

Response Matrix
City of Richland Shoreline Master Program Update

	Commenter	Comment	Comment Date	City Staff Response
1-50	Debbie Berkowitz	Comments 1-50 were submitted 4/18/2021 and on 5/19/2021, the commenter sent a revised set of comments stating, "The comments below are based on the current draft version of the SMP update that was posted online on 5/4/21 (RMCTitle26EditsV7). This is a revision of my original comments (dated 4/18/21) that had been based on the 3/16/21 draft (V5); these revised comments recognize the changes that were made between these two draft versions i.e., the addition of a number of definitions from the CAO and the switch from the term 'sensitive' to 'critical.'"	4/18/2021	The City has responded to comments 1-50 by responding to the comments as they appeared in the 5/19/2021 letter because the commenter revised their comments from 4/18/2021 and resubmitted them.
51	Patrick Paulson	In the latest Draft (also in previous drafts), the Table "26.30.012 Bulk and dimension chart" refers to "Table 26.60.042, Riparian Buffer Width", but that table has been stricken. In addition, the entry for "Riparian Forest" has been stricken from "Table 26.60.024(D) Wetland Buffer Widths". I'm wondering if the intent is that these edits are due to section 26.60.044 (FWHCA Performance standards) item J, which requires that : Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title	5/12/2021	Comment noted. The table has been retained.

		<p>26 and wetland buffer requirements as established in RMC 22.10.110. (That would kind of make sense, since Riparian areas are PHS, and so the FWHCA performance standards would apply) Or is there a different explanation for the missing riparian buffer widths? Thanks, the answer to this question will really help when making comments.</p>		
52	Debbie Berkowitz	<p>For consistency with the CAO and with State nomenclature (and for internal consistency within this SMP update, including in headings), fish or wildlife habitat areas should be changed to fish and wildlife habitat conservation areas, geologic hazard areas to geologically hazardous areas, flood hazard areas to frequently flooded areas, City of Richland to administrator, and qualified consultant to qualified professional throughout as was done in the CAO (currently, both sets of terms in each category are used in the SMP).</p>	5/19/2021	<p>Comment accepted. Nomenclature will be consistently revised.</p>
53	Debbie Berkowitz	<p>P. 82 - 26.60.032. – Unauthorized alterations and enforcement – This clause is applicable to other critical areas, not just wetlands, so should be included in Article VII. General Information (as it is in the CAO, 22.10.435).</p>	5/19/2021	<p>We moved the section to 26.60.085 as suggested.</p>
54	Debbie Berkowitz	<p>P. 83 - 26.60.010 A1. Make this consistent with the CAO (22.10.010A1) by including all the listed benefits of wetlands.</p>	5/19/2021	<p>Revised as suggested.</p>
55	Debbie Berkowitz	<p>P. 84 – 26.60.010 A. Add (4) CARA benefits and (5) Frequent flooding section (from CAO 22.10.010A4 and 5.)</p>	5/19/2021	<p>Revised as suggested.</p>

56	Debbie Berkowitz	P.84 – 26.60.010C. Follow CAO 22.10.010C1. The intent of this chapter is to implement the goals and policies of the city of Richland’s comprehensive plan, in particular those goals and policies that pertain to natural features and environmental protection. [the other goals and policies listed are implemented under the other parts of this document and should be deleted here].	5/19/2021	Comment noted. No Changes proposed at this time.
57	Debbie Berkowitz	P. 85 - 26.60.020 The following activities which occur in conjunction with a development application within a wetland.... [see CAO 22.10.070] (i.e., delete strikeout part since these activities should be regulated whether or not there is a development application)	5/19/2021	Comment noted and language deleted.
58	Debbie Berkowitz	P. 86 - 26.60.020F Add ‘intentional burning’ to the list [see CAO 22.10.070F]	5/19/2021	Revised as suggested.
59	Debbie Berkowitz	P. 86 - 26.60.021A1. This is not an ‘and’ list (‘e. Are not an alkali wetland; and’); it should be an ‘or’ list (‘e. Are not an alkali wetland; or’) – it is not clearly written [‘and’ was not included (after e.) in the CAO, 22.10.080B1]. A better alternative would be to eliminate this exemption as per the following: WDOE guidance for CAO Updates Eastern WA Version (2016), P. 8: “The scientific literature does not support exempting wetlands that are below a certain size. While we recognize an administrative desire to place size thresholds on wetlands that are to be regulated, you need to be aware that it is not possible to conclude from size alone what functions a particular wetland may be providing. Because of the important wildlife functions provided by small wetlands in Eastern Washington, Ecology does not recommend exempting small wetlands from regulation.”	5/19/2021	See response in line 60, below.

