

architecturally compatible and landscaped to assure compatibility with natural features, public access facilities, and adjacent uses.

- K. Public Access: Utility development shall provide for compatible, multiple uses of sites and rights-of-way through coordination with local government agencies. Such uses include shoreline access in accordance with RMC 26.20.050, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner. [Ord. 25-14 § 1.01]

Chapter 26.40 **SHORELINE MODIFICATION REGULATIONS**

26.40.010 Shoreline stabilization.

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

- A. New development, including subdivision, shall be located and designed to avoid the need for future shoreline stabilization to the maximum extent feasible. New lots created by subdivision shall not require shoreline stabilization in order for reasonable development to occur. New development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure. Proposed development that would require shoreline stabilization which would cause significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed. In all cases, compliance with this criterion shall be documented by geotechnical analysis by qualified professionals.
- B. The construction of shoreline protection for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit is prohibited.
- C. Shoreline stabilization shall be designed and constructed to avoid stream channel direction modification, realignment, and straightening or result in increased channelization of normal stream flows.
- D. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by natural processes rather than from upland conditions such as poorly managed stormwater or vegetation removal. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The erosion control structure shall not result in a net loss of shoreline ecological functions.
- E. Alternatives for shoreline stabilization shall be based on the following hierarchy of preference:
1. No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.

2. Stabilization constructed of natural materials incorporating measures such as soft shore protection and bioengineering, including beach nourishment, protective berms, or vegetative stabilization.
 3. Soft-shore stabilization, as described above, in combination with rigid works, as described below, constructed as a protective measure.
 4. Rigid works constructed of artificial materials such as riprap or concrete.
- F. Shoreline stabilization may be permitted to protect a water-dependent development, or single-family residences, when all of the conditions below have been demonstrated to apply and are documented by report by a qualified professional:
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 2. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 4. The stabilization structure shall not result in a net loss of shoreline ecological functions.
 5. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.
- G. Shoreline stabilization may be permitted to protect an existing non-water-dependent development when all of the conditions below are met as documented by report by a qualified professional:
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 2. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 4. The affected structure cannot be feasibly located or relocated outside of the area affected by natural shoreline erosion processes.
 5. The stabilization structure will not result in a net loss of shoreline ecological functions.
 6. Where a geotechnical analysis confirms a need to prevent potential damage, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.
- H. Shoreline protection for the restoration of ecological functions or hazardous substance remediation projects pursuant to Chapter 70.105D RCW, shall meet the conditions below and be documented by a qualified professional:
1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 2. The erosion control structure will not result in a net loss of shoreline ecological functions.

- I. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures, or public facilities (e.g. roads, bridges, railways, and utility systems) from erosion caused by stream undercutting or wave action. The existing shoreline stabilization structure must be removed from the shoreline as part of the replacement activity. The following conditions must be met and documented by a qualified professional:
 - 1. There is a demonstrated need to protect principal uses or structures from erosion caused by stream geohydraulic processes.
 - 2. The replacement structure is be designed, located, sized, and constructed to assure no net loss of ecological functions.
 - 3. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992 and overriding safety or environmental concerns exist. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 - 4. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
 - 5. For purposes of this subsection, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- J. A publicly funded shoreline stabilization project shall include appropriate provisions for public access to the shoreline, not create barriers to public access if in existence, and incorporate ecological restoration measures if feasible.
- K. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this program are feasible, because of their limited durability and the potential hazard to shore users and the shoreline environment. [Ord. 25-14 § 1.01]

26.40.020 Breakwaters, jetties, and groins.

- A. Breakwaters, jetties, rock weirs, and groins shall only be permitted by Special Use Permit for navigational purposes, water dependent uses, and marinas where water-dependent uses are located waterward of the OHWM, and where protection from strong wave action is essential.
- B. Breakwaters, jetties, rock weirs, and groins may be approved only if analysis by a qualified professional demonstrates that erosion and accretion processes, riparian habitat, channel migration, and floodplain functions will not be adversely affected or are mitigated by a specific program implemented over the lifespan of the effect.
- C. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access and public fishing if such access is feasible and safe. [Ord. 25-14 § 1.01]

26.40.030 Flood hazard management.

- A. New or substantially altered structural flood hazard reduction measures, such as dikes, levees, berms and similar flood control structures, shall be consistent with basin-wide flood control strategies in regional flood hazard management plans.
- B. Flood control structures shall be permitted for the following purposes only, as documented through a geotechnical or geofluvial analysis.

