



## Agenda

### **RICHLAND PLANNING COMMISSION MEETING NO. 9-2012**

Richland City Hall - 505 Swift Boulevard - Council Chamber

**WEDNESDAY, November 28, 2012**

**7:00 p.m.**

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

**LIAISONS:** Rick Simon, Planning and Development Services Manager  
Jeff Rolph, Senior Planner  
Phil Lemley, City Council

**Regular Meeting, 7:00 p.m.**

**Welcome and Roll Call**

**Approval of the Agenda**

**Approval of September 26, 2012 Meeting Minutes**

**Public Comments**

**Public Hearing Explanation**

#### **New Business – Public Hearings**

**1. CRAIG AND KARON WALTON (SUL2012-001)\***

**Request: APPROVAL OF A SHORELINE MANAGEMENT DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF A PRIVATE DOCK.**

**Location: 2644 HARRIS AVENUE**

**2. KUNPENG, LLC (SUP2012-102)\***

**Request: APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR THE SALE OF ALCOHOL IN CONJUNCTION WITH A RESTAURANT (FUJIYAMA JAPANESE STEAKHOUSE).**

**Location: 2522 QUEENSGATE DRIVE**

**3. CITY OF RICHLAND (Z2012-107)**

**Request: AMENDMENT TO RMC TITLE 23 CHANGING THE STANDARDS RELATING TO ACCESSORY DWELLING UNITS**

**Location: CITYWIDE**

**\*Quasi-Judicial Hearing**

**Communications**

**Commission/Staff/Liaison Comments**

**Adjournment**



Planning Commission Workshop Meeting, Wednesday, December 5, 2012

Planning Commission Regular Meeting – Wednesday, December 19, 2012

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## **MINUTES**

### **RICHLAND PLANNING COMMISSION MEETING No. 08-2012**

Richland City Hall – 550 Swift Boulevard – Council Chamber

**WEDNESDAY, September 26, 2012**

**7:00 p.m.**

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#### **Call to Order:**

**Chairman Boring** called the meeting to order at 7:00 p.m.

#### **Attendance:**

Present: Chairman Boring, Commission Members Clark, Jones, Madsen, Moser, Wallner and Wise. Also present were City Council Liaison Phil Lemley, Planning Manager Rick Simon, Senior Planner Jeff Rolph and Recorder Pam Bykonen.

#### **Approval of Agenda:**

**Chairman Boring** presented the September 26, 2012 meeting agenda for approval.

**A motion was made by Commissioner Moser and seconded by Commissioner Jones to approve the agenda as presented.**

**The motion carried, 7-0.**

#### **Approval of Minutes**

**Chairman Boring** presented the meeting minutes of the August 22, 2012 regular meeting for approval along with proposed amendments. Commissioner Jones noted a typographical error on Page 4

**A motion was made by Commissioner Jones and seconded by Commissioner Moser to approve the meeting minutes of the August 22, 2012 regular meeting as amended.**

**The motion carried, 7-0.**

#### **Public Comment**

**Chairman Boring** asked for public comment on any item not on the agenda. Seeing none, she closed this portion of the meeting.

## **PUBLIC HEARING**

**Public Hearing Explanation:** **Pam Bykonen** explained the public hearing notice and appeal process and asked Commissioners to identify any conflicts of interest, ex-parte contact or any other appearance of fairness issues; none were identified.

### **New Business**

#### **1. FROST ME SWEET BAKERY & BISTRO SIDEWALK USE LICENSE (SUL2012-001)**

**Planning Manager Rick Simon** presented the application for a Sidewalk Use License for Frost Me Sweet Bakery & Bistro to use a portion of the sidewalk in front of the business for an outdoor café where alcohol would be served. The proposed project is located at 710 The Parkway in the Central Business District (CBD) and consists of an enclosed area to provide outside seating for customers. The majority of the enclosed area is located within the Carol Woodruff Plaza and is outside the purview of the Commission; however, a six-foot by 25-foot portion of the enclosed area is on a city sidewalk which requires a Sidewalk Use License and a Public Hearing. Enclosing a portion of a city sidewalk for an outdoor café is an allowed use in the Central Business District and a Sidewalk Use License provides the requirements of that use. Mr. Simon noted one item in the application, walking clearance between the enclosed area and a large planter, which may require modification to maintain a five-foot wide walkway as required by code. Frost Me Sweet Bakery & Bistro had received approval from the Washington State Liquor Control Board to serve alcohol in an outdoor area with the provision that the area be enclosed by a fence with a minimum height of 42 inches.

Based on the Findings and Conclusions set for in Staff Report SUL2012-001, staff recommends approval of this Sidewalk Use License.

**Chairman Boring** opened the Public Hearing at 7:37 PM and asked if anyone would like to provide testimony on this item.

Megan Savely, 710 The Parkway: "The only modification that I might suggest is that where the planter is on the other side of the planter, not on the side between the actual parking lot and the planter there is five foot allocated on that side that is sidewalk. So we are wondering if we might be able to leave that instead of shortening the fence space there if that might qualify for the five foot. [Ms. Savely referred to a sketch of the proposed project area.] This is a sidewalk area here; it goes narrow here and becomes wider on this area [indicating the walkway between the fence and the planter and between the planter and the parking lot] and so there is five-foot available of access on this side over here on the other side of the planter. Besides that, everything is correct. Our reason for this is our concern of people getting around the tables inside of the fenced area. We have a concern that people, because of the size of the tables, it might cause harm to people trying to get around the tables so that they might get – so when

people are trying to get around the tables there that they're going to be so close together that it might cause a tripping hazard with it being so close to the fence. So if it's possible for people to use that five-foot space since it opens up wider there [indicated the area between the planter and the parking area] it might be less of a liability for us than shortening the fence."

**Dave Pisarcik, 71 Park Street:** "We've been a fairly steady supporter of Frost Me Sweet and we generally go there once a week and we found them to be very responsible people; the kind of young folks that are trying to build a good business in the Tri-Cities, and actually have the kind of a restaurant that we don't have a lot of and so we're really glad to get that kind of establishment in the Tri-Cities. Staff is good, the quality of product is good, it's always a good experience and I think that what they're trying to do with the outdoor seating area and the opportunity to have a glass of wine in the evening is very much compatible with the rest of the surroundings and it seems to fit really well. So, we're in favor of the project."

**Chairman Boring** asked if there were any more comments from the public on this item. Seeing none she closed the Public Hearing at 7:17 PM.

#### **Discussion:**

**Commissioner Moser** asked the applicant if the proposed enclosure was a requirement of serving alcohol outside of the restaurant. **Ms. Savely** said it was. **Commissioner Moser** asked if the restaurant had a door that gave direct access to the Carol Woodruff Plaza. **Ms. Savely** said they did not and could not without changing the landscaping in the park to accommodate a new entrance. **Commissioner Moser** expressed concern for modifying the fence to accommodate a five-foot walkway, noting that the wide sidewalks were designed for a pedestrian friendly parkway and encroaching fences would impede that walkway and pedestrian open space.

**Commission Clark** asked staff for clarification of the sketch the applicant had provided. **Mr. Simon** explained the sketch, noting that staff's concern for adequate walking clearance was due in part to how far the front end of a parked vehicle could overhang the sidewalk, making the walkway narrower.

**Commissioner Clark** asked if the large planter could be moved. **Mr. Simon** said the planters are not fixed to the sidewalk, but they are very heavy and are irrigated with permanent underground lines.

**Chairman Boring** supported a six-foot wide access within the fenced area and asked staff how far the fence would have to be moved/modified to provide the five-foot pedestrian access. She also asked if it would be possible for Frost Me Sweet to move the planter and irrigation at their expense. **Phil Pinard, Richland Parks & Recreation**, explained that the sketch was not exact in depicting the curve of the sidewalk between the planter and the parking area which is wider than is shown on the sketch. Mr. Pinard

felt there was adequate room between the planter and the parking area to accommodate pedestrians and parked vehicles.

**Commissioner Madsen** suggested striking condition one from the staff recommendation. **Mr. Simon** offered an alternative to replace the language in condition one with the statement to approve the application “as submitted”. **Chairman Boring** expressed concern for future development if more specific language was not used to clarify the clearance requirement; **Commission Moser** agreed that clarification is needed. **Commissioner Clark** suggested modifying the language in condition one to specify the measurement to be between the planter and the curb and not between the planter and the fence. **Mr. Simon** proposed, “The railing to be placed on the sidewalk in front of Frost Me Sweet shall provide a minimum five-foot wide clear path of travel between the existing planter and the curb line.”

**A motion was made by Commissioner Madsen and seconded by Commissioner Clark to concur with the Findings and Conclusions set forth in Staff Report SUL2012-001 and approve the request for a Sidewalk Use License to operate a sidewalk café subject to the conditions listed in the Staff Report with condition one modified to read, “Application approved as submitted per drawing.”**

**Called for a vote: Commissioner Clark: Yes; Commissioner Jones: Yes; Commissioner Madsen: Yes; Commissioner Moser: No; Commissioner Wallner: Yes; Commissioner Wise: Yes; Chairman Boring: Yes.**

**MOTION CARRIED 7-0.**

## **2. CITY OF RICHLAND – Amendment to the Comprehensive Plan (Z2012-105)**

**Rick Simon, Planning Manager**, presented the staff report for a Comprehensive Plan amendment to change the land use designation on approximately 60 acres from Low Density Residential to Commercial. The property is located south of Reata Road, north of I-82 and east of the Kennewick Irrigation District canal. Mr. Simon reminded the commissioners that this was the same property that came before the Commission as part of an annexation process. At that time, Staff had been directed to contact the property owners for their input on the land use designation.

Based on the Finding and Conclusions, staff recommends approval of the proposed rezone from Low-Density Residential to Commercial.

**Chairman Boring** opened the Public Hearing at 7:40 PM and asked if there were any comments from the public on this item.

**Tina Gregory, 227 E Reata Road:** “I am in favor of this being Commercial. I own the RV storage and it would benefit me not to be Low-Density Residential there.”

Steve McDonald, 371 Keene Court: "We own 20 acres there, right next to an existing mini-storage, and we're very much in favor of Commercial."

**Thomas Lindholm, 245 Mata Road:** "My house is right on the back side of Reata Road facing your proposed Commercial land. When we bought the property and that residence 14 years ago, that wasn't going to be Commercial, it's Low Residential, so we invested our money into our home and everything. So now we're worried about traffic impact, the value of our homes, the noise. We do get noise from the freeway and everything but not when you're going to have cars coming up and down. As the traffic's impacting now, it's getting louder and louder and louder. My house is, like I said, it's around the back of Reata Road and I have other neighbors that have the same concerns, so I know you guys are looking for the best interests for Richland, but we're looking at our best interests for us land owners, residential people, and that's our concerns and everything. My other question is, I know you guys look through all this stuff but when you guys get into your impacts and stuff like that, you say it's not going to be impact on anything – I'm assuming you guys are looking at it from the City of Richland's impacts, not the residential's impacts. When you're saying it's not going to be housing impact here, well, what is it going to do our value of our homes? What kind of commercial businesses actually going in there? Is it going to be a car lot? Is it going to be a professional thing? Is it going to be a Wal-Mart? We don't know. We don't know what your impact's going to be when you're looking at just not traffic, we're looking at – there's no lights out there so when you put a parking lot out there and have lights, that's going to be into our back windows. That going to be with our kids and stuff like that, so we have more impact, more than just financially and everything else. That's our investment right there. So that's our concern."

**Chairman Boring** asked if there was any further comments on this agenda item. Seeing none, she closed the Public Hearing at 7:44 PM.

#### **Discussion:**

Noting that the subject property is located outside the city limits, **Commissioner Moser** asked staff if Richland had any influence on road standards once commercial development began in that area. **Mr. Simon** explained that Richland would apply city development standards for as collector arterial road and will have input on where the road will be built once the property is annexed into the city later this year. An area of low-density residential is situated between the existing neighborhood and the proposed commercial area and could be used as a buffer between the two areas.

**Chairman Boring** asked if the parcels were five acres or greater which would trigger a site plan review and public notice for any development on those parcels. Mr. Simon said that a site plan review is required on development that are five acres or larger, but the property owners have the option to divide the parcels into smaller lots that do not require a site plan review.

**Chairman Boring** reminded the commissioners and members of the audience that this agenda item was a Comprehensive Plan amendment and not a change in zoning. There will be an opportunity to provide input on the type of commercial zoning that would be allowed in that area once it is annexed into the city.

**A motion was made by Commissioner Moser and seconded by Commissioner Madsen for the Planning Commission to concur with the findings and conclusions set forth in Staff Report Z2012-105 and recommend to the City Council adoption of the proposed amendment to the Land Use Map of the City's Comprehensive Plan.**

**Called for a vote: Commissioner Clark: Yes; Commissioner Jones: Yes; Commissioner Madsen: Yes; Commissioner Moser: Yes; Commissioner Wallner: Yes; Commissioner Wise: Yes; Chairman Boring: Yes.**

**MOTION CARRIED 7-0.**

### **3. CITY OF RICHLAND – Amendment to the Comprehensive Plan to Add a Trails Map to the Capital Facilities Element (Z2012-103)**

**Mr. Simon** reviewed the proposed updates to the Comprehensive Plan's Capital Facilities Element. He noted that the proposed amendment was a result of the Planning Commission's review of the Ridges to Rives open space plan which includes a regional trail systems. The proposed amendment to include a trails map would identify existing pedestrian trails citywide as well as proposed trail corridors intended to link to existing trail systems. The proposed amendment would also add a policy statement to Richland's Land Use goals that would promote the development of an integrated trail system to be incorporated in future construction projects.

Staff recommends approval of the proposed addition to the Capital Facilities Element of the Comprehensive Plan.

**Chairman Boring** opened the Public Hearing at 8:00 PM and asked if there were any comments from the public on this item. Seeing none she closed the Public Hearing at 8:00 PM.

#### **Discussion:**

**Commissioner Moser** asked if the Parks staff and commission had reviewed the document agreed with its contents and recommendations. **Mr. Simon** explained that Planning Commission is reviewing it as an amendment to the Comprehensive Plan; staff will present the proposal to the Parks Commission at their October meeting. Parks staff and commission members have worked with planning staff on creating the trails map but have not seen the proposed amendment presented in its entirety.

**Commissioners Clark and Wise** expressed their support of a trails map that will help create a more walkable community.

A motion was made by **Commissioner Madsen** and seconded by **Commissioner Clark** that the **Planning Commission** concur with the **Findings and Conclusions** set forth in **Staff Report Z2012-103** and recommend to the **City Council** adoption of the proposed trails map to the **Capital Facilities Element** of the city's **Comprehensive Plan** and the addition of **Policy #6** to **Land Use Goal 6** in the **Land use Element** of the plan.

**Discussion:**

**Called for a vote:** **Commissioner Clark:** Yes; **Commissioner Jones:** Yes; **Commissioner Madsen:** Yes; **Commissioner Moser:** Yes; **Commissioner Wallner:** Yes; **Commissioner Wise:** Yes; **Chairman Boring:** Yes.

**MOTION CARRIED 7-0.**

**4. CITY OF RICHLAND – Text Amendment to RMC 23.42.050(A)(3) Allowing 8-Foot High Fences in Residential Zones Adjacent to Arterial Streets (M2012-109)**

**Jeff Rolph, Senior Planner**, reviewed the proposed text amendment to the Richland Municipal Code to allow for 8-foot high fences in residential districts; currently the code only allows for fences of up to 6-feet in height. This item had been discussed at the September Planning Commission workshop and is a result of a request by the Applewood Homeowners Association to the Board of Adjustment for a variance in fence height. Results from a streetscape study that is currently underway may provide recommendations for screening and landscape requirements on arterial streets.

Because the Board of Adjustment had granted the variance in fence height for the Applewood Homeowners Association, staff recommends postponing action on a proposed text amendment until after the recommendations of the streetscape study are known.

**Chairman Boring** opened the Public Hearing at 8:08 PM and asked if there were any comments from the public on this item. Seeing none she closed the Public Hearing at 8:08 PM.

**Discussion:**

**Commissioner Clark** provided a short video showing an arterial street in Idaho Falls, Idaho that has 8-foot tall fencing along the length of the street. He gave a brief summary of how the street improvements came about, requirements of the city for that type of sound/sight barrier, and how successful the improvements have been. Commissioner Clark agreed that a decision should be postponed until after the streetscape study was completed.

Several members of the commission expressed displeasure of the fence height variance granted by the Board of Adjustment as well as the approval process. **Mr. Simon** explained the variance requirements and approval process that govern the Board of Adjustment and are outlined in the RMC. **Chairman Boring**, who is also a member of the Board of Adjustment, summarized the application process and information provided at the hearing which resulted in the approval of the variance. There was general discussion regarding existing 8-foot walls in that area as well as potential development issues between neighboring subdivisions.

**A motion was made by Commissioner Moser and seconded by Commissioner Jones that the Planning Commission postpones further action on text amendments related to fencing adjacent to arterial streets until the city streetscape study is completed.**

#### **MOTION CARRIED 7-0.**

#### **Communications:**

##### **Commissioner Jones:**

- Had attended the Economic Development Committee meeting and reported on the progress of the Research District and Horn Rapids developments and the Lodge of Columbia Point has asked for an extension on their lease.

##### **Commissioner Wise**

- Appreciated Officer Richard Kane input.

##### **Commissioner Moser**

- Commented on the need for a moratorium on hillside development until standards are in place.
- Reported on Parks Commission Chairman Adam Fyall's comments at the City Council meeting regarding the proposed park land exchange.

##### **Chairman Boring**

- Encouraged commission members to listen to the audio recording of the Board of Adjustment hearing granting the fence height variance for the Applewood Homeowners Association

Several commissioners agreed that a moratorium on hillside development was needed until development standards can be created, as well as an inventory of undeveloped hillsides. **Mr. Simon** explained that a public hearing held at a City Council meeting is required before a moratorium can be declared. Currently, there are no pending applications for hillside development but if an application was submitted before a moratorium is declared it must be processed.

**A motion was made by Commissioner Moser and seconded by Commissioner Clark authorizing Chairman Boring to present the idea of proposing a moratorium on hillside development effective immediately until such time that hillside development standards are in place to address hillside development.**

**Discussion:**

**Chairman Boring** explained that she is traveling on the date of the next City Council meeting and requested an alternate in the event she was not able to attend the meeting. **Commissioner Moser** volunteered to attend if Chairman Boring was not available.

**MOTION CARRIED 6-0, one abstention.**

**ADJOURNMENT:**

The September 26, 2012, Richland Planning Commission Regular Meeting 08-2012 was adjourned at 8:52 PM. The next regular meeting of the Planning Commission will be held on October 24, 2012.

PREPARED BY: Pam Bykonen, Secretary, Planning & Development

REVIEWED BY: \_\_\_\_\_  
Rick Simon, Secretary  
Richland Planning Commission

## **STAFF REPORT**

TO: PLANNING COMMISSION  
FILE NO.: SM2-2012

MEETING DATE: NOVEMBER 28, 2012  
PREPARED BY: JEFF ROLPH

### **GENERAL INFORMATION**

APPLICANT: CRAIG AND KAREN WALTON

REQUEST: APPROVAL OF SHORELINE MANAGEMENT DEVELOPMENT  
PLAN TO ALLOW FOR CONSTRUCTION OF A PRIVATE DOCK.

LOCATION: 2644 HARRIS AVENUE

### **REASON FOR REQUEST**

The applicants are proposing construction of a private boat dock on the Columbia River adjacent to their property located at 2644 Harris Avenue. As the fair market value of the proposed dock exceeds \$10,000 it is not exempt from the permitting requirements of the State Shoreline Management Act.

### **FINDINGS AND CONCLUSIONS**

Staff has completed a review of the request for shoreline management development plan approval and subject to the recommended conditions of approval submits:

1. The proposed development is in the City of Richland, adjacent to and within the Columbia River in an area designated as an Urban Shoreline environment by the Richland Shoreline Master Program.
2. Richland Municipal Code (RMC) Section 26.25.040 requires approval of development plans by the Richland Planning Commission prior to issuance of a Shoreline Management Substantial Development Permit.
3. The surrounding properties are developed with single family residential uses many of which have existing private boat docks.
4. The proposed private boat dock is considered a permitted use in Urban Shoreline areas pursuant to RMC Section 26.21.040.
5. RMC Section 26.21.180 and RMC Chapter 26.17 set forth requirements for piers and docks and for development in areas designated as Urban Shoreline environments, including the requirements that single purpose private docks not extend more than 50-feet from the average high water line into a waterbody, that the docks shall not exceed 300-square feet in surface area and that docks are secured with a maximum of two pilings.

6. The proposed plans as submitted and conditioned would result in a boat dock that would not extend more than 50-feet into the Columbia River from the ordinary high water mark, would be less than 300-square feet in surface area and would be anchored with no more than two pilings in accordance with the specific development requirements of RMC Section 26.21.180.
7. The proposed dock will be required to comply with all of the review and permitting requirements set forth in the McNary Lakeshore Management Plan adopted by the U.S. Army Corps of Engineers dated January 2012, including but not limited to requirements pertaining to cultural resource review, site re-vegetation and/or mitigation and prescriptive dock construction standards to mitigate impacts to endangered fish species.
8. The U.S. Army Corps of Engineers prepared a Revised Programmatic Environmental Assessment (EA) to evaluate changes to the McNary Lakeshore Management Plan and after agency and public review issued a Finding of No Significant Impact (FONSI) dated December 14, 2011.
9. Pursuant to RMC Section 22.09 State Environmental Policy Act (SEPA), City staff reviewed the proposed construction of the private dock for compliance with SEPA and determined that the project would not have a probable significant adverse impact on the environment and after review adopted the FONSI issued by the Corps of Engineers to satisfy the requirements of SEPA for the project. The City issued a Determination of Non-Significance and Notice of Adoption of Existing Environmental Document on October 9, 2012.
10. Based on the above findings and conclusions approval of the request would be in the best interest of the community of Richland.

### RECOMMENDATION

Staff recommends that the Planning Commission concur with the findings and conclusions set forth in Staff Report (SM2-2012) and approve the shoreline development plans to allow for construction of a private dock at 2644 Harris Avenue subject to the following conditions:

1. Prior to any construction pursuant to the approved development plans the applicant shall apply for and obtain any necessary permits, licenses, certifications, and approvals required by local, state, or federal agencies having jurisdiction over said activities including but not limited to those required pursuant to the U.S. Army Corps of Engineers McNary Lakeshore Management Plan. Copies of all required permits and approvals shall be submitted to the Richland Community and Development Services Department.
2. If piling is used as the dock anchoring method, no more than 2 piles shall be utilized.

ATTACHMENTS

- A - Supplemental Information
- B - Vicinity Map
- D - Notice of Public Hearing
- E - RMC Chapter 26.17 & Section 26.21.180
- F - Parks and Recreation Commission Recommendation
- G - NEPA Finding of No Significant Impact and SEPA DNS and Notice of Adoption
- H - Comment Letters/E-mails
  - Confederated Tribes of the Umatilla Indian Reservation, 10/18/12
  - Washington State Dept. of Ecology, 10/26/12
  - United States Coast Guard, 11-7-12
- I - Richland Trails & Bike Route Map
- J - Aerial Photograph
- K - JARPA Application w/ Development Plans

## **SUPPLEMENTAL INFORMATION**

### **PROJECT DESCRIPTION**

The project involves construction of a 160 square foot private dock with a dock anchoring system consisting of either 2 piles (per recommended condition of approval) or alternatively, 13 submerged concrete blocks. The dock would be connected to the shore via a 4 foot wide by 40-foot long access ramp with a 4 foot by 4 foot concrete pier anchoring the upland side of the ramp. The development plans also show a set of 4 foot wide concrete steps with hand rail extending from a retaining wall along the applicant's rear yard down to the Corps of Engineers property.

### **PHYSICAL FEATURES**

The shoreline in the immediate project vicinity is currently undeveloped, with steep slopes covered primarily with weeds and grasses. Other nearby residential properties have existing private boat docks with informal unimproved access paths leading to the docks from their adjoining residences.

### **SHORELINE PROGRAM**

The shoreline area in the project vicinity has been designated as an Urban Shoreline Environment. The Richland Shoreline Master Program (RMC Title 26) sets forth policies and regulations for the various uses in Urban Shoreline Environments. These regulations and permitted uses are found in RMC Chapters 26.17 and RMC Chapter 26.21. The regulations specifically for docks are set forth in RMC Section 26.21.180.

