



Agenda
Planning Commission Meeting
Wednesday, September 25, 2019
City Hall Council Chambers | 625 Swift Boulevard

Commission Members: Chair Palmer, Vice-Chair Boring, and Commissioners Eadie, Keuhlen, Maier, Mealer, and Townsend

Liaisons: Council Liaison Alvarez and Alternate Council Liaison Lemley
Staff Liaison: Planning Manager Stevens

Regular Meeting - 6:00 p.m. (City Hall Council Chamber)

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

August 28, 2019 Meeting Minutes

September 11, 2019 Workshop Minutes

Public Comments:

Business Items:

- I. 2020 Community Development Block Grant (CDBG) Funding Recommendations
- Michelle Burden, Block Grant Coordinator

Public Hearing Explanation:

New Business – Public Hearing:

- I. Sidewalk Use License (SUL2019-101) - Kagen Coffee & Crepes - 270 Williams Blvd
- Shane O'Neill, Senior Planner
2. Proposed Amendment to RMC 22.10.400 - Critical Areas Density Transfer
3. Proposed Amendment to Section 24.13.010: Short Subdivisions
4. Proposed Amendment to Title 19, 23, 24 Regarding Council's Role in Land Use Decisions

Communications:

Adjournment

The next Planning Commission Workshop is October 9, 2019

The next Planning Commission Meeting is October 23, 2019

This meeting is broadcast live on CityView Channel 192 and online at ci.richland.wa.us

Richland City Hall is ADA accessible. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 942-7388.



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 9/25/2019

Agenda Category: Approval of Minutes

Prepared By: Mike Stevens, Planning Manager

Subject:

August 28, 2019 Meeting Minutes

Request:

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Recommended Motion:

Approve the minutes of the Planning Commission meeting held on August 28, 2019.

Summary:

Attachments:

1. DRAFT PC Mtg Mins 8.28.19



**MINUTES
PLANNING COMMISSION MEETING
CITY HALL – 625 SWIFT BOULEVARD – COUNCIL CHAMBER
WEDNESDAY, AUGUST 28, 2019
6:00 PM**

Call to Order and Welcome:

Chair Palmer welcomed the public and called the meeting to order at 6:00 p.m.

Attendance

Present: Chair Palmer, Vice-Chair Boring, Commissioners Eadie, Maier, and Mealer.

Also present were Council Liaison Alvarez, Development Services Director Jensen, Planning Manager Stevens, Block Grant Coordinator Burden and Administrative Assistant II Follett.

Approval of Agenda

Chair Palmer presented the agenda for review and approval.

VICE CHAIR BORING MOVED AND COMMISSIONER MAIER SECONDED THE MOTION TO APPROVE THE AUGUST 28, 2019 MEETING AGENDA AS WRITTEN. MOTION CARRIED 5-0.

Approval of Minutes

Chair Palmer presented the minutes of the July 24, 2019 meeting for approval.

COMMISSIONER MAIER MOVED AND COMMISSIONER MEALER SECONDED THE MOTION TO APPROVE THE MINUTES OF THE JUNE 26, 2019 MEETING. MOTION CARRIED 5-0.

Chair Palmer presented the minutes of the August 14, 2019 workshop for approval.

COMMISSIONER MAIER MOVED AND COMMISSIONER MEALER SECONDED THE MOTION TO APPROVE THE MINUTES OF THE AUGUST 14, 2019 WORKSHOP. MOTION CARRIED 5-0.

Public Comment

Chair Palmer asked the recorder to read the Public Comment Procedures. After the reading of the procedure, Chair Palmer opened the public comment period at 6:03 p.m.

Having no one offer comments, Chair Palmer closed the public comment period at 6:03 p.m.

Presentations

1. 2020 Community Block Grant Application Presentations

CDBG/HOME Administrator Michelle Burden provided the Commission with details regarding the amount of funding and confirmed that all applicants meet the criteria for funding.

Donna Tracy, Arc of the Tri Cities, introduced a few of the *Partners and Pals* program recipients. She also spoke to the Commission about the number of families helped by the program and provided information about volunteer hours. Shawn Hales then introduced his son, Cameron, and spoke about the impact the program had on his son.

Byron Talbot, Elijah Family Homes, thanked the Commission for past support and shared details about the current year's application for *Transition to Success*. He spoke about the opportunities the program provides to residents in need. Additionally, Mr. Talbot provided details about program goals and outcomes. He noted the program graduated five families in the last year.

Byron Talbot, Elijah Family Homes, also spoke about the application for their *Youth Activities Program*, which benefits school age children in the *Transition to Success* program. Mr. Talbot spoke about the number of children served and benefits of the program for recipients.

Kristi Thien, Sr. Life Resources – *Meals on Wheels*, shared stories about how many meals served per day, the number of recipients, and how their volunteers help recipients. She also talked about winter weather challenges and how the program provides services during weather events.

Mandy Wallner, City of Richland Marketing Specialist, presented information on a proposed loan program to encourage businesses to locate in low to moderate income areas and create new full time jobs. She provided clarifying information on award program criteria and answered Commission questions.

John Deskins, City of Richland Traffic Engineer, presented a Power Point presentation detailing safety improvements and ADA accessibility provided by CDBG funding. His presentation provided Commissioners with details about demographics and residential neighborhoods served by the planned improvements.

Anneke Rachinski and Tammy Sanderson, representing Columbia Basin College Foundation, provided the new dental clinic mission and target patient demographic. They also talked about how the program will target low to moderate income residents in Richland. Tammi noted students currently fund some supplies out of pocket and through fund raising activities.

At the conclusion of the presentations Block Grant Coordinator Burden reminded the Commission of next steps and clarified that deliberations and recommendations would be made at next month's meeting.

Unfinished Business – Public Hearings

1. Draft Title 23 Update (Continued)

Mr. Stevens reviewed past meetings on this matter and detailed the need for the code amendment. He stated that without the code amendment, Code Enforcement does not currently have any enforcement authority since the Municipal Code does not expressly prohibit storage containers (conex boxes) upon residential properties. As part of his presentation, Mr. Stevens also discussed the positive and negative aspects of requiring design standards as previously requested by the Commission.

Commissioners asked questions about applicability of the proposed code amendment and discussed the various options.

COMMISSIONER BORING MOVED AND COMMISSIONER EADIE SECONDED THE MOTION TO CONCUR WITH THE FINDINGS AND CONCLUSIONS SET FORTH IN THE AUGUST 28, 2019 STAFF REPORT, CA2019-101 AND RECOMMEND TO THE CITY COUNCIL ADOPTION OF THE PROPOSED AMENDMENTS TO RMC TITLE 23, SUBSECTION 23.38.020 ACCESSORY BUILDINGS IN RESIDENTIAL ZONING DISTRICTS AND TITLE 23, SUBSECTION 23.06.222 DEFINITIONS.

As a point of order, Mr. Stevens asked for concurrence that the motion referred to the first draft of the ordinance and included the change from Board of Adjustment to Hearing Examiner as the hearing body. After concurrence and brief discussion, the **MOTION PASSED 5-0.**

Communications:

Mr. Jensen mentioned the Council update he provided at the last meeting and shared development numbers for the year.

Chairman Palmer reminded Commissioners about the upcoming workshop and meeting.

Commissioner Maier thanked the public in attendance.

Adjournment:

Chairman Palmer adjourned the meeting at 7:06 p.m.

PREPARED BY: Lynne Follett, Executive Assistant
REVIEWED BY: Mike Stevens, Planning Manager



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 9/25/2019

Agenda Category: Approval of Minutes

Prepared By: Mike Stevens, Planning Manager

Subject:

September 11, 2019 Workshop Minutes

Request:

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Recommended Motion:

Approve the minutes of the Planning Commission workshop held on September 11, 2019.

Summary:

Attachments:

1. Draft PC Workshop Minutes 9.11.19



**MINUTES
PLANNING COMMISSION WORKSHOP
City Council Chambers – 625 Swift Blvd.
WEDNESDAY, September 11, 2019
6:00 PM**

Call to Order:

Chairman Palmer called the workshop to order at 6:00 p.m.

Attendance:

Present: Chairman Palmer, Commissioners Mealer, Madsen, Maier, Townsend, Keuhlen, and Eadie. Planning Manager Stevens and Councilman Alvarez were also present.

Agenda Items:

Proposed Code Amendments to RMC Title 19, 23, 24 Regarding Hearing Examiner and Council

Mr. Stevens briefed the Commission on the proposed changes to Title 19, 23 and 24. Commissioners discussed proposed changes and asked staff questions about draft edits.

Proposed Code Amendments to RMC Title 24 – Short Plats

Mr. Stevens reviewed the proposed amendments to Title 24. Commissioners asked questions and discussed the proposal with staff.

Adjournment:

Chairman Palmer adjourned the meeting at 6:33 p.m.

PREPARED BY: Lynne Follett, Executive Assistant

REVIEWED BY: Mike Stevens, Planning Manager

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: SUL2019-101

PREPARED BY: SHANE O'NEILL
MEETING DATE: SEPTEMBER 25, 2019

GENERAL INFORMATION:

APPLICANT: KAGEN COX

REQUEST: APPROVAL OF A SIDEWALK USE LICENSE TO AUTHORIZE THE
OPERATION OF A SIDEWALK CAFÉ IN THE UPTOWN MALL

LOCATION: 270 WILLIAMS BLVD

REASON FOR REQUEST

The applicant is requesting a sidewalk use license in order to offer outdoor food and beverage service to its customers on the public sidewalk immediately adjacent to the business located at 270 Williams Blvd. As proposed, the outdoor café is comprised of eight (8) tables with chairs placed on the adjacent walkway (see Exhibit 2).

FINDINGS AND CONCLUSIONS

Staff has reviewed the application for a sidewalk use license (SUL2019-101) at 270 Williams Blvd. and submits the following findings:

Findings of Fact:

1. The Richland Comprehensive Plan designates the site as a part of the Central Business District land use category.
2. The site is located within the Uptown Mall, which contains commercial businesses exclusively. The closest residential properties are located approximately 225 feet west of the site.
3. In 2009, the City adopted Ordinance 04-09 which created a new Central Business District (CBD) zoning classification. Among other aims, the CBD zoning classification intends to encourage the transformation of the CBD from principally a strip commercial auto-oriented neighborhood to a more compact development pattern with buildings oriented to the fronting street. Outdoor seating for cafes and restaurants are specifically encouraged uses within the CBD as stated in the purpose section of Section 23.22.010 of the Richland Municipal Code.
4. Richland Municipal Code Chapter 5.14 adopted in 2009, provides specific criteria for the issuance of sidewalk use licenses. The application meets these criteria as detailed below:

- a. Section 5.14.040(A)(1) provides that sidewalk use licenses may be issued to the owner of the adjoining property or business. The applicant operates the Kagen Coffee & Crepes coffee shop.
- b. Section 5.14.040(A)(2) requires that the proposed use of the sidewalk would not unreasonably impair passage to and fro by the public on the sidewalk. The application, as proposed would provide a sidewalk width along the adjacent unnamed walkway of 4 feet that would remain available for public use. Although the Washington State Department of Transportation Field Guide for Accessible Public-Rights-of-Way does not control in this privately owned property setting, it does provide outdoor ADA accessibility dimensional requirements applicable to public sidewalks. The Guide indicates 4-feet of free and clear passage is necessary to accommodate people in wheelchairs.
- c. Section 5.14.040(A)(3) requires proposed sidewalk café users to obtain approved food-service permits from the health department and liquor licenses from the State Liquor and Cannabis Board respectively. The recommended conditions of approval require that the applicant obtain the required Health Department permit prior to operation of the sidewalk café, as the business does not and will not serve alcoholic beverages.
- d. Section 5.14.040(B)(1) provides the City authority to restrict the hours of operation and limit the number of table and chair placement. The recommended conditions of approval specify that the City may restrict the hours of operation if the sidewalk café results in noise problems.
- e. Section 5.14.040(B)(2) requires the applicant to maintain the sidewalk in a clean and safe condition. The recommended conditions of approval address this requirement.
- f. Section 5.14.040(B)(3) requires the applicant to clear the sidewalk as reasonably necessary to accommodate deliveries to nearby properties. The proposed design of the sidewalk café would not appear to impair adjoining businesses from receiving deliveries.
- g. Section 5.14.040(B)(4) provides the City authority to limit noise, lighting and placement of equipment for any sidewalk use license. The recommended conditions of approval identify that City standards for noise and lighting must be observed at all times and that no equipment shall be placed outside of the sidewalk café.
- h. Section 5.14.040(B)(5) requires the repair of damaged or failing improvements that present a public safety risk. The recommended conditions of approval require the applicant to maintain the facility in good repair at all times.
- i. Section 5.14.040(B)(6) requires indemnity documentation, insurance and surety instruments. The application materials presented to the City included a two million dollar certificate of liability insurance in favor of the City. The recommended conditions of approval require the applicant to sign a waiver holding the City harmless prior to the operation of the sidewalk café and

require the posting of a financial surety, if such is deemed necessary by the Public Works Department.

- j. Section 5.14.040(B)(7) requires the City to establish the duration of the license and a renewal procedure. The recommended conditions of approval indicate that the license shall remain valid for a period of two years and can be renewed for an additional two year terms administratively.
- k. Section 5.14.040(B)(8) requires that all furniture, equipment and other appurtenances remain clean, organized and in good repair. The recommended conditions of approval note this requirement.
- l. Section 5.14.050.A.3 allows liquor to be sold at a sidewalk café provided such activity is permitted through the Washington State Liquor [& Cannabis] Board prior to issuance of the sidewalk use license. This codified requirement is contrary to permit sequencing, but this is moot as the applicant has not indicated intent to sell alcohol.
- m. Section 5.14.070 requires a public hearing before the Planning Commission for a sidewalk cafe and requires that notice of the hearing be posted on the property, mailed to owners within 300 feet and advertised in the newspaper. Notice was mailed to owners within 300 feet on September 9th and was posted in the front window of Kagen Coffee & Crepes on September 9th. A legal ad appeared in the Tri-City Herald on September 15th.
- n. Section 5.14.080 requires adjacent sidewalk(s) be returned to its original pre-license condition at no cost to the City at the time that the license expires or the sidewalk use ceases. The recommended conditions of approval note this requirement.
- o. Section 5.14.090(A) requires the applicant to sign a release of liability form. The application form signed by the applicant includes this waiver and so satisfies this requirement.
- p. Section 5.14.100(B) requires the posting of a financial surety to ensure that the sidewalk is returned to its pre-license condition at the conclusion of the license. The recommended conditions of approval provide for the posting of a surety in an amount deemed sufficient by the City Public Works Director, if such surety is deemed necessary.
- q. Section 5.14.100(C) requires the applicant to have insurance that covers the proposed sidewalk use and names the City as an additional insured, providing \$1,000,000 of accident insurance. The conditions of approval note this requirement which was met upon application.
- r. Section 5.14.130 provides design and a placement standard for sidewalk use and specifies a maximum height of fencing of 36 inches. However, the Liquor and Cannabis Board requires a fence height of 42 inches. Fencing is not addressed in the approval conditions because fencing was not a component of the application.

Conclusion of Law

The application, as conditioned, meets all the applicable requirements set forth in RMC Chapter 5.14 for sidewalk cafes.

Overall Conclusion

The application for a sidewalk use license meets City code requirements, is located appropriately in the Central Business District, given the nature of the existing uses adjacent to the site and should be approved.

