



Agenda
Hearing Examiner Meeting
Thursday, July 28, 2016
City Hall Council Chamber | 505 Swift Boulevard

Hearing Examiner:

Liaisons:

Public Hearing – 6:00 p.m.

Public Hearing Explanation:

New Business – Public Hearing:

1. SUP 2016-101 Hearing to Consider Special Use Permit Application Submitted by Darin Musser to Operate a Landscaping Contractor Business in an Agricultural Zone Located at 1752 Buckskin Lane
2. SM2016-101 Hearing to Consider Shoreline Substantial Development Permit Application Submitted by the Richland Parks and Facilities Department for Reconstruction and Widening of a Pedestrian Trail Through Howard Amon Park

Adjournment

The next Hearing Examiner Meeting is

This Meeting is broadcast live on CityView Channel 192 and online at CI.RICHLAND.WA.US/CITYVIEW

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



HEARING EXAMINER AGENDA ITEM COVERSHEET

Meeting Date: 07/28/2016

Agenda Category: New Business – Public Hearing

Prepared By: Rick Simon, Development Services Manager

Subject:

SUP 2016-101 Hearing to Consider Special Use Permit Application Submitted by Darin Musser to Operate a Landscaping Contractor Business in an Agricultural Zone Located at 1752 Buckskin Lane

Department:

Community & Development Services

Recommended Motion:

Staff recommends approval of SUP 2016-101 subject to the five conditions of approval included in the attached staff report.

Summary:

Darin Musser has applied for a special use permit to operate a landscaping contractor business in an Agricultural zone on a 1.5 acre parcel located at the northeast corner of the intersection of Van Giesen Street and Buckskin Lane. The attached staff report includes a description of the project, copies of application materials, site photos, the applicable sections of the City zoning code and a recommendation to approve the application subject to five conditions.

Attachments:

1. Staff Report
2. Exhibit 1 - Application
3. Exhibit 2 - Site Plan
4. Exhibit 3 - Site Photos
5. Exhibit 4a - Notice
6. Exhibit 4b - Notice
7. Exhibit 4c - Legal ad
8. Exhibit 5 - Checklist
9. Exhibit 6 - DNS

**CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER**

GENERAL INFORMATION:

PROPOSAL NAME: Darin Musser Special Use Permit

LOCATION: 1752 Buckskin Lane, at the Northeast Corner of Intersection
of Van Giesen Street and Buckskin Lane

APPLICANT: Darin Musser

FILE NO.: SUP2016-101

DESCRIPTION: Request to operate a landscaping contractor business on a
1.5 acre site within the AG – Agricultural zoning district.

PROJECT TYPE: Type II Zoning Special Use Permit

HEARING DATE: July 28, 2016

REPORT BY: Rick Simon, Development Services Manager

RECOMMENDED
ACTION: Approval subject to completion of proposed conditions.

DESCRIPTION OF PROPOSAL

Darin Musser has filed an application for a special use permit to construct and operate a landscaping contractor business on a 1.5 acre site within the AG – Agricultural zoning district. The proposal includes construction of a 4,800 square foot shop building, with outdoor storage areas on site reserved for plant stock, bin storage for landscaping materials, vehicle and equipment parking areas, a block and material storage area and debris/boulder storage area. The site would be graveled and would have a single access driveway onto Buckskin Lane. Perimeter fencing would be installed around the site and a landscape strip would be provided on three sides of the property. The proposed business would employ 6 to 7 persons and would generate minimal volumes of customer traffic, although customers could arrange for the purchase of landscape materials on site. Copies of the completed application form and site plan are attached (Exhibits 1 and 2).



Figure 1 - Vicinity Map *(site highlighted in red)*

SITE DESCRIPTION & ADJACENT LAND USES

The site consists of a single 1.5 acre parcel, roughly square in shape, whose borders are formed by Buckskin Lane on the west and Van Giesen Street on the south. The site is level and is currently in pasture. The adjacent property to the east is also undeveloped and used for vehicle storage. Other uses to the east along the Van Giesen Street corridor include a variety of commercial businesses including an automotive shop, a veterinarian clinic, and a contractor's business. There is also a nursery located along the south side of Van Giesen, southeast of the subject site. There is an existing single family residence located on the parcel directly north of the site as single family residences located to the west and south of the site. Photos of the site are attached in Exhibit 3.

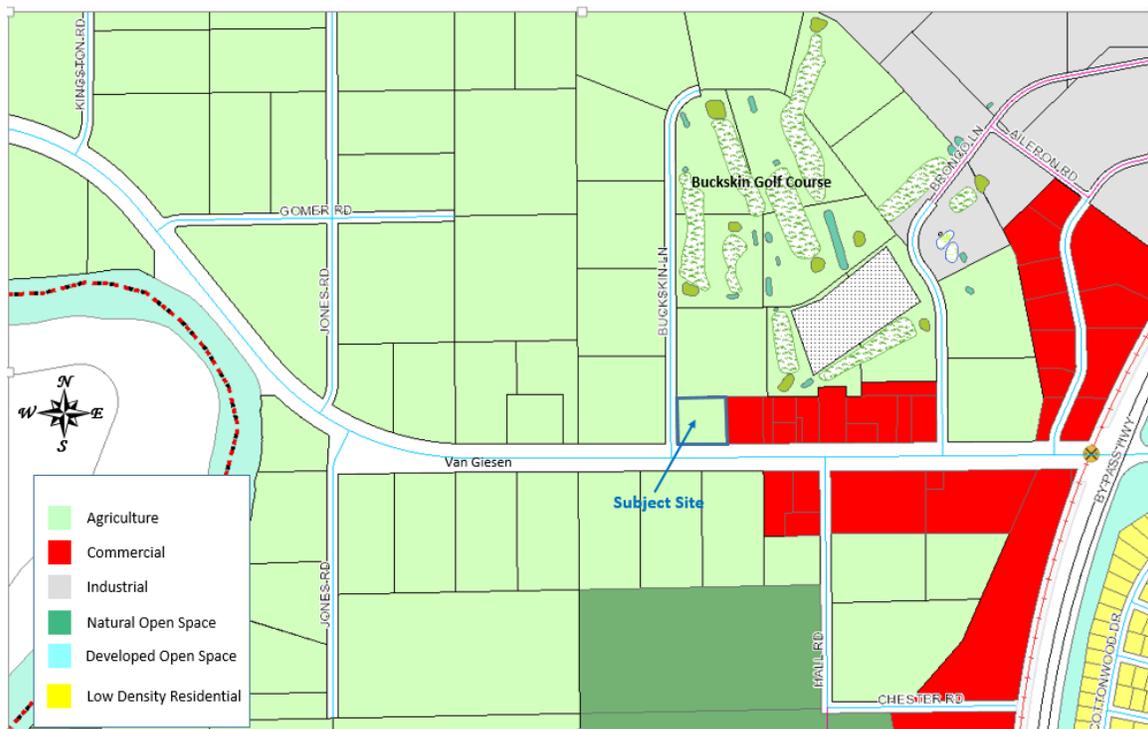


Figure 2 – Comprehensive Plan

COMPREHENSIVE PLAN

The site is designated as Agriculture under the City's current comprehensive plan. The adjacent properties to the east along Van Giesen Street are designated as commercial. Generally, the properties lying between the Bypass Highway and the Yakima River that are located within the 100 year floodplain have been designated as Agricultural lands.

ZONING

Property to the north, west, south and immediately adjacent to the east is zoned AG - Agricultural. Properties lying further to the east along the Van Giesen corridor are zoned C-3 General Commercial.



Figure 3 – Zoning Map

FLOODPLAIN

Much of the area lying east of the Yakima River along the Van Giesen Street corridor is located within the 100 year floodplain as identified by the Federal Emergency Management Agency. The subject site, while in close proximity to areas designated as floodplain is actually located outside the 100 year floodplain (Zone A) and within the 500 year floodplain (Zone B). The floodplain elevation for the subject site is between elevation 367 and 368 according to FEMA studies. The site is at elevation 370 according to the city's GIS mapping system.

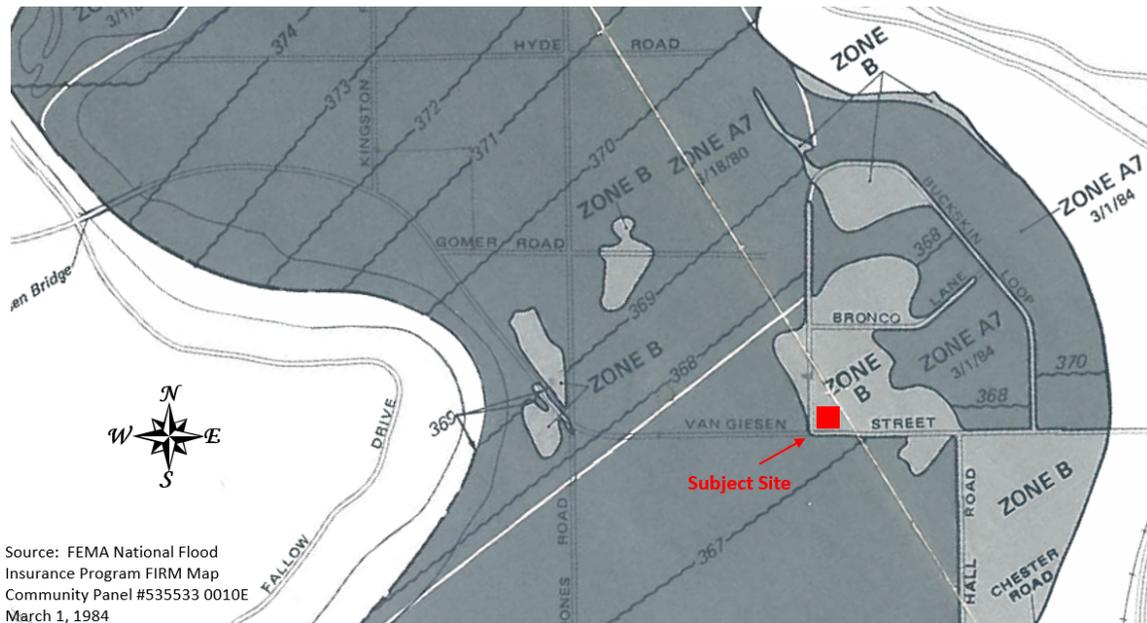


Figure 4 – Flood Insurance Rate Map

ZONING STANDARDS

RMC 23.46.025(A)(4), gives the Hearing Examiner authority to review a variety of special use permit applications including landscaping material sales and plant nurseries within the AG – Agricultural district.

Standards set forth in RMC 23.42.105 for Landscaping Material Sales and Plant Nurseries state:

Businesses involved in the sale of landscaping materials and/or the retail sale of plants in an AG – agricultural district, when permitted, shall comply with the following requirements:

- A. Sites that are used for such businesses shall have direct frontage on public streets that have an arterial or public highway designation, according to the city of Richland’s adopted street functional classification system.*
- B. Portions of the site used for business purposes shall be screened from adjacent properties, unless the hearing body finds that screening is not necessary or would be ineffective. When required, minimum screening shall consist of a six-foot-high solid fence or hedge row.*
- C. Structures used for the business and/or any bins used for the storage and/or display of landscaping materials shall be set back a minimum of 35 feet from any side or rear property line.*

D. Gravel parking areas are permitted; provided, that the business operator implements appropriate measures for dust control on a continuing basis.

