL TOTAL ****					\$9,929.69
Division:	601	E911 OPERATIONS			
CENTURYLINK	P059225	100910726	265186	ESINET II MIGRATION PROJECT -	\$380.10
	P059900	100911173R	265398	2019 WEST SUPPORT RENEWAL FROM	\$57,862.08
CORPORATE TRANSLATION SERVICES INC		139953	265533	TRANSLATION SRVCS-JAN 2019	\$379.58
ENTERPRISE RENT A CAR		20084925	265538	BUSINESS RENTAL CAR	\$106.54
LANGUAGE LINE SERVICES LLC		4499845	265559	E911 TRANSLATION-JANUARY	\$8.42
MOON, TAE-IM PHD		011719	265331	PSYCH EVALUATION-B. MORENO	\$400.00
		012419	265467	PSYCH EVALUATION - K.LAGIER	\$400.00
		01242019		PSYCH EVALUATION - LAGIER	\$400.00
POCKETINET COMMUNICATIONS INC		260700	265573	WIRELESS TRNSPRT/INTERNET-BACK	\$437.50
		285268	265477	WIRELESS TRNSPRT/INTERNET-MAR	\$269.50
PUBLIC SAFETY TESTING INC		PSTI19-0013	265479	BACKGROUND INVESTIGATIONS	\$2,178.42
		PSTI19-0014		BACKGROUND INVESTIGATIONS	\$2,137.69
E911 OPERATIONS TOTAL ****					\$64,959.83
Division:	602	SECOMM AGENCY			
MID COLUMBIA CONSTRUCTION INC DBA		1071354	265218	DE-ICER APPLICATION	\$43.44
RIGGLE PLUMBING INC		40092	265342	WOMEN'S BATHROOM MAINT-BCES	\$130.32
		40155	265576	HOT WATER HEATER LEAK REPAIR	\$130.32
SECOMM AGENCY TOTAL ****					\$304.08
SOUTHEAST COMMUNICATIONS CTR Total ***					\$75,193.60
FUND	642	800 MHZ PROJECT			
Division:	610	800 MHZ			
BENTON PUD		01/19 4843174575	265388	UTILITY SRVCS 12/26-01/26/2019	\$608.44
COMPUNET, INC	P060018	124517	265411	2019 VEEAM RENEWAL	\$2,360.42
KLICKITAT COUNTY PUD		12/18 69552623	265214	GOLGATHA UTILITIES 11/30-12/31	\$288.33
LEGACY POWER SYSTEMS		38313	265322	QTRLY GENERATOR INSP BADGER MT	\$1,590.84
		38315		QTRLY GENTR INSP COMMAND CTR	\$1,599.68
		38316		QTRLY GENERATOR INSP GOLGOTHA	\$1,576.11
		38317		QTRLY GENERATOR INSP SILLUSI	\$1,590.84
		38320		QTRLY GENTR INSP JUMP OFF JOE	\$930.96
800 MHZ TOTAL ****					\$10,545.62
800 MHZ PROJECT Total ***					\$10,545.62
FUND	643	EMERGENCY MANAGEMENT			
Division:	620	STATE / LOCAL ASSISTANCE			



