

CITY OF RICHLAND SMP UPDATE



Prepared for

City of Richland

Prepared by

Anchor QEA, LLC
8033 West Grandridge Boulevard, Suite A
Kennewick, Washington 99336

Prepared with assistance from

Berk Consulting, Inc.
Parametrix, Inc.

This report was funded through a grant from Washington State Department of Ecology

February 2014

(Updated per public comments received at or associated with the January 2014 Planning Commission hearing, the SEPA review, and the February 12, 2014 Planning Commission workshop)

Effective Date: May 3, 2016

1 City of Richland
2 Shoreline Master Program Update

3 Section I Amendment of Comprehensive Plan..... 2
4 Section Six of Comprehensive Plan 2
5 Shoreline Management..... 2
6 Goals and Policies 2
7 Section II Amendment of City of Richland Code Chapter 26 Shoreline Management 10
8 26.01 General Provisions 10
9 26.01.010 Short title..... 10
10 26.01.020 Purpose..... 10
11 26.01.030 Master program adopted. 10
12 26.01.040 Shoreline Program Review. 11
13 26.01.050 Annexations. 11
14 26.01.060 Amendments. 11
15 26.10 Shoreline Environment designations 11
16 26.10.001 Environment designation – Official map..... 12
17 26.10.010 Natural Environment..... 12
18 26.10.011 Purpose..... 12
19 26.10.012 Designation Criteria..... 12
20 26.10.013 Management Policies..... 12
21 26.10.020 Recreation Conservancy Environment 13
22 26.10.021 Purpose..... 13
23 26.10.022 Designation criteria..... 13
24 26.10.023 Management Policies..... 13
25 26.10.030 Recreation Environment 14
26 26.10.031 Purpose..... 14
27 26.10.032 Designation criteria..... 14
28 26.10.033 Management Policies..... 14
29 26.10.040 Rural Environment..... 15
30 26.10.041 Purpose..... 15
31 26.10.042 Designation criteria..... 15
32 26.10.043 Management policies. 15
33 26.10.050 Residential Environment..... 16

1	26.10.051	Purpose.....	16
2	26.10.052	Designation criteria.....	16
3	26.10.053	Management policies.....	16
4	26.10.060	Waterfront Use Environment.....	17
5	26.10.061	Purpose.....	17
6	26.10.062	Designation Criteria.....	17
7	26.10.063	Management Policies.....	17
8	26.10.070	Industrial Conservancy.....	17
9	26.10.071	Purpose.....	17
10	26.10.072	Designation Criteria.....	17
11	26.10.073	Management Policies.....	18
12	26.10.090	Aquatic Environment.....	18
13	26.10.091	Purpose.....	18
14	26.10.092	Designation Criteria.....	18
15	26.10.093	Management Policies.....	18
16	26.20	General Regulations.....	19
17	26.20.010	Shorelines of Statewide Significance.....	19
18	26.20.020	Ecological Functions, No Net Loss.....	21
19	26.20.030	Sensitive Areas.....	22
20	26.20.040	Shoreline Vegetation Conservation.....	22
21	26.20.050	Public Access.....	23
22	26.20.060	Signs.....	28
23	26.20.070	Archaeological Areas and Historic Sites.....	28
24	26.20.080	Water Quality, Stormwater, and Non-Point Pollution.....	29
25	26.20.090	Boat and Vessel Facilities.....	29
26	26.30	Use Regulations.....	35
27	26.30.010	Use and Dimensional Standards.....	35
28	26.30.011	Use Table.....	35
29	26.30.012	Bulk and Dimension Chart.....	41
30	26.30.013	Provisions for Additional Height in the Waterfront Environment.....	42
31	26.30.020	Agriculture.....	42
32	26.30.030	Aquaculture.....	43
33	26.30.040	Commercial Development.....	43
34	26.30.050	Industrial Development and Port Facilities.....	46

1	26.30.060	Marinas	46
2	26.30.070	Mining.....	48
3	26.30.080	Recreation	49
4	26.30.090	Residential development.....	51
5	26.30.100	Transportation Facilities	52
6	26.30.101	Utilities.....	54
7	26.40	Shoreline Modification Regulations	57
8	26.40.010	Shoreline Stabilization.....	57
9	26.40.020	Breakwaters, jetties, and groins	59
10	26.40.030	Flood Hazard Management.....	60
11	26.40.040	Clearing and Grading.....	61
12	26.40.050	Dredging and Dredge Material Disposal	61
13	26.40.060	In-stream Structures	63
14	26.50	Permit Administration and Enforcement	64
15	26.50.001	Administrator.....	64
16	26.50.010	Permit requirements	64
17	26.50.011	Coordination with Other Agencies	64
18	26.50.012	Development Compliance.....	64
19	26.50.020	Exemptions from Substantial Development Permit.....	65
20	26.50.021	Exemption Procedures	70
21	26.50.030	Shoreline Permit Application Procedures	70
22	26.50.040	Approval Criteria	71
23	26.50.050	Special Use Permit.....	72
24	26.50.060	Variances	73
25	26.50.070	Time Requirements for Shoreline Permits.....	74
26	26.50.080	Land Division	75
27	26.50.090	Construction Permit Compliance.....	76
28	26.50.100	Rulings to State.....	76
29	26.50.110	Appeals	76
30	26.50.120	Rescission of Permits.....	76
31	26.50.121	Violations - Penalties.....	77
32	26.50.140	Restoration Project Relocation of OHWM.....	77
33	26.50.150	Shoreline Moratorium.....	79
34	26.60	Sensitive Areas	79

1	26.60.010	General purpose and intent.	79
2	26.60.012	General applicability of these regulations.....	81
3	26.60.015	General relationship of regulations of one type of sensitive area protection to other	
4		regulations. 81	
5	Article II. Wetlands		81
6	26.60.020	Regulated activities in wetlands.....	81
7	26.60.021	Exemptions and allowed uses in wetlands.....	82
8	26.60.022	Wetland inventory maps.	83
9	26.60.023	Rating – Categories of wetland.....	83
10	26.60.024	Wetland buffer areas.....	83
11	26.60.025	Buffer Modifications.....	87
12	26.60.026	Wetland alteration and mitigation.....	89
13	26.60.027	Stormwater runoff.....	90
14	26.60.028	Mitigation standards, criteria, and plan requirements.....	90
15	26.60.029	Wetland mitigation plan requirements.....	94
16	26.60.030	Performance standards for wetlands mitigation planning.....	96
17	26.60.031	Wetland monitoring program and contingency plan.....	97
18	26.60.032	Unauthorized Alterations and Enforcement.....	98
19	Article III. Fish and Wildlife Habitat Areas		99
20	26.60.040	Exemption from fish and wildlife regulations.	99
21	26.60.041	Fish and wildlife habitat inventory maps.....	99
22	26.60.042	Fish and wildlife habitat buffer areas.....	100
23	26.60.043	Fish and wildlife habitat alteration.	103
24	26.60.044	Fish and wildlife habitat performance standards and incentives.	104
25	Article IV. Geologic Hazard Areas		105
26	26.60.050	Identification and definition.....	105
27	26.60.051	Applicability to geological hazards.	106
28	26.60.052	Geologic hazard inventory maps.	107
29	26.60.053	Preliminary assessment.....	107
30	26.60.054	Geologic reports and studies.....	107
31	26.60.055	Administrative evaluation of geologic reports and studies.....	107
32	26.60.056	Assurance.....	107
33	Article V. Critical Aquifer Recharge Areas Protection		108
34	26.60.057	Identification and definition.....	108

1	26.60.058	Critical Aquifer Recharge Area maps.....	108
2	26.60.059	General exemptions.	108
3	26.60.060	Reports and Studies	109
4	26.60.061	Performance Standards	110
5	26.60.062	Uses Prohibited in Critical Aquifer Recharge Areas	110
6	Article VI. Flood Hazard Areas.....		111
7	26.60.070	Identification and definition.....	111
8	26.60.071	Maps and References	111
9	26.60.072	Protection Standards	111
10	Article VII. General Information		112
11	26.60.080	General exemptions.	112
12	26.60.081	Permit process and application requirements.	112
13	26.60.082	Requirements of qualified consultants.....	116
14	26.60.083	Land divisions.....	116
15	26.60.084	General procedural provisions.	116
16	26.70	No special duty created.....	117
17	26.71	Severability.	117
18	26.80	Definitions	117
19	Section III	Amendment of City of Richland Code	134
20			
21			
22			

1 **City of Richland**
2 **Shoreline Master Program Update**
3 **DRAFT January, 2014**

4 This Draft Shoreline Master Program consists of three elements:

5 Section I Amendments to the City of Richland Comprehensive Plan

6 Section II Amendment of City of Richland Code, Title 26, Shoreline Management, which also
7 includes adoption of Section 26.60, Sensitive Areas as part of the program

8 Section III Amendment of City of Richland Code, Title 23 Zoning RMC 19.20.010 Procedures for
9 processing development permits, and RMC Chapter 23.66 Non-Conforming Uses.

10 Changes from the existing code text are indicated in red underlined format for insertions
11 and in ~~strikethrough~~ format for deletions.
12

1 **Section I Amendment of Comprehensive Plan**

2 The City of Richland Comprehensive Plan is hereby amended to add a new section within the
3 Land Use Element

4 **Section Six of Comprehensive Plan**

5 **Shoreline Management**

6 This section addresses goals and policies of the Shoreline Management Act of 1971 (Chapter
7 90.58 RCW); which was adopted by the voters of the state in recognition that the shorelines of
8 the state are among the most valuable and fragile of its natural resources, that ever increasing
9 pressures of additional uses are being placed on the shorelines necessitating increased
10 coordination in the management and development of the shorelines, that coordinated planning is
11 necessary in order to protect the public interest associated with the shorelines of the state while,
12 at the same time, recognizing and protecting private property rights consistent with the public
13 interest.

14 This local program is the product of a cooperative program of shoreline management between
15 local government and the state. The City has prepared an Inventory and Analysis of local
16 shoreline ecological, land use and other resources to provide the scientific basis of the program.
17 The goals and policies in this Comprehensive Plan section together with regulations provide the
18 city’s approach to applying to our unique circumstances the act’s policies of:

- 19 • The utilization of shorelines for economically productive uses that are particularly dependent on
20 shoreline location or use.
- 21 • The utilization of shorelines and the waters they encompass for public access and recreation.
- 22 • Protection and restoration of the ecological functions of shoreline natural resources.
- 23 • Protection of the public right of navigation and corollary uses of waters of the state.
- 24 • The protection and restoration of buildings and sites having historic, cultural, and educational
25 value.
- 26 • Planning for public facilities and utilities correlated with other shorelines uses.
- 27 • Prevention and minimization of flood damages.
- 28 • Recognizing and protecting private property rights.
- 29 • Coordination of Shoreline Management with other relevant local, state, and federal programs.

30 **Goals and Policies**

31 **SH Goal 1**

32 Economic Development: The City will allow private and public shoreline development that will
33 enhance the standard of living for the residents of the City of Richland with minimal disruption of the
34 natural environment, giving priority to those developments which are economically dependent upon

1 their location and use of the shorelines, and including other developments which provide an
2 opportunity for a substantial number of people to enjoy the shorelines.

3 **Policy 1**

4 The City recognizes that the majority of the shoreline within the city is and will remain public open
5 space and will work to ensure that shorelines continue to contribute to the qualities that make the city
6 a desirable place to live and work.

7 **Policy 2**

8 The City will encourage development of water-oriented recreational, cultural, and related commercial
9 facilities in appropriately designated Columbia River locations to enhance and diversify Richland’s
10 community recreational resources and its attractiveness to tourists. (Comprehensive Plan ED Goal 6,
11 Strategy 6.3.)

12 **Policy 3**

13 The City will promote a mix of uses in shoreline areas on North Columbia Point to increase public
14 access to shorelines, particularly on public properties, by developing and implementing parks,
15 recreation, and trails plans.

16 **Policy 4**

17 The City will work to assure that public access minimizes adverse impacts on adjacent properties,
18 including noise, trash, and other disturbance.

19 **Policy 5**

20 The City will work to encourage regional river transportation facilities in coordination with planning
21 efforts of the Tri-Cities Rivershore Enhancement Council and other agencies. (Comprehensive Plan
22 TE Goal 4, Policy 6.)

23 **SH Goal 2**

24 Shoreline Use: Assure that the shoreline areas of Richland are used in a manner which provides for
25 appropriate distribution and integration of activities, giving priority to developments and other
26 activities that are particularly dependent upon their location on or use of shorelines and water
27 resources as well as those which provide an opportunity for substantial numbers of people to enjoy
28 the shorelines, and which are planned and designed to minimize impact on shoreline environments.

1 **Policy 1**

2 The City will be guided in all uses and development on shorelines in the City, which are Shorelines of
3 Statewide Significance, by the policy of preserving the shorelines for the maximum long term benefit
4 of future generations.

5 **Policy 2**

6 The City will prefer water-dependent commercial uses over non-water-dependent commercial uses in
7 the shoreline environment and prefer water-related and water-enjoyment uses over non-water-
8 oriented commercial uses.

9 **Policy 3**

10 The City will allow over –water commercial uses only as an element of water-dependent
11 development.

12 **Policy 4**

13 The City will limit non-water-oriented commercial development to areas physically separated from
14 the shoreline, where navigability is restricted, or as part of a mixed-use project that provides public
15 access and/or ecological restoration benefits.

16 **Policy 5**

17 The City will provide for continued operation of the Port of Benton barging facility while preserving
18 the generally undeveloped nature of adjacent shoreline areas.

19 **Policy 6**

20 The City will limit non-water-oriented industrial development to areas physically separated from the
21 shoreline, where navigability is restricted, or as part of a project that provides public access or
22 ecological restoration benefits.

23 **Policy 7**

24 The City will ensure that new residential development is designed and located to minimize disruption
25 of shoreline resources, including native shoreline vegetation and aesthetic characteristics and not
26 result in a net loss shoreline ecological function.

27 **Policy 8**

28 The City will coordinate management of lands owned by the US Army Corps of Engineers and leased
29 to the city with the use and maintenance expectations incorporated in management plans adopted by
30 the Corps and other policies as well as the terms of specific leases.

1 **SH Goal 3**

2 **Conservation:**

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

6 **Policy 1**

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

10 **Policy 2**

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

14 **Policy 3**

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

18 **Policy 4**

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

23 **SH Goal 4**

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

1 **Policy 1**

2 The City will work with other jurisdictions, property owners, open space groups and all interested
3 parties to develop and implement regional and City parks, recreation, and trails plans and appropriate
4 implementation strategies. (See Comprehensive Plan OS-Policy 1)

5 **Policy 2**

6 The City will work to increase public access to shorelines, particularly on public properties, by
7 developing and implementing parks, recreation, or trails plans in appropriately designated locations.

8 **Policy 3**

9 The City will work to require and/or encourage public access as part of private shoreline development
10 in accordance with adopted parks and recreation plans, where appropriate, and in compliance with
11 constitutional limitations.

12 **Policy 4**

13 The City will work to provide public access and use of the Columbia River and Yakima River
14 shoreline in a manner that accommodates various uses but limits their impact on the natural
15 environment. (See Comprehensive Plan LU Goal 6.) Assure that public access improvements do not
16 result in a net loss of shoreline ecological functions.

17 **Policy 5**

18 The City will work to ensure that meeting the level of demand for public access as well as the use,
19 location, and design of facilities will comply with the following:

- 20 • Richland Comprehensive Land Use Element
- 21 • Richland Comprehensive Park and Recreation Facilities Element
- 22 • Richland Parks, Recreation, and Open Space Plan
- 23 • Sacagawea Heritage Trail Plan
- 24 • Tapteal Greenway Project Plan

25 **SH Goal 5**

26 **Recreation:**

27 Assure diverse, safe, convenient, and adequate recreational opportunities along the shorelines of the
28 City of Richland compatible with the natural shoreline system, to meet community and regional needs
29 of this area.

1 **Policy 1**

2 The City will work to encourage the use of publicly owned land for public access to the shoreline and
3 recreational development appropriate in intensity to the character and ecological sensitivity of the
4 site.

5 **Policy 2**

6 The City will work to ensure that recreational facilities and their associated access and circulation
7 systems are designed to minimize impacts on shoreline resources and will not result in a net loss of
8 shoreline ecological functions.

9 **Policy 3**

10 The City will ensure that water-dependent and water-related recreational development is preferred
11 over non-water-oriented recreational development in the shoreline. Non-water-oriented elements of
12 approved recreational facilities should be located upland from water-oriented uses whenever possible.

13 **Policy 4**

14 The City will work to ensure that recreational development protects sensitive natural resources and
15 scenic elements and may be restricted in Natural Shoreline Environmental Designations.

16 **SH Goal 6**

17 **Flood Damage:**

18 Recognize that flooding is a natural process occurring throughout the watershed but can have adverse
19 effects on human uses and development. The City will balance preservation of flooding processes
20 with flood hazard reduction measures depending on existing and planned development patterns.

21 **Policy 1**

22 The City will work to integrate flood hazard reduction provisions on applicable watershed
23 management plans, comprehensive flood hazard management plans, and other comprehensive
24 planning efforts, provided those measures are consistent with the Shoreline Management Act and this
25 program.

26 **Policy 2**

27 The City will manage existing flood control levees and other facilities in a manner that provides the
28 maximum habitat benefits consistent with maintaining the structural integrity and effectiveness of the
29 facilities.

1 **Policy 3**

2 On the Yakima River the City approach to flood hazard management will be to avoid locating
3 development that would be damaged by flooding to the maximum extent feasible. New development
4 should be located and designed to avoid the need for future flood protection.

5 **Policy 4**

6 Allow new structural flood hazard reduction measures only where demonstrated to be necessary to
7 protect existing development in situations where nonstructural measures are not feasible. New
8 structural flood hazard reduction measures shall be placed landward of riparian vegetation areas and
9 shall interfere as little as possible with channel migration. Impacts on ecological functions and
10 habitats must be successfully mitigated to assure no net loss.

11 **Policy 5**

12 Locate and design infrastructure, including utilities, roads, and bridges to interfere as little as possible
13 with floodplain functions.

14 **SH Goal 7**

15 **Circulation:**

16 Develop a safe and convenient shoreline circulation system to meet the needs for efficient movement
17 of people, consistent with the shoreline environments, located and designed to minimize adverse
18 impact on the environment.

19 **Policy 1**

20 The City will work to integrate public access on the shoreline with area wide non-motorized trail
21 plans to provide the maximum opportunities for shoreline pedestrian access. (See Comprehensive
22 Plan PTOSM Goal 4.)

23 **Policy 2**

24 The City will work to tailor the type of transportation facilities within the shoreline to the sensitivity
25 of shoreline ecological resources and locate and design new major circulation systems away from the
26 shoreline except for necessary crossings.

27 **Policy 2**

28 The City will work to integrate public physical and visual access into transportation facilities along
29 shorelines.

1 **SH Goal 8**

2 Historical Cultural: Identify, preserve, and enhance or restore areas and sites having significant
3 historic, cultural, educational, or scientific values.

4 **Policy 1**

5 The City will work with local groups and agencies, state and federal agencies and tribes to identify
6 and conserve cultural and historic sites and particularly will comply with US Army Corps of
7 Engineers requirements for preservation of cultural resources on lands managed by that agency or
8 leased to the city.

9 **Policy 2**

10 The City will work to prevent damage to any site containing archaeological resources or having
11 historic, cultural, scientific, or educational value and will work to conserve resources that contribute
12 to understanding of our heritage.

13 **Policy 3**

14 The City will abide by the provisions of all formal agreements entered into with the State Historic
15 Preservation Officer and local Native American organizations regarding identification and
16 preservation of historically and archaeologically significant sites.

17 **Policy 4**

18 The City will work to ensure that new development avoids areas documented to contain high
19 concentrations of archaeological or cultural resources and are designed to avoid damaging such
20 resources to the maximum extent feasible.

21

1 **Section II Amendment of City of Richland Code Chapter 26 Shoreline**
2 **Management**

3 **26 City of Richland Code Chapter 26 Shoreline Management is hereby amended to add a new**
4 **subsection under the following policies and regulations:**

5 **26.01 General Provisions**

6 **26.01.10 Short title.**

7 This title shall be known and may be cited as the “Richland shoreline master program” and is sometimes
8 hereinafter referred to as the “shoreline program.” [Ord. 55-79 § 1.01].

9 **Purpose.**

10 The purpose of the shoreline program is to implement the Shoreline Management Act of 1971 as now or
11 hereafter amended (Chapter [90.58 RCW](#)); and to provide for wise and proper management of shorelands,
12 wetlands, and water bodies in a manner that will allow present and future generations of users the
13 opportunity to enjoy water resources, consistent with the goals, policies and stated purposes of the
14 shoreline program while, at the same time, recognizing and protecting private property rights consistent
15 with the public interest. This title carries out the responsibilities imposed on the city of Richland by the
16 Shoreline Management Act of 1971 as now or hereafter amended by adopting the policies enunciated in
17 [RCW 90.58.010](#), the Richland shoreline master program, and in implementation thereof, the regulations
18 and administrative provisions contained herein. [Ord. 55-79 § 1.01].

19 **26.01.30 Master program adopted.**

20 The Richland shoreline master program consists of the following elements which are subject to review
21 and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090:

- 22 A. Comprehensive Plan Policies Shoreline Section of the Land Use Element
- 23 B. Regulations in City of Richland Municipal Code (RMC) Chapter 26 Shoreline Management
24 Regulations
- 25 C. Sensitive Area Regulations in RMC Chapter 22.10 as amended and incorporated into this
26 program as part of Chapter 26, specifically Section 26.60.
- 27 D. The Shoreline Restoration Element of the Shoreline Master Plan, of which one printed copy in
28 book form on file in the office of the City Clerk and made available for examination by the
29 general public, shall not be considered to contain regulations but shall be utilized as a guideline
30 for capital improvements planning by the City and other jurisdictions undertaking ecological
31 restoration activities within Shoreline Management Act jurisdiction.
- 32 E. Maps, including the Shoreline Environment Designation and Regulatory Reaches Map and the
33 map folio in the SMP Inventory, Analysis and Characterization Report, of which one original

1 copy is on file in the office of the City Clerk and made available for examination by the general
2 public, and another original copy of which is available at the Community Development
3 Department. Electronic copies may also be posted online at the City's website.

4 **26.01.40 Shoreline Program Review.**

5 The planning commission shall conduct an annual review of the shoreline program and shall recommend
6 to city council any changes or modifications deemed appropriate. After public hearing the city council
7 shall adopt, deny, or adopt with modifications the recommendations of the planning commission. The
8 shoreline master program is then sent to the Department of Ecology for final review and approval.

9 **26.01.50 Annexations.**

10 It is anticipated that future annexations to the city of Richland may include water bodies, shorelines, and
11 wetlands which are subject to the Shoreline Management Act of 1971, as amended. Areas within the
12 city's Urban Growth Area are assigned shoreline environmental designations in accordance with WAC
13 173-26-150. Policies and regulations of this program shall take effect concurrent with annexation. No
14 additional procedures are required by the city or the Department of Ecology for these provisions to have
15 full force and effect.

16 **26.01.60 Amendments.**

17 It is recognized that future amendments to the shoreline program may be necessary in the interest of the
18 health, safety, and general welfare of the citizens of Richland and the state of Washington. In addition to
19 the requirements of WAC 173-26-100, the following procedure shall be observed in amending the
20 shoreline program:

- 21 A. Proposed amendments to the regulations and boundaries set forth in this shoreline program shall
22 follow the procedures outlined in RMC [23.70.180](#) through [23.70.250](#) on forms provided by the
23 administrator.
- 24 B. There shall be established a mailing list of interested agencies, associations, and organizations to
25 be notified of any proposed amendments to the shoreline program. It shall be the responsibility
26 of the agency, association, or organization to indicate in writing their interest in being included on
27 the mailing list and their official mailing address.
- 28 C. Fees as set forth in the schedule of fees contained in RMC 19.80.020 shall accompany
29 applications for an amendment to the shoreline program.
- 30 D. No amendment to the shoreline program shall take effect without Department of Ecology review
31 and approval. [Ord. 55-79 § 1.01; Ord. 13-96; Ord. 28-05 § 1.13].

32 **26.10 Shoreline Environment designations**

33 Shoreline areas are classified into specific environment designations based on the existing use pattern, the
34 biological and physical character of the shoreline, and the goals and aspirations of the community as

1 expressed through the City of Richland Comprehensive plan. Lands not designated are assigned a
2 recreation conservancy environment designation.

3 **26.10.1 Environment designation – Official map.**

4 The shoreline environment designation map with regulatory reaches, and all amendments thereto adopted
5 as a part of the shoreline program in RMC 26.01.030, shall be filed in the office of the administrator and
6 may be viewed in the Development Services division. When uncertainty exists as to the exact location of
7 an environment boundary line, the rules of construction in RMC 23.08.050 shall apply.

8 **26.10.10 Natural Environment**

9 **26.10.11 Purpose.**

10 The designation of Natural Environments on Richland’s shorelines is to protect those shoreline areas that
11 are relatively free of human influence or that include intact or minimally degraded shoreline functions
12 intolerant of human use. These systems require that only very low intensity uses be allowed in order to
13 maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the
14 designation, the city will control the type and range of uses allowed and plan for restoration of degraded
15 shorelines within this environment.

16 **26.10.12 Designation Criteria**

17 The Natural Environment designation in Richland is assigned to shoreline areas that are relatively
18 ecologically intact due to a low level of human disturbance, or areas which have been disturbed in the
19 past but either have been isolated from human activity in the near past or are subject to a restoration
20 program designed to restore natural ecological processes and functions. These areas are relatively free of
21 structural shoreline modifications, structures, and intensive human uses.

22 **26.10.13 Management Policies**

23 In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal
24 interpretation of these regulations.

25 A. A use with associated levels of human activity that would degrade the ecological functions or
26 natural character of the shoreline area shall not be allowed.

27 B. The following new uses are not allowed in the Natural Environment:

28 1. Commercial uses.

29 2. Industrial uses.

30 3. Residential uses.

31 4. Non-water-oriented recreation other than public access, or water-oriented recreation uses
32 resulting in more than minor modification of shoreline vegetation and topography or in-
33 stream structure

1 5. Roads, parking areas and utility corridors and utility facilities that can be feasibly located
2 outside of "natural" designated shorelines.

3 C. Scientific, historical, cultural, educational, research uses, and very low-intensity water-oriented
4 recreational access uses may be allowed provided that no significant ecological impact on the
5 area will result.

6 D. Any activity or significant vegetation removal that would reduce the capability of vegetation to
7 perform normal ecological functions is not allowed.

8 **26.10.20 Recreation Conservancy Environment**

9 **26.10.21 Purpose.**

10 The Recreation Conservancy Environment on Richland’s shorelines seeks to satisfy some of the needs of
11 the community for low intensity recreation uses with minimal modification of the shoreline character.
12 The intensity of recreational uses should be designed to avoid alteration of existing vegetation as much as
13 feasible and introduce low levels of human use.

14 **26.10.22 Designation criteria.**

15 A. A Recreation Conservancy environment designation is assigned to public lands on the shoreline
16 which have been modified by past human uses or activities but retain a range of ecological
17 functions such that low intensity uses are most appropriate.

18 **26.10.23 Management Policies**

19 In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal
20 interpretation of these regulations.

21 A. Management plans for these lands shall strike an appropriate balance between enjoyment of these
22 areas and limiting potential adverse effects to aquatic areas, the land, associated vegetation, and
23 wildlife. Some areas have the character of natural open space and shall receive a higher level of
24 protection.

25 B. A use with associated levels of human activity that would degrade the ecological functions or
26 natural character of the shoreline area should not be allowed.

27 C. The following new uses are not allowed in the Recreation Conservancy Environment:

28 1. Commercial uses, except for low intensity activities which enhance public enjoyment of the
29 land

30 2. Industrial uses.

31 3. Residential use.

32 4. Recreation uses requiring more than minor modification of shoreline vegetation and
33 topography.

- 1 5. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a
- 2 substantial visual intrusion to users of the area.
- 3 6. Roads, parking areas and utility corridors and facilities that can be feasibly located outside of
- 4 shorelines.
- 5 D. Scientific, historical, cultural, educational, research uses, and low-intensity recreational access
- 6 uses including paved trails for regional trail systems or handicapped access may be allowed
- 7 provided that no significant ecological impact on the area will result. For the most part, soft
- 8 surface trails should be employed.
- 9 E. All activities or significant vegetation removal that would reduce the capability of vegetation to
- 10 perform normal ecological functions is not allowed.
- 11 F. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic
- 12 qualities and minimizes environmental impact.

13 **26.10.30 Recreation Environment**

14 **26.10.31 Purpose.**

15 The Recreation Environment on Richland’s shorelines is designed to satisfy the needs of the community

16 for higher intensity recreation uses including both water-oriented and non-water-oriented uses. This

17 environment includes existing and planned parks where native vegetation has been replaced by introduced

18 species for aesthetic enjoyment as well as for active areas such as informal lawn areas, picnic areas and

19 sports fields. The local community makes extensive use of developed parks along the shoreline for a

20 variety of recreation uses and strongly supports these areas. Water-oriented uses are preferred, but non-

21 water-oriented uses are allowed as long as the location and configuration does not substantially interfere

22 with enjoyment of the shoreline.

23 **26.10.32 Designation criteria.**

24 A Recreation Environment designation is assigned to public and private lands on the shoreline which

25 have been modified by past human uses or activities and are devoted primarily to the public enjoyment of

26 the shoreline and a variety of recreational activities.

27 **26.10.33 Management Policies**

28 In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal

29 interpretation of these regulations.

- 30 A. A use with associated levels of human activity that would substantially degrade existing
- 31 ecological functions of the shoreline area should not be allowed.
- 32 B. The intensity of uses within the shoreline should generally follow a gradation with lower intensity
- 33 uses nearer the shoreline and higher intensity uses at a greater distance, except for uses such as
- 34 boat launches that require a shoreline location.
- 35 C. The following new uses are not allowed in the Recreation Environment:

- 1 1. Industrial uses.
- 2 2. Commercial uses, except for franchises granted by the city which enhance public enjoyment
- 3 of the shoreline and the overall recreational setting.
- 4 3. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a
- 5 substantial visual intrusion to users of the area.
- 6 D. A wide variety of recreation uses are appropriate with a preference for water-oriented uses and
- 7 activities including beaches, in-water structures, boat launches and other facilities that enhance
- 8 the public enjoyment of the shoreline including active and passive uses such as boating, fishing,
- 9 birdwatching, and similar uses.
- 10 E. Non water-oriented recreation uses such as lawn areas and picnic areas that are enhanced by the
- 11 ability to enjoy the aesthetic qualities of the shoreline are the next priority.
- 12 F. Active recreation uses such as sports fields may be located within shoreline jurisdiction, provided
- 13 they do not displace opportunities for water-oriented uses. In general, such uses shall be located
- 14 more than 100 feet from OHWM, unless specific site conditions justify a closer location.
- 15 G. Structures that serve recreation and community uses including gymnasias and community centers
- 16 should be located outside shoreline jurisdiction unless specific site conditions justify a closer
- 17 location.
- 18 H. Roads and parking areas should be located as far from the water as feasible, preferably outside of
- 19 shoreline jurisdiction.
- 20 I. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic
- 21 qualities and minimize environmental impact.

22 **26.10.40 Rural Environment**

23 **26.10.41 Purpose.**

24 The designation of Rural Environments on Richland’s shorelines seeks to protect agricultural land and
25 other historically rural areas from pressures of urban expansion, provide buffer areas between urban areas,
26 protect ecological functions of the shoreline, and maintain open spaces and opportunities for recreational
27 and other uses compatible with agricultural activities.

28 **26.10.42 Designation criteria.**

29 The Rural Environment designation is applied to shoreline areas inside urban growth areas that are
30 designated by the Comprehensive Plan as agricultural or zoned agriculture, suburban agriculture, or
31 floodplain.

32 **26.10.43 Management policies.**

33 In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal
34 interpretation of these regulations.

- 1 A. Uses in the rural environment are limited to those which sustain the shoreline area's physical and
2 biological resources and uses of a nonpermanent nature that do not substantially degrade
3 ecological functions or the rural or natural character of the shoreline area.
- 4 B. Commercial and industrial uses are not allowed, except as directly related to agricultural use or
5 products, including sale of products grown on the premises;
- 6 C. Water-dependent and water-enjoyment recreation facilities are a preferred use, provided they do
7 not deplete the resource over time. Boating facilities, angling, wildlife viewing trails, and
8 swimming beaches, are preferred uses.
- 9 D. Residential subdivisions, including short plats, shall maintain an overall density of one dwelling
10 unit for every five acres.

11 **26.10.50 Residential Environment.**

12 **26.10.51 Purpose.**

13 The Residential Environment on Richland’s shorelines is designed to accommodate residential
14 development and appurtenant structures at a variety of housing types and population densities consistent
15 with the Comprehensive Plan and zoning. Protection is provided against hazards, objectionable
16 influences, traffic, building congestion, and lack of light, air, and privacy. Certain compatible public
17 service installations are permitted in residential use districts. An additional purpose is to provide
18 appropriate public access and recreational uses, particularly associated with multi-family use.

19 **26.10.52 Designation criteria.**

20 The Residential Environment designation is applied to shoreline areas inside urban growth areas that are
21 designated by the Comprehensive Plan as predominantly single-family or multifamily residential
22 development or are planned for residential development.

23 **26.10.53 Management policies.**

24 In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal
25 interpretation of these regulations.

- 26 A. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers,
27 shoreline stabilization, vegetation conservation, sensitive area protection, and water quality are
28 provided in this program and in zoning regulations to assure no net loss of shoreline ecological
29 functions, taking into account the environmental limitations and sensitivity of the shoreline area,
30 the level of infrastructure and services available, and other comprehensive planning
31 considerations.
- 32 B. Residential areas isolated from the shoreline by levees or by intervening land in public ownership
33 will have limited impact on shoreline resources and are not subject to standards such as buffers if
34 the use of the intervening land interrupts natural ecological functions.