CRITERIA FOR EVALUATION OF SPECIAL USE PERMITS

Section RMC 23.46.040 provides criteria for the Hearing Examiner to consider in the evaluation of a special use permit application. It states:

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.*

PUBLIC NOTICE

Application Date:	June 8, 2016
Combined Notice of Application & Hearing Mailed:	June 30, 2016
Combined Notice of Application & Hearing Posted:	July 8, 2016
Combined Notice of Application & Hearing Published:	July 5, 2016
Public Hearing:	July 28, 2016

A combined notice of application, SEPA determination and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in Exhibit 4.

UTILITY AVAILABILITY

There is an existing 8 inch water main located on Buckskin Lane. Electrical power is also available to the site. No sewer service is available in the area, so any sewage disposal would have to be provided through an on-site septic system.

TRANSPORTATION

Van Giesen Street (State Route 224) is classified as a highway in the City's Transportation Plan. As such, access direct access from the site is to be avoided. Buckskin Lane is classified as a local street.

SEPA

The project, by virtue of the fact that it requires a special use permit, also requires compliance with the provisions of the State Environmental Policy Act. The applicants filed an environmental checklist. (Exhibit 5) City staff reviewed the checklist, plans and application materials and entered a Determination of Non-Significance into the record on June 30, 2016 (Exhibit 6).

AGENCY & PUBLIC COMMENTS

The Washington State Department of Transportation provided following comment:

"The subject property is adjacent to State Route 224 (SR 224), a Class 3 managed access facility within the corporate limits of the City of Richland. Access control for this portion of SR 224 is the authority of the City, in accordance with RCW 47.24.020. We support limiting site access to Buckskin Lane, as shown on the submitted site plan."

No other agency comments were submitted. Neither were any comments submitted by the public as of July 21st, which is the date this report was published.

ANALYSIS

The proposed use of the property - a landscaping contractor's business, is not specifically listed as a use permitted within the Agricultural zoning district. However; the use is similar in nature and impact to another use specifically permitted in the zone: landscaping materials sales and plant nurseries. RMC Section 23.08.065 provides for the administrative official to allow a use that is unlisted in the land use classification chart if specific criteria are met. The following is a listing of those criteria and an explanation of how they are met in this instance:

A. The unlisted use is comparable with other uses in the district;

A landscaping contractor's business is directly comparable to landscaping material sales and plant nurseries in that both uses depend upon outdoor storage of the same types of materials; both uses require outdoor storage of similar equipment and vehicles. In the case of the contractor's business, the vehicles would include work trucks, trailers and employee vehicles, while in the case of the material sales the vehicles would include work vehicles and employee and customer vehicles. Both uses would require similar types of product deliveries and storage on-site.

B. The unlisted use will have no adverse effect on other permitted uses in the district;

The landscaping contractor's business is not anticipated to create impacts different from those associated with other permitted uses in the agricultural zone.

C. The unlisted use conforms with the purpose of the zoning for the district;

According to RMC Section 23.14.010 is a "primary zone classification permitting essentially open land uses such as grazing lands or pasture, agriculture, and development of part-time small tract farming and other compatible uses of an open nature such as a cemetery, park, and recreational or similar uses on land which has favorable combinations of slope, climate, availability of water, or soil conditions." In permitting plant nurseries and landscaping material sales, the code recognizes those uses as compatible with agricultural uses. Here the proposed landscaping contractor's business would be similar in nature to other permitted uses and on that basis would conform to the purpose of the agricultural zone.

D. The unlisted use will conform with the performance standards and other regulations applicable to other permitted uses in the district; and

As the use is similar in nature to landscaping material sales and plant nurseries, it would be subject to the same standards that apply to that use, which requires issuance of a special use permit and conformance with the standards contained in RMC 23.42.105.

E. The unlisted use can be permitted without additional conditions.

No conditions beyond those standards contained in RMC 23.42.105 are proposed.

The proposed use requires compliance with the following standards from RMC 23.42.105:

- A. *Sites that are used for such businesses shall have direct frontage on public streets that have an arterial or public highway designation, according to the city of Richland's adopted street functional classification system.*

The project site contains frontage along Van Giesen Street (SR 224) and so meets this standard.

- B. *Portions of the site used for business purposes shall be screened from adjacent properties, unless the hearing body finds that screening is not necessary or would be ineffective. When required, minimum screening shall consist of a six-foot-high solid fence or hedge row.*

The applicant's site plan includes a landscaping screen along three sides of the property. The eastern side of the site abuts an undeveloped parcel that is designated as commercial under the City's comprehensive plan.

- C. *Structures used for the business and/or any bins used for the storage and/or display of landscaping materials shall be set back a minimum of 35 feet from any side or rear property line.*

The applicant's site plan will need to be modified in order to meet this standard, but the site is large enough to meet the required setbacks. As property east of and adjacent to the site is designated as commercial under the City's comprehensive plan, the setback provision is not necessary on the eastern property boundary but should be applied to the other property boundaries.

- D. *Gravel parking areas are permitted; provided, that the business operator implements appropriate measures for dust control on a continuing basis.*

The applicant proposes gravel parking. A proposed condition of approval would require the applicant to implement dust control measures.

The criteria for the evaluation of a special use permit require review of the following factors:

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

The size of the property, at 1.5 acres, is adequate to support the proposed use, although the site plan will need to be modified to meet the setback requirements associated with landscape material sales and plant nurseries.

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

The physical conditions of the site do not present any constraints to the development of the property.

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

Water utility services are in place and have adequate capacity to serve the project. Sewer service is not available. The proposed use would be a low volume sewage generator and could be served by an on-site septic system. The adjoining street system is adequate to serve the proposed use.

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;

The application must be found to be consistent with the standards contained in RMC 23.42.105 as well as satisfy the criteria for the issuance of a special use permit. The site is not subject to the City's sensitive area regulations, as no wetlands, steep slopes, geologically hazardous areas or floodplains are known to exist on the site. The site is also removed from any water bodies that are regulated under the Shoreline Management Act and so is not subject to shoreline management regulations. The application did not identify any plans to install signs.

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

In summary, staff holds that with the imposition of specific conditions of approval, the application meets the criteria for the issuance of a special use permit.

RECOMMENDED CONDITIONS OF APPROVAL

1. The project shall proceed in accordance with the site plan presented as part of this special use application, except as modified by the conditions listed below:
2. The location of the material bins must be modified to meet the requirement to be setback a minimum of 35 feet from a property boundary.
3. Landscaping along the southern, northern and western property boundaries at a minimum shall include a 6 foot tall solid fence or hedge row.
4. The applicant shall obtain a permit from Benton Franklin Health Department for the installation of an on-site septic system.
5. The application shall implement appropriate measures for dust control on a continuing basis.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a special use permit (SUP2016-101) and recommends approval of the request subject to conformance to the conditions of approval identified above, based on the following findings:

1. The City of Richland Comprehensive Plan designates the subject site, which is located at the southeast corner of the intersection of Van Giesen Street and Buckskin Loop as suitable for agricultural land uses;
2. The subject site is located within the AG - Agricultural zone;
3. Landscaping material sales and plant nursery businesses are permitted within the Agricultural zone through the issuance of a special use permit;
4. The applicant, Darin Musser has filed a special use permit application to operate a landscaping contractor business;
5. While not specifically listed as a use permitted in the Agricultural zone, the proposed use is permitted through administrative interpretation in accordance with RMC 23.08.065, which states that unlisted uses can be permitted in a district when specific criteria are met;
 - a. A landscaping contractor's business is directly comparable to landscaping material sales and plant nurseries in that both uses depend upon outdoor storage of the same types of materials; both uses require outdoor storage of similar equipment and vehicles and both uses would require similar types of product deliveries and storage on-site;
 - b. A landscaping contractor's business will not have adverse effects on other permitted uses in the district in that the business is not anticipated to create impacts differing from those associated with other permitted uses in the agricultural zone;
 - c. A landscaping contractor's business conforms with the purpose of the agricultural district in that the business would be similar in nature to other permitted uses allowed within the agricultural district;
 - d. The landscaping contractor's business would conform to the performance standards required for landscaping material sales and plant nurseries as set forth in RMC 23.42.105;
 - e. The landscaping contractor's business can be permitted without the need for imposing additional conditions beyond those that are required under RMC 23.42.105 and RMC 23.46.040;
 - f. A contractor's landscaping business meets the criteria established in RMC 23.08.065 and can be permitted in the Agricultural district through the issuance of a special use permit in the same way that a

landscaping material sales and plant nursery use can be allowed within the Agricultural district;

6. The proposed landscaping contractors business is compliant with the standards contained in RMC 23.42.105 in that:
 - a. The subject property contains frontage on a public highway (Van Giesen Street/SR 224);
 - b. The applicant proposes to install landscape screening along three sides of the property. The east side, borders on property that is designated as commercial under the comprehensive plan and so does not require screening;
 - c. Storage bins and structures are required to be setback a minimum of 35 feet from property lines. The proposed conditions of approval require the applicant to conform to this standard;
 - d. Gravel parking areas are permitted provided that the business operator implement appropriate dust control measures. The proposed conditions of approval also include this requirement;
7. Applications for special use permit are evaluated under the criteria contained in RMC 23.46.040;
8. The Hearing Examiner is granted the authority to conduct the review of special use permit applications for landscaping material sales and plant nurseries in RMC 23.46.025(A)(4);
9. A special use permit is classified as a Type II application under RMC 19.20.030 and specifies that the Hearing Examiner shall make a final decision on an application unless appealed to City Council;
10. Public notice of the application and hearing was provided via mail to surrounding land owners within 300 feet of the site; through the posting of a sign on-site and through a legal advertisement in the *Tri-City Herald*, all in accordance with the notice provisions contained in RMC 19.40.010;
11. The applicant filed an environmental checklist, which was reviewed by City staff who entered a Determination on Non-Significance into the record on June 30, 2016. A 14 day comment period was provided to agencies with jurisdiction, thus satisfying the requirements of the State Environmental Policy Act;
12. The size of the site at 1.5 acres provide adequate area for the proposed landscaping contractor's business

13. The physical conditions of the site do not present any limitations to development of the site as a landscaping contractor's business and no critical areas are known to exist on the site.
14. The site has direct access to city water and electrical power. Public sewer is not available to the site, but the proposed use can be adequately served by an on-site septic system;
15. The project, as conditioned, would meet the applicable requirements of the zoning regulations (RMC Title 23) and the City comprehensive plan;
16. The site, while adjacent to a designated 100 year floodplain, is not subject to the City's sensitive area regulations (RMC Title 20);
17. The site is not subject to the City shoreline management act regulations (RMC Title 26);
18. The site is subject to City sign regulations (RMC Title 27). The applicant has not proposed any signs in his special use permit application;
19. Impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated through the proposed conditions of approval recommended for the project;
20. The proposed conditions of approval fall within the authority granted to the Hearing Examiner in RMC Section 23.46.040(D);

CONCLUSION:

As conditioned, the project meets the criteria for the issuance of a special use permit as established in RMC 23.46.040.