RECOMMENDATION

Staff recommends that the Planning Commission concur with the findings and conclusions set forth in Staff Report SUL2019-101 and approve the request for a sidewalk use license to operate a sidewalk cafe subject to the following conditions:

1. Pursuant to RMC 5.14.050, prior to operation of the sidewalk café, the applicant shall obtain and document to the City, required health department permit(s) for outdoor food service; and
2. Pursuant to RMC 5.14.100(C), the applicant shall maintain insurance coverage for the proposed sidewalk use and names the City as an additional insured, providing \$1,000,000 of accident insurance; and
3. If operation of the sidewalk café results in noise complaints from neighboring tenants, and those complaints are determined to be valid by the City, the Planning Commission may conduct a public hearing and decide to restrict the hours of operation of the sidewalk café and/or may revoke the sidewalk use license; and
4. The applicant shall at all times maintain the adjoining sidewalk in a clean and safe condition for pedestrian travel; and
5. Any outdoor lighting installed to serve the sidewalk café shall meet the outdoor lighting standards as specified in RMC Chapter 23.58; and
6. The applicant shall comply with City noise standards of RMC 9.16.045 at all times; and
7. No equipment, other than tables and chairs, shall be placed or stored outside at any time; and
8. The license shall be valid for a period of two years from the date of its issuance. An application for license renewal may be reviewed and approved administratively by the Development Services Division for additional two year periods; and
9. All items placed within the sidewalk café shall be kept clean, in good repair at all times; and
10. The applicant shall be responsible for enforcement of state regulations concerning smoking within 25 feet of the entrance to the building; and
11. At the time the sidewalk use license expires or the sidewalk use ceases, the applicant shall return the sidewalk to its original, pre-license condition; and
12. The City retains the right to revoke the sidewalk use license (SUL2019-101) at any time and for any reason. In the event the City exercises this right, a 60-day notice of closure will be issued. Within 60-days from the date on the notice, the sidewalk café

area must be restored to its original condition, free of any items or features installed on the subject sidewalk area as part of this license; and

EXHIBITS

1. Application
2. Site Plan
3. Liability Insurance
4. Maps
5. Notices & Affidavits
6. RMC Chapter 5.14 – Sidewalk Use Licenses
7. Site Photos & Maps

ATTACHMENT A
(SUL2019-101)

SUPPLEMENTAL INFORMATION

PROPOSED DEVELOPMENT

Kagen Coffee & Crepes proposes to operate an outdoor sidewalk café adjacent to their business located at 270 Williams Blvd. The proposed café would be located adjacent to the southerly and westerly exterior walls of their business, which is a corner tenant space. Placement of the eight (8) proposed tables provides over four (4) feet of walkway remaining for patrons to pass without unusual maneuvering.

The applicant requests license approval for placement of eight outdoor picnic-bench-style tables on the walkway immediately adjacent to the exterior walls of their corner tenant space addressed 270 Williams Blvd.

SPECIFIC CODE REQUIREMENTS

In 2009, the City adopted sidewalk use license regulations. This code provides a licensing requirement for the use of public sidewalks. Cafes, including those serving alcohol, are among the list of uses permitted through the licensing regulations. The code includes specific requirements for insurance, requires that the applicant enter into a hold harmless agreement with the City and provides specific standards of operation. The code specifies that the Planning Commission will hold a public hearing and decide certain categories of sidewalk use licenses, including those that involve sidewalk cafes. A complete copy of the sidewalk use regulations is attached herein as Exhibit X.

SITE DATA

The setting for sidewalk cafés typically involves a café placed on a street-side sidewalk in front of a restaurant, café or tavern. The location and circumstances surrounding this proposal are somewhat different in that the “sidewalk” here belongs to the 15-acre parcel surrounding the buildings in the Uptown Mall. Because this 15-acre parcel is owned and maintained by the City, it qualifies as “public” property; therefore triggering the need for a sidewalk use license. The subject walkway is approximately 18-feet-wide with the exception of the corner where the walkway widens. A bear statue occupies the walkway bulb at the corner.

Size: The subject site, a corner tenant space, includes approximately 100 feet of frontage along the 18-foot-wide public sidewalk adjacent to exterior building walls.

Physical features: Portions of the sidewalk proposed for the sidewalk café are level. The walkway is 18-feet-wide. Tables are placed such that pedestrians may pass freely on either side of them, as illustrated in the site photos (Exhibit 7).

SURROUNDING ZONING AND LAND USE

The Uptown Mall is zoned CBD – Central Business District. Considering the café site is centrally located within the Uptown Mall, all that surrounds the café site is also zoned CBD.

The stated purpose of the CBD zone is to encourage the transformation of the area from principally a strip commercial auto-oriented neighborhood to a more compact development pattern. RMC Section 23.22.010 states in pertinent part:

“The Central Business District is envisioned to become a center for housing, employment, shopping, recreation, professional service and culture. The uses and development pattern will be integrated and complementary to create a lively and self-supporting district. Medium rise buildings will be anchored by pedestrian oriented storefronts on the ground floor with other uses including housing on upper floors. Projects will be well designed and include quality building materials. Appropriate private development will be encouraged via public investments in the streetscape and through reduction in off-street parking standards. Uses shall generally be conducted completely within an enclosed building, except that outdoor seating for cafes, restaurants, and similar uses and outdoor product display is encouraged. Buildings shall be oriented to the fronting street or accessway, to promote a sense of enclosure and continuity along the street or accessway.”

ANALYSIS

The City adopted sidewalk use regulations in 2009 in part to provide for sidewalk uses that would increase public use, enjoyment and safety of public spaces. Sidewalk cafes can be a great way to encourage walking, add vitality to the street, and promote local economic development. The location of the site within the CBD zone is consistent with the proposed use as well. Outdoor seating for cafés, restaurants and similar uses is specifically encouraged within the purpose statement of the zone. Informal outdoor seating areas are already in place on some of the adjacent businesses. It appears that the sidewalk use regulations are working as originally anticipated, adding activity and vitality to the street frontages in the District. The proposed outdoor café application will bolster the intended atmosphere.

Placement of the proposed outdoor seating will not obstruct normal pedestrian passage by Kagen’s tenant space. No items other than the table/benches will be placed on the sidewalk area.

The standards contained within the City sidewalk use regulations have been satisfied, provided the recommended conditions are followed.

SUMMARY

The application for use of a public sidewalk for a sidewalk café is consistent with the City's goals and purpose of the CBD zone and should be approved subject to compliance with all applicable standards contained in the City's sidewalk use regulations and conditions contained herein. Furthermore, due to the Uptown Mall's structural location which is far setback from surrounding roadways and other parcels, Planning staff anticipates the proposed café will have no adverse impacts on neighboring properties.



Sidewalk Use License Application

Project Information		
Name of Project (if applicable): <i>Hagen Coffee and Crepes</i>		
Project Site Address: <i>270 Williams Blvd. Richland WA 99354</i>		
Parcel Number: <i>1-0298-302-0708-001</i>		
Owner		
Name: <i>Warren Mark Luke</i>		
Address: <i>3310 W 10th Ave, Kennewick, WA 99336</i>		
Phone: <i>509-783-2688</i>	Fax:	Email:
Applicant		
Name: <i>Hagen Cox</i>		
Address: <i>1519 Johnston Ave Richland WA 99354</i>		
Phone: <i>509-851-3834</i>	Fax:	Email: <i>Hagen.Cox@gmail.com</i>
Contact		
Name: <i>Same as applicant</i>		
Address:		
Phone:	Fax:	Email:
Proposed Project Description: Please provide a brief description of the proposed sidewalk use including the desired space to be used, modifications to city infrastructure, equipment and/or furniture proposed, days and hours of operation, and any light or noise impacts that will be associated with the proposal. Use an additional sheet of paper if necessary: <i>7am-6pm 7day a week, outside seating etc</i>		

Zoning Designation: CBD

Adjacent Land Uses (be specific including business names):

North:

South:

East:

West:

Check all that apply:

☐ Liquor will be served at a sidewalk café.

A liquor license must be obtained from the State of Washington that contemplates the sidewalk use area before a license may be issued by the City. Please attach: A private insurance policy naming the City as an additional insured and a hold harmless agreement are required for the duration of the license (see requirements below).

☒ Food and beverages will be served at a sidewalk café or vending cart.

A food and beverage license must be obtained from the Benton County Health Department that contemplates the sidewalk use area before a license may be issued by the City. Please attach: A private insurance policy naming the City as an additional insured and a hold harmless agreement are required for the duration of the license (see requirements below).

☒ The sidewalk or other City infrastructure will be modified.

A surety instrument may be required to ensure the return of City infrastructure to original, pre-license condition at the termination of the sidewalk use depending on the extent of modification proposed to City infrastructure. A private insurance policy naming the City as an additional insured and a hold harmless agreement are required for the duration of the license (see requirements below).

☐ The City airspace will be used for signage, building elements, canopies, awnings, flags, or other private facilities.

Any proposed signage that is on or above City sidewalks, property or right of way must concurrently apply for a sign permit. A sidewalk use license will not be issued until the associated sign permit is authorized. A private insurance policy naming the City as an additional insured and a hold harmless agreement are required for the duration of the license (see requirements below).

☐ Other, please describe.

Insurance Required

The licensee shall procure and maintain for the duration of the license and for 30 days following termination of the license, 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 the licensee, their agents, representative, employees or subcontractors. Licensee's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

The licensee shall provide a Certificate of Insurance and an additional insured endorsement page (s) evidencing: Commercial General Liability insurance written on an ISO occurrence basis for CG00 01 and shall cover liability arising from premises, operations, property damage, independent contractors and personal injury and advertising injury, with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate. The City shall be named as an additional insured on the insurance policy with respect to work performed by or on behalf of the Licensee and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance prior to issuance of the sidewalk use license. The Licensee's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

The Licensee's insurance shall be primary insurance with respect to the City and the City shall be given at least thirty (30) days prior written notice of a cancellation, suspension or material change in coverage.

Any payment of deductible or self-insured retention shall be the sole responsibility of the licenses.

This certificate must be submitted along with an original copy of the endorsement naming the City as an additional insured and be acceptable to the City prior to issuance of the sidewalk use license.

Hold Harmless Agreement Required

Licensee (applicant) 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 in connection with, their performance under this license, except for injuries and damages caused by the sole negligence of the City. Should a court of competent jurisdiction determine that this license is subject to RCW 4.24.225, 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 licensee and the City, its officers, officials, employee's, and volunteers, the licensee's hereunder shall be only to the extent of the liabilities negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the licensee's waiver of immunity under industrial insurance, Title 51 RCW, solely for the purposes of this indemnification. The provisions of this section shall survive the expiration or termination of this license.

The parties mutually agreed upon this waiver. This indemnity provision shall not apply in the event any acts or omissions of the City were the sole cause of any such damage or injury. To the extent any of the damages referenced herein were caused by or resulted from the concurrent negligence of the City, its agents or employees and the licensee, its officers, or employees and the licensee, its officers, or employees and the licensee, its officers, agents, and employees, this obligation to indemnify, defend and hold harmless is valid and enforceable only to the extent of the negligence of the licensee, its officers, agents, and employees.

No vested rights. It is understood and agreed by the licensee that the permission to occupy the above described public place hereby contemplated is wholly of a temporary nature, vests no permanent rights whatsoever, and that upon thirty (30) days' notice, posted on the premises, or by publication in the official newspaper, or without such notice, in case such use or occupation shall become dangerous or such structure shall become unsecured or unsafe, or shall not be constructed, maintained or used in accordance with the approved conditions of approval, the same may be revoked and the structures and obstructions ordered removed.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of the Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Ihagen Cox

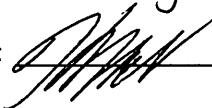
Applicant Signature:  Date 7/17/19

Exhibit 2



outside Seating  = Picnic Tables, can seat up to
48 people outside
6 per Table



CERTIFICATE OF LIABILITY INSURANCE

Exhibit 3

DATE (MM/DD/YYYY)
07/17/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER JPI INSURANCE SOLUTIONS 8927 W TUCANNON AVE STE 102 KENNEWICK, WA 99336 (888) 661-3938	CONTACT NAME: PHONE (A/C, No, Ext): (888) 661-3938 FAX (A/C, No): (877) 872-7604 E-MAIL ADDRESS: service.center@travelers.com	
	INSURER(S) AFFORDING COVERAGE INSURER A: TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
INSURED THE CREPE SHOP LLC KAGEN COFFEE & CREPES THE HOT MESS BAKER 270 WILLIAMS BLVD RICHLAND, WA 99354	NAIC #	

COVERAGES

CERTIFICATE NUMBER: 936340427081891

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:	X		680-3K897898-18	11/27/2018	11/27/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY			BA-9K646586-18	11/27/2018	11/27/2019	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

AS RESPECTS TO GENERAL LIABILITY, CERTIFICATE HOLDER IS ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION, CG T4 91 WITH RESPECTS TO: JOHN DAM PLAZA

CERTIFICATE HOLDER

CITY OF RICHLAND 505 SWIFT BLVD RICHLAND, WA 99352	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Misty Kuckelman</i>
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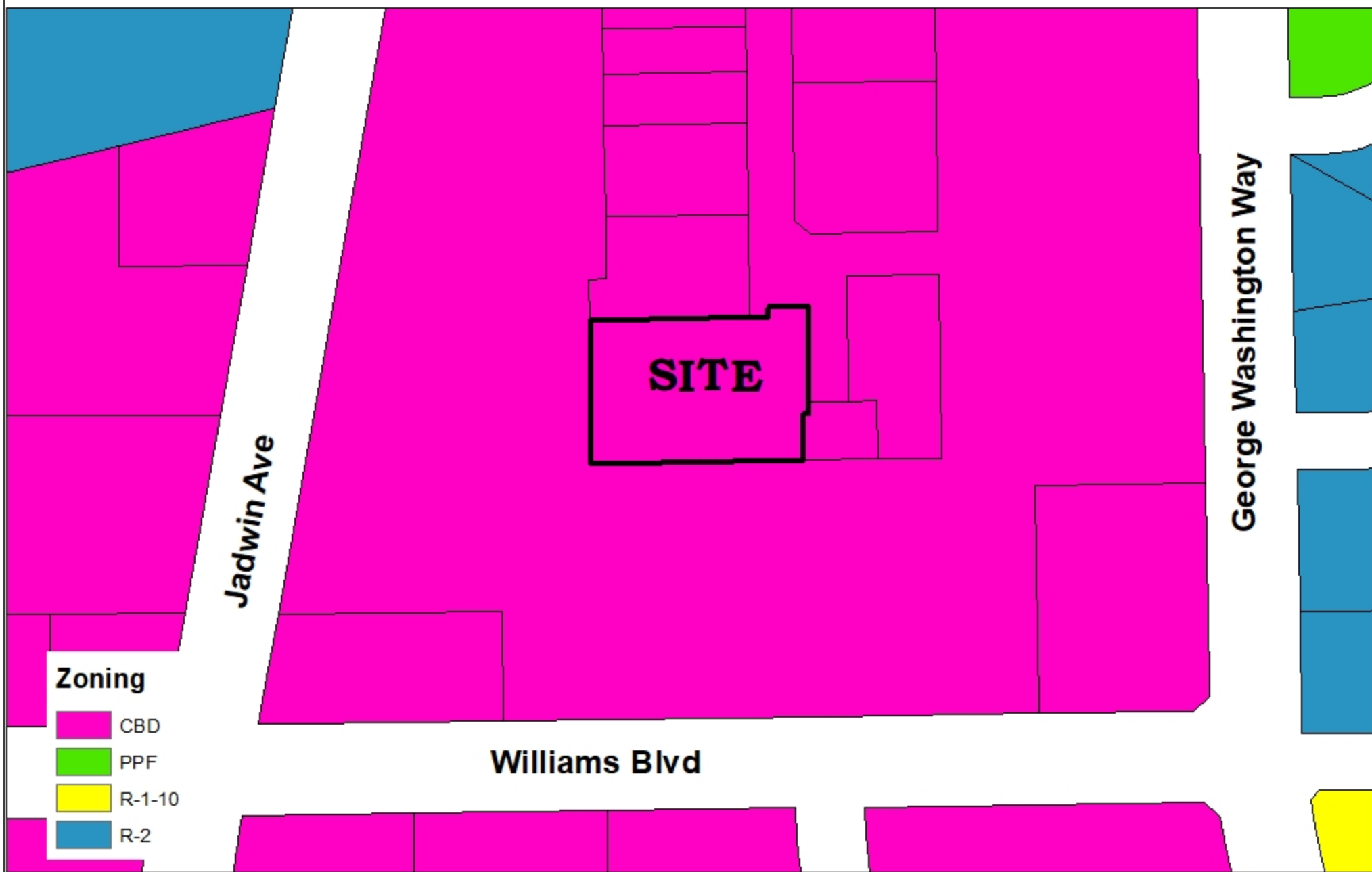
Vicinity Map

