

ORDINANCE NO. 59-19

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Chapter 22.16**  
**Flood Damage Prevention**

**22.16.010 Authority, findings of fact, purpose and objectives.**

**22.16.020 Definitions.**

**22.16.030 General provisions.**

**22.16.040 Administration.**

**22.16.050 Provisions for flood hazard reduction.**

**22.16.060 Variances.**

**22.16.010 Authority, findings of fact, purpose and objectives.**

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

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

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

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

1. Protect human life and health;

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

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

4. Minimize prolonged business interruptions;

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

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

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

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

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

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

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

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

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

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

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

**22.16.020 Definitions.**

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

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

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

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

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

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

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

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

“Building”: See “Structure.”

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

foundation system.

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

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

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

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

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

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

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

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

“Flood” or “flooding” means:

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

1. The overflow of inland or tidal waters;

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

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

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

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

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

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

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

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

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

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

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

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

“Historic structure” means any structure that is:

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

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

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

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

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

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

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

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

not include a “recreational vehicle.”

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

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

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

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

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

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

“Recreational vehicle” means a vehicle:

A. Built on a single chassis;

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

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

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

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

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

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

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

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

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

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

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

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

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

### **22.16.030 General provisions.**

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

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

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

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

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

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

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

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

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

#### **22.16.040 Administration.**

##### **A. Establishment of development permit.**

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

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

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

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

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

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

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

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

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

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

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

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

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

c. The site is reasonably safe from flooding;

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

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

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

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

3. Information to be obtained and maintained.

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

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

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

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

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

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

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

f. Improvement and damage calculations.

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

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

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

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

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

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

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

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

#### 7. Changes to special flood hazard areas.

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

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

### **22.16.050 Provisions for flood hazard reduction.**

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

#### 1. Anchoring.

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

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

or frame ties to ground anchors.

## 2. Construction materials and methods.

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

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

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

## 3. Storage of materials and equipment.

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

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

## 4. Utilities.

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

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

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

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

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

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

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

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

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

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

1. Residential construction.

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

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

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

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

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

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

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

2. Additional requirements for below-grade crawlspaces:

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

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

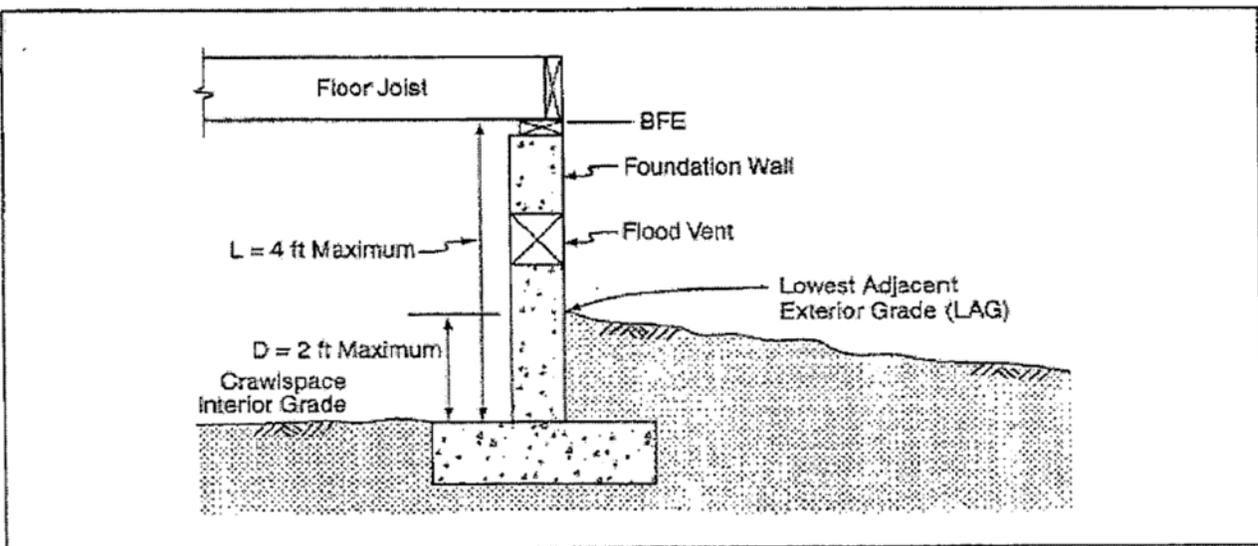


Figure 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

vii. The structure shall have low damage potential; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