60	Debbie Berkowitz	<p>...cont'd...</p> <p>Use this instead – “Small isolated wetlands in arid landscapes often have a higher value and perform greater functions than in other settings. However, in certain circumstances, applying the buffers in Table [26.60.024(D)] may result in buffer areas greater than that of the wetland being protected. In these instances, the City may consult with the Department of Ecology to determine whether exemptions from mitigation sequencing and/or reduced buffers are warranted.”</p>	5/19/2021	Comment noted. We revised as suggested, with a grammatical change.
61	Debbie Berkowitz	<p>P. 87 - 26.60.021B4. Are all agricultural activities automatically allowed without a critical area report or just existing and ongoing agricultural activities? Follow CAO 22.10.080C3. “Agricultural activities that are existing and ongoing; provided, that they implement applicable best management practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Services Field Office Technical Guide; or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts to wetlands from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations and wildlife habitat.”</p>	5/19/2021	Revised as suggested.
62	Debbie Berkowitz	<p>P. 88 - 26.60.022. Add from CAO 22.10.090 “Additional guidance may be obtained from the Department of Ecology publication “Focus on Irrigation Influenced Wetlands” (Publication No. 10-06-015) or as may be amended in the future.”</p>	5/19/2021	Revised as suggested.

63	Debbie Berkowitz	P. 90 - Table 26.60.024(D). Category II High level of function for water quality improvement. Add back in "No additional surface discharges of untreated runoff."	5/19/2021	Revised as suggested.
64	Debbie Berkowitz	P. 90 - Table 26.60.024(D) Category II Add Riparian forest back in and include buffers and other measures from CAO 22.10.110(D) table.	5/19/2021	Revised as suggested.
65	Debbie Berkowitz	P. 92 - 26.60.025C1a. Add 'if all three' [the width of the buffer can be reduced if all three of the following criteria are met] [see CAO 22.10.115C1a]	5/19/2021	Revised as suggested.
66	Debbie Berkowitz	P. 93 - 26.60.025(D). Table column heading should be 'Examples of Activities and Uses that Cause Disturbances. [See CAO 22.10.115(D)]	5/19/2021	Revised as suggested.
67	Debbie Berkowitz	P. 94 - See 'other issues' #6 on next page of this comment letter.	5/19/2021	26.60.057 updated to match 22.10.300 (per Ord 16-21)
68	Debbie Berkowitz	P. 95 - Add the equivalent to 22.10.115H re signs and fencing of wetlands and buffers (e.g., when domestic grazing animals are on site)	5/19/2021	We added section H. Signs and fencing of wetlands and buffers, as it appears in 22.10.115H.
69	Debbie Berkowitz	P. 95 - 26.60.026C2c. This section is redundant with section C2a. Should be replaced by the statement: "c. Avoids alterations of wetlands previously enhanced or created as mitigation." [this is section 22.10.120C2d. in the CAO].	5/19/2021	Comment noted. The section has been revised to eliminate redundancy.
70	Debbie Berkowitz	P. 112 - 26.60.032 Add G (from CAO 22.10.435). 'Illegal modifications. Wetland rating categories and/or fish and wildlife habitat conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.' [as mentioned in this comments section, item #2, P. 82 26.60.032, it would be preferable to include this whole section under Article VII. General Information as was done in the CAO, 22.10.435, since it is applicable to other critical areas as well].	5/19/2021	We moved 26.60.032 to Article VII, as suggested.

71	Debbie Berkowitz	P. 132 - 26.60.080 Add from CAO 22.10.360 – provided they are conducted using best management practices ‘and minimize and/or mitigate the impacts to critical areas’.	5/19/2021	We revised 26.60.080.
72	Debbie Berkowitz	P. 132 - 26.60.080A. Add (from CAO 22.10.360) ‘and subject to the provisions found in RMC 22.10.080(C)(3)’.	5/19/2021	Revised as suggested however, the reference is to RMC 26.60.021.B.4. rather than the CAO.
73	Debbie Berkowitz	P. 133 - 26.60.080F. Add (from CAO 22.10.360) ‘Retroactive mitigation must occur within the first growing season following completion of the emergency work.’	5/19/2021	Revised as suggested.
74	Debbie Berkowitz	P. 134 - 26.60.081B3c. These items (i.-iv.) should be included on the map as well [as in the CAO 22.10.370B3b vi.-ix.].	5/19/2021	Comment noted. Changed as suggested.
75	Debbie Berkowitz	P.135 - 26.60.081B5. Add (from CAO 22.10.370B5)‘a report on FWHCAs shall include the requirements listed in RMC26.60.043’ together with...	5/19/2021	Revised as suggested. <i>*Later changed to reference 26.60.044 which is the correct citation (AHBL, 5/19/2023)</i>
76	Debbie Berkowitz	P. 138 - Add section between 26.60.082 and 26.60.083, equivalent to CAO 22.10.385 Notice on title.	5/19/2021	The section has been added as 26.60.086.
77	Debbie Berkowitz	P. 138 - Include the equivalent of CAO 22.10.435 ‘Unauthorized alterations and enforcement.’ This is needed for FWHCAs; currently, the SMP includes this only for wetlands. As with the CAO, this section could be placed at the end for all critical areas and not included specifically for wetlands.	5/19/2021	The section has been added as 26.60.085.