Item: Sidewalk Use License - Kagen Coffee
Applicant: Kagen Cox
File #: SUL2019-101



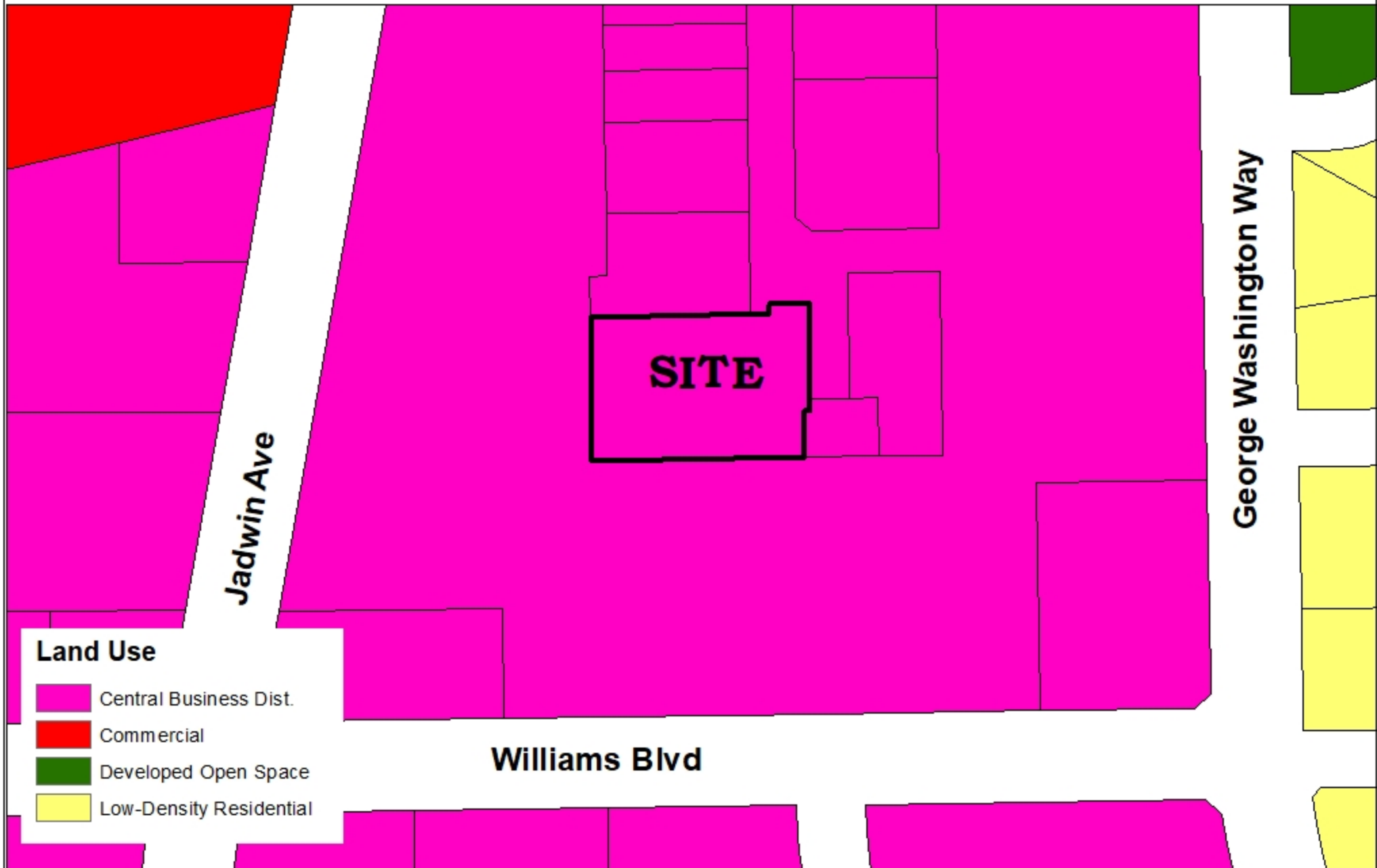
Zoning Map

Item: Sidewalk Use License - Kagen Coffee
Applicant: Kagen Cox
File #: SUL2019-101



Land Use Map

Item: Sidewalk Use License - Kagen Coffee
Applicant: Kagen Cox
File #: SUL2019-101





CITY OF RICHLAND NOTICE OF APPLICATION & PUBLIC HEARING (SUL2019-101)

Notice is hereby given that Kagen Cox has applied for a sidewalk use license to operate an outdoor sidewalk café adjacent to Kagen Coffee & Crepes. The property, addressed 270 Williams Blvd., is located in the Uptown Mall, which lies between George Washington Way and Jadwin Avenue, north of Williams Blvd. and south of Symons Street.

A public hearing on the proposed sidewalk use license will be held before the Planning Commission on Wednesday, September 25, 2019 at 6:00 pm in the Council Chambers, 625 Swift Blvd., Richland WA 99352. Application materials are available to the public and can be viewed at www.ci.richland.wa.us.

Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Shane O'Neill, Senior Planner, 625 Swift Blvd., Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to soneill@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, September 16, 2019 to be incorporated into the staff report. Comments received after that date will be entered into the record during the hearing.

Vicinity Map

Item: Sidewalk Use License - Kagen Coffee
Applicant: Kagen Cox
File #: SUL2019-101



AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Shane O'Neill**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.

2. On the 9th day of September, 2019, I posted the attached NOTICE OF PUBLIC HEARING, File Number SUL2019-101 on the property addressed 270 Williams Blvd in Richland WA:

PIN # 1-02983020708001



Print Name: Shane O'Neill

SIGNED AND SWORN to before me this 9th day of September, 2019 by Briana Ghbein.



Signature of Notary

Briana Ghbein

Printed Name

Notary Public in and for the State of Washington,

Residing ^{at} 125 Swift Blvd, Richland

My appointment expires: 4-25-23

AFFIDAVIT OF POSTING - 1

SUL2019-101
Kagen Coffee & Crepes Sidewalk Use License

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

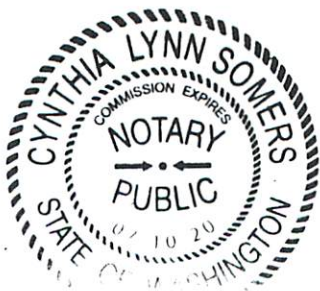
COMES NOW, Briana Ghbein, who, being first duly sworn upon oath deposes and says:

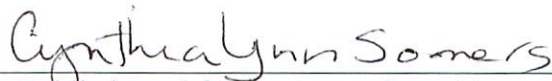
1. I am an employee in the Planning & Development Department for the City of Richland.

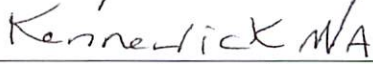
2. On the 9th day of September, 2019, I mailed a copy of the attached NOTICE OF APPLICATION AND PUBLIC HEARING (SUL2019-101) to the attached list of individuals via regular USPS on the date indicated above. The Notice of Application is for a Sidewalk Use License (SUL2019-101) on behalf of Kagen Cox to operate an outdoor sidewalk café adjacent to his restaurant, Kagen Coffee & Crepes, at 270 Williams Blvd. The property is located in the Uptown Mall, which lies between George Washington Way and Jadwin Ave, north of Williams Blvd, and south of Symons St. The Planning Commission will conduct a public hearing and review of the application on September 25, 2019 in the Richland City Council Chambers, 625 Swift Boulevard.


Signed: Briana Ghbein

SIGNED AND SWORN to before me this 9th day of September, 2019 by Cynthia L. Somers.




Notary Public in and for the State of Washington,


Print Name
Residing at 
My appointment expires: 

Owner	Mail Address	City	State	Zip
DRIVER DOUGLAS D & VALERIE	3074 BLUFFS DR	RICHLAND	WA	99354-2299
JCLTG LLC	325 HANFORD ST	RICHLAND	WA	99354
LUKE WARREN K	3310 W 10TH AVE	KENNEWICK	WA	99336-4634

Please publish the following:

Type of Legal Ad:	Public Hearing Notice
Date(s) of Publication:	Sunday, September 15, 2019
Richland's TCH Account:	
450543	
For Invoice Text Box on TCH Invoice	PC PHN – SUL2019-01
(Richland GEMS Description)	
For PO Box on TCH Invoice	001-301-0074-558600-4401
(Richland Account No.)	
Attention:	Jana Duncan (TF)

**CITY OF RICHLAND
NOTICE OF APPLICATION AND PUBLIC HEARING**

The Richland Planning Commission will conduct a public hearing on Wednesday, September 25, 2019 at 6:00 p.m. in the Council Chamber, Richland City Hall, 625 Swift Boulevard, Richland, Washington. The purposes of the hearing is to receive comments from interested individuals on the Sidewalk Use License application (SUL2019-101) submitted by Kagen Cox, owner of Kagen Coffee & Crepes.

Application materials are available for review on the City's website at www.ci.richland.wa.us under Pending Land Use Actions. Comments may be emailed to soneill@ci.richland.wa.us or mailed to Shane O'Neill, Senior Planner, 625 Swift Blvd MS-35, Richland, WA 99352. Written comments should be received no later than 5:00 p.m., Monday, September 16, 2019 to be incorporated into the staff report. Comments received after 5:00 p.m. on Monday, September 16, 2019 will be entered into the record during the hearing.

For information regarding this issue, contact Shane O'Neill, Senior Planner, at 509-942-7587 or by email at soneill@ci.richland.wa.us.

Chapter 5.14 SIDEWALK USE LICENSE

Sections:

- 5.14.010 Definitions.**
- 5.14.020 License required.**
- 5.14.030 Application.**
- 5.14.040 Uses allowed.**
- 5.14.050 Terms and conditions.**
- 5.14.060 Liquor.**
- 5.14.070 Public hearing required for sidewalk use license.**
- 5.14.080 Return of sidewalk to original condition.**
- 5.14.090 Release of liability, surety and insurance.**
- 5.14.100 Sidewalk condition.**
- 5.14.110 Vested rights not created.**
- 5.14.120 Compensation.**
- 5.14.130 Design and placement standards.**

5.14.010 Definitions.

“Air space” means the vertical area above city sidewalks or right-of-way that is projected upon by private signs, building elements, canopies, awnings, flags, banners, antennas, or overhead pedestrian walkways.

“Allowed merchandise” are products permitted for sale in the adjoining zoning district.

“Decoration” refers to privately owned objects placed on city-owned sidewalks including, but not limited to, seasonal ornament displays, lighting, flags, landscape planters and artwork.

“Merchandise display” means to place objects for sale by an adjoining, licensed business operating on private property on a city-owned sidewalk.

“Newsstands and mail services” are facilities intended to distribute newspapers, magazines and other literature or other facilities providing mail and package drop-off services.

“Sidewalk cafe” means an open-air seating area on a public sidewalk provided by an eating or drinking establishment located on the adjoining property and delineated by a fixed, semi-permanent enclosure such as a rail, wall or other partition.

“Sidewalk furniture” means any temporary and unaffixed improvements used as seating, tables, weather protection, or signage.

“Surety instrument” means a performance bond supplied by a licensee to guarantee the return of city property in an original, prelicense condition.

“Vending cart” is a nonmotorized cart used to prepare, store and sell food products. [Ord. 09-09].

5.14.020 License required.

The community development department will issue licenses for limited use of the city’s sidewalks and airspace. It shall be unlawful to utilize city sidewalks and rights-of-way, and air space over the sidewalks and rights-of-way, without a license. Decoration, merchandise display, sidewalk furniture, newsstands and mail services are not subject to the license requirement but remain subject to the remaining standards of this chapter. [Ord. 09-09].

5.14.030 Application.

An application for a sidewalk use license shall be made available from the community development department. A completed application including all necessary supporting plans and diagrams will initiate a maximum 60-day review period. There will be a \$200.00 fee for the license. [Ord. 09-09].

5.14.040 Uses allowed.

Subject to the conditions and limitations set forth in this chapter, the city will allow use of city-owned sidewalks or fee simple public property, by property or business owners for newsstands and mail services and by adjoining property or business owners for merchandise display, decoration, sidewalk cafes, sidewalk furniture, vending carts, and air space intrusions. In no circumstance will uses or encroachments be allowed within right-of-way or fee simple property utilized by vehicular traffic. [Ord. 09-09].

5.14.050 Terms and conditions.

- A. The community development department may issue a sidewalk use license only if:
1. The applicant is the owner of the adjoining property or business or is a designated representative, except for newsstands and mail service applications;
 2. The proposed use would not unduly and unreasonably impair passage to and from by the public on the sidewalk for which the license is sought and is consistent with the design standards contained herein; and
 3. Proposed sidewalk cafe users obtain an approved food-service establishment permit issued by the Benton-Franklin health department and a liquor license by the State of Washington Liquor Control Board, if applicable, and that said permits include the sidewalk use area, prior to issuance of a sidewalk use license.
- B. The community development department may include in the license such terms and conditions as the department may deem appropriate to satisfy applicable local, state and federal standards in addition to: general compatibility of the proposed sidewalk with the existing neighborhood, special events, and public access, high visual quality; and facilitation of a harmonious relationship between the public and private sectors. Conditions attached to a license approval may include, but are not limited to, the following:
1. Restrictions as to the number and placement of tables and chairs and as to the hours and dates of use;
 2. Provisions that the licensee shall maintain the adjoining sidewalk in a clean and safe condition for pedestrian travel;
 3. A requirement that the licensee clear the sidewalk as may be reasonably necessary to accommodate deliveries to adjacent or other nearby properties;
 4. Regulations upon lighting and illumination of the sidewalk cafe; limitations upon noise; and restrictions upon the placement of equipment;
 5. The prompt repair of damaged or failing improvements that present a safety risk to the public;
 6. Collection of indemnity documentation, insurance, and/or surety instruments as contained herein;

7. Duration of the license and renewal procedure;
8. A requirement that furniture, equipment, and other appurtenances related to sidewalk uses remain clean, in good repair and sightly.

C. Unless expressly authorized by the city no pavement shall be broken, no sidewalk surface disturbed, and no permanent fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk use.

D. The community development department may suspend or revoke the permission granted if an applicant violates this title, any implementing rules, or the terms and conditions of the permit not sooner than 10 calendar days following written notice of intent to suspend or revoke the license. Suspension or revocation of a sidewalk use license is appealable to the city manager consistent with RMC [5.04.560](#). [Ord. 09-09].

5.14.060 Liquor.

Liquor, as defined in RCW [66.04.010](#)(16), as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both the sidewalk use permit and provided for in this chapter and by permit of the Washington State Liquor Control Board, and not otherwise. [Ord. 09-09].

5.14.070 Public hearing required for sidewalk use license.

Proposed sidewalk cafes and use of public air space shall require a public hearing. Notice of public hearing shall be published at least once in the official newspaper of the city. In addition, written notice shall be mailed to the owner or owners of the property involved, and to all property owners of record within a radius of 300 feet of subject property pursuant to a title insurance company report required by RMC [23.70.190](#). Both published and mailed notices shall be given at least 10 days in advance of the public hearing. The notice of hearing shall also be affixed to the property to be clearly seen from the proposed sidewalk use area at least 10 days in advance of the public hearing.

The notice of a public hearing required in this chapter shall at a minimum contain: the name of the applicant; the nature of the proposed use including a diagram clearly delineating the sidewalk, pedestrian circulation, proposed outdoor seating area, any fence, wall or partition wall, any proposed overhead projections into the city's air space, and adjoining buildings; and description of the affected property, which may be in the form of either a vicinity map or written description, reasonably sufficient to inform the public of its location; the date, time and place of the hearing; a statement that all interested persons may appear and provide testimony and the location where information may be examined prior to the hearing.