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
AT&T LONG DISTANCE		01/19 03030107210	265379	FAX LINES 12/22/18-01/21/19	\$8.62
CHARTER COMMUNICATIONS		02/19 0706114	265400	01/19 0706114	\$28.06
COMPUNET, INC	P060018	124517	265411	2019 VEEAM RENEWAL	\$590.11
POCKETINET COMMUNICATIONS INC		285268	265477	WIRELESS TRNSPRT/INTERNET-MAR	\$57.75
SPRAGUE PEST SOLUTIONS		3716127	265353	JAN 2019 MONTHLY SERVICE-BCES	\$11.60
VANGUARD CLEANING SYSTEM OF INLAND NW		83673	265503	CLEANING SVS 02/01-02/28/19	\$62.50
STATE / LOCAL ASSISTANCE TOTAL ****					\$758.64
Division:	621	RADIOLOGICAL EMGCY PREPAREDNES			
AT&T LONG DISTANCE		01/19 03030107210	265379	FAX LINES 12/22/18-01/21/19	\$8.62
CHARTER COMMUNICATIONS		02/19 0706114	265400	01/19 0706114	\$28.06
COMPUNET, INC	P060018	124517	265411	2019 VEEAM RENEWAL	\$590.11
POCKETINET COMMUNICATIONS INC		285268	265477	WIRELESS TRNSPRT/INTERNET-MAR	\$57.75
RIGGLE PLUMBING INC		40092	265342	WOMEN'S BATHROOM MAINT-BCES	\$43.44
		40155	265576	HOT WATER HEATER LEAK REPAIR	\$43.44
SPRAGUE PEST SOLUTIONS		3716127	265353	JAN 2019 MONTHLY SERVICE-BCES	\$11.61
UNITED PARCEL SERVICE	S018206	000986641059	265502	2 GROUND PKGS WITH INSURANCE T	\$152.52
	S018206			WEIGHT ADJUSTMENT FOR 2 PKGS T	\$10.58
VANGUARD CLEANING SYSTEM OF INLAND NW		83673	265503	CLEANING SVS 02/01-02/28/19	\$62.50
RADIOLOGICAL EMGCY PREPAREDNES TOTAL ****					\$1,008.63
Division:	622	DOE EMERGENCY PREPAREDNESS			
AT&T LONG DISTANCE		01/19 03030107210	265379	FAX LINES 12/22/18-01/21/19	\$8.62
CHARTER COMMUNICATIONS		02/19 0706114	265400	01/19 0706114	\$28.06
COMPUNET, INC	P060018	124517	265411	2019 VEEAM RENEWAL	\$590.10
POCKETINET COMMUNICATIONS INC		285268	265477	WIRELESS TRNSPRT/INTERNET-MAR	\$57.75
RIGGLE PLUMBING INC		40092	265342	WOMEN'S BATHROOM MAINT-BCES	\$43.44
		40155	265576	HOT WATER HEATER LEAK REPAIR	\$43.44
SPRAGUE PEST SOLUTIONS		3716127	265353	JAN 2019 MONTHLY SERVICE-BCES	\$11.60
VANGUARD CLEANING SYSTEM OF INLAND NW		83673	265503	CLEANING SVS 02/01-02/28/19	\$62.50
DOE EMERGENCY PREPAREDNESS TOTAL ****					\$845.51
Division:	623	JURISIDICITION			
APOLLO SHEET METAL INC	P059847	940019633	265376	REPLACEMENT OF BAD PULLY AND	\$799.57
AT&T LONG DISTANCE		01/19 03030107210	265379	FAX LINES 12/22/18-01/21/19	\$8.61
CHARTER COMMUNICATIONS		02/19 0706114	265400	01/19 0706114	\$28.06
COMPUNET, INC	P060018	124517	265411	2019 VEEAM RENEWAL	\$590.10
FERRIS, LORI		011719	265294	REIMB MEAL PERDIEM 1-17-19	\$16.00
MID COLUMBIA CONSTRUCTION INC DBA		1071354	265218	DE-ICER APPLICATION	\$43.44
POCKETINET COMMUNICATIONS INC		260700	265573	WIRELESS TRNSPRT/INTERNET-BACK	\$374.99
		285268	265477	WIRELESS TRNSPRT/INTERNET-MAR	\$57.75
RIGGLE PLUMBING INC	P059827	10834-RETAIN	265576	INSTALLATION OF TOILET SUPPORT	\$173.70