EXHIBIT LIST

1. Application Form
2. Site Plan
3. Site Photos
4. Public Notices
5. Environmental Checklist
6. Determination of Non-Significance



Development Services Division • Planning Section
 840 Northgate Drive • Richland, WA 99352
 General Information: (509) 942-7794 • Fax: (509) 942-7764

P.O. Box 190 Richland, WA 99352
 www.ci.richland.wa.us

SPECIAL USE PERMIT APPLICATION

Applicant's Section			
Applicant <i>Darin Musser</i>			
Address <i>17640 S. Fairview Loop</i>		City <i>Kenneth</i>	State <i>Wa</i> Zip <i>99338</i>
Phone Number <i>509-440-1942</i>	Fax Number	Other	
Address and/or Location of Property <i>1752 Buckskin Ln., Richland, wa 99352</i>			
Legal Description (including lot, block, and plat) <i>Rancho Ranches, Tract A</i>		Present Zoning <i>Agricultural</i>	
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.			
<i>band Use for landscaping contractor to operate from. Store equipment, have supply bins with materials for retail sales.</i>			

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?

No products are being specifically installed or used on site. All materials would be stored for use off-site.

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

landscape related materials.. soil, gravel, rock, boulders, flagstone, pavers, retaining wall block, etc.

Finished products:

concrete block storage bins, 60'x100' shop for parking equipment indoors and irrigation supplies.

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

5-7 storage bins for raw materials, pole building roughly 60x100' for equipment and supplies 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?

There will be fencing installed with gates and planting materials to create usual barriers between any residential areas.

How many people will be employed? 6-7 In the manufacture of the product? 4
In the sale of the product? 1-2 In any other capacity? _____

What do you estimate will be the greatest number of persons on the premises at any one time, excluding employees?
2-3

What type of volume of trucking is involved? very little

What are the hours of peak loading and unloading? 7am - 11am

What other type and volume of traffic would be generated? very little traffic, employees entering. ex. site.

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

Number of visitors daily? > 1 Number of patrons daily? 0

Will this activity be carried on outside of daylight working hours? If so, what are the hours? No

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? some noise from small equipment usage.

Have you any evidence of the decibel rating of sound emanating from this or similar operations? If so, what is it?
no

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

Yard will be gravelled and no legitimate concerns for dust or other pollution.

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 little

Water little

Wastewater (Sewer) Disposal little

Refuse Disposal little

Transportation (railroad and streets) None

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

Location, proximity to freeways to access all parts of Tri-Cities, lots of frontage on a main road, flat, proximity to other similar land uses.

Describe how the proposed use and improvements are designed and arranged to fit into the development of adjacent property and the neighborhood:

Use of this property would be similar to that of at least 2 businesses directly across Van Giesen, but with less traffic due to retail sales on site.

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



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.

 ARTHUR D DUNAWAY
Owner's Name

Owner's Name

2793 Kates Rd
Address

Address

Hammock
City

City

WASH. 99338
State Zip

State Zip

39-3307
Phone No. Other No.

Phone No. Other No.

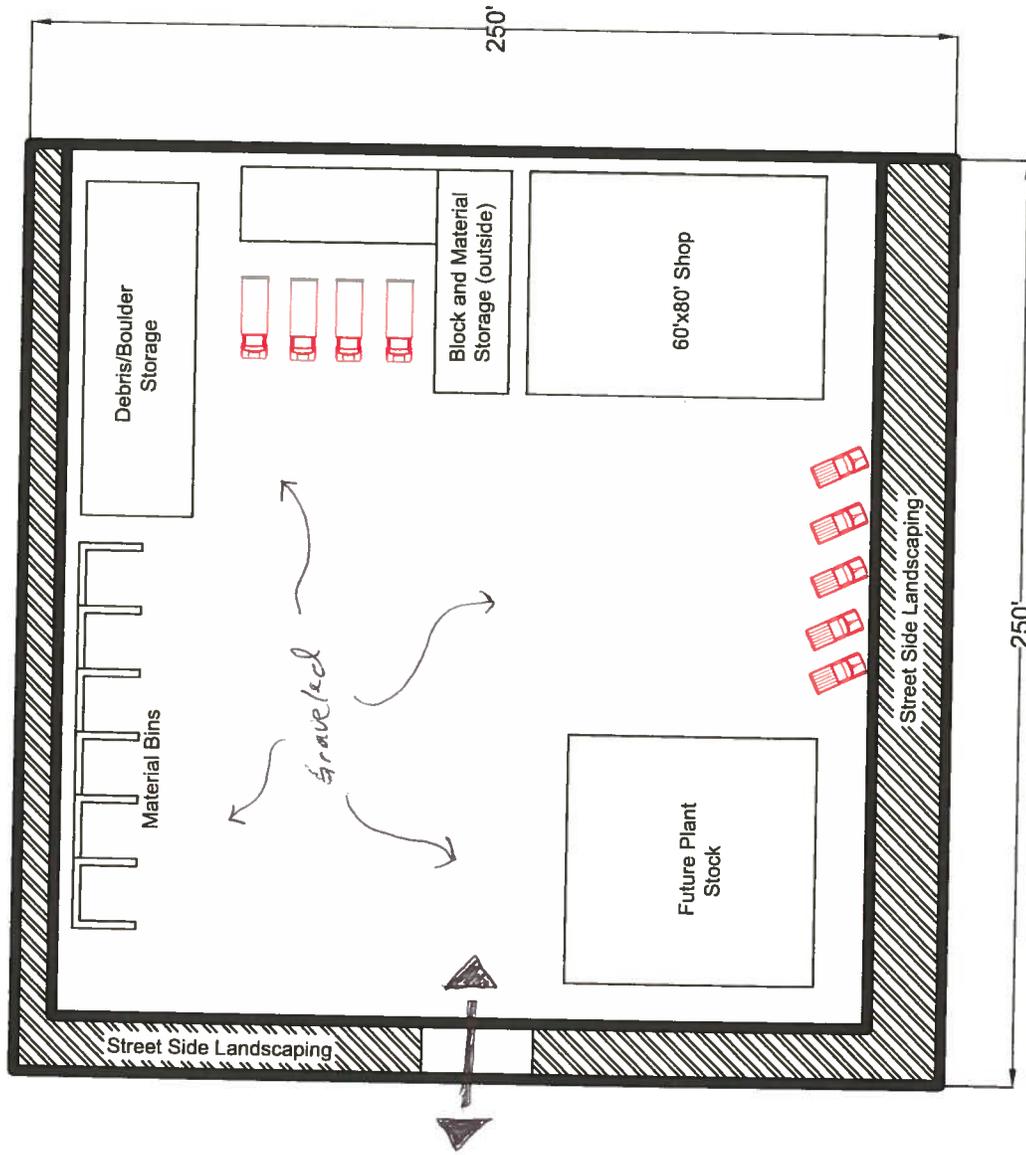

Owner's Signature

Owner's Signature

Proposed Land Use

1752 Buckskin Lane
Richland, Wa

Scale: 1"=30'



Buckskin Lane

Van Giesen St.

SUP 2016-101 – Darin Musser



SUP 2016-101 Darin Musser



From Buckskin Lane Looking South

Source: Google Earth

SUP 2016-101 – Darin Musser



From Van Giesen Looking Northeast

SUP 2016-101 – Darin Musser



From Van Giesen Street Looking Northwest

Source: Google Earth

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Kathy Anderson, who, being first duly sworn upon oath deposes and says:

- 1. I am an employee in the Planning & Development Department for the City of Richland.
- 2. On the 27th day of June, 2016, I mailed a copy of the attached NOTICE OF PUBLIC HEARING to the attached list of individuals via regular USPS mail on the date indicated above. The Public Hearing is related to a request to authorize the operation of a landscaping contractor business on a 1.5 acre site located at the northeast corner of Van Giesen Street and Buckskin Loop.

Kathy L Anderson
Print Name: Kathy Anderson

SIGNED AND SWORN to before me this 10th day of July, 20 16 by Kathy Anderson.



Michelle L Burden
Notary Public in and for the State of Washington,
Residing at Kennewick
My appointment expires: 3-21-18



CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (SUP2016-101)

Notice is hereby given that Darin Musser on June 8, 2016 filed application for a special use permit to authorize the operation of a landscaping contractor business on a 1.5 acre site located at the northeast corner of Van Giesen Street and Buckskin Loop. 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.

Notice is further given that the applicant has filed an environmental checklist as required by the State Environmental Policy Act (SEPA). Following review of that document, the City has determined that the proposal does not have a probable significant adverse impact of the environment and that an environmental impact statement is not required. The SEPA documents and other information related to the application are available for review at the Richland Development Services Center at 840 Northgate Drive, Richland, Washington.

The Richland Hearing Examiner, on Thursday, July 28, 2016, will conduct a public hearing and review of the application at 6:00 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.

The proposed application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulation Administration and RMC Chapter 23.46 Zoning – Special Use Permits. 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



AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Rick Simon**, who, being first duly sworn upon oath deposes and says:

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

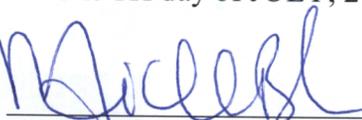
2. On the 27th day of June, 2016, I posted the attached NOTICE OF PUBLIC HEARING, File Number SUP2016-101 on the property at:

THE NORTHEAST CORNER OF VAN GIESEN STREET AND BUCKSKIN LOOP
PIN # 1-04981020004001



Print Name: Rick Simon

SIGNED AND SWORN to before me this 19TH day of JULY, 2016 by RICK SIMON.



Notary Public in and for the State of Washington,

Residing at Kenneth

My appointment expires: 3-21-2018



CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (SUP2016-101)

Notice is hereby given that Darin Musser on June 8, 2016 filed application for a special use permit to authorize the operation of a landscaping contractor business on a 1.5 acre site located at the northeast corner of Van Giesen Street and Buckskin Loop. 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.

Notice is further given that the applicant has filed an environmental checklist as required by the State Environmental Policy Act (SEPA). Following review of that document, the City has determined that the proposal does not have a probable significant adverse impact of the environment and that an environmental impact statement is not required. The SEPA documents and other information related to the application are available for review at the Richland Development Services Center at 840 Northgate Drive, Richland, Washington.

The Richland Hearing Examiner, on Thursday, July 28, 2016, will conduct a public hearing and review of the application at 6:00 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.