The planning commission shall conduct an open record public hearing and shall issue a decision by a recorded motion, which shall incorporate the findings of fact of the commission and the reasons for its action; and the motion shall refer expressly to the maps, description and other matters intended by the commission to constitute approval. The planning commission's findings of fact shall be based on: general compatibility of the proposed sidewalk use with the existing neighborhood, special events and pedestrian access; coordination with state and local regulations for liquor consumption and food

establishments, and assurance that the public is protected via appropriate insurance and surety instruments.

Any sidewalk use license decision made by the planning commission shall be subject to appeal to the city council. [Ord. 09-09].

5.14.080 Return of sidewalk to original condition.

The licensee shall return the sidewalk to original, prelicense condition at no cost to the city at the time a license expires or the sidewalk use ceases. [Ord. 09-09].

5.14.090 Release of liability, surety and insurance.

A. Release of Liability. All persons utilizing the city sidewalk for air space, sidewalk cafe, and/or vending carts shall release the city from liability on a form available from the community development department in writing and acknowledged by the applicant, to hold and save the city free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk use. In addition, such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon 30 days' notice, posted on the premises, or by publication in the official newspaper of the city, or without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this title, the same may be revoked and the improvements shall be removed by the licensee immediately or by the city using associated surety instrument, if any, at the discretion of the community development director or designee.

B. Surety Instrument. Certain sidewalk uses will require the licensee to post a surety bond to ensure the return of the sidewalk to an original, prelicense condition.

C. Insurance. Sidewalk cafes shall in addition to releasing liability and providing a surety instrument also extend private commercial building insurance to include the sidewalk use area allowed in an associated license and name the city of Richland as an additional insured and provide \$1,000,000 of accident coverage per incident. Said insurance shall include a provision prohibiting cancellation or reduction in coverage of policy except upon 30 days' prior written notice to the city. The amount of insurance coverage may be adjusted annually by the city and notice of such adjustment shall be given in writing to the licensee. A sidewalk use license for a sidewalk cafe will be revoked if the necessary private insurance does not remain in full effect.

The community development director shall require such release of liability, license, surety instrument and/or private insurance as follows (Y = yes and N = no):

Type of Use	Release of Liability	License Required	Surety Instrument	Private Insurance	Public Hearing
Air Space	Y	Y	N	Y	Y
Decoration	N	N	N	N	N
Newsstand and Mail Services	N	N	N	N	N

Type of Use	Release of Liability	License Required	Surety Instrument	Private Insurance	Public Hearing
Merchandise Display	N	N	N	N	N
Sidewalk Cafe	Y	Y	Y*	Y	Y
Sidewalk Furniture	N	N	N	N	N
Vending Cart	Y	Y	N	Y	N

* If substantial modifications are made to city property, that are undesirable if the use ceases. Surety instrument, if required, shall be 115 percent of the estimated cost to revert the improvement to a prelicense, original condition as determined by the city engineer.

5.14.100 Sidewalk condition.

The applicant shall comply with the terms and conditions of the sidewalk use license issued and maintain the sidewalk clean and free of debris, refuse, stains, and in a safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the community development director or other appropriate city officer such as the chief of police or fire chief or their authorized representatives for matters of public safety, health and welfare.

5.14.110 Vested rights not created.

The grant of sidewalk uses pursuant to this chapter shall be subject always to the city's ownership of the right-of-way and the public health, safety, convenience and necessity. Grant of a sidewalk use shall not constitute a street vacation. No vested rights shall be created by grant of any sidewalk use. Such limitation shall be prominently displayed on all permits issued pursuant to this chapter.

5.14.120 Compensation.

Authorized sidewalk uses benefit the public by offering an active and pleasing streetscape environment and no compensation is therefore required.

5.14.130 Design and placement standards.

A. Exceptions. Sidewalk uses are expected to meet these design standards except in cases where special accommodation is made by the city via contract, special event permit, or other approval.

B. Pedestrian Clear Area. Sidewalk uses shall be placed so as to maintain at least five feet in width of unobstructed pedestrian travel and no more than 30-degree changes of direction around uses. The pedestrian clear area does not include the radius for the door openings of buildings.

C. Separation from Curb. Sidewalk uses may be placed adjacent to buildings and not closer than two feet from the curb and shall accommodate the pedestrian clear area. In all cases, the intersection sight distance, as required in Chapter [12.11](#) RMC, shall be met.

D. Fencing. Unless otherwise determined by the community development director, any containment of outdoor cafes shall be limited to 36 inches high maximum and shall allow at least 50 percent visibility.

E. Overhead Use of City Airspace. No projection of private building elements, signage, antennas, flags, banners, awnings, canopies, or overhead pedestrian walkways shall occur lower than 10 feet as measured vertically from sidewalk grade and shall meet Washington State Department of Transportation clearance standards for particular street classifications.

F. Allowable Sidewalk Use Area. Only portions of the sidewalk that directly adjoin a property for which a license is sought are eligible for use, except sidewalks used for newsstands and mail services.

G. Any vending cart shall be removed from the city right-of-way daily.

H. Newsstands and mail delivery services shall not: impair loading; hinder egress from parked vehicles; open toward the roadway if located on the curbside of the sidewalk; obscure signage; be fastened to any public utility poles, signs or equipment; contain advertising other than that which relates exclusively to the publication sold or distributed; or be used for purposes other than the sale and distribution of such publications.

Looking West



West Building Wall



Looking South



Looking North



Looking North



Looking East



Looking East





PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 9/25/2019

Agenda Category: New Business – Public Hearing

Prepared By: Mike Stevens, Planning Manager

Subject:

Proposed Amendment to RMC 22.10.400 - Critical Areas Density Transfer

Request:

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Core Focus Area 4 - Manage our Natural Resources

Recommended Motion:

Staff recommends that the Planning Commission recommend approval of the proposed text amendments to City Council.

Summary:

RMC 22.10.400 - Critical Areas Density Transfer Code Amendment

Staff is proposing to amend Sections 22.10.400 and 22.10.405 pertaining to density transfer regarding critical areas. The existing code allows for various interpretations which could ultimately result in a de-fact zone change, which is contrary to state law.

Attachments:

1. Draft RMC - Density Transfer
2. CA2019-102 Full Staff Report

22.10.400 On-site density transfer for critical areas.

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

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

1. The basis for the density transfer will be an actual site plan for the site or property as if it did not have the critical area, subject to the provisions of the underlying zoning classification, applicable setbacks, and other standards of the city code or other land development regulations.
2. Based on the above site plan, a portion of the density that could be achieved on the critical portion and associated buffer or setback of the site can be transferred to the nonsensitive portion of the site. The following chart indicates the amount of density that can be transferred, based on the degree of sensitivity of the critical area:

Category of Critical Area	Percent of Density on Critical Area That May Be Transferred on Site
Category I and II Wetlands	25%
High and Very High Geologically Hazardous Area	25%
Seismic Hazard	25%
Category III and IV Wetlands	100%
Low and Medium Geologically Hazardous Area	100%

3. ~~In~~ **When** transferring the density from the critical portion of the site and its associated buffer or setback to the nonsensitive portion of the site, the **overall** density of the nonsensitive portion of the site may be increased **provided the additional density does not exceed what would be allowed by the next zoning classification up to the equivalent next density classification.** ~~However, in~~ In the case of the highest density multifamily zoning classifications, the density may not be increased beyond the current density.

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

5. The nonwetland portion of the site is subject to the ~~density limitations of the new density zoning classification, and to applicable setbacks,~~ **lot size and setback requirements of the next zoning classification.** **Land uses** and other standards of the city code or other land development regulations **shall continue to apply as per the existing zoning classification.**

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

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

D. The fact that development rights have been sold or received, and all related conditions, will be recorded, in a form acceptable to the city attorney, to become a part of the deed of the “sending” and “receiving” properties. [Ord. 48-93; Ord. 45-00; Ord. 23-01; Ord. 28-05 § 1.10; Ord. 40-17 § 1; Ord. 40-17A § 1. Formerly 22.10.340].

22.10.405 Density bonus for increased buffers.

A. An owner of a residential site or property containing critical areas who chooses to increase the buffers adjacent to a wetland or wildlife habitat area beyond the minimums required under this title shall be permitted to increase the

density on the portion of the site that lies outside of a critical area or its required buffer. The amount of density bonus shall be based on the amount of additional buffer lands provided, through a calculation of the area of the additional buffer and/or wildlife corridor proposed on site, expressed as a percentage of the total site area, exclusive of the total wetland, wetland buffer area and/or wildlife corridor as required under the provisions of this chapter. This percentage can then be doubled and applied to the total number of units located within the noncritical area portion of the site to determine the allowed density increase.

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

B. In order to qualify for a density bonus:

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

C. ~~In~~ **When** transferring the density from the critical portion of the site and its associated buffer or setback to the nonsensitive portion of the site, the **overall** density of the nonsensitive portion of the site may be increased **provided the additional density does not exceed what would be allowed by the next zoning classification up to the equivalent next density classification.** ~~However, if~~ In the case of the highest density multifamily zoning classifications, the density may not be increased beyond the current density.

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: CA2019-102

PREPARED BY: MIKE STEVENS
MEETING DATE: Sept. 25, 2019

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND CA2019-102

REQUEST: TEXT AMENDMENTS TO RMC TITLE 22, SUBSECTION 22.10.400 AND SUBSECTION 22.10.405 PERTAINING TO ON-SITE DENSITY TRANSFER FOR CRITICAL AREAS AND FOR DENSITY BONUSES FOR INCREASED CRITICAL AREA BUFFERS.

LOCATION: CITYWIDE

REASON FOR REQUEST

In order to clarify existing language and to ensure that incompatible land uses do not occur as a result of a “de-fact” zone change.

ANALYSIS

Staff has completed its review of the proposed amendments to the city’s code governing on-site density transfers for critical areas and for increased critical area buffers and submits that:

PUBLIC NOTICE/ COMMENTS

Notice of the proposed amendment was provided to local and state agencies. Notice was also published in the Tri-Cities Herald, posted at 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.

No substantive comments were received from the public and/or other governmental entities.

SEPA

The City of Richland has utilized the Optional DNS Process as outlined in WAC 197-11-355. The end of the public comment period was Tuesday, September 17, 2019. Any comments received as of the close of business September 17, 2019 have been provided as an attachment to this report. The City of Richland issued a Determination of Non-Significance (DNS) for the proposal on September 18, 2019.

FINDINGS OF FACT

1. The City of Richland is proposing to amend Title 22, Subsection 22.10.400 and Subsection 22.10.405 pertaining to on-site density transfer for critical areas and for density bonuses for increased critical area buffers.
2. The purpose of the amendments to Title 22 is to ensure that incompatible land uses do not occur as a result of a “de-facto” zone change.
3. The City’s existing code is difficult to administer and leaves room for interpretation which could result in incompatible land uses being placed next to each other.
4. 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.
5. No substantive comments were received from the public and/or other governmental entities.
6. The Washington State Department of Commerce granted Expedited Review for the proposed amendments on September 9, 2019.
7. The City issued a SEPA Threshold Determination of Non-Significance on September 18, 2019.
8. The City of Richland utilized the Optional DNS Process as outlined in WAC 197-11-355. The end of the public comment period was Tuesday, September 17, 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 amendment to the City Council.
2. The proposed code amendment is 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 (CA2019-102) and recommend to the City Council adoption of the proposed code amendments to RMC Title 22, Subsection 22.10.400 and Subsection 22.10.405 pertaining to on-site density transfer for critical areas and for density bonuses for increased critical area buffers.

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 Title 22, Subsection 22.10.400 and Subsection 22.10.405 of the

Richland Municipal Code, as contained in the attached Draft Code Amendments (Exhibit 2) based upon the above listed Findings of Fact and Conclusions of Law.

EXHIBITS

1. Application Materials
2. Draft Code Amendments
3. SEPA DNS & SEPA Checklist
4. Department of Commerce Notice and Expedited Review Approval
5. Public Notice



Code Amendment Application (Non-Zoning)

Note: A Pre-Application meeting is required prior to submittal of an application**APPLICANT**☐ Contact Person

Company: City of Richland

UBI#

Contact: Shane O'Neill

Address: 505 Swift Blvd. MS-35

Phone: 509-942-7587

Email: soneill@ci.richland.wa.us

DESCRIPTION OF PROPOSED AMENDMENT

Amend RMC 22.10.400 – On-site density transfer for critical areas.
Amend RMC 22.10.405 – Density bonus for increased buffers.

APPLICATION MUST INCLUDE:

1. Completed Application and Filing Fee
2. SEPA Checklist (if necessary)

ANSWER QUESTIONS AS COMPLETELY AS POSSIBLE

Section(s) of code proposed to be amended(include code citation):

RMC 22.10.400 – On-site density transfer for critical areas. Specifically, subsections B.3 & B.5. See attached.

RMC 22.10.405 – Density bonus for increased buffer. Specifically, subsection C. See attached.

Summary of requested code amendment(s):

Clarify that density transfer may allow an increase in density (including lot sizes and setbacks) of the next zoning classification, but that density transfer does not change the uses allowed from the existing zoning classification.

Reason(s) for code amendment(s):

The current code language is ambiguous and interpretation could lead to a de-facto zone change, which is contrary to the City's intent.

Is the proposed amendment consistent with the applicable provisions of the Comprehensive Plan? Is a Comprehensive Plan amendment necessary to implement the proposed amendment? **Yes, the proposed amendment is consistent with the current Comprehensive Plan as the proposed amendment is solely a re-wording of existing language. A Comprehensive Plan amendment is not necessary to implement the proposed code amendment.**

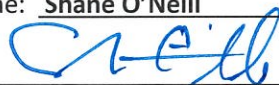
Does the proposed amendment bear a substantial relation to the public health, safety, welfare and protection of the environment? Please explain: **Yes, the proposed amendment helps to protect to the environment by offering a transfer of density from encumbered areas to areas that are suitable for development. The proposed amendment will also protect the public by not resulting in a de-facto zone change, which the current language could be interpreted to allow.**

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application. The information provided in this application contains no misstatement of fact.
2. I am an owner(s), authorized agent(s) of an owner(s), or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW, or I am exempt from the requirements of the Chapter 18.27 RCW.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Shane O'Neill

Applicant Signature: 

Date 8.22.19

Exhibit 2

ORDINANCE NO. XXX-XX

AN ORDINANCE of the City of Richland amending Section 22.10.400 and Section 22.10.405 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 eliminate conflict and ambiguity; and

WHEREAS, [REDACTED]; and

WHEREAS, [REDACTED]; and

WHEREAS, [REDACTED].

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

Section 1. Richland Municipal Code Chapter 22.10, entitled Critical Areas, first enacted by Ordinance No.48-93, and last amended by Ordinance No. 40-17A is hereby amended as follows:

22.10.400 On-site density transfer for critical areas.

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

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

1. The basis for the density transfer will be an actual site plan for the site or property as if it did not have the critical area, subject to the provisions of the underlying zoning classification, applicable setbacks, and other standards of the city code or other land development regulations.
2. Based on the above site plan, a portion of the density that could be achieved on the critical portion and associated buffer or setback of the site can be transferred to the nonsensitive portion of the site. The following chart indicates the amount of density that can be transferred, based on the degree of sensitivity of the critical area:

Category of Critical Area	Percent of Density on Critical Area That May Be Transferred on Site
Category I and II Wetlands	25%

Category of Critical Area	Percent of Density on Critical Area That May Be Transferred on Site
High and Very High Geologically Hazardous Area	25%
Seismic Hazard	25%
Category III and IV Wetlands	100%
Low and Medium Geologically Hazardous Area	100%

3. ~~In~~ When transferring the density from the critical portion of the site and its associated buffer or setback to the nonsensitive portion of the site, the overall density of the nonsensitive portion of the site may be ~~increased up to the equivalent next density classification, provided the additional density does not exceed what would be allowed by the next residential zoning classification.~~ ~~However, in~~ In the case of the highest density multifamily zoning classifications, the density may not be increased beyond the current density.

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

5. The nonwetland portion of the site is subject to the ~~density limitations of the new density zoning classification, and to applicable setbacks,~~ lot size and setback requirements of the next residential zoning classification. Land uses and other standards of the city code or other land development regulations shall continue to apply as per the existing zoning classification.