1 **26.10.60 Waterfront Use Environment**

2 **26.10.61 Purpose.**

3 The Waterfront Use Environment is a special commercial and residential classification providing for the
4 establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices,
5 and other similar commercial, apartment, and multifamily uses which are consistent with waterfront
6 oriented development. This environment encourages mixed special commercial and high-density
7 residential uses to accommodate a variety of lifestyles and housing opportunities and enhances and
8 maintains existing ecological functions of shoreline and provides for maximum public access and
9 circulation.

10 **26.10.62 Designation Criteria**

11 The Waterfront Use Environment designation is applied to shoreline areas inside urban growth areas that
12 are designated by the Comprehensive Plan for waterfront use.

13 **26.10.63 Management Policies**

14 In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal
15 interpretation of these regulations.

- 16 A. Water-oriented shall be given highest priority for waterfront sites.
- 17 B. Mixed use, resort motel and hotel facilities, special commercial and similar uses are encouraged
18 to maximize public access and provide for aesthetic enjoyment of the shoreline for a substantial
19 number of people as a general characteristic of the use and through location, design, and
20 operation ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline.
- 21 C. Physical public access should be provided by the shoreline trail system.
- 22 D. Visual access should be provided by the shoreline trail system and by open space that provides
23 congregating areas for people to enjoy the aesthetic qualities of the shoreline, including seating
24 areas and compatible commercial uses.

25 **26.10.70 Industrial Conservancy**

26 **26.10.71 Purpose**

27 The Industrial Conservancy Environment is applied to the Port of Benton barging facilities in North
28 Richland to provide for transfer of waterborne cargos to land while maintaining the current generally
29 undeveloped condition of the shoreline area outside of those areas needed for port facilities.

30 **26.10.72 Designation Criteria**

31 The Industrial Conservancy Environment designation is applied to the Port of Benton site on the
32 Columbia River in North Richland.

1 **26.10.73 Management Policies**

2 In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal
3 interpretation of these regulations.

- 4 A. Water dependent use shall be given highest priority but should occupy only the area needed for
5 the water-related elements of the use.
- 6 B. Other industrial uses should be located outside of shoreline jurisdiction.
- 7 C. The shoreline trail should be maintained and enhanced through the site with provisions for
8 interruption of use only when the site is actively used for transfer of waterborne cargos.
- 9 D. The open space and ecological functions of the site, particularly the area between the shoreline
10 trail and the water should be maintained and enhanced.

11 **26.10.90 Aquatic Environment**

12 **26.10.91 Purpose.**

13 The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and
14 resources of the areas waterward of the ordinary high water mark (OHWM).

15 **26.10.92 Designation Criteria.**

16 The Aquatic Environment is defined as the area waterward of the ordinary high water mark of all streams,
17 rivers, and other water bodies constituting shorelines of the state, together with their underlying lands and
18 their water column; but does not include associated wetlands and other shorelands shoreward of the
19 ordinary high water mark. This designation is not found on the Shoreline Environment Map, but shall be
20 assigned based on the description above.

21 **26.10.93 Management Policies.**

- 22 A. Water-dependent uses and a limited range of water-oriented uses are allowed in the Aquatic
23 Environment as necessary to meet other objectives of this program, subject to allowed uses in
24 adjacent upland shoreline environment designations and provision of shoreline ecological
25 preservation and enhancement and public access.
- 26 B. New over-water structures are allowed only to serve water-dependent uses, public access, or
27 ecological restoration and should be limited to the minimum necessary to support the structure's
28 intended use. Multiple use of such structures may be required.
- 29 C. Transportation, utility facilities, and Essential Public Facilities may be allowed subject to
30 demonstration that no alternative location is feasible.
- 31 D. All uses should minimize interference with surface navigation, allow for the safe, unobstructed
32 passage of fish and wildlife, particularly those species dependent on migration, prevent water
33 quality degradation, avoid alteration of natural hydrographic conditions, and consider impacts to
34 public views.

1 E. Ecological enhancement is an allowed and preferred use.

2 **26.20 General Regulations**

3 **26.20.10 Shorelines of Statewide Significance**

4 A. Applicability: The Shoreline Management Act of 1971 designated certain shoreline areas as
5 shorelines of state-wide significance. Within Richland’s jurisdiction are shorelines of state-wide
6 significance. Shorelines thus designated are important to the entire state. Because these
7 shorelines are major resources from which all people in the state derive benefit, this jurisdiction
8 gives preference to uses which favor long-range goals and support the overall public interest.

9 B. Decision Criteria: Every project located on a Shoreline of State-Wide Significance shall address
10 the following criteria in order of preference in all permit review, in addition to other criteria
11 provided by this Program:

- 12 1. Recognize and protect the state-wide interest over local interests by:
 - 13 a. Recognizing and taking into account state agencies' policies, programs, and
14 recommendations in developing and administering use regulations and in approving
15 shoreline permits.
 - 16 b. Recognize the following statewide interest specific to the Columbia River:
 - 17 i. Protect, preserve and restore natural resources and ecological functions, including but
18 not limited those associated with endangered species or state priority species,
19 commercial and recreational fisheries, and tribal fishing rights;
 - 20 ii. Promote recreational use and public access;
 - 21 iii. Promote water-dependent port uses consistent with other goals of the program;
 - 22 c. Recognize the following statewide interest specific to the Yakima River:
 - 23 i. Preserve and restore ecological functions, particularly those associated with
24 endangered species, commercial and recreational fisheries, and tribal fishing rights;
 - 25 ii. Promote recreational use and public access;
- 26 2. Preserve the natural character of the shoreline.
 - 27 a. Designate and administer shoreline environments and use regulations to minimize
28 damage to the ecology and environment of the shoreline as a result of man-made
29 intrusions on shorelines.
 - 30 b. Upgrade and redevelop those areas where intensive development already exists in order
31 to reduce adverse impact on the environment and to accommodate future growth rather
32 than allowing high-intensity uses to extend into low-intensity use or underdeveloped
33 areas.
 - 34 c. Protect, preserve, and enhance diversity of vegetation and habitat values, wetlands, and
35 riparian corridors associated with shoreline areas.
- 36 3. Result in long-term over short-term benefit.

- 1 a. Evaluate the short-term economic gain or convenience of developments relative to the
2 long-term potential for impairment of natural shoreline functions.
- 3 b. In general, preserve resources and values of shorelines of state-wide significance for
4 future generations and restrict or prohibit development that would irretrievably damage
5 shoreline resources. Actions that would convert resources into irreversible uses or
6 detrimentally alter natural conditions characteristic of shorelines of statewide significance
7 should be severely limited. Restoration should be required where natural resources of
8 statewide importance are diminished over time by cumulative impacts.
- 9 c. Actively promote aesthetic considerations when contemplating new development,
10 redevelopment of existing facilities, or general enhancement of shoreline areas.
- 11 4. Protect the resources and ecology of the shoreline:
 - 12 a. Minimize development activity that will interfere with the natural functioning of the
13 shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values,
14 and water quality.
 - 15 b. All shoreline development should be located, designed, constructed, and managed to
16 avoid disturbance of and minimize adverse impacts to fish and wildlife resources,
17 including migratory routes and areas used for spawning, nesting, rearing, and habitat.,
 - 18 c. Restrict or prohibit public access onto areas with high ecological value which cannot be
19 maintained in a natural condition under intensive human use.
 - 20 d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and
21 gravel bars should be left undisturbed by shoreline development. Gravel mining should
22 be severely limited in shoreline areas.
 - 23 e. Preserve environmentally sensitive wetlands for use as open space or buffers and
24 encourage restoration of currently degraded areas.
- 25 5. Increase public access to publicly owned areas of the shoreline.
 - 26 a. Retain and enhance public access to the shoreline including passive enjoyment,
27 recreation, fishing, and other enjoyment of the shoreline and public waters consistent
28 with the enjoyment of property rights of adjacent lands.
 - 29 b. Give priority to developing a system of linear access consisting of paths and trails for
30 pedestrians and nonmotorized vehicles along the shoreline areas, providing connections
31 across current barriers such as highways and railroads, and connecting to upland parking
32 that enhance access to the community as a whole.
 - 33 c. Provide multi-purpose nonmotorized trail facilities also serving the mobility impaired
34 wherever feasible.
- 35 6. Increase recreational opportunities for the public on the shoreline.

- a. Plan for and encourage development of facilities for recreational use of the shoreline including boat launches while preserving or mitigating ecological functions.
- b. Retain and enhance public open space and parks along the shoreline to maximize public enjoyment while preserving ecological functions.

26.20.20 Ecological Functions, No Net Loss

- A. Shoreline land uses and activities that may have adverse impacts on the environment should be minimized during all phases of development (e.g. design, construction, management and use) to ensure no net loss of ecological functions and processes. Permitted uses are designed and conducted to minimize, in so far as feasible, any resultant damage to the ecology and environment. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance. In recognition of the importance of shorelines in an arid environment to a wide range of bird species, new construction and major renovation projects shall incorporate bird-friendly building materials and design features, including, but not limited to, those recommended by the American Bird Conservancy Guidelines for Bird-friendly Design.
- B. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:
 - 1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
 - 2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
 - 3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.
 - 4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.
 - 5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on-site or in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans may be authorized.
 - 6. Monitoring the adverse impact and taking appropriate corrective measures.

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

5 **26.20.30 Sensitive Areas**

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

- 8 Article I. General Introduction
- 9 Article II. Wetlands
- 10 Article III. Fish and Wildlife Habitat Areas
- 11 Article IV. Geologic Hazard Areas
- 12 Article V. Aquifer Protection Areas
- 13 Article VI. Flood Hazard Areas
- 14 Article VII. General Information

15 **26.20.40 Shoreline Vegetation Conservation**

16 In addition to the Sensitive Areas standards of Section 26.60, the following shall apply to development on
17 the shoreline:

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

- 1 3. Provide an integrated vegetation management plan for control of invasive weeds, and replace
- 2 existing invasive species with native or compatible species.
- 3 4. Provide a monitoring and maintenance plan. This provision may be waived for single family
- 4 residential lots.
- 5 C. In cases where approved development results in unavoidable adverse impacts to existing
- 6 shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of the
- 7 ecological functions. Mitigation shall take place on-site to the maximum extent feasible. A
- 8 guarantee, in the form of a bond or other security device, shall be required to assure successful
- 9 establishment including an appropriate monitoring period.
- 10 D. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased
- 11 or concurrent schedule assuring completion prior to occupancy is approved.
- 12 E. Lawns and other non-native vegetation maintained within shoreline jurisdiction shall minimize
- 13 use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical
- 14 treatments shall be applied in accordance with manufacturer’s recommendations and associated
- 15 local, state, and federal laws and regulations. Applications in solid time release form shall be
- 16 preferred over liquid or concentrate application. Best Management Practices (BMPs) shall be
- 17 implemented in all chemical applications.
- 18 F. Aquatic weed management by prevention is the first priority. Where active removal or
- 19 destruction is necessary, it should be the minimum required to allow water-dependent activities to
- 20 continue, minimize negative impacts to native plant communities, and include appropriate
- 21 handling or disposal of weed materials.
- 22 1. Aquatic weed control shall only occur when native plant communities and associated habitats
- 23 are threatened or where an existing water dependent use is restricted by the presence of
- 24 weeds. Aquatic weed control shall occur in compliance with all other applicable laws and
- 25 standards.
- 26 2. The control of aquatic weeds by derooting, rotovating or other method, which disturbs the
- 27 bottom sediment, shall be considered development for which a shoreline permit is required,
- 28 unless it will maintain existing water depth for navigation in an area covered by a previous
- 29 permit for such activity, in which case it shall be considered normal maintenance and repair
- 30 and therefore exempt from the requirement to obtain a shoreline permit.
- 31 3. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable
- 32 alternative exists and weed control is demonstrated to be in the public's interest.

33 **26.20.50 Public Access**

- 34 A. Public access on the Columbia River is currently provided by a nearly continuous Riverfront Trail
- 35 system developed by the city on public and private lands. Future public access on public and
- 36 private lands should be consistent with the overall strategy for providing continuous trails along
- 37 the shoreline. Future development may be required to reconfigure the existing trail to provide

1 enhanced public access and fit with specific development plans, including public and private open
2 space.

3 B. Public access on the Yakima River should be guided by the adopted City and regional trail plans.
4 Future public access on public and private lands should be consistent with the overall strategy for
5 providing continuous trails along the shoreline while taking into consideration the range of
6 ecological functions and sensitivities of different areas. Future development shall provide public
7 access consistent with the trail plan and may provide additional trails subsidiary to the main trail,
8 where such opportunities are available to provide enhanced public access and fit with specific
9 development plans, including public and private open space.

10 C. Physical public access is preferred to solely visual access. Where physical public access is
11 determined not feasible, the applicant shall incorporate visual public access. Visual public access
12 may consist of view corridors, viewpoints, or other means of visual approach to public waters.
13 Physical public access may consist of a dedication of land or easement and a physical
14 improvement in the form of a trail, park, or other area serving as a means of physical approach to
15 public waters.

16 D. All developments requiring Shoreline Substantial Development or Special Use Permits, and all
17 subdivision or development of more than four (4) lots or residential units shall provide public
18 access to the shoreline unless criteria (1) and (2) below are met:

19 1. The applicant demonstrates one or more of the following provisions apply:

- 20 a. Unavoidable health or safety hazards to the public would accompany public access that
21 cannot be avoided by application of alternative design features or other solutions;
- 22 b. Inherent security requirements of the use cannot be satisfied through the application of
23 alternative design features;
- 24 c. The cost of providing the access, easement, or an alternative amenity, or mitigating the
25 impacts of public access, is unreasonably disproportionate to the total long-term cost of
26 the proposed development;
- 27 d. Unacceptable environmental harm will result from the public access that cannot be
28 mitigated;
- 29 e. Significant undue and unavoidable conflict between any access provisions and the
30 proposed use and/or adjacent uses would occur and cannot be mitigated.
- 31 f. Public access is provided by a public entity through implementation of a public access
32 plan incorporated into its master plan, developed through a public participation process
33 and incorporated into this program.

34 2. Based on documentation provided by the applicant, the City determines that all reasonable
35 alternatives have been exhausted, including, but not limited to:

- 36 a. Limiting the size or placement of public access facilities;

- 1 b. Regulating access by such means as maintaining a gate and/or limiting hours of use;
- 2 c. Designing separation of uses and activities (e.g. fences, terracing, use of one-way
- 3 glazing, hedges, landscaping, etc.); and
- 4 d. Providing for access at a site geographically separated from the proposal including
- 5 contribution to regional trail or public access plans.
- 6 E. The following activities generally are not required to provide public access, except as determined
- 7 on a case-by-case basis as part of development review:
- 8 1. Single family development of four (4) or fewer units
- 9 2. Dredging
- 10 3. Landfill and excavation
- 11 4. Mining
- 12 5. Private docks serving four (4) or fewer units
- 13 6. Minor additions or changes to an existing use that does not change the configuration of the
- 14 existing use or add substantial facilities.
- 15 7. Ecological restoration or enhancement activities not associated with a development.
- 16 F. Specific provisions for public access shall be evaluated on a case-by-case basis to ensure that they
- 17 are of the kind, quality and scope to provide a substantial public benefit with respect to the
- 18 Shoreline Management Act's objectives and do not create a disproportionate impact on
- 19 landowners.
- 20 G. The amount and configuration of public access required shall depend on the proposed use(s) the
- 21 range of ecological functions and sensitivities of different areas on a site, the shoreline
- 22 environmental designation, and the following criteria:
- 23 1. Any development or use that creates increased demand for public access to the shoreline shall
- 24 provide public access to mitigate this impact.
- 25 2. Any development or use that interferes with an existing public access shall provide public
- 26 access to mitigate this impact.
- 27 3. Development within the waterfront environment is encouraged to provide public access in the
- 28 form of a public plaza meeting the criteria in RMC 26.30.40.F.2.
- 29 4. Uses and developments that utilize aquatic lands shall provide public access consistent with
- 30 maintaining the use and public safety. Public access shall be provided generally equivalent to
- 31 10 to 20 percent of the public harbor land or aquatic land utilized. Where over-water access
- 32 is found to be infeasible pursuant to subsection D of this Section upland on and off-site
- 33 facilities may be approved as an alternative. Single-family residential uses or uses that are
- 34 developed with public funding or other public resources are exempt from this criterion.
- 35 5. New or expanded dikes and levees shall provide linear public access trails along the facility.

- 1 6. Public roads or other public facilities parallel to or crossing shorelines shall provide public
2 access trails or sidewalks within the right-of-way. Additional right-of-way acquisition may
3 be required to provide public access.
- 4 7. Public utilities within the shoreline, other than distribution facilities, shall provide public
5 access consistent with maintaining the use and public safety.
- 6 H. Public access shall be consistent with the shoreline environmental designation and may consist of
7 a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck,
8 observation tower, pier, boat-launching ramp, dock or pier area, or other area serving as a means
9 of view and/or physical approach to public waters and may include interpretive centers and
10 displays. Public access improvements shall meet the following location and design criteria:
- 11 1. Public access shall be provided as close (horizontally and vertically) as feasible to the water's
12 edge to provide the general public with opportunity to reach, touch, view, and enjoy the
13 water's edge, provided that public access does not adversely affect sensitive ecological
14 features or lead to an unmitigated reduction in ecological functions.
- 15 2. If open space is provided along the shoreline in the form of Sensitive Area buffers, and public
16 access can be provided in a manner that will not result in a loss of ecological function, a
17 public pedestrian access walkway along and parallel to the waterfront of the property is the
18 preferred design. The walkway shall be set back from sensitive features and may provide
19 only limited and controlled access to the water's edge. Fencing may be provided to control
20 damage to plants and other sensitive features and shall provide for wildlife movement. Soft
21 surface trails and limited width should be specified, where appropriate, to reduce impacts to
22 ecologically sensitive resources.
- 23 3. Public access shall be connected directly to the nearest public street; shall include provisions
24 for handicapped and physically impaired persons where feasible and where additional impact
25 on ecological functions will not occur; and shall be located adjacent to and connect with other
26 public areas, accesses, and connecting trails;
- 27 4. Where physical access to the water's edge is not present or appropriate, a public viewing area
28 shall be provided in cases where views of the water or shoreline are available
- 29 5. In natural open space zones, the need for trails for ADA access should be balanced with the
30 extent of alteration of the natural environment required to accommodate such facilities.
- 31 6. Design shall minimize intrusions of privacy for both site users and public access users by
32 avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or
33 other separation techniques.
- 34 7. Design shall provide for the safety of users, including the control of offensive conduct
35 through providing public visibility (not including removal of buffer vegetation), or provision
36 of specific oversight. The administrator may authorize public access to be temporarily closed
37 to develop a program to address offensive conduct. If offensive conduct cannot be
38 reasonably controlled, alternative facilities may be approved as a permit revision.

- 1 8. Public amenities appropriate to the use of the public access space shall be provided. These
- 2 amenities can include, but are not limited to benches, picnic tables, public docks, and
- 3 sufficient public parking.
- 4 9. Public restrooms and facilities for animal waste may be required as part of public access
- 5 amenities for developments by public entities or commercial developments that attract a
- 6 substantial number of persons.
- 7 I. View Protection
- 8 1. Shoreline development and shall be designed to avoid blocking, reducing, or adversely
- 9 interfering with the public's existing visual access to the water and shorelines.
- 10 2. Development and uses on public lands such as parks, open space, street ends, rights-of-way
- 11 and utilities shall provide visual access corridors where views of water bodies are available
- 12 from public roadways and public viewpoints to the extent feasible consistent with facilities
- 13 for water-dependent use or recreation use and maintenance of native vegetation buffers for
- 14 Sensitive Areas.
- 15 J. Public access shall be maintained over the life of the use or development. Future actions by the
- 16 applicant successors in interest or other parties shall not diminish the usefulness or value of the
- 17 public access provided.
- 18 1. Required public access sites shall be fully developed and available for public use at the time
- 19 of occupancy of the use or activity or in accordance with provisions for guaranteeing
- 20 installation through a performance assurance.
- 21 2. Public access provisions shall be recorded as an easement, or a dedication to the public on the
- 22 face of a plat or short plat. Said recording with the County Auditor's Office shall occur at the
- 23 time of building permit approval or plat recordation, whichever comes first.
- 24 3. Maintenance of the public access shall be the responsibility of the owner unless specifically
- 25 accepted by a public or non-profit agency.
- 26 4. The minimum width of public access easements shall be 15 feet, unless the city determines
- 27 that undue hardship would result. In such cases, easement width may be reduced only to the
- 28 minimum extent necessary to relieve the hardship.
- 29 5. Public access shall be available to the public 24 hours per day unless specific exceptions are
- 30 granted though the substantial development permit process where safety hazards to users or
- 31 adjacent uses are substantiated.
- 32 6. Public access signs bearing the standard state approved logo or other approved design shall
- 33 be installed and maintained by the applicant and owner. The sign(s) must indicate the
- 34 public's right of access and hours of access, and shall be installed in conspicuous locations at
- 35 public access sites. Signs may display restrictions of public access as approved by a specific
- 36 condition of permit approval.

1 K. Public access afforded by shoreline street ends, public utilities and rights-of-way shall be
2 preserved, maintained and enhanced pursuant to RCW 35.79.035 and RCW 36.87.130.

3 **26.20.60 Signs**

4 A. All signs shall be located and designed to be compatible with the aesthetic quality of the existing
5 shoreline and adjacent land and water uses. Signs shall minimize interference with vistas,
6 viewpoints, and visual access to the shoreline.

7 B. All signs shall be permitted in accordance with the procedures of RMC Title 27 in addition to this
8 program.

9 C. Freestanding commercial signs are prohibited between buildings and the shoreline, except for
10 public information signs.

11 D. Except where no feasible location outside of SMA jurisdiction is available, signs placed in SMA
12 jurisdiction should be limited to public information signs directly relating to a shoreline use or
13 activity, water navigational signs, and legally required highway and railroad signs necessary for
14 operation, safety and direction.

15 E. Over-water signs or signs on floats or pilings shall be allowed only when serving a related water-
16 dependent use and only when the primary users of the facility approach by water and would not
17 be served by land-mounted signs.

18 F. Lighted signs shall be hooded, shaded, or aimed so that lighting will not result in glare when
19 viewed from public access facilities or watercourses.

20 G. Conceptual sign plans and design guidelines shall be submitted for review and approval at the
21 time of shoreline permit application and shall be utilized in future review of sign permits for the
22 property.

23 H. Signs shall not be permitted where their location or design obstructs or otherwise interferes with
24 traffic movement or where the location or orientation unnecessarily interferes with upland users.

25 **26.20.70 Archaeological Areas and Historic Sites.**

26 Included on Richland shorelines are areas known to be of significant archaeological and historic value.
27 The Washington Department of Archaeology and Historic Preservation is recognized as the authority on
28 matters concerning areas recorded as important archaeological or historic sites. In addition Memoranda
29 of Understanding with tribes should apply in accordance with the terms of such agreement.

30 A. Prior to approval of any permit requests, the planning and inspection services department of the
31 City of Richland shall consult with the office of archaeology and historic preservation for the
32 purpose of identifying potentially valuable archaeological data and for recommendations
33 concerning preservation or salvage of the data identified.

34 B. Developers and property owners shall, in the event of discovery of archaeological resources
35 during excavation, immediately stop work and notify the City of Richland and the Washington

1 State Department of Archaeology and Historic Preservation. Development may resume only after
2 approval by the Department of Archaeology and Historic Preservation (DAHP). The City or
3 DAHP should notify tribes if the nature of the resource warrants.

4 C. Where a professional archaeologist or historian recognized by the State of Washington, has
5 identified an area or site as having significant cultural value, or where such area is listed on a
6 National, State, or local historic register, the City may require evaluation of the resource and
7 application of appropriate mitigation measures as a condition of permit issuance.

8 D. Permits for development in shoreline areas documented to contain archaeological resources shall
9 require inspection of the site prior to and during construction by a professional archaeologist in
10 coordination with potentially affected Indian tribes.

11 **26.20.80 Water Quality, Stormwater, and Non-Point Pollution**

12 A. All development activities approved under this Title shall be designed and maintained in a
13 manner consistent with the City's Stormwater Management Plan and adopted Engineering Design
14 Standards. All proposed stormwater control and stormwater discharges shall be in compliance
15 with the latest Department of Ecology Stormwater Manual for Eastern Washington.

16 B. Shoreline development shall be designed and maintained to minimize the need for chemical
17 treatments, including application of fertilizers, pesticides, and herbicides, in order to prevent
18 contamination of surface and groundwater resources.

19 C. All structures placed within water bodies or that may come in contact with water shall be
20 constructed of materials that will not adversely affect water quality or aquatic plants and animals.
21 Materials treated with creosote are prohibited in the shoreline environment.

22 **26.20.90 Boat and Vessel Facilities**

23 A. All boating uses, development, and facilities shall protect the rights of navigation and shall
24 demonstrate that they result in no net loss of ecological functions and may be required to provide
25 on-site and off-site mitigation.

26 B. Shared moorage serving single family use consisting of docks and piers with more than 4 berths,
27 commercial moorage available to the general public, and moorage related to clubs or other groups
28 not associate with a particular residential development are regulated as marinas under section
29 26.30.060.

30 C. Joint-use/shared docks and piers with 4 or fewer berths or any number of mooring buoys are
31 regulated under this section.

32 D. Boating facilities shall avoid:

33 1. Braided or meandering river channels where the channel is subject to change in alignment or
34 on point bars or other accretion beaches.

35 2. Areas where shoreline modification is required for approach and other upland facilities.

- 1 3. Locations where they would adversely impact upland riparian or nearshore habitat for aquatic
- 2 species,
- 3 4. Locations where they would adversely affect flood channel capacity or create a flood hazard;
- 4 and
- 5 5. Locations where water depths for vessels are not adequate without dredging;
- 6 E. Boating facilities, except those accessory to single family residences, shall provide public access
- 7 in accordance with Section 26.20.050 Public Access of this program and shall be located and
- 8 designed such that existing public access to public shorelines is not obstructed nor made
- 9 hazardous.
- 10 F. All in- and over-water structures shall be constructed of materials that will not adversely affect
- 11 water quality or aquatic plants and animals over the long term. Wood treated with creosote,
- 12 pentachlorophenol, or other similarly toxic materials is prohibited. Docks generally shall be
- 13 constructed of untreated materials, such as untreated wood, approved plastic composites,
- 14 concrete, or steel.
- 15 G. Vessels shall be restricted from extended mooring on waters of the state except as allowed by
- 16 state regulations and unless a lease or other permission is obtained from the state and impacts to
- 17 navigation and public access are mitigated.
- 18 H. Boat Launches:
- 19 1. Boat launches accessory to single family and multi-family residential uses are prohibited.
- 20 2. Private boat launches shall be allowed only for water-dependent uses and marinas and only
- 21 when it is demonstrated that public boat launches will not feasibly serve the use. Rail and
- 22 track systems shall be preferred over concrete ramps.
- 23 3. New public boat launches for general public use, or expansion of public boat launches by
- 24 adding launch lanes shall demonstrate that:
 - 25 a. Water depths are adequate to avoid the need for dredging and eliminate or minimize
 - 26 potential loss of shoreline ecological functions or other shoreline resources from offshore
 - 27 or foreshore channel dredging.
 - 28 b. Adjacent residential properties will not be adversely affected by adverse proximity
 - 29 impacts such as noise, light and glare, or scale and aesthetic impacts. Fencing or
 - 30 landscape areas may be required to provide a visual screen.
 - 31 c. Exterior lighting will not adversely impact aquatic species.
 - 32 d. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in
 - 33 compliance with applicable health regulations.
 - 34 e. Access and parking shall not produce traffic hazards, shall not result in excessive noise or
 - 35 other impacts, shall minimize traffic impacts on nearby streets, and shall include adequate
 - 36 parking for boat trailers. Parking on public streets may be allowed for peak periods if it

1 is demonstrated that such parking will not adversely impact through traffic or residential
2 uses.

3 I. New moorage to serve a single family residence may be allowed only if:

- 4 1. An applicant demonstrates that existing facilities (boat launches and public and private
5 marinas) are not reasonably available to meet demand.
- 6 2. The lot does not have access to shared moorage in an existing subdivision and there is no
7 homeowners association or other corporate entity capable of developing shared moorage.
- 8 3. In cases where new dock or pier is approved, the city may require an agreement to share with
9 nearby residences with water frontage and provide for expansion to serve such additional
10 users.

11 J. A dock or pier serving a single family residence shall meet the following standards:

12 1. Piers and ramps

- 13 a. To prevent damage to shallow-water habitat, piers and/or ramps shall extend at least 40
14 feet perpendicular from the ordinary high water mark (OHWM). In some instances and
15 sites, it may not be practical to extend a ramp 40' from OHWM (for instance, where this
16 could conflict with navigation). The City may grant exceptions on a case-by-case basis
17 based on documentation of specific limitation that exist, and in coordination with other
18 permitting agencies.
- 19 b. Piers and ramps shall be no more than 4 feet in width.
- 20 2. The bottom of either the pier or landward edge of the ramp shall be elevated at least 2 feet
21 above the plane of OHWM.
- 22 a. Grating shall cover the entire surface area (100%) of the pier and/or ramp. The open area
23 of grating shall be at least 50%, as rated by the manufacturer.
- 24 b. Skirting shall not be placed on piers, ramps, or floats. Protective bumper material will be
25 allowed along the outside edge of the float as long as the material does not extend below
26 the bottom edge of the float frame or impede light penetration.
- 27 c. Shoreline concrete anchors must be placed at least 10 feet landward from the OHWM,
28 and shall be sized no larger than 4-feet wide by 4-feet long, unless otherwise approved by
29 the City, NOAA Fisheries, the Corps, and WDFW. The maximum anchor height shall be
30 only what is necessary to elevate the bottom of either the pier or landward edge of the
31 ramp at least 2 feet above the plane of OHWM. The intent of this criterion is to limit
32 impacts to riparian vegetation along the shoreline. The City may grant exceptions from
33 the 10 foot landward requirement if site conditions warrant on a case-by-case basis based
34 on documentation of specific limitation that exist, and in coordination with other
35 permitting agencies.

36 3. Preservatives

- 1 a. The dock shall be built with materials that do not leach preservatives or other materials.
- 2 b. No treated wood of any kind shall be used on any overwater structure (float, pier, or
- 3 ramp).
- 4 c. No paint, stain, or preservative shall be applied to the overwater structure.
- 5 4. General
- 6 a. No electricity shall be provided to, or on, the overwater structure.
- 7 b. No boat lifts or watercraft lifts (e.g., jet ski lifts) of any type will be placed on, or in
- 8 addition to, the overwater structure. The City may grant exceptions on a case-by-case
- 9 basis in coordination with other permitting agencies if the applicant can demonstrate that
- 10 the proposed boat lift meets the intent of the criteria to minimize structure, maximize
- 11 light penetration, and maximize depth. However, these structures must meet the size
- 12 criteria of the plan (total 160 square feet).
- 13 c. Shoreline armoring (i.e., bulkheads, rip-rap, and retaining walls) shall not occur in
- 14 association with installation of the overwater structure.
- 15 d. Construction of the overwater structure shall be completed during the in-water work
- 16 window (November 1 to February 28).
- 17 5. Piling and float anchors
- 18 a. Piling shall not exceed 8 inches in diameter. The intent of this criterion is not to require
- 19 existing pilings to be removed, cut, or capped, but to place limits on the size of new
- 20 pilings. The City may grant exceptions on a case-by-case basis in coordination with
- 21 other permitting agencies in areas where safety considerations merit it, larger pilings may
- 22 be considered on a case-by-case basis.
- 23 b. Pilings shall be spaced at least 18 feet apart on the same side of any component of the
- 24 overwater structure. The pier/ramp and float are separate components.
- 25 c. Each overwater structure shall utilize no more than 4 piles total for the entire project. A
- 26 combination of two piles and four helical anchors may be used in place of four piles.
- 27 d. All pilings shall be fitted with devices to prevent perching by piscivorous (fish-eating)
- 28 birds.
- 29 e. Submerged float anchors will be constructed from concrete; and shall be horizontally
- 30 compressed in form, by a factor of 5 or more, for a minimum profile above the stream
- 31 bed (the horizontal length and width will be at least 5 times the vertical height). A helical
- 32 screw anchor may be utilized where substrate allows. The owner shall be responsible for
- 33 demonstrating feasibility and for proper installation such that anchor displacement does
- 34 not occur.
- 35 f. No in-water fill material will be allowed, with the exception of pilings and float anchors.
- 36 (Note: uncured concrete or its by-products shall not be allowed.)

- 1 6. Floats
- 2 a. Float components shall not exceed the dimensions of 8- by 20-feet, or an aggregate total
- 3 of 160 square feet, for all float components.
- 4 b. Flotation materials shall be permanently encapsulated to prevent breakup into small
- 5 pieces and dispersal in water (e.g., rectangular float tubs).
- 6 c. Grating shall cover 100% of the surface area of the float(s). The open area of the grating
- 7 shall be no less than 50%, as rated by the manufacturer.
- 8 d. Functional grating will cover no less than 50% of the float.
- 9 e. Floats shall not be located in shallow-water habitat where they could ground or impede
- 10 the passage or rearing of any salmonid life stage.
- 11 f. Nothing shall be placed on the overwater structure that will reduce natural light
- 12 penetration through the structure.
- 13 g. Floats shall be positioned at least 40 feet horizontally from the OHWM and no more than
- 14 100 feet from the OHWM, as measured from the landward-most edge of the float.
- 15 Adjustments to this requirement may be made on an individual basis where street
- 16 compliance with this standard may present safety issues or be excessive for site
- 17 conditions.
- 18 h. Project construction shall cease under high flow conditions that could result in inundation
- 19 of the project area except for efforts to avoid or minimize resource damage.
- 20 K. Shared residential docks and piers shall generally meet the standards for single family docks
- 21 above, except that the number of floats and the size of piers and other facilities may be increased
- 22 to serve additional slips to provide one moorage space per residence served.
- 23 L. Docks and piers shall be set back a minimum of ten (10) feet from side property lines, except that
- 24 joint-use facilities may be located closer to, or upon, a side property line when agreed to by
- 25 contract or covenant with the owners of the affected properties. This agreement shall be recorded
- 26 with the County Auditor and a copy filed with the shoreline permit application.
- 27 M. Moorage related to subdivision:
- 28 1. New subdivisions and short plats shall contain a restriction on the face of the plat prohibiting
- 29 individual docks. A site for community or shared moorage shall be designated on the plat
- 30 and owned in undivided interest by property owners within the subdivision. Shared moorage
- 31 facilities shall be available to lots with water frontage in the subdivision. The over-water area
- 32 of the dock shall be made available to other lots and the public for community access and
- 33 may be required to provide public access depending on the scale of the facility.
- 34 2. Approval of a shared moorage for a subdivision shall be subject to the following criteria:
- 35 a. There is no reasonably available public or private moorage that can serve the moorage
- 36 needs of the residences or the subdivision.