minimize infiltration of flood waters into the system;

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

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

b. Substantially damaged residences in floodway.

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

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

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

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

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

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

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

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

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

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

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

1. Be located and constructed to minimize flood damage;

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

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

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

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

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

#### **22.16.060 Variances.**

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

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

A. Requirements for variance.

1. Variances shall only be issued:

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

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

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

d. Upon a showing of good and sufficient cause;

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

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

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

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

B. Variance criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Additional requirements for the issuance of a variance.

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

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

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

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

justification for their issuance.

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

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

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

## **Chapter 23.06 DEFINITIONS**

### **Sections:**

- 23.06.010 Definitions – Introductory.**
- 23.06.020 Accessory apartment unit.**
- 23.06.025 Accessory dwelling unit.**
- 23.06.027 Adult family home.**
- 23.06.030 Adult use establishment.**
- 23.06.035 Agriculture.**
- 23.06.040 Airport commercial.**
- 23.06.045 Airport industrial.**
- 23.06.050 Alley.**
- 23.06.053 Amendment.**
- 23.06.055 Animal shelter.**
- 23.06.065 Apparel and accessory stores.**
- 23.06.070 Apartment.**
- 23.06.071 Apartment, studio.**
- 23.06.075 Arcade.**
- ~~**23.06.080 Area of special flood hazard.**~~
- 23.06.085 Art galleries.**
- 23.06.090 Assisted living facility.**
- 23.06.095 Auto parts sales.**
- 23.06.100 Automobile repair.**
- 23.06.105 Automobile service station.**
- 23.06.110 Automobile wrecking.**
- ~~**23.06.115 Base flood.**~~

- 23.06.117** Basement.
- 23.06.120** Bed and breakfast.
- 23.06.125** Block front.
- 23.06.130** Book, stationery and art supply store.
- 23.06.135** Building.
- 23.06.140** Building, accessory.
- 23.06.145** Building, main.
- 23.06.150** Building, hardware and garden supply store.
- 23.06.155** Bus station.
- 23.06.160** Bus terminal.
- 23.06.165** Bus transfer station.
- 23.06.170** Cafeteria.
- 23.06.175** Car wash.
- 23.06.180** Carport.
- 23.06.185** Cemetery.
- 23.06.190** Church.
- 23.06.195** City officials and agencies.
- 23.06.200** Cinema.
- 23.06.205** Clinic.
- 23.06.210** Club or fraternal societies.
- 23.06.215** Commercial recreation.
- 23.06.217** Concessionaire.
- 23.06.220** Convention center.
- 23.06.225** Contractors' offices and shops.
- 23.06.230** Contractors' yards.
- 23.06.235** Court.
- 23.06.240** Cultural institution.
- 23.06.245** Day care center.
- 23.06.250** Delicatessen.
- 23.06.255** Department store.
- 23.06.260** Dependent recreational vehicle.
- 23.06.265** Designated manufactured home.
- 23.06.270** Development.
- 23.06.275** District.
- 23.06.280** Dormitories, fraternities and sororities.
- 23.06.285** Drinking establishment.
- 23.06.290** Drive-through.
- 23.06.295** Drug store/pharmacy.
- 23.06.300** Dwelling, one-family attached.
- 23.06.305** Dwelling, one-family detached.
- 23.06.310** Dwelling, two-family detached.
- 23.06.315** Dwelling, multiple-family.
- 23.06.320** Dwelling unit.
- 23.06.325** Electronic equipment stores.