### **PARKS AND RECREATION COMMISSION REVIEW**

The Parks and Recreation Commission reviewed the proposed development plans at their November regular meeting. The Commission took action (Attachment F) recommending that the proposed dock application move forward with no significant comments from the Parks and Recreation Commission based on the proposal having no impacts related to Parks and Recreation Commission areas of responsibility.

### **ANALYSIS**

#### **Conformance to Shoreline Program**

The Urban environment is identified as a shoreline area which has few biophysical limitations to development and is either developed with or subject to development with higher intensity urban uses including high density residential, general retail/commercial

development, intensely developed parks and recreation facilities and industrial/port development.

The regulations for development in an Urban Shoreline Environment, Richland Municipal Code (RMC) 26.17 are intended to insure that development is done in a manner that enhances and maintains the shorelines for a multiplicity of urban uses and provides for maximum public access and circulation. Regulations for development of piers and docks are set forth in RMC Section 26.21.180.

The proposed private dock is a permitted use in the Urban Shoreline Environment and is in general conformance to the applicable regulations for development as set forth in the City's Shoreline Program. The State Shoreline Management Act exempts private docks that have a fair market value of \$10,000 or less from the permitting requirements of the Act. Given the very prescriptive requirements for dock construction to ensure impacts to endangered fish species are mitigated, most of the docks designed to meet the new Corps of Engineers regulations will likely exceed the \$10,000 fair market value threshold and will require a shoreline management substantial development permit.

In general, the City's Shoreline Master Plan encourages public access to and along the shorelines in the City. The Columbia River shoreline in the project vicinity between Ferry Road on the south and Sprout Road on the north has slopes between 30% and 40%. There are no formal public access improvements currently existing or planned through this area. The recently adopted City Trails and Bike Route Map (Attachment I) shows the northerly end of the riverfront trail through Leslie Groves Park connecting to Harris Avenue at Ferry Road and reconnecting to the riverfront trail behind WSU Tri-Cities at Sprout Road. As such, no adverse impacts to public access would result from the proposed development.

With the exception of the maximum allowable number of pilings, the submitted development plans (Attachment K) are in compliance with the specific requirements for private dock construction set forth in RMC Section 26.21.180. The dock will be under 300-square feet and will not extend more than 50-feet into river from the average high water line.

As submitted, the development plans prepared by the applicant's engineer show one dock anchoring option that utilizes up to 4 pilings. The City's shoreline regulations currently limit single purpose private docks to a maximum of 2 pilings per dock. A recommended condition of approval would require the use of only 2 pilings for the proposed dock or use of the optional submerged concrete anchors. In verbal communication with the applicant's engineer, staff was advised that the docks could be adequately anchored utilizing just 2 pilings if necessary.

### Conformance with McNary Lakeshore Management Plan

The McNary Lakeshore Management Plan adopted in January of 2012 places restrictions on the type and amount of development that can occur on Corps of Engineers managed property. The Plan and associated NEPA Environmental Assessment are available for review at the following link:

<http://www.nww.usace.army.mil/Missions/Projects/McNaryShorelineManagementPlan.aspx> .

The Plan addresses rules and regulations including requirements for permitting private use of public lands managed by the Corps of Engineers. The plan was approved after several years of public meetings. The new design criteria that will be reviewed and approved by the Corps of Engineers includes specific requirements for cultural resource protection, restoration of riparian habitat if impacted and specific construction requirements for docks and associated access ramps to mitigate impacts to endangered fish species.

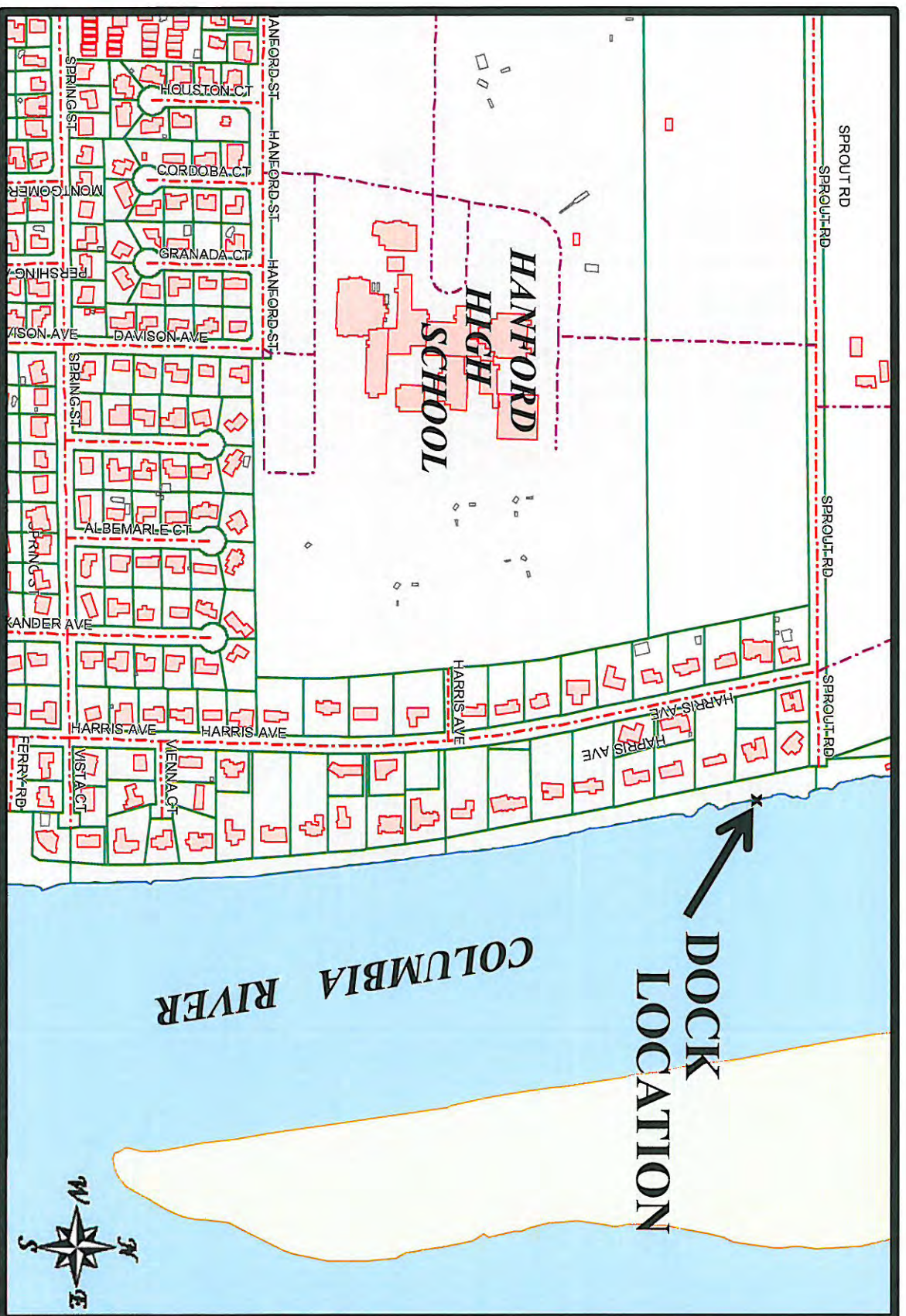
The 20 residential lots located between Ferry Road on the south and Sprout Road on the north are the only properties in Richland that adjoin the McNary Pool that are within a designated "Limited Development Area" where individual private boat dock facilities would be allowed. Many of the docks in this area are considered "grandfathered" as they were already present prior to the development of the initial McNary Lakeshore Management Plan in 1980. The Lakeshore Management Plans shows that 15 or 16 of the 20 lots in this area currently have private docks.

The proposed dock has been designed to meet the new strict requirements of the Corps of Engineers McNary Shoreline Management Plan. The applicant, in addition to the shoreline permit from the City will be required to obtain permits and approvals from the Corps of Engineers, Washington Department of Fish and Wildlife and Washington Department of Natural Resources.

The City has adopted the Corps Issued NEPA Finding of No Significant Impact (Attachment G) to meet the requirements of the State Environmental Policy Act for the proposed development.

### SUMMARY

Staff has recommended conditions of approval to ensure that the proposed development will be consistent with the regulations of the Richland Shoreline Program. Subject to these conditions the proposal is consistent with the policies and regulations for development in an Urban Shoreline environment and compliance with the conditions of all other required permits and approvals should ensure that the proposed private dock will have negligible impact on the shoreline resources in the project vicinity.



SM2-2012

VICINITY MAP

# **CITY OF RICHLAND**

## **NOTICE OF APPLICATION**

### **AND PUBLIC HEARING SM2-2012**

Notice is hereby given that Craig and Karen Walton the owners of the below described property, on September 14, 2012 filed application for Shoreline Management Substantial Development Permit (SM2-2012) to allow for construction of an approximately 160 square foot private dock with associated access ramp. The development is proposed to be located adjacent to and within the Columbia River adjacent to the home located at 2644 Harris Avenue. Said parcel being within the NE 1/4 of Section 26, T. 10 N., R. 28 E., W.M. Said development is proposed to be within the Columbia River and/or its associated shorelands. Pursuant to the Richland Municipal Code (RMC) Section 19.30.030 the City of Richland determined the application complete for processing on October 2, 2012.

A public hearing and review of the application will be conducted by the Richland Planning Commission, on Wednesday, November 28, 2012, at 7:00 p.m. in the Council Chamber, Richland City Hall, 505 Swift Boulevard. Interested parties are invited to attend and give testimony at the public hearing. Copies of the Staff Report and recommendation will be available in the Development Services Division Office and the Richland Public Library beginning Wednesday November 21, 2012.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Rick Simon, Development Services Manager, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352 in writing within 30 days of the final date of issuance of this Notice of Application which is October 14, 2012. Comments may also be faxed to (509) 942-7764. Written comments should be received no later than 5:00 p.m. on November 13, 2012.

Notice is further given that the project has been reviewed in accordance with the provisions of the State Environmental Policy Act (SEPA). The City has issued a Determination of Non-Significance (DNS) and issued a Notice of Adoption of Existing Environmental Document. Specifically, the City has adopted the NEPA Finding of No Significant Impact (FONSI) for the NEPA Revised Programmatic Environmental Assessment for McNary Lakeshore Management Plan prepared by the Corps of Engineers dated December 14, 2011. The DNS was issued with a 15 day comment period. Comments on the DNS should be received at the above address no later than October 30, 2012.

The proposed application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulation Administration and Title 26 Shoreline Management. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Development Services Division at the above referenced address with questions related to the available appeal process.

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RICK SIMON,  
DEVELOPMENT SERVICES MANAGER

## Chapter 26.17 URBAN ENVIRONMENT

### Sections:

26.17.010	Purpose.
26.17.020	Permitted uses – Special conditions.
26.17.030	Regulations.

#### **26.17.010 Purpose.**

The designation of urban environments on Richland's shorelines is intended to ensure optimum utilization of shorelines within urban areas in a manner which enhances and maintains the shorelines for a multiplicity of urban uses and provides for maximum public access and circulation. [Ord. 55-79 § 1.01].

#### **26.17.020 Permitted uses – Special conditions.**

Uses are generally allowed as indicated on the use chart as set forth in RMC 26.21.010. Recognizing the need for an order of preference for shoreline development the following shall apply:

A. Water-dependent uses requiring frontage on navigable waters or other uses of water resources shall be given highest priority for waterfront sites, and water-related uses shall be given second priority.

B. Industrial and commercial development shall be encouraged to locate in already developed but underutilized areas. [Ord. 55-79 § 1.01].

#### **26.17.030 Regulations.**

A. Building Location. The location of all buildings and structures in the urban environment shall be as indicated on the approved development plan. In no case shall a building or structure be located in a manner which unreasonably alters or restricts public access or circulation along the shoreline.

B. Building Height. No new or expanded building or structure within the urban environment shall exceed a height of 35 feet above average grade level; provided, that the physical planning commission may permit buildings and structures to exceed a height of 35 feet in the urban environment, up to a maximum height of 55 feet, if after review and public hearing the commission finds:

1. The proposed use of the building or structure is a permitted use in the urban environment and is otherwise in conformance with the shoreline master plan;
2. The increased height of the proposed building or structure would not cause obstruction of the view from a substantial number of residences in areas adjoining the shoreline environment;
3. The increased height would not have significant detrimental effect on existing or planned land use of the adjacent upland areas; and
4. The increased height would be in the best interest of the general public.

C. Access and Circulation. Development plans and subdivision plats shall include provisions for appropriate public access roads and easements to public recreation areas along the shorelines, and shall provide for appropriate linear circulation roads, bicycle or hiking paths, and easements along the shoreline. Roadways, pathways and bikeways intended for recreational movement shall be designed and constructed in accordance with provisions for road and railroad design and construction as set forth in RMC 26.21.170 and recreation as set forth in RMC 26.21.200.

D. Parking. Parking areas shall be designed and constructed in accordance with applicable provisions of this code and regulations contained in RMC 26.09.030. All parking areas shall be located on the inland side of the use proposed.

E. Water and Sanitation. Any development proposed in the urban environment shall be required to connect to available city of Richland water and sewer facilities in accordance with applicable provisions of this code except that temporary facilities for construction activity are permitted in accordance with applicable provisions of the code. Storm drainage facilities must be separated from sewage disposal systems.

F. Signs. General regulations for outdoor advertising signs as set forth in RMC 26.21.070 shall be complied with. [Ord. 55-79 § 1.01; Ord. 35-83].

**26.21.180 Piers and docks.**

Piers and docks are over-water structures designed and intended for the landing and moorage of watercraft and for recreational activities. The size, location and frequency of occurrence of piers and docks greatly impacts shoreline and water uses and aesthetics.

A. All recreational piers and docks constructed along Richland shorelines shall be floating structures, except that a maximum of two pilings may be used to secure a floating dock, and open piling piers may be approved where it can be shown that:

1. Sand movement patterns will be adversely affected by construction of floating piers or docks; or
2. Conflicts with recreational users are likely to result from construction of floating piers or docks; or
3. Open piers are necessary to carry out development theme or otherwise recognize or commemorate a significant historical or cultural event.

B. In approving a development plan for residential developments involving two or more dwelling units or nonresidential developments where multiple uses are anticipated, the physical planning commission shall require that where piers or docks are permitted and proposed, they shall be constructed in a manner to cooperatively serve the entire development, utilizing a minimum amount of shoreline and water frontage.

C. Shoreline and water areas which are found to be incapable of absorbing waste discharges or fuel spillage shall not be used for the development of piers and docks.

D. The location, spacing and dimensions of community piers and docks intended for cooperative use or any pier or dock intended for industrial uses shall be determined by the administrator. Single-purpose private piers and docks shall be subject to the following regulations:

1. No pier or dock shall extend more than 50 feet from the average high water line into the water body.
2. No pier or dock shall exceed 300 square feet in surface area.

E. In no case shall a pier or dock be allowed to encroach on established navigable channels or water areas where their construction would pose a threat to the safety of water recreational users.

F. Regulations applicable to piers and docks for the environment in which the proposed development is located shall be complied with. See Chapters 26.05 through 26.17 RMC. [Ord. 55-79 § 1.01].



## **MEMORANDUM**

*Parks and Recreation Department*

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TO: Planning Commission

FROM: Joe Schiessl, Director, Parks and Recreation Department

DATE: November 9, 2012

SUBJECT: Shoreline Management Development Plan Review – Construction of a Private Dock at 2644 Harris Ave. (SM2-2012)

At their meeting on November 8, 2012, the Parks and Recreation Commission unanimously approved a motion to forward a recommendation to the Planning Commission for the proposed private dock located at 2644 Harris Avenue.

Vice Chair Jones **moved** to recommend that the Parks and Recreation Commission allow the proposal to move forward with no significant comments as it relates to Parks and Recreation Commission responsibility. Nancy Doran **seconded** the motion. Motion Carried.

**CITY OF RICHLAND  
DETERMINATION OF NONSIGNIFICANCE  
AND ADOPTION OF EXISTING  
ENVIRONMENTAL DOCUMENT**

Description of current proposal Construction of an approximately 160 sq. ft. private residential dock with associated access ramp.

Proponent Craig and Karen Walton

Location of current proposal Along the right bank of the Columbia River adjacent to the home located at 2644 Harris Avenue, Richland, WA.

Title of document being adopted Finding of No Significant Impact (FONSI) NEPA Revised Programmatic Environmental Assessment for McNary Lakeshore Management Plan prepared by the Walla Walla District of the Corps of Engineers.

Date adopted document was prepared December 2011

Description of document (or portion) being adopted The NEPA EA for the McNary Lakeshore Management Plan describes the environmental effects of the management strategy the Corps of Engineers will use to manage the shoreline to balance permitted private uses, compliance with the current shoreline management regulations and resource protection specifically supporting threatened and endangered species.

If the document being adopted has been challenged (WAC 197-11-630), please describe:

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The document is available to be read at (place/time) City of Richland Development Services Center, 840 Northgate Drive, Richland Washington weekdays from 8:00 a.m. to 5:00 p.m.

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

- o This DNS is issued under WAC 197-11-340(2); the lead agency will not act on the proposal for 15 days from the date below. Comments must be submitted by October 30, 2012.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker.

Name of agency adopting document City of Richland

Contact person, if other than responsible official Jeff Rolph Phone (509) 942-7587

Responsible Official Rick Simon

Position/Title Development Services Manager Phone (509) 942-7596

Address P.O. Box 190, Richland, WA 99352

Date 10/9/12

Signature Jeff Rolph for Rick Simon

**FINDING OF NO SIGNIFICANT IMPACT**  
**for the Shoreline Management Plan Update for**  
**Lake Wallula, Oregon and Washington**

The U.S. Army Corps of Engineers, Walla Walla District (Corps), has prepared a Revised Programmatic Environmental Assessment (EA) to evaluate proposed changes to the 1983 *McNary Lakeshore Management Plan, Lake Wallula, Oregon and Washington*, which is attached hereto and incorporated herein by reference.

**I. Proposed Action**

The Corps is proposing to update the 1983 Lakeshore Management Plan (1983 LMP) (the updated plan will hereinafter be referred to as the Shoreline Management Plan or SMP) in accordance with 36 C.F.R. Part 327.30 and Engineer Regulation (ER) 1130-2-406, *Project Operation – Shoreline Management at Civil Works Projects*. The proposed action is formal review of the 1983 LMP and subsequent implementation of the SMP.

**II. Purpose and Need**

The purpose of the proposed action is to identify a management strategy the Corps will use to manage the shoreline in a manner that will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. The Corps' main objective is to achieve a balance between permitted private uses, compliance with the current shoreline management regulations and resource protection specifically supporting threatened and endangered fish species. The secondary objective is to reasonably limit impacts to current permit holders, if at all possible.

The need for the proposed action is to meet the regulatory requirements established by 36 C.F.R. 327.30 and the Chief of Engineers (ER 1130-2-406), which require that an SMP be prepared for each Corps water resource development project where private shoreline use is allowed, and that the SMP be reviewed every five years and revised as necessary. The original Lakeshore Management Plan was prepared in 1980, and the last revision was completed in 1983. Since that time, several changes have taken place, such as the listing of several fish species and critical habitat under the Endangered Species Act (ESA) and increased development along the shoreline. The updated SMP seeks to balance increasing demands for private shoreline use with the changing resource requirements.

### **III. Alternatives Considered**

The Corps identified three alternatives: Alternative 1 - the No Action Alternative, Alternative 2 - the Best Balanced Alternative between Private Use and Environmental Considerations (preferred), and Alternative 3 – Maximum Environmental Benefits.

The No Action Alternative is prescribed by the Council of Environmental Quality (CEQ) Regulations to serve as the baseline against which all other alternatives are analyzed. In this case, the No Action Alternative is actually the no change alternative, as private use of the shoreline would continue as described in the 1983 LMP for Lake Wallula.

Implementation of Alternative 2 would achieve the best balance between private use and environmental considerations and is the alternative the Corps has selected as preferred. Implementation of this alternative would provide opportunities for private use of Corps-managed Federal lands and McNary Project waters (Lake Wallula), while maintaining compliance with environmental laws. The 1983 LMP would be updated and the shoreline would be re-allocated by reducing the Limited Development Areas (LDAs), wherein private use is authorized. The Corps would continue to issue new permits for boat docks, however new docks must be constructed to meet SMP dock criteria. Existing docks would be allowed to remain per the conditions of the 2011 dock inspection if the dock is in a safe condition and has not been extensively modified without authorization. Upon sale or transfer of the adjacent property, existing docks must be upgraded to meet SMP dock criteria. When replacing major dock components (e.g. floats, decking) dock owners will replace with SMP dock criteria-compliant components. Those upgrading or installing new docks (such as new homeowners) will have four (4) full in-water work windows (November 1 through February 28) after the issuance of their permit to accomplish construction. Permits for special status docks (those that existed prior to November 17, 1986) will be renewed, but will require upgrading when the adjacent property is sold/transferred. When replacing major dock components (e.g. floats, decking, walkways) owners of special status docks will replace with SMP dock criteria components. The Corps would issue new permits and renewals for vegetation modification, but would require mitigation (restoration of riparian habitat to offset any negative environmental impacts). Activities characterized as other shoreline uses would only be permitted after the applicant received a real estate license for the activity on Corps land and mitigation would be required.

Alternative 3 – Maximum Environmental Benefits – would provide maximum benefits to key environmental resources, specifically threatened and endangered species and their critical habitat. The Corps would revise the 1983 LMP to reallocate the shoreline to further reduce the LDAs. No new permits would be issued for boat docks, however permits would be renewed for existing docks once the dock was upgraded to meet the SMP dock criteria. No new permits would be issued for vegetation modification, however existing permits would be

renewed but only after mitigation requirements were implemented. Activities characterized as other shoreline uses would only be permitted after the applicant received a real estate license for the activity on Corps land and mitigation would be required.

#### **IV. Factors Considered in Determining that No Environmental Impact Statement is Required**

The EA examines the potential effects of the three alternatives on resource areas and areas of environmental and socioeconomic concern: water quality, soils, vegetation, aquatic resources, wildlife, threatened and endangered species, cultural resources, recreation, socioeconomics, and cumulative impacts.

Implementing the No Action Alternative would be expected to result in a combination of short- and long-term adverse and beneficial effects.

Implementing the No Action Alternative would be expected to result in minor adverse effects on water quality, soils, vegetation and wildlife. Moderate adverse effects could be expected for aquatic resources, threatened and endangered species, and cultural resources due to the fact that an unlimited number of docks could be constructed. Minor to moderate beneficial effects to recreation and socioeconomics would result from implementation of this alternative.

Implementing the Preferred Alternative – Alternative 2 – Best Balanced Alternative between Private Use and Environmental Considerations – would be expected to result in a combination of short- and long-term minor adverse and beneficial effects. Implementing this alternative would be expected to result in short-term minor adverse effects on water quality, soils, vegetation, some aquatic resources, wildlife and threatened and endangered species, mostly due to disturbances associated with construction activities. There would be long-term beneficial effects to aquatic resources, threatened and endangered species and cultural resources associated with compliance with environmental laws and the mitigation requirements. Negative effects to recreation would be minor as new permits and renewals would still be allowed, albeit with less docks in a reduced LDA. There would be both adverse and beneficial negligible effects on the socioeconomics of the vicinity. Because the proposed action affects such a small portion of the overall Tri-Cities population, any potential negative socioeconomic impacts would be non-controversial and insignificant to the majority.

Implementation of Alternative 3 – Maximum Environmental Benefits – would be expected to result in a combination of short- and long-term minor adverse and beneficial effects. Implementing this alternative would result in minor short-term adverse effects to water quality, soils, vegetation, some aquatic resources, wildlife, and threatened and endangered species, again, mostly due to disturbances associated with construction activities. There would be long-term

beneficial effects to aquatic resources, threatened and endangered species, and cultural resources as private use and construction along the shoreline would be reduced. There would be minor adverse effects on recreation and socioeconomics in the vicinity.

## **V. Mitigation Requirements**

Potential adverse effects to various environmental resources associated with the proposed action of updating the SMP will be minimized or avoided by the mitigation measures required in the SMP, as outlined below and in Appendix H of the EA:

- New dock permits will require: 1) the dock must be constructed to meet the SMP dock criteria; and 2) the restoration of riparian habitat at a ratio of 5 to 1 based on the square footage of the dock.
- Existing docks must be upgraded upon sale or transfer of the adjacent property to meet the SMP dock criteria with four (4) in-water work windows allowed to accomplish the upgrade.
- Vegetation modification permits will require restoration of riparian habitat at a ratio of 2 to 1 based on the square footage of disturbed ground.
- Activities or facilities classified as "Other Shoreline Uses" will require mitigation and will be addressed on a case-by-case basis.

