ORDINANCE NO. 63-19

AN ORDINANCE of the City of Richland amending multiple sections of the Richland Municipal Code related to fees.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate ambiguity and to bring the code into alignment with current practice; and

WHEREAS, in 1999, through adoption of Resolution No. 104-99, City Council established a process by which fees provided for in the City's fee schedule would be reviewed and administratively adjusted on an annual basis; and

WHEREAS, although certain administrative adjustments have occurred over the years, the City has not conducted a comprehensive review if its existing fee schedule since 1999; and

WHEREAS, consistent with the Strategic Leadership Plan's focus on financial stability and operational effectiveness, a comprehensive review of the existing fee schedule is necessary to ensure that obsolete fees are retired, appropriate fees for new services are established, and that all fees are calibrated to reflect the appropriate level of cost recovery; and

WHEREAS, a comprehensive review of the fee schedule has been completed for implementation on January 1, 2020; and

WHEREAS, code amendments are necessary to facilitate proper administration of the process established in 1999, and to further clarify the authority in support of the previously established administrative adjustments.

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

Section 1. Richland Municipal Code Section 3.26.010, entitled Deposit for utility service, as first enacted by Ordinance No. 27-81, and last amended by Ordinance No. 42-01, is hereby amended to read as follows:

3.26.010 Deposit for utility service.
Applications for electrical, water, or other utility service, made by the tenant of leased or rented residential premises, shall be accompanied by a utility services deposit; provided, however, that the deposit will not be required for electrical services for those set forth in RMC 14.12.010. The deposit amount shall equal twice the monthly average bill of the previous 12 months for that occupied location without regard to prior discounted rates. If the premises has not been occupied continuously for the last 12 months, then the deposit will be as provided in the City's posted fee schedule. ~~determined by a methodology~~

~~contained in the city of Richland's administrative policies – customer services policies which reasonably estimates twice the monthly occupied average.~~

Upon termination of service to the tenant, the amount of the deposit may be applied against any electrical, water or other utility charges then due or to become due from the tenant, including any connection or reconnection charges, and shall be remitted to the appropriate fund or funds. If the amount of the deposit is not sufficient to pay the total of the unpaid charges, remittance shall be made to the appropriate fund or funds on a pro rata basis. If there is a balance remaining after payment of all utility charges then due or to become due from the tenant, such balance shall be refunded.

Section 2. Richland Municipal Code Section 14.31.040, entitled Pole attachment fees, as first enacted by Ordinance No. 08-98, and last amended by Ordinance No. 29-01, is hereby amended to read as follows:

14.31.040 Pole attachment fees.
On or about July 1st of each year the city, acting in cooperation with joint pole users, shall determine the total number of pole contacts as of the preceding day. Said tabulation shall include the number of contacts on city-owned poles. The fee herein provided for shall be paid within 30 days after the bill has been submitted, and shall cover the calendar year in which the count is made.

The pole attachment fee will be as provided in the City's posted fee schedule and based on market rates for pole attachment as determined by the energy services director. ~~for 1999 to 2003 shall be $11.50 per pole. Applicable taxes are not included. The pole attachment fee shall be subject to annual adjustment by the energy services director thereafter; provided, that no annual adjustment shall exceed a 10 percent increase in any one year and no more than a 20 percent adjustment of the 2003 rate in total may occur until after the year 2009.~~

Section 3. Chapter 19.80 of the Richland Municipal Code, entitled Application and Appeal Fees, as first enacted by Ordinance No. 12-96, and last amended by Ordinance No. 29-12, is hereby amended to read as follows:

Chapter 19.80
APPLICATION AND APPEALS FEES

Sections:
19.80.010 Payment of fees required.
19.80.020 Provisions for update of fees.

19.80.010 Payment of fees required.
No ~~development permit~~ application, SEPA review or appeal ~~of a decision relating to such application~~ shall be accepted or processed for action until such fees as set forth in the Richland Municipal Code or city fee schedule have been paid in full.
19.80.020 Provisions for update of fees.