- 23.06.330 Essential public facilities.
- 23.06.335 Equipment rental.
- 23.06.340 Family.
- 23.06.345 Family day care home.
- 23.06.350 Farming of land.
- 23.06.355 Fence.
- 23.06.360 Financial institution.
- ~~23.06.365 Flood or flooding – Flood Insurance Rate Map (FIRM) – Flood Insurance Study.~~
- 23.06.370 Florist.
- 23.06.375 Food stores.
- 23.06.380 Food wagon.
- 23.06.385 Fuel station/mini-mart.
- 23.06.390 Funeral establishment.
- 23.06.395 Furniture, home furnishings, and appliance stores.
- 23.06.400 General service businesses.
- 23.06.405 Grade plane.
- 23.06.410 Gross floor area.
- 23.06.415 Guest room.
- 23.06.420 Habitable floor.
- 23.06.425 Hazardous waste.
- 23.06.430 Hazardous waste storage.
- 23.06.435 Hazardous waste treatment.
- 23.06.440 Hazardous waste treatment and storage facilities, off site.
- 23.06.445 Hazardous waste treatment and storage facilities, on site.
- 23.06.450 Hedge.
- 23.06.455 Height of building.
- 23.06.460 Hog farm.
- 23.06.465 Home occupations.
- 23.06.470 Health/fitness center.
- 23.06.475 Health/fitness facility.
- 23.06.477 Health spa.
- 23.06.480 Homeless shelter.
- 23.06.485 Hospital.
- 23.06.490 Hospital or clinic for large animals.
- 23.06.495 Hospital or clinic for small animals.
- 23.06.500 Hot tub.
- 23.06.505 Hotel.
- 23.06.510 House-banked card room.
- 23.06.515 Junkyard.
- 23.06.520 Kennel, commercial.
- 23.06.525 Landscaping.
- 23.06.530 Landscaping material sales.
- 23.06.535 Large livestock farming.

- 23.06.540 Lattice tower.
- 23.06.545 Laundry, self-service.
- 23.06.550 Laundry/dry cleaning, retail.
- 23.06.552 Laundry/dry cleaning, neighborhood.
- 23.06.555 Laundry/dry cleaning, commercial.
- 23.06.560 Livestock feed lot.
- 23.06.565 Lot.
- 23.06.567 Lot area.
- 23.06.570 Lot, corner.
- 23.06.572 Lot, interior.
- 23.06.575 Lot line, front.
- 23.06.577 Lot line, rear.
- 23.06.580 Lot line, side.
- 23.06.582 Lot depth.
- 23.06.584 Lot width.
- ~~23.06.586~~ ~~Lowest floor.~~
- 23.06.587 Lumberyard.
- 23.06.590 Macrofacility.
- 23.06.595 Mailing services.
- 23.06.600 Manufactured home.
- 23.06.605 Manufactured home lot, park, and stand.
- 23.06.610 Manufacturing, general.
- 23.06.615 Manufacturing, heavy.
- 23.06.617 Manufacturing, light.
- 23.06.620 Manufacturing use.
- 23.06.625 Marinas.
- 23.06.630 Marine equipment rentals.
- 23.06.635 Marine gas sales.
- 23.06.640 Master plan.
- 23.06.645 Microbrewery.
- 23.06.650 *Repealed.*
- 23.06.655 Mini-warehouse.
- 23.06.660 Mobile home.
- 23.06.665 Monopole.
- 23.06.670 Motel.
- 23.06.675 Nursing home or rest home.
- 23.06.680 Nursery, plant.
- 23.06.685 Office – Corporate.
- 23.06.687 Office – Consulting services.
- 23.06.690 Office – General.
- 23.06.695 Office – Research and development.
- 23.06.700 Office supply store.
- 23.06.705 Outdoor advertising sign.
- 23.06.710 Outdoor advertising structure.