Mitigation requirements will be a condition of the Shoreline Management Permit and, if applicable, the upland support structure real estate license.

The Corps will conduct onsite monitoring to ensure full compliance with mitigation requirements.

## **VI. Public Review**

In May 2011, the Corps released the updated SMP and Revised Programmatic Environmental Assessment for public review and comment and a public meeting was held in Pasco on June 9, 2011. During the 90-day review period from May 27 to August 27, 2011 approximately 66 comments were received. In response to those comments and after extensive review, the Corps modified the SMP and accompanying EA. The revised EA and Draft Finding of No Significant Impact (FONSI), as well as the updated Draft SMP, were formally released for a 30-day public review and comment period on October 27, 2011. The Corps also held a public meeting on November 9, 2011, in Pasco, in which interested parties were given the opportunity to comment on the revised documents. As a result of those comments, the Corps modified the shoreline allocations slightly and created a 2,018 foot limited development area on the Snake River in the Burbank Heights area.

## VII. Conclusion/Finding

Having reviewed the Environmental Assessment and associated appendices, I find that the documents provide sufficient discussions on the purpose of and need for the proposed action, alternatives, the environmental impacts of the proposed action and the alternatives, and a listing of agencies and persons consulted. Therefore, I believe these documents provide sufficient evidence and analysis to meet the Corps' requirements pursuant to the National Environmental Policy Act and for the Corps to make a finding of no significant impact to the quality of the human environment. I have taken into consideration the technical aspects of the project, best scientific information available, and public comments received. Based on this information, I find that implementation of the preferred alternative would not result in significant impacts on the quality of the human environment. Therefore, an environmental impact statement is not required.



David A. Caldwell  
Lieutenant Colonel, Corps of Engineers  
District Commander

14 December 2011

Date

**Rolph, Jeff**

---

**From:** Carey Miller <CareyMiller@ctuir.org>  
**Sent:** Thursday, October 18, 2012 12:00 PM  
**To:** Rolph, Jeff  
**Cc:** (scott.m.hall@usace.army.mil); Tim.R.Erkel@usace.army.mil; Stephenie Kramer  
**Subject:** Walton Private Dock SM2-2012 City of Richland

Jeff,

The Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Protection Program (CRPP) received a shoreline management substantial development permit application notice for the construction of a private residential dock along the Columbia River, within the City of Richland (SM2-2012). The applicants are Craig and Karen Walton and the proposed undertaking is on Corps lands. Planned excavation appears to include the installation of concrete stairs, the installation of a concrete pier and possibly excavation for a four foot wide path. The steel pilings will be driven into the bottom of the Columbia River using a vibratory hammer. Page 11 of the JARPA permit indicates that a cultural resources survey will be completed as a requirement for construction on federal land. The CRPP strongly recommends that shovel testing occur within the footprint of the proposed excavation activities to help ensure that historic properties and/or burials are not impacted during construction. The proposed location is located in an area with a high probability of containing cultural resources. We look forward to consulting with the lead federal agency for this undertaking.

Respectfully,  
Carey

Carey L. Miller  
Tribal Historic Preservation Officer/Archaeologist  
Confederated Tribes of the Umatilla Indian Reservation  
Cultural Resources Protection Program  
46411 Timine Way, Pendleton, OR 97801  
ph. (541)429-7234  
[careymiller@ctuir.org](mailto:careymiller@ctuir.org)  
Office Hours: Monday-Thursday



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

October 26, 2012

Rick Simon  
City of Richland  
P.O. Box 190  
Richland, WA 99352

Re: SM2-2012

Dear Mr. Simon:

Thank you for the opportunity to comment on the determination of nonsignificance for the construction of a private residential dock with associated access ramp, proposed by Craig and Karen Walton. We have reviewed the documents and have the following comments.

**SHORELANDS/ENVIRONMENTAL ASSISTANCE**

Even if a shoreline substantial development permit exemption is issued for the dock project, it can still include conditions that are needed in order for the project to be consistent with the local shoreline master plan. If a shoreline permit exemption is issued for the dock, a copy of the exemption should be sent to Ecology per WAC 173-27-050.

If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact **Catherine Reed** at (509) 575-2616.

Sincerely,

A handwritten signature in blue ink that reads "Gwen Clear".

Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012



U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Thirteenth District

915 Second Ave.  
Seattle, WA. 98174-1067  
Staff Symbol: dpw  
Phone: (206) 220-7270  
Fax: (206) 220-7265

16518

NOV 07 2012

Mr. Craig Walton  
2644 Harris Avenue  
Richland, WA 99354

Dear Ms. Goldstein,

I am writing in regards to a Washington State Joint Aquatic Resources Permit Application (JARPA), dated September 15th, 2012, which was received by this office that discusses the placement of a dock on the Columbia River in Lake Wallula in Richland, Washington.

I have no objection to the above mentioned work and do not find it necessary to require that it be marked with Private [marine] Aids to Navigation (PATON) at this time. However, please be aware that the placement of PATON would require permission from the Coast Guard. The definition of a PATON can be found at <http://www.uscg.mil/d13/dpw/paton.asp>.

If you have any questions contact my representative Mr. Timothy Westcott at (206) 220-7285 or [d13-pf-paton@uscg.mil](mailto:d13-pf-paton@uscg.mil).

Sincerely,

A handwritten signature in dark ink, appearing to read "Dr. Pelouquin".

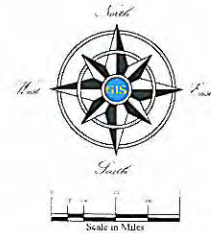
D. R. PELOQUIN  
Commander, U.S. Coast Guard  
Chief, Waterways Management Branch

Copy: City of Richland, Building Department  
Harms Engineering, Inc., Agent

# City of Richland

## Trails & Bike Route Map

ON-STREET TRAILS, CLASS I TRAILS & SOFT TRAILS

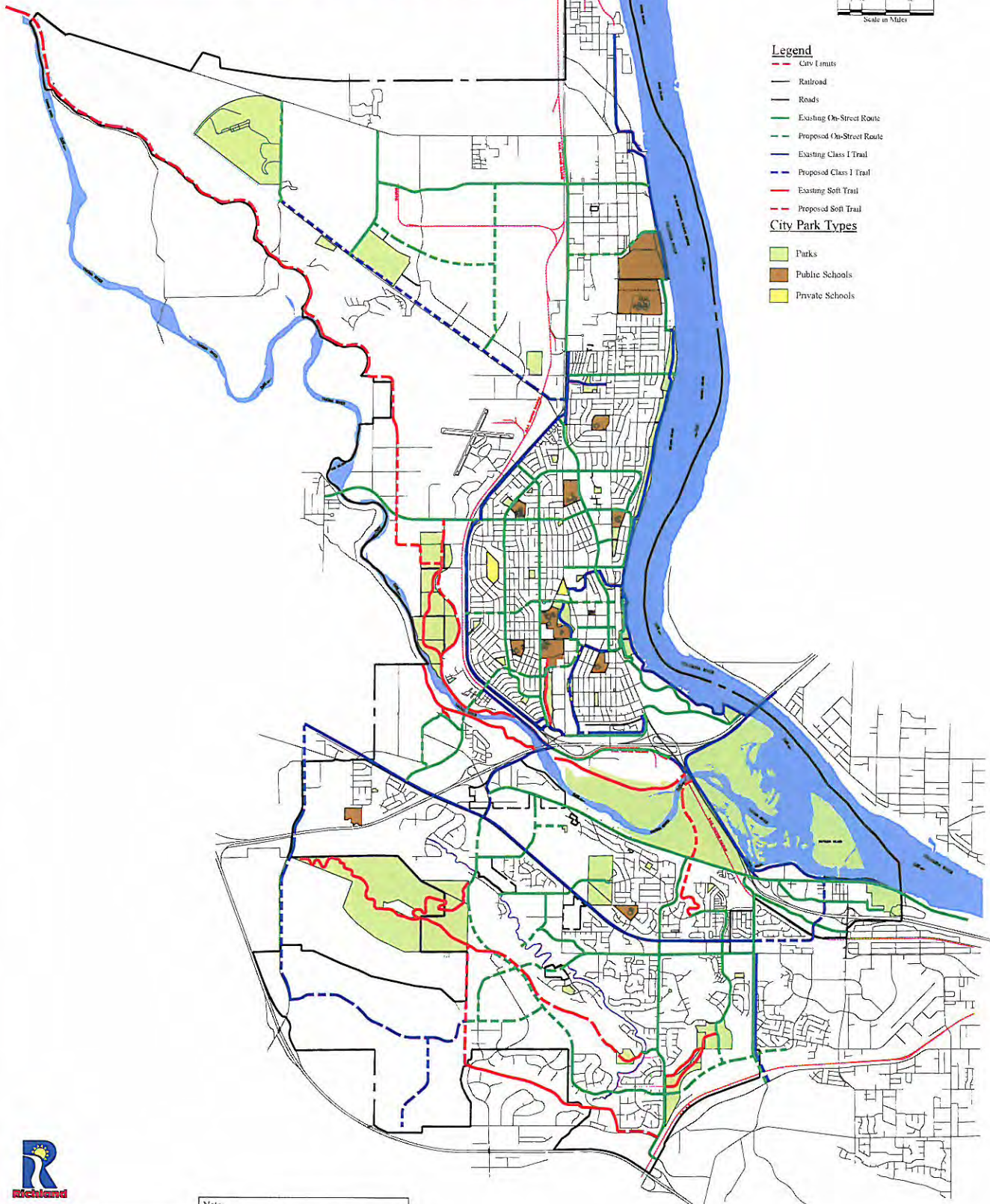


### Legend

- City Limits
- Railroad
- Roads
- Existing On-Street Route
- - - Proposed On-Street Route
- Existing Class I Trail
- - - Proposed Class I Trail
- Existing Soft Trail
- - - Proposed Soft Trail

### City Park Types

- Parks
- Public Schools
- Private Schools



Note  
Regional & Community Parks provide Neighborhood  
Park amenities and are included to depict  
Neighborhood Park Service areas

THE CITY OF RICHLAND, SOUTH CAROLINA, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY OF RICHLAND, SOUTH CAROLINA, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY OF RICHLAND, SOUTH CAROLINA, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

5/30/2007 1:15 PM

PROPOSED  
DOCK LOCATION



HARRIS AVE

SPROUT RD





# WASHINGTON STATE

## Joint Aquatic Resources Permit Application (JARPA) Form<sup>1,2</sup>

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps  
of Engineers  
Seattle District

AGENCY USE ONLY

Date received: 9/14/12

Agency reference #: SM2-2012

Tax Parcel #(s):

### Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Craig and Karen Walton's Private Dock

### Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

<b>2a. Name (Last, First, Middle)</b>			
Walton, Craig and Karen			
<b>2b. Organization (If applicable)</b>			
<b>2c. Mailing Address (Street or PO Box)</b>			
2644 Harris Ave.			
<b>2d. City, State, Zip</b>			
Richland, WA 99354			
<b>2e. Phone (1)</b>	<b>2f. Phone (2)</b>	<b>2g. Fax</b>	<b>2h. E-mail</b>
509-521-8139	509-375-4996	( )	candkwalton@charter.net

<sup>1</sup> Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at <http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitenam=REG&pagename=mainpage> ESA
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

<sup>2</sup> To access an online JARPA form with [\[help\]](#) screens, go to [http://www.epermitting.wa.gov/site/alias\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx).

For other help, contact the Governor's Office of Regulatory Assistance at 1-800-917-0043 or [help@ora.wa.gov](mailto:help@ora.wa.gov).

### Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

<b>3a. Name (Last, First, Middle)</b>			
Batayola, Christine Engan			
<b>3b. Organization (If applicable)</b>			
Harms Engineering, Inc.			
<b>3c. Mailing Address (Street or PO Box)</b>			
1632 W. Sylvester St.			
<b>3d. City, State, Zip</b>			
Pasco, WA 99301			
<b>3e. Phone (1)</b>	<b>3f. Phone (2)</b>	<b>3g. Fax</b>	<b>3h. E-mail</b>
(509) 547-2679	(509) 308-0805	(509) 547-3767	christine@harmsengineering.com

### Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- ☒ Same as applicant. (Skip to Part 5.)
- ☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- ☐ There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- ☒ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

<b>4a. Name (Last, First, Middle)</b>			
<b>4b. Organization (If applicable)</b>			
<b>4c. Mailing Address (Street or PO Box)</b>			
<b>4d. City, State, Zip</b>			
<b>4e. Phone (1)</b>	<b>4f. Phone (2)</b>	<b>4g. Fax</b>	<b>4h. E-mail</b>
(     )	(     )	(     )	

## Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☐ There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

<b>5a. Indicate the type of ownership of the property. (Check all that apply.)</b> <a href="#">[help]</a>			
<input type="checkbox"/> Private <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.) <input type="checkbox"/> Tribal <input checked="" type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete <a href="#">JARPA Attachment E</a> )			
<b>5b. Street Address</b> (Cannot be a PO Box. If there is no address, provide other location information in 5p.) <a href="#">[help]</a>			
Between parcel 126081010451062 and the Columbia River (Lake Wallula)			
<b>5c. City, State, Zip</b> (If the project is not in a city or town, provide the name of the nearest city or town.) <a href="#">[help]</a>			
Richland, WA 99301			
<b>5d. County</b> <a href="#">[help]</a>			
Benton			
<b>5e. Provide the section, township, and range for the project location.</b> <a href="#">[help]</a>			
<b>¼ Section</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>
NE and NW	26 and 25	10N	28E
<b>5f. Provide the latitude and longitude of the project location.</b> <a href="#">[help]</a>			
<ul style="list-style-type: none"> <li>Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)</li> </ul>			
46.3286N, -119.2612W (NAD83)			
<b>5g. List the tax parcel number(s) for the project location.</b> <a href="#">[help]</a>			
<ul style="list-style-type: none"> <li>The local county assessor's office can provide this information.</li> </ul>			
Portion on which the concrete pier is located is not parceled. It is in front of parcel 126081010451062			
<b>5h. Contact information for all adjoining property owners. (If you need more space, use <a href="#">JARPA Attachment C.</a>)</b> <a href="#">[help]</a>			
<b>Name</b>	<b>Mailing Address</b>		<b>Tax Parcel # (if known)</b>
Craig and Karen Walton	2644 Harris Ave.		126081010451062
	Richland, WA 99354		
Katie Sako	2638 Harris Ave.		126081020000005
	Richland, WA 99354		
Charles and Shu-Mei Li	1 Sprout Rd.		126081020000007
	Richland, WA 99354		

<b>5i.</b> List all wetlands on or adjacent to the project location. <a href="#">[help]</a>
None
<b>5j.</b> List all waterbodies (other than wetlands) on or adjacent to the project location. <a href="#">[help]</a>
Columbia River (Lake Wallula)
<b>5k.</b> Is any part of the project area within a 100-year floodplain? <a href="#">[help]</a>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know    Floating Dock is on River, FIRM Panel 535533 0010 E, attached
<b>5l.</b> Briefly describe the vegetation and habitat conditions on the property. <a href="#">[help]</a>
Mixed vegetation, mainly grasses. Trees on neighboring properties. See attached photos.
<b>5m.</b> Describe how the property is currently used. <a href="#">[help]</a>
Undeveloped
<b>5n.</b> Describe how the adjacent properties are currently used. <a href="#">[help]</a>
Housing since 1961.
<b>5o.</b> Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. <a href="#">[help]</a>
N/A
<b>5p.</b> Provide driving directions from the closest highway to the project location, and attach a map. <a href="#">[help]</a>
From I-182 in Richland take exit 5 for George Washington Way and head north on George Washington Way for 5.9 miles, go right on Sprout Rd, go right onto Harris Ave., 2644 Harris Ave. is on the left. Dock will be built between 2644 Harris Ave. and the river.

## Part 6—Project Description

**6a.** Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

Construct concrete stairs, a 160 sf private dock, a 4 ft. x 4 ft. concrete pier, a 4 ft. x 40 ft. ramp, and 4 ea piles (alternate design uses 13 submerged concrete blocks rather than the piles). Provide plant mitigation per McNary Shoreline Management Plan.

**6b.** Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

Project is to provide recreational access to the Columbia River.

**6c.** Indicate the project category. (Check all that apply) [\[help\]](#)

- ☐ Commercial
 ☐ Residential
 ☐ Institutional
 ☐ Transportation
 ☒ Recreational  
☐ Maintenance
 ☐ Environmental Enhancement

**6d.** Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Aquaculture<br><input type="checkbox"/> Bank Stabilization<br><input type="checkbox"/> Boat House<br><input type="checkbox"/> Boat Launch<br><input type="checkbox"/> Boat Lift<br><input type="checkbox"/> Bridge<br><input type="checkbox"/> Bulkhead<br><input type="checkbox"/> Buoy<br><input type="checkbox"/> Channel Modification | <input type="checkbox"/> Culvert<br><input type="checkbox"/> Dam / Weir<br><input type="checkbox"/> Dike / Levee / Jetty<br><input type="checkbox"/> Ditch<br><input checked="" type="checkbox"/> Dock / Pier<br><input type="checkbox"/> Dredging<br><input type="checkbox"/> Fence<br><input type="checkbox"/> Ferry Terminal<br><input type="checkbox"/> Fishway | <input type="checkbox"/> Float<br><input type="checkbox"/> Floating Home<br><input type="checkbox"/> Geotechnical Survey<br><input type="checkbox"/> Land Clearing<br><input type="checkbox"/> Marina / Moorage<br><input type="checkbox"/> Mining<br><input type="checkbox"/> Outfall Structure<br><input checked="" type="checkbox"/> Piling/Dolphin<br><input type="checkbox"/> Raft | <input type="checkbox"/> Retaining Wall (upland)<br><input type="checkbox"/> Road<br><input type="checkbox"/> Scientific Measurement Device<br><input checked="" type="checkbox"/> Stairs<br><input type="checkbox"/> Stormwater facility<br><input type="checkbox"/> Swimming Pool<br><input type="checkbox"/> Utility Line |
|--|---|---|--|

☐ Other:

<b>6e.</b> Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Identify where each element will occur in relation to the nearest waterbody.</li> <li>Indicate which activities are within the 100-year floodplain.</li> </ul>
<p>Stairs: To be constructed on shore from existing retaining wall to approximately 50 ft from the Ordinary High Water Mark. The construction will utilize hand tools.</p> <p>Pier: To be constructed on the shore, 10 ft. landward from the Ordinary High Water Mark. The construction will utilize hand tools.</p> <p>Pilings: To be placed in the river using a vibratory hammer (not impact hammer). (Alternate design eliminates piers and instead places concrete blocks on bottom as the anchor for the floating dock.)</p> <p>Dock: Floating dock to be constructed and assembled off-site and floated to the project location.</p>
<b>6f.</b> What are the anticipated start and end dates for project construction? (Month/Year) <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If the project will be constructed in phases or stages, use <a href="#">JARPA Attachment D</a> to list the start and end dates of each phase or stage.</li> </ul>
<p>Construction window established by McNary Shoreline Management Plan, earliest window is noted:          Start date: <u>Nov 2012</u>      End date: <u>Feb 2013</u>      <input type="checkbox"/> See JARPA Attachment D</p>
<b>6g.</b> Fair market value of the project, including materials, labor, machine rentals, etc. <a href="#">[help]</a>
\$30,000
<b>6h.</b> Will any portion of the project receive federal funding? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>yes</b>, list each agency providing funds.</li> </ul>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know

## Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.  
 (If there are none, skip to Part 8.) [\[help\]](#)

<b>7a.</b> Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. <a href="#">[help]</a>
<input type="checkbox"/> Not applicable
<b>7b.</b> Will the project impact wetlands? <a href="#">[help]</a>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
<b>7c.</b> Will the project impact wetland buffers? <a href="#">[help]</a>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know

**7d.** Has a wetland delineation report been prepared? [\[help\]](#)

- If Yes, submit the report, including data sheets, with the JARPA package.

☐ Yes   ☐ No

**7e.** Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- If Yes, submit the wetland rating forms and figures with the JARPA package.

☐ Yes   ☐ No   ☐ Don't know

**7f.** Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

☐ Yes   ☐ No   ☐ Not applicable

**7g.** Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

**7h.** Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name <sup>1</sup>	Wetland type and rating category <sup>2</sup>	Impact area (sq. ft. or Acres)	Duration of impact <sup>3</sup>	Proposed mitigation type <sup>4</sup>	Wetland mitigation area (sq. ft. or acres)

<sup>1</sup> If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

<sup>2</sup> Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

<sup>3</sup> Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

<sup>4</sup> Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: \_\_\_\_\_

**7i.** For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

**7j.** For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

## **Part 8–Waterbodies (other than wetlands): Impacts and Mitigation**

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

**8a.** Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

☐ Not applicable

Dock is designed and to be constructed in accordance with the McNary Shoreline Management Plan, dated Jan 2012. Docks designed and built per the Plan are presumed to not jeopardize listed species or critical habitats.

**8b.** Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

☒ Yes   ☐ No

**8c.** Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If **Yes**, submit the plan with the JARPA package and answer 8d.
- If **No**, or **Not applicable**, explain below why a mitigation plan should not be required.

☒ Yes   ☐ No   ☐ Not applicable

The McNary Shoreline Management Plan, dated Jan 2012, includes mitigation requirements for new docks. The specific planting plan for this dock is being developed with input from the Army Corps of Engineers and the Department of Fish and Wildlife.

**8d.** Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

Reduce any impacts to listed species and mitigate impacts to shoreline vegetation.

**8e.** Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name <sup>1</sup>	Impact location <sup>2</sup>	Duration of impact <sup>3</sup>	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Pile Drive	Lake Wallula	In	Permanent	N/A	5.6 sf
Clear for Concrete Pier	Lake Wallula	Adjacent, 10 ft.	Permanent	N/A	16 sf
Clear for Stairs	Lake Wallula	50 ft	Permanent	N/A	60 sf

<sup>1</sup> If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

<sup>2</sup> Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

<sup>3</sup> Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

**8f.** For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

No fill.

**8g.** For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

Hand-held auger or small excavator for stair foundations. Hand dig (shovels) for the concrete pier. Material removed will be placed around the pier and stairs. Approximately 5 cy of material will be excavated.

## Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

**9a.** If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
DFW	Eric Bartrand	(509) 457-9310	6/21/2012
DNR	Shane Early	(509) 925-0960	6/20/2012
Coast Guard	Tim Westcott	(509) 220-7285	6/20/2012
Army Corps of Engr.	Kye Carpenter	(509) 543-6062	6/21/2012

**9b.** Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If Yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <http://www.ecy.wa.gov/programs/wq/303d/>.

☐ Yes ☒ No

**9c.** What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

17020016

**9d.** What Water Resource Inventory Area Number (WRIA #) is the project in? [\[help\]](#)

- Go to <http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm> to find the WRIA #.

40

<b>9e.</b> Will the in-water construction work comply with the State of Washington water quality standards for turbidity? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="http://www.ecy.wa.gov/programs/wq/swqs/criteria.html">http://www.ecy.wa.gov/programs/wq/swqs/criteria.html</a> for the standards.</li> </ul>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	
<b>9f.</b> If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If you don't know, contact the local planning department.</li> <li>For more information, go to: <a href="http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html">http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html</a>.</li> </ul>	
<input type="checkbox"/> Rural <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input type="checkbox"/> Other _____	
<b>9g.</b> What is the Washington Department of Natural Resources Water Type? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx">http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx</a> for the Forest Practices Water Typing System.</li> </ul>	
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal	
<b>9h.</b> Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If No, provide the name of the manual your project is designed to meet.</li> </ul>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of manual:	
<b>9i.</b> Does the project site have known contaminated sediment? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If Yes, please describe below.</li> </ul>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<div style="height: 150px;"></div>	
<b>9j.</b> If you know what the property was used for in the past, describe below. <a href="#">[help]</a>	
<div style="height: 150px;"></div>	
<b>9k.</b> Has a cultural resource (archaeological) survey been performed on the project area? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If Yes, attach it to your JARPA package.</li> </ul>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    An archeological survey will be completed as a requirement for construction on Federal land.	

**9l.** Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

See attached list/excerpt from Environment Assessment done for the McNary Shoreline Management Plan and the list provided by Eric Bartrand of the Dept. of Fish and Wildlife.

**9m.** Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

See attached list/excerpt from Environment Assessment done for the McNary Shoreline Management Plan and the list provided by Eric Bartrand of the Dept. of Fish and Wildlife.

## Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.ecy.wa.gov/opas/>.
- Governor's Office of Regulatory Assistance at (800) 917-0043 or [help@ora.wa.gov](mailto:help@ora.wa.gov).
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

**10a.** Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to [www.ecy.wa.gov/programs/sea/sepa/e-review.html](http://www.ecy.wa.gov/programs/sea/sepa/e-review.html).

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☒ A SEPA determination is pending with City of Richland (lead agency). The expected decision date is to be determined. City may adopt NEPA FONSI done as part of McNary Shoreline Management Plan as the SEPA document. FONSI is attached.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

☐ Other: \_\_\_\_\_

☐ SEPA is pre-empted by federal law.

**10b.** Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

**LOCAL GOVERNMENT**

**Local Government Shoreline permits:**

- ☒ Substantial Development      ☐ Conditional Use      ☐ Variance  
☐ Shoreline Exemption Type (explain): \_\_\_\_\_

**Other city/county permits:**

- ☐ Floodplain Development Permit      ☐ Critical Areas Ordinance

**STATE GOVERNMENT**

**Washington Department of Fish and Wildlife:**

- ☒ Hydraulic Project Approval (HPA)      ☐ Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

Effective July 10, 2012, you must submit a check for \$150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

- ☒ \$150 check enclosed. (Check # \_\_\_\_\_)  
Attach check made payable to Washington Department of Fish and Wildlife.
- ☐ Charge to billing account under agreement with WDFW. (Agreement # \_\_\_\_\_)
- ☐ My project is exempt from the application fee. (Check appropriate exemption)
- ☐ HPA processing is conducted by applicant-funded WDFW staff.  
(Agreement # \_\_\_\_\_)
- ☐ Mineral prospecting and mining.
- ☐ Project occurs on farm and agricultural land.  
(Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
- ☐ Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.  
(HPA # \_\_\_\_\_)

**Washington Department of Natural Resources:**

- ☒ Aquatic Use Authorization  
Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.  
**Do not send cash.**

**Washington Department of Ecology:**

- ☐ Section 401 Water Quality Certification

**FEDERAL GOVERNMENT**

**United States Department of the Army permits (U.S. Army Corps of Engineers):**

- ☐ Section 404 (discharges into waters of the U.S.)      ☐ Section 10 (work in navigable waters)

**United States Coast Guard permits:**

- ☐ General Bridge Act Permit      ☐ Private Aids to Navigation (for non-bridge projects)

## Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

### 11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. CWW (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. CWW (initial)

Craig Walker Applicant Printed Name      CWW Applicant Signature      9-14-12 Date

### 11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Christine Batayola Authorized Agent Printed Name      Christine Batayola Authorized Agent Signature      9/12/12 Date

### 11c. Property Owner Signature (if not applicant). [\[help\]](#)

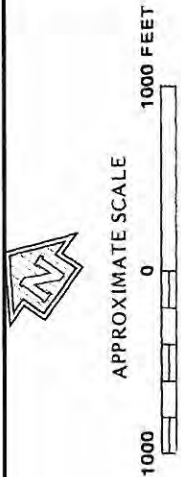
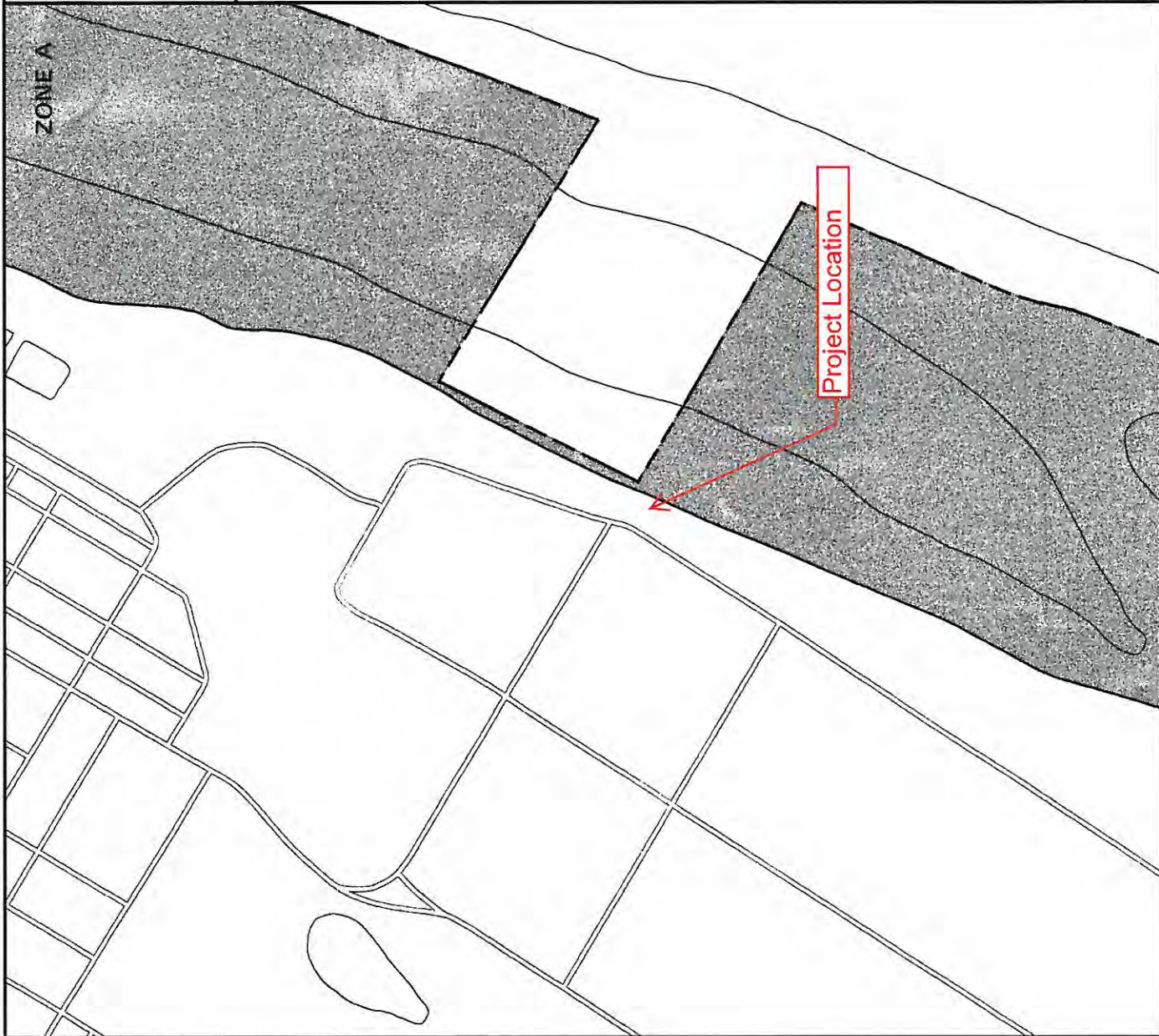
Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

\_\_\_\_\_  
Property Owner Printed Name      Property Owner Signature      Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office of Regulatory Assistance (ORA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORA publication number: ENV-019-09 rev. 06-12



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

CITY OF  
**RICHLAND,**  
**WASHINGTON**  
BENTON COUNTY

PANEL 10 OF 15  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
535533 0010 E

MAP REVISED:  
MARCH 1, 1984

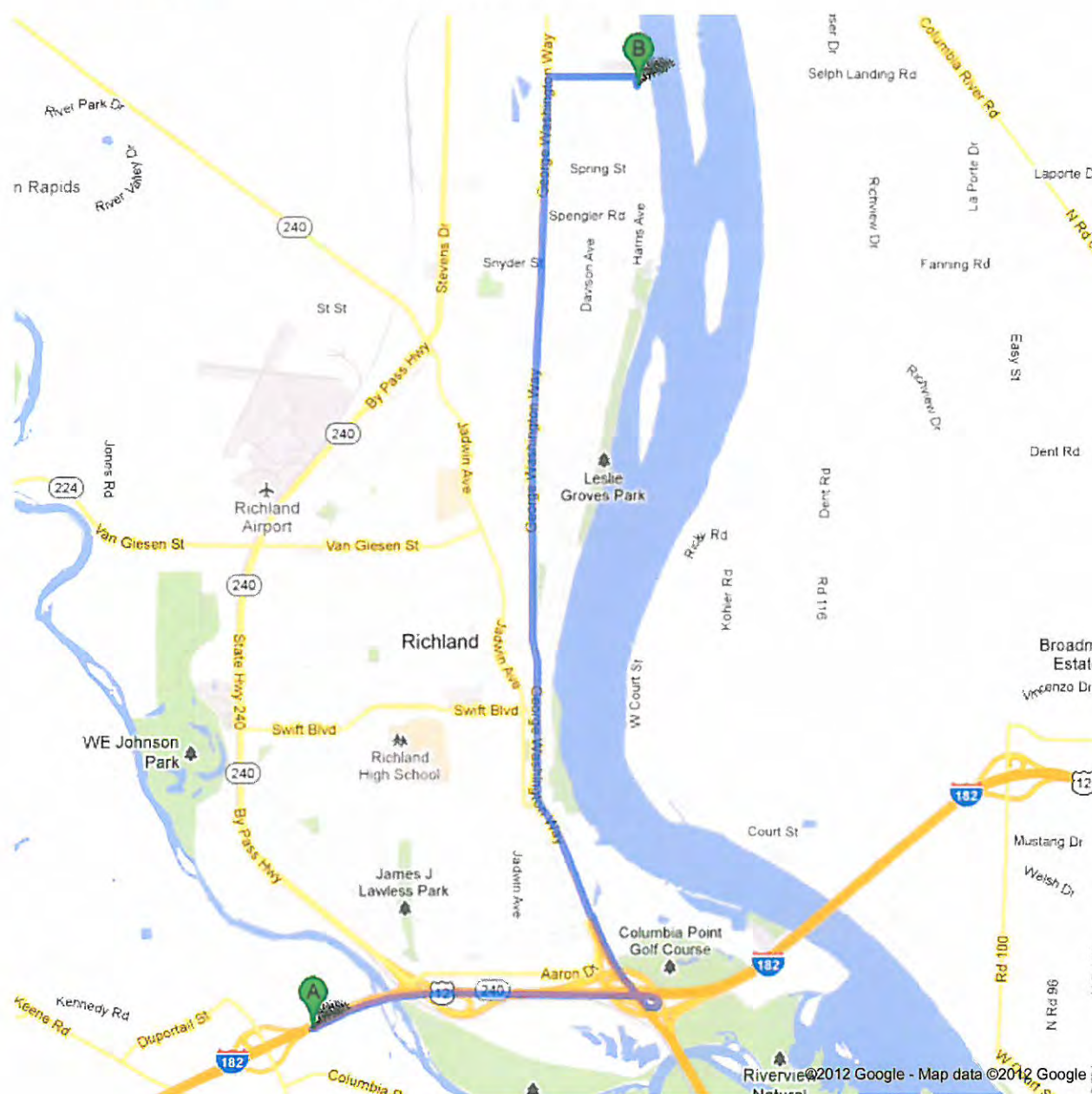


Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



Directions to 2644 Harris Ave, Richland, WA  
99354  
7.6 mi – about 13 mins





I-182 E

1. Head **northeast** on **I-182 E**

About 2 mins

go 1.8 mi

total 1.8 mi

2. Take exit **5B** to merge onto **George Washington Way**

About 9 mins

go 5.2 mi

total 7.1 mi

3. Turn right onto **Sprout Rd**

About 1 min

go 0.5 mi

total 7.5 mi

4. Take the 2nd right onto **Harris Ave**

Destination will be on the left

go 279 ft

total 7.6 mi

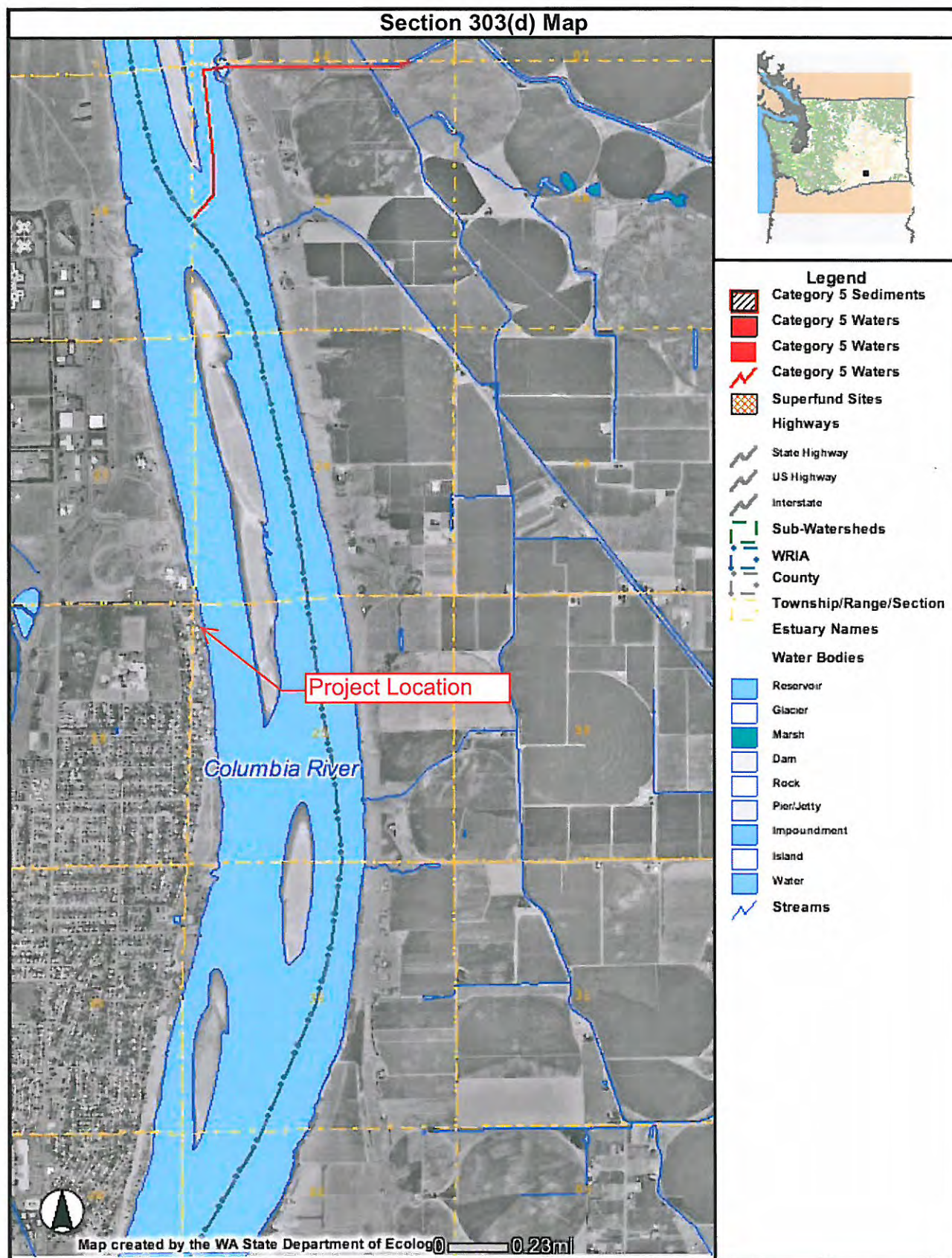


2644 Harris Ave, Richland, WA 99354

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2012 Google

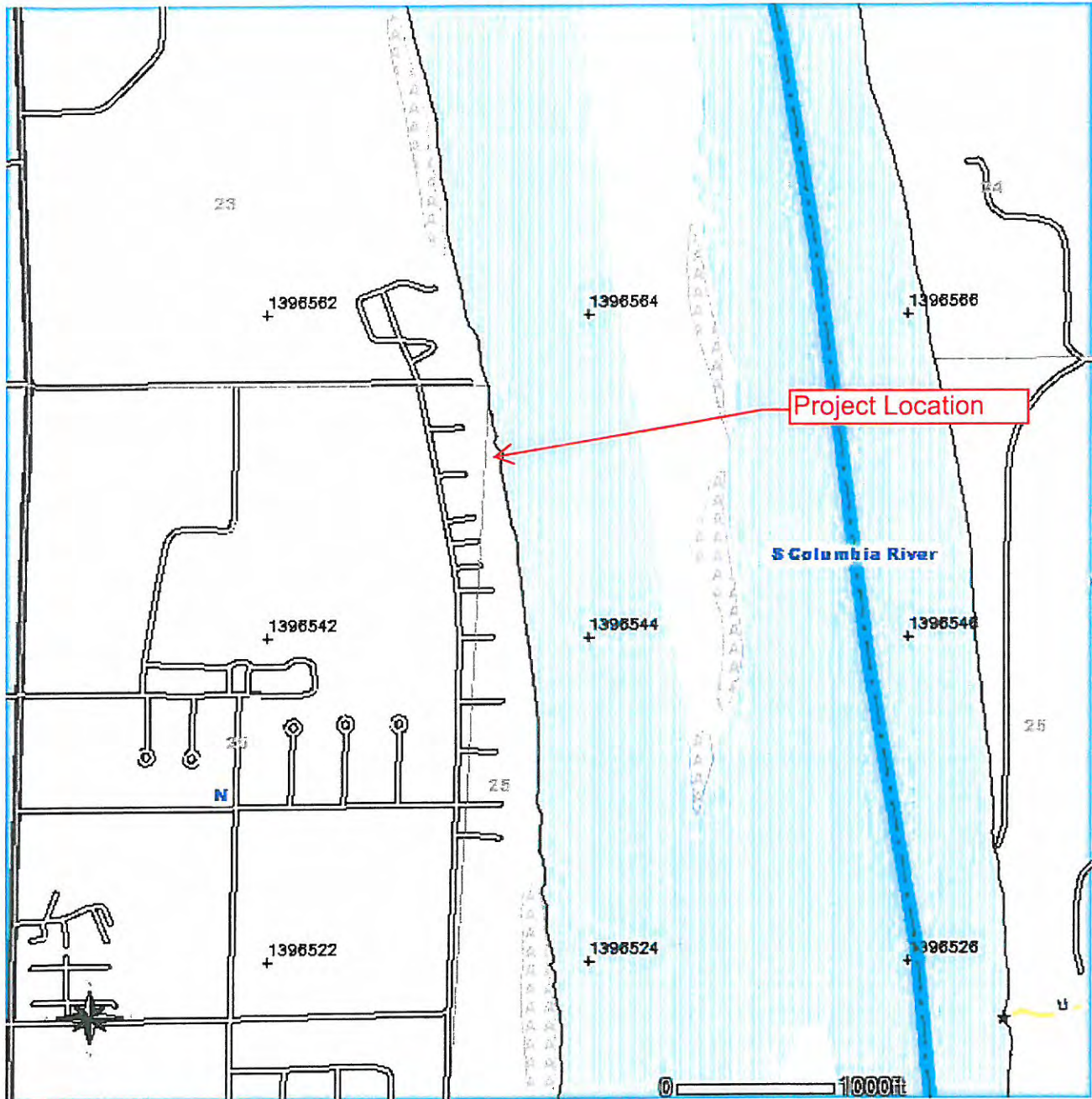
Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.



# FOREST PRACTICE WATER TYPE MAP

TOWNSHIP 10 NORTH HALF 0, RANGE 28 EAST (W.M.) HALF 0, SECTION 25

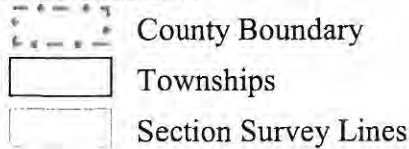
Application #: \_\_\_\_\_



Wednesday, September 12, 2012 1:53:44 PM  
NAD 83  
Contour Interval: 40 Feet

# FPARS MAPS LEGEND

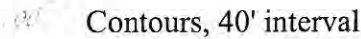
## BOUNDARIES



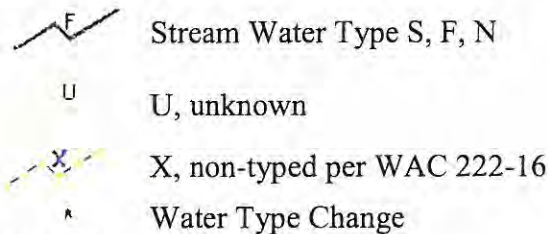
## WATER BODIES



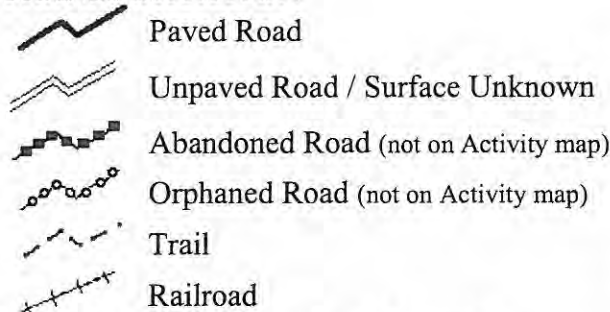
## ELEVATION



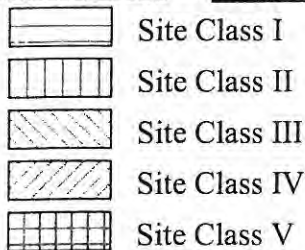
## STREAMS



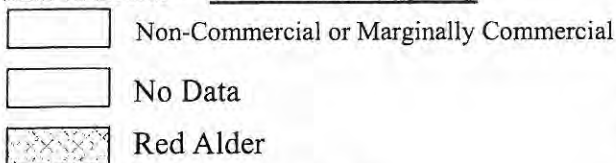
## TRANSPORTATION



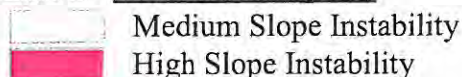
## SITE CLASS – On Site Class Map only



## SITE INDEX – On Site Class Map only



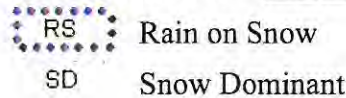
## SLOPE– On Resource Map only



## SOILS – On Resource Map only

Hydric Soils  
Highly Unstable  
Highly Erodible  
Highly Unstable &  
Highly Erodible  
No Data or Gravel Pits

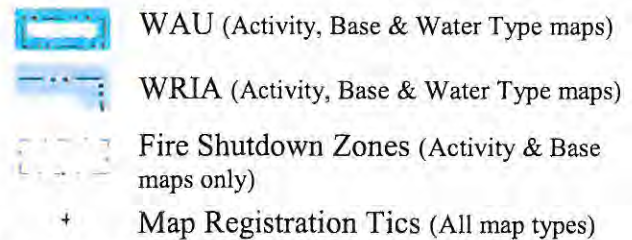
## RAIN ON SNOW – On Resource Map only



## WETLANDS – Resource & Water Type Maps only



## OTHER



## Notes to Applicant or other user:

See the FPA/N instructions for Activity Map standards.

Site indices are based on the WA-DNR State Soil Survey. If the site index does not exist or indicates red alder, noncommercial, or marginally commercial species, the following apply:

- If red alder is indicated and the whole RMZ width is within that site index, then use site class V. If red alder is indicated for only a portion of the RMZ width, or there is on-site evidence that the site has historically supported conifer, then use the site class for conifer in the most physiographically similar adjacent soil polygon.
- In Western Washington, if there is no site index information, use the site class for conifer in the most physiographically similar adjacent soil polygon.
- In Eastern Washington, if there is no site index information, assume site class III, unless site specific information indicates otherwise.

- If the soil polygon indicates noncommercial or marginally commercial, then use site class V.

See Forest Practices Rules WAC 222-16-010 for a more complete definition of site class.

**Disclaimer:** Features shown on Forest Practices Application Review System (FPARS) maps represent data stored in the Washington State Department of Natural Resources (DNR) Geographic Information Systems database. As some of the data sets rely on outside sources of information, the DNR cannot accept responsibility for errors or omissions, and therefore there are no warranties that accompany this material.

# Geological Hazards and Flood Plains

Vantage





**Photo 1** - Looking east from east side of property at waterfront.



**Photo 2** - Looking south from east side of property along waterfront.



**Photo 3** - Looking northeast from top of bluff at neighboring property and existing dock.



**Photo 4** - Looking southeast from top of bluff at neighboring property and existing docks.

List provided by Eric Bartrand, Dept. of Fish and Wildlife, June 28, 2012

Washington State Sensitive:

PHS Features Found					
Common Name	Scientific Name	Priority Area	Display Resolution	Feature Type	Full Record
Waterfowl Concentrations <a href="#">(show)</a>	Null	Regular Concentration	AS MAPPED	Area	<a href="#">Show Full Record</a>
Grebe Species <a href="#">(show)</a>	Null	Breeding Area	AS MAPPED	Area	<a href="#">Show Full Record</a>
Common Name	Scientific Name	Priority Area	Display Resolution	Feature Type	Full Record

Common Loon

American White Pelican

Federal ESA:

Bull Trout

Upper Columbia Spring Chinook

Upper Columbia Steelhead

## **II. Status of Species and Critical Habitat**

### **A. Species Lists from the Services**

NOAA Fisheries and USFWS Species Lists are included at the end of this BA. A comprehensive list of the ESA listed species follows, summarizing the lists from Franklin, Benton and Walla Walla Counties, Washington, and Umatilla County, Oregon.