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RIGGLE PLUMBING INC		40092	265342	WOMEN'S BATHROOM MAINT-BCES	\$43.44
		40155	265576	HOT WATER HEATER LEAK REPAIR	\$43.44
SPRAGUE PEST SOLUTIONS		3716127	265353	JAN 2019 MONTHLY SERVICE-BCES	\$11.60
VANGUARD CLEANING SYSTEM OF INLAND NW		83673	265503	CLEANING SVS 02/01-02/28/19	\$62.50
JURISIDICTIION TOTAL ****					\$2,253.20
EMERGENCY MANAGEMENT Total ***					\$4,865.98
FUND 644	MICRO-WAVE				
Division:	611	MICROWAVE			
DAY WIRELESS SYSTEMS		478859	265282	COMM CENTER SITE DEPOT REPAIR	\$1,151.16
	P060076	610485	265414	2019 MAINTENANCE AGREEMENT REN	\$36,055.11
MICROWAVE TOTAL ****					\$37,206.27
MICRO-WAVE Total ***					\$37,206.27
FUND 645	SECOMM CONSOLIDATED				
Division:	602	SECOMM AGENCY			
APOLLO SHEET METAL INC	P059847	940019633	265376	REPLACEMENT OF BAD PULLY AND	\$799.57
RIGGLE PLUMBING INC	P059827	10834-RETAIN	265576	INSTALLATION OF TOILET SUPPORT	\$173.70
SECOMM AGENCY TOTAL ****					\$973.27
SECOMM CONSOLIDATED Total ***					\$973.27
FUND 803	UTILITY BILL CLEARING FUND				
Division:	000				
ADVANCED UTILITY ACCOUNTS PAYABLE INVOICES		CISPAY16282	265292	Customer Refund	\$17.91
		CISPAY16283	265303	Customer Refund	\$98.60
		CISPAY16284	265298	Customer Refund	\$90.54
		CISPAY16285	265316	Customer Refund	\$66.80
		CISPAY16286	265326	Customer Refund	\$40.77
		CISPAY16287	265317	Customer Refund	\$0.06
		CISPAY16288	265358	Customer Refund	\$3.87
		CISPAY16289	265313	Customer Refund	\$14.44
		CISPAY16290	265287	Customer Refund	\$122.80
		CISPAY16291	265347	Customer Refund	\$123.42
		CISPAY16292	265309	Customer Refund	\$30.24
		CISPAY16293	265319	Customer Refund	\$0.52
		CISPAY16294	265565	Customer Refund	\$39.31
		CISPAY16295	265555	Customer Refund	\$0.51
		CISPAY16296	265583	Customer Refund	\$1.90
		CISPAY16297	265534	Customer Refund	\$81.92



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
ADVANCED UTILITY ACCOUNTS PAYABLE INVOICES		CISPAY16298	265570	Customer Refund	\$1.26
		CISPAY16299	265557	Customer Refund	\$40.94
		CISPAY16300	265548	Customer Refund	\$4.55
		CISPAY16301	265545	Customer Refund	\$1,558.88
		CISPAY16302	265546	Customer Refund	\$29.59
		CISPAY16303	265578	Customer Refund	\$33.71
		CISPAY16304	265590	Customer Refund	\$131.53
		CISPAY16305	265561	Customer Refund	\$28.78
		CISPAY16306	265552	Customer Refund	\$96.46
		CISPAY16307	265577	Customer Refund	\$43.97
		CISPAY16308	265516	Customer Refund	\$127.08
		CISPAY16309	265551	Customer Refund	\$70.56
		CISPAY16310	265536	Customer Refund	\$93.12
		CISPAY16311	265586	Customer Refund	\$116.49
		CISPAY16312	265537	Customer Refund	\$125.70
		CISPAY16313	265550	Customer Refund	\$89.37
		CISPAY16314	265581	Customer Refund	\$57.28
		CISPAY16315	265543	Customer Refund	\$64.35
		CISPAY16316	265513	Customer Refund	\$97.45
		CISPAY16317	265529	Customer Refund	\$97.45
UNASSIGNED TOTAL ****					\$3,642.13
UTILITY BILL CLEARING FUND Total ***					\$3,642.13



City Of Richland

VL-1 Voucher Listing

From: 1/28/2019 To: 2/8/2019

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
--------	-------------	----------------	---------	---------------------	----------------

Invoice Total: ****

\$1,336,244.89

Number of Invoices

Amount

Vouchers In Richland	193	\$69,067.66
Vouchers In Tri Cities	118	\$66,107.47
Vouchers In WA	174	\$260,185.80
Vouchers Outside WA	392	\$940,883.96
Vouchers Final Total.....	877	\$1,336,244.89

Ob ject Category	Title	Total	Percentage
2	BENEFITS	\$74,785.17	5.6%
3	SUPPLIES	\$462,365.66	34.6%
4	OTHER SERVICES & CHARGES	\$305,872.99	22.89%
5	INTERGOVERNMENTAL SERVICES	\$47,065.45	3.52%
6	CAPITAL PROJECTS	\$63,187.93	4.73%
	MACHINERY & EQUIPMENT	\$321,614.37	24.07%
	REFUNDS	\$3,642.13	0.27%
9	INTERFUND SERVICES	\$1,122.44	0.08%
	INVENTORY PURCHASES	\$56,588.75	4.23%
	Total	\$1,336,244.89	