- 23.06.715 Outdoor storage.
- 23.06.720 Parking lot.
- 23.06.725 Parking space, automobile (off street).
- 23.06.728 Parking structure.
- 23.06.730 Pasture.
- 23.06.732 Patio.
- 23.06.735 Pawn shop.
- 23.06.740 Pen.
- 23.06.745 Personal loan business.
- 23.06.750 Personal services business.
- 23.06.755 Pet shop and pet supply store.
- 23.06.760 Photo processing, copying and printing services.
- 23.06.765 Pool, private.
- 23.06.770 Pool, public.
- 23.06.775 Pool, semi-public.
- 23.06.777 Porch.
- 23.06.780 Portable food vendor.
- 23.06.785 Poultry farm.
- 23.06.790 Public agency building.
- 23.06.792 Public agency facility.
- 23.06.795 Radio and television studio.
- 23.06.797 Reclassification.
- 23.06.800 Recreational club.
- 23.06.802 Recreational vehicle.
- 23.06.805 Recreational vehicle campground.
- 23.06.807 Recreational vehicle park.
- 23.06.809 Recreational vehicle space.
- 23.06.810 Restaurant.
- 23.06.817 Sales, retail.
- 23.06.820 Sales, wholesale.
- 23.06.825 Sanitary station or sanitary dumping station.
- 23.06.830 School.
- 23.06.832 School, alternative.
- 23.06.833 School, commercial.
- 23.06.834 School, trade.
- 23.06.835 Secondhand/consignment store.
- 23.06.840 Senior housing.
- 23.06.845 Sensitive land uses.
- 23.06.850 Small livestock farming.
- 23.06.855 Specialty retail store.
- 23.06.860 Specified anatomical areas.
- 23.06.862 Specified sexual activities.
- 23.06.865 Stable, private.
- 23.06.867 Stable, public.

- 23.06.870 Stock-in-trade.**
- 23.06.875 Story.**
- 23.06.880 Street.**
- 23.06.885 Structure.**
- 23.06.888 Substantial damage.**
- 23.06.890 Substantial improvement.**
- 23.06.895 Theater.**
- 23.06.900 Towing, vehicle impound lots.**
- 23.06.905 Travel trailer.**
- 23.06.910 Truck terminal.**
- 23.06.915 Use – Permitted.**
- 23.06.920 Use – Accessory (secondary).**
- 23.06.925 Use – Nonconforming.**
- 23.06.930 Use – Special.**
- 23.06.935 Variance.**
- 23.06.937 Vehicle-based food service.**
- 23.06.940 Vehicle leasing and rentals.**
- 23.06.945 Vehicle sales.**
- 23.06.950 Video rental store.**
- 23.06.955 Warehousing and wholesale trade.**
- 23.06.960 Warehousing, storage and distribution.**
- 23.06.965 Wholesale use.**
- 23.06.970 Wineries – Production.**
- 23.06.972 Wineries – Tasting room.**
- 23.06.975 Yard.**
- 23.06.980 Yard, front.**
- 23.06.983 Yard, rear.**
- 23.06.985 Yard, side.**