#### Endangered

- Upper Columbia River spring Chinook salmon (*Oncorhynchus tshawytscha*)
- Snake River sockeye salmon (*O. nerka*)
- Pygmy rabbit (*Brachylagus idahoensis*) Columbia Basin distinct population segment
- Upper Columbia River steelhead (*O. mykiss*)

#### Threatened

- Middle Columbia River steelhead (*O. mykiss*)
- Snake River steelhead (*O. mykiss*)
- Snake River fall Chinook salmon (*O. tshawytscha*)
- Snake River spring/summer Chinook salmon (*O. tshawytscha*)
- Bull trout (*Salvelinus confluentus*) Columbia River distinct population segment
- Ute ladies'-tresses (*Spiranthes diluvialis*)
- Canada lynx (*Lynx canadensis*)

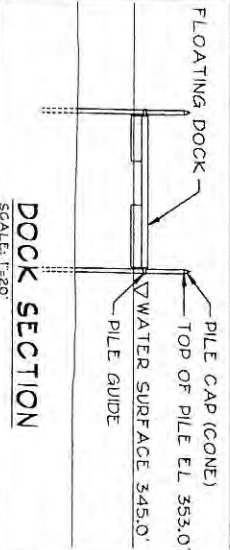
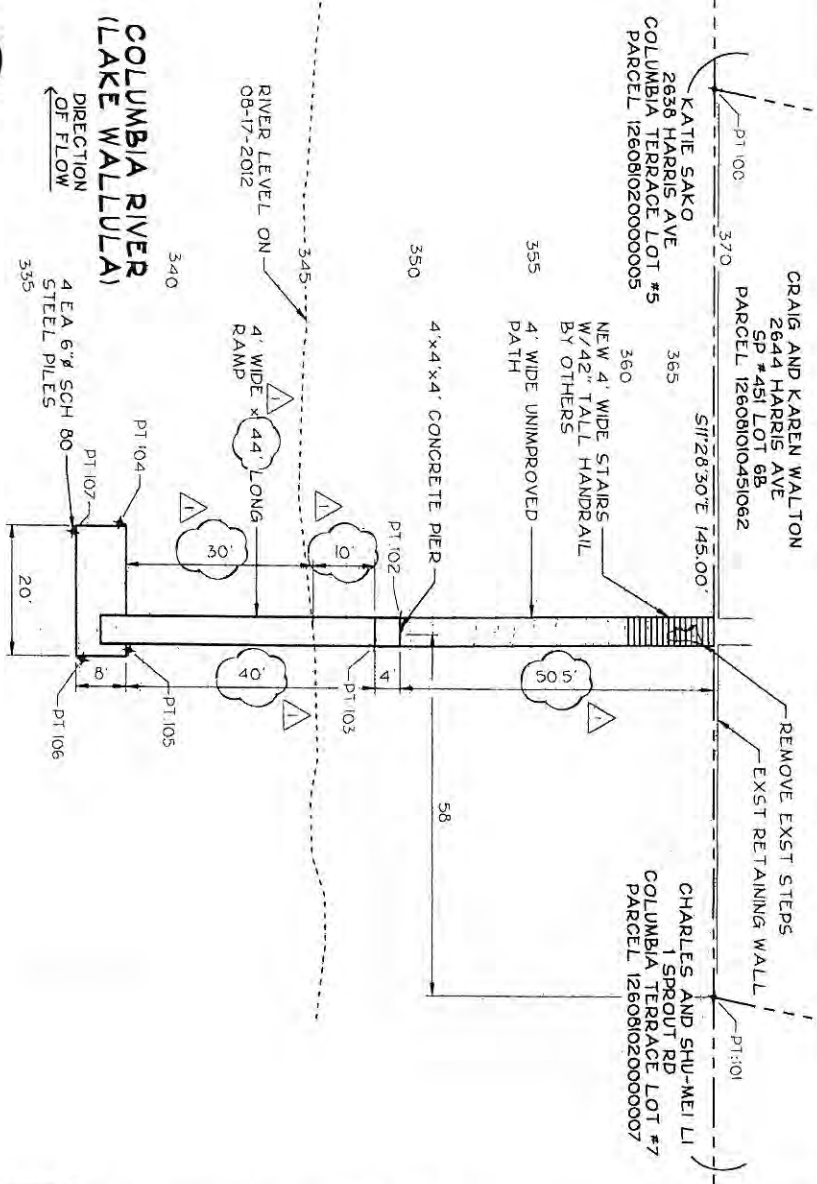
#### Candidate

- Columbia spotted frog (*Rana luteiventris*)
- Greater sage grouse (*Centrocercus urophasianus*) Columbia Basin Distinct Population Segment
- Yellow-billed cuckoo (*Coccyzus americanus*)
- Umtanum desert buckwheat (*Eriogonum codium*), plant
- Washington ground squirrel (*Uroditellus [=Spermophilus] washingtoni*)
- White Bluffs bladderpod (*Physaria tuplashensis*), plant

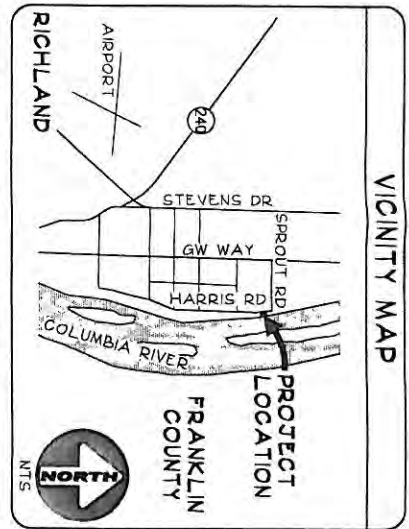
### **B. Endangered Species**

#### **i. Upper Columbia River Spring Chinook Salmon**

Several different strains of Chinook salmon can be found in Lake Wallula during part of the year. Unlisted upper Columbia River (UCR) fall Chinook salmon are the most common. However, UCR spring Chinook, Snake River (SR) spring/summer Chinook salmon, and SR fall Chinook salmon are also present. Migration timing and life stage development can be different between the strains as they migrate through and use the lake.



**DOCK SITE PLAN**  
SCALE: 1"=20'



**REFERENCE MATERIALS**

1. TOPOGRAPHICAL SURVEY, PROJECT #12-204  
RECEIVED AUGUST 21, 2012  
WORLEY SURVEYING SERVICE, INC., KENNEWICK, WA

**DATUM/BENCHMARK**

DATUM: CITY OF RICHLAND NGVD 1929  
BENCHMARK: INTERSECTION MONUMENT ELEVATIONS,  
PAGE 50, SI OF HARRIS AVE AND SPROUT RD,  
ELEVATION 377.74

PROJECT POINTS				
PT #	DESCRIPTION	ELEV	NORTHING	EASTING
100	PROP CORNER	369.31	365295.73	1953325.62
101	PROP CORNER	371.60	365437.83	1953296.78
102	CONC PIER	350.00	365369.08	1953358.25
103	CONC PIER	350.00	365393.80	1953361.37
104	PILE CENTER	353.00	365393.83	1953405.23
105	PILE CENTER	353.00	365402.64	1953399.88
106	PILE CENTER	353.00	365405.60	1953406.94
107	PILE CENTER	353.00	365386.79	1953412.29

**WALTON FLOATING DOCK DOCK SITE PLAN**  
2644 HARRIS AVE, RICHLAND, WA

**CRAIG AND KAREN WALTON**  
**CRAIG WALTON (509) 521-8139**  
2644 HARRIS AVE, RICHLAND, WA 99352

DATE: 08-29-2012  
PROJECT NUMBER: 12-102.1B  
SHEET NUMBER: 1

**HARMS ENGINEERING, INC**  
1632 W Sylvester, Pasco, WA 99352  
Phone (509) 547-2679 Fax (509) 547-3767  
Web Site: www.HarmsEngineering.com  
Email: info@HarmsEngineering.com

Designed By: C.BATAYOLA Drawn By: M. CLARK  
File Name: 12-102 Dock 03 R01 Plot Date: September 12, 2012, 9:27:24 AM  
File Path: P:\2012\12-102.1 Walton Dock\Output

32 YEARS OF EXCELLENCE  
Harms Engineering, Inc.

8-112 ADJUSTED RAMP



CRAIG AND KAREN WALTON  
2644 HARRIS AVE  
SP #451 LOT 6B  
PARCEL 126081010451062

KATE SAKO  
2636 HARRIS AVE  
COLUMBIA TERRACE LOT #5  
PARCEL 126081020000005

CHARLES A AND SHU-MEI LI  
1 SPROUT RD  
COLUMBIA TERRACE LOT #7  
PARCEL 126081020000007

370  
365  
360  
355  
350  
345  
340  
335  
330

517'20"30"E 145.00'

REMOVE EXIST STEPS  
EXIST RETAINING WALL

NEW 4' WIDE STAIRS  
W/42" TALL HANDRAIL  
BY OTHERS

4' WIDE UNIMPROVED  
PATH

4'x4'x4' CONCRETE PIER  
5TH WHEEL HINGE  
W/TRANSITION PLATE

4' WIDE x 40' LONG  
RAMP

4' WIDE PLANO HINGE  
W/TRANSITION PLATE

ONE ROW OF 6 EA  
CONCRETE ANCHORS  
SEE DETAIL SHEET C3

ONE ROW OF 7 EA  
CONCRETE ANCHORS  
SEE DETAIL SHEET C3

50.5'

58'

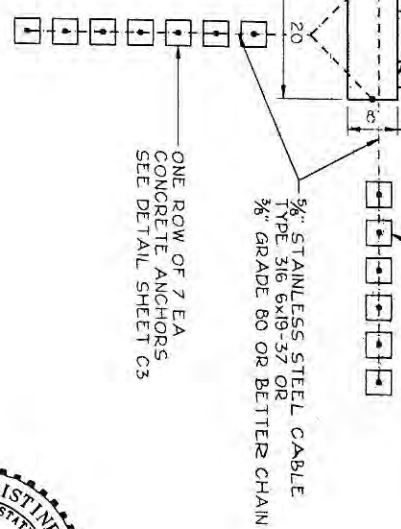
20 10 0 20  
PLAN SCALE

NORTH

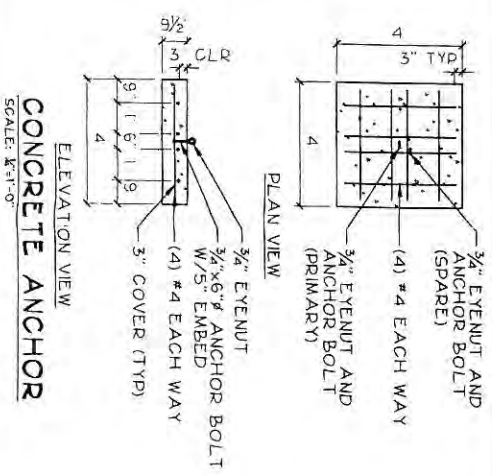
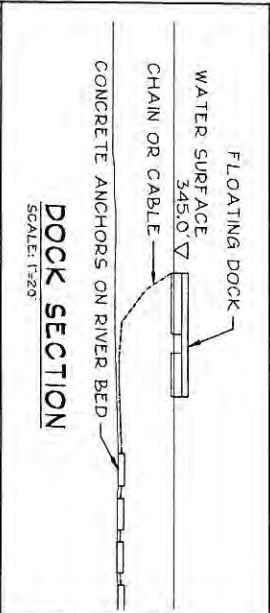
COLUMBIA RIVER  
(LAKE WALLULA)

DIRECTION  
OF FLOW

08-17-2012



- ### NOTES
1. AT OWNER'S OPTION, CONCRETE ANCHORS MAY BE USED IN LIEU OF PILES.
  2. GRATING AND FLOAT SIZES ARE UNCHANGED.
  3. HINGES AND LENGTH OF RAMP ARE MODIFIED AS SHOWN.



ALTERNATE ANCHORING PLAN

SCALE: 1"=20'



## STAFF REPORT

TO: PLANNING COMMISSION  
FILE NO.: SUP2012-102

PREPARED BY: JEFF ROLPH  
MEETING DATE: NOVEMBER 28, 2012

### GENERAL INFORMATION:

APPLICANT: KUNPENG, LLC (SUP2012-102)

REQUEST: APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR THE SALE OF ALCOHOL IN CONJUNCTION WITH A RESTAURANT (FUJIYAMA JAPANESE STEAKHOUSE).

LOCATION: 2522 QUEENSGATE DRIVE

### REASON FOR REQUEST

The applicants are proposing construction of a new restaurant on property that was rezoned to General Business (C-3) in 2002. Per the conditions of a Property Use and Development Agreement that was entered into in 2002 when the property was rezoned, the sale of alcohol in conjunction with a restaurant requires special use permit approval from the Planning Commission.

### FINDINGS AND CONCLUSIONS

Staff has completed their review of the application for special use permit approval (SUP2012-102) and submits that:

1. The Comprehensive Plan designates the subject site as Commercial and the site is zoned General Business (C-3) with a Property Use and Development Agreement that requires special use permit approval for the sale of alcohol in conjunction with a restaurant.
2. The Planning Commission is empowered to consider the request for special use permit pursuant to the provisions of the Property Use and Development Agreement dated January 29, 2003 and recorded under Auditors File No. 2003-005680.
3. RMC Chapter 23.46 sets forth the procedural and legal provisions for review of requests for special use permits.
4. The intent of the condition of the Property Use and Development Agreement requiring special use permit approval to allow for the sales of alcohol in conjunction with a restaurant was to ensure that the type of restaurant proposed for the property would be compatible with the manufactured home park to the east

particularly in terms of potential noise impacts that could result from live music and outdoor seating areas.

5. The proposed restaurant is a sit down style restaurant similar to the adjoining Sterling's restaurant to the south where the sales of alcohol is incidental to and in support of dining as opposed to a drinking establishment as defined by RMC Section 23.06.285.
6. The proposed use will have adequate vehicular access and will otherwise be in compliance with the specific development requirements of the underlying C-3 zoning district including all conditions of the recorded Property Use and Development Agreement.
7. The application demonstrates compliance with the criteria set forth in RMC Section 23.46.040 pertaining to the granting of special use permits by the Planning Commission.
8. Pursuant to the provisions of the State Environmental Policy Act (SEPA), the applicant has submitted a SEPA environmental checklist.
9. Staff has reviewed the environmental checklist submitted by the applicant in addition to other environmental information and has determined that as conditioned adverse environmental impacts will be mitigated and the City has issued a Determination of Non-Significance dated November 14, 2012.
10. Based on the above findings and conclusions, approval of the request for a special use permit would be in the best interest of the community of Richland.

### RECOMMENDATION

Staff recommends that the Planning Commission concur with the findings and conclusions set forth in Staff Report (SUP2012-102) and approve the request for special use permit to allow for the sale of alcohol in conjunction with a restaurant at 2522 Queensgate Drive.

### ATTACHMENTS

- A - Supplemental Information
- B - Notice of Application and Vicinity Map
- C - Special Use Permit Application
- D - SEPA Checklist & Determination of Non-Significance

- E - Property Use and Development Agreement (1/29/03)
- F - RMC Chapter 23.46
- G - Excerpts of Minutes of the 8/7/02 Planning Commission Meeting
- H - Aerial Photo
- I - Site Plan & Building Elevations



## SUPPLEMENTAL INFORMATION

### PROPOSED DEVELOPMENT

The applicant is proposing development of an approximately 6,270 square foot restaurant that would be located within an approximately 8,775 square foot single story retail building planned for development at 2522 Queensgate Drive. The proposed new building and restaurant would be located just north of the recently constructed Sterling's restaurant in the City View area near the I-182/Queensgate Drive interchange.

The new building and restaurant is being developed as part of the designed shopping center complex that shares access and parking. In addition to the existing Sterling's restaurant the site is currently developed with a branch bank and a multi-tenant retail center. The proposed restaurant itself is an outright permitted use in the C-3 zoning district, however, the terms of a Property Use and Development Agreement that was entered into when the property was rezoned in 2002 requires special use permit approval to allow the sale of alcohol in conjunction with the restaurant.

### SPECIFIC CODE REQUIREMENTS

The regulations of the underlying C-3 zoning district would allow for the sale of alcohol as an outright permitted use. In this instance a condition of the Property Use and Development Agreement (Attachment E) required the special use permit review. The provisions for granting of special use permits are found in RMC Chapter 23.46 (Attachment F).

### SITE DATA

**Physical features:** The proposed retail building and restaurant would be located on a pad site that lies within a larger 5.2 acre site that is currently developed with the Sterling's restaurant, a branch bank and a multi-tenant retail building. The site is being developed as a designed shopping center with cross access easements and parking. The site has been rough graded in anticipation of future development.

**Access:** The proposed restaurant would have vehicular access from the shopping centers shared driveway locations onto Queensgate Drive and Duportail Street.

### SURROUNDING ZONING AND LAND USE

**North –** Property to the north is undeveloped and was included in the 2002 rezone of the subject property and subject to the conditions of the same Property Use and Development Agreement, with the property further to the north recently rezoned to Retail Business (C-2) with a Property Use and Development Agreement that included conditions

similar to that affecting the subject parcel and is currently being developed with a tire store.

**East** - Property to the east is zoned Multiple family Residential (R-3) and is developed with The Hills Manufactured Home Park.

**South** – Property to the south is developed with the Sterling's Restaurant that earlier in 2012 received a special use permit to allow for the sale of alcohol.

**West** – The parcel immediately to the west is zoned C-3 and developed with the branch bank and multi-tenant retail building with property further to the west across Duportail Street zoned C-3 and developed with a drive through restaurant.

### ANALYSIS

When the larger 5.2 acre parcel that included the subject parcel was rezoned in 2002 from Limited Business (CLB) to C-3 there was concern related to impacts some of the C-3 types of uses could have on the adjoining manufactured home park to the east. The rezone included a Property Use and Development Agreement that restricted some uses that would otherwise be allowed in the C-3 zoning district and also had provisions limiting building heights and requiring specific landscape buffer treatments.

The Planning Commission at the time (Attachment G) had concerns related to impacts that certain types of restaurants or taverns with large outdoor seating areas or with live music could have on the adjoining residential uses. The Commission recommended and City Council ultimately adopted the C-3 zoning with the conditions specifically restricting development of taverns and bars and requiring special use permit approval for any restaurant that serves alcohol.

The proposed Fujiyama Steakhouse Restaurant meets the intent of the condition related to restaurants that serve alcohol. The restaurant is a sit down style restaurant that does not have live music and the sales of alcohol would appear to be clearly incidental to the dining service as opposed to a drinking establishment that by code (RMC Section 23.06.285) is defined as a business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including nightclubs, bars, cocktail lounges, and taverns.

The restaurant is otherwise in conformance with all of the conditions of the Property Use and Development Agreement and the underlying conditional C-3 zoning.

### SUMMARY

The proposed restaurant is of a type that is in keeping with the purpose and intent of the Property Use and Development Agreement that was intended to minimize adverse impacts to the nearby residential uses.

# **CITY OF RICHLAND**

## **NOTICE OF APPLICATION**

### **AND PUBLIC HEARING (SUP2012-102)**

Notice is hereby given that Kunpeng, LLC, on November 2, 2012 filed application for a special use permit (SUP2012-102) to allow for the sale of alcohol in conjunction with a proposed restaurant (Fujiyama Restaurant) to be located at 2522 Queensgate Drive. Pursuant to Richland Municipal Code (RMC) Section 19.30.030 the City of Richland has determined the application complete for processing on November 5, 2012.

The Richland Planning Commission, on Wednesday November 28, 2012, will conduct a public hearing and review of the application at 7:00 p.m. in the Council Chamber at the Richland City Hall, 505 Swift Boulevard. All interested parties are invited to attend and give testimony at the public hearing.

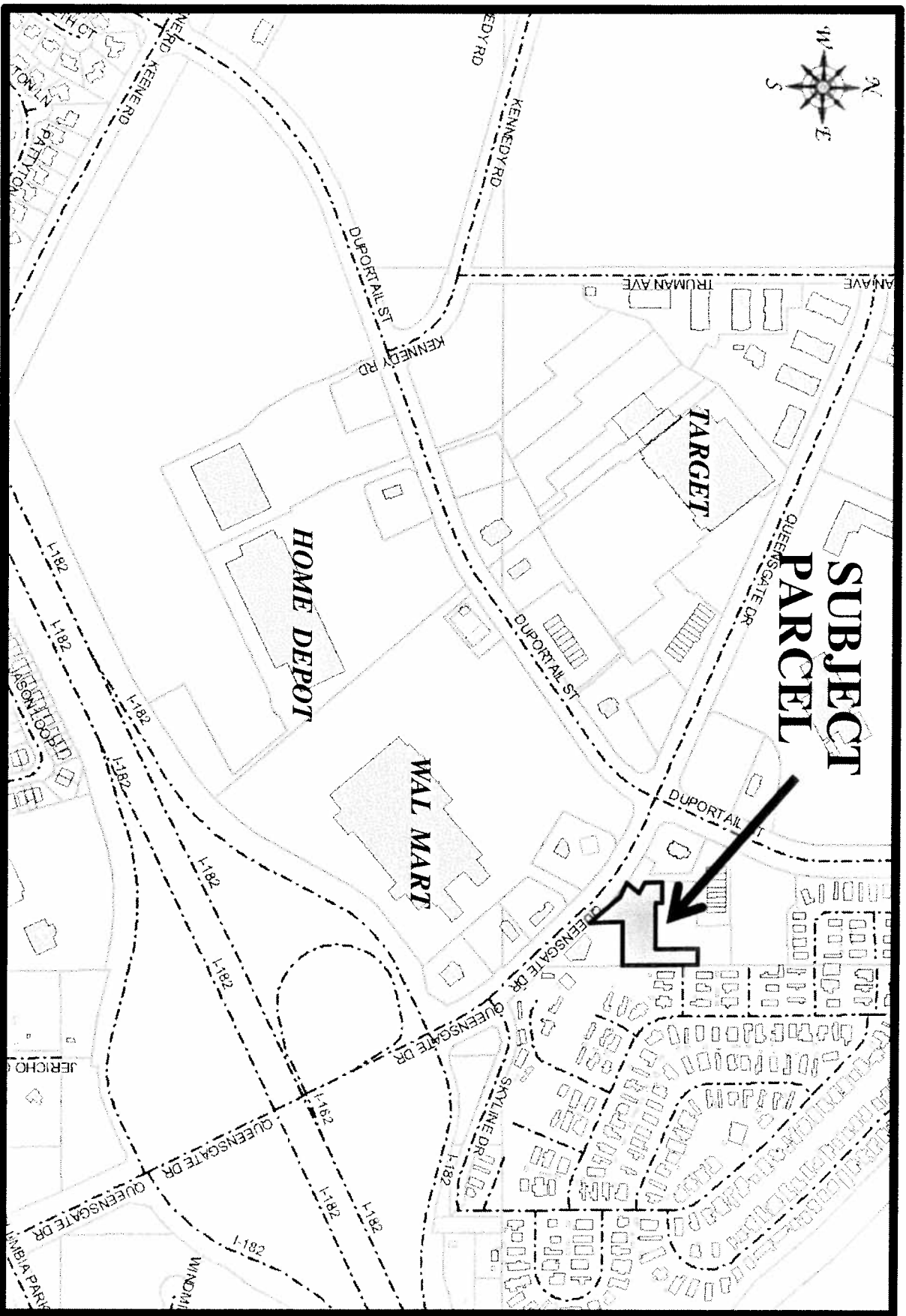
Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Rick Simon, Development Services Manager, 840 Northgate Avenue, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or e-mailed to [rsimon@ci.richland.wa.us](mailto:rsimon@ci.richland.wa.us). Written comments should be received no later than 5:00 p.m. on November 26, 2012. Copies of the Staff Report and recommendation will be available in the Development Services Division Office (840 Northgate Drive) and the Richland Public Library beginning Wednesday November 21, 2012.