- 1 b. Shared moorage to serve new development shall be limited to the amount of moorage
2 needed to serve lots with water frontage. One moorage space per lot may not be
3 presumed.
- 4 c. The size of a dock must consider the use of mooring buoys for some or all moorage needs
5 and the use of all or part of the dock to allow tender access to mooring buoys.
- 6 d. Public access shall be provided in all shared docks utilizing public aquatic lands that
7 accommodate five (5) or more vessels.
- 8 3. If a community or shared dock is not developed at the time of subdivision, a community
9 association shall be established with the authority to levy assessments within the subdivision
10 to construct and maintain a community dock in the future. The failure of a subdivision to
11 develop a community or shared dock shall not affect the prohibition on individual docks.
- 12 N. Multi-family residences, hotels, motels, and other commercial developments proposing to provide
13 moorage facilities shall meet the criteria for a marina. Use of the moorage must be open to the
14 general public on the same basis as residents or occupants and shall provide public access. If
15 approved, no more than one joint-use moorage facility may be provided for a parcel or
16 development.
- 17 O. Applications for docks or piers serving single commercial or industrial enterprises shall
18 demonstrate that:
- 19 1. The facility serves a water-dependent use;
- 20 2. The facility is the minimum size required to serve the proposed use, provided that provisions
21 for expansion or future joint use may be provided;
- 22 3. The facility minimizes impacts to the extent feasible. Where impacts are unavoidable, the
23 facility mitigates impacts to navigation, aquatic habitat, upland habitat, public access to the
24 water for recreation, fishing and similar use, and public access to publicly accessible lands
25 below the OHWM.
- 26 P. Commercial or industrial moorage facilities shall demonstrate that:
- 27 1. The dock or pier shall be the minimum length required to serve the use.
- 28 2. Access from the shore to piers or floats shall minimize water cover in order to minimize
29 impacts to shallow water habitat
- 30 3. Piers and ramps shall be elevated to provide the maximum feasible light penetration.
- 31 4. Grating, or clear translucent material, shall be utilized to the maximum extent feasible to
32 provide light penetration.
- 33 5. Floats shall be constructed and attached so that they do not ground out on the substrate.
- 34 6. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect
35 that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life
36 forms, or result in structure damage from driftwood impact or entrapment.

- 1 7. Pile diameter shall be minimized while meeting structural requirements.
- 2 8. Covered structures may be permitted only to serve a water-dependent use where it is
- 3 demonstrated that adequate upland sites are not feasible, and it is demonstrated that the area
- 4 covered is the minimum necessary to serve the use.

5 **26.30 Use Regulations**

6 **26.30.10 Use and Dimensional Standards**

7 **26.30.11 Use Table.**

8 The following use activity-shoreline environment compatibility chart shall be consulted as a general guide
 9 to determine permitted uses in the various shoreline environments. Use activities permitted or requiring a
 10 Special Use Permit must be developed in accordance with all policies and regulations of the shoreline
 11 program.

- 12 A. All land uses allowed are subject to the preference for water-oriented uses and subject to specific
- 13 criteria for uses included in these regulations.
- 14 B. Uses allowed in the Aquatic Environment are those allowed in the adjacent upland environment,
- 15 limited to water-dependent use, ecological enhancement, and those transportation and utility
- 16 facilities and Essential Public Facilities for which no alternative location is feasible.
- 17 C. If a use is prohibited in the underlying zoning district, it is also prohibited in the shoreline.
- 18 D. KEY: X= Prohibited, P= Permitted, A= Permitted as an Accessory Use, SU= Special Use Permit,
- 19

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Resource Uses							
Agricultural Use	X	X	X	P	X	X	X
Raising Crops, Trees, Vineyards	X	X	X	P	X	X	X
Limited raising or keeping of small & large livestock	X	X	X	P	X	X	X
Roadside stands and on-farm markets for marketing fruit or vegetables; and	X	X	X	P	X	X	X
Animal feeding operations/concentrated animal feeding operations (AFO/CAFOs)	X	X	X	SU	X	X	X
Mining	X	X	X	SU	X	X	X
Automotive, Marine and Heavy Equipment							

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Automotive Repair Shops/Service Stations/Part Sales	X	X	X	X	X	X	X
Boat Building	X	X	X	X	X	X	X
Car Wash – Automatic or Self-Service	X	X	X	X	X	X	X
Large Equipment Sales//Rental/ Repair/Service	X	X	X	X	X	X	X
Marinas	X	X	SU	X	X	SU	X
Marine Equipment Rentals	X	X	X	X	X	P	X
Marine Gas Sales	X	X	X	X	X	SU	X
Marine Repair	X	X	X	X	X	P	X
Outdoor Sales/Rentals	X	X	X	X	X	X	X
Warehousing, Wholesale Use	X	X	X	X	X	X	P
Business and Personal Services							
Animal Shelter	X	X	X	SU	X	X	X
Commercial Kennel	X	X	X	SU	X	X	X
Contractors' Offices	X	X	X	X	X	X	X
Funeral Establishments	X	X	X	SU	X	X	X
General Service & Personal Services Businesses	X	X	X	X	X	P	X
Health/Fitness Facility	X	X	X	X	X	A	X
Health Spa	X	X	X	X	X	P	X
Animal Hospital/Clinic	X	X	X	SU	X	X	X
Laundry/Dry Cleaning, Retail	X	X	X	X	X	P	X
Mini-Warehouse	X	X	X	X	X	X	X
Photo Processing, Copying, Mailing & Printing Services	X	X	X	X	X	P	X
Video Rental Store	X	X	X	X	X	P	X
Cafeterias	X	X	A	X	X	A	X

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Delicatessen	X	X	X	X	X	P	X
Drinking Establishments/Breweries/Wineries	X	X	X	X	X	P	X
Portable Food Vendors	X	X	X	X	X	A	X
Restaurants/Drive-Through	X	X	X	X	X	X	X
Restaurants	X	X	X	X	X	P	X
Industrial/Manufacturing Uses							
Port facilities for transferring materials from vessels to the shore and temporary staging prior to transportation off-site	X	X	X	X	X	X	P
Excavating, Processing, Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits	X	X	X	SU	X	X	X
Manufacturing Uses	X	X	X	X	X	X	X
Research, Development and Testing Facilities	X	X	X	X	X	X	X
Wholesale Facilities and Operations	X	X	X	X	X	X	X
Wineries – Production	X	X	X	SU	X	X	X
Office Uses							
Office	X	X	X	X	X	P	X
Schools, Commercial	X	X	X	X	X	P	X
Travel Agencies	X	X	X	X	X	P	X
Public/Quasi-Public Uses							
Churches/Clubs or Cultural Institutions	X	X	X	SU	P	P	X
Public Park	SU	P	P	P	P	P	P
Golf Course	X	X	SU	SU	P	P	X
General Park O&M Facility	X	X	SU	SU	P	X	X
Hospitals	X	X	X	X	SU	X	X
Passive Open Space Use	P	P	P	P	P	P	P

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Power Transmission and Irrigation Wasteway Easements and Utility Uses	SU	SU	SU	P	P	P	P
Electrical Substations	X	X	X	X	X	X	X
Public Agency Buildings or Facilities	X	X	X	P	P	P	X
Public Campgrounds	X	X	P	SU	P	P	X
Schools	X	X	X	P	P	P	X
Schools, Alternative	X	X	X	P	P	X	X
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	X	X	P	P	P	P	X
Trail Head Facilities for Equestrian, Pedestrian, or Non-motorized Vehicle	X	P	P	P	P	P	P
Trails for Pedestrian Use Only	P	P	P	P	P	P	P
Trails for Equestrian, or Non-motorized Vehicle Use	SU	P	P	P	P	P	P
Recreational Uses							
Art Galleries or Arcades	X	X	X	X	X	P	X
Boat Mooring Facilities	X	X	X	X	X	P	X
Cinema, Indoor	X	X	X	X	X	P	X
Commercial Recreation, Indoor	X	X	X	X	X	P	X
Commercial Recreation, Outdoor	X	X	X	SU	X	P	X
House Banked Card Rooms	X	X	X	X	X	P	X
Recreational Vehicle Campgrounds	X	X	X	SU	X	X	X
Recreational Vehicle Parks	X	X	X	X	X	X	X
Stable, Public	X	X	X	X	X	X	X
Theater	X	X	X	X	X	P	X

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Residential Uses							
Accessory Dwelling Unit	X	X	X	A	A	A	X
Apartment, Condominium (3 or more units)	X	X	X	X	X	P	X
Assisted Living Facility	X	X	X	X	P	P	X
Bed and Breakfast	X	X	X	SU	SU	P	X
Day Care Center	X	X	X	SU	SU	P	X
Dormitories, Fraternities, and Sororities	X	X	X	X	P	P	X
Dwelling, One-Family	X	X	X	P	P	X	X
Dwelling, Two-Family Detached	X	X	X	X	X	P	X
Dwelling Units for a Resident Watchman or Custodian	X	X	X	A	A	A	X
Houseboats	X	X	X	X	X	X	X
Hotels or Motels	X	X	X	X	X	P	X
Nursing or Rest Home	X	X	X	X	X	P	X
Temporary Residence	X	X	X	P	P	P	X
Retail Uses							
Adult Use Establishments	X	X	X	X	X	X	X
Apparel, Book, Drug, Florist or other Specialty Retail	X	X	X	X	X	P	X
Building, Hardware, Garden Supply, Nursery, Feed Stores or Outdoor Sales	X	X	X	X	X	X	X
Food Stores	X	X	X	X	X	P	X
Miscellaneous Uses							
Bus Station, Transfer Station or Terminal	X	X	X	X	X	X	X
Community Festivals and Street Fairs	X	X	P	P	P	P	X
Convention Center	X	X	X	X	X	P	X
Micro- and Macro-Antennas	SU	SU	SU	SU	P	P	SU

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Storage in an Enclosed Building	X	X	X	X	A	A	X
Transportation							
Roads and Railroads Serving Shoreline Uses	X	SU	SU	SU	SU	SU	SU
Roads and Railroads Not Serving Shoreline Uses	X	SU	SU	SU	SU	SU	SU
Parking Areas Serving Primary Use within the Shoreline	X	P	P	P	P	P	P
Parking Areas Not Serving Primary Use within the Shoreline	X	X	X	X	X	X	X
Parking as a Principal Use	X	X	X	X	X	X	X
Utilities							
Public and private utility distribution serving shoreline uses, water, sewer, electrical, gas, and communication	X	P	P	P	P	P	P
Public and Private Utility Distribution serving uses within the city	X	P	P	P	P	P	P
Utility Facilities serving uses not within the city	SU	SU	SU	SU	SU	SU	SU
Electrical Transmission of Greater than 50 Kilovolts	SU	SU	SU	SU	SU	SU	SU
Electric Transmission/Distribution Substations	X	X	X	X	X	X	X
Utility Buildings including pump stations	X	SU	SU	SU	SU	SU	SU
Communication Antennas	X	SU	SU	SU	SU	SU	SU
Monopole	X	SU	SU	SU	SU	X	SU
Other							
Structures for Flood Management, including drainage or storage and pumping facilities	X	SU	SU	SU	SU	SU	SU
Fish and Wildlife Resource Enhancement	P	P	P	P	P	P	P
Essential Public Facilities	SU	SU	SU	SU	SU	SU	SU
USES NOT SPECIFIED	SU	SU	SU	SU	SU	SU	SU

1 **26.30.12 Bulk and Dimension Chart**

Standard	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront		Industrial Conservancy
Sensitive Area Buffer Water Dependent Use	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹		NA ¹
Sensitive Area Buffer Non Water Dependent Use	As provided by Table 26.60.024 D Wetland Buffer Widths, Table 26.60.42. Riparian Buffer Width							
Minimum building setback from OHWM Water Dependent Use	NA ²	NA ^{1, 2}	NA ¹	NA ¹	NA ¹	NA ¹		NA ¹
Minimum building setback Non Water Dependent Use	NA ²	15 feet (except for Residential, which is 25 feet) from the edge of the applicable riparian buffer, or 15 feet (except for Residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail, or parking area, as applicable, as provided in Section/Table 26.60.42 ²						
Minimum Front Yard Setback	As provided by zoning							
Minimum Side Yard Setback	As provided by zoning							
Minimum Rear Yard Setback	As provided by zoning							
Minimum Lot Width – One-Family Attached Dwellings	As provided by zoning							
Minimum Lot Area	As provided by zoning							
Maximum Density – Multifamily Dwellings (units/square feet)	NA	NA	NA	NA	NA	1:1,500		NA
Maximum Lot Coverage	0%	5%	10%	10%	40%	NA		20%
Maximum Building Height	NA ²	16 feet	35 feet	25 feet	35 feet	35/55 feet ³		35 feet
Maximum Building Height – Detached Accessory Buildings	NA ²	16 feet	16 feet	16 feet	16 feet	35 feet		35 feet

- 2 1. No Sensitive Area buffer or building setback applies to water dependent elements of a water
3 dependent use.
4 2. Buildings are not allowed in the Natural Open Space Zoning District.

1 3. Building height may be increased to up to 55 feet in the Waterfront Environment subject to
2 the provisions of RMC 26.30.013.

3 **26.30.13 Provisions for Additional Height in the Waterfront Environment**

4 Structures in the Waterfront Environment may exceed a height of 35 feet based upon a review of the site
5 plan and structure and compliance with the following criteria.

6 A. Additional open space or a plaza is provided on the site that earns bonus floor area in accordance
7 with RMC 26.30.40.F.2.

8 B. The planning commission finds that:

- 9 1. The increased building height will not obstruct the view of a substantial number of residences
10 on areas adjoining such shorelines;
- 11 2. Overriding considerations of the public interest will be served by providing additional public
12 open space and facilities that enhance public enjoyment of the shoreline;
- 13 3. The proposed building is aesthetically pleasing in relation to buildings and other features in
14 the vicinity;
- 15 4. The building is located a sufficient distance from the Columbia River to avoid creating a
16 visual barrier.

17 **26.30.20 Agriculture.**

18 A. This program shall not restrict lawfully existing agriculture activities that have been discontinued
19 for less than five (5) years. An agricultural use shall not be considered discontinued if it is
20 allowed to lie fallow in which it is plowed and tilled but left unseeded; allowed to lie dormant as
21 a result of adverse agricultural market conditions; or allowed to lie dormant because the land is
22 enrolled in a local, state, or federal conservation program.

23 B. All new agricultural activities and facilities on land not meeting the definition of agricultural land
24 are governed by this Program and shall observe the Sensitive Area standards and buffer
25 requirements of this Program and the criteria below.

26 C. Agricultural activities shall follow recognized best management practices that improve or
27 maintain water quality and quantity, reduce soil erosion, maintain, or improve soil conditions, and
28 provide for wildlife habitat. The applicant is encouraged to coordinate with the County
29 Conservation District and the Natural Resources Conservation Service in the development of best
30 management practices for their agricultural activity.

31 D. New intensive agricultural activities such as animal feeding operations/concentrated animal
32 feeding operations (AFO/CAFOs) and row cropping requiring intensive application of fertilizers,
33 animal waste, herbicides, and pesticides shall be located outside of shoreline jurisdiction, unless
34 the proposed use is within an established agricultural area and no alternative agricultural activity

1 is feasible. New intensive agricultural activities shall be implemented in accordance with a farm
2 conservation plan including a monitoring program that assures no net loss of ecological functions.

3 E. New facilities for liquid manure storage shall be located outside of shoreline jurisdiction unless
4 no alternative location is feasible and a Special use Permit is obtained. New liquid manure
5 storage facilities shall be implemented in accordance with a farm conservation plan including a
6 monitoring program that assures no net loss of ecological functions.

7 F. New manure spreading operations shall be carried out so that animal wastes do not enter water
8 bodies, wetlands, or groundwater recharge areas.

9 G. The construction of a barn or similar agricultural structure is exempt from obtaining a substantial
10 development permit, but must comply with the regulations of this program.

11 **26.30.30 Aquaculture.**

12 Aquaculture is the culture of farming of foodfish, shellfish, or other aquatic plants and animals. Potential
13 locations for aquacultural enterprises are relatively restricted due to specific requirements for water
14 quality, temperature, flows, and oxygen content. Policies and regulations for aquaculture, therefore,
15 recognize the necessity for some latitude in the development of this emerging economic water use as well
16 as its potential impact on existing uses and natural systems.

17 A. Aquacultures is a preferred water-dependent use but may be permitted only if impacts to
18 ecological resources and existing land uses can be mitigated. Aquacultural facilities should be
19 designed and located so as not to spread disease to native aquatic life, or establish new nonnative
20 species which cause significant ecological impacts.

21 B. Aquaculture activities shall be located so as to not unduly restrict navigation.

22 C. Aquaculture structures shall be placed in such a manner as to minimize interference with or
23 danger to surface navigation and so as not to impair the aesthetic quality of the shorelines.

24 D. Aquaculture development shall make reasonable provisions to control nuisance factors such as
25 excessive noise or odor.

26 E. Aquaculture wastes shall be disposed of in a manner that will prevent degradation of associated
27 upland, wetland, shoreline, or water environments.

28 F. Aquaculture activities shall make all feasible provisions to maintain the general aesthetic quality
29 of the shoreline.

30 **26.30.40 Commercial Development**

31 Shoreline commercial uses, including offices, restaurants, general retail sales, hotels, motels and
32 convention centers, are recognized as being most suitable in the Waterfront Environment already
33 developed at urban intensities. Policies and regulations for these uses encourage developments having a
34 functional dependency on shoreline location and water orientation, and which afford maximum public
35 access, use, and circulation along the waterfront.

- 1 A. Commercial development in shoreline areas shall be designed, located, and constructed to achieve
2 no net loss of ecological functions.
- 3 B. Preference shall be given to water-dependent commercial uses over non-water-dependent
4 commercial uses. Water-related uses shall be given priority over non-water related uses.
- 5 C. Commercial development that is not water-dependent shall not be allowed over water except
6 where it is located within the same building and is accessory to and necessary for a water-
7 dependent use.
- 8 D. Non-water-oriented commercial development shall be allowed only when:
- 9 1. The use is part of a mixed-use project that includes water-dependent uses and provides a
10 significant public benefit with respect to provision of public access and/or ecological
11 restoration; or
- 12 2. Navigability is severely limited at the proposed site, and the commercial use provides a
13 significant public benefit with respect to provision of public access and/or ecological
14 restoration.
- 15 E. In areas of the shoreline designated for commercial use, non-water-oriented commercial uses may
16 be allowed on sites physically separated from the shoreline by another property in separate
17 ownership or public road right-of-way.
- 18 F. Uses within the Waterfront Environment shall be designed to provide multiple uses that enhance
19 cultural and related commercial facilities to enhance and diversify the public's experience of the
20 shoreline including tourists by providing water-oriented and enjoyment uses and community
21 recreational resources and providing public access and view corridors. Uses in this area must
22 meet the following additional criteria:
- 23 1. Development is subject to RMC Chapter 23.48, Site Plan Review, as it may be subsequently
24 amended
- 25 2. Public open space for public access and to accommodate water enjoyment uses and other uses
26 allowing public visual access to the waterfront, such as restaurants are a preferred use and
27 may earn bonus floor area in buildings between 35 and 55 feet in height, subject to the
28 following criteria:
- 29 a. Public open space in excess of 15% of the area of shoreline jurisdiction on a site may
30 earn 1 square foot of building floor area for each square foot of open space, up to 20,000
31 square feet, provided the following criteria are met:
- 32 i. The open space area must abut the Riverside Trail on at least half its total width
33 ii. It must be at the elevation of the trail,
34 iii. It may extend no further than 50 feet from the edge of the trail
35 iv. It must be accessible to the public at all times
36 v. It must consist of grass turf or other surface that will accommodate pedestrian foot
37 traffic

- 1 vi. At least one bench or table with chairs open to the public must be provided for every
- 2 2,000 square feet of open space
- 3 vii. Planting areas for ornamental vegetation not allowing foot traffic are excluded from
- 4 the area qualifying for bonus floor area
- 5 b. Public open space plazas may earn additional bonus floor area, of 4 square feet of
- 6 building floor area for each square foot of open space, up to 10,000 square feet in
- 7 addition to any area earned by subsection F.2.a, above, if the facility meets the following
- 8 criteria:
- 9 i. The open space area must abut the Waterfront Trail on at least 20% of its total
- 10 perimeter
- 11 ii. It must be at the elevation of the trail
- 12 iii. It may extend no further than 75 feet from the edge of the trail
- 13 iv. It must be accessible to the public at all times
- 14 v. It must consist of a hard surface of concrete, brick, pavers, or similar materials.
- 15 Permeable surfaces are encouraged to the extent feasible.
- 16 vi. Shade shall be required by trees planted in grates at grade level allowing pedestrian
- 17 passage over grates at a minimum ratio of one tree per 1,600 square feet of plaza
- 18 area.
- 19 vii. At least one bench or table with chairs open to the public must be provided for every
- 20 2,000 square feet of open space.
- 21 viii. It must be abutted by building frontage at the same elevation as the plaza and with
- 22 ground floor clear vision glass and door access at a spacing of no less than 50 feet on
- 23 at least 50% of its total perimeter.
- 24 ix. At least 50% of the building perimeter must be retail or restaurant use.
- 25 x. Planting areas for ornamental vegetation at the perimeter of the plaza in areas without
- 26 clear glass building frontage may be allowed on up to 10 percent of the plaza area if
- 27 the beds of such landscaping are within 18 inches of the plaza elevation.
- 28 xi. Additional bonus area of 2 square feet of building floor area for each square foot of
- 29 open space, up to 2,000 square feet in addition to any area earned by the provisions
- 30 above may be earned by dedication of an area of outside seating at a restaurant,
- 31 coffee shop, or similar use. Up to 50 percent of the qualifying bonus area may be
- 32 devoted to sale of liquor.
- 33 c. The administrator may allow interim use of retail or restaurant building frontage for
- 34 office or other compatible use if the building owner documents a good faith effort to
- 35 procure retail or restaurant tenants. Such interim use may be approved for a period of up
- 36 to 3 years and may be renewed upon demonstrating of meeting the same criteria.
- 37 3. Public view corridors that provide the public with an unobstructed view of the water from
- 38 adjacent public streets to the Columbia River shall be provided in the Waterfront
- 39 Environment subject to the following criteria:

- 1 a. View corridors shall extend from the public street providing access to the site and shall
2 extend to the water's edge.
- 3 b. Preferred locations for view corridors are along property lines.
- 4 c. Width of view corridors shall be determined based on the potential for providing views in
5 new development and redevelopment and be based on topography, parcel size, and
6 effects on development potential.
- 7 d. Development and uses within view corridors shall be limited to prevent obstruction of the
8 corridor.
- 9 e. Establishment of a view corridor shall not allow for clearing or removal of shoreline
10 buffer vegetation provided in Critical Area regulations.
- 11 f. View corridors shall be recorded as an easement in accordance with the provisions of
12 26.20.050 Public Access.

13 **26.30.50 Industrial Development and Port Facilities**

14 Policies and regulations for ports and water-associated industrial development are intended to
15 accommodate the particular dependence of those uses on shoreline siting and to ensure that development
16 occurs in a manner that maximizes compatibility with the water and shoreline resources.

- 17 A. The area of industrial use designated in this program which is accessible to navigable water is the
18 Port of Benton site in North Richland. This program provides for continued operation of barging
19 facilities and may permit additional water-dependent use directly related to transfer of materials
20 from waterborne conveyance to the land. The portions of the site not used for said water-
21 dependent use shall preserve the generally undeveloped nature of adjacent shoreline areas. Public
22 access shall be provided through the shoreline portion of the site for use when it does not interfere
23 with barge loading or unloading. An alternative route to the west shall be provided for
24 conducting non-motorized traffic around the site when water-dependent use interrupts transit on
25 the trail .
- 26 B. Industrial and port development shall be located, designed, constructed, and operated in a manner
27 that minimizes impacts to shoreline resources and avoids unnecessary interference with shoreline
28 use by adjacent property owners.
- 29 C. Cooperative use of existing port facilities, including docks and piers, shall be encouraged to
30 reduce additional disruption to the shoreline.

31 **26.30.60 Marinas**

32 Marinas are recognized as a use dependent on waterfront location and generally requiring shoreline
33 modification for construction and operation. Marina activities may include facilities for boat launching,
34 moorage, storage, and servicing as well as boat and accessories sales and display and restaurant facilities.

- 35 A. These provisions apply to all vessel moorage facilities serving 5 or more vessels.

- 1 B. Proposals for new marinas must provide sufficient evidence that existing public boat launches,
2 dry storage and existing and permitted moorage is not adequate to meet regional demand for
3 recreational boating and that development of new marinas would result in fewer environmental
4 impacts than expansion of existing facilities.
- 5 C. In order to protect shoreline ecological functions, efficiently use shoreline space, and minimize
6 consumption of water surfaces, boat facilities in order of preference are as follows:
- 7 1. Mooring buoys with a small lighter dock to provide access to the buoy.
- 8 2. In-water mooring docks. These may be approved only where it is demonstrated that more
9 preferred options are not feasible, and/or it can be demonstrated that in-water mooring docks
10 would result in fewer impacts to shoreline ecological functions and/or enhance public use of
11 the shoreline.
- 12 D. Applications for marinas with in-water moorage may be approved by Special Use Permit if it is
13 demonstrated that:
- 14 1. Public navigation will not be impeded.
- 15 2. The location will not result in displacement of wetlands or interrupt natural processes,
16 erosion, or deposition.
- 17 3. Water depths will be adequate without initial or maintenance dredging.
- 18 4. The location will not require shoreline armoring to compensate for fluvial processes.
- 19 5. The location will not reduce existing public use of the water or shoreline including fishing,
20 swimming, and boating.
- 21 6. Adverse water quality impacts will not result from inadequate flushing of moorage or
22 enclosed water areas.
- 23 7. Impacts to riparian buffers and nearshore aquatic habitat will be minimized. Impact
24 minimization may require provision of upland buffers with limited corridors for movement
25 between upland and in-water facilities.
- 26 8. Setbacks from adjacent non-commercial properties will be adequate to attenuate proximity
27 impacts such as noise and light and glare, and may address scale and aesthetic impacts.
28 Fencing or landscape areas may be required to provide a visual screen.
- 29 9. Facilities including piers, floats, boat launches and other elements will be located and
30 designed to minimize changes in hydraulic and fluvial processes, minimize potential flood
31 hazards, and to not limit channel migration in areas where such processes are not currently
32 constrained.
- 33 10. Exterior lighting will avoid illuminating nearby properties used for non-commercial purposes
34 and to prevent hazards for public traffic. Methods of controlling spillover light include, but
35 are not limited to, limits on height of structure, limits on light levels of fixtures, light shields,
36 and screening.

- 1 11. Exterior lighting will not adversely impact aquatic species.
- 2 12. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in
3 compliance with applicable health regulations.
- 4 13. Access and parking shall not produce traffic hazards, shall not result in excessive noise or
5 other impacts, and shall minimize traffic impacts on nearby streets.
- 6 14. On-site parking supply shall be adequate to meet peak demands. Location of parking shall be
7 in accordance with parking standards in this program.
- 8 E. Covered moorage is prohibited.
- 9 F. Marinas shall provide public access amenities over public aquatic lands equivalent to a minimum
10 10 percent of over-water coverage and shall provide public walkway access to a public street and
11 may be required to provide public parking including handicapped access.
- 12 G. If a marina includes gas and oil handling facilities, such facilities shall be separate from main
13 centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire
14 and pollution control. Fail safe facilities and procedures for receiving, storing, dispensing, and
15 disposing of oil or hazardous products, as well as a spill response plan, shall be required of new
16 marinas and expansion or substantial alteration of existing marinas. Handling of fuels, chemicals,
17 or other toxic materials must be in compliance with all applicable federal and state water quality
18 laws as well as health, safety, and engineering requirements. Rules for spill prevention and
19 response, including reporting requirements, shall be posted on site.
- 20 H. Live-aboard vessels may occupy up to ten (10) percent of the slips at a marina and shall be
21 connected to utilities that provide potable water and wastewater conveyance to an approved
22 disposal facility. Accommodation of additional live-aboard vessels may be approved only by
23 Special Use Permit with demonstration that accommodation of live-aboard vessels will not
24 displace moorage otherwise available for recreational use or lead to a demand for additional
25 moorage facilities.

26 **26.30.70 Mining.**

27 Surface mining is the removal of rock, sand, gravel, and/or minerals from shoreline areas for economic
28 purposes. Excavations are permitted in accordance with the Washington State Surface Mining Act and
29 with RMC 23.42.070.

- 30 A. The location, design, and development of any mining operation shall include:
- 31 1. Demonstration that mining is dependent on a shoreline location based on evaluation of
32 geologic factors such as the distribution and availability of mineral resources for that
33 jurisdiction, as well as evaluation of need for such mineral resources, economic,
34 transportation, and land use factors.
- 35 2. Assurance of no net loss of ecological functions and processes; application of this standard
36 shall include avoidance and mitigation of adverse impacts during operation and evaluation of
37 the reclamation plan required for the site.

- 1 3. Allowance of mining on shorelines shall require a finding that the benefits from mining,
2 including the long term use of the site outweigh adverse impacts on other users or resources
3 taken together.
- 4 4. Avoidance of interference with public recreation on the shoreline.
- 5 5. Location and operation to provide long term protection of water quality, fish and wildlife, and
6 their habitats.
- 7 B. A reclamation plan shall be submitted with each application and shall provide for reclamation of
8 the site compatible with existing and proposed land use as indicated in the Richland
9 Comprehensive Plan and compatible with the Shoreline Environment Designation. Preference
10 shall be given to mining proposals that result in the creation, restoration, or enhancement of
11 habitat for priority species and/or public access and recreation.
- 12 C. Regulations applicable to the Shoreline Environment in which the proposed development is
13 located shall be complied with.

14 **26.30.80 Recreation**

15 Recreation is the refreshment of strength and spirits through activities involving physical participation or
16 passive relaxation. Water-related recreation accounts for a significant percentage of all recreational
17 activities in the city of Richland and the state of Washington. Recreational activities intended for public
18 use shall be encouraged at intensities appropriate for the various environments. Priority will be given to
19 those recreational uses which provide appropriate public access to the shoreline.

- 20 A. Only those public and private recreational uses that allow general public use shall be permitted on
21 public shorelines of Richland. Recreational development shall be designed to locate non-water-
22 oriented uses upland of water-oriented uses whenever possible.
- 23 B. A variety of recreation opportunities and associated facilities are encouraged on the shoreline.
24 Passive uses are most appropriate in areas with more intact natural conditions including facilities
25 for interpretation of natural features and habitat, bird watching and similar uses. Water-
26 dependent and water-enjoyment recreation facilities are a preferred use including boating
27 facilities, water sports, angling, and swimming beaches for areas with less intact ecological
28 functions.
- 29 C. Access, circulation, and parking for recreational developments shall comply with the following
30 regulations:
 - 31 1. Vehicular access points shall be limited to the minimum number necessary for the proposed
32 recreational facility and shall be configured to minimize disturbance of sensitive natural
33 resources. Non-motorized access points shall be provided where feasible.
 - 34 2. Access to the water's edge from parking areas shall be limited to pedestrian movement,
35 except that marinas and boat launching facilities may be provided with access drives or roads.

- 1 3. Circulation within recreational areas shall, as appropriate, include provisions for all modes of
2 transportation. Roadways for motorized vehicles shall be designed and located to take
3 advantage of scenic views, vistas, and points of interest in nonsensitive areas and shall be
4 designed and constructed with consideration of, and sensitivity for, natural features and
5 amenities of the shorelines.
- 6 4. Access and circulation shall conform to provisions for road and railroad design and
7 construction as set forth in RMC 26.30.100.
- 8 5. Parking areas shall be located on the inland side of all buildings, structures, and recreational
9 uses and shall be developed in accordance with applicable city of Richland parking and
10 landscaping standards.
- 11 D. Development plans shall include provisions for the protection and preservation of ecological
12 functions, natural resources, and scenic views and vistas of the shoreline.
- 13 E. Recreational facilities shall be designed, constructed, and operated in a manner consistent with
14 the intent of the shoreline environment in which they are located and which does not result in a
15 net loss of shoreline ecological functions.
- 16 F. Applications for recreational uses that require the use of fertilizers, pesticides, or other chemical
17 treatments shall include plans demonstrating best management practices to be used to minimize
18 the potential for contamination of surface water and groundwater resources. Non-chemical
19 methods of vegetation management shall be preferred wherever feasible.
- 20 G. New over-water structures for recreation use shall be allowed only when:
- 21 1. They accommodate water-dependent recreation uses or facilities, or
22 2. They allow opportunities for substantial numbers of people to enjoy the shorelines of the
23 state, and
24 3. They are not located in or adjacent to areas of ecological sensitivity, especially aquatic and
25 wildlife habitat areas, and
26 4. No net loss of ecological functions will be achieved.
- 27 H. Private recreation uses and facilities that utilize public aquatic lands shall provide public access as
28 provided in Section 26.20.050 or shall provide improved, compensating public access at other
29 locations.
- 30 I. Motorized vehicular use outside of designated roadways and driveways, including the use of all-
31 terrain and off-road vehicles, in the shoreline area is prohibited, except for boat launching and
32 maintenance activities and except where specific areas for such use are set aside and controlled
33 by a public entity.
- 34 J. In natural open space areas, the need for trails for ADA access should be balanced with the extent
35 of alteration of the natural environment required to accommodate such facilities.
- 36 K. Recreational developments shall comply with all local and state health regulations.