The schedule of fees shall be reviewed and updated as part of the annual budget process. Adjustment to the fees shall be based mainly on changes in the Consumer Price Index – U.S. city average - Urban Wage and Clerical Workers (CPI-WU) ~~for the Seattle/Tacoma area~~ August through July. ~~using 1996 as the base year.~~ Other factors affecting the cost of processing applications and appeals shall also be considered when making adjustments to the schedule of fees.

Section 4. Richland Municipal Code Section 22.09.280, entitled Fees, as first enacted by Ordinance No. 26-84, is hereby amended to read as follows:

22.09.280 Fees.
The city shall require the following fees for its activities in accordance with the provisions of this chapter:

A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee determined pursuant to RMC 19.80.020 ~~of $100.00~~ from the proponents of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

B. Environmental Impact Statement.

1. When the city is the lead agency for a proposal requiring an EIS, and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from an applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation. The applicant shall post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city, and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city and applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (A) or (B) of this section which remain after incurred costs are paid.

C. Public Notice. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

D. Cost of Documents. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW.

E. The city shall not collect a fee for performing its duties as a consulted agency.

Section 5. Richland Municipal Code Section 22.10.115, entitled Buffer modifications, as first enacted by Ordinance No. 40-17, and last amended by Ordinance No. 40-17A, is hereby amended to read as follows:

22.10.115 Buffer modifications.

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

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area.

2. The buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.

3. The total area of the buffer after averaging is equal to the area required without averaging.

4. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

B. Averaging to allow reasonable uses may be allowed when all of the following are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

2. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional.

3. The total buffer area after averaging is equal to the area required without averaging.

4. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

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

land uses.

1. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions:

a. For wetlands that score moderate or high for habitat (5 points or more for the habitat functions), the width of the buffer can be reduced if all three of the following criteria are met:

i. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife ("relatively undisturbed" and "vegetated corridor" are defined in the Washington State Wetland Rating System for Eastern Washington – 2014 Update, or latest update). Priority Habitats in eastern Washington include:

(A) Wetlands;
(B) Riparian zones;
(C) Cliffs;
(D) Urban natural open space;
(E) Shrub-steppe habitat;

ii. The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

iii. Measures to minimize the impacts of different land uses on wetlands, as applicable-in Table 22.10.110(D), are applied.

b. For wetlands that score fewer than 5 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying applicable measures to minimize the impacts of the proposed land uses (see examples in Table 22.10.115 D).

D. Required Mitigation to minimize impacts to wetlands from changes in land uses with high impacts:

Table 22.10.115(D)

Types of-Disturbance	**Examples of Activities and Uses that Cause Disturbances**	**Required Mitigation**
Lights	• Parking lots • Warehouses • Manufacturing • Residential areas	• Direct lights away from wetland
Noise	• Manufacturing	• Locate activity that generates noise

	• Residential areas	away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff*	• Parking lots • Roads • Manufacturing • Residential areas • Application of agricultural pesticides • Landscaping	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	• Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques
Change in water regime	• Impermeable surfaces • Lawns • Tilling	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Residential areas	• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	• Tilled fields	• Use BMPs to control dust
* These examples are not necessarily adequate for minimizing toxic runoff if sensitive, threatened or endangered species are present at the site.		

E. The minimum buffer width stated in Table 22.10.110(D) Wetland Buffer Widths shall be increased when the qualified professional determines, based upon a site-specific wetland analysis, that impacts on the wetland from a proposed development can only be mitigated by a greater buffer width. The standard wetland buffer width shall be increased:

1. When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

2. When the standard buffer has minimal or degraded vegetative cover that cannot be

improved through enhancement; or

3. When the wetland provides habitat for a species that is particularly sensitive to disturbance (listed by the federal government of the state as endangered, threatened, candidate, monitored or documented priority species or habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees), the width of the buffer should be increased to provide adequate protection for the species based on its particular life-history needs: or

4. When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:

a. The minimum buffer for that particular wetland; or

b. Twenty-five feet beyond the point where the slope becomes 25 percent or less.