The proposed application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulation Administration and RMC Chapter 23.46 Zoning – Special Use Permits. 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



**City of Richland
Notice of Public Hearing**

The Richland Hearing Examiner will conduct a public hearing on Thursday, July 28 at 6:00 p.m. in the Council Chambers, Richland City Hall, 505 Swift Boulevard to consider the following: **File No: SUP2016-101**. Darin Musser has applied for a special use permit to operate a landscaping contractor business on a 1.5 acre site located at the northeast corner of Van Giesen Street and Buckskin Loop. The public is invited to attend the hearing and/or comment on the proposal. Further information is available from:

Rick Simon, Development Services Manager
PO Box 190, MS-35
Richland, WA 99352
(509) 942-7596
rsimon@ci.richland.wa.us

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

Purpose of checklist:

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

Instructions for applicants: [\[help\]](#)

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

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

Instructions for Lead Agencies:

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

Use of checklist for nonproject proposals: [\[help\]](#)

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

A. background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#) 1752 Buckskin Ln.
2. Name of applicant: [\[help\]](#) Darin Musser
3. Address and phone number of applicant and contact person: [\[help\]](#)
17640 S. Fairview Loop, Kennewick, Wa 99338 - 509.440.1942

4. Date checklist prepared: [\[help\]](#) 6/7/16
5. Agency requesting checklist: [\[help\]](#) Development Services Division - City of Richland
6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#) clear native growth, gravel install, build shop build storage bins, install fencing, install landscaping
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

X

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

X

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

X

special use permit
building permit
R. Fin
6/29/16

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#) 1.53 acres to be used by landscaping contractor for material storage and equipment storage.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)
- 1752 Bucksmin Lane Richland, WA 99352
- Rowhide Ranches, Tract A

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

1. Earth

- a. General description of the site [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes, mountainous, flat
other _____

- b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#) > 11.

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

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

NO

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

No fill soil will be needed, very little excavation for construction of shop
very little grading.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

No

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

~~100%~~ >10%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

import gravel, install landscaping in areas.

2. Air

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

very little dust during construction and no significant emissions on day to day use.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

NO

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

make sure exposed soil is watered so it does not blow.

3. Water

a. Surface Water: [\[help\]](#)

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

NO

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

NO

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

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#) X

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#) X

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#) X

Site is adjacent to
but outside 100
flood plain per
FEMA Map Panel #
535533 0010 E
R Jim
6/25/16

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#) NO

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#) small septic system for 1 toilet and sink.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#) stormwater will be collected on site although very little run off will occur.

2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#) NO

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. NO

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

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

___deciduous tree: alder, maple, aspen, other

___evergreen tree: fir, cedar, pine, other

___shrubs

___grass

- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

some native growth, mostly cheat grass.

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

—

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

—

e. List all noxious weeds and invasive species known to be on or near the site.

—

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

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

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

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

—

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

c. Is the site part of a migration route? If so, explain. [\[help\]](#) *No*

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

—

e. List any invasive animal species known to be on or near the site.

—

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

Electric - lighting, heating

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

No

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#) *no*

- 1) Describe any known or possible contamination at the site from present or past uses.
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
- 4) Describe special emergency services that might be required.
- 5) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#) *very little noise, some small equipment usage.*
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#) *very little - cars & trucks (minimal) and some equipment usage.*
- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#) *None, unused land. Commercial activity adjacent to property.*
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#) *no*
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: *no*

- c. Describe any structures on the site. [\[help\]](#) *NONE*
- d. Will any structures be demolished? If so, what? [\[help\]](#)
- e. What is the current zoning classification of the site? [\[help\]](#) *Agricultural*
- f. What is the current comprehensive plan designation of the site? [\[help\]](#) *Agricultural*
- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#) *no*
- i. Approximately how many people would reside or work in the completed project? [\[help\]](#) *4-5*
- j. Approximately how many people would the completed project displace? [\[help\]](#) *none*
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#) *-*
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: *-*

*Site is designated as Commercial per Richland Comprehensive Plan
RS -
6/29/16*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#) *-*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#) *-*
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#) *-*

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#) *20' pole building*
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#) *none*
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#) *nice landscaping*

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#) *none small amount of lighting around shop and yard*
- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#) *no*

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#) *none*
- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#) *none*

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)
none
- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)
no
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)
no
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)
no
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)
no
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)
Van Giesen, Buckskin Lane - access would be on Buckskin Lane.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)
west Richland Transit station - 1 mile
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)
4-6

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help] *no*
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help] *no*
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [help] *3-4 - standard amount in recent history of the business.*
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *no*
- h. Proposed measures to reduce or control transportation impacts, if any: [help]

15. Public services

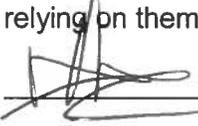
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [help]
no
- b. Proposed measures to reduce or control direct impacts on public services, if any. [help]

16. Utilities

- a. Circle utilities currently available at the site: [help]
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help] *electricity and water from the city of Richland.*

C. Signature [HELP]

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

Signature: 
 Name of signee Darin Musser
 Position and Agency/Organization owner
 Date Submitted: _____



File No. SUP2016-101

CITY OF RICHLAND
Determination of Non-Significance

Description of Proposal: Operation of a landscaping contractor business on a 1.5 acre site to include material and equipment storage and construction of a 4,800 square foot building.

Proponent: Darin Musser

Location of Proposal: 1752 Buckskin Lane

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 including a JARPA application. This information is available to the public on request.

- There is no comment for the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from January 22, 2016. Comments must be submitted by **July 15, 2016**.
- 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 99352

Date: June 30, 2016

Signature  _____



HEARING EXAMINER AGENDA ITEM COVERSHEET

Meeting Date: 07/28/2016

Agenda Category: New Business – Public Hearing

Prepared By: Shane O'Neill, Senior Planner

Subject:

SM2016-101 Hearing to Consider Shoreline Substantial Development Permit Application Submitted by the Richland Parks and Facilities Department for Reconstruction and Widening of a Pedestrian Trail Through Howard Amon Park

Department:

Community & Development Services

Recommended Motion:

Staff recommends approval of SM2016-101 authorizing reconstruction and widening of the pedestrian trail through Howard Amon Park in conformance with the three recommended conditions contained in the staff report.

Summary:

The Richland Parks and Facilities Department is proposing to reconstruct and widen the existing pedestrian trail that extends through Howard Amon Park and is requesting approval of a shoreline substantial development permit. The attached staff report includes the application materials, site photos, a summary of applicable comprehensive plan and development regulations pertaining to the project, public comment letters and staff's recommendation to approve the project subject to three conditions of approval.

Attachments:

1. SM2016-101 Staff Report

**CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER**

GENERAL INFORMATION:

PROPOSAL NAME: Howard Amon Park Riverfront Trail Widening

LOCATION: Howard Amon Park, Richland, WA
Benton County tax parcel ID #'s 1-11984012586008 & 1-11981020636002, Township 9 North, Range 28 East, Section 11, W.M.

APPLICANT: City of Richland

FILE NO.: SM2016-101 & EA2016-16

DESCRIPTION: A Shoreline Substantial Development Permit to widen the Howard Amon Park Riverfront Trail from 8-feet to 15-feet for a distance of 3,700 feet; together with the installation of 20-foot tall light poles every 100 linear feet. Ancillary project components include removing 25 City trees and trenching for placement of electrical wire conduit serving trail lights.

PROJECT TYPE: Type 2 Shoreline Substantial Development Permit

HEARING DATE: June 28, 2016

REPORT BY: Shane O'Neill, Senior Planner

RECOMMENDED ACTION: Approval

Figure 1 - Vicinity Map

Vicinity Map Item: Shoreline Substantial Development Permit
Applicant: City of Richland
File #: SMP 2016-101



DESCRIPTION OF PROPOSAL

Richland Parks & Public Facilities Department is requesting approval of a Shoreline Substantial Development Permit to widen the existing Howard Amon Riverfront Trail by way of replacement. Currently eight (8) feet wide, the Parks & Facilities Department has identified the need to increase the trail width to fifteen (15) feet. Ancillary project components involve removing approximately 25 City park trees, installing trail-side pole lights every 100 feet and trenching for electrical service to the light poles.

SITE HISTORY

Howard Amon Park was established in 1911 from a donation of 29 acres by Howard S. Amon. The park has expanded to the north over time and now contains 49 acres. Park amenities include the Riverfront Trail, Lee Dock, Sturgeon Cove Playground, the Community Center, Holland St. John Tennis Courts, a wading pool, restrooms, picnic shelters, climbing boulders and a boat launch facility. The Riverfront Trail was constructed sometime between 1977 and 1988.

SITE DESCRIPTION & ADJACENT LAND USES

The City of Richland is the owner of Howard Amon Park, a riverfront park located at the east end of Lee Boulevard; adjacent to the west shore of the Columbia River. The 49 acre park includes a half basketball court, boat dock/ramp, fishing area, picnic shelters life vest station, tennis courts, playgrounds, restrooms, river beach area, walking trail, parking area and Lee Landing concrete plaza.

Located within a linear riverfront park the site is bordered by the Columbia River to the east; there are however, a several commercial land uses west and south of the park site. Some of the larger commercial developments bordering the park site include the Red Lion Hotel, the Hilton Homewood Suites Hotel and the Hampton Inn.

Located at the north end of the trail project site is a single-family residential neighborhood with homes addressed on Gowen Avenue. Rear yards of homes in this neighborhood are adjacent to the park parcel.

EXISTING ZONING

Howard Amon Park is zoned PPF – Parks and Public Facility which is typical of city parks in Richland. Properties west of the park site are zoned CBD (Central Business District), a retail commercial zoning. A single-family residential neighborhood zoned R-1-10 exists at the north end of the project site. The Hampton Inn Hotel, situated at the south end of the project site, is zoned WF (Waterfront).