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

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

D. The fact that development rights have been sold or received, and all related conditions, will be recorded, in a form acceptable to the city attorney, to become a part of the deed of the “sending” and “receiving” properties. [Ord. 48-93; Ord. 45-00; Ord. 23-01; Ord. 28-05 § 1.10; Ord. 40-17 § 1; Ord. 40-17A § 1. Formerly 22.10.340].

22.10.405 Density bonus for increased buffers.

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

and/or wildlife corridor as required under the provisions of this chapter. This percentage can then be doubled and applied to the total number of units located within the noncritical area portion of the site to determine the allowed density increase.

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

B. In order to qualify for a density bonus:

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

C. ~~When~~ transferring the density from the critical portion of the site and its associated buffer or setback to the nonsensitive portion of the site, the overall density of the nonsensitive portion of the site may be increased provided the additional density does not exceed what would be allowed by the next residential zoning classification up to the equivalent next density classification. ~~However, in~~ in the case of the highest density multifamily zoning classifications, the density may not be increased beyond the current density.

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 XX day of Month, 20XX.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

DEBBY BARHAM, Deputy City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____

Exhibit 3



File No. EA2019-122

CITY OF RICHLAND **Determination of Non-Significance**

Description of Proposal: Text amendment to RMC Title 22, Subsection 22.10.400 and Subsection 22.10.405 pertaining to on-site density transfer for critical areas and for density bonuses for increased critical area buffers.

Proponent: City of Richland

Location of Proposal: City-Wide.

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.

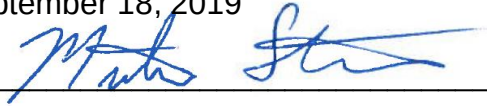
(X) This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Mike Stevens

Position/Title: Planning Manager

Address: 625 Swift Blvd., MS #35, Richland, WA 99352

Date: September 18, 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: [\[help\]](#)

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:

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: [\[help\]](#)

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 [\[help\]](#)

1. Name of proposed project, if applicable: **CA2019-102 Critical Areas Density Transfer**
2. Name of applicant: **Shane O'Neill, Senior Planner**
3. Address and phone number of applicant and contact person: **625 Swift Blvd., MS-35, Richland, WA 99352 (509) 942-7587**
4. Date checklist prepared: **August 21, 2019**

5. Agency requesting checklist: **City of Richland Development Services Dept.**
6. Proposed timing or schedule (including phasing, if applicable): **RMC Code Amendment – October/November 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, this is a stand-alone code amendment.**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **No additional environmental information is being prepared as a result of this proposed code amendment. Only clarification of existing language is intended.**
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 other governmental approvals are required.**
10. List any government approvals or permits that will be needed for your proposal, if known. **None.**
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.) **The proposal consists of text amendments to RMC 22.10.400 (B.3 & B.5) and RMC 22.10.405 (C). A copy of the proposed text amendments are included as an attachment.**
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. **The proposed code amendments would apply city-wide in areas that are encumbered by wetlands and wetland buffer areas provided certain criteria are met.**

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

- a. General description of the site: **Proposed text amendments would apply city-wide.**
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____
- b. What is the steepest slope on the site (approximate percent slope)? **Proposed text amendments would apply city-wide.**
- 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. **Varies. Proposed text amendments would apply city-wide.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity?
If so, describe. **Not applicable. Proposed text amendments would apply city-wide.**
- 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.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **Not applicable.**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **Not applicable.**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **Not applicable.**

2. Air Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

- 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.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **Not applicable.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **Not applicable.**

3. **Water** **Not applicable. This is a non-project related code amendment. All future sitespecific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

a. **Surface Water:** **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- 1) Is there any surface water body on or in the immediate vicinity of the site? **Not applicable.**
- 2) 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.**
- 3) 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.**
- 4) 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.**
- 5) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **Not applicable.**
- 6) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **Not applicable.**
- 7) 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.**

b. **Ground Water:** **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- 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.**
- 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.**

c. Water runoff (including stormwater): **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

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.**

2) Could waste materials enter ground or surface waters? If so, generally describe. **Not applicable.**

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **Not applicable.**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

4. Plants Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

a. Check the types of vegetation found on the site: **Not applicable. City-wide text amendment.**

____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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

c. List threatened and endangered species known to be on or near the site. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

e. List all noxious weeds and invasive species known to be on or near the site. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

5. Animals **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

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. Examples include: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

c. Is the site part of a migration route? If so, explain.
Yes, Richland is within the Pacific Fly Way.

d. Proposed measures to preserve or enhance wildlife, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

e. List any invasive animal species known to be on or near the site. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

6. Energy and natural resources **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

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. This is a non-project related code amendment.**

All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

7. Environmental health Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 1) Describe any known or possible contamination at the site from present or past uses. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 4) Describe special emergency services that might be required. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 5) Proposed measures to reduce or control environmental health hazards, if any: **Not applicable. This is a non-project related code amendment. All future site specific**

development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

b. **Noise** **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 3) Proposed measures to reduce or control noise impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

8. **Land and shoreline use** **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
 - 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

- c. Describe any structures on the site. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- d. Will any structures be demolished? If so, what? **_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- e. What is the current zoning classification of the site? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- f. What is the current comprehensive plan designation of the site? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- g. If applicable, what is the current shoreline master program designation of the site? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
- i. Approximately how many people would reside or work in the completed project? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
- j. Approximately how many people would the completed project displace? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: **Not applicable. This is a non-project related code**

amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

9. Housing **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- c. Proposed measures to reduce or control housing impacts, if any: **_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

10. Aesthetics **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- b. What views in the immediate vicinity would be altered or obstructed? **_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

11. Light and glare **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **_Not applicable. This is a non-project related code amendment. All future site specific**

development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.

- c. What existing off-site sources of light or glare may affect your proposal? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

12. Recreation Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.

- a. What designated and informal recreational opportunities are in the immediate vicinity? **_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

13. Historic and cultural preservation Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

14. Transportation **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

- 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. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- 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. This is a non-project related code**

amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**
- h. Proposed measures to reduce or control transportation impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

15. Public services **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179-11-800.**

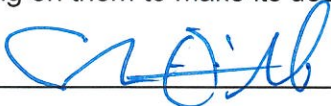
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

16. Utilities **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

- a. Circle utilities currently available at the site: [help] 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 179- 11-800.**

C. Signature [help]

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: 

Name of signee Shane O'Neill

Position and Agency/Organization Senior Planner, City of Richland Development Services Dept.

Date Submitted: _____

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS [\[help\]](#)

(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? **It is not anticipated that development authorized by the proposed code amendment would result in any increase of discharge to water, emissions to air, production storage, the release of toxic or hazardous substances or production of noise.**

Proposed measures to avoid or reduce such increases are: **Development within the City of Richland must comply with all current land use and environmental permitting requirements.**

2. How would the proposal be likely to affect plants, animals, fish, or marine life? **The proposed text amendment will likely result in fewer impacts to plants, animals and fish as it only allows development to occur outside of critical areas.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are: **None.**

3. How would the proposal be likely to deplete energy or natural resources? **The proposed text amendment should not result in additional depletion of energy or natural resources.**

Proposed measures to protect or conserve energy and natural resources are: **None.**

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 text amendment just clarifies existing critical areas regulations to ensure that unintended impacts do not occur to the environment or neighboring property owners.**

5. Proposed measures to protect such resources or to avoid or reduce impacts are: **None.**

6. 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 intent of the proposed code amendment is to ensure that incompatible land uses do not occur as a result of a “de-facto” zone change.**

Proposed measures to avoid or reduce shoreline and land use impacts are: **Adoption of the proposed text amendment is intended to reduce impacts to critical areas and neighboring properties.**



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:	625 Swift Blvd., MS-35 Richland, WA 99352
Date:	August 26, 2019

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 22.10.400 and Section 22.10.405 related to Critical Areas.
Is this action part of the periodic review and update? GMA requires review every 8 years under RCW 36.70A.130(4)-(6) .	Yes: ____ No: <u>X</u>
Public Hearing Date:	Planning Board/Commission: September 25, 2019 Council/County Commission: First Reading, October 15, 2019 Second Reading, November 5, 2019
Proposed Adoption Date:	November 5, 2019 or as soon thereafter as possible

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



THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2019-S-573

Submittal Date Time: 08/26/2019

Submittal Information

Jurisdiction City of Richland
Submittal Type Request for Expedited Review / Notice of Intent to Adopt
Amendment Type Amendment
Amendment Type Development Regulation Amendment

Amendment Information

Brief Description
Proposed amendment to RMC Section 22.10.400 and Section 22.10.405 related to Critical Areas.

☐ Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

Planning Commissions Date 09/25/2019

City Council Date 10/15/2019

City Council Date 11/05/2019

Anticipated/Proposed Date of Adoption 11/05/2019

Attachments

Attachment Type	File Name	Upload Date
Correspondence	City of Richland Code Amendment - Critical Areas CA2019-102.msg	08/26/2019 09:56 AM
Development Regulation Amendment - Draft	CA2019-102 Referral Packet.pdf	08/26/2019 09:56 AM

Contact Information

Prefix Mr.
First Name Mike
Last Name Stevens
Title Planning Manager
Work (509) 942-7596
Cell

Email mstevens@ci.richland.wa.us

☐ Yes, I would like to be contacted for Technical Assistance.

Certification

Entered by Linda Weyl on 8/26/2019 9:57:14 AM

Intake Received Date	08/26/2019
Full Name	Mike Stevens
Email	mstevens@ci.richland.wa.us



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

08/26/2019

Mr. Mike Stevens
Planning Manager
City of Richland
505 Swift Boulevard
Post Office Box 190
Richland, WA 99352

Sent Via Electronic Mail

Re: City of Richland--2019-S-573--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Mr. Stevens:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed amendment to RMC Section 22.10.400 and Section 22.10.405 related to Critical Areas.

We received your submittal on 08/26/2019 and processed it with the Submittal ID 2019-S-573. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/25/2019.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). 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.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call William Simpson, (509) 280-3602.

Sincerely,

Review Team
Growth Management Services

From: [PLANVIEW Mail](#)
To: [Stevens, Mike](#)
Subject: City of Richland - Expedited Review Request Granted for Submittal ID: 2019-S-573
Date: Monday, September 9, 2019 6:26:00 AM

Dear Mr. Stevens,

Your request for an Expedited Review has been granted for: Proposed amendment to RMC Section 22.10.400 and Section 22.10.405 related to Critical Areas.

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW 36.70A.106 for this submittal. Please keep this email as confirmation.

If you have any questions, please contact William Simpson at (509) 280-3602 or by email at william.simpson@commerce.wa.gov.

~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new [PlanView](#) system where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed [PlanView User Request Form](#).

Have questions about using PlanView? Use the [PlanView User Manual](#) for assistance.

Sincerely,

Review Team  
Growth Management Services





## CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (CA2019-102 & EA2019-122)

Notice is hereby given that the City of Richland has filed an application for a text amendment to RMC Title 22, Subsection 22.10.400 and Subsection 22.10.405 pertaining to on-site density transfer for critical areas and for density bonuses for increased critical area buffers.

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, September 25, 2019 in the Richland City Hall Council Chambers, 625 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](http://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, 625 Swift Blvd., MS-35, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to [mstevens@ci.richland.wa.us](mailto:mstevens@ci.richland.wa.us). Written comments should be received no later than 5:00 p.m. on Tuesday, September 17, 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](http://www.ci.richland.wa.us) beginning Friday, September 27, 2019.





## Department of Energy

Bonneville Power Administration  
2211 North Commercial Avenue  
Pasco, WA 99301

TRANSMISSION SERVICES

September 17, 2019

In reply refer to: City of Richland Code Amendment - Critical Areas CA2019-102  
Located in City of Richland, Benton County, Washington

Mike Stevens, Planning Manager  
City of Richland Development Services Dept.  
625 Swift Blvd. MS#35  
Richland, WA 99352

Dear Mike:

Bonneville Power Administration (BPA) has had the opportunity to review City of Richland Code Amendment - Critical Areas CA2019-102. The proposed development regulation amendment will amend RMC Section 22.10.400 and Section 22.10.405 related to Critical Areas. This amendment will be city wide.

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 these requests 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](mailto:mjdeklyen@bpa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike DeKlyen".

Mike DeKlyen  
BPA Field Realty Specialist





## PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 9/25/2019

Agenda Category: New Business – Public Hearing

Prepared By: Mike Stevens, Planning Manager

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**Subject:**

Proposed Amendment to Section 24.13.010: Short Subdivisions

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**Request:**

Core Focus Area 3 - Increase Economic Vitality

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**Recommended Motion:**

Staff recommends that the Planning Commission approve the requested text amendments and recommend approval to the City Council.

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**Summary:**

Staff is proposing to increase the number of lots allowed via the short subdivision review process from four (4) to nine (9) and to also allow the dedication of right-of-way as part of an approved short subdivision. The increase in the number of lots from four (4) to nine (9) is consistent with the number of lots allowed in Washington State Law.

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**Attachments:**

1. CA2019-105 Full Staff Report



## STAFF REPORT

TO: PLANNING COMMISSION  
FILE NO.: CA2019-105

PREPARED BY: MIKE STEVENS  
MEETING DATE: Sept. 25, 2019

### GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND CA2019-105

REQUEST: TEXT AMENDMENTS TO RMC TITLE 24. SUBSECTION 24.13.010. THE PROPOSED TEXT AMENDMENT WOULD INCREASE THE NUMBER OF LOTS AUTHORIZED VIA A SHORT SUBDIVISION FROM FOUR (4) TO NINE (9) AND TO ALLOW THE DEDICATION OF RIGHT-OF-WAY DURING THE SHORT SUBDIVISION PROCESS.

LOCATION: CITYWIDE

### REASON FOR REQUEST

The City desires to increase the number of lots allowed via a short subdivision from four (4) to nine (9) as allowed per state law. The City also desires to allow the dedication of right-of-way during the short subdivision process.

### ANALYSIS

Staff has completed its review of the proposed amendments to the city's code governing short subdivisions and submits that:

### PUBLIC NOTICE/ COMMENTS

Notice of the proposed amendment was provided to local and state agencies. Notice was also published in the Tri-Cities Herald, posted at 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.

One (1) substantive comment was received from the public and/or governmental entities and is included as an exhibit to this report (Exhibit 5).

### SEPA

The City of Richland has utilized the Optional DNS Process as outlined in WAC 197-11-355. The end of the public comment period was Tuesday, September 17, 2019. Any comments received as of the close of business September 17, 2019 have been provided as an attachment to this report. The City of Richland issued a Determination of Non-Significance (DNS) for the proposal on September 18, 2019.



### FINDINGS OF FACT

1. The City of Richland is proposing to amend Title 24, Subsection 24.13.010 to increase the number of lots allowed via a short subdivision from four (4) to nine (9) and to allow the dedication of right-of-way during the short subdivision process.
2. The City's existing code limits the number of lots created via short subdivision to four (4) and does not allow the dedication of right-of-way as part of the short subdivision process.
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. One (1) substantive comment regarding the proposed code amendment was received.
5. The Washington State Department of Commerce granted Expedited Review for the proposed amendments on September 9, 2019.
6. The City issued a SEPA Threshold Determination of Non-Significance on September 18, 2019.
7. The City of Richland utilized the Optional DNS Process as outlined in WAC 197-11-355. The end of the public comment period was Tuesday, September 17, 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 amendment to the City Council.
2. The proposed code amendment is 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 (CA2019-105) and recommend to the City Council adoption of the proposed code amendments to RMC Title 24, Subsection 24.13.010.

### 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 Title 24, Subsection 24.13.010 of the Richland Municipal Code, as contained in the attached Draft Code Amendments (Exhibit 2) based upon the above listed Findings of Fact and Conclusions of Law.