The proposed application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulation Administration and RMC Title 23 Zoning. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Development Services Division at the above referenced address with questions related to the available appeal process.

---

Rick Simon,  
Development Services Manager

# VICINITY MAP



SUP2012-102

Planning & Development Services Division • Current Planning Section  
840 Northgate Drive • Richland, WA 99352  
| General Information: 509/942-7794 • Fax: 509/942-7764

**SPECIAL USE PERMIT APPLICATION**

<b>Applicant's Section</b>				
Applicant Kunpeng LLC				
Address 3838 Starling Drive NW		City Olympia	State WA	Zip 98502
Phone Number (360) 692-5888	Fax Number		Other nserdar@fujiyamawa.com	
Address and/or Location of Property 2522 Queensgate Dr				
Legal Description (including lot, block, and plat) Lot 2, being a portion of lot 3 of Short Plat page 3070 - Part of Binding Site Plan 2012-100			Present Zoning C-3	
Request to use the above-described property for the following purpose (use this space to identify the intended use involved). Also include the title and section of the Richland Municipal Code under which the special use is sought.				
The initial building construction will be a 8,775 sq ft "shell" building intended for retail. A 6,270 restaurant is indicated as the first tenant. The Special Use permit is required per the Property Use and Development Agreement signed as part of the rezone to General Business (C-3), stating that a special use permit is required for any restaurant that sells alcohol.				

Explanation of use. Please complete the information below, selecting the items that apply to the proposed use, in order that the Physical Planning Commission and City Council may ascertain whether the intended use on the proposed site would conform to the stated purposes of Title 23, Zoning, Richland Municipal Code, and be compatible with the permitted uses in the zone.

What are the products resulting from the operations?

As a sit down restaurant, the products would be lunches and dinners, which are consumed on the premises. The restaurant contains a bar. The primary use is for bar dining when the restaurant is full. The seating at the actual bar is for 15 patrons. No live music

What supplies and materials are to be kept or used on the premises? Raw materials:

Food and beverage products (raw materials) to be cooked. Supplies could also include necessary equipment and tools for meal production.

Finished products:

Lunch and dinner.

What are the type, amount, and location of storage to be provided?

300 square feet of cooler and freezer for food storage. Miscellaneous dry storage within the kitchen. Fort five square feet of liquor storage.

If any of the materials used and stored in connection with this activity are hazardous, what is the nature of the hazard? What precautionary means will be employed to provide safety both to employees, customers, and adjoining properties?

None of the stored materials for the restaurant would be considered hazardous.

How many people will be employed? 50 In the manufacture of the product? 10 -15  
 In the sale of the product? 8 (servers at a time) In any other capacity? 2 (mgmt)

What do you estimate will be the greatest number of persons on the premises at any one time, excluding employees?  
120

What type of volume of trucking is involved? Food and beverage deliveries daily, utilizing single axle trucks and vans.

What are the hours of peak loading and unloading? Mornings between 8 am and 11 am.

What other type and volume of traffic would be generated? Restaurant patrons and staff.

Would the activity normally attract the public to the premises? Yes ☒ No ☐

Number of visitors daily? \_\_\_\_\_ Number of patrons daily? 50 weekday/Sunday, 100 Saturday

Will this activity be carried on outside of daylight working hours? If so, what are the hours? Mon - Thurs 11:30am-10:30pm  
Fri/Sat 11:30am-11:30pm  
Sun 12:30pm-9:00pm

What type of power would be employed? Electric ☒ Gas ☒ Oil ☐ Steam ☐

or Internal Combustion Engine ☐

What type and volume of noise results from operations on premises? Typical for a quality sit down restaurant

Have you any evidence of the decibel rating of sound emanating from this or similar operations? If so, what is it?

None available. Restaurants do not typically emanate large db ratings, and traffic from Queensgate Dr. could actually be louder.

What odors, fumes, smoke, or dust result from the operations?

A small amount of cooking odors may be noticeable at certain periods. No smoke, fumes, or dust.

Is there any sewage from the processes involved that would sterilize or overload existing wastewater (sewer) facilities?

Yes ☐ No ☒ What are they? \_\_\_\_\_

What are the demands of this activity upon available public facilities and utilities?

Electricity One 400 amp 3 phase service, (2) 200 amp 3 phase services.

Water One 1 1/2" water line, one 6" fire water service line.

Wastewater (Sewer) Disposal One 4" sewer service line, which runs first to a 1,000 gal grease interceptor.

Refuse Disposal Screened trash enclosure ( 5 yd) provided, with room for cardboard and other recycling.

Transportation (railroad and streets) Additional traffic load on Queensgate for patrons and staff

Explain in detail why this particular site is especially suited, if it is, for the intended purpose:

The Queensgate Duportail area has become a major retail oriented area, with big box stores and surrounding supporting accessory retail. There are a few restaurants in the area, although none of this type. Transportation is good, and it will be to economic benefit.

Describe how the proposed use and improvements are designed and arranged to fit into the development of adjacent property and the neighborhood: The building is situated adjacent to a restaurant that mostly provides breakfast and lunches, this one provides lunches and primarily dinners, so there is a complementary use. It fits within the Comp Plan for the area, and is within a primarily retail development with a bank, strip retail, and a future retail pad site. The restaurant does contain a bar, but the bar is an accessory component of the restaurant. Typically patrons will use the bar for dining when the restaurant is full. The latest hours the restaurant is open is 11:30 on Fridays and Saturdays, so there should not be any issues with "after hours" as may occur with bars that are open until 2 a.m. There will not be live music.

I have examined and am familiar with the regulations covered in Title 23 of the Richland Municipal Code, as they pertain to the application.

*Rick Cibul*

Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

I have read and consent to the filing of this application as the owner of record of the property for which the Special Use Permit is being requested.

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COOMplete.

Kunpeng LLC c/o Nick Serdar

Owner's Name

3838 Starling Dr NW

Address

Olympia

City

WA

98502

State

Zip

(360) 692-5888

Phone No.

Other No.

Owner's Name

Address

City

State

Zip

Phone No.

Other No.

*Rick Cibul*

Owner's Signature

AGENT FOR OWNER

Owner's Signature

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

**Description of Proposal** Construction of an approximately 8,775 square foot retail building with approximately 6,270 square feet planned for restaurant use together with associated parking, landscaping and utility line extensions.

**Proponent** Kupeng, LLC

**Location of Proposal** 2522 Queensgate Drive.

**Lead Agency** City of Richland

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

☒ [XX] There is no comment for the DNS.

☐ [ ] This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. **Comments must be submitted by July 11, 2011.**

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

**Responsible Official** Rick Simon

**Position/Title** Development Services Manager

**Address** P.O. Box 190, Richland, WA 99152

**Date** 1/14/12

**Signature**



**Comments/Conditions**

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**CITY OF RICHLAND**  
**COMMUNITY & DEVELOPMENT SERVICES**  
Current Planning PHONE 509/942-7794 FAX 509/942-7764  
**State Environmental Policy Act Checklist**

File Number: EA16-12

**Purpose of Checklist**

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

**Applicant Instructions**

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answers, or if a question does not apply to your proposal, write *do not know* or *does not apply*. Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have any problems, the governmental agencies can assist you.

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

**Use of Checklist for Nonproject Proposals**

Complete this checklist for nonproject proposals, even though questions may be answered *does not apply*. In addition, complete the **Supplemental Sheet for Nonproject Actions (Part D)**.

For nonproject actions, the references in the checklist to the words *project*, *applicant*, and *property* or *site* should be read as *proposal*, *proposer*, and *affected geographic area*, respectively.

<b>Part A • Background</b>				
Name of proposed project, if applicable: Retail Shell Bldg, Fujiyama's Restaurant				
Applicant's Name/Contact Person			Phone	
Nick Serdar/Fujiyama's c/o Rick Giberson/Meier Architecture-Engineering			360.791.9520 509.735.1589	
Address	City	State	Zip	
8697 Gage Blvd	Kenewick	WA	99336	

<b>Date Checklist Prepared</b>	10/26/2012	<b>Agency Requesting Checklist</b>	City of Richland
<b>Proposed timing or schedule (including phasing, if applicable)</b> Begin Construction Winter 2012, Occupancy Spring 2013			
<b>If you have future plans for additions, expansion, or further activity related to or connected with this proposal, please explain:</b> No.			
<b>List any environmental information you know about that has been prepared, directly related to this proposal:</b> None known			
<b>Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>If yes, please explain:</b>			
<b>Are you aware of any government approval or permits that will be needed for your proposal?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>If known, please explain:</b> City of Richland Special Use Permit City of Richland Building Permit, Engineering Dept Permits BPA Use of Right of Way Permit			
<b>Give a brief description of your proposal, including the proposed uses and size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal, you need not list them now.</b> 8,775 square foot retail shell building. Single story, wood framed. Project includes utilities, grading and parking. Future use includes a 6,270 sq. ft. restaurant, with 2,505 sq ft of unassigned retail shell space.			
<b>Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, section, township, and range, if known. If a proposal will occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if available. While you should submit any plans required by the agency, you are required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.</b> The tentative address is 2522 Queensgate Drive, Richland. Lot 2 of Record Survey # 4317, Binding Site Plan 2012-100. S.E. 1/4 of Section 16, Township 9 N., Range 28 E., W.M., City of Richland, Benton County, WA			

TO BE COMPLETED BY APPLICANT	For Agency Use Only
<b>Part B • Environmental Elements</b>	
<b>Earth</b>	
<p>General description of the site (check one): Flat <input type="checkbox"/> Hilly <input type="checkbox"/> Mountainous <input type="checkbox"/>  Rolling <input type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Other: Slight slope to the northeast.</p>	
<p>What is the steepest slope on the site (approximate percent slope)?  In general, the site slopes 1% across tot he northeast.</p>	
<p>What general types of soils are found on the site (for example, clay, gravel, muck, peat, sand)?  A geotechnical investigation from 2006 indicates primarily sand for the upper 3 to 5 feet, with a combination of loamy, silty sand.</p>	
<p>If you know the classification of agricultural soils, specify them and note any prime farmland:  Quincy loamy sand (ML)</p>	
<p>Are there surface indications or history of unstable soils in the immediate vicinity? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, describe:</p>	
<p>Describe the purpose, types, and approximate quantities of any filling or grading proposed, and indicate source of fill:  No fill is anticipated. Grading will be "balanced for the site, to create the building pad, and contour the site for storm drainage and parking. &gt;500 cu yds</p>	
<p>Could erosion occur as a result of clearing, construction, or use? Yes <input type="checkbox"/> No <input type="checkbox"/>  If so, generally describe:  Wind erosion is possible during construction operations.</p>	
<p>Could erosion occur as a result of clearing, construction, or use: Yes <input type="checkbox"/> No <input type="checkbox"/>  If so, generally describe:</p>	
<p>About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?  Approximately 85% of the site.</p>	

<b>Air</b>	<b>For Agency Use Only</b>
<p>Check the types of emissions to the air that would result from the proposal during construction and when the project is completed: Automobile <input checked="" type="checkbox"/> Dust <input checked="" type="checkbox"/> Industrial Wood Smoke <input type="checkbox"/> Odors <input type="checkbox"/> If any, generally describe and give approximate quantities, if known.</p> <p>During construction, dust could occur on windy days from grading.</p> <p>At completion, the only emissions could be slight cooking odors, which would be minimal</p>	
<p>Are there any off-site sources of emissions or odor that may affect your proposal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:</p>	
<p>Proposed measures to reduce or control emissions or other impacts to air, if any:</p> <p>During construction, the contractor will use water trucks to keep soil moist during grading. Contractor will conform to Benton-Franklin Clean Air Reqts.</p>	
<p><b>Water</b></p>	
<p><b>Surface</b></p>	
<p>Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, describe type and provide names:</p>	
<p>If appropriate, state what stream or river it flows into:</p> <p>N/A</p>	
<p>Will the project require any work over, in, or adjacent to (within 200-feet) of the described waters? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please describe and attach available plans:</p> <p>N/A</p>	
<p>Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected, indicating the source of fill materials:</p> <p>N/A</p>	
<p>Will the proposal require surface water withdrawals or diversions? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Give general description, purpose, and approximate quantities if known:</p>	

<p>Does the proposal lie within a 100-year floodplain? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, note the location on the site plan.</p>	<p><b>For Agency Use Only</b></p>
<p>Does the proposal involve any discharges of waste materials to surface waters? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, describe the type of waste and anticipated volume of discharge</p>	
<p><b>Ground</b></p>	
<p>Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities, if known.          No water will be withdrawn.          Storm water will be dispersed to a grassy swale, which filter stormwater before it percolates below to groundwater, which is 100 feet below the surface.</p>	
<p>Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage, industrial, containing the following chemicals.....: agricultural, etc.).          No waste material will be discharged to the ground.</p>	
<p>Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve:          N/A</p>	
<p><b>Water Runoff (Including storm water)</b></p>	
<p>Describe the source of runoff (including storm water), and method of collection and disposal, if any (including quantities, if known).          Storm water will be collected from roofs, and from parking areas, it will then be conveyed to an existing grassy, sandy swale.</p>	
<p>Will this water flow into other waters? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:</p>	
<p>Could waste materials enter ground or surface waters? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:</p>	

	For Agency Use Only
<b>Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</b> As previously mentioned, Storm water will be dispersed to a grassy swale, which filter stormwater before it percolates below to groundwater, which is 100 feet below the surface.	
<b>Plants</b>	
Check the types of vegetation found on the site: Deciduous tree: alder <input type="checkbox"/> aspen <input type="checkbox"/> maple <input type="checkbox"/> other <input type="checkbox"/> (list) none	
Evergreen tree: cedar <input type="checkbox"/> fir <input type="checkbox"/> pine <input type="checkbox"/> other <input type="checkbox"/> (list) none	
Shrubs <input type="checkbox"/> grass <input type="checkbox"/> pasture <input type="checkbox"/> crop or grain <input type="checkbox"/> sagebrush, gras, weeds	
West soil plants: bulrush <input type="checkbox"/> buttercup <input type="checkbox"/> cattail <input type="checkbox"/> skunk cabbage <input type="checkbox"/> other <input type="checkbox"/> none (list)	
Water plants: eelgrass <input type="checkbox"/> milfiol <input type="checkbox"/> water lily <input type="checkbox"/> other types of vegetation <input type="checkbox"/> (list) none	
What kind and amount of vegetation will be removed or altered: sagebrush, grass, and weeds will be removed	
List threatened or endangered species known to be on or near the site: no endangered plant species are known on or near the site	
Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: vegetation will be enhanced with new landscaping meeting City of Richland requirements	
<b>Animals</b>	
Check any birds and animals which have been observed on or near the site or are known to be on or near the site: Birds: eagle <input type="checkbox"/> hawk <input type="checkbox"/> heron <input checked="" type="checkbox"/> songbirds <input type="checkbox"/> other <input type="checkbox"/> (list) quail, crows	
Mammals: bear <input type="checkbox"/> beaver <input type="checkbox"/> deer <input type="checkbox"/> elk <input type="checkbox"/> other <input type="checkbox"/> (list) none	
Fish: bass <input type="checkbox"/> herring <input type="checkbox"/> salmon <input type="checkbox"/> shellfish <input type="checkbox"/> trout <input type="checkbox"/> other <input type="checkbox"/> (list) none	
List any threatened or endangered species known to be on or near the site: none are known on or near the site.	
Is the site part of a migration route? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, explain: All of the Columbia Basin is part of the "Pacific Flyway" bird migration route(s)	
Proposed measures to preserve or enhance wildlife, if any: Enhanced landscaping and irrigation may contribute to species diversity	

<b>Energy and Natural Resources</b>	<b>For Agency Use Only</b>
<p>What type(s) of energy will be used to meet the completed project's energy needs: Electrical <input checked="" type="checkbox"/> Natural Gas <input checked="" type="checkbox"/> Oil <input type="checkbox"/> Solar <input type="checkbox"/> Wood Stove <input type="checkbox"/> Describe whether it will be used for heating, manufacturing, etc.</p> <p>Electricity will be used for indoor and outdoor lighting, and for equipment power and convenience power. Gas will be used for cooking and heating.</p>	
<p>Would your project affect the potential use of solar energy by adjacent properties? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, generally describe:</p> <p>No - distance to other structures will prevent this.</p>	
<p>What kind(s) of energy conservation features are included in the plans of this proposal?</p> <p>The completed project will meet the requirements of the Washington State Non-Residential Energy Code for envelope, lighting, and HVAC</p>	
<p>List other proposed measures to reduce or control energy impacts, if any:</p>	
<p><b>Environmental Health</b></p>	
<p>Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, describe:</p>	
<p>Describe special emergency services that may be required:</p> <p>No special emergency services should be required.</p>	
<p>Proposed measures to reduce or control environmental health hazards, if any:</p>	
<p><b>Noise</b></p>	
<p>What types of noise exist in the area that may affect your project (for example: traffic, equipment, operations, other?):</p> <p>Local traffic noise should not impact this project.</p>	

<p><b>What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)?</b></p> <p>Short term noise from construction equipment will occur. Long term noise impacts should be minimal.</p>	<p><b>For Agency Use Only</b></p>
<p><b>Indicate the hours noise would come from the site:</b></p> <p>Construction hours are typically 7 am to 4 pm.</p>	
<p><b>Proposed measures to reduce or control noise impacts, if any:</b></p> <p>The building construction is generally light framed, so impacts should be minimal. Construction hours will be limited to weekdays at the hours noted above.</p>	
<p><b>Land and Shoreline Use</b></p>	
<p><b>What is the current use of the site and adjacent properties?</b></p> <p>The site is vacant. To the east is medium density residential. To the north is commercial retail. The west across Queensgate is retail.</p>	
<p><b>Has the site been used for agriculture? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, describe:</b></p> <p>Not known in recent history.</p>	
<p><b>Describe any structures on the site:</b></p> <p>None on this site.</p>	
<p><b>Will any structure(s) be demolished ? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, what?</b></p> <p>No.</p>	
<p><b>What is the current zoning classification at the site?</b></p> <p>C-3 commercial general.</p>	
<p><b>What is the current comprehensive plan designation of the site?</b></p> <p>Business Commerce</p>	
<p><b>If applicable, what is the current shoreline master program designation of the site?</b></p> <p>N/A</p>	
<p><b>Has any part of the site been classified as an "environmentally sensitive area"? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, please specify:</b></p>	

Commercial Comprehensive Plan Designation.

<p><b>Approximately how many people would reside or work in the completed project?</b></p> <p>No residences. Approximately 15 employees would work in the restaurant at a time.</p>	<p><b>For Agency Use Only</b></p> <p><i>Compliance with a Property Use &amp; Development Agreement limiting uses &amp; height of buildings.</i></p>	
<p><b>Approximately how many people would the completed project displace?</b></p> <p>None</p>		
<p><b>Proposed measures to avoid or reduce displacement impacts, if any:</b></p> <p>N/A</p>		
<p><b>Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:</b></p> <p>The use meets projected land use in the Comprehensive Plan</p>		
<p><b>Housing</b></p>		
<p><b>Approximately how many units would be provided, if any?</b> None</p> <p>Check the type of housing: High <input type="checkbox"/> Middle <input type="checkbox"/> Low-income <input type="checkbox"/></p>		
<p><b>Approximately how many housing units, if any, would be eliminated?</b></p> <p>None</p>		
<p>Check the type of housing: High <input type="checkbox"/> Middle <input type="checkbox"/> Low-income <input type="checkbox"/></p>		
<p><b>Proposed measures to reduce or control housing impacts, if any:</b></p> <p>N/A</p>		
<p><b>Aesthetics</b></p>		
<p><b>What is the tallest height of any proposed structure(s), not including antennas?</b></p> <p>23 feet</p>		
<p><b>What is the principal exterior building material(s) proposed?</b></p> <p>Stucco, glass, masonry.</p>		
<p><b>What views, in the immediate vicinity, would be altered or obstructed?</b></p> <p>No views will be obstructed.</p>		
<p><b>Proposed measures to reduce or control aesthetic impacts, if any:</b></p> <p>Project design will meet requirements of the City of Richland planning dept. Professionally designed building and landscaping.</p>		

<b>Light and Glare</b>	<b>For Agency Use Only</b>
<b>What type of light or glare will the proposal produce?</b> Light will be produced from parking lot lighting for safety. Should be minimal glare from windows.	
<b>What time of day would it mainly occur?</b> Parking lot lighting in evening hours.	
<b>Could light or glare from the finished project be a safety hazard or interfere with views?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>What existing off-site sources of light or glare may affect your proposal?</b> Off site sources should not affect this project.	
<b>Proposed measures to reduce or control light and glare impacts, if any:</b> Exterior lighting will meet City of Richland 23.58 Outdoor Lighting Standards	
<b>Recreation</b>	
<b>What designated and informal recreational opportunities are in the immediate vicinity?</b> None in the immediate vicinity. There are a number of open space zoned areas to the east at the Yakima River.	
<b>Would the proposed project displace any existing recreational uses?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, describe:	
<b>Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:</b> None.	
<b>Historic and Cultural Preservation</b>	
<b>Are there any places or objects listed on, or proposed for national, state, or local preservation registers known to be on or next to the site?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe: None are known	
<b>Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site:</b> None are known.	
<b>Proposed measure to reduce or control impacts, if any:</b> If any artifacts or evidence are found, work will be stopped and authorities will be notified.	

<b>Transportation</b>	<b>For Agency Use Only</b>
<b>Identify public streets and highways serving the site:</b> Site served by Queensgate Dr to the west, and indirectly by Duportail to the north.	
<b>Describe proposed access to the exiting street system. Show on site plans, if any.</b> See attached site plan.	
<b>Is site currently served by public transit? Yes <input type="checkbox"/> No <input type="checkbox"/> If no, what is the approximate distance to the nearest transit stop?</b> Queensgate is served by BF Transit routes 39K and 39H. Nearest stop is within 1 block.	
<b>How many parking spaces would the completed project have?</b> 71, including 3 handicap accessible.	
<b>How many parking spaces would the project eliminate?</b> None	
<b>Will the proposal require any new roads, streets, or improvements to existing roads or streets, not including driveways? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, generally describe :</b> No.	
<b>Will the new roads, streets, or improvements to existing roads or streets, not including driveways be: Public <input type="checkbox"/> Private <input type="checkbox"/></b>	
<b>Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:</b>	
<b>How many vehicle trips, per day, would be generated by the completed project?</b> Based on ITE Trip Generation Manual, #931 Quality Restaurant: weekday vehicle trips: 33 Saturday vehicle trips: 90	
<b>If known, indicate when peak volumes would occur:</b> Peak volumes would occur on weekdays from 4:30 to 7 pm Peak volumes on Saturdays would occur from 4:30 to 8 pm	
<b>Proposed measures to reduce or control transportation impacts, if any:</b> The tenant understands that Richland will impose traffic mitigation fees to contribute to infrastructure improvements in the vicinity	

Public Services	For Agency Use Only
<p>Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, or other)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, generally describe:</p> <p>Increased needs would not be to a degree greater than for a 6,270 sq ft restaurant</p>	
<p>Proposed measures to reduce or control direct impacts on public services, if any:</p> <p>N/A</p>	
<p><b>Utilities</b></p>	
<p>Check utilities currently available at the site: Electricity <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Other <input type="checkbox"/>          Phone <input checked="" type="checkbox"/> Refuse Service <input checked="" type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Septic System <input checked="" type="checkbox"/> Water <input type="checkbox"/></p>	
<p>Check the utilities that are proposed for the project, and list the utility providing the service:</p>	
<p>Electricity <input type="checkbox"/>          Richland Energy Services</p>	
<p>Gas <input type="checkbox"/> Cascade Natural Gas</p>	
<p>Other <input type="checkbox"/></p>	
<p>Phone <input type="checkbox"/> Frontier</p>	
<p>Refuse Service <input type="checkbox"/>          City of Richland</p>	
<p>Sanitary Sewer <input type="checkbox"/>          City of Richland</p>	
<p>Septic System <input type="checkbox"/> N/A</p>	
<p>Water <input type="checkbox"/>          City of Richland</p>	
<p>Describe the general construction activities on the site or in the immediate vicinity which may be needed: Grading for building pad and storm water. Utilities construction. Building framing, building envelope construction. Paving, interior building finish mechanical, electrical, plumbing, and finishes.</p>	

**Part C • Signature**

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COMPLETE.