78	Debbie Berkowitz	<p>P. 122 26.60.044J and P. 37 – 26.30.012. The Riparian Buffer Width table is missing, yet is referred to in the text in the chart on P. 37. Having minimum buffer widths established in the SMP is also referenced in the CAO (section 22.10.210). CAO section 22.10.210 (and SMP section 26.60.044J) state that “Riparian corridors shall also meet the minimum requirements as established in RMC Title 26.” It is very important to have minimum riparian buffer width requirements as provided in original Table 26.60.042 for different shoreline environmental designations (even though as shoreline designations, they are not included in the CAO). In section 26.60.044J, the riparian buffer widths should also take into account the Best Available Science from WDFW (2020 Riparian Ecosystems Vol 1 and Vol 2, which discuss aquatic system functions; and 1997 Management Recommendations for Washington’s Priority Habitats: Riparian, which discusses terrestrial habitat functions).</p>	5/19/2021	<p>Comment noted. The table has been retained. A change to the buffer widths is beyond the scope of this periodic update.</p>
79	Debbie Berkowitz	<p>P. 64-65 – 26.50.012D. How is the city tracking and periodically evaluating the cumulative effects of all project review actions in shoreline areas? What about non-project actions and exempt actions?</p>	5/19/2021	<p>Thank you for your question. Project review and permit administration is regulated by RMC Chapter 26.50.</p>
80	Debbie Berkowitz	<p>P. 67 – 26.50.020B7. Is noncommercial dock construction controlled by the Corps (since it’s below OHWM)?</p>	5/19/2021	<p>The SMP provides regulations for noncommercial docks such as in section 26.20.090.</p>
81	Debbie Berkowitz	<p>P. 70-71 – 26.50.025A, B, D. If there is no Substantial Development Permit, how do the City and the community track cumulative effects of these activities since these regulations apply whether or not a substantial development permit or other type of city approval is sought [26.60.012]?</p>	5/19/2021	<p>Project review and permit administration is regulated by RMC Chapter 26.50. Please note, we changed the word "certificate" to "permit"; and "letter" changed to "permit".</p>

82	Debbie Berkowitz	5. P. 94 26.60.025F. ...normal and routine maintenance of existing utility easements providing that the maintenance and repair does not increase the footprint or use of the facility or right-of-way. (Add underlined portion, from WDOE 1606002)	5/19/2021	Revised as suggested.
83	Debbie Berkowitz	P. 128 – Article V. Since the CARA section of the CAO is currently being updated to comply with DOH guidance, shouldn't the CARA section of the SMP also be updated?	5/19/2021	We updated section 26.60.057 to match 22.10.300 (per Ord 16-21).
84	Debbie Berkowitz	General. Vegetation along the shoreline has been cut back in City-owned/leased areas and private areas with little or no replanting of native plants in a number of instances since (and before) the last SMP update. There has been little mitigation or consequences to those who cut the vegetation. Enforcement is an issue along the shoreline, especially in FWHCA buffer zones. For example, the City is supposed to 'control invasive weeds and replace existing invasive species with native or compatible species that perform ecological functions similar to native species. Native species are preferred in underdeveloped areas of the shoreline.' (26.20.040 A and B and F) The SMP update should provide a more robust enforcement capability with an educational component that stresses the importance of the riparian and associated upland environment for water quality and for fish and wildlife. What can the City do to improve enforcement and education?	5/19/2021	Comment noted. The proposed change to the SMP you describe is beyond the scope of the periodic update.
85	Debbie Berkowitz	P. 95 - 26.60.026C2a. this section through RMC 26.60.030 (not 26.60.028 Mitigation standards...). [see 22.10.120C2a]	5/19/2021	Revised as noted.

86	Debbie Berkowitz	P. 102 - 26.60.028C1. reference section in SMP (not CAO)	5/19/2021	We made the change as noted.
87	Debbie Berkowitz	P. 107 - 26.60.029B4. reference section in SMP (not CAO)	5/19/2021	Revised as noted.
88	Debbie Berkowitz	P. 108 - 26.60.030A15. add 'qualified' professional	5/19/2021	Revised as noted.
89	Debbie Berkowitz	P. 111 - 26.60.031B7. reference section in SMP (not CAO)	5/19/2021	We changed the reference to 26.60.029.B.3. <i>*Later changed to reference 26.60.030 which is the correct citation (AHBL, 5/19/2023)</i>
90	Debbie Berkowitz	P. 122 - 26.60.044J reference section in SMP, i.e., 26.60.024(D) (not CAO)	5/19/2021	Revised as noted.
91	Debbie Berkowitz	P. 123 - 26.60.045B. reference section in SMP (not CAO).	5/19/2021	Revised as suggested.
92	Debbie Berkowitz	P. 132 - 26.60.072C CMZs aren't mentioned in Chap. 23.12. This needs to reference RMC 22.16	5/19/2021	We removed section C.
93	Debbie Berkowitz	Definitions: • Artificially created wetland and Associated jurisdictional wetland – in SMP, move to Wetland, artificially created, etc. [easier to find if use the main term in the phrase]	5/19/2021	Revised as suggested.
94	Debbie Berkowitz	• Buffers B. add 'wildlife friendly' fences	5/19/2021	We added signs and fencing of wetland buffers as in 22.10.115H.
95	Debbie Berkowitz	• Creation – 3rd line, change 'Establishment' to 'Creation'	5/19/2021	Changed 'Establishment' to 'Creation'.
96	Debbie Berkowitz	• Critical habitat or critical wildlife habitat – eliminate, redundant with FWHCA definition and text.	5/19/2021	Revised as suggested.

97	Debbie Berkowitz	<ul style="list-style-type: none"> • Enhancement – add ‘ and replacing with native species’ (i.e.,... ‘removing nonindigenous or noxious species and replacing with native species’] 	5/19/2021	Revised as suggested.
98	Debbie Berkowitz	<ul style="list-style-type: none"> • Existing and ongoing agricultural activities – move to ‘Agricultural activities, existing and ongoing’ [easier to find if use the main term in the phrase] 	5/19/2021	Revised as suggested.
99	Debbie Berkowitz	<ul style="list-style-type: none"> • Floodway – use definition from RMC 22.16 – 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). 	5/19/2021	Revised as suggested.
100	Debbie Berkowitz	<ul style="list-style-type: none"> • Habitat maps – eliminate (term isn’t used) 	5/19/2021	Revised as suggested.
101	Debbie Berkowitz	<ul style="list-style-type: none"> • High impact and low impact land uses – definition ok, but examples and context should be left to the text so there are no inconsistencies 	5/19/2021	Revised as suggested.
102	Debbie Berkowitz	<ul style="list-style-type: none"> • Priority habitat – last paragraph Add ‘shrub steppe habitat’ (as in CAO) – i.e., A priority habitat may be described by a unique vegetation type..... (such as oak woodlands or eelgrass meadows or shrub steppe habitat). 	5/19/2021	Comment noted and this is already proposed.
103	Debbie Berkowitz	<ul style="list-style-type: none"> • Priority species – eliminate [already covered under priority habitats and species definition and, therefore, not in CAO] 	5/19/2021	Revised as suggested.
104	Debbie Berkowitz	<ul style="list-style-type: none"> • Qualified consultant – remove from SMP; use qualified professional instead and incorporate missing parts of CAO definition 	5/19/2021	We replaced CARA (C) with the definition from the CAO.
105	Debbie Berkowitz	<ul style="list-style-type: none"> • Regulated activity – use CAO definition instead of SMP definition (i.e., not restricted to wetlands) 	5/19/2021	We replaced with the definition from the CAO.
106	Debbie Berkowitz	<ul style="list-style-type: none"> • Secondary habitat – remove from SMP, term not used 	5/19/2021	We removed the term.

107	Debbie Berkowitz	<ul style="list-style-type: none"> • Sensitive areas – already changed to critical areas – move to correct alphabetical location. 	5/19/2021	Revised as suggested.
108	Debbie Berkowitz	<ul style="list-style-type: none"> • Site – add CAO definition 	5/19/2021	Comment noted and no change proposed. There are many uses of the word “site” in situations that are not specific to having an impact on a critical area.
109	Debbie Berkowitz	<ul style="list-style-type: none"> • Wetland class – eliminate (term isn’t used) 	5/19/2021	Revised as suggested.
110	Debbie Berkowitz	<ul style="list-style-type: none"> • Wetland delineation – use CAO definition 	5/19/2021	Revised as suggested.
111	Debbie Berkowitz	<ul style="list-style-type: none"> • Wetland determination – change ‘consultant’ to ‘professional’ 	5/19/2021	Revised as suggested.
112	Debbie Berkowitz	<ul style="list-style-type: none"> • Wetlands or wetland area – eliminate (redundant with ‘Wetland or Wetlands’ definition) 	5/19/2021	Revised as suggested.
113	Debbie Berkowitz	<ul style="list-style-type: none"> • Wildlife habitat – remove from SMP, change terminology to wildlife habitat conservation area 	5/19/2021	Both definitions are necessary because the term ‘wildlife habitat’ is used throughout the chapter when referring to general wildlife habitat. No change proposed.
114	Debbie Berkowitz	<ul style="list-style-type: none"> • Wildlife report – remove from SMP, change terminology to FWHCA report (not needed as a definition) 	5/19/2021	Definition deleted and the one instance where ‘wildlife report’ used has been changed.
115	Patrick Paulson, Laurie Ness	<p>The SMP should be clear about where riparian buffers are required and the minimum width of those buffers. To simply say “riparian areas will be protected according to Best Available Science (BAS)” gives developers, planners, and the public no idea of what buffer width requirements might be because they won’t be able to determine what the BAS is or how to interpret it. Unless buffer requirements are explicit, the Department of</p>	5/24/2021	Table 26.60.042. Riparian Buffer Width provides the required widths of habitat/riparian buffers in the various shoreline environments.

