



Agenda
City Council Regular Meeting
Tuesday, November 19, 2019
City Hall Council Chambers | 625 Swift Boulevard

City Council Workshop - 6:45 p.m. (Discussion Only – Council Chambers)

Agenda Item:

1. Legislative Priorities (15 minutes)
 - Jon Amundson, Assistant City Manager
2. Visit Tri-Cities Sports Tourism (25 minutes)
 - Joe Schiessl, Parks & Public Facilities Director
3. Discuss Meeting Agenda Items (5 minutes)
 - City Councilmembers

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

Welcome and Roll Call

Pledge of Allegiance

Approval of Agenda: (Approved by Motion)

Presentations:

4. Special Olympics Washington: Fall State Games (5 minutes)
 - Joe Schiessl, Parks & Public Facilities Director
 - Donna Tracy, Arc of Tri-Cities

Public Hearing: Please limit public hearing comments to 3 minutes. Records intended for Council consideration must be given to the City Clerk.

5. Proposed Amendments to the 2019 Budget - Ordinance No. 58-19
 - Cathleen Koch, Administrative Services Director

Public Comments: Please limit public comments to 2 minutes. Records intended for Council consideration must be given to the City Clerk.

Consent Calendar: Approved by single vote; Councilmembers may transfer individual items to Items of Business.

Minutes - Approval:

6. Approval of the November 5, 2019 Council Meeting Minutes
 - Heather Kintzley, City Attorney

Ordinances - First Reading:

7. Ordinance No. 57-19, Amending Chapter 12.10 of the Richland Municipal Code related to Installation of Street Improvements
 - Heather Kintzley, City Attorney
8. Ordinance No. 58-19, Approving Amendments to the 2019 Budget
 - Cathleen Koch, Administrative Services Director
9. Ordinance No. 59-19, Repealing Chapter 23.34 of the Richland Municipal Code related to Floodplain Combining District and Adopting Chapter 22.16 of the Richland Municipal Code related to Floodplain Damage Prevention
 - Kerwin Jensen, Development Services Director
10. Ordinance No. 60-19, Amending Richland Municipal Code Section 23.26.030 related to Industrial Use Districts Permitted Land Uses
 - Kerwin Jensen, Development Services Director
11. Ordinance No. 61-19, Amending Chapter 3.24 of the Richland Municipal Code related to Miscellaneous Accounting Funds
 - Cathleen Koch, Administrative Services Director

Ordinances - Second Reading/Passage:

12. Ordinance No. 55-19, Approving the 2020 Budget and the 2020-2025 Capital Improvement Plan
 - Cathleen Koch, Administrative Services Director
13. Ordinance No. 56-19, Amending the 2019 Budget in the Industrial Development Fund
 - Kerwin Jensen, Development Services Director

Resolutions – Adoption:

14. Resolution No. 148-19, Amending Exhibit A of the Compensation Plan for Unaffiliated Employees – 2015 and Continuing.
 - Cathleen Koch, Administrative Services Director
15. Resolution No. 149-19, Authorizing a Grant Agreement with the Washington Traffic Safety Commission for High Visibility Enforcement Funding
 - John Bruce, Chief of Police

Items for Approval:

Expenditures - Approval:

Items of Business:

Reports and Comments:

1. City Manager
2. City Council
3. Mayor

Adjournment

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COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Agenda Item

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Legislative Priorities (15 minutes)

Department:

Assistant City Manager

Ordinance/Resolution Number:

Document Type:

City Council Workshop Agenda
Item

Recommended Motion:

None.

Summary:

Assistant City Manager Jon Amundson will introduce the City's proposed legislative priorities for the next state legislative session.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Agenda Item

Core Focus Area 5 - Maximize Community Amenities

Subject:

Visit Tri-Cities Sports Tourism (25 minutes)

Department:

Parks & Public Facilities

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

None.

Summary:

This year the City of Richland joined the Cities of Pasco and Kennewick to support Visit Tri Cities (VTC) in an effort to study sports tourism. VTC hired the consulting firm CH Johnson (CHJ) to meet with area stakeholders and develop a market-based recommendation for sports tourism investments. CHJ has completed a draft analysis and is prepared to present their findings to VTC and the three Cities.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Presentations

Core Focus Area 5 - Maximize Community Amenities

Subject:

Special Olympics Washington: Fall State Games (5 minutes)

Department:

Parks & Public Facilities

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

None.

Summary:

Donna Tracy of Arc of Tri-Cities and Special Olympics Washington will provide a brief overview of the upcoming (November 23-24) Fall State Special Olympics Games hosted in the Tri-Cities, including Richland's Badger Mountain Community Park.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Public Hearing

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Proposed Amendments to the 2019 Budget - Ordinance No. 58-19

Department:

Administrative Services

Ordinance/Resolution Number:

Document Type:

Public Hearing Item

Recommended Motion:

None.

Summary:

A public hearing is necessary for Ordinance No. 58-19, amending the 2019 Budget.

The public hearing notice was posted on November 17, 2019. First reading of Ordinance No. 58-19 will occur on November 19, 2019, with the second reading and passage currently scheduled for the December 3, 2019.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Minutes - Approval

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Subject:

Approval of the November 5, 2019 Council Meeting Minutes

Department:

City Attorney

Ordinance/Resolution Number:

Document Type:

Minutes

Recommended Motion:

Approve the minutes of the November 5, 2019 Council meeting.

Summary:

Presented for Council's consideration and approval are draft meeting minutes from the Richland City Council regular meeting held on November 5, 2019.

Fiscal Impact:

None.

Attachments:

- I. Draft November 5, 2019 Council Meeting Minutes



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Richland City Hall ~ 625 Swift Boulevard

Tuesday, November 5, 2019

City Council Workshop - 7:00 p.m.

Mayor Thompson called the workshop to order at 7:00 p.m. in the Council Chambers at City Hall.

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

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Chief of Police Bruce, Fire & Emergency Services Director Huntington, Development Services Director Jensen, Administrative Services Director Koch, Public Works Director Rogalsky, Parks & Public Facilities Director Schiessl, Energy Services Director Whitney and Acting Deputy City Clerk Fulton.

Agenda Item

1. Executive Session Per RCW 42.30.110 (1)(i): Discuss Current or Potential Litigation With Legal Counsel

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER THOMPSON SECONDED THE MOTION TO ENTER INTO EXECUTIVE SESSION FOR TWENTY-FIVE (25) MINUTES TO DISCUSS PENDING LITIGATION WITH THE CITY ATTORNEY PURSUANT TO RCW 42.30.110(1)(i). MAYOR THOMPSON MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED A MOTION TO EXIT EXECUTIVE SESSION AT 7:20 P.M. THE EXECUTIVE SESSION ROOM WAS VACATED.

Individuals present during executive session included: Mayor Thompson, Mayor Pro Tem Christensen, Councilmembers Alvarez, Anderson, Kent, Lemley and Lukson, City Manager Reents, and City Attorney Kintzley.

The regular workshop resumed at 7:25.

2. Discuss Meeting Agenda Items

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

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

Mayor Thompson called the Council meeting to order at 7:30 p.m. in the Council Chambers at City Hall.

Welcome and Roll Call

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

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

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Chief of Police Bruce, Fire & Emergency Services Director Huntington, Development Services Director Jensen, Administrative Services Director Koch, Public Works Director Rogalsky, Parks & Public Facilities Director Schiessl, Energy Services Director Whitney and Acting Deputy City Clerk Fulton.

Pledge of Allegiance

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

Approval of Agenda

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER ALVAREZ SECONDED A MOTION TO APPROVE THE AGENDA AS PUBLISHED. THE MOTION CARRIED 7-0.

Presentations

3. New Hire/Retirements

Administrative Services Director Cathleen Koch introduced new hires from October, including new SECOMM Dispatchers Luis Flores, Eriberto (Eddie) Larios and Pam Staley, new Public Works Utility Craftworkers Dennis Bruner and Tyler Sanders, new Development Services Permit Technician Kirsten Strietzel, and new Energy Services Meter, Power, & Protection Technician I Omar Guzman. Mayor Thompson recognized Building Permit Expeditor Cindi Somers on her retirement, and presented her with a plaque and letter thanking her for her years of service to the City of Richland.

4. Public Art Strategic Plan Update

Dr. Kissel presented an update on a new Strategic Art Plan on behalf of the Richland Arts Commission. Dr. Kissel stated that the next step is to gather input in order to determine the vision of the City Council and its constituents. Completion of the plan is scheduled for late 2020. Dr. Kissel further explained that, while the Arts Commission has no dedicated budget or funding, there are projects hosted through Public Works and Parks & Public Facilities that contain art elements, thereby deploying art throughout the community through deliberate project planning.

5. West Richland Area Chamber of Commerce Update

West Richland Area Chamber of Commerce Executive Director May Hays and Vice President Troy Berglun provided a brief update on the services provided by the Chamber in support of the city of Richland. Such services include networking, business support, and hosting chamber events like Cool Desert Nights to improve quality of life. Ms. Hays presented Parks & Recreation Coordinator Stan Johnson with a framed poster from Cool Desert Nights and thanked him for his assistance in facilitating and supporting the event. City Council was also presented with a framed Cool Desert Nights poster in gratitude for Richland's collaboration.

Mayor Pro Tem Christensen thanked Ms. Hays and Mr. Berglun for the West Richland Area Chamber of Commerce's willingness to host Cool Desert Nights. Mayor Pro Tem Christensen also commended Stan Johnson for his good works in support of the City's Parks & Recreation programs.

Public Hearing

Acting Deputy City Clerk Fulton read the Public Hearing and Public Comments procedures.

6. Proposed 2020 Budget and 2020-2025 Capital Improvement Plan - Ordinance No. 55-19

Administrative Services Director Cathleen Koch presented on the Proposed 2020 Budget and 2020-2025 Capital Improvement Plan.

Mayor Thompson opened and closed the public hearing at 8:10 p.m. No testimony was offered.

7. Proposed Amendment to the 2019 Industrial Development Fund Budget - Ordinance No. 56-19

Community Development Director Kerwin Jensen presented on a proposed budget amendment from undesignated fund balance in the Industrial Development Fund to support survey work, mitigation requirements imposed by the Department of Ecology, and grant monies promised by Richland in support of Pasco's direct flight from the Tri-Cities to Los Angeles.

Mayor Thompson opened the public hearing at 8:12 p.m. No testimony was offered. Mayor Thompson closed the public hearing at 8:13 p.m.

8. Proposed 2020-2024 Consolidated Plan, First Year Annual Action Plan and Analysis of Impediments to Fair Housing - Resolution Nos. 137-19, 138-19 and 139-19

Community Development Director Kerwin Jensen presented on the proposed 2020-2024 Consolidated Plan, First Year Annual Action Plan and Analysis of

Impediments to Fair Housing. The public hearing is required by federal law.

Mayor Thompson opened and closed the public hearing at 8:15 p.m. No testimony was offered.

Public Comments

Michelle Andres, 1421 N. Road 77, Pasco WA, spoke about the information regarding the Columbia River fight over the dams that she previously sent to Council.

Michelle Inserra, 1146 Country Ridge Drive, Richland WA, volunteers at the Tri-Cities animal shelter. Ms. Inserra encouraged Council to tour the shelter to see the current conditions. Ms. Inserra commented on the poor working conditions and the odor at the shelter. Ms. Inserra encouraged the City to work with Pasco and Kennewick to make sure a new shelter is built.

Cindy Anderson, 3127 Redhawk Drive, Richland WA, thanked Councilmember Lukson for touring the Tri-Cities animal shelter. Ms. Anderson spoke of electrical wiring out of compliance, non-ADA accessibility, and rodent infestation. Ms. Anderson also encouraged Council to increase the budget for the Tri-City Animal Control Authority to support mandatory spay/neutering of all adoptable animals in the shelter.

Amanda LaRinere, 2017 N. Road 52, Pasco WA, spoke about the animal welfare community in the Tri-Cities. Ms. LaRinere encouraged a partnership with the three cities to improve the quality of life for animals in the region, and spoke of a recent \$300,000 state grant award to Pet Overpopulation Prevention Tri-Cities (POPP) for construction of a spay/neuter center.

Sherry Kowalski, 73518 N. Pedersa Road, West Richland, is a board member of Pet Overpopulation Prevention Tri-Cities who echoed comments made by previous speakers with regard to the Tri-Cities animal shelter.

Joel Rogo, owner of the Tri-Cities Academy of Ballet, pointed out that three of the members of the Richland Arts Commission are dancers at the Tri-Cities Academy of Ballet.

Consent Calendar

Acting Deputy City Clerk Fulton read the Consent Calendar.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER LUKSON SECONDED A MOTION TO APPROVE THE CONSENT AGENDA AS PUBLISHED. THOSE IN FAVOR: THOMPSON, CHRISTENSEN, ALVAREZ, ANDERSON, KENT, LEMLEY, AND LUKSON. THOSE OPPOSED: NONE. THE MOTION CARRIED 7-0.

Minutes - Approval

9. Approval of the October 15, 2019 and October 22, 2019 Council Meeting Minutes

Ordinances - First Reading

10. Ordinance No. 55-19, Approving the 2020 Budget and the 2020-2025 Capital Improvement Plan
11. Ordinance No. 56-19, Amending the 2019 Budget in the Industrial Development Fund

Ordinances - Second Reading/Passage

12. Ordinance No. 47-19, Approving the 2020 Ad Valorem Tax and Property Tax Levies
13. Ordinance No. 48-19, Approving a Change to the 2020 Ad Valorem Tax over the Prior Year
14. Ordinance No. 50-19, Amending Chapter 5.04 of the Richland Municipal Code related to Use of Business License Reserves
15. Ordinance No. 51-19, Amending Titles 19, 23 and 24 of the Richland Municipal Code to Send Certain Land Use Decisions to the Richland Hearing Examiner
16. Ordinance No. 52-19, Amending Sections 24.13.010 and 24.13.060 of the Richland Municipal Code related to Short Subdivisions
17. Ordinance No. 53-19, Amending Sections 22.10.400 and 22.10.405 of the Richland Municipal Code related to Critical Areas Density Transfer
18. Ordinance No. 54-19, Providing for the Sale of 2019 Electric Revenue and Refunding Bonds

Resolutions – Adoption

19. Resolution No. 132-19, Approving the Final Plat of Jolianna Heights - Phase I
20. Resolution No. 133-19, Approving the Final Plat of Clearwater Creek - Phase 8
21. Resolution No. 134-19, Approving the Final Plat of West Village - Phase 4
22. Resolution No. 135-19, Declaring Certain Real Property Surplus to the City's Needs
23. Resolution No. 136-19, Approving 2020 Hotel/Motel Lodging Tax Funding Awards

24. Resolution No. 137-19, Adopting the 2020-2024 Consolidated Plan for the CDBG and HOME Programs
25. Resolution No. 138-19, Adopting the 2020-2024 Analysis of Impediments to Fair Housing
26. Resolution No. 139-19, Adopting the First Year Annual Action Plan and Authorizing the Submission of Grant Forms for CDBG and HOME
27. Resolution No. 140-19, Expressing Support for the Proposed SR-224/Red Mountain Transportation Improvements Project
28. Resolution No. 141-19, Authorizing an Application to Benton-Franklin Council of Governments for Federal Transportation Project Grants
29. Resolution No. 142-19, Authorizing a Purchase and Sale Agreement with Michael Gallien for Access Rights related to the Duportail Bridge Project
30. Resolution No. 143-19, Authorizing a Purchase and Sale Agreement with Justin Stoker for Access Rights related to the Duportail Bridge Project
31. Resolution No. 144-19, Authorizing an Interlocal Agreement with Benton County for Aerial Photography
32. Resolution No. 145-19, Authorizing Credit Support Reserves for Wholesale Power Purchases through Northwest Intergovernmental Energy Supply

Items for Approval

None.

Expenditures - Approval

33. Expenditures from October 7, 2019 - October 25, 2019 for \$5,392,757.33, including Check Nos. 273109-273122, Wire Nos. 7793-7831, Payroll Direct Deposit Check Nos. 156762-157304, Pension Direct Deposit Check Nos. 5258- 5290, and Payroll Wire/ACH Nos. 11206-11222

Items of Business

34. Resolution No. 146-19, Authorizing a Public Works Board Construction Loan for the Horn Rapids Landfill Disposal Improvements and Landfill Closure - Phase 2 Projects

Public Works Director Pete Rogalsky presented on the award of a low-cost loan from the Public Works Trust Fund to fund improvements to the Horn Rapids Landfill, and to

support closure activities. The Public Works Trust Fund loan program offers financing terms that reduce the City's debt service costs for the Solid Waste Utility and eliminate the need to issue revenue bonds, saving the City approximately \$1,000,000.

Councilmember Lemley thanked Mr. Rogalsky for a tour of the landfill.

Mayor Pro Tem Christensen thanked Mr. Rogalsky for bringing forward good news related to the loan opportunity, and expressed appreciation for the savings.

MAYOR PRO TEM CHRISTENSEN MOVED AND MAYOR THOMPSON SECONDED THE MOTION TO APPROVE RESOLUTION NO. 146-19. THOSE IN FAVOR: CHRISTENSEN, ALVAREZ, ANDERSON, KENT, LUKSON AND LEMLEY. THOSE OPPOSED: NONE. MOTION CARRIED 7-0.

Reports and Comments

City Manager

City Manager Reents had no comments.

City Council

Councilmember Anderson complimented Public Works Director Rogalsky for securing the low-cost loan from the Public Works Trust Fund. In honor of Veterans' Day, Councilmember Anderson also thanked all those who served the country.

Councilmember Kent echoed Councilmember Anderson's comments regarding appreciation for the service of veterans, and also complimented Public Works Director Rogalsky on securing the low-cost loan, especially as it allows the City to avoid raising rates.

Councilmember Lemley encouraged citizens to attend the Veterans' Day parade.

Councilmember Lukson commented on the condition of the animal control facility, and stated that he hopes he can assist in facilitating some form of resolution to the issue. Councilmember Lukson also thanked the audience for attending the meeting.

Mayor Pro Tem Christensen thanked those who voted, and encouraged more citizens to vote in the future.

Mayor

Mayor Thompson spoke to the concept that freedom is not free, and that it is easy to take freedoms for granted. Mayor Thompson hopes that balance can be regained when it comes to the rights we have been granted that others gave their lives to protect.

Adjournment

Mayor Thompson adjourned the meeting at 8:50 p.m.

APPROVED:

ATTESTED:

Robert J. Thompson, Mayor

Toni Fulton, Acting Deputy City Clerk

DATE APPROVED:

DATE PUBLISHED:

Draft



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Ordinances - First Reading

Subject:

Ordinance No. 57-19, Amending Chapter 12.10 of the Richland Municipal Code related to Installation of Street Improvements

Department:
City Attorney

Ordinance/Resolution Number:
57-19

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 57-19, amending Chapter 12.10 of the Richland Municipal Code related to Installation of Street Improvements.

Summary:

The proposed amendments to Ordinance No. 57-19 are intended to bring the City's code into compliance with state and federal law.

Staff recommends approval of Ordinance No. 57-19 for first reading, by title only.

Fiscal Impact:

None.

Attachments:

I. Ordinance No. 57-19

ORDINANCE NO. 57-19

AN ORDINANCE of the City of Richland amending Chapter 12.10 of the Richland Municipal Code related to installation of street improvements.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code to bring it into compliance with state or federal law.

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

Section 1. Chapter 12.10 of the Richland Municipal Code, entitled Installment of Street Improvements, as first adopted by Ordinance No. 390, and last amended by Ordinance No. 25-19, is hereby amended as follows:

Chapter 12.10 INSTALLATION OF STREET IMPROVEMENTS

Sections:

- 12.10.010 Street improvements for new construction.**
- 12.10.020 Street improvements for existing improved property.**
- 12.10.030 Standards of construction.**
- 12.10.035 Sidewalks for new or improved streets.**
- 12.10.040 Permits.**
- 12.10.050 Waiver [or modification](#).**
- 12.10.060 Exemptions.**
- [12.10.070 Severability.](#)**

12.10.010 Street improvements for new construction.

A. Whenever a building permit application is made for construction of a new residential or commercial structure within the city, the person seeking such permit shall also make application for a permit as provided for under this chapter, and as a portion of such construction there shall be built street improvements on all sides of such property that may adjoin property dedicated as a public street right-of-way, in conformance herewith, and such street improvements shall extend the full distance that such property is sought to be occupied as a building site for residential or commercial construction, or as parking area for commercial construction, that may adjoin property dedicated as a public street right-of-way. "Street improvements" shall include all elements needed to complete the street in conformance with city standards, including but not limited to grading of land, subgrade preparation, crushed rock base, asphalt paving, curbs, gutters, sidewalks, storm drainage, and street light improvements.

B. If there are no existing street improvements, or if the paved width of the adjacent public street does not conform to city standards in accordance with the planned roadway width, as determined by the public works director and the city's street functional classification system as established in Chapter 12.02 RMC, the application

for right-of-way construction shall include such street improvements required by the public works director to achieve conformance with current city standards.

C. The street improvement requirements of this section may be waived by the public works director when application is made for the construction of a new residential or commercial structure on a previously improved street, which previously improved street does not include sidewalks or curbs and gutters. A waiver may be granted only if all of the following conditions exist:

1. The property is in a residential zone, or is a residential nonconforming use to another zoning classification.
2. The existing street is not included as a classified arterial or collector street in the city's street functional classification system as established in Chapter 12.02 RMC.
3. The existing street does not have concrete curbs along the property frontage for the property applying for the building permit.
4. The existing street does not have concrete curbs within 300 feet of the nearest property corner to the property applying for a building permit.
5. Less than 33 percent of the properties on the same block and side as the property applying for the building permit are undeveloped.
6. Construction of sidewalks along the property applying for the permit would result in no more than 20 percent of the frontage along the same side of the block including sidewalk.

If the above conditions are met, the public works director may grant a waiver to the requirements in this section subject to the property owner committing to fully fund and/or complete the improvements required under this section when the city forms a local improvement district to make these improvements or when development activity will result in at least 50 percent of the street frontage completing the improvements called for in this section. The property owner's commitment shall be in a form provided by the city and recorded against the property prior to occupancy of the site improvements.

12.10.020 Street improvements for existing improved property.

Whenever a building permit application is made for alterations or repairs to an existing building or structure on residential or commercial property within the city, the person seeking such a permit shall install improvements as required in RMC 12.10.010, except that the requirements for installation of such improvements shall be waived if one of the following criteria is met:

- A. The total alterations or repairs to an existing residential building or structure are less than 50 percent of the assessed valuation as determined by the Benton County assessor;

B. The total alterations or repairs to an existing commercial building or structure are less than 30 percent of the assessed valuation as determined by the Benton County assessor; [or](#)

[C. The alterations or repairs to the existing structure have no nexus to any articulable public impact as determined by the public works director or designee.](#)

12.10.030 Standards of construction.

All street improvements shall be constructed in accordance with city standards as established by the public works director. All sidewalks required to be constructed pursuant to the provisions of this chapter shall be five feet in width; provided, that C-2 and C-3 zones adjacent to a principal or minor arterial shall be eight feet in width if the sidewalk is constructed directly adjacent to the curb or six feet in width if constructed with a minimum of two feet separation from the curb; and all sidewalks within the CBD zone shall be at least eight feet in width, except Guyer Avenue, Corondolet Drive, Stevens Drive north of Marjorie Sutch Greenway and Harding Street, which shall be five feet in width. Except where identified in the Horn Rapids Industrial Master Plan, curb and gutters are not required to be constructed in industrial zoning districts. Sidewalks required to be constructed in industrial zoning districts may, as an alternative, consist of a widened, delineated hot mix asphalt (HMA) shoulder with restricted parking or a separated HMA pathway as approved by the public works director.

[A. If sidewalks are present and at least four \(4\) feet wide, widening to achieve a width of five \(5\) feet is not required.](#)

[B. If the City's Comprehensive Plan or Six-Year Transportation Improvement Plan includes a bicycle and/or pedestrian facility adjacent to the improved property, the applicant shall construct the portion of the City's planned improvement project adjacent to its property in lieu of the improvements specified above.](#)

12.10.035 Sidewalks for new or improved streets.

Whenever any street is constructed or improved in any area of the city zoned residential or commercial, whether such construction be by local improvement or otherwise, as a part of such construction or improvement there shall be included therein, on both sides of any such street that may abut on previously developed property, sidewalks, curbs, and gutters constructed in conformity with requirements of this chapter.

A. Sidewalks may be required on only one side of streets upon a determination by the public works director that occupied parcels are anticipated on only one side of the street, or when access is limited on one side of the street. In such a case, the street shall include sidewalk and intersection designs that establish connectivity to sidewalks on intersecting streets as required by the public works director.

B. The provisions of this section may be waived by the public works director upon a determination that implementing the provisions of this section would adversely impact existing development adjacent to the street and that waiving these provisions would not

adversely affect the uniform construction of sidewalks, curbs and gutters in the general area of the construction or improvement.

12.10.040 Permits.

Before constructing street improvements, a permit shall be obtained in the same manner as is provided in Chapter 12.08 RMC.

12.10.050 Waiver or modification.

The public works director or duly authorized representative may waive the requirements of this chapter upon a determination by the public works director that the street is scheduled to be improved with curbs, gutters, and sidewalks by a publicly funded improvement within the coming three years, as indicated by the six-year street improvement program and capital improvement plan. The public works director or designee may modify the requirements of this chapter such that mitigation for new construction or for alterations or repairs to existing improved property is roughly proportional to the potential impacts of the proposed development.

12.10.060 Exemptions.

The following streets, or portions of streets, are exempt from the requirements of RMC 12.10.010 and 12.10.020:

- A. Geneva Street west of Georgia Avenue.
- B. Carson Street.
- C. Denver Street.
- D. The south side of Aaron Drive between Jadwin Avenue and Adams Street.

12.10.070 Severability.

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

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

Section 3. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

This space intentionally left blank.

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

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 58-19, Approving Amendments to the 2019 Budget

Department:

Administrative Services

Ordinance/Resolution Number:

58-19

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 58-19, amending the 2019 Budget.

Summary:

The proposed Ordinance No. 58-19 will amend the 2019 budget appropriations. Additional appropriations in the amount of \$2,887,955 are identified in the attached worksheet. The increases are primarily the result of additional expenditures in the General Fund, Streets Fund, Industrial Development Fund, Public Safety Sales Tax Fund, Electric Utility Fund, Water Utility Fund, Wastewater Utility Fund, Solid Waste Utility Fund, Medical Services Fund, Broadband Fund, Equipment Maintenance Fund, Police Pension Fund and in some of the funds, declaring that a public emergency exists because certain expenses were not originally anticipated in the 2019 operating budget.

New revenues support \$693,828 of the increase. The remaining \$2,194,127 is funded by use of existing fund balances. The attached document lists the increase in appropriations for each fund, with a brief description of the nature of the increase.

These numbers are preliminary at this time, and will be further refined before second reading of Ordinance No. 58-19. Staff expects the adjustments to trend downward as details are finalized.

Staff recommends approval of Ordinance No. 58-19 for first reading, by title only.

Fiscal Impact:

Yes The total increase in appropriations to the 2019 operating budget is \$2,887,955.

Attachments:

1. Ordinance No. 58-19
2. 2019 Appropriation Changes

ORDINANCE NO. 58-19

AN ORDINANCE of the City of Richland amending the 2019 Budget to provide for additional appropriations in the City's General Fund, Streets Fund, Industrial Development Fund, Public Safety Sales Tax Fund, Electric Utility Fund, Water Utility Fund, Wastewater Utility Fund, Solid Waste Utility Fund, Medical Services Fund, Broadband Fund, Equipment Maintenance Fund, Police Pension Fund and in certain of these funds, declaring that a public emergency exists.

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

WHEREAS, certain additional revenue sources have been identified that were not anticipated when the 2019 Budget was approved, the expenditure of which is not included in current appropriations; and

WHEREAS, certain additional expenditures have been identified as necessary or desirable in the current year that do not have a specific new revenue source; and

WHEREAS, no funds were appropriated for these expenditures; and

WHEREAS, sufficient unappropriated balances are available in the funds referred to in Section 2 to support the required budget adjustment; and

WHEREAS, pursuant to RCW 35.33.091, a duly noticed public hearing was held on November 19, 2019 regarding the increase in appropriations from beginning fund balance.

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

Section 1. Facts Constituting Emergency. The expenses contained within this ordinance were not anticipated when the 2019 Budget was approved.

Section 2. Declaration of Public Emergency. Due to circumstances described above, City Council declares that a public emergency exists in the City's General Fund, Streets Fund, Industrial Development Fund, Public Safety Sales Tax Fund, Electric Utility Fund, Water Utility Fund, Wastewater Utility Fund, Solid Waste Utility Fund, Medical Services Fund, Broadband Fund, Equipment Maintenance Fund and Police Pension Fund.

Section 3. Amendment of the 2019 Budget. The 2019 Budget is hereby amended to provide additional appropriations in the following funds, and from the following sources, as indicated:

2019 BUDGET AMENDMENTS

Fund	Fund Title	Current Appropriations	Change In Appropriations	Amended Appropriations	Source	
					Fund Balance	New Revenue
001	GENERAL FUND	\$ 60,774,623	\$ 1,162,605	\$ 61,937,228	\$ 1,118,338	\$ 44,267
101	CITY STREETS FUND	3,616,855	63,478	3,680,333	63,478	-
112	INDUSTRIAL DEVELOPMENT FUND	2,949,934	150,813	3,100,747	-	150,813
117	PUBLIC SAFETY SALES TAX FUND	2,093,053	16,936	2,109,989	16,936	-
401	ELECTRIC UTILITY FUND	85,428,490	460,801	85,889,291	460,801	-
402	WATER UTILITY FUND	24,416,820	18,775	24,435,595	18,775	-
403	WASTEWATER UTILITY FUND	13,548,436	9,848	13,558,284	9,848	-
404	SOLID WASTE UTILITY FUND	18,823,179	360,241	19,183,420	360,241	-
407	MEDICAL SERVICES FUND	4,806,640	241,005	5,047,645	-	241,005
408	BROADBAND FUND	866,890	41,282	908,172	41,282	-
502	EQUIPMENT MAINTENANCE FUND	4,144,926	257,743	4,402,669	-	257,743
612	POLICE PENSION FUND	430,650	104,428	535,078	104,428	-
TOTAL		\$ 221,900,496	\$ 2,887,955	\$ 224,788,451	\$ 2,194,127	\$ 693,828

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

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 20__.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____

2019 BUDGET AMENDMENTS

Fund Title	Revenue Acct#	Expense Acct#	Current Appropriations	Change In Appropriations	Amended Appropriations	Funding Source	
						Fund Balance	New Revenue
GENERAL FUND 001			\$ 60,774,623				
Overtime - Fire Suppression	001-000-0010-369954-0000	001-120-0031-522200-1201		89,908			
Overtime - Fire Staff Training	001-000-0000-308000-0000	001-120-0031-522400-1201		7,120			
Overtime - Investigation		001-130-0031-521210-1201		149,433			
Overtime - Patrol		001-130-0031-521220-1201		79,007			
Small Tools & Equip - Patrol		001-130-0033-521220-3501		24,557			
Expert Services - Financial Services		001-211-0014-514230-4117		43,983			
Merchant Fees - Customer Service		001-211-0014-519710-4207		81,881			
Outside Services Provided - Customer Service		001-211-0014-519710-4911		26,104			
Replacement Comm Equip		001-213-0013-518885-3515		62,706			
Software-Licensing & Upgrades		001-213-0013-518890-3583		325,604			
Expert Services - HR		001-220-0014-516200-4117		59,119			
Pre-Employment Process - HR		001-220-0014-516200-4946		16,858			
Library Resources		001-303-0063-572210-3401		57,664			
Public Arts Improvement		001-303-0066-572500-6340		9,219			
Machinery & Equip - Recreation		001-331-0066-574200-6400		17,500			
Small Tools & Equip - Facilities		001-335-0013-571510-3501		19,541			
Furniture & Fixtures - Facilities		001-335-0013-571510-3505		11,773			
Operating Supplies - Parks Maintenance		001-335-0063-576100-3102		33,128			
LEOFF I Contribution-Police		001-900-0005-517212-5205		47,500			
				1,162,605	\$ 61,937,228	1,118,338	44,267
CITY STREETS FUND 101			\$ 3,616,855				
Operating Supplies & Materials	101-000-0000-308000-0000	101-401-0053-542300-3102		10,869			
Fleet M&O		101-401-0059-542900-9848		52,609			
				63,478	\$ 3,680,333	63,478	
INDUSTRIAL DEVELOPMENT FUND 112			\$ 2,949,934				
Expert Services	112-000-0000-395112-0000	112-306-0074-559300-4117		125,283			
Marketing Services		112-306-0074-559300-4133		5,976			
Utilities		112-306-0074-559300-4700		11,718			
Repairs & Maint - Improvements		112-306-0074-559300-4804		7,836			
				150,813	\$ 3,100,747		150,813
PUBLIC SAFETY SALES TAX FUND 117			\$ 2,093,053				
Emergency Dispatch	117-000-0000-308000-0000	117-131-0035-528600-5107		10,185			
800 MHZ - Radios		117-131-0035-528600-5122		6,751			
				16,936	\$ 2,109,989	16,936	
ELECTRIC UTILITY FUND 401			\$ 85,428,490				
Wholesale Electricity	401-000-0000-309000-0000	401-505-0003-534105-3340		116,213			
State Taxes		401-501-0005-534101-5301		70,031			
City Utility Tax		401-501-0005-534101-5410		274,557			
				460,801	\$ 85,889,291	460,801	
WATER UTILITY FUND 402			\$ 24,416,820				
City Utility Tax	402-000-0000-309000-0000	402-411-0005-534100-5410		18,775			
				18,775	\$ 24,435,595	18,775	
WASTEWATER UTILITY FUND 403			\$ 13,548,436				
State Taxes	403-000-0000-309000-0000	403-420-0005-535100-5301		6,393			
City Utility Tax		403-420-0005-535100-5410		3,455			
				9,848	\$ 13,558,284	9,848	
SOLID WASTE UTILITY FUND 404			\$ 18,823,179				
Data Processing Hardware	404-000-0000-309000-0000	404-432-0003-537810-3582		19,416			
State Taxes		404-432-0004-537810-4911		3,723			
City Utility Tax		404-432-0006-537810-6414		80,439			
Fleet M&O		404-432-0009-537810-9848		140,888			
Fleet M&O		404-433-0009-537820-9848		115,775			
				360,241	\$ 19,183,420	360,241	
MEDICAL SERVICES FUND 407			\$ 4,806,640				
Salaries & Wages-Regular	407-000-0000-332934-0000	407-121-0001-526200-1101		23,678			
Salaries & Wages-Overtime		407-121-0001-526200-1201		134,453			
Pension Contributions-LEOF		407-121-0002-526200-2104		11,140			
Health Insurance		407-121-0002-526200-2109		21,666			
Small Tools & Equip		407-121-0003-526200-3501		12,575			
Expert Services		407-121-0004-526200-4117		15,602			
Repairs & Maint - Equipment		407-121-0004-526200-4802		21,891			
				241,005	\$ 5,047,645		241,005
BROADBAND FUND 408			\$ 866,890				
Repairs & Maint - Equipment	408-000-0000-309000-0000	408-460-0004-538920-4802		39,952			
Fleet M&O		408-460-0009-538920-9848		1,330			
				41,282	\$ 908,172	41,282	
EQUIPMENT MAINTENANCE FUND 502			\$ 4,144,926				
Oil - Resale	502-000-0000-348301-0000	502-214-0003-548680-3409		11,222			
Other Supplies & Material - Resale		502-214-0003-548680-3411		227,115			
Capital - Shop Welder, Cycling Dryer		502-214-0006-548680-6993		19,406			
				257,743	\$ 4,402,669		257,743
POLICE PENSION FUND 612			\$ 430,650				
Medicare Premium	612-000-0000-308000-0000	612-217-0002-517282-2403		8,852			
Employee Retirement		612-217-0002-517282-2406		95,576			
				104,428	\$ 535,078	104,428	
TOTAL			\$ 221,900,496	\$ 2,887,955	\$ 224,788,451	\$ 2,194,127	\$ 693,828



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 59-19, Repealing Chapter 23.34 of the Richland Municipal Code related to Floodplain Combining District and Adopting Chapter 22.16 of the Richland Municipal Code related to Floodplain Damage Prevention

Department:

Development Services

Ordinance/Resolution Number:

59-19

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 59-19, repealing Chapter 23.34 RMC related to Floodplain Combining District, adopting Chapter 22.16 RMC related to Floodplain Damage Prevention, and amending Chapter 23.06 RMC related to Definitions, Section 22.10.010 RMC related to Critical Areas, and RMC Section 26.60.072 related to the Shoreline Master Program.

Summary:

In November 2018, the City was subject to a Community Assistance Visit (CAV) by the Washington State Department of Ecology. The purpose of the CAV was to review the community procedures for administering and enforcing Richland's local flood damage prevention ordinance.

The results of the CAV determined that the City's current floodplain management program is difficult to understand and implement. It also determined that the City's use of density fringe standards instead of state and federal floodway standards was never officially approved by FEMA, and as a result, amendments to the Richland Municipal Code are necessary to bring the City's flood damage prevention regulations into compliance with state and federal floodway standards.

The Planning Commission held a public hearing on October 23, 2019, and recommended approval of the draft updates to the Richland Municipal Code.

Staff recommends approval of Ordinance No. 59-19 for first reading, by title only.

Fiscal Impact:

The adoption of these code amendments will have no fiscal impact.

Attachments:

1. Ordinance No. 59-19
2. Staff Report to the Planning Commission

ORDINANCE NO. 59-19

AN ORDINANCE of the City of Richland repealing Chapter 23.34 of the Richland Municipal Code related to Floodplain Combining District; adding a new Chapter 22.16 of the Richland Municipal Code entitled Flood Damage Prevention; amending Chapter 23.06 of the Richland Municipal Code related to Definitions; amending Section 22.10.010 of the Richland Municipal Code related to Critical Areas; and amending Section 26.60.072 of the Richland Municipal Code related to the Shoreline Master Program.

WHEREAS, The Washington State Department of Ecology conducted a Community Assistance Visit in November, 2018; and

WHEREAS, the primary purpose of the Community Assistance Visit is to review the community procedures for administering and enforcing local flood damage prevention regulations; and

WHEREAS, continued enforcement of the floodplain management regulations allows the Federal Emergency Management Agency (FEMA) to continue to make federally backed flood insurance available to property owners in the City of Richland; and

WHEREAS, following the Community Assistance Visit, the Washington State Department of Ecology determined that the City of Richland adopted the use of a density fringe standard in 1981 instead of state and federal floodway standards; and

WHEREAS, density fringe is an alternative method of calculating the one-foot rise by allowing a certain percentage of obstruction throughout the full width of the floodplain; and

WHEREAS, the density fringe method does not delineate a floodway; and

WHEREAS, pursuant to RCW 86.16.041, Washington law prohibits new or substantially improved residential structures in the floodway; and

WHEREAS, in 1981, the United States Army Corps of Engineers recommended against using density fringe in Richland due to the safety hazard presented by flood depths; and

WHEREAS, on March 1, 1984, FEMA issued updated Flood Insurance Rate Maps (FIRMS) and Floodway Maps for Richland; and

WHEREAS, the 1984 FIRMS make no reference to density fringe, and the density fringe would need to be published on the effective FIRMS for it to be used; and

WHEREAS, neither FEMA nor the City of Richland are able to locate any final approval documentation; and

WHEREAS the effective FIRMS show a mapped floodway, which is further evidence that the density fringe was never successfully approved or adopted by Richland; and

WHEREAS the Washington State Department of Ecology has given the City until December 31, 2019 to update its flood damage prevention regulations to be in compliance with state and federal floodway standards.