SIGNATURE

11-2-2012

DATE SUBMITTED

Nov 2 2012 3:36 PM



## EXHIBIT A

PROPERTY USE AND DEVELOPMENT AGREEMENT

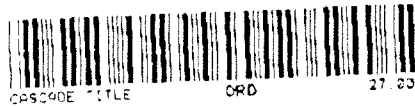
THIS AGREEMENT made and entered into this <sup>re</sup> 24 day of January, 200<sup>3</sup>7,  
by and between the CITY OF RICHLAND and BROWMAN DEVELOPMENT COMPANY  
(Petitioner).

## W-I-T-N-E-S-S-E-T-H:

WHEREAS, the City of Richland is currently entertaining an application by BROWMAN DEVELOPMENT COMPANY, (hereinafter "Petitioner") for a change of zone covering an 5.2-acre parcel located in Benton County, Washington (hereinafter "Property") and more particularly described in Ordinance No. 28-02.

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from Commercial-Limited Business (C-LB) to General Business (C-3) pursuant to said application, Petitioner for themselves and for and on behalf of their heirs, successors and assigns, covenant and agree as follows:

1. No building shall be more than three stories or fifty (50) feet in height, excluding architectural features as provided for in Richland Municipal Code Section 23.70.180.
2. The landscape buffer requirement that is noted on the Final Plat of City View shall be installed prior to or concurrent with construction activities on-site.
3. No building shall be constructed within the fifteen (15) foot wide landscape buffer that is required on the Final Plat of City View. Any building that is in excess of 25 feet in height shall increase its setback from landscape buffer by one foot for every foot in building height above twenty-five (25) feet.
4. No outdoor storage yard of materials shall be permitted on-site, excluding garden center or retail related sale items. This prohibition does not apply to construction materials stored on-site during project construction.
5. The following uses shall not be permitted on-site: laundry/cleaning plants, frozen food lockers, mini-warehouses, RV parks, contractor offices with storage yards, animal pounds, trade schools, alternative schools, adult use businesses, nightclubs, taverns, bars, monopole I, monopole II or lattice towers.
6. Restaurants that serve alcohol may be permitted by Special Use Permit issued by the Planning Commission in accordance with the provisions of Richland Municipal Code, Chapter 23.70.



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02/05/2003 33 28P  
27.23 Benton County


This agreement shall be placed of record and the terms and conditions thereof shall be a covenant running with the land and included in each deed and real estate contract executed by Petitioners with respect to the subject Property or any part thereof. The City of Richland shall be deemed a beneficiary of this covenant without regard to whether it owns any land or interest therein in the locality of the subject Property and shall have the right to enforce this covenant in any court of competent jurisdiction.

IN WITNESS WHEREOF, the parties hereto have herewith set their hands the day and year first above written.

CITY OF RICHLAND

  
JOHN C. DARRINGTON  
City Manager

BROWMAN DEVELOPMENT  
COMPANY

  
By: Mary Lou Brown  
Its: President  
Petitioner

APPROVED AS TO FORM:

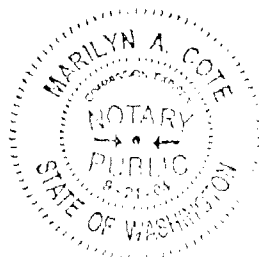
  
THOMAS O. LAMPSON  
City Attorney

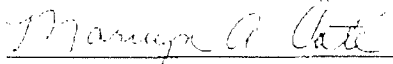
STATE OF WASHINGTON )

County of Benton )

On this 3 day of February, 2007, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JOHN C. DARRINGTON to me known to be the City Manager of City of Richland, the corporation that executed the foregoing instrument, and acknowledged the said Instrument to be the free and voluntary act and deed of the said corporation, for the uses and purposes therein mentioned and on oath stated that he is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.



  
NOTARY PUBLIC in and for the State of  
Washington, residing at: Kennewick  
My Commission Expires: 8/21/04

## **Chapter 23.46 SPECIAL USE PERMITS**

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### **23.46.010 Purpose.**

The purpose of a special use permit is to provide opportunities to accommodate certain uses, which, by nature of use, intensity, or general impact on an area, cannot be considered as a use of right within a zoning district. Where special conditions and regulations can be complied with, and such use is authorized as a special use within the zoning district for which application is made, such uses may be found to be permissible. [Ord. 28-05 § 1.02].

### **23.46.020 Applications.**

Any request for a special use permit shall not be considered by the hearing body unless and until a completed application for a special use permit is submitted indicating the section of this code under which the special use is sought, and further stating the grounds upon which it is requested. Such application shall be accomplished by the following:

A. A title insurance company report showing ownership of record of the property involved, an accurate legal description of the property involved, and a list of the names and addresses of all owners of record of property within a radius of 300 feet of the exterior boundaries of the subject property, or within the distance specified within the appropriate section of this chapter relating to the special use being proposed. In addition, the report shall be accompanied by an accurate key map showing the property involved and delineating the property within 300 feet or other specified distance of the subject property. Each parcel falling wholly or partly within the specified distance shall be numbered to correspond with the ownership report;

B. A plot plan showing the following:

1. Boundaries and dimensions of property;
2. Location and width of boundary streets;

3. Size and location of existing or proposed buildings, structures or activities on the site;

4. Roadways, walkways, off-street parking, loading facilities and emergency vehicle access;

5. Fencing, screening or buffering with reference to location, type, dimension and character;

6. Required setbacks, yards and other open spaces; and

7. Easements, rights-of-way, etc.;

In addition, architect's sketches showing elevations of proposed buildings or structures, complete plans, and any other information needed by the commission or board may also be required;

C. Written assurance from all applicable federal, state or local regulatory agencies indicating that the applicant has complied with at least one of the following requirements:

1. Made initial contact with those agencies having jurisdiction over the proposed project;

2. Applied for the necessary permits and/or licenses from those agencies having jurisdiction over the proposed project;

3. Received the necessary permits and/or licenses from those agencies having jurisdiction over the proposed project;

D. State Environmental Policy Act (SEPA) checklist as required;

E. Standard fee as set forth in RMC 19.80.020. [Ord. 28-05 § 1.02].

### **23.46.025 Hearing body.**

A. The planning commission shall be the hearing body to conduct the review of special use permit applications for the following uses:

1. Outdoor commercial recreation in the AG – agricultural and I-M – medium industrial districts;

2. Dormitories, fraternities, sororities, hotels and motels and residential development in the B-RP – business research park district;

3. Businesses with drive-through window service in the C-1 neighborhood retail and WF – waterfront districts;

4. Landscaping material sales and plant nurseries in the AG – agricultural district;

5. Manufactured home parks in the R-2 – medium-density residential and R-3 – multifamily residential districts;

6. Monopoles and lattice towers in the PPF – parks and public facilities, B-C – business commerce, CBD – central business district, C-2 – retail business, C-3 – general business, B-RP – business research park, I-M – medium industrial and M-2 – heavy manufacturing districts;

7. Recreational vehicle campgrounds and recreational vehicle parks in the AG – agricultural and C-3 – general business districts;

8. Sit down restaurants in the C/R-T – commercial/residential transition district;

9. Parking lots in the NOS – natural open space district;

10. Single retail businesses operating within a building space in excess of 15,000 square feet in area in the C-1 – neighborhood retail business district;

11. Telemarketing services in the B-RP – business research park district;

12. Automobile repair minor, automobile repair specialty shop, automobile service station, auto parts sales, car wash-automatic or self service, vehicle leasing/renting, vehicle sales and restaurant/drive-through in the CBD – central business district.

B. The board of adjustment shall be the hearing body to conduct the review of special use permit applications for the following uses:

1. Animal shelters, commercial kennels and animal clinics in the AG – agricultural, C-2 – central business, C-3 – general business, and I-M – medium industrial districts;

2. Automobile wrecking and the storage or sale of junk, unlicensed autos or salvage materials in the M-2 – heavy manufacturing district;

3. Bed and breakfast facilities in the single-family residential (R-1-12, R-1-10, R-2), SAG – suburban agricultural and AG – agricultural districts;

4. Day care centers in the residential (R-1-12, R-1-10, R-2, R-3), SAG – suburban agricultural, AG – agricultural, I-M – medium industrial and B-RP – business research park districts;

5. The excavating, processing, removal of topsoils, sand, gravel, rock or similar deposits in the AG – agricultural, I-M – medium industrial and M-2 – heavy manufacturing districts;

6. Public stables and riding academies in the FP – floodplain, AG – agricultural and C-3 – general business districts; and

7. Towing and vehicle impound lots in the C-3 – general business district. [Ord. 28-05 § 1.02; Ord. 07-06; Ord. 23-11 § 1.02; Ord. 32-11 § 16].

#### **23.46.030 Notice of hearing.**

Written notice of public hearings consistent with the requirements of Chapter 19.40 RMC shall be addressed through the United States mail to the owner of the property of which the special use is sought and to the owners of record of all properties within a radius of 300 feet of the exterior boundaries of the subject property, pursuant to the title insurance company report required by RMC 23.46.020, or within the distance specified within the appropriate section of Chapter 23.42 RMC relating to the special use being proposed. Such notice of hearing shall also be published at least once in the official newspaper of the city. Both published and mailed notices shall be given at least 10 days in advance of the public hearing. [Ord. 28-05 § 1.02].

#### **23.46.040 Hearings – Findings – Conditions.**

The hearing body shall conduct an open record public hearing on an application for special use permit as required by RMC Title 19 for a Type III permit application.

A. Any person may appear at the public hearing in person, or by agent or attorney.

B. The hearing body shall make a finding that it is empowered under the section of this code described in the application to consider the application for the special use permit.

C. The hearing body shall approve, approve with conditions or deny an application for a special use permit based on findings of fact with respect to the following criteria:

1. The size and dimensions of the site provide adequate area for the proposed use;

2. The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development;

3. All required public facilities necessary to serve the project have adequate capacity to serve the proposed project;

4. The applicable requirements of this zoning regulation (RMC Title 23), the city comprehensive plan, the city sensitive area regulations (RMC Title 20), the city shoreline management regulations (RMC Title 26) and the city sign regulations (RMC Title 27) have been met; and

5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.

D. The hearing body may impose conditions on the approval of a special use permit in addition to or above and beyond those required elsewhere in this title, which are found necessary to ensure the use is compatible with the public interest. These conditions may include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and/or dust;
3. Requiring additional setback areas, lot area and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design or vehicle access points;
6. Requiring street right-of-way dedication and/or street improvement;
7. Requiring additional landscaping, berms and/or screening of the proposed use and/or its parking or loading areas and designating the required size, height, type and/or location of fencing and landscaping materials;
8. Limiting the number, size, location, height and/or lighting of signs.

E. Violation of any conditions, requirements, and safeguards, when made a part of the terms under which the special use permit is granted, shall be deemed a violation of this code and punishable under RMC 23.70.270.

F. The hearing body may prescribe a time limit within which the action for which the special use permit is required shall be begun and/or completed. Failure to begin and/or complete such action within the time limit set shall void the special use permit. The time limits may be extended by the hearing body for good cause shown. In the event that no specific time limit to begin or complete a special use permit is identified, then the special use permit shall remain valid for a period of two years from the date that the permit was issued. The hearing body may authorize issuance of a special use permit for a specified probationary period of time, at the termination of which the applicant must resubmit a new application in accordance with the provisions of RMC 23.46.020. [Ord. 28-05 § 1.02].

#### **23.46.050 Notification of action.**

A. A written notice of action shall be addressed through the United States mail to the applicant within three days after any action by the hearing body on a special use permit application.

B. If the special use permit application is approved, the notice shall contain findings of fact, a list of conditions of approval, if any, that must be complied with prior to special use permit issuance, and a list of requirements which have been made conditions of

special use permit approval and which must be complied with after special permit issuance.

C. If the special use permit is tabled, the notice shall contain a list of requirements or information that must be complied with or provided prior to further consideration by the hearing body.

D. If the special use permit application is denied, the notice shall contain findings of fact that were the basis for the denial. [Ord. 28-05 § 1.02].

#### **23.46.060 Commission or board action.**

A decision on a special use permit by the planning commission or board of adjustment shall be by the affirmative vote of not less than a majority of the quorum of the commission or board. The approval shall be a recorded motion which shall incorporate findings of fact and refer expressly to the ordinance, or sections thereof, upon which the commission's or board's actions are based. Approval of a special use permit application shall authorize the administrative official to issue a special use permit. Conditions may be attached to authorization by the commission or board that must be complied with prior to the issuance of the permit. [Ord. 28-05 § 1.02].

#### **23.46.070 Appeals.**

Any decision by the hearing body shall be final unless written notice of appeal to the city council, together with such fees as are required by RMC 19.80.020, is filed with the city clerk within 10 days from the date of the order, requirement, decision or determination by the hearing body. Such appeal shall be consistent with the requirements set forth in Chapter 19.70 RMC for appeal of decisions on Type II permit applications. The city council shall review the official record of the special use permit application, including the notice of appeal, and shall consider testimony pertinent to the official record. If new evidence is received that is not part of the official record, the city council shall not use the new evidence as a basis of reversing a decision, but instead shall remand the application to the hearing body for reconsideration. The city council may, so long as such action is in conformity with the terms of this code, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as the city council deems appropriate. [Ord. 28-05 § 1.02].

#### **23.46.075 Modification of special use permits.**

A. Major changes to a previously approved special use permit shall be considered as a new application as set forth in RMC 23.46.020. Major changes include the following:

1. An increase in the approved floor area of 10 percent or more for any nonresidential building;
2. An increase in the density of a residential project of 10 percent or more;
3. A reduction of 10 percent or more of the open space area, or required landscaping areas;
4. A reduction of an approved setback of 20 percent or more;
5. A change in the amount of off-street parking of 10 percent or more; or

6. A change in any operational condition specified in the original conditions of approval of the special use permit that the administrative official deems to result in a possible adverse impact to adjacent properties.

B. Any modification to a previously approved special use permit that does not meet the definition of a major modification shall be considered a minor modification. Minor modifications shall be approved, approved with conditions or denied by the administrative official based on the finding that the proposed development complies with all applicable requirements of this title. [Ord. 28-05 § 1.02; amended during 2011 recodification].

#### **23.46.080 Resubmission of application.**

A. Except as provided in subsection (B) of this section, any application for issuance of a special use permit which has been disapproved by the hearing body and/or city council shall not be resubmitted to the hearing body for a period of two years from the date of disapproval.

B. The hearing body may waive the two-year waiting period for a previously disapproved application when it can be reasonably demonstrated that conditions in the area of the request have substantially changed since disapproval, or that the nature of the application has changed sufficiently to remedy the reasons for disapproval. In either case, it shall be the burden of the applicant to show such change. [Ord. 28-05 § 1.02].

#### **23.46.090 Change of property ownership.**

A. The validity of any special use permit shall be contingent upon exercise of the special use, as granted, and the special use permit shall run with the property regardless of a change in ownership of the property.

B. The hearing body may require, as a condition of approval for granting of the special use, that the special use permit be recorded with the Benton County auditor's office as a special covenant which shall run with the property regardless of a change in ownership of the property.

C. Any change in the special use for which the original permit was issued which is determined to be substantial by the administrative official shall void the original permit and necessitate the submission of a new application. [Ord. 28-05 § 1.02].

#### **23.46.100 Existing conditional uses.**

A. Any conditional use lawfully existing prior to December 6, 1976, and/or prior to the effective date of the mandatory ordinance codified in this title shall be considered an existing nonconforming special use, subject to the provisions and requirements of Chapter 23.66 RMC, and further subject to the conditions of issuance of the permit issued for such use.

B. Any such nonconforming special use considered to be terminated by virtue of the requirements specified in Chapter 23.66 RMC shall require the issuance of a special use permit in order to be continued. [Ord. 28-05 § 1.02].

#### **23.46.110 Rights conferred.**

Granting of a special use permit confers upon the property only such use or uses specifically enumerated in the approved special use permit, and subject to any and all

conditions, requirements and safeguards established in the approved permit. [Ord. 28-05 § 1.02].

**RICHLAND PLANNING COMMISSION**  
COUNCIL CHAMBER – CITY HALL  
AUGUST 7, 2002

MEETING #10-2002

**MINUTES**

**CALL TO ORDER**

Gary Karnofski, Chairman, called meeting #10-2002, August 7, 2002, a regular meeting of the Planning Commission, to order at 7:30 p.m.

**ROLL CALL**

Members Present:	Gary Karnofski, Chair	John Fox
	Pete Rude, Vice-Chair	Robert Long
	Mary Ann Allemann	Dale Eggen

Members Absent:	Mark Askey, excused
	George Kyriazis, excused
	John Sillers, excused

Also present were: Rick Simon, Planning Manager; Jeff Rolph, Senior Planner; Ben Rea, Assistant Planner; Phil Pinard, City Engineer and Marla Sisk, Planning Secretary.

The City of Richland's new Traffic Engineer, Steve Stairs, was introduced.

**APPROVAL OF MINUTES**

Minutes of Meeting #09-2002, July 3, 2002, were approved with the following corrections. Page 3, Paragraph 9, Line 2: ... without straying too far into having to ~~traet~~ track down another document somewhere else.

Chairman Karnofski explained the public hearing process and appeal procedure and asked Commissioners to identify any conflicts of interest, ex parte contact or any other appearance of fairness issues. None were noted.

**NEW BUSINESS – PUBLIC HEARINGS**

**PJB LLC (S2002-105)**

Mr. Rolph confirmed that notice was issued in accordance with the procedures set forth in the Richland Municipal Code.

Mr. Rolph reviewed the Staff Report (S2002-105) and recommendation on a request for preliminary plat approval to subdivide an approximately 38-acre parcel into 40 single family residential lots (Country Heights). The location is the Southwest end of Country Ridge

Chairman Karnofski asked the developer to address the request for a minimum side yard setback.

**Patrick Bott** indicated that the zoning setbacks are 10' side yards. He stated he certainly doesn't have anything against making a little larger setbacks on those lots along that side. However, he stated that some of the requests have been as much as 170' setbacks. He is hopeful that they can come to some agreement with the neighbors and he is willing to listen to them.

Commissioner Rude stated he has some concerns and would like to see a traffic study including Country Ridge Road. He is also concerned about the possibility of an endangered species. Since Staff was not aware of this, he feels this issue needs to be addressed and looked into. Lastly, he would like to see the developer meet with the homeowners regarding some of these concerns. His recommendation would be to table this matter to another meeting or until such time as these concerns can be addressed.

Commissioner Allemann indicated she would like to see language added in regards to dust control.

Commissioner Fox would like to see the plat re-examined in the area of lots 14, 15 and 16. He asked Mr. Bott to describe what his intent is with lot 16.

**Patrick Bott** answered that the intent of that lot will go to whomever purchases the lot. The owner of that lot will be held to the same restrictions as the other lot owners.

Commissioner Fox would like to see a meeting between the developers and the adjacent lot owners with regard to this portion of the plat. At this point he stated he is not inclined to support this project. He would however support a motion to table to address these issues.

**Commissioner Rude** moved to table PJB, LLC until the September 4, 2002 Planning Commission meeting. Seconded by Commissioner Eggen.

**The motion was carried on voice vote.**

Chairman Karnofski thanked the audience members who gave testimony and advised them that the public hearing was closed, but if Commissioners had additional questions, they could be recalled at the September meeting.



#### **BROWMAN DEVELOPMENT COMPANY, INC. (Z2002-106)**

Mr. Simon confirmed that notice was issued in accordance with the procedures set forth in the Richland Municipal Code.

Mr. Simon reviewed the Staff Report (Z2002-106) and recommendation on a request for approval of a zone change request on a 5.2 acres from C-LB – Commercial Limited Business to C-3 – General Business. The location is northeast corner of the intersection of Queensgate Drive and Duportail Street.

Chairman Karnofski opened the public hearing at 8:54 pm.

**Applicant Michael Miller, Vice-President of Bowman Development Company**, 100 Swan Way #206, Oakland, CA, was sworn in. Mr. Miller stated that he is in complete agreement with Staff on their recommendations. He indicated he would like to make a couple of clarifications that he has already discussed with Mr. Simon. As to the building height not exceeding 50 feet, he clarified that he would like the measurement to be from the roof plate as opposed to any HVAC units or things of that nature on the roof. Rather than the landscape buffer being constructed prior to development activities, Mr. Miller would like to define that as construction activities. A lot of what they consider development activities is pre-marketing and things of that nature. Regarding the building setback, Mr. Miller would like to see that defined rather than it being discretionary. As to outdoor storage, Mr. Miller would like that clarified. He stated that as to number 5 and the wording taverns or bars, they are approaching some very nice restaurants which would be considered sports bars and he is concerned that this terminology is not well-defined. He indicated there are some very nice restaurants that they have been trying to attract to this part of Richland and he doesn't want there to be a gray area because they also serve alcohol.

Commissioner Karnofski closed the public hearing at 8:58 pm

**Commissioner Rude** moved Staff Report Z2002-106. Seconded by Commissioner Long.

Commissioner Allemann indicated that she is in favor of this zone change. She believes this area was put together by the City to provide a place for businesses and to try to get some sales tax revenue.

Commissioner Rude asked Mr. Simon if Staff can live with the clarifications made by the applicant?

Mr. Simon stated that generally we are on the same page in terms of our intent for those conditions. There is some language in the code that refers to increased height when minimum yard requirements are increased and maybe we can just parrot some of that language to get at this concern regarding the increased setback from the eastern property boundary.

Commissioner Rude's concern is that we are going from a commercial C-3 area that is bordered along a manufactured home park. He believes the landscape buffer really needs to be installed prior to mitigate the noise factor for those residents that are to the east. The only other issue he had was the question on the sports bar. There is already one sports bar in town and they have had problems with noise and this is not even in a residential area. He stated that residents as far as three to four blocks away have complained about the noise. Commissioner Rude feels if you get an upscale restaurant in there, he would have no objection to it having a bar.

Commissioner Long believes that Staff along with the applicant can work out the details on 1 through 4. However, the one he has a problem with is number 5 where it talks about the restaurant. He knows this location and believes we need to be particularly sensitive to those homes in that area and make sure we don't allow taverns and bars.

Commissioner Eggen asked Staff what the plan is to improve the streets in this area?

Mr. Pinard indicated that in the near future Duportail Street will be extended over to Keene Road and a traffic signal installed at that location. He went on to say that there are some fairly long-term plans to complete the east bound off-ramp and some widening on the I-82 bridge. Other than those changes, there is nothing planned in the near future for anticipated growth in that area other than the Duportail Street extension.

Commissioner Eggen asked for confirmation that Queensgate between Duportail and the interstate would not be changed.

Mr. Pinard answered that with the improvements that have just been completed, it should be good for a few years out.

Chairman Karnofski echoed the concerns of the other Commissioners with regards to putting in a primary business of being a sports bar versus a primary business being a restaurant. He asked if the Commission would have any control over what type of restaurant goes into this development. He would be inclined to put restaurants on the list of prohibited uses to avoid having any kind of bar situation put there. He is strongly opposed to having someone opening their back door at 11:30 at night and having the noise and traffic associated with a bar. He stated that it doesn't take a lot of noise to frustrate the neighbors. He wondered if there was any way to control this situation where there is a focus on a restaurant and not the bar atmosphere? He indicated that he would strongly support no taverns or bars or anything serving alcoholic beverages.

Mr. Simon stated that there are several terms that are already in the zoning code that we can rely upon to try and get the mix of uses that the Commission would like to see. He went on to say that there are restaurants that serve alcohol as well as bars, taverns, nightclubs and lounges and if those are the kinds of establishments that are objectionable, perhaps we can expand the list to include nightclubs and lounges and distinguish those uses from restaurants that serve alcohol.

Chairman Karnofski clarified that he is not in favor of nightclubs but a restaurant that serves alcohol as a secondary activity is acceptable to him.

Commissioner Rude stated that there is a stop sign at the intersection coming off of the interstate going north that a lot of people don't stop at even when a police car is sitting there. He believes this is a potential problem and wondered if that intersection should be closed off, making the traffic to go out on Duportail to ease that problem.

Mr. Pinard indicated that they have not considered that and the reason there is a stop sign there now was at the request of the Mobile Home Park. The State took the yield sign down and replaced it with the stop sign.

Commissioner Rude said there are a lot of people blowing that stop sign and if there is going to be new development in that area, he thinks all this will do is exacerbate the problem.

Mr. Pinard stated that we may end up just signaling the intersection although that is not the best answer.

Commissioner Rude indicated that he has no objection to restaurants but he will not support sports bars at this location. He believes they should just delete the sports bar issue completely.

Mr. Simon suggested that another possible item to consider would be allowing restaurants serving alcohol through a special use permit process. In this way, he indicated that the Planning Commission would be able to review the type of facility that is proposed and whether they have a deck and facilities for live music.