F. Low impact uses and activities (see Table 22.10.110(C)) that are consistent with the purpose and function of the wetland buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the wetland. Examples of uses and activities that may be permitted in appropriate cases, based on guidance in Wetlands Guidance for CAO Updates, June 2016, Publication No. 16-06-002 and as amended in the future, include pervious pedestrian trails, viewing platforms, normal and routine maintenance of existing facilities within an existing right-of-way and utility easements. Uses permitted within the buffer shall be located in the outer portion of the buffer as far as possible from the wetland.

G. A variance from buffer width requirements may be granted by the city of Richland Hearing Examiner following Type II permit procedures and payment of a fee as set forth in Title 19 of the Richland Municipal Code upon a demonstration by the applicant that the following criteria are met:

1. That the strict application of the bulk, dimensional or performance standards set forth in this title preclude, or significantly interfere with, reasonable use of the property;

2. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this title, and not, for example, from deed restrictions or the applicant's own actions;

3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and applicable development regulations and will not cause adverse impacts to the wetland;

4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

5. That the variance requested is the minimum necessary to afford relief; and

6. That the public interest will suffer no substantial detrimental effect.

H. Signs and Fencing of Wetlands and Buffers.

1. Temporary markers. The outer perimeter of the wetland buffer and the clearing limits identified in an approved permit or land use approval shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the administrator prior to the commencement of permitted activities. Temporary marking shall be maintained throughout completion of all construction activities.

2. Permanent signs. As a condition of any permit or land use approval, the administrator may require the applicant to install permanent signs along the boundary of a wetland or its buffer. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post. Signs, when required, shall be posted at an interval of one every fifty feet or one per lot if a lot is less than 50 feet wide and must be maintained by the property owner in perpetuity. Wording of the sign shall note the presence of a protected wetland area and/or wildlife habitat. Specific wording of the sign shall be approved by the administrator.

3. Fencing.

a. The applicant shall be required to install a permanent fence around the wetland or its buffer when domestic grazing animals are present or may be introduced on site.

b. Fencing installed as part of a proposed activity or as required by the administrator shall be designed so as not to interfere with species migration and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

Section 6. Richland Municipal Code Section 22.16.040, entitled Administration, as first enacted by Ordinance No. 59-19, is hereby amended to read as follows:

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, in addition to payment of a fee as provided in the City's posted fee schedule:

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.

Section 7. Richland Municipal Code Section 23.62.110, entitled Application review and approval of eligible facilities requests, as first enacted by Ordinance No. 44-15, and last amended by Ordinance No. 07-19, is hereby amended to read as follows:

23.62.110 Application review and approval of eligible facilities requests.

A. Application. The development services department shall prepare and make publicly available an application form which shall be limited to the information necessary for the development services department to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

B. Type of Review. Upon receipt of an application for an eligible facilities request pursuant to this section, the development services department shall review such application to determine whether the application so qualifies. The application must be accompanied by payment of a fee as provided in the City's posted fee schedule.

C. Time Frame for Review. Within 60 days of the date on which an applicant submits an eligible facilities request seeking approval under this section, the development services department shall approve the application unless it determines that the application is not covered by this section.

D. Tolling of the Time Frame for Review. The 60-day review period begins to run when the application is filed with the development services department, and may be tolled only by mutual agreement by the development services department and the applicant, or in cases where the development services department determines that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the city must provide a written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.

3. Following a supplemental submission, the city will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of a second or subsequent notices pursuant to the procedures identified in this subsection (D). Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

E. Determination That an Application Is Not an Eligible Facilities Request. If the development services department determines the applicant's request does not qualify as an eligible facilities request, the development services department shall deny the application. To the extent additional information is necessary, the development services department may request additional information from the applicant to evaluate the application under other provisions of this chapter and applicable law.