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

Section 1. Chapter 23.34 of the Richland Municipal Code, entitled Floodplain Combining District, as enacted by Ordinance No. 28-05, is hereby repealed in its entirety.

Section 2. A new Chapter 22.16 of the Richland Municipal Code, entitled Flood Damage Prevention, is hereby established to read as follows:

Chapter 22.16 **Flood Damage Prevention**

22.16.010 Authority, findings of fact, purpose and objectives.

22.16.020 Definitions.

22.16.030 General provisions.

22.16.040 Administration.

22.16.050 Provisions for flood hazard reduction.

22.16.060 Variances.

22.16.010 Authority, findings of fact, purpose and objectives.

A. Statement of Authority. The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Consistent with this authority, the Richland City Council finds that:

1. The flood hazard areas of Richland are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

B. Statement of Purpose. The purpose of this chapter is to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;

6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;

7. Notify potential buyers that the property is in a Special Flood Hazard Area;

8. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and

9. Participate in and maintain eligibility for flood insurance and disaster relief.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development, which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

22.16.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

“Base flood” means any flood having a one percent (1%) chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”).

“Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

“Building”: See “Structure.”

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting

foundation system.

“Community” means a county or city government, as well as a tribal, federal, or state agency with permitting or project approval authority within Special Flood Hazard Areas.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Elevation certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

“Elevated building” means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations adopted by the community.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Farmhouse” means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

“Flood” or “flooding” means:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;

2. The unusual and rapid accumulation or runoff of surface waters from any source; or

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (A)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A) of this definition.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

"Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood" or "flooding."

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood-proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood-proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (not more than one foot). Also referred to as “regulatory floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. by an approved state program as determined by the Secretary of the Interior; or

2. directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter (i.e. provided there are adequate flood ventilation openings).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does

not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level for purposes of the National Flood Insurance Program” means the vertical datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

“New construction for the purposes of determining insurance rates” means structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“One-hundred-year flood” or “100-year flood”: See “Base flood.”

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

“Reasonably safe from flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the highest adjacent grade.

“Recreational vehicle” means a vehicle:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” means and includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure for floodplain management purposes” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions;
or

B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

“Variance” means a grant of relief by a community from the terms of a floodplain management regulation.

“Violation” means the failure of a structure or other development to be constructed or implemented in conformance with the community's applicable floodplain development regulations.

“Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Water dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

22.16.030 General provisions.

A. Lands to which this chapter applies. This chapter shall apply to all special flood hazard areas within the boundaries of the City of Richland, Washington.

B. Basis for establishing the areas of special flood hazard. The special flood hazard areas identified by the Federal Insurance Administrator in scientific and engineering reports entitled “The Flood Insurance Study (FIS) for the City of Richland, Washington” dated December 1979, and the “Flood Insurance Study for Benton County, Washington” dated June 1994, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) and Floodway maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The FIS and the FIRM are on file at the City of Richland Development Services Department. The best available information for flood hazard area identification as outlined in RMC 22.16.040(C)(2) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under RMC 22.16.040(C)(2).

C. Compliance. All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.

D. Penalties for Non-compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall be a civil violation punishable as set forth in chapter 1.30 of the Richland Municipal Code; provided, however, that all remedies available to the City for violation of this chapter are cumulative, and nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Abrogation and greater restrictions. Nothing contained herein is intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

H. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

22.16.040 Administration.

A. Establishment of development permit.

1. Development permit required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in RMC 22.16.030(B). The permit shall be for all structures including manufactured homes, as defined in this chapter, and for all development including fill and other activities, also as defined in this chapter.

2. Application for development permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to NAVD-88, of the lowest floor (including basement) of all structures, both prior to (pre-construction), and once construction is complete (post construction), but prior to the City issuing a formal certificate of occupancy;

b. Elevation in relation to mean sea level to which any structure has been flood-proofed;

c. Where a structure is to be flood-proofed, certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet flood-proofing criteria in RMC 22.16.050(B)(3);

d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. Additional information prepared by a registered professional engineer regarding the volumes of fill, amount of floodplain displacement, anchorage of structures or other technical issues not readily apparent at the time of application may be required as the review process proceeds;

e. Where development is proposed in a floodway, an engineering analysis indicating no rise of the base flood elevation; and

f. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

B. Designation of Floodplain Administrator. The Development Services Director is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

C. Duties and responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator shall include, but not be limited to:

1. Permit review. Review all development permits to determine that:

a. The permit requirements of this chapter have been satisfied;

b. All other required state and federal permits have been obtained;

c. The site is reasonably safe from flooding;

d. In areas where a floodway has not been designated, require that no new construction, substantial improvements or other development (including fill) shall be permitted within zoned A1-30 and AE unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

e. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of RMC 22.16.050(D)(1) are met.

2. Use of other base flood data (in A and V zones). When base flood elevation data has not been provided (in A or V zones) in accordance with RMC 22.16.030(B), the Floodplain

Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer RMC 22.16.050(B) related to specific standards, and RMC 22.16.050(D) related to floodways.

3. Information to be obtained and maintained.

a. Where base flood elevation data is provided through the FIS, FIRM, or required as in RMC 22.16.040(C)(2), obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement (44 CFR 60.3(b)(5)(i)).

b. Documentation of the bottom of the lowest horizontal structural member in V or VE zones.

c. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the FIS, FIRM, or as required in RMC 22.16.040(C)(2):

i. Obtain and record the elevation (in relation to mean sea level) to which the structure was flood-proofed (44 CFR 60.3(b)(5)(ii)); and

ii. Maintain the flood-proofing certifications required in RMC 22.16.040(A)(2)(C) (44 CFR 60.3(b)(5)(iii));

d. Certification required by RMC 22.16.050(D) (floodway encroachments).

e. Records of all variance actions, including justification for their issuance.

f. Improvement and damage calculations.

g. Maintain for public inspection all records pertaining to the provisions of this chapter (44 CFR 60.3(b)(5)(iii)).

4. Notification to other entities. Whenever a watercourse is to be altered or relocated:

a. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means; and

b. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

5. Interpretation of FIRM boundaries. Make interpretations where needed, as to exact

location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP (44 CFR 59-76).

6. Review of building permits. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (see RMC 22.16.040(C)(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

Note: Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

7. Changes to special flood hazard areas.

a. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

b. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

22.16.050 Provisions for flood hazard reduction.

A. General standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

b. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top

or frame ties to ground anchors.

2. Construction materials and methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Storage of materials and equipment.

a. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

b. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

4. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

b. Water wells shall be located on high ground that is not in the floodway;

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. Subdivision proposals and development greater than 50 Lots or 5 Acres. All subdivisions, as well as new development greater than 50 lots or 5 acres, whichever is the lesser, shall:

a. Be consistent with the need to minimize flood damage;

b. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

c. Have adequate drainage provided to reduce exposure to flood damage.

d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments that contain at least 50 lots or 5 acres (whichever is less).

B. Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in RMC 22.16.030(B), Basis for establishing the areas of special flood hazard, or RMC 22.16.040(C)(2) Use of other base flood data, the following provisions are required:

1. Residential construction.

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one (1) foot above the BFE.

b. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two (2) feet above the highest adjacent grade.

c. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. Have a minimum of two (2) openings with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

ii. The bottom of all openings shall be no higher than one (1) foot above grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

2. Additional requirements for below-grade crawlspaces:

a. The interior grade of a crawlspace below the base flood elevation (BFE) must not be more than two (2) feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 1;

b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet (shown as L in Figure 1) at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. This limitation will also prevent these crawlspaces from being converted into habitable spaces;

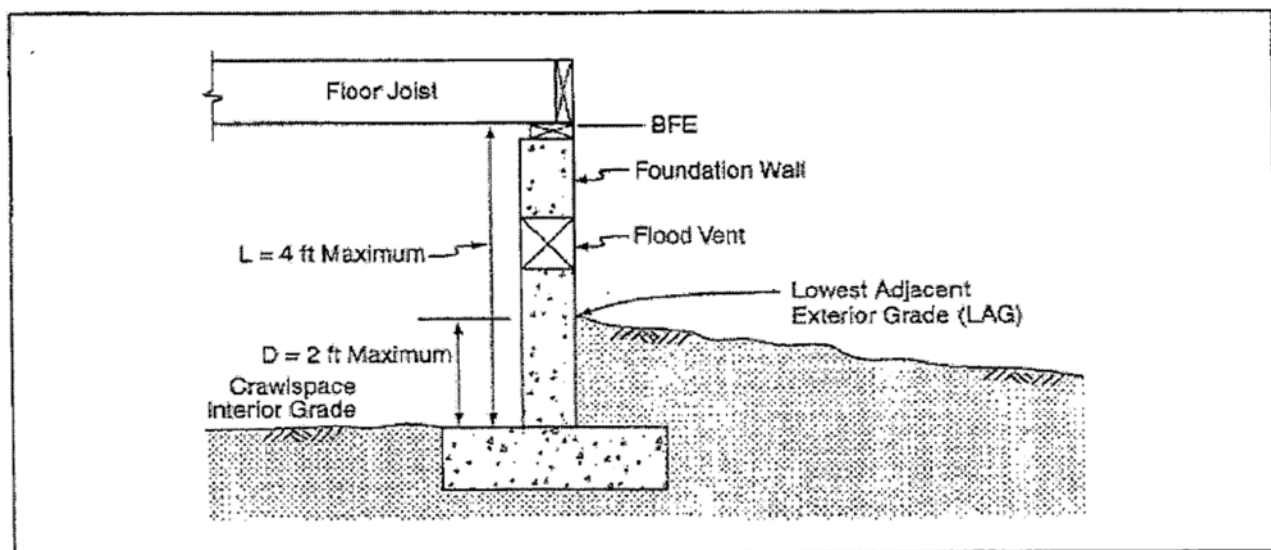


Figure 1

c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary due to variations in the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means;

d. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundations should be used;

e. Any building utility systems within the crawlspace must be elevated above BFE or

designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters; and

f. Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

3. Non-residential construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall meet the requirements of subsection a. or b., below.

a. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall meet all of the following requirements:

i. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated one (1) foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one (1) foot above the BFE, or as required by ASCE 24, whichever is greater.

ii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two (2) feet above the highest adjacent grade.

iii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. Have a minimum of two openings with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

2. The bottom of all openings shall be no higher than one (1) foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Note: alternatively, a registered engineer or architect may design and certify engineered openings.

b. If the requirements of RMC 22.16.050(B)(3)(a) are not met, then new construction and substantial improvement of any commercial, industrial or other non-residential structure shall meet all of the following requirements:

i. Be dry flood-proofed so that below one (1) foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood-proofed to the elevation required by ASCE 24, whichever is greater;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in RMC 22.16.040(C)(3)(B).

4. Manufactured homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one (1) foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. Recreational vehicles. Recreational vehicles placed on sites are required to either:

a. Be on the site for fewer than 180 consecutive days, or

b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

c. Meet the requirements of RMC 22.16.050(B)(3).

6. Appurtenant structures (detached garages and small storage structures) for A Zones (A, AE, A1-30, AH, AO):

a. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

i. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;

ii. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;

iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

iv. Any machinery or equipment servicing the appurtenant structure must be elevated or flood-proofed to or above the BFE;

v. The appurtenant structure must comply with floodway encroachment provisions in RMC 22.16.050(D);

vi. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with RMC 22.16.050(B)(1)(c);

vii. The structure shall have low damage potential; and

viii. The structure shall not be used for human habitation.

ix. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.

b. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in RMC 22.16.050(B)(1).

c. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

C. AE and A1-30 Zones with base flood elevations but no floodways. In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. Floodways. Located within areas of special flood hazard established in RMC 22.16.030(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. No rise standard. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Residential construction in floodways. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty percent (50%) of the market value of the structure either, (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the fifty percent (50%).

a. Replacement of farmhouses in floodway. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

i. The new farmhouse is a replacement for an existing farmhouse on the same farm site;

ii. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;

iii. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

iv. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;

v. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;

vi. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;

vii. New and replacement water supply systems are designed to eliminate or

minimize infiltration of flood waters into the system;

viii. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and

ix. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

b. Substantially damaged residences in floodway.

i. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

ii. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to chapter 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

1. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

2. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.

3. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

4. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

5. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.

6. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

7. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

c. All other building standards apply in a floodway. If RMC 22.16.050(D)(1) is satisfied or construction is allowed pursuant to RMC 22.16.050(D)(2), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of RMC 22.16.050.

E. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance, shall:

1. Be located and constructed to minimize flood damage;

2. Meet the encroachment limitations of this chapter if located in a regulatory floodway;

3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

4. Be constructed of flood damage-resistant materials; and

5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

F. Critical facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

22.16.060 Variances.

A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional

hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

A. Requirements for variance.

1. Variances shall only be issued:

a. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

b. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

c. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

d. Upon a showing of good and sufficient cause;

e. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;

f. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to the water. This includes only facilities defined in RMC 22.16.020 of this ordinance in the definition of "Functionally Dependent Use."

2. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

3. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of RMC 22.16.040 and 22.16.050 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variance criteria.

1. In considering variance applications, the City of Richland shall consider all technical

evaluations, all relevant factors, all standards specified in other sections of this chapter, and

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in time of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

C. Additional requirements for the issuance of a variance.

1. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

b. Such construction below the BFE increases risks to life and property.

2. The Floodplain Administrator shall maintain a record of all variance actions, including

justification for their issuance.

2. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.

3. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. The need to prevent flooding is so compelling, and the implications of the cost of insuring a structure built below the base flood elevation are so serious that variances from the flood elevation or from other requirements in this chapter are rare.

Section 3. Chapter 23.06 of the Richland Municipal Code, entitled Definitions, as enacted by Ordinance No. 28-05, and last amended by Ordinance No. 40-19, is hereby amended to read as follows:

Chapter 23.06 DEFINITIONS

Sections:

- 23.06.010 Definitions – Introductory.**
- 23.06.020 Accessory apartment unit.**
- 23.06.025 Accessory dwelling unit.**
- 23.06.027 Adult family home.**
- 23.06.030 Adult use establishment.**
- 23.06.035 Agriculture.**
- 23.06.040 Airport commercial.**
- 23.06.045 Airport industrial.**
- 23.06.050 Alley.**
- 23.06.053 Amendment.**
- 23.06.055 Animal shelter.**
- 23.06.065 Apparel and accessory stores.**
- 23.06.070 Apartment.**
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- 23.06.075 Arcade.**
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23.06.010 Definitions – Introductory.

For the purpose of this title, certain terms and words are defined in this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular number shall include the plural, and the plural, the singular; the word “shall” is always mandatory and the word “may” denotes a use of discretion in making a decision. The words “used” or “occupied,” unless the context otherwise requires, shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.”

23.06.020 Accessory apartment unit.

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

23.06.025 Accessory dwelling unit.

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

23.06.027 Adult family home.

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

23.06.030 Adult use establishment.

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

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

B. Adult Panoram Establishment. “Adult panoram” means a commercial establishment where one or more motion picture projectors, slide projectors, computers or similar devices are used to show films, video cassettes, slides, or other forms of photographic reproductions depicting specified sexual activities or specified anatomical areas to patrons for a payment of a fee, membership fee, or other charge.

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

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

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

23.06.035 Agriculture.

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

23.06.040 Airport commercial.

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

23.06.045 Airport industrial.

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

23.06.050 Alley.

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

23.06.053 Amendment.

“Amendment” means a change to the text of the city’s zoning regulations.

23.06.055 Animal shelter.

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

23.06.065 Apparel and accessory stores.

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

23.06.070 Apartment.

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

23.06.071 Apartment, studio.

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

23.06.075 Arcade.

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

~~23.06.080 Area of special flood hazard.~~

~~“Area of special flood hazard” means the land in the floodplain subject to one percent or greater chance of flooding in any given year as identified in the official scientific and engineering report adopted in RMC 23.34.050. [Ord. 28-05 § 1.02; amended during 2011 recodification].~~

23.06.085 Art galleries.

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

23.06.090 Assisted living facility.

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

23.06.095 Auto parts sales.

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

23.06.100 Automobile repair.

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

A. “Major automobile repair” means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop or other major repair or

maintenance, including operations which may require open flame or welding.

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

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

23.06.105 Automobile service station.

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

23.06.110 Automobile wrecking.

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

~~**23.06.115 Base flood.**~~

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

23.06.117 Basement.

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

23.06.120 Bed and breakfast.

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

23.06.125 Block front.

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

23.06.130 Book, stationery and art supply store.

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

23.06.135 Building.

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

23.06.140 Building, accessory.

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

23.06.145 Building, main.

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

23.06.150 Building, hardware and garden supply store.

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

23.06.155 Bus station.

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

23.06.160 Bus terminal.

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

23.06.165 Bus transfer station.

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

23.06.170 Cafeteria.

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

generally offered to the general public.

23.06.175 Car wash.

“Car wash” means a facility designed for the cleaning of automobiles, of which there are two types:

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

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

23.06.180 Carport.

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

23.06.185 Cemetery.

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

23.06.190 Church.

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

23.06.195 City officials and agencies.

The word “city” means the city of Richland in Benton County, Washington; the term “city council” means the city council of said city; the terms “planning commission” or “physical planning commission” or “commission” mean the planning commission of the city; the term “board” or “board of adjustment” means the board of adjustment of the city; the term “administrative official” or “city planner” means such person as the city manager shall designate to administer and enforce this title.

23.06.200 Cinema.

“Cinema” means a motion picture theater.

23.06.205 Clinic.

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

23.06.210 Club or fraternal societies.

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

23.06.215 Commercial recreation.

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

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

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

23.06.217 Concessionaire.

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

23.06.220 Convention center.

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

23.06.225 Contractors’ offices and shops.

“Contractors’ offices and shops” means a combination of uses in a single building or lot that includes the assembly, storage and/or manufacture of products typically used in building construction such as cabinetry, heating/cooling systems, plumbing and mechanical systems together with administrative offices.

23.06.230 Contractors’ yards.

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

23.06.235 Court.

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

23.06.240 Cultural institution.

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

23.06.245 Day care center.

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

23.06.250 Delicatessen.

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

23.06.255 Department store.

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

23.06.260 Dependent recreational vehicle.

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

23.06.265 Designated manufactured home.

"Designated manufactured home" means a manufactured home which:

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

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

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

23.06.270 Development.

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

23.06.275 District.

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

23.06.280 Dormitories, fraternities and sororities.

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

23.06.285 Drinking establishment.

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

23.06.290 Drive-through.

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

23.06.295 Drug store/pharmacy.

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

23.06.300 Dwelling, one-family attached.

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

23.06.305 Dwelling, one-family detached.

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

23.06.310 Dwelling, two-family detached.

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

23.06.315 Dwelling, multiple-family.

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

23.06.320 Dwelling unit.

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

23.06.325 Electronic equipment stores.

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

23.06.330 Essential public facilities.

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

23.06.335 Equipment rental.

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

23.06.340 Family.

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

23.06.345 Family day care home.

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

23.06.350 Farming of land.

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

23.06.355 Fence.

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

23.06.360 Financial institution.

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

~~23.06.365 Flood or flooding—Flood Insurance Rate Map (FIRM)—Flood Insurance Study.~~

~~“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.~~

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

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

23.06.370 Florist.

“Florist” means an establishment engaged in the retail sale of flowers and plants.

23.06.375 Food stores.

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

23.06.380 Food wagon.

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

23.06.385 Fuel station/mini-mart.

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

23.06.390 Funeral establishment.

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

23.06.395 Furniture, home furnishings, and appliance stores.

“Furniture, home furnishings, and appliance stores” means businesses primarily engaged

in the retail sale of goods used for furnishing the home, such as furniture, floor coverings, draperies, lighting fixtures, woodstoves, domestic cook stoves, refrigerators, and other household electrical and gas appliances. This category also includes rental of furniture, appliances, and the like.

23.06.400 General service businesses.

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

23.06.405 Grade plane.

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

23.06.410 Gross floor area.

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

23.06.415 Guest room.

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

23.06.420 Habitable floor.

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

23.06.425 Hazardous waste.

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

23.06.430 Hazardous waste storage.

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

23.06.435 Hazardous waste treatment.

“Hazardous waste treatment” means the physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport,

amenable for storage, or reduced in volume.

23.06.440 Hazardous waste treatment and storage facilities, off site.

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

23.06.445 Hazardous waste treatment and storage facilities, on site.

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

23.06.450 Hedge.

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

23.06.455 Height of building.

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

23.06.460 Hog farm.

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

23.06.465 Home occupations.

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

23.06.470 Health/fitness center.

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

23.06.475 Health/fitness facility.

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

23.06.477 Health spa.

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

23.06.480 Homeless shelter.

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

23.06.485 Hospital.

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

23.06.490 Hospital or clinic for large animals.

“Hospital or clinic for large animals” means a medical facility or institution providing inpatient and outpatient veterinary service consisting of the prevention, cure, or alleviation of disease and injury to large animals or livestock.

23.06.495 Hospital or clinic for small animals.

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

23.06.500 Hot tub.

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

23.06.505 Hotel.

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

23.06.510 House-banked card room.

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

23.06.515 Junkyard.

“Junkyard” means the use of more than 100 square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of 100 feet) which adjoins any street, for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or the use of any area for an automobile

wrecking yard; provided, however, that this definition shall not be deemed to include uses conducted entirely within an enclosed building or lots for the outdoor display and sale of used automobiles in operable condition.

23.06.520 Kennel, commercial.

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

23.06.525 Landscaping.

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

23.06.530 Landscaping material sales.

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

23.06.535 Large livestock farming.

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

23.06.540 Lattice tower.

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

23.06.545 Laundry, self-service.

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

23.06.550 Laundry/dry cleaning, retail.

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

23.06.552 Laundry/dry cleaning, neighborhood.

“Laundry/dry cleaning, neighborhood” means a business providing drop off and pick up services of laundry and dry cleaning and where actual laundry/dry cleaning activities are completed on site in a process that primarily uses solvents or chemicals that are not regulated as hazardous by the Environmental Protection Agency. Such businesses shall operate in facilities that are 2,000 square feet in area or less.

23.06.555 Laundry/dry cleaning, commercial.

“Laundry/dry cleaning, commercial” means a business providing commercial laundry or dry cleaning services.

23.06.560 Livestock feed lot.

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

23.06.565 Lot.

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

23.06.567 Lot area.

“Lot area” means the total horizontal area included within lot lines.

23.06.570 Lot, corner.

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

23.06.572 Lot, interior.

“Lot, interior” means a lot other than a corner lot.

23.06.575 Lot line, front.

“Lot line, front” means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; except in those cases in a C-1 district where a lot has two or more street frontages of equal length or nearly equal length, the front lot line shall be considered to be the line adjoining the street which the comprehensive plan shows is intended to carry the heaviest traffic flow.

23.06.577 Lot line, rear.

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

23.06.580 Lot line, side.

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

23.06.582 Lot depth.

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

23.06.584 Lot width.

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

23.06.586 Lowest floor.

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

23.06.587 Lumberyard.

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

23.06.590 Macrofacility.

"Macrofacility" is a large wireless communication facility that provides radio frequency coverage for a cellular telephone network. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna, and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

23.06.595 Mailing services.

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

23.06.600 Manufactured home.

"Manufactured home" means a single-family residence constructed after June 15, 1976,

and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

23.06.605 Manufactured home lot, park, and stand.

“Manufactured home lot” means a designated portion of a manufactured home park designed for the accommodation of one manufactured home and its accessory structures.

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

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

23.06.610 Manufacturing, general.

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

- A. Production of items made from stone or concrete;
- B. Production of items from ferrous or nonferrous metals through use of a machine shop, welding or fabrication; or from nonferrous metals through use of a foundry; or from ferrous metals through use of a foundry heated by electricity (induction melting);
- C. Production of finished goods that typically are not for household or office use, such as barrels, ceramic molds, or cardboard cartons, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, pre-milled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;
- D. Production of finished goods, for household or non-household use, such as toys, film, pens, or linoleum from plastic, rubber, or celluloid;
- E. Production of parts to be assembled into a finished product;
- F. Development of film on a wholesale basis;
- G. Production of items through biological processes, such as pharmaceuticals and industrial purifiers, manufactured by bioengineering techniques;
- H. Production of items such as paint and coatings, dyestuffs, fertilizer, glue, cosmetics,

clay, or pharmaceuticals that require the mixing or packaging of chemicals;

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

23.06.615 Manufacturing, heavy.

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

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

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

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

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

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

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

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

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

23.06.617 Manufacturing, light.

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

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

B. Production of finished household and office goods, such as jewelry, clothing or cloth,

toys, furniture, or tents, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, pre-milled wood; or wool, clay, cork, semi-precious or precious metals or stones, fiber, or other similar materials;

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

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

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

23.06.620 Manufacturing use.

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

23.06.625 Marinas.

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

23.06.630 Marine equipment rentals.

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

23.06.635 Marine gas sales.

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

23.06.640 Master plan.

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

23.06.645 Microbrewery.

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

23.06.650 Microfacility.

Repealed by Ord. 07-19.

23.06.655 Mini-warehouse.

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

23.06.660 Mobile home.

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

23.06.665 Monopole.

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

23.06.670 Motel.

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

23.06.675 Nursing home or rest home.

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

23.06.680 Nursery, plant.

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

23.06.685 Office – Corporate.

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

23.06.687 Office – Consulting services.

“Office – consulting services” means establishments providing a wide variety of professional services including but not limited to: accountants, engineers, geologists, architects, financial consultants, landscape architects, land planners, surveyors and interior designers who generally conduct research, provide analysis of information,

computer simulation, diagramming, mapping and/or drafting in order to create new products or plans.

23.06.690 Office – General.

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

23.06.695 Office – Research and development.

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

23.06.700 Office supply store.

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

23.06.705 Outdoor advertising sign.

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

23.06.710 Outdoor advertising structure.

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

23.06.715 Outdoor storage.

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

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

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

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

or converted into usable stock or material.

23.06.720 Parking lot.

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

23.06.725 Parking space, automobile (off street).

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

23.06.728 Parking structure.

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

23.06.730 Pasture.

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

23.06.732 Patio.

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

23.06.735 Pawn shop.

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

23.06.740 Pen.

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

23.06.745 Personal loan business.

“Personal loan business” means an establishment engaged in the business of cashing payroll checks and/or providing small, non-secured, short-term loans to individuals.

23.06.750 Personal services business.

“Personal services business” means a business primarily engaged in providing services generally involving the maintenance of the human body, or other services to one’s person. Such businesses include, but are not limited to, barber and beauty shops, photographic studios, body piercing, manicuring shops, tanning parlors, body wrapping, tattoo parlors and massage practitioners.

23.06.755 Pet shop and pet supply store.

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

23.06.760 Photo processing, copying and printing services.

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

23.06.765 Pool, private.

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

23.06.770 Pool, public.

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

23.06.775 Pool, semi-public.

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

23.06.777 Porch.

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

23.06.780 Portable food vendor.

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

23.06.785 Poultry farm.

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

23.06.790 Public agency building.

“Public agency building” means any agency office for the administration of any governmental activity or program.

23.06.792 Public agency facility.

“Public agency facility” means a lot, structure, facility or building which is necessary for

the operation of a public utility on which is performed a public service such as supplying water, wastewater disposal, electrical, transportation or communication service, usually as a monopoly or pursuant to a franchise by a business organization under governmental regulation, or directly by government.

23.06.795 Radio and television studio.

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

23.06.797 Reclassification.

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

23.06.800 Recreational club.

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

23.06.802 Recreational vehicle.

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

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

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

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

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

(See also “Dependent recreational vehicle,” RMC 23.06.260.)

23.06.805 Recreational vehicle campground.

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

23.06.807 Recreational vehicle park.

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

23.06.809 Recreational vehicle space.

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

23.06.810 Restaurant.

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

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

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

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

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

23.06.817 Sales, retail.

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

23.06.820 Sales, wholesale.

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

23.06.825 Sanitary station or sanitary dumping station.

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

23.06.830 School.

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

23.06.832 School, alternative.

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

23.06.833 School, commercial.

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

23.06.834 School, trade.

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

23.06.835 Secondhand/consignment store.

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

23.06.840 Senior housing.

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

23.06.845 Sensitive land uses.

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

- A. Churches, or other religious facilities or institutions;
- B. Multiple-family and single-family residential zones;
- C. Playgrounds and public parks;
- D. Public and private schools, technical schools and training facilities which have 25 percent or more of their students under the age of 18.

23.06.850 Small livestock farming.

“Small livestock farming” means the keeping of four or more domesticated animals such as rabbits, chickens, ducks, turkeys, and similar fowl and animals which are kept for

personal or agricultural use, or raised for sale and profit.

23.06.855 Specialty retail store.

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

23.06.860 Specified anatomical areas.

“Specified anatomical areas” means:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

23.06.862 Specified sexual activities.

“Specified sexual activities” means:

- A. Human genitals in a state of sexual stimulation or arousal; and/or
- B. Acts of human masturbation, sexual intercourse or sodomy, whether between persons of the same or opposite sex; and/or
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and/or
- D. Excretory functions as part of or in connection with any of the activities set forth in this chapter.

23.06.865 Stable, private.

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

23.06.867 Stable, public.

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

23.06.870 Stock-in-trade.

“Stock-in-trade” means all books, equipment, magazines, periodicals, pictures, posters, printed material, products (including prerecorded video tapes, discs, or similar material), or other items readily available for purchase, rental, viewing or use by patrons of the

establishment excluding material located in any storeroom or other portion of the premises not open to patrons.

23.06.875 Story.

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

23.06.880 Street.

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

23.06.885 Structure.

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

23.06.888 Substantial damage.

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

23.06.890 Substantial improvement.

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

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

23.06.895 Theater.

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

23.06.900 Towing, vehicle impound lots.

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

23.06.905 Travel trailer.

See "Recreational vehicle," RMC 23.06.802.

23.06.910 Truck terminal.

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

23.06.915 Use – Permitted.

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

23.06.920 Use – Accessory (secondary).

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

23.06.925 Use – Nonconforming.

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

23.06.930 Use – Special.

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

23.06.935 Variance.

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

23.06.937 Vehicle-based food service.

“Vehicle-based food service” means the vending of food and/or beverages from a large vehicle that is equipped to both cook and sell food, and that is capable of being moved from place to place as provided in RMC 23.42.325.

23.06.940 Vehicle leasing and rentals.

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

23.06.945 Vehicle sales.

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

23.06.950 Video rental store.

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

23.06.955 Warehousing and wholesale trade.

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

23.06.960 Warehousing, storage and distribution.

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

23.06.965 Wholesale use.

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

23.06.970 Wineries – Production.

“Wineries – production” means an establishment engaged in the production of wine for wholesale distribution.

23.06.972 Wineries – Tasting room.

“Wineries – tasting room” means an establishment engaged in the retail sales of wines.

23.06.975 Yard.

“Yard” means an open space of uniform width or depth on the same lot with a building or

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

23.06.980 Yard, front.

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

23.06.983 Yard, rear.

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

23.06.985 Yard, side.

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

Section 4. Richland Municipal Code Section 22.10.010, entitled General purpose and intent, as enacted by Ordinance No. 48-93, and last amended by Ordinance No. 40-17A, is hereby amended to read as follows:

22.10.010 General purpose and intent.

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

These functions include, but are not limited to, the following (by type): (1) wetlands: helping to maintain water quality; storing and conveying stormwater and flood water; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; providing important wildlife habitat providing food, breeding, nesting and/or rearing habitat for fish and wildlife; improving water quality through biofiltration, adsorption and retention and transformation of sediments, nutrients and toxicants and serving as areas for recreation, educational and scientific study, and aesthetic appreciation; such beneficial functions are widely known as ecosystem services; and (2) fish and wildlife habitat conservation areas: maintaining species diversity and genetic diversity of local flora and fauna; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, educational and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas. (3) In addition, certain portions of the city of Richland are characterized by geologically hazardous areas that pose a risk to public and

private property, to human life and safety and to the natural systems that make up the environment of the city of Richland. These lands are affected by natural processes that make them susceptible to landslides, seismic activity, and/or severe erosion. The city of Richland maintains that protection of critical areas is necessary to protect the public health, safety, and welfare. (4) In addition, certain portions of the city are located within critical aquifer recharge areas whose potential contamination poses a risk to public health and safety. These lands are susceptible to the degradation of ground water quality and quantity that could potentially impact potable water systems. (5) Certain portions of the city are subject to frequent flooding. Areas that are subject to flooding perform important hydrologic functions and may present risks to persons and property. Floodplains are regulated by the city in Chapter ~~23.34~~22.16 RMC.

B. This chapter contains standards, guidelines, criteria and requirements intended to identify, analyze, avoid and mitigate probable impacts to the city of Richland's critical areas and to enhance and restore them when possible. The intent of these regulations is to protect ecological functions, avoid environmental impacts where such avoidance is feasible and reasonable. In appropriate circumstances, impacts to critical areas that result from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with the requirements of this chapter. The city of Richland's goal shall be to achieve no net loss of wetlands and to avoid probable impacts, to the extent practical, to other critical areas.

C. It is the intent of this chapter to:

1. Implement the goals and policies of the city of Richland's comprehensive plan, including those goals and policies that pertain to natural features and environmental protection;
2. Recognize and protect the beneficial functions of critical areas through the application of the most current, accurate, and complete scientific or technical information available as determined according to Chapter 365-195 WAC (Best Available Science) and in consultation with state and federal agencies and other qualified professionals and integrate the full spectrum of state, tribal, and federal programs;
3. Serve as a basis for exercise of the city of Richland's substantive authority under the State Environmental Policy Act (SEPA) and the city of Richland's SEPA rules;
4. Comply with the requirements of the Growth Management Act (Chapter 36.70A RCW) and implementing rules; and
5. Coordinate environmental review and permitting of proposals to avoid duplication and delay.

D. The city of Richland further notes that Benton County, the U.S. Department of Fish

and Wildlife, the U.S. Department of Energy, the Washington State Department of Fish and Wildlife and the Washington State Department of Ecology have identified and mapped some portions of the city of Richland – based on topographic, geologic, hydrologic, and habitat characteristics – where the conditions indicate that critical areas or geologic hazards may exist. Additional study and mapping are needed to verify that such conditions do prevail and are needed to identify other areas that are potentially critical areas. Mapping will enable the city of Richland to provide notice of the potential presence of critical areas or the risks associated with developing lands subject to geologically hazardous areas to the public. It should be noted that the boundaries of the critical areas and geologically hazardous areas displayed on these maps are approximate and are not intended to be used for individual site assessment. When differences occur between what is illustrated on these maps and current site conditions, the actual presence or absence of environmentally critical areas or geologically hazardous areas on the site shall determine the action to be taken.

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

Section 5. Section 26.60.072 of the Richland Municipal Code, entitled Protection standards, as enacted by Ordinance No. 25-14, and last amended by Ordinance No. 12-18, is hereby amended to read as follows:

26.60.072 Protection standards.

A. All development within frequently flooded areas shall comply with Chapters 23.12 RMC, Floodplain Use District, ~~and 23.34 RMC, Floodplain Combining District~~ Chapter 22.16 RMC, Flood Damage Prevention, the city's shoreline master program, the ~~Uniform International~~ Building Code regarding structural safeguards to reduce risk to human life, health and property from flooding, and other pertinent ordinances and codes.

B. Any use or development shall not alter the normal movement of surface water in a manner that would cause the unnatural diversion of flood water to otherwise flood-free areas.

C. CMZs shall be regulated as uses in Chapter 23.12 RMC, Floodplain Use District, and shall apply only to the Yakima River.

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

Section 7. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to the correction of

scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 20__.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: CA2019-103

PREPARED BY: MIKE STEVENS
MEETING DATE: OCT. 23, 2019

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND CA2019-103

REQUEST: REPEAL RMC SECTION 23.34, FLOODPLAIN COMBINING
DISTRICT AND CREATE A NEW RMC SECTION 22.16, FLOOD
DAMAGE PREVENTION

LOCATION: CITYWIDE

REASON FOR REQUEST

The City was subject to a Community Assistance Visit (CAV) by the Washington State Department of Ecology in November, 2018. The purpose of the CAV was to review the community procedures for administering and enforcing our local flood damage prevention ordinance. A CAV is also intended to provide the community with current information regarding the National Flood Insurance Program (NFIP) and to provide an opportunity for discussion of items of concern the community may have with the administration of the local ordinance and floodplain management program. Continued enforcement of the floodplain management ordinance allows the Federal Emergency Management Agency (FEMA) to continue to make federally backed flood insurance available to property owners within the city.

The results of the CAV determined that the city's current floodplain management program is difficult to understand and implement. It also determined that the city's use of density fringe standards instead of State and Federal floodway standards was never officially approved by FEMA and, as a result, amendments to the RMC need to occur in order to bring the city's flood damage prevention regulations into compliance with State and Federal floodway standards.

ANALYSIS

Staff has worked with the Washington State Department of Ecology and has determined that the best way in which to make the necessary corrections is to repeal the sections of the code which were previously used for flood damage prevention (located in the zoning code) and replace them with a new flood damage prevention code located outside of the zoning code title and place them within Title 22, Environment of the code. City staff has utilized the Washington State Model Flood Damage Prevention Ordinance to create the new chapter 22.16.

The proposed code amendments also require minor modifications to several other Chapters/Subsections of the RMC to ensure consistency between the proposed Flood Damage Prevention regulations and other parts of the Municipal Code. All of the proposed changes to the Municipal Code are included in Exhibit 2 (attached).

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 as of the date the staff report was prepared.

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 Wednesday, October 16, 2019. Any comments received as of the close of business October 16, 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 October 17, 2019.

FINDINGS OF FACT

1. The Washington State Department of Ecology conducted a Community Assistance Visit to the City of Richland in November, 2018.
2. Based upon the Community Assistance Visit, the Department of Ecology has required the City of Richland to update its flood damage prevention regulations by December 31, 2019.
3. The City of Richland is proposing to repeal Title 23, Subsection 23.34 which contains flood damage prevention regulations not in compliance with State and Federal floodway standards.
4. The City of Richland is proposing to adopt a new RMC Section 22.16, Flood Damage Prevention, which is based on the Washington State Model Flood Damage Prevention Ordinance.
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 amendment were received.
7. The Washington State Department of Commerce received the 60-day Notice of Intent to Adopt Amendment. The 60-day notice period ends on November 29, 2019.
8. The City issued a SEPA Threshold Determination of Non-Significance on October 17, 2019.
9. The City of Richland utilized the Optional DNS Process as outlined in WAC 197-11-355. The end of the public comment period was Wednesday, October 16, 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 (CA2019-103) and recommend to the City Council adoption of the proposed code amendments to RMC Title 23, Chapter 23.06, Chapter 23.34, RMC Title 22, Chapter 22.16, RMC Title 22, Subsection 22.10.10, and RMC Title 26 Subsection 26.60.072.