## EXHIBITS

1. Application Materials
2. Draft Code Amendments
3. SEPA DNS & SEPA Checklist
4. Department of Commerce Notice and Expedited Review Approval
5. Public Notice and Comments Received





# Exhibit 1

City of Richland  
Development Services

505 Swift Blvd. MS-35  
Richland, WA 99352  
☎ (509) 942-7794  
📠 (509) 942-7764

## Code Amendment Application (Non-Zoning)

**Note: A Pre-Application meeting is required prior to submittal of an application**

### APPLICANT

☐ Contact Person

Company: City of Richland

UBI#

Contact: Shane O'Neill

Address: 625 Swift Blvd. MS-35

Phone: 509-942-7587

Email: soneill@ci.richland.wa.us

### DESCRIPTION OF PROPOSED AMENDMENT

Proposed amendments to RMC Section 24.13.010, Permission and procedure to plat.

### APPLICATION MUST INCLUDE:

1. Completed Application and Filing Fee
2. SEPA Checklist (if necessary)

### ANSWER QUESTIONS AS COMPLETELY AS POSSIBLE

Section(s) of code proposed to be amended(include code citation):

Proposed amendments to RMC Section 24.13.010, Permission and procedure to plat.

When an owner or subdivider desires to subdivide a parcel of land so as to produce not more than a total of ~~four~~ **four** lots, none of which has been subdivided by short subdivision within a period of five years, ~~and with no dedication of any part thereof as a public street or highway,~~ it may be done in the following manner.

Summary of requested code amendment(s):

Amend RMC Section 24.13.010 to increase the number of lots within a short subdivision (short plat) from four (4) to nine (9) as allowed per state law and to remove the prohibition of dedicating right-of-way during the short subdivision (short plat) process.

Reason(s) for code amendment(s):

To increase the number of lots allowed via a short subdivision to be consistent with state law and to allow the dedication of right-of-way as part of the short subdivision process.

Is the proposed amendment consistent with the applicable provisions of the Comprehensive Plan? Is a Comprehensive Plan amendment necessary to implement the proposed amendment? **Yes, the proposed amendment is consistent with the current Comprehensive Plan. A Comprehensive Plan amendment is not necessary to implement the proposed code amendment.**

Does the proposed amendment bear a substantial relation to the public health, safety, welfare and protection of the environment? Please explain: **The proposed text amendment will ensure consistency with Washington State Law.**

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application. The information provided in this application contains no misstatement of fact.
2. I am an owner(s), authorized agent(s) of an owner(s), or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW, or I am exempt from the requirements of the Chapter 18.27 RCW.

*Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.*

Applicant Printed Name: Shane O'Neill

Applicant Signature: 

Date

8.22.19



## Exhibit 2

### **24.13.010 Permission and procedure to plat.**

When an owner or subdivider desires to subdivide a parcel of land so as to produce not more than a total of ~~four~~ **nine** lots, none of which has been subdivided by short subdivision within a period of five years, ~~and with no dedication of any part thereof as a public street or highway,~~ it may be done in the following manner.



File No. EA2019-123

**CITY OF RICHLAND**  
**Determination of Non-Significance**

**Description of Proposal:** Text amendment to RMC Title 24, Subsection 24.13.010. The proposed text amendment would increase the number of lots authorized via a short subdivision from four (4) to nine (9) and to allow the dedication of right-of-way during the short subdivision process.

**Proponent:** City of Richland

**Location of Proposal:** City-Wide.

**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.

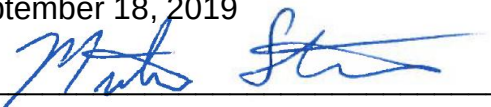
(X) This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

**Responsible Official:** Mike Stevens

**Position/Title:** Planning Manager

**Address:** 625 Swift Blvd., MS #35, Richland, WA 99352

**Date:** September 18, 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:*** [\[help\]](#)

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:***

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:*** [\[help\]](#)

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** [\[help\]](#)

1. Name of proposed project, if applicable: **CA2019-105 Short Subdivision Text Amendment (RMC 24.13.010)**
2. Name of applicant: **Shane O'Neill, Senior Planner**
3. Address and phone number of applicant and contact person: **625 Swift Blvd., MS-35, Richland, WA 99352 (509) 942-7587**
4. Date checklist prepared: **August 20, 2019**

5. Agency requesting checklist: **City of Richland Development Services Dept.**
6. Proposed timing or schedule (including phasing, if applicable): **RMC Code Amendment – October/November 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, this is a stand-alone code amendment.**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **No additional environmental information is being prepared as a result of this proposed code amendment.**
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 other governmental approvals are required.**
10. List any government approvals or permits that will be needed for your proposal, if known. **None.**
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.) **The proposal consists of a text amendment to RMC 24.13.010. A copy of the proposed text amendment included as an attachment.**
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. **The proposed code amendments would apply city-wide, but only for those projects requesting a short subdivision (short plat).**



## B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

**1. Earth Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- a. General description of the site: **Proposed text amendments would apply city-wide.**  
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_
- b. What is the steepest slope on the site (approximate percent slope)? **Proposed text amendments would apply city-wide.**
- 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. **Varies. Proposed text amendments would apply city-wide.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity?  
If so, describe. **Not applicable. Proposed text amendments would apply city-wide.**
- 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.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **Not applicable.**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **Not applicable.**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **Not applicable.**

**2. Air Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **Not applicable.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **Not applicable.**

3. **Water**      **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

a. **Surface Water: Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 1) Is there any surface water body on or in the immediate vicinity of the site? **Not applicable.**
- 2) 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.**
- 3) 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.**
- 4) 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.**
- 5) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **Not applicable.**
- 6) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **Not applicable.**
- 7) 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.**

b. **Ground Water: Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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.**
- 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.**



c. Water runoff (including stormwater): **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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.**
- 2) Could waste materials enter ground or surface waters? If so, generally describe. **Not applicable.**
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **Not applicable.**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**4. Plants** **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

a. Check the types of vegetation found on the site: **Not applicable. City-wide text amendment.**

- \_\_\_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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

c. List threatened and endangered species known to be on or near the site. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

e. List all noxious weeds and invasive species known to be on or near the site. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**5. Animals**                      **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

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. Examples include: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

c. Is the site part of a migration route? If so, explain.  
***Yes, Richland is within the Pacific Fly Way.***

d. Proposed measures to preserve or enhance wildlife, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

e. List any invasive animal species known to be on or near the site. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**6. Energy and natural resources**                      **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

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. This is a non-project related code amendment.**



**All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- b. Would your project affect the potential use of solar energy by adjacent properties?  
If so, generally describe. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

**7. Environmental health                      Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 1) Describe any known or possible contamination at the site from present or past uses. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
  - 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
  - 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
  - 4) Describe special emergency services that might be required. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
  - 5) Proposed measures to reduce or control environmental health hazards, if any: **Not applicable. This is a non-project related code amendment. All future site specific**

development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Noise**                      **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **\_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 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. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 3) Proposed measures to reduce or control noise impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**8. Land and shoreline use**                      **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
  - 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**



- c. Describe any structures on the site. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- d. Will any structures be demolished? If so, what? **\_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- e. What is the current zoning classification of the site? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- f. What is the current comprehensive plan designation of the site? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- g. If applicable, what is the current shoreline master program designation of the site? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**
- i. Approximately how many people would reside or work in the completed project? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**
- j. Approximately how many people would the completed project displace? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: **Not applicable. This is a non-project related code**

**amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**9. Housing                      Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **\_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **\_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- c. Proposed measures to reduce or control housing impacts, if any: **\_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**10. Aesthetics                      Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- b. What views in the immediate vicinity would be altered or obstructed? **\_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

**11. Light and glare                      Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **\_Not applicable. This is a non-project related code amendment. All future site specific**



**development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

- c. What existing off-site sources of light or glare may affect your proposal? **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**12. Recreation                      Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

- a. What designated and informal recreational opportunities are in the immediate vicinity? **\_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **\_Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**13. Historic and cultural preservation                      Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

**14. Transportation** **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- 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. This is a non-project related code**



**amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

- 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**
- h. Proposed measures to reduce or control transportation impacts, if any: **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

**15. Public services** **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.**

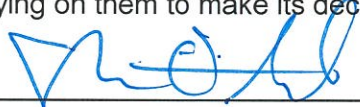
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

**16. Utilities** **Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

- a. Circle utilities currently available at the site: [\[help\]](#) 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. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197- 11-800.**

**C. Signature** [\[help\]](#)

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:  \_\_\_\_\_

Name of signee Shane O'Neill

Position and Agency/Organization Senior Planner, City of Richland Development Services Dept.

Date Submitted: \_\_\_\_\_



## D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS [\[help\]](#)

(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? **It is not anticipated that development authorized by the proposed code amendment would result in any increase of discharge to water, emissions to air, production storage, the release of toxic or hazardous substances or production of noise.**

Proposed measures to avoid or reduce such increases are: **Development within the City of Richland must comply with all current land use and environmental permitting requirements.**

2. How would the proposal be likely to affect plants, animals, fish, or marine life? **The proposed text amendment will not result in any detrimental impacts to plants or animals.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are: **None.**

3. How would the proposal be likely to deplete energy or natural resources? **The proposed text amendment will not result in additional depletion of energy or natural resources.**

Proposed measures to protect or conserve energy and natural resources are: **None.**

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 text amendment will not change a development proposal's requirement to comply with all local, state and federal environmental regulations.**

5. Proposed measures to protect such resources or to avoid or reduce impacts are: **None.**

6. 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 intent of the proposed code amendment is to be consistent with state law and allow for nine (9) lots to be created via short plat as well as dedication of right-of-ways.**

Proposed measures to avoid or reduce shoreline and land use impacts are: **Adoption of the proposed text amendment will not impact shorelines or land uses.**



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

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

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







# Department of Commerce

## Notice of Intent to Adopt Amendment / Notice of Adoption Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

|                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Jurisdiction Name:</b>                                                                                                                                                                                                                                                                                                                                                                     | City of Richland – Development Services Dept.                                                                                                                                                                                                                                                                                                                                         |
| <b>2. Select Submittal Type:</b><br>Select the Type of Submittal listed.<br>(Select One Only)                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> <b>60-Day Notice</b> of Intent to Adopt Amendment.<br><input checked="" type="checkbox"/> <b>Request of Expedited Review</b> / Notice of Intent to Adopt Amendment.<br><input type="checkbox"/> <b>Supplemental Submittal</b> for existing Notice of Intent to Adopt Amendment.<br><input type="checkbox"/> <b>Notice of Final Adoption</b> of Amendment.    |
| <b>3. Amendment Type:</b><br>Select Type of Amendment listed.<br>(Select One Only)                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/> <b>Comprehensive Plan</b> Amendment.<br><input checked="" type="checkbox"/> <b>Development Regulation</b> Amendment.<br><input type="checkbox"/> <b>Critical Areas Ordinance</b> Amendment.<br><input type="checkbox"/> <b>Combined Comprehensive and Development Regulation</b> Amendments.<br><input type="checkbox"/> <b>Countywide Planning Policy</b> . |
| <b>4. Description</b><br>Enter a brief description of the amendment.<br><br>Begin your description with “Proposed” or “Adopted”, based on the type of Amendment you are submitting.<br><br>Examples: “ <i>Proposed comprehensive plan amendment for the GMA periodic update.</i> ” or “ <i>Adopted Ordinance 123, adoption amendment to the sign code.</i> ”<br><b>(Maximum 400 characters).</b> | Proposed amendment to Title 24 - Plats and Subdivision. Proposed amendment to include changes regarding permission and procedure to plat for short subdivisions.                                                                                                                                                                                                                      |



## Department of Commerce

|                                                                                                                                                       |                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?</b>                        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No                                                                          |
| <b>6. Proposed Dates:</b><br>Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission. | <b>Planning Commission: September 25, 2019</b><br><b>City Council: October 15, 2019</b><br><b>Proposed / Date of Adoption: October 15, 2019</b> |
| <b>7. Contact Information:</b>                                                                                                                        |                                                                                                                                                 |
| A. Prefix/Salutation:<br>(Examples: "Mr.", "Ms.", or "The Honorable" (elected official))                                                              | Mr.                                                                                                                                             |
| B. Name:                                                                                                                                              | Mike Stevens                                                                                                                                    |
| C. Title:                                                                                                                                             | Planning Manager                                                                                                                                |
| D. Email:                                                                                                                                             | mstevens@ci.richland.wa.us                                                                                                                      |
| E. Work Phone:                                                                                                                                        | (509) 942-7596                                                                                                                                  |
| F. Cell/Mobile Phone: (optional)                                                                                                                      |                                                                                                                                                 |
| <b>Consultant Information:</b>                                                                                                                        |                                                                                                                                                 |
| G. Is this person a consultant?                                                                                                                       | <input type="checkbox"/> Yes                                                                                                                    |
| H. Consulting Firm name?                                                                                                                              |                                                                                                                                                 |
| <b>8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?</b>                                         | <input type="checkbox"/> Yes                                                                                                                    |

**REQUIRED:** Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov)

Questions? Call the review team at (509) 725-3066.





# THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

## Submittal ID: 2019-S-575

**Submittal Date Time:** 08/26/2019

### Submittal Information

**Jurisdiction** City of Richland  
**Submittal Type** Request for Expedited Review / Notice of Intent to Adopt  
**Amendment Type** Amendment  
Development Regulation Amendment

### Amendment Information

#### Brief Description

Proposed amendment to Title 24 - Plats and Subdivision. Proposed amendment to include changes regarding permission and procedure to plat for short subdivisions.

☐ Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

**Planning Commissions Date** 09/25/2019

**City Council Date** 10/15/2019

**Anticipated/Proposed Date of Adoption** 10/15/2019

### Attachments

| Attachment Type                          | File Name                                                           | Upload Date         |
|------------------------------------------|---------------------------------------------------------------------|---------------------|
| Correspondence                           | City of Richland Code Amendment CA2019-105 - Short Subdivisions.msg | 08/26/2019 10:47 AM |
| Development Regulation Amendment - Draft | CA2019-105 Referral Packet.pdf                                      | 08/26/2019 10:47 AM |

### Contact Information

**Prefix** Mr.  
**First Name** Mike  
**Last Name** Stevens  
**Title** Planning Manager  
**Work** (509) 942-7596  
**Cell**  
**Email** mstevens@ci.richland.wa.us

☐ Yes, I would like to be contacted for Technical Assistance.

## Certification

---

Entered by Linda Weyl on 8/26/2019 10:48:16 AM

|                      |                            |
|----------------------|----------------------------|
| Intake Received Date | 08/26/2019                 |
| Full Name            | Mike Stevens               |
| Email                | mstevens@ci.richland.wa.us |





STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

08/26/2019

Mr. Mike Stevens  
Planning Manager  
City of Richland  
505 Swift Boulevard  
Post Office Box 190  
Richland, WA 99352

Sent Via Electronic Mail

Re: City of Richland--2019-S-575--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Mr. Stevens:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

**Proposed amendment to Title 24 - Plats and Subdivision. Proposed amendment to include changes regarding permission and procedure to plat for short subdivisions.**

We received your submittal on 08/26/2019 and processed it with the Submittal ID 2019-S-575. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/25/2019.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). 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.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call William Simpson, (509) 280-3602.

Sincerely,

Review Team  
Growth Management Services





**From:** [PLANVIEW Mail](#)  
**To:** [Stevens, Mike](#)  
**Subject:** City of Richland - Expedited Review Request Granted for Submittal ID: 2019-S-575  
**Date:** Monday, September 9, 2019 6:23:17 AM

---

Dear Mr. Stevens,

Your request for an Expedited Review has been granted for: Proposed amendment to Title 24 - Plats and Subdivision. Proposed amendment to include changes regarding permission and procedure to plat for short subdivisions.

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW 36.70A.106 for this submittal. Please keep this email as confirmation.

If you have any questions, please contact William Simpson at (509) 280-3602 or by email at [william.simpson@commerce.wa.gov](mailto:william.simpson@commerce.wa.gov).

~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new [PlanView](#) system where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed [PlanView User Request Form](#).

Have questions about using PlanView? Use the [PlanView User Manual](#) for assistance.

