

Chapter 26.01
GENERAL PROVISIONS

26.01.010 Short title.

This title shall be known and may be cited as the “Richland shoreline master program” and is sometimes hereinafter referred to as the “shoreline program.” [Ord. 25-14 § 1.01].

26.01.020 Purpose.

The purpose of the shoreline program is to implement the Shoreline Management Act of 1971 as now or hereafter amended (Chapter 90.58 RCW); and to provide for wise and proper management of shorelands, wetlands, and water bodies in a manner that will allow present and future generations of users the opportunity to enjoy water resources, consistent with the goals, policies and stated purposes of the shoreline program while, at the same time, recognizing and protecting private property rights consistent with the public interest. This title carries out the responsibilities imposed on the city of Richland by the Shoreline Management Act of 1971 as now or hereafter amended by adopting the policies enunciated in RCW 90.58.010, the Richland shoreline master program, and in implementation thereof, the regulations and administrative provisions contained herein. [Ord. 25-14 § 1.01]

26.01.030 Master program adopted.

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

- A. Comprehensive Plan Policies Shoreline Section of the Land Use Element
- B. Regulations in City of Richland Municipal Code (RMC) Chapter 26: Shoreline Management Regulations
- C. Sensitive Area Regulations in RMC Chapter 22.10 as amended and incorporated into this program as part of Chapter 26, specifically Section 26.60.
- D. The Shoreline Restoration Element of the Shoreline Master Plan, of which one printed copy in book form on file in the office of the City Clerk and made available for examination by the general public, shall not be considered to contain regulations but shall be utilized as a guideline for capital improvements planning by the City and other

jurisdictions undertaking ecological restoration activities within Shoreline Management Act jurisdiction.

- E. Maps, including the Shoreline Environment Designation and Regulatory Reaches Map and the map folio in the SMP Inventory, Analysis and Characterization Report, of which one original copy is on file in the office of the City Clerk and made available for examination by the general public, and another original copy of which is available at the Community Development Department. [Ord. 25-14 § 1.01]

26.01.040 Shoreline program review.

The planning commission shall conduct an annual review of the shoreline program and shall recommend to city council any changes or modifications deemed appropriate. The city council shall after public hearing and approval by the Department of Ecology, adopt, deny, or adopt with modifications the recommendations of the planning commission. [Ord. 25-14 § 1.01]

26.01.050 Annexations.

It is anticipated that future annexations to the city of Richland may include water bodies, shorelines, and wetlands which are subject to the Shoreline Management Act of 1971, as amended. Areas within the city's Urban Growth Area are assigned shoreline environmental designations in accordance with WAC 173-26-150. Policies and regulations of this program shall take effect concurrent with annexation. No additional procedures are required by the city or the Department of Ecology for these provisions to have full force and effect. [Ord. 25-14 § 1.01]

26.01.060 Amendments.

It is recognized that future amendments to the shoreline program may be necessary in the interest of the health, safety, and general welfare of the citizens of Richland and the state of Washington. The following procedure shall be observed in amending the shoreline program:

- A. Proposed amendments to the regulations and boundaries set forth in this shoreline program shall follow the procedures outlined in RMC 23.70.180 through 23.70.250 on forms provided by the administrator.
- B. There shall be established a mailing list of interested agencies, associations, and organizations to be notified of any proposed amendments to the shoreline program. It shall be the responsibility of the agency, association, or organization to indicate in writing their interest in being included on the mailing list and their official mailing address.
- C. Fees as set forth in the schedule of fees contained in RMC 19.80.020 shall accompany applications for an amendment to the shoreline program.
- D. No amendment to the shoreline program shall be adopted without Department of Ecology review and approval. [Ord. 25-14 § 1.01]

Chapter 26.10
SHORELINE ENVIRONMENT DESIGNATIONS

Shoreline areas are classified into specific environment designations based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through the City of Richland Comprehensive plan. Lands not designated are assigned a recreation conservancy environment designation. [Ord. 25-14 § 1.01]