		Ecology will be unable to determine if the SMP meets their requirements for protection of ecological functions.		
116	Patrick Paulson, Laurie Ness	<p>We want to ensure that within the shoreline jurisdiction riparian areas are always protected. With the current language, riparian zones are protected since they must maintain the functions and values of any ‘waters of the state’ they are associated with, and waters of the state are FWHCA. Riparian zones are also protected because</p> <ul style="list-style-type: none"> • Riparian zones are PHS (WDFW 2008, pp. 267-268), • PHS is FWHCA, and • FWHCA is protected as required by BAS. <p>But these inferences are not clear and may be subject to future revisions of WDFW’s PHS list and management recommendations.</p>	5/24/2021	<p>Thank you for your comments. We have made a few revisions to clarify the intent of this section of the SMP. However, a change to the buffer widths is beyond the scope of this periodic update. The following changes are proposed:</p> <ul style="list-style-type: none"> • Table 26.60.042 refers to a map that the City adopted as a part of the SMP. The map is currently titled, “Regulatory Reaches” and as you pointed out, this does not match the table. The title of the map will be updated to match the reference in the table mentioned above which should reduce an element of confusion on the matter. • We have revised section 26.60.042 to better explain riparian and other buffers. • These areas will typically be subject to other required buffers such as those required for wetlands and for those required for specific uses in RMC 26.30.012.

117	Patrick Paulson, Laurie Ness	<p>1.1 Riparian Zone Protection Text Pull the riparian buffer requirements into a separate section so they can be referenced from multiple locations in the code: 26.60.045 Protection of Riparian Zones J. A. Riparian zones shall be protected with buffers. Buffer width Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 in Table XX and wetland buffer requirements as established in RMC 22.10.110;. (Need to change the numbering of the following section ...) 26.60.0456 Fish and wildlife habitat conservation area alteration. For the riparian buffer table we've used values for the width of the Riparian Management Zone given by current WDFW recommendations. We've removed the exception for roads, canals, etc.; maintenance of existing infrastructure is already exempt from these regulations. However, the area within the riparian buffer width, but upland of any infrastructure, should be protected since not all functions and values of the riparian zone will be affected by the infrastructure (e.g., some terrestrial species can still cross a road or path at night). There is no current direct connection between the environment designations from the previous riparian buffer table to the current environment designations, so we don't know whether different values should be specified for other environment designations, what those values should be, or how</p>	5/24/2021	See responses to comment #116. Also, section 26.60.045 Fish and wildlife habitat conservation area – Performance standards, provides protection for these areas.
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		the City can ensure that no loss of ecological function occurs in reaches with these environment designations....		
118	Patrick Paulson, Laurie Ness	(...cont'd...)Table XX. Minimum Riparian Buffer Widths Environment Designation Stream Type[3] Riparian Buffer Width (Feet)[1 and 2] Natural All Entire shoreline jurisdiction Recreation and Recreation Conservancy All Type 'S' and Type 'F' wider than 5 ft Entire shoreline jurisdiction All others 150 Rural?, Residential?, Waterfront Use?, Industrial Conservancy?, Aquatic NA (1) Measured from the OHWM or top of bank, as applicable (2) Accompanied by other critical area provisions and stormwater management measures, as applicable. (3) Waters of the state are Type S; Fish bearing streams are Type F.	5/24/2021	A change to the buffer widths is beyond the scope of this periodic update.

119	Patrick Paulson, Laurie Ness	<p>1.2 Update references to protection for Riparian Zones Update sections that require riparian buffers. Paragraph J of “26.60.044 Fish and wildlife habitat conservation area – Performance standards” should now read: J. Width of riparian corridors shall be in accordance with RMC 20.60.045A. buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;</p>	5/24/2021	See Line 144 below. We simplified RMC 26.60.045.J so that it refers to the section that explains riparian buffers.
119	Patrick Paulson, Laurie Ness	<p>...Cont’d...Update the entry for “Critical Area Buffer Non-Water-Dependent Use” in “Table 26.30.012 Bulk and dimension chart.” It currently only provides buffers for wetlands and riparian areas; it does not provide buffers to protect other types of FWHCA such as Shrub-steppe or areas associated with Endangered, Threatened or Sensitive Species. Remove the reference to the Riparian buffer table, since the text “applicable riparian buffer” already specifies the buffer meets the requirements of Chapter 26.60. Also remove the other reference to the Riparian buffer table and rely on the text ‘applicable riparian buffer’ to ensure buffer requirements are met. Critical Area Buffer Non-Water-Dependent Use Buffers and other protective measures as required by RMC Chapter 26.60. As provided by Table</p>	5/24/2021	We revised the table so that individual buffer tables are not referenced. The reference now says, “Subject to applicable requirements in Chapter 26.60.”