Sincerely,

Review Team
Growth Management Services



Exhibit 5

CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (CA2019-105 & EA2019-123)

Notice is hereby given that the City of Richland has filed an application for a text amendment to RMC Section 24.13.010. The proposed text amendment would increase the number of lots authorized via a short subdivision from four (4) to nine (9) and to allow the dedication of right-of-way during the short subdivision process.

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, September 25, 2019 in the Richland City Hall Council Chambers, 625 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, 625 Swift Blvd., 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 Tuesday, September 17, 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 Friday, September 20, 2019.



Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

TRANSMISSION SERVICES

September 17, 2019

In reply refer to: City of Richland Code Amendment CA2019-105 - Short Subdivisions
Located in City of Richland, Benton County, Washington

Mike Stevens, Planning Manager
City of Richland Development Services Dept.
625 Swift Blvd. MS#35
Richland, WA 99352

Dear Mike:

Bonneville Power Administration (BPA) has City of Richland Code Amendment CA2019-105 - Short Subdivisions. The proposed amendment to RMC Section 24.13.010 will increase the number of lots within a short subdivision (short plat) from four (4) to nine (9) as allowed per state law and to remove the prohibition of dedicating right-of-way during the short subdivision (short plat) process. This amendment will be city wide.

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 these requests 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 blue ink, appearing to read "Mike DeKlyen".

Mike DeKlyen
BPA Field Realty Specialist

From: [Ashley Morton](#)
To: [Stevens, Mike](#)
Subject: RE: City of Richland Code Amendment CA2019-105 - Short Subdivisions
Date: Friday, August 30, 2019 12:59:31 PM
Attachments: [image001.png](#)
[image002.png](#)

Mike,

The CTUIR Cultural Resources Protection Program does not object to the proposed amendment to increase the number of lots within a short subdivision (short plat) from 4 to 9 lots and removing prohibition of dedicating right-of-way during the short subdivision process as long as short plat applicants be subject to SEPA analysis, with the exception of those projects meeting exemption requirements outlined in WAC 197-11-800. We do have concerns that because short platting by nature increases urban density, it has the potential to cause indirect cumulative effects to historic properties. It is strongly recommended short plat applicants consult professional cultural resource specialists when addressing Question 13 to adequately identify historic properties that may be indirectly/cumulatively effected in addition to those directly affected.

CTUIR appreciates the opportunity to comment.

Sincerely,
Ashley Morton M.A., RPA

Archaeologist
Cultural Resources Protection Program
Confederated Tribes of the Umatilla Indian Reservation
46411 Timíne Way, Pendleton, OR 97801
Direct Line/Fax: (541) 429-7214
Main Office: (541) 276-3447
AshleyMorton@ctuir.org



From: Stevens, Mike [<mailto:mstevens@CI.RICHLAND.WA.US>]

Sent: Monday, August 26, 2019 10:31 AM

To: USPS Ina N. Beutler <ina.n.beutler@usps.gov>; KSliger@bft.org; bbarlow@bft.org; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; West, Julie <jwest@ci.richland.wa.us>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Boshart, Thomas <tboshart@CI.RICHLAND.WA.US>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Boring, Michael <MBoring@CI.RICHLAND.WA.US>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Somers, Cindi <CSomers@CI.RICHLAND.WA.US>; Lopez, Brandin <blopez@CI.RICHLAND.WA.US>; Jennings, Tyler <tjennings@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; rhiles@kid.org; SDefoe@kid.org; webmaster@KID.org; jmcshane@kid.org; development@kid.org; richard.krasner@rsd.edu; kevin.knodel@rsd.edu; rittemwr@dfw.wa.gov; lopezlal@dfw.wa.gov; sepaunit@ecy.wa.gov; separegister@ecy.wa.gov;

gonsetp@wsdot.wa.gov; robin.priddy@bentoncleanair.org; rob.rodger@bentoncleanair.org;
gregory.l.goodwin@ftr.com; dean.kelley@chartercom.com; clark.posey@co.benton.wa.us;
darrick@basindisposal.com; BCES Map <map@bces.wa.gov>; BCES Davis, Deanna
<d.davis@bces.wa.gov>; BCES Gates, Sarah <s.gates@bces.wa.gov>; BCES Hamilton, Craig
<c.hamilton@bces.wa.gov>; kelly.cooper@doh.wa.gov; anthony.vonmoos@co.benton.wa.us;
florinda.coleman@co.benton.wa.us; jecottrell@bpa.gov; [mjdeklyne@bpa.gov](mailto:mjdekyne@bpa.gov); dxrodgers@bpa.gov;
Benton County - Segregations <Segregations@co.benton.wa.us>; joseph.cichy@ftr.com;
junior.campos@charter.com; scplanning@wsdot.wa.gov; bmids@badgermountainirrigation.com;
rickd@bfhd.wa.gov; carrie.thompson@bnsf.com; william.simpson@commerce.wa.gov;
reviewteam@commerce.wa.gov; sepa@dahp.wa.gov; gcle461@ecy.wa.gov;
sepacenter@dnr.wa.gov; Webcsr PUD <webcsr@bentonpud.org>;
anthony.muai@ci.kennewick.wa.us; greg.wendt@co.benton.wa.us;
gregory.mccormick@ci.kennewick.wa.us; jerrod.macpherson@co.benton.wa.us;
roscoe@westrichland.org; Tera Farrow Ferman <TeraFarrowFerman@ctuir.org>; Catherine
Dickson <CatherineDickson@ctuir.org>; Carey Miller <CareyMiller@ctuir.org>
Subject: City of Richland Code Amendment CA2019-105 - Short Subdivisions

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Attached to this email you will find a copy of a proposed code amendment regarding short subdivisions within the City of Richland. Please review and respond back with any comments by 5:00 PM, Tuesday, September 17, 2019.

Thank you,



Mike Stevens, Planning Manager
City of Richland Development Services Dept.
625 Swift Blvd. MS#35
Richland, WA 99352
(509)942-7596
www.ci.richland.wa.us/

****This e-mail and your response are considered a public record and will be subject to disclosure under Washington's Public Records Act.****

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 9/25/2019

Agenda Category: New Business – Public Hearing

Prepared By: Mike Stevens, Planning Manager

Subject:

Proposed Amendment to Title 19, 23, 24 Regarding Council's Role in Land Use Decisions

Request:

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Recommended Motion:

Staff recommends that the Planning Commission recommend approval of the proposed code amendments to City Council.

Summary:

Staff is proposing to amend sections of Titles 19, 23 & 24 regarding City Council's role in land use decisions. The City Council has directed staff to remove the Council from land use decisions and appeals when not specifically required by State Law.

Attachments:

1. CA2019-104 Full Staff Report

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: CA2019-104

PREPARED BY: MIKE STEVENS
MEETING DATE: Sept. 25, 2019

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND CA2019-104

REQUEST: TEXT AMENDMENTS TO RMC TITLE 19 – DEVELOPMENT REGULATION ADMINISTRATION, TITLE 23 – ZONING REGULATIONS, AND TITLE 24 – PLATS AND SUBDIVISION. TITLE 19 AMENDMENTS TO INCLUDE CHANGES REGARDING PERMIT PROCESSING PROCEDURES, DECISIONS, AND APPEALS. TITLE 23 AMENDMENTS TO INCLUDE CHANGES REGARDING PUBLIC HEARINGS AND RECOMMENDATIONS TO COUNCIL, ALONG WITH CONSIDERATION AND ACTION BY COUNCIL. TITLE 24 AMENDMENTS TO INCLUDE CHANGES TO PUBLIC HEARINGS AND DECISIONS FOR PRELIMINARY PLATS, ALONG WITH CHANGES TO THE BINDING SITE PLAN PROCEDURE.

LOCATION: CITYWIDE

REASON FOR REQUEST

The Richland City Council desires to reduce liability for land use decisions by removing the Council from the approval and/or appeal process when otherwise not required by state law. The Council also desires to simplify decision and appeal procedures for land use actions by removing processes that lengthen the review process for property owners and developers.

ANALYSIS

Staff has completed its review of the proposed amendments to the city's code governing short subdivisions and submits that:

PUBLIC NOTICE/ COMMENTS

Notice of the proposed amendment was provided to local and state agencies. Notice was also published in the Tri-Cities Herald, posted at 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.

No substantive comments were received from the public and/or governmental entities during the public comment period.

SEPA

The City of Richland determined that the proposed text amendments were exempt from SEPA review pursuant to WAC 197-11-800.

FINDINGS OF FACT

1. The City of Richland is proposing to amend Title 19 – Development Regulation Administration, Title 23 – Zoning Regulations, and Title 24 – Plats and Subdivision.
2. The proposed amendments to Title 19 include changes regarding permit processing procedures, decisions and appeals.
3. The proposed amendments to Title 23 include changes regarding public hearings and recommendations to council, along with consideration and action by council.
4. The proposed amendments to Title 23 include changes to public hearings and decisions for preliminary plats, along with changes to the binding site plan procedure.
5. 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.
6. No substantive comments regarding the proposed code amendments were received.
7. The Washington State Department of Commerce granted Expedited Review for the proposed amendments on September 9, 2019.
8. The proposed code amendments were determined to be exempt from SEPA pursuant to WAC 197-11-800.
9. The City of Richland Planning Commission conducted a public hearing review for the proposed amendments on September 25, 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 (CA2019-104) and recommend to the City Council adoption of the proposed code amendments to RMC Title 19, 23 and 24.

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 Title 19, Title 23 and Title 24 of the Richland Municipal Code, as contained in the attached Draft Code Amendments (Exhibit 2) based upon the above listed Findings of Fact and Conclusions of Law.

EXHIBITS

1. Application Materials
2. Draft Code Amendments
3. Department of Commerce Notice and Expedited Review Approval
4. Public Notice and Comments Received



Exhibit 1

City of Richland
Development Services

505 Swift Blvd. MS-35
Richland, WA 99352
☎ (509) 942-7794
📠 (509) 942-7764

Code Amendment Application (Non-Zoning)

Note: A Pre-Application meeting is required prior to submittal of an application

APPLICANT

☐ Contact Person

Company: City of Richland

UBI#

Contact: Shane O'Neill

Address: 625 Swift Blvd. MS-35

Phone: 509-942-7587

Email: soneill@ci.richland.wa.us

DESCRIPTION OF PROPOSED AMENDMENT

Proposed amendments to Title 19 - Development Regulation Administration, Title 23 – Zoning Regulations, and Title 24 – Plats and Subdivision. Title 19 amendments to include changes regarding permit processing procedures, decisions, and appeals. Title 23 amendments to include changes regarding public hearings and recommendations to council, along with consideration and action by council. Title 24 amendments to include changes to public hearings and decisions for preliminary plats, along with changes to the binding site plan procedure.

APPLICATION MUST INCLUDE:

1. Completed Application and Filing Fee
2. SEPA Checklist (if necessary)

ANSWER QUESTIONS AS COMPLETELY AS POSSIBLE

Section(s) of code proposed to be amended(include code citation):

Proposed amendments to Title 19 - Development Regulation Administration, Title 23 – Zoning Regulations, and Title 24 – Plats and Subdivision. Title 19 amendments to include changes regarding permit processing procedures, decisions, and appeals. Title 23 amendments to include changes regarding public hearings and recommendations to council, along with consideration and action by council. Title 24 amendments to include changes to public hearings and decisions for preliminary plats, along with changes to the binding site plan procedure. See attached.

Summary of requested code amendment(s):

Title 19 amendments to include changes regarding permit processing procedures, decisions, and appeals. Title 23 amendments to include changes regarding public hearings and recommendations to council, along with consideration and action by council. Title 24 amendments to include changes to public hearings and decisions for preliminary plats, along with changes to the binding site plan procedure. See attached.

Reason(s) for code amendment(s):

The Richland City Council desires to not be involved with land use appeals or decisions which are not required by State Law in order to reduce liability and to ensure fair and consistent review.

Is the proposed amendment consistent with the applicable provisions of the Comprehensive Plan? Is a Comprehensive Plan amendment necessary to implement the proposed amendment? **Yes, the proposed amendment is consistent with the current Comprehensive Plan. A Comprehensive Plan amendment is not necessary to implement the proposed code amendment.**

Does the proposed amendment bear a substantial relation to the public health, safety, welfare and protection of the environment? Please explain: **Yes, the proposed amendment will ensure that fair and consistent decisions are made by the City of Richland in regards to land use actions.**

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application. The information provided in this application contains no misstatement of fact.
2. I am an owner(s), authorized agent(s) of an owner(s), or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW, or I am exempt from the requirements of the Chapter 18.27 RCW.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Shane O'Neill

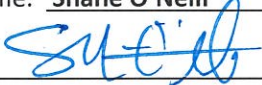
Applicant Signature:  Date 8.22.19

Exhibit 2

19.20.010 Procedures for processing development permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, ~~or Type III~~, or Type IIIA. Legislative decisions are Type IV actions, and are addressed in RMC 19.20.050. Exclusions from the requirements of project permit application processing are contained in RMC 19.20.070.

A. Type I permits include the following types of permit applications:

1. Minor revisions to planned unit developments;
2. Final approvals of planned unit developments;
3. Short plats;
4. Small binding site plans;
5. Minor revisions to preliminary plats;
6. Minor revisions to site plans;
7. Minor revisions to special use permits;
8. Minor revisions to shoreline substantial development permits;
9. Minor new substantial development permits that meet any of the following criteria:
 - a. Single-family residences not constructed by an owner, lessee, or contract purchaser for their own use;
 - b. Single-family nonexempt docks; and
 - c. New developments on a site of one acre or less and with a cost of less than \$500,000;
10. Accessory dwelling units;
11. Extension of preliminary plat approvals.

B. Type II permits include the following types of permit applications:

1. Shoreline substantial development permits not classified as Type I permits or major revisions thereof;

2. Large binding site plans;
3. Site plan approvals or major revisions thereof;
4. Building height exceptions;
5. Design review – acceptance of alternative design standards;
6. Schools on small sites;
7. Joint use parking reductions;
8. Special sign permits;
9. Special use permits or major revisions thereof.

C. Type III permits include the following types of permit applications:

1. Preliminary plats or major revisions thereof;
2. Site-specific rezones;
3. Planned unit developments – preliminary approvals;
4. Development agreements;
5. Plat alterations or vacations.

Commented [KWH1]: I don't think development agreements belong here. They really aren't a permit application type at all.

D. Type IIIA permits include site-specific rezones.

E. Type IV permits include the following types of permit applications:

1. Zoning code text and zoning district amendments;
2. Adoption of development regulations and amendments;
3. Areawide rezones to implement new city policies;
4. Adoption of the comprehensive plan and any plan amendments; and
5. Annexations. [Ord. 12-96; Ord. 29-12 § 1.01; Ord. 19-14 § 1.01; Ord. 36-15 § 1; Ord. 02-18 § 1; Ord. 02-18A § 1].

19.20.030 Project permit application framework.

| | PROJECT PERMIT APPLICATION TYPE AND PROCEDURE | | | | |
|-------------------------------|--|---|---|---|---|
| | Type I | Type II | Type III | <u>Type IIIA</u> | Type IV |
| Recommendation Made By: | N/A | N/A | N/A
Hearing Examiner | Hearing Examiner | Planning Commission |
| Permit Decision Made By: | Director | Board of Adjustment or Planning Commission or Hearing Examiner ¹ | Hearing Examiner
City Council | City Council | City Council |
| Notice of Application: | No | Yes | Yes | Yes | No |
| Notice of Decision: | Yes | Yes | Yes | Yes | No |
| Notice of Hearing: | No | Yes | Yes | Yes | Yes |
| Open Record Public Hearing: | No | Yes, before Board of Adjustment or Planning Commission or Hearing Examiner ¹ | Yes, before Hearing Examiner | The Hearing Examiner will conduct an open record predecision public hearing | Yes, before both Planning Commission and City Council |
| Open Record Appeal Hearing: | Yes, before Hearing Examiner | No | No | No | N/A |
| Closed Record Appeal Hearing: | No | No
Yes, before City Council | No
Yes, before City Council | City Council will conduct a closed record decision hearing | N/A |
| Judicial Appeal: | Yes | Yes | Yes | Yes | Yes |

¹ RMC 23.46.025 defines the specific special use permit applications for which the hearing examiner or board of adjustment is designated as the hearing body.