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 RMC Title 23, Chapter 23.06, Chapter 23.34, RMC Title 22, Chapter 22.16, RMC Title 22, Subsection 22.10.10, and RMC Title 26 Subsection 26.60.072 (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
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 Chapter 23.34, Floodplain Combining District and RMC Title 22, Environment. The proposed code amendments will repeal RMC Chapter 23.34, Floodplain Combining District and create a new RMC Chapter 22.16, Flood Damage Prevention.

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):

Repeal RMC Chapter 23.34, Floodplain Combining District (see attached).

Adopt a new RMC Chapter 22.16, Flood Damage Prevention (see attached).

Summary of requested code amendment(s):

Repeal RMC Chapter 23.34, Floodplain Combining District and replace with a new RMC Chapter 22.16, Flood Damage Prevention. The current RMC Chapter 23.34, adopted in 1981, appears to have utilized an alternative "density fringe standard" for floodplain development. This alternative was not approved by FEMA. As a result, the City has been administering regulations in conflict with state and federal flood construction standards. The City is proposing to repeal these conflicting regulations and replace them with a new RMC Chapter 22.16, Flood Damage Prevention, which is based off of the state's model floodplain development code.

Reason(s) for code amendment(s):

To be consistent with state and federal laws pertaining to development within flood hazard areas.

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

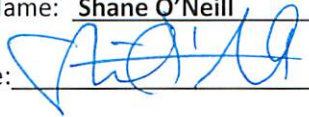
Applicant Signature:  Date 9.27.2019

Exhibit 2

Chapter 22.16 Flood Damage Prevention

22.16.010	Authority, findings of fact, purpose and objectives
22.16.020	Definitions
22.16.030	General Provisions
22.16.040	Administration
22.16.050	Provisions for Flood Hazard Reduction
22.16.060	Variances

22.16.010 Authority, findings of fact, purpose and objectives

A. Statement of Authority

The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Richland, does ordain as follows:

B. Findings of Fact

1. The flood hazard areas of Richland are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;

7. Notify potential buyers that the property is in a Special Flood Hazard Area;
8. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
9. Participate in and maintain eligibility for flood insurance and disaster relief.

D. Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development, which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

22.16.020 Definitions

General

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Alteration of watercourse means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Appeal means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

Area of special flood hazard means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base flood means any flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

Base Flood Elevation (BFE) means the elevation to which floodwater is anticipated to rise during the base flood.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Building: See "Structure."

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Community means a county or city government, as well as a tribal, federal, or state agency with permitting or project approval authority within Special Flood Hazard Areas.

Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Elevation Certificate means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Elevated Building means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Farmhouse means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

Flood or Flooding means:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(i) of this definition.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

Flood Insurance Rate Map (FIRM) means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of

police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (not more than one foot). Also referred to as "Regulatory Floodway."

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building

access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level for purposes of the National Flood Insurance Program means the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction for the purposes of determining insurance rates means structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

One-hundred-year flood or 100-year flood: See "Base flood."

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

Reasonably Safe from Flooding means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

Recreational Vehicle means a vehicle,

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction means and includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure for floodplain management purposes means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a floodplain management regulation.

Violation means the failure of a structure or other development to be constructed or implemented in conformance with the community's applicable floodplain development regulations.

Water surface elevation means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Dependent means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

22.16.030 General Provisions

A. Lands to Which this Ordinance Applies

This ordinance shall apply to all special flood hazard areas within the boundaries of the City of Richland, Washington.

B. Basis for Establishing the Areas of Special Flood Hazard

The special flood hazard areas identified by the Federal Insurance Administrator in scientific and engineering reports entitled "The Flood Insurance Study (FIS) for the City of Richland, Washington" dated December 1979, and the "Flood Insurance Study for Benton County, Washington" dated June 1994, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) and Floodway maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at the City of Richland Development Services Department.

The best available information for flood hazard area identification as outlined in RMC 22.16.040.C.2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under RMC 22.16.040.C.2.

C. Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

D. Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall be punishable as set forth within RMC 1.30, General Penalties. Nothing herein contained shall prevent the City of Richland from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Richland, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

H. Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

22.16.040 Administration

A. Establishment of Development Permit

1. Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in RMC 22.16.030.B. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

2. Application for Development Permit

Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to NAVD-88, of the lowest floor (including basement) of all structures, both prior to (pre-construction), and once construction is complete (post construction), but prior to the City of Richland issuing a formal Certificate of Occupancy.
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in RMC 22.16.050.B.3;
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. Additional information prepared by a registered professional engineer regarding the volumes of fill, amount of floodplain displacement, anchorage of structures or other technical issues not readily apparent at the time of application may be required as the review process proceeds;
- e. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation, and
- f. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

B. Designation of Floodplain Administrator

The Development Services Director is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

C. Duties & Responsibilities of the Floodplain Administrator

Duties of the Floodplain Administrator shall include, but not be limited to:

1. Permit Review

Review all development permits to determine that:

- a. The permit requirements of this ordinance have been satisfied;
- b. All other required state and federal permits have been obtained;
- c. The site is reasonably safe from flooding;
- d. In areas where a floodway has not been designated, require that no new construction, substantial improvements or other development (including fill) shall be permitted within zoned A1-30 and AE unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- e. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of RMC 22.16.050.D.1 are met.

2. Use of Other Base Flood Data (In A and V Zones)

When base flood elevation data has not been provided (in A or V zones) in accordance with RMC 22.16.030.B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer RMC 22.16.050.B, SPECIFIC STANDARDS, and RMC 22.16.050.D FLOODWAYS.

3. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the FIS, FIRM, or required as in RMC 22.16.040.C.2, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (44 CFR 60.3(b)(5)(i))
- b. Documentation of the bottom of the lowest horizontal structural member in V or VE zones.
- c. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in RMC 22.16.040.C.2:
 - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed. (44 CFR 60.3(b)(5)(ii))
 - ii. Maintain the floodproofing certifications required in RMC 22.16.040.A.2.C. (44 CFR 60.3(b)(5)(iii))
- d. Certification required by RMC 22.16.050.D. (floodway encroachments).
- e. Records of all variance actions, including justification for their issuance.
- f. Improvement and damage calculations.
- g. Maintain for public inspection all records pertaining to the provisions of this ordinance. (44 CFR 60.3(b)(5)(iii))

4. Notification to Other Entities

Whenever a watercourse is to be altered or relocated:

- a. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means; and
- b. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

5. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP (44 CFR 59-76).

6. Review of Building Permits

Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (RMC 22.16.040.C.2), applications for building permits shall be reviewed to assure that proposed construction will be *reasonably safe from flooding*. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

(Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)

7. Changes to Special Flood Hazard Areas

- a. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
- b. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

22.16.050 Provisions for Flood Hazard Reduction

A. General Standards

In all areas of special flood hazards, the following standards are required:

1. Anchoring

- a. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
- b. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Storage of Materials and Equipment

- a. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- b. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

4. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- b. Water wells shall be located on high ground that is not in the floodway;
- c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. Subdivision Proposals and Development greater than 50 Lots or 5 Acres

All subdivisions, as well as new development greater than 50 lots or 5 acres, whichever is the lesser, shall:

- a. Be consistent with the need to minimize flood damage;
- b. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- c. Have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments that contain at least 50 lots or 5 acres (whichever is less).

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in RMC 22.16.030.B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or RMC 22.16.040.C.2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:

1. Residential Construction

- a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
- b. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- c. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - iv. A garage attached to a residential structure, constructed with the garage flood slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

2. Additional requirements for below-grade crawlspaces:

- a. The interior grade of a crawlspace below the base flood elevation (BFE) must not be more than two-feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 1;
- b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four-feet (shown as L in Figure 1) at any point. The height limitation is the maximum allowable unsupported wall height

according to the engineering analyses and building code requirements for flood hazard areas. This limitation will also prevent these crawlspaces from being converted into habitable spaces:

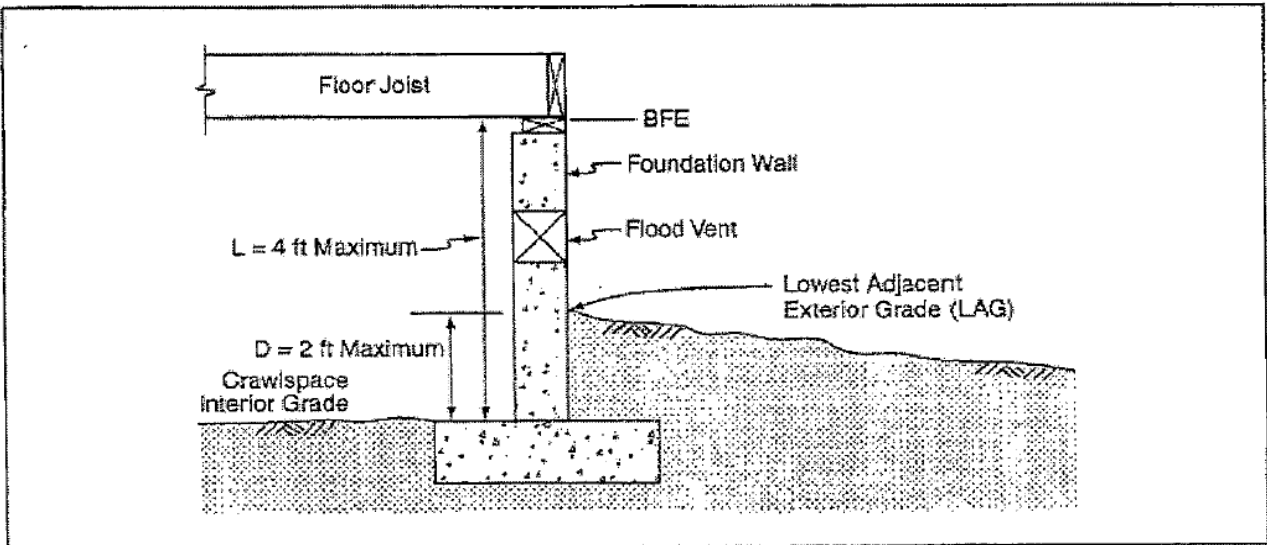


Figure 1

- c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary due to variations in the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means;
- d. The velocity of floodwaters at the site should not exceed five-feet per second for any crawlspace. For velocities in excess of five-feet per second, other foundations should be used;
- e. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters; and
- f. Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

3. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection a or b, below.

- a. New construction and substantial improvement of any commercial,

industrial or other nonresidential structure shall meet all of the following requirements:

- i. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

- ii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- iii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - 1. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - 2. The bottom of all openings shall be no higher than one foot above grade.
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - 4. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

- b. If the requirements of RMC 22.16.050.B.3.a. are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

- i. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in RMC 22.16.040.C.3.B.

4. Manufactured Homes

All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- a. Be on the site for fewer than 180 consecutive days, or
- b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- c. Meet the requirements of RMC 22.16.050.B.3

6. Appurtenant Structures (Detached Garages and Small Storage Structures)

For A Zones (A, AE, A1-30, AH, AO):

- a. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - i. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - ii. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
 - iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - iv. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;

- v. The appurtenant structure must comply with floodway encroachment provisions in RMC 22.16.050.D;
- vi. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with RMC 22.16.050.B-1(5).
- vii. The structure shall have low damage potential, and
- viii. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.
- ix. The structure shall not be used for human habitation.

- b. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in RMC 22.16.050.B-1.
- c. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

C. AE and A1-30 Zones with Base Flood Elevations but no Floodways

In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. Floodways

Located within areas of special flood hazard established in RMC 22.16.030.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Residential Construction in Floodways

Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the

damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

a. Replacement of Farmhouses in Floodway

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

- i. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- ii. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
- iii. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- iv. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
- v. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
- vi. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
- vii. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
- viii. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
- ix. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

b. Substantially Damaged Residences in Floodway

- i. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of

Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

ii. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

1. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
2. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
3. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
4. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
5. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
6. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
7. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

c. All Other Building Standards Apply in Floodway

If RMC 22.16.050.D-1 is satisfied or construction is allowed pursuant to RMC 22.16.050.D-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of RMC 22.16.050, Provisions for Flood Hazard Reduction.

E. General Requirements for Other Development

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

F. Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

22.16.060 Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Richland to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted.

The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

A. Requirements for Variance

1. Variances shall only be issued:
 - a. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - b. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - c. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - d. Upon a showing of good and sufficient cause;
 - e. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - f. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to the water. This includes only facilities defined in RMC 22.16.020 of this ordinance in the definition of "Functionally Dependent Use."
2. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
3. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of RMC 22.16.040 and 22.16.050 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variance Criteria

1. In considering variance applications, the City of Richland shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;

- f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

C. Additional Requirements for the Issuance of a Variance

1. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b. Such construction below the BFE increases risks to life and property.
2. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
3. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
4. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

Chapter 23.34

FLOODPLAIN COMBINING DISTRICT

Sections:

- ~~23.34.010—Combining district regulations.~~
- ~~23.34.020—Floodplain combining district—F.~~
- ~~23.34.030—F district—Permitted uses.~~
- ~~23.34.040—F district—Prohibited uses.~~
- ~~23.34.050—F district—Adoption of study designating areas of special flood hazard.~~
- ~~23.34.060—F district—General standards.~~
- ~~23.34.070—F district—Specific standards applicable to residential and nonresidential structures.~~
- ~~23.34.080—Manufactured homes standards.~~
- ~~23.34.090—Recreational vehicle standards.~~
- ~~23.34.100—Floodplain district—Development permit.~~
- ~~23.34.110—F district—Administration.~~
- ~~23.34.120—Floodplain district—Adjustment of standards.~~

23.34.010—Combining district regulations.

Whenever any of the following combining districts are combined with any primary district, the regulations of the combining district or districts shall be in addition to those specified for the primary district and, in the case of conflict, the more restrictive provisions shall apply. [Ord. 28-05 § 1.02].

23.34.020—Floodplain combining district—F.

A. Purpose. The F district is a combining district classification designed to apply to all areas of special flood hazards. Its purpose is to protect human life and health; to minimize public and private losses due to flood conditions in specific areas; to minimize expenditure of public money and costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize damage to public facilities and utilities located in areas of special flood hazard; to minimize prolonged business interruptions; to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blighted areas; to ensure that potential buyers are notified that property is in an area of special flood hazard; and to ensure that those who occupy areas of special flood hazard assume responsibility for their actions.

B. Methods of Reducing Flood Losses. In order to accomplish its purposes, the regulations for this combining district include methods and provisions for restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; for requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; for controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters; for controlling filling, grading, dredging and other development which may increase flood damage; and for preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

C. Warning and Disclaimer of Liability. The degree of flood protection required by the regulations for this combining district is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. The establishment of regulations for this combining district does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The establishment of regulations for this combining district or any administrative decision made pursuant thereto shall not create liability on the part of the city of Richland, any officer or employee thereof, or the Federal Insurance and Hazard Division of the Federal Emergency Management Agency, for any flood damages that result from reliance on such regulations or any administrative decision made thereunder or pursuant thereto. [Ord. 28-05 § 1.02].

~~23.34.030 — F district — Permitted uses.~~

~~Except as specifically provided in RMC 23.34.040, the permitted uses in an F district are:~~

~~A. All uses permitted in the primary district with which the F district is combined; provided, that a lot when developed with a one-family dwelling shall front on a dedicated public street; and~~

~~B. Public utility structures when their location and construction do not obstruct drainage channels and meet applicable federal, state and city requirements. [Ord. 28-05 § 1.02].~~

~~23.34.040 — F district — Prohibited uses.~~

~~The following uses are specifically prohibited in an F district: manufactured homes unless constructed in compliance with Richland building code standards (Chapter 21.01 RMC), or unless constructed in compliance with the definition of designated manufactured home (RMC 23.06.265), sanitary landfill operations, and cemeteries. [Ord. 28-05 § 1.02].~~

~~23.34.050 — F district — Adoption of study designating areas of special flood hazard.~~

~~The official scientific and engineering report entitled “Flood Insurance Study, City of Richland, Washington, dated December 1979,” and any revisions thereto, three copies of which are filed with the city clerk together with accompanying Flood Insurance Rate Map (FIRM), as amended, in which areas of special flood hazard are identified by the Federal Emergency Management Agency, is adopted by reference and made a part of this code. No structure or land within such areas of special flood hazard shall be altered, converted, extended, located or constructed without full compliance with the provisions in this code. [Ord. 28-05 § 1.02].~~

~~23.34.060 — F district — General standards.~~

~~In all areas of special flood hazards, the following general standards shall be complied with:~~

~~A. Location. All new construction and substantial improvements shall be located on the highest existing ground available.~~

~~B. Maximum Allowable Density. To assure that new construction and substantial improvements, combined with any existing development, will not cause a cumulative increase in the base flood of more than one foot, all such new construction and substantial improvements shall be limited as follows:~~

~~1. Floodplain (FP), Agricultural (AG), and Parks and Public Facility (PPF) Use Districts. For uses permitted in the FP, AG, and PPF primary district when combined with the F district, development shall not exceed 10 percent of the total area of the lot.~~

~~2. General Business (C-3) District. For uses permitted in the C-3 district when combined with the F district, development shall not exceed 50 percent of the total area of the lot.~~

~~C. Maximum Allowable Obstruction. Within the floodplain (FP), agriculture (AG), and parks and public facility (PPF) primary districts when combined with the F district, all new construction and substantial improvements, together with any existing development, and filling accessory to and surrounding such new construction, substantial improvements, and existing developments, shall not exceed a maximum combined width of 33 percent of a line within the lot lines of the subject lot when drawn along the shortest distance from the midpoint of the river channel through the midpoint of the lot when drawn perpendicular to known floodwater patterns within the lot lines of the subject lot, but not to exceed 200 linear feet per five-acre lot.~~

~~D. Secondary Drainage Channels. Identified natural drainage channels that are secondary to the river channel in discharging floodwaters downstream during flood periods, as shown on the series of sectional maps, numbered 1 through 13, and attached to the ordinance codified in this title as “Exhibit A” and by this reference made a part of this code, shall be set aside as open space or maintained for open land uses; provided, that in those instances where new construction or substantial improvements are precluded on a lot due to the location and/or size of such secondary drainage channels, alternative development designs such as post and pile foundations for residential and nonresidential construction shall be utilized.~~

E. Orientation. All new construction and substantial improvements shall be oriented parallel to known floodwater patterns. Determination of such orientation shall be based upon topographical and historical flood data on file with the administrative official, and upon identified and maintained secondary drainage channels. When such information and/or identification of secondary drainage channels is not available, such orientation shall be in an upstream-downstream direction at a right angle to a line drawn along the shortest distance from the midpoint of the river channel through the midpoint of the lot.

F. Construction Methods and Materials. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and using methods and practices that minimize flood damage.

G. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. Written certification must be provided to the administrative official that this standard has been met in any proposed or existing anchoring system or design.

H. Water Supply System. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

I. Sanitary Sewer Systems. All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. On site waste disposal systems shall be located to avoid impairment to them or to minimize contamination from them during flooding.

J. Subdivision Proposals. All subdivision proposals shall be consistent with the need to minimize flood damage, having public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less). All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

K. Review of Building Permits. Where authoritative data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. [Ord. 28-05 § 1.02].

23.34.070 — F district — Specific standards applicable to residential and nonresidential structures.

In all areas of special flood hazards, the following specific standards shall be complied with:

A. Residential Construction. In all new construction and substantial improvement of any residential structure:

1. The lowest floor, including any basement, shall be elevated to at least one foot above the base flood elevation;
2. The perimeter foundation shall extend a minimum of one foot above the base flood elevation;
3. The bottom of the first floor joists shall be above the minimum elevation for the top of the foundation;
4. All footings shall be of poured in place concrete, a minimum of 16 inches in width and eight inches in depth, rest on undisturbed earth, and have the bottom of such footings a minimum of 24 inches below finished grade;
5. Perimeter foundation walls shall be of poured in place concrete, a minimum of eight inches in thickness, either poured continuous with the footings, keyed with keying in footing one and one half inches deep and three inches wide, or doweled to footing with No. 5 rebar 12 inches long a maximum of two feet apart spaced no farther apart than two feet around the perimeter of the building;
6. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of

floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot above grade;
- c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters;

7. All interior bearing walls and piles below the established minimum top of foundation shall be of masonry construction;

8. All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

9. A backwater valve shall be installed in the sewer line or lines in an accessible location immediately adjacent to the exterior foundation wall;

10. A registered professional engineer or architect shall certify that the standards of subsection (A) of this section are satisfied. Such certification shall be provided to the administrative official in accordance with RMC 23.34.100.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including any basement, elevated to at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

1. Be flood-proofed so that below one foot above the base flood level, structures with walls shall be watertight and substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the administrative official in accordance with RMC 23.34.100.
4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in subsection (A)(6) of this section.
5. All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Large Nonresidential Construction. In all new construction and substantial improvement of any commercial, industrial or other nonresidential structure more than 200 square feet in area, either detached or attached to residential construction:

1. All footings shall be of poured in place concrete, a minimum of 12 inches in width and six inches in depth, rest on undisturbed earth, and have the bottom of such footing a minimum of 24 inches below the finished grade;
2. Perimeter foundation walls shall be of poured in place concrete, a minimum of six inches in thickness and either poured continuous with the footings, keyed with keying in footing one and one half inches deep and

three inches wide, or doweled to footing with No. 5 rebar, 12 inches long spaced no farther apart than two feet around the perimeter of the building;

3. Exterior walls shall be of “balloon type” framing design when wood frames are utilized, with studs 16 inches on center resting directly on the sill plate and continuous exterior sheathing of plywood or diagonally placed boards nailed to the sill plate and studs;

4. A registered professional engineer or architect shall certify that the standards of subsection (C) of this section are satisfied. Such certification shall be provided to the administrative official in accordance with RMC 23.34.100. [Ord. 28-05 § 1.02].

23.34.080 — Manufactured homes standards.

A. For manufactured homes meeting either the Richland building code standards (Chapter 21.01 RMC) or the definition of designated manufactured home (RMC 23.06.265), the following installation standards shall be required for all manufactured homes to be placed or substantially improved on sites that are to be located either:

1. Outside of a manufactured home park;
2. In an expansion to an existing manufactured home park; or
3. In an existing manufactured home park on which a manufactured home has incurred “substantial damage” as the result of a flood.

B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist floatation, collapse and lateral movement.

Manufactured homes meeting either the Richland building code standards (Chapter 21.01 RMC) or the definition of designated manufactured home (RMC 23.06.265), to be placed or substantially improved on sites in an existing manufactured home park that are not subject to the above manufactured home provisions shall be elevated so that either:

1. The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist floatation, collapse, and lateral movement. [Ord. 28-05 § 1.02].

23.34.090 — Recreational vehicle standards.

Recreational vehicles placed on sites in the F district are required to either:

- A. Be on site for fewer than 180 consecutive days;
- B. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices and have no permanently attached additions; or
- C. Meet the requirements for elevation and anchoring of manufactured homes. [Ord. 28-05 § 1.02].

23.34.100 — Floodplain district — Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be required for all structures and for all other development including fill and other activities as defined in RMC 23.06.270.

Application for a development permit shall be made on forms furnished by the administrative official, and shall include, but not be limited to, the following:

A. Plans drawn to scale showing the nature, location, dimensions, and elevations of the area involved, including but not limited to any low-lying areas and/or secondary drainage channels, existing and/or proposed structures, fill materials, storage areas and/or structures, and drainage facilities.

B. Elevation in relation to mean sea level of the lowest floor (including any basement) of all structures.

C. Elevation in relation to mean sea level to which any structure has been flood-proofed.

D. Certification by a registered professional engineer or architect that the standards of RMC 23.34.070 for any construction or substantial development have been met.

E. Description of the extent to which any watercourse, including any secondary drainage channels, will be altered or relocated as a result of proposed development.

F. Certification that all deeds, plat dedications and endorsements of land titles will contain, as covenants running with the land, the warning and disclaimer of liability set forth in RMC 23.34.020, and a notice of the requirements for compliance with the city's floodplain management and shoreline management programs. [Ord. 28-05 § 1.02].

23.34.110 — F district — Administration.

The administrative official shall administer and implement the regulations applicable to the F district by granting or denying development permit applications in accordance with the provisions of this code. The administrative official shall:

A. Review all development permit applications to determine that the permit requirements of the F district are satisfied and condition or otherwise modify such permits to assure that they are consistent with the requirements of the F district;

B. Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

C. Obtain and record the actual elevation to mean sea level of the lowest floor, including any basement, of all new or substantially improved structures, and whether or not the structure contains a basement;

D. For all new or substantially improved flood-proofed structures, verify and record the actual elevation (in relation to mean sea level) to which the structure was flood-proofed and maintain the flood-proofing certifications required by RMC 23.34.100;

E. Verify and record secondary drainage channels that are to be set aside and/or maintained as open space for the purpose of discharging floodwaters downstream during flood periods;

F. Maintain for public inspection all records pertaining to the provisions and requirements of the F district;

G. Notify adjacent communities and the Washington State Department of Ecology and the U.S. Army Corps of Engineers prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency;

H. Require that maintenance is provided within the altered or relocated portion of a watercourse so that flood carrying capacity is not diminished;

I. Make interpretations where needed, as to the exact locations of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);

J. Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, when base flood elevation data has not been otherwise provided;

K. Require and ensure that all approved development permits include the warning and disclaimer of liability stated in RMC 23.34.020(C);

~~L. Review all requests for subdivisions, short plats, zoning and subdivision text amendments and zone changes affecting the F district and primary use districts with which the F district is combined, and include therein a technical evaluation of the request by the Federal Emergency Management Agency for conformance to the National Flood Insurance Program, and further, include when applicable, technical evaluation by the Benton Franklin district health department for on-site waste disposal system suitability;~~

~~M. Require and ensure that all permits, deeds, plat dedications and endorsement of land titles affecting the parcel for which development is requested will contain the following language in addition to the warning and disclaimer of liability set forth in RMC 23.34.020(C):~~

~~NOTE: This property lies within an area of special flood hazard and is subject to the requirements of the City of Richland's Floodplain Management Program.~~

~~[Ord. 28-05 § 1.02].~~

23.34.120 — Floodplain district — Adjustment of standards.

~~A. Appeals. Any decision or interpretation made by the administrative official in the granting or denying of a development permit may be appealed by the applicant, and shall be heard by the board of adjustment, in accordance with RMC 23.70.070. In acting upon an appeal, the board of adjustment shall consider all technical evaluations including technical evaluation of the request by the Federal Emergency Management Agency for conformance to the National Flood Insurance Program, all relevant factors, the standards applicable to the F district, and the following criteria:~~

- ~~1. The danger that materials may be swept onto other lands to the injury of others;~~
- ~~2. The danger to life and property due to flooding or erosion damage;~~
- ~~3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
- ~~4. The importance of the services provided by the proposed facility to the community;~~
- ~~5. The necessity to the facility of a waterfront location, where applicable;~~
- ~~6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
- ~~7. The compatibility of the proposed use with existing and anticipated development;~~
- ~~8. The relationship of the proposed use to the comprehensive plan, the shoreline program and floodplain management program for the area;~~
- ~~9. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
- ~~10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~
- ~~11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

~~B. Variances. A request for a variance from the standards and requirements of the F district may be considered by the board of adjustment in accordance with RMC 23.70.110 through 23.70.150. Any applicant to whom a variance is granted for a structure to be built with the lowest floor elevation at or below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

~~In acting upon a variance request, the board shall consider the criteria set forth in subsection (A) of this section, and shall make such findings as may be appropriate as to the request's conformance to the following requirements:~~

~~1. Variance may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures and requirements set forth in the remainder of this section;~~

~~2. Variances shall not be issued if any increase in flood levels during the base flood discharge would result;~~

~~3. Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and~~

~~4. Variances shall be issued only upon a determination that granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, and will not create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. [Ord. 28-05 § 1.02].~~

Chapter 23.06

DEFINITIONS

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23.06.010 Definitions – Introductory.

For the purpose of this title, certain terms and words are defined in this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular number shall include the plural, and the plural, the singular; the word “shall” is always mandatory and the word “may” denotes a use of discretion in making a decision. The words “used” or “occupied,” unless the context otherwise requires, shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.” [Ord. 28-05 § 1.02].

23.06.020 Accessory apartment unit.

An “accessory apartment unit” is located within or adjacent to a detached one-family dwelling, located on the same lot and is a habitable living unit that provides the basic requirements of shelter, heating, cooking, and sanitation subject to the provisions of RMC 23.42.020. [Ord. 28-05 § 1.02; Ord. 05-13 § 1.01].

23.06.025 Accessory dwelling unit.

“Accessory dwelling unit” means a dwelling unit located within a building that contains a nonresidential main or primary use. Occupancy of accessory dwelling units is reserved for the manager or owner of the main or primary use of the building. [Ord. 28-05 § 1.02].

23.06.027 Adult family home.

“Adult family home” means a facility licensed pursuant to Chapter 70.128 RCW, or the regular family dwelling of a person or persons who are providing personal care, special care, and/or room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. [Ord. 28-05 § 1.02].

23.06.030 Adult use establishment.

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

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

B. Adult Panoram Establishment. “Adult panoram” means a commercial establishment where one or more motion picture projectors, slide projectors, computers or similar devices are used to show films, video cassettes, slides, or other forms of photographic reproductions depicting specified sexual activities or specified anatomical areas to patrons for a payment of a fee, membership fee, or other charge.

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

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

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

2. Provides, as its substantial stock-in-trade, for the sale, exchange, rental, loan, trade, transfer and/or viewing or use, off of the premises, any adult-oriented merchandise as defined in RMC 5.21.010. [Ord. 28-05 § 1.02].

23.06.035 Agriculture.

“Agriculture” means the tilling of the soil, the raising of crops, horticulture, floriculture, viticulture, apiculture, small livestock farming, dairying, livestock or animal husbandry, and sod farming, including all uses incidental thereto, including the sale of the agricultural products grown or raised upon the site. “Agriculture” excludes the following activities: hog farm, livestock feed lot, poultry farm, slaughterhouse, fertilizer works, bone yard, plant for the reduction or processing of animal matter, or similar manufacturing, processing, warehousing, storage, and related industrial and commercial activities whether or not dependent upon or closely allied to the agriculture industry. [Ord. 28-05 § 1.02].

23.06.040 Airport commercial.

“Airport commercial” means the retail sale of aviation-related products and services including aircraft service and rental, air passenger services, and air terminal activities including passenger ticketing, baggage, taxi service, car rental, restaurants, hotels and gift shops. [Ord. 28-05 § 1.02].

23.06.045 Airport industrial.

“Airport industrial” means research, design, fabrication and assembly of aircraft, aircraft parts, airfreight terminals and aviation-related products. This use also includes storage and wholesale trade of aviation-related products and air cargo operations and associated storage and processing. [Ord. 28-05 § 1.02].

23.06.050 Alley.

“Alley” means a passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots, but not intended for the general traffic circulation and including vehicular ways satisfying this definition but designated by some other name. [Ord. 28-05 § 1.02].

23.06.053 Amendment.

“Amendment” means a change to the text of the city’s zoning regulations. [Ord. 24-14 § 1.01].

23.06.055 Animal shelter.

“Animal shelter” means a service use maintained and operated primarily for the impounding, holding and/or disposal of lost, stray, unwanted, or injured animals. [Ord. 28-05 § 1.02].

23.06.065 Apparel and accessory stores.

“Apparel and accessory stores” means stores primarily engaged in selling new clothing, shoes, jewelry, and related articles for personal wear and adornment and stores that rent clothing such as costumes or formal wear. [Ord. 28-05 § 1.02].

23.06.070 Apartment.

“Apartment” means a room or suite of two or more rooms, which is designed for, intended for, or occupied by one family, with facilities for cooking therein. [Ord. 28-05 § 1.02].

23.06.071 Apartment, studio.

“Apartment, studio” means a self-contained, small apartment which combines living room, kitchenette and bedroom into a single room. [Ord. 55-15 § 1].

23.06.075 Arcade.

“Arcade” means a commercial establishment containing six or more video, pinball, pool tables or other games, or a business with more than one game per 500 square feet of gross floor area. [Ord. 28-05 § 1.02].

~~**23.06.080 Area of special flood hazard.**~~

~~“Area of special flood hazard” means the land in the floodplain subject to one percent or greater chance of flooding in any given year as identified in the official scientific and engineering report adopted in RMC 23.34.050. [Ord. 28-05 § 1.02; amended during 2011 recodification].~~

23.06.085 Art galleries.

“Art galleries” means establishments or other private or public places intended primarily for art exhibitions where people may view and/or purchase paintings, sculptures, or other works. [Ord. 28-05 § 1.02].

23.06.090 Assisted living facility.

“Assisted living facility” means an establishment which provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities, a full kitchen or no kitchen. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication, but is limited to health care services which do not require state or federal licensing. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space. [Ord. 28-05 § 1.02].

23.06.095 Auto parts sales.

“Auto parts sales” means a commercial establishment primarily engaged in the retail sale of new auto parts, automobile accessories and tools, where no automobile maintenance or repair services are provided. [Ord. 28-05 § 1.02].

23.06.100 Automobile repair.

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

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

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

C. “Automobile repair specialty shop” means a retail and service place of business engaged primarily in light repair and sale of goods and services for automotive vehicles including brakes, muffler and tire shops, and their accessory uses. Major automobile repair is excluded from this definition. [Ord. 28-05 § 1.02].

23.06.105 Automobile service station.

“Automobile service station” means a retail place of business for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, and minor motor vehicle repairs. Such use excludes items constituting “major automobile repair.” [Ord. 28-05 § 1.02].

23.06.110 Automobile wrecking.

“Automobile wrecking” means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. [Ord. 28-05 § 1.02].

~~**23.06.115 Base flood.**~~

~~“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. [Ord. 28-05 § 1.02].~~

23.06.117 Basement.

“Basement” means any area of a building having its floor subgrade (below ground level) on all sides. [Ord. 28-05 § 1.02; Ord. 01-07].

23.06.120 Bed and breakfast.

“Bed and breakfast” means a one-family detached dwelling unit occupied by a resident owner/manager within which up to four rental bedrooms are made available for overnight accommodation. [Ord. 28-05 § 1.02].

23.06.125 Block front.

“Block front” means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting streets and railroad right-of-way, waterway, or subdivided acreage. [Ord. 28-05 § 1.02].

23.06.130 Book, stationery and art supply store.

“Book, stationery and art supply store” means an establishment engaged in the retail sale of books and magazines, stationery, CDs, record and tapes, video and art supplies. [Ord. 28-05 § 1.02].

23.06.135 Building.

“Building” means any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of any person, animal, or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building. [Ord. 28-05 § 1.02].

23.06.140 Building, accessory.

“Building, accessory” means a detached subordinate building, the use of which is necessary and incidental to that of a main building on the same lot, and which does not change or alter the character of the premises. [Ord. 28-05 § 1.02].

23.06.145 Building, main.

“Building, main” means a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which the same is situated. [Ord. 28-05 § 1.02].

23.06.150 Building, hardware and garden supply store.

“Building, hardware and garden supply store” means an establishment engaged in selling lumber and other building materials such as paint, glass, wallpaper, tools, seeds, and fertilizer. [Ord. 28-05 § 1.02].

23.06.155 Bus station.

“Bus station” means an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a public transit system. [Ord. 28-05 § 1.02].

23.06.160 Bus terminal.

“Bus terminal” means an establishment that sells tickets, provides scheduling information and serves as a point of arrival and departure for an inter-city bus line. [Ord. 28-05 § 1.02].

23.06.165 Bus transfer station.

“Bus transfer station” means land in a centralized location used by a municipal bus service as a point of departure for multiple bus routes and where bus passengers transfer from one bus to another. [Ord. 28-05 § 1.02].

23.06.170 Cafeteria.

“Cafeteria” means an enclosed building or portion thereof used for the preparation, sale, and consumption of food and beverages. Typically, food services offered in a cafeteria are provided as an accessory use to employees or other groups of people and are not generally offered to the general public. [Ord. 28-05 § 1.02].

23.06.175 Car wash.

“Car wash” means a facility designed for the cleaning of automobiles, of which there are two types:

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

B. “Car wash, self-service” means a coin-actuated, self-service washing system enclosed in a walled bay, open front and rear, of not less than eight feet in height. The pumps, water heaters and like equipment are completely housed. Additional facilities may include drying material dispensers and vacuum cleaners. [Ord. 28-05 § 1.02].

23.06.180 Carport.

“Carport” means a covered space for the housing primarily of motor vehicles and enclosed on no more than two sides by walls, screens, cabinets, or other type of enclosures. [Ord. 28-05 § 1.02].

23.06.185 Cemetery.

“Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery. [Ord. 28-05 § 1.02].

23.06.190 Church.

“Church” means a structure, group of structures, or portion thereof which is utilized for the purpose of conducting religious worship, services or ceremonies. A church may contain facilities such as a sanctuary or chapel, assembly rooms, offices, kitchen, parsonage, or multi-purpose facilities. Graded educational facilities, dwelling units except parsonages, day care facilities, and facilities for the training of religious orders shall not be considered incidental to church usage, but may be allowed subject to other provisions of this title. [Ord. 28-05 § 1.02].

23.06.195 City officials and agencies.

The word “city” means the city of Richland in Benton County, Washington; the term “city council” means the city council of said city; the terms “planning commission” or “physical planning commission” or “commission” mean the planning commission of the city; the term “board” or “board of adjustment” means the board of adjustment of the city; the term “administrative official” or “city planner” means such person as the city manager shall designate to administer and enforce this title. [Ord. 28-05 § 1.02; amended during 2011 recodification].

23.06.200 Cinema.

“Cinema” means a motion picture theater. [Ord. 28-05 § 1.02].

23.06.205 Clinic.

“Clinic” means a building or portion of a building containing offices for providing medical, dental, psychiatric or chiropractic services for outpatients only. [Ord. 28-05 § 1.02].

23.06.210 Club or fraternal societies.

“Club” or “fraternal societies” means an association of persons (whether or not incorporated) organized for some common nonprofit purpose, but not including a group organized primarily to render a service customarily carried on as a business. [Ord. 28-05 § 1.02].

23.06.215 Commercial recreation.

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

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

B. Outdoor Commercial Recreation. Including but not limited to such activities as outdoor batting cages, arenas, golf courses, putting courses, outdoor miniature golf, amusement parks, riding academies, carnival operations, expositions, and marinas. [Ord. 28-05 § 1.02].

23.06.217 Concessionaire.

“Concessionaire,” for the purposes of this title, means and includes any person, firm, or corporation involved in any activity involving the sale of any goods or services, whether conducted for profit or not, on any property located within the PPF – parks and public facilities district. Any concession activity shall be clearly incidental to and supportive of an established primary permitted use in the underlying zoning district. [Ord. 28-05 § 1.02; Ord. 13-08].