**23.06.010 Definitions – Introductory.**

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

**23.06.020 Accessory apartment unit.**

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

**23.06.025 Accessory dwelling unit.**

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

**23.06.027 Adult family home.**

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

**23.06.030 Adult use establishment.**

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

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

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

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

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

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

**23.06.035 Agriculture.**

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

**23.06.040 Airport commercial.**

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

**23.06.045 Airport industrial.**

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

**23.06.050 Alley.**

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

**23.06.053 Amendment.**

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

**23.06.055 Animal shelter.**

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

**23.06.065 Apparel and accessory stores.**

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

**23.06.070 Apartment.**

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

**23.06.071 Apartment, studio.**

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

**23.06.075 Arcade.**

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

~~**23.06.080 Area of special flood hazard.**~~

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

**23.06.085 Art galleries.**

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

**23.06.090 Assisted living facility.**

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

**23.06.095 Auto parts sales.**

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

**23.06.100 Automobile repair.**

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

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

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

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

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

**23.06.105 Automobile service station.**

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

**23.06.110 Automobile wrecking.**

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

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

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

**23.06.117 Basement.**

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

**23.06.120 Bed and breakfast.**

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

**23.06.125 Block front.**

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

**23.06.130 Book, stationery and art supply store.**

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

**23.06.135 Building.**

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

**23.06.140 Building, accessory.**

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

**23.06.145 Building, main.**

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

**23.06.150 Building, hardware and garden supply store.**

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

**23.06.155 Bus station.**

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

**23.06.160 Bus terminal.**

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

**23.06.165 Bus transfer station.**

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

**23.06.170 Cafeteria.**

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

generally offered to the general public.

**23.06.175 Car wash.**

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

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

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

**23.06.180 Carport.**

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

**23.06.185 Cemetery.**

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

**23.06.190 Church.**

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

**23.06.195 City officials and agencies.**

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

**23.06.200 Cinema.**

“Cinema” means a motion picture theater.

**23.06.205 Clinic.**

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

**23.06.210 Club or fraternal societies.**

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

**23.06.215 Commercial recreation.**

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

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

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

**23.06.217 Concessionaire.**

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

**23.06.220 Convention center.**

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

**23.06.225 Contractors’ offices and shops.**

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

**23.06.230 Contractors’ yards.**

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

**23.06.235 Court.**

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

**23.06.240 Cultural institution.**

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

**23.06.245 Day care center.**

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

**23.06.250 Delicatessen.**

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

**23.06.255 Department store.**

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

**23.06.260 Dependent recreational vehicle.**

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

**23.06.265 Designated manufactured home.**

“Designated manufactured home” means a manufactured home which:

- A. Is comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;
- B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.

**23.06.270 Development.**

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

**23.06.275 District.**

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

**23.06.280 Dormitories, fraternities and sororities.**

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

**23.06.285 Drinking establishment.**

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

**23.06.290 Drive-through.**

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

**23.06.295 Drug store/pharmacy.**

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

**23.06.300 Dwelling, one-family attached.**

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

**23.06.305 Dwelling, one-family detached.**

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

**23.06.310 Dwelling, two-family detached.**

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

**23.06.315 Dwelling, multiple-family.**

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

**23.06.320 Dwelling unit.**

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

**23.06.325 Electronic equipment stores.**

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

**23.06.330 Essential public facilities.**

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

**23.06.335 Equipment rental.**

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

**23.06.340 Family.**

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

**23.06.345 Family day care home.**

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

**23.06.350 Farming of land.**

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

**23.06.355 Fence.**

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

**23.06.360 Financial institution.**

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

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

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

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

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

**23.06.370 Florist.**

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

**23.06.375 Food stores.**

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

**23.06.380 Food wagon.**

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

**23.06.385 Fuel station/mini-mart.**

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

**23.06.390 Funeral establishment.**

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

**23.06.395 Furniture, home furnishings, and appliance stores.**

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

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

**23.06.400 General service businesses.**

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

**23.06.405 Grade plane.**

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

**23.06.410 Gross floor area.**

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

**23.06.415 Guest room.**

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

**23.06.420 Habitable floor.**

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

**23.06.425 Hazardous waste.**

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

**23.06.430 Hazardous waste storage.**

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

**23.06.435 Hazardous waste treatment.**

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

amenable for storage, or reduced in volume.