		26.60.024(D), Wetland Buffer Widths, Table 26.60.042, Riparian Buffer Width		
119	Patrick Paulson, Laurie Ness	...cont'd... Minimum Building Setback Non-Water-Dependent Use NA2 15 feet (except for residential, which is 25 feet) from the edge of the applicable riparian buffer, or 15 feet (except for residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail or parking area, as applicable, as provided in Table 26.60.0422	5/24/2021	We revised the table to include a general reference to Chapter 26.60 instead of the riparian buffer table.
120	Patrick Paulson, Laurie Ness	1.3 Protect Riparian Zones within Wetlands Protect riparian zones within wetlands by adding the following row to “Table 26.60.024(D) Wetland Buffer Widths”: Riparian Zones within wetlands Riparian zone buffers as required by RMC Chapter 26.60. This ensures adequate protection for riparian areas within wetlands where the required wetland buffer is insufficient to protect riparian functions.	5/24/2021	Comment noted and no changes proposed. RMC 26.60.015 says, “In the event of any conflict between these regulations and any other regulations of the city of Richland, the regulations which provide greater protection to environmentally critical areas shall apply.
121	Patrick Paulson, Laurie Ness	Revise the definition of “Priority Habitat” from 26.80. This same definition also occurs in Richland’s CAO. The definition should be revised in both since it may cause confusion with Priority Habitats identified on WDFW’s PHS list. The following revision is meant to ensure that all WDFW PHS habitats are considered Priority Habitat: “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must either be a habitat included on WDFW’s Priority Habitat and species list or have one or more of the	5/24/2021	<ul style="list-style-type: none"> • Language added to the definition of “priority habitat”. • Definitions of RMZ and SPTH are not needed since the terms are not used in the text. • The definition of “sensitive area” was changed to “critical area” and moved to its alphabetically correct location.

		<p>following attributes: ...</p> <p>The draft version of 26.80 is missing definitions for “Riparian Management Zone (RMZ)” and “Site Potential Tree Height (SPTH)” that are given in the CAO (But we note these phrases don’t occur in the text, so the definitions might not be needed).</p> <p>The definition of “Critical Area” (formerly “Sensitive Area”) needs to be moved so the definition list remains alphabetical.</p>		
122	Myra Weihermiller	<p>Please provide more public parking on the river side of George Washington Way near Howard Amon park. The current parking is very limited, especially so when there are events in the park. Please consider the vacant building and lot north of Sterlings.</p>		Comment noted.
123	Debbie Berkowitz	<p>RE:[26.30.011] Permitting Boat Mooring Facilities in all SMP environments (except Natural) -"This doesn't specify size of boat mooring facilities. Recreation conservancy designated areas should be limited in boat mooring facilities, as should rural, residential, and some recreation areas, e.g., in wetland areas."</p>	11/26/2021	<p>The use table in 26.30.011 was updated to reflect where boat mooring facilities are allowed in certain waterfront zoning districts in Title 23 Zoning Regulations.</p> <p>It is not necessary to specify in the table the number of boats allowed at moorage facilities because the size of boat mooring facilities is regulated by other code sections such as in 26.20.090 Boat and vessel facilities. Further, the definition of “Marina” in Chapter 26.80 specifies that boat moorage facilities that serve 5 or more</p>

				vessels are considered marinas and “Marinas” are listed separately from “boat moorage” in the use table and are only permitted in 2 environments.
124	Patrick Paulson	RE:[26.20.040.E] Cite specific sources of BMP's (for pesticide application).	11/19/2021	Comment noted however no changes proposed. The SMP contains a detailed definition of “Best management practices (BMPs)” which explains that BMPs are industry standards and practices that evolve. We believe that in most cases, it is prudent to refer to BMPs in a general sense and rely on the most current data and research available rather than have the code refer to a specific source that may be outdated or superseded.
125	Patrick Paulson	RE:[26.30.012] deleted "As provided by Table 26.60.024.D, Wetland Buffer Widths, Table 26.60.042, Riparian Buffer"	11/21/2021	Revised.
126	Patrick Paulson	RE:[26.30.012] deleted "the applicable riparian buffer", wants language to be more expansive so all buffers are considered	11/7/2021	Revised to reflect a broader range of regulations.
127	Patrick Paulson	RE:[26.30.012] Minimum Building Setback Non-Water-Dependent Use: deleted "area, as applicable, as provided in Table 26.60.042".	11/21/2021	We kept the word “area” to refer to a parking area but removed the other text, as suggested.
128	Patrick Paulson	RE:[23.30.020.C] wants BMP's specified as in CAO/SMP	11/19/2021	Revised as suggested.
129	Patrick Paulson	RE:[26.30.080.F] wants BMP's specified	11/19/2021	Comment noted however no changes proposed. A general