Surrounding Zoning

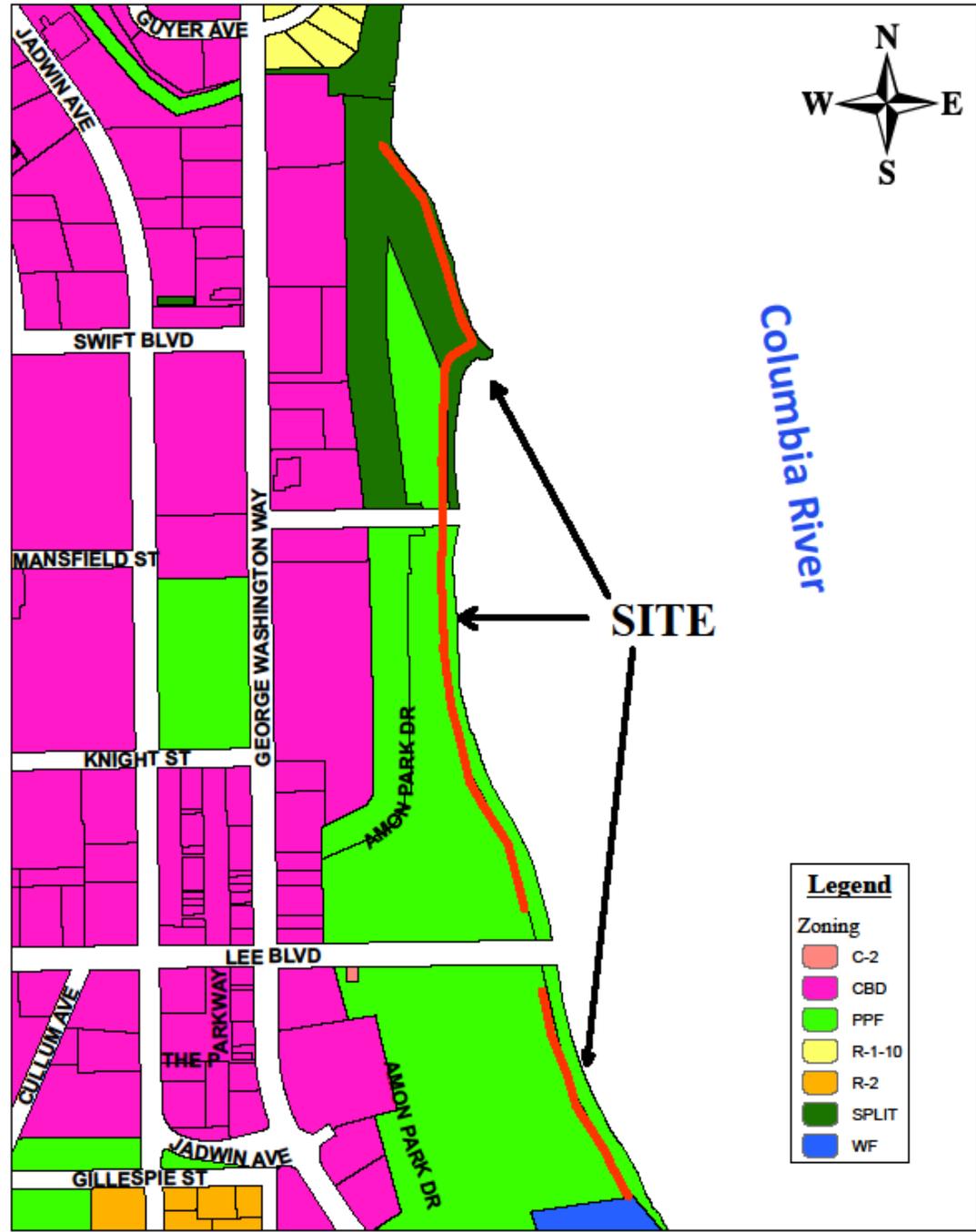
North	- R-1-10 (Single-Family Residential)
East	- NA, Columbia River
South	- WF (Waterfront)
West	- CBD (Central Business District)

The stated purposes of the Parks and Public Facilities zone (as set forth in RMC 23.30.010) is as follows:

- A. The parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.*

Figure 2 – Zoning Map

Zoning Map Item: Shoreline Substantial Development Permit
Applicant: City of Richland
File #: SMP 2016-101

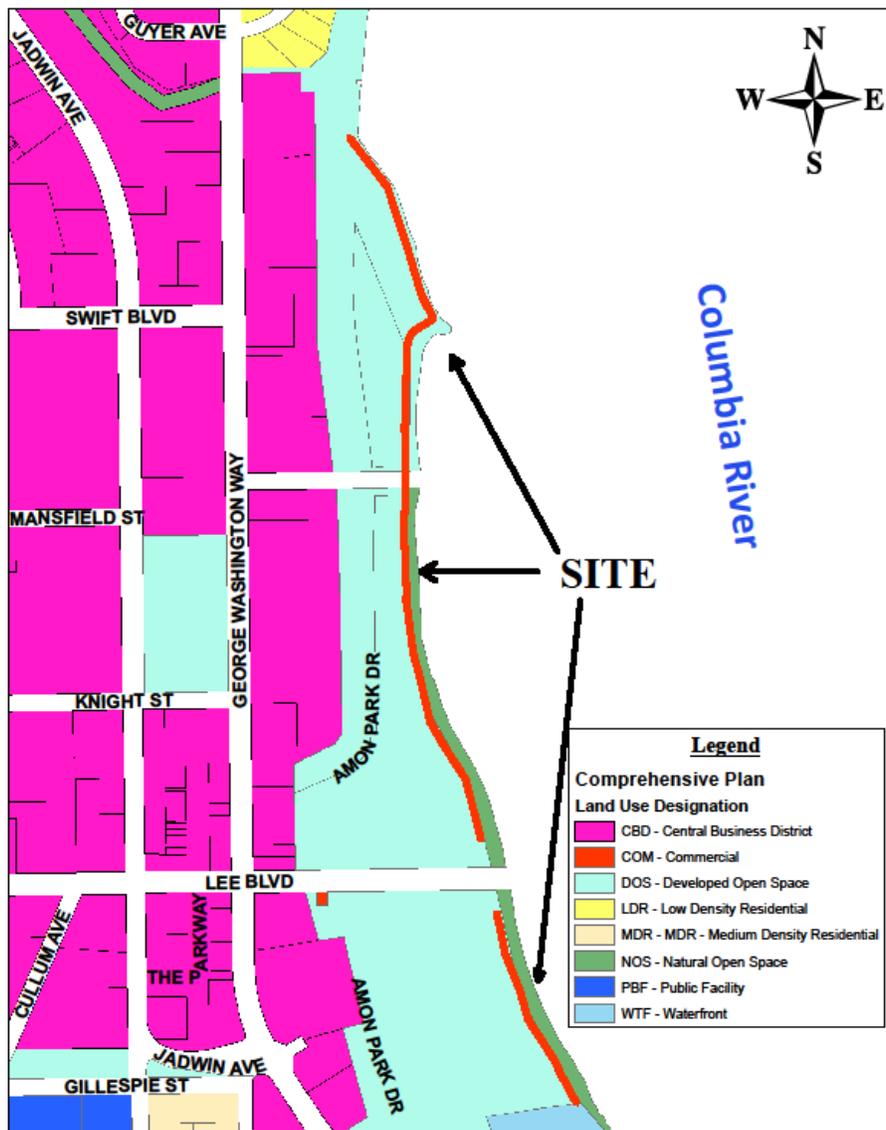


COMPREHENSIVE PLAN

The comprehensive plan designates a thin strip of park land adjacent to the river shore as suitable for Natural Open Space (NOS) land uses while the bulk of Howard Amon Park is assigned a Developed Open Space (DOS) land use designation. The trail meanders back and forth across the border between these two land use designations. Properties to the west are designated as Central Business District. Waterfront land use designation begins towards the south end of the project site.

Figure 3 – Comprehensive Plan Land Use Map

Land Use Map Item: Shoreline Substantial Development Permit
 Applicant: City of Richland
 File #: SMP 2016-101



The following Comprehensive Goals & Policies have been selected in support of the subject proposal:

County-wide planning Policy #1

Open space and recreation – Encourage the retention of open space and the development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(City) Land Use Goal 5:

The City will encourage efficient use and location of municipal and public facilities such as transportation centers, utility facilities, schools, parks and other public uses.

Policy 2 – The City will ensure that public facilities are of a scale compatible with surrounding areas.

Policy 3 – The City, through its land use plan and development regulations, will ensure that public facilities are specifically located to be compatible with existing and planned surrounding land uses.

Land Use Goal 6:

The City will protect and conserve its natural resources and critical lands and provide public access based on ability of the resource to support the use.

- Policy 1 – The City will make all public river shoreline accessible to the public, subject to regulation protecting public safety, sensitive habitat areas and wildlife.
- Policy 2 – The City will encourage development of water-oriented recreational, cultural and related commercial facilities in certain Columbia River locations to enhance and diversify Richland's community recreational resources and its attractiveness to tourists.
- Policy 3 – Except as addressed in Policy 2, the City will protect the natural riparian areas along the Yakima River and the riparian area along the Columbia River so as not to diminish the quality of the shoreline environment.
- Policy 4 – In cooperation with appropriate agencies, the City will identify and regulate the use of wetlands, essential habitat areas and other critical lands within the urban growth area.

Within the Transportation Element of the City's Comprehensive Plan there are several goals and policies supporting the concept of the subject project proposal:

Transportation Goal 1:

- Policy 1 states that the City will coordinate planning and operation of transportation facilities with programs to optimize multi-modal transportation programs.

Transportation Goal 6:

- Policy 1 states that the City will support increased use of multi-modal transportation including bicycle trails.
- Policy 2 states that the City will coordinate planning efforts for non-motorized modes of travel with other jurisdictions and develop an integrated area-wide plan for non-motorized travel modes that ensure continuity of routes.

Section three of the transportation element contains a section on bicycle facilities which states that Richland currently has a bicycle /pedestrian path along the Columbia River and that there are plans to expand the bikeway. The section references figure T-3, the Bike Route & Path Map, which identifies the Howard Amon Park river trail as a paved bike trail-way.

OTHER RELATED PLANS:

The adopted 2014 – 2019 Parks, Trail, Open Space and Facilities Master Plan identifies the Howard Amon river trail as a Class 1 Trail type. Class 1 trails are trails of the highest magnitude in terms of use and construction standards. As it currently exists the trail is not fully developed to meet Class 1 standards. The proposed trail widening project would enhance the trail to meet Class 1 standards as planned.

The Benton-Franklin Council of Governments Metropolitan/Regional Transportation Plan outlines various regional transportation elements amongst which is a multi-modal transportation system chapter. This chapter contains a regional multi-modal transportation map illustrating bicycle and pedestrian routes including the Howard Amon Park trail; printed versions of the map have previously been widely distributed throughout the community. The map indicates the park trail is a primary bicycle route providing a high level of safety.

In 1991 Council adopted the Howard Amon Park Master Plan, outlining a vision for future park design and amenities. Page 18 of the Plan mentions that the park contains sparse lighting and that the lack of lighting limits use by sectors of the population in the evening. This condition is mentioned in the context of an existing deficiency needing improvement to meet the goals for park development. In the Plan the centrally located portion of the trail is referred to as the riverfront promenade. Amongst other features and amenities, the promenade is planned to include lights and a wider paved trail surface than currently exists to accommodate both pedestrians and bicycles. The key point here being that since 1991 the trail has been planned to be widened and to contain lights.

PUBLIC NOTIFICATION TIMELINE:

Application Date	May 23, 2016
Combined Notice of Application & Hearing Mailed	June 14, 2016
Combined Notice of Application & Hearing Posted	June 23, 2016
Combined Notice of Application & Hearing Published	July 9, 2016
Public Hearing	July 28, 2016

A combined notice of application, SEPA determination and notice of hearing were provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in Exhibit 3 – Notices and Affidavits. Written comment(s) received by the City are included herein as Exhibit 4.

UTILITY AVAILABILITY

Domestic water, sewer and electrical power lines are in place and currently serve on-site park facilities. Widening the pedestrian trail will not directly impact demands on sewer and water utilities.

The proposed lighting system will place a minor additional demand on electrical services as LED lighting will be used. Project construction activities include trenching excavation paralleling the trail in order to route electrical service lines to the proposed light poles.

TRANSPORTATION

Existing roadways providing access to the Howard Amon Park include Lee Boulevard and Newton Street which terminate at Howard Amon Park. Additionally, Amon Park Drive is a north-south park access road that transects the park; providing user access to various distinct areas of the linear park.