26.10.005 Environment designation – official map.

The shoreline environment designation map with regulatory reaches, and all amendments thereto adopted as a part of the shoreline program in RMC 26.01.030, shall be filed in the office of the administrator and may be viewed in the Development Services division. When uncertainty exists as to the exact location of an environment boundary line, the rules of construction in RMC 23.08.050 shall apply. [Ord. 25-14 § 1.01]

26.10.010 Natural environment.

26.10.011 Purpose.

The designation of Natural Environments on Richland's shorelines is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, the city will control the type and range of uses allowed and plan for restoration of degraded shorelines within this environment. [Ord. 25-14 § 1.01]

26.10.012 Designation criteria.

The Natural Environment designation in Richland is assigned to shoreline areas that are relatively ecologically intact due to a low level of human disturbance, or areas which have been disturbed in the past but have either been isolated from human activity in the near past or are subject to a restoration program designed to restore natural ecological processes and functions. These areas are relatively free of structural shoreline modifications, structures, and intensive human uses. [Ord. 25-14 § 1.01]

26.10.013 Management policies.

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

- A. A use with associated levels of human activity that would degrade the ecological functions or natural character of the shoreline area shall not be allowed.
- B. The following new uses are not allowed in the Natural Environment:
 - 1. Commercial uses.
 - 2. Industrial uses.
 - 3. Residential uses.

4. Non-water-oriented recreation other than public access, or water-oriented recreation uses resulting in more than minor modification of shoreline vegetation and topography or in-stream structure
 5. Roads, parking areas and utility corridors and utility facilities that can be feasibly located outside of "natural" designated shorelines.
- C. Scientific, historical, cultural, educational, research uses, and very low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.
- D. Any activity or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed. [Ord. 25-14 § 1.01]

26.10.020 Recreation Conservancy Environment.

26.10.021 Purpose.

The Recreation Conservancy Environment on Richland's shorelines seeks to satisfy some of the needs of the community for low intensity recreation uses with minimal modification of the shoreline character. The intensity of recreational uses should be designed to avoid alteration of existing vegetation as much as feasible and introduce low levels of human use. [Ord. 25-14 § 1.01]

26.10.022 Designation criteria.

A Recreation Conservancy Environment designation is assigned to public lands on the shoreline which have been modified by past human uses or activities but retain a range of ecological functions such that low intensity uses are most appropriate. [Ord. 25-14 § 1.01]

26.10.023 Management policies.

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

- A. Management plans for these lands shall strike an appropriate balance between enjoyment of these areas and limiting potential adverse effects to aquatic areas, the land, associated vegetation, and wildlife. Some areas have the character of natural open space and shall receive a higher level of protection.
- B. A use with associated levels of human activity that would degrade the ecological functions or natural character of the shoreline area should not be allowed.
- C. The following new uses are not allowed in the Recreation Conservancy Environment:
 1. Commercial uses, except for low intensity activities which enhance public enjoyment of the land.
 2. Industrial uses.
 3. Residential use.
 4. Recreation uses requiring more than minor modification of shoreline vegetation and topography.
 5. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a substantial visual intrusion to users of the area.

- 6. Roads, parking areas and utility corridors and facilities that can be feasibly located outside of shorelines.
- D. Scientific, historical, cultural, educational, research, and low-intensity recreational access uses including paved trails for regional trail systems or handicapped access may be allowed provided that no significant ecological impact on the area will result. For the most part, soft surface trails should be employed.
- E. All activities or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed.
- F. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic qualities and minimizes environmental impact. [Ord. 25-14 § 1.01]

26.10.030 Recreation Environment.

26.10.031 Purpose.

The Recreation Environment on Richland's shorelines is designed to satisfy the needs of the community for higher intensity recreation uses including both water-oriented and non-water-oriented uses. This environment includes existing and planned parks where native vegetation has been replaced by introduced species for aesthetic enjoyment as well as for active areas such as informal lawn areas, picnic areas and sports fields. The local community makes extensive use of developed parks along the shoreline for a variety of recreation uses and strongly supports these areas. Water-oriented uses are preferred, but non-water-oriented uses are allowed as long as the location and configuration does not substantially interfere with enjoyment of the shoreline. [Ord. 25-14 § 1.01]