F. Failure to Act. In the event the city fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The eligible facilities request does not become effective until the applicant notifies the development services department in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

G. Remedies. Applicants and the city may bring claims related to Section 6409(a) of the Spectrum Act to any court of competent jurisdiction.

Section 8. Richland Municipal Code Section 24.24.040, entitled Deviations – Requirements, as first enacted by Ordinance No. 73, and last amended by Ordinance No. 27-14, is hereby amended to read as follows:

24.24.040 Deviations – Requirements.
In specific cases, the hearing examiner may authorize deviations from the provisions or requirements of this title that will not be contrary to public interest; but only where, owing to special conditions pertaining to a specific subdivision, the literal interpretation and strict application of the provisions or requirements of this title would cause undue and unnecessary hardship. No such deviation from the provisions or requirements of this title shall be authorized by the hearing examiner unless the hearing examiner shall find that all of the following facts and conditions exist and until:

A. A written application for a deviation from subdivision standards, accompanied by an application fee as specified by the ~~adopted~~ posted fee schedule, is submitted demonstrating all of the following:

1. That special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands in the same area;

2. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same area or as necessary for the reasonable and acceptable development of the property;

3. That the special conditions and circumstances do not result from the actions of the applicant;

4. That granting the deviation requested will not confer on the applicant any special privilege that is denied by this title to other lands in the same area;

5. That the deviation will not nullify the intent and purpose of the comprehensive plan or this title;

6. Deviations with respect to those matters requiring the approval of the city engineer may be granted by the hearing examiner only with the written recommendation of the city engineer.

B. The hearing examiner shall hold an open record hearing to consider the deviation application concurrently with the subdivision application.

Section 9. Richland Municipal Code Section 24.24.060, entitled Fees and deposits, as first enacted by Ordinance No. 73, and last amended by Ordinance No. 103-76, is hereby amended to read as follows:

24.24.060 Fees and deposits.
For the purpose of partially defraying expenses involved in the administrative processing of subdivision applications and subdivision amendment requests, ~~an application~~ fees ~~of $7.50~~ as provided in the City's posted fee schedule ~~for each lot proposed in the preliminary subdivision plat~~ shall be paid ~~the city~~ by the applicant at the time ~~of submission of~~ the preliminary subdivision plat or subdivision amendment request is submitted. ~~In no case, however, shall such fee be less than $50.00.~~ In the instance where renewal of a preliminary plat, as originally approved, is requested, no further fee will be required for that renewal.

Section 10. Richland Municipal Code Section 26.50.021, entitled Exemption procedures, as first enacted by Ordinance No. 25-14, and last amended by Ordinance No. 12-18, is hereby amended to read as follows:

26.50.021 Exemption procedures.
A. A project requiring a permit from the city and subject to an exemption to a shoreline substantial development permit shall be reviewed under the criteria of the underlying permit with an additional finding recorded by the administrator addressing the grounds under which the permit is exempt.

B. Any person claiming exemption from the permit requirements of this shoreline program as a result of the exemptions specified in this section may make application for an exemption certificate to the administrator in the manner prescribed by the city, including payment of a fee as provided in the City's posted fee schedule.

C. For projects where Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers, the city shall transmit an exemption certificate addressed to the applicant and the Department of Ecology whenever a development is subject to one or more of the following federal permit requirements:

1. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, which generally applies to any project occurring on or over navigable waters. Specific applicability information should be obtained from the U.S. Army Corps of Engineers; or

2. A Section 404 permit under the Federal Water Pollution Control Act of 1972, which generally applies to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the U.S. Army Corps of Engineers.

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

D. The city may attach conditions to the approval of exempted developments and/or uses as necessary to ensure consistency of any project with the Shoreline Management Act and this shoreline master program.

Section 11. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 12. 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 7th day of January, 2020.

Robert J. Thompson, Mayor

Attested by:

Jennifer Rogers, City Clerk

Approved as to form:

Heather Kintzley, City Attorney

Date Published: January 12, 2020