Commissioner Rude would also like the condition of no outdoor entertainment due to the close proximity to the mobile home park and he believes the Commission owes it to those people to try and make their lives as enjoyable as possible.

Commissioner Allemann totally disagrees with the idea that you can't have a restaurant that serves alcohol. She is not aware of any upscale restaurants that do not serve alcohol. She asked what the area is just to the north of the property?

Mr. Simon answered that immediately north there is a tract of approximately 2 acres that is zoned CLB and he believes that has been purchased for office use.

Commissioner Eggen asked Staff if the vote that is coming up in September approves the right to have mini-casinos, will this allow for a mini-casino to locate in this area? If this is the case, he believes this would be the place to say they do not want a mini-casino.

Mr. Simon stated that Council passed an ordinance on House Banked Card Rooms at their meeting last night and there is a provision that would allow for House Banked Card Rooms in C-2 and C-3 zoning but it does require a separation of 500 feet between a House Banked Card Room and residential zones. He believes that the site would be precluded from developing a mini-casino on that basis.

Commissioner Long asked for clarification on what the Commission is voting on. He believes the motion on the floor is that we accept what Staff has recommended in 1 through 4 with some slight changes but on number 5, we are going to have to make some modifications with respect to the restaurant.

Chairman Karnofski asked Staff to recap what the language will be in the motion. He also believes that restaurants serving alcohol would be by special use permit.

Mr. Simon confirmed that was correct and to the list of prohibited activities would include taverns, bars, nightclubs, and facilities that involve outdoor entertainment and that restaurants serving alcohol would be allowed by special use permit.

**Commissioner Rude** moved Staff amendment as stated above. Seconded by Commissioner Long.

Commissioner Rude asked for clarification if restaurants that serve alcoholic beverages would be acceptable or excluded.

Mr. Simon answered that they would be acceptable if they were issued a special use permit.

Commissioner Allemann indicated that she is going to vote against it because she believes it should be an outright permitted use that a restaurant can serve alcohol.

**The motion was carried by majority voice vote.**

Chairman Kamofski asked if there was any further discussion on the original motion? Hearing none, he asked for a roll call vote.

**The original motion was carried on the following roll call vote: Yes – Allemann, Eggen, Fox, Long, Rude, Karnofski. No – None. Absent – Askey, Kyriazis, Sillers.**

#### **CITY OF RICHLAND (Z2002-109)**

Mr. Rolph confirmed that notice was issued in accordance with the procedures set forth in the Richland Municipal Code.

Mr. Rolph reviewed the Staff Report (Z2002-109) and recommendation for a text amendment to Chapter 23.76 of the Richland Municipal Code regarding wireless communication facilities. The location is citywide.

Chairman Kamofski opened the public hearing at 9:27 pm

No further testimony being heard, Chairman Kamofski closed the public hearing at 9:27 pm.

**Commissioner Rude** moved Staff recommendation Z2002-109. Seconded by Commissioner Long.

Chairman Kamofski thanked Staff for getting to this item. He stated we have been extremely busy this year with other activities and these are the types of issues that if you don't deal with them will bite you when you least expect it.

**The motion was carried on the following roll call vote: Yes – Allemann, Eggen, Fox, Long, Rude, Karnofski. No – None. Absent – Askey, Kyriazis, Sillers.**

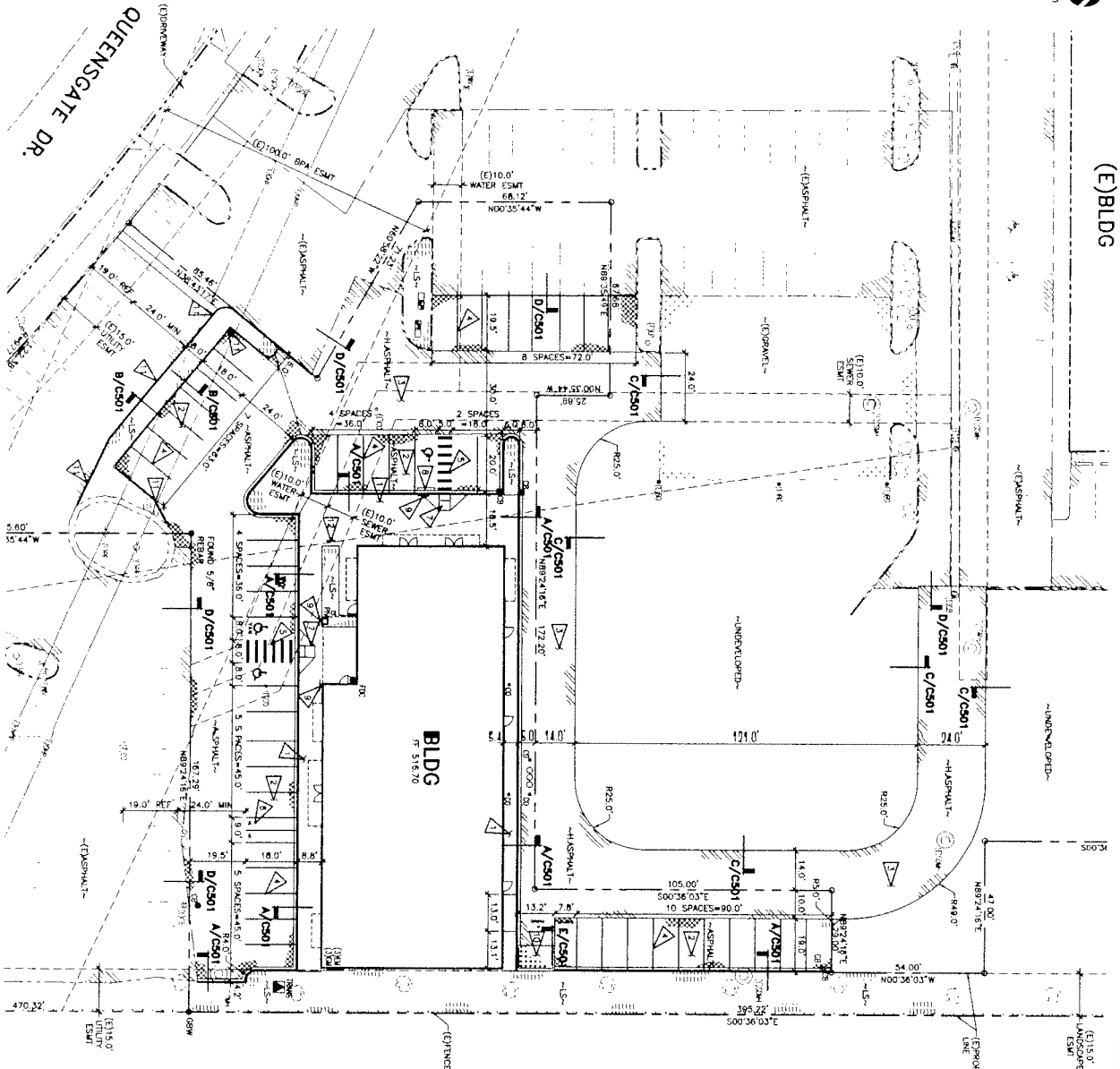
SUP2012-102





(E) BLDG

SITE PLAN



CALL OUT  
2 HOURS  
BEFORE YOU DO



1" = 20'-0"

**RICHLAND SIGNATURE BLOCK**  
DATE: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
VOLUME 071 NUMBER 001



- 1. STANDARD CONCRETE SECTION - 4" THICK CONCRETE SIDEWALK OVER 6" TOP COURSE TROWEL CONTROL JOINTS AT 20' O.C.
- 2. STANDARD ASPHALT SECTION - 2" THICK ASPHALT OVER 4" TOP COURSE
- 3. PAINT WHITE 4" WIDE PARKING STRIPING, TYP. REQUIREMENTS AS PER DETAIL 7/CS01
- 4. PAINT WHITE 4" WIDE PARKING STRIPING, TYP. REQUIREMENTS AS PER DETAIL 7/CS01
- 5. ACCESSIBLE SIGN, SEE DETAIL 8/CS01
- 6. ACCESSIBLE SIGN, SEE DETAIL 8/CS01
- 7. WHEEL STOP, SEE DETAIL 2/CS01
- 8. ACCESSIBLE SIGN, SEE DETAIL 8/CS01
- 9. TRASH ENCLOSURE, SEE DETAIL 8/CS01 AND SHALL BE CONCRETE WITH 1/2" REINFORCING BARS AND SW3 STANDARD DRAWING NO. SW2-A AND SW3
- 10. CURB INLET, SEE DETAIL 1/CS01
- 11. BUREAU, SEE DETAIL 13/CS01

**FLAG NOTES**

1. SEE DRAWING C101 FOR GENERAL NOTES AND LEGEND
2. CURB RETURN BOLD ARE 5.0' RADII UNLESS NOTED OTHERWISE
3. DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE. FIELD VERIFY ALL MEASUREMENTS AND ADJUST PRIOR TO START OF WORK.
4. A SEALED EXPANSION JOINT MATERIAL SHALL BE USED AT JOINTS WHERE NEW CONCRETE MEETS EXISTING CONCRETE (TYP).

**NOTES**

KUNPENG LLC  
RETAIL SHELL BUILDING  
2522 QUEENSGATE DR. RICHLAND, WA

SITE PLAN

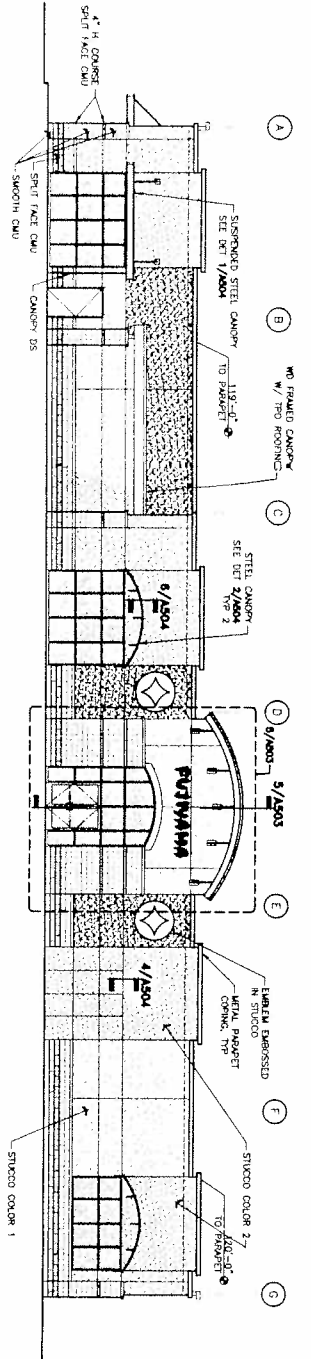
C101

NOTED

DATE: 11/6/12

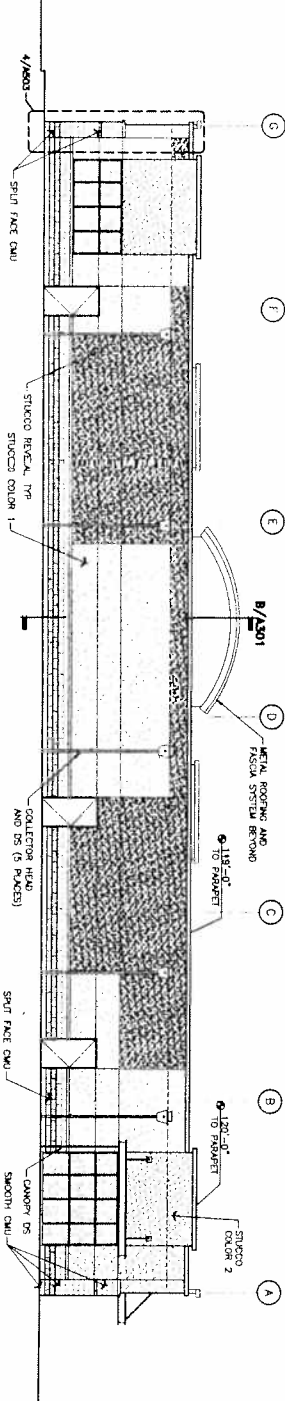
SCALE: 1" = 20'-0"

PROJECT: 1517000-17007



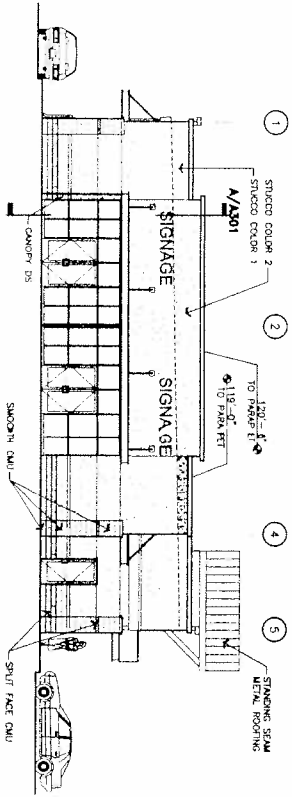
SOUTH ELEVATION

1/8" = 1'-0"



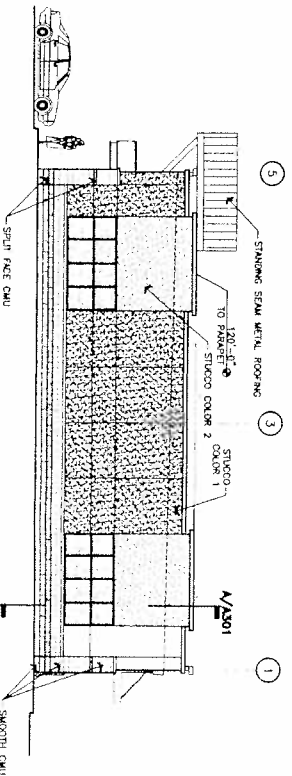
NORTH ELEVATION

1/8" = 1'-0"



WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"

1. FOR NOTES AND LEGEND, T101 AND A201.

NOTES

**Meier**  
ARCHITECTS  
6657 6th Avenue  
Seattle, WA 98148  
P: 206.325.1454  
F: 206.325.1575  
WWW.MEIERARCH.COM

KUNPENG LLC  
RETAIL SHELL BUILDING  
2522 QUEENSGATE DR. RICHLAND, WA

EXTERIOR ELEVATIONS

A201

SCALE  
DATE: 7/07/07

## **STAFF REPORT**

TO: PLANNING COMMISSION  
FILE NO.: Z2012-107

PREPARED BY: RICK SIMON  
MEETING DATE: NOVEMBER 28, 2012

### **GENERAL INFORMATION:**

APPLICANT: CITY OF RICHLAND Z2012-107

REQUEST: TEXT AMENDMENTS TO SECTION 23.42.020 OF THE  
MUNICIPAL CODE CONCERNING ACCESSORY DWELLING  
UNITS

LOCATION: CITYWIDE

### **REASON FOR REQUEST:**

The current provisions in the City code concerning accessory dwelling units limit options for landowners. The Home Builders Association has requested that the City consider amendments to its City Code to provide for detached accessory dwelling units.

### **FINDINGS AND CONCLUSIONS**

Staff has completed its review of the proposed amendments to the city's development regulations and submits that:

1. The proposed code amendments to RMC Section 23.42.020 would provide additional flexibility to land owners wishing to add an accessory dwelling unit to their properties in that both attached and detached units would be permissible.
2. The proposed code amendments would relax the standards that require the land owner to reside within either the main residence or the accessory dwelling unit for a minimum of eight months annually to six months annually.
3. Accessory dwelling units are a form of housing that can meet the specific needs of an individual family but are not likely to be employed widely throughout the community, based on the City's history with this form of housing;
4. Accessory dwelling provisions are in keeping with the City's Comprehensive Plan policies, which encourage a variety of housing opportunities;

5. Based upon the above findings and conclusions, the adoption of the City's amendments to Section 23.42.020 of the Richland Municipal Code – Accessory Dwelling Units is in the best interest of the community of Richland.

#### RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (Z2012-107) and recommend to the City Council adoption of the proposed amendments to Section 23.42.020 of the Richland Municipal Code – Accessory Dwelling Units.

#### ATTACHMENTS

- A. Supplemental Information
- B. Existing Code Language
- C. Proposed Ordinance Language

SUPPLEMENTAL INFORMATION

EXISTING CODE

The current City code provides for accessory dwelling units in all single family zones, provided that the accessory unit is attached to the main residence. RMC Section 23.42.020 sets forth specific criteria for all accessory dwelling units. A copy is attached.

PROPOSED AMENDMENTS

The proposed code amendments would provide additional options for property owners who wish to construct accessory dwelling units. Specifically, accessory dwelling units could be either attached or detached to the main residence. Detached units must be built in a manner that is architecturally compatible with the main residence. An additional change is to require that the property owner reside in either the main residence or the accessory dwelling at least six months out of the year. The current code language requires the owner to reside on the property for eight months annually. A third change is to delete an existing requirement that the development services division report annually to the City Council concerning the number of accessory units permitted throughout the City, the distribution of the units, their average size and the number and type of complaints received and enforcement actions undertaken. The full text of the proposed code language is attached.

COMPREHENSIVE PLAN

The following goal and policy statements from the City's Comprehensive Plan are directly related to housing issues:

**Land Use Goal 4 – The City will establish a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.**

*Policy 1 – The City will provide a balanced distribution of residential uses and densities throughout the urban growth area.*

*Policy 2 – The City will encourage residential densification through its land use regulations.*

*Policy 3 – The City will encourage innovated and non-traditional residential development through expanded use of planned unit developments, density bonuses and multi-use developments.*

## PROCESS

The Commission held informal workshop discussion this past spring to discuss the proposed code amendment to the accessory dwelling unit regulations at the request of the Home Builders Association. Following the public hearing, the Commission has the responsibility of forwarding its recommendation to the City Council. In order for a code amendment to take effect, it has to be adopted by City Council. Code amendments are considered legislative matters, meaning that the Commission and City Council can hold multiple public hearings to consider amendments and are not limited to the single public hearing rules that apply to quasi-judicial matters.

## ANALYSIS

The existing code provision allowing accessory dwelling units is one that has been used only infrequently. The provision was added into the code in the mid-1990s in response to a state mandate. Cities over 20,000 in population were required to include provisions for accessory dwelling units. The state at the time was concerned with the increasing cost of housing and accessory dwelling units were seen as a mechanism of providing a form of affordable housing. In Richland very few applications for accessory dwelling units have been submitted.

The proposed change would provide additional flexibility for individuals who are interested in pursuing accessory dwellings. Some existing homes may not be designed to easily accommodate an addition that could house an accessory dwelling. So the proposed amendment that would allow for detached units would provide options to at least some property owners that may not be able to accommodate an accessory dwelling under the current code. The proposed amendment does also contain some provisions to ensure that the accessory dwelling would not result in detrimental impacts to adjoining property owners. The architectural style of the main residence would have to be compatible in the detached accessory unit. Further, detached units would have to be a single story in height.

While the amendment provides for additional flexibility, staff does not believe that the code change will result in a significant increase in accessory dwelling units, at least in the near term. For those few that are interested in this form of housing, it does provide some additional flexibility.

## SUMMARY

The proposed amendments to the City's Accessory Dwelling Units (RMC Section 23.42.020) are desirable in providing more flexibility to land owners who wish to develop this form of housing. The criteria included in the code are sufficient to ensure that accessory dwellings would not detrimentally impact existing neighborhoods.

## EXISTING CODE LANGUAGE

### **23.42.020 Accessory apartments.**

One accessory apartment per dwelling unit is allowed within all single-family zones and single-family dwellings within the city under the following conditions:

- A. An accessory apartment may be developed in an existing or in a new residence.
- B. Each accessory apartment shall have a kitchen and a bathroom and shall not contain more than two bedrooms.
- C. An accessory apartment must be under the same roof as the dwelling and may not be detached from the dwelling.
- D. An accessory apartment shall not exceed 40 percent of the dwelling's total floor area, and shall not exceed 800 square feet nor be less than 300 square feet.
- E. An accessory apartment must have its own outside entrance and not within the same facade as the main entrance.
- F. Minimum required parking of RMC [23.54.020](#) must be met. An additional parking space for the accessory apartment unit is required.
- G. One unit must be owner-occupied at least eight months of the year.
- H. An accessory apartment permit is required prior to any building permit for alterations or new construction. The permit must be reviewed and approved by applicable city departments.
- I. An accessory apartment, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage and building height requirements.
- J. An accessory apartment must be connected to the utilities (except telephone and television) of the dwelling unit and may not have separate services.
- K. An accessory apartment may have a separate address, provided it is the same as the dwelling with a "B" suffix.
- L. The design and size of an accessory apartment unit shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.
- M. Any existing accessory apartment unit, lawfully existing prior to the adoption of the accessory apartment ordinance, may apply for an accessory apartment permit. If the unit does not meet

the current standards, it will be considered a legal nonconforming use subject to the standards of RMC [23.66.040](#).

N. The planning and development services division shall report annually to the council on the number of accessory apartments permitted, the distribution throughout the city, the average size of units, the number and type of complaints and enforcement-related actions. [Ord. 28-05 § 1.02].

**PROPOSED CODE LANGUAGE****23.06.020 Accessory apartment unit.**

An “accessory apartment unit” is located within a detached one-family dwelling and is a habitable living unit that provides the basic requirements of shelter, heating, cooking, and sanitation subject to the provisions of RMC [23.42.020](#).

**23.42.020 Accessory Dwelling Units.**

- A. Accessory apartment units established in conformance with the provisions of this section may be allowed as permitted uses on lots zoned for single-family dwellings. No more than one accessory apartment unit per legal lot is permitted and it must be accessory to a detached single-family residence. A lot occupied by two or more dwellings shall not be permitted an accessory apartment unit.
- B. An accessory apartment unit may be added onto an existing single family residence or constructed in conjunction with a new residence.
- C. Owner Occupancy. Prior to the issuance of a building permit establishing an accessory apartment unit, the property owner shall record a deed restriction with the Benton County auditor’s office. The document shall be in a form prescribed by the planning director and include a description of the location and size of the accessory apartment unit and a covenant that one of the dwelling units is, and will continue to be, occupied by the owner of the property as the owner’s principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall maintain residency for at least six (six) months out of the year, and at no time receive rent for, or otherwise allow to be occupied the owner occupied unit when absent the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance and is subject to enforcement action.
- D. An accessory apartment unit shall not exceed 40 percent of the primary dwelling’s total floor area, and shall not exceed 800 square feet nor be less than 300 square feet.
- E. Each accessory apartment shall have a kitchen and a bathroom and shall not contain more than two bedrooms.
- F. Minimum required parking of RMC [23.54.020](#) must be met. An additional parking space for the accessory apartment unit is required.
- G. An accessory apartment must be connected to the utilities (except telephone and television) of the primary dwelling unit and may not have separate services.
- H. An accessory apartment may have a separate address, provided it is the same as the dwelling with a “B” suffix.
- I. An accessory apartment permit is required prior to any building permit for alterations or new construction. The permit must be reviewed and approved by applicable city departments.
- J. The design and size of an accessory apartment unit shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.

- K. Any existing accessory apartment unit, lawfully existing prior to the adoption of the accessory apartment ordinance, may apply for an accessory apartment permit. If the unit does not meet the current standards, it will be considered a legal nonconforming use subject to the standards of RMC [23.66.040](#).
- L. Accessory apartment units that are attached to the primary dwelling shall meet the following criteria:
  - 1. The accessory apartment must be under the same roof as the dwelling and may not be connected only by a breezeway.
  - 2. An accessory apartment must have its own outside entrance and not within the same facade as the main entrance.
  - 3. An accessory apartment unit, as well as the primary dwelling unit, must meet all applicable setbacks, lot coverage and building height requirements.
- M. Accessory apartment units that are detached from the primary dwelling shall meet the following criteria:
  - 1. The accessory apartment unit shall be located at least six feet from the primary dwelling unit;
  - 2. An accessory apartment unit shall conform to requirements for the primary residence, including, but not limited to: lot coverage; front, side and rear yard setbacks; and width of lot at the building line. Maximum building height for a detached accessory apartment unit is fifteen (15) feet and the structure is limited to a single story; provided that the rear setback requirement for an accessory apartment unit may be reduced to fifteen (15) feet, if a solid privacy fence is also erected along the rear property boundary;
  - 3. The exterior appearance of an accessory apartment unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style; exterior building materials and color; roof material, form and pitch; window style and placement; other architectural features; and landscaping.
  - 4. Only one entrance may be located on the front of the house, unless the front of the house already had more than one entrance, or in the case of a detached accessory apartment unit.