26.10.032 Designation criteria.

A Recreation Environment designation is assigned to public and private lands on the shoreline which have been modified by past human uses or activities and are devoted primarily to the public enjoyment of the shoreline and a variety of recreational activities. [Ord. 25-14 § 1.01]

26.10.033 Management policies.

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

- A. A use with associated levels of human activity that would substantially degrade existing ecological functions of the shoreline area should not be allowed.
- B. The intensity of uses within the shoreline should generally follow a gradation with lower intensity uses nearer the shoreline and higher intensity uses at a greater distance, except for uses such as boat launches that require a shoreline location.
- C. The following new uses are not allowed in the Recreation Environment:
 - 1. Industrial uses.
 - 2. Commercial uses, except for franchises granted by the city which enhance public enjoyment of the shoreline and the overall recreational setting.
 - 3. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a substantial visual intrusion to users of the area.

- D. A wide variety of recreation uses are appropriate with a preference for water-oriented uses and activities including beaches, in-water structures, boat launches and other facilities that enhance the public enjoyment of the shoreline including active and passive uses such as boating, fishing, bird watching, and similar uses.
- E. Non-water-oriented recreation uses such as lawn areas and picnic areas that are enhanced by the ability to enjoy the aesthetic qualities of the shoreline are the next priority.
- F. Active recreation uses such as sports fields may be located within shoreline jurisdiction, provided they do not displace opportunities for water-oriented uses. In general, such uses shall be located more than 100 feet from OHWM, unless specific site conditions justify a closer location.
- G. Structures that serve recreation and community uses including gymnasias and community centers should be located outside shoreline jurisdiction unless specific site conditions justify a closer location.
- H. Roads and parking areas should be located as far from the water as feasible, preferably outside of shoreline jurisdiction.
- I. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic qualities and minimize environmental impact. [Ord. 25-14 § 1.01]

26.10.040 Rural Environment.

26.10.041 Purpose.

The designation of Rural Environments on Richland's shorelines seeks to protect agricultural land and other historically rural areas from pressures of urban expansion, provide buffer areas between urban areas, protect ecological functions of the shoreline, and maintain open spaces and opportunities for recreational and other uses compatible with agricultural activities. [Ord. 25-14 § 1.01]

26.10.042 Designation criteria.

The Rural Environment designation is applied to shoreline areas inside urban growth areas that are designated by the Comprehensive Plan as agricultural or zoned agriculture, suburban agriculture, or floodplain. [Ord. 25-14 § 1.01]

26.10.043 Management policies.

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

- A. Uses in the Rural Environment are limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
- B. Commercial and industrial uses are not allowed, except as directly related to agricultural use or products, including sale of products grown on the premises.
- C. Water-dependent and water-enjoyment recreation facilities are a preferred use, provided they do not deplete the resource over time. Boating facilities, angling, wildlife viewing trails, and swimming beaches are preferred uses.

D. Residential subdivisions, including short plats, shall maintain an overall density of one dwelling unit for every five acres. [Ord. 25-14 § 1.01]

26.10.050 Residential environment.

26.10.051 Purpose.

The Residential Environment on Richland's shorelines is designed to accommodate residential development and appurtenant structures at a variety of housing types and population densities consistent with the Comprehensive Plan and zoning. Protection is provided against hazards, objectionable influences, traffic, building congestion, and lack of light, air, and privacy. Certain compatible public service installations are permitted in residential use districts. An additional purpose is to provide appropriate public access and recreational uses, particularly associated with multi-family use. [Ord. 25-14 § 1.01]

26.10.052 Designation criteria.

The Residential Environment designation is applied to shoreline areas inside urban growth areas that are designated by the Comprehensive Plan as predominantly single-family or multifamily residential development or are planned for residential development. [Ord. 25-14 § 1.01]

26.10.053 Management policies.

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

- A. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, sensitive area protection, and water quality are provided in this program and in zoning regulations to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- B. Residential areas isolated from the shoreline by levees or by intervening land in public ownership will have limited impact on shoreline resources and are not subject to standards such as buffers if the use of the intervening land interrupts natural ecological functions. [Ord. 25-14 § 1.01]