23.06.220 Convention center.

“Convention center” means a building or area designated to accommodate large groups of people usually for social occasions, or the exchange of information related to professional or commercial activity. Such a facility typically

contains various large assembly halls, conference rooms, and food service facilities. [Ord. 28-05 § 1.02; Ord. 32-11 § 1].

23.06.225 Contractors' offices and shops.

"Contractors' offices and shops" means a combination of uses in a single building or lot that includes the assembly, storage and/or manufacture of products typically used in building construction such as cabinetry, heating/cooling systems, plumbing and mechanical systems together with administrative offices. [Ord. 28-05 § 1.02].

23.06.230 Contractors' yards.

"Contractors' yards" means the portion of a lot outside of a contractor's office and shop that is used for the outdoor storage of vehicles, equipment and supplies. [Ord. 28-05 § 1.02].

23.06.235 Court.

"Court" means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings. [Ord. 28-05 § 1.02].

23.06.240 Cultural institution.

"Cultural institution" means establishments such as museums, art galleries, and botanical and zoological gardens of historic, educational or cultural interests which are not operated for profit. [Ord. 28-05 § 1.02].

23.06.245 Day care center.

"Day care center" means a licensed facility, other than a family day care home, providing regularly scheduled care for a group of children for periods less than 24 hours. [Ord. 28-05 § 1.02].

23.06.250 Delicatessen.

"Delicatessen" means retail food stores selling ready-to-eat food products such as cooked meats, prepared salads or seafood, health food or other specialty food items. [Ord. 28-05 § 1.02].

23.06.255 Department store.

"Department store" means a large retail store arranged into departments for the sale of a variety of consumer goods. [Ord. 28-05 § 1.02].

23.06.260 Dependent recreational vehicle.

"Dependent recreational vehicle" means a recreational vehicle which does not contain water or sewage disposal facilities. [Ord. 28-05 § 1.02].

23.06.265 Designated manufactured home.

"Designated manufactured home" means a manufactured home which:

- A. Is comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;
- B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences. [Ord. 28-05 § 1.02].

23.06.270 Development.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, but not including any open wire fences in any F district. [Ord. 28-05 § 1.02; Ord. 01-07].

23.06.275 District.

"District" means a portion of the city within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in this title, or any of the districts with which any combining regulations are combined. [Ord. 28-05 § 1.02].

23.06.280 Dormitories, fraternities and sororities.

“Dormitories,” “fraternities” and “sororities” means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university, or other recognized institution of higher learning. [Ord. 28-05 § 1.02].

23.06.285 Drinking establishment.

“Drinking establishment” means a business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including nightclubs, bars, cocktail lounges, and taverns. [Ord. 28-05 § 1.02].

23.06.290 Drive-through.

“Drive-through” means a facility which, by its design, allows people to receive goods and/or services while remaining in their automobiles. [Ord. 28-05 § 1.02].

23.06.295 Drug store/pharmacy.

“Drug store/pharmacy” means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, vitamins, first-aid supplies, and other health-related products. [Ord. 28-05 § 1.02].

23.06.300 Dwelling, one-family attached.

“Dwelling, one-family attached” means a building designed for or containing one dwelling unit, which is attached on one or both sides with a common wall/zero lot line wall to one or more buildings of the same type. [Ord. 28-05 § 1.02].

23.06.305 Dwelling, one-family detached.

“Dwelling, one-family detached” means a detached building designed for or containing one dwelling unit, which may include an accessory apartment subject to the provisions of the zoning districts and RMC 23.42.020. [Ord. 28-05 § 1.02].

23.06.310 Dwelling, two-family detached.

“Dwelling, two-family detached” means a detached building designed for or containing two independent dwelling units. [Ord. 28-05 § 1.02].

23.06.315 Dwelling, multiple-family.

“Dwelling, multiple-family” means a building or portion thereof designed for or containing three or more independent dwelling units. [Ord. 28-05 § 1.02].

23.06.320 Dwelling unit.

“Dwelling unit” means a building or portion thereof providing complete housekeeping facilities for one family, which may include an accessory apartment unit subject to the provisions of the zoning districts and RMC 23.42.020. [Ord. 28-05 § 1.02].

23.06.325 Electronic equipment stores.

“Electronic equipment stores” means establishments engaged in the retail sale of a variety of electronic equipment including computers, televisions, stereos, and cameras. [Ord. 28-05 § 1.02].

23.06.330 Essential public facilities.

“Essential public facilities” means a facility, conveyance or site whose services are provided by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site. [Ord. 28-05 § 1.02].

23.06.335 Equipment rental.

“Equipment rental” means the use of a building or land for the purpose of providing tools, implements, or other articles to individuals or businesses on a temporary basis for a specified fee. This use does not include the rental of automobiles or trucks. [Ord. 28-05 § 1.02].

23.06.340 Family.

“Family” means one or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, boardinghouse or rooming house, fraternity or sorority house. [Ord. 28-05 § 1.02].

23.06.345 Family day care home.

“Family day care home” means a licensed facility in the licensee’s home providing regularly scheduled care for 12 or fewer children for periods less than 24 hours. [Ord. 28-05 § 1.02].

23.06.350 Farming of land.

“Farming of land” means the growing of seasonal crops and/or the tilling of soil. For purposes of this definition, the farming of land is typically an interim or temporary land use and would not typically include agricultural activities that are of a long-term nature, such as the planting of orchards or vineyards or the raising of livestock. [Ord. 28-05 § 1.02].

23.06.355 Fence.

“Fence” means an upright structure serving as an enclosure, barrier or boundary usually made of posts, boards, wire, iron, steel, or masonry. [Ord. 28-05 § 1.02].

23.06.360 Financial institution.

“Financial institution” means a business or institution engaged in monetary transactions such as banks, lending, savings and loan institutions and credit unions but excluding pay day loan businesses. [Ord. 28-05 § 1.02].

~~**23.06.365 Flood or flooding Flood Insurance Rate Map (FIRM) Flood Insurance Study.**~~

~~“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry-land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.~~

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

“Flood Insurance Study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary/floodway map, and the water surface elevation of the base flood. [Ord. 28-05 § 1.02].

23.06.370 Florist.

“Florist” means an establishment engaged in the retail sale of flowers and plants. [Ord. 28-05 § 1.02].

23.06.375 Food stores.

“Food stores” means stores primarily engaged in selling food and beverages for home preparation and consumption. It includes grocery stores; mini-market or convenience store uses; meat and fish markets, including freezer provisioners; fruit and vegetable markets; candy, nut, and confectionery stores; dairy products stores; retail bakeries; wine and beer shops; liquor stores; and miscellaneous stores specializing in items such as spices, coffee, or health foods. As an accessory use, a food store may also sell prepared foods for on-site or off-site consumption. [Ord. 28-05 § 1.02].

23.06.380 Food wagon.

“Food wagon” means a vehicle that is used for retail food sales that is capable of operating from a variety of sites, rather than from a fixed location. [Ord. 28-05 § 1.02].

23.06.385 Fuel station/mini-mart.

“Fuel station/mini-mart” means establishments engaged primarily in the sale of automobile gasoline or other auto fuel to the general public. Such uses may include mini-market or convenience store uses involving the sale of snack food and beverage items. [Ord. 28-05 § 1.02].

23.06.390 Funeral establishment.

A “funeral establishment” is a place of business devoted exclusively to such activities as are related to the preparation and arrangements for the funeral, transportation, burial, or other disposition of dead bodies, and including but not limited to: (A) a chapel in which memorial, funeral, or religious services may be conducted; and (B) a preparation room equipped for the preparation and embalming of dead bodies for burial or transportation. [Ord. 28-05 § 1.02].

23.06.395 Furniture, home furnishings, and appliance stores.

“Furniture, home furnishings, and appliance stores” means businesses primarily engaged in the retail sale of goods used for furnishing the home, such as furniture, floor coverings, draperies, lighting fixtures, woodstoves, domestic cook stoves, refrigerators, and other household electrical and gas appliances. This category also includes rental of furniture, appliances, and the like. [Ord. 28-05 § 1.02].

23.06.400 General service businesses.

“General service businesses” means establishments which provide services involving the maintenance, repair or improvement of personal and household goods including computer and consumer electronics repair and service, custom framing shops, jewelry repair, locksmiths, shoe repair, tailors, upholstery shops, and similar uses. [Ord. 28-05 § 1.02].

23.06.405 Grade plane.

“Grade plane” means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. [Ord. 28-05 § 1.02].

23.06.410 Gross floor area.

“Gross floor area” means the sum of the areas of all floors included within the surrounding walls of a building, or portion thereof, exclusive of vents, shafts, and courts. [Ord. 28-05 § 1.02].

23.06.415 Guest room.

“Guest room” means a room which is intended, arranged, or designed to be occupied or which is occupied by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes. [Ord. 28-05 § 1.02].

23.06.420 Habitable floor.

“Habitable floor” means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, except for a floor used only for storage purposes. [Ord. 28-05 § 1.02].

23.06.425 Hazardous waste.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined by RCW 70.105.010. [Ord. 28-05 § 1.02].

23.06.430 Hazardous waste storage.

“Hazardous waste storage” means the holding of dangerous waste for a temporary period as regulated by the Washington State Dangerous Waste Regulations, Chapter 173-30 WAC. [Ord. 28-05 § 1.02].

23.06.435 Hazardous waste treatment.

“Hazardous waste treatment” means the physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume. [Ord. 28-05 § 1.02].

23.06.440 Hazardous waste treatment and storage facilities, off site.

“Hazardous waste treatment and storage facilities, off site” means treatment and storage facilities that treat or store waste generated on properties other than those on which the off-site facilities are located. [Ord. 28-05 § 1.02].

23.06.445 Hazardous waste treatment and storage facilities, on site.

“Hazardous waste treatment and storage facilities, on site” means treatment and storage facilities that treat and store wastes generated on the same, geographically contiguous, or bordering property. [Ord. 28-05 § 1.02].

23.06.450 Hedge.

“Hedge” means a row of closely planted shrubs, bushes, or low growing trees forming a barrier, enclosure, or boundary. [Ord. 28-05 § 1.02].

23.06.455 Height of building.

“Height of building” means the vertical distance from grade plane to the average height of the highest roof surface. (See RMC 23.06.405 for definition of “grade plane.”) [Ord. 28-05 § 1.02].

23.06.460 Hog farm.

“Hog farm” means a lot, structure or building used for the raising or keeping of six or more hogs or swine. [Ord. 28-05 § 1.02].

23.06.465 Home occupations.

“Home occupations” means an occupation or business activity conducted within a dwelling unit by a member or members of the family who occupy the dwelling, where the occupation or business activity is clearly incidental and secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. [Ord. 28-05 § 1.02].

23.06.470 Health/fitness center.

“Health/fitness center” means a building, group of buildings or combination of buildings and outdoor uses which together are used for sports, health and recreational uses whether on a membership basis or for the general public. Such facilities include, but are not limited to, gymnasiums, weight-reducing centers, dance studios, tennis, handball or racquetball courts, indoor or outdoor swimming pools and spas, weight training, exercise classes, and running tracks. [Ord. 28-05 § 1.02].

23.06.475 Health/fitness facility.

“Health/fitness facility” means health clubs, aerobics centers, athletic clubs and gymnasiums, handball and racquetball clubs, weight-reducing centers, dance studios, and other businesses primarily engaged in indoor health and recreation activities, whether on a membership basis or for the general public. Health/fitness facilities are conducted in buildings no larger than 5,000 square feet in area. [Ord. 28-05 § 1.02].

23.06.477 Health spa.

“Health spa” means a commercial facility providing body treatments, massage, gyms, spas, health and wellness activities and similar services. [Ord. 28-05 § 1.02; Ord. 04-09].

23.06.480 Homeless shelter.

“Homeless shelter” means a facility designed to provide overnight accommodations and/or meals to homeless persons. [Ord. 28-05 § 1.02].

23.06.485 Hospital.

“Hospital” means a licensed institution designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, both mental and physical. [Ord. 28-05 § 1.02].

23.06.490 Hospital or clinic for large animals.

“Hospital or clinic for large animals” means a medical facility or institution providing in-patient and outpatient veterinary service consisting of the prevention, cure, or alleviation of disease and injury to large animals or livestock. [Ord. 28-05 § 1.02].

23.06.495 Hospital or clinic for small animals.

“Hospital or clinic for small animals” means a medical facility or institution providing inpatient and outpatient veterinary service consisting of the prevention, cure, or alleviation of disease and injury to dogs, birds, cats, and similar small animals. [Ord. 28-05 § 1.02].

23.06.500 Hot tub.

“Hot tub” means a nonpermanent structure intended for recreational bathing, in which all controls, water heating, and water circulating equipment are an integral part of the product. [Ord. 28-05 § 1.02].

23.06.505 Hotel.

“Hotel” means any building or portion thereof containing six or more guest rooms, which is used, designed, or intended to be used, let, or hired out to be occupied, or which is occupied by six or more individuals for compensation, whether the compensation be paid directly or indirectly. [Ord. 28-05 § 1.02].

23.06.510 House-banked card room.

“House-banked card room” as used in this title means an establishment licensed by the Washington State Gambling Commission (the “Commission”) to offer “house-banked card games” as described in WAC 230-40-010 and subject to regulation by the Commission under RCW 9.46.070 and Chapter 230-40 WAC. [Ord. 28-05 § 1.02].

23.06.515 Junkyard.

“Junkyard” means the use of more than 100 square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of 100 feet) which adjoins any street, for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or the use of any area for an automobile wrecking yard; provided, however, that this definition shall not be deemed to include uses conducted entirely within an enclosed building or lots for the outdoor display and sale of used automobiles in operable condition. [Ord. 28-05 § 1.02].

23.06.520 Kennel, commercial.

“Kennel, commercial” means any lot, premises, building, or structure where six or more dogs, cats, and/or household pets over six months of age are kept. [Ord. 28-05 § 1.02].

23.06.525 Landscaping.

“Landscaping” shall consist of any of the following or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, and trees; and nonliving durable material commonly used in landscaping such as, but not limited to, rocks, pebbles, bark, sand, walls, or fences, but excluding paving and artificial plants. [Ord. 28-05 § 1.02].

23.06.530 Landscaping material sales.

“Landscaping material sales” means establishments engaged in the retail sale of materials commonly used in landscaping such as trees, shrubs, bark, gravel, patio bricks, concrete blocks, pond liners, and similar materials. [Ord. 28-05 § 1.02].

23.06.535 Large livestock farming.

“Large livestock farming” means the keeping of domesticated animals such as horses, ponies, burros, dairy and beef cattle, sheep, goats, swine, and similar animals which are kept for personal or agricultural use, or raised for sale and profit. [Ord. 28-05 § 1.02].

23.06.540 Lattice tower.

“Lattice tower” is a wireless communications support structure, which consists of metal crossed strips or bars to support antennas and related equipment. [Ord. 28-05 § 1.02].

23.06.545 Laundry, self-service.

“Laundry, self-service” means a business providing home-type washing, drying and/or ironing facilities where customers primarily complete the laundering of their own clothes. [Ord. 28-05 § 1.02].

23.06.550 Laundry/dry cleaning, retail.

“Laundry/dry cleaning, retail” means a business providing drop off and pick up services of laundry and dry cleaning where the actual laundry/dry cleaning activities are completed at an off-site commercial laundry/dry cleaning facility. [Ord. 28-05 § 1.02].

23.06.552 Laundry/dry cleaning, neighborhood.

“Laundry/dry cleaning, neighborhood” means a business providing drop off and pick up services of laundry and dry cleaning and where actual laundry/dry cleaning activities are completed on site in a process that primarily uses solvents or chemicals that are not regulated as hazardous by the Environmental Protection Agency. Such businesses shall operate in facilities that are 2,000 square feet in area or less. [Ord. 28-05 § 1.02; Ord. 15-07].

23.06.555 Laundry/dry cleaning, commercial.

“Laundry/dry cleaning, commercial” means a business providing commercial laundry or dry cleaning services. [Ord. 28-05 § 1.02].

23.06.560 Livestock feed lot.

“Livestock feed lot” means a lot, structure or building, or confined area used intensively for raising or keeping of more than six head of beef cattle or similar livestock for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate, but not including barns, pens or similar structures. [Ord. 28-05 § 1.02].

23.06.565 Lot.

“Lot” means land occupied or to be occupied by a principal use or building or unit group of buildings and accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title, for a lot in the district in which such lot is situated, and having its principal frontage on a street, or having a permanent means of access to a street. A lot as defined herein is not necessarily the same as a platted lot. [Ord. 28-05 § 1.02].

23.06.567 Lot area.

“Lot area” means the total horizontal area included within lot lines. [Ord. 28-05 § 1.02].

23.06.570 Lot, corner.

“Lot, corner” means a lot bounded on two or more sides by street lines; provided, that the interior angle of intersection or interception of said street lines does not exceed 135 degrees. [Ord. 28-05 § 1.02].

23.06.572 Lot, interior.

“Lot, interior” means a lot other than a corner lot. [Ord. 28-05 § 1.02].

23.06.575 Lot line, front.

“Lot line, front” means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; except in those cases in a C-1 district where a lot has two or more street frontages of equal length or nearly equal length, the front lot line shall be considered to be the line adjoining the street which the comprehensive plan shows is intended to carry the heaviest traffic flow. [Ord. 28-05 § 1.02].

23.06.577 Lot line, rear.

“Lot line, rear” means the lot line which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line. [Ord. 28-05 § 1.02].

23.06.580 Lot line, side.

“Lot line, side” means any lot boundary line not a front lot line or a rear lot line. [Ord. 28-05 § 1.02].

23.06.582 Lot depth.

“Lot depth” means the shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line. For lots with front lines containing curves or angles, the measurement shall be taken from a line drawn parallel to a base line adjoining the front corners of the lot and lying midway between said base line and a line drawn parallel to said base line tangent to the curve or through the angle point. [Ord. 28-05 § 1.02].

23.06.584 Lot width.

“Lot width” means the distance between side lot lines measured at right angles to the lot depth at its midpoint. [Ord. 28-05 § 1.02].

~~**23.06.586 Lowest floor.**~~

~~“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found in RMC-23.34.070(A)(6) (i.e., provided there are adequate flood ventilation openings). [Ord. 28-05 § 1.02; Ord. 01-07].~~

23.06.587 Lumberyard.

“Lumberyard” means a business that sells building materials and/or lumber in large quantities, and includes a significant portion of its product storage outdoors or in warehouse portions of a building. [Ord. 28-05 § 1.02; Ord. 01-07].

23.06.590 Macrofacility.

“Macrofacility” is a large wireless communication facility that provides radio frequency coverage for a cellular telephone network. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna, and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers. [Ord. 07-19 § 1].

23.06.595 Mailing services.

“Mailing services” means a private establishment engaged in the business of renting mailboxes, accepting packages for delivery, selling packaging materials and/or providing bulk mailing services for customers. [Ord. 28-05 § 1.02].

23.06.600 Manufactured home.

“Manufactured home” means a single-family residence constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance. [Ord. 28-05 § 1.02].

23.06.605 Manufactured home lot, park, and stand.

“Manufactured home lot” means a designated portion of a manufactured home park designed for the accommodation of one manufactured home and its accessory structures.

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

“Manufactured home stand” means that area of a manufactured home lot which has been reserved for the placement of a manufactured home. [Ord. 28-05 § 1.02].

23.06.610 Manufacturing, general.

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

A. Production of items made from stone or concrete;

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

C. Production of finished goods that typically are not for household or office use, such as barrels, ceramic molds, or cardboard cartons, from materials that are already refined, or from raw materials that do not need refining, such as

paper, fabric, leather, premilled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;

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

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

F. Development of film on a wholesale basis;

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

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

I. Food processing for human consumption except that involving the milling of grain or the refining of sugar. [Ord. 28-05 § 1.02].

23.06.615 Manufacturing, heavy.

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

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

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

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

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

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

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

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

H. Conversion of solid waste into useful products or preparation of solid waste for disposal at another location by processing to change its physical form or chemical composition. This includes the off-site treatment or storage of hazardous waste as regulated by the State Department of Ecology. [Ord. 28-05 § 1.02].

23.06.617 Manufacturing, light.

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

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

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

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

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

E. Electronic product and component manufacturing including radio, TV, computers, data systems equipment, optical, photographic, engineering and similar precision instruments and high-tech industries. [Ord. 28-05 § 1.02].

23.06.620 Manufacturing use.

“Manufacturing use” means a business establishment in which articles are produced by hand or by machinery, from raw or prepared materials, by giving to those materials new forms, qualities, properties, or combinations, in a process frequently characterized by the repetitive production of items made to the same or similar specifications. [Ord. 28-05 § 1.02].

23.06.625 Marinas.

“Marinas” means an establishment providing docking, moorage space and activities relating to the maintenance and minor repair of pleasure boats and yachts. [Ord. 28-05 § 1.02].

23.06.630 Marine equipment rentals.

“Marine equipment rentals” means a business engaged in the rental of marine equipment, such as boats or jet skis, to individuals or businesses on a temporary basis for a specified fee. [Ord. 28-05 § 1.02].

23.06.635 Marine gas sales.

“Marine gas sales” means a business typically associated with a marina that engages in retail gasoline sales for boats and other marine equipment. [Ord. 28-05 § 1.02].

23.06.640 Master plan.

“Master plan” means a detailed site plan for certain distinct areas of the city for which specific plans have been reviewed and approved by the planning commission and the city council. A master plan for a distinct area is not to be construed as a substitute for the comprehensive plan as set forth in Chapter 23.01 RMC. [Ord. 28-05 § 1.02].

23.06.645 Microbrewery.

“Microbrewery” means a small-scale beer brewing plant located within a restaurant or tavern building in which a portion of the building is used for the production of beer for wholesale distribution and for on-site retail sale to restaurant or tavern patrons. [Ord. 28-05 § 1.02].

23.06.650 Microfacility.

Repealed by Ord. 07-19. [Ord. 28-05 § 1.02].

23.06.655 Mini-warehouse.

“Mini-warehouse” means a structure containing separate storage spaces of varying sizes that are leased or rented on an individual basis and outdoor yards for the storage of goods where storage, retrieval and transport are the responsibilities of the renter or lessee. [Ord. 28-05 § 1.02].

23.06.660 Mobile home.

“Mobile home” means a single-family residence transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. [Ord. 28-05 § 1.02].

23.06.665 Monopole.

“Monopole” means a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, typically round or square and driven into the ground or attached to a foundation. [Ord. 28-05 § 1.02].

23.06.670 Motel.

“Motel” means a building or group of buildings containing guest rooms designed or used to provide transient lodging. [Ord. 28-05 § 1.02].

23.06.675 Nursing home or rest home.

“Nursing home” or “rest home” means a home for aged, chronically ill, incurable persons, or persons in need of convalescent care outside of a hospital in which two or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness. [Ord. 28-05 § 1.02].

23.06.680 Nursery, plant.

“Nursery, plant” means an enterprise, establishment or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items such as clay pots, potting soil, fertilizers, insecticides, garden implements, etc. [Ord. 28-05 § 1.02].

23.06.685 Office – Corporate.

“Office – corporate” means an establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the headquarters, regional offices and/or the administrative offices for a corporation. Generally, the majority of the traffic generated from corporate offices comes from employees and not the general public. [Ord. 28-05 § 1.02].

23.06.687 Office – Consulting services.

“Office – consulting services” means establishments providing a wide variety of professional services including but not limited to: accountants, engineers, geologists, architects, financial consultants, landscape architects, land planners, surveyors and interior designers who generally conduct research, provide analysis of information, computer simulation, diagramming, mapping and/or drafting in order to create new products or plans. [Ord. 28-05 § 1.02].

23.06.690 Office – General.

“Office – general” means an establishment which provides administrative, professional, educational, financial, governmental or customer services to individuals, businesses, institutions and/or governmental agencies in an office setting; for example, branch banks, travel agencies, medical offices, real estate offices, insurance agencies, government offices, customer service offices, data processing services, union or charitable organization offices and wholesalers’ offices. [Ord. 28-05 § 1.02].

23.06.695 Office – Research and development.

“Office – research and development” means an office/laboratory establishment engaged in the research, analysis, design, development and/or testing of a product. [Ord. 28-05 § 1.02].

23.06.700 Office supply store.

“Office supply store” means stores selling office products such as stationery, legal forms, writing implements, computers, copies, office furniture, and similar products. [Ord. 28-05 § 1.02].

23.06.705 Outdoor advertising sign.

“Outdoor advertising sign” means any lettered, figure, or pictorial matter or other sign of any kind or character whatsoever, made visible for outdoor advertising purposes anywhere. [Ord. 28-05 § 1.02].

23.06.710 Outdoor advertising structure.

“Outdoor advertising structure” means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary. [Ord. 28-05 § 1.02].

23.06.715 Outdoor storage.

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

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

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

C. Junk and Scrap Storage. Storage of used products or scrap materials such as wood, cloth, paper, glass, metal, plastic, or rock material, which could be refurbished, recycled, or converted into usable stock or material. [Ord. 28-05 § 1.02].

23.06.720 Parking lot.

“Parking lot” means an open area, other than a street or alley, used for the temporary parking of automobiles and available for public use, whether free or for compensation, or as an accommodation for clients or customers. [Ord. 28-05 § 1.02].

23.06.725 Parking space, automobile (off street).

“Parking space, automobile (off street)” means space within a public or private parking area, or within a building designed for or used for the temporary parking or storage of one motor vehicle. [Ord. 28-05 § 1.02].

23.06.728 Parking structure.

“Parking structure” means a structure used for the parking of vehicles where parking is accommodated on two or more levels. [Ord. 28-05 § 1.02].

23.06.730 Pasture.

“Pasture” means a fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principal food source for the livestock confined therein. [Ord. 28-05 § 1.02].

23.06.732 Patio.

“Patio” means an outdoor space that is often paved or decked directly adjacent to a main building that is at or within 30 inches of adjacent grade. [Ord. 32-11 § 2].

23.06.735 Pawn shop.

“Pawn shop” means an establishment engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property. [Ord. 28-05 § 1.02].

23.06.740 Pen.

“Pen” means a fenced enclosure or small confined area used for the raising or keeping of livestock or small animals, but not including barns, sheds or similar structures, or pasture. [Ord. 28-05 § 1.02].

23.06.745 Personal loan business.

“Personal loan business” means an establishment engaged in the business of cashing payroll checks and/or providing small, nonsecured, short-term loans to individuals. [Ord. 28-05 § 1.02].

23.06.750 Personal services business.

“Personal services business” means a business primarily engaged in providing services generally involving the maintenance of the human body, or other services to one’s person. Such businesses include, but are not limited to, barber and beauty shops, photographic studios, body piercing, manicuring shops, tanning parlors, body wrapping, tattoo parlors and massage practitioners. [Ord. 28-05 § 1.02].

23.06.755 Pet shop and pet supply store.

“Pet shop” and “pet supply store” mean establishments engaged in the retail sale of pets, pet food, supplies and the grooming of pets. [Ord. 28-05 § 1.02].

23.06.760 Photo processing, copying and printing services.

“Photo processing, copying and printing services” means retail establishments that provide duplicating services using photocopy, blueprint and offset printing equipment, including collating of booklets and reports. [Ord. 28-05 § 1.02].

23.06.765 Pool, private.

“Pool, private” means a swimming pool built accessory to a dwelling unit and used for the enjoyment of the family living therein. [Ord. 28-05 § 1.02].

23.06.770 Pool, public.

“Pool, public” means a swimming pool to which the general public has access through the payment of a fee or admission charge. [Ord. 28-05 § 1.02].

23.06.775 Pool, semi-public.

“Pool, semi-public” means a swimming pool accessory to a hotel, motel, multiple dwelling or similar use to which the general public does not have usual access, and located for the convenience of the guests or patrons of a hotel, motel or similar use. [Ord. 28-05 § 1.02].

23.06.777 Porch.

“Porch” means an outdoor, typically raised and covered area, providing an entrance way to a building. [Ord. 32-11 § 2].

23.06.780 Portable food vendor.

“Portable food vendor” means the vending of food and/or beverages from a movable cart-type stand which is located on the same lot as, and in conjunction with, a permitted use. Portable food vending stands cannot be self-propelled, must serve only walk-up customers, and may not be stored outdoors when the portable food vendor is not open for business. [Ord. 28-05 § 1.02].

23.06.785 Poultry farm.

“Poultry farm” means a lot, structure or building used intensively for the raising, feeding, breeding, or keeping of chickens, turkeys, or other poultry for marketing or slaughter, or for the production of eggs for sale. [Ord. 28-05 § 1.02].

23.06.790 Public agency building.

“Public agency building” means any agency office for the administration of any governmental activity or program. [Ord. 28-05 § 1.02].

23.06.792 Public agency facility.

“Public agency facility” means a lot, structure, facility or building which is necessary for the operation of a public utility on which is performed a public service such as supplying water, wastewater disposal, electrical, transportation or communication service, usually as a monopoly or pursuant to a franchise by a business organization under governmental regulation, or directly by government. [Ord. 28-05 § 1.02].

23.06.795 Radio and television studio.

“Radio and television studio” means an establishment engaged in transmitting oral and visual programs, and which consists of a studio, transmitter, and antennas. [Ord. 28-05 § 1.02].

23.06.797 Reclassification.

“Reclassification” means a change in the city’s zoning map, resulting in a change in zoning designation on one or more parcels of property. Also referred to as a rezone. [Ord. 24-14 § 1.01].

23.06.800 Recreational club.

“Recreational club” means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses maintained by a nonprofit organization whose membership is limited to the residents within the area in which it is located; provided, that membership shall not be denied to residents of the area based solely on race, creed or color. [Ord. 28-05 § 1.02].

23.06.802 Recreational vehicle.

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

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

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

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

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

(See also “Dependent recreational vehicle,” RMC 23.06.260.) [Ord. 28-05 § 1.02; Ord. 01-10 § 1.01].

23.06.805 Recreational vehicle campground.

“Recreational vehicle campground” means a lot or parcel of land occupied or intended for occupancy by recreational vehicles or tents for travel, recreational or vacation usage for short periods of stay subject to the provisions of this title. [Ord. 28-05 § 1.02].

23.06.807 Recreational vehicle park.

“Recreational vehicle park” means a lot or parcel of land occupied or intended for occupancy by recreational vehicles for travel, recreational or vacation uses allowing for longer periods of stay subject to the provisions of this title. [Ord. 28-05 § 1.02].

23.06.809 Recreational vehicle space.

“Recreational vehicle space” means a parcel of land in a recreational vehicle park or campground for the placement of a single recreational vehicle and the exclusive use of its occupants. [Ord. 28-05 § 1.02].

23.06.810 Restaurant.

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

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

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

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

D. Restaurant, Take-Out. A restaurant that offers a take-out service whereby food may be consumed off the premises. A take-out restaurant may also have seating facilities. [Ord. 28-05 § 1.02].

23.06.817 Sales, retail.

“Sales, retail” means sale to the ultimate consumer for direct consumption and not for resale. [Ord. 28-05 § 1.02].

23.06.820 Sales, wholesale.

“Sales, wholesale” means sale for resale not for direct consumption. For the purpose of land use classifications, a business primarily engaged in wholesale sales, with less than 25 percent of the square footage of sales in related retail, will be classified as wholesale. [Ord. 28-05 § 1.02].

23.06.825 Sanitary station or sanitary dumping station.

“Sanitary station” or “sanitary dumping station” means a facility used for removing and disposing of wastes from recreational vehicle sewage holding tanks. [Ord. 28-05 § 1.02].

23.06.830 School.

“School” means public or private graded educational institution facility, structure or building but not including trade schools. [Ord. 28-05 § 1.02].

23.06.832 School, alternative.

“School, alternative” means a school which offers a curriculum which is equivalent to but is a substitute for the curriculum commonly found in more traditional public or private schools. [Ord. 28-05 § 1.02].

23.06.833 School, commercial.

“School, commercial” means a business establishment where instruction is given, in exchange for payment of a fee. Examples of subjects taught include, but are not limited to, dance, computer skills, music, and martial arts. [Ord. 28-05 § 1.02].

23.06.834 School, trade.

“School, trade” means an educational facility, structure or building operated as a business enterprise offering instruction or training in the trades or industrial arts such as welding, brick laying, machinery operation, cooking, printing or similar trades or industrial arts, but not including schools. [Ord. 28-05 § 1.02].

23.06.835 Secondhand/consignment store.

“Secondhand/consignment store” means an establishment engaged in the retail sale of used clothing, sports equipment, appliances, and other merchandise. [Ord. 28-05 § 1.02].

23.06.840 Senior housing.

“Senior housing” means a complex of dwellings, exclusively designed for and occupied by households having least one person 62 years of age or older. [Ord. 28-05 § 1.02].

23.06.845 Sensitive land uses.

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

- A. Churches, or other religious facilities or institutions;
- B. Multiple-family and single-family residential zones;
- C. Playgrounds and public parks;
- D. Public and private schools, technical schools and training facilities which have 25 percent or more of their students under the age of 18. [Ord. 28-05 § 1.02].

23.06.850 Small livestock farming.

“Small livestock farming” means the keeping of four or more domesticated animals such as rabbits, chickens, ducks, turkeys, and similar fowl and animals which are kept for personal or agricultural use, or raised for sale and profit. [Ord. 28-05 § 1.02].

23.06.855 Specialty retail store.

“Specialty retail store” means one of a wide variety of stores involved in the retail sale of one or more general categories of specialty goods and merchandise, including but not limited to the following types of specialty stores: sporting goods, bicycles, glassware and chinaware, fishing tackle, music, greeting cards, jewelry, toys, hobby supplies, games, cameras, gifts and souvenirs, sewing supplies, tobacco products, newspapers, magazines, and comic books, religious supplies, guns and gun supplies or other miscellaneous goods. [Ord. 28-05 § 1.02].

23.06.860 Specified anatomical areas.

“Specified anatomical areas” means:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. [Ord. 28-05 § 1.02].

23.06.862 Specified sexual activities.

“Specified sexual activities” means:

- A. Human genitals in a state of sexual stimulation or arousal; and/or
- B. Acts of human masturbation, sexual intercourse or sodomy, whether between persons of the same or opposite sex; and/or
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and/or
- D. Excretory functions as part of or in connection with any of the activities set forth in this chapter. [Ord. 28-05 § 1.02].

23.06.865 Stable, private.

“Stable, private” means a building in which horses are kept for private use and not for remuneration, hire, or sale. [Ord. 28-05 § 1.02].

23.06.867 Stable, public.

“Stable, public” means a building in which horses are kept for remuneration, hire, or sale, including a riding academy. [Ord. 28-05 § 1.02].

23.06.870 Stock-in-trade.

“Stock-in-trade” means all books, equipment, magazines, periodicals, pictures, posters, printed material, products (including prerecorded video tapes, discs, or similar material), or other items readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not open to patrons. [Ord. 28-05 § 1.02].

23.06.875 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A mezzanine floor shall be counted as a story if it covers over one-third of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. A basement shall be counted as a story if its ceiling is over six feet above the level from which the height of the building is measured. [Ord. 28-05 § 1.02].

23.06.880 Street.

“Street” means a public thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. [Ord. 28-05 § 1.02].

23.06.885 Structure.

“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. [Ord. 28-05 § 1.02].

23.06.888 Substantial damage.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [Ord. 28-05 § 1.02; Ord. 01-07].

23.06.890 Substantial improvement.

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

The term “substantial improvement” does not include any project for improvement to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official

which are the minimum necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places. [Ord. 28-05 § 1.02; Ord. 01-07].

23.06.895 Theater.

“Theater” means a facility used by and for the performing arts but not including cinema. [Ord. 28-05 § 1.02].

23.06.900 Towing, vehicle impound lots.

“Towing, vehicle impound lots” means lots used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles, but which does not include permanent vehicle storage or dismantling of vehicles. [Ord. 28-05 § 1.02].

23.06.905 Travel trailer.

See “Recreational vehicle,” RMC 23.06.802. [Ord. 28-05 § 1.02].

23.06.910 Truck terminal.

“Truck terminal” means a business providing a location where goods carried by motor transport can be received, transferred from one vehicle to another, and/or shipped, where the primary purpose is not storage but to serve as a point of transfer. [Ord. 28-05 § 1.02].

23.06.915 Use – Permitted.

“Use – permitted” means a use authorized or allowed alone in a specified use district for the preservation or promotion of which the use district is established and subject to the requirements of the regulations and standards of such use district, and to which all other uses are accessory, special, conditional, or nonconforming. [Ord. 28-05 § 1.02].

23.06.920 Use – Accessory (secondary).

“Use – accessory (secondary)” means a secondary or minor use of a lot, structure, or building designed or employed in conjunction with, but subordinate or incidental to, and compatible with the principal permitted use for which the use district is established, and subject to the regulations and standards of such use district. [Ord. 28-05 § 1.02].

23.06.925 Use – Nonconforming.

“Use – nonconforming” means the use of a building or other structure or of a tract of land which does not conform to the use regulations of this title for the district in which it is located, either at the effective date of the ordinance codified in this title or as a result of subsequent amendments which may be incorporated into this title. [Ord. 28-05 § 1.02].

23.06.930 Use – Special.

“Use – special” means any use of a lot, structure or building which by its nature, intensity or potential impact upon an area cannot be considered as a principal or accessory use within a use district, but when subject to special conditions and standards specified in a special use permit may be compatible with other uses in the same or adjacent use districts. [Ord. 28-05 § 1.02].

23.06.935 Variance.

“Variance” means a modification of the regulations of this title granted by the board of adjustment after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. [Ord. 28-05 § 1.02].

23.06.937 Vehicle-based food service.

“Vehicle-based food service” means the vending of food and/or beverages from a large vehicle that is equipped to both cook and sell food, and that is capable of being moved from place to place as provided in RMC 23.42.325. [Ord. 48-17 § 1].

23.06.940 Vehicle leasing and rentals.

“Vehicle leasing and rentals” means the use of any building or land for a business involving the leasing of vehicles. [Ord. 28-05 § 1.02].

23.06.945 Vehicle sales.

“Vehicle sales” means the use of any building or land for the display and sale or long-term lease of new or used automobiles, panel trucks or vans, boats, or motorcycles and including any warranty repair work and other repair service conducted as an accessory use. [Ord. 28-05 § 1.02].

23.06.950 Video rental store.

“Video rental store” means an establishment engaged primarily in the renting or sale of videocassettes, DVDs, and video games. [Ord. 28-05 § 1.02].

23.06.955 Warehousing and wholesale trade.

“Warehousing and wholesale trade” means establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public. [Ord. 28-05 § 1.02].

23.06.960 Warehousing, storage and distribution.

“Warehousing, storage and distribution” means a building where goods and materials are kept immediately prior to their delivery to retail outlets or their sale to other businesses. This use may include vehicle maintenance or storage as an accessory use. [Ord. 28-05 § 1.02].

23.06.965 Wholesale use.

“Wholesale use” means a business that stores large stocks of goods for sale in bulk quantities to retail outlets. Sales to the general public do not occur on the site, nor is the location of the business advertised through newspapers, flyers or other media designed to reach the consumer. [Ord. 28-05 § 1.02].