1 **26.30.90 Residential development**

2 Policies and regulations for residential development are intended to promote use of the shoreline that
3 acknowledges existing residential patterns and allows residential utilization of shoreline areas without
4 resulting in a net loss of ecological function.

5 A. Single-family residential development is a priority use on the shoreline when developed in a
6 manner consistent with control of pollution and prevention of damage to the natural environment.

7 B. Residential development in the shoreline shall meet the criteria of no-net-loss of ecological
8 functions in Section 26.20.20 of this program and the preferred sequence for mitigation of
9 impacts. The use shall be located and designed to maintain required buffers and maintain or
10 enhance shoreline ecological functions including shoreline geomorphic processes, water quality,
11 fish and wildlife habitat, and the aquatic food chain in general.

12 C. New residential development shall cluster dwelling units to provide as little alteration to the
13 natural environment as feasible and shall utilize low impact development (LID) techniques to
14 reduce physical and visual impacts on shorelines.

15 D. Multi-family residential use is not a priority for location on the shoreline under the Shoreline
16 Management Act and is subject to the preference for water-dependent and water-oriented use. It
17 therefore must meet requirements for providing public benefit through ecological restoration and
18 public access. Multi-family development may not be approved if it displaces existing water-
19 dependent uses. Multi-family development uses may be permitted only where it provides
20 significant public benefit with respect to the objectives of the Act by:

21 1. Restoration of ecological functions both in aquatic and upland environments that shall
22 provide native vegetation buffers according to the standards provided for Sensitive Areas or
23 in accordance with the Restoration Element of this program; and

24 2. Provision of public access is required in accordance with RMC 26.20.050.

25 E. Over-water residences are prohibited

26 F. New residential development shall assure that the development will not require shoreline
27 stabilization. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall
28 demonstrate that shoreline stabilization is unlikely to be necessary, setbacks from steep slopes,
29 bluffs, landslide hazard areas, seismic hazard areas, and riparian erosion areas shall be sufficient
30 to protect structures during the life of the lots, and impacts to adjacent, downslope, or down-
31 current properties is not likely to occur during the life of lots created.

32 G. New residential development shall meet all Sensitive Area provisions of this program. Filling of,
33 or into, water bodies or their associated wetlands for the purpose of subdivision or multi-family
34 construction shall not be permitted. New subdivisions, short plats, and large lots shall preserve
35 the required buffer in a protective tract, public or private land trust dedication, or similarly
36 preserved through an appropriate permanent protective mechanism. Each lot owner within the

1 subdivision, short plat, or other land division shall have an undivided interest in the tract(s) or
2 protective mechanism created.

3 H. Residential developments, including subdivisions, and planned unit developments of five (5) or
4 more lots/units shall provide "improved public access for all residents of the development and the
5 general public, in compliance with public access standards contained in Section 26.20.050.

6 I. All new divisions of land shall record a prohibition on new private individual docks on the face of
7 the plat. An area reserved for shared moorage may be designated if it meets all requirements of
8 this program.

9 J. All development shall be in compliance with all codes and ordinances of the city of Richland,
10 including applicable subdivision, Sensitive Area and zoning regulations.

11 **26.30.100 Transportation Facilities**

12 A. Roads and Bridges

13 1. Development of new roads or substantially expanded existing roads shall demonstrate the
14 need for a shoreline location and that no feasible upland alternative outside the shoreline is
15 available;

16 2. Roads shall cross shoreline areas by the shortest, most direct route feasible to minimize
17 impacts, unless such route would cause significant adverse impacts based on specific local
18 features.

19 3. The project configuration, design, and related features will minimize alteration of Sensitive
20 Area buffers, avoid impacts on bird and wildlife movement as much as is feasible, fit the
21 existing topography as much as feasible, and minimize alterations to the natural or existing
22 vegetation.

23 4. New transportation facilities shall be located and designed to avoid the need for shoreline
24 stabilization where feasible. Where demonstrated to be necessary to protect an existing
25 facility that is in imminent danger of loss or substantial damage, new or expanded structural
26 shore stabilization shall provide mitigation of impacts resulting in no net loss of shoreline
27 ecological functions. In cases where substantial shore stabilization is required, relocation of
28 roads further from the shoreline may be required.

29 5. New or expanded roads will provide public access in accordance with Section 26.20.050 and
30 where they afford scenic vistas, pedestrian viewpoints will be provided.

31 6. Wetlands shall be avoided whenever feasible. If avoidance is not feasible, bridges shall be
32 utilized when crossing wetlands to avoid obstructing movement of surface and groundwater
33 unless it can be demonstrated that fill and compensatory mitigation will produce equal or
34 greater ecological functions.

35 7. Road crossings of streams shall utilize bridges rather than culverts to the maximum extent
36 feasible.

- 1 8. Private access roads or driveways providing ingress and egress for individual single-family
- 2 residences or lots shall be limited to the minimum allowed by the Fire Code.
- 3 9. Bridges shall be designed and built of sufficient lateral and vertical clearance to allow the
- 4 unimpeded passage of flood flows and debris. In wide streamways, bridges shall employ the
- 5 maximum length of clear spans feasible with pier supports that produce the minimum
- 6 deflection feasible. Bridge approaches in floodways of any stream shall be constructed on
- 7 open piling or other measures to allow free water movement.
- 8 10. Landscape planting is required along all shoreline roads, parking, and turnout facilities to:
- 9 a. Provide buffers between pedestrian and auto users;
- 10 b. Enhance the shoreline driving experience; and
- 11 c. Enhance and complement potential views of shoreline areas.
- 12 11. The City shall not vacate any public right-of-way in a shoreline location until adopting a
- 13 Comprehensive Public Access plan for the area showing that the subject right-of-way cannot
- 14 be used as a contributing element in that plan. The City shall vacate a public right-of-way
- 15 abutting a body water only in compliance with RCW 35.79.035, which allows vacations of
- 16 streets abutting bodies of water only when:
- 17 a. The vacation will enable acquisition of the property for public purposes;
- 18 b. The street or alley is not suitable for certain purposes (e.g., port, park, education); or
- 19 c. The vacation will enable implementation of a public access plan.
- 20 12. In order to improve public access to the shoreline the City shall acquire and/or retain
- 21 abandoned or unused road or railroad rights-of-way for public access to and/or along the
- 22 water.

23 B. Non-Motorized Facilities

- 24 1. Non-motorized facilities shall comply with provision for public access facilities in Section
- 25 26.20.050.
- 26 2. Trails shall be developed consistent with adopted city and regional system plans.
- 27 3. Non-motorized facilities shall avoid sensitive features of the shoreline to the extent feasible,
- 28 including wetlands and fish and wildlife habitat. Facilities shall be placed outside of, or in
- 29 the outer portions of buffers. Elevated walkways shall be utilized where feasible to cross
- 30 wetlands and streams.

31 C. Railroads

- 32 1. Railroad improvement requiring right-of-way expansion within the shoreline shall
- 33 demonstrate that there is no feasible alternative outside of shoreline jurisdiction.
- 34 2. Expansion of existing railroad facilities within existing rights-of-way (additional track or
- 35 other features) must demonstrate the need for a shoreline location and that no feasible upland

1 alternative outside shoreline jurisdiction is feasible. New tracks shall be placed upland of
2 existing tracks if feasible and may require relocation of existing tracks.

3 3. The project shall be designed to minimize alteration of Sensitive area buffers, to fit the
4 existing topography as much as feasible, and minimize alterations to the natural or existing
5 topography.

6 4. Wetlands shall be avoided whenever feasible. Bridges shall be utilized when crossing
7 wetlands to avoid obstructing movement of surface and groundwater unless it can be
8 demonstrated that fill and compensatory mitigation will produce equal or greater ecological
9 functions.

10 5. Trails and shoreline access should be provided with facilities to safely cross railroads, to
11 enhance regional non-motorized circulation, and improve public access to the shoreline. Any
12 proposal to add tracks to an existing corridor shall include additional crossings of the rail
13 corridor to make a proportional contribution to meeting an ultimate goal of at least one
14 crossing every 2,500 feet.

15 6. Criteria for road crossings of streams and shoreline stabilization shall apply to railroads.

16 **D. Parking**

17 1. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary
18 to support an authorized use. Parking facilities shall be located outside shoreline jurisdiction
19 where possible. Parking in shoreline jurisdiction shall directly serve a permitted shoreline
20 use and shall be located outside of Sensitive Area buffers and as far from the water/land
21 interface as possible.

22 2. Parking facilities serving individual buildings on the shoreline shall be located landward from
23 the principal building being served. The only exceptions to this would be when the parking
24 facility is within or beneath the structure and adequately screened, or in cases when an
25 alternate location would have less environmental impact on the shoreline and in all cases is
26 prohibited over the water.

27 3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon
28 adjacent shoreline and abutting properties. Landscaping shall comply with RMC 23.54 and
29 in addition landscaping between parking areas and public access shall provide effective
30 screening within three years of project completion.

31 **26.30.101 Utilities**

32 A. New or substantially expanded utilities serving uses within the City may be located within
33 shoreline jurisdiction only if:

34 1. The facility is needed within the shoreline jurisdiction to support permitted shoreline
35 activities; and

- 1 2. No feasible upland alternative exists based on analysis of system options that assess the
2 potential for alternative routes outside shoreline jurisdiction or is set back further from the
3 land/water interface.
- 4 B. Regional facilities that serve uses outside the City and all electric transmission facilities with a
5 capacity greater than 50 kW shall demonstrate, based on an analysis of alternative routes and
6 technology, that:
- 7 1. No upland alternative route is feasible,
- 8 2. Utilization of existing corridors is not feasible, including expansion or replacement of
9 existing facilities, if new corridors are proposed,
- 10 3. A location within designated industrial environments or existing transportation corridors is
11 not feasible,
- 12 4. The proposal has the least feasible adverse impact on the natural environment, and
- 13 5. The location and design of the facility has the least feasible change in the existing character
14 of the shoreline views enjoyed by residences or from public access facilities, and will not
15 obstruct scenic vistas.
- 16 C. Linear facilities consisting of pipelines, sewers, cables and other facilities roughly parallel to the
17 shoreline shall be discouraged except where no other feasible alternative exists. At the time of
18 replacement of such facilities that are close to their lifespan, or when such facilities are expanded,
19 relocation outside of the shoreline may be required as if they were new facilities. When permitted,
20 design shall assure that maintenance of the facilities does not result in a net loss of shoreline
21 ecological functions or significant impacts to other shoreline resources and values.
- 22 D. Utilities shall be located in the least sensitive portions of a site and outside of natural open space
23 areas, where feasible, and be designed to minimize environmental impact, avoid significant
24 natural, historic, archaeological, or cultural sites to the maximum extent feasible, and mitigate
25 unavoidable impacts.
- 26 E. Utilities, where permitted, shall meet the following design criteria:
- 27 1. Facilities should occupy as little of the shoreline as feasible and should be located in existing
28 rights of way and if possible should share existing facilities where feasible. Utility
29 installation parallel to the shoreline should be avoided to the maximum extent feasible.
30 Utilities shall cross the shoreline area by the shortest most direct route, unless such route
31 would cause substantial significant environmental damage.
- 32 2. Utilities shall be located and designed to minimize alterations to the natural environment, be
33 located outside of natural open space areas, where feasible, and fit the existing topography as
34 much as possible and should be designed to minimize and mitigate environmental impact.
- 35 3. Facilities shall be located and designed to minimize introducing elements that change the
36 existing character of the shoreline obstruct views enjoyed by residences or from public access
37 facilities, or obstruct scenic vistas.

- 1 4. Utility crossings of water bodies shall be attached to bridges or located in other existing
2 facilities, if feasible. If new installations are required to cross water bodies or wetlands they
3 should avoid disturbing banks and streambeds and shall be designed to avoid the need for
4 shoreline stabilization. Crossings shall be tunneled or bored where feasible. Installations
5 shall be deep enough to avoid failures or need for protection due to exposure due to stream
6 bed mobilization, aggregation, or lateral migration. Underwater utilities shall be placed in a
7 sleeve if feasible to avoid the need for excavation in the event of the need for maintenance or
8 replacement.
- 9 F. New electrical distribution lines within the shoreline shall be placed underground. Distribution
10 lines that cross water or other Sensitive areas may be allowed to be placed above ground if:
- 11 1. Underground installation would substantially disrupt ecological functions and processes of
12 water bodies and wetlands, and horizontal drilling or similar technology that does not disturb
13 the surface is not feasible;
- 14 2. Visual impacts are minimized to the extent feasible; and
- 15 3. If overhead facilities require that native trees and other vegetation in a Sensitive Areas buffer
16 cannot be maintained in a natural condition, compensatory mitigation shall be provided on or
17 off-site.
- 18 G. Stormwater, wastewater, or water supply pump stations, and stormwater discharge facilities such
19 as dispersion trenches, level spreaders, and outfalls may be located in the shoreline jurisdiction if:
- 20 1. Due to topographic or other physical constraints there are no feasible locations for these
21 facilities outside the shoreline;
- 22 2. The facility minimizes and compensates for impacts to Sensitive Area buffers; and
- 23 3. Any discharge facility is designed and maintained to prevent erosion or other adverse
24 impacts.
- 25 H. Construction shall be designed to protect the shoreline against erosion, uncontrolled or polluting
26 drainage and other factors detrimental to the environment, both during and after construction.
- 27 I. Roadways or other facilities to access utility installations within Sensitive Area buffers shall be
28 no wider than needed to construct, maintain, or repair the utility.
- 29 J. Facilities involving buildings, such as pump stations, electrical substation, or other facilities,
30 when permitted and shall be in scale with surrounding development, architecturally compatible
31 and landscaped to assure compatibility with natural features, public access facilities, and adjacent
32 uses.
- 33 K. Public Access: Utility development shall provide for compatible, multiple uses of sites and rights-
34 of-way through coordination with local government agencies. Such uses include shoreline access
35 in accordance with RMC 26.20.050, trail systems, and other forms of recreation and
36 transportation, providing such uses will not unduly interfere with utility operations, endanger
37 public health and safety, or create a significant and disproportionate liability for the owner.

1 **26.40 Shoreline Modification Regulations**

2 **26.40.10 Shoreline Stabilization**

3 Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings,
4 businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action.
5 These actions include structural and nonstructural methods.

- 6 A. New development, including subdivision, shall be located and designed to avoid the need for
7 future shoreline stabilization to the maximum extent feasible. New lots created by subdivision
8 shall not require shoreline stabilization in order for reasonable development to occur. New
9 development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is
10 unlikely to be necessary during the life of the structure. Proposed development that would
11 require shoreline stabilization which would cause significant impacts to adjacent or down-current
12 properties and shoreline areas shall not be allowed. In all cases, compliance with this criterion
13 shall be documented by geotechnical analysis by qualified professionals.
- 14 B. The construction of shoreline protection for the primary purpose of retaining or creating dry land
15 that is not specifically authorized as a part of the permit is prohibited.
- 16 C. Shoreline stabilization shall be designed and constructed to avoid stream channel direction
17 modification, realignment, and straightening or result in increased channelization of normal
18 stream flows.
- 19 D. New or enlarged structural shoreline stabilization measures for an existing primary structure,
20 including residences, shall not be allowed unless there is conclusive evidence, documented by a
21 geotechnical analysis that the structure is in danger from shoreline erosion caused by natural
22 processes rather than from upland conditions such as poorly managed stormwater or vegetation
23 removal. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a
24 scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall
25 evaluate on-site drainage issues and address drainage problems away from the shoreline edge
26 before considering structural shoreline stabilization. The erosion control structure shall not result
27 in a net loss of shoreline ecological functions.
- 28 E. Alternatives for shoreline stabilization shall be based on the following hierarchy of preference:
- 29 1. No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate
30 structures.
- 31 2. Stabilization constructed of natural materials incorporating measures such as soft shore
32 protection and bioengineering, including beach nourishment, protective berms, or vegetative
33 stabilization.
- 34 3. Soft-shore stabilization, as described above, in combination with rigid works, as described
35 below, constructed as a protective measure.
- 36 4. Rigid works constructed of artificial materials such as riprap or concrete.

- 1 F. Shoreline stabilization may be permitted to protect a water-dependent development, or single-
2 family residences, when all of the conditions below have been demonstrated to apply and are
3 documented by report by a qualified professional:
 - 4 1. The erosion is not being caused by upland conditions, such as the loss of vegetation and
5 drainage.
 - 6 2. Nonstructural measures, such as placing the development further from the shoreline, planting
7 vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - 8 3. The need to protect primary structures from damage due to erosion is demonstrated through a
9 geotechnical report.
 - 10 4. The stabilization structure shall not result in a net loss of shoreline ecological functions.
 - 11 5. Where a geotechnical analysis confirms a need to prevent potential damage to a primary
12 structure, but the need is not as immediate as three years, the analysis may still be used to
13 justify more immediate authorization for shoreline stabilization using bioengineering
14 approaches.
- 15 G. Shoreline stabilization may be permitted to protect an existing non-water-dependent development
16 when all of the conditions below are met as documented by report by a qualified professional:
 - 17 1. The erosion is not being caused by upland conditions, such as the loss of vegetation and
18 drainage.
 - 19 2. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are
20 not feasible or not sufficient.
 - 21 3. The need to protect primary structures from damage due to erosion is demonstrated through a
22 geotechnical report.
 - 23 4. The affected structure cannot be feasibly located or relocated outside of the area affected by
24 natural shoreline erosion processes.
 - 25 5. The stabilization structure will not result in a net loss of shoreline ecological functions.
 - 26 6. Where a geotechnical analysis confirms a need to prevent potential damage, but the need is
27 not as immediate as three years, the analysis may still be used to justify more immediate
28 authorization for shoreline stabilization using bioengineering approaches.
- 29 H. Shoreline protection for the restoration of ecological functions or hazardous substance
30 remediation projects pursuant to Chapter 70.105D RCW, shall meet the conditions below and be
31 documented by a qualified professional:
 - 32 1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are
33 not feasible or not sufficient.
 - 34 2. The erosion control structure will not result in a net loss of shoreline ecological functions.

1 I. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if
2 there is a demonstrated need to protect existing primary uses, structures, or public facilities (e.g.
3 roads, bridges, railways, and utility systems) from erosion caused by stream undercutting or wave
4 action. The existing shoreline stabilization structure must be removed from the shoreline as part
5 of the replacement activity. The following conditions must be met and documented by a qualified
6 professional:

- 7 1. There is a demonstrated need to protect principal uses or structures from erosion caused by
8 stream geohydraulic processes.
- 9 2. The replacement structure is be designed, located, sized, and constructed to assure no net loss
10 of ecological functions.
- 11 3. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water
12 mark or existing structure unless the residence was occupied prior to January 1, 1992 and
13 overriding safety or environmental concerns exist. In such cases, the replacement structure
14 shall abut the existing shoreline stabilization structure.
- 15 4. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions
16 may be permitted waterward of the ordinary high water mark.
- 17 5. For purposes of this subsection, "replacement" means the construction of a new structure to
18 perform a shoreline stabilization function of an existing structure which can no longer
19 adequately serve its purpose. Additions to or increases in size of existing shoreline
20 stabilization measures shall be considered new structures.

21 J. A publicly funded shoreline stabilization project shall include appropriate provisions for public
22 access to the shoreline, not create barriers to public access if in existence, and incorporate
23 ecological restoration measures if feasible.

24 K. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction
25 where alternatives more consistent with this program are feasible, because of their limited
26 durability and the potential hazard to shore users and the shoreline environment.

27 **26.40.20 Breakwaters, jetties, and groins**

28 A. Breakwaters, jetties, rock weirs, and groins shall only be permitted by Special Use Permit for
29 navigational purposes, water dependent uses, and marinas where water-dependent uses are
30 located waterward of the OHWM, and where protection from strong wave action is essential.

31 B. Breakwaters, jetties, rock weirs, and groins may be approved only if analysis by a qualified
32 professional demonstrates that erosion and accretion processes, riparian habitat, channel
33 migration, and floodplain functions will not be adversely affected or are mitigated by a specific
34 program implemented over the lifespan of the effect.

35 C. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access
36 and public fishing if such access is feasible and safe.

1 **26.40.30 Flood Hazard Management**

2 A. New or substantially altered structural flood hazard reduction measures, such as dikes, levees,
3 berms and similar flood control structures, shall be consistent with basin-wide flood control
4 strategies in regional flood hazard management plans.

5 B. Flood control structures shall be permitted for the following purposes only, as documented
6 through a geotechnical or geofluvial analysis.

7 1. They are necessary to protect existing development.

8 2. Non-structural flood hazard reduction measures are infeasible.

9 3. Impacts to ecological processes and functions, priority fish and wildlife species and habitats,
10 and the aquatic food chain can be successfully mitigated to assure no net loss of functions.

11 4. Measures are consistent with an adopted comprehensive flood hazard management plan that
12 evaluates cumulative impacts to the watershed system.

13 C. Public access shall be provided in accordance with public access policies and regulations of RMC
14 26.20.050. If the project is publicly funded the design must provide appropriate public access to
15 the shoreline, improve public access to the shoreline, and provide ecological restoration where
16 feasible.

17 D. Dike and levee design shall, to the maximum extent feasible be:

18 1. Limited in size to the minimum height required to protect adjacent lands from the predicted
19 flood stage as identified in the applicable comprehensive flood control management plan or
20 as required by FEMA for dike recertification.

21 2. Placed landward of Fish and Wildlife Conservation Area and wetland buffers unless there is
22 no other feasible alternative to reduce flood hazard to existing development.

23 3. Located and designed so as to protect and restore the natural character of the stream, avoid
24 the disruption of channel integrity and provide the maximum opportunity for natural
25 floodway functions to take place. Design must consider including levee setbacks to allow for
26 more natural function of floodplains, channel migration zones, off channel habitat and
27 associated wetlands directly interrelated and interdependent with the stream.

28 4. Designed to incorporate appropriate vegetation management.

29 E. All flood protection measures shall demonstrate that downstream flooding will not be increased
30 and the integrity of downstream ecological functions will not be adversely affected, including
31 disruption of natural drainage flows and stormwater runoff.

32 F. Removal of materials from the river channel for flood management purposes may be allowed
33 only as part of an adopted integrated flood control management program and after biological and
34 geomorphological study demonstrates that other flood hazard reduction strategies would not be
35 effective in the absence of gravel removal. Specific studies accompanying the application must
36 demonstrate that adverse flooding, erosion, or other environmental impacts either upstream or

1 downstream of extraction sites would not occur or would be mitigated, including analysis of the
2 natural processes of gravel transportation for the river system as a whole.

3 **26.40.40 Clearing and Grading**

- 4 A. Clearing and grading activities in shoreline areas shall be allowed only in association with a
5 permitted shoreline development and shall be limited to the minimum extent necessary to
6 accommodate shoreline development. Clearing and grading shall retain natural features and
7 functions, including natural topography, to the maximum extent feasible.
- 8 B. Fill is restricted in wetlands or Fish and Wildlife Habitat Conservation Areas in accordance with
9 Sensitive Areas regulations.
- 10 C. Fill may not be placed in floodways. Fill may be placed in other flood hazard areas only where it
11 is demonstrated that adverse impacts to hydrogeologic processes will be avoided and the
12 provisions of RMC 26.60 are met.
- 13 D. Fill below, or waterward, of the ordinary high water mark for any use except ecological
14 restoration requires a Special Use Permit. Fill may be placed below OHWM only when it is
15 demonstrated as necessary to:
- 16 1. Accomplish an aquatic habitat restoration plan;
 - 17 2. Correct the adverse results of past shoreline modification that has disrupted natural stream
18 geomorphic conditions and adversely affected aquatic or terrestrial habitat;
 - 19 3. Provide for cleanup and disposal of contaminated sediments as part of an interagency
20 environmental clean-up plan;
 - 21 4. Expand or alter transportation facilities of statewide significance currently located on the
22 shoreline and then only upon a demonstration that alternatives to fill are not feasible.
 - 23 5. Create water dependent recreational facilities open to the public.

24 **26.40.50 Dredging and Dredge Material Disposal**

- 25 A. Dredging shall be permitted only:
- 26 1. For flood control purposes, as part of an adopted regional flood control plan;
 - 27 2. In conjunction with a water-dependent use of water bodies or adjacent shorelands where
28 channel modification is essential to the water dependent use;
 - 29 3. As part of an approved habitat improvement project;
 - 30 4. In conjunction with a bridge, navigational structure, water, or wastewater treatment facility
31 for which there is a documented public need and where other feasible sites or methods are not
32 feasible.
- 33 B. New dredging shall be permitted only where it is demonstrated by a report by a qualified
34 professional that it will avoid adverse impacts to water quality, Fish and Wildlife Habitat

1 Conservation Areas and other Sensitive Areas, flood holding capacity, natural drainage and water
2 circulation patterns, significant plant communities, prime agricultural land, and public access to
3 shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that
4 they result in no net loss of ecological functions.

5 C. New development siting and design should avoid the need for new and maintenance dredging.

6 D. During a low water season, removal of a portion of an accretion point bar below OHWM but
7 above the water level at the time of operation may be permitted as a Special Use for flood control
8 purposes as follows:

9 1. It is identified as an element of an adopted integrated flood control management program that
10 demonstrates that other flood hazard reduction strategies would not be effective in the
11 absence of material removal, and is in accordance with RMC 26.40.030.F.

12 2. Specific studies accompanying the application must demonstrate that adverse flooding,
13 erosion, or other environmental impacts would not occur or would be mitigated either
14 upstream or downstream of extraction sites, including the natural processes of gravel
15 transportation for the river system as a whole.

16 E. Dredge material disposal shall be permitted only at locations where it is demonstrated by analysis
17 by a qualified professional that the disposal will not result in significant or ongoing adverse
18 impacts to water quality, Sensitive Areas, flood holding capacity, natural drainage and water
19 circulation patterns, prime agricultural land, or public access to shorelines. When such impacts
20 are unavoidable, they shall be minimized and mitigated such that they result in no net loss of
21 functions.

22 F. Disposal of dredge material within Fish and Wildlife Habitat Conservation Areas (FWHCA),
23 wetlands, within a floodplain or within a river's channel migration zone shall be allowed only
24 where alternative disposal sites are not feasible. In the limited instances where it is allowed, such
25 disposal shall require a Special Use Permit. Applicants shall demonstrate that: -

26 1. The proposed dredge materials disposal site is subject to an allowed use under this program
27 that:

28 a. Is an element of an approved restoration plan for aquatic or upland fish and wildlife
29 habitat.

30 b. Will create, expand, rehabilitate, or enhance a beach that provides public recreation
31 opportunities that is permitted under this program;

32 c. If on private land, the site will ultimately be suitable for a use permitted by this program
33 or will be subject to buffer or other open space restrictions;

34 d. Will affect the smallest feasible land;

35 2. Sites will be adequately screened from view of local residents or passersby on public right-of-
36 ways to the maximum extent practicable (e.g. a combination of fencing and vegetation).

- 1 3. Sites will be revegetated with appropriate native species as soon as possible to retard erosion
2 and restore wildlife habitat and other Sensitive Areas functions;
- 3 4. Shoreline ecological functions and processes will be preserved, including protection of
4 riparian buffers and surface and ground water;

5 **26.40.60 In-stream Structures**

- 6 A. In-stream structures may be allowed only when the public benefits of such facilities clearly
7 outweighs any loss of ecological processes and functions and only when an analysis of
8 alternatives demonstrates that the proposed location and design would result in less adverse
9 impact than alternative locations and designs.
- 10 B. In-stream structures may be approved only for:
- 11 1. Water-dependent use where the in-stream structure is essential to operation of the use
- 12 2. A project that has received Governor’s certification pursuant to chapter 80.50 RCW Energy
13 Facility Siting.
- 14 3. A project that has received approval and licensing by the Federal Energy Regulatory
15 Commission.
- 16 4. Projects that are part of an approved irrigation district plan or are private or corporate
17 irrigation facilities approved by the Washington Department of Fish and Wildlife.
- 18 5. A fish or wildlife habitat restoration project approved by the Washington Department of Fish
19 and Wildlife.
- 20 C. All in-stream structures shall demonstrate that they result in no net loss of ecological functions
21 and applications shall detail all mitigation measures, include detailed mitigation plans, timetables
22 for implementation, and a monitoring program.
- 23 D. In-stream structures and their support facilities shall be located and designed to minimize the
24 need for shoreline defense structures. When shoreline defense structures are demonstrated as
25 necessary, they shall be approved in accordance with Section 26.40.10 Shoreline Stabilization.
- 26 E. In-stream structures and associated facilities shall avoid, and where avoidance is not feasible shall
27 mitigate, adverse land use impacts including impacts to public access facilities, publicly owned
28 lands or waters used for recreation, and public and private recreation facilities. Impacts to be
29 avoided include the visual impact of the structure or facilities, the intrusion of roads or utility
30 corridors into undeveloped area used for recreation, noise and impacts from reduced water flows.
- 31 F. In-stream structures shall be designed and constructed to provide public access to and along the
32 shoreline, in accordance with the public access policies and regulations contained in Section
33 26.20.050. Existing public access and recreational opportunities should be retained, enhanced, or
34 replaced.

1 **26.50 Permit Administration and Enforcement**

2 **26.50.1 Administrator.**

3 The deputy city manager for community and development services or his designee shall administer and be
4 responsible for the enforcement of the Richland shoreline master program.

5 **26.50.10 Permit requirements.**

6 A. Substantial developments proposed on shorelines of Richland shall be allowed subject to the
7 issuance of a permit from the City of Richland. Applications for Substantial Development Permit,
8 Special Use Permit, and Variance shall be required to comply with the permit review provisions
9 established by the State of Washington (Chapter 173-27 WAC) and the City of Richland and shall
10 be accompanied by a standard fee as set forth in the schedule of fees in RMC 19.80. Application
11 forms containing the information required by WAC 173-27-180 shall be provided by the
12 Shoreline Administrator.

13 B. Shoreline permits shall be classified Type I or Type II permit applications according to the
14 criteria established in RMC 19.20.010.

15 1. Decision authority for Shoreline Substantial Development Permits meeting the criteria for
16 Type I permit applications shall rest with the Administrator.

17 2. Decision authority for Shoreline Substantial Development Permits classified as Type II
18 permit applications and all Special Use Permits shall rest with the Planning Commission.

19 3. Decision authority for shoreline Variances shall rest with the Planning Commission.

20 C. Application for a Substantial Development Permit or Special Use Permit shall be considered a
21 request for Site Plan Approval as outlined in RMC 23.48.

22 **26.50.11 Coordination with Other Agencies**

23 The City will coordinate on issues relating to ecological conditions, functions, and processes and on
24 wetland and ordinary high water delineations with the Washington State Department of Ecology, the
25 Department of Natural Resources, and the Department of Fish and Wildlife, as well as other agencies with
26 permit authority over a project to the extent that agencies are timely in their response and coordination
27 does not unduly extend review times.

28 **26.50.12 Development Compliance**

29 A. All uses and developments within the jurisdiction of the Shoreline Management Act shall be
30 planned and carried out in a manner that is consistent with this Program and the policies of the
31 Act as required by RCW 90.58.140(1), regardless of whether a Shoreline Substantial
32 Development Permit, Statement of Exemption, Shoreline Variance, or Shoreline Special Use
33 Permit is required. The City shall ensure compliance with the provisions of this Program for all
34 permits and approvals processed by the City.

1 B. Regulation of private property to implement any Program goals such as public access and
2 protection of ecological functions must be consistent with all relevant constitutional and other
3 legal limitations. These include, but are not limited to, property rights guaranteed by the United
4 States Constitution and the Washington State Constitution, applicable federal and state case law,
5 and state statutes, such as RCW 34.05.328 and 43.21C.060. An applicant requesting specific
6 accommodation of constitutional or other legal limits in the application of standards and criteria
7 of this Program must do so in application materials. The decision maker shall address such
8 requests in specific findings.

9 C. Policies and provisions of this program and RCW 90.58 including the permit system, shall apply
10 to all nonfederal developments and uses undertaken on federal lands and on lands subject to
11 nonfederal ownership, lease or easement, even though such lands may fall within the external
12 boundaries of a federal ownership.

13 D. In reviewing all permits, consideration shall be given to the cumulative impact of existing
14 development, approved but not yet constructed development, and the likelihood of additional
15 requests for like actions to the extent such uses are allowed in an area and development trends
16 indicate a reasonable likelihood of occurrence. The city shall track, and periodically evaluate the
17 cumulative effects of all project review actions in shoreline areas.

18 E. Compliance with the provisions of this chapter does not constitute compliance with other federal,
19 state, and local regulations and permit requirements that may be required (for example, Hydraulic
20 Permit Act (HPA) permits, U.S. Army Corps of Engineers Section 404 permits, Washington State
21 Department of Ecology Water Quality Certification (Section 401) National Pollution Discharge
22 Elimination System permits). The applicant is responsible for complying with these
23 requirements, apart from the process established in this chapter.

24 **26.50.20 Exemptions from Substantial Development Permit**

25 A. A substantial development permit shall be required for all proposed use and development of
26 shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1).

27 B. The following shall not be considered substantial developments for the purpose of this Master
28 Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP),
29 provided that any additional exemptions established by legislative amendment of the statute shall
30 constitute exemptions without amendment to this code. An exemption from an SSDP is not an
31 exemption from compliance with the Act or the Shoreline Master Program, or from any other
32 regulatory requirements. To be authorized, all uses and developments must be consistent with the
33 policies and provisions of the applicable master program and the Shoreline Management Act. A
34 use or development exempt from a Shoreline Substantial Development Permit may require a
35 Special Use Permit or a Variance.

36 1. Governor's Certification: Any project with a certification from the Governor pursuant to
37 Chapter 80.50 RCW.

- 1 2. Projects valued at or below \$6,416, established by RCW 90.58.030(3)(e) as amended for
- 2 consumer price index inflations.
- 3 3. Maintenance and Repair: Normal maintenance or repair of existing structures or
- 4 developments, including damage by accident, fire, or elements.
- 5 a. “Normal maintenance” includes those usual acts to prevent a decline, lapse, or cessation
- 6 from a lawfully established condition.
- 7 b. “Normal repair” means to restore a development to a state comparable to its original
- 8 condition, including but not limited to its size, shape, configuration, location and external
- 9 appearance, within a reasonable period after decay or partial destruction, except where
- 10 repair causes substantial adverse effects to the shoreline resource or environment.
- 11 c. Replacement of a structure or development may be authorized as repair where such
- 12 replacement is the common method of repair for the type of structure or development and
- 13 the replacement structure or development is comparable to the original structure or
- 14 development including, but not limited to, its size, shape, configuration, location and
- 15 external appearance and the replacement does not cause substantial adverse effects to
- 16 shoreline resources or environment.
- 17 4. Emergency Construction: Emergency construction necessary to protect property from damage
- 18 by the elements.
- 19 a. An “emergency” is an unanticipated and imminent threat to public health, safety, or the
- 20 environment which requires immediate action within a time too short to allow for full
- 21 compliance with the Shoreline Master Program.
- 22 b. Emergency construction does not include development of new permanent protective
- 23 structures where none previously existed. Where new protective structures are deemed to
- 24 be the appropriate means to address the emergency situation, upon abatement of the
- 25 emergency situation, the new structure shall be removed or any permit which would have
- 26 been required, absent an emergency, pursuant to chapter 90.58 RCW, chapter 173 -27
- 27 WAC or this Shoreline Program shall be obtained.
- 28 c. All emergency construction shall be consistent with the policies of chapter 90.58 RCW
- 29 and the Shoreline Master Program.
- 30 d. In general, flooding or other seasonal events that can be anticipated and may occur, but
- 31 that are not imminent, are not an emergency.
- 32 5. Agricultural Construction or Practices: Construction and practices normal or necessary for
- 33 farming, irrigation, and ranching activities, including agricultural service roads and utilities
- 34 on shorelands, and the construction and maintenance of irrigation structures, including but
- 35 not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size,
- 36 all processing plants, other activities of a commercial nature, alteration of the contour of the
- 37 shorelands by leveling or filling, other than that which results from normal cultivation, shall
- 38 not be considered normal or necessary farming or ranching activities. A feedlot shall be an

1 enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or
2 other livestock feed, but shall not include land for growing crops or vegetation for livestock
3 feeding and/or grazing, nor shall it include normal livestock wintering operations.

4 6. Construction of Single-Family Residence and Accessory Buildings: Construction on
5 shorelands by an owner, lessee or contract purchaser of a single family residence for his own
6 use or for the use of his family, which residence does not exceed a height of 35 feet above
7 average grade level as defined in WAC 173-27-030, and which meets all requirements of the
8 State agency or local government having jurisdiction thereof, other than requirements
9 imposed pursuant to this Section.

10 a. "Single family" residence means a detached dwelling designed for and occupied by one
11 (1) family including those structures and developments within a contiguous ownership
12 which are a normal appurtenance. An "appurtenance" is necessarily connected to the use
13 and enjoyment of a single family residence and is located landward of the OHWM and
14 the perimeter of a wetland.

15 b. Construction authorized under this exemption shall be located landward of the OHWM.

16 7. Construction of Non-Commercial Docks: Construction of a dock, including a community
17 dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee,
18 or contract purchaser of single and multi-family residences. This exception applies if:

19 a. The fair market value of the dock does not exceed twenty thousand dollars for docks that
20 are constructed to replace existing docks, are of equal or lesser square footage than the
21 existing dock being replaced; or

22 b. Ten thousand dollars for all other docks constructed in fresh waters. However, if
23 subsequent construction occurs within five years of completion of the prior construction,
24 and the combined fair market value of the subsequent and prior construction exceeds the
25 amount specified in this subsection, the subsequent construction shall be considered a
26 substantial development for the purpose of this chapter.

27 c. A dock is a landing and moorage facility for watercraft and does not include recreational
28 decks, storage facilities, or other appurtenances.

29 d. The dock meets all requirements of this code. A private dock generally is prohibited.

30 8. Construction Authorized by the Coast Guard: Construction or modification, by or under the
31 authority of the Coast Guard or a designated port management authority, of navigational aids
32 such as channel markers and anchor buoys.

33 9. Operation, Maintenance, or Construction Related to Irrigation: Operation, maintenance, or
34 construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are
35 hereafter created or developed as part of an irrigation system for the primary purpose of
36 making use of system waters, including return flow and artificially stored groundwater for the
37 irrigation of lands.

- 1 10. Marking of Property Lines on State-Owned Lands: The marking of property lines or corners
2 on State-owned lands when such marking does not interfere with the normal public use of the
3 surface of the water.
- 4 11. Operation and Maintenance of Agricultural Drainage or Dikes: Operation and maintenance of
5 any system of dikes, ditches, drains, or other facilities existing on September 8, 1975 which
6 were created, developed, or utilized primarily as a part of an agricultural drainage or diking
7 system.
- 8 12. Activities Necessary for Permit Application: Site exploration and investigation activities that
9 are prerequisites to preparation of an application for development authorization under the
10 Shoreline Master Program, if:
- 11 a. the activity does not interfere with the normal public use of the surface waters;
- 12 b. the activity will have no significant adverse impact on the environment including, but not
13 limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
- 14 c. the activity does not involve the installation of a structure, and upon completion of the
15 activity the vegetation and land configuration of the site are restored to conditions
16 existing before the activity;
- 17 d. a private entity seeking development authorization under the Shoreline Master Program
18 first posts a performance bond or provides other evidence of financial responsibility to
19 the Administrator to ensure that the site is restored to pre-existing conditions; and
- 20 e. the activity is not subject to the permit requirements of RCW 90.58.550.
- 21 13. Removal or Control of noxious Weeds: The process of removing or controlling an aquatic
22 noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other
23 treatment methods applicable to weed control that are recommended by a final environmental
24 impact statement published by the Department of Agriculture or the Department of Ecology
25 jointly with other State agencies under chapter 43.21C RCW.
- 26 14. Watershed Restoration Projects: Watershed restoration projects as defined below:
- 27 a. “Watershed restoration project” means a public or private project authorized by the
28 sponsor of a watershed restoration plan that implements the plan or a part of the plan and
29 consists of one or more of the following activities:
- 30 i. A project that involves less than ten (10) miles of stream reach, in which less than
31 twenty five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed,
32 or discharged, and in which no existing vegetation is removed except as minimally
33 necessary to facilitate additional plantings.
- 34 ii. A project for the restoration of an eroded or unstable stream bank that employs the
35 principles of bioengineering, including limited use of rock as a stabilization only at
36 the toe of the bank, and with primary emphasis on using native vegetation to control
37 the erosive forces of flowing water.

- 1 iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce
2 impediments to migration of fish, or enhance the fishery resource available for use by
3 all of the citizens of the State, provided that any structure other than a bridge or
4 culvert or in-stream habitat enhancement structure associated with the project is less
5 than two hundred (200) square feet in floor area and is located above the OHWM of
6 the stream.
- 7 b. “Watershed restoration plan” means a plan developed or sponsored by a state department,
8 a federally recognized Indian Tribe, a City, or a conservation district, for which agency
9 and public review has been conducted pursuant to chapter 43.21C RCW, the State
10 Environmental Policy Act. The watershed restoration plan generally contains a general
11 program and implementation measures or actions for the preservation, restoration, re-
12 creation, or enhancement of the natural resources, character, and ecology of a stream,
13 stream segment, drainage area, or watershed.
- 14 15. Projects to Improve Fish and Wildlife Passage or Habitat: A public or private project, the
15 primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of
16 the following apply:
- 17 a. The project has been approved in writing by the Department of Fish and Wildlife as
18 necessary for the improvement of the habitat or passage and appropriately designed and
19 sited to accomplish the intended purpose.
- 20 b. The project has received hydraulic project approval by the Department of Fish and
21 Wildlife pursuant to chapter 75.20 RCW.
- 22 c. The Administrator has determined that the project is consistent with this Master Program.
- 23 16. Hazardous Substance Remediation: Hazardous substance remedial actions pursuant to WAC
24 173-27-040(3).
- 25 17. Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration: Actions on land
26 that otherwise would not be under the jurisdiction of the Shoreline Management Act except
27 for a change in the location of OHWM or other criteria due to a shoreline restoration project
28 creating a landward shift in the ordinary high water mark that brings the land under the
29 jurisdiction of the Act approved in accordance with RMC 26.50.140.
- 30 C. All of the above exemptions are subject to the following regulations:
- 31 1. Exemptions shall be construed narrowly. Only those developments that meet the precise
32 terms of one or more of the listed exemptions may be granted exemptions from the
33 substantial development permit process.
- 34 2. The burden of proof that a development or use is exempt is on the applicant/proponent of the
35 exempt development action.
- 36 3. If any part of a proposed development is not eligible for exemption, then a Substantial
37 Development Permit or Special Use Permit is required for the entire project.

1 **26.50.21 Exemption Procedures**

2 A. A project requiring a permit from the City and subject to an exemption to a shoreline substantial
3 development permit shall be reviewed under the criteria of the underlying permit with an
4 additional finding recorded by the administrator addressing the grounds under which the permit is
5 exempt.

6 B. Any person claiming exemption from the permit requirements of this Master Program as a result
7 of the exemptions specified in this Section may make application for an exemption certificate to
8 the administrator in the manner prescribed by the City.

9 C. Any project for which Ecology is designated as the coordinating agency for the state with regard
10 to permits issued by the U.S. Army Corps of Engineers. The City shall transmit an exemption
11 certificate addressed to the applicant and the Department of Ecology, whenever a development is
12 subject to one or more of the following federal permit requirements:

13 1. A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of
14 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any
15 project occurring on or over navigable waters. Specific applicability information should be
16 obtained from the Corps of Engineers.) or

17 2. A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions
18 of section 404 of the Federal Water Pollution Control Act generally apply to any project
19 which may involve discharge of dredge or fill material to any water or wetland area. Specific
20 applicability information should be obtained from the Corps of Engineers.)

21 3. The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being
22 applied to the development and provide a summary of the local government's analysis of the
23 consistency of the project with the master program and the act.

24 D. The City may attach conditions to the approval of exempted developments and/or uses as
25 necessary to assure consistency of any project with the Shoreline Management Act and this
26 Shoreline Master Program.

27 **26.50.30 Shoreline Permit Application Procedures**

28 In addition to the public notice requirements of Title 19 Development Regulation Administration the
29 following notice shall be provided for each application for a shoreline management substantial
30 development, special use, or variance permit.

31 A. Within fourteen days after the city has made a determination of completeness on the project
32 permit application the city shall issue public notice including:

33 1. The date of application, the date of the notice of completion for the application, and the date
34 of the notice of application;

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

21 B. Public notice shall include:

- 22 1. Mailing of the notice to the latest recorded real property owners as shown by the records of
- 23 the county assessor within at least three hundred feet of the boundary of the property upon
- 24 which the development is proposed;
- 25 2. Posting on the property;
- 26 3. Publication at least once in the official newspaper of the city; and
- 27 4. If an open record public hearing is required, a notice shall be provided at least fifteen (15)
- 28 days prior to the hearing.

29 **26.50.40 Approval Criteria**

30 In order to approve any development within SMP jurisdiction, the City must find that a proposal is

31 consistent with the following criteria in addition to the requirements of RMC Title 19, Permit

32 Administration.

- 33 A. Conformance with the Shoreline Management Act of 1971, as amended;

- 1 B. General conformance with the goals for the shoreline program, the general development policies
2 for the plan elements, and the applicable policy statements for the use activity and the shoreline
3 environment;
- 4 C. Compliance with use regulations of the Shoreline Master Program appropriate to the shoreline
5 designation and the type of use or development proposed, particularly the preference for water-
6 oriented uses, subject to liberal construction to give full effect to the objectives and purposes for
7 which they have been enacted. If a non-water-oriented use is approved, the decision maker shall
8 enter specific findings documenting why water-oriented uses are not feasible.
- 9 D. Compliance with bulk and dimensional regulations of the Shoreline Master Program appropriate
10 to the shoreline designation and the type of use or development proposed, except those bulk and
11 dimensional standards that have been modified by approval of a shoreline variance.
- 12 E. Consideration of the recommendations and comments of the Richland parks and recreation
13 commission, as the proposed development will affect and be affected by the goals and objectives
14 of City plans for parks, trails, and open space;
- 15 F. General conformance with the provisions of the Richland comprehensive plan;
- 16 G. Consideration of provisions for facilities and improved designs to accommodate and encourage
17 use by the physically handicapped;
- 18 H. Compliance with the State Environmental Policy Act (SEPA) RCW 43.21C; and
- 19 I. Compliance with applicable provisions of the Richland Municipal Code.

20 **26.50.50 Special Use Permit**

- 21 A. Certain uses are indicated in the use chart as being permitted subject to the granting of a special
22 use permit. The purpose of a special use permit is to provide greater flexibility in administering
23 the use regulations of the shoreline program to accommodate certain uses which, by nature of use,
24 intensity, or impact on an area, cannot be permitted outright within a shoreline environment in a
25 manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special
26 conditions may be attached to the permit by local government or the Department of Ecology to
27 prevent undesirable effects of the proposed use and/or to assure consistency of the project with
28 the act and the local master program. (A Special Use permit is the same as a Conditional Use in
29 WAC 172-27-160.)
- 30 B. Applications for special use permits for development on shorelines shall be considered a request
31 for site plan approval and shall also be required to observe the permit application review
32 procedure set forth in this program.
- 33 C. Applicants shall disclose as part of the permit process:
 - 34 1. Any applicable federal, state or local regulatory permit requirements; and
 - 35 2. The status of any contact with those agencies having permit jurisdiction over the proposed
36 project and status of any permits that may have been applied for.

- 1 D. Uses which are classified in this master program as special uses may be authorized provided that
2 the applicant demonstrates all of the following:
- 3 1. That the proposed use is consistent with the policies, regulations and standards of RCW
4 90.58.020 and this master program;
- 5 2. That the proposed use will not interfere with the normal public use of public shorelines;
- 6 3. That the proposed use of the site and design of the project is compatible with other authorized
7 uses within the area and with uses planned for the area under the comprehensive plan and
8 shoreline master program;
- 9 4. That the proposed use will cause no significant adverse effects to the shoreline environment
10 in which it is to be located; and
- 11 5. That the public interest suffers no substantial detrimental effect.
- 12 E. In the granting of all special use permits, consideration shall be given to the cumulative impact of
13 additional requests for like actions in the area. For example, if special use permits were granted
14 for other developments in the area where similar circumstances exist, the total of the special uses
15 shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial
16 adverse effects to the shoreline environment.
- 17 F. Other uses which are not classified or set forth in the applicable master program may be
18 authorized as special uses provided the applicant can demonstrate consistency with the
19 requirements of this section and the requirements for special uses contained in the master
20 program.
- 21 G. Uses which are specifically prohibited by the master program may not be authorized pursuant to
22 either subsection (1) or (2) of this section.

23 **26.50.60 Variances**

- 24 A. A development may be granted which is at variance with the specific bulk, dimensional or
25 performance standards established in the SMP where, owing to extraordinary circumstances
26 relating to the physical character or configuration of property, the literal interpretation and strict
27 application of the criteria established in the SMP would cause undue and unnecessary hardship or
28 thwart the policies set forth in RCW 90.58.020. In all instances the applicant must demonstrate
29 that extraordinary circumstances are present. A variance may be required for a use that does not
30 require a substantial development permit but which may not be approved because it does not
31 comply with the provisions of the SMP.
- 32 B. Review of a variance shall be in accordance with RMC Chapter 26.50.050, Special Use Permits.
- 33 C. Decision Criteria: The Planning Commission must find each of the following:
- 34 1. That the strict application of the bulk, dimensional or performance standards set forth in the
35 applicable master program precludes, or significantly interferes with, reasonable use of the
36 property;

- 1 2. That the hardship described in (1) of this subsection is specifically related to the property, and
2 is the result of unique conditions such as irregular lot shape, size, or natural features and the
3 application of the master program, and not, for example, from deed restrictions or the
4 applicant's own actions;
- 5 3. That the design of the project is compatible with other authorized uses within the area and
6 with uses planned for the area under the comprehensive plan and shoreline master program
7 and will not cause adverse impacts to the shoreline environment;
- 8 4. That the variance will not constitute a grant of special privilege not enjoyed by the other
9 properties in the area;
- 10 5. That the variance requested is the minimum necessary to afford relief; and
- 11 6. That the public interest will suffer no substantial detrimental effect.
- 12 7. In the granting of all variance permits, consideration shall be given to the cumulative impact
13 of additional requests for like actions in the area. For example if variances were granted to
14 other developments and/or uses in the area where similar circumstances exist the total of the
15 variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause
16 substantial adverse effects to the shoreline environment.

17 **26.50.70 Time Requirements for Shoreline Permits**

- 18 A. The time requirements of this Section shall apply to all substantial development permits and to
19 any development authorized pursuant to a variance or special use permit authorized under the
20 Shoreline Master Program.
- 21 B. No construction pursuant to such permit shall begin or be authorized and no building, grading or
22 other construction permits or use permits shall be issued by the City until 21 days from the date a
23 substantial development permit was filed with the Department of Ecology and the Attorney
24 General, or until all review proceedings are completed as were initiated within the twenty one
25 (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC
26 173-27-130.
- 27 C. No permits and construction pursuant to a special use permit or variance shall begin or be
28 authorized until 21 days from the date of notification of approval by the Department of Ecology,
29 or until all review proceedings are completed as were initiated within the twenty one (21) days of
30 the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-
31 130.
- 32 D. Unless a different time period is specified in the shoreline permit as authorized by RCW
33 90.58.143, construction activities, or a use or activity for which a permit has been granted
34 pursuant to this Master Program, must be commenced within two (2) years of the effective date of
35 a shoreline permit, or the shoreline permit shall terminate and a new permit shall be necessary.
36 However, the administrator may authorize a single extension for a period not to exceed one year
37 based on reasonable factors if a request for extension has been filed with the City before the

1 expiration date and notice of the proposed extension is given to parties of record and the
2 Department of Ecology. Construction activities or commencement of construction means that
3 construction applications must be submitted, permits must be issued, and foundation inspections
4 must be approved and completed.

5 E. A permit authorizing construction shall extend for a term of no more than five (5) years after the
6 effective date of a shoreline permit, unless a longer period has been specified pursuant to RCW
7 90.58.143 and Subsection F of this Section. If an applicant files a request for an extension prior
8 to expiration of the shoreline permit, the administrator shall review the permit and upon a
9 showing of good cause may authorize a single extension of the shoreline permit for a period of up
10 to one year. Otherwise said permit shall terminate. Notice of the proposed permit extension shall
11 be given to parties of record and the Department of Ecology. To maintain the validity of a
12 shoreline permit, it is the applicant's responsibility to maintain valid construction permits in
13 accordance with adopted Building Codes.

14 F. If it is determined that standard time requirements of Subsections D and E should not be applied,
15 the Decision Maker, upon a finding of good cause, may establish shorter time limits, provided
16 that as a part of action on a special use or variance permit the approval of the Department of
17 Ecology shall be required. "Good cause" means that the time limits established are reasonably
18 related to the time actually necessary to perform the development on the ground and complete the
19 project that is being permitted.

20 G. For purposes of determining the life of a shoreline permit, the effective date of a substantial
21 development permit, shoreline special use permit, or shoreline variance permit shall be the date of
22 filing as provided in RCW 90.58.140(6). The permit time periods do not include the time during
23 which a use or activity was not actually pursued due to the pendency of appeals or legal actions,
24 or due to the need to obtain any other government permits and approvals for the development that
25 authorize the development to proceed.

26 H. It is the responsibility of the applicant to inform the Administrator of the pendency of other
27 permit applications filed with agencies other than the City, and of any related administrative or
28 legal actions on any permit or approval. If no notice of the pendency of other permits or
29 approvals is given to the City prior to the expiration date established by the shoreline permit or
30 the provisions of this Section, the expiration of a permit shall be based on the effective date of the
31 shoreline permit.

32 I. If the granting of a shoreline permit by the City is appealed to the Shoreline Hearings Board, and
33 the Shoreline Hearings Board has approved the granting of the permit, and an appeal for judicial
34 review of the Shoreline Hearings Board decision is filed, construction authorization may occur
35 subject to the conditions, time periods, and other provisions of RCW 90.58.140(5)(c).

36 **26.50.80 Land Division**

37 Prior to approval of any land division, such as short subdivisions, preliminary long plats, and boundary
38 line adjustments within shoreline jurisdiction, the City shall document compliance with bulk and
39 dimensional standards as well as policies and regulations of the Shoreline Master Program and attach

1 appropriate conditions and/or mitigating measures to such approvals to ensure the design, development
2 activities, and future use associated with such lands are consistent with the Shoreline Master Program. A
3 prohibition on individual private docks shall be imposed on all land divisions.

4 **26.50.90 Construction Permit Compliance**

5 For all development within shoreline jurisdiction, the Building Official shall not issue a construction
6 permit for such development until compliance with the Shoreline Master Program has been documented.
7 If a shoreline substantial development permit is required, no permit shall be issued until all comment and
8 appeal periods have expired. Any permit issued by the Building Official for such development shall be
9 subject to the same terms and conditions that apply to the shoreline permit.

10 **26.50.100 Rulings to State**

11 Any ruling on an application for a permit or permit revision under authority of this Master Program,
12 whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed
13 concurrently with the Department of Ecology and the Attorney General by the Administrator. Filing shall
14 occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

15 **26.50.110 Appeals**

16 Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state
17 pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for
18 review within twenty-one days of the date of receipt of the decision as provided for in RCW 90.58.140(6).

19 **26.50.120 Rescission of Permits**

- 20 A. Any shoreline permit issued under the terms of this Master Program may be rescinded or
21 suspended upon a finding that a permittee has not complied with conditions of the permit.
- 22 B. Such rescission and/or modification of an issued permit shall be initiated by serving written
23 notice of noncompliance on the permittee, which shall be sent by registered or certified mail,
24 return receipt requested, to the address listed on the application or to such other address as the
25 applicant or permittee may have advised the City; or such notice may be served on the applicant
26 or permittee in person or his agent in the same manner as service of summons as provided by law.
- 27 C. Before any such permit can be rescinded, a public hearing shall be held by the Administrator.
28 Notice of the public hearing shall be made in accordance with RMC Chapter 19.40. The decision
29 of the Administrator shall be the final decision of the City on all rescinded applications. A written
30 decision shall be transmitted to the Department of Ecology, the Attorney General's office, the
31 applicant, and such other departments or boards of the City as are affected thereby and the
32 legislative body of the City.
- 33 D. The Department of Ecology may petition the Shoreline Hearings Board for a rescission of the
34 permit if Ecology is of the opinion that the noncompliance continues to exist thirty days after the

1 date of the notice, and the local government has taken no action to rescind the permit, as provided
2 by RCW 90.58.140(8).

3 **26.50.121 Violations - Penalties**

- 4 A. Violation of this Chapter is subject to the procedures and penalties of RMC Chapter 10.02
5 Violations and Procedures.
- 6 B. In addition to the provisions of RMC Title 10, the City Attorney may bring action pursuant to RCW
7 90.58 and other applicable statutes including such injunctive, declaratory, or other actions as are
8 necessary to insure that no uses are made of the Shorelines of the State within the City's jurisdiction
9 which are in conflict with the provisions and programs of this Master Program or the Shoreline
10 Management Act of 1971, and to otherwise enforce provisions of this Section and the Shoreline
11 Management Act of 1971 including the cease and desist provisions of WAC 173-27-270.
- 12 C. Any person who shall fail to conform to the terms of a permit issued under this chapter or who
13 shall undertake development on the shorelines of the state without first obtaining any permit
14 required under this chapter shall also be subject to a civil penalty not to exceed one thousand
15 dollars for each violation. Each permit violation or each day of continued development without a
16 required permit shall constitute a separate violation.
- 17 D. In addition to incurring civil liability, any person found to have willfully engaged in activities on
18 the shorelines of the state in violation of the provisions of this chapter or any of the master
19 programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor,
20 and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or
21 by imprisonment in the county jail for not more than ninety days, or by both such fine and
22 imprisonment: provided that the fine for the third and all subsequent violations in any five-year
23 period shall be not less than five hundred nor more than ten thousand dollars.
- 24 E. Any person subject to the regulatory program of this Master Program who violates any provision
25 of this Master Program or the provisions of a permit issued pursuant thereto shall be liable for all
26 damages to public or private property arising from such violation, including the cost of restoring
27 the affected area to its condition prior to such violation. The City Attorney shall bring suit for
28 damages under this subsection on behalf of the City. Private persons shall have the right to bring
29 suit for damages under this subsection on their own behalf and on behalf of all persons similarly
30 situated. If liability has been established for the cost of restoring an area affected by violation, the
31 Court shall make provision to assure that restoration will be accomplished within a reasonable
32 time at the expense of the violator. In addition to such relief, including monetary damages, the
33 Court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

34 **26.50.140 Restoration Project Relocation of OHWM**

35 The City may grant relief from Shoreline Master Program development standards and use regulations
36 when the following apply:

- 1 A. A shoreline restoration project causes, or would cause, a landward shift in the ordinary high water
2 mark, resulting in the following:
- 3 1. Land that had not been regulated under this chapter prior to construction of the restoration
4 project is brought under shoreline jurisdiction; or
- 5 2. Additional regulatory requirements apply due to a landward shift in required shoreline buffers
6 or other regulations of the applicable Shoreline Master Program; and
- 7 3. Application of Shoreline Master Program regulations would preclude or interfere with use of
8 the property permitted by local development regulations, thus presenting a hardship to the
9 project proponent.
- 10 B. The proposed relief meets all of the following criteria:
- 11 1. The proposed relief is the minimum necessary to relieve the hardship.
- 12 2. After granting the proposed relief, there is net environmental benefit from the restoration
13 project.
- 14 3. Granting the proposed relief is consistent with the objectives of the shoreline restoration
15 project and consistent with the Shoreline Master Program.
- 16 4. Where a shoreline restoration project is created as mitigation to obtain a development permit,
17 the project proponent required to perform the mitigation is not eligible for relief under this
18 section.
- 19 C. The application for relief must be submitted to the Department of Ecology for written approval or
20 disapproval. This review must occur during the Ecology's normal review of a shoreline
21 substantial development permit, special use permit, or variance. If no such permit is required,
22 then Ecology shall conduct its review when the local government provides a copy of a complete
23 application and all supporting information necessary to conduct the review.
- 24 1. Except as otherwise provided in Subsection D of this section, the Department of Ecology
25 shall provide at least 20-day notice to parties that have indicated interest to Ecology in
26 reviewing applications for relief under this section, and post the notice on to their website.
- 27 2. The Department of Ecology shall act within 30 calendar days of close of the public notice
28 period, or within 30 days of receipt of the proposal from the local government if additional
29 public notice is not required.
- 30 D. The public notice requirements of Subsection C of this section do not apply if the relevant
31 shoreline restoration project was included in a Shoreline Master Program or shoreline restoration
32 plan as defined in WAC 173-26-201, as follows:
- 33 1. The restoration plan has been approved by the Ecology under applicable Shoreline Master
34 Program guidelines; and

2. the shoreline restoration project is specifically identified in the Shoreline Master Program or restoration plan or is located along a shoreline reach identified in the Shoreline Master Program or restoration plan as appropriate for granting relief from shoreline regulations; and
3. the Shoreline Master Program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

26.50.150 Shoreline Moratorium

The City Council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act in accordance with RCW 90.58.590

26.60 Sensitive Areas

The following sections of RMC Chapter 26.60 Sensitive Areas apply to Sensitive areas within Shoreline Management Act jurisdiction.

26.60.10 General purpose and intent.

- A. Sensitive areas perform many important biological and physical functions that benefit the city of Richland and its residents. The City shall regulate in the shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more sensitive areas, consistent with the provisions of RMC 26.60, Sensitive Areas.

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 ground water; providing important wildlife habitat; and serving as areas for recreation, educational and scientific study, and aesthetic appreciation; and
2. Fish and wildlife habitat 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 geologic hazards that pose a risk to public and private property, to human life and safety and to the natural systems that make up the environment of the city of Richland. These lands are affected by natural processes that make them susceptible to landslides, seismic activity, and/or severe erosion. The city of Richland maintains that protection of sensitive areas and regulation of geologic hazards are necessary to protect the public health, safety, and welfare.

- B. This section of the Shoreline Master Program contains standards, guidelines, criteria and requirements intended to identify, analyze, and mitigate probable impacts to the city of Richland's sensitive areas and geologic hazard areas within the Shoreline Jurisdiction and to enhance and restore them when possible. The intent of these regulations, in concert with other Shoreline Master Program provisions, is to achieve no net loss of ecological function. In

1 appropriate circumstances, impacts to sensitive and geologic hazard areas that result from
2 regulated activities may be minimized, rectified, reduced, and/or compensated for, consistent with
3 these requirements. The city of Richland’s goal shall be the protection of existing ecological
4 functions and ecosystem-wide processes and restoration of degraded ecological functions and
5 ecosystem-wide processes to achieve no net loss of shoreline ecological functions and to avoid
6 probable impacts, to the extent feasible, to all sensitive areas.

7 C. It is the intent of this section to:

- 8 1. Implement the goals and policies of the city of Richland’s comprehensive plan, including
9 those goals and policies that pertain to natural features and environmental protection;
10 aesthetics and community character; adequate housing and infrastructure; opportunities for
11 economic development; creation of a balanced transportation system; adequate public
12 facilities; and achievement of a mix of land use types and densities consistent with the city of
13 Richland’s land use plan;
- 14 2. Protect sensitive areas through the application of the most current, accurate, and complete
15 scientific or technical information available as determined according to WAC 173-26-
16 201(2)(a), and in consultation with state and federal agencies and other qualified
17 professionals and integrate the full spectrum of state, tribal, and federal programs;
- 18 3. Comply with the Shoreline Management Act (RCW 90.58) and implementing rules;
- 19 4. Serve as a basis for exercise of the City’s substantive authority under the State Environmental
20 Policy Act (SEPA) and the City’s SEPA rules;
- 21 5. Comply with the requirements of the Growth Management Act (RCW 36.70A) and
22 implementing rules; and
- 23 6. Coordinate environmental review and permitting of proposals to avoid duplication and delay.

24 D. The city of Richland has mapping available from a variety of local, state, and federal information
25 sources and based on topographic, geologic, hydrologic, and habitat characteristics that indicate
26 where sensitive areas or geologic hazards may exist. Additional study and mapping are needed to
27 verify that such conditions do prevail and are needed to identify other areas that are potentially
28 sensitive areas. Maps and reference documents in the city of Richland’s SMP Inventory,
29 Characterization and Analysis report include this information. This mapping helps the City
30 identify the potential presence of sensitive areas or the risks associated with developing lands
31 subject to geologic hazards to the public. It should be noted that the boundaries of the sensitive
32 areas and geologic hazard areas displayed on these maps are approximate and are not intended to
33 be used for individual site assessment. When differences occur between what is illustrated on
34 these maps and current site conditions, the actual presence or absence of environmentally
35 sensitive areas or geologic hazard areas on the site shall determine the action to be taken.

1 **26.60.12 General applicability of these regulations.**

2 The provisions of these regulations shall apply to any activity that affects sensitive areas or their
3 established buffers within the city’s Shoreline Jurisdiction, and this provision applies whether or not a
4 substantial development permit or other type of City approval is being sought.

5 **26.60.15 General relationship of regulations of one type of sensitive area protection to other**
6 **regulations.**

7 These sensitive area regulations shall apply as an overlay and in addition to shoreline, zoning, land use,
8 and other regulations established by the city of Richland.

9 Areas characterized as sensitive may also be subject to other regulations established by this chapter due to
10 the overlap or multiple functions of some sensitive or critical areas. For example, some landslide hazard
11 areas (e.g., steep slopes) adjacent to wetlands may be regulated by buffering requirements according to
12 the wetland management provisions of this chapter. Wetlands may be defined and regulated according to
13 the wetland section and habitat management provisions of this chapter.

14 In the event of any conflict between these regulations and any other regulations of the city of Richland,
15 the regulations which provide greater protection to environmentally sensitive areas shall apply.

16 **Article II. Wetlands**

17 **26.60.20 Regulated activities in wetlands.**

18 The following activities which occur in conjunction with a development application within a wetland and
19 its associated buffer, or outside a wetland or buffer, but affecting the wetland or buffer, shall be regulated
20 pursuant to the standards of this chapter to achieve, at a minimum, no net loss of wetland area and
21 ecological functions, including lost time when the wetland does not perform the function:

- 22 A. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or
23 materials of any kind;
- 24 B. Dumping, discharging or filling with any material;
- 25 C. Draining, flooding or disturbing the water level or water table;
- 26 D. Driving, piling or placing obstructions;
- 27 E. Constructing, reconstructing, demolishing or altering any structure or infrastructure; or if the
28 activity results in greater impervious surface coverage;
- 29 F. Destroying or altering vegetation, including through clearing, harvesting, shading or planting
30 vegetation that would alter the character of wetland;
- 31 G. Activities that result in significant changes in water temperature, physical or chemical
32 characteristics of wetland water sources, including water quantity and quality as stated in Chapter
33 90.03 RCW and Chapter 173-201 WAC;
- 34 H. Alteration of natural drainage patterns or any activity that results in a discharge of stormwater
35 runoff into a wetland; and

1 I. Any other activities affecting a wetland or wetland buffer not otherwise exempt from the
2 provisions of this section.

3 **26.60.21 Exemptions and allowed uses in wetlands.**

4 A. Wetlands. The following wetlands are exempt from the buffer provisions contained in this
5 Chapter and the normal mitigation sequencing process in RMC 26.20.020 They may be filled if
6 impacts are fully mitigated based on provisions in RMC 26.60.026 Wetland alteration and
7 mitigation. In order to verify the following conditions, a critical area report for wetlands must be
8 submitted.