The Howard Amon Park riverfront trail provides multimodal non-motorized transportation in a park setting. Because Howard Amon Park is a linear park with multiple access points, the river trail offers a safe and efficient route for pedestrians, cyclists, skateboards and scooters to travel fairly long distances outside of vehicle roadways. Also, the trail is connected to a larger network of recreational trails which provide access to Pasco and Kennewick as well. Due to the trail's high level of connectivity it is heavily used by both cyclists and pedestrians. In these circumstances where trail uses are shared it is important to provide sufficient trail width for cyclists to safely pass by pedestrians without having to leave the improved trail surface. Widening the trail as proposed will provide over seven (7) feet of trail width for each direction of travel. This would allow a cyclist to pass a pedestrian traveling in the same direction without crossing into the oncoming direction of travel; thereby enhancing trail user safety.

The proposed project is not anticipated to negatively impact the level of service on the City's transportation system. In terms of pedestrian transport and flow, widening the park trail will enhance usability.

SEPA

By virtue of the fact that it requires a shoreline substantial development permit, the project also requires compliance with the provisions of the State Environmental Policy Act. The City Parks & Facilities Department filed an environmental checklist concurrent with the shoreline permit. City planning staff reviewed the checklist, plans and application materials and entered a Determination of Non-Significance into the record on June 9, 2016. On July 20, a letter dated July 11, 2016 from the Confederated Tribes and Bands of the Yakima Nation (Exhibit 4) was received by the City. The letter provides a blanket opposition to all aspects of the project due to the presence of archaeological resources within the project area vicinity.

SHORELINE POLICIES

The City's Shoreline Master Program consists of both policy statements and regulations as they apply to a variety of regulatory reach environments. The program designates the site as part of the Waterfront and as part of the Recreation Use Environment. Policies associated with Waterfront Development are as follows:

26.10.030 Recreation Environment

26.10.031 Purpose

The Recreation Environment on Richland's shorelines is designed to satisfy the needs of the community for higher intensity recreation uses including both water-oriented and non-water-oriented uses. This environment includes existing and planned parks where native vegetation has been replaced by introduced species for aesthetic enjoyment as well as for active areas such as informal lawn areas, picnic areas and sports fields. The local community makes extensive use of developed parks along the shoreline for a variety of recreation uses and strongly supports these areas. Water-oriented uses are preferred, but non-water-oriented uses are allowed as long as the location and configuration does not substantially interfere with enjoyment of the shoreline.

26.10.033 Management Policies

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

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

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

26.10.060 **Waterfront Use Environment**

26.10.061 Purpose

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

26.10.063 Management Policies

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

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

Definition

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

Applicable Land Use Guidelines:

- A. Only those public and private recreational uses that allow general public use shall be permitted on public shorelines of Richland. Recreational development shall be designed to locate non-water-oriented uses upland of water-oriented uses whenever possible.
- B. A variety of recreation opportunities and associated facilities are encouraged on the shoreline. Passive uses are most appropriate in areas with more intact natural conditions including facilities for interpretation of natural features and habitat, bird watching and similar uses. Water-dependent and water-enjoyment recreation facilities are a preferred use including boating facilities, water sports, angling, and swimming beaches for areas with less intact ecological functions.
- E. Recreational facilities shall be designed, constructed, and operated in a manner consistent with the intent of the shoreline environment in which they are located and which does not result in a net loss of shoreline ecological functions.

PARKS & PUBLIC FACILITIES ZONING REGULATIONS

The Parks & Public Facilities (PPF) zone is a special use classification intended to provide area for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. Howard Amon Park including the riverfront trail is a public recreation land use which strictly conforms to the intent of the PPF zone.

ANALYSIS

Components of the trail widening project include:

- Replace 3,700 linear feet of the existing 8-foot-wide trail with a 15-foot-wide trail surface in the same location
- Install LED pole lights 20-feet in height at a rate of 1-pole/100-linear feet
- Remove approximately 25 park trees
- Trailside trenching to allow for electrical conduit serving proposed pole lights
- Remove and replace existing park benches as needed

The proposal is a multi-phase project with construction activities occurring over a 5 to 7 year timeframe.

Although not specifically defined in the City's municipal Zoning Code, the definition of a "park" provided in Webster's II New Riverside University Dictionary includes "(1) a tract of land reserved for public use, as; a. An expanse of enclosed grounds for recreational use within or adjoining a town..." Howard Amon Park as it currently exists clearly falls within the parameters of this definition. Widening the existing park trail together with the addition of trail-side lighting would not reclassify the land use of Howard Amon Park. Said activities conform to permitted land uses of the PPF zone. The proposed trail widening project may be viewed as an enhancement to an existing park amenity.

Since posting notice of the pending land use hearing on-site staff has received two comment letters (Exhibit 4) from the public, both of which relate to the proposed trail-side lighting. The comments object to adding lights in the park for the reason that lights will interfere with night sky viewing. It may be important to note however, that similar pole lights are currently in place along the trail in various locations within the vicinity. Adding the proposed light poles would continue an existing trail-side feature and would not appear out of place or irregular.

The park has posted hours from 5am to 11pm. Within that 18-hour period, there are times when it is dark out depending on the time of year. During the winter when the sun sets around 5 - 6pm there can be up to 6-hours of darkness while the park remains available for use. A lighting system would certainly enhance trail safety and usability during those times. It is important to note that trails are not subject to park closure hours; trail remain open for use 24-hours per day. This means that a lighting system would benefit trail users during all times of low light.

The park and trail lie in an urban setting. Public facilities within urban environments come with an expectation of adequate lighting; juxtapose to rural parks which are more commonly unlit. If light poles are installed along the trail there will still be other parks in the region that provide better night sky viewing opportunities than Howard Amon Park where the night sky is currently obscured by lights emanating from the surrounding city.

With regard to the shoreline substantial development permit application, the project conforms to the criteria established for the review of shoreline permit applications as follows:

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

Richland's Municipal Code states that the purpose of Richland's shoreline program is to implement the Shoreline Management Act of 1971. Therefore, if a project is compliant with the City's shoreline regulations, it would also be compliant with the State Shoreline Management Act. This analysis will focus on how the project conforms to the City's recently adopted updated Shoreline Master Program.

B. General conformance with the goals for the shoreline program, the general development policies for the plan elements, and the applicable policy statements for the use activity and the shoreline environment

The policies contained in the Shoreline Master Program (SMP) associated with the waterfront environment place priority on recreational land uses such as public parks. The proposed pedestrian trail widening project, given its incorporation into an existing public park, supports and improves an SMP permitted land use by enhancing enjoyment opportunities of the public recreational facility. Policies of the SMP encourage active recreation in locations with less intact ecological functions, such as Howard Amon Park, within areas designated as recreation environment. The trail meanders across both waterfront and recreation environments.

C. Compliance with the applicable environment regulations

The proposed project complies with the waterfront and recreation environment use regulations in that the proposed project location would continue to provide for full public access to the shoreline through the riverfront trail. As a non-water-oriented recreational use, enjoyment of the riverfront trail is enhanced by its close proximity to the river. Whether the trail qualifies as a water-oriented or a non-water-oriented recreational use, the trail does not interfere with strictly water-oriented recreational opportunities in the Park.

D. Compliance with the applicable use activity regulations

The proposed project complies with the waterfront and recreation development standards (RMC Section 26.10.030 & 26.10.060) in that the project is a shoreline recreational land use which will not obscure views of the river from properties within the vicinity and conforms to permitted land use regulations of the SMP and the Zoning Code.

E. Consideration of the recommendations and comments of the Richland Parks and Recreation Commission as the proposed development will affect and be affected by the goals and objectives of City plans for parks, trail and open spaces

The Riverfront Trail project has been included in the Capital Improvement Program (CIP) since 2015. The Richland Parks and Recreation Commission reviewed the project to explore funding sources in early 2015.

F. General conformance with the provisions of the Richland comprehensive plan

The project is consistent with the land use designations contained in the comprehensive plan and is consistent with the City's land use goals and policies as mentioned in the above discussion of the proposed zone change.

The land use classification of Howard Amon Park will not be affected or altered as a result of the proposed trail widening and outdoor lighting system. The establishment and improvement of public parks is well supported by various elements of the Comprehensive Plan. The applicable Comprehensive Plan goals and policies are referenced on page 6 of this report.

G. Consideration of provisions for facilities and improved designs to accommodate and encourage use by the physically handicapped

Increasing the park trail width will allow for better separation between directions of travel. Increasing the trail width will enhance accessibility and use of the trail by people using wheelchairs and by people with other mobility constraints.

In several locations the existing trail surface is currently disrupted, primarily by tree roots causing upheaval. Replacing the existing trail and removing problematic trees will provide a level trail surface; making the trail more suitable for the physically handicapped.

The project as a whole will enhance opportunities for everyone including handicapped persons, to enjoy use of the park trail by way of promoting ease of travel and visibility.

H. Compliance with the State Environmental Policy Act (SEPA)

A determination of non-significance was issued by the City on June 9, 2016, completing the SEPA process. Within SEPA the City is committed to conducting a cultural resources study as indicated on page 10 of the SEPA checklist prepared by City staff.

I. Compliance with applicable provisions of the Richland Municipal Code

The site is currently zoned PPF – Parks & Public Facilities. The proposed project meets the Parks & Public Facilities zoning requirements in terms of land use, setback and required off-street parking.

In summary, the proposed project is consistent with the provisions of the City's Shoreline Master Program and zoning regulations.

PROPOSED CONDITION(S) OF APPROVAL

Staff is recommending the following condition(s) of approval be attached to the substantial development permit to ensure that the project conforms to all applicable City codes and standards:

1. The project shall proceed in conformance with the plans submitted by the Parks & Public Facilities Department at the time of application;
2. Each outdoor light pole shall comply with RMC Chapter 23.58 Outdoor Lighting Standards with shielding required above the horizontal;
3. Prior to beginning ground-disturbing project construction activities a cultural resources study shall be prepared and provided to local Native American tribes and the State Department of Archaeological and Historic Preservation for comments and approval.