1. They are necessary to protect existing development.
 2. Non-structural flood hazard reduction measures are infeasible.
 3. Impacts to ecological processes and functions, priority fish and wildlife species and habitats, and the aquatic food chain can be successfully mitigated to assure no net loss of functions.
 4. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.
- C. Public access shall be provided in accordance with public access policies and regulations of RMC 26.20.050. If the project is publicly funded the design must provide appropriate public access to the shoreline, improve public access to the shoreline, and provide ecological restoration where feasible.
- D. Dike and levee design shall, to the maximum extent feasible be:
1. Limited in size to the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan or as required by FEMA for dike recertification.
 2. Placed landward of Fish and Wildlife Conservation Area and wetland buffers unless there is no other feasible alternative to reduce flood hazard to existing development.
 3. Located and designed so as to protect and restore the natural character of the stream, avoid the disruption of channel integrity and provide the maximum opportunity for natural floodway functions to take place. Design must consider including levee setbacks to allow for more natural function of floodplains, channel migration zones, off channel habitat and associated wetlands directly interrelated and interdependent with the stream.
 4. Designed to incorporate appropriate vegetation management.
- E. All flood protection measures shall demonstrate that downstream flooding will not be increased and the integrity of downstream ecological functions will not be adversely affected, including disruption of natural drainage flows and stormwater runoff.
- F. Removal of materials from the river channel for flood management purposes may be allowed only as part of an adopted integrated flood control management program and after biological and geomorphological study demonstrates that other flood hazard reduction strategies would not be effective in the absence of gravel removal. Specific studies accompanying the application must demonstrate that adverse flooding, erosion, or other environmental impacts either upstream or downstream of extraction sites would not occur or would be mitigated, including analysis of the natural processes of gravel transportation for the river system as a whole. [Ord. 25-14 § 1.01]

26.40.040 Clearing and grading.

- A. Clearing and grading activities in shoreline areas shall be allowed only in association with a permitted shoreline development and shall be limited to the minimum extent necessary to accommodate shoreline development. Clearing and grading shall retain natural features and functions, including natural topography, to the maximum extent feasible.
- B. Fill is restricted in wetlands or Fish and Wildlife Habitat Conservation Areas in accordance with Sensitive Areas regulations.

- C. Fill may not be placed in floodways. Fill may be placed in other flood hazard areas only where it is demonstrated that adverse impacts to hydrogeologic processes will be avoided and the provisions of RMC 26.60 are met.
- D. Fill below, or waterward, of the ordinary high water mark for any use except ecological restoration requires a Special Use Permit. Fill may be placed below OHWM only when it is demonstrated as necessary to:
 - 1. Accomplish an aquatic habitat restoration plan;
 - 2. Correct the adverse results of past shoreline modification that has disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat;
 - 3. Provide for cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
 - 4. Expand or alter transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.
 - 5. Create water dependent recreational facilities open to the public. [Ord. 25-14 § 1.01]

26.40.050 Dredging and dredge material disposal.

- A. Dredging shall be permitted only:
 - 1. For flood control purposes, as part of an adopted regional flood control plan;
 - 2. In conjunction with a water-dependent use of water bodies or adjacent shorelands where channel modification is essential to the water dependent use;
 - 3. As part of an approved habitat improvement project;
 - 4. In conjunction with a bridge, navigational structure, water, or wastewater treatment facility for which there is a documented public need and where other feasible sites or methods are not feasible.
- B. New dredging shall be permitted only where it is demonstrated by a report by a qualified professional that it will avoid adverse impacts to water quality, Fish and Wildlife Habitat Conservation Areas and other Sensitive Areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of ecological functions.
- C. New development siting and design should avoid the need for new and maintenance dredging.
- D. During a low water season, removal of a portion of an accretion point bar below OHWM but above the water level at the time of operation may be permitted as a Special Use for flood control purposes as follows:
 - 1. It is identified as an element of an adopted integrated flood control management program that demonstrates that other flood hazard reduction strategies would not be effective in the absence of material removal, and is in accordance with RMC 26.40.030.F.
 - 2. Specific studies accompanying the application must demonstrate that adverse flooding, erosion, or other environmental impacts would not occur or would be mitigated either upstream or downstream of extraction sites, including the natural processes of gravel transportation for the river system as a whole.