9 1. All isolated Category III and IV wetlands less than 1,000 square feet that:

- 10 a. Are not associated with riparian areas or buffer.
- 11 b. Are not part of a wetland mosaic.
- 12 c. Do not contain habitat identified as essential for local populations of priority species
13 identified by Washington Department of Fish and Wildlife or species of local importance.
- 14 d. Are not a vernal pool.
- 15 e. Are not an alkali wetland.
- 16 f. Do not contain aspen stands.

17 B. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These
18 activities do not require submission of a sensitive area report, except where such activities result
19 in a loss of the functions and values of a wetland or wetland buffer. These activities include:

- 20 1. Those activities and uses conducted pursuant to the Washington State Forest Practices Act
21 and its rules and regulations, WAC 222-12-030, where state law specifically exempts local
22 authority, except those developments requiring local approval for Class 4 – General Forest
23 Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
- 24 2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife
25 that does not entail changing the structure or functions of the existing wetland.
- 26 3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such
27 crops and provided the harvesting does not require tilling of soil, planting of crops, chemical
28 applications, or alteration of the wetland by changing existing topography, water conditions,
29 or water sources.
- 30 4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located
31 completely outside of the wetland buffer, provided that the drilling does not interrupt the
32 ground water connection to the wetland or percolation of surface water down through the soil
33 column. Specific studies by a hydrologist are necessary to determine whether the ground
34 water connection to the wetland or percolation of surface water down through the soil column
35 will be disturbed.

- 1 5. Enhancement of a wetland through the removal of non-native invasive plant species.
2 Removal of invasive plant species shall be restricted to hand removal unless permits from the
3 appropriate regulatory agencies have been obtained for approved biological or chemical
4 treatments. All removed plant material shall be taken away from the site and appropriately
5 disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of
6 noxious weeds must be handled and disposed of according to a noxious weed control plan
7 appropriate to that species. Re-vegetation with appropriate native species at natural densities
8 shall occur in conjunction with removal of invasive plant species.
- 9 6. Educational and scientific research activities
- 10 7. Normal and routine maintenance and repair of any existing public or private facilities within
11 an existing right-of-way, provided that the maintenance or repair does not expand the
12 footprint or use of the facility or right-of-way.
- 13 C. Notwithstanding the exemptions provided by this chapter, any otherwise exempt activities
14 occurring in or near wetlands shall comply with the intent of these standards and shall consider
15 on-site alternatives that achieve no net loss of ecological wetland functions.

16 **26.60.22 Wetland inventory maps.**

17 The approximate location and extent of wetlands within the city of Richland’s planning area are shown on
18 the sensitive areas maps adopted as part of this program, and provided in the City’s SMP Inventory,
19 Analysis and Characterization report. These maps shall be used only as a general guide for the assistance
20 of property owners and the public, as the boundaries are generalized. The actual type, extent, and
21 boundaries of wetlands shall be determined in the field by a qualified consultant according to the
22 procedures, definitions, and criteria established by this chapter. In the event of any conflict between the
23 wetland location or designation shown on the city of Richland’s maps and the criteria or standards of this
24 chapter, the results of applying the criteria and standards during the field investigation shall control.

25 **26.60.23 Rating – Categories of wetland.**

26 Wetlands shall be designated Category I, Category II, Category III, or Category IV according to the
27 following criteria:

- 28 A. Category I, II, III, and IV are set forth in the Washington State Department of Ecology’s
29 Washington State Wetlands Rating System for Eastern Washington, Publication #14-06-030, as
30 may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System).

32 **26.60.24 Wetland buffer areas.**

- 33 A. The establishment of wetland buffer areas shall be required for all development proposals and
34 activities adjacent to wetlands to protect the integrity, function, and value of the wetland. Buffers
35 shall consist of an undisturbed area of vegetation established to protect the functions and values
36 of the wetland. The standard buffer widths assume that the buffer is vegetated with a native plant
37 community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely

1 vegetated, or vegetated with invasive species that do not perform needed functions, the buffer
2 should either be planted to create the appropriate plant community or the buffer should be
3 widened to ensure that adequate functions of the buffer are provided. Buffers shall be determined
4 in conjunction with considerations of wetland type and quality, approved wetland alterations, and
5 required mitigation measures. Buffers are not intended to be established or to function
6 independently of the wetland they are established to protect; the establishment of a buffer shall
7 not operate to prevent a use or activity that would otherwise be permitted in the wetland subject
8 to mitigation.

9 B. Buffers shall be measured from the wetland edge as delineated using the 1987 US Army Corps of
10 Engineers Wetlands Delineation Manual and the Arid West Regional Supplement. Buffers shall
11 be marked in the field. Required buffer widths shall be determined according to the proposed
12 land use (Table 26.60.024 (C)) and the wetland category (Table 26.60.024 (D)).

13 C. The following table describes the types of land use:
14

1 **Table 26.60.024 C. Land Use Intensity Table**

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • High-intensity recreation (golf courses, ball fields, etc.) • Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.) • Hobby farms
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Paved driveways and gravel driveways serving 3 or more residences • Paved trails • Conversion to moderate-intensity agriculture (orchards, hay fields, etc.) • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	<ul style="list-style-type: none"> • Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Timber management (cutting of trees only) • Gravel driveways serving 2 or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management.

2

3 D. The following buffer widths are established:

4 **Table 26.60.024 D Wetland Buffer Widths**

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<i>Category IV Wetlands (For wetlands scoring less than 16 points for all functions)</i>		
Score for all 3 basic functions is less than 16 points	Low – 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time
<i>Category III Wetlands (For wetlands scoring 16-18 points for all functions)</i>		
Moderate level of function for habitat (score for habitat 5-7 points) *If wetland scores 8-9 habitat points, see Category II buffers	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Score for habitat 3-4 points	Low – 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time
<i>Category II Wetlands (For wetlands that score 19-21 points for all functions or having the “Special Characteristics” identified in the rating system)</i>		
High level of function for habitat (score for habitat 8-9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas.
Moderate level of function for habitat (score for habitat 5-7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 8-9 points; habitat less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristic	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time
<i>Category I Wetlands (For wetlands that score 22 points or more for all functions or having the “Special Characteristics” identified in the rating system)</i>		
Wetlands of High Conservation Value	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries. No septic systems within 300 ft of wetland. Restore degraded parts of buffer.
High level of function for habitat (score for habitat 8-9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Restore degraded parts of buffer. Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5-7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

1 **26.60.25 Buffer Modifications**

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

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

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

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

23 C. Reduction in buffer width based on reducing the intensity of impacts from proposed land uses

- 24 1. The buffer widths recommended for proposed land uses with high-intensity impacts to
25 wetlands can be reduced to those recommended for moderate-intensity impacts under the
26 following conditions:
 - 27 a. For wetlands that score moderate or high for habitat (5 points or more for the habitat
28 functions), the width of the buffer can be reduced if both of the following criteria are met:
 - 29 i. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected
30 between the wetland and any other Priority Habitats as defined by the Washington
31 State Department of Fish and Wildlife (“relatively undisturbed” and “vegetated
32 corridor” are defined in Washington State Wetland Rating System for Eastern
33 Washington: 2014 Update, or latest update). Priority Habitats in eastern Washington
34 include:
 - 35 • Wetlands

- 1 • Riparian zones
- 2 • Cliffs
- 3 • Urban natural open space
- 4 ii. The corridor must be protected for the entire distance between the wetland and the
- 5 Priority Habitat by some type of legal protection such as a conservation easement.
- 6 iii. Measures to minimize the impacts of different land uses on wetlands, such as the
- 7 examples summarized in Table 26.60.025 D, are applied.
- 8 b. For wetlands that score fewer than 5 points for habitat, the buffer width can be reduced to
- 9 that required for moderate land-use impacts by applying measures to minimize the
- 10 impacts of the proposed land uses (see examples in Table 26.60.025 D).
- 11 D. Examples of measures to minimize impacts to wetlands from changes in land uses with high
- 12 impacts.

13 **Table 26.60.025 D Examples of measures to minimize impacts to wetlands from changes in land**
 14 **uses with high impacts**

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Parking lots • Warehouses • Manufacturing • Residential areas 	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Manufacturing • Residential areas 	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland
Toxic runoff*	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Application of agricultural pesticides • Landscaping 	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping 	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer
Change in water regime	<ul style="list-style-type: none"> • Impermeable surfaces • Lawns • Tilling 	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Residential areas 	<ul style="list-style-type: none"> • Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract

Dust	• Tilled fields	• Use BMPs to control dust
* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

- 1 E. The minimum buffer width stated in Table 26.60.024 D Wetland Buffer Widths shall be increased
2 when the qualified consultant determines, based upon a site-specific wetland analysis, that
3 impacts on the wetland from a proposed development can only be mitigated by a greater buffer
4 width. The standard wetland buffer width shall be increased:
- 5 1. When the adjacent land is susceptible to severe erosion and erosion control measures will not
6 effectively prevent adverse wetland impacts; or
 - 7 2. When the standard buffer has minimal or degraded vegetative cover that cannot be improved
8 through enhancement; or
 - 9 3. When the wetland provides habitat for a species that is particularly sensitive to disturbance
10 (listed by the federal government or the state as endangered, threatened, candidate, monitored
11 or documented priority species or habitat for those species or has unusual nesting or resting
12 sites such as heron rookeries or raptor nesting trees), the width of the buffer should be
13 increased to provide adequate protection for the species based on its particular life-history
14 needs: or
 - 15 4. When the minimum buffer for a wetland extends into an area with a slope of greater than 25
16 percent, the buffer shall be increased by 50 percent.
- 17 F. Low impact uses and activities (see Table 25.50.090 (C)) that are consistent with the purpose and
18 function of the wetland buffer and do not detract from its integrity may be permitted within the
19 buffer depending on the sensitivity of the wetland. Examples of uses and activities that may be
20 permitted in appropriate cases, based on guidance in the Wetlands and CAO Guidance for Small
21 Cities, Eastern Washington version (dated January 2010, revised October 2012, as may be
22 amended in the future), include pedestrian trails, viewing platforms, stormwater management
23 facilities such as grass-lined swales, and utility easements. Uses permitted within the buffer shall
24 be located in the outer portion of the buffer as far as possible from the wetland.
- 25 G. A variance from buffer width requirements may be granted by the city of Richland upon a
26 demonstration by the applicant that the Shoreline variance criteria are met per RMC 26.50.060.

27 **26.60.26 Wetland alteration and mitigation.**

- 28 A. All adverse impacts to wetland functions and values shall be mitigated. Mitigation actions by an
29 applicant or property owner shall occur in the following priority sequence per RMC 26.20.020.B
30 Ecological Functions, No Net Loss (Mitigation Sequence).
- 31 B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other
32 appropriate mitigation actions in compliance with the intent, standards, and criteria of this

1 section. These shall include consideration of alternative site plans and building layouts and/or
2 reduction in the density or scope of the proposal.

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

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

6 2. Category II Wetlands.

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

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

10 3. Category III Wetlands.

11 a. The proposed mitigation complies with the requirements of this section through RMC
12 26.60.028 Mitigation standards, criteria, and plan requirements; and

13 b. Where enhancement is proposed, replacement ratios comply with the requirements of
14 RMC 26.60.028 Mitigation standards, criteria, and plan requirements (C) Wetland
15 Replacement Ratios.

16 **26.60.27 Stormwater runoff.**

17 New development within 150 feet of a wetland buffer shall contain stormwater runoff within the
18 developed portions of the site. No stormwater runoff shall drain into the wetland. Deviations from this
19 standard may be approved by the City; provided, that a study undertaken by a qualified consultant in
20 accordance with the provisions of RMC 26.60.028 indicates that the potential discharge of stormwater
21 runoff from a development site into a wetland is adequately mitigated to protect the functions and values
22 of the wetland. In the case of a Category III or Category IV wetland, stormwater management facilities
23 may be located within the outer 25 percent of the required wetland buffer; provided, that a determination
24 is made that no other location is feasible and the location of such facilities will not have an adverse
25 impact on the functions and values of the wetland.

26 **26.60.28 Mitigation standards, criteria, and plan requirements.**

27 A. Location and Timing of Mitigation.

28 1. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted
29 within the same sub-drainage basin and on the site of the alteration except when all of a
30 through d below apply. In that case, mitigation may be allowed off site within the
31 subwatershed of the impact site. When considering off-site mitigation, preference should be
32 given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or
33 advanced mitigation.

34 a. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-
35 site options would require elimination of high-functioning upland habitat), or
36 opportunities on site or within the sub-drainage basin do not have a high likelihood of

1 success based on a determination of the capacity of the site to compensate for the
2 impacts. Considerations should include: anticipated replacement ratios for wetland
3 mitigation, buffer conditions and proposed widths, available water to maintain anticipated
4 hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity,
5 and potential to mitigate riparian fish and wildlife impacts (such as connectivity).

- 6 b. On-site mitigation would require elimination of high-quality upland habitat.
 - 7 c. Off-site mitigation has a greater likelihood of providing equal or improved wetland
8 functions than the altered wetland.
 - 9 d. Off-site locations shall be in the same sub-drainage basin unless:
 - 10 i. Established watershed goals for water quality, flood storage or conveyance, habitat,
11 or other wetland functions have been established by the City and strongly justify
12 location of mitigation at another site.
 - 13 ii. The design for the compensatory mitigation project needs to be appropriate for its
14 location (i.e., position in the landscape). Therefore, compensatory mitigation should
15 not result in the creation, restoration, or enhancement of an atypical wetland. An
16 atypical wetland refers to a compensation wetland (e.g., created or enhanced) that
17 does not match the type of existing wetland that would be found in the geomorphic
18 setting of the site (i.e., the water source[s] and hydroperiod proposed for the
19 mitigation site are not typical for the geomorphic setting). Likewise, it should not
20 provide exaggerated morphology or require a berm or other engineered structures to
21 hold back water. For example, excavating a permanently inundated pond in an
22 existing seasonally saturated or inundated wetland is one example of an enhancement
23 project that could result in an atypical wetland. Another example would be
24 excavating depressions in an existing wetland on a slope, which would require the
25 construction of berms to hold the water.
- 26 2. Timing of Compensatory Mitigation. It is desirable that compensatory mitigation projects be
27 completed prior to activities that will disturb wetlands. At the least, compensatory mitigation
28 shall be completed immediately following disturbance and prior to use or occupancy of the
29 action or development. Construction of mitigation projects shall be timed to reduce impacts
30 to existing fisheries, wildlife, and flora.
- 31 3. The Administrator may authorize a one-time, temporary delay in completing construction or
32 installation of the compensatory mitigation when the applicant provides a written explanation
33 from a qualified wetland professional as to the rationale for the delay. An appropriate
34 rationale would include identification of the environmental conditions that could produce a
35 high probability of failure or significant construction difficulties (e.g., project delay lapses
36 past a fisheries window, or installing plants should be delayed until the dormant season to
37 ensure greater survival of installed materials). The delay shall not create or perpetuate
38 hazardous conditions or environmental damage or degradation, and the delay shall not be
39 injurious to the health, safety, or general welfare of the public. The request for the temporary

1 delay must include a written justification that documents the environmental constraints that
2 preclude implementation of the compensatory mitigation plan. The justification must be
3 verified and approved by the City.

4 B. Mitigation Performance Standards.

5 1. Adverse impacts to wetlands functions and values shall be mitigated. Mitigation actions shall
6 be implemented in the preferred sequence identified in RMC 26.20.020 Ecological Functions.
7 Proposals which include less preferred and/or compensatory mitigation shall demonstrate
8 that:

- 9 a. All feasible and reasonable measures will be taken to reduce impacts and losses to the
10 original wetland. Describe how preferred order of wetlands mitigation was followed: 1)
11 restoration (including reestablishment and rehabilitation); 2) creation (establishment); 3)
12 enhancement in combination with restoration or creation; and 4) preservation of high
13 quality, at risk wetlands.
- 14 b. Compensatory mitigation shall be allowed only after mitigation sequencing is applied and
15 higher priority means of mitigation are determined to be infeasible, and shall achieve
16 equivalent or greater wetland ecological functions.
- 17 c. No overall net loss will occur in wetland functions and values; and
- 18 d. The restored, created, or enhanced wetland will be as persistent and sustainable as the
19 wetland it replaces.

20 C. Wetland Replacement Ratios.

- 21 1. Where wetlands alterations are permitted by the City the applicant shall restore or create
22 equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall
23 be determined according to acreage, function, type, location, timing factors, and projected
24 success of restoration or creation.
- 25 2. The following acreage replacement ratios shall be applied.
26

1 **Table 26.60.027: Mitigation ratios for eastern Washington¹**

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only ²	Re-establishment or Creation (R/C) and Rehabilitation (RH) ²	Re-establishment or Creation (R, C) and Enhancement (E) ²	Enhancement Only ²
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal Pool	2:1 Replacement must be seasonally ponded wetland	4:1 Replacement must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Wetland of high conservation value	Not considered possible ³	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-base
Category I Alkali	Not considered possible ³	6:1 Rehabilitation of an alkali wetland	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case
Category I Bog	Not considered possible ³	6:1 Rehabilitation of a bog	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case

1. Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1, (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised).
2. These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement
3. Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

Reference:

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-011a. Olympia, WA.

3. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I

1 and II” (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the administrator
2 may allow mitigation based on the “credit/debit” method developed by the Department of
3 Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of
4 Eastern Washington: Final Report” (Ecology Publication #11-06-015, August 2012, or as
5 revised).

6 **26.60.29 Wetland mitigation plan requirements.**

7 Where it is determined by the city that compensatory wetland mitigation is required or appropriate, a
8 mitigation plan shall be prepared consistent with the provisions below and shall also meet the minimum
9 requirements contained in the Wetlands and CAO Guidance for Small Cities, Eastern Washington version
10 (dated January 2010, revised October 2012, and as amended in the future). The purpose of the plan is to
11 prescribe mitigation to compensate for impacts to the wetland functions, values, and acreage as a result of
12 the proposed action. This plan shall consider the chemical, physical, and biological impacts on the
13 wetland system using a recognized wetlands assessment methodology and/or best professional judgment.
14 The mitigation plan shall be prepared in two phases, a conceptual phase and a detailed phase.

15 A. Conceptual Plan – Standards and Criteria. The applicant shall prepare a conceptual mitigation
16 plan for submission to the City at a premitigation conference. The conceptual mitigation plan
17 shall include:

- 18 1. General goals of the mitigation plan;
- 19 2. A review of literature or experience to date in restoring or creating the type of wetland
20 proposed;
- 21 3. Location of proposed wetland compensation area;
- 22 4. General hydrologic patterns on the site following construction;
- 23 5. Nature of compensation, including wetland types (in-kind), general plant selection and
24 justification, approximate project sequencing and schedule, and approximate size of the new
25 wetland buffer;
- 26 6. A conceptual maintenance plan; and
- 27 7. Conceptual monitoring and contingency plan.

28 B. Detailed Plan – Standards and Criteria. Following acceptance of the conceptual mitigation plan
29 by the City, the applicant will prepare a detailed mitigation plan. Each detailed plan shall
30 contain, at a minimum, the following seven components, and shall be consistent with the
31 standards in 26.60.023 through 26.60.028:

- 32 1. A clear statement of the objectives of the mitigation. The goals of the mitigation plan should
33 be stated in terms of the new wetland functions and values compared to the functions and
34 values of the original wetland. Objectives should include:
- 35 2. Qualitative and quantitative standards for success of the project, including hydrologic
36 characteristics (water depths, water quality, hydroperiod/hydrocycle characteristics, flood

- 1 storage capacity); vegetative characteristics (community types, species composition, density,
2 and spacing); faunal characteristics, and final topographic elevations.
- 3 3. An ecological assessment of the wetland values and wetland buffers that will be lost as a
4 result of the activities, and of the replacement wetlands and buffers, including but not limited
5 to the following:
- 6 i. Acreage of project;
7 ii. Existing functions and values;
8 iii. Sizes of wetlands, wetland buffers, and areas to be altered;
9 iv. Vegetative characteristics, including community type, areal coverage, species
10 composition, and density;
11 v. Habitat type(s) to be enhanced, restored, or created; and
12 vi. Dates for beginning and completion of the mitigation project, and sequence of
13 construction activities.
- 14 4. A statement of the location, elevation, and hydrology of the new site, including the following:
- 15 a. Relationship of the project to the watershed and existing water bodies;
16 b. Topography of site using the smallest readily available intervals, preferably one-foot
17 contour intervals but two-foot is acceptable;
18 c. Water level data, including depth and duration of seasonally high water table;
19 d. Water flow patterns;
20 e. Grading, filling and excavation, including a description of imported soils;
21 f. Irrigation requirements, if any;
22 g. Water pollution mitigation measures during construction;
23 h. Areal coverage of planted areas to open water areas (if any open water is to be present);
24 and
25 i. Appropriate buffers.
- 26 5. A planting plan, describing what will be planted, and where and when the planting will occur,
27 as follows:
- 28 a. Soils and substrate characteristics;
29 b. Specify substrate stockpiling techniques; and
30 c. Planting instructions, including species, stock type and size, density or spacing of plants,
31 and water and nutrient requirements.
- 32 6. A monitoring and maintenance plan, consistent with RMC 26.60.031.
- 33 a. Specify procedures for monitoring and site maintenance; including control of invasive
34 species and
35 b. Submit monitoring reports to the City.
- 36 7. A contingency plan, consistent with these regulations.

- 1 8. A detailed budget for implementation of the mitigation plan, including monitoring,
2 maintenance, and contingency phases.
- 3 9. A guarantee, in the form of a bond or other security device in a form and amount acceptable
4 to the city attorney, assuring that the work will be performed as planned and approved,
5 consistent with these regulations and including monitoring, maintenance and contingency.

6 **26.60.30 Performance standards for wetlands mitigation planning.**

- 7 A. The following performance standards shall be incorporated into mitigation plans submitted to the
8 city of Richland:
 - 9 1. Plants should be indigenous to the region (not introduced or foreign species);
 - 10 2. Plants should be adaptable to a broad range of water depths;
 - 11 3. Plants should be commercially available or available from local sources;
 - 12 4. Plant species high in food and cover value for fish and wildlife are recommended, when
13 possible;
 - 14 5. Plants should be mostly perennial species;
 - 15 6. Avoid committing significant areas of site to species that have questionable potential for
16 successful establishment;
 - 17 7. Plant selection must be approved by wetlands biologist/ecologist;
 - 18 8. Water depth is not to exceed six and one-half feet (two meters);
 - 19 9. The grade or slope that water flows through the wetland is not to exceed six percent;
 - 20 10. Slopes within the wetland basin and the buffer zone should not be steeper than 3:1 (horizontal
21 to vertical);
 - 22 11. The substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated
23 with chemicals, or solid/hazardous wastes) inorganic/organic materials;
 - 24 12. Planting densities and placement of plants should be determined by a qualified professional
25 and shown on the design plans;
 - 26 13. The wetland (excluding the buffer area) should not contain more than 60 percent open water
27 as measured at the seasonal high water mark;
 - 28 14. Minimum buffer widths should extend from the wetland boundary in accordance with buffer
29 requirements in Table 26.60.024 D Wetland Buffer Widths for the proposed category rating
30 of the wetland that will be created.
 - 31 15. The planting plan must be approved by the deputy city manager for community and
32 development services or consultant acting on behalf of the city;
 - 33 16. Stockpiling should be confined to upland areas and contract specifications should limit
34 stockpile durations to less than four weeks;

- 1 17. Planting instructions which describe proper placement, diversity, and spacing of seeds,
2 tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
- 3 18. Apply controlled release fertilizer, if reasonable and prudent, at the time of planting and
4 afterward only as plant conditions warrant (determined during the monitoring process);
- 5 19. Install an irrigation system, if necessary, for initial establishment period; and
- 6 20. Construction specifications and methods must be approved by a qualified consultant and the
7 City.

- 8 B. On completion of construction, the wetland mitigation project must be signed off by the
9 applicant's qualified consultant and the City. Signature will indicate that the construction has
10 been completed as planned and all design elements have been fully and correctly implemented. If
11 there have been changes in the implementation of the plan, a written explanation from the
12 consulting biologist must be included.

13 **26.60.31 Wetland monitoring program and contingency plan.**

- 14 A. A monitoring program shall be implemented to determine the success of the mitigation project
15 and any necessary corrective actions. This chapter shall determine if the original goals and
16 objectives are being met.
- 17 B. A contingency plan shall be established for compensation in the event that the mitigation project
18 is inadequate or fails. A performance and maintenance bond or other acceptable security device
19 is required to ensure the applicant's compliance with the terms of the mitigation agreement. The
20 amount of the performance and maintenance bond shall equal 125 percent of the cost of the
21 mitigation project for a period of five years. The City may agree to reduce the bond in phases in
22 proportion to work successfully completed over the period of the bond.
 - 23 1. During monitoring, scientific procedures for establishing the success or failure of the project
24 must be used.
 - 25 2. For vegetation determinations, permanent sampling points shall be established.
 - 26 3. Shrub and tree vegetation success can be defined as eighty (80) percent survival of the
27 original number of plants planted, with the following beginning density of vegetation planted:
28 trees planted on ten (10)-foot centers, with shrubs planted on three to five (3 to 5) foot centers
29 underneath and between the trees. Percent cover goals that mimic local natural healthy
30 reference wetlands can be established for percent cover goals at year five (5) as an alternative
31 to percent survival goals.
 - 32 4. Submit monitoring reports on the current status of the mitigation project to the City. The
33 reports are to be prepared by a qualified consultant and reviewed by the city's consultant and
34 should include monitoring information on wildlife, vegetation, water quality, water flow,
35 stormwater storage and conveyance, and existing or potential degradation, and shall be
36 produced on the following schedule:
 - 37 a. At the time of construction;

- 1 b. Thirty days after planting;
- 2 c. Early in the growing season of the first year;
- 3 d. End of the growing season of the first year;
- 4 e. Twice the second year; and
- 5 f. Annually thereafter;
- 6 5. Monitor for five growing seasons. If the mitigation goals are not obtained within the initial
- 7 5-year period, the applicant remains responsible for restoration of the natural resource values
- 8 and functions until the mitigation goals agreed to in the mitigation plan are achieved;
- 9 6. If necessary, correct for failures in the mitigation project;
- 10 7. Replace dead or undesirable vegetation with appropriate plantings, based on the approved
- 11 planting plan or 26.60.029;
- 12 8. Repair damages caused by erosion, settling, or other geomorphological processes;
- 13 9. Redesign mitigation project (if necessary) and implement the new design; and
- 14 10. Correction procedures shall be approved by a qualified consultant and the City.

15 **26.60.32 Unauthorized Alterations and Enforcement**

- 16 A. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing
- 17 development work shall stop and the critical area shall be restored. The City shall have the
- 18 authority to issue a “stop-work” order to cease all ongoing development work and order
- 19 restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s
- 20 expense to compensate for violation of provisions of this Chapter.
- 21 B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration
- 22 plan is prepared and approved by City. Such a plan shall be prepared by a qualified professional
- 23 using the currently accepted scientific principles and shall describe how the actions proposed
- 24 meet the minimum requirements described in Subsection C. The Administrator shall, at the
- 25 violator’s expense, seek expert advice in determining the adequacy of the plan. Inadequate plans
- 26 shall be returned to the applicant or violator for revision and resubmittal.
- 27 C. Minimum Performance Standards for Restoration. The following minimum performance
- 28 standards shall be met for the restoration of a wetland, provided that if the violator can
- 29 demonstrate that greater functions and habitat values can be obtained, these standards may be
- 30 modified:
 - 31 1. The historic structure, functions, and values of the affected wetland shall be restored,
 - 32 including water quality and habitat functions.
 - 33 2. The historic soil types and configuration shall be restored to the extent practicable.

- 1 3. The wetland and buffers shall be replanted with native vegetation that replicates the
2 vegetation historically found on the site in species types, sizes, and densities. The historic
3 functions and values should be replicated at the location of the alteration.
- 4 4. Information demonstrating compliance with other applicable provisions of this Chapter shall
5 be submitted to the Administrator.
- 6 D. Site Investigations. The Administrator is authorized to make site inspections and take such
7 actions as necessary to enforce this Chapter. The Administrator shall present proper credentials
8 and make a reasonable effort to contact any property owner before entering onto private property.
- 9 E. Penalties. See Section 26.60.084 (B).
- 10 F. If the wetland affected cannot be restored, money from any associated penalties shall be
11 deposited in a dedicated account for the preservation or restoration of landscape processes and
12 functions in the watershed in which the affected wetland is located. The City may coordinate its
13 preservation or restoration activities with others to optimize the effectiveness of the restoration
14 action.

15 **Article III. Fish and Wildlife Habitat Areas**

16 **26.60.40 Exemption from fish and wildlife regulations.**

- 17 A. The following activities shall be exempt from the provisions of this chapter related to fish and
18 wildlife habitat, provided they are conducted using best management practices:
- 19 1. Activities involving artificially created habitat, including but not limited to grass-lined
20 swales, irrigation and drainage ditches, detention facilities such as reservoirs, ponds, and
21 landscape features, except for habitat areas created as mitigation.
- 22 B. Notwithstanding the exemption provided by this section, any otherwise exempt activities
23 occurring in or near critical habitat areas shall comply with the intent of these standards and shall
24 consider on-site alternatives that avoid or minimize potential habitat impacts.

25 **26.60.41 Fish and wildlife habitat inventory maps.**

26 The approximate location and extent of habitat areas within the city of Richland's planning area are
27 shown on the maps adopted as part of this program, as provided in the City's SMP Inventory, Analysis
28 and Characterization report. These maps shall be used as a general guide only for the assistance of
29 property owners and other interested parties; boundaries are generalized. The actual type, extent, and
30 boundaries of habitat areas shall be determined by a qualified professional according to the procedures,
31 definitions, and criteria established by this article. In the event of any conflict between the habitat
32 location or type shown on the city of Richland's maps and the criteria or standards of this article, the
33 criteria and standards resulting from the field investigation shall control.

1 **26.60.42 Fish and wildlife habitat buffer areas.**

2 A. The establishment of buffer areas shall be required for regulated activities in or adjacent to habitat
3 areas. Buffer shall consist of an undisturbed area of native vegetation established to protect the
4 integrity, functions, and values of the affected habitat. Enhancement of buffers may be required
5 if a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax
6 community.

7 B. The following buffer widths are established:
8

1 **Table 26.60.42. Riparian Buffer Width**

Regulatory Reach (see Environment Designation with Regulatory Reaches Map)	Riparian Buffer Width (Feet)¹²
A, C, I, T	50
B, U and all other Natural environment designation areas within various regulatory reaches except Reach Q	Entire shoreline jurisdiction
D, N, O, P,	75 except where roadway, canal, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
E, F	100
G, I	75 except where roadway, canal, levee, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
H, J, K	100 except where roadway, canal, levee, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
L, Q, S	Waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
M	50 or waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
R	From the OHWM to the federal/private property boundary line ³
<p>(¹) Measured from the OHWM or top of bank, as applicable</p> <p>(²) Accompanied by other sensitive area protections and stormwater management measures, as applicable</p> <p>(³) Administrative Buffer Adjustments do not apply. Buffer can be widened, if applicable, or other protection provisions related to geologic hazards can be applied.</p>	

2

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

1 D. Administrative Buffer Adjustments.

- 2 1. The required buffer widths established in this SMP may be modified by the
3 Shoreline Administrator for a development on existing legal lots of record in place at the time
4 of adoption of this program, in accordance with the provisions of this section only where the
5 applicant demonstrates all of the following:
- 6 a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by
7 circumstances peculiar to the property, and no feasible alternative exists;
 - 8 b. The designated buffer area contains variations in sensitivity to ecological impacts due to
9 existing physical characteristics or the character of the buffer varies in slope, soils, or
10 vegetation;
 - 11 c. The total area contained within the buffer after averaging is no less than that contained
12 within the standard buffer prior to averaging;
 - 13 d. The minimum buffer width at its narrowest point shall not be less than seventy five (75)
14 percent of the buffer width established under this SMP; and
 - 15 e. The buffer width averaging does not result in a net loss of ecological function.
- 16 2. Standard Buffer Reduction. Reductions of up to twenty-five (25) percent of the standard
17 buffer may be approved if the applicant demonstrates to the satisfaction of the
18 Shoreline Administrator that a mitigation plan developed by a qualified professional indicates
19 that enhancing the buffer (by removing invasive plants or impervious surfaces, planting
20 native vegetation, or installing habitat features or other means) will result in a reduced buffer
21 that functions at a higher level than the existing standard buffer.
- 22 3. In-fill Development. In an effort to facilitate in-fill development in approved plats, the
23 County may approve requests to reduce the standard shoreline buffers up to a maximum of
24 fifty (50) percent for a new single-family residence and appurtenant structures in accordance
25 with the following criteria:
- 26 a. Where there are single-family residences within 150 feet on either side of the proposed
27 residence in an existing plat, the buffer shall be determined as the greater of one of the
28 following three options: 1) a common line drawn between the nearest corners of the
29 nearest residence; 2) a common line calculated by the average of the nearest residence's
30 existing buffer; or 3) a fifty (50) percent reduction of the standard buffer.
 - 31 b. Where there is only a residence located within 150 feet on one side of the proposed
32 residence in an existing plat, the standard buffer shall be determined as the greater of a
33 common line drawn between the nearest corner of the nearest residence and the nearest
34 point of the standard buffer on the adjacent vacant lot, a common line calculated by the
35 average of the nearest residence's setback and the standard buffer for the adjacent vacant
36 lot, or a fifty (50) percent reduction of the standard buffer.
- 37

1 E. The buffer width stated in subsection (B) of this section shall be increased when the qualified
2 consultant determines, based upon a site-specific habitat analysis, that impacts on the habitat from
3 a proposed development can only be mitigated by a greater buffer width. The standard habitat
4 buffer width shall be increased:

- 5 1. When the adjacent land is susceptible to severe erosion and erosion control measures will not
6 effectively prevent adverse habitat impacts; or
- 7 2. When the standard buffer has minimal or degraded vegetative cover that cannot be improved
8 through enhancement; or
- 9 3. When the wetland provides habitat for a species that is particularly sensitive to disturbance
10 (listed by the federal government or the state as endangered, threatened, candidate, monitored
11 or documented priority species or habitat for those species or has unusual nesting or resting
12 sites such as heron rookeries or raptor nesting trees), the width of the buffer should be
13 increased to provide adequate protection for the species based on its particular, life-history
14 needs; or
- 15 4. When the minimum buffer for a habitat extends into an area with a slope of greater than
16 twenty- five (25) percent, the buffer shall be the greater of:
 - 17 a. The minimum buffer for that particular habitat; or
 - 18 b. Twenty-five (25) feet beyond the point where the slope becomes twenty-five (25) percent
19 or less.