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 02/19/2019

Agenda Category: Items of Business

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Emergency Ordinance No. 18-19, Declaring an Emergency at the Wastewater Treatment Facility related to the Presence of Mold

Department:
Public Works

Ordinance/Resolution Number:
18-19

Document Type:
Ordinance

Recommended Motion:

Pass Emergency Ordinance No. 18-19, declaring an emergency at the Wastewater Treatment Facility related to the presence of mold.

Summary:

In January 2019, staff replaced laboratory equipment in the Wastewater Treatment Facility Administration Building. During the work, staff identified mold in the building. To assess the matter, staff sought assistance from Asbestos and Mold Solutions (AMS), a company providing services to the City Hall project. AMS sampled the mold, determining that it was a significant hazard to employees if not mitigated. AMS's recommendation is to cease work in the area of the building where the mold was detected, and pursue remediation at the City's earliest opportunity. Staff is in the process of relocating work functions from the affected area and creating process adjustments to enable ongoing operations necessary to plant operations. It is critically important to mitigate the threat of this mold, and to promptly restore normal operating capabilities at the plant.

Proposed Emergency Ordinance No. 18-19 declares this circumstance an emergency and enables expedited purchasing processes to complete assessment, planning and contracting to remediate the mold.

The Richland City Charter authorizes Council to enact this emergency ordinance in a single action. If approved, staff is prepared to immediately contract for the mold removal and facility repairs, and will strive for completion within ninety (90) days.

Staff recommends approval of Emergency Ordinance No. 18-19.

Fiscal Impact:

Staff is still assessing the likely scope of work. No cost estimate is available at this time, although staff will present its best information about the estimated costs of this work during the presentation of this business item. The work will be funded from existing appropriated capital budget capacity in the Wastewater Fund.

Attachments:

- I. Emergency Ordinance No. 18-19

ORDINANCE NO. 18-19

AN EMERGENCY ORDINANCE of the City of Richland
declaring an emergency at the Wastewater Treatment Facility
related to the presence of mold.

WHEREAS, the City of Richland's Wastewater Treatment Facility (WWTF) at 555 Lacey Road is a critical element of the City's wastewater system; and

WHEREAS, the administration building at the WWTF houses an analytical laboratory and a maintenance and fabrication shop; and

WHEREAS, on January 3, 2019, staff discovered black mold on a wall in the laboratory while installing a dishwasher; and

WHEREAS, on January 17, 2019, the services of Asbestos and Mold Solutions (AMS) were procured to assess the situation and test the mold; and

WHEREAS, on January 23, 2019, AMS delivered the testing report; and

WHEREAS, on February 14, 2019, AMS notified the City that the mold present in the facility is of significant concern. AMS recommended a stop work in the portion of the building where the mold is present, and that immediate remediation efforts take place; and

WHEREAS, the conditions stated above constitute a public emergency affecting life, health or property, thereby necessitating use of the emergency power granted pursuant to Article III of the City of Richland Charter, RCW 39.04.280 and RMC 3.04.120 which allow the City to waive competitive bids in the event of an emergency.

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

Section 1. It is hereby declared that current conditions at the WWTF constitute a public emergency affecting life, health or property. The unforeseen danger at the WWTF and its resulting disturbance of normal practices and daily activity represent a material loss to the City's essential infrastructure, and present a real and immediate threat to the reliable provision of treated sewage meeting city, state and federal standards.

Section 2. Pursuant to the emergency declared in Section 1, City departments and offices are authorized to waive competitive bidding requirements and enter into contracts and incur obligations needed to combat such emergency to protect the health and safety of people, property and the environment.

Section 3. The emergency declared in Section 1 shall expire 365 days from the date of passage of this Ordinance unless earlier terminated or extended by further action of the Richland City Council.

Section 4. This emergency ordinance shall take effect immediately pursuant to Article III, Section 3.03 of the City of Richland Charter.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of February, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS, City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: February 24, 2019