- E. Dredge material disposal shall be permitted only at locations where it is demonstrated by analysis by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, Sensitive Areas, flood holding capacity, natural drainage and water circulation patterns, prime agricultural land, or public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.
- F. Disposal of dredge material within Fish and Wildlife Habitat Conservation Areas (FWHCA), wetlands, within a floodplain or within a river's channel migration zone shall be allowed only where alternative disposal sites are not feasible. In the limited instances where it is allowed, such disposal shall require a Special Use Permit. Applicants shall demonstrate that: -
1. The proposed dredge materials disposal site is subject to an allowed use under this program that:
 - a. Is an element of an approved restoration plan for aquatic or upland fish and wildlife habitat.
 - b. Will create, expand, rehabilitate, or enhance a beach that provides public recreation opportunities that is permitted under this program;
 - c. If on private land, the site will ultimately be suitable for a use permitted by this program or will be subject to buffer or other open space restrictions;
 - d. Will affect the smallest feasible land;
 2. Sites will be adequately screened from view of local residents or passersby on public right-of-ways to the maximum extent practicable (e.g. a combination of fencing and vegetation).
 3. Sites will be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other Sensitive Areas functions;
 4. Shoreline ecological functions and processes will be preserved, including protection of riparian buffers and surface and ground water; [Ord. 25-14 § 1.01]

26.40.060 In-stream structures.

- A. In-stream structures may be allowed only when the public benefits of such facilities clearly outweighs any loss of ecological processes and functions and only when an analysis of alternatives demonstrates that the proposed location and design would result in less adverse impact than alternative locations and designs.
- B. In-stream structures may be approved only for:
1. Water-dependent use where the in-stream structure is essential to operation of the use.
 2. A project that has received Governor's certification pursuant to chapter 80.50 RCW Energy Facility Siting.
 3. A project that has received approval and licensing by the Federal Energy Regulatory Commission.
 4. Projects that are part of an approved irrigation district plan or are private or corporate irrigation facilities approved by the Washington Department of Fish and Wildlife.
 5. A fish or wildlife habitat restoration project approved by the Washington Department of Fish and Wildlife.

- C. All in-stream structures shall demonstrate that they result in no net loss of ecological functions and applications shall detail all mitigation measures, include detailed mitigation plans, timetables for implementation, and a monitoring program.
- D. In-stream structures and their support facilities shall be located and designed to minimize the need for shoreline defense structures. When shoreline defense structures are demonstrated as necessary, they shall be approved in accordance with Section 26.40.10 Shoreline Stabilization.
- E. In-stream structures and associated facilities shall avoid, and where avoidance is not feasible shall mitigate, adverse land use impacts including impacts to public access facilities, publicly owned lands or waters used for recreation, and public and private recreation facilities. Impacts to be avoided include the visual impact of the structure or facilities, the intrusion of roads or utility corridors into undeveloped area used for recreation, noise and impacts from reduced water flows.
- F. In-stream structures shall be designed and constructed to provide public access to and along the shoreline, in accordance with the public access policies and regulations contained in Section 26.20.050. Existing public access and recreational opportunities should be retained, enhanced, or replaced. [Ord. 25-14 § 1.01]

Chapter 26.50 PERMIT ADMINISTRATION AND ENFORCEMENT

26.50.001 Administrator.

The deputy city manager for community and development services or his designee shall administer and be responsible for the enforcement of the Richland shoreline master program. [Ord. 25-14 § 1.01]

26.50.010 Permit requirements.

- A. Substantial developments proposed on shorelines of Richland shall be allowed subject to the issuance of a permit from the City of Richland. Applications for Substantial Development Permit, Special Use Permit, and Variance shall be required to comply with the permit review provisions established by the State of Washington (Chapter 173-27 WAC) and the City of Richland and shall be accompanied by a standard fee as set forth in the schedule of fees in RMC 19.80. Application forms containing the information required by WAC 173-27-180 shall be provided by the Shoreline Administrator.
- B. Shoreline permits shall be classified Type I or Type II permit applications according to the criteria established in RMC 19.20.010.
 - 1. Decision authority for Shoreline Substantial Development Permits meeting the criteria for Type I permit applications shall rest with the Administrator.
 - 2. Decision authority for Shoreline Substantial Development Permits classified as Type II permit applications and all Special Use Permits shall rest with the Hearing Examiner.
 - 3. Decision authority for shoreline Variances shall rest with the Hearing Examiner.
- C. Application for a Substantial Development Permit or Special Use Permit shall be considered a request for Site Plan Approval as outlined in RMC 23.48. [Ord. 25-14 § 1.01]