23.06.970 Wineries – Production.

“Wineries – production” means an establishment engaged in the production of wine for wholesale distribution. [Ord. 28-05 § 1.02; Ord. 04-09].

23.06.972 Wineries – Tasting room.

“Wineries – tasting room” means an establishment engaged in the retail sales of wines. [Ord. 28-05 § 1.02; Ord. 04-09].

23.06.975 Yard.

“Yard” means an open space of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except for the certain exceptions specified in this title. In measuring a yard, as hereinafter provided, the “line of a building” shall be deemed to mean a line parallel to or concentric with the nearest lot line drawn through the point of a building or the point of a group of buildings nearest to such a lot line, exclusive of the exceptions referenced above, and the measurements shall be taken from the line of the building to the nearest lot line. [Ord. 28-05 § 1.02].

23.06.980 Yard, front.

“Yard, front” means a yard extending the full width of the site and measured as to depth at the least horizontal distance between the street right-of-way line and the exterior wall. [Ord. 28-05 § 1.02].

23.06.983 Yard, rear.

“Yard, rear” means a yard which extends the full width of the site and is measured as to depth at the least horizontal distance between the rear lot line and the exterior wall. [Ord. 28-05 § 1.02; amended during 2011 recodification].

23.06.985 Yard, side.

“Yard, side” means a yard which extends from the front yard or front lot line where no front yard exists to the rear yard or rear lot line where no rear yard exists and is measured as to width at the least horizontal distance between the side lot line and the exterior wall. [Ord. 28-05 § 1.02; amended during 2011 recodification].

22.10.010 General purpose and intent.

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

These functions include, but are not limited to, the following (by type): (1) wetlands: helping to maintain water quality; storing and conveying stormwater and flood water; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; providing important wildlife habitat providing food, breeding, nesting and/or rearing habitat for fish and wildlife; improving water quality through biofiltration, adsorption and retention and transformation of sediments, nutrients and toxicants and serving as areas for recreation, educational and scientific study, and aesthetic appreciation; such beneficial functions are widely known as ecosystem services; and (2) fish and wildlife habitat conservation areas: maintaining species diversity and genetic diversity of local flora and fauna; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, educational and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas. (3) In addition, certain portions of the city of Richland are characterized by geologically hazardous areas that pose a risk to public and private property, to human life and safety and to the natural systems that make up the environment of the city of Richland. These lands are affected by natural processes that make them susceptible to landslides, seismic activity, and/or severe erosion. The city of Richland maintains that protection of critical areas is necessary to protect the public health, safety, and welfare. (4) In addition, certain portions of the city are located within critical aquifer recharge areas whose potential contamination poses a risk to public health and safety. These lands are susceptible to the degradation of ground water quality and quantity that could potentially impact potable water systems. (5) Certain portions of the city are subject to frequent flooding. Areas that are subject to flooding perform important hydrologic functions and may present risks to persons and property. Floodplains are regulated by the city in Chapter ~~23.34~~ 22.16 RMC.

B. This chapter contains standards, guidelines, criteria and requirements intended to identify, analyze, avoid and mitigate probable impacts to the city of Richland's critical areas and to enhance and restore them when possible. The intent of these regulations is to protect ecological functions, avoid environmental impacts where such avoidance is feasible and reasonable. In appropriate circumstances, impacts to critical areas that result from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with the requirements of this chapter. The city of Richland's goal shall be to achieve no net loss of wetlands and to avoid probable impacts, to the extent practical, to other critical areas.

C. It is the intent of this chapter to:

1. Implement the goals and policies of the city of Richland's comprehensive plan, including those goals and policies that pertain to natural features and environmental protection;
2. Recognize and protect the beneficial functions of critical areas through the application of the most current, accurate, and complete scientific or technical information available as determined according to Chapter 365-195 WAC (Best Available Science) and in consultation with state and federal agencies and other qualified professionals and integrate the full spectrum of state, tribal, and federal programs;
3. Serve as a basis for exercise of the city of Richland's substantive authority under the State Environmental Policy Act (SEPA) and the city of Richland's SEPA rules;
4. Comply with the requirements of the Growth Management Act (Chapter 36.70A RCW) and implementing rules; and
5. Coordinate environmental review and permitting of proposals to avoid duplication and delay.

D. The city of Richland further notes that Benton County, the U.S. Department of Fish and Wildlife, the U.S. Department of Energy, the Washington State Department of Fish and Wildlife and the Washington State Department of Ecology have identified and mapped some portions of the city of Richland – based on topographic, geologic, hydrologic, and habitat characteristics – where the conditions indicate that critical areas or geologic hazards may exist. Additional study and mapping are needed to verify that such conditions do prevail and are needed to identify other areas that are potentially critical areas. Mapping will enable the city of Richland to provide notice of the

potential presence of critical areas or the risks associated with developing lands subject to geologically hazardous areas to the public. It should be noted that the boundaries of the critical areas and geologically hazardous areas displayed on these maps are approximate and are not intended to be used for individual site assessment. When differences occur between what is illustrated on these maps and current site conditions, the actual presence or absence of environmentally critical areas or geologically hazardous areas on the site shall determine the action to be taken.

E. Compliance with the provisions of this chapter does not constitute compliance with other federal, state and local regulations. Other permits, including but not limited to HPA permits, Army Corps of Engineers Section 404 permits, and/or NPDES permits may be required. It is the responsibility of the applicant to comply with other requirements apart from the provisions of this chapter. [Ord. 48-93; Ord. 40-17 § 1; Ord. 40-17A § 1].

26.60.072 Protection standards.

A. All development within frequently flooded areas shall comply with Chapters 23.12, Floodplain Use District, and ~~23.34 RMC, Floodplain Combining District~~ 22.16 RMC, Flood Damage Prevention, the city's shoreline master program, the Uniform Building Code regarding structural safeguards to reduce risk to human life, health and property from flooding, and other pertinent ordinances and codes.

B. Any use or development shall not alter the normal movement of surface water in a manner that would cause the unnatural diversion of flood water to otherwise flood-free areas.

C. CMZs shall be regulated as uses in Chapter 23.12 RMC, Floodplain Use District, and shall apply only to the Yakima River. [Ord. 25-14 § 1.01; Ord. 12-18 § 1 (Exh. A)].

Article VII. General Information

Exhibit 3



File No. EA2019-125

CITY OF RICHLAND Determination of Non-Significance

Description of Proposal: Text amendment to RMC Chapter 23.34 and RMC Title 22. The proposed text amendments would repeal the existing Floodplain Combining District regulations and create a new RMC Chapter 22.16, Flood Damage Prevention.

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: October 17, 2019

Signature 

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

Purpose of checklist:

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

Instructions for applicants:

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

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

Instructions for Lead Agencies:

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

Use of checklist for nonproject proposals:

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

A. BACKGROUND [help]

1. Name of proposed project, if applicable: **CA2019-103 Amendments to Floodplain Regulations (RMC Titles 23 & 22)**
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: **September 20, 2019**

5. Agency requesting checklist: **City of Richland Development Services Dept.**
6. Proposed timing or schedule (including phasing, if applicable): **RMC Code Amendments – October/November/December, 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.) **In order to align Richland's floodplain regulations with Federal (FEMA) mandates, Richland will effectively repeal RMC Section 23.34. This code amendment will concurrently implement FEMA compliant floodplain management regulations, relocating them to RMC 22.16.**
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 will only affect properties within the floodplains.**

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. Proposed Code amendments will assist implementation of the Shoreline Management Act of 1971.

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 non-forest 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.**

9. 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 non-passenger 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

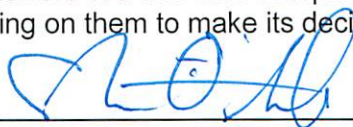
Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- a. Circle utilities currently available at the site: 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

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: _____

9.27.2019

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.**

Proposed measures to avoid or reduce shoreline and land use impacts are: **Adoption of the proposed text amendment will assist in protecting the environmental integrity of Richland's shorelines and floodplain areas.**

How would the proposal be likely to increase demands on transportation or public services and utilities? **Public utility projects are given special consideration under the proposed ordinance.**

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

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. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. **The explicit purpose of the Code amendment is to create local floodplain regulations compliant with State and Federal requirements.**



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.

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).	Repeal RMC Chapter 23.34, Floodplain Combining District and replace with a new RMC Chapter 22.16, Flood Damage Prevention. The current RMC Chapter 23.34, adopted in 1981, appears to have utilized an alternative “density fringe standard” for floodplain development. This alternative was not approved by FEMA. As a result, the City has been administering regulations in conflict with state and federal flood construction standards. The City is proposing to repeal these conflicting regulations and replace them with a new RMC Chapter 22.16, Flood Damage Prevention, which is based off of the state’s model floodplain development code.



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: October 23, 2019 City Council: November 19, 2019 & December 3, 2019 Proposed / Date of Adoption: December 3, 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-726

Submittal Date Time: 09/30/2019

Submittal Information

Jurisdiction City of Richland
Submittal Type 60-day Notice of Intent to Adopt Amendment
Amendment Type Development Regulation Amendment

Amendment Information

Brief Description

Proposed amendment to repeal RMC Chapter 23.34, Floodplain Combining District and replace with a new RMC Chapter 22.16, Flood Damage Prevention.

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

Planning Commissions Date 10/23/2019

City Council Date 11/19/2019

City Council Date 12/03/2019

Anticipated/Proposed Date of Adoption 12/03/2019

Attachments

Attachment Type	File Name	Upload Date
Correspondence	City of Richland Code Amendment CA 2019-103 Flood Damage Prevention.msg	09/30/2019 02:49 PM
Development Regulation Amendment - Draft	CA2019-103 Referral Packet.pdf	09/30/2019 02:49 PM

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 9/30/2019 2:50:12 PM

Intake Received Date	09/30/2019
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

09/30/2019

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-726--60-day Notice of Intent to Adopt Amendment

Dear Mr. Stevens:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed amendment to repeal RMC Chapter 23.34, Floodplain Combining District and replace with a new RMC Chapter 22.16, Flood Damage Prevention.

We received your submittal on 09/30/2019 and processed it with the Submittal ID 2019-S-726. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 11/29/2019.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

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

Sincerely,

Review Team
Growth Management Services



Exhibit 5

CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (CA2019-103 & EA2019-125)

Notice is hereby given that the City of Richland has filed an application for a text amendment to RMC Chapter 23.34 and RMC Title 22. The proposed text amendments would repeal the existing Floodplain Combining District regulations and create a new RMC Chapter 22.16, Flood Damage Prevention.

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, October 23, 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 Wednesday, October 16, 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, October 18, 2019.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Ordinances - First Reading

Core Focus Area 3 - Increase Economic Vitality

Subject:

Ordinance No. 60-19, Amending Richland Municipal Code Section 23.26.030 related to Industrial Use Districts Permitted Land Uses

Department:

Development Services

Ordinance/Resolution Number:

60-19

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 60-19, amending Richland Municipal Code Section 23.26.030 related to industrial use districts permitted land uses.

Summary:

Over the past few years, the City has been in discussions with numerous clients about development of industrially zoned lands. From those discussions, it has become apparent that several of the proposed uses allowed in the Medium Industrial Zone (I-M) would also be good uses of land in the Heavy Manufacturing Zone (M-2), and that modification to the land use table was warranted.

As a result, staff developed a list of proposed changes to the land use table found in RMC 23.26.030.

The Planning Commission held a public hearing on October 23, 2019 and recommended adoption of the proposed amendments.

Staff recommends approval of Ordinance No. 60-19 for first reading, by title only.

Fiscal Impact:

None.

Attachments:

1. Ordinance No. 60-19
2. Staff Report to the Planning Commission

ORDINANCE NO. 60-19

AN ORDINANCE of the City of Richland amending Richland Municipal Code Section 23.26.030 related to industrial use districts permitted land uses.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to ensure that the existing development regulations reflect desired growth; and

WHEREAS, on October 23, 2019, the Richland Planning Commission conducted a public hearing regarding modifications to the land use table found in RMC 23.26.030; and

WHEREAS, the Richland Planning Commission favorably recommended the changes reflected herein with regard to uses permitted in the City's industrial use district.

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

Section 1. Richland Municipal Code Section 23.26.030, as enacted by Ordinance No. 28-05, and last amended by Ordinance No. 32-11, is hereby amended to read as follows:

23.26.030 Industrial use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol "P" appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol "S" appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol "A" appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	I-M	M-2
Automotive, Marine and Heavy Equipment Uses		
Automotive Repair – Major	P	<u>P</u>
Automotive Repair – Minor	P	
Automotive Repair – Specialty Shop	P	
Automobile Service Station	P	
Automobile Wrecking		S ¹
Boat Building	P	P
Bottling Plants	P	P
Car Wash – Automatic or Self-Service	P ²	<u>A</u>
Equipment Rentals	P	
Farm Equipment and Supplies Sales	P	<u>S</u>
Gas/Fuel Station	P	<u>S</u>
Heavy Equipment Sales and Repair	P	<u>P</u>
Marine Repair	P	P
Towing, Vehicle Impound Lots	P ³	
Truck Rentals	P	
Truck Stop – Diesel Fuel Sales	P	P
Truck Terminal	P	P
Vehicle Sales	P	
Warehousing, Wholesale Use	P	P
Business and Personal Services		
Animal Shelter	S ⁴	
Contractors' Offices and Shops	P	
General Service Businesses	P	P
Health/Fitness Facility	P	A
Health/Fitness Center	P	
Laundry/Dry Cleaning, Commercial	P	
Laundry/Dry Cleaning, Retail	P	
Mini-Warehouse	P ⁵	
Mailing Service	P	
Personal Loan Business	P	
Personal Services Businesses	P	

Land Use	I-M	M-2
Photo Processing, Copying and Printing Services	P	
Telemarketing Services	P	
Food Service		
Cafeterias	A	A
Delicatessen	A	A
Drinking Establishments	P	P
Restaurants/Sit Down	P	
Restaurants/Drive-Through	P ⁶	A ⁶
Restaurants/Lounge	P	
Restaurants/Take Out	P	
Restaurants with Entertainment/Dancing Facilities	P	
Wineries	P	
Industrial/Manufacturing Uses		
Airport, Industrial	P	
Excavating, Processing, Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits	S ⁷	S ⁷
Junkyard		S
Laundry and Cleaning Plants	P	P
General Manufacturing Uses	P	P
Heavy Manufacturing Uses		P
Light Manufacturing Uses	P	P
Research, Development and Testing Facilities	P	P
Warehousing, Storage and Distribution	P	P
Wholesale Facilities and Operations	P	P
Office Uses		
Financial Institutions	P	
Medical, Dental and Other Clinics	P	
Office – Consulting Services	P	
Office – Corporate	P	
Office – General	P	
Office – Research and Development	P	P
Public/Quasi-Public Uses		

Land Use	I-M	M-2
General Park Operations and Maintenance Activities	P	P
Passive Open Space Use	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ⁸	P ⁸
Public Agency Buildings	P ⁸	P ⁸
Public Agency Facilities	P ⁸	P ⁸
Public Parks	P	
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P
Trail Head Facilities	P	P
Trails for Equestrian, Pedestrian, or Nonmotorized Vehicle Use	P	P
Recreational Uses		
Commercial Recreation, Outdoor	S ⁹	
Residential Uses		
Accessory Dwelling Unit	A	
Day Care Center	S ¹⁰	
Dwelling Units for a Resident Watchman or Custodian	A	A
Hotels or Motels	<u>S</u>	P <u>S</u>
Temporary Residence	P ¹¹	P ¹¹
Retail Uses		
Adult Use Establishments	P ¹²	
Airport, Commercial	P	
Parking Lot or Structure	P	P
Miscellaneous Uses		
Bus Station	P	
Bus Terminal	P	
Bus Transfer Station	P	P
Community Festivals and Street Fairs	P	P
Farming of Land	P	P
Macro-Antennas	P	P
Monopole	P ¹³	P ¹³
On-Site Hazardous Waste Treatment and Storage	P	P

Land Use	I-M	M-2
Outdoor Storage	P ¹⁴	P ¹⁴
Storage in an Enclosed Building	P	P

1. RMC 23.42.290
2. RMC 23.42.270
3. RMC 23.42.320
4. RMC 23.42.040
5. RMC 23.42.170
6. RMC 23.42.047
7. RMC 23.42.070
8. RMC 23.42.200
9. RMC 23.42.175
10. RMC 23.42.080
11. RMC 23.42.110
12. RMC 23.42.030
13. Chapter 23.62 RMC
14. RMC 23.42.180

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

Section 3. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

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

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: CA2019-107

PREPARED BY: MIKE STEVENS
MEETING DATE: OCT. 23, 2019

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND CA2019-107

REQUEST: TEXT AMENDMENT TO RMC SECTION 23.26.030 – INDUSTRIAL
USE DISTRICTS PERMITTED LAND USES

LOCATION: CITYWIDE

REASON FOR REQUEST

The City has been in discussions with numerous clients about development of industrially zoned lands over the past couple of years. During the discussions it has become apparent that several of the proposed uses allowed within the Medium Industrial Zone (I-M) would also be a good use of land within the Heavy Manufacturing Zone (M-2) and that some modification to the land use table should occur.

As a result, staff has developed a list of proposed changes to the Section 23.26.030 land use table.

ANALYSIS

Staff created a list of proposed changes that was workshopped with the Planning Commission on October 9, 2019. During the workshop the Planning Commission deliberated on a number of the proposed changes and it was apparent to staff that the land use table would likely be subject to further deliberation during the public hearing. As a result, staff has included several additional changes to the land use table for discussion (Exhibit 2).

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 as of the date the staff report was prepared.

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 Wednesday, October 16, 2019. Any comments received as of the close of business October 16, 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 October 17, 2019.

FINDINGS OF FACT

1. Over time the need for industrially zoned land changes within the City of Richland.
2. Based upon conversations with clients and developers city staff has determined that further review of the Section 23.26.030 land use table is warranted.
3. The City of Richland is proposing to amend the list of allowed uses within the Section 23.26.030 land use table.
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 regarding the proposed code amendment were received.
6. The Washington State Department of Commerce received the 60-day Notice of Intent to Adopt Amendment and granted expedited review.
7. The City issued a SEPA Threshold Determination of Non-Significance on October 17, 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 Wednesday, October 16, 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 (CA2019-107) and recommend to the City Council adoption of the proposed code amendments to RMC Section 23.26.030 land use table.

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 RMC Section 23.26.030 land use table (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
5. Public Notice and Comments Received



Exhibit 1

City of Richland
Development Services

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

CA2019-107

Zoning Map/Text Amendment Application

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

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: NA - City-Wide Applicability

Address:

Phone:

Email:

APPLICANT/CONTRACTOR INFORMATION (if different)

☒ Contact Person

Company: City of Richland Development Services Dept.

UBI#

Contact: Shane O'Neill, Senior Planner

Address: 625 Swift Blvd., Richland WA, 99352

Phone: (509)942-7596

Email: mstevens@ci.richland.wa.us

DESCRIPTION OF WORK

A text amendment to RMC Section 24.26.030 – Industrial use districts permitted land uses. The proposed text amendment would include the following uses as permitted in the M-2 (Heavy Manufacturing) zoning district: Major Automotive Repair, Farm Equipment and Supplies Sales, Heavy Equipment Sales and Repair, Car Washes - Automatic or Self-Service, and Mini-Warehouses.

PROPERTY INFORMATION

Parcel #: NA - City-Wide Applicability

Legal Description:

Current Zoning: M-2

Current Comp Plan: Industrial

Requested Zoning: NA

Current Use: NA

Proposed Use: NA

Area of Property: NA

APPLICATION MUST INCLUDE

1. Completed Application and Filing Fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

ANSWER QUESTIONS AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

NA - City-Wide Applicability

Any hardship that may result in the event the rezone is not granted:

NA - This is not a rezone

The manner in which the proposed rezone conforms to patterns in adjacent zones: NA - This is not a rezone
Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones: NA - This is not a rezone
Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title: NA - This is not a rezone
The benefits or detriments accruing to the city which would result from the granting or denial of this special permit: NA - This is not a site-specific project.
Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone: NA
Whether the proposed rezone represents spot zoning and whether a larger area should be considered: NA
Identify impacts on the environment and public safety: None

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: Shane O'Neill

Applicant Signature:  Date 10.2.2019

Chapter 23.26

INDUSTRIAL ZONING DISTRICTS

Sections:

- 23.26.010 Purpose of industrial use districts.
- 23.26.020 Industrial performance standards and special requirements.
- 23.26.025 Enforcement of performance standards.
- 23.26.030 Industrial use districts permitted land uses.
- 23.26.040 Site requirements for industrial use districts.
- 23.26.050 Parking standards for industrial use districts.
- 23.26.060 Landscaping standards for industrial districts.

23.26.010 Purpose of industrial use districts.

A. The medium industrial use district (I-M) is a zone providing for limited manufacturing, assembly, warehousing and distribution operations and retail and wholesale sales of products manufactured on the premises or products allied thereto; and administrative and research and development facilities for science-related activities and commercial uses that are supportive and compatible with other uses allowed in the district. Regulations are intended to prevent frictions between uses within the district, and also to protect nearby residential districts. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan.

B. The heavy manufacturing district (M-2) is intended primarily for heavy manufacturing and closely related uses. To avoid burdensome regulations on heavy manufacturing, regulations for this district are intended to provide protection principally against effects harmful to other districts. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

23.26.020 Industrial performance standards and special requirements.

A. I-M – Medium Industrial and M-2 – Heavy Manufacturing. The maximum permissible limits of the detrimental effects specified in this chapter shall be as defined in this section:

1. Smoke. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringlemann Chart as published by the U.S. Bureau of Mines is prohibited, except that Ringlemann No. 3 will be permitted for three minutes during any eight-hour period for the purpose of building fires or soot blowing.
2. Dust and Other Particulate Matter. The total net rate of emission from all sources within the boundaries of a lot in the I-M or M-2 district shall not exceed one pound per acre of lot area during any one hour. The emission from all sources within any lot area of particulate matter containing more than 10 percent by weight of particles having a diameter larger than 44 microns is prohibited. Dust and other types of air pollution carried by a wind from such sources as storage yards, piled materials, yards, roads, etc., shall be included in particulate matter measurements and limitations, and shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling, sprinkling, or other acceptable means. Measurements shall be taken at the source of the emission.
3. Method of Measuring Emission of Particulate Matter from All Sources. Determination of the total net rate of emission of all particulate matter within the boundaries of any lot shall be made as follows:
 - a. Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross hourly rate of emission in pounds per acre.
 - b. For each gross hourly rate of emission, deduct the height of emission correction factor from the following table, interpolating as necessary for heights not given:

ALLOWANCE FOR HEIGHT OF EMISSION

Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

The result is the net hourly rate of emission in pounds per acre from each source of emission.

Adding together individual net rates of emission gives the total net rate of emission from all sources of emission within the boundaries of the lot.

4. Noise. In the I-M and M-2 districts, the sound pressure level resulting from any activity shall not exceed the maximum decibel level set forth in Chapter 173-60 WAC, Maximum Environmental Noise Levels for Class C Industrial Zones.

5. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.

6. Odor. All measurements of odor for purposes of this standard shall be made according to the “dilution method” as prescribed in ASTM D1391-57. The following odor restrictions apply to this medium industrial use district:

- a. At the district boundary, the odor from any source within the district must not exceed one odor unit per cubic foot, as measured by the procedures in ASTM D1391-57.
- b. Within the district, the odor from any source within a given property or lot must not exceed 10 odor units per cubic foot at the boundary of the property, again measured by the procedures in ASTM D1391-57, except that uses existing prior to the effective date of the ordinance codified in this chapter shall be required to comply with only this subsection (A)(6)(b).

For the purposes of estimating the dilution of odors by the atmosphere between their point of origin and either the property boundary or the district boundary, the method of Pasquill (“The Estimation of the Dispersion of Windborne Material,” Meteorol. Mag., 90, 1063, 33-49, 1961) as modified by Gifford (“Uses of Routine Meteorological Observations for Estimating Atmospheric Dispersion,” Nuclear Safety, 2, 47-51, 1961) shall be used.

The atmospheric conditions to be assumed for this calculation are:

- i. Stability Category F, moderately stable air;
- ii. Surface wind speed of one meter/second (about two mph).

A procedure and necessary graphs for making this estimate are given in D. Bruce Turner’s “Workbook of Atmospheric Dispersion Estimates,” Dept. HEW, Environmental Health Series, Public Health Service Publication No. 999-AP-26, Revised 1969.

7. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property.

8. Heat, Glare and Humidity (Steam). In the I-M or M-2 districts any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the I-M or M-2 district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the I-M or M-2 district.

9. Industrial Wastes. The disposal of industrial wastes shall be subject to the regulations of the state Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

10. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland. [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 32-11 § 7].

23.26.025 Enforcement of performance standards.

It is the intent of this section that:

A. If in the opinion of the administrative official a violation of the performance standards in RMC 23.26.020 has occurred, the administrative official shall send a written notice of the violation to the owners of the property and the manager of the operation involved by certified mail. The manager or responsible person shall have 30 days to correct the violation, unless in the opinion of the administrative official there is imminent peril to the life and property of persons adjacent to the alleged violation, in which case the violation shall be corrected immediately.

B. Where determinations of violation can be made by the administrative official using equipment normally available to the city or obtainable without extraordinary expense, such determination shall be so made before notice of violation is issued.

C. Where technical complexity or extraordinary expense make it unreasonable for the city to maintain the personnel or equipment necessary to make the determination of violation, then the city shall call in properly qualified experts to make the determination. If expert findings indicate a violation of the performance standards, the costs of the determination shall be assessed against the properties or persons responsible for the violation in addition to the other penalties prescribed by this title. If no violation is found, cost of the determination shall be paid entirely by the city. [Ord. 28-05 § 1.02].

23.26.030 Industrial use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol “S” appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	I-M	M-2
Automotive, Marine and Heavy Equipment Uses		
Automotive Repair – Major	P	P
Automotive Repair – Minor	P	
Automotive Repair – Specialty Shop	P	
Automobile Service Station	P	
Automobile Wrecking		S ¹
Boat Building	P	P
Bottling Plants	P	P
Car Wash – Automatic or Self-Service	P ²	A
Equipment Rentals	P	
Farm Equipment and Supplies Sales	P	S
Gas/Fuel Station	P	S
Heavy Equipment Sales and Repair	P	P
Marine Repair	P	P
Towing, Vehicle Impound Lots	P ³	
Truck Rentals	P	
Truck Stop – Diesel Fuel Sales	P	P
Truck Terminal	P	P
Vehicle Sales	P	
Warehousing, Wholesale Use	P	P
Business and Personal Services		
Animal Shelter	S ⁴	
Contractors' Offices and Shops	P	
General Service Businesses	P	P
Health/Fitness Facility	P	A
Health/Fitness Center	P	
Laundry/Dry Cleaning, Commercial	P	
Laundry/Dry Cleaning, Retail	P	
Mini-Warehouse	P ⁵	
Mailing Service	P	
Personal Loan Business	P	

Land Use	I-M	M-2
Personal Services Businesses	P	
Photo Processing, Copying and Printing Services	P	
Telemarketing Services	P	
Food Service		
Cafeterias	A	A
Delicatessen	A	A
Drinking Establishments	P	P
Restaurants/Sit Down	P	
Restaurants/Drive-Through	P ⁶	A ⁶
Restaurants/Lounge	P	
Restaurants/Take Out	P	
Restaurants with Entertainment/Dancing Facilities	P	
Wineries	P	
Industrial/Manufacturing Uses		
Airport, Industrial	P	
Excavating, Processing, Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits	S ⁷	S ⁷
Junkyard		S
Laundry and Cleaning Plants	P	P
General Manufacturing Uses	P	P
Heavy Manufacturing Uses		P
Light Manufacturing Uses	P	P
Research, Development and Testing Facilities	P	P
Warehousing, Storage and Distribution	P	P
Wholesale Facilities and Operations	P	P
Office Uses		
Financial Institutions	P	
Medical, Dental and Other Clinics	P	
Office – Consulting Services	P	
Office – Corporate	P	
Office – General	P	
Office – Research and Development	P	P
Public/Quasi-Public Uses		
General Park Operations and Maintenance Activities	P	P

Land Use	I-M	M-2
Passive Open Space Use	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	p ⁸	p ⁸
Public Agency Buildings	p ⁸	p ⁸
Public Agency Facilities	p ⁸	p ⁸
Public Parks	P	
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P
Trail Head Facilities	P	P
Trails for Equestrian, Pedestrian, or Nonmotorized Vehicle Use	P	P
Recreational Uses		
Commercial Recreation, Outdoor	S ⁹	
Residential Uses		
Accessory Dwelling Unit	A	
Day Care Center	S ¹⁰	
Dwelling Units for a Resident Watchman or Custodian	A	A
Hotels or Motels		P
Temporary Residence	p ¹¹	p ¹¹
Retail Uses		
Adult Use Establishments	p ¹²	
Airport, Commercial	P	
Parking Lot or Structure	P	P
Miscellaneous Uses		
Bus Station	P	
Bus Terminal	P	
Bus Transfer Station	P	P
Community Festivals and Street Fairs	P	P
Farming of Land	P	P
Macro-Antennas	P	P
Monopole	p ¹³	p ¹³
On-Site Hazardous Waste Treatment and Storage	P	P
Outdoor Storage	p ¹⁴	p ¹⁴
Storage in an Enclosed Building	P	P

1. RMC 23.42.290
2. RMC 23.42.270
3. RMC 23.42.320

4. RMC 23.42.040
 5. RMC 23.42.170
 6. RMC 23.42.047
 7. RMC 23.42.070
 8. RMC 23.42.200
 9. RMC 23.42.175
 10. RMC 23.42.080
 11. RMC 23.42.110
 12. RMC 23.42.030
 13. Chapter 23.62 RMC
 14. RMC 23.42.180
- [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 13-11 § 1.01; Ord. 32-11 § 8; Ord. 07-19 § 7].

23.26.040 Site requirements for industrial use districts.

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

Standard	I-M	M-2
Minimum Lot Area	None	None
Minimum Front Yard Setback	0 feet ¹	0 feet ¹
Minimum Side Yard Setback	None	None
Minimum Rear Yard Setback	None	None
Maximum Building Height – Main Building	55 feet ²	None

1. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
 2. Except as otherwise provided in this section, the maximum building height in the I-M district shall be 55 feet:
 - a. Any building or structure located within 300 feet of any residential use district shall be limited to 24 feet in height.
 - b. Any building further than 300 feet but less than 600 feet from districts described in note (2)(a) of this section shall not exceed 55 feet in height.
 - c. Except as provided in notes (2)(a) and (b) of this section, buildings may exceed the maximum height in accordance with the provisions of RMC 23.38.090.
- [Ord. 28-05 § 1.02; Ord. 04-09; amended during 2011 recodification; Ord. 32-11 § 9].

23.26.050 Parking standards for industrial use districts.

Off-street parking space shall be provided in all industrial zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

23.26.060 Landscaping standards for industrial districts.

A. In the I-M and M-2 zoning districts, perimeter landscaping shall be required of all new industrial facilities and developments proposed in accordance with RMC 23.54.160.

B. In the I-M or M-2 zoning districts, any use adjacent to a residential or PPF – parks and public facilities use district shall provide sight screening as follows:

1. In the case of buildings, structures, or parking lots, a six-foot-high sight-obscuring fence or evergreen planting shall be provided along the entire length of the use.
2. Required sight-screening fences shall be of masonry, wood, or slatted chain link construction and shall be maintained in a good condition. Required sight-screening plantings shall be installed so that such plantings can reasonably be expected to provide the desired screening within three years of planting, and shall be constantly maintained in a healthy, growing condition. [Ord. 28-05 § 1.02].

Exhibit 3



File No. EA2019-131

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

Description of Proposal: Text amendment to RMC Title 23, Subsection 23.26.030. The proposed text amendment would include the following uses as permitted in the M-2 (Heavy Manufacturing) zoning district: Major Automotive Repair, Farm Equipment and Supplies Sales, Heavy Equipment Sales and Repair, Car Washes – Automatic or Self-Serve and Mini-Warehouses.

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: October 17, 2019

Signature _____

SEPA ENVIRONMENTAL CHECKLIST
UPDATED 2014CA2019-107
EA2019-131**Industrial Land Uses*****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: **CA2019-107 Industrial Land Uses Text Amendment (RMC 24.26.030)**
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: **October 2, 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 24.26.030. 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 to all properties under M-2 (Heavy Manufacturing) zoning throughout the city.**

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 to all properties under M-2 (Heavy Manufacturing) zoning 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 to all properties under M-2 (Heavy Manufacturing) zoning 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 to all properties under M-2 (Heavy Manufacturing) zoning 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 to all properties under M-2 (Heavy Manufacturing) zoning 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: 10/2/2019

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

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

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

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

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? **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 permit certain land uses which are consistent with the purpose and intent of the Heavy Manufacturing zoning district. The City does not apply M-2 zoning to any lands within the Shoreline jurisdiction.**

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? **Increasing the number of allowable uses in the M-2 zone may increase the number of developments within the zone and may therefore result in increased traffic volumes on roadways serving M-2 zoned lands.**

Proposed measures to reduce or respond to such demand(s) are: **M-2 zoned properties lie within the City's economic development are containing roadways developed by the City with consideration for traffic volumes that may result from industrial development. Revenues from the sale of City-owned lands will continue to be used for road improvements in the area as needed.**

8. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. **No such potential conflicts have been identified.**

Chapter 23.26

INDUSTRIAL ZONING DISTRICTS

Sections:

- 23.26.010 Purpose of industrial use districts.
- 23.26.020 Industrial performance standards and special requirements.
- 23.26.025 Enforcement of performance standards.
- 23.26.030 Industrial use districts permitted land uses.
- 23.26.040 Site requirements for industrial use districts.
- 23.26.050 Parking standards for industrial use districts.
- 23.26.060 Landscaping standards for industrial districts.

23.26.010 Purpose of industrial use districts.

A. The medium industrial use district (I-M) is a zone providing for limited manufacturing, assembly, warehousing and distribution operations and retail and wholesale sales of products manufactured on the premises or products allied thereto; and administrative and research and development facilities for science-related activities and commercial uses that are supportive and compatible with other uses allowed in the district. Regulations are intended to prevent frictions between uses within the district, and also to protect nearby residential districts. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan.

B. The heavy manufacturing district (M-2) is intended primarily for heavy manufacturing and closely related uses. To avoid burdensome regulations on heavy manufacturing, regulations for this district are intended to provide protection principally against effects harmful to other districts. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

23.26.020 Industrial performance standards and special requirements.

A. I-M – Medium Industrial and M-2 – Heavy Manufacturing. The maximum permissible limits of the detrimental effects specified in this chapter shall be as defined in this section:

1. Smoke. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringlemann Chart as published by the U.S. Bureau of Mines is prohibited, except that Ringlemann No. 3 will be permitted for three minutes during any eight-hour period for the purpose of building fires or soot blowing.
2. Dust and Other Particulate Matter. The total net rate of emission from all sources within the boundaries of a lot in the I-M or M-2 district shall not exceed one pound per acre of lot area during any one hour. The emission from all sources within any lot area of particulate matter containing more than 10 percent by weight of particles having a diameter larger than 44 microns is prohibited. Dust and other types of air pollution carried by a wind from such sources as storage yards, piled materials, yards, roads, etc., shall be included in particulate matter measurements and limitations, and shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling, sprinkling, or other acceptable means. Measurements shall be taken at the source of the emission.
3. Method of Measuring Emission of Particulate Matter from All Sources. Determination of the total net rate of emission of all particulate matter within the boundaries of any lot shall be made as follows:
 - a. Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross hourly rate of emission in pounds per acre.
 - b. For each gross hourly rate of emission, deduct the height of emission correction factor from the following table, interpolating as necessary for heights not given:

ALLOWANCE FOR HEIGHT OF EMISSION

Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

The result is the net hourly rate of emission in pounds per acre from each source of emission.

Adding together individual net rates of emission gives the total net rate of emission from all sources of emission within the boundaries of the lot.

4. Noise. In the I-M and M-2 districts, the sound pressure level resulting from any activity shall not exceed the maximum decibel level set forth in Chapter 173-60 WAC, Maximum Environmental Noise Levels for Class C Industrial Zones.

5. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.

6. Odor. All measurements of odor for purposes of this standard shall be made according to the “dilution method” as prescribed in ASTM D1391-57. The following odor restrictions apply to this medium industrial use district:

- a. At the district boundary, the odor from any source within the district must not exceed one odor unit per cubic foot, as measured by the procedures in ASTM D1391-57.
- b. Within the district, the odor from any source within a given property or lot must not exceed 10 odor units per cubic foot at the boundary of the property, again measured by the procedures in ASTM D1391-57, except that uses existing prior to the effective date of the ordinance codified in this chapter shall be required to comply with only this subsection (A)(6)(b).

For the purposes of estimating the dilution of odors by the atmosphere between their point of origin and either the property boundary or the district boundary, the method of Pasquill (“The Estimation of the Dispersion of Windborne Material,” Meteorol. Mag., 90, 1063, 33-49, 1961) as modified by Gifford (“Uses of Routine Meteorological Observations for Estimating Atmospheric Dispersion,” Nuclear Safety, 2, 47-51, 1961) shall be used.

The atmospheric conditions to be assumed for this calculation are:

- i. Stability Category F, moderately stable air;
- ii. Surface wind speed of one meter/second (about two mph).

A procedure and necessary graphs for making this estimate are given in D. Bruce Turner’s “Workbook of Atmospheric Dispersion Estimates,” Dept. HEW, Environmental Health Series, Public Health Service Publication No. 999-AP-26, Revised 1969.

7. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property.

8. Heat, Glare and Humidity (Steam). In the I-M or M-2 districts any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the I-M or M-2 district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the I-M or M-2 district.

9. Industrial Wastes. The disposal of industrial wastes shall be subject to the regulations of the state Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

10. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland. [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 32-11 § 7].

23.26.025 Enforcement of performance standards.

It is the intent of this section that:

A. If in the opinion of the administrative official a violation of the performance standards in RMC 23.26.020 has occurred, the administrative official shall send a written notice of the violation to the owners of the property and the manager of the operation involved by certified mail. The manager or responsible person shall have 30 days to correct the violation, unless in the opinion of the administrative official there is imminent peril to the life and property of persons adjacent to the alleged violation, in which case the violation shall be corrected immediately.

B. Where determinations of violation can be made by the administrative official using equipment normally available to the city or obtainable without extraordinary expense, such determination shall be so made before notice of violation is issued.

C. Where technical complexity or extraordinary expense make it unreasonable for the city to maintain the personnel or equipment necessary to make the determination of violation, then the city shall call in properly qualified experts to make the determination. If expert findings indicate a violation of the performance standards, the costs of the determination shall be assessed against the properties or persons responsible for the violation in addition to the other penalties prescribed by this title. If no violation is found, cost of the determination shall be paid entirely by the city. [Ord. 28-05 § 1.02].