20 F. Low impact uses and activities which are consistent with the purpose and function of the habitat
21 buffer and do not detract from its integrity may be permitted within the buffer depending on the
22 sensitivity of the habitat involved. Examples of uses and activities which may be permitted in
23 appropriate cases include pedestrian trails, viewing platforms, stormwater management facilities
24 such as grass-lined swales and utility easements.

25 **26.60.43 Fish and wildlife habitat alteration.**

- 26 A. Adverse impacts to habitat functions and values shall be mitigated. Mitigation actions by an
27 applicant or property owner shall occur in accordance with RMC 26.20.020 Ecological Functions,
28 No Net Loss including the specified mitigation sequence.
- 29 B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other
30 appropriate mitigation actions in compliance with the intent, standards, and criteria of this
31 section. Mitigation shall meet the criteria of RMC 26.20.020 Ecological Functions, No Net Loss
32 including the specified mitigation sequence. In an individual case, these actions may include
33 consideration of alternative site plans and layouts, reductions in the density or scope of the
34 proposal.
- 35 C. Alteration of habitat and/or their buffers may be permitted by the City subject to the following
36 standards:

- 1 1. Critical Habitat. Alterations of critical habitat shall be avoided, subject to the reasonable use
- 2 provisions of this chapter.
- 3 2. Secondary Habitat. Alterations of secondary habitat may be permitted; provided, that the
- 4 applicant mitigates adverse impacts consistent with the performance standards and other
- 5 requirements of this chapter.

6 **26.60.44 Fish and wildlife habitat performance standards and incentives.**

7 A. The performance standards and criteria contained in this section shall be incorporated into plans

8 submitted for regulated activities and shall:

- 9 1. Consider habitat in site planning and design;
- 10 2. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to
- 11 important habitat areas;
- 12 3. Integrate retained habitat into open space and landscaping, consistent with the provisions of
- 13 all open space and landscaping requirements;
- 14 4. Consolidate habitat and vegetated open space in contiguous blocks where feasible;
- 15 5. Locate habitat contiguous to other habitat areas, open space or landscaped areas to contribute
- 16 to a continuous system or corridor that provides connections to adjacent habitat areas and
- 17 allows movement of wildlife;
- 18 6. Use native species in any landscaping of disturbed or undeveloped areas and in any
- 19 enhancement of habitat or buffers;
- 20 7. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food
- 21 producing plants beneficial to wildlife;
- 22 8. Remove and/or control any noxious or undesirable species of plants and animals;
- 23 9. Preserve significant trees and/or snags, preferably in groups, consistent with achieving the
- 24 objectives of these standards;
- 25 10. Buffers shall be preserved and shall be surveyed, staked, and fenced prior to any constructed
- 26 work, including grading and clearing, may take place on the site; and
- 27 11. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be
- 28 implemented during construction.

29 B. A vegetation management plan shall be submitted consistent with the requirements, goals, and

30 standards of this chapter. The plan shall reflect the report prepared pursuant to RMC 26.20.040.

31 Any required mitigation, including supplemental buffer plantings, shall be guaranteed by a bond

32 or other acceptable security device is required to ensure bond or other security device shall be

33 required to assuring successful establishment including an appropriate monitoring period. The

34 amount of the performance and maintenance bond shall equal 125 percent of the cost of the

1 mitigation project for a period of five years. The City may agree to reduce the bond in phases in
2 proportion to work successfully completed over the period of the bond.

- 3 C. As an incentive to encourage preservation of secondary habitat as defined in this article, the net
4 amount of landscaping required by the city of Richland may be reduced by one-quarter acre for
5 each one acre of secondary habitat and buffer preserved on the site; however, that amount cannot
6 exceed 50 percent of the amount of required landscaping. The reduction shall be calculated on the
7 basis of square feet of habitat preserved or enhanced and square feet required. Habitat and habitat
8 buffer that is enhanced by the applicant may also qualify for this reduction. Preservation of
9 secondary habitat shall be execution of an easement or other protective device acceptable to the
10 city of Richland.

11 **Article IV. Geologic Hazard Areas**

12 **26.60.50 Identification and definition.**

- 13 A. Geologic hazard areas identification and designation shall be consistent with the minimum
14 guideline classifications established in WAC 365-190-080(4), which include any future
15 amendments to the code. Areas that are susceptible to one or more of the following types of
16 hazards shall be classified as a geologic hazard area:
- 17 1. Erosion hazard;
 - 18 2. Landslide hazard;
 - 19 3. Seismic hazard; and
 - 20 4. Mine hazard.
- 21 B. Erosion Hazard Areas. Those areas that are identified by the United States Department of
22 Agriculture Soil Conservation Service as having a severe rill and inter-rill erosion hazard.
- 23 C. Landslide Hazard Areas. Those areas that are potentially subject to landslides based on a
24 combination of geologic, topographic, and hydrologic factors. They include any areas susceptible
25 because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology,
26 or other factors. Landslide hazard areas include, but are not limited to, the following types of
27 areas:
- 28 1. Areas delineated by the United States Department of Agriculture Soil Conservation Service
29 as having a severe limitation for building site development;
 - 30 2. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps
31 published by the United States Geological Survey or Department of Natural Resources
32 Division of Geology and Earth Resources;
 - 33 3. Areas with all three of the following characteristics:
 - 34 a. Areas with slope steeper than 15 percent;
 - 35 b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a
36 relatively impermeable sediment or bedrock; and

- 1 c. Springs or ground water seepage;
- 2 4. Areas that have shown movement during the holocene epoch (from 10,000 years ago to the
- 3 present) or which are underlain or covered by mass wastage debris of that epoch;
- 4 5. Areas with slopes that are parallel or subparallel to planes of weakness (such as bedding
- 5 planes, joint systems, and fault planes) in subsurface materials;
- 6 6. Areas with slopes having gradients steeper than 80 percent subject to rockfall during seismic
- 7 shaking;
- 8 7. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and
- 9 undercutting by wave action;
- 10 8. Areas that show evidence of, or on, an active alluvial fan presently or potentially subject to
- 11 inundation by debris flows or catastrophic flooding; or
- 12 9. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except
- 13 areas composed of consolidated rock. A slope is delineated by establishing its toe and top and
- 14 measured by averaging the inclination over at least 10 feet of vertical relief.
- 15 D. Seismic Hazard Areas. Those areas subject to severe risk of damage as a result of earthquake
- 16 induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One
- 17 indicator of potential for future earthquake damage is a record of earthquake damage in the past.
- 18 Ground shaking is the primary cause of earthquake damage in Washington. The strength of
- 19 ground shaking is primarily affected by: (1) magnitude of an earthquake; (2) distance from the
- 20 source of an earthquake; (3) type of thickness of geologic materials at the surface; and (4) type of
- 21 subsurface geologic structure.
- 22 E. Mine Hazard Areas. Those areas underlain by, adjacent to, or affected by mine working areas as
- 23 designated by the Washington State Department of Natural Resources.

24 **26.60.51 Applicability to geological hazards.**

25 The provisions of this article shall apply to any activity that occurs in or within 200 feet of a geologic
 26 hazard area unless otherwise exempt. These activities include but are not limited to the following:

- 27 A. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or
- 28 materials of any kind;
- 29 B. Dumping, discharging or filling with any material;
- 30 C. Driving piling or placing obstructions;
- 31 D. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure
- 32 which has an adverse effect on a geologic hazard area; destroying or altering vegetation through
- 33 clearing or harvesting; and any project permit established in Chapter 19.20 RMC.

1 **26.60.52 Geologic hazard inventory maps.**

2 The approximate location and extent of geologic hazard areas within the city of Richland’s planning area
3 are shown on the sensitive areas maps adopted as part of this program, as provided in the City’s SMP
4 Inventory, Analysis and Characterization report. These maps should be used as a general guide only for
5 the assistance of property owners and the city of Richland to identify and designate geologic hazard areas.

6 **26.60.53 Preliminary assessment.**

7 A. The city of Richland shall conduct a preliminary assessment of the proposed activity. The
8 preliminary assessment shall consist of reviewing geologic hazard inventory maps as provided in
9 the City’s SMP Inventory, Analysis and Characterization report, conducting an on-site evaluation,
10 and, if necessary, consulting with state and/or federal agencies to determine whether there is
11 reasonable evidence that a proposed activity is within 200 feet of a geologic hazard area. In the
12 event there is a disagreement as to whether the activity is within 200 feet of a geologic hazard
13 area, a geologic report prepared by a qualified consultant as defined in RMC 26.80 shall be
14 required, at the property owner or applicant’s expense, to determine this issue.

15 B. If it is determined that there is reasonable evidence that a proposed activity is within 200 feet of a
16 geologic hazard area, then geologic reports and studies are required at the property owner or
17 applicant’s expense.

18 **26.60.54 Geologic reports and studies.**

19 Geologic studies and reports shall comply with the requirements established in RMC 26.60.081.6. Permit
20 process and application requirements.

21 **26.60.55 Administrative evaluation of geologic reports and studies.**

22 The city of Richland shall review the geologic reports and studies to determine the significant risks posed
23 by the activity to life and property on and off the project site. The city of Richland may approve,
24 conditionally approve or deny an activity, as appropriate, based on the degree to which significant risks
25 are posed to public and private property and to the health and safety of the community. Conditional
26 approval of the activity may include mitigation measures based on the geologic reports and studies.
27 Where potential impacts of the activity cannot be effectively mitigated, or where the risk to public health,
28 safety, and welfare of the community is significant notwithstanding mitigation, the activity shall be
29 denied.

30 **26.60.56 Assurance.**

31 The city of Richland may require assurance from the owner or applicant and/or its geologic consultant
32 that the activity creates a minimal risk of danger to life or property on or off the project site. Such
33 assurance may include the following:

34 A. A letter from the geologic consultant who prepared the required study and report stating that the
35 activity creates a minimal risk of danger to life or property on or off the project site; or

- B. A letter from the owner or applicant stating its understanding and acceptance of any risk of injury or damage associated with the activity and agreeing to notify any future purchasers of the site, portions of the site, or structures located on the site of the geologic hazard.

Article V. Critical Aquifer Recharge Areas Protection

26.60.57 Identification and definition.

Critical aquifer recharge areas (CARAs) are defined as those areas having a critical recharging effect on aquifer use for potable water in community systems. CARAs are classified and designated as follows:

- A. Those areas designated as “Wellhead Protection Areas” pursuant to WAC 246-290-135(4) and the groundwater contribution area in WAC 246-291-100 (2)(e). Wellhead protection areas shall, for the purpose of this regulation, include the identified recharge areas associated with either Group A public water supply wells and those Group B wells with a wellhead protection plan filed with the City and/or Benton Franklin Health District; and
- B. Any land identified in the Soil Survey of Benton County as having high potential for aquifer recharge, as determined by the Administrator.

In order to protect the public health and safety, prevent degradation of ground water and for potentially usable potable water, and to provide for regulations that prevent and control risks to the degradation of ground water quality and quantity, development in CARAs shall be subject to the standards described in this section.

26.60.58 Critical Aquifer Recharge Area maps.

The approximate location and extent of aquifer recharge areas within the city of Richland’s shoreline planning area are shown on the sensitive areas maps adopted as part of this SMP, as provided in the City’s SMP Inventory, Analysis and Characterization report. These maps should be used as a general guide only for the assistance of property owners and the city of Richland to identify and designate geologic hazard areas.

26.60.59 General exemptions.

The following activities shall be exempt from the CARA provisions of this section, provided they are conducted using best management practices for protecting surface and ground water quality:

- A. Single-family residential development.
- B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that do not increase the use of a hazardous substance.
- C. Group A public water system source development and associated infrastructure.
- D. Public water supply aquifer storage and recovery (ASR) facilities.
- E. Public water pipelines and supply storage structures.

- 1 F. The following underground storage tank (UST) systems, including any piping connected thereto:
- 2 1. Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste
- 3 Disposal Act, or a mixture of such hazardous waste and other regulated substances;
- 4 2. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated
- 5 under Section 402 or 307(b) of the Clean Water Act;
- 6 3. Equipment or machinery that contains regulated substances for operational purposes such as
- 7 hydraulic lift tanks and electrical equipment tanks;
- 8 4. Any UST system whose capacity is one hundred ten (110) gallons or less;
- 9 5. Any UST system that contains a de minimis concentration of regulated substances;
- 10 6. Any emergency spill or overflow containment UST system that is expeditiously emptied after
- 11 use;
- 12 7. Farm or residential UST systems of one thousand one hundred (1,100) gallons or less
- 13 capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);
- 14 8. UST systems used for storing heating oil for consumptive use on the premises where stored;
- 15 except that such systems which store in excess of one thousand one hundred (1,100) gallons
- 16 are subject to the release reporting requirements of WAC 173-360-372;
- 17 9. On-site domestic septic systems releasing less than five hundred (500) gallons of effluent per
- 18 day and that are limited to a maximum density of one system per one acre;
- 19 10. Any pipeline facility (including gathering lines) regulated under:
- 20 a. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or
- 21 b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or
- 22 11. Surface impoundments, pits, ponds, or lagoons;
- 23 12. Stormwater or wastewater collection systems;
- 24 13. Flow-through process tanks;
- 25 14. Liquid traps or associated gathering lines directly related to oil or gas production and
- 26 gathering operations; or
- 27 15. Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking
- 28 drift, shaft, or tunnel), if the storage tank is situated upon or above the surface of the floor.

29 **26.60.60 Reports and Studies**

30 Reports for CARAs shall be submitted to the City by the applicant for a development proposal activity not

31 otherwise exempted as provided in Section 26.60.059 is proposed on a parcel within an aquifer recharge

32 area. Requirements for a hydrogeologic assessment are found in Section 26.60.081, Permit process and

33 application requirements.

1 **26.60.61 Performance Standards**

2 A. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that
3 the proposed activity will not cause contaminants to enter the aquifer and that the proposed
4 activity will not adversely affect the recharging of the aquifer.

5 B. The proposed activity must comply with the water source protection requirements and
6 recommendations of the U.S. Environmental Protection Agency, Washington State Department of
7 Health, Washington State Department of Ecology, and the Benton County Health Department.

8 C. The proposed activity must be designed and constructed in accordance with existing local, state
9 and federal laws and regulations, and the Stormwater Management Manual for Eastern
10 Washington, as amended (Ecology 2004) for those geographic areas covered under the Eastern
11 Washington Phase II Municipal Stormwater Permit (Ecology 2007) or activities covered under
12 the Ecology General Construction Permit (Ecology 2005), and/or the locally adopted program, as
13 applicable.

14 **26.60.62 Uses Prohibited in Critical Aquifer Recharge Areas**

15 The following activities and uses are prohibited in CARAs:

16 A. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special
17 waste, woodwaste, and inert and demolition waste landfills;

18 B. Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09,
19 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;

20 C. Mining in critical aquifer recharge areas determined to be highly susceptible or vulnerable in a
21 public water system Wellhead Protection Plan.

22 1. Metals and hard rock mining;

23 2. Sand and gravel mining.

24 D. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment
25 process to occur over permeable surfaces (both natural and manmade);

26 E. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or
27 dispose of radioactive substances; and

28 F. Other Prohibited Uses or Activities

29 1. Activities that would significantly reduce the recharge to aquifers currently or potentially
30 used as a potable water source;

31 2. Activities that would significantly reduce the recharge to aquifers that are a source of
32 significant baseflow to a regulated stream.

1 **Article VI. Flood Hazard Areas**

2 **26.60.70 Identification and definition.**

3 Frequently flooded areas shall be those floodways and associated floodplains designated by the Federal
4 Emergency Management Agency (FEMA) flood hazard classifications as delineated on the most current
5 available Flood Insurance Rate Maps for the City, or as subsequently revised by FEMA, as being within
6 the 100-year flood plain, or those floodways and associated floodplains delineated by a comprehensive
7 flood hazard management plan adopted by the City, as being within the 100-year floodplain or having
8 experienced historic flooding; or channel migration zones (CMZ) identified through mapping provided in
9 the City’s SMP Inventory, Analysis and Characterization report. The CMZ is considered to be that area of
10 a stream channel which may erode as a result of normal and naturally occurring processes and has been
11 mapped consistent with WAC 173-26-221(3)(b).

12 **26.60.71 Maps and References**

- 13 A. The approximate location and extent of flood hazard areas within the city of Richland’s planning
14 area are shown on the sensitive areas maps adopted as part of this SMP, including but not limited
15 to the most current available FEMA Flood Insurance Rate Maps (FIRM) as provided in RMC
16 23.34.050 F district – Adoption of study designating areas of special flood hazard and Channel
17 Migration Zone (CMZ) mapping provided in the City’s SMP Inventory, Analysis and
18 Characterization report. These maps should be used as a general guide only for the assistance of
19 property owners and the city of Richland to identify and designate flood hazard areas.
- 20 B. Applicants for shoreline development or modification may submit a site-specific CMZ study if
21 they demonstrate these conditions do not exist on the subject property and the map is not
22 accurate. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may
23 include, but is not limited to, historic aerial photographs, topographic mapping, flooding records,
24 and field verification. The CMZ must be prepared by a licensed geologist or engineer with at least
25 five years of applied experience in assessing fluvial geomorphic processes and channel response.

26 **26.60.72 Protection Standards**

- 27 A. All development within frequently flooded areas shall comply with the city code Chapters 23.12,
28 Floodplain Use District and 23.34, Floodplain Combining District, the City Shoreline Master
29 Program, the Uniform Building Code regarding structural safeguards to reduce risk to human life,
30 health and property from flooding, and other pertinent ordinances and codes.
- 31 B. Any use or development shall not alter the normal movement of surface water in a manner that
32 would cause the unnatural diversion of floodwater to otherwise flood-free areas.
- 33 C. CMZs shall be regulated as uses in Chapters 23.12, Floodplain Use District, and shall apply only
34 to the Yakima River.

1 **Article VII. General Information**

2 **26.60.80 General exemptions.**

3 The following activities shall be exempt from the provisions of this chapter, provided they are conducted
4 using best management practices:

- 5 A. Existing and ongoing agricultural activities, as defined in RMC 26.70;
- 6 B. Maintenance, operation and reconstruction of existing roads, streets, utilities, and associated
7 structures; provided, that reconstruction of any structures may not increase the impervious area;
- 8 C. Normal maintenance, repair and reconstruction of residential or commercial structures; provided,
9 that reconstruction of any structures may not increase the impervious floor area;
- 10 D. Site investigative work and studies necessary for preparing land use applications, including soils
11 tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any
12 disturbance of sensitive areas shall be the minimum necessary to carry out the work or studies;
- 13 E. Educational activities, scientific research, and outdoor recreational activities, including but not
14 limited to interpretive fields, bird watching, fishing and hiking, that will not have a significant
15 effect on the habitat area;
- 16 F. Public agency emergency activities necessary to prevent an immediate threat to public health,
17 safety or property, provided that retroactive mitigation is required to restore a site to a
18 pre-emergency response condition to ensure no net loss of ecological functions;
- 19 G. Prior to the effective date of the ordinance codified in this chapter any of the following activities
20 that have met all conditions of approval in a timely manner and are consistent with the reasonable
21 use provisions of this chapter:
 - 22 1. Complete applications as defined by the appropriate ordinance;
 - 23 2. Approved preliminary plats; and
 - 24 3. Development of legally created lots which have been recorded with Benton County;
- 25 H. Minor activities not mentioned above and determined by the community and development
26 services group to pose minimal risk to the public health, safety, and general welfare.

27 **26.60.81 Permit process and application requirements.**

- 28 A. Preapplication Conference. All applicants are encouraged to meet with the planning and
29 development services manager of the city of Richland or his or her representative prior to
30 submitting an application subject to these regulations. The purpose of this meeting shall be to
31 discuss the city of Richland’s sensitive areas requirements, processes, and procedures; to review
32 any conceptual site plans prepared by the applicant; to discuss appropriate investigative
33 techniques and methodology; to identify potential impacts and mitigation measures; and to
34 familiarize the applicant with state and federal programs, particularly those pertaining to

1 wetlands. Such conference shall be for the convenience of the applicant and any
2 recommendations shall not be binding on the applicant or the city of Richland.

3 B. Application Requirements. The information required by this section should be coordinated with
4 reporting requirements required by this section for any other sensitive area located on the site.

5 1. Prior to the issuance of a SEPA threshold determination for a proposal, all Sensitive Area
6 reports relevant to the site must be submitted to the city of Richland for review upon request
7 of the planning and development services manager if such sensitive areas are indicated on
8 any portion of the site. The purpose of the reports is to determine the extent and function
9 sensitive areas where regulated activities are proposed. The reports will also be used by the
10 city of Richland to determine the appropriate implementation of sensitive area regulations
11 and the extent to which potential impacts of proposed activities are addressed by existing
12 regulations that provide environmental analysis and measures that avoid or otherwise mitigate
13 the probable specific adverse environmental impacts of proposed activities.

14 2. In addition, wetland boundaries and other relevant physical features must be staked and
15 flagged in the field by a qualified consultant.

16 3. The report on any sensitive area shall include the following information:

17 a. Vicinity map;

18 b. A map showing:

19 i. Site boundary, property lines and roads;

20 ii. Internal property lines, rights-of-way, easements, etc.;

21 iii. Existing physical features of the site including buildings, fences, and other structures,
22 roads, parking lots, utilities, water bodies, etc.;

23 iv. Contours at the smallest readily available intervals, preferably at five-foot intervals;
24 and

25 v. For large (50 acres or larger) or complex projects with wetlands or habitat areas, an
26 aerial photo with overlays displaying the site boundaries and wetland delineation or
27 habitat area(s) may be required. Generally, an orthophotograph at a scale of one inch
28 equals 400 feet or greater (such as one inch equals 200 feet) should be used. If an
29 orthophotograph is not available, the center of a small scale (e.g., one inch equals
30 2,000 feet) aerial enlarged to one inch equals 400 feet may be used;

31 c. The report for any sensitive area must describe:

32 i. Locational information including legal description and address;

33 ii. All natural and manmade features within 150 feet of the site boundary;

34 iii. General site conditions including topography, acreage, and water bodies or wetlands;
35 and

36 iv. Identification of any areas that have previously been disturbed or degraded by human
37 activity or natural processes.

- 1 4. In addition to the general report requirements, a report on wetlands shall include the
2 following information:
- 3 a. Delineated wetland boundary;
- 4 b. The wetland boundary must be accurately drawn at an appropriate engineering scale such
5 that information shown is not cramped or illegible. The drawing shall be prepared by a
6 surveyor. Generally, a scale of one inch equals 40 feet or greater (such as one inch equals
7 20 feet) should be used. Existing features must be distinguished from proposed features;
- 8 c. Site designated on the wetlands areas maps described in RMC 26.60.022.022;
- 9 d. Hydrologic mapping showing patterns of water movement into, through, and out of the
10 site area;
- 11 e. Location of all test holes and vegetation sample sites, numbered to correspond with
12 flagging in the field and field data sheets;
- 13 f. Field data sheets from the Federal Manual, numbered to correspond with sample site
14 locations as staked and flagged in the field; and describe:
- 15 i. Specific descriptions of plant communities, soils, and hydrology;
- 16 ii. A summary of existing wetland function and value; and
- 17 iii. A summary of proposed wetland and buffer alterations, impacts, and the need for the
18 alterations as proposed. Potential impacts may include but are not limited to loss of
19 flood storage potential, loss of wildlife habitat, expected decreases in species
20 diversity or quantity, changes in water quality, increases in human intrusion, and
21 impacts on associated wetland or water resources. If alteration of a Category I, II, III,
22 or IV wetland is proposed, a wetland mitigation plan is required according to the
23 standards of RMC 26.60.028 and 26.60.029.
- 24 iv. Describe how mitigation meets the criteria of RMC 26.20.020 Ecological Functions,
25 No Net Loss including the specified mitigation sequence.
- 26 5. In addition to the general report requirements, a report on fish and wildlife habitats shall
27 include the following information. (The level of detail contained in the report shall generally
28 reflect the size and complexity of the proposal and the function and value of the habitat. The
29 City may require field studies at the applicant's expense in appropriate cases.
- 30 a. A map of vegetative cover types, reflecting the general boundaries of different plant
31 communities on the site;
- 32 b. A description of the species typically associated with the cover types, including an
33 identification of any critical wildlife species expected to be found;
- 34 c. The results of searches of Washington State Department of Natural Resource's Natural
35 Heritage and Washington State Department of Wildlife's nongame data system
36 databases, if available;
- 37 d. Additional information on species occurrence available from the city of Richland or
38 Benton County; and
- 39 e. Include the following descriptions:
- 40 i. The layers, diversity and variety of habitat found on the site;

- 1 ii. Identification of edges between habitat types and any species commonly associated
2 with that habitat;
- 3 iii. The location of any migration or movement corridors;
- 4 iv. A narrative summary of existing habitat functions and values; and
- 5 v. A summary of proposed habitat and buffer alterations, impacts, and mitigation.
6 Potential impacts may include but are not limited to clearing of vegetation,
7 fragmentation of wildlife habitat, expected decreases in species diversity or quantity,
8 changes in water quality, increases in human intrusion, and impacts on wetlands or
9 water resources.
- 10 vi. Describe how mitigation meets the criteria of RMC 26.20.020 Ecological Functions,
11 No Net Loss including the specified mitigation sequence.
- 12 6. In addition to the general report requirements, applicants for activities within 200 feet of
13 geologic hazard areas shall conduct technical studies and reports which include the following:
- 14 a. Review site history and available information;
- 15 b. Conduct a surface reconnaissance of the site and adjacent areas;
- 16 c. Conduct subsurface exploration suitable to the site and proposal to assess geotechnical
17 geohydrologic conditions;
- 18 d. Conduct a detailed stability analysis of the existing landslide that demonstrates that the
19 proposal will result in a suitable factor of safety during and following site development;
- 20 e. Characterize soils, geology and drainage;
- 21 f. Characterize ground water conditions including the presence of any public or private
22 wells in the immediate vicinity; and
- 23 g. Analyze proposed clearing, grading and construction activities, including construction
24 scheduling; potential direct and indirect, on-site and off-site, impacts from development;
25 and proposed mitigation measures, including any special construction techniques,
26 monitoring or inspection programs (during and after construction), and surface water
27 management controls.
- 28 h. Evaluate the presence of geologic conditions giving rise to geologic hazards;
- 29 i. Evaluate the safety and appropriateness of the proposed activities;
- 30 j. Recommend appropriate construction practices, monitoring programs and other
31 mitigating measures required to ensure achievement of the purpose and intent of these
32 regulations. The format of any required reports shall be determined by the city of
33 Richland;
- 34 k. Recommend surface water management controls during construction and operation;
- 35 l. Propose construction scheduling;
- 36 m. Recommend site monitoring and inspection during construction;
- 37 7. In addition to the general report requirements, a report for Critical Aquifer Recharge Areas
38 must meet the following requirements:

- 1 a. Available information regarding geologic and hydrogeologic characteristics of the site
- 2 including the surface location of all CARAs located on site or immediately adjacent to
- 3 the site, and permeability of the unsaturated zone;
- 4 b. Ground water depth, flow direction, and gradient based on available information;
- 5 c. Currently available data on wells and springs within one thousand feet of the project area;
- 6 d. Location of other sensitive areas, including surface waters, within one thousand feet of
- 7 the project area;
- 8 e. Available historic water quality data for the area to be affected by the proposed activity;
- 9 and
- 10 f. Evaluation of the potential impact of the proposed development on groundwater quality,
- 11 both short and long term, based on an assessment of the cumulative impacts of the
- 12 proposal in combination with existing and potential future land use activities; and
- 13 g. A proposed mitigation plan, as applicable. Applicants must demonstrate how they will
- 14 integrate necessary and appropriate best management practices to prevent degradation of
- 15 groundwater.
- 16 8. In addition to the general report requirements, a report on floodplain development shall
- 17 include the information required by RMC 23.34.100 Floodplain district – Development
- 18 permit.
- 19 C. Permit Process. This section is not intended to create a separate permit process for development
- 20 proposals. To the extent possible, the city of Richland shall consolidate and integrate the review
- 21 and processing of sensitive area-related aspects of proposals with other land use and
- 22 environmental considerations and approvals.

23 **26.60.82 Requirements of qualified consultants.**

24 All reports or studies are to be performed by a professional, licensed, or qualified as a consultant, in the

25 sensitive area at issue. The city of Richland shall determine whether a person is a qualified consultant

26 based on the criteria established in RMC 26.80.

27 **26.60.83 Land divisions.**

28 All proposed divisions of land which include regulated sensitive areas shall comply with the following

29 procedure and development standard:

- 30 A. New lots shall contain at least one building site, including access that is suitable for development
- 31 and is not within a portion of the regulated sensitive area or its associated buffer or setback in
- 32 which a restriction of prohibition on alteration is provided by this program.

33 **26.60.84 General procedural provisions.**

- 34 A. Interpretations and Conflicts. Any question regarding interpretation of these regulations shall be
- 35 resolved pursuant to the procedures set forth in RMC 23.70.070.
- 36 B. Penalties and Enforcement. Any person who has violated any provision of this chapter shall have
- 37 committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

1 Provided, if the same violator has been found to have committed an infraction violation for the
2 same or similar conduct two separate times, with the violations occurring at the same location and
3 involving the same or similar sections of the Richland Municipal Code or other similar codes, the
4 third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC
5 1.30.010 for criminal offenses.

6 C. Appeals from permit decisions shall be governed by the procedures set forth in Chapter 19.70 of
7 the Richland Municipal Code.

8 **26.70 No special duty created.**

9 It is the purpose of this chapter to provide for the health, welfare, and safety of the general public, and not
10 to create or otherwise establish or designate any particular class or group of persons who will or should be
11 especially protected or benefited by the terms of this chapter. No provision or term used in this chapter is
12 intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for
13 whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

14 Nothing contained in this chapter is intended to be, nor shall be construed to create or form the basis for
15 any liability on the part of the city or its officers, agents, and employees for any injury or damage
16 resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this
17 chapter or be a reason or a consequence of any inspector, notice, or order, in connection with the
18 implementation or enforcement of this chapter, or by reason of any action of the city related in any
19 manner to enforcement of this chapter by its officers, agents or employees.

20 **26.71 Severability.**

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

25 **26.80 Definitions**

26 “Agriculture” or “agricultural activities” means agricultural uses and practices including, but not limited
27 to, producing, breeding, or increasing agricultural products; rotating and changing agricultural crops;
28 allowing land used for agricultural activities to lie fallow (plowed and tilled, but left unseeded); allowing
29 land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
30 allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or
31 federal conservation program, or the land is subject to a conservation easement; conducting agricultural
32 operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and
33 replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the
34 original facility; and maintaining agricultural lands under production or cultivation.

35 Agricultural equipment and agricultural facilities includes, but is not limited to:

- 1 A. The following used in agricultural operations: Equipment; machinery; constructed shelters,
- 2 buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal,
- 3 conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes,
- 4 canals, ditches, and drains;
- 5 B. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within
- 6 agricultural lands;
- 7 C. Farm residences and associated equipment, lands, and facilities; and
- 8 D. Roadside stands and on-farm markets for marketing fruit or vegetables.

9 “Alteration” means a human action which results in a physical change to the existing condition of land or
 10 improvements including but not limited to: clearing vegetation, filling and grading and construction of
 11 structures or facilities including impervious surfaces.

12 “Applicant” means the person, party, firm, partnership, corporation, or other entity that applies for any
 13 permit or approval pursuant to this chapter and may include applicants for other approvals pursuant to
 14 other provisions of the Richland Municipal Code.

15 “Artificially created wetland” means wetlands intentionally created action from nonwetland sites,
 16 including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities,
 17 wastewater treatment facilities, farm ponds, and landscaping amenities, or those wetlands created after
 18 July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.
 19 Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate
 20 the conversion of wetlands.

21 “Aquaculture” the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture
 22 does not include the harvest of wild geoduck associated with the state managed wildstock geoduck
 23 fishery.

24 "Average grade level" means the average of the natural or existing topography of the portion of the lot,
 25 parcel, or tract of real property which will be directly under the proposed building or structure. In the
 26 case of structures to be built over water, average grade level shall be the elevation of the ordinary high
 27 water mark. Calculation of the average grade level shall be made by averaging the ground elevations at
 28 the midpoint of all exterior walls of the proposed building or structure.

29 “Best management practices (BMPs)”. Should not exclude new agricultural and land management
 30 activities, especially in sensitive areas and their buffers and should also encourage ongoing agricultural
 31 activities to minimize their effects on water quality, riparian ecology, salmonid populations, and
 32 downstream resources. BMPs are current and evolving conservation practices, or systems of practices,
 33 management or operational measures, or design and construction techniques; or normal and accepted
 34 industry standards that are applied to land use activity in a manner which:

- 35 A. Control soil loss and reduces water surface and ground water quality degradation caused by
- 36 nutrients, wastes, toxics, and sediment;

- 1 B. Minimize where possible and mitigate where necessary adverse impacts to the natural chemical,
2 physical and biological environment of the city;
- 3 C. Utilize the city’s natural resources on a long-term, sustainable yield basis;
- 4 D. Protect trees, vegetation, and soils designated to be retained during and following site
5 construction and use native plant species appropriate to the site for revegetation of disturbed
6 areas; and
- 7 E. Prevent contamination of surface and groundwater resources, and protect from impacts to native
8 and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer
9 applications.