**23.06.440 Hazardous waste treatment and storage facilities, off site.**

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

**23.06.445 Hazardous waste treatment and storage facilities, on site.**

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

**23.06.450 Hedge.**

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

**23.06.455 Height of building.**

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

**23.06.460 Hog farm.**

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

**23.06.465 Home occupations.**

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

**23.06.470 Health/fitness center.**

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

**23.06.475 Health/fitness facility.**

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

**23.06.477 Health spa.**

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

**23.06.480 Homeless shelter.**

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

**23.06.485 Hospital.**

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

**23.06.490 Hospital or clinic for large animals.**

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

**23.06.495 Hospital or clinic for small animals.**

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

**23.06.500 Hot tub.**

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

**23.06.505 Hotel.**

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

**23.06.510 House-banked card room.**

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

**23.06.515 Junkyard.**

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

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

**23.06.520 Kennel, commercial.**

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

**23.06.525 Landscaping.**

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

**23.06.530 Landscaping material sales.**

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

**23.06.535 Large livestock farming.**

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

**23.06.540 Lattice tower.**

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

**23.06.545 Laundry, self-service.**

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

**23.06.550 Laundry/dry cleaning, retail.**

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

**23.06.552 Laundry/dry cleaning, neighborhood.**

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

**23.06.555 Laundry/dry cleaning, commercial.**

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

**23.06.560 Livestock feed lot.**

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

**23.06.565 Lot.**

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

**23.06.567 Lot area.**

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

**23.06.570 Lot, corner.**

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

**23.06.572 Lot, interior.**

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

**23.06.575 Lot line, front.**

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

**23.06.577 Lot line, rear.**

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

**23.06.580 Lot line, side.**

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

**23.06.582 Lot depth.**

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

**23.06.584 Lot width.**

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

**~~23.06.586 Lowest floor.~~**

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

**23.06.587 Lumberyard.**

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

**23.06.590 Macrofacility.**

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

**23.06.595 Mailing services.**

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

**23.06.600 Manufactured home.**

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

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

**23.06.605 Manufactured home lot, park, and stand.**

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

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

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

**23.06.610 Manufacturing, general.**

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

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

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

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

**23.06.615 Manufacturing, heavy.**

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

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

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

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

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

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

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

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

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

**23.06.617 Manufacturing, light.**

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

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

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

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

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

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

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

**23.06.620 Manufacturing use.**

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

**23.06.625 Marinas.**

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

**23.06.630 Marine equipment rentals.**

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

**23.06.635 Marine gas sales.**

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

**23.06.640 Master plan.**

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

**23.06.645 Microbrewery.**

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

**23.06.650 Microfacility.**

Repealed by Ord. 07-19.

**23.06.655 Mini-warehouse.**

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

**23.06.660 Mobile home.**

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

**23.06.665 Monopole.**

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

**23.06.670 Motel.**

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

**23.06.675 Nursing home or rest home.**

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

**23.06.680 Nursery, plant.**

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

**23.06.685 Office – Corporate.**

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

**23.06.687 Office – Consulting services.**

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

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

**23.06.690 Office – General.**

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

**23.06.695 Office – Research and development.**

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

**23.06.700 Office supply store.**

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

**23.06.705 Outdoor advertising sign.**

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

**23.06.710 Outdoor advertising structure.**

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

**23.06.715 Outdoor storage.**

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

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

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

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

or converted into usable stock or material.