23.26.030 Industrial use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol “S” appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	I-M	M-2
Automotive, Marine and Heavy Equipment Uses		
Automotive Repair – Major	P	P
Automotive Repair – Minor	P	
Automotive Repair – Specialty Shop	P	
Automobile Service Station	P	
Automobile Wrecking		S ¹
Boat Building	P	P
Bottling Plants	P	P
Car Wash – Automatic or Self-Service	P ²	P
Equipment Rentals	P	
Farm Equipment and Supplies Sales	P	P
Gas/Fuel Station	P	
Heavy Equipment Sales and Repair	P	P
Marine Repair	P	P
Towing, Vehicle Impound Lots	P ³	
Truck Rentals	P	
Truck Stop – Diesel Fuel Sales	P	P
Truck Terminal	P	P
Vehicle Sales	P	
Warehousing, Wholesale Use	P	P
Business and Personal Services		
Animal Shelter	S ⁴	
Contractors' Offices and Shops	P	
General Service Businesses	P	P
Health/Fitness Facility	P	A
Health/Fitness Center	P	
Laundry/Dry Cleaning, Commercial	P	
Laundry/Dry Cleaning, Retail	P	
Mini-Warehouse	P ⁵	P⁵
Mailing Service	P	
Personal Loan Business	P	

Land Use	I-M	M-2
Personal Services Businesses	P	
Photo Processing, Copying and Printing Services	P	
Telemarketing Services	P	
Food Service		
Cafeterias	A	A
Delicatessen	A	A
Drinking Establishments	P	P
Restaurants/Sit Down	P	
Restaurants/Drive-Through	P ⁶	A ⁶
Restaurants/Lounge	P	
Restaurants/Take Out	P	
Restaurants with Entertainment/Dancing Facilities	P	
Wineries	P	
Industrial/Manufacturing Uses		
Airport, Industrial	P	
Excavating, Processing, Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits	S ⁷	S ⁷
Junkyard		S
Laundry and Cleaning Plants	P	P
General Manufacturing Uses	P	P
Heavy Manufacturing Uses		P
Light Manufacturing Uses	P	P
Research, Development and Testing Facilities	P	P
Warehousing, Storage and Distribution	P	P
Wholesale Facilities and Operations	P	P
Office Uses		
Financial Institutions	P	
Medical, Dental and Other Clinics	P	
Office – Consulting Services	P	
Office – Corporate	P	
Office – General	P	
Office – Research and Development	P	P
Public/Quasi-Public Uses		
General Park Operations and Maintenance Activities	P	P

Land Use	I-M	M-2
Passive Open Space Use	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ⁸	P ⁸
Public Agency Buildings	P ⁸	P ⁸
Public Agency Facilities	P ⁸	P ⁸
Public Parks	P	
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P
Trail Head Facilities	P	P
Trails for Equestrian, Pedestrian, or Nonmotorized Vehicle Use	P	P
Recreational Uses		
Commercial Recreation, Outdoor	S ⁹	
Residential Uses		
Accessory Dwelling Unit	A	
Day Care Center	S ¹⁰	
Dwelling Units for a Resident Watchman or Custodian	A	A
Hotels or Motels		P
Temporary Residence	P ¹¹	P ¹¹
Retail Uses		
Adult Use Establishments	P ¹²	
Airport, Commercial	P	
Parking Lot or Structure	P	P
Miscellaneous Uses		
Bus Station	P	
Bus Terminal	P	
Bus Transfer Station	P	P
Community Festivals and Street Fairs	P	P
Farming of Land	P	P
Macro-Antennas	P	P
Monopole	P ¹³	P ¹³
On-Site Hazardous Waste Treatment and Storage	P	P
Outdoor Storage	P ¹⁴	P ¹⁴
Storage in an Enclosed Building	P	P

1. RMC 23.42.290
2. RMC 23.42.270
3. RMC 23.42.320

4. RMC 23.42.040
 5. RMC 23.42.170
 6. RMC 23.42.047
 7. RMC 23.42.070
 8. RMC 23.42.200
 9. RMC 23.42.175
 10. RMC 23.42.080
 11. RMC 23.42.110
 12. RMC 23.42.030
 13. Chapter 23.62 RMC
 14. RMC 23.42.180
- [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 13-11 § 1.01; Ord. 32-11 § 8; Ord. 07-19 § 7].

23.26.040 Site requirements for industrial use districts.

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

Standard	I-M	M-2
Minimum Lot Area	None	None
Minimum Front Yard Setback	0 feet ¹	0 feet ¹
Minimum Side Yard Setback	None	None
Minimum Rear Yard Setback	None	None
Maximum Building Height – Main Building	55 feet ²	None

1. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
 2. Except as otherwise provided in this section, the maximum building height in the I-M district shall be 55 feet:
 - a. Any building or structure located within 300 feet of any residential use district shall be limited to 24 feet in height.
 - b. Any building further than 300 feet but less than 600 feet from districts described in note (2)(a) of this section shall not exceed 55 feet in height.
 - c. Except as provided in notes (2)(a) and (b) of this section, buildings may exceed the maximum height in accordance with the provisions of RMC 23.38.090.
- [Ord. 28-05 § 1.02; Ord. 04-09; amended during 2011 recodification; Ord. 32-11 § 9].

23.26.050 Parking standards for industrial use districts.

Off-street parking space shall be provided in all industrial zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

23.26.060 Landscaping standards for industrial districts.

A. In the I-M and M-2 zoning districts, perimeter landscaping shall be required of all new industrial facilities and developments proposed in accordance with RMC 23.54.160.

B. In the I-M or M-2 zoning districts, any use adjacent to a residential or PPF – parks and public facilities use district shall provide sight screening as follows:

1. In the case of buildings, structures, or parking lots, a six-foot-high sight-obscuring fence or evergreen planting shall be provided along the entire length of the use.
2. Required sight-screening fences shall be of masonry, wood, or slatted chain link construction and shall be maintained in a good condition. Required sight-screening plantings shall be installed so that such plantings can reasonably be expected to provide the desired screening within three years of planting, and shall be constantly maintained in a healthy, growing condition. [Ord. 28-05 § 1.02].



Department of Commerce

Exhibit 4

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 amendment to RMC Section 24.26.030 – Industrial Use Districts Permitted Land Uses. The proposed text amendment would include the following uses as permitted in the M-2 (Heavy Manufacturing) zoning district: Major Automotive Repair, Farm Equipment and Supplies Sales, Heavy Equipment Sales and Repair, Car Washes – Automatic or Self-Serve and Mini-Warehouses.



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: October 23, 2019 City Council: November 9, 2019 & December 3, 2019 Proposed / Date of Adoption: December 3, 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



Department of Commerce

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-735

Submittal Date Time: 10/02/2019

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 24.26.030 – Industrial Use Districts Permitted Land Uses. The proposed text amendment would include the following uses as permitted in the M-2 (Heavy Manufacturing) zoning district: Major Automotive Repair, Farm Equipment and Supplies Sales, Heavy Equipment Sales and Repair, Car Washes – Automatic or Self-Serve and Mini-Warehouses.

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

Planning Commissions Date 10/23/2019

City Council Date 11/09/2019

City Council Date 12/03/2019

Anticipated/Proposed Date of Adoption 12/03/2019

Attachments

Attachment Type	File Name	Upload Date
Correspondence	City of Richland proposed zoning code amendment CA2019-107.msg	10/02/2019 01:31 PM
Development Regulation Amendment - Draft	CA2019-107 Referral Packet.pdf	10/02/2019 01:31 PM

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 10/2/2019 1:32:12 PM

Intake Received Date	10/02/2019
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

10/02/2019

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-735--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 24.26.030 – Industrial Use Districts Permitted Land Uses. The proposed text amendment would include the following uses as permitted in the M-2 (Heavy Manufacturing) zoning district: Major Automotive Repair, Farm Equipment and Supplies Sales, Heavy Equipment Sales and Repair, Car Washes– Automatic or Self-Serve and Mini-Warehouses.

We received your submittal on 10/02/2019 and processed it with the Submittal ID 2019-S-735. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 12/01/2019.

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

Exhibit 5



CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (CA2019-107 & EA2019-131)

Notice is hereby given that the City of Richland has filed an application for a text amendment to RMC Section 24.26.030 – Industrial use districts permitted land uses. The proposed text amendment would include the following uses as permitted in the M-2 (Heavy Manufacturing) zoning district: Major Automotive Repair, Farm Equipment and Supplies Sales, Heavy Equipment Sales and Repair, Car Washes – Automatic or Self-Serve and Mini-Warehouses.

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, October 23, 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 Thursday, October 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, October 18, 2019.

ORDINANCE NO. 61-19

AN ORDINANCE of the City of Richland amending Chapter 3.24 of the Richland Municipal Code to establish new funds and delete obsolete funds.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate or clarify ambiguity; and

WHEREAS, new funds shall be established for the Public Safety Facility 75 Construction Fund and the Public Safety Facility 73 Replacement Fund; and

WHEREAS, obsolete funds shall be deleted, including the Police Station Debt Service Fund with financial obligations satisfied in 2019, the Richland Community Center Debt Service Fund with financial obligations satisfied in 2019, and the Fire Station 74 Construction Fund with completion occurring in 2016.

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

Section 1. Chapter 3.24 of the Richland Municipal Code, as enacted by Ordinance No. 6, and last amended by Ordinance No. 64-18, is hereby amended to read as follows:

Chapter 3.24 FUNDS¹

Sections:

- 3.24.010 General fund – Created.**
- 3.24.020 General fund – Use.**
- 3.24.030 Central stores fund – Created.**
- 3.24.040 Central stores fund – Administration.**
- 3.24.050 Central stores fund – Supplies and materials.**
- 3.24.060 Central stores fund – Financial control.**
- 3.24.070 Central stores fund – Purchases.**
- 3.24.080 Central stores fund – Expenditures.**
- 3.24.090 Central stores fund – Working capital.**
- 3.24.100 Central stores fund – Deposits.**
- 3.24.110 Repealed.**
- 3.24.120 Repealed.**
- 3.24.130 Repealed.**
- 3.24.140 Repealed.**
- 3.24.150 Park reserve fund – Created.**
- 3.24.160 Park reserve fund – Use.**
- 3.24.170 Park reserve fund accounts.**
- 3.24.180 Repealed.**
- 3.24.190 Utility bill clearing fund – Created.**
- 3.24.200 Utility bill clearing fund – Transfers.**

3.24.210 Utility bill clearing fund – Administration.
3.24.220 Utility bill clearing fund – Transition.
3.24.230 Utility bill clearing fund – Working capital.
3.24.240 Electric utility fund – Created.
3.24.250 Equipment maintenance fund – Created.
3.24.260 Equipment replacement fund – Created.
3.24.270 Equipment funds – Administration.
3.24.280 Equipment replacement fund – Equipment included.
3.24.290 Equipment replacement fund – Equipment use charges.
3.24.300 Equipment funds – Financial control.
3.24.310 Equipment funds – Purchases.
3.24.320 Equipment funds – Expenditures.
3.24.330 Equipment funds – Deposits.
3.24.340 Health care benefits plan fund.
3.24.350 Post-employment health care plan fund.
3.24.360 Police relief and pension fund – Created.
3.24.370 Firemen’s pension fund – Created.
3.24.380 Unemployment fund.
3.24.390 Workers compensation fund.
3.24.400 Salary clearing fund – Created.
3.24.410 Salary clearing fund – Transfers.
3.24.420 Salary clearing fund – Payments.
3.24.430 Salary clearing fund – Issuance of warrants.
3.24.440 City streets fund – Created.
3.24.450 City streets fund – Use.
3.24.460 Water utility fund – Created.
3.24.470 Wastewater utility fund – Created.
3.24.480 Solid waste utility fund – Created.
3.24.490 Stormwater utility fund.
3.24.500 Industrial development fund – Created.
3.24.510 Industrial development fund – Use.
3.24.520 Repealed.
3.24.530 Public works administration and engineering fund.
3.24.540 Community development block grant program fund – Created – Use.
3.24.550 Downtown business improvement district fund – Created.
3.24.560 Downtown business improvement district fund – Distributions.
3.24.570 Downtown business improvement district fund – Administration.
3.24.580 Capital improvement fund – Created.
3.24.590 Capital improvement fund – Use.
3.24.600 Criminal justice fund.
3.24.610 Southeast communications center fund.
3.24.620 Hotel/motel fund.
3.24.630 Special lodging assessment fund.
3.24.640 HOME fund.
3.24.650 Golf course fund.
3.24.660 Medical service fund.

- 3.24.670 Emergency management fund.
- 3.24.680 Repealed.
- 3.24.690 LTGO bonds debt service fund.
- 3.24.700 Library debt service fund.
- ~~3.24.710 Police station debt service fund.~~
- ~~3.24.720 Richland Community Center debt service fund.~~
- 3.24.730 LRF debt service fund.
- 3.24.740 LID guaranty debt service fund.
- 3.24.750 Special assessment LID debt service fund.
- 3.24.760 PFD facility contingency fund – Created.
- 3.24.770 Richland public facilities district fund.
- 3.24.780 Park project construction fund.
- 3.24.790 Columbia Point master association fund.
- 3.24.800 800 MHz project fund.
- 3.24.810 General government construction fund.
- 3.24.820 Streets capital construction fund – Created.
- ~~3.24.830 Fire station 74 construction fund – Created.~~
- 3.24.831 Public Safety Facility 75 construction fund – Created.
- 3.24.832 Public Safety Facility 73 replacement fund – Created.
- 3.24.840 Hanford Reach Interpretive Center fund.
- 3.24.890 Broadband fund – Created.
- 3.24.900 Public safety sales tax fund – Created.
- 3.24.910 Special assessment construction fund.
- 3.24.920 Uptown business improvement district fund – Created.
- 3.24.930 Uptown business improvement district fund – Distributions.
- 3.24.940 Uptown business improvement district fund – Administration.
- 3.24.950 Repealed.
- 3.24.960 Fire station 74 debt service fund – Created.
- 3.24.970 BCES operations fund – Created.
- 3.24.980 Utility deposit fund – Created.
- 3.24.990 Microwave fund – Created.
- 3.24.991 Transportation benefit district fund – Created.

3.24.010 General fund – Created.

There is created the general fund into which shall be placed all monies received by the city unless otherwise provided for.

3.24.020 General fund – Use.

The general fund shall be used to pay all warrants drawn for payment of claims and demands against the city unless otherwise provided for.

3.24.030 Central stores fund – Created.

There is hereby created the central stores fund to be used as a revolving fund to be expended for the purchase of supplies and materials of kinds which are commonly used by more than one department of the city and for supplies, equipment and salaries required for the administration of the fund.

3.24.040 Central stores fund – Administration.

The central stores fund shall be administered by the department of administrative services.

3.24.050 Central stores fund – Supplies and materials.

Each department shall pay into the central stores fund monthly an amount equal to the cost of supplies and materials requisitioned by it from the central stores fund, including a proportionate share of the cost of administering the fund.

3.24.060 Central stores fund – Financial control.

The finance director shall keep such books, accounts and records as are necessary to control and report the financial operations of the central stores fund.

3.24.070 Central stores fund – Purchases.

All purchases made from said fund shall be governed by the Charter and ordinances of the city relating to purchasing.

3.24.080 Central stores fund – Expenditures.

Any withdrawals or expenditures from said fund shall be made only upon approved payrolls and vouchers in the city.

3.24.090 Central stores fund – Working capital.

The city council may from time to time appropriate money from the general fund to central stores fund to provide adequate capital to enable it to discharge its function.

3.24.100 Central stores fund – Deposits.

All monies deposited in said central stores fund and not expended as provided herein shall remain in said fund from year to year and shall not be transferred to any other fund or expended for any purpose whatsoever, except as is herein provided; provided, however, any monies in the fund not needed therein may from time to time be transferred by appropriate action of the council of the city of Richland to the general fund of the city of Richland.

3.24.110 Claims clearing fund – Created.

Repealed by Ord. 65-16.

3.24.120 Claims clearing fund – Transfers.

Repealed by Ord. 65-16.

3.24.130 Claims clearing fund – Payments.

Repealed by Ord. 65-16.

3.24.140 Claims clearing fund – issuance of warrants.

Repealed by Ord. 65-16.

3.24.150 Park reserve fund – Created.

There is created the park reserve fund for city parks and for public open spaces devoted to public parks, playgrounds, trails and recreational facilities, into which shall be placed all funds received by the mitigation fees levied on new development, the income from leases on or of park property, and any sale of park property. Items included in the city's annual budget for the park reserve fund may include any gifts and bequests given or bequeathed to the city for the acquisition or development of public open spaces devoted to public parks, playgrounds, and trails, and other recreational purposes. The council may by resolution otherwise designate such funds as may from time to time be received from the sale of nonindustrial lands to the park reserve fund.

3.24.160 Park reserve fund – Use.

The park reserve fund for public open spaces shall be used to acquire (by purchase or condemnation) and develop public open spaces devoted to public parks, playgrounds, trails, and recreation facilities. The monies in the fund shall be allowed to accumulate from year to year until the city council shall determine to expend all or a part of the monies in the fund for the specified purpose.

3.24.170 Park reserve fund accounts.

The park reserve fund shall contain three park zone accounts and an undesignated park account. The three park zone accounts are described as follows:

A. North Richland zone (1) bounded by the existing or future Richland urban growth boundary on the north and northwest, the Yakima River on the west and south and the Columbia River on the east.

B. South Richland zone (2) bounded by the Yakima River on the north, the existing or future Richland urban growth boundary on the west and south and the Richland city limits line on the east with the exception of the development commonly known as Badger Mountain South Planned Community zone.

C. Badger Mountain South Planned Community zone (3) shall be a separate park zone.

D. Proceeds from any leases of or on park property or sale of park property shall be placed in the undesignated park account. Monies received from fees upon new development shall be credited to the park zone account in which the plat or subdivision from which the fees are received is located.

3.24.180 Library fund.

Repealed by Ord. 34-14.

3.24.190 Utility bill clearing fund – Created.

There is hereby created a fund, known and designated as the utility bill clearing fund, into which shall be paid all sums received from the sale of water, electricity, wastewater, solid waste, stormwater and medical services and for any other public utility service furnished by the city.

3.24.200 Utility bill clearing fund – Transfers.

On the first regular business day of each month, the finance director is authorized, empowered and directed to transfer from the utility bill clearing fund to each of the utility

departments the total amount billed during the preceding month for services rendered for water, electricity, wastewater, solid waste disposal and collection, stormwater and medical services for each such department. Appropriate adjustments shall be made to reflect bills uncollected.

3.24.210 Utility bill clearing fund – Administration.

The finance director shall keep a full and careful record of receipts and transfers with respect to each utility department. No warrants shall be issued against the utility bill clearing fund. The fund shall be used only to facilitate the billing and collection of utility accounts.

3.24.220 Utility bill clearing fund – Transition.

Utility bills assigned to the city for collection for water or electricity sold or services rendered by the General Electric Company prior to the transfer to the city of such functions shall be paid into the utility bill clearing fund and the amounts collected shall be transferred to the general fund, notwithstanding any other provisions of this chapter.

3.24.230 Utility bill clearing fund – Working capital.

The city council may appropriate from the general fund for the utility bill clearing fund from time to time such amounts as are reasonably necessary to enable the fund to function as a revolving fund. Any amount so appropriated as is excess to the needs of the utility clearing fund shall be returned to the general fund.

3.24.240 Electric utility fund – Created.

All revenues collected by the city from sale of electric energy or for services rendered by the department under the provisions of this code shall be deposited in the treasury of the city in a separate account to be known as the electric fund. All warrants for purchase of electric energy, for salaries, materials, supplies, equipment, and repairs relating to sale of electric energy by the city shall be paid out of such fund.

3.24.250 Equipment maintenance fund – Created.

There is hereby created the equipment maintenance fund to be used as a revolving fund to be expended for salaries, wages and operations required for the repair, maintenance and operation of equipment and the purchase of equipment, materials and supplies to be used in the administration and operation of the fund.

3.24.260 Equipment replacement fund – Created.

There is hereby created the equipment replacement fund to be used as a revolving fund to be expended for the purchase of new equipment and for replacement of existing equipment.

3.24.270 Equipment funds – Administration.

The equipment maintenance fund and the equipment replacement fund shall be administered by the administrative services department.

3.24.280 Equipment replacement fund – Equipment included.

All trucks, passenger cars and equipment belonging to the city may be in an equipment replacement fund operated by the administrative services department within said funds.

3.24.290 Equipment replacement fund – Equipment use charges.

Each department shall pay into the equipment replacement fund monthly a charge for replacement based on the estimated useful life of the equipment and for the purchase of new equipment subject to budgetary availability.

3.24.300 Equipment funds – Financial control.

The finance director shall keep such books, accounts and records as are necessary to control and report the financial operations of the equipment maintenance fund and the equipment replacement fund.

3.24.310 Equipment funds – Purchases.

All purchases made from said funds shall be governed by the Charter and ordinances of the city relating to purchasing.

3.24.320 Equipment funds – Expenditures.

Any withdrawals or expenditures from said equipment maintenance fund shall be made only upon approved payrolls and vouchers of the city. Any expenditure from the equipment replacement fund shall be made only upon approved vouchers of the city.

3.24.330 Equipment funds – Deposits.

All monies deposited in the equipment maintenance fund and in the equipment replacement fund, including amounts included therefor in the annual budget of the city, and not expended as in this code provided, shall remain in the respective funds from year to year and shall not be transferred to any other fund or expended for any purpose whatsoever, except as in this code provided; provided, however, that any money in the equipment replacement fund not needed therein may from time to time be transferred by appropriate action of the city council to the appropriate funds of the city.

3.24.340 Health care benefits plan fund.

There is created a health care benefits plan fund into which shall be placed health, vision, disability and dental insurance premiums and reserves, and such other funds as may be available therefor, and from which shall be paid all health, dental and vision insurance claims, administrative costs, wellness program costs and expenses deemed appropriate by the city council.

3.24.350 Post-employment health care plan fund.

There is hereby created a post-employment health care plan fund into which shall be placed health insurance premiums paid by retirees and payments by the city on behalf of current and future retirees for the purpose of paying health care insurance premiums for eligible retirees.

3.24.360 Police relief and pension fund – Created.

There is hereby created and established a police relief and pension fund into which shall be placed such monies as required or authorized by Chapter 41.20 RCW, and which shall be used as required or authorized by that chapter.

3.24.370 Firemen's pension fund – Created.

There is hereby created and established a firemen's pension fund into which shall be placed such monies as required or authorized by Chapters 41.16 and 41.18 RCW, and which shall be used as required or authorized by those chapters.

3.24.380 Unemployment fund.

There is created an unemployment fund into which shall be placed funds appropriated in the city budget for such purpose and such other funds as may be available therefor, and from which shall be paid all unemployment compensation claims and administrative costs.

3.24.390 Workers compensation fund.

There is created a workers compensation fund into which shall be placed such monies as shall from time to time be appropriated or budgeted in amounts sufficient in the determination of the finance director to pay estimated uninsured losses resulting from claims against the city and from which shall be paid such amounts as shall be required for the payment of such uninsured losses. Monies shall also be used to pay for assessments from the state, excess loss premiums and preventive education programs and expenses deemed appropriate by the city council, provided reserves are adequately funded.

3.24.400 Salary clearing fund – Created.

There is hereby created a fund, known and designated as the salary clearing fund, into which shall be paid and transferred from the various departments and offices an amount of money equal to the various salaries, wages and other compensations due city employees.

3.24.410 Salary clearing fund – Transfers.

On the last day of each and every month, the finance director is hereby authorized, empowered and directed to transfer from the funds of the various departments and offices to the salary clearing fund sufficient funds to pay the salaries, wages and other compensations of the employees of the various departments and offices of the city for that month.

3.24.420 Salary clearing fund – Payments.

The salary clearing fund shall be used and payments therefrom shall be made only for the purpose of paying and compensating employees of the city for services rendered, and paying employee deductions to those persons, agencies, organizations and funds entitled to such payments.

3.24.430 Salary clearing fund – Issuance of warrants.

The finance director is hereby authorized, empowered and directed to issue warrants on

and against said fund for payments authorized by RMC 3.24.410. Said warrants shall be issued only after there has been filed with the finance director properly certified payrolls, due bills, or time certificates stating the nature of the services rendered, the amount due or owing and the persons entitled thereto. All warrants issued on or against said fund shall be solely and only for the purpose herein set forth and shall be payable only out of and from said fund. Each warrant issued under the provisions of this section shall have printed upon its face the words "Salary Clearing Fund."

3.24.440 City streets fund – Created.

There is hereby created a city streets fund into which shall be placed motor vehicle license fees, gas tax and all other state and city revenue and monies intended to be used for highway or street purposes.

3.24.450 City streets fund – Use.

The city streets fund shall be used to pay all warrants drawn for the payment of salaries and wages, material, supplies, equipment, purchase or condemnation of right-of-way, engineering or any other purpose in connection with construction, alteration, repair, improvement, or maintenance of any city street or bridge, or viaduct or underpass along, upon or across such streets. Such expenditures may be made either independently or in conjunction with any federal, state or county funds.

3.24.460 Water utility fund – Created.

There is created in the treasury of the city a special fund to be known as the water utility fund. Any and all revenues received from charges for services rendered by the department shall be credited to said fund, and all warrants for salaries, material, supplies and equipment and repair of the water system shall be paid out of such fund. Approved construction projects for the water utility will be paid from this fund.

3.24.470 Wastewater utility fund – Created.

There is created in the treasury of the city a special fund to be known as the wastewater utility fund. Any and all revenues received from the sale of byproducts of the wastewater treatment plant, or from any other source for rental, use or services rendered by the municipal wastewater system shall be credited to the fund; and all warrants for salaries, materials, supplies and equipment and repair of the municipal wastewater system shall be paid out of such fund. Approved construction projects for the wastewater utility will be paid from this fund.

3.24.480 Solid waste utility fund – Created.

There is created in the treasury of the city a special fund to be known as the solid waste utility fund. Any and all revenues from contracts for scavenging and garbage rights, from sale of any refuse, and from charges for services rendered by the city under the provisions of this section and RMC Title 15 shall be credited to the fund; and all warrants for salaries, materials, supplies, equipment and repairs relating to refuse disposal shall be paid out of such fund. Approved construction projects for the solid waste utility fund will be paid from this fund.

3.24.490 Stormwater utility fund.

There is hereby created a fund, known and designated as the stormwater utility fund, into which shall be deposited various monies received by the city of Richland for stormwater utility charges as set forth in RMC Title 16. This revenue and such other revenues as may be available to the stormwater utility fund will be used to pay the expenses of the stormwater utility program as set forth in RMC Title 16. Approved construction projects for the stormwater utility will be paid from this fund.

3.24.500 Industrial development fund – Created.

There is created an industrial development fund into which shall be placed the proceeds from the sale of city real property.

3.24.510 Industrial development fund – Use.

The industrial development fund shall be used for purposes of industrial development. The proceeds from the sale of city real property shall accumulate for the purchase and construction of major capital improvements, including financial support for industrial development activities. Use of this fund shall be approved by the city council prior to its expenditure. The net receipts from the sale of city-owned property shall be deposited into this fund; however, if the sold property had been park land, such receipts shall be deposited in the park reserve fund. The receipts deposited shall then reimburse the various utility and all other pertinent accounts for contributed infrastructure, land acquisition costs and promotional expenses as the ratio of various funds' investment bear to the total investment in the parcel as a whole. Such reimbursement shall be limited to the respective funds' total investment in the subject parcel. Such reimbursement procedure shall be further described in the administrative policies.

3.24.520 I-Net fund.

Repealed by Ord. 34-14.

3.24.530 Public works administration and engineering fund.

There is hereby created a fund, known and designated as the public works administration and engineering fund, into which shall be deposited various monies received by the city for the engineering projects, administrative and engineering services charges from other funds and such other funds as may be available therefor, for the expenses related to the public works administration and engineering fund and from which shall be paid the expenses for the public works administration and engineering fund.

3.24.540 Community development block grant program fund – Created – Use.

There is hereby created a fund, known and designated as the community development block grant program fund, into which shall be paid various federal or state monies received by the city of Richland for community development programs such as the 1974 Housing and Urban Development Title 1 program. Appropriations from the fund may be made by the city council of Richland for projects as approved by them. Warrants may be drawn upon the fund for purposes as provided in this section and to the extent that funds are available.

3.24.550 Downtown business improvement district fund – Created.

There is hereby created a fund, known and designated as the downtown business improvement district fund (DBID), into which shall be paid all DBID revenues from special assessments levied under the authority of Chapter 35.87A RCW, gifts and donations for the DBID fund, monies for expenditures made and reimbursements due to the DBID fund, and interest and all other income from the investment of deposits according to established city procedures and policies.

3.24.560 Downtown business improvement district fund – Distributions.

On the first regular business day of each month, the finance director is authorized, empowered and directed to distribute from the DBID fund the total amount of special assessments collected for the district under RCW 35.87A.130 and Richland Ordinance No. 29-03 during the preceding month.

3.24.570 Downtown business improvement district fund – Administration.

The finance director shall keep a full and careful record of receipts and distributions with respect to each district within the downtown business improvement district fund.

3.24.580 Capital improvement fund – Created.

There is created a special accounting fund to be known as the “capital improvement fund” into which fund there shall be placed all proceeds received from the county treasurer from the city of Richland one-half of one percent real estate excise tax (REET).

3.24.590 Capital improvement fund – Use.

This capital improvement fund which includes the one-half of one percent real estate tax shall be used only for local improvements, including those listed in RCW 35.43.040, and for capital projects defined by RCW 82.46.010(6).

3.24.600 Criminal justice fund.

There is hereby created a special accounting fund to be known as the criminal justice fund into which there shall be placed all monies received from the state of Washington for criminal justice. Monies are intended to be used for funding activities relating to the enforcement and administration of the criminal law.

3.24.610 Southeast communications center fund.

There is hereby created a special accounting fund to be known as the Southeast communications center fund into which there shall be placed all proceeds received for emergency dispatch services and various monies received by the city of Richland for emergency dispatch services and such other funds as may be available therefor for expenses related to emergency dispatch services and from which shall be paid the expenses of emergency dispatch services.

3.24.620 Hotel/motel fund.

There is hereby created a special accounting fund to be known as the hotel/motel fund into which there shall be placed all monies received from the state of Washington for excise tax on lodging. Monies are intended to be used for activities, operations and

expenditures designed to increase tourism and for acquisition and/or operation of tourism-related facilities.

3.24.630 Special lodging assessment fund.

There is hereby created a special accounting fund to be known as the special lodging assessment fund into which there shall be placed all monies received from the state of Washington for the levy of a special assessment tax on lodging. Monies are distributed to a third party facilitator for the tourism promotion area, to be used for projects that promote tourism and convention business in the city.

3.24.640 HOME fund.

There is hereby created a fund, known and designated as the HOME fund, into which shall be deposited various monies received by the city of Richland for the HOME program and such other funds as may be available therefor for the expenses related to the HOME program and from which shall be paid the expenses of the HOME program.

3.24.650 Golf course fund.

There is hereby created a fund, known and designated as the golf course fund, into which shall be deposited various monies received from charges for golf course services rendered by the city of Richland and such other funds as may be available therefor for the expenses related to the golf course fund and from which shall be paid the expenses of golf course services.

3.24.660 Medical service fund.

There is hereby created a fund, known and designated as the medical service fund, into which shall be deposited various monies received from ambulance household charges and ambulance services rendered by the city of Richland and such other funds as may be available therefor for the expenses related to the medical service fund and from which shall be paid the expenses of medical services.

3.24.670 Emergency management fund.

There is hereby created a fund, known and designated as the emergency management fund, into which shall be deposited various monies received by the city of Richland for emergency management services and such other funds as may be available therefor for expenses related to the emergency management services and from which shall be paid the expenses of emergency management services.

3.24.680 Fire and swim refunding debt service fund.

Repealed by Ord. 36-12.

3.24.690 LTGO bonds debt service fund.

There is hereby created a fund, known and designated as the LTGO bonds debt service fund, into which shall be deposited various monies received by the city of Richland for payments of debt service on certain limited tax general obligation bonds.

3.24.700 Library debt service fund.

There is hereby created a fund, known and designated as the library debt service fund, into which shall be deposited monies received by the city of Richland from property taxes for the debt service payments on the 2007 unlimited tax general obligation bonds, issued to pay for the construction of improvements and expansion of the Richland library.

~~**3.24.710 Police station debt service fund.**~~

~~There is hereby created a fund, known and designated as the police station debt service fund, into which shall be deposited various monies received by the city of Richland from property taxes for the debt service payments on the 1999 unlimited tax general obligation bonds, issued to pay for construction of the Richland police station.~~

~~**3.24.720 Richland Community Center debt service fund.**~~

~~There is hereby created a fund, known and designated as the Richland Community Center debt service fund, into which shall be deposited various monies received by the city of Richland from property taxes for the debt service payments on the 2000 unlimited tax general obligation bonds, issued to pay for construction of the Richland Community Center.~~

3.24.730 LRF debt service fund.

There is hereby created a fund, known and designated as the LRF (Local Revitalization Financing) debt service fund, into which shall be deposited monies received by the city of Richland and other participants for tax increment financing from both property tax and sales tax in the City-designated Revitalization Area for Industry, Science and Education (RAISE) . Funds will be used to pay the debt service on general obligation bonds issued to pay for infrastructure improvements in the RAISE area.

3.24.740 LID guaranty debt service fund.

There is hereby created a fund, known and designated as the LID guaranty debt service fund. The purpose of the LID guaranty fund is to guarantee payment of local improvement bonds and obligations issued to pay for local improvements ordered in the city. Pursuant to RCW 35.54.095, the fund maintains a reserve of 10 percent of the outstanding obligations of the special assessment LID debt service fund. Monies received from the sale of LID foreclosure property and special guaranty fund assessments are accounted for in this fund.

3.24.750 Special assessment LID debt service fund.

There is hereby created a special accounting fund to be known as the special assessment LID debt service fund. The purpose of the special assessment LID debt service fund is to account for monies received for annual LID assessments and the payment of LID bonds and loans issued to fund the construction of local improvement districts.

3.24.760 PFD facility contingency fund – Created.

There is hereby created a special accounting fund to be known as the PFD facility contingency fund. The purpose of the PFD facility contingency fund is to account for monies received from the public facility district per the facility contingency agreement.

Monies will be collected and distributed per the agreement.

3.24.770 Richland public facilities district fund.

There is hereby created a fund known and designated as the Richland public facilities district fund into which shall be deposited a local sales tax of up to 0.0333 percent which would be a credit against the state sales tax and various monies received by the city of Richland for the Richland public facilities district fund, and such other funds as may be available therefor, for the expenses related to the Richland public facilities district and from which shall be paid the expenses for the Richland public facilities district.

3.24.780 Park project construction fund.

There is hereby created a fund, known and designated as the park project construction fund, into which shall be deposited various monies received from grants and other financing sources related to the park project construction fund, and such other funds as may be available therefor, for the expenses related to the park project construction fund and from which shall be paid the expenses for park project construction.

3.24.790 Columbia Point master association fund.

There is hereby created a fund, known and designated as the Columbia Point master association fund, into which shall be deposited various monies received from the owner of each tract of Columbia Point including the city of Richland for such purpose, and other such funds as may be available therefor, and from which shall be paid expenses for the Columbia Point master association and other related costs.

3.24.800 800 MHz project fund.

There is hereby created a fund, known and designated as the 800 MHz project fund, into which shall be deposited various monies received by the city of Richland for the 800 MHz project fund, and such other funds as may be available therefor, for the expenses related to the 800 MHz project and from which shall be paid the expenses for the 800 MHz project.

3.24.810 General government construction fund.

There is hereby created a fund, known and designated as the general government construction fund, into which shall be deposited monies from various sources including grants, loans or bonds and other funds as may be available therefor for the expenses related to general government construction projects.

3.24.820 Streets capital construction fund – Created.

There is hereby created a fund, known and designated as the streets capital construction fund, into which shall be deposited monies from various sources including grants, loans or bonds and other funds as may be available therefor for the expenses related to streets capital construction projects.

~~3.24.830 Fire station 74 construction fund – Created.~~

~~There is hereby created a fund, known and designated as the fire station 74 construction fund, into which shall be deposited monies from various sources including grants, loans~~

~~or bonds and other funds as may be available therefor for the expenses related to the construction of fire station 74.~~

3.24.831 Public Safety Facility 75 construction fund – Created.

There is hereby created a fund, known and designated as the public safety facility 75 construction fund, into which shall be deposited monies from various sources including grants, loans or bonds and other funds as may be available therefor for the expenses related to the construction of public safety facility 75.

3.24.832 Public Safety Facility 73 replacement fund – Created.

There is hereby created a fund, known and designated as the public safety facility 73 replacement fund, into which shall be deposited monies from various sources including grants, loans or bonds and other funds as may be available therefor for the expenses related to the replacement of public safety facility 73.

3.24.840 Hanford Reach Interpretive Center fund.

There is hereby created a fund, known and designated as the Hanford Reach Interpretive Center fund, into which shall be deposited various monies received from bonds, grants, donations and other financing sources related to the creation of the Hanford Reach Interpretive Center facility. The Hanford Reach Interpretive Center fund accounts for infrastructure and construction costs associated with the project, which is owned and supported by the Richland Public Facility District.

3.24.890 Broadband fund – Created.

There is hereby created in the treasury of the city a special fund to be known as the broadband fund. Any and all revenues received from the sale of services of the broadband system, or from any other source for rental, use or services rendered by the municipal broadband system, shall be credited to the fund; and all expenditures for salaries, materials, supplies and equipment and repair of the municipal broadband system shall be paid out of such fund. Approved construction projects for the broadband system will be paid from this fund.

3.24.900 Public safety sales tax fund – Created.

There is hereby created a special accounting fund to be known as the public safety sales tax fund into which there shall be placed all monies received from the state of Washington for a special public safety sales tax of three-tenths of one percent effective January 1, 2015. The tax was approved by Benton County voters in August of 2014 and will sunset after 10 years. Monies are intended to be used for funding activities relating to the enforcement and administration of the criminal law.

3.24.910 Special assessment construction fund.

There is hereby created a fund, known and designated as the special assessment construction fund, into which shall be deposited various monies received by the city of Richland for construction projects financed by special assessments, as authorized through the formation of local improvement districts, and such other funds for the expenses related to construction of the local improvements and other expenses

associated with such projects. Distinct managerial subfunds may be maintained within the city's accounting system to separately account for each local improvement district. The combined total of these subfunds shall be presented as one legal fund for budgeting and external financial reporting purposes.

3.24.920 Uptown business improvement district fund – Created.

There is hereby created a fund, known and designated as the uptown business improvement district fund (UBID), into which shall be paid all UBID revenues from special assessments levied under the authority of Chapter 35.87A RCW, gifts and donations for the uptown business improvement district fund, monies for expenditures made and reimbursements due to the fund, and interest and all other income from the investment of deposits according to established city procedures and policies.

3.24.930 Uptown business improvement district fund – Distributions.

On the first regular business day of each month, the finance director is authorized, empowered and directed to distribute from the UBID fund the total amount of special assessments collected for the district under RCW 35.87A.130 and Richland Ordinance No. 29-03 during the preceding month.

3.24.940 Uptown business improvement district fund – Administration.

The finance director shall keep a full and careful record of receipts and distributions with respect to the uptown business improvement district fund.