				<p>reference to BMPs will ensure that the most current data, research, and regulations will be consulted to minimize the potential for contamination of surface water and ground water resources. For instance, the City could expect an applicant to refer to any of the following:</p> <ul style="list-style-type: none"> • Washington Pesticide Control Act (15.58 RCW), • the Washington Pesticide Application Act (17.21 RCW), • the General Pesticide Rules (WAC 16-228), • the Worker Protection Standard (WAC 16-233), and • a number of pesticide and/or county specific regulations.
130	Debbie Berkowitz	RE:[26.60.020 - Wetlands] wants listed activities regulated regardless of a development application; language stricken	11/7/2021 & 11/21/2021	Comment noted and language deleted.
131	Patrick Paulson	RE:[26.60.021] Asks, can we reference BMP's in other places so compliance w/BMP's can be evaluated?	11/19/2021	Question noted however no changes proposed. See responses to similar questions/comments.
132	Patrick Paulson	RE:[26.60.024] "We'd like text somewhere that ensures that buffers are evaluated separately for wetlands and FWHCA. For example, if a wetland contains a protective(ed?) species, and the species requires a larger buffer than required for the wetland, the larger buffer should be used. Not sure	11/7/2021	Comment noted and no changes proposed. RMC 26.60.015 says, "In the event of any conflict between these regulations and any other regulations of the city of

		how to make that general in a way that will be easily understood."		Richland, the regulations which provide greater protection to environmentally critical areas shall apply.
133	Patrick Paulson	RE:[26.60.024.D - Wetland Buffer Widths] "Want some way to state that the wetland buffer won't necessarily be enough if other critical areas occur in the same area."	11/7/2021	Comment noted and no changes proposed. RMC 26.60.015 contains a statement that critical areas may be subject to other regulations in the code.
134	Debbie Berkowitz	RE:[26.60.025.F] Added "pervious" to qualify low-impact trails	11/7/2021	Changed as requested.
135	Debbie Berkowitz	RE:[26.60.026.2.C] Wants to add the statement "Avoids alterations of wetlands previously enhanced or created as mitigation." per CAO (22.10.120.2.d)	11/7/2021	We added the statement as suggested.
136	Debbie Berkowitz	RE:[26.60.031.B.7] Should the reference to 26.60.029.B.3 reference 26.60.030 instead?		Changed as suggested.
137	Debbie Berkowitz	RE:[26.60.040.A] wants reference to 22.10.360 to reference 26.60.080 instead.		Changed as suggested.
138	Patrick Paulson	RE:[26.60.040.B] Wants BMP source(s) specified		Comment noted however no changes proposed. See responses to similar questions/comments above.
139	Patrick Paulson	Re-added a modified version of 26.60.042 FWHCA inventory maps, back to the code, so buffer, reporting and performance standards are close together.	11/19/2021	Comment noted and text was added however the section has not been moved but remains after the Fish & wildlife habitat buffer areas section so that more general info is followed by more specific info.
140	Patrick Paulson	RE: [26.60.043] "Moved riparian buffers to different section. The way It was made it seem like buffers were only required for riparian areas, but this	11/7/2021	Comment noted. No changes to format proposed. Language was added to RMC 26.60.042 to

		section is about all buffers required for habitat protection."		clarify which buffers are required.
141	Patrick Paulson & Debbie Berkowitz	26.60.043 (Pgs 118 - 120) Commenters added a modified section titled Fish and Wildlife habitat buffer areas, including a modified Riparian Buffer Width table. This item includes over twenty (20) individual edits.	11/11/21-11/21/21	Comment noted. No changes proposed.
142	Debbie Berkowitz	26.60.044.C.2 (pg 121), suggests adding "monitored species" to habitat conservation area reports	11/7/2021	Added as suggested.
143	Debbie Berkowitz	26.60.044.C.4 (pg 121), suggests cross-referencing Title 22.10.220 (mitigation sequencing)	11/7/2021	Comment noted and a cross reference has been added however, referring to Title 22 is inconsistent with our overall attempt to eliminate cross-references. The section now references RMC 26.20.020.
144	Debbie Berkowitz	26.60.045.J (pg 123) deleted "buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in"	11/21/2021	Revised as suggested.
145	Debbie Berkowitz	26.60.045.K.2. (pg. 124) added "or adjacent to the site"	11/26/2021	Language added as suggested.
146	Debbie Berkowitz	26.60.045.K.6. (pg. 124) replaced "or" with "and"	11/26/2021	Comment noted. The statement has been changed to say, "Supplemental planting of native tree and/or shrub cover; "because it may not always be appropriate to include both.
147	Debbie Berkowitz	26.60.046.A (pg 124) Fish and wildlife habitat conservation are alterations, deleted "to the extent feasible and reasonable".	11/21/2021	Comment noted however, the language was added to match the updated CAO, specifically,