**23.06.720 Parking lot.**

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

**23.06.725 Parking space, automobile (off street).**

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

**23.06.728 Parking structure.**

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

**23.06.730 Pasture.**

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

**23.06.732 Patio.**

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

**23.06.735 Pawn shop.**

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

**23.06.740 Pen.**

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

**23.06.745 Personal loan business.**

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

**23.06.750 Personal services business.**

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

**23.06.755 Pet shop and pet supply store.**

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

**23.06.760 Photo processing, copying and printing services.**

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

**23.06.765 Pool, private.**

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

**23.06.770 Pool, public.**

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

**23.06.775 Pool, semi-public.**

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

**23.06.777 Porch.**

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

**23.06.780 Portable food vendor.**

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

**23.06.785 Poultry farm.**

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

**23.06.790 Public agency building.**

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

**23.06.792 Public agency facility.**

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

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

**23.06.795 Radio and television studio.**

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

**23.06.797 Reclassification.**

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

**23.06.800 Recreational club.**

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

**23.06.802 Recreational vehicle.**

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

- A. Travel Trailer. A vehicular, portable structure built on a chassis and drawn by a motorized vehicle and which is designed to be used as a temporary dwelling for travel, recreational and vacation uses;
- B. Camper. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational and vacation uses;
- C. Motor Home. A portable, temporary dwelling to be used for travel, recreational and vacation use constructed as an integral part of a self-propelled vehicle;
- D. Camping Trailer. A folding structure mounted on wheels and designed for travel, recreational and vacation uses.  
(See also “Dependent recreational vehicle,” RMC 23.06.260.)

**23.06.805 Recreational vehicle campground.**

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

**23.06.807 Recreational vehicle park.**

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

**23.06.809 Recreational vehicle space.**

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

**23.06.810 Restaurant.**

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

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

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

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

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

**23.06.817 Sales, retail.**

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

**23.06.820 Sales, wholesale.**

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

**23.06.825 Sanitary station or sanitary dumping station.**

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

**23.06.830 School.**

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

**23.06.832 School, alternative.**

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

**23.06.833 School, commercial.**

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

**23.06.834 School, trade.**

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

**23.06.835 Secondhand/consignment store.**

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

**23.06.840 Senior housing.**

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

**23.06.845 Sensitive land uses.**

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

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

**23.06.850 Small livestock farming.**

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

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

**23.06.855 Specialty retail store.**

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

**23.06.860 Specified anatomical areas.**

“Specified anatomical areas” means:

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

**23.06.862 Specified sexual activities.**

“Specified sexual activities” means:

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

**23.06.865 Stable, private.**

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

**23.06.867 Stable, public.**

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

**23.06.870 Stock-in-trade.**

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

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

**23.06.875 Story.**

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

**23.06.880 Street.**

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

**23.06.885 Structure.**

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

**23.06.888 Substantial damage.**

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

**23.06.890 Substantial improvement.**

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

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

**23.06.895 Theater.**

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

**23.06.900 Towing, vehicle impound lots.**

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

**23.06.905 Travel trailer.**

See “Recreational vehicle,” RMC 23.06.802.

**23.06.910 Truck terminal.**

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

**23.06.915 Use – Permitted.**

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

**23.06.920 Use – Accessory (secondary).**

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

**23.06.925 Use – Nonconforming.**

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

**23.06.930 Use – Special.**

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

**23.06.935 Variance.**

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

**23.06.937 Vehicle-based food service.**

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

**23.06.940 Vehicle leasing and rentals.**

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

**23.06.945 Vehicle sales.**

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

**23.06.950 Video rental store.**

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

**23.06.955 Warehousing and wholesale trade.**

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

**23.06.960 Warehousing, storage and distribution.**

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

**23.06.965 Wholesale use.**

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

**23.06.970 Wineries – Production.**

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

**23.06.972 Wineries – Tasting room.**

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

**23.06.975 Yard.**

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

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

**23.06.980 Yard, front.**

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

**23.06.983 Yard, rear.**

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

**23.06.985 Yard, side.**

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

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

**22.10.010 General purpose and intent.**

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

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

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

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

C. It is the intent of this chapter to:

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

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

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

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

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

**26.60.072 Protection standards.**

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

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

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

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

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

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

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 3<sup>rd</sup> day of December, 2019.

  
ROBERT J. THOMPSON  
Mayor

ATTEST:

  
TONI FULTON, Acting Deputy City Clerk

APPROVED AS TO FORM:

  
HEATHER KINTZLEY, City Attorney

Date Published: December 8, 2019