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

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

18 “Buffer” means an area adjacent to a sensitive area that functions to avoid loss or diminution of the
19 ecologic functions and values of the sensitive area. Specifically, a buffer may:

- 20 • Preserve the ecologic functions and values of a system including, but not limited to, providing
21 microclimate conditions, shading, input of organic material, and sediments; room for variation
22 and changes in natural wetland, river, or stream characteristics; providing for habitat for lifecycle
23 stages of species normally associated with the resource; and
- 24 • Physically isolate a sensitive area such as a wetland, river, or stream from potential disturbance
25 and harmful intrusion from surrounding uses using distance, height, visual, and/or sound barriers,
26 and generally including dense native vegetation, but also may include human-made features such
27 as fences and other barriers;
- 28 • Act to minimize risk to the public from loss of life, well-being, or property damage resulting from
29 natural disasters such as from landslide or flooding.

30 “Building” means a roofed and walled structure built for permanent or temporary use.

31 “Building height in Shoreline Management Act jurisdiction” only means the vertical distance between
32 average grade and the highest part of the coping of a flat roof, or the deck line of a mansard roof, or the
33 highest point of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building
34 is the maximum height of that segment of the building with all roof elements at a different elevation than
35 adjacent steps or terraces. Provided, That television antennas, chimneys, and similar appurtenances shall
36 not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a

1 substantial number of residences on areas adjoining such shorelines. Temporary construction equipment
2 is excluded in this calculation.

3 “Bulkhead” means a structure of timber, concrete, steel, rock, or similar substance located parallel to the
4 shore, which has as its primary purpose to contain and prevent the loss of soil by erosion, wave, or current
5 action.

6 “Channel migration zone” means the area along a river within which the channel(s) can be reasonably
7 predicted to migrate over time as a result of natural and normally occurring hydrological and related
8 processes when considered with the characteristics of the river and its surroundings. For the purpose of
9 this program, the channel migration zone excludes areas separated from the active river channel by legally
10 existing artificial structures that are likely to restrain channel migration including, but not limited to, flood
11 control facilities, transportation facilities, and structures built above or constructed to remain intact
12 through the 100-year flood.

13 “Clearing” means the removal of trees, brush, grass, ground cover, or other vegetative matter from a site
14 which exposes the earth’s surface of the site.

15 “Compensatory mitigation” means the restoration, creation, enhancement or in exceptional circumstances,
16 preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable
17 adverse impacts which remain after all appropriate and practicable avoidance and minimization has been
18 achieved.

19 “Creation” (wetland) means the manipulation of the physical, chemical, or biological characteristics
20 present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist.
21 Establishment results in a gain in wetland acreage [and function]. [A typical action is the excavation of
22 upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the
23 growth of hydrophytic plant species (Gwin et al. 1999).]

24 "Sensitive areas" are those areas and ecosystems as defined under chapter 36.70A RCW and include:

- 25 • Wetlands;
- 26 • Areas with a critical recharging effect on aquifers used for potable waters;
- 27 • Fish and wildlife habitat conservation areas;
- 28 • Frequently flooded areas; and
- 29 • Geologically hazardous areas.

30 “Critical habitat” or “critical wildlife habitat” means habitat areas associated with threatened, endangered,
31 sensitive, or priority species of plants or wildlife which, if altered, could reduce the likelihood that the
32 species will maintain and reproduce over the long term. Such areas are documented with reference to
33 lists, categories and definitions of species promulgated by the Washington Department of Wildlife (Non-
34 Game Data System Special Animal Species) as identified in WAC 232-12-011 or 232-12-014 and in the

1 priority habitat species lists compiled in compliance with WAC 365-190-080; or by rules and regulations
2 adopted currently or hereafter by the U.S. Fish and Wildlife Service.

3 “Critical habitat” also includes the following types of areas:

- 4 A. Regionally rare native fish and wildlife habitat (i.e., one of five or fewer examples of the habitat
5 within the Mid-Columbia region).
- 6 B. Fish and wildlife areas with irreplaceable ecological functions, including but not necessarily
7 limited to the following:
 - 8 1. The areas listed as a national wildlife refuge, national park, natural area preserve or any
9 preserve or reserve designated under WAC 332-30-151;
 - 10 2. The Lake Wallula wildlife habitat areas managed by the U.S. Army Corps of Engineers,
11 including the Yakima River Wildlife Management Area and the Hanford Islands in the
12 Columbia River managed by the U.S. Fish and Wildlife Service;
 - 13 3. Category I wetlands as defined in RMC 26.60.023;
 - 14 4. State nature area preserves or natural resource conservation areas identified by state law and
15 managed by the Department of Natural Resources;
 - 16 5. Documented habitat, other than accidental presence, of threatened or endangered species;
 - 17 6. Documented habitat, other than accidental presence, of regional or national significance for
18 migrating birds.

19 “Cumulative impacts” are the results of incremental actions when added to past, present, and reasonably
20 foreseeable future actions. Cumulative impacts can be deemed substantial and subject to mitigation
21 conditions even though they may consist of individual actions having relatively minor impacts.

22 “Development” means a use consisting of the construction or exterior alteration of structures; dredging;
23 drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling;
24 placing of obstructions; or any project of a permanent or temporary nature which interferes with the
25 normal public use of the surface of the waters overlying lands subject to the act at any stage of water
26 level;

27 “Developer” means any person, firm, corporation, or agency engaged in the act of development.

28 “Development plan” means a proposal for development consisting of such site plans, vicinity maps,
29 drawings, illustrations, documents, and conditions as may be necessary and appropriate.

30 “Dock” means a place for vessels to moor and may include a variety of facilities including piers and
31 floating structures extending from the shore over the water. This definition does not include over-water
32 trails.

33 “Dredging” is the removal of earth, sand, gravel, silt, or debris from below the ordinary high water mark
34 of any river, stream, pond, lake, or other water body and beneath the area of seasonal saturation of any
35 wetland.

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

1 “Ecological function” means the work performed or role played by the physical, chemical, and biological
2 processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute an
3 element of a natural ecosystem.

4 "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of
5 erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific
6 shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

7 “Enhancement” (habitats in general) means the improvement of existing habitat such as by increasing
8 plant density or structural diversity, or by controlling nonindigenous or noxious species by replacing with
9 native species.

10 Enhancement (wetlands) means the manipulation of the physical, chemical, or biological characteristics
11 of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or
12 composition of the vegetation present. Enhancement is undertaken for specified purposes such as water
13 quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in
14 wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in
15 wetland acres. [Examples are planting vegetation, controlling non-native or invasive species, and
16 replacing with native species.]

17 “Erosion” means wearing away of rock or soil by the gradual detachment of soil and rock fragments by
18 water, wind, ice, and other mechanical and chemical forces.

19 “Erosion Hazard Areas” are areas identified by the United States Department of Agriculture Soil
20 Conservation Service as having a severe rill and inter-rill erosion hazard.

21 “Excavation” means the mechanical removal of earth material.

22 “Existing and ongoing agricultural activities” include those activities conducted on lands defined in RCW
23 84.34.020(2), and those activities involved in the production of crops and livestock, including, but not
24 limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems,
25 changes between agricultural activities, and normal operation, maintenance or repair of existing
26 serviceable structures, facilities or improved areas. Activities that bring a previously nonagricultural area
27 into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area
28 on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period
29 of longer than five years, unless the idle land is registered in a federal or state soils conservation program.

30 “Exotic” means a species, plant community type, or habitat that has been introduced or modified as a
31 result of human actions.

32 “Fair market value” means the open market bid price for conducting construction of the work, using the
33 equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the
34 development. This would normally equate to the cost of hiring a contractor to undertake the development
35 from start to finish, including the cost of labor, materials, equipment, and facility usage, transportation,
36 and contractor overhead and profit. The fair market value of the development shall include the fair
37 market value of any donated, contributed, or found labor, equipment, or materials.

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

3 “Feasible” means that an action, such as a development project, mitigation, or restoration requirement,
4 meets all of the following conditions:

- 5 A. The action can be accomplished with technologies and methods that have been used in the past in
6 similar circumstances, or studies or tests have demonstrated in similar circumstances that such
7 approaches are currently available and likely to achieve the intended results;
- 8 B. The action provides a reasonable likelihood of achieving its intended purpose; and
- 9 C. The action does not physically preclude achieving the project's primary intended legal use.
- 10 D. In cases where these guidelines require certain actions unless they are infeasible, the burden of
11 proving infeasibility is on the applicant. In determining an action's infeasibility, the City may
12 weigh the action's relative public costs and public benefits, considered in short- and long-term
13 timeframes.

14 “Fill” means earth or any other substance or material placed in or on the ground, including earth retaining
15 structures, in an area waterward of the OHWM or in wetlands, it includes any action that raises the
16 elevation or creates dry land.

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

19 "Flood plain" is synonymous with one hundred-year flood plain and means that land area susceptible to
20 inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this
21 area shall be based upon flood ordinance regulation maps or a reasonable method which meets the
22 objectives of the act.

23 “Floodway” means the channel of a river or other watercourse and the adjacent land areas that either:

- 24 • Has been established in Federal Emergency Management Agency Flood Insurance Rate Maps or
25 floodway maps; or
- 26 • Consists of those portions of a river valley lying waterward from the outer limits of a watercourse
27 upon which flood waters are carried during periods of flooding that occur with reasonable
28 regularity, although not necessarily annually, said floodway being identified, under normal
29 conditions, by changes in surface soil conditions or changes in types or quality of vegetative
30 ground cover condition, topography, or other indicators of flooding that occurs with reasonable
31 regularity, although not necessarily annually.
- 32 • Regardless of the method used to identify the floodway, the floodway shall not include those
33 lands that can reasonably be expected to be protected from flood waters by flood risk reduction
34 devices maintained by or maintained under license from the federal government, the state, or a
35 political subdivision of the state.

1 “Geotechnical report or geotechnical analysis” means a scientific study or evaluation conducted by a
2 qualified expert that includes a description of the ground and surface hydrology and geology, estimates of
3 susceptibility to erosion, sliding, earthquake, or other geological events, and the extent of risk to the
4 health and safety of persons and property. Such a report shall include conclusions and recommendations
5 regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be
6 developed, the impacts of the proposed development, alternative approaches to the proposed
7 development, and measures to mitigate potential site-specific and cumulative geological and hydrological
8 impacts of the proposed development, including the potential adverse impacts to adjacent and down-
9 current properties. Geotechnical reports shall conform to accepted technical standards and must be
10 prepared by qualified professional engineers or geologists who have professional expertise regarding the
11 regional and local geology and processes.

12 "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other
13 material on a site in a manner that alters the natural contour of the land.

14 “Habitat management” means management of land to maintain species in suitable habitats within their
15 natural geographic distribution so that isolated subpopulations are not created. This does not imply
16 maintaining all habitat or individuals of all species in all cases.

17 “Habitat map” means maps of plant cover types/communities (titled: Fish and Wildlife Conservation
18 Areas) adopted by the city of Richland to indicate the potential presence of wildlife species.

19 “High impact land use” means land uses that are generally associated with relatively high levels of human
20 activity or disturbance, development of structures, or substantial wetland habitat impacts. Depending on
21 their context, high impact land uses can include, but are not limited to, residential buildings and
22 structures, active recreation areas and facilities, commercial and industrial land uses, buildings and
23 structures, and similar uses and activities which create a significant potential for impacts to wetlands. The
24 context for determining the impact of a land use includes the sensitivity of the wetland, the density and
25 intensity of adjacent development, the amount of impervious surface, the orientation of proposed
26 buildings and structures, and other relevant factors as determined in an individual case.

27 “In-kind mitigation” means replacement of wetlands with substitute wetlands whose characteristics
28 closely approximate those destroyed or degraded by a regulated activity.

29 “Instream structures” are structures located waterward of the ordinary high water mark that either cause
30 or have the potential to cause water impoundment or the diversion, obstruction, or modification of water
31 flow.

32 “Landslide Hazard Areas” are areas that are potentially subject to landslides based on a combination of
33 geologic, topographic, and hydrologic factors. They include any areas susceptible because of any
34 combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors.
35 Landslide hazard areas include, but are not limited to, the following types of areas:

- 36 1. Areas delineated by the United States Department of Agriculture Soil Conservation Service
37 as having a severe limitation for building site development;

- 1 2. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps
2 published by the United States Geological Survey or Department of Natural Resources
3 Division of Geology and Earth Resources;
- 4 3. Areas with all three of the following characteristics:
5 a. Areas with slope steeper than 15 percent;
6 b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a
7 relatively impermeable sediment or bedrock; and
8 c. Springs or ground water seepage;
- 9 4. Areas that have shown movement during the holocene epoch (from 10,000 years ago to the
10 present) or which are underlain or covered by mass wastage debris of that epoch;
- 11 5. Areas with slopes that are parallel or subparallel to planes of weakness (such as bedding
12 planes, joint systems, and fault planes) in subsurface materials;
- 13 6. Areas with slopes having gradients steeper than 80 percent subject to rockfall during seismic
14 shaking;
- 15 7. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and
16 undercutting by wave action;
- 17 8. Areas that show evidence of, or on, an active alluvial fan presently or potentially subject to
18 inundation by debris flows or catastrophic flooding; or
- 19 9. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except
20 areas composed of consolidated rock. A slope is delineated by establishing its toe and top
21 and measured by averaging the inclination over at least 10 feet of vertical relief.

22 “Local utility” means public or private utilities normally servicing a neighborhood or defined subarea in
23 the City, e.g., telephone exchanges; sanitary sewer; stormwater facilities; distribution lines; electrical
24 distribution less than fifty-five (55) kilovolts; telephone; cable television, etc.

25 “Low impact land use” means land uses that are typically associated with relatively low levels of human
26 activity, disturbance or development and that are conducted in a manner as to minimize impacts to the
27 buffer. Low impact land uses may include:

- 28 A. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife;
- 29 B. Passive recreation, including walkways or trails located in the outer 25 percent of the buffer area;
- 30 C. Educational and scientific research activities, provided prior approval is obtained from the
31 approval authority;
- 32 D. Normal and routine maintenance and repair of any existing public or private facilities, provided
33 appropriate measures are undertaken to minimize impacts to the wetland and its buffer and that
34 disturbed areas are restored immediately to a natural condition; or
- 35 E. Agricultural land uses that do not create a significant probable wetland impact.

1 “Marina” means any commercial or club-owned facility consisting of docks or piers serving five or more
2 vessels or a shared moorage serving a subdivision serving 10 or more vessels.

3 “Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and
4 other uses.

5 “Mitigation” involves actions that proceed in sequence from the highest to the lowest priority as follows:

6 A. Avoiding impacts to environmentally sensitive areas by not taking action or parts of actions.

7 B. Minimizing impact by limiting the degree or magnitude of the action and its implementation.

8 C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

9 D. Reducing or eliminating the impact over time by preservation and maintenance operations during
10 the life of the action.

11 E. Compensating for the impact by replacing or providing substitute resources or environments.

12 While monitoring alone is not considered mitigation for purposes of these regulations, it may be part of a
13 comprehensive mitigation program.

14 “Mixed use” within an area subject to the jurisdiction of the Shoreline Management Act means a
15 combination of compatible uses within one development, in which water-oriented and non-water-oriented
16 uses are included.

17 “Multiple use” means a combination of compatible uses within one development, and may include
18 commercial, multi-family, and recreation uses, among others. The term “mixed use” in Title 23, Zoning
19 Regulations may be used in the same sense as “multiple use” in Title 26, Shoreline Management.

20 “Native vegetation” means vegetation indigenous to the area in question.

21 "Natural or existing topography" means the topography of the lot, parcel, or tract of real property
22 immediately prior to any site preparation or grading, including excavation or filling;

23 “Non-conforming lot, use, structure, or site” means a pre-existing parcel which was lawfully created prior
24 to the effective date of this program but does not meet minimum size or other dimensional requirements, a
25 use which was legally established prior to the effective date of this program, which would not be
26 permitted as a new use in the area in which it is located under the terms of this program, or a structure
27 lawfully erected prior to the effective date of this program or a site altered or improved which does not
28 meet current standards for setbacks, buffers, vegetation conservation, landscaping, public access,
29 screening, or other regulations for the area in which it is located due to changes in regulations since its
30 establishment.

31 “No net loss of ecological functions” is the maintenance of existing ecological processes and functions at
32 the level that existed at the time of approval of relevant policies and regulations.

33 No net loss of ecological functions on the level of the City means that the ecological processes and
34 functions are maintained within a watershed or other functional catchment area. Regulations may
35 result in localized cumulative impacts or loss of some localized ecological processes and functions, as
36 long as the ecological processes and functions of the system are maintained. Maintenance of system

1 ecological processes and functions may require compensating measures that offset localized
2 degradation.

3 On a project basis, no net loss means that permitted use or alteration of a site will not result in on-site
4 or off-site deterioration of the existing condition of ecological functions that existed prior to initiation
5 of use or alterations as a direct or indirect result of the project.

6 No net loss is achieved both through avoidance and minimization of adverse impacts as well as
7 compensation for impacts that cannot be avoided. Compensation may include on-site or off-site
8 restoration of ecological functions to compensate for localized degradation.

9 “Non-Water-Dependent Use” means those uses which are not water-dependent.

10 “Non-Water-Oriented Use” means those uses which are not water-dependent, water-related, or water-
11 enjoyment.

12 “Open space” means an area that is intended to provide light and air, view, use, or passage of persons or
13 animals which is almost entirely unobstructed by buildings, paved areas, or other human-made structures,
14 and is designed or preserved for environmental, habitat, scenic, or recreational purposes.

15 “Ordinary high water mark” means the mark on all lakes and streams that will be found by examining the
16 beds and banks and ascertaining where the presence and action of waters are so common and usual, and
17 so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the
18 abutting upland and vegetation, as that condition existed on June 1, 1971 for all lands under the
19 jurisdiction of the Shoreline Management Act, or for other lands on the effective date of the relevant
20 provisions of this program, or as it may naturally change thereafter, or as it may change thereafter in
21 accordance with permits issued by the City or other authorized jurisdictions. In any area where the
22 ordinary high water mark cannot be found, it shall be defined in accordance with WAC 173-22-030,
23 generally the line of the mean higher high tide in areas adjoining salt water, and the line of mean high
24 water in areas adjoining fresh water.

25 "Party of record" includes all persons, agencies or organizations who have submitted written comments in
26 response to a notice of application; made oral comments in a formal public hearing conducted on the
27 application; or notified local government of their desire to receive a copy of the final decision on a permit
28 and who have provided an address for delivery of such notice by mail;

29 Pier” means docks or similar structures supported by fixed piles. This definition does not include over-
30 water trails.

31 “Permanent erosion control” means continuous on-site and off-site control measures that are needed to
32 control conveyance or deposition of earth, and turbidity or pollutants after development, construction, or
33 restoration.

34 “Permit” means that substantial development, special use, or variance permit issued by the city of
35 Richland prior to substantial development in shoreline areas, subject to review by the State of Washington
36 Department of Ecology and the State Attorney General.

1 “Pier” means docks and similar structures consisting of a fixed or floating platform extending from the
2 shore over the water. This definition does not include over-water trails.

3 Preservation (wetlands) means the removal of a threat to, or preventing the decline of, wetland conditions
4 by an action in or near a wetland. This term includes the purchase of land or easements, repairing water
5 control structures or fences, or structural protection. Preservation does not result in a gain of wetland
6 acres [but may result in a gain in functions over the long term].

7 "Priority habitat" means a habitat type with unique or significant value to one or more species. An area
8 classified and mapped as priority habitat must have one or more of the following attributes:

- 9 • Comparatively high fish or wildlife density;
- 10 • Comparatively high fish or wildlife species diversity;
- 11 • Fish spawning habitat;
- 12 • Important wildlife habitat;
- 13 • Important fish or wildlife seasonal range;
- 14 • Important fish or wildlife movement corridor;
- 15 • Rearing and foraging habitat;
- 16 • Important marine mammal haul-out;
- 17 • Refugia habitat;
- 18 • Limited availability;
- 19 • High vulnerability to habitat alteration;
- 20 • Unique or dependent species; or
- 21 • Shellfish bed.

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

28 "Priority species" means species requiring protective measures and/or management guidelines to ensure
29 their persistence at genetically viable population levels. Priority species are those that meet any of the
30 criteria listed below.

31 A. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and
32 wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-
33 011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species
34 that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as
35 endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-
36 12-297.

37 B. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups
38 of animals susceptible to significant population declines, within a specific area or statewide, by

1 virtue of their inclination to congregate. Examples include heron colonies, seabird
2 concentrations, and marine mammal congregations.

3 C. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative
4 fish, shellfish, and wildlife species of recreational or commercial importance and recognized
5 species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or
6 degradation.

7 D. Criterion 4. Species listed under the federal Endangered Species Act as either proposed,
8 threatened, or endangered.

9 “Public access” means physical and/or visual approach to and along the shoreline available to the general
10 public.

11 “Public interest” means the interest shared by the citizens of the state or community at large in the affairs
12 of government, or some interest by which their rights or liabilities are affected including, but not limited
13 to, an effect on public property or on health, safety, or general welfare resulting from a use or
14 development.

15 “Qualified consultant,” for purposes of these regulations, shall mean a professionally trained and/or
16 certified wildlife biologist or ecologist or other professional with expertise in the scientific disciplines
17 necessary to identify, evaluate and manage habitat.

18 “Qualified professional” for the purpose of these regulations, shall mean a person with experience and
19 training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise
20 appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified
21 professional must have obtained a B.S. or B.A. or equivalent degree in biology, ecology, engineering,
22 environmental studies, fisheries, geomorphology, or related field, and two years of related work
23 experience.

24 A. A qualified professional for habitats or wetlands must have a degree in biology, ecology or
25 related field and professional experience related to the subject species. A Qualified wetland
26 specialist” is further defined below.

27 B. A qualified professional for a geological hazard must be a professional engineer or geologist,
28 licensed in the state of Washington.

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

31 “Qualified wetland specialist” means a person or firm with experience and training in wetland issues, and
32 with experience in performing delineations, analyzing wetland impacts, and recommending wetland
33 mitigation and restoration. Qualifications include:

34 A. A Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, ecology,
35 environmental studies, fisheries, soil science, wildlife or related field, and two years of related
36 work experience, including a minimum of one year of experience delineating wetlands using the

1 Unified Federal Manual preparing wetland reports. Additional education may substitute for one
2 year of related work experience; or

3 B. Four years of related work experience and training, with a minimum of two years' experience
4 delineating wetlands with the Unified Federal Manual and preparing wetland reports.

5 "Recreation areas or facilities" means any privately or publicly owned passive or active facility that
6 provides for activities undertaken for pleasure or relaxation and for the refreshment of the mind and body
7 that takes place in the outdoors or in a facility dedicated to the use including walking, fishing,
8 photography, viewing, and bird-watching and may include parks, playgrounds, sports fields, paths and
9 trails, beaches, or other recreation areas or facilities

10 Re-establishment (wetland): The manipulation of the physical, chemical, or biological characteristics of a
11 site with the goal of returning natural or historic functions to a former wetland. Re-establishment results
12 in rebuilding a former wetland and results in a gain in wetland acres [and functions]. [Activities could
13 include removing fill, plugging ditches, or breaking drain tiles.]

14 "Regulated activity" means activities occurring in or near and/or potentially affecting a wetland or
15 wetland buffer that are subject to the provisions of this section. Regulated activities generally include, but
16 are not limited to, any filling, dredging, dumping or stockpiling, draining, excavation, flooding,
17 construction or reconstruction, driving pilings, obstructing, shading, clearing or harvesting.

18 Rehabilitation (wetland): The manipulation of the physical, chemical, or biological characteristics of a
19 site with the goal of repairing natural or historic functions [and processes] of a degraded wetland.
20 Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.
21 [Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal
22 influence to a wetland.]

23 "Restore", "Restoration" or "ecological restoration" means the reestablishment or upgrading of impaired
24 natural or enhanced ecological shoreline processes or functions. This may be accomplished through
25 measures including but not limited to re-vegetation, removal of intrusive shoreline structures and removal
26 or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area
27 to pre-Columbia Basin Project, aboriginal or pre-European settlement conditions.

28 "Restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with
29 the goal of returning natural or historic functions to a former condition s, including re-establishment and
30 rehabilitation.

31 "Sanitary landfill" is a method of disposing of solid waste on land without creating nuisances or hazards
32 to public health or safety by utilizing the principles of engineering to confine the solid waste to the
33 smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or
34 at such more frequent intervals as may be necessary.

35 "Secondary habitat" or "secondary wildlife habitat" means areas with one or more of the following
36 attributes: comparatively high wildlife density; high wildlife species richness; significant wildlife
37 breeding habitat; significant wildlife seasonal ranges; significant movement corridors; limited availability;

1 and/or high vulnerability. Secondary habitat offers less diversity of animal and plant species than critical
2 habitat, but is important for performing the essential functions of habitat.

3 “Seismic Hazard Areas” are areas subject to severe risk of damage as a result of earthquake induced
4 ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One indicator of potential
5 for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary
6 cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by: (1)
7 magnitude of an earthquake; (2) distance from the source of an earthquake; (3) type of thickness of
8 geologic materials at the surface; and (4) type of subsurface geologic structure.

9 “Shall” means a mandate; the action must be done.

10 “Shorelands or shoreland areas” means those lands under the jurisdiction of the Shoreline Management
11 Act extending landward for two hundred (200) feet in all directions as measured on a horizontal plane
12 from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred
13 (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and
14 tidal waters that are subject to the provisions of the Shoreline Management Act (RCW 90.58.030); the
15 same to be designated as to location by the Washington State Department of Ecology.

16 “Shoreline areas” mean all shorelines of the state and shorelands.

17 “Shoreline program” shall refer to the Richland shoreline master program.

18 “Shorelines of Richland” are the total of all shorelines and shorelines of statewide significance within the
19 corporate limits of the city of Richland.

20 “Shoreline stabilization” means structural and non-structural actions taken to address erosion impacts to
21 property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides,
22 wind, or wave action. These actions include structural and nonstructural methods.

23 “Site” means any parcel or combination of contiguous parcels where a proposed project is located.

24 “Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal
25 distance to vertical distance.

26 “Solid waste” is defined as those presently unwanted residues of used natural or manmade resources and
27 of human activity, including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction
28 wastes, abandoned vehicles or parts thereof, and discarded commodities, which are handled or managed
29 in solid form.

30 “Should” means, in areas that are subject to the provisions of the Shoreline Management Act (RCW
31 90.58.030), that a particular action is required unless there is a demonstrated compelling reason, based on
32 the policy of the Shoreline Management Act and this program, against taking the action. The Director
33 shall make the determination about whether or not an applicant has demonstrated that there is a
34 compelling reason against taking an action and may consult with the Department of Ecology and other
35 agencies with jurisdiction over a proposal in making such a determination.

1 “Structural diversity” means the relative degree of diversity or complexity of vegetation in a habitat area
2 as indicated by the stratification or layering of different plant communities (e.g., ground cover, shrub
3 layer, and tree canopy); the variety of plant species; and the spacing or pattern of vegetation.

4 "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or
5 composed of parts joined together in some definite manner, whether installed on, above, or below the
6 surface of the ground or water, except for vessels;

7 “Substrate” means the soil, sediment, decomposing organic matter or combination of those located on the
8 bottom surface of the wetland.

9 “Temporary erosion control” means on-site and off-site control measures that are needed to control
10 conveyance or deposition of earth, turbidity, or pollutants during development, construction, or
11 restoration.

12 “Water-dependent use” means a use or portion of a use which cannot exist in a location that is not
13 adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its
14 operations.

15 “Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline
16 as a primary characteristic of the use, or a use that provides for enjoyment or recreational use of the
17 shoreline for a substantial number of people as a general characteristic of the use and which through
18 location, design, and operation ensures the public's ability to enjoy the visual and physical qualities of the
19 shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and
20 the shoreline-oriented space within the project must be devoted to the specific aspects of the use that
21 fosters shoreline enjoyment.

22 “Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a
23 combination of such uses.

24 “Water-related use” means a use or portion of a use which is not intrinsically dependent on a waterfront
25 location, but its economic viability is dependent upon a waterfront location because:

- 26 • The use has a functional requirement for a waterfront location such as the arrival or shipment of
27 materials by water or the need for large quantities of water; or
- 28 • The use provides a necessary service supportive of the water-dependent uses and the proximity of
29 the use to its customers makes its services less expensive and/or more convenient.

30 “Wetlands” or "wetland areas” means those areas that are inundated or saturated by surface or
31 groundwater at a frequency and duration sufficient to support, and that under normal circumstances do
32 support a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally
33 include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands
34 intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches,
35 grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape
36 amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the
37 construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally
38 created from non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a

1 regulated wetland, the methodology shall be done in accordance with the approved federal wetland
2 delineation manual and applicable regional supplements as provided in RCW 90.58.380 and WAC 173-
3 22-035. Agency filings affecting this section “Associated jurisdictional wetlands” are those wetlands that
4 are in proximity to and either influence or are influenced by shoreline areas subject to the Shoreline
5 Management Act.

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

12 “Wetland Class” The U.S. Fish and Wildlife Service wetland classification scheme uses a hierarchy of
13 systems, subsystems, classes and subclasses to describe wetland types (refer to USFWS, December 1979,
14 Classification of Wetlands and Deepwater Habitats of the United States for a complete explanation of the
15 wetland classification scheme). Eleven class names are used to describe wetland and deepwater habitat
16 types. These include: forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland,
17 unconsolidated shore, aquatic bed, unconsolidated bottom, rock bottom, rocky shore, stream bed, and
18 reef.

19 “Wetland delineation” means the delineation requires the actual flagging or staking in the field of the
20 edges of the wetland by a qualified consultant or their representative.

21 “Wetland determination” means a report prepared by a qualified consultant that identifies, characterizes,
22 and analyzes potential impacts to wetlands consistent with applicable provisions of these regulations. A
23 determination does not include a formal delineation.

24 “Wildlife habitat” means areas that provide food, protective cover, nesting, breeding, or movement for
25 fish and wildlife and with which individual species have a primary association.

26 “Wildlife report” means a report, prepared by a qualified consultant that evaluates plant communities and
27 wildlife functions and values on a site, consistent with the format and requirements established by this
28 chapter

1 **Section III Amendment of City of Richland Code**

2 Changes from the existing code text are indicated in red underlined format for insertions and in
3 ~~strikethrough~~ format for deletions.

4 **1. The following revision is made to RMC 19.20.010(A):**

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

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

- 10 1. Minor revisions to planned unit developments;
- 11 2. Final approvals of planned unit developments;
- 12 3. Short plats;
- 13 4. Small binding site plans;
- 14 5. Minor revisions to preliminary plats;
- 15 6. Minor revisions to site plans;
- 16 7. Minor revisions to special use permits;
- 17 8. Minor revisions to shoreline substantial development permits;
- 18 9. Minor new substantial development permits that meet any of the following criteria;
 - 19 a. Single family residences not constructed by an owner, lessee, or contract purchaser for
20 their own use;
 - 21 b. Single family non-exempt docks; and
 - 22 c. New developments on a site of one acre or less and with a cost of less than \$500,000.

23
24 10. ~~9~~ Accessory dwelling units.

25
26 E. Type II permits include the following types of permit applications:

- 27 1. Shoreline substantial development permits not classified as Type I permits or revisions
28 thereof;
- 29 2. Large binding site plans;
- 30 3. Site plan approvals or major revisions thereof;
- 31 4. Building height exceptions;
- 32 5. Design review – acceptance of alternative design standards;

- 1 6. Schools on small sites;
- 2 7. Extension of preliminary plat approvals;
- 3 8. Joint use parking reductions;
- 4 9. Special sign permits;
- 5 10. Planned unit development – final approvals;*
- 6 11. Special use permits or major revisions thereof.

7 **2. The following addition is made to Chapter 23.66 Non-Conforming Uses**

8 **23.66.010 Nonconforming uses of land and buildings – Continuance.**

9 Any nonconforming use of land or buildings lawfully existing at the effective date of the ordinance
10 codified in this title may be continued subject to the provisions of RMC 23.66.020 through 23.66.040.
11 [Ord. 28-05 § 1.02].

12 **23.66.020 Nonconforming uses of land and buildings – Yard, area, and building design**
13 **requirements.**

14 Any building or structure conforming as to use but nonconforming as to height, lot area, lot coverage, or
15 yards at the effective date of the ordinance codified in this title may be altered, repaired or extended;
16 provided, that such alteration, repair, or extension shall not increase the existing degree of
17 nonconformance. [Ord. 28-05 § 1.02; Ord. 04-09].

18 Provided that within jurisdiction of the Shoreline Management Act RCW 98.50 the Administrator shall
19 find that alteration, repair, or extension is consistent with the master program, including requirements for
20 no net loss of shoreline ecological functions.

21 **23.66.030 Nonconforming uses and buildings – Termination.**

22 Any nonconforming use not involving a structure, or one involving a fence or similar landscape enclosure
23 or one involving a structure having an assessed value of less than \$100.00 on the effective date of the
24 ordinance codified in this title may be continued for no longer than one year after said date and any
25 nonconforming use involving a structure having an assessed value of more than \$100.00 but less than
26 \$300.00 on the effective date of the ordinance codified in this title may be continued for no longer than
27 two years after said date. [Ord. 28-05 § 1.02].

28 **23.66.040 Nonconforming uses and buildings – Limitations.**

29 Any nonconforming building or part thereof may be maintained with ordinary repair; provided, however,
30 no such building or part shall be extended, expanded, or structurally altered, except as otherwise required
31 by law, nor shall a nonconforming use be extended, enlarged or expanded.

32 Any change of a nonconforming use in a conforming building shall be to a conforming use.

33 A nonconforming building or part thereof which has been unoccupied continuously for a period of one
34 year or more shall not be reoccupied except by a conforming use.

- 1 A nonconforming use of a fractional part of a building shall not be extended throughout the building.
- 2 [Ord. 28-05 § 1.02].