				RMC 22.10.220. No change proposed.
148	Debbie Berkowitz	26.60.046.A (pgs 124 - 125) commenter suggests adding mitigation sequencing verbatim.		The section is remaining as it currently exists, with minor edits.
149	Debbie Berkowitz	26.60.072.C (pg 133) suggests deleting reference to 23.12 (zoning), referencing 22.16 (CAO) instead	11/7/21 & 11/21/21	Removed section. See response to Line 96 above.
150	Debbie Berkowitz	26.60.080.A (pg 134) suggests changing reference to 22.10.080.c.3 to 26.60.021.b.4	11/21/2021	Revised as noted.
151	Debbie Berkowitz	26.60.081.b.1 (pg 135) change "sensitive" to "critical"	11/7/2021	Revised as noted.
152	Debbie Berkowitz	26.60.081.D (pg 139), added sub-section "D. The administrator has the authority to seek expert advice in determining the adequacy of the submitted report, at the applicant's expense." to match CAO (22.10.370.D).	11/7/2021	Added the section as recommended.
153	Debbie Berkowitz	26.60.082 (pg 139) replaced "consultant" with "professional"	11/7/2021	Revised.
154	Debbie Berkowitz	26.60.085 (pg 140) suggests changing "wetland" to "critical area" (x6)	11/7/2021	Revised as suggested.
155	Debbie Berkowitz	26.60.085(G) (pg 141) suggests adding new sub-section (G) "Illegal modifications. Wetland rating categories and/or fish and wildlife habitat conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge."	11/7/2021	Revised as suggested. There was a note in the edited Word version asking if flood areas should also be included in this caveat. RMC 22.16.030 regulates alterations in flood areas and makes it clear that changes are not allowed without compliance to all applicable rules and regulations.
156	Patrick Paulson	26.80.010 (pg 145) RE: definition of "agricultural activities" commenter asserts "there shouldn't be exceptions in the critical area provisions for	11/19/2021	Comment received.

		agriculture, and there doesn't seem to be any, except for ongoing agriculture"		
157	Debbie Berkowitz	26.80.010 (pg 145) RE: definition of "agricultural activities, existing and ongoing", commenter asks "Doesn't this replace 'agricultural activities' as it did in the CAO? Or is this different in the SMP?"	11/7/2021	The term "agricultural activities" is used in Chapter 26.30 as a general term and the definition is necessary.
158	Debbie Berkowitz	26.80.010 (pg 146) RE: definition of "Best Management Practices" commenter asks "Are ag and existing ag activities included in the BMPs as a land use activity, so this phrase becomes redundant?"	11/19/2021	The phrase has been deleted.
159	Patrick Paulson	26.80.010 (pg 146) RE: definition of "Best Management Practices" commenter states "I think its fine to have this definition here, but specific sources of BMPs should be given in the code. "	11/19/2021	Comment received.
160	Debbie Berkowitz	26.80.010 (pg 150) RE: definition of "Enhancement", commenter suggests "Controlling nonnative/invasive species should include planting natives."	11/26/2021	Language added as noted.
161	Debbie Berkowitz	26.80.010 (pg 155) RE: definition of "low impact land uses, commenter deleted listed examples; stating "Definition is fine, but examples and context should be left to the text so there are no inconsistencies."	11/7/2021	Comment noted. The examples were not deleted from the definition because it provides a more conclusive list than that provided in RMC 26.60.025.F, 26.60.042.F and Table 26.60.024(C). The word "land" was added to these sections where it previously said, "low impact uses".
162	Patrick Paulson	26.80.010 (pg 157) RE: definition of Priority Habitat, commenter added language, stating "ensure that all WDFW PHS habitats are considered Priority Habitat".	11/7/2021	Language added to the definition of "priority habitat".

163	Debbie Berkowitz	26.80.010 (pg 163) RE: definition of "wetland, artificially created", commenter states "This is already included under "Wetland' – so seems unnecessary."	11/7/2021	The definition for "wetland, artificially created" has been in the SMP but was moved to the proposed location per D. Berkowitz's request (05.19.2021). Both definitions have been revised to avoid redundancy.
164	Debbie Berkowitz	26.80.010 (pg 165) RE: definition of "wildlife report", commenter states "FWHCA report is described in the text, not needed as a definition." The commenter suggests deleting this definition.	11/7/2021	The definition has been removed.

	1st round of comments
	2nd round of comments
	Edits made directly into the Word doc.