3.24.950 Wine Science Center PDA fund – Created.

Repealed by Ord. 65-16.

3.24.960 Fire station 74 debt service fund – Created.

There is hereby created a fund, known and designated as the fire station 74 debt service fund, into which shall be deposited monies received by the city of Richland for an increase in electric utility tax specifically for the debt service payments on the bonds for fire station 74. General obligation bonds will be issued to pay for construction costs for fire station 74.

3.24.970 BCES operations fund - Created.

There is hereby created a fund, known and designated as the BCES Operations Fund, which shall account for the salaries and benefits costs of City employees who operate the Benton County Emergency Services (BCES). The City's costs are reimbursed through an operating contract agreement with BCES.

3.24.980 Utility deposit fund – Created.

There is hereby created a fund known and designated as the utility deposit fund into which shall be deposited various monies received by the city of Richland for utility service deposits paid by users of the city's utility services as defined by RMC 3.26.010.

3.24.990 Microwave fund – Created.

There is hereby created a fund, known and designated as the microwave fund, into which

there shall be deposited various monies received by the city of Richland for microwave services and such other funds as may be available for expenses related to microwave services.

3.24.991 Transportation Benefit District fund – Created.

There is hereby created a fund, known and designated as the Transportation Benefit District fund, into which there shall be deposited various monies received by the city of Richland for additional vehicle license fees to be used only for the City's pavement preservation program and the Duportail Bridge as allowed by RMC 35.21.225 and RMC 36.73.

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

Section 3. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the __ day of _____, 20__.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Ordinances - Second Reading/Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 55-19, Approving the 2020 Budget and the 2020-2025 Capital Improvement Plan

Department:

Administrative Services

Ordinance/Resolution Number:

55-19

Document Type:

Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 55-19, approving the 2020 Budget and the 2020-2025 Capital Improvement Plan.

Summary:

Council received the proposed 2020 Budget and 2020-2025 Capital Improvement Plan on October 1, 2019. On October 1, 2019, the City Manager presented the budget message to Council during a regularly scheduled public meeting.

RCW 35.33 requires the City to hold hearings prior to adoption of the 2020 Budget ordinance. A revenue hearing was conducted on October 15, 2019, and a budget presentation was held on October 17, 2019. During the budget presentation, the public was allowed the opportunity to interact and ask questions. An additional hearing will be held at the City Council meeting on November 5, 2019.

Total appropriations for each separate fund are identified in proposed Ordinance No. 55-19. Appropriations are the legal amounts that can be expended in total for each individual fund presented. Appropriations for all budgeted funds in 2020 total \$304,743,287.

The first reading of the ordinance adopting the 2020 Budget is scheduled for November 5, 2019. Second reading and passage of the 2020 Budget ordinance is scheduled for November 19, 2019.

Staff recommends approval of Ordinance No. 55-19 for second reading and passage.

Fiscal Impact:

The proposed 2020 budgeted appropriations for all funds total \$304,743,287.

Attachments:

I. Ordinance No. 55-19

ORDINANCE NO. 55-19

AN ORDINANCE of the City of Richland adopting the 2020 Annual Budget of the City of Richland, including the 2020-2025 Capital Improvement Plan.

BE IT ORDAINED by the City of Richland as follows:

Section 1. Budget Adopted. The Annual Budget of the City of Richland for the year 2020, including the 2020-2025 Capital Improvement Plan, and each and every fund thereof as fixed and determined in the Proposed Budget for the year 2020, as revised by the City Council, is hereby adopted as the Budget of the City for the calendar year 2020. The total appropriations for each of the funds of the City of Richland are as follows:

Funds	Total Estimated Revenues	Appropriated Beginning Fund Balances	Est. Revenues & Approp. Fund Balance	Total Appropriations
General Fund	\$ 57,048,746	\$ 4,061,371	\$ 61,110,117	\$ 61,110,117
Special Revenue Funds:				
City Streets	4,098,906	-	4,098,906	4,098,906
Transportation Benefit District	892,259	100,565	992,824	992,824
Park Reserve	499,935	419,470	919,405	919,405
Industrial Development	4,556,339	544,396	5,100,735	5,100,735
Criminal Justice	81,296	-	81,296	66,564
Public Safety Sales Tax	1,861,255	110,579	1,971,834	1,971,834
BCES Operations	6,074,411	-	6,074,411	6,074,411
Hotel/Motel Tax	1,220,000	-	1,220,000	1,220,000
Special Lodging Assmnt	575,750	-	575,750	575,750
Community Dev. Block Grant	409,246	65,000	474,246	474,246
HOME	929,814	-	929,814	929,814
Debt Service Funds:				
LTGO Bonds	1,529,022	-	1,529,022	1,517,022
Fire Station 74	240,906	-	240,906	240,906
Library Remodel	1,463,975	-	1,463,975	1,463,975
RAISE Area	657,810	-	657,810	657,810
LID Guaranty	12,500	-	12,500	15
Special Assessment	16,570	-	16,570	550
Capital Projects Funds:				
Streets Capital Projects	16,814,985	125,000	16,939,985	16,939,985
Capital Improvement	1,815,000	2,303,677	4,118,677	4,118,677
Fire Station 75 Construction	6,048,605	-	6,048,605	6,048,605
Fire Station 73 Remodel	4,800,000	-	4,800,000	4,800,000
Parks Capital Projects	3,340,000	-	3,340,000	3,340,000

Funds	Total Estimated Revenues	Appropriated Beginning Fund Balances	Est. Revenues & Approp. Fund Balance	Total Appropriations
Enterprise Funds:				
Electric	75,618,130	13,069,749	88,687,879	88,687,879
Water	16,859,016	7,281,804	24,140,820	24,140,820
Wastewater	11,499,577	2,758,054	14,257,631	14,257,631
Solid Waste	9,780,360	1,015,617	10,795,977	10,795,977
Stormwater	3,565,100	-	3,565,100	3,317,914
Golf Course	1,957,350	82,059	2,039,409	2,039,409
Medical Services	5,183,669	1,333,294	6,516,963	6,516,963
Broadband	258,980	201,875	460,855	460,855
Internal Service Funds:				
Equipment Maintenance	4,414,592	-	4,414,592	4,369,130
Equipment Replacement	5,889,483	1,567,751	7,457,234	7,457,234
Public Works Adm & Eng.	4,152,019	-	4,152,019	4,149,411
Workers Compensation	847,523	469,635	1,317,158	1,317,158
Employee Benefits	12,445,569	-	12,445,569	11,905,567
Unemployment	106,179	54,649	160,828	160,828
Post Employment Benefit	1,671,010	3,550	1,674,560	1,674,560
Trust Funds:				
Fire Pension	378,300	-	378,300	378,300
Police Pension	451,500	-	451,500	451,500
Totals	\$ 270,065,687	\$ 35,568,095	\$305,633,782	\$ 304,743,287

Section 2. Salaries and Wages. The total cumulative salaries and wages set forth in the budget document represent the maximum approved expenditure, subject to the requirements and limitations set forth in the Compensation Plan for Unaffiliated Employees and Collective Bargaining Agreements for Affiliated Employees, or other contracts approved by Council. In the interests of operational efficiency and business need, the City Manager may amend salaries and wages within departments and divisions as long as the total labor budget is not exceeded.

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

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

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: November 24, 2019



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Ordinances - Second Reading/Passage

Core Focus Area 3 - Increase Economic Vitality

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 56-19, Amending the 2019 Budget in the Industrial Development Fund

Department:

Development Services

Ordinance/Resolution Number:

56-19

Document Type:

Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 56-19, amending the 2019 budget in the Industrial Development Fund.

Summary:

A budget adjustment for the Industrial Development Fund is necessary to provide funding for core business development activities. The expenses listed below were not anticipated at the time the 2019 budget was approved.

(1) Additional funding in the amount of \$10,000 is needed to cover the expense of irrigation needed to establish new plants in the Horn Rapids wetland mitigation area. This expense was not anticipated at the time the 2019 budget was approved.

(2) Additional funding in the amount of \$50,000 is necessary to offset additional survey, engineering and project management services related to land sales in Horn Rapids. The departure of the city surveyor and Economic Development Manager vacancy necessitated the use of outside resources to complete land transactions and survey work for infrastructure needs.

(3) The City has an MOU with the Port of Pasco for the establishment of direct flights from Pasco to LAX. Although previously approved in the 2017 and 2018 budgets, this money (\$10,000) was not carried over. This adjustment will re-authorize this money.

(4) The City is obligated to maintain the irrigation supporting crop circles along SR-240 as part of an existing lease agreement. Unanticipated irrigation repairs to the system in the amount of \$6,350 were not anticipated.

Staff recommends approval of Ordinance No. 56-19 for second reading and passage.

Fiscal Impact:

Revenues from the sale of land in the Horn Rapids Industrial park are sufficient to cover the requested adjustments.

Attachments:

I. Ordinance No. 56-19

ORDINANCE NO. 56-19

AN ORDINANCE of the City of Richland amending the 2019 Budget to provide for additional appropriations and declaring that a public emergency exists in the City's Industrial Development Fund.

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

WHEREAS, the City was required by the Washington State Department of Ecology to remediate wetlands as part of mitigation efforts for the construction of Logan and Hagen roads; and

WHEREAS, as part of the remediation effort, irrigation was required to ensure that required plants in the wetland would become established; and

WHEREAS, in addition to the wetlands mitigation obligation, growth in the Horn Rapids Business and Industrial parks has outpaced anticipated demand, and outside support for survey, planning and engineering is needed; and

WHEREAS, no funds were appropriated in the Industrial Development Fund for wetland restoration, surveying and boundary adjustments; and

WHEREAS, insufficient funds were appropriated in the Industrial Development Fund for necessary infrastructure planning; and

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

WHEREAS, on November 5, 2019, a public hearing was held pursuant to RCW 35.33.091 regarding the increase in appropriations from beginning fund balance in the Industrial Development Fund.

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

Section 1. Facts Constituting Emergency. The expenses contained within this ordinance were not anticipated when the 2019 Budget was approved.

Section 2. Declaration of Public Emergency. Due to circumstances described above, Richland City Council declares that a public emergency exists in the Industrial Development Fund.

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

Industrial Development Fund

Current Appropriation: \$ 2,949,934

Increase in Appropriation: \$ 76,350

Amended Appropriation: \$ 3,026,284

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

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

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney

Date Published: November 24, 2019



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Resolutions – Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 148-19, Amending Exhibit A of the Compensation Plan for Unaffiliated Employees – 2015 and Continuing.

Department:

Administrative Services

Ordinance/Resolution Number:

148-19

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 148-19, amending Exhibit A of the Compensation Plan for Unaffiliated Employees - 2015 and Continuing.

Summary:

In late 2018, Springsted, Inc. completed a Classification & Compensation Study to determine the appropriate classification of positions based on an established objective evaluation process, and trained staff on the process for properly maintaining the new schedule. Routine adjustments to the compensation schedule are necessary to keep it aligned with market. Such adjustments typically occur at the end of each calendar year.

To keep the City's newly adopted compensation schedule properly aligned, staff recommends amending the existing Compensation Plan for Unaffiliated Employees – 2015 and Continuing by replacing the existing Exhibit A with the attached Exhibit A. The update will take effect on December 23, 2019, which is the start of the 2020 payroll year.

Staff recommends approval of Resolution No. 148-19.

Fiscal Impact:

The proposed 1.8% salary range increase is included in the 2020 budget.

Attachments:

- I. Resolution No. 148-19

RESOLUTION NO. 148-19

A RESOLUTION of the City of Richland amending
Exhibit A of the Compensation Plan for Unaffiliated Employees
– 2015 and Continuing.

WHEREAS, Richland Municipal Code (RMC) Chapter 2.28 provides for regular review and adoption of the City of Richland Compensation Plan for Unaffiliated Employees – 2015 and Continuing; and

WHEREAS, in late 2018, Springsted, Inc. completed a Classification and Compensation Study to determine the appropriate classification of positions based on an established objective evaluation process, and trained staff on the process for properly maintaining the new schedule; and

WHEREAS, Exhibit A, attached hereto and hereafter referred to as “2020 Exhibit A,” reflects an updated alignment of positions, establishes a market-competitive pay structure, reduces the range spreads to come closer to market average, and remedies inconsistencies between internal worth and external value; and

WHEREAS, the City Manager recommends amending the Compensation Plan for Unaffiliated Employees – 2015 and Continuing effective December 23, 2019 (start of the 2020 payroll year) by replacing the existing Exhibit A with **2020 Exhibit A**; and

WHEREAS, no amendments to the remainder of the Compensation Plan for Unaffiliated Employees – 2015 and Continuing are recommended at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that **2020 Exhibit A** is hereby adopted effective December 23, 2019, which exhibit shall supersede the previously existing Exhibit A of the Compensation Plan for Unaffiliated Employees – 2015 and Continuing.

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

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

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney

2020 Exhibit A - Article XIV, Section 14.01, Page 29

City of Richland

Classification, Pay Grades and Salaries for Unaffiliated Employees

(Alphabetical)

Effective December 23, 2019

Classification Title	Pay Grade	Minimum Hourly	Midpoint Hourly	Maximum Hourly	Classification Status	EE0-4 Group Status	FLSA Status	Non-Match Def. Comp
Accountant	20	\$31.85	\$38.22	\$44.59	Classified	Professionals	Professional	1%
Accounting Specialist	14	\$23.77	\$28.52	\$33.27	Classified	Admin Support Workers	Non-Exempt	
Administrative Assistant	13	\$22.64	\$27.16	\$31.69	Classified	Admin Support Workers	Non-Exempt	
Administrative Assistant II	15	\$24.96	\$29.95	\$34.94	Classified	Admin Support Workers	Non-Exempt	
Administrative Services Director	32	\$57.19	\$68.63	\$80.07	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
Aquatics Head Lifeguard	Based on market assessment of current minimum wage				Classified	Admin Support Workers	Non-Exempt	
Aquatics Lifeguard /Swim Instructor /Coach	Based on market assessment of current minimum wage				Classified	Admin Support Workers	Non-Exempt	
Aquatics Pool Manager	Based on market assessment of current minimum wage				Classified	Admin Support Workers	Non-Exempt	
Assistant City Manager	34	\$63.06	\$75.67	\$88.28	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
BCES Communications Manager	23	\$36.87	\$44.24	\$51.62	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
BCES Communications Supervisor	19	\$30.33	\$36.40	\$42.47	Classified	First/Mid Offs & Mgrs.	Executive	1%
BCES Emergency Management Manager	21	\$33.44	\$40.13	\$46.82	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
BCES Emergency Planner	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Non-Exempt	
BCES Information Systems Manager	27	\$44.81	\$53.78	\$62.74	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
BCES Tech Systems Coordinator	18	\$28.89	\$34.67	\$40.44	Classified	Technicians	Non-Exempt	
Building Inspector	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Non-Exempt	
Building Official	23	\$36.87	\$44.24	\$51.62	Classified	Professionals	Executive	1%
Business Services Manager	23	\$36.87	\$44.24	\$51.62	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Buyer	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Non-Exempt	
Cable Communication Coordinator	18	\$28.89	\$34.67	\$40.44	Classified	Technicians	Non-Exempt	
Cable Production Assistant	14	\$23.77	\$28.52	\$33.27	Classified	Technicians	Non-Exempt	
CDBG/HOME Administrator	19	\$30.33	\$36.40	\$42.47	Classified	Professionals	Admin.	1%
Chief Electrical Engineer	30	\$51.88	\$62.25	\$72.63	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Chief of Police	33	\$60.05	\$72.06	\$84.07	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
City Attorney	33	\$60.05	\$72.06	\$84.07	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
City Clerk	22	\$35.11	\$42.14	\$49.16	Classified	Professionals	Executive	1%
City Surveyor	21	\$33.44	\$40.13	\$46.82	Classified	Professionals	Executive	1%
Civil Engineer I	18	\$28.89	\$34.67	\$40.44	Classified	Professionals	Non-Exempt	
Civil Engineer II	24	\$38.71	\$46.45	\$54.20	Classified	Professionals	Professional	1%
Code Enforcement Officer	17	\$27.51	\$33.02	\$38.52	Classified	Service Worker	Non-Exempt	
Communications and Marketing Manager	23	\$36.87	\$44.24	\$51.62	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Communications and Marketing Specialist	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Non-Exempt	
Communications Graphic Designer	18	\$28.89	\$34.67	\$40.44	Classified	Professionals	Professional	1%

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City of Richland

Classification, Pay Grades and Salaries for Unaffiliated Employees

(Alphabetical)

Effective December 23, 2019

Classification Title	Pay Grade	Minimum Hourly	Midpoint Hourly	Maximum Hourly	Classification Status	EE0-4 Group Status	FLSA Status	Non-Match Def. Comp
Community Development Director	31	\$54.47	\$65.36	\$76.26	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
Crime Analyst	18	\$28.89	\$34.67	\$40.44	Classified	Technicians	Non-Exempt	
Crime Prevention Specialist	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Non-Exempt	
Customer Service Assistant	6	\$16.09	\$19.31	\$22.52	Classified	Admin Support Workers	Non-Exempt	
Customer Service Representative	14	\$23.77	\$28.52	\$33.27	Classified	Admin Support Workers	Non-Exempt	
Customer Service Supervisor	20	\$31.85	\$38.22	\$44.59	Classified	Admin Support Workers	Executive	1%
Deputy City Clerk	16	\$26.20	\$31.44	\$36.68	Classified	Admin Support Workers	Non-Exempt	
Economic Development Manager	27	\$44.81	\$53.78	\$62.74	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Electrical Distribution Engineer I	21	\$33.44	\$40.13	\$46.82	Classified	Professionals	Professional	1%
Electrical Distribution Engineer II	26	\$42.68	\$51.22	\$59.75	Classified	Professionals	Professional	1%
Energy Services Director	33	\$60.05	\$72.06	\$84.07	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
Energy Services Project Manager	21	\$33.44	\$40.13	\$46.82	Classified	Professionals	Professional	1%
Energy Specialist	19	\$30.33	\$36.40	\$42.47	Classified	Professionals	Admin.	1%
Engineering Aide	Based on market assessment of current minimum wage				Classified	Technicians	Non-Exempt	
Engineering and Operations Manager	30	\$51.88	\$62.25	\$72.63	Classified	First/Mid Offs & Mgrs.	Executive	3%
Engineering Technician I	15	\$24.96	\$29.95	\$34.94	Classified	Technicians	Non-Exempt	
Engineering Technician II	16	\$26.20	\$31.44	\$36.68	Classified	Technicians	Non-Exempt	
Engineering Technician III	19	\$30.33	\$36.40	\$42.47	Classified	Technicians	Non-Exempt	
Engineering Technician IV	20	\$31.85	\$38.22	\$44.59	Classified	Technicians	Professional	1%
Equipment Maintenance Supervisor	22	\$35.11	\$42.14	\$49.16	Classified	First/Mid Offs & Mgrs.	Executive	1%
ERP Analyst	24	\$38.71	\$46.45	\$54.20	Classified	Professionals	Professional	1%
Evidence Technician	16	\$26.20	\$31.44	\$36.68	Classified	Technicians	Non-Exempt	
Executive Assistant	17	\$27.51	\$33.02	\$38.52	Classified	Admin Support Workers	Admin.	1%
Field Engineer	21	\$33.44	\$40.13	\$46.82	Classified	Professionals	Professional	1%
Finance Director	30	\$51.88	\$62.25	\$72.63	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
Fire and Emergency Services Director	33	\$60.05	\$72.06	\$84.07	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
Fire Data Analyst	18	\$28.89	\$34.67	\$40.44	Classified	Professionals	Non-Exempt	
Fire Logistics Technician	16	\$26.20	\$31.44	\$36.68	Classified	Admin Support Workers	Non-Exempt	
GIS/CADD Technician	17	\$27.51	\$33.02	\$38.52	Classified	Technicians	Non-Exempt	
Hanford Program Coordinator	20	\$31.85	\$38.22	\$44.59	Unclassified	First/Mid Offs & Mgrs.	Admin.	3%
Human Resources Generalist	20	\$31.85	\$38.22	\$44.59	Classified	Professionals	Professional	1%
Human Resources Manager	25	\$40.65	\$48.78	\$56.91	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Human Resources Technician	14	\$23.77	\$28.52	\$33.27	Classified	Professionals	Non-Exempt	

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City of Richland

Classification, Pay Grades and Salaries for Unaffiliated Employees

(Alphabetical)

Effective December 23, 2019

Classification Title	Pay Grade	Minimum Hourly	Midpoint Hourly	Maximum Hourly	Classification Status	EE0-4 Group Status	FLSA Status	Non-Match Def. Comp
Information Technology Manager	28	\$47.05	\$56.46	\$65.87	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
IT Applications Developer/Integrator	22	\$35.11	\$42.14	\$49.16	Classified	Professionals	Professional	1%
IT Applications Supervisor	26	\$42.68	\$51.22	\$59.75	Classified	First/Mid Offs & Mgrs.	Executive	1%
IT Business Analyst	21	\$33.44	\$40.13	\$46.82	Classified	Professionals	Professional	1%
IT Customer Service Supervisor	25	\$40.65	\$48.78	\$56.91	Classified	First/Mid Offs & Mgrs.	Executive	1%
IT Customer Service Technician I	16	\$26.20	\$31.44	\$36.68	Classified	Technicians	Non-Exempt	
IT Customer Service Technician II	18	\$28.89	\$34.67	\$40.44	Classified	Technicians	Non-Exempt	
IT Network Administrator	22	\$35.11	\$42.14	\$49.16	Classified	Professionals	Professional	1%
IT Operations Supervisor	26	\$42.68	\$51.22	\$59.75	Classified	First/Mid Offs & Mgrs.	Executive	1%
IT Systems Administrator	22	\$35.11	\$42.14	\$49.16	Classified	Professionals	Professional	1%
Librarian I	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Professional	1%
Library Assistant I	9	\$18.62	\$22.35	\$26.07	Classified	Admin Support Workers	Non-Exempt	
Library Assistant II	12	\$21.56	\$25.87	\$30.18	Classified	Admin Support Workers	Non-Exempt	
Library Manager	25	\$40.65	\$48.78	\$56.91	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Library Page	6	\$16.09	\$19.31	\$22.52	Classified	Admin Support Workers	Non-Exempt	
Library Supervisor	19	\$30.33	\$36.40	\$42.47	Classified	First/Mid Offs & Mgrs.	Executive	1%
Library Technical Support Specialist	15	\$24.96	\$29.95	\$34.94	Classified	Technicians	Non-Exempt	
Maintenance and Operations Supervisor	26	\$42.68	\$51.22	\$59.75	Classified	First/Mid Offs & Mgrs.	Executive	1%
Marketing Specialist	18	\$28.89	\$34.67	\$40.44	Classified	Professionals	Non-Exempt	
Office Coordinator	17	\$27.51	\$33.02	\$38.52	Classified	Admin Support Workers	Admin.	1%
Parks and Public Facilities Capital Projects Manager	24	\$38.71	\$46.45	\$54.20	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Parks and Public Facilities Contracts Administrator	18	\$28.89	\$34.67	\$40.44	Classified	Admin Support Workers	Non-Exempt	
Parks and Public Facilities Director	31	\$54.47	\$65.36	\$76.26	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
Parks and Public Facilities Project Manager	27	\$44.81	\$53.78	\$62.74	Classified	Professionals	Professional	1%
Parks and Public Facilities Supervisor	21	\$33.44	\$40.13	\$46.82	Classified	First/Mid Offs & Mgrs.	Executive	1%
Parks and Recreation Aide	6	\$16.09	\$19.31	\$22.52	Classified	Admin Support Workers	Non-Exempt	
Parks and Recreation Assistant	13	\$22.64	\$27.16	\$31.69	Classified	Admin Support Workers	Non-Exempt	
Parks and Recreation Coordinator	18	\$28.89	\$34.67	\$40.44	Classified	Admin Support Workers	Executive	1%
Payroll Specialist	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Non-Exempt	
Permit Technician	15	\$24.96	\$29.95	\$34.94	Classified	Technicians	Non-Exempt	
Planner	19	\$30.33	\$36.40	\$42.47	Classified	Professionals	Non-Exempt	
Planning Manager	25	\$40.65	\$48.78	\$56.91	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Plans Examiner	19	\$30.33	\$36.40	\$42.47	Classified	Professionals	Non-Exempt	

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City of Richland

Classification, Pay Grades and Salaries for Unaffiliated Employees

(Alphabetical)

Effective December 23, 2019

Classification Title	Pay Grade	Minimum Hourly	Midpoint Hourly	Maximum Hourly	Classification Status	EE0-4 Group Status	FLSA Status	Non-Match Def. Comp
Police Captain (1)	29	\$49.41	\$59.29	\$69.17	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Police Lieutenant (1)	25	\$40.65	\$48.78	\$56.91	Classified	First/Mid Offs & Mgrs.	Executive	3%
Police Quartermaster	16	\$26.20	\$31.44	\$36.68	Classified	Admin Support Workers	Non-Exempt	
Police Records Specialist	13	\$22.64	\$27.16	\$31.69	Classified	Admin Support Workers	Non-Exempt	
Police Records Supervisor	19	\$30.33	\$36.40	\$42.47	Classified	First/Mid Offs & Mgrs.	Executive	1%
Power Analyst	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Professional	1%
Professional Land Surveyor	19	\$30.33	\$36.40	\$42.47	Classified	Professionals	Non-Exempt	
Public Records Officer	17	\$27.51	\$33.02	\$38.52	Classified	Professionals	Non-Exempt	
Public Works Budget and Contracts Analyst	19	\$30.33	\$36.40	\$42.47	Classified	First/Mid Offs & Mgrs.	Executive	1%
Public Works Capital Projects Manager	27	\$44.81	\$53.78	\$62.74	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Public Works Director	33	\$60.05	\$72.06	\$84.07	Unclassified	Exec/Senior Offs & Mgrs.	Executive	4%
Purchasing Agent	20	\$31.85	\$38.22	\$44.59	Classified	Professionals	Professional	1%
Purchasing Manager	25	\$40.65	\$48.78	\$56.91	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Recreation Attendant I	Based on market assessment of current minimum wage				Classified	Admin Support Workers	Non-Exempt	
Recreation Manager	22	\$35.11	\$42.14	\$49.16	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Risk and Safety Program Administrator	21	\$33.44	\$40.13	\$46.82	Classified	Professionals	Professional	1%
Senior Planner	22	\$35.11	\$42.14	\$49.16	Classified	Professionals	Professional	1%
Solid Waste Collection Supervisor	21	\$33.44	\$40.13	\$46.82	Classified	First/Mid Offs & Mgrs.	Executive	1%
Streets Supervisor	21	\$33.44	\$40.13	\$46.82	Classified	First/Mid Offs & Mgrs.	Executive	1%
Survey Technician	16	\$26.20	\$31.44	\$36.68	Classified	Professionals	Non-Exempt	
Traffic Engineer	24	\$38.71	\$46.45	\$54.20	Classified	Professionals	Professional	1%
Transportation and Development Manager	26	\$42.68	\$51.22	\$59.75	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Wastewater/Stormwater Maintenance Supervisor	22	\$35.11	\$42.14	\$49.16	Classified	First/Mid Offs & Mgrs.	Executive	1%
Wastewater/Stormwater Manager	25	\$40.65	\$48.78	\$56.91	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Water Manager	25	\$40.65	\$48.78	\$56.91	Unclassified	First/Mid Offs & Mgrs.	Executive	3%
Water Operations Supervisor	22	\$35.11	\$42.14	\$49.16	Classified	First/Mid Offs & Mgrs.	Executive	1%

(1) With the approval of the Chief of Police, the Police Captain and Police Lieutenant positions may receive an eight percent (8%) base pay differential as Certification Pay for obtaining a Career Level Certification (CLC) Middle Management Level. In addition, employees assigned to Police Captain and Police Lieutenant positions may receive Education Incentive Pay of five percent (5%) for AA Degree or ten percent (10%) for BA Degree in job related fields of Police Science, Law Enforcement, Political Science, Business Administration, or comparable as determined by the Chief of Police.

Implementation of the 2018 Classification and Compensation study results necessitates certain employees be paid above the salary range maximums until such time as an amended Exhibit A incorporates incumbents' salary



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/19/2019

Agenda Category: Resolutions – Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 149-19, Authorizing a Grant Agreement with the Washington Traffic Safety Commission for High Visibility Enforcement Funding

Department:

Police Services

Ordinance/Resolution Number:

149-19

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 149-19, authorizing the City Manager to sign and administer the grant agreement with the Washington Traffic Safety Commission for funding to support high visibility enforcement activities by the Richland Police Department.

Summary:

The Washington Traffic Safety Commission Region 14 traffic safety task force has been awarded a grant to support collaborative efforts to conduct overtime high visibility enforcement (HVE).

With this agreement, the Richland Police Department is able to seek reimbursement of approved overtime expenses incurred as a participant in the region's HVE grant. The grant period is October 1, 2019 to September 30, 2020.

Fiscal Impact:

\$27,500 in funding is available to support high visibility enforcement activities.

Attachments:

1. Resolution No. 149-19
2. Draft Grant Agreement - Washington Traffic Safety Commission

RESOLUTION NO. 149-19

A RESOLUTION of the City of Richland authorizing a grant agreement with the Washington State Traffic Safety Commission for funding to support high visibility enforcement actions by Richland Police Department.

WHEREAS, the City of Richland is being offered grant funding, provided by the United States Department of Transportation (USDOT) National Highway Traffic Safety Administration (NHTSA), to conduct high visibility enforcement activities; and

WHEREAS, high visibility enforcement (HVE) incorporates enforcement strategies, such as enhanced patrols using visibility elements (e.g. electronic message boards, road signs, command posts, BAT mobiles, etc.) designed to make enforcement efforts obvious to the public; and

WHEREAS, the grant was awarded to the Region 14 traffic safety task force to support collaborative efforts to conduct overtime high visibility enforcement throughout Washington; and

WHEREAS, if approved, the Richland Police Department will seek reimbursement of approved overtime expenses incurred as a participant in the region's HVE grant to and through September 30, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a grant agreement with the Washington State Traffic Safety Commission for funding in support of high visibility enforcement actions by the Richland Police Department.

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

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

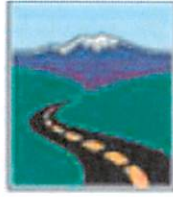
ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

TONI FULTON, Acting Deputy City Clerk

HEATHER KINTZLEY, City Attorney



Grant Requirements Acknowledgement Form for High Visibility Enforcement (HVE) Mobilizations

WEMS Grant ID: 2020-HVE-3774-Washington Traffic Safety Commission

This document is intended to guide law enforcement agencies, Target Zero Managers (TZM), and Law Enforcement Liaisons (LEL), in conducting overtime mobilizations funded by federal highway safety grant funds to address impaired driving, distracted driving, seat belt use, and motorcycle safety. These requirements are mandatory in accordance with signed HVE Interagency Agreements (IAA), and all exceptions to these requirements must be pre-approved by the Washington Traffic Safety Commission (WTSC) prior to the emphasis patrol(s).

This document highlights the key responsibilities of the SUB-RECIPIENT Project Manager, the WTSC, Target Zero Managers (TZM), and Law Enforcement Liaisons (LEL). This document does not replace the comprehensive information detailed in the IAA. The information in the IAA takes precedence over this document.

Before beginning work on this grant project, the SUB-RECIPIENT Project Manager should thoroughly read and understand the terms of the IAA. This Grant Requirements Acknowledgement Form provides an explanation of some key terms and highlights, but is not comprehensive. If the SUB-RECIPIENT Project Manager has questions after reviewing this document, please contact the WTSC Program Manager assigned to this grant.

When you, the grant Project Manager, acknowledge this document, you certify that you understand the grant requirements and agree to fully comply with the terms and conditions set forth in the IAA, as well as additional federal requirements outlined in the Code of Federal Regulations for Federal Grants and Agreements, as referenced below.

If anything in this document conflicts with the IAA, the IAA takes precedence.

PURPOSE AND METHODS OF HVE:

The objective of HVE campaigns is to change driver behavior by increasing the perceived risk of arrest. To do this, law enforcement agencies deploy saturation patrols – the concentration of a large number of officers in a small geographic area. These patrols should be publicized extensively and conducted regularly, as part of an ongoing saturation patrol program. This is achieved with:

- Increased law enforcement activities targeting specific driving violations. Law enforcement presence must appear to be greater than typical to create a real or perceived omnipresence. The enforcement plan is coordinated by the LEL and TZM.
- Public education and media activities coordinated by WTSC, TZM, and/or LEL

Funding from the WTSC supports overtime law enforcement activities to increase the number of officers enforcing impaired driving, distracted driving, motorcycle and occupant protection laws. The overtime law enforcement activities support the media effort by demonstrating to the public that the media messages are true, i.e. that saturation patrols (with a particular focus) are going on now, so that the public takes the media messages seriously. The media activities support the enforcement effort by encouraging voluntary compliance with the laws.

These funds, designated for salaries and benefits, are intended to pay for the hourly overtime costs and proportional amounts of fringe benefits of commissioned staff pursuing the activities described in the statement of work. These funds may not be used for any other purpose for example any work required to maintain a law enforcement commission including recertification trainings like firearm qualification.

DEFINITIONS:

High Visibility Enforcement (HVE): HVE is a proven strategy to reduce vehicular fatalities in serious injuries. There are 8 main components in the best practice model:

1. The event is planned by a local team
2. The event is data driven. Interest in the event originates by local recognition of a problem and the community's interest in responding to it.
3. The enforcement is multijurisdictional and uses a saturation approach
4. The public is aware of the event before, during, and after the enforcement takes place. It is important to note that these messages must reach all people in the community who use the transportation system.
5. Local media are engaged by the HVE planning team
6. Enforcement is highly visible – clearly more than a typical day.
7. The HVE event is evaluated.
8. The HVE event is supported by deployment of resources in the priority areas throughout the year when HVE is not being implemented.

SPECIFIC REQUIREMENTS:

Before beginning to work on this grant, you must have:

- A fully executed IAA or contract, signed by both parties.
- Attested to the Grant Requirements Acknowledgment Form (this document).

Work cannot begin before October 1, 2019, and before the IAA is signed by all parties.

Period of Performance: October 1, 2019 - September 30, 2020. All work must be completed no later than September 30, 2020.

SELECT CONTRACT PROVISIONS:

Scope of Work: The IAA includes detailed guidance for the allowable activities for this grant. By certifying this Grant Requirements Acknowledgment Form, the contact for the SUB-RECIPIENT for this grant certifies that they have reviewed this section of the IAA. To request changes, the SUB-RECIPIENT will need to send this request to the WTSC HVE Program Manager, and an IAA amendment may be required.

Period of Performance: October 1, 2019 - September 30, 2020. All work must be completed, and goods and services must be received, no later than September 30, 2020.

Compensation:

- All expenses must be incurred between October 1, 2019 and September 30, 2020.
- Expenses cannot exceed the total amount of the agreement, and must fall within the amounts of each budget category as listed in the IAA.
- Funds cannot be moved between planned budget categories.
- Upon agreement between the TZM and all other parties impacted by a proposed budget alteration, the allocation amounts may be increased or decreased without amending the IAA. These alterations must be requested through email communication between all involved parties, including the TZM and the WTSC Fiscal Analyst. Budget alterations should not be approved by the TZM if the proposed funding amounts cause a region's maximum funding amount to be exceeded in any HVE category, unless the WTSC HVE Program Manager pre-approves this budget adjustment.
- WTSC will reimburse for personnel overtime expenses at up to 150 percent of the officer's normal salary rate plus SUB-RECIPIENT's contributions to employee benefits, limited to the following: FICA, Medicare, any portion of L & I that is paid by the employer, and retirement contributions paid by the employer (only if the contribution is based on a percentage of hours worked).
- The SUB-RECIPIENT will provide law enforcement officers with appropriate equipment (e.g., vehicles, radars, breath testers, etc.) to participate in the emphasis patrols.
- Funding can be expended at the discretion of the region's traffic safety task force, so long as the funds are used for their originally intended purpose. Participation in statewide enforcement campaigns should be prioritized when possible.

HVE Mobilization Plans

Task forces are required to submit a plan for each HVE mobilization. This plan includes, but is not limited to, the following items:

- Statement of need
- Law enforcement agencies participating
- Enforcement strategy, including target violation and location(s)
- Communications strategy
- Evaluation plan

Impaired Driving Training Requirements:

The WTSC recognizes that most of the vehicular fatalities involving impaired include impairment by drugs. Because of this, the WTSC prefers officers who work these HVE mobilizations to be DRE or ARIDE trained. However, the minimum requirement for these HVE mobilizations are the following:

- Completed SFST training within the past three years
- Must have current BAC certification
- **Must have made a DUI/DWI arrest within the past twelve months, unless the officer participated in DUI mentoring. An exception to this requirement can be made to the HVE Program Manager.**

DUI Enforcement Mentoring

Statewide DUI and Flex Funding (during DUI mobilizations) can be used to support the professional growth of officers with limited exposure to impaired driving enforcement. With the approval of the region's TZM and WTSC, officers can participate in mentoring for impaired driving enforcement. Requirements for this use of funds include the following:

- WTSC approval for impaired driving mentorship is done through the HVE Mobilization Plan. Approval for mentorship must be received prior to the activity date.
- The training officer must be a Drug Recognition Expert trained officer. TZMs can submit a request for an officer who doesn't meet these requirements to be a mentor. This request must be detailed on the HVE Mobilization Plan.
- There must be a review of the SFST procedure prior to the enforcement activity.
- There is a limit of two times per year that an officer can be a mentee.
- Funds permitting, mentees will participate in at least one impaired driving mobilization after completing mentoring.
- Each region or county-level task force can set additional requirements for participation in this use of funding.
- To be eligible for this activity, the task force must have a policy for DUI Mentoring.
- Funding will pay for overtime for the mentor officer and the mentee officer.

Advance Payments Prohibited: WTSC cannot pay any funds in advance to the HVE mobilization before completing the work.

Agreement Alterations and Amendments:

- Any changes to the terms of an agreement must be mutually agreed upon by both parties and are often incorporated by written amendment to the agreement/contract. Such amendments shall only be binding if they are in writing and signed by personnel authorized to bind each of the parties.
- Exceptions to this include alterations to the budget and the Primary Contact for the agency listed in WEMS. The regional TZM has the authority to make these alterations if all affected parties agree to the changes.

Billing procedure:

The WTSC is currently developing functionality in WEMS to streamline enforcement activity and invoice submission. The WTSC requires that this functionality be used for billing when available. Instructions and requirements for using this functionality will be provided at a later date.

Prior to activity and invoice submission by the SUB-RECIPIENT in WEMS, the SUB-RECIPIENT shall submit monthly invoices for reimbursement to the TZM with supporting documentation, as WTSC shall require. The TZM will submit all approved invoices to the WTSC via WEMS within 10 days of receipt.

All invoices for reimbursement must include the following. Note – this will likely change when the new invoicing process is implemented.