SUGGESTED FINDINGS AND CONCLUSIONS

Staff recommends approval of the Shoreline Substantial Development Permit (SM2016-101) to widen the Howard Amon Park riverfront trail and to install twenty-foot (20') tall trailside light poles every 100-feet, subject to three (3) proposed conditions of approval (listed above), and based on the following:

1. Public notice of application and hearing was provided in accordance with the requirements of the Richland City code;
2. The City of Richland Comprehensive Plan designates the subject site as suitable for Developed Open Space land uses such as public parks;

3. Land Use Goal 5 in the Comprehensive Plan encourages efficient use and location of municipal and public facilities such as transportation centers, utility facilities, schools, parks and other public uses;
4. Land Use Goal 5, Policy 2 calls to ensure that public facilities are of a scale compatible with surrounding areas;
5. Land Use Goal 5, Policy 3 calls for the City to ensure that public facilities to be compatible with existing and planned surrounding land uses;
6. On November 17, 2015 City Council adopted Ordinance 27-15 approving the 2016 budget and Capital Improvement Plan which includes the subject trail-widening project;
7. The project was reviewed under SEPA and the City issued a Determination of Non-significance on June 9, 2016;
8. The property is publicly owned and is located within the jurisdictional limits of the Columbia River and is therefore subject to the provisions of the Richland Shoreline Master Program and requires the issuance of a Shoreline Substantial Development Permit;
9. Public notice of the application and the public hearing was provided as required under Richland City code and other public agencies were given an opportunity to review the application including the Washington State Departments of Ecology and Fish and Wildlife and the US Army Corps of Engineers;
10. The site is located within the Waterfront and Recreation environments as identified in the Richland Shoreline Master Program;
11. The application is consistent with the policies contained in the Shoreline Master Program relating to recreational uses in the Waterfront and Recreation environments;
12. The proposed project enhances a recreational land use and is given priority by the Shoreline Master Program (RMC26.30.080);
13. The application is consistent with the Recreation and Waterfront environment use regulations contained in RMC Section 26.30.011 in that the project promotes recreational activities along the shoreline;
14. Riverfront Trail Improvements which include the subject proposal, have been in the Capital Improvement Plan since 2015. The Richland Parks and Recreation Commission was been advised of the trail-widening project during the beginning part of 2016;

15. The proposed project is consistent with the City's comprehensive plan;
16. The City's Comprehensive Plan transportation element contains several goals and policies supporting the proposed trail widening project; including: Goal 1, Policy 1; Goal 6, Policies 1 & 2.
17. The project was reviewed under SEPA and the City issued a Determination of Non-significance on June 9, 2016;
18. The project is consistent with the provisions of the City's Park & Public Facilities zoning regulations relating to land use;
19. The proposed conditions of approval are necessary and desirable to ensure that the project meets all applicable City regulations and standards and to ensure that the adjacent Howard Amon Park continues to provide the same recreational functions and amenities as it does currently;
20. As conditioned, the project is consistent with the provisions of Richland's Shoreline Master Program, its comprehensive plan and zoning regulations and should be approved; and
21. Based on the above findings and conclusions, approval of the Shoreline Substantial Development Permit request would be in the best interest of the community of Richland.

EXHIBIT LIST

1. JARPA Application Form
2. Notices & Affidavits
3. SEPA Checklist and DNS with Site Plan & Trail Construction Details
4. Public Comment Letters
5. Site Photos

Exhibit 1



WASHINGTON STATE Joint Aquatic Resources Permit Application (JARPA) Form^{1,2}

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: _____

Agency reference #: _____

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) [\[help\]](#)

Howard Amon Park Riverfront Trail Reconstruction & Widening

Part 2—Applicant

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

2a. Name (Last, First, Middle)

Phil Pinard

2b. Organization (If applicable)

City of Richland

2c. Mailing Address (Street or PO Box)

PO Box 190

2d. City, State, Zip

Richland, WA 99352

2e. Phone (1)

(509) 942-7463

2f. Phone (2)

()

2g. Fax

()

2h. E-mail

ppinard@ci.richland.wa.us

¹Additional 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/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx>.
- 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.

²To 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.

For other help, contact the Governor's Office of Regulatory Assistance at 1-800-917-0043 or 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.) [\[help\]](#)

3a. Name (Last, First, Middle)			
Phil Pinard			
3b. Organization (If applicable)			
City of Richland			
3c. Mailing Address (Street or PO Box)			
PO Box 190			
3d. City, State, Zip			
Richland, WA 99352			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
(509) 942-7463	()	()	ppinard@ci.richland.wa.us

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.

4a. Name (Last, First, Middle)			
United States government			
4b. Organization (If applicable)			
United States Army Corps of Engineers, Walla Walla District, Mr. Paul Shampine			
4c. Mailing Address (Street or PO Box)			
201 North Third Ave.,			
4d. City, State, Zip			
Walla Walla, WA 99362-1876			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail
(509) 527-7816	()	()	Paul.S.Shampine@usace.amry.mil

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.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<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 type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
1 Lee Blvd.			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Richland, WA 99352			
5d. County [help]			
Benton			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
NE & SE 1/4	11	9 N	28E
5f. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none"> Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83) 			
North end: Lat. 46.282136 N, Long. -119.272004 South end: Lat. 46.272668 N, Long. -119.269007			
5g. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none"> The local county assessor's office can provide this information. 			
111981020636002 & 111984012586008			
5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]			
Name	Mailing Address		Tax Parcel # (if known)
USACE Walla District	201 North Third Ave.		111981020624001
Mr. Paul Shampine	Walla Walla, WA 99362-1876		
Oakwood Inns, LLC	129 N. Addison		114981012214001
	Spokane, WA 99218		

5i. List all wetlands on or adjacent to the project location. [\[help\]](#)

There are no wetlands on or adjacent of the property

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

The Columbia River (Lake Wallula)

5k. Is any part of the project area within a 100-year floodplain? [\[help\]](#)

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

The project site is an existing developed park with turf, trees, parking lot, restroom, community center, asphalt & concrete pathways & sidewalks, playgrounds, tennis courts, picnic shelters and boat launch & dock facilities.

5m. Describe how the property is currently used. [\[help\]](#)

The current use of the property is a City park.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

The property to the east: Columbia River; north: Haines Levee; west: commercial businesses; south: hotel.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [\[help\]](#)

The structures on the property include: two restrooms in very good condition, constructed in 1985 & 1999, a playground installed in 2004, in very good condition, Richland Community Center in very good condition & constructed in 2000 and the Fingernail in fair condition moved to the park in 1959.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

From I-182 take Exit 5B onto George Washington Way, turn right at Lee Blvd. and follow to the end of the street.

Part 6–Project Description

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

The scope of the project is to reconstruct the Riverfront Trail through Howard Amon Park. The total distance is 3,700 feet. The existing 8 foot wide trail will be removed and a new 15 foot wide trail constructed. Trail lights will be installed every 100 feet. Approximately 25 trees will be removed to accommodate the trail widening. Park benches will be removed and replaced as necessary. This project is expected to be a five to seven year project. The section south of Lee Blvd. will be completed first in two phases.

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

The Riverfront Trail is the most popular trail in the City and is used by walkers, runners, cyclists and other wheeled activities. Due to the high use of the trail and the various forms of transportation the existing 8 foot wide surface is not sufficient.

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

Other: Trail maintenance and widening

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

The existing concrete trail surface will be removed along with turf, trees and benches adjacent to the existing trail to provide for the new 15 foot wide trail. This work will be accomplished with a hand tools, a backhoe or excavator, and dump trucks. The ground surface will be leveled and compacted with small plate compactors. Crushed rock will be placed, spread and compacted with hand tools, a bobcat and a plate compactor. Forms will be set and concrete spread, and finished by hand. Concrete trucks will haul and deliver the concrete. The holes for the light pole bases will be excavated with a vacuum truck or backhoe. The light poles will be set with a truck mounted crane. Trenching for the electrical conduit will be done with a backhoe. All work will be within the 100 year flood plain and at the closest point the trail is within 20 feet of the water. All trail widening will occur on the west side.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Phase 1 start date: October 1, 2016 End date: November 15, 2016 See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

Phase 1 \$100,000, Phase 2 \$185,000

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If yes, list each agency providing funds.

Yes No 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.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]
<input checked="" type="checkbox"/> Not applicable
7b. Will the project impact wetlands? [help]
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know
7c. Will the project impact wetland buffers? [help]
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know
7d. Has a wetland delineation report been prepared? [help]
<ul style="list-style-type: none">• If Yes, submit the report, including data sheets, with the JARPA package.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]
<ul style="list-style-type: none">• If Yes, submit the wetland rating forms and figures with the JARPA package.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know
7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]
<ul style="list-style-type: none">• 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.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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 ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)

¹ 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.

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

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

⁴ 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

The existing Riverfront Trail is located adjacent to the Columbia River/Lake Wallula. At the closest point the trail is approximately 20 feet from the water’s edge. All trail widening, benches and light poles will be completed on the west side. The new trail will not extend any closer to the edge of the water than the existing trail.

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 scope of work for the project will not include any work closer to the water than the existing east side of the trail.

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. [\[help\]](#)

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

Activity (clear, dredge, fill, pile)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be	Area (sq. ft. or linear ft.) of
--------------------------------------	-----------------------------	------------------------------	---------------------------------	--	---------------------------------

drive, etc.)				placed in or removed from waterbody	waterbody directly affected

¹ 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.

² 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.

³ 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. [\[help\]](#)

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. [\[help\]](#)

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
USACE	Paul Shampine	(509) 527-7816	5/5/16
		()	
		()	

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

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [\[help\]](#)

- Go to <http://www.ecy.wa.gov/programs/wq/swqs/criteria.html> for the standards.

Yes No Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [\[help\]](#)

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

Rural Urban Natural Aquatic Conservancy Other Recreation

9g. What is the Washington Department of Natural Resources Water Type? [\[help\]](#)

- Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System.

Shoreline Fish Non-Fish Perennial Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- If **No**, provide the name of the manual your project is designed to meet.

Yes No

Name of manual:

9i. Does the project site have known contaminated sediment? [\[help\]](#)

- If **Yes**, please describe below.

Yes No

9j. If you know what the property was used for in the past, describe below. [\[help\]](#)

Howard Amon Park south of Lee Blvd. has existed as a park from the 1940's The portion of the park north of Lee Blvd. has been park land since the 1950's' or 60's.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)
• If Yes, attach it to your JARPA package.

Yes No

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. [\[help\]](#)

Bull Trout, Snake River Sockeye, Snake River Fall Chinook, Snake River Spring/Summer Chinook, Snake River Steelhead, Upper Columbia Spring Chinook, Upper Columbia River Steelhead & Middle Columbia River Steelhead

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. [\[help\]](#)

None

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.
- 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.

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

A SEPA determination is pending with The City of Richland (lead agency). The expected decision date is July 1, 2016.

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:

- 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. _____ (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. _____ (initial)

Applicant Printed Name

Applicant Signature

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.

Authorized Agent Printed Name

Authorized Agent Signature

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



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



US Army Corps
of Engineers
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

TO BE COMPLETED BY APPLICANT [\[help\]](#)

Project Name: _____

Attachment D:
Construction sequence [\[help\]](#)

Use this attachment only if your project will be constructed in phases or stages. Complete the outline showing the construction sequence and timing of activities, including the start and end dates of each phase or stage.

Use black or blue ink to enter answers in white spaces below.

Phase or Stage	Start Date	End Date	Activity Description
1	10/1/16	11/15/16	Remove 300 feet of existing 8 foot wide trail and construct 300 feet of new 15 foot wide trail. Install 3 trail lights and remove 4 trees.
2	10/1/17	11/15/17	Remove 450 feet of existing 8 foot wide trail and construct 450 feet of new 15 foot wide trail. Install 4 trail lights and remove 7 trees.
3	10/1/18	11/15/18	Remove 600 feet of existing 8 foot wide trail and construct 600 feet of new 15 foot wide trail. Install 6 trail lights and remove 5 trees.
4	10/1/19	11/15/19	Remove 600 feet of existing 8 foot wide trail and construct 600 feet of new 15 foot wide trail. Install 6 trail lights and remove 4 trees.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) 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. ORIA publication number: ENV-023-09 rev. 09/2015



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



US Army Corps
of Engineers ·
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

TO BE COMPLETED BY APPLICANT [\[help\]](#)

Project Name: _____

Attachment D:
Construction sequence [\[help\]](#)

Use this attachment only if your project will be constructed in phases or stages. Complete the outline showing the construction sequence and timing of activities, including the start and end dates of each phase or stage.