[Ord. 12-96; Ord. 29-12 § 1.01; Ord. 19-14 § 1.01].

19.70.040 Closed record decisions and appeals – Type ~~III~~ project permit decisions.

Appeals of the ~~director's hearing body's~~ decision on a Type ~~III~~ project permit application shall be governed by the following:

A. Time to File. An appeal of the Type I ~~or Type II~~ permit decision must be filed within 10 business days following issuance of the written decision. Appeals may be delivered to the development services division by mail, personal delivery, e-mail or by fax before 5:00 p.m. on the last business day of the appeal period.

B. Computation of Time. For the purposes of computing the time for filing an appeal, the day the notice of decision is mailed shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, or a day designated by RCW 1.16.050 or by the city's ordinances as a legal holiday; then it also is excluded and the filing must be completed on the next business day.

C. Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee, and contain the following information:

1. Appellant's name, address and phone number;
2. Appellant's statement describing his or her standing to appeal;
3. Identification of the application which is the subject of the appeal;
4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
5. The relief sought, including the specific nature and extent;
6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

D. Effect. ~~The timely filing of an appeal shall stay the effective date of the hearing body's decision until such time as the appeal is adjudicated by the council or withdrawn. In the case of an appeal of a Type I permit decision, t~~The timely filing of an appeal shall stay the effective date of the administrative decision until such time as the appeal is adjudicated by the hearing examiner or withdrawn.

E. Notice of Appeal. The director shall provide public notice of the appeal to any party required to receive notice of hearing on the underlying permit as set forth elsewhere in the city's adopted development regulations and to those persons entitled to notice of decision as set forth in RMC 19.60.080(D). [Ord. 12-96; Ord. 29-12 § 1.01; Ord. 19-14 § 1.03].

19.70.050 Procedure for closed record decisions ~~and appeals~~.

A. The following sections of this title shall apply to a closed record ~~decisions-proceedingand appeals meeting~~: RMC 19.60.030; 19.60.040; 19.60.050; 19.60.060; 19.60.070(A), (B), (C), (D), and (F) and 19.60.080.

B. The closed record ~~decisions-and appeals-proceeding~~meeting shall be on the record before the hearing body. No new evidence shall be presented before the city council in a closed record ~~proceeding~~appeal. Only those persons who participated in the open record hearing before the hearing examiner, ~~planning commission or board of adjustment~~ may address the council in a closed record ~~proceeding~~appeal meeting. Comments made at a closed record ~~proceeding~~appeal meeting must be in the nature of summary argument only, based on and limited to facts in the written and oral record developed during the open record hearing. If any speaker at a closed record ~~proceeding~~appeal meeting presents comments that are not based on facts in the record, anyone present ~~at the meeting~~ may make an objection. If an objection is made, the speaker will stop until the issue of the objection is resolved. [Ord. 12-96; Ord. 7-99; Ord. 29-12 § 1.01; Ord. 19-14 § 1.03].

19.70.060 Judicial appeals.

Except in the event of legal authority providing for a different appeal process, the city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Benton County superior court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW. [Ord. 12-96; Ord. 29-12 § 1.01].

23.70.210 Public hearing and recommendation to council.

A. Reclassification. The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type III A permit application. The recommendation shall include written findings of fact and the reasons for the hearing examiner's action; and shall refer expressly to the maps, description and other matters intended by the hearing examiner to constitute the reclassification.

B. Amendment. The planning commission shall conduct an open record public hearing as required by RMC Title 19 for a Type IV permit application. The recommendation to the city council of any amendment hereto by the planning commission shall be by the affirmative vote of not less than a majority of the total members of the commission. The recommendation shall be by a recorded motion, which shall include written findings of fact of the commission and the reasons for its action; and the motion shall refer expressly to the specific language of the proposed amendment and any other graphics or materials intended by the commission to constitute the amendment. The secretary of the planning commission shall prepare and sign an action summary of the commission's recommendation, which shall be forwarded to the city clerk for scheduling for city council consideration. [Ord. 28-05 § 1.02; Ord. 24-14 § 1.01].

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23.70.230 Consideration and action by council.

The planning commission's [or hearing examiner's](#) recommendation on any reclassification or amendment, together with other reports, maps, documentation and recommendations, shall be considered by the city council in accordance with the provisions and requirements of RMC Title 19 (Development Regulation and Administration).

The council may, by ordinance, adopt or adopt with modification, any reclassification or amendment which the planning commission [or hearing examiner](#) has made a recommendation on; or by motion reject the reclassification or amendment.

The council may refer any request for reclassification or amendment back to the planning commission [or hearing examiner](#) for further review and recommendation. ~~In such case, no further public hearing before the planning commission shall be required.~~ [Ord. 28-05 § 1.02].

24.12.050 Preliminary plat – Public hearing, hearing examiner ~~decision~~consideration and recommendation to city council.

A. The hearing examiner shall consider any preliminary plat application and shall conduct an open record public hearing in accordance with Chapter 19.60 RMC. After public hearing and review the hearing examiner shall ~~decidedetermine~~ whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements ~~and shall either make a recommendation for approval or disapproval to the city council.~~

~~A decision of Recommendation for~~ approval of the preliminary plat shall not be given by the hearing examiner without the prior review and approval of the city manager or his designee with respect to the engineering elements of said plat including the following:

1. Adequacy of proposed street, alley, right-of-way, easement, lighting, fire protection, drainage, and utility provisions;
2. Adequacy and accuracy of land survey data;
3. The submittal by the applicant of a plan for the construction of a system of street lights within the area proposed for platting, including a timetable for installation; provided, that in no event shall such a plan be approved that provides for the dedication of such a system of lighting to the city later than the occupancy of any of the dwellings within the subdivision.

B. The hearing examiner ~~decision~~recommendation shall be final, subject to judicial appeal as provided for in RMC 19.70.060~~forwarded to the city clerk for scheduling for city council consideration~~. [Ord. 73 § 3.05; Ord. 715 § 1.03; Ord. 54-75 § 1.04; Ord. 53-94; Ord. 13-96; Ord. 27-14 § 1.01; Ord. 01-18 § 1].

24.12.053 Preliminary plat – Required findings.

The hearing examiner shall not ~~approve~~recommend approval of any preliminary plat application, unless the approval is accompanied by written findings that:

A. The preliminary plat conforms to the requirements of this title;

B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

C. The public use and interest will be served by the platting of such subdivision and dedication; and

D. The application is consistent with the requirements of RMC 19.60.095. [Ord. 03-00; Ord. 27-14 § 1.01; Ord. 01-18 § 1].

24.12.055 Preliminary plat – Hearing Examiner ~~City council~~ consideration and action.

A. ~~The city council shall consider the recommendation of the hearing examiner together with other recommendations, maps and documents and matters of record and render a decision on the preliminary plat consistent with the requirements of RMC Title 19 for Type III permit application.~~

~~B.~~ The application for preliminary plat approval shall be approved, disapproved or returned to the applicant for modification or correction within 90 days of the date of acceptance.

~~B.C.~~ Hearing Examiner ~~City council~~ approval of a preliminary plat shall not guarantee final approval of the plat or subdivision and shall not constitute an acceptance of the subdivision, but shall authorize the subdivider to proceed with the preparation of the final plat along the lines indicated in the preliminary plat.

~~C.D.~~ Approval of the preliminary plat shall be operative for five years from the date of approval by the hearing examiner ~~city council~~ during which time a final plat or plats may be submitted.

~~D.E.~~ The subdivision administrator may extend the approval period or may require that the preliminary plat must be resubmitted after the expiration of the approval period. [Ord. 13-96; Ord. 23-03; Ord. 27-14 § 1.01; Ord. 01-18 § 1].

24.14.080 Requirements for design and bonding of improvements.

Prior to affixing of a signature of approval on the binding site plan by the administrator, the applicant shall upon the decision of the city engineer either have included specific conditions on the face of the binding site plan with regard to the timing of bonding or construction of public infrastructure improvements within the proposed rights-of-way or easement areas or have prepared and submitted to the city engineer, and the city engineer shall have approved detailed engineering and design plans for any required streets, utility systems, storm drainage systems, and street lighting systems, or other required improvements, in accordance with the applicable specifications and standards of the city and other involved utility agencies. Irrigation system designs, site grading, and other such designs or plans that may be required by law or that were specifically required as conditions of binding site plan approval shall be submitted concurrently for the city engineer's review and approval. Furthermore, bonding or other legally sufficient assurance of installation of required improvements shall be provided as required in Chapter 24.12 RMC, subdivision procedures. Following the affixing of all required signatures, the binding site plan shall be filed for record in the office of the Benton County auditor.

When binding site plans are approved in areas where a master plan including preliminary engineering has been reviewed and approved by all departments and the city council, the administrator shall allow recording of the binding site plan, provided specific conditions have been included on the face of the binding site plan noting that the master plan shall be the basis for controlling the location and size of all utilities and roads and that a building permit shall not be issued for site development until all detailed engineering plans are submitted and approved by the city and are either constructed or bonded or otherwise conditioned. [Ord. 47-94].

Commented [KWH2]: I don't know what a "master plan" means in this context. If it is just another way of saying binding site plan, then this reference to CC may not make sense. But if it refers to some kind of area-wide master planning process, then it probably is fine.



Department of Commerce

Exhibit 3

Notice of Intent to Adopt Amendment / Notice of Adoption Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

| | |
|--|---|
| 1. Jurisdiction Name: | City of Richland – Development Services Dept. |
| 2. Select Submittal Type:
Select the Type of Submittal listed.
(Select One Only) | ☐ 60-Day Notice of Intent to Adopt Amendment.
☒ Request of Expedited Review / Notice of Intent to Adopt Amendment.
☐ Supplemental Submittal for existing Notice of Intent to Adopt Amendment.
☐ Notice of Final Adoption of Amendment. |
| 3. Amendment Type:
Select Type of Amendment listed.
(Select One Only) | ☐ Comprehensive Plan Amendment.
☒ Development Regulation Amendment.
☐ Critical Areas Ordinance Amendment.
☐ Combined Comprehensive and Development Regulation Amendments.
☐ Countywide Planning Policy . |
| 4. Description
Enter a brief description of the amendment.

Begin your description with “Proposed” or “Adopted”, based on the type of Amendment you are submitting.

Examples: “ <i>Proposed comprehensive plan amendment for the GMA periodic update.</i> ” or “ <i>Adopted Ordinance 123, adoption amendment to the sign code.</i> ”
(Maximum 400 characters). | Proposed amendments to Title 19 - Development Regulation Administration, Title 23 – Zoning Regulations, and Title 24 – Plats and Subdivision. Title 19 amendments to include changes regarding permit processing procedures, decisions, and appeals. Title 23 amendments to include changes regarding public hearings and recommendations to council, along with consideration and action by council. Title 24 amendments to include changes to public hearings and decisions for preliminary plats, along with changes to the binding site plan procedure. |



Department of Commerce

| | |
|---|---|
| 5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)? | ☐ Yes
☒ No |
| 6. Proposed Dates:
Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission. | Planning Commission: September 25, 2019
City Council: October 15, 2019
Proposed / Date of Adoption: October 15, 2019 |
| 7. Contact Information: | |
| A. Prefix/Salutation:
(Examples: "Mr.", "Ms.", or "The Honorable" (elected official)) | Mr. |
| B. Name: | Mike Stevens |
| C. Title: | Planning Manager |
| D. Email: | mstevens@ci.richland.wa.us |
| E. Work Phone: | (509) 942-7596 |
| F. Cell/Mobile Phone: (optional) | |
| Consultant Information: | |
| G. Is this person a consultant? | ☐ Yes |
| H. Consulting Firm name? | |
| 8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment? | ☐ Yes |

REQUIRED: Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

Questions? Call the review team at (509) 725-3066.



THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2019-S-574

Submittal Date Time: 08/26/2019

Submittal Information

Jurisdiction City of Richland
Submittal Type Request for Expedited Review / Notice of Intent to Adopt
Amendment Type Amendment
Amendment Type Development Regulation Amendment

Amendment Information

Brief Description

Proposed amendments to Title 19 - Development Regulation Administration, Title 23 – Zoning Regulations, and Title 24 – Plats and Subdivision. Title 19 amendments to include changes regarding permit processing procedures, decisions, and appeals. Title 23 amendments to include changes regarding public hearings and recommendations to council, Title 24 amendments to include changes to public hearings.

☐ Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

Planning Commissions Date 09/25/2019

City Council Date 10/15/2019

Anticipated/Proposed Date of Adoption 10/15/2019

Attachments

| Attachment Type | File Name | Upload Date |
|--|--|---------------------|
| Correspondence | CA2019-104 City of Richland Code Amendment.msg | 08/26/2019 10:14 AM |
| Development Regulation Amendment - Draft | CA2019-104 Referral Packet.pdf | 08/26/2019 10:14 AM |

Contact Information

Prefix Mr.
First Name Mike
Last Name Stevens
Title Planning Manager
Work (509) 942-7596
Cell
Email mstevens@ci.richland.wa.us

☐ Yes, I would like to be contacted for Technical Assistance.

Certification

Entered by Linda Weyl on 8/26/2019 10:15:40 AM

| | |
|----------------------|----------------------------|
| Intake Received Date | 08/26/2019 |
| Full Name | Mike Stevens |
| Email | mstevens@ci.richland.wa.us |



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

08/26/2019

Mr. Mike Stevens
Planning Manager
City of Richland
505 Swift Boulevard
Post Office Box 190
Richland, WA 99352

Sent Via Electronic Mail

Re: City of Richland--2019-S-574--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Mr. Stevens:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed amendments to Title 19 - Development Regulation Administration, Title 23-- Zoning Regulations, and Title 24 -- Plats and Subdivision. Title 19 amendments to include changes regarding permit processing procedures, decisions, and appeals. Title 23 amendments to include changes regarding public hearings and recommendations to council, Title 24 amendments to include changes to public hearings.

We received your submittal on 08/26/2019 and processed it with the Submittal ID 2019-S-574. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/25/2019.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). 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.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call William Simpson, (509) 280-3602.

Sincerely,

From: [PLANVIEW Mail](#)
To: [Stevens, Mike](#)
Subject: City of Richland - Expedited Review Request Granted for Submittal ID: 2019-S-574
Date: Monday, September 9, 2019 6:24:41 AM

Dear Mr. Stevens,

Your request for an Expedited Review has been granted for: Proposed amendments to Title 19 - Development Regulation Administration, Title 23 – Zoning Regulations, and Title 24 – Plats and Subdivision. Title 19 amendments to include changes regarding permit processing procedures, decisions, and appeals. Title 23 amendments to include changes regarding public hearings and recommendations to council, Title 24 amendments to include changes to public hearings.

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW 36.70A.106 for this submittal. Please keep this email as confirmation.

If you have any questions, please contact William Simpson at (509) 280-3602 or by email at william.simpson@commerce.wa.gov.

~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new [PlanView](#) system where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed [PlanView User Request Form](#).

Have questions about using PlanView? Use the [PlanView User Manual](#) for assistance.

Sincerely,

Review Team  
Growth Management Services





## **CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (CA2019-104)**

Notice is hereby given that the City of Richland has filed an application for proposed text amendments to Title 19 - Development Regulation Administration, Title 23 – Zoning Regulations, and Title 24 – Plats and Subdivision. Title 19 amendments to include changes regarding permit processing procedures, decisions, and appeals. Title 23 amendments to include changes regarding public hearings and recommendations to council, along with consideration and action by council. Title 24 amendments to include changes to public hearings and decisions for preliminary plats, along with changes to the binding site plan procedure.

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, September 25, 2019 in the Richland City Hall Council Chambers, 625 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Mike Stevens, Planning Manager, 625 Swift Blvd., MS-35, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to [mstevens@ci.richland.wa.us](mailto:mstevens@ci.richland.wa.us). Written comments should be received no later than 5:00 p.m. on Tuesday, September 17, 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](http://www.ci.richland.wa.us) beginning Friday, September 20, 2019.