- Form A-19 provided by WTSC or its pre-approved equivalent. The hourly rate of each officer included on the invoice must be identified.
- Emphasis Patrol Log for each officer
- WTSC's Overtime Log or the SUB-RECIPIENT's overtime approval sheets signed by the officer's supervisor

Payment to the SUB-RECIPIENT for approved and completed work will be made by warrant or account transfer by WTSC within 30 days of receipt of such properly documented invoices acceptable to WTSC. Upon expiration of the Agreement, any claim for payment not already made shall be submitted within 45 days after the expiration date of this Agreement. All invoices for goods received or services performed on or prior to June 30, 2020, **must be received by WTSC no later than August 10, 2020**. All invoices for goods received or services performed between July 1, 2020 and September 30, 2020, **must be received by WTSC no later than November 15, 2020**.

Buy America Act: For any manufactured goods over \$5,000, the SUB-RECIPIENT must provide written certification that the goods, including IT software and hardware, were produced in the USA. (This does not normally apply to HVE activities.)

Cost Principles: SUB-RECIPIENT cannot use grant funds to replace routine and/or existing staff or expenditures. Must comply with [2 CFR Part 200 Subpart E](#).

Income: Any and all program income earned by the SUB-RECIPIENT during the grant period from activities conducted as part of the grant (e.g., sale of publications, registration fees, service charges, etc.) must be fully accounted for and applied to project purposes or used to reduce project costs.

Lobbying/ Political Activity: Because this grant uses federal funds, no work being funded by this grant can be used to lobby or otherwise influence state or federal officials, or support or oppose legislation; there is an allowance for "customary state practice."

Records Maintenance: Maintain records pertaining to this agreement for 6 years after grant expiration.

STANDARDIZED FIELD SOBRIETY TEST (SFST) TRAINING REQUIREMENTS:

The agency certifies that all officers participating in these patrols are SFST trained and meet the following requirement:

- Officer must be BAC certified and have passed the SFST refresher training within the prior three years, or
- Officer must have successfully completed Advanced Roadside Impaired Driving Enforcement (ARIDE), or
- Officer must be a certified Drug Recognition Expert.
- **For impaired driving HVE mobilizations, there is one additional requirement: Officers must have made a DUI/DWI arrest within the past twelve months.**

PERFORMANCE REQUIREMENTS:

- All officers participating in HVE patrols are required to attend mobilization briefings if conducted.
- Participating law enforcement officers are required to make a minimum of three self-initiated contacts per hour of enforcement. The WTSC recognizes that some contacts may result in time-consuming enforcement-related activities and that sometimes this performance goal is not possible to attain. Failure to meet the performance goal does not automatically mean reduction in reimbursement for the activity. Officers who do not meet the performance goal should document the reason, will be reviewed by the TZM and LEL.
- Other activities, such as collision investigations or emergency response that are not initiated through emphasis patrol contact WILL NOT be reimbursed. Only traffic safety enforcement and correlated activity is allowable for reimbursement.
- All personnel who work HVE patrols must submit officer Emphasis Patrol Activity Logs to the regional TZM within 48 hours of the end of all shifts worked. The regional TZM will review, approve, and submit the reimbursement to WTSC for payment.

SHIFT LENGTH:

The law enforcement agency involved will not schedule individual officer overtime shifts for longer than eight hours. WTSC understands there may be instances when more than eight hours are billed due to DUI processing or other reasons.

RESERVE OFFICERS:

The law enforcement agency involved will ensure that any reserve officer for whom reimbursement is claimed has exceeded his/her normal weekly working hours when participating in an emphasis patrol and is authorized to be paid at the amount requested. Reserve officers may only be paid at the normal hourly rate and not at the 150 percent overtime rate.

DISPATCH:

WTSC will reimburse communications officers/dispatch personnel for work on these patrols only if the law enforcement agency has received prior approval from the designated TZM.

OTHER REQUIREMENTS:

Project Monitoring:

- **Site Visits:** These are conducted to review performance, compliance, and quality assurance. Site visits will be done at least once annually for all grants over \$100,000 and may be conducted on any grant of any size, if the Program Manager desires.
- Other important information can be shared via external email or WEMS Note message to the Program Manager. In your WEMS grant, click the Notes tab, and select "Note to Applicant". Type your note and click the blue Save button. These updates on achievements, issues, etc. are always welcome!

Promotional Item Purchase Restrictions: No promotional items can be purchased with these grant funds.

Single Audit Requirements: Required of an entity that expends \$750,000 or more annually of federal funds, federal grants, or federal awards; usually performed annually.

Time-Keeping Requirements: When requesting reimbursement for overtime costs, back-up documentation substantiating overtime must be provided.

RESPONSIBILITIES OF INVOLVED PARTIES:

WA Traffic Safety Commission:

- Provide funding.
- Provide state/local traffic fatality and serious injury data.
- Coordinate paid media activities at the state level for statewide and local mobilizations (when possible).
- Lead news media efforts for: Statewide Impaired Driving enforcement campaign, Statewide Distracted Driving enforcement campaign, Statewide Seat Belt enforcement campaign, and Motorcycle Safety enforcement patrols.
- Support news efforts for: DUI, Distracted, and Seat Belt Patrols
- Summarize HVE enforcement activity.
- Report results to the National Highway Traffic Safety Administration.

Target Zero Manager and Law Enforcement Liaison:

- Coordinate mobilization briefings.
- Lead news media and community outreach efforts for local mobilizations.
- Review and approve all IAAs, invoices, and other documentation submitted through the WTSC Enterprise Management System (WEMS), email or other approved submission methods, before submission to WTSC. This includes follow-up on incomplete invoicing

and Emphasis Patrol Activity Logs (such as those with unexplained low contact numbers). This expectation can be modified to better meet the needs of each region with approval from the WTSC HVE Program Manager.

- Facilitate HVE mobilization planning at Target Zero Task Force meetings.
- Submit HVE Mobilization Plan prior to local and statewide campaigns and submit evaluation data within one week of campaign closure.

Law Enforcement Agencies:

- Send a representative to local Target Zero Task Force meetings to plan mobilization locations and exact dates.
- Ensure availability of agency's media contact prior to and during all mobilization dates.
- Provide commissioned police officers (active or paid reserve) with appropriate equipment (e.g., vehicle, radar, etc.) to participate in multijurisdictional HVE patrols.
- Ensure that officers assigned to the HVE campaigns are qualified to enforce the impaired driving laws as outlined in this document.

By checking this box and typing your name below, you certify that you agree to fully comply with the terms and conditions set forth in the Agreement, as well as the requirements listed in this document. Typing your name below constitutes your electronic signature on this document.

☐

I Agree

(Name, Agency, Title)

(Date)

INTERAGENCY AGREEMENT**BETWEEN THE****WASHINGTON TRAFFIC SAFETY COMMISSION****AND****Richland Police Department**

THIS AGREEMENT is made and entered into by and between the Washington Traffic Safety Commission, hereinafter referred to as "WTSC," and **Richland Police Department**, hereinafter referred to as "SUB-RECIPIENT."

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof, the Parties mutually agree as follows:

1. PURPOSE OF THE AGREEMENT

The purpose of this Agreement is to provide funding, provided by the United States Department of Transportation (USDOT) National Highway Traffic Safety Administration (NHTSA) and allowed under the Assistance Listings Catalog of Federal Domestic Assistance (CFDA) numbers 20.600 and 20.616, for the SUB-RECIPIENT to participate in traffic safety grant project **2020-HVE-3774-Washington Traffic Safety Commission**, specifically to provide funding for the SUB-RECIPIENT to conduct overtime high-visibility enforcement (HVE) traffic safety emphasis patrols and related activities as outlined in the Statement of Work (SOW), in support of Target Zero priorities.

Grant 2020-HVE-3774-Washington Traffic Safety Commission was awarded to the **Region 14 traffic safety task force to support collaborative efforts to conduct overtime HVE activities**. By signing this agreement, the SUB-RECIPIENT is able to seek reimbursement for approved overtime expenses incurred as a participant in the region's HVE grant.

The Target Zero Manager (TZM) and/or the Law Enforcement Liaison (LEL) shall coordinate the SOW with the SUB-RECIPIENT with the goal of reducing traffic-related deaths and serious injuries.

2. PERIOD OF PERFORMANCE

The period of performance of this Agreement shall commence upon the date of execution by both Parties, but not earlier than October 1, 2019, and remain in effect until September 30, 2020, unless terminated sooner, as provided herein.

3. STATEMENT OF WORK

Note: This statement of work applies only to HVE emphasis areas for which your region has received HVE funding.

GOAL: To reduce traffic related deaths and serious injuries through education of impaired driving, occupant protection, speeding and distracted driving multijurisdictional HVE patrols throughout the state.

SCOPE OF WORK:

High Visibility Enforcement (HVE) is a proven strategy to reduce vehicular fatalities in serious injuries. There are 8 main components in the best practice model. The WTSC recommends following this model in order to most effectively use this funding.

1. The event is planned by a local team
2. The event is data driven. Interest in the event originates by local recognition of a problem and the community's interest in responding to it.
3. The enforcement is multijurisdictional and uses a saturation approach and participating officers make a large number of contacts during the event and issue infractions or citations to change public behavior around risky driving behaviors such as speeding, distracted driving and failing to use a seatbelt. The WTSC proposes that the default law enforcement response to a high risk driving behavior during an HVE event should be a citation/infraction.
4. The public is aware of the event before, during, and after the enforcement takes place. It's important to note that these messages must reach all target audiences, regardless of English proficiency in the community who use the transportation system.
5. Local media are engaged by the HVE planning team
6. Enforcement is highly visible – clearly more than a typical day.
7. The HVE event is evaluated
8. The HVE event is supported by deployment of resources in the priority areas throughout the year when HVE is not being implemented.

The SUB-RECIPIENT, along with the regional traffic safety task force, TZM, and LEL, are responsible for meeting these elements of HVE. The WTSC will conduct public education campaigns during national campaigns, but it is the responsibility of the SUB-RECIPIENT and task force to ensure that all elements of HVE are being met.

The statewide high visibility enforcement patrols are paired with media participation to engage, deter, and educate drivers about the impacts of making unsafe decisions when driving. Outreach efforts are supported by the WTSC during statewide HVE campaigns. Regional TZMs also support public outreach efforts during locally planned HVE events. Below are descriptions of the Scope of Work for each funding category. The WTSC accepts requests for modifications to the Scope of Work through the regional Target Zero Manager.

This grant provides funding for overtime HVE enforcement in a variety of emphasis areas: impaired driving, distracted driving, seat belt use, and motorcycle safety patrols.

Dispatch:

WTSC will reimburse communications officers/dispatch personnel for work on this project providing Agency has received prior approval from the designated TZM. This activity must be overtime and only the expenses listed in section 3.2 and its subsections will be reimbursed.

Enforcement Standard:

WTSC proposes that during enforcement, the default response of officers observing driving behaviors that contribute to serious injury and fatal collisions is the issuance of a citation or infraction. WTSC recognizes the need and value of officer discretion. While WTSC does not suggest mandatory enforcement on every contact, the goal of any enforcement activity is behavior modification.

HVE Enforcement Plan Requirement:

A HVE Mobilization Plan is required prior to all HVE activity. The local traffic safety task force and TZM are responsible for submitting this form to the WTSC HVE Program Manager prior to enforcement activities begin. This form serves as prior approval for HVE events and includes the following information:

- Problem Statement
- Description of enforcement strategy, including expected law enforcement agencies participating in the event, target violation, and target locations
- Public outreach strategy, to include how the multiple cultural groups in a community will be reached with these messages.
- Evaluation plan

Media Contacts:

All of these patrols are conducted as part of a highly publicized, educational effort. Publicity campaigns about these patrols are planned to alert the public to the fact that extra patrols are targeting these violations. The WTSC requests that the SUB-RECIPIENT posts traffic safety information to their web-based platforms during statewide and locally coordinated HVE mobilizations. **At least one individual from the SUB-RECIPIENT must be available for weekend media contacts, beginning at noon on Fridays before mobilizations.**

Standardized Field Sobriety Testing (SFST) Training Requirement:

The SUB-RECIPIENT certifies that all officers participating in these patrols are SFST trained. WTSC's expectation is that each participating officer will make one DUI arrest per shift. If this standard is not met, participating agencies must submit an explanation to the TZM explaining why this standard was not met. Officers must also meet the following requirements:

- Officer must be BAC certified and have passed the SFST refresher training within the prior three years, or
- Officer must have successfully completed Advanced Roadside Impaired Driving Enforcement (ARIDE), or
- Officer must be a certified Drug Recognition Expert.
- **For impaired driving HVE mobilizations, there is one additional requirement:**
 - **Officers must have made a DUI/DWI arrest within the past twelve months.**

The Following sections in the SOW are for specific enforcement emphasis areas:

Impaired Driving Enforcement:

Impaired driving (also referred to as Driving Under the Influence, or DUI) remains a top priority for the WTSC. Year after year, roughly 50% of WA's vehicular fatalities are due to impaired driving. HVE has been shown to reduce impaired driving fatalities when the model is followed.

Overtime Impaired driving enforcement patrols must be planned and coordinated by the regional traffic safety taskforce, including the TZM and LEL. The DUI patrols shall be deployed at locations where the data indicates that the most traffic safety benefit can be realized as determined by the local Traffic Safety Task Force. Except when prior approval is provided, impaired driving HVE must begin after 8:00 p.m and will occur Thursday-Sunday. The WTSC requires that impaired driving HVE patrols are done using multijurisdictional collaboration.

The priority for this funding is participation in the national campaigns:

- Holiday DUI Patrols – December 11 – January 2
- Drive Sober or Get Pulled Over – August 19 – September 7

The DUI patrols shall be deployed at locations where the data indicates that the most traffic safety benefit can be realized as determined by the local Traffic Safety Task Force. Except when prior approval is provided, impaired driving HVE must begin after 8:00 p.m. and will occur Thursday-Sunday.

Funding in this category can be expended outside of the campaign periods. However, the funds must only be used for impaired driving enforcement and during another national impaired driving enforcement campaign or other large local event. Participation during Holiday DUI Patrols and Drive Sober or Get Pulled Over should be prioritized when scheduling enforcement dates.

The WTSC encourages law enforcement agencies to use this funding to support the professional growth of officers with limited exposure to impaired driving enforcement. With the approval of the region's TZM and WTSC, officers can participate in mentoring for impaired driving enforcement. Requirements for this use of funds include the following:

- WTSC approval for impaired driving mentorship is done through the HVE Mobilization Plan. Approval for mentorship must be received prior to the activity date.
- The training officer must be a Drug Recognition Expert or ARIDE trained. TZMs can submit a request for an officer who doesn't meet these requirements to be a mentor. This request must be detailed on the HVE Mobilization Plan.
- There must be a review of the SFST procedure prior to the enforcement activity.
- There is a limit of two times per year that an officer can be a mentee.
- Funds permitting, mentees will participate in at least 1 impaired driving mobilization after completing mentoring.
- Each region or county-level task force can set additional requirements for participation in this use of funding.
- To be eligible for this activity, the task force must have a policy for DUI Mentoring.

- Funding will pay for overtime for the mentor officer and the mentee officer.
- Mentees should demonstrate their ability to make one DUI arrest per shift following their mentoring.

This funding can be used to conduct premise checks in bars and other establishments that sell alcohol. To be used for this purpose, the activity must meet the following requirements:

- Approval for this activity is done through the HVE Mobilization Plan. This plan must be received prior to the activity date. It should include details such as the estimated number of hours and officers who will be participating in this activity. It should also include a plan for what officers will discuss with the premise (Ex. distributing coasters, HVE dedication materials, mobilization creative, etc.)
- Each establishment is counted as one contact on the Officer Activity Log.
- The WA Liquor and Cannabis Board must be notified in advance of this activity to encourage collaboration and support.

These funds can be used for DUI warrant round-up events. Prior approval is needed for these activities and must include evidence of thorough planning.

Distracted Driving Enforcement:

With the State of Washington's distracted driving law, these patrols will be important to ensure through education and enforcement that drivers understand and are following the new law. These patrols shall be deployed at locations where the data indicates that the most traffic safety benefit can be realized as determined by the local Traffic Safety Task Force. Wherever possible these patrols shall occur in areas with the highest number of past distracted driving violations. The WTSC requires that distracted driving HVE patrols are conducted using a team approach with designated spotters. This approach has shown to best identify distracted driving violations. Minimum teams of 3 can conduct distracted driving HVE patrols – 1 spotter and at least 2 officers responding to violations.

In order to be eligible to receive distracted driving HVE funds in FFY2020, the SUB-RECIPIENT must have at least 1 citation issued during the FFY2019 On the Road Off the Phone campaign. Agencies that did not participate in the FFY2019 On the Road Off the Phone campaign are eligible for funding.

The priority for this funding is participation in the national campaign, On the Road Off the Phone, April 1 - 18, 2020. However, this funding can be expended outside of the national campaign, but the funds must only be used for distracted driving enforcement.

Seat Belt Use Enforcement:

Washington has one of the highest seatbelt use rates in the country, yet many of the state's vehicular fatalities and serious injuries involved unbelted drivers and passengers. Funding for seatbelt enforcement will be prioritized using data from WTSC's Research and Data Division, such as seatbelt use rates and fatal and serious injury data.

At this point, funding distribution has yet to be determined.

Motorcycle Safety Patrols

The SUB-RECIPIENT will engage in multijurisdictional HVE patrols, as part of the national effort, for all or part of the following campaign:

- It’s A Fine Line – July 10 – 26

These motorcycle safety patrols shall be deployed at locations where the data indicates that the most traffic safety benefit can be realized as determined by the local Traffic Safety Task Force. Patrols must take place Friday, Saturday, or Sunday during the It’s A Fine Line campaign.

Patrols should focus on the illegal and unsafe driving actions of motorcycles that are known to cause serious and fatal crashes. This includes impaired driving, speeding, and following too closely.

Patrols should also focus on the illegal and unsafe driving actions of all other motor vehicles when relating to motorcycles. This includes speeding, failure to yield to a motorcycle, following too closely to a motorcycle, distracted driving, etc.

Whenever possible, SUB-RECIPIENT should include motorcycle officers in these patrols.

3.1. MILESTONES AND DELIVERABLES

Mobilization	Dates
DUI Holiday Patrols	December 11 – January 2
Distracted Driving	April 1 – 18
Click It or Ticket	May 17 – 31
It’s A Fine Line	July 10 – 26
DUI Drive Sober or Get Pulled Over	August 19 – September 7

3.2. COMPENSATION

3.2.1. Compensation for the overtime work provided in accordance with this Agreement has been established under the terms of RCW 39.34. The cost of accomplishing the work described in the SOW will not exceed the total grant award for the region, unless agreed upon by WTSC and the SUB-RECIPIENT. The funding award for the SUB-RECIPIENT’S region is detailed in section 3.3.

These funds, designated for salaries and benefits, are intended to pay for the hourly overtime costs and proportional amounts of fringe benefits of commissioned staff pursuing the activities described in the statement of work. These funds may not be used for any other purpose for example any work required to maintain a law enforcement commission including recertification trainings like firearm qualification.

All law enforcement agencies who are active members of the Region 14 traffic safety task force are eligible to participate in this grant. Payment for satisfactory performance of the overtime work shall not exceed this amount unless the Parties mutually agree to a higher amount in a written Amendment to this Agreement executed by both Parties.

3.2.2. WTSC will reimburse for personnel overtime expenses at 150 percent of the officer's normal salary rate plus SUB-RECIPIENT's contributions to employee benefits, limited to the following:

- FICA
- Medicare
- Any portion of L & I that is paid by the employer (SUB-RECIPIENT)
- Retirement contributions paid by the employer (SUB-RECIPIENT) can be included if the contribution is based on a percentage of their hours worked

Health insurance, or any other benefits not listed above, are not eligible for reimbursement.

Comp-time is not considered overtime and will not be approved for payment.

The SUB-RECIPIENT will provide law enforcement officers with appropriate equipment (e.g., vehicles, radars, breath testers, etc.) to participate in the emphasis patrols.

3.3. SUMMARY OF PROJECT COSTS

The WTSC has awarded \$27,500.00 to the Region 14 traffic safety task force for the purpose of conducting coordinated overtime HVE activities. By signing this agreement, the SUB-RECIPIENT is able to seek reimbursement for approved overtime expenses incurred as a participant in this grant. All activity must be coordinated by the region's traffic safety task force and TZM in order to be eligible for reimbursement.

The funding for Region 14 is as follows:

Impaired Driving Patrols (Section 402, CFDA 20.600)	\$15,000.00
Distracted Driving Patrols (Section 402, CFDA 20.600)	\$12,500.00
Click It or Ticket (Section 405b, CFDA 20.616)	\$0.00
Motorcycle Safety (164 Funds, CFDA 20.608)	\$0.00

3.3.1. The funds issued under this Agreement are only to be used for the specified category and shall not be commingled between categories.

APPLICABLE STATE AND FEDERAL TERMS AND CONDITIONS:

4. PARTICIPATION REQUIREMENTS AND CONDITIONS

For each of the overtime emphasis patrols listed in the Statement of Work, the SUB-RECIPIENT will follow all protocols detailed in the "Multijurisdictional High Visibility Enforcement Protocols," which will be provided by the WTSC. Exceptions to these protocols must be pre-approved by the WTSC prior to the emphasis patrol(s).

5. PERFORMANCE STANDARDS

Participating law enforcement officers working overtime hours are expected to make a minimum of three self-initiated contacts per hour of enforcement. The WTSC recognizes that some contacts may result in time-consuming enforcement-related activities, and these activities are reimbursable. Other activities, such as collision investigations or emergency response that are not initiated through emphasis patrol contact WILL NOT be reimbursed.

6. ACTIVITY REPORTS

The SUB-RECIPIENT agrees to have all personnel who work HVE patrols submit an officer Emphasis Patrol Log to their regional TZM, or by other approved means, within 48 hours of the end of all shifts worked. These same logs will be associated with invoices as detailed in the "BILLING PROCEDURE" section. Use of the Officer Activity Log in the WTSC's online grant management system, WEMS, is required when the functionality is available in WEMS.

7. ADVANCE PAYMENTS PROHIBITED

No payments in advance of or in anticipation of goods or services to be provided under this Agreement shall be made by the WTSC.

8. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties in the form of a written request to amend this Agreement. Such amendments shall only be binding if they are in writing and signed by personnel authorized to bind each of the Parties. Changes to the budget, SUB-RECIPIENT'S Primary Contact, and WTSC Program Manager can be made through email communication and signatures are not required.

9. ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.

10. ASSIGNMENT

The SUB-RECIPIENT may not assign the work to be provided under this Agreement, in whole or in part, without the express prior written consent of the WTSC, which consent shall not be unreasonably withheld. The SUB-RECIPIENT shall provide the WTSC a copy of all third-party contracts and agreements entered into for purposes of fulfilling the SOW. Such third-party contracts and agreements must follow applicable federal, state, and local law, including but not limited to procurement law, rules, and procedures. If any of the funds provided under this Agreement include funds from NHTSA, such third-party contracts and agreements must include the federal provisions set forth in this Agreement in sections 34 through 42.

11. ATTORNEYS' FEES

In the event of litigation or other action brought to enforce the Agreement terms, each Party agrees to bear its own attorney fees and costs.

12. BILLING PROCEDURE

The WTSC is currently developing functionality in WEMS to streamline enforcement activity and invoice

submission. The WTSC requires that this functionality be used for billing when available. Instructions and requirements for using this functionality will be provided at a later date.

Prior to activity and invoice submission by the SUB-RECIPIENT in WEMS, the SUB-RECIPIENT shall submit monthly invoices for reimbursement to the TZM with supporting documentation, as WTSC shall require. The TZM will submit all approved invoices to the WTSC via WEMS within 10 days of receipt.

All invoices for reimbursement must include the following. . Note – this will likely change when the new invoicing process is implemented.

- Form A-19 provided by WTSC or its pre-approved equivalent. The hourly rate of each officer included on the invoice must be identified.
- Emphasis Patrol Log for each officer
- WTSC's Overtime Log or the SUB-RECIPIENT's overtime approval sheets signed by the officer's supervisor

Payment to the SUB-RECIPIENT for approved and completed work will be made by warrant or account transfer by WTSC within 30 days of receipt of such properly documented invoices acceptable to WTSC. Upon expiration of the Agreement, any claim for payment not already made shall be submitted within 45 days after the expiration date of this Agreement. All invoices for goods received or services performed on or prior to June 30, 2020, **must be received by WTSC no later than August 10, 2020**. All invoices for goods received or services performed between July 1, 2020 and September 30, 2020, **must be received by WTSC no later than November 15, 2020**.

13. CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

The SUB-RECIPIENT shall not use or disclose any information concerning the WTSC, or information which may be classified as confidential, for any purpose not directly connected with the administration of this Agreement, except with prior written consent of the WTSC, or as may be required by law.

14. COST PRINCIPLES

Costs incurred under this Agreement shall adhere to provisions of 2 CFR Part 200 Subpart E.

15. COVENANT AGAINST CONTINGENT FEES

The SUB-RECIPIENT warrants that it has not paid, and agrees not to pay, any bonus, commission, brokerage, or contingent fee to solicit or secure this Agreement or to obtain approval of any application for federal financial assistance for this Agreement. The WTSC shall have the right, in the event of breach of this section by the SUB-RECIPIENT, to annul this Agreement without liability.

16. DISPUTES

16.1. Disputes arising in the performance of this Agreement, which are not resolved by agreement of the Parties, shall be decided in writing by the WTSC Deputy Director or designee. This decision shall be final and conclusive, unless within 10 days from the date of the SUB-RECIPIENT's receipt of WTSC's written decision, the SUB-RECIPIENT furnishes a written appeal to the WTSC Director. The SUB-RECIPIENT's appeal shall be decided in writing by the Director or designee within 30 days of receipt of the appeal by the

Director. The decision shall be binding upon the SUB-RECIPIENT and the SUB-RECIPIENT shall abide by the decision.

16.2. Performance During Dispute. Unless otherwise directed by WTSC, the SUB-RECIPIENT shall continue performance under this Agreement while matters in dispute are being resolved.

17. GOVERNANCE

17.1. This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

17.2. In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

17.2.1. Applicable federal and state statutes and rules

17.2.2. Terms and Conditions of this Agreement

17.2.3. Any Amendment executed under this Agreement

17.2.4. Any SOW executed under this Agreement

17.2.5. Any other provisions of the Agreement, including materials incorporated by reference

18. INCOME

Any income earned by the SUB-RECIPIENT from the conduct of the SOW (e.g., sale of publications, registration fees, or service charges) must be accounted for, and that income must be applied to project purposes or used to reduce project costs.

19. INDEMNIFICATION

19.1. To the fullest extent permitted by law, the SUB-RECIPIENT shall indemnify and hold harmless the WTSC, its officers, employees, and agents, and process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, losses, damages, or costs of whatsoever kind ("claims") brought against WTSC arising out of or in connection with this Agreement and/or the SUB-RECIPIENT's performance or failure to perform any aspect of the Agreement. This indemnity provision applies to all claims against WTSC, its officers, employees, and agents arising out of, in connection with, or incident to the acts or omissions of the SUB-RECIPIENT, its officers, employees, agents, contractors, and subcontractors. Provided, however, that nothing herein shall require the SUB-RECIPIENT to indemnify and hold harmless or defend the WTSC, its agents, employees, or officers to the extent that claims are caused by the negligent acts or omissions of the WTSC, its officers, employees or agents; and provided further that if such claims result from the concurrent negligence of (a) the SUB-RECIPIENT, its officers, employees, agents, contractors, or subcontractors, and (b) the WTSC, its officers, employees, or agents, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the negligence of the SUB-RECIPIENT, its officers, employees, agents, contractors, or subcontractors.

19.2. The SUB-RECIPIENT waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend, and hold harmless the WTSC, its officers, employees, or agents.

19.3. The indemnification and hold harmless provision shall survive termination of this Agreement.

20. INDEPENDENT CAPACITY

The employees or agents of each Party who are engaged in the performance of this Agreement shall continue to be employees or agents of that Party and shall not be considered for any purpose to be employees or agents of the other Party.

21. INSURANCE COVERAGE

21.1. The SUB-RECIPIENT shall comply with the provisions of Title 51 RCW, Industrial Insurance, if required by law.

21.2. If the SUB-RECIPIENT is not required to maintain insurance in accordance with Title 51 RCW, prior to the start of any performance of work under this Agreement, the SUB-RECIPIENT shall provide WTSC with proof of insurance coverage (e.g., vehicle liability insurance, private property liability insurance, or commercial property liability insurance), as determined appropriate by WTSC, which protects the SUB-RECIPIENT and WTSC from risks associated with executing the SOW associated with this Agreement.

22. LICENSING, ACCREDITATION, AND REGISTRATION

The SUB-RECIPIENT shall comply with all applicable local, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of this Agreement. The SUB-RECIPIENT shall complete registration with the Washington State Department of Revenue, if required, and be responsible for payment of all taxes due on payments made under this Agreement.

23. RECORDS MAINTENANCE

23.1. During the term of this Agreement and for six years thereafter, the SUB-RECIPIENT shall maintain books, records, documents, and other evidence that sufficiently and properly reflect all direct and indirect costs expended in the performance of the services described herein. These records shall be subject to inspection, review, or audit by authorized personnel of the WTSC, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration. The Office of the State Auditor, federal auditors, the WTSC, and any duly authorized representatives shall have full access and the right to examine any of these materials during this period.

23.2. Records and other documents, in any medium, furnished by one Party to this Agreement to the other Party, will remain the property of the furnishing Party, unless otherwise agreed. The receiving Party will not disclose or make available this material to any third Parties without first giving notice to the furnishing Party and giving them a reasonable opportunity to respond. Each Party will utilize reasonable security procedures and protections to assure that records and documents provided by the other Party are not erroneously disclosed to third Parties.

24. RIGHT OF INSPECTION

The SUB-RECIPIENT shall provide right of access to its facilities to the WTSC or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government, at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Agreement. The SUB-RECIPIENT shall make available information necessary for WTSC to comply with the right to access, amend, and receive an accounting of disclosures of their Personal Information according

to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or any regulations enacted or revised pursuant to the HIPAA provisions and applicable provisions of Washington State law. The SUB-RECIPIENT shall upon request make available to the WTSC and the United States Secretary of the Department of Health and Human Services all internal policies and procedures, books, and records relating to the safeguarding, use, and disclosure of Personal Information obtained or used as a result of this Agreement.

25. RIGHTS IN DATA

25.1. WTSC and SUB-RECIPIENT agree that all data and work products (collectively called "Work Product") pursuant to this Agreement shall be considered works made for hire under the U.S. Copyright Act, 17 USC §101 et seq., and shall be owned by the state of Washington. Work Product includes, but is not limited to, reports, documents, pamphlets, advertisement, books, magazines, surveys, studies, computer programs, films, tapes, sound reproductions, designs, plans, diagrams, drawings, software, and/or databases to the extent provided by law. Ownership includes the right to copyright, register the copyright, distribute, prepare derivative works, publicly perform, publicly display, and the ability to otherwise use and transfer these rights.

25.2. If for any reason the Work Product would not be considered a work made for hire under applicable law, the SUB-RECIPIENT assigns and transfers to WTSC the entire right, title, and interest in and to all rights in the Work Product and any registrations and copyright applications relating thereto and any renewals and extensions thereof.

25.3. The SUB-RECIPIENT may publish, at its own expense, the results of project activities without prior review by the WTSC, provided that any publications (written, visual, or sound) contain acknowledgment of the support provided by NHTSA and the WTSC. Any discovery or invention derived from work performed under this project shall be referred to the WTSC, who will determine through NHTSA whether patent protections will be sought, how any rights will be administered, and other actions required to protect the public interest.

26. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement and prior to completion of the SOW under this Agreement, the WTSC may terminate the Agreement under the "TERMINATION FOR CONVENIENCE" clause, without the 30-day notice requirement. The Agreement is subject to renegotiation at the WTSC's discretion under any new funding limitations or conditions.

27. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

28. SITE SECURITY

While on WTSC premises, the SUB-RECIPIENT, its agents, employees, or sub-contractors shall conform in all respects with all WTSC physical, fire, or other security policies and applicable regulations.

29. TAXES

All payments of payroll taxes, unemployment contributions, any other taxes, insurance, or other such expenses for the SUB-RECIPIENT or its staff shall be the sole responsibility of the SUB-RECIPIENT.

30. TERMINATION FOR CAUSE

If the SUB-RECIPIENT does not fulfill in a timely and proper manner its obligations under this Agreement or violates any of these terms and conditions, the WTSC will give the SUB-RECIPIENT written notice of such failure or violation, and may terminate this Agreement immediately. At the WTSC's discretion, the SUB-RECIPIENT may be given 15 days to correct the violation or failure. In the event that the SUB-RECIPIENT is given the opportunity to correct the violation and the violation is not corrected within the 15-day period, this Agreement may be terminated at the end of that period by written notice of the WTSC.

31. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Agreement, either Party may terminate this Agreement, without cause or reason, with 30 days written notice to the other Party. If this Agreement is so terminated, the WTSC shall be liable only for payment required under the terms of this Agreement for services rendered or goods delivered prior to the effective date of termination.

32. TREATMENT OF ASSETS

32.1. Title to all property furnished by the WTSC shall remain property of the WTSC. Title to all property furnished by the SUB-RECIPIENT for the cost of which the SUB-RECIPIENT is entitled to be reimbursed as a direct item of cost under this Agreement shall pass to and vest in the WTSC upon delivery of such property by the SUB-RECIPIENT. Title to other property, the cost of which is reimbursable to the SUB-RECIPIENT under this Agreement, shall pass to and vest in the WTSC upon (i) issuance for use of such property in the performance of this Agreement, or (ii) commencement of use of such property in the performance of this Agreement, or (iii) reimbursement of the cost thereof by the WTSC in whole or in part, whichever first occurs.

32.2. Any property of the WTSC furnished to the SUB-RECIPIENT shall, unless otherwise provided herein or approved by the WTSC, be used only for the performance of this Agreement.

32.3. The SUB-RECIPIENT shall be responsible for any loss or damage to property of the WTSC which results from the negligence of the SUB-RECIPIENT or which results from the failure on the part of the SUB-RECIPIENT to maintain and administer that property in accordance with sound management practices.

32.4. If any WTSC property is lost, destroyed, or damaged, the SUB-RECIPIENT shall immediately notify the WTSC and shall take all reasonable steps to protect the property from further damage.

32.5. The SUB-RECIPIENT shall surrender to the WTSC all property of the WTSC upon completion, termination, or cancellation of this Agreement.

32.6. All reference to the SUB-RECIPIENT under this clause shall also include SUB-RECIPIENT's employees, agents, or sub-contractors.

33. WAIVER

A failure by either Party to exercise its rights under this Agreement shall not preclude that Party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement.

APPLICABLE CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS (23 CFR PART 1300 APPENDIX A):

34. BUY AMERICA ACT

The SUB-RECIPIENT will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using federal funds. Buy America requires the SUB-RECIPIENT to purchase only steel, iron, and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use federal funds to purchase foreign produced items, the WTSC must submit a waiver request that provides an adequate basis and justification, and which is approved by the Secretary of Transportation.

35. DEBARMENT AND SUSPENSION

Instructions for Lower Tier Certification

35.1. By signing this Agreement, the SUB-RECIPIENT (hereinafter in this section referred to as the “lower tier participant”) is providing the certification set out below and agrees to comply with the requirements of 2 CFR part 180 and 23 CFR part 1300.

35.2. The certification in this section is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

35.3. The lower tier participant shall provide immediate written notice to the WTSC if at any time the lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

35.4. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Covered Transactions sections of 2 CFR part 180.

35.5. The lower tier participant agrees by signing this Agreement that it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart

9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.

35.6. The lower tier participant further agrees by signing this Agreement that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions, and will require lower tier participants to comply with 2 CFR part 180 and 23 CFR part 1300.

35.7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

35.8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

35.9. Except for transactions authorized under paragraph 35.5. of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

35.10. The lower tier participant certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

35.11. Where the lower tier participant is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this Agreement.

36. THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

36.1. The SUB-RECIPIENT shall:

36.1.1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace, and shall specify the actions that will be taken against employees for violation of such prohibition.

36.1.2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the SUB-RECIPIENT's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug violations occurring in the workplace.

36.1.3. Make it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph 36.1.1. of this section.

36.1.4. Notify the employee in the statement required by paragraph 36.1.1. of this section that, as a condition of employment under the grant, the employee will abide by the terms of the statement, notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction, and notify the WTSC within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

36.1.5. Take one of the following actions within 30 days of receiving notice under paragraph 36.1.3. of this section, with respect to any employee who is so convicted: take appropriate personnel action against such an employee, up to and including termination, and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

36.1.6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

37. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

In accordance with FFATA, the SUB-RECIPIENT shall, upon request, provide WTSC the names and total compensation of the five most highly compensated officers of the entity, if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in federal awards, received \$25,000,000 or more in annual gross revenues from federal awards, and if the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986.

38. FEDERAL LOBBYING

38.1. The undersigned certifies, to the best of his or her knowledge and belief, that:

38.1.1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

38.1.2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal

contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

38.1.3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements), and that all sub-recipients shall certify and disclose accordingly.

38.2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

39. NONDISCRIMINATION (Title VI, 42 U.S.C. § 2000d et seq.)

39.1. During the performance of this Agreement, the SUB-RECIPIENT agrees:

39.1.1. To comply with all federal nondiscrimination laws and regulations, as may be amended from time to time.

39.1.2. Not to participate directly or indirectly in the discrimination prohibited by any federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR Part 21 and herein.

39.1.3. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the WTSC, USDOT, or NHTSA.

39.1.4. That, in the event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding Agreement, the WTSC will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies, and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part.

39.1.5. To insert this clause, including all paragraphs, in every sub-contract and sub-agreement and in every solicitation for a sub-contract or sub-agreement that receives federal funds under this program.

40. POLITICAL ACTIVITY (HATCH ACT)

The SUB-RECIPIENT will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

41. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

The SUB-RECIPIENT will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists. This Agreement does not include any aspects or elements of helmet usage or checkpoints, and so fully complies with this requirement.

42. STATE LOBBYING

None of the funds under this Agreement will be used for any activity specifically designed to urge or influence a state or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., “grassroots”) lobbying activities, with one exception. This does not preclude a state official whose salary is supported with NHTSA funds from engaging in direct communications with state or local legislative officials, in accordance with customary state practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

43. DESIGNATED CONTACTS

The following named individuals will serve as designated contacts for each of the Parties for all communications, notices, and reimbursement regarding this Agreement:

The Contact for the SUB-RECIPIENT is:	The Contact for the Target Zero Manager is:	The Contact for WTSC is:
	Jennifer Dorsett Region 14 Target Zero Manager Tzm14@wtscwa.com 509-851-1348	Jerry Noviello WTSC Program Manager jnoviello@wtsc.wa.gov 360-725-9897

44. AUTHORITY TO SIGN

The undersigned acknowledges that they are authorized to execute this Agreement and bind their respective agencies or entities to the obligation set forth herein.

IN WITNESS WHEREOF, the parties have executed this Agreement.

Richland Police Department	WASHINGTON TRAFFIC SAFETY COMMISSION
_____ Signature	_____ Signature
_____ Printed Name	_____ Printed Name
_____ Title	_____ Title
_____ Date	_____ Date