Use black or blue ink to enter answers in white spaces below.

Phase or Stage	Start Date	End Date	Activity Description
5	10/1/20	11/15/20	Remove 600 feet of existing 8 foot wide trail and construct 600 feet of new 15 foot wide trail. Install 6 trail lights and remove 8 trees.
6	10/1/21	11/15/21	Remove 800 feet of existing 8 foot wide trail and construct 800 feet of new 15 foot wide trail. Install 8 trail lights and remove no trees.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) 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. ORIA publication number: ENV-023-09 rev. 09/2015

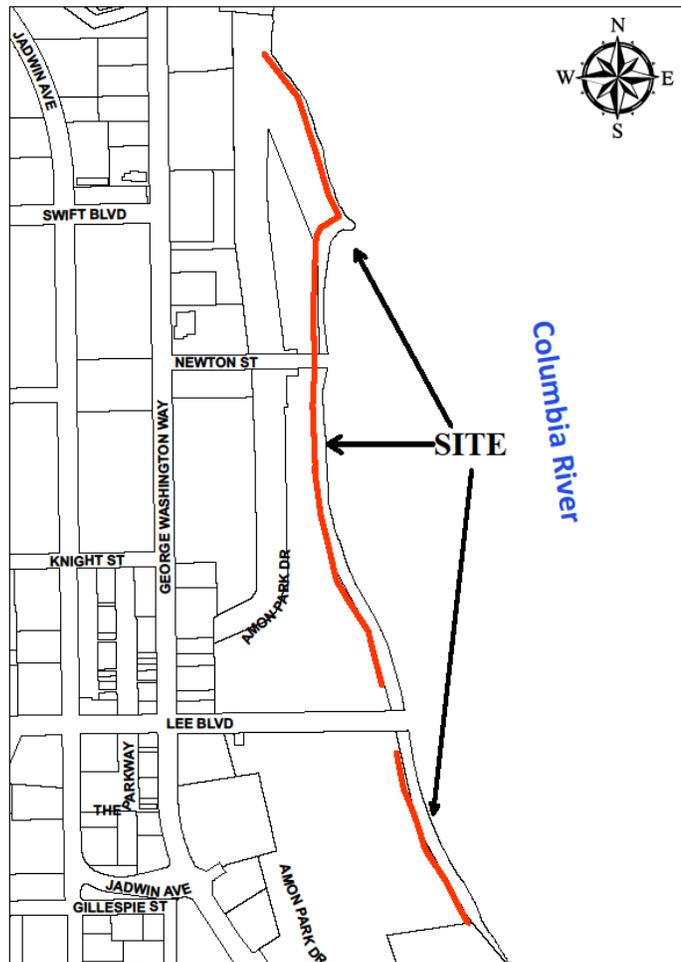
**CITY OF RICHLAND
NOTICE OF APPLICATION, PUBLIC HEARING & DETERMINATION OF NON-SIGNIFICANCE**

Notice is hereby given that the City of Richland Parks & Facilities Department has submitted an application for a Shoreline Substantial Development Permit to widen Howard Amon Park Riverfront Trail by way of reconstruction. Project activities include removing the existing trail surface, removal of 25 City trees and trenching excavation for electrical conduit serving the proposed trail lights. Following site preparation a new 15-wide asphalt trail surface will be installed.

A public hearing on the Shoreline Substantial Development Permit will be held before the Hearing Examiner on **July 28 2016** at 6:00 pm in the Council Chambers, 505 Swift Blvd., Richland WA 99352.

Notice is finally given that the City of Richland on June 9, 2016 issued a Determination of Non-Significance (DNS), SEPA File No. EA2016-16 for the shoreline development application. The City of Richland has determined that this proposal 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. This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 30 days from the date of legal notice publication.

Any person desiring more information, to express his views or to be notified of any decisions pertaining to these applications or the DNS should notify Shane O'Neill, Senior Planner, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352. Ph. 509-942-7587, soneill@ci.richland.wa.us.





**CITY OF RICHLAND
NOTICE OF APPLICATION, PUBLIC HEARING & DETERMINATION OF NON-SIGNIFICANCE**

Notice is hereby given that the City of Richland Parks & Facilities Department has submitted an application for a Shoreline Substantial Development Permit to widen Howard Amon Riverfront Trail by way of reconstruction. Project activities include removing the existing trail surface, removal of 25 City trees and trenching excavation for electrical conduit serving the proposed trail lights. Following site preparation a new 15-wide asphalt trail surface will be installed.

A public hearing on the Shoreline Substantial Development Permit will be held before the Hearing Examiner on **July 28 2016** at 6:00 pm in the Council Chambers, 505 Swift Blvd., Richland WA 99352.

Notice is finally given that the City of Richland on June 9, 2016 issued a Determination of Non-Significance (DNS), SEPA File No. EA2016-16 for the shoreline development application. The City of Richland has determined that this proposal 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. This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 30 days from the date of legal notice publication.

Any person desiring more information, to express his views or to be notified of any decisions pertaining to these applications or the DNS should notify Shane O'Neill, Senior Planner, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352. Ph. 509-942-7587, soneill@ci.richland.wa.us.

**CITY OF RICHLAND
NOTICE OF APPLICATION, DETERMINATION OF NON-SIGNIFICANCE
& PUBLIC HEARING NOTICE**

Date Notice Issued: June 13, 2016, per WAC 197-11-340(2)

File No: SEPA File No. EA2016-16

Proponent: City of Richland Parks and Public Facility Department

Proposal: Widen the Howard Amon Park Riverfront Trail to fifteen feet together with installation of trail light pole every 100 feet.

Determination: The City has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement 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.

Hearing Examiner Public Hearing: July 28, 2016, 6:00 p.m. in the in the Council Chambers, 505 Swift Blvd., Richland WA 99352 regarding the Shoreline Substantial Development Permit

Notice Published: June 19 & 26, 2016; the lead agency will not act on this proposal for 30 days from the date of legal notice publication.

Public Comments Due: July 18, 2016

Contact: Shane O'Neill, Senior Planner
PO Box 190, MS-35
Richland, WA 99352
soneill@ci.richland.wa.us.

ONeill, Shane

From: Scott Butner <scott_butner@charter.net>
Sent: Tuesday, June 28, 2016 5:35 PM
To: O'Neill, Shane
Cc: scott_butner@charter.net
Subject: Comment re: proposed land use (Trail Widening, Howard Amon Park)

Mr. O'Neill

Recently the notice of a proposed land use action by the City of Richland was brought to my attention, specifically a trail widening project through Howard Amon Park. While I bemoan the loss of even more of our trees, the trail could certainly use some widening for the use that it gets, so I'll set aside my concern about that (just remember, it's the shade that brings people to the park in the first place).

I WOULD like, however, to raise the issue of the trail lighting, and encourage the city, while options are still open, to consider lighting options that are friendly to those of us who enjoy the night sky. Light pollution in and around the Tri Cities has generally stripped away much of our ability to see the finer aspects of the night sky, including the Milky Way, the northern lights, and seasonal star clusters like Orion's nebula and the Pleiades – but the trails along Howard Amon's waterfront remain viable nighttime viewing areas for many of these treasures. The availability of lighting fixtures and standards that both insure pedestrian safety AND preserve the night sky has increased over the years as more and more communities realize that the ability to see the night sky is every bit as much a scenic and aesthetic resource as shoreline and trees.

I would be happy to provide more resources on dark-friendly lighting, or to discuss the options with you, upon request. However at this time I simply want to insure that the issue is raised. Especially in a science-focused community, where major discoveries have recently been made (at LIGO) regarding the nature of the universe, I think that it is important to preserve for our citizens the ability to view the >99.999999999999% of the universe that lies beyond our planet, and can only truly be viewed at night, in the dark.

warm regards,

Scott Butner (scott_butner@charter.net)
Owner/Operator, Scott Butner Photography, LLC
and resident, Richland, WA
1319 Stevens Drive
Richland, WA 99354
509-460-1544

ONeill, Shane

From: Mark and Lois Killinger <mark.killinger@hotmail.com>
Sent: Saturday, July 9, 2016 10:09 PM
To: O'Neill, Shane
Subject: Proposed trail changes in Howard Amon Park

Shane O'Neill
Sr. Planner
City of Richland

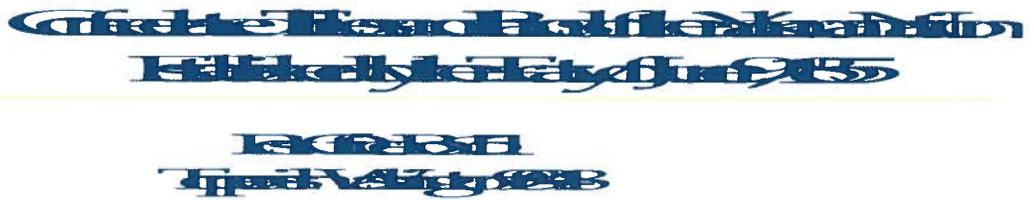
Dear Mr. O'Neill,

We are strongly opposed to the City's proposal to remove 25 trees in Howard Amon to make way for lights and widening of the trail. The trees are what makes the park so attractive. We frequently visit the park and understand how crowded the trail can get at times. However, a much better solution is to direct bicyclists around the back side of the park. As to the lights, these would have practically no usefulness since in summer it's light until after 9 pm or so. Having lights may actually attract trouble late at night since it would be seen as a place to go.

Please confirm receipt of this message. We would appreciate receiving any additional information on this proposed project.

Sincerely,
Mark Killinger

Mark & Lois Killinger
mark.killinger@hotmail.com



July 11, 2016

Shane O'Neill
Senior Planner
City of Richland
PO Box 190
Richland, WA 99352

Re: EA2016-16 Determination of non-significance

Mr. Shane O'Neill,

The Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) are in receipt of a determination of non-significance for a City of Richland project to replace 3700 feet of an existing trail with a wider trail, tree removal and light installation. The proposed project is located at Township 9 North, Range 28 East, section 11 and exists within the usual and accustomed area of the Yakama Nation pursuant to the Treaty of 1855 (12 stat., 951). Thousands of years before Howard Amon Park existed, Yakama people lived, hunted, fished, gathered and thrived. Remnants of our presence in certain areas are left behind and are now known as archaeological resources. However, we understand those resources to be living witnesses of our place upon the land. These archaeological resources are significant to the Yakama Nation. Only the Yakama Nation can determine what is significant to the Tribe.

Howard Amon Park has been created through some of the Yakama's most sacred and sensitive villages and homesites. Further development in these areas adds insult to injury which is justified by science and progress. Therefore, we oppose the proposed project on the grounds that it adversely impacts resources that are significant to the Yakama Nation.

If you have any questions or comments please feel free to contact me at (509) 865-5121 x 4737 or Jon Shellenberger, YN Archaeologist, at (509) 865-5121 x 6323.

Sincerely,

Johnson Meninick, YNCRP Manager

Cc: file
Cialita Keys, YN Environmental Program
Jon Shellenberger, YN Wildlife Program
Yakama Nation Culture Committee

Looking North



Looking South



Disrupted Trail Surface



Disrupted Trail Surface