26.10.060 Waterfront use environment.

26.10.061 Purpose.

The Waterfront Use Environment is a special commercial and residential classification providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices, and other similar commercial, apartment, and multifamily uses which are consistent with waterfront oriented development. This environment encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities and enhances and maintains existing ecological functions of shoreline and provides for maximum public access and circulation. [Ord. 25-14 § 1.01]

26.10.062 Designation criteria.

The Waterfront Use Environment designation is applied to shoreline areas inside urban growth areas that are designated by the Comprehensive Plan for waterfront use. [Ord. 25-14 § 1.01]

26.10.063 Management policies.

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

- A. Water-oriented shall be given highest priority for waterfront sites.
- B. Mixed use, resort motel and hotel facilities, special commercial and similar uses are encouraged to maximize public access and provide for aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and through location, design, and operation ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline.
- C. Physical public access should be provided by the shoreline trail system.
- D. Visual access should be provided by the shoreline trail system and by open space that provides congregating areas for people to enjoy the aesthetic qualities of the shoreline, including seating areas and compatible commercial uses. [Ord. 25-14 § 1.01]

26.10.070 Industrial conservancy.

26.10.071 Purpose.

The Industrial Conservancy Environment is applied to the Port of Benton barging facilities in North Richland to provide for transfer of waterborne cargos to land while maintaining the current generally undeveloped condition of the shoreline area outside of those areas needed for port facilities. [Ord. 25-14 § 1.01]

26.10.072 Designation criteria.

The Industrial Conservancy Environment designation is applied to the Port of Benton site on the Columbia River in North Richland. [Ord. 25-14 § 1.01]

26.10.073 Management policies.

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

- A. Water-dependent use shall be given highest priority but should occupy only the area needed for the water-related elements of the use.
- B. Other industrial uses should be located outside of shoreline jurisdiction.
- C. The shoreline trail should be maintained and enhanced through the site with provisions for interruption of use only when the site is actively used for transfer of waterborne cargos.
- D. The open space and ecological functions of the site, particularly the area between the shoreline trail and the water should be maintained and enhanced. [Ord. 25-14 § 1.01]

26.10.090 Aquatic environment.

26.10.091 Purpose.

The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM). [Ord. 25-14 § 1.01]

26.10.092 Designation criteria.

The Aquatic Environment is defined as the area waterward of the ordinary high water mark of all streams, rivers, and other water bodies constituting shorelines of the state, together with their underlying lands and their water column; but does not include associated wetlands and other shorelands shoreward of the ordinary high water mark. This designation is not found on the Shoreline Environment Map, but shall be assigned based on the description above. [Ord. 25-14 § 1.01]

26.10.093 Management policies.

- A. Water-dependent uses and a limited range of water-oriented uses are allowed in the Aquatic Environment as necessary to meet other objectives of this program, subject to allowed uses in adjacent upland Shoreline Environment designations and provision of shoreline ecological preservation and enhancement and public access.
- B. New over-water structures are allowed only to serve water-dependent uses, public access, or ecological restoration and should be limited to the minimum necessary to support the structure's intended use. Multiple uses of such structures may be required.
- C. Transportation, utility facilities, and Essential Public Facilities may be allowed subject to demonstration that no alternative location is feasible.
- D. All uses should minimize interference with surface navigation, allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration, prevent water quality degradation, avoid alteration of natural hydrographic conditions, and consider impacts to public views.
- E. Ecological enhancement is an allowed and preferred use. [Ord. 25-14 § 1.01]

Chapter 26.20 **GENERAL REGULATIONS**

26.20.010 Shorelines of statewide significance.

- A. Applicability: The Shoreline Management Act of 1971 designated certain shoreline areas as Shorelines of StateWide Significance. Within Richland's jurisdiction are Shorelines of StateWide Significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.
- B. Decision Criteria: Every project located on a Shoreline of StateWide Significance shall address the following criteria in order of preference in all permit review, in addition to other criteria provided by this Program:
 - 1. Recognize and protect the statewide interest over local interests by: