Agenda
City Council Regular Meeting
Tuesday, March 5, 2024
Richland City Hall Council Chambers
625 Swift Boulevard

City Council Regular Meeting - 6:00 p.m.

Welcome and Roll Call

Pledge of Allegiance

Approval of Agenda: (Approved by Motion)

Presentations:

1. New Hires and Retirements
   - Lacey Paulsen, Human Resources Director

Public Hearing: Please limit public hearing comments to 3 minutes. Comments must speak only to the item for which the hearing is convened. Records intended for Council consideration must be given to the City Clerk for distribution.

2. Proposed Repeal and Replacement of Richland Municipal Code Title 24: Plats and Subdivision, Ordinance No. 2024-06

3. Proposed Adoption of the 2023 Comprehensive Plan Update Amendments, Ordinance No. 2024-07

4. Proposed Amendment to Richland Municipal Code Title 23: Zoning Regulations and the Official Zoning Map of the City of Richland, Ordinance No. 2024-08

Public Comments: Please limit public comments to 2 minutes. The public comment period is not an opportunity for dialogue with councilmembers, or for posing questions with the expectation of an immediate answer. Many questions require an opportunity for information-gathering and deliberation. For this reason, Council will accept comments, but will not directly respond to comments, questions or concerns during public comment. Records intended for Council consideration must be given to the City Clerk for distribution.

Consent Calendar: Items on the Consent Calendar have been distributed to the City Council in advance for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no discussion. Councilmembers may transfer individual items to Items of Business for deliberation before voting.

Minutes:

5. Approval of the February 20, 2024 City Council Regular Meeting Minutes and the February 27, 2024 City Council Workshop Meeting Minutes
   - Jennifer Rogers, City Clerk

Ordinances - First Reading:

6. Ordinance No. 2024-05, Amending Chapter 7.03 of the Richland Municipal Code related to Animal Control
   - Heather Kintzley, City Attorney

7. Ordinance No. 2024-12, Dedicating Public Street Right-of-Way for the South Orchard Subdivision
   - Pete Rogalsky, Public Works Director

Ordinances - Second Reading & Passage:

8. Ordinance No. 2024-03, Amending Richland Municipal Code Section 27.08.040(A)(2) related to Freestanding Signs
   - Kerwin Jensen, Development Services Director

Resolutions - Adoption:

9. Resolution 2024-33, Authorizing the City of Richland's Participation in a Settlement Agreement with Johnson & Johnson negotiated by the Washington State Attorney General's Office
   - Heather Kintzley, City Attorney

10. Resolution No. 2024-35, Authorizing a Fee and Release Agreement with the Columbia Center West (CCW) - East Property Owner's Association
    - Pete Rogalsky, Public Works Director

11. Resolution No. 2024-36, Authorizing a Regional Application for Assistance to Firefighters Grant (AFG) from the Federal Emergency Management Agency (FEMA)
    - Tom Huntington, Fire Chief

12. Resolution No. 2024-37, Approving the 2024 Hotel/Motel Lodging Tax Funding Awards
    - Jon Amundson, City Manager

13. Resolution No. 2024-38, Authorizing Application and Acceptance of a Community Challenge Grant from the American Association of Retired Persons (AARP)
    - Christopher Nulph, Library Manager

Items - Approval:

14. Appointment to the Board of Adjustment: Carl Van Hoff
    - Jennifer Rogers, City Clerk

Items of Business:

15. Resolution No. 2024-39, Approving a Targeted Urban Area Application submitted by Atlas Agro North America Corporation
    - Amanda Wallner, Economic Development Manager

16. Ordinance No. 2024-04, Rezoning Approximately 4.7 Acres from Agricultural (AG) and Suburban Agricultural (SAG) to Retail Business (C-2) (Closed Record - Passage)
    - Mike Stevens, Planning Manager

17. Ordinance No. 2024-06, Repealing and Replacing Richland Municipal Code Title 24: Plats and Subdivision
    - Mike Stevens, Planning Manager

18. Ordinance No. 2024-07, Adopting the 2023 Comprehensive Plan Amendments into the existing 2017 Comprehensive Plan
    - Mike Stevens, Planning Manager

19. Ordinance No. 2024-08, Amending Richland Municipal Code Title 23: Zoning Regulations and the City's Official Zoning Map to Conform to the Updated 2017 Comprehensive Plan
    - Mike Stevens, Planning Manager

20. Ordinance No. 2024-09, Rezoning Three Parcels of Property at 801 Dalton Street from Business and Commerce (B-C) to Medium Industrial (I-M) (Closed Record)
    - Mike Stevens, Planning Manager

21. Ordinance No. 2024-10, Rezoning Approximately 366 Acres near Twin Bridges Road and State Highway 240 from Agricultural (AG) to Public Parks & Facilities (PPF) (Closed Record)
    - Mike Stevens, Planning Manager

22. Ordinance No. 2024-11, Rezoning One Parcel of Property at 953 Jericho Court from Retail Business (C-2) to General Business (C-3) (Closed Record)
    - Mike Stevens, Planning Manager

Reports and Comments:

1. City Manager
2. City Council
3. Mayor

Adjournment

This meeting will be broadcast live on CityView Channel 192 on the City's website and on the City's YouTube Channel.

Richland City Hall is ADA accessible. Any individual who has difficulty attending the meeting in-person may request to provide comments remotely. (Ch. 42.30 RCW) Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Minutes

Strategic Priority 1 - High Performance Government

Subject:
Approval of the February 20, 2024 City Council Regular Meeting Minutes and the February 27, 2024 City Council Workshop Meeting Minutes

Department/Office	Ordinance/Resolution Number:	Document Type:
City Clerk		Minutes

Recommended Motion:
Approve the meeting minutes from the City Council regular meeting held on February 20, 2024 and the workshop meeting held on February 27, 2024.

Summary:
Draft minutes from the February 20, 2024 City Council regular meeting and the February 27, 2024 City Council workshop meeting are presented for Council's review and approval.

Fiscal Impact: None.

Attachments:
1. Draft February 20, 2024 City Council Meeting Minutes
2. Draft February 27, 2024 City Council Workshop Meeting Minutes

MINUTES
RICHLAND CITY COUNCIL REGULAR MEETING
Tuesday, February 20, 2024
Richland City Hall ~ Council
Chambers 625 Swift Boulevard

City Council Regular Meeting - 6:00 p.m.
Mayor Richardson called the Council meeting to order at 6:00 p.m.

Welcome and Roll Call
Mayor Richardson welcomed those in the audience and expressed appreciation for their attendance.

Attendance:	Mayor Richardson	Present
	Mayor Pro Tem Kent	Absent
	Councilmember Jones	Present
	Councilmember Lukson	Present
	Councilmember Maier	Present
	Councilmember VanDyke	Present
	Councilmember Whitten	Present

COUNCILMEMBER VANDYKE MOVED AND COUNCILMEMBER LUKSON SECONDED THE MOTION TO EXCUSE MAYOR PRO TEM KENT. MOTION CARRIED 6-0.

Also present were City Manager Amundson, Deputy City Manager Schiessl, Assistant City Manager Florence, City Attorney Kintzley, Interim Chief of Police Neher, Fire Chief Huntington, Public Works Director Rogalsky, Energy Services Director Whitney, Finance Director Allen, Human Resources Director Paulsen, and City Clerk Rogers.

Pledge of Allegiance
Councilmember Jones led the Council and audience in the recitation of the Pledge of Allegiance.

Approval of Agenda

COUNCILMEMBER WHITTEN MOVED AND COUNCILMEMBER VAN DYKE SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 6-0.

Presentations

1. Swearing-In of Richland Police Officers: Blake Fabbri, Brittany Grant, Cynthia Nuñez, Jordan Phillips, Amador Sanchez, and Emily Villafaña

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Interim Chief of Police Neher presented the six (6) newly commissioned police officers, welcomed them to the Richland Police Department, and administered the oath of office to all six (6) officers simultaneously.

Mary Dover, representing the Richland Police Department Foundation, provided an overview of the various services and support programs that the Richland Police Department Foundation offers to the police officers of Richland. She highlighted the commitment of the Foundation to the well-being and professional development of the officers. In conclusion, Ms. Dover announced that each officer will receive a welcome gift basket, comprised of items donated by individuals and local businesses.

Following Ms. Dover's comments, Interim Chief of Police Neher formally introduced each of the new officers to Richland City Council.

2. Inaugural Impact Academy Graduates

Fire Chief Huntington shared that the graduation ceremony of the inaugural class of Richland's new Impact Academy was held earlier in the day. The program, envisioned by City Manager Amundson and executed in collaboration with Deputy City Manager Schiessl, Assistant City Manager Florence, and Fire Chief Huntington, is a leadership development initiative aimed at providing city employees the opportunity to grow personally and professionally with a group of their peers.

The year-long program included eleven (11) employees selected by the Executive Leadership Team (ELT) for their potential and commitment to professional growth. The curriculum focused on leadership and professional development. In addition to classroom instruction, the participants were tasked with developing a city culture statement that unifies the City's Mission, Vision, and Core Values. The culture statement is included in the agenda packet.

Fire Chief Huntington expressed his gratitude to City Manager Amundson and Council for their support of high-performance governance and workforce engagement which highlights initiatives in the context of the City's Strategic Plan. Fire Chief Huntington emphasized the significance of investing in succession planning and leadership development to ensure the future success of the City's workforce.

Fire Chief Huntington introduced each of the graduating members of the Impact Academy inaugural class:

- Dana Cullen - General Craftsworker (Wastewater)
- Joe DeRousie - Fire Battalion Chief
- Scott Hanks - Electrical Distribution Engineer II
- Shawn Harper - Parks & Public Facilities Supervisor
- Gwen Stanley - Operations Manager (SECOMM)
- Braddon Stigall - Survey Technician
- Shawn Swanson - Police Sergeant

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- Justin Tucker - Risk & Safety Program Administrator
- Alyssa Uretsky-Pratt - Teen Librarian
- Mandy Wallner - Economic Development Manager

Public Hearing
City Clerk Rogers read the Public Hearing and Public Comments procedures.

3. Proposed Amendment to Richland Municipal Code Sections 23.22.040 and 23.38.080 to Increase Maximum Building Height Requirements in the Waterfront Zoning District, Ordinance No. 2024-02

Mayor Richardson opened the public hearing at 6:15 p.m.

Francesca Maier - 2146 Hudson Avenue, Richland, WA: Ms. Maier clarified that she is attending and speaking as a private citizen, and not in her official capacity as a member of the Planning Commission. Ms. Maier expressed opposition to both options presented in Ordinance No. 2024-04 on the agenda and recommended Council refrain from acting on the proposed ordinance and instead, direct staff to address issues concerning the parking code.

No further public comments were offered.

Mayor Richardson closed the public hearing at 6:19 p.m.

4. Proposed Amendment to Richland Municipal Code Section 27.08.040(A)(2) related to Freestanding Signs, Ordinance No. 2024-03

Mayor Richardson opened and closed the public hearing at 6:19 p.m. No testimony was offered.

5. Declaring Surplus and Authorizing Relinquishment of an Easement Lying within 3353 Village Parkway, Resolution No. 2024-31

Mayor Richardson opened and closed the public hearing at 6:19 p.m. No testimony was offered.

Public Comments
The following individuals provided comments:

- Francesca Maier – Ms. Maier addressed Council with her concerns relating to existing and upcoming vacancies on the Planning Commission. Ms. Maier urged Council to demonstrate support for these volunteer advisory boards by actively considering their recommendations.

- Matt Murphy – Mr. Murphy introduced himself as the new Director of Government Affairs and Regional Affairs Director for the Tri-City Regional Chamber of

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Commerce. Mr. Murphy stated he has already had the opportunity to meet several councilmembers and is looking forward to establishing relationships with the rest. Mr. Murphy shared a goal of collaborating with Council to enhance the quality of life in the Tri-Cities.

Consent Calendar
City Clerk Rogers read the Consent Calendar.

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO APPROVE THE CONSENT AGENDA AS PUBLISHED. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

Minutes

6. Approval of the February 6, 2024 City Council Regular Meeting Minutes

Ordinances - First Reading

See Ordinance Nos. 2024-02, 2024-03, and 2024-04 under **Items of Business**

Ordinances - Second Reading & Passage

7. Ordinance No. 2024-01, Amending Richland Municipal Code Section 3.24.930 and Increasing Uptown Business Improvement District Assessments

Resolutions - Adoption

8. Resolution No. 2024-20, Approving a Purchase and Sale Agreement with Salta, LLC for Property located at 2589 Robertson Drive

9. Resolution No. 2024-21, Authorizing a Purchase and Sale Agreement with STK Hosford South, LLC, LPRP Hosford South, LLC, 4RT Hosford South, LLC, and SFT Hosford South, LLC for Property located at 600 Cullum Avenue

10. Resolution No. 2024-22, Authorizing a Purchase and Sale Agreement with Dovetail Properties, LLC for Property located at 2573 Robertson Drive

11. Resolution No. 2024-23, Awarding Commercial Façade Improvement Grant Funds to Rattlesnake Mountain Brewing Company

12. Resolution No. 2024-24, Approving the Final Plat of South Orchard - Phase One

13. Resolution No. 2024-25, Authorizing Award of Bid to Ellison Earthworks, LLC for Truman Avenue Reconstruction and Kennedy Road Water Main Improvements

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14. Resolution No. 2024-26, Authorizing an Agreement with Tapteal Properties, LLC for Easement Relinquishment, Water Pipeline Extension, and Stormwater Conveyance Infrastructure

15. Resolution No. 2024-27, Authorizing a Consultant Agreement with RH2 Engineering, Inc. for the North Richland Slow Sand Facility Evaluation

16. Resolution No. 2024-28, Authorizing an Application for an Assistance to Firefighters Grant (AFG) from the Federal Emergency Management Agency (FEMA)

17. Resolution No. 2024-29, Authorizing a First Amendment to the Consultant Agreement with Electric Power Systems, Inc. for Engineering Services Design of the Stevens Substation Bank 1 and Thayer Substation Bank 1 Rebuilds

18. Resolution No. 2024-32, Authorizing a Second Amendment to the 2015 Amended and Restated Master Agreement with Nor Am Investment, LLC for Badger Mountain South

Items - Approval

19. Travel for Councilmember Jones

Expenditures – Approval

20. Expenditures from January 1, 2024 to January 31, 2024 for $31,367,330.71 including Travel Checks Nos. 20454-20467, Accounts Payable Check Nos. 318944-320096, Accounts Payable Wire Nos. 9876-9920, Payroll Wires & ACH Nos. 13779-13831, Payroll Direct Deposit & Check Nos. 217917-219053, and Pension Check Nos. 6657-6679.

Items of Business

21. Ordinance No. 2024-02, Amending Richland Municipal Code Sections 23.22.040, 23.38.080 and 23.22.090 to Increase Maximum Building Height Requirements in the Waterfront Zoning District

Deputy City Manager Schiessl utilized the City's Maps and Geographic Information System (GIS) software to reference the three (3) designated waterfront zoning districts, and the eleven (11) vacant properties within the waterfront district in Richland.

Adoption of Ordinance No. 2024-02 would amend Richland Municipal Code Sections 23.22.040, 23.38.080 and 23.38.090 to increase the maximum building height in the Waterfront zoning district from 35-55 feet to 85 feet. Additionally, the proposal will remove the existing allowance for towers, gables, penthouses, scenery, lofts, cupolas, water tanks, similar structures, and mechanical appurtenances from being erected on a building to a height greater than the limit established within the Waterfront zone.

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The increased height allowance will allow taller buildings, including multi-family dwellings, leading to an opportunity for increased housing density.

Staff recommended approval of Ordinance No. 2024-02 Option A, which would increase the maximum building height within the Waterfront zone from 55 feet to 85 feet without additional parking regulations.

The Planning Commission recommended approval of Ordinance No. 2024-02 Option B, which approved the 85-foot maximum building height with additional parking requirements. The Planning Commission's additional requirements would take effect when any building exceeds the height of 55 feet and would place a maximum threshold of on-site parking that may not be exceeded (sixty percent (60%) of the minimum parking requirement), require a developer to reduce the amount of surface parking by ten percent (10%), and require the construction of a parking garage to accommodate at least thirty percent (30%) of the required on-site parking.

Both options were presented for Council consideration.

Council discussed at length the proposed ordinance options, the complexity of the parking code, and concerns for allowing applicants to vest under parking requirements currently disfavored by the City Council. Councilmember Maier vocalized an objection to both options presented, and suggested pausing on the question of building height until the parking code could be revised in its entirety. Councilmembers Lukson and Whitten expressed similar interest in comprehensive review of the City's parking ordinances. Mayor Richardson acknowledged Council's consensus to engage in further discussion regarding parking regulations in a workshop setting.

In an effort to find compromise on the action pending before Council, Mayor Richardson made the following motion:

MAYOR RICHARDSON MOVED AND COUNCILMEMBER LUKSON SECONDED THE MOTION (FOR DISCUSSION PURPOSES) TO ACCEPT THE HEIGHT AMENDMENT ON PARCELS D & E, CONTINGENT ON COUNCIL'S APPROVAL OF THE PARKING DESIGN.

At the request of Councilmember VanDyke, Manager Stevens provided input on the motion, including his opinion that parking regulations and height requirements are development regulations that must be adopted by ordinance. City Attorney Kintzley advised that Ordinance No. 2024-04 (Option A or B) were before Council for action, and that a proper course would be to approve one, or deny both, or table the matter with further direction to staff.

Mayor Richardson inquired as to how to withdraw her motion. City Attorney Kintzley advised to proceed to a vote on the motion recognizing that it would not pass.

THOSE IN FAVOR: NONE. THOSE OPPOSED: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. MOTION FAILED 0-6.

Councilmember Maier made the following motion in an effort to address Options A and B and Council's general consensus that neither option should advance at this time:

COUNCILMEMBER MAIER MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO REJECT OPTIONS A AND B OF ORDINANCE NO. 2024-02, AMENDING RICHLAND MUNICIPAL CODE SECTIONS 23.22.040, 23.38.080, AND 23.22.090 TO INCREASE MAXIMUM BUILDING HEIGHT REQUIREMENTS IN THE WATERFRONT ZONING DISTRICT.

Prior to calling for a vote, and for purpose of creating a clear record, City Attorney Kintzley clarified that it is unnecessary to vote against an item that the body does not intend to approve. Instead, an item does not advance if there is no motion for approval, or when an item does not receive a second to the original motion. City Attorney Kintzley advised that no vote was required, and that Ordinance No. 2024-02 was not advancing because there was no motion to approve Option A or Option B for first reading. Council concurred with City Attorney Kintzley's summary status of Ordinance No. 2024-02.

22. Ordinance No. 2024-03, Amending Richland Municipal Code Section 27.08.040(A)(2) related to Freestanding Signs

Planning Manager Stevens stated that the Richland School District proposed a code amendment to allow freestanding signs on all school campuses. Current language in the code allows freestanding signs only on high school or college campuses. The proposed amendment will provide consistent signage on all school campuses throughout Richland. City staff and the Planning Commission recommended approval of the amendment.

Staff engaged in a brief question and answer session with Council regarding current and proposed signage requirements.

COUNCILMEMBER WHITTEN MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2024-03, AMENDING RICHLAND MUNICIPAL CODE SECTION 27.08.040(A)(2) RELATED TO FREESTANDING SIGNS, FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

23. Ordinance No. 2024-04, Rezoning Approximately 4.7 Acres from Agricultural (AG) and Suburban Agricultural (SAG) to Retail Business (C-2) (Closed Record)

Mayor Richardson, City Attorney Kintzley, and City Clerk Rogers read the closed record hearing procedures.

Mayor Richardson identified the items that comprise the record for purposes of the closed-record review hearing. The items of record include all documents that were presented to the Richland Hearing Examiner and accepted into evidence at or prior to the open record public hearing held July 14, 2023, along with the Hearing Examiner's December 6, 2023 written decision and all ordinances and comprehensive plans adopted by the City and applicable to the project.

City Attorney Kintzley asked if any councilmembers had any potential conflicts of interest regarding the topic. No conflicts were disclosed. City Attorney Kintzley asked the audience if anyone had an objection to any councilmember's participation in the closed record review. No objections were raised. Finally, City Attorney Kintzley asked if anyone present had any objection based on jurisdictional grounds as required by the Richland Municipal Code. No objections were raised.

Mayor Richardson opened the public hearing at 7:09 p.m.

Planning Manager Stevens presented a request submitted by Columbia Valley Property Holdings, LLC to rezone approximately 4.7 acres from Agricultural (AG) and Suburban Agricultural (SAG) to Retail Business (C-2) for property located at 2155 Keene Road. The Hearing Examiner conducted an open-record public hearing on July 14, 2023 and on December 6, 2023, issued a formal recommendation of approval for the requested rezone, subject to a Property Use and Development Agreement, including a 204-foot buffer to mitigate impacts on adjacent residential areas.

Planning Manager Stevens offered a comprehensive review of the zoning designations, along with details on the land use and development agreement adopted by Richland City Council in 2010 and amended in 2022.

Staff recommends approval of the Property Use and Development Agreement and Ordinance No. 2024-04 as presented, and as recommended by the Hearing Examiner.

- Mark Fickes - 405 E. Lincoln Avenue, Yakima, WA: Mr. Fickes, a land use and real estate attorney representing Columbia Valley Property Holdings, LLC, requested the inclusion of *drive aisles* be incorporated in Conditions 20 and 23 of the Buffer and Screening Requirements. Mr. Fickes stated that excluding drive aisles in the buffer areas would restrict the developer's flexibility in accessing the building, pointing out that the original Property Use and Development (PUD) agreement already allows drive aisles to extend into the buffer area under Conditions 2 and 3.

- Rick Simon - Mr. Simon was in attendance to provide comments on behalf of the applicant, Columbia Valley Property Holdings, LLC. Mr. Simon concurred with the comments offered by Mr. Fickes, then referenced sections of the original PUD agreement regarding anticipated uses. Mr. Simon emphasized that installing a narrow drive aisle along the rezone site's boundary would offer flexibility for future commercial development. Mr. Simon expressed the applicant's agreement with the

conditions proposed by staff, the Hearing Examiner, and those outlined in the proposed ordinance.

- Michael Froehlich – Mr. Froehlich, a resident of Country Ridge Estates, provided comments on behalf of the Country Ridge Homeowners Association (HOA) to oppose the addition of any materials by the applicant and expressed support for the proposed ordinance and development agreement as presented.

No other testimony was offered.

Planning Manager Stevens provided an overview of the subject property's land use zoning designation, past, current, and proposed zoning amendments, and buffer area using various maps. Mr. Stevens explained that the buffer area, crucial for protecting Country Ridge Estates residents, prohibits commercial development.

The original Property Use and Development (PUD) Agreement only applied to Lot 4, the residential component. Although the boundary line adjustment revised Lot 3, it did not align with the commercial designation, leading to discussions about the drive aisle during an open-record public hearing.

Staff recommended a boundary line adjustment, but the applicant disagreed, and the Hearing Examiner sided with the Country Ridge residents, opposing the drive aisle and commercial activity within the specified area.

Councilmember Whitten expressed support for the rezone request with conditions provided by the Hearing Examiner. Councilmember Lukson inquired about the drive aisle's discussion during the open-record public hearing. Planning Manager Stevens clarified the discussion and the Hearing Examiner's decision.

Mayor Richardson closed the public hearing at 7:30 p.m.

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO ADOPT ORDINANCE NO. 2024-04, REZONING APPROXIMATELY 4.7 ACRES FROM AGRICULTURAL (AG) TO SUBURBAN AGRICULTURAL (SAG) TO RETAIL BUSINESS (C-2), AS PRESENTED FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE, AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

24. Resolution No. 2024-30, Adopting the 2024 Comprehensive Safety Action Plan

Transportation & Development Manager D'Alessandro presented a general overview of the updated 2024 Comprehensive Safety Action Plan (CSAP) which serves as a guiding document for prioritizing traffic safety improvement projects. The updated CSAP incorporates the latest analysis of the most recent five (5) years of traffic crash data to support an application to the Washington State Department of Transportation's City

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Safety Program, and aligns with the City's Vision Zero goal to reduce traffic-related fatalities and serious injuries. Detailed information regarding this item can be found in the PowerPoint Presentation on file.

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2027-30, ADOPTING THE 2024 COMPREHENSIVE SAFETY ACTION PLAN. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE, AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

25. Resolution No. 2024-31, Declaring Surplus and Authorizing Relinquishment of a Certain Portion of an Irrigation Easement Lying within 3353 Village Parkway

Public Works Director Rogalsky stated the property owner of 3353 Village Parkway has submitted a request to relinquish a portion of an irrigation easement to accommodate the construction of a swimming pool. The homeowner has provided an alternate easement route to the City. Staff recommends the adoption of this resolution.

COUNCILMEMBER WHITTEN MOVED AND COUNCILMEMBER VANDYKE SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2024-31, DECLARING SURPLUS AND AUTHORIZING RELINQUISHMENT OF A CERTAIN PORTION OF AN IRRIGATION EASEMENT LYING WITHIN 3353 VILLAGE PARKWAY. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE, AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

26. Term Limit Waiver Request for Parks & Recreation Commission Membership: Maria Gutierrez

Deputy City Manager Schiessl explained that Parks & Recreation Commission member, Maria Gutierrez has reached her maximum term limit of twelve (12) consecutive years on the Commission and has reapplied to continue service. The Richland Municipal Code allows Council to waive this limitation for any member of any board, commission, or committee by majority vote (except for the Library Board of Trustees) wishing to continue service. It was noted that since 2005, Council has only granted three (3) term limit waivers.

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO APPROVE THE TERM LIMIT WAIVER REQUEST FOR PARKS & RECREATION COMMISSION MEMBER MARIA GUTIERREZ TO SERVE AN ADDITIONAL TERM ON THE PARKS & RECREATION COMMISSION. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE, AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

27. Appointment to the Arts Commission: Jet Richardson and Terri Rice

Due to Mayor Richardson's familial connection with a commission member recommended for reappointment, she recused herself from participating in deliberation and voting on the item, turned the meeting over to Councilmember Lukson, then exited the council chambers.

Council provided comments supporting the reappointment of both members and thanked them for their willingness to continue their volunteer service with the Arts Commission.

Councilmember Lukson offered suggestions on how to fill vacant volunteer positions.

Councilmember Maier reminded Council that public comment was received about recruitment efforts to fill vacant board, commission, and committee positions, and the importance to creating an environment that would draw people to volunteer.

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER MAIER SECONDED THE MOTION TO APPROVE THE REAPPOINTMENTS OF JET RICHARDSON AND TERRI RICE TO THE ARTS COMMISSION. THOSE IN FAVOR: COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE, AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 5-0. MAYOR RICHARDSON ABSTAINED.

Mayor Richardson rejoined the meeting after the vote concluded on Item No. 22. Councilmember Lukson turned the meeting over to Mayor Richardson.

Reports and Comments

City Manager

City Manager Amundson acknowledged that though it was his idea to implement the Impact Academy, he credited Deputy City Manager Schiessl, Assistant City Manager Florence, and Fire Chief Huntington for leading the program. City Manager Amundson thanked Council for supporting succession planning and leadership development within all levels of the organization.

Next, City Manager Amundson mentioned partnership opportunities with the County, the Fire Department, and health organizations to install two (2) Automated External Defibrillators (AED) SaveStations on Badger Mountain Trailhead Park trail. This adds to the total of four (4) SaveStations in the area, including those at Howard Amon Park and Columbia Point Marina Park.

Lastly, City Manager Amundson reminded Council about the Executive Session scheduled at the conclusion of Council comments.

City Council

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Councilmember Maier offered comments and suggested amendments for Residential Office zoning designations and associated parking regulations. Councilmember Maier expressed encouragement by Council's discussion and input on the matter.

Councilmember Whitten extended congratulations to the Impact Academy graduates for successfully completing the program, expressed enthusiasm for future participants and the positive impact it will have on staff and the City.

Next, Councilmember Whitten welcomed the six (6) new police officers to the City and wished them a safe and extended service in their career.

Lastly, Councilmember Whitten echoed the sentiments of Councilmember Maier on the need to revise the parking code.

Councilmember Jones commended the Impact Academy's potential positive influence on both staff and the entire City. Next, Councilmember Jones expressed interest in receiving an update on the City's efforts relating to homeless encampments and potholes within the City.

Councilmember VanDyke thanked City Manager Amundson and the ELT for supporting the leadership and professional development of staff through the Impact Academy. Councilmember VanDyke stated that in addition to supporting leadership and professional development opportunities for staff who participate in the Impact Academy program, he expressed a willingness to support any opportunity for invest in the professional development for City leadership and the Executive Leadership Team.

Next, Councilmember VanDyke commended Deputy City Manager Schiessl for his involvement related to the Parks & Public Facilities Director Candidate Reception held earlier in the day.

Lastly, Councilmember VanDyke acknowledged Councilmember Jones' representation in Olympia the following day as part of the Tri-Cites Day at the Capitol, an event sponsored by the Tri-Cites Legislative Council.

Councilmember Lukson recounted observations from his visit to remnants of homeless encampments, noting the living conditions he witnessed, and the safety concerns they present within the community. While acknowledging existing County programs for substance abuse and mental health, he expressed concern about insufficient efforts in addressing low-barrier shelters. Councilmember Lukson stated he looks forward to learning what staff is undertaking to address this issue within the city.

While concurring with comments made regarding parking amendments, Councilmember Lukson asked Council to consider staff's workload when assigning tasks. Councilmember Lukson thanked staff for their efforts on the two (2) proposed options relating to the waterfront zoning.

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Mayor

Mayor Richardson agreed with Councilmember Lukson that it may be time to discuss what can be done regarding low-barrier shelters. Mayor Richardson stated it was a substantial council agenda, and acknowledging the busyness of the day, thanked staff for their work.

Executive Session

28. Executive Session Per RCW 42.30.110(1)(i): Discuss Current or Potential Litigation with Legal Counsel (45 minutes)

RICHLAND CITY COUNCIL CONVENED IN EXECUTIVE SESSION FOR 45 MINUTES BEGINNING AT 8:00 P.M.

Those present in the executive session included Mayor Richardson and Councilmembers Jones, Lukson, Maier, VanDyke, and Whitten. Also present were City Manager Amundson, Deputy City Manager Schiessl, Assistant City Manager Florence, and City Attorney Kintzley.

COUNCIL EXITED THE EXECUTIVE SESSION AT 8:44 P.M.

Adjournment
Mayor Richardson adjourned the meeting at 8:44 p.m.

APPROVED:

_____
Theresa Richardson, Mayor

ATTEST:

_____
Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:

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MINUTES
RICHLAND CITY COUNCIL WORKSHOP MEETING
Tuesday, February 27, 2024
Richland City Hall ~ Council Chambers
625 Swift Boulevard

City Council Workshop - 6:00 p.m.

Mayor Richardson called the Council workshop to order at 6:00 p.m.

Attendance:	Mayor Richardson	Present
	Mayor Pro Tem Kent	Present
	Councilmember Jones	Present
	Councilmember Lukson	Absent
	Councilmember Maier	Present
	Councilmember VanDyke	Absent
	Councilmember Whitten	Present

Also present were City Manager Amundson, Deputy City Manager Schiessl, Assistant City Manager Florence, City Attorney Kintzley, Interim Chief of Police Neher, Development Services Director Jensen, Public Works Director Rogalsky, Finance Director Allen, and City Clerk Rogers.

Agenda Items

1. Benton-Franklin Health District: Columbia River Harmful Algal Bloom Data

Deputy City Manager Schiessl presented the agenda item and stated that the Parks & Recreation Commission has deliberated on the repercussions of toxic algae on recreational activities within the City of Richland. Deputy City Manager Schiessl pointed out that recreational activities and potable water are the two (2) key aspects to consider when discussing toxic algae. The focus of tonight's agenda item is dedicated to addressing the impacts of toxic algae recreational activities.

Deputy City Manager Schiessl turned the floor over to Jim Coleman, a Climate Effects Specialist from Benton-Franklin Health District (BFHD). Mr. Coleman began his presentation by providing a lesson on harmful algae blooms (HABs), toxin levels, and negative health effects for both humans and animals following exposure to the toxic algae.

Mr. Coleman explained that in September 2021, portions of the Columbia River shoreline were closed after the deaths of several dogs who were exposed to toxic algae along the shoreline.

In February 2022, an Interlocal Agreement with BFHD and the Cities of Richland, Kennewick, Pasco, and West Richland was executed to allow for routine water sampling

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in various locations to mitigate risks posed by HABs to the region's public water supplies.

BFHD has partnered with local and federal agencies, including the Washington State Department of Health (DOH), the Environmental Protection Agency (EPA), and the United States Geological Survey (USGS) to provide BFHD with funding, staff, equipment, training, and an established local capacity to screen untreated water samples for the presence of toxins associated with HABs, and HAB impacts.

BFHD will continue to monitor Columbia River with the same methods utilized in 2023 beginning in the spring of 2024. Details can be found in the PowerPoint presentation.

After the presentation, Council engaged in a question-and-answer session with Mr. Coleman.

2. Downtown Connectivity Improvements Update

Public Works Director Rogalsky outlined the purpose of the workshop, which included a project development review, an update on the implementation plan, an overview of public engagement, and next steps.

Public Works Director Rogalsky reviewed the 2018 and 2024 Council Strategic Plans, emphasizing the goals of enhancing walkability, encouraging residential densities near the Waterfront District, and increasing office and commercial spaces in downtown Richland. The negative impact of George Washington Way on the city's downtown vision was highlighted.

The Downtown Connectivity Study was reviewed, showcasing community collaboration and the involvement of a diverse stakeholder committee. A Technical Alternatives Analysis was conducted, examining four options, and the results of a well-attended ended Open House and survey responses were shared.

A list of Stakeholder Committee members was presented, demonstrating a wide range of community and business representatives involved in the project. The four (4) alternatives considered in the Downtown Connectivity study were outlined: No Build, One-Way Couplet, Jadwin Widening, and Two-Way Road Diet.

The preferred design concept of the Complete Streets road diet was discussed, detailing how it would maintain vehicle capacity while repurposing right-of-way for bicycle space, wider sidewalks, on-street parking, stormwater facilities, and other urban design enhancements. A graph of the Implementation Plan was presented, showing the projected timeline and milestones for the project.

An overview of the project's agency support and funding sources was provided, including commitments from various governmental and local agencies amounting to $19,759,640 of the total estimated cost of $22,700,000.

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Details of public engagements with the Engineering Design Outreach, Arts Commission, and an Open House were provided.

Public Works Director Rogalsky concluded his presentation by providing an overview of the next steps of the project, which included an amendment to the Engineering Contract, Washington State Stormwater Grant Agreement, and the inclusion of the project in the 2025 - 2030 Capital Improvement Plan, public outreach, and construction contract were discussed.

Details can be found in the PowerPoint presentation. Staff responded to Council inquiries throughout the presentation.

Council thanked Public Works Director Rogalsky and his staff for their contributions to the project and acknowledged their success in securing a substantial amount of funding for the project.

Mayor Richardson relayed positive feedback she received from local business owners about the project.

Closing Comments

City Manager Amundson informed Council that the Kennewick Housing Authority requested the City of Richland to nominate a board member to represent the City of Richland for a five-year term on the Kennewick Housing Authority Board of Directors. It is preferred that the recommended appointee not be a staff member or a councilmember. City Manager Amundson then presented an overview of the recruitment efforts and selection process.

Council briefly discussed the request and reached a consensus to proceed with recruitment efforts to fill the position.

Adjournment

Mayor Richardson adjourned the workshop at 8:22 p.m.

APPROVED: ATTEST:

_____ _____

Theresa Richardson, Mayor Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:

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COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Ordinances - First Reading

Strategic Priority 4 - Quality of Life

Subject:
Ordinance No. 2024-05, Amending Chapter 7.03 of the Richland Municipal Code related to Animal Control

Department/Office	Ordinance/Resolution Number:	Document Type:
City Attorney	2024-05	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2024-24, amending Chapter 7.03 of the Richland Municipal Code to limit sales of animals and require rabies vaccinations.

Summary:
The City has need, from time to time, to update the Richland Municipal Code (RMC) to bring it into alignment with best practices.

In late 2023, a representative from the Tri-City Animal Control Authority, of which the City of Richland is a member, recommended adoption of limits on the sale of animals as a means to help control the animal population by providing a barrier to distribution. Spokane County has the same code requirements and has seen success with this approach.

In addition, the City of Richland's rabies vaccination requirement was inadvertently eliminated when code sections related to pet licenses were repealed. The City's interest in health and safety is served by requiring domestic pets to be vaccinated against rabies. State law does require rabies vaccinations for dogs, cats and ferrets, but the regulations are enforced by the Department of Health. Providing for local regulation and enforcement will increase compliance rates, thereby increasing community safety.

Staff recommends approval of Ordinance No. 2024-05 for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-05

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 7.03 OF THE RICHLAND MUNICIPAL CODE RELATED TO ANIMAL CONTROL.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code (RMC) to bring it into alignment with best practices; and

WHEREAS, a representative from the Tri-City Animal Control Authority, of which the City of Richland is a member, recommended adoption of limits on the sale of animals as a means to help control the animal population by providing a barrier to distribution; and

WHEREAS, in addition, the City of Richland's rabies vaccination requirement was inadvertently eliminated when code sections related to pet licenses were repealed; and

WHEREAS, the City's interest in health and safety is served by requiring domestic pets to be vaccinated against rabies.

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

Section 1. Richland Municipal Code Chapter 7.03 entitled Animal Control, as first enacted by Ordinance No. xx, and last amended by Ordinance No. xx, is hereby amended as follows:

Chapter 7.03
ANIMAL CONTROL

Sections:

7.03.010 Definition of terms.
7.03.015 Household pets.
7.03.020 Livestock animals.
7.03.025 Prohibited sales.
7.03.030 Animals injuring property unlawful.
7.03.040 Stray animal a nuisance.
7.03.050 Dog control.
7.03.060 Impounding of animals.
7.03.070 Notice of impounding.
7.03.080 Redemption of impounded animal.
7.03.100 Disposition of unclaimed animals.
7.03.120 Destruction of animals.
7.03.130 Interference with officers – Failure to redeem – Frauds.
7.03.140 Warning tickets.
7.03.150 Violation tickets.
7.03.160 Confinement.
7.03.170 Crimes against animals.
7.03.175 Removal of animal – Notice.

7.03.180 Duties upon injury or death of animal.
7.03.190 *Repealed.*
7.03.191 *Repealed.*
7.03.195 *Repealed.*
7.03.200 *Repealed.*
7.03.210 *Repealed.*
7.03.220 *Repealed.*
7.03.240 *Repealed.*
7.03.250 Kennels – Licensing provision – Commercial kennels.
7.03.255 Kennel – Standards and inspection – Commercial kennels.
7.03.260 Kennel – Vaccination requirements.
7.03.270 *Repealed.*
7.03.280 *Repealed.*
7.03.285 Rabies vaccination required.
7.03.290 Animal bites – Impounding.
7.03.300 Health officer to quarantine.
7.03.310 Notice of quarantine.
7.03.320 Potentially dangerous or dangerous animal.
7.03.340 Animals disturbing the peace.
7.03.350 Responsibility of owner.
7.03.355 RCW sections adopted – Possession of potentially dangerous wild animals prohibited.
7.03.360 Violations – Penalties.

7.03.010 Definition of terms.
As used in this chapter, unless the context indicates otherwise:

"Abandon" means the knowing or reckless desertion of an animal by its owner or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care. An animal left without adequate care for three or more days shall be prima facie evidence that the animal has been abandoned.

"Animal" includes but is not limited to dogs and cats.

"Animal control authority" refers to the joint power authority formed by interlocal agreement of the cities of Richland, Pasco and Kennewick to implement and provide animal control and sheltering services within the respective cities.

"Animal control officer" or "chief animal control officer" refers to that person employed by or under contract to the city to enforce the provisions of this title.

At Heel. A dog shall be deemed to be "at heel" during such times as the dog is positioned and controlled in such a manner so as to remain within a distance of two feet from its owner or other competent person having charge of such dog.

"At large" means off the premises of the owner or upon the public streets, alleys, public grounds, school grounds or parks within the city. A dog shall not be deemed at large if:

1. It is attached to a leash or chain of sufficient strength to restrain the dog and not more than eight feet in length, when said leash or chain is held by a person competent to restrain and control the dog off the owner's premises;

2. It is properly restrained within a motor vehicle or housed in a veterinary hospital;

3. It is accompanied by and at heel beside the owner or a competent responsible person;

4. The dog or dogs are left unattended on the owner's premises, and it or they shall be so confined, tied or restrained as to be unable to range beyond the owner's premises.

"Cat" means and includes female, spayed female, male and neutered male cats.

"Commercial kennel" means any lot, premises, building or structure where six or more dogs, cats, and/or household pets over the age of six months of age are kept.

"Competent person" means any person who, by reason of age and physical ability, and training, is capable of maintaining control of an animal to the extent required by this chapter.

"Dangerous animal" means any animal that:

1. Has inflicted severe injury on a human being without provocation; or

2. Has killed a domestic or livestock animal without provocation; or

3. Has been previously found to be potentially dangerous, the owner having received notice of such, and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

"Dog" means and includes female, spayed female, male and neutered male dogs.

"Domestic animal" means a tame animal in the house or home, or on the property, living with or used by people for companionship, work and/or a food source.

"Health officer" includes any person designated as such by the Benton-Franklin district health office, or any other person designated as such by the city council.

"Household pets" means any dogs, cats, rabbits, chickens (except for roosters), ducks, geese, pigeons, or other similar domestic animals over the age of six months.

"Livestock" includes, but is not limited to, horses, mules, ponies, cattle, sheep, pigs, hogs, goats, llamas, fowl, oxen or other hoofed animals kept or raised on a farm, ranch or other spread of land which are raised for home use, profit or hobby.

"Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal for three consecutive days or more. An animal is deemed to be harbored if it is fed or sheltered for three consecutive days or more and knowingly permitted to remain on the premises occupied by that person. If the owner of

the animal is a juvenile, a parent or other custodian of such juvenile shall, for the purposes of this chapter, be treated as the owner of the animal.

“Person” includes any person, partnership, corporation, trust or association of persons.

“Potentially dangerous animal” means any animal that, without provocation, inflicts injury on a human or a domestic animal or livestock either on public or private property, other than the owner’s property; or chases or approaches a person upon the streets, sidewalks, or any public grounds or private property, other than the owner’s property, in a menacing fashion or apparent attitude of attack, or any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury, or otherwise to threaten the safety of humans or domestic animals.

“Poundmaster” means the chief officer appointed by the animal control authority for the enforcement of animal control laws and regulations. The poundmaster may include or employ animal control officer(s) and/or a chief animal control officer.

“Proper enclosure” means, while on the owner’s property, a dangerous, or potentially dangerous, animal shall be securely confined indoors or in an outside securely enclosed and locked pen or structure, resistant to tunneling, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides not less than five feet high and a secure top, and shall provide protection from the elements for the animal. The requirement for a secure top on the enclosure may be waived by the poundmaster upon showing that it is unnecessary.

This definition shall not apply to guard dogs or watch dogs utilized to secure premises enclosed by a fence or wall not less than five feet high and resistant to tunneling, located within an industrial or commercial zone.

“Severe injury” means any physical injury that results in death, broken bones or disfiguring lacerations requiring one or more sutures or cosmetic surgery.

“Show dog or cat” means any dog or cat that meets the requirements as set forth on a form provided by the Richland finance department as a certified/registered show dog or cat.

“Veterinary hospital” means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

“Welfare check” means tending to the well-being of an animal.

Whenever a power is granted to, or a duty is imposed upon, the poundmaster or chief animal control officer or other public officer, the power may be exercised or the duty performed by an agent of the officer or by any person duly authorized unless this chapter expressly provides otherwise.

All other words or phrases used in this chapter will have their commonly accepted meanings.

7.03.015 Household pets.
Each dwelling unit and the accompanying lot or common area is limited to five household pets as defined in RMC 7.03.010.

7.03.020 Livestock animals.
Livestock may not be kept or maintained in any residential district within the city of Richland, except in accordance with the provisions of Chapter 23.14 RMC.

7.03.025 Prohibited sales.
A. No person shall display, sell, deliver, offer for sale, barter, auction, give away, dispose, or advertise the availability of an animal upon any public property or upon private property open to the public.

B. For purposes of this section, public property shall include, by not be limited to, any city-owned real property, air space, or other interest in real estate, including streets, roads, alleys, or other public right of ways, owned by or controlled by the city of Richland. For purposes of this section, "private property open to the public" shall include, but not be limited to any parking lot, sidewalk, and empty lot.

C. Nothing in this section shall permit the sale or harboring of a dangerous wild animal prohibited pursuant to RMC 7.03.355.

D. This section shall not apply to the sale of an animal that occurs:

1. On private property not open to the public;

2. At legally permitted pet shops and kennels; or

3. At or through any humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals and approved by the Tri-City Animal Control Authority.

7.03.030 Animals injuring property unlawful.
It is unlawful for any owner to suffer or permit any dog, cat or other animal to trespass on private or public property so as to damage or destroy any property or thing of value, to kill, maim or disfigure another's animal or livestock or to deposit fecal matter on any property not that of his owner, and the same is declared to be a nuisance and any such dog, cat or other animal may be seized and impounded.

7.03.040 Stray animal a nuisance.
Any stray dog, cat or animal running at large within the city is declared to be a nuisance, and any such stray dog, cat or animal may be seized and impounded. For the purpose of this section, "stray dog" or "stray animal" means and includes any dog, cat or animal appearing or remaining in a neighborhood or any public place without an apparent home.

7.03.050 Dog control.
A. No dog shall be permitted to roam or stray or be off its owner's premises unless it is at all times under the control of a person. It is the owner's responsibility to do all things reasonably necessary

to ensure compliance with this section; that a dog is found away from its owner's premises and not under the control of a responsible person shall be prima facie evidence of a violation of this section.

B. It is unlawful for any owner to cause, permit or allow any dog owned, harbored, controlled or kept by him, in this city, to roam, run at large or stray away from the premises where the same is owned, harbored, controlled or kept, except that while away from said premises, such dog shall at all times be controlled by being at heel, or by means of a leash not exceeding eight feet in length, by the owner or some duly authorized and competent person; provided, however, that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle. This section shall not apply to dogs which are in special areas which may be designated by the city as dog training areas or a designated off-leash dog area within a city park so long as the regulations of the city with respect to the use of such areas are complied with, and said dogs are under the custody and control of a competent trainer or designated responsible person.

C. No dog shall be permitted to commit the following offenses on any premises or property, private or public: bite or attempt to bite any person, destroy private property, scatter refuse, chase vehicles, or commit any nuisance defined in this chapter or any other ordinance or law.

7.03.060 Impounding of animals.
Any animal off the premises of the owner and not under the control of some person, or which is otherwise in violation of this chapter and subject to impound, shall be impounded. All animals impounded will be subject to receiving DHLP, Parvo, and Bordetella vaccinations. Reimbursement of vaccination cost will be at the expense of the owner.

7.03.070 Notice of impounding.
Upon seizing and impounding of any dog, cat or other animal, the poundmaster shall give notice of such impounding in substantially the following manner:

A. If the animal is wearing a tag with contact information, or if the identity of the owner is known to or can readily be determined by the poundmaster, then, as soon as reasonably practicable after the animal is impounded, the poundmaster shall notify the owner by telephone or otherwise that the animal has been impounded and may be redeemed as provided in this chapter.

B. If the owner is known to the poundmaster, but cannot be notified under the provisions of subsection (A) of this section, or if the owner is so notified and does not appear to redeem his animal within 24 hours of the time of impounding, then the poundmaster may send, by certified and regular mail, a notice in substantially the following form:

Substance of form provided below.

NOTICE OF IMPOUNDING:

DATE: _____

To Whom It May Concern:

I have this day seized and impounded in the City animal shelter at _____ Street, an animal described as follows:

Dog () Cat () Other ()

Sex___ Color _____ Breed _____

Approximate Birth Date _____ Other Identification _____

Name of Owner _____

Notice is hereby given that unless said animal is claimed and redeemed on or before _____ o'clock __M. on the ____ day of _____, 20__, the same will be sold, adopted or destroyed as provided by ordinance.

Signed _____ Poundmaster

C. If the owner cannot be readily identified, then the poundmaster shall post notice at the animal control agency in a conspicuous location. Notice shall state the description of the animal and location where the animal was found.

7.03.080 Redemption of impounded animal.

A. Unless this chapter requires impounding for a longer period of time, any impounded animal may be redeemed by the owner, or authorized representative of the owner, by payment to the poundmaster of an impounding fee of $35.00 for the first offense, $50.00 for the second offense, and $100.00 for the third offense and any subsequent offense, and a boarding fee of $10.00 for each calendar day, whole or part, the animal has been confined. Proof of current rabies vaccination must be produced before the animal will be released.

B. Upon receiving payment of all fees due, the poundmaster shall execute a receipt in duplicate therefor, and a copy shall be delivered to the owner, upon which the owner shall acknowledge delivery of the animal. A copy shall be retained by the poundmaster.

C. If the animal has been declared potentially dangerous or dangerous, the owner must also obtain a permit in accordance with RMC 7.03.320 before such animal can be redeemed by the owner.

7.03.100 Disposition of unclaimed animals.

If: (A) a cat whose owner cannot be identified by means of an identicode or other identification implant is not claimed and redeemed by its owner within 48 hours; or (B) a dog or a cat or other animal whose owner is identifiable by means of an identicode or other informational implant is not claimed and redeemed by its owner within 72 hours, the poundmaster, at his discretion, may place an animal up for adoption, sell the animal or humanely destroy the animal. For purposes of determining whether the 72 hours has expired, the following methods shall be used: (A) if the owner is notified by telephone, time begins when telephone contact was made with the owner by

the poundmaster; (B) if the owner is mailed notice by certified and regular mail, time begins three days from the date of when the notice was mailed; and (C) if notice was posted because the owner of the animal could not be readily determined by the poundmaster, time begins when the poundmaster posted the notice at the animal control agency in a conspicuous location.

7.03.120 Destruction of animals.
In the event of an emergency endangering the health or safety of any person, where seizure and impoundment is deemed inadvisable or impracticable, or for humane considerations, the poundmaster or other police officer at his discretion may summarily destroy the animal involved.

7.03.130 Interference with officers – Failure to redeem – Frauds.
A. It is unlawful for any unauthorized person to break open, or attempt to break open, the city animal shelter, or to take or let out animals therefrom, or to take or attempt to take from any officer any animal seized by him in compliance with this chapter, or in any manner interfere with or hinder such an officer in the discharge of his duties under this chapter.

B. It is unlawful for any person to knowingly refuse to redeem an impounded animal or to obtain an animal from the poundmaster and return it to a former owner without first paying all impound fees.

C. Any person violating the provisions of this section shall be guilty of a misdemeanor and prosecuted as provided in RMC 1.30.010 for criminal offenses.

7.03.140 Warning tickets.
The animal control officers may issue a warning ticket for the first offense of letting an animal be at large. If a warning ticket is issued, the warning ticket shall be in duplicate. A copy shall be given to the animal's owner, and a copy shall be returned to the animal control office.

7.03.150 Violation tickets.
A. The animal control officer may issue a warning ticket or a violation ticket to an animal's owner for such owner's first violation of the terms of this chapter. If, however, after receiving the violation or warning ticket, the animal's owner continues to violate this chapter, the officer shall on all subsequent offenses issue a violation ticket.

B. A copy of the violation ticket shall be given to the animal's owner. The remaining copies shall be returned to the office of the animal control authority. The office staff will make the necessary arrangements to have one copy delivered to the Benton County district court.

C. The warning tickets and violation tickets shall either be given directly to the animal's owner or custodian, or to a person of suitable age and discretion, a resident of the household of the owner or custodian. However, if, after making one attempt, the animal control officer is unable to give the ticket to the animal's owner or custodian or person of suitable age and discretion, who is a resident of the household of the owner or custodian, the ticket may be served by mailing it by regular and certified mail, return receipt requested, to the animal's owner's or custodian's last known address. Service of tickets shall be deemed completed three days after mailing by certified mail, return receipt requested.

7.03.160 Confinement.
A. Every female dog or cat in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel so that such female dog or cat cannot come in contact with other animals except for intentional breeding purposes.

B. Dogs or cats kept outdoors for more than six hours at one time must be provided with a moisture proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable.

7.03.170 Crimes against animals.
A. Any person who takes, captures, leads away, confines or hides a domestic animal of another with the intent to permanently deprive its owner of his/her animal shall be guilty of a gross misdemeanor. It is a defense to this section if the animal is immediately returned to its owner or taken to the poundmaster.

B. Any person who alters or removes any collar, tag, tattoo or other identifying device from a domestic animal of another with the intent to permanently deprive or defraud its owner from his/her animal shall be guilty of a gross misdemeanor.

C. Any person who willfully molests, provokes or mistreats any animal or willfully opens any door or gate or unleashes any animal for the purpose of allowing it to leave its owner's property or to be at large shall be guilty of a misdemeanor.

D. It is unlawful for any person to abandon any domestic animal by dropping off or leaving such animal on the street, road or highway, or in any other public place, or on the private property of the owner or another including unauthorized abandonment at an animal shelter, and violators shall be guilty of a misdemeanor.

E. This section does not apply to the killing of any animal by a police officer, animal control officer, a licensed veterinarian, the owner of such an animal or a person authorized by him to destroy such animal; provided, however, that the death of such an animal is accomplished in a humane manner and for lawful purpose.

7.03.175 Removal of animal – Notice.
If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated RMC 7.03.170 and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of the poundmaster (RCW 16.52.085). In all cases, the officer shall make a good faith effort to notify the owner prior to the animal's removal. If contact cannot be made, notice shall be given by posting the place of the seizure, by delivering to a person residing at the place of seizure, or by registered mail if the owner is known.

7.03.180 Duties upon injury or death of animal.
It shall be the duty of every person operating or driving a vehicle involved in an accident resulting in an injury or death to a dog, cat or other animal to report the same immediately to the police division by telephone, and to report the same in writing within 24 hours after the occurrence of

such accident to the police division, giving the relevant information concerning the accident, the report to be made on forms provided by the police division.

7.03.190 Dog and cat licenses – Required.
Repealed by Ord. 24-19.

7.03.191 License and permit fees.
Repealed by Ord. 24-19.

7.03.195 License – No costs for adopted animals.
Repealed by Ord. 24-19.

7.03.200 License – Receipts and tags.
Repealed by Ord. 24-19.

7.03.210 License procedures – Receipts and tags.
Repealed by Ord. 24-19.

7.03.220 License procedures – Affixing tags.
Repealed by Ord. 24-19.

7.03.240 License tags not transferable.
Repealed by Ord. 24-19.

7.03.250 Kennels – Licensing provision – Commercial kennels.
No person, firm or corporation shall maintain a commercial kennel within the city without having a current business license and valid commercial kennel license therefor posted in plain view on the premises. The city license officer shall issue an annual business license and commercial kennel license upon the payment of an annual fee as established by the city council in Chapter 5.04 RMC and upon receipt of an annual certificate of inspection from the development services manager or designee. No license shall be issued for a commercial kennel located in violation of any zoning regulations governing the location of commercial kennels, or operated in violation of any other law.

7.03.255 Kennel – Standards and inspection – Commercial kennels.
A. Construction and Maintenance. All facilities shall be so constructed and maintained as to provide comfort and safety for animals. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities shall comply with applicable state and municipal laws, ordinances and regulations.

B. Ventilation. Adequate heating and cooling shall be provided for the comfort of the animals, and the facility shall have sufficient ventilation in all areas. Kennels and animal shelters must provide for a minimum of three air changes per hour.

C. Lighting. Proper lighting shall be provided in all rooms utilized for the care and confinement of animals. Outside lighting shall be adequate to identify the building and to assist the animal caregivers and clients.

D. Water. Potable water shall be provided.

E. Basic Sanitation. Any equipment, instruments or facilities used in the confinement and treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

F. Waste Disposal. Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris, and other waste. Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

G. Animal Housing Areas. Any facility confining animals shall have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner.

H. Runs and Exercise Area. All runs and exercise pens shall be of adequate size to allow comfort and exercise. Runs and exercise pens shall provide and allow effective separation in such a manner as to protect against escape or injury. Floors of runs shall be of impervious material.

The facility shall use refrigeration and employ a procedure for the prompt, sanitary and aesthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

7.03.260 Kennel – Vaccination requirements.
A kennel licensee shall cause all dogs over six months of age kept in that kennel to be vaccinated against rabies. Any dog for which evidence of such vaccination cannot be produced shall be impounded.

7.03.270 Altering, counterfeiting or transfer of tags unlawful.
Repealed by Ord. 24-19.

7.03.280 Unlicensed dogs and cats – Annual survey.
Repealed by Ord. 24-19.

7.03.285 Rabies vaccination required.
All domestic pets four (4) months of age and older, including, but not limited to, all cats, dogs, and ferrets, must be vaccinated against rabies by a licensed veterinarian. The owner shall keep the rabies vaccination current by obtaining booster shots and revaccinations as directed by the licensed veterinarian. The owner shall provide proof of current rabies vaccination upon demand by any animal control authority or law enforcement officer. Failure to provide proof of current rabies vaccination is a civil infraction, and shall subject the domestic pet to immediate impounding.

7.03.290 Animal bites – Impounding.
A. Every animal bite shall be reported to the health officer who shall investigate the case and may order the offending animal to be impounded at any time during the 10 days following the date of the bite. If the animal is impounded and after 10 days following the date of the bite no rabies is present or suspected, the animal may be released to the owner upon payment of any impounding and boarding fees, and compliance with the rabies vaccination provisions of this chapter. If rabies

is present or suspected by the health officer, the animal shall be destroyed and the head preserved for laboratory confirmation of the diagnosis.

B. If the health officer orders an animal impounded at any time during the 10 days following the date of a bite, the owner of the animal may request the impounding to be at a licensed veterinarian's establishment at his own expense.

7.03.300 Health officer to quarantine.
It shall be the duty of the health officer to cause to be quarantined any animal within the city, which he has grounds to suspect of being infected with the disease of rabies. Whenever any human being has been bitten by a cat or dog and there is reason to suspect that the animal is rabid, at the discretion of the health officer, the animal involved may be restricted for 10 days for observation in such manner as to prevent contact with other animals or humans except for its caretaker.

7.03.310 Notice of quarantine.
A. Any quarantine of an animal shall be initiated by delivering to the owner or keeper of any such animal a written notice of such quarantine which shall prescribe the duration of the same; provided, that the period of said quarantine shall not exceed 10 days unless it shall be determined that the existence of such disease is present. The delivery of the notice of quarantine to an adult residing upon the premises where such animal is kept shall be considered as delivery of the notice to the owner or keeper. Any such animal so quarantined shall be impounded; provided, that, in the discretion of the health officer, said animal may be quarantined upon the premises of the owner or any other person during such time as the provisions of the quarantine are strictly kept.

B. During the period of any quarantine made under the provisions of this chapter, the owner or keeper of any animal so quarantined shall not allow said animal to come in contact with any other animal or person or permit such animal to run at large on any street or public place in the city or upon the premises where quarantined unless said premises be enclosed by a secure fence, nor shall such owner or keeper remove or cause such animal to be removed from said premises without the consent of the health officer. These restrictions shall continue until said animal shall have been released from quarantine. Any animal found running at large as defined in RMC 7.03.010, or which has been removed from the premises upon which quarantined, shall be impounded and unless claimed and redeemed by its owner within two days after the expiration of quarantine period may be destroyed by the proper authorities.

C. Whenever any outbreak of rabies occurs, or when rabies has been diagnosed or a rabid dog or animal has been present in the city, it is unlawful for any owner, keeper or handler of an animal to keep or harbor the same within the city limits after the last publication of the notice provided for in subsection (E) of this section, and during the period in said notice prescribed, unless such dog or animal is securely confined at all times by leash or kept in a tight enclosure from which such animal cannot escape. Any animal found running at large in the city during said period shall be impounded and, unless claimed and redeemed by its owner within two days after such impounding, may be destroyed by the proper authorities. Any health or police officer may destroy any animal found running at large within the limits of the city during said period when, after reasonable effort, he shall be unable to impound said animal or after reasonable investigation shall be unable to locate the owner or keeper thereof.

D. Any animal that has been bitten by a rabid animal must be destroyed. If the owner is unwilling to have this done, the animal (dog or cat only) should be vaccinated and placed in strict isolation for six months or longer. If the animal has been previously vaccinated with an approved vaccine within the time limit approved for such vaccine, revaccination and restraint for 90 days should be carried out.

E. Upon any outbreak of rabies, or when rabies has been diagnosed within the city limits, or a rabid dog or animal has been found present, and when, in the judgment of the health officer, there is imminent danger of the spread of the disease, such officer shall publish a notice to that effect in the official newspaper of the city for three consecutive days, and for six weeks after the last publication of said notice the provisions of RMC 7.03.120 shall be applicable; provided, that the health officer shall have authority, when in his judgment an extension of said six weeks' time is necessary to carry into effect the purpose of this chapter, to extend the said six-week period for an additional six weeks or such lesser time as he shall deem necessary by notice given in the manner provided for in this section and to further thereafter and in the same manner continue said six-week or lesser period until, in his judgment, the said strict quarantine herein provided for shall be unnecessary.

7.03.320 Potentially dangerous or dangerous animal.

A. Declaration. The poundmaster has the authority to declare an animal potentially dangerous or dangerous and require such animal to have a permit in accordance with this section. The poundmaster may declare an animal potentially dangerous or dangerous if he has probable cause to believe that the animal falls within the definitions set forth in RMC 7.03.010. Such declaration shall be in writing and served by the poundmaster on the owner either personally or by certified mail. However, if the owner cannot be readily determined, service of declaration shall be waived.

B. Impoundment. No person shall have, keep or maintain a potentially dangerous or dangerous animal without first obtaining a permit from the poundmaster. Any animal meeting this definition and found at large without a permit will be immediately impounded at the expense of the owner. If the owner of such animal can be readily determined, the poundmaster shall notify the owner personally or by certified or regular mail of the impoundment. If, however, the owner of such animal cannot be readily determined, notification shall be by posting at the animal control agency as provided in RMC 7.03.100.

C. Appeal. If the owner of an animal subject to this section wishes to object to the determination of the poundmaster, the owner may, within 10 business days of receipt of the declaration, appeal that declaration by submitting a written request to the city clerk's office. Within 10 business days of the receipt of the request for appeal, the city will file said appeal, at the city's expense, with the clerk of the court for a hearing before the Benton County district court.

1. If the court does not find a preponderance of evidence to support the declaration, the declaration shall be rescinded and the restrictions imposed thereby annulled. No court costs shall be assessed against the city of Richland or the animal control authority or officer.

2. If the court finds a preponderance of evidence to support the declaration, it shall impose court costs on the appellant, restitution if applicable, and may impose additional restrictions on the animal.

D. Redemption or Destruction of Animal. An animal impounded under this section shall be returned to its owner if the owner complies with RMC 7.03.080 and subsection (F) of this section by the date and time given on the notice as provided in RMC 7.03.070. If the owner of the impounded animal under this section does not comply with RMC 7.03.080 and subsection (F) of this section by the date and time given on the notice as provided in RMC 7.03.070, such animal shall be destroyed in an expeditious and humane manner; provided, however, that no animal declared dangerous or potentially dangerous by the poundmaster shall be destroyed prior to expiration of the 10-day appeal filing period provided in subsection (C) of this section. Unless required as evidence or to determine if the animal is rabid, animals shall be destroyed as provided in this section during the pendency of an appeal unless the owner prepays all impound and boarding fees, unless ordered otherwise by a court of competent jurisdiction.

E. Agreement to Relocate Animal. As an exception to the redemption requirements provided under subsection (D) of this section, upon execution of a declaration of removal by the owner, or authorized representative of the owner of the animal and payment of applicable fees including impound fees, an animal declared dangerous or potentially dangerous may be released by the poundmaster into the custody of the owner, or authorized representative of the owner, for the immediate and permanent removal of the animal from Richland. The declaration of the poundmaster shall remain in full force and effect.

F. Permit Required. No person shall have, keep, or maintain any potentially dangerous or dangerous animal without first obtaining an annual permit from the poundmaster. The fee for such a permit shall be $250.00. A permit will only be granted if the applicant has provided and maintains:

1. A proper enclosure to properly and safely confine the animal as determined by the poundmaster;

2. A conspicuously posted sign on the premises which clearly warns the public and children that there is a potentially dangerous or dangerous animal on the property;

3. Two hundred fifty thousand dollars surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the poundmaster payable to any person injured by the potentially dangerous or dangerous animal; or liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least $250,000 with maximum deductible coverage not to exceed $2,500 in a form requiring notice to the city of cancellation or nonrenewal of such policy not less than 30 days prior to its date of cancellation or expiration, insuring the owner for any personal injuries or property damage inflicted by the animal. The city shall be an additional named insured on the policy;

4. Control and Confinement. A potentially dangerous animal must be securely leashed and under the control of a person physically able to control the animal when away from the property of the owner or keeper; or, while on the property of the owner, must be securely restrained by physical device or proper enclosure as defined in RMC 7.03.010 made of materials strong enough to adequately and humanely confine the animal in a manner which prevents it from escaping the property and kept in conformance with requirements in this subsection (F).

G. Dangerous animals and potentially dangerous animals must be muzzled and restrained by substantial chain or leash and under physical restraint of a responsible person when away from the property of the owner or keeper; or while on the property of the owner, the animal must be securely confined inside a locked building, kennel, pen, or other structure having secure sides, bottom, and top, suitable to prevent the entry of young children and designed to prevent the animal from escaping and kept in conformance with requirements in subsection (F) of this section.

H. A dangerous dog may be confiscated when violation of its permit terms has occurred. In that event, notice must be served on the owner either personally or by certified mail, return receipt requested. The owner has a 20-day period in which to correct the deficiencies with respect to the dog, including paying any shelter fees and fines, and is subject to punishment for a gross misdemeanor.

I. Violations and Regulation. Any person violating the provisions of this section shall be guilty of a gross misdemeanor. No person who, being the owner of any potentially dangerous or dangerous animal, shall keep, harbor or maintain the same on or off his premises in a manner endangering or likely to endanger the safety of persons, property or other animals nor shall he allow the same to run at large within the city. It shall be a defense to any charge under this section involving an alleged potentially dangerous or dangerous animal that the person endangered was committing, was about to commit or had just committed a trespass or crime and that the animal's reaction was a natural result thereof. The animal control agency may petition the Benton County district court to determine whether an animal should be destroyed.

7.03.340 Animals disturbing the peace.

It is unlawful for any person owning or harboring an animal to allow or permit such animal to cause prolonged or continuous noise by frequent or habitual howling, yelping, barking or otherwise noisy conduct, which shall unreasonably interfere, annoy, injure or endanger safety, health, comfort or repose of others. An animal is harbored in violation of this section if, without provocation, it makes noise which can be heard continuously within an enclosed structure off its owner's property for more than five minutes and which annoys, injures or endangers the safety, health, comfort or repose of others.

7.03.350 Responsibility of owner.

Notwithstanding the matters contained in this chapter, the owner or owners of any animal shall not be relieved from responsibility for any damage committed by such animal, as provided by the law and sections of this chapter.

7.03.355 RCW sections adopted – Possession of potentially dangerous wild animals prohibited.

The following sections of the Revised Code of Washington (RCW) pertaining to prohibiting possession of potentially dangerous wild animals, including bobcats (Lynx rufus, member of the Class mammalian, Order carnivore, Family felide, or any hybrid or cross-mix thereof) as now or hereafter amended are hereby adopted by reference as part of this chapter in all respects as though such chapter were set forth in full: RCW 16.30.005, 16.30.010, 16.30.020, 16.30.030, 16.30.040, 16.30.050, 16.30.060, 16.30.070, and 16.30.900.

7.03.360 Violations – Penalties.

A. Any person violating any provision of this chapter, except RMC 7.03.130, 7.03.170 and 7.03.320, is guilty of an infraction. Unless matters in aggravation warrant a greater civil penalty, each violation shall be subject to a civil penalty as set forth below, plus all costs and assessments for the following respective violations:

1. First violation – up to $100.00;

2. Second violation – up to $200.00;

3. Third violation – up to $300.00;

4. Fourth violation and all violations thereafter – up to $400.00.

B. Each person is guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this chapter is committed, continued or permitted by any such person and shall be punished accordingly.

C. Court costs shall be assessed in addition to any other fine, penalty, cost or statutory assessment imposed.

D. The city, at its election, may divert any infraction identified in subsection (A) of this section to be heard before the Richland code enforcement board pursuant to Chapter 10.02 RMC. Assessments of monetary penalties for violations of this chapter shall be assessed by the code enforcement board in accordance with subsections (A)(1) through (4) of this section.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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.

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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Ordinances - First Reading

Strategic Priority 4 - Quality of Life

Subject:
Ordinance No. 2024-12, Dedicating Public Street Right-of-Way for the South Orchard Subdivision

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2024-12	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2024-12, dedicating public street right-of-way for the South Orchard subdivison.

Summary:
The City owns and manages a system of public street right-of-way for the benefit of residents and visitors, and generally receives dedication of new public street right-of-way through land development activity. The Richland Municipal Code (RMC) provides for dedication of public street right-of-way by approval of a final plat or by ordinance.

Phase 1 of the preliminary plat of South Orchard has been prepared for final plat approval through the installation of public infrastructure and the preparation of the plat document. Council authorized approval of the final plat for South Orchard - Phase 1 at its February 20, 2024 meeting. Approval of the Plat of South Orchard - Phase 1 requires dedication of additional right-of-way for Gage Boulevard, Sumac Street and Savanna Street, as depicted in Exhibit E to Ordinance No. 2024-12, to correctly apply city standards to the specific infrastructure to be dedicated to the City.

Nor Am Investment, LLC, the City of Richland, the Kennewick School District No. 17, and Badger Communities, LLC (hereafter the "Property Owners") have agreed to dedicate a portion of their property to support the approval of the Plat of South Orchard - Phase 1. The Property Owners have executed right-of-way dedication deeds, which have been reviewed and approved by the City. Ordinance No. 2024-12 will authorize acceptance of the dedication deeds and complete the process of dedicating these properties to the City for public street purposes.

Staff recommends approval of Ordinance No. 2024-12 for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-12

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, ESTABLISHING AND DEDICATING ADDITIONAL RIGHTS-OF-WAY FOR GAGE BOULEVARD, SUMAC STREET, AND SAVANNA STREET IN THE PLAT OF SOUTH ORCHARD - PHASE 1.

WHEREAS, the City owns and manages a system of public street rights-of-way for the benefit of the City's residents and visitors; and

WHEREAS, the City may receive dedications of new public street rights-of-way through land development activity or by ordinance; and

WHEREAS, Phase 1 of the preliminary plat of South Orchard has been prepared for final plat approval through the installation of public infrastructure and the preparation of the plat document; and

WHEREAS, final approval of the plat of South Orchard - Phase 1 requires dedication to the City of additional rights-of-way to Gage Boulevard, Sumac Street and Savanna Street, as depicted in **Exhibit A**, in order to satisfy the City's development requirements; and

WHEREAS, Nor Am Investment, LLC, the City of Richland, Kennewick School District No. 17, and Badger Communities, LLC, (hereafter the "Property Owners") have agreed to the dedication of a portion of their property to support approval of the plat of South Orchard – Phase 1; and

WHEREAS, the Property Owners have executed rights-of-way dedication deeds that have been reviewed and approved by the City; and

WHEREAS, the City's best interests are served by accepting dedication of rights-of-way within the South Orchard – Phase 1 final plat that have been constructed to city standards.

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

Section 1. The portions of public street rights-of-way legally described and depicted in **Exhibits A, B, C, D and E**, attached hereto and incorporated by this reference, are hereby accepted and dedicated as additional rights-of-way for city streets named Gage Boulevard, Sumac Street and Savanna Street.

Section 2. The City Manager is hereby authorized to sign, execute, and record with the Auditor of Benton County, Washington, rights-of-way dedication deeds dedicating the additional rights-of-way for the public streets named Gage Boulevard, Sumac Street and Savanna Street as effectuated herein.

Section 3. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached Exhibits, duly certified by the Clerk as a true copy.

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 5. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 6. 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.

This space intentionally left blank.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ___ day of _____, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

EXHIBIT A (page 1)
(Legal Description)

That portion of that Parcel described in deed recorded under Auditor's File Number 2022-024791, records of Benton County, Washington, situate in Section 4, Township 8 North, Range 28 East, Willamette Meridian, Benton County, Washington, hereby dedicated for public road right-of-way purposes, described as follows:

Commencing at the Northwest corner of said Section 4 (from which the Southwest corner of said Section 4 bears South 0°27'50" West 4582.76 feet); Thence South 35°15'17" East 2085.69 feet to a point on the boundary of said Parcel described in deed recorded under Auditor's File Number 2022-024791 and the **Point of Beginning**, said point being the beginning of a non-tangent curve, concave to the east, having a radius of 454.50 feet (the long chord of said curve bears South 5°45'07" East 179.69 feet); Thence southerly 180.88 feet along the arc of said curve and along the boundary of said Parcel through a central angle of 22°48'08" to a point of cusp with a non-tangent curve, concave to the east, having a radius of 454.50 feet (the long chord of said curve bears North 5°38'00" West 179.61 feet); Thence northerly 180.80 feet along the arc of said curve through a central angle of 22°47'33"; Thence North 84°21'03" West 0.38 feet to the **Point of Beginning.**

EXHIBIT A (page 2)
(Depiction)

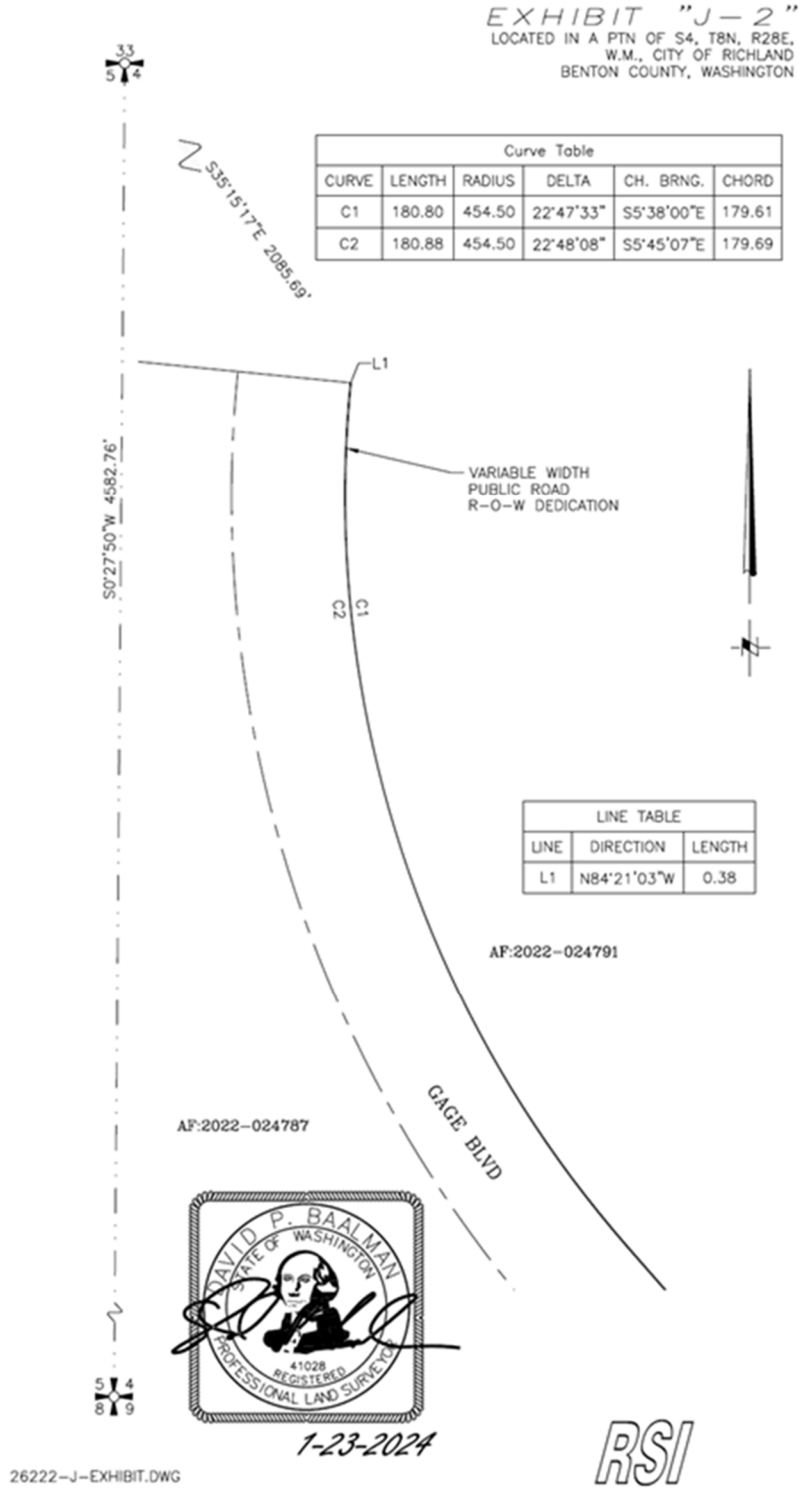


EXHIBIT B (page 1)
(Legal Description)

That portion of that Parcel described as "Park Property" in that deed recorded under Auditor's File Number 2010-015038, records of Benton County, Washington, situate in Section 4, Township 8 North, Range 28 East, Willamette Meridian, City of Richland, Benton County, Washington, hereby dedicated for public road right-of-way purposes, described as follows:

Beginning at the Westerly most corner of said "Park Property" Parcel; Thence North 49°26'39" East 526.94 feet along the Northwesterly boundary of said "Park Property" Parcel to the beginning of a curve, concave to the northwest, having a radius of 289.00 feet; Thence northeasterly 87.07 feet along the arc of said curve and along the boundary of said "Park Property" Parcel through a central angle of 17°15'47"; Thence South 72°51'37" East 12.11 feet along the boundary of said "Park Property" Parcel to a point of cusp with a non-tangent curve, concave to the southeast, having a radius of 25.00 feet (the long chord of said curve bears South 61°08'36" West 21.91 feet; Thence southwesterly 22.68 feet along the arc of said curve through a central angle of 51°58'25" to the beginning of a reverse curve, concave to the northwest, having a radius of 289.50 feet; Thence southwesterly 72.17 feet along the arc of said curve through a central angle of 14°17'01"; Thence South 49°26'25" West 526.30 feet to a point on the Southwesterly boundary of said "Park Property" Parcel; Thence North 40°33'20" West 1.77 feet along said Southwesterly boundary to the **Point of Beginning.**

Together with that portion of said "Park Property" Parcel, hereby dedicated for public road right-of-way purposes, described as follows:

Beginning at the Northeast corner of said "Park Property" Parcel; Thence South 89°48'19" West 192.13 feet along the North line of said "Park Property" Parcel to the beginning of a curve, concave to the north, having a radius of 125.00 feet; Thence northwesterly 37.82 feet along the arc of said curve and along the boundary of said "Park Property" Parcel through a central angle of 17°20'02"; Thence North 72°51'37" West 19.37 feet along the boundary of said "Park Property" Parcel; Thence leaving the boundary of said "Park Property" Parcel South 64°38'16" East 2.06 feet to the beginning of a curve, concave to the northeast, having a radius of 125.50 feet; Thence southeasterly 55.99 feet along the arc of said curve through a central angle of 25°33'36"; Thence North 89°48'08" East 191.86 feet to the Easterly boundary of said "Park Property" Parcel; Thence North 0°11'38" West 1.71 feet along the Easterly boundary of said "Park Property" Parcel to the **Point of Beginning**.

EXHIBIT B (page 2)
(Depiction)

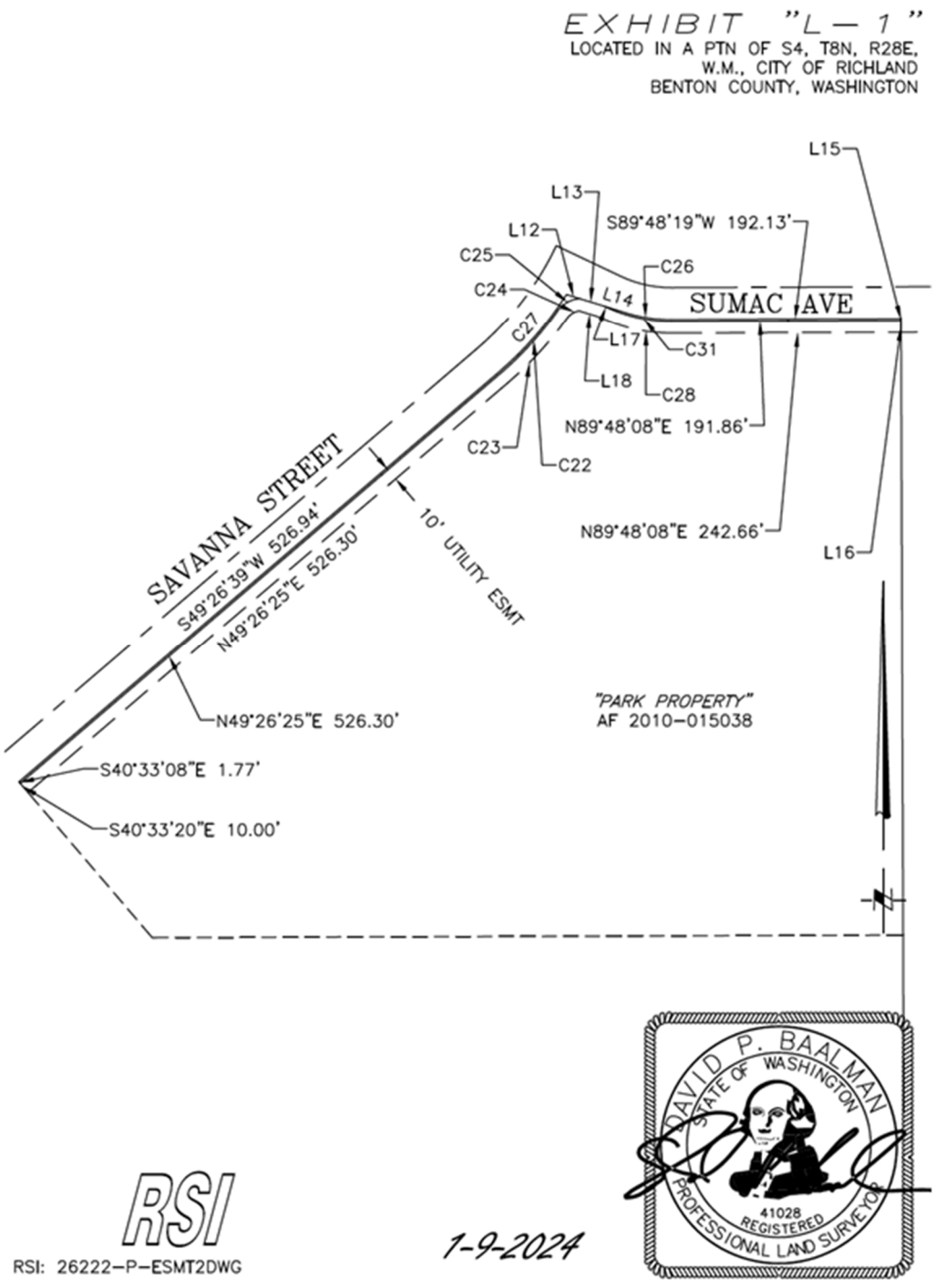


EXHIBIT "L-2"
LOCATED IN A PTN OF S4, T8N, R28E,
W.M., CITY OF RICHLAND
BENTON COUNTY, WASHINGTON

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C22	72.17	289.50	14°17'01"	N42°17'54"E	71.99
C23	74.66	299.50	14°17'01"	N42°17'54"E	74.47
C24	12.06	15.00	46°03'41"	S58°11'14"W	11.74
C25	22.68	25.00	51°58'25"	N61°08'36"E	21.91
C26	37.82	125.00	17°20'02"	S81°31'40"E	37.67
C27	87.07	289.00	17°15'47"	N40°48'46"E	86.75
C28	60.45	135.50	25°33'36"	S77°25'04"E	59.95
C31	55.99	125.50	25°33'36"	S77°25'04"E	55.52

LINE TABLE		
LINE	DIRECTION	LENGTH
L12	N72°51'37"W	12.11
L13	N72°51'37"W	20.79
L14	N72°51'37"W	19.37
L15	S0°11'38"E	1.71
L16	S0°11'38"E	10.00
L17	S64°38'16"E	2.06
L18	N72°51'37"W	18.08

RSI

RSI: 26222-P-ESMT2DWG

1-9-2024

EXHIBIT C (page 1)
(Legal Description)

That portion of that Parcel described as "School Property" in that deed recorded under Auditor's File Number 2010-015038, records of Benton County, Washington, situate in Section 4, Township 8 North, Range 28 East, Willamette Meridian, City of Richland, Benton County, Washington, hereby dedicated for public road right-of-way purposes, described as follows:

Beginning at the Westerly most corner of said "School Property" Parcel; Thence North 9°26'39" East 650.33 feet along the Northwesterly boundary of said "School Property" Parcel to the Northerly most corner thereof; Thence South 40°33'20" East 1.77 feet along the Northerly boundary of said "School Property" Parcel; Thence South 49°26'25" West 616.28 feet to the beginning of a curve, concave to the east, having a radius of 25.00 feet; Thence southerly 39.27 feet along the arc of said curve through a central angle of 90°00'00"; Thence South 49°26'25" West 9.05 feet to a point on the Southwesterly boundary of said "School Property" Parcel; Thence North 40°33'21" West 26.81 feet along said southwesterly boundary to the **Point of Beginning.**

EXHIBIT C (page 2)
(Depiction)

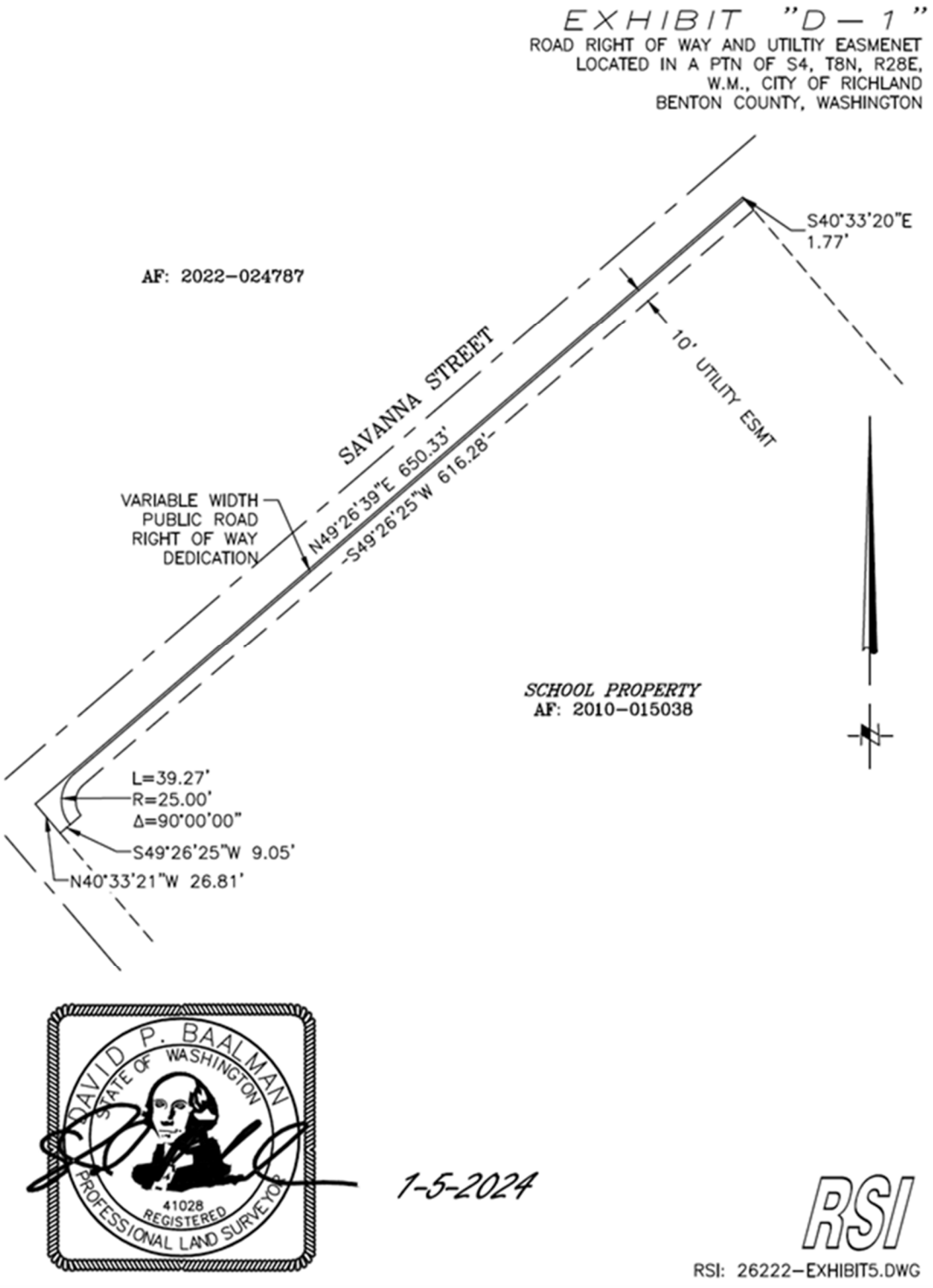


EXHIBIT D (page 1)
(Legal Description)

That portion of that Parcel described in deed recorded under Auditor's File Number 2022-024790, records of Benton County, Washington, situate in Section 4, Township 8 North, Range 28 East, Willamette Meridian, Benton County, Washington, hereby dedicated for public road right-of-way purposes, described as follows:

Commencing at the Northwest corner of said Section 4 (from which the Southwest corner of said Section 4 bears South 0°27'50" West 4582.76 feet); Thence South 57°57'49" East 3771.49 feet to a point on the Northerly boundary of said Parcel described in deed recorded under Auditor's File Number 2022-024790 and the **Point of Beginning**; Thence North 89°48'08" East 50.80 feet along the Northerly boundary of said Parcel to the beginning of a curve, concave to the southwest, having a radius of 121.50 feet; Thence southeasterly 100.55 feet along the arc of said curve and along said Northerly boundary through a central angle of 47°25'07"; Thence South 47°04'52" West 1.16 feet to the beginning of a non-tangent curve, concave to the southwest, having a radius of 121.50 feet (the long chord of said curve bears North 66°47'01" West 96.56 feet); Thence northwesterly 99.30 feet along the arc of said curve through a central angle of 46°49'42"; Thence South 89°48'08" West 50.80 feet to the Westerly boundary of said Parcel; Thence North 0°11'38" West 1.70 feet along said Westerly boundary to the **Point of Beginning**.

EXHIBIT D (page 2)
(Depiction)

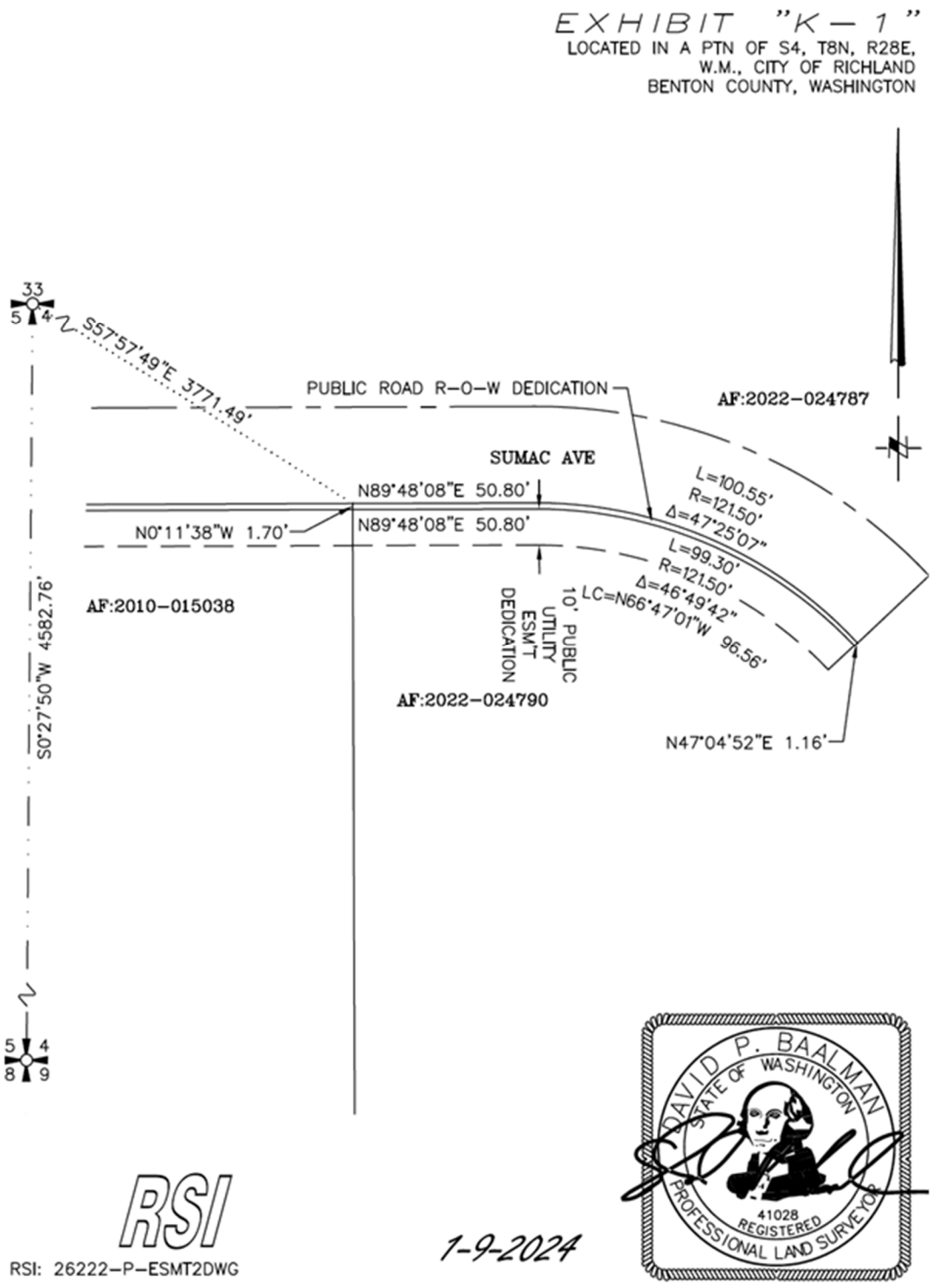
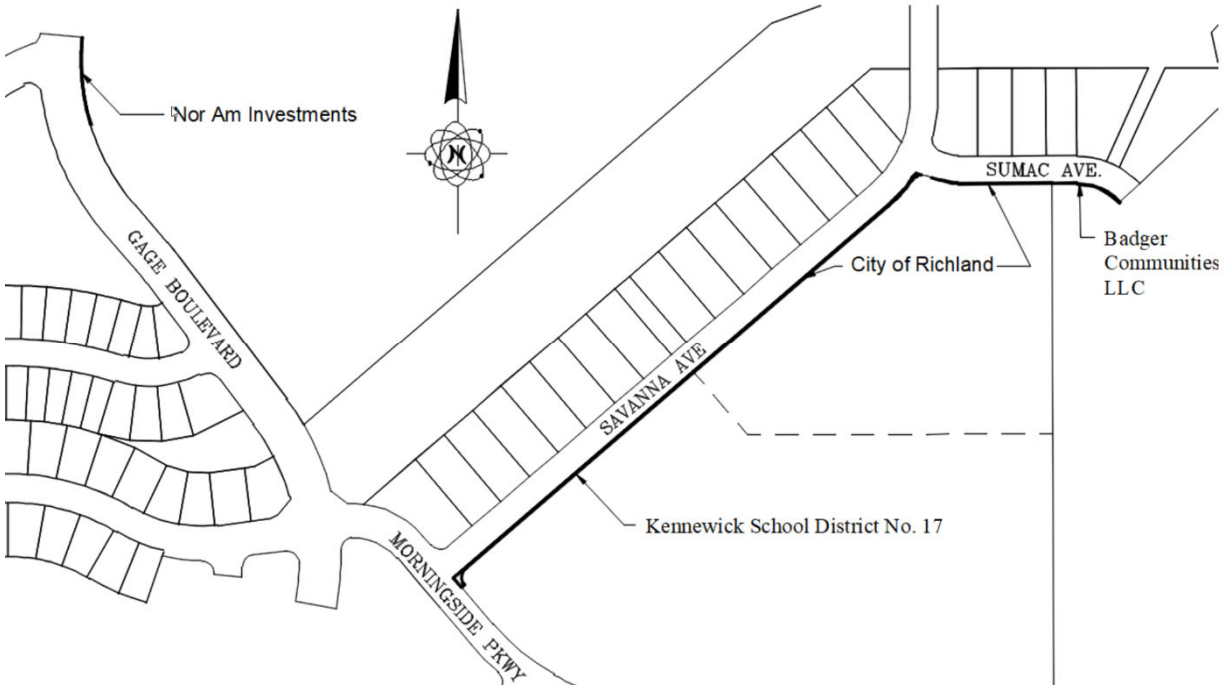


Exhibit E
Final Right-of-Way Dedication
(Depiction)



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Ordinances - Second Reading & Passage

Strategic Priority 1 - High Performance Government

Subject:
Ordinance No. 2024-03, Amending Richland Municipal Code Section 27.08.040(A)(2) related to Freestanding Signs

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-03	Ordinance

Recommended Motion:
Give second reading and pass Ordinance No. 2024-03, amending Richland Municipal Code Section 27.08.040(A)(2) related to freestanding signs.

Summary:
The Richland School District submitted a request to amend RMC 27.08.040(A)(2) to allow freestanding signs on all school district campuses. Present language in the zoning code allows freestanding signs only on high school or college campuses. This proposed amendment will provide consistency on all school campuses throughout Richland. Message boards are industry standard features on school campuses and provide important public information to students, parents and the community.

The Planning Commission held a public hearing on January 24, 2024 to take public input on the proposed amendment. No members of the public were in attendance and no public comments on the proposed amendment were received. The Planning Commission voted unanimously to recommend approval of the proposed code change as reflected in the Ordinance No. 2024-03.

Staff recommends approval of Ordinance No. 2024-03 for second reading and passage.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-03
2. CA2023-106 Planning Commission Staff Report
3. Draft January 24, 2024 Planning Commission Meeting Minutes

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE SECTION 27.08.040 RELATED TO FREESTANDING SIGNS.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to bring it into alignment with best practices; and

WHEREAS, the Richland School District submitted an application to the City of Richland seeking to amend Richland Municipal Code Section 27.08.040 to expand its applicability; and

WHEREAS, Richland's Sign Code, codified as Chapter 22.08 RMC, contains special provisions for high school and college campuses but does not address elementary or middle school campuses; and

WHEREAS, the distinction between primary and secondary educational facilities in the City's Sign Code is arbitrary given that the facilities do not substantially differ in terms of the public's informational and locational needs and expectations; and

WHEREAS, on January 24, 2024, the Richland Planning Commission held a public hearing on the proposed amendment, after which it voted to recommend approval of the proposed amendment to Richland City Council.

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

Section 1. Section 27.08.040 of the Richland Municipal Code, entitled Special provisions, as first enacted by Ordinance No. 3-89, and last amended by Ordinance No. 08-19, is hereby amended to read as follows:

27.08.040 Special provisions.
The following special provisions are provided to address situations posing unique signage requirements:

A. Signs Subject to Approval by the Planning Commission. The following signs may be approved by the planning commission, provided they meet the criteria listed, unless waived by the commission:

1. Freestanding, off-premises signs located at the entrance to a business center will be allowed if the following criteria exist:

a. When the businesses do not have adequate ability to allow their patrons to see their business location by using allowable signage in this chapter.

b. Permission to locate the sign has been given, in writing, by the property owner where the sign is to be located.

c. The sign meets the structural requirements of the Uniform Sign Code.

d. The sign may be lighted.

e. Letters may not be greater than eight inches in height.

f. The sign must be made of a durable material.

g. The sign must not exceed 15 feet in height.

h. The sign may not exceed 45 square feet.

i. The sign may be double faced.

j. The sign must not be located in a residential zone.

2. Freestanding signs on ~~high~~ school district campuses or college campuses may be allowed in addition to those signs permitted under Table 27.10.020(A), subject to the following criteria:

a. Only one sign, not exceeding 64 square feet in area, may be permitted.

b. The sign shall not exceed 20 feet in height.

c. The sign shall meet minimum building setback requirements so that it will not obstruct either pedestrian or automobile traffic.

d. The sign shall be oriented so that it does not directly face adjacent residential properties.

e. If the sign contains an electronic reader board or is otherwise illuminated, all lighting shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

f. Notice of the public meeting held to review an application for a freestanding sign shall be provided through posting of the site at the proposed sign location.

B. Signs Subject to Approval by the City Manager or Designee. Signs may be approved by the city manager or designee subject to the criteria set forth herein:

1. One freestanding sign within 500 feet of an entrance to a business center may be allowed, subject to the following criteria:

a. The sign shall be located within 500 feet of an entrance into the business center or shall be located on a property that is included within the business center.

b. The sign is located within a C-2, C-3, or B-C zoning district.

c. Permission to locate the sign has been given to the sign permit applicant, in writing, from the property owner where the sign is to be located.

d. If the business center is five acres in area, or less, or contains less than 100,000 square feet of gross floor area of retail business uses, the maximum sign size permitted under this section is 150 square feet and the maximum sign height is 25 feet. If the business center totals more than five acres, and contains more than 100,000 square feet of gross floor area of retail business uses, the maximum sign size is 240 square feet and the maximum sign height is 40 feet. If the business center totals 40 acres or more, and contains more than 200,000 square feet of gross

floor area of retail business uses, the maximum sign size is 350 square feet and the maximum sign height is 50 feet.

e. The sign may double its otherwise allowable size in square feet when located on the freeway side of a line 350 feet from and parallel to the interchange right-of-way. The interchange right-of-way shall begin at a point along the freeway 1,500 feet from the center of the street passing over and under the freeway. Signs constructed pursuant to the provisions of this subsection may be constructed to 80 feet in height; provided, that any sign must be located more than 300 feet from a single-family residential zoning district (R-1 or R-2); and further provided, that any sign increased in size as provided by this section shall not be eligible for further sign size increases as provided for in RMC 27.08.030(E)(1)(b).

f. The sign shall be nonilluminated or internally illuminated only and shall not include any electronic readerboards or flashing signs.

g. The maximum size of a sign issued under this section shall be determined as follows:

i. Fifty square feet shall be allotted for each business in the business center plus 50 square feet, but in no case shall a sign exceed the size limitations identified in subsection (B)(1)(d) of this section. Signs issued under this subsection that may double in size by virtue of their proximity to a grade separated interchange as specified in subsection (B)(1)(e) of this section may allot 100 square feet for each business in the business center plus 100 square feet.

h. No portion of a sign shall exceed 100 square feet in area or 200 square feet in area if the sign meets the criteria contained in subsection (B)(1)(e) of this section. No portion of a sign shall be less than 10 percent of the total sign area as determined in subsection (B)(1)(g) of this section.

i. A business center that totals less than five acres in area shall be permitted a maximum of one sign, either on- or off-premises. Business centers five acres and larger but less than 40 acres shall be permitted a maximum of two signs, but only one such sign shall be off-premises. Business centers 40 acres or larger shall be permitted a maximum of three signs, but only one such sign shall be off-premises.

j. A business located in a business center that has erected a sign under this section shall not be allowed additional freestanding signs on the same street or highway frontage that the sign is located on.

k. Freestanding signs issued under this section must be separated from other freestanding signs on the same frontage by a horizontal distance of at least twice the total height of the two signs.

l. Applicants for a business center sign shall submit an application that identifies all of the properties that are to be included within a proposed business center and shall identify the size, location and number of all proposed signs. Additionally, an agreement signed by all property owners included within the proposed business center shall accompany said application for a proposed sign. The agreement shall specify that the property owners:

i. Agree to be included within the proposed business center;

ii. Agree to the boundaries of the proposed business center. Business centers shall consist of properties that are adjacent to or abutting each other (properties that are separated only by a public right-of-way are considered to be adjacent to each other for the purposes of this section);

iii. Agree to the proposed name of the business center;

iv. Agree to the number and locations of all proposed signs; and

v. Provide for an entity which shall be responsible for determining how maintenance of the signs will be provided.

Said agreement shall be signed and recorded and shall be binding upon the current and future owners of the property within the proposed business center.

2. Portable signs located immediately in front of a business will be allowed when the following criteria are met:

a. No such sign will be allowed on city right-of-way or real property; provided, however, that such signs are allowed in the parkway and uptown overlay districts.

b. The sign is up only during business hours.

c. The sign is placed in such a manner that it is at least four feet from the building and two feet from the curb.

d. The sign is placed at least three feet to the right or the left of the entrance to the building or eight feet from the building face.

e. No portion of any portable sign shall be closer than 10 feet to another portable sign.

f. The sign will be placed in the same location each time and anchored in such a manner as it meets the criteria set forth in the Uniform Sign Code.

g. The sign will meet the structural criteria set forth in the Uniform Sign Code.

h. The sign must not exceed five feet in height.

i. The sign must not exceed 12 square feet.

j. Only one such sign will be allowed per business.

k. The sign must be made of a durable material and be maintained according to this code.

3. Banners may be erected over city streets when the following criteria are met:

a. Banners shall generally be made of nondurable material.

b. Banners will be allowed over city streets only in preselected locations approved by the city manager or designee.

c. Banners must meet a general physical condition approval of the administrator.

d. Duration of exhibiting a banner is limited to one week.

e. Any banner over a city street must be a minimum of 16 feet from the street surface.

f. Any banner must be for a noncommercial use or purpose.

4. Streetside banners will be allowed when the following criteria are met:

a. Generally pole-mounted banners shall be made of nondurable material such as woven fabric or approved plastic material.

b. Streetside banners shall only be displayed for as long as the banners remain in good condition. Banners that are weathered beyond their intended use, as determined by the city manager or designee, shall be removed or replaced.

c. Duration of exhibiting a streetside banner is limited to one week.

d. Any banner on a pedestrian right-of-way must be a minimum of eight feet from the sidewalk surface.

e. The banner must meet all safety standards and codes for both pedestrian and vehicular traffic.

f. The decision as to the size, location, and physical conditions of streetside banners will be that of the city manager or designee.

g. Streetside banners shall be located only on the following designated street sections:

i. Columbia Center Boulevard from Columbia Park Trail south to city limits;

ii. Columbia Park Trail from east city limits to SR 240 overpass and from Queensgate Drive to Malibu Private Road;

iii. Columbia Point Drive;

iv. Duportail Street from Queensgate Drive to Keene Road;

v. Fowler Street from east city limits to Georgia Avenue;

vi. Gage Boulevard from east city limits to Keene Road;

vii. George Washington Way from I-182 to McMurray Street;

viii. Jadwin Avenue from George Washington Way to Stevens Drive;

ix. Keene Road, from approximately 1,200 feet east of Queensgate Boulevard to approximately 600 feet west of Queensgate Boulevard;

x. Kennedy Road between Duportail Street and west city limits;

xi. Lee Boulevard from Howard Amon Park to Thayer Drive;

xii. Leslie Road from Gage Boulevard to the abandoned railroad right-of-way;

xiii. Queensgate Drive from Keene Road to Truman Avenue;

xiv. Spaulding Avenue from Columbia Park Trail to Fowler Street;

xv. Sprout Street;

xvi. Stevens Drive between Lee Boulevard and Williams Boulevard and between the bypass highway and Horn Rapids Road;

xvii. Swift Boulevard from George Washington Way to Long Avenue;

xviii. Symons Street from George Washington Way to Jadwin Avenue;

xix. Tapteal Drive from Steptoe Street to Columbia Center Boulevard;

xx. Torbett Street from George Washington Way to Jadwin Avenue;

xxi. Truman Avenue;

xxii. Van Giesen Street from George Washington Way to Jadwin Avenue; and between Alder Avenue and Wright Avenue;

xxiii. Wellsian Way from Aaron Drive to Lee Boulevard; and

xxiv. Williams Boulevard from George Washington Way to Jadwin Avenue;

xxv. Streetside banners may also be permitted on street sections in addition to those included in the above list, if such street section(s) is the determination of the city manager or designee that the street section is primarily located in an area that abuts commercial land uses.

5. Streetside signs will be allowed when the following criteria are met:

a. Signs shall be of durable construction.

b. Duration of exhibiting a streetside sign is limited to one week.

c. Any streetside sign extending over a pedestrian right-of-way must be a minimum of eight feet from the sidewalk surface.

d. Any sign of this nature which extends over a vehicular right-of-way must be a minimum of 16 feet above the roadway surface.

e. All signs must meet public safety standards and codes.

f. The decision as to the size, location and physical conditions of streetside signs will be that of the sign code administrator.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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 5th day of March, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: February 20, 2024
Second Reading: March 5, 2024
Date Published: March 10, 2024

DEVELOPMENT SERVICES STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: CA2023-106

PREPARED BY: MATTHEW HOWIE
MEETING DATE: JAN 24, 2024

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND CA2023-106

REQUEST: TEXT AMENDMENT TO RMC 27.08.040(A)(2) PERMITTING FREESTANDING SIGNAGE WITH PARKS AND PUBLIC FACILITIES LAND USE DISTRICT FOR ELEMENTARY AND MIDDLE SCHOOLS.

LOCATION: CITYWIDE

REASON FOR REQUEST

Richland School District [RSD] is proposing to amend the Richland Municipal Code [RMC] by amending RMC 27.08.040(A)(2) to permit all public school district campuses, not just high schools, the benefit of the provisions of that Code section.

TEXT CHANGE

For the purposes of review, Staff have included the following text of RMC 27.08.040, 27.08.040(A), and 27.08.040(A)(2), with demonstrated change inserted in **bold** and removed with ~~strikethrough~~:

27.08.040 Special provisions.

The following special provisions are provided to address situations posing unique signage requirements:

A. Signs Subject to Approval by the Planning Commission. The following signs may be approved by the planning commission, provided they meet the criteria listed, unless waived by the commission:

2. Freestanding signs on **school district campuses** ~~high school~~ or college campuses may be allowed in addition to those signs permitted under Table 27.10.020(A), subject to the following criteria:

a. Only one sign, not exceeding 64 square feet in area, may be permitted.

b. The sign shall not exceed 20 feet in height.

c. The sign shall meet minimum building setback requirements so that it will not obstruct either pedestrian or automobile traffic.

d. The sign shall be oriented so that it does not directly face adjacent residential properties.

e. If the sign contains an electronic reader board or is otherwise illuminated, all lighting shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

f. Notice of the public meeting held to review an application for a freestanding sign shall be provided through posting of the site at the proposed sign location.

ANALYSIS

Public primary and secondary public education institutions in the City of Richland are typically located within the Parks and Public Facilities [PPF] land use district. However, the table within Title 27, which usually directs the amount of signage (square footage and number of signs) within the various land use zones does not have an included category dedicated to the PPF land use district. See RMC Table 27.10.020(A). As such, it is only RMC 27.08.040 that provides relevant instructions for Planning Staff to reference when sign applications are put forward within PPF areas. Conspicuously absent from 27.08.040(A)(2) are elementary and middle school locations, which has precipitated the Code amendment request at issue here.

When a recent permanent sign application to replace an existing elementary school sign was rejected (since per Code, that existing freestanding sign is non-conforming), Planning Staff recommended to the School District a Code Amendment request.

Planning Staff have no objection to the request by the School District. After all, the locational and informational needs of students, parents, and the public at large, do not materially change in the transition between middle and high school. The Code has deemed high schools as worthy of the special provisions enumerated in RMC 27.08.040(A)(2) and Planning cannot justify withholding these benefits to elementary and middle schools.

PUBLIC NOTICE/ COMMENTS

Staff provided notice of the proposed amendment to local and state agencies via SEPA review on December 27, 2023 and via separate Notice of Application on January 3, 2023. Notice of Application and Public Hearing was also published in the Tri-Cities Herald on January 10, 2024 and on the city's official website. Staff provided notice to the Washington State Dept. of Commerce and other state agencies as required by RCW 36.70A on December 27, 2023. See *Exhibit 3.*

As of the date this Staff Report, there had been no received public comment on this matter. Of Staff and Agency sources, only three substantive comments from Public Works have been received (as a part of the SEPA EA2023-131 comment period) and included as *Exhibit 5*.

SEPA

The proposal is subject to environmental review. The City of Richland issued a Determination of Non-Significance (DNS) for the proposal on December 27, 2023, no appeals of the City's DNS were received. See *Exhibit 6.*

FINDINGS OF FACT

1. City planning staff is proposing to amend RMC 27.08.040(A)(2).
2. The purpose of the amendments is to permit all public school district campuses, not just high schools, the benefit of the provisions of that Code section.
3. Notice of the proposed amendment was provided to local and state agencies. Notice

was also published in the Tri-Cities Herald, posted at the official posting places and on the city's official website. Notice was provided to the Washington State Dept. of Commerce and other state agencies as required by RCW 36.70A.

4. The Washington State Department of Commerce received the 60-day Notice of Intent to Adopt Amendment and granted expedited review. *See Exhibit 4.*
5. The City issued a SEPA Threshold Determination of Non-Significance on November 2, 2023. No appeals of the DNS were received. *See Exhibit 6*

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hold an open record public hearing and issue a recommendation on the proposed ordinance amendment to the City Council.
2. The proposed code amendment is consistent with the goals and policies of the City's Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (CA2023-106) and recommend to the City Council adoption of the proposed amendments to Title 27, Signs, as provided in the draft ordinance attached to this report.

ALTERNATIVES

1. Recommend approval of the amendments as proposed.
2. Recommend approval of the amendments, as modified by the Planning Commission.
3. Recommend denial of the amendments.

RECOMMENDED MOTION – PLANNING COMMISSION

"I move that the Planning Commission recommend approval of the proposed amendments to RMC Title 27 as identified in the draft ordinance. This recommendation is based upon the listed Findings of Fact and Conclusions of Law."

EXHIBITS

1. Application Materials
2. Draft Ordinance
3. SEPA DNS & SEPA Checklist
4. Department of Commerce Expedited Review
5. Staff and Agency Comments
6. Public Notice

Exhibit 1

Application Materials

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Code Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

APPLICANT	☐ Contact Person
Company: Richland School District #400	UBI#:
Contact: Richard Krasner	
Address: 6972 Keene Road, West Richland, WA 99353	
Phone: 509-967-6112	Email: Richard.Krasner@rsd.edu

DESCRIPTION OF PROPOSED AMENDMENT

RSD proposes to have the sign code amended to allow for a freestanding electronic reader board sign on school district properties. Current code allows for signs at high schools (27.08.040) but does not include other schools. RSD respectfully request the code be amended to extend the special provisions to all school district properties.

APPLICATON MUST INCLUDE:

1. Completed application and filing fee
2. SEPA Checklist (if necessary)
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE:

Section(s) of code proposed to be amended (include code citation):

27.08.040 Special Provisions.
2. Freestanding signs on high school or college campuses may be allowed in addition to those signs permitted under Table 27.10.020(A), subject to the following criteria:
a. Only one sign, not exceeding 64 square feet in area, may be permitted.
b. The sign shall not exceed 20 feet in height.
c. The sign shall meet minimum building setback requirements so that it will not obstruct either pedestrian or automobile traffic.
d. The sign shall be oriented so that it does not directly face adjacent residential properties.
e. If the sign contains an electronic reader board or is otherwise illuminated, all lighting shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.
f. Notice of the public meeting held to review an application for a freestanding sign shall be provided through posting of the site at the proposed sign location.

Summary of requested code amendment(s):

27.08.040 Special Provisions.

2. Freestanding signs on school district campuses or college campuses may be allowed in addition to those signs permitted under Table 27.10.020(A), subject to the
a. Only one sign, not exceeding 64 square feet in area, may be permitted.
b. The sign shall not exceed 20 feet in height.
c. The sign shall meet minimum building setback requirements so that it will not obstruct either pedestrian or automobile traffic.
d. The sign shall be oriented so that it does not directly face adjacent residential properties.
e. If the sign contains an electronic reader board or is otherwise illuminated, all lighting shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

Reason(s) for code amendment(s):

Current language limits freestanding electronic reader board signs at all RSD sites except high schools. RSD would like to replace older signs with new signs similar to ones at newly constructed school campuses.

Is the proposed amendment consistent with the applicable provisions of the Comprehensive Plan? Is a Comprehensive Plan amendment necessary to implement the proposed amendment?

Yes, the amendment is consistent with the Comprehensive Plan.
No, an amendment to the Comprehensive Plan is not necessary.

Does the proposed amendment bear a substantial relation to the public health, safety, welfare and protection of the environment? Please explain:

No, the amendment will not substantially impact the public health, safety, welfare, and protection of the environment.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application. The information provided in this application contains no misstatement of fact.
2. I am an owner(s), authorized agent(s) of an owner(s), or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW, or I am exempt from the requirements of Chapter 18.27 RCW.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Richard Krasner

Applicant Signature: _____ Date 10/11/2023

Exhibit 2

Draft Ordinance

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 27.08 OF THE RICHLAND MUNICIPAL CODE RELATED TO SIGNS. TO AMEND SUBSECTION 27.08.040(A)(2) INCLUDING ELEMENTARY AND MIDDLE SCHOOLS TO PROVISIONS CURRENTLY ONLY PROVIDED FOR HIGH SCHOOL AND COLLEGE CAMPUSES

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to bring it into alignment with best practices; and

WHEREAS, critical areas ordinances commonly include a variance provision that allows the City's quasi-judicial decision-maker to grant legally allowable deviations from the strict letter of established land use regulations; and

WHEREAS, the City's Code Provisions for its Sign Ordinance, codified as Chapter 22.08 RMC, contains special provisions for high school and college campuses but not elementary and middle school campuses; and

WHEREAS, public educational institutions do no substantially differ in terms of the public's informational and locational needs and expectations.

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

Section 1. Subsection 27.08.040(A)(2) of the Richland Municipal Code, entitled Special Provisions, as first enacted by Ordinance No. 3-89, and last amended by Ordinance No. 08-19 § 4, is hereby amended to read as follows:

27.08.040 Special provisions.

2. Freestanding signs on school district campuses or college campuses may be allowed in addition to those signs permitted under Table 27.10.020(A), subject to the following criteria:

a. Only one sign, not exceeding 64 square feet in area, may be permitted.

b. The sign shall not exceed 20 feet in height.

c. The sign shall meet minimum building setback requirements so that it will not obstruct either pedestrian or automobile traffic.

d. The sign shall be oriented so that it does not directly face adjacent residential properties.

e. If the sign contains an electronic reader board or is otherwise illuminated, all lighting shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

f. Notice of the public meeting held to review an application for a freestanding sign shall be provided through posting of the site at the proposed sign location.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

DRAFT

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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 ____ day of _____, 2024.

_____
Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

DRAFT

Exhibit 3

SEPA DNS & SEPA Checklist

File No. EA2023-131

CITY OF RICHLAND
Determination of Non-Significance

Description of Proposal: The project is to remove and install freestanding reader board signs at various school district properties.

Proponent: Richland School District #400
6972 Keene Rd
West Richland, WA 99353

Location of Proposal: Citywide

Lead Agency: City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

( ) There is no comment for the DNS.

(**X**) This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen days from the date of issuance.

( ) This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Mike Stevens
Position/Title: Planning Manager
Address: 625 Swift Blvd., MS #35, Richland, WA 99352
Date: December 27, 2023
Comments Due: January 10, 2023

Signature _____

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

A. Background Find help answering background questions

1. **Name of proposed project, if applicable:**
   Richland School District #400, Signage

2. **Name of applicant:**
   Richland School District #400

3. **Address and phone number of applicant and contact person:**
   6972 Keene Road, West Richland, WA 99353
   (509) 967-6112
   richard.krasner@rsd.edu

4. **Date checklist prepared:**
   10/11/2023

5. **Agency requesting checklist:**
   City of Richland

6. **Proposed timing or schedule (including phasing, if applicable):**
   As soon as the text code amendment is approved, RSD will proceed in replacing signs at various school district properties.

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
   No.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
   None known.

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**
   A sign permit application for replacement signs has been submitted to the City of Richland.

10. **List any government approvals or permits that will be needed for your proposal, if known.**
    Approval of Sign Permit application.

12. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The project is to remove and install freestanding reader board signs at various school district properties.

13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The site locations vary depending on the need for sign replacement. All locations are school district owned properties within the City of Richland.

B. Environmental Elements

1. Earth Find help answering earth questions

a. General description of the site:

Typically, the sites are relatively flat where signs are located.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

Typical locations have less than 2% slope.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Sites contain sand/gravel soil types.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There are no indications or history of unstable soils in the immediate vicinity.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

No filling or grading is proposed with the projects, except footings for structural sign post installation, if need.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

Minor wind and water erosion may occur at sign replacement and installation site.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

At sign locations, existing surrounding materials (sod, asphalt or concrete) will be replaced at base of sign post areas if disturbed less than 36sf.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

None proposed.

2. Air Find help answering air questions

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Construction vehicle emissions.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

None proposed.

3. Water Find help answering water questions

a. Surface Water: Find help answering surface water questions

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

   There are no surface water bodies on the site or in the immediate vicinity.

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

   No.

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

   None.

4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

   No.

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

   No.

6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**
   No.

b. Ground Water: Find help answering ground water questions

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**
   No.

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**
   None.

c. Water Runoff (including stormwater):

1. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**
   No stormwater runoff is anticipated.

2. **Could waste materials enter ground or surface waters? If so, generally describe.**
   No.

3. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**
   No.

4. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**
   None.

4. Plants Find help answering plants questions

a. Check the types of vegetation found on the site:

- ☑ **deciduous tree: alder, maple, aspen, other**
- ☑ **evergreen tree: fir, cedar, pine, other**
- ☑ **shrubs**
- ☑ **grass**
- ☐ **pasture**
- ☐ **crop or grain**
- ☐ **orchards, vineyards, or other permanent crops.**
- ☐ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
- ☐ **water plants: water lily, eelgrass, milfoil, other**
- ☐ **other types of vegetation**

b. What kind and amount of vegetation will be removed or altered?

On some sites, sod will be removed and replaced around sign post base.

c. List threatened and endangered species known to be on or near the site.

None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

If sod is removed during installation it will be replaced.

e. List all noxious weeds and invasive species known to be on or near the site.

None known.

5. Animals Find help answering animal questions

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- **Birds: hawk, heron, eagle, songbirds, other:**
- **Mammals: deer, bear, elk, beaver, other:**
- **Fish: bass, salmon, trout, herring, shellfish, other:**

b. List any threatened and endangered species known to be on or near the site.

None known.

c. Is the site part of a migration route? If so, explain.

Pacific Flyway

d. Proposed measures to preserve or enhance wildlife, if any.

None proposed.

e. List any invasive animal species known to be on or near the site.

None known.

6. Energy and Natural Resources Find help answering energy and natural resource questions

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

On school site that currently do not have electronic reader board signs, electric power will be added.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

The electronic reader boards are LED. Following the RMC requirements will be turned off as required by code.

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

No.

1. Describe any known or possible contamination at the site from present or past uses.

None known.

a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known.

b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

None known.

c. Describe special emergency services that might be required.

Only services already provided by City of Richland.

d. Proposed measures to reduce or control environmental health hazards, if any.

None proposed.

b. Noise

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**
   None.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**
   Short-term construction noise.
   Long-term no change.

3. **Proposed measures to reduce or control noise impacts, if any.**
   Construction will only occur during normal business hours.

8. Land and Shoreline Use Find help answering land and shoreline use questions

a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**
   All sites are schools and/or school district facilities. No effect on nearby properties is anticipated.

b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**
   No.

   1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**
      No.

c. **Describe any structures on the site.**
   Structures include buildings and features normally found on school sites.

d. **Will any structures be demolished? If so, what?**
   Depending on need, some signs will be fully demolished.

e. **What is the current zoning classification of the site?**
   PPF

f. **What is the current comprehensive plan designation of the site?**
   PF

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No.

i. Approximately how many people would reside or work in the completed project?

The same as currently established on school sites.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any.

None proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

Submit plans and applications to City for staff review.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

Not applicable.

9. Housing Find help answering housing questions

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None. Not applicable for sign replacement and installation.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None. Not applicable for sign replacement and installation.

c. Proposed measures to reduce or control housing impacts, if any.

None proposed.

10. Aesthetics Find help answering aesthetics questions

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Height is regulated by RMC.

b. What views in the immediate vicinity would be altered or obstructed?

None as regulated by RMC.

c. Proposed measures to reduce or control aesthetic impacts, if any.

Compliance with zoning and code requirements.

11. Light and Glare Find help answering light and glare questions

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Electronic Reader Board lighting during the daytime.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Sign is designed for minimal impact of site and RMC regulations will be followed.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any.

Lighting and controls in accordance with RMC.

12. Recreation Find help answering recreation questions

a. What designated and informal recreational opportunities are in the immediate vicinity?

School playgrounds and green fields at most sites.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

None proposed.

13. Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

None known.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None needed.

14. Transportation Find help with answering transportation questions

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Various school sites located throughout City of Richand street systems.
No new access is needed.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Ben Franklin Transit is routed throughout the City of Richland and includes stops along or near most school district sites.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

No more than currently established.

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

g. Proposed measures to reduce or control transportation impacts, if any.

None proposed.

15. Public Services Find help answering public service questions

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed.

16. Utilities Find help answering utilities questions

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

All of the above except septic system.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

No additional utilities needed.

C. Signature Find help about who should sign

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X

SEPA Responsible Offical

Type name of signee: Richard Krasner

Position and agency/organization: Executive Director of Support Services & Operations

Date submitted: 10/12/2023

D. Supplemental sheet for nonproject actions Find help for the nonproject actions worksheet

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

    - **Proposed measures to avoid or reduce such increases are:**

2. **How would the proposal be likely to affect plants, animals, fish, or marine life?**

    - **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

3. **How would the proposal be likely to deplete energy or natural resources?**

    - **Proposed measures to protect or conserve energy and natural resources are:**

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

    - **Proposed measures to protect such resources or to avoid or reduce impacts are:**

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

    - **Proposed measures to avoid or reduce shoreline and land use impacts are:**

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

    - **Proposed measures to reduce or respond to such demand(s) are:**

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

Exhibit 4

Department of Commerce Notice

Department of Commerce

Notice of Intent to Adopt Amendment / Notice of Adoption
Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

1. Jurisdiction Name:	City of Richland – Development Services Dept.
2. Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	☐ **60-Day Notice** of Intent to Adopt Amendment. ☒ **Request of Expedited Review** / Notice of Intent to Adopt Amendment. ☐ **Supplemental Submittal** for existing Notice of Intent to Adopt Amendment. ☐ **Notice of Final Adoption** of Amendment.
3. Amendment Type: Select Type of Amendment listed. (Select One Only)	☐ **Comprehensive Plan** Amendment. ☒ **Development Regulation** Amendment. ☐ **Critical Areas Ordinance** Amendment. ☐ **Combined Comprehensive and Development Regulation** Amendments. ☐ **Countywide Planning Policy**.

4. Description Enter a brief description of the amendment. Begin your description with "Proposed" or "Adopted", based on the type of Amendment you are submitting. Examples: *"Proposed comprehensive plan amendment for the GMA periodic update."* or *"Adopted Ordinance 123, adoption amendment to the sign code."* **(Maximum 400 characters).**	Proposed Richland School District [RSD] request to amend the Richland Municipal Code [RMC] within RMC 27.08.040(A) to permit all public school district campuses, not just high schools, the benefit of the provisions of that Code section, which states that: "27.08.040 Special provisions. The following special provisions are provided to address situations posing unique signage requirements: A. Signs Subject to Approval by the Planning Commission. The following signs may be approved by the planning commission, provided they meet the criteria listed, unless waived by the commission: 2. Freestanding signs on high school or college campuses may be allowed in addition to those signs permitted under Table 27.10.020(A)…" Amend RMC 27.08.040(A)(2) to read: "Freestanding signs on school district campuses or college campuses may be allowed in addition to those signs permitted under Table 27.10.020(A)…"
5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?	☐ **Yes** ☒ **No**
6. Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	Planning Commission: January 24, 2024 City Council: February 20, 2024 (First Reading) Proposed / Date of Adoption: March 5, 2024
7. Contact Information:	
A. Prefix/Salutation: *(Examples: "Mr.", "Ms.", or "The Honorable" (elected official))*	Mr.
B. Name:	Matthew Howie
C. Title:	Senior Planner
D. Email:	mhowie@ci.richland.wa.us

E. Work Phone:	(509) 942-7587
F. Cell/Mobile Phone: *(optional)*	
Consultant Information:	
G. Is this person a consultant?	☐ Yes
H. Consulting Firm name?	
8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	☐ Yes

REQUIRED: Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

Questions? Call the review team at (509) 725-3066.

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 27.08 OF THE RICHLAND MUNICIPAL CODE RELATED TO SIGNS. TO AMEND SUBSECTION 27.08.040(A)(2) INCLUDING ELEMENTARY AND MIDDLE SCHOOLS TO PROVISIONS CURRENTLY ONLY PROVIDED FOR HIGH SCHOOL AND COLLEGE CAMPUSES

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to bring it into alignment with best practices; and

WHEREAS, critical areas ordinances commonly include a variance provision that allows the City's quasi-judicial decision-maker to grant legally allowable deviations from the strict letter of established land use regulations; and

WHEREAS, the City's Code Provisions for its Sign Ordinance, codified as Chapter 22.08 RMC, contains special provisions for high school and college campuses but not elementary and middle school campuses; and

WHEREAS, public educational institutions do no substantially differ in terms of the public's informational and locational needs and expectations.

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

Section 1. Subsection 27.08.040(A)(2) of the Richland Municipal Code, entitled Special Provisions, as first enacted by Ordinance No. 3-89, and last amended by Ordinance No. 08-19 § 4, is hereby amended to read as follows:

27.08.040 Special provisions.

2. Freestanding signs on school district campuses or college campuses may be allowed in addition to those signs permitted under Table 27.10.020(A), subject to the following criteria:

a. Only one sign, not exceeding 64 square feet in area, may be permitted.

b. The sign shall not exceed 20 feet in height.

c. The sign shall meet minimum building setback requirements so that it will not obstruct either pedestrian or automobile traffic.

d. The sign shall be oriented so that it does not directly face adjacent residential properties.

e. If the sign contains an electronic reader board or is otherwise illuminated, all lighting shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

f. Notice of the public meeting held to review an application for a freestanding sign shall be provided through posting of the site at the proposed sign location.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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 ____ day of _____, 2024.

_____
Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

From: COM GMU Review Team
To: Howie, Matthew
Subject: City of Richland - Expedited Review Request Granted for Submittal ID: 2023-S-6727
Date: Wednesday, January 10, 2024 7:22:58 AM

You don't often get email from reviewteam@commerce.wa.gov. Learn why this is important

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Dear Mr. Howie,

Your request for an Expedited Review has been granted for: Proposed Richland School District [RSD] request to amend the Richland Municipal Code [RMC] within RMC 27.08.040(A)(2) to permit all public school district campuses, not just high schools, the benefit of the provisions of that Code section.

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW 36.70A.106 for this submittal. Please keep this email as confirmation.

If you have any questions, please contact Steve Davenport at (360) 725-4023 or by email at steve.davenport@commerce.wa.gov.

~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new PlanView system at https://secureaccess.wa.gov/com/planview where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed PlanView User Request Form.

Have questions about using PlanView? Use the PlanView User Manual for assistance at https://www.commerce.wa.gov/serving-communities/growth-management/washington-department-of-commerce-growth-management-submitting-materials/.

Sincerely,

Review Team
Growth Management Services
~~~

Exhibit 5

Staff and Agency Comments

MEMORANDUM *PUBLIC WORKS*

CIVIL AND UTILITY ENGINEERING

TO: MATTHEW HOWIE – SENIOR PLANNER

FROM: JOHN WHITTIER – CIVIL ENGINEER 1

DATE: January 9th, 2024

SUBJECT: SEPA DNS APPLICATION #EA2023-131 – 930 LONG ST. – RICHLAND SCHOOL DISTRICT ELECTRONIC SIGN PROJECT

Hi Matthew,

Public Works has reviewed the submitted short plat application received on December 27th, 2023 and have the comments noted below.

1. During permit construction, all permanent structures shall remain outside of both existing City Right-of-Way and existing City-owned easements. Encroachments into City Right-of-Way or easements is prohibited.
2. Each individual sign that is placed in the future shall require a separate permit submission to review the location and any potential vision clearance triangle (VCT) issues, as defined in RMC 12.11.
3. If roadways, sidewalks, or shoulders are going to need to be obstructed for the installation of the new signs, then a traffic control plan will be required to be submitted for review by City staff at least one week prior to permit construction.

If you have any questions, please let me know.

Thank you,
John W.
x7649

Exhibit 6

Public Notice

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	507314	Print Legal Ad-IPL01544980 - IPL0154498	PC PHN-CA2023-106	$176.54	1	61 L

Attention: (company)
CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

janderson@ci.richland.wa.us

CITY OF RICHLAND
NOTICE OF APPLICATION,
PUBLIC HEARING

Notice: The City of Richland is proposing to amend the Richland Municipal Code by amending RMC 27.08.040(A)(2) to permit all public school district campuses, not just high schools, the benefit of the provisions of that Code section.

Pursuant to Richland Municipal Code [RMC] Section 19.20, the Richland Planning Commission will conduct a public hearing and review of the proposed code amendment on **Wednesday, January 24, 2024, at or after 6:00 p.m.** in the Council Chambers, Richland City Hall, 625 Swift Blvd., Richland, WA. All interested parties are invited to attend and present testimony at the public hearing.

Environmental Review:
The proposal is subject to environmental review. The City of Richland is lead agency for the proposal under the State Environmental Policy Act (SEPA) and has reviewed the proposed project for probable adverse environmental impacts. A Determination of Non-Significance (DNS) was issued by the City on December 27, 2023.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner, 625 Swift Blvd., MS-35, Richland, WA 99352. Comments may also be emailed to mhowie@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Wednesday, January 16, 2024, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing.

Copies of the staff report and recommendation will be available on the City of Richland's website at www.ci.richland.wa.us beginning Wednesday, January 17, 2024.
Date Published: Wednesday, January 10, 2024
IPL0154498
Jan 10 2024

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 01/10/2024, and ending on 01/10/2024 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
01/10/24

Stefani Beard
(Signature of Legals Clerk)

Sworn to and subscribed before me this 10th day of January in the year of 2024

Stephanie Hatcher
Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
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The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
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Attention: Jennifer Anderson
CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

janderson@ci.richland.wa.us

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My Notary ID # 133534406
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Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MINUTES
PLANNING COMMISSION SPECIAL MEETING
Wednesday, January 24, 2024
Richland City Hall - Council Chambers
625 Swift Boulevard

Call to Order:
Chair Richardson called the meeting to order at 6 p.m.

Attendance:
Present: Chair Richardson, Members Miller, Nicholson, and Maier

Also, present: Council Liaison VanDyke, Development Services Director Jensen, Planning Manager Stevens, Permit Technician Hogan.

Approval of Agenda:
Chair Richardson presented the meeting agenda for review and approval.

COMMISSIONER MAIER MOVED AND COMMISSIONER NICHOLSON SECONDED THE MOTION TO APPROVE THE JANUARY 24, 2024, PLANNING COMMISSION MEETING AGENDA, WITH REMOVAL COMMSIONER TOWNSEND AND MOVING ITEM NUMBER THREE TO BE THE FIRST ITEM OF BUSINESS. THE MOTION PASSED 4-0.

Public Comments:
Chair Richardson opened public comment at 6:02 pm, with community members present Chair Richardson confirmed that they were there to speak on an item of business.

Chair Richardson closed the public comment period at 6:03 pm.

New Business – Public Hearing:

1. CA2021-108 Badger Mountain South LUDR Amendments

Chair Richardson recognized Planning Manager Stevens who gave a brief introduction and advised that the applicants have requested continuance of this item to the next planning commission meeting in February. Public Hearing is still being held, but he wanted to make sure that those who speak on the item know that there might be revisions.

Amy and James Phifer provided comments regarding the LUDR expressing their concerns with the large number of changes being made to the LUDR with no gains. When they looked at the neighborhood back in 2017/2018 the vision they were told is not happening with lack of parks, open spaces and increase in retention ponds that are a risk.

COMMISSIONER MAIER MOVED TO CONTINUE THE PUBLIC HEARING ON THE

BADGER MOUNTAIN SOUTH LUDR AMENDMENTS TO THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING ON WEDNESDAY FEBRUARY 28, 2024 AND COMMISSIONER NICHOLSON SECONDED THE MOTION. MOTION PASSED 4-0.

Unfinished Business:

2. Waterfront Height Amendment (Continued from January 10, 2024)

Chair Richardson recognized Planning Manager Stevens who gave a brief introduction. The Planning Commission agenda packet included an outline of changes staff recommends, along with a draft motion and revised finding of facts and conclusion of law. Mr. Stevens then went over the proposed changes to the code that staff recommend.

Commissioner Nicholson questioned why the affordability aspect of the amendment was left out by staff, and not included in the agenda packet. Mr. Stevens was not aware the commissioners wanted that included, and staff did not want to include. Chair Richardson confirmed that it would be an interest of his but does not want to hold up development with including it on this amendment.

Commissioner Maier wants clarity included regarding parking requirements when it moves forward to Council. She is also hopeful that the parking code revision will be forthcoming.

Chair Richardson was hopeful to see more requirements for mixed use, especially when going above the 55 feet to 85 feet. The mixed-use component allows people who don't live there, or are walking by, can still enjoy the space that was created. Mr. Stevens confirmed that if it is City owned property there would be a chance to require mixed use, but privately owned property the City would not have control.

Economic Manger Wallner spoke regarding mix use, and development.

Chair Richardson appreciated the clarifications staff provided with the caveat that planning will revisit mixed use and parking requirements in the near future.

COMMISSIONER MAIER MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED AMENDMENTS TO RMC TITLE 23 AS IDENTIFIED IN THE DRAFT ORDINANCE AND AS MODIFIED FURTHER BY THE PLANNING COMMISSION (ATTACHMENT A) AND AS DISCUSSED WITH STAFF CLARIFYING THE LANGUAGE OF THE PARKING PERCENTAGES.THIS RECOMMENDATION IS BASED UPON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW. COMMISSIONER MILLER SECONDED. THE MOTION PASSED 3-1.

New Business – Public Hearing:

3. CA2023-106 Proposed Amendment to RMC 27.08.040 (A)(2) – 930 Long Avenue

Chair Richardson recognized Planning Manager Stevens to present the proposal to amend

RMC 27.08.040 (A)(2). The Richland School District is requesting an amendment to allow all public-school campuses within the Parks and Public Facilities (PPF) land use district could construct freestanding signs for directional and informational purposes. If adopted, the proposed amendment will allow middle schools and elementary schools to also have freestanding signs in the PPF zone.

Chair Richardson opened the public hearing at 6:37 p.m.

Richard Krasner, who is with the Richland School District, thanked the commission for looking at the amendment. He spoke in favor of the amendment and opening it up to all schools.

Commissioner Maier requested clarification on present sign requirements, and what this amendment would do. Mr. Stevens provided clarification.

COMMISSIONER MAIER MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE FINDINGS AND CONCLUSIONS SET FORTH IN STAFF REPORT (CA2023-106) AND RECOMMEND TO THE CITY COUNCIL ADOPTION OF THE PROPOSED AMENDMENTS TO TITLE 27, SIGNS, AS PROVIDED IN THE DRAFT ORDINANCE ATTACHED TO THIS REPORT COMMISSIONER NICHOLSON SECONDED THE MOTION. THE MOTION PASSED 4-0.

Communications:

Planning Manager Stevens stated that there are several different code amendments that will be coming forward in the coming months. The city is also implementing a new permitting software with several different applications and processes that are outdated in current code that planning will be looking at removing or modify to better fit with the new permitting processes.

Council member VanDyke thanked Mr. Stevens and the planning staff for the language adjustments made for the Height Amendment. He also wanted to mention that Council had a workshop regarding Affordable/Attainable housing on January 23, 2024, that if Commissioners have not already watched, is worth watching the recording.

Commissioner Maier congratulated Chair Richardson on holding his first Commission meeting. Commissioner Maier wanted to also check in with where recruitment was at with open positions. Mr. Jensen confirmed that more applicants are needed.

Adjournment:

Chair Maier adjourned the meeting at 6:43 p.m.

PREPARED BY: _____
Jodi Hogan, Permit Technician

REVIEWED BY: _____
Mike Stevens, Planning Manager

APPROVED BY: _____

Jett Richardson, Chair

DRAFT

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Resolutions - Adoption

Strategic Priority 4 - Quality of Life

Subject:
Resolution 2024-33, Authorizing the City of Richland's Participation in a Settlement Agreement with Johnson & Johnson negotiated by the Washington State Attorney General's Office

Department/Office	Ordinance/Resolution Number:	Document Type:
City Attorney	2024-33	Resolution

Recommended Motion:
Adopt Resolution No. 2024-33, authorizing the City Manager to sign and execute all documents necessary for the City to effectively participate in the opioid settlement negotiated by the Washington State Attorney General's Office with Johnson & Johnson.

Summary:
On April 19, 2022, through Resolution No. 2022-62, Richland City Council approved the City's participation in the One Washington MOU, prepared by private-retained counsel on behalf of the Washington State Attorney General's Office for purposes of equitably distributing proceeds of opioid settlements reached with McKesson Corp., Cardinal Health Inc., and AmerisourceBergen Drug Corp. The total settlement was $518 million paid over 17 years.

On March 27, 2023, through Resolution No. 2023-35, Richland City Council approved the City's participation in five (5) additional settlements reached between the AG's Office and Teva, Allergan, CVS, Walgreens, and Walmart that will provide funds in an amount comparable to the funds awarded under the 2022 Settlement with the opioid distributors.

In February, the City learned that the AG's Office has reached a settlement with Johnson & Johnson that, if approved, will provide an estimated $123M to the State of Washington with 50% allocated to local government. If the City chooses to participate, the funds realized through settlement will be distributed consistent with the One Washington MOU through the region's Opioid Abatement Council.

As with previous opioid settlements, the amount of funds made available through settlement are directly related to the number of jurisdictions who participate. In other words, refusal of counties and cities to participate will reduce the amount of settlement funds Washington receives. Therefore, the best interests of the City of Richland are served by participating in the newest opioid settlement with Johnson & Johnson, which will allow settlement proceeds to be used in the City for services, programs and other purposes as set forth in the MOU.

Staff recommends adoption of Resolution No. 2024-33.

Fiscal Impact:	Total settlement proceeds are expected to be $123.34 million received by the State of Washington with 50% allocated to local government for spending consistent with the purposes authorized by the One Washington MOU.

Attachments:
1. Resolution No. 2024-33
2. 2022 Memorandum re One Washington MOU (reference only)
3. Johnson & Johnson Settlement Agreement

RESOLUTION NO. 2024-33

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING THE CITY OF RICHLAND'S PARTICIPATION IN A SETTLEMENT AGREEMENT WITH JOHNSON & JOHNSON NEGOTIATED BY THE WASHINGTON STATE ATTORNEY GENERAL'S OFFICE.

WHEREAS, the people of the State of Washington and its communities have been harmed by entities within the Pharmaceutical Supply Chain that manufacture, distribute, and dispense prescription opioids; and

WHEREAS, certain Local Governments, through their elected representatives and counsel, are engaged in litigation seeking to hold these entities within the Pharmaceutical Supply Chain of prescription opioids accountable for the damage they have caused to the Local Governments; and

WHEREAS, Local Governments and elected officials share a common desire to abate and alleviate the impacts of harms caused by these entities within the Pharmaceutical Supply Chain throughout the State of Washington, and strive to ensure that principles of equity and equitable service delivery are factors considered in the allocation and use of Opioid Funds; and

WHEREAS, certain Local Governments engaged in litigation and the other cities and counties in Washington have agreed on a form of allocation for Opioid Funds they receive from entities within the Pharmaceutical Supply Chain; and

WHEREAS, on April 19, 2022, through Resolution No. 2022-62, Richland City Council approved the City's participation in the One Washington MOU, prepared by private-retained counsel on behalf of the Washington State Attorney General's Office for purposes of equitably distributing proceeds of opioid settlements reached with McKesson Corp., Cardinal Health Inc., and AmerisourceBergen Drug Corp.; and

WHEREAS, on March 7, 2023, through Resolution No. 2023-35, Richland City Council approved the City's participation in five (5) additional settlements reached with Teva, Allergan, CVS, Walgreens, and Walmart that provide Opioid Funds in an amount comparable to the funds awarded under the prior settlement with the opioid distributors; and

WHEREAS, on February 8, 2024, the City received notice that the Washington State Attorney General's Office reached a settlement agreement with Johnson & Johnson to award the State of Washington $123.34 million in a one-time payment contingent on local government participation; and

WHEREAS, all Opioid Funds realized through settlement agreements negotiated by the Washington State Attorney General's Office are distributed consistent with the One Washington MOU; and

WHEREAS, the best interests of the City of Richland are served by participating in the most recent Johnson & Johnson settlement which will allow settlement proceeds to be used in the City for services, programs and other purposes as set forth in the One Washington MOU; and

WHEREAS, the City of Richland strongly encourages all local municipalities in Benton County, and other local governments throughout the State of Washington to participate in the settlement as the number of participating local governments will directly affect the amount of the settlement proceeds.

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Richland is authorized to sign and execute all documents necessary to effectively participate in the Johnson & Johnson settlement agreement as negotiated by the Washington State Attorney General's Office.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign and execute all documents necessary to effectively participate in all future opioid settlement agreements negotiated by the Washington State Attorney General's Office.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of March, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Richland City Council

FROM: Jon Amundson, City Manager

DATE: April 19, 2022

SUBJECT: One Washington Opioid Memorandum of Understanding (MOU)

In the 12 months ending April 2021, there were an estimated 100,306 drug overdose deaths in the United States (Centers for Disease Control: National Center for Health Statistics, 11/2021). New data shows that deaths from drug overdoses continue to increase in Washington. Drug-related overdose deaths surpassed 2,000 in 2021, a more than 66 percent increase compared to 2019. Over 70% of drug overdose deaths involve an opioid (Washington State Department of Health, 4/2022).

One Washington is a framework created by Keller Rohrback, L.L.P. to reach a settlement with the "Big 3" opioid pharmaceutical distributors (McKesson, Cardinal Health, AmerisourceBergen) and Johnson & Johnson to resolve claims by Washington local governments that these companies contributed to the opioid epidemic. The One Washington Memorandum of Understanding (MOU) establishes the vehicle for distributing and sharing these settlement proceeds throughout Washington State. The MOU prioritizes regionalism, collaboration and abatement, and provides a methodology for allocating settlement funds paid by the defendants.

The One Washington MOU specifies that all settlement funds must be used for approved purposes. The list of uses focuses on forward-looking abatement strategies such as:

- Expand availability of treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder (SUD) or Mental Health (MH) conditions, co-usage, and/or co-addiction, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.

- Provide the entire continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, co-usage, including supportive housing, residential treatment, medical detox services, peer support service and counseling, community navigators, case management, and connections to community-based services.

- Support for Children's Services - Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

Under the One Washington MOU, settlement proceeds will be allocated based on the methodology utilized for the Negotiation Class in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP. This formula has largely been used in other state allocation agreements as well. To determine the allocation to a county, this formula utilizes:

(1) the amount of opioids shipped to the county;
(2) the number of opioid deaths that occurred in that county; and
(3) the number of people who suffer opioid use disorder in that county.

To determine the allocation within a county, the formula utilizes historical federal data showing how the specific counties and the cities and towns within the counties have made opioid epidemic-related expenditures in the past.

In the One Washington MOU, the regional structure for decision-making related to opioid fund allocation will be based upon the nine (9) pre-defined Washington State Accountable Community of Health Regions. The City of Richland will be part of the Greater Columbia Region, which includes the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, Whitman, and Yakima. Opioid funds will be allocated, distributed, and managed within each Allocation Region, as determined by its Regional Agreement.

A local government choosing not to participate or sign the One Washington MOU will not receive a direct allocation of funds, and the portion that it would have received will instead be re-allocated to the participating counties within its same Allocation Region.

As part of the settlement, prior to the distribution of any funds, the participating local governments within an Allocation Region must establish an Opioid Abatement Council (OAC). The OAC will be composed of representatives from counties and cities within that Allocated Region.

The OAC will be responsible for the following: releasing funds in accordance with approved purposes; annual review of expenditure reports developing and maintaining a centralized dashboard for the publication of expenditure data to be updated annually; and hearing complaints regarding failure to use funds for approved purposes or comply with reporting.

A Washington Government Fee Fund (GFF) will be established to ensure that all parties who receive opioid funds contribute to the payment of attorneys' fees and expenses. The GFF will be 15% of the total cash value of opioid funds.

JANSSEN WASHINGTON STATE-WIDE OPIOID SETTLEMENT AGREEMENT

I. Overview

This settlement agreement (the "*Agreement*") sets forth the terms and conditions of a settlement agreement between and among Janssen, the State of Washington, and Participating Subdivisions (as those terms are defined below). Janssen has agreed to the below terms for the sole purpose of settlement, and nothing herein may be taken as or construed to be an admission or concession of any violation of law, rule, or regulation, or of any other matter of fact or law, or of any liability or wrongdoing, all of which Janssen expressly denies. No part of this Agreement, including its statements and commitments, shall constitute evidence of any liability, fault, or wrongdoing by Janssen. Unless the contrary is expressly stated, this Agreement is not intended for use by any third party for any purpose, including submission to any court for any purpose.

II. Definitions

Unless otherwise specified, the following definitions apply:

1. "*Agreement*" means this agreement as set forth above, inclusive of all exhibits.

2. "*Alleged Harms*" means the alleged past, present, and future financial, societal, and related expenditures arising out of the alleged misuse and abuse of opioid products, that have allegedly been caused by Janssen.

3. "*Attorney*" means any of the following retained through a legal contract: a solo practitioner, multi-attorney law firm, or other legal representative of a Participating Subdivision.

4. "*Claim*" means any past, present or future cause of action, claim for relief, cross-claim or counterclaim, theory of liability, demand, derivative claim, request, assessment, charge, covenant, damage, debt, lien, loss, penalty, judgment, right, obligation, dispute, suit, contract, controversy, agreement, *parens patriae* claim, promise, performance, warranty, omission, or grievance of any nature whatsoever, whether legal, equitable, statutory, regulatory or administrative, whether arising under federal, state or local common law, statute, regulation, guidance, ordinance or principles of equity, whether filed or unfiled, whether asserted or unasserted, whether known or unknown, whether accrued or unaccrued, whether foreseen, unforeseen or unforeseeable, whether discovered or undiscovered, whether suspected or unsuspected, whether fixed or contingent, and whether existing or hereafter arising, in all such cases, including but not limited to any request for declaratory, injunctive, or equitable relief, compensatory, punitive, or statutory damages, absolute liability, strict liability, restitution, subrogation, contribution, indemnity, apportionment, disgorgement, reimbursement, attorney fees, expert fees, consultant fees, fines, penalties, expenses, costs or any other legal, equitable, civil, administrative, or regulatory remedy whatsoever.

5. "*Claim Over*" means a Claim asserted by a Non-Released Entity against a Released Entity on the basis of contribution, indemnity, or other claim-over on any theory relating to a Non-Party Covered Conduct Claim asserted by a Releasor.

6. "*Compensatory Restitution Amount*" means the aggregate amount of payments by Janssen hereunder other than amounts used for attorneys' fees and costs.

7. "*Consent Judgment*" means a consent judgment in the form attached as Exhibit E.

8. "*Court*" means the court to which the Agreement and the Consent Judgment are presented for approval and/or entry.

9. "*Covered Conduct*" means any actual or alleged act, failure to act, negligence, statement, error, omission, breach of any duty, conduct, event, transaction, agreement, misstatement, misleading statement or other activity of any kind whatsoever from the beginning of time through the Effective Date (and any past, present, or future consequence of any such act, failure to act, negligence, statement, error, omission, breach of duty, conduct, event, transaction, agreement, misstatement, misleading statement or other activity) relating in any way to (a) the discovery, development, manufacture, packaging, repackaging, marketing, promotion, advertising, labeling, recall, withdrawal, distribution, delivery, monitoring, reporting, supply, sale, prescribing, dispensing, physical security, warehousing, use or abuse of, or operating procedures relating to any Product, or any system, plan, policy, or advocacy relating to any Product or class of Products, including but not limited to any unbranded promotion, marketing, programs, or campaigns relating to any Product or class of Products; (b) the characteristics, properties, risks, or benefits of any Product; (c) the reporting, disclosure, non-reporting or non-disclosure to federal, state or other regulators of orders for any Product placed with any Released Entity; (d) the selective breeding, harvesting, extracting, purifying, exporting, importing, applying for quota for, procuring quota for, handling, promoting, manufacturing, processing, packaging, supplying, distributing, converting, or selling of, or otherwise engaging in any activity relating to, precursor or component Products, including but not limited to natural, synthetic, semi-synthetic or chemical raw materials, starting materials, finished active pharmaceutical ingredients, drug substances, or any related intermediate Products; or (e) diversion control programs or suspicious order monitoring related to any Product.

10. "*Effective Date*" means January 22, 2024.

11. "*Janssen*" means Johnson & Johnson, Johnson & Johnson Innovative Medicine, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.

12. "*Litigating Subdivision*" means a Subdivision (or Subdivision official asserting the right of or for the Subdivision or the State to recover for alleged harms to the Subdivision, the State, and/or the people thereof) that brought any Released Claims against any Released Entity on or before the Effective Date that were not separately

resolved prior to that date. A list of all Litigating Subdivisions known to the Parties is included in Exhibit F hereto.

13. "*Net Settlement Amount*" means the amount paid by Janssen into the Settlement Fund under subsection V.C. For the avoidance of doubt, the Net Settlement Amount does not include amounts paid for State Outside and Inside Counsel Fees and Costs pursuant to subsection IX.A.

14. "*Non-Litigating Subdivision*" means a Subdivision that is not a Litigating Subdivision.

15. "*Non-Party Covered Conduct Claim*" means a Claim against any Non-Released Entity involving, arising out of, or related to Covered Conduct (or conduct that would be Covered Conduct if engaged in by a Released Entity).

16. "*Non-Party Settlement*" means a settlement by any Releasor that settles any Non-Party Covered Conduct Claim and includes a release of any Non-Released Entity.

17. "*Non-Released Entity*" means an entity that is not a Released Entity.

18. "*Opioid Remediation*" means care, treatment, and other programs and expenditures (including reimbursement for past such programs or expenditures except where this Agreement restricts the use of funds solely to future Opioid Remediation) designed to (1) address the misuse and abuse of opioid products, (2) treat or mitigate opioid use or related disorders, or (3) mitigate other alleged effects of the opioid abuse crisis, including on those injured as a result of the opioid abuse crisis. Exhibit J provides a non-exhaustive list of expenditures that qualify as being paid for Opioid Remediation. Qualifying expenditures may include reasonable related administrative expenses.

19. "*Participating Subdivision*" means a Subdivision that meets the requirements for becoming a Participating Subdivision under Section VII.

20. "*Parties*" means Janssen and the State of Washington (each, a "*Party*").

21. "*Product*" means any chemical substance, whether used for medicinal or non-medicinal purposes, and whether natural, synthetic, or semi-synthetic, or any finished pharmaceutical product made from or with such substance, that is an opioid or opiate, as well as any product containing any such substance. It also includes: 1) the following when used in combination with opioids or opiates: benzodiazepine, carisoprodol, zolpidem, or gabapentin; and 2) a combination or "cocktail" of any stimulant or other chemical substance prescribed, sold, bought, or dispensed to be used together that includes opioids or opiates. For the avoidance of doubt, "Product" does not include benzodiazepine, carisoprodol, zolpidem, or gabapentin when not used in combination with opioids or opiates. "Product" includes but is not limited to any substance consisting of or containing buprenorphine, codeine, fentanyl, hydrocodone, hydromorphone, meperidine, methadone, morphine, naloxone,

naltrexone, oxycodone, oxymorphone, tapentadol, tramadol, opium, heroin, carfentanil, any variant of these substances, or any similar substance. "Product" also includes any natural, synthetic, semi-synthetic or chemical raw materials, starting materials, finished active pharmaceutical ingredients, drug substances, and any related intermediate products used or created in the manufacturing process for any of the substances described in the preceding sentence.

22. "*Released Claims*" means any and all Claims that directly or indirectly are based on, arise out of, or in any way relate to or concern the Covered Conduct occurring prior to the Effective Date. Without limiting the foregoing, "Released Claims" include any Claims that have been asserted against the Released Entities by the State or any of its Litigating Subdivisions in any federal, state or local action or proceeding (whether judicial, arbitral, or administrative) based on, arising out of or relating to, in whole or in part, the Covered Conduct, or any such Claims that could be or could have been asserted now or in the future in those actions or in any comparable action or proceeding brought by the State, any of its Subdivisions, or any Releasors (whether or not such State, Subdivision, or Releasor has brought such action or proceeding), provided the Covered Conduct occurs prior to the Effective Date. Released Claims also include all Claims asserted in any proceeding to be dismissed pursuant to the Agreement, whether or not such claims relate to Covered Conduct, provided the Covered Conduct occurs prior to the Effective Date. The Parties intend that "Released Claims" be interpreted broadly. This Agreement does not release Claims by private individuals. It is the intent of the Parties that Claims by private individuals be treated in accordance with applicable law. Released Claims is also used herein to describe Claims brought by a Subdivision or other non-party Subdivision after the Effective Date that would have been Released Claims if they had been brought by a Releasor against a Released Entity.

23. "*Released Entities*" means Janssen and (1) all of Janssen's past and present direct or indirect parents, subsidiaries, divisions, predecessors, successors, assigns, including Noramco, Inc. and Tasmanian Alkaloids PTY. LTD.; (2) the past and present direct or indirect subsidiaries, divisions, and joint ventures, of any of the foregoing; (3) all of Janssen's insurers (solely in their role as insurers with respect to the Released Claims); (4) all of Janssen's, or of any entity described in subsection (1), past and present joint ventures; and (5) the respective past and present officers, directors, members, shareholders (solely in their capacity as shareholders of the foregoing entities), partners, trustees, agents, and employees of any of the foregoing (for actions that occurred during and related to their work for, or employment with, Janssen). Any person or entity described in subsections (3)-(5) shall be a Released Entity solely in the capacity described in such clause and shall not be a Released Entity with respect to its conduct in any other capacity. For the avoidance of doubt, the entities listed in Exhibit D are not Released Entities; and provided further that any joint venture partner of Janssen or Janssen's subsidiary is not a Released Entity unless it falls within subsections (1)-(5) above. A list of Janssen's present subsidiaries and affiliates is attached as Exhibit G. Janssen's predecessor entities include but are not limited to those entities listed on Exhibit A. For the avoidance of

doubt, any entity acquired, or joint venture entered into, by Janssen after the Effective Date is not a Released Entity.

24. "*Releasors*" means (1) the State; (2) each Participating Subdivision; and (3) without limitation and to the maximum extent of the power of the State's Attorney General and/or Participating Subdivision to release the Claims, (a) the State's and Participating Subdivision's departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, including its Attorney General, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, (b) any public entities, public instrumentalities, public educational institutions, unincorporated districts, fire districts, irrigation districts, water districts, law enforcement districts, emergency services districts, school districts, hospital districts and other Subdivisions in the State, and (c) any person or entity acting in a *parens patriae*, sovereign, quasi-sovereign, private attorney general, qui tam, taxpayer, or other capacity seeking relief on behalf of or generally applicable to the general public with respect to the State or Subdivision in the State, whether or not any of them participate in the Agreement. The inclusion of a specific reference to a type of entity in this definition shall not be construed as meaning that the entity is not a Subdivision. In addition to being a Releasor as provided herein, a Participating Subdivision shall also provide the Settlement Participation Form referenced in Section VII providing for a release to the fullest extent of the Participating Subdivision's authority, which shall be attached as an exhibit to the Agreement. The State's Attorney General represents that he or she has or has obtained the authority set forth in the Representation and Warranty subsection of Section IV.

25. "*Settlement Fund*" means the interest-bearing fund established under the Agreement into which all Net Settlement Amount payments by Janssen are made.

26. "*Settlement Fund Administrator*" means the entity that calculates the allocation of payments under Section VI of this Agreement, and administers and distributes amounts from the Settlement Fund. A detailed description of the Settlement Fund Administrator's duties, including a detailed mechanism for paying the Settlement Fund Administrator's fees and costs, shall be appended to the Agreement as Exhibit I.

27. "*Settlement Participation Form*" means the form attached as Exhibit B that Participating Subdivisions must execute and return to Janssen and the State of Washington, and which shall (1) make such Participating Subdivisions signatories to this Agreement, (2) include a full and complete release of any and of such Subdivision's claims, and (3) require the prompt dismissal with prejudice of any Released Claims that have been filed by any such Participating Subdivision.

28. "*Special District*" means a formal and legally recognized sub-entity of the State that is authorized by State law to provide one or a limited number of designated

functions, including but not limited to school districts, fire districts, healthcare & hospital districts, and emergency services districts.

29. "*State*" means the State of Washington.

30. *"State Outside and Inside Counsel Fees and Costs"* means fees and costs of the Washington Attorney General's Office and State Outside Counsel.

31. "*State Outside Counsel*" means Nix Patterson, LLP and Whitten Burrage, who were engaged by the Washington Attorney General's Office for *State of Washington v. Johnson & Johnson, et al.*, King County Superior Court, Cause No. 20-2-00184-8SEA.

32. "*Subdivision*" means a formal and legally recognized sub-entity of the State that provides general governance for a defined area, including a county, city, town, village, or similar entity. Unless otherwise specified, "Subdivision" includes all functional counties and other functional levels of sub-entities of the State that provide general governance for a defined area. Historic, non-functioning sub-entities of the State are not Subdivisions, unless the entity has filed a lawsuit that includes a Released Claim against a Released Entity in a direct, *parens patriae*, or any other capacity. For purposes of this Agreement, the term Subdivision also includes Special Districts.

III. Injunctive Relief

As part of the Consent Judgment, the Parties agree to the injunctive relief terms attached as Exhibit C.

IV. Release

A. *Scope*. As of the Effective Date, the Released Entities will be released and forever discharged from all of the Releasors' Released Claims. The State of Washington (for itself and its Releasors) and each Participating Subdivision (for itself and its Releasors) will, on or before the Effective Date, absolutely, unconditionally, and irrevocably covenant not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Agreement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the State and its Attorney General to release claims. The Release shall be a complete bar to any Released Claim.

B. *Claim Over and Non-Party Settlement*.

1. *Statement of Intent.* It is the intent of the Parties that:

a. Released Entities should not seek contribution or indemnification (other than pursuant to an insurance contract) from other parties for their payment obligations under this Agreement;

b. The payments made under this Agreement shall be the sole payments made by the Released Entities to the Releasors involving, arising out of, or related to Covered Conduct (or conduct that would be Covered Conduct if engaged in by a Released Entity);

c. Claims by Releasors against non-Parties should not result in additional payments by Released Entities, whether through contribution, indemnification or any other means; and

d. The Agreement meets the requirements of the Uniform Contribution Among Joint Tortfeasors Act and any similar state law or doctrine that reduces or discharges a released party's liability to any other parties.

e. The provisions of this subsection IV.B are intended to be implemented consistent with these principles. This Agreement and the releases and dismissals provided for herein are made in good faith.

2. *Contribution/Indemnity Prohibited*. No Released Entity shall seek to recover for amounts paid under this Agreement based on indemnification, contribution, or any other theory from a manufacturer, pharmacy, hospital, pharmacy benefit manager, health insurer, third-party vendor, trade association, distributor, or health care practitioner, provided that a Released Entity shall be relieved of this prohibition with respect to any entity that asserts a Claim-Over against it. For the avoidance of doubt, nothing herein shall prohibit a Released Entity from recovering amounts owed pursuant to insurance contracts.

3. *Non-Party Settlement*. To the extent that, on or after the Effective Date, any Releasor enters into a Non-Party Settlement, including in any bankruptcy case or through any plan of reorganization (whether individually or as a class of creditors), the Releasor will include (or in the case of a Non-Party Settlement made in connection with a bankruptcy case, will cause the debtor to include), unless prohibited from doing so under applicable law, in the Non-Party Settlement a prohibition on contribution or indemnity of any kind substantially equivalent to that required from Janssen in subsection IV.B.2, or a release from such Non-Released Entity in favor of the Released Entities (in a form equivalent to the releases contained in this Agreement) of any Claim-Over. The obligation to obtain the prohibition and/or release required by this subsection is a material term of this Agreement.

4. *Claim-Over*. In the event that any Releasor obtains a judgment with respect to Non-Party Covered Conduct against a Non-Released Entity that does not contain a prohibition like that in subsection IV.B.3, or any Releasor files a Non-Party Covered Conduct Claim against a Non-Released Entity in bankruptcy or a Releasor is prevented for any reason from obtaining a prohibition/release in a Non-Party

Settlement as provided in subsection IV.B.3, and such Non-Released Entity asserts a Claim-Over against a Released Entity, that Releasor and Janssen shall take the following actions to ensure that the Released Entities do not pay more with respect to Covered Conduct to Releasors or to Non-Released Entities than the amounts owed under this Agreement by Janssen:

a. Janssen shall notify that Releasor of the Claim-Over within thirty (30) days of the assertion of the Claim-Over or thirty (30) days of the Effective Date of this Agreement, whichever is later;

b. Janssen and that Releasor shall meet and confer concerning the means to hold Released Entities harmless and ensure that it is not required to pay more with respect to Covered Conduct than the amounts owed by Janssen under this Agreement;

c. That Releasor and Janssen shall take steps sufficient and permissible under the law of the State of the Releasor to hold Released Entities harmless from the Claim-Over and ensure Released Entities are not required to pay more with respect to Covered Conduct than the amounts owed by Janssen under this Settlement Agreement. Such steps may include, where permissible:

(1) Filing of motions to dismiss or such other appropriate motion by Janssen or Released Entities, and supported by Releasors, in response to any claim filed in litigation or arbitration;

(2) Reduction of that Releasor's Claim and any judgment it has obtained or may obtain against such Non-Released Entity by whatever amount or percentage is necessary to extinguish such Claim-Over under applicable law, up to the amount that Releasor has obtained, may obtain, or has authority to control from such Non-Released Entity;

(3) Placement into escrow of funds paid by the Non-Released Entities such that those funds are available to satisfy the Claim-Over;

(4) Return of monies paid by Janssen to that Releasor under this Settlement Agreement to permit satisfaction of a judgment against or settlement with the Non-Released Entity to satisfy the Claim-Over;

(5) Payment of monies to Janssen by that Releasor to ensure it is held harmless from such Claim-Over, up to the amount that Releasor has obtained, may obtain, or has authority to control from such Non-Released Entity;

(6) Credit to Janssen under this Settlement Agreement to reduce the overall amounts to be paid under the Settlement Agreement such that it is held harmless from the Claim-Over; and

(7) Such other actions as that Releasor and Janssen may devise to hold Janssen harmless from the Claim Over.

d. The actions of that Releasor and Janssen taken pursuant to paragraph (c) must, in combination, ensure Janssen is not required to pay more with respect to Covered Conduct than the amounts owed by Janssen under this Settlement Agreement.

e. In the event of any dispute over the sufficiency of the actions taken pursuant to paragraph (c), that Releasor and Janssen may seek review by the court that enters the Consent Judgment pursuant to Section X.

5. To the extent that the Claim-Over is based on a contractual indemnity, the obligations under subsection IV.B.4 shall extend solely to a Non-Party Covered Conduct Claim against a pharmacy, clinic, hospital or other purchaser or dispenser of Products, a manufacturer that sold Products, a consultant, and/or a pharmacy benefit manager or other third-party payor. Janssen shall notify the State, to the extent permitted by applicable law, in the event that any of these types of Non-Released Entities asserts a Claim-Over arising out of contractual indemnity against it.

C. *General Release*. In connection with the releases provided for in the Agreement, the State (for itself and its Releasors) and each Participating Subdivision (for itself and its Releasors) will expressly waive, release, and forever discharge any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

> **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may thereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but the State (for itself and its Releasors) and each Participating Subdivision (for itself and its Releasors) will expressly waive and fully, finally, and forever settle, release and discharge, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the State's decision to enter into the Agreement or the Participating Subdivisions' decision to participate in the Agreement.

D. *Res Judicata*. Nothing in the Agreement shall be deemed to reduce the scope of the res judicata or claim preclusive effect that the settlement memorialized in the Agreement, and/or any Consent Judgment or other judgment entered on the Agreement, gives rise to under applicable law.

E. *Representation and Warranty*. The signatories hereto on behalf of the State expressly represent and warrant that they will obtain on or before the Effective Date (or have obtained) the authority to settle and release, to the maximum extent of the State's power, all Released Claims of (1) the State; (2) all past and present executive departments, state agencies, divisions, boards, commissions and instrumentalities with the regulatory authority to enforce state and federal controlled substances acts; (3) any of the State's past and present executive departments, agencies, divisions, boards, commissions and instrumentalities that have the authority to bring Claims related to Covered Conduct seeking money (including abatement and/or remediation) or revocation of a pharmaceutical distribution license; and (4) any Participating Subdivisions. For the purposes of clause (3) above, executive departments, agencies, divisions, boards, commissions, and instrumentalities are those that are under the executive authority or direct control of the State's Governor. Also, for the purposes of clause (3), a release from the State's Governor is sufficient to demonstrate that the appropriate releases have been obtained.

F. *Effectiveness*. The releases set forth in the Agreement shall not be impacted in any way by any dispute that exists, has existed, or may later exist between or among the Releasors. Nor shall such releases be impacted in any way by any current or future law, regulation, ordinance, or court or agency order limiting, seizing, or controlling the distribution or use of the settlement funds or any portion thereof, or by the enactment of future laws, or by any seizure of the settlement funds or any portion thereof.

G. *Cooperation*. Releasors (i) will not encourage any person or entity to bring or maintain any Released Claim against any Released Entity and (ii) will reasonably cooperate with and not oppose any effort by a Released Entity to secure the prompt dismissal of any and all Released Claims.

H. *Non-Released Claims.* Notwithstanding the foregoing or anything in the definition of Released Claims, the Agreement does not waive, release or limit any criminal liability, Claims for any outstanding liability under any tax or securities law, Claims against parties who are not Released Entities, Claims by private individuals and any claims arising under the Agreement for enforcement of the Agreement.

V. Monetary Relief and Payments

A. *Participation*. As consideration for the releases from the State and Participating Subdivisions provided in Section IV above and the Settlement Participation Forms specified in Section VII and Exhibit B below, the State represents and warrants that, subject to the holdback provision in subsection V.D below, it will obtain and deliver (or cause to be obtained and delivered) to Janssen, within one hundred ten (110) days after the Effective Date or such later date as the parties may agree, executed Settlement Participation Forms for all Litigating Subdivisions and all Non-Litigating Subdivisions listed on Exhibit F.

B. *Conditions to Effectiveness of Agreement*. If the State is able to obtain and deliver executed Settlement Participation Forms for all Litigating Subdivisions listed on Exhibit F to Janssen within one hundred ten (110) days after the Effective Date or such later date as the parties may agree, this Agreement shall become effective. If the State is unable to obtain and

deliver executed Settlement Participation Forms for all Litigating Subdivisions listed on Exhibit F to Janssen within one hundred ten (110) days after the Effective Date or such later date as the parties may agree, this Agreement will have no further effect and all releases and other commitments or obligations contained herein will be void.

C. *Remediation and Restitution Payments*. Within twenty-one (21) days after the effectiveness of this Agreement as provided for in subsection V.B above, Janssen shall pay into the Settlement Fund a Net Settlement Amount of $123,340,000, plus fees and costs payable to the Washington Attorney General set forth in subsection IX.A, subject to any holdback under subsection V.D below.

D. *Holdback for Non-Litigating Subdivisions*. If, by the date this Agreement becomes effective as provided for in subsection V.B, any Non-Litigating Subdivision listed on Exhibit F has not executed a Settlement Participation Form or has not provided Janssen an acknowledgement that the Subdivision has no intention to file a lawsuit asserting Released Claims against Released Entities, then Janssen will hold back $6,167,000 from the Net Settlement Amount payment described in subsection V.B above, which Janssen will not pay to the Settlement Fund; provided, however, Janssen will pay the $6,167,000 to the Settlement Fund (1) within thirty (30) days of the date all remaining Non-Litigating Subdivision(s) listed on Exhibit F have executed a Settlement Participation Form and those Forms have been delivered to Janssen; or (2) within (30) days after the two-year anniversary of the Effective Date, if all such Non-Litigating Subdivisions on Exhibit F have not executed Settlement Participation Forms, and no such Non-Litigating Subdivision listed on Exhibit F has filed litigation asserting Released Claims within two years after the Effective Date.

VI. Intra-State Allocation

A. Janssen's Net Settlement Amount payments to the Settlement Fund shall be allocated as follows:

1. Fifty percent (50%) to the State of Washington.

2. Fifty percent (50%) to the Participating Local Governments ("LG Share").

B. The LG Share remainder shall be distributed to Participating Local Governments pursuant to the One Washington Memorandum of Understanding Between Washington Municipalities ("One Washington MOU"), which is attached as Exhibit H.

C. BrownGreer PLC shall be the Settlement Fund Administrator and shall allocate and distribute payments in accordance with the terms of the One Washington MOU and this Agreement, including the detailed description of the Settlement Fund Administrator's duties attached as Exhibit I. As set forth in Exhibit I, the Settlement Fund Administrator's fees and costs shall be paid from the interest on the LG Share portion of the funds in the Settlement Fund between the date of Janssen's payment and the date of disbursement to the Subdivisions. If the aforementioned interest is insufficient to pay the full amount of the Settlement Fund Administrator's fees and costs, the remainder shall be paid by Janssen.

D. Use of Net Settlement Amount.

1. It is the intent of the Parties that the payments disbursed from the Settlement Fund to the State and Participating Subdivisions listed in Exhibit F be for Opioid Remediation, subject to limited exceptions that must be documented in accordance with subsection VI.D.2. In no event may less than 85% of Janssen's Net Settlement Amount payment be spent on Opioid Remediation.

2. While disfavored by the Parties, the State or a Participating Subdivision listed on Exhibit F may use monies from the Settlement Fund for purposes that do not qualify as Opioid Remediation. If, at any time, the State or a Participating Subdivision listed on Exhibit F uses any monies from the Settlement Fund for a purpose that does not qualify as Opioid Remediation, the State or Participating Subdivision shall identify such amounts and report to the Settlement Fund Administrator and Janssen how such funds were used, including if used to pay attorneys' fees other than those provided for in subsection IX.B which shall be identified by BrownGreer, investigation costs, litigation costs, or costs related to the operation and enforcement of this Agreement. It is the intent of the Parties that the reporting under this subsection VI.D.2 shall be available to the public. For the avoidance of doubt, (a) any amounts not identified under this subsection VI.D.2 as used to pay attorneys' fees other than those provided for in subsection IX.A, investigation costs, or litigation costs shall be included in the "Compensatory Restitution Amount" for purposes of subsection XI.B and (b) Participating Subdivisions not listed on Exhibit F that receive monies from the Settlement Fund indirectly may only use such monies from the Settlement Fund for purposes that qualify as Opioid Remediation.

VII. Participation by Subdivisions

A Subdivision may become a Participating Subdivision by returning an executed Settlement Participation Form to Janssen and the State and upon prompt dismissal of its legal action pursuant to the terms of this Agreement and the Settlement Participation Form.

VIII. Filing of Consent Judgment and Dismissals with Prejudice

No later than 15 days from delivery to Janssen of Settlement Participation Forms for all Subdivisions listed on Exhibit F, the State and Janssen will proceed to file the Consent Judgment. No later than 30 days after receipt of Janssen's payments under Section V, the State and the Participating Subdivisions shall dismiss all actions asserting Released claims with prejudice.

IX. Attorney Fee and Cost Payments

A. *State Outside and Inside Counsel Fees and Costs*. Janssen will pay the Washington Attorney General's Office $26,160,000.00 within twenty-one (21) days after the date this Agreement becomes effective as provided for in subsection V.B to reimburse the State for State Outside

and Inside Counsel Fees and Costs, which shall be used for any lawful purpose in the discharge of the Attorney General's duties at the sole discretion of the Attorney General.

B. *Fees and Costs for Participating Litigating Subdivisions' Attorneys*. From the LG Share of the Settlement Fund, the Settlement Fund Administrator shall pay the Participating Litigating Subdivisions' attorneys their fees and costs pursuant to Paragraph D of the One Washington MOU and this Agreement.

C. An Attorney for a Participating Litigating Subdivision may not receive any payment for attorney fees unless the Attorney represents that s/he has no present intent to represent or participate in the representation of any Subdivision or any Releasor with respect to Released Claims against Released Entities brought after the Effective Date.

X. Enforcement and Dispute Resolution

A. The terms of the Agreement and Consent Judgment applicable to the State will be enforceable solely by the State and Janssen.

B. Janssen consents to the jurisdiction of the Court in which the Consent Judgment is filed, limited to resolution of disputes identified in subsection X.D for resolution in the Court in which the Consent Judgment is filed.

C. The parties to a dispute shall promptly meet and confer in good faith to resolve any dispute. If the parties cannot resolve the dispute informally, and unless otherwise agreed in writing, they shall follow the remaining provisions of this section to resolve the dispute.

D. Disputes not resolved informally shall be resolved in the Court that entered the Consent Judgment.

XI. Miscellaneous

A. *No Admission*. Janssen does not admit liability or wrongdoing. Neither this Agreement nor the Consent Judgment shall be considered, construed, or represented to be (1) an admission, concession, or evidence of liability or wrongdoing or (2) a waiver or any limitation of any defense otherwise available to Janssen.

B. *Nature of Payment.* Janssen, the State, and the Participating Subdivisions acknowledge and agree that notwithstanding anything to the contrary in this Agreement, including, but not limited to, the scope of the Released Claims:

1. Janssen has entered into this Agreement to avoid the delay, expense, inconvenience, and uncertainty of further litigation;

2. The State and the Participating Subdivisions sought compensatory restitution (within the meaning of 26 U.S.C. § 162(f)(2)(A)) for the Alleged Harms allegedly suffered by the State and Participating Subdivisions;

3. By executing this Agreement the State and the Participating Subdivisions certify that: (a) the Compensatory Restitution Amount is no greater than the amount, in the aggregate, of the Alleged Harms allegedly suffered by the State and Participating Subdivisions; and (b) the portion of the Compensatory Restitution Amount received by the State or Participating Subdivision is no greater than the amount of the Alleged Harms allegedly suffered by the State or Participating Subdivision;

4. The payment of the Compensatory Restitution Amount by Janssen constitutes, and is paid for, compensatory restitution (within the meaning of 26 U.S.C. § 162(f)(2)(A)) for Alleged Harms allegedly caused by Janssen;

5. The Compensatory Restitution Amount is being paid as compensatory restitution (within the meaning of 26 U.S.C. § 162(f)(2)(A)) in order to restore, in whole or in part, the State and Participating Subdivisions to the same position or condition that they would be in had the State and Participating Subdivisions not suffered the Alleged Harms;

6. For the avoidance of doubt: (a) no portion of the Compensatory Restitution Amount represents reimbursement to the State, any Participating Subdivision, or other person or entity for the costs of any investigation or litigation, (b) the entire Compensatory Restitution Amount is properly characterized as described in this subsection XI.B, and (c) no portion of the Compensatory Restitution Amount constitutes disgorgement or is properly characterized as the payment of statutory or other fines, penalties, punitive damages, other punitive assessments, or attorneys' fees; and

7. The State, on behalf of all itself and Participating Subdivisions (the "Form 1098-F Filer") shall complete and file Form 1098-F with the Internal Revenue Service on or before February 28 (March 31 if filed electronically) of the year following the calendar year in which the order entering this Agreement becomes binding. On the Form 1098-F, the Form 1098-F Filer shall identify the entire Compensatory Restitution Amount received by the Form 1098-F Filer as remediation/restitution. The Form 1098-F Filer shall also, on or before January 31 of the year following the calendar year in which the order entering this Agreement becomes binding, furnish Copy B of such Form 1098-F (or an acceptable substitute statement) to Janssen.

C. *Tax Reporting and Cooperation*.

1. Upon request by Janssen, the State and Participating Subdivisions agree to perform such further acts and to execute and deliver such further documents as may be reasonably necessary for Janssen to establish the statements set forth in subsection XI.B to the satisfaction of their tax advisors, their independent financial auditors, the Internal Revenue Service, or any other governmental authority, including as contemplated by Treasury Regulations Section 1.162-21(b)(3)(ii) and any subsequently proposed or finalized relevant regulations or administrative guidance.

2. Without limiting the generality of this subsection XI.C, the State and each Participating Subdivision shall cooperate in good faith with Janssen with respect to

any tax claim, dispute, investigation, audit, examination, contest, litigation, or other proceeding relating to this Agreement.

3. The State, on behalf of itself and Participating Subdivisions, shall designate one of its officers or employees to act as the "appropriate official" within the meaning of Treasury Regulations Section 1.6050X-1(f)(1)(ii)(B) (the "Appropriate Official").

4. For the avoidance of doubt, neither Janssen nor the State and Participating Subdivisions make any warranty or representation to any Settling jurisdiction or Releasor as to the tax consequences of the payment of the Compensatory Restitution Amount (or any portion thereof).

D. *No Third-Party Beneficiaries.* Except as expressly provided in this Agreement, no portion of this Agreement shall provide any rights to, or be enforceable by, any person or entity that is not the State or a Released Entity. The State may not assign or otherwise convey any right to enforce any provision of this Agreement.

E. *Calculation*. Any figure or percentage referred to in this Agreement shall be carried to seven decimal places.

F. *Construction*. None of the Parties and no Participating Subdivision shall be considered to be the drafter of this Agreement or of any of its provisions for the purpose of any statute, case law, or rule of interpretation or construction that would or might cause any provision to be construed against the drafter of this Agreement. The headings of the provisions of this Agreement are not binding and are for reference only and do not limit, expand, or otherwise affect the contents or meaning of this Agreement.

G. *Cooperation*. Each Party and each Participating Subdivision agrees to use its best efforts and to cooperate with the other Parties and Participating Subdivisions to cause this Agreement and the Consent Judgment to become effective, to obtain all necessary approvals, consents and authorizations, if any, and to execute all documents and to take such other action as may be appropriate in connection herewith. Consistent with the foregoing, each Party and each Participating Subdivision agrees that it will not directly or indirectly assist or encourage any challenge to this Agreement or the Consent Judgment by any other person, and will support the integrity and enforcement of the terms of this Agreement and the Consent Judgment.

H. *Entire Agreement*. This Agreement, its exhibits and any other attachments embodies the entire agreement and understanding between and among the Parties and Participating Subdivisions relating to the subject matter hereof and supersedes (1) all prior agreements and understandings relating to such subject matter, whether written or oral and (2) all purportedly contemporaneous oral agreements and understandings relating to such subject matter.

I. *Execution*. This Agreement may be executed in counterparts and by different signatories on separate counterparts, each of which shall be deemed an original, but all of which shall together be one and the same Agreement. One or more counterparts of this Agreement may be delivered by facsimile or electronic transmission with the intent that it or they shall

constitute an original counterpart hereof. One or more counterparts of this Agreement may be signed by electronic signature.

J. *Good Faith and Voluntary Entry*. Each Party warrants and represents that it negotiated the terms of this Agreement in good faith. Each of the Parties and signatories to this Agreement warrants and represents that it freely and voluntarily entered into this Agreement without any degree of duress or compulsion. The Parties state that no promise of any kind or nature whatsoever (other than the written terms of this Agreement) was made to them to induce them to enter into this Agreement.

K. *No Prevailing Party.* The Parties each agree that they are not the prevailing party in this action, for purposes of any claim for fees, costs, or expenses as prevailing parties arising under common law or under the terms of any statute, because the Parties have reached a good faith settlement. The Parties each further waive any right to challenge or contest the validity of this Agreement on any ground, including, without limitation, that any term is unconstitutional or is preempted by, or in conflict with, any current or future law.

L. *Non-Admissibility.* The settlement negotiations resulting in this Agreement have been undertaken by the Parties and by certain representatives of the Participating Subdivisions in good faith and for settlement purposes only, and no evidence of negotiations or discussions underlying this Agreement shall be offered or received in evidence in any action or proceeding for any purpose. This Agreement shall not be offered or received in evidence in any action or proceeding for any purpose other than in an action or proceeding arising under or relating to this Agreement.

M. *Severability*. If any provision of this Agreement—excepting Section IV (Release), Section V (Monetary Relief and Payments), Section VII (Participation by Local Governments), Section IX (Attorney Fee and Cost Payments), Section XI.B (Nature of Payment), and Section XI.C (Tax Reporting and Cooperation)—were for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement.

N. *Notices.* All notices or other communications under this Agreement shall be in writing (including but not limited to electronic communications) and shall be given to the recipients indicated below:

For Janssen:

Charles C. Lifland
Daniel R. Suvor
O'Melveny & Myers LLP
400 South Hope Street, 18th Floor Los Angeles, CA 90071
Phone: (213) 430-6000
clifland@omm.com
dsuvor@omm.com

For the Attorney General:

Jeffrey G. Rupert
Martha Rodríguez López
Susan Llorens
Office of the Washington Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
Jeffrey.Rupert@atg.wa.gov
Martha.RodriguezLopez@atg.wa.gov
Susan.Llorens@atg.wa.gov

and

Brad Beckworth
Drew Pate
Nix Patterson LLP
8701 Bee Caves Road, Building 1, Suite 500
Austin, Texas 78746
bbeckworth@nixlaw.com
dpate@nixlaw.com

Any Party may change or add the contact information of the persons designated to receive notice on its behalf by notice given (effective upon the giving of such notice) as provided in this subsection.

O. *No Waiver*. The waiver of any rights conferred hereunder shall be effective only if made by written instrument executed by the waiving Party or Parties. The waiver by any Party of any breach of this Agreement shall not be deemed to be or construed as a waiver of any other breach, whether prior, subsequent, or contemporaneous, nor shall such waiver be deemed to be or construed as a waiver by any other Party.

P. *Preservation of Privilege.* Nothing contained in this Agreement or any Consent Judgment, and no act required to be performed pursuant to this Agreement or any Consent Judgment, is intended to constitute, cause, or effect any waiver (in whole or in part) of any attorney-client privilege, work product protection, or common interest/joint defense privilege, and each Party agrees that it shall not make or cause to be made in any forum any assertion to the contrary.

Q. *Successors*. This Agreement shall be binding upon, and inure to the benefit of, Janssen and its respective successors and assigns. Janssen shall not sell the majority of its voting stock or substantially all its assets without obtaining the acquiror's agreement that it will constitute a successor with respect to Janssen's obligations under this Agreement.

R. *Modification, Amendment, Alteration*. This Agreement may be modified, amended, or altered by a written agreement of the Parties or, in the case of the Consent Judgment, by

court proceedings resulting in a modified judgment of the Court. For purposes of modifying this Agreement or the Consent Judgment, Janssen may contact the Washington Attorney General to coordinate this process.

S. *Termination.*

1. Unless otherwise agreed to by Janssen and the State, this Agreement and all of its terms (except subsection XI.L and any other non-admissibility provisions, which shall continue in full force and effect) shall be canceled and terminated with respect to the State, and the Agreement and all orders issued by the Court pursuant to the Agreement shall become null and void and of no effect if one or more of the following conditions applies:

   a. A Consent Judgment approving this Agreement without modification of any of the Agreement's terms has not been entered as to the State by a court of competent jurisdiction on or before one hundred eighty (180) days after Janssen's payment under Section V; or

   b. This Agreement or the Consent Judgment has been disapproved by a court of competent jurisdiction to which it was presented for approval and/or entry (or, in the event of an appeal from or review of a decision of such a court to approve this Agreement and the Consent Judgment, by the court hearing such appeal or conducting such review), and the time to appeal from such disapproval has expired, or, in the event of an appeal from such disapproval, the appeal has been dismissed or the disapproval has been affirmed by the court of last resort to which such appeal has been taken and such dismissal or disapproval has become no longer subject to further appeal (including, without limitation, review by the United States Supreme Court).

2. If this Agreement is terminated with respect to the State and its Participating Subdivisions for whatever reason pursuant to subsection XI.S.1, then:

   a. An applicable statute of limitation or any similar time requirement (excluding any statute of repose) shall be tolled from the date the State signed this Agreement until the later of the time permitted by applicable law or for one year from the date of such termination, with the effect that Janssen and the State in question shall be in the same position with respect to the statute of limitation as they were at the time the State filed its action; and

   b. Janssen and the State and its Participating Subdivisions shall jointly move the relevant court of competent jurisdiction for an order reinstating the actions and claims dismissed pursuant to the terms of this Agreement governing dismissal, with the effect that Janssen and the State and its Participating Subdivisions shall be in the same position with respect to those actions and claims as they were at the time the action or claim was stayed or dismissed.

T. *Governing Law.* Except as otherwise provided in the Agreement, this Agreement shall be governed by and interpreted in accordance with the laws of Washington, without regard to the conflict of law rules of Washington.

Approved:

Dated: 1-22-2024

JOHNSON & JOHNSON, JOHNSON & JOHNSON INNOVATIVE MEDICINE, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA INC. N/K/A JANSSEN PHARMACEUTICALS, INC.

By: _____
Marc Larkins
Corporate Secretary
Johnson & Johnson

Dated: _____

THE STATE OF WASHINGTON

By: _____

T. *Governing Law.* Except as otherwise provided in the Agreement, this Agreement shall be governed by and interpreted in accordance with the laws of Washington, without regard to the conflict of law rules of Washington.

Approved:

Dated: _____

JOHNSON & JOHNSON, JOHNSON & JOHNSON INNOVATIVE MEDICINE, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA INC. N/K/A JANSSEN PHARMACEUTICALS, INC.

By: _____
Marc Larkins
Corporate Secretary
Johnson & Johnson

Dated: 1-22-2024

ROBERT W. FERGUSON
Attorney General, State of Washington

By: _____
Jeffrey Rupert
Division Chief
Office of the Attorney General

EXHIBIT A

Janssen Predecessors and Former Affiliates

The following includes a non-exclusive list of Janssen's predecessors and former affiliates:

1. Janssen Pharmaceutica, Inc.
2. Janssen Pharmaceutica N.V.
3. Janssen-Cilag Manufacturing, LLC
4. Janssen Global Services, LLC
5. Janssen Ortho LLC
6. Janssen Products, LP
7. Janssen Research & Development, LLC
8. Janssen Supply Group, LLC
9. Janssen Scientific Affairs, LLC
10. JOM Pharmaceutical Services, Inc.
11. OMJ Pharmaceuticals, Inc.
12. Ortho-McNeil Finance Co.
13. Ortho-McNeil Pharmaceutical
14. Ortho-McNeil-Janssen Pharmaceuticals
15. Ortho-McNeil Pharmaceutical Services Division
16. Ortho-McNeil Neurologic
17. Patriot Pharmaceuticals, LLC
18. Pricara, Ortho-McNeil-Janssen Pharmaceuticals
19. Alza Corp.
20. Alza Development Corp.
21. Janssen Supply Chain, Alza Corp.
22. Noramco, Inc.
23. Tasmanian Alkaloids PTY LTD.

EXHIBIT B

Settlement Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Janssen Washington State-Wide Opioid Settlement Agreement dated January 22, 2024 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall, within 30 days of the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.

3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.

4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.

7. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity

elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

8. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

   > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

   A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

9. This Settlement Participation Form shall be deemed effective as of the Effective Date of the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT C

Injunctive Relief

A. **Definitions Specific to this Exhibit**

1. "*Cancer-Related Pain Care*" means care that provides relief from pain resulting from a patient's active cancer or cancer treatment as distinguished from treatment provided during remission.

2. "*Janssen*" means Johnson & Johnson, Johnson & Johnson Innovative Medicine, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively, "Janssen"), including all of their subsidiaries, predecessors, successors, current officers, directors, employees, representatives, agents, affiliates, parents, and assigns acting on behalf of Janssen in the United States.

3. "*End-of-Life Care*" means care for persons with a terminal illness or at high risk for dying in the near future in hospice care, hospitals, long-term care settings, or at home.

4. "*Health Care Provider*" means any U.S.-based physician or other health care practitioner who is licensed to provide health care services or to prescribe pharmaceutical products and any medical facility, practice, hospital, clinic, or pharmacy.

5. "*In-Kind Support*" means payment or assistance in the form of goods, commodities, services, or anything else of value.

6. "*Lobby*" and "*Lobbying*" shall have the same meaning as "lobbying activities" and "lobbying contacts" under the federal lobbying disclosure act, 2 U.S.C. § 1602 *et seq*., and any analogous state or local provisions governing the person or entity being lobbied. As used in this document, "Lobby" and "Lobbying" include Lobbying directly or indirectly, through grantees or Third Parties.

7. "*Opioid(s)*" means all naturally occurring, synthetic, or semisynthetic substances that interact with opioid receptors and act like opium. For the avoidance of doubt, the term "Opioid(s)" does not include Imodium.

8. "*Opioid Product(s)*" means all current and future medications containing Opioids approved by the U.S. Food & Drug Administration (FDA) and listed by the DEA as Schedule II, III, or IV drugs pursuant to the federal Controlled Substances Act (including but not limited to buprenorphine, codeine, fentanyl, hydrocodone, hydromorphone, meperidine, methadone, morphine, oxycodone, oxymorphone, tapentadol, and tramadol). The term "Opioid Products(s)" shall not include (i) methadone and other substances when used exclusively to treat opioid abuse, addiction, or overdose; or (ii) raw materials, immediate precursors, and/or active

pharmaceutical ingredients (APIs) used in the manufacture or study of Opioids or Opioid Products, but only when such materials, immediate precursors, and/or APIs are sold or marketed exclusively to DEA-licensed manufacturers or DEA-licensed researchers.

9. "*OUD*" means opioid use disorder defined in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM–5)*, as updated or amended.

10. "*Product(s) for the Treatment of Opioid-Induced Side Effects*" means any over-the-counter or prescription remedy used to treat those side effects identified on the FDA label for any Opioid Product, except that, for purposes of the Agreement, Product(s) for the Treatment of Opioid-Induced Side Effects shall not include products that treat OUD or respiratory depression.

11. "*Promote*," "*Promoting*," "*Promotion*," and "*Promotional*" means dissemination of information or other practices intended or reasonably anticipated to increase sales, prescriptions, or that attempts to influence prescribing practices in the United States. These terms shall not include the provision of scientific information or data in response to unsolicited requests from Health Care Providers or payors as allowed in subsection C.2.e-h.

12. "*Third Party(ies)*" means any person or entity other than Janssen or a government entity.

13. "*Treatment of Pain*" means the provision of therapeutic modalities to alleviate or reduce pain.

14. "*Unbranded Information*" means any information that does not identify a specific branded or generic product.

B. **Ban on Selling and Manufacturing Opioids**

1. Janssen shall not manufacture or sell any Opioids or Opioid Products for distribution in the State of Washington. Janssen represents that prior to the Effective Date, it de-listed all of its Opioid Products and no longer ships any of them to or within the United States.

C. **Ban on Promotion**

1. Janssen shall not engage in Promotion of Opioids or Opioid Products including but not limited to, by:

   a. Employing or contracting with sales representatives or other persons to Promote Opioids or Opioid Products to Health Care Providers or patients, or to persons involved in determining the Opioid Products included in formularies;

b. Using speakers, key opinion leaders, thought leaders, lecturers, and/or speaking events for Promotion of Opioids or Opioid Products;

c. Sponsoring, or otherwise providing financial support or In-Kind Support to medical education programs for Promotion of Opioids or Opioid Products;

d. Creating, sponsoring, operating, controlling, or otherwise providing financial support or In-Kind Support to any website, network, and/or social or other media account for the Promotion of Opioids or Opioid Products;

e. Creating, sponsoring, distributing, or otherwise providing financial support or In-Kind Support for materials Promoting Opioids or Opioid Products, including but not limited to brochures, newsletters, pamphlets, journals, books, and guides;

f. Creating, sponsoring, or otherwise providing financial support or In-Kind Support for advertisements that Promote Opioids or Opioid Products, including but not limited to internet advertisements or similar content, and providing hyperlinks or otherwise directing internet traffic to advertisements; and

g. Engaging in internet search engine optimization or other techniques designed to Promote Opioids or Opioid Products by improving rankings or making content appear among the top results in an internet search or otherwise be more visible or more accessible to the public on the internet.

2. Notwithstanding subsection C.1 directly above, Janssen may:

a. Maintain a corporate website;

b. Maintain a website for any Opioid Product that contains principally the following content: the FDA-approved package insert, medication guide, and labeling, and a statement directing patients or caregivers to speak with a licensed Health Care Provider;

c. Provide information or support the provision of information as expressly required by law or any state or federal government agency with jurisdiction in Washington;

d. Provide the following by mail, electronic mail, on or through Janssen's corporate or product websites or through other electronic or digital methods: FDA-approved package insert, medication guide, approved labeling for Opioid Products, or other prescribing information for Opioid Products that are published by a state or federal government agency with jurisdiction in Washington;

e. Provide scientific and/or medical information in response to an unsolicited request by a Health Care Provider consistent with the standards set forth in

the FDA's Draft Guidance for Industry, *Responding to Unsolicited Requests for Off-Label Information About Prescription Drugs and Medical Devices* (Dec. 2011) as updated or amended by the FDA, and Guidance for Industry, *Good Reprint Practices for the Distribution of Medical Journal Articles and Medical or Scientific Reference Publications on Unapproved New Uses of Approved Drugs and Approved or Cleared Medical Devices* (Jan. 2009) as updated or amended by the FDA;

f. Provide a response to any unsolicited question or request from a patient or caregiver, directing the patient or caregiver to the FDA-approved labeling or to speak with a licensed Health Care Provider without describing the safety or effectiveness of Opioids or any Opioid Product or naming any specific provider or healthcare institution; or directing the patient or caregiver to speak with their insurance carrier regarding coverage of an Opioid Product;

g. Provide Health Care Economic Information, as defined at 21 U.S.C. § 352(a), to a payor, formulary committee, or other similar entity with knowledge and expertise in the area of health care economic analysis consistent with standards set forth in the FDA's Draft Questions and Answers Guidance for Industry and Review Staff, *Drug and Device Manufacturer Communications With Payors, Formulary Committees, and Similar Entities* (Jan. 2018), as updated or amended by the FDA;

h. Provide information relating solely to the pricing of any Opioid Product;

i. Sponsor or provide financial support or In-Kind Support for an accredited or approved continuing medical education program required by either an FDA-approved Risk Evaluation and Mitigation Strategy (REMS) program or other federal or state law or regulation applicable in Washington through an independent Third Party, which shall be responsible for the program's content without the participation of Janssen; and

j. Provide information in connection with patient support information on co-pay assistance and managing pain in End-of-Life Care and/or Cancer-Related Pain Care relating to the use of Opioids for managing such pain, as long as the information identifies Janssen as the source of the information.

3. Janssen shall not engage in the Promotion of Products for the Treatment of Opioid-induced Side Effects, including but not limited to:

a. Employing or contracting with sales representatives or other persons to Promote Products for the Treatment of Opioid-induced Side Effects to Health Care Providers or patients;

b. Using speakers, key opinion leaders, thought leaders, lecturers, and/or speaking events to Promote Products for the Treatment of Opioid induced Side Effects;

c. Sponsoring, or otherwise providing financial support or In-Kind Support to medical education programs that Promote Products for the Treatment of Opioid-induced Side Effects;

d. Creating, sponsoring, or otherwise providing financial support or In-Kind Support for advertisements that Promote Products for the Treatment of Opioid-induced Side Effects, including but not limited to internet advertisements or similar content, and providing hyperlinks or otherwise directing internet traffic to advertisements.

4. Notwithstanding subsection C, Janssen may Promote Products for the Treatment of Opioid-induced Side Effects so long as such Promotion does not associate the product with Opioids or Opioid Products.

5. Treatment of Pain

a. Janssen shall not, either through Janssen or through Third Parties, engage in any conduct that Promotes the Treatment of Pain, except that Janssen may continue to Promote the Treatment of Pain with branded non-Opioids, including Tylenol and Motrin.

b. Janssen shall not, either through Janssen or through Third Parties, engage in any conduct that Promotes the concept that pain is undertreated, except in connection with Promoting the use of branded non-Opioids, including Tylenol and Motrin, for the Treatment of Pain.

c. Janssen shall not disseminate Unbranded Information, including Unbranded Information about a medical condition or disease state, that contains links to branded information about Opioid Products or that otherwise Promotes Opioids or Opioid Products.

6. Notwithstanding subsection C.5 above:

a. Janssen may Promote or provide educational information about the Treatment of Pain with non-Opioids or therapies such as acetaminophen or non-steroidal anti-inflammatory drugs (NSAIDS), including Promoting or providing educational information about such non-Opioids or therapies as alternatives to Opioid use, or as part of multimodal therapy which may include Opioid use, so long as such non-Opioid Promotional or educational information does not Promote Opioids or Opioid Products.

b. Janssen may provide educational information about the Treatment of Pain related to medical procedures involving devices manufactured or sold by Janssen, including educational information about Opioids or Opioid Products, so long as such information does not Promote Opioids or Opioid Products.

7. The Promotional conduct prohibited in subsection C is not prohibited insofar as it relates to the Promotion of Opioids or Opioid Products for Cancer-Related Pain Care or End-of-Life Care only, and so long as Janssen is identified as the sponsor or source of such Promotional conduct.

D. **No Financial Reward or Discipline Based on Volume of Opioid Sales**

1. Janssen shall not provide financial incentives to its sales and marketing employees or discipline its sales and marketing employees based upon sales volume or sales quotas for Opioid Products;

2. Janssen shall not offer or pay any remuneration (including any kickback, bribe, or rebate) directly or indirectly, to any person in return for the prescribing, sale, use, or distribution of an Opioid Product; and

3. Janssen's compensation policies and procedures shall ensure compliance with the Agreement.

E. **Ban on Funding/Grants to Third Parties**

1. Janssen shall not directly or indirectly provide financial support or In-Kind Support to any Third Party that primarily engages in conduct that Promotes Opioids, Opioid Products, or Products for the Treatment of Opioid-induced Side Effects (subject to subsections C.2, 4, and 6), including educational programs or websites that Promote Opioids, Opioid Products, or products for the treatment of Opioid-induced side effects, excluding financial support otherwise required by the Agreement, a court order, or by a federal or state agency.

2. Janssen shall not create, sponsor, provide financial support or In-Kind Support to, or otherwise operate or control any medical society or patient advocacy group that primarily engages in conduct that Promotes Opioids, Opioid Products, or products for the treatment of Opioid-induced side effects.

3. Janssen shall not provide links to any Third Party website or materials or otherwise distribute materials created by a Third Party for the purpose of Promoting Opioids, Opioid Products, or products intended for the treatment of Opioid-induced side effects (subject to subsections C.2, 4, and 6).

4. Janssen shall not use, assist, or employ any Third Party to engage in any activity that Janssen itself would be prohibited from engaging in pursuant to the Agreement. To the extent Janssen supports trade groups engaged in Lobbying, Janssen shall stipulate that such support not be used for any purpose prohibited by the Agreement.

5. Janssen shall not enter into any contract or agreement with any person or entity or otherwise attempt to influence any person or entity in such a manner that has the purpose or foreseeable effect of limiting the dissemination of information regarding the risks and side effects of using Opioids.

6. Janssen shall not compensate or support Health Care Providers or organizations to advocate for formulary access or treatment guideline changes for the purpose of increasing access to any Opioid Product through third-party payors, i.e., any entity, other than an individual, that pays or reimburses for the dispensing of prescription medicines, including but not limited to managed care organizations and pharmacy benefit managers.

7. No officer or management-level employee of Janssen may concurrently serve as a director, board member, employee, agent, or officer of any entity that primarily engages in conduct that Promotes Opioids, Opioid Products, or products for the treatment of Opioid-induced side effects. For the avoidance of doubt, nothing in this provision shall preclude an officer or management-level employee of Janssen from concurrently serving on the board of a hospital.

8. Janssen shall play no role in appointing persons to the board, or hiring persons to the staff, of any entity that primarily engages in conduct that Promotes Opioids, Opioid Products, or products for the treatment of Opioid-induced side effects. For avoidance of doubt, nothing in this paragraph shall prohibit Janssen from fully and accurately responding to unsolicited requests or inquiries about a person's fitness to serve as an employee or Board member at any such entity.

F. **Lobbying Restrictions**

1. Janssen shall not Lobby for the enactment of any federal, state, or local legislative or regulatory provision that:

   a. Encourages or requires Health Care Providers to prescribe Opioids or sanctions Health Care Providers for failing to prescribe Opioids or failing to treat pain with Opioids;

   b. Has the effect of limiting access to any non-Opioid alternative pain treatments; or

   c. Pertains to the classification of any Opioid or Opioid Product as a scheduled drug under the Controlled Substances Act.

2. Janssen shall not Lobby against the enactment of any federal, state or local legislative or regulatory provision that supports:

   a. The use of non-pharmacologic therapy and/or non-Opioid pharmacologic therapy to treat chronic pain over or instead of Opioid use, including but not limited to third party payment or reimbursement for such therapies;

   b. The use and/or prescription of immediate release Opioids instead of extended release Opioids when Opioid use is initiated, including but not limited to third party reimbursement or payment for such prescriptions;

c. The prescribing of the lowest effective dose of an Opioid, including but not limited to third party reimbursement or payment for such prescription;

d. The limitation of initial prescriptions of Opioids to treat acute pain;

e. The prescribing and other means of distribution of naloxone to minimize the risk of overdose, including but not limited to third party reimbursement or payment for naloxone;

f. The use of urine testing before starting Opioid use and annual urine testing when Opioids are prescribed, including but not limited to third party reimbursement or payment for such testing;

g. Evidence-based treatment (such as using medication-assisted treatment with buprenorphine or methadone in combination with behavioral therapies) for OUD, including but not limited to third party reimbursement or payment for such treatment; or

h. The implementation or use of Opioid drug disposal systems.

3. Janssen shall not Lobby against the enactment of any federal, state or local legislative or regulatory provision expanding the operation or use of PDMPs, including but not limited to provisions requiring Health Care Providers to review PDMPs when Opioid use is initiated and with every prescription thereafter.

4. Notwithstanding the foregoing restrictions in subsections F.1-3, the following conduct is not restricted:

a. Challenging the enforcement of or suing for declaratory or injunctive relief with respect to legislation, rules, or regulations referred to in subsection F.1;

b. Communications made by Janssen in response to a statute, rule, regulation, or order requiring such communication;

c. Communications by a Janssen representative appearing before a federal or state legislative or administrative body, committee, or subcommittee as result of a mandatory order or subpoena commanding that person to testify;

d. Responding, in a manner consistent with the Agreement, to an unsolicited request for the input on the passage of legislation or the promulgation of any rule or regulation when such request is submitted in writing specifically to Janssen from a government entity directly involved in the passage of that legislation or promulgation of that rule or regulation; or

e. Lobbying for or against provisions of legislation or regulation that address other subjects in addition to those identified in subsections F.1-3, so long as the company does not support specific portions of such legislation or

regulation covered by subsection F.1 or oppose specific portions of such legislation or regulation covered by subsections F.2-3.

5. Janssen shall provide notice of the prohibitions in subsection F to all employees engaged in Lobbying; shall incorporate the prohibitions in subsection F into trainings provided to Janssen employees engaged in Lobbying; and certify to the State of Washington that it has provided such notice and trainings to Janssen employees engaged in Lobbying.

G. **Ban on Prescription Savings Programs**

1. Janssen shall not directly or indirectly offer any discounts, coupons, rebates, or other methods which have the effect of reducing or eliminating a patient's co-payments or the cost of prescriptions (e.g., free trial prescriptions) for any Opioid Product.

2. Janssen shall not directly or indirectly provide financial support to any Third Party for discounts, coupons, rebates, or other methods which have the effect of reducing or eliminating a patient's co-payments or the cost of prescriptions (e.g., free trial prescriptions) for any Opioid Product.

3. Janssen shall not directly or indirectly assist patients, Health Care Providers, or pharmacies with the claims and/or prior authorization process required for third-party payors to approve payment for any Opioid Product.

H. **General Terms**

1. Janssen shall not make any written or oral statement about Opioids or any Opioid Product that is unfair, false, misleading, or deceptive as defined under the law of Washington. For purposes of this paragraph, "Opioid Product" shall also include methadone and other substances when used exclusively to treat opioid abuse, addiction, or overdose.

2. Janssen shall not represent that Opioids or any Opioid Product(s) have approvals, characteristics, uses, benefits, or qualities that they do not have. For purposes of this paragraph, "Opioid Product" shall also include methadone and other substances when used exclusively to treat opioid abuse, addiction, or overdose.

3. For the avoidance of doubt, the Agreement shall not be construed or used as a waiver or limitation of any defense otherwise available to Janssen in any action, and nothing in the Agreement is intended to or shall be construed to prohibit Janssen in any way whatsoever from taking legal or factual positions with regard to any Opioid Product(s) in defense of litigation or other legal proceedings.

4. Upon the request of the State of Washington Attorney General, Janssen shall provide the Washington Attorney General with copies of the following, within thirty (30) days of the request:

a. Any litigation or civil or criminal law enforcement subpoenas or Civil Investigative Demands relating to Janssen's Opioid Product(s); and

b. Warning or untitled letters issued by the FDA regarding Janssen's Opioid Product(s) and all correspondence between Janssen and the FDA related to such letters.

5. The Agreement applies to conduct that results in the Promotion of Opioids or Opioid Products, or the Treatment of Pain inside the United States.

6. Janssen will enter into the Agreement solely for the purpose of settlement, and nothing contained therein may be taken as or construed to be an admission or concession of any violation of law, rule, or regulation, or of any other matter of fact or law, or of any liability or wrongdoing, all of which Janssen expressly denies. No part of the Agreement, including its statements and commitments, shall constitute evidence of any liability, fault, or wrongdoing by Janssen. The Agreement is not intended for use by any third party for any purpose, including submission to any court for any purpose.

7. Nothing in the Agreement shall be construed to limit or impair Janssen's ability to:

a. Communicate its positions and respond to media inquiries concerning litigation, investigations, reports or other documents or proceedings relating to Janssen or its Opioid Products.

b. Maintain a website explaining its litigation positions and responding to allegations concerning its Opioid Products, including the website, www.factsaboutourprescriptionopioids.com.

I. **Compliance with All State Laws and Regulations Relating to the Sale, Promotion, and Distribution of Any Opioid Product**

1. Janssen shall comply with all applicable state laws and regulations that relate to the sale, promotion, distribution, and disposal of Opioids or Opioid Products, including conduct permitted by subsection B.2, provided that nothing in this paragraph requires Janssen to violate federal law or regulations, including but not limited to:

a. Washington's Uniform Controlled Substances Act, including all guidance issued by the applicable state regulator(s);

b. Washington's Consumer Protection Act; and

c. Washington State laws, regulations, and guidelines related to opioid prescribing, distribution, and disposal.

J. **Clinical Data Transparency**

1. Janssen agrees to continue sharing clinical trial data under the Yale University Open Data Access (YODA) Project to allow researchers qualified under the program to access the company's propriety data under the terms of the project.

2. In the event Yale University discontinues or withdraws from the YODA Project agreement with Janssen, Janssen shall make its clinical research data regarding Opioids and Opioid Products, and any additional clinical research data that Janssen sponsors and controls regarding Opioids and Opioid Products, available to an independent entity that is the functional equivalent of the YODA Project under functionally equivalent terms.

K. **Enforcement**

1. For the purposes of resolving disputes with respect to compliance with this Exhibit, should the State of Washington have a reasonable basis to believe that Janssen has engaged in a practice that violates a provision of this Exhibit subsequent to the Effective Date, the State of Washington shall notify Janssen in writing of the specific objection, identify with particularity the provision of the Agreement that the practice appears to violate, and give Janssen thirty (30) days to respond in writing to the notification; provided, however, that the State of Washington may take any action if the State believes that, because of the specific practice, a threat to health or safety of the public requires immediate action.

2. Upon receipt of written notice, Janssen shall provide a good faith written response to the State's notification, containing either a statement explaining why Janssen believes it is in compliance with the provisions of this Exhibit of the Agreement, or a detailed explanation of how the alleged violation occurred and a statement explaining how Janssen intends to remedy the alleged breach. Nothing in this section shall be interpreted to limit the State of Washington's civil investigative demand ("CID") or investigative subpoena authority, to the extent such authority exists under applicable law, and Janssen reserves all of its rights in responding to a CID or investigative subpoena issued pursuant to such authority.

3. The State of Washington may agree, in writing, to provide Janssen with additional time beyond thirty (30) days to respond to a notice provided under subsection L.1, above, without Court approval.

4. Upon giving Janssen thirty (30) days to respond to the notification described above, the State shall also be permitted reasonable access to inspect and copy relevant, non-privileged, non-work product records and documents in possession, custody, or control of Janssen that relate to Janssen's compliance with each provision of the Agreement pursuant to the State of Washington's CID or investigative subpoena authority.

5. The State of Washington may assert any claim that Janssen has violated the Agreement in a separate civil action to enforce compliance with the Agreement, or may seek any other relief afforded by law for violations of the Agreement, but only

after providing Janssen an opportunity to respond to the notification described in subsection L.1, above; provided, however, the State of Washington may take any action if the State believes that, because of the specific practice, a threat to the health or safety of the public requires immediate action.

6. In the event of a conflict between the requirements of the Agreement and any other law, regulation, or requirement such that Janssen cannot comply with the law without violating the terms of the Agreement or being subject to adverse action, including fines and penalties, Janssen shall document such conflicts and notify the State of the extent to which it will comply with the Agreement in order to eliminate the conflict within thirty (30) days of Janssen's discovery of the conflict. Janssen shall comply with the terms of the Agreement to the fullest extent possible without violating the law.

7. Janssen or the State may request that Janssen and the State meet and confer regarding the resolution of an actual or potential conflict between the Agreement and any other law, or between interpretations of the Agreement by different courts. Nothing herein is intended to modify or extend the jurisdiction of any single judicial authority as provided by law.

L. **Compliance Duration**

1. Subsections B-J of this Exhibit shall be effective for 8 years from the Effective Date.

2. Nothing in this Agreement shall relieve Janssen of its independent obligation to fully comply with the laws of the State of Washington after expiration of the 8-year period specified in this subsection.

M. **Compliance Deadlines**

1. Janssen must be in full compliance with the provisions included this Agreement by the Effective Date. Nothing herein shall be construed as permitting Janssen to avoid existing legal obligations.

EXHIBIT D

Non-Released Entities

The following includes a non-exclusive list of non-Released Entities:

1. Actavis LLC
2. Actavis Pharma, Inc.
3. Allergan PLC
4. Allergan Finance, LLC
5. AmerisourceBergen Corporation
6. AmerisourceBergen Drug Corporation
7. Anda, Inc.
8. Cardinal Health, Inc.
9. Cephalon, Inc.
10. Collegium Pharmaceuticals
11. CVS Health Corp.
12. CVS Pharmacy, Inc.
13. Endo Pharmaceuticals Inc.
14. Endo Health Solutions Inc.
15. Mallinckrodt LLC
16. McKesson Corporation
17. McKinsey & Company Inc.
18. Par Pharmaceutical, Inc.
19. Par Pharmaceutical Companies, Inc.
20. Purdue Pharma L.P.
21. Purdue Pharma Inc.
22. SpecGx LLC
23. Teva Pharmaceuticals USA, Inc.
24. The Purdue Frederick Company
25. Walgreen Co.
26. Walgreens Boots Alliance, Inc.
27. Walmart Inc.
28. Watson Laboratories, Inc.

EXHIBIT E

Template Consent Judgment

[CASE]	[COURT] C.A. NO.:

FINAL CONSENT JUDGMENT AND DISMISSAL WITH PREJUDICE

The State of Washington ("*State*") and Johnson & Johnson, Johnson & Johnson Innovative Medicine, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively, "*Janssen*" or "*Defendants*") (together with the State, the "*Parties*," and each a "*Party*") have entered into a consensual resolution of the above-captioned litigation (the "*Action*") pursuant to a settlement agreement entitled Janssen Washington State-Wide Opioid Settlement Agreement, dated as of January 22, 2024 (the "*Agreement*"), a copy of which is attached hereto as Exhibit A. The entry of this Final Consent Judgment (the "*Judgment*") by the Court is made without trial or adjudication of any contested issue of fact or law, and without finding or admission of wrongdoing or liability of any kind.

RECITALS:

1. Each Party warrants and represents that it engaged in arm's-length negotiations in good faith. In hereby executing the Agreement, the Parties intend to effect a good-faith settlement.

2. The State has determined that the Agreement is in the public interest.

3. Janssen denies the allegations against it and that it has any liability whatsoever to the State, its Subdivisions, and/or (a) any of the State's or Subdivisions' departments, agencies, divisions,

boards, commissions, districts, instrumentalities of any kind and attorneys, including its Attorney General and any person in his or her official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, (b) any public entities, public instrumentalities, public educational institutions, unincorporated districts, fire districts, irrigation districts, and other Subdivisions, and (c) any person or entity acting in a *parens patriae*, sovereign, quasi-sovereign, private attorney general, *qui tam*, taxpayer, or other capacity seeking relief on behalf of or generally applicable to the general public.

4. The Parties recognize that the outcome of the Action is uncertain and a final resolution through the adversarial process likely will require protracted litigation.

5. The Parties agree to the entry of the injunctive relief terms pursuant to Exhibit C of the Agreement.

6. Therefore, without any admission of liability or wrongdoing by Janssen or any other Released Entities (as defined in the Agreement), the Parties now mutually consent to the entry of this Judgment and agree to dismissal of the claims with prejudice pursuant to the terms of the Agreement to avoid the delay, expense, inconvenience, and uncertainty of protracted litigation.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

In consideration of the mutual promises, terms, and conditions set forth in the Agreement, the adequacy of which is hereby acknowledged by all Parties, it is agreed by and between Defendants and the State, and adjudicated by the Court, as follows:

1. The foregoing Recitals are incorporated herein and constitute an express term of this Judgment.

2. The Parties have entered into a full and final settlement of all Released Claims of Releasors against Janssen (including but not limited to the State) and the Released Entities pursuant to the terms and conditions set forth in the Agreement.

3. The "Definitions" set forth in Section II of the Agreement are incorporated by reference into this Judgment. Unless otherwise defined herein, capitalized terms in this Judgment shall have the same meaning given to them in the Agreement.

4. The Parties agree that the Court has jurisdiction over the subject matter of the Action and over the Parties with respect to the Action and this Judgment. This Judgment shall not be construed or used as a waiver of any jurisdictional defense Janssen or any other Released Entity may raise in any other proceeding.

5. The Court finds that the Agreement was entered into in good faith.

6. The Court finds that entry of this Judgment is in the public interest and reflects a negotiated settlement agreed to by the Parties. The Action is dismissed with prejudice, subject to a retention of jurisdiction by the Court as provided herein and in the Agreement.

7. By this Judgment, the Agreement is hereby approved by the Court, and the Court hereby adopts the Agreement's terms as its own determination of this matter and the Parties' respective rights and obligations.

8. The Court shall have authority to resolve disputes identified in Section X of the Agreement, governed by the rules and procedures of the Court.

9. [By this Judgment, *[the State-Subdivision Agreement] [name of state's agreement]*, a copy of which is attached hereto as Exhibit [X] and as incorporated into the Agreement, is hereby approved by the Court as the means by which relevant funds paid pursuant to the Agreement will be divided within the State, subject to the full acceptance by any Subdivision receiving such funds of the

terms of the Agreement, including the releases provided therein. [Add any state-specific language necessary for the effectiveness of the state-subdivision agreement.]]

10. The Parties have satisfied all conditions to effectiveness of the Agreement.

11. Release. The Parties acknowledge that the Release in Section IV of the Agreement, which is incorporated by reference herein, is an integral part of this Judgment. Pursuant to the Agreement and the Release and without limitation and to the maximum extent of the power of the State's Attorney General, Janssen and the other Released Entities are, as of the Effective Date, hereby released from any and all Released Claims of (a) the State and its Participating Subdivisions and any of their departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, including the State's Attorney General, and any person in his or her official capacity whether elected or appointed to serve any of the foregoing, and any agency, person, or other entity claiming by or through any of the foregoing, (b) any public entities, public instrumentalities, public educational institutions, unincorporated districts, fire districts, irrigation districts, water districts, law enforcement districts, emergency services districts, school districts, hospital districts and other Subdivisions in the State, and (c) any person or entity acting in a *parens patriae*, sovereign, quasi-sovereign, private attorney general, *qui tam*, taxpayer, or other capacity seeking relief on behalf of or generally applicable to the general public with respect to the State or any Subdivision in the State, whether or not any of them participate in the Agreement. Pursuant to the Agreement and the Release and to the maximum extent of the State's power, Janssen and the other Released Entities are, as of the Effective Date, hereby released from any and all Released Claims of (1) the State, (2) all past and present executive departments, state agencies, divisions, boards, commissions and instrumentalities with the regulatory authority to enforce state and federal controlled substances acts, (3) any of the State's past and present executive departments, agencies,

divisions, boards, commissions and instrumentalities that have the authority to bring Claims related to Covered Conduct seeking money (including abatement and/or remediation) or revocation of a pharmaceutical distribution license, and (4) any Participating Subdivision. For the purposes of clause (3) above, executive departments, agencies, divisions, boards, commissions, and instrumentalities are those that are under the executive authority or direct control of the State's Governor. The Parties acknowledge, and the Court finds, that those provisions are an integral part of the Agreement and this Judgment, and shall govern the rights and obligations of all participants in the settlement. Any modification of those rights and obligations may be made based only on a writing signed by all affected parties and approved by the Court.

12. Release of Unknown Claims. The State expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

> **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

13. The State may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but the State expressly waived and fully, finally, and forever settled, released and discharged, through the Agreement and Release, any and all Released Claims that may exist as of the Effective Date but which the State does not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would have materially affected the State's decision to enter into the Agreement.

14. Costs and Fees. The Parties will bear their own costs and attorneys' fees except as otherwise provided in the Agreement.

15. No Admission of Liability. Defendants are consenting to this Judgment solely for the purpose of effectuating the Agreement, and nothing contained herein may be taken as or construed to be an admission or concession of any violation of law, rule, or regulation, or of any other matter of fact or law, or of any liability or wrongdoing, all of which Defendants expressly deny. No Defendant or Released Entity admits that it caused or contributed to any public nuisance, and no Defendant or Released Entity admits any wrongdoing that was or could have been alleged by the State, its Participating Subdivisions, or any other person or entity. No part of this Judgment shall constitute evidence of any liability, fault, or wrongdoing by Defendants or any other Released Entity. The Parties acknowledge that payments made under the Agreement are not a fine, penalty, or payment in lieu thereof.

16. No Waiver. This Judgment is entered based on the Agreement without trial or adjudication of any contested issue of fact or law or finding of liability of any kind. This Judgment shall not be construed or used as a waiver of Janssen's right, or any other Released Entity's right, to defend itself from, or make any arguments in, any other regulatory, governmental, private individual, or class claims or suits relating to the subject matter or terms of this Judgment. Notwithstanding the foregoing, the State may enforce the terms of this Judgment as expressly provided in the Agreement.

17. No Private Right of Action. This Judgment is not intended for use by any third party for any purpose, including submission to any court for any purpose, except pursuant to Section X of the Agreement. Except as expressly provided in the Agreement, no portion of the Agreement or this Judgment shall provide any rights to, or be enforceable by, any person or entity that is not the State or Released Entity. The State shall allow Participating Subdivisions in the State to notify it of any

perceived violations of the Agreement or this Judgment. The State may not assign or otherwise convey any right to enforce any provision of the Agreement.

18. Admissibility. It is the intent of the Parties that this Judgment not be admissible in other cases against Defendants or binding on Defendants in any respect other than in connection with the enforcement of this Judgment or the Agreement. For the avoidance of doubt, nothing herein shall prohibit Defendants from entering this Judgment or the Agreement into evidence in any litigation or arbitration concerning (1) Defendants' right to coverage under an insurance contract or (2) the enforcement of the releases provided for by the Agreement and this Judgment.

19. Preservation of Privilege. Nothing contained in the Agreement or this Judgment, and no act required to be performed pursuant to the Agreement or this Judgment, is intended to constitute, cause, or effect any waiver (in whole or in part) of any attorney-client privilege, work product protection, or common interest/joint defense privilege, and each Party agrees that it shall not make or cause to be made in any forum any assertion to the contrary.

20. Mutual Interpretation. The Parties agree and stipulate that the Agreement was negotiated on an arm's-length basis between parties of equal bargaining power and was drafted jointly by counsel for each Party. Accordingly, the Agreement is incorporated herein by reference and shall be mutually interpreted and not construed in favor of or against any Party, except as expressly provided for in the Agreement.

21. Retention of Jurisdiction. The Court shall retain jurisdiction of the Parties for the limited purpose of the resolution of disputes identified in Section X of the Agreement. The Court shall have jurisdiction over Participating Subdivisions in the State for the limited purposes identified in the Agreement.

22. Successors and Assigns. This Judgment is binding on Defendants' successors and assigns.

23. Modification. This Judgment shall not be modified (by the Court, by any other court, or by any other means) without the consent of the State and Defendants, or as provided for in Section XI.R of the Agreement.

So ORDERED this _____ day of [[*]], 2024.

Enter: By Order:

_____ _____

APPROVED, AGREED TO AND PRESENTED BY:

[[SIGNATURE BLOCKS]]

EXHIBIT F

Litigating Subdivisions:

1. Anacortes City
2. Bainbridge Island City
3. Burlington City
4. Chelan County
5. Clallam County
6. Clark County
7. Everett City
8. Franklin County
9. Island County
10. Jefferson County
11. Kent City
12. King County
13. Kirkland City
14. Kitsap County
15. Kittitas County
16. La Conner School District
17. Lakewood City
18. Lewis County
19. Lincoln County
20. Mount Vernon City
21. Mount Vernon School District
22. Olympia City
23. Pierce County
24. San Juan County
25. Seattle City
26. Sedro-Woolley City
27. Sedro-Woolley School District
28. Skagit County
29. Snohomish County
30. Spokane City
31. Spokane County
32. Tacoma City
33. Thurston County
34. Vancouver City
35. Walla Walla County
36. Whatcom County
37. Whitman County

Non-litigating Subdivisions:

1. Aberdeen City
2. Adams County
3. Arlington City
4. Asotin County
5. Auburn City
6. Battle Ground City
7. Bellevue City
8. Bellingham City
9. Benton County
10. Bonney Lake City
11. Bothell City
12. Bremerton City
13. Burien City
14. Camas City
15. Centralia City
16. Cheney City
17. Covington City
18. Cowlitz County
19. Des Moines City
20. Douglas County
21. East Wenatchee City
22. Edgewood City
23. Edmonds City
24. Ellensburg City
25. Enumclaw City
26. Federal Way City
27. Ferndale City
28. Fife City
29. Gig Harbor City
30. Grandview City
31. Grant County
32. Grays Harbor County
33. Issaquah City
34. Kelso City
35. Kenmore City
36. Kennewick City
37. Klickitat County
38. Lacey City
39. Lake Forest Park City
40. Lake Stevens City
41. Liberty Lake City
42. Longview City
43. Lynden City
44. Lynnwood City

45. Maple Valley City
46. Marysville City
47. Mason County
48. Mercer Island City
49. Mill Creek City
50. Monroe City
51. Moses Lake City
52. Mountlake Terrace City
53. Mukilteo City
54. Newcastle City
55. Oak Harbor City
56. Okanogan County
57. Pacific County
58. Pasco City
59. Pend Oreille County
60. Port Angeles City
61. Port Orchard City
62. Poulsbo City
63. Pullman City
64. Puyallup City
65. Redmond City
66. Renton City
67. Richland City
68. Sammamish City
69. Seatac City
70. Shelton City
71. Shoreline City
72. Skamania County
73. Snohomish City
74. Snoqualmie City
75. Spokane Valley City
76. Stevens County
77. Sumner City
78. Sunnyside City
79. Tukwila City
80. Tumwater City
81. University Place City
82. Walla Walla City
83. Washougal City
84. Wenatchee City
85. West Richland City
86. Woodinville City
87. Yakima City
88. Yakima County

EXHIBIT G

List of Johnson & Johnson Subsidiaries

Johnson & Johnson, a New Jersey corporation, had the U.S. and international subsidiaries shown below as of January 1, 2023. Johnson & Johnson is not a subsidiary of any other entity.

Name of Subsidiary	**Jurisdiction**
U.S. Subsidiaries:	
ABD Holding Company, Inc.	Delaware
ABIOMED R&D, Inc.	Delaware
ABIOMED, Inc.	Delaware
Acclarent, Inc.	Delaware
Actelion Pharmaceuticals US, Inc.	Delaware
Albany Street LLC	New Jersey
ALZA Corporation	Delaware
Alza Land Management, Inc.	Delaware
AMO Development, LLC	Delaware
AMO Manufacturing USA, LLC	Delaware
AMO Nominee Holdings, LLC	Delaware
AMO Sales and Service, Inc.	Delaware
AMO Spain Holdings, LLC	Delaware
Anakuria Therapeutics, Inc.	Delaware
AorTx, Inc.	Delaware
Aragon Pharmaceuticals, Inc.	Delaware
Asia Pacific Holdings, LLC	New Jersey
Atrionix, Inc.	California
AUB Holdings LLC	Delaware
Auris Health, Inc.	Delaware
BeneVir BioPharm, Inc.	Delaware
BioMedical Enterprises, Inc.	Texas
Biosense Webster, Inc.	California
Breethe, Inc.	Delaware
Centocor Biologics, LLC	Pennsylvania
Centocor Research & Development, Inc.	Pennsylvania
Cerenovus, Inc.	New Jersey
Coherex Medical, Inc.	Delaware
CoTherix Inc.	Delaware
CRES Holdings, Inc.	Delaware
CrossRoads Extremity Systems, LLC	Tennessee

CSATS, Inc.	Washington
DePuy Mitek, LLC	Massachusetts
DePuy Orthopaedics, Inc.	Indiana
DePuy Products, Inc.	Indiana
DePuy Spine, LLC	Ohio
DePuy Synthes Institute, LLC	Delaware
DePuy Synthes Products, Inc.	Delaware
DePuy Synthes Sales, Inc.	Massachusetts
DePuy Synthes, Inc.	Delaware
Dutch Holding LLC	Delaware
ECL7, LLC	Delaware
Ethicon Endo-Surgery, Inc.	Ohio
Ethicon Endo-Surgery, LLC	Delaware
Ethicon LLC	Delaware
Ethicon US, LLC	Texas
Ethicon, Inc.	New Jersey
Hansen Medical International, Inc.	Delaware
Hansen Medical, Inc.	Delaware
I.D. Acquisition Corp.	New Jersey
Janssen BioPharma, LLC	Delaware
Janssen Biotech, Inc.	Pennsylvania
Janssen Global Services, LLC	New Jersey
Janssen Oncology, Inc.	Delaware
Janssen Ortho LLC	Delaware
Janssen Pharmaceuticals, Inc.	Pennsylvania
Janssen Products, LP	New Jersey
Janssen Research & Development, LLC	New Jersey
Janssen Scientific Affairs, LLC	New Jersey
Janssen Supply Group, LLC	Pennsylvania
Janssen-Cilag Manufacturing, LLC	Delaware
Jevco Holding, Inc.	New Jersey
JJHC, LLC	Delaware
JNJ International Investment LLC	Delaware
JNTL (APAC) HoldCo 2 LLC	Delaware
JNTL (APAC) HoldCo LLC	Delaware

JNTL (Japan) HoldCo Inc.	Delaware
JNTL (Middle East) HoldCo LLC	Delaware
JNTL (Thailand) HoldCo LLC	Delaware
JNTL Consumer Health (Services) LLC	Delaware
JNTL HoldCo 2 LLC	Delaware
JNTL HoldCo 3 LLC	Delaware
JNTL HoldCo 4 LLC	Delaware
JNTL HoldCo 5 LLC	Delaware
JNTL HoldCo 6 LLC	Delaware
JNTL HoldCo 7 LLC	Delaware
JNTL HoldCo 8 LLC	Delaware
JNTL HoldCo LLC	Delaware
JNTL Holdings 2, Inc.	Delaware
JNTL Holdings 3, Inc.	Delaware
JNTL Holdings, Inc.	Delaware
Johnson & Johnson	New Jersey
Johnson & Johnson (Middle East) Inc.	New Jersey
Johnson & Johnson (Singapore) Holdco LLC	Delaware
Johnson & Johnson Consumer Inc.	Nevada
Johnson & Johnson Consumer Inc.	New Jersey
Johnson & Johnson Enterprise Innovation Inc.	Delaware
Johnson & Johnson Finance Corporation	New Jersey
Johnson & Johnson Gateway, LLC	New Jersey
Johnson & Johnson Health and Wellness Solutions, Inc.	Michigan
Johnson & Johnson Health Care Systems Inc.	New Jersey
Johnson & Johnson Innovation - JJDC, Inc.	New Jersey
Johnson & Johnson Innovation LLC	Delaware
Johnson & Johnson International	New Jersey
Johnson & Johnson Medical Devices & Diagnostics Group - Latin America, L.L.C.	Florida
Johnson & Johnson S.E., Inc.	New Jersey
Johnson & Johnson Services, Inc.	New Jersey
Johnson & Johnson Surgical Vision, Inc.	Delaware
Johnson & Johnson Urban Renewal Associates	New Jersey

Johnson & Johnson Vision Care, Inc.	Florida
JOM Pharmaceutical Services, Inc.	Delaware
Kenvue Inc.	Delaware
LTL Management LLC	North Carolina
McNeil Consumer Pharmaceuticals Co.	New Jersey
McNeil Healthcare LLC	Delaware
McNeil LA LLC	Delaware
McNEIL MMP, LLC	New Jersey
McNeil Nutritionals, LLC	Delaware
Medical Device Business Services, Inc.	Indiana
Medical Devices & Diagnostics Global Services, LLC	Delaware
Medical Devices International LLC	Delaware
MegaDyne Medical Products, Inc.	Utah
Mentor Partnership Holding Company I, LLC	Delaware
Mentor Texas GP LLC	Delaware
Mentor Texas L.P.	Delaware
Mentor Worldwide LLC	Delaware
Middlesex Assurance Company Limited	Vermont
Momenta Pharmaceuticals, Inc.	Delaware
NeoStrata Company, Inc.	Delaware
Netherlands Holding Company	Delaware
NeuWave Medical, Inc.	Delaware
Novira Therapeutics, LLC	Delaware
NuVera Medical, Inc.	Delaware
OMJ Pharmaceuticals, Inc.	Delaware
Omrix Biopharmaceuticals, Inc.	Delaware
Ortho Biologics LLC	Delaware
Ortho Biotech Holding LLC	Delaware

Patriot Pharmaceuticals, LLC	Pennsylvania
Peninsula Pharmaceuticals, LLC	Delaware
Percivia LLC	Delaware
preCARDIA, Inc.	Delaware
Princeton Laboratories, Inc.	Delaware
Prosidyan, Inc.	Delaware
Pulsar Vascular, Inc.	Delaware
Regency Urban Renewal Associates	New Jersey
Royalty A&M LLC	North Carolina
Rutan Realty LLC	New Jersey
Scios LLC	Delaware
SterilMed, Inc.	Minnesota
Synthes USA Products, LLC	Delaware
Synthes USA, LLC	Delaware
Synthes, Inc.	Delaware
TARIS Biomedical LLC	Delaware
TearScience, Inc.	Delaware
The Anspach Effort, LLC	Florida
The Vision Care Institute, LLC	Florida
Tibotec, LLC	Delaware
Torax Medical, Inc.	Delaware
Verb Surgical Inc.	Delaware
Vogue International LLC	Delaware
WH4110 Development Company, L.L.C.	Georgia
Zarbee's, Inc.	Delaware

International Subsidiaries:	
3Dintegrated ApS	Denmark
Actelion Ltd	Switzerland
Actelion Pharmaceuticals Ltd	Switzerland
Actelion Pharmaceuticals Trading (Shanghai) Co., Ltd.	China
Actelion Treasury Unlimited Company	Ireland

AMO (Hangzhou) Co., Ltd.	China
AMO (Shanghai) Medical Devices Trading Co., Ltd.	China
AMO ASIA LIMITED	Hong Kong
AMO Australia Pty Limited	Australia
AMO Canada Company	Canada
AMO Denmark ApS	Denmark
AMO France	France
AMO Germany GmbH	Germany
AMO Groningen B.V.	Netherlands
AMO International Holdings Unlimited Company	Ireland
AMO Ireland	Cayman Islands
AMO Italy SRL	Italy
AMO Japan K.K.	Japan
AMO Netherlands BV	Netherlands
AMO Norway AS	Norway
AMO Puerto Rico Manufacturing, Inc.	Cayman Islands
AMO Singapore Pte. Ltd.	Singapore
AMO Switzerland GmbH	Switzerland
AMO United Kingdom, Ltd.	United Kingdom
AMO Uppsala AB	Sweden
Apsis	France
Backsvalan 6 Handelsbolag	Sweden
Beijing Dabao Cosmetics Co., Ltd.	China
Berna Rhein B.V.	Netherlands
Biosense Webster (Israel) Ltd.	Israel
C Consumer Products Denmark ApS	Denmark
Carlo Erba OTC S.r.l.	Italy
ChromaGenics B.V.	Netherlands

Ci:z. Labo Co., Ltd.	Japan
Cilag AG	Switzerland
Cilag GmbH International	Switzerland
Cilag Holding AG	Switzerland
Cilag Holding Treasury Unlimited Company	Ireland
Cilag-Biotech, S.L.	Spain
ColBar LifeScience Ltd.	Israel
Cordis de Mexico, S.A. de C.V.	Mexico
Corimmun GmbH	Germany
Debs-Vogue Corporation (Proprietary) Limited	South Africa
DePuy Hellas SA	Greece
DePuy International Limited	United Kingdom
DePuy Ireland Unlimited Company	Ireland
DePuy Mexico, S.A. de C.V.	Mexico
EES Holdings de Mexico, S. de R.L. de C.V.	Mexico
EES, S.A. de C.V.	Mexico
EIT Emerging Implant Technologies GmbH	Germany
Ethicon Endo-Surgery (Europe) GmbH	Germany
Ethicon Sarl	Switzerland
Ethicon Women's Health & Urology Sarl	Switzerland
Ethnor (Proprietary) Limited	South Africa
Ethnor del Istmo S.A.	Panama
Ethnor Farmaceutica, S.A.	Venezuela, Bolivarian Republic of
Finsbury (Development) Limited	United Kingdom
Finsbury (Instruments) Limited	United Kingdom
Finsbury Medical Limited	United Kingdom
Finsbury Orthopaedics International Limited	United Kingdom
Finsbury Orthopaedics Limited	United Kingdom

FMS Future Medical System SA	Switzerland
GATT Technologies B.V.	Netherlands
GH Biotech Holdings Limited	Ireland
Global Investment Participation B.V.	Netherlands
GMED Healthcare BV	Belgium
Guangzhou Bioseal Biotech Co., Ltd.	China
Hansen Medical Deutschland GmbH	Germany
Hansen Medical UK Limited	United Kingdom
Healthcare Services (Shanghai) Ltd.	China
Innomedic Gesellschaft für innovative Medizintechnik und Informatik mbH	Germany
J & J Company West Africa Limited	Nigeria
J&J Argentina S.A.	Argentina
J&J Pension Trustees Limited	United Kingdom
J&J Productos Medicos & Farmaceuticos del Peru S.A.	Peru
J.C. General Services BV	Belgium
Janssen Biologics (Ireland) Limited	Ireland
Janssen Biologics B.V.	Netherlands
Janssen Cilag Farmaceutica S.A.	Argentina
Janssen Cilag S.p.A.	Italy
Janssen Cilag SPA	Algeria
Janssen Cilag, C.A.	Venezuela, Bolivarian Republic of
Janssen Development Finance Unlimited Company	Ireland
Janssen Egypt LLC	Egypt
Janssen Farmaceutica Portugal Lda	Portugal
Janssen France Treasury Unlimited Company	France
Janssen Holding GmbH	Switzerland
Janssen Inc.	Canada
Janssen Irish Finance Unlimited Company	Ireland

Janssen Japan Treasury Unlimited Company	Japan
Janssen Korea Ltd.	Korea, Republic of
Janssen Mexico Treasury Unlimited Company	Ireland
Janssen Pharmaceutica (Proprietary) Limited	South Africa
Janssen Pharmaceutica NV	Belgium
Janssen Pharmaceutica S.A.	Peru
Janssen Pharmaceutical K.K.	Japan
Janssen Pharmaceutical Sciences Unlimited Company	Ireland
Janssen Pharmaceutical Unlimited Company	Ireland
Janssen R&D Ireland Unlimited Company	Ireland
Janssen Sciences Ireland Unlimited Company	Ireland
Janssen Vaccines & Prevention B.V.	Netherlands
Janssen Vaccines Corp.	Korea, Republic of
Janssen-Cilag	France
Janssen-Cilag (New Zealand) Limited	New Zealand
Janssen-Cilag A/S	Denmark
Janssen-Cilag AG	Switzerland
Janssen-Cilag Aktiebolag	Sweden
Janssen-Cilag AS	Norway
Janssen-Cilag B.V.	Netherlands
Janssen-Cilag d.o.o. Beograd	Serbia
Janssen-Cilag de Mexico S. de R.L. de C.V.	Mexico
Janssen-Cilag Farmaceutica Lda.	Portugal
Janssen-Cilag Farmaceutica Ltda.	Brazil
Janssen-Cilag GmbH	Germany
Janssen-Cilag International NV	Belgium
Janssen-Cilag Kft.	Hungary
Janssen-Cilag Limited	United Kingdom

Janssen-Cilag Limited	Thailand
Janssen-Cilag NV	Belgium
Janssen-Cilag OY	Finland
Janssen-Cilag Pharma GmbH	Austria
Janssen-Cilag Pharmaceutical S.A.C.I.	Greece
Janssen-Cilag Polska, Sp. z o.o.	Poland
Janssen-Cilag Pty Ltd	Australia
Janssen-Cilag S.A.	Colombia
Janssen-Cilag s.r.o.	Czech Republic
Janssen-Cilag, S.A.	Spain
Janssen-Cilag, S.A. de C.V.	Mexico
Janssen-Pharma, S.L.	Spain
J-C Health Care Ltd.	Israel
JJ Surgical Vision Spain, S.L.	Spain
JJC Acquisition Company B.V.	Netherlands
JJSV Belgium BV	Belgium
JJSV Manufacturing Malaysia SDN. BHD.	Malaysia
JJSV Norden AB	Sweden
JJSV Produtos Oticos Ltda.	Brazil
JNJ Global Business Services s.r.o.	Czech Republic
JNJ Holding EMEA B.V.	Netherlands
JNTL (APAC) HoldCo 3 Pte. Ltd.	Singapore
JNTL (APAC) HoldCo Pte. Ltd.	Singapore
JNTL (Malaysia) Sdn. Bhd.	Malaysia
JNTL (Puerto Rico) HoldCo GmbH	Switzerland
JNTL (Shanghai) Investment Co., Ltd.	China
JNTL (Switzerland) HoldCo GmbH	Switzerland
JNTL (UK) HoldCo Limited	United Kingdom

JNTL Consumer Health (Vietnam) Co. Ltd.	Vietnam
JNTL Consumer Health (Belgium) BV	Belgium
JNTL Consumer Health (Brazil) Ltda.	Brazil
JNTL Consumer Health (Czech Republic) s.r.o.	Czech Republic
JNTL Consumer Health (Dominican Republic), S.A.S.	Dominican Republic
JNTL Consumer Health (Finland) Oy	Finland
JNTL Consumer Health (France) SAS	France
JNTL Consumer Health (Hungary) Kft	Hungary
JNTL Consumer Health (India) Private Limited	India
JNTL Consumer Health (New Zealand) Limited	New Zealand
JNTL Consumer Health (Norway) AS	Norway
JNTL Consumer Health (Philippines) Inc.	Philippines
JNTL Consumer Health (Poland) sp. z o.o.	Poland
JNTL Consumer Health (Portugal) Limitada	Portugal
JNTL Consumer Health (Slovakia), s.r.o.	Slovakia
JNTL Consumer Health (Spain), S.L.	Spain
JNTL Consumer Health (Taiwan) Limited	Taiwan (Province of China)
JNTL Consumer Health General Services BV	Belgium
JNTL Consumer Health I (Ireland) Limited	Ireland
JNTL Consumer Health I (Switzerland) GmbH	Switzerland
JNTL Consumer Health II (Switzerland) GmbH	Switzerland
JNTL Consumer Health LLC	Egypt
JNTL Consumer Health Mexico, S. de R.L. de C.V.	Mexico
JNTL Consumer Health Middle East FZ-LLC	United Arab Emirates

JNTL Holdings B.V.	Netherlands
JNTL Ireland HoldCo 2 B.V.	Netherlands
JNTL Netherlands HoldCo B.V.	Netherlands
JNTL Turkey Tüketici Sağlığı Limited Şirketi	Turkey
Johnson & Johnson - Societa' Per Azioni	Italy
Johnson & Johnson (Angola), Limitada	Angola
Johnson & Johnson (Australia) Pty Ltd	Australia
Johnson & Johnson (Canada) Inc.	Canada
Johnson & Johnson (China) Investment Ltd.	China
Johnson & Johnson (Ecuador) S.A.	Ecuador
Johnson & Johnson (Egypt) S.A.E.	Egypt
Johnson & Johnson (Hong Kong) Limited	Hong Kong
Johnson & Johnson (Ireland) Limited	Ireland
Johnson & Johnson (Jamaica) Limited	Jamaica
Johnson & Johnson (Kenya) Limited	Kenya
Johnson & Johnson (Mozambique), Limitada	Mozambique
Johnson & Johnson (Namibia) (Proprietary) Limited	Namibia
Johnson & Johnson (New Zealand) Limited	New Zealand

Johnson & Johnson (Philippines), Inc.	Philippines
Johnson & Johnson (Private) Limited	Zimbabwe
Johnson & Johnson (Thailand) Ltd.	Thailand
Johnson & Johnson (Trinidad) Limited	Trinidad and Tobago
Johnson & Johnson (Vietnam) Co., Ltd	Vietnam
Johnson & Johnson AB	Sweden
Johnson & Johnson AG	Switzerland
Johnson & Johnson Bulgaria EOOD	Bulgaria
Johnson & Johnson China Ltd.	China
Johnson & Johnson Consumer (Hong Kong) Limited	Hong Kong
Johnson & Johnson Consumer (Thailand) Limited	Thailand
Johnson & Johnson Consumer B.V.	Netherlands
Johnson & Johnson Consumer Holdings France	France
Johnson & Johnson Consumer NV	Belgium
Johnson & Johnson Consumer Saudi Arabia Limited	Saudi Arabia
Johnson & Johnson Consumer Services EAME Ltd.	United Kingdom
Johnson & Johnson d.o.o.	Slovenia
Johnson & Johnson de Argentina S.A.C. e. I.	Argentina
Johnson & Johnson de Chile S.A.	Chile
Johnson & Johnson de Colombia S.A.	Colombia
Johnson & Johnson de Mexico, S.A. de C.V.	Mexico
Johnson & Johnson de Uruguay S.A.	Uruguay
Johnson & Johnson de Venezuela, S.A.	Venezuela, Bolivarian Republic of
Johnson & Johnson del Ecuador, S.A.	Ecuador
Johnson & Johnson Del Paraguay, S.A.	Paraguay
Johnson & Johnson del Peru S.A.	Peru
Johnson & Johnson do Brasil Industria E Comercio de Produtos Para Saude Ltda.	Brazil
Johnson & Johnson Dominicana, S.A.S.	Dominican Republic
Johnson & Johnson European Treasury Unlimited Company	Ireland

Johnson & Johnson Finance Limited	United Kingdom
Johnson & Johnson Financial Services GmbH	Germany
Johnson & Johnson for Export and Import LLC	Egypt
Johnson & Johnson Gesellschaft m.b.H.	Austria
Johnson & Johnson GmbH	Germany
Johnson & Johnson GT, Sociedad Anónima	Guatemala
Johnson & Johnson Guatemala, S.A.	Guatemala
Johnson & Johnson Hellas Commercial and Industrial S.A.	Greece
Johnson & Johnson Hellas Consumer Products Commercial Societe Anonyme	Greece
Johnson & Johnson Hemisferica S.A.	Puerto Rico
Johnson & Johnson Holding GmbH	Germany
Johnson & Johnson Holdings (Austria) GmbH	Austria
Johnson & Johnson Inc.	Canada
Johnson & Johnson Industrial Ltda.	Brazil
Johnson & Johnson Innovation Limited	United Kingdom

Johnson & Johnson International (Singapore) Pte. Ltd.	Singapore
Johnson & Johnson International Financial Services Unlimited Company	Ireland
Johnson & Johnson Irish Finance Company Limited	Ireland
Johnson & Johnson K.K.	Japan
Johnson & Johnson Kft.	Hungary
Johnson & Johnson Korea Selling & Distribution LLC	Korea, Republic of
Johnson & Johnson Korea, Ltd.	Korea, Republic of
Johnson & Johnson Limited	United Kingdom
Johnson & Johnson LLC	Russian Federation
Johnson & Johnson Luxembourg Finance Company Sarl	Luxembourg
Johnson & Johnson Management Limited	United Kingdom
Johnson & Johnson Medical (China) Ltd.	China
Johnson & Johnson Medical (Proprietary) Ltd	South Africa
Johnson & Johnson Medical (Shanghai) Ltd.	China
Johnson & Johnson Medical (Suzhou) Ltd.	China
Johnson & Johnson Medical B.V.	Netherlands
Johnson & Johnson Medical GmbH	Germany

Johnson & Johnson Medical Greece Single Member S.A.	Greece
Johnson & Johnson Medical Korea Ltd.	Korea, Republic of
Johnson & Johnson Medical Limited	United Kingdom
Johnson & Johnson Medical Mexico, S.A. de C.V.	Mexico
Johnson & Johnson Medical NV	Belgium
Johnson & Johnson Medical Products GmbH	Austria
Johnson & Johnson Medical Pty Ltd	Australia
Johnson & Johnson Medical S.A.	Argentina
Johnson & Johnson Medical S.p.A.	Italy
Johnson & Johnson Medical SAS	France
Johnson & Johnson Medical Saudi Arabia Limited	Saudi Arabia
Johnson & Johnson Medical Taiwan Ltd.	Taiwan (Province of China)
Johnson & Johnson Medical, S.C.S.	Venezuela, Bolivarian Republic of
Johnson & Johnson Medikal Sanayi ve Ticaret Limited Sirketi	Turkey
Johnson & Johnson MedTech (Thailand) Ltd.	Thailand
Johnson & Johnson Medtech Colombia S.A.S.	Colombia
Johnson & Johnson Middle East FZ-LLC	United Arab Emirates
Johnson & Johnson Morocco Societe Anonyme	Morocco
Johnson & Johnson Nordic AB	Sweden
Johnson & Johnson Pacific Pty Limited	Australia
Johnson & Johnson Pakistan (Private) Limited	Pakistan
Johnson & Johnson Panama, S.A.	Panama
Johnson & Johnson Personal Care (Chile) S.A.	Chile
Johnson & Johnson Pharmaceutical Ltd.	China
Johnson & Johnson Poland Sp. z o.o.	Poland
Johnson & Johnson Private Limited	India
Johnson & Johnson Pte. Ltd.	Singapore

Johnson & Johnson Pty. Limited	Australia
Johnson & Johnson Romania S.R.L.	Romania
Johnson & Johnson S.E. d.o.o.	Croatia
Johnson & Johnson Sante Beaute France	France
Johnson & Johnson SDN. BHD.	Malaysia
Johnson & Johnson Surgical Vision India Private Limited	India
Johnson & Johnson Taiwan Ltd.	Taiwan (Province of China)
Johnson & Johnson UK Treasury Company Limited	United Kingdom
Johnson & Johnson Ukraine LLC	Ukraine
Johnson & Johnson Vision Care (Australia) Pty Ltd	Australia
Johnson & Johnson Vision Care (Shanghai) Ltd.	China
Johnson & Johnson Vision Care Ireland Unlimited Company	Ireland
Johnson & Johnson Vision Korea, Ltd.	Korea, Republic of
Johnson & Johnson, Lda	Portugal
Johnson & Johnson, S.A.	Spain
Johnson & Johnson, S.A. de C.V.	Mexico
Johnson & Johnson, s.r.o.	Slovakia
Johnson & Johnson, s.r.o.	Czech Republic

Johnson and Johnson (Proprietary) Limited	South Africa
Johnson and Johnson Sihhi Malzeme Sanayi Ve Ticaret Limited Sirketi	Turkey
Johnson Y Johnson de Costa Rica, S.A.	Costa Rica
La Concha Land Investment Corporation	Philippines
McNeil AB	Sweden
McNeil Denmark ApS	Denmark
McNeil Healthcare (Ireland) Limited	Ireland
McNeil Healthcare (UK) Limited	United Kingdom
McNeil Iberica S.L.U.	Spain
McNeil Panama, LLC	Panama
McNeil Products Limited	United Kingdom
McNeil Sweden AB	Sweden
Medos International Sarl	Switzerland
Medos Sarl	Switzerland
Menlo Care De Mexico, S.A. de C.V.	Mexico
Mentor B.V.	Netherlands
Mentor Deutschland GmbH	Germany
Mentor Medical Systems B.V.	Netherlands
Momenta Ireland Limited	Ireland
NeoStrata UG (haftungsbeschränkt)	Germany
Neuravi Limited	Ireland
Obtech Medical Mexico, S.A. de C.V.	Mexico
OBTECH Medical Sarl	Switzerland
OGX Beauty Limited	United Kingdom
OMJ Holding GmbH	Switzerland
Omrix Biopharmaceuticals Ltd.	Israel
Omrix Biopharmaceuticals NV	Belgium
Orthospin Ltd.	Israel
Orthotaxy	France
Pharmadirect Ltd.	Canada
Pharmedica Laboratories (Proprietary) Limited	South Africa
Productos de Cuidado Personal y de La Salud de Bolivia S.R.L.	Bolivia
Proleader S.A.	Uruguay

PT Integrated Healthcare Indonesia	Indonesia
PT Johnson & Johnson Indonesia	Indonesia
PT Johnson and Johnson Indonesia Two	Indonesia
RespiVert Ltd.	United Kingdom
Review Manager Test Entity 2	France
Serhum S.A. de C.V.	Mexico
Shanghai Elsker Mother & Baby Co., Ltd	China
Shanghai Johnson & Johnson Ltd.	China
Shanghai Johnson & Johnson Pharmaceuticals Ltd.	China
Sodiac ESV	Belgium
Spectrum Vision Limited Liability Company	Russian Federation
Spectrum Vision Limited Liability Company	Ukraine
Spectrum Vision Limited Liability Partnership	Kazakhstan
Surgical Process Institute Deutschland GmbH	Germany
Synthes Costa Rica S.C.R., Limitada	Costa Rica
SYNTHES GmbH	Germany
Synthes GmbH	Switzerland
Synthes Holding AG	Switzerland
Synthes Holding Limited	United Arab Emirates
SYNTHES Medical Immobilien GmbH	Germany
Synthes Medical Surgical Equipment & Instruments Trading LLC	United Arab Emirates
Synthes Produktions GmbH	Switzerland
Synthes Proprietary Limited	South Africa
Synthes S.M.P., S. de R.L. de C.V.	Mexico
Synthes Tuttlingen GmbH	Germany
UAB "Johnson & Johnson"	Lithuania
Vania Expansion	France
Vision Care Finance Unlimited Company	Ireland
Xian Janssen Pharmaceutical Ltd.	China
XO1 Limited	United Kingdom

EXHIBIT H

One Washington Memorandum of Understanding between the Washington Municipalities

ONE WASHINGTON MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON MUNICIPALITIES

Whereas, the people of the State of Washington and its communities have been harmed by entities within the Pharmaceutical Supply Chain who manufacture, distribute, and dispense prescription opioids;

Whereas, certain Local Governments, through their elected representatives and counsel, are engaged in litigation seeking to hold these entities within the Pharmaceutical Supply Chain of prescription opioids accountable for the damage they have caused to the Local Governments;

Whereas, Local Governments and elected officials share a common desire to abate and alleviate the impacts of harms caused by these entities within the Pharmaceutical Supply Chain throughout the State of Washington, and strive to ensure that principals of equity and equitable service delivery are factors considered in the allocation and use of Opioid Funds; and

Whereas, certain Local Governments engaged in litigation and the other cities and counties in Washington desire to agree on a form of allocation for Opioid Funds they receive from entities within the Pharmaceutical Supply Chain.

Now therefore, the Local Governments enter into this Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of Settlements described.

A. Definitions

As used in this MOU:

1. "Allocation Regions" are the same geographic areas as the existing nine (9) Washington State Accountable Community of Health (ACH) Regions and have the purpose described in Section C below.

2. "Approved Purpose(s)" shall mean the strategies specified and set forth in the Opioid Abatement Strategies attached as Exhibit A.

3. "Effective Date" shall mean the date on which a court of competent jurisdiction enters the first Settlement by order or consent decree. The Parties anticipate that more than one Settlement will be administered according to the terms of this MOU, but that the first entered Settlement will trigger allocation of Opioid Funds in accordance with Section B herein, and the formation of the Opioid Abatement Councils in Section C.

4. "Litigating Local Government(s)" shall mean Local Governments that filed suit against any Pharmaceutical Supply Chain Participant pertaining to the Opioid epidemic prior to September 1, 2020.

5. “Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State of Washington.

6. “National Settlement Agreements” means the national opioid settlement agreements dated July 21, 2021 involving Johnson & Johnson, and distributors AmerisourceBergen, Cardinal Health and McKesson as well as their subsidiaries, affiliates, officers, and directors named in the National Settlement Agreements, including all amendments thereto.

7. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.

8. “Opioid Abatement Council” shall have the meaning described in Section C below.

9. “Participating Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State that have chosen to sign on to this MOU. The Participating Local Governments may be referred to separately in this MOU as “Participating Counties” and “Participating Cities and Towns” (or “Participating Cities or Towns,” as appropriate) or “Parties.”

10. “Pharmaceutical Supply Chain” shall mean the process and channels through which controlled substances are manufactured, marketed, promoted, distributed, and/or dispensed, including prescription opioids.

11. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, and/or dispensing of a prescription opioid, including any entity that has assisted in any of the above.

12. “Qualified Settlement Fund Account,” or “QSF Account,” shall mean an account set up as a qualified settlement fund, 468b fund, as authorized by Treasury Regulations 1.468B-1(c) (26 CFR §1.468B-1).

13. “Regional Agreements” shall mean the understanding reached by the Participating Local Counties and Cities within an Allocation Region governing the allocation, management, distribution of Opioid Funds within that Allocation Region.

14. “Settlement” shall mean the future negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the Participating Local Governments. “Settlement” expressly does not include a plan of reorganization confirmed under Title 11of the United States Code, irrespective of the extent to which Participating Local Governments vote in favor of or otherwise support such plan of reorganization.

15. "Trustee" shall mean an independent trustee who shall be responsible for the ministerial task of releasing Opioid Funds from a QSF account to Participating Local Governments as authorized herein and accounting for all payments into or out of the trust.

16. The "Washington State Accountable Communities of Health" or "ACH" shall mean the nine (9) regions described in Section C below.

B. Allocation of Settlement Proceeds for Approved Purposes

1. All Opioid Funds shall be held in a QSF and distributed by the Trustee, for the benefit of the Participating Local Governments, only in a manner consistent with this MOU. Distribution of Opioid Funds will be subject to the mechanisms for auditing and reporting set forth below to provide public accountability and transparency.

2. All Opioid Funds, regardless of allocation, shall be utilized pursuant to Approved Purposes as defined herein and set forth in Exhibit A. Compliance with this requirement shall be verified through reporting, as set out in this MOU.

3. The division of Opioid Funds shall first be allocated to Participating Counties based on the methodology utilized for the Negotiation Class in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP. The allocation model uses three equally weighted factors: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. The allocation percentages that result from application of this methodology are set forth in the "County Total" line item in Exhibit B. In the event any county does not participate in this MOU, that county's percentage share shall be reallocated proportionally amongst the Participating Counties by applying this same methodology to only the Participating Counties.

4. Allocation and distribution of Opioid Funds within each Participating County will be based on regional agreements as described in Section C.

C. Regional Agreements

1. For the purpose of this MOU, the regional structure for decision-making related to opioid fund allocation will be based upon the nine (9) pre-defined Washington State Accountable Community of Health Regions (Allocation Regions). Reference to these pre-defined regions is solely for the purpose of

drawing geographic boundaries to facilitate regional agreements for use of Opioid Funds. The Allocation Regions are as follows:

- King County (Single County Region)
- Pierce County (Single County Region)
- Olympic Community of Health Region (Clallam, Jefferson, and Kitsap Counties)
- Cascade Pacific Action Alliance Region (Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Thurston, and Wahkiakum Counties)
- North Sound Region (Island, San Juan, Skagit, Snohomish, and Whatcom Counties)
- SouthWest Region (Clark, Klickitat, and Skamania Counties)
- Greater Columbia Region (Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, Whitman, and Yakima Counties)
- Spokane Region (Adams, Ferry, Lincoln, Pend Oreille, Spokane, and Stevens Counties)
- North Central Region (Chelan, Douglas, Grant, and Okanogan Counties)

2. Opioid Funds will be allocated, distributed and managed within each Allocation Region, as determined by its Regional Agreement as set forth below. If an Allocation Region does not have a Regional Agreement enumerated in this MOU, and does not subsequently adopt a Regional Agreement per Section C.5, the default mechanism for allocation, distribution and management of Opioid Funds described in Section C.4.a will apply. Each Allocation Region must have an OAC whose composition and responsibilities shall be defined by Regional Agreement or as set forth in Section C.4.

3. King County's Regional Agreement is reflected in Exhibit C to this MOU.

4. All other Allocation Regions that have not specified a Regional Agreement for allocating, distributing and managing Opioid Funds, will apply the following default methodology:

a. Opioid Funds shall be allocated within each Allocation Region by taking the allocation for a Participating County from Exhibit B and apportioning those funds between that Participating County and its Participating Cities and Towns. Exhibit B also sets forth the allocation to the Participating Counties and the Participating Cities or Towns within the Counties based on a default allocation formula. As set forth above in Section B.3, to determine the allocation to a county, this formula utilizes: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. To determine the allocation within a county, the formula utilizes historical federal data showing how the specific Counties and the Cities and Towns within the Counties have

made opioids epidemic-related expenditures in the past. This is the same methodology used in the National Settlement Agreements for county and intra-county allocations. A Participating County, and the Cities and Towns within it may enter into a separate intra-county allocation agreement to modify how the Opioid Funds are allocated amongst themselves, provided the modification is in writing and agreed to by all Participating Local Governments in the County. Such an agreement shall not modify any of the other terms or requirements of this MOU.

b. 10% of the Opioid Funds received by the Region will be reserved, on an annual basis, for administrative costs related to the OAC. The OAC will provide an annual accounting for actual costs and any reserved funds that exceed actual costs will be reallocated to Participating Local Governments within the Region.

c. Cities and towns with a population of less than 10,000 shall be excluded from the allocation, with the exception of cities and towns that are Litigating Participating Local Governments. The portion of the Opioid Funds that would have been allocated to a city or town with a population of less than 10,000 that is not a Litigating Participating Local Government shall be redistributed to Participating Counties in the manner directed in C.4.a above.

d. Each Participating County, City, or Town may elect to have its share re-allocated to the OAC in which it is located. The OAC will then utilize this share for the benefit of Participating Local Governments within that Allocation Region, consistent with the Approved Purposes set forth in Exhibit A. A Participating Local Government's election to forego its allocation of Opioid Funds shall apply to all future allocations unless the Participating Local Government notifies its respective OAC otherwise. If a Participating Local Government elects to forego its allocation of the Opioid Funds, the Participating Local Government shall be excused from the reporting requirements set forth in this Agreement.

e. Participating Local Governments that receive a direct payment maintain full discretion over the use and distribution of their allocation of Opioid Funds, provided the Opioid Funds are used solely for Approved Purposes. Reasonable administrative costs for a Participating Local Government to administer its allocation of Opioid Funds shall not exceed actual costs or 10% of the Participating Local Government's allocation of Opioid Funds, whichever is less.

f. A Local Government that chooses not to become a Participating Local Government will not receive a direct allocation of Opioid Funds. The portion of the Opioid Funds that would have been allocated to a Local Government that is not a Participating Local Government shall be

redistributed to Participating Counties in the manner directed in C.4.a above.

g. As a condition of receiving a direct payment, each Participating Local Government that receives a direct payment agrees to undertake the following actions:

i. Developing a methodology for obtaining proposals for use of Opioid Funds.

ii. Ensuring there is opportunity for community-based input on priorities for Opioid Fund programs and services.

iii. Receiving and reviewing proposals for use of Opioid Funds for Approved Purposes.

iv. Approving or denying proposals for use of Opioid Funds for Approved Purposes.

v. Receiving funds from the Trustee for approved proposals and distributing the Opioid Funds to the recipient.

vi. Reporting to the OAC and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures.

h. Prior to any distribution of Opioid Funds within the Allocation Region, The Participating Local Governments must establish an Opioid Abatement Council (OAC) to oversee Opioid Fund allocation, distribution, expenditures and dispute resolution. The OAC may be a preexisting regional body or may be a new body created for purposes of executing the obligations of this MOU.

i. The OAC for each Allocation Region shall be composed of representation from both Participating Counties and Participating Towns or Cities within the Region. The method of selecting members, and the terms for which they will serve will be determined by the Allocation Region's Participating Local Governments. All persons who serve on the OAC must have work or educational experience pertaining to one or more Approved Uses.

j. The Regional OAC will be responsible for the following actions:

i. Overseeing distribution of Opioid Funds from Participating Local Governments to programs and services within the Allocation Region for Approved Purposes.

ii. Annual review of expenditure reports from Participating Local Jurisdictions within the Allocation Region for compliance with Approved Purposes and the terms of this MOU and any Settlement.

iii. In the case where Participating Local Governments chose to forego their allocation of Opioid Funds:

(i) Approving or denying proposals by Participating Local Governments or community groups to the OAC for use of Opioid Funds within the Allocation Region.
(ii) Directing the Trustee to distribute Opioid Funds for use by Participating Local Governments or community groups whose proposals are approved by the OAC.
(iii) Administrating and maintaining records of all OAC decisions and distributions of Opioid Funds.

iv. Reporting and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures by the OAC or directly by Participating Local Governments.

v. Developing and maintaining a centralized public dashboard or other repository for the publication of expenditure data from any Participating Local Government that receives Opioid Funds, and for expenditures by the OAC in that Allocation Region, which it shall update at least annually.

vi. If necessary, requiring and collecting additional outcome-related data from Participating Local Governments to evaluate the use of Opioid Funds, and all Participating Local Governments shall comply with such requirements.

vii. Hearing complaints by Participating Local Governments within the Allocation Region regarding alleged failure to (1) use Opioid Funds for Approved Purposes or (2) comply with reporting requirements.

5. Participating Local Governments may agree and elect to share, pool, or collaborate with their respective allocation of Opioid Funds in any manner they choose by adopting a Regional Agreement, so long as such sharing, pooling, or collaboration is used for Approved Purposes and complies with the terms of this MOU and any Settlement.

6. Nothing in this MOU should alter or change any Participating Local Government's rights to pursue its own claim. Rather, the intent of this MOU is to join all parties who wish to be Participating Local Governments to agree upon an allocation formula for any Opioid Funds from any future binding Settlement with one or more Pharmaceutical Supply Chain Participants for all Local Governments in the State of Washington.

7. If any Participating Local Government disputes the amount it receives from its allocation of Opioid Funds, the Participating Local Government shall alert its respective OAC within sixty (60) days of discovering the information underlying the dispute. Failure to alert its OAC within this time frame shall not constitute a waiver of the Participating Local Government's right to seek recoupment of any deficiency in its allocation of Opioid Funds.

8. If any OAC concludes that a Participating Local Government's expenditure of its allocation of Opioid Funds did not comply with the Approved Purposes listed in Exhibit A, or the terms of this MOU, or that the Participating Local Government otherwise misused its allocation of Opioid Funds, the OAC may take remedial action against the alleged offending Participating Local Government. Such remedial action is left to the discretion of the OAC and may include withholding future Opioid Funds owed to the offending Participating Local Government or requiring the offending Participating Local Government to reimburse improperly expended Opioid Funds back to the OAC to be re-allocated to the remaining Participating Local Governments within that Region.

9. All Participating Local Governments and OAC shall maintain all records related to the receipt and expenditure of Opioid Funds for no less than five (5) years and shall make such records available for review by any other Participating Local Government or OAC, or the public. Records requested by the public shall be produced in accordance with Washington's Public Records Act RCW 42.56.001 *et seq*. Records requested by another Participating Local Government or an OAC shall be produced within twenty-one (21) days of the date the record request was received. This requirement does not supplant any Participating Local Government or OAC's obligations under Washington's Public Records Act RCW 42.56.001 *et seq*.

D. Payment of Counsel and Litigation Expenses

1. The Litigating Local Governments have incurred attorneys' fees and litigation expenses relating to their prosecution of claims against the Pharmaceutical Supply Chain Participants, and this prosecution has inured to the benefit of all Participating Local Governments. Accordingly, a Washington

Government Fee Fund ("GFF") shall be established that ensures that all Parties that receive Opioid Funds contribute to the payment of fees and expenses incurred to prosecute the claims against the Pharmaceutical Supply Chain Participants, regardless of whether they are litigating or non-litigating entities.

2. The amount of the GFF shall be based as follows: the funds to be deposited in the GFF shall be equal to 15% of the total cash value of the Opioid Funds.

3. The maximum percentage of any contingency fee agreement permitted for compensation shall be 15% of the portion of the Opioid Funds allocated to the Litigating Local Government that is a party to the contingency fee agreement, plus expenses attributable to that Litigating Local Government. Under no circumstances may counsel collect more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government.

4. Payments from the GFF shall be overseen by a committee (the "Opioid Fee and Expense Committee") consisting of one representative of the following law firms: (a) Keller Rohrback L.LP.; (b) Hagens Berman Sobol Shapiro LLP; (c) Goldfarb & Huck Roth Riojas, PLLC; and (d) Napoli Shkolnik PLLC. The role of the Opioid Fee and Expense Committee shall be limited to ensuring that the GFF is administered in accordance with this Section.

5. In the event that settling Pharmaceutical Supply Chain Participants do not pay the fees and expenses of the Participating Local Governments directly at the time settlement is achieved, payments to counsel for Participating Local Governments shall be made from the GFF over not more than three years, with 50% paid within 12 months of the date of Settlement and 25% paid in each subsequent year, or at the time the total Settlement amount is paid to the Trustee by the Defendants, whichever is sooner.

6. Any funds remaining in the GFF in excess of: (i) the amounts needed to cover Litigating Local Governments' private counsel's representation agreements, and (ii) the amounts needed to cover the common benefit tax discussed in Section C.8 below (if not paid directly by the Defendants in connection with future settlement(s), shall revert to the Participating Local Governments *pro rata* according to the percentages set forth in Exhibits B, to be used for Approved Purposes as set forth herein and in Exhibit A.

7. In the event that funds in the GFF are not sufficient to pay all fees and expenses owed under this Section, payments to counsel for all Litigating Local Governments shall be reduced on a *pro rata* basis. The Litigating Local Governments will not be responsible for any of these reduced amounts.

8. The Parties anticipate that any Opioid Funds they receive will be subject to a common benefit "tax" imposed by the court in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP ("Common Benefit Tax"). If this occurs, the Participating Local Governments shall first seek to have the settling defendants pay the Common Benefit Tax. If the settling defendants do not agree to pay the Common Benefit Tax, then the Common Benefit Tax shall be paid from the Opioid Funds and by both litigating and non-litigating Local Governments. This payment shall occur prior to allocation and distribution of funds to the Participating Local Governments. In the event that GFF is not fully exhausted to pay the Litigating Local Governments' private counsel's representation agreements, excess funds in the GFF shall be applied to pay the Common Benefit Tax (if any).

E. General Terms

1. If any Participating Local Government believes another Participating Local Government, not including the Regional Abatement Advisory Councils, violated the terms of this MOU, the alleging Participating Local Government may seek to enforce the terms of this MOU in the court in which any applicable Settlement(s) was entered, provided the alleging Participating Local Government first provides the alleged offending Participating Local Government notice of the alleged violation(s) and a reasonable opportunity to cure the alleged violation(s). In such an enforcement action, any alleging Participating Local Government or alleged offending Participating Local Government may be represented by their respective public entity in accordance with Washington law.

2. Nothing in this MOU shall be interpreted to waive the right of any Participating Local Government to seek judicial relief for conduct occurring outside the scope of this MOU that violates any Washington law. In such an action, the alleged offending Participating Local Government, including the Regional Abatement Advisory Councils, may be represented by their respective public entities in accordance with Washington law. In the event of a conflict, any Participating Local Government, including the Regional Abatement Advisory Councils and its Members, may seek outside representation to defend itself against such an action.

3. Venue for any legal action related to this MOU shall be in the court in which the Participating Local Government is located or in accordance with the court rules on venue in that jurisdiction. This provision is not intended to expand the court rules on venue.

4. This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Participating Local Governments approve the use of electronic signatures for execution of this MOU. All use of electronic signatures

shall be governed by the Uniform Electronic Transactions Act. The Parties agree not to deny the legal effect or enforceability of the MOU solely because it is in electronic form or because an electronic record was used in its formation. The Participating Local Government agree not to object to the admissibility of the MOU in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the grounds that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

5. Each Participating Local Government represents that all procedures necessary to authorize such Participating Local Government's execution of this MOU have been performed and that the person signing for such Party has been authorized to execute the MOU.

[Remainder of Page Intentionally Left Blank – Signature Pages Follow]

This One Washington Memorandum of Understanding Between Washington Municipalities is signed this _____ day of _____, 2022 by:

_____

Name & Title _____

On behalf of _____

4894-0031-1574, v. 2

EXHIBIT A

O P I O I D A B A T E M E N T S T R A T E G I E S

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.

2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to:

   a. Medication-Assisted Treatment (MAT);

   b. Abstinence-based treatment;

   c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;

   d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions, co-usage, and/or co-addiction; or

   e. Evidence-informed residential services programs, as noted below.

3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.

4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed, or promising practices such as adequate methadone dosing.

5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction and for persons who have experienced an opioid overdose.

6. Support treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose

or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including medical detox, referral to treatment, or connections to other services or supports.

8. Support training on MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.

9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

10. Provide fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.

11. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

12. Support the dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

13. Support the development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, and connections to community-based services.

2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.

4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

6. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

7. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.

8. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.

9. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.

10. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have – or are at risk of developing – OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.

2. Support Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.

5. Support training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.

6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.

7. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or persons that have experienced an opioid overdose.

8. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced an opioid overdose.

10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced on opioid overdose.

11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.

12. Develop and support best practices on addressing OUD in the workplace.

13. Support assistance programs for health care providers with OUD.

14. Engage non-profits and the faith community as a system to support outreach for treatment.

15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

17. Develop or support a National Treatment Availability Clearinghouse – a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or post-arrest diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including established strategies such as:

    a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);

    b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;

    c. "Naloxone Plus" strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;

    d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;

    e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative;

    f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses; or

    g. County prosecution diversion programs, including diversion officer salary, only for counties with a population of 50,000 or less. Any diversion services in matters involving opioids must include drug testing, monitoring, or treatment.

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to evidence-informed treatment, including MAT, and related services.

3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, but only if these courts provide referrals to evidence-informed treatment, including MAT.

4. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are incarcerated in jail or prison.

5. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.

7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.

2. Provide training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.

4. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

5. Offer enhanced family supports and home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to parent skills training.

6. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.

2. Academic counter-detailing to educate prescribers on appropriate opioid prescribing.

3. Continuing Medical Education (CME) on appropriate prescribing of opioids.

4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.

5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:

    a. Increase the number of prescribers using PDMPs;

    b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs or by improving the interface that prescribers use to access PDMP data, or both; or

    c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.

6. Development and implementation of a national PDMP – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:

    a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.

b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database.

7. Increase electronic prescribing to prevent diversion or forgery.

8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Corrective advertising or affirmative public education campaigns based on evidence.

2. Public education relating to drug disposal.

3. Drug take-back disposal or destruction programs.

4. Fund community anti-drug coalitions that engage in drug prevention efforts.

5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

6. Engage non-profits and faith-based communities as systems to support prevention.

7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to

address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, opioid users, families and friends of opioid users, schools, community navigators and outreach workers, drug offenders upon release from jail/prison, or other members of the general public.

2. Provision by public health entities of free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.

4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.

5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.

6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.

8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.

9. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.

10. Support mobile units that offer or provide referrals to treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

11. Provide training in treatment and recovery strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

12. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

1. Current and future law enforcement expenditures relating to the opioid epidemic.

2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Community regional planning to identify goals for reducing harms related to the opioid epidemic, to identify areas and populations with the greatest needs for treatment intervention services, or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.

3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to in various items above, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.

2. Invest in infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or implement other

strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.

2. Research non-opioid treatment of chronic pain.

3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.

5. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).

6. Research on expanded modalities such as prescription methadone that can expand access to MAT.

EXHIBIT B

County	Local Government	% Allocation
Adams County		
	Adams County	0.1638732475%
	Hatton	
	Lind	
	Othello	
	Ritzville	
	Washtucna	
	County Total:	0.1638732475%
Asotin County		
	Asotin County	0.4694498386%
	Asotin	
	Clarkston	
	County Total:	0.4694498386%
Benton County		
	Benton County	1.4848831892%
	Benton City	
	Kennewick	0.5415650564%
	Prosser	
	Richland	0.4756779517%
	West Richland	0.0459360490%
	County Total:	2.5480622463%
Chelan County		
	Chelan County	0.7434914485%
	Cashmere	
	Chelan	
	Entiat	
	Leavenworth	
	Wenatchee	0.2968333494%
	County Total:	1.0403247979%
Clallam County		
	Clallam County	1.3076983401%
	Forks	
	Port Angeles	0.4598370527%
	Sequim	
	County Total:	1.7675353928%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Clark County		
	Clark County	4.5149775326%
	Battle Ground	0.1384729857%
	Camas	0.2691592724%
	La Center	
	Ridgefield	
	Vancouver	1.7306605325%
	Washougal	0.1279328220%
	Woodland***	
	Yacolt	
	County Total:	6.7812031452%
Columbia County		
	Columbia County	0.0561699537%
	Dayton	
	Starbuck	
	County Total:	0.0561699537%
Cowlitz County		
	Cowlitz County	1.7226945990%
	Castle Rock	
	Kalama	
	Kelso	0.1331145270%
	Longview	0.6162736905%
	Woodland***	
	County Total:	2.4720828165%
Douglas County		
	Douglas County	0.3932175175%
	Bridgeport	
	Coulee Dam***	
	East Wenatchee	0.0799810865%
	Mansfield	
	Rock Island	
	Waterville	
	County Total:	0.4731986040%
Ferry County		
	Ferry County	0.1153487994%
	Republic	
	County Total:	0.1153487994%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Franklin County		
	Franklin County	0.3361237144%
	Connell	
	Kahlotus	
	Mesa	
	Pasco	0.4278056066%
	County Total:	0.7639293210%
Garfield County		
	Garfield County	0.0321982209%
	Pomeroy	
	County Total:	0.0321982209%
Grant County		
	Grant County	0.9932572167%
	Coulee City	
	Coulee Dam***	
	Electric City	
	Ephrata	
	George	
	Grand Coulee	
	Hartline	
	Krupp	
	Mattawa	
	Moses Lake	0.2078293909%
	Quincy	
	Royal City	
	Soap Lake	
	Warden	
	Wilson Creek	
	County Total:	1.2010866076%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Grays Harbor County		
	Grays Harbor County	0.9992429138%
	Aberdeen	0.2491525333%
	Cosmopolis	
	Elma	
	Hoquiam	
	McCleary	
	Montesano	
	Oakville	
	Ocean Shores	
	Westport	
	County Total:	1.2483954471%
Island County		
	Island County	0.6820422610%
	Coupeville	
	Langley	
	Oak Harbor	0.2511550431%
	County Total:	0.9331973041%
Jefferson County		
	Jefferson County	0.4417137380%
	Port Townsend	
	County Total:	0.4417137380%

EXHIBIT B

County	Local Government	% Allocation
King County		
	King County	13.9743722662%
	Algona	
	Auburn***	0.2622774917%
	Beaux Arts Village	
	Bellevue	1.1300592573%
	Black Diamond	
	Bothell***	0.1821602716%
	Burien	0.0270962921%
	Carnation	
	Clyde Hill	
	Covington	0.0118134406%
	Des Moines	0.1179764526%
	Duvall	
	Enumclaw***	0.0537768326%
	Federal Way	0.3061452240%
	Hunts Point	
	Issaquah	0.1876240107%
	Kenmore	0.0204441024%
	Kent	0.5377397676%
	Kirkland	0.5453525246%
	Lake Forest Park	0.0525439124%
	Maple Valley	0.0093761587%
	Medina	
	Mercer Island	0.1751797481%
	Milton***	
	Newcastle	0.0033117880%
	Normandy Park	
	North Bend	
	Pacific***	
	Redmond	0.4839486007%
	Renton	0.7652626920%
	Sammamish	0.0224369090%
	SeaTac	0.1481551278%
	Seattle	6.6032403816%
	Shoreline	0.0435834501%
	Skykomish	
	Snoqualmie	0.0649164481%
	Tukwila	0.3032205739%
	Woodinville	0.0185516364%
	Yarrow Point	
	County Total:	26.0505653608%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Kitsap County		
	Kitsap County	2.6294133668%
	Bainbridge Island	0.1364686014%
	Bremerton	0.6193374389%
	Port Orchard	0.1009497162%
	Poulsbo	0.0773748246%
	County Total:	3.5635439479%
Kittitas County		
	Kittitas County	0.3855704683%
	Cle Elum	
	Ellensburg	0.0955824915%
	Kittitas	
	Roslyn	
	South Cle Elum	
	County Total:	0.4811529598%
Klickitat County		
	Klickitat County	0.2211673457%
	Bingen	
	Goldendale	
	White Salmon	
	County Total:	0.2211673457%
Lewis County		
	Lewis County	1.0777377479%
	Centralia	0.1909990353%
	Chehalis	
	Morton	
	Mossyrock	
	Napavine	
	Pe Ell	
	Toledo	
	Vader	
	Winlock	
	County Total:	1.2687367832%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Lincoln County		
	Lincoln County	0.1712669645%
	Almira	
	Creston	
	Davenport	
	Harrington	
	Odessa	
	Reardan	
	Sprague	
	Wilbur	
	County Total:	0.1712669645%
Mason County		
	Mason County	0.8089918012%
	Shelton	0.1239179888%
	County Total:	0.9329097900%
Okanogan County		
	Okanogan County	0.6145043345%
	Brewster	
	Conconully	
	Coulee Dam***	
	Elmer City	
	Nespelem	
	Okanogan	
	Omak	
	Oroville	
	Pateros	
	Riverside	
	Tonasket	
	Twisp	
	Winthrop	
	County Total:	0.6145043345%
Pacific County		
	Pacific County	0.4895416466%
	Ilwaco	
	Long Beach	
	Raymond	
	South Bend	
	County Total:	0.4895416466%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Pend Oreille County		
	Pend Oreille County	0.2566374940%
	Cusick	
	Ione	
	Metaline	
	Metaline Falls	
	Newport	
	County Total:	0.2566374940%
Pierce County		
	Pierce County	7.2310164020%
	Auburn***	0.0628522112%
	Bonney Lake	0.1190773864%
	Buckley	
	Carbonado	
	DuPont	
	Eatonville	
	Edgewood	0.0048016791%
	Enumclaw***	0.0000000000%
	Fife	0.1955185481%
	Fircrest	
	Gig Harbor	0.0859963345%
	Lakewood	0.5253640894%
	Milton***	
	Orting	
	Pacific***	
	Puyallup	0.3845704814%
	Roy	
	Ruston	
	South Prairie	
	Steilacoom	
	Sumner	0.1083157569%
	Tacoma	3.2816374617%
	University Place	0.0353733363%
	Wilkeson	
	County Total:	12.0345236870%
San Juan County		
	San Juan County	0.2101495171%
	Friday Harbor	
	County Total:	0.2101495171%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Skagit County		
	Skagit County	1.0526023961%
	Anacortes	0.1774962906%
	Burlington	0.1146861661%
	Concrete	
	Hamilton	
	La Conner	
	Lyman	
	Mount Vernon	0.2801063665%
	Sedro-Woolley	0.0661146351%
	County Total:	1.6910058544%
Skamania County		
	Skamania County	0.1631931925%
	North Bonneville	
	Stevenson	
	County Total:	0.1631931925%
Snohomish County		
	Snohomish County	6.9054415622%
	Arlington	0.2620524080%
	Bothell***	0.2654558588%
	Brier	
	Darrington	
	Edmonds	0.3058936009%
	Everett	1.9258363241%
	Gold Bar	
	Granite Falls	
	Index	
	Lake Stevens	0.1385202891%
	Lynnwood	0.7704629214%
	Marysville	0.3945067827%
	Mill Creek	0.1227939546%
	Monroe	0.1771621898%
	Mountlake Terrace	0.2108935805%
	Mukilteo	0.2561790702%
	Snohomish	0.0861097964%
	Stanwood	
	Sultan	
	Woodway	
	County Total:	11.8213083387%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Spokane County		
	Spokane County	5.5623859292%
	Airway Heights	
	Cheney	0.1238454349%
	Deer Park	
	Fairfield	
	Latah	
	Liberty Lake	0.0389636519%
	Medical Lake	
	Millwood	
	Rockford	
	Spangle	
	Spokane	3.0872078287%
	Spokane Valley	0.0684217500%
	Waverly	
	County Total:	8.8808245947%
Stevens County		
	Stevens County	0.7479240179%
	Chewelah	
	Colville	
	Kettle Falls	
	Marcus	
	Northport	
	Springdale	
	County Total:	0.7479240179%
Thurston County		
	Thurston County	2.3258492094%
	Bucoda	
	Lacey	0.2348627221%
	Olympia	0.6039423385%
	Rainier	
	Tenino	
	Tumwater	0.2065982350%
	Yelm	
	County Total:	3.3712525050%
Wahkiakum County		
	Wahkiakum County	0.0596582197%
	Cathlamet	
	County Total:	0.0596582197%

*** - Local Government appears in multiple counties B-10

EXHIBIT B

County	Local Government	% Allocation
Walla Walla County		
	Walla Walla County	0.5543870294%
	College Place	
	Prescott	
	Waitsburg	
	Walla Walla	0.3140768654%
	County Total:	0.8684638948%
Whatcom County		
	Whatcom County	1.3452637306%
	Bellingham	0.8978614577%
	Blaine	
	Everson	
	Ferndale	0.0646101891%
	Lynden	0.0827115612%
	Nooksack	
	Sumas	
	County Total:	2.3904469386%
Whitman County		
	Whitman County	0.2626805837%
	Albion	
	Colfax	
	Colton	
	Endicott	
	Farmington	
	Garfield	
	LaCrosse	
	Lamont	
	Malden	
	Oakesdale	
	Palouse	
	Pullman	0.2214837491%
	Rosalia	
	St. John	
	Tekoa	
	Uniontown	
	County Total:	0.4841643328%

*** - Local Government appears in multiple counties B-11

EXHIBIT B

County	Local Government	% Allocation
Yakima County		
	Yakima County	1.9388392959%
	Grandview	0.0530606109%
	Granger	
	Harrah	
	Mabton	
	Moxee	
	Naches	
	Selah	
	Sunnyside	0.1213478384%
	Tieton	
	Toppenish	
	Union Gap	
	Wapato	
	Yakima	0.6060410539%
	Zillah	
	County Total:	2.7192887991%

*** - Local Government appears in multiple counties B-12

Exhibit C

KING COUNTY REGIONAL AGREEMENT

King County intends to explore coordination with its cities and towns to facilitate a Regional Agreement for Opioid Fund allocation. Should some cities and towns choose not to participate in a Regional Agreement, this shall not preclude coordinated allocation for programs and services between the County and those cities and towns who elect to pursue a Regional Agreement. As contemplated in C.5 of the MOU, any Regional Agreement shall comply with the terms of the MOU and any Settlement. If no Regional Agreement is achieved, the default methodology for allocation in C.4 of the MOU shall apply.

EXHIBIT I

Settlement Fund Administrator Terms

I. Definitions

A. This Settlement Fund Administrator Terms incorporates all defined terms in the Janssen Washington State-Wide Opioid Settlement Agreement ("Janssen Settlement Agreement"), unless otherwise defined herein, and shall be interpreted in a manner consistent with the Janssen Settlement Agreement.

II. Establishment of the Settlement Fund Administrator

A. *Selection of the Settlement Fund Administrator.*

i. Subject to the removal provisions under Section II.C below, BrownGreer PLC is hereby selected as the Settlement Fund Administrator.

ii. Within thirty (30) calendar days of the Effective Date of the Janssen Settlement Agreement, unless such time is extended by written agreement of Janssen and the State, a contract shall be negotiated and finalized with BrownGreer PLC.

iii. The terms of the Settlement Fund Administrator shall be for the duration of the Janssen Settlement Agreement or as otherwise specified in the contract executed with such entity, unless the Settlement Fund Administrator is removed pursuant to Section II.C below.

B. *Governance of the Settlement Fund Administrator.*

i. The Settlement Fund Administrator will act as an independent and neutral third party to determine the allocation of payments under Section VI.C of the Janssen Settlement Agreement; administer and disburse funds from the Settlement Fund; and perform other duties as described below and in the Janssen Settlement Agreement.

ii. All parties to the Janssen Settlement Agreement are entitled to rely upon information received from the Settlement Fund Administrator, whether in oral, written, or other form. No Party to the Janssen Settlement Agreement shall have any liability (whether direct or indirect, in contract or tort or otherwise) to any party for or in connection with any action taken or not taken by the Settlement Fund Administrator. In addition, no Party to the Janssen Settlement Agreement shall have any liability (whether direct or indirect, in contract or tort or otherwise) to any party for or in connection with any action taken or not taken by Janssen based on incorrect, inaccurate, incomplete or otherwise erroneous information or data provided by the Settlement Fund Administrator. For the avoidance of doubt, nothing in this paragraph alters Sections I to XI of the Janssen Settlement Agreement or any of the exhibits thereto.

C. *Removal of the Settlement Fund Administrator*.

i. The Settlement Fund Administrator may be removed for cause. The contract with each entity shall describe the standards for removing that entity for cause.

ii. Disputes regarding the performance and/or removal of the Settlement Fund Administrator will be resolved in accordance with Section X of the Janssen Settlement Agreement.

D. *Funding of the Settlement Fund Administrator*.

i. The costs and fees associated with or arising out of the duties of the Settlement Fund Administrator shall be paid from the interest accrued on the LG Share portion of the funds in the Settlement Fund between the date of Janssen's payment and the date of disbursement to the Subdivisions. Should such interest prove insufficient, the remaining costs and fees of the Settlement Fund Administrator shall be paid by Janssen. Payments will be made to the Settlement Fund Administrator within thirty (30) days after the initial disbursements to the State and the Subdivisions are completed, and if applicable, thirty (30) days after any holdback disbursement under Section V.D of the Janssen Settlement Agreement.

ii. There will be a cap on the costs and fees of the Settlement Fund Administrator, which shall be dependent on the scope of services, the number and timing of distributions from the Settlement Fund, and the Settlement Fund Administrator's reporting requirements. The cap on fees and costs shall be specified in the contract executed with the Settlement Fund Administrator.

III. Calculation and Allocation of Payments

A. *General Principles.*

i. This Section III is intended to implement the relevant provisions of Sections VI and IX.B of the Janssen Settlement Agreement, the exhibits thereto, and the One Washington Memorandum of Understanding Between Washington Municipalities (the "*One Washington MOU*"). To the extent this Section III conflicts with the Janssen Settlement Agreement and/or the exhibits thereto, the Janssen Settlement Agreement shall control.

ii. The Settlement Fund Administrator is entitled to rely upon information received from the Parties to the Janssen Settlement Agreement, whether in oral, written, or other form, for the purpose for which it was submitted, provided that such information is not disputed by another Party.

B. *Establishment of Settlement Fund.*

i. The Settlement Fund Administrator shall establish a Settlement Fund, as defined in Section II.25 of the Janssen Settlement Agreement and subject to Section IV.B below.

C. *Calculation of Allocations and Disbursement of Amounts from Settlement Fund.*

i. The Settlement Fund Administrator shall be responsible for calculating the allocation of Net Settlement Amount payments under Section VI of the Janssen Settlement Agreement and the One Washington MOU, as well as Participating Litigating Subdivisions' attorneys' fees and costs under Section IX.B of the Janssen Settlement Agreement and the One Washington MOU.

ii. If the Janssen Settlement Agreement becomes effective and Janssen pays the Net Settlement Amount into the Settlement Fund pursuant to Sections V.B and V.C of the Janssen Settlement Agreement (subject to any holdback under Section V.D of the Janssen Settlement Agreement), the Settlement Fund Administrator shall:

1. disburse or cause to be disbursed 50% of the Net Settlement Amount to the State, pursuant to Section VI.A.1 of the Janssen Settlement Agreement;

2. deposit 15% of the 50% LG Share of the Net Settlement Amount into a government fee subfund, pursuant to Section D of the One Washington MOU; and

3. allocate and disburse or cause to be disbursed the remainder of the LG Share of the Net Settlement Amount to Participating Subdivisions in accordance with Sections B.3 and B.4 of the One Washington MOU.

iii. The Settlement Fund Administrator, in cooperation with the Opioid Fee and Expense Committee as defined in the One Washington MOU, shall disburse or cause to be disbursed the monies in the government fee subfund according to the procedures set forth in Section D of the One Washington MOU.

iv. If Janssen pays the $6,167,000 holdback amount into the Settlement Fund pursuant to Section V.D of the Janssen Settlement Agreement, the Settlement Fund Administrator shall allocate, deposite, and disburse or cause to be disbursed such holdback payment according to the principles stated in Sections III.C.ii and III.C.iii above.

IV. Reporting Obligations

A. *Reporting of Non-Opioid Remediation Uses.*

i. The Settlement Fund Administrator shall set up a system to receive and preserve reports from the State States and Participating Subdivisions that have used monies from the Settlement Fund for purposes that do not qualify as Opioid Remediation, pursuant to Section VI.D of the Janssen Settlement Agreement. The Settlement Fund Administrator will not require the State and Participating Subdivisions without any such uses of money to submit a report, and the Settlement Fund Administrator may

treat the failure to submit a report as confirmation that the State or Participating Subdivision had no such uses of money.

ii. The State and Participating Subdivisions shall report to the Settlement Fund Administrator and Janssen the amount of funds received from the Settlement Fund used for purposes that do not qualify as Opioid Remediation (pursuant to Section VI.D of the Janssen Settlement Agreement). Such reports to the Settlement Fund Administrator and Janssen shall identify how such funds were used, including if used to pay attorneys' fees, investigation costs, litigation costs, or costs related to the operation and enforcement of the Janssen Settlement Agreement, respectively. Such State or Participating Subdivision shall make such reports to the Settlement Fund Administrator and Janssen with respect to each six-month period ending on June 30 or December 31 of any year in which funds are received from the Settlement Fund. Such State or Participating Subdivision shall make each such report within ninety (90) days of the end of the applicable six-month period.

iii. The Settlement Fund Administrator shall make the reporting under this Section IV.A available to the public.

iv. The Settlement Fund Administrator shall track and assist in the report of the amount of remediation disbursed or applied during each fiscal year, broken down by primary funded strategy category listed in Exhibit J of the Janssen Settlement Agreement (with any permissible common costs prorated among strategies).

v. Upon request by Janssen, the Settlement Fund Administrator shall agree to perform such further acts and to execute and deliver such further documents as may be reasonably necessary for Janssen to establish the statements set forth in Section XI.B of the Janssen Settlement Agreement to the satisfaction of their tax advisors, their independent financial auditors, the Internal Revenue Service, or any other governmental authority, including as contemplated by Treasury Regulations Section 1.162-21(b)(3)(ii) and any subsequently proposed or finalized relevant regulations or administrative guidance. Nothing herein shall be read to conflict with or limit the Parties' obligations under Sections XI.B and XI.C of the Janssen Settlement Agreement.

B. *Qualified Settlement Fund Treatment.*

i. Janssen and the Settlement Fund Administrator shall agree that the Settlement Fund is intended to be classified as a "qualified settlement fund" within the meaning of Treasury regulations Section 1.468B-1, *et seq.* (and corresponding or similar provisions of state, local, or foreign law, as applicable). The Settlement Fund Administrator or any independent certified public accounting firm selected by Janssen to serve as administrator of the Settlement Fund for tax purposes (the "Tax Administrator") shall not take any action or tax position inconsistent with such treatment. The Settlement Fund shall be treated as a qualified

settlement fund from the earliest date possible, and Janssen and the Settlement Fund Administrator shall agree to any relation-back election required to treat the Settlement Fund as a qualified settlement fund from the earliest date possible.

ii. The Settlement Fund Administrator or the Tax Administrator shall serve as administrator of the Settlement Fund for tax purposes. The Settlement Fund Administrator or Tax Administrator shall (i) obtain federal and state taxpayer identification numbers for the Settlement Fund and provide the same to Janssen and the Settlement Fund Administrator, (ii) be responsible for all tax reporting, withholding and filing requirements for the Settlement Fund, (iii) provide instructions to Janssen and the Settlement Fund Administrator for the release of sufficient funds from the Settlement Fund to pay all taxes owed by the Settlement Fund in accordance with Treasury regulations Section 1.468B-2 and any applicable state, local or other tax laws, and (iv) send copies of all such tax filings and returns to Janssen and the Settlement Fund Administrator. Janssen and the Settlement Fund Administrator shall provide such cooperation and information as the Tax Administrator may reasonably request in performing the responsibilities set forth in this Section IV.

EXHIBIT J

List of Opioid Remediation Uses

Schedule A
Core Strategies

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies ("*Core Strategies*").[1]

A. NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES

Expand training for first responders, schools, community support groups and families; and

Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

B. MEDICATION-ASSISTED TREATMENT ("*MAT*") DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT

1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;

2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;

3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and

4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

[1] As used in this Schedule A, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs.

C. PREGNANT & POSTPARTUM WOMEN

1. Expand Screening, Brief Intervention, and Referral to Treatment ("*SBIRT*") services to non-Medicaid eligible or uninsured pregnant women;

2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder ("*OUD*") and other Substance Use Disorder ("*SUD*")/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and

3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME ("*NAS*")

1. Expand comprehensive evidence-based and recovery support for NAS babies;

2. Expand services for better continuum of care with infant-need dyad; and

3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;

2. Expand warm hand-off services to transition to recovery services;

3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;

4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and

5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. TREATMENT FOR INCARCERATED POPULATION

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and

2. Increase funding for jails to provide treatment to inmates with OUD.

G. PREVENTION PROGRAMS

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);

2. Funding for evidence-based prevention programs in schools;

3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);

4. Funding for community drug disposal programs; and

5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. EXPANDING SYRINGE SERVICE PROGRAMS

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE

Schedule B
Approved Uses

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder ("*OUD*") and any co-occurring Substance Use Disorder or Mental Health ("*SUD/MH*") conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:[2]

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment ("*MAT*") approved by the U.S. Food and Drug Administration.

2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine ("*ASAM*") continuum of care for OUD and any co-occurring SUD/MH conditions.

3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.

4. Improve oversight of Opioid Treatment Programs ("*OTPs*") to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.

5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.

6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

[2] As used in this Schedule B, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.

9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.

10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.

11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.

12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 ("*DATA 2000*") to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

13. Disseminate web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.

14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication–Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.

2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.

3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved mediation with other support services.

5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.

6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.

7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.

8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.

9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.

10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.

11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.

12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.

14. Create and/or support recovery high schools.

15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.

2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.

5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.

6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.

7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.

8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.

9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.

11. Expand warm hand-off services to transition to recovery services.

12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.

13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.

15. Engage non-profits and the faith community as a system to support outreach for treatment.

16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:

    1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative ("*PAARI*");

    2. Active outreach strategies such as the Drug Abuse Response Team ("*DART*") model;

    3. "Naloxone Plus" strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;

    4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion ("*LEAD*") model;

    5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or

    6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.

3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.

5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

6. Support critical time interventions ("*CTI*"), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.

7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome ("*NAS*"), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.

2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.

3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.

4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.

6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.

7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.

8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.

10. Provide support for Children's Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).

2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.

3. Continuing Medical Education (CME) on appropriate prescribing of opioids.

4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.

5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs ("*PDMPs*"), including, but not limited to, improvements that:

    1. Increase the number of prescribers using PDMPs;

    2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.

6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.

7. Increasing electronic prescribing to prevent diversion or forgery.

8. Educating dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.

2. Corrective advertising or affirmative public education campaigns based on evidence.

3. Public education relating to drug disposal.

4. Drug take-back disposal or destruction programs.

5. Funding community anti-drug coalitions that engage in drug prevention efforts.

6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration ("*SAMHSA*").

7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.

11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.

2. Public health entities providing free naloxone to anyone in the community.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.

4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.

5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.

6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.

8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.

9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.

10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.

11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.

12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.

13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.

3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing

overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.

2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.

2. Research non-opioid treatment of chronic pain.

3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.

5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.

6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).

7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring ("*ADAM*") system.

8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.

9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Resolutions - Adoption

Strategic Priority 2 - Financial Sustainability

Subject:
Resolution No. 2024-35, Authorizing a Fee and Release Agreement with the Columbia Center West (CCW) - East Property Owner's Association

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2024-35	Resolution

Recommended Motion:
Adopt Resolution No. 2024-35, authorizing the City Manager to sign and execute a Fee and Release Agreement with the Columbia Center West - East Property Owner's Association to terminate the City's obligations to the Association.

Summary:
The City acquired property from Patrick McCoy to establish the right-of-way for Center Parkway. Mr. McCoy's property was a member of the Columbia Center West - East Property Owner's Association, whose purpose is the maintenance of common areas shared by adjacent properties. Mr. McCoy's voting rights and legal obligations to the Columbia Center West - East Property Owner's Association were transferred to the City when the City purchased the McCoy property. Since the City's ownership of the parcel is for the purpose of constructing and maintaining a public street, the City does not benefit from being an owner in the Columbia Center West - East Property Owner's Association.

The City wishes to terminate its obligations to the Columbia Center West - East Property Owner's Association, and the Association has established reasonable terms to enable termination of the City's obligations. The proposed agreement will provide a cash payment to the Association to enable it to transition to maintaining its services without ongoing support from the city-owned parcel.

Staff recommends adoption of Resolution No. 2024-35.

Fiscal Impact: The one-time fee of $2,500.00 and associated infrastructure tasks outlined in the Agreement will be paid through available funding for the Center Parkway project.

Attachments:
1. Resolution No. 2024-35
2. DRAFT Columbia Center Properties Association Fee Agreement

RESOLUTION NO. 2024-35

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING AN AGREEMENT WITH COLUMBIA CENTER WEST - EAST PROPERTY OWNER'S ASSOCIATION.

WHEREAS, the City acquired property from Patrick McCoy to establish the right-of-way for Center Parkway; and

WHEREAS, Mr. McCoy's property is a member of the Columbia Center West – East Property Owner's Association, whose purpose is the maintenance of common areas shared by adjacent properties; and

WHEREAS, assessment and participation obligations to the Columbia Center West – East Property Owner's Association transferred to the City when it acquired the McCoy property; and

WHEREAS, the City wishes to terminate its obligations to the Columbia Center West – East Property Owner's Association, and the Association has established reasonable terms to enable termination of the City's obligations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a Fee and Release Agreement with the Columbia Center West – East Property Owner's Association to terminate the City's obligations to the Association.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of March, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

Filed for Record at Request of and copy returned to:

City Attorney
City of Richland
625 Swift Blvd. MS-07
Richland, WA 99352

Tax Parcel No.: 1-3099-400-0010-000

Reference No. of Document Affected: AFN No. 681923 (1975)

FEE AND RELEASE AGREEMENT

THIS FEE AND RELEASE AGREEMENT is entered into this _____ day of February, 2024, by and between the **CITY OF RICHLAND**, a Washington municipal corporation ("City") and the **CCW – EAST PROPERTY OWNER'S ASSOCIATION**, a Washington nonprofit corporation ("Association").

WHEREAS, City, having acquired that property located in Benton County, Washington, and legally described on the attached Exhibit A ("Property") from Patrick McCoy, an individual, as his separate estate, for the purpose of constructing an extension of Center Parkway from Gage Blvd. to Tapteal Drive; and

WHEREAS, the Property described above is a portion of the Columbia Center West properties subject to the 1975 Declaration of Covenants and Conditions of Columbia Center West Association recorded under Benton County Auditor's File No. 681923 (the "Declaration of Covenants and Conditions"), and as such, Association believes City is potentially liable for present and future assessments for Common Area maintenance; and

WHEREAS, City has completed its construction of Center Parkway and otherwise does not benefit from membership in the Association, and therefore desires to be released from the Declaration of Covenants and Conditions; and

WHEREAS, the Parties desire to enter into this Agreement for the purpose of creating a one-time payment for the costs associated with the City's present membership, performance of three (3) specific tasks related to infrastructure, and to establish the respective rights and obligations of the parties.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals. The recitals set forth above are hereby incorporated into this Agreement by reference.

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2. Release of Property from Declaration of Covenants and Conditions. The Association does, in consideration of the covenants provided herein, release City's Property, as described in Exhibit A, from being bound by, and subject to the Declaration of Covenants and Conditions, subject only to the City's faithful performance of this Agreement.

3. Common Areas. As used in this Agreement, the term "Common Areas" shall be as described in Section 4 of the Declaration of Covenants and Conditions of Columbia Center West Association, which defines "common area" as all property developed by the Declarant for the common use of the holders, to wit: parking areas, landscaped areas, areaways, roads, streets, walks, sidewalks, corridors, street lights, common area signs and sewer lines.

4. Common Areas – No Easement. Through this Agreement, City waives any right to access or utilize the Common Areas of Columbia Center West. Association waives any claim, past, present or future, against City for assistance with ongoing maintenance of the Columbia Center West Common Areas.

5. Fee. Association is obligated to maintain and repair the Common Areas pursuant to Article V of the Declaration of Covenants and Conditions. Upon execution of this Agreement, City shall pay a one-time fee to Association in the sum of Two Thousand Five Hundred Dollars ($2,500.00) in exchange for release from the Declaration of Covenants and Conditions of Columbia Center West Association.

6. Performance of Infrastructure Tasks. In addition to the one-time payment identified in Section 5, City agrees to complete the following within 120 days of execution and recordation of this Agreement.

a. City will facilitate the Association effort to take possession of the light pole and light head that was removed from in front of Mail-by-the-Mall by the City's contractor. The City's contractor will replace the broken LED light head and make the pole available from a location on the Center Parkway construction site.

b. City will coordinate with the Association and the City's contractor to complete asphalt patching of areas disturbed by the Contractor on private property during construction of Center Parkway.

c. City will place a stop sign at the entry point of Association's street intersection with Center Parkway. Once installed, Association assumes complete ownership and maintenance responsibility for the stop sign.

7. Extinguishment of All Claims. City has no ongoing obligation to contribute resources or compensation to Association, and the one-time payment identified in Section 5 above is complete satisfaction of all claims or potential claims held by Association with regard to the City's status under the Declaration of Covenants and Conditions of Columbia Center West Association. City and Association expressly acknowledge that this Agreement is intended to include in its effect, without limitation, all claims which Association and City did not suspect to exist at the time of execution that arise out of the City's status as a property owner in the Association.

8. Term. This Agreement is perpetual in duration.

9. Agreement Runs With Land. This Agreement and all of the terms hereof will be deemed to be covenants, which run with the Property and the Common Areas, will inure to the benefit of, and be binding upon City and Association, and their respective successors and assigns.

10. Enforcement. The right to enforce this Agreement will belong to *City* and Association and their respective successors and assigns. In the event of any violation or threatened violation of the terms and provisions of this Agreement, any person entitled to enforce this Agreement may resort to all remedies available at law or in equity. Remedies to which any person entitled to enforce this Agreement may resort under the terms of this Agreement are cumulative, and are not intended to be exclusive of any other remedies or means of redress to which any person entitled to enforce this Agreement may be lawfully entitled in case of any breach or threatened breach of any provision hereof. Failure to insist in any one or more cases upon the strict performance of any of the provisions of this Agreement, or to exercise any remedy herein contained, will not be construed as a waiver or a relinquishment for the future of such covenant or remedy.

11. Release. Upon transfer by a Party of all of the property owned by such Party that is subject to and described in this Agreement, such transferring Party will be released from the provisions of this Agreement and the other Parties will look solely to the transferring Party's successors for performance of any obligations under this Agreement.

12. Notices. All notices or other written communications required or permitted under this Agreement must be in writing and will be deemed to have been properly given (i) upon delivery, if delivered in person or by facsimile transmission, if available, with receipt of an electronic confirmation thereof, (ii) one (1) business day after having been deposited for overnight delivery with any reputable overnight courier service, or (iii) three (3) business days after having been deposited in any post office or mail depository regularly maintained by the U.S. Postal Service and sent by registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

If to *City*:
City of Richland
City Manager's Office
625 Swift Blvd. MS-05
Richland, WA 99352

If to *Association*:
CCW - East Property Owner's Association
C/O Steve Simmons, President
8390 Gage Blvd., Suite 208
Kennewick, WA 99336

13. Authorization; Binding Effect. Each Party represents to the other that its execution of this Agreement has been authorized by all necessary corporate action and that this Agreement constitutes a binding obligation of such Party. Each individual who executes this Agreement on behalf of a Party represents to all Parties that he or she is authorized to do so.

14. Attorneys' Fees. If a Party is in default under this Agreement, the other Party will have the right, at the expense of the defaulting Party, to retain an attorney to make demand, enforce remedies, or otherwise protect or enforce the rights of the non-defaulting Party. A Party in default shall pay all attorneys' fees and costs so incurred.

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15. Consent Required to Amend or Waive. No amendment or modification of any provision of this Agreement will be effective unless made in writing and signed by each of the Parties.

16. Counterparts. This Agreement may be executed in counterparts.

17. Entire Agreement. This Agreement (including all Exhibits hereto, which are incorporated herein by reference) sets forth the entire understanding of the Parties with respect to the subject matter of this Agreement and supersedes all prior agreements and understandings between the Parties regarding the subject matter of this Agreement.

18. Governing Law; Consent to Jurisdiction. This Agreement and its interpretation and enforcement are governed by the laws of the State of Washington. Each Party agrees that venue for any dispute arising out of or in connection with this Agreement will be in Benton County, Washington and each Party waives any objections it may now or hereafter have regarding such venue.

19. No Waiver. No waiver by any Party of any right or default under this Agreement will be effective unless in writing and signed by the waiving Party. No such waiver will be deemed to extend to any prior or subsequent right or default or affect in any way any rights arising by virtue of any prior or subsequent such occurrence.

20. Severability. If for any reason any provision of this Agreement is determined by a tribunal of competent jurisdiction to be legally invalid or unenforceable, the validity of the remainder of the Agreement will not be affected and such provision will be deemed modified to the minimum extent necessary to make such provision consistent with applicable law and, in its modified form, such provision will then be enforceable and enforced.

21. Terminology. Unless specifically indicated to the contrary: (i) wherever from the context it appears appropriate, each term stated in either the singular or the plural will include the plural and the masculine gender will include the feminine and neuter genders; (ii) the term "or" is not exclusive; (iii) the term "including" (or any form thereof) will not be limiting or exclusive; (iv) the words "Agreement," "herein," "hereof," "hereunder," or other words of similar import refer to this Agreement as a whole, including Exhibits and Schedules (if any), as the same may be modified, amended or supplanted. The headings in this Agreement have no independent meaning.

22. Disclaimer—Preparation of Agreement. This Agreement was originally prepared by counsel for City. The Parties agree, however, that this fact shall not create any presumption in favor or against any Party in respect of the interpretation or enforcement of this Agreement. Each other Party is advised to have this Agreement reviewed by independent legal and tax counsel prior to its execution. By executing this Agreement, each such Party represents (i) that it has read and understands this Agreement, (ii) that it has had the opportunity to obtain independent legal and tax advice regarding this Agreement and (iii) that it has obtained such independent advice or has freely elected not to do so.

[*signature page follows*]

DRAFT

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date and year first written above.

CITY OF RICHLAND,
a Washington municipal corporation

_____
Jon Amundson, ICMA-CM
Richland City Manager

Approved as to Form:

_____
Heather Kintzley, City Attorney

CCW – EAST PROPERTY OWNER'S ASSOCIATION,
a Washington nonprofit corporation

_____
Steve Simmons, President

DRAFT

STATE OF WASHINGTON)
: ss.
County of Benton)

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Jon Amundson**, to me known to be the **Richland City Manager**, a Washington municipal corporation, who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

_____
Notary Public in and for the State of Washington,
residing at _____.
My commission expires on: _____

STATE OF _____)
: ss.
County of _____)

On this ___ day of _____, 2024, before me appeared **Steve Simmons**, **President** of **CCW – East Property Owner's Association**, the Washington nonprofit corporation that executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said nonprofit corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

_____
Notary Public for the State of _____
residing at:_____
My commission expires on:_____

DRAFT

EXHIBIT A
LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30 TOWNSHIP 9 NORTH RANGE 29, EAST, W.M., BENTON COUNTY, WASHINGTON, LYING SOUTH OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, DEFINED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION: THENCE SOUTH 89°23'43" EAST ALONG THE SOUTH LINE THEREOF 686.76 FEET TO A POINT IN THE WEST LINE OF THE EAST 615.9 FEET OF SAID SUBDIVISION: THENCE NORTH 00°15'13" WEST ALONG SAID WEST LINE 350 FEET TO THE TRUE POINT OF BEGINNING:

THENCE CONTINUING NORTH 00°15'13" WEST, 170.18 FEET TO A POINT WHICH IS 200 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD: THENCE SOUTH 89°22'17" WEST PARALLEL WITH SAID RIGHT OF WAY LINE, 80 FEET; THENCE SOUTH 00°15'13" EAST, 168.46 FEET TO A POINT WHICH IS 350 FEET FROM THE SOUTH LINE OF SAID SUBDIVISION; THENCE SOUTH 89°23'43" EAST PARALLEL WITH SAID SOUTH LINE 80 FEET TO THE TRUE POINT OF BEGINNING.

DRAFT

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Resolutions - Adoption

Strategic Priority 1 - High Performance Government

Subject:
Resolution No. 2024-36, Authorizing a Regional Application for Assistance to Firefighters Grant (AFG) from the Federal Emergency Management Agency (FEMA)

Department/Office	Ordinance/Resolution Number:	Document Type:
Fire & Emergency Services	2024-36	Resolution

Recommended Motion:
Adopt Resolution No. 2024-36, authorizing the City Manager to sign and execute documents necessary to apply for a Regional Assistance to Firefighters Grant from the Federal Emergency Management Agency.

Summary:
The City's Fire & Emergency Services Department provides fire suppression and emergency medical services to the community as part of its core mission. The Federal Emergency Management Agency (FEMA) makes available an Assistance to Firefighters Grant (AFG) program that provides funding directly to fire departments to assist in providing funding for essential fire suppression tools and equipment.

This request for approval authorizes staff to submit a regional application to FEMA for AFG funding on behalf of six agencies: Richland, Kennewick, Pasco, Benton County Fire Protection Districts Nos. 1 and 4, and Franklin County Fire Protection District No. 3. The funding request would provide portable radios for front-line apparatus in each of the six agencies as part of the bi-county Fire/EMS radio system transition to the existing Benton County Emergency Services 800Mhz system.

Should the application be successful, staff will provide a resolution for Council approval to accept the grant award, following the notification from FEMA.

Staff recommends approval of Resolution No. 2024-36.

Fiscal Impact: The grant request will total $754,077.50 with a 10% match required. If awarded, the six agencies will share in the grant match obligation of $75,407.75 through a future interlocal agreement. Richland's share of the match requirement will be funded from the 2024 Medical Utility budget. This action approves the application only and does not commit to a funding match.

Attachments:
1. Resolution No. 2024-36

RESOLUTION NO. 2024-36

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING A REGIONAL GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FUNDING THROUGH THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.

WHEREAS, the Federal Emergency Management Agency (FEMA) provides grant funding opportunities for local agencies to acquire fire and emergency response equipment through the Assistance to Firefighters Grant (AFG); and

WHEREAS, this grant application, if successful, would provide funding on behalf of six (6) regional agencies: Richland, Kennewick, Pasco, Benton County Fire Protection District Nos. 1 and 4, and Franklin County Fire Protection District No. 3; and

WHEREAS, the grant funding to help offset the cost to purchase portable radios for front-line apparatus in each of the six agencies as part of the bi-county Fire/EMS VHF radio system transition to the existing Benton County Emergency Services 800Mhz system; and

WHEREAS, an award of grant funds through the AFG requires a ten percent (10%) match totaling $75,407.75; and

WHEREAS, all six (6) participating agencies would share responsibility for providing the required $75,407.75 in matching funds based upon the final distribution of grant-funded equipment, thereby reducing the budget impact to the City of Richland for the purchase of this equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that staff is authorized to prepare and submit a grant application to the Federal Emergency Management Agency for funding through the Assistance to Firefighters Grant (AFG) in the amount of $754,077.50.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of March, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Resolutions - Adoption

Strategic Priority 4 - Quality of Life

Subject:
Resolution No. 2024-37, Approving the 2024 Hotel/Motel Lodging Tax Funding Awards

Department/Office	Ordinance/Resolution Number:	Document Type:
City Manager	2024-37	Resolution

Recommended Motion:
Adopt Resolution No. 2024-37, awarding Hotel/Motel Lodging Tax funds for 2024 and authorizing the City Manager to sign and execute the necessary agreements.

Summary:
The Lodging Tax Advisory Committee (LTAC) met on February 13, 2024 to review applications received for 2024 Hotel/Motel Funding Awards. After review and discussion, final recommendations to the Council are outlined below. Additional information can be found in Exhibit A of Resolution No. 2024-37.

First Two Percent (Marketing)
Live @ 5 Concert Series - $5,000
Tri-Town Get Down Music Festival - $15,000
Columbia Cup - $15,000

Second two Percent (Capital Projects)
City of Richland Parks & Public Facilities - John Dam Plaza Electrical Capacity Increase - $20,000

Staff recommends adoption of Resolution No. 2024-37.

Fiscal Impact: $35,000 in funding awards is proposed from the first 2% of available funds, leaving an estimated fund balance of $631,858. $20,000 in funding awards is proposed from the second 2% of available funds, leaving an estimated fund balance of $766,566.

Attachments:
1. Resolution No. 2024-37

RESOLUTION NO. 2024-37

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AWARDING THE DISTRIBUTION OF 2024 HOTEL/MOTEL TAX FUNDS.

WHEREAS, pursuant to RCW 67.28.1817, Richland City Council established a reserve, funded through a tax on lodging, to be used to promote or increase tourism; and

WHEREAS, an estimated $666,858 from the first two percent (2%) of funds (marketing projects) and $786,566 from the second two percent (2%) of funds (capital projects) is available to be awarded as Part 2 of the 2024 funding cycle, for a total fund balance of $1,453,424; and

WHEREAS, the City solicited a second round of applications for projects to be considered by the Lodging Tax Advisory Committee (LTAC) and City Council for funding; and

WHEREAS, at its February 13, 2024 meeting, the Lodging Tax Advisory Committee provided a positive recommendation to reallocate and award a total of $35,000 from the first two percent (2%) and $20,000 from the second two percent (2%) toward events and projects that have been determined eligible as described in **Exhibit A**, attached hereto and incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute funding agreements with applicants as detailed in **Exhibit A**.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of March, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

2024 HOTEL/MOTEL FUNDING REQUESTS (Part 2)

EXHIBIT A

Estimated First 2% Available Funds as of 01/01/2024 **$ 892,368.00**
Previously approved 2024 funding **$ 225,510.00**
Estimated First 2% Available Funds after prior commitments **$ 666,858.00**

ORGANIZATION	PROPOSED USE OF MONEY	2023 ALLOCATION	2024 REQUEST	2024 RECOMMENDATION
Mid Columbia Children's Museum	Feasability Study	0	30,000	$ -
Stephens Media Group	Live@5 Concert Series	5,000	10,000	$ 5,000.00
Tri-Town Get Down	Tri-Town Get Down Music Festival	0	20,000	$ 15,000.00
Tri-Cities Water Follies	Columbia Cup	15,000	15,000	$ 15,000.00
	Total Requested		**$75,000.00**	**$ 35,000.00**
	Balance		$591,858.00	$ 631,858.00

Estimated Second 2% Available Funds as of 01/01/2024 **$ 1,164,566.00**
Previously approved 2024 funding **$ 378,000.00**
Estimated Second 2% Available Funds after prior commitments **$ 786,566.00**

ORGANIZATION	PROPOSED USE OF MONEY	2023 ALLOCATION	2024 REQUEST	2024 RECOMMENDATION
City of Richland - Parks & Public Facilities	Increase the electrical capacity at John Dam Plaza	0	20,000	$ 20,000.00
	Total Requested		**$20,000.00**	**$ 20,000.00**
	Balance		$766,566.00	$ 766,566.00

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Resolutions - Adoption

Strategic Priority 4 - Quality of Life

Subject:
Resolution No. 2024-38, Authorizing Application and Acceptance of a Community Challenge Grant from the American Association of Retired Persons (AARP)

Department/Office	Ordinance/Resolution Number:	Document Type:
Parks & Public Facilities	2024-38	Resolution

Recommended Motion:
Adopt Resolution No. 2024-38, authorizing the City to apply for the Community Challenge Grant from AARP and to execute any required documents associated with the grant award if successful.

Summary:
The American Association of Retired Persons (AARP) provides up to $50,000 in grant funds to successful applicants for the creation of vibrant public places that improve open spaces, parks, and access to other amenities. Fortunately, the City of Richland is developing an all-ages outdoor space that is scheduled for construction this year and meets the parameters of this grant application.

The project's financial supporters (City of Richland and Richland Public Library Foundation) are now seeking additional funding sources to enhance the project to acquire high-quality durable tables and seating for the adult area of this space. The AARP grant is created for "quick action" projects such as this that can be completed by December 15, 2024.

Resolution No. 2024-38 is written to authorize staff's application to the grant program, and to authorize the City Manager's execution of any required grant agreement in the event staff's application is successful in receiving a grant award.

Staff recommends adoption of Resolution No. 2024-38.

Fiscal Impact: This grant requires no matching funds. The application will be for up to $50,000 to maximize the quality of table and seating furnishings in this new outdoor space.

Attachments:
1. Resolution No. 2024-38

RESOLUTION NO. 2024-38

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING GRANT APPLICATION SUBMITTAL AND ACCEPTANCE OF COMMUNITY CHALLENGE GRANT FUNDS FROM THE AMERICAN ASSOCIATION OF RETIRED PERSONS.

WHEREAS, the American Association of Retired Persons (AARP) provides up to $50,000 in grant funds to successful applicants for the creation of vibrant public places that improve open spaces, parks, and access to other amenities; and

WHEREAS, the City of Richland is developing an all-ages outdoor space that is scheduled for construction this year and meets the parameters of this grant application; and

WHEREAS, beyond the City of Richland and Library Foundation funding, the project requires additional monetary support to acquire high-quality durable tables and seating for the adult area of this space; and

WHEREAS, the grant is created for "quick action" projects such as this that can be completed by December 15, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that staff is authorized to submit a Community Challenge grant application to AARP in support of its effort to develop a vibrant, all-ages outdoor space.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign and execute all documents necessary to receive the grant funds in the event staff's application is successful.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of March, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items - Approval

Strategic Priority 1 - High Performance Government

Subject:
Appointment to the Board of Adjustment: Carl Van Hoff

Department/Office	Ordinance/Resolution Number:	Document Type:
City Clerk		General Business Item

Recommended Motion:
Reappoint Carl Van Hoff to Position No. 3 on the Board of Adjustment.

Summary:
Carl Van Hoff's term on the Board of Adjustment (BOA) will expire on March 31, 2024. Mr. Van Hoff was first appointed by Council to serve the remaining unexpired term on the BOA on March 30, 2018, and was reappointed to serve a full five (5) year term on March 19, 2019. Since April 2019, Mr. Van Hoff has assumed the role of Chair of the BOA, and has reapplied to continue service.

Based on Mr. Van Hoff's dedication and contributions to the Board's effectiveness, BOA Staff Liaison Stevens recommends the reappointment of Carl Van Hoff to Position No. 3 on the Richland Board of Adjustment.

The new term for Position No. 3 will be effective April 1, 2024 through March 31, 2029.

The candidate's application packet is on file in the City Clerk's Office.

Fiscal Impact: None.

Attachments:
1. Board of Adjustment Appointment Recommendation Memo

CITY OF RICHLAND
DEVELOPMENT SERVICES
625 Swift Boulevard, MS-2
Richland, WA 99352
(509) 942-7390

Richland

MEMORANDUM

TO: Richland City Council

FROM: Mike Stevens, Planning Manager and Board of Adjustment Staff Liaison

DATE: February 20, 2024

SUBJECT: Board of Adjustment Appointment

The term for Position No. 3 on the Board of Adjustment (BOA) will expire on March 31, 2024. The incumbent, Carl Van Hoff, has been a member of the BOA since March 2018, and has reapplied to the Board to continue service. The candidate recommended to fill the upcoming term expiration for Position No. 3 is Carl Van Hoff.

If you have any questions, please feel free to contact me.

Mike Stevens
Planning Manager and Staff Liaison

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items of Business

Strategic Priority 3 - Focused Development

Subject:
Resolution No. 2024-39, Approving a Targeted Urban Area Application submitted by Atlas Agro North America Corporation

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-39	Resolution

Recommended Motion:
Adopt Resolution No. 2024-39, accepting Atlas Agro's TUA application and authorizing the City Manager to sign and execute a 10-year property tax abatement agreement with Atlas Agro for Richland's portion of property tax in a form consistent with Chapter 84.25 RCW and approved by the City Attorney and City Manager.

Summary:
On January 17, 2023, Richland City Council adopted Resolution No. 2023-10 to create a Targeted Urban Area (TUA) in the City of Richland. The TUA, located in north Richland, is a zone where the City may offer 10-year property tax abatement to certain new industrial projects that create living wage jobs as defined by the State of Washington. The TUA program is authorized by Chapter 84.25 RCW.

A property tax exemption is available to businesses located within the designated area operating specific manufacturing/industrial uses as identified in the Standard Industrial Class (SIC) List D (manufacturing) or E (transportation). These codes are determined by the Interdepartmental Committee on Industrial Statistics of the Central Statistical Board of the United States. The exemption applies to building improvements made on undeveloped or underdeveloped property with a minimum improvement valuation of $800,000 that will create at least 25 living wage jobs. The exemption does not apply to land value or pre-existing improvements.

Atlas Agro's Richland operation is a new, first of its kind, green fertilizer manufacturing facility utilizing hydrogen instead of ammonia to optimize the quality and uptake of the fertilizer in plants. The project will be located on a new site at 1500 Horn Rapids Road in the Northwest Advanced Clean Energy Park. The site will be approximately 150 acres in size, and include approximately 518,864 square feet of new improvements to the property valued at $1.1 billion. The project will create approximately 158 new direct jobs per shift for a 24/7 business operation, and an additional 504 indirect non-construction jobs for the community. The direct jobs will meet or exceed the state's living wage definition.

The proposed 10-year property tax exemption on the value of the new improvements provides an attractive incentive for Richland to compete nationally with other cities to attract new manufacturing and industrial jobs. Atlas Agro's consideration of the Richland site is based on the availability of this program, and the project supports the City's plans to attract clean energy and advanced manufacturing to north Richland.

Staff recommends adoption of Resolution No. 2024-39.

Fiscal Impact: The estimated impact of the project over the ten (10) year exemption period is $19,580,000 in waived property tax revenue. This number is based on 2024 levy rates.

Attachments:
1. Resolution No. 2024-39
2. TUA Program Overview
3. Atlas Agro Site Plan

RESOLUTION NO. 2024-39

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, APPROVING AN APPLICATION FROM ATLAS AGRO NORTH AMERICA CORPORATION FOR PROPERTY TAX EXEMPTION UNDER THE CITY'S TARGETED URBAN AREAS EXEMPTION PROGRAM FOR PHASE 1 OF ATLAS AGRO'S PROJECT.

WHEREAS, the City of Richland encourages construction of new industrial/manufacturing facilities on undeveloped or underutilized land in the City that will provide family-wage job growth; and

WHEREAS, the City has, pursuant to the authority granted by Chapter 84.25 RCW, adopted a Targeted Urban Area (TUA) for undeveloped or underutilized industrial lands in the Horn Rapids Industrial Park; and

WHEREAS, on January 17, 2023, through Resolution No. 2023-10, Richland City Council authorized a program whereby industrial property owners may qualify for a Certificate of Property Tax Exemption for Industrial Manufacturing Uses, certifying to the Benton County Assessor and Benton County Treasurer that the applicant is eligible to receive a property tax exemption for new industrial facilities constructed on undeveloped lands; and

WHEREAS, Atlas Agro North America Corporation (Atlas Agro) has applied for property tax exemption for the value of its Phase 1 construction of a new industrial manufacturing facility on their property located at 1500 Horn Rapids Road within Richland's TUA; and

WHEREAS, on January 29, 2024, Atlas Agro submitted to the City a completed application for the TUA property tax exemption, outlining the development of new industrial facilities including size and cost, and the intended number of new positions created that will be paid a minimum living wage of $23 per hour as a result of the construction of the new industrial facilities; and

WHEREAS, the new improvements to the industrial facilities on Atlas Agro's property satisfy the requirements for a TUA Property Tax Exemption Certificate; and

WHEREAS, pursuant to Chapter 84.25 RCW, the City has 90 days, or until April 29, 2024, to present Atlas Agro with a Certificate of Tax Exemption Agreement and issue a TUA Property Tax Exemption Certificate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the Property Tax Exemption Application for Industrial Manufacturing Uses submitted by Atlas Agro for Phase 1 of its project, attached hereto as **Exhibit A**, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign and execute a Certificate of Tax Exemption Agreement with Atlas Agro for Phase 1 of its project, consistent with

the requirements of Chapter 84.25 RCW, granting a 10-year property tax abatement for Richland's portion of property tax.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of March, 2024.

_____
Teresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

PROPERTY TAX EXEMPTION APPLICATION FOR INDUSTRIAL/MANUFACTURING USES (CHAPTER 84.25 RCW)

EXHIBIT A

ALL SECTIONS MUST BE COMPLETED

FOR AGENCY USE	Date:	Application #	FEE: $500
EDR FR A	01-29-2024	TUA12-01282024	Credit Card # ********** Exp. Date 12/27 CVV 182

PROPERTY INFORMATION

Project Name	Pacific Green Fertilizer		
Ownership Company	Atlas Agro North America Corp		
Site Address	North Horn Rapids Industrial Park	Tax Parcel ID Number	1-1008-100-0001-004

MAIN CONTACT

Applicant Name	Dan Holmes		
Address	723 The Parkway		
City, State, Zip	Richland, WA 99352		
Work Phone	509.532.0463	Mobile Phone	
Email	shelley.koenig@atlasagro.ag		

PROJECT INFORMATION

Standard Industrial Class (SIC)	SIC – D: Manufacturing #	SIC – E: Transportation #
Division D: Manufacturing	2873	

Project Description (Attach additional pages, if needed)	Green Fertilizer Production

Project Cost	Industrial/Manufacturing Uses Only	Total Building Costs
$ 1,100,000,000	$ 1,100,000,000	$ 935,000,000

Square Footage of Existing Building	Proposed Exemption Square Footage (new buildings only)	Total Building Square Footage (upon completion)
0	All	518,864

EMPLOYEE INFORMATION

1. Will the business offer healthcare benefits? ☑ Yes ☐ No
2. How many permanent, full-time (2,080 hours/year) positions will be created? 158
3. How many of the new positions created will be paid a minimum living wage of $23/hour or more? 158
4. Will the business compensate workers at prevailing wage rates? ☑ Yes ☐ No
5. Will the business procure from/ contract with women-owned, minority-owned, or veteran-owned businesses? ☑ Yes ☐ No
6. Will the business procure from/contract with entities with a history of federal and state wage and hour law and regulation compliance? ☑ Yes ☐ No
7. Will the business use apprenticeships from state-regulated apprenticeship programs? ☑ Yes ☐ No
8. Will the business provide for preferred entry for workers living in the area where the project is constructed? ☑ Yes ☐ No
9. Will the business maintain certain labor standards for workers employed primarily at the facility after construction is complete, including production, maintenance, and operational employees? ☑ Yes ☐ No
10. Is the subject parcel located within the boundary of the City's established Targeted Urban Area? ☑ Yes ☐ No

EXEMPTION CERTIFICATIONS	
☑	I understand the potential tax liability involved when the property ceases to be eligible for the incentive provided under Chapter 84.25 RCW.
☑	The project meets the industrial/manufacturing requirements described in Chapter 84.25 RCW.
☑	There are no existing building improvements on the portion of the property targeted for the tax exemption.
☑	I understand that the new construction of industrial/manufacturing facilities must meet all of the City of Richland's construction and development regulations.
☑	I understand that this waiver pertains only to the City's portion of property taxes related to the building improvements. The improved valuation of the land and the taxing authority of other jurisdictions is not a part of this tax incentive program.
☑	I understand that I will be required to enter into and abide by an agreement with the City of Richland to implement the program requirements of Chapter 84.25 RCW.
☑	I understand that construction of the industrial/manufacturing facility must be completed in three (3) years from the date the application is approved.
☑	I understand that the value of new construction of industrial/manufacturing facilities is exempt under RCW 84.25 for ten (10) consecutive years beginning January 1st of the year immediately following the calendar year of issuance of a certificate of tax exemption. I further understand there are no extensions of this 10-year timeframe.
☑	I understand that the City of Richland's decision regarding the tax exemption is final.
☑	I understand that the City will require certification of project completion.
☑	I understand the requirement to annually report, for the duration of the exemption, the number of jobs created.
☑	I certify that this project would not have been built in Richland but for the availability of the tax exemption.

ACKNOWLEDGEMENT

My signature below certifies that I am the property owner or legal agent of the property owner with lawful authority to submit this application. My acknowledgment of the Exemption Certifications above indicates my understanding thereof.

I declare under penalty of perjury under the law of the state of Washington that the foregoing is true and correct.

Signed this 28th day of January, 20 24 in Richland (city), WA (state).

Printed Name: Dan Holmes

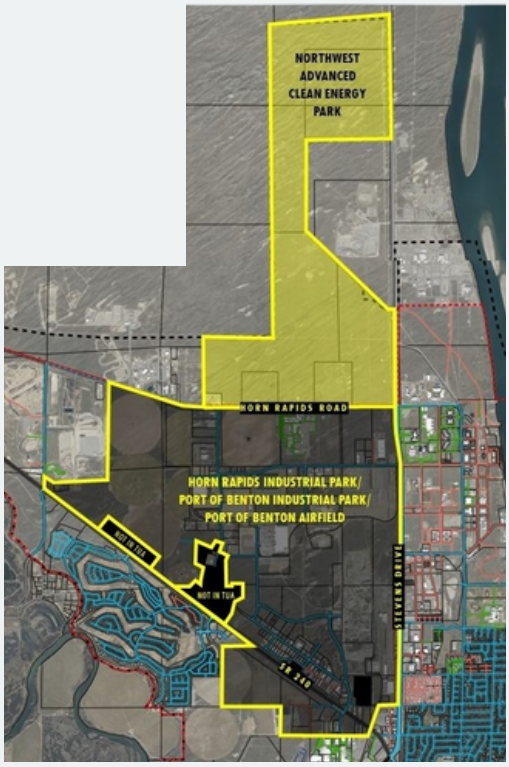
Signature: eSigned via SeamlessDocs.com Dan Holmes Key: 918a4c15-408f-4119-8a93-105d7726df31

If your application is approved, the City will issue a conditional certificate of acceptance of the tax exemption within ninety (90) days after receipt of the application. The certificate will contain a statement by a duly authorized administrative official of the City of Richland that the property has complied with the requirements of Chapter 84.25 RCW.

Denied applications may be appealed to the Richland City Council within thirty (30) days of the denial. The appeal must be based on the existing record. The applicant bears the burden to prove that the City's decision was not supported by substantial evidence. The Richland City Council's decision on appeal is final.

TARGETED URBAN AREA (TUA) TAX EXEMPTION
PROGRAM OVERVIEW

- This program is a recruitment tool to help the City compete with other states.
- Company must attest that they would not have located in Richland if not for this program.
- Property tax exemption is only on new improvements for manufacturers located within the TUA boundary.
- Property tax on the land and non-manufacturing improvements are paid during the exemption period.
- Exemption period is ten years starting after project completion.
- Current legislation offers the program until 2030.
- Established by Chapter 84.25 RCW (2021 Amendment).
- Benton County is offering the same exemption for the County's portion of property tax through a separate application process.



AREAS DESIGNATED FOR TUA EXEMPTION
Chapter 84.25 RCW; COR Resolution 2023-150

Min. 25 living wage jobs:
$23/hr and 2,080 hrs/yr

Project Valuation
$800K or more

Manufacturing uses
by NAICS code

10,000 sqft of improvements

3-year construction timeline

TARGETED URBAN AREA (TUA) TAX EXEMPTION
PROJECT OVERVIEW

ATLAS AGRO

- **Project Name: Pacific Green Fertilizer**
- **Site: Approximately 150 acres located at 1500 Horn Rapids Road**
- **Located in the Northwest Advanced Clean Energy Park**
- **Opportunity for 2-year extension in year 3 if project request is justified**

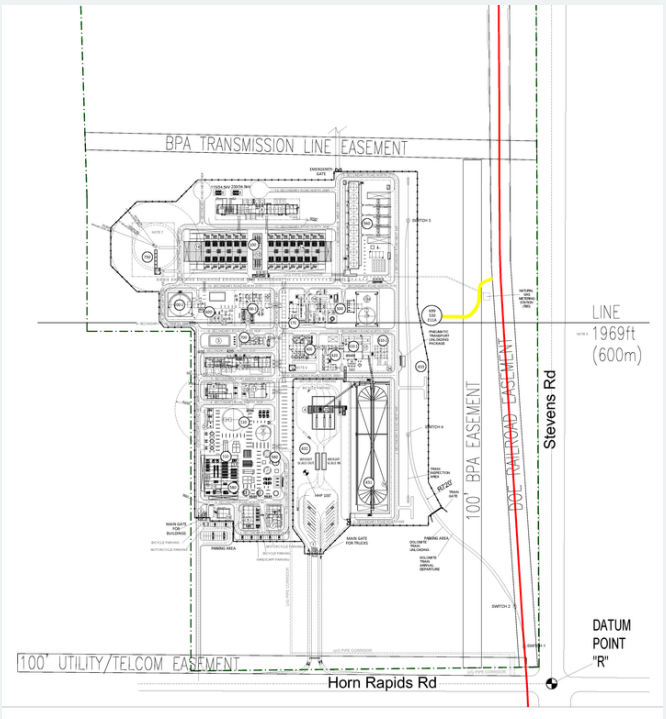
Jobs Created:
158 Direct Non-Construction Jobs
Created indirect/induced: 298

Project Valuation:
$1.1B

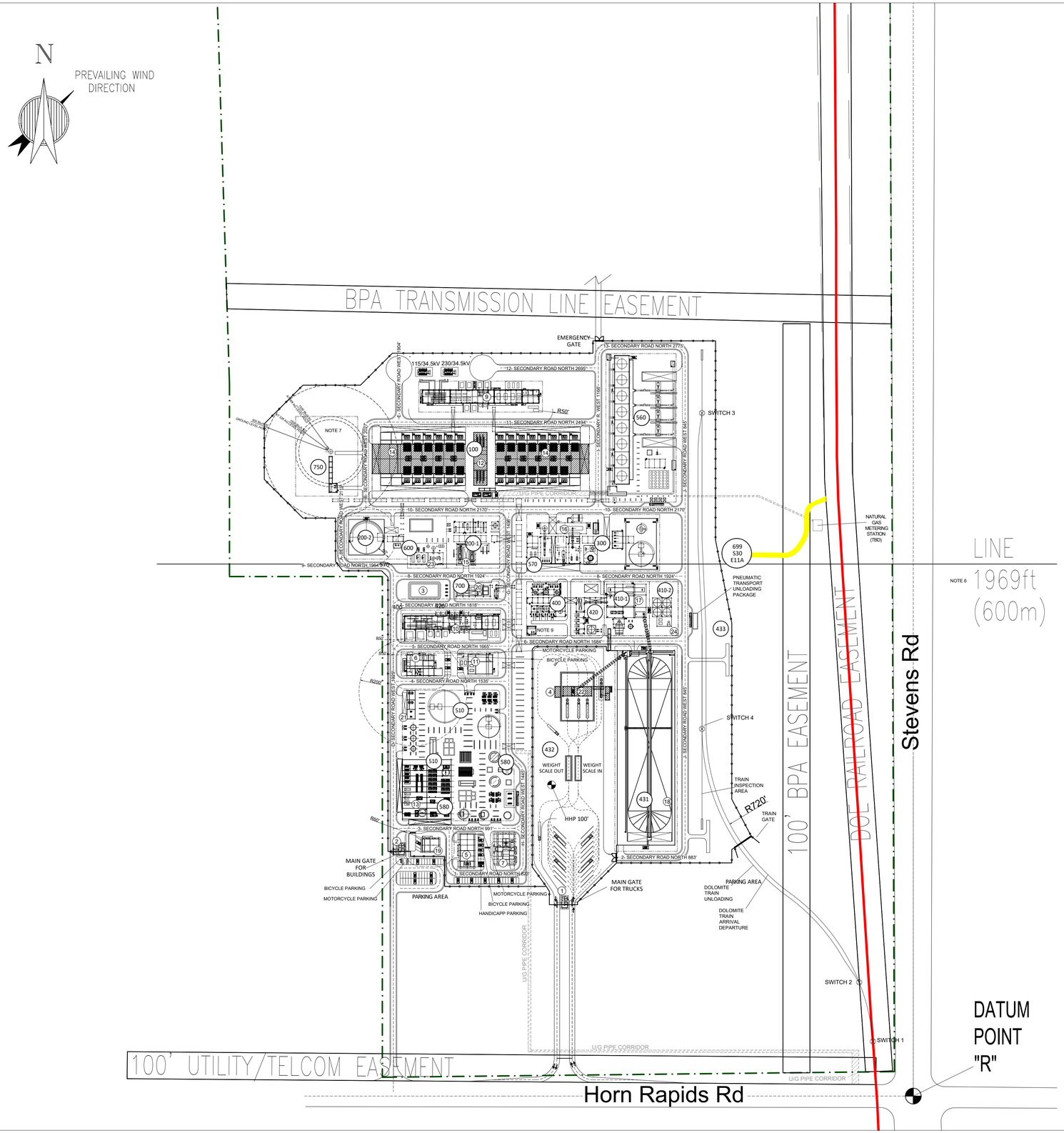
Economic Impact of Jobs:
$35.6M (est. change in earnings from jobs & state/local taxes annually)

Sq Ft of Improvements:
518,864

Construction Timeline:
Completion est. January 2028



ATLAS AGRO SITE PLAN



UNIT OF PACIFIC GREEN FERTILIZER PLANT			
TAG	DESCRIPTION	DIMENSIONS L x W (ft)	Area (ft2)
100	HYDROGEN PRODUCTION	805'x264'	212583 ft2
200-1	AMMONIA	197'x193'	38021 ft2
200-2	AMMONIA STORAGE	226'x160' 145'x101'	50805 ft2
300 570	NITRIC ACID Power, Steam and BFW Generation	492'x210'	103320 ft2
400	AMMONIUM NITRATE SOLUTION	162'x200'	32400 ft2
410-1	CAN Granulation	167'x200'	33400 ft2
410-2	Raw Material Bulk Silo	107'x200'	21400 ft2
420	CALCIUM NITRATE	125'x200'	25000 ft2
431	CAN Storage Unit	759'x231'	175329 ft2
432	CAN Truck Loading Station	950'x300'	275433 ft2
433	CAN Train Loading Station	1932'x136'	261830 ft2
560	Cooling Water	550'x260'	142942 ft2
510 580	Raw / Fire / Service / Demin. Water System Effluent Waste Water Treatament System	483'x385'	185712 ft2
600	Air Separation Unit	145'x92'	13340 ft2
700	Plant and Instrumentation Air	159'x65'	10311 ft2
750	Flare	294'x230'	67722 ft2
900	Interconnecting	-	-

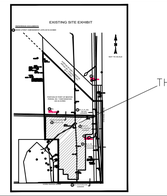
MAIN STRUCTURE & BUILDINGS				
Nº	TAG	DESCRIPTION	DIMENSIONS L x W (ft)	Area (ft2)
1	843-BD-01	Check Point Entrance (Trucks)	40'x20'	800 ft2
2	843-BD-02	Check Point Entrance (Main Access)	40'x20'	800 ft2
3	000-CB-01	First Flush / Storm Water Basin	100'x46'	4600 ft2
4	432-BD-01	CAN Control Loading	40'x20'	800 ft2
5	841-BD-01	Administration Building	110'x60'	6600 ft2
6	810-CR-01	Central Control Room, Laboratory & Fire Building	100'x75'	7500 ft2
7	842-WH-01	Warehouse and Workshop Building	120'x50'	6000 ft2
8	500-AH-01	Analaizer House (NOTE 10)	-	-
9	820-SS-01	HV Main Substation-IER IER Instrumentation Equipment Room	429'x46'	36708 ft2
10	830-SS-01	Distribution Substation	346'x46'	31832 ft2
11	830-IE-01	IER Instrumentation Equipment Room	90'x70'	6300 ft2
12	100-IE-01	Electrical Room / Instrumentation Equipment Room	50'x196'	9800 ft2
13	510-SH-01	Osmosis Shelter	180'x220'	39600 ft2
14	100-SH-01	Electrolizer Unit Shelter	(2x) 315'x111'	69930 ft2
15	200-SH-01	Ammonia Unit Shelter	80'x70'	5600 ft2
16	300-SH-01	Nitric Acid Shelter	170'x40'	6800 ft2
17	410-SH-02	Granulation Unit Shelter	144'x107'	107856 ft2
18	431-ST-01	CAN Bulk storage Unit	726'x213'	154638 ft2
19	500-ST-01	Additives Bulk Storage	60'x45'	2700 ft2
20	700-SH-01	Plant and Instrument Air Shelter	130'x45'	5850 ft2
21	510-SH-01	Fire Water Pump Shelter	105'x30'	3150 ft2
22	432-SH-01	CAN Truck Loading Station	106'x35'	3710 ft2
23	600-SH-01	ASU Shelter	120'x45'	5400 ft2
24	410-SH-03	Dolomite Bulk Silo Compressors Shelter	54'x35'	1890 ft2

LEGENDS:

- U/G PIPE CORRIDOR
- MAINTENANCE AREA
- PIPE TRACK
- PIPE RACK
- PIPE RACK BRIDGE
- GRATING
- HPP HIGH POINT OF PAVEMENT
- SHOULDER ROAD
- ROAD
- AXIS ROAD
- FENCE LIMIT
- BOUNDARY UNIT LIMIT
- BOUNDARY PARCEL LIMIT

0' 50' 100' 200' 300' 400' 500'
10' 75' 150'

KEY PLAN



REFERENCE DRAWING

10560-000-PIP-PP-0002	PLOT PLAN-PACIFIC GREEN FERTILIZER PLANT-KEY PLAN

GENERAL NOTES

1. ALL DIMENSION AND COORDINATES ARE IN IMPERIAL UNITS (FEET, IN).
2. LOCAL PLANT COORDINATES (N. 0.000, W. 0.000) CORRESPOND TO NAD_83(2011) COORDINATES OF DATUM POINT POINT "R" (N. YYYY, W. XXXX , Z +348' (HOLD))
3. H.P.P. (HIGH POINT PAVEMENT) ELEVATION +100' CORRESPONDS TO EL. +348' ABOVE MEAN SEA LEVEL (HOLD).
4. ALL COORDINATES, DIMENSIONS AND ELEVATIONS ARE PRELIMINARY AND TO BE CONFIRMED BY DETAILED DESIGN CONTRACTOR.
5. NUMBER, SIZE AND SHAPE OF STRUCTURES AND PLATFORMS ARE PRELIMINARY AND TO BE CONFIRMED BY DETAILED DESIGN CONTRACTOR.
6. RESTRICTION. GRANTEE IS PROHIBITED FROM PLACEMENT OF SWALES, PONDS, AND OTHER STORM WATER DRAINAGE FACILITIES IN THE AREA BETWEEN THE FOLLOWING TWO LINES: (a) LINE 1,969 feet NORTH OF THE CENTERLINE OF HORD RAPIDS ROAD, AND (b) LINE 15,781 feet NORTH OF THE CENTERLINE OF HORN RAPIDS ROAD.
7. FINAL LOCATION OF FLARE TO BE DEFINED BASED ON FERA AND QRA ASSESMENTS.MAXIMUN RADIANT HEAT INTENSITY CLEARANCE 500BTU/HFT2 AT ELEVATIONS ARE PRELIMINARY AND WILL BE UPDATED WITH INFORMATION FROM FLARE VENDOR.VALUES ARE RECOMMENDED DESIGN THERMAL RADIATION FOR PERSONNEL ACCORDING TO API521.
8. REQUIRED FACILITIES FOR FIRE STATION WILL BE INTEGRATED IN CONTROL ROOM BUILDING.
9. NH3 BUFFER VESSEL FOR SPORADIC DRAINAGE OF CONCENTRATED AMMONIA. INCLUDED IN 580-PU-001.
10. ANALIZER SHELTERS REQUIRED WILL BE SUPPLIED BY PACKAGE VENDORS.

WASHINGTON ENGINEER STAMP

Rev	Date	ISSUE	BY	REV.	APR.
D1	01-10-24	ISSUED FOR SEPA PURPOSES	REC	JDJ	TEC

ATLAS AGRO

TECNICAS REUNIDAS

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PACIFIC GREEN FERTILIZER PLANT

PLOT PLAN
OVERALL PLOT PLAN

SCALE:	PROJECT No:	UNIT
1":200'	10560	000

DRAWING NUMBER:	SHEET:	REV:
10560-000-PIP-PP-0001	1/1	D

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items of Business

Strategic Priority 1 - High Performance Government

Subject:
Ordinance No. 2024-04, Rezoning Approximately 4.7 Acres from Agricultural (AG) and Suburban Agricultural (SAG) to Retail Business (C-2) (Closed Record - Passage)

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-04	Ordinance

Recommended Motion:
Give second reading and pass Ordinance No. 2024-04, rezoning approximately 4.7 acres from Agricultural (AG) and Suburban Agricultural (SAG) to Retail Business (C-2) subject to a Property Use and Development Agreement.

Summary:
Mallikarjuna Vallem, owner of Columbia Valley Property Holdings LLC, requests that property located at 2155 Keene Road and identified as Assessor's Parcel No. 122983000002005 be rezoned from Suburban Agricultural (SAG) and Agricultural (AG) to Retail Business (C-2). The site in question, which is located directly south of the intersection of Keene Road and Queensgate Boulevard, has been identified for commercial development through execution of Contract No. 92-10. The proposed rezone of 2155 Keene will satisfy a portion of Contract No. 92-10.

The Richland Hearing Examiner conducted an open-record public hearing on the rezone proposal on July 14, 2023. On December 6, 2023, the Hearing Examiner issued a formal recommendation of approval for the proposed rezone subject to adoption of a Property Use and Development Agreement that limited certain uses on the property and listed a number of other conditions of approval.

The primary concern expressed by residential neighbors to the west involves potential negative impacts that future commercial development could have on the homeowners of Country Ridge Estates. These concerns were also voiced during the developer's renegotiation of Contract No. 92-10, which was amended in 2022 with agreement of the Country Ridge Estates HOA. The Hearing Examiner determined that the best way to mitigate possible impacts is to enforce the buffering requirement established by Contract No. 92-10. As a result, a 204-foot buffer area between Country Ridge Estates and future commercial development on the rezone site has been defined and recommended for approval by the Hearing Examiner.

During the closed record review hearing on February 20, 2024, the applicant asked for edits to the proposed property use and development agreement to allow drive aisles in the contractually required 204-foot buffer. On first reading, City Council declined the amendment, and the redlines do not appear in the final agreement.

Staff recommends approval of Ordinance No. 2024-04 for second reading and passage.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-04
2. Amendment to 2010 Land Development Agreement (Historical)
3. Commercial Buffer Map
4. Vicinity Map

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING TITLE 23: ZONING REGULATIONS OF THE RICHLAND MUNICIPAL CODE AND THE OFFICIAL ZONING MAP OF THE CITY TO CHANGE THE ZONING ON 4.7 ACRES FROM AGRICULTURE (AG) AND SUBURBAN AGRICULTURE (SAG) TO RETAIL BUSINESS COMMERCIAL (C-2); SAID PROPERTY BEING IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 1-2298-300-0002-005, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.

WHEREAS, on July 14, 2023, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from the applicant Columbia Valley Property Holdings, Mallikarjuna Vallem, to change the zoning of the property hereafter described in Section 2 and identified as Assessor's Parcel Number 1-2298-300-0002-005; and

WHEREAS, following the July 14, 2023 open-record public hearing, the Richland Hearing Examiner issued an 18-page written recommendation to the Richland City Council that concluded with a favorable recommendation to approve the requested rezone subject to execution of a Property Use and Development Agreement; and

WHEREAS, the Richland City Council has considered the written recommendation of the Richland Hearing Examiner and the record created during the July 14, 2023 open-record public hearing; and

WHEREAS, as required by RMC 19.20.030, the Richland City Council conducted a closed-record decision hearing on February 20, 2024 and has considered the totality of the record.

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

Section 1. The findings of fact and conclusions of law contained in the Richland Hearing Examiner's Report dated December 6, 2023, attached hereto as **Exhibit A** and incorporated herein by this reference, are hereby adopted as the findings and conclusions of the Richland City Council.

Section 2. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is Retail Business Commercial (C-2), with additional land use restrictions imposed by a duly executed *Property Use and Development Agreement*, when consideration is given to the interests of the public.

Section 3. Contingent upon the recordation, as provided in Section 6 herein and within 90 days of passage of this Ordinance, of a duly executed, delivered and accepted *Property Use and Development Agreement* substantially in the form attached hereto as **Exhibit B** by Petitioner for rezone of the property identified herein, restricting the use and development of such property more specifically described as follows:

REVISED LOT 3 OF RECORD OF SURVEY 5735

such property is rezoned from Agriculture (AG) and Suburban Agriculture (SAG) to Retail Business Commercial (C-2) subject to the land use limitations of the *Property Use and Development Agreement* attached as **Exhibit B**.

Section 4. Title 23 of the Richland Municipal Code and the Official Zoning Map of the City of Richland as adopted by RMC 23.08.040 are hereby amended by amending Sectional Maps Nos. 16 and 17, which are two (2) of a series of maps constituting said Official Zoning Map of the City of Richland, as shown on the attached Sectional Map Nos. 16 and 17 bearing the number and date of passage of this Ordinance, and by this reference made a part of this Ordinance and of the Official Zoning Map of the City of Richland.

Section 5. Upon receipt of a duly executed *Property Use and Development Agreement*, as contemplated in Section 3 herein, the City Manager is authorized to execute the same for and on behalf of the City, and to file said document with the City Clerk.

Section 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Map Nos. 16 and 17, duly certified by the City Clerk as a true copy, together with **Exhibit A** (Richland Hearing Examiner's Report) and **Exhibit B** (the duly executed *Property Use and Development Agreement*).

Section 7. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 8. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9. 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 5th day of March, 2024.

_____
Theresa Richardson, Mayor

Attest:

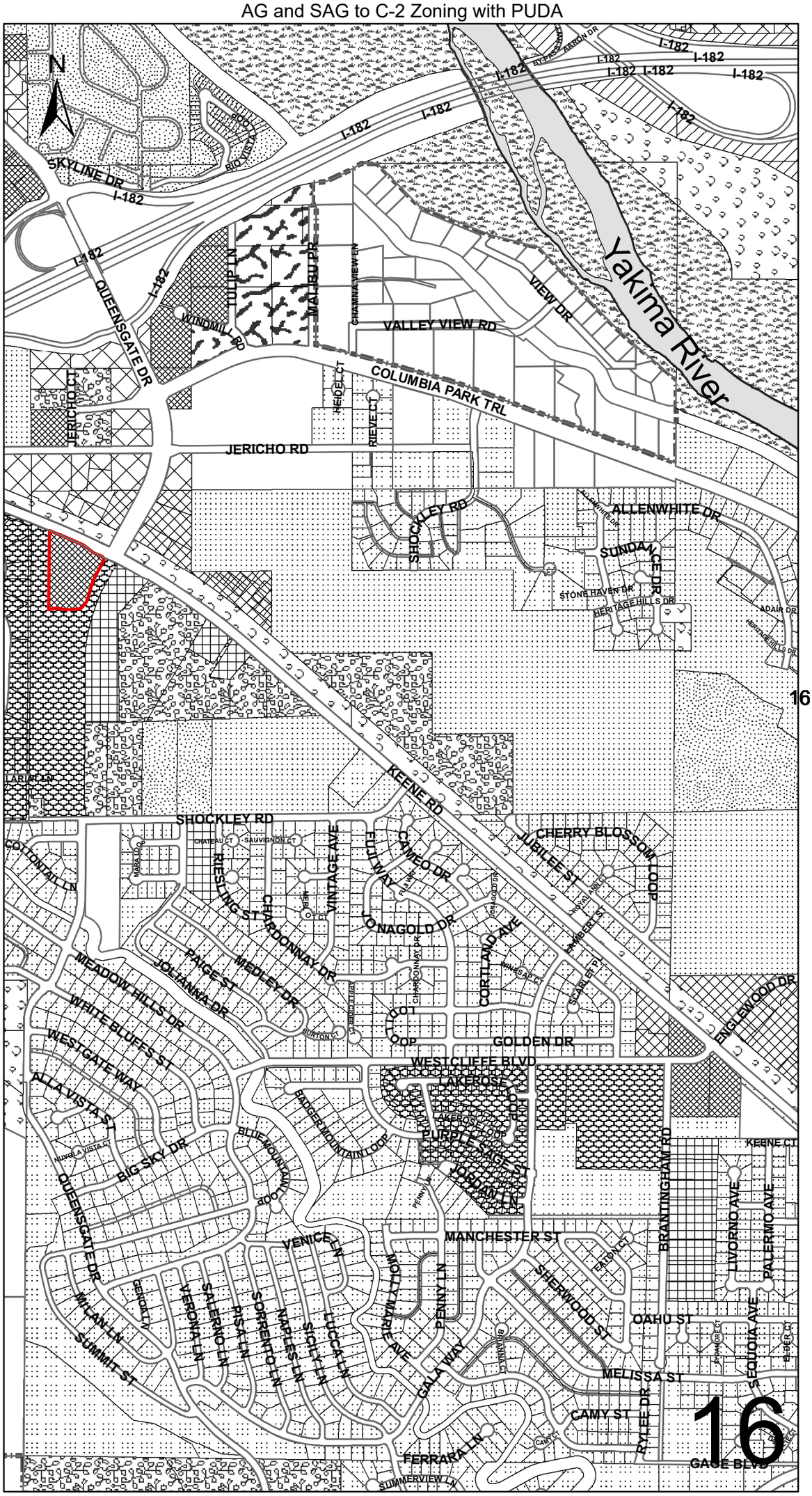
_____
Jennifer Rogers, City Clerk

Approved as to Form:

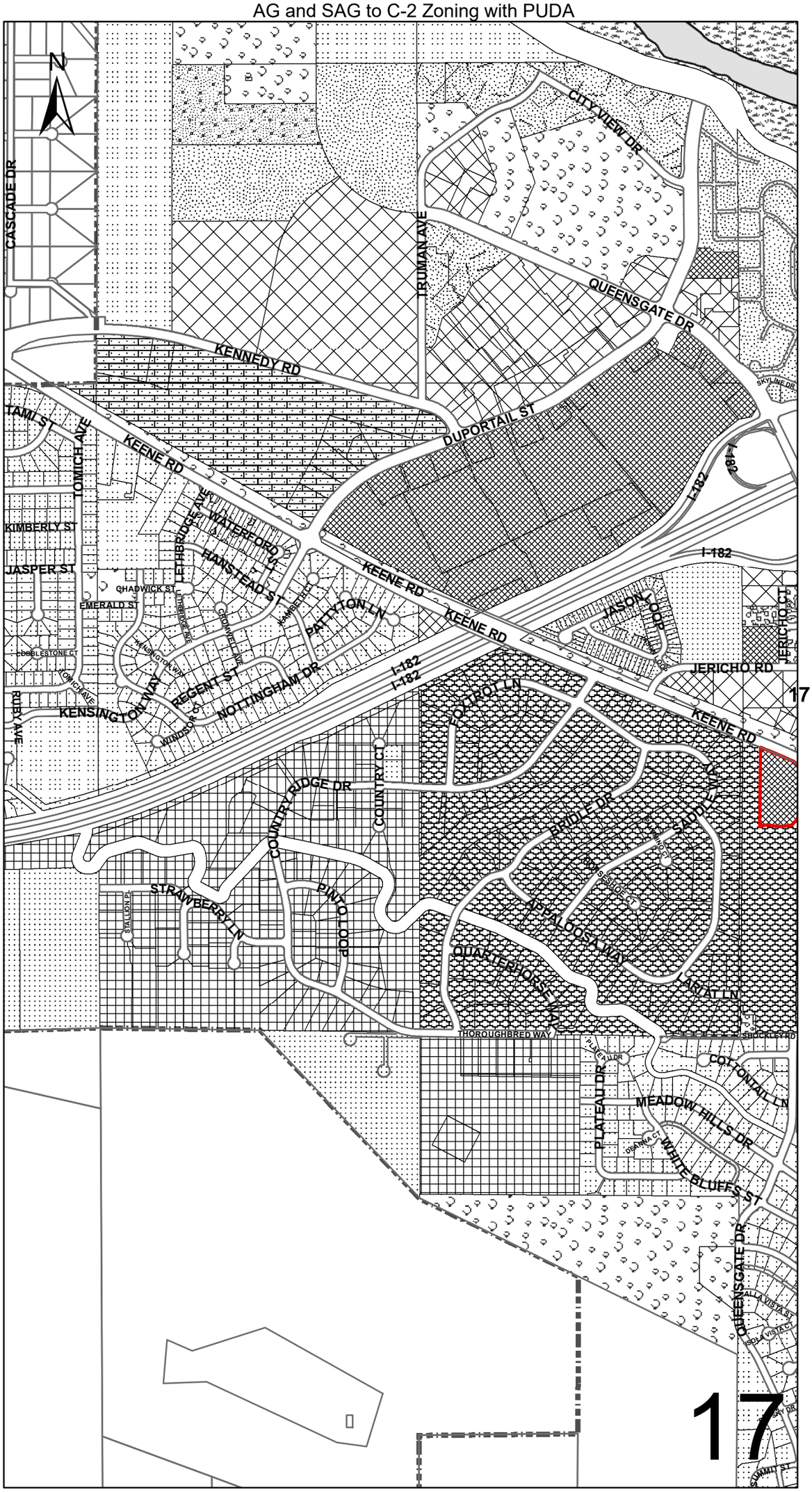
_____
Heather Kintzley, City Attorney

First Reading: February 20, 2024
Second Reading: March 5, 2024
Date Published: March 10, 2024

Ordinance No. 2024-04 Passed 03/05/2024
AG and SAG to C-2 Zoning with PUDA



Ordinance No. 2024-04 Passed 03/05/2024
AG and SAG to C-2 Zoning with PUDA



Before Hearing Examiner
Gary N. McLean

BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND

Regarding the Application to ***Rezone*** a 4.7-acre parcel from AG (Agriculture) and SAG (Suburban Agriculture) to C-2 (Retail Business Commercial), submitted by **COLUMBIA VALLEY PROPERTY HOLDINGS** (MALLIKARJUNA VALLEM), Applicant/Owner	**File No. Z2023-106** **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

Subject to terms of a concomitant agreement regarding future use and development of the site, the applicant can meet its burden of proof to demonstrate that its requested rezone merits approval.

The property at issue is now zoned AG (Agriculture) and SAG (Suburban Agriculture), though most of the parcel is designated as suitable for Commercial development, with a small portion on the western boundary designated as low-density residential. There is no dispute that the current AG and SAG zoning designations are inconsistent with the City's Comprehensive Plan.

While this application is for a site-specific rezone, the property is subject to terms of a Development Agreement initially approved by the City Council in 2010 *(Ex. 4, Contract 92-10)*, amended by the City Council in 2022 *(Ex. 5, Ordinance No. 2022-03)*, which have generated disagreement between the applicant, surrounding property owners, and City staff. In short, there is a distinct difference of opinion regarding what sort of uses and activities can or should be permitted to occur in the portion of the site that is generally designated as a "buffer" area separating potential commercial development from the Country Ridge neighborhood to the west. The Development Agreement explains how the buffer area should

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RICHLAND, WASHINGTON 99352

be subject to low-density residential standards (R-1-12 zoning), among other things, with the indisputable purpose being to provide a meaningful buffer.

As explained below, the size of the "buffer" between the Country Ridge property boundary and the rezone site would be 204 feet, which would include 59 feet of the westernmost portion of the rezone site. The applicant proposed a 204-foot building setback for any new commercial buildings; whereas Staff and some local residents prefer the 204-foot buffer to restrict more than just placement of a commercial building, but associated commercial activities and uses, like parking, loading, and large trash-containers commonly found along the back side of retail/grocery/hardware stores and other commercial buildings.

The pending application would rezone the entire site to C-2 (Retail Business Commercial) – subject to terms of a proposed concomitant agreement intended to satisfy the buffer and other requirements found in the Development Agreement, as amended in 2022. The disagreement focuses on the width of any buffer (is it really 204-feet for all commercial activities or is it just a 204-foot commercial building setback?) and what sort of measures should be included in a concomitant agreement to satisfy the intent and purpose of the buffer and other development standards addressed in the Development Agreement.

This requested rezone does not approve any development activity on the site. As with all development proposals, City Development Regulations will apply to any specific projects that may eventually be proposed on the site.

Based on substantial input from the applicant, Staff, and adjacent property owners, and additional research by the Examiner, for reasons explained below, the Hearing Examiner respectfully recommends that the City Council approve the applicant's pending request to rezone their parcel from AG and SAG to the C-2 zoning district, subject to terms of an appropriate concomitant agreement that will address use and development of the site in a manner that is consistent with the Development Agreement (Contract 92-10), as amended in 2022 (Ord. 2022-03).

II. BACKGROUND and APPLICABLE LAW.

In this matter, the Hearing Examiner has jurisdiction to conduct an open record public hearing on the site-specific rezone application at issue and is directed to issue a written recommendation for consideration and final action by the Richland City Council. *See* Richland Municipal Code (RMC) 19.20.010(D)(identifies "site-specific rezones" as Type IIIA permit applications); RMC 23.70.210(A)("The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application."); and RMC 19.20.030(granting jurisdiction to Hearing Examiner to conduct public hearing and issue recommendation to City Council); RMC 19.25.110(authority for Examiner actions,

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including conditions of approval on applications or appeals); and RCW 35A.63.170(state statute regarding hearing examiner system).

The applicant bears the burden of proof to show that its application conforms to the relevant elements of the city's development regulations and comprehensive plan, and that any significant adverse environmental impacts have been adequately addressed. RMC 19.60.060.

Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent of a rezone must demonstrate that there has been a change of circumstances since the original zoning, PROVIDED if a proposed rezone implements the policies of a comprehensive plan, a showing of changed circumstances is usually not required[1]; and (3) the rezone must have a substantial relationship to the public health, safety, morals, or general welfare. *Woods v. Kittitas County,* 162 Wn.2d 597 (2007), citing *Citizens for Mount Vernon,* 133 Wn.2d 861, at 875 (1997); *Parkridge v. City of Seattle, 89 Wn.2d 454, 462* (1978).

Finally, this is not a simple site-specific rezone application – because it involves a binding Development Agreement that applies to the site, and controversy as to how wide a buffer should be and the types of uses or activities that should be allowed to occur in such buffer.

III. QUESTIONS PRESENTED.

For purposes of the pending rezone application, the central questions presented are:

A. Whether the requested rezone implements applicable policies of the City's Comprehensive Plan, and/or whether there has been a change of circumstances since the current AG (Agriculture) and SAG (Suburban Agriculture) zoning was adopted for the site?

> *Short Answer:* Yes to both, subject to adoption of an appropriate concomitant agreement that will ensure future development and activities on the site fulfill special considerations addressed in the Development Agreement for the property. The rezone would effectuate that Comprehensive Plan and eliminate a nonconformity that currently exists between such Plan and city zoning maps. The requested C-2 zone would allow for a mix of retail business uses that could provide access to products and services for the growing population in the immediate area, none of which is allowed in the AG or SAG zone. Commercial development is occurring on properties along both the Keene Road and Queensgate corridors at a rapid pace, showing a

[1] *Save Our Rural Env't v. Snohomish County*, 99 Wn.2d 363, 370-71 (1983); *Henderson v. Kittitas County*, 124 Wn. App. 747, 754 (Div. III, 2004); *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846 (Div. III, 1995).

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change of circumstances that supports this requested rezone.

B. Whether the rezone bears a substantial relationship to the public health, safety, morals, or general welfare?

Short Answer: Yes, because the rezone is consistent with the City's Comprehensive Plan, and any future, project-specific proposal will have to meet city development regulations, including SEPA, relevant zoning provisions, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application. Vacant, undeveloped, Commercial-designated property in an area already served with newer transportation and utility infrastructure is not consistent with state and local policies that encourage such development in designated urban growth areas, like those in the Richland City limits. The current AG and SAG zoning designations applied to the site are no longer appropriate or in the public interest. This recommendation is conditioned on the Council's concurrent adoption of an appropriate concomitant agreement that would address future use and development of the property, so as to address legitimate concerns raised by adjacent property owners and staff, and to comply with the terms of prior City Council actions guiding development of the site, particularly the 2010 Development Agreement as amended in 2022.

IV. RECORD.

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the City of Richland, and may be examined or reviewed by contacting the City Clerk's Office.

Public notices regarding the application and public hearing were mailed, posted, and published as required by city codes prior to the public hearing, which opened in June with a continuance granted to the July 2023 agenda. *(Staff Report, page 11; Exhibit 8; Testimony of Mr. Stevens).*

Hearing Testimony: The following individuals provided testimony at the public hearing, held in person at Richland City Hall on July 14, 2023, with the Zoom online platform coordinated by staff to allow testimony or observation from a remote location:

1. Mike Stevens, the City's Planning Manager;
2. Peter Hartster, Applicant's project engineer;
3. Rick Simon, Applicant's land use consultant;
4. Hamed Aziz, in-house counsel for the applicant;
5. Michael Froehlich, local resident, spoke for the Country Ridge HoA;

6. Natalie Martinez, Country Ridge resident; and
7. Nader Samaan, Country Ridge resident.

Exhibits: The Development Services Division Staff Report for the requested Rezone, including a recommendation of approval subject to terms of a Property Use and Development Agreement, was provided to the Examiner in the week before the hearing. The Staff Report, and the following Exhibits, were all accepted into the Record in their entirety without modification:

1. Rezone Application Materials
2. Zoning and Land Use maps
3. Ordinance No. 21-10, which adopted the original Development Agreement in 2010 for the property and included Findings and Conclusions in Sec. 1.01 that were essentially ratified and confirmed by the City Council in 2022 through approval of Ord. No. 2022-03, which adopted such findings and conclusions by reference.
4. Contract 92-10
5. Ordinance No. 2022-03
6. BLA 2022-115
7. PUD 2022-101, site plan (Terraces at Queensgate PUD)
8. Public Notices & Affidavits
9. Agency comments
10. Public Comments
11. Analysis and discussions regarding road locations
12. Applicant's requested changes to Staff's recommended conditions for Property Use and Development Agreement, submitted at the public hearing by Mr. Simon

Post-hearing submittals and additional public records, all as authorized or added by the Examiner:

13. Email from Mr. Stevens, including Staff Response memo addressing the applicant's preferred conditions, and requesting additional time for the applicant and Country Ridge HoA parties to respond.
14. Applicant's reply to Staff's Response, via email from attorney M. Fickes.
15. Country Ridge HoA response to applicant's "proposed amendments" to recommended conditions of approval, in form of an email from Michael Froelich.
16. Email from the Examiner to Mr. Stevens (to forward to other parties), confirming record was open to allow for responses from the applicant and Country Ridge HoA, with final word from the applicant.
17. Undated, final comments from the applicant.

18. Recommendation of Approval from the Examiner for the applicant's "Terraces at Queensgate South" PUD, dated Feb. 14, 2023.
19. Ordinance No. 2023-07, approving Terraces PUD, adopting recommended conditions of the Examiner, adopted by the City Council on May 2, 2023.

The Examiner has visited the road network and neighborhoods in the vicinity of the

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CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

proposed rezone on multiple occasions over the past few years in connection with other applications, including two site visits in weeks after the public hearing, and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.

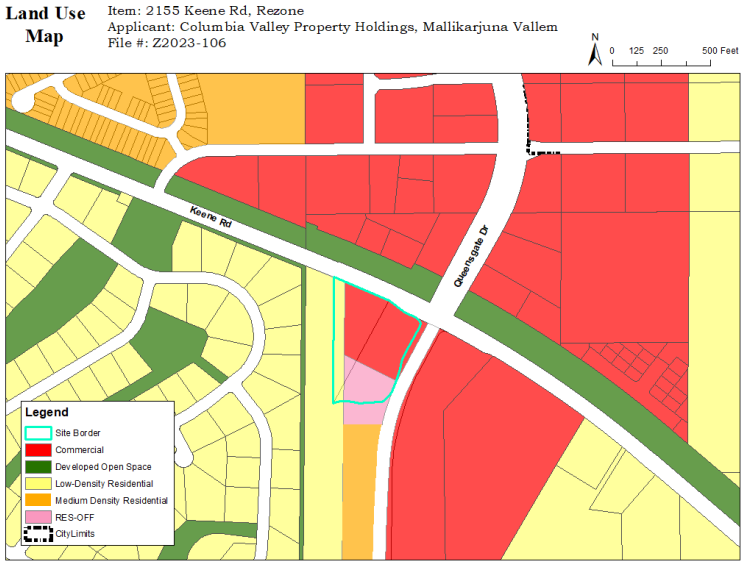
V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

Application, Site Location and Conditions.

1. In this application, the applicant and property owner, Columbia Valley Property Holdings, LLC, with Mallikarjuna Vallem as its Managing Member, requests a rezone of a parcel of property from Agriculture (AG) and Suburban Agriculture to C-2 (Retail Business Commercial). *(Ex. 1, Application materials).*

2. The property and boundaries addressed in this rezone application were established in October of last year, when the applicant obtained approval for a Boundary Line Adjustment (*Ex. 6*), resulting in a 4.7-acre parcel located and configured as outlined in green in the following map provided in the Staff Report, which also shows how the applicant's recently-reconfigured property includes a strip of land in its western border that is designated for Low-Density Residential uses in the City's Comprehensive Plan. This is part of the area that is described as a "buffer" in the Development Agreement addressed in this Recommendation.



(Staff Report, page 5, Figure 2 – Comprehensive Plan Land Use Map).

3. There is no dispute that the rezone site is a portion of a much larger (47 acre) collection of properties that are subject to terms of a Development Agreement adopted by the Richland City Council in 2010 and amended in 2022. The following background findings are largely based upon recitals and findings found in Ordinance No. 2022-03, amending the original development agreement. *(See Ex. 4, original 2010 Development Agreement; Ex. 3, Ord. No. 21-10 approving 2010 Development Agreement; and Ex. 5, Ord. No. 2022-03).*

Background.

4. On July 20, 2010, the City entered into a Development Agreement affecting 47 acres south of Keene Road and east of the Plat of Country Ridge *(the "Original Agreement", aka Richland Contract No. 92-10, included in the Record as Ex. 4).*

5. The Original Agreement was entered into pursuant to RCW 36.70B.170(1) and as authorized by City of Richland Ordinance No. 21-10 *(Ex. 3)* for the purpose of settling an appeal filed by the Country Ridge Homeowners Association related to the City's 2009 Comprehensive Plan amendments affecting the property (*see* Eastern Washington Growth Management Hearing Board Appeal No. 09-1004).

6. Despite execution of the Original Agreement in 2010, the property has remained undeveloped, likely due to the fact that its ownership has been divided among multiple unrelated individuals.

7. At some point in the last few years, the 47-acre property came under the common ownership of Columbia Valley Property Holdings, LLC, with Mallikarjuna Vallem listed as its managing member/Governor. *(SoS Website, LLC registration information).*

8. After taking control and ownership of the site, the applicant submitted a request from to amend the Original Agreement, with a letter of support from the Country Ridge Homeowners Association. The City Council noted that "the proposed First Amendment to Development Agreement maintains critical components of the Original Agreement and appears to be consistent with the intent of the 2010 settlement agreement and the Richland Comprehensive Plan amendments adopted by Ordinance No. 21-10." *(Preamble, Ord. No. 2022-03).*

9. While amending the Original Development Agreement, the City Council adopted all findings and conclusions contained in Section 1.01 of Ordinance No. 21-10 by reference. *(See Ex. 5, Ord. No. 2022-03, Section 1)*. Of particular relevance to this pending rezone application, those findings and conclusions include without limitation the following:

10. The area adjacent to Keene Road and the future Keene Road/Queensgate Drive intersection is suitable for commercial land uses given the existing and proposed transportation system in the area and the proximity of existing commercial uses located directly north of the subject properties;

12. The proposed agreements provide a number of specific mitigation measures that will ensure that future development of the site will be appropriately buffered. Measures include the provision of low density residential development immediately adjacent to adjoining properties; the construction of a masonry wall; the provision of buffers; restrictions on the nature of future commercial uses and the provision of design standards to guide the appearance and size of future commercial buildings;

16. The conditions listed in the development agreement are necessary and desirable to ensure that appropriate separation of differing land uses is provided to mitigate land use impacts

(Ex. 3, Ord. No. 21-10, Section 1.01, Finding Nos. 10, 12, and 16).

10. The Development Agreement included express conditions addressing "Future Uses", found in Section 10 of such Agreement, some of which remained unchanged by the 2022 Ordinance. Those provisions include Sec. 10(a) and 10(e) that mandate a "buffer area" along the western property boundary and "buffer standards" for the eastern boundary of the site, which clearly reflect concerns that adequate separation should be provided between commercial uses and adjacent low density residential sites. Sections 10(a) and 10(e) of the Development Agreement still read as follows:

a) A buffer area of Low density residential development designated along the westerly property boundary of the Site, adjacent to the Country Ridge property line and zoned for R-1-12. The buffer would provide for two tiers of single family residential lots separated by a road corridor, providing for an overall density not to exceed three (3) lots per acre (inclusive of such road corridor). A Planned Unit Development may be utilized to achieve a density average consistent with this agreement. These lots would meet all R-1-12 zoning standards, and such lots adjoining the adjacent Country Ridge development shall be laid out with their rear yards facing the County Ridge property line.

e) Buffer standards for the eastern boundary of the site shall be established at the time a specific zoning proposal is submitted to the City and at a minimum shall address:
   1. Building setbacks;
   2. Maximum building height;
   3. Landscape screening and/or fencing;
   4. Restrictions on outdoor lighting;

5. Restrictions on location of outdoor storage areas, truck loading docks, refuse collection areas.

The intent of the buffer shall be to provide an adequate separation between the proposed commercial/multi-family residential use and the adjoining low density residential land use to protect the low density residential property from impacts of noise, and light and glare.

11. There is no credible dispute that the effect of requiring the western portion of the site – where a portion of the rezone property is located – to "meet all R-1-12 zoning standards" would not allow for outdoor storage areas, truck loading docks, refuse collection areas, or other uses and activities that are commonly associated with commercial development projects.

12. Conversely, without a concomitant agreement that would limit or restrict such uses or activities, there is no dispute that the applicant's requested C-2 zoning for the entire property would allow for "a wide range of retail business uses and services compatible to the core of the city and providing a focal point for the commerce of the city," where "[a]ll activities shall be conducted within an enclosed building except that off-street loading, parking, and servicing of automobiles may be in the open and except that outdoor storage may be permitted when conducted in conjunction with the principal operation which is in an enclosed adjoining building. *(See RMC 23.22.010, captioned "Purpose of commercial use districts," Sec. C, describing the "C-2" Retail Business Commercial zone).*

13. Staff submitted a post-hearing response to requests for changes to recommended conditions from the applicant made during the public hearing, which credibly explains that a building setback alone from the western boundary of the rezone site would not adequately take into consideration other commercial activities that could have a negative impact on residents in the Country Ridge neighborhood – including parking lots, light standards [poles, equipment, fixtures], loading/unloading areas for semi-trucks, large trash containers, and other uses or activities which item 10(a) from the Development Agreement intended to be separated from the Country Ridge neighborhood via a required buffer. *(Ex. 13, Post-hearing response memo from Staff, referring to Development Agreement, Sec. 10(a))).*

14. The Examiner finds and concludes that placement of off-street loading (including without limitation semi-truck loading docks), customer parking, large light poles and fixtures, outdoor storage areas, refuse collection areas, and other uses or activities commonly associated with commercial development projects, within the area of the property that is intended to serve as a buffer between commercial development and the adjacent Country Ridge neighborhood, would not be consistent with the Development Agreement. Accordingly, it is necessary to condition this requested rezone with contemporaneous approval of an appropriate concomitant agreement that would ensure that commercial

development activities and uses are not placed in the buffer area described for the western portion of the rezone site.

15. Again, the City Council findings from 2010 adopting the Development Agreement were ratified and confirmed in 2022 when the Agreement was amended and expressly provide that "The conditions listed in the development agreement are necessary and desirable to ensure that appropriate separation of differing land uses is provided to mitigate land use impacts." *(Finding No. 16, in Sec. 1.01 of Ord. No. 21-10, adopted by reference in Ord. No. 2022-03).*

16. While the applicant's representatives appear to have sought consensus from adjacent property owners and staff, their requests for changes to the recommended conditions for a concomitant agreement – so that any concomitant agreement would only limit the placement of a commercial building to a particular buffer/setback line without also restricting commercial uses and activities in the buffer area – amplify concerns from neighboring property owners and staff that a future project may indeed come forward and seek to locate outdoor storage, customer parking, loading docks, refuse collection receptacles, and similar activities commonly associated with retail commercial businesses within the buffer area. Placing such activities along the western part of the rezone site would effectively reduce the buffer and increase potential impacts on properties to the west.

17. Based on site visits to newer commercial developments throughout the City of Richland, the Examiner finds and concludes that concerns associated with potential noise, light, and glare that might result from placement of commercial activities in the buffer area are legitimate concerns. The applicant's arguments and suggestions that a narrower buffer should be sufficient seems to be a race to see just how narrow a strip of land that planners and engineers might be able to say would be adequate to fit two tiers of residential lots separated by a road corridor – the general 'yardstick' used in the Development Agreement to describe the width of the buffer area on the west side of the site. That does not appear to be what the Council intended. Instead, a meaningful, genuine "buffer area" is envisioned in the original Development Agreement, and findings supporting the need for such buffer area were confirmed by the Council in 2022.

Discussion.

18. The Staff Report summarizes the applicant's request – which expressly includes a request (or suggestion) that the rezone should be conditioned upon contemporaneous adoption of an appropriate concomitant agreement (aka property use and development agreement), limiting the type of commercial uses on site, and mandating some specific design standards, among other things. Almost all of the recommended conditions listed on pages 15-17 of the Staff Report read the same as those proposed by the applicant in Ex. 1, on .pdf pages 40-41.

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19. Specifically, the application materials include the following statement:

> In order to ensure that the development proceeds in accordance with the descriptions provided within this narrative, the applicants propose that zoning restrictions be made of record through a concomitant agreement or similar document, acceptable to the City and that would include the following restrictions [...]. *(Ex. 1, application materials, on page 9 of application narrative, .pdf page 40, which then lists more than 20 items).*

20. The applicant argues that the landscaped storm pond retention area associated with The Terraces at Queensgate South PUD (approved by the City Council in May of this year) will serve as a "superior buffer compared to two tiers of residential lots with a road." *(Ex. 17, Applicant's final written reply to Staff response).* While the applicant strongly argues that "a 204 [foot] separation between Country Ridge and the commercial tract is not required[2]," the application materials expressly request adoption of Property Use and Development agreement to create a 204-foot building setback between the Country Ridge Boundary and commercial buildings. For instance, a letter from Mr. Simon, included as part of *Ex. 1*, reads in relevant part as follows:

> "In response to the assertion made in the staff report that a 204 foot buffer is required between the Country Ridge plat and future commercial development, Columbia Valley Property Holdings is willing to stipulate as a part of the Property Use and Development Agreement, that all future commercial building(s) would be set back 204 feet (emphasis added) from the Country Ridge property boundary, or 59 feet from the boundary of Tract E. We trust that this 204 foot setback will satisfy the staff's concerns." *(Ex. 1, .pdf page 24, letter from Applicant's consultant, Mr. Simon).*

21. The Examiner finds and concludes that the applicant's reduced buffer area proposal, which would only provide for a 204-foot building setback from the Country Ridge boundary, would not be in the public's interest, and appears to be inconsistent with the City Council's intent that a genuine buffer – of at least 204-feet – should be placed between commercial activities on the rezone site and the Country Ridge boundary. Again, the applicant's suggested language would still allow for delivery truck loading and unloading, outdoor storage, parking, large light poles and equipment, and other commercial activities all in the open, within the 59-foot area they wish to exclude from the 204-foot buffer. Such activities, if allowed to occur within an area the same width as that needed to place two rows of residential lots and a roadway in the recently approved Terraces PUD, would not be consistent with the buffer requirement emphasized and described in several portions of the applicable Development Agreement, as amended.

[2] Ex. 17, Applicant's final written reply to Staff response.

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22. Subject to appropriate terms in a concomitant agreement (aka property use and development agreement), including without limitation a meaningful buffer area of 204-feet, this application would eliminate the site's nonconformity with the City's Comp. Plan, by replacing the current AG and SAG zoning with the C-2 zone. Thus, the requested rezone can be approved in a manner that is consistent with and will implement policies in the City's Comp. Plan and the applicable Development Agreement, which applies to this property.

23. Changed circumstances also support the requested rezone. Rapid residential development in the surrounding area has increased density in a potential retail service area, and demand for retail businesses and services has increased for properties like the rezone site. The current Agriculture/SAG zoning does not serve a useful purpose in this location.

24. The Examiner concurs with the opinion of staff and finds that the proposed C-2 zoning, approved with an appropriate property use and development agreement, would be compatible with the vicinity and that the site's proximity to well-built roadways, utilities, public infrastructure, and potential customers living in surrounding residential areas, should make the property a highly desirable site for retail businesses and commercial uses allowed under this application. *(Site visits; terms of proposed property use and development agreement, limiting some uses, and applying other appropriate conditions that are supported by the record and provisions of the Development Agreement).*

25. Because staff deemed the application to be consistent with the City's Comprehensive Plan and terms of the Development Agreement – subject to adopting of an appropriate property use and development agreement along with the requested rezone – the pending application is categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). *(Staff Report, page 10).*

26. The proposed property use and development agreement is written to prohibit a list of more than a dozen uses that would not be compatible with surrounding uses on adjacent properties. *(Staff Report, page 12; Ex. 1, application materials, on .pdf page 40).* The list of commercial uses that will not be permitted reads as follows:

a. Automotive Repair Uses;
b. Car Wash;
c. Fuel Station/Mini Mart;
d. Truck Rentals;
e. Truck Stop;
f. Vehicle Sales;
g. Contractor's Offices;
h. Funeral Establishments;
i. Laundry/Dry Cleaning Uses;
j. Telemarketing Services;
k. Emergency Shelters;

l. Transitional Housing;
m. Secondhand Store.

Public services and utilities are adequate and readily available to serve the site.

27. As part of the review process, City staff confirmed that, adequate utilities, including without limitation water, sewer, stormwater, irrigation, and electricity, are in place and/or readily available, some with connections needed, but all with adequate capacity, to serve the parcel that is at issue in this matter. *(Staff Report, pages 8, 9).*

Consistency with City Codes and Comprehensive Plan.

28. There is no dispute that the rezone site is already designated as suitable for Retail Business (C-2) zoning. *(Development Agreement, as amended).* The recommended terms of an appropriate property use and development agreement are necessary to ensure that future commercial activities on the site are consistent with provisions of the Development Agreement that applies to this property, including without limitation those that clearly envision a meaningful buffer of about 204-feet between Country Ridge and commercial activities on the rezone site.

General findings.

29. Subject to terms of the recommended property use and development agreement – the requested rezone bears a substantial relationship to the public health, safety, and general welfare; and the requested rezone will be appropriate in the context of adjacent properties.

30. The Development Services Division Staff Report, prepared by Mr. Hendricks, includes a number of specific findings and explanations that establish how the underlying application satisfies provisions of applicable law and is consistent with the city's Comprehensive Plan and zoning regulations. Except as modified in this Recommendation, all Findings contained in the Staff Report are incorporated herein by reference as Findings of the undersigned-hearing examiner.

31. Any factual matters set forth in the foregoing or following sections of this Recommendation are hereby adopted by the Hearing Examiner as findings of fact and incorporated into this section as such.

VI. CONCLUSIONS.

Based upon the record, and the Findings set forth above, the Examiner issues the following Conclusions:

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1. The applicant met its burden to demonstrate that the requested rezone conforms to, and in fact implements objectives of, the City's Comprehensive Plan and the applicable Development Agreement, if the rezone approval is subject to terms of a property use and development agreement addressed in this Recommendation. *Findings; Staff Report.*

2. The applicant met its burden to demonstrate that the requested rezone bears a substantial relationship to the public health, safety, or welfare.

3. The Staff Report and testimony in the record demonstrate that the proposed rezone will not require new public facilities and that there is capacity within the transportation network, the utility system, and other public services, to accommodate all uses permitted in the C-2 zone requested herein.

4. Subject to compliance with terms of the recommended property use and development agreement, the rezoned site will not be materially detrimental to uses or property in the immediate vicinity of the subject property**.** The rezone will help facilitate retail commercial development on the property, thereby implementing City goals and policies, including without limitation those that seek to provide access to commercial uses that serve the needs of adjacent residential neighborhoods, and promote economic development. *(Staff Report, pages 5-6).*

5. While the pending rezone application is categorically exempt from formal SEPA review, the record demonstrates that the potential for adverse impacts is highly unlikely, the rezone approval is conditioned upon terms of an appropriate property use and development agreement for the site.

6. As required by RMC 19.50.010(C), the transportation system is sufficient to accommodate the type of development envisioned with the proposed rezone. The surrounding road network is fully functional, and no transportation concurrency problems are likely to arise as a result of the rezone for the site. Development regulations, including without limitation those detailing frontage improvements, limited access, roadway improvements, impact fees, setbacks, and the like, will apply to any future project built on the site.

7. Based on the record, the applicant demonstrated its rezone application merits approval, meeting its burden of proof imposed by RMC 19.60.060. Approval of this rezone will not and does not constitute, nor does it imply any expectation of, approval of any permit or subsequent reviews that may be required for development or other regulated activities on the site of the subject rezone.

8. Any finding or other statement contained in this Recommendation that is deemed to be a Conclusion is hereby adopted as such and incorporated by reference.

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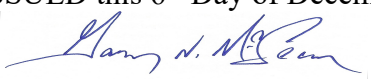
VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the Columbia Valley Property Holdings application (File No. Z2023-106) to rezone a 4.7-acre site located at 2155 Keene Road from its current AG (Agriculture) and SAG (Suburban Agriculture) zone to the C-2 (Retail Business) zoning district, which is consistent with the land use designation assigned to the area in its Comprehensive Plan and the Development Agreement for the property, should be **APPROVED, subject to contemporaneous adoption of a property use and development agreement that includes conditions provided as part of this Recommendation.**

ISSUED this 6th Day of December, 2023



Gary N. McLean
Hearing Examiner

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CONDITIONS OF APPROVAL
TO INCLUDE AS PART OF A
PROPERTY USE AND DEVELOPMENT AGREEMENT
FOR THE
COLUMBIA VALLEY HOLDINGS REZONE

FILE NO. Z2023-106
LOCATION: 2155 KEENE ROAD

In accord with authority granted in the Richland Municipal Code, the hearing examiner recommends approval of the above-referenced rezone application subject to conditions, modifications and restrictions set forth below, all found necessary to make the application compatible with the environment, and carry out applicable state laws and regulations, and the regulations, policies, objectives and goals of the city's comprehensive plan, zoning code, and the applicable Development Agreement for the project site, and other ordinances, policies and objectives of the city.

General Conditions:

1. Should development occur upon Parcel 3 (the Rezone property) prior to the completion of the *Terraces at Queensgate* Planned Unit Development project, the owner/applicant shall be required to complete the full buildout of the adjacent roadways and/or all associated frontage improvements along Parcel 3.

2. The location/establishment of driveways for Parcel 3 have been pre-approved as a result of The *Terraces at Queensgate PUD* project. Additional and/or relocated driveways onto Parcel 3 will not be allowed.

3. Any applicable or relevant Conditions of Approval for the Terraces at Queensgate PUD shall remain in full force and effect for the rezone property (Parcel 3) following approval of this rezone.

Uses:

4. Future use of the subject properties shall be consistent with the land uses as identified in the C-2 Retail Business zone as it exists today (time of council review) or as it may be amended in the future, provided that the following uses shall not be permitted:

    a. Automotive Repair Uses;
    b. Car Wash;
    c. Fuel Station/Mini Mart;
    d. Truck Rentals;
    e. Truck Stop;
    f. Vehicle Sales;
    g. Contractor's Offices;

h. Funeral Establishments;
i. Laundry/Dry Cleaning Uses;
j. Telemarketing Services;
k. Emergency Shelters;
l. Transitional Housing;
m. Secondhand Store;

Design Standards:

5. Buildings over 50 feet wide shall use one or more of the following techniques to divide building elevations into smaller parts: pronounced changes in massing; pronounced changes in wall planes; significant variations in the cornice/roofline.

6. Building colors shall emphasize muted earth tones.

7. The use of highly reflective or glossy materials shall be used for accents only.

8. Rich materials and a variety of materials are encouraged on both wall planes, roof and ground plane. If used, stone or decorative block veneers shall highlight significant building features and massed elements.

9. All sides of a building shall express consistent architectural detail and character.

10. Site walls and screen walls shall be architecturally integrated with the building.

11. Screening devices, site walls and enclosed service, loading and refuse areas should be designed to be an integral part of building architecture. All outdoor storage and refuse collection areas shall be screened.

12. Extensive use of floor to ceiling glass storefronts is appropriate only under arcaded areas.

13. Rooftop mechanical equipment shall be screened.

14. All outdoor lighting for building security and for lighting parking areas shall be screened in a manner consistent with City outdoor lighting standards and shall generally be consistent with dark sky standards.

15. All utilities serving commercial buildings shall be undergrounded.

16. Building setbacks shall be consistent with C-2 zoning standards.

17. Off-street parking requirements shall meet the minimum standards as identified in the City zoning code.

18. Building height shall be limited to a maximum of 40 feet.

19. Any building located on or near the western buffer of the site must be oriented away from the Country Ridge property boundary. If there are multiple buildings constructed on the site, buildings located on the easter half of the site may be oriented towards the west.

Buffer and Screening Requirements:

20. A buffer measuring 204-feet shall be provided between the eastern property boundary of Country Ridge Homeowners Association (Benton County Parcel # 121984020001019) and future commercial uses and activities on the rezone site, to provide the buffer addressed in Contract 92-10, Ordinance 2022-03, and PUD2022-101. Commercial uses, activities, facilities, features, and equipment commonly associated with such uses – including without limitation off-street loading and unloading areas, loading docks, parking, outdoor storage, refuse/garbage collection areas, garbage containers, and large light poles and fixtures – are prohibited within the buffer, but landscaping, stormwater drainage improvements, fencing and/or other screening may be allowed, subject to review and approval by the Administrator.

21. Landscaping and screening within the open space area on Tract E of the Terraces at Queensgate South PUD shall be in accordance with approved plans and shall be installed prior to or simultaneously with the completion of any commercial building within the rezone site.

22. Landscaping, screening, or combination thereof shall be included as part of any future development project on the site to block headlights on vehicles entering or exiting the site from shining onto adjacent residential properties.

23. Tract E of the Terraces at Queensgate South PUD, along with an additional 59' located along the western boundary of the rezone site, comprises the 204' buffer addressed in Condition 20, above, and shall be reserved for storm drainage facilities, landscaping, fencing and/or other screening subject to review and approval by the Administrator. Other possible improvements permitted within the required buffer area shall be limited to walking or bicycle trails and possible park furniture such as benches, picnic tables or gazebos.

PROPERTY USE AND DEVELOPMENT AGREEMENT
Re: 2155 Keene Road

THIS AGREEMENT made and entered into this ____ day of _____, 2024, by and between the **CITY OF RICHLAND**, a Washington municipal corporation and **COLUMBIA VALLEY PROPERTY HOLDINGS LLC**, a Washinton limited liability company. (Petitioner).

W-I-T-N-E-S-S-E-T-H:

WHEREAS, Columbia Valley Property Holdings LLC (hereinafter "Petitioner") submitted an application for a change of zone covering a 4.7-acre parcel located at 2155 Keene Road identified by Parcel ID No. 1-2298-300-0002-005 and more particularly described in Ordinance No. 2024-04 (hereinafter the "Property").

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from Agriculture (AG) and Suburban Agriculture (SAG) to Retail Business Commercial (C-2), Petitioner for itself, and for and on behalf of Petitioner's heirs, successors and assigns (also referred to as the "Applicant" or "Developer"), covenants and agrees that development and use of the Property shall be limited as follows:

1. Should development occur upon the Property (also referred to as Lot 3) prior to the completion of the Terraces at Queensgate Planned Unit Development project, the owner/applicant shall be required to complete the full build-out of the adjacent roadways and/or all associated frontage improvements along Lot 3.

2. The location/establishment of driveways for the Property (Lot 3) have been pre-approved as a result of The Terraces at Queensgate PUD project. Additional and/or relocated driveways onto the Property (Lot 3) are not allowed.

3. Any applicable or relevant Conditions of Approval for the Terraces at Queensgate PUD shall remain in full force and effect for the Property (Lot 3) following approval of Ordinance No. 2024-04.

4. Future use of the Property shall be consistent with the land uses identified in the C-2 Retail Business zone codified in RMC Title 23, as amended, provided that the following uses shall not be permitted:

• Automotive Repair Uses	• Funeral Establishments
• Car Wash	• Laundry/Dry Cleaning Uses
• Fuel Station/Mini Mart	• Telemarketing Services
• Truck Rentals	• Emergency Shelters
• Truck Stop	• Transitional Housing
• Vehicle Sales	• Secondhand Store
• Contractor's Offices	

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5. Buildings over fifty (50) feet wide shall use one or more of the following techniques to divide building elevations into smaller parts: pronounced changes in massing; pronounced changes in wall planes; significant variations in the cornice/roofline.

6. Building colors shall emphasize muted earth tones.

7. The use of highly reflective or glossy materials shall be used for accents only.

8. Rich materials and a variety of materials are encouraged on both wall planes, roof and ground plane. If used, stone or decorative block veneers shall highlight significant building features and massed elements.

9. All sides of a building shall express consistent architectural detail and character.

10. Site walls and screen walls shall be architecturally integrated with the building.

11. Screening devices, site walls and enclosed service, loading and refuse areas should be designed to be an integral part of building architecture. All outdoor storage and refuse collection areas shall be screened.

12. Extensive use of floor to ceiling glass storefronts is appropriate only under arcaded areas.

13. Rooftop mechanical equipment shall be screened.

14. All outdoor lighting for building security and for lighting parking areas shall be screened in a manner consistent with City of Richland outdoor lighting standards and shall generally be consistent with dark sky standards.

15. All utilities serving commercial buildings shall be undergrounded.

16. Building setbacks shall be consistent with C-2 zoning standards.

17. Off-street parking requirements shall meet the minimum standards as identified in the City of Richland zoning code.

18. Building height shall be limited to a maximum of forty (40) feet.

19. Any building located on or near the western buffer of the site must be oriented away from the Country Ridge property boundary. If there are multiple buildings constructed on the site, buildings located on the easter half of the site may be oriented towards the west.

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20. A buffer measuring 204 feet shall be provided between the eastern property boundary of Country Ridge Homeowners Association (Benton County Parcel No. 121984020001019) and future commercial uses and activities on the Property to comply with Contract No. 92-10, Ordinance No. 2022-03 and PUD2022-101. Commercial uses, activities, facilities, features, and equipment commonly associated with such uses – including without limitation off-street loading and unloading areas, loading docks, parking, outdoor storage, refuse/garbage collection areas, garbage containers, and large light poles and fixtures – are prohibited within the buffer, but landscaping, stormwater drainage improvements, fencing and/or other screening may be allowed, subject to review and approval by the City.

21. Landscaping and screening within the open space area on Tract E of the Terraces at Queensgate South PUD shall be in accordance with approved plans and shall be installed prior to or simultaneously with the completion of any commercial building within the Property.

22. Landscaping, screening, or a combination thereof shall be included as part of any future development project on the Property to block headlights on vehicles entering or exiting the Property from shining onto adjacent residential properties.

23. Tract E of the Terraces at Queensgate South PUD, along with an additional fifty-nine (59) feet located along the western boundary of the Property, comprises the 204-foot buffer addressed in Condition 20, above, and shall be reserved for storm drainage facilities, landscaping, fencing and/or other screening subject to review and approval by the City. Other possible improvements permitted within the required buffer area shall be limited to walking or bicycle trails and possible park furniture such as benches, picnic tables or gazebos.

This Agreement shall be recorded in the public records of Benton County, and the terms and conditions thereof shall be a covenant running with the land and included in each deed and real estate contract executed by Petitioner with respect to the subject Property or any part thereof, until such time as the terms of the Agreement are fulfilled.

The City of Richland shall be deemed a beneficiary of this covenant without regard to whether it owns any land or interest therein in the locality of the subject Property and shall have the right to enforce this covenant in any court of competent jurisdiction.

This Agreement is formed and shall be construed under the laws of the State of Washington.

[*Signature pages to follow*]

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IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

CITY OF RICHLAND

Jon Amundson City Manager	Mallikarjuna R. Vallem Petitioner

APPROVED AS TO FORM:

Heather Kintzley
City Attorney

ACKNOWLEDGEMENT

STATE OF WASHINGTON)
: SS
COUNTY OF BENTON)

On this _____day of _____, 2024, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Jon Amundson**, **City Manager** for the City of Richland, to me known to be authorized and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the use and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

IN WITNESS WHEREOF, my hand and official seal hereon affixed the day and year above written.

_____
Signature

Notary Public in and for the State of _____
Residing at _____
My appointment expires_____

DRAFT

STATE OF WASHINGTON)
: SS
COUNTY OF BENTON)

On this _____day of _____, 2024, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Mallikarjuna R. Vallem**, **Authorized Agent** for **Columbia Valley Property Holdings LLC**, to me known to be authorized and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the use and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

IN WITNESS WHEREOF, my hand and official seal hereon affixed the day and year above written.

_____
Signature

Notary Public in and for the State of _____
Residing at _____
My appointment expires_____

DRAFT

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING THE 2010 LAND DEVELOPMENT AGREEMENT AFFECTING 47 ACRES SOUTH OF KEENE ROAD AND EAST OF THE PLAT OF COUNTRY RIDGE.

WHEREAS, on July 20, 2010, the City entered into a Development Agreement affecting 47 acres south of Keene Road and east of the Plat of Country Ridge (the "Original Agreement")(Richland Contract No. 92-10); and

WHEREAS, the Original Agreement was entered into pursuant to RCW 36.70B.170(1) and as authorized by City of Richland Ordinance No. 21-10 for the purpose of settling an appeal filed by the Country Ridge Homeowners Association related to the City's 2009 Comprehensive Plan amendments affecting the property (*see* Eastern Washington Growth Management Hearing Board Appeal No. 09-1004); and

WHEREAS, by its own terms, the Original Agreement may be amended by mutual agreement of the parties with notice to the Country Ridge Homeowners Association President; and

WHEREAS, despite execution of the Original Agreement in 2010, the property has remained undeveloped, likely due to the fact that its ownership has been divided among multiple unrelated individuals; and

WHEREAS, recently, the 47-acre property came under the common ownership of Columbia Valley Property Holdings, LLC; and

WHEREAS, the City received a request from the property owner to amend the Original Agreement, and a letter of support from the Country Ridge Homeowners Association. Upon review, the proposed First Amendment to Development Agreement maintains critical components of the Original Agreement and appears to be consistent with the intent of the 2010 settlement agreement and the Richland Comprehensive Plan amendments adopted by Ordinance No. 21-10; and

WHEREAS, a public hearing is required before a decision on the proposed First Amendment to Development Agreement can be rendered by Richland City Council (RCW 36.70B.200).

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

Section 1. The findings and conclusions contained in Section 1.01 of Ordinance No. 21-10 are adopted in support of approval of the First Amendment to Development Agreement and are incorporated by this reference as though set forth herein.

Section 2. The First Amendment to Development Agreement, attached hereto as **Exhibit A**, allows for development of a coordinated mixed use plan benefitting South Richland and the City as a whole while leaving all critical components of the Original Agreement unchanged.

Section 3. The Country Ridge Homeowners Association submitted written approval signed by a duly authorized representative acknowledging no opposition to the proposed amendments to the Original Agreement.

Section 4. The First Amendment to Development Agreement attached hereto as **Exhibit A** is hereby approved, and the City Manager is authorized to sign the same on behalf of the City of Richland.

Section 5. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 6. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 7. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 15th day of February, 2022.

Michael Alvarez, Mayor

Attest:

Jennifer Rogers, City Clerk

Approved as to Form:

Heather Kintzley, City Attorney

First Reading: February 1, 2022
Second Reading: February 15, 2022
Date Published: February 20, 2022

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT to the July 20, 2010 Development Agreement is made and entered into this ____ day of _____, 2022 (the "Effective Date") by and between the **City of Richland**, a Washington municipal corporation ("City") and **Columbia Valley Property Holdings, LLC**, a Washington limited liability company and successor-in-interest to John Perry, Julee Ann Perry, Beulah Cousins, Linda Norwood, and Kerry and Jongjit Watts ("Owner").

I. RECITALS

WHEREAS, the City and original owners entered into a Development Agreement authorized by RCW 36.70B.170(1) dated July 20, 2010 and recorded under Benton County Auditor's File No. 2010-024273 (the "Original Agreement"); and

WHEREAS, the Original Agreement set forth development standards relating to the future zoning and development of the property subject to the Development Agreement (sometimes referred to as the "Property" or the "Site"); and

WHEREAS, the current Owner (as successor-in-interest to the original owners) has requested modifications to the Original Agreement to accommodate future mixed-use development on the Site, which modifications are substantially consistent with the intent of the Original Agreement and allowed under Section 18 of the Original Agreement and applicable law (*see* RCW 36.70B.200); and

WHEREAS, the Parties have agreed to amend the Original Agreement as set forth below in order for the Site to be developed.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Owner hereby agree as follows:

II. AGREEMENT

1. **Section 5(b)** of the Original Agreement, under the title *Parties to Development Agreement*, is replaced in its entirety with the following:

   > b) The "Owner" is Columbia Valley Property Holdings, LLC, who has succeeded to the interest of the original owners under the Original Agreement and is Owner of the entire Site.

2. **Section 7** of the Original Agreement, under the title *Term of Agreement*, is replaced in its entirety with the following:

   > Section 7. *Term of Agreement*. This Agreement (as amended) shall commence on the effective date of the Adopting Ordinance approving this Amendment. This Agreement may be further modified upon the City's adoption of zoning regulations or land use applications consistent with the Comprehensive Plan, provided that any additional modifications to the Agreement shall be consistent with Section 18 of the Original Agreement and applicable law. The Agreement (as amended) shall terminate when the Site has been fully developed. "Fully developed" means any combination of subdivision, site plan or land use approvals consistent with the

Agreement that bind the entire Site. The Country Ridge Homeowners Association, a Washington non-profit corporation, reviewed the terms of the Original Agreement and the First Amendment to the Development Agreement, although not a formal party to the Agreement, and by its letter attached hereto as **Exhibit A-1**, confirms that the Original Agreement (as amended) meets the intent of the Settlement Agreement regarding Eastern Washington Growth Management Hearing Board appeal No. 09-1004, the terms and conditions of which are hereby incorporated by reference into this Agreement. Other than as set forth in these agreements, the Growth Board Petitioners do not obtain any greater participation rights in the development of the Site described in Exhibit A.

3. **Section 10(d)** of the Original Agreement, under the title *Future Uses*, is replaced in its entirety with the following:

   d) The Owner shall provide dedicated right-of-way for a future extension of Queensgate Drive, extending southward from Keene Road, through the Site to its connection to Shockley Road. This right-of-way dedication shall be made to the City at the time that an applicable land use application is reviewed and finalized by the Owner or a Developer for any portion of the Site, and shall be dedicated in its entirety at such time. The right-of-way width for future Queensgate Drive shall be determined at the subdivision or land use approval stage based on City development standards then in effect and consultation with the City's Public Works Director or designee. The specific alignment of the future roadway for Queensgate Drive shall be mutually agreed to by the Owner (or the Developer) and the City. Access points to and from future Queensgate Drive shall be determined at the subdivision or project review stage, however, the Owner (and Developer as the Owner's successor-in-interest) understands that direct access from single family residential lots shall not be allowed, and commercial access points may be limited consistent with City development standards then in effect and based on review and evaluation by the City's Public Works Director or designee.

4. **Section 10(f)** of the Original Agreement, under the title *Future Uses*, is replaced in its entirety with the following:

   f) Access from future development onto Keene Road and/or the future Queensgate Drive shall be subject to road approach review and/or permits from the City, which review may include review of commercially reasonable site distances from existing intersections, including the intersection of Keene Road/Queensgate Drive.

5. **Section 10(g)** of the Original Agreement, under the title *Future Uses*, is replaced in its entirety with the following:

   g) Zoning for the portion of the Site designated as Commercial may be C-1, C-2 or C-LB or may be part of a Planned Unit Development. Identified compatibility concerns at the zoning or project stage may be addressed by concomitant agreement(s) that limit potential commercial uses shown to be incompatible with nearby residential uses. Zoning for the portions of the Site designated as Multi-Family/Office shall be zoned C-LB (Limited Business) or shall be part of a Planned Unit Development. Unless otherwise approved by a variance at the project stage, permitted development will be limited to building heights no more than **forty (40) feet** on portions of the Site zoned commercial west of Queensgate Drive. Attached

as **Exhibit B-1** is a colored land use map showing the existing comprehensive plan designations for the Site.

6. Effect of Amendment. This First Amendment to the Development Agreement is intended to modify the Original Agreement. In the event of a conflict between the terms and conditions of the Original Agreement and this Amendment, the terms and provisions of this First Amendment shall control. Except as expressly modified by this First Amendment to the Development Agreement, all terms and conditions of the Original Agreement remain in full force and effect.

7. Governing Law. This Amendment shall be construed in accordance and governed by the laws of the state of Washington.

8. Effective Date. This First Amendment to the Development Agreement is made effective on the Effective Date first set forth above.

City of Richland
a Washington municipal corporation

By: _____
Jon Amundson, ICMA-CM
City Manager

Columbia Valley Property Holdings, LLC
a Washington limited liability company

By: _____
Mallikarjuna Vallem
Managing Member

Approved as to Form:

_____
Heather Kintzley, City Attorney

DRAFT

Exhibit A-1

Country Ridge Home Owners Association
PO Box 844, Richland, WA 99352

July 15, 2021

To: The City of Richland, WA – Development Services

From: Erinn Johnson, President, Country Ridge Homeowners Association

Re: Proposed Amendment to Development Agreement, Contract No. 92-10

To Whom It May Concern,

Over the last month, members of the Country Ridge Homeowners Association (CRHOA) board of directors met with land developer Jaya Holdings LLC and their representatives. The meetings regarded a proposed amending of the Development Agreement (Reference 1) associated with approximately 47 acres of lands situated south of Keene Rd to Shockley Rd, and directly east of the CRHOA development's boundary. We appreciate the opportunity provided to engage in constructive dialog about the proposed amendment to ensure interests reasonable to both our association and the land owner/developer are understood. Our homeowners association is an indirect party to a proposed change through the incorporation of the provisions contained in the Settlement Agreement (Reference 2) into an amendment to the City of Richland's Comprehensive Plan. That Settlement Agreement in part caused the incorporation of certain site design elements into the city's comprehensive plan, and into Reference 1, that are of interest to CRHOA. Specifically, those elements are:

- Two tiers of low density single-family home sites bordering the N-S masonry wall, zoned R1-12 but limited to no more than three homes per acre. [Reference 1, Section 10(a)],
- A six foot or greater masonry wall is to be erected by the developer along the CRHOA N-S line that would effectively separate the new development from the CRHOA development. [Reference 1, Section 10(c)],
- No direct connection of Lariat Lane to Queensgate Extension (when extended from the Keene/Queensgate intersection to the South). [Reference 1, Section 10(j)].

CRHOA finds that the proposed amendment (Reference 3) maintains the above described three features. Additionally, the amendment to Section 10(j) proposes that the existing Lariat Land Right-of Way shall connect to or extend Lariat Lane into the new development site only as a secondary or emergency access road. The CRHOA finds this proposed change acceptable and furthermore most desirable as a means to eliminate "cut-through" traffic from one development to the other except under emergency conditions. Additionally, such a design feature would ensure no added traffic impacts at the intersection of Country Ridge Drive with Keene Rd. Those impacts have already been identified as a problem due to increased Keene Rd traffic levels and the more recent and possible future development of neighborhoods to our west that rely on Country Ridge Drive for ingress and egress to their communities.

By this letter, duly signed by the CRHOA President as the authorized representative of our homeowners association, it is stated that CRHOA is not opposed to an amendment of the Development Agreement as proposed and specifically as shown in Appendix A to this letter. Furthermore, this letter confirms that the Original Development Agreement with the proposed Amendment is intended to be consistent with the Settlement Agreement (Reference 2).

Sincerely,

Johnson 7/15/21

Erinn Johnson, CRHOA President / date

References:

1. Contract 92-10, Development Agreement by and Between the City of Richland and John Perry, Julie Ann Perry, Beulah Cosens, Linda Norwood, Kerry Watts and Jonghit Watts, entered into on the 20th day of July, 2010. Benton County Record 2010-024273, recorded August 24, 2010.

2. Settlement of Growth Management Hearing Board for Eastern Washington Related to City of Richland Comprehensive Plan Amendments Effected by Ordinance No 32-08, dated August 2009. Benton County Record 2010-024274, recorded August 24, 2010.

3. Proposed Amended Development Agreement, Contract No. 92-10, specifically as shown in Appendix A to this letter.

Appendix A: Contract No. 92-10, AMENDED DEVELOPMENT AGREEMENT (as proposed to CRHOA on July14, 2021)

Contract No. 92-10

AMENDED DEVELOPMENT AGREEMENT

THIS AMENDED DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this _____ day of _____, 2021 (the "Effective Date") by and between the City of Richland, a First Class code Washington municipal corporation, hereinafter the "City," and Kerry Watts and Jongjit Watts, property owners; hereinafter the "Owners."

RECITALS

A. The City and original owners entered into a Development Agreement authorized by RCW 36.70B.170(1) dated July 20, 2010 and recorded under Benton County Auditor's File No. 2010-024273 (the "Original Development Agreement");

B. The Original Development Agreement set forth development standards relating to the future zoning and development of the property subject to the Development Agreement (sometimes referred to as the "Property" or the "Site");

C. The current Owners in conjunction with a potential Developer has requested modifications to the Original Development Agreement to accommodate future mixed-use development of the Site, which modifications are substantially consistent with the intent of the Original Development Agreement and allowed under Section 18 of the Original Development Agreement and applicable law (see RCW 36.70B.200); and

D. The parties to the Original Development Agreement have agreed to amend and modify the Agreement as set forth below in order for the Site to be developed.

AGREEMENT

Now, therefore, the parties Amend the Agreement as follows:

1. Effect of Amendment. This Amended Development Agreement is intended to supplement and modify the Original Development Agreement as described below. In the event of a conflict between the terms and conditions of the Original Development Agreement and any prior amendments, the terms and provisions of this Amended Development Agreement shall control. Except as expressly modified or supplemented by this Amended Development Agreement, all terms and conditions of the Original Development Agreement shall remain in full force and effect.

2. Parties to Development Agreement. **Section 5(b)** of the Agreement is amended and restated to read as follows:

> b) The "Owners" of the Site are now Kerry Watts and Jongjit Watts, 68 Canyon Street, Richland, WA 99352; who have succeeded to the interest of the original owners under the Original Development Agreement, and who are in the process of entering into one or more contracts with a Developer.

3. Term of Agreement. **Section 7** of the Agreement shall be amended and restated to read as follows:

Section 7. *Term of Agreement.* This Agreement (as amended) shall commence on the effective date of the Adopting Ordinance approving this Amendment. This Agreement may be further modified upon the City's adoption of zoning regulations or land use applications consistent with the Comprehensive Plan, provided that any additional modifications to the Agreement shall be consistent with Section 18 of the Original Development Agreement and applicable law. The Agreement (as amended) shall terminate when the Site has been fully developed. Fully developed shall mean any combination of subdivision, site plan or land use approvals consistent with the Agreement that binds the entire Site. The Country Ridge Homeowner's Association, a Washington non-profit corporation, has reviewed the terms of this Amended Development Agreement, but is not a formal party to the Agreement, and by its letter (attached as **Exhibit A**), confirms that the Original Development Agreement (as amended) is intended to be consistent with the Settlement Agreement referred to in Section 7 of the Original Development Agreement (referred to by Growth Management Hearing Board Appeal No. 09-1004).

4. Future Uses. **Section 10(d)** of the Agreement shall be amended and restated to read as follows:

d) The Owners shall provide dedicated Right-of-Way for a future extension of Queensgate Drive, extending southward from Keene Road, through the Site to its connection to Shockley Road. This Right-of-Way dedication shall be made to the City at the time that an applicable land use application is reviewed and finalized by the Owners or a Developer for any portion of the Site, and shall be dedicated in its entirety at such time. The Right-of-Way width for future Queensgate Drive shall be determined at the subdivision or land use approval stage based on City development standards then in effect and consultation with the City's traffic engineer. The specific alignment of the future roadway for Queensgate Drive shall be mutually agreed to by the Owners (or the Developer) and the City. Access points to and from future Queensgate Drive shall be determined at the subdivision or project review stage, however, the Owner (and Developer as the Owner's successor-in-interest) understands that direct access from residential lots may be prohibited, and commercial access points may be limited consistent with City development standards then in effect and based on review and evaluation by the City traffic engineer.

Section 10(f) of the Agreement shall be amended and restated to read as follows:

f) Access from future development onto Keene Road and/or the future Queensgate Drive shall be subject to road approach review and/or permits from the City Traffic Engineering Department, which review may include review of commercially reasonable site distances from existing intersections, including the intersection of Keene Road/Queensgate Drive.

Section 10(g) of the Agreement shall be amended and restated to read as follows:

g) Zoning for the portion of the Site designated as Commercial may be C-1, C-2 or C-LB or may be part of a Planned Unit Development. Identified compatibility concerns at the zoning or project stage may be addressed by concomitant agreement(s) that limit potential commercial uses shown to be incompatible with nearby residential uses. Zoning for the portions of the Site designated as Multi-Family/Office shall be zoned C-LB (Limited Business) or shall be part of Planned Unit Development. Unless otherwise approved by a variance at the project stage, permitted development will be limited to building heights no more than **forty (40) feet** on portions of the Site zoned commercial west of Queensgate Drive. Attached as **Exhibit B** is a colored land use map showing the existing comprehensive plan designations for the Site.

Section 10(h) of the Agreement shall be amended and restated to read as follows:

h) Development proposals within the portions of the Site designated as Commercial, shall not be approved unless they are determined to be substantially consistent with the design standards set forth on **Exhibit B** attached to the Agreement, and Section 23.28.020(D)(1) through (4) of the Richland Municipal Code.

Section 10(j) of the Agreement shall be amended and restated to read as follows:

j) Development proposals within the portion of the Site adjoining the existing Lariat Lane Right-of-Way shall connect to or extend Lariat Lane into the Site only as a secondary or emergency access road, unless traffic studies show that an extension of Lariat Lane into the Site is required. The intention of this provision is to avoid connectivity and through traffic between the County Ridge neighborhood to the west and the Site, and to limit such access to emergency vehicles or a secondary access only. Notwithstanding the foregoing, if the City based on the traffic impacts of development proposals requires more intensive road connections to Lariat Lane, such access shall be accomplished through an indirect route that will include at least nine hundred (900) feet of travel in a north-south orientation before Lariat Lane can be connected to Queensgate Drive. The design of Lariat Lane may also include other traffic calming measures. The intent of this provision is to provide connectivity between the Country Ridge neighborhood and the Site but to keep Lariat Lane from functioning as a collector street.

5. No Other Changes. Except as Amended by this Amended Development Agreement, the original Development Agreement shall remain in full force and effect.

6. Effective Date. This Amended Development Agreement is made effective on the Effective Date first set forth above.

_____
Kerry Watts, Owner

_____
Jongjit Watts, Owner

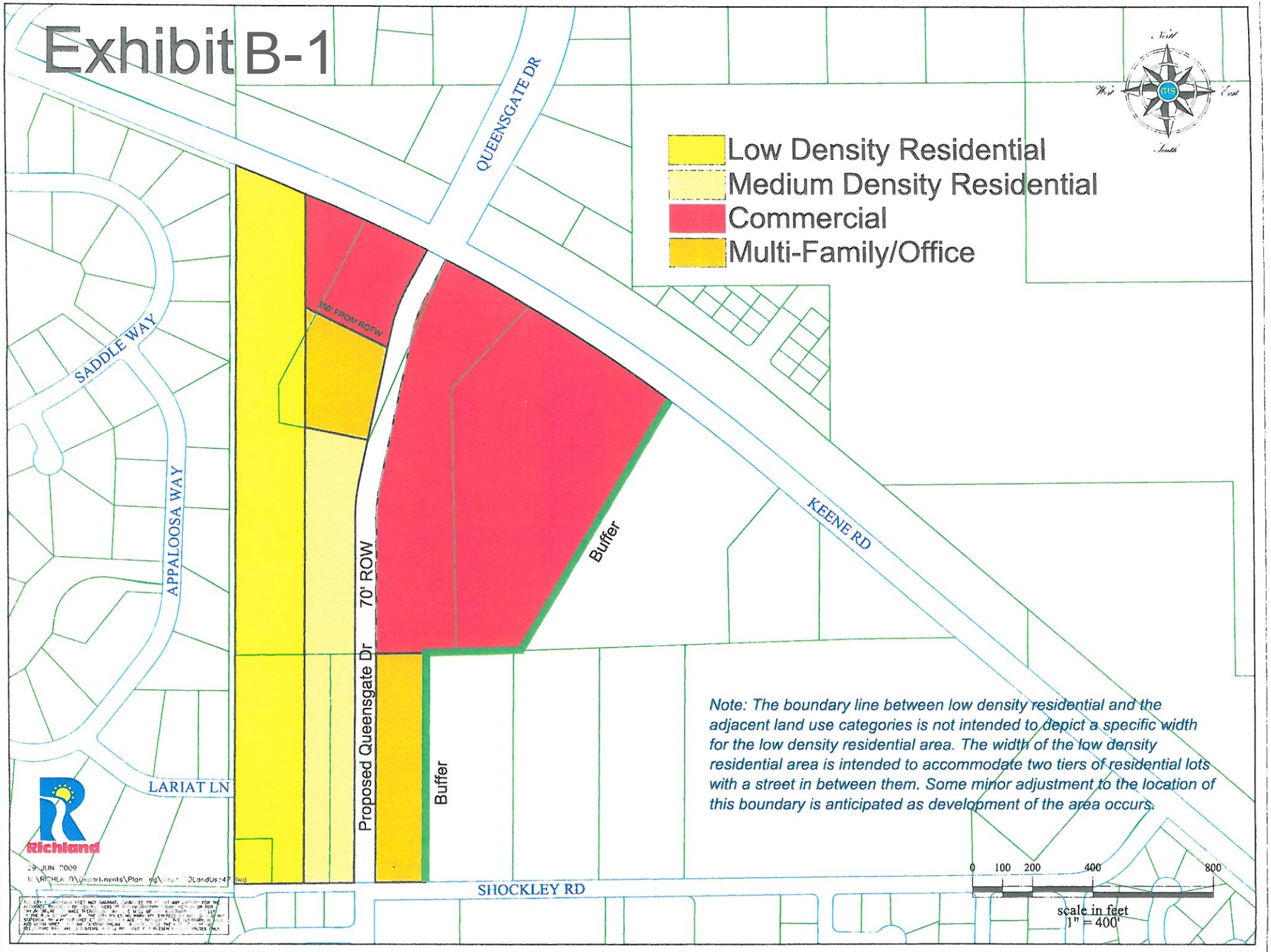
City of Richland,
a Washington municipal corporation

By: _____
Jon Amundson
Interim City Manager

APPROVED AS TO FORM:

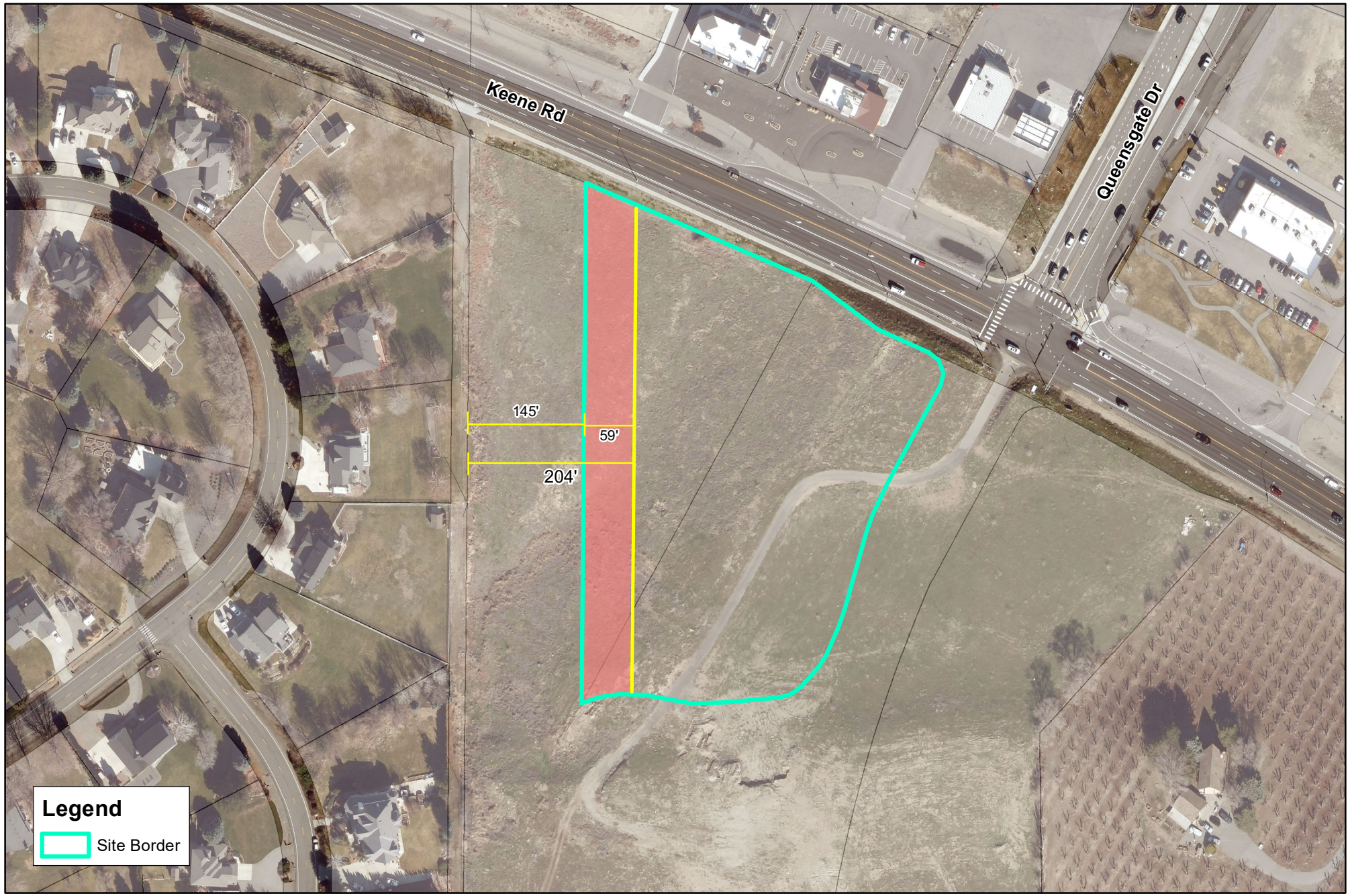
_____
Heather Kintzley
City Attorney

Exhibit B-1


Low Density Residential
Medium Density Residential
Commercial
Multi-Family/Office
QUEENSGATE DR
SADDLE WAY
APPALOOSA WAY
LARIAT LN
KEENE RD
SHOCKLEY RD
350' FROM ROFW
Proposed Queensgate Dr
70' ROW
Buffer
Buffer
Note: The boundary line between low density residential and the adjacent land use categories is not intended to depict a specific width for the low density residential area. The width of the low density residential area is intended to accommodate two tiers of residential lots with a street in between them. Some minor adjustment to the location of this boundary is anticipated as development of the area occurs.
0 100 200 400 800
scale in feet
1" = 400'
Richland
29 JUN 2009

Commercial Buffer

Item: 2155 Keene Rd, Rezone
Applicant: Columbia Valley Property Holdings, Mallikarjuna Vallem
File #: Z2023-106



Vicinity Map

Item: 2155 Keene Rd, Rezone
Applicant: Columbia Valley Property Holdings, Mallikarjuna Vallem
File #: Z2023-106

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items of Business

Strategic Priority 3 - Focused Development

Subject:
Ordinance No. 2024-06, Repealing and Replacing Richland Municipal Code Title 24: Plats and Subdivision

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-06	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2024-06, repealing and replacing Richland Municipal Code Title 24: Plats and Subdivision.

Summary:
Ordinance No. 2024-06 proposes to update the processes surrounding the City's various land division actions such as short subdivisions, subdivisions and binding site plans. The proposed language also codifies review processes for exempt land segregations and boundary line adjustments. Substantive changes to the code include:

- Identifies a list of all exempt land divisions based on state law (Ch. 58.17 RCW);
- Creates a review and approval process for exempt land divisions, boundary line adjustments, and parcel combinations;
- Provides for administrative approval of all subdivisions by the Public Works Director and Planning Manager, rather than requiring City Council action to authorize the City Manager to perform the ministerial task of signing the final plat map. This item will save several weeks in the subdivision process;
- Modifies the binding site plan process by clarifying which types of land uses may benefit from a binding site plan review;
- Provides reference to published Public Works standards rather than listing standards via ordinance that must be updated any time a standard is updated or modified.

The City's current Title 24: Plats and Subdivision was originally adopted in 1973. Several amendments have taken place over the past 50 years; however, much of the code has remained unchanged since 1973. City staff has been working to update this section of code since 2019. A couple of minor changes have been made since 2019; however, this will be the first major update to the code.

The Richland Planning Commission conducted a public hearing for the proposed code amendment on October 25, 2023. The Planning Commission voted to recommend approval of the proposed Title 24 revisions to the Richland City Council.

Staff recommends approval of Ordinance No. 2024-06 for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-06
2. Staff Report (CA2023-102)

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON REPEALING AND REPLACING RICHLAND MUNICIPAL CODE TITLE 24: PLATS AND SUBDIVISION.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with best practices and federal and state law; and

WHEREAS, Title 24 of the Richland Municipal Code has not been comprehensively updated since 2010; and

WHEREAS, the proposed changes to Title 24 RMC are deemed necessary or desirable for the purpose of modernizing and clarifying the language of said Title, ensuring a logical arrangement of subject matter, and eliminating conflicts and inconsistencies.

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

Section 1. Richland Municipal Code Title 24, entitled Plats and Subdivision, as first enacted by Ordinance No. 73, and last amended by Ordinance No. 51-19, is hereby repealed in its entirety and replaced with the following:

TITLE 24
LAND DIVISION REGULATIONS

Chapters:

24.10 Authority
24.20 General Provisions
24.30 Boundary Line Adjustments/Parcel Combinations
24.40 Short Subdivisions
24.50 Subdivisions
24.60 Binding Site Plans
24.70 Modifications to Preliminary Subdivisions and Short Subdivisions
24.80 Alterations to Final Subdivisions and Short Subdivisions
24.90 Vacation of Final Subdivisions and Short Subdivisions
24.100 Land Division Design Standards

This space intentionally left blank.

Chapter 24.10
AUTHORITY

Sections:

24.10.010 Purpose.
24.10.020 Severability.
24.10.030 Division of land to comply with title.
24.10.040 Authority.

24.10.010 Purpose.

This title is established in accordance with Chapter 58.17 RCW which authorizes cities to administer the process for the division of land. The Richland City Council finds that the process by which all land within the city of Richland is divided is a matter of city concern, and therefore should be administered in accordance with certain standards. The purpose of this title is to regulate the division of all land and to promote the public health, safety, and general welfare in accordance with standards established to prevent overcrowding of land, to lessen congestion in the streets and highways, to promote effective land use, to promote safe and convenient travel by the public on streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewer, parks and recreation areas and other public requirements, to provide for proper ingress and egress, and to provide for the expeditious review and approval of proposed divisions of land within the city.

24.10.020 Severability.

The provisions of this title are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause or portion of this title, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances.

24.10.030 Division of land to comply with title.

Every division of land within the city shall comply with the provisions of this title.

24.10.040 Authority.

The legislative authority of the city of Richland hereby delegates final subdivision and short subdivision approval to the Administrator and Public Works Director, or their designees.

Chapter 24.20
GENERAL PROVISIONS

Sections:

24.20.010 Purpose.
24.20.020 Exemptions.
24.20.030 Application for exemption.
24.20.040 Definitions.
24.20.050 Undefined words and phrases.
24.20.060 Legal lot.
24.20.070 Approval required prior to recordation.
24.20.080 Prohibition against sale, lease or transfer of property.

24.20.090 Violations.
24.20.100 Violations – Penalties.
24.20.110 Violations – Continuing offense – Penalties.
24.20.120 Injunctive and other proceedings.
24.20.130 Application, review and inspection fees.
24.20.140 Re-subdivision limitation.
24.20.150 Contiguous ownership.
24.20.160 Professional land surveyor.
24.20.170 Advance tax payment required.

24.20.010 Purpose.
Pursuant to the purposes set forth in RCW 58.17.010, the regulations in this title are necessary to:

A. Promote the health, safety, and general welfare in accordance with standards established by the state and the city;

B. Promote effective use of land by preventing the overcrowding or scattered development which would be detrimental to health, safety, or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, or other public services, or excessive expenditure of public funds for such services;

C. Avoid congestion and promote safe and convenient travel by the public on streets, highways, sidewalks, and multi-use pathways through the proper planning and coordination of new streets within subdivisions with existing and planned streets in the surrounding community;

D. Provide for adequate light and air;

E. Provide for adequate water, sewage, drainage, parks and recreational areas, transit, sites for schools and school grounds, and other public requirements;

F. Provide for proper ingress and egress;

G. Provide for housing and commercial needs of the community;

H. Require uniform monumentation of land divisions and conveyance of accurate legal descriptions;

I. Protect environmentally sensitive areas;

J. Provide for flexibility in site design to accommodate view enhancement and protection, protection of streams and wetlands, protection of steep slopes, and other environmentally significant or sensitive areas;

K. To ensure consistency with and to further the goals and policies of the Comprehensive Plan; and

L. To provide a process for the division of land for the following:

1. Short subdivision. The division of land into nine (9) or fewer lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area;

2. Subdivision. The division of land into ten (10) or more lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area;

3. Binding site plan -The division of land involving improvements constructed or to be constructed that will be one or more condominiums or owned by an association or other legal entity or land division for the purposes of leasing space for manufactured homes, travel trailers, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or other recreational vehicles so long as the site plan complies with all other applicable regulations.

24.20.020 Exemptions.
The following actions are exempt from the provisions of this title; provided, that in order to determine whether the action qualifies for the exemption claimed, approval must be received from the Administrator. Creation of an exempt lot does not vest the owner with the right to develop the lot when it does not meet access or use requirements of the zoning district in which it is located. Specifically, the provisions of this title shall not apply to the following exemptions:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions of land into lots or tracts each of which is one-one-hundred-twenty-eighth of a section of land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

C. Divisions made by testamentary provisions or the laws of descent;

D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with local regulations;

E. A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with local regulations;

F. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, that does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

G. Divisions of land into lots or tracts if:

1. Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;

2. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

3. A city has approved the binding site plan for all such land;

4. Such approved binding site plan is recorded in the county or counties in which such land is located; and

5. The binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW.

A site plan shall be deemed to have been approved if the site plan was approved by a city:

i. In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or

ii. In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or

iii. If not approved pursuant to (i) and (ii) of this subsection (G), then pursuant to other such procedures as such city may have established for the approval of a binding site plan;

H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

I. A division of land into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for

construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electrical utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed;

J. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of eminent domain; and

K. Division or acquisition of land for public right-of-way and/or the division of land as a result of abandonment of irrigation district right-of-way real property sold or otherwise disposed of pursuant to RCW 87.03.820 or as a result of the sale of surplus real property pursuant to RCW 87.03.136.

24.20.030 Application for exemptions.
An application for exemption for any of the purposes set forth in RMC 24.20.020 shall be processed to determine whether the division is exempt with a minimum review for compliance with applicable city regulations. The application shall be determined complete upon the submittal of the following materials:

1. A completed application;

2. Maps, plans, and/or exhibits containing all applicable information as required by the Administrator; and

3. Applicable fee as set forth in the City of Richland Fee Schedule.

24.20.040 Definitions.
As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

"Administrator" means the Development Services Director or designee who shall be responsible for the administration and enforcement of this code.

"Alley" means a public thoroughfare or right-of-way, open to public travel and dedicated to public use, which affords only a secondary means of access to abutting property.

"Applicant" means the owner or owners of record of the property subject to an application for land division or lot/boundary line adjustment, or authorized representative of such owner or owners, or a duly authorized representative of any governmental agency for which an action is sought for a governmental purpose.

"Application" means all of the application forms, plans, and accompanying documents required for any particular land division or lot/boundary line adjustment request.

"Binding site plan" means a drawing to a scale, specified in Chapter 24.60 RMC, which:

1. Identifies and shows the land areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;

2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by this title; and

3. Contains provisions requiring any development to be in conformance with the binding site plan.

"Block" is a group of lots, tracts, or parcels within well-defined and fixed boundaries.

"Boundary line adjustment" shall have the same meaning as "lot/boundary line adjustment," meaning the relocation or other minor adjustment of the boundaries of a lot, in which the relocation does not result in the creation of any additional lot or lots.

"Building envelope" refers to the buildable area of a lot after applicable setbacks, easements, and other restrictions on the lot are considered.

"Complete application" means an application that appears to contain all necessary information to make a technical determination about a project or application and includes all anticipated fees at time of application.

"Comprehensive plan" means that plan adopted by the Richland City Council as the comprehensive plan for the city.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapter 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings.

"Cul-de-sac" means a street opening at one end and having a turn-around at the other end.

"Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short subdivision or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat, short subdivision, or binding site plan for filing by the city.

"Department" means the City of Richland Development Services Department.

“Development permit” means any permit issued by the city of Richland allowing the physical alteration of real property including, but not limited to, building construction, street construction, utility construction or installation, grading, filling or excavating. Approval of a subdivision, short subdivision, or lot/boundary line adjustment is not considered a development permit for the purposes of this title.

“Division” is the division or re-division of land, regardless of the size of the parcels or the number of lots, for the purpose of sale, lease or transfer of ownership and includes subdivision, short subdivision or binding site plan provisions.

“Easement” means a grant by a property owner to specific persons, named entities, or to the public of the right to use that property for a specific purpose.

“Fill” means any sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

“Final plat” is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in other city regulations.

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

“Homeowners association” means an incorporated nonprofit organization operating under recorded land agreements.

“Improvements” means the facilities and infrastructure of a land development, including but not limited to the streets, sidewalks, streetlights, fire hydrants, stormwater facilities, sanitary sewer facilities, domestic water facilities, and other utilities and facilities required by this title to be constructed in conjunction with any particular land division, as approved by the necessary city departments.

“Land division” means the creation of any new lot or lots for the purpose of sale, lease or transfer of ownership, whether such lot or lots is created by full subdivision, short subdivision, binding site plan or exemption (see RMC 24.20.020).

“Lot” means a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by aliquot part (section, township and range), and of sufficient area and dimension to meet minimum zoning requirements. The term includes tracts or parcels.

“Lot/boundary line adjustment” is synonymous with “boundary line adjustment” and means the relocation or other minor adjustment of the boundaries of a lot, in which the relocation does not result in the creation of any additional lot or lots.

“Lot, corner” means a lot situated at the intersection of two or more streets.

“Lot, flag” means an irregular extension or protrusion of a lot created for the purpose of providing such lot with frontage on a public or private street or access way.

“Lot, double-frontage” means a lot with street frontage along two (2) opposite boundaries.

“Lot, frontage” means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; except in those cases in a commercial or industrial district where a lot has two or more street frontage of equal length or nearly equal length, the frontage shall be considered to be the line adjoining the street which the comprehensive plan shows is intended to carry the heaviest traffic flow, or where no public street exists, along a private road, easement or access way.

“Lot, reverse-frontage” means a double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line, and over the rear of which is an easement as provided in RMC 24.100.300. The rear lot line of the lot shall be that boundary abutting a street or other disadvantageous use.

“Lot, nonconforming” means a lot of record in existence prior to the effective date of the ordinance codified as Title 24 RMC and any amendments thereto which does not meet the minimum lot size and other requirements as set forth in Title 23 RMC: Zoning.

“Lot of record” means any lot, tract, or parcel of land shown on an officially recorded plat or short subdivision or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyance purposes on the date of recording of the instrument first referencing the lot. The term “lot of record” as used herein does not imply that the lot conforms with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW or this title.

“Lot, through” means a lot that has both ends fronting on a street neither of which having access restrictions. Both ends shall be deemed front.

“Meander line” Means a traverse that approximates the margin of a permanent natural body of water for closing of a survey and to allow for area computations. For riparian parcels the meander line does not constitute the boundary but only an approximation thereof, the actual boundary is the Ordinary High Water Mark for navigable streams.

“Ordinary High Water Mark” means the mark on all lakes and streams that will be found by examining the be3ds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland and vegetation, as that condition existed on June 1, 1971, for all lands under the jurisdiction of the Shoreline Management Act, or for other lands on the effective date of the relevant provisions of this chapter, or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or other authorized jurisdictions. In any area where the ordinary high water mark cannot be found, it shall be defined

in accordance with WAC 173-22-030, generally the line of the mean higher high tide in areas adjoining salt water, and the line of mean high water in areas adjoining fresh water.

“Parcel” means a contiguous quantity of land in the possession of, owned by, controlled by, or recorded as the property of the same owner or joint owners.

“Parcel combination” means the combination/merger of two (2) or more lots/parcels into one (1) lot/parcel.

“Plat” is a map or representation of a subdivision showing thereon the division of tract(s) or parcel(s) of land into lots, blocks, streets and alleys or other divisions and dedications.

“Plat Certificate” means a title report prepared by a title company for the property comprising a proposed binding site plan, subdivision or short subdivision, to include, as a minimum, all owners of record, easements and encumbrances affecting said property.

“Preliminary subdivision/short subdivision” is a neat and approximate drawing of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision or short subdivision.

“Proof of ownership” means an actual or copy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property. Where proof of ownership is required by this title, the Administrator shall have the discretion to require a current (issued within the past 30 days) title insurance policy.

“Public street” means an approved street, whether improved or unimproved, held in public ownership or control (either through plat dedication, deed, or easement/right-of-way conveyance) and intended to be open as a matter of right to public vehicular travel.

“Public way” means any publicly owned land or easement set aside for utilities or surface transportation purposes, including vehicular, bicycle and pedestrian transportation, whether improved or not improved.

“Public Works Director” means the City of Richland Public Works Director or designee.

”Public Works Standards” means the city’s engineering, design, and construction standards and specifications governing the construction of public and private infrastructure improvements. The city of Richland’s engineering design standards includes such documents establishing infrastructure standards that are authorized by the Public Works Director and published on the City’s web site.

“Right-of-way” shall have the same meaning as “public way.”

“Review authority” means the Richland Hearing Examiner in the case of a preliminary subdivision or the Administrator and Public Works Director in the case of all other land divisions.

“Roadway” means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface.

“Shall” describes a condition or action which is mandatory.

“Short plat” means the map or representation of a short subdivision.

“Short subdivision” is the division or re-division of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“State Environmental Policy Act (SEPA)” means the State Environmental Policy Act as defined by Chapter 43.21C RCW as it now exists or is hereafter amended.

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

“Street, loop” means a minor street of limited length which generally follows a “U-shaped” alignment with both legs intercepting the same street.

“Street, major” means a street intended to carry a heavier traffic loading, minimizing intersecting streets and direct access to abutting properties and primarily for the purpose of accommodating general traffic circulation of the community. Major streets are classified as principal arterial, minor arterial, and major collector.

“Street, minor” means a street, usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only. Minor streets are classified as minor collector, local street – single frontage, and private street as defined in RMC 12.02.

“Street, private” means a street, secured by private easement, tract or parcel created to provide the access from a city street to platted lots, that is not deeded or dedicated to the city, the maintenance of which is the responsibility as noted on the face of the plat.

“Subdivision” is the division or re-division of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“Surety” means a bond, letter of credit, the deposit of a certified check in a city account, a security improvement agreement, or other security acceptable to the city.

"Tax parcel consolidation" means the consolidation of contiguous lots of record which are under one ownership. The purpose of the consolidation shall be for planning and building purposes and any consolidation shall comply with all applicable zoning, subdivision, and other land use controls as deemed necessary by the administrator. If all applicable standards are met, the administrator

shall provide a letter to the applicant stating compliance, which the applicant may submit to the Benton County Assessor's office when requesting the tax parcel consolidation.

"Zoning restrictions" means the restrictions found in the zoning ordinances of the city, primarily Title 23 RMC: Zoning.

24.20.050 Undefined words and phrases.
The definition of any word or phrase, not listed in the definitions, which is in question when administering this title shall be defined according to one of the following sources in order of priority:

A. Any city of Richland resolution, ordinance, code, regulation or formally adopted comprehensive plan, shoreline master plan or program or other formally adopted land use plan;

B. Any statute or regulation of the state of Washington;

C. Legal definitions from Washington common law or a law dictionary;

D. The common dictionary.

24.20.060 Legal lot.
Development shall be permitted only on legally created lots. A legal lot is created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created, or binding site plan was approved, including but not limited to demonstrating that the lot was created through one of the following:

A. Lots created through subdivision - a plat approved by the city of Richland or Benton County separately describing the lot in question; or

B. Lots created through short subdivision - a short subdivision approved by the city of Richland or Benton County separately describing the lot in question; or

C. Lots created pursuant to a binding site plan process in effect at the time the binding site plan was approved by the city of Richland or Benton County; or

D. A deed, contract of sale, mortgage, property tax segregation, plat, or recorded survey describing the lot in question if the instrument was executed prior to July 1, 1969 (effective date of Chapter 58.17 RCW); or

E. Parcels created through an exemption to RCW 58.17.040, such as those over 5 acres in size and those created by testamentary provisions or the laws of descent; or

F. Parcels whose current configuration was the result of a prior boundary line adjustment or boundary agreement pursuant to RCW 58.04.007; or

G. Parcels created by an act of the courts.

24.20.070 Approval required prior to recordation.
Any map, plat or plan, unless previously exempt, hereafter made of a proposed boundary line adjustment, parcel combination, short subdivision, subdivision or binding site plan, or any part thereof, shall be presented for approval prior to recording at the Benton County Auditor's Office. No such map, plat or plan shall be recorded or have any validity unless or until it has the approval of City departments and agencies with jurisdiction as required by this title.

24.20.080 Prohibition against sale, lease or transfer of property.
No person shall sell, lease or offer to sell or transfer any lot, tract or parcel subject to the requirements of this title without first receiving approval hereunder by the city and recording the approved division with Benton County; provided, that if performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the subdivision, short subdivision or binding site plan containing the lot, tract, or parcel, the offer or agreement does not violate any provision of this title.

24.20.090 Violations.
In the event of the sale, assignment, transfer, lease or conveyance of any lots in violation of the regulations of this title, the city may initiate an action to rescind or enjoin such transfer, assignment, sale conveyance or lease by making application for an injunction in Benton County Superior Court. In addition, the city has such other remedies as are provided by law. Furthermore, any person in violation of any provision of this title shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

24.20.100 Violations – Penalties.
If the same violator has been found to have committed an infraction violation for the same or similar conduct two (2) separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

24.20.110 Violations – Continuing offense – Penalties.
For any violation of a continuing nature, each day's violation shall be considered a separate offense punishable as provided in RMC 24.20.090 and RMC 24.20.100.

24.20.120 Injunctive and other proceedings.
Notwithstanding the imposition of any penalties hereunder, the city may institute any appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this title.

24.20.130 Application, review and inspection fees.
The Richland City Council shall establish fees to defray the administrative expenses incurred by the city for the following:

A. Fees associated with land division activities.

1. Short subdivision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

2. Preliminary subdivision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

3. Final plat review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the final short subdivision or final subdivision.

4. Plat improvement plan review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to review of the improvement plans and specifications for the final plat by the Public Works Director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvement plans and specifications for a final plat.

5. Construction inspection fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the plat improvements. The fee is to cover actual costs incurred by the city. If the cost to the city exceeds the amount of the fees paid, the developer shall pay an additional fee before final approval of the plat improvements.

6. Plat alteration or vacation application fee. As set by the City of Richland Fee Schedule this fee is nonrefundable and shall be paid at the time of submission of the application.

7. Exemption letter fee. As set by the City of Richland Fee Schedule, this fee shall be paid at the time of submission of the application.

8. Preliminary subdivision, short subdivision and binding site plan revision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

9. Deviation request fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the deviation request.

10. Boundary line adjustment/parcel combination fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

11. Plat exemption/lot line adjustment fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

12. Subdivision Amendment fee (major or minor). As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

13. Time Extension request fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

B. Fees associated with utility and/or street extensions (not associated with a plat).

1. Utility and/or street extension plan review fee as set by Chapter 12 of the Richland Municipal Code and/or the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to plan review by the Public Works Director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvement plan.

2. Utility and/or street extension inspection fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the improvements. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvements.

C. For the purposes of this section, the Public Works Director or designee is authorized to establish the total estimated cost of the proposed improvements.

D. For the purposes of this section, "actual costs incurred by the city" shall be the actual salaries and benefits of city staff for the time involved, plus any other direct costs associated with the project such as costs for contracted services.

24.20.140 Re-subdivision limitation.
Land within a short subdivision may not be further divided in any manner within a period of five (5) years from the date of recording of a short subdivision with the Benton County Auditor without the filing of a final plat in accordance with the provisions established in this title for subdivisions; provided, that when the short subdivision contains fewer than nine (9) parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of nine (9) lots within the original short subdivision boundaries.

24.20.150 Contiguous ownership.
Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision or a subdivision.

24.20.160 Professional land surveyor.
The preparation of all preliminary and final short subdivisions, subdivisions and binding site plans shall be made by or under the supervision of a professional land surveyor licensed in the state of Washington. The professional land surveyor shall certify on the final plat that it is a true and correct representation of the lands actually surveyed. A survey is required on all final plats. All surveys shall comply with Chapter 58.09 RCW and Chapter 332-130 WAC.

24.20.170 Tax payment required.
All taxes on the property to be platted must be paid as indicated by the seal and signature of the Benton County Treasurer on the face of the plat.

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Chapter 24.30
BOUNDARY LINE ADJUSTMENTS/PARCEL COMBINATION

Sections:

24.30.010 Purpose.
24.30.020 Scope.
24.30.030 Review process.
24.30.040 Application submittal and contents.
24.30.050 Approval criteria.
24.30.060 Time limitation to record approved lot/boundary line adjustment and parcel combination.
24.30.070 Recording.

24.30.010 Purpose.

The purpose of this chapter is to clearly delineate the criteria used by the city of Richland to review lot/boundary line adjustments and parcel combinations. Parcel combination allows for two (2) or more lots/parcels to be combined into one (1) lot/parcel. Lot/boundary line adjustments provide a procedure for changes in property lines. A lot/boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a lot line, and to remedy property use constraints caused by adverse topographical features. A lot/boundary line adjustment does not apply to boundary changes that would otherwise be regulated by applicable city of Richland land use codes and regulations, or to actions requiring the re-plat, alteration, or vacation of a subdivision or short subdivision. The adjustment must be consistent with all applicable zoning, health, building, and similar regulations, and cannot result in nonconformance or increase an existing nonconformance. This chapter is also intended to ensure compliance with the Survey Recording Act, Chapter 58.09 RCW, and Chapter 332-130 WAC.

24.30.020 Scope.

The lot lines separating two lots of record may only be adjusted/removed under the provisions of this chapter, except as provided under RCW 58.17.040, as now adopted or hereafter amended. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the land division requirements set forth in this title; provided, that all requirements set forth in this chapter are met, lot/boundary line adjustments proposing lot reorientations shall be deemed to be minor in nature.

Boundary line adjustments shall be a minor alteration in the location of lot or parcel boundaries on existing lots or parcels. In this section, “lot” shall mean a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by aliquot part (section, township and range,) and be of sufficient area to meet minimum zoning requirements. The purpose of the parcel combination process is to remove interior lot lines of a parcel comprised of two (2) or more separate lots with contiguous ownership. Boundary line adjustments must be consistent with the following:

A. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments as required by the City of Richland Critical Area Ordinance and Shoreline Master Program;

B. Such alteration shall not diminish the size of any lot so as to result in a lot which would not comply with zoning regulations except as provided in RMC Section 24.30.050(B);

C. Such alteration shall not result in a building setback violation or site coverage to less than prescribed by the zoning regulations; and

D. All lots resulting from the boundary line alteration shall be in conformance with all applicable zoning requirements.

24.30.030 Review process.
Boundary line adjustments and parcel combinations are classified as Type I applications and shall be reviewed pursuant to RMC Section 19.20.010. Based on comments from the Public Works Department, public health official, and other applicable agencies and departments, the Administrator shall approve the proposed lot line adjustment or lot combination only upon finding that the standards of the Richland Municipal Code have been satisfied.

24.30.040 Application submittal and contents.
To be considered complete, a lot/boundary line adjustment or parcel combination application shall include the following:

A. Applications for lot/boundary line adjustments or parcel combinations shall be made on forms provided by the city of Richland Development Services Department, and shall be submitted to the Development Services Department along with the appropriate fees as established in the City of Richland Fee Schedule;

B. A completed boundary line adjustment and parcel combination request form, including all materials required pursuant to the Richland Municipal Code, to include a site plan showing (1) the location and dimensions of all structures/improvements existing upon the affected lots; (2) the distance between each structure/improvement and the proposed lot/boundary lines; and (3) structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;

C. A clean and legible record of survey suitable for recording and submitted in digital format (PDF) showing the following:

1. The proposed lines for all affected lots, indicated by bold solid lines;

2. The existing lot lines proposed to be changed, indicated by light broken lines;

3. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as parcel A, parcel B, etc.;

4. A north arrow and scale;

5. All parcel numbers of affected lots;

6. The location of the property as to quarter/quarter section;

7. The location and dimensions of any easements upon any affected lots;

8. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;

9. The area and dimensions of each lot following the proposed adjustment;

10. The existing and, if applicable, proposed future method of sewage disposal for each affected lot, including the location and dimensions of the proposed drain field;

11. The location of all existing and proposed water, sewer, irrigation and storm drainage facilities;

12. Footprint of existing buildings with dimensions from property lines;

13. Deeds for land transfer with new legal descriptions. The legal descriptions shall include the legal for the portion of the land to be transferred and a legal description of each new parcel after the transfer. Deeds shall be typed; handwritten deeds will not be accepted.

D. The drawing shall be submitted along with a preliminary deed signed and notarized by all legal owners of the subject properties; and

E. If on-site wastewater (septic tanks) disposal is proposed under the limited circumstances where the Richland Municipal Code does not require connection to the city's sewer system, the applicant shall provide written verification from the Benton-Franklin Health District that the site is adequate to accommodate an on-site sewage disposal system.

24.30.050 Approval criteria.

All public improvements installed for any lot/boundary line adjustment or parcel combination shall be in accordance with the city's Public Works Standards and irrigation district standards and specifications if located within the boundaries of an irrigation district. Lot/boundary line adjustments and parcel combinations shall not:

A. Create any additional lot, tract, parcel, or division;

B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the city's zoning and land use and state and local health codes and regulations. This provision shall not be construed to require correction or remedy of preexisting nonconformities or substandard conditions; however, existing nonconformity shall not be increased or create any new nonconformity;

C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and/or access or easement for vehicles or pedestrians, utilities, and/or fire protection for any lot, tract, parcel, site, or division;

D. Diminish or impair any public or private utility or irrigation easement or deprive any parcel of access or utilities or irrigation facilities;

E. Create unreasonably restrictive or hazardous access to the property;

F. Increase the nonconforming aspects of an existing nonconforming lot relative to the city's zoning and land use regulations;

G. Re-plat or vacate a plat or short subdivision, or revise or amend the conditions of approval of any full or short subdivision; or

H. Amend the conditions of approval for previously platted property.

24.30.060 Time limitation to record approved lot/boundary line adjustment and parcel combination.
If the final documents are not recorded within ninety (90) days of approval, the lot line adjustment or parcel combination shall automatically become null and void.

24.30.070 Recording.
A. Upon approval of the application, the Administrator shall notify the applicant. The applicant shall then record with the Benton County Auditor the certificate or document issued by the Administrator indicating approval of the lot/boundary line adjustment or parcel combination, together with the legal document(s) transferring title, any applicable restrictive covenants, and the survey, if one was required and has not yet been recorded.

B. A lot/boundary line adjustment or parcel combination does not become effective until the applicant has recorded the documents required by the Benton County Auditor. The applicant shall return one copy of each recorded document to the Department, which copy must bear the Benton County Auditor's stamp to verify recording. No building or other site development permits shall be granted until the applicant returns the copy of the recorded document to the Department.

Chapter 24.40
SHORT SUBDIVISIONS

Sections:
24.40.010 Contents of application.
24.40.020 Distribution of plans.
24.40.030 Preliminary short subdivision – Administrative review.
24.40.040 Findings.
24.40.050 Appeals.
24.40.060 Final short subdivision submittal.
24.40.070 Phasing.
24.40.080 Contents of final short subdivision.
24.40.090 Final short subdivision – Approval of Administrator and Public Works Director.
24.40.100 Recording.
24.40.110 Expiration of preliminary approval.
24.40.120 Time extensions.

24.40.010 Contents of application.
Every preliminary short subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. The preliminary short plat shall be submitted to the City in a digital PDF format.

2. SEPA environmental checklist, if applicable. An environmental checklist will be required for a preliminary short subdivision if the construction of improvements will involve more than 500 cubic yards of grading, excavation or fill, or if critical areas exist on site;

3. A plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing;

4. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary short subdivision data (to be included on the preliminary short subdivision maps or exhibits).

1. Title of the proposed short subdivision;

2. Location of subject property by quarter-quarter(s) of the section, township and range;

3. Legal description of the subject property with the source of the legal description clearly indicated;

4. A vicinity map at a scale of not more than 400 feet to the inch, except that the Administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed short subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or un-platted property;

5. North arrow, scale and boundary of the proposed short subdivision, and the date the map is prepared;

6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet and acreage shown to two (2) decimal places;

7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed short subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;

9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owners of the short subdivision;

10. All existing easements that affect the subject property as shown in a current plat certificate;

11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the Flood Insurance Rate Map, and critical areas as defined in Chapter 22.10 RMC;

12. Location of existing buildings, septic tanks, drain fields, wells and other improvements such as existing irrigation facilities and associated easements, rights-of-ways, canals, wasteways, drainageways, piping and artificially created wetlands, and a note indicating if they will remain or be removed;

13. Whether adjacent property is platted or un-platted. If platted, give the name of the subdivision. If the proposed short subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat must be provided, along with the recording numbers of any recorded covenants and easements;

14. Topographic information as provided by a Licensed Land Surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are fifteen percent (15%) or greater; and

15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

24.40.020 Distribution of plans.
When the Department determines that the application is complete pursuant to Chapter 19.30 RMC, the Department shall distribute the application materials to agencies deemed prudent by the city including any irrigation district whose boundaries include any portion of the City of Richland. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one mile of another municipal boundary. Application materials shall also be provided to the Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

24.40.030 Preliminary short subdivision – Administrative review.
Preliminary short subdivisions are classified as Type I applications and shall be processed pursuant to the applicable provisions of Title 19 RMC. The Administrator is authorized to approve, approve with conditions, or deny the application for preliminary short subdivision. The applicant will be notified in writing by the Administrator as to the requirements for the filing of the short subdivision (preliminary short subdivision approval) or its denial within thirty (30) days of determining that the application is complete. The decision of the Administrator is final unless a timely appeal is filed pursuant to RMC 24.40.050, Appeals.

24.40.040 Findings.
Prior to approving any preliminary short subdivision the Administrator shall determine and make written findings of fact that the public interest will be served by the short subdivision, the proposed short subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

A. The public health, safety, and general welfare;

B. Open spaces;

C. Drainage ways;

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways (including any applicable frontage improvements;

E. Transit stops;

F. Public potable water supplies;

G. Sanitary sewer;

H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students, who only walk to and from school;

K. Other requirements found to be necessary and appropriate, and for which written standards and policies have been adopted.

24.40.050 Appeals.
Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and the procedure set forth in Chapter 19.70 RMC.

24.40.060 Final short subdivision submittal.
A. The final short subdivision shall incorporate all conditions of the preliminary approval, and all conditions of approval imposed by the Administrator.

B. All final short subdivision submittals shall include the following:

1. A minimum of two (2) copies of the proposed final short subdivision;

2. Appropriate fees as provided in RMC 24.20.130;

3. Plat certificate dated within thirty (30) days of the application filing date confirming that the

title of the lands as described and shown on the short subdivision is in the name of the owners signing; and

4. Maps shall also be submitted in portable document format (.pdf) format at the time of submittal.

24.40.070 Phasing.
Phasing of short subdivisions is not permitted.

24.40.080 Contents of final short subdivision.
All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final short subdivision shall include the following:

A. The final short subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final short subdivisions shall measure 18 x 24. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The city file number of the short subdivision, location by quarter-quarter(s) of a section, township and range shall be shown.

C. The scale shall be that of a standard Engineering Drawing scale. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the short subdivision prior to any dedication to the public.

E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the short subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses (as determined by the City) for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary short subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special notes or statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final short subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the short subdivision map is a true and correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto;

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow;

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

R. The lines and curves defining each lot shall be labeled with bearings and distances which form a closed figure within the limits of WAC 332-130-085 or WAC 332-130-090;

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used;

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

U. Short subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two (2) spiral curve elements in addition to the chord bearing and length;

V. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show the central angle for each segment of the curve along each lot, arc length, tangent length, and radius;

W. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

X. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements;

Y. The final short subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one (1) acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Z. Signature blocks. The plat must be reviewed and signed by the following:

1. Richland Public Works Director;

2. Administrator;

3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);

4. Benton County Treasurer;

5. Benton County Assessor; and

6. Applicable irrigation District of Purveyor.

24.40.090 Final short subdivision – Approval of Administrator and Public Works Director.
A. Upon receipt of the final short subdivision application, the Administrator and Public Works Director shall review and approve the final short subdivision once it has been determined that it conforms to the conditions of the preliminary approval and applicable state laws and meets the Title 24 RMC requirements in existence when the preliminary short subdivision was approved. Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and

2. All elements of the permitted sanitary sewer system installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

3. All elements of the permitted potable water distribution system installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

4. All elements of the permitted stormwater drainage system installed, inspected, and accepted. Completion of manhole and inlet casting adjustments and long-term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

5. All elements of the permitted public streets installed, inspected and accepted. Consistent with RMC 24.40.100, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

7. Inspection, acceptance and energizing of streetlights may be deferred if secured by a security improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

8. All off-site infrastructure required by preliminary short subdivision conditions, including those improvements required by the applicable irrigation district, is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must be recorded in the public record; and

9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

10. Record drawings of the public infrastructure meeting the Public Works Standards.

B. The Public Works Director may determine that the minimum improvements described above are substantially complete if: (1) all of the items listed above are complete to the point of providing service as intended by their design, even if minor work is needed to complete adjustments and site cleanup; and (2) the total estimated value of the minor work is less than $10,000; and (3) the applicant has deposited $10,000 with the city prior to submittal of the final short subdivision or subdivision application to secure completion of the required minor work. Inspection, acceptance and energizing of streetlights may be included in the scope of this minor work.

24.40.100 Recording.
The applicant shall record the completed final short subdivision map with the Benton County Auditor's Office and submit copies of the recorded documents to the Department within ten (10) days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

24.40.110 Expiration of preliminary approval.
Approval of a preliminary short subdivision shall automatically expire two (2) years from the date of approval unless a complete application for a final short subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.40.120.

24.40.120 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Development Services Department at least forty-five (45) days prior to the expiration of the

preliminary short subdivision. Time extension requests shall be processed as a Type I application under to Title 19 RMC.

B. The Administrator may approve one (1) twelve (12)-month time extension provided there are no significant changed conditions or changed development regulations which would render recording of the short subdivision contrary to the public health, safety, or general welfare. Prior to granting the time extension, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of this extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

Chapter 24.50
SUBDIVISIONS

Sections:

24.50.005 Pre-Application conference required.
24.50.010 Contents of application.
24.50.020 Distribution of plans.
24.50.030 Preliminary subdivision – open record hearing.
24.50.040 Preliminary subdivision – review by hearing examiner.
24.50.050 Findings.
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24.50.070 Expiration of preliminary approval.
24.50.080 Time extensions.
24.50.090 Final subdivision submittal.
24.50.100 Contents of final subdivision.
24.50.110 Phasing.
24.50.120 Final plat – approval of Administrator and Public Works Director.
24.50.130 Performance bond.
24.50.140 Recording.

24.50.005 Pre-application conference required.

A pre-application conference pursuant to RMC 19.30.010 is required prior to filing an application for a preliminary subdivision unless the Administrator waives this requirement. The Administrator's determination to waive this pre-application requirement is based on the scope and complexity of the proposed project, and will be made in the Administrator's sole discretion.

24.50.010 Contents of application.

Every preliminary subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. The preliminary subdivision plat shall be submitted to the City in a digital PDF format.

2. SEPA environmental checklist;

3. A plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owner(s) signing;

4. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary subdivision data (to be included on the preliminary subdivision).

1. Title of the proposed subdivision;

2. Location of the subject property by quarter-quarter(s) of the section, township and range;

3. Legal description of the subject property with the source of the legal description clearly indicated;

4. A vicinity map at a scale of not more than 400 feet to the inch, except that the Administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or un-platted property;

5. North arrow, scale and boundary of the proposed subdivision, and the date the map is prepared;

6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet and acreage to 2 decimal places;

7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;

9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owner(s) of the subdivision;

10. All existing easements that affect the subject property as shown in a current plat certificate;

11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the Flood Insurance Rate Map, or critical areas as defined in Chapter 22.10 RMC;

12. Location of existing buildings, septic tanks, drain fields, wells or other improvements such as existing irrigation facilities, easements, rights-of-ways, canals, wasteways, drainageways, piping and artificially created wetlands, and a note indicating if they will remain or be removed;

13. Whether adjacent property is platted or un-platted. If platted, give the name of the subdivision. If the proposed subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown, and a copy of the existing plat shall be submitted, along with the recording numbers of any recorded covenants and easements;

14. Topographic information as provided by a Licensed Land Surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are 15 percent (15%) or greater; and

15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

24.50.020 Distribution of plans.
When the Department determines that the application is complete pursuant to Chapter 19.30 RMC, the Department shall distribute the application materials to agencies deemed prudent by the city. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one (1) mile of another municipal boundary. Application materials shall also be provided to the Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

24.50.030 Preliminary subdivision – open record hearing.
Preliminary subdivisions are classified as Type IIIA applications and shall be processed pursuant to the applicable provisions of Title 19 RMC. Notice of the time, place, and purpose of the hearing examiner open record hearing on the preliminary subdivision shall be given in accordance with RMC 19.40.010 and in the following manner:

A. Mailing a written notice not less than fifteen (15) days prior to the date of such hearing to the owners of all properties within 300 feet of the exterior boundaries of the proposed subdivision, said mailing to be by regular, first class mail, postage prepaid; and

B. Posting public notice on or adjacent to the land proposed to be subdivided at least fifteen (15) days prior to the date of the open record hearing; and

C. Publishing in the official newspaper of the city and on the city's website a notice of the open record hearing not less than fifteen (15) days prior to the date of such hearing.

24.50.040 Preliminary subdivision – review by hearing examiner.
The hearing examiner will hold an open record hearing concerning all preliminary subdivisions submitted to the city, and will review all preliminary subdivisions to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan or other official growth management controls of the city, and to assure conformance to city planning standards, zoning,

and specifications.

A. The hearing examiner shall inquire into the public use and interest proposed to be served by the subdivision and any dedications associated therewith. The hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, irrigation water right-of-way and distribution facilities, multi-use pathways, and other public ways, transit stops, public potable water supplies, sanitary sewer, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features, that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedications.

B. Every decision of the hearing examiner shall be in writing and shall include findings of fact and conclusions to support the decision.

C. The hearing examiner must act on the application within 90 days of filing of a fully completed preliminary subdivision application unless the applicant consents to an extension of time. This 90-day period excludes time required to comply with Chapter 43.21C RCW and RMC 24.50.030.

D. The decision of the hearing examiner is final unless a timely appeal is filed pursuant to RMC 24.50.060.

24.50.050 Findings.
Prior to approving any preliminary subdivision, the hearing examiner shall determine and make written findings of fact that the public interest will be served by the subdivision, the proposed subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

A. The public health, safety, and general welfare;

B. Open spaces;

C. Drainage ways/storm water;

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways;

E. Transit stops;

F. Public potable water supplies and irrigation water right-of-way and distribution facilities;

G. Sanitary sewer;

H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

24.50.060 Appeals.
Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and procedure as set forth in Chapter 19.70 RMC.

24.50.070 Expiration of preliminary approval.
Approval of a preliminary subdivision shall automatically expire five (5) years from the date of approval unless a complete application for a final subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.50.080.

24.50.080 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Department at least forty-five (45) days prior to the expiration of the preliminary subdivision. Time extension requests shall be processed as a Type I application pursuant to Title 19 RMC.

B. Subject to the routing and comment requirement provided herein, the Administrator may grant a single one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the subdivision contrary to the public health, safety, or general welfare. Prior to granting the one-year time extension, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of the time extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.50.090 Final subdivision submittal.
A. The submittal of an application for final subdivision approval shall only occur after:

1. The applicant has completed all work and it has been accepted by the Public Works Department; or

2. The applicant has substantially completed all work required by the Public Works Department, including preparation and submittal of record drawings and survey data, a walk-thru inspection has been completed (with punch list items valued at less than $10,000), and financial security for the punch list items has been provided and accepted by the Public Works Department; or

3. A security and improvement agreement in a form approved by the City Attorney and executed by applicant and the City Manager, coupled with the required financial surety, is attached to the final subdivision application.

B. Upon satisfaction of one of the three options above and submission of the final subdivision application to the Department, it shall be routed to appropriate departments and agencies to review for compliance with the conditions of approval. Once all reviewing departments and agencies are satisfied, all necessary infrastructure has been installed, and all conditions have been met or appropriate bonding and surety obtained pursuant to RMC 24.50.110, the final subdivision map shall be submitted by applicant to the Department for obtaining the required signatures. Final subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of receipt thereof, unless the applicant consents to an extension of such time period (RCW 58.17.140).

24.50.100 Contents of final subdivision.
All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final subdivision shall include the following:

A. The final subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final subdivisions shall measure 24 x 36 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The city file number of the subdivision, location by quarter-quarter(s) of a section, township and range shall be shown.

C. The scale shall be a standard Engineering Drawing scale. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the subdivision prior to any dedication to the public.

E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording

information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the subdivision map is a true and correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto;

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow;

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

R. The lines and curves defining each lot shall be labeled with bearings and distances which form a closed figure within the limits of WAC 332-130-085 or WAC 332-130-090;

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used;

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

U. Subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two (2) spiral curve elements in addition to the chord bearing and length;

V. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius;

W. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

X. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements;

Y. The final subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one (1) acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Z. Signature blocks. The plat must be reviewed and signed by the following:

1. Richland Public Works Director;

2. Administrator;

3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);

4. Benton County Treasurer;

5. Benton County Assessor; and

6. Applicable irrigation District purveyor.

24.50.110 Phasing.

A. Any subdivision may be developed in phases or increments. A master phasing plan shall be submitted with the preliminary subdivision for approval by the Department. The phasing plan may be approved by the Administrator provided:

1. The phasing plan includes all land identified within the legal notice;

2. The sequence of phased development is identified by a map;

3. Each phase has reasonable public or private infrastructure to support the number of dwelling units or proposed commercial or industrial development contained in that phase and to appropriately mitigate and identified impacts;

4. Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision or binding site plan; and provided that any non-finalized portion meets the minimum lot size of the underlying zone for the proposed use; and

5. The Public Works Director approves the necessary documents so that all road improvement requirements are assured for that phase.

B. A phasing plan may be amended or substituted following preliminary approval. Said plan may be approved administratively provided the above criteria are met.

24.50.120 Final plat – Approval of Administrator and Public Works Director.

A. Upon receipt of the final subdivision map, the Administrator and Public Works Director shall

review the final map and shall approve the final subdivision once it has been determined that the final subdivision conforms to the conditions of the preliminary approval and applicable state laws, and meets the Title 24 RMC requirements in existence when the preliminary subdivision was approved. Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and

2. All elements of the permitted sanitary sewer system are installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

3. All elements of the permitted potable water distribution system are installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

4. All elements of the permitted stormwater drainage system are installed, inspected and accepted. Completion of manhole and inlet casting adjustments and long term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

5. All elements of the permitted public streets are installed, inspected and accepted. Consistent with RMC 24.50.120, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

7. Inspection, acceptance and energizing of streetlights may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

8. All off-site infrastructure required by preliminary subdivision conditions including elements of the irrigation distribution facilities is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must recorded in the public record; and

9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

10. Record drawings of the public infrastructure meeting the Public Works standards may be deferred if secured by a security agreement in a form approved by the City Attorney and executed by the City Manager.

B. The Public Works Director may determine that the minimum improvements described above are substantially complete and authorize the final plat if: (1) all of the items listed above are complete and the total estimated value of the incomplete work is less than $10,000; and (2) the applicant has deposited $10,000 with the City prior to submittal of the final subdivision application to secure completion of the required work; or (3) if the applicant and the City enter into a Security Improvement Agreement to secure the completion of incomplete items.

24.50.130 Performance bond.
In lieu of the construction of the required improvements prior to final platting or dividing of the property, the applicant may enter into a Security Improvement agreement with the city to construct the required infrastructure improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the infrastructure within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the infrastructure and acceptance of the improvements by the city.

24.50.140 Recording.
The applicant shall record the completed final subdivision map with the Benton County Auditor's Office and submit copies of the recorded documents to the Development Services Department within ten (10) days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

Chapter 24.60
BINDING SITE PLANS

Sections:
24.60.010 Purpose and scope.
24.60.020 Overview of procedures.
24.60.030 Application for binding site plan approval.
24.60.040 Content of binding site plan.
24.60.050 Review procedures for preliminary approval.
24.60.060 Requirements for final approval including design and bonding of improvements.
24.60.070 Performance bond.
24.60.080 Appeals.
24.60.090 Recording and enforcement.
24.60.100 Rescission.
26.60.110 Expiration.
26.60.120 Time extensions.
24.60.130 Notice of filing.

24.60.010 Purpose and scope.
A. The purpose of the binding site plan is to establish a procedure of land division in lieu of other provisions of Title 24 RMC. The division of property by the binding site plan process may only be used for the following:

1. The division of land for the purposes of leasing space for manufactured homes, travel trailers, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or other recreational vehicles so long as the site plan complies with all other applicable regulations; and

2. The division of land involving improvements constructed or to be constructed that will be one or more condominiums or owned by an association or other legal entity.

B. Binding site plans will not be approved unless appropriate provisions and dedications of public rights-of-way, utilities, and easements are made to meet infrastructure provisions per city standards. The city may also require a development agreement governing future development of the property.

24.60.020 Overview of procedures.
A. The general procedures for processing a binding site plan shall consist of the following steps:

1. Submittal of an application for preliminary approval of a binding site plan;

2. Approval by the Public Works Director of appropriate engineering design plans for streets and other public improvements, and either construction of improvements or submittal of a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager;

3. Approval of the binding site plan by the Administrator; and

4. Recording of binding site plan with the Benton County Auditor's Office.

24.60.030 Application for binding site plan approval.
Prior to the division of land as allowed per RMC 24.60.010, a binding site plan application shall be filed. The application shall include:

A. A completed application form;

B. The binding site plan prepared by a registered professional land surveyor shall be submitted to the City in a digital PDF format;

C. A Plat Certificate dated no later than thirty (30) days prior to the date of application showing the name of all parties with an interest in the land being subdivided;

D. Preliminary engineering plans including, but not limited to water, sewer, streetlights, roads, storm drainage and sidewalks;

E. Application fee as required by the City of Richland Fee Schedule;

F. SEPA Checklist; and

G. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

24.60.040 Content of binding site plan.
The binding site plan shall consist of a cover sheet, if necessary, containing approvals, conditions, certificates, and inscriptions; and a scaled drawing(s) representing the parcel to be divided. The cover sheet is necessary only if the binding site plan contains more than one sheet. All sheets shall be drawn in permanent black ink on sheets of paper measuring 18 x 24 inches, and with a two-inch margin on the left edge and a one-inch margin on all other edges. The drawing shall be drawn at an appropriate decimal scale such that it is not cramped or illegible. The cover sheet and drawing shall contain the following:

A. Content of cover sheet. The cover sheet shall contain the following information and inscriptions:

1. At the top of the sheet, the title "Binding Site Plan No. (number) of (year)" followed by the name of the proposed binding site plan. If the land to be divided is a portion of a larger property for which a binding site plan has previously been recorded, the name shall be "a portion of...." followed by the name of previously recorded binding site plan;

2. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described below, for which an exact location is known, with all dimensions shown to the nearest one hundredth of a foot, curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes, and seconds;

3. Location by section, township and range to the nearest quarter section;

4. Abbreviated legal descriptions of all the lots, parcels, or tracts of land within the boundaries of the parcel as they are proposed to be divided at the time of binding site plan approval; and

5. Inscriptions setting forth appropriate limitations and conditions for use of the land; and

6. Certificates, dedications, and approvals as required by the Administrator.

B. Content of binding site plan drawing(s). The binding site plan drawing(s) shall contain the following information:

1. At the top of the sheet, the title and name of the binding site plan as provided in subsection (A)(1) of this section;

2. Location by section, township and range to the nearest quarter section;

3. Scale of drawing, date, and north arrow;

4. Existing topography as provided by a Licensed Land Surveyor of the land indicated by contour lines at two-foot intervals or less and delineating any areas with slopes that are 15% or greater;

5. The boundary line of the binding site plan which contains the entire parcel which is to be divided, and the line of all existing buildings, streets, roads, rights-of-way, easements, lots, blocks, tracts,

etc. within or adjacent to the property to be divided;

6. The locations of all proposed streets, roads, rights-of-way, easements, etc.;

7. The lines of the lot divisions proposed at the time of binding site plan application;

8. The exact location, width, and name or purpose of existing and proposed streets, roads, alleys, walks, utility, access control, or other easements, driveway accesses onto public streets, open spaces, etc., except that where exact locations and dimensions are not known at the time of binding site plan application, general locations shall be shown and appropriate limitations and conditions shall be referenced to and contained within inscriptions on the binding site plan cover sheet;

9. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described above, for which an exact location is known, with all dimensions shown to the nearest one hundredth of a foot, with curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes and seconds; and

10. The location of all streams, ponds, wetlands, or other bodies of water, prominent topographic features, sensitive areas, or other significant natural features on the site which affect or might be affected by the division or development of the land including, but not limited to, the location of any existing irrigation facilities, easements, and rights-of-ways, canals, wasteways, drainage ways, piping, and artificially created wetlands.

24.60.050 Review procedures for preliminary approval.

A. Referral to city departments and divisions. Within ten (10) working days of the filing of a complete binding site plan application, the Administrator will transmit a copy of the binding site plan to the Public Works Department, Energy Services, Fire & Emergency Services, and the Building division of the Development Services Department. Transmittal of the binding site plan shall be under cover of a memorandum scheduling a meeting of the affected departments and divisions within twenty (20) business days following the filing of a complete binding site plan application and shall stipulate the time and place of such meeting.

B. Written response from affected departments. Prior to or at the binding site plan meeting, written comments, recommendations or requirements from the affected departments shall be delivered to the Administrator. Failure to provide a written response shall constitute an assumption that the binding site plan is acceptable to the department not responding.

C. Binding site plan meeting. The binding site plan meeting shall convene at the stipulated time and place and shall be attended by affected departments and the applicant and/or representatives of the applicant. The Administrator shall serve as moderator of the meeting.

D. Consideration and action by the Administrator. The Administrator, within a period of seven (7) business days from the date of the binding site plan meeting, shall consider all information provided and determine if the application for binding site plan makes adequate provisions for the public health, safety, and welfare, and will be in the best interests of the citizens of the city and in accordance with the design criteria of the Richland Municipal Code. After due consideration of

the above, the Administrator shall approve, conditionally approve, deny, or return the binding site plan application to the applicant.

E. Return and resubmission. The Administrator may return the application for binding site plan to the applicant without taking action on it when additional information or modifications are required. After an application is resubmitted, the Administrator may (1) refer the application to affected city departments and divisions and schedule a second binding site plan meeting according to the procedure previously set forth, or (2) take action on the binding site plan application resubmittal. The Administrator shall act to approve, conditionally approve, or deny the application for the binding site plan; however, the Administrator may, with the applicant's consent, return the binding site plan to the applicant without taking action on it.

24.60.060 Requirements for final approval including design and bonding of improvements.

A. Prior to affixing of a signature of approval on the binding site plan by the Administrator, the applicant shall, upon the decision of the Public Works Director, either have included specific conditions on the face of the binding site plan with regard to the timing of bonding or construction of public infrastructure improvements within the proposed rights-of-way or easement areas, or have prepared and submitted to the Public Works Director, and the Public Works Director shall have approved, detailed engineering and design plans for any required streets, utility systems, storm drainage systems, and streetlighting systems, or other required improvements in accordance with the applicable specifications and standards of the city and other involved utility agencies, irrigation districts or irrigation purveyors. Irrigation system designs, site grading, and other such designs or plans that may be required by law, or that were specifically required as conditions of binding site plan approval, shall be submitted concurrently for the Public Works Director's review and approval. Furthermore, bonding or other legally sufficient assurances of installation of required improvements shall be provided as required in RMC 24.50.110 related to subdivision procedures. Following the affixing of all required signatures, the binding site plan shall be filed for record in the Benton County Auditor's Office.

B. When binding site plans are approved in areas where a master plan including preliminary engineering has been reviewed and approved by all departments and the Richland City Council, the Administrator shall allow recording of the binding site plan, provided specific conditions have been included on the face of the binding site plan noting that the master plan shall be the basis for controlling the location and size of all utilities and roads, and that a building permit shall not be issued for site development until all detailed engineering plans are submitted and approved by the city, and are either constructed or bonded or otherwise conditioned.

24.060.070 Performance bond.

In lieu of the construction of the required streets prior to final platting or dividing of the property, the applicant may enter into a security and improvement agreement with the city to construct the required infrastructure improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the infrastructure within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the infrastructure and acceptance of the street improvements by the city.

24.60.080 Appeals.
Any action taken by the Administrator on a binding site plan application may be appealed to the hearing examiner in accordance with the requirements set forth in Title 19 RMC for a Type I permit application.

24.60.090 Recording and enforcement.
All approved binding site plans must be recorded with the Benton County Auditor. Once recorded the lots, parcels, or tracts created through this procedure are legal lots of record. All provisions, conditions, and limitations on the binding site plan are binding on the owner, purchaser, or any other person acquiring a lease or other interest of any lot, parcel, or tract created pursuant to the binding site plan. Any sale, transfer, or lease of any lot, tract, or parcel prior to recording of the binding site plan with the Benton County Auditor is a violation of Chapter 58.17 RCW and this title.

24.60.100 Rescission.
A. The city may rescind, vacate or modify all or a portion of a final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded, shall be considered to be configured as it was immediately prior to the time that the binding site plan was recorded.

B. Signatures of all the owners having an interest in those portions of a binding site plan which are proposed to be altered by an amendment, rescission or vacation are required on the application for rescission, vacation or modification.

C. The process for rescinding, modifying or vacating a binding site plan shall be accomplished by following the same procedure and satisfying the same laws and conditions as required for a new binding site plan, and the action to rescind, modify or vacate must be found by the city to further the public interest and not cause a significant environmental or land use impact on or beyond the site.

24.60.110 Expiration.
Approval of a binding site plan shall automatically expire five (5) years from the date of approval. Extension of time may be granted as provided in RMC 24.60.130.

24.60.120 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Department at least forty-five (45) days prior to the expiration of the binding site plan preliminary approval. Time extension requests shall be processed as a Type I application pursuant to Title 19 RMC.

B. Subject to the routing and comment requirement provided herein, the Administrator may grant an initial one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the binding site plan contrary to the public health, safety, or general welfare. Subsequent one-year extensions may be granted by the Administrator based on the same analysis. Prior to granting time extensions, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered

conditions recommended by the Department or affected agencies may be required as a condition of the time extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.60.130 Notice of Filing.
Notice of filing of a binding site plan adjacent to or within one (1) mile of another municipal boundary must be given to the appropriate municipal official. Notice of such filing located adjacent to the right-of-way of any existing or proposed state or federal highway must be given to the Washington State Department of Transportation. Notice of the filing may be given to any other agency deemed prudent by the city.

Chapter 24.70
REVISIONS TO PRELIMINARY SUBDIVISIONS AND PRELIMINARY SHORT SUBDIVISIONS

Sections:
24.70.010 Applications.
24.70.020 Revisions of preliminary subdivisions and short subdivisions.

24.70.010 Applications.
An application may be submitted for any proposed revision to a preliminary subdivision or preliminary short subdivision. The application shall contain the signatures of the parties having an ownership interest in the preliminary short subdivision or subdivision and shall be reviewed as a Type I land use decision under Title 19 RMC.

24.70.020 Revisions of preliminary subdivisions and short subdivisions.
A. A request to revise a subdivision or short subdivision that has received preliminary approval shall be submitted to the Development Services Department.

B. Proposed revisions to a preliminary subdivision that would result in a substantial change, as determined by the Administrator, shall be treated as a new application for purposes of vesting and transportation concurrency, and shall be reviewed as a Type III land use decision under Title 19 RMC.

C. Proposed revisions to a preliminary short subdivision that would result in a substantial change, as determined by the Administrator, shall be treated as a new application for purposes of vesting and, where applicable, transportation concurrency, and shall be reviewed as a Type I land use decision pursuant to Title 19 RMC.

D. For the purpose of this section, a substantial change includes, but is not limited to:

1. Any revision that would result in or would have the effect of decreasing the aggregate area of open space in the subdivision by 10 percent (10%) or more;

2. Any revision that would result in increasing the number of lots in the subdivision beyond the number previously approved;

3. Any revision that would result in the relocation of any roadway access point as it connects to an exterior street from the plat;

4. Any revision that proposes phasing of plat development when no phasing plan was included in the original preliminary subdivision approval; or

5. Any revision that, in the opinion of the Administrator, would significantly increase any adverse impacts or undesirable effects of the plat.

6. A change to conditions of approval of an approved preliminary subdivision or preliminary short subdivision that leads to environmental impacts that were not addressed in the original approval.

E. Proposed revisions to a subdivision or short subdivision that do not result in a substantial change, as determined by the Administrator, shall be treated as a minor change and may be approved administratively by the Administrator as a Type I land use decision pursuant to Title 19 RMC.

F. For purposes of this section, minor revisions include, but are not limited to:

1. Revisions to engineering design standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;

2. Revisions in lot dimensions that are consistent with the underlying zone;

3. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained;

4. Revisions in timing of phased plans; and

5. Revisions to engineering design that reduce construction-related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval.

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Chapter 24.80
ALTERATIONS TO FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

Sections:

24.80.010 Application.
24.80.020 Alteration of final subdivision – Procedure.

24.80.010 Application.

A. An application may be submitted for any proposed alteration to a final subdivision or final short subdivision. The application shall contain the signatures of the majority of the parties having an ownership interest in lots, tracts, parcels, sites or divisions in the subject subdivision/final short subdivision or portion to be altered. If the final subdivision/final short subdivision is subject to restrictive covenants which were filed at the time of approval of the final subdivision/final short subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the final subdivision/final short subdivision, or portion thereof.

B. An alteration of a final subdivision is classified as a Type III permit and shall be processed pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.215.

C. Any final short subdivision alteration proposed under this section shall be subject to the requirements of Chapter 24.40 RMC.

24.80.020 Alteration of final subdivision – Procedure.

A. Upon receipt of a completed application for the alteration of a final subdivision, the Administrator shall provide notice of the application to all owners of property within the subdivision, publication in the official newspaper of the city, and to those owners of property within 300 feet of that portion or phase of the subdivision proposed for alteration. The notice shall include a statement that a public hearing will be conducted by the hearing examiner.

B. Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for alteration of a subdivision shall be administered by the hearing examiner, and such decision shall be given the effect of a final decision.

C. During the public hearing, the hearing examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of parties residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. Following approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, which shall be signed by the Administrator and Public Works Director and filed with the Benton County Auditor's Office to become the lawful plat of the

property.

Chapter 24.90
VACATION OF FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

Sections:

24.90.010 Subdivision or short subdivision vacation – Application.
24.90.020 Subdivision or short subdivision vacation – Process.
24.90.030 Subdivision or short subdivision vacation – Procedure.
24.90.040 Subdivision or short subdivision vacation – Conduct of hearing.

24.90.010 Subdivision or short subdivision vacation – Application.

An application may be submitted for the proposed vacation of all or part of a recorded subdivision or short subdivision. The application shall contain the signatures of all parties having an ownership interest in the lots, tracts, parcels, sites or division in the subject subdivision/short subdivision or portion to be vacated.

24.90.020 Subdivision or short subdivision vacation – Process.

Vacation of a subdivision or short subdivision is classified as a Type III application. Upon submittal of a complete application for vacation of a subdivision or short subdivision, the Administrator shall process the vacation request pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.212.

24.90.030 Subdivision or short subdivision vacation – Procedure.

Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the city. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof. Vacations will be processed in accordance with rules prescribed under state law.

24.90.040 Subdivision or short subdivision vacation – Conduct of hearing.

Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for vacation of a subdivision shall be administered by the city's hearing examiner, and such decision shall be given the effect of a final decision.

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Chapter 24.100
LAND DIVISION DESIGN STANDARDS

Sections:

24.100.010 Application.
24.100.020 Street requirements.
24.100.030 Streets – Conformity with comprehensive plan.
24.100.040 Streets – Relation to adjoining street systems.
24.100.050 Streets – Access to bodies of water.
24.100.060 Streets – Local residential streets.
24.100.070 Streets – Dead-end.
24.100.080 Streets – Alignment.
24.100.090 Streets – Intersections.
24.100.100 Streets-- Half Widths.
24.100.110 Streets – Grades.
24.100.120 Streets – Intersection spacing.
24.100.150 Rural Street standards.
24.100.160 Street name signs.
24.100.170 Alleys.
24.100.180 Sewer system requirements.
24.100.190 Water system requirements.
24.100.200 Provision for irrigation.
24.100.210 Stormwater system requirements.
24.100.220 Utility rights-of-way and easements – Required.
24.100.230 Easements – Watercourses.
24.100.240 Capacity for future developments.
24.100.250 Blocks – Depth.
24.100.260 Blocks – Pedestrian pathway connections.
24.100.270 Lots – Access.
24.100.280 Lots – Size.
24.100.290 Lots – Shape.
24.100.300 Lots – Double frontage.
24.100.310 Standard specifications.
24.100.320 Streetlights required.
24.100.330 Other utilities required.
24.100.340 Datum.
24.100.350 Monumentation.
24.100.360 Conflicts with other code provisions.
24.100.370 Infrastructure - Permitting.
24.100.380 Deviation.
24.100.390 Deviation - Conditions.

24.100.010 Application.

Except for divisions of land which meet the conditions of RMC 24.20.020, the regulations contained in this chapter shall apply to all divisions of land within the city. Every map, plat, replat or plan hereafter made of any such division of land within the city limits shall comply with the

provisions of this chapter and the Public Works Standards.

24.100.020 Street requirements.
All streets and rights-of-way within a short subdivision, subdivision or binding site plan shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the Public Works Standards.

24.100.030 Streets – Conformity with comprehensive plan.
The alignment of streets shall conform as nearly as possible with those shown on the comprehensive plan or related plans of the city.

24.100.040 Streets – Relation to adjoining street systems.
The layout of streets shall provide for the continuation of major streets existing on adjoining properties or of their proper projection when adjoining property is not divided. The layout shall also provide for future projection of streets into areas which presently are not subdivided.

24.100.050 Streets – Access to bodies of water.
Unless topography or ground conditions prevent, any division of land bordering on a river or public waterfront reservation shall be provided with at least one (1) street not less than 60 feet wide to the low water mark or the reservation boundary at one-half mile intervals as measured along such body of water.

24.100.060 Streets – Local residential streets.
Local streets which serve primarily to provide access to abutting property shall be designed to discourage cut-through traffic and planned to channel traffic onto minor collectors and other major streets. Local residential streets shall be designed to discourage average traffic speeds in excess of the posted or basic rule (25 mph) speed.

24.100.070 Streets – Dead-end.
Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be no longer than 400 feet or as otherwise allowed due to topographical or other constraints and allowed by Appendix D of the International Fire Code as adopted by reference in Title 20 RMC, and shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the Public Works Standards.

24.100.080 Streets – Alignment.
For major streets, connecting street centerlines deflecting from each other at any one point more than 10 degrees shall be connected by a horizontal curve that meets the minimum curve radius per AASHTO guidelines unless otherwise approved by the Public Works Director. Connecting tangents between curves shall be a minimum of 100 feet long. For minor streets, curves shall have a typical minimum deflection angle of 30 degrees with curve radii between 100 feet minimum and 150 feet maximum unless approved by the Public Works Director or designee. These parameters are to minimize the potential for speeding within neighborhoods.

24.100.090 Streets – Intersections.
Street intersections shall be as nearly at right angles as is practicable. When the most feasible plan

entails an intersection angle that deviates more than 15 degrees from a right angle, curves or suitable radius and lengths shall be provided. Where street intersections have curvature within 275 feet of the centerline of a stop or yield controlled intersection (looking right or left), the plat designed shall establish sight distance easements if necessary, based on evaluation of the AASHTO sight triangles per RMC 12.11.020.

24.100.100 Streets – Half-width.
A street lying along the boundary of a subdivision may be dedicated to a width of 30 feet (half of the right-of-way width as required by Subsection 24.100.130 RMC) if it is practical to require the dedication of the other half when the adjoining property is subdivided; and, whenever there exists a dedicated half-street of an adjoining parcel, the other half shall be dedicated on the proposed plat to make the street complete. Streets lying along the boundary of a subdivision, whether dedicated by the plat or already dedicated, but not improved, shall be improved by the developer to a minimum paved width of 22 feet. These regulations shall not apply to new roads/streets to be located adjacent to unincorporated land or as otherwise determined by the Public Works Director.

24.100.110 Streets – Grades.
Streets shall confirm closely to the natural contour of the land, except where a different grade has been established by the city authorities or the agency furnishing municipal services to the community. Grades shall be not less than 0.50 percent on any street and shall meet AASHTO maximum guidelines for major streets and a maximum of 12 percent for minor streets, unless otherwise approved by the Public Works Director and the Fire Marshall based on the fire department's specific apparatus needs. Changes passing through intersections shall not exceed 5 percent with 1 percent grade breaks allowed upon entry and exit.

24.100.120 Streets – Intersection spacing.
Intersection spacing or jogs of minor streets in neighborhoods shall not be less than 125 feet from centerline to centerline of street. Intersection spacing along major streets with minor streets shall use the following table to the extent feasible based on the posted speed of the major street. Greater spacing may be required in some instances where a proposed intersection might be within the 95th percentile queues from intersections of two major streets.

Posted Speed (MPH)	Minimum Spacing (Feet)
25	155
30	200
35	250
40	305
45	360

24.100.130 Streets – Width.
Street widths and right-of-way widths shall be as shown in the Public Works Standards.

24.100.140 Roadway widths and standards.
All streets, not including alleys, shall be improved in accordance with the Public Works Standards.

24.100.150 Rural street standards.
Rural street standards shall apply in the FP, AG and SAG zoning districts and elsewhere with approval from the Public Works Director.

24.100.160 Street name signs.
Street signs corresponding in design to those adopted as standard for the city shall be installed at each intersection for convenient identification of streets. Street naming and addressing shall be consistent with Chapter 12.01 RMC.

24.100.170 Alleys
Alleys (public) shall not be provided within the City of Richland.

24.100.180 Sewer system requirements.
All proposed land division shall be provided with a complete sanitary sewer system serving each lot designed for human habitation. Design of the sewage disposal system shall be in accordance with Title 17 RMC and the Public Works Standards.

24.100.190 Water system requirements.
All new development shall be connected to the public water main to provide a potable water distribution system serving each lot designed for human habitation. Design of the water distribution system shall be in accordance with International Fire Code Standards, Title 18 RMC and the Public Works Standards.

24.100.200 Provision for irrigation.
Non-potable irrigation facilities must be provided for every lot within any proposed residential land division in which the use of potable water is restricted pursuant to RMC 18.16.080. The irrigation distribution system (as distinguished from the separate domestic water distribution system) must be designed and installed in accordance with the Public Works Standards and irrigation districts or irrigation purveyor's requirements, except as otherwise approved by the Public Works Director and applicable irrigation district or irrigation purveyor.

24.100.210 Stormwater system requirements.
Stormwater runoff from streets, impervious areas, and other areas shall be disposed of through stormwater drainage facilities complying with RMC Title 16 and the Public Works Standards.

24.100.220 Utility rights-of-way and easements – Required.
All municipal utility rights-of-way and utility easements shall be dedicated to the public and shown on the plat. Ten (10) feet public utility easements shall be placed adjacent to existing and proposed public street ROWs. Separate utility easements shall be located as required by the provider.

24.100.230 Easements – Watercourses.
Where a development is traversed by a watercourse, canal, drainage way, wasteway, channel, or stream, there shall be provided a stormwater easement, irrigation easement or drainage right-of-way conforming substantially to the lines of such watercourse, canal, drainage way, wasteway, channel, or stream, and such further width for construction and maintenance as will be adequate for the purpose.

24.100.240 Capacity for future developments.
The capacities and dimensions of water, sewerage, drainage, electrical, and street facilities shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity. The city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the development and the capacities required to serve the vicinity.

24.100.250 Blocks – Depth.
Except for reverse frontage lots, the width of blocks shall be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed.

24.100.260 Blocks – Pedestrian pathway connections.
For blocks over 500 feet in length a pedestrian pathway right-of-way not less than twelve (12) feet wide shall be provided where such a pathway is deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation lines, and other community facilities.

24.100.270 Lots – Access.
Each lot shall be provided with satisfactory access by means of a public street or by some other legally sufficient right of access (easement) which is permanent and inseparable from the lot served subject to the provisions of RMC Title 12.

24.100.280 Lots – Size.
Lot widths and lot areas shall conform with the zoning restrictions applicable to the area within which the property may be located, except that corner lots for which side yards are required shall have extra width to permit appropriate setback from and orientation to both streets. Lot depths shall be suitable for the land use proposed.

24.100.290 Lots – Shape.
Lots shall be as nearly rectangular as possible with side lot lines approximately at right angles or radial to street lines. Ordinarily, the ratio of width to depth shall be one to not more than two and one-fourth. Flag lots shall be discouraged unless no other practical alternative exists as determined by the review authority.

24.100.300 Lots – Double frontage.
Residential lots which have street frontage along two opposite boundaries shall be avoided except for reverse frontage lots which are essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation. For such lots, there shall be an easement in favor of the city limiting access to only one street and a note stating such shall be placed on the face of the final plat map.

24.100.310 Standard specifications.
Physical developments and improvements required by this title shall be designed and installed in accordance with Public Works Standards and/or other specifications as determined by the Public Works Director. Construction shall be performed subject to the inspection of the Public Works Director or designee. The improvement intended to become part of the city system, including streets, water, electrical and sewer utilities, shall not become part of the city system until formally accepted by the city.

24.100.320 Streetlights required.
Streetlights shall be installed by the developer in accordance with the Public Works Standards.

24.100.330 Other utilities required.
New electrical, telephone, and cable television lines must be placed underground, except:

1. Electric utility substations, pad-mounted transformers and switching facilities, and electrical service pedestals.

2. CATV pedestals, active and passive devices, including amplifiers and cable warning signs.

3. Telephone pedestals, cross connect terminals, repeaters and cable warning signs.

4. Temporary services for construction.

5. Existing overhead electric and communications lines which are not in substantial conflict with the final, approved design such that they would render lots or streets unusable.

6. Existing main feeder lines which are relocated.

24.100.340 Datum.
A. The horizontal datum for all survey work shall be the Washington State Lambert Grid Coordinate System South Zone, using the current NGS adjustment as established in accordance with Chapter 58.20 RCW or other datum as determined by the Subdivision Administrator and Public Works Director. The unit of measure shall be the U.S. Survey Foot.

B. The plans shall show the horizontal control used to establish ties to the datum, with type, size, and location, date visited, and the State Plane coordinates for each monument used. At least one (1) monument must be shown for each street in the project.

C. Richland Public Works maintains a Continuously Operating Reference Station (DANP CORS) which can be utilized to establish NAD83 – 2011 epoch 2010.00 (current adjustment). Contact the City Surveyor to obtain data from the network.

D. The Vertical datum for all survey work shall be the North American Vertical Datum of 1988 (NAVD 88) Geoid 12B. Plans shall show the benchmarks used to establish ties to the datum, with description, location and elevation of each benchmark used.

24.100.350 Monumentation.
Right-of-way, street centerline and street intersection monumentation shall be established as described by Public Works Design Standards. In addition, for short subdivision, subdivision or binding site plans, every lot corner shall be marked or referenced in a permanent manner with the registration number of the professional land surveyor in charge of the survey in accordance with state law.

24.100.360 Conflicts with other code provisions.
In the event the standards and conditions established by this chapter conflict with other standards and conditions established in this title, the provisions contained in this chapter shall control. In the event the provisions of this chapter conflict with the provisions of Richland Municipal Code Title 23: Zoning, the provisions of Title 23 RMC shall control.

24.100.370 Infrastructure - Permitting
Whenever any public improvements or public works infrastructure are required to support the development, the plans for all public infrastructure improvements shall be submitted to, reviewed, and approved by the Public Works Director or designee before commencement of construction.

24.100.380 Deviation.
A. The owner/developer of property may seek a deviation from the provisions of the municipal code and Public Works Standards or requirements codified by this chapter by submitting a deviation application to the city along with the permit application. A deviation fee, as set forth in the City of Richland Fee Schedule, shall be due at the time of application. Deviations for short subdivisions and binding site plans shall be reviewed administratively and approved by the Administrator as part of the short subdivision or binding site plan review process. Deviations for subdivisions shall be decided by the hearing examiner during the preliminary subdivision hearing.

B. The basis for such a deviation from the strict application of the requirements of the municipal code and Public Works Standards is undue and unnecessary hardship on the property owner. No deviation from the provisions or requirements of this chapter shall be authorized unless the review authority finds:

1. That exceptional or extraordinary circumstances or conditions exist to the division of the property, or to the intended use of the property, that do not apply generally to other properties similarly situated; and

2. That the deviation is necessary for the preservation and enjoyment of a substantial property right of the property owner/developer or is necessary for the reasonable and acceptable development of the property. Financial hardship is not a basis for a deviation from the provisions of this chapter; and

3. That the authorization of the deviation will not be materially detrimental to the public welfare or injurious to property in the vicinity; and

4. That the deviation from the provisions and requirements of the municipal code and Public Works Standards does not grant a special privilege to the applicant.

C. Deviation from those items requiring approval of the Public Works Director may be granted by the review authority only upon written recommendation of the Public Works Director.

24.100.390 Deviation – Conditions.
In authorizing a deviation, the review authority may attach thereto such conditions regarding the features of the deviation as deemed necessary to carry out the spirit and purposes of this title and

in the public interest.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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 ____ day of _____, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: CA2023-102

PREPARED BY: MIKE STEVENS
MEETING DATE: OCT. 25, 2023

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND CA2023-102

REQUEST: TEXT AMENDMENT TO RMC TITLE 24 RELATED TO LAND DIVISION WITHIN THE CITY OF RICHLAND

LOCATION: CITYWIDE

REASON FOR REQUEST

The City of Richland planning staff is proposing to re-write Title 24 pertaining to land division actions. The proposed re-write updates the processes in which the City of Richland reviews different land division actions such as short-plats, subdivisions and binding site plans. The proposed re-write also codifies review processes for exempt land segregations and boundary line adjustments.

ANALYSIS

The City's current Title 24, Plats and Subdivision, was originally adopted in 1973. Several amendments have taken place over the past 50 years; however, much of the code has remained unchanged since 1973. City staff has been working to update this section of code since 2019. A couple of minor changes have been made since 2019; however, this will be the first major update to the code. As indicated above, the proposed re-write updates the processes in which the City of Richland reviews different land division actions such as short-plats, subdivisions and binding site plans. The proposed re-write also codifies review processes for exempt land segregations and boundary line adjustments.

One of the most important changes to the code is in regard to approval of final plats. Currently, the code requires that final plats be approved via a resolution adopted by the City Council. This code update will allow the Subdivision Administrator and the Public Works Director to sign final plats, thus removing several weeks, and sometimes months, between final plat submission and City Council approval. It should be noted that the City Council really has no choice but to approve a final plat once it gets to them as doing so could result in possible legal ramifications. Furthermore, City Council's "approval" of the final plat only gives the City Manager the authority to sign the final plat, it is in no way a formal declaration by City Council that they have reviewed any aspects of the final plat. Pursuant to state law, the City of Richland has the right to amend its final plat procedures

to remove City Council from the final plat approval process. Staff is proposing that the City take advantage of this allowance in order to expedite final plat reviews and approvals.

In addition, the proposed changes include procedures for the review of boundary line adjustments and exempt segregations. Currently, the City has applications and fees for these types of reviews; however, nothing is codified establishing an actual process and requirements. Staff has proposed simple review procedures and requirements for these types of reviews in order to direct applicants to when questions arise.

Finally, it should be noted that the proposed changes were sent to numerous surveying companies around the Tri-Cities. Several comments were received which are included as attachments to this report as well as in the form of track-changes to the draft ordinance included with this staff report for ease of review and discussion.

PUBLIC NOTICE/ COMMENTS

Staff provided notice of the proposed amendment to local and state agencies and numerous surveying companies in the Tri-Cities region via SEPA review and separate Notice of Application. Notice was also published in the Tri-Cities Herald on Sunday, August 27, 2023, posted at official posting places and on the city's official website. Staff provided notice to the Washington State Dept. of Commerce and other state agencies as required by RCW 36.70A.

As of the date this staff report was written several written comments have been received and are included as an attachment to this report. In addition, the substantive comments have also been included via track-changes on the copy of the ordinance provided to the Planning Commission for review and discussion during the public hearing.

SEPA

The proposal is subject to environmental review. The City of Richland issued a Determination of Non-Significance (DNS) for the proposal on August 17, 2023, no appeals of the City's DNS were received.

FINDINGS OF FACT

1. City planning staff is proposing a re-write Richland Municipal Code Title 24, related to land division actions.
2. The purpose of the amendment is to update the processes in which the City of Richland reviews different land division actions such as short-plats, subdivisions and binding site plans. The proposed re-write also codifies review processes for exempt land segregations and boundary line adjustments.
3. Notice of the proposed amendment was provided to local and state agencies. Notice was also published in the Tri-Cities Herald, posted at the official posting places and on the city's official website. Notice was provided to the Washington State Dept. of Commerce and other state agencies as required by RCW 36.70A.
4. Several substantive comments regarding the proposed code re-write were received and are included as an attachment to the staff report.

5. The Washington State Department of Commerce received the 60-day Notice of Intent to Adopt Amendment and granted expedited review.
6. The City issued a SEPA Threshold Determination of Non-Significance on August 17, 2023. No appeals of the DNS were received.

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hold an open record public hearing and issue a recommendation on the proposed ordinance amendment to the City Council.
2. The proposed code amendment is consistent with the goals and policies of the City's Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (CA2023-102) and recommend to the City Council adoption of the proposed re-write of RMC Title 24.

ALTERNATIVES

1. Recommend approval of the amendments as proposed;
2. Recommend approval of the amendments, as modified by the Planning Commission.
3. Recommend denial of the amendments;

RECOMMENDED MOTION – PLANNING COMMISSION

I move that the Planning Commission recommend approval of the proposed re-write of RMC Title 24 as identified in the draft ordinance and with the changes agreed upon as a result of discussion during the Planning Commission public hearing. This recommendation is based upon the listed Findings of Fact and Conclusions of Law.

EXHIBITS

1. Application Materials
2. Draft Ordinance
3. SEPA DNS & SEPA Checklist
4. Department of Commerce Notice
5. Public Notice & Comments Received

EXHIBIT 1

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Code Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

APPLICANT	☐ Contact Person
Company: ***City of Richland Development Services (Planning Division)***	UBI#:
Contact: ***Kyle Hendricks***	
Address: ***625 Swift Blvd., MS #35, Richland, WA 99352***	
Phone: ***509-942-7683***	Email: ***khendricks@ci.richland.wa.us***

DESCRIPTION OF PROPOSED AMENDMENT

Re-write of RMC Title 24 regarding land division within the City of Richland.

APPLICATON MUST INCLUDE:

1. Completed application and filing fee
2. SEPA Checklist (if necessary)
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE:

Section(s) of code proposed to be amended (include code citation):

Replace current RMC Title 24 – Plats and Subdivision with a new Title 24 – Land Division Regulations

Summary of requested code amendment(s):

Replace current RMC Title 24 – Plats and Subdivision with a new Title 24 – Land Division Regulations

Reason(s) for code amendment(s):

The proposed code amendment is intended to update and modernize the language within Title 24 as well as eliminate conflicts and inconsistencies that currently exist within RMC Title 24 – Plats and Subdivision.

Is the proposed amendment consistent with the applicable provisions of the Comprehensive Plan? Is a Comprehensive Plan amendment necessary to implement the proposed amendment? ***Yes, the proposed update to Title 24 is consistent with the City's Comprehensive Plan.***

Does the proposed amendment bear a substantial relation to the public health, safety, welfare and protection of the environment? Please explain: ***Existing Title 24 has not been significantly updated since 2010. The proposed update to Title 24 will result in the elimination of inconsistencies and will reflect changes that have been made to RCW 58.17 (State Subdivision Law) since the code's last major changes that occurred in 2010.***

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application. The information provided in this application contains no misstatement of fact.
2. I am an owner(s), authorized agent(s) of an owner(s), or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW, or I am exempt from the requirements of Chapter 18.27 RCW.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: ***Kyle Hendricks***

Applicant Signature: _____ Date ***June 26, 2023***

EXHIBIT 2

ORDINANCE NO. XXX-23

AN ORDINANCE of the City of Richland repealing Richland Municipal Code Title 24: Plats and Subdivision in its entirety and replacing Title 24 RMC with a new Title 24 entitled Land Division Regulations.

WHEREAS, RCW Sections 35.21.500 - .570 provide for codification of city ordinances; and

WHEREAS, Title 24 of the Richland Municipal Code has not been significantly updated since 2010; and

WHEREAS, the proposed changes to Title 24 RMC are deemed necessary or desirable for the purpose of modernizing and clarifying the language of said Title, ensuring a logical arrangement of subject matter, and eliminating conflicts and inconsistencies, as provided in RCW 35.21.500.

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

Section 1. Richland Municipal Code Title 24, entitled Plats and Subdivision, as first enacted by Ordinance No. 73, and last amended by Ordinance No. 51-19, is hereby repealed in its entirety and replaced with the following:

TITLE 24
LAND DIVISION REGULATIONS

Chapters:
24.10 Authority
24.20 General Provisions
24.30 Boundary Line Adjustments/Parcel Combinations
24.40 Short Subdivisions
24.50 Subdivisions
24.60 Binding Site Plans
24.70 Modifications to Preliminary Subdivisions and Short Subdivisions
24.80 Alterations to Final Subdivisions and Short Subdivisions
24.90 Vacation of Final Subdivisions and Short Subdivisions
24.100 Land Division Design Standards

Chapter 24.10
AUTHORITY

Sections:
24.10.010 Purpose.
24.10.020 Severability.
24.10.030 Division of land to comply with title.
24.10.040 Authority.

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24.10.010 Purpose.
This title is established in accordance with Chapter 58.17 RCW which authorizes cities to administer the process for the division of land. The Richland City Council finds that the process by which all land within the city of Richland is divided is a matter of city concern, and therefore should be administered in accordance with certain standards. The purpose of this title is to regulate the division of all land and to promote the public health, safety, and general welfare in accordance with standards established to prevent overcrowding of land, to lessen congestion in the streets and highways, to promote effective land use, to promote safe and convenient travel by the public on streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewer, parks and recreation areas and other public requirements, to provide for proper ingress and egress, and to provide for the expeditious review and approval of proposed divisions of land within the city.

24.10.020 Severability.
The provisions of this title are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause or portion of this title, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances.

24.10.030 Division of land to comply with title.
Every division of land within the city shall comply with the provisions of this title.

24.10.040 Authority.
The legislative authority of the city of Richland hereby delegates final subdivision and short subdivision approval to the Administrator and Public Works Director, or their designees.

Chapter 24.20
GENERAL PROVISIONS

Sections:
24.20.010 Purpose.
24.20.020 Exemptions.
24.20.030 Application for exemption.
24.20.040 Definitions.
24.20.050 Undefined words and phrases.
24.20.060 Legal lot.
24.20.070 Approval required prior to recordation.
24.20.080 Prohibition against sale, lease or transfer of property.
24.20.090 Violations.
24.20.100 Violations – Penalties.
24.20.110 Violations – Continuing offense – Penalties.
24.20.120 Injunctive and other proceedings.
24.20.130 Application, review and inspection fees.

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24.20.140 Re-subdivision limitation.
24.20.150 Contiguous ownership.
24.20.160 Professional land surveyor.
24.20.170 Advance tax payment required.

24.20.010 Purpose.
Pursuant to the purposes set forth in RCW 58.17.010, the regulations in this title are necessary to:

A. Promote the health, safety, and general welfare in accordance with standards established by the state and the city;

B. Promote effective use of land by preventing the overcrowding or scattered development which would be detrimental to health, safety, or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, or other public services, or excessive expenditure of public funds for such services;

C. Avoid congestion and promote safe and convenient travel by the public on streets, highways, sidewalks, and multi-use pathways through the proper planning and coordination of new streets within subdivisions with existing and planned streets in the surrounding community;

D. Provide for adequate light and air;

E. Provide for adequate water, sewage, drainage, parks and recreational areas, transit, sites for schools and school grounds, and other public requirements;

F. Provide for proper ingress and egress;

G. Provide for housing and commercial needs of the community;

H. Require uniform monumentation of land divisions and conveyance of accurate legal descriptions;

I. Protect environmentally sensitive areas;

J. Provide for flexibility in site design to accommodate view enhancement and protection, protection of streams and wetlands, protection of steep slopes, and other environmentally significant or sensitive areas;

K. To ensure consistency with and to further the goals and policies of the Comprehensive Plan; and

L. To provide a process for the division of land for the following:

1. Short subdivision. The division of land into nine (9) or fewer lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may

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have on the surrounding area;

2. Subdivision. The division of land into ten (10) or more lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area;

3. Binding site plan. An alternative method of dividing property interests and applying to the phased division of any land for sale or lease which is zoned for commercial, business, office, or industrial development, or which is to be developed as condominiums or a manufactured home park.

Commented [RJ1]: Condo plats used to be a thing. Are they still? Do they need to be mentioned?

24.20.020 Exemptions.

The following actions are exempt from the provisions of this title; provided, that in order to determine whether the action qualifies for the exemption claimed, approval must be received from the Administrator. Creation of an exempt lot does not vest the owner with the right to develop the lot when it does not meet access or use requirements of the zoning district in which it is located. Specifically, the provisions of this title shall not apply to the following exemptions:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions of land into lots or tracts each of which is one-one-hundred-twenty-eighth of a section of land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

C. Divisions made by testamentary provisions or the laws of descent;

D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with local regulations;

E. A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with local regulations;

F. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, that does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

G. Divisions of land into lots or tracts if:
1. Such division is the result of subjecting a portion of a parcel or tract of land to either

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Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;

2. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

3. A city has approved the binding site plan for all such land;

4. Such approved binding site plan is recorded in the county or counties in which such land is located; and

5. the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW.

A site plan shall be deemed to have been approved if the site plan was approved by a city:

(i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or
(ii) In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or
(iii) If not approved pursuant to (i) and (ii) of this subsection (G), then pursuant to other such procedures as such city may have established for the approval of a binding site plan;

H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

I. A division of land into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned

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electric utility facilities. For purposes of this subsection, “electrical utility facilities” means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility’s existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed;

J. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of eminent domain; and

K. Division or acquisition of land for public right-of-way.

Commented [KR2]: Comment from KID: "Division of land as a result of abandonment of irrigation district right of way real property sold or otherwise disposed of pursuant to RCW 87.03.820 or as a result of the sale of surplus real property pursuant to RCW 87.03.136"

24.20.030 Application for exemptions.
An application for exemption for any of the purposes set forth in RMC 24.20.020 shall be processed to determine whether the division is exempt with a minimum review for compliance with applicable city regulations. The application shall be determined complete upon the submittal of the following materials:

1. A completed application;

2. Maps, plans, and/or exhibits containing all applicable information as required by the Administrator; and

3. Applicable fee as set forth in the City of Richland Fee Schedule.

24.20.040 Definitions.
As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

Commented [KR3]: Comment from David Baalman (DB): "The code uses the word “shall” throughout. Based on context I believe the intent is to describe something that is mandatory, not permissive. A recent US Supreme Court ruling hinged in part on the definition of the word “shall” being permissive not mandatory. I don’t know if this ruling will trickle all the way down to local jurisdictions any time soon, but I’ve seen others plan ahead by inserting a definition for “shall” in their code. Perhaps something like this:

“Shall” describes a condition or action which is mandatory."

Commented [KR4]: Comment from KID: "Please double check terms used in both City code and RCW for consistency"

“Administrator” means the Development Services Director or designee who shall be responsible for the administration and enforcement of this code.

“Alley” means a public thoroughfare or right-of-way, open to public travel and dedicated to public use, which affords only a secondary means of access to abutting property.

“Applicant” means the owner or owners of record of the property subject to an application for land division or lot/boundary line adjustment, or authorized representative of such owner or owners, or a duly authorized representative of any governmental agency for which an action is sought for a governmental purpose.

“Application” means all of the application forms, plans, and accompanying documents required for any particular land division or lot/boundary line adjustment request.

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"Binding site plan" means a drawing to a scale, specified in Chapter 24.60 RMC, which:

1. Identifies and shows the land areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;

2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by this title; and

3. Contains provisions requiring any development to be in conformance with the binding site plan.

"Block" is a group of lots, tracts, or parcels within well-defined and fixed boundaries.

"Boundary line adjustment" shall have the same meaning as "lot/boundary line adjustment," meaning the relocation or other minor adjustment of the boundaries of a lot, in which the relocation does not result in the creation of any additional lot or lots.

"Building envelope" refers to the buildable area of a lot after applicable setbacks, easements, and other restrictions on the lot are considered.

"Complete application" means an application that appears to contain all necessary information to make a technical determination about a project or application and includes all anticipated fees at time of application.

"Comprehensive plan" means that plan adopted by the Richland City Council as the comprehensive plan for the city.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapter 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings.

"Cul-de-sac" means a street opening at one end and having a turn-around at the other end.

"Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short subdivision or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat, short subdivision, or binding site plan for filing by the city.

"Department" means the City of Richland Development Services Department.

Commented [RJ5]: Insert "existing" before streets?

Commented [DC6R5]: Probably redundant to.

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"Development permit" means any permit issued by the city of Richland allowing the physical alteration of real property including, but not limited to, building construction, street construction, utility construction or installation, grading, filling or excavating. Approval of a subdivision, short subdivision, or lot/boundary line adjustment is not considered a development permit for the purposes of this title.

"Division" is the division or re-division of land, regardless of the size of the parcels or the number of lots, for the purpose of sale, lease or transfer of ownership and includes subdivision, short subdivision or binding site plan provisions.

"Easement" means a grant by a property owner to specific persons, named entities, or to the public of the right to use that property for a specific purpose.

"Fill" means any sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

"Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in other city regulations.

"Flood insurance rate map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

"Homeowners association" means an incorporated nonprofit organization operating under recorded land agreements.

"Improvements" means the facilities and infrastructure of a land development, including but not limited to the streets, sidewalks, ~~street lights~~streetlights, fire hydrants, stormwater facilities, sanitary sewer facilities, domestic water facilities, and other utilities and facilities required by this title to be constructed in conjunction with any particular land division, as approved by the necessary city departments.

"Land division" means the creation of any new lot or lots for the purpose of sale, lease or transfer of ownership, whether such lot or lots is created by full subdivision, short subdivision, binding site plan or exemption (see RMC 24.20.020).

"Lot" means a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township and range, and of sufficient area and dimension to meet minimum zoning requirements. The term includes tracts or parcels.

Commented [KR7]: Comment from KID: "Aliquot Part"

"Lot/boundary line adjustment" is synonymous with "boundary line adjustment" and means the relocation or other minor adjustment of the boundaries of a lot, in which the

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relocation does not result in the creation of any additional lot or lots.

“Lot, corner” means a lot situated at the intersection of two or more streets.

“Lot, flag” means an irregular extension or protrusion of a lot created for the purpose of providing such lot with frontage on a public or private street or access way.

“Lot, double-frontage” means a lot with street frontage along two (2) opposite boundaries.

“Lot, frontage” means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; except in those cases in a commercial or industrial district where a lot has two or more street frontage of equal length or nearly equal length, the frontage shall be considered to be the line adjoining the street which the comprehensive plan shows is intended to carry the heaviest traffic flow, or where no public street exists, along a private road, easement or access way.

“Lot, reverse-frontage” means a double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line, and over the rear of which is an easement as provided in RMC 24.100.300. The rear lot line of the lot shall be that boundary abutting a street or other disadvantageous use.

“Lot, nonconforming” means a lot of record in existence prior to the effective date of the ordinance codified as Title 24 RMC and any amendments thereto which does not meet the minimum lot size and other requirements as set forth in Title 23 RMC: Zoning.

“Lot of record” means any lot, tract, or parcel of land shown on an officially recorded plat or short subdivision or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyance purposes on the date of recording of the instrument first referencing the lot. The term “lot of record” as used herein does not imply that the lot conforms with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW or this title.

“Lot, through” means a lot that has both ends fronting on a street neither of which having access restrictions. Both ends shall be deemed front.

“Meander line” means a line along a body of water intended to be used solely as a reference for surveying.

“Parcel” means a contiguous quantity of land in the possession of, owned by, controlled by, or recorded as the property of the same owner or joint owners.

“Parcel combination” means the combination/merger of two (2) or more lots/parcels into one (1) lot/parcel.

Commented [KR8]: Comment from DB: "The definition of the term “meander line” is not very descriptive nor does it conform to the standard definition of the term in surveying. It’s probably not a big issue given that the Columbia River frontage in Richland is held by the USACE, but there is probably some Yakima River frontage that could be developed in the future. I’d suggest using an adaptation of the definition from the BLM Manual of Surveying Instructions (2009):

“Meander Line” is a traverse that approximates the margin of a permanent natural body of water for closing of a survey and to allow for area computations. For riparian parcels the meander line does not constitute the boundary but only an approximation thereof, the actual boundary is the Ordinary High Water Mark for navigable streams.

I don’t believe there are any non-navigable streams within the boundaries of the City of Richland that could create another condition, so I don’t see a point in adding that definition.
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"Plat" is a map or representation of a subdivision showing thereon the division of tract(s) or parcel(s) of land into lots, blocks, streets and alleys or other divisions and dedications.

"Plat Certificate" means a title report prepared by a title company for the property contained in a proposed binding site plan, subdivision or short subdivision, to include, as a minimum, all owners of record, easements and encumbrances effecting said property.

"Preliminary subdivision/short subdivision" is a neat and approximate drawing of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision or short subdivision.

"Proof of ownership" means an actual or copy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property. Where proof of ownership is required by this title, the Administrator shall have the discretion to require a current title insurance policy.

"Public street" means an approved street, whether improved or unimproved, held in public ownership or control (either through plat dedication, deed, or easement/right-of-way conveyance) and intended to be open as a matter of right to public vehicular travel.

"Public way" means any publicly owned land set aside for utilities or surface transportation purposes, including vehicular, bicycle and pedestrian transportation, whether improved or not improved.

"Public Works Director" means the City of Richland Public Works Director or designee.

"Public Works Standards" means the city's engineering, design, and construction standards and specifications governing the construction of public and private infrastructure improvements. The city of Richland's engineering design standards includes such documents establishing infrastructure standards that are authorized by the Public Works Director and published on the City's web site.

"Right-of-way" shall have the same meaning as "public way."

"Review authority" means the Richland Hearing Examiner in the case of a preliminary subdivision or the Administrator and Public Works Director in the case of all other land divisions.

"Roadway" means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface.

"Short plat" means the map or representation of a short subdivision.

Commented [KR9]: Comment from KID: "Comprising"

Commented [KR10]: Comment from KID: "affecting"

Commented [KR11]: Comment from KID: "define current"

Commented [KR12]: Comment from KID: "or easement"

Commented [DC13]: I know there was an effort to combine all of our applicable "Public Works Standards" into one document, but maybe it makes sense to call out the specific documents in this definition. "Standard Drawings, Special Provisions, Materials List, and Design Guidelines"

Commented [RP14R13]: I'd prefer the more general description here that enables us to update our standards administratively instead of listing specific documents that might be an incomplete set. This does put a spotlight on the need to finish the project of creating the one consolidated document.

Commented [DC15R13]: ok

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“Short subdivision” is the division or re-division of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“State Environmental Policy Act (SEPA)” means the State Environmental Policy Act as defined by Chapter 43.21C RCW as it now exists or is hereafter amended.

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

“Street, loop” means a minor street of limited length which generally follows a “U-shaped” alignment with both legs intercepting the same street.

“Street, major” means a street intended to carry a heavier traffic loading, minimizing intersecting streets and direct access to abutting properties and primarily for the purpose of accommodating general traffic circulation of the community. Major streets are classified as principal arterial, minor arterial, and major ~~arterial~~collector.

“Street, minor” means a street, usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only. Minor streets are classified as minor collector, local street, ~~local street – single frontage~~, and private street as defined in RMC 12.02.

Commented [DC16]: I think this term can be deleted. It's still a local street.

Commented [RP17R16]: Agreed.

“Street, private” means a street, secured by private easement, tract or parcel created to provide the access from a city street to platted lots, that is not deeded or dedicated to the city, the maintenance of which is the responsibility as ~~of, who shall be~~ noted on the face of the plat.

“Subdivision” is the division or re-division of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“Surety” means a bond, letter of credit, the deposit of a certified check in a city account, a security improvement agreement, or other security acceptable to the city.

"Tax parcel consolidation" means the consolidation of contiguous lots of record which are under one ownership. The purpose of the consolidation shall be for planning and building purposes and any consolidation shall comply with all applicable zoning, subdivision, and other land use controls as deemed necessary by the administrator. If all applicable standards are met, the administrator shall provide a letter to the applicant stating compliance, which the applicant may submit to the Benton County Assessor’s office when requesting the tax parcel consolidation.

“Zoning restrictions” means the restrictions found in the zoning ordinances of the city, primarily Title 23 RMC: Zoning.

24.20.050 Undefined words and phrases.

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The definition of any word or phrase, not listed in the definitions, which is in question when administering this title shall be defined according to one of the following sources in order of priority:

A. Any city of Richland resolution, ordinance, code, regulation or formally adopted comprehensive plan, shoreline master plan or program or other formally adopted land use plan;

B. Any statute or regulation of the state of Washington;

C. Legal definitions from Washington common law or a law dictionary;

D. The common dictionary.

24.20.060 Legal lot.
Development shall be permitted only on legally created lots. A legal lot is created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created or binding site plan was approved, including but not limited to demonstrating that the lot was created through one of the following:

A. Lots created through subdivision - a plat approved by the city of Richland or Benton County separately describing the lot in question; or

B. Lots created through short subdivision - a short subdivision approved by the city of Richland or Benton County separately describing the lot in question; or

C. Lots created pursuant to a binding site plan process in effect at the time the binding site plan was approved by the city of Richland or Benton County; or

D. A deed, contract of sale, mortgage, property tax segregation, plat, or recorded survey describing the lot in question if the instrument was executed prior to July 1, 1969 (effective date of Chapter 58.17 RCW).

24.20.070 Approval required prior to recordation.
Any map, plat or plan, unless previously exempt, hereafter made of a proposed boundary line adjustment, parcel combination, short subdivision, subdivision or binding site plan, or any part thereof, shall be presented for approval prior to recording at the Benton County Auditor's Office. No such map, plat or plan shall be recorded or have any validity unless or until it has the approval of City departments and agencies with jurisdiction as required by this title.

24.20.080 Prohibition against sale, lease or transfer of property.
No person shall sell, lease or offer to sell or transfer any lot, tract or parcel subject to the requirements of this title without first receiving approval hereunder by the city and recording the approved division with Benton County; provided, that if performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land is

Commented [KR18]: Comment from DB: "Section D sets a date for the creation of a parcel prior to the effective date of RCW 58.17. I concur with the logic but I'm not sure about the date. Although the RCW was put into effect on that date by the legislature, I don't know if it was fully in effect on that day. There was likely a lawsuit about it that delayed it (I'm not sure about that but it's a good guess) and more importantly local governments had to get their systems in place for short plat review etc. Some of that probably went on before the final passage but likely not all. For reference short plat number 1 in Benton County is in the City of Richland, and was recorded July 31, 1974. I doubt that we went 5 years without a single parcel being split up via metes & bounds description so I think a bit more research might be in order before committing to that firm date.

I also see some other possibilities for creation of legal parcels that could later be developed:

- Parcels created through an exemption to RCW 58.17.040 such as those over 5 acres in size, those created by testamentary provisions or the laws of descent.
- Parcels who's current configuration was the result of a prior boundary line adjustment or boundary agreement pursuant to RCW 58.04.007
- Parcels created by an act of the courts."

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expressly conditioned on the recording of the subdivision, short subdivision or binding site plan containing the lot, tract, or parcel, the offer or agreement does not violate any provision of this title.

24.20.090 Violations.
In the event of the sale, assignment, transfer, lease or conveyance of any lots in violation of the regulations of this title, the city may initiate an action to rescind or enjoin such transfer, assignment, sale conveyance or lease by making application for an injunction in Benton County Superior Court. In addition, the city has such other remedies as are provided by law. Furthermore, any person in violation of any provision of this title shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

24.20.100 Violations – Penalties.
If the same violator has been found to have committed an infraction violation for the same or similar conduct two (2) separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

24.20.110 Violations – Continuing offense – Penalties.
For any violation of a continuing nature, each day's violation shall be considered a separate offense punishable as provided in RMC 24.20.090 and RMC 24.20.100.

24.20.120 Injunctive and other proceedings.
Notwithstanding the imposition of any penalties hereunder, the city may institute any appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this title.

24.20.130 Application, review and inspection fees.
The Richland City Council shall establish fees to defray the administrative expenses incurred by the city for the following:

A. Fees associated with land division activities.

1. Short subdivision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

2. Preliminary subdivision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

3. Final plat review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the final short subdivision or final subdivision.

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4. Plat improvement plan review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to review of the improvement plans and specifications for the final plat by the Public Works Director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvement plans and specifications for a final plat.

5. Construction inspection fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the plat improvements. The fee is to cover actual costs incurred by the city. If the cost to the city exceeds the amount of the fees paid, the developer shall pay an additional fee before final approval of the plat improvements.

6. Plat alteration or vacation application fee. As set by the City of Richland Fee Schedule this fee is nonrefundable and shall be paid at the time of submission of the application.

7. Exemption letter fee. As set by the City of Richland Fee Schedule, this fee shall be paid at the time of submission of the application.

8. Preliminary subdivision, short subdivision and binding site plan revision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

9. Deviation request fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the deviation request.

10. Boundary line adjustment/parcel combination fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

11. Plat exemption/lot line adjustment fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

12. Subdivision Amendment fee (major or minor). As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

13. Time Extension request fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

B. Fees associated with utility and/or street extensions (not associated with a plat).

1. Utility and/or street extension plan review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to plan

Commented [RJ19]: This fee (and the next one) are established in chapter 12, does it need to be repeated here?

Commented [DC20R19]: Can it just reference Chapter 12 RMC and be done?

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review by the Public Works Director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvement plan.

2. Utility and/or street extension inspection fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the improvements. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvements.

C. For the purposes of this section, the Public Works Director or designee is authorized to establish the total estimated cost of the proposed improvements.

D. For the purposes of this section, "actual costs incurred by the city" shall be the actual salaries and benefits of city staff for the time involved, plus any other direct costs associated with the project such as costs for contracted services.

24.20.140 Re-subdivision limitation.
Land within a short subdivision may not be further divided in any manner within a period of five (5) years from the date of recording of a short subdivision with the Benton County Auditor without the filing of a final plat in accordance with the provisions established in this title for subdivisions; provided, that when the short subdivision contains fewer than nine (9) parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of nine (9) lots within the original short subdivision boundaries.

24.20.150 Contiguous ownership.
Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision or a subdivision.

Commented [KR21]: Comment from DB: "I'm not fully clear on what you're doing here. I take it that this section is intended to prevent a 9 lot short plat if the landowner owns a previously created parcel that is adjoining the parcel involved in the short plat. If that is the case, the obvious end-around is to transfer one of the parcels into an LLC or trust so that it's under separate ownership. This only serves to create an additional recording fee before applying for the short plat, and also could create a situation where one landowner is affected differently than another because they are unable to make such a transfer due to a mortgage or other encumbrance on their parcel(s)."

24.20.160 Professional land surveyor.
The preparation of all preliminary and final short subdivisions, subdivisions and binding site plans shall be made by or under the supervision of a professional land surveyor licensed in the state of Washington. The professional land surveyor shall certify on the final plat that it is a true and correct representation of the lands actually surveyed. A survey is required on all final plats. All surveys shall comply with Chapter 58.09 RCW and Chapter 332-130 WAC.

24.20.170 Advance tax payment required.
All taxes on the property to be platted must be paid as indicated by the seal and signature of the Benton County Treasurer on the face of the plat.

Commented [KR22]: Comment from Alex (AM) from PBS: "I suggest removing the word "Advance" since the Assessor/Treasurer can only collect for the current tax year. This is perhaps a remnant from when advance payments for the next year property taxes were required.

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Chapter 24.30
BOUNDARY LINE ADJUSTMENTS/PARCEL COMBINATION

Sections:

24.30.010 Purpose.
24.30.020 Scope.
24.30.030 Review process.
24.30.040 Application submittal and contents.
24.30.050 Approval criteria.
24.30.060 Time limitation to record approved lot/boundary line adjustment and parcel combination.
24.30.070 Recording.

24.30.010 Purpose.

The purpose of this chapter is to clearly delineate the criteria used by the city of Richland to review lot/boundary line adjustments and parcel combinations. Parcel combination allows for two (2) or more lots/parcels to be combined into one (1) lot/parcel. Lot/boundary line adjustments provide a procedure for changes in property lines. A lot/boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a lot line, and to remedy property use constraints caused by adverse topographical features. A lot/boundary line adjustment does not apply to boundary changes that would otherwise be regulated by applicable city of Richland land use codes and regulations, or to actions requiring the re-plat, alteration, or vacation of a subdivision or short subdivision. The adjustment must be consistent with all applicable zoning, health, building, and similar regulations, and cannot result in nonconformance or increase an existing nonconformance. This chapter is also intended to ensure compliance with the Survey Recording Act, Chapter 58.09 RCW, and Chapter 332-130 WAC.

Commented [KR23]: Comment from Paul Knutzen (PK): "I don't like this- leaves it open to interpretation as to what is considered "minor""

Commented [KR24]: Comment from PK: "Background' https://mrsc.org/explore-topics/planning/development-regulations/subdivisions/subdivisions-court-decisions-and-ag-opinions

Boundary line adjustment upheld
City of Seattle v. Crispin, 149 Wn2d 896 (2003) - A reconfiguration of boundary lines without the creation of additional lots is a boundary line adjustment that does not require approval under state or local subdivision laws. The fact that a new buildable site is created does not prevent application of the boundary line adjustment exemption found at RCW 58.17.040(6)."

24.30.020 Scope.

The lot lines separating two lots of record may only be adjusted/removed under the provisions of this chapter, except as provided under RCW 58.17.040, as now adopted or hereafter amended. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the land division requirements set forth in this title; provided, that all requirements set forth in this chapter are met, lot/boundary line adjustments proposing lot reorientations shall be deemed to be minor in nature.

Boundary line adjustments shall be a minor alteration in the location of lot or parcel boundaries on existing lots or parcels. In this section, “lot” shall mean a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township and range, and be of sufficient area to meet minimum zoning requirements. The purpose of the parcel combination process is to remove interior lot lines of a parcel comprised of two (2) or more separate lots with contiguous ownership. Boundary line adjustments must be consistent with the following:

Commented [KR25]: Comment from KID: "Aliquot part"

A. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments as required by the City of Richland Critical Area Ordinance and Shoreline Master Program;

B. Such alteration shall not diminish the size of any lot so as to result in a lot which would not comply with zoning regulations except as provided in RMC Section 24.30.050(B);

C. Such alteration shall not result in a building setback violation or site coverage to less than prescribed by the zoning regulations; and

D. All lots resulting from the boundary line alteration shall be in conformance with all applicable zoning requirements.

Commented [KR26]: Comment from DB: "Section D states that all lots resulting from a BLA must be in conformance with all applicable zoning requirements, but elsewhere in the code (§24.30.050(B)) allows for BLA with an already non-conforming parcel that doesn't increase the non-conforming nature. I read these 2 sections as being in conflict so some clarification may be in order here."

24.30.030 Review process.
Boundary line adjustments and parcel combinations are classified as Type I applications and shall be reviewed pursuant to RMC Section 19.20.010. Based on comments from the Public Works Department, public health official, and other applicable agencies and departments, the Administrator shall approve the proposed lot line adjustment or lot combination only upon finding that the standards of the Richland Municipal Code have been satisfied.

Commented [KR27]: Comment from KID: "Applicable irrigation district (if located within the boundaries of an irrigation district)"

24.30.040 Application submittal and contents.
To be considered complete, a lot/boundary line adjustment or parcel combination application shall include the following:

A. Applications for lot/boundary line adjustments or parcel combinations shall be made on forms provided by the city of Richland Development Services Department, and shall be submitted to the Development Services Department along with the appropriate fees as established in the City of Richland Fee Schedule;

B. A completed boundary line adjustment and parcel combination request form, including all materials required pursuant to the Richland Municipal Code, to include a site plan showing (1) the location and dimensions of all structures/improvements existing upon the affected lots; (2) the distance between each structure/improvement and the proposed lot/boundary lines; and (3) structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;

C. Two (2) copies of a clean and legible record of survey suitable for recording showing the following:

1. The proposed lines for all affected lots, indicated by bold solid lines;

2. The existing lot lines proposed to be changed, indicated by light broken lines;

3. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as parcel A, parcel B, etc.;

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4. A north arrow and scale;

5. All parcel numbers of affected lots;

6. The location of the property as to quarter/quarter section;

7. The location and dimensions of any easements within or adjacent to any affected lots;

8. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;

9. The area and dimensions of each lot following the proposed adjustment;

10. The existing and, if applicable, proposed future method of sewage disposal for each affected lot, including the location and dimensions of the proposed drain field;

11. The location of all existing and proposed water, sewer and storm drainage facilities;

12. Footprint of existing buildings with dimensions from property lines;

13. Deeds for land transfer with new legal descriptions. The legal descriptions shall include the legal for the portion of the land to be transferred and a legal description of each new parcel after the transfer. Deeds shall be typed; handwritten deeds will not be accepted.

D. The drawing shall be attached to or include on the face a formal legal declaration of the lot/boundary line adjustment, signed and notarized by all legal owners of the subject properties; and

E. If on-site wastewater (septic tanks) disposal is proposed under the limited circumstances where the Richland Municipal Code does not require connection to the city's sewer system, the applicant shall provide written verification from the Benton-Franklin Health District that the site is adequate to accommodate an on-site sewage disposal system.

24.30.050 Approval criteria.
All public improvements installed for any lot/boundary line adjustment or parcel combination shall be in accordance with the city's Public Works Standards. Lot/boundary line adjustments and parcel combinations shall not:

A. Create any additional lot, tract, parcel, or division;

B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension

Commented [KR28]: Comment from DB: "I understand why you want us to plot easements on the subject parcel(s). Adding a requirement to plot easements on adjacent parcels is another burden for the landowners. For each parcel on which I would have to plot easements I would have to get a title report for that parcel. The current price of a title report is $380.45 (with tax) for a residential lot. I believe they are more like $750 for commercial properties. That could mean a few hundred or a few thousand dollars of added cost for your average BLA, or it could be huge for a BLA with a large parcel adjoining many lots, for example a BLA between a single family lot and Horn Rapids Golf course would mean a title report not only on the subject lot and the golf course parcel, but one on every parcel that adjoins that golf course parcel. Yes I can plot most of the easements from the plat drawings, but I have no way of knowing if any easements have been added (or subtracted) since that plat was completed without a title report.

I'll also point out the use of the term "adjacent" here, when I think you mean "adjoining":

From Black's Law Dictionary:

Adjacent: Lying near or close to

Adjoining: touching or contiguous"

Commented [KR29]: Comment from KID: "Insert irrigation"

Commented [KR30]: Comment from DB: "I take it this is a new requirement that deeds be submitted for review along with the BLA? I don't have an issue, and this is how Kennewick handles these. I just want to point out that its not overly clear that the intent here is that there be multiple deeds, each with one single legal description, describing the transfer(s) and then the consolidation(s) of the newly configured parcels. We help the clients with this item but many surveyors do not, so I foresee you getting one quit claim deed form with 3 or 4 legal descriptions in it from landowners who attempt to handle this step themselves. A little clarification here might save you some effort in the future."

Commented [KR31]: Comment from PK: "Suggested new item #14:

Boundary line adjustments should not create a parcel that has multiple zones or land use designations. Or say… All parcels involved in a parcel consolidation shall be the same zoning designation"

Commented [KR32]: Comment from DB: "This seems to be new as well, where you're requiring landowners sign the record survey drawing. I don't have a concern other than that it can serve to slow down the process when dealing with out-of-town landowners. As it is now for a landowner who isn't local, I generally send them the deeds to be signed via email, have them print them out themselves, sign at any convenient notary, and FedEx or mail them to me to get them recorded. Most won't have a way to print the full size survey though, so I'll have to plot that here and mail it to them to sign, which adds about a week to the signature process. That's not the end of the world but it serves to add time without any real advantage. The landowner's signature on the face of the survey can have no legal affect, only their notarized signature on a recorded deed serves to adjust the boundary of their land"

Commented [KR33]: Comment from KID: "and irrigation district standards and specifications. If within the boundaries of an irrigation district"

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as set forth in the city's zoning and land use and state and local health codes and regulations. This provision shall not be construed to require correction or remedy of preexisting nonconformities or substandard conditions; however, existing nonconformity shall not be increased or create any new nonconformity;

C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and/or access or easement for vehicles or pedestrians, utilities, and/or fire protection for any lot, tract, parcel, site, or division;

D. Diminish or impair any public or private utility easement or deprive any parcel of access or utilities;

E. Create unreasonably restrictive or hazardous access to the property;

F. Increase the nonconforming aspects of an existing nonconforming lot relative to the city's zoning and land use regulations;

G. Re-plat or vacate a plat or short subdivision, or revise or amend the conditions of approval of any full or short subdivision; or

H. Amend the conditions of approval for previously platted property.

24.30.060 Time limitation to record approved lot/boundary line adjustment and parcel combination.
If the final documents are not recorded within ninety (90) days of approval, the lot line adjustment or parcel combination shall automatically become null and void.

24.30.070 Recording.
A. Upon approval of the application, the Administrator shall notify the applicant. The applicant shall then record with the Benton County Auditor the certificate or document issued by the Administrator indicating approval of the lot/boundary line adjustment or parcel combination, together with the legal document(s) transferring title, any applicable restrictive covenants, and the survey, if one was required and has not yet been recorded.

B. A lot/boundary line adjustment or parcel combination does not become effective until the applicant has recorded the documents required by the Benton County Auditor. The applicant shall return one copy of each recorded document to the Department, which copy must bear the Benton County Auditor's stamp to verify recording. No building or other site development permits shall be granted until the applicant returns the copy of the recorded document to the Department.

Chapter 24.40
SHORT SUBDIVISIONS

Sections:
24.40.010 Contents of application.

Commented [KR34]: Comment from KID: "or irrigation"

Commented [KR35]: Comment from KID: "or irrigation facilities"

Commented [KR36]: Comment from DB: "Obviously a time limit is in order, but 90 days might be difficult to hit at times given the items that can come up, such as tax payments, the above described out-of-town landowner, and possibly other conditions of approval. I don't think 90 days is out of line, but I think you should add the possibility of an extension here so a landowner can deal with an issue without having to go through the whole process over again."

Commented [KR37]: Comment from KID: "provide for extensions? Mortgage sign-offs can take some time"

Commented [KR38]: Comment from DB: "This appears to include a requirement that the approval letter be recorded along with the deeds. We've been back & forth on that over the years, and each municipality has a different way of handling it. I'm fine with the requirement to record the approval as an attachment to the deed, but the city will need to make some changes to the standard approval letter to get it into a recordable format. The standard letter would have to have the margins adjusted to recording minimums, all text would have to be black and the minimum size, and I've even had the deputy auditors say that the city's letterhead doesn't meet the standard because the "Washington" under the word Richland is too small and not the correct pen weight. If those items are taken care of then I don't see an issue and don't have a better solution.

In this same section I note that the last sentence alludes to the requirement to record the survey "if it has not yet been recorded". This seems contradictory to the above section about the landowner signing the record survey, as then they would all get recorded at the same time. A bit of clarification here might be in order."

Commented [KR39]: Comment from DB: "BLA Requirements in general: One item that I always warn my clients about in a BLA but I've never seen in anyone's code is a mortgage. I don't know if anyone else thinks about this, but I've seen landowners not even consider that one or both of them has a mortgage and that it needs to be addressed as part of the BLA. For the city its only really a concern if one of them were to be foreclosed upon, as the lender's deed of trust encumbers the OLD lot layout. The lender could easily undo the BLA by foreclosing on that old configuration. This would be a big concern if there was an addition to a house or something that suddenly doesn't meet setback because of an intervening foreclosure. I'd suggest adding a step to the process to make the landowners include their lenders to amend the deed of trust to the new lot configuration once the deeds are recorded."

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24.40.020 Distribution of plans.
24.40.030 Preliminary short subdivision – Administrative review.
24.40.040 Findings.
24.40.050 Appeals.
24.40.060 Final short subdivision submittal.
24.40.070 Phasing.
24.40.080 Contents of final short subdivision.
24.40.090 Final short subdivision – Approval of Administrator and Public Works Director.
24.40.100 Recording.
24.40.110 Expiration of preliminary approval.
24.40.120 Time extensions.

24.40.010 Contents of application.
Every preliminary short subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. Two (2) copies of the preliminary short subdivision which shall be a legibly drawn map 24 x 36 inches in size at a scale of one (1) inch equals 50 feet or one (1) inch equals 100 feet. If approved by the Department, an alternative appropriate scale may be used;

2. One (1) reduced (11 x 17 inches) copy of the preliminary short subdivision;

3. One (1) copy of the short plat shall be submitted to the City in a digital or electronic format as a Portable Document Format (PDF).

4. SEPA environmental checklist, if applicable. An environmental checklist will be required for a preliminary short subdivision if the construction of improvements will involve more than 500 cubic yards of grading, excavation or fill, or if critical areas exist on site;

5. A plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing;

5. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary short subdivision data (to be included on the preliminary short subdivision maps or exhibits).

1. Title of the proposed short subdivision;

Commented [RJ40]: No pre-app required for a short plat? They are for a long plat

Commented [KR41]: Comment from AM: "Standard sheet size for Short Plats is 18"x24", suggest replacing set drawing scale requirements with "drawing scale shall be a standard Engineering Drawing scale"

Commented [RK42R41]: Comment from DB: "This section states that a short plat is to be 24x36. Per RCW 58.17 short plat drawings are 18x24. This section also dictates two possibilities for scale of the drawing. I'd suggest that dictating the scale of the drawing will only serve to REDUCE the legibility of the average short plat. There are many short plats where a 30 or 40 scale creates the best legibility. There are others where fitting the entire parcel requires 200 or 300 scale. We surveyors are in the business of drawing legible maps, and in the end its our work product with our name & professional reputation on the line, so why not let us determine the best scale for the drawing at hand instead of unnecessarily dictating an arbitrary number? You could leave yourself an opportunity to push for better legibility here at the city's discretion, but I'm strongly opposed to a 2 sizes fits all parcels solution to a non-existent problem here."

Commented [RP43]: This statement appears to limit the scope of an environmental review for a short subdivision. Aren't there circumstances in which a traffic evaluation might be warranted for a short plat, particularly of commercial property? Alternatively, would the traffic analysis be covered during permitting of an end use, in which case this language is probably fine.

Commented [DC44R43]: I would think so.

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2. Location of subject property by quarter-quarter(s) of the section, township and range;

3. Legal description of the subject property with the source of the legal description clearly indicated;

4. A vicinity map at a scale of not more than 400 feet to the inch, except that the Administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed short subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or un-platted property;

5. North arrow, scale and boundary of the proposed short subdivision, and the date the map is prepared;

6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet;

7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed short subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;

9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owners of the short subdivision;

10. All existing easements that affect the subject property;

11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the Flood Insurance Rate Map, and critical areas as defined in Chapter 22.10 RMC;

12. Location of existing buildings, septic tanks, drain fields, wells and other improvements, and a note indicating if they will remain or be removed;

13. Whether adjacent property is platted or un-platted. If platted, give the name of the subdivision. If the proposed short subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat must be provided, along with the recording numbers of any recorded covenants and easements;

14. Topographic information as provided by a Licensed Land Surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are

Commented [KR45]: Comment from AM: "Do vicinity maps really need to have this level of detail?"

Commented [RK46R45]: Comment from DB: "The average vicinity map is about 3", so a dictated 400 scale will get you a vicinity map that covers less than ¼ mile. You may not even get a cross street at that scale. Further most vicinity maps are not to any scale and for good reason, there's no purpose to them being to a scale that someone is going to measure as if they get some useful information by scaling on them. My opinion of vicinity maps in general is pretty low in the age of Google Maps, and that opinion will only decrease if I'm forced to make them bigger to accommodate a scale that serves no purpose. The additional requirement of showing "all adjacent parcels" is also too much. See above for what "adjacent" means, plus I don't think that's what the vicinity map is for. I think you could drop all this down to a simple requirement for a vicinity map that shows sufficient detail for the reader to determine the approximate location of the plat."

Commented [RK47]: Comment from DB: "This section requires showing area in square feet, but that should only be for lots under 1 acre. Lots over 1 acre should be shown in acres to 2 decimal places, which is what you say elsewhere in the code"

Commented [RK48]: Comment from KID: "This is an onerous request, condition with "as shown in a current plat certificate""

Commented [RK49R48]: Comment from DB: ""All" is a very scary word here. I will never claim that I have plotted "all" easements. I'm happy to say that I've addressed all the easements that were divulged to me in the title report, but I'll never claim that's every easement that affects the property as I have no way of knowing if there's one that the title company missed, or if there's a prescriptive easement, or one that's mis-indexed in the recording system. Further I can't plot many easements, they are either blanket or don't contain sufficient information to depict them. For example Grant County PUD has thousands of easements that read "centered on the proposed transmission line as staked on July 16, 1945". I have no way of knowing if that's the current location of any infrastructure currently in place so I have no way of plotting that. I usually address these types of issues in a note, which I assume is sufficient here but I'd suggest saying so in the code."

Commented [KR50]: Comment from KID: "Location of any existing irrigation facilities, easements, and rights-of-ways including, but not limited, to canals, wasteways, drainageways, piping and artificially created wetlands"

Commented [RK51]: Comment from DB: "This seems to be a new requirement that we include topography on short plats. I object to this requirement in that it adds cost to the landowner for no real gain, and more importantly it has no business on the recorded short plat. Contours change with grading, they shouldn't be on the document recorded forever. I deal with this requirement in West Richland and Walla Walla by plotting the contours on the initial short plat submittal only, and remove them from the final. If that's acceptable in Richland then I'll just continue doing that, but I'm not sure what the real purpose of contours on a short plat is. Certainly there are cases where topography dictates the layout of the lots, but that's not the norm so making contours a requirement for every short plat is a bit too much."

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fifteen percent (15%) or greater; and

15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

24.40.020 Distribution of plans.
When the Department determines that the application is complete pursuant to Chapter 19.30 RMC, the Department shall distribute the application materials to agencies deemed prudent by the city. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one mile of another municipal boundary. Application materials shall also be provided to the Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

24.40.030 Preliminary short subdivision – Administrative review.
Preliminary short subdivisions are classified as Type I applications and shall be processed pursuant to the applicable provisions of Title 19 RMC. The Administrator is authorized to approve, approve with conditions, or deny the application for preliminary short subdivision. The applicant will be notified in writing by the Administrator as to the requirements for the filing of the short subdivision (preliminary short subdivision approval) or its denial within thirty (30) days of determining that the application is complete. The decision of the Administrator is final unless a timely appeal is filed pursuant to RMC 24.40.050, Appeals.

24.40.040 Findings.
Prior to approving any preliminary short subdivision the Administrator shall determine and make written findings of fact that the public interest will be served by the short subdivision, the proposed short subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

A. The public health, safety, and general welfare;

B. Open spaces;

C. Drainage ways;

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways (including any applicable frontage improvements);

E. Transit stops;

F. Public potable water supplies;

G. Sanitary sewer;

Commented [RK52]: Comment from DB: "This appears to be copied out of the preliminary plat section. I don't think there's much need for a data table for short plats since we're talking about 9 lots at most."

Commented [KR53]: Comment from KID: "The application materials shall also be provided to irrigation districts whose boundaries include any portion of the City of Richland"

Commented [KR54]: Comment from KID: "And irrigation districts whose boundaries include any portion of the City of Richland"

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H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

Commented [KR55]: Comment from KID: "Irrigation District water distribution facilities in accordance with 58.17.310 RCW"

K. Other requirements found to be necessary and appropriate and for which written standards and policies have been adopted.

24.40.050 Appeals.
Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and the procedure set forth in Chapter 19.70 RMC.

24.40.060 Final short subdivision submittal.
A. The final short subdivision shall incorporate all conditions of the preliminary approval, and all conditions of approval imposed by the Administrator.

B. All final short subdivision submittals shall include the following:

1. A minimum of two (2) copies of the proposed final short subdivision;

2. Appropriate fees as provided in RMC 24.20.130;

3. Plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing; and

4. Maps shall also be submitted in portable document format (.pdf) format at the time of submittal.

24.40.070 Phasing.
Phasing of short subdivisions is not permitted.

24.40.080 Contents of final short subdivision.
All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final short subdivision shall include the following:

A. The final short subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final short subdivisions shall measure 24 x 36 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

Commented [KR56]: Comment from AM: "Short plat sheet size should be 18"x24" and same question regarding vicinity maps"

Commented [RK57R56]: Comment from DB: "Again same issue as above short plats are 18x24 not 24x36"

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B. The file number of the short subdivision, location by quarter-quarter(s) of a section, township and range shall be shown.

C. The scale shall be 50 feet or 100 feet to the inch. If approved by the Department, an appropriate scale may be used which does not exceed 200 feet to the inch, provided a 400 feet to the inch reduced copy is also submitted. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the short subdivision prior to any dedication to the public.

E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the short subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary short subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways (roadways?) shall be shown. Also: Any special notes as determined by the city?

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final short subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the short subdivision map is a true and

Commented [KR58]: Comment from KID: "Clarify what this is, City Application#?"

Commented [RK59]: Comment from DB: "Same issue as above with regard to specifying a scale for every short plat."

Commented [RK60]: Comment from DB: "I'd like to suggest expounding on this slightly to state that the ultimate responsibility of assigning these addresses is the city not the surveyor."

Commented [RK61]: Comment from DB: "The wording here seems to suggest that more notarized signatures than the landowner are required. Is it the intent that parties benefitted (I assume by easements) are not the city then their signature must be notarized? If so that would add some significant difficulty in completing a short plat signature gathering process. I would have to send a notary to KID, BMID, WDOT, BPA, Cascade Gas, etc., and the signature page would probably wind up as 2 pages. I'm not really sure if that's the intent or if I'm just reading it wrong. Some clarification might be in order here."

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correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto;

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow;

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

R. The allowable error of mathematical closure for the final plat map shall not exceed one foot in 80,000 feet or 0.30 foot, whichever is greater;

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used;

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

U. Short subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two (2) spiral curve elements in addition to the chord bearing and length;

U. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius;

V. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

W. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements;

X. The final short subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one (1) acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Y. Signature blocks. The plat must be reviewed and signed by the following:

1. Richland Public Works Director;

Commented [RK62]: Comment from DB: "The specification of closure error here is contrary to that required in WAC 332-130-085 and WAC 332-130-090. The WAC allows 0.07' plus 200 parts per million for any 2 points in a non-traverse type survey, or 1:5000 or 1:10,000 for a traverse type survey (depending on if it's rural or urban, likely all would be urban in the city so 1:10,000). These standards however are not what you are actually testing when looking at the plat map. You're looking to make sure that the line & curve labels make a closed figure, which they cannot help but make (within rounding error and trig function limits of less that 0.10') as long as the drafter has the lines actually drawn as a closed figure and labeled all the elements of that closed figure. In other words nothing to do with the actual precision of the survey and everything to do with the drafting. I'd suggest not wording this the way you have it and running afoul of the state standard, and instead saying just what I said above: "the lines and curves defining each lot must be labeled with bearings & distances which form a closed figure within the limits of WAC 332-130-085 or WAC 332-130-090"."

Commented [RK63]: Comment from DB: "In the rare instance of a riparian boundary, this section would need some sort of an exception so that we can show a closed figure for math purposes, without creating undue clutter and without adding a false impression of the meander line being a fixed and limiting boundary."

Commented [RK64]: Comment from DB: "Note that there are 2 section U's, but my comments are the same for both. I don't feel a need to have different standards for curve labels on the exterior boundary/roads and those within the plat. Further the elements labeled need to be considered. You need 2 elements to define a tangent curve, and the standard throughout the industry is to list 3 so that (a) the fact that they are tangent can be proven and (b) if one element is incorrect it can be determined which one. The most common 3 elements labeled are radius, arc length, and central angle. Adding a requirement to list the tangent distance adds no value, I can compute the tangent distance easily (R*tan(1/2Δ)), but it's a useless value. We don't stake the point of intersection and chain in to the PC & PT points or cut externals to stake curves in 2023.

For non-tangent curves, you need another element and radial bearings are one of the 3 valid elements. The others are chord bearing and local tangent bearing. I prefer to use chord bearings because they are valid for that curve no matter which direction you compute it from, and are therefore more easily added to a curve table. Radial bearings shown graphically on the face of the survey can really clutter up a drawing. This is really an issue along the boundary of a canal or road with a lot of curves, where we're finding existing monuments. The monuments control and the tangency of the curves is the lowest controlling element, so in that case you're never going to have a tangent curve. A bearing & distance between the found monuments that control the ends o ..."

Commented [KR65]: Comment from KID: "the central"

Commented [RK66]: Comment from DB: "Nothing wrong with this other than there should be some accounting for rounding error. Forcing us to override the software's automated labeling routine just to chase that last 0.01' out of the labels is a waste of everyone's time."

Commented [RK67]: Comment from DB: "These come up on many plats and we don't get much of an explanation. This might not be the right place to address it, but I think some requirement that the city define the notes that they want on the lots unambiguously would be useful.

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2. Administrator;

3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);

4. Benton County Treasurer;

5. Benton County Assessor; and

6. Applicable irrigation purveyor.

Commented [KR68]: Comment from KID: "Irrigation District of Purveyor"

24.40.090 Final short subdivision – Approval of Administrator and Public Works Director.

A. Upon receipt of the final short subdivision application, the Administrator and Public Works Director shall review and approve the final short subdivision once it has been determined that it conforms to the conditions of the preliminary approval and applicable state laws, and meets the Title 24 RMC requirements in existence when the preliminary short subdivision was approved. Minimum improvements shall consist of all of the following elements:

Commented [RK69]: Comment from DB: "I'm not sure if this is the intent or not, but having a page plus of public works requirements for short plat signature gives the impression that the city considers every short plat to create the need for sewer, water, storm drain, road improvements etc., which is not the case. As you are aware, there is a large amount of case law at the state and federal level that makes it clear that the city can only condition approval of a development upon construction of improvements if the city can prove that the development at hand creates the need for those improvements. Obviously if those improvements are needed then they must be built before the city signs the short plat, but my experience is that the city is very quick to jump to the conclusion that every short plat creates such a need. What it creates is the opportunity to exact construction of improvements or dedication of right of way that isn't needed for the project at hand, which should not be encouraged by an unrestricted code requirement that probably wouldn't hold up in court if someone were to take it that far. I would suggest that some rewording is in order here to make it clear that the city must offer proof of necessity for improvements before conditioning a short plat upon them"

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and

2. All elements of the permitted sanitary sewer system installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

3. All elements of the permitted potable water distribution system installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

4. All elements of the permitted stormwater drainage system installed, inspected, and accepted. Completion of manhole and inlet casting adjustments and long term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

5. All elements of the permitted public streets installed, inspected and accepted. Consistent with RMC 24.40.100, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

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7. Inspection, acceptance and energizing of ~~streetlights~~streetlights may be deferred if secured by a security improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

8. All off-site infrastructure required by preliminary short subdivision conditions is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must be recorded in the public record; and

Commented [KR70]: Comment from KID: "All elements of the Irrigation water distribution facilities installed, inspected, and accepted pursuant to the applicable irrigation district requirements pursuant to RCW 58.17.310"

9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

10. Record drawings of the public infrastructure meeting the Public Works Standards.

B. The Public Works Director may determine that the minimum improvements described above are substantially complete if: (1) all of the items listed above are complete to the point of providing service as intended by their design, even if minor work is needed to complete adjustments and site cleanup; and (2) the total estimated value of the minor work is less than $10,000; and (3) the applicant has deposited $10,000 with the city prior to submittal of the final short subdivision or subdivision application to secure completion of the required minor work. Inspection, acceptance and energizing of ~~street lights~~streetlights may be included in the scope of this minor work.

24.40.100 Recording.
The applicant shall record the completed final short subdivision map with the Benton County Auditor's Office and submit copies of the recorded documents to the Department within ten (10) days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

24.40.110 Expiration of preliminary approval.
Approval of a preliminary short subdivision shall automatically expire two (2) years from the date of approval unless a complete application for a final short subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.40.120.

24.40.120 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Development Services Department at least forty-five (45) days prior to the expiration of the preliminary short subdivision. Time extension requests shall be processed as a Type I application under to Title 19 RMC.

B. The Administrator may approve one (1) twelve (12)-month time extension provided there are no significant changed conditions or changed development regulations which would render recording of the short subdivision contrary to the public health, safety, or general welfare. Prior to granting the time extension, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions

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recommended by the Department or affected agencies may be required as a condition of this extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

Chapter 24.50
SUBDIVISIONS

Sections:

24.50.005 Pre-Application conference required.
24.50.010 Contents of application.
24.50.020 Distribution of plans.
24.50.030 Preliminary subdivision – open record hearing.
24.50.040 Preliminary subdivision – review by hearing examiner.
24.50.050 Findings.
24.50.060 Appeals.
24.50.070 Expiration of preliminary approval.
24.50.080 Time extensions.
24.50.090 Final subdivision submittal.
24.50.100 Contents of final subdivision.
24.50.110 Phasing.
24.50.120 Final plat – approval of Administrator and Public Works Director.
24.50.130 Performance bond.
24.50.140 Recording.

24.50.005 Pre-application conference required.
A pre-application conference pursuant to RMC 19.30.010 is required prior to filing an application for a preliminary subdivision unless the Administrator waives this requirement. The Administrator's determination to waive this pre-application requirement is based on the scope and complexity of the proposed project, and will be made in the Administrator's sole discretion.

Commented [KR71]: Comment from KID: "Notification and Invitation of the pre-application conference shall be provided to the Irrigation Districts whose boundaries include any portion of the City of Richland"

24.50.010 Contents of application.
Every preliminary subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. Two (2) copies of the preliminary subdivision which shall be a legibly drawn map 24 x 36 inches in size at a scale of one (1) inch equals 50 feet or one (1) inch equals 100 feet. If approved by the Department, an alternative appropriate scale may be used;

Commented [KR72]: Comment from AM: "Standard sheet size for Short Plats is 18"x24", suggest replacing set drawing scale requirements with "drawing scale shall be a standard Engineering Drawing Scale""

Commented [RK73R72]: Comment from DB: "Same comments as above in the short plat section regarding dictating scale of the drawing"

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2. One (1) reduced (11 x 17 inches) copy of the preliminary short subdivision;

3.One (1) copy of the short plat shall be submitted to the City in a digital or electronic format as a Portable Document Format (PDF).
4. SEPA environmental checklist;

5. A plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owner(s) signing;

6. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary subdivision data (to be included on the preliminary subdivision).

1. Title of the proposed subdivision;

2. Location of the subject property by quarter-quarter(s) of the section, township and range;

3. Legal description of the subject property with the source of the legal description clearly indicated;

4. A vicinity map at a scale of not more than 400 feet to the inch, except that the Administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or un-platted property;

5. North arrow, scale and boundary of the proposed subdivision, and the date the map is prepared;

6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet;

7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;

9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owner(s) of the subdivision;

10. All existing easements that affect the subject property;

Commented [RP74]: Is there a reason why SEPA documentation isn't specifically called out in this section as it is in the short subdivision section?

Commented [KR75]: Comment from AM: "Do vicinity maps really need to have this level of detail?"

Commented [RK76R75]: Comment from DB: "Same comments as above in the short plat section regarding vicinity maps"

Commented [RK77]: Comment from DB: "Same comments as above in the short plat section regarding area labels (lots over 1 acre listed in acres to 2 decimal places)."

Commented [RK78]: Comment from DB: "RE: 9 & 10: Same comments as above in the short plat section regarding plotting of easements offsite to the project, or claiming to have all easements plotted. Also section 9 talks about a “border easement”, I’m not sure what a border easement is, further definition is necessary on this one."

Commented [KR79]: Comment from KID: "This is an onerous request. Condition with "as shown in a current plat certificate""

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11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the Flood Insurance Rate Map, or critical areas as defined in Chapter 22.10 RMC;

12. Location of existing buildings, septic tanks, drain fields, wells or other improvements, and a note indicating if they will remain or be removed;

13. Whether adjacent property is platted or un-platted. If platted, give the name of the subdivision. If the proposed subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown, and a copy of the existing plat shall be submitted, along with the recording numbers of any recorded covenants and easements;

14. Topographic information as provided by a Licensed Land Surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are 15 percent (15%) or greater; and

15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

24.50.020 Distribution of plans.
When the Department determines that the application is complete pursuant to Chapter 19.30 RMC, the Department shall distribute the application materials to agencies deemed prudent by the city. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one (1) mile of another municipal boundary. Application materials shall also be provided to the Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

24.50.030 Preliminary subdivision – open record hearing.
Preliminary subdivisions are classified as Type IIIA applications and shall be processed pursuant to the applicable provisions of Title 19 RMC. Notice of the time, place, and purpose of the hearing examiner open record hearing on the preliminary subdivision shall be given in accordance with RMC 19.40.010 and in the following manner:

A. Mailing a written notice not less than fifteen (15) days prior to the date of such hearing to the owners of all properties within 300 feet of the exterior boundaries of the proposed subdivision, said mailing to be by regular, first class mail, postage prepaid; and

B. Posting public notice on or adjacent to the land proposed to be subdivided at least fifteen (15) days prior to the date of the open record hearing; and

C. Publishing in the official newspaper of the city and on the city's website a notice of the

Commented [KR80]: Comment from KID: "Location of any existing irrigation facilities, easements, rights-of-ways, including, but not limited, to canals, wasteways, drainageways, piping, and artificially created wetlands"

Commented [RK81]: Comment from DB: "Similar comments to above in short plat section regarding topo for plats. In the case of a plat likely we already have topo due to the need for engineering design of roads etc. I just don't want this to turn into having to have contours on the final plat, it's a waste and makes them almost completely illegible in many cases"

Commented [KR82]: Comment from KID: "Whether subject property is located within an irrigation district and if so specify which irrigation district(s)"

Commented [KR83]: Comment from KID: "And to the applicable irrigation district, if located within the boundaries of an irrigation district, pursuant to RCW 58.17.310"

Commented [KR84]: Comment from KID: "Irrigation Districts whose boundaries include any portion of the City of Richland, and"

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open record hearing not less than fifteen (15) days prior to the date of such hearing.

24.50.040 Preliminary subdivision – review by hearing examiner.
The hearing examiner will hold an open record hearing concerning all preliminary subdivisions submitted to the city, and will review all preliminary subdivisions to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan or other official growth management controls of the city, and to assure conformance to city planning standards, zoning, and specifications.

A. The hearing examiner shall inquire into the public use and interest proposed to be served by the subdivision and any dedications associated therewith. The hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, multi-use pathways, and other public ways, transit stops, public potable water supplies, sanitary sewer, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features, that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedications.

Commented [KR85]: Comment from KID: "Irrigation water right-of-way and distribution facilities"

B. Every decision of the hearing examiner shall be in writing and shall include findings of fact and conclusions to support the decision.

C. The hearing examiner must act on the application within 90 days of filing of a fully completed preliminary subdivision application unless the applicant consents to an extension of time. This 90-day period excludes time required to comply with Chapter 43.21C RCW and RMC 24.50.030.

D. The decision of the hearing examiner is final unless a timely appeal is filed pursuant to RMC 24.50.060.

24.50.050 Findings.
Prior to approving any preliminary subdivision, the hearing examiner shall determine and make written findings of fact that the public interest will be served by the subdivision, the proposed subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

A. The public health, safety, and general welfare;

B. Open spaces;

C. Drainage ways / storm water;

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways;

E. Transit stops;

F. Public potable water supplies;

G. Sanitary sewer;

H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

24.50.060 Appeals.
Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and procedure as set forth in Chapter 19.70 RMC.

24.50.070 Expiration of preliminary approval.
Approval of a preliminary subdivision shall automatically expire five (5) years from the date of approval unless a complete application for a final subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.50.080.

24.50.080 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Department at least forty-five (45) days prior to the expiration of the preliminary subdivision. Time extension requests shall be processed as a Type I application pursuant to Title 19 RMC.

B. Subject to the routing and comment requirement provided herein, the Administrator may grant a single one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the subdivision contrary to the public health, safety, or general welfare. Prior to granting the one-year time extension, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of the time extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.50.090 Final subdivision submittal.
A. The submittal of an application for final subdivision approval shall only occur after:

Commented [KR86]: Comment from KID: "Irrigation water right-of-way and distribution facilities"

Commented [RK87]: Comment from DB: "RE: Final plat application timing: You've had in place for several years that you won't accept a final plat for review unless all construction is complete, or it's within $10k of complete, or it's bonded. I don't know why you refuse to look at a plat until it's all built. You can review the plat at any point, and just make condition of approval number 1 be "complete construction of approved construction plans to the satisfaction of public works". Then you don't have to sign the plat until it's all built, but you can have all the other conditions dealt with concurrently. Instead with the current system, the entire plat is built before we can submit, and the landowner is left paying interest on perhaps millions of dollars of construction for an entire month while the plat is in review. Then once we get the review if I (the surveyor) have any concerns or any back & forth with the city suddenly I'm the guy who's holding things up on something that usually has absolutely nothing to do with the construction and we could have hashed out 2 months ago. You're the only local jurisdiction that has this requirement, and from the survey perspective all it does is make it so I have to be the guy holding up selling lots because I want to talk about easement or notes so that someone can retrace the survey in 100 years. I'd also love to be able to take a vacation without having to stay close enough to a FedEx office to get a plat back & forth because the contractor finished the construction earlier than I expected"

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1. The applicant has completed all work and it has been accepted by the Public Works Department; or

2. The applicant has substantially completed all work required by the Public Works Department, including preparation and submittal of record drawings and survey data, a walk-thru inspection has been completed (with punch list items valued at less than $10,000), and financial security ~~a surety bond~~ for the punch list items has been provided and accepted by the Public Works Department; or

3. A security and improvement agreement in a form approved by the City Attorney and executed by applicant and the City Manager, coupled with the required financial surety, is attached to the final subdivision application.

B. Upon satisfaction of one of the three options above and submission of the final subdivision application to the Department, it shall be routed to appropriate departments and agencies to review for compliance with the conditions of approval. Once all reviewing departments and agencies are satisfied, all necessary infrastructure has been installed, and all conditions have been met or appropriate bonding and surety obtained pursuant to RMC 24.50.110, the final subdivision map shall be submitted by applicant to the Department for obtaining the required signatures. Final subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of receipt thereof, unless the applicant consents to an extension of such time period (RCW 58.17.140).

24.50.100 Contents of final subdivision.
All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final subdivision shall include the following:

A. The final subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final subdivisions shall measure 24 x 36 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The file number of the subdivision, location by quarter-quarter(s) of a section, township and range shall be shown.

C. The scale shall be 50 feet or 100 feet to the inch. If approved by the Department, an appropriate scale may be used which does not exceed 200 feet to the inch, provided a 400 feet to the inch reduced copy is also submitted. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the subdivision prior to any dedication to the public.

Commented [RP88]: This text doesn't read well and I think its redundant to the "financial security" language.

Commented [KR89]: Comment from KID: "Clarify what this is, City application #?"

Commented [KR90]: Comment from AM: "Standard sheet size for Short Plats is 18"x24", suggest replacing set drawing scale requirements with "drawing scale shall be a standard Engineering Drawing Scale""

Commented [RK91R90]: Comment from DB: "Same comments as above in short plat section regarding scale"

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E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

Commented [RK92]: Comment DB: "Same comments as above regarding notarized signatures of non-landowners"

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the subdivision map is a true and correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

Commented [RK93]: Comment from DB: "I'm not sure where it's at because I don't see it in RCW 58.17, but generally the certification by the surveyor on a plat is different than that on a record survey, which is what RCW 58.09 spells out. I don't know if the difference in those certifications are worth worrying about or not"

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto;

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow;

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

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R. The allowable error of mathematical closure for the final plat map shall not exceed one foot in 80,000 feet or 0.30 foot, whichever is greater;

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used;

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

U. Subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two (2) spiral curve elements in addition to the chord bearing and length;

U. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius;

V. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

W. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements;

X. The final subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one (1) acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Y. Signature blocks. The plat must be reviewed and signed by the following:

1. Richland Public Works Director;

2. Administrator;

3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);

4. Benton County Treasurer;

5. Benton County Assessor; and

6. Applicable irrigation purveyor.

24.50.110 Phasing.

Commented [RK94]: Comment from DB: "Same comments as above in short plat section regarding closure error/survey precision"

Commented [RK95]: Comment from DB: "Same comments as above in short plat section regarding labeling of riparian boundaries"

Commented [RK96]: Comment from DB: "Same comments as above in short plat section regarding curve labeling"

Commented [KR97]: Comment from KID: "Irrigation District"

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A. Any subdivision may be developed in phases or increments. A master phasing plan shall be submitted with the preliminary subdivision for approval by the Department. The phasing plan may be approved by the Administrator provided:

1. The phasing plan includes all land identified within the legal notice;

2. The sequence of phased development is identified by a map;

3. Each phase has reasonable public or private infrastructure to support the number of dwelling units or proposed commercial or industrial development contained in that phase and to appropriately mitigate and identified impacts;

4. Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision or binding site plan; and provided that any non-finalized portion meets the minimum lot size of the underlying zone for the proposed use; and

5. The Public Works Director approves the necessary documents so that all road improvement requirements are assured for that phase.

B. A phasing plan may be amended or substituted following preliminary approval. Said plan may be approved administratively provided the above criteria are met.

24.50.120 Final plat – Approval of Administrator and Public Works Director.

A. Upon receipt of the final subdivision map, the Administrator and Public Works Director shall review the final map and shall approve the final subdivision once it has been determined that the final subdivision conforms to the conditions of the preliminary approval and applicable state laws, and meets the Title 24 RMC requirements in existence when the preliminary subdivision was approved. Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and

2. All elements of the permitted sanitary sewer system are installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

3. All elements of the permitted potable water distribution system are installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

4. All elements of the permitted stormwater drainage system are installed, inspected and accepted. Completion of manhole and inlet casting adjustments and long term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed

Commented [RK98]: Comment from DB: "Same comments as above in short plat section regarding requirements for construction of improvements. I grant that it's much less common to have a plat with no need for improvements but it is possible. A simple acknowledgement that the burden of proof is on the city would go a long way to keeping these requirements in check"

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by the City Manager; and

5. All elements of the permitted public streets are installed, inspected and accepted. Consistent with RMC 24.50.120, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

7. Inspection, acceptance and energizing of ~~streetlights~~streetlights may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

8. All off-site infrastructure required by preliminary subdivision conditions is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must recorded in the public record; and

9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

10. Record drawings of the public infrastructure meeting the Public Works standards may be deferred if secured by a security agreement in a form approved by the City Attorney and executed by the City Manager.

B. The Public Works Director may determine that the minimum improvements described above are substantially complete and authorize the final plat if: (1) all of the items listed above are complete and the total estimated value of the incomplete work is less than $10,000; and (2) the applicant has deposited $10,000 with the City prior to submittal of the final subdivision application to secure completion of the required work; or (3) if the applicant and the City enter into a Security Improvement Agreement to secure the completion of incomplete items..

24.50.130 Performance bond.

In lieu of the construction of the required improvements prior to final platting or dividing of the property, the applicant may enter into a Security Improvement agreement with the city to construct the required street improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the streets within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the streets and acceptance of the improvements by the city.

24.50.140 Recording.

The applicant shall record the completed final subdivision map with the Benton County

Commented [KR99]: Comment from KID: "All elements of the irrigation water distribution facilities installed, inspected and accepted pursuant to the applicable Irrigation District requirements pursuant to RCW 58.17.310"

Commented [RP100]: This paragraph speaks only to streets and does not mention utilities. Is it required that we enable bonding of streets only?

Commented [RJ101R100]: Why not copy the section in short plats above?

Auditor's Office and submit copies of the recorded documents to the Development Services Department within ten (10) days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

Chapter 24.60
BINDING SITE PLANS

Sections:

24.60.010 Purpose and scope.
24.60.020 Overview of procedures.
24.60.030 Application for binding site plan approval.
24.60.040 Content of binding site plan.
24.60.050 Review procedures for preliminary approval.
24.60.060 Requirements for final approval including design and bonding of improvements.
24.60.070 Performance bond.
24.60.080 Appeals.
24.60.090 Recording and enforcement.
24.60.100 Rescission.
26.60.110 Expiration.
26.60.120 Time extensions.
24.60.130 Notice of filing.

24.60.010 Purpose and scope.

A. The purpose of the binding site plan is to establish a procedure of land division in lieu of other provisions of Title 24 RMC. The division of property by the binding site plan process may only be used for the following:

1. The division of land for the purposes of leasing space for manufactured homes, travel trailers, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or other recreational vehicles so long as the site plan complies with all other applicable regulations; and

2. The division of land involving improvements constructed or to be constructed that will be one or more condominiums or owned by an association or other legal entity.

B. Binding site plans will not be approved unless appropriate provisions and dedications of public rights-of-way, utilities, and easements are made to meet infrastructure provisions per city standards. The city may also require a development agreement governing future development of the property.

24.60.020 Overview of procedures.

A. The general procedures for processing a binding site plan shall consist of the following steps:

1. Submittal of an application for preliminary approval of a binding site plan;

Commented [RP102]: Nothing in this section mentions commercial or industrial uses. Is this an unintentional omission as binding site plan has been a common commercial development tool in the past?

Commented [KR103]: Comment from PK: "So a BSP is the mechanism to do a condominium plat?"

Commented [RK104]: Comment from DB: "I don't see anything in here about a pre-application meeting for a binding site plan. Obviously no one is going to undertake the surveying and engineering of a binding site plan without first knowing that the project has a chance of completion and what requirements the city will impose so a pre-app meeting is essential in this process."

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2. Approval by the Public Works Director of appropriate engineering design plans for streets and other public improvements, and either construction of improvements or submittal of a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager;

3. Approval of the binding site plan by the Administrator; and

4. Recording of binding site plan with the Benton County Auditor's Office.

24.60.030 Application for binding site plan approval.
Prior to the division of land as allowed per RMC 24.60.010, a binding site plan application shall be filed. The application shall include:

A. A completed application form;

B. Two (2) copies of the binding site plan prepared by a registered professional land surveyor (24 x 36 inches) and one set of reduced size (11 x 17 inches) reductions of the binding site plan;

Commented [KR105]: Comment from AM: "Standard size should be 18"x24""

C. A Plat Certificate dated no later than thirty (30) days prior to the date of application showing the name of all parties with an interest in the land being subdivided;

D. Preliminary engineering plans including, but not limited to water, sewer, ~~streetlights~~streetlights, roads, storm drainage and sidewalks;

E. Application fee as required by the City of Richland Fee Schedule;

F. SEPA Checklist; and

G. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

24.60.040 Content of binding site plan.
The binding site plan shall consist of a cover sheet, if necessary, containing approvals, conditions, certificates, and inscriptions; and a scaled drawing(s) representing the parcel to be divided. The cover sheet is necessary only if the binding site plan contains more than one sheet. All sheets shall be drawn in permanent black ink on sheets of paper measuring 24 x 36 inches, and with a two-inch margin on the left edge and a one-inch margin on all other edges. The drawing shall be drawn at an appropriate decimal scale such that it is not cramped or illegible. The cover sheet and drawing shall contain the following:

Commented [KR106]: Comment from AM: "Standard size should be 18"x24"'

A. Content of cover sheet. The cover sheet shall contain the following information and inscriptions:

1. At the top of the sheet, the title "Binding Site Plan No. (number) of (year)" followed by the name of the proposed binding site plan. If the land to be divided is a portion of a larger property for which a binding site plan has previously been recorded, the name

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shall be “a portion of....” followed by the name of previously recorded binding site plan;

2. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described below, for which an exact location is known, with all dimensions shown to the nearest one hundredth of a foot, curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes, and seconds;

3. Location by section, township and range to the nearest quarter section;

4. Legal descriptions of all the lots, parcels, or tracts of land within the boundaries of the parcel as they are proposed to be divided at the time of binding site plan approval; and

5. Inscriptions setting forth appropriate limitations and conditions for use of the land; and

6. Certificates, dedications, and approvals as required by the Administrator.

B. Content of binding site plan drawing(s). The binding site plan drawing(s) shall contain the following information:

1. At the top of the sheet, the title and name of the binding site plan as provided in subsection (A)(1) of this section;

2. Location by section, township and range to the nearest quarter section;

3. Scale of drawing, date, and north arrow;

4. Existing topography as provided by a Licensed Land Surveyor of the land indicated by contour lines at two-foot intervals or less and delineating any areas with slopes that are 15% or greater;

5. The boundary line of the binding site plan which contains the entire parcel which is to be divided, and the line of all existing buildings, streets, roads, rights-of-way, easements, lots, blocks, tracts, etc. within or adjacent to the property to be divided;

6. The locations of all proposed streets, roads, rights-of-way, easements, etc.;

7. The lines of the lot divisions proposed at the time of binding site plan application;

8. The exact location, width, and name or purpose of existing and proposed streets, roads, alleys, walks, utility, access control, or other easements, driveway accesses onto public streets, open spaces, etc., except that where exact locations and dimensions are not known at the time of binding site plan application, general locations shall be shown and appropriate limitations and conditions shall be referenced to and

Commented [KR107]: Comment from KID: "Quarter/Quarter, Auditor requirement?"

Commented [KR108]: Comment from DB: "This appears that you are requiring us to write legal descriptions for lots in a binding site plan. The intent of a binding site plan is no different than that of a plat or short plat (from a survey sense) in that we are creating a simultaneous conveyance to create parcels. Writing metes & bounds descriptions creates a sequential conveyance, where lots inside the subdivision have junior/senior standing depending on when they were first conveyed. It’s also a complete waste of time and effort. The correct legal description for conveyance of a lot in a BSP is “Lot x, Binding Site Plan y, according to the survey thereof recorded under auditor’s file number z, records of Benton County, Washington”. In other words a lot and block description not a metes & bounds. I’m very strongly opposed to this requirement. If it stays in the code I’ll likely refuse to be the surveyor of record on a Binding Site Plan in the City of Richland as I won’t have my name permanently attached with a survey that serves to create a future survey and title ambiguity"

Commented [RK109]: Comment from DB: "Benton County does not have a separate recording book for Binding Site Plans, they are recorded as record surveys, and therefore are required to be 18x24 not 24x36.

Further in section A.1., the requirement for the heading of BSP (number) of (year) is going to run afoul of the county’s recording numbering. The county is going to assign a record survey number (similar to how short plats are recorded) that will conflict (or at least not coincide) with the city assigning a number with a year basis. I’d suggest leaving this as is where the title at the top is “Record Survey (space for year assigned by auditor) for Binding Site Plan”"

Commented [KR110]: Comment from KID: "Quarter/Quarter, Auditor requirement?"

Commented [KR111]: Comment from DB: "Same comments as above in plat section regarding showing contours. Again we probably have topo for a BSP but it doesn’t belong on the recorded document"

Commented [KR112]: Comment from KID: "Whether subject property is located within an irrigation district and if so specify which irrigation district(s)"

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contained within inscriptions on the binding site plan cover sheet;

9. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described above, for which an exact location is known, with all dimensions shown to the nearest one hundredth of a foot, with curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes and seconds; and

10. The location of all streams, ponds, wetlands, or other bodies of water, prominent topographic features, sensitive areas, or other significant natural features on the site which affect or might be affected by the division or development of the land.

24.60.050 Review procedures for preliminary approval.

A. Referral to city departments and divisions. Within ten (10) working days of the filing of a complete binding site plan application, the Administrator will transmit a copy of the binding site plan to the Public Works Department, Energy Services, Fire & Emergency Services, and the Building division of the Development Services Department. Transmittal of the binding site plan shall be under cover of a memorandum scheduling a meeting of the affected departments and divisions within twenty (20) business days following the filing of a complete binding site plan application, and shall stipulate the time and place of such meeting.

B. Written response from affected departments. Prior to or at the binding site plan meeting, written comments, recommendations or requirements from the affected departments shall be delivered to the Administrator. Failure to provide a written response shall constitute an assumption that the binding site plan is acceptable to the department not responding.

C. Binding site plan meeting. The binding site plan meeting shall convene at the stipulated time and place, and shall be attended by affected departments and the applicant and/or representatives of the applicant. The Administrator shall serve as moderator of the meeting.

D. Consideration and action by the Administrator. The Administrator, within a period of seven (7) business days from the date of the binding site plan meeting, shall consider all information provided and determine if the application for binding site plan makes adequate provisions for the public health, safety, and welfare, and will be in the best interests of the citizens of the city and in accordance with the design criteria of the Richland Municipal Code. After due consideration of the above, the Administrator shall approve, conditionally approve, deny, or return the binding site plan application to the applicant.

E. Return and resubmission. The Administrator may return the application for binding site plan to the applicant without taking action on it when additional information or modifications are required. After an application is resubmitted, the Administrator may (1) refer the application to affected city departments and divisions and schedule a second

Commented [KR113]: Comment from KID: "Irrigation District approval signature block"

Commented [KR114]: Comment from KID: "Location of any existing irrigation facilities, easements, and rights-of-ways, including, but not limited, to canals, wasteways, drainage ways, piping, and artificially created wetlands"

Commented [KR115]: Comment from KID: "The application materials shall also be provided to irrigation districts whose boundaries include any portion of the City of Richland"

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binding site plan meeting according to the procedure previously set forth, or (2) take action on the binding site plan application resubmittal. The Administrator shall act to approve, conditionally approve, or deny the application for the binding site plan; however, the Administrator may, with the applicant's consent, return the binding site plan to the applicant without taking action on it.

24.60.060 Requirements for final approval including design and bonding of improvements.

A. Prior to affixing of a signature of approval on the binding site plan by the Administrator, the applicant shall, upon the decision of the Public Works Director, either have included specific conditions on the face of the binding site plan with regard to the timing of bonding or construction of public infrastructure improvements within the proposed rights-of-way or easement areas, or have prepared and submitted to the Public Works Director, and the Public Works Director shall have approved, detailed engineering and design plans for any required streets, utility systems, storm drainage systems, and street lighting systems, or other required improvements in accordance with the applicable specifications and standards of the city and other involved utility agencies. Irrigation system designs, site grading, and other such designs or plans that may be required by law, or that were specifically required as conditions of binding site plan approval, shall be submitted concurrently for the Public Works Director's review and approval. Furthermore, bonding or other legally sufficient assurances of installation of required improvements shall be provided as required in RMC 24.50.110 related to subdivision procedures. Following the affixing of all required signatures, the binding site plan shall be filed for record in the Benton County Auditor's Office.

Commented [KR116]: Comment from KID: "and Irrigation Districts or Irrigation Purveyors"

Commented [KR117]: Comment from KID: "All elements of the irrigation water distribution facilities installed, inspected and accepted pursuant to the applicable irrigation district requirements"

Commented [KR118]: Comment from KID: "and Irrigation District's or irrigation purveyor's approval for irrigation facilities"

B. When binding site plans are approved in areas where a master plan including preliminary engineering has been reviewed and approved by all departments and the Richland City Council, the Administrator shall allow recording of the binding site plan, provided specific conditions have been included on the face of the binding site plan noting that the master plan shall be the basis for controlling the location and size of all utilities and roads, and that a building permit shall not be issued for site development until all detailed engineering plans are submitted and approved by the city, and are either constructed or bonded or otherwise conditioned.

24.060.070 Performance bond.

In lieu of the construction of the required streets prior to final platting or dividing of the property, the applicant may enter into a security and improvement agreement with the city to construct the required street improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the streets within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the streets and acceptance of the street improvements by the city.

Commented [RP119]: Same question as in the subdivision section. Does this process apply only to streets or to utilities as well?

24.60.080 Appeals.

Any action taken by the Administrator on a binding site plan application may be appealed

to the hearing examiner in accordance with the requirements set forth in Title 19 RMC for a Type I permit application.

24.60.090 Recording and enforcement.
All approved binding site plans must be recorded with the Benton County Auditor. Once recorded the lots, parcels, or tracts created through this procedure are legal lots of record. All provisions, conditions, and limitations on the binding site plan are binding on the owner, purchaser, or any other person acquiring a lease or other interest of any lot, parcel, or tract created pursuant to the binding site plan. Any sale, transfer, or lease of any lot, tract, or parcel prior to recording of the binding site plan with the Benton County Auditor is a violation of Chapter 58.17 RCW and this title.

24.60.100 Rescission.
A. The city may rescind, vacate or modify all or a portion of a final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded, vacated or modified shall be considered to be configured as it was immediately prior to the time that the binding site plan was recorded.
B. Signatures of all the owners of those portions of a binding site plan which are proposed to be altered by an amendment, rescission or vacation are required on the application for rescission, vacation or modification.

C. The process for rescinding, modifying or vacating a binding site plan shall be accomplished by following the same procedure and satisfying the same laws and conditions as required for a new binding site plan, and the action to rescind, modify or vacate must be found by the city to further the public interest and not cause a significant environmental or land use impact on or beyond the site.

24.60.110 Expiration.
Approval of a binding site plan shall automatically expire five (5) years from the date of approval. Extension of time may be granted as provided in RMC 24.60.130.

24.60.120 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Department at least forty-five (45) days prior to the expiration of the binding site plan preliminary approval. Time extension requests shall be processed as a Type I application pursuant to Title 19 RMC.

B. Subject to the routing and comment requirement provided herein, the Administrator may grant an initial one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the binding site plan contrary to the public health, safety, or general welfare. Subsequent one-year extensions may be granted by the Administrator based on the same analysis. Prior to granting time extensions, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of the time extension.

Commented [KR120]: Comment from KID: "This makes sense if the BSP is being rescinded, but not if a portion of the BSP is being vacated or modified"

Commented [KR121]: Comment from KID: "having an interest in"

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This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.60.130 Notice of Filing.
Notice of filing of a binding site plan adjacent to or within one (1) mile of another municipal boundary must be given to the appropriate municipal official. Notice of such filing located adjacent to the right-of-way of any existing or proposed state or federal highway must be given to the Washington State Department of Transportation. Notice of the filing may be given to any other agency deemed prudent by the city.

Commented [KR122]: Comment from KID: "the application materials shall also be provided to the irrigation districts whose boundaries include any portion of the City of Richland"

CHAPTER 24.70
MODIFICATION TO PRELIMINARY SUBDIVISIONS AND PRELIMINARY SHORT SUBDIVISIONS

Sections:
24.70.010 Applications.
24.70.020 Revisions of preliminary subdivisions and short subdivisions.

Commented [KR123]: Comment from Gary McLean (GM): "Newly proposed Chapter 24.70 might want to use the same language as found in existing RMC 19.20.010(C)(1) - which provides that "Major Revisions" to a preliminary plat are a Type III process, NOT a Type IIIA, which runs things back up through the City Council, an extra step along the way. Instead, you may want to look and be sure that you use the same terms, not multiple terms that all have to be given their own stand-alone meanings. I would not use the term "substantial change" but instead, use minor and major revision as your key terms.

In defining what is a "substantial change" think about NOT using that term, but instead use language to define things that fall within the meaning of "minor" and "major" revision

24.70.010 Applications.
An application may be submitted for any proposed modification to a preliminary subdivision or preliminary short subdivision. The application shall contain the signatures of the parties having an ownership interest in the plat or binding site plan, and shall be reviewed as a Type I land use decision under Title 19 RMC.

24.70.020 Revisions of preliminary subdivisions and short subdivisions.
A. A request to modify a subdivision or short subdivision that has received preliminary approval shall be submitted to the Development Services Department.

B. Proposed modifications to a preliminary subdivision that would result in a substantial change, as determined by the Administrator, shall be treated as a new application for purposes of vesting and transportation concurrency, and shall be reviewed as a Type IIIA land use decision under Title 19 RMC.

Commented [KR124]: Comment from GM: "Maybe new 24.70.020(B) could read something like this: Revisions to an approved preliminary plat are reviewed under RMC 19.20.010, with minor revisions reviewed as a Type I application (see RMC 19.20.010(A)(5)), which requires approval by the Director, and major revisions are reviewed as a Type III application requiring approval by the Hearing Examiner (see RMC 19.20.010(C)(1))."

C. Proposed modifications to a preliminary short subdivision that would result in a substantial change, as determined by the Administrator, shall be treated as a new application for purposes of vesting and, where applicable, transportation concurrency, and shall be reviewed as a Type I land use decision pursuant to Title 19 RMC.

D. For the purpose of this section, a substantial change includes, but is not limited to:

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1. Any amendment that would result in or would have the effect of decreasing the aggregate area of open space in the subdivision by 10 percent (10%) or more;

2. Any amendment that would result in increasing the number of lots in the subdivision beyond the number previously approved;

3. Any amendment that would result in the relocation of any roadway access point as it connects to an exterior street from the plat;

4. Any amendment that proposes phasing of plat development when no phasing plan was included in the original preliminary subdivision approval; or

6. Any amendment that, in the opinion of the Administrator, would significantly increase any adverse impacts or undesirable effects of the plat.

6. A change to conditions of approval of an approved preliminary subdivision or preliminary short subdivision that leads to environmental impacts that were not addressed in the original approval.

E. Proposed changes to a subdivision or short subdivision that do not result in a substantial change, as determined by the Administrator, shall be treated as a minor change and may be approved administratively by the Administrator as a Type I land use decision pursuant to Title 19 RMC.

Commented [KR125]: Comment from KID: "1. Notification shall be provided to the applicable irrigation district"

F. For purposes of this section, minor changes include, but are not limited to:

1. Changes to engineering design standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;

2. Changes in lot dimensions that are consistent with the underlying zone;

3. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained;

4. Changes in timing of phased plans; and

5. Changes to engineering design that reduce construction-related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval.

Chapter 24.80
ALTERATIONS TO FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

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Sections:

24.80.010 Application.
24.80.020 Alteration of final subdivision – Procedure.

24.80.010 Application.

A. An application may be submitted for any proposed alteration to a final plat or final short subdivision. The application shall contain the signatures of the majority of the parties having an ownership interest in lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision, or portion thereof.

B. A subdivision alteration is classified as a Type III permit and shall be processed pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.215.

C. Any short subdivision alteration proposed under this section shall be subject to the requirements of Chapter 24.40 RMC.

24.80.020 Alteration of final subdivision – Procedure.

A. Upon receipt of a completed application for the alteration of a final subdivision, the Administrator shall provide notice of the application to all owners of property within the subdivision, publication in the official newspaper of the city, and to those owners of property within 300 feet of that portion or phase of the subdivision proposed for alteration. The notice shall include a statement that a public hearing will be conducted by the hearing examiner.

B. Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for alteration of a subdivision shall be administered by the hearing examiner, and such decision shall be given the effect of a final decision.

C. During the public hearing, the hearing examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of parties residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. Following approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, which shall be signed by the Administrator and Public Works Director and filed with the Benton County Auditor's Office to become the

Commented [KR126]: Comment from PK: "Shouldn't all parties need to sign the final amended plat? Does it need to say that somewhere? I suppose it's okay that only a majority of the parties need to sign the application"

Commented [RK127]: Comment from DB: "This section requires signatures from the majority of the parties having ownership interest in the portion of the plat to be altered. Based on experience I know what you mean here, but I think you should spell out a couple things:

- What is the "portion to be altered"? Is that a phase of a plat, or a block, or just one lot? Maybe that's different on a case by case basis but I think you need some parameters in there to make the determination.

How are you counting persons/entities with ownership interest? Is it husband and wife as one entity or is that 2 owners? How about partnerships or LLCs or trusts? Do you need signatures from each partner or just one, and do they count as one or can they be multiple? How about lenders & lien holders? They have an ownership interest, do you need signatures from them? Do you count them toward the total?"

Commented [KR128]: Comment from KID: "Irrigation Districts whose boundaries include any portion of the City of Richland, and"

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lawful plat of the property.

Chapter 24.90
VACATION OF FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

Sections:

24.90.010 Subdivision or short subdivision vacation – Application.
24.90.020 Subdivision or short subdivision vacation – Process.
24.90.030 Vacation of subdivision or short subdivision – Procedure.
24.90.040 Vacation of subdivision or short subdivision – Conduct of hearing.

24.90.010 Subdivision or short subdivision vacation – Application.
An application may be submitted for the proposed vacation of all or part of a recorded subdivision or short subdivision. The application shall contain the signatures of the majority of those parties having an ownership interest in the lots, tracts, parcels, sites or division in the subject subdivision/short subdivision or portion to be vacated.

24.90.020 Subdivision or short subdivision vacation – Process.
Vacation of a subdivision or short subdivision is classified as a Type III application. Upon submittal of a complete application for vacation of a subdivision or short subdivision, the Administrator shall process the vacation request pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.212.

24.90.030 Vacation of subdivision or short subdivision – Procedure.
Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the city. The application shall set forth the reasons for vacation, and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof. Vacations will be processed in accordance with rules prescribed under state law.

24.90.040 Vacation of subdivision or short subdivision – Conduct of hearing.
Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for vacation of a subdivision shall be administered by the city's hearing examiner, and such decision shall be given the effect of a final decision.

Commented [KR129]: Comment from KID: "Make consistent?"

Commented [RK130]: Comment from DB: "This section talks about needing signatures of a majority of landowners to vacate a subdivision, but I think you probably need all the landowners to sign to vacate an entire subdivision."

Commented [KR131]: Comment from KID: "Pursuant to Title 19 RMC?"

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Chapter 24.100
LAND DIVISION DESIGN STANDARDS

Sections:

24.100.010 Application.
24.100.020 Street requirements.
24.100.030 Streets – Conformity with comprehensive plan.
24.100.040 Streets – Relation to adjoining street systems.
24.100.050 Streets – Access to bodies of water.
24.100.060 Streets – Local residential streets.
24.100.070 Streets – Dead-end.
24.100.080 Streets – Alignment.
24.100.090 Streets – Intersections.
24.100.100 Streets- Half Widths
24.100.110 Streets – Grades.
24.100.120 Streets – Intersection spacing.
24.100.150 Rural Street standards.
24.100.160 Street name signs.
24.100.170 Alleys
24.100.180 Sewer system requirements.
24.100.190 Water system requirements.
24.100.200 Provision for irrigation.
24.100.210 Stormwater system requirements.
24.100.220 Utility rights-of-way and easements – Required.
24.100.230 Easements – Watercourses.
24.100.240 Capacity for future developments.
24.100.250 Blocks – Depth.
24.100.260 Blocks – Pedestrian pathway connections.
24.100.270 Lots – Access.
24.100.280 Lots – Size.
24.100.290 Lots – Shape.
24.100.300 Lots – Double frontage.
24.100.310 Standard specifications.
24.100.320 Streetlights required.
24.100.330 Other utilities required.
24.100.340 Datum.
24.100.350 Monumentation.
24.100.360 Conflicts with other code provisions.
24.100.370 Infrastructure - Permitting.
24.100.380 Deviation.
24.100.390 Deviation - Conditions.

24.100.010 Application.

Except for divisions of land which meet the conditions of RMC 24.20.020, the regulations contained in this chapter shall apply to all divisions of land within the city. Every map, plat,

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replat or plan hereafter made of any such division of land within the city limits shall comply with the provisions of this chapter and the Public Works Standards.

24.100.020 Street requirements.
All streets and rights-of-way within a short subdivision, subdivision or binding site plan shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the Public Works Standards.

24.100.030 Streets – Conformity with comprehensive plan.
The alignment of streets shall conform as nearly as possible with those shown on the comprehensive plan or related plans of the city.

24.100.040 Streets – Relation to adjoining street systems.
The layout of streets shall provide for the continuation of major streets existing on adjoining properties or of their proper projection when adjoining property is not divided. The layout shall also provide for future projection of streets into areas which presently are not subdivided.

24.100.050 Streets – Access to bodies of water.
Unless topography or ground conditions prevent, any division of land bordering on a river or public waterfront reservation shall be provided with at least one (1) street not less than 60 feet wide to the low water mark or the reservation boundary at one-half mile intervals as measured along such body of water.

24.100.060 Streets – Local residential streets.
Local streets which serve primarily to provide access to abutting property shall be designed to discourage cut-through traffic and planned to channel traffic onto minor collectors and other major streets. Local residential streets shall be designed to discourage average traffic speeds in excess of the posted or basic rule (25 mph) speed.

24.100.070 Streets – Dead-end.
Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be no longer than 400 feet or as otherwise allowed due to topographical constraints and allowed by Appendix D of the International Fire Code as adopted by reference in Title 20 RMC, and shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the Public Works Standards.

Commented [RK132]: Comment from DB: "Besides topographic considerations, there are parent parcel shapes that can create the need for a dead end street as well. I think you should add this possibility into this section"

24.100.080 Streets – Alignment.
For major streets, connecting street centerlines deflecting from each other at any one point more than 10 degrees shall be connected by a horizontal curve that meets the minimum curve radius per AASHTO guidelines unless otherwise approved by the Public Works Director. Connecting tangents between curves shall be a minimum of 100 feet long. For minor streets, curves shall have a typical minimum deflection angle of 30 degrees with curve radii between 100 feet minimum and 150 feet maximum~~s~~ unless approved by the Public Works Director or designee. These parameters are to minimize the potential for speeding within neighborhoods.

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24.100.090 Streets – Intersections.
Street intersections shall be as nearly at right angles as is practicable. When the most feasible plan entails an intersection angle that deviates more than 15 degrees from a right angle, curves or suitable radius and lengths shall be provided. Where street intersections have curvature within 275 feet of the centerline of a stop or yield controlled intersection (looking right or left), the plat designed shall establish sight distance easements if necessary, based on evaluation of the AASHTO sight triangles per RMC 12.11.020.

24.100.100 Streets – Half-width.
A street lying along the boundary of a subdivision may be dedicated to ~~a width of 30 feet~~half of the right-of-way width as required by Subsection 24.100.130 RMC if it is practical to require the dedication of the other half when the adjoining property is subdivided; and, whenever there exists a dedicated half-street of an adjoining parcel, the other half shall be dedicated on the proposed plat to make the street complete. Streets lying along the boundary of a subdivision, whether dedicated by the plat or already dedicated, but not improved, shall be improved by the developer to a minimum paved width of ~~20~~ 22 feet. These regulations shall not apply to new roads/streets to be located adjacent to unincorporated land or as otherwise determined by the Public Works Director.

Commented [DC133]: 10' lanes +1' foot of shy or shoulder.

24.100.110 Streets – Grades.
Streets shall confirm closely to the natural contour of the land, except where a different grade has been established by the city authorities or the agency furnishing municipal services to the community. Grades shall be not less than 0.50 percent on any street and shall meet AASHTO maximum guidelines for major streets and a maximum of 12 percent for minor streets, unless otherwise approved by the Public Works Director and the Fire Marshall based on the fire department's specific apparatus needs. Changes passing through intersections shall not exceed 5 percent with 1 percent grade breaks allowed upon entry and exit.

Commented [DC134]: Note: modify design guidelines to 12. Says 10. I'd prefer to stay at 10 though. 12 invites even more issues with residents during snow/ice.

24.100.120 Streets – Intersection spacing.
Intersection spacing or jogs of minor streets in neighborhoods shall not be less than 125 feet from centerline to centerline of street. Intersection spacing along major streets with minor streets shall use the following table to the extent feasible based on the posted speed of the major street. Greater spacing may be required in some instances where a proposed intersection might be within the 95th percentile queues from intersections of two major streets.

Posted Speed (MPH)	Minimum Spacing (Feet)
25	155
30	200
35	250
40	305
45	360

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24.100.130 Streets – Width.
Street widths and right-of-way widths shall be as shown in the Public Works Standards.

24.100.140 Roadway widths and standards.
All streets, not including alleys, shall be improved in accordance with the Public Works Standards.

24.100.150 Rural street standards.
Rural street standards shall apply in the FP, AG and SAG zoning districts and elsewhere with approval from the Public Works Director.

24.100.160 Street name signs.
Street signs corresponding in design to those adopted as standard for the city shall be installed at each intersection for convenient identification of streets. Street naming and addressing shall be consistent with Chapter 12.01 RMC.

24.100.170 Alleys
Alleys shall not be provided within the City of Richland.

Commented [RK135]: Comment from DB: "This section seems to ban alleys. Is that for public alleys or private or both? The way I read that it would ban even a private access easement around the back of a lot. I'm guessing you're thinking about Crested Hills when you put that in, but I'm thinking about a commercial strip mall with individual ownerships of each party-wall building. Having a common parking area in the front for customers and a private alleyway in the back for deliveries through a common easement is a fairly normal design but would seem to be banned by this section."

24.100.180 Sewer system requirements.
All proposed land division shall be provided with a complete sanitary sewer system serving each lot designed for human habitation. Design of the sewage disposal system shall be in accordance with Title 17 RMC and the Public Works Standards.

24.100.190 Water system requirements.
All new development shall be connected to the public water main to provide a potable water distribution system serving each lot designed for human habitation. Design of the water distribution system shall be in accordance with International Fire Code Standards, Title 18 RMC and the Public Works Standards.

24.100.200 Provision for irrigation.
Non-potable irrigation facilities must be provided for every lot within any proposed residential land division in which the use of potable water is restricted pursuant to RMC 18.16.080. The irrigation distribution system (as distinguished from the separate domestic water distribution system) must be designed and installed in accordance with the Public Works Standards and irrigation providers requirements, except as otherwise approved by the Public Works Director.

Commented [KR136]: Comment from KID: "Irrigation district's or irrigation purveyor's requirements"

And

After Public works director, add "And applicable irrigation district or irrigation purveyor"

Commented [DC137]: Just a thought for all similar references to "as approved by Public Works Director", with the future public works director's potential to not be an engineer, should these be changed to "City Engineer"?

24.100.210 Stormwater system requirements.
Stormwater runoff from streets, impervious areas, and other areas shall be disposed of through stormwater drainage facilities complying with RMC Title 16 and the Public Works Standards.

24.100.220 Utility rights-of-way and easements – Required.
All municipal utility rights-of-way and utility easements shall be dedicated to the public

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and shown on the plat. Ten (10) feet public utility easements shall be placed adjacent to existing and proposed public street ROWs. Separate utility easements shall be located as required by the provider.

24.100.230 Easements – Watercourses.
Where a development is traversed by a watercourse, canal, drainage way, wasteway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, canal, drainage way, wasteway, channel, or stream, and such further width for construction and maintenance as will be adequate for the purpose.

Commented [KR138]: Comment from KID: ", irrigation easement,"

24.100.240 Capacity for future developments.
The capacities and dimensions of water, sewerage, drainage, electrical, and street facilities shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity. The city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the development and the capacities required to serve the vicinity.

24.100.250 Blocks – Depth.
Except for reverse frontage lots, the width of blocks shall be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed.

24.100.260 Blocks – Pedestrian pathway connections.
For blocks over 500 feet in length a pedestrian pathway right-of-way not less than ~~ten~~ twelve (12~~10~~) feet wide shall be provided where such a pathway is deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation lines, and other community facilities.

Commented [DC139]: Changed to match our standard detail ST-8 for HMA width without shoulder or ditch.

24.100.270 Lots – Access.
Each lot shall be provided with satisfactory access by means of a public street or by some other legally sufficient right of access (easement) which is permanent and inseparable from the lot served subject to the provisions of RMC Title 12.

24.100.280 Lots – Size.
Lot widths and lot areas shall conform with the zoning restrictions applicable to the area within which the property may be located, except that corner lots for which side yards are required shall have extra width to permit appropriate setback from and orientation to both streets. Lot depths shall be suitable for the land use proposed.

24.100.290 Lots – Shape.
Lots shall be as nearly rectangular as possible with side lot lines approximately at right angles or radial to street lines. Ordinarily, the ratio of width to depth shall be one to not more than two and one-fourth. Flag lots shall be discouraged unless no other practical alternative exists as determined by the review authority.

24.100.300 Lots – Double frontage.

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Residential lots which have street frontage along two opposite boundaries shall be avoided except for reverse frontage lots which are essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation. For such lots, there shall be an easement in favor of the city limiting access to only one street and a note stating such shall be placed on the face of the final plat map.

24.100.310 Standard specifications.
Physical developments and improvements required by this title shall be designed and installed in accordance with Public Works Standards and/or other specifications as determined by the Public Works Director. Construction shall be performed subject to the inspection of the Public Works Director or designee. The improvement intended to become part of the city system, including streets, water, electrical and sewer utilities, shall not become part of the city system until formally accepted by the city.

24.100.320 Streetlights required.
~~Streetlights~~Streetlights shall be installed by the developer in accordance with the Public Works Standards.

24.100.330 Other utilities required.
New electrical, telephone, and cable television lines must be placed underground, except:

1. Electric utility substations, pad-mounted transformers and switching facilities, and electrical service pedestals.

2. CATV pedestals, active and passive devices, including amplifiers and cable warning signs.

3. Telephone pedestals, cross connect terminals, repeaters and cable warning signs.

4. Temporary services for construction.

5. Existing overhead electric and communications lines which are not in substantial conflict with the final, approved design such that they would render lots or streets unusable.

6. Existing main feeder lines which are relocated.

24.100.340 Datum.
A. The horizontal datum for all survey work shall be the Washington State Lambert Grid Coordinate System South Zone, using the current NGS adjustment as established in accordance with Chapter 58.20 RCW. The unit of measure shall be the U.S. Survey Foot.

B. The plans shall show the horizontal control used to establish ties to the datum, with

Commented [RK140]: Comment from DB: "The National Geodetic Survey is working on producing a new horizontal and vertical reference system, which will mean that NAD83 and NAVD88 are no longer supported. The city is free to remain on what will then be legacy systems, but the city then becomes the maintainer of the control network for those systems. Further the new datums will be using the international foot not the US Survey foot, so we'll continue to deal with the conversion issues between the 2. Finally the city cites their CORS site but once the new datum is adopted the city will be forced to adopt the new datum position for that CORS site (since it's part of the Washington State Reference Network). I know you have a GIS system and many asbuilt drawings that you don't want to move to the new system until you have to, but adoption of the new datum will be required at some point so I don't think you want to prevent that with code"

Commented [KR141]: Comment from KID: "Make consistent with 58.20.121 RCW- PLANE"

type, size, and location, date visited, and the State Plane coordinates for each monument used. At least one (1) monument must be shown for each street in the project.

C. Richland Public Works maintains a Continuously Operating Reference Station (DANP CORS) which can be utilized to establish NAD83 – 2011 epoch 2010.00 (current adjustment). Contact the City Surveyor to obtain data from the network.

D. The Vertical datum for all survey work shall be the North American Vertical Datum of 1988 (NAVD ~~19~~88) Geoid 12B. Plans shall show the benchmarks used to establish ties to the datum, with description, location and elevation of each benchmark used.

24.100.350 Monumentation.

A. Right-of-way, street centerline and street intersection monumentation shall be established as described by Public Works Design Standards. In addition, for short subdivision, subdivision or binding site plans, every lot corner shall be marked or referenced in a permanent manner with the registration number of the professional land surveyor in charge of the survey in accordance with state law.

B. Monuments shall be installed as follows:

1. Concrete or iron pipe monuments approved by the City Engineer and installed in a cast-iron monument case shall be set at the centerline of all streets at intersections, at all angle points on street centerlines, at all points of curvature and points of tangent in street centerlines, at the radial points of cul-de-sacs, and at all external corners and block corners of the subdivision.

2. The corners of all lots within the subdivision shall be marked by iron pins, not less than one-half of an inch in diameter, and 24 inches in length, firmly driven for their full length into the ground.

24.100.360 Conflicts with other code provisions.

In the event the standards and conditions established by this chapter conflict with other standards and conditions established in this title, the provisions contained in this chapter shall control. In the event the provisions of this chapter conflict with the provisions of Richland Municipal Code Title 23: Zoning, the provisions of Title 23 RMC shall control.

24.100.370 Infrastructure - Permitting

Whenever any public improvements or public works infrastructure are required to support the development, the plans for all public infrastructure improvements shall be submitted to, reviewed, and approved by the Public Works Director or designee before commencement of construction.

24.100.380 Deviation.

A. The owner/developer of property may seek a deviation from the provisions of the municipal code and Public Works Standards or requirements codified by this chapter by submitting a deviation application to the city along with the permit application. A deviation

Commented [RK142]: Comment from DB: "Concrete or iron pipe monuments in monument cases are fine for street centerline monuments, but aren't appropriate for block corners or exterior corners of the subdivision. Also requiring "iron pins" is a misnomer at best. Most surveyors set rebar, which is steel not iron, and they aren't "pins", they are rebar, but there are many other suitable monuments available, such as a Berntsen A1NB30 which is aluminum with a rare earth magnet, or perhaps a nail & washer drilled into a concrete obstacle. Also none of the requirements listed meet the state standard which requires us to affix our license number to the monument. Why not just follow the state standard in RCW 58.09.120 which requires monuments to be sufficient in durability to not be readily disturbed and be tagged with the LS number of the surveyor. You could add magnetically locatable if you want"

Commented [DC143]: I've always felt like this was a bit much.

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fee, as set forth in the City of Richland Fee Schedule, shall be due at the time of application. Deviations for short subdivisions and binding site plans shall be reviewed administratively and approved by the Administrator as part of the short subdivision or binding site plan review process. Deviations for subdivisions shall be decided by the hearing examiner during the preliminary subdivision hearing.

B. The basis for such a deviation from the strict application of the requirements of the municipal code and Public Works Standards is undue and unnecessary hardship on the property owner. No deviation from the provisions or requirements of this chapter shall be authorized unless the review authority finds:

1. That exceptional or extraordinary circumstances or conditions exist to the division of the property, or to the intended use of the property, that do not apply generally to other properties similarly situated; and

2. That the deviation is necessary for the preservation and enjoyment of a substantial property right of the property owner/developer or is necessary for the reasonable and acceptable development of the property. Financial hardship is not a basis for a deviation from the provisions of this chapter; and

3. That the authorization of the deviation will not be materially detrimental to the public welfare or injurious to property in the vicinity; and

4. That the deviation from the provisions and requirements of the municipal code and Public Works Standards does not grant a special privilege to the applicant.

C. Deviation from those items requiring approval of the Public Works Director may be granted by the review authority only upon written recommendation of the Public Works Director.

24.100.390 Deviation – Conditions.
In authorizing a deviation, the review authority may attach thereto such conditions regarding the features of the deviation as deemed necessary to carry out the spirit and purposes of this title and in the public interest.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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

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form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2023.

_____
Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to form:

_____
Heather Kintzley, City Attorney

Date Published: _____

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EXHIBIT 3

File No. EA2023-123

CITY OF RICHLAND
Determination of Non-Significance

Description of Proposal: The City of Richland is proposing to amend the Richland Municipal Code by re-writing Title 24 which pertains to how land is divided within city limits. The intent of the re-write is to update the code to reflect current land division law and to establish regulatory requirements and procedures for land division actions such as boundary line adjustments, parcel consolidations and exempt land divisions.

Proponent: City of Richland

Location of Proposal: City-Wide.

Lead Agency: City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

( ) There is no comment for the DNS.

(**X**) This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen days from the date of issuance.

( ) This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Mike Stevens
Position/Title: Planning Manager
Address: 625 Swift Blvd., MS #35, Richland, WA 99352
Date: August 17, 2023
Comments Due: September 1, 2023

Signature_____

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

A. Background Find help answering background questions

1. **Name of proposed project, if applicable:** CA2023-102 Title 24 Re-Write

2. **Name of applicant:** Kyle Hendricks, Planner

3. **Address and phone number of applicant and contact person:** 625 Swift Blvd. MS-35, Richland, WA 99352
   (509)942-7683

4. **Date checklist prepared:** 06/26/2023

5. **Agency requesting checklist:** City of Richland Development Services Department

6. **Proposed timing or schedule (including phasing, if applicable):** RMC Code Amendment – Summer/Fall 2023

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.** No, this is a stand-alone code amendment.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.** No additional environmental information is being prepared as a result of this proposed code amendment.

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.** No other governmental approvals are required.

10. **List any government approvals or permits that will be needed for your proposal, if known.** None.

11. **Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)** The proposed amendment will update the City's land division regulations to ensure compliance with State law as well as streamline reviews and establish processes for land division actions that have not had previous regulatory requirements (boundary line adjustments, parcel consolidations, exempt parcel segregations, etc).

12. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.** The proposed code amendment would apply city-wide to all proposed land division applications.

B. Environmental Elements

1. Earth Find help answering earth questions

a. **General description of the site:** Proposed text amendments would apply city-wide.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. **What is the steepest slope on the site (approximate percent slope)?** N/A Proposed text amendments would apply city-wide.

c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.** Vaires. Proposed text amendments would apply city-wide.

d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.** Not applicable. Proposed text amendments would apply city-wide.

e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.** Not applicable.

f. **Could erosion occur because of clearing, construction, or use? If so, generally describe.** Not applicable.

g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?** Not applicable.

h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any.** Not applicable.

2. Air Find help answering air questions

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Not applicable.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. Not applicable.

c. Proposed measures to reduce or control emissions or other impacts to air, if any. Not applicable.

3. Water Find help answering water questions

a. Surface Water: Find help answering surface water questions

Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.** Not applicable.

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.** Not applicable.

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.** Not applicable.

4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.** Not applicable.

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.** Not applicable.

6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.** Not applicable.

b. Ground Water: Find help answering ground water questions

Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.** Not applicable.

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.** Not applicable.

c. Water Runoff (including stormwater):

Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

1. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.** Not applicable.

2. **Could waste materials enter ground or surface waters? If so, generally describe.** Not applicable.

3. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.** Not applicable.

4. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

4. Plants Find help answering plants questions

a. **Check the types of vegetation found on the site:** Not applicable. City-wide text amendment.
   - ☐ **deciduous tree: alder, maple, aspen, other**
   - ☐ **evergreen tree: fir, cedar, pine, other**
   - ☐ **shrubs**
   - ☐ **grass**
   - ☐ **pasture**
   - ☐ **crop or grain**
   - ☐ **orchards, vineyards, or other permanent crops.**
   - ☐ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
   - ☐ **water plants: water lily, eelgrass, milfoil, other**
   - ☐ **other types of vegetation**

b. **What kind and amount of vegetation will be removed or altered?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **List threatened and endangered species known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

e. **List all noxious weeds and invasive species known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

5. Animals Find help answering animal questions

a. **List any birds and other animals that have been observed on or near the site or are known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

Examples include:

- **Birds: hawk, heron, eagle, songbirds, other:**
- **Mammals: deer, bear, elk, beaver, other:**
- **Fish: bass, salmon, trout, herring, shellfish, other:**

b. **List any threatened and endangered species known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **Is the site part of a migration route? If so, explain.** Yes, Richland is within the Pacific Fly Way.

d. **Proposed measures to preserve or enhance wildlife, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

e. **List any invasive animal species known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

6. Energy and Natural Resources Find help answering energy and natural resource questions

a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe. Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

1. **Describe any known or possible contamination at the site from present or past uses.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

    a. **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

    b. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

    c. **Describe special emergency services that might be required.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

    d. **Proposed measures to reduce or control environmental health hazards, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. Noise

Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

3. **Proposed measures to reduce or control noise impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

8. Land and Shoreline Use Find help answering land and shoreline use questions

a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

    1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **Describe any structures on the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

d. Will any structures be demolished? If so, what? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

e. What is the current zoning classification of the site? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

f. What is the current comprehensive plan designation of the site? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

g. If applicable, what is the current shoreline master program designation of the site? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

i. Approximately how many people would reside or work in the completed project? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

j. Approximately how many people would the completed project displace? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

k. Proposed measures to avoid or reduce displacement impacts, if any. Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any. Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any. Not applicable. This is a non-project related code amendment. All

future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

9. Housing Find help answering housing questions

a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **Proposed measures to reduce or control housing impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

10. Aesthetics Find help answering aesthetics questions

a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **What views in the immediate vicinity would be altered or obstructed?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **Proposed measures to reduce or control aesthetic impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

11. Light and Glare Find help answering light and glare questions

a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Could light or glare from the finished project be a safety hazard or interfere with views?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **What existing off-site sources of light or glare may affect your proposal?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

d. **Proposed measures to reduce or control light and glare impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

12. Recreation Find help answering recreation questions

a. **What designated and informal recreational opportunities are in the immediate vicinity?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Would the proposed project displace any existing recreational uses? If so, describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

13. Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

14. Transportation Find help with answering transportation questions

a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

e. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

f. **Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

g. **Proposed measures to reduce or control transportation impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

15. Public Services Find help answering public service questions

a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Proposed measures to reduce or control direct impacts on public services, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

16. Utilities Find help answering utilities questions

a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

C. Signature Find help about who should sign

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Type name of signee: Kyle Hendricks

Position and agency/organization: Planner, City of Richland- Development Services

Date submitted: 7/25/2023

D. Supplemental sheet for nonproject actions Find help for the nonproject actions worksheet

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?** It is not anticipated that development authorized by the proposed code amendment would result in any increase of discharge to water, emissions to air, productions, storage, the release of toxic or hazardous substances or production of noise.

    - **Proposed measures to avoid or reduce such increases are:** None.

2. **How would the proposal be likely to affect plants, animals, fish, or marine life?** The proposed text amendment will not result in any detrimental impacts to plants or animals.

    - **Proposed measures to protect or conserve plants, animals, fish, or marine life are:** None.

3. **How would the proposal be likely to deplete energy or natural resources?** The proposed text amendment will not result in additional depletion of energy or natural resources.

    - **Proposed measures to protect or conserve energy and natural resources are:** None.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?** The proposed text amendment will not

change a development proposal's requirement to comply with all local, state, and federal environmental regulations.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:** None.

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?** The proposed text amendment will not change a development proposal's requirement to comply with all local, state, and federal environmental regulations.

    - **Proposed measures to avoid or reduce shoreline and land use impacts are:** None.

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?** The proposed text amendment is not likely to increase demands on transportation or public services and utilities.

    - **Proposed measures to reduce or respond to such demand(s) are:** None.

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.** There is not a conflict as this will be consistent with Chapters 25.21 and 35A.21 RCW.

EXHIBIT 4

Department of Commerce

Notice of Intent to Adopt Amendment / Notice of Adoption
Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

1. Jurisdiction Name:	City of Richland – Development Services Dept.
2. Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	☐ **60-Day Notice** of Intent to Adopt Amendment. ☒ **Request of Expedited Review** / Notice of Intent to Adopt Amendment. ☐ **Supplemental Submittal** for existing Notice of Intent to Adopt Amendment. ☐ **Notice of Final Adoption** of Amendment.
3. Amendment Type: Select Type of Amendment listed. (Select One Only)	☐ **Comprehensive Plan** Amendment. ☒ **Development Regulation** Amendment. ☐ **Critical Areas Ordinance** Amendment. ☐ **Combined Comprehensive and Development Regulation** Amendments. ☐ **Countywide Planning Policy**.
4. Description Enter a brief description of the amendment. Begin your description with "Proposed" or "Adopted", based on the type of Amendment you are submitting. Examples: *"Proposed comprehensive plan amendment for the GMA periodic update."* or *"Adopted Ordinance 123, adoption amendment to the sign code."* **(Maximum 400 characters).**	Proposed re-write of Richland Municipal Code Title 24 pertaining to land division actions. The proposed re-write updates the processes in which the City of Richland reviews different land division actions such as short-plats, subdivisions and binding site plans. The proposed re-write also codifies review processes for exempt land segregations and boundary line adjustments.

Department of Commerce

5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?	☐ **Yes** ☒ **No**
6. Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	**Planning Commission: September 27, 2023** **City Council: October 17, 2023 (First Reading)** **Proposed / Date of Adoption: November 7, 2023**
7. Contact Information:	
A. Prefix/Salutation: *(Examples: "Mr.", "Ms.", or "The Honorable" (elected official))*	Mr.
B. Name:	Mike Stevens
C. Title:	Planning Manager
D. Email:	mstevens@ci.richland.wa.us
E. Work Phone:	(509)942-7596
F. Cell/Mobile Phone: *(optional)*	
Consultant Information:	
G. Is this person a consultant?	☐ Yes
H. Consulting Firm name?	
8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	☐ Yes

REQUIRED: Attach or include a copy of the proposed amendment text or document(s).We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

Questions? Call the review team at (509) 725-3066.

STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • *PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000*
www.commerce.wa.gov

07/26/2023

Mr. Mike Stevens
Planning Manager
City of Richland
505 Swift Boulevard
Post Office Box 190
Richland, WA 99352

Sent Via Electronic Mail

Re: City of Richland--2023-S-6271--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Mr. Stevens:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under RCW 36.70A.106. We received your submittal with the following description.

Proposed re-write of Richland Municipal Code Title 24 pertaining to land division actions. The proposed re-write updates the processes in which the City of Richland reviews different land division actions such as short-plats, subdivisions and binding site plans. The proposed re-write also codifies review processes for exempt land segregations and boundary line adjustments.

We received your submittal on 07/26/2023 and processed it with the Submittal ID 2023-S-6271. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 09/24/2023.

You requested expedited review under RCW 36.70A.106(3)(b). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Steve Davenport, (360) 725-4023.

Sincerely,

Review Team
Growth Management Services

EXHIBIT 5

Stevens, Mike

From: Alex D. Matarazzo <Alex.Matarazzo@pbsusa.com>
Sent: Tuesday, September 12, 2023 4:41 PM
To: Stevens, Mike
Subject: RE: City of Richland Subdivision Code Update

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Mike,

Thank you for the opportunity to comment on this. Below is my summary of comments and suggestions.

Section 24.20.170, I suggest removing the word “Advance” since the Assessor/Treasurer can only collect for the current tax year. This is perhaps a remnant from when advance payments for the next year property taxes were required.

Section 24.40.010 A 1, standard sheet size for Short Plats is 18”x24”, suggest replacing set drawing scale requirements with “drawing scale shall be a standard Engineering Drawing scale”

Section 24.40.010 B 4, do vicinity maps really need to have this level of detail?

Section 24.40.080 A, Short plat sheet size should be 18”x24”.

Section 24.40.080 A, same question regarding vicinity maps.

Section 24.50.010 A 1, same question as 24.40.010 A 1.

Section 24.50.010 B 4, do vicinity maps really need to have this level of detail?

Section 24.50.100 C, see comments for 24.40.010 A 1

Section 24.06.030 B, standard size should be 18”x24”.

Section 24.06.040, standard size should be 18”x24”.

Alex Matarazzo, PLS | Survey Manager | PBS Richland | 509.416.5456 (direct) | 509.947.4688 (mobile)

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Tuesday, September 12, 2023 2:13 PM
To: Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Rogalsky, Pete <PRogalsky@CI.RICHLAND.WA.US>; Orr, Bruce <borr@CI.RICHLAND.WA.US>
Cc: Ashley Garza <agarza3605@gmail.com>; Chris Ammann <chris@permitsurveying.com>; John Becker <jbecker@ahbl.com>; Dave Baalman <dbaalman@rogerssurveying.com>; Alex D. Matarazzo <Alex.Matarazzo@pbsusa.com>
Subject: City of Richland Subdivision Code Update

Providing one last opportunity for comments pertaining to the draft subdivision code (attached) prior to the public hearing to be held on Wednesday, September 27th at 6:00 PM, Richland City Hall. If you have already provided comments you may do so again if you forgot something or want to attend the public hearing.

Feel free to pass on to others who may not be on the list.

Mike Stevens
Planning Manager
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7596

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Comments Regarding Proposed Revisions
To City of Richland Municipal Code Title 24

By: David P. Baalman, PLS
Rogers Surveying Inc., P.S.

I have reviewed the proposed code revisions and have the following comments/suggestions:

§24.20.040 Definitions:

The code uses the word "shall" throughout. Based on context I believe the intent is to describe something that is mandatory, not permissive. A recent US Supreme Court ruling hinged in part on the definition of the word "shall" being permissive not mandatory. I don't know if this ruling will trickle all the way down to local jurisdictions any time soon, but I've seen others plan ahead by inserting a definition for "shall" in their code. Perhaps something like this:

"Shall" describes a condition or action which is mandatory.

The definition of the term "meander line" is not very descriptive nor does it conform to the standard definition of the term in surveying. It's probably not a big issue given that the Columbia River frontage in Richland is held by the USACE, but there is probably some Yakima River frontage that could be developed in the future. I'd suggest using an adaptation of the definition from the BLM Manual of Surveying Instructions (2009):

"Meander Line" is a traverse that approximates the margin of a permanent natural body of water for closing of a survey and to allow for area computations. For riparian parcels the meander line does not constitute the boundary but only an approximation thereof, the actual boundary is the Ordinary High Water Mark for navigable streams.

I don't believe there are any non-navigable streams within the boundaries of the City of Richland that could create another condition, so I don't see a point in adding that definition.

§24.20.060 Legal Lot:

Section D sets a date for the creation of a parcel prior to the effective date of RCW 58.17. I concur with the logic but I'm not sure about the date. Although the RCW was put into effect on that date by the legislature, I don't know if it was fully in effect on that day. There was likely a lawsuit about it that delayed it (I'm not sure about that but it's a good guess) and more importantly local governments had to get their systems in place for short plat review etc. Some of that probably went on before the final passage but likely not all. For reference short plat number 1 in Benton County is in the City of Richland, and was recorded July 31, 1974. I doubt that we went 5 years without a single parcel being split up via metes & bounds description so I think a bit more research might be in order before committing to that firm date.

I also see some other possibilities for creation of legal parcels that could later be developed:

- Parcels created through an exemption to RCW 58.17.040 such as those over 5 acres in size, those created by testamentary provisions or the laws of descent.
- Parcels who's current configuration was the result of a prior boundary line adjustment or boundary agreement pursuant to RCW 58.04.007
- Parcels created by an act of the courts.

§24.20.150 Contiguous ownership:

I'm not fully clear on what you're doing here. I take it that this section is intended to prevent a 9 lot short plat if the landowner owns a previously created parcel that is adjoining the parcel involved in the short plat. If that is the case, the obvious end-around is to transfer one of the parcels into an LLC or trust so that it's under separate ownership. This only serves to create an additional recording fee before applying for the short plat, and also could create a situation where one landowner is affected differently than another because they are unable to make such a transfer due to a mortgage or other encumbrance on their parcel(s).

§24.30.020(D) Scope of BLA:

Section D states that all lots resulting from a BLA must be in conformance with all applicable zoning requirements, but elsewhere in the code (§24.30.050(B)) allows for BLA with an already non-conforming parcel that doesn't increase the non-conforming nature. I read these 2 sections as being in conflict so some clarification may be in order here.

§24.30.040(C)(7) Easements on BLA:

I understand why you want us to plot easements on the subject parcel(s). Adding a requirement to plot easements on adjacent parcels is another burden for the landowners. For each parcel on which I would have to plot easements I would have to get a title report for that parcel. The current price of a title report is $380.45 (with tax) for a residential lot. I believe they are more like $750 for commercial properties. That could mean a few hundred or a few thousand dollars of added cost for your average BLA, or it could be huge for a BLA with a large parcel adjoining many lots, for example a BLA between a single family lot and Horn Rapids Golf course would mean a title report not only on the subject lot and the golf course parcel, but one on every parcel that adjoins that golf course parcel. Yes I can plot most of the easements from the plat drawings, but I have no way of knowing if any easements have been added (or subtracted) since that plat was completed without a title report.

I'll also point out the use of the term "adjacent" here, when I think you mean "adjoining":

From Black's Law Dictionary:

Adjacent: Lying near or close to

Adjoining: touching or contiguous

§24.30.040(C)(13): Deeds

I take it this is a new requirement that deeds be submitted for review along with the BLA? I don't have an issue, and this is how Kennewick handles these. I just want to point out that its not overly clear that the intent here is that there be multiple deeds, each with one single legal description, describing the transfer(s) and then the consolidation(s) of the newly configured parcels. We help the clients with this item but many surveyors do not, so I foresee you getting one quit claim deed form with 3 or 4 legal descriptions in it from landowners who attempt to handle this step themselves. A little clarification here might save you some effort in the future.

§24.30.040(D): Landowners sign BLA drawing:

This seems to be new as well, where you're requiring landowners sign the record survey drawing. I don't have a concern other than that it can serve to slow down the process when dealing with out-of-town landowners. As it is now for a landowner who isn't local, I generally send them the deeds to be signed via email, have them print them out themselves, sign at any convenient notary, and FedEx or mail them to me to get them recorded. Most won't have a way to print the full size survey though, so I'll have to plot that here and mail it to them to sign, which adds about a week to the signature process. That's not the end of the world but it serves to add time without any real advantage. The landowner's signature on the face of the survey can have no legal affect, only their notarized signature on a recorded deed serves to adjust the boundary of their land.

§24.30.060 Time limit on recording:

Obviously a time limit is in order, but 90 days might be difficult to hit at times given the items that can come up, such as tax payments, the above described out-of-town landowner, and possibly other conditions of approval. I don't think 90 days is out of line, but I think you should add the possibility of an extension here so a landowner can deal with an issue without having to go through the whole process over again.

§24.30.070 Recording:

This appears to include a requirement that the approval letter be recorded along with the deeds. We've been back & forth on that over the years, and each municipality has a different way of handling it. I'm fine with the requirement to record the approval as an attachment to the deed, but the city will need to make some changes to the standard approval letter to get it into a recordable format. The standard letter would have to have the margins adjusted to recording minimums, all text would have to be black and the minimum size, and I've even had the deputy auditors say that the city's letterhead doesn't meet the standard because the "Washington" under the word Richland is too small and not the correct pen weight. If those items are taken care of then I don't see an issue and don't have a better solution.

In this same section I note that the last sentence alludes to the requirement to record the survey "if it has not yet been recorded". This seems contradictory to the above section about the landowner signing the record survey, as then they would all get recorded at the same time. A bit of clarification here might be in order.

BLA requirements in general:

One item that I always warn my clients about in a BLA but I've never seen in anyone's code is a mortgage. I don't know if anyone else thinks about this, but I've seen landowners not even consider that one or both of them has a mortgage and that it needs to be addressed as part of the BLA. For the city its only really a concern if one of them were to be foreclosed upon, as the lender's deed of trust encumbers the OLD lot layout. The lender could easily undo the BLA by foreclosing on that old configuration. This would be a big concern if there was an addition to a house or something that suddenly doesn't meet setback because of an intervening foreclosure. I'd suggest adding a step to the process to make the landowners include their lenders to amend the deed of trust to the new lot configuration once the deeds are recorded.

§24.40.010(A)(1) Contents of Short Plat drawing:

This section states that a short plat is to be 24x36. Per RCW 58.17 short plat drawings are 18x24. This section also dictates two possibilities for scale of the drawing. I'd suggest that dictating the scale of the drawing will only serve to REDUCE the legibility of the average short plat. There are many short plats where a 30 or 40 scale creates the best legibility. There are others where fitting the entire parcel requires 200 or 300 scale. We surveyors are in the business of drawing legible maps, and in the end its our work product with our name & professional reputation on the line, so why not let us determine the best scale for the drawing at hand instead of unnecessarily dictating an arbitrary number? You could leave yourself an opportunity to push for better legibility here at the city's discretion, but I'm strongly opposed to a 2 sizes fits all parcels solution to a non-existent problem here.

§24.40.010(B)(4) Vicinity maps:

The average vicinity map is about 3", so a dictated 400 scale will get you a vicinity map that covers less than ¼ mile. You may not even get a cross street at that scale. Further most vicinity maps are not to any scale and for good reason, there's no purpose to them being to a scale that someone is going to measure as if they get some useful information by scaling on them. My opinion of vicinity maps in general is pretty low in the age of Google Maps, and that opinion will only decrease if I'm forced to make them bigger to accommodate a scale that serves no purpose. The additional requirement of showing "all adjacent parcels" is also too much. See above for what "adjacent" means, plus I don't think that's what the vicinity map is for. I think you could drop all this down to a simple requirement for a vicinity map that shows sufficient detail for the reader to determine the approximate location of the plat.

§24.040.010(B)(6) area:

This section requires showing area in square feet, but that should only be for lots under 1 acre. Lots over 1 acre should be shown in acres to 2 decimal places, which is what you say elsewhere in the code.

§24.040.010(B)(10) easements:

"All" is a very scary word here. I will never claim that I have plotted "all" easements. I'm happy to say that I've addressed all the easements that were divulged to me in the title report, but I'll never claim that's every easement that affects the property as I have no way of knowing if there's one that the title company missed, or if there's a prescriptive easement, or one that's mis-indexed in the recording system. Further I can't plot many easements, they are either blanket or don't contain sufficient information to depict them. For example Grant County PUD has thousands of easements that read "centered on the proposed transmission line as staked on July 16, 1945". I have no way of knowing if that's the current location of any infrastructure currently in place so I have no way of plotting that. I usually address these types of issues in a note, which I assume is sufficient here but I'd suggest saying so in the code.

§24.040.010(B)(14) topography:

This seems to be a new requirement that we include topography on short plats. I object to this requirement in that it adds cost to the landowner for no real gain, and more importantly it has no business on the recorded short plat. Contours change with grading, they shouldn't be on the document recorded forever. I deal with this requirement in West Richland and Walla Walla by plotting the contours on the initial short plat submittal only, and remove them from the final. If that's acceptable in Richland then I'll just continue doing that, but I'm not sure what the real purpose of contours on a short plat is. Certainly there are cases where topography dictates the layout of the lots, but that's not the norm so making contours a requirement for every short plat is a bit too much.

§24.404.010(B)(15) site data table:

This appears to be copied out of the preliminary plat section. I don't think there's much need for a data table for short plats since we're talking about 9 lots at most.

§24.40.080(A) final short plat contents:

Again same issue as above short plats are 18x24 not 24x36.

§24.40.080(C) scale:

Same issue as above with regard to specifying a scale for every short plat.

§24.40.080(I) addresses:

I'd like to suggest expounding on this slightly to state that the ultimate responsibility of assigning these addresses is the city not the surveyor.

§24.40.080(M) signatures:

The wording here seems to suggest that more notarized signatures than the landowner are required. Is it the intent that parties benefitted (I assume by easements) are not the city then their signature must be notarized? If so that would add some significant difficulty in completing a short plat signature gathering process. I would have to send a notary to KID, BMID, WDOT, BPA, Cascade Gas, etc., and the signature page would probably wind up as 2 pages. I'm not really sure if that's the intent or if I'm just reading it wrong. Some clarification might be in order here.

§24.40.080(R) closure error:

The specification of closure error here is contrary to that required in WAC 332-130-085 and WAC 332-130-090. The WAC allows 0.07' plus 200 parts per million for any 2 points in a non-traverse type survey, or 1:5000 or 1:10,000 for a traverse type survey (depending on if it's rural or urban, likely all would be urban in the city so 1:10,000). These standards however are not what you are actually testing when looking at the plat map. You're looking to make sure that the line & curve labels make a closed figure, which they cannot help but make (within rounding error and trig function limits of less that 0.10') as long as the drafter has the lines actually drawn as a closed figure and labeled all the elements of that closed figure. In other words nothing to do with the actual precision of the survey and everything to do with the drafting. I'd suggest not wording this the way you have it and running afoul of the state standard, and instead saying just what I said above: "the lines and curves defining each lot must be labeled with bearings & distances which form a closed figure within the limits of WAC 332-130-085 or WAC 332-130-090".

§24.40.080(S) bearing & distance for all lines:

In the rare instance of a riparian boundary, this section would need some sort of an exception so that we can show a closed figure for math purposes, without creating undue clutter and without adding a false impression of the meander line being a fixed and limiting boundary.

§24.40.080(U) curve labeling:

Note that there are 2 section U's, but my comments are the same for both. I don't feel a need to have different standards for curve labels on the exterior boundary/roads and those within the plat. Further the elements labeled need to be considered. You need 2 elements to define a tangent curve, and the standard throughout the industry is to list 3 so that (a) the fact that they are tangent can be proven and (b) if one element is incorrect it can be determined which one. The most common 3 elements labeled are radius, arc length, and central angle. Adding a requirement to list the tangent distance adds no value, I can compute the tangent distance easily

(R*tan(1/2Δ)), but it's a useless value. We don't stake the point of intersection and chain in to the PC & PT points or cut externals to stake curves in 2023.

For non-tangent curves, you need another element and radial bearings are one of the 3 valid elements. The others are chord bearing and local tangent bearing. I prefer to use chord bearings because they are valid for that curve no matter which direction you compute it from, and are therefore more easily added to a curve table. Radial bearings shown graphically on the face of the survey can really clutter up a drawing. This is really an issue along the boundary of a canal or road with a lot of curves, where we're finding existing monuments. The monuments control and the tangency of the curves is the lowest controlling element, so in that case you're never going to have a tangent curve. A bearing & distance between the found monuments that control the ends of the curve is much more useful than a bearing to a fictitious point in space.

§24.40.080(V) distances must add up to total:

Nothing wrong with this other than there should be some accounting for rounding error. Forcing us to override the software's automated labeling routine just to chase that last 0.01' out of the labels is a waste of everyone's time.

§24.40.080(W) sight distance requirements:

These come up on many plats and we don't get much of an explanation. This might not be the right place to address it, but I think some requirement that the city define the notes that they want on the lots unambiguously would be useful.

§24.40.090 public works requirements:

I'm not sure if this is the intent or not, but having a page plus of public works requirements for short plat signature gives the impression that the city considers every short plat to create the need for sewer, water, storm drain, road improvements etc., which is not the case. As you are aware, there is a large amount of case law at the state and federal level that makes it clear that the city can only condition approval of a development upon construction of improvements if the city can prove that the development at hand creates the need for those improvements. Obviously if those improvements are needed then they must be built before the city signs the short plat, but my experience is that the city is very quick to jump to the conclusion that every short plat creates such a need. What it creates is the opportunity to exact construction of improvements or dedication of right of way that isn't needed for the project at hand, which should not be encouraged by an unrestricted code requirement that probably wouldn't hold up in court if someone were to take it that far. I would suggest that some rewording is in order here to make it clear that the city must offer proof of necessity for improvements before conditioning a short plat upon them.

§24.50.010(A)(1) scale

Same comments as above in the short plat section regarding dictating scale of the drawing.

§24.50.010(B)(4) vicinity map

Same comments as above in the short plat section regarding vicinity maps.

§24.50.010(B)(6) area in square feet

Same comments as above in the short plat section regarding area labels (lots over 1 acre listed in acres to 2 decimal places).

§24.50.010(B)(8), (9) & (10) easements

Same comments as above in the short plat section regarding plotting of easements offsite to the project, or claiming to have all easements plotted. Also section 9 talks about a "border easement", I'm not sure what a border easement is, further definition is necessary on this one.

§24.50.010(B)(14) topography

Similar comments to above in short plat section regarding topo for plats. In the case of a plat likely we already have topo due to the need for engineering design of roads etc. I just don't want this to turn into having to have contours on the final plat, it's a waste and makes them almost completely illegible in many cases.

§24.50.090 final plat application timing

You've had in place for several years that you won't accept a final plat for review unless all construction is complete, or it's within $10k of complete, or it's bonded. I don't know why you refuse to look at a plat until it's all built. You can review the plat at any point, and just make condition of approval number 1 be "complete construction of approved construction plans to the satisfaction of public works". Then you don't have to sign the plat until it's all built, but you can have all the other conditions dealt with concurrently. Instead with the current system, the entire plat is built before we can submit, and the landowner is left paying interest on perhaps millions of dollars of construction for an entire month while the plat is in review. Then once we get the review if I (the surveyor) have any concerns or any back & forth with the city suddenly I'm the guy who's holding things up on something that usually has absolutely nothing to do with the construction and we could have hashed out 2 months ago. You're the only local jurisdiction that has this requirement, and from the survey perspective all it does is make it so I have to be the guy holding up selling lots because I want to talk about easement or notes so that someone can retrace the survey in 100 years. I'd also love to be able to take a vacation without having to stay close enough to a FedEx office to get a plat back & forth because the contractor finished the construction earlier than I expected.

§24.50.100(C) scale:

Same comments as above in short plat section regarding scale.

§24.50.100(M) notarized signatures:

Same comments as above regarding notarized signatures of non-landowners.

§24.50.100(N) certification:

I'm not sure where it's at because I don't see it in RCW 58.17, but generally the certification by the surveyor on a plat is different than that on a record survey, which is what RCW 58.09 spells out. I don't know if the difference in those certifications are worth worrying about or not.

§24.50.100(R) closure:

Same comments as above in short plat section regarding closure error/survey precision.

§24.50.100(S) labels:

Same comments as above in short plat section regarding labeling of riparian boundaries.

§24.50.100(U) curves:

Same comments as above in short plat section regarding curve labeling.

§24.50.120 public works:

Same comments as above in short plat section regarding requirements for construction of improvements. I grant that it's much less common to have a plat with no need for improvements but it is possible. A simple acknowledgement that the burden of proof is on the city would go a long way to keeping these requirements in check.

§25.60.020 procedure for BSP

I don't see anything in here about a pre-application meeting for a binding site plan. Obviously no one is going to undertake the surveying and engineering of a binding site plan without first knowing that the project has a chance of completion and what requirements the city will impose so a pre-app meeting is essential in this process.

§24.60.040 BSP drawing

Benton County does not have a separate recording book for Binding Site Plans, they are recorded as record surveys, and therefore are required to be 18x24 not 24x36.

Further in section A.1., the requirement for the heading of BSP (number) of (year) is going to run afoul of the county's recording numbering. The county is going to assign a record survey number (similar to how short plats are recorded) that will conflict (or at least not coincide) with the city assigning a number with a year basis. I'd suggest leaving this as is where the title at the top is "Record Survey (space for year assigned by auditor) for Binding Site Plan"

§24.60.040(A)(4) legal description

This appears that you are requiring us to write legal descriptions for lots in a binding site plan. The intent of a binding site plan is no different than that of a plat or short plat (from a survey sense) in that we are creating a simultaneous conveyance to create parcels. Writing metes & bounds descriptions creates a sequential conveyance, where lots inside the subdivision have junior/senior standing depending on when they were first conveyed. It's also a complete waste of time and effort. The correct legal description for conveyance of a lot in a BSP is "Lot x, Binding Site Plan y, according to the survey thereof recorded under auditor's file number z, records of Benton County, Washington". In other words a lot and block description not a metes & bounds. I'm very strongly opposed to this requirement. If it stays in the code I'll likely refuse to be the surveyor of record on a Binding Site Plan in the City of Richland as I won't have my name permanently attached with a survey that serves to create a future survey and title ambiguity.

§24.60.040(B)(4) topo

Same comments as above in plat section regarding showing contours. Again we probably have topo for a BSP but it doesn't belong on the recorded document.

§24.80.010 Application for subdivision alteration

This section requires signatures from the majority of the parties having ownership interest in the portion of the plat to be altered. Based on experience I know what you mean here, but I think you should spell out a couple things:

- What is the "portion to be altered"? Is that a phase of a plat, or a block, or just one lot? Maybe that's different on a case by case basis but I think you need some parameters in there to make the determination.
- How are you counting persons/entities with ownership interest? Is it husband and wife as one entity or is that 2 owners? How about partnerships or LLCs or trusts? Do you need signatures from each partner or just one, and do they count as one or can they be multiple? How about lenders & lien holders? They have an ownership interest, do you need signatures from them? Do you count them toward the total?

§24.90.010 subdivision vacation

This section talks about needing signatures of a majority of landowners to vacate a subdivision, but I think you probably need all the landowners to sign to vacate an entire subdivision.

§24.100.070 dead end streets

Besides topographic considerations, there are parent parcel shapes that can create the need for a dead end street as well. I think you should add this possibility into this section.

§24.100.170 alleys

This section seems to ban alleys. Is that for public alleys or private or both? The way I read that it would ban even a private access easement around the back of a lot. I'm guessing you're thinking about Crested Hills when you put that in, but I'm thinking about a commercial strip mall with individual ownerships of each party-wall building. Having a common parking area in the front for customers and a private alleyway in the back for deliveries through a common easement is a fairly normal design but would seem to be banned by this section.

§24.100.340 datum

The National Geodetic Survey is working on producing a new horizontal and vertical reference system, which will mean that NAD83 and NAVD88 are no longer supported. The city is free to remain on what will then be legacy systems, but the city then becomes the maintainer of the control network for those systems. Further the new datums will be using the international foot not the US Survey foot, so we'll continue to deal with the conversion issues between the 2. Finally the city cites their CORS site but once the new datum is adopted the city will be forced to adopt the new datum position for that CORS site (since it's part of the Washington State Reference Network). I know you have a GIS system and many asbuilt drawings that you don't want to move to the new system until you have to, but adoption of the new datum will be required at some point so I don't think you want to prevent that with code.

§24.100.350 monumentation

Concrete or iron pipe monuments in monument cases are fine for street centerline monuments, but aren't appropriate for block corners or exterior corners of the subdivision. Also requiring "iron pins" is a misnomer at best. Most surveyors set rebar, which is steel not iron, and they aren't "pins", they are rebar, but there are many other suitable monuments available, such as a Berntsen A1NB30 which is aluminum with a rare earth magnet, or perhaps a nail & washer drilled into a concrete obstacle. Also none of the requirements listed meet the state standard which requires us to affix our license number to the monument. Why not just follow the state standard in RCW 58.09.120 which requires monuments to be sufficient in durability to not be readily disturbed and be tagged with the LS number of the surveyor. You could add magnetically locatable if you want.

2015 South Ely Street
Kennewick, WA 99337
Phone 509-586-9111
FAX 509-586-7663
www.kid.org

September 1, 2023

Mike Stevens
City of Richland Development Services Dept.
625 Swift Blvd.
Richland, WA 99352

Subject: CA2023-102 and EA2023-123 - Title 24 Re-Write Code Amendment

Dear Mr. Stevens:

The Kennewick Irrigation District has received your Determination of Non-Significance regarding the re-write to Title 24 of the Richland Municipal Code pertaining to how land is divided within the Richland City limits.

KID has reviewed the re-written code and is requesting the attached additional revisions.

If you have any questions regarding these comments, please contact me at the address/phone number listed below.

Sincerely,

Daniel Tissell, P.E.
Engineering Manager

cc: LB\correspondence

ORDINANCE NO. XXX-23

AN ORDINANCE of the City of Richland repealing Richland Municipal Code Title 24: Plats and Subdivision in its entirety and replacing Title 24 RMC with a new Title 24 entitled Land Division Regulations.

WHEREAS, RCW Sections 35.21.500 - .570 provide for codification of city ordinances; and

WHEREAS, Title 24 of the Richland Municipal Code has not been significantly updated since 2010; and

WHEREAS, the proposed changes to Title 24 RMC are deemed necessary or desirable for the purpose of modernizing and clarifying the language of said Title, ensuring a logical arrangement of subject matter, and eliminating conflicts and inconsistencies, as provided in RCW 35.21.500.

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

Section 1. Richland Municipal Code Title 24, entitled Plats and Subdivision, as first enacted by Ordinance No. 73, and last amended by Ordinance No. 51-19, is hereby repealed in its entirety and replaced with the following:

TITLE 24
LAND DIVISION REGULATIONS

Chapters:

24.10 Authority
24.20 General Provisions
24.30 Boundary Line Adjustments/Parcel Combinations
24.40 Short Subdivisions
24.50 Subdivisions
24.60 Binding Site Plans
24.70 Modifications to Preliminary Subdivisions and Short Subdivisions
24.80 Alterations to Final Subdivisions and Short Subdivisions
24.90 Vacation of Final Subdivisions and Short Subdivisions
24.100 Land Division Design Standards

Chapter 24.10
AUTHORITY

Sections:

24.10.010 Purpose.
24.10.020 Severability.
24.10.030 Division of land to comply with title.
24.10.040 Authority.

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24.10.010 Purpose.
This title is established in accordance with Chapter 58.17 RCW which authorizes cities to administer the process for the division of land. The Richland City Council finds that the process by which all land within the city of Richland is divided is a matter of city concern, and therefore should be administered in accordance with certain standards. The purpose of this title is to regulate the division of all land and to promote the public health, safety, and general welfare in accordance with standards established to prevent overcrowding of land, to lessen congestion in the streets and highways, to promote effective land use, to promote safe and convenient travel by the public on streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewer, parks and recreation areas and other public requirements, to provide for proper ingress and egress, and to provide for the expeditious review and approval of proposed divisions of land within the city.

24.10.020 Severability.
The provisions of this title are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause or portion of this title, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances.

24.10.030 Division of land to comply with title.
Every division of land within the city shall comply with the provisions of this title.

24.10.040 Authority.
The legislative authority of the city of Richland hereby delegates final subdivision and short subdivision approval to the Administrator and Public Works Director, or their designees.

Chapter 24.20
GENERAL PROVISIONS

Sections:
24.20.010 Purpose.
24.20.020 Exemptions.
24.20.030 Application for exemption.
24.20.040 Definitions.
24.20.050 Undefined words and phrases.
24.20.060 Legal lot.
24.20.070 Approval required prior to recordation.
24.20.080 Prohibition against sale, lease or transfer of property.
24.20.090 Violations.
24.20.100 Violations – Penalties.
24.20.110 Violations – Continuing offense – Penalties.
24.20.120 Injunctive and other proceedings.
24.20.130 Application, review and inspection fees.

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24.20.140 Re-subdivision limitation.
24.20.150 Contiguous ownership.
24.20.160 Professional land surveyor.
24.20.170 Advance tax payment required.

24.20.010 Purpose.
Pursuant to the purposes set forth in RCW 58.17.010, the regulations in this title are necessary to:

A. Promote the health, safety, and general welfare in accordance with standards established by the state and the city;

B. Promote effective use of land by preventing the overcrowding or scattered development which would be detrimental to health, safety, or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, or other public services, or excessive expenditure of public funds for such services;

C. Avoid congestion and promote safe and convenient travel by the public on streets, highways, sidewalks, and multi-use pathways through the proper planning and coordination of new streets within subdivisions with existing and planned streets in the surrounding community;

D. Provide for adequate light and air;

E. Provide for adequate water, sewage, drainage, parks and recreational areas, transit, sites for schools and school grounds, and other public requirements;

F. Provide for proper ingress and egress;

G. Provide for housing and commercial needs of the community;

H. Require uniform monumentation of land divisions and conveyance of accurate legal descriptions;

I. Protect environmentally sensitive areas;

J. Provide for flexibility in site design to accommodate view enhancement and protection, protection of streams and wetlands, protection of steep slopes, and other environmentally significant or sensitive areas;

K. To ensure consistency with and to further the goals and policies of the Comprehensive Plan; and

L. To provide a process for the division of land for the following:

1. Short subdivision. The division of land into nine (9) or fewer lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may

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have on the surrounding area;

2. Subdivision. The division of land into ten (10) or more lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area;

3. Binding site plan. An alternative method of dividing property interests and applying to the phased division of any land for sale or lease which is zoned for commercial, business, office, or industrial development, or which is to be developed as condominiums or a manufactured home park.

24.20.020 Exemptions.

The following actions are exempt from the provisions of this title; provided, that in order to determine whether the action qualifies for the exemption claimed, approval must be received from the Administrator. Creation of an exempt lot does not vest the owner with the right to develop the lot when it does not meet access or use requirements of the zoning district in which it is located. Specifically, the provisions of this title shall not apply to the following exemptions:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions of land into lots or tracts each of which is one-one-hundred-twenty-eighth of a section of land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

C. Divisions made by testamentary provisions or the laws of descent;

D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with local regulations;

E. A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with local regulations;

F. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, that does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

G. Divisions of land into lots or tracts if:
1. Such division is the result of subjecting a portion of a parcel or tract of land to either

Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;

2. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

3. A city has approved the binding site plan for all such land;

4. Such approved binding site plan is recorded in the county or counties in which such land is located; and

5. the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW.

A site plan shall be deemed to have been approved if the site plan was approved by a city:

(i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or

(ii) In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or

(iii) If not approved pursuant to (i) and (ii) of this subsection (G), then pursuant to other such procedures as such city may have established for the approval of a binding site plan;

H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

I. A division of land into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned

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electric utility facilities. For purposes of this subsection, “electrical utility facilities” means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility’s existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed;

J. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of eminent domain; and

K. Division or acquisition of land for public right-of-way.

L. Division of land as a result of abandonment of irrigation district right of way real property sold or otherwise disposed of pursuant to RCW 87.03.820 or as a result of the sale of surplus real property pursuant to RCW 87.03.136.

24.20.030 Application for exemptions.

An application for exemption for any of the purposes set forth in RMC 24.20.020 shall be processed to determine whether the division is exempt with a minimum review for compliance with applicable city regulations. The application shall be determined complete upon the submittal of the following materials:

1. A completed application;

2. Maps, plans, and/or exhibits containing all applicable information as required by the Administrator; and

3. Applicable fee as set forth in the City of Richland Fee Schedule.

24.20.040 Definitions.

Please double check terms used in both City code and RCW for consistancy.

As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

“Administrator” means the Development Services Director or designee who shall be responsible for the administration and enforcement of this code.

“Alley” means a public thoroughfare or right-of-way, open to public travel and dedicated to public use, which affords only a secondary means of access to abutting property.

“Applicant” means the owner or owners of record of the property subject to an application for land division or lot/boundary line adjustment, or authorized representative of such owner or owners, or a duly authorized representative of any governmental agency for which an action is sought for a governmental purpose.

“Application” means all of the application forms, plans, and accompanying documents required for any particular land division or lot/boundary line adjustment request.

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"Binding site plan" means a drawing to a scale, specified in Chapter 24.60 RMC, which:

1. Identifies and shows the land areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;

2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by this title; and

3. Contains provisions requiring any development to be in conformance with the binding site plan.

"Block" is a group of lots, tracts, or parcels within well-defined and fixed boundaries.

"Boundary line adjustment" shall have the same meaning as "lot/boundary line adjustment," meaning the relocation or other minor adjustment of the boundaries of a lot, in which the relocation does not result in the creation of any additional lot or lots.

"Building envelope" refers to the buildable area of a lot after applicable setbacks, easements, and other restrictions on the lot are considered.

"Complete application" means an application that appears to contain all necessary information to make a technical determination about a project or application and includes all anticipated fees at time of application.

"Comprehensive plan" means that plan adopted by the Richland City Council as the comprehensive plan for the city.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapter 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings.

"Cul-de-sac" means a street opening at one end and having a turn-around at the other end.

"Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short subdivision or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat, short subdivision, or binding site plan for filing by the city.

"Department" means the City of Richland Development Services Department.

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“Development permit” means any permit issued by the city of Richland allowing the physical alteration of real property including, but not limited to, building construction, street construction, utility construction or installation, grading, filling or excavating. Approval of a subdivision, short subdivision, or lot/boundary line adjustment is not considered a development permit for the purposes of this title.

“Division” is the division or re-division of land, regardless of the size of the parcels or the number of lots, for the purpose of sale, lease or transfer of ownership and includes subdivision, short subdivision or binding site plan provisions.

“Easement” means a grant by a property owner to specific persons, named entities, or to the public of the right to use that property for a specific purpose.

“Fill” means any sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

“Final plat” is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in other city regulations.

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

“Homeowners association” means an incorporated nonprofit organization operating under recorded land agreements.

“Improvements” means the facilities and infrastructure of a land development, including but not limited to the streets, sidewalks, street lights, fire hydrants, stormwater facilities, sanitary sewer facilities, domestic water facilities, and other utilities and facilities required by this title to be constructed in conjunction with any particular land division, as approved by the necessary city departments.

“Land division” means the creation of any new lot or lots for the purpose of sale, lease or transfer of ownership, whether such lot or lots is created by full subdivision, short subdivision, binding site plan or exemption (see RMC 24.20.020).

“Lot” means a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township and range, and of sufficient area and dimension to meet minimum zoning requirements. The term includes tracts or parcels.

ALIQUOT PART

“Lot/boundary line adjustment” is synonymous with “boundary line adjustment” and means the relocation or other minor adjustment of the boundaries of a lot, in which the

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relocation does not result in the creation of any additional lot or lots.

“Lot, corner” means a lot situated at the intersection of two or more streets.

“Lot, flag” means an irregular extension or protrusion of a lot created for the purpose of providing such lot with frontage on a public or private street or access way.

“Lot, double-frontage” means a lot with street frontage along two (2) opposite boundaries.

“Lot, frontage” means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; except in those cases in a commercial or industrial district where a lot has two or more street frontage of equal length or nearly equal length, the frontage shall be considered to be the line adjoining the street which the comprehensive plan shows is intended to carry the heaviest traffic flow, or where no public street exists, along a private road, easement or access way.

“Lot, reverse-frontage” means a double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line, and over the rear of which is an easement as provided in RMC 24.100.300. The rear lot line of the lot shall be that boundary abutting a street or other disadvantageous use.

“Lot, nonconforming” means a lot of record in existence prior to the effective date of the ordinance codified as Title 24 RMC and any amendments thereto which does not meet the minimum lot size and other requirements as set forth in Title 23 RMC: Zoning.

“Lot of record” means any lot, tract, or parcel of land shown on an officially recorded plat or short subdivision or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyance purposes on the date of recording of the instrument first referencing the lot. The term “lot of record” as used herein does not imply that the lot conforms with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW or this title.

“Lot, through” means a lot that has both ends fronting on a street neither of which having access restrictions. Both ends shall be deemed front.

“Meander line” means a line along a body of water intended to be used solely as a reference for surveying.

“Parcel” means a contiguous quantity of land in the possession of, owned by, controlled by, or recorded as the property of the same owner or joint owners.

“Parcel combination” means the combination/merger of two (2) or more lots/parcels into one (1) lot/parcel.

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"Plat" is a map or representation of a subdivision showing thereon the division of tract(s) or parcel(s) of land into lots, blocks, streets and alleys or other divisions and dedications.

"Plat Certificate" means a title report prepared by a title company for the property contained in a proposed binding site plan, subdivision or short subdivision, to include, as a minimum, all owners of record, easements and encumbrances effecting said property.

COMPRISING

AFFECTING

"Preliminary subdivision/short subdivision" is a neat and approximate drawing of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision or short subdivision.

"Proof of ownership" means an actual or copy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property. Where proof of ownership is required by this title, the Administrator shall have the discretion to require a current title insurance policy.

DEFINE CURRENT

"Public street" means an approved street, whether improved or unimproved, held in public ownership or control (either through plat dedication, deed, or easement/right-of-way conveyance) and intended to be open as a matter of right to public vehicular travel.

OR EASEMENT

"Public way" means any publicly owned land set aside for utilities or surface transportation purposes, including vehicular, bicycle and pedestrian transportation, whether improved or not improved.

"Public Works Director" means the City of Richland Public Works Director or designee.

"Public Works Standards" means the city's engineering, design, and construction standards and specifications governing the construction of public and private infrastructure improvements. The city of Richland's engineering design standards includes such documents establishing infrastructure standards that are authorized by the Public Works Director and published on the City's web site.

"Right-of-way" shall have the same meaning as "public way."

"Review authority" means the Richland Hearing Examiner in the case of a preliminary subdivision or the Administrator and Public Works Director in the case of all other land divisions.

"Roadway" means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface.

"Short plat" means the map or representation of a short subdivision.

"Short subdivision" is the division or re-division of land into nine (9) or fewer lots, tracts,

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parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“State Environmental Policy Act (SEPA)” means the State Environmental Policy Act as defined by Chapter 43.21C RCW as it now exists or is hereafter amended.

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

“Street, loop” means a minor street of limited length which generally follows a “U-shaped” alignment with both legs intercepting the same street.

“Street, major” means a street intended to carry a heavier traffic loading, minimizing intersecting streets and direct access to abutting properties and primarily for the purpose of accommodating general traffic circulation of the community. Major streets are classified as principal arterial, minor arterial, and major arterial.

“Street, minor” means a street, usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only. Minor streets are classified as minor collector, local street, local street – single frontage, and private street as defined in RMC 12.02.

“Street, private” means a street, secured by private easement, tract or parcel created to provide the access from a city street to platted lots, that is not deeded or dedicated to the city, the maintenance of which is the responsibility of, who shall be noted on the face of the plat.

THE DEVELOPER? HOA?

“Subdivision” is the division or re-division of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“Surety” means a bond, letter of credit, the deposit of a certified check in a city account, a security improvement agreement, or other security acceptable to the city.

"Tax parcel consolidation" means the consolidation of contiguous lots of record which are under one ownership. The purpose of the consolidation shall be for planning and building purposes and any consolidation shall comply with all applicable zoning, subdivision, and other land use controls as deemed necessary by the administrator. If all applicable standards are met, the administrator shall provide a letter to the applicant stating compliance, which the applicant may submit to the Benton County Assessor’s office when requesting the tax parcel consolidation.

“Zoning restrictions” means the restrictions found in the zoning ordinances of the city, primarily Title 23 RMC: Zoning.

24.20.050 Undefined words and phrases.
The definition of any word or phrase, not listed in the definitions, which is in question when

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administering this title shall be defined according to one of the following sources in order of priority:

A. Any city of Richland resolution, ordinance, code, regulation or formally adopted comprehensive plan, shoreline master plan or program or other formally adopted land use plan;

B. Any statute or regulation of the state of Washington;

C. Legal definitions from Washington common law or a law dictionary;

D. The common dictionary.

24.20.060 Legal lot.
Development shall be permitted only on legally created lots. A legal lot is created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created or binding site plan was approved, including but not limited to demonstrating that the lot was created through one of the following:

A. Lots created through subdivision - a plat approved by the city of Richland or Benton County separately describing the lot in question; or

B. Lots created through short subdivision - a short subdivision approved by the city of Richland or Benton County separately describing the lot in question; or

C. Lots created pursuant to a binding site plan process in effect at the time the binding site plan was approved by the city of Richland or Benton County; or

D. A deed, contract of sale, mortgage, property tax segregation, plat, or recorded survey describing the lot in question if the instrument was executed prior to July 1, 1969 (effective date of Chapter 58.17 RCW).

24.20.070 Approval required prior to recordation.
Any map, plat or plan, unless previously exempt, hereafter made of a proposed boundary line adjustment, parcel combination, short subdivision, subdivision or binding site plan, or any part thereof, shall be presented for approval prior to recording at the Benton County Auditor’s Office. No such map, plat or plan shall be recorded or have any validity unless or until it has the approval of City departments and agencies with jurisdiction as required by this title.

24.20.080 Prohibition against sale, lease or transfer of property.
No person shall sell, lease or offer to sell or transfer any lot, tract or parcel subject to the requirements of this title without first receiving approval hereunder by the city and recording the approved division with Benton County; provided, that if performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the subdivision, short subdivision or binding site

plan containing the lot, tract, or parcel, the offer or agreement does not violate any provision of this title.

24.20.090 Violations.
In the event of the sale, assignment, transfer, lease or conveyance of any lots in violation of the regulations of this title, the city may initiate an action to rescind or enjoin such transfer, assignment, sale conveyance or lease by making application for an injunction in Benton County Superior Court. In addition, the city has such other remedies as are provided by law. Furthermore, any person in violation of any provision of this title shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

24.20.100 Violations – Penalties.
If the same violator has been found to have committed an infraction violation for the same or similar conduct two (2) separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

24.20.110 Violations – Continuing offense – Penalties.
For any violation of a continuing nature, each day's violation shall be considered a separate offense punishable as provided in RMC 24.20.090 and RMC 24.20.100.

24.20.120 Injunctive and other proceedings.
Notwithstanding the imposition of any penalties hereunder, the city may institute any appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this title.

24.20.130 Application, review and inspection fees.
The Richland City Council shall establish fees to defray the administrative expenses incurred by the city for the following:

A. Fees associated with land division activities.

1. Short subdivision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

2. Preliminary subdivision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

3. Final plat review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the final short subdivision or final subdivision.

4. Plat improvement plan review fee. As set by the City of Richland Fee Schedule, this

fee is nonrefundable, and the estimated fee shall be paid prior to review of the improvement plans and specifications for the final plat by the Public Works Director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvement plans and specifications for a final plat.

5. Construction inspection fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the plat improvements. The fee is to cover actual costs incurred by the city. If the cost to the city exceeds the amount of the fees paid, the developer shall pay an additional fee before final approval of the plat improvements.

6. Plat alteration or vacation application fee. As set by the City of Richland Fee Schedule this fee is nonrefundable and shall be paid at the time of submission of the application.

7. Exemption letter fee. As set by the City of Richland Fee Schedule, this fee shall be paid at the time of submission of the application.

8. Preliminary subdivision, short subdivision and binding site plan revision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

9. Deviation request fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the deviation request.

10. Boundary line adjustment/parcel combination fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

11. Plat exemption/lot line adjustment fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

12. Subdivision Amendment fee (major or minor). As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

13. Time Extension request fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

B. Fees associated with utility and/or street extensions (not associated with a plat).

1. Utility and/or street extension plan review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to plan review by the Public Works Director or designee. The fee is to cover actual costs

incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvement plan.

2. Utility and/or street extension inspection fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the improvements. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvements.

C. For the purposes of this section, the Public Works Director or designee is authorized to establish the total estimated cost of the proposed improvements.

D. For the purposes of this section, “actual costs incurred by the city” shall be the actual salaries and benefits of city staff for the time involved, plus any other direct costs associated with the project such as costs for contracted services.

24.20.140 Re-subdivision limitation.
Land within a short subdivision may not be further divided in any manner within a period of five (5) years from the date of recording of a short subdivision with the Benton County Auditor without the filing of a final plat in accordance with the provisions established in this title for subdivisions; provided, that when the short subdivision contains fewer than nine (9) parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of nine (9) lots within the original short subdivision boundaries.

24.20.150 Contiguous ownership.
Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision or a subdivision.

24.20.160 Professional land surveyor.
The preparation of all preliminary and final short subdivisions, subdivisions and binding site plans shall be made by or under the supervision of a professional land surveyor licensed in the state of Washington. The professional land surveyor shall certify on the final plat that it is a true and correct representation of the lands actually surveyed. A survey is required on all final plats. All surveys shall comply with Chapter 58.09 RCW and Chapter 332-130 WAC.

24.20.170 Advance tax payment required.
All taxes on the property to be platted must be paid as indicated by the seal and signature of the Benton County Treasurer on the face of the plat.

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Chapter 24.30
BOUNDARY LINE ADJUSTMENTS/PARCEL COMBINATION

Sections:

24.30.010 Purpose.
24.30.020 Scope.
24.30.030 Review process.
24.30.040 Application submittal and contents.
24.30.050 Approval criteria.
24.30.060 Time limitation to record approved lot/boundary line adjustment and parcel combination.
24.30.070 Recording.

24.30.010 Purpose.

The purpose of this chapter is to clearly delineate the criteria used by the city of Richland to review lot/boundary line adjustments and parcel combinations. Parcel combination allows for two (2) or more lots/parcels to be combined into one (1) lot/parcel. Lot/boundary line adjustments provide a procedure for changes in property lines. A lot/boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a lot line, and to remedy property use constraints caused by adverse topographical features. A lot/boundary line adjustment does not apply to boundary changes that would otherwise be regulated by applicable city of Richland land use codes and regulations, or to actions requiring the re-plat, alteration, or vacation of a subdivision or short subdivision. The adjustment must be consistent with all applicable zoning, health, building, and similar regulations, and cannot result in nonconformance or increase an existing nonconformance. This chapter is also intended to ensure compliance with the Survey Recording Act, Chapter 58.09 RCW, and Chapter 332-130 WAC.

24.30.020 Scope.

The lot lines separating two lots of record may only be adjusted/removed under the provisions of this chapter, except as provided under RCW 58.17.040, as now adopted or hereafter amended. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the land division requirements set forth in this title; provided, that all requirements set forth in this chapter are met, lot/boundary line adjustments proposing lot reorientations shall be deemed to be minor in nature.

Boundary line adjustments shall be a minor alteration in the location of lot or parcel boundaries on existing lots or parcels. In this section, “lot” shall mean a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township and range, and be of sufficient area to meet minimum zoning requirements. The purpose of the parcel combination process is to remove interior lot lines of a parcel comprised of two (2) or more separate lots with contiguous ownership. Boundary line adjustments must be consistent with the following:

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A. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments as required by the City of Richland Critical Area Ordinance and Shoreline Master Program;

B. Such alteration shall not diminish the size of any lot so as to result in a lot which would not comply with zoning regulations except as provided in RMC Section 24.30.050(B);

C. Such alteration shall not result in a building setback violation or site coverage to less than prescribed by the zoning regulations; and

D. All lots resulting from the boundary line alteration shall be in conformance with all applicable zoning requirements.

24.30.030 Review process.

Boundary line adjustments and parcel combinations are classified as Type I applications and shall be reviewed pursuant to RMC Section 19.20.010. Based on comments from the Public Works Department, public health official, and other applicable agencies and departments, the Administrator shall approve the proposed lot line adjustment or lot combination only upon finding that the standards of the Richland Municipal Code have been satisfied.

APPLICABLE IRRIGATION DISTRICT (IF LOCATED WITHIN THE BOUNDARIES OF AN IRRIGATION DISTRICT)

24.30.040 Application submittal and contents.

To be considered complete, a lot/boundary line adjustment or parcel combination application shall include the following:

A. Applications for lot/boundary line adjustments or parcel combinations shall be made on forms provided by the city of Richland Development Services Department, and shall be submitted to the Development Services Department along with the appropriate fees as established in the City of Richland Fee Schedule;

B. A completed boundary line adjustment and parcel combination request form, including all materials required pursuant to the Richland Municipal Code, to include a site plan showing (1) the location and dimensions of all structures/improvements existing upon the affected lots; (2) the distance between each structure/improvement and the proposed lot/boundary lines; and (3) structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;

C. Two (2) copies of a clean and legible record of survey suitable for recording showing the following:

1. The proposed lines for all affected lots, indicated by bold solid lines;

2. The existing lot lines proposed to be changed, indicated by light broken lines;

3. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as parcel A, parcel B, etc.;

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4. A north arrow and scale;

5. All parcel numbers of affected lots;

6. The location of the property as to quarter/quarter section;

7. The location and dimensions of any easements within or adjacent to any affected lots;

8. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;

9. The area and dimensions of each lot following the proposed adjustment;

10. The existing and, if applicable, proposed future method of sewage disposal for each affected lot, including the location and dimensions of the proposed drain field;

11. The location of all existing and proposed water, IRRIGATION sewer and storm drainage facilities;

12. Footprint of existing buildings with dimensions from property lines;

13. Deeds for land transfer with new legal descriptions. The legal descriptions shall include the legal for the portion of the land to be transferred and a legal description of each new parcel after the transfer. Deeds shall be typed; handwritten deeds will not be accepted.

D. The drawing shall be attached to or include on the face a formal legal declaration of the lot/boundary line adjustment, signed and notarized by all legal owners of the subject properties; and

E. If on-site wastewater (septic tanks) disposal is proposed under the limited circumstances where the Richland Municipal Code does not require connection to the city's sewer system, the applicant shall provide written verification from the Benton-Franklin Health District that the site is adequate to accommodate an on-site sewage disposal system.

24.30.050 Approval criteria.

All public improvements installed for any lot/boundary line adjustment or parcel combination shall be in accordance with the city's Public Works Standards AND IRRIGATION DISTRICT STANDARDS AND SPECIFICATIONS, IF WITHIN THE BOUNDARIES OF AN IRRIGATION DISTRICT. Lot/boundary line adjustments and parcel combinations shall not:

A. Create any additional lot, tract, parcel, or division;

B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension

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as set forth in the city's zoning and land use and state and local health codes and regulations. This provision shall not be construed to require correction or remedy of preexisting nonconformities or substandard conditions; however, existing nonconformity shall not be increased or create any new nonconformity;

C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and/or access or easement for vehicles or pedestrians, utilities, and/or fire protection for any lot, tract, parcel, site, or division;

D. Diminish or impair any public or private utility easement or deprive any parcel of access or utilities;

OR IRRIGATION

OR IRRIGATION FACILITES

E. Create unreasonably restrictive or hazardous access to the property;

F. Increase the nonconforming aspects of an existing nonconforming lot relative to the city's zoning and land use regulations;

G. Re-plat or vacate a plat or short subdivision, or revise or amend the conditions of approval of any full or short subdivision; or

H. Amend the conditions of approval for previously platted property.

24.30.060 Time limitation to record approved lot/boundary line adjustment and parcel combination.

If the final documents are not recorded within ninety (90) days of approval, the lot line adjustment or parcel combination shall automatically become null and void.

PROVIDE FOR EXTENSIONS? MORTGAGE SIGN-OFFS CAN TAKE SOME TIME.

24.30.070 Recording.

A. Upon approval of the application, the Administrator shall notify the applicant. The applicant shall then record with the Benton County Auditor the certificate or document issued by the Administrator indicating approval of the lot/boundary line adjustment or parcel combination, together with the legal document(s) transferring title, any applicable restrictive covenants, and the survey, if one was required and has not yet been recorded.

B. A lot/boundary line adjustment or parcel combination does not become effective until the applicant has recorded the documents required by the Benton County Auditor. The applicant shall return one copy of each recorded document to the Department, which copy must bear the Benton County Auditor's stamp to verify recording. No building or other site development permits shall be granted until the applicant returns the copy of the recorded document to the Department.

Chapter 24.40
SHORT SUBDIVISIONS

Sections:

24.40.010 Contents of application.

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24.40.020 Distribution of plans.
24.40.030 Preliminary short subdivision – Administrative review.
24.40.040 Findings.
24.40.050 Appeals.
24.40.060 Final short subdivision submittal.
24.40.070 Phasing.
24.40.080 Contents of final short subdivision.
24.40.090 Final short subdivision – Approval of Administrator and Public Works Director.
24.40.100 Recording.
24.40.110 Expiration of preliminary approval.
24.40.120 Time extensions.

24.40.010 Contents of application.
Every preliminary short subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. Two (2) copies of the preliminary short subdivision which shall be a legibly drawn map 24 x 36 inches in size at a scale of one (1) inch equals 50 feet or one (1) inch equals 100 feet. If approved by the Department, an alternative appropriate scale may be used;

2. One (1) reduced (11 x 17 inches) copy of the preliminary short subdivision;

3. One (1) copy of the short plat shall be submitted to the City in a digital or electronic format as a Portable Document Format (PDF).

4. SEPA environmental checklist, if applicable. An environmental checklist will be required for a preliminary short subdivision if the construction of improvements will involve more than 500 cubic yards of grading, excavation or fill, or if critical areas exist on site;

5. A plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing;

5. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary short subdivision data (to be included on the preliminary short subdivision maps or exhibits).

1. Title of the proposed short subdivision;

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2. Location of subject property by quarter-quarter(s) of the section, township and range;

3. Legal description of the subject property with the source of the legal description clearly indicated;

4. A vicinity map at a scale of not more than 400 feet to the inch, except that the Administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed short subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or un-platted property;

5. North arrow, scale and boundary of the proposed short subdivision, and the date the map is prepared;

6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet;

7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed short subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;

9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owners of the short subdivision;

10. All existing easements that affect the subject property;

THIS IS AN ONEROUS REQUEST. CONDITION WITH "AS SHOWN IN A CURRENT PLAT CERTIFICATE".

11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the Flood Insurance Rate Map, and critical areas as defined in Chapter 22.10 RMC;

Location of any existing irrigation facilities, easements, and rights-of-ways including, but not limited, to canals, wasteways, drainageways, piping, and artificially created wetlands

12. Location of existing buildings, septic tanks, drain fields, wells and other improvements, and a note indicating if they will remain or be removed;

13. Whether adjacent property is platted or un-platted. If platted, give the name of the subdivision. If the proposed short subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat must be provided, along with the recording numbers of any recorded covenants and easements;

14. Topographic information as provided by a Licensed Land Surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are

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fifteen percent (15%) or greater; and

15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

24.40.020 Distribution of plans.
When the Department determines that the application is complete pursuant to Chapter 19.30 RMC, the Department shall distribute the application materials to agencies deemed prudent by the city. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one mile of another municipal boundary. Application materials shall also be provided to the Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.
THE APPLICATION MATERIALS SHALL ALSO BE PROVIDED TO IRRIGATION DISTRICTS WHOSE BOUNDARIES INCLUDE ANY PORTION OF THE CITY OF RICHLAND.

24.40.030 Preliminary short subdivision – Administrative review.
Preliminary short subdivisions are classified as Type I applications and shall be processed pursuant to the applicable provisions of Title 19 RMC. The Administrator is authorized to approve, approve with conditions, or deny the application for preliminary short subdivision. The applicant will be notified in writing by the Administrator as to the requirements for the filing of the short subdivision (preliminary short subdivision approval) or its denial within thirty (30) days of determining that the application is complete. The decision of the Administrator is final unless a timely appeal is filed pursuant to RMC 24.40.050, Appeals.
AND IRRIGATION DISTRICTS WHOSE BOUNDARIES INCLUDE ANY PORTION OF THE CITY OF RICHLAND.

24.40.040 Findings.
Prior to approving any preliminary short subdivision the Administrator shall determine and make written findings of fact that the public interest will be served by the short subdivision, the proposed short subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

A. The public health, safety, and general welfare;

B. Open spaces;

C. Drainage ways;

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways;

E. Transit stops;

F. Public potable water supplies;

G. Sanitary sewer;

H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

Irrigation District water distribution facilities in accordance with 58.17.310 RCW.

K. Other requirements found to be necessary and appropriate and for which written standards and policies have been adopted.

24.40.050 Appeals.
Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and the procedure set forth in Chapter 19.70 RMC.

24.40.060 Final short subdivision submittal.
A. The final short subdivision shall incorporate all conditions of the preliminary approval, and all conditions of approval imposed by the Administrator.

B. All final short subdivision submittals shall include the following:

1. A minimum of two (2) copies of the proposed final short subdivision;

2. Appropriate fees as provided in RMC 24.20.130;

3. Plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing; and

4. Maps shall also be submitted in portable document format (.pdf) format at the time of submittal.

24.40.070 Phasing.
Phasing of short subdivisions is not permitted.

24.40.080 Contents of final short subdivision.
All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final short subdivision shall include the following:

A. The final short subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final short subdivisions shall measure 24 x 36 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The file number of the short subdivision, location by quarter-quarter(s) of a section,

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township and range shall be shown.

C. The scale shall be 50 feet or 100 feet to the inch. If approved by the Department, an appropriate scale may be used which does not exceed 200 feet to the inch, provided a 400 feet to the inch reduced copy is also submitted. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the short subdivision prior to any dedication to the public.

E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the short subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary short subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final short subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the short subdivision map is a true and correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with

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Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto;

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow;

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

R. The allowable error of mathematical closure for the final plat map shall not exceed one foot in 80,000 feet or 0.30 foot, whichever is greater;

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used;

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

U. Short subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two (2) spiral curve elements in addition to the chord bearing and length;

U. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, THE CENTRAL tangent length, and radius;

V. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

W. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements;

X. The final short subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one (1) acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Y. Signature blocks. The plat must be reviewed and signed by the following:

1. Richland Public Works Director;

2. Administrator;

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3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);

4. Benton County Treasurer;

5. Benton County Assessor; and

6. Applicable ~~irrigation purveyor~~. Irrigation District or purveyor

24.40.090 Final short subdivision – Approval of Administrator and Public Works Director.

A. Upon receipt of the final short subdivision application, the Administrator and Public Works Director shall review and approve the final short subdivision once it has been determined that it conforms to the conditions of the preliminary approval and applicable state laws, and meets the Title 24 RMC requirements in existence when the preliminary short subdivision was approved. Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and

2. All elements of the permitted sanitary sewer system installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

3. All elements of the permitted potable water distribution system installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

4. All elements of the permitted stormwater drainage system installed, inspected, and accepted. Completion of manhole and inlet casting adjustments and long term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

5. All elements of the permitted public streets installed, inspected and accepted. Consistent with RMC 24.40.100, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

7. Inspection, acceptance and energizing of streetlights may be deferred if secured by a security improvement agreement in a form approved by the City Attorney and executed

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by the City Manager; and

8. All off-site infrastructure required by preliminary short subdivision conditions is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must be recorded in the public record; and

All elements of the Irrigation water distribution facilities installed, inspected and accepted pursuant to the applicable Irrigation District requirements pursuant to RCW 58.17.310.

9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

10. Record drawings of the public infrastructure meeting the Public Works Standards.

B. The Public Works Director may determine that the minimum improvements described above are substantially complete if: (1) all of the items listed above are complete to the point of providing service as intended by their design, even if minor work is needed to complete adjustments and site cleanup; and (2) the total estimated value of the minor work is less than $10,000; and (3) the applicant has deposited $10,000 with the city prior to submittal of the final short subdivision or subdivision application to secure completion of the required minor work. Inspection, acceptance and energizing of street lights may be included in the scope of this minor work.

24.40.100 Recording.
The applicant shall record the completed final short subdivision map with the Benton County Auditor's Office and submit copies of the recorded documents to the Department within ten (10) days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

24.40.110 Expiration of preliminary approval.
Approval of a preliminary short subdivision shall automatically expire two (2) years from the date of approval unless a complete application for a final short subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.40.120.

24.40.120 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Development Services Department at least forty-five (45) days prior to the expiration of the preliminary short subdivision. Time extension requests shall be processed as a Type I application under to Title 19 RMC.

B. The Administrator may approve one (1) twelve (12)-month time extension provided there are no significant changed conditions or changed development regulations which would render recording of the short subdivision contrary to the public health, safety, or general welfare. Prior to granting the time extension, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of this extension. This may include new or updated city regulations deemed necessary to

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protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

Chapter 24.50
SUBDIVISIONS

Sections:

24.50.005 Pre-Application conference required.
24.50.010 Contents of application.
24.50.020 Distribution of plans.
24.50.030 Preliminary subdivision – open record hearing.
24.50.040 Preliminary subdivision – review by hearing examiner.
24.50.050 Findings.
24.50.060 Appeals.
24.50.070 Expiration of preliminary approval.
24.50.080 Time extensions.
24.50.090 Final subdivision submittal.
24.50.100 Contents of final subdivision.
24.50.110 Phasing.
24.50.120 Final plat – approval of Administrator and Public Works Director.
24.50.130 Performance bond.
24.50.140 Recording.

24.50.005 Pre-application conference required.

A pre-application conference pursuant to RMC 19.30.010 is required prior to filing an application for a preliminary subdivision unless the Administrator waives this requirement. The Administrator's determination to waive this pre-application requirement is based on the scope and complexity of the proposed project, and will be made in the Administrator's sole discretion.

Notification and invitation of the pre-application conference shall be provided to the Irrigation Districts whose boundaries include any portion of the City of Richland.

24.50.010 Contents of application.

Every preliminary subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. Two (2) copies of the preliminary subdivision which shall be a legibly drawn map 24 x 36 inches in size at a scale of one (1) inch equals 50 feet or one (1) inch equals 100 feet. If approved by the Department, an alternative appropriate scale may be used;

2. One (1) reduced (11 x 17 inches) copy of the preliminary short subdivision;

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3.One (1) copy of the short plat shall be submitted to the City in a digital or electronic format as a Portable Document Format (PDF)

4. SEPA environmental checklist;

5. A plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owner(s) signing;

6. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary subdivision data (to be included on the preliminary subdivision).

1. Title of the proposed subdivision;

2. Location of the subject property by quarter-quarter(s) of the section, township and range;

3. Legal description of the subject property with the source of the legal description clearly indicated;

4. A vicinity map at a scale of not more than 400 feet to the inch, except that the Administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or un-platted property;

5. North arrow, scale and boundary of the proposed subdivision, and the date the map is prepared;

6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet;

7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;

9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owner(s) of the subdivision;

10. ~~All~~ existing easements that affect the subject property;

THIS IS AN ONEROUS REQUEST. CONDITION WITH "AS SHOWN IN A CURRENT PLAT CERTIFICATE".

11. Location of any natural features such as wooded areas, streams, drainage ways,

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special flood hazard areas identified on the Flood Insurance Rate Map, or critical areas as defined in Chapter 22.10 RMC;

Location of any existing irrigation facilities, easements, and rights-of-ways including, but not limited, to canals, wasteways, drainageways, piping, and artificially created wetlands

12. Location of existing buildings, septic tanks, drain fields, wells or other improvements, and a note indicating if they will remain or be removed;

13. Whether adjacent property is platted or un-platted. If platted, give the name of the subdivision. If the proposed subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown, and a copy of the existing plat shall be submitted, along with the recording numbers of any recorded covenants and easements;

14. Topographic information as provided by a Licensed Land Surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are 15 percent (15%) or greater; and

15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

Whether subject property is located within an Irrigation District and if so specify which Irrigation District(s).

24.50.020 Distribution of plans.

When the Department determines that the application is complete pursuant to Chapter 19.30 RMC, the Department shall distribute the application materials to agencies deemed prudent by the city. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one (1) mile of another municipal boundary. Application materials shall also be provided to the Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

AND TO THE APPLICABLE IRRIGATION DISTRICT, IF LOCATED WITHIN THE BOUNDARIES OF AN IRRIGATION DISTRICT, PURSUANT TO 58.17.310 RCW

24.50.030 Preliminary subdivision – open record hearing.

Preliminary subdivisions are classified as Type IIIA applications and shall be processed pursuant to the applicable provisions of Title 19 RMC. Notice of the time, place, and purpose of the hearing examiner open record hearing on the preliminary subdivision shall be given in accordance with RMC 19.40.010 and in the following manner:

A. Mailing a written notice not less than fifteen (15) days prior to the date of such hearing to the owners of all properties within 300 feet of the exterior boundaries of the proposed subdivision, said mailing to be by regular, first class mail, postage prepaid; and

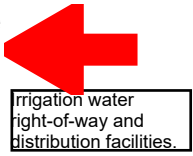
Irrigation Districts whose boundaries include any portion of the City of Richland, and

B. Posting public notice on or adjacent to the land proposed to be subdivided at least fifteen (15) days prior to the date of the open record hearing; and

C. Publishing in the official newspaper of the city and on the city's website a notice of the open record hearing not less than fifteen (15) days prior to the date of such hearing.

24.50.040 Preliminary subdivision – review by hearing examiner.
The hearing examiner will hold an open record hearing concerning all preliminary subdivisions submitted to the city, and will review all preliminary subdivisions to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan or other official growth management controls of the city, and to assure conformance to city planning standards, zoning, and specifications.

A. The hearing examiner shall inquire into the public use and interest proposed to be served by the subdivision and any dedications associated therewith. The hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, multi-use pathways, and other public ways, transit stops, public potable water supplies, sanitary sewer, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features, that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedications.



B. Every decision of the hearing examiner shall be in writing and shall include findings of fact and conclusions to support the decision.

C. The hearing examiner must act on the application within 90 days of filing of a fully completed preliminary subdivision application unless the applicant consents to an extension of time. This 90-day period excludes time required to comply with Chapter 43.21C RCW and RMC 24.50.030.

D. The decision of the hearing examiner is final unless a timely appeal is filed pursuant to RMC 24.50.060.

24.50.050 Findings.
Prior to approving any preliminary subdivision, the hearing examiner shall determine and make written findings of fact that the public interest will be served by the subdivision, the proposed subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

A. The public health, safety, and general welfare;

B. Open spaces;

C. Drainage ways;

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways;

E. Transit stops;

F. Public potable water supplies;

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G. Sanitary sewer;

H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

24.50.060 Appeals.
Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and procedure as set forth in Chapter 19.70 RMC.

24.50.070 Expiration of preliminary approval.
Approval of a preliminary subdivision shall automatically expire five (5) years from the date of approval unless a complete application for a final subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.50.080.

24.50.080 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Department at least forty-five (45) days prior to the expiration of the preliminary subdivision. Time extension requests shall be processed as a Type I application pursuant to Title 19 RMC.

B. Subject to the routing and comment requirement provided herein, the Administrator may grant a single one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the subdivision contrary to the public health, safety, or general welfare. Prior to granting the one-year time extension, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of the time extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.50.090 Final subdivision submittal.
A. The submittal of an application for final subdivision approval shall only occur after:

1. The applicant has completed all work and it has been accepted by the Public Works

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Department; or

2. The applicant has substantially completed all work required by the Public Works Department, including preparation and submittal of record drawings and survey data, a walk-thru inspection has been completed (with punch list items valued at less than $10,000), and financial security a surety bond for the punch list items has been provided and accepted by the Public Works Department; or

3. A security and improvement agreement in a form approved by the City Attorney and executed by applicant and the City Manager, coupled with the required financial surety, is attached to the final subdivision application.

B. Upon satisfaction of one of the three options above and submission of the final subdivision application to the Department, it shall be routed to appropriate departments and agencies to review for compliance with the conditions of approval. Once all reviewing departments and agencies are satisfied, all necessary infrastructure has been installed, and all conditions have been met or appropriate bonding and surety obtained pursuant to RMC 24.50.110, the final subdivision map shall be submitted by applicant to the Department for obtaining the required signatures. Final subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of receipt thereof, unless the applicant consents to an extension of such time period (RCW 58.17.140).

24.50.100 Contents of final subdivision.
All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final subdivision shall include the following:

A. The final subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final subdivisions shall measure 24 x 36 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The file number of the subdivision, location by quarter-quarter(s) of a section, township and range shall be shown. CLARIFY WHAT THIS IS. CITY APPLICATION #?

C. The scale shall be 50 feet or 100 feet to the inch. If approved by the Department, an appropriate scale may be used which does not exceed 200 feet to the inch, provided a 400 feet to the inch reduced copy is also submitted. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the subdivision prior to any dedication to the public.

E. The location and widths of streets, alleys, rights-of-way, and easements serving the

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property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the subdivision map is a true and correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto;

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow;

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

R. The allowable error of mathematical closure for the final plat map shall not exceed one

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foot in 80,000 feet or 0.30 foot, whichever is greater;

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used;

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

U. Subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two (2) spiral curve elements in addition to the chord bearing and length;

U. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius;

V. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

W. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements;

X. The final subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one (1) acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Y. Signature blocks. The plat must be reviewed and signed by the following:

1. Richland Public Works Director;

2. Administrator;

3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);

4. Benton County Treasurer;

5. Benton County Assessor; and

6. Applicable ~~irrigation purveyor.~~ Irrigation District

24.50.110 Phasing.

A. Any subdivision may be developed in phases or increments. A master phasing plan shall be submitted with the preliminary subdivision for approval by the Department. The

phasing plan may be approved by the Administrator provided:

1. The phasing plan includes all land identified within the legal notice;

2. The sequence of phased development is identified by a map;

3. Each phase has reasonable public or private infrastructure to support the number of dwelling units or proposed commercial or industrial development contained in that phase and to appropriately mitigate and identified impacts;

4. Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision or binding site plan; and provided that any non-finalized portion meets the minimum lot size of the underlying zone for the proposed use; and

5. The Public Works Director approves the necessary documents so that all road improvement requirements are assured for that phase.

B. A phasing plan may be amended or substituted following preliminary approval. Said plan may be approved administratively provided the above criteria are met.

24.50.120 Final plat – Approval of Administrator and Public Works Director.
A. Upon receipt of the final subdivision map, the Administrator and Public Works Director shall review the final map and shall approve the final subdivision once it has been determined that the final subdivision conforms to the conditions of the preliminary approval and applicable state laws, and meets the Title 24 RMC requirements in existence when the preliminary subdivision was approved. Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and

2. All elements of the permitted sanitary sewer system are installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

3. All elements of the permitted potable water distribution system are installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

4. All elements of the permitted stormwater drainage system are installed, inspected and accepted. Completion of manhole and inlet casting adjustments and long term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

5. All elements of the permitted public streets are installed, inspected and accepted. Consistent with RMC 24.50.120, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

7. Inspection, acceptance and energizing of streetlights may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

8. All off-site infrastructure required by preliminary subdivision conditions is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must recorded in the public record; and

All elements of the Irrigation water distribution facilities installed, inspected and accepted pursuant to the applicable Irrigation District requirements pursuant to RCW 58.17.310.

9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

10. Record drawings of the public infrastructure meeting the Public Works standards may be deferred if secured by a security agreement in a form approved by the City Attorney and executed by the City Manager.

B. The Public Works Director may determine that the minimum improvements described above are substantially complete and authorize the final plat if: (1) all of the items listed above are complete and the total estimated value of the incomplete work is less than $10,000; and (2) the applicant has deposited $10,000 with the City prior to submittal of the final subdivision application to secure completion of the required work; or (3) if the applicant and the City enter into a Security Improvement Agreement to secure the completion of incomplete items..

24.50.130 Performance bond.

In lieu of the construction of the required improvements prior to final platting or dividing of the property, the applicant may enter into a Security Improvement agreement with the city to construct the required street improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the streets within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the streets and acceptance of the improvements by the city.

24.50.140 Recording.

The applicant shall record the completed final subdivision map with the Benton County Auditor's Office and submit copies of the recorded documents to the Development Services Department within ten (10) days of recordation. All fees for such recording shall

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be paid by the applicant prior to recording.

Previous versions of this code have provided for BSP to apply to "every division of commercially or industrially zoned land into two or more parcels for the purposes of sale, lease, or other transfer of ownership, except for those land divisions exempted in this title, and except when the land is to be platted". We request this be added back into this code amendment failure to do so could potentially have a negative impact to KID landholdings and its ratepayers.

To the extent these changes are made, please certify that these changes will not affect existing binding site plans.

Chapter 24.60
BINDING SITE PLANS

Sections:

24.60.010 Purpose and scope.
24.60.020 Overview of procedures.
24.60.030 Application for binding site plan approval.
24.60.040 Content of binding site plan.
24.60.050 Review procedures for preliminary approval.
24.60.060 Requirements for final approval including design and bonding of improvements.
24.60.070 Performance bond.
24.60.080 Appeals.
24.60.090 Recording and enforcement.
24.60.100 Rescission.
26.60.110 Expiration.
26.60.120 Time extensions.
24.60.130 Notice of filing.

24.60.010 Purpose and scope.

A. The purpose of the binding site plan is to establish a procedure of land division in lieu of other provisions of Title 24 RMC. The division of property by the binding site plan process may only be used for the following:

1. The division of land for the purposes of leasing space for manufactured homes, travel trailers, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or other recreational vehicles so long as the site plan complies with all other applicable regulations; and

2. The division of land involving improvements constructed or to be constructed that will be one or more condominiums or owned by an association or other legal entity.

B. Binding site plans will not be approved unless appropriate provisions and dedications of public rights-of-way, utilities, and easements are made to meet infrastructure provisions per city standards. The city may also require a development agreement governing future development of the property.

24.60.020 Overview of procedures.

A. The general procedures for processing a binding site plan shall consist of the following steps:

1. Submittal of an application for preliminary approval of a binding site plan;

2. Approval by the Public Works Director of appropriate engineering design plans for streets and other public improvements, and either construction of improvements or

submittal of a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager;

3. Approval of the binding site plan by the Administrator; and

4. Recording of binding site plan with the Benton County Auditor's Office.

24.60.030 Application for binding site plan approval.
Prior to the division of land as allowed per RMC 24.60.010, a binding site plan application shall be filed. The application shall include:

A. A completed application form;

B. Two (2) copies of the binding site plan prepared by a registered professional land surveyor (24 x 36 inches) and one set of reduced size (11 x 17 inches) reductions of the binding site plan;

C. A Plat Certificate dated no later than thirty (30) days prior to the date of application showing the name of all parties with an interest in the land being subdivided;

D. Preliminary engineering plans including, but not limited to water, sewer, streetlights, roads, storm drainage and sidewalks;

E. Application fee as required by the City of Richland Fee Schedule;

F. SEPA Checklist; and

G. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

24.60.040 Content of binding site plan.
The binding site plan shall consist of a cover sheet, if necessary, containing approvals, conditions, certificates, and inscriptions; and a scaled drawing(s) representing the parcel to be divided. The cover sheet is necessary only if the binding site plan contains more than one sheet. All sheets shall be drawn in permanent black ink on sheets of paper measuring 24 x 36 inches, and with a two-inch margin on the left edge and a one-inch margin on all other edges. The drawing shall be drawn at an appropriate decimal scale such that it is not cramped or illegible. The cover sheet and drawing shall contain the following:

A. Content of cover sheet. The cover sheet shall contain the following information and inscriptions:

1. At the top of the sheet, the title "Binding Site Plan No. (number) of (year)" followed by the name of the proposed binding site plan. If the land to be divided is a portion of a larger property for which a binding site plan has previously been recorded, the name shall be "a portion of...." followed by the name of previously recorded binding site plan;

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2. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described below, for which an exact location is known, with all dimensions shown to the nearest one hundredth of a foot, curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes, and seconds;

3. Location by section, township and range to the nearest quarter section;

QUARTER/QUARTER. AUDITOR REQUIREMENT?

4. Legal descriptions of all the lots, parcels, or tracts of land within the boundaries of the parcel as they are proposed to be divided at the time of binding site plan approval; and

5. Inscriptions setting forth appropriate limitations and conditions for use of the land; and

6. Certificates, dedications, and approvals as required by the Administrator.

B. Content of binding site plan drawing(s). The binding site plan drawing(s) shall contain the following information:

1. At the top of the sheet, the title and name of the binding site plan as provided in subsection (A)(1) of this section;

2. Location by section, township and range to the nearest quarter section;

QUARTER/QUARTER. AUDITOR REQUIREMENT?

3. Scale of drawing, date, and north arrow;

4. Existing topography as provided by a Licensed Land Surveyor of the land indicated by contour lines at two-foot intervals or less and delineating any areas with slopes that are 15% or greater;

5. The boundary line of the binding site plan which contains the entire parcel which is to be divided, and the line of all existing buildings, streets, roads, rights-of-way, easements, lots, blocks, tracts, etc. within or adjacent to the property to be divided;

6. The locations of all proposed streets, roads, rights-of-way, easements, etc.;

7. The lines of the lot divisions proposed at the time of binding site plan application;

Whether subject property is located within an Irrigation District and if so specify which Irrigation District(s).

8. The exact location, width, and name or purpose of existing and proposed streets, roads, alleys, walks, utility, access control, or other easements, driveway accesses onto public streets, open spaces, etc., except that where exact locations and dimensions are not known at the time of binding site plan application, general locations shall be shown and appropriate limitations and conditions shall be referenced to and contained within inscriptions on the binding site plan cover sheet;

Irrigation District approval signature block.

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9. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described above, for which an exact location is known, with all dimensions shown to the nearest one hundredth of a foot, with curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes and seconds; and

10. The location of all streams, ponds, wetlands, or other bodies of water, prominent topographic features, sensitive areas, or other significant natural features on the site which affect or might be affected by the division or development of the land.

Location of any existing irrigation facilities, easements, and rights-of-ways including, but not limited, to canals, wasteways, drainageways, piping, and artificially created wetlands

24.60.050 Review procedures for preliminary approval.

A. Referral to city departments and divisions. Within ten (10) working days of the filing of a complete binding site plan application, the Administrator will transmit a copy of the binding site plan to the Public Works Department, Energy Services, Fire & Emergency Services, and the Building division of the Development Services Department. Transmittal of the binding site plan shall be under cover of a memorandum scheduling a meeting of the affected departments and divisions within twenty (20) business days following the filing of a complete binding site plan application, and shall stipulate the time and place of such meeting.

THE APPLICATION MATERIALS SHALL ALSO BE PROVIDED TO IRRIGATION DISTRICTS WHOSE BOUNDARIES INCLUDE ANY PORTION OF THE CITY OF RICHLAND.

B. Written response from affected departments. Prior to or at the binding site plan meeting, written comments, recommendations or requirements from the affected departments shall be delivered to the Administrator. Failure to provide a written response shall constitute an assumption that the binding site plan is acceptable to the department not responding.

C. Binding site plan meeting. The binding site plan meeting shall convene at the stipulated time and place, and shall be attended by affected departments and the applicant and/or representatives of the applicant. The Administrator shall serve as moderator of the meeting.

D. Consideration and action by the Administrator. The Administrator, within a period of seven (7) business days from the date of the binding site plan meeting, shall consider all information provided and determine if the application for binding site plan makes adequate provisions for the public health, safety, and welfare, and will be in the best interests of the citizens of the city and in accordance with the design criteria of the Richland Municipal Code. After due consideration of the above, the Administrator shall approve, conditionally approve, deny, or return the binding site plan application to the applicant.

E. Return and resubmission. The Administrator may return the application for binding site plan to the applicant without taking action on it when additional information or modifications are required. After an application is resubmitted, the Administrator may (1) refer the application to affected city departments and divisions and schedule a second binding site plan meeting according to the procedure previously set forth, or (2) take action on the binding site plan application resubmittal. The Administrator shall act to approve,

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conditionally approve, or deny the application for the binding site plan; however, the Administrator may, with the applicant's consent, return the binding site plan to the applicant without taking action on it.

24.60.060 Requirements for final approval including design and bonding of improvements.

A. Prior to affixing of a signature of approval on the binding site plan by the Administrator, the applicant shall, upon the decision of the Public Works Director, either have included specific conditions on the face of the binding site plan with regard to the timing of bonding or construction of public infrastructure improvements within the proposed rights-of-way or easement areas, or have prepared and submitted to the Public and Irrigation Districts or irrigation purveyors and the Public Works Director shall have approved, detailed engineering and design plans for any required streets, utility systems, storm drainage systems, and street lighting systems, or other required improvements in accordance with the applicable specifications and standards of the city and other involved utility agencies. Irrigation system designs, site grading, and other such designs or plans that may be required by law, or that were specifically required as conditions of binding site plan approval, shall be submitted concurrently for the Public Works Director's review and approval. Furthermore, bonding or other legally sufficient assurances of installation of required improvements, and Irrigation District's or irrigation purveyor's approval for irrigation facilities. provided as required in RMC 24.50.110 related to subdivision procedures. Following affixing of all required signatures, the binding site plan shall be filed for record in the Benton County Auditor's Office.

All elements of the Irrigation water distribution facilities installed, inspected and accepted pursuant to the applicable Irrigation District requirements.

B. When binding site plans are approved in areas where a master plan including preliminary engineering has been reviewed and approved by all departments and the Richland City Council, the Administrator shall allow recording of the binding site plan, provided specific conditions have been included on the face of the binding site plan noting that the master plan shall be the basis for controlling the location and size of all utilities and roads, and that a building permit shall not be issued for site development until all detailed engineering plans are submitted and approved by the city, and are either constructed or bonded or otherwise conditioned.

24.060.070 Performance bond.

In lieu of the construction of the required streets prior to final platting or dividing of the property, the applicant may enter into a security and improvement agreement with the city to construct the required street improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the streets within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the streets and acceptance of the street improvements by the city.

24.60.080 Appeals.

Any action taken by the Administrator on a binding site plan application may be appealed to the hearing examiner in accordance with the requirements set forth in Title 19 RMC for a Type I permit application.

24.60.090 Recording and enforcement.
All approved binding site plans must be recorded with the Benton County Auditor. Once recorded the lots, parcels, or tracts created through this procedure are legal lots of record. All provisions, conditions, and limitations on the binding site plan are binding on the owner, purchaser, or any other person acquiring a lease or other interest of any lot, parcel, or tract created pursuant to the binding site plan. Any sale, transfer, or lease of any lot, tract, or parcel prior to recording of the binding site plan with the Benton County Auditor is a violation of Chapter 58.17 RCW and this title.

24.60.100 Rescission.
A. The city may rescind, vacate or modify all or a portion of a final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded, vacated or modified shall be considered to be configured as it was immediately prior to the time that the binding site plan was recorded.

THIS MAKES SENSE IF THE BSP IS BEING RESCINDED, BUT NOT IF A PORTION OF THE BSP IS BEING VACATED OR MODIFIED

B. Signatures of all the owners of those portions of a binding site plan which are proposed to be altered by an amendment, rescission or vacation are required on the application for rescission, vacation or modification.

HAVING AN INTEREST IN

C. The process for rescinding, modifying or vacating a binding site plan shall be accomplished by following the same procedure and satisfying the same laws and conditions as required for a new binding site plan, and the action to rescind, modify or vacate must be found by the city to further the public interest and not cause a significant environmental or land use impact on or beyond the site.

24.60.110 Expiration.
Approval of a binding site plan shall automatically expire five (5) years from the date of approval. Extension of time may be granted as provided in RMC 24.60.130.

24.60.120 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Department at least forty-five (45) days prior to the expiration of the binding site plan preliminary approval. Time extension requests shall be processed as a Type I application pursuant to Title 19 RMC.

B. Subject to the routing and comment requirement provided herein, the Administrator may grant an initial one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the binding site plan contrary to the public health, safety, or general welfare. Subsequent one-year extensions may be granted by the Administrator based on the same analysis. Prior to granting time extensions, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of the time extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

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C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.60.130 Notice of Filing.

Notice of filing of a binding site plan adjacent to or within one (1) mile of another municipal boundary must be given to the appropriate municipal official. Notice of such filing located adjacent to the right-of-way of any existing or proposed state or federal highway must be given to the Washington State Department of Transportation. Notice of the filing may be given to any other agency deemed prudent by the city.

THE APPLICATION MATERIALS SHALL ALSO BE PROVIDED TO IRRIGATION DISTRICTS WHOSE BOUNDARIES INCLUDE ANY PORTION OF THE CITY OF RICHLAND.

CHAPTER 24.70
MODIFICATION TO PRELIMINARY SUBDIVISIONS AND PRELIMINARY SHORT SUBDIVISIONS

Sections:

24.70.010 Applications.
24.70.020 Revisions of preliminary subdivisions and short subdivisions.

24.70.010 Applications.

An application may be submitted for any proposed modification to a preliminary subdivision or preliminary short subdivision. The application shall contain the signatures of the parties having an ownership interest in the plat or binding site plan, and shall be reviewed as a Type I land use decision under Title 19 RMC.

24.70.020 Revisions of preliminary subdivisions and short subdivisions.

A. A request to modify a subdivision or short subdivision that has received preliminary approval shall be submitted to the Development Services Department.

B. Proposed modifications to a preliminary subdivision that would result in a substantial change, as determined by the Administrator, shall be treated as a new application for purposes of vesting and transportation concurrency, and shall be reviewed as a Type IIIA land use decision under Title 19 RMC.

C. Proposed modifications to a preliminary short subdivision that would result in a substantial change, as determined by the Administrator, shall be treated as a new application for purposes of vesting and, where applicable, transportation concurrency, and shall be reviewed as a Type I land use decision pursuant to Title 19 RMC.

D. For the purpose of this section, a substantial change includes, but is not limited to:

1. Any amendment that would result in or would have the effect of decreasing the aggregate area of open space in the subdivision by 10 percent (10%) or more;

2. Any amendment that would result in increasing the number of lots in the subdivision beyond the number previously approved;

3. Any amendment that would result in the relocation of any roadway access point as it connects to an exterior street from the plat;

4. Any amendment that proposes phasing of plat development when no phasing plan was included in the original preliminary subdivision approval; or

6. Any amendment that, in the opinion of the Administrator, would significantly increase any adverse impacts or undesirable effects of the plat.

6. A change to conditions of approval of an approved preliminary subdivision or preliminary short subdivision that leads to environmental impacts that were not addressed in the original approval.

E. Proposed changes to a subdivision or short subdivision that do not result in a substantial change, as determined by the Administrator, shall be treated as a minor change and may be approved administratively by the Administrator as a Type I land use decision pursuant to Title 19 RMC.

1. Notification shall be provided to applicable Irrigation District.

F. For purposes of this section, minor changes include, but are not limited to:

1. Changes to engineering design standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;

2. Changes in lot dimensions that are consistent with the underlying zone;

3. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained;

4. Changes in timing of phased plans; and

5. Changes to engineering design that reduce construction-related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval.

Chapter 24.80
ALTERATIONS TO FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

Sections:

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24.80.010 Application.
24.80.020 Alteration of final subdivision – Procedure.

24.80.010 Application.

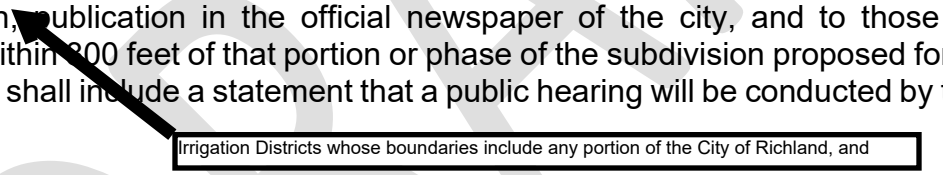
A. An application may be submitted for any proposed alteration to a final plat or final short subdivision. The application shall contain the signatures of the majority of the parties having an ownership interest in lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision, or portion thereof.

B. A subdivision alteration is classified as a Type III permit and shall be processed pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.215.

C. Any short subdivision alteration proposed under this section shall be subject to the requirements of Chapter 24.40 RMC.

24.80.020 Alteration of final subdivision – Procedure.

A. Upon receipt of a completed application for the alteration of a final subdivision, the Administrator shall provide notice of the application to all owners of property within the subdivision, publication in the official newspaper of the city, and to those owners of property within 300 feet of that portion or phase of the subdivision proposed for alteration. The notice shall include a statement that a public hearing will be conducted by the hearing examiner.



B. Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for alteration of a subdivision shall be administered by the hearing examiner, and such decision shall be given the effect of a final decision.

C. During the public hearing, the hearing examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of parties residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. Following approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, which shall be signed by the Administrator and Public Works Director and filed with the Benton County Auditor's Office to become the lawful plat of the property.

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Chapter 24.90
VACATION OF FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

Sections:

24.90.010 Subdivision or short subdivision vacation – Application.
24.90.020 Subdivision or short subdivision vacation – Process.
24.90.030 Vacation of subdivision or short subdivision – Procedure.
24.90.040 Vacation of subdivision or short subdivision – Conduct of hearing.

MAKE CONSISTENT?

24.90.010 Subdivision or short subdivision vacation – Application.

An application may be submitted for the proposed vacation of all or part of a recorded subdivision or short subdivision. The application shall contain the signatures of the majority of those parties having an ownership interest in the lots, tracts, parcels, sites or division in the subject subdivision/short subdivision or portion to be vacated.

24.90.020 Subdivision or short subdivision vacation – Process.

PURSUANT TO TITLE 19 RMC?

Vacation of a subdivision or short subdivision is classified as a Type III application. Upon submittal of a complete application for vacation of a subdivision or short subdivision, the Administrator shall process the vacation request pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.212.

24.90.030 Vacation of subdivision or short subdivision – Procedure.

Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the city. The application shall set forth the reasons for vacation, and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof. Vacations will be processed in accordance with rules prescribed under state law.

24.90.040 Vacation of subdivision or short subdivision – Conduct of hearing.

Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for vacation of a subdivision shall be administered by the city's hearing examiner, and such decision shall be given the effect of a final decision.

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Chapter 24.100
LAND DIVISION DESIGN STANDARDS

Sections:

24.100.010 Application.
24.100.020 Street requirements.
24.100.030 Streets – Conformity with comprehensive plan.
24.100.040 Streets – Relation to adjoining street systems.
24.100.050 Streets – Access to bodies of water.
24.100.060 Streets – Local residential streets.
24.100.070 Streets – Dead-end.
24.100.080 Streets – Alignment.24.100.090 Streets – Intersections.
24.100.100 Streets- Half Widths
24.100.110 Streets – Grades.
24.100.120 Streets – Intersection spacing.
24.100.150 Rural Street standards.
24.100.160 Street name signs.
24.100.170 Alleys
24.100.180 Sewer system requirements.
24.100.190 Water system requirements.
24.100.200 Provision for irrigation.
24.100.210 Stormwater system requirements.
24.100.220 Utility rights-of-way and easements – Required.
24.100.230 Easements – Watercourses.
24.100.240 Capacity for future developments.
24.100.250 Blocks – Depth.
24.100.260 Blocks – Pedestrian pathway connections.
24.100.270 Lots – Access.
24.100.280 Lots – Size.
24.100.290 Lots – Shape.
24.100.300 Lots – Double frontage.
24.100.310 Standard specifications.
24.100.320 Streetlights required.
24.100.330 Other utilities required.
24.100.340 Datum.
24.100.350 Monumentation.
24.100.360 Conflicts with other code provisions.
24.100.370 Infrastructure - Permitting.24.100.380 Deviation.
24.100.390 Deviation - Conditions.

24.100.010 Application.

Except for divisions of land which meet the conditions of RMC 24.20.020, the regulations contained in this chapter shall apply to all divisions of land within the city. Every map, plat, replat or plan hereafter made of any such division of land within the city limits shall comply with the provisions of this chapter and the Public Works Standards.

24.100.020 Street requirements.

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All streets and rights-of-way within a short subdivision, subdivision or binding site plan shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the Public Works Standards.

24.100.030 Streets – Conformity with comprehensive plan.
The alignment of streets shall conform as nearly as possible with those shown on the comprehensive plan or related plans of the city.

24.100.040 Streets – Relation to adjoining street systems.
The layout of streets shall provide for the continuation of major streets existing on adjoining properties or of their proper projection when adjoining property is not divided. The layout shall also provide for future projection of streets into areas which presently are not subdivided.

24.100.050 Streets – Access to bodies of water.
Unless topography or ground conditions prevent, any division of land bordering on a river or public waterfront reservation shall be provided with at least one (1) street not less than 60 feet wide to the low water mark or the reservation boundary at one-half mile intervals as measured along such body of water.

24.100.060 Streets – Local residential streets.
Local streets which serve primarily to provide access to abutting property shall be designed to discourage cut-through traffic and planned to channel traffic onto minor collectors and other major streets. Local residential streets shall be designed to discourage average traffic speeds in excess of the posted or basic rule (25 mph) speed.

24.100.070 Streets – Dead-end.
Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be no longer than 400 feet or as otherwise allowed due to topographical constraints and allowed by Appendix D of the International Fire Code as adopted by reference in Title 20 RMC, and shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the Public Works Standards.

24.100.080 Streets – Alignment.
For major streets, connecting street centerlines deflecting from each other at any one point more than 10 degrees shall be connected by a horizontal curve that meets the minimum curve radius per AASHTO guidelines unless otherwise approved by the Public Works Director. Connecting tangents between curves shall be a minimum of 100 feet long. For minor streets, curves shall have a typical minimum deflection angle of 30 degrees with curve radii between 100 feet minimum and 150 maximums unless approved by the Public Works Director or designee. These parameters are to minimize the potential for speeding within neighborhoods.

24.100.090 Streets – Intersections.
Street intersections shall be as nearly at right angles as is practicable. When the most feasible plan entails an intersection angle that deviates more than 15 degrees from a right

angle, curves or suitable radius and lengths shall be provided. Where street intersections have curvature within 275 feet of the centerline of a stop or yield controlled intersection (looking right or left), the plat designed shall establish sight distance easements if necessary, based on evaluation of the AASHTO sight triangles per RMC 12.11.020.

24.100.100 Streets – Half-width.

A street lying along the boundary of a subdivision may be dedicated to a width of 30 feet if it is practical to require the dedication of the other half when the adjoining property is subdivided; and, whenever there exists a dedicated half-street of an adjoining parcel, the other half shall be dedicated on the proposed plat to make the street complete. Streets lying along the boundary of a subdivision, whether dedicated by the plat or already dedicated, but not improved, shall be improved by the developer to a minimum paved width of 20 feet. These regulations shall not apply to new roads/streets to be located adjacent to unincorporated land or as otherwise determined by the Public Works Director.

24.100.110 Streets – Grades.

Streets shall confirm closely to the natural contour of the land, except where a different grade has been established by the city authorities or the agency furnishing municipal services to the community. Grades shall be not less than 0.50 percent on any street and shall meet AASHTO maximum guidelines for major streets and a maximum of 12 percent for minor streets, unless otherwise approved by the Public Works Director and the Fire Marshall based on the fire department's specific apparatus needs. Changes passing through intersections shall not exceed 5 percent with 1 percent grade breaks allowed upon entry and exit.

24.100.120 Streets – Intersection spacing.

Intersection spacing or jogs of minor streets in neighborhoods shall not be less than 125 feet from centerline to centerline of street. Intersection spacing along major streets with minor streets shall use the following table to the extent feasible based on the posted speed of the major street. Greater spacing may be required in some instances where a proposed intersection might be within the 95th percentile queues from intersections of two major streets.

Posted Speed (MPH)	Minimum Spacing (Feet)
25	155
30	200
35	250
40	305
45	360

24.100.130 Streets – Width.

Street widths and right-of-way widths shall be as shown in the Public Works Standards.

24.100.140 Roadway widths and standards.

All streets, not including alleys, shall be improved in accordance with the Public Works Standards.

24.100.150 Rural street standards.
Rural street standards shall apply in the FP, AG and SAG zoning districts and elsewhere with approval from the Public Works Director.

24.100.160 Street name signs.
Street signs corresponding in design to those adopted as standard for the city shall be installed at each intersection for convenient identification of streets. Street naming and addressing shall be consistent with Chapter 12.01 RMC.

24.100.170 Alleys
Alleys shall not be provided within the City of Richland.

24.100.180 Sewer system requirements.
All proposed land division shall be provided with a complete sanitary sewer system serving each lot designed for human habitation. Design of the sewage disposal system shall be in accordance with Title 17 RMC and the Public Works Standards.

24.100.190 Water system requirements.
All new development shall be connected to the public water main to provide a potable water distribution system serving each lot designed for human habitation. Design of the water distribution system shall be in accordance with International Fire Code Standards, Title 18 RMC and the Public Works Standards.

Irrigation District's or irrigation purveyor's requirements

24.100.200 Provision for irrigation.
Non-potable irrigation facilities must be provided for every lot within any proposed residential land division in which the use of potable water is restricted pursuant to RMC 18.16.080. The irrigation distribution system (as distinguished from the separate domestic water distribution system) must be designed and installed in accordance with the Public Works Standards and ~~irrigation providers requirements~~, except as otherwise approved by the Public Works Director. AND APPLICABLE IRRIGATION DISTRICT or irrigation purveyor

24.100.210 Stormwater system requirements.
Stormwater runoff from streets, impervious areas, and other areas shall be disposed of through stormwater drainage facilities complying with RMC Title 16 and the Public Works Standards.

New Section: Irrigation water rights-of-way and easements - Required.
- An irrigation water right-of-way for each parcel of land in an Irrigation District must be provided.

24.100.220 Utility rights-of-way and easements – Required.
All municipal utility rights-of-way and utility easements shall be dedicated to the public and shown on the plat. Ten (10) feet public utility easements shall be placed adjacent to existing and proposed public street ROWs. Separate utility easements shall be located as required by the provider.

24.100.230 Easements – Watercourses.

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, irrigation easement,

Where a development is traversed by a watercourse, canal, drainage way, wasteway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, canal, drainage way, wasteway, channel, or stream, and such further width for construction and maintenance as will be adequate for the purpose.

24.100.240 Capacity for future developments.
The capacities and dimensions of water, sewerage, drainage, electrical, and street facilities shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity. The city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the development and the capacities required to serve the vicinity.

24.100.250 Blocks – Depth.
Except for reverse frontage lots, the width of blocks shall be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed.

24.100.260 Blocks – Pedestrian pathway connections.
For blocks over 500 feet in length a pedestrian pathway right-of-way not less than ten (10) feet wide shall be provided where such a pathway is deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation lines, and other community facilities.

24.100.270 Lots – Access.
Each lot shall be provided with satisfactory access by means of a public street or by some other legally sufficient right of access (easement) which is permanent and inseparable from the lot served subject to the provisions of RMC Title 12.

24.100.280 Lots – Size.
Lot widths and lot areas shall conform with the zoning restrictions applicable to the area within which the property may be located, except that corner lots for which side yards are required shall have extra width to permit appropriate setback from and orientation to both streets. Lot depths shall be suitable for the land use proposed.

24.100.290 Lots – Shape.
Lots shall be as nearly rectangular as possible with side lot lines approximately at right angles or radial to street lines. Ordinarily, the ratio of width to depth shall be one to not more than two and one-fourth. Flag lots shall be discouraged unless no other practical alternative exists as determined by the review authority.

24.100.300 Lots – Double frontage.
Residential lots which have street frontage along two opposite boundaries shall be avoided except for reverse frontage lots which are essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation. For such lots, there shall be an easement in favor of the city limiting access to only one street and a note stating such shall be placed on the face of

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the final plat map.

24.100.310 Standard specifications.
Physical developments and improvements required by this title shall be designed and installed in accordance with Public Works Standards and/or other specifications as determined by the Public Works Director. Construction shall be performed subject to the inspection of the Public Works Director or designee. The improvement intended to become part of the city system, including streets, water, electrical and sewer utilities, shall not become part of the city system until formally accepted by the city.

24.100.320 Streetlights required.
Streetlights shall be installed by the developer in accordance with the Public Works Standards.

24.100.330 Other utilities required.
New electrical, telephone, and cable television lines must be placed underground, except:

1. Electric utility substations, pad-mounted transformers and switching facilities, and electrical service pedestals.

2. CATV pedestals, active and passive devices, including amplifiers and cable warning signs.

3. Telephone pedestals, cross connect terminals, repeaters and cable warning signs.

4. Temporary services for construction.

5. Existing overhead electric and communications lines which are not in substantial conflict with the final, approved design such that they would render lots or streets unusable.

6. Existing main feeder lines which are relocated.

24.100.340 Datum.
MAKE CONSISTENT WITH 58.20.121 RCW
A. The horizontal datum for all survey work shall be the Washington ~~State Lambert Grid~~ PLANE Coordinate System South Zone, using the current NGS adjustment as established in accordance with Chapter 58.20 RCW. The unit of measure shall be the U.S. Survey Foot.

B. The plans shall show the horizontal control used to establish ties to the datum, with type, size, and location, date visited, and the State Plane coordinates for each monument used. At least one (1) monument must be shown for each street in the project.

C. Richland Public Works maintains a Continuously Operating Reference Station (DANP CORS) which can be utilized to establish NAD83 – 2011 epoch 2010.00 (current

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adjustment). Contact the City Surveyor to obtain data from the network.

D. The Vertical datum for all survey work shall be the North American Vertical Datum of 1988 (NAVD 1988). Plans shall show the benchmarks used to establish ties to the datum, with description, location and elevation of each benchmark used.

24.100.350 Monumentation.
A. Right-of-way, street centerline and street intersection monumentation shall be established as described by Public Works Design Standards. In addition, for short subdivision, subdivision or binding site plans, every lot corner shall be marked or referenced in a permanent manner with the registration number of the professional land surveyor in charge of the survey in accordance with state law.

B. Monuments shall be installed as follows:

1. Concrete or iron pipe monuments approved by the City Engineer and installed in a cast-iron monument case shall be set at the centerline of all streets at intersections, at all angle points on street centerlines, at all points of curvature and points of tangent in street centerlines, at the radial points of cul-de-sacs, and at all external corners and block corners of the subdivision.

2. The corners of all lots within the subdivision shall be marked by iron pins, not less than one-half of an inch in diameter, and 24 inches in length, firmly driven for their full length into the ground.

24.100.360 Conflicts with other code provisions.
In the event the standards and conditions established by this chapter conflict with other standards and conditions established in this title, the provisions contained in this chapter shall control. In the event the provisions of this chapter conflict with the provisions of Richland Municipal Code Title 23: Zoning, the provisions of Title 23 RMC shall control.

24.100.370 Infrastructure - Permitting
Whenever any public improvements or public works infrastructure are required to support the development, the plans for all public infrastructure improvements shall be submitted to, reviewed, and approved by the Public Works Director or designee before commencement of construction.

24.100.380 Deviation.
A. The owner/developer of property may seek a deviation from the provisions of the municipal code and Public Works Standards or requirements codified by this chapter by submitting a deviation application to the city along with the permit application. A deviation fee, as set forth in the City of Richland Fee Schedule, shall be due at the time of application. Deviations for short subdivisions and binding site plans shall be reviewed administratively and approved by the Administrator as part of the short subdivision or binding site plan review process. Deviations for subdivisions shall be decided by the hearing examiner during the preliminary subdivision hearing.

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B. The basis for such a deviation from the strict application of the requirements of the municipal code and Public Works Standards is undue and unnecessary hardship on the property owner. No deviation from the provisions or requirements of this chapter shall be authorized unless the review authority finds:

1. That exceptional or extraordinary circumstances or conditions exist to the division of the property, or to the intended use of the property, that do not apply generally to other properties similarly situated; and

2. That the deviation is necessary for the preservation and enjoyment of a substantial property right of the property owner/developer or is necessary for the reasonable and acceptable development of the property. Financial hardship is not a basis for a deviation from the provisions of this chapter; and

3. That the authorization of the deviation will not be materially detrimental to the public welfare or injurious to property in the vicinity; and

4. That the deviation from the provisions and requirements of the municipal code and Public Works Standards does not grant a special privilege to the applicant.

C. Deviation from those items requiring approval of the Public Works Director may be granted by the review authority only upon written recommendation of the Public Works Director.

24.100.390 Deviation – Conditions.
In authorizing a deviation, the review authority may attach thereto such conditions regarding the features of the deviation as deemed necessary to carry out the spirit and purposes of this title and in the public interest.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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 ____ day of _____, 2023.

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_____
Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to form:

_____
Heather Kintzley, City Attorney

Date Published: _____

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Stevens, Mike

From: Paul Knutzen <paul@knutzenengineering.com>
Sent: Thursday, August 17, 2023 4:48 PM
To: Stevens, Mike
Subject: RE: CA2023-102 SEPA DNS
Attachments: PTK Comments.pdf

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Hi Mike,

Because I know I will forget to review it in further detail later, I spent about an hour just now looking this over. My comments are mostly related to the BLA section.

I take exception to calling allowable boundary line adjustments as "minor". I have been a part of so many BLA's in my days I am nervous to see that word placed in the code. If a reconfiguration of lots lines doesn't create new lots, it should be a BLA period and not subject to replatting. I have done a couple in Kennewick that moved EVERY lot line and I wouldn't consider those minor but I didn't create new lots. Here is a nice article spelled out in MRSC that talks about one particular action: https://mrsc.org/explore-topics/planning/development-regulations/subdivisions/subdivisions-court-decisions-and-ag-opinions, see City of Seattle v. Crispin, which I reference in my comments. I don't want to submit a BLA and be rejected since a reviewer may arbitrarily consider it substantial. Also, I would prefer to see some language that says that parcels being combined or adjusted ultimately end up being the same zone at the end so you don't have split zoning. Now this has helped me before I know, like the Corbin BLA, but I just don't agree with the results of having split zones personally. I'm dealing with another issue in the County right now where we're putting in a tower and the parcel is split zoned and the tower sits on Red Mountain Ag but greater than 50% of the parcel is RL-5 and the County Code says that if it's greater than 50% then that zone. I'm not 100% sure how Richland deals with this since it doesn't come up much but I suggest it be considered.

I noticed that BSP's are addressing condominium's now, which I think we dealt with on Bush's Fat Cat Garages.

Another note on there I put was related to plat alternation and who is required to sign, it's confusing to me that only a majority of the parties having ownership interest, need to sign, granted I know it's the application only I think is being referenced.

Thanks, Paul

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Thursday, August 17, 2023 3:02 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Anderson, Ryan (ECY) <rand461@ECY.WA.GOV>; Ashley Morton <AshleyMorton@ctuir.org>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; BC Planning - Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Catherine Dickson <catherinedickson@ctuir.org>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>;

Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; Gary Graff <gary.graff@ecy.wa.gov>; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Hogan, Jodi <jhogan@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Steve Davenport (steve.davenport@commerce.wa.gov) <steve.davenport@commerce.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; WSDOT Aviation <AviationLandUse@wsdot.wa.gov>
Cc: Dave Baalman <dbaalman@rogerssurveying.com>; Derek Ingalsbe <Derek@StrattonSurvey.com>; Brenton Griffin <bgriffin@rogerssurveying.com>; Alex D. Matarazzo <Alex.Matarazzo@pbsusa.com>; Ashley Garza <agarza3605@gmail.com>; Chris Ammann <chris@permitsurveying.com>; Paul Knutzen <paul@knutzenengineering.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; John Becker <jbecker@ahbl.com>
Subject: CA2023-102 SEPA DNS

The City of Richland is in the process of re-writing its land division regulations. Attached is a copy of the SEPA DNS, Checklist and related information (Draft Code). Please review and submit any comments you may have back to me by September 1, 2023.

Thank you,

Mike Stevens
Planning Manager
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7596

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

Chapter 24.30
BOUNDARY LINE ADJUSTMENTS/PARCEL COMBINATION

Sections:

24.30.010 Purpose.
24.30.020 Scope.
24.30.030 Review process.
24.30.040 Application submittal and contents.
24.30.050 Approval criteria.
24.30.060 Time limitation to record approved lot/boundary line adj parcel combination.
24.30.070 Recording.

I don't like this - leaves it open to interpretation as to what is considered "minor"

24.30.010 Purpose.

The purpose of this chapter is to clearly delineate the criteria used by the city of Richland to review lot/boundary line adjustments and parcel combinations. Parcel combination allows for two (2) or more lots/parcels to be combined into one (1) lot/parcel. Lot/boundary line adjustments provide a procedure for changes in property lines. A lot/boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a lot line, and to remedy property use constraints caused by adverse topographical features. A lot/boundary line adjustment does not apply to boundary changes that would otherwise be regulated by applicable city of Richland land use codes and regulations, or to actions requiring the re-plat, alteration, or vacation of a subdivision or short subdivision. The adjustment must be consistent with all applicable zoning, health, building, and similar regulations, and cannot result in nonconformance or increase an existing nonconformance. This chapter is also intended to ensure compliance with the Survey Recording Act, Chapter 58.09 RCW, and Chapter 332-130 WAC.

24.30.020 Scope.

Background - https://mrsc.org/explore-topics/planning/development-regulations/subdivisions/subdivisions-court-decisions-and-ag-opinions

Boundary line adjustment upheld
City of Seattle v. Crispin, 149 Wn.2d 896 (2003) – A reconfiguration of boundary lines without the creation of additional lots is a boundary line adjustment that does not require approval under state or local subdivision laws. The fact that a new buildable site is created does not prevent application of the boundary line adjustment exemption found at RCW 58.17.040(6).

having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township and range, and be of sufficient area to meet minimum zoning requirements. The purpose of the parcel combination process is to remove interior lot lines of a parcel comprised of two (2) or more separate lots with contiguous ownership. Boundary line adjustments must be consistent with the following:

4. A north arrow and scale;

5. All parcel numbers of affected lots;

6. The location of the property as to quarter/quarter section;

7. The location and dimensions of any easements within or adjacent to any affected lots;

8. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;

9. The area and dimensions of each lot following the proposed adjustment;

10. The existing and, if applicable, proposed future method of sewage disposal for each affected lot, including the location and dimensions of the proposed drain field;

11. The location of all existing and proposed water, sewer and storm drainage facilities;

12. Footprint of existing buildings with dimensions from property lines;

13. Deeds for land transfer with new legal descriptions. The legal descriptions shall include the legal for the portion of the land to be transferred and a legal description of each new parcel after the transfer. Deeds shall be typed; handwritten deeds will not be accepted.

Suggested new item #14.
Boundary line adjustments should not create a parcel that has multiple zones or land use designations. Or say... All parcels involved in a parcel consolidation shall be the same zoning designation.

D. [illegible] of the [illegible] ct pro[illegible]

E. If on-site wastewater (septic tanks) disposal is proposed under the limited circumstances where the Richland Municipal Code does not require connection to the city's sewer system, the applicant shall provide written verification from the Benton-Franklin Health District that the site is adequate to accommodate an on-site sewage disposal system.

24.30.050 Approval criteria.

All public improvements installed for any lot/boundary line adjustment or parcel combination shall be in accordance with the city's Public Works Standards. Lot/boundary line adjustments and parcel combinations shall not:

A. Create any additional lot, tract, parcel, or division;

B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension

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be paid by the applicant prior to recording.

Chapter 24.60
BINDING SITE PLANS

Sections:

24.60.010 Purpose and scope.
24.60.020 Overview of procedures.
24.60.030 Application for binding site plan approval.
24.60.040 Content of binding site plan.
24.60.050 Review procedures for preliminary approval.
24.60.060 Requirements for final approval including design and bonding of improvements.
24.60.070 Performance bond.
24.60.080 Appeals.
24.60.090 Recording and enforcement.
24.60.100 Rescission.
26.60.110 Expiration.
26.60.120 Time extensions.
24.60.130 Notice of filing.

24.60.010 Purpose and scope.

A. The purpose of the binding site plan is to establish a procedure of land division in lieu of other provisions of Title 24 RMC. The division of property by the binding site plan process may only be used for the following:

1. The division of land for the purposes of leasing space for manufactured homes, travel trailers, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or other recreational vehicles so long as the site plan complies with all other applicable regulations; and

So a BSP is the mechanism to do a condominum plat?

2. The division of land involving improvements constructed or to be constructed that will be one or more condominiums or owned by an association or other legal entity.

B. Binding site plans will not be approved unless appropriate provisions and dedications of public rights-of-way, utilities, and easements are made to meet infrastructure provisions per city standards. The city may also require a development agreement governing future development of the property.

24.60.020 Overview of procedures.

A. The general procedures for processing a binding site plan shall consist of the following steps:

1. Submittal of an application for preliminary approval of a binding site plan;

2. Approval by the Public Works Director of appropriate engineering design plans for streets and other public improvements, and either construction of improvements or

24.80.010 Application.

24.80.020 Alteration of final subdivision – Procedure.

Shouldn't all parties need to sign the final amended plat? Does it need to say that somewhere? I suppose it's okay that only a majority of the parties need to sign the application.

A. An application may be submitted for any proposed alteration to a final plat or final short subdivision. The application shall contain the signatures of the majority of the parties having an ownership interest in lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision, or portion thereof.

B. A subdivision alteration is classified as a Type III permit and shall be processed pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.215.

C. Any short subdivision alteration proposed under this section shall be subject to the requirements of Chapter 24.40 RMC.

24.80.020 Alteration of final subdivision – Procedure.

A. Upon receipt of a completed application for the alteration of a final subdivision, the Administrator shall provide notice of the application to all owners of property within the subdivision, publication in the official newspaper of the city, and to those owners of property within 300 feet of that portion or phase of the subdivision proposed for alteration. The notice shall include a statement that a public hearing will be conducted by the hearing examiner.

B. Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for alteration of a subdivision shall be administered by the hearing examiner, and such decision shall be given the effect of a final decision.

C. During the public hearing, the hearing examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of parties residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. Following approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, which shall be signed by the Administrator and Public Works Director and filed with the Benton County Auditor's Office to become the lawful plat of the property.

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Stevens, Mike

From: Gary N. McLean <mcleanlaw@me.com>
Sent: Thursday, August 17, 2023 3:52 PM
To: Stevens, Mike
Subject: Re: Title 24 Re-Write -- comment on Major and Minor Revisions to an approved preliminary plat

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Only because I'm working with the code right now, out of the gate, I just noticed that newly proposed Chapter 24.70 might want to use the same language as found in existing RMC 19.20.010(C)(1) — which provides that "major revisions" to a preliminary plat are a Type III process, NOT a Type IIIA, which runs things back up through the City Council, an extra step along the way.

Instead, you may want to look and be sure that you use the same terms, not multiple terms that all have to be given their own stand-alone meanings. I would not use the term "substantial change" but instead, use minor and major revision as you key terms in the new Ch. 24.70.

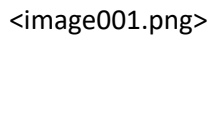
Maybe new 24.70.020(B) could read something like this:

Revisions to an approved preliminary plat are reviewed under RMC 19.20.010, with minor revisions reviewed as a Type I application (see RMC 19.20.010(A)(5)), which requires approval by the Director; and major revisions are reviewed as a Type III application requiring approval by the Hearing Examiner (See RMC 19.20.010(C)(1)).

Then, in defining what is a "substantial change" think about NOT using that term, but instead use language to define things that fall within the meaning of "minor revision" and "major revision."

It would be worthwhile to make sure things square with language in Ch. 19.20.

> On Aug 17, 2023, at 3:20 PM, Stevens, Mike <mstevens@CI.RICHLAND.WA.US> wrote:
>
> Gary,
>
> Here is a draft of our updated land division code. If you have a chance could you please review and let me know any comments you have or suggested changes? We will be taking this to public hearing on September 27th.
>
> Thank you!



Mike Stevens
Planning Manager
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7596

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<Final Rough Draft to begin review - Title 24 Re-write.pdf>

Stevens, Mike

From: WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>
Sent: Monday, August 21, 2023 9:53 AM
To: Stevens, Mike
Subject: RE: [EXTERNAL] CA2023-102 SEPA DNS

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

M Stevens,

WSDOT Aviation Division reviewed the provided documents on 08/21/2023. We have no comments.

Cheers,

David Ison, PhD | Aviation Planner
Emerging Aviation Technologies & Land Use Compatibility
Washington State Department of Transportation
isond@wsdot.wa.gov C: 360-890-5258

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Thursday, August 17, 2023 3:02 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Anderson, Ryan (ECY) <rand461@ecy.wa.gov>; Ashley Morton <AshleyMorton@ctuir.org>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; BC Planning - Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Catherine Dickson <catherinedickson@ctuir.org>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; Gary Graff <gary.graff@ecy.wa.gov>; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Hogan, Jodi <jhogan@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Cooper, Kelly (DOH) <Kelly.Cooper@DOH.WA.GOV>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe

<SDefoe@kid.org>; WSDOT SC Planning Mailbox <SCPlanning@WSDOT.WA.GOV>; Davenport, Steve (COM) <Steve.Davenport@commerce.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>
Cc: Dave Baalman <dbaalman@rogerssurveying.com>; Derek Ingalsbe <Derek@StrattonSurvey.com>; Brenton Griffin <bgriffin@rogerssurveying.com>; Alex D. Matarazzo <Alex.Matarazzo@pbsusa.com>; Ashley Garza <agarza3605@gmail.com>; Chris Ammann <chris@permitsurveying.com>; paul@knutzenengineering.com; Orr, Bruce <borr@CI.RICHLAND.WA.US>; John Becker <jbecker@ahbl.com>
Subject: [EXTERNAL] CA2023-102 SEPA DNS

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

The City of Richland is in the process of re-writing its land division regulations. Attached is a copy of the SEPA DNS, Checklist and related information (Draft Code). Please review and submit any comments you may have back to me by September 1, 2023.

Thank you,

Mike Stevens
Planning Manager
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7596

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

ORDINANCE NO. XXX-23

AN ORDINANCE of the City of Richland repealing Richland Municipal Code Title 24: Plats and Subdivision in its entirety and replacing Title 24 RMC with a new Title 24 entitled Land Division Regulations.

WHEREAS, RCW Sections 35.21.500 - .570 provide for codification of city ordinances; and

WHEREAS, Title 24 of the Richland Municipal Code has not been significantly updated since 2010; and

WHEREAS, the proposed changes to Title 24 RMC are deemed necessary or desirable for the purpose of modernizing and clarifying the language of said Title, ensuring a logical arrangement of subject matter, and eliminating conflicts and inconsistencies, as provided in RCW 35.21.500.

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

Section 1. Richland Municipal Code Title 24, entitled Plats and Subdivision, as first enacted by Ordinance No. 73, and last amended by Ordinance No. 51-19, is hereby repealed in its entirety and replaced with the following:

TITLE 24
LAND DIVISION REGULATIONS

Chapters:

24.10 Authority
24.20 General Provisions
24.30 Boundary Line Adjustments/Parcel Combinations
24.40 Short Subdivisions
24.50 Subdivisions
24.60 Binding Site Plans
24.70 Modifications to Preliminary Subdivisions and Short Subdivisions
24.80 Alterations to Final Subdivisions and Short Subdivisions
24.90 Vacation of Final Subdivisions and Short Subdivisions
24.100 Land Division Design Standards

Chapter 24.10
AUTHORITY

Sections:

24.10.010 Purpose.
24.10.020 Severability.
24.10.030 Division of land to comply with title.
24.10.040 Authority.

24.10.010 Purpose.
This title is established in accordance with Chapter 58.17 RCW which authorizes cities to administer the process for the division of land. The Richland City Council finds that the process by which all land within the city of Richland is divided is a matter of city concern, and therefore should be administered in accordance with certain standards. The purpose of this title is to regulate the division of all land and to promote the public health, safety, and general welfare in accordance with standards established to prevent overcrowding of land, to lessen congestion in the streets and highways, to promote effective land use, to promote safe and convenient travel by the public on streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewer, parks and recreation areas and other public requirements, to provide for proper ingress and egress, and to provide for the expeditious review and approval of proposed divisions of land within the city.

24.10.020 Severability.
The provisions of this title are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause or portion of this title, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances.

24.10.030 Division of land to comply with title.
Every division of land within the city shall comply with the provisions of this title.

24.10.040 Authority.
The legislative authority of the city of Richland hereby delegates final subdivision and short subdivision approval to the Administrator and Public Works Director, or their designees.

Chapter 24.20
GENERAL PROVISIONS

Sections:
24.20.010 Purpose.
24.20.020 Exemptions.
24.20.030 Application for exemption.
24.20.040 Definitions.
24.20.050 Undefined words and phrases.
24.20.060 Legal lot.
24.20.070 Approval required prior to recordation.
24.20.080 Prohibition against sale, lease or transfer of property.
24.20.090 Violations.
24.20.100 Violations – Penalties.
24.20.110 Violations – Continuing offense – Penalties.
24.20.120 Injunctive and other proceedings.
24.20.130 Application, review and inspection fees.

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24.20.140 Re-subdivision limitation.
24.20.150 Contiguous ownership.
24.20.160 Professional land surveyor.
24.20.170 Advance tax payment required.

24.20.010 Purpose.
Pursuant to the purposes set forth in RCW 58.17.010, the regulations in this title are necessary to:

A. Promote the health, safety, and general welfare in accordance with standards established by the state and the city;

B. Promote effective use of land by preventing the overcrowding or scattered development which would be detrimental to health, safety, or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, or other public services, or excessive expenditure of public funds for such services;

C. Avoid congestion and promote safe and convenient travel by the public on streets, highways, sidewalks, and multi-use pathways through the proper planning and coordination of new streets within subdivisions with existing and planned streets in the surrounding community;

D. Provide for adequate light and air;

E. Provide for adequate water, sewage, drainage, parks and recreational areas, transit, sites for schools and school grounds, and other public requirements;

F. Provide for proper ingress and egress;

G. Provide for housing and commercial needs of the community;

H. Require uniform monumentation of land divisions and conveyance of accurate legal descriptions;

I. Protect environmentally sensitive areas;

J. Provide for flexibility in site design to accommodate view enhancement and protection, protection of streams and wetlands, protection of steep slopes, and other environmentally significant or sensitive areas;

K. To ensure consistency with and to further the goals and policies of the Comprehensive Plan; and

L. To provide a process for the division of land for the following:

1. Short subdivision. The division of land into nine (9) or fewer lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may

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have on the surrounding area;

2. Subdivision. The division of land into ten (10) or more lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area;

3. Binding site plan. An alternative method of dividing property interests and applying to the phased division of any land for sale or lease which is zoned for commercial, business, office, or industrial development, or which is to be developed as condominiums or a manufactured home park.

Commented [RJ1]: Condo plats used to be a thing. Are they still? Do they need to be mentioned?

24.20.020 Exemptions.

The following actions are exempt from the provisions of this title; provided, that in order to determine whether the action qualifies for the exemption claimed, approval must be received from the Administrator. Creation of an exempt lot does not vest the owner with the right to develop the lot when it does not meet access or use requirements of the zoning district in which it is located. Specifically, the provisions of this title shall not apply to the following exemptions:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions of land into lots or tracts each of which is one-one-hundred-twenty-eighth of a section of land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

C. Divisions made by testamentary provisions or the laws of descent;

D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with local regulations;

E. A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with local regulations;

F. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, that does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

G. Divisions of land into lots or tracts if:
1. Such division is the result of subjecting a portion of a parcel or tract of land to either

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Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;

2. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

3. A city has approved the binding site plan for all such land;

4. Such approved binding site plan is recorded in the county or counties in which such land is located; and

5. the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW.

A site plan shall be deemed to have been approved if the site plan was approved by a city:

(i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or
(ii) In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or
(iii) If not approved pursuant to (i) and (ii) of this subsection (G), then pursuant to other such procedures as such city may have established for the approval of a binding site plan;

H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

I. A division of land into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned

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electric utility facilities. For purposes of this subsection, “electrical utility facilities” means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility’s existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed;

J. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of eminent domain; and

K. Division or acquisition of land for public right-of-way.

24.20.030 Application for exemptions.
An application for exemption for any of the purposes set forth in RMC 24.20.020 shall be processed to determine whether the division is exempt with a minimum review for compliance with applicable city regulations. The application shall be determined complete upon the submittal of the following materials:

1. A completed application;

2. Maps, plans, and/or exhibits containing all applicable information as required by the Administrator; and

3. Applicable fee as set forth in the City of Richland Fee Schedule.

24.20.040 Definitions.
As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

“Administrator” means the Development Services Director or designee who shall be responsible for the administration and enforcement of this code.

“Alley” means a public thoroughfare or right-of-way, open to public travel and dedicated to public use, which affords only a secondary means of access to abutting property.

“Applicant” means the owner or owners of record of the property subject to an application for land division or lot/boundary line adjustment, or authorized representative of such owner or owners, or a duly authorized representative of any governmental agency for which an action is sought for a governmental purpose.

“Application” means all of the application forms, plans, and accompanying documents required for any particular land division or lot/boundary line adjustment request.

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"Binding site plan" means a drawing to a scale, specified in Chapter 24.60 RMC, which:

1. Identifies and shows the land areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;

2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by this title; and

3. Contains provisions requiring any development to be in conformance with the binding site plan.

"Block" is a group of lots, tracts, or parcels within well-defined and fixed boundaries.

"Boundary line adjustment" shall have the same meaning as "lot/boundary line adjustment," meaning the relocation or other minor adjustment of the boundaries of a lot, in which the relocation does not result in the creation of any additional lot or lots.

"Building envelope" refers to the buildable area of a lot after applicable setbacks, easements, and other restrictions on the lot are considered.

"Complete application" means an application that appears to contain all necessary information to make a technical determination about a project or application and includes all anticipated fees at time of application.

"Comprehensive plan" means that plan adopted by the Richland City Council as the comprehensive plan for the city.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapter 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings.

"Cul-de-sac" means a street opening at one end and having a turn-around at the other end.

"Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short subdivision or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat, short subdivision, or binding site plan for filing by the city.

"Department" means the City of Richland Development Services Department.

Commented [RJ2]: Insert "existing" before streets?

Commented [DC3R2]: Probably redundant to.

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"Development permit" means any permit issued by the city of Richland allowing the physical alteration of real property including, but not limited to, building construction, street construction, utility construction or installation, grading, filling or excavating. Approval of a subdivision, short subdivision, or lot/boundary line adjustment is not considered a development permit for the purposes of this title.

"Division" is the division or re-division of land, regardless of the size of the parcels or the number of lots, for the purpose of sale, lease or transfer of ownership and includes subdivision, short subdivision or binding site plan provisions.

"Easement" means a grant by a property owner to specific persons, named entities, or to the public of the right to use that property for a specific purpose.

"Fill" means any sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

"Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in other city regulations.

"Flood insurance rate map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

"Homeowners association" means an incorporated nonprofit organization operating under recorded land agreements.

"Improvements" means the facilities and infrastructure of a land development, including but not limited to the streets, sidewalks, ~~street lights~~streetlights, fire hydrants, stormwater facilities, sanitary sewer facilities, domestic water facilities, and other utilities and facilities required by this title to be constructed in conjunction with any particular land division, as approved by the necessary city departments.

"Land division" means the creation of any new lot or lots for the purpose of sale, lease or transfer of ownership, whether such lot or lots is created by full subdivision, short subdivision, binding site plan or exemption (see RMC 24.20.020).

"Lot" means a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township and range, and of sufficient area and dimension to meet minimum zoning requirements. The term includes tracts or parcels.

"Lot/boundary line adjustment" is synonymous with "boundary line adjustment" and means the relocation or other minor adjustment of the boundaries of a lot, in which the

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relocation does not result in the creation of any additional lot or lots.

“Lot, corner” means a lot situated at the intersection of two or more streets.

“Lot, flag” means an irregular extension or protrusion of a lot created for the purpose of providing such lot with frontage on a public or private street or access way.

“Lot, double-frontage” means a lot with street frontage along two (2) opposite boundaries.

“Lot, frontage” means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; except in those cases in a commercial or industrial district where a lot has two or more street frontage of equal length or nearly equal length, the frontage shall be considered to be the line adjoining the street which the comprehensive plan shows is intended to carry the heaviest traffic flow, or where no public street exists, along a private road, easement or access way.

“Lot, reverse-frontage” means a double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line, and over the rear of which is an easement as provided in RMC 24.100.300. The rear lot line of the lot shall be that boundary abutting a street or other disadvantageous use.

“Lot, nonconforming” means a lot of record in existence prior to the effective date of the ordinance codified as Title 24 RMC and any amendments thereto which does not meet the minimum lot size and other requirements as set forth in Title 23 RMC: Zoning.

“Lot of record” means any lot, tract, or parcel of land shown on an officially recorded plat or short subdivision or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyance purposes on the date of recording of the instrument first referencing the lot. The term “lot of record” as used herein does not imply that the lot conforms with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW or this title.

“Lot, through” means a lot that has both ends fronting on a street neither of which having access restrictions. Both ends shall be deemed front.

“Meander line” means a line along a body of water intended to be used solely as a reference for surveying.

“Parcel” means a contiguous quantity of land in the possession of, owned by, controlled by, or recorded as the property of the same owner or joint owners.

“Parcel combination” means the combination/merger of two (2) or more lots/parcels into one (1) lot/parcel.

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“Plat” is a map or representation of a subdivision showing thereon the division of tract(s) or parcel(s) of land into lots, blocks, streets and alleys or other divisions and dedications.

“Plat Certificate” means a title report prepared by a title company for the property contained in a proposed binding site plan, subdivision or short subdivision, to include, as a minimum, all owners of record, easements and encumbrances effecting said property.

“Preliminary subdivision/short subdivision” is a neat and approximate drawing of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision or short subdivision.

“Proof of ownership” means an actual or copy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property. Where proof of ownership is required by this title, the Administrator shall have the discretion to require a current title insurance policy.

“Public street” means an approved street, whether improved or unimproved, held in public ownership or control (either through plat dedication, deed, or easement/right-of-way conveyance) and intended to be open as a matter of right to public vehicular travel.

“Public way” means any publicly owned land set aside for utilities or surface transportation purposes, including vehicular, bicycle and pedestrian transportation, whether improved or not improved.

“Public Works Director” means the City of Richland Public Works Director or designee.

”Public Works Standards” means the city’s engineering, design, and construction standards and specifications governing the construction of public and private infrastructure improvements. The city of Richland’s engineering design standards includes such documents establishing infrastructure standards that are authorized by the Public Works Director and published on the City’s web site.

“Right-of-way” shall have the same meaning as “public way.”

“Review authority” means the Richland Hearing Examiner in the case of a preliminary subdivision or the Administrator and Public Works Director in the case of all other land divisions.

“Roadway” means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface.

“Short plat” means the map or representation of a short subdivision.

Commented [DC4]: I know there was an effort to combine all of our applicable "Public Works Standards" into one document, but maybe it makes sense to call out the specific documents in this definition. "Standard Drawings, Special Provisions, Materials List, and Design Guidelines"

Commented [RP5R4]: I'd prefer the more general description here that enables us to update our standards administratively instead of listing specific documents that might be an incomplete set. This does put a spotlight on the need to finish the project of creating the one consolidated document.

Commented [DC6R4]: ok

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“Short subdivision” is the division or re-division of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“State Environmental Policy Act (SEPA)” means the State Environmental Policy Act as defined by Chapter 43.21C RCW as it now exists or is hereafter amended.

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

“Street, loop” means a minor street of limited length which generally follows a “U-shaped” alignment with both legs intercepting the same street.

“Street, major” means a street intended to carry a heavier traffic loading, minimizing intersecting streets and direct access to abutting properties and primarily for the purpose of accommodating general traffic circulation of the community. Major streets are classified as principal arterial, minor arterial, and major ~~arterial~~collector.

“Street, minor” means a street, usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only. Minor streets are classified as minor collector, local street, ~~local street – single frontage~~, and private street as defined in RMC 12.02.

Commented [DC7]: I think this term can be deleted. It's still a local street.

Commented [RP8R7]: Agreed.

“Street, private” means a street, secured by private easement, tract or parcel created to provide the access from a city street to platted lots, that is not deeded or dedicated to the city, the maintenance of which is the responsibility as ~~of, who shall be~~ noted on the face of the plat.

“Subdivision” is the division or re-division of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“Surety” means a bond, letter of credit, the deposit of a certified check in a city account, a security improvement agreement, or other security acceptable to the city.

"Tax parcel consolidation" means the consolidation of contiguous lots of record which are under one ownership. The purpose of the consolidation shall be for planning and building purposes and any consolidation shall comply with all applicable zoning, subdivision, and other land use controls as deemed necessary by the administrator. If all applicable standards are met, the administrator shall provide a letter to the applicant stating compliance, which the applicant may submit to the Benton County Assessor’s office when requesting the tax parcel consolidation.

“Zoning restrictions” means the restrictions found in the zoning ordinances of the city, primarily Title 23 RMC: Zoning.

24.20.050 Undefined words and phrases.

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The definition of any word or phrase, not listed in the definitions, which is in question when administering this title shall be defined according to one of the following sources in order of priority:

A. Any city of Richland resolution, ordinance, code, regulation or formally adopted comprehensive plan, shoreline master plan or program or other formally adopted land use plan;

B. Any statute or regulation of the state of Washington;

C. Legal definitions from Washington common law or a law dictionary;

D. The common dictionary.

24.20.060 Legal lot.
Development shall be permitted only on legally created lots. A legal lot is created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created or binding site plan was approved, including but not limited to demonstrating that the lot was created through one of the following:

A. Lots created through subdivision - a plat approved by the city of Richland or Benton County separately describing the lot in question; or

B. Lots created through short subdivision - a short subdivision approved by the city of Richland or Benton County separately describing the lot in question; or

C. Lots created pursuant to a binding site plan process in effect at the time the binding site plan was approved by the city of Richland or Benton County; or

D. A deed, contract of sale, mortgage, property tax segregation, plat, or recorded survey describing the lot in question if the instrument was executed prior to July 1, 1969 (effective date of Chapter 58.17 RCW).

24.20.070 Approval required prior to recordation.
Any map, plat or plan, unless previously exempt, hereafter made of a proposed boundary line adjustment, parcel combination, short subdivision, subdivision or binding site plan, or any part thereof, shall be presented for approval prior to recording at the Benton County Auditor's Office. No such map, plat or plan shall be recorded or have any validity unless or until it has the approval of City departments and agencies with jurisdiction as required by this title.

24.20.080 Prohibition against sale, lease or transfer of property.
No person shall sell, lease or offer to sell or transfer any lot, tract or parcel subject to the requirements of this title without first receiving approval hereunder by the city and recording the approved division with Benton County; provided, that if performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land is

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expressly conditioned on the recording of the subdivision, short subdivision or binding site plan containing the lot, tract, or parcel, the offer or agreement does not violate any provision of this title.

24.20.090 Violations.
In the event of the sale, assignment, transfer, lease or conveyance of any lots in violation of the regulations of this title, the city may initiate an action to rescind or enjoin such transfer, assignment, sale conveyance or lease by making application for an injunction in Benton County Superior Court. In addition, the city has such other remedies as are provided by law. Furthermore, any person in violation of any provision of this title shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

24.20.100 Violations – Penalties.
If the same violator has been found to have committed an infraction violation for the same or similar conduct two (2) separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

24.20.110 Violations – Continuing offense – Penalties.
For any violation of a continuing nature, each day's violation shall be considered a separate offense punishable as provided in RMC 24.20.090 and RMC 24.20.100.

24.20.120 Injunctive and other proceedings.
Notwithstanding the imposition of any penalties hereunder, the city may institute any appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this title.

24.20.130 Application, review and inspection fees.
The Richland City Council shall establish fees to defray the administrative expenses incurred by the city for the following:

A. Fees associated with land division activities.

1. Short subdivision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

2. Preliminary subdivision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

3. Final plat review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the final short subdivision or final subdivision.

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4. Plat improvement plan review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to review of the improvement plans and specifications for the final plat by the Public Works Director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvement plans and specifications for a final plat.

5. Construction inspection fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the plat improvements. The fee is to cover actual costs incurred by the city. If the cost to the city exceeds the amount of the fees paid, the developer shall pay an additional fee before final approval of the plat improvements.

6. Plat alteration or vacation application fee. As set by the City of Richland Fee Schedule this fee is nonrefundable and shall be paid at the time of submission of the application.

7. Exemption letter fee. As set by the City of Richland Fee Schedule, this fee shall be paid at the time of submission of the application.

8. Preliminary subdivision, short subdivision and binding site plan revision application fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

9. Deviation request fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the deviation request.

10. Boundary line adjustment/parcel combination fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

11. Plat exemption/lot line adjustment fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

12. Subdivision Amendment fee (major or minor). As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

13. Time Extension request fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

B. Fees associated with utility and/or street extensions (not associated with a plat).

1. Utility and/or street extension plan review fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to plan

Commented [RJ9]: This fee (and the next one) are established in chapter 12, does it need to be repeated here?

Commented [DC10R9]: Can it just reference Chapter 12 RMC and be done?

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review by the Public Works Director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvement plan.

2. Utility and/or street extension inspection fee. As set by the City of Richland Fee Schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the improvements. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the Public Works Director or designee approving the improvements.

C. For the purposes of this section, the Public Works Director or designee is authorized to establish the total estimated cost of the proposed improvements.

D. For the purposes of this section, “actual costs incurred by the city” shall be the actual salaries and benefits of city staff for the time involved, plus any other direct costs associated with the project such as costs for contracted services.

24.20.140 Re-subdivision limitation.
Land within a short subdivision may not be further divided in any manner within a period of five (5) years from the date of recording of a short subdivision with the Benton County Auditor without the filing of a final plat in accordance with the provisions established in this title for subdivisions; provided, that when the short subdivision contains fewer than nine (9) parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of nine (9) lots within the original short subdivision boundaries.

24.20.150 Contiguous ownership.
Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision or a subdivision.

24.20.160 Professional land surveyor.
The preparation of all preliminary and final short subdivisions, subdivisions and binding site plans shall be made by or under the supervision of a professional land surveyor licensed in the state of Washington. The professional land surveyor shall certify on the final plat that it is a true and correct representation of the lands actually surveyed. A survey is required on all final plats. All surveys shall comply with Chapter 58.09 RCW and Chapter 332-130 WAC.

24.20.170 Advance tax payment required.
All taxes on the property to be platted must be paid as indicated by the seal and signature of the Benton County Treasurer on the face of the plat.

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Chapter 24.30
BOUNDARY LINE ADJUSTMENTS/PARCEL COMBINATION

Sections:

24.30.010 Purpose.
24.30.020 Scope.
24.30.030 Review process.
24.30.040 Application submittal and contents.
24.30.050 Approval criteria.
24.30.060 Time limitation to record approved lot/boundary line adjustment and parcel combination.
24.30.070 Recording.

24.30.010 Purpose.

The purpose of this chapter is to clearly delineate the criteria used by the city of Richland to review lot/boundary line adjustments and parcel combinations. Parcel combination allows for two (2) or more lots/parcels to be combined into one (1) lot/parcel. Lot/boundary line adjustments provide a procedure for changes in property lines. A lot/boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a lot line, and to remedy property use constraints caused by adverse topographical features. A lot/boundary line adjustment does not apply to boundary changes that would otherwise be regulated by applicable city of Richland land use codes and regulations, or to actions requiring the re-plat, alteration, or vacation of a subdivision or short subdivision. The adjustment must be consistent with all applicable zoning, health, building, and similar regulations, and cannot result in nonconformance or increase an existing nonconformance. This chapter is also intended to ensure compliance with the Survey Recording Act, Chapter 58.09 RCW, and Chapter 332-130 WAC.

24.30.020 Scope.

The lot lines separating two lots of record may only be adjusted/removed under the provisions of this chapter, except as provided under RCW 58.17.040, as now adopted or hereafter amended. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the land division requirements set forth in this title; provided, that all requirements set forth in this chapter are met, lot/boundary line adjustments proposing lot reorientations shall be deemed to be minor in nature.

Boundary line adjustments shall be a minor alteration in the location of lot or parcel boundaries on existing lots or parcels. In this section, “lot” shall mean a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township and range, and be of sufficient area to meet minimum zoning requirements. The purpose of the parcel combination process is to remove interior lot lines of a parcel comprised of two (2) or more separate lots with contiguous ownership. Boundary line adjustments must be consistent with the following:

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A. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments as required by the City of Richland Critical Area Ordinance and Shoreline Master Program;

B. Such alteration shall not diminish the size of any lot so as to result in a lot which would not comply with zoning regulations except as provided in RMC Section 24.30.050(B);

C. Such alteration shall not result in a building setback violation or site coverage to less than prescribed by the zoning regulations; and

D. All lots resulting from the boundary line alteration shall be in conformance with all applicable zoning requirements.

24.30.030 Review process.
Boundary line adjustments and parcel combinations are classified as Type I applications and shall be reviewed pursuant to RMC Section 19.20.010. Based on comments from the Public Works Department, public health official, and other applicable agencies and departments, the Administrator shall approve the proposed lot line adjustment or lot combination only upon finding that the standards of the Richland Municipal Code have been satisfied.

24.30.040 Application submittal and contents.
To be considered complete, a lot/boundary line adjustment or parcel combination application shall include the following:

A. Applications for lot/boundary line adjustments or parcel combinations shall be made on forms provided by the city of Richland Development Services Department, and shall be submitted to the Development Services Department along with the appropriate fees as established in the City of Richland Fee Schedule;

B. A completed boundary line adjustment and parcel combination request form, including all materials required pursuant to the Richland Municipal Code, to include a site plan showing (1) the location and dimensions of all structures/improvements existing upon the affected lots; (2) the distance between each structure/improvement and the proposed lot/boundary lines; and (3) structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;

C. Two (2) copies of a clean and legible record of survey suitable for recording showing the following:

1. The proposed lines for all affected lots, indicated by bold solid lines;

2. The existing lot lines proposed to be changed, indicated by light broken lines;

3. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as parcel A, parcel B, etc.;

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4. A north arrow and scale;

5. All parcel numbers of affected lots;

6. The location of the property as to quarter/quarter section;

7. The location and dimensions of any easements within or adjacent to any affected lots;

8. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;

9. The area and dimensions of each lot following the proposed adjustment;

10. The existing and, if applicable, proposed future method of sewage disposal for each affected lot, including the location and dimensions of the proposed drain field;

11. The location of all existing and proposed water, sewer and storm drainage facilities;

12. Footprint of existing buildings with dimensions from property lines;

13. Deeds for land transfer with new legal descriptions. The legal descriptions shall include the legal for the portion of the land to be transferred and a legal description of each new parcel after the transfer. Deeds shall be typed; handwritten deeds will not be accepted.

D. The drawing shall be attached to or include on the face a formal legal declaration of the lot/boundary line adjustment, signed and notarized by all legal owners of the subject properties; and

E. If on-site wastewater (septic tanks) disposal is proposed under the limited circumstances where the Richland Municipal Code does not require connection to the city's sewer system, the applicant shall provide written verification from the Benton-Franklin Health District that the site is adequate to accommodate an on-site sewage disposal system.

24.30.050 Approval criteria.
All public improvements installed for any lot/boundary line adjustment or parcel combination shall be in accordance with the city's Public Works Standards. Lot/boundary line adjustments and parcel combinations shall not:

A. Create any additional lot, tract, parcel, or division;

B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension

as set forth in the city's zoning and land use and state and local health codes and regulations. This provision shall not be construed to require correction or remedy of preexisting nonconformities or substandard conditions; however, existing nonconformity shall not be increased or create any new nonconformity;

C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and/or access or easement for vehicles or pedestrians, utilities, and/or fire protection for any lot, tract, parcel, site, or division;

D. Diminish or impair any public or private utility easement or deprive any parcel of access or utilities;

E. Create unreasonably restrictive or hazardous access to the property;

F. Increase the nonconforming aspects of an existing nonconforming lot relative to the city's zoning and land use regulations;

G. Re-plat or vacate a plat or short subdivision, or revise or amend the conditions of approval of any full or short subdivision; or

H. Amend the conditions of approval for previously platted property.

24.30.060 Time limitation to record approved lot/boundary line adjustment and parcel combination.
If the final documents are not recorded within ninety (90) days of approval, the lot line adjustment or parcel combination shall automatically become null and void.

24.30.070 Recording.
A. Upon approval of the application, the Administrator shall notify the applicant. The applicant shall then record with the Benton County Auditor the certificate or document issued by the Administrator indicating approval of the lot/boundary line adjustment or parcel combination, together with the legal document(s) transferring title, any applicable restrictive covenants, and the survey, if one was required and has not yet been recorded.

B. A lot/boundary line adjustment or parcel combination does not become effective until the applicant has recorded the documents required by the Benton County Auditor. The applicant shall return one copy of each recorded document to the Department, which copy must bear the Benton County Auditor's stamp to verify recording. No building or other site development permits shall be granted until the applicant returns the copy of the recorded document to the Department.

Chapter 24.40
SHORT SUBDIVISIONS

Sections:
24.40.010 Contents of application.

24.40.020 Distribution of plans.
24.40.030 Preliminary short subdivision – Administrative review.
24.40.040 Findings.
24.40.050 Appeals.
24.40.060 Final short subdivision submittal.
24.40.070 Phasing.
24.40.080 Contents of final short subdivision.
24.40.090 Final short subdivision – Approval of Administrator and Public Works Director.
24.40.100 Recording.
24.40.110 Expiration of preliminary approval.
24.40.120 Time extensions.

24.40.010 Contents of application.

Every preliminary short subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. Two (2) copies of the preliminary short subdivision which shall be a legibly drawn map 24 x 36 inches in size at a scale of one (1) inch equals 50 feet or one (1) inch equals 100 feet. If approved by the Department, an alternative appropriate scale may be used;

2. One (1) reduced (11 x 17 inches) copy of the preliminary short subdivision;

3. One (1) copy of the short plat shall be submitted to the City in a digital or electronic format as a Portable Document Format (PDF).

4. SEPA environmental checklist, if applicable. An environmental checklist will be required for a preliminary short subdivision if the construction of improvements will involve more than 500 cubic yards of grading, excavation or fill, or if critical areas exist on site;

5. A plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing;

5. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary short subdivision data (to be included on the preliminary short subdivision maps or exhibits).

1. Title of the proposed short subdivision;

Commented [RJ11]: No pre-app required for a short plat? They are for a long plat

Commented [RP12]: This statement appears to limit the scope of an environmental review for a short subdivision. Aren't there circumstances in which a traffic evaluation might be warranted for a short plat, particularly of commercial property? Alternatively, would the traffic analysis be covered during permitting of an end use, in which case this language is probably fine.

Commented [DC13R12]: I would think so.

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2. Location of subject property by quarter-quarter(s) of the section, township and range;

3. Legal description of the subject property with the source of the legal description clearly indicated;

4. A vicinity map at a scale of not more than 400 feet to the inch, except that the Administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed short subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or un-platted property;

5. North arrow, scale and boundary of the proposed short subdivision, and the date the map is prepared;

6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet;

7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed short subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;

9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owners of the short subdivision;

10. All existing easements that affect the subject property;

11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the Flood Insurance Rate Map, and critical areas as defined in Chapter 22.10 RMC;

12. Location of existing buildings, septic tanks, drain fields, wells and other improvements, and a note indicating if they will remain or be removed;

13. Whether adjacent property is platted or un-platted. If platted, give the name of the subdivision. If the proposed short subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat must be provided, along with the recording numbers of any recorded covenants and easements;

14. Topographic information as provided by a Licensed Land Surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are

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fifteen percent (15%) or greater; and

15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

24.40.020 Distribution of plans.
When the Department determines that the application is complete pursuant to Chapter 19.30 RMC, the Department shall distribute the application materials to agencies deemed prudent by the city. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one mile of another municipal boundary. Application materials shall also be provided to the Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

24.40.030 Preliminary short subdivision – Administrative review.
Preliminary short subdivisions are classified as Type I applications and shall be processed pursuant to the applicable provisions of Title 19 RMC. The Administrator is authorized to approve, approve with conditions, or deny the application for preliminary short subdivision. The applicant will be notified in writing by the Administrator as to the requirements for the filing of the short subdivision (preliminary short subdivision approval) or its denial within thirty (30) days of determining that the application is complete. The decision of the Administrator is final unless a timely appeal is filed pursuant to RMC 24.40.050, Appeals.

24.40.040 Findings.
Prior to approving any preliminary short subdivision the Administrator shall determine and make written findings of fact that the public interest will be served by the short subdivision, the proposed short subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

A. The public health, safety, and general welfare;

B. Open spaces;

C. Drainage ways;

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways (including any applicable frontage improvements);

E. Transit stops;

F. Public potable water supplies;

G. Sanitary sewer;

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H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

K. Other requirements found to be necessary and appropriate and for which written standards and policies have been adopted.

24.40.050 Appeals.
Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and the procedure set forth in Chapter 19.70 RMC.

24.40.060 Final short subdivision submittal.
A. The final short subdivision shall incorporate all conditions of the preliminary approval, and all conditions of approval imposed by the Administrator.

B. All final short subdivision submittals shall include the following:

1. A minimum of two (2) copies of the proposed final short subdivision;

2. Appropriate fees as provided in RMC 24.20.130;

3. Plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing; and

4. Maps shall also be submitted in portable document format (.pdf) format at the time of submittal.

24.40.070 Phasing.
Phasing of short subdivisions is not permitted.

24.40.080 Contents of final short subdivision.
All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final short subdivision shall include the following:

A. The final short subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final short subdivisions shall measure 24 x 36 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

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B. The file number of the short subdivision, location by quarter-quarter(s) of a section, township and range shall be shown.

C. The scale shall be 50 feet or 100 feet to the inch. If approved by the Department, an appropriate scale may be used which does not exceed 200 feet to the inch, provided a 400 feet to the inch reduced copy is also submitted. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the short subdivision prior to any dedication to the public.

E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the short subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary short subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways (roadways?) shall be shown. Also: Any special notes as determined by the city?

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final short subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the short subdivision map is a true and

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correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto;

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow;

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

R. The allowable error of mathematical closure for the final plat map shall not exceed one foot in 80,000 feet or 0.30 foot, whichever is greater;

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used;

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

U. Short subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two (2) spiral curve elements in addition to the chord bearing and length;

U. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius;

V. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

W. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements;

X. The final short subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one (1) acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Y. Signature blocks. The plat must be reviewed and signed by the following:

1. Richland Public Works Director;

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2. Administrator;

3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);

4. Benton County Treasurer;

5. Benton County Assessor; and

6. Applicable irrigation purveyor.

24.40.090 Final short subdivision – Approval of Administrator and Public Works Director.

A. Upon receipt of the final short subdivision application, the Administrator and Public Works Director shall review and approve the final short subdivision once it has been determined that it conforms to the conditions of the preliminary approval and applicable state laws, and meets the Title 24 RMC requirements in existence when the preliminary short subdivision was approved. Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and

2. All elements of the permitted sanitary sewer system installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

3. All elements of the permitted potable water distribution system installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

4. All elements of the permitted stormwater drainage system installed, inspected, and accepted. Completion of manhole and inlet casting adjustments and long term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

5. All elements of the permitted public streets installed, inspected and accepted. Consistent with RMC 24.40.100, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

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7. Inspection, acceptance and energizing of ~~streetlights~~streetlights may be deferred if secured by a security improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

8. All off-site infrastructure required by preliminary short subdivision conditions is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must be recorded in the public record; and

9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

10. Record drawings of the public infrastructure meeting the Public Works Standards.

B. The Public Works Director may determine that the minimum improvements described above are substantially complete if: (1) all of the items listed above are complete to the point of providing service as intended by their design, even if minor work is needed to complete adjustments and site cleanup; and (2) the total estimated value of the minor work is less than $10,000; and (3) the applicant has deposited $10,000 with the city prior to submittal of the final short subdivision or subdivision application to secure completion of the required minor work. Inspection, acceptance and energizing of ~~street lights~~streetlights may be included in the scope of this minor work.

24.40.100 Recording.
The applicant shall record the completed final short subdivision map with the Benton County Auditor's Office and submit copies of the recorded documents to the Department within ten (10) days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

24.40.110 Expiration of preliminary approval.
Approval of a preliminary short subdivision shall automatically expire two (2) years from the date of approval unless a complete application for a final short subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.40.120.

24.40.120 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Development Services Department at least forty-five (45) days prior to the expiration of the preliminary short subdivision. Time extension requests shall be processed as a Type I application under to Title 19 RMC.

B. The Administrator may approve one (1) twelve (12)-month time extension provided there are no significant changed conditions or changed development regulations which would render recording of the short subdivision contrary to the public health, safety, or general welfare. Prior to granting the time extension, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions

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recommended by the Department or affected agencies may be required as a condition of this extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

Chapter 24.50
SUBDIVISIONS

Sections:

24.50.005 Pre-Application conference required.
24.50.010 Contents of application.
24.50.020 Distribution of plans.
24.50.030 Preliminary subdivision – open record hearing.
24.50.040 Preliminary subdivision – review by hearing examiner.
24.50.050 Findings.
24.50.060 Appeals.
24.50.070 Expiration of preliminary approval.
24.50.080 Time extensions.
24.50.090 Final subdivision submittal.
24.50.100 Contents of final subdivision.
24.50.110 Phasing.
24.50.120 Final plat – approval of Administrator and Public Works Director.
24.50.130 Performance bond.
24.50.140 Recording.

24.50.005 Pre-application conference required.

A pre-application conference pursuant to RMC 19.30.010 is required prior to filing an application for a preliminary subdivision unless the Administrator waives this requirement. The Administrator's determination to waive this pre-application requirement is based on the scope and complexity of the proposed project, and will be made in the Administrator's sole discretion.

24.50.010 Contents of application.

Every preliminary subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. Two (2) copies of the preliminary subdivision which shall be a legibly drawn map 24 x 36 inches in size at a scale of one (1) inch equals 50 feet or one (1) inch equals 100 feet. If approved by the Department, an alternative appropriate scale may be used;

2. One (1) reduced (11 x 17 inches) copy of the preliminary short subdivision;

3.One (1) copy of the short plat shall be submitted to the City in a digital or electronic format as a Portable Document Format (PDF).
4. SEPA environmental checklist;

5. A plat certificate dated within thirty (30) days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owner(s) signing;

6. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

Commented [RP14]: Is there a reason why SEPA documentation isn't specifically called out in this section as it is in the short subdivision section?

B. Preliminary subdivision data (to be included on the preliminary subdivision).

1. Title of the proposed subdivision;

2. Location of the subject property by quarter-quarter(s) of the section, township and range;

3. Legal description of the subject property with the source of the legal description clearly indicated;

4. A vicinity map at a scale of not more than 400 feet to the inch, except that the Administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or un-platted property;

5. North arrow, scale and boundary of the proposed subdivision, and the date the map is prepared;

6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet;

7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;

9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owner(s) of the subdivision;

10. All existing easements that affect the subject property;

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11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the Flood Insurance Rate Map, or critical areas as defined in Chapter 22.10 RMC;

12. Location of existing buildings, septic tanks, drain fields, wells or other improvements, and a note indicating if they will remain or be removed;

13. Whether adjacent property is platted or un-platted. If platted, give the name of the subdivision. If the proposed subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown, and a copy of the existing plat shall be submitted, along with the recording numbers of any recorded covenants and easements;

14. Topographic information as provided by a Licensed Land Surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are 15 percent (15%) or greater; and

15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

24.50.020 Distribution of plans.
When the Department determines that the application is complete pursuant to Chapter 19.30 RMC, the Department shall distribute the application materials to agencies deemed prudent by the city. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one (1) mile of another municipal boundary. Application materials shall also be provided to the Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

24.50.030 Preliminary subdivision – open record hearing.
Preliminary subdivisions are classified as Type IIIA applications and shall be processed pursuant to the applicable provisions of Title 19 RMC. Notice of the time, place, and purpose of the hearing examiner open record hearing on the preliminary subdivision shall be given in accordance with RMC 19.40.010 and in the following manner:

A. Mailing a written notice not less than fifteen (15) days prior to the date of such hearing to the owners of all properties within 300 feet of the exterior boundaries of the proposed subdivision, said mailing to be by regular, first class mail, postage prepaid; and

B. Posting public notice on or adjacent to the land proposed to be subdivided at least fifteen (15) days prior to the date of the open record hearing; and

C. Publishing in the official newspaper of the city and on the city's website a notice of the

open record hearing not less than fifteen (15) days prior to the date of such hearing.

24.50.040 Preliminary subdivision – review by hearing examiner.
The hearing examiner will hold an open record hearing concerning all preliminary subdivisions submitted to the city, and will review all preliminary subdivisions to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan or other official growth management controls of the city, and to assure conformance to city planning standards, zoning, and specifications.

A. The hearing examiner shall inquire into the public use and interest proposed to be served by the subdivision and any dedications associated therewith. The hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, multi-use pathways, and other public ways, transit stops, public potable water supplies, sanitary sewer, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features, that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedications.

B. Every decision of the hearing examiner shall be in writing and shall include findings of fact and conclusions to support the decision.

C. The hearing examiner must act on the application within 90 days of filing of a fully completed preliminary subdivision application unless the applicant consents to an extension of time. This 90-day period excludes time required to comply with Chapter 43.21C RCW and RMC 24.50.030.

D. The decision of the hearing examiner is final unless a timely appeal is filed pursuant to RMC 24.50.060.

24.50.050 Findings.
Prior to approving any preliminary subdivision, the hearing examiner shall determine and make written findings of fact that the public interest will be served by the subdivision, the proposed subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

A. The public health, safety, and general welfare;

B. Open spaces;

C. Drainage ways / storm water;

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways;

E. Transit stops;

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F. Public potable water supplies;

G. Sanitary sewer;

H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

24.50.060 Appeals.
Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and procedure as set forth in Chapter 19.70 RMC.

24.50.070 Expiration of preliminary approval.
Approval of a preliminary subdivision shall automatically expire five (5) years from the date of approval unless a complete application for a final subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.50.080.

24.50.080 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Department at least forty-five (45) days prior to the expiration of the preliminary subdivision. Time extension requests shall be processed as a Type I application pursuant to Title 19 RMC.

B. Subject to the routing and comment requirement provided herein, the Administrator may grant a single one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the subdivision contrary to the public health, safety, or general welfare. Prior to granting the one-year time extension, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of the time extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.50.090 Final subdivision submittal.
A. The submittal of an application for final subdivision approval shall only occur after:

1. The applicant has completed all work and it has been accepted by the Public Works Department; or

2. The applicant has substantially completed all work required by the Public Works Department, including preparation and submittal of record drawings and survey data, a walk-thru inspection has been completed (with punch list items valued at less than $10,000), and financial security ~~a surety bond~~ for the punch list items has been provided and accepted by the Public Works Department; or

Commented [RP15]: This text doesn't read well and I think its redundant to the "financial security" language.

3. A security and improvement agreement in a form approved by the City Attorney and executed by applicant and the City Manager, coupled with the required financial surety, is attached to the final subdivision application.

B. Upon satisfaction of one of the three options above and submission of the final subdivision application to the Department, it shall be routed to appropriate departments and agencies to review for compliance with the conditions of approval. Once all reviewing departments and agencies are satisfied, all necessary infrastructure has been installed, and all conditions have been met or appropriate bonding and surety obtained pursuant to RMC 24.50.110, the final subdivision map shall be submitted by applicant to the Department for obtaining the required signatures. Final subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of receipt thereof, unless the applicant consents to an extension of such time period (RCW 58.17.140).

24.50.100 Contents of final subdivision.
All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final subdivision shall include the following:

A. The final subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final subdivisions shall measure 24 x 36 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The file number of the subdivision, location by quarter-quarter(s) of a section, township and range shall be shown.

C. The scale shall be 50 feet or 100 feet to the inch. If approved by the Department, an appropriate scale may be used which does not exceed 200 feet to the inch, provided a 400 feet to the inch reduced copy is also submitted. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the subdivision prior to any dedication to the public.

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E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the subdivision map is a true and correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto;

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow;

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

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R. The allowable error of mathematical closure for the final plat map shall not exceed one foot in 80,000 feet or 0.30 foot, whichever is greater;

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used;

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

U. Subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two (2) spiral curve elements in addition to the chord bearing and length;

U. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius;

V. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

W. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements;

X. The final subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one (1) acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Y. Signature blocks. The plat must be reviewed and signed by the following:

1. Richland Public Works Director;

2. Administrator;

3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);

4. Benton County Treasurer;

5. Benton County Assessor; and

6. Applicable irrigation purveyor.

24.50.110 Phasing.

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A. Any subdivision may be developed in phases or increments. A master phasing plan shall be submitted with the preliminary subdivision for approval by the Department. The phasing plan may be approved by the Administrator provided:

1. The phasing plan includes all land identified within the legal notice;

2. The sequence of phased development is identified by a map;

3. Each phase has reasonable public or private infrastructure to support the number of dwelling units or proposed commercial or industrial development contained in that phase and to appropriately mitigate and identified impacts;

4. Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision or binding site plan; and provided that any non-finalized portion meets the minimum lot size of the underlying zone for the proposed use; and

5. The Public Works Director approves the necessary documents so that all road improvement requirements are assured for that phase.

B. A phasing plan may be amended or substituted following preliminary approval. Said plan may be approved administratively provided the above criteria are met.

24.50.120 Final plat – Approval of Administrator and Public Works Director.
A. Upon receipt of the final subdivision map, the Administrator and Public Works Director shall review the final map and shall approve the final subdivision once it has been determined that the final subdivision conforms to the conditions of the preliminary approval and applicable state laws, and meets the Title 24 RMC requirements in existence when the preliminary subdivision was approved. Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and

2. All elements of the permitted sanitary sewer system are installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

3. All elements of the permitted potable water distribution system are installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

4. All elements of the permitted stormwater drainage system are installed, inspected and accepted. Completion of manhole and inlet casting adjustments and long term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed

by the City Manager; and

5. All elements of the permitted public streets are installed, inspected and accepted. Consistent with RMC 24.50.120, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

7. Inspection, acceptance and energizing of ~~streetlights~~streetlights may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

8. All off-site infrastructure required by preliminary subdivision conditions is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must recorded in the public record; and

9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager; and

10. Record drawings of the public infrastructure meeting the Public Works standards may be deferred if secured by a security agreement in a form approved by the City Attorney and executed by the City Manager.

B. The Public Works Director may determine that the minimum improvements described above are substantially complete and authorize the final plat if: (1) all of the items listed above are complete and the total estimated value of the incomplete work is less than $10,000; and (2) the applicant has deposited $10,000 with the City prior to submittal of the final subdivision application to secure completion of the required work; or (3) if the applicant and the City enter into a Security Improvement Agreement to secure the completion of incomplete items..

24.50.130 Performance bond.

In lieu of the construction of the required improvements prior to final platting or dividing of the property, the applicant may enter into a Security Improvement agreement with the city to construct the required street improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the streets within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the streets and acceptance of the improvements by the city.

Commented [RP16]: This paragraph speaks only to streets and does not mention utilities. Is it required that we enable bonding of streets only?

Commented [RJ17R16]: Why not copy the section in short plats above?

24.50.140 Recording.

The applicant shall record the completed final subdivision map with the Benton County

Auditor's Office and submit copies of the recorded documents to the Development Services Department within ten (10) days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

Chapter 24.60
BINDING SITE PLANS

Sections:

24.60.010 Purpose and scope.
24.60.020 Overview of procedures.
24.60.030 Application for binding site plan approval.
24.60.040 Content of binding site plan.
24.60.050 Review procedures for preliminary approval.
24.60.060 Requirements for final approval including design and bonding of improvements.
24.60.070 Performance bond.
24.60.080 Appeals.
24.60.090 Recording and enforcement.
24.60.100 Rescission.
26.60.110 Expiration.
26.60.120 Time extensions.
24.60.130 Notice of filing.

24.60.010 Purpose and scope.

A. The purpose of the binding site plan is to establish a procedure of land division in lieu of other provisions of Title 24 RMC. The division of property by the binding site plan process may only be used for the following:

1. The division of land for the purposes of leasing space for manufactured homes, travel trailers, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or other recreational vehicles so long as the site plan complies with all other applicable regulations; and

2. The division of land involving improvements constructed or to be constructed that will be one or more condominiums or owned by an association or other legal entity.

B. Binding site plans will not be approved unless appropriate provisions and dedications of public rights-of-way, utilities, and easements are made to meet infrastructure provisions per city standards. The city may also require a development agreement governing future development of the property.

Commented [RP18]: Nothing in this section mentions commercial or industrial uses. Is this an unintentional omission as binding site plan has been a common commercial development tool in the past?

24.60.020 Overview of procedures.

A. The general procedures for processing a binding site plan shall consist of the following steps:

1. Submittal of an application for preliminary approval of a binding site plan;

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2. Approval by the Public Works Director of appropriate engineering design plans for streets and other public improvements, and either construction of improvements or submittal of a security and improvement agreement in a form approved by the City Attorney and executed by the City Manager;

3. Approval of the binding site plan by the Administrator; and

4. Recording of binding site plan with the Benton County Auditor's Office.

24.60.030 Application for binding site plan approval.
Prior to the division of land as allowed per RMC 24.60.010, a binding site plan application shall be filed. The application shall include:

A. A completed application form;

B. Two (2) copies of the binding site plan prepared by a registered professional land surveyor (24 x 36 inches) and one set of reduced size (11 x 17 inches) reductions of the binding site plan;

C. A Plat Certificate dated no later than thirty (30) days prior to the date of application showing the name of all parties with an interest in the land being subdivided;

D. Preliminary engineering plans including, but not limited to water, sewer, ~~streetlights~~streetlights, roads, storm drainage and sidewalks;

E. Application fee as required by the City of Richland Fee Schedule;

F. SEPA Checklist; and

G. Any other information deemed necessary by the Administrator to demonstrate compliance with requirements of the Richland Municipal Code.

24.60.040 Content of binding site plan.
The binding site plan shall consist of a cover sheet, if necessary, containing approvals, conditions, certificates, and inscriptions; and a scaled drawing(s) representing the parcel to be divided. The cover sheet is necessary only if the binding site plan contains more than one sheet. All sheets shall be drawn in permanent black ink on sheets of paper measuring 24 x 36 inches, and with a two-inch margin on the left edge and a one-inch margin on all other edges. The drawing shall be drawn at an appropriate decimal scale such that it is not cramped or illegible. The cover sheet and drawing shall contain the following:

A. Content of cover sheet. The cover sheet shall contain the following information and inscriptions:

1. At the top of the sheet, the title "Binding Site Plan No. (number) of (year)" followed by the name of the proposed binding site plan. If the land to be divided is a portion of a larger property for which a binding site plan has previously been recorded, the name

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shall be “a portion of....” followed by the name of previously recorded binding site plan;

2. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described below, for which an exact location is known, with all dimensions shown to the nearest one hundredth of a foot, curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes, and seconds;

3. Location by section, township and range to the nearest quarter section;

4. Legal descriptions of all the lots, parcels, or tracts of land within the boundaries of the parcel as they are proposed to be divided at the time of binding site plan approval; and

5. Inscriptions setting forth appropriate limitations and conditions for use of the land; and

6. Certificates, dedications, and approvals as required by the Administrator.

B. Content of binding site plan drawing(s). The binding site plan drawing(s) shall contain the following information:

1. At the top of the sheet, the title and name of the binding site plan as provided in subsection (A)(1) of this section;

2. Location by section, township and range to the nearest quarter section;

3. Scale of drawing, date, and north arrow;

4. Existing topography as provided by a Licensed Land Surveyor of the land indicated by contour lines at two-foot intervals or less and delineating any areas with slopes that are 15% or greater;

5. The boundary line of the binding site plan which contains the entire parcel which is to be divided, and the line of all existing buildings, streets, roads, rights-of-way, easements, lots, blocks, tracts, etc. within or adjacent to the property to be divided;

6. The locations of all proposed streets, roads, rights-of-way, easements, etc.;

7. The lines of the lot divisions proposed at the time of binding site plan application;

8. The exact location, width, and name or purpose of existing and proposed streets, roads, alleys, walks, utility, access control, or other easements, driveway accesses onto public streets, open spaces, etc., except that where exact locations and dimensions are not known at the time of binding site plan application, general locations shall be shown and appropriate limitations and conditions shall be referenced to and

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contained within inscriptions on the binding site plan cover sheet;

9. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described above, for which an exact location is known, with all dimensions shown to the nearest one hundredth of a foot, with curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes and seconds; and

10. The location of all streams, ponds, wetlands, or other bodies of water, prominent topographic features, sensitive areas, or other significant natural features on the site which affect or might be affected by the division or development of the land.

24.60.050 Review procedures for preliminary approval.

A. Referral to city departments and divisions. Within ten (10) working days of the filing of a complete binding site plan application, the Administrator will transmit a copy of the binding site plan to the Public Works Department, Energy Services, Fire & Emergency Services, and the Building division of the Development Services Department. Transmittal of the binding site plan shall be under cover of a memorandum scheduling a meeting of the affected departments and divisions within twenty (20) business days following the filing of a complete binding site plan application, and shall stipulate the time and place of such meeting.

B. Written response from affected departments. Prior to or at the binding site plan meeting, written comments, recommendations or requirements from the affected departments shall be delivered to the Administrator. Failure to provide a written response shall constitute an assumption that the binding site plan is acceptable to the department not responding.

C. Binding site plan meeting. The binding site plan meeting shall convene at the stipulated time and place, and shall be attended by affected departments and the applicant and/or representatives of the applicant. The Administrator shall serve as moderator of the meeting.

D. Consideration and action by the Administrator. The Administrator, within a period of seven (7) business days from the date of the binding site plan meeting, shall consider all information provided and determine if the application for binding site plan makes adequate provisions for the public health, safety, and welfare, and will be in the best interests of the citizens of the city and in accordance with the design criteria of the Richland Municipal Code. After due consideration of the above, the Administrator shall approve, conditionally approve, deny, or return the binding site plan application to the applicant.

E. Return and resubmission. The Administrator may return the application for binding site plan to the applicant without taking action on it when additional information or modifications are required. After an application is resubmitted, the Administrator may (1) refer the application to affected city departments and divisions and schedule a second

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binding site plan meeting according to the procedure previously set forth, or (2) take action on the binding site plan application resubmittal. The Administrator shall act to approve, conditionally approve, or deny the application for the binding site plan; however, the Administrator may, with the applicant's consent, return the binding site plan to the applicant without taking action on it.

24.60.060 Requirements for final approval including design and bonding of improvements.

A. Prior to affixing of a signature of approval on the binding site plan by the Administrator, the applicant shall, upon the decision of the Public Works Director, either have included specific conditions on the face of the binding site plan with regard to the timing of bonding or construction of public infrastructure improvements within the proposed rights-of-way or easement areas, or have prepared and submitted to the Public Works Director, and the Public Works Director shall have approved, detailed engineering and design plans for any required streets, utility systems, storm drainage systems, and street lighting systems, or other required improvements in accordance with the applicable specifications and standards of the city and other involved utility agencies. Irrigation system designs, site grading, and other such designs or plans that may be required by law, or that were specifically required as conditions of binding site plan approval, shall be submitted concurrently for the Public Works Director's review and approval. Furthermore, bonding or other legally sufficient assurances of installation of required improvements shall be provided as required in RMC 24.50.110 related to subdivision procedures. Following the affixing of all required signatures, the binding site plan shall be filed for record in the Benton County Auditor's Office.

B. When binding site plans are approved in areas where a master plan including preliminary engineering has been reviewed and approved by all departments and the Richland City Council, the Administrator shall allow recording of the binding site plan, provided specific conditions have been included on the face of the binding site plan noting that the master plan shall be the basis for controlling the location and size of all utilities and roads, and that a building permit shall not be issued for site development until all detailed engineering plans are submitted and approved by the city, and are either constructed or bonded or otherwise conditioned.

24.060.070 Performance bond.

In lieu of the construction of the required streets prior to final platting or dividing of the property, the applicant may enter into a security and improvement agreement with the city to construct the required street improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the streets within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the streets and acceptance of the street improvements by the city.

Commented [RP19]: Same question as in the subdivision section. Does this process apply only to streets or to utilities as well?

24.60.080 Appeals.

Any action taken by the Administrator on a binding site plan application may be appealed

to the hearing examiner in accordance with the requirements set forth in Title 19 RMC for a Type I permit application.

24.60.090 Recording and enforcement.
All approved binding site plans must be recorded with the Benton County Auditor. Once recorded the lots, parcels, or tracts created through this procedure are legal lots of record. All provisions, conditions, and limitations on the binding site plan are binding on the owner, purchaser, or any other person acquiring a lease or other interest of any lot, parcel, or tract created pursuant to the binding site plan. Any sale, transfer, or lease of any lot, tract, or parcel prior to recording of the binding site plan with the Benton County Auditor is a violation of Chapter 58.17 RCW and this title.

24.60.100 Rescission.
A. The city may rescind, vacate or modify all or a portion of a final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded, vacated or modified shall be considered to be configured as it was immediately prior to the time that the binding site plan was recorded.
B. Signatures of all the owners of those portions of a binding site plan which are proposed to be altered by an amendment, rescission or vacation are required on the application for rescission, vacation or modification.

C. The process for rescinding, modifying or vacating a binding site plan shall be accomplished by following the same procedure and satisfying the same laws and conditions as required for a new binding site plan, and the action to rescind, modify or vacate must be found by the city to further the public interest and not cause a significant environmental or land use impact on or beyond the site.

24.60.110 Expiration.
Approval of a binding site plan shall automatically expire five (5) years from the date of approval. Extension of time may be granted as provided in RMC 24.60.130.

24.60.120 Time extensions.
A. An extension request letter and supporting data for time extension requests shall be submitted to the Department at least forty-five (45) days prior to the expiration of the binding site plan preliminary approval. Time extension requests shall be processed as a Type I application pursuant to Title 19 RMC.

B. Subject to the routing and comment requirement provided herein, the Administrator may grant an initial one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the binding site plan contrary to the public health, safety, or general welfare. Subsequent one-year extensions may be granted by the Administrator based on the same analysis. Prior to granting time extensions, the Department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the Department or affected agencies may be required as a condition of the time extension.

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This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The Department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.60.130 Notice of Filing.
Notice of filing of a binding site plan adjacent to or within one (1) mile of another municipal boundary must be given to the appropriate municipal official. Notice of such filing located adjacent to the right-of-way of any existing or proposed state or federal highway must be given to the Washington State Department of Transportation. Notice of the filing may be given to any other agency deemed prudent by the city.

CHAPTER 24.70
MODIFICATION TO PRELIMINARY SUBDIVISIONS AND PRELIMINARY SHORT SUBDIVISIONS

Sections:
24.70.010 Applications.
24.70.020 Revisions of preliminary subdivisions and short subdivisions.

24.70.010 Applications.
An application may be submitted for any proposed modification to a preliminary subdivision or preliminary short subdivision. The application shall contain the signatures of the parties having an ownership interest in the plat or binding site plan, and shall be reviewed as a Type I land use decision under Title 19 RMC.

24.70.020 Revisions of preliminary subdivisions and short subdivisions.
A. A request to modify a subdivision or short subdivision that has received preliminary approval shall be submitted to the Development Services Department.

B. Proposed modifications to a preliminary subdivision that would result in a substantial change, as determined by the Administrator, shall be treated as a new application for purposes of vesting and transportation concurrency, and shall be reviewed as a Type IIIA land use decision under Title 19 RMC.

C. Proposed modifications to a preliminary short subdivision that would result in a substantial change, as determined by the Administrator, shall be treated as a new application for purposes of vesting and, where applicable, transportation concurrency, and shall be reviewed as a Type I land use decision pursuant to Title 19 RMC.

D. For the purpose of this section, a substantial change includes, but is not limited to:

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1. Any amendment that would result in or would have the effect of decreasing the aggregate area of open space in the subdivision by 10 percent (10%) or more;

2. Any amendment that would result in increasing the number of lots in the subdivision beyond the number previously approved;

3. Any amendment that would result in the relocation of any roadway access point as it connects to an exterior street from the plat;

4. Any amendment that proposes phasing of plat development when no phasing plan was included in the original preliminary subdivision approval; or

6. Any amendment that, in the opinion of the Administrator, would significantly increase any adverse impacts or undesirable effects of the plat.

6. A change to conditions of approval of an approved preliminary subdivision or preliminary short subdivision that leads to environmental impacts that were not addressed in the original approval.

E. Proposed changes to a subdivision or short subdivision that do not result in a substantial change, as determined by the Administrator, shall be treated as a minor change and may be approved administratively by the Administrator as a Type I land use decision pursuant to Title 19 RMC.

F. For purposes of this section, minor changes include, but are not limited to:

1. Changes to engineering design standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;

2. Changes in lot dimensions that are consistent with the underlying zone;

3. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained;

4. Changes in timing of phased plans; and

5. Changes to engineering design that reduce construction-related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval.

Chapter 24.80
ALTERATIONS TO FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

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Sections:
24.80.010 Application.
24.80.020 Alteration of final subdivision – Procedure.

24.80.010 Application.
A. An application may be submitted for any proposed alteration to a final plat or final short subdivision. The application shall contain the signatures of the majority of the parties having an ownership interest in lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision, or portion thereof.

B. A subdivision alteration is classified as a Type III permit and shall be processed pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.215.

C. Any short subdivision alteration proposed under this section shall be subject to the requirements of Chapter 24.40 RMC.

24.80.020 Alteration of final subdivision – Procedure.
A. Upon receipt of a completed application for the alteration of a final subdivision, the Administrator shall provide notice of the application to all owners of property within the subdivision, publication in the official newspaper of the city, and to those owners of property within 300 feet of that portion or phase of the subdivision proposed for alteration. The notice shall include a statement that a public hearing will be conducted by the hearing examiner.

B. Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for alteration of a subdivision shall be administered by the hearing examiner, and such decision shall be given the effect of a final decision.

C. During the public hearing, the hearing examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of parties residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. Following approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, which shall be signed by the Administrator and Public Works Director and filed with the Benton County Auditor's Office to become the

lawful plat of the property.

Chapter 24.90
VACATION OF FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

Sections:

24.90.010 Subdivision or short subdivision vacation – Application.
24.90.020 Subdivision or short subdivision vacation – Process.
24.90.030 Vacation of subdivision or short subdivision – Procedure.
24.90.040 Vacation of subdivision or short subdivision – Conduct of hearing.

24.90.010 Subdivision or short subdivision vacation – Application.
An application may be submitted for the proposed vacation of all or part of a recorded subdivision or short subdivision. The application shall contain the signatures of the majority of those parties having an ownership interest in the lots, tracts, parcels, sites or division in the subject subdivision/short subdivision or portion to be vacated.

24.90.020 Subdivision or short subdivision vacation – Process.
Vacation of a subdivision or short subdivision is classified as a Type III application. Upon submittal of a complete application for vacation of a subdivision or short subdivision, the Administrator shall process the vacation request pursuant to Title 19 RMC and in a manner consistent with RCW 58.17.212.

24.90.030 Vacation of subdivision or short subdivision – Procedure.
Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the city. The application shall set forth the reasons for vacation, and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof. Vacations will be processed in accordance with rules prescribed under state law.

24.90.040 Vacation of subdivision or short subdivision – Conduct of hearing.
Consistent with RCW 58.17.217 and RCW 58.17.330, any hearing for vacation of a subdivision shall be administered by the city's hearing examiner, and such decision shall be given the effect of a final decision.

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Chapter 24.100
LAND DIVISION DESIGN STANDARDS

Sections:

24.100.010 Application.
24.100.020 Street requirements.
24.100.030 Streets – Conformity with comprehensive plan.
24.100.040 Streets – Relation to adjoining street systems.
24.100.050 Streets – Access to bodies of water.
24.100.060 Streets – Local residential streets.
24.100.070 Streets – Dead-end.
24.100.080 Streets – Alignment.
24.100.090 Streets – Intersections.
24.100.100 Streets- Half Widths
24.100.110 Streets – Grades.
24.100.120 Streets – Intersection spacing.
24.100.150 Rural Street standards.
24.100.160 Street name signs.
24.100.170 Alleys
24.100.180 Sewer system requirements.
24.100.190 Water system requirements.
24.100.200 Provision for irrigation.
24.100.210 Stormwater system requirements.
24.100.220 Utility rights-of-way and easements – Required.
24.100.230 Easements – Watercourses.
24.100.240 Capacity for future developments.
24.100.250 Blocks – Depth.
24.100.260 Blocks – Pedestrian pathway connections.
24.100.270 Lots – Access.
24.100.280 Lots – Size.
24.100.290 Lots – Shape.
24.100.300 Lots – Double frontage.
24.100.310 Standard specifications.
24.100.320 Streetlights required.
24.100.330 Other utilities required.
24.100.340 Datum.
24.100.350 Monumentation.
24.100.360 Conflicts with other code provisions.
24.100.370 Infrastructure - Permitting.
24.100.380 Deviation.
24.100.390 Deviation - Conditions.

24.100.010 Application.

Except for divisions of land which meet the conditions of RMC 24.20.020, the regulations contained in this chapter shall apply to all divisions of land within the city. Every map, plat,

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replat or plan hereafter made of any such division of land within the city limits shall comply with the provisions of this chapter and the Public Works Standards.

24.100.020 Street requirements.
All streets and rights-of-way within a short subdivision, subdivision or binding site plan shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the Public Works Standards.

24.100.030 Streets – Conformity with comprehensive plan.
The alignment of streets shall conform as nearly as possible with those shown on the comprehensive plan or related plans of the city.

24.100.040 Streets – Relation to adjoining street systems.
The layout of streets shall provide for the continuation of major streets existing on adjoining properties or of their proper projection when adjoining property is not divided. The layout shall also provide for future projection of streets into areas which presently are not subdivided.

24.100.050 Streets – Access to bodies of water.
Unless topography or ground conditions prevent, any division of land bordering on a river or public waterfront reservation shall be provided with at least one (1) street not less than 60 feet wide to the low water mark or the reservation boundary at one-half mile intervals as measured along such body of water.

24.100.060 Streets – Local residential streets.
Local streets which serve primarily to provide access to abutting property shall be designed to discourage cut-through traffic and planned to channel traffic onto minor collectors and other major streets. Local residential streets shall be designed to discourage average traffic speeds in excess of the posted or basic rule (25 mph) speed.

24.100.070 Streets – Dead-end.
Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be no longer than 400 feet or as otherwise allowed due to topographical constraints and allowed by Appendix D of the International Fire Code as adopted by reference in Title 20 RMC, and shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the Public Works Standards.

24.100.080 Streets – Alignment.
For major streets, connecting street centerlines deflecting from each other at any one point more than 10 degrees shall be connected by a horizontal curve that meets the minimum curve radius per AASHTO guidelines unless otherwise approved by the Public Works Director. Connecting tangents between curves shall be a minimum of 100 feet long. For minor streets, curves shall have a typical minimum deflection angle of 30 degrees with curve radii between 100 feet minimum and 150 feet maximum~~s~~ unless approved by the Public Works Director or designee. These parameters are to minimize the potential for speeding within neighborhoods.

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24.100.090 Streets – Intersections.
Street intersections shall be as nearly at right angles as is practicable. When the most feasible plan entails an intersection angle that deviates more than 15 degrees from a right angle, curves or suitable radius and lengths shall be provided. Where street intersections have curvature within 275 feet of the centerline of a stop or yield controlled intersection (looking right or left), the plat designed shall establish sight distance easements if necessary, based on evaluation of the AASHTO sight triangles per RMC 12.11.020.

24.100.100 Streets – Half-width.
A street lying along the boundary of a subdivision may be dedicated to ~~a width of 30 feet~~half of the right-of-way width as required by Subsection 24.100.130 RMC if it is practical to require the dedication of the other half when the adjoining property is subdivided; and, whenever there exists a dedicated half-street of an adjoining parcel, the other half shall be dedicated on the proposed plat to make the street complete. Streets lying along the boundary of a subdivision, whether dedicated by the plat or already dedicated, but not improved, shall be improved by the developer to a minimum paved width of ~~20~~ 22 feet. These regulations shall not apply to new roads/streets to be located adjacent to unincorporated land or as otherwise determined by the Public Works Director.

Commented [DC20]: 10' lanes +1' foot of shy or shoulder.

24.100.110 Streets – Grades.
Streets shall confirm closely to the natural contour of the land, except where a different grade has been established by the city authorities or the agency furnishing municipal services to the community. Grades shall be not less than 0.50 percent on any street and shall meet AASHTO maximum guidelines for major streets and a maximum of 12 percent for minor streets, unless otherwise approved by the Public Works Director and the Fire Marshall based on the fire department's specific apparatus needs. Changes passing through intersections shall not exceed 5 percent with 1 percent grade breaks allowed upon entry and exit.

Commented [DC21]: Note: modify design guidelines to 12. Says 10. I'd prefer to stay at 10 though. 12 invites even more issues with residents during snow/ice.

24.100.120 Streets – Intersection spacing.
Intersection spacing or jogs of minor streets in neighborhoods shall not be less than 125 feet from centerline to centerline of street. Intersection spacing along major streets with minor streets shall use the following table to the extent feasible based on the posted speed of the major street. Greater spacing may be required in some instances where a proposed intersection might be within the 95th percentile queues from intersections of two major streets.

Posted Speed (MPH)	Minimum Spacing (Feet)
25	155
30	200
35	250
40	305
45	360

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24.100.130 Streets – Width.
Street widths and right-of-way widths shall be as shown in the Public Works Standards.

24.100.140 Roadway widths and standards.
All streets, not including alleys, shall be improved in accordance with the Public Works Standards.

24.100.150 Rural street standards.
Rural street standards shall apply in the FP, AG and SAG zoning districts and elsewhere with approval from the Public Works Director.

24.100.160 Street name signs.
Street signs corresponding in design to those adopted as standard for the city shall be installed at each intersection for convenient identification of streets. Street naming and addressing shall be consistent with Chapter 12.01 RMC.

24.100.170 Alleys
Alleys shall not be provided within the City of Richland.

24.100.180 Sewer system requirements.
All proposed land division shall be provided with a complete sanitary sewer system serving each lot designed for human habitation. Design of the sewage disposal system shall be in accordance with Title 17 RMC and the Public Works Standards.

24.100.190 Water system requirements.
All new development shall be connected to the public water main to provide a potable water distribution system serving each lot designed for human habitation. Design of the water distribution system shall be in accordance with International Fire Code Standards, Title 18 RMC and the Public Works Standards.

24.100.200 Provision for irrigation.
Non-potable irrigation facilities must be provided for every lot within any proposed residential land division in which the use of potable water is restricted pursuant to RMC 18.16.080. The irrigation distribution system (as distinguished from the separate domestic water distribution system) must be designed and installed in accordance with the Public Works Standards and irrigation providers requirements, except as otherwise approved by the Public Works Director.

Commented [DC22]: Just a thought for all similar references to "as approved by Public Works Director", with the future public works director's potential to not be an engineer, should these be changed to "City Engineer"?

24.100.210 Stormwater system requirements.
Stormwater runoff from streets, impervious areas, and other areas shall be disposed of through stormwater drainage facilities complying with RMC Title 16 and the Public Works Standards.

24.100.220 Utility rights-of-way and easements – Required.
All municipal utility rights-of-way and utility easements shall be dedicated to the public

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and shown on the plat. Ten (10) feet public utility easements shall be placed adjacent to existing and proposed public street ROWs. Separate utility easements shall be located as required by the provider.

24.100.230 Easements – Watercourses.
Where a development is traversed by a watercourse, canal, drainage way, wasteway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, canal, drainage way, wasteway, channel, or stream, and such further width for construction and maintenance as will be adequate for the purpose.

24.100.240 Capacity for future developments.
The capacities and dimensions of water, sewerage, drainage, electrical, and street facilities shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity. The city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the development and the capacities required to serve the vicinity.

24.100.250 Blocks – Depth.
Except for reverse frontage lots, the width of blocks shall be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed.

24.100.260 Blocks – Pedestrian pathway connections.
For blocks over 500 feet in length a pedestrian pathway right-of-way not less than ~~ten~~ twelve (12~~10~~) feet wide shall be provided where such a pathway is deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation lines, and other community facilities.

Commented [DC23]: Changed to match our standard detail ST-8 for HMA width without shoulder or ditch.

24.100.270 Lots – Access.
Each lot shall be provided with satisfactory access by means of a public street or by some other legally sufficient right of access (easement) which is permanent and inseparable from the lot served subject to the provisions of RMC Title 12.

24.100.280 Lots – Size.
Lot widths and lot areas shall conform with the zoning restrictions applicable to the area within which the property may be located, except that corner lots for which side yards are required shall have extra width to permit appropriate setback from and orientation to both streets. Lot depths shall be suitable for the land use proposed.

24.100.290 Lots – Shape.
Lots shall be as nearly rectangular as possible with side lot lines approximately at right angles or radial to street lines. Ordinarily, the ratio of width to depth shall be one to not more than two and one-fourth. Flag lots shall be discouraged unless no other practical alternative exists as determined by the review authority.

24.100.300 Lots – Double frontage.

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Residential lots which have street frontage along two opposite boundaries shall be avoided except for reverse frontage lots which are essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation. For such lots, there shall be an easement in favor of the city limiting access to only one street and a note stating such shall be placed on the face of the final plat map.

24.100.310 Standard specifications.
Physical developments and improvements required by this title shall be designed and installed in accordance with Public Works Standards and/or other specifications as determined by the Public Works Director. Construction shall be performed subject to the inspection of the Public Works Director or designee. The improvement intended to become part of the city system, including streets, water, electrical and sewer utilities, shall not become part of the city system until formally accepted by the city.

24.100.320 Streetlights required.
~~Streetlights~~Streetlights shall be installed by the developer in accordance with the Public Works Standards.

24.100.330 Other utilities required.
New electrical, telephone, and cable television lines must be placed underground, except:

1. Electric utility substations, pad-mounted transformers and switching facilities, and electrical service pedestals.

2. CATV pedestals, active and passive devices, including amplifiers and cable warning signs.

3. Telephone pedestals, cross connect terminals, repeaters and cable warning signs.

4. Temporary services for construction.

5. Existing overhead electric and communications lines which are not in substantial conflict with the final, approved design such that they would render lots or streets unusable.

6. Existing main feeder lines which are relocated.

24.100.340 Datum.
A. The horizontal datum for all survey work shall be the Washington State Lambert Grid Coordinate System South Zone, using the current NGS adjustment as established in accordance with Chapter 58.20 RCW. The unit of measure shall be the U.S. Survey Foot.

B. The plans shall show the horizontal control used to establish ties to the datum, with

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type, size, and location, date visited, and the State Plane coordinates for each monument used. At least one (1) monument must be shown for each street in the project.

C. Richland Public Works maintains a Continuously Operating Reference Station (DANP CORS) which can be utilized to establish NAD83 – 2011 epoch 2010.00 (current adjustment). Contact the City Surveyor to obtain data from the network.

D. The Vertical datum for all survey work shall be the North American Vertical Datum of 1988 (NAVD ~~19~~88) Geoid 12B. Plans shall show the benchmarks used to establish ties to the datum, with description, location and elevation of each benchmark used.

24.100.350 Monumentation.
A. Right-of-way, street centerline and street intersection monumentation shall be established as described by Public Works Design Standards. In addition, for short subdivision, subdivision or binding site plans, every lot corner shall be marked or referenced in a permanent manner with the registration number of the professional land surveyor in charge of the survey in accordance with state law.

B. Monuments shall be installed as follows:

1. Concrete or iron pipe monuments approved by the City Engineer and installed in a cast-iron monument case shall be set at the centerline of all streets at intersections, at all angle points on street centerlines, at all points of curvature and points of tangent in street centerlines, at the radial points of cul-de-sacs, and at all external corners and block corners of the subdivision.

Commented [DC24]: I've always felt like this was a bit much.

2. The corners of all lots within the subdivision shall be marked by iron pins, not less than one-half of an inch in diameter, and 24 inches in length, firmly driven for their full length into the ground.

24.100.360 Conflicts with other code provisions.
In the event the standards and conditions established by this chapter conflict with other standards and conditions established in this title, the provisions contained in this chapter shall control. In the event the provisions of this chapter conflict with the provisions of Richland Municipal Code Title 23: Zoning, the provisions of Title 23 RMC shall control.

24.100.370 Infrastructure - Permitting
Whenever any public improvements or public works infrastructure are required to support the development, the plans for all public infrastructure improvements shall be submitted to, reviewed, and approved by the Public Works Director or designee before commencement of construction.

24.100.380 Deviation.
A. The owner/developer of property may seek a deviation from the provisions of the municipal code and Public Works Standards or requirements codified by this chapter by submitting a deviation application to the city along with the permit application. A deviation

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fee, as set forth in the City of Richland Fee Schedule, shall be due at the time of application. Deviations for short subdivisions and binding site plans shall be reviewed administratively and approved by the Administrator as part of the short subdivision or binding site plan review process. Deviations for subdivisions shall be decided by the hearing examiner during the preliminary subdivision hearing.

B. The basis for such a deviation from the strict application of the requirements of the municipal code and Public Works Standards is undue and unnecessary hardship on the property owner. No deviation from the provisions or requirements of this chapter shall be authorized unless the review authority finds:

1. That exceptional or extraordinary circumstances or conditions exist to the division of the property, or to the intended use of the property, that do not apply generally to other properties similarly situated; and

2. That the deviation is necessary for the preservation and enjoyment of a substantial property right of the property owner/developer or is necessary for the reasonable and acceptable development of the property. Financial hardship is not a basis for a deviation from the provisions of this chapter; and

3. That the authorization of the deviation will not be materially detrimental to the public welfare or injurious to property in the vicinity; and

4. That the deviation from the provisions and requirements of the municipal code and Public Works Standards does not grant a special privilege to the applicant.

C. Deviation from those items requiring approval of the Public Works Director may be granted by the review authority only upon written recommendation of the Public Works Director.

24.100.390 Deviation – Conditions.
In authorizing a deviation, the review authority may attach thereto such conditions regarding the features of the deviation as deemed necessary to carry out the spirit and purposes of this title and in the public interest.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. 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

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form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2023.

_____
Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to form:

_____
Heather Kintzley, City Attorney

Date Published: _____

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COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items of Business

Strategic Priority 1 - High Performance Government

Subject:
Ordinance No. 2024-07, Adopting the 2023 Comprehensive Plan Amendments into the existing 2017 Comprehensive Plan

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-07	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2024-07, adopting the 2023 Comprehensive Plan Amendments into the existing 2017 Comprehensive Plan.

Summary:
In accordance with RMC 19.90.060, the City Council is obligated to consider proposed Comprehensive Plan amendments and forward those selected to the Planning Commission for processing. Plan amendment applications may be submitted via private application and/or proposed by city staff and the Council. The result of the Planning Commission's review of 2023 applications is hereby attached as the official Planning Commission recommendation (Ordinance No. 2024-07).

The Comprehensive Plan serves as a policy document which sets forth guiding principles to promote measured growth and desirable development outcomes. The document puts forth policy and plans to accommodate 20 years of growth and development and to provide strategic plans to provide needed services and amenities far into the future. The City's Comprehensive Plan is intended to be an all-inclusive document that should bring together various forward-looking documents such as the City's Economic Development Strategic Plan, Park Plan, Transportation, Capital Facilities and financial/budgetary plans.

The 2023 Comprehensive Plan Docket included proposed changes to both the Land Use Map and the text of the Comprehensive Plan document. The Planning Commission conducted a public hearing regarding the proposed amendments on September 13, 2023, and voted to recommend approval of the proposed changes to Richland City Council. Comprehensive Plan amendments are identified as Type IV permit applications under RMC 19.20.010. Both the Planning Commission and the City Council hold public hearings, and the decision to approve or reject proposed changes is vested with the City Council.

Staff recommends approval of Ordinance No. 2024-07 for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-07
2. 2023 Comprehensive Plan Amendments - Staff Report

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, ADOPTING THE 2023 COMPREHENSIVE PLAN AMENDMENTS INTO THE EXISTING 2017 COMPREHENSIVE PLAN AND ADOPTING THE RESULTING DOCUMENT.

WHEREAS, through Ordinance No. 42-17, the City adopted the Comprehensive Plan of the City of Richland (the "Comprehensive Plan") on October 3, 2017; and

WHEREAS, through Ordinance No. 38-19, the City updated its Comprehensive Plan on October 1, 2019; and

WHEREAS, through Ordinance No. 51-20, the City updated its Comprehensive Plan on January 19, 2021; and

WHEREAS, through Ordinance No. 41-21, the City updated its Comprehensive Plan on January 4, 2022; and

WHEREAS, pursuant to RCW 36.70A.470(2), each city and county planning under RCW 36.70A.040 must include in its development regulations a procedure for any interested person, including applicants, citizens, hearings examiners, and staff of other agencies, to suggest plan or development regulation amendments; and

WHEREAS, the suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provision of RCW 36.70A.130; and

WHEREAS, Chapter 19.90 of the Richland Municipal Code, titled Comprehensive Plan and Development Regulation Amendments, establishes procedures for comprehensive plan or development regulation amendments as required by RCW 36.70A.470(2); and

WHEREAS, the City of Richland accepted applications suggesting comprehensive plan or development regulation amendments between March 2, 2022 and March 1, 2023; and

WHEREAS, six (6) proposed amendments were received; and

WHEREAS, on May 23, 2023, Richland City Council held a workshop to review the proposed 2023 Comprehensive Plan Policies, Maps and Zoning Code Amendments Docket; and

WHEREAS, on July 6, 2023, Richland City Council passed Resolution No. 2023-110 authorizing the 2023 Comprehensive Plan Policies, Maps and Zoning Code Amendments Docket; and

WHEREAS, the Richland Planning Commission held a duly advertised public hearing on September 13, 2023 to accept testimony from anyone wishing to speak for or against the proposed changes; and

WHEREAS, on September 13, 2023, the Richland Planning Commission voted to recommend all six (6) of the proposed amendments as evidenced in the Planning Commission's meeting minutes; and

WHEREAS, on March 5, 2024, Richland City Council held a public hearing to consider the proposed amendments and the recommendation of the Planning Commission. All testimony from anyone wishing to speak for or against the changes was accepted, after which Council deliberated on the proposed changes; and

WHEREAS, the Richland City Council finds it prudent to adopt the proposed 2023 Comprehensive Plan amendments into the updated Comprehensive Plan of the City of Richland by ordinance.

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

Section 1. The recitals set forth above are hereby incorporated by reference.

Section 2. Richland City Council acknowledges that the Planning Commission conducted appropriate investigation and study and held a public hearing on the proposed amendments to the Comprehensive Plan. Consistent with the Planning Commission's recommendation, Council hereby approves the six (6) proposed amendments to the Comprehensive Plan map and/or text as follows: CPA2023-101; CPA2023-102; CPA2023-103; CPA2023-104; CPA2023-105; and CPA2023-106. City Council has read and considered the Planning Commission's findings, and hereby makes the following findings for the record:

1. Chapter 19.90 RMC provides that City Council will consider each comprehensive plan amendment and forward those selected to the Planning Commission for processing. Plan amendment applications may be submitted via private application and/or proposed by staff or Council.

2. The deadline for submittal of private party applications for consideration as part of the 2023 Comprehensive Plan Policies, Maps and Code Amendments Docket was March 1, 2023.

3. Six (6) applications were received and deemed complete and are identified herein as numbers 12-17 in this Ordinance.

4. City Council conducted a workshop on May 23, 2023 to review the proposed 2023 Comprehensive Plan Policies, Maps and Zoning Code Amendments Docket.

5. City Council established the 2023 Comprehensive Plan Policies, Maps and Zoning Code Amendments Docket on July 6, 2023.

6. On August 16, 2023, the City of Richland Community Development Department issued a SEPA Threshold Determination of Non-Significance for the proposed 2023 Comprehensive Plan Policies, Maps and Zoning Code Amendments Docket.

7. On August 2, 2023, the City of Richland provided, as required by RCW 36.70A.106, the required sixty (60) day notification to the State of Washington of the City's proposed 2023 Comprehensive Plan Policies, Maps and Zoning Code Amendments Docket and intent to adopt.

8. On August 17, 2023, the City of Richland provided notice of a public hearing to be held on September 13, 2023 to affected parcels and neighboring properties within a 300-foot radius of parcels under consideration.

9. On September 6, 2023, public hearing notice signs were posted on, or near, the five (5) physical properties affected by the proposed amendments to the Comprehensive Plan map or Richland Zoning Code submitted for consideration.

10. On August 6, 2023, a Notice of Public Hearing was published in the Tri-City Herald and at Richland City Hall and on the City's website.

11. All public notification requirements for the public workshops and public hearings have been met.

12. Nicole Stickney, AHBL, on behalf of Washington State University, requests to change the Comprehensive Plan Land Use designation for 3.37 acres of an existing 19.62-acre parcel from Public Facility (PBF) to High-Density Residential (HDR), to be accompanied by a rezone of the 3.37 acres from Parks & Public Facilities (PPF) to Multi-Family Residential (R-3). Assigned File No. CPA2023-101 (Washington State University).

13. Washington State University (WSU) requests text amendments to both the Comprehensive Plan and Title 23 RMC: Zoning to create a new zoning district to be referred to as University District (UNIV). Zoning map amendments would also be required. Although

this action is a city-wide initiative, the new zoning district would only apply to properties associated with institutions of higher education as defined in RCW 28B.07.020(4) or 28B.10.016(4)). Assigned File No. CPA2023-102 (2710 Crimson Way – Washington State University).

14. MD&D Investment, LLC requests a change to the Badger Mountain Subarea Plan Land Use designations to reclassify portions of five (5) parcels to reapportion the existing land use designations Medium-Density Residential (MDR), Civic (CIVIC), and Commercial (COM). This proposal is intended to contemporize land use designations in the area based on recent boundary line adjustments and the topographical challenges associated with extension of Gage Blvd. Assigned File No. CPA2023-103 (1251 Bermuda Rd. – Peach Tree Estates).

15. Washington State Department of Natural Resources (DNR) requests a Comprehensive Plan Map amendment for approximately 16 acres of land from Public Facilities (PBF) to Medium-Density Residential (MDR) (a portion of Parcel No. 1-1698-200-0001-006). Assigned File No. CPA2023-104 (3580 Kennedy Rd – Department of Natural Resources).

16. The City of Richland Public Works Department requests Comprehensive Plan text amendments to the Transportation Element of the City's Comprehensive Plan to reflect routine and anticipated changes that have been made over the past 6 years and in anticipation of future needs. Changes include, but are not limited to: street functional classifications, short-term transportation improvements, long-term transportation improvements, future impacts to the City's collector street system, the City's traffic impact fee program, and amending the level-of-service language to meet concurrence requirements. Assigned File No. CPA2023-105 (2023 Transportation Element Update).

17. The City of Richland Economic Development Division requests a Comprehensive Plan Map amendment for approximately 4.3 acres (no assigned parcel number) to classify the property as a Commercial (COM) land use. Assigned File No. CPA2023-106 (24 Lawless Dr. – City of Richland).

18. Based upon the application materials submitted and upon presentation by the applicants, the proposed amendments will not adversely impact the City's ability to provide sewer and water, and will not adversely impact adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and general governmental services.

19. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of these amendments.

20. The proposed amendments are consistent with the goals, policies and objectives of the City of Richland's Comprehensive Plan.

21. The proposed Comprehensive Plan amendments will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, or environmental features.

22. The subject parcels being re-designated are physically suitable for the allowed land uses in the designation being requested.

23. The proposed amendments are consistent with the Washington State Growth Management Act, the Benton County planning policies, and other applicable local and state policies, agreements, and laws.

24. The proposed amendments will not have a cumulative adverse effect on the planning area.

25. The State of Washington's Growth Management Act requires that comprehensive plans be effectuated by various development regulations such as subdivision regulations, critical areas and zoning.

26. The requested area-wide rezoning of the properties in question is dependent upon a change in the land-use designation of the Comprehensive Plan.

27. Through a separate ordinance action adopted simultaneous with this Ordinance No. 2024-07, City Council will authorize the associated rezones in order to bring the zoning into compliance with the change of land-use designations authorized by the passage of the six (6) applications.

Section 3. The 2023 amendments to the 2017 Richland Comprehensive Plan as identified in **Exhibit A** and depicted in **Exhibit B** are hereby adopted and incorporated into the Comprehensive Plan of the City of Richland, which is adopted in its entirety by this Ordinance No. 2024-07 and set forth in **Exhibit C**.

Section 4. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached exhibits, duly certified by the City Clerk as a true copy.

Section 5. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 6. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 7. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ___ day of _____, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

EXHIBIT A to Ordinance No. 2024-07

2023 DOCKET

File Number: CPA2023-101 & Z2023-101
Applicant: Nicole Stickney, AHBL on behalf of Washington State University (owner)

Nicole Stickney, AHBL on behalf of Washington State University, is proposing to change the Comprehensive Plan Land Use designation for 3.37 acres of an existing 19.62-acre parcel from Public Facility (PBF) to High-Density Residential (HDR) and rezone the 3.37 acres from Parks & Public Facilities (PPF) to Multi-Family Residential (R-3). (Assessor's Parcel Number 126082000001003, located along the west side of George Washington Way between University Drive and Hanford Street).

File Number: CPA2023-102 & Z2023-102
Applicant: Washington State University

Washington State University is proposing text amendments to both the Comprehensive Plan and RMC Title 23, Zoning, to create a new zoning districted to be referred to as University District (UNIV). Zoning map amendments would also be required. (This is City-wide but would apply only to properties associated with institutions of higher education, as defined in RCW 28B.07.020(4) or 28B.10.016(4)).

File Number: CPA2023-103
Applicant: MD&D INVESTMENT, LLC

MD&D Investment, LLC is proposing to change the Badger Mountain Subarea Plan Land Use designations to reclassify portions of Assessor's Parcel ID numbers 134982010595001 and 134982000005004 to a mix of medium-density residential and commercial for the Bermuda Frontage site, commercial on the Commercial site, and civic/schools on the school site.

File Number: CPA2023-104 & Z2023-103
Applicant: Washington State Department of Natural Resources (DNR)

Washington State Department of Natural Resources is proposing to increase the amount of Medium Density Residential within the area commonly referred to as "The Richland 16" due to a recent boundary line adjustment that reduced the size of the parcel to be transferred to the Richland School District and increased the size of the residential parcel directly to the north. DNR is also proposing to rezone the additional land area to Medium Density Residential (R-2). (Location: Richland DNR 16 located west of Truman Ave and north of Kennedy Road, behind Target shopping complex).

File Number: CPA2023-106 & Z2023-105
Applicant: AHBL on behalf of City of Richland Economic Development Division

AHBL, on behalf of the City of Richland Economic Development Division, is proposing the establishment of the Commercial Land Use Designation on approximately 4.3 acres located at 24 Lawless Drive. The site is also proposed to be zoned Retail Business (C-2).

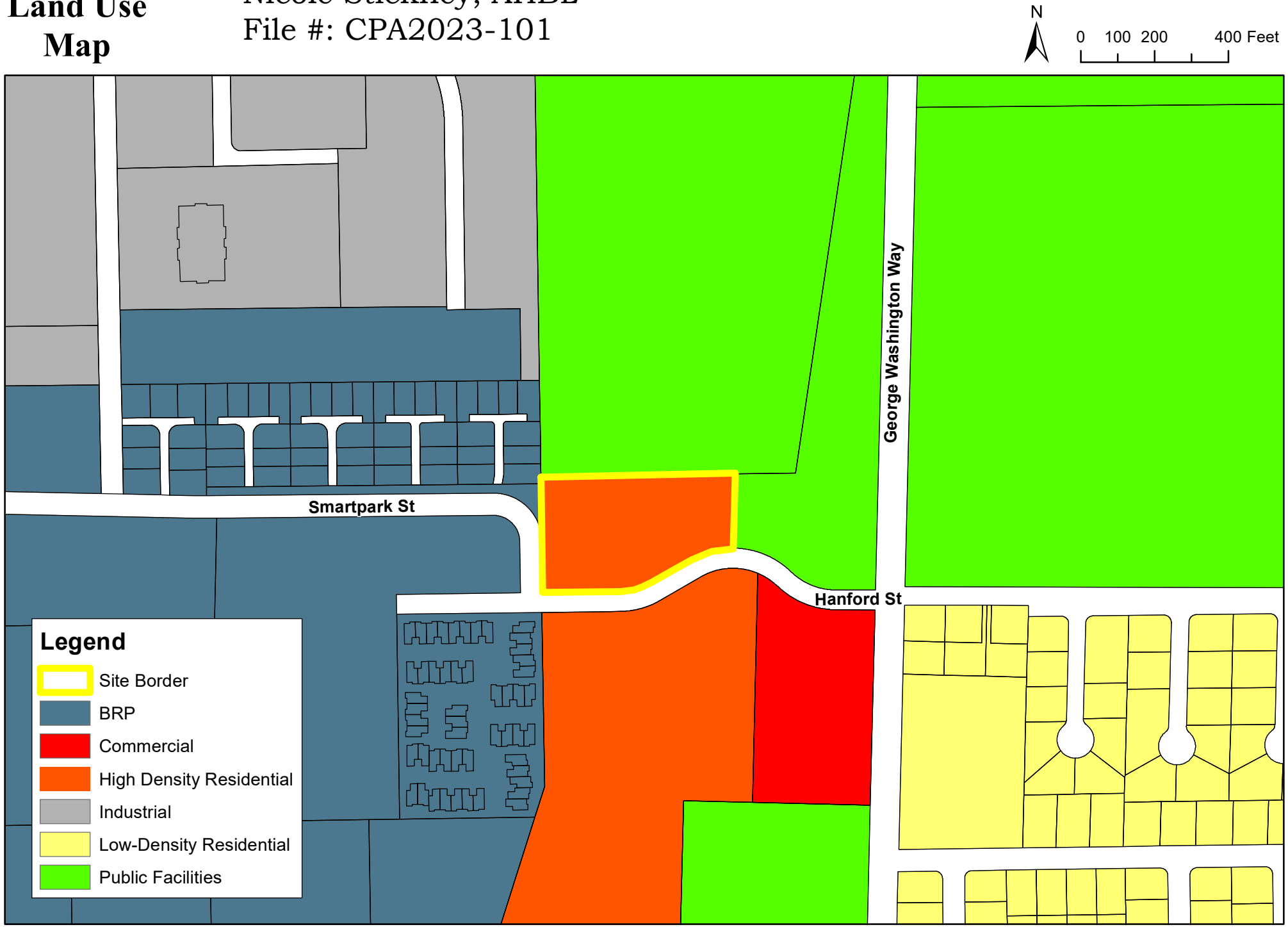
File Number: **CPA2023-105**
Applicant: **City of Richland Public Works Department**

The City of Richland Public Works Department proposes a text amendment to the Transportation Element of the City's Comprehensive Plan in order to reflect changes which have been made over the past 6 years to the existing transportation system in Richland, including, but not limited to: Street functional classifications, short-term transportation improvements, long term transportation improvements, future impacts to the City's collector street system, the City's traffic impact fee program, and amending the level-of-service language to meet concurrency requirements.

Proposed Land Use Map

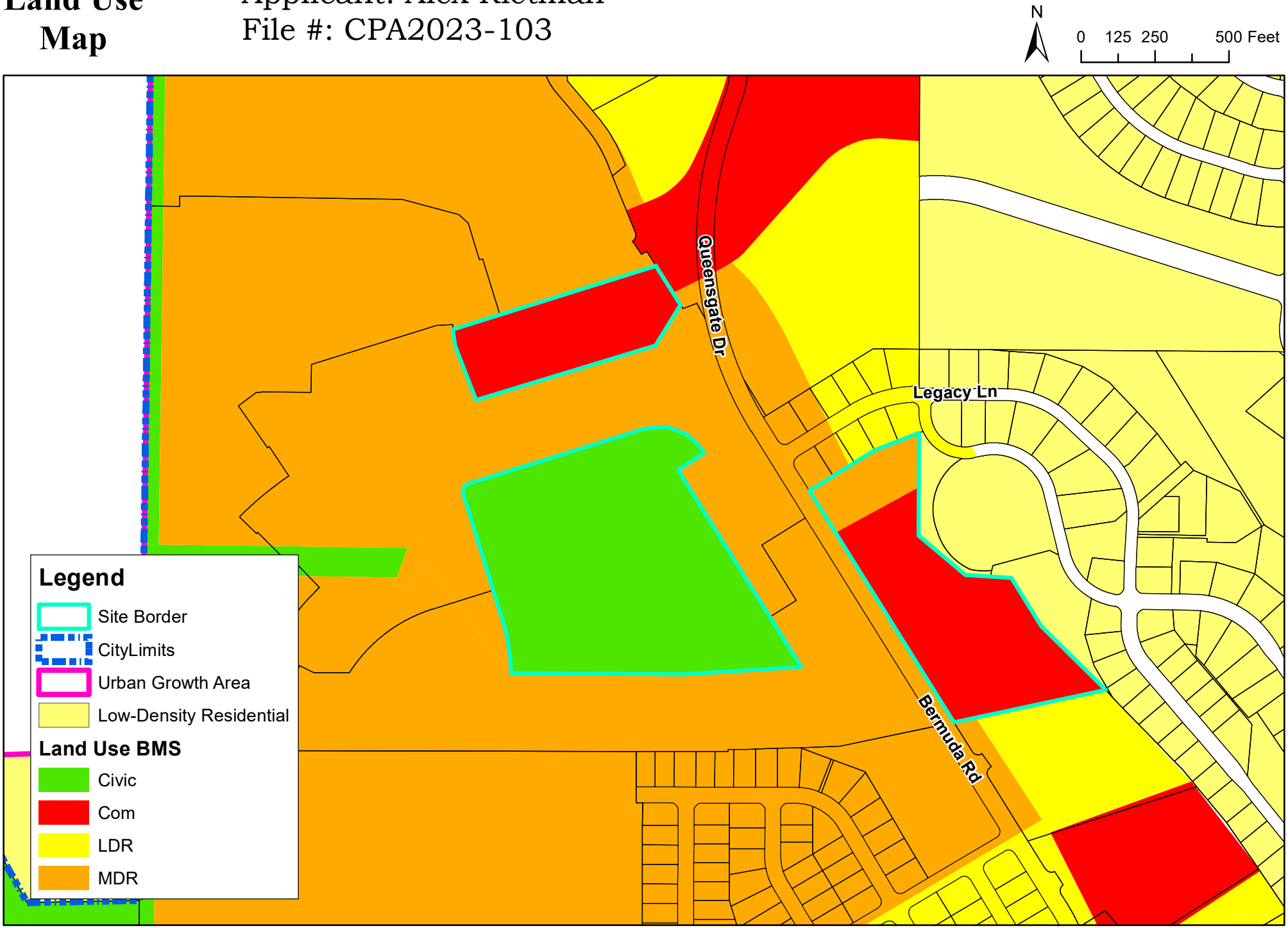
Item: 2605 George Washington Way Applicant: Nicole Stickney, AHBL
File #: CPA2023-101

Exhibit B to Ordinance No. 2024-07



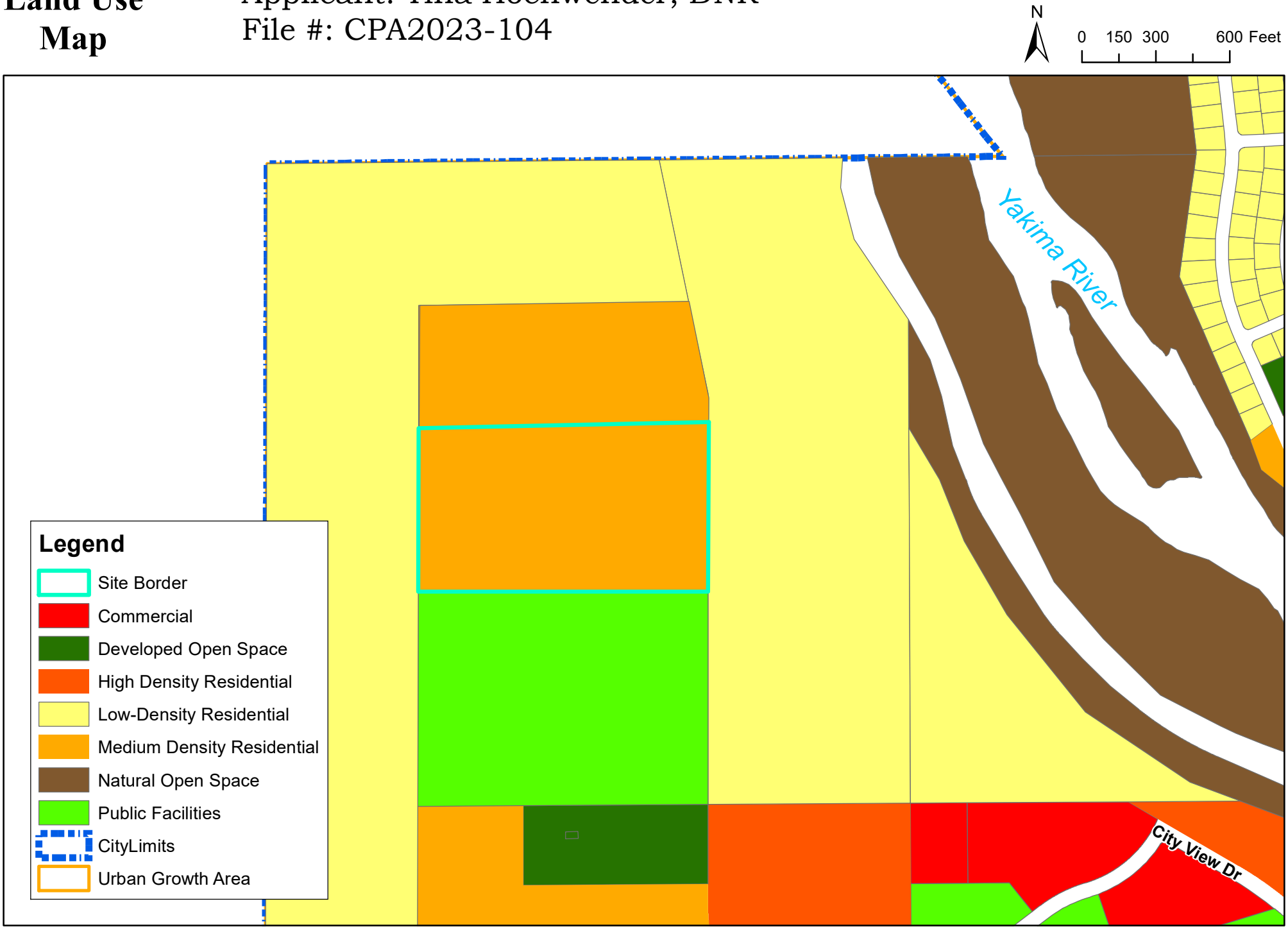
Proposed Land Use Map

Item: Peach Tree Estates Comp Plan Amendment
Applicant: Alex Rietman
File #: CPA2023-103



Proposed Land Use Map

Item: 3580 Kennedy Rd Comp Plan Amendment
Applicant: Tina Hochwender, DNR
File #: CPA2023-104



Proposed Land Use Map

Item: 24 Lawless Drive
Applicant: City of Richland
File #: CPA2023-106

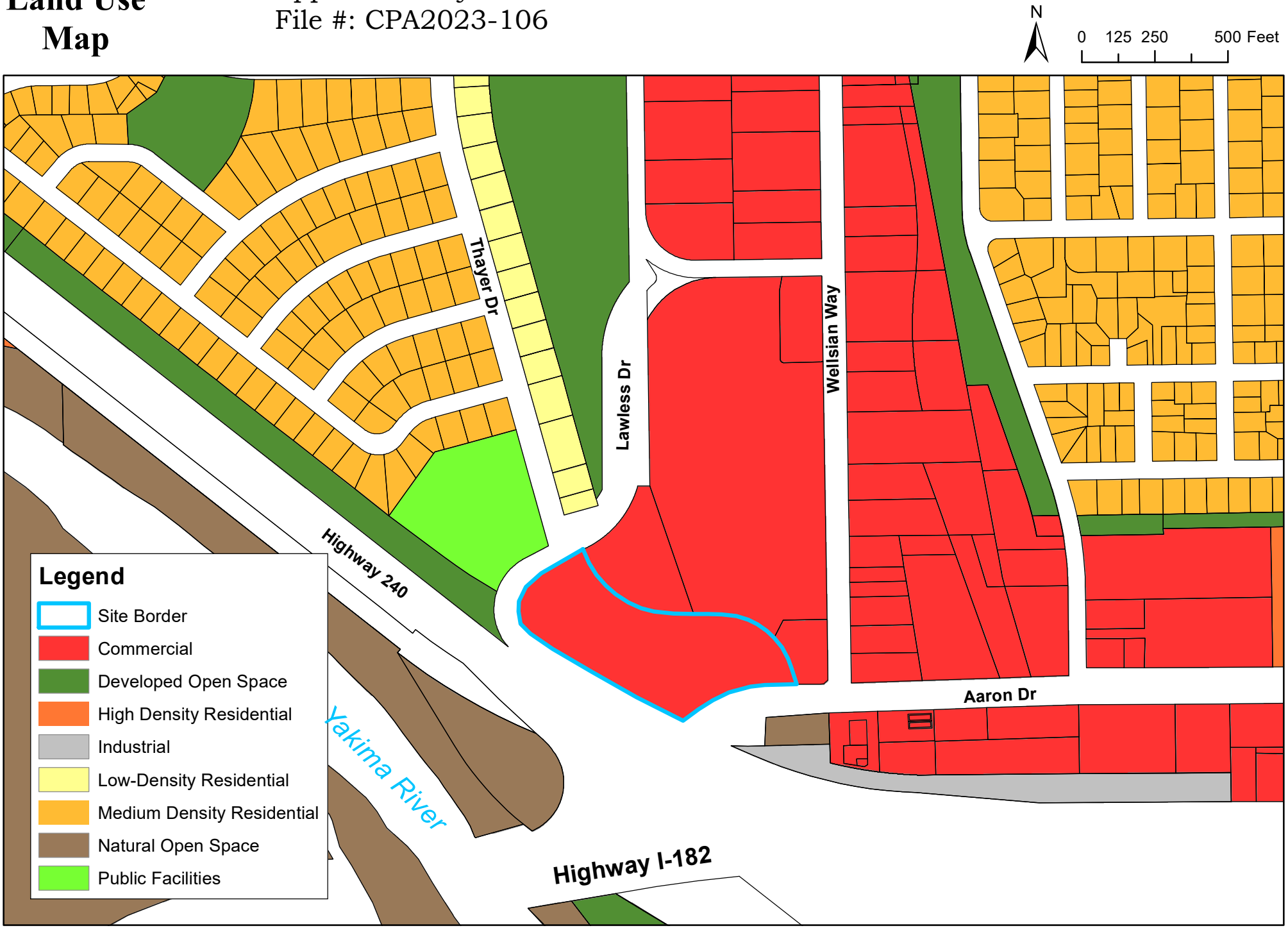
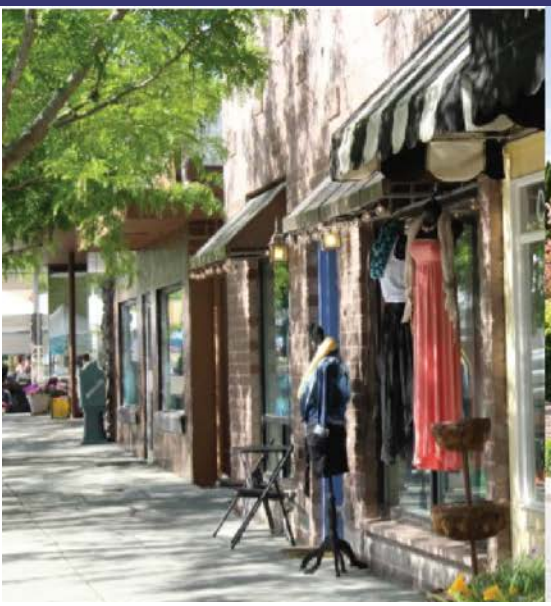


Exhibit C to Ordinance No. 2024-07

City of Richland

Comprehensive Plan 2017



CITY OF RICHLAND
COMPREHENSIVE PLAN

2017 – 2037

October 3, 2017

Updated October 1, 2019

Updated March 5, 2024

Prepared for

City of Richland

Prepared by

Oneza & Associates

Prepared with assistance from

Anchor QEA

J-U-B Engineers Inc.

ECONorthwest

ACKNOWLEDGEMENTS

Thank you to the members of our community for valuable input. Thank you also to current and previous City Council Members and Planning Commissioners for your time and effort in the creation of this document and the original plan to build on.

2017 City Council

Robert Thompson, Mayor

Terry Christensen, Mayor Pro Tem

Brad Anderson

Dori Luzzo Gilmour

Phillip Lemley

Sandra Kent

David Rose

2017 Planning Commission

Amanda Wallner, Chair

Kent Madsen, Vice Chair

Clifford Clark

James Wise

Marianne Boring

Kyle Palmer

Debbie Berkowitz

Michael Mealer

City Staff

Cindy Reents, City Manager

Jon Amundson, Assistant City Manager

Kerwin Jensen, Community & Development Services Director

Rick Simon, Development Services Manager

Pete Rogalsky, Public Works Director

Bob Hammond, Energy Services Director

Joe Schiessl, Park & Public Facilities Director

Tom Huntington, Fire & Emergency Services Director

Chris Skinner, Police Services Director

Cathleen Koch, Administrative Services Director

Heather Kintzley, City Attorney

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INTRODUCTION

In this chapter, you will find:

- Planning Background: why we plan
  - Growth Management Act (GMA)
  - Benton County Countywide Planning Policies
- Richland Community Profile
- Public Participation Plan
- Comprehensive Plan Framework

BACKGROUND

The Comprehensive Plan is a basic foundation for local government planning. Richland's Comprehensive Plan acts as a guide for the community's physical development (land use) over the long term that reflects the community's values, activities, and future growth. It guides the City's decisions on land use, transportation, infrastructure, housing, economic development, and the environment.

Cities and other government jurisdictions adopt comprehensive plans to serve as guides for future activities. A comprehensive plan does not carry the weight of law. Rather, it is a policy statement that points the way to a future in which the City of Richland thrives and maintains all the qualities its citizens value. The vision, goals, and policies included in this plan are developed through extensive communication with a wide range of groups and individuals.

GMA Planning Goals:

- Urban Growth
- Reduce Sprawl
- Transportation
- Housing
- Economic Development
- Protection of Property Rights
- Predictable Permits
- Natural Resource Industries
- Open Space and Recreation
- Environmental Protection
- Citizen Participation and Coordination
- Public Facilities and Services
- Historic Preservation
- Shoreline Management

The City uses the policies in a comprehensive plan as a guide for its future activities, particularly the crafting of ordinances that relate to zoning, land use, and development. The plan provides a consistent framework for legislative and administrative action, always steering the City towards the desired future and away from a patchwork of laws and rules

that conflict with the vision or with one another.

Growth Management Act

In 1990, the Washington State Legislature adopted the Growth Management Act (GMA), mandating growth to occur within Urban Growth Areas (UGA). Its goals include concentrating development in urban areas to prevent sprawl, encouraging affordable housing, efficient transportation systems and economic development, providing adequate public facilities, and protecting historic and natural resources. It contains additional goals for citizen participation, permit processing, private property rights etc.

Richland developed its first Comprehensive Plan under the GMA guidelines in 1998. The population in Richland has grown at an average rate of two percent each year in the last 20 years. With the plan in place, the City has accomplished many of its planning goals to accommodate growth. This updated Comprehensive Plan will serve as a guideline for the next 10 years under the Growth Management Act. As the City continues to experience steady population and economic growth, delivering public services is key to maintaining this continued growth pattern.

Benton County Countywide Planning Policies

Managing growth can be ineffective if it is carried out in a patchwork fashion. Therefore, the GMA provides a framework for regional coordination. Counties planning under the GMA should prepare Countywide Planning Policies (CWPP) and establish urban growth areas (UGAs). Cities and the county are required to be consistent with the Countywide Planning Policies in their comprehensive planning.

The Benton County Board of Commissioners adopted the "Benton Countywide Planning Policies" in 2016 (Appendix B). This document establishes policies that the City's Comprehensive Plan follows in addressing everything from transportation to the provision of municipal services to economic development to fiscal considerations.

COMMUNITY PROFILE

The City of Richland lies at the confluence of the Yakima and Columbia Rivers, in the geographic region known as the Mid-Columbia Basin. Richland and the nearby communities of Pasco and Kennewick are commonly called the Tri-Cities. This Comprehensive Plan looks at the area in Richland from the Hanford Nuclear Reservation on the north, to Kennewick on the south, and from the Columbia River on the east, to the Yakima River and the City of West Richland on the west. The Yakima River delta has shaped the City's growth into two areas, the north and south sides of the City.

Due to its location, Richland enjoys access to water and natural resources. The Columbia and Yakima Rivers provide water for irrigation of nearby farmland as well as for domestic use. They offer a variety of opportunities for the City, such as open spaces, recreation systems, parks, and waterfront developments.

History

Native Americans lived at the mouth of the Yakima River, which they called the Tapteal, in an area that is known as Richland today.

Richland falls within the Southern Plateau, part of the larger Columbia Plateau culture area. The Yakima-Columbia confluence has a rich archaeological record, with sites in the area attributed to all of the Southern Plateau cultural phases. The area has been "occupied more or less continuously for the last 10,000 years" (Western Heritage 1983:4). There are many recorded archaeological sites within a mile of the confluence. National Register-listed properties include the Columbia Point area,

Bateman Island, and the Tri-Cities Archaeological District (Anchor QEA, 2014).

In 1943, Richland was a small farming town of about 300 residents. In that year, the US Army Corps of Engineers, Manhattan Engineer District purchased most of the area for a massive project to produce plutonium. The federal government planned and built a complete community to serve this project, including schools, housing, and parks. Two years later, Richland residents working at the new Hanford Nuclear Reservation produced the plutonium fuel for America's first nuclear detonation and for the second nuclear bomb used in World War II. By the end of World War II, the population in Richland swelled to 21,000 persons.

For 15 years, only employees of the Hanford Reservation could live in the town that the federal government built. After several years of discussion at both the local and federal levels, the federal government began the process of turning Richland into a self-governing city. Citizens were able to purchase their government-owned houses and Richland was incorporated as a first-class Washington city in 1958. The federal government began to sell the prefabricated housing erected for Hanford workers, which had been intended to be temporary. Much of that housing was renovated and remains in use today.

F house

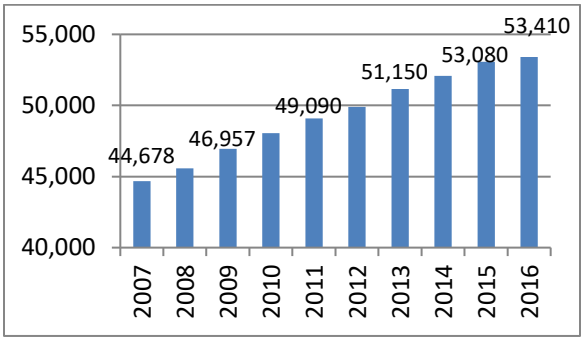
In addition to prefabricated homes, Alphabet Homes were built in Richland between 1943 and 1951. The Alphabet Homes were based on a series of house plans denoted by a letter in the alphabet (an A house, an F house, etc.).

Current Trends

Richland has experienced rapid growth in the last decade. The Tri-Cities Metro area is one of the fastest growing areas in Washington State. In addition to its 2016 population of 53,410 in the City limits, and 54,732 including the UGA boundary, the City is expected to add 23,699 persons in the next 20 years.

Much of the development within the City can be linked with the Department of Energy's activities at Hanford. Most of the highly skilled Hanford workforce, such as researchers, engineers, and scientists, live in Richland. The top three employers in the Tri-Cities metro area, Battelle/Pacific Northwest National Laboratory (PNNL), Kadlec Regional Medical Center (KRMC), and Bechtel National, are all located in Richland. The economy of the City, however, is becoming more diverse with the rise of the healthcare sector (Kadlec), education (WSU Tri-Cities and Columbia Basin College (CBC)), and the agricultural industry in the region.

Figure INT-1: Population Growth in the Last 10 Years in Richland



Source: Office of Financial Management, 2016 estimate

PUBLIC PARTICIPATION

The City of Richland updated its Public Participation Plan in 2016. Cities and counties planning under the GMA must establish "…procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans."

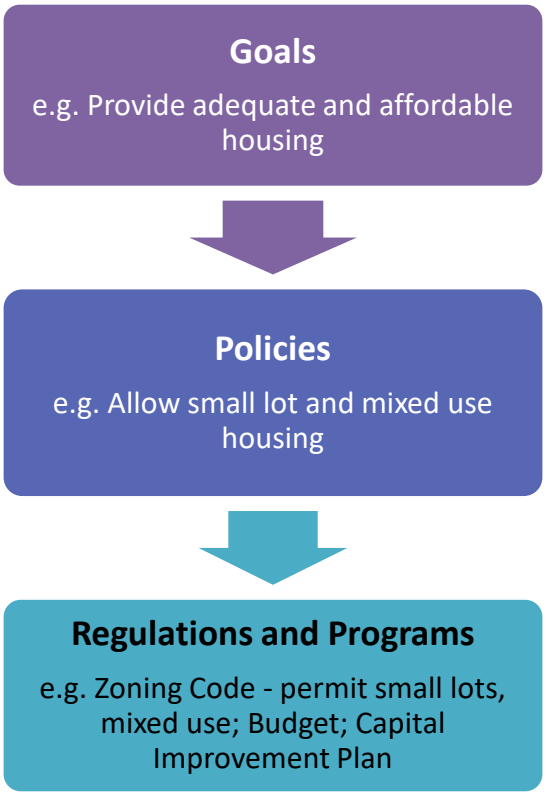
In 2016 and 2017, the City conducted multiple opportunities for public involvement in the form of public workshops, topic group discussions, open houses, citizen surveys, etc. The City established a Comprehensive Plan webpage to disseminate information to, and gather input from, the public. The City reached out to stakeholders such as Pacific Northwest National Lab (PNNL), Richland School District, Columbia Basin College, and Benton Franklin Council of Government (BFCG). The City also held Planning Commission and Council workshops. Planning Commission hearings were held in May and August of 2017 with published notices. The City Council adopted the Plan on October 3, 2017. The Plan's goals and policies directly reflect the input received from the public.

PLANNING FRAMEWORK

Richland's Comprehensive Plan includes major planning components, visions, goals, policies, and analyses.

A vision is a collective value and target of a community, it is what a community wants to become.

Goals are individual values aimed at achieving the vision.



Policies define how we accomplish the goals.

Regulations, codes and ordinances implement policies.

There are six key elements in the Comprehensive Plan: economic development, land use, housing, transportation, utilities, and capital facilities.

Plan Elements:

- Economic Development
- Land Use
- Housing
- Transportation
- Utilities
- Capital Facilities

Goals and policies are included in relevant elements in order to ensure they carry out the vision of the community. There are sub-

elements under some of these elements with specific goals and policies.

This Core Comprehensive Plan is designed to be user-friendly. A supporting analysis document includes additional detailed information. The supporting analysis document also includes inventory data and analysis. In order to eliminate redundancy, goals and policies are only included in the Core Comprehensive Plan.

Integrated EIS

An integrated Environmental Impact Statement (EIS) is prepared to review the significant impacts the updated Plan is likely to have. An integrated EIS is a combined GMA/State Environmental Policy Act (SEPA) document prepared in accordance with Washington Administrative Code (WAC) 197-11-235. It discusses how environmental values are considered in the plan such as goals, policies, and land use designations.

This integrated document analyzes alternatives in an environmental impact statement summary document (Appendix C).

COMMUNITY VISION

In this chapter, you will find:

The City of Richland's vision and values for the following,

- Community and Neighborhood Character
- Economic Development
- Land Use and Growth
- Housing and Neighborhood
- Transportation
- Open Space and Natural Areas
- Public Engagement
- Urban Design and Culture
- Sustainability
- Parks and Recreation
- Public Facilities
- Utilities
- Public Safety
- School

VISION AND VALUES

Visions are ideas of what Richland will be like at the end of the 20 years planning period. In 2016, the City conducted several visioning workshops with the public, Planning Commission, and City Council. An online survey was also conducted with more than 850 respondents participating, offering input on multiple issues. Vision ideas were gathered from a range of people living or doing business in Richland.

Vision

Richland is a progressive, safe, and family-friendly community that welcomes diversity. It is noted for excellence in technology, medicine, education, recreation, tourism, and citizen participation. This dynamic city, situated on two rivers, actively supports opportunities for economic development that are in harmony with the area's unique natural resources.

Key components of the community's land use vision are categorized into several values discussed in the subsections below. Detailed vision information is available in the Public Involvement Summary document (Appendix D).

Community and Neighborhood Character

Richland is a vibrant, progressive, safe, diverse, and family-friendly community with opportunities for jobs, housing, and recreation.

Public Engagement

Public visioning meeting

Richland communicates with the public in a variety of ways to engage, understand, and address the community preferences, values, and concerns.

Economic Development

Richland uses sound economic development practice to create a diverse and sustainable economy. It is a leader in technology, medical services, and research. Both small and large businesses are vibrant and growing. The City Center is walkable with mixed-uses. The mixed-use waterfront areas offer views, amenities, and recreational opportunities while protecting certain unique natural resources.

Land Use and Growth

Richland manages growth within its urban growth area while revitalizing existing neighborhoods and the City Center. Richland's bustling Central Business District is developed as a mixed-use village with pedestrian amenities, transit access, and bike paths.

Housing and Neighborhood

Housing is available in Richland for all income and age groups. It offers multiple housing choices such as single-family, multi-family, mixed-use, and assisted living facilities.

Transportation

The City's transportation system is efficient and multi-modal. Richland's neighborhoods are well connected for car and transit, and safe for bike and pedestrian traffic. It maintains efficient connectivity with neighboring jurisdictions.

Streets and crosswalks

Open Space and Natural Areas

The community recognizes that natural resources add value to the quality of life. Richland preserves and protects existing natural resources, and critical areas. Uses along the riverfront protect natural resources.

Urban Design and Culture

Richland is a physically appealing community with a diverse cultural heritage. It is a hub of arts, culture, and education.

Farmers' market

The community values high quality design in shaping its natural and physical character in building, landscape, and streetscape design. Its urban areas are revitalized with public spaces and pedestrian-friendly features.

Sustainability

Sustainable growth in Richland brings opportunities for mass transit, and bike and pedestrian trails. The community practices water conservation, recycling, and natural resource protection.

Parks and Recreation

Howard Amon Park and the Community Center

Richland protects and maintains its highly valued parks and recreation system. Richland's park system meets a variety of user needs including sports and other recreational activities in its developed and undeveloped parks.

Public Facilities

Richland provides quality public facilities for all age and income groups. This includes education, library, medical, municipal, and community facilities.

Utilities

Richland is forward thinking in providing utilities with systems that are sustainable and support the planned growth.

Public Safety

Richland Fire Station 74

Richland highly values public safety and a safe lifestyle. As such the City maintains public safety for all ages and neighborhoods.

Schools

Schools that provide quality education are important for the community. Richland's schools are economically and ethnically diverse, providing neighborhood stability and excellent education outcomes for all students. Richland coordinates with school districts to ensure schools are located appropriately to serve its community.

GENERAL COMMUNITY GOALS

Community Goal 1: Ensure and enhance the continuing sense of a livable and sustainable community in Richland.

Community Goal 2: Create a vibrant, progressive, and physically, socially, economically, and culturally diverse community providing choices of jobs, housing, and recreational opportunities to its residents of all ages.

Community Goal 3: Encourage continued interaction with other city, county, regional, tribal, state, and federal governments in order to coordinate regional efforts.

Community Goal 4: Encourage the identification, preservation, and enhancement of historic elements to give the future of the City continuity with the past.

Community Goal 5: Encourage the identification, preservation, and restoration of the City's open space and natural areas to maintain habitat, provide opportunities for residents to connect with nature, and meet educational, health, and outdoor recreational needs with associated economic opportunities to the community.

Community Goal 6: Implement programs for the improvement of the built environment and its aesthetic quality to maintain a clean, safe, and attractive community.

Community Goal 7: Develop a vibrant Central Business District planned on a high density land use.

Community Goal 8: Provide infrastructure and public facilities that serve the best interest of the community.

Community Goal 9: Provide and support an efficient, varied, and well-maintained transportation network.

Community Goal 10: Achieve a diversified mix of private industry and commerce capable of supporting a strong and growing economy.

Community Goal 11: Work to implement the City's Strategic Keys.

Community Goal 12: Continue active citizen involvement and outreach education in development decisions and planning for Richland's future.

ECONOMIC DEVELOPMENT ELEMENT

In this chapter, you will find:

- Goals and policies guiding economic development in Richland
- Challenges and opportunities
- Trends and forecasts
- Key recommendations

INTRODUCTION

The economic development element of the comprehensive plan is intended to guide investments through a framework of strategies and policies with the overall goal of growing economic opportunities in the City. The intent is to identify sound economic development practices to build a strong economy where local businesses are welcomed and encouraged by the City, and ensure the economy is resilient, dynamic, and sustainable for current and future generations.

The City's ability to understand its competitive advantages and proactively work to attract a wide range of employers will in turn create more high-wage jobs, which will in turn produce municipal revenues for maintaining and enhancing quality service levels, infrastructure, and facilities.

GOALS AND POLICIES

ED Goal 1: Build the diversity, resiliency, and equity of the City's economy to ensure opportunities for growth and shared prosperity.

Policy 1: Support the growth of a balanced mix of companies in the following sectors: high technology, professional service, personal service, retail trade, agricultural processing, energy industries, manufacturing, and tourism.

Policy 2: Support expansion and improvement of business recruitment, retention and expansion programs to provide outreach and assistance to startup and existing businesses.

Policy 3: Encourage educational institutions and non-profits to train a skilled future workforce.

Policy 4: Recognize that infrastructure, including transportation and utility planning are vital to economic development and attracting businesses.

ED Goal 2: Make Richland a center of entrepreneurial business, and research and development opportunities.

Policy 1: Develop a detailed strategy to help grow technology businesses in the City of Richland.

Policy 2: Leverage scientific and technology research at PNNL and WSU-Tri-Cities for spin-off local businesses.

Policy 3: Enhance Richland's physical and business environment for technology-based companies.

Policy 4: Remove unnecessary barriers for start-ups and entrepreneurs.

ED Goal 3: Support businesses of all sizes.

Policy 1: Ensure that small and medium businesses receive similar advantages as large businesses in terms of assistance from the City and other agencies.

Policy 2: Streamline and administer regulations to ensure predictability, efficiency, and transparency.

ED Goal 4: Work closely with healthcare, education, and other regional institutional partners to strengthen collaboration.

Policy 1: Enhance the connection between sectors – medical, educational, research, and technology to encourage collaboration and skilled job placement.

Policy 2: Engage local and regional partners in discussions about land use, transportation, and facilities to complement business development.

Policy 3: Support growth and expansion of Kadlec Regional Medical Center and diverse medical companies, WSU-Tri-Cities, Columbia Basin College, and PNNL within the City.

ED Goal 5: Ensure that Richland's economic development goals are aligned with regional economic development and marketing efforts.

Policy 1: Coordinate with local, regional, and state economic development organizations in activities to attract new businesses and industries to the community.

Policy 2: Facilitate collaboration with Tri-City Development Council (TRIDEC) and the Tri-Cities Visitor and Convention Bureau to develop and implement seamless, collaborative, low-cost, and effective marketing efforts designed to recruit new businesses, expand existing businesses, and build a positive national image.

Policy 3: Accommodate the continued use of the Port of Benton barging facilities in north Richland, consistent with the City's Shoreline Master Program (SMP).

Policy 4: Market the newly transferred 1,341 areas land from DOE to the City, the Port of Benton, and Energy Northwest for large industrial developments.

ED Goal 6: Encourage vibrant mixed-use areas in Tri-Cities as destinations to live, work, and visit.

Policy 1: Stimulate the development of quality retail and entertainment venues through incentives and infrastructure investments.

Policy 2: Assist small business owners to enhance their skills and profit opportunities.

Policy 3: Work with public and private groups to expand the range of tourist attractions within the city.

Policy 4: Facilitate retail development and encourage infill in the Central Business District, Uptown, and nearby commercial areas.

Policy 5: Promote performing arts venues and activities through partnerships with regional economic development agencies.

Policy 6: Expand the range of options for housing in areas planned for higher density development.

Policy 7: Support development of higher density housing.

Policy 8: Attract young professionals by promoting their preferred types of job, housing, and entertainment options.

ED Goal 7: Recognize parks, natural areas, and a built environment with quality design for the value they offer as major attractions.

Policy 1: Preserve open space areas and associated functions and values.

Policy 2: Work with public and private groups to support these areas.

Policy 3: Provide opportunities for active and passive recreation in parks and open spaces.

Policy 4: Promote quality design for public projects as well as private developments.

CHALLENGES AND OPPORTUNITIES

Richland includes major employers of the Tri-Cities area. The work performed at the Hanford site in tandem with the research at PNNL have driven economic development in the region and City for decades. This is currently the region's largest economic strength and a source of its greatest economic opportunity.

The region has shown strong growth in economic output over the past several decades leading to sustained employment growth. From a regional economic perspective, the agricultural sector is one of the most competitive in the region, which is not surprising given the region's agricultural advantages. The region has a strong industrial/manufacturing base that has sustained itself over time yet the largest portion of the economy is service-based (both professional/business and personal) that continues to drive economic growth in the recent decade. However, growth in most other sectors have mirrored the nation as a whole; fueling economic conversations that the region needs to find new growth in sectors that can produce and sustain both comparative and competitive advantages.

The City of Richland contains a large concentration of the region's professional service sector. The City is home to the two of the largest non-governmental employers in the region, PNNL and Kadlec, that account for nearly 8,000 employees in the City. From a land use perspective, Richland has more than half of the region's commercial office space and industrial space, respectively; and is second only to Kennewick in the amount of retail space.

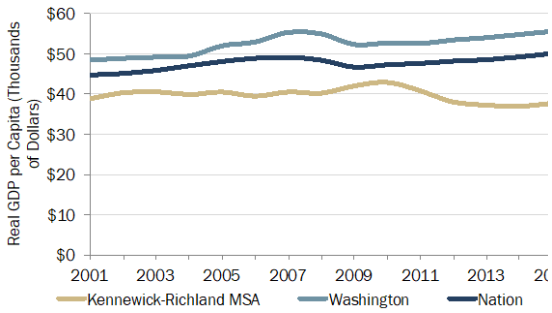
Additionally, Richland has strong demographics for future economic growth. Employees and households are on average better educated and better paid, with a larger segment of the population in its prime working age. From this perspective, the City should be well positioned to capitalize its past performance and existing assets to extend its economic growth.

TRENDS AND FORECAST

The economy of the Tri-Cities region is primarily service-based. Goods-producing industries (such as manufacturing) make up for less than 25 percent of the total economic output. The Tri-Cities economy was less impacted by the recession in 2008, due to the increase in employment at Hanford as part of the American Recovery and Reinvestment Act (ARRA) of 2009. The total output declined from $10.3 billion in 2010 to $8.6 billion in 2014 partly due to the end of ARRA and partly reflecting the national recession trends. However, most recent data has indicated that economic conditions have continued to improve over the past two years.

On a Gross Domestic Product (GDP) per capita basis, the Tri-Cities region is not as productive when compared to Washington State and to the nation. On this measure, the region has been slower to recover than the state as a whole. GDP per capita is the most common indicator of economic performance of regions. GDP per capita is calculated by measuring Gross Domestic Product in a year, and dividing it by the population. The reasons for the lower GDP per capita in the region are complex but are due to the large presence of government-supported activities.

Figure ED-1: GDP per Capita, 2001-2015



Source: Bureau of Economic Analysis, 2016

The Tri-Cities area is unique in that its employment base is dominated by a select number of large employers.

Table ED-1: Top Ten Tri-Cities Employers

	Company	Industry	Employees
1	Battelle/ Pacific Northwest National Laboratory	Research & Development	4,365
2	Kadlec Regional Medical Center	Health Services	3,304
3	Bechtel National	Engineering & Construction	2,898
4	ConAgra Foods	Food Processing	2,727
5	Kennewick School District	Education	2,130
6	Washington River Protection Solutions	Environmental Remediation Services	2,077
7	Pasco School District	Education	2,015
8	Mission Support Alliance, LLC	Support Services, Hanford/Dept. of Energy Site	1,928
9	Richland School District	Education	1,500
10	CH2M Hill	Environmental Remediation Services	1,400

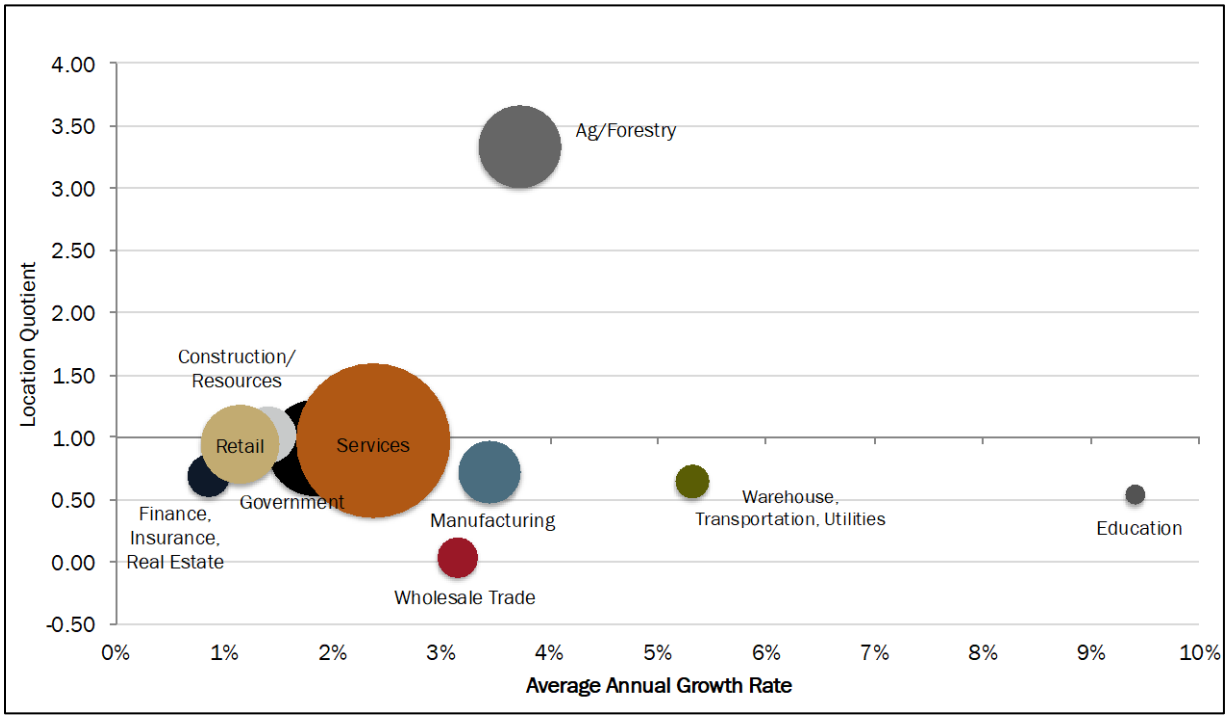
Source: Tri-City Development Council (TRIDEC), link. Accessed February 14, 2017

Roughly one in five of an estimated 116,000 jobs in the Benton-Franklin area are from one of the 10 largest firms/agencies listed below. Eight of the 10 top employers in the Tri-Cities are located in Richland, a legacy largely due to significant federal investments in the Hanford Nuclear Reservation.

The chart below shows the local concentration of jobs by sector (location quotient) along with measures of industry size and average annual employment change in the Tri-Cities region. Location quotients measure the concentration of jobs in a sector compared to the statewide average. A value of 1.0 signifies that the sector possesses the same level of employment concentration as the state. Values above 1.0 are more concentrated than the state average. The size of the bubble represents the number of jobs within that sector. Sectors with sizable employment and higher than average concentration represent strengths for the region. Fast growing sectors, even if they are not very large, represent potential opportunity areas.

In the Tri-Cities region, the largest sectors—services and government—have a similar concentration as the state, and are growing at a rate of one to three percent a year, indicating they are the base of the regional economy. The agriculture sector is a strength in the Tri-Cities; it is much more concentrated relative to the state and is growing at a rate of 3.7 percent per year. Education, manufacturing, wholesale trade, warehousing, transportation, and utilities are also growing at a rate of more than three percent a year, but are smaller and less prevalent in the Tri-Cities compared to the state. Much of the growth in food manufacturing, wholesale trade, warehousing, transportation, and utilities may be related to the growth and prevalence of the agriculture sector in the Tri-Cities.

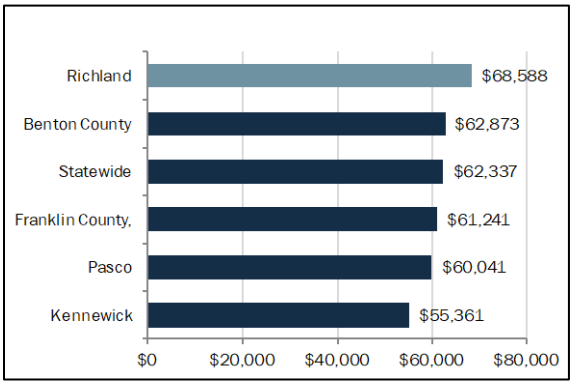
Figure ED-2: Benton & Franklin Counties Employment Concentration and Change by Sector, 2006-2015



Source: Washington State Employment Security Department

Federal funding for Hanford has been a significant economic catalyst for the Tri-Cities Region generally with Richland at the forefront. Even with significant downsizing at Hanford in the 1990s, household incomes in Franklin and Benton Counties continued to grow steadily.

Today, household incomes for Richland residents are nearly ten percent higher than the County average and more than twenty percent higher when compared to those of Kennewick residents. Richland enjoys economic prosperity not just compared to their Tri-Cities neighbors, but compared to state averages as well, as illustrated in Figure ED-3. Higher incomes are the result of technical and professional positions that require higher levels of education.



Source: US Census Bureau, American Community Survey, 2015 5-year, Table B19013A

Relative to Kennewick and Pasco, Richland is home to a highly educated workforce. The demands for engineers and scientists generated by Hanford and its subsidiary research and development activities have been a central employment and demographic characteristic for the Tri-Cities Region, in particular for Richland.

Figure ED-3: Median Household Income

KEY OPPORTUNITIES

Area 1. Create a resilient economy

The single greatest threat to the Richland and Tri-Cities economy is the winding down of business and employment and the Hanford Nuclear Reservation without suitable economic opportunities in place that would provide for a comparable standard of living. A reduction in work at Hanford will mean less direct employment in Richland and large negative impacts on the businesses that support them directly as well as the resulting households whose wages they support. However, Hanford is also an asset to the community and has been effective at attracting a highly educated workforce in science and technology. These fields produce professional-wage jobs and have produced spinoff businesses coming from PNNL.

To ensure the stability and resiliency of the economy, the City should leverage existing assets but adapt them to a changing economy. These efforts should focus on increasing primary sector, non-Hanford science and tech employment by creating a business environment that encourages and welcomes local business. Additionally, the City should develop partnerships with TRIDEC, PNNL, Kadlec, and other major employers to plan for expansion and delivery of adequate infrastructure and services.

Area 2. Build and attract a more entrepreneurial and dynamic economy

Richland is the regional hub for highly educated science and technology professionals. Labor force participation is high, particularly for the most productive segment of the population – 30 to 54 year olds. With access to innovation partners and relatively low land costs when compared to bigger cities like Seattle, the climate for entrepreneurial startup companies is present. However, attracting innovation and investment is a goal of many municipalities. The City can advance this environment through infrastructure investment, streamlined regulation, and "second paycheck" benefits such as livability and access to recreation. Working with its regional education and economic development partners, the City can play its role by creating and supporting a rich "entrepreneurial ecosystem" in the area.

Area 3. Leverage the natural landscape as an asset for economic development

Richland's location along the Columbia River offers exceptional opportunities to easily access attractive natural recreational spaces, as well as close proximity to the region's vibrant agri-tourism and wine industries. In addition to this, professional service employees living in Richland enjoy lifestyle amenities, also called the "second paycheck." These include access to parks, walkable business districts, good schools, diverse housing options, quality restaurants, and arts and cultural activities. Richland's ability to leverage its natural environment to directly spur economic activities and provide an attractive setting for professionals will further enhance its competitive advantage. However, residents must be cognizant of maintaining a healthy balance between environmental preservation and economic development activities.

Area 4. Closely monitor zoning and land use in the City

The City has the dual challenge of planning for urban infill development as well as planning to accommodate development on many large and relatively undeveloped sites within the City. To ensure zoning is responsive to market conditions, it should be monitored periodically to evaluate potential hindrances. Working to concentrate development in areas with existing infrastructure and near job centers will be instrumental to optimize the City's funding.

LAND USE ELEMENT

In this chapter, you will find:

- Goals and policies guiding land use in Richland
- Existing land uses and future projections
  - Overall capacity
- Proposed land use
- Sub-elements:
  - Critical areas
  - Mineral resources
  - Open space
  - Historic and cultural resources
  - Urban design

INTRODUCTION

The Land Use Element guides and accommodates future growth of the City while maintaining the community's high quality of life and unique characteristics. It determines the community's need for and distribution of residential, business, governmental, recreational, open space, and other types of land uses. The accompanying land use map (Fig. LU-3) identifies land use categories within the City limits and the UGA. A key component of the GMA and the Comprehensive Plan is to allow growth within the urban growth area.

Richland implements its various land uses through zoning designations as shown in Table LU-1 below.

The City must assess its financial ability to provide services at its urban density level and provide an appropriate supply of land uses for new developments. The desired result is to provide a greater market choice in lands for development while allowing for the maximum accountability for public funds

needed to provide for existing and planned urban areas. The City's Capital Improvement Plan is a six-year plan that reassesses priority areas for funding should the funding falls short of meeting the existing needs. To that effect, the City also adjusts its long term land use goals to align them with the funding availability.

Table LU-1: Land Use Implementation by Zoning

Land Use Designation	Zoning Categories
Residential	
Low Density Residential	R-1-12, R-1-10, SAG
Medium Density Residential	R-2, R-2S
High Density Residential	R-3, C-LB
Badger Mountain South	Badger Mountain Master Plan
Commercial	
Business Commerce	B-C
Central Business District	CBD
Commercial	C-1, C-2, C-3, C-LB, CW
General Commercial	C-3
Regional Retail	C-2
Waterfront	WF
Commercial Recreation	CR
Public Lands/Open Space	
Developed Open Space	PPF
Natural Open Space	NOS
Urban Recreation	UR
Public Facility	PPF, UNIV
Industrial	
Business Research Park	B-RP
Industrial	I-M, M-2
Mixed Use Designations	
Agricultural	FP, AG
Residential Office	C-LB
Urban Reserve	AG

GOALS AND POLICIES

LU Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 1: Revitalize areas that are already within the City, especially areas within the Central Business District, such as the Parkway and Uptown, and the Island View areas.

Policy 2: Facilitate planned growth and infill developments within the City.

LU Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

Policy 2: Ensure that adequate public services are provided in a reasonable time frame for new developments.

Policy 3: Ensure that the intent of the land use and districts are maintained.

LU Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

Policy 2: Encourage higher residential densities especially in and near the Central Business District area.

Policy 3: Innovative and non-traditional residential developments can occur through the use of planned unit developments, density bonuses, new types of housing, and multi-use or mixed-use developments.

LU Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

Policy 2: Promote developments such as business and research parks, office parks, technology centers, manufacturing and processing facilities, and other types for high-tech uses.

Policy 3: Locate neighborhood-oriented commercial land uses in Neighborhood Retail Business areas.

Policy 4: Encourage the use of buffers or transition zones between non-compatible land uses.

Policy 5: In areas where residential uses are in close proximity to industrial or commercial lands, adequate development standards should be used in industrial or commercial developments to mitigate the impacts on residential uses.

Policy 6: Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.

LU Goal 5: Ensure connectivity that enhances community access and promotes physical, social, and overall well-being so residents can live healthier and more active lives.

Policy 1: Locate commercial uses so that they conveniently serve the needs of residential neighborhoods, workplaces, and are easily accessible via non-motorized modes of transport.

Policy 2: Promote pedestrian and bicycle circulation throughout the community by connecting with the infrastructure and the City's network of parks and trail system.

Central Business District

LU Goal 6: Develop an attractive and vibrant Central Business District that displays the unique character of Richland.

Policy 1: Revitalize declining commercial areas by promoting clean, safe, and pedestrian- and bicycle-friendly environments.

Policy 2: Designate land use and zoning for higher-density residential uses, mixed-use, and business uses within and adjacent to the Central Business District.

Policy 3: Encourage infill development and redevelopment in the Central Business District.

Public Facilities

LU Goal 7: Encourage efficient use and location of public facilities such as transit centers, utility facilities, schools, parks, and other public uses.

Policy 1: Locate municipal facilities within their service areas and ensure the grouping of facilities within neighborhoods, whenever feasible.

Policy 2: Ensure that the scale, and location of public facilities are compatible with or buffered from existing and planned surrounding areas.

Policy 3: Wherever possible, the City will locate park and school facilities together for efficient use of public facilities.

Policy 4: Encourage the development of private and public regional sports and recreational facilities of a size and quality to attract significant numbers of users and spectators.

Land Use in Specific Areas

LU Goal 8: Address unique land use situations in the urban area with policies specific to those situations that ensure compatibility between land uses without infringing on private property rights.

Policy 1: Ensure that lands designated Urban Reserve remain in this holding category to serve future demand for land.

Policy 2: Apply the Agricultural designation in the Yakima River floodplain.

Policy 3: At designated Waterfront land use locations, encourage an active mix of commercial, residential, and marine uses as allowed in the SMP.

Policy 4: Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

Policy 5: Define and identify mineral resource lands located within its boundaries that are not already compromised by on-site, immediate, or adjacent urban growth and that have long-term significance for the extraction of minerals on a commercially-viable basis.

Policy 6: Property and/or mineral rights owners should work with the City and appropriate agencies for protection of these sites. Designate mineral resource lands located in the City of Richland that meet the Criteria for Classification of Mineral Resources (WAC 365-190-070).

Policy 7: Ensure that land uses surrounding the Richland Airport are compatible with existing and future airport operations and do not restrict the airport's ability to maintain or expand its existing and future aviation demands. Coordinate with

the Port of Benton to restrict land uses in airport areas that would create conflict or negatively impact the safe and effective airport operations.

LU Goal 9: Within Island View, the City will implement a Single Family Overlay land use designation for clusters of property that are currently used as single family residences which have high probability of being redeveloped with non-residential land uses.

Policy 1: The city will use the Single Family Overlay concept only in those instances where the majority of property owners have expressed a preference for its use.

Policy 2: Areas designated as Single Family Overlay will be zoned for single-family residential uses, as identified in the city's R-2 Medium Density Residential zoning district.

Policy 3: Areas designated as Single Family Overlay will remain as such until property owner(s) bring forward a request to remove the overlay and change the zoning to the designation contained in the Island View Subarea Plan. In such cases, an amendment to the comprehensive plan is not necessary.

Policy 4: Applicants bringing forward a request to change the zoning of property designated Single Family Overlay should demonstrate that the land proposed for amendment is:

a) large enough to support redevelopment for non-single family residential land uses; and

b) will have sufficient access to City streets and utility systems to support redevelopment.

Policy 5: Whenever properties designated with the Single Family Overlay are rezoned for non-single family residential uses in accordance with Policy 4 above, the Single Family Overlay designation should be removed from the subject property.

Private Property Rights

LU Goal 10: Follow controlling law and constitutional requirements, both state and federal, to ensure the appropriate protection of private property rights.

Policy 1: Monitor evolving state and federal statutory amendments and judicial precedent so that timely amendments or changes can be made in the process of implementing the comprehensive plan policies and development regulations.

Policy 2: Process comprehensive plan amendments and development regulations using a fair and open hearing process, with adequate public notice and opportunities to participate to ensure the protection of all due process rights.

Policy 3: Process timely, fair, and predictable processing and review of land use permit applications in conformance with applicable federal and state legal and regulatory requirements.

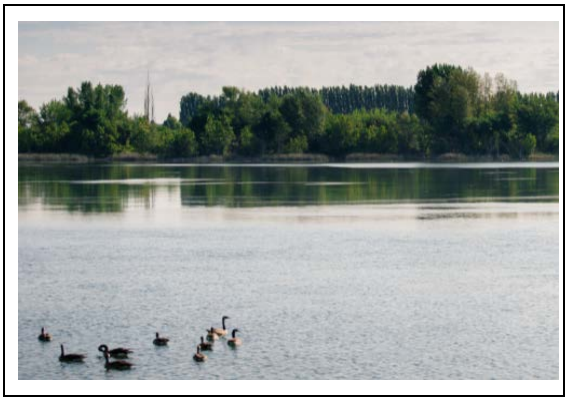
Natural Environment

NE Goal 1: Promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas as unique assets to the community, and provide public access for enjoyment of such facilities based on the ability of the resource to support the use.

Policy 1: Use the critical areas ordinance, SMP, the state environmental policy act (SEPA), and other ordinances, as applicable, to designate and protect the critical areas and natural environment.

Policy 2: Consider the goals and policies of the SMP as part of this Comprehensive Plan. Encourage development of water-oriented recreational, cultural, and commercial facilities in certain Columbia River locations, consistent with the SMP and its criteria of no net loss of ecological functions, to enhance and diversify Richland's community recreational resources and its attractiveness to tourists.

Policy 3: Ensure public access to shorelines on public land, subject to regulations protecting public safety, sensitive habitat areas, and wildlife.



Policy 4: Encourage the public and/or private acquisition of the prominent ridges in the south Richland area to preserve views, protect shrub-steppe habitat, and to provide public access. Consider the preservation of the ridges and hillside areas through various standards.

Policy 5: Develop an integrated pedestrian trail system to provide access through the City's important natural features, such as prominent ridges and rivershore areas and provide necessary trail linkages between these natural features.

Historic and Cultural Resources

HP Goal 1: Preserve significant historic structures, districts, and cultural resources that are unique to Richland.

Policy 1: Encourage preservation and promotion of adaptive reuse of historic "Alphabet Homes" of Richland.

Policy 2: Coordinate with local tribes, federal, state and local agencies to protect historic and cultural resources.

Urban Design

UD Goal 1: Create a physically attractive and culturally vibrant, pedestrian- and bicycle-friendly environment in the City.

Policy 1: Establish and enhance the positive attributes of residential, commercial, central business, and other districts with appropriate transition between them.

Policy 2: Encourage redevelopment and upgrade of suitable commercial areas.

Policy 3: Improve streetscape and connectivity for safe and pedestrian-friendly environments.

Policy 4: Promote public arts, museums, and interpretive centers in coordination with public plazas and community spaces that reflect the unique history and culture of Richland.

UD Goal 2: Revitalize commercial areas, such as areas in the Central Business District including the Uptown retail area and the Island View area.

Policy 1: Enhance the appearance, image, and design character of the Central Business District.

Policy 2: Ensure adequate public transit, bicycle, and pedestrian access in the commercial centers along with parking and landscaping.

Policy 3: Enhance the welcoming experience into the community through well-designed gateway features in prominent locations.

Policy 4: Design the public realm, including streetscapes, parks, plazas, and civic amenities for the community to gather and interact.

Policy 5: Provide continuity among adjacent uses by using cohesive landscaping, decorative paving, street furniture, public art, and integrated infrastructure elements.

UD Goal 3: Development through appropriate design, should protect natural features such as rivers, shorelines, ridgelines, steep slopes, and archaeological and historical resources.

Policy 1: Development should be sensitive to existing topography and landscape, and should minimize environmental impacts.

Policy 2: Hillside development should, as much as practical, blend with the natural shape and texture of the land.

Policy 3: Lighting should be designed so as to promote public safety as well as promote "Dark Sky" principals.

UD Goal 4: Promote community beautification by enhancing public spaces and thoroughfares and encouraging private property beautification.

Policy 1: Improve the appearance of all city-owned space and major thoroughfares.

Policy 2: Promote programs to improve landscaping. Encourage xeriscaping and use of native plants.

Policy 3: Promote more attractive signage throughout the City, especially in commercial districts.

EXISTING LAND USE

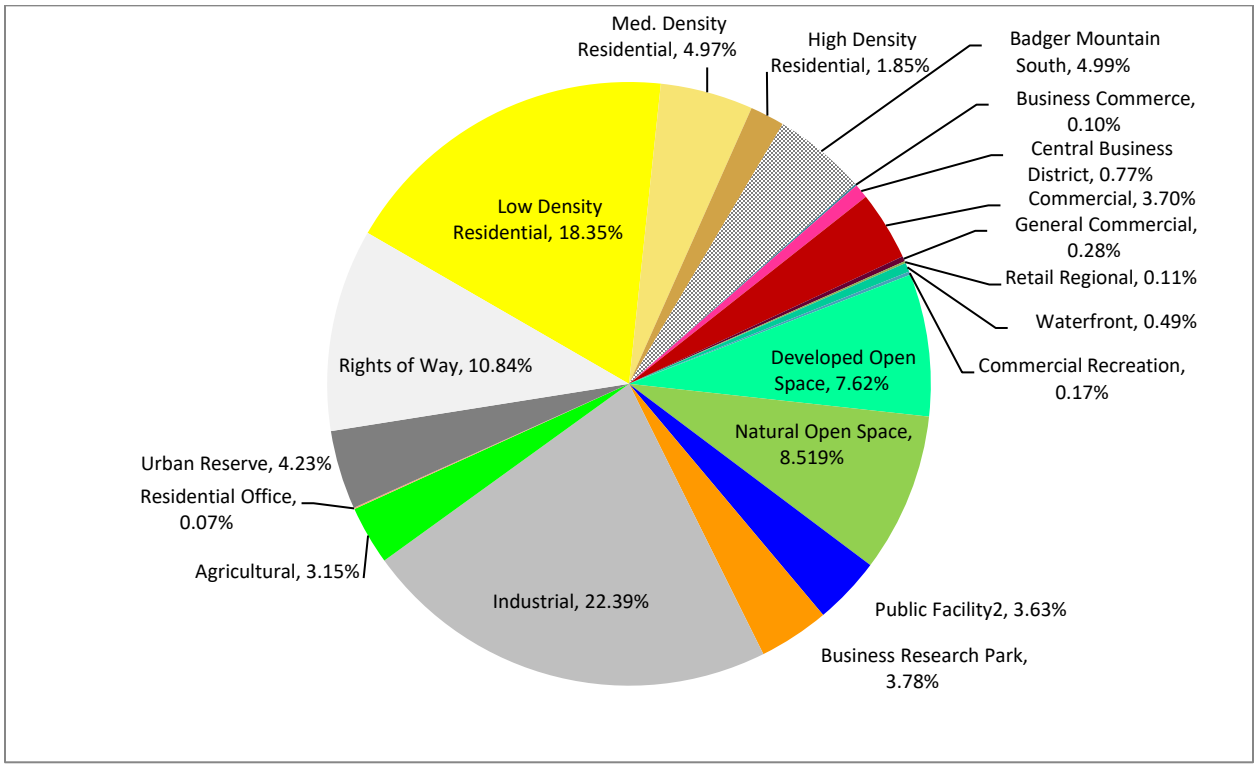
Richland includes a variety of land uses as follows:

- Agriculture (AG)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Badger Mountain South (BMS)
- Multifamily Residential Office (RO)
- Central Business District (CBD)
- Commercial (C)
- Retail Regional (RR)
- General Commercial (GC)
- Business Commerce (BC)
- Single Family Overlay (SFO)
- Commercial Recreation (CR)
- Waterfront (WF)
- Industrial (I)
- Business/Research Park (BRP)
- Public Facility (PF)
- Developed Open Space (DOS)
- Natural Open Space (NOS)
- Urban Reserve (UR)

Richland's land area consists of a total of 28,694 acres (25,846 acres in the City limits and 2,848 acres in the UGA). Richland's land use is dominated by residential land use consisting of about 32 percent of the total land use (low, medium, and high density land uses combined), followed by 22 percent industrial, and 16 percent open space (developed and natural) land use. Single-family residential use is predominant in both LDR and MDR land uses areas. Industrial land includes a recent transfer of 1,641 acres of land from the

Department of Energy (DOE) to the City, the Port of Benton, and Energy Northwest on the north side of the City. A major portion of this land was located outside of the UGA, and is currently being processed to be included within the UGA.

Figure LU-1: Existing Land Use Distribution in City Limits and UGA



Land Use Pattern and Compatibility

Due to the linear geographic pattern of the City along the Columbia River running north and south, Richland's land is also distributed primarily from north to south covering approximately 25,000 acres in the current incorporated limits and additional over 2,800 acres in the UGA. Residential lands are concentrated in three major areas, the central area between the Columbia River and SR 240, areas south of the Yakima River, and the Horn Rapids area. The Yakima River delta and associated natural open space land run almost through the middle of the City. Although commercial lands are distributed throughout the City, the major concentrations are found in the Central Business District, Queensgate, and the Island View areas. Much of the industrial and research uses are located on the northern part of the City starting from Richland Airport on the south side to the north City limits.

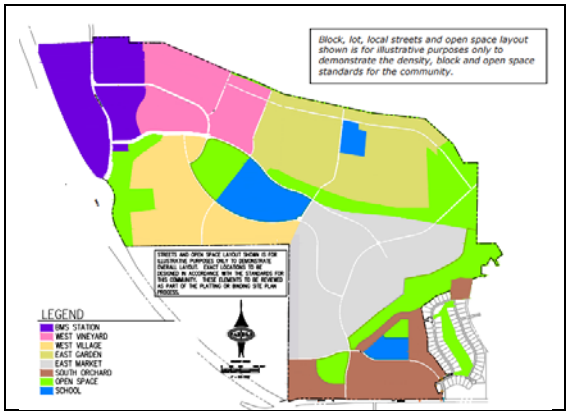
Richland's land use distribution focuses on placing compatible land uses next to each other. Compatibility is based on the intensity of land uses. Generally speaking, industrial is the most intense use due to the impacts of its operations (noise, light, dust, etc.), need of supporting facilities, and overall impact on the land. Natural areas are considered the least intense as there are no developments or improvements on such areas. Therefore, a low density residential next to a heavy industrial land use would be considered incompatible because of the impacts industrial use may have on the residences.

Appropriately designed buffers, landscaping, and transition areas between uses should be considered between incompatible land uses.

Mixed uses are encouraged in Richland where they are allowed. Such uses are generally mutually supportive of each other. Locating residences, offices, neighborhood shops, cafes, etc. in the same building or same site promotes walkability and reduces the vehicle miles traveled.

Badger Mountain South

Badger Mountain South is a master-planned community of 1,480 acres located in the southwest side of the City. The area is intended to be developed with 5,000 homes, businesses, and other community activities. The sub-area plan sets forth various uses in the area and was adopted by Richland City Council in 2010.



The purpose of this area is to establish neighborhoods with a range of housing types and to accommodate a population of diverse ages and incomes. The plan promotes pedestrian-friendly and mixed-use neighborhoods with areas for parks, trails, and open space in a connected network.

Central Business District

Richland CBD is planned to encourage the transformation of the area from principally a strip commercial auto-oriented neighborhood to a more compact development pattern. The area is characterized by its close proximity to the Columbia River and Howard Amon Park, concentration of pedestrian-oriented businesses, and the presence of medical, educational, and public institutions. Multiple planning studies and efforts have been conducted in the past decades, many of which have been or are being implemented in this area including public investments on infrastructure and streetscape improvements, and code revisions to attract private investment.

The Parkway has been a center of pedestrian-oriented retail and restaurants. Kadlec Regional Medical Center's campus and Columbia Basin College's Health Science Center both are located in the CBD. The Swift Corridor improvement will connect the CBD with the waterfront parks and recreation areas.

Columbia Point

The Columbia Point area is located between I-82 to the south and George Washington Way to the west. The area is developed with a mix of shops, hotels, restaurants, offices, condominiums, and recreational amenities. Recreational amenities include a golf course, park, marina, and waterfront trail. The area is close to buildout.

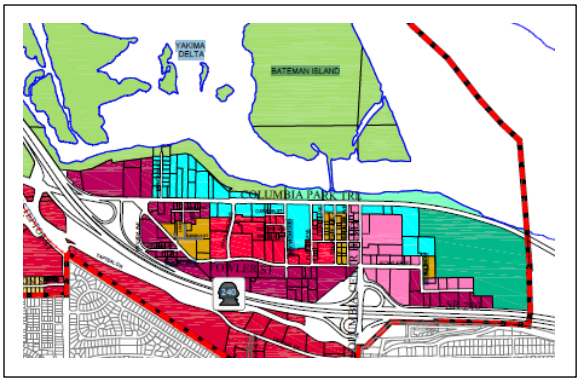
Horn Rapids

The Horn Rapids area is located on the north side of the City. This constitutes two planning areas: a) the Horn Rapids Industrial Park area, a triangular area bounded by Horn Rapids Road to the north and SR 240 to the south; and b) the 1,641 acres Horn Rapids North Industrial Area, north of Horn Rapids Road.

A master plan for Horn Rapids Industrial Park was originally adopted in 1995 and updated in 2011 and 2016. This area has been envisioned as an employment and economic center in the region. The master plan identifies the necessary infrastructure required to serve the area and associated cost for infrastructure improvements. The Horn Rapids planned residential community is located south of this area.

The 1,641-acre industrial area has recently been transferred from the Department of Energy to the City, the Port of Benton, and Energy Northwest by an act of Congress. This 1,341-acre Horn Rapids Industrial Area is specifically set aside for industrial development. The City and the Port plan to market the property to industrial developers as "mega-sites" of 200 acres or larger. The proximity of this land to highways, rail, and utility services together with the large acreages available provide development opportunities for industries that exist in very few places throughout the Pacific Northwest.

Island View



The Island View area, also known as Richland Wye, is located on the southeast side of the City between the Columbia River to the north and SR 240 to the south. It is north of the regional Columbia Center Mall in Kennewick. Columbia Park West is located to the east and Bateman Island to the north of the area.

The Richland Wye Master Plan was prepared in 1998 to revitalize the area and provide a general guideline for the planning and future development of the area. The objective of the master plan includes stimulating mixed use development, providing flexibility in the changing market condition, and ensuring high quality developments with increased opportunities for waterfront recreation. Implementation strategies were developed to address infrastructure, land use, and economic development issues. The area consists of a mix of General Commercial and Regional Retail on the south side, Business Commerce and Multi-family Residential Office in the middle, with Waterfront land use designation on the north side fronting the Columbia River. The entire length of the Columbia River waterfront has public access. The area is now being revitalized with uses such as, residential, commercial, business park, marina, etc.

POPULATION TRENDS AND PROJECTIONS

The Tri-Cities Metro area is one of the fastest growing areas in Washington. The City has grown rapidly in the last decade with a 24 percent growth from 2000 to 2010, and an 11 percent growth from 2010 to 2016.

Based on the 2016 estimate of the Office of Financial Management (OFM), the City of Richland's current population is 53,410. The population including the UGA boundary is 54,732.

Benton County's county-wide allocation and projected population numbers for Richland are 76,533 for the year 2035 and 81,366 for the year 2040. The end of the 20-year planning horizon is 2037. Based on current trends, Richland's projected population in the year 2037 will be 78,431 persons. This means over the next 20 years, the City and its UGA will add 23,699 (78,431-54,732) persons in addition to its existing population. Identifying land for growth and delivering public services will be important to maintaining the high quality of life for its residents.

Figure LU-2: Projected Population Growth

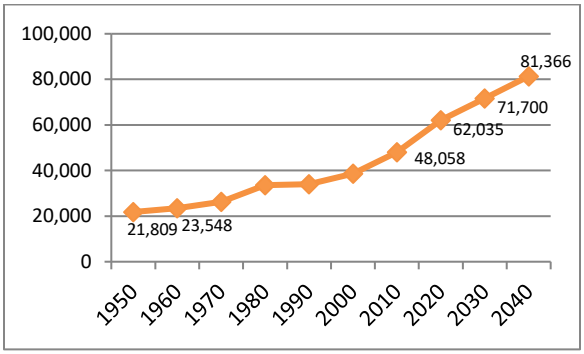


Table LU-2: Population and Employment Projections for 2037

Year	Population	Jobs
2016/ 2017	53,410	37,675[1]
2037 Projection	78,431	50,295

[1] *Estimated jobs in 2017*

Source: OFM, US Census, OnTheMap; Washington Employment Security Department; ECONorthwest.

Future Land Capacity

In order to identify land necessary to meet the future demand, an analysis of available land was performed. Details of the analysis are available in the Comprehensive Plan Supporting Analysis (Appendix A). This analysis used the City's existing land use density and land inventory in order to identify

vacant and undeveloped land within the City and UGA. The results of this analysis indicated that the City has sufficient land within its UGA to accommodate the land needs for the projected residential and commercial growth. In 2016, the City and the Port of Benton received land from the Department of Energy that is specifically targeted for future industrial use. This land, together with the vacant industrial land that is within the City, provides an adequate industrial land supply for future employment growth.

A significant portion of future residential growth will occur in the Badger Mountain South and Horn Rapids areas. Additional growth will take place in the existing vacant residential lands throughout the City. It is also anticipated that commercial and waterfront areas will accommodate some high-density and mixed-use growth.

Some lands designated as "Urban Reserve" in the land use plan will need to be re-designated for residential land uses to ensure that an adequate land supply is provided to serve future growth.

Lands for Public Purposes

According to the GMA, the City is required to identify the needs for public facilities, including lands for public purposes. Current City-owned public facilities include parks and open spaces, transportation, water, sewer, storm water, solid waste, energy, and municipal facilities. Using the existing ratio of land per capita for public use, there is a surplus of 72 acres for public facilities land. The City's developed open space requirement for parks facilities is determined by the parks level of service. The existing parklands are adequate to meet the demand. However, areas with new residential land use discussed in the next section will require an additional community park. The natural open space is determined by the existence of critical and natural areas, and other priority areas within the City. As the City grows, natural open spaces will be identified based on the GMA criteria and best available science (BAS). Existing data and findings from similar communities indicate Richland has adequate open space to meet the future demand. Additional information regarding the City parklands and open space can be found in the Capital Facilities Element under "Parks, Recreation and Open Space" in this Plan, and in the supporting analysis in Appendix A.

PROPOSED LAND USE

The City is planning to accommodate future growth in two areas within the City, on the north and west sides of the City. One area is located on the southwest side near the City View area, abutting Kennedy Road to the south and Queensgate Drive to the east. The other area is located on the north side of the City abutting the Horn Rapids residential development.

The land use in the City View West area is re-designated from Urban Reserve to a mix of Low, Medium, and High Density Residential, Commercial, Public Facility, Developed, and Natural Open Space. The land use in the Horn Rapids Northwest area is re-designated from Urban Reserve to Low, and Medium Density Residential uses. These are shown in Table LU-3.

Additional land use re-designation includes a portion of an area in Columbia Point South, re-designated from Developed Open Space and Public Facility to Urban Recreation and Natural Open Space. The existing Natural Open Space land in the Columbia Point South area remains unchanged. Additional Natural Open Space land is designated along the shoreline. See Table LU-3, Proposed Land Use, and Figure LU-3, the Future Land Use Map.

Table LU-3: Proposed Land Use

Land Use	Acres
Horn Rapids Northwest	
Existing Land Use	
Urban Reserve	272
Proposed Land Uses	
Low Density Residential	230
Medium Density Residential	42
Total	272
City View West	
Existing Land Use	
Urban Reserve	340
Proposed Land Uses	
Low Density Residential	143
Medium Density Residential	25
High Density Residential	34
Commercial	55
Public Facility	40
Developed Open Space	5
Natural Open Space	38
Total	340
Columbia Point South	
Existing Land Uses	
Public Facility	33
Developed Open Space	71
Natural Open Space	153
Total	257
Proposed Land Uses	
Urban Recreation	80
Natural Open Space	177
Total	257

NATURAL ENVIRONMENT

Critical Areas

Richland's environmentally critical areas include wetlands, fish and wildlife habitat areas, frequently flooded areas, geologic hazard areas, and natural aquifer areas. Most of the critical areas are discussed under the open space subsection below. The critical areas map (Fig. LU-4) indicates wetlands, fish and wildlife habitat areas, aquifer recharge areas, and other critical areas such as landslide, erosion, or seismic hazard areas.

The City uses the best available science in developing policies and development regulations to protect the functions and values of critical areas and give special consideration to conservation or protection measures.

Shoreline

Richland's shoreline consists of approximately 2,600 acres of land on the Columbia and Yakima Rivers shoreline. A Shoreline Master Program (SMP) was developed and adopted by Richland City Council and approved by the Department of Ecology in 2014. This Comprehensive Plan incorporates the SMP by reference. The SMP aims to utilize Richland's shoreline for various water-oriented uses and facilities while protecting the ecological functions and cultural and historic values of the shoreline. The SMP designates eight shoreline environments as follows:

1. Natural Environment
2. Recreation Conservancy Environment
3. Recreation Environment
4. Rural Environment
5. Residential Environment
6. Waterfront Use Environment
7. Industrial Conservancy
8. Aquatic Environment

Open Space

Open space in Richland and the UGA comprises over 17 percent of the total land. These areas include natural areas (Natural Open Space) and more formal developed parks and trails (Developed Open Space) in the land use map. Developed Open Space is discussed under the Parks and Recreation

Sub Element under Capital Facilities. This section discusses the natural open space.

The natural open space system includes the Yakima River and Columbia River shorelines, islands, greenways, and designated areas within residential developments. It also includes environmentally sensitive areas or critical areas where development would be constrained by wetlands, geologic hazards areas, aquifer recharge areas, fish and wildlife habitat areas, and frequently flooded areas along river or stream corridors.

The natural open spaces on or near the Yakima River include:

- The Tapteal Greenway, located on the lower Yakima River. It provides potential opportunities for non-motorized recreation, education, and habitat protection. The Tapteal Greenway is owned by multiple public and private entities including US Army Corps of Engineers (USACE).
- The Chamna Natural Preserve, located on the north bank of the Yakima River. This area is owned by USACE.
- The Riverview Preserve is located at the confluence of the Yakima and Columbia Rivers and is owned and managed by the USACE.
- Bateman Island in the Yakima River Delta is also owned by the USACE and leased to the City.
- W.E. Johnson Park is located south of Van Giesen Street and is owned by the City of Richland.
- The Amon Natural Preserve, a part of the west branch of the Amon Basin is owned by the City. This area is located on the south end of the City near the Interstate-82.

On the Columbia River, natural open spaces include:

- A portion of Leslie Groves Park area located between Snyder Street and Ferry Street.
- A portion of Columbia Point South area; a largely undeveloped area located at the confluence of the Yakima River and the Columbia River.
- The islands on the river that are part of the McNary National Wildlife Refuge.

In 2004, the City worked with community groups and several funding agencies to help Benton County acquire from willing sellers a 575-acre preserve on Badger Mountain located north of the Badger Mountain South area. The City also worked with community groups and funding agencies to purchase properties from willing sellers along the west branch of Amon Basin in order to enlarge the City-owned natural open space areas.

Mineral Resources

Mineral resource lands are resource lands that are primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals. The GMA requires cities and counties to designate natural resource lands where appropriate and adopt development regulations to assure the conservation of agricultural, forest, and mineral resource lands. The City undertook a detailed analysis of its mineral resources in 1998 and determined that no lands within the Richland UGA should be designated as mineral resource lands.

BUILT ENVIRONMENT

Historic and Cultural Resources

Due to its settlement history, the City of Richland does not have an abundance of historical resources. Historic structures

unique to the City include 12 tract farm houses in the central city and six buildings in downtown that predate World War II, and the Alphabet Homes, built between 1943 and 1951. The Alphabet Homes were based on a series of house plans denoted by a letter in the alphabet (an A house, an F house, etc.). In addition, several apartment buildings and pre-fabricated homes were part of this development scheme. These houses have historical significance in that they were built as part of the federal city created for the Hanford project. Historic structures that have been formally recognized on the National Register of Historic Places include the "Gold Coast" District, a north Richland neighborhood comprised of Alphabet Homes that have largely retained their original character.

Cultural resources are typically discovered during excavation and site preparation for development proposals. While it is difficult to know where every cultural resource site exists, the Washington State Office of Archaeology and Historic Preservation has records of previous investigations in the region. As discussed before, there are recorded archaeological sites within a mile of the Yakima River confluence. National Register-listed properties include the Columbia Point area, Bateman Island, and the Tri-Cities Archaeological District (Anchor QEA, 2014).

Goals and policies in the Comprehensive Plan provide a framework for reviewing and permitting future development proposals. Coordination with the State Office of Archaeology and Historic Preservation and implementation of policies relating to the preservation of cultural and historic resources will help to ensure that these resources are protected.

Urban Design

Urban design applies to the three-dimensional aspects of the built environment such as buildings, streets, sidewalks, open spaces, and plazas. It also addresses other urban issues such as circulation and connectivity, sustainability, neighborhoods, and districts.

Design

The City aims to achieve quality design in citywide civic projects such as public buildings and plazas, streetscape and corridor development, public art, parks, and open spaces. High quality design in public projects will set the standards for the City and may encourage further quality developments by the private sector. Richland's Public Library, Community Center, and the Reach Interpretive Center all display quality design. The City promotes quality design in the commercial and residential developments through its development standards. The City is also planning to add gateway features in the downtown area that will enhance the identity of the community.

Pedestrian and Bicycle-Friendly Environment

It has been a priority of the community to create a vibrant and livable community in Richland. Goals and policies are geared towards creating a pedestrian-friendly community. Mix of uses, higher density, access to transit, safe sidewalks, streetscape elements, network of paths and trails, building orientation, and articulation are some of the considerations for creating a pedestrian-friendly community. Richland has prioritized its downtown area to be more pedestrian- and bicycle-friendly. Swift Corridor development is already underway that will create a pedestrian- and bicycle-friendly connection between the downtown businesses and the residential neighborhoods. The Parkway area, CBD, and Kadlec campus are designed with pedestrian-friendly components.

Circulation and Connectivity

Connectivity between major destinations and neighborhoods within the City and the region is important to Richland. Richland's transportation system aims to provide a multi-modal circulation system for pedestrian, bike, car, and transit users. Richland has multi-use trails connecting its parks and natural areas, as well as some key locations within the City. The City works with public agencies and private developers to create an efficient circulation pattern within business and residential neighborhoods. The proposed Duportail Bridge, once built, will make a significant improvement in connecting the northern and southern parts of Richland.

Public Realm

Richland's public realm includes plazas, parks, playgrounds, sidewalks, and open spaces. Each public realm is different and serves a different purpose in their formal, semi-formal, or natural settings. They offer places for gathering, interaction, and recreation. Public places are further enhanced by artworks and pedestrian amenities. The John Dam Plaza is a heavily used public place for community gathering and events, while the Parkway area offers an urban setting for the community. Parks and natural areas offer recreation and tranquil environment for the residents.

District

The visual character of the Richland UGA varies widely from downtown, Uptown, and the Richland Wye/Island View area, to relatively new commercial areas such as Queensgate and City View, to master planned areas like Columbia Point and Horn Rapids to older alphabet housing neighborhoods in central Richland and to the new residential neighborhoods in Badger Mountain South. Each of these distinct areas calls for a different design approach. In older areas, the emphasis needs to be placed on revitalizing neighborhoods; in other areas, maintenance can be a priority. In newly developing areas, the emphasis needs to be placed on building design and site planning standards. The City recognizes that it needs to take a targeted approach with different urban design standards and strategies to reflect the differing needs of each area within the City.

Environment and Sustainability

Richland's built and natural environment is maintained through multiple design and environmental protection approaches. Its natural resources are protected under the Critical Area Regulations, the SMP, as well as State and Federal Laws. The City also maintains energy efficiency, renewable energy, and recycling programs. The City encourages the use of sustainable standards including, but not limited to, passive solar energy, geothermal energy, solar hot water systems, Green Building Certification, Energy Star Certification, bird-friendly buildings (i.e., those that are designed to minimize collisions with birds). The City encourages minimizing light trespass for energy savings, dark sky ambience, and glare reduction.

Landscaping

Landscaping is important for maintaining Richland's attractive physical appearance. Proper landscaping can highlight an area's features and add aesthetic value. Landscaping is applicable for both public and private developments. Given the hot-arid climate in the Tri-Cities area, native landscape and plants are more desirable. Using xeriscape principles can make a water-efficient landscape and signify the area's climate and geology. Selection of trees that offer shade on hot summer days is important for this area.

Figure LU-3: Future Land Use Map

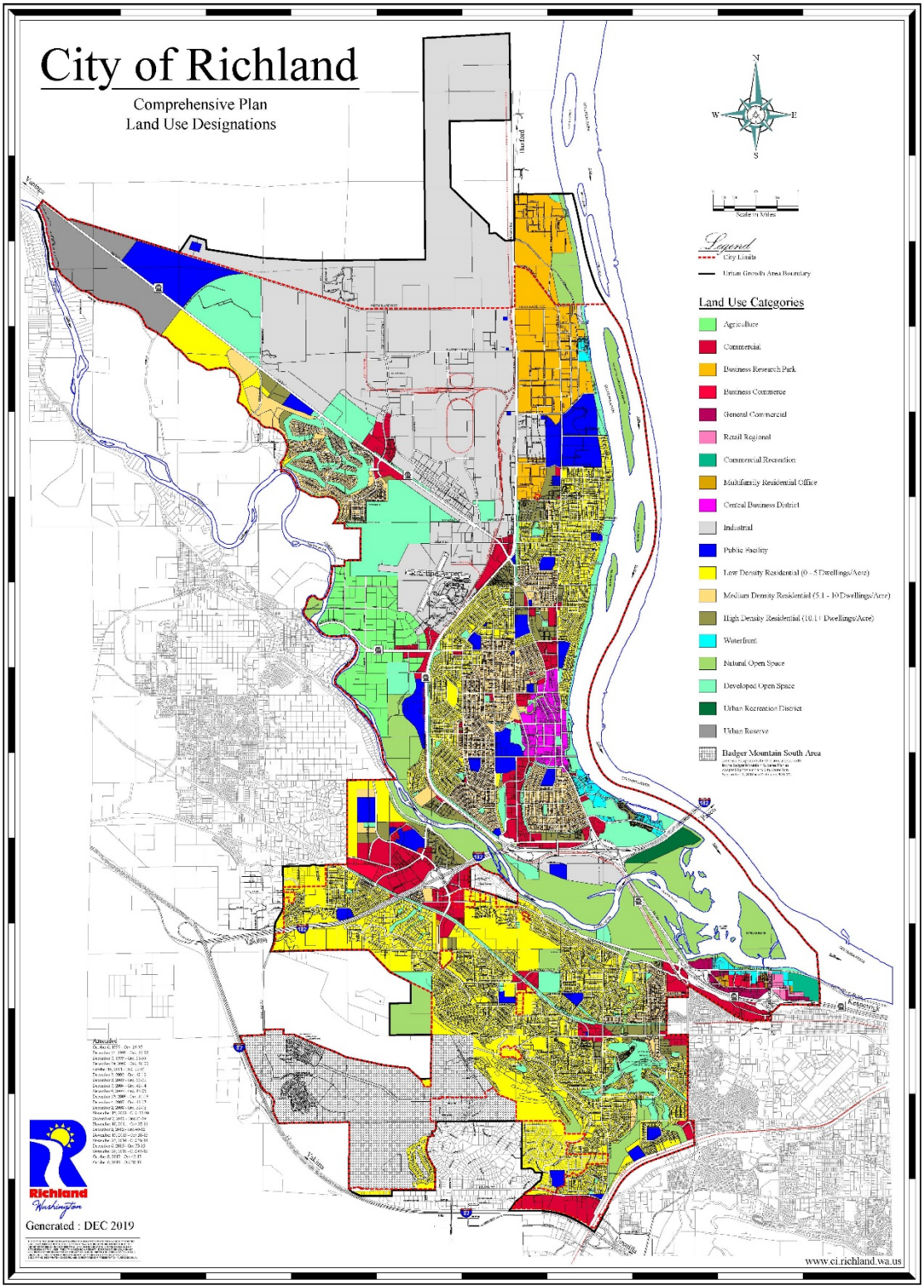


Figure LU-4: Critical Areas Map

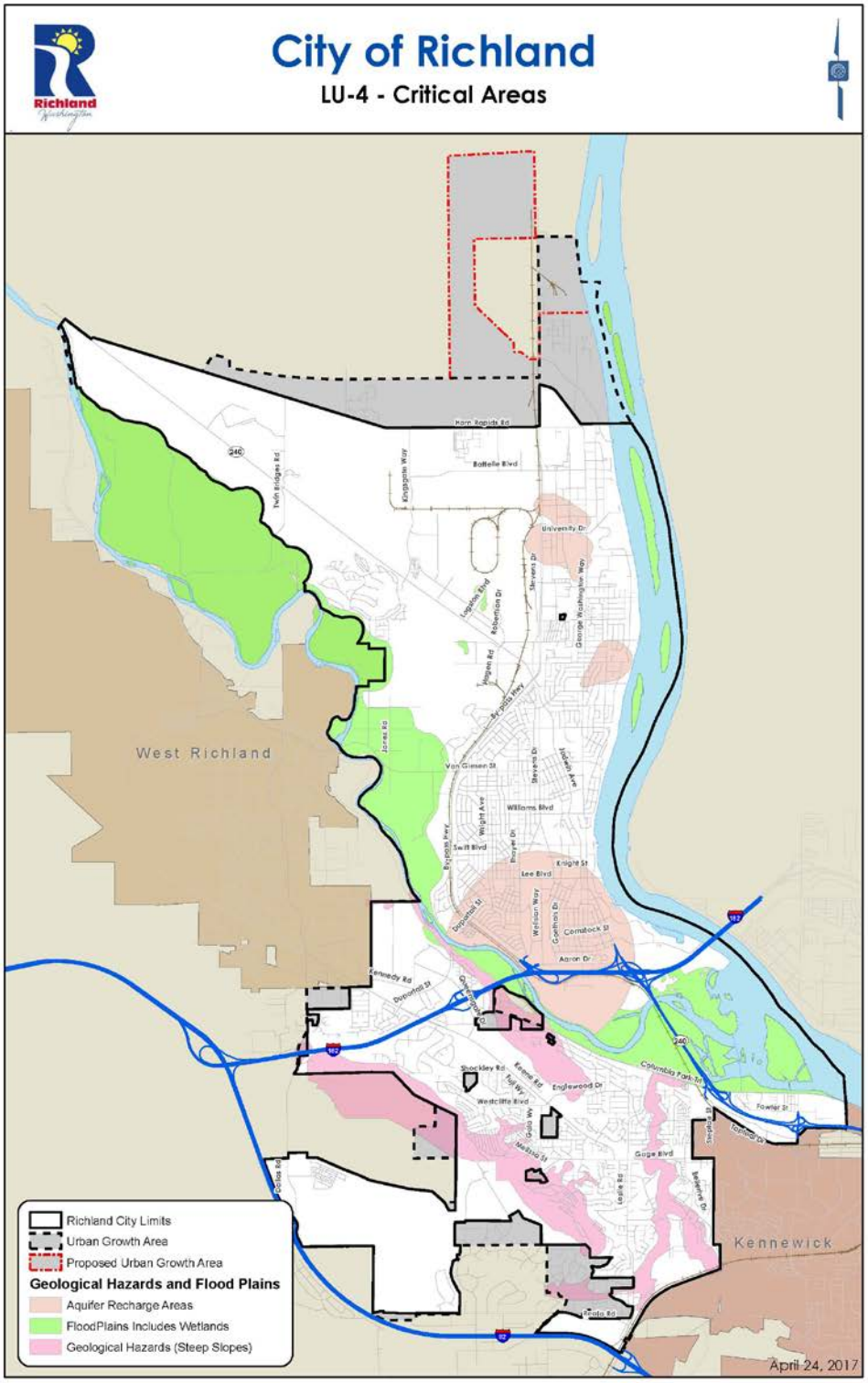


Figure LU-5: Shoreline Map

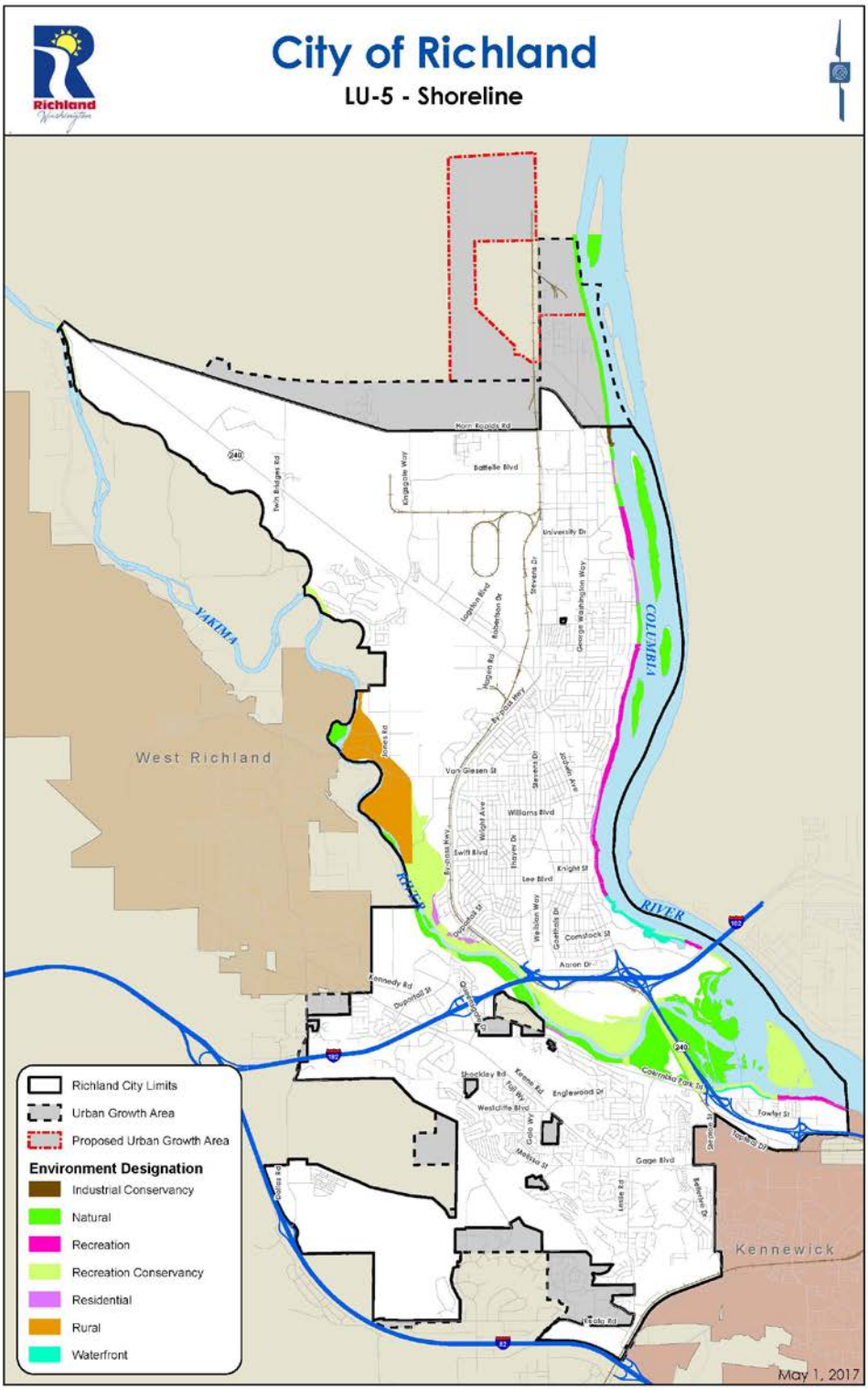
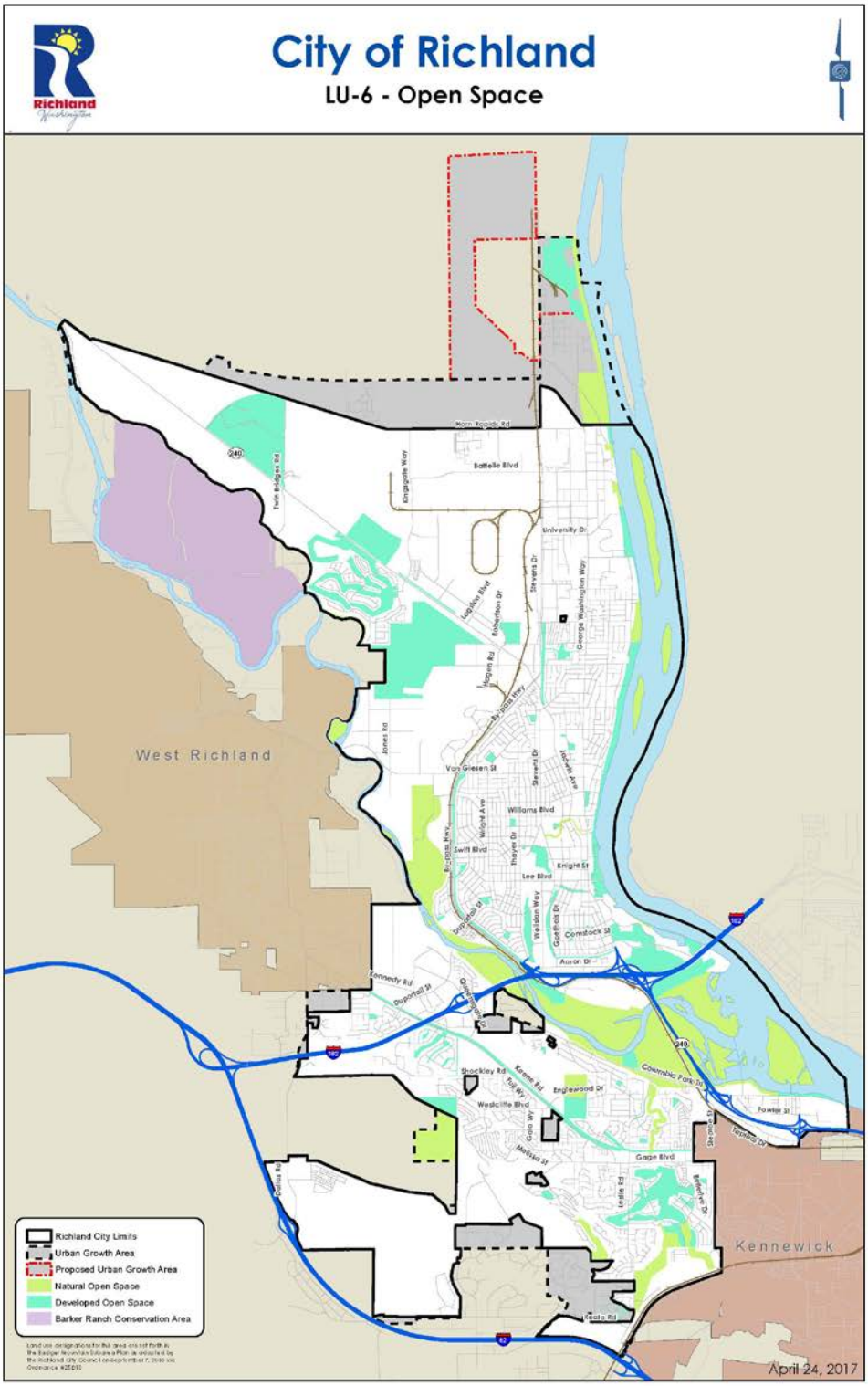


Figure LU-6: Open Space Map



HOUSING ELEMENT

In this chapter, you will find:

- Goals and policies guiding housing in Richland
- Existing housing condition
- Projected needs and addressing the demand

INTRODUCTION

Providing affordable housing for all groups is a priority for Richland. Providing housing near shopping and transportation and offering multiple choices for owner and renter occupied housing would also benefit the City's vision for diversity.

The Housing Element of the City's Comprehensive Plan is intended to provide policy background and broad direction for housing programs and decisions towards meeting the City's goals. Similar to the other elements of the Comprehensive Plan, the Housing Element provides a framework for future planning decisions and outlines goals and objectives the City plans to implement in meeting its housing needs. The Housing Element is consistent with other elements of the Comprehensive Plan.

GOALS AND POLICIES

HE Goal 1: Provide a range of housing densities, sizes, and types for all income and age groups of the Richland community.

Policy 1: Ensure that the comprehensive plan and development regulations allow for a variety of housing types, sizes, densities, and lot configurations such as small lot single family housing, multi-family housing, mixed-use development, cluster development, live/work housing, co-housing, accessory dwelling units, single room occupancy units, zero lot line and similar subdivisions, and planned unit developments.

Policy 2: Encourage mixed-use developments with apartments and condominiums above commercial uses in the City's urban core. Where redevelopment or infill opportunities arise, allow for increased housing density in residential-designated areas that immediately surround the CBD, while respecting the character and scale of the existing neighborhood.

Policy 3: Support the development of senior housing and long-term care/assisted living facilities in the City in close proximity to commercial uses and medical services and facilities.

Policy 4: Promote and provide incentives (such as zoning/rezoning, revised regulations, and provision of infrastructure) for infill development and redevelopment, while respecting the character and scale of the existing neighborhood.

Policy 5: Allow and regulate manufactured homes in the same way as site-built homes.

Policy 6: Plan for an adequate supply of land in appropriate land use designations and zoning categories to accommodate projected household growth, while accommodating other commercial, industrial, and open space needs of the City.

HE Goal 2: Improve affordable housing opportunities for lower-income individuals, households, and first time homebuyers.

Policy 1: Expand the supply of affordable units by promoting owner- and renter-occupied housing throughout the City, consistent with Comprehensive Plan.

Policy 2: Promote the use of mixed-income housing developments and mixed-use developments that provide both affordable housing and economic opportunities throughout the City consistent with Comprehensive Plan.

Policy 3: Sustain or improve the quality of existing affordable housing stock by encouraging rehabilitation of housing units by current owners.

HE Goal 3: Implement the current version of the Tri-Cities Consolidated Plan.

Policy 1: Provide assistance to lower-income households that participate in local improvement districts for infrastructure projects. Assistance may be limited to selected neighborhoods or to the neediest households based upon a percentage of median income and fund availability.

Policy 2: Assist infrastructure activities that revitalize and stabilize older or declining neighborhoods or areas in which the majority of households are lower-income.

Policy 3: Improve access for persons with disabilities and the elderly by improving streets and sidewalk systems.

Neighborhood Character

HE Goal 4: Encourage the maintenance and preservation of existing housing stock and residential neighborhoods.

Policy 1: Encourage reinvestment in older residential neighborhoods and support the revitalization of such neighborhoods by keeping the streets and other municipal systems in good repair.

a) Encourage the formation of local improvement districts.

Policy 2: Implement the City's affordable housing and weatherization programs.

a) Continue to participate in the Tri-Cities HOME Consortium.

b) Continue to utilize federal Community Development Block Grant and HOME funds for housing rehabilitation and first-time homebuyer opportunities.

Policy 3: Continue to allow accessory dwelling units in single-family residential districts.

Policy 4: Accommodate non-profit and public agencies' efforts to purchase, construct, and rehabilitate housing to meet the affordable and other housing needs of the community.

Policy 5: Strive to increase the rate of owner-occupancy over time through City's assistance programs.

Policy 6: Maintain a strong code enforcement program.

Policy 7: Update and implement the Island View Master Plan to include mixed-use housing and multi-family residential rehabilitation and construction.

Policy 8: Encourage the use of the City's Crime Prevention Through Environmental Design (CPTED) program in developments.

Policy 9: Continue to participate in the City Police Department's Crime Resistant Community Living (CRCL) Program, which provides free training for property owners and landlords to help provide safe, crime-resistant communities for all residents.

HE Goal 5: Ensure compatibility of new residential developments with established neighborhoods and the community.

Policy 1: Maintain quality design and landscaping in the new developments.

HE Goal 6: Improve Public Facilities.

Policy 1: Support the revitalization of neighborhoods by improving and supporting public facilities that serve neighborhoods of all income levels.

Policy 2: Improve parks and recreation facilities in targeted neighborhoods by supporting a range of improvements to existing or new parks such as building bicycle and walking paths, improving public restrooms, landscaping, or installing play equipment.

Policy 3: Support beautification of our community by integrating art into public facilities in creative and engaging ways.

EXISTING CONDITIONS

Based on American Community Survey (ACS) Census data of 2015, Richland has a total of 22,130 housing units. About 65 percent of the housing units are owner-occupied and 35 percent renter-occupied. This is similar to the United States occupancy rate of 64 percent owner-occupied and 36 percent renter-occupied. Single unit detached housing types dominate the existing housing inventory with 63 percent of the total share. Based on this data, the housing occupancy rate in Richland is 94 percent.

Table HE-1: Housing Occupancy in Richland

Occupancy Type	Units	%
Owner-occupied	13,622	65.5
Renter-occupied	7,170	34.5
Total occupied[1]	20,792	100
[1] 94% of the total housing units		

Richland's single-family homes are mostly concentrated between Spengler Street and the greenbelt (Abbott Street) in north Richland, and between Columbia Park Trail and Interstate 82 in south Richland. Another concentration of housing exists in north Richland in the Horn Rapids area. The City has new housing developments as well as the old Alphabet Homes built between 1943 and 1951. Alphabet Homes are mostly located in the older part of the City near the downtown area.

PROJECTED NEEDS

As discussed in the Land Use Element, Richland's population growth will require additional housing units in the City in the next 20 years. An increase of over 23,000 people in the City and UGA will require 1,270 additional housing units. This will include housing demand for all income and age groups. With the baby boomers retiring, there is a growing need for affordable senior housing in the City. Based on a discussion with the affordable housing group for seniors over the period of 2010 and 2016, occupancy at the affordable senior housing communities averaged 98 percent. This indicates a high demand for affordable senior housing. The expansion of educational institutions triggers the need for student housing and multi-family housing in conjunction with the region's growing need for single-family housing.

ADDRESSING THE NEEDS

This demand of additional housing will be met by developments in the existing planned areas, infill developments, and by re-designating two Urban Reserve areas. This plan will create a mix of residential, commercial, and public facilities land uses as shown in the land use plan (Fig LU-3). This will add additional

housing units including single-family, multi-family, and apartment homes.

The City's current housing assistance program will continue to assist homeownership for Richland citizens. The City's policies promote infill development, which will be another option for housing development where infrastructure already exists. The City provides additional housing choices by allowing accessory dwelling units in single-family neighborhoods.

TRANSPORTATION ELEMENT

In this chapter, you will find:

- Goals and policies for transportation
- Existing systems and future improvements for:
  - Motorized systems
  - Non-motorized systems

INTRODUCTION

The City of Richland maintains a complete multi-modal network of transportation facilities serving residents and businesses. A brief summary of transportation facilities is provided here, with more details provided in the supporting analysis document (Appendix A).

GOALS AND POLICIES

TE Goal 1: Provide an efficient and multi-modal transportation network including road, trail, rail, water, and air, to support the City's land use vision and existing needs.

Policy 1: Plan new street segments and consider modifying existing streets to provide comfortable and safe elements for bicyclists, pedestrians,

and transit users in addition to vehicles.

Policy 2: Identify and secure the rights of way for new and/or expanded transportation corridors.

Policy 3: Support rail services for industries and commerce within the area.

Policy 4: Support regional planning efforts for roadway, rail, air, and non-motorized travel.

Policy 5: Plan and implement transportation system improvements that meet the needs of all areas and residents.

Policy 6: Plan transportation facilities that are compatible with adjacent land uses.

Policy 7: Plan and implement an appropriately classified and designed roadway system that provides for efficient movement of people and goods and the comfort and safety of residential neighborhoods.

TE Goal 2: Improve safety, connectivity, and operating efficiency of the transportation system.

Policy 1: Implement appropriate access control for arterial collectors and arterial streets.

Policy 2: Link local street networks through subdivisions to provide efficient local circulation, as appropriate, and provide additional collector arterial access for major residential areas.

Policy 3: Evaluate, plan, and install traffic control devices and intersection designs to improve travel safety and efficiency.

TE Goal 3: Encourage the use of transportation modes that promote energy conservation, circulation efficiency, and an active lifestyle.

Policy 1: Support increased use of transit, bicycling, and pedestrian travel.

Policy 2: Plan facilities for non-motorized travel across jurisdictional boundaries.

Policy 3: Require sidewalks, improved shoulders, appropriate signage, or off-street trails within new developments to accommodate internal bicycle and pedestrian circulation within and between neighborhoods.

Policy 4: Encourage new developments to be pedestrian-friendly and compatible with the public transportation system.

Policy 5: Design a circulation system to become a bicycle-friendly community with complete streets.

TE Goal 4: Ensure that the road network is sensitive to the natural and built environment and offers a sense of the community.

Policy 1: Use appropriate streetscape and gateway features along the major entryways into the City.

Policy 2: Implement landscaping and other types of buffers along major transportation corridors.

Policy 3: Construct street system improvements to reduce traffic congestion as a measure to improve air quality.

Policy 4: Plan new streets and consider modifying existing streets to include storm water management best practices to reduce pollution from stormwater runoff.

Policy 5: Plan and implement new streets with features that mitigate the hazard to wildlife.

Policy 6: Plan and implement new streets and consider modifying existing streets to improve access control to sensitive areas.

EXISTING SYSTEM AND FUTURE IMPROVEMENTS

The most recent Transportation Plan for the City of Richland was completed in 2005 and was used to prepare the 2008 Comprehensive Plan. Many of the improvements identified in that Plan have been completed. Several studies have been conducted to identify preferred improvements in corridors where congestion is occurring today. These studies have determined the basis for many of the short-range improvements that are identified in the Capital Improvement Program for the City.

A major transportation challenge within the City of Richland transportation system is the congestion facing north-south travel during commute times. Several factors contribute to this situation, such as the major regional employers situated north of the City, and significant amount of housing is provided south and east of the Yakima and Columbia Rivers within the region. Regional commute traffic from south Richland, Kennewick and Pasco, is currently limited to SR 240 and George Washington Way for north-south travel through the City of Richland due to the challenge of providing adequate capacity to cross the Yakima River to the south and Columbia River to the east. I-182 also creates a barrier given that there are only three access points and four crossings within the city as well. Congestion as a result of this north-south demand at commute times is manifest at several locations as discussed in the supporting analysis document. A number of planned projects are being considered to address this issue; but the considerations are complicated by the needs and vision of residents as they relate to George Washington Way. As described above George Washington Way is a key element in supporting a regional travel need. George Washington Way is also a City street passing through areas of Richland in which a regional commute route doesn't align with the users goals. Achieving acceptable performance levels for the economic vitality of the City and region and meeting the desires for livability on the City's transportation system will continue to be significant challenges.

For the purposes of this Comprehensive Plan Update, traffic counts from 2016 conducted by the Benton Franklin Council of Governments were used to conduct an analysis of the existing system to identify any additional deficiencies. Those traffic counts were also used to calibrate and update the regional traffic model to be consistent with anticipated land use for year 2040. Subsequently, an analysis for forecast traffic volumes was used to identify potential long-range issues with the transportation network.

Motorized System

Automobile

There are over 275 miles of roadway within the City of Richland, including a functionally classified network of arterial and collector roadways as well as local streets. There are 66 traffic signals within the City (some are operated by WSDOT or the City of Kennewick) and four roundabouts.

Significant improvements identified in the short term include the Duportail Bridge over the Yakima River, the widening and extension of Queensgate Drive, South George Washington Way safety and mobility improvements, and the Center Parkway Extension west of Steptoe Street. These projects are anticipated to cost at least $53 million.

Long-range improvements include the extension of Gage Boulevard and Queensgate Drive to serve the Badger Mountain South sub-area, interchange improvements on both I-182 and SR240, as well as other collector road improvements to serve developing areas. A new arterial route is proposed to connect the existing north end of Queensgate Drive to SR 224 (with a Yakima River crossing) as well as an extension south from Kingsgate Way to connect to SR 224. Additional traffic signals or roundabouts are anticipated at several locations as well.

Air

Commuter air travel service is provided at the Tri-Cities Airport in Pasco. The Richland Airport provides general aviation facilities on two 4,000 foot runways. The Airport Master Plan currently calls for the extension of the north-south runway to 5,000 feet in order to accommodate large aircraft. This runway extension will require further study and potential mitigation since the Runway Protection Zone will be extended over SR 240 and some developed industrial properties.

Freight

There are currently approximately 30 miles of railroad tracks within the City of Richland. Much of this track is owned by the Port of Benton and operated and maintained through a lease to the Tri-City Railroad (TCRR). TCRR provides local freight switching and interconnect services to the Union Pacific Railroad, while the Burlington Northern Santa Fe provides direct service to the City of Richland.

The rail network has recently been expanded by the City to serve the Horn Rapids Industrial Park and includes a loop that accommodates the loading of unit trains. Additional expansions are anticipated to the north of Horn Rapids Road to serve new industrial property acquired from the Department of Energy.

Port Barge

The Port of Benton provides a high dock as well as a barge slip along the Columbia River in the northern part of the City. These facilities are able to serve barges that travel to the Pacific Ocean and Pacific Rim markets in a cost effective transportation mode.

Transit

There are currently nine transit routes operated by Ben Franklin Transit that serve the City of Richland, with four of those being Inter-City routes that also serve other communities and make connections at Transit Centers. Ben Franklin Transit regularly modifies its services and routes to accommodate growth and development.

Non-motorized System

Non-motorized facilities within the City of Richland are mainly composed of sidewalks constructed in association with streets and a separate bicycle and pedestrian trail system. There are currently about 30 miles of Class I trails that serve the City of Richland, with over six miles of secondary trails and 36 miles of soft trails that traverse natural areas such as Badger Mountain or Columbia Point South and the Amon Basin. There are also over 68 miles of on-street bike routes that facilitate bicycle travel throughout the City.

FINANCING

The City receives funding for transportation projects from a variety of sources, including impact fees, developer construction, City General Funds, Arterial Street Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.

The City collects Traffic Impact Fee according to Richland Municipal Code (12.03). It is called the South Richland Street Collector Financing Plan. It assists to develop the arterial street network in south Richland and to make other improvements such as traffic signals as traffic volumes grow. The impact fee area generally involves two zones and covers the area south of the Yakima River with the exception of the Badger Mountain South Sub-Area. The impact fee was updated in 2008 and 2012 and is expected to be updated again in 2017.

Details of proposed transportation improvements, timeframe and financing sources can be found in the supporting analysis document (Appendix A).

UTILITIES ELEMENT

In this chapter, you will find:

- Goals and policies for utilities
- Wastewater facilities
- Water supply system and facilities
- Storm water system and facilities
- Solid waste management and facilities
- Energy services
- Utilities provided by others
  - Natural gas supply
  - Telecommunications
  - Irrigation

INTRODUCTION

The Utilities Element of the City of Richland Comprehensive Plan describes utility policies and regulations to implement the goals of the Comprehensive Plan. It was developed in accordance with Section 36.70A.070 of the GMA to address utility service within the City of Richland over the next 20 years. It consists of the general location, proposed location, and capacity of all existing utilities in the UGA. General utility corridors are identified in this Element. The Element was also developed in accordance with the County-Wide Planning Policies and has been integrated with all other Comprehensive Plan elements to ensure consistency.

GOALS AND POLICIES

UE Goal 1: Utilities should support the land use and economic development goals of the City.

Policy 1: Siting of proposed public facilities should be consistent with adopted land use policies.

Policy 2: When available and permitted under prevailing power supply contracts, the City will use its market access to low-cost electricity to provide favorable rates targeted at expansion and attraction of industries offering additional family-wage jobs.

Policy 3: Ensure that aesthetic impacts of utilities will be addressed through measures such as landscaping and screening.

UE Goal 2: Maintain existing service levels to current customers and ensure that public facilities and services necessary to support development are planned, sized, and constructed to serve new development.

Policy 1: Maintain current utility service levels based on local, state, and federal standards.

Policy 2: Use a minimum 20-year planning horizon to plan for City-provided public utilities and identify new facilities, expansions, and improvements that will be needed. The City will work with other purveyors of public services to provide facilities and services concurrent with development.

Policy 3: Promote the efficient use of land and minimize environmental disturbance by requiring that the facilities of various utilities be located together in the City right-of-way wherever possible.

Policy 4: The City will designate utility corridors and utility facilities as required to facilitate and promote the expansion of commercial and industrial development.

Policy 5: The City will actively cooperate with other utility providers to establish a City electrical service territory boundary that allows the City's municipal utility to serve new loads.

UE Goal 3: Provide utility facilities that ensure environmentally sensitive, safe, and reliable service.

Policy 1: All utility expansion and construction will consider the environment and ways to minimize impacts to it in siting, construction, and use.

Policy 2: The City will use the best available technology to mitigate adverse impacts resulting from utilities projects.

UE Goal 4: Adopt programs to conserve and promote sustainable use of resources.

Policy 1: Establish public outreach programs to promote the conservation of resources, waste reduction, reuse, and recycling.

Policy 2: Implement the City's utility systems management plans.

UE Goal 5: Coordinate with outside utility providers for efficient, cost-effective, and reliable utility service.

Policy 1: Ensure that land will be made available for the location of utility lines, including location within transportation corridors.

Policy 2: Promote, when feasible, location of new public and private utility

distribution facilities in shared trenches, and coordination of construction timing to minimize construction-related disruptions to the public and reduce the cost of utility delivery.

Policy 3: When and where natural gas franchises exist, promote the extension of natural gas distribution lines to and within the UGA, constructed or reconstructed.

Policy 4: Promote a wider range of high-speed internet providers to encourage competition.

WASTEWATER FACILITIES

The Richland sanitary sewer system was originally developed to serve the Richland core area, but has been extended to other areas as they have developed, including north Richland, south Richland, the Badger Mountain area, and the Horn Rapids community. The sanitary sewer system includes a conveyance system, a wastewater treatment facility, and effluent disposal. A General Sewer Plan was adopted in 2016, which provides a general evaluation of the sewer collection system and Wastewater Treatment Plant, a Capital Improvement Plan (CIP) with a particular emphasis on the next 20 years, and assessment of the utility's financial condition and ability to support the recommendations of the CIP.

The existing Richland sanitary sewer collection system serves approximately 40 square miles of area that is divided into seventeen drainage basins. The collection system consists of over 262 miles of gravity collection pipes, which range in size from six inches in diameter to 54 inches in diameter. The City owns and operates 14 pump stations, ranging in size from 1.5 to 35 horsepower. Overall, the collection system had adequate hydraulic capacity to convey current flows as well as future flows. Although the hydraulic analysis indicated relatively few capacity issues, the collection system is showing its age and a proactive renewal and replacement program has been developed to address this.

All flows collected by the Richland sanitary sewer collection system are transported to and treated at the Richland Wastewater Treatment Plant. Since its completion in 1985, the plant has consistently achieved the discharge requirements specified in its National Pollution Discharge Elimination System (NPDES) permit. The plant provides primary sedimentation, followed by secondary treatment using an activated sludge process. Plant effluent is disinfected with chlorine prior to discharge to the Columbia River. Several renewal and replacement projects have been identified at the Wastewater Treatment Plant through the planning period.

WATER SUPPLY SYSTEM

The Richland water system was constructed during the 1940s to support the wartime activities at the Hanford Nuclear Reservation. This temporary system has developed into the modern permanent water system used in the City today. The City's water supply system consists of wells, a surface water treatment plant, pump stations and chlorinators, interties, water lines, and reservoirs. A Water System Plan was completed in 2016 to be adopted in 2017, which provides a general evaluation of the water distribution system and Water Treatment Plant, a CIP with a particular emphasis on the next 20 years, and assessment of the utility's financial condition and ability to support the recommendations of the CIP.

The majority of the population within the corporate limits of the City of Richland is served by the City of Richland Water Utility. The Utility serves approximately 18,689 connections (as of 2016), which includes residential, commercial, and industrial users.

The City has a total available water right of 34,948 acre-feet per year and 43,786 gallons per minute (gpm) for instantaneous flow. The City appears to have adequate water rights for future growth. The City's potable water sources include a wellfield and the Columbia River Water Treatment Plant (WTP). The wellfield has a total capacity of 15 million gallons per day (MGD) while the WTP has a capacity of 36 MGD. Source capacity is adequate for future growth, and water supplied to the City of Richland is of high quality meeting federal and state drinking water standards.

The City has approximately 340 miles of pipelines in the water distribution system ranging in size from two inches in diameter to 36 inches in diameter. There are ten storage facility sites that provide approximately 22 million gallons of storage and ten booster pumping stations that provide direct water storage to seven pressure zones within the City. Several projects to address capacity as well as renewal/replacement have been identified through the planning period.

STORM WATER SYSTEM

Richland's storm water system facilities consist of collection and conveyance, pumps, underground injection control (UIC) facilities, regional detention/ water quality facilities. and regional outfalls. A Storm Water System Plan was developed by the City in April 2017.

Collection and conveyance facilities include catch basins, manholes, pipes, forced main, culvert and open channel. There are currently over 4000 catch basins and over 127 miles of gravity pipe in the City.

There are seven public and privately owned pump stations throughout the City.

Some storm water runoff generated within the City is infiltrated via the City's over 280 UIC facilities.

Regional detention/ water quality facilities include 22 ponds, 2 bioretention cells, 6 underground storm chambers, and 21 swales.

Stormwater runoff that does not infiltrate is conveyed to surface receiving waters via 21 regional outfalls that discharge to the Columbia River, the Yakima River, and the Amon Wasteway.

Future improvements of the storm water system are identified to reduce:

- Existing conveyance capacity and flooding issues;
- Potential future conveyance capacity and flooding issues;
- Pollutant loading to receiving water bodies; and
- Chronic system maintenance needs.

SOLID WASTE MANAGEMENT

The City of Richland Solid Waste Division provides municipal solid waste collection and disposal services to residences and businesses within the City limits. About 26 percent of the solid waste is recycled in Richland based on the 2015 tonnage of generation, recycling, and disposal.

The City of Richland owns and operates the Richland Landfill (also known as the Horn Rapids Landfill). The landfill site is 275 acres in size. Approximately 46 acres are permitted for solid waste disposal. The site also includes a 14-acre composting facility, a residential and small commercial customer transfer station, a

scale house and administration building, and an operations and equipment maintenance building.

The City offers curbside recycling to its residential and commercial customers. The City currently operates seven drop-box recycling collection centers throughout the City and delivers the collected recyclable items to Clayton-Ward Recycling in Richland.

The City's waste generation is forecast to increase to 80,000 tons by 2031. The current space in the Landfill will be used up sometime in 2020 at the City's current rate of waste placement. The City is planning for its future solid waste disposal capacity by exploring two options:

1. Expanding landfill capacity on the current site by building a landfill that meets current state and federal design regulations; or
2. Building a transfer station and hauling waste to a large regional landfill.

It is expected that a decision will be made in calendar year 2017, after which preparations will be made to construct the necessary facilities. Regardless of the disposal alternative selected, the City anticipates maintaining its current customer service levels at the Richland landfill.

ENERGY

Richland provides electrical service throughout the City, most of the UGA, and the City's 50-square mile service territory using 552 miles of primary line and eight substations. Ownership and operation of these facilities is shared by the City and the Bonneville Power Administration (BPA). Bulk transmission of electrical power supply to customers in the UGA has historically been provided from the BPA transmission grid, with the local utilities providing final pass-through services. Benton PUD also provides power to a limited number of people in Richland through a service agreement between Benton PUD and the City.

The City currently runs an energy efficiency program by providing incentives for reduced energy usage. Its renewable option program allows residents to purchase clean, zero-emission wind energy. The City also offers low-interest loans to promote use of solar power.

Electrical service plans are designed and upgraded to provide for future growth and accommodate new and increased loads. Richland maintains a performance based level of service where failure in one system will not cause failure of other systems and can be picked up by other components within eight hours.

Future deficiencies are identified based on projected loads. The City has identified multiple capital improvement projects through the year 2027. Major capital improvement projects include: plan, design, and construction of a new substation in the Dallas Road and Leslie Road area; construction of Kingsgate substation for the Horn Rapids Industrial Park; design and implementation of smart grid/smart metering infrastructure; and purchase of southwest service area infrastructure.

OTHER AGENCY UTILITIES

Natural Gas Supply

Cascade Natural Gas Corporation builds, operates, and maintains natural gas distribution facilities serving the City of Richland. It currently serves most parts of the City. Natural gas is made available concurrently with growth to the best of the purveyor's ability. The City will promote locating utility distribution lines together and

using existing utility easements wherever possible.

Telecommunications

Telecommunication in Richland is provided by the licensing agency's franchise agreements with the City. Telecommunication is mostly regulated at the state level by the Washington Utilities and Transportation Commission.

The City of Richland currently franchises Charter Communications to serve its population. Charter provides cable TV, Internet, and phone services in Richland. Some other phone and Internet services providers include but are not limited to Verizon, Cellular One, U.S. Cellular, AT&T Wireless, T-Mobile, and Cingular Wireless. Telecommunication facilities offer services through cell towers on tall poles, lattice towers, and/or co-located in buildings.

As growth occurs within the City, demand for reliable telecommunication services also grows. Telecommunication companies provide adequate services according to Federal Communications Commission (FCC).

Irrigation

Only portions of the City of Richland currently have irrigation services. The southern part of the City is served by the Columbia, Kennewick and Badger Mountain Irrigation Districts. Columbia Irrigation District operates an irrigation canal and a pump station in that area.

Within the unincorporated UGA, irrigation services are provided by the Columbia and Badger Mountain Irrigation Districts.

CAPITAL FACILITIES ELEMENT

In this chapter, you will find:

- Goals and policies for Capital Facilities
- Parks, recreation, and open spaces
- Municipal facilities
- Fire and emergency services
- Police services
- Schools
- Essential public facilities

INTRODUCTION

The Capital Facilities Element addresses facilities that are important for the City's growth in the next 20 years. Accommodation of the additional growth within the City's available land area and the provision of adequate services for the expected growth are two key aspects to be addressed in the comprehensive planning process. The Comprehensive Plan Supporting Analysis (Appendix A) provides additional details of the Capital Facilities Plan.

This element integrates the Comprehensive Plan with the City's Capital Improvement Plan (CIP) for capital facilities budget allocations. The CIP prioritizes the needs of the City for infrastructure and other capital needs, both within the City and the UGA. Prioritization for budget decisions are made based on the goals and policies and future growth indicated in the Comprehensive Plan. The Capital Improvement Plan (CIP) is a tool for

identifying and prioritizing capital projects and major capital purchases for budget consideration. The plan provides a project planning schedule for at least a six-year period and identifies funding sources for projects approved in the current budget cycle.

The CIP is useful in coordinating community planning, determining financial capacity and ensuring capital expenditures demonstrate support for the key elements of the City's Strategic Plan. The CIP is comprised of projects that maintain, enhance, or construct new facilities and infrastructure.

The Richland CIP uses many revenue sources to fund the capital investment projects identified in the CIP, including various taxes, revenues, bonds, and grants. The City also collects park impact fees to mitigate park impacts. Impact fees collected from specific park zones are used within that park district to address the impact by providing park and facilities according to the standards set in the 2014-2019 Parks, Recreation and Open Space Plan.

GOALS AND POLICIES

General Goals and Policies

CF Goal 1: Ensure that adequate infrastructure and public facilities exist or can be provided concurrent with new development takes place.

Policy 1: The City will work with other purveyors of public services to provide facilities and services concurrent with development.

Policy 2: The City will strive to ensure convenient and safe student access to school sites.

CF Goal 2: The City will provide capital facilities that ensure environmentally sensitive, safe, and reliable service.

Policy 1: The City will consider ways to minimize environmental impacts in siting, construction, and use of all capital facility expansion and construction projects.

Policy 2: The City will mitigate adverse impacts resulting from capital facilities projects according to the State Environmental Policy Act (SEPA) and other local, state and federal requirements.

Policy 3: The City will locate capital facilities identified as essential public facilities to provide the necessary service to the intended users with the least impact on surrounding land uses.

CF Goal 3: Provide adequate resources for capital improvements and make efficient use of fiscal and other resources.

Policy 1: Prioritize capital improvement needs that are consistent with overall planning goals.

Parks, Recreation and Open Space

CF Goal 4: Provide an integrated system of parks, recreation facilities, trails, and open spaces as an asset consistent with the Parks, Trails, Open Space, and Facilities Master Plan that enhances the community's quality of life.

Policy 1: Implement the Parks, Trails, Open Space, and Facilities Master Plan and programs for park and recreation facilities.

Policy 2: Coordinate the development of City of Richland trails, open space, and other recreational facilities and programs with other municipal facilities development, where appropriate.

Policy 3: Develop and adopt Master Plans for specific parks as necessary.

CF Goal 5: Provide diverse active and passive recreational opportunities for residents and visitors of all ages, based on needs.

Policy 1: Develop participation and interest in organized and individual recreation based on trends and changing lifestyles.

Policy 2: Provide adequate facilities to meet the sports and active recreational needs of different age groups.

Policy 3: Help citizens make full use of existing facilities through increased public awareness, revised and clear maps, and directional signage.

CF Goal 6: Identify, prioritize, and preserve unique natural habitat, ecologically critical areas, shorelines, and significant landforms and develop public recreational activities appropriate to these resources.

Policy 1: Develop property and ecological management programs consistent with the SMP, and Critical Areas Ordinance.

Policy 2: Provide public access and use of the Columbia River and Yakima River shoreline consistent with the SMP.

Policy 3: Evaluate opportunities to acquire and/or protect additional open space to protect significant landforms, critical habitat areas, and appropriate native vegetation areas.

Policy 4: Promote environmental education in an appropriate manner based on the sensitivity of the subject area.

CF Goal 7: Enhance the community and region's cultural and historic heritage through features incorporated in community and regional parks.

Policy 1: In cooperation with the Arts Commission, incorporate art in suitable public locations.

CF Goal 8: Extend and improve the multi-use trail system to link parks, activity centers, schools, and employment centers.

Policy 1: Identify desirable trail linkages and trail extensions needed to connect with the City's trail network as part of existing trail plan.

Schools

CF Goal 9: Work with the Richland and Kennewick School Districts to help meet the needs of the school districts to serve the community.

Policy 1: Coordinate with the school districts to identify locations of future school sites.

Policy 2: Continue to work closely with the Richland and Kennewick School Districts and special user groups to promote joint use recreation programs and facilities.

Policy 3: Develop and maintain safe routes to schools by pedestrian and other modes of transportation.

Municipal Facilities

CF Goal 10: Provide municipal facilities as needed for efficient services, rapid response times, and convenient customer service.

Policy 1: Consider leveraging investments in new municipal facilities that help the City achieve other goals and operate efficiently.

CF Goal 11: The City's investment in municipal facilities should, to the extent practicable, encourage additional private investment.

Policy 1: Consider strategically locating certain municipal facilities in areas that can act as catalysts for private developments.

Fire, Police, and Emergency Services

CF Goal 12: The City will provide efficient, cost-effective, and concurrent levels of public safety services designed to maintain quality of life.

Policy 1: The City will identify the funding mechanism to construct and staff fire and emergency service facilities in areas of the City wherever five hundred homes or more are located outside a four-minute drive time from an existing Richland Fire & Emergency Services facility or a neighboring jurisdiction facility with similar staffing levels participating in an automatic aid agreement.

Policy 2: The City will identify a funding mechanism to increase staffing levels from three to six in station's initial response districts when the resources/crew out of service norm

reaches 4.8 hours per 24-hour period for emergency response.

Policy 3: Policy 3: The City will identify the funding mechanism to construct and staff Fire & Emergency Service facilities in areas of our city wherever 1350 or more employees work outside a 4 minute drive time from an existing Richland Fire & Emergency Services facility or a neighboring jurisdiction facility with similar staffing levels participating in an automatic aid agreement.

Policy 4: The City will evaluate the adequacy of the public safety facilities and equipment, mutual and auto aid agreements, and personnel staffing levels and deployment needs for the present and projected change.

CF Goal 13: Maintain and improve safe neighborhoods in Richland.

Policy 1: Maintain an adequate force of police officers throughout the City.

Policy 2: Implement physical planning and Crime Prevention Through Environmental Design (CPTED) principles to enhance user surveillance, de-opportunize criminal activities, and minimize potential for crimes.

Policy 3: Create a high level of public awareness and support from the community for positive engagement with the police and crime prevention and deterrence programs

CF Goal 14: Provide efficient, cost-effective, and concurrent levels of public safety services designed to maintain quality of life.

Policy 1: Maintain community education programs on crime and fire prevention to increase the level of community awareness.

Policy 2: Emphasize continued cooperation through inter-local agreements with rural fire districts, fire, and police agencies of adjacent jurisdictions and other public safety service providers.

Policy 3: Evaluate the adequacy of public safety facilities and equipment, mutual aid agreements, and personnel staffing and program needs, for the present and for changes in needs with anticipated growth.

Policy 4: Ensure quality public safety personnel to serve the community.

Library Facilities

CF Goal 15: Maintain the Richland Public Library as a safe, inviting, inclusive destination, as well as a center of creativity and innovation that also offers services, collections, and gathering spaces that meet diverse needs.

Policy 1: Provide library facilities appropriate for Richland's population, circulation, technology, books, and material resources.

Policy 2: Maintain adequate service levels, based on comparative statistics gathered by the Washington State

Library for libraries of a similar statistical size.

Policy 3: Maintain and accommodate technological advances in resource and information management.

PARKS, RECREATION, AND OPEN SPACE

Richland's parks system consists of neighborhood parks, community parks, regional parks, special use areas, linear parks, and natural open spaces in 2,286 acres of land. Although some natural open spaces are included, many natural open space areas are not included in the park system. Richland's natural open space in general is discussed under the Land Use Element.

Table CF-1: Park Categories

Park type	Acres	Number of Parks
Neighborhood Parks	78.6	25
Community Parks	220	4
Regional Parks	170	2
Special Use Areas	702	11
Linear Parks	240	9
Natural Open Space	873.98	7
Total Parks and Recreation Areas	2,285.6	58

In addition to City-owned parks, Richland residents enjoy parks and recreational facilities owned by other agencies such as the Badger Mountain Centennial Preserve owned by Benton County, the open space owned by USACE, and Richland School District facilities, etc.

The City also has a system of trails consisting of Class 1 trails, secondary trails, and soft trails. The existing trails map (Fig. TE-6) indicates the locations and distribution of trails throughout the City.

Richland Parks and Public Facilities Department offers events, aquatic, and athletics programs in multiple City-owned facilities (see Table CF-2). Listed below is a brief sample of activity categories with categories changing based on demand:

- Aquatics swim lessons, lap swim, open swim pre-school educational activities
- Arts & Crafts, General Education-chess, hunter education, first aid, and more
- Dog training, park ranger programs, geocaching, hikes, and classes
- Home and garden, language, computer and technologies
- Fitness
- Yoga, martial arts, dance, wellness-check-ups
- Sports: team and individual sports
- Adventure camp for youth
- Cards, socials trips

Table CF-2: School District and City of Richland Facilities

Facility Type	Existing Inventory
Youth Baseball Game Fields	10 Fields
Youth Baseball Practice Fields	12 Fields
Youth Softball Game Fields	5 Fields
Youth Softball Practice Fields	10 Fields
Adult Softball Fields	4 Fields
Indoor Basketball Practice Courts (Richland School District)	7 Courts
Indoor Basketball Game Courts (Richland School District)	5 Courts
Indoor Volleyball Courts	21 Courts
Outdoor Swimming Pool	1 Pool
Youth Soccer Practice Fields	27 Fields
Youth Lacrosse Game Fields	0 Fields
Youth Lacrosse Practice Fields	0 Fields
Youth Football Game Fields	1 Field
Youth Football Practice Fields	0 Fields
Golf Driving Ranges	1 Range
Golf, 18-Hole Courses	1 Course

Facility Type	Existing Inventory
Archery Ranges	1 Course
Skateboard Park	22,700 sf
Outdoor Tennis Courts	28 Courts

As the City grows, the use of park and recreation facilities will increase. The current inventory of neighborhood parkland is adequate to meet the future demand. New areas re-designated with this Comprehensive Plan update will require one additional community park to serve the area. There is a need to complete the park amenities at Badger Mountain Park and Hanford Legacy Park. Master plans have been completed for each Community Park. Additional recreational facilities will be needed such as sports fields and courts, golf courses, etc.

Although Richland includes more open space than adjacent communities do, there is community interest in preserving open space. Approximately 34 acres of Urban Reserve land along the Yakima River is re-designated to Natural Open Space (Table LU-3). The need for open space and associated cost to maintain them should be further assessed through stakeholders and public involvement.

MUNICIPAL FACILITIES

This section describes the City of Richland's administrative buildings and other municipal facilities, including City Hall, City Hall Annex, Community Center, Development Services Center, and the City Shops and Warehouse Facility.

The current City Hall, located at the intersection of Swift Boulevard and George Washington Way was constructed in 1959. It houses the Council Chambers, along with a few other departments. The City Hall Annex adjacent to it was built in 1977.

The Community Center was constructed in 2002 and serves a dual role as a new senior center and a recreation and meeting facility. It also houses the administrative offices of the Parks Department.

The Development Services Center building was acquired from the federal government as surplus property and renovated to become a one-stop planning and development facility.

The City's shops complex is located on a 160-acre parcel near the Queensgate interchange. The complex was constructed in 1999. In 2010, the City constructed an addition to house the City's IT data center. The complex consists of three separate buildings and outdoor storage.

An evaluation of the City Hall building was done last in 2003 and was assessed that the facility was inadequate in size and flexibility and does not comply with basic accessibility and energy code requirements. Based on this, a new City Hall has been planned across the street from its current location, in the parking lot of the Federal Courthouse. The new building will be three stories, approximately 46,000 square feet, and will combine the City Hall, the City Hall Annex, and the Development Services Building into one facility, therefore eliminating three aging buildings. Construction will begin in 2017 and will be completed in 2019.

An assessment of major municipal facilities is available in the supporting analysis document (Appendix A), under the Capital Facilities Element.

FIRE AND EMERGENCY SERVICES AND FACILITIES

Fire and emergency medical services are a key part of public safety services for the citizens of Richland and the thousands of visitors and workers who pass through the City. The City of Richland has a professional fire department, which provides fire and life safety protection, emergency medical services (EMS), technical rescue and hazardous materials response to citizens, visitors, and the business community.

The Richland Fire & Emergency Services Department also provides Advanced Life Support EMS through Inter-local Agreements to segments of unincorporated areas of Benton County.

The Richland Fire & Emergency Services Department has developed a facility deployment model based on the current and projected needs of the community over the next 10 years. This plan encompasses potential growth and development in the community, current and future urban growth boundaries, the City of Richland transportation improvement plan, and industry standard response times. The facility deployment model aligns with the City of Richland Core Focus Areas as well as meets the mission and vision of Richland Fire & Emergency Services.

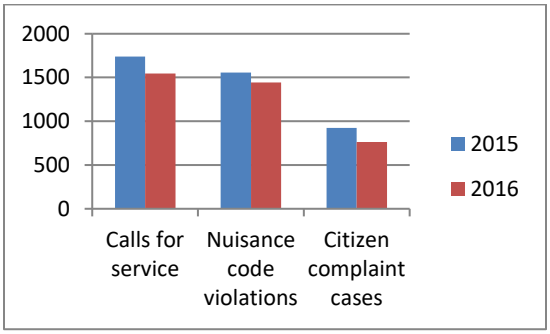
POLICE SERVICES

The Richland Police Department provides law enforcement services within the City limits. Law enforcement within the unincorporated UGA is currently provided by the Benton County Sheriff's office. The Police Department is located at 871 George Washington Way. The station was constructed in 2001.

The Richland Police Department established a partnership with the Washington State Department of Corrections (DOC) in 2002 to better monitor criminals who are under active DOC supervision and living in Richland. At present, Richland Police is also leading the Benton County Emergency Management Agency's activities.

Based on 2015 and 2016 data, the incidence of some types of crime is decreasing while other types are increasing. For code enforcement cases, calls for service, code violations, and citizen complaints are decreasing as shown in the table below.

Figure CF-1: Code Violations



Richland Police provides a value-based service. Richland measures its levels of service for public safety based on the committed and uncommitted time of the officers and support staff. Future growth will increase demand for police protection services and police department community programs. However, the Department is currently not seeking an increase in the number of police officers as it aims to meet its demand through an efficient allocation of committed time. It continues its current programs of community services and crime prevention programs.

LIBRARY FACILITIES

Library services for Richland residents are provided primarily by the Richland Public

Library, operated by the City of Richland Parks and Public Facilities Department. Additional library services are available at the Washington State University (WSU) Consolidated Information Center (CIC), Columbia Basin College in Pasco, and the Mid-Columbia Library System in the adjacent jurisdictions. The Kadlec Neurological Resource Center has a specialized library on neurological disorders that is open to the public.

SCHOOLS

Richland is served by both Richland and Kennewick School Districts, as the school district borders do not follow the municipalities' geographic borders. Schools serving Richland students are as follows:

Elementary schools: Badger Mountain, Jason Lee, Jefferson, Lewis and Clark, Marcus Whitman, Orchard, Sacajawea, Tapteal, White Bluffs, William Wiley, and Vista.

Middle schools: Carmichael, Chief Joseph, Enterprise, and Desert Hills.

High schools: Richland High, Hanford High, Rivers Edge, Three Rivers HomeLink, and Kamiakin.

Special education schools located outside Richland but serving the region include: Delta High School (Science, Technology, Engineering, Math) located in Pasco and Tri-Tech Skills Center located in Kennewick.

School districts provide services based on population growth. Currently, the planned growth of the Badger Mountain South area is creating the need for future schools in this area. The Richland School District is planning to expand service in this area on approximately 54 acres owned by the school district. Adequate services such as roads, utilities, and safety are needed in this area to serve the school site once built. The school districts face challenges in locating school sites within the UGAs. Coordination between the school district and City during the planning process helps addressing the siting issues.

ESSENTIAL PUBLIC FACILITIES

Essential Public Facilities (EPF) include facilities that are typically difficult to site due to difficulties in finding the suitable and appropriate locations and perceived or real environmental, economic, or social impacts. Examples of EPF include airports, state education facilities, state and local correctional facilities, solid waste handling facilities, state or regional transportation facilities, the interstate highway system etc.

Cities and counties are required to establish a process for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities.

Richland reviews the siting of such facilities with a process established in the Richland Municipal Code (RMC 23.42.060, Essential public facilities).

REFERENCES

Anchor QEA, 2014. City of Richland Shoreline Inventory, Analysis and Characterization Report. 2014.

APPENDICES

A. Comprehensive Plan Supporting Analysis
B. Benton County Countywide Planning Policies
C. Environmental Impact Statement Summary Document
D. Public Involvement Summary
E. City of Richland Shoreline Master Program Update , 2014
F. City of Richland Capital Improvement Plan 2017 to 2030
G. 2015 General Sewer Plan Update
H. City of Richland Comprehensive Water System Plan, 2017
I. City of Richland Storm Water Management Plan , March 2016
J. City of Richland 2011 Solid Waste Management Plan
K. Parks, Trails, Open Space and Facilities Master Plan, 2014-2019
L. Strategic Leadership Plan

City of Richland

COMPREHENSIVE PLAN SUPPORTING ANALYSIS

October 3, 2017

Prepared for:

City of Richland

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INTRODUCTION AND BACKGROUND

SECTION ONE

INTRODUCTION

This document elaborates on the discussion in the Core Comprehensive Plan. It also contains technical analysis of most of the Comprehensive Plan elements. Organization of this document follows the same hierarchy of elements as in the Core Comprehensive Plan with additional information included in it.

Every comprehensive plan must include key pieces to fulfill its purpose of providing a yardstick for future government activities. The following terms have special meanings in comprehensive planning and it's important to understand their meaning and purpose.

Vision Statement: The Vision Statement is the target the City decides to aim for. It is a verbal picture of what Richland will be like at the end of the period covered by a comprehensive plan. An important part of future decision-making should be to ask, "Which of our choices will best help us become like the City described in the vision statement?"

Existing Conditions Inventory: We can't decide how to get from the present to our desired future without a clear picture of where we are today. That's why comprehensive plans must include a detailed inventory of the existing state of the City: How are our roads? Is our water system adequate to accommodate future growth? Do we have the parks and other recreation facilities to satisfy the community's desire for such public amenities?

Goals: If the Vision Statement defines the target for comprehensive planning, then goals are like individual points on the target. We set as goals the distinct achievements we hope for: maintain adequate and affordable housing; avoid traffic congestion; protect natural resources; ensure economic vitality. We have reached our vision if all our goals are accomplished.

Policies: Goals are what we want to accomplish; policies define how we accomplish them. For each goal established in a comprehensive plan, one or more policies define the steps that goal calls for. If we have a goal of protecting natural resources, for example, we might establish a policy that says that development shall be restricted on and near wetlands.

Planning Time Frame: A comprehensive plan must define time frames for achieving its vision and goals. These time frames are called the planning horizons. In Washington State, comprehensive plans use both a ten-year short-term planning horizon and a 20-year long-term planning horizon. The long-term planning horizon is the full period for achieving the vision in our Vision Statement. The short-term planning horizon is the period for which we can make more concrete plans for specific steps toward our goals.

These are the features that a Comprehensive Plan needs to include in order to act as our yardstick for the future. The Comprehensive Plan must apply these features to specific aspects of the City's life. The parts of a plan addressing each of these are commonly called "elements." Under State law, all Washington city and county comprehensive plans must address at least five specific elements: land use, transportation, utilities, capital facilities, and housing. Each element includes an inventory of existing conditions as well as goals and policies specific to the element. In addition to the

required five elements, the City of Richland has chosen to include an optional economic development element in this Comprehensive Plan.

The final feature of comprehensive plans in Washington is a Finance Plan. This is the proposal for specific capital improvements required over the short-term (six-year) planning horizon. It describes projects to be carried out, their estimated costs, a schedule for completing them, and a plan to pay for them. Financing plans from the City's Capital Improvement Plan (CIP) are included under the Capital Facilities and Utilities Chapters in this document.

GMA AND BACKGROUND

The Washington State Growth Management Act (GMA) includes 14 broad goals for comprehensive planning, which local governments must balance to develop an approach consistent with their vision of the future. The 14 GMA goals are as follows:

1. Urban Growth - Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. Reduce Sprawl - Reduce inappropriate conversion of undeveloped land into sprawling, low-density development.
3. Transportation - Encourage efficient multi-modal transportation systems based on regional priorities and coordinated with county and city comprehensive plans.
4. Housing - Encourage the availability of affordable housing to all economic segments of the population of the state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
5. Economic Development - Encourage economic development throughout the state consistent with adopted comprehensive plans, promote economic opportunity for all citizens of the state, especially for the unemployed and the disadvantaged, and encourage growth in areas experiencing insufficient economic growth, all within the capacity of the state's natural resources, public services, and public facilities.
6. Property Rights - Private property shall not be taken for public use without just compensation. The property rights of landowners shall be protected from arbitrary and discriminatory action.
7. Permits - Application for state and local government permits should be processed in a timely and fair manner.
8. Natural Resource Industries - Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
9. Open Space and Recreation - Encourage the retention of open space and development of recreation opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
10. Environment - Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
11. Citizen Participation and Coordination - Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to resolve conflicts.

12. Public Facilities and Service - Ensure that public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use, without decreasing the current service levels below locally established minimum standards.
13. Historic Preservation - Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.
14. Shoreline Management – Develop a Shoreline Master Program (SMP) pursuant to Shoreline Management Act (SMA). The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered a part of the county or city's comprehensive plan.

Under the GMA, comprehensive plans should identify essential public facilities that often are difficult to site and ensure that locations for them will be available. These facilities include airports, state education facilities, state, or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes. Local comprehensive plans may not prevent outright the location or provision of such facilities. Richland will participate in the siting study for any of these facilities when they are identified for potential siting within the City.

CONSISTENCY AND CONCURRENCY

GMA requires that the Comprehensive Plan must be internally consistent for objectives, goals, policies, text, and maps. At the same time, the comprehensive plans of adjacent jurisdictions must also be consistent and capital budget decisions must be made in conformance with each jurisdiction's adopted Comprehensive Plan.

The consistency progresses from the broad goal, through its policies, and then to specific actions. The maps of the Plan augment both the text and even the goals and policies. For example, the land use map included in the Land Use Element is, in essence, a graphic policy statement regarding future land development in Richland. As such, the land use policy serves, and is served by, the transportation, housing, utilities, and capital facilities elements. Based upon the land use designations on the Land Use Map, private and public sector service providers can project future locational demands for water, sewer, natural gas, electrical power, roads, fire protection, transit, emergency response, communications, and other services

All development regulations within the City of Richland are required to match with each other and with the Comprehensive Plan. These include the zoning and subdivision codes, the Critical Areas Ordinance, the Shoreline Master Program, and any other City regulation as contained in the Richland Municipal Code and other adopted plans such as the Park & Recreation Plan and the Storm Water Management Plan. A complete listing of adopted plans is included as an Appendix of the Core Comprehensive Plan.

The consistency also applies to adjacent jurisdictions such as Benton County, through the County-wide Planning Policies (CWPP), and the adjacent cities of West Richland and Kennewick.

GMA defines concurrency to mean that needed improvements for water, sewer, and transportation are in place at the time of development; or in the case of transportation, that a financial commitment exists to complete the improvements within six years.

There must be a baseline standard established to use when evaluating the anticipated impacts of new development to determine if concurrency can be met. The minimum acceptable performance level has been chosen as the baseline, and is defined as the level of service (LOS). Levels of service

should be realistic. Setting them too high could result in little or no growth, and would be contrary to GMA. Setting them too low could cause unmanaged growth without optimum service.

AMENDMENTS

Amendments to the comprehensive plan are legislative actions requiring City Council approval. Amendments must be approved as prescribed by GMA. With a few exceptions, they cannot be considered more often than once per year and in accordance with specific procedures. Major updates occur by legislative action on an eight-year cycle as established by RCW 36.70A.130 (4)(c).

Amendments can be requested by the City or by private individuals. Multiple applications for amendments will be considered in a single legislative review process in order to evaluate the potential cumulative effect of the requests. All amendment requests require a public hearing with the Planning Commission. They make a recommendation to the City Council. The City Council will approve or deny the amendments in a public hearing. Public involvement with this process is required and encouraged through direction of the Richland Public Participation Plan.

Annual amendments will address the issues of major or minor land use classification changes; changes to the goals, policies, and text of the comprehensive plan; changes to supporting data and implementation; changes to the land use maps; and changes to the inventories and technical documents.

Every ten years, the annual amendment review may be combined with the required review of the urban growth area to determine the next twenty-years' anticipated growth. This ten-year review will use the comprehensive plans of each county and city and the permitted densities of the incorporated and un-incorporated areas pursuant to RCW 36.70A.130(3).

Exceptions to the annual amendment limitation, according to RCW 36.70A.130, include the adoption of a subarea plan; the development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment; shoreline master programs; or the amendment of the capital facilities element occurring concurrently with the adoption or amendment of the City's budget.

ECONOMIC DEVELOPMENT

SECTION ONE

INTRODUCTION

PURPOSE

The economic development element of the comprehensive plan is intended to guide investments through a framework of strategy and policy with the overall goal of growing economic opportunities in the City. The intent is to identify sound economic development practices to build a strong economy where local businesses are welcomed and encouraged by the City and ensure the economy is resilient, dynamic, and sustainable for current and future generations.

The City's ability to understand their competitive advantages and proactively work to attract cutting edge employers will in turn create more living wage jobs which will in turn produce municipal revenues for maintaining and enhancing quality service levels, infrastructure, and facilities.

Strategies outlined in the economic development element are designed to work in concert with the other comprehensive plan elements herein. This element is intended to be consistent with and build upon existing documents such as the policies and strategies outlined in the CWPP, Strategic Leadership Plan, and community visioning documents. The roles of the policies laid out in this plan are to 1) create strong City leadership for economic development, 2) ensure that appropriate land capacity and infrastructure can support future employment and housing growth, and 3) articulate a business environment that supports a dynamic, prosperous, and equitable economy.

BACKGROUND AND OVERVIEW

Washington State's GMA includes economic development as a central goal and integral to a thriving city. Economic development connects to and is instrumental in informing the other elements of the comprehensive plan; without a strong local economy, goals related to land use, housing, capital planning, and transportation serve little value.

It is due to the hard work and good fortune of the residents and businesses located in the City of Richland that the City has a strong and growing economic base. It is important, however, to consider Richland within the context of the other two Tri-Cities – Pasco and Kennewick – to which the region's economy is inextricably linked.

The City of Richland's economy is explored in this section by first examining what drives the growth in the regional economy and then discussing Richland's role in the economy and some implications for growing as part of this plan.

SECTION TWO

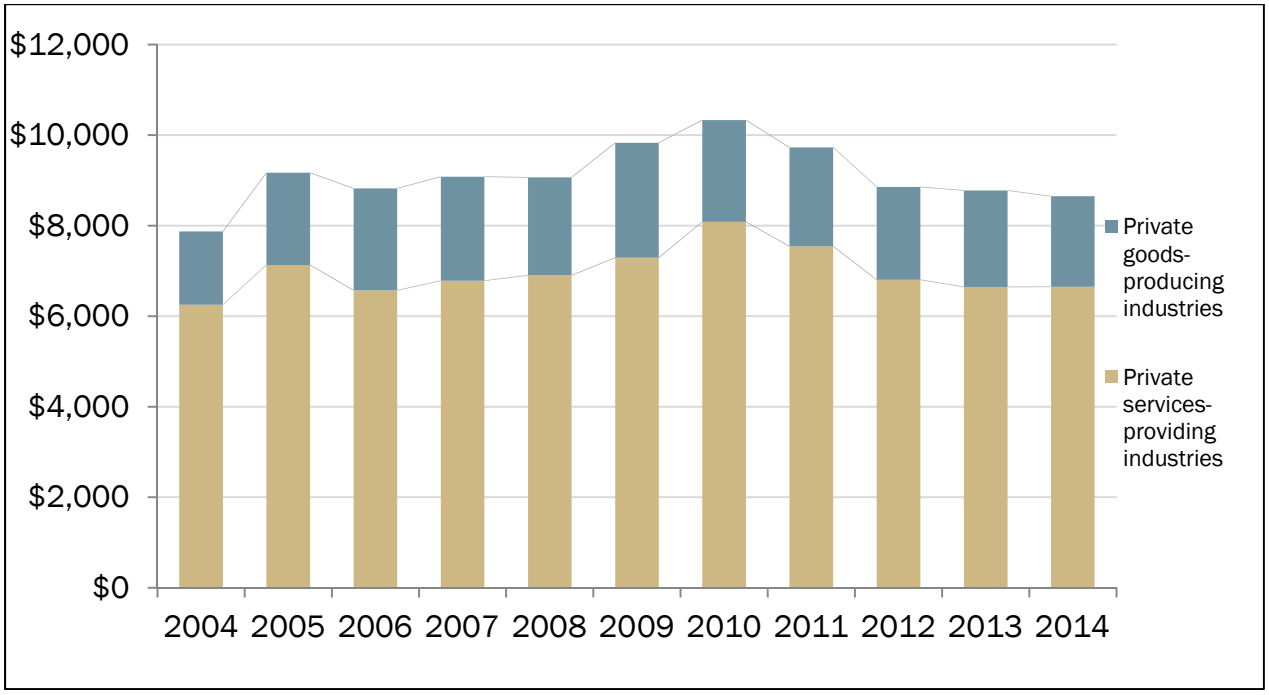
EXISTING CONDITIONS

REGIONAL ECONOMIC TRENDS

Gross Domestic Product

The economy of the Tri-Cities region is primarily a service-based economy. Goods producing industries (such as manufacturing) make up less than 25 percent of the total economic output. Figure ED-1 shows the trend of gross domestic product (GDP) in 2016 inflation-adjusted dollars. The Tri-Cities economy was less impacted by the recession in 2008 than the rest of the nation due to the increase in employment at Hanford and PNNL as part of the American Recovery and Reinvestment Act (ARRA) of 2009. The total output declined from $10.3 billion in 2010 to $8.6 billion in 2014, partly due to the end of ARRA and partly reflecting the national recession trends. However, most recent data (not shown) have indicated that economic conditions have continued to improve over the past two years.

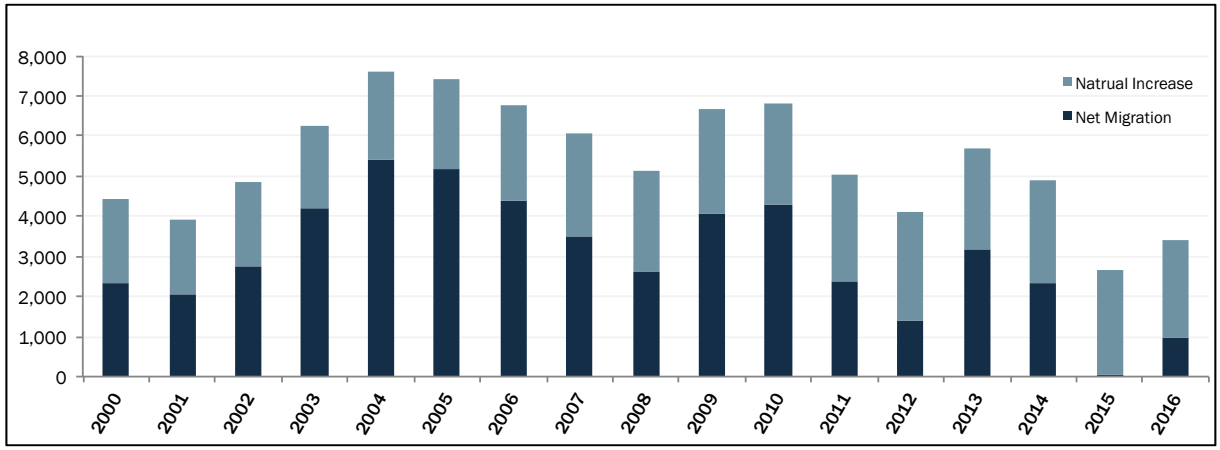
Figure ED-1: Real GDP Kennewick-Richland Metropolitan Statistical Area (in millions)



Source: Bureau of Economic Analysis, 2016

The Tri-Cities region (Benton and Franklin Counties) has realized strong population growth over the last 20 years, averaging an annual growth rate of 2.4 percent. Much of that growth occurred in the mid 2000's fueled by in-migration responding to the growth in jobs, but population growth has slowed since 2010. Calendar year 2015 was the first year in 20 years where net in-migration was nearly zero, where the same amount of people moved out of the region than to the region.

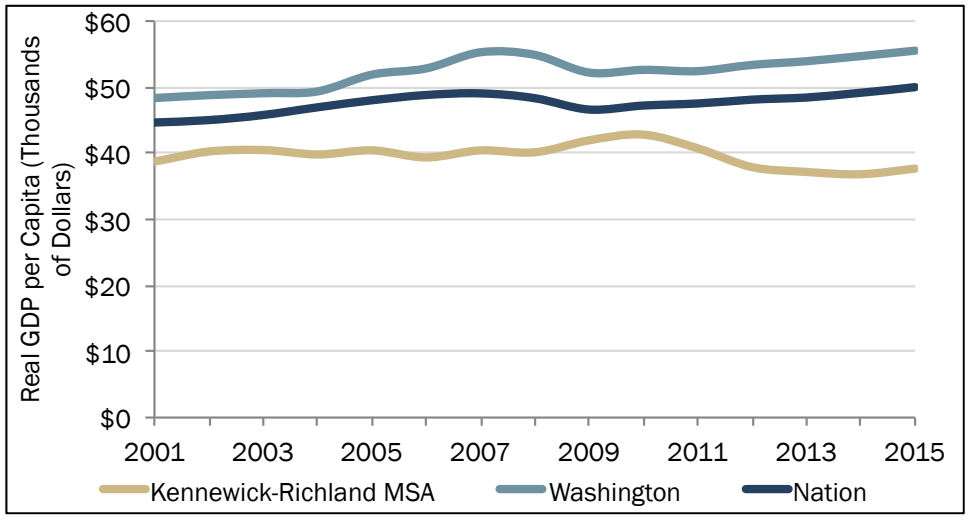
Figure ED-2: Benton and Franklin County Annual Population Growth, 2000-2016



Source: Washington Office of Financial Management, 2016

On a GDP per capita basis, the Tri-Cities region is not as productive when compared to Washington State and to the nation. On this measure, the region has been slower to recover than the state as whole. GDP per capita is the most common economic performance indicator of regions. GDP per capita is calculated by measuring Gross Domestic Product in a year, and dividing it by the population. The reasons for the lower GDP per capita in the region are complex but are due to the large presence of government-supported activities. These activities are, on the whole, less productive than emerging information technology or business services, which have become increasingly productive by comparison.

Figure ED-3: GDP per Capita, 2001-2015



Source: Bureau of Economic Analysis, 2016

EMPLOYER TRENDS

The Tri-Cities is unique in that its employment base is dominated by a select number of large employers. Roughly one in five of estimated 116,000 jobs in the Benton-Franklin area are for one of the ten largest firms/agencies listed below. Eight of the ten top employers in the Tri-Cities are

located in Richland, a legacy largely of significant federal investments in the Hanford Nuclear Reservation. These sectors employ many talented workers, many of whom live in Richland.

Table ED-1: Top Ten Tri-Cities Employers

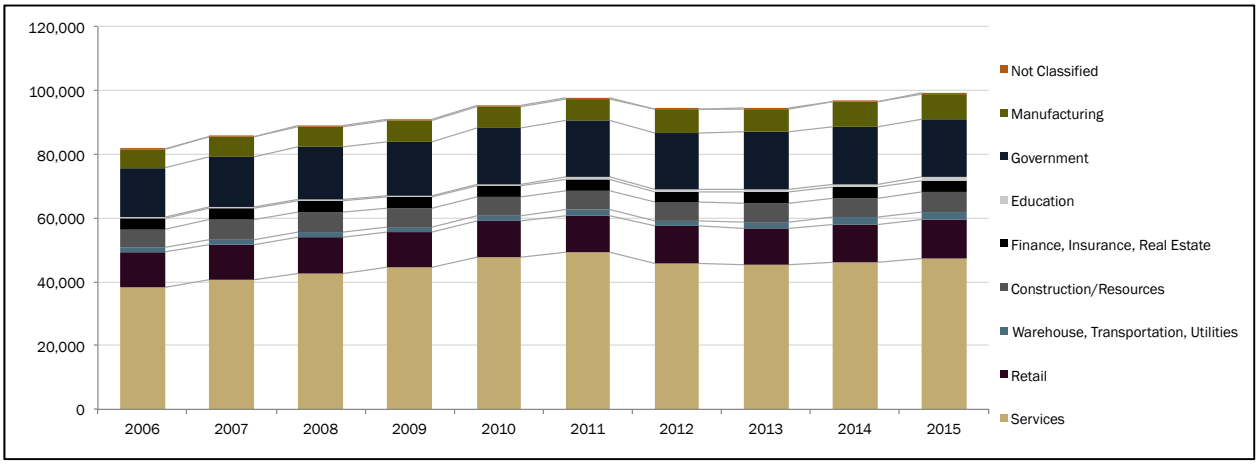
	Company	Industry	Employees
1	Battelle/Pacific Northwest National Laboratory	Research & Development	4,365
2	Kadlec Regional Medical Center	Health Services	3,304
3	Bechtel National	Engineering & Construction	2,898
4	ConAgra Foods	Food Processing	2,727
5	Kennewick School District	Education	2,130
6	Washington River Protection Solutions	Environmental Remediation Services	2,077
7	Pasco School District	Education	2,015
8	Mission Support Alliance, LLC	Support Services, Hanford/DOE Site	1,928
9	Richland School District	Education	1,500
10	CH2M Hill	Environmental Remediation Services	1,400

Source: Tri-City Development Council (TRIDEC), link. Accessed February 14, 2017

Total Employment by Industry Sector

Employment in the Tri-Cities region increased from 2006-2015 by over 22,000 jobs with an average annual growth rate of 2.0 percent. There are roughly 116,000 jobs in the region. All industries experienced positive employment growth by the end of the 10-year period. However, from 2011 to 2014 employment slightly declined as spending cuts at Hanford impacted the entire regional economy.

Figure ED-4: Benton and Franklin Counties Cumulative Employment by Sector

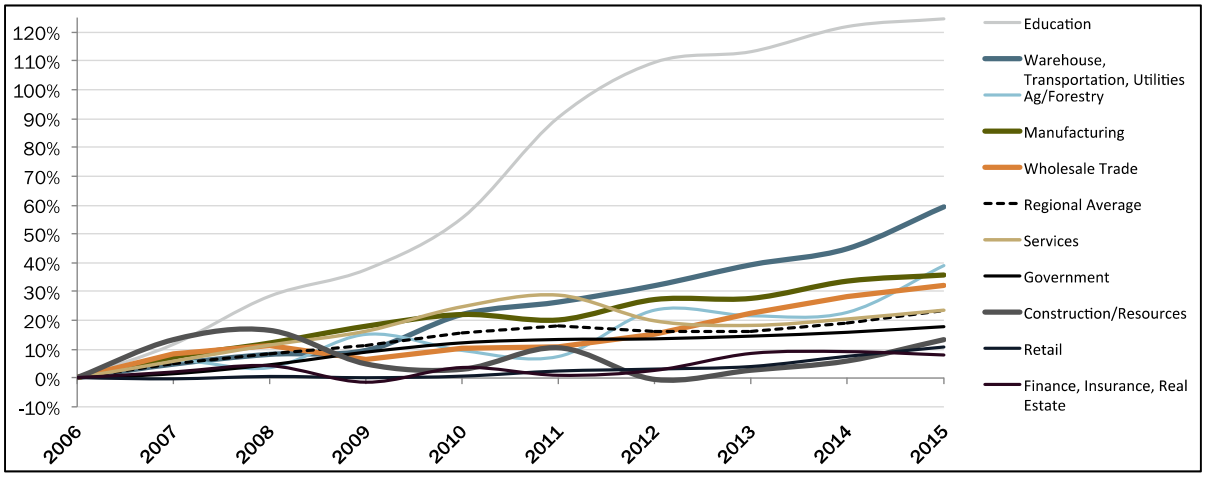


Source: Washington State Employment Security Department

Education, while small in total numbers, grew the most in the region. Warehousing, transportation, and utilities; manufacturing; wholesale trade (the main users of industrial land); and agriculture all

grew faster than the regional average. Employment in the retail and finance, insurance, and real estate sectors grew the least.

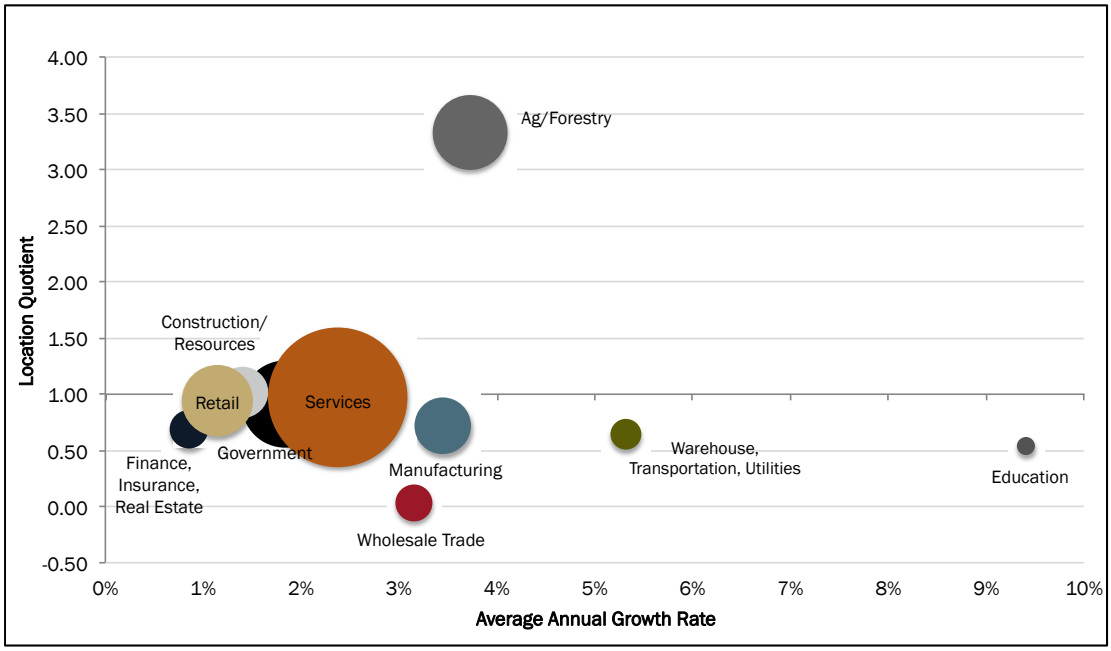
Figure ED-5: Benton and Franklin Counties Cumulative Percent Employment Growth by Sector



Source: Washington State Employment Security Department

The chart below shows the local concentration of jobs by sector (location quotient) along with measures of industry size and average annual employment change in the Tri-Cities region. Location quotients measure the concentration of jobs in a sector compared to the statewide average. A value of 1.0 signifies that the sector possesses the same level of employment concentration as the state. Values above 1.0 are more concentrated than the state average. The size of the bubble represents the number of jobs within that sector. Sectors with sizable employment and higher than average concentration, represent strengths for the region. Fast growing sectors, even if they are not very large, represent potential opportunity areas.

Figure ED-6: Benton and Franklin Counties Employment Concentration and Change by Sector, 2006-2015



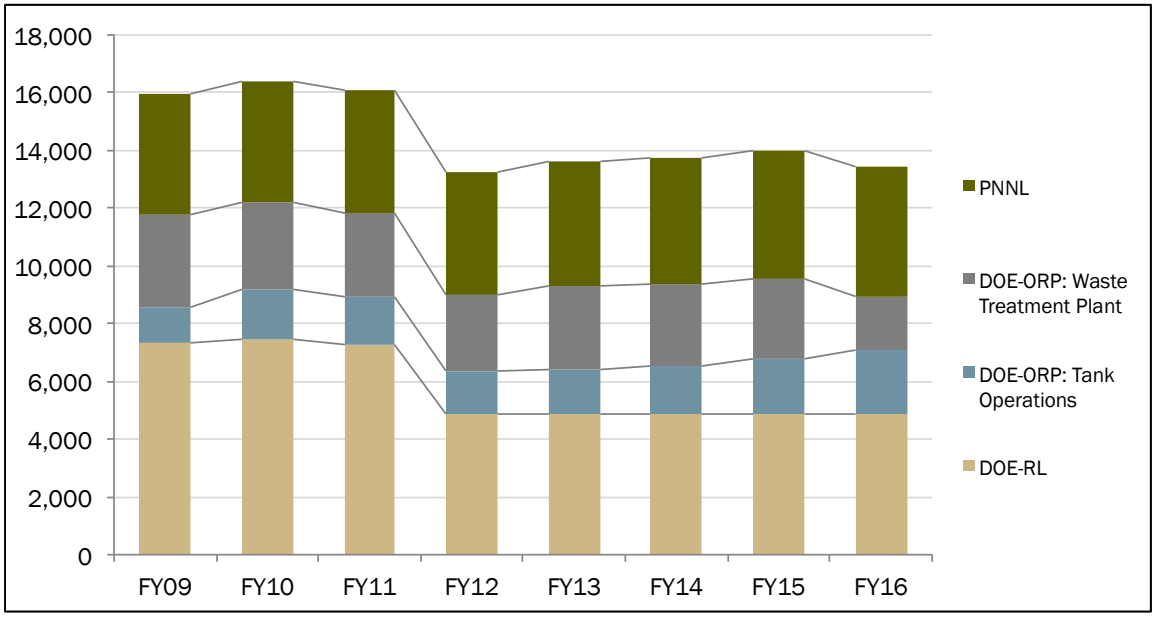
Source: Washington State Employment Security Department

In the Tri-Cities region, the largest sectors - services and government - have a similar concentration as the state and the region are growing at a rate of one to three percent a year, indicating they are the base of the regional economy. The agriculture sector is a strength in the Tri-Cities; it is much more concentrated relative to the state and is growing at a rate of 3.7 percent per year. Education; manufacturing; wholesale trade; and warehousing, transportation, and utilities are also growing at a rate of more than three percent a year, but are smaller and less prevalent in the Tri-Cities compared to the state. Much of the growth in food manufacturing; wholesale trade; and warehousing, transportation and utilities may be related to the growth and prevalence of the agriculture sector in the Tri-Cities.

Hanford Employment

While total employment increased over the last ten years, employment at Hanford decreased by over 2,800 jobs in the 2012 fiscal year as part of federal spending cuts. This decrease was part of a region-wide decline in employment from 2012 and 2013, and also the end of ARRA funding. It may also be what led to the decrease in regional GDP shown in Figure ED-1.

Figure ED-7: Hanford and PNNL Employment, Fiscal Year 2009 to Fiscal Year 2016



Source: Tri-City Development Council (TRIDEC), 2016

COMMERCIAL REAL ESTATE TRENDS

With much of the Hanford, PNNL and health care activities located in Richland, the City is home to much of the built commercial real estate in the region. It trails only Kennewick, which is home to the region's shopping malls. According to the Benton County Assessor, Richland holds the highest share of office and industrial building square footage but lags considerably with respect to retail businesses, primarily located in Kennewick.

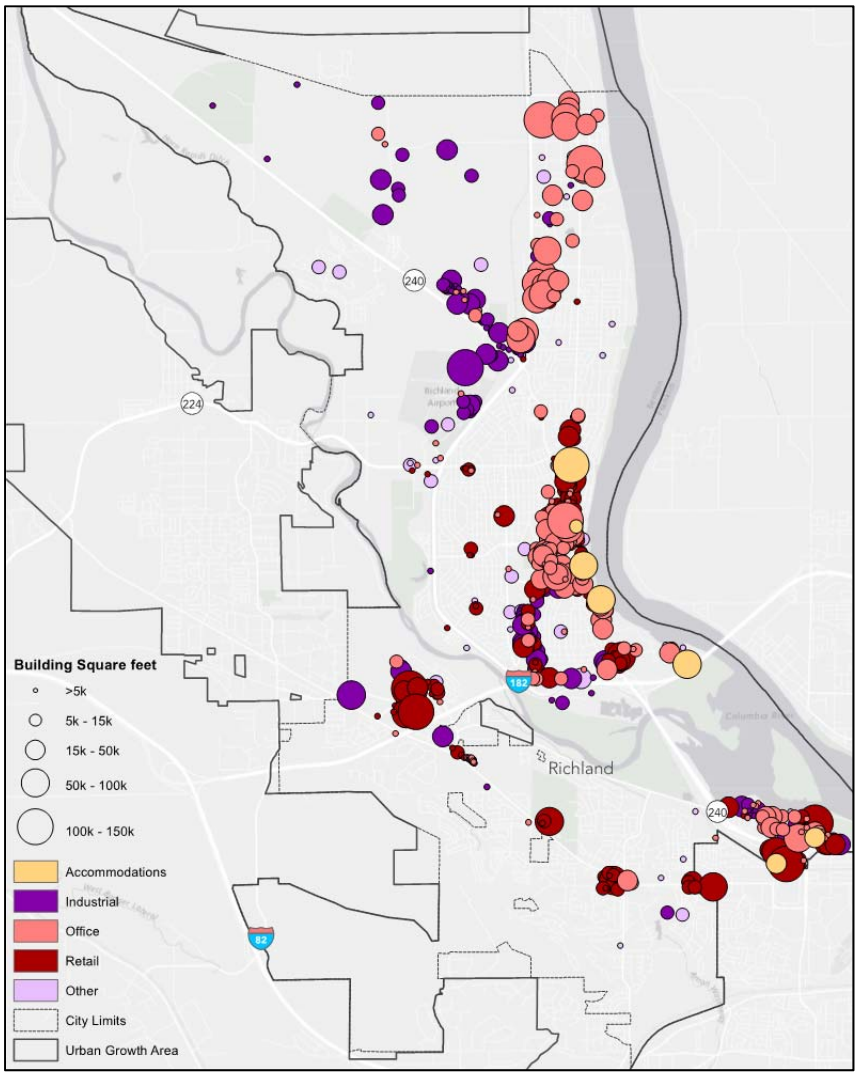
Figure ED-8 below shows that office and retail uses are clustered in the downtown core as to be expected; retail is also heavy but isolated near the Queensgate area; a considerable amount of industrial development is located to the north in Horn Rapids; and a cluster of office and retail to the south in Island View.

Table ED-2: Building Square Footage, by Type

Use	Richland	West Richland	Kennewick	Prosser	Rest of County	Total
Retail	2,775,000	205,000	5,089,000	421,000	123,000	8,613,000
Industrial	2,803,000	282,000	2,475,000	924,000	1,381,000	7,866,000
Office	3,259,000	52,000	2,645,000	110,000	57,000	6,123,000
Accommodations	462,000	-	633,000	54,000	-	1,149,000
Other	326,000	59,000	1,087,000	57,000	259,000	1,788,000
Total Commercial	9,626,000	597,000	11,930,000	1,566,000	1,821,000	25,540,000

Source: Benton County Assessor, 2016, Washington Office of Financial Management Estimates.

Figure ED-8: Commercial Building Sizes and Types in Richland



Source: Benton County Assessor, 2016

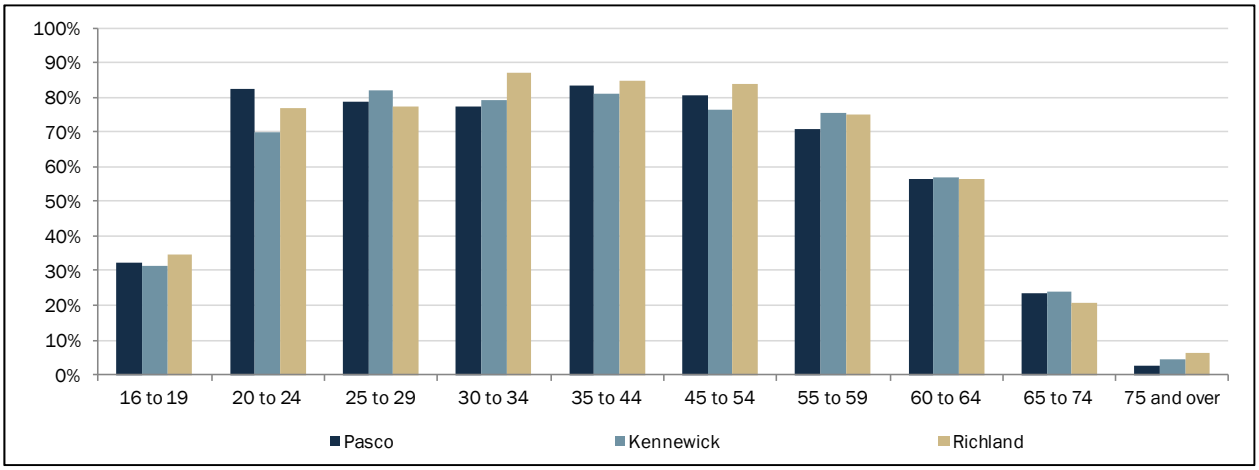
EMPLOYMENT AND HOUSEHOLD TRENDS

The following section summarizes selected relevant employment and household characteristics that frame the economic performance in Richland.

Employment Status, Income, and Demographic Characteristics

Relative to Kennewick and Pasco, Richland has high labor force participation for residents with ages between 30 and 54. This typically is the prime working age for most Americans, a time when they are most productive as workers. Rates for younger populations are slightly lower than in Pasco due to a higher share of full-time students in higher education. Similarly, rates are lower for those 65 and older due to their long-term financial stability enabling retirement.

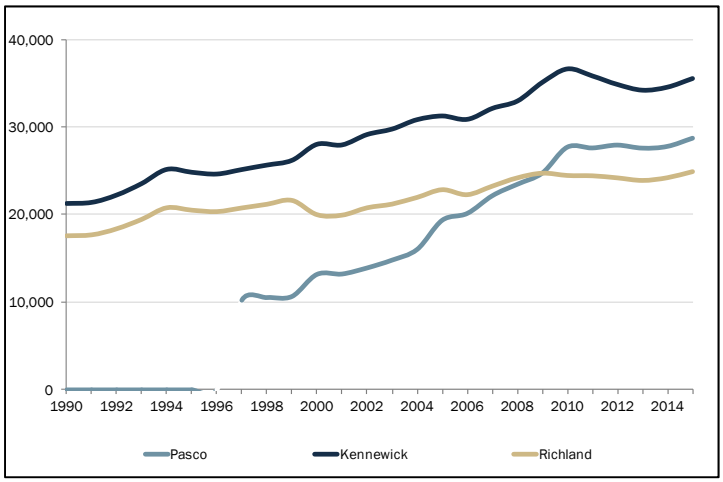
Figure ED-9: Labor Force Participation



Source: US Census Bureau, American Community Survey, 5-Year ACS, Table S2301

Total employment in Richland has grown over the past 25 years. Current estimates of employment in the City place the number at approximately 25,000. Growth in employment in Kennewick and Pasco has been a function of higher rates of population and labor force growth over the same time.

Figure ED-10: Total Employment, 1990 - 2016

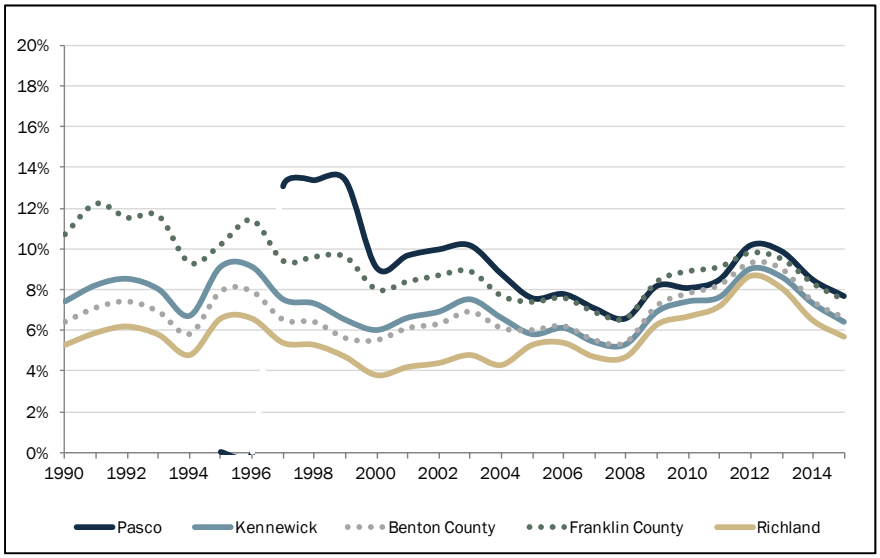


Source: Bureau of Labor Statistics, Local Area Unemployment Statistics.

Benton County's unemployment rate is currently 7.0%, which is higher than the state average of 5.3%, but lower than in adjacent Franklin County (Employee Security Department/LMPA, March

2016). Richland has consistently fared better than the cities of Kennewick and Pasco as well as Benton County and Franklin County.

Figure ED-11: Unemployment Rate, 1990 - 2016

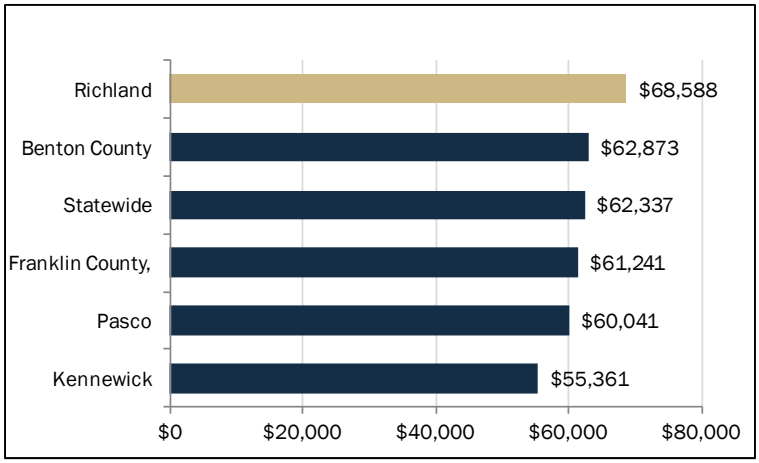


Source: Bureau of Labor Statistics, Local Area Unemployment Statistics.

Federal funding for Hanford has been a significant economic catalyst for the Tri-Cities Region, generally with Richland at the forefront. Even with significant downsizing at Hanford in the 1990s, household incomes in Franklin and Benton Counties continued to grow steadily.

Today, household incomes for Richland residents are nearly ten percent higher than the County average and more than twenty percent higher when compared to those of Kennewick residents. Richland enjoys economic prosperity not just compared to its Tri-Cities neighbors, but compared to state averages as well as illustrated in Figure ED-12 below. Higher incomes are the result of technical and professional positions that require higher levels of education, as illustrated below in Table ED-3- Educational Attainment, 2011 - 2015.

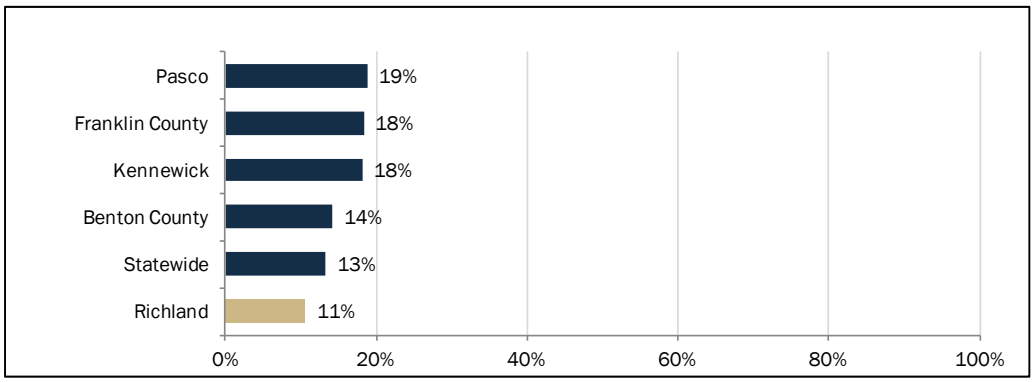
Figure ED-12: Median Household Income



Source: US Census Bureau, American Community Survey, 2015 5-year, Table B19013A

Similarly, Richland has fewer households living in poverty when compared to Benton County on the whole, Franklin County, and the statewide average. This indicates a strong economy and access to opportunity.

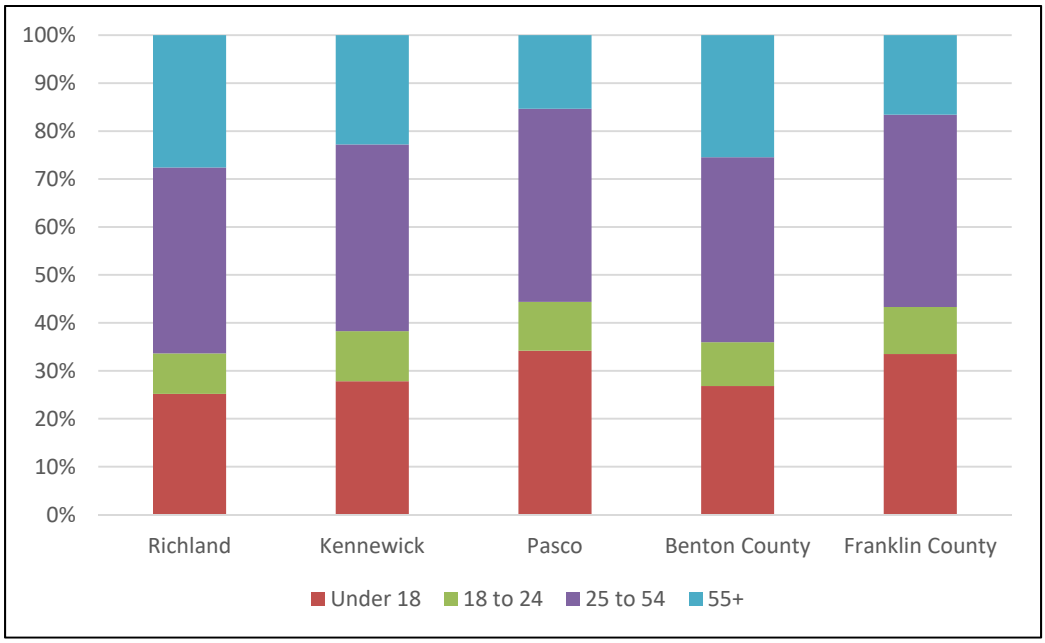
Figure ED-13: Share of Population Living in Poverty, 2011 - 2015



Source: US Census Bureau, American Community Survey, 2015 5-year, Table S1701.

The population living in Richland is not drastically different from the region with respect to age, but upon further examination of job force impacts there are some important differences. For employment purposes, prime working age is defined as 25 to 54 years old. The statewide average for population that falls into prime working age is 41%. Richland's is 39%, the same for Kennewick, and slightly lower than Pasco's 40%. However, Richland has a relatively high population of residents over age 55 (28%) as compared to Kennewick (23%) and Pasco (15%). Given this, the share of children, those under 18 years of age, in Richland is low (25%) as compared to Kennewick (28%) and Pasco (34%).

Figure ED-14: Age Distribution, Average from 2011 – 2015



Source: US Census Bureau, American Community Survey, 2015 5-year, Table B01001.

Relative to Kennewick and Pasco, Richland is home to a highly educated workforce. The demand for educated engineers and scientists generated by Hanford , PNNL and their subsidiary research

and development activities has been a central employment and demographic characteristic for the Tri-Cities Region, in particular for Richland.

Table ED-3: Educational Attainment, 2011 - 2015

	Population 25 Years and Over	High School Diploma/GED	Associate's Degree	Bachelor's Degree	Graduate Degree
Richland	34,712	95%	56%	45%	19%
Kennewick	47,478	86%	33%	22%	7%
Pasco	37,479	72%	25%	16%	5%
Benton County	118,423	89%	40%	29%	11%
Franklin County	49,013	74%	25%	16%	5%
Statewide	4,721,438	90%	43%	33%	12%

Source: US Census Bureau, American Community Survey, 2015 5-year, Table B15003.

Housing Stock

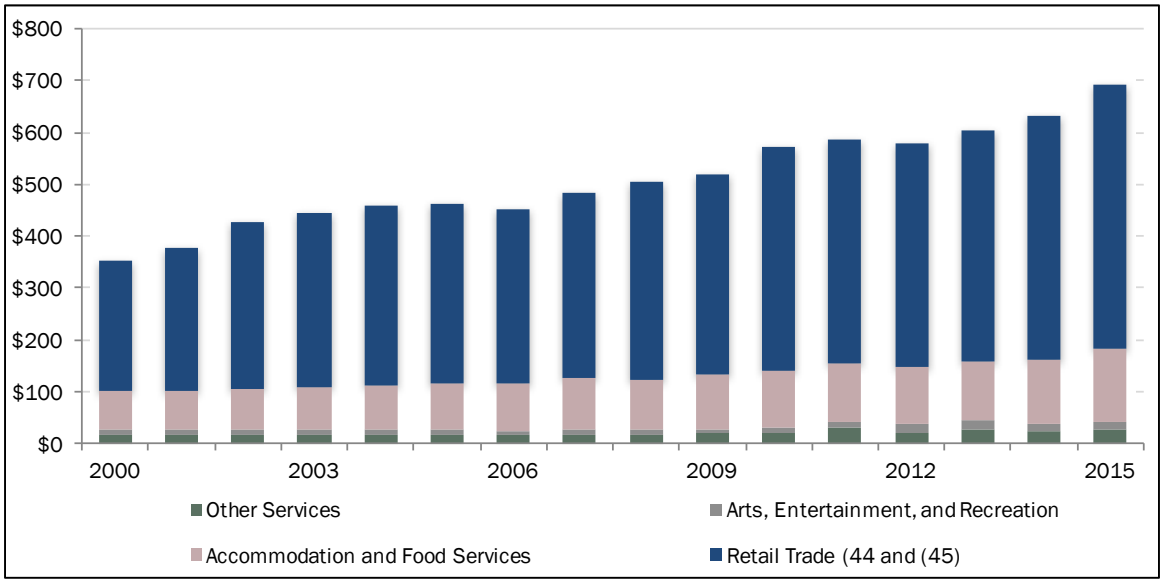
Housing in Richland is generally characterized as single-family (62%) and mostly owner-occupied (65%) with moderate vacancy rates similar to those seen in Kennewick and double that of Pasco; roughly 6%. Most homeowners spend less than 20% of their income on housing (57%) – a larger share than in Kennewick (50%) or Pasco (41%). However, 18% of homeowners are considered cost-burdened defined as spending more than 35% of their income on housing. This is slightly higher than the 17% seen in Kennewick and Pasco. For more on housing conditions, see the Housing Element.

Retail Performance

The location of retail stores and their economic performance are important to cities for two reasons. First, the proximity and mix of retail services is an essential service and amenity for area residents. Second, the importance of sales taxes in funding essential services means jurisdictions have a built-in preference for maximizing the scale, scope, and productivity of the retail sales base. The following set of charts examines the productivity data of taxable retail sales in Richland.

As shown below, the data for Richland show steady growth in retail sales over the past 15 years. The City has seen strong growth in the accommodation and food service sectors with more restaurants taking hold in recent years. Compared to its regional neighbors, Richland has comparable sales to Pasco but both are about half of Kennewick's totals.

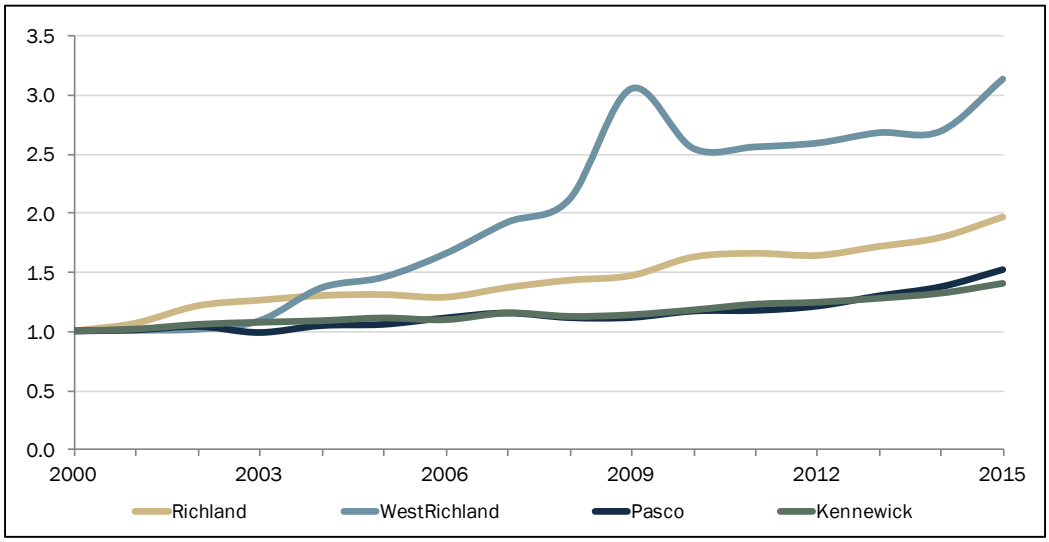
Figure ED-15: Select Category Sales, Richland in 2016 Dollars (in Millions)



Source: Washington State Department of Revenue, Taxable Retail Sales Link. Accessed October 24, 2016

Richland has seen higher increases in taxable retail sales relative to both Kennewick and Pasco since 2000, as seen in Figure ED-16. This indicates the retail sector is growing and increasing its market share while retail sales in Pasco and Kennewick have slowed relatively. While West Richland has seen significant increases (2009 saw three times their 2000 sales), it continues to provide only a very small share of the overall market.

Figure ED-16: Taxable Retail Sales in Millions Indexed to 2000



Source: Washington State Department of Revenue. Accessed October 24, 2016

FUTURE GROWTH FORECASTS

Employment Forecasts

Short-term industry forecasts for the region continue to expect positive growth in the region. Strongest growth is forecast in the service sector, specifically business and health services – two sectors where Richland is driving the region's growth and that are well positioned for future growth.

Table ED-4: Employment Forecast by Industry for the MSA

				Change		
	2014	2019	2024	#	%	AAGR[1]
Construction	6,300	7,300	7,600	1,300	21%	1.9%
Manufacturing	7,800	8,200	8,400	600	8%	0.7%
Wholesale Trade	3,300	3,700	3,900	600	18%	1.7%
Retail Trade	12,200	13,400	14,100	1,900	16%	1.5%
Transportation, Warehousing and Utilities	2,700	3,000	3,100	400	15%	1.4%
Information	800	800	900	100	13%	1.2%
Financial Activities	4,300	4,400	4,400	100	2%	0.2%
Professional and Business Services	20,600	23,400	26,000	5,400	26%	2.4%
Education and Health Services	14,400	16,100	17,600	3,200	22%	2.0%
Leisure and Hospitality	9,900	10,900	11,800	1,900	19%	1.8%
Other Services	3,300	3,600	3,800	500	15%	1.4%
Government	18,500	19,800	20,700	2,200	12%	1.1%
Federal	1,200	1,200	1,200	0	0%	0.0%
State	8,100	8,600	8,900	800	10%	0.9%
Local	9,200	10,000	10,600	1,400	15%	1.4%

[1] *Annual Average Growth Rate*

Source: Benton Franklin Council of Governments

The Benton Franklin Council of Government's transportation and land use model also provides some forecasts on land use and employment for transportation planning purposes. Based on these model results, Richland is estimated to reach some 40,000 jobs by 2030.

Table ED-5: Employment Forecast in Richland

	2014	2017	2024	2037	2014-2019 AAGR[1]	2019-2024 AAGR
Services	16,414	17,305	19,577	24,617	1.78%	1.78%
Professional Technical Services[2]	7,548	7,548	7,548	7,548	0.00%	0.00%
Retail and Food	5,012	5,306	6,060	7,755	1.92%	1.92%
Warehousing, Transportation & Utilities	2,308	2,466	2,878	3,834	2.23%	2.23%
Manufacturing	1,523	1,569	1,683	1,917	1.01%	1.01%
Construction	1,390	1,518	1,866	2,737	2.99%	2.99%
Government	1,251	1,303	1,433	1,710	1.37%	1.37%
Resources	118	124	141	177	1.77%	1.77%[3]
Total	35,564	37,675	41,185	50,295	1.94%	1.31%

[1] Annual Average Growth Rate

[2] Assumes no new growth; implies e.g. PNNL employees find new related jobs but no new growth

[3] Assumes same growth as in 2014-2019

Source: US Census, OnTheMap; Washington Employment Security Department; ECONorthwest

SUMMARY OF EXISTING ECONOMIC CONDITIONS AND FORECAST

Richland is at the epicenter of the major driving economic forces on the Tri-Cities area. The work performed at the Hanford Site, in tandem with the research at Pacific Northwest National Laboratory (PNNL), has driven economic development in the region and City for decades. This circumstance is currently the region's largest economic strength and a source of its greatest economic fears. These dual assets have driven the need for urban land development and created strong markets for housing, retail, and household services. Along with the agricultural sector, they have also created the foundation for a larger regional economy, which has supported more economic opportunity overall, allowing other unrelated industries to take hold in the area. However, the exposure of such a large segment of the economy to a single entity is a cause for concern for regional leadership and local residents. Recent spending cuts following the recession demonstrate the extent to which the economy depends on government spending to support these activities.

The region has shown strong growth in economic output over the past several decades leading to sustained employment growth. From a regional economic perspective, the agricultural sector is one of the most competitive for the region, which is not surprising given the region's agricultural advantages. The region has a strong industrial/manufacturing base that has sustained itself over time yet the largest portion of the economy is service-based (both professional/business and personal) that continues to drive economic growth in the recent decade. However, growth in most other sectors have mirrored the nation as a whole; fueling economic conversations that the region needs to find new growth in sectors that can produce and sustain both comparative and competitive advantages.

The City of Richland specifically has been the location where much of the professional service sector is located. The City is home to the two largest non-governmental employers in the region in PNNL and Kadlec Health that account for nearly 8,000 employees in the City. From a land use

perspective, Richland has more than half of the region's commercial office space and industrial space, respectively; and is second only to Kennewick in the amount of retail space. Examination of the recent commercial real estate productivity suggests that much of the built space is well occupied and rents have been resilient. Richland has seen stronger retail growth and has outpaced growth in the region as a whole.

Richland has strong demographics for future economic growth. Employees and households are on average better educated, better paid, and with a larger segment of the population in its prime working age. The community is also relatively less-burdened with the costs of poverty when compared to the region. Future forecasts of economic growth remain positive of the regions outlook with growth in the service and health sector continuing to drive growth in the future. From this perspective, the City should be well positioned to capitalize on its past performance and existing assets to extend its economic growth.

SECTION THREE

CHALLENGES AND OPPORTUNITIES

Upon review of existing economic conditions, survey results, and in conversations with elected officials, local economic development professionals, visioning work sessions, and through public outreach with business leaders and the general public, stakeholders collectively identified several recurring themes: the need for stronger economic resiliency able to withstand future economic shocks; the need to harness the entrepreneurial spirit and create a more dynamic economy and economic opportunity; leverage the natural landscape and heritage within the City and region to create sustainable economic development opportunities; and diversify and more intensely use the available land within the City. The following is a summary of the primary concerns and goals related to achieving a thriving Richland economy.

Area 1. Create a Resilient Economy

The single greatest threat to the Richland and Tri-Cities economy is the winding down of business and employment and Hanford without suitable economic opportunities in place that would provide for a comparable standard of living. A reduction in work at Hanford will mean less direct employment in Richland and large negative impacts on the businesses that support them directly as well as the resulting households whose wages they support. However, Hanford is also an asset to the community and has been effective at attracting a highly educated workforce in science and technology. These fields produce professional-wage jobs and have produced spinoff businesses coming from PNNL.

To ensure the stability and resiliency of the economy, the City should leverage existing assets but adapt them to a changing economy. These efforts should focus on increasing primary sector, non-Hanford -related science and tech employment by creating a business environment that encourages and welcomes local business. Additionally, the City should develop partnerships with the Tri-Cities Development Council (TRIDEC), PNNL, Kadlec Medical Center, and other major employers to plan for expansion and delivery of adequate infrastructure and services.

Area 2. Build and attract a more entrepreneurial and dynamic economy

Richland is the regional hub for highly educated, science and technology professionals. Labor force participation is high, particularly for the most productive segment of the population – 30 to 54 year olds. With access to innovation partners and relatively low land costs when compared to bigger cities like Seattle, the climate for entrepreneurial startup companies is present. However, attracting

innovation and investment is a goal of many municipalities. The City can advance this environment through infrastructure investment, streamlined regulation, and "second paycheck" benefits such as livability and access to recreation. Working with its regional education and economic development partners, the City can play its role creating and supporting a rich "entrepreneurial ecosystem" in the area.

Area 3. Leverage the natural landscape as an asset for economic development

Richland's location along the Columbia and Yakima Rivers offers exceptional opportunities to easily access attractive, natural, recreational spaces, as well as close proximity to the region's vibrant agritourism and wine industries. In addition to this, professional service employees living in Richland enjoy lifestyle amenities, also called the "second paycheck." These include access to parks, walkable business districts, good schools, diverse housing options, quality restaurants, and arts and cultural activities. Richland's ability to leverage its natural environment to directly spur economic activities and provide an attractive setting for professionals will further enhance its competitive advantage. However, residents must be cognizant of maintaining a healthy balance between environmental preservation and economic development activities.

Area 4. Closely monitor zoning and land use in the City

The City has the dual challenge of planning for urban infill development as well as planning to accommodate development on many large and relatively undeveloped sites within the City. To ensure zoning is responsive to market conditions, it should be monitored periodically to evaluate potential hindrances. Working to concentrate development in areas with existing infrastructure and near jobs centers will be instrumental to optimize the City's funding.

LAND USE

SECTION ONE

INTRODUCTION

Due to the linear geographic pattern of the City along the Columbia River, Richland's land is distributed primarily from north to south covering a little over 27,000 acres in the current incorporated City limits and additional 3,000 acres in the Urban Growth Area (UGA).

Land use patterns determine individual neighborhoods, businesses, amenities, public facilities, and the types and locations of future development and redevelopment. Land use patterns also determine traffic patterns. This element includes future population projections and needs for land use types for the next 20 years. The Comprehensive Plan land use map identifies land use categories within the City limits and the UGA. This section also elaborates on critical areas, shoreline and open space lands in Richland.

SECTION TWO

DESCRIPTION OF LAND USES

Agriculture (AG) - This category includes uses devoted primarily to the tilling of soil, the raising of crops, horticulture, livestock, poultry, feed lots, and related commercial and industrial activities. It allows residential densities up to one dwelling unit per five acres.

Low Density Residential (LDR) - The LDR category includes single-family residential uses with an average density of 3.5 dwelling units per acre.

Medium Density Residential (MDR) - The MDR category includes single-family residential uses with an average density of eight dwelling units per acre.

High Density Residential (HDR) - The HDR category includes multifamily residential uses with an average density of 15 dwelling units per acre. In transitional areas between more intensive commercial uses and lower density residential uses, limited office/institutional uses may also be located within the HDR designated areas.

Badger Mountain South (BMS) - This includes land uses set forth in the Badger Mountain Subarea Plan as adopted by the Richland City Council on September 7, 2010.

Multifamily Residential Office (RO) - This designation applies to areas within Island View where senior housing and condominium projects would be encouraged. Compatible office projects and light commercial uses also would be allowed within this designation.

Central Business District (CBD) - This classification includes a mix of residential, retail, service, and business uses that provide for the daily convenience needs of on-site and nearby employees and residents. The purpose is to provide for pedestrian- and transit-oriented high density employment and cultural uses, together with complementary retail and higher density residential and other compatible uses that enhance the Central Business District.

Commercial (C) - The commercial land use category includes a variety of retail, wholesale, and office uses. Within this category are professional business offices, hotels, motels, and related uses. It also includes a variety of retail and service uses oriented to serving residential neighborhoods, such as grocery stores, hardware supply, and garden supply. Other commercial uses include automobile-

related uses, and uses that normally require outdoor storage and display of goods. In transitional areas between more intensive commercial uses and lower density residential uses, high-density residential development may also be located within the Commercial designated areas.

Retail Regional (RR) - This designation is applied to the existing retail area that is commonly known as Columbia Center North, as well as other nearby locations on Columbia Center Boulevard and Fowler Street. Within this designation infill development is encouraged. Large format region-serving retail establishments are also encouraged on parcels large enough to support such uses.

General Commercial (GC) - This designation is applied to lands in the southernmost portions of Island View that are adjacent to and visible from SR 240. Within this category, new and used auto sales, RV, truck dealers, and similar retail uses are encouraged. Service-related businesses that require a central location within the Tri-Cities are also included in this designation.

Business Commerce (BC) - This designation applies to the Spaulding Business Park and some adjacent properties. It is intended to encourage a variety of professional office buildings, medical and/or dental laboratories, and light industrial uses.

Single Family Overlay (SFO) - This designation is applied to several pockets of single family residences throughout the Island View area where property owners have expressed a preference for this designation. The comprehensive land use plan map identifies a land use designation other than single family residential for all properties within Island View. For these identified parcels, there are two land use designations: the Single Family Overlay designation and another land use designation. The Single Family Overlay designation will remain in effect, allowing for continued residential use of the property, until such time the owner(s) seeks a change in the use of the property. At that time, the City will remove the Single Family Overlay and apply the other land use designation as identified in the comprehensive plan land use map in accordance with Land Use Goal #9, Single Family Overlay.

Commercial Recreation (CR) - This designation typically applies to properties under the ownership of the local, state or federal government. These properties are typically used to site regional recreational, educational, water-oriented facilities, and associated uses.

Waterfront (WF) - The Waterfront category includes a variety of water-oriented uses such as marinas, boat docks, resorts, mixed commercial/residential development, hotels, motels, and offices along the Columbia River shoreline. The intent is to bring significant development to the Columbia riverfront that is consistent with the City's vision and that incorporates public access recreational features and attractive and high quality development.

Industrial (I) - This category includes a variety of light and heavy manufacturing, assembly, and warehousing and distribution uses. It also includes uses devoted to the sale of retail and wholesale products manufactured on-site, and a variety of research and development uses for science-related activities.

Business/Research Park (BRP) - The Business/Research Park designation provides for a variety of office and research and development facilities in a planned business park setting. Permitted uses include science-related research and development and testing facilities; administrative offices for those uses; and other general office uses.

Public Facility (PF) - This category includes a variety of public and institutional uses including facilities operated by federal, state, county, municipal, or other government agencies; public educational institutions; public libraries; hospitals; cemeteries; and some developed parks.

Urban Recreation (UR) - The Urban Recreation designation includes uses that are intended to provide the public with places to gather for public events as well as provide some limited urban

amenities, passive recreation opportunities and open space uses. It is the intent of the UR land use to provide for a disbursed pattern of development that recognizes and protects both culturally and environmentally sensitive areas.

Developed Open Space (DOS) - This category includes golf courses, federal power transmission and irrigation wasteway easements, private open space, riverfront parks, undeveloped parks, and parks intended for long-term open space.

Natural Open Space (NOS) - The Natural Open Space category includes public lands intended to remain as long-term undeveloped open space with appropriate public access. This category primarily includes, for example, lands associated with the Yakima River floodplain, islands in the Columbia River, steeply sloped areas, sensitive areas along the Amon Basin, and other designated areas. Natural Open Space lands are managed as natural areas and may include riparian corridors along creeks and rivers, wetlands, shrub-steppe, open ridges, and hillsides.

Mineral Resource (MRL) - This classification includes lands that have long-term significance for the extraction of minerals on a commercially-viable basis and are not already compromised by on-site, immediate, or adjacent urban growth. Mineral Resource designation must be requested by the owner of the property and/or of the mineral rights, or her/his designated agent.

Urban Reserve (UR) - The Urban Reserve designation is assigned to lands that are to be held in reserve during the 20-year planning period of the comprehensive plan. A significant amount of the land in this designation is in agricultural use. Uses of land designated Urban Reserve are intended to be temporary to provide the City a basis to evaluate future needs for additional land in other land use designations.

Table LU-1 indicates the land use distribution within the City and in the UGA.

Table LU-1: Existing Land Use Acreage

Land Use Designation	City Limits (acres)	Area within UGA(acres)	Total Acreage[1]	% of total
Residential				
Low Density Residential	4,598	689	5,287	18.15
Med. Density Residential	1,427		1,427	4.90
High Density Residential	530		530	1.82
Badger Mountain South	1,431		1,431	4.91
Commercial				
Business Commerce	28		28	0.10
Central Business District	222		222	0.77
Commercial	1,046	16	1,062	3.7
General Commercial	79		79	0.28
Retail Regional	31		31	0.11
Waterfront	140		140	0.49
Commercial Recreation	50		50	0.17
Public Lands/Open Space				
Developed Open Space	2,170	144	2,314	7.62
Natural Open Space	2,154	322	2,476	8.52
Public Lands/Facilities				
Public Facility[2]	1,014	27	1,041	3.63
Industrial				
Business Research Park	750	437	1,187	3.78
Industrial	5,374	1,050	6,424	22.39
Other Designations			0	
Agricultural	903		903	3.15
Residential Office	21		21	0.07
Urban Reserve	1,214		1,214	4.23
Public Service Lands				
Rights of Way	2,947	163	3,110	10.84
Total	25,846	2,848	28,694	100.00%

[1] Does not include water area

[2] Public facilities lands include public school sites, WSU campus, City owned facilities, and cemeteries

[3] Includes proposed UGA expansion area related to Department of Energy land transfer

SECTION THREE

POPULATION TREND

Richland and the Tri-Cities area experienced strong growth from 1973 to 1981 due to the development of nuclear power plants for the Washington Public Power Supply System. In the 1980s, however, the power plant program was discontinued, as was the federal government's production of nuclear material at the Hanford Site. These changes created a difficult economic period throughout Benton County and neighboring Franklin County as indicated in the reduced growth in 1990 data.

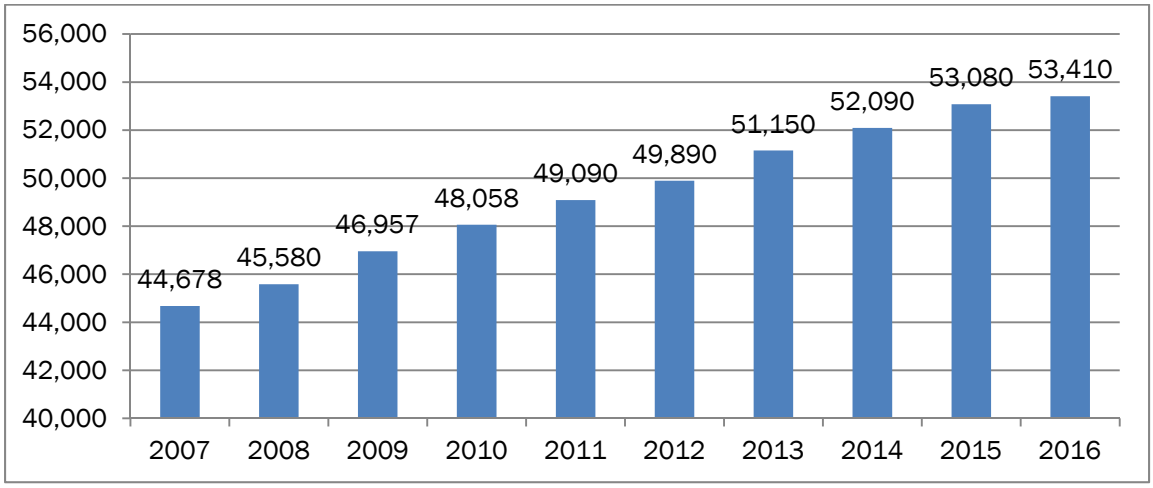
With plutonium production discontinued at the Hanford Site, the federal government redefined its mission there. The new mission became environmental restoration or cleanup of the site, together with ongoing management of the hazardous wastes stored there. In association with these missions, areas near the Hanford Site has become a hub for research and development into energy, health, waste management, and the environment, as well as development for new technologies in these fields in the last two decades. As a result, population in Richland grew 13.87 percent in a decade in 2000, and 24.16 percent in a decade in 2010. Table LU-2 below indicates the historic population growth in Richland and Benton County.

Table LU-2: Historic Population Growth in Richland and Benton County

Year	Richland	% Change Richland	Benton County	% Change Benton County
1950	21,809	n/a	Data not available	Data not available
1960	23,548	7.97%	62,070	Data not available
1970	26,290	11.64%	67,540	8.81%
1980	33,578	27.72%	105,800	56.65%
1990	33,993	1.24%	112,560	6.39%
2000	38,708	13.87%	142,475	26.58%
2010	48,058	24.16%	175,177	22.95%

Population in Richland has grown significantly in the last decade from 44,678 in 2007 to 53,410 in 2016. Much of this growth can be linked with the Department of Energy's nuclear cleanup and related operations at the Hanford Site. However, the economy in the Tri-Cities area is becoming more diverse with the growth of other employment sectors such as healthcare and education. It appeared from the past trends that many of the individuals retiring from Hanford chose to stay in Richland or in the Tri-Cities area. Table ED-14 indicates about 28 percent of Richland's population are 55 years or older, and 25 percent of the total population are 18 years or under. These contribute to Richland's family-friendly environment and education sector improvement.

Figure LU-1: Population Growth in Richland in the Last 10 Years



As discussed in the Economic Development section, Richland's median household income is the highest in the Tri-Cities, $70,806 in 2017, with Kennewick at $52,831 and Pasco at $53,950 (TRIDEC, 2017). Over 95 percent of the residents in Richland are high school graduates or graduates with higher degrees (US Census, 2015).

POPULATION FORECAST

WASHINGTON GMA REQUIREMENTS

The Washington State GMA requires the Land Use Element to include population densities and estimates of future growth (RCW 36.70A.070(1)). The Benton County CWPP contains several provisions addressing population growth and capacity. They include agreement or cooperation in determining the following:

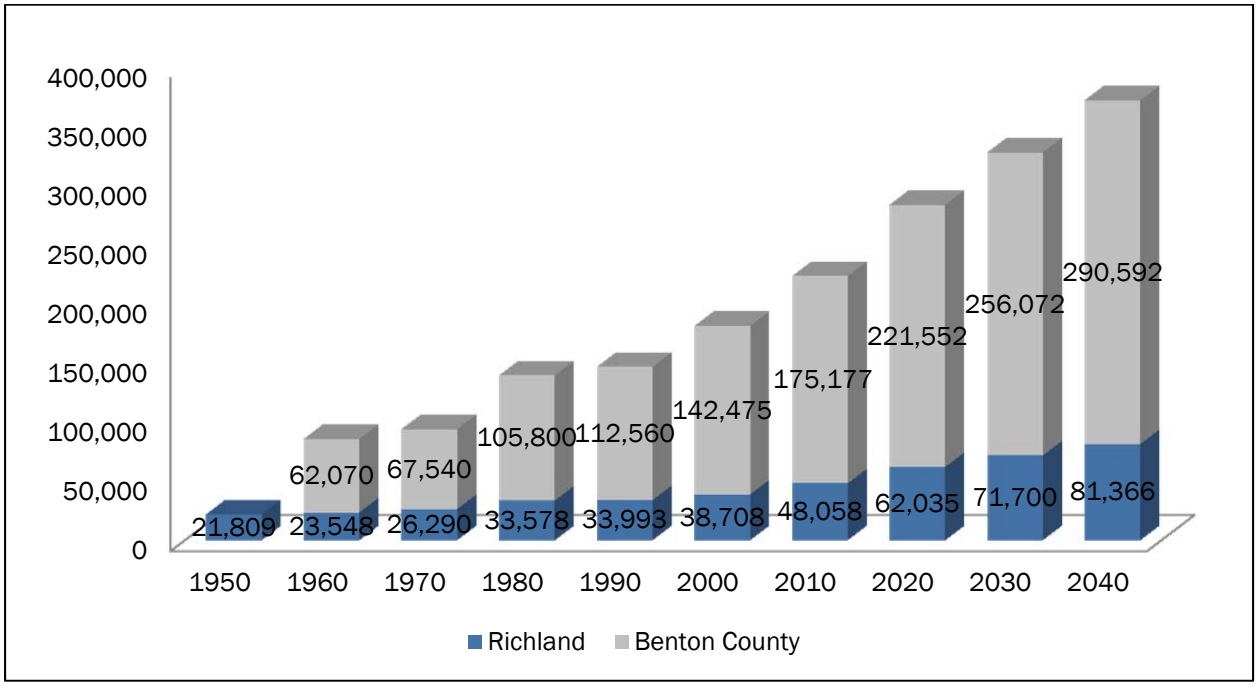
- The portion of the 20-year population forecast allocated to the City of Richland.
- The boundaries of the urban growth area.
- The amount of land necessary to provide sufficient service capacity to meet projected populations at urban densities and service standards.
- Consistency with Benton County CWPP.

FORECAST

Based on the 2016 estimate of Office of Financial Management (OFM), Richland and its UGA contain a population of 54,733 (53,410 within City limits, 1,323 in the UGA). Benton County's county-wide allocation and projected population for Richland are 76,533 for the year 2035, and 81,366 for the year 2040.

The current population and the additional 20-year projected population equals 78,431 persons in the year 2037. The projected additional population that will be added to the City during the next twenty years, per consultation between the cities and Benton County and based upon the official projections from the OFM, is 23,699 persons.

Figure LU-2: Richland and Benton County's Population Forecast



FUTURE LAND CAPACITY

In order to identify land necessary to meet the future demand, a land capacity analysis was performed. The analysis used the City's existing land use density and land inventory.

The first part of this analysis is based on the capacity of existing vacant and underdeveloped residential land to add additional units. This doesn't reflect the property owners' intention of development; neither does it require the property owners to develop their properties.

In this methodology, all vacant and undeveloped lands were identified. Critical areas or environmentally sensitive lands present on the land were excluded in order to estimate the amount of buildable land. Twenty percent of the buildable land area was allocated for infrastructure. The remaining acreage was identified to be buildable and units were projected according to the City's average land use density.

As discussed in the previous section, 23,699 persons will be added to the City during the next twenty years. This will require 9,874 residential units (23,699/2.4) considering Richland's average household size of 2.4 persons/unit. In order to assess adequate land for future growth, the second phase analyzes residential units projected primarily on Low Density, Medium Density, High Density lands, and the Badger Mountain South area. Additionally, a percentage of vacant Commercial and Waterfront lands are projected to be developed with multi-family housing. Table LU-3 below indicates projected residential development within different land use categories.

Table LU-3: Land's Capacity for Future Residential Development

Land Use Category	Projected Units
Low Density Residential Undeveloped = 1230 acres	BLM ownership (135 acres) 300 Area (23 acres) McDonald (14 acres) = 172 acres 515 acres constrained by steep slopes 1,058 acres – 515 = 543 acres 543 acres x 80% (after infrastructure) = 434 acres @ 3.5 units/acre = 1,520 units 515 x 80% (after infrastructure) = 412 acres @ 2 units/acre = 824 units ***2,344 units projected***
Medium Density Residential Undeveloped = 255 acres	Horn Rapids Open Space areas = 25 acres 230 acres x 80% (after infrastructure) = 184 acres 184 x 6.5 units/acre = 1196 units ***1,196 units projected***
High Density Residential Undeveloped = 107 acres	107 x 80% (after infrastructure) = 86 acres 86 x 75% (available for residential) = 65 acres Average density = 15 units/acre 65 x 15 = 975 ***975 units projected***
Badger Mountain South Undeveloped = 1416 acres	Currently 60 dwellings Total Projection at Full Build Out: 4,150 to 5,000 units ***4,090 units projected***
Commercial Undeveloped = 471 acres 39 acres undeveloped in Commercial Limited Business zoned land (8% of undeveloped commercial land)	Average density = 15 units/acre 39 x 80% (after infrastructure) = 31 acres ***465 units projected***
Waterfront Undeveloped = 56 acres	10 acres unusable (landfill/shoreline setback areas) 1/3 waterfront area used for residential 15 acres @15 units/acre = 225 units ***225 units projected***
Total	**9,295 units projected**

As indicated in the table above, 9,295 residential units can be developed at full buildout to accommodate 22,308 people. This still leaves the City with the need to accommodate an additional 1391 people (23,699-22,308) in a full buildout scenario. The City currently has an urban reserve land use category. Re-designation of this land for residential uses will satisfy the City's need for an additional residential land base.

Table LU-4: Vacant and Developed Commercial, Industrial and Public Lands

Land Use	Developed (acres)	Vacant (acres)	Total Acres
Commercial (City)	1,007	538	1,546
Commercial (UGA)	11	5	16
Industrial (City)	2,914	2,026	4,940
Industrial[1] (UGA)	447	1863.5	1,487
Public Lands[2] (City)	4,385	953	5,338
Public Lands[2] (UGA)	351	0	351

[1] *Includes Department of Energy (DOE) transferred land*

[2] *Includes open space and public facilities land*

The amount of vacant commercial land is anticipated to be sufficient to meet the needs of the projected population expected over the 20-year planning period. Re-development of underutilized lands within the Central Business District will also help to satisfy the demands for commercial lands created by an expanding population.

The City's industrial land base has recently been expanded significantly by an act of Congress that transferred 1,641 acres from the Department of Energy (DOE) to the City, the Port of Benton, and Energy Northwest. This land is located north of Horn Rapids Road and is specifically set aside for industrial development. The City and Port plan to market the property to industrial developers as "mega-sites" of 200 acres or larger. The proximity of this land to highways, rail, and utility services together with the large acreages available provide development opportunities for industries that exist in very few places throughout the Pacific Northwest.

Industrial lands located south of Horn Rapids Road will continue to be developed with industrial developments of a more typical scale. The available industrial lands within these two areas will ensure that the City has an adequate industrial land base throughout the planning period.

LANDS FOR PUBLIC PURPOSES

According to RCW 36.70A.150, the county and jurisdictions within it are required to work together to identify the needs for public facilities, including lands for public purposes. Current City-owned public facilities include parks and open spaces, transportation, water, sewer, storm water, solid waste, energy, and municipal facilities. Other public facilities include schools, irrigation, natural gas, and telecommunication services. Table LU-1 indicates public facility and transportation rights of way lands.

Table LU-5: Public Land in the City and UGA

Land Use	Acres in the City	Acres in the UGA	Total
Developed Open Space	2,170	144	2,314
Natural Open Space	2,154	322	2,476
Public Facility[2]	1,014	27	1,041
Public Lands Subtotal	5,338	493	5, 831

[2]Public facility lands includes public school sites, WSU campus, City owned facilities and cemeteries

Excluding the open space land, there are about 361 acres of vacant public facility land within the City limits. Richland's current land per capita for public facility use (without including open space per capita) is 0.0122 acres. Based on this ratio, the additional 23,699 people will require 289 acres (23,699 x 0.0122) of land. Considering the vacant 361 acres, the City will have a surplus of approximately 72 acres of land for public facilities.

This analysis indicates the total land deficits and surpluses. However, the surplus land may not always be useful to meet specific needs due to its location and compatibility for specific public use. Additional information regarding park and open space lands can be found in the Capital Facilities Chapter of the Plan under "Parks, Recreation, and Open Space".

ADDRESSING THE DEMAND

The City is planning to accommodate additional growth in two currently undeveloped areas to the north and west sides all within the City limits. One area is located on the southwest side of the City near the City View and Queensgate area, abutting Kennedy Road to the south and Queensgate Drive to the east. The other area is located on the north side abutting the Horn Rapids residential development to the south. See Figure LU-3 and Appendix C of the Comprehensive Plan for details.

The land use in these areas is re-designated from underutilized Urban Reserve to a mix of Low, Medium, and High Density Residential, Commercial, Public Facility, and Developed and Natural Open Spaces as shown in Table LU-6.

Table LU-6: Proposed Land Use in Horn Rapids Northwest and City View West

Land Use	Existing Land Use (acres)	Proposed Land Uses (acres)
Horn Rapids Northwest		
Urban Reserve	272	
Low Density Residential		230
Medium Density Residential		42
Total	**272**	**272**
City View West		
Urban Reserve	340	
Low Density Residential		143
Medium Density Residential		25
High Density Residential		34
Commercial		55
Public Facility		40
Developed Open Space		5
Natural Open Space		38
Total	**340**	**340**

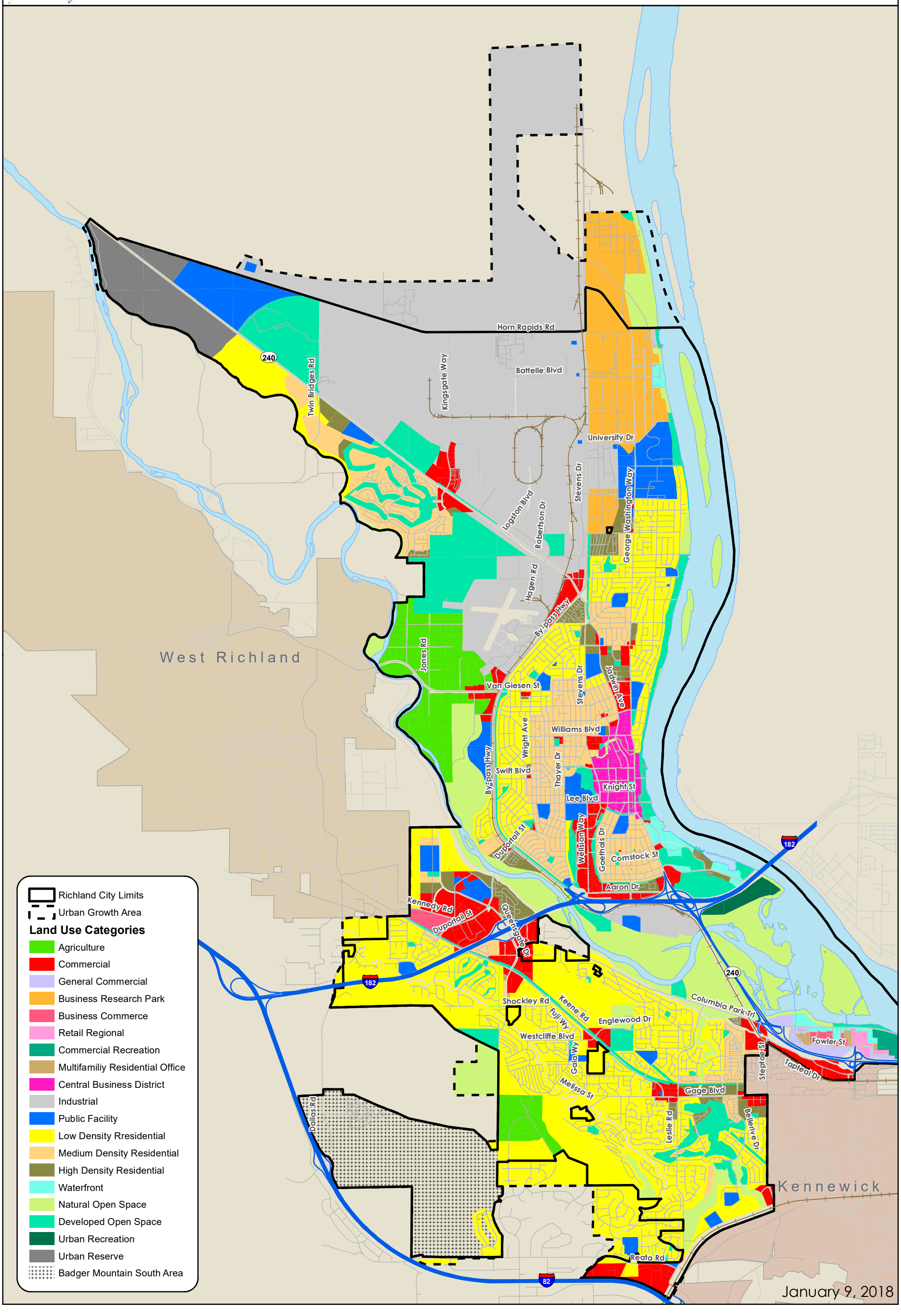
Additional land use re-designation includes a portion of an area in Columbia Point South, re-designated from Developed Open Space and Public Facility to Urban Recreation. The proposed land use is shown in Table LU-7. Also see Figure LU-3, the Future Land Use Map.

Table LU-7: Proposed Land Uses in Columbia Point South

Land Use	Existing Land Use (acres)	Proposed Land Uses (acres)
Public Facility	33	
Developed Open Space	71	
Natural Open Space	153	177
Urban Recreation		80
Total	**257**	**257**

City of Richland

LU-3 - Future Land Use



SECTION FOUR

NATURAL ENVIRONMENT

CRITICAL AREAS

Richland's critical areas include wetlands, fish and wildlife habitat areas, aquifer recharge areas, and geologically hazardous areas.

The critical areas map in the Comprehensive Plan, Figure LU-4, indicates floodplains, geologic hazard areas (steep slopes), and wetlands in Richland.

- **Wetlands.** Wetlands are ecosystems that serve a number of important beneficial functions. They help maintain water quality, store and convey storm water and floodwater, and recharge groundwater. Wetlands provide important wildlife habitat and serve as areas for recreation, educational and scientific study, and aesthetic appreciation.
- **Fish and Wildlife Habitat Areas.** These areas are important for maintaining flora and fauna species diversity; providing opportunities for food, cover, nesting, breeding, and movement for fish and wildlife; serving as areas for recreation, educational and scientific study, and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.
- **Frequently Flooded Areas.** Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas should include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP).
- **Aquifer Recharge Areas.** Critical aquifer recharge areas are defined as those areas having a critical recharging effect on aquifer use for potable water in community systems. They consist primarily of wellhead protection areas associated with City water supplies and are intended to protect public health and safety, prevent degradation of ground water supplies, and control risks to the degradation of ground water quality and quantity.
- **Other Critical Areas.** These are characterized by geologic hazards that pose a risk to public and private property and human life and safety. Geologically hazardous areas include areas susceptible to landslide, erosion, or seismic activity. Because of this susceptibility, these areas may not be suitable for new development. In many cases, hazards can be reduced or mitigated through engineering design or modified construction practices.

The City uses the best available science (BAS) in developing policies and development regulations to protect the functions and values of critical areas and give special consideration to conservation or protection measures. The BAS involves adopting information from local, state, or federal natural resource agencies that are appropriate for local circumstances; consultation with a qualified scientific expert or team to assess applicability to the local critical area; and determination if a person is a qualified scientific expert.

SHORELINE

The GMA requires that Shoreline Management Plan (SMP) goals and policies are included in the Comprehensive Plan and that they are consistent with each other. The City of Richland received grant funding from the Washington State Department of Ecology to develop an updated SMP. A primary purpose of this effort is to update the SMP to comply with Chapter 90.58 Revised Code of

Washington (RCW), the Shoreline Management Act (SMA), and the Department of Ecology's 2003 Shoreline Master Program Guidelines (Chapter 173-26 Washington Administrative Code [WAC]).

The City of Richland worked closely with the citizens and the Department of Ecology and updated the SMP in 2014. The goals and policies of the SMP are incorporated by reference in the Comprehensive Plan.

The City has prepared an Inventory and Analysis of local shoreline ecological, land use, and other resources to provide the scientific basis of the program. The City has approximately 2,600 acres of land on the Columbia and Yakima Rivers shoreline. The City's overall approach of shoreline use is as follows:

- The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.
- The utilization of shorelines and the waters they encompass for public access and recreation.
- Protection and restoration of the ecological functions of shoreline natural resources.
- Protection of the public right of navigation and corollary uses of waters of the state.
- The protection and restoration of buildings and sites having historic, cultural, and educational value.
- Planning for public facilities and utilities correlated with other shoreline uses.
- Prevention and minimization of flood damages.
- Recognizing and protecting private property rights.
- Coordination of the SMP with other relevant local, state, and federal programs.

OPEN SPACE

Open space in the Richland and its UGA comprises over 17 percent of the total land. These areas include natural areas (Natural Open Space) and more formal developed parks and trails (Developed Open Space). Park and trail facilities are discussed in detail in the Capital Facilities Element. This section discusses the natural elements of Richland's open space system, which comprise approximately 9 percent of the land area within the City.

The Tapteal Greenway, located on the lower Yakima River, is one of Richland's most notable open space areas. The entire Greenway is a 35-mile natural corridor that runs from Kiona at Benton City to the river's confluence with the Columbia River at Bateman Island in Richland. It goes through the Chamna Natural Preserve and W.E. Johnson Park that are discussed below. It has been preserved as an area where wildlife, natural vegetation, and people can co-exist. It provides potential opportunities for non-motorized recreation, education, and habitat protection.

The Chamna Natural Preserve is about 276 acres and is located on the north bank of the Yakima River. It is part of the Yakima River delta and is managed by the Tapteal Greenway Association. The Tapteal Greenway Association manages other lands owned by the USACE as a nature preserve with limited non-motorized access. Habitat area includes about 100 acres of upland, with 50 acres of abandoned farm fields (Anchor QEA, 2014). Riverview Preserve is a 268-acre area owned and managed by the USACE at the confluence of the Yakima and Columbia Rivers; Bateman Island is 160 acres in the Yakima River Delta under USACE ownership and leased to the City.

W.E. Johnson Park is primarily a natural open space area consisting of 236 acres. It has about a half mile of Yakima River frontage. It is located south of Van Giesen Street.

The Amon Basin includes approximately 75 acres of City-owned open space and is located on the southeast side of the City east of Leslie Road. The Amon Basin Natural Preserve has been preserved as compensatory mitigation for SR 240 bridge expansion project over the Yakima River delta that took place in 2005. The mitigation area includes upland and wetland habitat. Irrigation canal system operations, raised groundwater tables and associated seepage and return flow surface in this natural drainage and run through the Amon Basin and other areas into the Yakima River near the confluence with the Columbia River.

On the Columbia River, the City managed major open space land includes Leslie Groves Park located between Snyder Street and Ferry Street; and the Columbia Point South area, which is a largely undeveloped area of 230 acres located at the confluence of the Yakima River and the Columbia River. Other major open space land includes the islands on the river that are part of the McNary National Wildlife Refuge.

MINERAL RESOURCES

Mineral resource lands are natural resource lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

Each city and county planning under the Washington State GMA is required to designate natural resource lands where appropriate, and adopt development regulations to assure the conservation of agricultural, forest, and mineral resource lands (RCW 36.70A.060, RCW 36.70A.170). Jurisdictions need to designate mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.

In order to classify mineral resource lands, cities and counties are required to consult with the Department of Natural Resources. Lands from which extraction of mineral occurs or can be anticipated shall be identified and classified as mineral resource lands (WAC 365-190-070).

Classification criteria shall be established according to the state guidelines in WAC 365- 190-070. Areas shall be classified as mineral resource lands based on geologic, environmental, and economic factors, existing land uses, and land ownership. Cities and counties should classify lands with long-term commercial significance for extracting at least one of the following minerals: sand, gravel, and valuable metallic substances. Other minerals may be classified as appropriate. Classification should be based on the maps and information provided by the Washington State Department of Natural Resources and the United States Bureau of Mines.

The City undertook a detailed analysis of its mineral resources in 1998 and determined that no lands within the Richland Urban Growth Area should be designated as mineral resource lands.

HOUSING

SECTION ONE

INTRODUCTION

The Washington State GMA established Housing as one of the fourteen planning goals to be used exclusively for guiding the development of comprehensive plans and development regulations. The adopted goal for Housing states: "Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety residential densities and housing types, and encourage preservation of existing housing stock." This section analyzes existing housing and projected housing demand in Richland.

SECTION TWO

EXISTING INVENTORY AND PROGRAMS

The 2015 American Community Survey (ACS) data indicates 22,130 housing units in Richland. About 65 percent of the housing units are owner-occupied, and 35 percent renter-occupied. Table HE-1 below indicates housing types and occupancy.

Table HE-1: Existing Housing Inventory

	Estimate in 2015	%
Total Housing units	22,130	100.00
Occupied housing units	20,792	94.00
Vacant housing units	1,338	6.00
Owner-occupied housing units	13,622	65.50
Renter-occupied housing units	7,170	34.50
Unit types		
1-unit, detached	13,858	62.60
1-unit, attached	1,142	5.20
2 units	1,356	6.10
3 or 4 units	666	3.00
5 to 9 units	1,098	5.00
10 to 19 units	1,077	4.90
20 or more units	2,112	9.50
Mobile home	786	3.60
Boat, RV, van, etc.	35	0.20

Source: American Community Survey, 2015

The US Department of Housing and Urban Development provides the City of Richland with federal Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funds on an annual basis.

In 2016, $468,330 of HOME funds was awarded to the Tri Cities HOME Consortium (Cities of Richland, Kennewick, and Pasco). Each year, ten percent of the award is used for administrative purposes, fifteen percent is set aside for a Community Housing Development Organization (CHDO) affordable housing development project, and the balance of the award is divided among the three Cities. The HOME funds were used to provide eligible low- and moderate-income first-time homebuyers with the necessary funds to assist with down payment and closing costs, making it more affordable to purchase their first home in Richland. In 2016, the City provided approximately $ 163,581 in funding to assist sixteen borrowers with the purchase of their first home.

A portion of CDBG funds are made available each year through the revolving loan fund to eligible low- and moderate-income homeowners to make needed health and safety repairs to the home they own and are living in through the Owner-Occupied Rehabilitation program. Homeowners can apply for up to $20,000 to make needed repairs and weatherization improvements to their home. The loan is secured by a lien on the property. The loan is zero percent interest, non-payment. The loan is due and payable when the homeowner refinances, sells, or no longer uses the property as their primary residence.

Similar to the rest of the state, Richland faces the challenge of homelessness. The total number of homeless population in Benton and Franklin Counties in 2014 was 226 (Benton-Franklin Health District, 2014). The City recognizes the need to address homelessness through various measures, programs and outreach.

SECTION THREE

PROJECTED NEEDS

As discussed in the Land Use Chapter, Richland's population is expected to grow from 53,410 in 2016 to 78,431 in 20 years, adding 23,699 people in the City and UGA by 2037. Using the average household size of 2.4 persons per unit, this additional population will require 9,875 housing units. According to the land use analysis, existing vacant buildable land will provide 9,295 units in a variety of housing types (single-family, multi-family, townhome, condo, etc.). An additional 580 housing units will be required to meet the demand of future housing.

Currently, there is a shortage of senior affordable housing in Richland. Based on the discussion with the affordable housing groups for seniors (Shalom Ecumenical Center and Luther Senior Center), over the period of 2010 and 2016, occupancy at the senior housing communities averaged 98%. Some senior rental housing communities also have a long waiting list.

RECOMMENDATIONS

This demand of additional housing will be met by developments in the existing planned areas, infill developments, and by re-designating two underutilized areas currently designated Urban Reserve to a mix of residential, commercial, and public facilities land use. One area is located on the west side near the City View area, and the other area is located on the north side near the Horn Rapids development. Details of the land uses are discussed in the Land Use Chapter of this Plan.

The City's current housing assistance programs - CDBG and HOME - will continue to assist homeownership for Richland citizens.

TRANSPORTATION

SECTION ONE

INTRODUCTION

Washington's 1990 GMA requires rapidly growing cities and counties in Washington State to develop comprehensive plans that describe and plan for their future development. These plans must discuss facilities, functions, and financing for specific elements of the community. The specific goal of the GMA with regard to transportation is to "encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans." The GMA also requires that local comprehensive plans, including the land use and transportation elements, be consistent and coordinated with required regional programs.

The ability to move goods and people is essential for a healthy community, and the Transportation Element of Richland's comprehensive plan describes how it is done now and will be done in the future. To meet GMA requirements, the Transportation Element must identify existing transportation system characteristics, establish standards for levels of service (LOS), and identify existing and future deficiencies based on traffic growth projections.

The GMA also requires that a jurisdiction's transportation plan contain a funding analysis of the capital transportation projects it recommends. This analysis covers funding needs and resources, and includes a multi-year funding plan. The purpose of the analysis is to ensure that each jurisdiction's transportation plan is affordable and achievable.

PURPOSE AND INTENT

Over the next 20 years Richland is projected to experience a 28 percent increase in population. This growth will result in an increase in traffic volumes to, from, through, and within the City. Transportation strategies must be developed to maintain or achieve acceptable levels of congestion and roadway condition. This Transportation Element will serve as Richland's strategy for accommodating anticipated growth. It combines technical and financial analyses of the City's transportation system using methods that meet GMA requirements.

The Transportation Element analyzes the current transportation system, identifies what improvements need to be made to serve the City, and determines how the improvements can be financed. Levels of service have been developed to reflect the system's ability to serve City users, applied to the existing facilities to determine current deficiencies, and used to predict deficiencies for the horizon years. Each year the City prepares a 6-year Transportation Improvement Program. In accordance with the GMA, the plan will be updated each year, maintaining the 6-year planning horizon.

Coordination with other elements of the City's Comprehensive Plan and the plans of adjacent jurisdictions is important to the success of this element. The land use designations from the Land Use Element are used to forecast traffic, and the City's transportation goals and policies are used to guide project selection. The City has shared information and coordinated with the Benton-Franklin Council of Governments (BFCOG), the Washington State Department of Transportation (WSDOT), and neighboring cities in the preparation of this element. The plan meets the concurrency requirement of the GMA, under which improvements are required to match growth and development.

This element is divided into the following sections: existing conditions, level-of-service development and analysis, and existing and future deficiencies and recommendations. The roadway system

inventory detailed in the Existing Conditions section and land use information from the Land Use Element are used together with a traffic model and the desired level of service to form the basis for the analysis of conditions in 2040. The results of this analysis are reported in the Deficiencies and Recommendations section. In addition to the roadway system, non-motorized transportation systems, air, rail and transit systems are also discussed.

ANALYSIS METHODOLOGY

The Transportation Element of the 2008 Comprehensive Plan was based on the 2005 Transportation Plan and the significant evaluation of the transportation system that was completed at that time. The City of Richland has completed many of the projects identified in the current Transportation Plan and continues to perform studies and develop projects that address transportation needs within the City. Since a formal update of the City Transportation Plan has not been completed since 2005, substantial evaluation of the system has been undertaken for this current effort. For the purposes of this Comprehensive Plan Update, four primary inputs have been used to evaluate the transportation system for the need for transportation improvements.

1. Results of recent studies where known deficiencies exist and solutions have been identified.
2. Roadway segment traffic volumes collected by the Benton Franklin Council of Governments during 2016 were used to evaluate the vast majority of functionally classified roadway segments and intersections of functionally classified roads at a planning level.
3. Other projects developed by City staff to address issues and concerns.
4. Future conditions have been evaluated through the use of the Benton Franklin Council of Governments' regional traffic model which incorporates future population and land use projections to forecast year 2040 traffic volumes throughout the Tri-Cities region.

SECTION TWO

EXISTING CONDITIONS

The Tri-Cities is the largest metropolitan area between Spokane to the northeast, Seattle to the northwest, Portland to the west, and Boise to the southeast. Because of its location, the Tri-Cities is a major transportation hub for travelers and commodities in the Pacific Northwest. As part of the Tri-Cities, Richland has easy, direct access to all modes of commercial transportation services. This section provides an inventory of the existing transportation system, which will be used as the baseline for assessing future development of the system.

DATA COLLECTION AND REVIEW

This element focuses on facilities operated by the City of Richland, as well as those operated by others, within the UGA. Additional facilities and services operated outside this area by other jurisdictions that are critical to the functioning of the transportation system are briefly described. Data for this section were obtained from the City of Richland Public Works Department, Information Services Department and the Benton Franklin Council of Governments. Data for non-City-operated transportation systems were obtained from service providers and secondary documents.

EXISTING ROADWAY SYSTEM

Each City roadway is classified according to its function within the system. The currently approved functionally classified roadway system is shown in Figure T-1. The City uses the following street classifications, based on the amount of traffic and the origin and destination of the traffic:

- Interstate (4.84 miles)
- Other freeway/expressway (14.87 miles)
- Principal arterials (18.0 miles)*
- Minor arterials (23.0 miles)*
- Collectors (59.0 miles)*
- Local (residential) streets (203.3 miles)*

  *as updated in 2023

The Tri-Cities is connected to the interstate highway system. I-82 links the Tri-Cities metropolitan area to I-90 to the north and west, through Yakima, and to I-84 to the south, in northern Oregon. I-182, which passes through Richland, links Richland to these interstates and US 395. US 12 links the Tri-Cities to the interstates and to US 395, and provides access to Walla Walla and other southeastern Washington locales. The limited-access interstates serving the Tri-Cities carry between 40,000 and 60,000 vehicles per day. SR 240, which originates at US 395, links Richland and Kennewick and provides a western bypass route around the City to the Hanford Site, then continues northwest to connect with SR 24. Access to West Richland is via SR 224 (Van Giesen Street) and I-182. WSDOT is responsible for maintaining an adequate level of service on these highways.

Arterials are used in an urban setting and are divided into principal and minor arterials. They carry the highest volumes of traffic within the urban roadway system, provide connections within the system for traffic using other classifications of roadways, and link high-volume destinations and land uses, such as major employers or larger commercial centers

Collectors connect traffic from residential streets to arterials. They can be used for through trips, or they may be the origin or destination of trips for purposes such as neighborhood services.

Residential streets are low volume roadways serving specific residential areas. They are typically not used for through trips, and are often the origin or destination of vehicle trips. Residential streets are typically designed for travel at no more than 25 miles per hour.

The existing number of lanes on City streets is shown in Figure T-2, with the existing traffic control at intersections of functionally classified roads shown in Figure T-3. As shown in Figure T-3, there are 66 traffic signals within the City of Richland, some of these are operated by the Washington State Department of Transportation or through partnership by the City of Kennewick.

The Benton Franklin Council of Governments collected roadway segment volumes on the vast majority of the functionally classified roadways in the region from which to calibrate the regional traffic model. The results of these traffic counts within the City of Richland are shown in Figures T-2 and T-3 representing average weekday traffic volumes and PM peak hour traffic volumes.

EXISTING NON-MOTORIZED SYSTEM

Pedestrian Facilities

Pedestrian facilities within the City of Richland are mainly composed of sidewalks constructed in association with streets and a separate bicycle and pedestrian trail discussed below. Current design standards for residential collectors and residential streets include provisions for 5-foot sidewalks; current standards for the Central Business District and C-2, C-3 zoning areas adjacent to collectors is 8-foot. However, not all existing residential areas have sidewalks. Bicycle paths, described below, also serve as pedestrian pathways.

Bicycle Facilities

The City of Richland currently has a bicycle/pedestrian path network of about 30 miles of Class I trails that run along the Columbia River as part of the Sacajawea Heritage Trail network that traverses both sides of the Columbia River throughout the Tri-Cities area, Keene Road, SR-240 By-Pass, and a portion of the Yakima River. The bicycle/pedestrian network of facilities also includes 6.38 miles of secondary trails and more than 36 miles of soft trails primarily in natural areas of Badger Mountain, South Columbia Point, Chamna Natural Preserveand the Amon Basin. There are continued plans to expand this bikeway network through the construction of additional segments. Since the last Comprehensive Plan Update, the City has designated about 68 miles of City streets as bicycle routes, including principal and minor arterials and some collectors, which now provide major routes through and across the City. Links to the other cities in the area are also included in the bicycle route network. Figure T-6 shows the existing bicycle route system.

OTHER TRANSPORTATION SYSTEMS

Airport Facilities

Primary air traffic to Richland uses the Tri-City Airport in Pasco. Downtown Richland and Richland's industrial areas are a 20 minute drive via I-182 to the airport. The airport is classified as an air carrier airport, and offers direct passenger service to Seattle, Portland, Salt Lake City, San Francisco, Minneapolis/St. Paul, Denver, Los Angeles, Las Vegas, and Mesa, Arizona. Commuter airlines also link the Tri-Cities with other regional cities. Tri-City Airport passenger carriers include Allegiant, Delta, Alaska/Horizon, and United Express. UPS, Federal Express, and Ameriflight freight service is also provided. MedStar provides air ambulance service from the Tri-Cities Airport. In 2016, annual passenger enplanements at the Tri-Cities airport were over 375,000, making it the third busiest airport in the state of Washington. The Port of Pasco owns the Tri-City Airport, which features a newly expanded 110,000 square-foot terminal with state of the art services. The airport contains 2,235 acres and has three runways. The airport master plan identifies a runway extension to accommodate larger aircraft to serve the region.

The Richland Airport, owned and operated by the Port of Benton, is classified as a commuter service airport. Located northwest of Richland's core area, it is the second largest airport in the area. A system of roadways links hangars, fixed-based operators, and commuter terminal facilities to associated industrial properties. The 650-acre airport has two 4,000-foot runways capable of supporting commuter aviation. The airport master plan calls for a runway extension to the north for a total of 5,000 feet in order to accommodate faster aircraft and corporate jets. This runway extension will require study and potential mitigation since the Runway Protection Zone will be extended over SR 240 and some developed industrial properties. At this time, the airport serves general aviation aircraft only, with 165 aircraft based there. This is a marked increase in recent years due to the closure of Vista Field in Kennewick. DHL provides daily flights for domestic and international shipping from the Richland Airport. MedStar also provides air ambulance service from the Richland Airport.

Rail Freight Facilities

Both the Burlington Northern and Union Pacific railroads provide mainline rail service to more than 35 states from the Tri-Cities, including service from Richland's industrial area. The Tri-Cities urban region is the only major metropolitan and manufacturing area between the Cascade Range and the Rocky Mountains offering this level of service from these two major national carriers.

Burlington Northern, the nation's longest railroad, has its Pacific Northwest hub in the Tri-Cities. Union Pacific, the nation's second longest railroad, connects the Tri-Cities to the Great Lakes and the Gulf of Mexico. Union Pacific operates the largest fleet of refrigerated rail cars in the nation.

Tri-City rail service passes through Pasco's computerized terminal or through the Kennewick rail yard. Both are within 10 miles of downtown Richland. Computerized rail service and flatcar ramps provide quick, efficient truck-to-rail exchanges, an important consideration for the area's large fresh, frozen, and processed food industry. Significant extensions of the rail system have been made in recent years to serve the Horn Rapids Industrial Park, including a loop that accommodates Unit Trains which are typically longer than one mile in length. Total length of railroad track within the City of Richland is 30 miles and is shown in Figure T-7. There are 11 at-grade crossings of the railroad.

The Port of Benton owns a railroad track connecting Richland to the Union Pacific Railroad and Burlington Northern Santa Fe systems. The Port track enables rail service to the City's Horn Rapids Industrial Park, in which the City has developed a City-owned industrial service railroad track. Several existing industrial businesses now take rail service over these tracks. Additional available development property could expand rail shipping businesses in the future. At present the Port leases its track to the Tri-City Railroad, who maintains the Port's track and provides local rail connection to the Union Pacific Railroad.

The United States Department of Energy controls rail entry into the Hanford Site north of Richland. Both Burlington Northern and Union Pacific have unlimited access to these tracks, which pass near Richland's industrial areas. A public rail dock has been constructed on Richland's northwest side, and there are plans to extend tracks west into Richland's vacant industrial area, north of the Richland Airport.

Passenger Rail Facilities

Amtrak's Empire Builder line provides passenger rail service daily from the Tri-Cities to Spokane and to Portland. Trains use the passenger station at West Clark Street and Tacoma Avenue in Pasco.

Port Facilities and Barge Services

Three port districts operate on the Columbia and Snake Rivers in the Tri-Cities metropolitan area. The Port of Benton has more than 6,000 feet of Columbia River frontage zoned for heavy industrial use at the Richland Industrial Park, which includes a barge facility that includes a high dock as well as a barge slip with 14 feet depth berths. The Port of Pasco has nearly two miles of waterfront, including a 650-foot dock, 20-foot-depth berths, and a 36-ton overhead crane. The neighboring 28-acre marine terminal facility has the largest bulk cargo tonnage movement on the upper Columbia River system. The Port of Kennewick has dock facilities along a 12-mile stretch of the Columbia

The Columbia-Snake River System is one of the most modern transportation networks in the nation. Numerous barge lines dock in the Tri-Cities, 325 river miles inland from the Pacific Ocean, furnishing easy, direct access to domestic and Pacific Rim markets. River transportation is a cost-effective shipping mode for the Tri-Cities. Commodities often move from the Tri-Cities to Pacific Rim nations at a time advantage when compared to ports in San Francisco and Los Angeles. Nearly three million tons of barge freight, composed of a wide variety of bulk and raw agricultural and industrial cargoes and intermodal container cargoes, enter and leave the Tri-Cities annually. Seven barge companies service the Tri-Cities, with a container dock offering direct access to truck and rail service. Port facilities are shown in Figure T-7.

Public Transit System

Ben Franklin Transit provides community fixed route bus service in Richland as shown in Figure T-8 and throughout the Tri-Cities area. This service radiates from the Bob Ellis/Knight Street Transit Center in the core area of Richland, with routes, 23, 25, 26, 27, and 39 providing local service within the Richland City limits. Route 10 serves West Richland; routes 110, 120, 170, 225 and 815 provide inter-city connections between West Richland, Richland, Kennewick, and Pasco. Current fares are $1.50 for adults and $1.00 for youths (ages 6 to High School); senior citizens 65 and over and children under 6 ride free. Monthly passes are available as well. The fixed route bus system does not operate on Sundays, but evening and Sunday transit service can be obtained through TransPlus. Ben Franklin Transit serves some areas of the community through a shuttle service called Taxi Feeder. Such areas within and near Richland include: Broadmoor/Bellerive, Crested Hills, Rancho Reata and Willowbrook. Ben Franklin Transit also provides transit and vanpool services to the Hanford Site.

Trucking Lines

Richland and the Tri-Cities metropolitan area are served by more than 35 local, regional and national trucking lines. Eleven western states, Alberta, and British Columbia are within second-morning delivery service of the Tri-Cities.

Other Services

Several taxi and limousine services operate in the Tri-Cities area. Greyhound Bus Lines also serves the Tri-Cities, with daily stops at the joint Amtrak station in Pasco. Connections can be made there through the Ben Franklin Transit System In addition, several transportation companies offer charter bus service throughout the region on an as-needed basis.

SECTION THREE

LEVEL OF SERVICE

LOS DEVELOPMENT

The GMA requires jurisdictions to maintain standards for transportation LOS. These standards are used during transportation studies to determine appropriate improvements to achieve acceptable Levels of Service. For future conditions, these standards are also used in conjunction with forecasts that come from a computerized model of the City's roadway system to analyze the transportation network and determine deficiencies under the Comprehensive Plan.

A capacity-based system for measuring LOS, developed by the Transportation Research Board, is outlined in the Highway Capacity Manual. Levels of service for different types of transportation facilities are based on parameters that best describe operating conditions for that type of facility, as well as the perceptions of drivers and passengers. These parameters are called measures of effectiveness. The measures of effectiveness used for Richland's transportation system are outlined in Table T-1.

Table T-1: LOS Measures of Effectiveness

Type of Facility	Measure of Effectiveness
Freeways (basic segments)	Density (vehicles/mile/lane)
Multi-lane highways	Density (vehicles/mile/lane) or Free-flow speed (miles/hour)
Arterials	Average travel speed (miles/hour)
Signalized intersections	Average stopped delay (seconds/vehicle)
Un-signalized intersections	Average total delay (seconds/vehicle)

Levels of service are expressed using a scale with letter designations ranging from A to F. LOS A represents the highest level and the best operating conditions, and LOS F is the lowest level. The computerized traffic model replicates the operating conditions of the network and is used to assign an LOS to each roadway segment and intersection. Table T-2 generally defines the LOS rating scale.

LOS MEASUREMENT

Methodology

Levels of Service for Richland used during traffic impact studies and corridor studies are measured using the Highway Capacity Manual procedures and methods.

The afternoon peak time period (PM peak hour) was used for the traffic modeling; this has been determined through research to provide the best overall results and is a standard used in all traffic model preparation. Roadway data collected from City records included traffic counts, locations of stop signs and signals, speed limits, and lane configurations. Land use data were collected for existing employment and housing. The model output can be expressed in terms of both traffic volumes and average speeds. These are used to determine levels of service.

Table T-2: Level of Service Criteria for Intersections

LOS Rating	Signalized Intersections and Roundabouts Control Delay per Vehicle (s/veh)	Un-signalized Intersections Control Delay per Vehicle (s/veh)
A	> 0-10	>0 - 10
B	> 10-20	>10 - 15
C	> 20-35	>15 – 25
D	> 35-55	>25 – 35
E	> 55-80	>35 – 50
F	> 80	>50

Threshold LOS

To determine whether service levels of a roadway system are deficient, a threshold LOS must be established. Any roadway with an LOS better than the threshold is considered acceptable, and a roadway with an LOS worse than the threshold is considered deficient. For this analysis, the threshold is LOS D, which is the same level adopted by Benton Franklin Council of Governments and used in the Regional Transportation Plan. Existing conditions was evaluated using a single peak-hour

calculation. As with the previous analysis, the minimum threshold LOS will be D, and roads with an average LOS of E or F will be considered deficient.

The threshold for all movements in signalized intersections and roundabouts is LOS D. Signalized intersections and roundabouts at LOS D or better, but have movements at LOS E or F then analysis of queues impacting adjacent signalized intersections and movement delay is required. If failures to individual movements are caused by delay, then exceptions may be considered by demonstrating a volume to capacity ratio of 95% or less for left-turn movements while demonstrating a volume to capacity ratio of 85% or less for thru movements, while still achieving an overall LOS D for the intersection. 95th percentile queue length extending into adjacent signalized or roundabout intersections or major driveways (over 1000 vehicles per day) are considered deficient.

Unsignalized intersections at LOS E may not be considered deficient if all minor street movements operate at LOS E or better. Unsignalized intersections at LOS F may not be considered deficient if an accessible signalized intersection or roundabout operating at LOS D or better is within a quarter mile of the unsignalized intersection as an alternative route than using the unsignalized intersection.

SECTION FOUR

DEFICIENCIES AND IMPROVEMENTS

The City meets its transportation concurrency requirements by identifying deficiencies based on the LOS established above, and addressing deficiencies through short and long term improvements. The City plans to provide adequate transportation facilities within it growth areas as growth occurs according to the GMA.

SHORT TERM IMPROVEMENTS

As mentioned above, existing conditions analysis was performed for the purposes of this Comprehensive Plan update by reviewing recent studies that have been performed within the City of Richland to determine the impacts of proposed development. Other studies have been commissioned by the City to evaluate corridors for which short and long-range improvements were necessary in order to address congestion caused by growth in the region. City staff's knowledge of the transportation system has also contributed to identifying where problems are, especially at existing stop-controlled intersections.

Traffic volumes collected by the Benton Franklin Council of Governments in 2016 were reviewed as well and examined at a planning level for both roadway segments and intersection levels to identify other potential areas of concern that may not meet City LOS standards. The resulting roadway network PM peak hour existing volume to capacity ratios are shown in Figure T-9. Intersection entering volumes were also examined and evaluated for two conditions. First, whether stop control is adequate when comparing major street and minor street traffic volumes. Second, for signalized intersections, whether additional turn lanes are warranted based on volume to capacity ratios. Because of these studies, several roadway network improvements have been identified and are shown in Figure T-10.

As shown in Figure T-10, new traffic signals, and associated roadway improvements as applicable, are proposed at six existing un-signalized intersections. Improvements to existing signalized intersections are proposed, as determined through various studies to increase capacity at six locations as well. The most significant areas of concern are in the Queensgate Corridor from just north of I-182 south to Keene Road, and George Washington Way north of I-182.

Table T-3: City of Richland 2017 - 2022 Transportation Improvement Program as amended by City of Richland 2022 – 2028 Transportation Improvement Program

Project Title	Project Description	Total Cost ($)
Duportail Bridge	New bridge and roadway over Yakima River	35,000,000.00
Center Parkway Extension	Extend Center Parkway from Tapteal Drive to Gage Boulevard	1,334,120.00
I-182/Queensgate Drive Ramp Terminal Improvements	Construct roundabout at EB I-182 ramp terminals	2,715,000.00
Queensgate Drive/Columbia Park Trail Improvements	Add lanes to Queensgate Drive between Keene Road and I-182. Construct roundabout at Queensgate/Columbia Park Trail	1,700,000.00
Swift Boulevard Improvements	Pavement rehab, widen sidewalks, reduce lanes, streetscaping	1,365,000.00
Vantage Highway Pathway - Phase 2	Separated multi-use pathway between Robertson Drive and Stevens Drive	670,000.00
S. George Washington Way Intersection Improvements	Reconfigure GWW/Col. Point Drive intersection and modify I-182/SR 240 ramps	9,890,000.00
Columbia Park Trail - East	Reconstruct roadway to provide 3 lanes, curb and gutter, sidewalks, bike lanes, and streetscaping	1,300,000.00
Steptoe Street/Tapteal Drive Intersection Improvements	Realign Tapteal Drive to construct a new intersection with Steptoe Street including modifications to the at-grade rail crossing	1,380,000.00
Rachel Road Improvements	Construct a collector street between Bellerive Drive and Leslie Road	2,200,000.00
Queensgate Drive Extension	Construct a 3-lane roadway between Shockley Road and Keene Road	1,100,000.00
Gage Boulevard Improvements	Add bike lanes, shoulders, sidewalks, street lights, and storm drainage between Penny Royal and Morency	825,000.00
Bellerive Drive Extension	Construct a two-lane collector street between Wenatchee Lane and Rachel Road	70,000.00
Marcus Whitman Elementary - SRTS	Construct sidewalks and frontage improvements and overlay on Snow Avenue between Duportail Street and Hoffman Street, and Gray Street between Snow Avenue and Winslow Avenue	491,200.00
Stevens Drive Pathway	Construct a separated multi-use pathway on the east side of Stevens Drive between Spengler Street and Horn Rapids Road	950,000.00

Project Title	Project Description	Total Cost ($)
Queensgate Drive - Phase II	Construct a two-lane collector street between Bermuda Road and Alla Vista Road, including frontage improvements	3,400,000.00
Vantage Highway Pathway - Phase 3	Construct a separated multi-use pathway on the north side of SR 240 between Twin Bridges Road and Kingsgate Way	600,000.00
Downtown Connectivity Improvements	Conversion of George Washington Way and Jadwin Avenue to a one-way couplet between Symons Street and Jadwin Avenue. Add active transportation connectivity and safety improvements.	16,000,000
Systemic Pedestrian Crossing Safety Improvements	Construct safety improvements at various pedestrian crossings identified in the Local Road Safety Plan	1,300,000
Systemic Stop-Controlled Intersections Safety Improvements	Construct safety improvements at various stop-controlled intersections identified in the Local Road Safety Plan.	2,200,000

LONG TERM IMPROVEMENTS

This section discusses the future roadway network to serve the anticipated growth within the City. It identifies additional bicycle and pedestrian projects as well.

Future Functionally Classified Roadway Network

Growth in the City of Richland is anticipated in several undeveloped areas, including the south Richland area south of the Yakima River, as well as the Badger Mountain South sub-area and the Horn Rapids Industrial Park in north Richland. The City of Richland has planned a roadway network to serve these developing areas and many of the improvements will be paid for by private development.

The City Municipal Code has definitions for various types of streets, identifying the purpose for each road along with associated standards. The code divides collectors into two types, the Arterial Collector and Neighborhood Collector, which is somewhat different than the currently approved state classified system. The future functionally classified street system of roadways is shown in Figure T-11 and is the network towards which the City is working to provide in order to serve development. It includes the following mileages of the various types of roads.

FUTURE DEFICIENCIES

Roadway System

The GMA requires that communities forecast anticipated growth in traffic volumes for at least a 10-year horizon based on the adopted land use plan to provide information on the needs of future growth.

As a tool in preparing the Regional Transportation Plan (RTP), the Benton Franklin Council of Governments maintains a set of regional computerized transportation models. The model is developed using current traffic data and land uses in the region using Transportation Analysis Zones

(TAZs) that are defined by various attributes describing the number and type of households and employees as well as other land uses within each zone. The model is calibrated for existing conditions using Federal Highway Administration procedures and methods. Once calibrated for existing conditions, changes in assumptions for future land uses and roadway networks can be made to determine the potential impacts of developments and roadway scenarios. Land use assumptions representing future conditions are developed to determine various impacts on the roadway network at a regional level. The future year model representing the year 2032 developed by Benton Franklin Council of Governments and prepared in 2012 represents the best land use and roadway assumptions available at the time it was created and substantially represents the land use scenario presented in this Comprehensive Plan Update. The current RTP is in the process of being updated to the year 2040 but is unavailable during this Comprehensive Plan Update. Once updated, the City will review the results and plan accordingly to address congestion that is anticipated in the long-range scenarios beyond those that are already identified.

It must be recognized that although traffic models are calibrated within acceptable ranges, the model is just one tool in transportation planning and traffic forecasting. The Benton Franklin Council of Governments model is a PM peak hour model that provides roadway segment volumes (not specific turn movement volumes).

A major transportation challenge within the City of Richland transportation system is for north-south travel. Several factors contribute to this situation, including the major regional employers situated north of the City, combined with the fact that significant housing that is provided south and east of the Yakima and Columbia Rivers within the region. Regional commute traffic from south Richland, Kennewick and Pasco, is currently limited to SR 240 and George Washington Way for north-south travel through the City of Richland because of the challenge of providing adequate capacity to cross the Yakima River to the south and Columbia River to the east. I-182 also creates a barrier given that there are only three access points and four crossings within the City as well.

Congestion as a result of this north-south demand at commute times is manifest at the I-182/George Washington Way interchange and also at I-182/SR 240/Aaron Drive interchange as well as most other cross-streets of SR 240 such as Duportail Street, Swift Boulevard, Van Giesen Street and Jadwin Avenue. A related issue with this north-south congestion is the associated congestion at city street facilities that interface with the state highway facilities. For example SR 240/Columbia Park Trail and I-182/Queensgate Drive.

The 2032 Regional Transportation Model was reviewed for deficiencies, and as noted above identifies several locations of anticipated future deficiencies. Many of the corridors discussed above have been studied by the City to better understand future conditions in more detail and to determine appropriate solutions to address anticipated transportation issues. Such studies have considered the following improvements for these corridors, and the projects have already been included above in Table T-3 Transportation Improvement Program:

- Southern portion of the George Washington Way corridor in the vicinity of I-182 interchange
- Queensgate Drive/I-182 Interchange eastbound ramps to the south

Relatively few congestion issues exist on the local street system as the City has engaged in planning and financing efforts for the South Richland Collector system. Completed projects such as Steptoe Street south of Gage Boulevard to Clearwater Avenue have helped to alleviate congestion. The extension of Rachel Road between Leslie Road and Steptoe Street will also help to address congestion on other facilities such as Gage Boulevard. Some long range projects, in addition to those listed above under existing deficiencies, have already been identified by City Staff and are included in the 2040 regional modeling process, that to address issues identified in the 2032 regional traffic model. Major projects of note include:

- I-182 / SR240 / Aaron Drive Interchange Improvements
- Kingsgate / Queensgate Corridor

These projects are listed below in the recommendations section as well, along with other projects identified in the South Richland Collector Financing Program that has set impact fees for development.

The BFCOG also conducted a study for an additional crossing of the Columbia River. Although not likely to be funded within the next 20 years, the City of Richland is supportive of an alternative north of the Hanford 300 Area in north Richland.

Air and Rail Services

Growth in Richland and the Tri-Cities area will increase demand for airport services, but air transportation demand is more directly related to regional changes. For example, the closure of Vista Field in the City of Kennewick significantly increased the number of based aircraft at the Richland Airport and therefore the demand for more hangars. As mentioned earlier, the Richland Airport Master Plan calls for a runway extension to the north for a total of 5,000 feet in order to accommodate faster aircraft and corporate jets. This runway extension will cause the Runway Protection Zone (RPZ) to be extended over SR 240 and some developed industrial properties. The Federal Aviation Administration (FAA) in recent years has taken significant interest in development within Runway Protection Zones, thus this action will require study and potential mitigation. Of note also is the fact that the future roadway deficiencies list the widening of SR 240 between Stevens Drive and Kingsgate Way. Since this roadway widening is within the future RPZ, the FAA would require an RPZ Analysis as well.

Demand for freight and passenger rail facilities could increase, depending on the type of new commercial and industrial development the plan's economic strategy attracts. The City of Richland has put significant investment into additional rail lines to serve the Horn Rapids Industrial Park. Additional rail lines may be warranted as well to serve areas to the north of Horn Rapids Road.

Bicycle and Pedestrian Facilities

The Benton Franklin Council of Governments completed a Regional Active Transportation Plan in 2016. As part of the planning process several workshops were held to give participants the opportunity to identify issues and concerns with providing facilities that foster active transportation. Specific issues within the City of Richland ranged from specific maintenance locations as well as barriers such as missing trail segments, railroad crossings, freeway overpasses, and shared parking lanes that make bicycle travel more challenging. Five specific projects within the City of Richland were identified, four of which were listed in the TIP projects for 2017 – 2022 in Table T-3. The fifth project is a pedestrian overpass along Columbia Center Boulevard over SR 240.

The City also considers multi-modal needs in new corridors and in street standards for when new roadway facilities are constructed.

There are no identified deficiencies in bicycle and pedestrian facilities within the City from a Level of Service perspective. However, the City regularly develops stand-alone bicycle and pedestrian projects and also incorporates bicycle and pedestrian facilities into roadway projects to enhance the transportation system and improve the quality of life of its citizens and visitors.

Improvement Projects

The Comprehensive Plan will require improvement projects for both planning periods to address level of service deficiencies. Additional improvements will be needed as part of the Plan's proactive

strategy to encourage economic development. Projects also may be needed to address safety or maintenance needs. Table T-4 shows the preliminary recommended improvements to address LOS deficiencies. It also includes projects anticipated to be constructed not just to address LOS deficiencies, but to provide the future functionally classified network shown earlier in Figure T-11. Improvements identified in both tables T-3 and T-4 are shown in Figure T-12.

Some projects will be City's responsibility; others will be the responsibility of the Washington State Department of Transportation (WSDOT), and in many cases developers will be required to construct improvements associated with proposed subdivisions or other developments.

Table T-4: Long Range Transportation Improvements

Project Title	Project Description	Total Cost [1] ($)
Kingsgate South Extension	New arterial route from the existing west end of Queensgate to SR224 (Van Giesen)(Portions of the route will likely be on Jones Road right of way)	60,000,000
Kingsgate North Extension	New arterial route from south end of Kingsate @ SR 240 to SR 224 (Van Giesen). Portions of the route will likely be on the Jones Road right of way	4,280,000
Queensgate West Extension	New arterial route from the existing west end of Queensgate to west of the Kingsgate South extension	3,000,000
City View Extension	New route extension from Duportail Street to Kingsgate.	2,000,000
I-182 / Eastbound Onramp	New eastbound onramp at Queensgate / I-182 Interchange	15,000,000
I-182 / SR240 / Aaron Drive Interchange Improvements	Interchange improvements to grade-separate key movements	40,000,000
SR240 Pedestrian Overpass	Pedestrian bridge parallel to Columbia Center Blvd. over SR240	4,000,000
SR240 / Twin Bridge Road Improvements	Twin Bridge extension to Horn Rapids Road and signal at SR240	1,425,000
SR240 Widening	Add travel lanes between Beardsley Road and Stevens Drive	5,000,000
SR240 Intersection Improvements	Improve intersections of SR-240 and Logston, Kingsgate, Twin Bridges, and Beardsley.	8,000,000
Gage Boulevard Improvements	Extension from Morency to Queensgate	1,250,000
Trowbridge Boulevard	New route extension from Dallas Road to Queensgate	2,625,000

Project Title	Project Description	Total Cost [1] ($)
Dallas Road Improvements	Urban street improvements between I-82 and Keene Road	2,904,300
Shockley Road	New route extension from Keene Road to Columbia Park Trail	360,000
Reata Road Improvements	Urban street improvements between KID Canal and Leslie Road with signal at Leslie	3,045,735
Van Giesen, Swift Blvd. Duportail Street / SR240 Intersection Improvements	Add lanes	1,700,000
Columbia Park Trail/Leslie Road	Add traffic signal	300,000
Badger South Sub-Area Plan	Collector roadway network	TBD, Developer Funded
Horn Rapids Industrial Area	Collector roadway network	TBD, Developer Funded

[1]*Funding for these projects will come from a variety of sources, including impact fees, developer construction, City General Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.*

Transportation Demand Management

Consistent with TE Goal 1, Policy 4, the City of Richland also actively participates in the preparation of the Regional Transportation Plan and the planning process with the Benton Franklin Council of Governments. This process regularly includes efforts regarding all modes of travel including transit, bicycle and pedestrian facilities, rail, and air. The Regional Transportation Plan includes a chapter on Transportation Choices that discusses the results and benefits of these alternative modes of travel that can reduce congestion, postpone the need for roadway improvements and improve air quality.

Other common strategies to reduce the automobile travel and the need for roadway improvements include the following:

- Assignment of a transportation coordinator to help employees find alternative commuting options;
- Cash-out parking programs that pay employees to give up their parking spaces;
- Employer-sponsored shuttles or vanpools;
- Carpool or vanpool incentives or subsidies;
- Ride-matching services;
- Preferential carpool and vanpool parking;
- Commute alternatives information;
- Provision of showers and locker facilities for bicycle and pedestrian commuters;

- Employer-provided travel allowances that employees can use to pay for parking or to commute by a travel alternative;
- Flexible work hours;
- Compressed work-week schedules; and
- Telecommuting programs allowing employees to work from home for certain tasks or positions.
- Form a transportation demand management committee made up of major employers and government representatives.
- Develop park-and-ride facilities near freeway interchanges.
- Develop pedestrian and bicycle facilities between key destinations.

FINANCING AND RECOMMENDATIONS

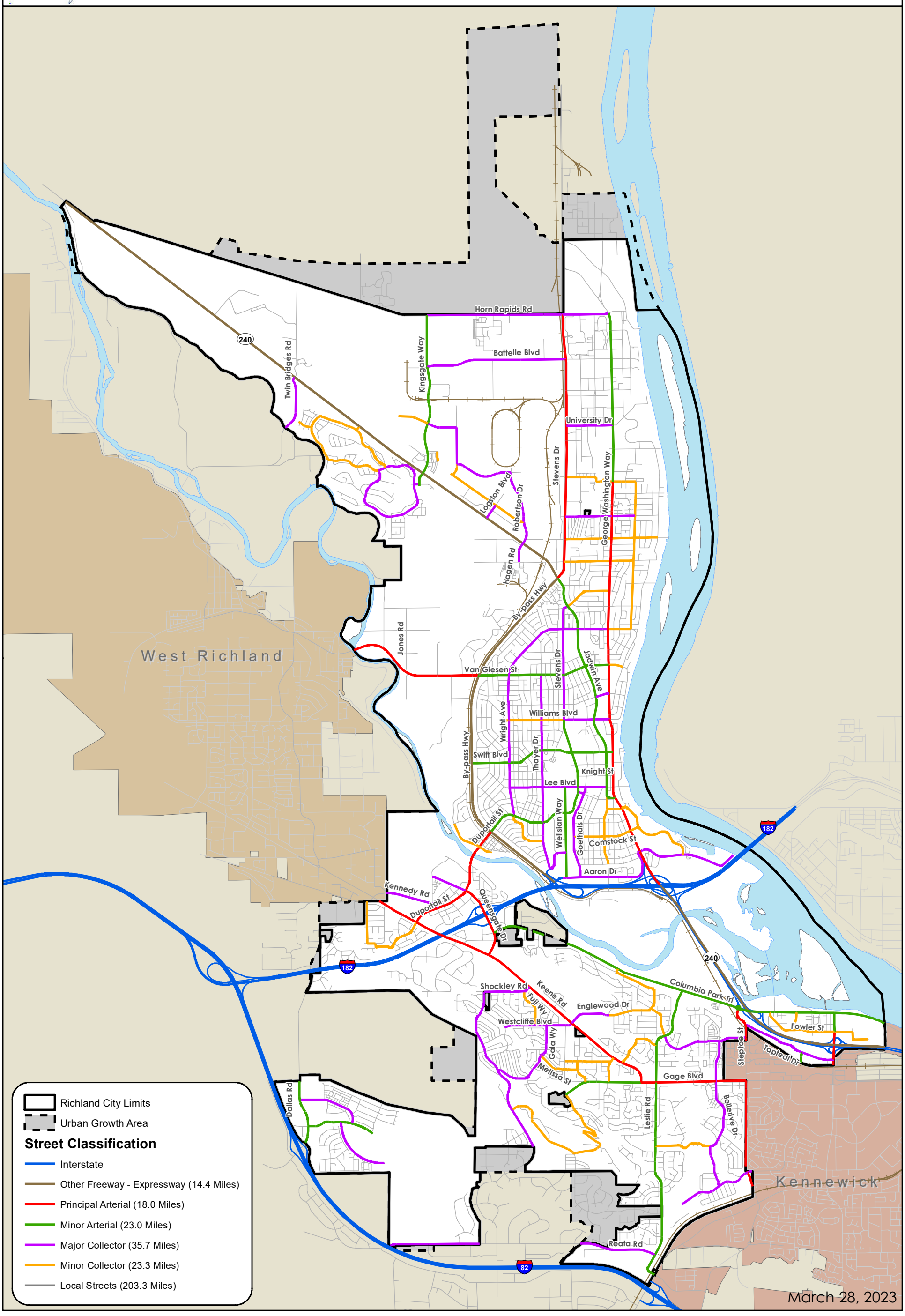
The City receives funding for transportation projects from a variety of sources, including impact fees, developer construction, City General Funds, Arterial Street Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.

The City collects impact fees established in the Richland Municipal Code (12.03) and began in 2004. It is called the Richland Street Collector Financing Plan and assists to develop the arterial street network in Richland and to make other improvements such as traffic signals as traffic volumes grow. The impact fee area generally involves four zones. South Richland's fee zones covers the area south of the Yakima River in two zones with the exception of the Badger Mountain South Sub-Area which is covered in a third zone. A fourth zone was added in 2022 and covers the area north of Van Giesen/SR-224 and west of Stevens Drive in north Richland. The impact fee was updated in 2008, 2012,2018, 2022, and another update expected in 2023. Projects that identified in the Richland Municipal Code (12.03) are also shown on Figure T-12.

Richland CIP and Transportation Improvement Plan (TIP) are updated every year. The TIP prioritized projects that are listed in Table T-3 above.

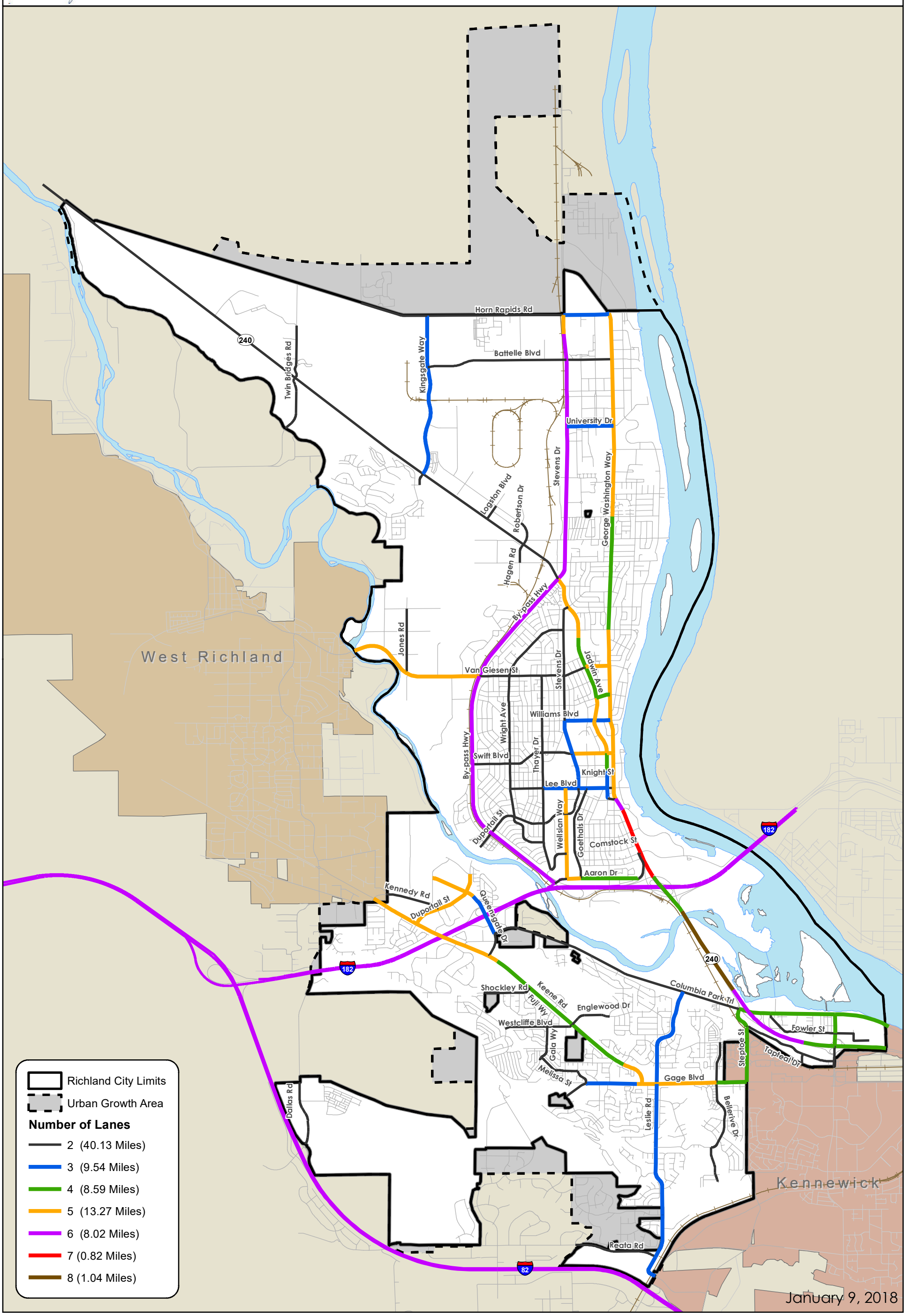
City of Richland

T-1 - Street Functional Classification System



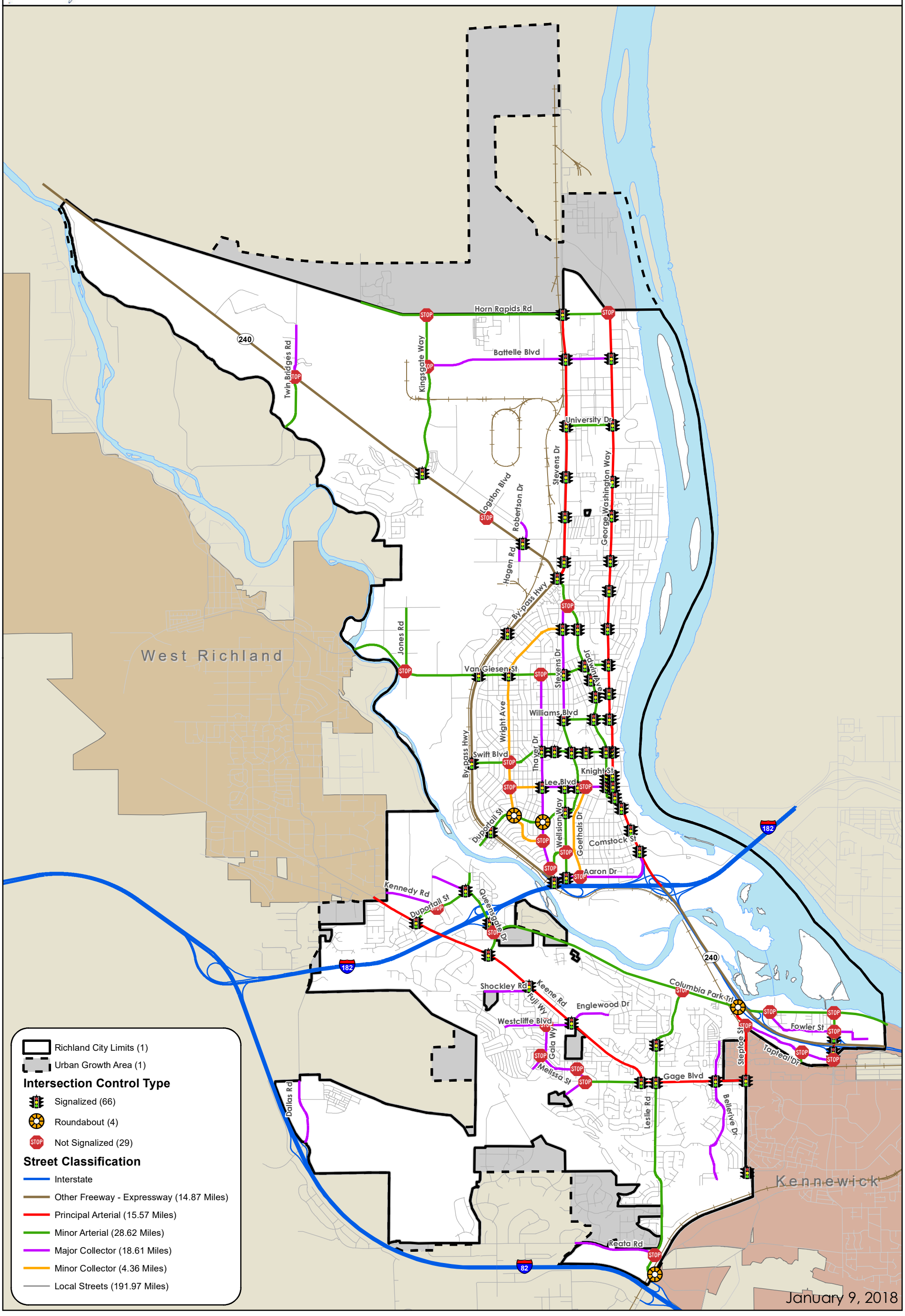
City of Richland

T-2 - Number of Lanes



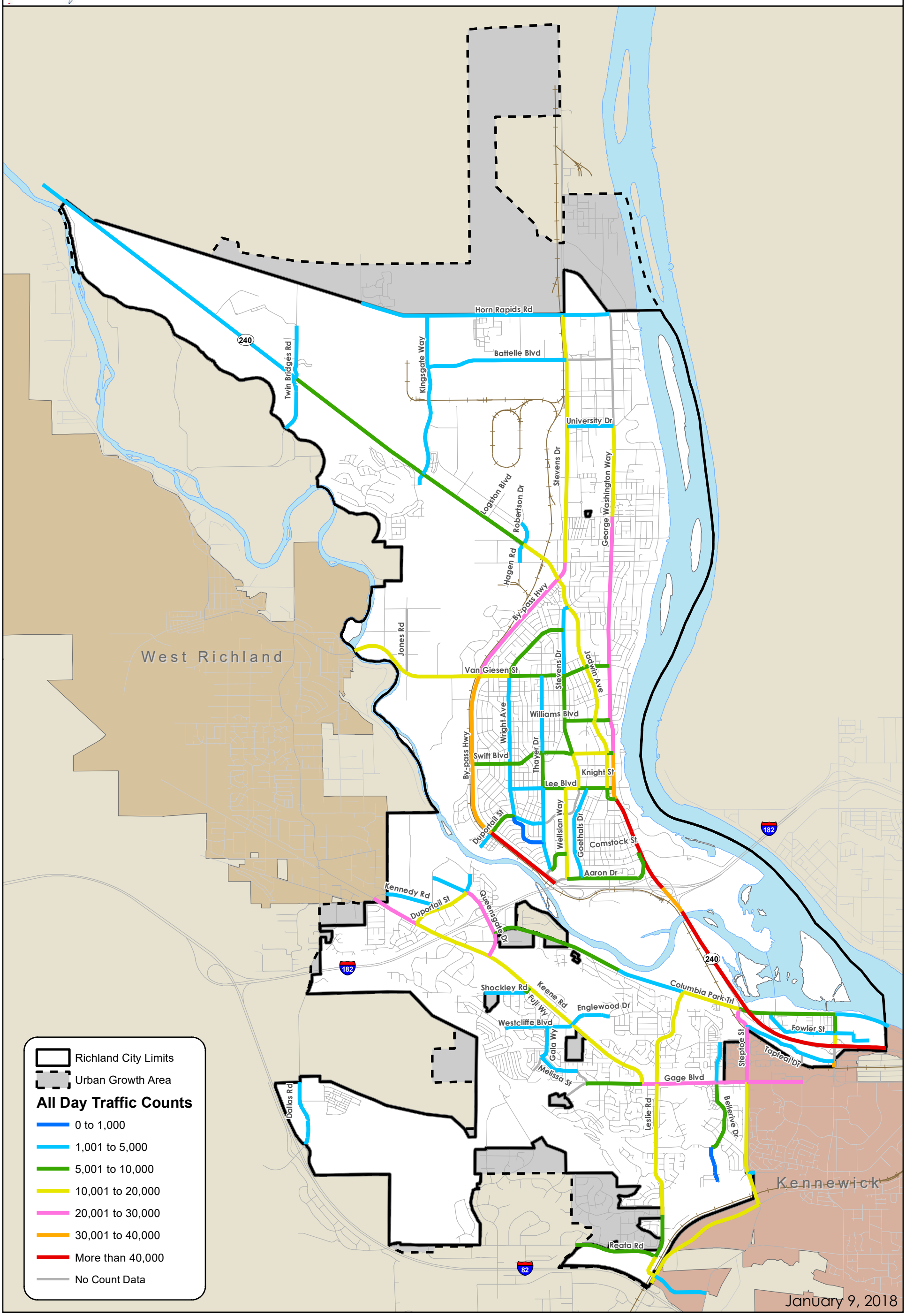
City of Richland

T-3 - Intersection Traffic Control



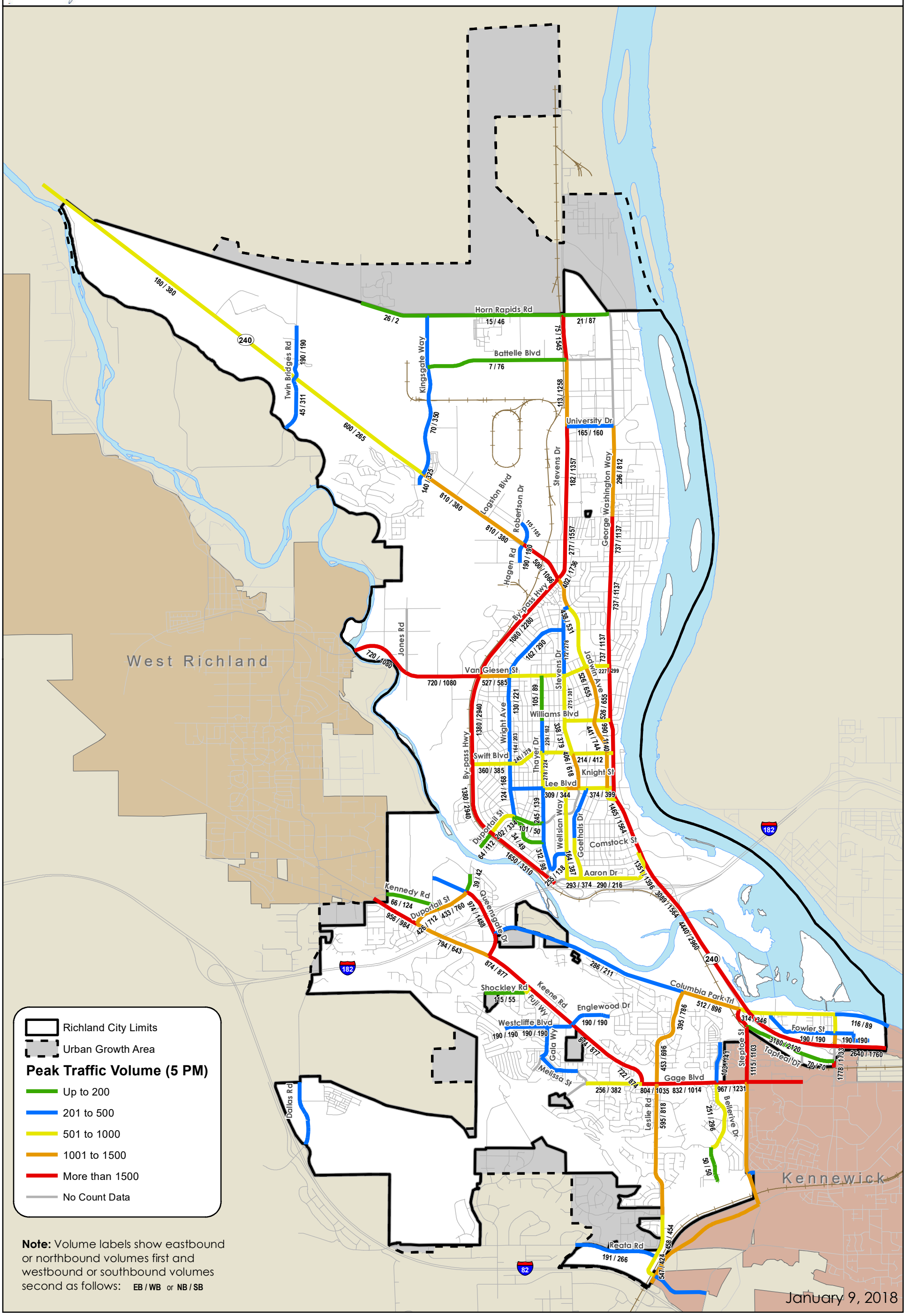
City of Richland

T-4 - 2016 All Day Traffic Counts



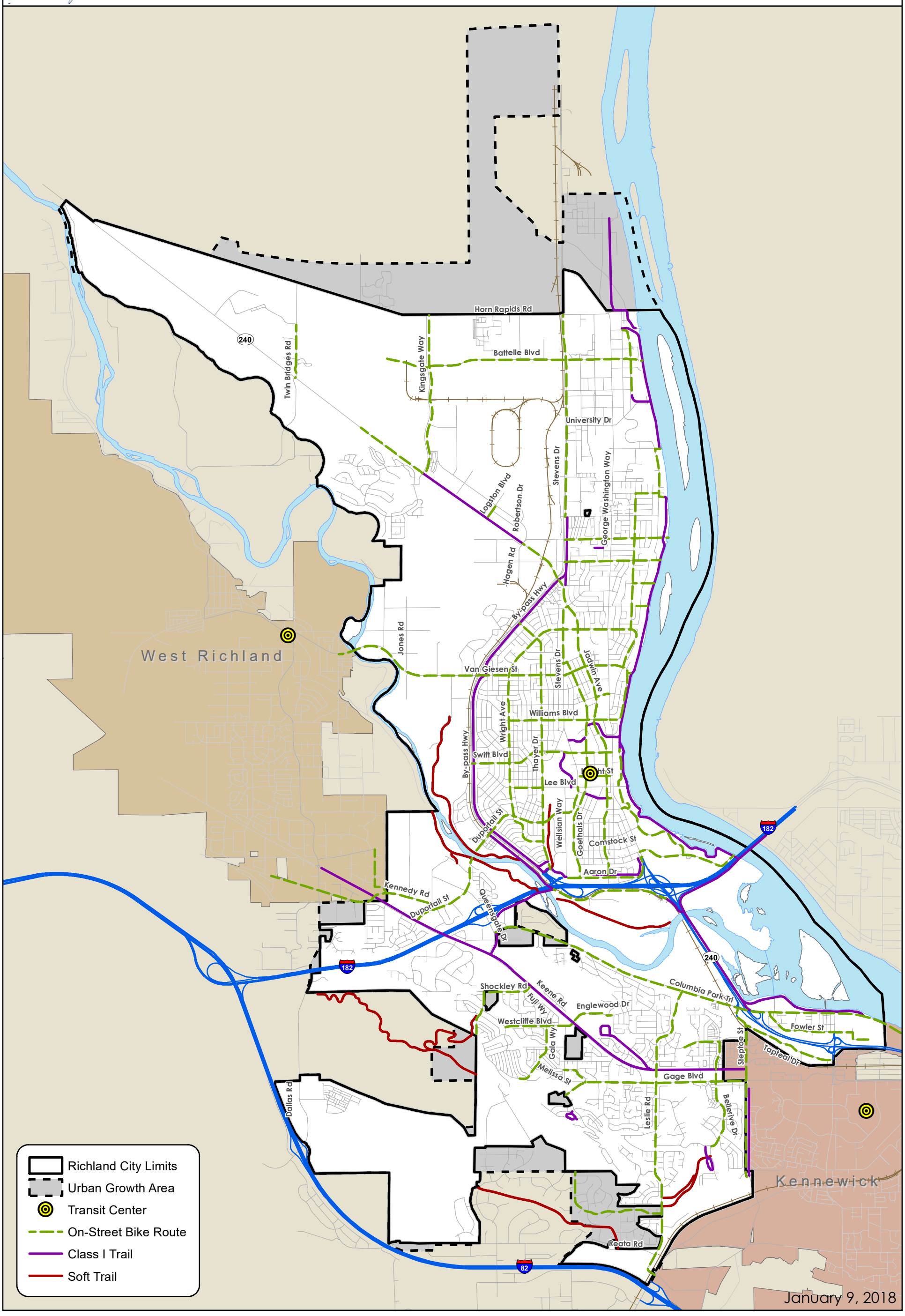
City of Richland

T-5 - 2016 Peak Traffic Volumes



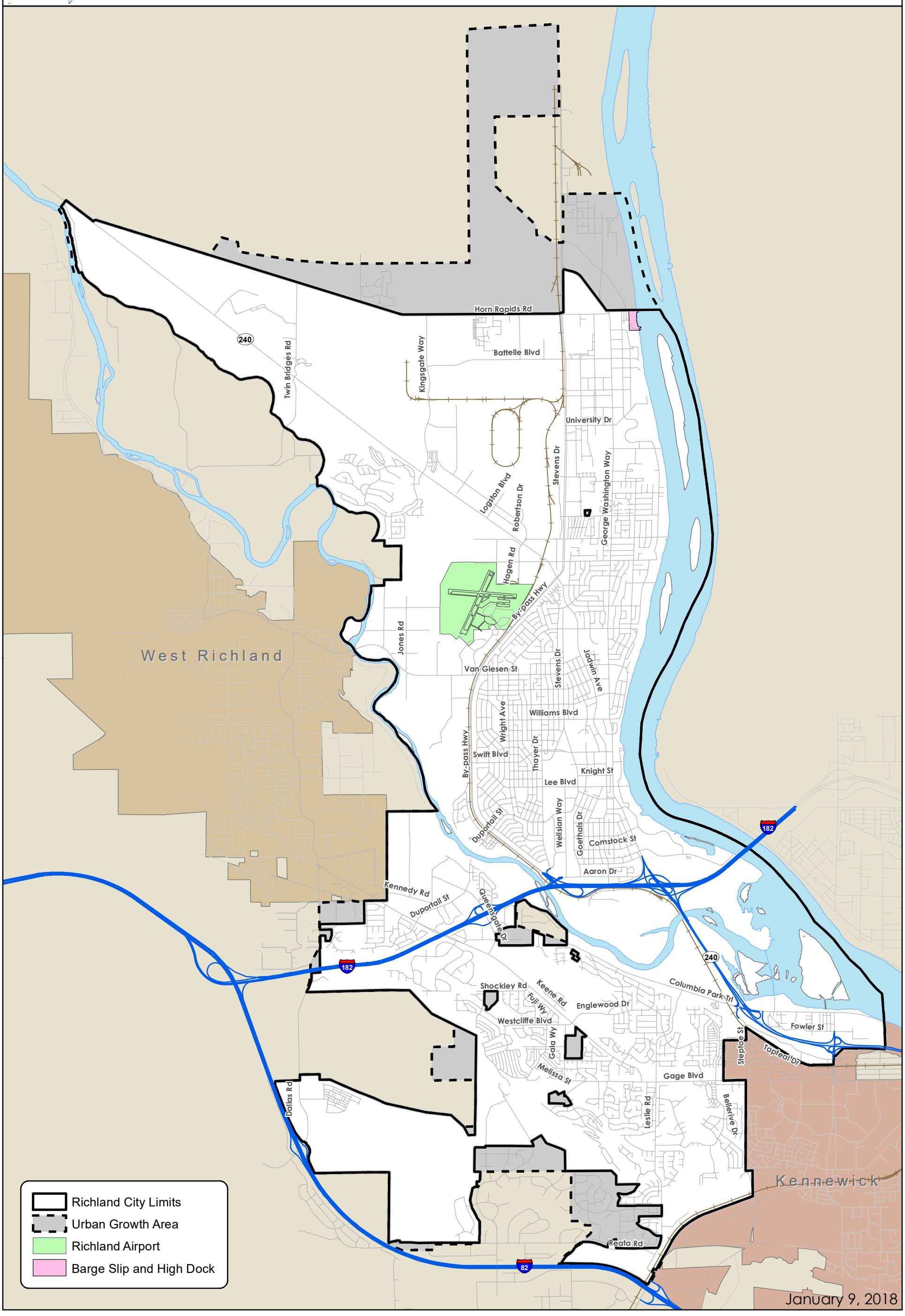
City of Richland

T-6 - Bike Routes and Paths



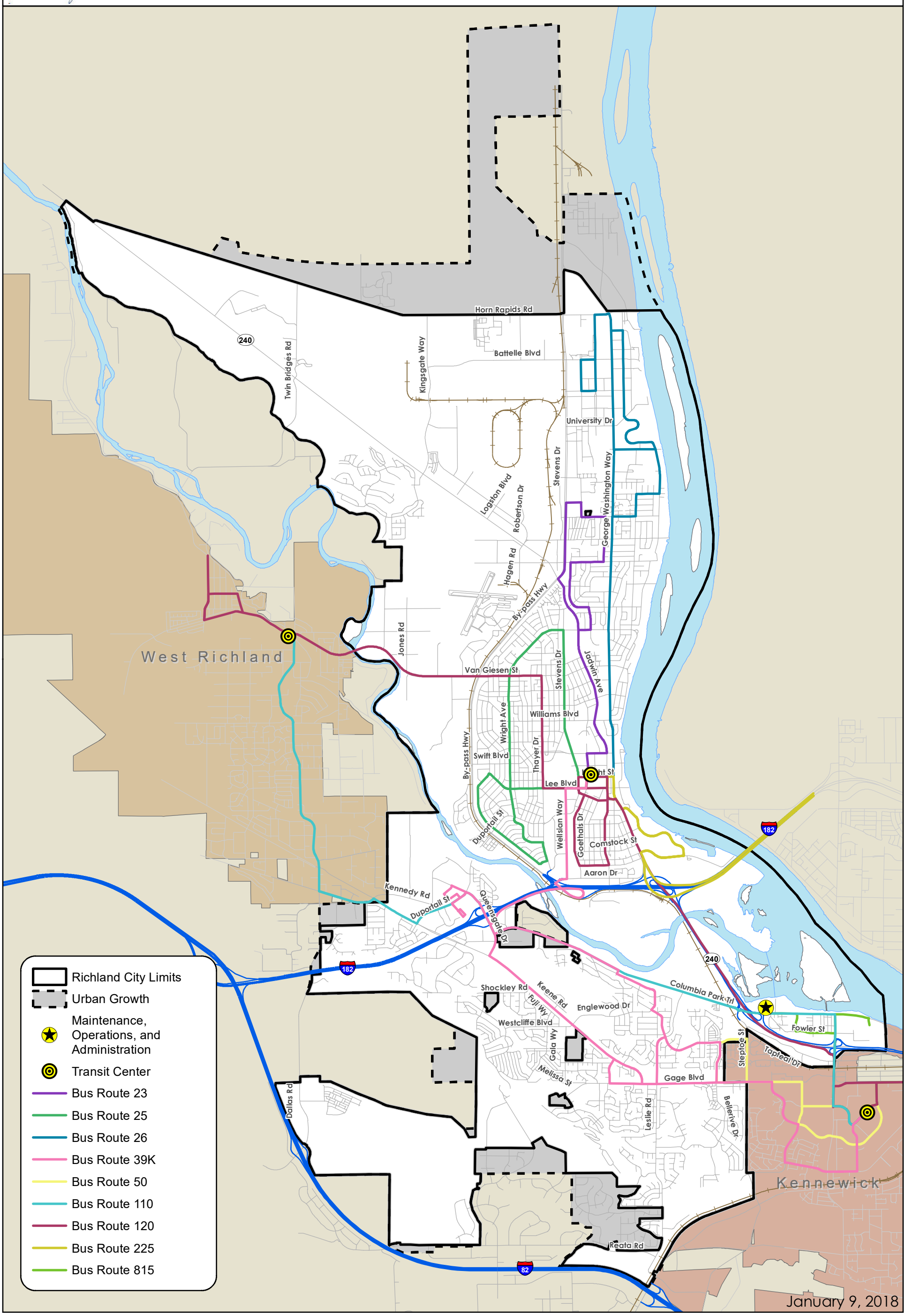
City of Richland

T-7 - Airport and Port Transportation Facilities



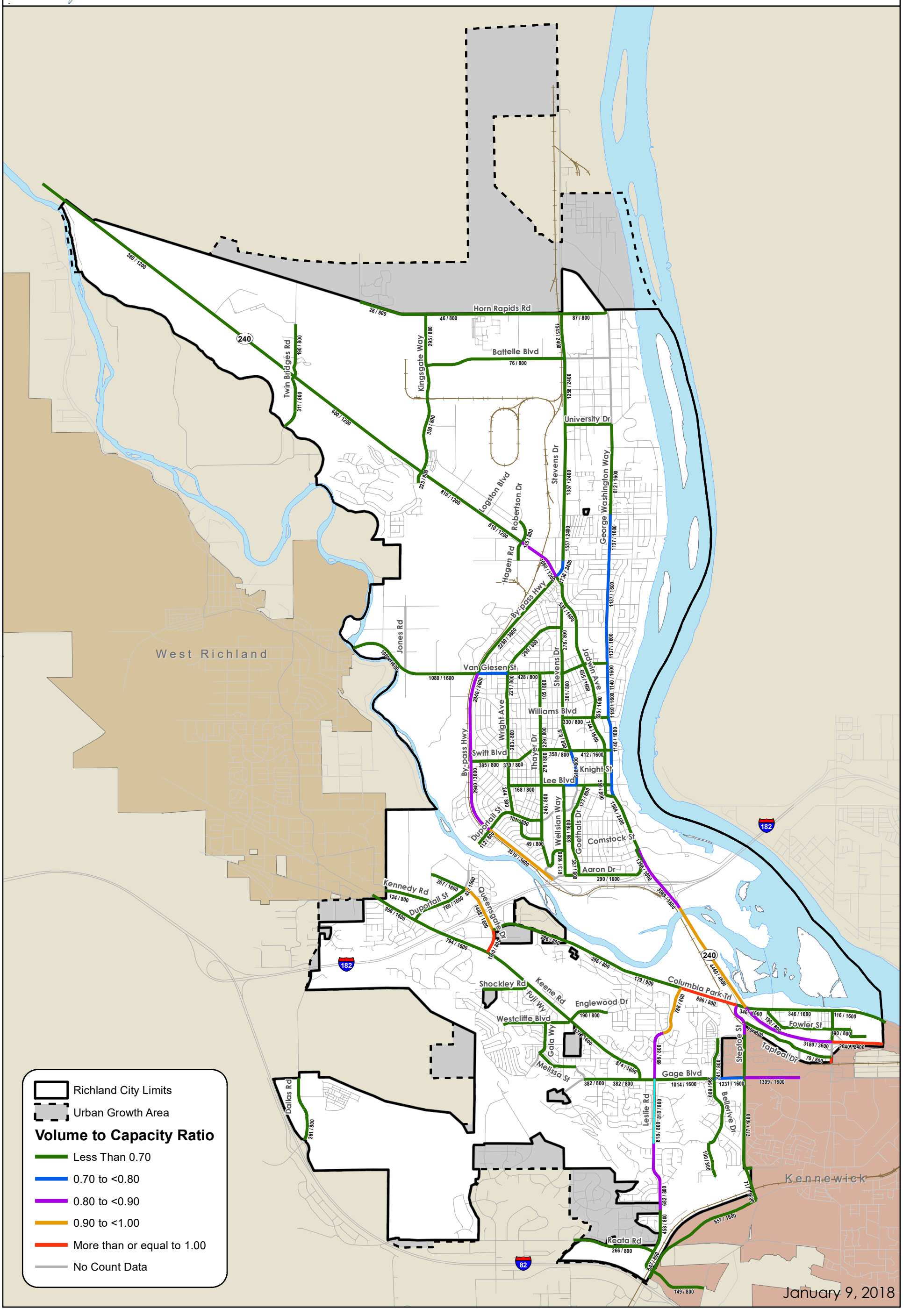
City of Richland

T-8 - Transit Routes



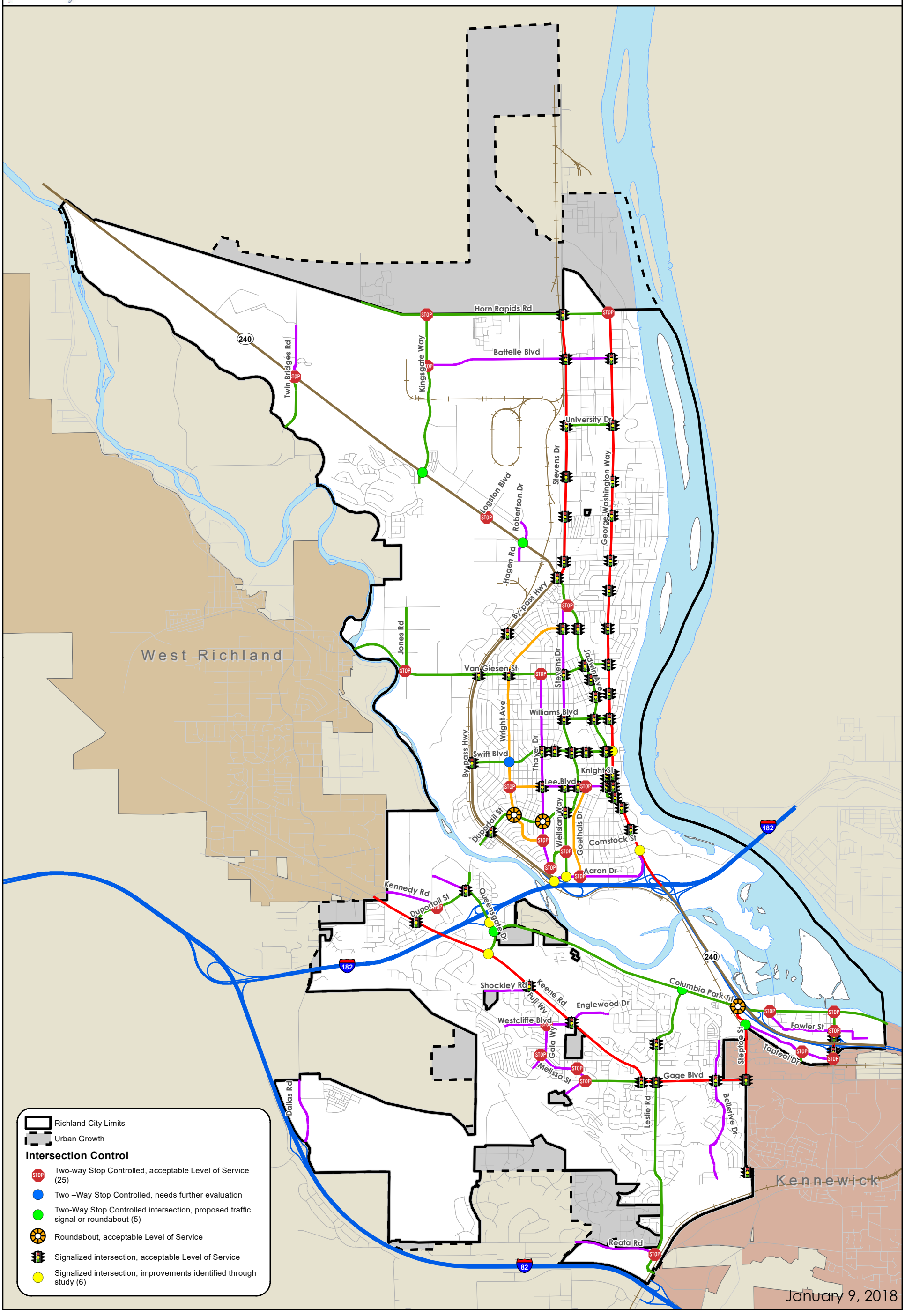
City of Richland

T-9 - Volume to Capacity Ratios



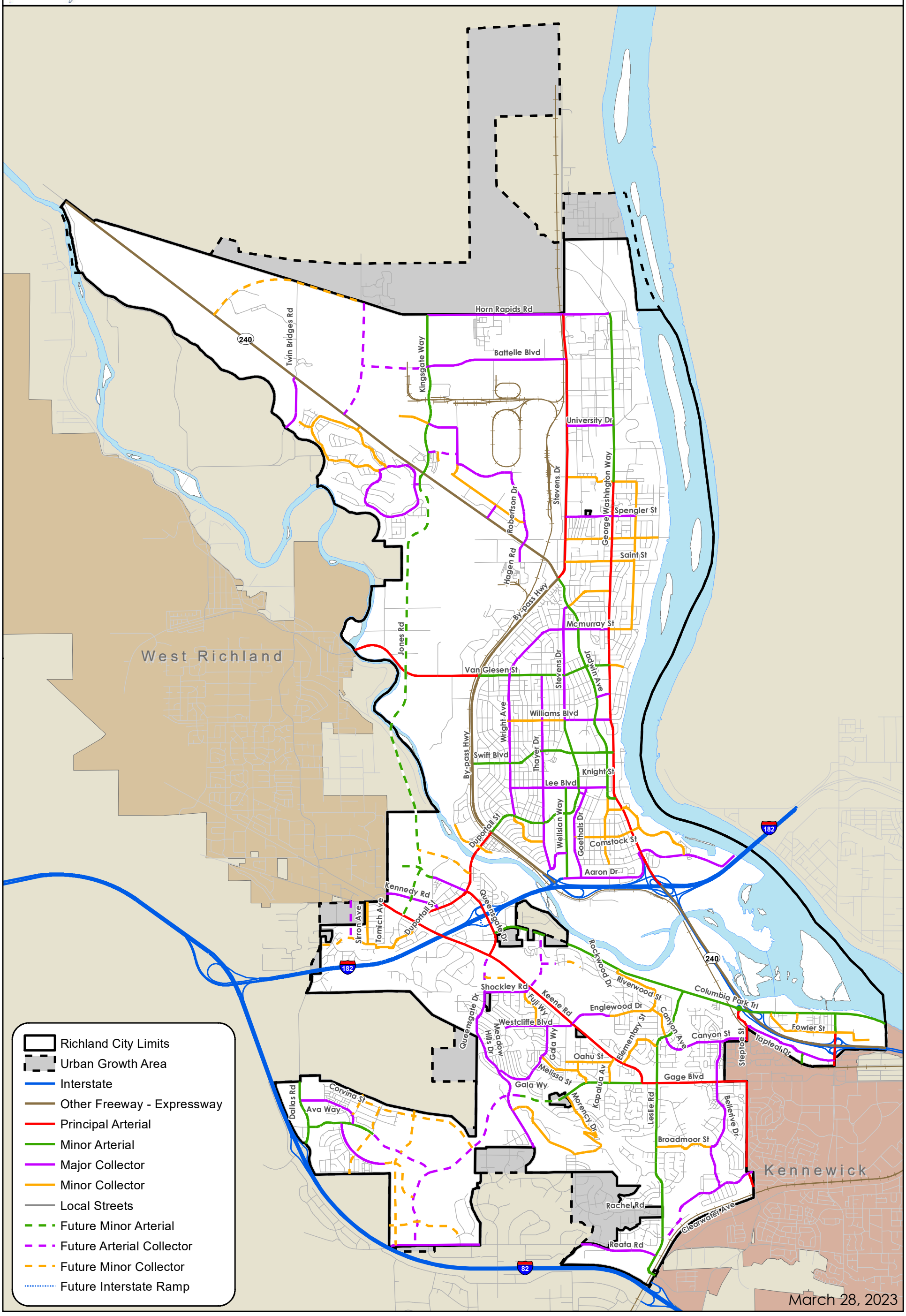
City of Richland

T-10 - Intersection Traffic Control Evaluations



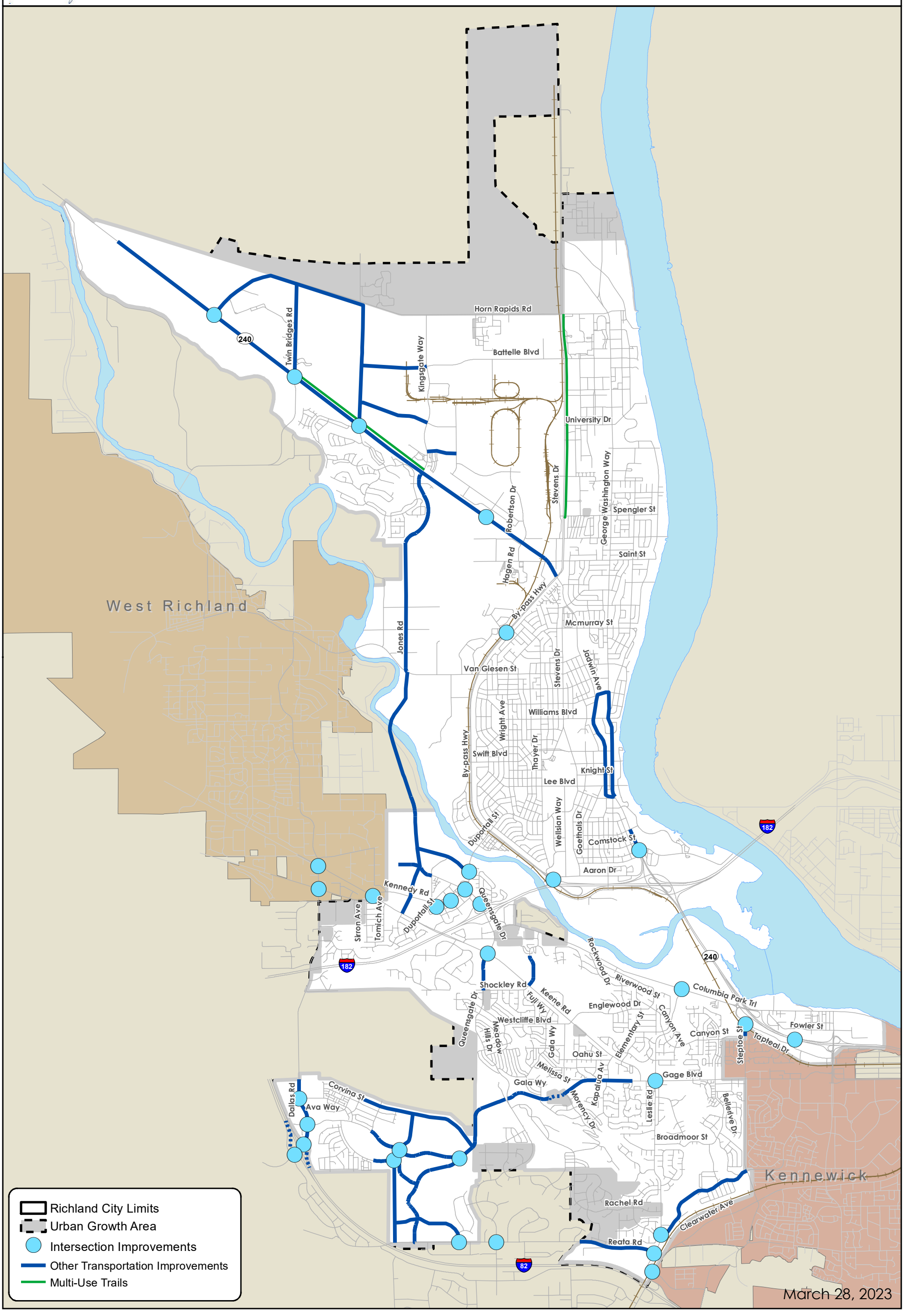
City of Richland

T-11 - Future Functionally Classified Street Network



City of Richland

T-12 -Transportation Improvements



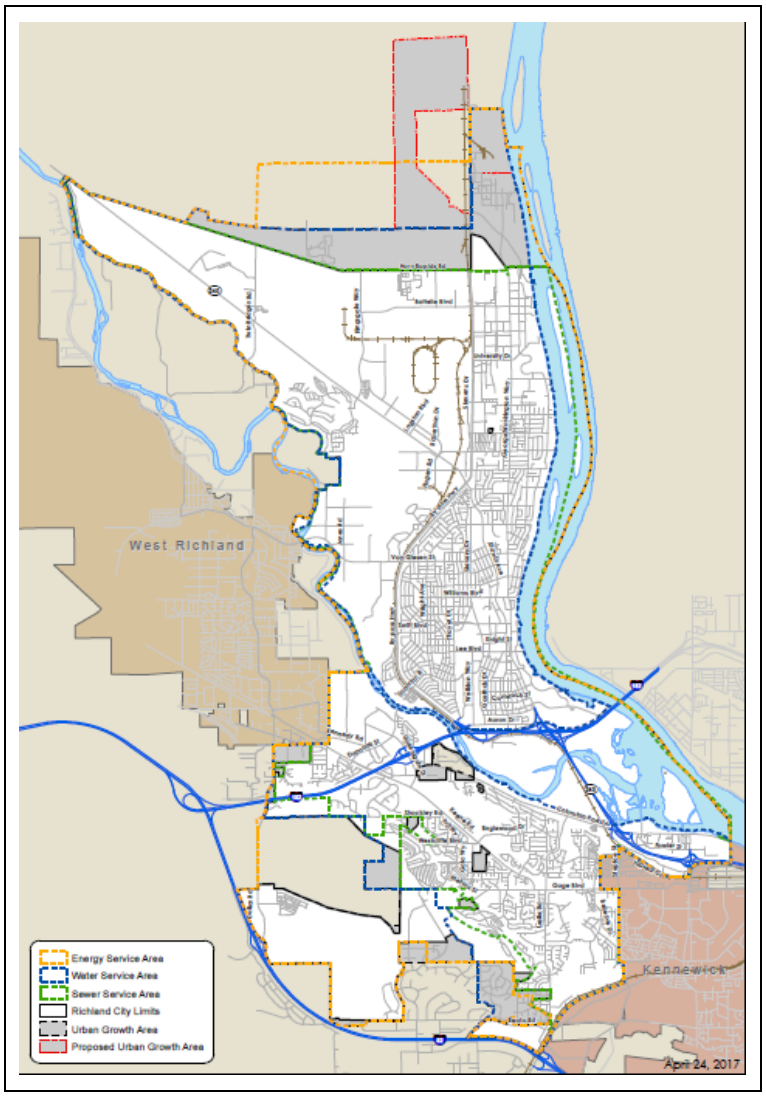
UTILITIES

SECTION ONE

INTRODUCTION

This section was developed in accordance with RCW 36.70A070 to address utility service within the City of Richland over the next 20 years. It consists of the general location, proposed location, and capacity of all existing utilities in the UGA. General utility corridors are identified in utility and transportation elements as many utilities are placed in conjunction with the transportation corridors. Utilities include wastewater, water, storm water, solid waste, and energy services provided by the City. This section also discusses utilities served by other providers in Richland. These are natural gas supply, tele-communications, and irrigation.

Figure U-1: Utility Service Areas



SECTION TWO

WASTEWATER FACILITIES

EXISTING CONDITIONS

The Richland sanitary sewer system was originally developed to serve the area around the CBD and the surrounding residential areas, but has been extended to other areas as they have developed, including north Richland, the Badger Mountain area, and the Horn Rapids community. The City's wastewater collection system serves the majority of Richland residents, but some outlying areas are still served by onsite septic systems; there are currently approximately 475 people served with onsite septic systems within the Richland City limits.

The sanitary sewer system includes a conveyance system, a wastewater treatment facility, and effluent disposal. Limited monitoring and analysis of the major trunks and interceptors were done in 1990s that showed that the system was in relatively good condition, with low levels of infiltration and inflow. However, the assessment data has become dated, and the City is planning on a more comprehensive assessment of the condition of the collection system in the next few years.

Sanitary Sewer Collection System

The existing Richland sanitary sewer collection system serves approximately 40 square miles of area, divided into seventeen drainage basins. The sewer service area boundary is shown in Figure U-2.

The collection system consists of over 262 miles of gravity collection pipes which range in size from six inches in diameter to 54 inches in diameter. Much of the Richland sewer service area is flat, making it difficult to construct sewers with the minimum slopes necessary for sewage flow. Pump stations receive sewage by gravity and augment the flow by pumping it to the treatment facility.

The City owns and operates 14 pump stations, ranging in size from 1.5 to 35 horsepower. Because of the cost of operation and maintenance, it is desirable to minimize the number of pump stations; many have already been eliminated by the interceptor improvements.

The 2015 General Sewer Plan Update included hydraulic modeling of all of the sanitary sewer pipes ten inches in diameter and larger. Overall, the collection system had adequate hydraulic capacity to convey current flows as well as future flows. Although the hydraulic analysis indicated relatively few capacity issues, the collection system is showing its age and a proactive renewal and replacement program has been developed to address this. A pipe replacement program was developed to prioritize sanitary sewer pipes with the greatest need for replacement each budget year. A significant element of this program includes an intensive survey of the existing pipes in order to determine condition ratings – this is scheduled to occur over the next three years.

The components of Richland's wastewater flow are sanitary flow, infiltration, and inflow. Sanitary flow includes wastewater discharged to the sewer from residential, commercial, and industrial sources. Infiltration refers to groundwater that enters the collection system through cracks in pipes and loose connections. The rate of infiltration is likely to be higher in older sections of the City because of older pipes and construction methods. New sewers are usually constructed with precast manholes and rubber-gasketed pipe, which effectively limit infiltration. Inflow is surface water that enters the system through downspouts, area drains, ponding over manhole covers, or cross connections with storm drains. Due to Richland's desert climate, storm-related inflow does not have a significant impact on the system.

Seasonal variations in wastewater flows are slight, with the total daily flow ranging from five to seven million gallons per day (MGD). The lowest flows occur during the winter months, the highest during the summer. Because Richland has a fairly permanent population and does not experience high tourist or vacation activity, the higher flows appear to be caused by elevated groundwater levels from irrigation, which results in higher infiltration. The wastewater flow characteristics are given in Table U-1.

Table U-1: Wastewater Flow Characteristics

Average Daily Flow	5.7 MGD
Peak Daily Flow	7.1 MGD
Residential Population	53,054 (2015)

Source: City of Richland General Sewer Plan, 2015

Wastewater Treatment Facilities

All flows collected by the Richland sanitary sewer collection system are transported to and treated at the Richland Wastewater Treatment Plant. Since its completion in 1985, the plant has consistently achieved the discharge requirements specified in its National Pollution Discharge Elimination System (NPDES) permit. The plant provides primary sedimentation, followed by secondary treatment using an activated sludge process. Plant effluent is disinfected with chlorine prior to discharge to the Columbia River. The design criteria and the current loadings for flow, organic loading, and suspended solids are summarized in Table U-2.

Table U-2: Richland Wastewater Treatment Plant Design Criteria

	Design Criteria	2015
Average daily flow for maximum month	11.4 MGD	6.25 MGD
BOD_5 loading for maximum month	17,250 lbs/day	14,099 lbs/day
TSS loading for maximum month	21,200 lbs/day	18,146 lbs/day
NH_3-N loading for maximum month	2,750 lbs/day	2,063 lbs/day

a. BOD = biochemical oxygen demand

b. TSS = total suspended solids

Source: City of Richland General Sewer Plan, 2015

The NPDES permit requires the City to submit a plan and a schedule for maintaining capacity whenever the actual flow or load reaches 85% of any one of the design criteria for three consecutive months. This is projected to occur in 2020.

LEVEL OF SERVICE

The service area for the City of Richland sewer system matches the UGA, although not all areas have sewer service. The City's 2015 General Sewer Plan addresses proposed future system improvements based upon current land uses within the UGA.

Current LOS standards for elements of the wastewater facilities system, contained in the 2015 Plan, are listed in Table U-3. Improvements recommended in the City of Richland Comprehensive Plan Utilities Element are aimed at maintaining these guideline LOS standards.

Table U-3: Wastewater Guideline LOS Standards

Element	LOS Standard
Residential Unit Flows[a]	160 GPDU[b]
Commercial Unit Flows	625 GPAD[c]
Industrial Unit Flows	1,250 GPAD[c]
Manning pipe roughness coefficient	0.012
Min velocity	2 feet/second

a. Based on 2.42 people per dwelling unit

b. GPDU = gallons per dwelling unit

c. GPAD = gallons per acre per day

Source: City of Richland General Sewer Plan, 2015

FUTURE DEFICIENCIES

The 2015 General Sewer Plan includes a CIP through the year 2024. For the planning period of 2017-2022, planned costs amount to approximately $18 million.

The 2015 General Sewer Plan also includes a financial plan that allows the wastewater utility to remain financially viable during the planning period. The analysis considers the historical financial condition of the utility, the financial impact of executing the CIP, the sufficiency of the utility reserves to meet future financial and policy obligation, and rate affordability.

RECOMMENDATIONS

The improvements described in the 2015 General Sewer Plan will address deficiencies resulting from growth for the planning period. The General Sewer Plan includes long term improvement plans from 2015 to 2024. The 2017 Capital Improvement Program identifies the priority projects and associated financing as shown in tables U-4 and U-5 below.

Table U-4: Capital Improvement Project Costs

Facilities	Total Cost	Time-frame
City View Sewer Relocation	$180,000	2017
Collection System Renewal & Replacement	$12,244,000	2017 - 2022
WWTP Influent Upgrades	$2,183,000	2017
WWTP Renewal & Replacement	$3,343,000	2017 - 2022
Total	**$17,950,000**	**2017 - 2022**

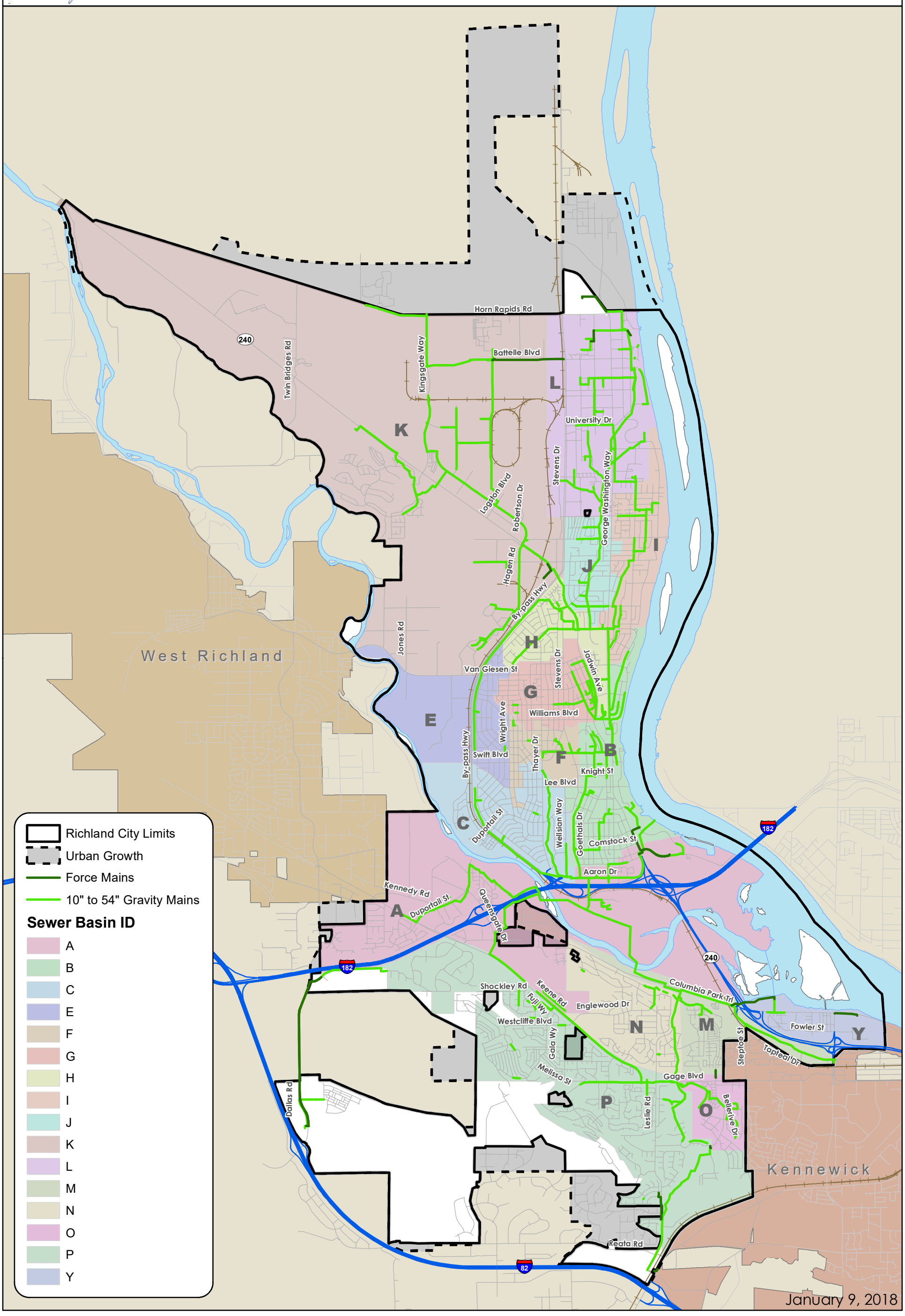
Table U-5: Capital Improvement Funding Sources

Funding Source	Total Fund	Time-frame
Bonds - Future Issue	$2,183,000	2017
Rate Revenue	$11,567,000	2017 - 2022
Wastewater Facility Fees	$4,200,000	2017 - 2022
Total	**$17,950,000**	**2017 - 2022**

Long term projects include collection system upgrades for the Bellerive Lift Station in South Richland and the Upper North Interceptor in North Richland. These projects would cost approximately $3,000,000 and will be funded by connection fees. In addition, there is about $4,000,000 projected cost for annual renewal/replacement projects for both the collection system and the Wastewater Treatment Plan. These will be funded by rates.

City of Richland

U-2 - Sanitary Sewer Mains



SECTION THREE

WATER SUPPLY SYSTEM

EXISTING CONDITIONS

The majority of the population within the corporate limits of the City of Richland is served by the City of Richland Water Utility. The Utility serves approximately 18,689 connections (as of 2016), which includes residential, commercial, and industrial users. The Utility is managed by the City as part of the Public Works Department.

The Richland water system was constructed during the 1940s to support the wartime activities at the Hanford Site. This temporary system has developed into the modern permanent water system used in the City today.

The utility service area is bordered on the southwest by the City of West Richland utility service area, which has a wholesale water service intertie agreement with Richland. This intertie is located along Keene Road. The City of Kennewick's water and sewer utility area lies to the southeast and has an emergency intertie located at Gage Boulevard connection on Columbia Center Boulevard near Tapteal Drive. The Badger Mountain Irrigation District has a potable water service utility area that lies to the south of the City with an emergency intertie located on Rachel Road.

The City has one private water district within its corporate limits. Tri-City Estates, a residential housing development, maintains its own water supply system. It has an emergency water supply agreement whereby the City of Richland would supply water to that area if its system proves inadequate. Two private water districts exist beyond the City limits. The Badger Mountain Irrigation District (BMID) operates a potable water system that serves the Rancho Reata area beyond the southern boundary of Richland's service area (an area north of I-82). The BMID uses a wholesale water supply intertie with the City.

The City's water supply system consists of wells, a water treatment plant, pump stations and chlorinators, interties, water lines, and reservoirs.

Source of Supply

According to the 2016 Comprehensive Water System Plan (WSP), the City has a total available water right of 34,948 acre-feet per year and 43,786 gpm for instantaneous flow. This total available water right covers to a Maximum Day Demand (MDD) of 63.0 MGD. The 2015 population-based MDD is 38.4 MGD. The WSP projects that MDD will be 55 MGD in 2035. Therefore, the City appears to have adequate water rights for future growth.

The City's potable water sources include a wellfield and the Columbia River Water Treatment Plant (WTP). The wellfield has a total capacity of 15 MGD while the WTP has a capacity of 36 MGD. The City maintains the quality and quantity of groundwater used for public water supplies through Best Management Practices in the wellfield and the Water Treatment Plant. Water supplied to the City of Richland is of high quality, meeting federal and state drinking water standards.

The locations of the sources of supply as well as the distribution system are shown in Figure U-3.

Distribution System

The City has approximately 340 miles of pipeline in the water distribution system ranging in size from two inches in diameter to 36 inches in diameter. There are ten storage facility sites that

provide approximately 22 million gallons of storage and ten booster pumping stations that provide direct water storage to seven pressure zones within the City.

The water system characteristics are summarized in Table U-6.

Table U-6: Water System Characteristics

Average Annual Supply	6.2 billion gallons
Residential Population	54,466 (2016)

Source: City of Richland Water System Plan, 2016

LEVEL OF SERVICE

The service area for the City of Richland water system matches the UGA. The City's 2016 Water System Plan addresses proposed future system improvements based upon current land uses within the UGA.

Current LOS standards for elements of the water system facilities, contained in the 2016 Plan, are listed in Table U-7. Improvements recommended in the City of Richland Comprehensive Plan Utilities Element are aimed at maintaining these guideline LOS standards.

Table U-7: Water Guideline LOS Standards

Element	LOS Standard
Demand per ERU[a]	1,032 gallons per day
Demand per ERU[b]	181 gallons per day
MDD[c]/ADD[d] Factor	2.33
PHD[d]/MDD Factor	1.32
Service Pressure	40 – 80 psi

a. ERU = equivalent residential unit, assuming domestic water is used for irrigation

b. ERU = assuming a non-domestic irrigation source

c.MDD = maximum daily demand

d. ADD = average daily demand

e. PHD = peak hour demand

Source: City of Richland Water System Plan, 2016

FUTURE DEFICIENCIES

The 2016 Water System Plan includes a CIP through the year 2036. For the planning period of 2017-2022, planned costs amount to approximately $23 million.

The 2016 Water System Plan also includes a financial plan that allows the water utility to remain financially viable during the planning period. The analysis considers the historical financial condition of the utility, the financial impact of executing the CIP, the sufficiency of the utility reserves to meet future financial and policy obligation, and rate affordability.

RECOMMENDATIONS

The improvements described in the 2016 Water System Plan will address deficiencies resulting from growth for the planning period. The 2017 Capital Improvement Program identifies the priority projects and associated financing as follows.

Table U-8: Water System Capital Improvement Project Costs

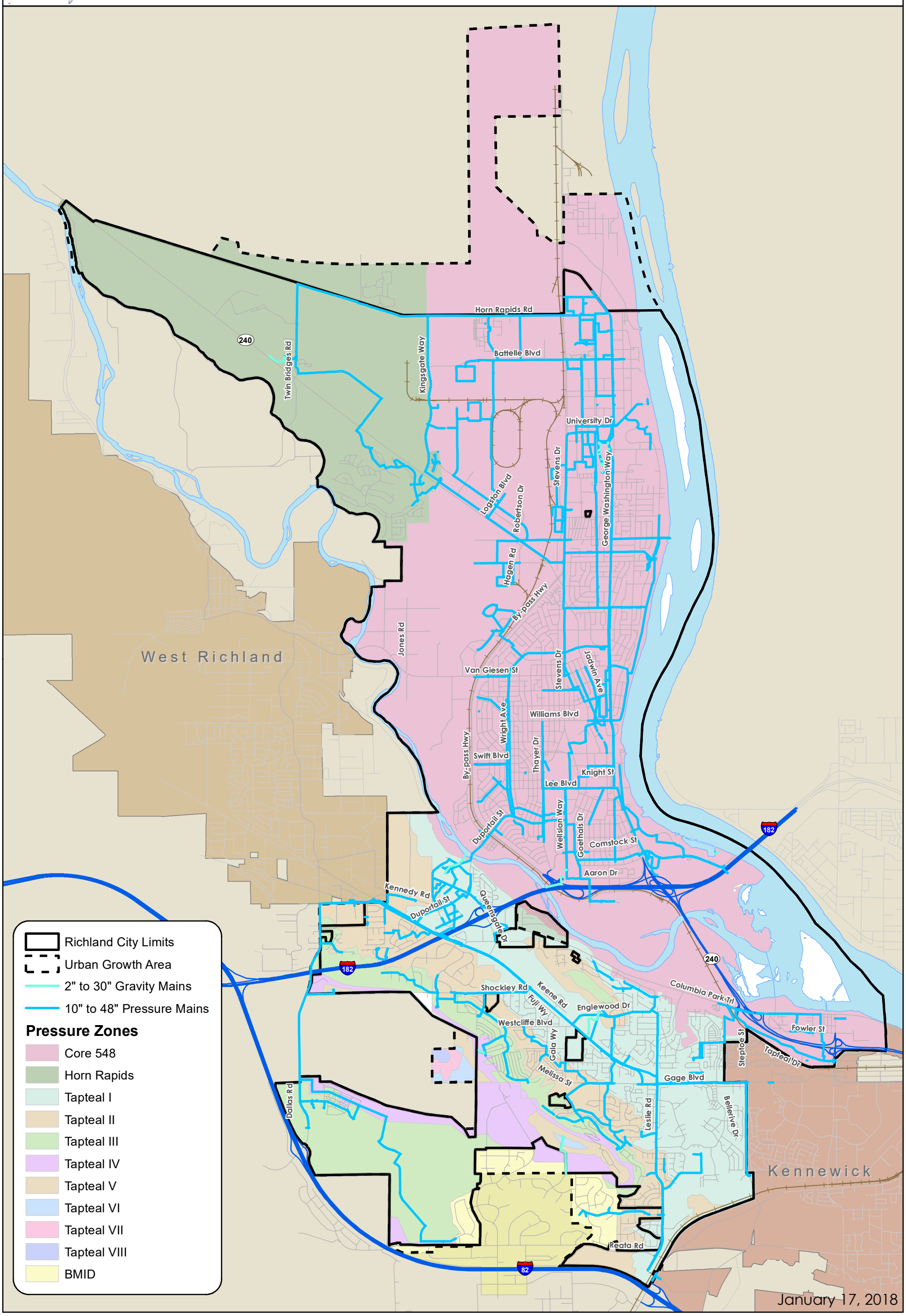
Facilities	Total Cost	Time-frame
Automatic Meter Reading System	$3,235,000	2017-2018
Broadmoor Street Conversion from Tap I to Tap II	$107,000	2021
Chief Joseph Middle School Irrigation Well	$150,000	2018
Columbia River Intake Screen Upgrade	$4,630,000	2018 - 2020
Core Y Additional Plant Replacement Value (PRV)	$406,000	2021
Distribution System Repairs & Replacement	$1,950,000	2017 - 2022
Duportail Street Transmission Main	$750,000	2017
Duportail Street Well	$500,000	2017
High Meadows St. and Leslie Road PRV	$102,000	2021
Irrigation Utility Capital Improvements	$730,000	2017 - 2022
Orchard Way Conversion from Tap I to Tap II	$35,000	2021
Tapteal I Pump Station Upgrade	$500,000	2020-2021
Tapteal II Loop	$114,000	2020
Tapteal VI Water Main	$487,000	2021
Water Treatment Plant Renewals & Replacement	$1,716,000	2017 - 2022
WTP Solids Handling Improvements	$400,000	2021
Yakima River Crossing Pipeline Replacement	$7,499,000	2017 - 2019
Total	**$23,311,000**	**2017 - 2022**

Table U-9: Water System Capital Improvement Funding Sources

Funding Source	Total Fund	Time-frame
Facility Fees	$3,223,500	2017 - 2021
Federal Emergency Management Agency Grant	$1,893,301	2017 - 2018
Irrigation Utility Rate Revenue	$755,000	2017 - 2022
Private Development	$601,000	2017 - 2022
Rate Revenue	$6,202,500	2017 - 2022
Revenue Bond Issue	$9,935,699	2017 - 2020
Richland School District	$50,000	2017
Surplus Property Sale	$400,000	2021
West Richland	$250,000	2020 - 2021
Total	**$23,311,000**	**2017 - 2022**

City of Richland

U-3 - Water Mains



SECTION FOUR

STORM WATER SYSTEM

EXISTING CONDITIONS

The storm water service area in Richland is divided into nine drainage areas covering over 30,000 acres. These are: North Richland (NR), Columbia River (CR), Richland Core Area (RC), Yakima River North (YRN), Yakima River South (YRS), CID Main Canal (CM), Amon Wasteway (AW), Badger East Canal (BEC), and Badger Mountain South (BMS).

The City's storm water system facilities consist of the following:

- Collection and conveyance
- Pumps
- Underground injection control (UIC) facilities
- Regional detention/ water quality facilities
- Regional outfalls

The collection and conveyance system includes catch basins, manholes and pipes. Tables U-10 and U-11 indicates existing collection and conveyance facilities.

Table U-10: Storm Water Collection Structures

Owner	Catch Basins and Manhole Catch Basins	Catch Basins and Manhole Catch Basins with OWS[1]	Manhole	Manholes with OWS
City	3,995	166	1,928	12
Port of Benton	160	0	0	0
[1] Oil Water Separator				

Table U-11: Storm Water Conveyance Facilities (length in Units of Miles)

Gravity Pipe	Force Main	Perforated Pipe and Underdrain	Culvert	Open Chanel
127.3	0.7	2.6	3.2	11.5

The storm water system includes public and privately owned seven pump stations throughout the City as indicated in Table U-12 below.

Table U-12: Storm Water System Pumps

Name	Owner	Capacity (GPM)
Carriage Pump Station	City	1,045
McMurray Pump Station	City	5,790
Berkshire	City	Unknown
Corps of Engineers Pump Station	USACE	Unknown
Horn Rapids Triangle Pump Station	City	Unknown
Lawless Pump Station	Private	Unknown
Wellsian Pump Station	Private	Unknown

Some storm water runoff generated within the City is infiltrated via the City's underground injection control facilities. There are over 280 UIC facilities in the City. The City's regional detention/ water quality facilities include 22 ponds, 2 bioretention cells, 6 underground storm chambers, and 21 swales. Stormwater runoff that does not infiltrate within the service area is conveyed to surface receiving waters via regional outfalls that discharge to the Columbia River, the Yakima River, and the Amon Wasteway. There are 11 outfalls discharging to the Columbia River, two discharging to the Yakima River, and eight discharging to the Amon Wasteway.

The City's 2016 Stormwater Management Plan provides detailed information on the system facilities. The Management Plan also provides guidance for the City's maintaining the requirements of the Phase II Eastern Washington Municipal Stormwater Permit (Phase II Permit), received from the Department of Ecology. This Permit regulates operation of the City's Municipal Separated Storm Sewer System (MS4).

FUTURE DEFICIENCIES AND RECOMMENDATIONS

The City strives to maintain the level of service of the storm water system by addressing existing and potential issues. Improvements are identified with the intent of reducing:

- Existing conveyance capacity and flooding issues;
- Potential future conveyance capacity and flooding issues;
- Pollutant loading to receiving water bodies; and
- Chronic system maintenance needs.

Identification of capital projects are based on the criteria such as projects previously identified in the management plan but not yet constructed, chronic maintenance issues identified by staff, etc.

The 2016 Stormwater Management Plan categorizes capital projects into one of four types based on the primary objective of the project:

- Flood risk (FR) – Projects that primarily address hydraulic deficiencies to help reduce flooding or surcharging of the system.
- Renewal and replacement (RR) – Projects that primarily repair or replace existing system components to help restore the original design function.
- Water quality retrofit (WQ) – Projects that primarily address water quality through treatment of stormwater runoff prior to discharging to receiving waters.

- Development Driven (DD) – Projects that may be built based on future development. These projects are assumed to be partially paid for by developers. See Section 8 for detailed documentation on funding assumptions.

The 2017 CIP identifies the priority projects and associated financing in Tables U-13 and U-14.

Table U-13: Storm Water Management Facilities Financing 2017-2030

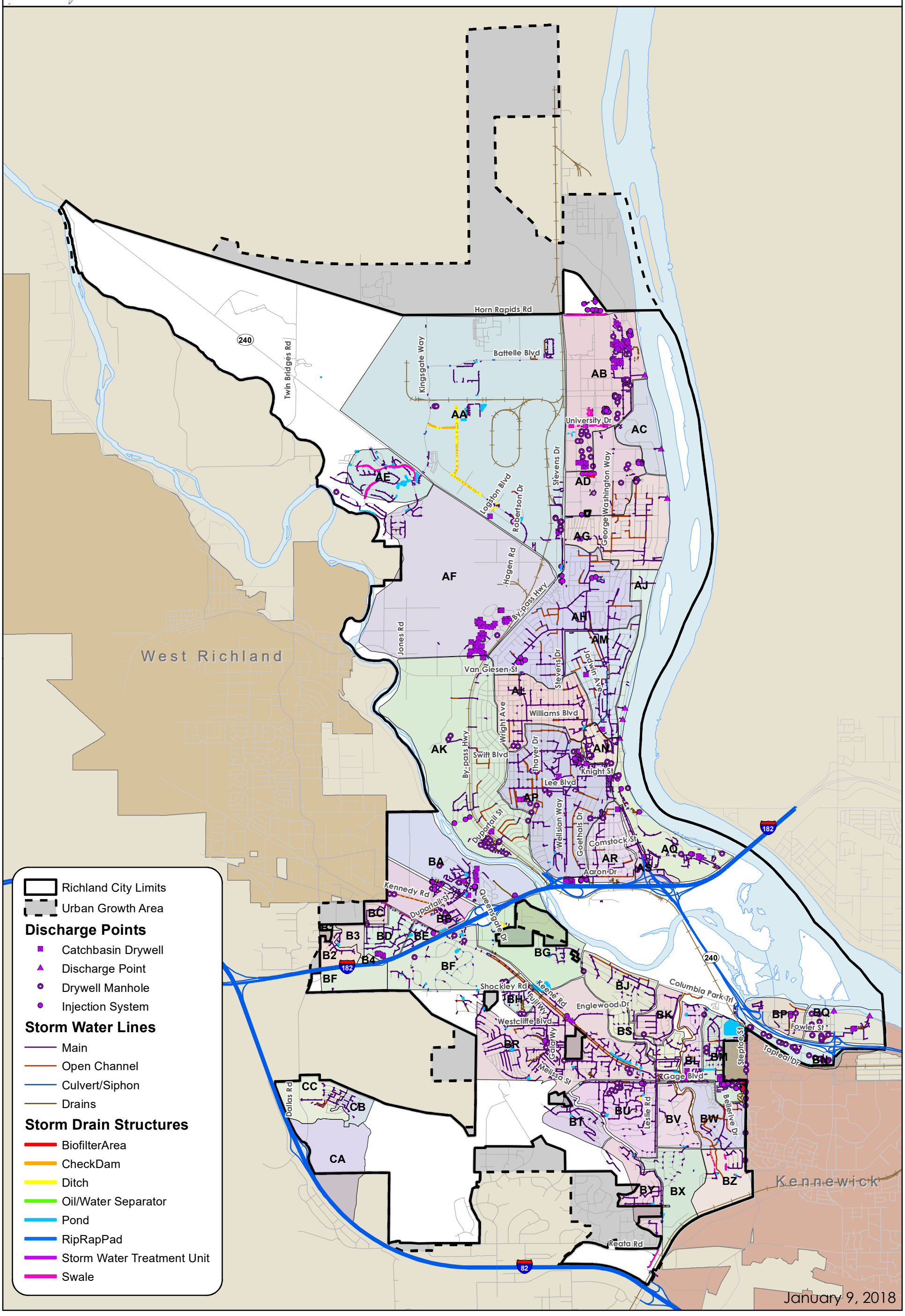
Facilities	Total Cost	Time-frame
Leslie Road Storm Drain Replacement	$839,000	2018
Storm Water Rehabilitation & Replacement	$2,616,090	2015-2022
Water Quality Retrofit Program	$2,618,717	2015-2022
Total	**$6,073,807**	**2017-2022**

Table U-14: Storm Water Capital Improvement Funding Sources 2017-2030

Funding Source	Total Fund	Time-frame
Grant – WA State Department of Ecology	$759,717	2015-2016
Grant Funds (Unsecured)	$1,285,500	2017-2022
Rate Revenue	$4,028,590	2015-2022
Total	**$6,073,807**	**2017-2022**

City of Richland

U-4 - Storm Water System



SECTION FIVE

SOLID WASTE MANAGEMENT

GENERAL LOCATIONS AND CAPACITY

State RCW 70.95.030 defines solid waste or waste as "all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials." Each municipality may fulfill its solid waste management responsibilities in one of three ways:

1. Prepare its own solid waste management plan for integration into the county comprehensive solid waste plan;
2. Participate with the county in preparing a joint city-county plan for solid waste management; or
3. Authorize the county to prepare a plan for the City's solid waste management for inclusion in the county comprehensive plan.

The City of Richland has chosen the first option. RCW 70.95.080(3)(a) defines that option as: "Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan".

In 2009, the City chose to develop their own solid waste management plan as a tool to guide the continued development of their collection system and landfill. The City's Plan was updated in August 2011. This updated Plan was prepared in accordance with the Department of Ecology's "Guidelines for Development of Local Comprehensive Solid Waste Management Plans and Plan Revision", January 2010. The City's Plan was submitted for inclusion in Benton County's 2013 update of its Solid Waste and Moderate Risk Waste Plan. The County's 2013 Plan was subsequently approved by the Washington State Department of Ecology. The Department of Ecology's action formalized the completion of the City's planning responsibilities under RCW 70.95.030.

The City's Solid Waste Management includes these goal statements as guiding principles for its solid waste services:

- Goal 1: Manage solid waste in compliance with State and local regulations to promote and protect human and environmental health and safety.
- Goal 2: Optimize the solid waste management system to provide for long-term stability in a cost-effective manner.
- Goal 3: Provide solid waste programs with emphasis on customer service and satisfaction.
- Goal 4: Identify the types of recyclables and establish programs to efficiently and effectively recycle and market these materials.
- Goal 5: Promote programs and balance incentives and disincentives to encourage reduction, reuse, and recycling.
- Goal 6: Educate businesses and the public on opportunities available for waste reduction, reuse, and recycling.
- Goal 7: Encourage and support the research and development of new technologies for solid waste management and recycling.

Solid Waste Collection and Disposal

The City of Richland Solid Waste Division provides municipal solid waste collection and disposal services to residences and businesses within the City limits. Solid Waste Collection services for lands outside the City limits is provided by private waste haulers licensed through the Washington State Utilities and Transportation Commission. This City's landfill accepts waste from the surrounding areas on an individual load basis. The City has no disposal contracts with private haulers or other government agencies.

Solid waste collection services for the City of Richland are provided by the City's Public Works Department, except in newly annexed areas. The Department administers user-fee-funded refuse collection services, and bills its customers through the City Administrative Services Department. Solid waste collection in Richland is available five days a week. Industrial and commercial pickup is provided by the City of Richland. Commercial waste pickup can range from one to five times a week.

Collection services within newly annexed areas are provided by private solid waste hauling companies operating under contracts with the City. The contracts, which are required by State law, provide for a ten-year transition period during which the private solid waste haulers continue services in keeping with their State-authorized permits. The haulers do not align their services with the City's Solid Waste Management Plan. At the expiration of the contracts the City may choose to extend the contracts or assume service to the area customers. When the City elects to assume these service areas, it will provide services consistent with the Solid Waste Management Plan and its adopted rate structure.

About 26 percent of solid waste is recycled in Richland based on the 2015 data of generation, recycling, and disposal as shown in the table below:

Table U-15: Solid Waste Generation

	Tons	%
Generation	77,697	100
Recycling	22,216	26
Disposal	55,481	74

Petroleum-contaminated soils are accepted occasionally at the Richland landfill. They are treated in a separate area on the landfill property and ultimately disposed of in the landfill. Dewatered bio-solids from the City's wastewater treatment plant are combined with yard waste in a composting process conducted at the Richland landfill. The finished compost material is tested to confirm compliance with U.S. Composting Council quality criteria and marketed to area contractors, nurseries, and local agencies.

Richland residents can dispose of self-hauled waste at the resident rate. Oil, antifreeze, and automotive batteries are accepted for recycling at the landfill. Benton County operates a household hazardous waste program that accepts many other categories of wastes that are not accepted at the Richland landfill.

Solid waste collected by service type is shown in table below.

Table U-16: Solid Waste Collection

Service Type	% of Total Tonnage Collected
Residential	40%
Commercial	40%
Dropbox	20%

Richland Landfill

The City of Richland owns and operates the Richland Landfill (also known as the Horn Rapids Landfill), located on 275 acres of designated landfill space approximately 3.5 miles northwest of the City center on Highway 240 (see Figure CF-3, Facilities Map). Approximately 46 acres are permitted for solid waste disposal. The Benton Franklin Health District has issued a permit in 2017, for use of an additional 90 acres for landfill disposal. Also on the landfill property are a 14-acre composting facility, a residential and small commercial customer transfer station, scalehouse and administration building, and an operations and equipment maintenance building.

The current capacity of the permitted disposal area will be exhausted by the year 2020.

The Richland Landfill currently meets minimum functional standards (Chapter 173-351 WAC) and operates under a solid waste disposal permit issued and renewed annually by the Benton Franklin Health District. The site is designed and operated as an arid-climate landfill, and therefore, has no bottom liner or leachate collection system. Vadose zone moisture monitoring has been implemented within a portion of the current 46 acre fill area for data collection. In the late 1990's groundwater contamination with volatile organic compounds was detected in several of the landfill's monitoring wells. The City installed the methane gas extraction / flare stations. The City initially implemented an independent remedial action program in compliance with Washington State Law (RCW 70.105D.040). In 2017 the City entered into an Agreed Order with the Washington State Department of Ecology to advance the characterization and remediation of the contamination.

Recycling

The City of Richland offers curbside recycling to its residential and commercial customers. In addition, the City currently operates seven drop-box recycling collection centers throughout the City and delivers the collected recyclable items to Clayton-Ward Recycling in Richland, which prepares the recyclable material and transports it to material processing facilities in the Portland or Seattle areas.

The recycling centers currently accept scrap paper, plastic beverage containers, tin and aluminum cans, newspaper, telephone directories, magazines, catalogs and calendars, glass jars and bottles, cardboard, and brown paper bags. In 2015, the City collected 1,524 tons in the drop box collection centers and 1,099 tons through curbside collection.

Composting

The Horn Rapids Compost Facility is a treatment facility for bio-solids coming from the City's Wastewater Treatment Plant, the residential green waste program and green waste self-haul. The compost facility opened in 2010, and accepts residential green yard waste with no charge to the resident. It saves landfill space and provides finished compost material to the public through a number of wholesale customers.

Household Hazardous Waste

The Benton County Moderate-Risk Waste Facility is located at a facility on Ely Street in Kennewick and which can collect Household Hazardous Waste and Small Quantity Generator Waste from residents of Benton County. The facility is jointly funded by the Washington Department of Ecology, Benton County, and the Cities of Kennewick, Richland, West Richland, Prosser, and Benton City.

Moderate-risk waste includes material such as waste oil, paints, flammable materials, and anti-freeze. The facility also collects hazardous waste from commercial businesses classified as small quantity generators (SQG). SQGs are conditionally exempt from federal and state regulation when they generate or accumulate hazardous waste in quantities below a 220 pound per month threshold.

LEVEL OF SERVICE

According to Richland's Solid Waste Management Plan, the following solid waste management facility areas will likely require no major capital improvements during the 20-year planning period:

- Domestic and Commercial Waste Collection Services - No current deficiencies are identified in the service provided by the City's Solid Waste Utility.
- The City's existing curbside and drop boxes recycling program is sufficient to meet customer demands. A minority of residents indicate through surveys that they favor universal curbside recycling. To date the costs of this service expansion and the compulsory nature of it have not been adopted by the City Council.

FUTURE DEFICIENCIES

Estimates of solid waste generation are based on population projections. Based on Richland's 2011 Solid Waste Management Plan (Appendix H), annual waste generation is forecast to increase to 80,000 tons in 2031. This forecast utilizes the per capita rate of 6 pounds per person per day and population projections.

The current capacity in the Landfill will be exhausted sometime in 2020. The City is planning for its future solid waste disposal capacity by exploring two options:

1. Expand landfill capacity on the current site by building a landfill that meets current state and federal design regulations; as part of preparing for the possible expansion of the landfill, the City has submitted and received a permit from the DOH for expansion of approximately 90 acres. or
2. Building a transfer station and hauling waste to a large regional landfill.

A consultant is assisting City staff in preparing information to support this decision. It is expected that a decision will be made in calendar year 2017, after which preparations will be made to construct the necessary facilities. Regardless of the disposal alternative selected, the City anticipates maintaining its current customer service levels at the Richland landfill.

RECOMMENDATIONS

It is recommended that the City:

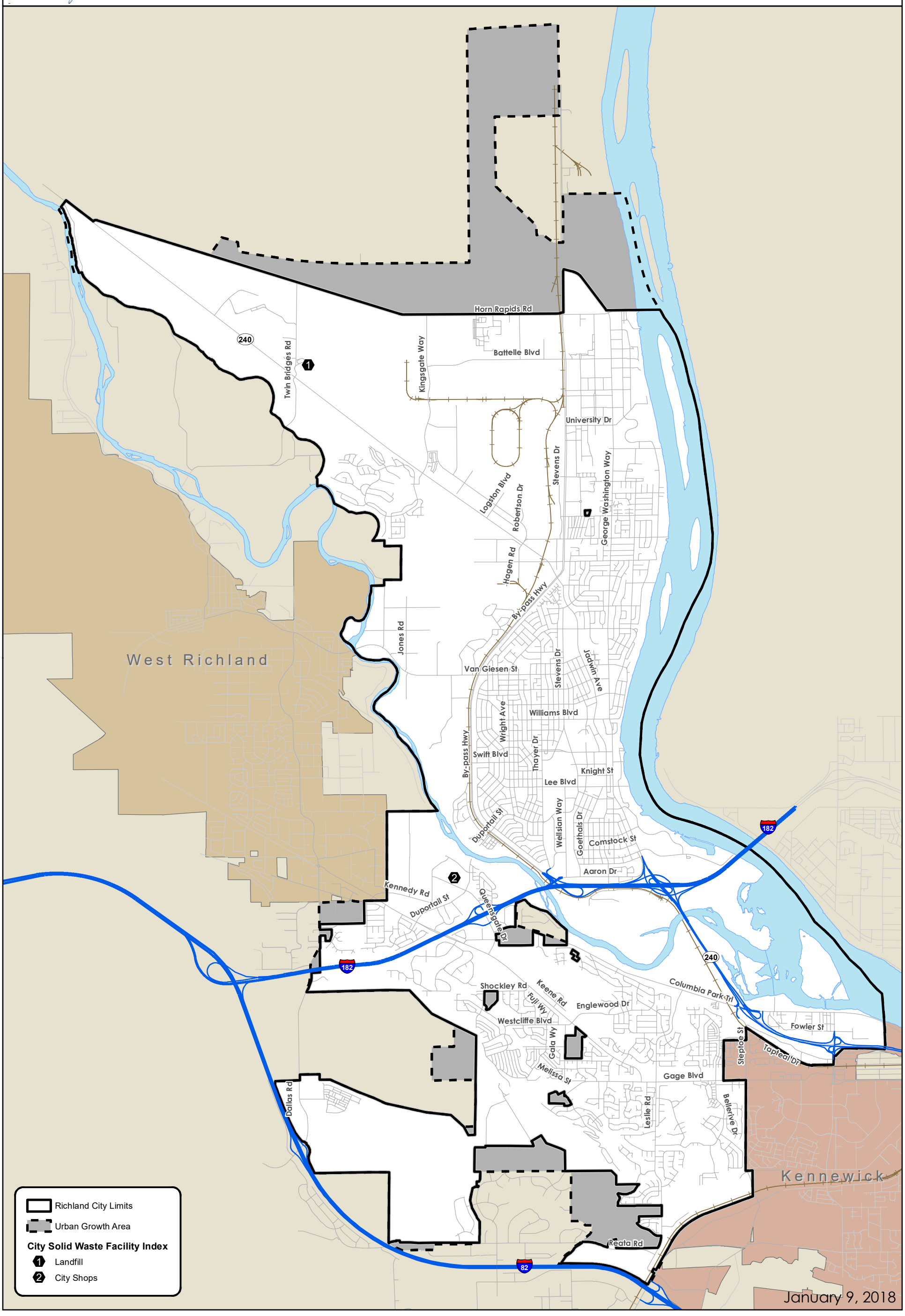
- Selects a preferred solid waste disposal approach that is cost effective, maintains service levels, and mitigates risk to the City; and
- Provides and maintains collection services to all City residents consistent with adopted service levels and Solid Waste Management Plan goals and objectives.

Table U-17: Solid Waste Management Facilities Financing 2014-2030

Facilities	Total Cost	Funding Sources	Time Frame
Disposal Capacity Improvements	8,003,512	Bonds – future issue	2017-2019
Landfill Closure, Phase 2	3,780,000	Solid waste fund	2017-2020
Container Maintenance Facility/ Facility Improvements	$185,000	Rate Revenue	2017-2018

City of Richland

U-5 - Solid Waste



SECTION SIX

ENERGY/ELECTRICAL POWER

EXISTING CONDITIONS

Richland's electrical service is provided primarily by Richland Energy Services (RES) Department. RES provides electric service to over 25,000 residential, commercial, industrial, and irrigation customers throughout the City's 50-square mile service territory, using 552 miles of primary line and eight substations. Ownership and operation of these facilities is shared by the City and the Bonneville Power Administration (BPA). Bulk transmission of electrical power supply to customers in the UGA has historically been provided from the BPA transmission grid, with the local utilities providing final pass-through services. BPA is contractually obligated to supply all of the City's power requirements through 2028.

Electric system planners design and build facilities to follow population and employment projections for the City and county. The electric load is determined from these plans and projections. An electric system plan is then developed to serve those loads at the reliability level prescribed by the individual utility, taking into account environmental, economic, financial, and operational factors. Utility construction is coordinated with the appropriate jurisdictions and agencies, and is typically phased in as actual growth occurs. Transmission lines and substations are installed based upon projections and early growth while electrical distribution lines are installed at customer request with the continued growth.

Future electrical service plans are designed not only to provide for future growth and accommodate new and increased loads, but also include changes to the existing systems to improve reliability, maintain power quality, and maintain redundancy backup service in the system.

The City has service area agreements with Benton County PUD (BPUD) and Benton Rural Electric Association (BREA). Approximately 102 customers within the City service area are being served by BPUD while no customers within the City service area are served by BREA. The City transfers remaining customers served by BPUD within the City service area based upon the terms within the service area agreement. All 102 are expected to be transferred by 2021.

Table U-18: City of Richland Electric Substations

Substation	Total Capacity	Used Capacity (2014)	Remaining Capacity (2014)
Sandhill Crane	45,000 KVA	31,000 KVA	14,000 KVA
First Street	45,000 KVA	32,000 KVA	13,000 KVA
Snyder	23,000 KVA	20,000 KVA	3,000 KVA
Stevens	46,000 KVA	41,000 KVA	5,000 KVA
Thayer	53,000 KVA	29,000 KVA	24,000 KVA
Richland Switch	23,000 KVA	10,000 KVA	13,000 KVA
Tapteal	45,000 KVA	37,000 KVA	8,000 KVA
City View	23,000 KVA	19,000 KVA	4,000 KVA
Total System	**303,000 KVA**	**219,000 KVA**	**84,000 KVA**

Source: City of Richland 2014 Long Range Plan – Richland Energy Services

Energy Efficiency Program

RES offers energy efficiency programs to its commercial and residential customers. Commercial and industrial customers are offered incentives for lighting and custom projects that reduce energy use. Custom projects include heating, ventilation, and air conditioning (HVAC), motor efficiency upgrades, etc. For residential customers, Richland offers rebates and low-interest loans to qualified customers for energy efficient HVAC equipment and weatherization measures including insulation, windows, and doors. Customers can select a rebate only or apply for a low-interest loan with a rebate. Richland also offers energy efficiency program specifically designed for low-income families for insulation, duct sealing, ductless heat pumps, windows, and doors for their home.

Renewable Option Program

Through the City's partnership with the Renewable Option Program offered by the Bonneville Environmental Foundation (BEF), Richland residents can affordably purchase the environmental benefits of wind power generated throughout the Pacific Northwest. BEF's Green-e Energy Certified Renewable Option Renewable Energy Credits (RECs) represent renewable energy sources from Pacific Northwest projects where clean zero-emission wind energy has been delivered to the North American power grid to replace fossil fuel based electricity.

Each block of Renewable Option RECs represents the environmental attributes of 100 kilowatt-hours of electricity generated from wind energy facilities throughout the Pacific Northwest.

Solar Power and Net Metering

The City offers low-interest loans to promote the use of solar power. The loan period is up to 10 years for up to $5,000 per installed kilowatt (kW), not to exceed $15,000. The customer must agree to maintain the system and allow the City to claim the environmental benefits.

LEVEL OF SERVICE (UTILITY SERVICE AREA)

The level of service set by the RES and BPA for their respective portions of the system is based on performance. The goal is an N-1 contingency, which means that one failure in system equipment will not cause the failure of other system components, and the failure can be picked up by other components within eight hours.

The City of Richland currently provides electrical service throughout most of the UGA. Under its Utility Service Area Policy, it is the City's goal to provide service throughout the City limits, UGA, and service area agreements with adjoining BPUD and BREA utilities. The greater of the City limits, UGA, and service area agreements constitutes its current utility service area and planned future service areas.

FUTURE DEFICIENCIES AND RECOMMENDATIONS

The City has identified power supply system capital improvement projects that will be needed to meet the demands of growth as detailed in the Energy Service Department's Capital Facilities Plan for 2016-2027. The list consists of electrical projects with an estimated cost of approximately $60 million during this period. The $60 million capital cost is derived from the latest long-range capital expenditure forecast and extrapolating the average annual expenditure through calendar year 2027.

Specific projects have been identified for the second planning period. Critical service deficiencies in this period could result unless needed capital improvements are identified and implemented.

The Energy Services Department has identified electric utility capital improvement projects that will be needed to meet the demands of growth through calendar year 2022. Cost of service and sources of funding are identified in Table U-19.

Table U-19: Electrical Power Facilities Improvement and Fund Resources

Facilities	**Total Cost**	**Time-frame**
Miscellaneous Electrical Projects	$81,754,000	2017-2022
Funding Source	**Total Fund**	
Benton PUD Contributions	$1,250,000	2016-2020
Bonds - Future Issue	$21,955,000	2018-2022
Bonds - Prior Issue	$21,254,000	2016-2018
Facility Fees	$6,200,000	2016-2022
RAISE (LRF)	$980,000	2017-2022
Rate Revenue	$30,115,000	2016-2018
Total	**$81,754,000**	

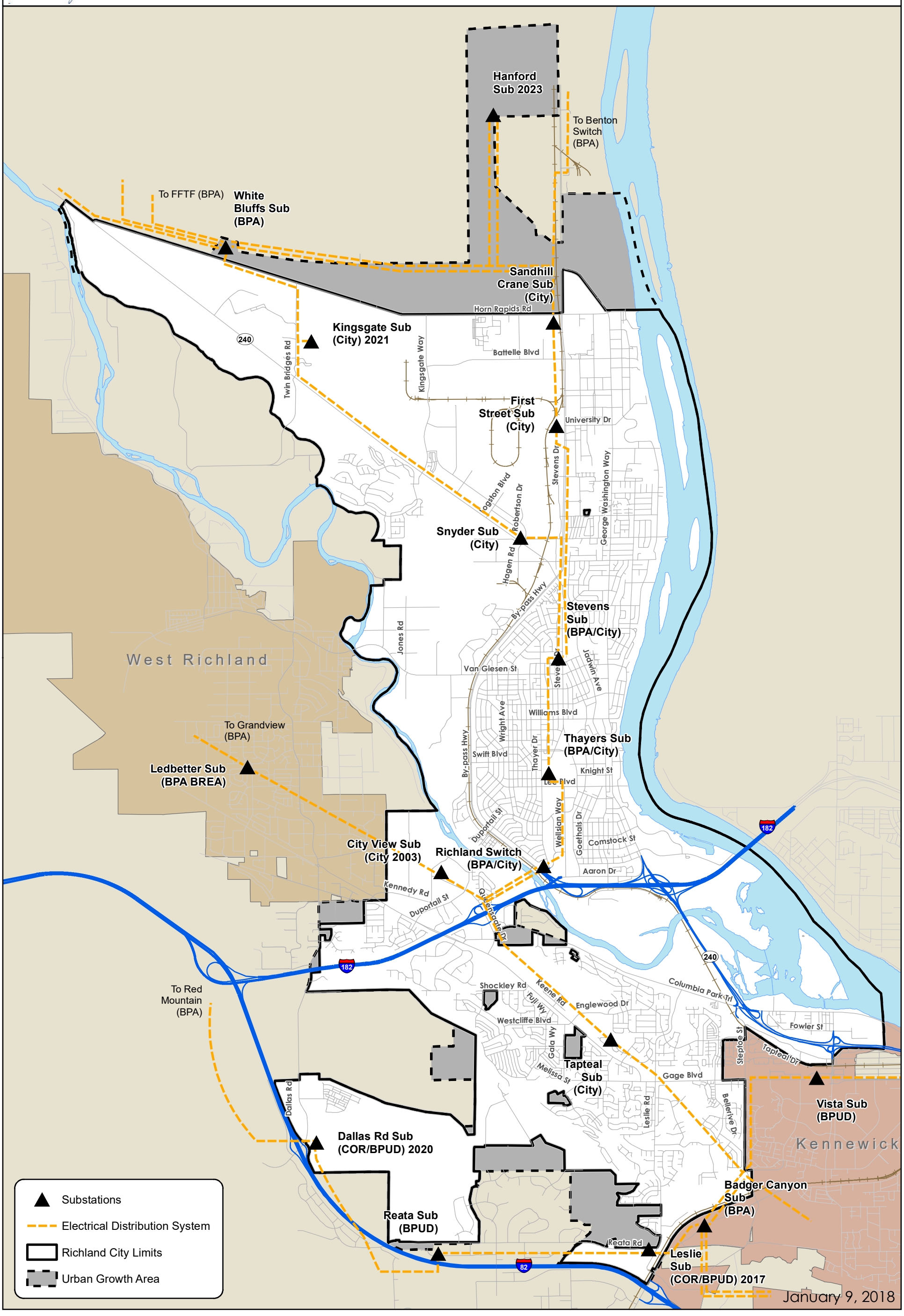
Long-range capital projects for the power supply system are identified and will be based on the need for improvements to serve growth in the second planning period and on the ability of the City to finance them. Implementation of improvements will be planned as part of an overall finance plan for all City-owned utilities and capital facilities. Projects and related costs identified through 2022 by the Energy Services Department include:

- Dallas Road Area Improvement - Plan, design, and construct a new electrical system substation and connect via new and existing transmission power lines into the electric system grid. Total Estimated Cost: $9,222,000.
- Kingsgate Substation - New substation for the Horn Rapids Industrial Park. One 28,000 KVA capacity transformer and major materials purchased by City. Substation to be constructed and commissioned by the end of 2021. Total Estimated Cost: $4,236,000.
- Leslie Rd Substation - Plan, design, and construct a new electrical system substation and connect into the electrical system grid operated by the BPA. Additionally, plan, design, and construct primary underground distribution feeders from new substation to the City's new and existing electrical system. Total Estimated Cost: $10,081,000.
- Smart Grid – Advanced Metering Infrastructure - Complete a detailed design and implement an electrical utility smart grid program to cost-effectively improve utility operations and provide the utility customers with options to control their power consumption and usage patterns. Total Estimated Cost: $10,600,000.
- Purchase Southwest Service Area Infrastructure - Per 2005 Electrical Service Area Agreement, purchase the depreciated value of BPUD infrastructure currently serving Hidden Hills Phase 1, Badger Mountain Irrigation District pumping station, and Reata Ridge in 2015 and other PUD facilities in 2020 serving any new City-annexed properties in the southwest service area. Total Estimated Cost: $812,000.

The capital improvements identified by the City will address deficiencies resulting from growth during the second planning period. Mitigating system improvements will have to be identified by the City for the second planning period.

City of Richland

U-6 - Major Electrical Transmission Lines



UTILITIES BY OTHER PROVIDERS

SECTION ONE

NATURAL GAS SUPPLY

EXISTING CONDITIONS

Cascade Natural Gas Corporation builds, operates, and maintains natural gas distribution facilities serving the City of Richland. Cascade is an investor-owned utility serving customers in 68 communities in Washington and Oregon. Interstate pipelines transmit Cascade's natural gas from production areas in the Rocky Mountains and western Canada. The Cascade headquarters is located in Kennewick, WA (Cascade Natural Gas, 2017).

Cascade's service areas are concentrated in western, central, and southeast Washington; and central and eastern Oregon. Richland's natural gas supply system currently meets existing demand.

LEVEL OF SERVICE

Natural gas service and availability are currently sufficient to meet existing demand. Cascade Natural Gas works with its suppliers to ensure that local gas supply needs are met.

Future levels of availability and service will be maintainable through market demand. Cascade Natural Gas and its affiliates will need to coordinate with the City to ensure that future service extensions are consistent with local growth plans.

FUTURE DEFICIENCIES AND RECOMMENDATIONS

Natural gas will be made available concurrently with growth to the best of the purveyor's ability. No deficiencies in the natural gas supply have been identified. The City will promote locating utility distribution lines together and using existing utility easements wherever possible.

SECTION TWO

TELECOMMUNICATIONS

EXISTING CONDITIONS

Telecommunications is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. In Richland, telecommunication utilities include telephone, cellular telephone, Internet, and cable television.

The telecommunications industry is undergoing tremendous advances in technology as cellular and optical fiber technologies transform the way service is delivered. Additionally, advances in computer technology, particularly the Internet, will have an impact on the type and quantity of services provided by the industry. As the distinctions that separate data, video, and voice technologies disappear, it becomes more difficult to assess the future configuration of telecommunications service.

Many telecommunication utilities are under the directive by their licensing agency and franchise agreements to provide a specific level of service to their service area. Most of these utilities are regulated at the state level by the Washington Utilities and Transportation Commission.

Nearly all land uses require one or more of the utilities involving telecommunications. As growth occurs within the residential, commercial, and industrial areas throughout the City and urban growth area, demand for reliable telecommunication services is placed on these utilities.

Many new providers have entered the market and provide options that create a very competitive environment in the telecommunications field; therefore, it is very difficult to accurately assess the way in which telecommunications will be provided throughout the City.

While the provision of advanced communications technology is important to the City's residents and businesses, and vital to the continued economic development of the City, the associated infrastructure can be aesthetically unattractive and present negative impacts to existing services. The City strives to encourage and facilitate the continued development of high quality communications infrastructure while minimizing any associated adverse impacts upon the community or upon the reliability of existing services that are often delivered via the public rights-of-way.

Cable TV

The City of Richland currently franchises Charter Communications Holding Company, LLC, to serve its population in compliance with Federal Communications Commission (FCC) regulations.

Charter Communications provides television services in the Tri-Cities area from a central facility to individual subscriber sets. An electronic control center ("head-end" site) processes reception and generation for distribution through the cable system. The signal can be received from a hard line (cable), a satellite dish, a microwave antenna, or a TV antenna.

Charter Communications' direct cable facilities in Richland include trunk lines and smaller distribution lines. Distribution lines run either along poles on space leased from an electrical or telephone utility, or underground, along the street right of way.

Phone and Internet

Basic and enhanced telecommunication services in Richland and much of the Northwest is provided by Frontier. For the cellular network, almost all nation-wide companies serve the City such as Verizon, Cellular One, U.S. Cellular, AT&T Wireless, T-Mobile, and Cingular Wireless.

Cell towers may be located on tall poles, lattice towers, or buildings. Each cellular site facility includes antennas, radios, air conditioners, and computerized switching equipment. Most sites also contain backup power equipment. Sites located on buildings typically house the associated equipment in self-contained shelters. Cell sites do not emit smoke or loud noise during normal operation. The location of cell sites is typically affected by terrain, other existing cell sites with which new sites must interact, and the cellular company's ability to reach agreement on leases with potential land owners.

The Federal Communications Commission (FCC) licenses cellular companies to operate within strict guidelines. The license allows the licensee the right to use a group of radio frequencies to provide telephone service.

LEVEL OF SERVICE

Federal and state regulations require that telecommunications purveyors provide adequate telecommunications services on demand.

FUTURE DEFICIENCIES & RECOMMENDATIONS

No deficiencies in the telecommunications system were identified under the Comprehensive Plan, therefore, no improvement recommendations were developed.

SECTION THREE

IRRIGATION DISTRICT FACILITIES

EXISTING CONDITIONS

Irrigation is not typically considered an urban service, nor is it a public service or utility provided by the City. However, irrigation water is used for lawns and landscaping by public facilities and grounds, schools, and residential subdivisions. Irrigation water lessens the demand on public drinking water supplies for these urban irrigation purposes.

Only portions of the City of Richland currently have irrigation services. The southern part of the City is served by the Columbia and Kennewick Irrigation Districts. Columbia Irrigation District operates an irrigation canal and a pump station in that area.

Within the unincorporated UGA, irrigation services are provided by the Columbia, Kennewick, and Badger Mountain Irrigation Districts. The Kennewick Irrigation District is composed of local improvement districts which collectively provide irrigation water for a large area in Richland. It serves an area along Keene Road and Gage Boulevard via Division 4 Canal and Amon Pump Lateral. The Badger Mountain Irrigation District serves irrigation water to 4,800 acres in the Badger Mountain vicinity. The service area in Richland City limits includes the Heritage Hills, Westcliffe, Crested Hills, and Country Ridge subdivisions; Badger Mountain School and Park; and Cherrywood and Sundance Badger Mountain School.

FUTURE RECOMMENDATIONS

No improvement recommendations are made as part of this Comprehensive Plan.

CAPITAL FACILITIES

SECTION ONE

INTRODUCTION

PURPOSE OF THE ELEMENT

The Capital Facilities Element, required under the Washington State GMA, addresses capital facilities needs in the City of Richland and UGA and represents the City's policy plan for the next 20 years.

This Capital Facilities Element was developed to be consistent with the Benton CWPP and integrated with all other plan elements to ensure consistency throughout the Comprehensive Plan. The Capital Facilities Element considers the public capital facilities necessary to support the other Comprehensive Plan elements.

The Capital Facilities Element promotes efficiency by prioritizing capital improvements for the first planning period, 2017 through 2022, and second planning period, 2023 through 2037. Long-range financial planning enables the City to schedule projects so that the steps in development logically follow one another based on relative urgency, economic desirability, and community benefit. The identification of adequate funding sources results in the prioritization of needs and allows tradeoffs between projects to be evaluated explicitly. The Capital Facilities Element will guide decision-making to achieve the community goals as defined in the Comprehensive Plan.

According to the GMA Procedural Criteria, Chapter 365-195 WAC, the Capital Facilities Element should contain at least the following features:

- An inventory of existing capital facilities;
- A forecast of the future needs for such capital facilities;
- Proposed locations and sizes of expanded or new capital facilities;
- A six-year plan to finance such capital facilities; and
- A requirement to reassess the Land Use Element if funding falls short of meeting capital facilities' needs, and to ensure consistency between the Land Use Element and the Capital Facilities Element and associated Finance Plan.

The Capital Facilities Element documents all capital projects needed to accommodate projected growth. The Finance Plan identifies the City-provided facilities and the sources and levels of financial commitment and revenues necessary to meet the concurrency requirements of the GMA. Concurrency means that needed capital facilities must be installed and available for use at the time of development, or within a reasonable time period following completion of the development.

Richland CIP uses many revenue sources to fund the capital investment projects identified in the plan, including sales tax, business and occupation tax, utility rates, state revenues, bonds, and grants. City also collects park impact fees to mitigate park impacts. Impact fees collected from specific park zones are used within that park district to address the impact by providing park and facilities according to the standards set in the Parks, recreation and Open Space Plan.

The capital facilities covered in this element are as follows:

- Parks, Recreation and Open Space Facilities
- Municipal Facilities

- Fire and Emergency Service Facilities
- Police Service Facilities
- Library Facilities
- Schools

SECTION TWO

PARKS, RECREATION, AND OPEN SPACE

EXISTING CONDITIONS

Existing Parks and Recreation Sites

The City of Richland has a total of 2,286 acres of city-owned park land within its corporate limits. Richland's park land inventory includes neighborhood, community, regional, linear, natural open space, and special use parks. Richland's open space is discussed under the Land Use Element.

Neighborhood parks are intended to serve specific neighborhoods within one mile. It is generally located in the center of a service area and adjacent to, or in close proximity to other open space or school sites. Community parks serve multiple neighborhoods and are larger in size than the neighborhood parks. Regional parks offer recreational opportunities that attract a diverse group of people from the Tri-Cities metropolitan or county area. Special use parks offer major specialized or single-purpose facilities, with a service area generally being community wide or larger. Linear parks are developed for recreational travel, or to enjoy linear resources such as waterways, shelterbelts, streetscapes, or similar amenities. They are typically long and narrow in shape, with a community wide or larger service area. Detailed criteria for each type of park are identified in the Parks, Trails, Open Space and Facilities Master Plan, 2014-2019.

Table CF-1: Park Area Total

Park type	Acres	Number of Parks
Neighborhood Parks	78.6	25
Community Parks	220	4
Regional Parks	170	2
Special Use Areas	702	11
Linear Parks	240	9
Natural Open Space	873.98	7
Total Parks and Recreation Areas	**2,285.6**	**58**

Each park's classification, acreage, and development status is shown in Table CF-2. The location of all parks is shown in the parks and open space map in the Comprehensive Plan.

Table CF-2: Inventory of Existing City Parks

Park	Acreage	Type1
Barth Park	0.35	Neighborhood park, developed
Beverly Heights Park	2.6	Neighborhood park, developed

Park	Acreage	Type1
Brookshire Park	2.5	Neighborhood park, developed
Chaparral Park	3	Neighborhood park, developed
Craighill Park	3.41	Neighborhood park, developed
Crested Hills Park	5.8	Neighborhood park, developed
Desert Rim Park	2.84	Neighborhood park, developed
Drollinger Park	1.5	Neighborhood park, developed
Frankfort Park	2.86	Neighborhood park, developed
Gala Park	3	Neighborhood park, developed
Goethals Park	2	Neighborhood park, developed
Heritage Hills Park	1.59	Neighborhood park, developed
Hills West Park	2.06	Neighborhood park, developed
Jadwin/Stevens Triangle	1.41	Neighborhood park, developed
Jason Lee Park	4.1	Neighborhood park, developed
Jefferson Park	8.71	Neighborhood park, developed
Lynnwood Loop Park	10.9	Neighborhood park, developed
McMurray park	3.04	Neighborhood park, developed
Meadows East Park	3.04	Neighborhood park, developed
Oak Park	3.1	Neighborhood park, developed
Overlook Park	0.91	Neighborhood park, developed
Paul Liddell Park	2.75	Neighborhood park, developed
Rodney Block Park	3.1	Neighborhood park, developed
Stevens Park	1.41	Neighborhood park, developed
McMurray Park	3.04	Neighborhood park, undeveloped
Westwood Park	0.89	Neighborhood park, developed
Wye Neighborhood Park	3.15	Neighborhood park, developed
Unnamed Park in Badger Mountain South	6.0	Neighborhood park, undeveloped
Badger Mountain Community Park	80	Partially Developed
Claybell Park	46	Community park, partially developed, includes natural open space
Hanford Legacy Park	117	Community park, partially developed
Trailhead park	40	Community park, partially developed
Unnamed Park in Badger Mountain South	30	Community park, undeveloped and undedicated
Howard Amon Park	45.91	Regional park, developed

Park	Acreage	Type1
Leslie Groves Park	149.2	Regional park, developed
Abbott Shelterbelt	4.1	Linear park, developed
Bypass Shelterbelt	55.74	Linear park, developed
Gillespie Parkway	2.9	Developed
Goethals Shelterbelt	15	Linear park, developed
Haines Levee	19	Linear park, developed
James Lawless Park	34	Linear park, undeveloped
Keene Road Trail Corridor	78.7	Linear park, undeveloped
Marjorie Sutch Greenway	14.6	Linear park, partially developed
Stevens Islands	16.27	Linear park, developed
Amon Basin Natural Preserve	75	Natural open space, undeveloped
Badger Mountain Park	80	Community park, partially developed, includes natural open space
Bateman Island[1]	160	Natural open space, undeveloped
Chamna Natural Preserve[1]	293	Natural open space, undeveloped
Columbia Point South	116	Natural open space, undeveloped
W.E. Johnson Park	236	Natural open space, partially developed
Wye Levee	21	Developed
Bradley Boulevard Park	0.2	Special use areas, developed
Carol Woodruff Plaza	0.1	Special use areas, developed
Columbia Park West[2]	65	Special use areas, partially developed
Columbia Playfield (includes George Prout Pool)	28.89	Special use areas, developed
Columbia Point Golf Course	170	Special use areas, developed
Columbia Point Marina Park	13.2	Special use areas, developed
Horn Rapids Athletic Complex	24	Special use areas, developed
Horn Rapids ORV Park	300	Special use areas, developed
Jeanette Taylor Park	2.02	Developed
John Dam Plaza	3.9	Developed
South Columbia Point	116	Special use areas, partially developed

[1] "Developed" is used for parks using irrigation and landscape at a minimum; "partially developed" describes parks that include both developed and natural open space

[2] US Army Corps of Engineers owned, leased to the City of Richland

Trails and Bicycle Paths

The City has a system of trails, consisting of Class 1 trails, secondary trails, and soft trails as identified in Table CF-3 below. See Figure T-6 for bike and route maps within the City.

Table CF-3: Inventory of Existing Trails

Park Type	Acres
Existing Class 1 Trails	
Richland Riverfront Trail (Horn Rapids Road to I-182 Bridge)	7.22 mi
Leslie Groves Bike Trail	1.6 mi
Bypass Shelterbelt (Wellsian Way to Jadwin Ave)	4.36 mi
Sacagawea Heritage Trail	3.67 mi
Chamna/Coulee Street Trail	0.96 mi
Keene Road/ Gage Boulevard Trail	4.5 mi
Stevens Drive Trail	0.82 mi
Existing Secondary Trails	
Aaron Drive Trail	0.54 mi
Badger Mountain Community Park	0.71 mi
Crested Hills Park	0.34 mi
Desert Rim Park	0.25 mi
Urban Greenbelt Trail	2.68 mi
Lynwood Loop Park	.25 mi
McMurray Park	0.35 mi
Paul Liddell Park	0.14 mi
Sagewood Meadows Open Area	0.56 mi
Claybell Park	0.56 mi
Existing Soft Trails	
W.E. Johnson Park	>5 mi
Badger Mountain Centennial Preserve[1]	6 mi
Trailhead Park canyon trail 0.26/Badger Flats Trail 0.4	0.3
Claybell Park	>2 mi
Tapteal Greenway Trail	2 mi
Badger Mountain Overlook	>1 mi
Riverview Management Unit[2]	2 mi
Chamna Natural Preserve[2]	> 11 mi
Bateman Island[2]	> 2 mi
James Lawless Park	>1 mi
Amon Basin	>2 mi
South Columbia Point	>2 mi
Rivers to Ridges Trail (Falconcrest)	0.36 mi

Park Type	Acres
[1] *Owned and maintained by Benton County; portion of the park is in the City's UGA*	
[2] *US Army Corps of Engineers owned, leased to the City of Richland*	

In addition to facilities mentioned above, the Barker Ranch trail exists as an easement on City property also encumbered by an irrigation main easement. The City is in the process of relocating this trail to City property adjacent to the irrigation main.

Other Recreational Activities

In addition to City-owned park land and indoor recreational facilities, other facilities include the 647-acre Badger Mountain Centennial Preserve owned by Benton County, 1,112 acres of USACE-owned open space, and various Richland School District facilities. The USACE manages two open space preserves in the Yakima River delta area, the Yakima Delta Habitat Management Unit totaling 1,112 acres. Other private entities such as private schools, neighborhood clubs, private health clubs, and employers provide many indoor and outdoor sports, recreational, and health facilities.

Community Center

The Richland Community Center is available to all citizens of Richland. The Center serves as the venue for a wide variety of programs and activities designed for individuals and groups of all ages. The Center is used for City sponsored and administered recreational activities and programs, and for rental. A number of the facility's rooms are designed and used as multi-purpose spaces for a variety of activities.

Hanford Reach Interpretive Center

The Hanford Reach Interpretive Center is located in Columbia Park West. It opened to the public in 2014. This is a center exhibiting local culture and history and it promotes education and tourism. The structure is owned by the Richland Public Facilities District (PFD) on USACE property leased by the City of Richland and subleased to the PFD.

Motor Cross

The Off Road Vehicle Park (ORV Park) has a public motor cross (MX) course, an All-Terrain Vehicle (ATV) course, open trails, mini/pee-wee MX track, and RV camping. Portions of the park are leased for remote controlled airplanes and go-karts.

The Horn Rapids Athletic Complex provides a public Bicycle Motor Cross (BMX) course and four men's softball fields.

Aquatic Facilitates

The George Prout Aquatic Complex provides public swimming and swim classes. The facility has a 25-meter pool with dive tank and a 1,100-square foot wading pool. The Howard Amon Park has a 1,962-square foot wading pool, and Badger Mountain Park has a 6,000-square foot splash and spray park. Both Leslie Groves and Howard Amon Parks have roped off areas for swimming in the Columbia River.

Water-Oriented Facilities on the River

Boat launches and moorage are provided at Leslie Groves Park, Howard Amon Park, Columbia Point Marina Park, and Columbia Park West. A dock for large watercraft is provided at the end of Lee Boulevard in Howard Amon Park. Primitive launch sites are provided at Wye Park, the north end of

Snively Road, Hyde Road, and Duportail Street. Transient moorage is provided at Columbia Point Marina Park and Columbia Park West. Private moorage is available at Columbia Park West.

Sports Facilities

Columbia Playfield provides five game-ready lit softball fields. Badger Mountain Community Park and Jefferson Park provide five additional game-ready little league fields. Many City Parks and School District facilities contain backstops for informal ballfield practice.

Jeannette Taylor Park contains a 22,000-square foot concrete skate park for skateboards and BMX bicycles. Many of the City parks provide shared areas or dedicated practice fields for soccer, baseball, and basketball. Football fields are mostly provided within the school facilities. Columbia Point provides a golf course; James Lawless Park includes one 18-hole disc golf course. Table CF-4 indicates current facilities within the City.

Private Recreational Facilities

Several neighborhoods, apartment complexes, private businesses, and churches throughout Richland have built private facilities, such as swimming pools, tennis courts, gymnasiums, golf courses, and playgrounds for their residents, members, and employees. While these amenities are not considered in the inventory of available public facilities, private facilities reduce the demand on public facilities.

LEVEL OF SERVICE

Parks

City of Richland level of service standards have been established for the location of neighborhood and community Parks. Neighborhood parks should be available within a one-mile radius from any dwelling unit. The level of service for community parks is a two-mile radius from any dwelling unit. For the purpose of establishing level of service standards, community and regional parks are considered to provide Neighborhood Park service. Park area level of service standards have not been established for the other park types, as they are developed based upon specific activity needs of the City.

Trails

There are no established national standards for trails. The City of Richland has chosen not to identify a level of service standard for trails. Currently, Richland has 30 miles of paved Class 1 trails, or 0.49 miles per 1,000 population.

Natural Open Space

There are no established national standards for open space. The City of Richland has chosen not to identify a level of service standard for natural open space. As discussed in Table CF-1, the City has 874 acres of natural open space in seven parks. With additional acres managed by other government agencies within, or adjacent to the City limits, the total natural open space area in the City limits and UGA is 2,476 acres (Table LU-1). This equates to approximately 40 acres per 1,000 population or 1,730 square foot per resident.

Aquatics

The National Recreation and Park Association's (NRPA) Recreation, Park, and Open Space Standards and Guidelines recommend that the City of Richland should provide one swimming pool per 20,000 residents and the pools should be able to accommodate 3-5 percent of the total

population or 1,964 people at a time. The City has no adopted standards for aquatic facilities. Several private, neighborhood pools exist in the City and are not included in this evaluation.

Recreation Programing

The City of Richland Recreation Department provides recreational opportunities on a continuous, year-round basis, with up-to-date event/activity guides and calendars available online for the public. These facilities and programs are intended to enhance residents' health and provide comfortable access to their local government and other community amenities. Listed below is a brief sample of activity categories with categories changing based on demand.

- Aquatics-swim lessons, lap swim, open swim pre-school educational activities
- Arts & Crafts, General Education-chess, juggling, hunter education, first aid and more
- Dog training, park ranger programs, geocaching, hikes and classes
- Home and garden, language, computer and technologies
- Fitness
- Yoga, martial arts, dance, wellness-check-ups
- Sports: team and individual sports
- Adventure camps-for youth
- Cards, socials trips

FUTURE DEFICIENCIES

Parks

The City is not in need of any additional neighborhood park land. The development of Horn Rapids and Badger Mountain South neighborhood parks will provide adequate park service. New areas near City View re-designated with this Comprehensive Plan update will require one additional community park to serve the area.

The four community parks (Badger Mountain, Claybell, Hanford Legacy, and Trailhead) provide adequate land for development of needed park amenities. There is a need to complete the park amenities at Badger Mountain Park and Hanford Legacy Park. Master plans have been completed for each community park with the exception of Trailhead Park.

Natural Open Space

An analysis on park land in low density cities indicates only eight cities in US have more than 40 acres per 1000 population of park land, which Richland has (The Trust for Public Land, 2015). With the park and natural open space combined, Richland has 79 acres per 1000 people. With the projected 20 years' population, this ratio will be 55 acres per 1000 people. The land use changes indicated in Tables LU-6 and LU-7 will increase the Natural Open Space, and decrease the Developed Open Space. Approximately 38 acres of Urban Reserve land along the Yakima River is re-designated to Natural Open Space (Table LU-6). With these changes, Richland will have about 78.7 acres of open space per 1000 people. For the next 20 years' population, this ratio will remain about 55 acres of open space per 1000 people. The proposed land use changes will result in 54 acres of increase in Natural Open Space and 67 acres of decrease in Development Open Space with a net reduction of 17 acres.

Although Richland includes more open space than communities around the nation, there is a community interest in preserving and expanding open space. The need of open space should be further assessed through stakeholder and public involvement.

Recreation

Table CF-4: Recreational Facilities Inventory and Deficiency

Facility Type	Existing Inventory	Build-out Demand	Additional Need
Youth Baseball Game Fields	10 Fields	10 Fields	0
Youth Baseball Practice Fields	12 Fields	18 Fields	6 Fields
Youth Softball Game Fields	5 Fields	6 Fields	2 Fields
Youth Softball Practice Fields	10 Fields	16 Fields	6 Fields
Adult Softball Fields	4 Fields	6 Fields	2 Fields
Indoor Basketball Practice Courts	7 Courts	16 Courts	9 Courts
Indoor Basketball Game Courts	5 Courts	7 Courts	2 Courts
Indoor Volleyball Courts	21 Courts	14 Courts	4 Courts
Youth Soccer Practice Fields	27 Fields	38 Fields	15 Fields
Youth Lacrosse Game Fields	0 Fields	8 Fields	4 Fields
Youth Lacrosse Practice Fields	0 Fields	2 Fields	2 Fields
Youth Football Game Fields	1 Field	3 Fields	2 Fields
Youth Football Practice Fields	0 Field	0 Fields	0 Fields
Golf Driving Ranges	1 Range	2 Ranges	1 Range
Golf, 18-Hole Courses	1 Course	2 Courses	1 Course
Archery Ranges	1 Course	2 Courses	1 Course
Skateboard Park	22,700 sf	30,000 sf	7,300 sf
Outdoor Tennis Courts	28 Courts	45 Courts	17 Courts
Indoor Swimming Pools	1 Pool	4 Pools	3 Pool

(Based on a 2030 Population 70,000; Source: 2014-2019 Parks, Trails, Open Space and Facilities Master Plan)

RECOMMENDATIONS

Table CF-5: Parks, Trail, Recreation, and Open Space Financing

Facilities	Total Cost[1] ($)	Funding Sources	Time Frame
Badger Mountain Park	1,950,000	Park Reserve Fund Park Districts 5 RCO Grant General Fund	2019 - 2020
Columbia Playfield Improvement	1,096,109	Right-of-way Sale Lodging tax Grant Re Excise tax 1st ¼%	2018
Gateway Entrance Improvement	361,000	Re Excise tax 1st ¼%	2012 - 2017
Hanford Legacy Park	7,600,000	Lodging tax Fund RCO Grant	2013 - 2030

Facilities	Total Cost[1] ($)	Funding Sources	Time Frame
		Re Excise tax 1st ¼%	
John Dam Plaza Improvements	2,000,000	Business License reserve Fund Private Donations Re Excise tax 1st ¼%	2018
Park, Facilities and Trail Signage	1,70,000	Undesignated Park Reserve Fund Re Excise tax 1st ¼%	2017 - 2030
Park, Facilities Deferred Maintenance	2,140,725	Park Districts 3 Undesignated Park Reserve Fund RCO Tier 1 Big Grant Donation	2013 - 2030
Shoreline Deferred Maintenance	280,000	Undesignated Park Reserve Fund Re Excise tax 1st ¼%	2014 - 2030
Tree Replacement and Deferred Maintenance	120,000	Re Excise tax 1st ¼% WCIA Insurance Settlement Payment	2014 - 2030
West Village Park at Badger Mountain South	250,000	Park District 4	2017
[1]Includes amount that has already been spent in previous years starting in 2012; projects with budget already spent before 2017 is not included in this table.			

Park and recreational facility improvements will be met through proactive long-term planning. Programs and planning shall be done in accordance with the Parks, Trails, Open Space and Facilities Plan. The 2014 – 2019 Parks, Trails, and Open Space Facilities Master Plan indicates major facilities proposed for parks and recreation and their funding sources for a timeframe between 2017 and 2030.

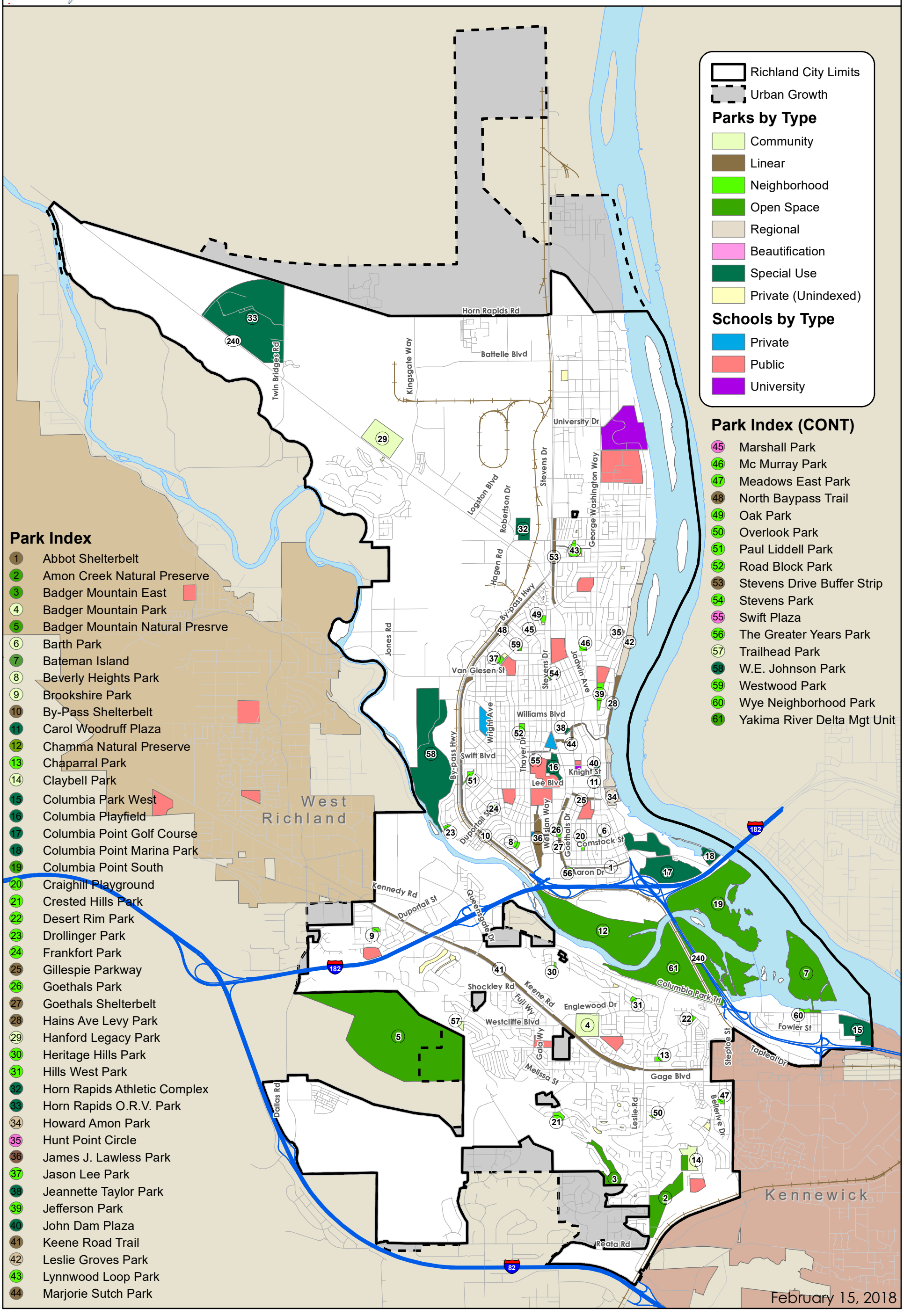
The 2017 Capital Improvement Plan provides a detailed project list for 2017 through 2022. Additional projects in the CIP include:

- Bypass Shelterbelt, budgeted for $1,206,458 in 2020 through 2022
- Conversion of State Funded Recreation Land Mitigation, budgeted for $60,000 in 2017
- Craighill Park, budgeted and spent $50,000 in 2016
- Drollinger Park, budgeted for $120,000; remains $60,000 for 2018
- Gala Park, budgeted for $398,386; remains $70,000 for 2019
- Horn Rapids Athletic Complex, budgeted for $650,000 for 2017 through 2021
- Parks Facilities ongoing maintenance, budgeted for $4,192,000 for 2017 through 2022

Land use change indicated in Tables LU-6 and -7 will result in 50 acres on increase in Natural Open Space and 67 acres of decrease in Development Open Space with a net reduction of 17 acres of Open Space. However, this will increase Commercial Recreational land that will offer water-oriented recreational opportunities.

City of Richland

CF-1 - Parks, Schools and Open Space



February 15, 2018

SECTION THREE

MUNICIPAL FACILITIES

EXISTING CONDITIONS

The City of Richland provides many services at municipal facilities throughout the City. Many of these services are discussed in detail in other sections of this Capital Facilities Element and in the Utilities Element. This section describes the City of Richland's administrative buildings and civic center municipal facilities, including City Hall, City Hall Annex, Community Center, Development Services Center, and the City Shops and Warehouse Facility.

City Hall in downtown Richland houses the Council Chambers, Finance Division, and Administrative Services. It also houses the Cable Communications and the Public Information Officer. The City Hall Annex, adjacent to City Hall, houses the City Manager's office, Assistant City Manager and City Clerk, City Attorney, and Hanford Communities.

The Community Center, a 13,000-square foot facility built in 2002, serves a dual role as a new senior center and a recreation and meeting facility. The facility has a dividable multi-purpose assembly room, game room, commercial kitchen, meeting rooms, and fitness facility. It also houses the administrative offices of the Parks Department.

The Development Services Center houses the Building and Permit Services Division, the Housing Resource Division, Electrical Administration and Engineering, and Public Works Administration and Engineering groups. The building was acquired from the Federal government as surplus property and renovated to become a one-stop planning and development facility during the City's construction expansion period. The renovated area provides increased space and improved working conditions for existing staff. With these services becoming centralized, productivity and efficiency improvements are being recognized.

Staffing for these operations includes 217 employees. The location of major municipal facilities is shown in Figure CF-3, Facilities Map. No municipal facilities are located in the unincorporated areas of the UGA.

In 1994 the City purchased a 160-acre parcel near the Kennedy Road/I-182 interchange, of which 33 acres are dedicated to the construction of a new city shops complex. This campus-style complex completed in 1999 houses the Information Technology and Human Resource Divisions and the construction and maintenance divisions of the electric, water, and solid waste utilities, parks and facilities, fleet services, as well as purchasing and warehousing. In 2010 the City constructed an addition that houses the Information Technology Data Center. The complex consists of three separate buildings and outdoor storage.

LEVEL OF SERVICE

Planning for municipal facilities is based on employment trends, current occupancy, life cycle of the building, efficiency of use, and expansion requirements. Space plans are also determined based on the program objectives of individual departments. Studies prepared by ALSC Architects in April 1992 and 2003, evaluated municipal buildings and recognized that some municipal facilities within the City of Richland were operating at a substandard level.

Assessment of Facilities

City Hall is a 27,914-square foot two-story building. Apart from a minor cosmetic remodeling of the Council Chambers and addition of technology, minimal improvements have been made since it was

constructed in 1959. A facilities analysis, completed by ALSC Architects in April 1992 and again in 2003, evaluated each building for the adequacy of architectural, structural, mechanical, electrical, and safety qualities. The study identified facility needs for City divisions to remain at the site after relocation of the Service Functions and Senior Center. The study concluded that the City Hall Complex is inadequate in size and flexibility and is not in compliance with basic accessibility and energy code requirements. The HVAC system is well beyond its intended life cycle and consists of an electric steam boiler original to the building and a cooling tower. Currently, the City is undertaking a review of its various administrative facilities.

The 5,600-square foot Administrative Building was built in 1977 and has only had minor cosmetic improvements. The ALSC study concluded that the building is basically sound and, is in compliance with building codes. Minor additional aesthetic improvements to the interior finish and carpeting in part of the building were recommended. The HVAC system is running at half of its design capability and cannot be repaired without significant investment.

FUTURE DEFICIENCIES

Municipal facility needs that are affected by growth include equipment and space needs as well as additional staff time to process building permits, conduct development plan reviews, and perform City administrative functions. Future growth and development will place increased demand on the City's municipal facilities and services. However, many factors that influence the need for municipal facilities space do not correlate directly with population growth. With technological advances that affect space demands and the trend toward the "right-sizing" of government, it cannot be assumed that municipal facility needs will increase proportionally with growth.

RECOMMENDATIONS

Currently a plan is underway for the construction of a new City Hall that will combine the City Hall, the City Hall Annex, and the Development Services Building into one facility, therefore eliminating three aging buildings. Construction of a 46,000-square foot facility will begin in 2017 and be complete in 2018.

The Facilities Matrix below in Table CF-6 evaluates major facilities' lifecycles. The lifecycle of a facility can be measured based on the age of a building and cost of operation and maintenance over time. Efficiency in the building design can reduce the maintenance cost. Maintenance and operation cost rises as the building gets older until it reaches a point when maintenance is no longer cost-effective. The average age of an office building can range from 30 to 50 years. However, a building can reach its lifecycle sooner if it does not meet current code and safety requirements, and the cost of retrofitting outweighs the benefit. Future municipal facilities planning should assess the lifecycle of facilities and plan in advance to maintain desired level of service.

Table CF-6: Municipal Facilities Matrix and Lifecycle Assessment

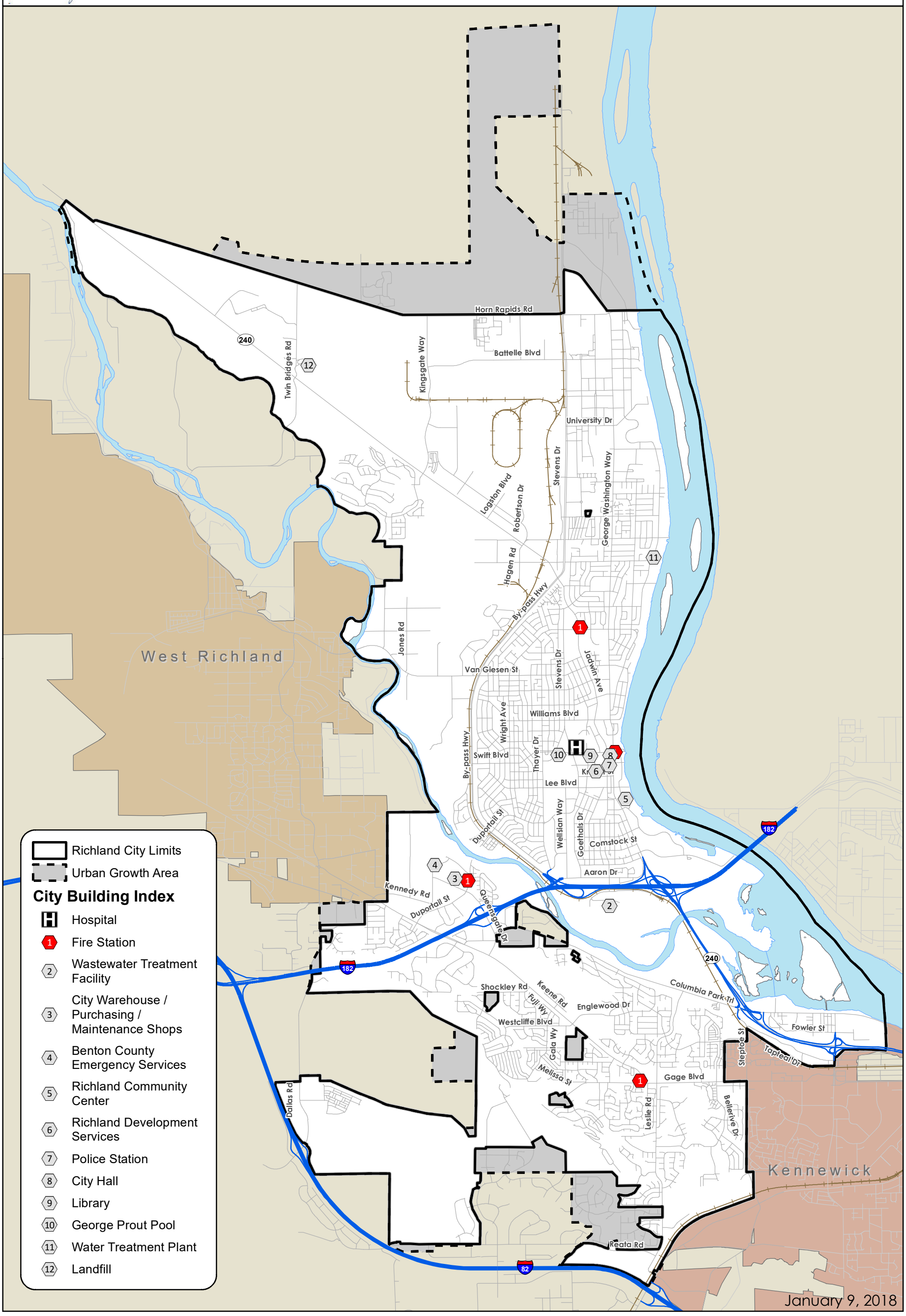
Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/ Replacement Allocation in CIP ($)
City Hall	1959	Inadequate in size and flexibility; not in compliance with energy code or ADA requirements; major MEP components are failing and the cost of maintenance is increasing every year	The facility has passed its effective lifecycle. The building is in year 59 of a 50 year lifecycle and will be replaced within 2 years.	18,500,000 for new facility to be completed in 2018
City Shops 100, 200, 300	1998	The facility is still functioning very well for its intended purpose. The MEP systems have been well maintained and are performing as expected. The roof material has failed and will need to be replaced in 2018	The facility is on a 50-year lifecycle. If a proactive maintenance program continues, the building should meet its intended lifecycle. The current remaining lifecycle is 60%	
Development Services Building	1944	Major MEP failure throughout the building	The facility has passed its effective lifecycle and will be replaced within 2 years as part of the new City Hall	18,500,000 for new facility to be completed in 2018
Fire Station 71	1953	Even though the facility was remodeled in 1992, it is not performing well. The MEP systems are failing	The facility is currently on year 64 of a 50 year lifecycle. The facility is well past its effective lifecycle and is requiring significant maintenance to keep it functioning properly	$5, 000,000
Fire Station 72	1991	The facility has sustained water damage over the years based on a poor roof and parapet design. The facility will require a significant remodel in 2017 to address the	The facility was intended for a 50 year lifecycle. Based on the current status, its actual lifecycle has been reduced based on	

Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/ Replacement Allocation in CIP ($)
		water damage. Overall, the major MEP components are functioning properly	water damage. The remaining lifecycle is approximately 40%	
Fire Station 73	1958	The facility is not performing well and requires significant maintenance to sustain operations. The MEP systems are at the end of their life	The facility is currently on year 59 of a 50-year lifecycle. It is well past its effective lifecycle	$4,100,000
Fire Station 74	2015	The facility is performing extremely well	98% lifecycle remaining	
Landfill	1977, additions and updates 2001, 2003, 2008	Customer areas such as transfer station and administrative offices scheduled for update or relocation as part of capacity improvements 2018-2019	5% - 10%	$8,003,512
Police Station	2001	The facility has performed well other than normal MEP and building maintenance	70% lifecycle remaining	
Richland Community Center	2001	The facility has performed well other than normal MEP and building maintenance. The roof is an area of concern and will require significant maintenance	70% lifecycle remaining	
Richland Library	2009	The facility has performed well other than normal MEP and building maintenance. The roof has been a concern and will require replacement well before its intended lifecycle	80% lifecycle remaining	Money is being held in the library reserve fund to replace the roof
Water Treatment Plant	2005	Renewal/Replacement projects scheduled for 2017-2021		$4,382,770

Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/ Replacement Allocation in CIP ($)
Waste Water Treatment Plant	1985/1986	Repair/Replacement of influent building and treatment facility are scheduled for update in 2017-2018		$2,283,000 – Influent Upgrades $6,611,369 – Treatment Facility

City of Richland

CF-2 - Municipal Facilities



SECTION FOUR

FIRE AND EMERGENCY SERVICES AND FACILITIES

EXISTING CONDITIONS

Fire and emergency medical services are a key part of public safety services for the citizens of Richland and the thousands of visitors and workers who pass through the City. The City of Richland has a professional fire department, which provides fire and life safety protection, emergency medical services (EMS), technical rescue, and hazardous materials response to citizens, visitors and the business community.

The Richland Fire & Emergency Services Department also provides Advanced Life Support EMS through Interlocal Agreements to segments of unincorporated areas of Benton County.

Existing Fire Stations are located as follows:

- Fire Station 71 at 1000 George Washington Way.
- Fire Station 72 at 710 Gage Blvd.
- Fire Station 73 at 1900 Jadwin Avenue.
- Fire Station 74 at 2710 Duportail Street.

The map indicates existing and future Fire Stations serving the City.

LEVEL OF SERVICE

Emergency Response Standard

Richland Fire & Emergency Service historic LOS dates back prior to 2000. Minimum level of service goal is a response time of 5 minutes to 90% of all emergency calls within the City of Richland. The 5-minute response time is defined from time of dispatch to arrival on scene.

Professional Industry Standard

Richland Fire & Emergency Services was given an Insurance Service Office (ISO) rating of 3 following an evaluation conducted in 1994 and again in 2016. ISO ratings range from 1 to 10, with lower numbers being better.

FUTURE DEFICIENCIES

- Inability to meet the City's historic minimum level of service in the northern and southern perimeters of the City as outlined in CFPS Goal 1 policies 1, 2 & 3.
- Enhanced difficulties maintaining WAC training compliance without having access to a training complex.

RECOMMENDATIONS

The following facility recommendations are based on the Comprehensive Plan goals and desire to maintain a level of service standard for the time period of 2017 to 2037.

Short Term 2017-2021 Capital Cost Estimate $12.9 to $14.1 million

1. Relocation of the north station (Jadwin & McMurray) further north near the intersection of SR 240 and Stevens Drive (Capital cost estimate: $4.1 million). Optimal timing for relocation of north station is simultaneous with the completion of the Duportail Bridge. Historic note:

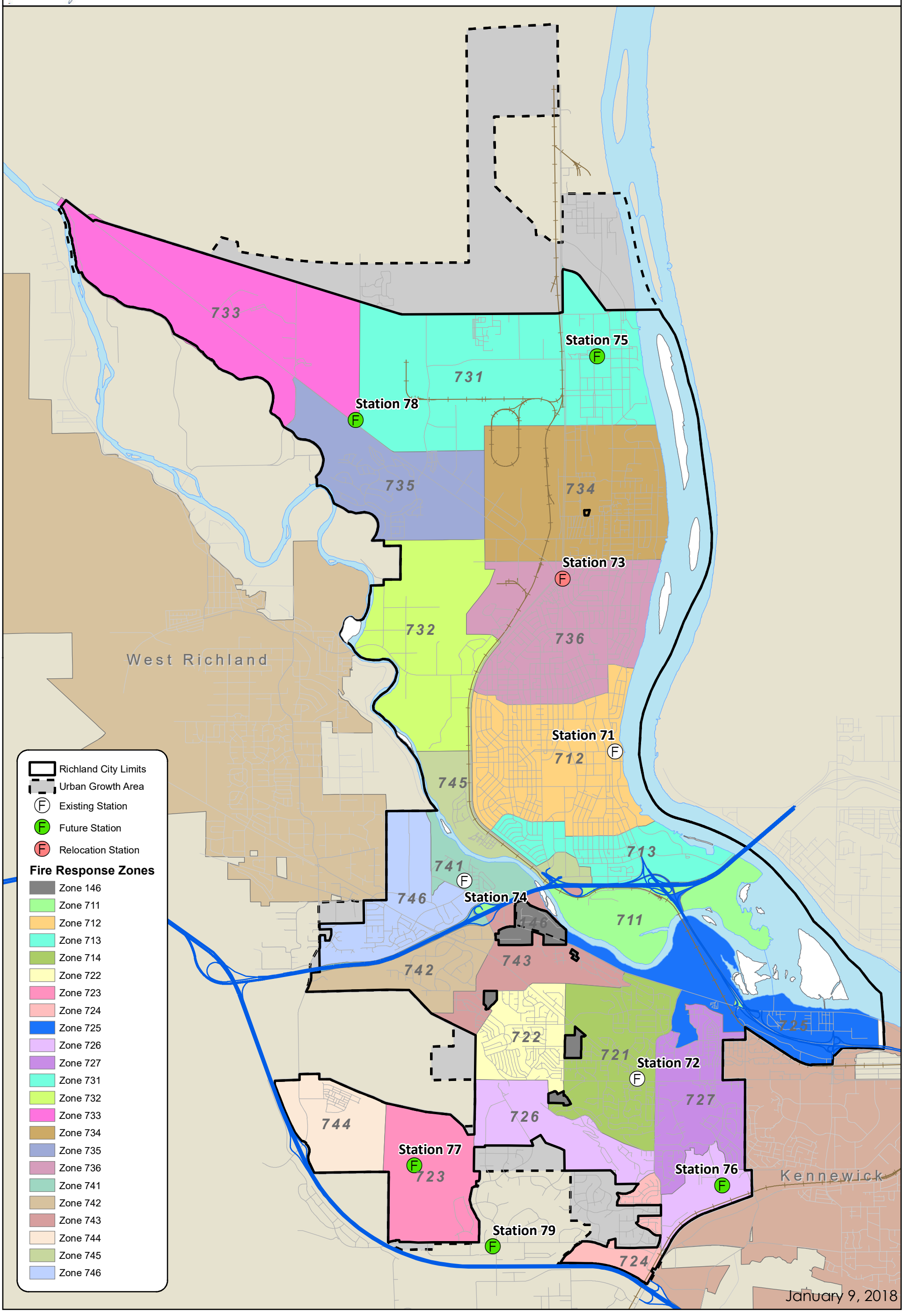
earlier comprehensive plans from the 1990s identified the replacement of station 73 (Jadwin & McMurray) in 2004.

   a. Secure property and change zone and land use designation.
   b. Construct emergency response facility

2. Construct a satellite/decentralized fire and emergency services facility in north Richland (Capital cost estimate: for facility $1.8 to $3 million based on existing or new construction plus $1 million for apparatus).
   a. Secure property in appropriate geographic area in North Richland for future facility (Science/tech Park)
   b. Construct emergency response facility
   c. Include cost of apparatus: Fire Engine and Ambulance
3. Secure property in appropriate geographic area in northwest Richland for future facility (Horn Rapids Golf Community). City currently owns land in targeted area. Need to confirm zoning and land use change (Capital cost estimate: $5.7 million).
4. Relocation of Central Fire Station #71 located at George Washington Way & Swift Boulevard to an area near the Richland Police Station (Capital cost estimate: $5 million).
5. Construct a decentralized fire and emergency services facility in southeast Richland.
   a. Secure property in appropriate geographic area in southeast Richland for future facility (Capital/property cost estimate: $500,000).
6. Construct a satellite/decentralized fire and emergency services facility in Badger South area of Richland.
   a. Secure properties in appropriate geographic areas in South Badger for future facilities (Capital/property cost estimate: $500,000; total cost: 4.5 million).

City of Richland

CF-3 - Emergency Service Zones



SECTION FIVE

POLICE SERVICE FACILITIES

EXISTING CONDITIONS

The City of Richland has its own Police Department to provide law enforcement services within the City limits. Law enforcement within the unincorporated UGA is currently provided by the Benton County Sheriff's office. The Police Department is located at 871 George Washington Way. The Department employed commissioned officers and civilian employees.

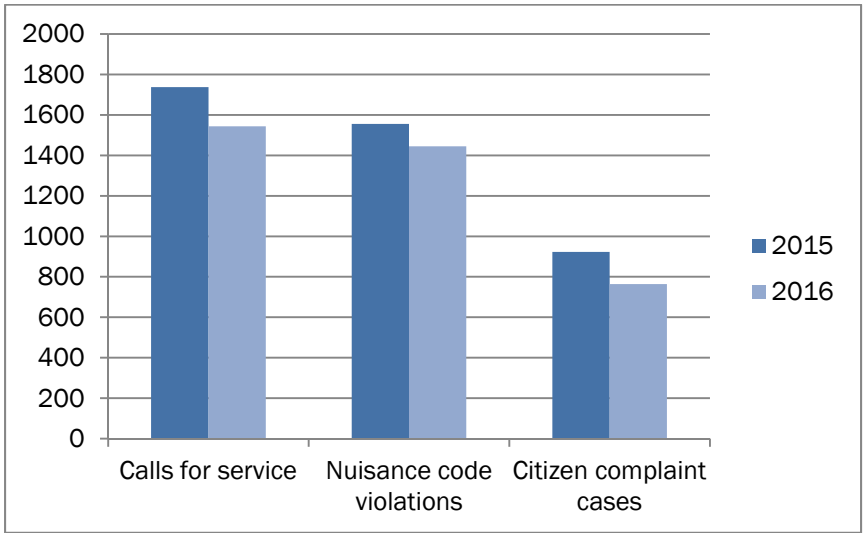
The Richland Police Department established a partnership with the Washington State Department of Corrections (DOC) in 2002 to better monitor criminals who are under active DOC supervision and living in Richland. At present, Richland Police is also leading the Benton County Emergency Management Agency's activities.

Crime rates are decreasing in some categories, while increasing in other categories, based on 2015 and 2016 National Incident-Based Reporting System (NIBRS) data for Richland. Robbery, motor vehicle theft, and stolen property offences have increased slightly, but kidnapping and burglary have decreased. For code enforcement cases, calls for service, code violations, and citizen complaints have decreased as shown in the Table CR-7 below.

Table CF-7: NIBRS Crime Statistics for Richland

Crime Categories	Total Crimes 2015	Total Crimes 2016
Robbery	6	11
Aggravated Assault	53	69
Simple assault	337	313
Kidnapping	15	5
Burglary	217	178
Arson	6	6
Larceny	1111	1100
Motor vehicle theft	48	80
Fraud	190	179
Stolen property offences	29	42
Destruction/ vandalism	461	444
Drug/ Narcotic offences	175	201

Figure CF-4: Code Enforcement Incidents



Current average response times to high priority calls range from one to seven minutes, depending on the type of call and location. The priority categories of police response to calls for service are as follows:

1. Priority I calls are where the safety of people is involved and in progress calls, officers will respond with all urgency, using emergency response equipment when justified.
2. Priority II calls are calls that just occurred. These calls do receive a high-priority response, again using emergency equipment when justified.
3. Priority III calls do not require an emergency response. These calls will be handled as soon as practical but will have lower priority than Category I or II calls. Officers answer Priority III calls when time allows.

Law enforcement within Richland's unincorporated UGA is provided by the Benton County Sheriff's Office. The City of Richland and Benton County have signed a Consent Agreement for Mutual Aid Peace Officers Powers in accordance with the Washington Mutual Aid Peace Officers Powers Act (Chapter 10.93 RCW). By signing this agreement, the jurisdictions agree to provide cooperative enforcement of the law beyond their territorial boundaries as requested by the jurisdiction in need of assistance.

The Police Services Division occupies a police station constructed in 2001.

LEVEL OF SERVICE

Richland Police provides a value-based service. Instead of measuring levels of service by officers per population, Richland measures its levels of service for public safety based on the committed and uncommitted time of the officers and support staff. A balance of committed vs. uncommitted time allows for an efficient response to citizen's calls for service while allocating uncommitted time to allow for proactive police work throughout the community. This balance generally needs to stay at 60 percent committed time and 40 percent uncommitted time.

FUTURE DEFICIENCIES

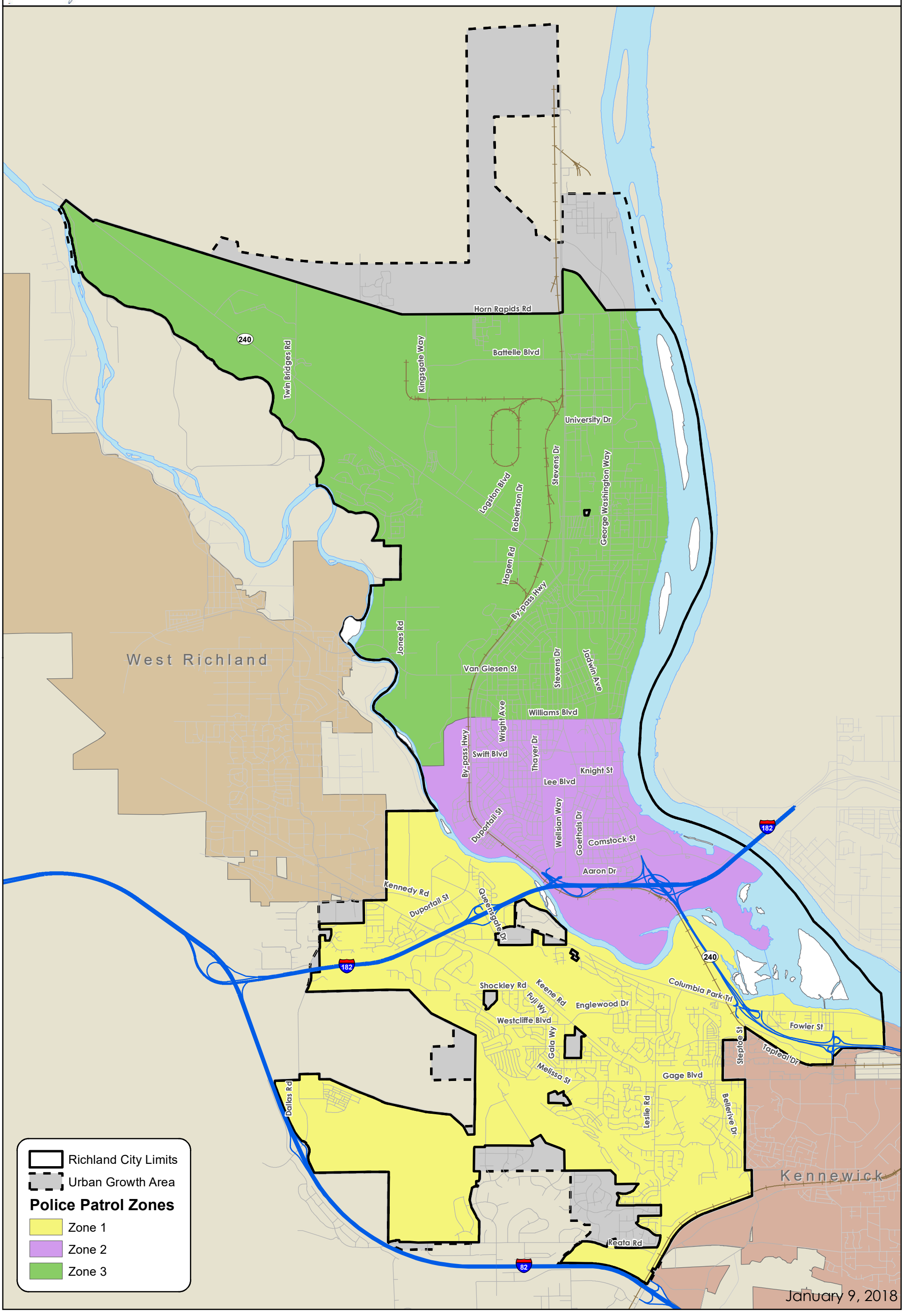
Future growth will increase demand for police protection services and police department community programs. This may result in a need for additional police officers, equipment, and support staff in the long term.

RECOMMENDATIONS

The Police Department is currently not seeking an increase in the number of police officers as it aims to meet its demand through an efficient allocation of committed time. It continues its current programs of community services and crime prevention programs.

City of Richland

CF-5 - Police Patrol Zones



SECTION SIX

LIBRARY FACILITIES

EXISTING CONDITIONS

Library services for Richland residents are provided primarily by the Richland Public Library, operated by the City of Richland Parks and Public Facilities Department. Additional library services are available at the Washington State University (WSU) Consolidated Information Center (CIC), Columbia Basin College in Pasco, and the Mid-Columbia Library System in the adjacent jurisdictions. The Kadlec Neurological Resource Center has a specialized library on neurological disorders that is open to public. The PNNL campus master plan also indicates an on-campus library that is available only to PNNL staff and visiting officials. The Richland Public Library and the WSU CIC are both located within Richland City limits. In addition to those listed above, other library facilities in Richland include school libraries at each school in the Richland School District except Rivers Edge High School.

The Richland Public Library is located at 955 Northgate Drive, is a single facility with no bookmobile or branch outlets. The library serves all of Richland's population and the population in the region. The current library facility was expanded and remodeled in 2009 with state of the art facilities, such as two 19 feet x 24 feet meeting rooms with adjustable lighting and dividers. Each room can accommodate 32 people and the rooms can be combined into a single 38 feet x 24 feet room accommodating 64 people. A 62 feet x 32 feet room seating 132 people was also added. This room features a projector, retractable movie screen, retractable black-out shades as well as conventional shades, a sound system, and DVD player.

The remodel also included the addition of a second floor, which allowed for the expansion of the library's collection as well as the addition of multiple study tables, a fire place, and upholstered seating.

The remodeled lobby features exhibit space that is highly sought after for the display of paintings and sculptures. Glass display cases, a vendor kiosk, and a bookstore were also a part of the building's expansion. During an average week, the library is open 69 hours. Hours of operation vary from winter to summer months. During winter months the library is open from 9:30 a.m. to 9:00 p.m. on Monday through Thursday, 9:30 a.m. to 5:00 p.m. on Friday and Saturday, and 1:00 p.m. to 5:00 p.m. on Sunday. During summer months, the library is closed on Sundays.

LEVEL OF SERVICE

The library facilities are currently operating to serve the population within the City and the UGA. Its service and capacity level is adequate to serve its existing population.

FUTURE DEFICIENCIES

With the future growth of the City, there may be a need for additional library facilities on the south side of the City.

RECOMMENDATIONS

Based on the current Urban Growth Boundary and population growth projections, the City of Richland should look forward to one or more branches or explore other ways to expand service.

SECTION SEVEN

SCHOOLS

EXISTING CONDITIONS

Richland is mostly served by the Richland School District. Table CF-8 describes all facilities that serve residents within the UGA although some schools are located outside the UGA. Table CF-9 lists the special purpose facilities, such as gymnasiums and libraries, in those schools.

Table CF-8: School Buildings

	Building Area (square feet)	Grounds (acres)	Main Buildings	Classrooms
Richland School District				
Elementary Schools				
Badger Mountain	48,371	15	1	25
Jason Lee	78,905	17	1	28
Jefferson	50,882	12	2	24
Lewis and Clark	43,412	15	1	20
Marcus Whitman	43,312	13	1	20
Orchard	72,000	12.33	1	27
Sacajawea	44,100	16	1	21
Tapteal	48,371	15	1	25
White Bluffs	72,626	15	1	
William Wiley	49,138	13.5	1	25
Amon Creek Elementary	76,218	≈ 13	1	38
Middle Schools				
Carmichael	107,066	26	1	31
Chief Joseph	116,837	22	1	31
Enterprise	91,300	40	1	36
High Schools				
Richland High	271,536	35	6	69
Hanford High	243,031	72	8	75
Rivers Edge	8,811	1	1	6
Three Rivers HomeLink (located on Jason Lee Elementary)	16,780	N/A	1	8
Kennewick School District				
Elementary School				
Vista	38,026	11.5	1	20
Middle School				
Desert Hills	88,362	20	4	37

	Building Area (square feet)	Grounds (acres)	Main Buildings	Classrooms
High School				
Kamiakin	192,841	30	5	67
Special Schools Outside Richland				
Delta High School (Science, Technology, Engineering, Math) [2]	44,013	6	1	20
Tri-Tech Skills Center[1]				

[1] Serves the region and operated by multiple school districts.

[2] Located in Pasco. Serves the region and operated by multiple school districts. Students are selected by lottery. Richland has a lottery allocation of 133 students accepted per year.

Table CF-9: Special Purpose Facilities

School	Gymnasiums	Auditoriums	Cafeterias	Libraries
Badger Mountain	1	0	0	1
Jason Lee	1	1	1	1
Jefferson	1	0	0	1
Lewis and Clark	1	0	0	1
Marcus Whitman	1	0	0	1
Orchard	1	0	1	1
Sacajawea	1	0	0	1
Tapteal	1	0	0	1
White Bluffs	1	0	1	1
William Wiley	1	0	0	1
Carmichael	2	1	1	1
Chief Joseph	2	1	1	1
Richland High	3	1	1	1
Hanford High	3	1	1	1
Rivers Edge (Alternative)	0	0	0	0

Source: Richland School District, 2017.

LEVEL OF SERVICE

Schools will be designed to accommodate the following:

- Elementary: 500 to 600 students per school;
- Middle: 650 to 800 students per school; and
- High: 1,500 to 1,750 students per school.

DEFICIENCIES AND RECOMMENDATIONS

The Richland School District is required by the State of Washington to provide annual enrollment projections. The District uses the Cohort Survival Method, with consideration of other factors, as the basis for these projections. The Cohort Survival Method uses a five-year average of the percent

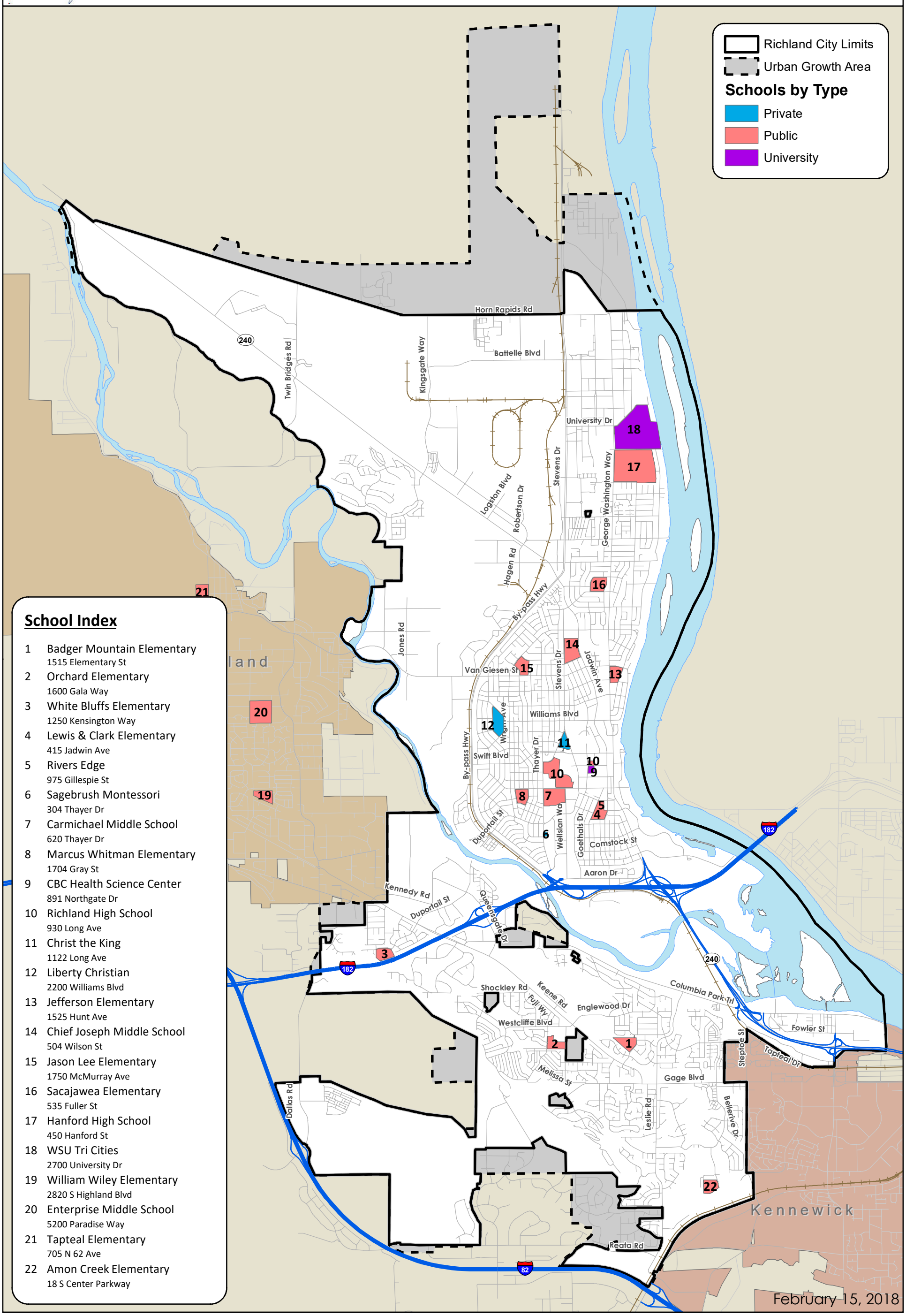
of students progressing from grade to grade. The average over the most recently completed five-year period is used to project enrollment for the next five years.

A long range planning study, done for the school district by E.D. Hovee & Company in 2011, developed projections and long range enrollment trends in four areas of the school district: north Richland, central Richland, south Richland, and West Richland. These planning projections, summarized below, were used to develop the bond issue in 2013.

The planned growth of the Badger Mountain South area (BMS) is creating the need for future schools in that area of the city. The school district owns approximately 54 acres in BMS for schools. Improved transportation to meet the access needs of the new schools will also need to be planned. Construction of a middle school (Leona Libby Middle School) is underway and is expected to open in 2017 near Belmont Boulevard and Keene Road, West Richland. The Richland School District purchased 72 acres for a potential high school near the Leona Libby Middle School site. An elementary school is also being planned in this area.

City of Richland

CF-6 - Schools



School Index

1 Badger Mountain Elementary
1515 Elementary St

2 Orchard Elementary
1600 Gala Way

3 White Bluffs Elementary
1250 Kensington Way

4 Lewis & Clark Elementary
415 Jadwin Ave

5 Rivers Edge
975 Gillespie St

6 Sagebrush Montessori
304 Thayer Dr

7 Carmichael Middle School
620 Thayer Dr

8 Marcus Whitman Elementary
1704 Gray St

9 CBC Health Science Center
891 Northgate Dr

10 Richland High School
930 Long Ave

11 Christ the King
1122 Long Ave

12 Liberty Christian
2200 Williams Blvd

13 Jefferson Elementary
1525 Hunt Ave

14 Chief Joseph Middle School
504 Wilson St

15 Jason Lee Elementary
1750 McMurray Ave

16 Sacajawea Elementary
535 Fuller St

17 Hanford High School
450 Hanford St

18 WSU Tri Cities
2700 University Dr

19 William Wiley Elementary
2820 S Highland Blvd

20 Enterprise Middle School
5200 Paradise Way

21 Tapteal Elementary
705 N 62 Ave

22 Amon Creek Elementary
18 S Center Parkway

SECTION EIGHT

ESSENTIAL PUBLIC FACILITIES

According to the GMA, Essential Public Facilities (EPF) include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities as defined in RCW 47.06.140; regional transit authority facilities as defined in RCW 81.112.020; state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

EXISTING FACILITIES

The City provided essential public facilities are already identified under the Utility Elements. This includes Richland's landfill in the Horn Rapids area. Other facilities within the City but operated by the state or other public agency include the existing airport, Interstate Highway I-182, interregional State principal arterials of SR 240 and SR 224, and the freight railroad system (BNSF, Union Pacific, Port of Benton). The Columbia-Snake River System is also identified as an EPF as it provides an important inter-modal commercial transportation network for the state extending to the Pacific Ocean. Other EPF provided by institutions in Richland include mental health facilities associated with Kadlec and the Lourdes Counseling Center.

SITING

The siting process should be consistent with the Benton CWPP. Policy 11 of the CWPP indicates that the County and Cities, along with public participation, shall develop a cooperative regional process to site essential public facilities of regional and statewide importance. The objective of the process shall be to ensure that such facilities are located so as to protect environmental quality, optimize access and usefulness to all jurisdictions, and equitably distribute economic benefits/burdens throughout the region or county.

At the Countywide and multi-county level, the following action should be accomplished:

1. Develop a uniform siting procedure which enables selection of optimum project sites and appropriate size and scale relative to intended benefit area.

Richland's Capital Facilities Goal 2 Policy 3 states to locate capital facilities identified as essential public facilities so as to provide the necessary service to the intended users with the least impact on surrounding land uses.

The City establishes the siting criteria with the understanding that some EPF may not pose any siting difficulties beyond those associated with commercial or public developments. Richland reviews the siting of essential public facilities with a process established in the Richland Municipal Code (RMC 23.42.060, Essential Public Facilities). This process first identifies criteria for determining if the facility is to be reviewed as an EPF. The process reviews and addresses mitigation of potential impacts.

REFERENCES

Anchor QEA, 2014. City of Richland Shoreline Inventory, Analysis and Characterization Report. 2014.

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Cascade Natural Gas, 2017. Cascade Natural Gas Corporation. Available from: https://www.cngc.com/utility-navigation/about-us. Accessed on March 17, 2017

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CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT

TO: PLANNING COMMISSION — PREPARED BY: MATTHEW HOWIE
FILE NO.: CPA2023-107 — HEARING DATE: SEPTEMBER 13, 2023

This report includes detailed analysis, and the attachments are length. Here is a general outline of how this report is organized:

Background
Processing Timeline
Notes on Next Steps for Processing
Overview of Proposed Comprehensive Plan Amendments
Analysis of CPA2023-101 - Washington State University
Analysis of CPA2023-102 - 2710 Crimson Way – WSU
Analysis of CPA2023-103 - 1251 Bermuda Rd - Peach Tree Estates
Analysis of CPA2023-104 - 3580 Kennedy Rd – DNR
Analysis of CPA2023-105 - 2023 Transportation Element Update
Analysis of CPA2023-106 - 24 Lawless Dr - COR
Staff Recommendation
Suggested Conclusions of Law and Suggested Findings of Fact
Recommended Motion
List of Attachments

BACKGROUND

In accordance with RMC 19.90.060, the City Council shall consider each Comprehensive Plan amendment and forward those selected to the Planning Commission for processing. Plan amendment applications may be submitted via private application and/or proposed by City Staff and the Council.

The Comprehensive Plan serves as a policy document which sets forth guiding principles to promote measured growth and desirable development outcomes. The document puts forth policy and plans to accommodate 20 years of growth and development and to provide strategic plans to provide needed services and amenities far into the future. The City's Comprehensive Plan is intended to be an all-inclusive document that should bring together various forward-looking documents such as the City's Economic Development Strategic Plan, Park Plan, Transportation, Capital Facilities and financial/budgetary plans.

The City's Comprehensive Plan should be well understood by City Council, Boards and Commissions, and City Staff, and most importantly, should bring together Council's vision and various plans into an integrated and effective planning tool. In doing so, city leaders can promote lasting health and vitality for the current citizenry. The Comprehensive Plan serves as a living document to guide land-use decisions well into the future.

Council has also directed staff to ensure a public process that is open and transparent to the public, creating a more vital and competitive community, developing quality neighborhoods and business centers, and ensuring smart growth planning principles are used.

PROCESSING COMPLETED UNTIL NOW

The following key dates and milestones describe action and processing taken by staff, the Planning Commission, and Council to date on the 2023 Comprehensive Plan Docket.

- March 1, 2023: Deadline for Private Party Application submission
  - Six (6) private party applications were received and deemed complete
- May 23, 2023: City Council Workshop to review the 2023 Comprehensive Plan Amendment Docket
- July 6, 2023: City Council Public Hearing Establishing the 2023 Comprehensive Plan Amendment Docket and forwarding the Docket to the Planning Commission for processing
- August 16, 2023: SEPA Threshold Determination of Non-Significance issued by the City's Development Services Department (EA2023-125)
- August 2, 2023: Notice of Intent to Adopt Amendment 60 Days Prior to Adoption sent to the Department of Commerce by the City's Development Services Department
- August 17, 2023: Notice of the September 13th Planning Commission Public Hearing was mailed to affected parcels and those neighboring properties within 300-feet of parcels under consideration
- August 6, 2023: Notice of Public Hearing was published in the newspaper and posted at City Hall and the City's website
- September 6, 2023: Pending Land Use Action signs were posted at the properties

NEXT STEPS REQUIRED FOR PROCESSING

Once Planning Commission holds one (or more, if they so choose) public hearing(s), they may vote to recommend the Docket as proposed, or with changes, to the City Council and thereby forward the Docket to the council for consideration.

Next, the City Council shall consider the Planning Commission's recommendations and decide to either adopt or deny the amendments during a regular council meeting. If the Council makes any changes to the Planning Commission's recommendation, the Council is required to hold a public hearing (per RCW 36.70A.035(2)). Comprehensive Plan amendments that are approved are to be adopted by ordinance and any amendments that are rejected are addressed in a resolution.

Following Council action, the Planning Division will then transmit a copy of the amendments and adopted ordinances to the State Department of Commerce who will review the submission for compliance with the State's Growth Management Act.

OVERVIEW OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS

The 2023 Comprehensive Plan Docket includes the following changes:
S*taff evaluation including findings and conclusions are provided later in this report*.

Summary Review of 2023 Applications	
APPLICANT: **Nicole Stickney [AHBL] on behalf of WSU** Change the Comprehensive Plan Map: Amend the Comprehensive Plan map from Public Facility [PBF] to High-Density Residential [HDR]	**FILE NO.:** **CPA2023-101 & Z2023-101** Staff Recommends: Map change should be accompanied by an associated rezone of the site from Parks & Public Facilities [PPF] to Multi-Family Residential [R-3].

APPLICANT: **Washington State University [WSU]** Change the Comprehensive Plan Text: Amend the Comprehensive Plan text to include a new Zoning designation, University [UNIV] under Parks & Public Facilities [PPF]	**FILE NO.:** **CPA2023-102 & Z2023-102** Staff Recommends: Text change should be accompanied by an associated amendment to Richland Municipal Code [RMC] Title 23 Zoning.
APPLICANT: **MD&D Investment, LLC** Change the Comprehensive Plan Map: Amend the Comprehensive and Badger Mountain Subarea Plans from Agriculture [AG], Civic [CIVIC] and Medium-Density Residential [MDR] to Commercial [COM], Civic [CIVIC] and Medium-Density Residential [MDR]	**FILE NO.:** **CPA2023-103** Staff Comment: Map change follows a recorded Boundary Line Adjustment and rezone via Z2022-106 Peach Tree Estates and Richland Ordinance, ORD 2023-12.
APPLICANT: **Washington State Dept. of Natural Resources** Change the Comprehensive Plan Map: Amend the Comprehensive Plan map from Public Facility [PBF] to Medium-Density Residential [MDR]	**FILE NO.:** **CPA2023-104 & Z2023-103** Staff Recommends: Map change should be accompanied by an associated rezone of the site from Parks & Public Facilities [PPF] to Medium-Density Residential [R-2].
APPLICANT: **City of Richland Public Works Department** Change the Comprehensive Plan Text: Amend the Comprehensive Plan to incorporate transportation changes over the past six (6) years.	**FILE NO.:** **CPA2023-105** Staff Comment: Text change is a routine update following prior changes to infrastructure, fees and level-of-service language for concurrency requirements.
APPLICANT: **AHBL on behalf of Economic Development** Change the Comprehensive Plan Map: Amend the Comprehensive Plan map to add the designation of Commercial [COM] to a previously undesignated area.	**FILE NO.:** **CPA2023-106 & Z2023-105** Staff Recommends: Map change should be accompanied by an associated zoning of the site to Retail Business [C-2].

ANALYSIS

WASHINGTON STATE UNIVERSITY MAP UPDATE (CPA2023-101 & Z2023-101)

Description of Proposal

Nicole Stickney, AHBL, on behalf of Washington State University, is proposing to change the Comprehensive Plan Land Use designation for 3.37 acres of an existing 19.62-acre parcel from Public Facility (PBF) to High-Density Residential [HDR], to be accompanied by a rezone of the 3.37 acres from Parks & Public Facilities [PPF] to Multi-Family Residential [R-3].

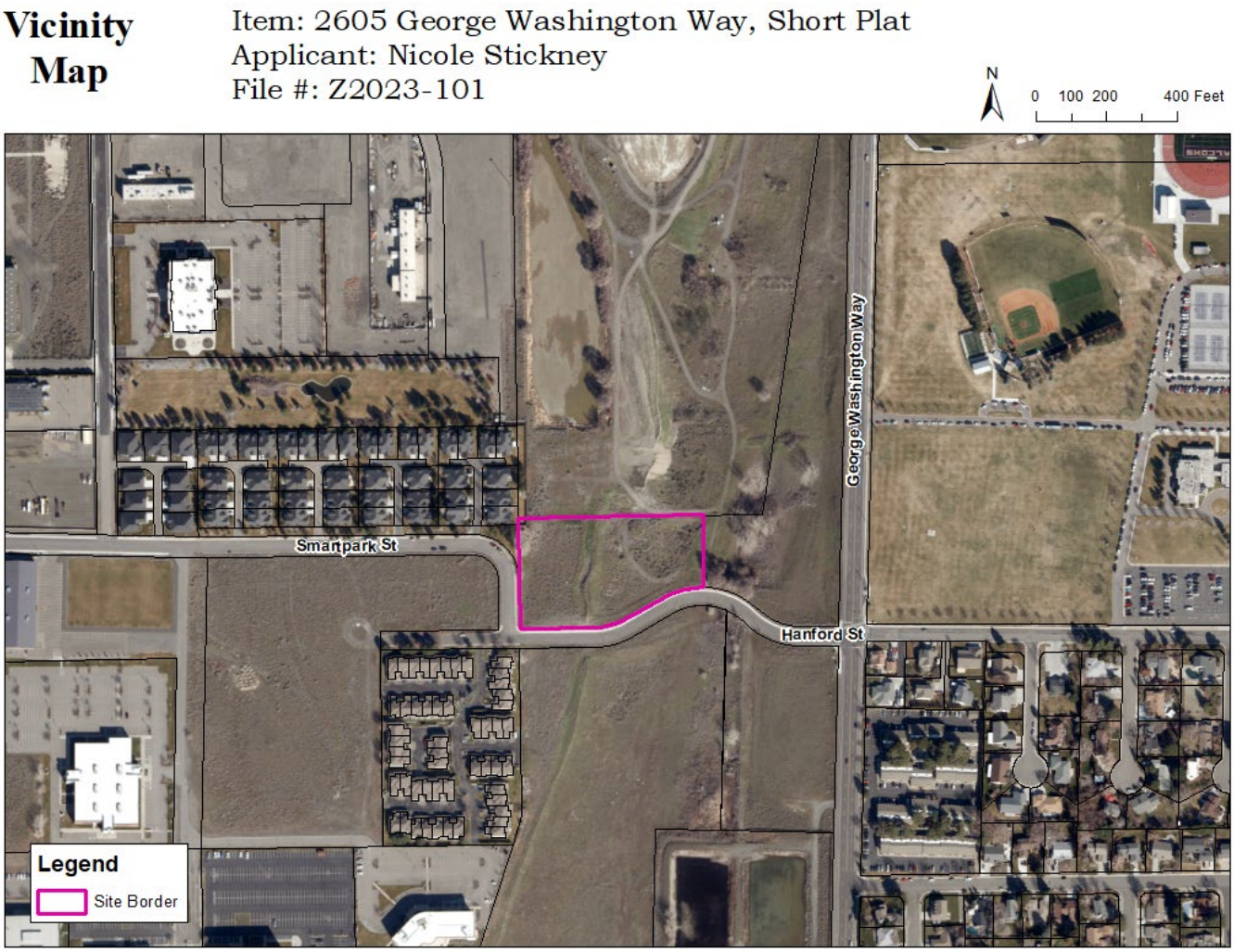


Figure 1 – Vicinity Map

Site Description & Adjacent Land Uses

The subject site consists of one 19.62-acre parcel (Parcel #1-26082000001003), but which is currently being split by short plat subdivision (SP2023-103 2605 George Washington Way). This subdivision has not been recorded. The future lot in question for this amendment is 3.37 acres at the northwest corner of Hanford and Smartpark Streets (highlighted in pink, above). No proposed map change is requested to the other areas of the original 19.62-acre parcel located immediately east. This review will not make any greater efforts to describe, define, or detail this easterly segment of the parcel in what follows.

The subject site slopes down to the east about thirty (30) feet starting approximately where Hanford Street makes its jog north, however, the applicants are only interested in development of the level western third of the property. On the eastern two thirds of the property, the applicant has completed a wetland delineation process and has not requested a change to either land use or zoning for any

of the area identified as a wetland.

Surrounding Zoning and Land Uses:

North: Parks and Public Facilities [PPF], Public Facilities [PBF]
City-owned "water property"

East: Parks and Public Facilities [PPF], Public Facilities [PBF]
WSU-owned open space – some property is designated wetlands

South: Commercial, Limited Business [C-LB], High-Density Residential [HDR]
Undeveloped.

West: Business Research Park [B-RP], Business Research Park [BRP]
Two of the three adjacent B-RP parcels are developed with townhomes.

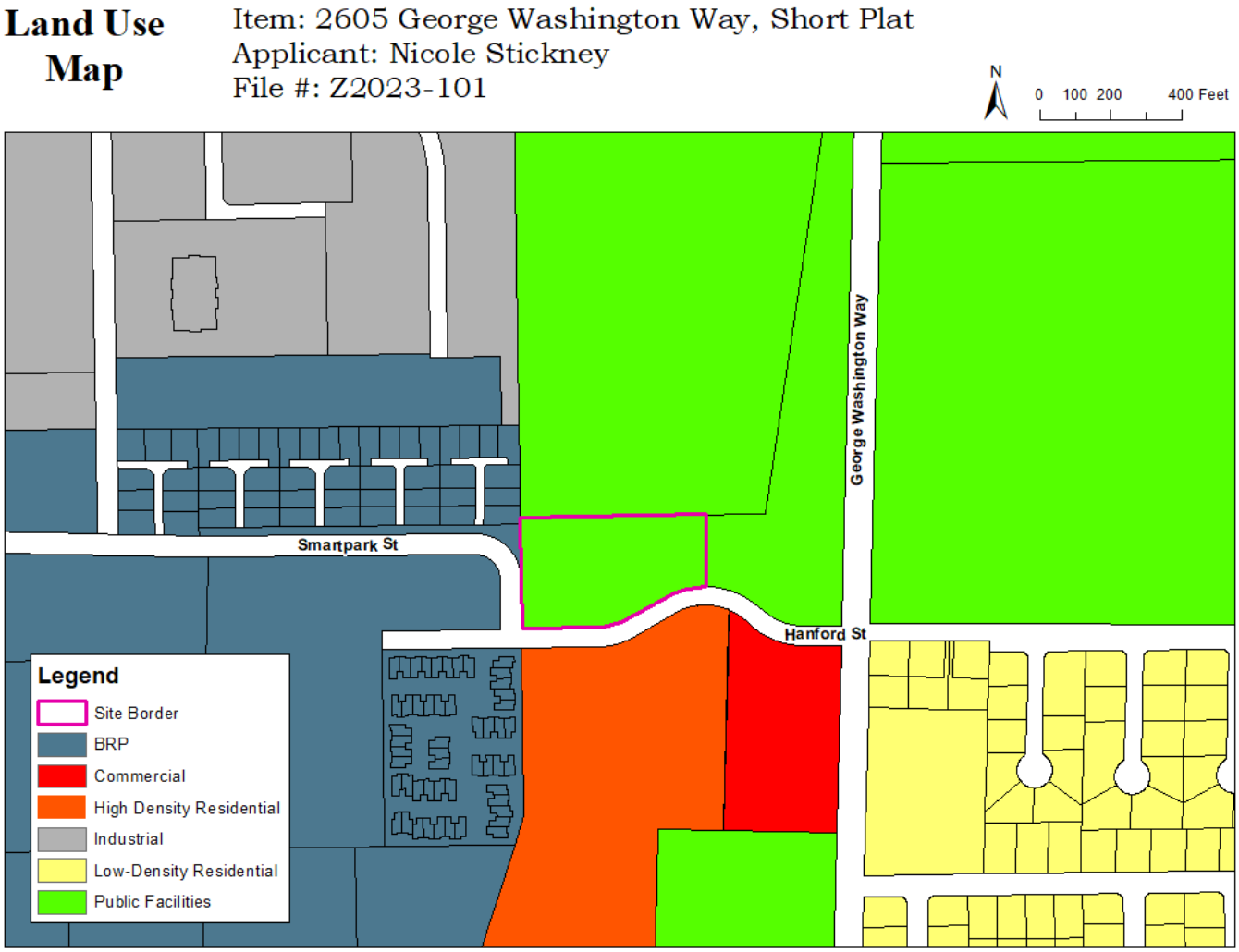


Figure 2 – Comprehensive Plan Land Use Designations

Comprehensive Plan

The site is currently designated as Public Facilities [PBF] under the City's current Comprehensive Plan, while the request is to designate the site as High-Density Residential [HDR].

The Comprehensive Plan defines High-Density Residential [HDR] lands as follows:

> *The HDR category includes multifamily residential uses with an average density of 15 dwelling units per acre. In transitional areas between more intensive commercial uses and lower density residential uses, limited office/institutional uses may also be located within the HDR designated areas.*

The Comprehensive Plan defines Public Facilities [PBF] lands as follows:

> *This category includes a variety of public and institutional uses including facilities operated by federal, state, county, municipal, or other government agencies; public educational institutions; public libraries; hospitals; cemeteries; and some developed parks.*

The Comprehensive Plan identifies the following goals and policies that pertain to this amendment request:

Land Use Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 2: Facilitate planned growth and infill developments within the City.

Land Use Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

Policy 3: Innovative and non-traditional residential developments can occur through the use of planned unit developments, density bonuses, new types of housing, and multi-use or mixed-use developments.

Land Use Goal 8: Address unique land use situations in the urban area with policies specific to those situations that ensure compatibility between land uses without infringing on private property rights.

Zoning

The site is currently zoned as Parks & Public Facilities [PPF], while the request is to zone the site as Multiple-family Residential [R-3].

The Richland Municipal Code [RMC] defines Parks & Public Facilities [PPF] districts as follows:

> *The parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.*

The Richland Municipal Code [RMC] defines Multiple-family Residential [R-3] districts as follows:

> *The multiple-family residential use district (R-3) is a residential zone classification allowing for the location of multiple-family dwellings, duplexes and attached and detached one-family dwellings and providing a high degree of protection for such uses and adjacent low-density residential development. This classification shall be designed to give protection from hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and installations are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated high-density residential (10.1 or more dwellings per acre) under the city of Richland comprehensive plan.*

Zoning Map

Item: 2605 George Washington Way, Short Plat
Applicant: Nicole Stickney
File #: Z2023-101

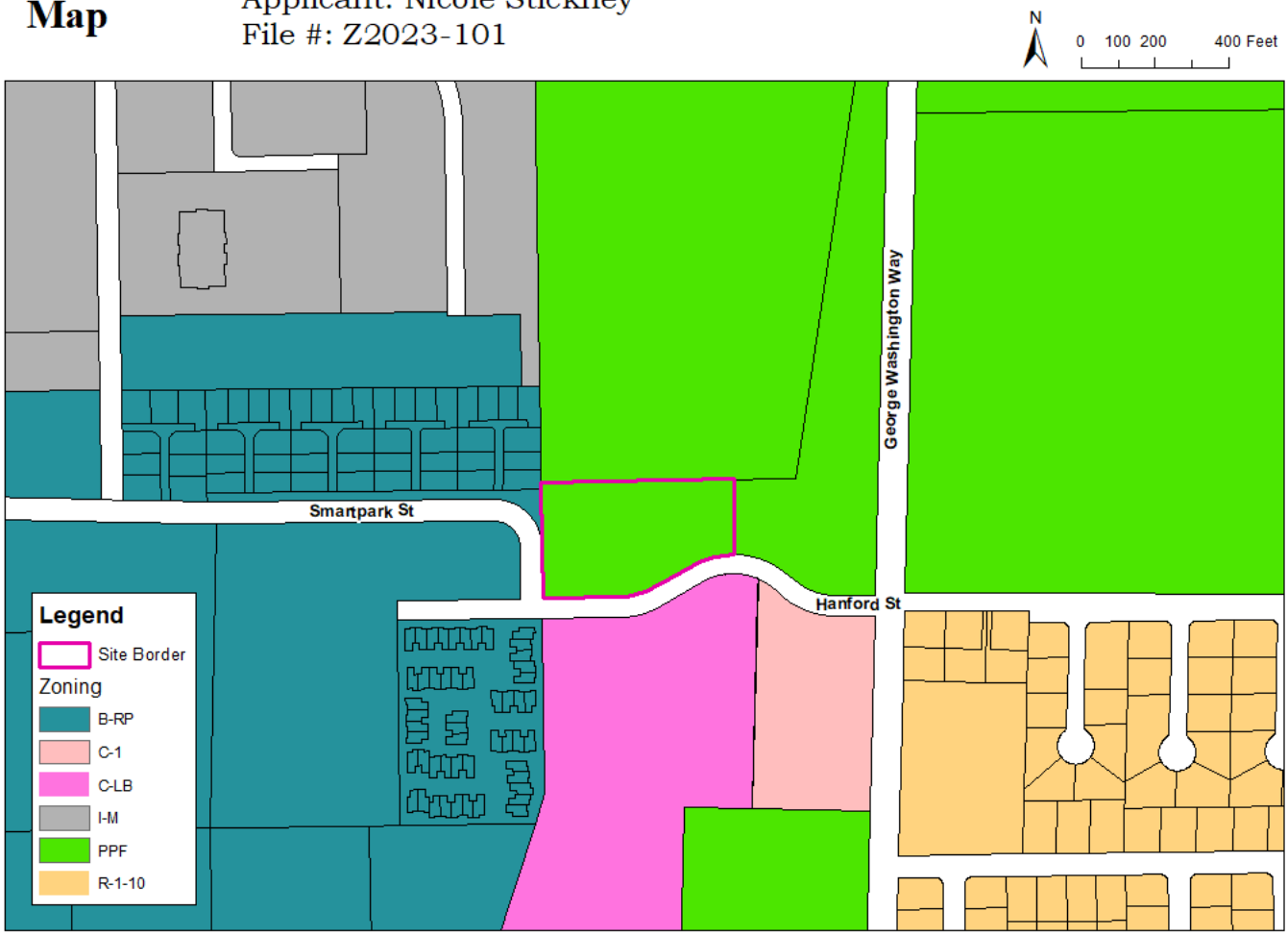


Figure 3 – Zoning Land Use Categories

Utility Availability

There are existing domestic water, sewer, natural gas, and electrical power line connections in place, available within existing rights-of-way near the site with adequate capacity to supply anticipated development. Water along with hydrants will need to be extended from the west to serve future development.

Transportation & Access

Primary access into the site will come from Hanford Street, classified by the City as a "Minor Collector". Secondary access will come from a "Minor Collector" connection to Smartpark Street to the west. This area is largely characterized by townhome development to the west and open space or public facility uses in the other cardinal directions. While there are some institutional or research-related nodes of employment to the north and west, there are not many shopping amenities within close proximity. Sidewalks are installed in rights-of-way. Existing Ben Franklin Transit [BFT] bus stops and on-street bicycle lanes are along George Washington Way to the east.

Schools

The subject site falls within the boundaries of the Richland School District, less than a quarter mile from Hanford High School and a half-mile from the main WSU campus. Primary education is not in the immediate vicinity of this proposed development.

Parks

While the majority of land in the nearby vicinity is zoned Parks & Public Facilities [PPF], there most of the land associated with this zoning category is in use either as educational or other public facilities, and not traditional park land. To that end, the most substantial, park-like asset near the subject site is the Columbia River trail some three-quarters of mile to the east.

Environmental Review

The applicants have submitted an environmental checklist. Planning staff reviewed the documents and issued a Determination of Non-Significance for the entire 2023 Comprehensive Plan Docket on August 16, 2023 (EA2023-125). No appeals or challenges to the city's Determination of Non-Significance were received. A copy of the checklist and determination of non-significance is attached.

Analysis

The proposed Comprehensive Plan map amendment proposes to expand residential capacity in this area. The R-3 designation is most contextually appropriate land use district designation since the property immediately south is currently zoned Commercial Limited-Business [C-LB], which is a similarly-intense High-Density Residential [HDR] land use category, intended to encourage co-location of commercial with residential. The intensities of R-3 and C-LB should complement each other, and provide additional patrons to C-LB businesses.

Approval Criteria

1. *Have circumstances related to the proposed amendment and/or the area in which it is located substantially changed since the adoption of the Comprehensive Plan?*

   The subject site has remained largely vacant over the preceding decades due to terrain, wetland, shape and other inherent limitations which did not make the lot especially ripe for much commercial development interest. That said, a recent short plat subdivision has calved the least-challenged remaining undeveloped part of the larger parcel away in preparation a Comprehensive Plan amendment and rezone. This parcel has potential to be developed in a way appropriate to its location and the adjacent land uses.

2. *Are the assumptions upon which the Comprehensive Plan is based no longer valid, or is new information available which was not considered during the initial Comprehensive Plan adoption process or during previous annual amendments?*

   The assumptions on which the current Comprehensive Plan is based took into consideration the bulk of surrounding uses within the PBF/PPF designations and while the rest of the original parcel is best left PBF/PPF, this particular parcel has potential for higher and better use than remaining undeveloped open space. Planning Staff currently believes that the highest and best use of the site is for multi-family residential development for previously addressed reasons.

Summary

Approval of the proposed Comprehensive Plan amendment would provide additional areas for residential development with a similar level of intensity of other, nearby uses, and likewise, able to benefit from the advantages of being close to places of active industrial/research development and educational opportunities.

WASHINGTON STATE UNIVERSITY TEXT UPDATE (CPA2023-102 & Z2023-102)

Description of Proposal

Washington State University [WSU] proposes text amendments to both the Comprehensive Plan and RMC Title 23, Zoning, to create a new zoning district to be referred to as University District [UNIV]. Further zoning map amendments would also be required. This is a Citywide initiative, though to only apply to properties associated with institutions of higher education, as defined in RCW 28B.07.020(4) or 28B.10.016(4)).

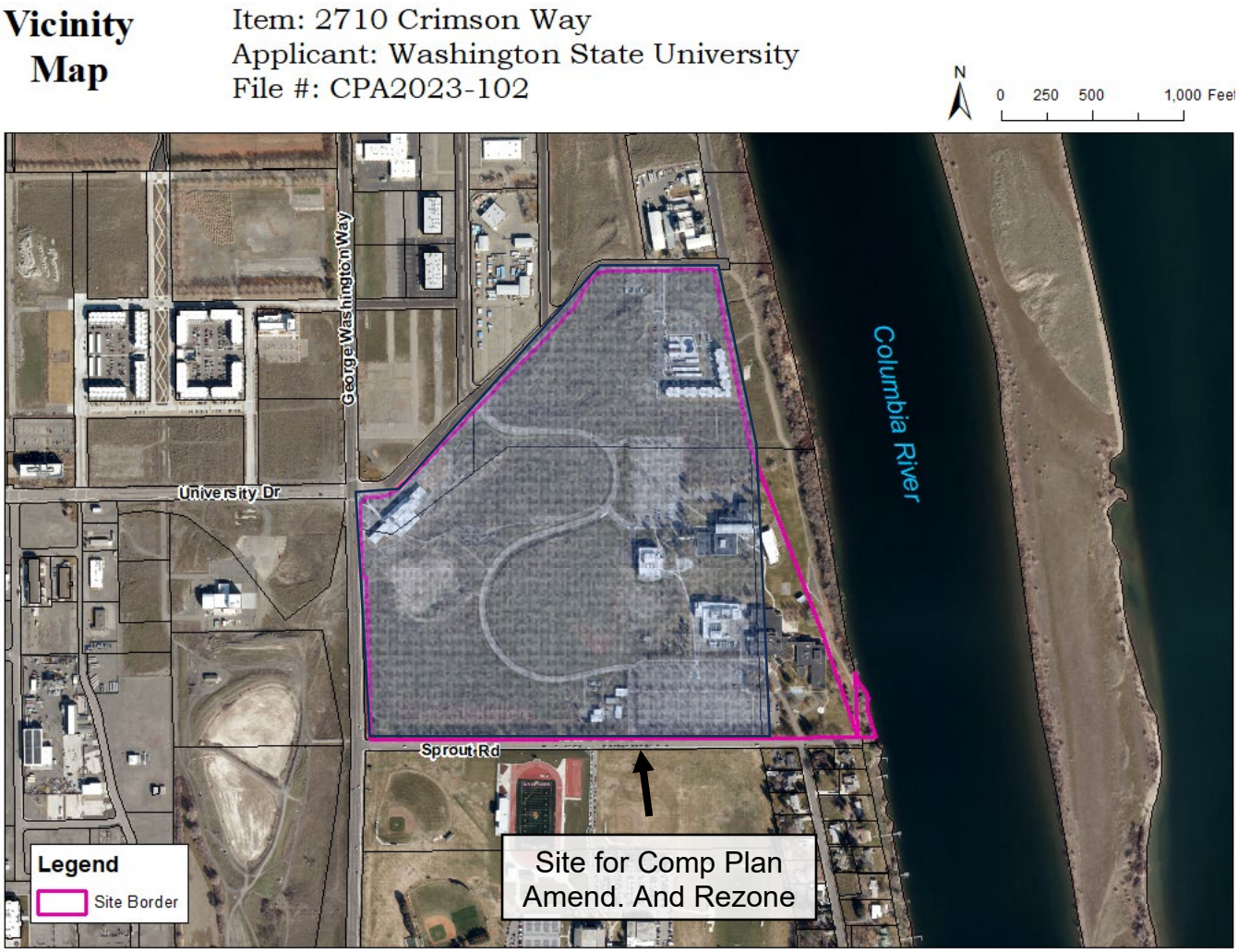


Figure 4 – Vicinity Map

Site Description & Adjacent Land Uses

The site is consists of four parcels totaling some 112.79-acres (Parcel #1-23084000002000, 1-23084000003000, 1-23084000004000, and 1-24081000000000), all a part of the larger WSU Tri-Cities campus bounded by George Washington Way to the west and the Columbia River to the east, Sprout Road to the south and University Drive to the north (highlighted in pink, above). The subject site slopes down about thirty (30) feet from northwest to southeast, with a central depression a further fifteen (15) feet roughly centered on the secondary parking field to the north of the main campus buildings.

Surrounding Zoning and Land Uses:

North: Business Research Park [B-RP], Business Research Park [BRP]
Consists of a half-dozen science and research facilities with some undeveloped lots.

East: Parks and Public Facilities [PPF], Developed Open Space [DOS]

Parcels owned either by the City or Port of Benton and apart of Columbia River trail.

South: Parks & Public Facilities [PPF], Public Facilities [PBF]
Single-Family Residential [R-1-12], Low-Density Residential [LDR]
Mostly adjacent to the Hanford High School campus, with a row of riverfront residential

West: Parks & Public Facilities [PPF], Public Facilities [PBF]
Area immediately across George Washington is open space and undeveloped.

Land Use Map

Item: 2710 Crimson Way
Applicant: Washington State University
File #: CPA2023-102

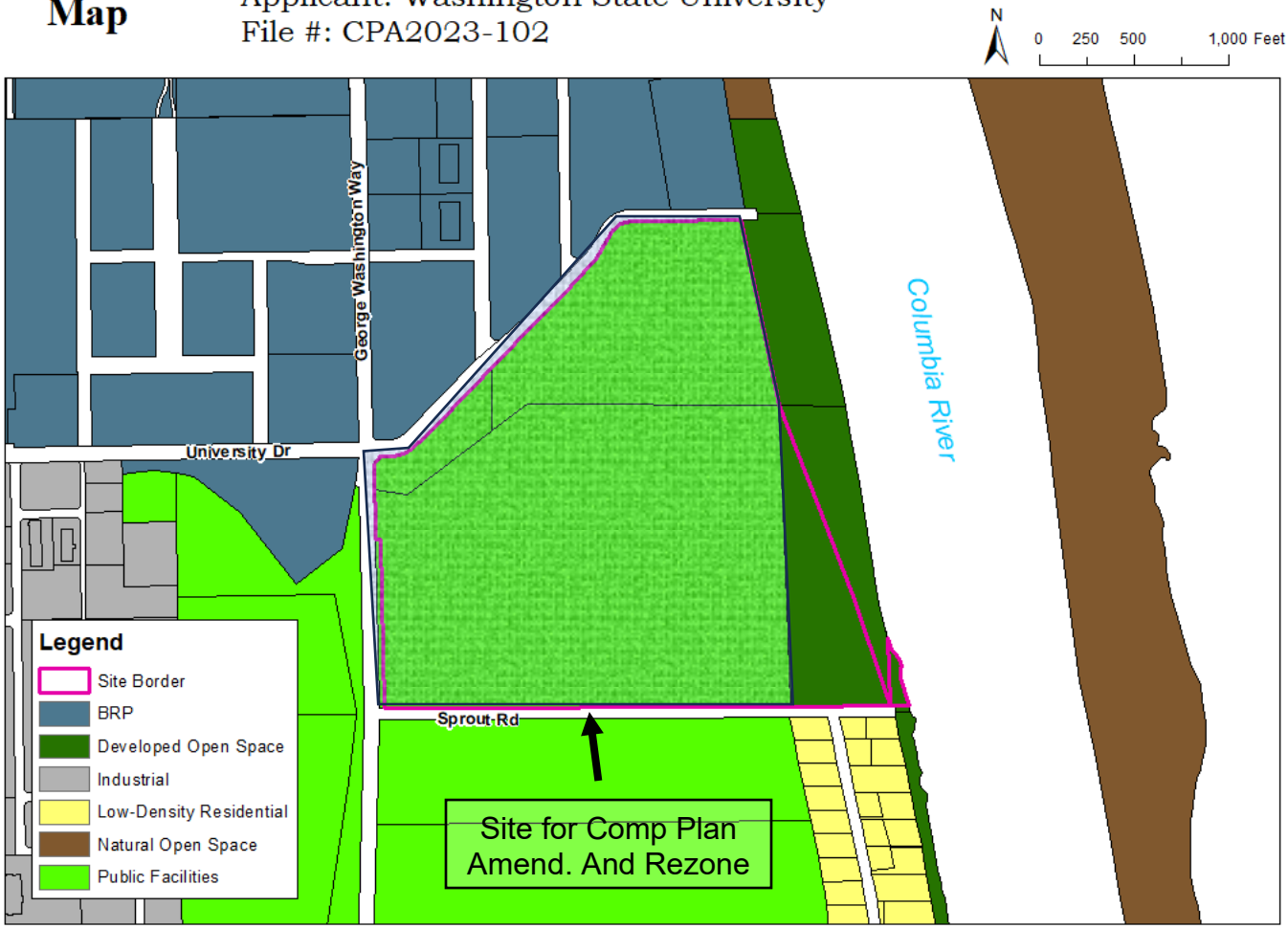


Figure 5 – Comprehensive Plan Land Use Designations

Comprehensive Plan

The site is currently designated as Public Facilities [PBF] and Developed Open Space [DOS] under the City's current Comprehensive Plan.

The Comprehensive Plan defines Public Facilities [PBF] lands as follows:

> *This category includes a variety of public and institutional uses including facilities operated by federal, state, county, municipal, or other government agencies; public educational institutions; public libraries; hospitals; cemeteries; and some developed parks.*

The Comprehensive Plan defines Developed Open Space [DOS] lands as follows:

> *This category includes golf courses, federal power transmission and irrigation wasteway easements, private open space, riverfront parks, undeveloped parks, and parks intended for long-term open space.*

The Comprehensive Plan identifies the following goals and policies that pertain to this amendment request:

Land Use Goal 7: Encourage efficient use and location of public facilities such as transit centers, utility facilities, schools, parks, and other public uses.
Land Use Goal 8: Address unique land use situations in the urban area with policies specific to those situations that ensure compatibility between land uses without infringing on private property rights.

Zoning
The site is currently zoned Parks & Public Facilities [PPF], with the accompanying proposed rezone to change the entire area to University District [UNIV].

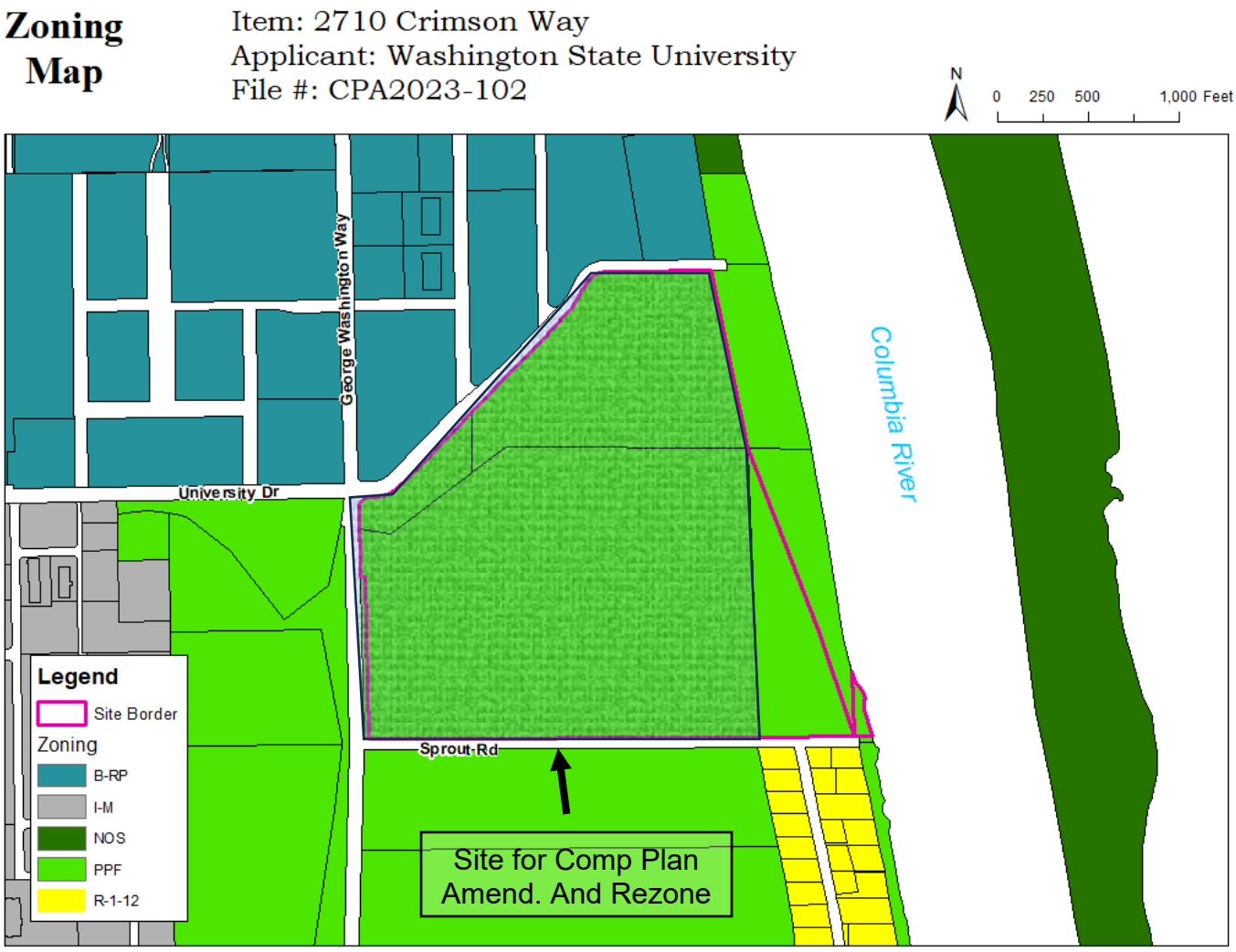


Figure 6 – Zoning Land Use Categories

Utility Availability
There are existing domestic water, hydrants, sewer, natural gas, fiber, and electrical power line connections in place, available within existing rights-of-way or otherwise on property near the site with adequate capacity to supply anticipated development.

Transportation & Access

Primary access into the site will come from University Drive and Sprout Road, classified by the City as Private and Local Roads, respectively. This area is largely characterized by large, campus-style business, research, or educational developments. At present there are not many shopping amenities or residential availabilities within close proximity. Sidewalks are installed in rights-of-way. Existing Ben Franklin Transit [BFT] bus stops and on-street bicycle lanes are along George Washington Way to the west.

Parks

While the majority of land in the nearby vicinity is zoned Parks & Public Facilities [PPF], there most of the land associated with this zoning category is in use either as educational or other public facilities, and not traditional park land. To that end, the most substantial, park-like asset near the subject site is the Columbia River trail to the east.

Environmental Review

The applicants have submitted an environmental checklist. Planning staff reviewed the documents and issued a Determination of Non-Significance for the entire 2023 Comprehensive Plan Docket on August 16, 2023 (EA2023-125). No appeals or challenges to the city's Determination of Non-Significance were received. A copy of the checklist and determination of non-significance is attached.

Analysis

As the WSU Tri-Cities campus has expanded and plans for the future of the campus have become more ambitious, transitioning from a commuter campus to one that will feature more traditional campus-like amenities alongside the academic halls and dormitories, the existing Comprehensive Plan and Municipal Code language has proven to be a barrier to those development patterns. This new district will give WSU the latitude to create a campus with the density and variety of uses not only familiar, but attractive, to future faculty and students.

Approval Criteria

1. *Have circumstances related to the proposed amendment and/or the area in which it is located substantially changed since the adoption of the Comprehensive Plan?*

   The scope and aims of WSU development of the Tri-Cities campus have matured in recent years and the current Public Facilities [PBF] and Developed Open Space [DOS] land use, and, Parks & Public Facilities [PPF] zoning designations are both inadequate and too restrictive to allow the mix of uses to develop on the property to establish a more traditional campus environment.

2. *Are the assumptions upon which the Comprehensive Plan is based no longer valid, or is new information available which was not considered during the initial Comprehensive Plan adoption process or during previous annual amendments?*

   The assumptions on which the current Comprehensive Plan is based took into consideration the bulk of surrounding uses within the PBF/DOS/PPF designations and previous experience with primary and secondary education institutions typical to PBF/DOS/PPF as sufficient to accomplish the aims of having a commuter-style post-secondary education campus. However, these assumptions are increasingly at odds with the development of a campus with on-site residents best suited by on-site amenities. Planning Staff currently believe that the highest and best use of the site is for a more traditional campus-style development for previously addressed reasons.

Summary

Approval of the proposed Comprehensive Plan amendment would provide additional areas for residential development with a similar level of intensity of other, nearby uses, and likewise, able to benefit from the advantages of being close to places of active industrial/research development and educational opportunities.

MD&D INVESTMENT, LLC MAP UPDATE (CPA2023-103)

Description of Proposal

MD&D Investment, LLC is proposing to change the Badger Mountain Subarea Plan Land Use designations to reclassify portions of five (5) parcels to reapportion the existing land use designations Medium-Density Residential [MDR], Civic [CIVIC], and Commercial [COM]. This proposal is intended to contemporize land use designations in the area based on recent boundary line adjustments and the topographical challenges associated with the extension of Gage Blvd.

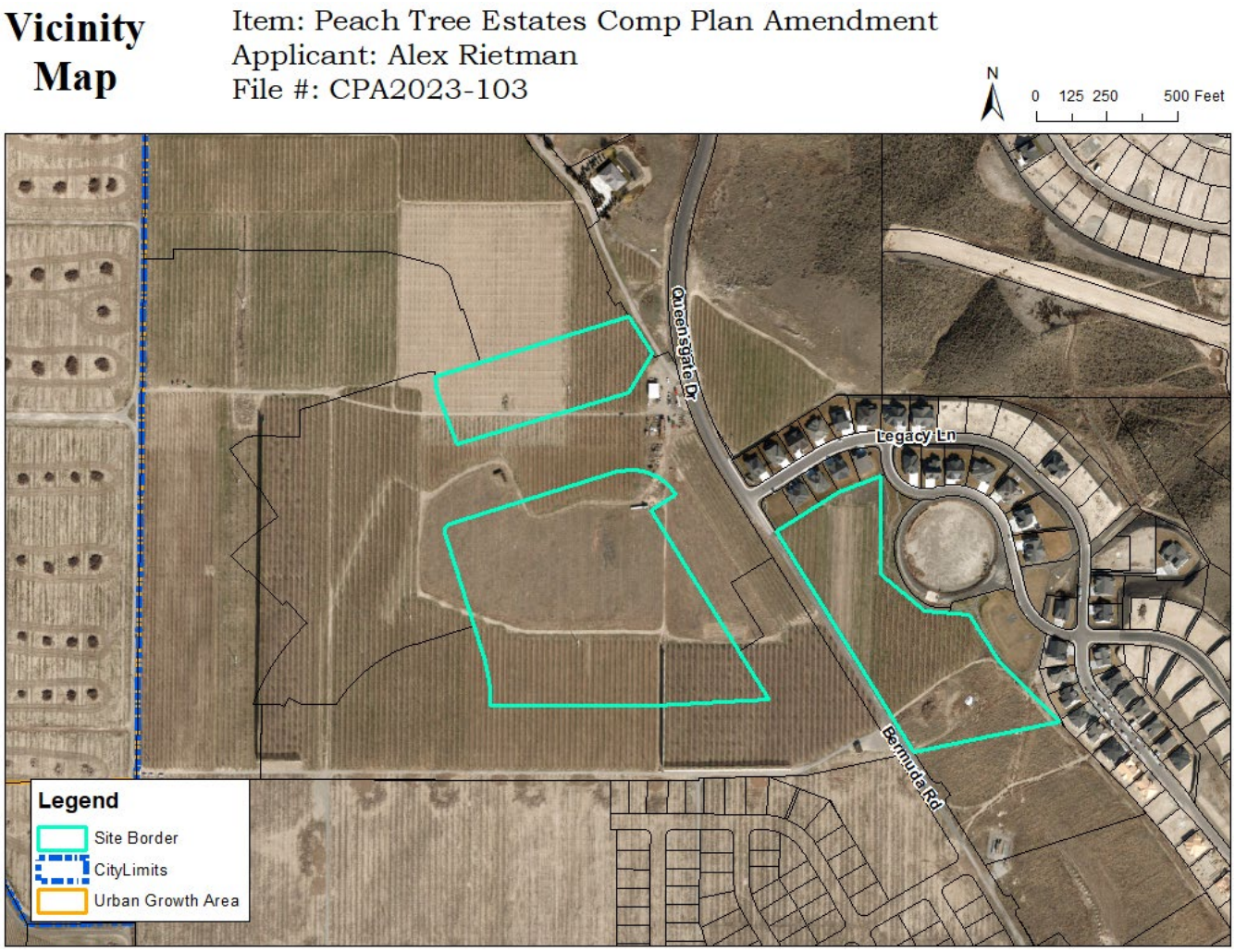


Figure 7 – Vicinity Map

Site Description & Adjacent Land Uses

The site is approximately 119 acres in size and is located along the west side of Bermuda Road and Queensgate Drive within parcels 1-34982010595007, 1-34982010595006, 1-34982010595005, 1-34982000005007, and 1-34982000008000) (highlighted in turquoise, above).

Surrounding Zoning and Land Uses:

North: Single-Family Residential [R-1-10], Low-Density Residential [LDR]
Mostly undeveloped, steep, hillside.

East: Agriculture [AG] and Single-Family Residential [R-1-10]
Low-Density Residential [LDR], Medium-Density Residential [MDR], and Commercial [COM]
Parcels largely undeveloped with the exception of a small selection of single-family homes.

South: Medium-Density Residential [R-2], Medium-Density Residential [MDR]
Area under development as a single-family residential.

West: Benton County, Rural Remote, REVAL 5 Farm [RL-5]
Farming interest on the south side of Badger Mountain

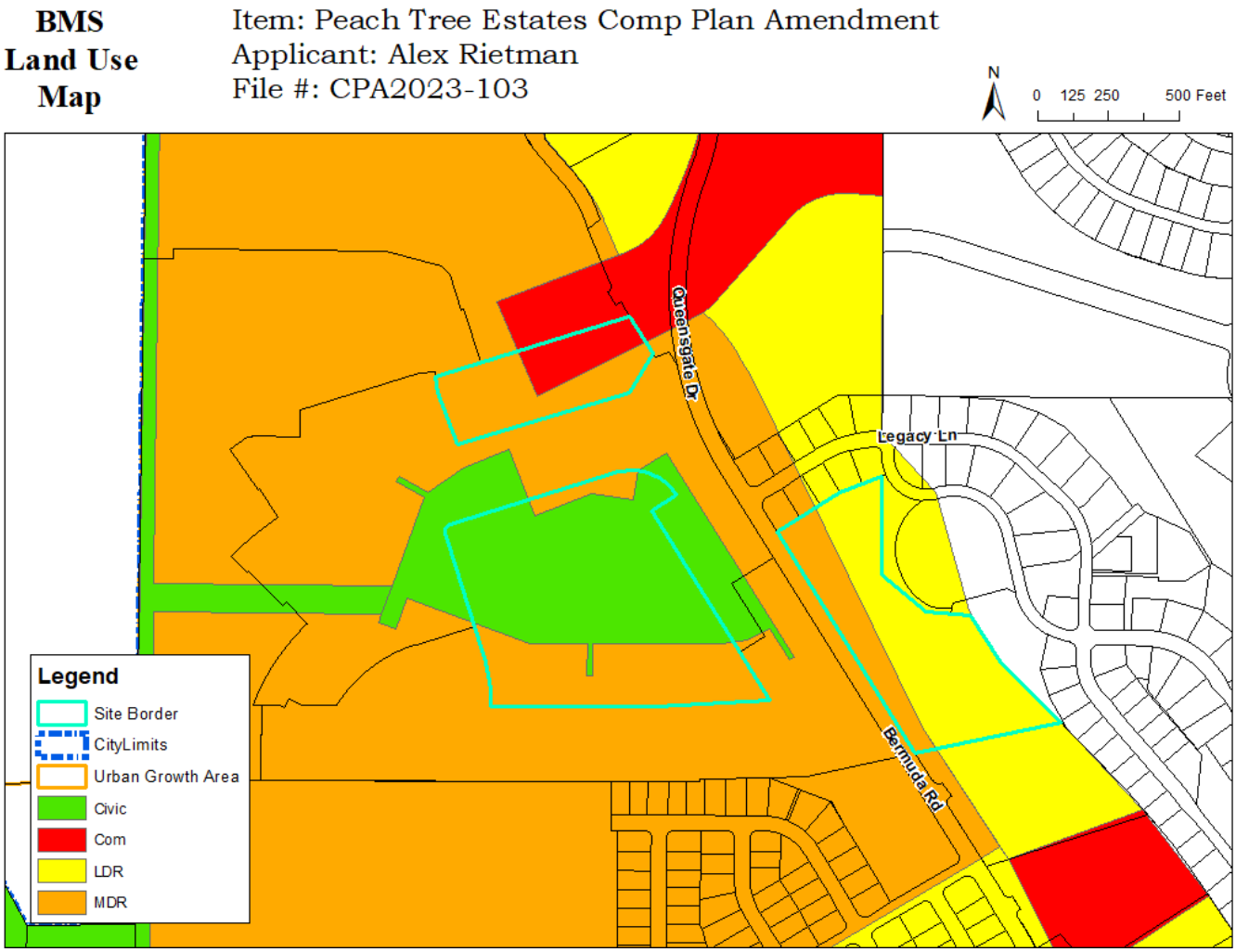


Figure 8 – Badger Mountain Subarea Land Use Designations

Comprehensive Plan

The site is currently designated as Commercial [COM], Medium-Density Residential [MDR], and Civic [CIVIC] under the City's current Badger Mountain Subarea Plan.

The Badger Mountain South Subarea Plan Medium-Density Residential land use category is described as follows:

> *The Badger Mountain Medium-Density Residential (BMMDR) classification supports the idea that housing choice and homeownership should come in a mix of price ranges within the new neighborhoods of the Subarea.*
> *Within Badger Mountain South, this land use designation is primarily comprised of traditional, urban-sized, single-family lots that average 5,000 square feet. However, it can also accommodate other types of dwellings including mansion apartments, cottages, condominiums, cooperatives and co-housing. Design and site standards that foster a sense of place will be applied to these Badger Mountain South properties. Medium-density designated land areas within Badger Mountain South may also include up to three elementary schools and one middle school location, sited to provide a walkable-orientation for neighborhood children.*

The Badger Mountain South Subarea Plan Commercial land use category is described as follows:

> *The Commercial (C) designation would allow retail business and service uses that provide products and services. It is found in future commercial nodes in areas outside of Badger Mountain South. The Commercial designation may include areas that provide limited retail business for the convenience of nearby neighborhoods or areas that provide a wider array of business and service uses.*

The Badger Mountain South Subarea Plan Civic land use category is described as follows:

> *Badger Mountain Civic Uses are uses and places that play an important component to community placemaking. They help to identify a neighborhood or area and give it a distinct and recognizable identity. Neighborhoods and communities are often identified by the school attended by neighborhood children or by the park or other community facility within the neighborhood. In this Plan, civic uses and spaces include schools, neighborhood and community parks, green spaces, trails, community facilities or buildings including churches, post office or public service buildings, plazas and playgrounds. Not all civic spaces are places that are owned and maintained by the city but they are places that people know, gather and relate to because some activity within the space appeals to and functions with some or all within the community. Within the Badger Mountain South properties, approximately 30 percent of the land area is identified as Civic Uses.*

The Comprehensive Plan identifies the following goals and policies that pertain to this amendment request:

Land Use Goal 1: Plan for growth within the urban growth area and promote compatible land use.

> *Policy 2:* Facilitate planned growth and infill developments within the City.

Land Use Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

> *Policy 1:* Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

Land Use Goal 8: Address unique land use situations in the urban area with policies specific to those situations that ensure compatibility between land uses without infringing on private property rights.

<u>Zoning</u>

Until recently, the entire site was zoned Agriculture [AG], although a recent rezone request (Z2022-106), subdivision (S2022-105), and boundary line adjustment (BLA2022-110) has contemporized land holdings and aims of the Richland School District, which has plans for the Civic parcel in the interior of the lot for a future school site and the surrounding development interest. The rezone only targeted the most southerly parcel for a change from AG to Medium-Density Residential [R-2S], though this only effectuated the BMS the Medium-Density Residential already designated by the Subarea Plan. Further rezones will follow this amendment.

The Richland Municipal Code [RMC] defines Agricultural [AG] districts as follows:

> *The agricultural use district (AG) is a primary zone classification permitting essentially open land uses such as grazing lands or pasture, agriculture, and development of part-time small tract farming and other compatible uses of an open nature such as a cemetery, park, and recreational or similar uses on land which has favorable combinations of slope, climate, availability of water, or soil conditions. This zoning classification is intended to be applied to some portions of the city that are designated as agriculture or as urban reserve under the city of Richland comprehensive plan.*

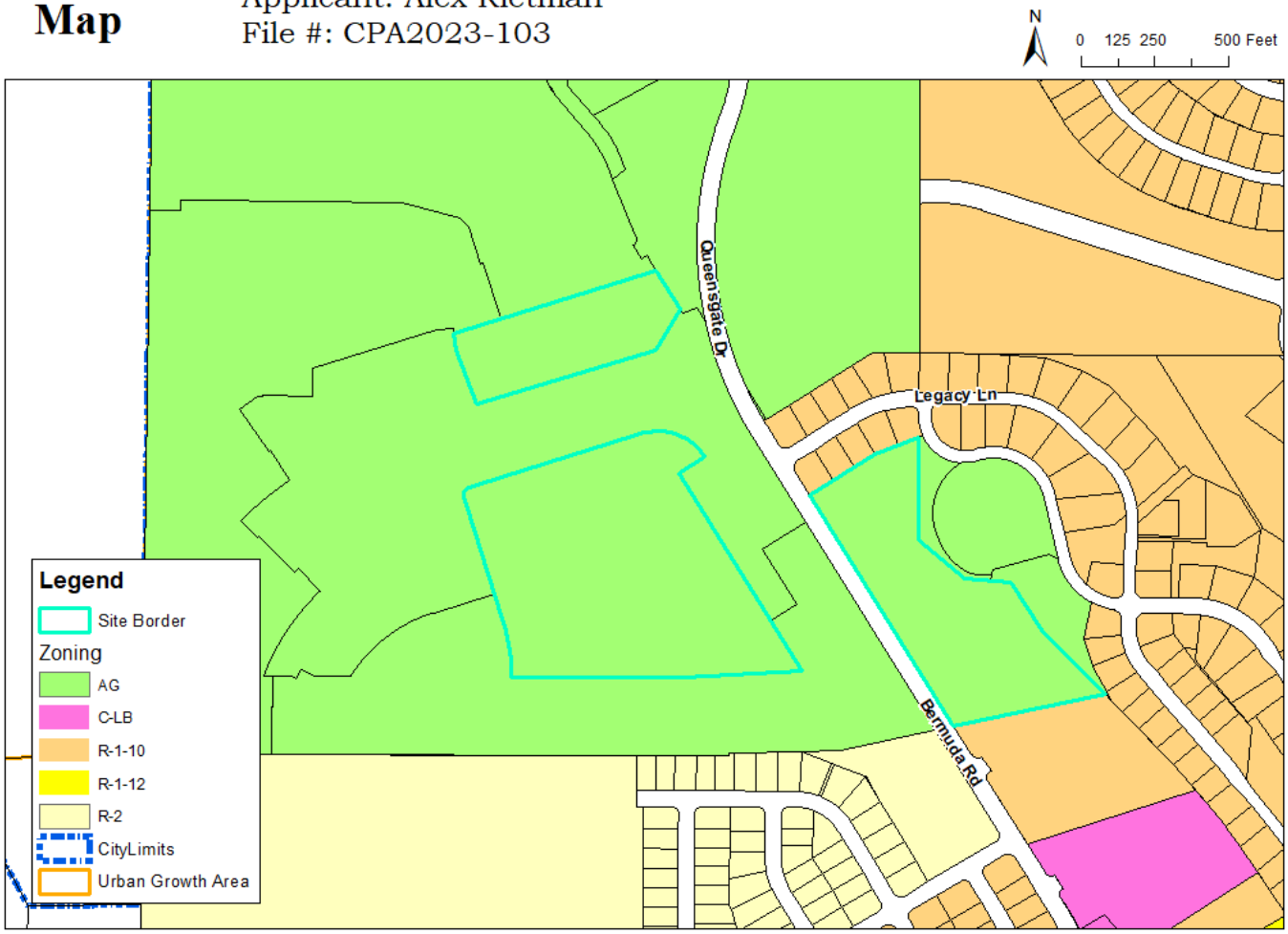


Figure 9 – Zoning Land Use Categories

Utility Availability

There are existing domestic water, sewer, natural gas, fiber, and electrical power line connections in place, available within existing rights-of-way or otherwise on property near the site with adequate capacity to supply anticipated development. Currently, there are no hydrants immediately adjacent to the proposed site. One hydrant is at the southeast corner of Bermuda Road and Legacy Lane. Future development will be conditioned on the installation of a number of fire safety assets.

Transportation & Access

Primary access into the site will come from Bermuda Road and Queensgate Drive, classified by the City as "Major Collector"s. This area is largely characterized as single-family housing in transition from undeveloped and agricultural uses. As such, there are no significant nodes of employment or shopping amenities via suburban scale commercial, office or industrial development within close proximity. That said, the City does have a pocket of anticipated neighborhood commercial some 800-feet to the north on Bermuda Road. This area already has a Badger Mountain South Land Use designation of Commercial. Sidewalks will be installed on local roads and along Bermuda Road. Existing trails and on-street bicycle lanes are also designated by the City. Likewise, there are ongoing efforts to improve the active transportation portfolio of the area. There are no nearby, current (nor proposed) Ben Franklin Transit bus routes.

Schools

The plat falls within the boundaries of the Richland School District. The school district anticipates the

siting of a future elementary school in this area. Recent land actions have contemporized the District's land holdings in preparation for future phases of this development. Secondary education is not in the immediate vicinity of this proposed development.

Parks

Other than a future private park within the Siena Hills development, immediately south, there are no parks planned (or in place) immediately adjacent to this proposed development. Crested Hills Park is one-half mile due east and the Badger Mountain Centennial Preserve is 0.7-miles to the northwest. Of these, the latter is a more significant asset to future residents, but as of yet, there are no formal connections to the Preserve from areas southeast, though at least two separate connections are proposed.

Environmental Review

The applicants have submitted an environmental checklist. Planning staff reviewed the documents and issued a Determination of Non-Significance for the entire 2023 Comprehensive Plan Docket on August 16, 2023 (EA2023-125). No appeals or challenges to the city's Determination of Non-Significance were received. A copy of the checklist and determination of non-significance is attached.

Analysis

The requested Comprehensive Plan amendment of the land use district boundaries Commercial [COM], Medium-Density Residential [MDR], and Civic [CIVIC], which are already present within the subject parcels seeks to contemporize City maps with recent changes, including boundary line adjustments, subdivision, public works' designs for the extension of future Gage Blvd., and one rezone to-date. The requested amendment does not attempt to change the underlying functionality of the area originally envisioned with the Subarea Plan, but merely to modify boundaries. No significant displacement of one land use category is requested in in favor (or to the detriment) of any other.

Approval Criteria

1. Have circumstances related to the proposed amendment and/or the area in which it is located substantially changed since the adoption of the Comprehensive Plan?

The site has been subject to boundary line adjustments, subdivisions, rezones, and plans for road connections have also been modified.

2. Are the assumptions upon which the Comprehensive Plan is based no longer valid, or is new information available which was not considered during the initial Comprehensive Plan adoption process or during previous annual amendments?

The Comprehensive Plans original assumptions are correct, but the specific bounds of the land use designations need to be updated based on recent changes.

Summary

Approval of the proposed Comprehensive Plan amendment would provide additional areas for much needed residential development within the City, along with providing for additional commercial and school development areas.

Washington State Dept. of Natural Resources (CPA2023-104 & Z2023-103)

Description of Proposal

Washington State Department of Natural Resources [DNR] is requesting a Comprehensive Plan Map amendment to reclassify an area of land from Public Facilities [PBF] to Medium-Density Residential [MDR] after recent assessments by the Richland School District reduced the size of the parcel required for their future use. DNR is also proposing to rezone the additional land area to Medium Density Residential [R-2].

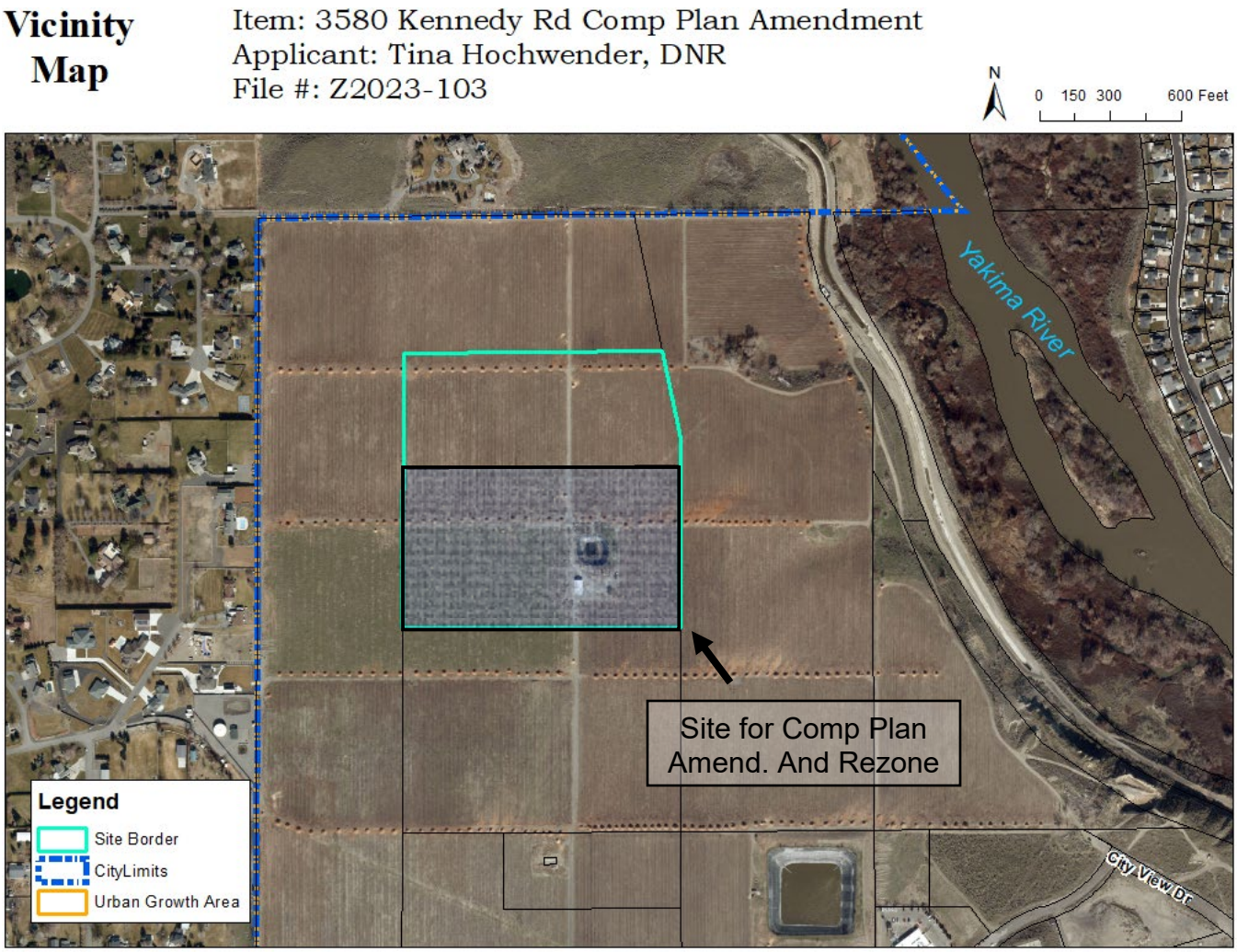


Figure 10 – Vicinity Map

Site Description & Adjacent Land Uses

The site is approximately 16 acres in size and is located within the area north of the Duportail commercial corridor, commonly referred to as "The Richland 16". The subject site is former orchard, sloping gently some thirty (30) feet running southwest to northeast. It is just one part of a future 300+ acre development area which is currently vacant. Area of interest is highlighted in turquoise, above.

Surrounding Zoning and Land Uses:

North: Medium-Density Residential [R-2], Medium-Density Residential [MDR]
Former orchard, currently vacant, awaiting development.

East: Low-Density Residential [R-1-10], Low-Density Residential [LDR]
Former orchard, currently vacant, awaiting development.

South: Parks & Public Facilities [PPF], Public Facilities [PBF]

Former orchard, currently vacant, awaiting development.

West: Low-Density Residential [R-1-10], Low-Density Residential [LDR]
Former orchard, currently vacant, awaiting development.

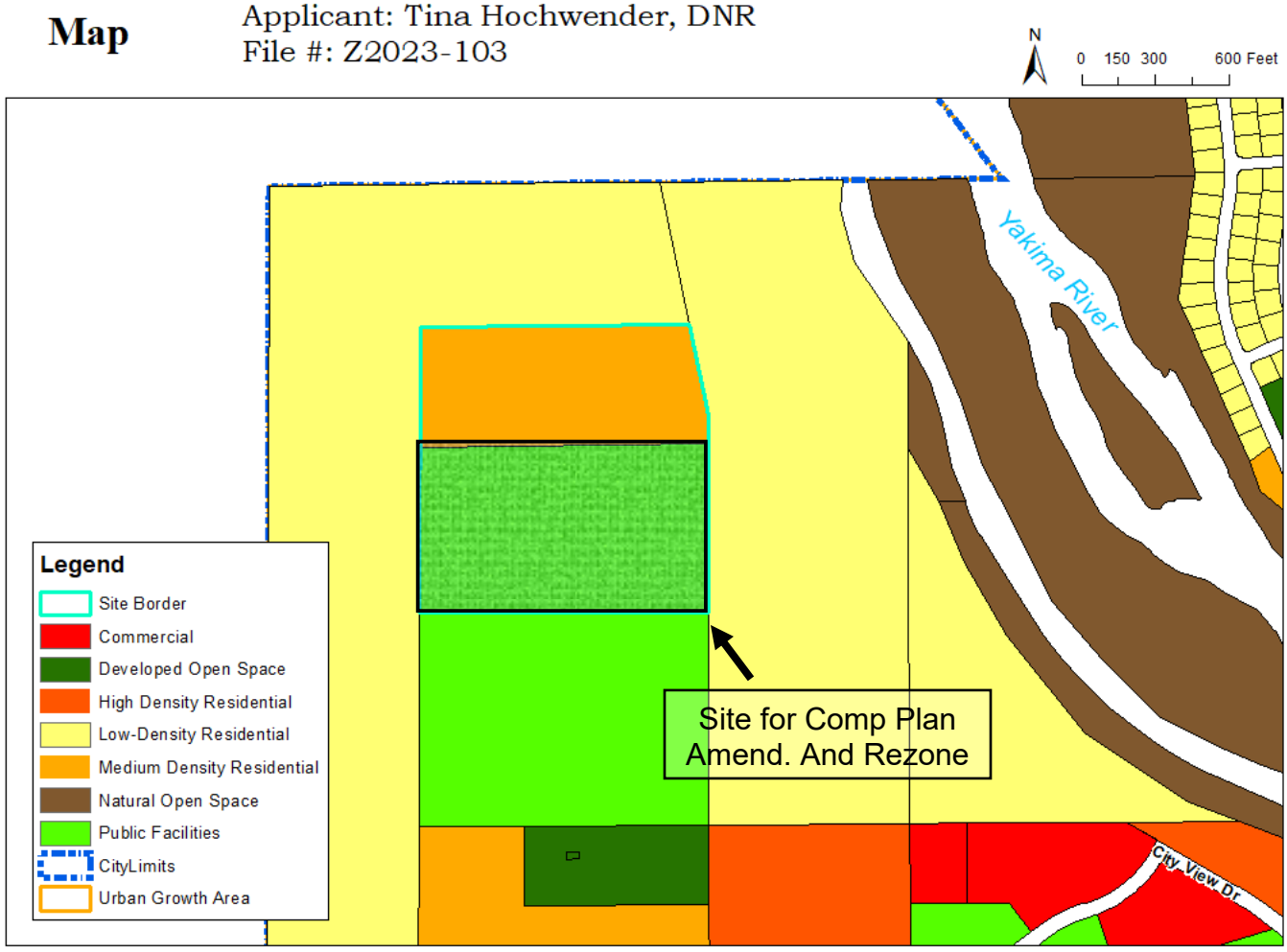


Figure 11 – Comprehensive Plan Land Use Designations

Comprehensive Plan

Washington State Department of Natural Resources [DNR] is requesting a Comprehensive Plan Map amendment for approximately 16 acres (a portion of parcel 1-16982000001006) of land from Public Facilities [PBF] to Medium-Density Residential [MDR].

The Comprehensive Plan defines Public Facilities [PBF] lands as follows:

> *This category includes a variety of public and institutional uses including facilities operated by federal, state, county, municipal, or other government agencies; public educational institutions; public libraries; hospitals; cemeteries; and some developed parks.*

The Comprehensive Plan defines Medium-Density Residential [MDR] lands as follows:

> *The MDR category includes single-family residential uses with an average density of eight dwelling units per acre.*

The Comprehensive Plan identifies the following goals and policies that pertain to this amendment request:

Land Use Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 2: Facilitate planned growth and infill developments within the City.

Land Use Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

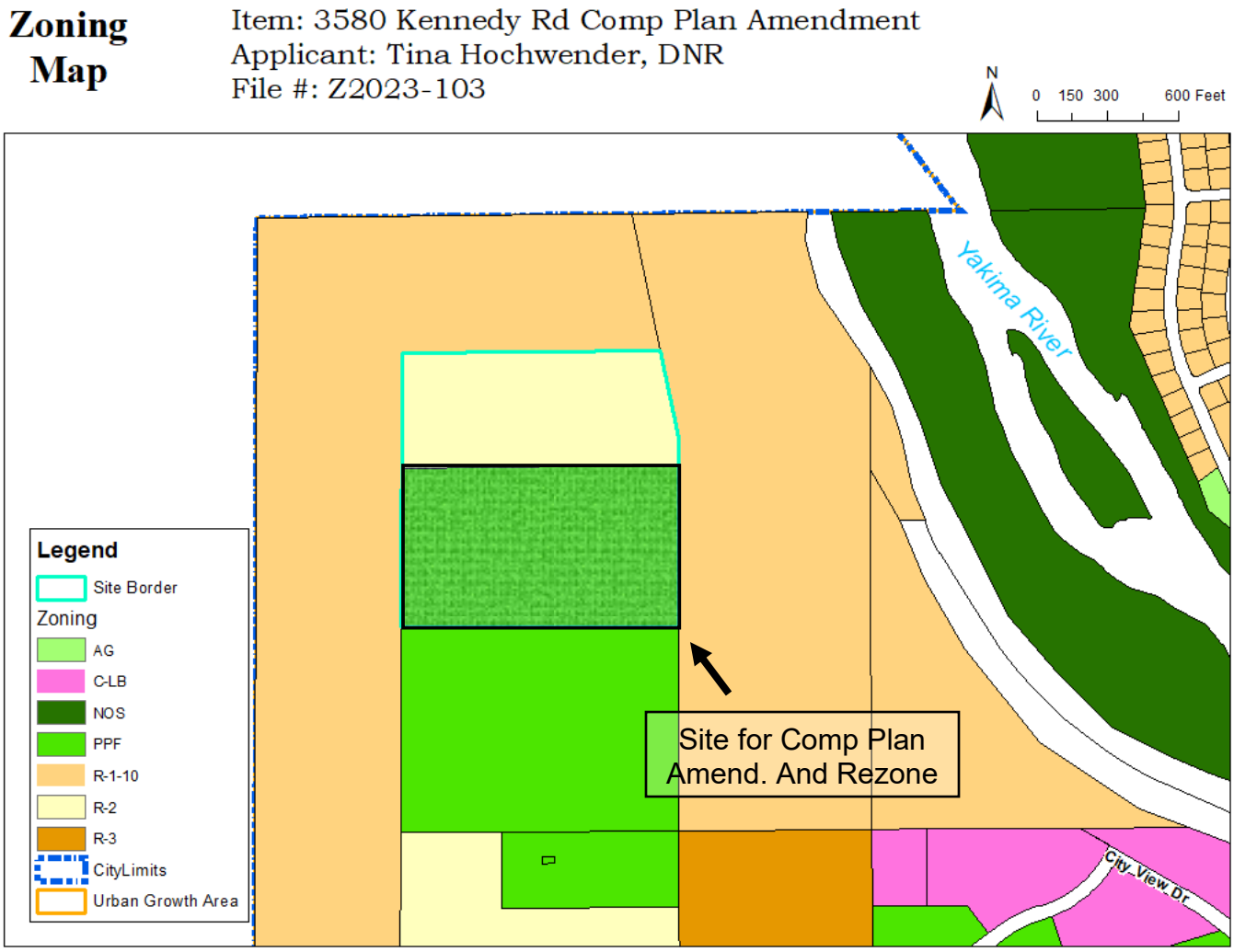


Figure 12 – Zoning Land Use Categories

Zoning

Along with the Comprehensive Plan Map amendment, the applicant proposes to rezone the subject site from Parks & Public Facilities [PPF] to Medium-Density Residential [R-2].

The Richland Municipal Code [RMC] defines Parks & Public Facilities [PPF] districts as follows:

The parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.

The Richland Municipal Code [RMC] defines Medium-Density Residential [R-2] districts as follows:

The medium-density residential (R-2) is a residential zone classification permitting a higher

density of population including the establishment of duplex dwellings and providing for these single-and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

Utility Availability

There are no existing domestic water, hydrants, sewer, natural gas, fiber, and electrical power line connections in place, nor are they immediately available within existing rights-of-way or otherwise on property near the site with adequate capacity to supply anticipated development. However, as the larger 375+ acre site develops, utilities will be brought to the site in capacities as determined by City Public Works Staff.

Transportation & Access

Primary access into the site will come through the Queensgate Drive corridor, classified by the City as a "Major Collector". This future area will largely be characterized by single-family housing in the north, though increasing in density and intensity through higher density residential and commercial uses going south. There will be significant nodes of employment and shopping amenities via suburban scale commercial development within close proximity. Sidewalks will be installed along future roadways. On-street bicycle lanes will likely be designated by the City as well. There are no nearby, current (nor proposed) Ben Franklin Transit [BFT] bus routes, though that is ripe for change, particularly since BFT already operates service east-west along the Duportail commercial area.

Schools

The subject site falls within the boundaries of the Richland School District, though fairly detached from school district service. The closest primary education is not in the immediate vicinity of this proposed development.

Parks

As part of the larger buildout of the 300+ acre area, a future park area is reserved via the current designation of Developed Open Space [DOS] and Parks & Public Facilities [PPF] some fifth of a mile directly south of the subject site.

Environmental Review

The applicants have submitted an environmental checklist. Planning staff reviewed the documents and issued a Determination of Non-Significance for the entire 2023 Comprehensive Plan Docket on August 16, 2023 (EA2023-125). No appeals or challenges to the city's Determination of Non-Significance were received. A copy of the checklist and determination of non-significance is attached.

Analysis

As the Richland School District assessed their current needs, they determined that there was a surplus in the amount of land required at this given site. DNR requests Medium-Density Residential [MDR], which is already assigned to the area immediately north, and contextually would be the best, most natural option for a land use reclassification. Furthermore, MDR and R-2 would be better suited to capture more of the inherent public (market) interest in living close to a potential educational amenity than another, less-intense, residential land use designation such as LDR and R-1-10, which are also nearby.

Approval Criteria

1. Have circumstances related to the proposed amendment and/or the area in which it is located

substantially changed since the adoption of the Comprehensive Plan?

The Richland School District no longer requires the amount of PPF/PBF land originally set aside (out of the larger 300+ acre project) and as such, the ownership would prefer to reorient the land to another, contextual, land use and zoning designation.

2. Are the assumptions upon which the Comprehensive Plan is based no longer valid, or is new information available which was not considered during the initial Comprehensive Plan adoption process or during previous annual amendments?

Yes. See response to Criteria 1.

Summary

Approval of the proposed Comprehensive Plan amendment would allow owners to reclassify land to another, sympathetic use in light of recent reassessment by the Richland School District regarding the subject property.

City of Richland Public Works Department (CPA2023-105)

Description of Proposal

The City of Richland Public Works Department requests Comprehensive Plan text amendments to the Transportation Element of the City's Comprehensive Plan so as to reflect routine and anticipated changes which have been made over the past 6 years and in anticipation of future needs. Changes include, but are not limited to: street functional classifications, short-term transportation improvements, long term transportation improvements, future impacts to the City's collector street system, the City's traffic impact fee program, and amending the level-of-service language to meet concurrence requirements.

Comprehensive Plan

Public Works Staff request to make Comprehensive Plan text changes to pages 40, 44, 45, 46, 49, 50, 51, and Figures [Maps] T-1, T-2, and T-12. [See Figures 13, 14, and 15 for updated maps.] Text changes range from alterations in diction and syntax, the updating of titles and headings, to the textual establishment of certain prospective projects anticipated by Public Works in the coming years. For a full list of changes, reference Exhibit 8.

The Comprehensive Plan identifies the following goals and policies that pertain to this amendment request:

Transportation Element Goal 1: Provide an efficient and multi-modal transportation network including road, trail, rail, water, and air, to support the City's land use vision and existing needs.

Policy 1: Plan new street segments and consider modifying existing streets to provide comfortable and safe elements for bicyclists, pedestrians, and transit users in addition to vehicles.

Policy 5: Plan and implement transportation system improvements that meet the needs of all areas and residents.

Policy 7: Plan and implement an appropriately classified and designed roadway system that provides for efficient movement of people and goods and the comfort and safety of residential neighborhoods.

Transportation Element Goal 2: Improve safety, connectivity, and operating efficiency of the transportation system.

Policy 1: Implement appropriate access control for arterial collectors and arterial streets.

Transportation Element Goal 3: Encourage the use of transportation modes that promote energy conservation, circulation efficiency, and an active lifestyle.

Policy 1: Support increased use of transit, bicycling, and pedestrian travel.

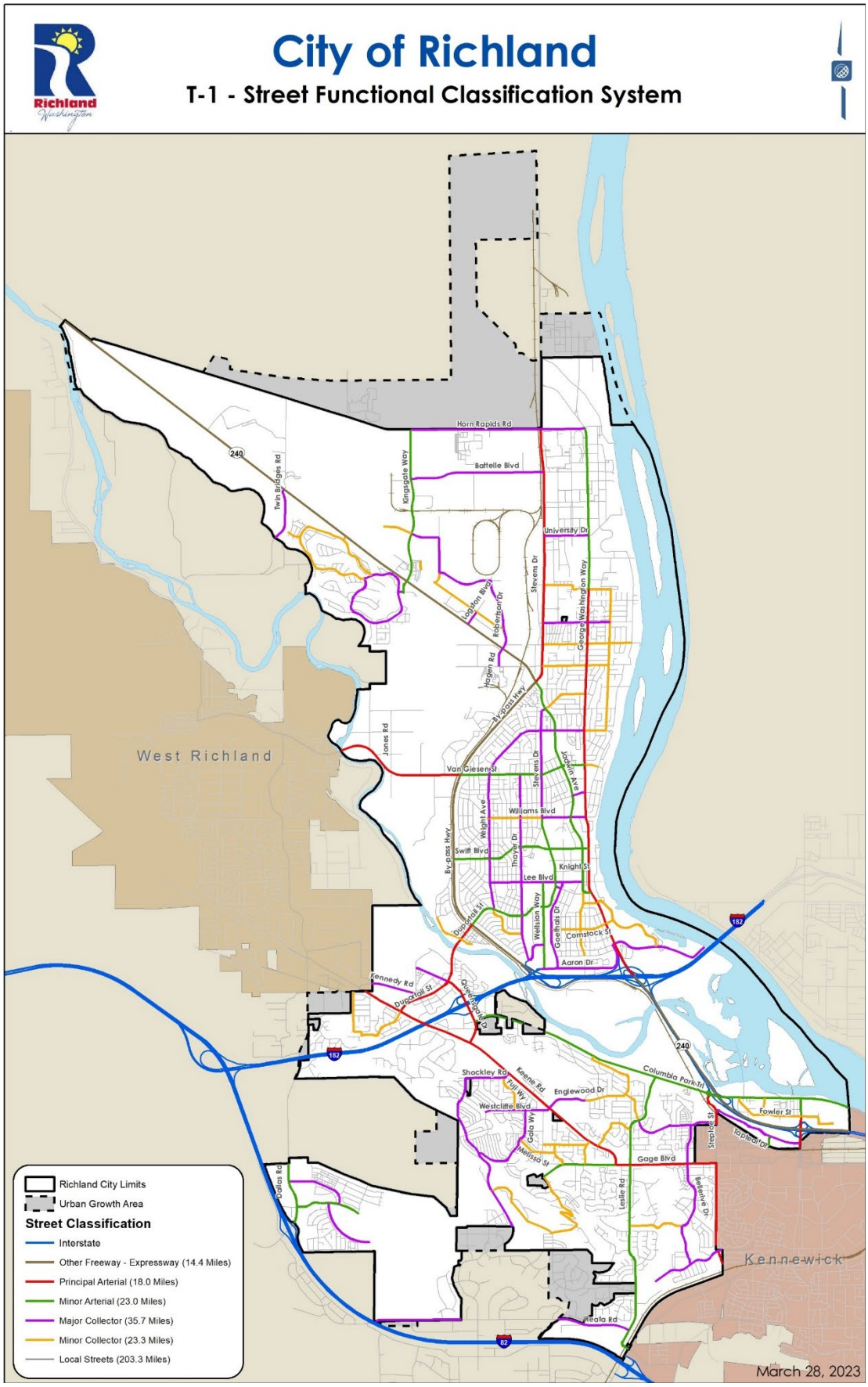


Figure 13 – Updated Street Functional Classification System Map

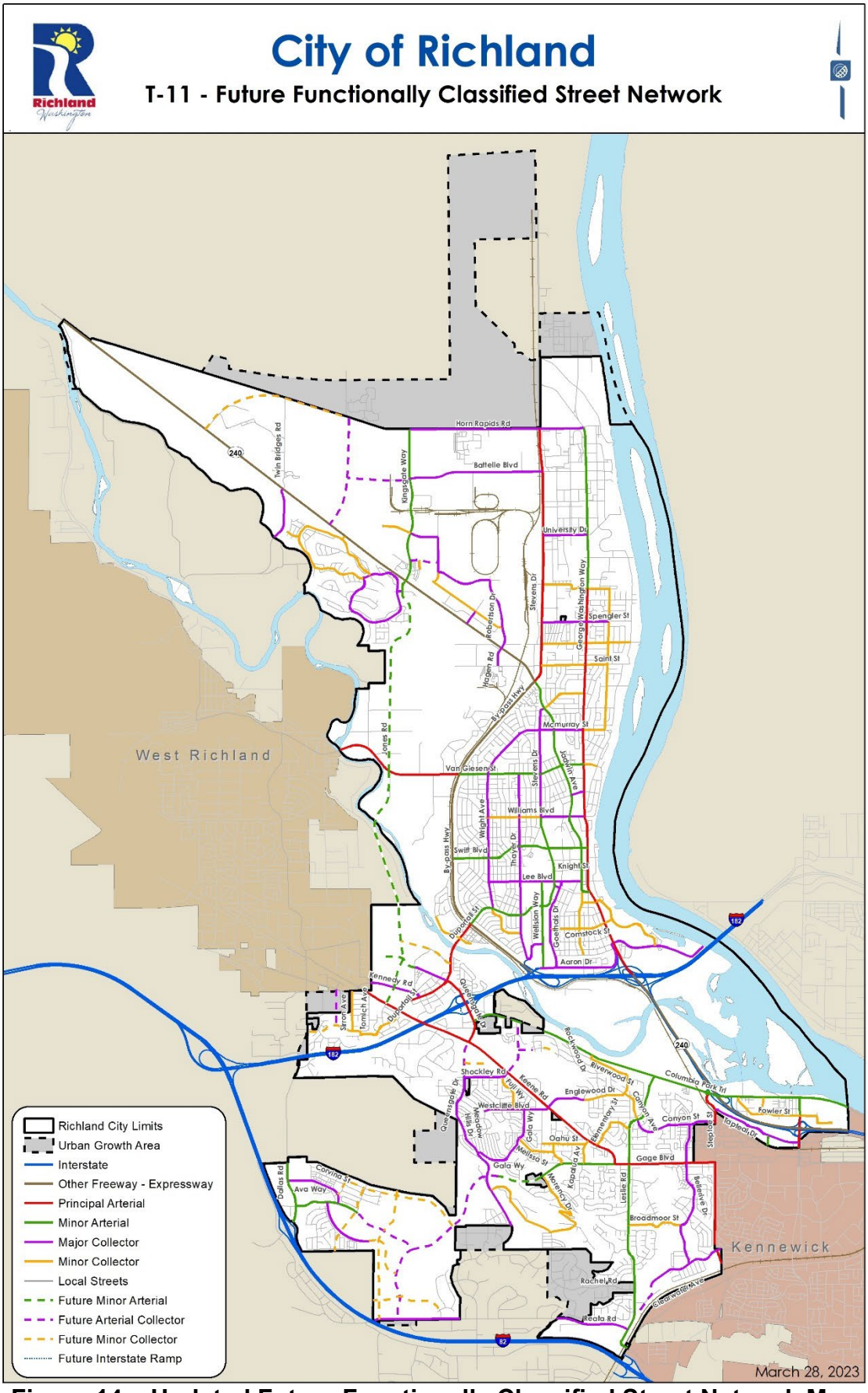


Figure 14 – Updated Future Functionally Classified Street Network Map

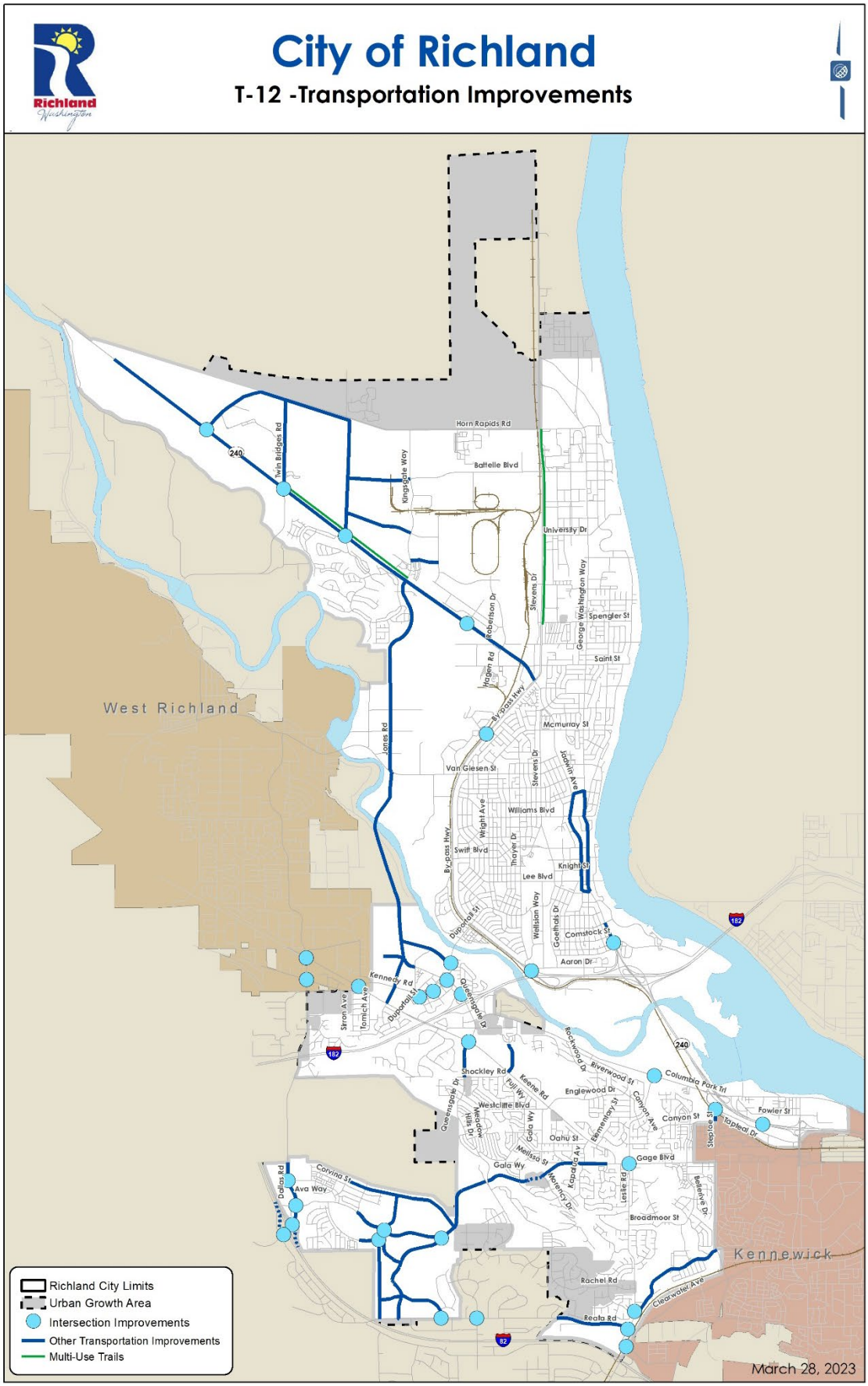


Figure 15 – Updated Transportation Improvements Map

Environmental Review

The applicants have submitted an environmental checklist. Planning staff reviewed the documents and issued a Determination of Non-Significance for the entire 2023 Comprehensive Plan Docket on August 16, 2023 (EA2023-125). No appeals or challenges to the city's Determination of Non-Significance were received. A copy of the checklist and determination of non-significance is attached.

Analysis

The requested changes made by Public Works are a proactive update based on recent project additions, basic text changes to headings, titles, and given wording in the previous version of the Comprehensive Plan, and other updates to fees, as one example. These changes do not seek to modify the underlying Goals or Policies of the document. Changes requested are in line with the inherited Goals and Policies of the Comprehensive Plan.

Approval Criteria

1. Have circumstances related to the proposed amendment and/or the area in which it is located substantially changed since the adoption of the Comprehensive Plan?

The changes requested by Public Works are responding to development and the dynamic environment of the City's transportation infrastructure over time. Furthermore, as projects are completed, new projects are anticipated, which is also a significant part of the requested updates.

2. Are the assumptions upon which the Comprehensive Plan is based no longer valid, or is new information available which was not considered during the initial Comprehensive Plan adoption process or during previous annual amendments?

Public Works has not requested changes to either Goals or Policies included in the Comprehensive Plan, so those remain valid. Additional information, and new information, informs the requested changes.

Summary

Approval of the proposed Comprehensive Plan amendment would allow Public Works to update information within the document, and ensure its concurrency with future plans and ongoing projects and budgeting.

City of Richland Economic Development (CPA2023-106 & Z2023-105)

Description of Proposal

AHBL, on behalf of the City of Richland Economic Development Division, is proposing the establishment of the Commercial Land Use Designation on approximately 4.3 acres located at 24 Lawless Drive, with an anticipated zoning designation of Retail Business [C-2]. This property was formerly associated with WSDOT right-of-way but has since been made available for higher use.

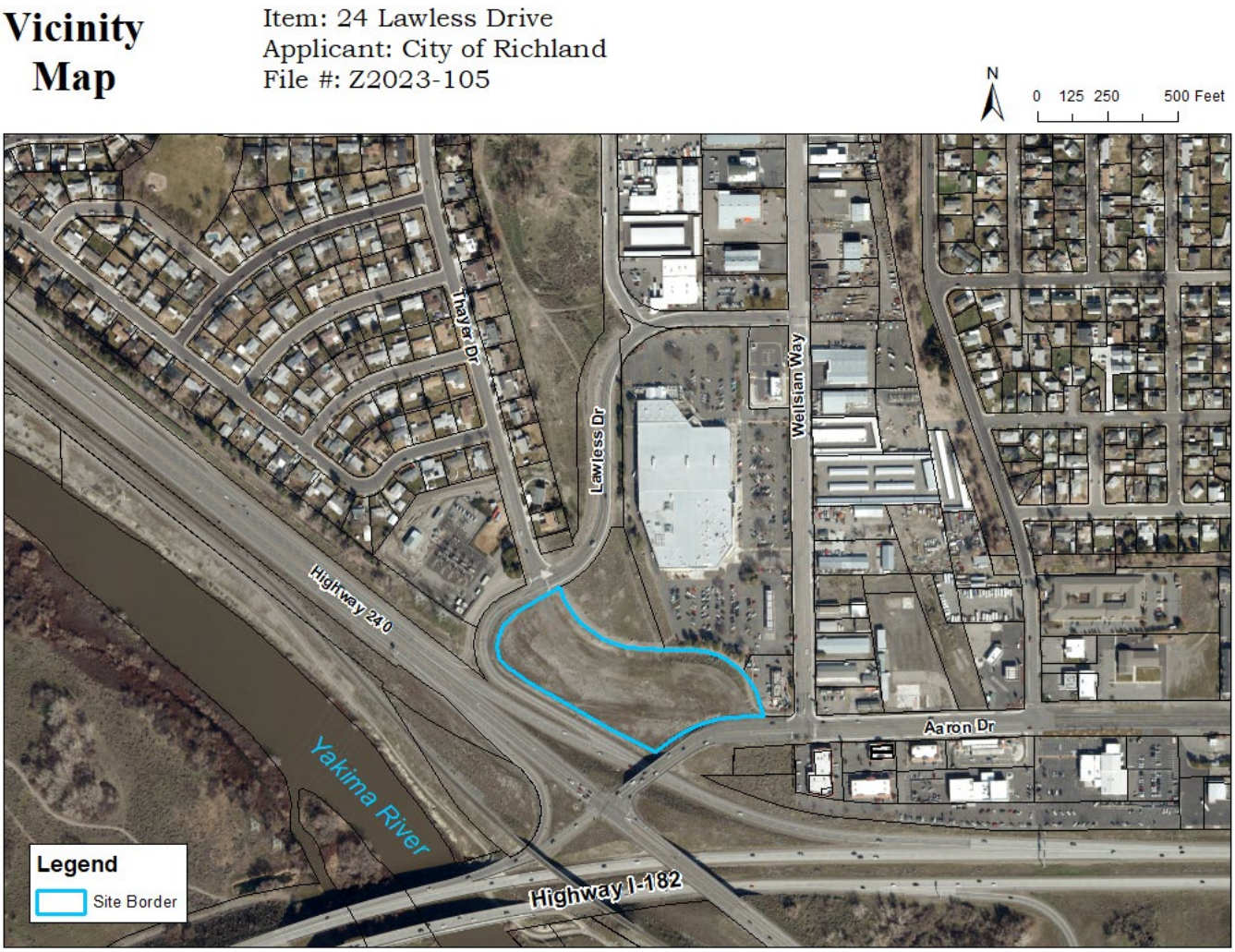


Figure 16 – Vicinity Map

Site Description & Adjacent Land Uses

The site is approximately 4.3 acres in size and is located within the area northwest of Aaron Drive, south of Lawless Drive, and northeast of Bypass Highway 240. The subject site is former right-of-way, sloping swiftly thirty-five (35) feet running northwest to southeast (highlighted in turquoise, above).

Surrounding Zoning and Land Uses:

North: Retail business [C-2], Commercial [COM]
Currently vacant, awaiting development.

East: General Business [C-3], Commercial [COM]
McDonalds Drive-Thru, Fred Meyer-anchored, multi-tenant strip mall.

South: No designations
Bypass Highway 240 right-of-way corridor.

West: Parks & Public Facilities [PPF], Developed Open Space [DOS]

Medium Density Residential [R-2], Public Facilities [PBF]
Electric substation.

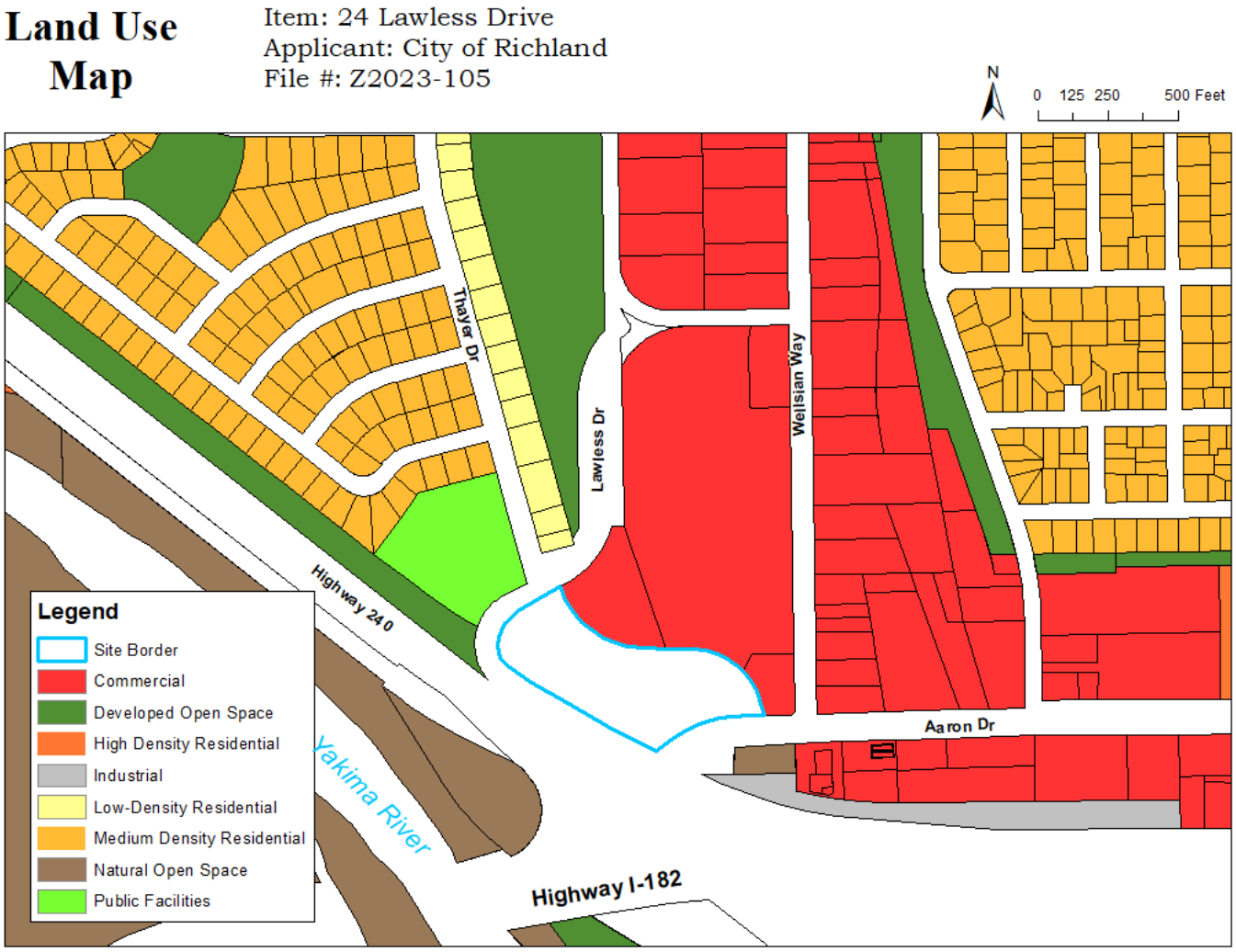


Figure 17 – Comprehensive Plan Land Use Designations

Comprehensive Plan

City of Richland Economic Development Division is requesting a Comprehensive Plan Map amendment for approximately 4.3 acres (no assigned parcel number) to classify the property as a Commercial [COM] land use.

The Comprehensive Plan defines Commercial [COM] lands as follows:

> *The commercial land use category includes a variety of retail, wholesale, and office uses. Within this category are professional business offices, hotels, motels, and related uses. It also includes a variety of retail and service uses oriented to serving residential neighborhoods, such as grocery stores, hardware supply, and garden supply. Other commercial uses include automobile related uses, and uses that normally require outdoor storage and display of goods. In transitional areas between more intensive commercial uses and lower density residential uses, high-density residential development may also be located within the Commercial designated areas.*

The Comprehensive Plan identifies the following goals and policies that pertain to this amendment request:

Land Use Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 2: Facilitate planned growth and infill developments within the City.

Land Use Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

Land Use Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

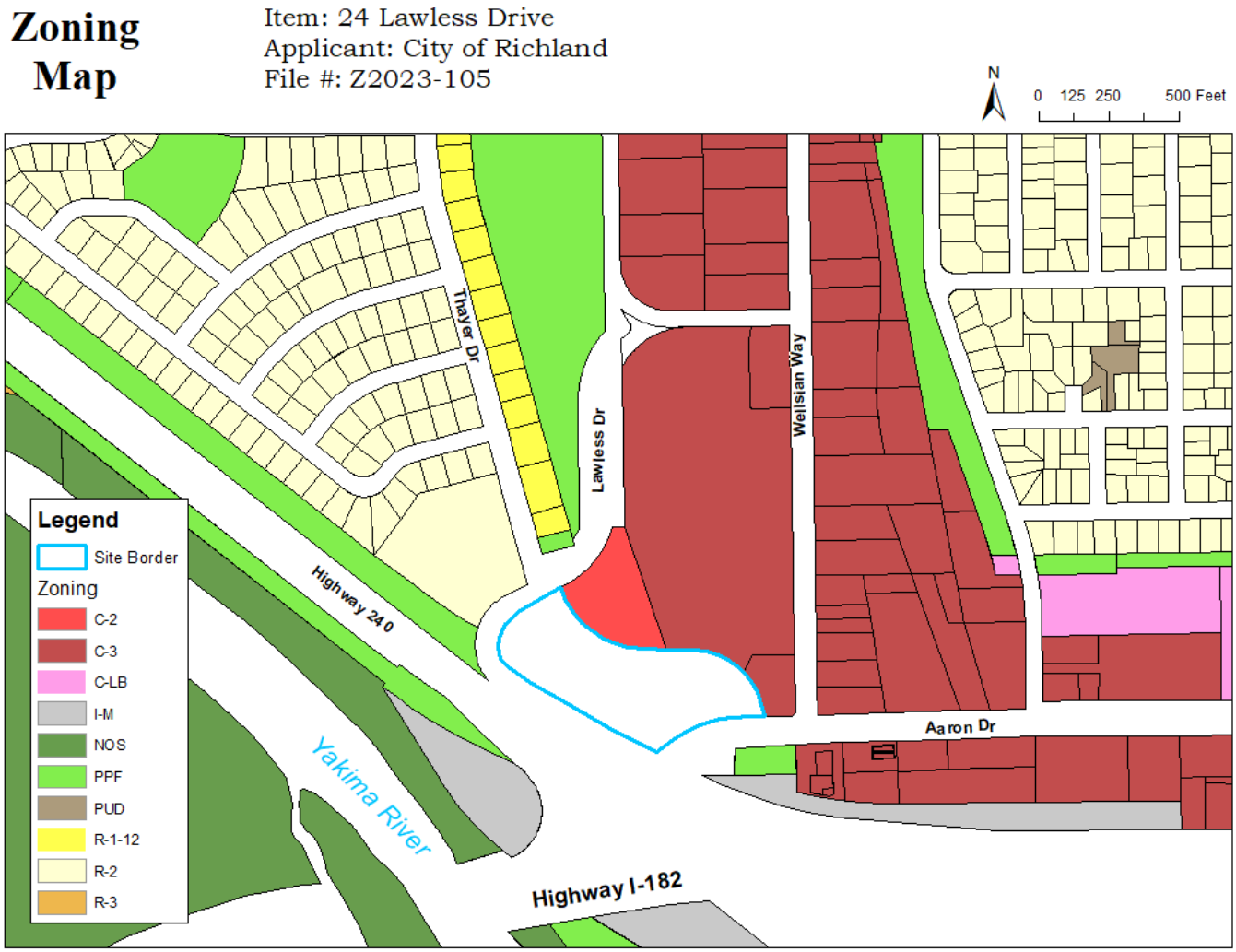


Figure 18 – Zoning Land Use Categories

Zoning

Along with the Comprehensive Plan Map amendment, the applicant proposes to zone the subject site to Retail Business [C-2].

The Richland Municipal Code [RMC] defines Retail Business [C-2] district as follows:

The retail business use district (C-2) is a business zone classification providing for a wide range of retail business uses and services compatible to the core of the city and providing a focal point for the commerce of the city. All activities shall be conducted within an enclosed building except that off-street loading, parking, and servicing of automobiles may be in the

open and except that outdoor storage may be permitted when conducted in conjunction with the principal operation which is in an enclosed adjoining building. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan.

Utility Availability

There are existing domestic water, sewer, fiber, and electrical power line connections in place, available within existing rights-of-way near the site with adequate capacity to supply anticipated development. Hydrants would need to be extended through the site, conditioned by future permits.

Transportation & Access

Primary access into the site will come via Lawless Drive, classified by the City as a "Major Collector". The area between Lawless Drive and Wellsian Way is characterized by intense commercial development, from destination-oriented retail to light-commercial activities. Either side of this area is likewise solidly residential in nature. Sidewalks will be installed along future roadways. On-street bicycle lanes are already designated by the City on Lawless Drive as well. There are nearby, current Ben Franklin Transit [BFT] bus routes along Aaron and Lawless Drive.

Environmental Review

The applicants have submitted an environmental checklist. Planning staff reviewed the documents and issued a Determination of Non-Significance for the entire 2023 Comprehensive Plan Docket on August 16, 2023 (EA2023-125). No appeals or challenges to the city's Determination of Non-Significance were received. A copy of the checklist and determination of non-significance is attached.

Analysis

Based on the intensity of uses, such as the Wellsian Way commercial corridor, heavy traffic along Aaron Drive, Highway I-182, and Bypass Highway 240, and, the electric substation, this site is not suitable for residential uses. Likewise, its location near housing would not make the site appropriate for industrial uses. The Retail Business land use district [C-2] splits the difference between the less- and more-intensive commercial zoning designations and would contextually fit alongside the small, triangular lot of C-2 immediately to the north on Lawless Drive.

Approval Criteria

1. Have circumstances related to the proposed amendment and/or the area in which it is located substantially changed since the adoption of the Comprehensive Plan?

Discussions with WSDOT have recently uncovered that the property, which was thought to be in their possession, was not required for their future use. This property can be developed, though land use and zoning classifications would be required before any development efforts could proceed.

2. Are the assumptions upon which the Comprehensive Plan is based no longer valid, or is new information available which was not considered during the initial Comprehensive Plan adoption process or during previous annual amendments?

Yes. See response to Criteria 1.

Summary

Approval of the proposed Comprehensive Plan amendment would allow owners to classify land to a use complementary to its surroundings and contribute to the commercial interests already in place.

ASSOCIATED REZONE ANALYSIS

The State of Washington's Growth Management Act (RCW 36.70A) requires that Comprehensive Plans be effectuated by various development regulations such as subdivision regulations, critical areas, and zoning. As a result, any time land use designations are changed, the underlying zoning district must be brought into conformance with the Comprehensive Plan. The City is requesting that the Planning Commission authorize an area-wide rezone in order to bring the zoning into compliance with the change of land-use designation authorized by the passage of the four (4) above listed Comprehensive Plan amendment applications.

The associated rezones must be a separate action by the Planning Commission and must result in the rezoning of lands so that the underlying zoning regulations are consistent with the intent and goals of the City's Comprehensive Plan. Failure to have the zoning designations match the underlying Comprehensive Plan designation usually results in "spot-zoning", which is not allowed in the State of Washington.

In determining whether an area shall be rezoned, the Planning Commission and City Council should consider how the proposed area-wide rezone implements the Comprehensive Plan, growth management act and benefits the community:

1. *The manner in which the proposed rezone conforms to patterns in adjacent zones;*
   The proposed rezones would not result in any non-conformities as it would just effectuate the intent of the already approved Comprehensive Plan changes. Denial of the rezoning would result in a situation in which the zoning districts are out of compliance with, and do not effectuate, the Comprehensive Plan.
2. *The benefits or detriments accruing to the city which would result from the approval of the associated rezones; and,*
   Benefits to the city as a result of the granting of the associated rezones come primarily in the form of additional tax revenue due to the creation of additional housing and additional commercial development, though there are ancillary benefits of significance as well.
3. *The impacts on the environment and public safety.*
   Both the change in land-use designation and subsequent area-wide rezonings have been reviewed by the City of Richland and other local and state agencies for compliance with the State of Washington's Growth Management Act and State Environmental Policy Act (SEPA). Development Review Staff will likewise condition future projects to meet Code and other applicable safety and sanitary standards.

SEPA THRESHOLD DETERMINATION

The City of Richland issued a Determination of Non-Significance (DNS) for the proposed Comprehensive Plan amendment and associated rezoning on August 16, 2023 (EA2023-125). No challenges or appeals to the SEPA Determination of Non-Significance (DNS) were filed.

RECOMMENDATION

1. Staff recommends that all text and map amendments included in the 2023 Comprehensive Plan Docket be incorporated into the City's official Comprehensive Plan Document.
2. Staff recommends that the associated rezoning be approved, on condition of approval of the Comprehensive Plan amendments.

Commission Alternatives:

a. Recommend approval of the amendments and subsequent associated rezones as proposed.
b. Hold additional public hearings.

c. Modify the proposed changes before forwarding the document to City Council.

SUGGESTED CONCLUSIONS OF LAW

1. The Planning Commission has a legal obligation to hold an open record public hearing and issue a recommendation to the City Council that meets the requirements of Chapter 36.70A RCW.
2. The City Staff, Planning Commission and City Council have involved the public in this planning exercise.
3. The Docket is deemed complete and ready for action by the Planning Commission.
4. For areas that are incorporated into the associated rezoning: future development of any property will be reviewed for consistence and compliance with applicable development regulations in effect at the time of future development. Approval of these zoning map amendments do not vest or imply approval of subsequent developments.
5. The 2017 City of Richland Comprehensive Plan (as amended in 2018-2019, 2020 and again in 2021) and the associated environmental review comply with the goals and requirements of Chapter 36.70A RCW, Chapter 365-195 WAC, Chapter 43.21C RCW, Chapter 197-11 WAC, and City of Richland Municipal Code Chapter 22.09.
6. The Washington State Growth Management Act (GMA), Chapter 36.70A RCW, mandates that Counties and Cities required or choosing to plan under the authority of the Growth Management Act must adopt development regulations consistent with the jurisdictional Comprehensive Plan and state law.
7. The 2022 Comprehensive Plan Amendment Docket will produce no probable significant adverse environmental impacts. A determination of non-significance (DNS) under the State Environmental Policy Act (SEPA) is appropriate for this Comprehensive Plan amendment and Zoning Ordinance Map changes.

SUGGESTED FINDINGS OF FACT

1. RMC 19.90 indicates that the City Council shall consider each Comprehensive Plan amendment and forward those selected to the Planning Commission for processing. Plan amendment applications may be submitted via private application and/or proposed by City Staff and the Council.
2. The deadline for the submittal of Private Party Applications for the consideration as part of the 2023 Comprehensive Plan Docket Policy and Map, and Code Amendments Docket was March 1, 2023.
3. Six (6) applications were received and deemed complete.
4. The City Council conducted a Workshop on May 23, 2023 to review the 2023 Comprehensive Plan Policy and Map, and Code Amendment Docket.
5. The City Council conducted a Public Hearing on July 6, 2023 establishing the 2023 Comprehensive Plan Policy and Map, and Code Amendment Docket.
6. The City of Richland Community Development Department issued a SEPA Threshold Determination of Non-Significance on August 16, 2023 for the proposed 2023 Comprehensive Plan Policy and Map, and Code Amendment Docket (EA2023-125).
7. On August 2, 2023 the City of Richland provided the required sixty (60) day notification under RCW 36.70A.106 to the State of Washington of the City's proposed Comprehensive Plan Policy and Map, and Code Amendment Docket and intent to adopt.
8. On August 17, 2023 the City of Richland provided Notice of Public Hearing to affected parcels and neighboring properties within a 300-foot radius of parcels under consideration.
9. Public Hearing Notice signs were posted on, or near, the five (5) physical properties which had submitted applications for consideration by September 6, 2023.
10. On August 6, 2023 the Tri-City Herald newspaper published notice of SEPA determination on

upcoming Comprehensive Plan Docket.

11. All public notification requirements for the public workshops and public hearings were met.
12. Nicole Stickney, AHBL, on behalf of Washington State University, requests to change the Comprehensive Plan Land Use designation for 3.37 acres of an existing 19.62-acre parcel from Public Facility (PBF) to High-Density Residential [HDR], to be accompanied by a rezone of the 3.37 acres from Parks & Public Facilities [PPF] to Multi-Family Residential [R-3]. Known as File Number: CPA2023-101 - Washington State University.
13. Washington State University [WSU] requests text amendments to both the Comprehensive Plan and RMC Title 23, Zoning, to create a new zoning district to be referred to as University District [UNIV]. Further zoning map amendments would also be required. This is a Citywide initiative, though to only apply to properties associated with institutions of higher education, as defined in RCW 28B.07.020(4) or 28B.10.016(4)). Known as File Number: CPA2023-102 - 2710 Crimson Way – Washington State University.
14. MD&D Investment, LLC requests a change to the Badger Mountain Subarea Plan Land Use designations to reclassify portions of five (5) parcels to reapportion the existing land use designations Medium-Density Residential [MDR], Civic [CIVIC], and Commercial [COM]. This proposal is intended to contemporize land use designations in the area based on recent boundary line adjustments and the topographical challenges associated with the extension of Gage Blvd. Known as File Number: CPA2023-103 - 1251 Bermuda Rd – Peach Tree Estates.
15. Washington State Department of Natural Resources [DNR] is requesting a Comprehensive Plan Map amendment for approximately 16 acres (a portion of parcel 1-16982000001006) of land from Public Facilities [PBF] to Medium-Density Residential [MDR]. Known as File Number: CPA2023-104 - 3580 Kennedy Rd – Department of Natural Resources.
16. The City of Richland Public Works Department requests Comprehensive Plan text amendments to the Transportation Element of the City's Comprehensive Plan so as to reflect routine and anticipated changes which have been made over the past 6 years and in anticipation of future needs. Changes include, but are not limited to: street functional classifications, short-term transportation improvements, long term transportation improvements, future impacts to the City's collector street system, the City's traffic impact fee program, and amending the level-of-service language to meet concurrence requirements. Known as File Number: CPA2023-105 - 2023 Transportation Element Update.
17. City of Richland Economic Development Division requests a Comprehensive Plan Map amendment for approximately 4.3 acres (no assigned parcel number) to classify the property as a Commercial [COM] land use. Known as File Number: CPA2023-106 - 24 Lawless Dr – City of Richland.
18. Based upon the application materials submitted and upon presentation by the applicants, the proposed amendments will not adversely impact the city's ability to provide sewer and water, and, will not adversely affect adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services.
19. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of these amendments.
20. The proposed amendments are consistent with the goals, policies, and objectives of the Comprehensive Plan.
21. The proposed Comprehensive Plan amendments will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features.
22. The subject parcels being re-designated are physically suitable for the allowed land uses in the designation being requested.
23. The proposed amendments are consistent with the Washington State Growth Management Act, the Benton County planning policies and other applicable local and state policies, agreements, and laws.
24. The proposed amendments will not have a cumulative adverse effect on the planning area.

25. The State of Washington's Growth Management Act (RCW 36.70A) requires that Comprehensive Plans be effectuated by various development regulations such as subdivision regulations, critical areas and zoning.
26. The proposed area-wide rezoning of the properties in question is dependent upon a change in the land-use designation of the Comprehensive Plan.
27. The City is requesting that the Planning Commission authorize the associated rezones in order to bring the zoning into compliance with the change of land-use designations authorized by the passage of the six (6) applications.

RECOMMENDED MOTION

1. " move that the Planning Commission adopt the findings, conclusions, and recommendation found in the staff report and recommend City Council approve the 2023 Comprehensive Plan Policy and Map, and Code Amendment Docket."

2. "I move that the Planning Commission adopt the findings, conclusions and recommendation found in the staff report and recommend City Council approval of the associated rezones."

EXHIBITS

1. Notice of Intent to Adopt Amendment (60-Days Prior to Adoption)
2. EA2023-125 - SEPA Determination of Non-Significance – 2023 Docket
3. CPA2023-101 - Washington State University
4. CPA2023-102 - 2710 Crimson Way – Washington State University
5. CPA2023-103 - 1251 Bermuda Rd – Peach Tree Estates
6. CPA2023-104 - 3580 Kennedy Rd – Department of Natural Resources
7. CPA2023-105 - 2023 Transportation Element Update
8. CPA2023-106 - 24 Lawless Dr – City of Richland
9. Public Notice
10. Agency/Public Remarks and Comments

Exhibit 1

Department of Commerce

Notice of Intent to Adopt Amendment / Notice of Adoption
Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

1. Jurisdiction Name:	City of Richland – Development Services Dept.
2. Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	☒ **60-Day Notice** of Intent to Adopt Amendment. ☐ **Request of Expedited Review** / Notice of Intent to Adopt Amendment. ☐ **Supplemental Submittal** for existing Notice of Intent to Adopt Amendment. ☐ **Notice of Final Adoption** of Amendment.
3. Amendment Type: Select Type of Amendment listed. (Select One Only)	☐ **Comprehensive Plan** Amendment. ☐ **Development Regulation** Amendment. ☐ **Critical Areas Ordinance** Amendment. ☒ **Combined Comprehensive and Development Regulation** Amendments. ☐ **Countywide Planning Policy**.
4. Description Enter a brief description of the amendment. Begin your description with "Proposed" or "Adopted", based on the type of Amendment you are submitting. Examples: *"Proposed comprehensive plan amendment for the GMA periodic update."* or *"Adopted Ordinance 123, adoption amendment to the sign code."* **(Maximum 400 characters).**	Proposed 2023 Comprehensive Plan Annual Amendment and associated Rezones.

Department of Commerce

5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?	☐ **Yes** ☒ **No**
6. Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	**Planning Commission: September 13, 2023** **City Council: October 3, 2023** **Proposed / Date of Adoption: October 17, 2023**
7. Contact Information:	
A. Prefix/Salutation: *(Examples: "Mr.", "Ms.", or "The Honorable" (elected official))*	Mr.
B. Name:	Mike Stevens
C. Title:	Planning Manager
D. Email:	mstevens@ci.richland.wa.us
E. Work Phone:	(509) 942-7596
F. Cell/Mobile Phone: *(optional)*	
Consultant Information:	
G. Is this person a consultant?	☐ Yes
H. Consulting Firm name?	
8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	☐ Yes

REQUIRED: Attach or include a copy of the proposed amendment text or document(s).We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

Questions? Call the review team at (509) 725-3066.

Exhibit 2

File No. EA2023-125

CITY OF RICHLAND
Determination of Non-Significance

Description of Proposal: City of Richland 2023 Comprehensive Plan Amendment Docket and Associated Rezones. The City received six (6) applications and SEPA Checklists for map and/or text amendments. The items have been consolidated into the 2023 Docket of Comprehensive Plan Policies, Maps and Zone Code Amendments (as established by City Council on July 6, 2023) and is file number CPA2023-107. Staff has prepared a SEPA Checklist to consolidate environmental review and consider the cumulative effects of the docketed proposals.

The SEPA Checklist and related information can be found by visiting the City of Richland website at https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1609

File Number: CPA2023-101 & Z2023-101
Applicant: Nicole Stickney, AHBL on behalf of Washington State University (owner)

Nicole Stickney, AHBL on behalf of Washington State University, is proposing to change the Comprehensive Plan Land Use designation for 3.37 acres of an existing 19.62-acre parcel from Public Facility (PBF) to High-Density Residential (HDR) and rezone the 3.37 acres from Parks & Public Facilities (PPF) to Multi-Family Residential (R-3). (Assessor's Parcel Number 126082000001003, located along the west side of George Washington Way between University Drive and Hanford Street).

File Number: CPA2023-102 & Z2023-102
Applicant: Washington State University

Washington State University is proposing text amendments to both the Comprehensive Plan and RMC Title 23, Zoning, to create a new zoning districted to be referred to as University District (UNIV). Zoning map amendments would also be required. (This is City-wide but would apply only to properties associated with institutions of higher education, as defined in RCW 28B.07.020(4) or 28B.10.016(4)).

File Number: CPA2023-103
Applicant: MD&D INVESTMENT, LLC

MD&D Investment, LLC is proposing to change the Badger Mountain Subarea Plan Land Use designations to reclassify portions of Assessor's Parcel ID numbers 134982010595001 and 134982000005004 to a mix of medium-density residential and

commercial for the Bermuda Frontage site, commercial on the Commercial site, and civic/schools on the school site.

File Number: CPA2023-104 & Z2023-103
Applicant: Washington State Department of Natural Resources (DNR)

Washington State Department of Natural Resources is proposing to increase the amount of Medium Density Residential within the area commonly referred to as "The Richland 16" due to a recent boundary line adjustment that reduced the size of the parcel to be transferred to the Richland School District and increased the size of the residential parcel directly to the north. DNR is also proposing to rezone the additional land area to Medium Density Residential (R-2). (Location: Richland DNR 16 located west of Truman Ave and north of Kennedy Road, behind Target shopping complex).

File Number: CPA2023-106 & Z2023-105
Applicant: AHBL on behalf of City of Richland Economic Development Division

AHBL, on behalf of the City of Richland Economic Development Division, is proposing the establishment of the Commercial Land Use Designation on approximately 4.3 acres located at 24 Lawless Drive. The site is also proposed to be zoned Retail Business (C-2).

File Number: CPA2023-105
Applicant: City of Richland Public Works Department

The City of Richland Public Works Department proposes a text amendment to the Transportation Element of the City's Comprehensive Plan in order to reflect changes which have been made over the past 6 years to the existing transportation system in Richland, including, but not limited to: Street functional classifications, short-term transportation improvements, long term transportation improvements, future impacts to the City's collector street system, the City's traffic impact fee program, and amending the level-of-service language to meet concurrency requirements.

Lead Agency: City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

( ) There is no comment for the DNS.

(**X**) This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen days from the date of issuance.

( ) This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Mike Stevens
Position/Title: Planning Manager
Address: 625 Swift Blvd., MS #35, Richland, WA 99352
Date: August 2, 2023
Comments Due: August 16, 2023

Signature_____

Exhibit 3

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
(509) 942-7794
(509) 942-7764

Comprehensive Plan Amendment Application

☒ Comprehensive Plan Land Use Map ☐ Text of Comprehensive Plan

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: Washington State University	Attn: Damien J. Sinnott (Interim Vice Chancellor)
Address: P.O. Box 641045, Pullman, WA 99164-1045	
Phone: (509) 372-7481	Email: damien.sinnott@wsu.edu

APPLICANT/CONTRACTOR INFORMATION (if different)	☒ Contact Person
Company: AHBL Inc.	UBI#: 600-130-359
Contact: Nicole Stickney, AICP	
Address: 5804 Road 90 Suite H, Pasco, WA 99301	
Phone: (509) 380-5883	Email: nstickney@ahbl.com

PROPERTY INFORMATION

Legal Description:
TBD - A Short Plat application is pending
(Portion of Parcel A, Record Survey No. 4104 (Benton Co. AFN 2010-013101) EXCEPT any portion conveyed under AFN 2006-039852)

Parcel Number: 1-260-8200-000-1003 (the map amendment is requested for a 3.37 Acre portion only)

Current Zoning: PPF (Parks and Public Facilities)	Current Land Use Designation: PBF (Public Facility)

APPLICATION REQUIREMENTS – Submit as required or attach written statements explaining the following:

1. Completed application and filing fee;
2. The purpose of the proposed amendment;
3. Describe how the amendment is consistent with Washington State Growth Management Act-RCW 36.70A (the goals of the Act are listed in 36.70A.020);
4. How the amendment is consistent with the adopted countywide planning polices;
5. How the amendment furthers the purpose of the City's comprehensive plan;
6. How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;
7. If applicable, how the project will meet concurrency requirements for transportation;
8. As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator;
9. **Comprehensive Plan TEXT AMENDMENT applications must also include:**
    a. The proposed element, chapter, section and page number of the comp. plan to be amended;
    b. The proposed text change, with new text underlined and deleted text crossed out;
10. **Comprehensive Plan MAP AMENDMENT applications must also include:**
    a. The current land use map designation for the subject parcel(s);
    b. The land use map designation requested;
    c. A complete legal description describing the combined area of the subject parcel(s);
    d. A vicinity map showing:
        i. All land use designations within 300 feet of the subject parcel(s);
        ii. All parcels within 300 feet of the subject parcel and all existing uses of those parcels;
        iii. All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads;
        iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;

v. The location of existing utilities serving the subject parcels, including electrical, water, and sewer;
vi. The location and uses of existing structures located on the subject parcel(s);

e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 feet (1:200);
f. The current official zoning map designation for the subject parcel(s);
g. A detailed plan which indicates any proposed improvements to:
   i. Paved streets;
   ii. Storm drainage control and detention facilities;
   iii. Public water supply;
   iv. Public sanitary sewers;
   v. Circulation and traffic patterns for the development and the surrounding neighborhoods;
h. A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from, and after, the comprehensive plan amendment;
i. A description of any associated development proposals. Development proposals shall not be processed concurrently with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact(s) of the proposed development.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Nicole Stickney

Applicant Signature: Nicole Stickney Date January 30, 2023

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
(509) 942-7794
(509) 942-7764

Comprehensive Plan Amendment Application

SUPPLEMENT

APPLICATION REQUIREMENTS — Submit as required or attach written statements explaining the following:

1. **Completed application and filing fee;**

   Submitted.

2. **The purpose of the proposed amendment;**

   The proposed amendment is to change the designation of a 3.37-acre portion of land (referred to as the "subject site") at the southwest corner of Parcel No. 1-260-8200-000-1003 from *PBF – Public Facility* to *HDR – High Density Residential*. We area also applying to rezone the same portion from *PPR Parks & Public Facilities* to *R-3 High Density Residential*. The purpose is to allow housing on the site which is not currently permitted given the assigned land use classification and zoning.

3. **Describe how the amendment is consistent with Washington State Growth Management Act—RCW 36.70A (the goals of the Act are listed in 36.70A.020);**

   The following is a list of the GMA topics and the applicability of each to the proposed map change.

   (1) **Urban growth.** The requested change will accommodate development in an urban growth area and within city limits where adequate public facilities and services exist, consistent with the GMA goal.

   (2) **Reduce sprawl.** The proposal would allow a currently undeveloped site to be developed. Such infill development (development occurring near existing development and where infrastructure already exists) does not promote sprawl.

   (3) **Transportation.** The GMA calls for communities to encourage efficient multimodal transportation. The site has access to Hanford Street and Smartpark Street, both which run generally east-west and are classified as minor collectors with sidewalks, curbs, and gutters. The site is also proximate to Ben Franklin Transit stops for Bus Route 26 at the intersection of Hanford and George Washington Way, a dedicated bike lane on Stevens Drive, and signaled pedestrian crossings at both intersections.

   (4) **Housing.** The provision of additional housing within the city is in concert with the GMA.

   (5) through (8): The goals related to Economic development, property rights, permits, natural resource industries, open space and recreation do not apply.

   (9) **Open space and recreation.** The proposal would not result in a significant loss of open space or recreation. The 3.37-acre subject site comprises the southwest corner of a 19.6 acre parcel designated for parks and public facilities use; however, the subject site is not utilized and undeveloped.

   (10) **Environment.** The proposal will not result in any changes to existing environmental protection of the site as there is an existing wetland which will be protected (together with its buffer), and any future

project specific applications will be subject to environmental review.

(11) **Citizen participation and coordination.** The proposal will be considered during a public hearing, providing an opportunity for citizen participation.

(12) **Public facilities and services**. A traffic analysis, if required, would be included with any future project specific applications to ensure that public facilities and services necessary to support development will be adequate to serve the development at the time the development is available for use without decreasing current service levels below locally established standards.

(13) and (14): The goals relating to Historic preservation and Shoreline management do not apply.

4. How the amendment is consistent with the adopted countywide planning polices;

The amendment is consistent with the adopted Benton County Countywide Planning Policies (CWPPs), particularly with those policies focusing on developing areas appropriately where adequate services are available. The proposal site is within proximity to adequate public facilities, including multi-modal transportation options, stormwater infrastructure, water and sanitary sewer, and energy utilities.

5. How the amendment furthers the purpose of the City's comprehensive plan;

The proposed amendment will be consistent with Richland's adopted Comprehensive Plan, including the City's vision statement and objectives to retain the community and neighborhood character which is described as *"vibrant, progressive, safe, diverse and family-friendly….with opportunities for…housing…."* Moreover, the proposal supports many of City's goals, polices or objectives as expressed in the Plan, and does not come into conflict with them.

The proposed amendment aligns with the following Richland Comprehensive Plan Goals and Policies:

General Community Goals

GC Goal 1: Ensure and enhance the continuing sense of a livable and sustainable community in Richland.

Land Use Goals

LU Goal 1: Plan for growth within the urban growth area and promote compatible land use.

- Policy 2: Facilitate planned growth and infill developments within the City.

LU Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

- Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

Housing Element Goals

HE Goal 1: Provide a range of housing densities, sizes, and types for all income and age groups of the Richland community.

- Policy 1: Ensure that the comprehensive plan and development regulations allow for a variety of housing types, sizes, densities, and lot configurations...

6. **How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;**

   The proposed CPA is internally consistent with the City of Richland's Comprehensive Plan as described above in the response for question #5, as well as the following adopted plans and codes:

   - RMC 12.06 Complete Streets Policy
   - RMC 22.10 Critical Areas
   - RMC 23.18 Residential Zoning Districts *(provided the amendment and subsequent rezone are approved)*

   In addition, there is no conflict with adopted codes and plans such, as but not limited to, the Shoreline Master Program, adopted subarea plans, Business Improvement Districts, etc. Those codes and plans do not apply.

7. **If applicable, how the project will meet concurrency requirements for transportation;**

   A Comprehensive Plan Land Use map change (and subsequent zone change from the current zoning district of "Parks and Public Facility" to "R-3" district) is not anticipated to result in traffic volumes that would represent any significant increase above what is already allowed for development. This is because under the current zoning the site is currently entitled to be developed with a wide range of uses (which would all be outright permitted per RMC Chapter 23.30) such as but not limited to cemeteries, public parks, public campgrounds, golf courses and churches. Likewise, under the proposed R-3 zoning a wide variety of uses would be allowed (per RMC Section 23.18.030) such as a single family detached residence, a duplex, churches, public parks, golf courses, and apartment buildings. Further it is worth noting that while *up to 48* units could be allowed given the site's size and per city's density limitation set out in RMC 23.18.040, development to that extent not probable given the site's development constraints due to steep slopes on the eastern portion.

   Should future development trigger or necessitate SEPA Environmental Review then a traffic study would likely be required at that stage identifying any mitigation requirements for the development.

8. **As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator;**

   SEPA checklist – *enclosed*
   Critical areas/ Wetland report - *enclosed*

9. **Comprehensive Plan TEXT AMENDMENT applications must also include**:
   a. **The proposed element, chapter, section and page number of the comp. plan to be amended;**
   b. **The proposed text change, with new text underlined and deleted text crossed out;**

      Not applicable as this is a map amendment request.

10. **Comprehensive Plan MAP AMENDMENT applications must also include**:
    a. **The current land use map designation for the subject parcel(s);**

       PBF – Public Facility

b. The land use map designation requested;

HDR - High Density Residential

c. A complete legal description describing the combined area of the subject parcel(s);

The current parcel (no. 126082000001003) is pending a short plat review; only the southwestern portion of the parcel which is approximately 3.37 acres in size is proposed to be changed on the city's Comprehensive Plan Land Use map. The following is the abbreviated legal description for the current parcel, in its entirety:

Parcel A, as depicted on Record Survey No. 4104 and recorded under Auditor's File No. 2010-013101, records of Benton County, Washington; EXCEPT any portion conveyed under Auditor's File No. 2006-039852.

d. A vicinity map showing:

- **i. All land use designations within 300 feet of the subject parcel(s);**
- **ii. All parcels within 300 feet of the subject parcel and all existing uses of those parcels;**
- **iii. All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads;**
- **iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;**
- **v. The location of existing utilities serving the subject parcels, including electrical, water, and sewer;**
- **vi. The location and uses of existing structures located on the subject parcel(s);**

A vicinity map named *"Hanford Street CPA Vicinity Map"* is attached which includes all the required information except the utilities. The utilities information is shown on the attached *"Hanford Street Utilities Map"* (from the City of Richland online data).

As shown on the vicinity map, the land directly south of the subject site (and across Hanford Street) is designated as "High Density Residential." Approval of our proposed map amendment will facilitate a logical extension of that assigned land use classification to the north side of the street. Accordingly, approval of our proposed amendment will result in a cohesive and complementary land use designation bearing substantial consistency with what the City has already guided and allowed for the neighborhood and adjoining properties.

e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 feet (1:200);

A topographical map is attached: *"Hanford Street CPA Topo Map"*

f. The current official zoning map designation for the subject parcel(s);

PPF – Parks & Public Facilities

g. A detailed plan which indicates any proposed improvements to:

- **i. Paved streets;**

ii. **Storm drainage control and detention facilities;**
iii. **Public water supply;**
iv. **Public sanitary sewers;**
v. **Circulation and traffic patterns for the development and the surrounding neighborhoods;**

Not applicable at this time.

h. **A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from, and after, the comprehensive plan amendment;**

An application for a zone change to ***R-3 – High Density Residential*** is submitted. In that application we have described how the proposed zoning will be harmonious with the surrounding zoning and existing uses.

In particular, existing residential uses are located on lands zoned ***B-RP Business Research Park*** to the immediate west on Smartpark Street and Hanford Street; the Condos / Townhouses are in the areas known as Sienna Sky Village, Hearthwood Plat, and University Park. The B-PR zone allows residential uses with an average density of 8 dwelling units as a permitted use.

i. **A description of any associated development proposals. Development proposals shall not be processed concurrently with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact(s) of the proposed development.**

Once the requested Comprehensive Plan Land Use map change and associated zoning change are approved, the contract purchaser intends to develop the site with a housing uses, with specifics to be determined.

Hanford Street CPA Application – Legal Description

The following is a full Legal Description for parcel No. 1-260-8200-000-1003, prepared by AHBL Inc.:

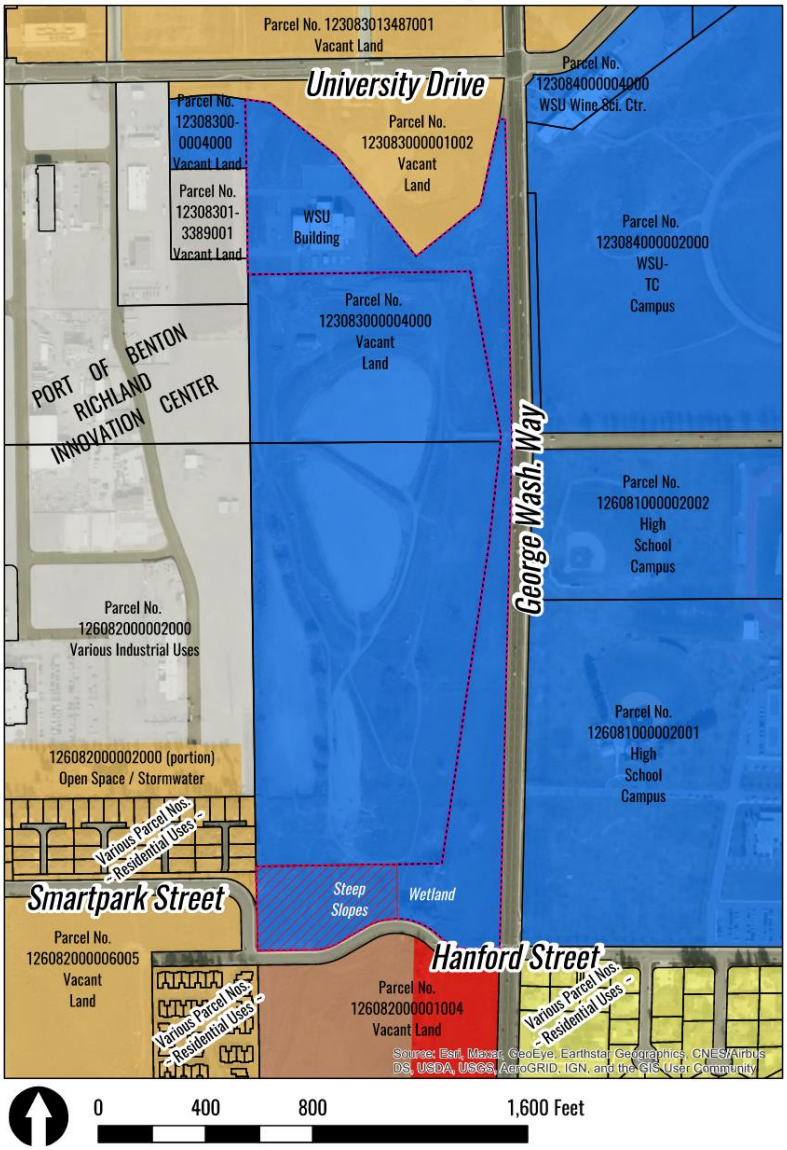
THOSE PORTIONS OF THE WEST HALVES OF SECTIONS 23 & 26, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 26 BEING THE INTERSECTION OF GEORGE WASHINGTON WAY AND SPROUT ROAD; THENCE SOUTH 01° 22' 12" WEST ALONG THE CENTERLINE OF SAID GEORGE WASHINGTON WAY A DISTANCE OF 2624.49 FEET TO THE INTERSECTION OF SAID GEORGE WASHINGTON WAY AND SPRING ROAD; THENCE SOUTH 01° 21' 22" WEST ALONG THE CENTERLINE OF SAID GEORGE WASHINGTON WAY A DISTANCE OF 1311.65 FEET TO THE INTERSECTION OF SAID GEORGE WASHINGTON WAY AND SPENGLER ROAD AND THE SOUTH CENTER 1/16 CORNER; THENCE SOUTH 89¦ 02' 30" WEST ALONG THE CENTERLINE OF SAID SPENGLER ROAD A DISTANCE OF 1355.14 FEET; THENCE LEAVING SAID CENTERLINE NORTH 14° 51' 28" EAST A DISTANCE OF 31.18 FEET TO THE NORTHERLY MARGIN OF SAID SPENGLER ROAD; THENCE CONTINUING NORTH 14° 51' 28" EAST A DISTANCE OF 321.69 FEET TO A MONUMENT ON THE CAMP HANFORD LINE STAMPED CH-10; THENCE NORTH 17° 34' 55" EAST ALONG SAID LINE A DISTANCE OF 1165.79 FEET TO THE SOUTHEAST CORNER OF UNIVERSITY PARK CONDOMINIUM PLAT AS RECORDED IN VOLUME 1 OF CONDOMINIUMS AT PAGE 59, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE CONTINUING NORTH 17° 34' 55" EAST ALONG SAID CAMP HANFORD LINE AND THE EAST LINE OF SAID CONDOMINIUM PLAT A DISTANCE OF 87.09 FEET TO THE MONUMENT ON SAID CAMP HANFORD STAMPED CH-10-1; THENCE NORTH 00 DEGREES 50' 30" WEST ALONG SAID CAMP HANFORD LINE AND ALONG SAID EASTERLY LINE OF CONDOMINIUM PLAT A DISTANCE OF 526.13 FEET TO THE TRUE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE PLAT OF SIENNA SKY VILLAGE PHASE 1 AS RECORDED IN VOLUME 15 OF PLATS, AT PAGE 303, RECORDS OF BENTON COUNTY, WASHINGTON AND THE NORTHERLY MARGIN OF HANFORD STREET; THENCE NORTH 00° 50' 30" WEST ALONG SAID CAMP HANFORD LINE AND THE EASTERLY LINE THEREOF A DISTANCE OF 313.08 FEET TO THE MONUMENT OF SAID CAMP HANFORD LINE DEFINED AS CH-11 (DESTROYED); THENCE LEAVING SAID CAMP HANFORD LINE NORTH 89° 09' 30" EAST A DISTANCE OF 691.03 FEET; THENCE NORTH 08° 22' 23" EAST A DISTANCE OF 1225.48 FEET; THENCE NORTH 06° 20' 29" EAST A DISTANCE OF 382.37 FEET TO A POINT 40.00 FEET WESTERLY OF THE WESTERLY MARGIN OF SAID GEORGE WASHINGTON WAY WHEN MEASURED AT RIGHT ANGLES; THENCE NORTH 10° 37' 06" WEST A DISTANCE OF 623.54 FEET; THENCE SOUTH 89° 09' 45" WEST A DISTANCE OF 829.10 FEET TO A POINT ON SAID CAMP HANFORD LINE; THENCE NORTH 00° 50' 15" WEST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 396.31 FEET TO THE MONUMENT OF SAID CAMP HANFORD LINE DEFINED AS CH-12; THENCE LEAVING SAID CAMP HANFORD LINE, CONTINUING NORTH 00° 50' 15" WEST A DISTANCE OF 256.28 FEET TO A POINT ON SAID CAMP HANFORD LINE; THENCE SOUTH 81° 31' 00" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 93.83 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED OUT CH-17; THENCE SOUTH 51° 39' 51" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 311.04 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED CH-18; THENCE SOUTH 38° 30' 15" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 481.79 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE DEFINED AS CH-19; THENCE NORTH 51° 16' 14" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 306.95 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED CH-20; THENCE NORTH 12¦ 26' 11" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 327.85 FEET TO THE MONUMENT ON SAID CAMP

HANFORD LINE STAMPED CH-21; THENCE SOUTH 81° 14' 49" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 22.08 FEET TO THE WESTERLY MARGIN OF SAID GEORGE WASHINGTON WAY; THENCE SOUTH 01° 12' 28" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 1197.95 FEET; THENCE SOUTH 01° 22' 12" WEST ALONG SAID WESTERLY MARGIN A DISTANCE OF 1890.50 FEET TO THE INTERSECTION OF THE SAID WESTERN MARGIN OF GEORGE WASHINGTON WAY AND THE NORTHERLY MARGIN OF SAID HANFORD STREET; THENCE ALONG SAID NORTHERLY MARGIN THE FOLLOWING CALLS; NORTH 89° 53' 19" WEST A DISTANCE OF 108.15 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 44° 01' 55" A RADIUS OF 173.00 FEET AN ARC DISTANCE OF 132.95 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLES OF 74° 23' 03" A RADIUS OF 227.00 FEET AN ARC DISTANCE OF 294.70 FEET; THENCE SOUTH 59° 45' 33" WEST A DISTANCE OF 123.09 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 29° 24' 36" A RADIUS OF 173.00 FEET AN ARC DISTANCE OF 88.80 FEET; THENCE SOUTH 89° 10' 09" WEST A DISTANCE OF 210.64 FEET TO SAID SOUTHEAST CORNER OF THE PLAT OF SIENNA SKY VILLAGE PHASE 1 AND THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION DEEDED TO THE CITY OF RICHLAND BY QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 2006-39852.

Hanford Street CPA Vicinity Map



Legend

- Subject Site
- Parcel No. 1260820000001003
- Parcels

City of Richland Comp. Plan Land Use Designations

- BRP - Business Research Park
- COM - Commercial
- HDR - High Density Residential
- IND - Industrial
- LDR - Low Density Residential
- PBF - Public Facility

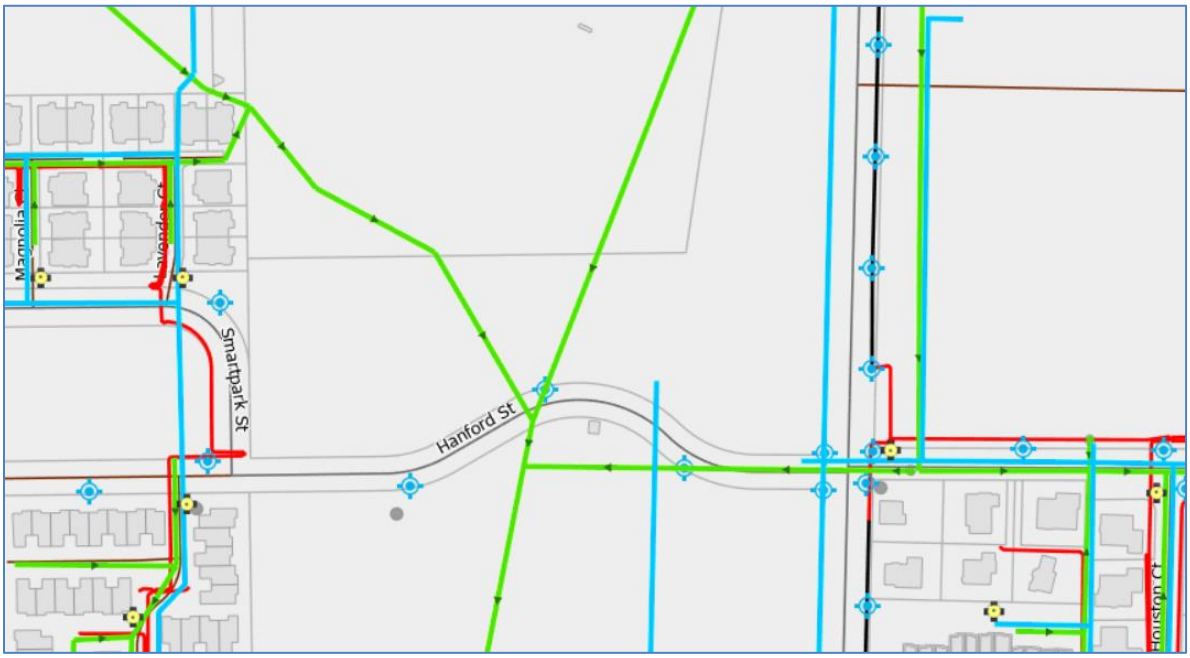
ROADS:
Smartpark Street (Minor Collector) improved with curb, gutter, sidewalk
Hanford Street (Minor Collector) improved with curb, gutter, sidewalk
George Washington Way (Principal Arterial)

STRUCTURES:
None on subject site; there is one buildling on the north end of the parent parcel (WSU building)

SHORELINE:
None within 300'

CRITICAL AREAS:
Steep slopes occur on and near the site
Depressional wetland (approx. 0.29 acres) east of the subject site

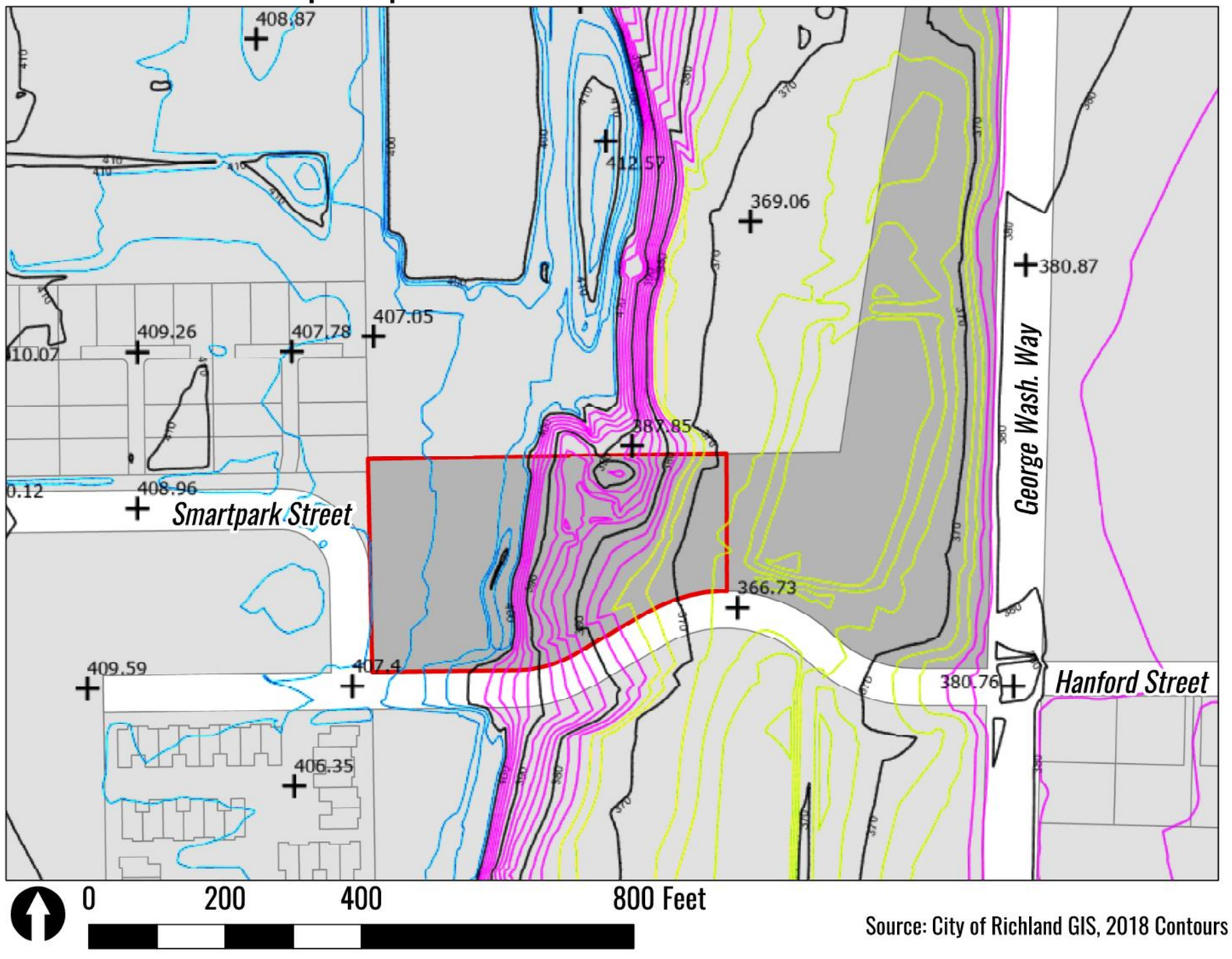
Hanford Street CPA Utilities Map



Source: Richland Utilities map at https://richlandwa.maps.arcgis.com/apps/webappviewer/index.html?id=1541b5feb5644ef888a1e8cf7a8c3349

KEY	
Green Line	Sewer
Blue Line	Water
Red Line	Electric
	Hydrant
	Light

Hanford Street CPA Topo Map



Legend

÷ 2018 Spot Height

Subject Site

Parcel No. 126082000001003

Source: City of Richland GIS, 2018 Contours

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Zoning Map Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: Washington State University	Attn: Damien J. Sinnott (Interim Vice Chancellor)
Address: P.O. Box 641045, Pullman, WA 99164-1045	
Phone: (509) 372-7481	Email: damien.sinnott@wsu.edu

APPLICANT/CONTRACTOR INFORMATION (if different)	☒ Contact Person
Company: AHBL Inc.	UBI#: 600-130-359
Contact: Nicole Stickney, AICP	
Address: 5804 Road 90 Suite H, Pasco, WA 99301	
Phone: (509) 380-5883	Email: nstickney@ahbl.com

DESCRIPTION OF WORK

We are requesting the City change the zoning designation from **PPF - Parks & Public Facilities** to **R-3 - High Density Residential** for a 3.37 acre portion of a parcel of land. The purpose is to allow residential development.

This rezone request accompanies a Comprehensive Plan Map Amendment application to change the underlying Comprehensive Plan Land Use classification of ***PBF – Public Facility*** to ***HDR – High Density Residential***.

We understand that this rezone application will only be considered following approval of the pending Comprehensive Plan land use classification change.

PROPERTY INFORMATION

Parcel #: 1-260-8200-000-1003 (Rezone is requested for a portion only)		
Legal Description: TBD (Portion of Parcel A, Record Survey No. 4104 (Benton Co. AFN 2010-013101) EXCEPT any portion conveyed under AFN 2006-039852)		
Current Zoning: PPF	Current Comp Plan: PBF (*Change to HDR is proposed)	Requested Zoning: R-3
Current Use: Vacant	Proposed Use: Housing / Residential	Area of Property: 3.37 Acres

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

A contract purchaser of the property wishes to develop the land with residential uses. There are existing homes in the immediate vicinity of the site. (Specifically, condos / townhouses exist in the developments known as Sienna Sky Village, Hearthwood Plat, and University Park on Hanford Street and Smartpark Street; those areas are zoned B-PR where residential uses with an average density of 8 dwelling units are permitted.) However, housing is not a permitted use in the assigned PPF zoning district.

Any hardship that may result in the event the rezone is not granted:

(1) If the Comprehensive Plan Amendment is approved but the rezone is not granted then the zoning will not implement the Comprehensive Plan as required by the state Growth Management Act.
(2) If the CPA is denied and the rezoning does not occur the contract purchaser will not purchase the property and housing development will not occur.

The manner in which the proposed rezone conforms to patterns in adjacent zones:

Surrounding Comprehensive Plan designations include ***HDR High Density Residential*** (to the south), and ***BRP Business Research Park*** (to the west). Likewise, the zones include C-LB to the south and B-PR to the west.

Adjacent properties are developed with multi-family housing, vacant, or are have various industrial / business park uses. The proposed rezone will result in a logical extension of existing residential uses occurring to the west (NW and SW) of the subject site and would further be consistent with land that could be developed with housing.

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

Granting the rezone will not produce any adverse effects on adjacent or surrounding lands because the residential use will complement what is already in place. Additionally, adequate infrastructure is in place to support residential use without any detrimental impacts.

A rezone and subsequent development of the site will have a positive affect on surrounding properties because it will create housing on a currently vacant site, enhancing the neighborhood character.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

Granting the rezone will be consistent with Richland's adopted Comprehensive Plan, including the City's vision statement and objectives to retain the community and neighborhood character which is described as "vibrant, progressive, safe, diverse and family-friendly….with opportunities for…housing…." Moreover, the proposal supports many of City's goals, polices or objectives as expressed in the Plan, and does not conflict with them.

The benefits or detriments accruing to the City which would result from the granting or denial of this special permit:

Benefits to the City include an expanded tax base and additional rate payment for sewer, water and electric services.

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

It appears that the zoning district "PPF" (and underlying Public Facility designation) was likely assigned for the entire parcel due to the ownership status (owner is WSU) and development at the north end of the parcel near University Street, instead of any intent for public uses along Hanford Street. Indeed, the subject site fronts Hanford Street and is currently vacant and no parks or public facilities are intended for the site. A change is sensible given goals and policies of the City's comprehensive Plan and represents a higher use.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

Provided the Comprehensive Plan Map Amendment application to change the Land Use designation to HDR is approved, no "spot zoning" would occur because the R-3 zoning district would implement the City's land use designation (effectively precluding any possible spot zoning). Moreover, there are existing residential uses in the vicinity and R-3 would fit in with those uses. A larger area is not recommended for a rezone, particularly given the wetland situated to the east.

Identify impacts on the environment and public safety:

The subject site is suitable for residential / housing development from an environmental and public safety standpoint, as the only on-site critical area is steep slopes which is limited to only the eastern portion of the site and additionally could be mitigated for if necessary. There is a small depressional wetland located to the east but the subject site is outside the maximum wetland buffer thus protecting the values and functions of the wetland.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Nicole Stickney

Applicant Signature: Nicole Stickney Date January 30, 2023

SUBDIVISION

Issued By:

CHICAGO TITLE INSURANCE COMPANY

Guarantee/Certificate Number:

62242300029

CHICAGO TITLE INSURANCE COMPANY

a corporation, herein called the Company

GUARANTEES

AHBL, Inc.

herein called the Assured, against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Chicago Title Company of Washington
6416 W. Okanogan Avenue
Kennewick, WA 99336

Countersigned By:

Gary Duncan
Authorized Officer or Agent

ISSUING OFFICE:

Title Officer: Christopher Hull
Chicago Title Company of Washington
6416 W. Okanogan Avenue
Kennewick, WA 99336
Phone: (509)735-1575 Fax: (509)735-0707
Main Phone: (509)735-1575
Email: Christopher.Hull@ctt.com

SCHEDULE A

Liability	Premium	Tax
$1,000.00	$350.00	$30.45

Effective Date: December 30, 2022 at 08:00 AM

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matter relative to the following described property:

See Attached Legal Description

Title to said real property is vested in:

Washington State University

subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

END OF SCHEDULE A

SCHEDULE B

1. The property herein described is carried on the tax rolls as exempt as to general real property taxes (not special taxes and charges). However, it will become taxable on the date of the execution of a conveyance to a taxable entity and subject to the lien of real property taxes for the balance of the year from that date:

Tax Account No.:	126082000001003
Levy Code:	R1
Assessed Value-Land:	$1,434,340.00
Assessed Value-Improvements:	$4,190,500.00

2. Easements for right of way for general road purposes and for the installation, maintenance, operation, repair replacement and removal of public utility type facilties recorded September 24, 1957 under Auditor's File No. 379071.

3. Terms, Covenants, Conditions, restrictions and easements contained in Deed from the United States of America to the City of Richland recorded November 12, 1959 under Auditor's File No. 426757.

4. Terms, Covenants, Conditions, restrictions and easements contained in Deed from the United States of America to the City of Richland recorded April 29, 1966 under Auditor's File No. 560632.

5. Restrictions contained in Quit Claim Deed from the City of Richland recorded October 29, 1993 under Auditor's File No. 93-33376 and re-recorded October 31, 1993 under Auditor's File No. 95-24613, as follows:

   This Transfer is subject to and conditioned by and all easements, reservations, restrictions and covenants of record. In addition, easements required for utilities, which are not currently encumbered by an easement of record shall be granted to the City of Richland in the future at no expense to the city.

   Grantor Conveys the real property to the grantee as part of a college campus and for educational and scientific research purposes related thereto. In the event the grantee uses any or all of the property for other purposes or Grantee conveys to the property to another party without the prior written consent of the Grantor, then title to any portion of the property which is being used for other purpsoes or which is conveyed to another party, shall revert to grantor.

6. City of Richland Ordinance No. 05-11revising the boundaries of the revitalization area for industry, science and Education recorded June 15, 2011 under Auditor's File No. 2011-16743.

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	City of Richland
Purpose:	Utility Easement
Recording Date:	January 11, 2012
Recording No.:	2012-916

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	City of Richland
Purpose:	Waterline Easement
Recording Date:	January 11, 2012
Recording No.:	2012-919

SCHEDULE B
(continued)

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland
Purpose: Sewer Easement
Recording Date: January 11, 2012
Recording No.: 2012-920

10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland
Purpose: Access Easement
Recording Date: March 29, 2012
Recording No.: 2012-8903, 2012-8904, 2012-8905

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland
Purpose: Water Line Easement
Recording Date: August 29, 2012
Recording No.: 2012-26603

12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland
Purpose: Utility Easement
Recording Date: August 29, 2012
Recording No.: 2012-26604

13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland
Purpose: Sewer Easement
Recording Date: August 29, 2012
Recording No.: 2012-26605

END OF SCHEDULE B

EXHIBIT "A"
Legal Description

THOSE PORTIONS OF THE WEST HALVES OF SECTIONS 23 & 26, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 26 BEING THE INTERSECTION OF GEORGE WASHINGTON WAY AND SPROUT ROAD;
THENCE S.01°22'12"W. ALONG THE CENTERLINE OF SAID GEORGE WASHINGTON WAY A DISTANCE OF 2624.49 FEET TO THE INTERSECTION OF SAID GEORGE WASHINGTON WAY AND SPRING ROAD;
THENCE S.01°21'22"W. ALONG THE CENTERLINE OF SAID GEORGE WASHINGTON WAY, A DISTANCE OF 1311.65 FEET TO THE INTERSECTION OF SAID GEORGE WASHINGTON WAY AND SPENGLER ROAD, AND THE SOUTH CENTER 1/16 CORNER;
THENCE S.89°02'30"W. ALONG THE CENTERLINE OF SAID SPENGLER ROAD A DISTANCE OF 1355.14 FEET;
THENCE LEAVING SAID CENTERLINE N.14°51'28"E., A DISTANCE OF 31.18 FEET TO THE NORTHERLY MARGIN OF SAID SPENGLER ROAD;
THENCE CONTINUING N.14°51'28"E. A DISTANCE OF 321.69 FEET TO A MONUMENT ON THE CAMP HANFORD LINE STAMPED CH-10;
THENCE N.17°34'55"E., ALONG SAID LINE A DISTANCE OF 1165.79 FEET TO THE SOUTHEAST CORNER OF UNIVERSITY PARK CONDOMINIUM PLAT AS RECORDED IN VOLUME 1 OF CONDOMINIUMS, AT PAGE 59, RECORDS OF BENTON COUNTY, WASHINGTON;
THENCE CONTINUING N.17°34'55"E. ALONG SAID CAMP HANFORD LINE AND THE EAST LINE OF SAID CONDOMINIUM PLAT A DISTANCE OF 87.09 FEET TO THE MONUMENT ON SAID CAMP HANFORD STAMPED CH-10-1;
THENCE N.00°50'30"W. ALONG SAID CAMP HANFORD LINE AND ALONG SAID EASTERLY LINE OF CONDOMINIUM PLAT A DISTANCE OF 526.13 FEET TO THE TRUE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE PLAT OF SIENNA SKY VILLAGE PHASE 1 AS RECORDED IN VOLUME 15 OF PLATS, AT PAGE 303, RECORDS OF BENTON COUNTY, WASHINGTON AND THE NORTHERLY MARGIN OF HANFORD STREET;
THENCE N.00°50'30"W ALONG SAID CAMP HANFORD LINE AND THE EASTERLY LINE THEREOF A DISTANCE OF 313.08 FEET TO THE MONUMENT OF SAID CAMP HANFORD LINE DEFINED AS CH-11 (DESTROYED);
THENCE LEAVING SAID CAMP HANFORD LINE N.89°09'30"E. A DISTANCE OF 691.03 FEET;
THENCE N.08°22'33"E. A DISTANCE OF 1225.48 FEET;
THENCE N.06°20'29"E. A DISTANCE OF 382.37 FEET TO A POINT 40.00 FEET WESTERLY OF THE WESTERLY MARGIN OF SAID GEORGE WASHINGTON WAY WHEN MEASURED AT RIGHT ANGLES;
THENCE N.10°37'06"W. A DISTANCE OF 623.54 FEET;
THENCE S.89°09'45"W. A DISTANCE OF 829.10 FEET TO A POINT ON SAID CAMP HANFORD LINE;
THENCE N.00°50'15"W. ALONG SAID CAMP HANFORD LINE A DISTANCE OF 396.31 FEET TO THE MONUMENT OF SAID CAMP HANFORD LINE DEFINED AS CH-12;
THENCE LEAVING SAID CAMP HANFORD LINE, CONTINUING N.00°50'15"W. A DISTANCE OF 256.28 FEET TO A POINT ON SAID CAMP HANFORD LINE;
THENCE S.81°31'00"E. ALONG SAID CAMP HANFORD LINE A DISTANCE OF 93.83 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED CH-17;
THENCE S.51°39'51"E. ALONG SAID CAMP HANFORD LINE A DISTANCE OF 311.04 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED CH-18;
THENCE S.38°30'15"E. ALONG SAID CAMP HANFORD LINE A DISTANCE OF 481.79 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE DEFINED AS CH-19;
THENCE N.51°16'14"E. ALONG SAID CAMP HANFORD LINE A DISTANCE OF 306.95 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED CH-20;
THENCE N.12°26'11"E. ALONG SAID CAMP HANFORD LINE A DISTANCE OF 327.85 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED CH-21;
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THENCE S.01°12'28"E. ALONG SAID WESTERLY MARGIN A DISTANCE OF 1197.95 FEET;
THENCE S.01°22'12"W ALONG SAID WESTERLY MARGIN A DISTANCE OF 1890.50 FEET TO THE INTERSECTION OF THE SAID WESTERN MARGIN OF GEORGE WASHINGTON WAY AND THE NORTHERLY MARGIN OF SAID HANFORD STREET;

THENCE ALONG SAID NORTHERLY MARGIN THE FOLLOWING CALLS;
N.89°53'19"W. A DISTANCE OF 108.15 FEET TO A POINT OF CURVE;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 44°01'55", A RADIUS OF 173.00 FEET, AN ARC DISTANCE OF 132.95 FEET TO A POINT OF REVERSE CURVE;
THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 74°23'03", A RADIUS OF 227.00 FEET, AN ARC DISTANCE OF 294.70 FEET;
THENCE S.59°45'33"W A DISTANCE OF 123.09 FEET TO A POINT OF CURVE;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 29°24'36", A RADIUS OF 173.00 FEET, AN ARC DISTANCE OF 88.80 FEET;
THENCE S.89°10'09"W. A DISTANCE OF 210.64 FEET TO SAID SOUTHEAST CORNER OF THE PLAT OF SIENNA SKY VILLAGE PHASE 1 AND THE TRUE POINT OF BEGINNING.

EXCISE TAX PAID
MY-6 10 K02109
BENTON COUNTY WA

2010-012328 D
05/06/2010 10:06:38 AM Pages: 3 Fee: $64.00
Benton Franklin Title Co
Benton County, Benton County Auditor's Office

AFTER RECORDING MAIL TO:
WSU OFFICE OF THE V.P. for Business & Finance
Attn: Cindy Hendrickson
P. O. BOX 641045
PULLMAN, WA. 99164-1045
Escrow No.:00098999

98999 cjlsp BENTON FRANKLIN TITLE CO. 64

QUIT CLAIM DEED

THE GRANTOR **WASHINGTON STATE UNIVERSITY** for and in consideration of **BOUNDARY LINE ADJUSTMENT 458-61A-109** conveys, and quit claims to **WASHINGTON STATE UNIVERSITY** the following described real estate, situated in the County of **BENTON**, State of Washington, together with all after acquired title of the grantor(s) therein:

See Exhibit A attached hereto and made a part hereof.

23-10-28
26-10-28

Tax Parcel Number(s): **1-2608-200-0001-002IOP**

Dated ~~APRIL~~ MAY 4, 2010

WASHINGTON STATE UNIVERSITY

STATE OF WASHINGTON
COUNTY OF WHITMAN } ss

I certify that I know or have satisfactory evidence that RICHARD A. HEATH is/~~are~~ the persons who appeared before me, and said persons acknowledged that ~~he/she/they~~ signed this instrument, on oath stated that ~~he/she/they~~ authorized to execute the instrument and acknowledged it as the Assoc. Vice Pres for Business & Finance of **WASHINGTON STATE UNIVERSITY** to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: ~~APRIL~~ MAY 4, 2010

JUDITH K. DURFEY
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES FEB. 1, 2013

Notary Public in and for the State of Washington
Residing at Pullman, WA
My appointment expires: 2/1/2013

EXHIBIT A

Parcel A:

THOSE PORTIONS OF THE WEST HALVES OF SECTIONS 23 & 26, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 26 BEING THE INTERSECTION OF GEORGE WASHINGTON WAY AND SPROUT ROAD;
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THENCE LEAVING SAID CENTERLINE N.14°51'28"E., A DISTANCE OF 31.18 FEET TO THE NORTHERLY MARGIN OF SAID SPENGLER ROAD;
THENCE CONTINUING N.14°51'28"E. A DISTANCE OF 321.69 FEET TO A MONUMENT ON THE CAMP HANFORD LINE STAMPED CH-10;
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Benton County Treasurer's Office
Duane A. Davidson, CPA, Treasurer

TREASURER'S CERTIFICATE FOR REAL PROPERTY TAXES

Current Taxpayer of Record

Name Washington State University

Street P.O. Box 6405

City: Pullman State: WA Zip: 99105

Parcel # (s) 1-2608-200-0001-002

TCA R1

☒ Taxes ☐ Irrigation ☐ CRID

I hereby certify that property taxes due Benton County on the above parcel number(s) have been paid through 2010

5/6/10 Date

Hungricht Signature

Treasurer's Seal

PO Box 630
Prosser WA 99350

Phone (509) 786-2255 Fax 786-5628
(509) 736-3087
Phone (509) 735-8505 Fax 736-2705

www.co.benton.wa.us

Benton County Property Search

Property

Account

Property ID:	297134	Abbreviated Legal Description:	THOSE PORTIONS OF THE WEST HALVES OF SECTIONS 23 & 26, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 26 BEING THE INTERSECTION OF GEORGE WASHINGTON WAY AND SPROUT ROAD; THENCE SOUTH 01¦ 22' 12" WEST ALONG THE CENTERLINE OF SAID GEORGE WASHINGTON WAY A DISTANCE OF 2624.49 FEET TO THE INTERSECTION OF SAID GEORGE WASHINGTON WAY AND SPRING ROAD; THENCE SOUTH 01¦ 21' 22" WEST ALONG THE CENTERLINE OF SAID GEORGE WASHINGTON WAY A DISTANCE OF 1311.65 FEET TO THE INTERSECTION OF SAID GEORGE WASHINGTON WAY AND SPENGLER ROAD AND THE SOUTH CENTER 1/16 CORNER; THENCE SOUTH 89¦ 02' 30" WEST ALONG THE CENTERLINE OF SAID SPENGLER ROAD A DISTANCE OF 1355.14 FEET; THENCE LEAVING SAID CENTERLINE NORTH 14¦ 51' 28" EAST A DISTANCE OF 31.18 FEET TO THE NORTHERLY MARGIN OF SAID SPENGLER ROAD; THENCE CONTINUING NORTH 14¦ 51' 28" EAST A DISTANCE OF 321.69 FEET TO A MONUMENT ON THE CAMP HANFORD LINE STAMPED CH-10; THENCE NORTH 17¦ 34' 55" EAST ALONG SAID LINE A DISTANCE OF 1165.79 FEET TO THE SOUTHEAST CORNER OF UNIVERSITY PARK CONDOMINIUM PLAT AS RECORDED IN VOLUME 1 OF CONDOMINUIUMS AT PAGE 59, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE CONTINUING NORTH 17¦ 34' 55" EAST ALONG SAID CAMP HANFORD LINE AND THE EAST LINE OF SAID CONDOMINIUM PLAT A DISTANCE OF 87.09 FEET TO THE MONUMENT ON SAID CAMP HANFORD STAMPED CH-10-1; THENCE NORTH 00 DEGREES 50' 30" WEST ALONG SAID CAMP HANFORD LINE AND ALONG SAID EASTERLY LINE OF CONDOMINIUM PLAT A DISTANCE OF 526.13 FEET TO THE TRUE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE PLAT OF SIENNA SKY VILLAGE PHASE 1 AS RECORDED IN VOLUME 15 OF PLATS, AT PAGE 303, RECORDS OF BENTON COUNTY, WASHINGTON AND THE NORTHERLY MARGIN OF HANFORD STREET; THENCE NORTH 00¦ 50' 30" WEST ALONG SAID CAMP HANFORD LINE AND THE EASTERLY LINE THEREOF A DISTANCE OF 313.08 FEET TO THE MONUMENT OF SAID CAMP HANFORD LINE DEFINED AS CH-11 (DESTROYED); THENCE LEAVING SAID CAMP HANFORD LINE NORTH 89¦ 09' 30" EAST A DISTANCE OF 691.03 FEET; THENCE NORTH 08¦ 22' 23" EAST A DISTANCE OF 1225.48 FEET; THENCE NORTH 06¦ 20' 29" EAST A DISTANCE OF 382.37 FEET TO A POINT 40.00 FEET WESTERLY OF THE WESTERLY MARGIN OF SAID GEORGE WASHINGTON WAY WHEN MEASURED AT RIGHT ANGLES; THENCE NORTH 10¦ 37' 06" WEST A DISTANCE OF 623.54 FEET; THENCE SOUTH 89¦ 09' 45" WEST A DISTANCE OF 829.10 FEET TO A POINT ON SAID CAMP HANFORD LINE; THENCE NORTH 00¦ 50' 15" WEST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 396.31 FEET TO THE MONUMENT OF SAID CAMP HANFORD LINE DEFINED AS CH-12; THENCE LEAVING SAID CAMP HANFORD LINE, CONTINUING NORTH 00¦ 50' 15" WEST A DISTANCE OF 256.28 FEET TO A POINT ON SAID CAMP HANFORD LINE; THENCE SOUTH 81¦ 31' 00" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 93.83 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED OUT CH-17; THENCE SOUTH 51¦ 39' 51" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 311.04 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE STAMPED CH-18; THENCE SOUTH 38¦ 30' 15" EAST ALONG SAID CAMP HANFORD LINE A DISTANCE OF 481.79 FEET TO THE MONUMENT ON SAID CAMP HANFORD LINE DEFINED AS

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Parcel # / Geo ID:	126082000001003	Agent Code:	
Type:	Real		
Tax Area:	R1 - R1	Land Use Code	39
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	10	Section:	26
Range:	28	Legal Acres:	19.6001

Location

Address:	2605 GEORGE WASHINGTON WAY RICHLAND, WA 99354	Mapsco:	
Neighborhood:	Richland Manufacturing	Map ID:	
Neighborhood CD:	670111M		

Owner

Name:	WASHINGTON STATE UNIVERSITY	Owner ID:	113102
Mailing Address:	PO BOX 641045 PULLMAN, WA 99164-1045	% Ownership:	100.0000000000%
		Exemptions:	EX

Pay Tax Due

There is currently No Amount Due on this property.

Taxes and Assessment Details

Property Tax Information as of 01/06/2023

Amount Due if Paid on: NOTE: If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due

▼ Statement Details

Year	Statement ID	Taxing Jurisdiction	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
2022	70079	CITR - CITY OF RICHLAND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2022	70079	CTYGEN - COUNTY BENTON	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2022	70079	PRTB - PORT OF BENTON	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2022	70079	SCH400 - RICHLAND SD 400	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2022	70079	STATE - STATE SCHOOL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2022	70079	BCD - BENTON CONSERVATION DISTRICT	$4.48	$0.00	$0.00	$0.00	$4.48	$0.00

2022	70079	HORT - HORTICULTURAL PEST AND DISEASE CONTROL	$1.50	$0.00	$0.00	$0.00	$1.50	$0.00
2022	70079	WEDBEN - NOXIOUS WEED CONTROL BOARD	$5.01	$0.00	$0.00	$0.00	$5.01	$0.00
2022	70079	**TOTAL:**	$10.99	$0.00	$0.00	$0.00	$10.99	**$0.00**

▼ Statement Details

Year	Statement ID	Taxing Jurisdiction	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
2021	70417	CITR - CITY OF RICHLAND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2021	70417	CTYGEN - COUNTY BENTON	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2021	70417	PRTB - PORT OF BENTON	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2021	70417	SCH400 - RICHLAND SD 400	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2021	70417	STATE - STATE SCHOOL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
2021	70417	BCD - BENTON CONSERVATION DISTRICT	$4.48	$0.00	$0.00	$0.00	$4.48	$0.00
2021	70417	HORT - HORTICULTURAL PEST AND DISEASE CONTROL	$1.50	$0.00	$0.00	$0.00	$1.50	$0.00
2021	70417	MOSBEN - MOSQUITO	$36.92	$0.00	$0.00	$0.00	$36.92	$0.00
2021	70417	WEDBEN - NOXIOUS WEED CONTROL BOARD	$5.10	$0.00	$0.00	$0.00	$5.10	$0.00
2021	70417	**TOTAL:**	$48.00	$0.00	$0.00	$0.00	$48.00	**$0.00**

Values

(+) Improvement Homesite Value:	+	$0	
(+) Improvement Non-Homesite Value:	+	$4,190,500	
(+) Land Homesite Value:	+	$0	
(+) Land Non-Homesite Value:	+	$1,434,340	
(+) Curr Use (HS):	+	$0	$0
(+) Curr Use (NHS):	+	$0	$0

(=) Market Value:	=	$5,624,840	
(–) Productivity Loss:	–	$0	

(=) Subtotal:	=	$5,624,840	
(+) Senior Appraised Value:	+	$0	
(+) Non-Senior Appraised Value:	+	$5,624,840	

(=) Total Appraised Value:	=	$5,624,840	
(–) Senior Exemption Loss:	–	$0	
(–) Exemption Loss:	–	$5,624,840	

(=) Taxable Value:	=	$0	

Taxing Jurisdiction

Owner: WASHINGTON STATE UNIVERSITY
% Ownership: 100.0000000000%
Total Value: $5,624,840
Tax Area: R1 - R1

Levy Code	Description	Levy Rate	Appraised Value	Taxable Value	Estimated Tax
RICH	RICHLAND	2.1615608745	$5,624,840	$0	$0.00
RICHLIB	RICHLAND LIBRARY DEBT SERVICE	0.1678948044	$5,624,840	$0	$0.00
CNYHMNSVCS	COUNTY HUMAN SERVICES	0.0250000001	$5,624,840	$0	$0.00
CNYVET	COUNTY VETERANS	0.0112499998	$5,624,840	$0	$0.00
COUNTY	COUNTY	0.9751636610	$5,624,840	$0	$0.00
PORTBNT	PORT OF BENTON	0.2598107439	$5,624,840	$0	$0.00
PTBNT11AB	PORT OF BENTON 2011 A & B BOND	0.0895039729	$5,624,840	$0	$0.00
SD400	SCHOOL DIST 400 DEBT SERVICE	1.8371390432	$5,624,840	$0	$0.00
SD400CP	SCHOOL DIST 400 CAPITAL PROJECTS	0.3869600793	$5,624,840	$0	$0.00
SD400MO	SCHOOL DIST 400 ENRICHMENT	2.3954671577	$5,624,840	$0	$0.00
STATE	STATE SCHOOL	1.7092860795	$5,624,840	$0	$0.00
STATE2	STATE SCHOOL PART 2	0.9208541793	$5,624,840	$0	$0.00
	Total Tax Rate:	10.9398905956			
				Taxes w/Current Exemptions:	$0.00
				Taxes w/o Exemptions:	$61,535.13

Improvement / Building

Improvement #1: Commercial **State Code:** 339 13132.5 sqft **Value:** $3,952,350

COMM Framing Class: Class A - Structural Steel Frame COMM HVAC: Forced Air Furnace

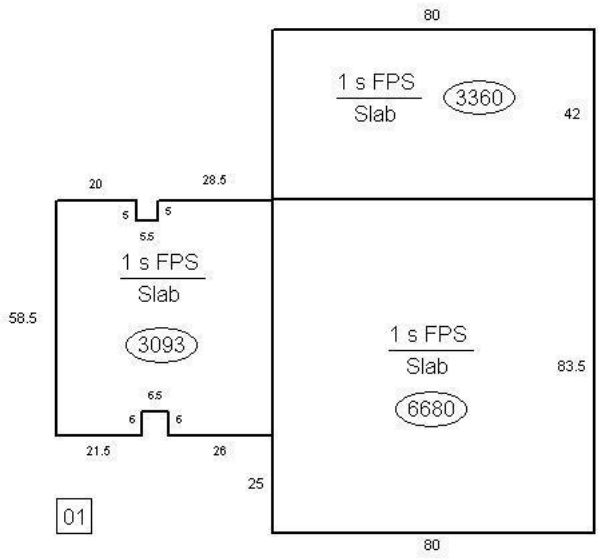
COMM Shape: Rectangular COMM Sprinkler System: Y

Type	Description	Class CD	Sub Class CD	Year Built	Area
RESDEV	Research and Development, Engineering 392	VGd		2012	3360.0
RESDEV	Research and Development, Engineering 392	VGd		2012	6680.0
GENOFF	General Office 344	VGd		2012	3092.5

Improvement #2: Commercial **State Code:** 339 0.0 sqft **Value:** $238,150

Type	Description	Class CD	Sub Class CD	Year Built	Area
ASPH	Asphalt	Avg		2012	23000.0
CONC	Concrete	Avg		2012	37500.0
LGHTPOLE	Light Poles	Avg		2012	1.0

Property Image


80
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42
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1 s FPS
Slab
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Slab
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6680
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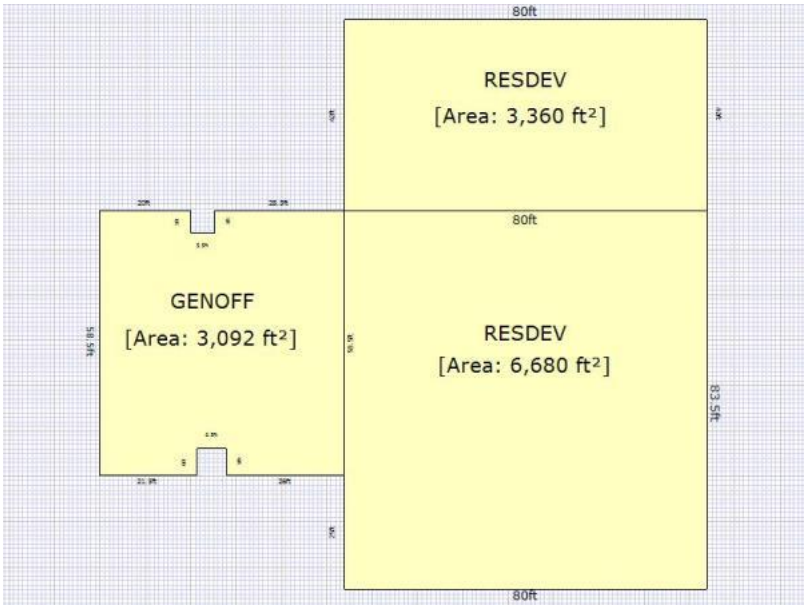
80

04/24/2017



Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	# Lots	Market Value	Prod. Value
1	11	Primary Commercial/Indust Land	19.6000	853776.00	0.00	0.00	1.00	$1,434,340	$0

Roll Value History

Year	Improvements	Land Market	Current Use	Total Appraised	Taxable Value
2023	N/A	N/A	N/A	N/A	N/A
2022	$4,190,500	$1,434,340	$0	$5,624,840	$0
2021	$4,115,660	$1,434,340	$0	$5,550,000	$0

Deed and Sales History

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Sale Price	Excise Number	D N
1	02/04/2013	QCD	Quit Claim Deed	WASHINGTON STATE UNIVERSITY	WASHINGTON STATE UNIVERSITY	2013-005492	13P00068	$0.00	0	7

Payout Agreement

No payout information available..

379091

Vol 152 Deeds 204

Filed for Record SEP 24 1957 4:20 P.M.
Request of United States of America
U.S. Atomic Energy Commission
Box 550, Richland, Wash.
M. P. WISE, County Auditor

EASEMENT QUITCLAIM DEED

THIS DEED, made this 24 day of September, 1957 by the United States of America (hereinafter called "Grantor"), acting herein through the Atomic Energy Commission (hereinafter called the "Commission").

WHEREAS, the Atomic Energy Community Act of 1955, 69 Stat. 471, as amended, declares the policy of the United States of America to be that government ownership and management of the communities owned by the Commission shall be terminated in an expeditious manner; and

WHEREAS, the Commission is authorized to dispose of real property at the Community of Richland (as defined in Section 21b(2) of said Act) whether within or outside of that Community; and

WHEREAS, the Commission finds it necessary in order to carry out the declared policy of the United States of America to dedicate to the general public certain easements;

NOW, THEREFORE, the Grantor conveys, quitclaims, and dedicates to the general public easements of right-of-way for general road purposes and for the installation, maintenance, operation, repair, replacement, and removal of public utility type facilities over, across, in, and upon: (1) the areas which are named Van Giesen, Jones, Hyde, Cullum, Lacy, Sprout, Burlin, Snyder, George Washington, Spengler, Stevens, Gay, Saint, Hagen, Hurley, and Davison, all of which are shown in red on the attached maps; and (2) those unnamed areas which are also shown in red on the attached maps. Said maps are labelled: Map of Section 3, Twp. 9 N., R.28 E., W.M.; Map of Section 4, Twp. 9 N., R.28 E., W.M.; Map of Section 5, Twp. 9 N., R.28 E., W.M.; Map of Section 9, Twp. 9 N., R.28 E., W.M.; Map of Section 14, Twp. 9 N., R.28 E., W.M.; Map of Section 15, Twp. 9 N., R.28 E., W.M.; Map of Section 22, Twp. 9 N., R.28 E., W.M.; Map of Section 23, Twp. 9 N., R.28 E., W.M.; Map of Section 24, Twp. 9 N., R.28 E., W.M.; Map of Section 25, Twp. 10 N., R.28 E., W.M.; Map of Section 26, Twp. 10 N., R.28 E., W.M.; Map of Section 27, Twp. 10 N., R.28 E., W.M.; Map of Section 32, Twp. 10 N., R. 28 E., W.M.; Map of Section 33, Twp. 10 N., R. 28 E., W.M.; Map of Section 34, Twp. 10 N., R.28 E., W.M.; and Map of Section 35, Twp. 10 N., R.28 E., W.M.; and they are attached hereto and made a part hereof by this reference. All of said areas are located in Benton County, Washington.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed in its name and on its behalf by its authorized representative as of the day and year first above written.

UNITED STATES OF AMERICA
UNITED STATES ATOMIC ENERGY COMMISSION

STATE OF WASHINGTON)
) ss
COUNTY OF BENTON)

On this 21st day of September, 1957, before me personally appeared [illegible] to me known to be the authorized representative of the United States Atomic Energy Commission that has executed the within and foregoing instrument, and acknowledged said instrument to be a free and voluntary act and deed of the United States of America, acting through the Atomic Energy Commission, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the seal of the Atomic Energy Commission, Hanford Operations Office.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Washington, residing at Richland, Benton County.

FILED FOR
560632
VOL 225 PAGE 363
APR 29 2 11 PM '66
VERNER MILLER, AUDITOR
DEPUTY

QUITCLAIM DEED

VOLUME PAGE
INDEXED BY
CHECKED BY
RECORDED IN VOL. 225

The UNITED STATES OF AMERICA, acting by and through the Administrator of General Services under and pursuant to the powers and authority contained in applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and regulations and orders promulgated thereunder, (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten Dollars and other good and valuable consideration, does hereby convey and quitclaim to CITY OF RICHLAND, WASHINGTON, a municipal corporation, (hereinafter referred to as "Grantee"), its successors and assigns, all of Grantor's right, title and interest in and to the following described property (hereinafter referred to as "Property") situated in Benton County, State of Washington:

A parcel of land lying in the Southwest Quarter of the Southwest Quarter of Section 23 and in the West Half of Section 26, all in Township 10 North, Range 28 EWM, in Benton County, Washington, described as follows:

Commencing at the Northwest corner of said Section 26, which point is at Coordinates North 365,605.75 and East 2,307,651.79 on the Washington State Grid System (South Zone);
Thence South 63° 22' 58" East 29.51 feet to a point on the East right of way line of Stevens Drive, an unplatted way, which point is the TRUE POINT OF BEGINNING;
Thence North 0° 21' 49" West 1349.61 feet along the East right of way line of Stevens Drive;
Thence North 89° 06' 06" East 477.73 feet;
Thence South 1° 03' 08" East 2659.78 feet to the North line of the South Half of the Northwest Quarter of said Section 26;
Thence North 89° 25' 55" East along the said North line of the South Half of the Northwest Quarter of Section 26 a distance of 1194.17 feet;
Thence South 0° 49' 54" East 361.91 feet to U. S. Corps of Engineers marker "CH-11, 1955";
Thence South 0° 49' 44" East 839.32 feet to U. S. Corps of Engineers marker "CH-10-1, 1955";
Thence South 17° 35' 27" West 1252.88 feet to U. S. Corps of Engineers marker "CH-10, 1955";
Thence South 89° 16' 15" West 304.69 feet to U. S. Corps of Engineers marker "CH-9-2, 1955";
Thence South 0° 50' 52" East 340.72 feet to the South line of the North Half of the Southwest Quarter of said Section 26, which line is the center line of Spengler Road;
Thence South 89° 00' 59" West along said center line 1133.36 feet to the East right of way line of Stevens Drive;
Thence North 1° 13' 35" East along said right of way line a distance of 3950.73 feet to the POINT OF BEGINNING.
Containing 129.41 acres.

THE UNITED STATES HEREBY RESERVES unto itself, and its assigns, the following described easements for the construction, operation, maintenance and replacement of existing utilities:

1. Railroad Spur and Loading Ramp

An easement for a railroad spur line on a strip of land 50 feet wide, being 15 feet on the northerly and easterly side and 35 feet on the southerly and westerly side of the following described center line:

Beginning at a point on the west line of the above described parcel, which point is North 1° 13' 35" East 2675.71 feet from the Southwest corner of the parcel;
Thence along a 569.63 foot radius curve to the left an arc distance of 338.81 feet (the chord of said arc bearing South 43° 47' 33" East 333.84 feet) to a point of tangency;
Thence South 60° 49' 54" East 837.94 feet to a point of curve;
Thence along a 571.36 foot radius curve to the right an arc distance of 598.38 feet to a point of tangency, which point of tangency is hereinafter referred to as "Point A";
Thence South 0° 51' 39" East 1084.50 feet to a point of terminus;
Except that the easement width on the West side of the center line, along the South 190 feet of the above described line, shall be 100 feet.

ALSO, An easement for a railroad spur on a strip of land 35 feet wide, being 17.5 feet on each side of the following described center line;
Commencing at "Point A" on the above described 571.36 foot radius curve; thence returning northwesterly along said curve an arc distance of 258.09 feet to the TRUE POINT OF BEGINNING;
Thence North 28° 05' 39" West 130 feet to a point of curve;
Thence along a 658.71 foot radius curve to the right, an arc distance of 313.09 feet, the chord of said arc bearing North 14° 28' 39" West 310.15 feet, to a point of tangency;
Thence North 0° 51' 39" West 453.76 feet to the north line of the parcel herein conveyed.

2. Sewer lines

Beginning at a point on the West line of the parcel herein conveyed, which point is North 1° 13' 35" East 1410.28 feet from the Southwest corner of the parcel;
Thence North 89° 16' 31" East 37.21 feet to the center of an existing manhole;
Thence North 47° 00' 49" East 613 feet to the center of a manhole, which point hereinafter is referred to as "Point B".

ALSO, beginning at "Point B" described above;
Thence North 39° 17' 56" West 34.83 feet to the center of an existing manhole;
Thence North 0° 44' 06" West 1556.65 feet to the center of an existing manhole, which point is hereinafter referred to as "Point C";

Thence continuing North 0° 44' 06" West 551.74 feet to the center of an existing manhole, which point is hereinafter referred to as "Point D";
Thence continuing North 0° 44' 06" West 1242.03 feet to the North line of the parcel herein conveyed.

ALSO, beginning at "Point C" described above;
Thence North 89° 15' 54" East 114.13 feet to the East line of the parcel herein conveyed.

ALSO, beginning at "Point D", described above, thence North 89° 15' 54" East 111.08 feet to the East line of the parcel herein conveyed.

3. Power and Telephone Line

An easement for power and telephone lines on a strip of land 10 feet wide, being five feet on each side of the following described center line:

Beginning at a point which is 30 feet North of the South line of the parcel herein conveyed and is North 89° 00' 59" East 59.81 feet from the west line of the said property;
Thence North 01° 16' 55" East 517.78 feet to a point hereinafter referred to as "Point F";
Thence continuing North 01° 16' 55" East 134.37 feet to a point hereinafter referred to as "Point G";
Thence North 87° 25' 27" East 154.96 feet to a point hereinafter referred to as "Point H";
Thence North 0° 30' 08" West 790.59 feet;
Thence North 89° 08' 07" East 243.15 feet to a point hereinafter referred to as "Point J";
Thence North 0° 49' 15" West 3165.83 feet;
Thence East 83.00 feet;
Thence North 0° 48' 33" West 799.32 feet to the North line of the parcel herein conveyed.

ALSO, Beginning at "Point F" as described above;
Thence South 89° 22' 58" East 158.63 feet;
Thence North 0° 30' 08" West 143.01 feet to join the above described easement at "Point H".

ALSO, beginning at "Point G" described above;
Thence South 87° 25' 27" West 60.09 feet to the West line of the parcel herein conveyed.

TOGETHER WITH easements on adjoining lands for head guys and down guys required to support the power lines and telephone lines in the above described easements, as such guys now exist or may be required in the future.

4. Access Road

A non-exclusive easement for a road on a strip of land 60 feet wide, being 30 feet on each side of the following described center line:

Beginning on the West line of the parcel herein conveyed, at a point which is South 0° 21' 49" East a distance of 829.41 feet from the

Northwest corner of the parcel;
Thence North 88° 44' 07" East 487.70 feet to the East property line.

5. Telephone Line

An easement on a strip of land 10 feet wide, being 5 feet on each side of the following described center line:

Beginning at a point on the East line of the parcel, which point is South 17° 35' 27" West 28.32 feet from U. S. Corps of Engineers Marker "CH-10-1, 1955";
Thence North 0° 49' 22" West 1125 feet, more or less, to the North property line.

6. Bonneville Power Line

An easement for the Bonneville Power Administration, as shown by document recorded in Volume 157 of Deeds, Page 12, under Auditor's File No. 387794, records of Benton County, for a power line, said easement being 100 feet wide, being 50 feet on each side of the following described center line:

Beginning at a point which is 30 feet north of the South line of the parcel herein conveyed and is North 89° 00' 59" East 105.50 feet from the West line of said property;
Thence North 01° 14' 20" East 1835.31 feet;
Thence North 17° 20' 45" West 332.26 feet to the West line of the parcel.

This conveyance is SUBJECT TO the following easements heretofore conveyed to the City of Richland:

1. Sewer line

An easement for the operation, maintenance and remodeling of an existing sewer line, including the right to have reasonable access to the easement from a public way, on a strip of land 10 feet wide, being five feet on each side of the following described center line:

Beginning on the East line of the parcel herein conveyed, which point is South 17° 35' 27" West 154.00 feet from U. S. Corps of Engineers Marker "CH-10-1, 1955";
Thence North 71° 34' 03" West 1317.82 feet to the center of an existing manhole, at "Point B" referred to above, and there terminating.

2. Spengler Road

An easement for a public road on the South 30 feet of the property herein conveyed.

3. Stevens Drive Power Line

An easement for the construction, operation, maintenance and repair of a power line along the West 10 feet of the parcel herein conveyed.

4. 24-Inch Water Line

That portion of the following described easement lying within the parcel herein conveyed:

An easement for the construction, operation, maintenance and repair of a water line, heretofore conveyed to the City of Richland, on a strip of land 10 feet wide, being five feet on each side of the following described center line:

Beginning at a point which lies North 0° 50' 30" West 33.51 feet from U. S. Corps of Engineers Marker "CH-13, 1955";
Thence South 88° 13' 45" West 452.18 feet;
Thence South 83° 35' 25" West 932.02 feet;
Thence South 39° 04' 11" West 55.63 feet, more or less, to the West line of the parcel herein conveyed.

5. Civil Defense Siren

An easement for the construction, operation, maintenance and remodeling of existing utilities, including the right to have reasonable access to said easement from a public way, on a parcel of land described as follows:

Commencing at the West quarter corner of said Section 26;
Thence North 63° 19' 09" East 46.43 feet;
Thence North 89° 11' 30" East 286.1 feet to the TRUE POINT OF BEGINNING;
Thence North 0° 48' 30" West 76.5 feet;
Thence North 89° 11' 30" East 37.7 feet;
Thence South 0° 48' 30" East 76.5 feet;
Thence South 89° 11' 30" West 37.7 feet to the POINT OF BEGINNING.

Containing 0.07 acre, more or less.

6. 14-Inch Water Line

An easement for the construction, operation, maintenance and repair of a water line on a strip of land 10 feet wide, being 5 feet on each side of the following described center line:

Beginning on the East line of the parcel herein conveyed, which point is South 17° 35' 27" West a distance of 277.0 feet from U. S. Corps of Engineers marker "CH-10-1, 1955";
Thence North 0° 46' 01" West 1360 feet, more or less, to the North line of the parcel herein conveyed.

7. Canal

That portion of the following described easement for a canal lying within the parcel herein conveyed:

A strip of land 50 feet wide, lying on the southerly side of, measured at right angles, and adjacent to the following described line:

Beginning at U. S. Corps of Engineers marker "CH-14, 1955";
Thence North 87° 54' 44" West 169.94 feet;

Thence North 74° 24' 10" West 481.40 feet;
Thence South 79° 59' 39" West 507.35 feet;
Thence South 66° 01' 49" West 305 feet more or less to the West line of the parcel herein conveyed.

8. Stevens Drive Water Line

An easement for the construction, operation, maintenance, repair, replacement and removal of a water line in a strip of land described as being that part of the North 450 feet of the West 30 feet of the parcel herein conveyed which lies North of the North right of way line of that easement for a 24-inch water line, described in paragraph 4. above.

TO HAVE AND TO HOLD the Property together with all the privileges and appurtenances thereto belonging, unto Grantee, its successors and assigns, forever.

The Property was acquired by the United States of America partly by purchase and partly by condemnation in Civil Cause No. 128 U. S. District Court for the Eastern District of Washington, Southern Division.

The Property was both duly determined to be surplus to the needs and requirements of the United States of America and assigned to General Services Administration for disposal pursuant to authority contained in the said Federal Property and Administrative Services Act as amended, and applicable orders and regulations promulgated thereunder.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed as of January 7, 1966.

UNITED STATES OF AMERICA
Acting by and through the
Administrator of General Services

By V J Barnes
Chief, Real Property Division
Utilization and Disposal Service

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this 20th day of April, 1966, before the undersigned, a Notary Public in and for the State of Washington, personally appeared V L Barnes, to me known to be the — Chief, Real Property Division, Utilization and Disposal Service, General Services Administration, Region 10, and to me known to be the individual described in and who executed the foregoing instrument and who under oath stated that he was duly authorized, empowered and delegated by the Administrator of General Services to execute the said instrument and acknowledged the foregoing instrument to be his free and voluntary act and deed, acting for and on behalf of the Administrator of General Services, acting for and on behalf of the United States of America, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

Robert L Douglas Green
Notary Public in and for the State of Washington, residing at Federal Way

DOUGLAS GREEN
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES JULY 4, 1966

Transamerica Title Services

Transamerica Title Insurance Company

93 33373

THIS SPACE PROVIDED FOR RECORDER'S USE

FILED BY

Oct 29 2 12 PM '93

BOBBIE GAGNER
BENTON COUNTY, AUDITOR

VOL. 592 PAGE 2790

OFFICIAL RECORDS

FILED FOR RECORD AT REQUEST OF

City Attorney
City of Richland

WHEN RECORDED RETURN TO

Name City Attorney, City of Richland

Address PO Box 190

City, State, Zip Richland, WA 99352

B-6557 9.00

Quit Claim Deed

THE GRANTOR, the CITY OF RICHLAND, WASHINGTON, a municipal corporation, for and in consideration of a gift to an educational institution, conveys and quit claims to WASHINGTON STATE UNIVERSITY, the following described real estate, situated in the County of BENTON State of Washington, together with all after acquired title of the grantor(s) therein. (See attached legal description.)

This transfer is subject to and conditioned by any and all easements, reservations, restrictions and covenants of record. In addition, easements required for utilities which are not currently encumbered by an easement of record shall be granted to the City of Richland in the future at no expense to the City.

Grantor conveys the real property to the Grantee as part of a college campus and for educational, scientific and research purposes related thereto. In the event the Grantee uses any or all of the property for other purposes or Grantee conveys the property to another party without the prior written consent of the Grantor, then title to any portion of the property which is being used for other purposes or which is conveyed to another party, shall revert to the Grantor.

TRANSAMERICA TITLE INSURANCE CO.

Oct 29 9 05 93

BENTON COUNTY TAX

Dated October 22 19 93

(Individual)

(Individual)

CITY OF RICHLAND, WASHINGTON

By JOSEPH C. KING, City Manager 10/22/93

By LESLIE A. SMITH, City Clerk

STATE OF WASHINGTON
COUNTY OF) ss

On this day personally appeared before me

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that signed the same as free and voluntary act and deed, for the uses and purposes therein mentioned

GIVEN under my hand and official seal this day of 19

Notary Public in and for the State of Washington residing at

MARILYN A. COTE NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES SEPT. 24, 1994

STATE OF WASHINGTON
COUNTY OF BENTON) ss.

On this 22nd day of October, 19 93, before me, the undersigned, a Notary Public in and for the State of Washington duly commissioned and sworn, personally appeared JOSEPH C. KING and LESLIE A. SMITH to me known to be the City Mgr. and City Clk. respectively, of the CITY OF RICHLAND the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Marilyn A. Cote'

Notary Public in and for the State of Washington, residing at Kennewick

LPB-12

OFFICIAL RECORD

WSU PROPERTY

Portions of the Section 26 and Section 23, Township 10 North, Range 28 East, W.M., described as follows:

Beginning at the intersection of George Washington Way and Sprout Road, said point being the North 1/4 corner of said Section 26; thence S 01°22'12"W 2624.49 feet along the centerline of George Washington Way to the intersection of George Washington Way and Spring Road; thence S 01°21'22"W 1311.65 feet along said centerline to the intersection of George Washington Way and Spengler Road, said point is being held as the south 1/16 corner of said Section 26 (found PK nail with washer); thence S 89°02'30"W 1355.14 feet along the centerline of said Spengler Road; thence leaving said centerline N 14°51'28"E 31.18 feet to a point on the north right-of-way of said Spengler Road and the "True Point of Beginning"; thence continuing N 14°51'28"E 321.69 feet to a point on the Camp Hanford line marked with a monument stamped CH 10; thence N 17°34'55"E 1252.88 feet along said line to a monument stamped CH 10-1; thence N 00°50'30"W 839.21 feet along said line to a monument stamped CH 11; thence leaving said Camp Hanford line N 89°09'30"E 691.03; thence N 08°22'33"E 1225.48 feet; thence N 06°20'29"E 382.37 feet to a point that is 40.00 feet west of the west right-of-way of George Washington Way measured at right angles to right-of-way; thence N 10°37'06"W 623.54 feet; thence S 89°09'45"W 829.19 feet to a point on said Camp Hanford line; thence N 00°50'15"W 396.31 feet along said line to a monument stamped CH 12; thence leaving said line, continuing N 00°50'15"W 256.28 feet to a point on said Camp Hanford line, said line is between monuments stamped CH 16 and CH 17; thence S 81°31'00"E 93.83 feet along said line to said monument stamped CH 17; thence S 51°39'51"E 311.04 feet along said line to a monument stamped CH 18; thence S 38°30'15"E 481.79 feet along said line to a monument stamped CH 19; thence N 51°16'14"E 306.95 along said line to a point held as CH 20, per Record of Survey #741 as recorded in Volume 1 of Record of Survey, page 741, Records of Benton County, Washington; thence N 12°26'11"E 327.85 feet along said line to a monument stamped CH 21; thence S 81°14'49"E 22.08 feet along said line to a point on the west right-of-way of said George Washington Way; thence leaving said Camp Hanford line, S 01°12'28"E 1197.95 feet along said west right-of-way; thence S 01°22'12"W 2474.05 feet along said right-of-way; thence leaving said right-of-way N 88°36'01"W 504.49 feet; thence S 01°24'00"W 577.82 feet to a point on the north line of a fire line recorded under AF# 793180; thence S 89°02'30"W 195.30 feet along said north line; thence S 01° 21'22"W 25.02 feet along the west line of said fire lane to the northwest corner of Washington Square Apartments per AF# 790553; thence continuing S 01°21'22"E 610.57 feet along the west line of said Washington Square Apartments to the northeast corner of Rainier Square Apartments per AF# 847366; thence S 89°02'30"W 200.17 feet along the north line of said Rainier Square Apartments to the northwest corner of said Rainier Square, said point is also the northeast corner of Record

WSU Property (cont.)

of Survey No. 989 as recorded in Volume 1 of Record of Surveys, page 989, Records of Benton County, Washington; thence continuing S 89°02'30"W 271.00 along the north line of said Record of Survey to its northwest corner; thence S 14°51'28"W 249.42 feet along the west line of said Record of Survey to a point on the north right-of-way of Spengler Road; thence S 89°02'30"W 77.76 feet along said right-of-way to the True Point of Beginning.

Contains 45.58 acres.

DATE 10/15/93

LAWRENCE B. MUNNELL, P.L.S.
LS #16216

RE-RECORDED TO CORRECT NOTARY BLOCK

Land Document 493

93 33373

Transamerica Title Services

OFFICIAL RECORDS

Transamerica Title Insurance Company

95 24613

THIS SPACE PROVIDED FOR RECORDER'S USE:

FILED BY

Oct 29 2 12 PM '93

BOBBIE GAGNER
BENTON COUNTY, AUDITOR

VOL. 592 PAGE 2790

OFFICIAL RECORDS

FILED BY

Oct 31 11 48 AM '95

BOBBIE GAGNER
BENTON COUNTY, AUDITOR

VOL. 636 PAGE 3315

FILED FOR RECORD AT REQUEST OF

City Attorney
City of Richland

WHEN RECORDED RETURN TO

Name City Attorney, City of Richland

Address PO Box 190

City, State, Zip Richland, WA 99352

B-6557

CORRECTED

9.00

Quit Claim Deed

TRANSAMERICA TITLE INSURANCE CO.

Oct31 9504252

Oct29 9305931

THE GRANTOR, the CITY OF RICHLAND, WASHINGTON, a municipal corporation, for and in consideration of a gift to an educational institution, conveys and quit claims to WASHINGTON STATE UNIVERSITY, the following described real estate, situated in the County of BENTON State of Washington, together with all after acquired title of the grantor(s) therein: (See attached legal description.)

This transfer is subject to and conditioned by any and all easements, reservations, restrictions and covenants of record. In addition, easements required for utilities which are not currently encumbered by an easement of record shall be granted to the City of Richland in the future at no expense to the City.

Grantor conveys the real property to the Grantee as part of a college campus and for educational, scientific and research purposes related thereto. In the event the Grantee uses any or all of the property for other purposes or Grantee conveys the property to another party without the prior written consent of the Grantor, then title to any portion of the property which is being used for other purposes or which is conveyed to another party, shall revert to the Grantor.

Dated October 22, 1993

(Individual)

(Individual)

CITY OF RICHLAND, WASHINGTON

By JOSEPH C. KING, City Manager

By DOROTHY A. CAMPBELL for LESLIE A. SMITH, City Clerk

STATE OF WASHINGTON
COUNTY OF) ss.

On this day personally appeared before me

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that signed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this day of , 19

Notary Public in and for the State of Washington, residing at

MARILYN A. COTE NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES SEPT. 24, 1996

STATE OF WASHINGTON
COUNTY OF BENTON) ss.

On this 22nd day of October, 19 93, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JOSEPH C. KING and DOROTHY A. CAMPBELL Deputy to me known to be the City Mgr. and City Clk., respectively, of the CITY OF RICHLAND the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Marilyn A. Cote

Notary Public in and for the State of Washington, residing at Kennewick

LPB-12

WSU PROPERTY

Portions of the Section 26 and Section 23, Township 10 North, Range 28 East, W.M., described as follows:

Beginning at the intersection of George Washington Way and Sprout Road, said point being the North 1/4 corner of said Section 26; thence S 01°22'12"W 2624.49 feet along the centerline of George Washington Way to the intersection of George Washington Way and Spring Road; thence S 01°21'22"W 1311.65 feet along said centerline to the intersection of George Washington Way and Spengler Road, said point is being held as the south 1/16 corner of said Section 26 (found PK nail with washer); thence S 89°02'30"W 1355.14 feet along the centerline of said Spengler Road; thence leaving said centerline N 14°51'28"E 31.18 feet to a point on the north right-of-way of said Spengler Road and the "True Point of Beginning"; thence continuing N 14°51'28"E 321.69 feet to a point on the Camp Hanford line marked with a monument stamped CH 10; thence N 17°34'55"E 1252.88 feet along said line to a monument stamped CH 10-1; thence N 00°50'30"W 839.21 feet along said line to a monument stamped CH 11; thence leaving said Camp Hanford line N 89°09'30"E 691.03; thence N 08°22'33"E 1225.48 feet; thence N 06°20'29"E 382.37 feet to a point that is 40.00 feet west of the west right-of-way of George Washington Way measured at right angles to right-of-way; thence N 10°37'06"W 623.54 feet; thence S 89°09'45"W 829.19 feet to a point on said Camp Hanford line; thence N 00°50'15"W 396.31 feet along said line to a monument stamped CH 12; thence leaving said line, continuing N 00°50'15"W 256.28 feet to a point on said Camp Hanford line, said line is between monuments stamped CH 16 and CH 17; thence S 81°31'00"E 93.83 feet along said line to said monument stamped CH 17; thence S 51°39'51"E 311.04 feet along said line to a monument stamped CH 18; thence S 38°30'15"E 481.79 feet along said line to a monument stamped CH 19; thence N 51°16'14"E 306.95 along said line to a point held as CH 20, per Record of Survey #741 as recorded in Volume 1 of Record of Survey, page 741, Records of Benton County, Washington; thence N 12°26'11"E 327.85 feet along said line to a monument stamped CH 21; thence S 81°14'49"E 22.08 feet along said line to a point on the west right-of-way of said George Washington Way; thence leaving said Camp Hanford line, S 01°12'28"E 1197.95 feet along said west right-of-way; thence S 01°22'12"W 2474.05 feet along said right-of-way; thence leaving said right-of-way N 88°36'01"W 504.49 feet; thence S 01°24'00"W 577.82 feet to a point on the north line of a fire line recorded under AF# 793180; thence S 89°02'30"W 195.30 feet along said north line; thence S 01° 21'22"W 25.02 feet along the west line of said fire lane to the northwest corner of Washington Square Apartments per AF# 790553; thence continuing S 01°21'22"E 610.57 feet along the west line of said Washington Square Apartments to the northeast corner of Rainier Square Apartments per AF# 847366; thence S 89°02'30"W 200.17 feet along the north line of said Rainier Square Apartments to the northwest corner of said Rainier Square, said point is also the northeast corner of Record

of Survey No. 989 as recorded in Volume 1 of Record of Surveys, page 989, Records of Benton County, Washington; thence continuing S 89°02'30"W 271.00 along the north line of said Record of Survey to its northwest corner; thence S 14°51'28"W 249.42 feet along the west line of said Record of Survey to a point on the north right-of-way of Spengler Road; thence S 89°02'30"W 77.76 feet along said right-of-way to the True Point of Beginning.

Contains 45.58 acres.

DATE 10/15/93

LAWRENCE B. MUNNELL, P.L.S.
LS #16216

2011-016743 ORD
06/15/2011 04:26:06 PM Pages: 5 Fee: $66.00
City Of Richland
Benton County, Benton County Auditor's Office

WHEN RECORDED RETURN TO:

Richland City Clerk
P.O. Box 190 MS-05
Richland, WA 99352

ORDINANCE NO. 05-11

AN ORDINANCE of the City of Richland, Washington, revising the boundaries of the Revitalization Area for Industry, Science and Education and providing for other matters properly relating thereto.

BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1.01 The City Council (the "Council") of the City of Richland, Washington (the "City"), hereby makes the following findings and determinations:

(a) The City is a first-class city duly incorporated and operating under the laws of the State of Washington. Chapter 39.104 RCW authorizes the City to create revitalization areas and use local revitalization financing to finance public improvements within such revitalization areas. The Council passed Ordinance No. 28-09 ("Ordinance 28-09") on August 25, 2009, which created and established the Revitalization Area for Industry, Science and Education (the "RAISE").

(b) Section 4 of Ordinance 28-09 established the geographic boundaries of the RAISE. The boundaries of the RAISE in various places bisect parcels of land. As a result, it is not reasonably practicable for the Benton County Assessor to determine the "property tax allocation revenue value" and "property tax allocation revenue base value" of property within the RAISE, as is required by RCW 39.104.080(b)(2). This frustrates one of the primary purposes of the RAISE. Therefore, it is necessary and desirable to revise the boundaries of the RAISE so that such boundaries correspond to the boundaries of existing property parcels of land. The revisions to the boundaries of the RAISE made pursuant to Section 2 of this ordinance reduce of area encompassed within the RAISE. The RAISE will not include, as a result of such revisions, any area that previously was not included in the RAISE.

(c) RCW 39.104.050(6) provides that "[t]he boundaries of the revitalization area may not be changed for the time period that local property tax allocation revenues, local sales and use taxes of participating local governments, and the local sales and use tax under RCW 82.14.510 are used to pay bonds issued under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis, as provided under this chapter." To date, the City has neither issued bonds under RCW 39.104.110 nor paid public improvement costs under chapter 39.104 RCW on a pay-as-you-go basis.

(d) RCW 39.104.050(2) provides that a "revitalization area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revitalization area." The boundaries of the RAISE, as revised pursuant to Section 2 of this ordinance, encompass an area of contiguous tracts, lots, pieces, or parcels of land, and do not result in the creation of islands of property.

(e) RCW 39.104.050(2) provides that the boundaries of a revitalization area "may not be drawn to purposely exclude parcels where economic growth is unlikely to occur." The boundaries of the RAISE, as revised pursuant to Section 2 of this ordinance, have not been drawn to purposely exclude parcels where economic growth is unlikely to occur.

(f) Section 3.06 of the City Charter authorizes the City, by ordinance, to revise and amend an existing ordinance (or section thereof) if the new ordinance sets forth at length the ordinance (or section thereof) as revised or amended. It is necessary to amend Section 4 of and Exhibit A to Ordinance 28-09.

Section 2.01 Exhibit A to Ordinance 28-09 is amended to read as set forth in Exhibit A attached to this ordinance. From and after the effective date of this ordinance, the exhibit incorporated by reference in Section 4 of Ordinance 28-09 is Exhibit A attached to this ordinance (and incorporated herein by this reference).

Section 3.01 The City Clerk is directed to file with the Auditor of Benton County Washington a copy of this ordinance and the attached exhibit, duly certified by the Clerk as a true copy. The City Clerk is also directed to cause a certified copy of this ordinance to be delivered to the County Treasurer and the State of Washington Department of Revenue.

Section 4.01 All actions heretofore taken in furtherance thereof and not inconsistent with the provisions of this ordinance are hereby ratified and confirmed in all respects.

Section 5.01 This ordinance shall take effect on the day following the date of its publication in the official newspaper of the City.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 7th day of June, 2011.

JOHN FOX
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

Date Published: June 12, 2011

Exhibit A
Boundaries of Revitalization Area

A PORTION OF LAND LYING IN SECTIONS 14,15,16,17,19,20,21,22,23,26,27,28, AND 34, ALL WITHIN TOWNSHIP 10 NORTH. RANGE 28 EAST, W.M., CITY OF RICHLAND, WASHINGTON, BEING DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT BEING THE INTERSECTION OF THE NORTH RIGHT-OF WAY MARGIN OF PUBLIC ROAD KNOWN AS SR240 AND THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE NORTHWESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 16,200 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON; THENCE NORTH ALONG THE WEST LINE THEREOF FOR A DISTANCE 600 FEET MORE OR LESS TO THE NORTHWEST CORNER THEREOF; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE LANDFILL PARCEL AS DEPICTED ON RECORD OF SURVEY NUMBER 4165, RECORDS OF BENTON COUNTY WASHINGTON; THENCE SOUTH ALONG THE WEST LINE THEREOF AND THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 146 FEET MORE OR LESS TO AN ANGLE POINT; THENCE SOUTHEAST CONTINUING ALONG THE BOUNDARY OF SAID LANDFILL PARCEL FOR A DISTANCE OF 385 FEET MORE OR LESS; THENCE EASTERLY CONTINUING ALONG THE SOUTH LINE THEREOF FOR A DISTANCE OF 2480 FEET MORE OR LESS TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EAST LINE THEREOF FOR A DISTANCE OF 4,200 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY MARGIN OF A ROAD KNOW AS HORN RAPIDS ROAD; THENCE SOUTHEASTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 3,700 FEET MORE OR LESS; THENCE EASTERLY CONTINUING ALONG THE NORTH LINE THEREOF A DISTANCE OF 11,800 FEET; THENCE CONTINUING ALONG THE NORTH LINE THEREOF IN A NORTHEASTERLY DIRECTION A DISTANCE OF 600 FEET MORE OR LESS; THENCE EASTERLY ALONG THE NORTH LINE THEREOF PROJECTED A DISTANCE OF 1,800 MORE OR LESS FEET THE HIGH WATER LINE OF THE COLUMBIA RIVER; THENCE SOUTHERLY ALONG THE WATER LINE THEREOF FOR A DISTANCE OF 6,160 FEET MORE OR LESS TO THE CENTER LINE OF A ROAD KNOWN AS 1ST PROJECTED; THENCE WEST ALONG SAID PROJECTION FOR A DISTANCE OF 308 FEET MORE OR LESS TO THE BEGINNING OF SAID CENTERLINE OF FIRST STREET; THENCE SOUTH 40 TO THE SOUTH RIGHT-OF-WAY LINE OF SAID 1ST STREET; THENCE WEST 100 FEET MORE OR LESS ALONG THE SOUTH LINE THEREOF TO THE NORTHEAST CORNER OF A PARCEL; THENCE SOUTHERLY FOR A DISTANCE OF 960 FEET MORE OR LESS; THENCE SOUTHEASTERLY FOR A DISTANCE OF 1720 FEET TO THE NORTH LINE OF A ROAD KNOWN AS SPROUT ROAD; THENCE WESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE 2,800 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY MARGIN OF SAID GEORGE WASHINGTON WAY; THENCE

NORTHERLY ALONG THE WEST LINE THEREOF FOR A DISTANCE OF 1,300 FEET MORE OR LESS TO POINT ON THE SOUTH RIGHT-OF-WAY MARGIN OF A ROAD KNOWN AS UNIVERSITY DRIVE; THENCE WESTERLY ALONG THE SOUTH LINE THEREOF FOR A DISTANCE OF 1,250 FEET MORE OR LESS TO A POINT ON THE EAST BOUNDARY OF A PARCEL OWNED BY THE PORT OF BENTON; THENCE SOUTH ALONG SAID WEST LINE FOR A DISTANCE OF 320 FEET MORE OR LESS; THENCE WESTERLY FOR A DISTANCE OF 285 FEET MORE OR LESS TO THE WEST BOUNDARY OF PARCEL A AS DEPICTED IN RECORD OF SURVEY NUMBER 4104, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE SOUTHERLY ALONG THE WEST LINE THEREOF FOR A DISTANCE OF 3,440 FEET MORE OR LESS; THENCE SOUTHWESTERLY CONTINUING ALONG SAID WESTERLY BOUNDARY FOR A DISTANCE OF 1,300 FEET MORE OR LESS; THENCE WESTERLY FOR A DISTANCE OF 270 FEET MORE OR LESS; THENCE SOUTHERLY 300 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY MARGIN OF A ROAD KNOWN AS SPENGLER STREET; THENCE WESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 1,300 FEET MORE OR LESS TO THE SAID WEST RIGHT-OF-WAY MARGIN OF STEVENS DRIVE; THENCE SOUTHERLY ALONG THE WEST LINE THEREOF FOR A DISTANCE OF 1,300 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY OF A ROAD KNOW AS SNYDER STREET; THENCE WESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 1,300 FEET MORE OR LESS TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 28 EAST; THENCE NORTH ALONG THE EAST LINE THEREOF TO THE NORTH LINE THEREOF; THENCE WESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE 1,300 TO THE WEST LINE THEREOF; THENCE SOUTHERLY ALONG THE WEST LINE THEREOF TO THE NORTHEASTERLY RIGHT-OF-WAY MARGIN OF A ROAD KNOWN AS ROBERTSON DRIVE; THENCE EASTERLY AND SOUTHERLY ALONG SAID RIGHT-OF-WAY ALONG A CURVE FOR A DISTANCE OF 1,200 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG THE EAST LINE THEREOF PROJECTED FOR A DISTANCE OF 260 FEET MORE OR LESS TO THE NORTH LINE OF SAID SR240; THENCE NORTHWESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 340 MORE OR LESS TO THE SAID TRUE POINT OF BEGINNING.

2012-026605 EAS
08/29/2012 01:31:38 PM Pages: 3 Fee: $64.00
City Of Richland
Benton County, Benton County Auditor's Office

WHEN RECORDED RETURN TO:

City Engineer
City of Richland
840 Northgate Dr.
Richland, WA 99352
MS#26

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY Alex C DEPUTY
Easement 8/29/12

Portion of Parcel #1-2608-200-0001-003

SEWER EASEMENT

The Grantor, **WASHINGTON STATE UNIVERSITY**, for and in consideration of the transfer of interest in a portion of property and other valuable considerations, grants to the **CITY OF RICHLAND**, Washington, a municipal corporation, a **sewer easement** in, over and under the following described centerline, situated in The City of Richland, Benton County, Washington, described as follows:

A strip of land being 10.00 feet in width situated in the Southwest quarter of Section 23, Township 10 North, Range 28 East, Willamette Meridian, Benton County, Washington, with 5.00 feet lying on each side of the following described centerline:

Beginning at a monument stamped "CH-19" located on the North boundary of Parcel a as depicted on that Record of Survey recorded in Volume 1 of Surveys, Page 4104, records of Benton County, Washington, said point bears North 29°57'46" West a distance of 795.19 feet from the South quarter corner of said Section 23; Thence North 51°16'14" East along the North boundary of said parcel a for a distance of 306.95 feet to a monument stamped "CH-20"; Thence North 12°26'11" East along said North boundary a distance of 327.85 feet to a monument stamped "CH-21"; Thence South 81°14'49: East along said North line a distance of 22.08 feet to the Westerly right of way margin of George Washington Way; Thence South 01°12'28" East along said Westerly right of way a distance of 549.45 feet; Thence leaving said Westerly right of way margin South 33°37'58" West 64.70 feet to the **TRUE POINT OF BEGINNING**;

Thence North 56°22'02" West 152.58 feet; Thence South 89°57'07" West 185.41 feet; Thence North 38°30'15" West 225.15 feet; Thence North 90°00'00" West 162.27 feet to the terminus of this described line.

Together with and subject to easements, reservations, covenants and restrictions of record and in view.

See attached Exhibit "A"

For the purpose of constructing, installing maintaining, repairing, and operating a **sewer easement** with full right to go upon said premises at any time for such purposes, together with the right to trim brush and trees that may interfere with the construction, maintenance and operation of same

and **does not** give the right to permit franchise holder and utility licensees of the City of Richland to place telephone and television cable circuits.

Sig Roger D. Patterson
VP for Business & Finance
Washington State University

Print Name:
An authorized representative for:
WASHINGTON STATE UNIVERSITY

STATE OF WASHINGTON)
: Ss
COUNTY OF BENTON)

On this 27th day of August, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, Roger D. Patterson, to me known to be an authorized representative for **WASHINGTON STATE UNIVERSITY,** and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she/they is/are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

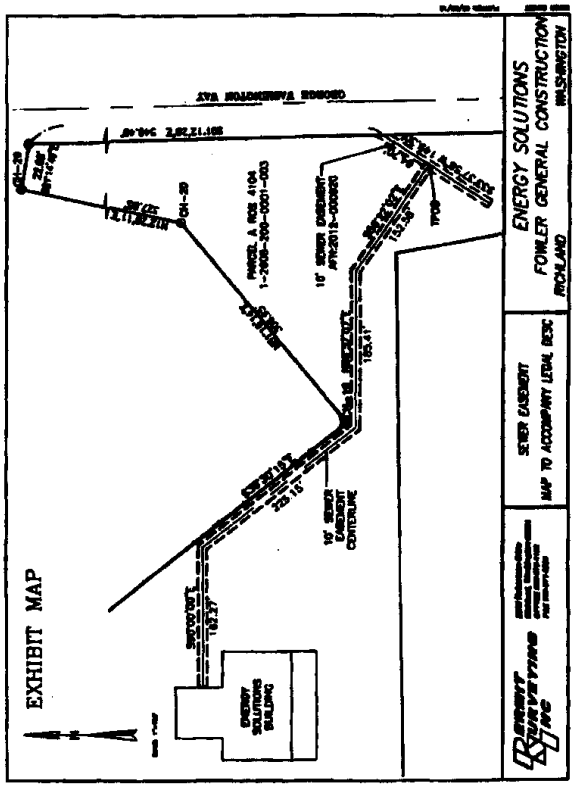
Notary Public in and for the State of Washington.
Residing at Colfax, WA
My Commission Expires 04/01/2015

Cynthia L. Hendrickson
Print Name:

CYNTHIA L HENDRICKSON Commission Expires NOTARY PUBLIC 04-01-2015 STATE OF WASHINGTON

12-0080
Drpjrpls

EXHIBIT "A"
12-00930E



2012-000916 EAS
01/11/2012 10:14:54 AM Pages: 3 Fee: $64.00
City Of Richland
Benton County, Benton County Auditor's Office

WHEN RECORDED PLEASE RETURN TO:

City Engineer
City of Richland
840 Northgate Drive
Richland, WA. 99352
MS#26

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY BMurray 1/11/12 DEPUTY
EASEMENT

Portion of Parcel # 1-2608-200-0001-003

UTILITY EASEMENT

The Grantor, **WASHINGTON STATE UNIVERSITY,** for and in consideration of the transfer of interest in a portion of property and other valuable considerations, grants to The **CITY of RICHLAND**, Washington, a municipal corporation, a **utility easement** in, over and under the following described property situated in the County of Benton, State of Washington.

A STRIP OF LAND BEING 10.00 FEET IN WIDTH SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, WITH 5.00 FEET LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A MONUMENT STAMPED "CH-19" LOCATED ON THE NORTH BOUNDARY OF PARCEL A AS DEPICTED ON THAT RECORD OF SURVEY RECORDED IN VOLUME 1 OF SURVEYS, PAGE 4104, RECORDS OF BENTON COUNTY, WASHINGTON, SAID POINT BEARS NORTH 29°57'46" WEST A DISTANCE OF 795.19 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 38°30'15" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 481.79 FEET TO A MONUMENT STAMPED "CH-18"; THENCE NORTH 51°39'51" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 311.04 FEET TO A MONUMENT STAMPED "CH-17"; THENCE NORTH 81°31'00" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 93.83 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A; THENCE SOUTH 00°50'15" EAST ALONG THE WEST BOUNDARY OF SAID PARCEL A FOR A DISTANCE OF 226.43 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°13'47" EAST A DISTANCE OF 160.54 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE SOUTH 00°14'31" EAST A DISTANCE OF 426.00 FEET TO A POINT ON A SOUTHERLY LINE OF PARCEL "A" OF RECORD OF SURVEY NO. 4104, AS REOCRDED IN VOLUME 1 OF SURVEYS ON PAGE 4104, RECORDS OF SAID COUNTY AND STATE AND THE TERMINUS OF THIS DESCRIBED LINE.

TOGETHER WITH A STRIP OF LAND BEING 10.00 FEET IN WIDTH WITH 5.00 FEET LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT SAID POINT "A" AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 00°14'31" WEST A DISTANCE OF 25.00 FEET TO THE TERMINUS OF THIS DESCIBED LINE.

TOGETHER WITH A STRIP OF LAND BEING 10.00 FEET IN WIDTH WITH 5.00 FEET LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT SAID POINT "A" AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89°13'47" EAST A DISTANCE OF 30.00 FEET TO THE TERMINUS OF THIS DESCRIBED LINE.

See attached Exhibit "A"

For the purpose of constructing, installing, maintaining, repairing and operation a **utility easement**; with full rights to go upon said property at anytime for such purposes, together with the right to trim brush, trees and other vegetation that may interfere with the construction, maintenance and operation of same. This easement **does** grant right to permit franchise holders and utility licensees of the City of Richland to install their systems.

Roger D. Patterson

Sign Name:
An authorized representative
For: **WASHINGTON STATE UNIVERSITY**

Roger D. Patterson
VP for Business & Finance

Print Name:
An authorized representative
For: **WASHINGTON STATE UNIVERSITY**

STATE OF WASHINGTON)
: Ss
COUNTY OF BENTON)

On this 21st day of December, 2011, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, Roger D. Patterson to me known to be an authorized representative for, **WASHINGTON STATE UNIVERSITY,** and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she/they is/are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

CYNTHIA L HENDRICKSON
Commission Expires
NOTARY
PUBLIC
04-01-2015
STATE OF WASHINGTON

Notary Public in and for the State of Washington; residing at Colfax, WA
My appointment expires 04/01/2015

Cynthia L. Hendrickson
Print Name:

11-0089
Drpjrpls

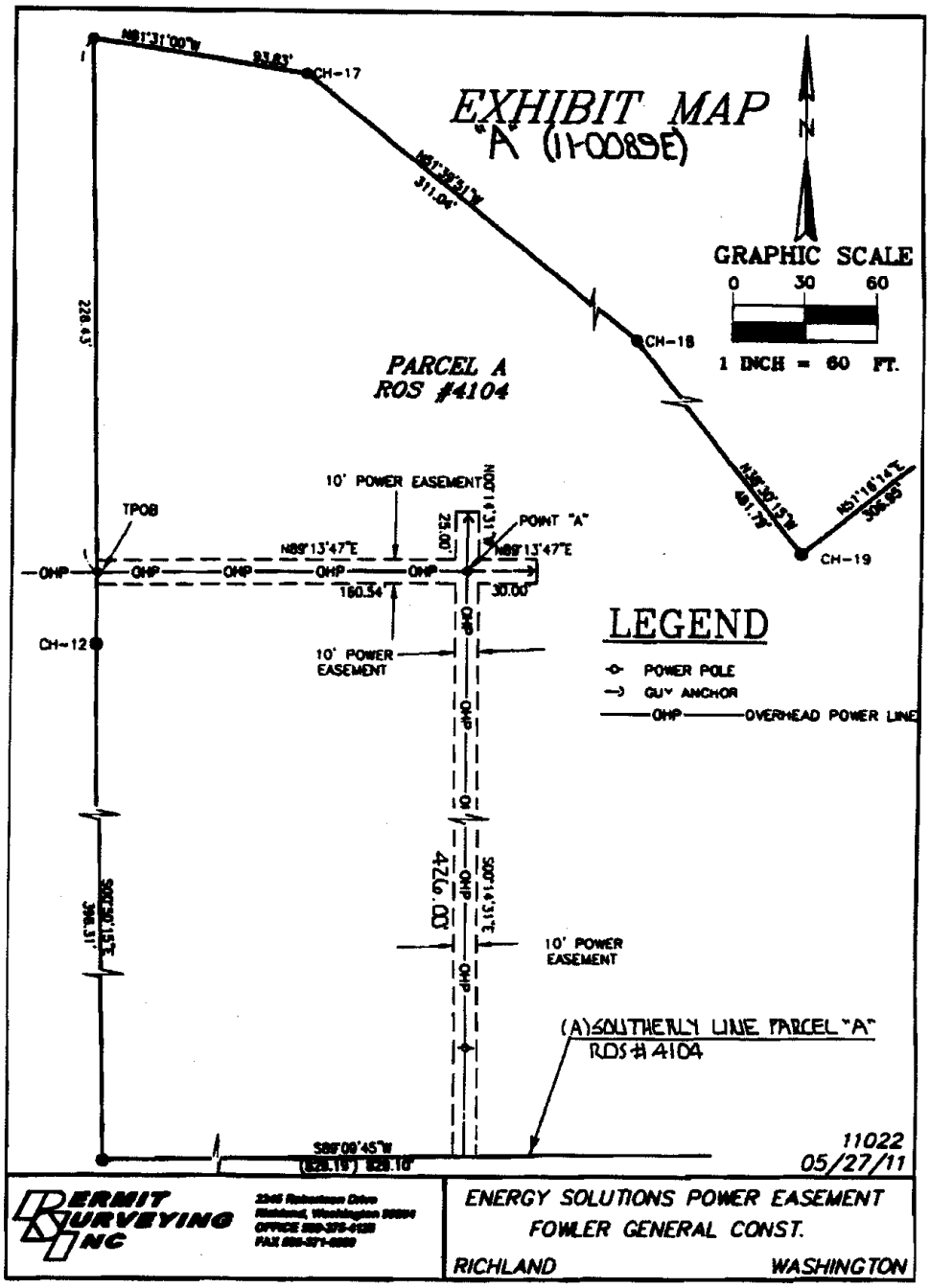


EXHIBIT MAP
"A" (11-0089E)
N
GRAPHIC SCALE
0 30 60
1 INCH = 60 FT.
CH-17
CH-18
CH-19
CH-12
PARCEL A
ROS #4104
10' POWER EASEMENT
POINT "A"
TPOB
N89°13'47"E
OHP
160.54'
30.00'
25.00'
10' POWER EASEMENT
LEGEND
POWER POLE
GUY ANCHOR
OHP OVERHEAD POWER LINE
426.00'
10' POWER EASEMENT
(A) SOUTHERLY LINE PARCEL "A"
ROS #4104
11022
05/27/11
ENERGY SOLUTIONS POWER EASEMENT
FOWLER GENERAL CONST.
RICHLAND
WASHINGTON

2012-000919 EAS
01/11/2012 10:14:54 AM ages: 3 Fee: $64.00
City of Richland
Benton County, Benton County Auditor's Office

WHEN RECORDED RETURN TO:

City Engineer
City of Richland
840 Northgate Dr.
Richland, WA 99352
MS#26

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY BMurray 1/11/12
EASEMENT

Portion of Parcel #1-2608-200-0001-003

WATERLINE EASEMENT

The Grantor, **WASHINGTON STATE UNIVERSITY**, for and in consideration of the transfer of interest in a portion of property and other valuable considerations, grants to the **CITY OF RICHLAND**, Washington, a municipal corporation, a **waterline easement** in, over and under the following described property situated in the County of Benton, State of Washington, described as follows:

A STRIP OF LAND BEING 10.00 FEET IN WIDTH SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, WITH 5.00 FEET LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A MONUMENT STAMPED "CH-19" LOCATED ON THE NORTH BOUNDARY OF PARCEL A AS DEPICTED ON THAT RECORD OF SURVEY RECORDED IN VOLUME 1 OF SURVEYS, PAGE 4104, RECORDS OF BENTON COUNTY, WASHINGTON, SAID POINT BEARS NORTH 29°57'46" WEST A DISTANCE OF 795.19 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 38°30'15" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 481.79 FEET TO A MONUMENT STAMPED "CH-18"; THENCE NORTH 51°39'51" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 311.04 FEET TO A MONUMENT STAMPED "CH-17"; THENCE NORTH 81°31'00" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 45.57 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 02°28'49" EAST A DISTANCE OF 139.95 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE SOUTH 02°28'49" EAST A DISTANCE OF 95.73 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE NORTH 89°41'33" EAST A DISTANCE OF 12.41 FEET; THENCE SOUTH 02°31'36" EAST A DISTANCE OF 134.32 FEET; THENCE SOUTH 05°20'14" EAST A DISTANCE OF 150.88 FEET; THENCE SOUTH 03°42'04" EAST A DISTANCE OF 124.56 FEET TO A POINT LOCATED ON THE SOUTH BOUNDARY OF SAID PARCEL A AND THE TERMINUS OF THIS DESCRIBED LINE.

TOGETHER WITH A STRIP OF LAND BEING 10.00 FEET IN WIDTH WITH 5.00 FEET LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT SAID POINT "A" AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 87°39'41" WEST A DISTANCE OF 33.28 FEET TO THE TERMINUS OF THIS DECRIBED LINE.

TOGETHER WITH A STRIP OF LAND BEING 10.00 FEET IN WIDTH WITH 5.00 FEET LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT SAID POINT "B" AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°41'33" WEST A DISTANCE OF 4.93 FEET TO A POINT HERINAFTER REFERRED TO AS POINT "C"; THENCE SOUTH 89°41'33" WEST A DISTANCE OF 49.45 FEET TO THE WEST BOUNDARY OF SAID PARCEL A AND THE TERMINUS OF THIS DESCRIBED LINE.

TOGETHER WITH A STRIP OF LAND BEING 10.00 FEET IN WIDTH WITH 5.00 FEET LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT SAID POINT "C" AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 11°02'33" WEST A DISTANCE OF 20.80 FEET AND THE TERMINUS OF THIS DESCRIBED LINE.

See attached Exhibit "A"

For the purpose of constructing, installing maintaining, repairing, and operating a **waterline easement** with full right to go upon said premises at any time for such purposes, together with the right to trim brush and trees that may interfere with the construction, maintenance and operation of same and **does not** give the right to permit franchise holder and utility licensees of the City of Richland to place telephone and television cable circuits.

Roger D. Patterson

Sign Name:
An authorized representative
for: **WASHINGTON STATE UNIVERSITY**

Roger D. Patterson
VP for Business & Finance

Print Name:
An authorized representative
for: **WASHINGTON STATE UNIVERSITY**

STATE OF WASHINGTON)
: Ss
COUNTY OF BENTON)

On this 21st day of December, 2011, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, Roger D. Patterson to me known to be an authorized representative for , and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she/they is/are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington
Residing at Colfax, WA
My Commission Expires 04/01/2015

CYNTHIA L HENDRICKSON
Commission Expires
NOTARY PUBLIC
04-01-2015
STATE OF WASHINGTON

Cynthia L. Hendrickson
Print Name:

11-0090
Drpjrpls

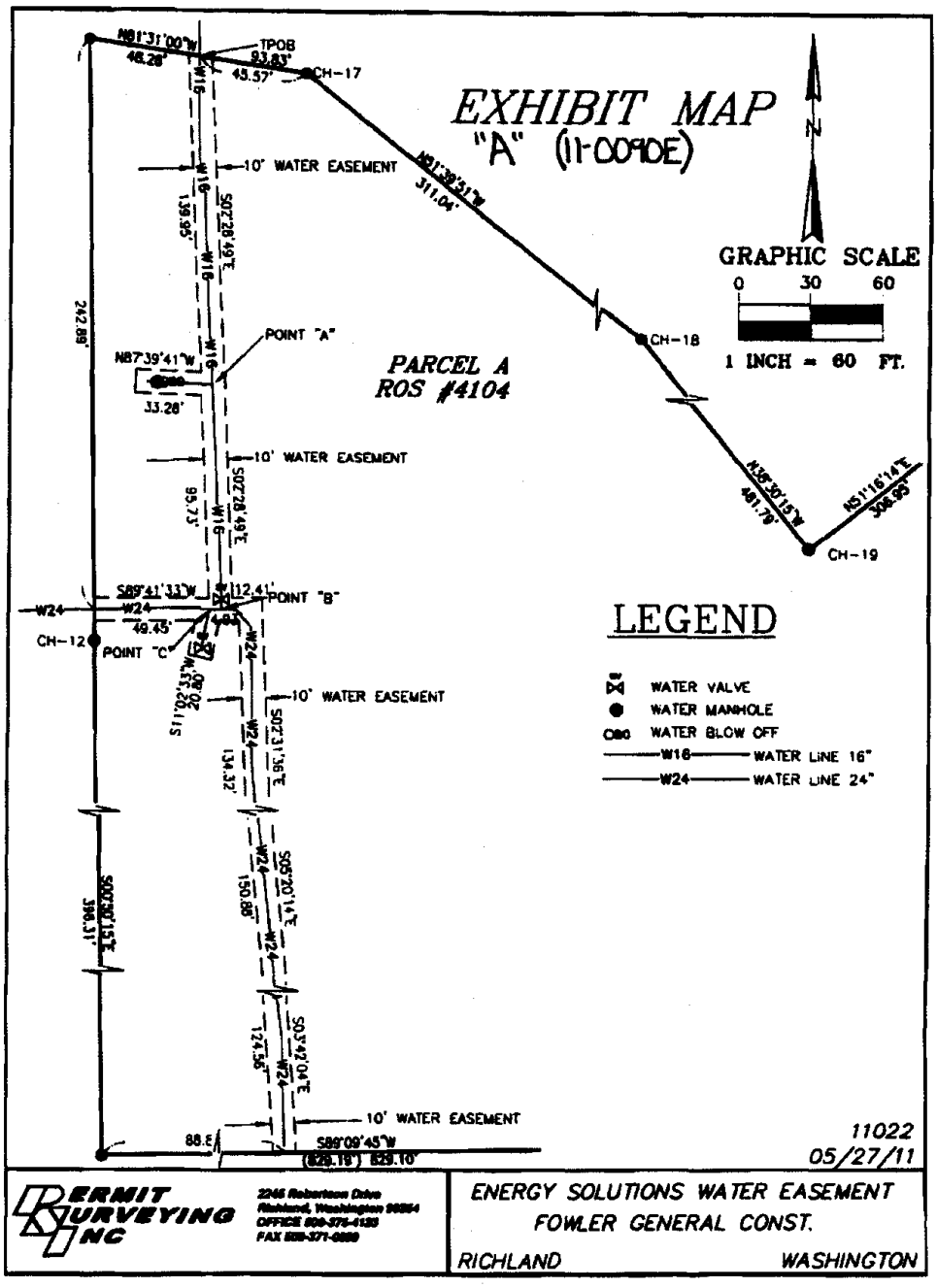


EXHIBIT MAP
"A" (11-0090E)
N
GRAPHIC SCALE
0 30 60
1 INCH = 60 FT.
TPOB
CH-17
CH-18
CH-19
CH-12
POINT "A"
POINT "B"
POINT "C"
PARCEL A
ROS #4104
10' WATER EASEMENT
LEGEND
WATER VALVE
WATER MANHOLE
WATER BLOW OFF
W16 WATER LINE 16"
W24 WATER LINE 24"
11022
05/27/11
PERMIT SURVEYING INC
ENERGY SOLUTIONS WATER EASEMENT
FOWLER GENERAL CONST.
RICHLAND WASHINGTON

2012-000920 EAS
01/11/2012 10:14:54 AM Pages: 3 Fee: $64.00
City Of Richland
Benton County, Benton County Auditor's Office

WHEN RECORDED RETURN TO:

City Engineer
City of Richland
840 Northgate Dr.
Richland, WA 99352
MS#26

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
1/11/12
by DM Murray
EASEMENT

Portion of Parcel #1-2608-200-0001-003

SEWER EASEMENT

The Grantor, **WASHINGTON STATE UNIVERSITY**, for and in consideration of the transfer of interest in a portion of property and other valuable considerations, grants to the **CITY OF RICHLAND**, Washington, a municipal corporation, a **sewer easement** in, over and under the following described **centerline**, situated in The City of Richland, Benton County, Washington, described as follows:

A STRIP OF LAND BEING 10.00 FEET IN WIDTH SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, WITH 5.00 FEET LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A MONUMENT STAMPED "CH-19" LOCATED ON THE NORTH BOUNDARY OF PARCEL A AS DEPICTED ON THAT RECORD OF SURVEY RECORDED IN VOLUME 1 OF SURVEYS, PAGE 4104, RECORDS OF BENTON COUNTY, WASHINGTON, SAID POINT BEARS NORTH 29°57'46" WEST A DISTANCE OF 795.19 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 51°16'14" EAST ALONG THE NORTH BOUNDARY OF SAID PARCEL A FOR A DISTANCE OF 306.95 FEET TO A MONUMENT STAMPED "CH-20"; THENCE NORTH 12°26'11" EAST ALONG SAID NORTH BOUNDARY A DISTANCE OF 327.85 FEET TO A MONUMENT STAMPED "CH-21"; THENCE SOUTH 81°14'49: EAST ALONG SAID NORTH LINE A DISTANCE OF 22.08 FEET TO THE WESTERLY RIGHT OF WAY MARGIN OF GEORGE WASHINGTON WAY; THENCE SOUTH 01°12'28" EAST ALONG SIAD WESTERLY RIGHT OF WAY A DISTANCE OF 549.45 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID WESTERLY RIGHT OF WAY SOUTH 33°37'58" WEST A DISTANCE OF 149.30 FEET TO THE TERMINUS OF THIS DESCIBED LINE.

See attached Exhibit "A"

For the purpose of constructing, installing maintaining, repairing, and operating a **sewer easement** with full right to go upon said premises at any time for such purposes, together with the right to trim brush and trees that may interfere with the construction, maintenance and operation of same and **does not** give the right to permit franchise holder and utility licensees of the City of Richland to place telephone and television cable circuits.

Sign Name:
An authorized representative for:
WASHINGTON STATE UNIVERSITY

Roger D. Patterson
VP for Business & Finance

Print Name:
An authorized representative for:
WASHINGTON STATE UNIVERSITY

STATE OF WASHINGTON)
: Ss
COUNTY OF BENTON)

On this 21st day of December, 2011, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, Roger D. Patterson to me known to be an authorized representative for **WASHINGTON STATE UNIVERSITY**, and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she/they is/are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington.
Residing at Colfax, WA
My Commission Expires 04/01/2015

CYNTHIA L HENDRICKSON
Commission Expires
NOTARY
PUBLIC
04-01-2015
STATE OF WASHINGTON

Cynthia L Hendrickson
Print Name:

11-0088
Drpjrpls

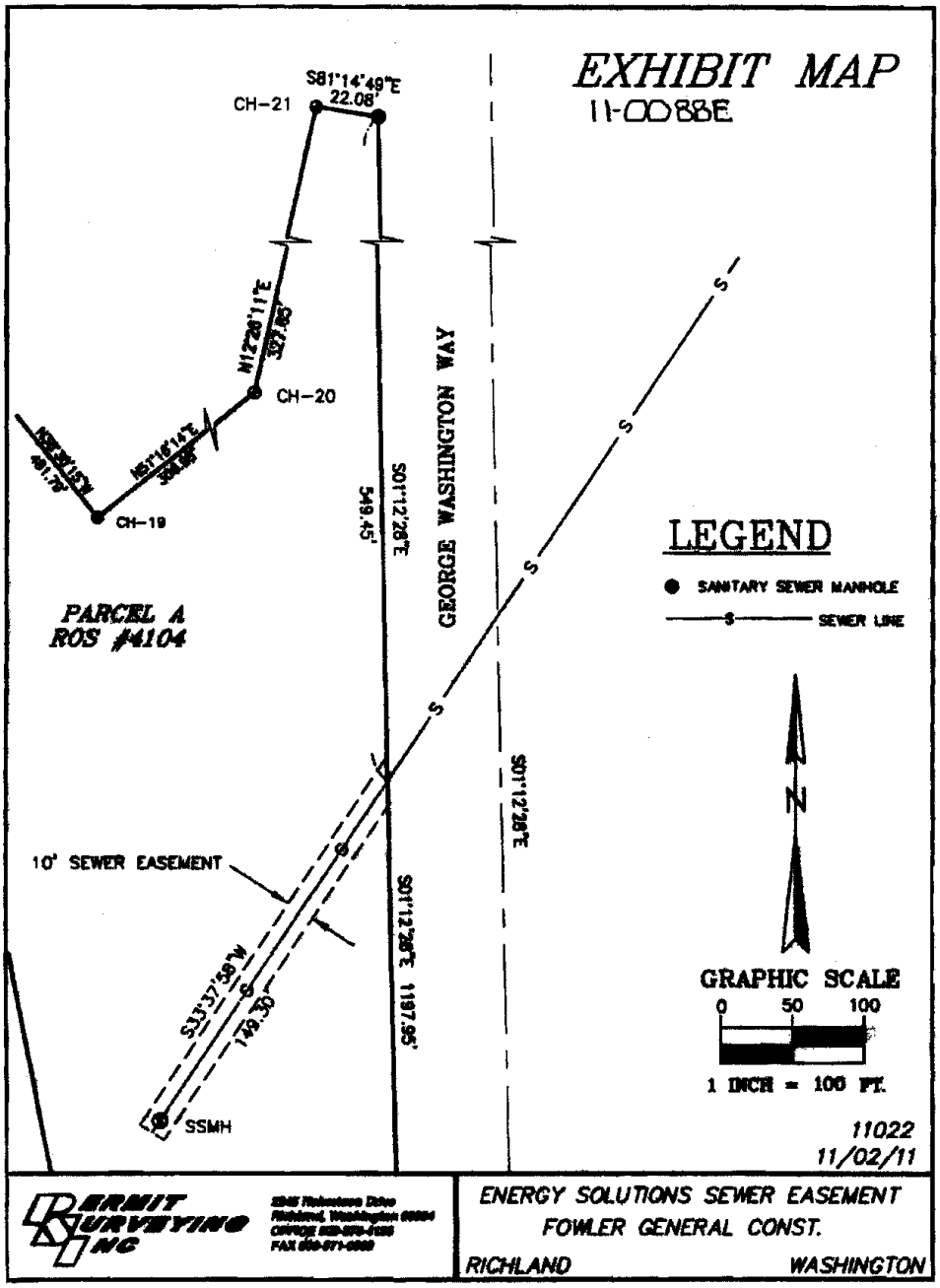


EXHIBIT MAP
11-0088E
S81°14'49"E
22.08'
CH-21
N12°26'11"E
327.65'
CH-20
N51°16'14"E
CH-19
PARCEL A
ROS #4104
S01°12'28"E
549.45'
GEORGE WASHINGTON WAY
S01°12'28"E
10' SEWER EASEMENT
S01°12'28"E 1197.95'
S33°37'58"W
149.30'
SSMH
LEGEND
SANITARY SEWER MANHOLE
SEWER LINE
N
GRAPHIC SCALE
0 50 100
1 INCH = 100 FT.
11022
11/02/11
PERMIT SURVEYING INC
ENERGY SOLUTIONS SEWER EASEMENT
FOWLER GENERAL CONST.
RICHLAND WASHINGTON

6d

2012-008903 EAS
03/29/2012 01:42:14 PM Pages: 3 Fee: $64.00
City Engineer
Benton County, Benton County Auditor's Office

WHEN RECORDED RETURN TO:

City Engineer
City of Richland
840 Northgate Dr.
Richland, WA 99352
MS# 26

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY _____ DEPUTY
easement 3/29/12

Portion of Parcel # 1- 2308-300-0004-000

ACCESS EASEMENT

The Grantor, **CITY OF RICHLAND**, for and in consideration of the transfer of interest in a portion of property and other valuable considerations, grants to the **CITY OF RICHLAND**, Washington, a municipal corporation, an **access easement** in, over and under the following described property situated in the County of Benton, State of Washington, described as follows:

A STRIP OF LAND BEING 50.00 FEET IN WIDTH SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A MONUMENT STAMPED "CH-18" LOCATED ON THE NORTH BOUNDARY OF PARCEL A AS DEPICTED ON THAT RECORD OF SURVEY RECORDED IN VOLUME 1 OF SURVEYS, PAGE 4104, RECORDS OF SAID COUNTY AND STATE; THENCE NORTH 51°39'51" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 311.04 FEET TO A MONUMENT STAMPED "CH-17"; THENCE NORTH 81°31'00" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 93.83 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A AND THE TRUE POINT OF BEGINNING:

THENCE SOUTH 00°50'15" EAST A DISTANCE OF 256.28 FEET TO A MONUMENT "CH-12" AS DEPICTED ON SAID RECORD OF SURVEY; THENCE SOUTH 89°05'19" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 00°50'15" WEST 264.55 FEET; THENCE SOUTH 81°31'00" EAST A DISTANCE OF 50.67 FEET TO THE TRUE POINT OF BEGINNING.

See attached **Exhibit "A"**.

For the purpose of constructing, installing maintaining, repairing, and operating a **access easement** with full right to go upon said premises at any time for such purposes, together with the right to trim brush and trees that may interfere with the construction, maintenance and operation of same and the right to permit franchise holder and utility licensees of the City of Richland to place telephone and television cable circuits.

Cynthia D. Johnson,
City Manager

Marcia Hopkins
City Clerk

STATE OF WASHINGTON)
: Ss.
County of Benton)

On this 6 day of February, 2012, before me the undersigned, Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, **Cynthia D. Johnson** and **Marcia Hopkins**, to me known to be the City Manager and City Clerk, respectively, of the City of Richland, Benton County, Washington, the corporation that executed the foregoing instrument and acknowledged the same instrument to be the free and voluntary act and deed of said corporation, for the uses and purposed therein mentioned, and on oath stated that they are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at: Benton County
My Commission Expires: 11/16/12

DEBRA C. BARHAM
Notary Public
STATE OF WASHINGTON
My Commission Expires 11-16-12

DEBRA C. BARHAM
Print Name:

DEBRA C. BARHAM
Notary Public
STATE OF WASHINGTON
My Commission Expires 11-16-12

12-0006
Drpjrpls

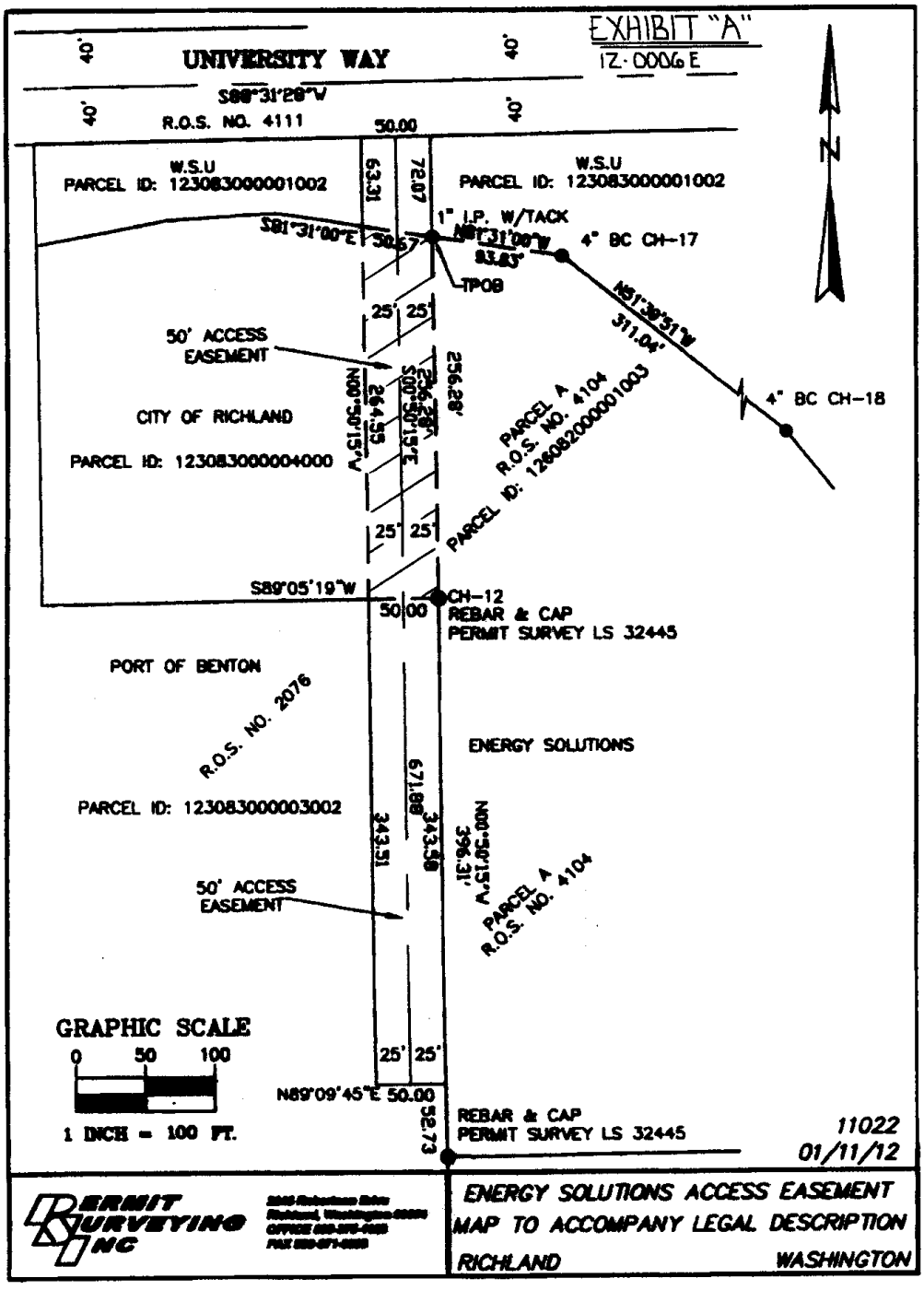


EXHIBIT "A"
IZ-0006E
UNIVERSITY WAY
40'
40'
S89°31'28"W
R.O.S. NO. 4111
50.00
W.S.U
PARCEL ID: 123083000001002
63.31
72.07
W.S.U
PARCEL ID: 123083000001002
S81°31'00"E
50.67
1" I.P. W/TACK
N81°31'00"W
83.83'
4" BC CH-17
TPOB
N81°39'31"W
311.04'
4" BC CH-18
25'
25'
50' ACCESS
EASEMENT
N00°50'15"W
264.53'
S00°50'15"E
256.28'
CITY OF RICHLAND
PARCEL ID: 123083000004000
PARCEL A
R.O.S. NO. 4104
PARCEL ID: 126082000001003
25'
25'
S89°05'19"W
50.00
CH-12
REBAR & CAP
PERMIT SURVEY LS 32445
PORT OF BENTON
R.O.S. NO. 2076
ENERGY SOLUTIONS
PARCEL ID: 123083000003002
671.88'
343.58'
343.51'
N00°50'15"W
396.31'
50' ACCESS
EASEMENT
PARCEL A
R.O.S. NO. 4104
GRAPHIC SCALE
0 50 100
1 INCH = 100 FT.
25'
25'
N89°09'45"E 50.00
52.73
REBAR & CAP
PERMIT SURVEY LS 32445
11022
01/11/12
N
PERMIT SURVEYING INC
ENERGY SOLUTIONS ACCESS EASEMENT
MAP TO ACCOMPANY LEGAL DESCRIPTION
RICHLAND
WASHINGTON

2012-026603 EAS
08/29/2012 01:31:38 PM Pages: 3 Fee: $64.00
City Of Richland
Benton County, Benton County Auditor's Office

WHEN RECORDED RETURN TO:

City Engineer
City of Richland
840 Northgate Dr.
Richland, WA 99352
MS#26

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY _____ DEPUTY
Easement 8/29/12

Portion of Parcel #1-2608-200-0001-003

WATERLINE EASEMENT

The Grantor, **WASHINGTON STATE UNIVERSITY**, for and in consideration of the transfer of interest in a portion of property and other valuable considerations, grants to the **CITY OF RICHLAND**, Washington, a municipal corporation, a **waterline easement** in, over and under the following described property situated in the County of Benton, State of Washington, described as follows:

A strip of land being 10.00 feet in width situated in the Southwest quarter of Section 23, Township 10 North, Range 28 East, Willamette Meridian, Benton County, Washington, with 5.00 feet lying on each side of the following described centerline:

Beginning at a monument stamped "CH-19" located on the North boundary of Parcel a as depicted on that Record of Survey recorded in Volume 1 of Surveys, Page 4104, records of Benton County, Washington, said point bears North 29°57'46" West a distance of 795.19 feet from the South quarter corner of said Section 23; Thence North 38°30'15" West along said North boundary a distance of 481.79 feet to a monument stamped "CH-18"; Thence North 51°39'51" West along said North boundary a distance of 311.04 feet to a monument stamped "CH-17"; Thence North 81°31'00" West along said North boundary a distance of 45.57 feet; Thence leaving said North boundary South 02°28'49" East a distance of 215.41 feet to the **TRUE POINT OF BEGINNING**;

Thence North 90°00'00" East 44.48 feet; Thence South 00°00'00" East 135.41 feet; Thence North 90°00'00" East 98.79 feet; Thence South 00°00'00" East 13.21 to the terminus of this described line.

Together with and subject to easements, reservations, covenants and restrictions of record and in view.

See attached Exhibit "A"

For the purpose of constructing, installing maintaining, repairing, and operating a **waterline easement** with full right to go upon said premises at any time for such purposes, together with the right to trim brush and trees that may interfere with the construction, maintenance and operation of same and **does not** give the right to permit franchise holder and utility

licensees of the City of Richland to place telephone and television cable circuits.

Sign Roger D. Patterson
VP for Business & Finance
Washington State University

Print Name:
An authorized representative for:
WASHINGTON STATE UNIVERSITY

STATE OF WASHINGTON)
: Ss
COUNTY OF BENTON)

On this 24th day of August, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, Roger D. Patterson , to me known to be an authorized representative, **WASHINGTON STATE UNIVERSITY,** and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she/they is/are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

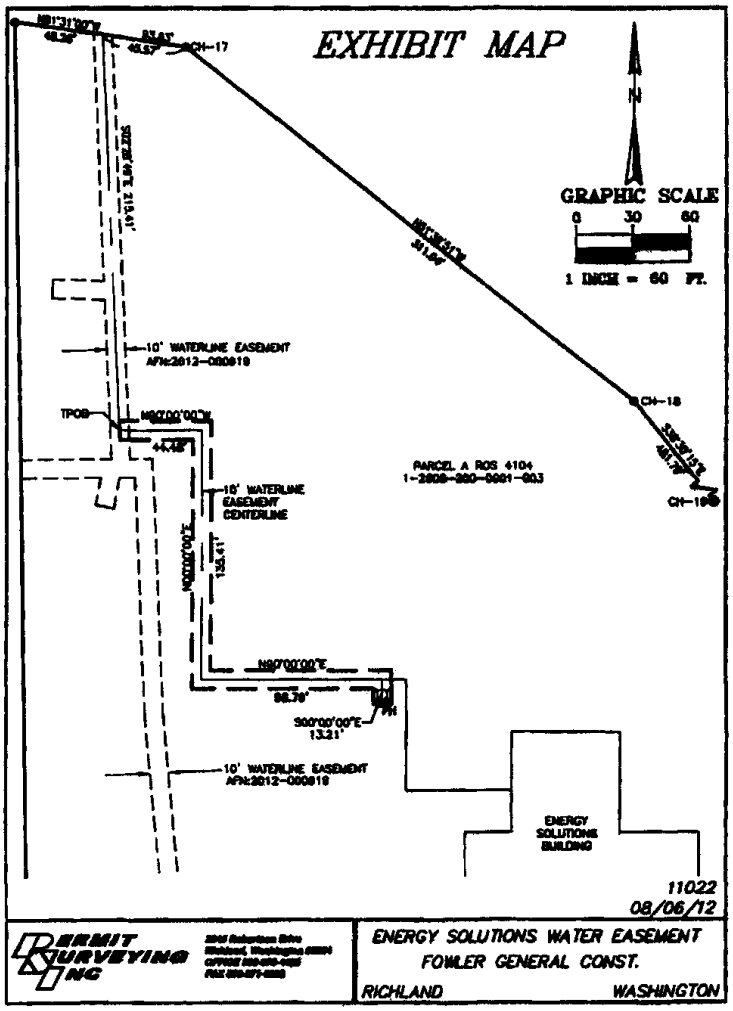
Notary Public in and for the State of Washington
Residing at Colfax, WA
My Commission Expires 04/01/2015

CYNTHIA L HENDRICKSON
Commission Expires
NOTARY
PUBLIC
04-01-2015
STATE OF WASHINGTON

Cynthia L Hendrickson
Print Name:

12-0082
Drpjrpls

EXHIBIT "A"
12-0082E



2012-026604 EAS
08/29/2012 01:31:38 PM Pages: 3 Fee: $64.00
City Of Richland
Benton County, Benton County Auditor's Office

WHEN RECORDED PLEASE RETURN TO:

City Engineer
City of Richland
840 Northgate Drive
Richland, WA. 99352
MS#26

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY Alexis Cue DEPUTY
easement 8/29/12

Portion of Parcel # 1-2608-200-0001-003

UTILITY EASEMENT

The Grantor, **WASHINGTON STATE UNIVERSITY**, for and in consideration of the transfer of interest in a portion of property and other valuable considerations, grants to The **CITY of RICHLAND**, Washington, a municipal corporation, a **utility easement** in, over and under the following described property situated in the County of Benton, State of Washington.

A strip of land being 10.00 feet in width situated in the Southwest quarter of Section 23, Township 10 North, Range 28 east, Willamette Meridian, Benton County, Washington, with 5.00 feet lying on each side of the following described centerline:

Beginning at a monument stamped "CH-19" located on the North boundary of parcel a as depicted on that Record of Survey recorded in Volume 1 of Surveys, Page 4104, records of Benton County, Washington, said point bears North 29°57'46" West a distance of 795.19 feet from the South quarter corner of said Section 23; Thence North 38°30'15" West along said North boundary a distance of 481.79 feet to a monument stamped "CH-18"; Thence North 51°39'51" West along said North boundary a distance of 311.04 feet to a monument stamped "CH-17"; Thence North 81°31'00" West along said North boundary a distance of 93.83 feet to the Northwest corner of said Parcel A; Thence South 00°50'15" East along the West boundary of said Parcel a for a distance of 226.43 feet; Thence North 89°13'47" East a distance of 160.54 feet; Thence South 00°14'31" East a distance of 295.61 feet to the **TRUE POINT OF BEGINNING;**

Thence North 04°23'22" East 89.13 feet; Thence North 90°00'00" East 30.08 feet to the terminus of this described line.

Together with and subject to easements, reservations, covenants and restrictions of record and in view.

See attached Exhibit "A"

For the purpose of constructing, installing, maintaining, repairing and operation a **utility easement**; with full rights to go upon said property at anytime for such purposes, together with the right to trim brush, trees and other vegetation that may interfere with the construction, maintenance and operation of same. This easement **does** grant right to permit franchise holders and utility licensees of the City of Richland to install their systems.

Sign
Roger D. Patterson
VP for Business & Finance
Washington State University

Print Name:
an authorized representative for:
WASHINGTON STATE UNIVERSITY

STATE OF WASHINGTON)
: Ss
COUNTY OF BENTON)

On this 27th day of August, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, Roger D. Patterson, to me known to be an authorized representative for, **WASHINGTON STATE UNIVERSITY,** and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she/they is/are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

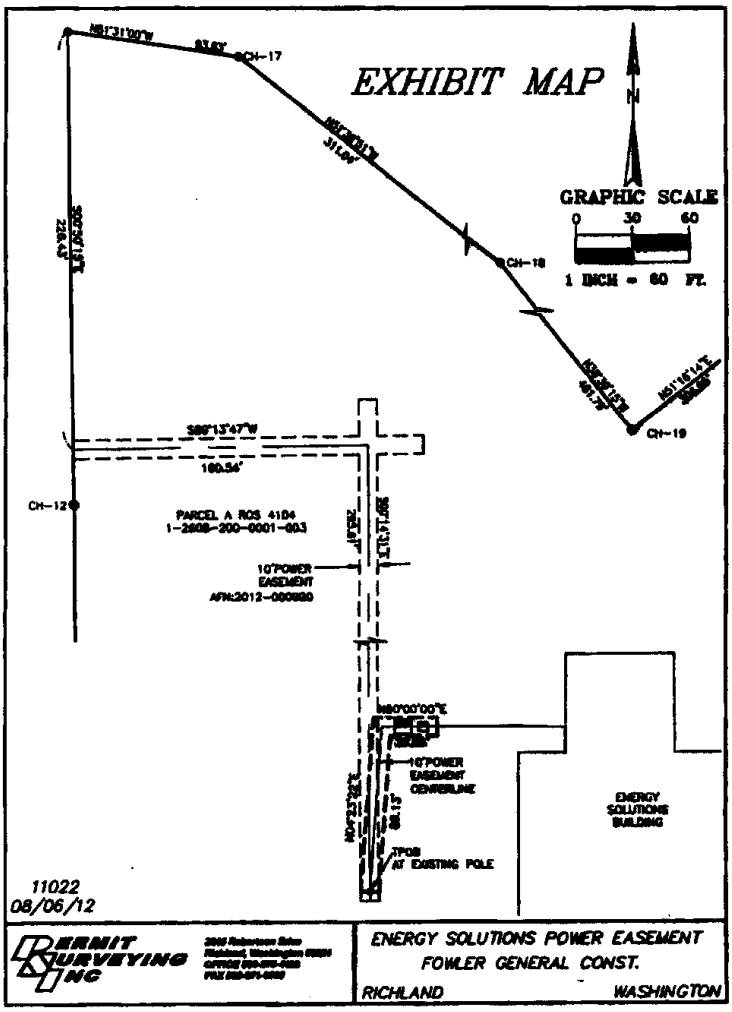
Notary Public in and for the State of Washington; residing at Colfax, WA
My appointment expires 04/01/2015

CYNTHIA L HENDRICKSON
Commission Expires
NOTARY PUBLIC
04-01-2015
STATE OF WASHINGTON

Cynthia L Hendrickson
Print Name:

12-0081
Drpjrpls

EXHIBIT "A"
12-0081 E



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

***Instructions for applicants*:**

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project, applicant," and "property or site" should be read as "proposal, proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:
   Hanford Street CPA and Rezone

2. Name of applicant:
   Nicole Stickney

3. Address and phone number of applicant and contact person:

Applicant:	*Property owner contact:*
Nicole Stickney, AICP	**Damien J. Sinnott (Interim Vice Chancellor)**
AHBL, Inc.	**Washington State University**
5904 Road 90, Suite H	**P.O. Box 641045**
Pasco, WA 99301	**Pullman, WA 99164-1045**
(509) 380-5883	**(509) 372-7481**
nstickney@ahbl.com	**damien.sinnott@wsu.edu**

4. Date checklist prepared:
   January 30, 2023

5. Agency requesting checklist:
   City of Richland

6. Proposed timing or schedule (including phasing, if applicable):
   A contract purchaser of a potential future lot is requesting a Comprehensive Plan Land Use map amendment as part of the city's 2023 Comprehensive Plan Amendments docket. We are also submitting a zone change application. Typically the City processes these requests in a few months; final legislative action for Comprehensive Plan Land Use map amendments is by the City Council and Rezones go to the City's Hearing Examiner for a quasi-judicial review.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
   The intent is to develop the site in accordance with the proposed permitted use of housing. Development could begin in 2023, but not until after all approvals are given, a land transaction occurs, permit issuance, etc.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
   None. We are providing a Critical Areas Report / Wetland Report (Prepared by JUB Engineering) for a wetland that exists near the proposal site.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
   Yes - Short Plat (City of Richland) - *pending*

10. List any government approvals or permits that will be needed for your proposal, if known.
    City of Richland
    - **Preliminary Short Plat approval**
    - **Final Short Plat approval + Recording at the County Auditor**
    - **SEPA threshold determination issuance (non-project action)**
    - **Comprehensive Plan Land Use Map Amendment (CPA) approval**
    - **Rezone approval**
    - **Utilities Extension**
    - **Building permits**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this

page. (Lead agencies may modify this form to include additional specific information on project description.)

We are requesting a Comprehensive Plan Land Use map amendment as part of the city's 2023 Comprehensive Plan Amendments docket. We are also submitting a zone change application.

The proposal is for a Comprehensive Plan Amendment (CPA) and a subsequent rezone for a portion of land (approximately 3.37 acres) at the southwest corner of Parcel No. 126082000001003 which is currently owned by Washington State University. The University may sell the land to a contract purchaser.

Exhibit A – Vicinity Map and Subject Site

The proposed CPA is to change the property Land Use map designation from PBF – Public Facility to HDR – High Density Residential. The related rezone proposal is to change the property zoning designation from PPF - Parks & Public Facilities to R-3.

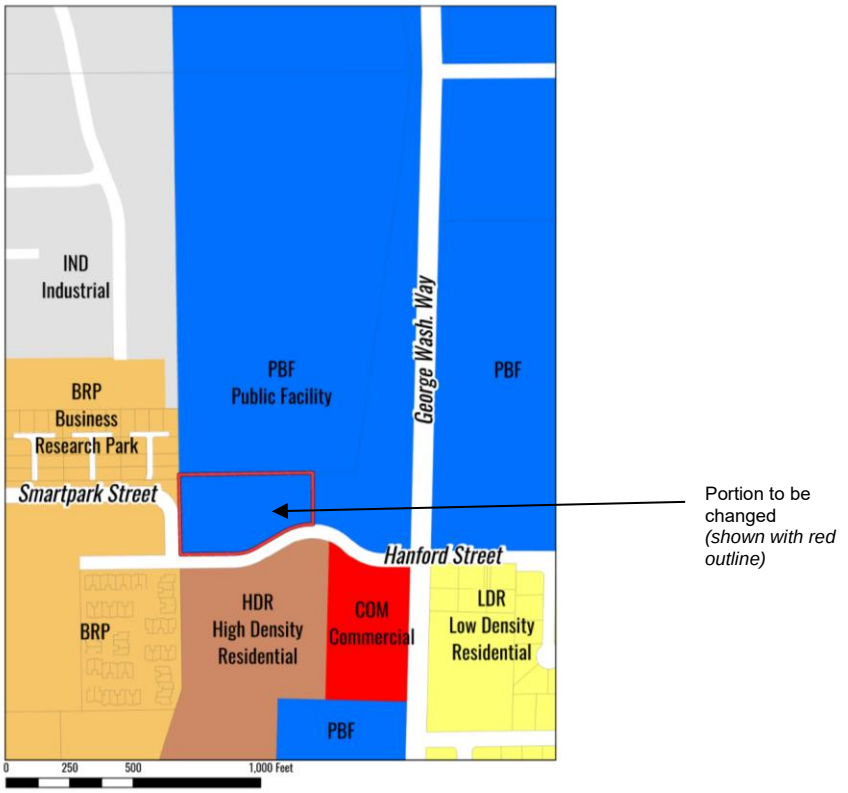


Exhibit B – Comprehensive Land Use Designations

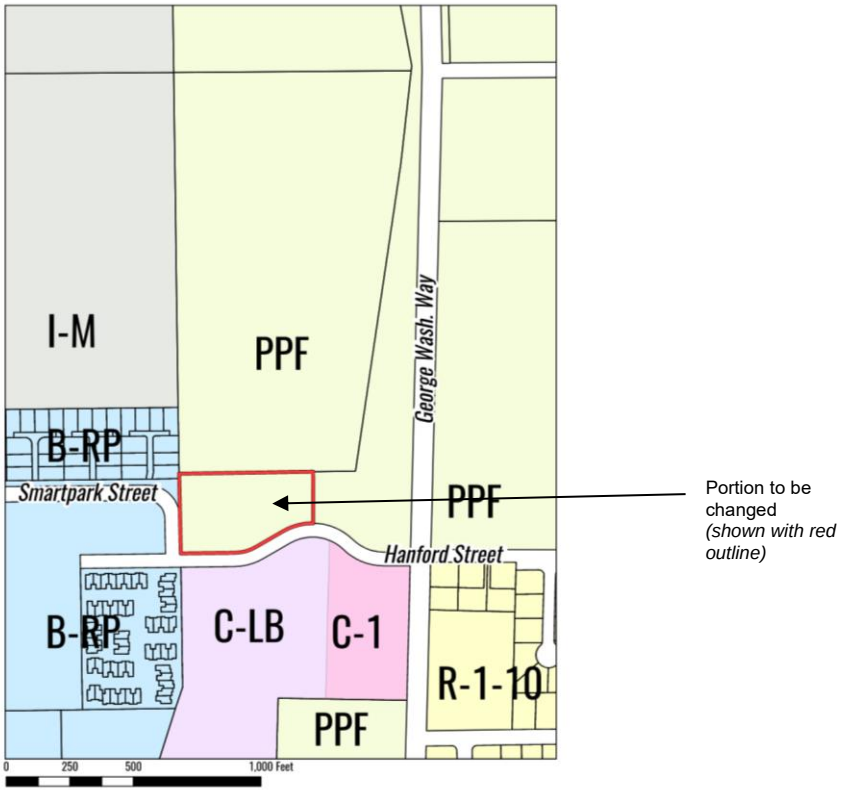


Exhibit C – Zoning

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Note: The following describes the entire parcel, which is pending a short plat division of land. The Comprehensive Plan Amendment (and rezone) is requested for only a 3.37 -acre portion of the parcel at the southwestern portion.

Address: 2605 George Washington Way, Richland, WA 99354

Parcel No.: 26082000001003

Legal Description (abbreviated): Parcel A, as depicted on Record Survey No. 4104 and recorded under Auditor's File No. 2010-013101, records of Benton County, Washington; EXCEPT any portion conveyed under Auditor's File No. 2006-039852.

(Situated in portion of W ½ Section 26, Township 10 N, Range 28 E, W. M.)

B. Environmental Elements

1. *Earth*

a. General description of the site:
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

The subject site is generally flat on the western portion, with a precipitous drop to the east.

b. What is the steepest slope on the site (approximate percent slope)?

Approx. 13% on the western half and approx. 38% on the eastern half of the subject site

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The soils at the subject site are Burbank loamy fine sand, gravelly substratum with varying slope profiles (BIA and BID). There are no hydric soils. There is no agricultural land of long-term commercial significance at or near the site.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

No filling, excavation or grading is proposed at this time; this is a non-project action.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A - No filling, excavation or grading is proposed at this time; this is a non-project action.

f. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A – construction is proposed at this time; this is a non-project action.

g. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None proposed. This is a non-project action.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

N/A, this is a non-project action. All future site-specific development is subject to future review and housing is planned.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are limited emissions or odors which occur from nearby industrial uses and vehicle traffic which are not anticipated to affect any future site development.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None proposed; this is a non-project action.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes, there is a small depressional wetland (approximately 0.29 acres) near the subject site and on the parent parcel. The wetland primarily receives water from an outlet pipe

(probably buried) but also may receive seepage water from nearby detention ponds. The Wetland was determined to have a Category of III (total score of 16) with a habitat score of 4. The water is not connected to any Waters of the US (no ACOE jurisdiction).

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

The wetland edge is within 200 feet from the eastern edge of the subject site however the subject site is outside the maximum (riparian) buffer of 80 feet that could be required for the protection of wetland valued and functions. No development within 200 feet of the wetland is anticipated at this time.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No fill or dredge material will be placed in or removed any from water bodies.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No water will be withdrawn or diverted as a result of this proposal.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No, the subject site is not situated within a floodplain.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A, this is a non-project action.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A, this is a non-project action. All future site-specific development is subject to review.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A, this is a non-project action. In the future, no discharges of waste material into the ground is expected (no agricultural uses, animal husbandry activities or septic system installation / use is likely.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A, this is a non-project action. All future site-specific development is subject to review under the applicable Stormwater Management Manual.

2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A, this is a non-project action.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A, this is a non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed.

4. Plants

a. Check the types of vegetation found on the site:
The site is sparsely vegetated and not irrigated (undisturbed landscape and weeds).

___ deciduous tree: alder, maple, aspen, other
____ evergreen tree: fir, cedar, pine, other
_X___ shrubs
____ grass
____ pasture
____ crop or grain
____ Orchards, vineyards or other permanent crops.
____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
____ water plants: water lily, eelgrass, milfoil, other
__X__ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

N/A, this is a non-project action.

c. List threatened and endangered species known to be on or near the site.

None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A, this is a non-project action. Future landscaping will be typical of residential development.

e. List all noxious weeds and invasive species known to be on or near the site.

None known.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:_____
mammals: deer, bear, elk, beaver, other:_
fish: bass, salmon, trout, herring, shellfish, other _____

There is a potential for rabbits / hares, voles and moles or other small animals that live in sagebrush.

b. List any threatened and endangered species known to be on or near the site.

None known.

c. Is the site part of a migration route? If so, explain.

Yes, the site is a part of the Pacific Flyway, a bird migration route.

d. Proposed measures to preserve or enhance wildlife, if any:

None proposed; this is a non-project action.

e. List any invasive animal species known to be on or near the site.

None known.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A, this is a non-project action. All future site-specific development is subject to future review and housing is planned; solar, electric power may be used.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A, this is a non-project action. All future site-specific development is subject to future review and housing is planned; housing development is not anticipated to affect any potential use of solar energy by adjacent properties.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

N/A, this is a non-project action. Any future development will be subject to the Washington State energy code requirements.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

N/A, this is a non-project action. All future site-specific development is subject to future review and housing is planned which does not involve any such environmental health hazards.

1) Describe any known or possible contamination at the site from present or past uses.

None known. The site was not previously disturbed or developed.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A, this is a non-project action.

4) Describe special emergency services that might be required.

N/A, this is a non-project action.

5) Proposed measures to reduce or control environmental health hazards, if any:

None proposed; this is a non-project action.

b. *Noise*

1) **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

There is traffic noise in the area typical of residential development and sounds from the nearby school sports fields may also be detected from the site.

2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

N/A, this is a non-project action. All future site-specific development is subject to future review and housing is planned which would have negligible noise impacts.

3) **Proposed measures to reduce or control noise impacts, if any:**

None proposed; this is a non-project action. The site is subject to local noise ordinances.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site is currently vacant and adjacent properties are either vacant, developed with multi-family housing, or used with various industrial / business park uses. There are additionally some stormwater detention ponds near the site.

As to whether the proposal will affect current land uses on nearby or adjacent properties, the question is not applicable, this is a non-project action. All future site-specific development is subject to review.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The site has not been used for working farmlands or forestlands; there are no resource land designations.

1) **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

The proposal will not affect, or be affected, by surrounding working farm or forest land operations.

c. Describe any structures on the site.

None.

d. Will any structures be demolished? If so, what?

N/A, there are no structures.

e. What is the current zoning classification of the site?

PPF - Parks & Public Facilities

f. What is the current comprehensive plan designation of the site?

PBF – Public Facility

g. If applicable, what is the current shoreline master program designation of the site?

None as the site is not within shoreline jurisdiction.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

There is an environmentally critical area – a wetland – located on the current parcent parcel. However, the portion of the site which is to be reclassified and rezoned (the subject site) is outside of the wetland and its protective (riparian) buffer.

i. Approximately how many people would reside or work in the completed project?

N/A, this is a non-project action.

j. Approximately how many people would the completed project displace?

There are currently no people residing or working on the site so there will be no displacement upon future development.

k. Proposed measures to avoid or reduce displacement impacts, if any:

No measures proposed as no displacement will occur.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None proposed; this is an application to modify the land use classification designation as determined by the City.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

No measures proposed as impacts to agricultural and forest lands are not anticipated as a result of this proposal.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A, this is a non-project action. All future site-specific development is subject to review.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None, there is no housing on the site.

c. Proposed measures to reduce or control housing impacts, if any:

No measures are proposed because no negative impacts to housing are anticipated.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A, this is a non-project action. All future site-specific development is subject to review and structure heights are regulated by the Richland zoning code.

b. What views in the immediate vicinity would be altered or obstructed?

N/A, this is a non-project action.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None proposed; this is a non-project action.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A, this is a non-project action. All future site-specific development is subject to review.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A, this is a non-project action.

c. What existing off-site sources of light or glare may affect your proposal?

N/A, this is a non-project action. There are no known off-site sources of light or glare that would likely be problematic as currently any off-site sources of light or glare are limited to that which is typical of vehicle traffic movement and typical residential uses.

d. Proposed measures to reduce or control light and glare impacts, if any:

None proposed, this is a non-project action.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

There are walking trails in the immediate vicinity and the site is proximate to Hanford High School which features sports fields, tennis courts and other recreation opportunities on the school campus. Additionally, the Columbia River is near the site which is used for boating, swimming and other recreational uses.

b. Would the proposed project displace any existing recreational uses? If so, describe.

There are no existing recreational uses on the subject site and therefore no such uses will be displaced.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed; this is a non-project action.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

None known.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The State of Washington online WISAARD database, the state's digital repository for architectural and archaeological resources, was consulted for information available to the general public. The WISAARD database shows the site is not within any areas identified / labeled as “Survey Highly Advised: Very High Risk.”

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed; this is a non-project action.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The subject site is on the northeast corner of Smartpark Street and Hanford Street. All the road frontage is built out with full amenities (curb, gutter, and sidewalk).

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Yes, public transit is available; there are bus stops (with shelters) a very short distance from the subject site on George Washington Way (serving the northbound and southbound directions of travel) which is currently served by Ben Franklin Transit line 26.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

N/A, this is a non-project action. There are no current parking spaces and so none will be eliminated.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

N/A, this is a non-project action. No additional facilities aside from driveways are anticipated upon future development.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Rail transport is available in the greater north Richland area, but is not within the immediate vicinity of the site.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A, this is a non-project action.

A zone change from the current zoning district of “Parks and Public Facility” to “R-3” district is not anticipated to result in traffic volumes that would represent any significant increase. This is because under the current zoning the site is currently entitled to be developed with a wide-range of uses (which would all be outright permitted per RMC Chapter 23.30) such as but not limited to cemeteries, public parks, public campgrounds, golf courses and churches. Likewise, under the proposed R-3 zoning a wide variety of

uses would be allowed (per RMC Section 23.18.030) such as a single family detached residence, a duplex, churches, public parks, golf courses, and apartment buildings (where *up to* 48 units would be allowed for the size of the site and the city's density limitation; however, development to that extent is highly unlikely given site constraints with slopes on the eastern portion).

Should future development trigger or necessitate SEPA Environmental Review then a traffic study would likely be required at that stage identifying mitigation requirements for development.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A, this is a non-project action. No impacts to agricultural or forest products are likely upon future development.

h. Proposed measures to reduce or control transportation impacts, if any:

None proposed; this is a non-project action.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A, this is a non-project action. All future site-specific development is subject to review.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed; this is a non-project action.

16. Utilities

a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

Electricity, city water, city garbage collection services, city sewer and telephone services are all available to or near the site.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None proposed. Future development will likely include the extension of water and sewer services.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Nicole Stickney

Name of signee: Nicole Stickney, AICP

Position and Agency/Organization: Senior Planning Project Manager / AHBL, Inc.

Date Submitted: January 30, 2023

D. Supplemental sheet for nonproject actions

(**IT IS NOT NECESSARY** to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

As a non-project action, the proposal will not increase discharges to water; emissions to air; production, storage, or release of toxic or hazardous substances; or result in noise production.

Presently, a the site is zoned ***PPF – Parks & Public Facilities*** and may be used for such purposes. Should the City approve of the short plat and adopt the proposed Comprehensive Plan Land Use map amendment to designate the new lot as ***HDR – High Density Residential*** and grant approval of a related rezone application to ***R3***, there will be an opportunity to develop the site with housing. Future proposed projects may result in increases to discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise; however, any potential increases to these elements can be identified and mitigated through project level environmental review (SEPA).

Proposed measures to avoid or reduce such increases are:

In addition to the state environmental policy act (SEPA) and other applicable regulations such as the Washington State Clean Air Act, the City of Richland Critical Areas Ordinance is the implementing code that must be met by all future development. Future proposed projects will be individually reviewed for site-specific impacts.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As a non-project action, the proposal will not affect plants, animals, fish, or marine life. Future proposed projects will be individually reviewed for site-specific impacts.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

All site specific projects are required to comply with all local, state, and federal laws regarding the protection of endangered species.

3. How would the proposal be likely to deplete energy or natural resources?

As a non-project action, the proposal will not deplete energy or natural resources. Future proposed projects may result in increases to energy and natural resource use; however, any potential increases will be identified and mitigated through project level environmental review.

Proposed measures to protect or conserve energy and natural resources are:

Future proposed projects will be individually reviewed for site-specific impacts. The Washington State Energy code will apply to future development.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

As a non-project action, the proposal will not affect environmentally sensitive areas or areas designated (or eligible or under study) for any such government protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Future proposed projects will be individually reviewed for site-specific impacts and will be subject to any relevant regulations of the Washington State Department of Archaeology and Historic Preservation.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

There will be no impact to shoreline uses. The proposal, if approved, will change the allowable uses on the new lot to High Density Residential, which is compatible with the neighboring properties. The proposed CPA does not encourage land uses incompatible with existing plans but rather proposes to add to the housing uses in the area.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Any future development which could result upon approval of the comp plan change and rezone is not expected to result in an increased need for public safety services such as police and fire or to public utilities, beyond that which is typical of residential development.

Future proposed projects will be individually reviewed for site-specific impacts to transportation, public services, and utilities.

Proposed measures to reduce or respond to such demand(s) are:

None proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

It is not the intent of the proposed short plat, CPA, and rezone to conflict with local, state, or federal laws or requirements for the protection of the environment.

Critical Areas Report for Parcel #126082000001003

Richland, Washington

Prepared for

Washington State University
P.O. Box 641045
Pullman, Washington 99164

Prepared by

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April 2021

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Introduction

Washington State University (WSU) authorized J-U-B Engineers, Inc. to conduct a critical areas assessment of Parcel #126082000001003 in anticipation of selling the parcel. The parcel is located at 2605 George Washington Way in the City of Richland, Benton County, Washington (Figures 1 and 2). It encompasses approximately 19.6 acres and occurs in Section 26 of Township 10 N, Range 28 East of the Willamette Meridian. The parcel is located within the Richland U.S. Geological Survey (USGS) 7.5-minute quadrangle.

The City of Richland, Washington (City) requires submittal of a Critical Areas Report if critical areas are present on/near a property that is being sold. This Critical Areas Report has been prepared to address critical areas present on or near the WSU property parcel. Critical Areas identified on City maps and from discussions with the City included wetlands and potential habitat areas. This Critical Areas Report follows requirements found in the Richland Municipal Code 22.10 (e.g., 22.10.370), and includes pertinent maps, delineated wetland boundary, location of sample points, and a discussion of site conditions, wetland functions and values (per *Washington State Wetland Rating System for Eastern Washington*), and potential alterations or impacts to wetlands on the parcel.

Methodology

A J-U-B wetland specialist conducted a field investigation on March 31, 2021, to identify and delineate wetlands and waters in the parcel area using routine delineation methodology. The delineation was conducted in a manner to ensure 100 percent visual coverage of the parcel area. The parcel area was evaluated for the presence of wetlands and natural drainages, and the delineation was conducted in accordance with methods described in the *1987 Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987) and the most recent version of the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West (Version 2.0)* (USACE 2008a). The parcel area was inspected for wetland indicators such as hydric soils, hydrophytic vegetation, and hydrology. When potential wetland conditions were identified, paired sample points were located on the wetland and upland sides of each feature boundary to obtain information describing both wetland and upland conditions. At each sample point, the presence or absence of hydrologic indicators was noted, soils were characterized, and vegetation was analyzed following standard procedures. These data were recorded in USACE Arid West Wetland Determination Data Forms (Appendix A). Ratings for wetlands were calculated on the Washington Department of Ecology (WDOE) Wetland Rating Forms (Attachment B) for Eastern Washington using the Washington State Wetland Rating System for Eastern Washington (DOE 2015). The methods used for delineating ordinary high water mark (OHWM) were based on guidance in the U.S. Army Corps of Engineers (USACE) *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008b).

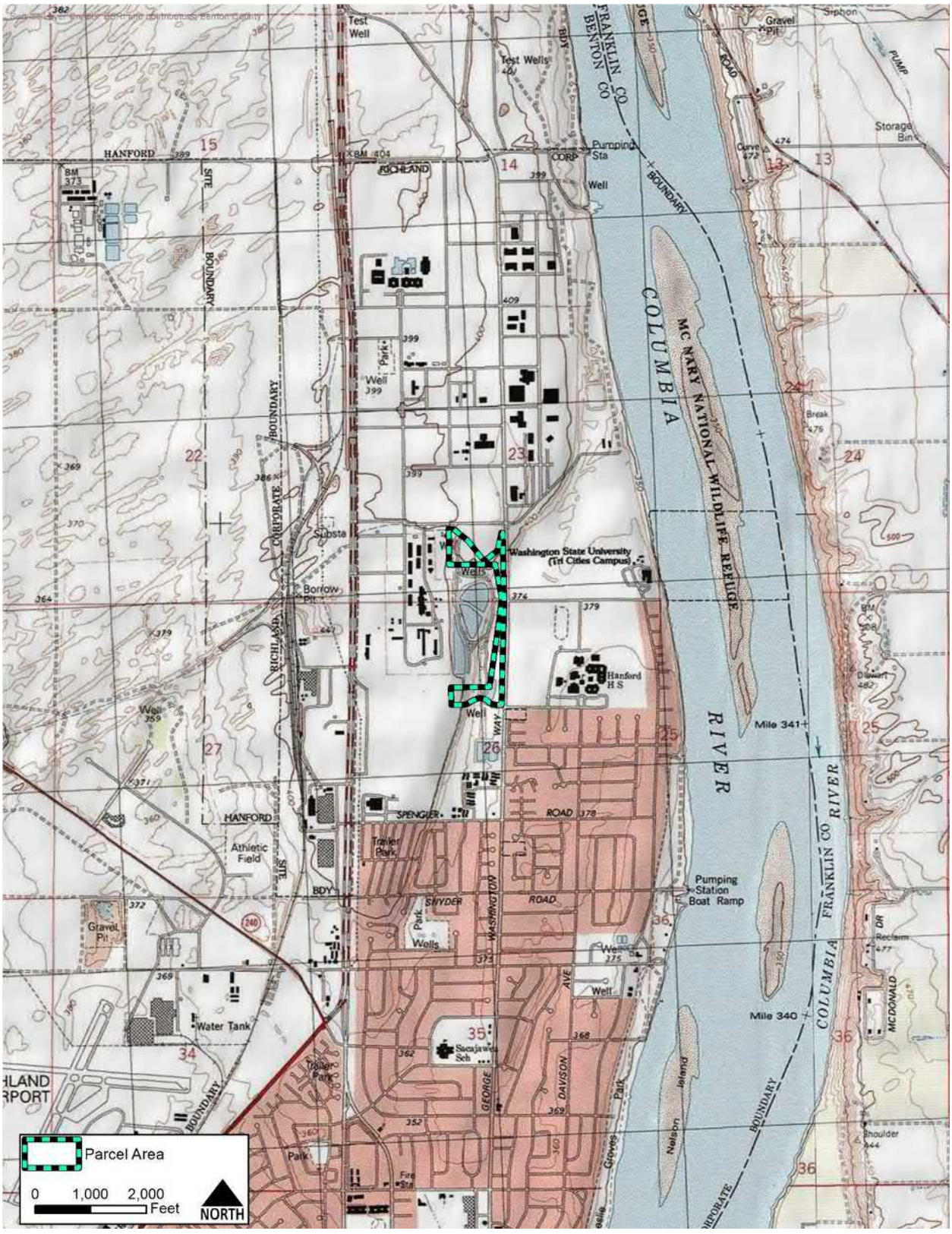

Figure 1: USGS Topographic Map

Figure 2: Parcel Area

Sample points and wetland boundaries were mapped with an EOS Arrow 100 Geographic Positioning System (GPS) unit to collect sub-meter accurate data points. Representative photographs of delineated waters were recorded (Appendix C). Delineation maps were produced by overlaying the survey GPS data with recent color aerial imagery (ArcGIS Online 2021). The property just west of the subject property is fenced along the entire boundary; as such, this area was inaccessible to investigate additional wetland areas.

Additional sources of information used for this investigation included:

- U.S. Geological Survey topographic map (Figure 1)
- Aerial imagery from Google Earth Pro and ArcGIS Online (Figure 2)
- Natural Resources Conservation Service Web Soil Survey (NRCS 2021) soils map (Figure 3)
- U.S. Fish and Wildlife Service National Wetlands Inventory (USFWS 2021) (Figure 4)
- USGS National Hydrography Dataset (NHD; USGS 2021) (Figure 4)
- City of Richland Critical Areas webmap (Richland 2021)
- Washington Department of Natural Resources Forest Practices Interactive Water Typing Map (WDNR 2021)
- Site survey and existing parcel lines
- Washington Department of Fish and Wildlife SalmonScape website (WDFW 2021)
- WDOE Wetland Rating Forms – Eastern Washington (Appendix B)
- FEMA Firm Panel Map #53063C0075D (Appendix D)
- Washington Department of Fish and Wildlife Priority Habitats and Species on the Web (WDFW 2021) (Appendix E)
- NRCS WETS Table for Richland, Washington
- Weather and Precipitation Data from Western Regional Climate Center (WRCC) (2021)

Existing Environmental Conditions

Topography

The elevation in the parcel area ranges from approximately 360 feet to 410 feet above mean sea level with various hills and undulations throughout the area. The local relief of the parcel is concave with hillslope forming the western boundary and roadway forming the eastern boundary; as such, it is likely that water flows down these slopes and is retained in the low portions of the parcel (and adjacent areas). Elevation is higher on the northeastern portion of the parcel and water likely flows south from here. A contour map shows where areas of higher elevation occur in and around the parcel (Figure 3).

The parcel occurs in an undeveloped area with detention ponds and industrial development to the west. Additional undisturbed land and lagoons occurs south of the parcel, and high-density residential buildings, buffered by undisturbed land, occur north of the parcel. Existing infrastructure in the parcel area includes a pipe and grate on the south side, from which water was flowing, a fence on the west side around the detention ponds, a small access road in the

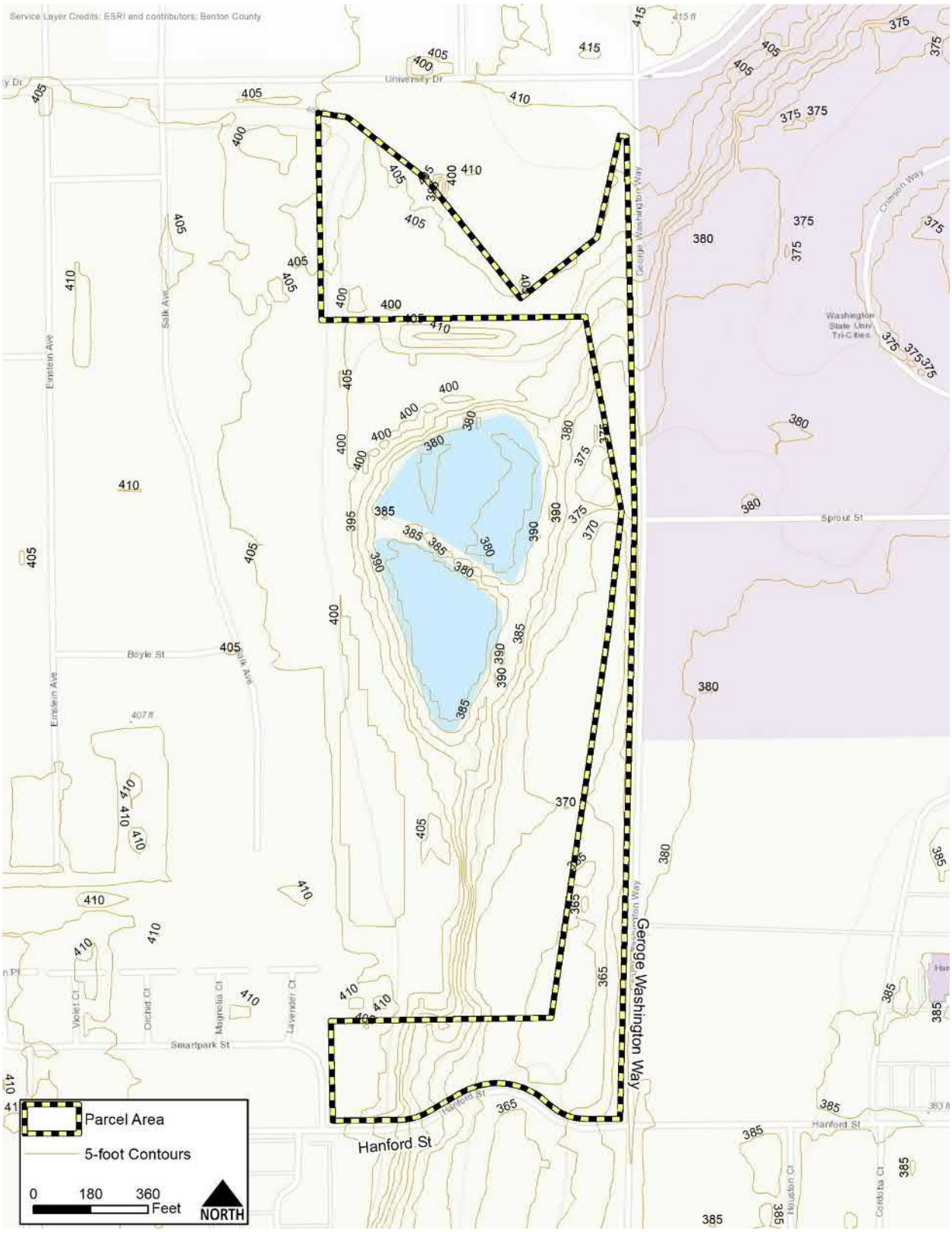

Figure 3: Contour Map

middle of the parcel, and the WSU Atkins Engineering Laboratory building on the north side of the parcel. Plant communities include ruderal vegetation, grasses, rubber rabbitbrush (*Ericameria nauseosa*), and wetland vegetation near the southern portion of the parcel.

Climate

Climatic data was obtained from the WRCC Cooperative Observer Program ID: 457015, located in Richland, Washington. On average, temperatures at this station range from an average minimum of 26.4° Fahrenheit (F) in January to an average maximum of 90.5° F in July (WRCC 2021). The average annual precipitation is 7.15 inches, with rain occurring throughout the year, but most of the precipitation occurs between November and March (WRCC 2021). The average annual snowfall is 7.1 inches and mostly occurs between December and February (WRCC 2021).

The Natural Resource Conservation Service WETS table for Richland, indicated that the "normal" (70%) growing season for 28° F (surface temperature) occurs between March 15 and November 10 (NRCS-USDA 2021c). The high temperature for the day was 64°F, which is higher than the normal of 62°F; the average month to date temperature was also 1.1°F higher than the normal (NRCS-USDA 2021c).

Soils

Four soil types occur in the parcel area (Figure 4; Table 1). Burbank loamy fine sand, gravelly substratum is the predominant soil type in the parcel area (47.7%). Burbank fine sandy loam (non-gravelly substratum) is the second most predominant soil type in the parcel area (23.4%). None of the soil types were reported as being hydric (NRCS-USDA 2021a).

Table 1: Soil Types and Amount in parcel area

Soil Type	Acres in parcel area	Percent of Soil Area
Burbank loamy fine sand	4.6	23.4
Burbank loamy fine sand, gravelly substratum	9.3	47.7
Finley fine sandy loam	3.4	17.2
Quincy loam	2.3	11.7
Total	19.6	100

Vegetation

Three vegetation communities were identified on the parcel: wetland, riparian forest, and rabbitbrush shrubland. Ruderal vegetation also occurs on the parcel. Wetland vegetation primarily included cattail, bulrush, and narrowleaf willow (*Salix exigua*). Rabbitbrush shrubland primarily included rubber rabbitbrush with cheatgrass (*Bromus tectorum*) and red-stem filaree (*Erodium cicutarium*) interspersed throughout. A small amount of big sagebrush (*Artemisia*

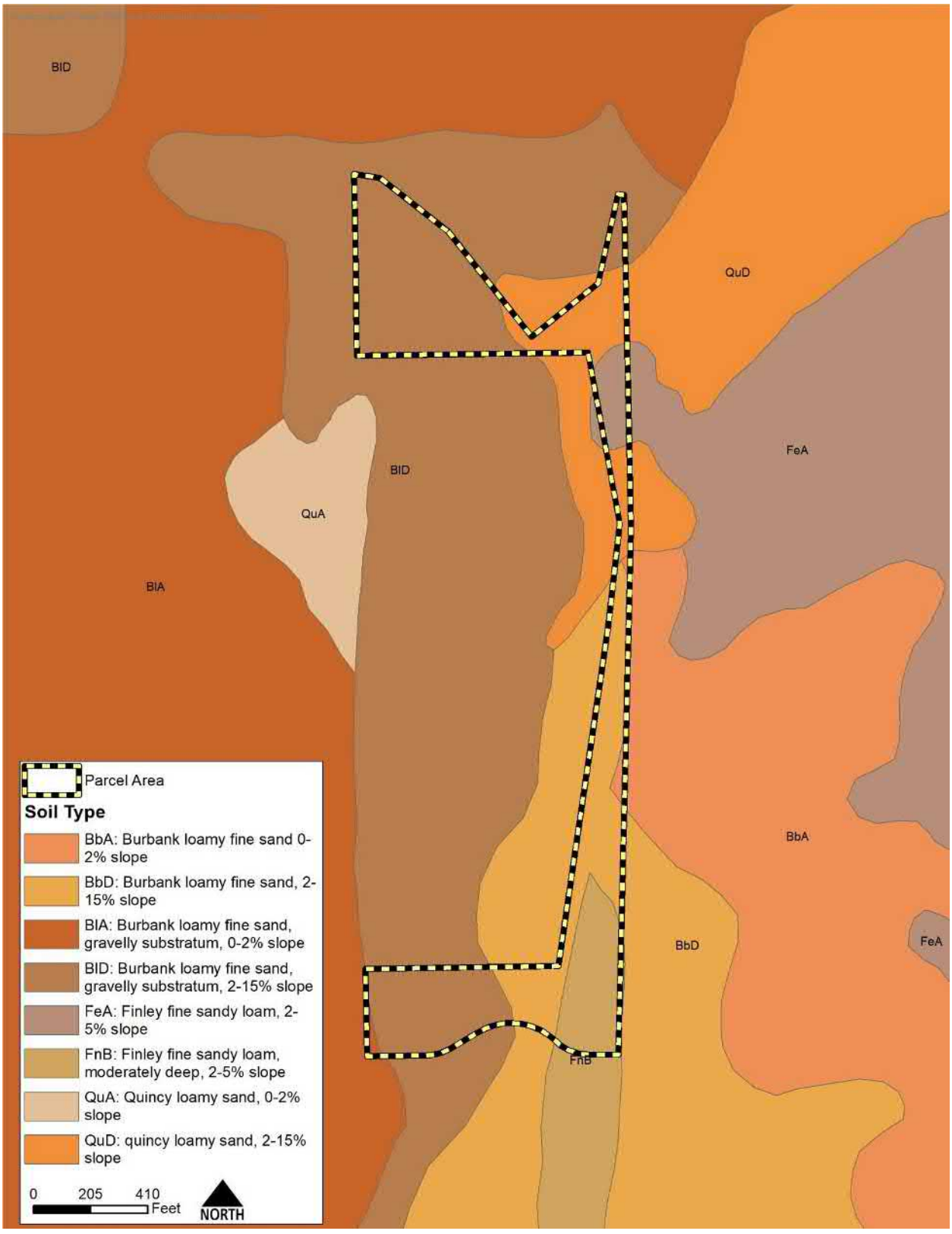

Figure 4: Soils Map

tridentata) was also identified in the area. A riparian forested area consisted of quaking aspen trees abutted a wetland area. Plant species identified during the survey are listed in Table 22.

Table 2: Plant Species Recorded within the Study Area

Scientific Name	Common Name
Achillea millefolium	common yarrow
Agropyron cristatum	crested wheatgrass
Artemisia tridentata	big sagebrush
Bromus tectorum	cheatgrass
Centaurea diffusa	diffuse knapweed
Descurainia pinnata	western tansymustard
Ericameria nauseosa	rubber rabbitbrush
Erigeron canadensis	Canada horseweed
Erodium cicutarium	redstem filaree
Lactuca serriola	prickly lettuce
Lithospermum ruderale	Columbia puccoon
Phalaris arundinacea	reed canarygrass
Populus tremuloides	quaking aspen
Rumex crispus	curly dock
Salix exigua	coyote willow
Salsola kali	Russian thistle
Schoenoplectus sp.	bulrush
Sisymbrium altissimum	tall-hedge mustard
Ulmus pumila	Siberian elm
Verbascum thapsus	common mullein

Waters

The NHD and topographic map depict two unnamed “blue-line” features crossing through the parcel area (Figure 5). The blue-line feature running in a north-south trajectory (BL1) crosses on the southwestern portion of the parcel area, continues north (branching off to the detention basins), and travels into the northwestern portion of the parcel area where it joins with another blue-line feature that runs in an east-west trajectory (BL2). BL1 originates approximately 2,070 feet south of the parcel area near residential properties. BL2 extends far off site meandering through developed land and agricultural fields and appears to terminate near the north boundary of the parcel area. BL1 was field-confirmed as present in a small portion where indicated by the NHD. BL2 was not confirmed, but access to much of the feature’s location was limited due to the Atkins building and surrounding area being fenced off, so the feature may still occur.

The NWI database shows two features in the parcel area, both classified as riverine features (R5UBH; Figure 5). R5UBH riverine wetlands are riverine (typically habitats within a channel), unknown perennial, unconsolidated bottom (>25% cover of particles smaller than stones and <30% vegetative cover), and permanently flooded. Two freshwater ponds classified as PUBHx, palustrine, unconsolidated bottom, permanently flooded, and excavated occur less than 250 feet

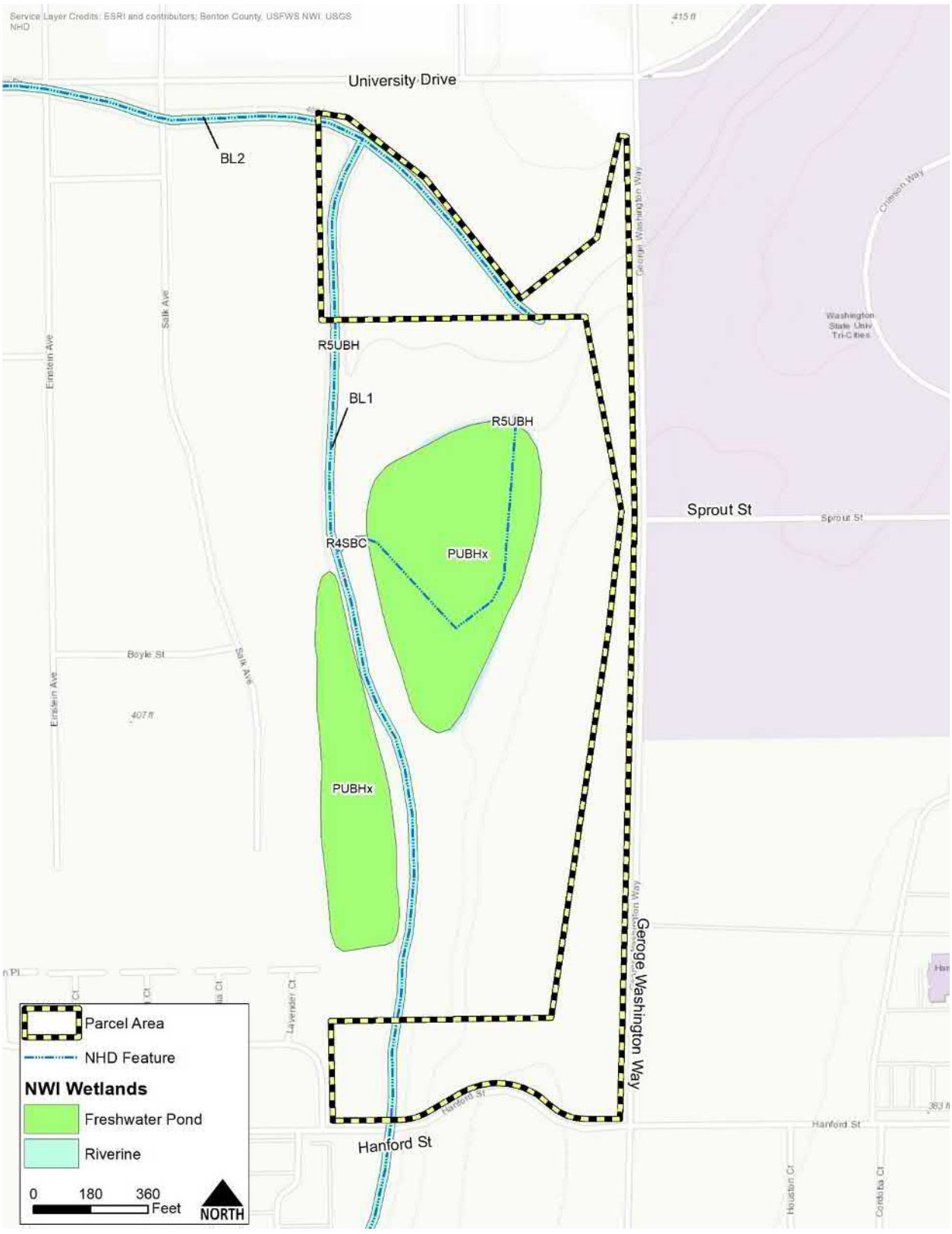

Figure 5: National Wetland Inventory and National Hydrography Dataset Map

from the parcel area boundary. The NWI riverine features match the NHD features, BL1 and BL2. The freshwater ponds located west of the parcel were visually confirmed as present via binocular scanning. The delineated wetland on the parcel, however, does not occur on the NWI map.

The parcel is not located within a special flood hazard area (SFHA), or area of 1% annual chance of flood (also known as 100-year flood zone). The nearest SFHA occurs along the Columbia River, which runs east of the parcel (Appendix D).

Critical Areas and Buffers

Wetlands

One wetland (Wetland 1) was mapped on the parcel (Figure 6). Wetland 1 is a freshwater emergent (PEM1A) wetland, but it was not identified in the NWI (Cowardin et al. 1979). In general, palustrine wetlands include all non-tidal wetlands (freshwater) dominated by trees, shrubs, and persistent emergent species. The emergent wetland location on the parcel is dominated by herbaceous vegetation communities and has a temporary flooded water regime. The adjoining forested area was also flooded and was dominated by quaking aspen (*Populus tremuloides*), a facultative upland species, with reed canarygrass (*Phalaris arundinacea*) also occurring in a limited capacity. Aerial imagery dating back to 2004 (imagery beyond this is unreliable/low resolution) does not indicate that this area routinely floods. The landowners likewise indicated the area is not routinely flooded.

Collectively, 0.29 acres of wetlands were delineated on the parcel. The wetland primarily receives water from an outlet pipe originating from the ponds south of the Study Area but may also receive seepage water from nearby detention ponds. Though no outlet pipe was visible on the parcel, possibly due to overgrowth, flowing water, or even being buried, an outlet pipe is shown in design plans as feeding into the wetland area. Water was coming up through the grate, which suggests the outlet pipe is currently buried to some degree. Wetland 1 encompasses 0.29 acres and consists primarily of cattail (*Typha latifolia*) and bulrush (*Schoenoplectus* sp.). The southern and western portions of the wetland were inundated at the time of the survey. This wetland extends northward, and a small portion occurs west of the parcel beyond the fenced-off area.

Soils in Wetland 1 are predominantly sandy loam, Finley soil series, with a small amount of loamy sand, Burbank soil series on the western edge. Hydric soil indicators observed during the field survey included hydrogen sulfide.

Using the Eastern Washington Rating forms, Wetland 1 has an HGM classification of depressional and scored a total of 16 points (six for Water Quality Functions; six for Hydrologic Functions; and four for Habitat Functions). Thus, Wetland 1 is a Category III wetland. The recommended buffer per RMC code 22.10.110 (Table 22.10.110(D)— Buffer Widths) for Category III wetlands with a habitat score of three or four is 40 feet, 60 feet, and 80 feet for low, moderate, and high impacts, respectively. Given that no physical activity to the wetland or parcel is proposed, the low impact

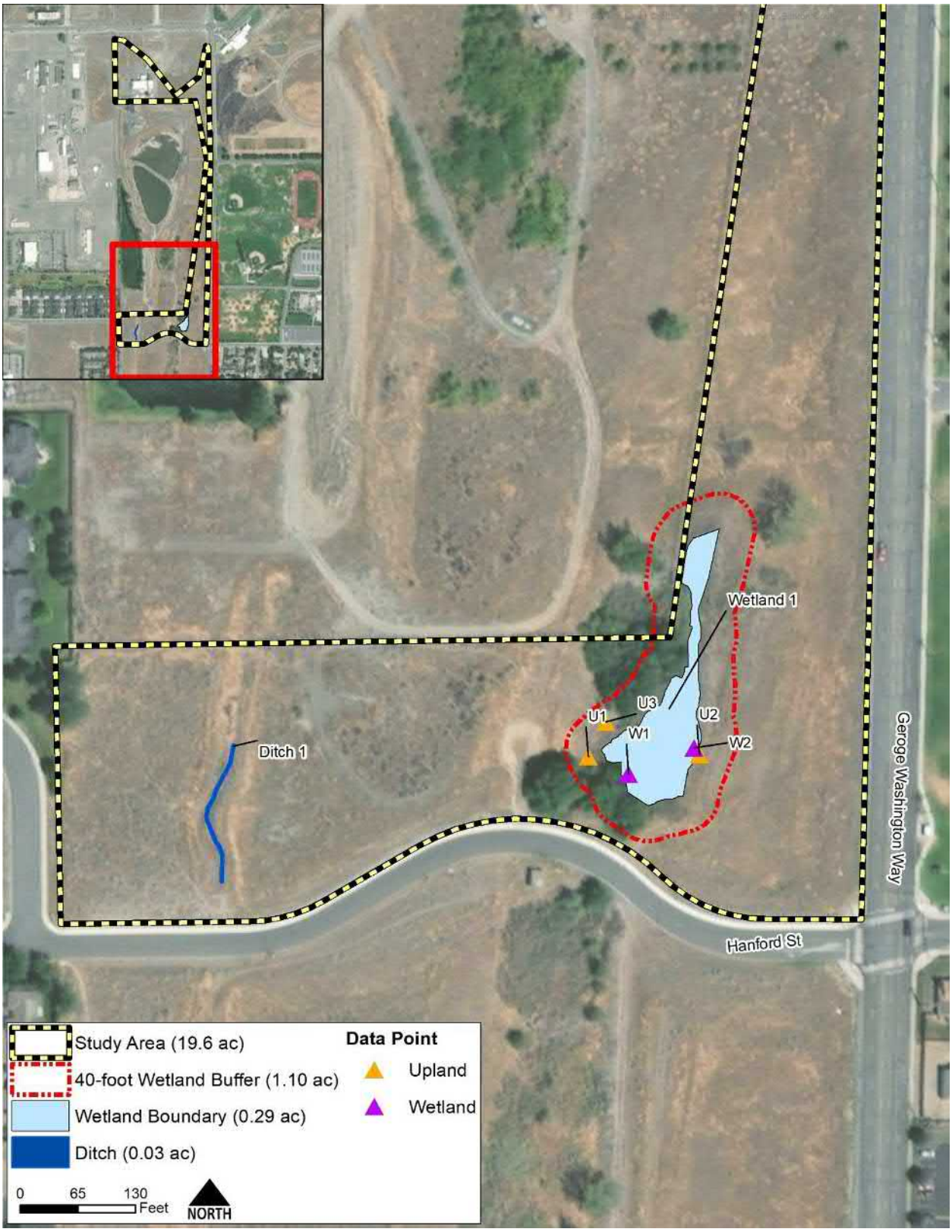

Figure 6: Delineated Wetland and Buffer

buffer of 40 feet is appropriate for the sale of the property. Approximately 1.10 acres of associated wetland buffer was identified (see Figure 6).

Streams

One ditch (Ditch 1) was identified on the western portion of the parcel on a raised berm. Ditch 1 is approximately 235 feet long by five feet wide, encompassing 0.03 acres within the OHWM (see Figure 6). This ditch abruptly ends on the north side and abruptly ends on the south side near Hanford Street. The ditch continues its path south of Hanford Street on another property. This ditch was dry at the time of survey and does not appear to be in use. No natural streams occur on the parcel.

Geologic Hazard Areas

The City of Richland identifies geologic hazard areas as those susceptible to erosion, landslides, seismic hazard or mine hazard. Though slopes and undulations occur in the parcel, none of the parcel or vicinity is mapped as having steep slopes. According to the WA State DNR Natural Hazards map, liquefaction potential for the parcel is listed as very low, and the seismic site class is listed as C, which is on the low end of softer soil conditions resulting in increased amplification of ground shaking. If the parcel is to be developed, a geotechnical report may be required by the City to determine if proposed development could create a risk of danger to life or property on or off the parcel.

Impacts to Critical Areas and Buffers

No direct impacts are anticipated to occur to wetlands or streams as a result of the sale of the property. However, the wetland buffer does encroach into adjacent parcels. Activities could occur on these parcels within the wetland buffer demarcated for this Critical Areas Report.

Conclusion

Figure 6 shows the location of the delineated depressional wetland, data points, and wetland buffers. Wetland 1 encompasses 0.29 acres within the parcel boundary, though it may slightly extend beyond a non-accessible fenced-off area. Using RMC Section 22.10.110, a 40-foot buffer was identified as appropriate for Wetland 1, which was found to be a Category III wetland. Approximately 1.1 acres of buffer for Wetland 1 was identified.

Though the wetland on the parcel lacks connection to a WOTUS, a jurisdictional determination would need to be obtained from the USACE if any impacts were proposed to the wetlands. Because the project is not proposing impacts to wetlands, a determination has not been requested. The City of Richland has determined that the wetlands are jurisdictional and therefore covered under the City's Critical Areas Code. Impacts to wetlands are subject to avoidance, minimization and mitigation requirements under code sections 22.10.120 through 22.10.160. Buffers are defined in code section 22.10.110.

The final authority with regard to the identification, categorization, and delineation of the wetland area rests with the appropriate regulatory agencies.

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Appendix A: USACE Arid West Determination Data Forms

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: U1

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3245328 | Long: -119.2740800 | Datum: NAD 1983

Soil Map Unit Name: Burbank loamy fine sand | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ( )	No (●)	
Hydric Soil Present?	Yes ( )	No (●)	**Is the Sampled Area within a Wetland?** Yes ( ) No (●)
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	%		
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	%		
Herb Stratum			
1. *Bromus tectorum*	90	No	UPL
2. *Salsola kali*	10	No	UPL
3.			
4.			
5.			
6.			
7.			
8.			
Total Cover:	100%		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum ____ % | % Cover of Biotic Crust ____ %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 0 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	0
FACW species		x 2 =	0
FAC species		x 3 =	0
FACU species		x 4 =	0
UPL species	100	x 5 =	500
Column Totals:	100 (A)		500 (B)

Prevalence Index = B/A = 5

Hydrophytic Vegetation Indicators:

- [ ] Dominance Test is >50%
- [ ] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ( ) No (●)

Remarks:

SOIL

Sampling Point: U1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture[3]	Remarks
0-13	10 YR 3/3	95	7.5 YR 4/6	5	C	M	loamy sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (**LRR C**)
- ☐ 1 cm Muck (A9) (**LRR D**)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

Indicators for Problematic Hydric Soils:[4]

- ☐ 1 cm Muck (A9) (**LRR C**)
- ☐ 2 cm Muck (A10) (**LRR B**)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ○ No ◉

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☒ Saturation (A3)
- ☐ Water Marks (B1) (**Nonriverine**)
- ☐ Sediment Deposits (B2) (**Nonriverine**)
- ☐ Drift Deposits (B3) (**Nonriverine**)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Salt Crust (B11)
- ☐ Biotic Crust (B12)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Plowed Soils (C6)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water Marks (B1) (**Riverine**)
- ☐ Sediment Deposits (B2) (**Riverine**)
- ☐ Drift Deposits (B3) (**Riverine**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Thin Muck Surface (C7)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ○ No ◉ Depth (inches):

Water Table Present? Yes ○ No ◉ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ◉ No ○ Depth (inches): 2

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: U2

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3245328 | Long: -119.2740800 | Datum: NAD 1983

Soil Map Unit Name: Finley fine sandy loam | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ( )	No (●)	
Hydric Soil Present?	Yes ( )	No (●)	**Is the Sampled Area within a Wetland?** Yes ( ) No (●)
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	%		
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	%		
Herb Stratum			
1. *Bromus tectorum*	50	Yes	UPL
2. *Centaurea diffusa*	30	Yes	UPL
3. *Verbascum thapsus*	10		FACU
4. *Erigeron canadensis*	10		UPL
5.			
6.			
7.			
8.			
Total Cover:	100%		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum % | % Cover of Biotic Crust %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	0
FACW species		x 2 =	0
FAC species		x 3 =	0
FACU species	10	x 4 =	40
UPL species	90	x 5 =	450
Column Totals:	100 (A)		490 (B)

Prevalence Index = B/A = 4.9

Hydrophytic Vegetation Indicators:

- [ ] Dominance Test is >50%
- [ ] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ( ) No (●)

Remarks:

SOIL

Sampling Point: U2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture[3]	Remarks
0-13	10 YR 3/3	99	7.5 YR 4/6	1	C	M	sandy loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (**LRR C**)
- ☐ 1 cm Muck (A9) (**LRR D**)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

Indicators for Problematic Hydric Soils:[4]

- ☐ 1 cm Muck (A9) (**LRR C**)
- ☐ 2 cm Muck (A10) (**LRR B**)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ○ No ◉

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☒ Saturation (A3)
- ☐ Water Marks (B1) (**Nonriverine**)
- ☐ Sediment Deposits (B2) (**Nonriverine**)
- ☐ Drift Deposits (B3) (**Nonriverine**)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Salt Crust (B11)
- ☐ Biotic Crust (B12)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Plowed Soils (C6)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water Marks (B1) (**Riverine**)
- ☐ Sediment Deposits (B2) (**Riverine**)
- ☐ Drift Deposits (B3) (**Riverine**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Thin Muck Surface (C7)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ○ No ◉ Depth (inches):

Water Table Present? Yes ○ No ◉ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ◉ No ○ Depth (inches): 3

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: U3

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3245328 | Long: -119.2740800 | Datum: NAD 1983

Soil Map Unit Name: Burbank loamy fine sand | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ( )	No (●)	
Hydric Soil Present?	Yes ( )	No (●)	**Is the Sampled Area within a Wetland?** Yes ( ) No (●)
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	%		
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	%		
Herb Stratum			
1. *Bromus tectorum*	85	Yes	UPL
2. *Erigeron canadensis*	10	No	UPL
3. *Verbascum thapsus*	1	No	FACU
4.			
5.			
6.			
7.			
8.			
Total Cover:	96 %		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum 4 % | % Cover of Biotic Crust %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	0
FACW species		x 2 =	0
FAC species		x 3 =	0
FACU species	1	x 4 =	4
UPL species	95	x 5 =	475
Column Totals:	96 (A)		479 (B)

Prevalence Index = B/A = 4.99

Hydrophytic Vegetation Indicators:

- [ ] Dominance Test is >50%
- [ ] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ( ) No (●)

Remarks:

SOIL

Sampling Point: U3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture[3]	Remarks
0-13	10 YR 3/3	95	7.5 YR 4/6	5	C	M	loamy sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (**LRR C**)
- ☐ 1 cm Muck (A9) (**LRR D**)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

Indicators for Problematic Hydric Soils:[4]

- ☐ 1 cm Muck (A9) (**LRR C**)
- ☐ 2 cm Muck (A10) (**LRR B**)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ○ No ◉

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☒ Saturation (A3)
- ☐ Water Marks (B1) (**Nonriverine**)
- ☐ Sediment Deposits (B2) (**Nonriverine**)
- ☐ Drift Deposits (B3) (**Nonriverine**)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Salt Crust (B11)
- ☐ Biotic Crust (B12)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Plowed Soils (C6)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water Marks (B1) (**Riverine**)
- ☐ Sediment Deposits (B2) (**Riverine**)
- ☐ Drift Deposits (B3) (**Riverine**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Thin Muck Surface (C7)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ○ No ◉ Depth (inches):

Water Table Present? Yes ○ No ◉ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ◉ No ○ Depth (inches): 3

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: W1

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3244773 | Long: -119.2739001 | Datum: NAD 1983

Soil Map Unit Name: Burbank loamy fine sand 2-15% | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes (●)	No ( )	
Hydric Soil Present?	Yes (●)	No ( )	**Is the Sampled Area within a Wetland?** Yes (●) No ( )
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Ulmus pumilla*	10	Yes	UPL
2.			
3.			
4.			
	10 %		
Sapling/Shrub Stratum			
1. *Salix exigua*	30	Yes	FACW
2.			
3.			
4.			
5.			
Total Cover:	30 %		
Herb Stratum			
1. *Phalaris arundinaceae*	50	Yes	FACW
2.			
3.			
4.			
5.			
6.			
7.			
8.			
Total Cover:	50 %		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum 10 % | % Cover of Biotic Crust %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66.7 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	0
FACW species	80	x 2 =	160
FAC species		x 3 =	0
FACU species		x 4 =	0
UPL species	10	x 5 =	50
Column Totals:	90 (A)		210 (B)

Prevalence Index = B/A = 2.33

Hydrophytic Vegetation Indicators:

- [x] Dominance Test is >50%
- [x] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes (●) No ( )

Remarks: bare ground is surface water

SOIL

Sampling Point: W1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture[3]	Remarks
0-12	10 YR 3/2	100					loamy sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☒ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (**LRR C**)
- ☐ 1 cm Muck (A9) (**LRR D**)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

Indicators for Problematic Hydric Soils:[4]

- ☐ 1 cm Muck (A9) (**LRR C**)
- ☐ 2 cm Muck (A10) (**LRR B**)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ◉ No ○

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☒ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1) (**Nonriverine**)
- ☐ Sediment Deposits (B2) (**Nonriverine**)
- ☐ Drift Deposits (B3) (**Nonriverine**)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Salt Crust (B11)
- ☐ Biotic Crust (B12)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Plowed Soils (C6)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water Marks (B1) (**Riverine**)
- ☐ Sediment Deposits (B2) (**Riverine**)
- ☐ Drift Deposits (B3) (**Riverine**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Thin Muck Surface (C7)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ◉	No ○	Depth (inches):	1
Water Table Present?	Yes ○	No ◉	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes ◉	No ○	Depth (inches):	1

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: area flooded from overflow

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: W2

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3245549 | Long: -119.2736068 | Datum: NAD 1983

Soil Map Unit Name: Finley fine sandy loam | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes (●)	No ( )	
Hydric Soil Present?	Yes (●)	No ( )	**Is the Sampled Area within a Wetland?** Yes (●) No ( )
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	%		
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	%		
Herb Stratum			
1. *Phalaris arundinaceae*	10	No	FACW
2. *Schoenoplectus sp.*	70	Yes	OBL
3. *Rumex crispus*	10	No	FAC
4. *Lactuca serriola*	5	No	FACU
5.			
6.			
7.			
8.			
Total Cover:	95 %		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum: 5 % | % Cover of Biotic Crust: %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	70	x 1 =	70
FACW species	10	x 2 =	20
FAC species	10	x 3 =	30
FACU species	5	x 4 =	20
UPL species		x 5 =	0
Column Totals:	95 (A)		140 (B)

Prevalence Index = B/A = 1.47

Hydrophytic Vegetation Indicators:

- [X] Dominance Test is >50%
- [X] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes (●) No ( )

Remarks: bare ground is surface water

SOIL

Sampling Point: W2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture[3]	Remarks
0-12	10 YR 3/2	100					sandy loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☒ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (**LRR C**)
- ☐ 1 cm Muck (A9) (**LRR D**)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

Indicators for Problematic Hydric Soils:[4]

- ☐ 1 cm Muck (A9) (**LRR C**)
- ☐ 2 cm Muck (A10) (**LRR B**)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ◉ No ○

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☒ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1) (**Nonriverine**)
- ☐ Sediment Deposits (B2) (**Nonriverine**)
- ☐ Drift Deposits (B3) (**Nonriverine**)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Salt Crust (B11)
- ☐ Biotic Crust (B12)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Plowed Soils (C6)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water Marks (B1) (**Riverine**)
- ☐ Sediment Deposits (B2) (**Riverine**)
- ☐ Drift Deposits (B3) (**Riverine**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Thin Muck Surface (C7)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ◉ No ○ Depth (inches): 1

Water Table Present? Yes ○ No ◉ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ◉ No ○ Depth (inches): 1

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: area flooded from overflow

Appendix B: Eastern Washington Wetland Rating Forms

Wetland name or number Wetland 1

RATING SUMMARY – Eastern Washington

Name of wetland (or ID #): Wetland 1 Date of site visit: 03/31/2021

Rated by Tyler Schade Trained by Ecology? __ Yes X No Date of training_____

HGM Class used for rating Depressional Wetland has multiple HGM classes? ____Y X N

NOTE: Form is not complete without the figures requested (*figures can be combined*).
Source of base aerial photo/map ArcGIS Online

OVERALL WETLAND CATEGORY III (based on functions X or special characteristics___)

1. Category of wetland based on FUNCTIONS

_____**Category I** – Total score = 22-27
_____**Category II** – Total score = 19-21
X **Category III** – Total score = 16-18
_____**Category IV** – Total score = 9-15

FUNCTION	Improving Water Quality	Hydrologic	Habitat	
	Circle the appropriate ratings			
Site Potential	H (M) L	H (M) L	H M (L)	
Landscape Potential	(H) M L	(H) M L	H (M) L	
Value	H M (L)	H M (L)	H M (L)	TOTAL
Score Based on Ratings	6	6	4	16

Score for each function based on three ratings *(order of ratings is not important)*

9 = H,H,H
8 = H,H,M
7 = H,H,L
7 = H,M,M
6 = H,M,L
6 = M,M,M
5 = H,L,L
5 = M,M,L
4 = M,L,L
3 = L,L,L

2. Category based on SPECIAL CHARACTERISTICS of wetland

CHARACTERISTIC	CATEGORY *Circle the appropriate category*
Vernal Pools	II III
Alkali	I
Wetland of High Conservation Value	I
Bog and Calcareous Fens	I
Old Growth or Mature Forest – slow growing	I
Aspen Forest	I
Old Growth or Mature Forest – fast growing	II
Floodplain forest	II
None of the above	

Wetland name or number Wetland 1

HGM Classification of Wetland in Eastern Washington

For questions 1-4, the criteria described must apply to the entire unit being rated.

If the hydrologic criteria listed in each question do not apply to the entire unit being rated, you probably have a unit with multiple HGM classes. In this case, identify which hydrologic criteria in questions 1-4 apply, and go to Question 5.

1. Does the entire unit **meet both** of the following criteria?
   ___The vegetated part of the wetland is on the water side of the Ordinary High Water Mark of a body of permanent open water (without any plants on the surface) that is at least 20 ac (8 ha) in size
   ___At least 30% of the open water area is deeper than 10 ft (3 m)

   NO – go to 2 **YES –** The wetland class is **Lake Fringe** (Lacustrine Fringe)

2. Does the entire wetland unit **meet all** of the following criteria?
   ___The wetland is on a slope (*slope can be very gradual*),
   ___The water flows through the wetland in one direction (unidirectional) and usually comes from seeps. It may flow subsurface, as sheetflow, or in a swale without distinct banks;
   ___The water leaves the wetland **without being impounded**.

   NO - go to 3 YES – The wetland class is **Slope**
   NOTE: Surface water does not pond in these type of wetlands except occasionally in very small and shallow depressions or behind hummocks (depressions are usually <3 ft diameter and less than 1 foot deep).

3. Does the entire wetland unit **meet all** of the following criteria?
   ___ The unit is in a valley, or stream channel, where it gets inundated by overbank flooding from that stream or river;
   ___ The overbank flooding occurs at least once every 10 years.

   NO - go to 4 YES – The wetland class is **Riverine**
   NOTE: The Riverine wetland can contain depressions that are filled with water when the river is not flooding.

4. Is the entire wetland unit in a topographic depression in which water ponds, or is saturated to the surface, at some time during the year. *This means that any outlet, if present, is higher than the interior of the wetland.*

   NO – go to 5 YES – The wetland class is **Depressional**

5. Your wetland unit seems to be difficult to classify and probably contains several different HGM classes. For example, seeps at the base of a slope may grade into a riverine floodplain, or a small stream within a Depressional wetland has a zone of flooding along its sides. GO BACK AND IDENTIFY WHICH OF THE HYDROLOGIC REGIMES DESCRIBED IN QUESTIONS 1-4 APPLY TO DIFFERENT AREAS IN THE WETLAND UNIT (make a rough sketch to help you decide). Use the following table to identify the appropriate class to use for the rating system if you have several HGM classes present within the wetland unit being scored.

Wetland name or number Wetland 1

DEPRESSIONAL WETLANDS **Water Quality Functions** - Indicators that the site functions to improve water quality		Points (only 1 score per box)
D 1.0. Does the site have the potential to improve water quality?		
D 1.1. Characteristics of surface water outflows from the wetland: Wetland has no surface water outlet Wetland has an intermittently flowing outlet Wetland has a highly constricted permanently flowing outlet Wetland has a permanently flowing, unconstricted, surface outlet	 points = 5 (points = 3) points = 3 points = 1	3
D 1.2. The soil 2 in below the surface (or duff layer) is true clay or true organic *(use NRCS definitions of soils)*	YES = 3 (NO = 0)	0
D 1.3. Characteristics of persistent vegetation (Emergent, Scrub-shrub, and/or Forested Cowardin classes) Wetland has persistent, ungrazed, vegetation for > $^2/_3$ of area Wetland has persistent, ungrazed, vegetation from $^1/_3$ to $^2/_3$ of area Wetland has persistent, ungrazed vegetation from $^1/_{10}$ to < $^1/_3$ of area Wetland has persistent, ungrazed vegetation < $^1/_{10}$ of area	 (points = 5) points = 3 points = 1 points = 0	5
D 1.4. Characteristics of seasonal ponding or inundation: *This is the area of ponding that fluctuates every year. Do not count the area that is permanently ponded.* Area seasonally ponded is > ½ total area of wetland Area seasonally ponded is ¼ - ½ total area of wetland Area seasonally ponded is < ¼ total area of wetland	 points = 3 (points = 1) points = 0	1
Total for D 1	Add the points in the boxes above	9

Rating of Site Potential If score is: ___ **12- 16 = H** _X_ **6- 11 = M** ___ **0- 5 = L** *Record the rating on the first page*

D 2.0. Does the landscape have the potential to support the water quality function of the site?		
D 2.1. Does the wetland receive stormwater discharges?	(Yes = 1) No = 0	1
D 2.2. Is > 10% of the area within 150 ft of the wetland in land uses that generate pollutants?	(Yes = 1) No = 0	1
D 2.3. Are there septic systems within 250 ft of the wetland?	Yes = 1 (No = 0)	0
D 2.4. Are there other sources of pollutants coming into the wetland that are not listed in questions D 2.1- D 2.3? Source piped water from ponds	(Yes = 1) No = 0	1
Total for D 2	Add the points in the boxes above	3

Rating of Landscape Potential If score is: _X_ **3 or 4 = H** ___ **1 or 2 = M** ___ **0 = L** *Record the rating on the first page*

D 3.0. Is the water quality improvement provided by the site valuable to society?		
D 3.1. Does the wetland discharge directly (i.e., within 1 mi) to a stream, river, or lake that is on the 303(d) list?	Yes = 1 (No = 0)	0
D 3.2. Is the wetland in a basin or sub-basin where water quality is an issue in some aquatic resource [303(d) list, eutrophic lakes, problems with nuisance and toxic algae]?	Yes = 1 (No = 0)	0
D 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality (*answer YES if there is a TMDL for the drainage or basin in which the wetland is found*)?	Yes = 2 (No = 0)	0
Total for D 3	Add the points in the boxes above	0

Rating of Value If score is: ___ **2-4 = H** ___ **1 = M** _X_ **0 = L** *Record the rating on the first page*

Wetland name or number Wetland 1

DEPRESSIONAL WETLANDS **Hydrologic Functions** - Indicators that the site functions to reduce flooding and erosion.	Points (only 1 score per box)
D 4.0. Does the site have the potential to reduce flooding and erosion?	
D 4.1. Characteristics of surface water outflows from the wetland: Wetland has no surface water outlet — points = 8 Wetland has an intermittently flowing outlet — points = 4 (circled) Wetland has a highly constricted permanently flowing outlet — points = 4 Wetland has a permanently flowing unconstricted surface outlet — points = 0 *(If outlet is a ditch and not permanently flowing treat wetland as "intermittently flowing")*	4
D 4.2. Depth of storage during wet periods: *Estimate the height of ponding above the bottom of the outlet. For wetlands with no outlet, measure from the surface of permanent water or deepest part (if dry).* Seasonal ponding: > 3 ft above the lowest point in wetland or the surface of permanent ponding — points = 8 Seasonal ponding: 2 ft - < 3 ft above the lowest point in wetland or the surface of permanent ponding — points = 6 The wetland is a headwater wetland — points = 4 Seasonal ponding: 1 ft - < 2 ft — points = 4 Seasonal ponding: 6 in - < 1 ft — points = 2 (circled) Seasonal ponding: < 6 in or wetland has only saturated soils — points = 0	2
Total for D 4 — Add the points in the boxes above	6

Rating of Site Potential If score is: ___ **12-16 = H** X **6-11 = M** ___ **0-5 = L** *Record the rating on the first page*

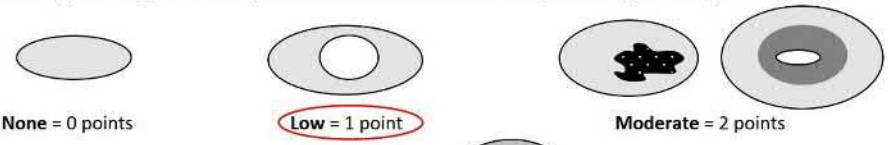
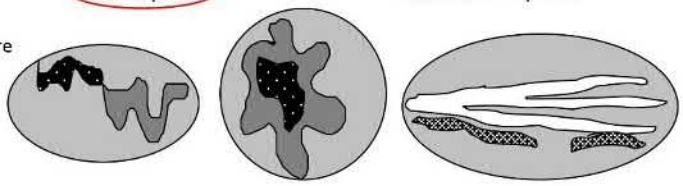
D 5.0. Does the landscape have the potential to support the hydrologic functions of the site?	
D 5.1. Does the wetland receive stormwater discharges? Yes = 1 (circled) No = 0	1
D 5.2. Is > 10% of the area within 150 ft of the wetland in a land use that generates runoff? Yes = 1 (circled) No = 0	1
D 5.3. Is more than 25% of the contributing basin of the wetland covered with intensive human land uses? Yes = 1 (circled) No = 0	1
Total for D 5 — Add the points in the boxes above	3

Rating of Landscape Potential If score is: X **3 = H** ___ **1 or 2 = M** ___ **0 = L** *Record the rating on the first page*

D 6.0. Are the hydrologic functions provided by the site valuable to society?	
D 6.1. The wetland is in a landscape that has flooding problems. Choose the description that best matches conditions around the wetland being rated. *Do not add points. Choose the highest score if more than one condition is met.* The wetland captures surface water that would otherwise flow down-gradient into areas where flooding has damaged human or natural resources (e.g., houses or salmon redds), AND Flooding occurs in sub-basin that is immediately down-gradient of wetland — points = 2 Surface flooding problems are in a sub-basin farther down-gradient — points = 1 The existing or potential outflow from the wetland is so constrained by human or natural conditions that the water stored by the wetland cannot reach areas that flood. *Explain why* Wetland and outlet are landscape constrained — points = 0 (circled) There are no problems with flooding downstream of the wetland — points = 0	0
D 6.2. Has the site has been identified as important for flood storage or flood conveyance in a regional flood control plan? Yes = 2 No = 0 (circled)	0
Total for D 6 — Add the points in the boxes above	0

Rating of Value If score is: ___ **2-4 = H** ___ **1 = M** X **0 = L** *Record the rating on the first page*

Wetland name or number Wetland 1

These questions apply to wetlands of all HGM classes. **HABITAT FUNCTIONS** - Indicators that site functions to provide important habitat	(only 1 score per box)
H 1.0. Does the wetland have the potential to provide habitat for many species?	
H 1.1. Structure of the plant community: *Check the Cowardin vegetation classes present and categories of emergent plants. Size threshold for each category is >= ¼ ac or >= 10% of the wetland if wetland is < 2.5 ac.* ____Aquatic bed ____Emergent plants 0-12 in (0-30 cm) high are the highest layer and have > 30% cover __X__Emergent plants >12-40 in (>30-100 cm) high are the highest layer with >30% cover __X__Emergent plants > 40 in (> 100 cm) high are the highest layer with >30% cover ____Scrub-shrub (areas where shrubs have >30% cover) 4 or more checks: points = 3 ____Forested (areas where trees have >30% cover) 3 checks: points = 2 2 checks: points = 1 1 check: points = 0	2
H 1.2. Is one of the vegetation types Aquatic Bed? Yes = 1 (No = 0)	0
H 1.3. Surface water H 1.3.1. Does the wetland have areas of open water (without emergent or shrub plants) over at least ¼ ac **OR** 10% of its area during the March to early June **OR** in August to the end of September? ***Answer YES for Lake Fringe wetlands.*** Yes = 3 points & go to H 1.4 (No = go to H 1.3.2) H 1.3.2. Does the wetland have an intermittent or permanent, and unvegetated stream within its boundaries, or along one side, over at least ¼ ac or 10% of its area? *Answer yes only if H 1.3.1 is No.* Yes = 3 (No = 0)	0
H 1.4. Richness of plant species Count the number of plant species in the wetland that cover at least 10 ft^2. *Different patches of the same species can be combined to meet the size threshold. You do not have to name the species.* *Do not include Eurasian milfoil, reed canarygrass, purple loosestrife, Russian olive, Phragmites, Canadian thistle, yellow-flag iris, and saltcedar (Tamarisk)* # of species ____ Scoring: > 9 species: points = 2 4-9 species: points = 1 (< 4 species: points = 0)	0
H 1.5. Interspersion of habitats Decide from the diagrams below whether interspersion among types of plant structures (described in H 1.1), and unvegetated areas (open water or mudflats) is high, moderate, low, or none. *Use map of Cowardin and emergent plant classes prepared for questions H 1.1 and map of open water from H 1.3. If you have four or more plant classes or three classes and open water, the rating is always high.*  **None** = 0 points (**Low** = 1 point) **Moderate** = 2 points All three diagrams in this row are **High** = 3 points  Riparian braided channels with 2 classes	Figure__ 1

Wetland name or number Wetland 1

H 1.6. Special habitat features *Check the habitat features that are present in the wetland. The number of checks is the number of points.* ____Loose rocks larger than 4 in OR large, downed, woody debris (> 4 in diameter) within the area of surface ponding or in stream. X Cattails or bulrushes are present within the wetland. ____Standing snags (diameter at the bottom > 4 in) in the wetland or within 30 m (100 ft) of the edge. ____Emergent or shrub vegetation in areas that are permanently inundated/ponded. ____Stable steep banks of fine material that might be used by beaver or muskrat for denning (> 45 degree slope) OR signs of recent beaver activity X Invasive species cover less than 20% in each stratum of vegetation *(canopy, sub-canopy, shrubs, herbaceous, moss/ground cover)*	2
Total for H 1 — Add the points in the boxes above	5

Rating of Site Potential If score is: ___**15-18 = H** ___**7-14 = M** X **0-6 = L** *Record the rating on the first page*

H 2.0. Does the landscape have the potential to support habitat functions of the site?	
H 2.1. Accessible habitat (only area of habitat abutting wetland). If total accessible habitat is: *Calculate:* % undisturbed habitat 10 + [(% moderate and low intensity land uses)/2] 5 = 15 % > 1/3 (33.3%) of 1 km Polygon — points = 3 20-33% of 1km Polygon — points = 2 10-19% of 1km Polygon — points = 1 <10% of 1km Polygon — points = 0	1
H 2.2. Undisturbed habitat in 1 km Polygon around wetland. *Calculate:* % undisturbed habitat 10 + [(% moderate and low intensity land uses)/2] 5 = 15 % Undisturbed habitat > 50% of Polygon — points = 3 Undisturbed habitat 10 - 50% and in 1-3 patches — points = 2 Undisturbed habitat 10 - 50% and > 3 patches — points = 1 Undisturbed habitat < 10% of Polygon — points = 0	1
H 2.3. Land use intensity in 1 km Polygon: > 50% of Polygon is high intensity land use — points = (- 2) Does not meet criterion above — points = 0	-2
H 2.4. The wetland is in an area where annual rainfall is less than 12 in, and its water regime is not influenced by irrigation practices, dams, or water control structures. *Generally, this means outside boundaries of reclamation areas, irrigation districts, or reservoirs* — Yes = 3 No = 0	0
Total for H 2 — Add the points in the boxes above	0

Rating of Landscape Potential If score is: ___**4-9 = H** ___**1-3 = M** X **< 1 = L** *Record the rating on the first page*

H 3.0. Is the habitat provided by the site valuable to society?	
H 3.1. Does the site provide habitat for species valued in laws, regulations, or policies? *Choose the highest score that applies to the wetland being rated* Site meets ANY of the following criteria: — points = 2 — It has 3 or more priority habitats within 100 m (see Appendix B) — It provides habitat for Threatened or Endangered species (any plant or animal on state or federal lists) X — It is mapped as a location for an individual WDFW species — It is a Wetland of High Conservation Value as determined by the Department of Natural Resources — It has been categorized as an important habitat site in a local or regional comprehensive plan, in a Shoreline Master Plan, or in a watershed plan Site has 1 or 2 priority habitats within 100 m (see Appendix B) — points = 1 Site does not meet any of the criteria above — points = 0	2

Rating of Value If score is: X **2 = H** ___**1 = M** ___**0 = L** *Record the rating on the first page*

Appendix C: Representative Photographs

Photograph 1: Northwest view of wetland area with aspen trees in background.

Photograph 2: Southwest view of northern extent of Wetland 1.

Photograph 3: North view of eastern boundary of Wetland 1.

Photograph 4: Southeast view of Wetland 1 at southern end of Study Area with flooded area.

Photograph 5: Southeast view of Study Area from eastern-central portion.

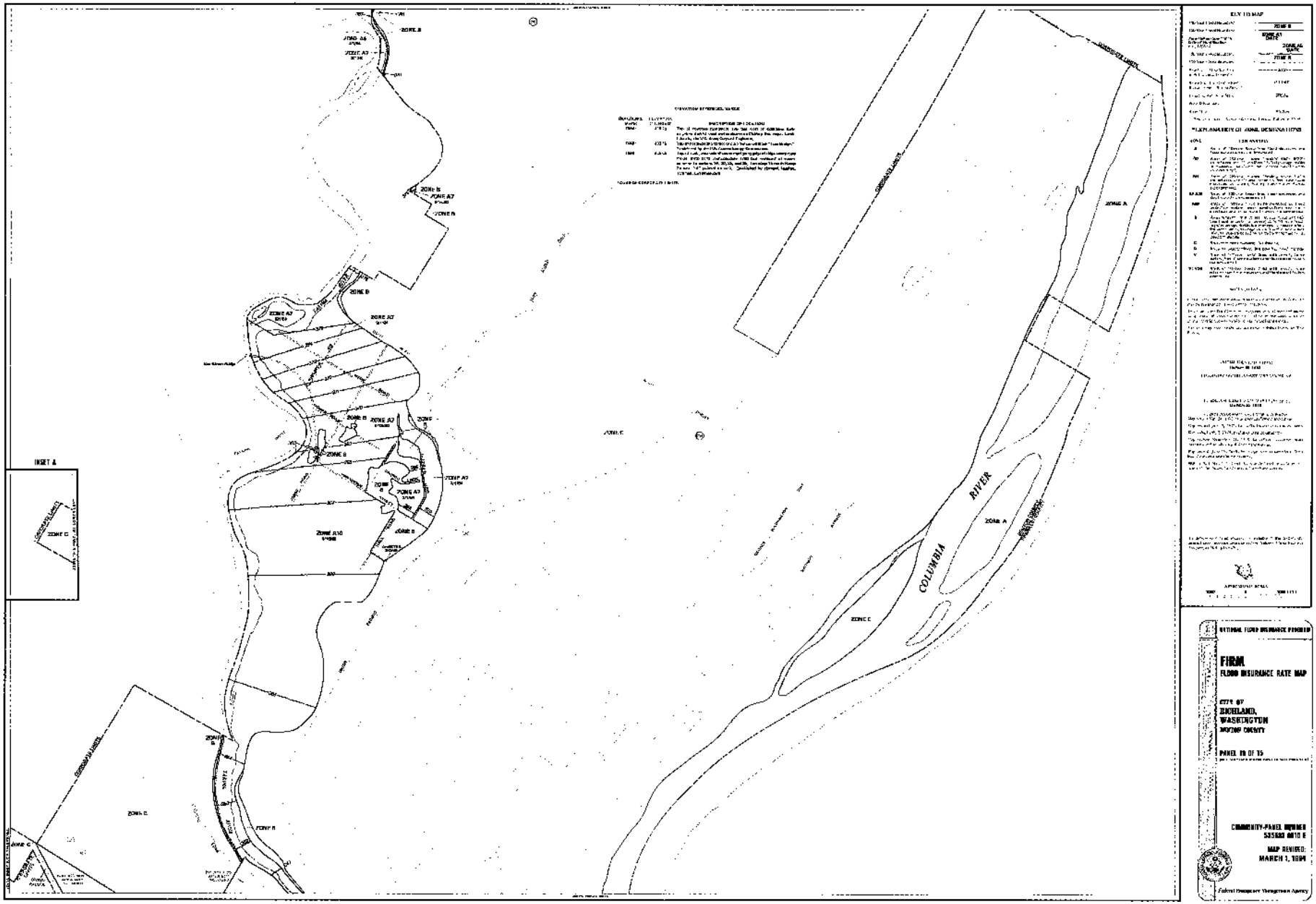
Photograph 6: West view of WSU Atkins Engineering Laboratory building and area.

Photograph 7: East view of water flowing out of grate on southern end of Study Area.

Photograph 8: North view of Ditch 1 on western portion of Study Area.

Photograph 9: Northeast view of general site area from berm at Ditch 1. Note the empty detention pond in foreground left of photo.

Appendix D: FEMA Firm Panel Flood Map


INSET A
ZONE C
ZONE A
ZONE B
ZONE A7
ZONE A10
COLUMBIA RIVER
FIRM
FLOOD INSURANCE RATE MAP
BENTON COUNTY
PANEL 55 OF 75
MAP REVISED:
MARCH 1, 1984

Appendix E: Washington Department of Fish and Wildlife Priority Habitats and Species Report

Priority Habitats and Species on the Web

Report Date: 02/09/2021, Parcel ID: 126082000001003

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Generalized Location
Wetlands	N/A	N/A	No
Ferruginous hawk	N/A	Threatened	Yes

PHS Species/Habitats Details:

Wetlands	
Priority Area	Aquatic Habitat
Site Name	HANFORD HIGH SCHOOL
Accuracy	1/4 mile (Quarter Section)
Notes	PALUSTRINE WETLANDS.
Source Record	913576
Source Dataset	PHSREGION
Source Name	LARIVIERE, PAUL WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html
Geometry Type	Polygons

Ferruginous hawk	
Scientific Name	*Buteo regalis*
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release (360-902-2543) for obtaining information about masked sensitive species and habitats.
Federal Status	N/A
State Status	Threatened
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

Wetland Delineation Report for

Parcel #126082000001003

Richland, Washington

Prepared for

Washington State University
P.O. Box 641045
Pullman, Washington 99164

Prepared by

J-U-B Engineers, Inc.
2760 W. Excursion Lane, Suite 400
Meridian, Idaho 83642

April 2021

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Executive Summary

Washington State University (WSU) is proposing to sell property parcel #126082000001003 to the City of Richland and authorized the wetland delineation to facilitate the transfer of ownership.

A literature review and database search were conducted prior to performing field investigations. A J-U-B Engineers, Inc. wetland specialist conducted a field investigation on March 31, 2021, to identify and delineate wetlands and waters in the Study Area using routine delineation methodology. The Study Area was evaluated for the presence of wetlands and natural drainages, and the delineation was conducted in accordance with methods described in the *1987 Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987) and the most recent version of the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008).

One wetland and one abandoned ditch were identified and delineated within the Study Area. One 0.29-acre freshwater emergent wetland habitat borders a non-wetland forested habitat. Because the wetland is artificially fed outlet pipes and seepages and isolated from natural water features, it would not be a water of the U.S. (WOTUS) and therefore not under the jurisdiction of the U.S. Army Corps of Engineers (USACE); however, the wetland would be under the regulatory authority of the Washington Department of Ecology (WDOE).

The wetland delineation report should be submitted to WDOE. Impacts to the wetland would require submitting a request to WDOE for an Administrative Order to comply with Chapter 90.48 RCW of the state Water Pollution Control Act. It should be noted that the final authority regarding jurisdictional determination and wetland delineations rests with the appropriate regulatory agencies.

1 Introduction

Washington State University (WSU) is proposing to sell property parcel #126082000001003 to the City of Richland and authorized the wetland delineation to facilitate the transfer of ownership (herein referred to as "Project"). The Study Area includes the property parcel and is located at 2605 George Washington Way in Richland, Benton County, Washington (Figures 1 and 2). The Study Area encompasses approximately 19.6 acres and occurs in Section 26 of Township 10 N, Range 28 East of the Willamette Meridian. It is located within the Richland U.S. Geological Survey (USGS) 7.5-minute quadrangle.

This report includes the results of a delineation of wetlands and waters that J-U-B Engineers, Inc. (J-U-B) conducted in the Study Area. The delineation and report completed for the Project included:

- Documenting existing site conditions;
- Determining the presence of wetlands and waters that occur in the Study Area using standardized diagnostic criteria; and,
- Delineating wetland and ordinary high water mark (OHWM) boundaries for features that may be under the jurisdictional authority of the United States Army Corps of Engineers (USACE).

Tasks that were completed included:

- Reviewing previous environmental reports, topographic maps, and aerial photography;
- Reviewing National Wetlands Inventory (NWI) data and maps, National Hydrography Dataset (NHD) and topographic maps, and published soil survey data and maps;
- Conducting a field survey of the Study Area to locate and map all potential wetlands;
- Documenting soil conditions, hydrological conditions, and plant community composition of potential wetlands in accordance with the *1987 Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008), and using the *National Wetland Plant List: 2018 Wetland Ratings* to determine plants' wetland indicator classification (USACE 2018).
- Determining boundaries of potential waters of the U.S. at the OHWM using the *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008).

This report summarizes the distribution of wetland and water features that were found in the Study Area. It follows the *Components of a Complete Wetland Delineation Report* outlined by the USACE Seattle District (USACE 2011).

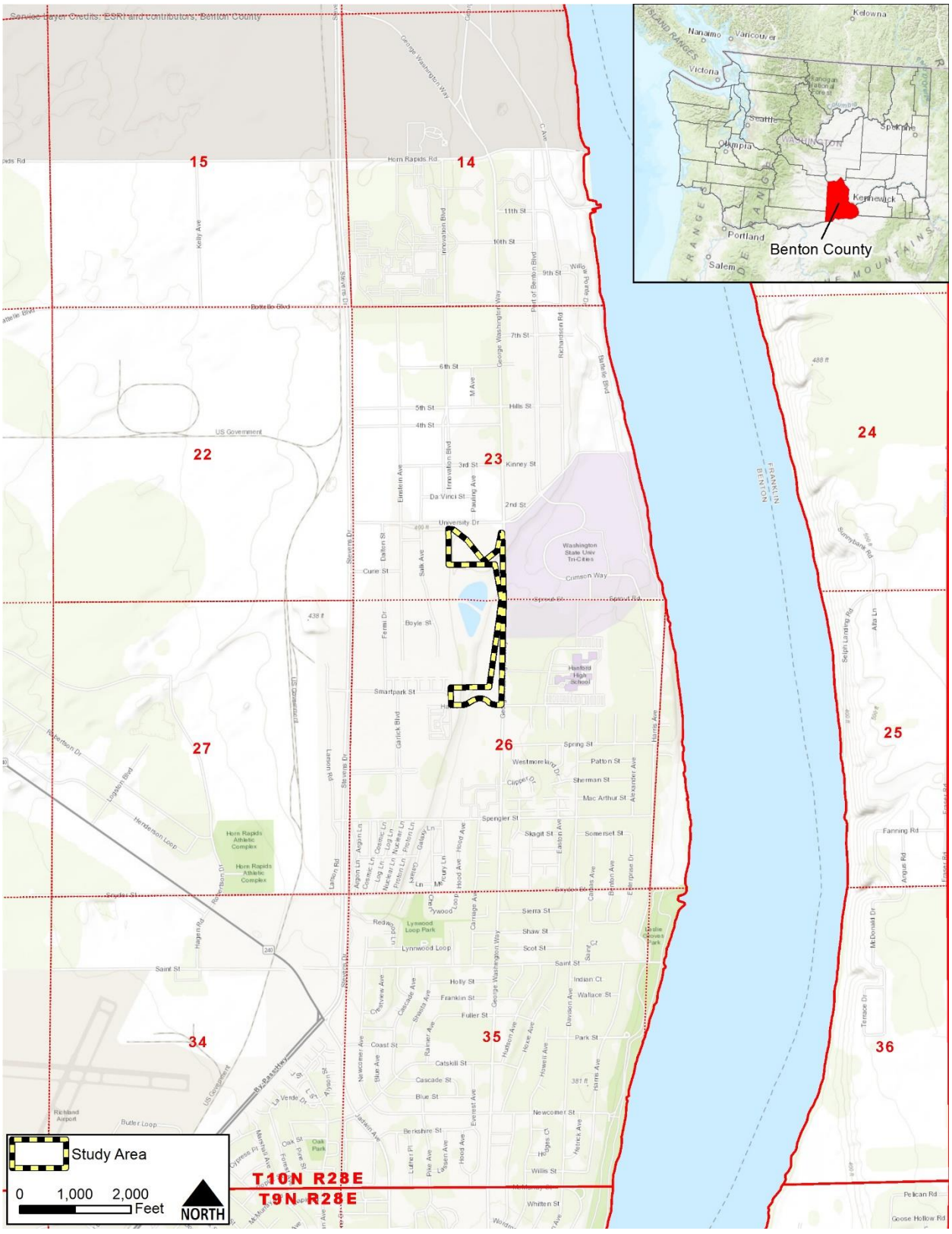

Figure 1: Vicinity Map

Figure 2: Study Area

2 Methods

A literature review and database search were conducted prior to performing field investigations. The NWI (USFWS 2021) was searched for known and estimated occurrences of wetlands, and USGS 7.5-minute topographic maps and the NHD were evaluated for the presence of known natural drainage features and other potential waters occurring in and near the Study Area (USGS 2021). Aerial imagery was reviewed to identify differences in vegetative cover, slope, and general terrain that can be indicative of the presence of waters (ArcGIS Online 2021; Google Earth 2021). Weather and precipitation data were obtained from the Western Regional Climate Center (WRCC 2021) and soils data were obtained from the Web Soil Survey (USDA-NRCS 2021a).

Tyler Schade, a Spokane County Qualified Wetland Specialist, conducted a field investigation on March 31, 2021, to identify and delineate wetlands and waters in the Study Area using routine delineation methodology. The delineation was conducted in a manner to ensure visual coverage of most of the Study Area. The Atkins Engineering Laboratory building and surrounding area, and the detention basins west of the property, are fenced off, restricting access. Binoculars were used to scan the area, but no pedestrian access was possible. The Study Area was evaluated for the presence of wetlands and natural drainages, and the delineation was conducted in accordance with methods described in the *1987 Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987) and the most recent version of the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West (Version 2.0)* (USACE 2008). The Study Area was inspected for wetland indicators such as hydric soils, hydrophytic vegetation, and hydrology. When potential wetland conditions were identified, paired sample points were located on the wetland and upland sides of each feature boundary to obtain information describing both wetland and upland conditions. At each sample point, the presence or absence of hydrologic indicators was noted, soils were characterized, and vegetation was analyzed following standard procedures. These data were recorded in USACE Arid West Wetland Determination Data Forms (Appendix A).

Sample points and wetland boundaries were mapped with an EOS Arrow 100 Geographic Positioning System (GPS) unit to collect sub-meter accurate data points. Representative photographs of delineated waters were recorded (Appendix B). Delineation maps were produced by overlaying the survey GPS data with recent color aerial imagery (ArcGIS Online 2021).

2.1 Hydrophytic Vegetation

Hydrophytic plants are those adapted to wet conditions. Dominant plant species were identified in accordance with the USACE 50/20 Rule. The *2018 National Wetland Plant List* was used to determine the wetland indicator classification of plant species identified at the sampling points and throughout the Study Area (USACE 2018). As necessary, plant species were identified using *Weeds of the West* (Whitson et al. 2012), *Wetland Plants of Oregon and Washington* (Guard 2010) and descriptions from the U.S. Department of Agriculture-Natural Resources Conservation Service Plants Database (USDA-NRCS; USDA-NRCS 2021b).

2.2 Wetland Hydrology

Analysis of wetland hydrology examines the presence, behavior, and indicators of water movement in wetlands. The *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* separates wetland hydrologic indicators into four groups (USACE 2008):

- Group A: direct observation of surface water or groundwater
- Group B: evidence the area is subject to flooding or ponding
- Group C: evidence the soil is, or was recently, saturated
- Group D: vegetation and soil features that indicate recent (rather than historical) wet conditions

Within each group, indicators are divided into primary or secondary. In the absence of a primary indicator, two secondary indicators must be identified. These categories were used when determining if hydrologic indicators were present.

2.3 Hydric Soils

The NRCS defines hydric soils as those that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile (above 12- to 20-inch depth, depending on soil texture) (NRCS 2010). Soil samples were excavated, and soils were inspected to characterize soil profiles at each sample plot, when possible. Soil horizonation, texture, moisture content, depth to saturation, and/or standing water was noted for each soil pit. The presence or absence of organic matter, redoximorphic features, depleted matrices, and other diagnostic characteristics were noted, as appropriate. Soil colors were determined using Munsell soil-color charts (*sensu* Munsell 2009).

2.4 Ordinary High Water Mark

Linear water features were assessed using methodologies and diagnostic characteristics presented in *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008b). The OHWM is delineated by identifying a variety of physical characteristics (Table 1).

Table 1. Physical Characteristics of Ordinary High Water Mark (USACE 2005)

Natural line impressed on the bank	Sediment sorting
Shelving	Leaf litter disturbed or washed away
Changes in the character of soil	Scour
Destruction of terrestrial vegetation	Deposition
Presence of litter and debris	Multiple observed flow events
Wracking	Bed and bank
Vegetation matted down, bent, or absent	Water staining
	Changes in plant community

There is no required number of physical characteristics that must be present to make an OHWM determination, but it is generally good practice to identify two or more characteristics unless there is strong evidence of just one.

3 Existing Conditions

3.1 Topography and Land Use

The elevation in the Study Area ranges from approximately 360 feet to 410 feet above mean sea level with various topographic hills and undulations throughout the area.

The Study Area occurs in an undeveloped area with detention ponds and industrial development to the west. Additional undisturbed land and lagoons occurs south of the Study Area, and high-density residential buildings, buffered by undisturbed land, occur north of the Study Area. Existing infrastructure in the Study Area includes a pipe and grate on the south side, from which water was flowing, a fence on the west side around the detention ponds, a small access road in the middle of the property, and the WSU Atkins Engineering Laboratory building on the north side of the property. Plant communities included ruderal vegetation, grasses, rubber rabbitbrush (*Ericameria nauseosa*), and wetland vegetation near the southern portion of the property.

3.2 Climate

Climatic data was obtained from the WRCC Cooperative Observer Program ID: 457015, located in Richland, Washington. On average, temperatures at this station range from an average minimum of 26.4° Fahrenheit (F) in January to an average maximum of 90.5° F in July (WRCC 2021). The average annual precipitation is 7.15 inches, with rain occurring throughout the year, but most of the precipitation occurs between November and March (WRCC 2020). The average annual snowfall is 7.1 inches and mostly occurs between December and February (WRCC 2021).

The NRCS WETS table for Richland, indicated that the “normal” (70%) growing season for 28° F (surface temperature) occurs between March 15 and November 10 (NRCS-USDA 2021c). The high temperature for the day was 64°F, which is higher than the normal of 62°F; the average month to date temperature was also 1.1°F higher than the normal (NRCS-USDA 2021c).

3.3 Floodplains

No flood zone designation occurs in the Study Area. The nearest designated flood zone area is approximately 2,800 feet east in association with the Columbia River (FIRM Panel 5355330010E). See Appendix D for FIRM panel.

3.4 Soils

Four soil types occur in the Study Area (Figure 3; Table 2). Burbank loamy fine sand, gravelly substratum is the predominant soil type in the Study Area (47.7%). Burbank fine sandy loam (non-gravelly substratum) is the second most predominant soil type in the Study Area (23.4%). None

of the soil types were reported as being hydric (NRCS-USDA 2021a). The soil descriptions below are taken from the Official Soil Series Descriptions (NRCS-USDA 2021d).

Table 2: Soil Types and Amount in Study Area

Soil Type	Acres in Study Area	Percent of Soil Area
Burbank loamy fine sand	4.6	23.4
Burbank loamy fine sand, gravelly substratum	9.3	47.7
Finley fine sandy loam	3.4	17.2
Quincy loam	2.3	11.7
Total	19.6	100

Burbank soil series: This soil series consists of very deep, excessively drained soils with very slow to medium runoff and rapid permeability. Burbank soils formed in basaltic glacial outwash (gravelly and cobbly) or alluvium and typically occur on terraces and terrace escarpments.

Finley soil series: This soil series consists of very deep, well drained soils with high saturated hydraulic conductivity. Finley soils formed in alluvial fans and outwash terraces, and typically occur in valleys.

Quincy soil series: This soil series consists of very deep, excessively drained soils with very slow to moderate runoff and rapid to very rapid permeability. Quincy soils formed in sands on dunes and terraces and typically occur on uplands, fan piedmonts and terraces.

3.5 USGS Topographic Drainages and National Wetlands Inventory

The NHD and topographic map depict two unnamed “blue-line” features crossing through the Study Area (Figure 4). The blue-line feature running in a north-south trajectory (BL1) crosses on the southwestern portion of the Study Area, continues north (branching off to the detention ponds), and travels into the northwestern portion of the Study Area where it joins with another blue-line feature that runs in an east-west trajectory (BL2). BL1 originates approximately 2,070 feet south of the Study Area near residential properties. BL2 extends far off site meandering through developed land and agricultural fields and appears to terminate near the north boundary of the Study Area. BL1 was field-confirmed as present in a small portion where indicated by the NHD. BL2 was not confirmed, but access to much of the feature’s location was limited due to the Atkins building and surrounding area being fenced off, so the feature may still occur.

The NWI database shows two features in the Study Area, both classified as riverine features (R5UBH; Figure 4). R5UBH riverine wetlands are riverine (typically habitats within a channel),

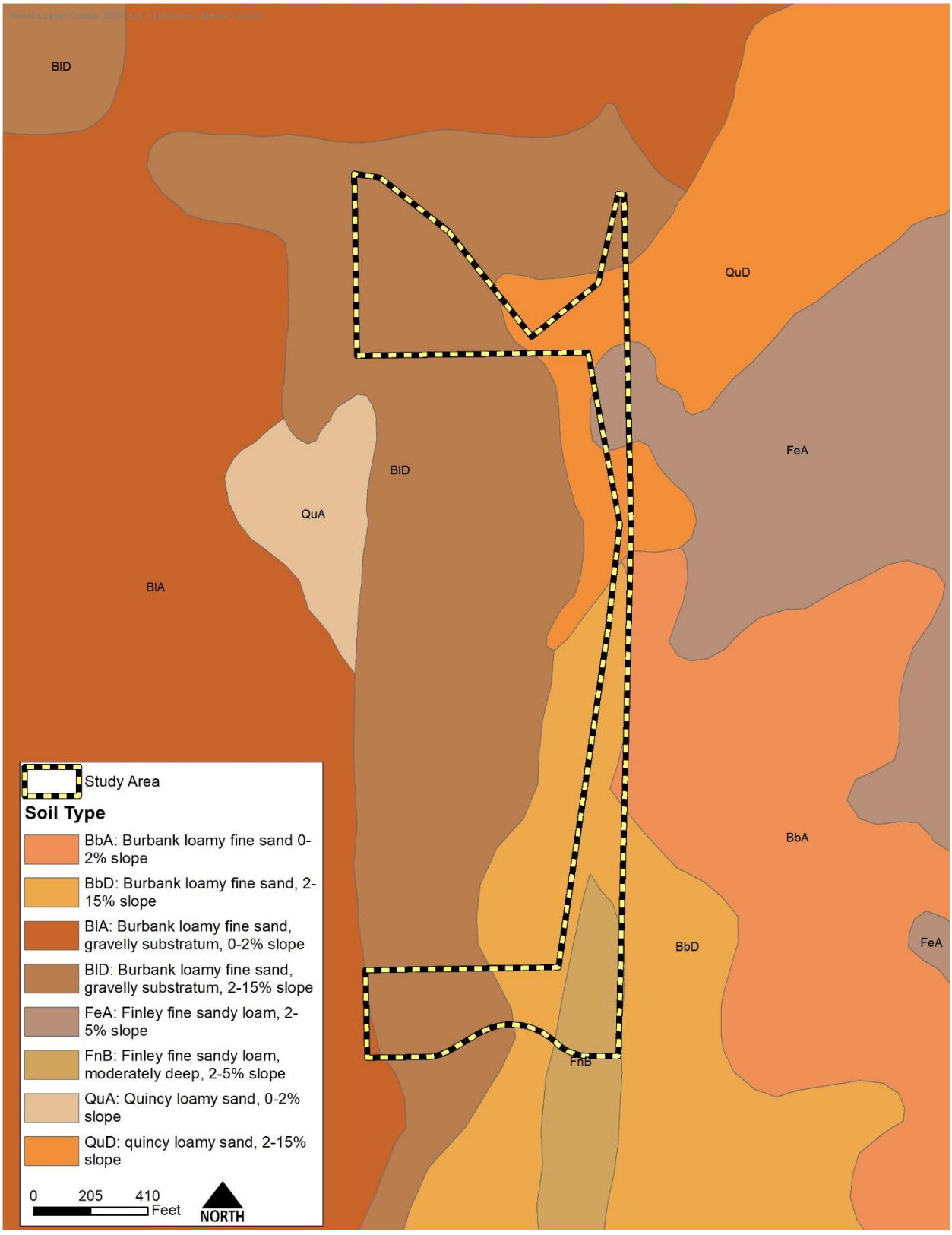

Figure 3: Soil Map

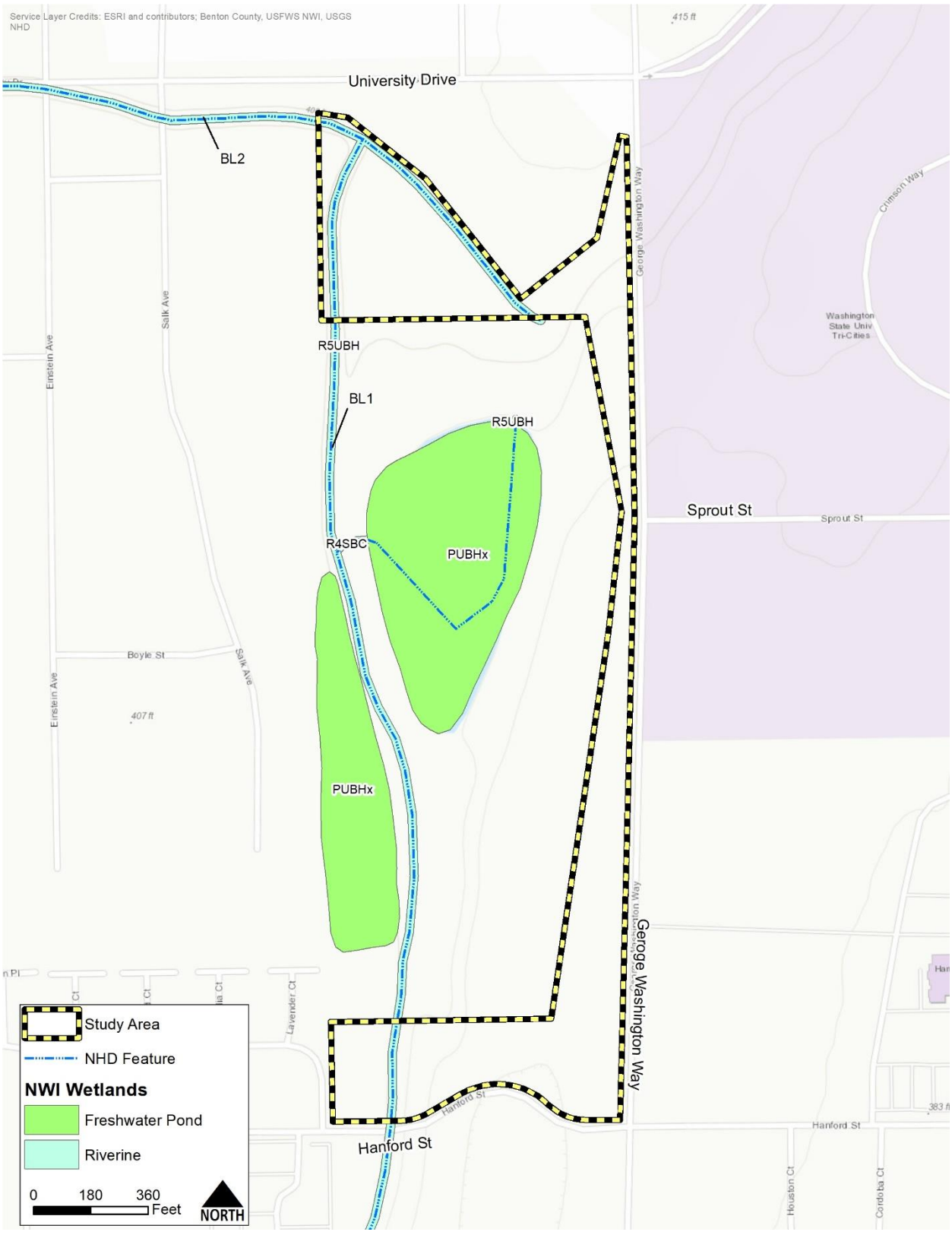

Figure 4: National Wetland Inventory and National Hydrography Dataset Map

unknown perennial, unconsolidated bottom (>25% cover of particles smaller than stones and <30% vegetative cover), and permanently flooded. Two freshwater ponds classified as PUBHx, palustrine, unconsolidated bottom, permanently flooded, and excavated occur less than 250 feet from the Study Area boundary. The NWI riverine features roughly match the NHD features, BL1 and BL2. The freshwater ponds located west of the Study Area were visually confirmed as present via binocular scanning. The delineated wetland in the Study Area, however, does not occur on the NWI map.

4 Aquatic Resources

4.1 Type and Condition of Aquatic Resources

One wetland (Wetland 1) and one ditch (Ditch 1) were mapped in the Study Area (Figure 5, Table 3). Wetland 1 is a freshwater emergent (PEM1A) wetland (Cowardin et al. 1979). In general, palustrine wetlands include all non-tidal wetlands (freshwater) dominated by trees, shrubs, and persistent emergent species. The emergent wetland location in the Study Area is dominated by herbaceous vegetation communities and has a temporary flooded water regime. The adjoining forested area was also flooded and was dominated by quaking aspen (*Populus tremuloides*), a facultative upland species, with reed canarygrass (*Phalaris arundinacea*) also occurring in a limited capacity. Aerial imagery dating back to 2004 (imagery beyond this is unreliable/low resolution) does not indicate that this area routinely floods.

Collectively, 0.29 acres of wetlands were delineated within the Study Area (Table 3; Figure 5). The wetland primarily receives water from an outlet pipe originating from the ponds south of the Study Area but may also receive seepage water from nearby detention ponds. Though no outlet pipe was visible on the property, possibly due to overgrowth, flowing water, or even being buried, an outlet pipe is shown in design plans as feeding into the wetland area. Water was coming up through the grate, which suggests the outlet pipe is currently buried to some degree. Wetland 1 encompasses 0.29 acres and consists primarily of cattail (*Typha latifolia*) and bulrush (*Schoenoplectus* sp.). The southern and western portions of the wetland were inundated at the time of the survey. This wetland extends northward, and a small portion occurs west of the Study Area.

Ditch 1 is approximately 235 feet long by five feet wide, encompassing 0.03 acres within the OHWM. It occurs on the western portion of the Study Area on a raised berm. This ditch abruptly ends on the north side and abruptly ends on the south side due to presence of Hanford Street. The ditch continues its path south of Hanford Street on another property. This ditch was dry at the time of survey and does not appear to be in use.

Figure 5: Delineated Wetlands and Waters

Table 3: Wetlands and Waters in the Study Area

Feature ID	Acreage	Length (ft)	Classification	Jurisdictional	In NWI	Coordinates (midpoint)
Wetland 1	0.286	NA	PEM1A	State	No	46.324681, -119.273714
Total Wetlands	**0.29 ac**					
Ditch 1	0.03	235	Ephemeral	State	NA	46.324436, -119.275735
Total Ditches	**0.03 ac**	**235 feet**				
Total All Waters	**0.32 ac**	**235 feet**				

Because Wetland 1 is artificially fed by outlet pipes and seepages, it has no connection to any natural drainages or tributaries to waters of the U.S. (WOTUS), and therefore it would not be considered a WOTUS. The wetland would, however, be under the regulatory authority of WDOE. Per WDOE guidance, though Wetland 1 is artificially fed, it would not be regulated as an "artificial" wetland but as waters of the state subject to state water quality law. To be deemed "artificial," WDOE indicates the wetland must a) be intentionally created and b) be in a formerly upland area. Given that Wetland 1 was not intentionally created, it does not meet condition "a."

4.2 Wetland Hydrology

The primary hydrologic indicators observed in the field included surface water (A1) and saturation (A3). Hydrology sources for the wetland features include flow from the outlet pipe and seepage from the detention ponds. Water was actively flowing out of the grate from the outlet pipe, flooding most of the wetland area. Hydrologic data collected at the sampling points are provided in Appendix A.

4.3 Hydric Soil

The hydric soil indicator observed in the field was hydrogen sulfide odor (A4). Indicator A4 has soils with a hydrogen sulfide (rotten egg) odor within 12 inches of the soil surface, and it is often found in areas that are permanently saturated or inundated due to sulfur reduction (USACE 2008b). Hydric soil data collected at the sampling points are provided in Appendix A.

4.4 Hydrophytic Vegetation

Three vegetation communities occur in the Study Area: wetland, riparian forest, and rabbitbrush shrubland. Ruderal vegetation also occurs in the Study Area. Wetland vegetation primarily included cattail, bulrush, and narrowleaf willow (*Salix exigua*). Rabbitbrush shrubland primarily included rubber rabbitbrush with cheatgrass (*Bromus tectorum*) and red-stem filaree (*Erodium cicutarium*) interspersed throughout. A small amount of big sagebrush (*Artemisia tridentata*) was

also identified in the area. The riparian forest consisted of quaking aspen trees. Plant species identified during the survey are listed in **Error! Reference source not found.**4.

Table 4: Plant Species Recorded within the Study Area

Scientific Name	Common Name	Indicator Status
Achillea millefolium	common yarrow	FACU
Agropyron cristatum	crested wheatgrass	UPL
Artemisia tridentata	big sagebrush	UPL
Bromus tectorum	cheatgrass	UPL
Centaurea diffusa	diffuse knapweed	UPL
Descurainia pinnata	western tansymustard	UPL
Ericameria nauseosa	rubber rabbitbrush	UPL
Erigeron canadensis	Canada horseweed	UPL
Erodium cicutarium	redstem filaree	UPL
Lactuca serriola	prickly lettuce	FACU
Lithospermum ruderale	Columbia puccoon	UPL
Phalaris arundinacea	reed canarygrass	FACW
Populus tremuloides	quaking aspen	FACU
Rumex crispus	curly dock	FAC
Salix exigua	coyote willow	FACW
Salsola kali	Russian thistle	UPL
Schoenoplectus sp.	bulrush	OBL*
Sisymbrium altissimum	tall-hedge mustard	FACU
Ulmus pumila	Siberian elm	UPL
Verbascum thapsus	common mullein	FACU

*Note. This species is likely *S. americanus*, but lack of flowering parts makes identification uncertain

5 Conclusions

One wetland (Wetland 1) and one ditch (Ditch 1) were identified within the Study Area (see Figure 5). The wetland is a freshwater emergent wetland that encompasses approximately 0.29 acres within the Study Area. This wetland may extend beyond the Study Area, but this area was not visited or mapped due to lack of access past a high fence. Because Wetland 1 has no connection to a WOTUS, it is not considered a WOTUS. However, Wetland 1 is under the regulatory authority of the WDOE. The ditch encompasses 0.03 acres within the OHWM and appears to be abandoned.

Although this report assessed that the identified waters are not WOTUS, a Joint Aquatic Resources Permit Application (JARPA) would assist in obtaining the necessary state authorizations/permits for any anticipated impacts to the identified features, such as a Section 401 permit from WDOE (Water Quality Certification), an Aquatic Use Authorization from Washington Department of Natural Resources, or shoreline permits from the City. It should be noted that the final authority regarding jurisdictional determination and wetland delineations rests with the appropriate regulatory agencies.

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Appendix A: Wetland Data Forms

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: U1

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3245328 | Long: -119.2740800 | Datum: NAD 1983

Soil Map Unit Name: Burbank loamy fine sand | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ( )	No (●)	
Hydric Soil Present?	Yes ( )	No (●)	**Is the Sampled Area within a Wetland?** Yes ( ) No (●)
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	%		
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	%		
Herb Stratum			
1. *Bromus tectorum*	90	No	UPL
2. *Salsola kali*	10	No	UPL
3.			
4.			
5.			
6.			
7.			
8.			
Total Cover:	100%		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum ____ % | % Cover of Biotic Crust ____ %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 0 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	0
FACW species		x 2 =	0
FAC species		x 3 =	0
FACU species		x 4 =	0
UPL species	100	x 5 =	500
Column Totals:	100 (A)		500 (B)

Prevalence Index = B/A = 5

Hydrophytic Vegetation Indicators:

- [ ] Dominance Test is >50%
- [ ] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ( ) No (●)

Remarks:

SOIL

Sampling Point: U1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture[3]	Remarks
0-13	10 YR 3/3	95	7.5 YR 4/6	5	C	M	loamy sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (**LRR C**)
- ☐ 1 cm Muck (A9) (**LRR D**)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[4]:

- ☐ 1 cm Muck (A9) (**LRR C**)
- ☐ 2 cm Muck (A10) (**LRR B**)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ○ No ◉

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☒ Saturation (A3)
- ☐ Water Marks (B1) (**Nonriverine**)
- ☐ Sediment Deposits (B2) (**Nonriverine**)
- ☐ Drift Deposits (B3) (**Nonriverine**)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Salt Crust (B11)
- ☐ Biotic Crust (B12)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Plowed Soils (C6)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water Marks (B1) (**Riverine**)
- ☐ Sediment Deposits (B2) (**Riverine**)
- ☐ Drift Deposits (B3) (**Riverine**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Thin Muck Surface (C7)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ○ No ◉ Depth (inches):

Water Table Present? Yes ○ No ◉ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ◉ No ○ Depth (inches): 2

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: U2

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3245328 | Long: -119.2740800 | Datum: NAD 1983

Soil Map Unit Name: Finley fine sandy loam | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ( )	No (●)	
Hydric Soil Present?	Yes ( )	No (●)	**Is the Sampled Area within a Wetland?** Yes ( ) No (●)
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	%		
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	%		
Herb Stratum			
1. *Bromus tectorum*	50	Yes	UPL
2. *Centaurea diffusa*	30	Yes	UPL
3. *Verbascum thapsus*	10		FACU
4. *Erigeron canadensis*	10		UPL
5.			
6.			
7.			
8.			
Total Cover:	100%		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum % | % Cover of Biotic Crust %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	0
FACW species		x 2 =	0
FAC species		x 3 =	0
FACU species	10	x 4 =	40
UPL species	90	x 5 =	450
Column Totals:	100 (A)		490 (B)

Prevalence Index = B/A = 4.9

Hydrophytic Vegetation Indicators:

- [ ] Dominance Test is >50%
- [ ] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ( ) No (●)

Remarks:

SOIL

Sampling Point: U2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture[3]	Remarks
0-13	10 YR 3/3	99	7.5 YR 4/6	1	C	M	sandy loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (**LRR C**)
- ☐ 1 cm Muck (A9) (**LRR D**)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[4]:

- ☐ 1 cm Muck (A9) (**LRR C**)
- ☐ 2 cm Muck (A10) (**LRR B**)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ○ No ◉

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☒ Saturation (A3)
- ☐ Water Marks (B1) (**Nonriverine**)
- ☐ Sediment Deposits (B2) (**Nonriverine**)
- ☐ Drift Deposits (B3) (**Nonriverine**)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Salt Crust (B11)
- ☐ Biotic Crust (B12)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Plowed Soils (C6)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water Marks (B1) (**Riverine**)
- ☐ Sediment Deposits (B2) (**Riverine**)
- ☐ Drift Deposits (B3) (**Riverine**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Thin Muck Surface (C7)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ○ No ◉ Depth (inches):

Water Table Present? Yes ○ No ◉ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ◉ No ○ Depth (inches): 3

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: U3

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3245328 | Long: -119.2740800 | Datum: NAD 1983

Soil Map Unit Name: Burbank loamy fine sand | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ( )	No (●)	
Hydric Soil Present?	Yes ( )	No (●)	**Is the Sampled Area within a Wetland?** Yes ( ) No (●)
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	%		
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	%		
Herb Stratum			
1. *Bromus tectorum*	85	Yes	UPL
2. *Erigeron canadensis*	10	No	UPL
3. *Verbascum thapsus*	1	No	FACU
4.			
5.			
6.			
7.			
8.			
Total Cover:	96 %		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum 4 % | % Cover of Biotic Crust %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	0
FACW species		x 2 =	0
FAC species		x 3 =	0
FACU species	1	x 4 =	4
UPL species	95	x 5 =	475
Column Totals:	96 (A)		479 (B)

Prevalence Index = B/A = 4.99

Hydrophytic Vegetation Indicators:

- [ ] Dominance Test is >50%
- [ ] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ( ) No (●)

Remarks:

SOIL

Sampling Point: U3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture[3]	Remarks
0-13	10 YR 3/3	95	7.5 YR 4/6	5	C	M	loamy sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (**LRR C**)
- ☐ 1 cm Muck (A9) (**LRR D**)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[4]:

- ☐ 1 cm Muck (A9) (**LRR C**)
- ☐ 2 cm Muck (A10) (**LRR B**)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ○ No ◉

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☒ Saturation (A3)
- ☐ Water Marks (B1) (**Nonriverine**)
- ☐ Sediment Deposits (B2) (**Nonriverine**)
- ☐ Drift Deposits (B3) (**Nonriverine**)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Salt Crust (B11)
- ☐ Biotic Crust (B12)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Plowed Soils (C6)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water Marks (B1) (**Riverine**)
- ☐ Sediment Deposits (B2) (**Riverine**)
- ☐ Drift Deposits (B3) (**Riverine**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Thin Muck Surface (C7)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ○ No ◉ Depth (inches):

Water Table Present? Yes ○ No ◉ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ◉ No ○ Depth (inches): 3

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: W1

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3244773 | Long: -119.2739001 | Datum: NAD 1983

Soil Map Unit Name: Burbank loamy fine sand 2-15% | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes (●)	No ( )	
Hydric Soil Present?	Yes (●)	No ( )	**Is the Sampled Area within a Wetland?** Yes (●) No ( )
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Ulmus pumilla*	10	Yes	UPL
2.			
3.			
4.			
	10 %		
Sapling/Shrub Stratum			
1. *Salix exigua*	30	Yes	FACW
2.			
3.			
4.			
5.			
Total Cover:	30 %		
Herb Stratum			
1. *Phalaris arundinaceae*	50	Yes	FACW
2.			
3.			
4.			
5.			
6.			
7.			
8.			
Total Cover:	50 %		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum 10 % | % Cover of Biotic Crust %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66.7 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	0
FACW species	80	x 2 =	160
FAC species		x 3 =	0
FACU species		x 4 =	0
UPL species	10	x 5 =	50
Column Totals:	90 (A)		210 (B)

Prevalence Index = B/A = 2.33

Hydrophytic Vegetation Indicators:

- [x] Dominance Test is >50%
- [x] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes (●) No ( )

Remarks: bare ground is surface water

SOIL

Sampling Point: W1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture[3]	Remarks
0-12	10 YR 3/2	100					loamy sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- [ ] Histosol (A1)
- [ ] Histic Epipedon (A2)
- [ ] Black Histic (A3)
- [x] Hydrogen Sulfide (A4)
- [ ] Stratified Layers (A5) (**LRR C**)
- [ ] 1 cm Muck (A9) (**LRR D**)
- [ ] Depleted Below Dark Surface (A11)
- [ ] Thick Dark Surface (A12)
- [ ] Sandy Mucky Mineral (S1)
- [ ] Sandy Gleyed Matrix (S4)
- [ ] Sandy Redox (S5)
- [ ] Stripped Matrix (S6)
- [ ] Loamy Mucky Mineral (F1)
- [ ] Loamy Gleyed Matrix (F2)
- [ ] Depleted Matrix (F3)
- [ ] Redox Dark Surface (F6)
- [ ] Depleted Dark Surface (F7)
- [ ] Redox Depressions (F8)
- [ ] Vernal Pools (F9)

Indicators for Problematic Hydric Soils[4]:

- [ ] 1 cm Muck (A9) (**LRR C**)
- [ ] 2 cm Muck (A10) (**LRR B**)
- [ ] Reduced Vertic (F18)
- [ ] Red Parent Material (TF2)
- [ ] Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes (•) No ( )

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- [x] Surface Water (A1)
- [ ] High Water Table (A2)
- [ ] Saturation (A3)
- [ ] Water Marks (B1) (**Nonriverine**)
- [ ] Sediment Deposits (B2) (**Nonriverine**)
- [ ] Drift Deposits (B3) (**Nonriverine**)
- [ ] Surface Soil Cracks (B6)
- [ ] Inundation Visible on Aerial Imagery (B7)
- [ ] Water-Stained Leaves (B9)
- [ ] Salt Crust (B11)
- [ ] Biotic Crust (B12)
- [ ] Aquatic Invertebrates (B13)
- [ ] Hydrogen Sulfide Odor (C1)
- [ ] Oxidized Rhizospheres along Living Roots (C3)
- [ ] Presence of Reduced Iron (C4)
- [ ] Recent Iron Reduction in Plowed Soils (C6)
- [ ] Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- [ ] Water Marks (B1) (**Riverine**)
- [ ] Sediment Deposits (B2) (**Riverine**)
- [ ] Drift Deposits (B3) (**Riverine**)
- [ ] Drainage Patterns (B10)
- [ ] Dry-Season Water Table (C2)
- [ ] Thin Muck Surface (C7)
- [ ] Crayfish Burrows (C8)
- [ ] Saturation Visible on Aerial Imagery (C9)
- [ ] Shallow Aquitard (D3)
- [ ] FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes (•) No ( ) Depth (inches): 1

Water Table Present? Yes ( ) No (•) Depth (inches):

Saturation Present? (includes capillary fringe) Yes (•) No ( ) Depth (inches): 1

Wetland Hydrology Present? Yes (•) No ( )

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: area flooded from overflow

US Army Corps of Engineers

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: WSU Parcel North | City/County: Richland/Benton | Sampling Date: 03/31/21

Applicant/Owner: WSU | State: WA | Sampling Point: W2

Investigator(s): Tyler Schade, Lexie Conley | Section, Township, Range: 26, 10N, 28E

Landform (hillslope, terrace, etc.): terrace | Local relief (concave, convex, none): concave | Slope (%): 1-5

Subregion (LRR): B - Columbia/Snake River Plateau | Lat: 46.3245549 | Long: -119.2736068 | Datum: NAD 1983

Soil Map Unit Name: Finley fine sandy loam | NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes (●) No ( ) (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are "Normal Circumstances" present? Yes (●) No ( )

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes (●)	No ( )	
Hydric Soil Present?	Yes (●)	No ( )	**Is the Sampled Area within a Wetland?** Yes (●) No ( )
Wetland Hydrology Present?	Yes (●)	No ( )	

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	%		
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:	%		
Herb Stratum			
1. *Phalaris arundinaceae*	10	No	FACW
2. *Schoenoplectus sp.*	70	Yes	OBL
3. *Rumex crispus*	10	No	FAC
4. *Lactuca serriola*	5	No	FACU
5.			
6.			
7.			
8.			
Total Cover:	95 %		
Woody Vine Stratum			
1.			
2.			
Total Cover:	%		

% Bare Ground in Herb Stratum 5 % | % Cover of Biotic Crust %

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 % (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	70	x 1 =	70
FACW species	10	x 2 =	20
FAC species	10	x 3 =	30
FACU species	5	x 4 =	20
UPL species		x 5 =	0
Column Totals:	95 (A)		140 (B)

Prevalence Index = B/A = 1.47

Hydrophytic Vegetation Indicators:

- [x] Dominance Test is >50%
- [x] Prevalence Index is ≤3.0[1]
- [ ] Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- [ ] Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes (●) No ( )

Remarks: bare ground is surface water

SOIL

Sampling Point: W2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture[3]	Remarks
0-12	10 YR 3/2	100					sandy loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
[3]Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- [ ] Histosol (A1)
- [ ] Histic Epipedon (A2)
- [ ] Black Histic (A3)
- [x] Hydrogen Sulfide (A4)
- [ ] Stratified Layers (A5) (**LRR C**)
- [ ] 1 cm Muck (A9) (**LRR D**)
- [ ] Depleted Below Dark Surface (A11)
- [ ] Thick Dark Surface (A12)
- [ ] Sandy Mucky Mineral (S1)
- [ ] Sandy Gleyed Matrix (S4)
- [ ] Sandy Redox (S5)
- [ ] Stripped Matrix (S6)
- [ ] Loamy Mucky Mineral (F1)
- [ ] Loamy Gleyed Matrix (F2)
- [ ] Depleted Matrix (F3)
- [ ] Redox Dark Surface (F6)
- [ ] Depleted Dark Surface (F7)
- [ ] Redox Depressions (F8)
- [ ] Vernal Pools (F9)

Indicators for Problematic Hydric Soils[4]:

- [ ] 1 cm Muck (A9) (**LRR C**)
- [ ] 2 cm Muck (A10) (**LRR B**)
- [ ] Reduced Vertic (F18)
- [ ] Red Parent Material (TF2)
- [ ] Other (Explain in Remarks)

[4]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes (•) No ( )

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- [x] Surface Water (A1)
- [ ] High Water Table (A2)
- [ ] Saturation (A3)
- [ ] Water Marks (B1) (**Nonriverine**)
- [ ] Sediment Deposits (B2) (**Nonriverine**)
- [ ] Drift Deposits (B3) (**Nonriverine**)
- [ ] Surface Soil Cracks (B6)
- [ ] Inundation Visible on Aerial Imagery (B7)
- [ ] Water-Stained Leaves (B9)
- [ ] Salt Crust (B11)
- [ ] Biotic Crust (B12)
- [ ] Aquatic Invertebrates (B13)
- [ ] Hydrogen Sulfide Odor (C1)
- [ ] Oxidized Rhizospheres along Living Roots (C3)
- [ ] Presence of Reduced Iron (C4)
- [ ] Recent Iron Reduction in Plowed Soils (C6)
- [ ] Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- [ ] Water Marks (B1) (**Riverine**)
- [ ] Sediment Deposits (B2) (**Riverine**)
- [ ] Drift Deposits (B3) (**Riverine**)
- [ ] Drainage Patterns (B10)
- [ ] Dry-Season Water Table (C2)
- [ ] Thin Muck Surface (C7)
- [ ] Crayfish Burrows (C8)
- [ ] Saturation Visible on Aerial Imagery (C9)
- [ ] Shallow Aquitard (D3)
- [ ] FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes (•)	No ( )	Depth (inches):	1
Water Table Present?	Yes ( )	No (•)	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes (•)	No ( )	Depth (inches):	1

Wetland Hydrology Present? Yes (•) No ( )

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: area flooded from overflow

Appendix B: Photographs

Photograph 1: Northwest view of wetland area with aspen trees in background.

Photograph 2: Southwest view of northern extent of Wetland 1.

Photograph 3: North view of eastern boundary of Wetland 1.

Photograph 4: Southeast view of Wetland 1 at southern end of Study Area with flooded area.

Photograph 5: Southeast view of Study Area from eastern-central portion.

Photograph 6: West view of WSU Atkins Engineering Laboratory building and area.

Photograph 7: East view of water flowing out of grate on southern end of Study Area.

Photograph 8: North view of Ditch 1 on western portion of Study Area.

Photograph 9: Northeast view of general site area from berm at Ditch 1. Note the empty detention pond in foreground left of photo.

Exhibit 4

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
(509) 942-7794
(509) 942-7764

Comprehensive Plan Amendment Application

☐ Comprehensive Plan Land Use Map ☒ Text of Comprehensive Plan

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☒ Contact Person
Owner: Washington State University	
Address: 2710 Crimson Way, Richland, WA 99354	
Phone: 509-372-7481	Email: damien.sinnott@wsu.edu

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company: Design West Architects	UBI#:
Contact: Ned Warnick	
Address: 830 N. Columbia Center Blvd.; Kennewick, WA 99336	
Phone: 509-332-3113	Email: nwarnick@designwestpa.com

PROPERTY INFORMATION	
Legal Description: Reference below & attached document. 359 University Dr. – parcel # 123084000004000 2700 Crimson Way – parcel # 123084000002000 2940 George WA Way – parcel # 123084000003000	
Parcel Number: triangle riverfront parcel – parcel # 124081000000000	
Current Zoning: PPF	Current Land Use Designation: Public Facility

APPLICATION REQUIREMENTS – Submit as required or attach written statements explaining the following:

1. Completed application and filing fee;
2. The purpose of the proposed amendment;
3. Describe how the amendment is consistent with Washington State Growth Management Act-RCW 36.70A (the goals of the Act are listed in 36.70A.020);
4. How the amendment is consistent with the adopted countywide planning polices;
5. How the amendment furthers the purpose of the City's comprehensive plan;
6. How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;
7. If applicable, how the project will meet concurrency requirements for transportation;
8. As necessary, supplemental environmental review and/or critical areas review, as determined
9. **Comprehensive Plan TEXT AMENDMENT applications must also include:**
   a. The proposed element, chapter, section and page number of the comp. plan to be amended;
   b. The proposed text change, with new text underlined and deleted text crossed out;
10. **Comprehensive Plan MAP AMENDMENT applications must also include:**
    a. The current land use map designation for the subject parcel(s);
    b. The land use map designation requested;
    c. A complete legal description describing the combined area of the subject parcel(s);
    d. A vicinity map showing:
       i. All land use designations within 300 feet of the subject parcel(s);
       ii. All parcels within 300 feet of the subject parcel and all existing uses of those parcels;
       iii. All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads;
       iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;

Only text amendment would be to add new zone designation of WSU University zone

No need for map amendment, this would remain public facility, as this would be overarching category that WSU zoning would fall under.

v. The location of existing utilities serving the subject parcels, including electrical, water, and sewer;
vi. The location and uses of existing structures located on the subject parcel(s);

e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 feet (1:200);
f. The current official zoning map designation for the subject parcel(s);
g. A detailed plan which indicates any proposed improvements to:
   i. Paved streets;
   ii. Storm drainage control and detention facilities;
   iii. Public water supply;
   iv. Public sanitary sewers;
   v. Circulation and traffic patterns for the development and the surrounding neighborhoods;
h. A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from, and after, the comprehensive plan amendment;
i. A description of any associated development proposals. Development proposals shall not be processed concurrently with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact(s) of the proposed development.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Damien Sinnott

Applicant Signature: Damien Sinnott Date 02/21/23

WSU Tri-Cities Campus

Rezone Parcels Description

Street Address: 359 UNIVERSITY DR

Parcel #123084000004000

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 23; TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF A PARCEL AS DEPICTED ON RECORD SURVEY NO. 1-1199 RECORDS OF ABOVE SAID COUNTY THENCE NORTH 89¦ 58' 01" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL 1330.68 FEET TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 52¦ 27' 32" WEST CONTINUING ALONG SAID NORTHERLY LINE 239.20 FEET TO THE SOUTHWEST CORNER OF THE WASHINGTON STATE UNIVERSITY PARCEL AS DESCRIBED IN AF#9337620, RECORDS OF SAID COUNTY AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 00¦ 51' 02" WEST ALONG THE WESTERLY LINE OF SAID WASHINGTON STATE UNIVERSITY PARCEL 324.27 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FIRST STREET; THENCE SOUTH 44¦ 06' 47" WEST ALONG SAID SOUTHERLY LINE 559.92 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT THE RADIUS POINT WHICH BEARS NORTH 45¦ 53' 13" WEST 200.00 FEET; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 45¦ 02' 48" AN ARC LENGTH OF 157.24 FEET; THENCE SOUTH 89¦ 09' 55" WEST ALONG SAID LINE 58.29 FEET; THENCE SOUTH 01¦ 24' 41" EAST 12.15 FEET; THENCE SOUTH 43¦ 35' 19" WEST 39.60 FEET; TO THE EASTERLY RIGHT OF WAY LINE OF GEORGE WASHINGTON WAY; THENCE SOUTH 01¦ 24' 41" EAST ALONG SAID LINE 134.93 FEET TO THE SOUTHERLY LINE OF THE PORT OF BENTON PROPERTY THENCE SOUTH 81¦ 15' 37" EAST ALONG SAID LINE 174.65 FEET TO AN ANGLE POINT IN SAID LINE; THENCE NORTH 52¦ 27' 32" EAST ALONG SAID LINE 560.67 FEET TO THE SAID TRUE POINT OF BEGINNING. TOGETHER WITH AND SUBJECT TO EASEMENTS, COVENANTS, RESERVATIONS, RIGHT OF WAYS, AND RESTRICTIONS OF RECORD. (BOUNDARY LINE ADJUSTMENT PER QCD, AF#2010-025330, 9/03/2010, SEE SURVEY #4127).

Street Address: 2700 Crimson Way

Parcel # 123084000002000

A PARCEL OF LAND IN GOVERNMENT LOTS 3 AND 4 AND IN THE WEST 1/2 OF THE SOUTHEAST OF SECTION 23, TOWNSHIP 10, RANGE 28 DEFINED AS FOLLOWS: THE PORTION OF SECTION 23 LYING WITHIN SAID DESCRIPTION: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23, THENCE NORTH 89¦ 38' 05' EAST A DISTANCE OF 28.78 FEET. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 27.41 FEET TO A POINT, WHICH POINT IS MARKED BY UNITED STATES CORPS OF ENGINEERS' BRONZE MARKER 'CH-25, 1955'. AND WHICH POINT ALSO IS THE TRUE POINT OF BEGINNING. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 896.98 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-24, 1955'. THENCE NORTH 30¦ 32' 06'

EAST A DISTANCE OF 273.04 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-23, 1955'. THENCE NORTH 52¦ 25' 34' EAST A DISTANCE OF 304.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'A'. THENCE CONTINUING NORTH 52¦ 25' 34' EAST A DISTANCE OF 496.00 FEET TO A POINT (SAID POINT BEING LOCATED BY REFERENCE TO THE WASHINGTON STATE COORDINATE SYSTEM, SOUTH ZONE, AT COORDINATES NORTH 367,270.56, AND EAST 2,311,208.80). THENCE EAST 1331.20 FEET TO A POINT (SAID POINT BEING LOCATED AT COORDINATES NORTH 367,270.56, AND EAST 2,312,540.00 ON SAID WASHINGTON STATE COORDINATE SYSTEM). THENCE SOUTH 22¦ 36' 23' EAST 944.05 FEET. THENCE SOUTH 17¦ 47' 03' EAST 764.90 FEET TO A POINT AT COORDINATES NORTH 365,670.70, AND EAST 2,313,136.51. THENCE NORTH 89¦ 38' 05' EAST 3.58 FEET. THENCE SOUTH 11¦ 29' 06' EAST 1.97 FEET THENCE SOUTH 89¦ 37' 40' WEST 39.13 FEET TO UNITED STATES CORPS OF ENGINEERS MARKER 'CH-28, 1955'. THENCE SOUTH 89¦ 37' 22' WEST A DISTANCE OF 1372.73 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-27, 1955'. THENCE SOUTH 89¦ 37' 10' WEST A DISTANCE OF 1079.57 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-26, 1955'. THENCE SOUTH 89¦ 36' 49' WEST 231.36 FEET TO THE POINT OF BEGINNING. LESS PORTION DEFINED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 23 HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 365,623.18, EAST 2,310,388.41. THENCE NORTH 46¦ 45' 39' EAST A DISTANCE OF 42.83 FEET TO CAMP HANFORD MONUMENT 'CH-25, 1955' HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 365,650.77, EAST 2,310,417.75 WHICH IS THE TRUE POINT OF BEGINNING, THENCE NORTH 89¦ 36' 50' EAST A DISTANCE OF 30.66 FEET. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 896.98 FEET. THENCE SOUTH 89¦ 36' 50' WEST A DISTANCE OF 30.66 FEET TO CAMP HANFORD MONUMENT 'CH-24, 1955' HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 366,547.56, EAST 2,310,436.03. THENCE SOUTH 01¦ 10' 04' WEST 896.98 FEET TO THE TRUE POINT OF BEGINNING ALL WITHIN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD 1-12-66. TOGETHER WITH EASEMENTS 9-2-71. RELINQUISHMENT OF EASEMENTS 4-19-69.

Street Address: 2940 George Washington Way #A

Parcel # 123084000003000

Section 23 Township 10 Range 28. A portion described as follows: Beginning at the intersection of First Street and Waterfront Drive as shonw on Record of Survey No. 713, as recorded in Volume 1, Page 713, records of Benton County, Washington. Said intersection is marked with a 5/8" rebar: Thence south 89 degrees 08 minutes 02" West along the centerline of said First Street, 25.62 feet: Thence South 00 degrees 50 minutes 56 seconds East leaving said centerline 30.00 feet to a point at the intersection of the south margin of said First street and the west margin of said Waterfront Drive, said point is the True point of Beginning: Thence South 09 degrese 50 minutes 55 seconds east along the west margin of said Waterfront Drive, 984.62 feet to the northeast corner of Record of Survey No. 1199 as recorded in volume 1, page 1199, records of Benton county, Washington: Thence North 89 degrees 57 minutes 55 seconds west along the north line of said Record of Survey No. 1199, 1331.20 feet: Thence continuing along said north line South 52 degrees 27 minutes 39 seconds west 241.59 feet to the intersecion of said north line of Record Survey No. 1199 and the "projected" east margin of "E" Street, also

known as Port of Benton Blvd, : thence leaving said north line North 00 degrees 46 minutes 54 seconds west along said "projected" east margin 325.33 feet, to a point on the south margin of said First Street: Thence North 44 degrees 07 minutes 32 seconds east along said south margin of First Street 770.18 feet to the beginning of a tangent curve concave to the northwest, having a radius of 405.00 feet and a central angle of 17 degrees 00 minute s00 seconds: Thence northeasterly along said curve 120.17 feet to its point of tangency: Thence continuing along said south margin North 27 degrees 07 minutes 32 seconds east 74.90 feet to the beginning of a tangent curve concave to the southeast having a radius of 120.00 feet and a central angle of 62 degrees 01 minutes 31 seconds: Thence northeasterly along said curve 129.91 feet to its point of tangency: Thence north 89 degrees 09 minutes 02 seconds east continuing along said south margin 613.71 feet to the true point of beginning. (12/6/93 AF#93-37620)

Street Address: Undetermined (triangle riverfront parcel)

Parcel # 124081000000000

THE PORTION OF THE SOUTHWEST OF THE SOUTHWEST OF SECTION 24, TOWNSHIP 10, RANGE 28 DEFINED AS FOLLOWS (THIS IS ALL OF 24-10-28 / THIS PORTION IS LYING SOUTHWESTERLY OF RIVER) THE PORTION OF SECTION 24 LYING WITHIN SAID DESCRIPTION: COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 23. THENCE NORTH 89 DEGREES 38'05' EAST A DISTANCE OF 28.78 FEET. THENCE NORTH 01 DEGREE 10'04' EAST 27.41 FEET TO A POINT, WHICH POINT IS MARKED BY UNITED STATES CORPS OF ENGINEERS' BRONZE MARKER 'CH-25, 1955'. AND WHICH POINT ALSO IS THE TRUE POINT OF BEGINNING: THENCE NORTH 01 DEGREE 10'04' EAST A DISTANCE OF 896.98 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-24, 1955'. THENCE NORTH 30 DEGREES 32'06' EAST A DISTANCE OF 273.04 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-23, 1955'. THENCE NORTH 52 DEGREES 25'34' EAST 304.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT ' A '. THENCE CONTINUING NORTH 52 DEGREES 25'34' EAST A DISTANCE OF 496.00 FEET TO A POINT (SAID POINT BEING LOCATED BY REFERENCE TO THE WASHINGTON STATE COORDINATE SYSTEM, SOUTH ZONE, AT COORDINATES NORTH 367,270.56 AND EAST 2,311,208.80). THENCE EAST 1331.20 FEET TO A POINT (SAID POINT BEING LOCATED AT COORDINATES NORTH 367,270.56 AND EAST 2,312,540.00 ON SAID WASHINGTON STATE COORDINATE SYSTEM). THENCE SOUTH 22 DEGREES 36'23' EAST A DISTANCE OF 944.05 FEET. THENCE SOUTH 17 DEGREES 47'03' EAST FOR A DISTANCE OF 764.90 FEET TO A POINT AT COORDINATES NORTH 365,670.70 AND EAST 2,313,136.51. THENCE NORTH 89 DEGREES 38'05' EAST FOR A DISTANCE OF 3.58 FEET. THENCE SOUTH 11 DEGREES 29'06' EAST FOR A DISTANCE OF 1.97 FEET. THENCE SOUTH 89 DEGREES 37'40' WEST FOR A DISTANCE OF 39.13 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-28, 1955'. THENCE SOUTH 89 DEGREES 37'22' WEST FOR A DISTANCE OF 1372.73 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-27, 1955'. THENCE SOUTH 89 DEGREES 37'10' WEST FOR A DISTANCE OF 1079.57 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-26, 1955'. THENCE SOUTH 89 DEGREES 36'49' WEST FOR A DISTANCE OF 231.36 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD 1-12-66.

see notes on pages 18 (next page) and 34

LAND USE ELEMENT

In this chapter, you will find:

- Goals and policies guiding land use in Richland
- Existing land uses and future projections
  - Overall capacity
- Proposed land use
- Sub-elements:
  - Critical areas
  - Mineral resources
  - Open space
  - Historic and cultural resources
  - Urban design

INTRODUCTION

The Land Use Element guides and accommodates future growth of the City while maintaining the community's high quality of life and unique characteristics. It determines the community's need for and distribution of residential, business, governmental, recreational, open space, and other types of land uses. The accompanying land use map (Fig. LU-3) identifies land use categories within the City limits and the UGA. A key component of the GMA and the Comprehensive Plan is to allow growth within the urban growth area.

Richland implements its various land uses through zoning designations as shown in Table LU-1 below.

The City must assess its financial ability to provide services at its urban density level and provide an appropriate supply of land uses for new developments. The desired result is to provide a greater market choice in lands for development while allowing for the maximum accountability for public funds

needed to provide for existing and planned urban areas. The City's Capital Improvement Plan is a six-year plan that reassesses priority areas for funding should the funding falls short of meeting the existing needs. To that effect, the City also adjusts its long term land use goals to align them with the funding availability.

Table LU-1: Land Use Implementation by Zoning

Land Use Designation	Zoning Categories
Residential	
Low Density Residential	R-1-12, R-1-10, SAG
Medium Density Residential	R-2, R-2S
High Density Residential	R-3, C-LB
Badger Mountain South	Badger Mountain Master Plan
Commercial	
Business Commerce	B-C
Central Business District	CBD
Commercial	C-1, C-2, C-3, C-LB, CW
General Commercial	C-3
Regional Retail	C-2
Waterfront	WF
Commercial Recreation	CR
Public Lands/Open Space	
Developed Open Space	PPF
Natural Open Space	NOS
Urban Recreation	UR
Public Facility	PPF
Industrial	
Business Research Park	B-RP
Industrial	I-M, M-2
Mixed Use Designations	
Agricultural	FP, AG
Residential Office	C-LB
Urban Reserve	AG

GOALS AND POLICIES

LU Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 1: Revitalize areas that are already within the City, especially areas within the Central Business District, such as the Parkway and Uptown, and the Island View areas.

Policy 2: Facilitate planned growth and infill developments within the City.

LU Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

Policy 2: Ensure that adequate public services are provided in a reasonable time frame for new developments.

Policy 3: Ensure that the intent of the land use and districts are maintained.

LU Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

Policy 2: Encourage higher residential densities especially in and near the Central Business District area.

Add line item for University Campus = UNIV

Policy 3: Innovative and non-traditional residential developments can occur through the use of planned unit developments, density bonuses, new types of housing, and multi-use or mixed-use developments.

LU Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

Policy 2: Promote developments such as business and research parks, office parks, technology centers, manufacturing and processing facilities, and other types for high-tech uses.

Policy 3: Locate neighborhood-oriented commercial land uses in Neighborhood Retail Business areas.

Policy 4: Encourage the use of buffers or transition zones between non-compatible land uses.

Policy 5: In areas where residential uses are in close proximity to industrial or commercial lands, adequate development standards should be used in industrial or commercial developments to mitigate the impacts on residential uses.

Policy 6: Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.

LU Goal 5: Ensure connectivity that enhances community access and promotes physical, social, and overall well-being so residents can live healthier and more active lives.

Policy 1: Locate commercial uses so that they conveniently serve the needs of residential neighborhoods, workplaces, and are easily accessible via non-motorized modes of transport.

Policy 2: Promote pedestrian and bicycle circulation throughout the community by connecting with the infrastructure and the City's network of parks and trail system.

Central Business District

LU Goal 6: Develop an attractive and vibrant Central Business District that displays the unique character of Richland.

Policy 1: Revitalize declining commercial areas by promoting clean, safe, and pedestrian- and bicycle-friendly environments.

Policy 2: Designate land use and zoning for higher-density residential uses, mixed-use, and business uses within and adjacent to the Central Business District.

Policy 3: Encourage infill development and redevelopment in the Central Business District.

Public Facilities

LU Goal 7: Encourage efficient use and location of public facilities such as transit centers, utility facilities, schools, parks, and other public uses.

Policy 1: Locate municipal facilities within their service areas and ensure the grouping of facilities within neighborhoods, whenever feasible.

Policy 2: Ensure that the scale, and location of public facilities are compatible with or buffered from existing and planned surrounding areas.

Policy 3: Wherever possible, the City will locate park and school facilities together for efficient use of public facilities.

Policy 4: Encourage the development of private and public regional sports and recreational facilities of a size and quality to attract significant numbers of users and spectators.

Land Use in Specific Areas

LU Goal 8: Address unique land use situations in the urban area with policies specific to those situations that ensure compatibility between land uses without infringing on private property rights.

Policy 1: Ensure that lands designated Urban Reserve remain in this holding category to serve future demand for land.

Policy 2: Apply the Agricultural designation in the Yakima River floodplain.

Policy 3: At designated Waterfront land use locations, encourage an active mix of commercial, residential, and marine uses as allowed in the SMP.

Policy 4: Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

Policy 5: Define and identify mineral resource lands located within its boundaries that are not already compromised by on-site, immediate, or adjacent urban growth and that have long-term significance for the extraction of minerals on a commercially-viable basis.

Policy 6: Property and/or mineral rights owners should work with the City and appropriate agencies for protection of these sites. Designate mineral resource lands located in the City of Richland that meet the Criteria for Classification of Mineral Resources (WAC 365-190-070).

Policy 7: Ensure that land uses surrounding the Richland Airport are compatible with existing and future airport operations and do not restrict the airport's ability to maintain or expand its existing and future aviation demands. Coordinate with

the Port of Benton to restrict land uses in airport areas that would create conflict or negatively impact the safe and effective airport operations.

LU Goal 9: Within Island View, the City will implement a Single Family Overlay land use designation for clusters of property that are currently used as single family residences which have high probability of being redeveloped with non-residential land uses.

Policy 1: The city will use the Single Family Overlay concept only in those instances where the majority of property owners have expressed a preference for its use.

Policy 2: Areas designated as Single Family Overlay will be zoned for single-family residential uses, as identified in the city's R-2 Medium Density Residential zoning district.

Policy 3: Areas designated as Single Family Overlay will remain as such until property owner(s) bring forward a request to remove the overlay and change the zoning to the designation contained in the Island View Subarea Plan. In such cases, an amendment to the comprehensive plan is not necessary.

Policy 4: Applicants bringing forward a request to change the zoning of property designated Single Family Overlay should demonstrate that the land proposed for amendment is:

a) large enough to support redevelopment for non-single family residential land uses; and

b) will have sufficient access to City streets and utility systems to support redevelopment.

Policy 5: Whenever properties designated with the Single Family Overlay are rezoned for non-single family residential uses in accordance with Policy 4 above, the Single Family Overlay designation should be removed from the subject property.

Private Property Rights

LU Goal 10: Follow controlling law and constitutional requirements, both state and federal, to ensure the appropriate protection of private property rights.

Policy 1: Monitor evolving state and federal statutory amendments and judicial precedent so that timely amendments or changes can be made in the process of implementing the comprehensive plan policies and development regulations.

Policy 2: Process comprehensive plan amendments and development regulations using a fair and open hearing process, with adequate public notice and opportunities to participate to ensure the protection of all due process rights.

Policy 3: Process timely, fair, and predictable processing and review of land use permit applications in conformance with applicable federal and state legal and regulatory requirements.

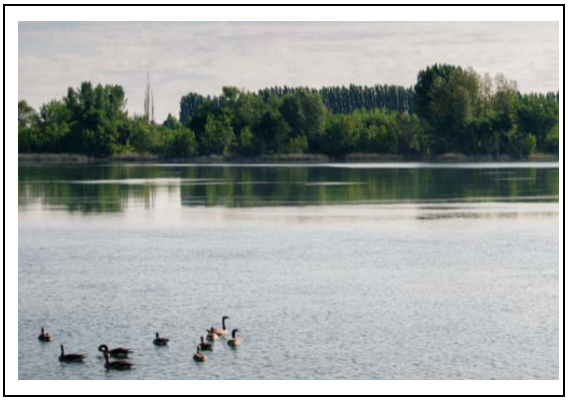
Natural Environment

NE Goal 1: Promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas as unique assets to the community, and provide public access for enjoyment of such facilities based on the ability of the resource to support the use.

Policy 1: Use the critical areas ordinance, SMP, the state environmental policy act (SEPA), and other ordinances, as applicable, to designate and protect the critical areas and natural environment.

Policy 2: Consider the goals and policies of the SMP as part of this Comprehensive Plan. Encourage development of water-oriented recreational, cultural, and commercial facilities in certain Columbia River locations, consistent with the SMP and its criteria of no net loss of ecological functions, to enhance and diversify Richland's community recreational resources and its attractiveness to tourists.

Policy 3: Ensure public access to shorelines on public land, subject to regulations protecting public safety, sensitive habitat areas, and wildlife.



Policy 4: Encourage the public and/or private acquisition of the prominent ridges in the south Richland area to preserve views, protect shrub-steppe habitat, and to provide public access. Consider the preservation of the ridges and hillside areas through various standards.

Policy 5: Develop an integrated pedestrian trail system to provide access through the City's important natural features, such as prominent ridges and rivershore areas and provide necessary trail linkages between these natural features.

Historic and Cultural Resources

HP Goal 1: Preserve significant historic structures, districts, and cultural resources that are unique to Richland.

Policy 1: Encourage preservation and promotion of adaptive reuse of historic "Alphabet Homes" of Richland.

Policy 2: Coordinate with local tribes, federal, state and local agencies to protect historic and cultural resources.

Urban Design

UD Goal 1: Create a physically attractive and culturally vibrant, pedestrian- and bicycle-friendly environment in the City.

Policy 1: Establish and enhance the positive attributes of residential, commercial, central business, and other districts with appropriate transition between them.

Policy 2: Encourage redevelopment and upgrade of suitable commercial areas.

Policy 3: Improve streetscape and connectivity for safe and pedestrian-friendly environments.

Policy 4: Promote public arts, museums, and interpretive centers in coordination with public plazas and community spaces that reflect the unique history and culture of Richland.

UD Goal 2: Revitalize commercial areas, such as areas in the Central Business District including the Uptown retail area and the Island View area.

Policy 1: Enhance the appearance, image, and design character of the Central Business District.

Policy 2: Ensure adequate public transit, bicycle, and pedestrian access in the commercial centers along with parking and landscaping.

Policy 3: Enhance the welcoming experience into the community through well-designed gateway features in prominent locations.

Policy 4: Design the public realm, including streetscapes, parks, plazas, and civic amenities for the community to gather and interact.

Policy 5: Provide continuity among adjacent uses by using cohesive landscaping, decorative paving, street furniture, public art, and integrated infrastructure elements.

UD Goal 3: Development through appropriate design, should protect natural features such as rivers, shorelines, ridgelines, steep slopes, and archaeological and historical resources.

Policy 1: Development should be sensitive to existing topography and landscape, and should minimize environmental impacts.

Policy 2: Hillside development should, as much as practical, blend with the natural shape and texture of the land.

Policy 3: Lighting should be designed so as to promote public safety as well as promote "Dark Sky" principals.

UD Goal 4: Promote community beautification by enhancing public spaces and thoroughfares and encouraging private property beautification.

Policy 1: Improve the appearance of all city-owned space and major thoroughfares.

Policy 2: Promote programs to improve landscaping. Encourage xeriscaping and use of native plants.

Policy 3: Promote more attractive signage throughout the City, especially in commercial districts.

EXISTING LAND USE

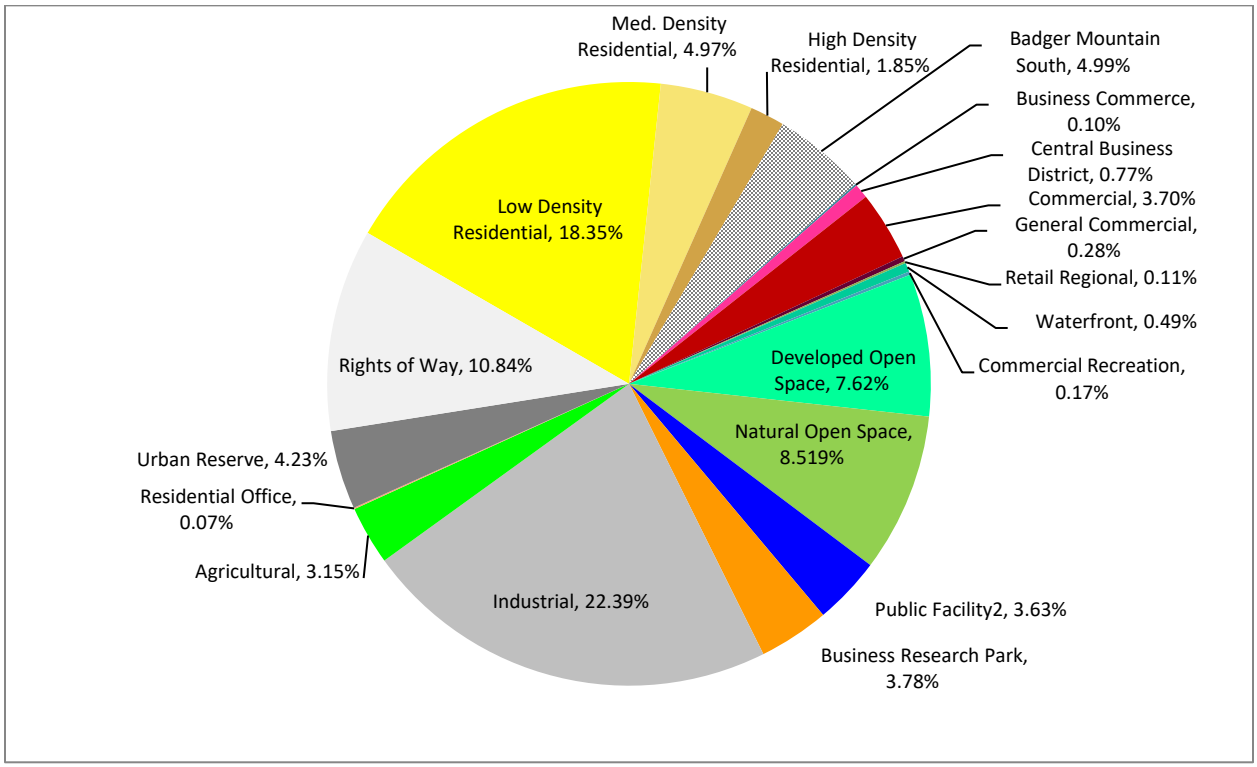
Richland includes a variety of land uses as follows:

- Agriculture (AG)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Badger Mountain South (BMS)
- Multifamily Residential Office (RO)
- Central Business District (CBD)
- Commercial (C)
- Retail Regional (RR)
- General Commercial (GC)
- Business Commerce (BC)
- Single Family Overlay (SFO)
- Commercial Recreation (CR)
- Waterfront (WF)
- Industrial (I)
- Business/Research Park (BRP)
- Public Facility (PF)
- Developed Open Space (DOS)
- Natural Open Space (NOS)
- Urban Reserve (UR)

Richland's land area consists of a total of 28,694 acres (25,846 acres in the City limits and 2,848 acres in the UGA). Richland's land use is dominated by residential land use consisting of about 32 percent of the total land use (low, medium, and high density land uses combined), followed by 22 percent industrial, and 16 percent open space (developed and natural) land use. Single-family residential use is predominant in both LDR and MDR land uses areas. Industrial land includes a recent transfer of 1,641 acres of land from the

Department of Energy (DOE) to the City, the Port of Benton, and Energy Northwest on the north side of the City. A major portion of this land was located outside of the UGA, and is currently being processed to be included within the UGA.

Figure LU-1: Existing Land Use Distribution in City Limits and UGA



Land Use Pattern and Compatibility

Due to the linear geographic pattern of the City along the Columbia River running north and south, Richland's land is also distributed primarily from north to south covering approximately 25,000 acres in the current incorporated limits and additional over 2,800 acres in the UGA. Residential lands are concentrated in three major areas, the central area between the Columbia River and SR 240, areas south of the Yakima River, and the Horn Rapids area. The Yakima River delta and associated natural open space land run almost through the middle of the City. Although commercial lands are distributed throughout the City, the major concentrations are found in the Central Business District, Queensgate, and the Island View areas. Much of the industrial and research uses are located on the northern part of the City starting from Richland Airport on the south side to the north City limits.

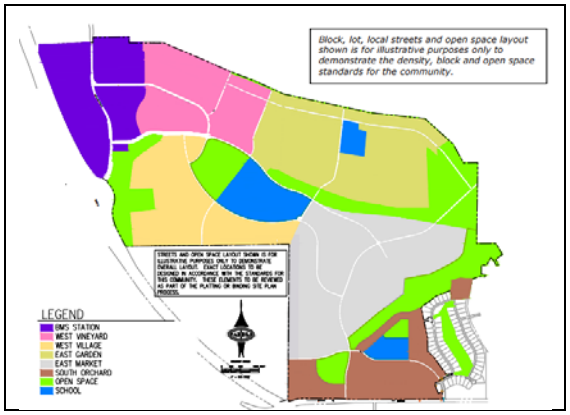
Richland's land use distribution focuses on placing compatible land uses next to each other. Compatibility is based on the intensity of land uses. Generally speaking, industrial is the most intense use due to the impacts of its operations (noise, light, dust, etc.), need of supporting facilities, and overall impact on the land. Natural areas are considered the least intense as there are no developments or improvements on such areas. Therefore, a low density residential next to a heavy industrial land use would be considered incompatible because of the impacts industrial use may have on the residences.

Appropriately designed buffers, landscaping, and transition areas between uses should be considered between incompatible land uses.

Mixed uses are encouraged in Richland where they are allowed. Such uses are generally mutually supportive of each other. Locating residences, offices, neighborhood shops, cafes, etc. in the same building or same site promotes walkability and reduces the vehicle miles traveled.

Badger Mountain South

Badger Mountain South is a master-planned community of 1,480 acres located in the southwest side of the City. The area is intended to be developed with 5,000 homes, businesses, and other community activities. The sub-area plan sets forth various uses in the area and was adopted by Richland City Council in 2010.



The purpose of this area is to establish neighborhoods with a range of housing types and to accommodate a population of diverse ages and incomes. The plan promotes pedestrian-friendly and mixed-use neighborhoods with areas for parks, trails, and open space in a connected network.

Central Business District

Richland CBD is planned to encourage the transformation of the area from principally a strip commercial auto-oriented neighborhood to a more compact development pattern. The area is characterized by its close proximity to the Columbia River and Howard Amon Park, concentration of pedestrian-oriented businesses, and the presence of medical, educational, and public institutions. Multiple planning studies and efforts have been conducted in the past decades, many of which have been or are being implemented in this area including public investments on infrastructure and streetscape improvements, and code revisions to attract private investment.

The Parkway has been a center of pedestrian-oriented retail and restaurants. Kadlec Regional Medical Center's campus and Columbia Basin College's Health Science Center both are located in the CBD. The Swift Corridor improvement will connect the CBD with the waterfront parks and recreation areas.

Columbia Point

The Columbia Point area is located between I-82 to the south and George Washington Way to the west. The area is developed with a mix of shops, hotels, restaurants, offices, condominiums, and recreational amenities. Recreational amenities include a golf course, park, marina, and waterfront trail. The area is close to buildout.

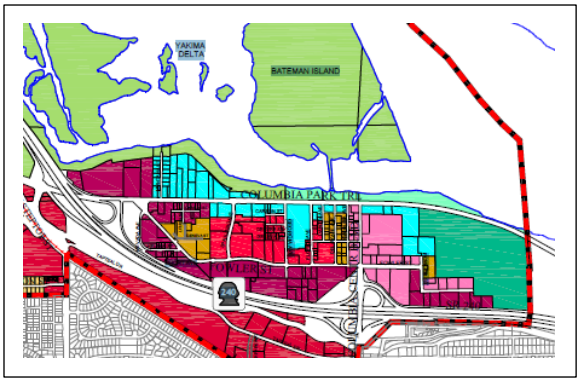
Horn Rapids

The Horn Rapids area is located on the north side of the City. This constitutes two planning areas: a) the Horn Rapids Industrial Park area, a triangular area bounded by Horn Rapids Road to the north and SR 240 to the south; and b) the 1,641 acres Horn Rapids North Industrial Area, north of Horn Rapids Road.

A master plan for Horn Rapids Industrial Park was originally adopted in 1995 and updated in 2011 and 2016. This area has been envisioned as an employment and economic center in the region. The master plan identifies the necessary infrastructure required to serve the area and associated cost for infrastructure improvements. The Horn Rapids planned residential community is located south of this area.

The 1,641-acre industrial area has recently been transferred from the Department of Energy to the City, the Port of Benton, and Energy Northwest by an act of Congress. This 1,341-acre Horn Rapids Industrial Area is specifically set aside for industrial development. The City and the Port plan to market the property to industrial developers as "mega-sites" of 200 acres or larger. The proximity of this land to highways, rail, and utility services together with the large acreages available provide development opportunities for industries that exist in very few places throughout the Pacific Northwest.

Island View



The Island View area, also known as Richland Wye, is located on the southeast side of the City between the Columbia River to the north and SR 240 to the south. It is north of the regional Columbia Center Mall in Kennewick. Columbia Park West is located to the east and Bateman Island to the north of the area.

The Richland Wye Master Plan was prepared in 1998 to revitalize the area and provide a general guideline for the planning and future development of the area. The objective of the master plan includes stimulating mixed use development, providing flexibility in the changing market condition, and ensuring high quality developments with increased opportunities for waterfront recreation. Implementation strategies were developed to address infrastructure, land use, and economic development issues. The area consists of a mix of General Commercial and Regional Retail on the south side, Business Commerce and Multi-family Residential Office in the middle, with Waterfront land use designation on the north side fronting the Columbia River. The entire length of the Columbia River waterfront has public access. The area is now being revitalized with uses such as, residential, commercial, business park, marina, etc.

POPULATION TRENDS AND PROJECTIONS

The Tri-Cities Metro area is one of the fastest growing areas in Washington. The City has grown rapidly in the last decade with a 24 percent growth from 2000 to 2010, and an 11 percent growth from 2010 to 2016.

Based on the 2016 estimate of the Office of Financial Management (OFM), the City of Richland's current population is 53,410. The population including the UGA boundary is 54,732.

Benton County's county-wide allocation and projected population numbers for Richland are 76,533 for the year 2035 and 81,366 for the year 2040. The end of the 20-year planning horizon is 2037. Based on current trends, Richland's projected population in the year 2037 will be 78,431 persons. This means over the next 20 years, the City and its UGA will add 23,699 (78,431-54,732) persons in addition to its existing population. Identifying land for growth and delivering public services will be important to maintaining the high quality of life for its residents.

Figure LU-2: Projected Population Growth

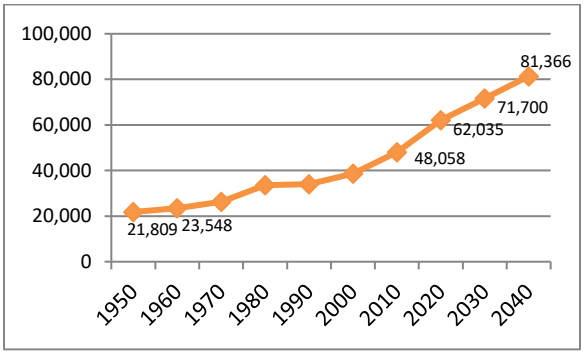


Table LU-2: Population and Employment Projections for 2037

Year	Population	Jobs
2016/ 2017	53,410	37,675[1]
2037 Projection	78,431	50,295

[1] *Estimated jobs in 2017*

Source: OFM, US Census, OnTheMap; Washington Employment Security Department; ECONorthwest.

Future Land Capacity

In order to identify land necessary to meet the future demand, an analysis of available land was performed. Details of the analysis are available in the Comprehensive Plan Supporting Analysis (Appendix A). This analysis used the City's existing land use density and land inventory in order to identify

vacant and undeveloped land within the City and UGA. The results of this analysis indicated that the City has sufficient land within its UGA to accommodate the land needs for the projected residential and commercial growth. In 2016, the City and the Port of Benton received land from the Department of Energy that is specifically targeted for future industrial use. This land, together with the vacant industrial land that is within the City, provides an adequate industrial land supply for future employment growth.

A significant portion of future residential growth will occur in the Badger Mountain South and Horn Rapids areas. Additional growth will take place in the existing vacant residential lands throughout the City. It is also anticipated that commercial and waterfront areas will accommodate some high-density and mixed-use growth.

Some lands designated as "Urban Reserve" in the land use plan will need to be re-designated for residential land uses to ensure that an adequate land supply is provided to serve future growth.

Lands for Public Purposes

According to the GMA, the City is required to identify the needs for public facilities, including lands for public purposes. Current City-owned public facilities include parks and open spaces, transportation, water, sewer, storm water, solid waste, energy, and municipal facilities. Using the existing ratio of land per capita for public use, there is a surplus of 72 acres for public facilities land. The City's developed open space requirement for parks facilities is determined by the parks level of service. The existing parklands are adequate to meet the demand. However, areas with new residential land use discussed in the next section will require an additional community park. The natural open space is determined by the existence of critical and natural areas, and other priority areas within the City. As the City grows, natural open spaces will be identified based on the GMA criteria and best available science (BAS). Existing data and findings from similar communities indicate Richland has adequate open space to meet the future demand. Additional information regarding the City parklands and open space can be found in the Capital Facilities Element under "Parks, Recreation and Open Space" in this Plan, and in the supporting analysis in Appendix A.

PROPOSED LAND USE

The City is planning to accommodate future growth in two areas within the City, on the north and west sides of the City. One area is located on the southwest side near the City View area, abutting Kennedy Road to the south and Queensgate Drive to the east. The other area is located on the north side of the City abutting the Horn Rapids residential development.

The land use in the City View West area is re-designated from Urban Reserve to a mix of Low, Medium, and High Density Residential, Commercial, Public Facility, Developed, and Natural Open Space. The land use in the Horn Rapids Northwest area is re-designated from Urban Reserve to Low, and Medium Density Residential uses. These are shown in Table LU-3.

Additional land use re-designation includes a portion of an area in Columbia Point South, re-designated from Developed Open Space and Public Facility to Urban Recreation and Natural Open Space. The existing Natural Open Space land in the Columbia Point South area remains unchanged. Additional Natural Open Space land is designated along the shoreline. See Table LU-3, Proposed Land Use, and Figure LU-3, the Future Land Use Map.

Table LU-3: Proposed Land Use

Land Use	Acres
Horn Rapids Northwest	
Existing Land Use	
Urban Reserve	272
Proposed Land Uses	
Low Density Residential	230
Medium Density Residential	42
Total	272
City View West	
Existing Land Use	
Urban Reserve	340
Proposed Land Uses	
Low Density Residential	143
Medium Density Residential	25
High Density Residential	34
Commercial	55
Public Facility	40
Developed Open Space	5
Natural Open Space	38
Total	340
Columbia Point South	
Existing Land Uses	
Public Facility	33
Developed Open Space	71
Natural Open Space	153
Total	257
Proposed Land Uses	
Urban Recreation	80
Natural Open Space	177
Total	257

NATURAL ENVIRONMENT

Critical Areas

Richland's environmentally critical areas include wetlands, fish and wildlife habitat areas, frequently flooded areas, geologic hazard areas, and natural aquifer areas. Most of the critical areas are discussed under the open space subsection below. The critical areas map (Fig. LU-4) indicates wetlands, fish and wildlife habitat areas, aquifer recharge areas, and other critical areas such as landslide, erosion, or seismic hazard areas.

The City uses the best available science in developing policies and development regulations to protect the functions and values of critical areas and give special consideration to conservation or protection measures.

Shoreline

Richland's shoreline consists of approximately 2,600 acres of land on the Columbia and Yakima Rivers shoreline. A Shoreline Master Program (SMP) was developed and adopted by Richland City Council and approved by the Department of Ecology in 2014. This Comprehensive Plan incorporates the SMP by reference. The SMP aims to utilize Richland's shoreline for various water-oriented uses and facilities while protecting the ecological functions and cultural and historic values of the shoreline. The SMP designates eight shoreline environments as follows:

1. Natural Environment
2. Recreation Conservancy Environment
3. Recreation Environment
4. Rural Environment
5. Residential Environment
6. Waterfront Use Environment
7. Industrial Conservancy
8. Aquatic Environment

Open Space

Open space in Richland and the UGA comprises over 17 percent of the total land. These areas include natural areas (Natural Open Space) and more formal developed parks and trails (Developed Open Space) in the land use map. Developed Open Space is discussed under the Parks and Recreation

Sub Element under Capital Facilities. This section discusses the natural open space.

The natural open space system includes the Yakima River and Columbia River shorelines, islands, greenways, and designated areas within residential developments. It also includes environmentally sensitive areas or critical areas where development would be constrained by wetlands, geologic hazards areas, aquifer recharge areas, fish and wildlife habitat areas, and frequently flooded areas along river or stream corridors.

The natural open spaces on or near the Yakima River include:

- The Tapteal Greenway, located on the lower Yakima River. It provides potential opportunities for non-motorized recreation, education, and habitat protection. The Tapteal Greenway is owned by multiple public and private entities including US Army Corps of Engineers (USACE).
- The Chamna Natural Preserve, located on the north bank of the Yakima River. This area is owned by USACE.
- The Riverview Preserve is located at the confluence of the Yakima and Columbia Rivers and is owned and managed by the USACE.
- Bateman Island in the Yakima River Delta is also owned by the USACE and leased to the City.
- W.E. Johnson Park is located south of Van Giesen Street and is owned by the City of Richland.
- The Amon Natural Preserve, a part of the west branch of the Amon Basin is owned by the City. This area is located on the south end of the City near the Interstate-82.

On the Columbia River, natural open spaces include:

- A portion of Leslie Groves Park area located between Snyder Street and Ferry Street.
- A portion of Columbia Point South area; a largely undeveloped area located at the confluence of the Yakima River and the Columbia River.
- The islands on the river that are part of the McNary National Wildlife Refuge.

In 2004, the City worked with community groups and several funding agencies to help Benton County acquire from willing sellers a 575-acre preserve on Badger Mountain located north of the Badger Mountain South area. The City also worked with community groups and funding agencies to purchase properties from willing sellers along the west branch of Amon Basin in order to enlarge the City-owned natural open space areas.

Mineral Resources

Mineral resource lands are resource lands that are primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals. The GMA requires cities and counties to designate natural resource lands where appropriate and adopt development regulations to assure the conservation of agricultural, forest, and mineral resource lands. The City undertook a detailed analysis of its mineral resources in 1998 and determined that no lands within the Richland UGA should be designated as mineral resource lands.

BUILT ENVIRONMENT

Historic and Cultural Resources

Due to its settlement history, the City of Richland does not have an abundance of historical resources. Historic structures

unique to the City include 12 tract farm houses in the central city and six buildings in downtown that predate World War II, and the Alphabet Homes, built between 1943 and 1951. The Alphabet Homes were based on a series of house plans denoted by a letter in the alphabet (an A house, an F house, etc.). In addition, several apartment buildings and pre-fabricated homes were part of this development scheme. These houses have historical significance in that they were built as part of the federal city created for the Hanford project. Historic structures that have been formally recognized on the National Register of Historic Places include the "Gold Coast" District, a north Richland neighborhood comprised of Alphabet Homes that have largely retained their original character.

Cultural resources are typically discovered during excavation and site preparation for development proposals. While it is difficult to know where every cultural resource site exists, the Washington State Office of Archaeology and Historic Preservation has records of previous investigations in the region. As discussed before, there are recorded archaeological sites within a mile of the Yakima River confluence. National Register-listed properties include the Columbia Point area, Bateman Island, and the Tri-Cities Archaeological District (Anchor QEA, 2014).

Goals and policies in the Comprehensive Plan provide a framework for reviewing and permitting future development proposals. Coordination with the State Office of Archaeology and Historic Preservation and implementation of policies relating to the preservation of cultural and historic resources will help to ensure that these resources are protected.

Urban Design

Urban design applies to the three-dimensional aspects of the built environment such as buildings, streets, sidewalks, open spaces, and plazas. It also addresses other urban issues such as circulation and connectivity, sustainability, neighborhoods, and districts.

Design

The City aims to achieve quality design in citywide civic projects such as public buildings and plazas, streetscape and corridor development, public art, parks, and open spaces. High quality design in public projects will set the standards for the City and may encourage further quality developments by the private sector. Richland's Public Library, Community Center, and the Reach Interpretive Center all display quality design. The City promotes quality design in the commercial and residential developments through its development standards. The City is also planning to add gateway features in the downtown area that will enhance the identity of the community.

Pedestrian and Bicycle-Friendly Environment

It has been a priority of the community to create a vibrant and livable community in Richland. Goals and policies are geared towards creating a pedestrian-friendly community. Mix of uses, higher density, access to transit, safe sidewalks, streetscape elements, network of paths and trails, building orientation, and articulation are some of the considerations for creating a pedestrian-friendly community. Richland has prioritized its downtown area to be more pedestrian- and bicycle-friendly. Swift Corridor development is already underway that will create a pedestrian- and bicycle-friendly connection between the downtown businesses and the residential neighborhoods. The Parkway area, CBD, and Kadlec campus are designed with pedestrian-friendly components.

Circulation and Connectivity

Connectivity between major destinations and neighborhoods within the City and the region is important to Richland. Richland's transportation system aims to provide a multi-modal circulation system for pedestrian, bike, car, and transit users. Richland has multi-use trails connecting its parks and natural areas, as well as some key locations within the City. The City works with public agencies and private developers to create an efficient circulation pattern within business and residential neighborhoods. The proposed Duportail Bridge, once built, will make a significant improvement in connecting the northern and southern parts of Richland.

Public Realm

Richland's public realm includes plazas, parks, playgrounds, sidewalks, and open spaces. Each public realm is different and serves a different purpose in their formal, semi-formal, or natural settings. They offer places for gathering, interaction, and recreation. Public places are further enhanced by artworks and pedestrian amenities. The John Dam Plaza is a heavily used public place for community gathering and events, while the Parkway area offers an urban setting for the community. Parks and natural areas offer recreation and tranquil environment for the residents.

District

The visual character of the Richland UGA varies widely from downtown, Uptown, and the Richland Wye/Island View area, to relatively new commercial areas such as Queensgate and City View, to master planned areas like Columbia Point and Horn Rapids to older alphabet housing neighborhoods in central Richland and to the new residential neighborhoods in Badger Mountain South. Each of these distinct areas calls for a different design approach. In older areas, the emphasis needs to be placed on revitalizing neighborhoods; in other areas, maintenance can be a priority. In newly developing areas, the emphasis needs to be placed on building design and site planning standards. The City recognizes that it needs to take a targeted approach with different urban design standards and strategies to reflect the differing needs of each area within the City.

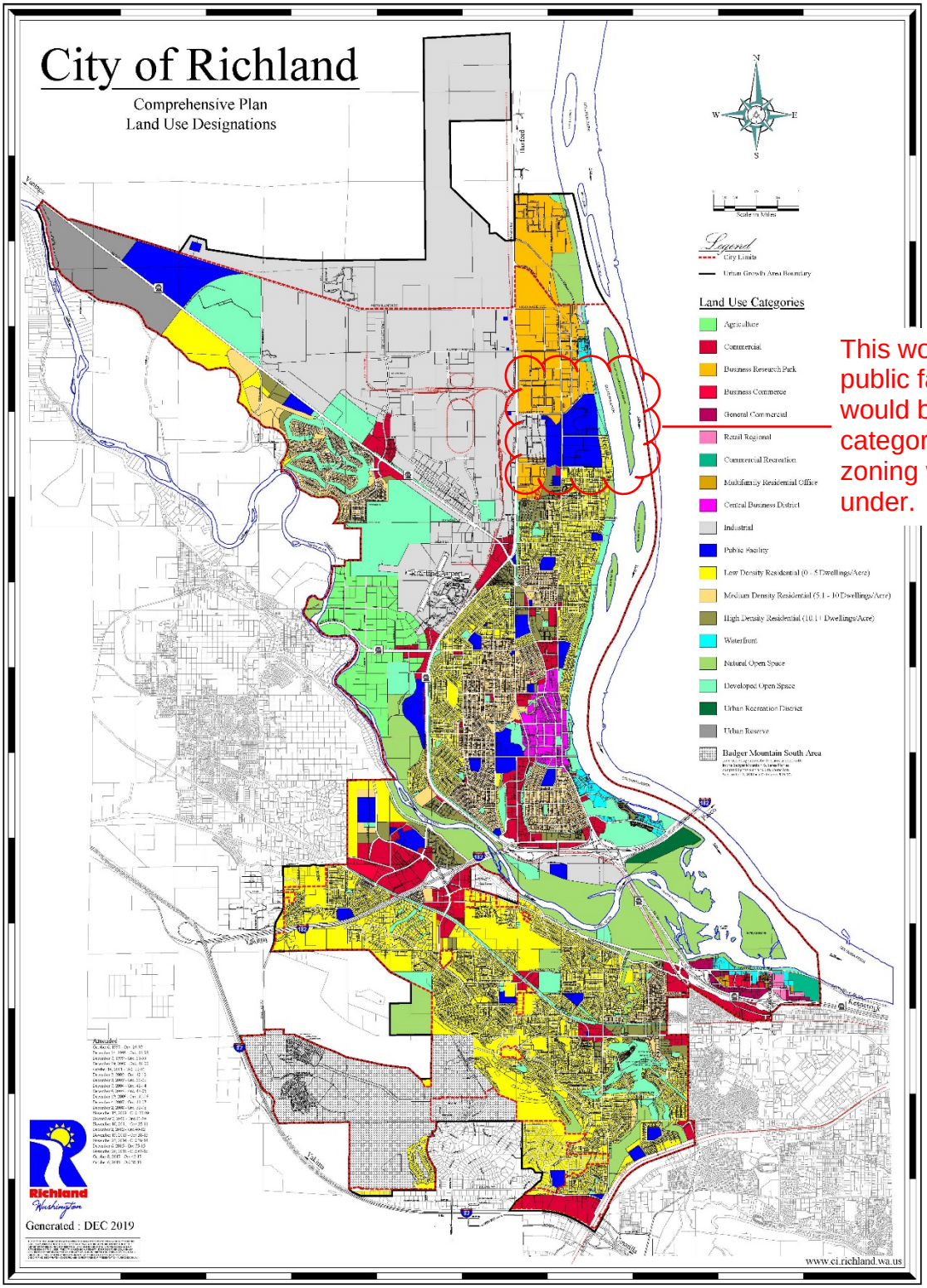
Environment and Sustainability

Richland's built and natural environment is maintained through multiple design and environmental protection approaches. Its natural resources are protected under the Critical Area Regulations, the SMP, as well as State and Federal Laws. The City also maintains energy efficiency, renewable energy, and recycling programs. The City encourages the use of sustainable standards including, but not limited to, passive solar energy, geothermal energy, solar hot water systems, Green Building Certification, Energy Star Certification, bird-friendly buildings (i.e., those that are designed to minimize collisions with birds). The City encourages minimizing light trespass for energy savings, dark sky ambience, and glare reduction.

Landscaping

Landscaping is important for maintaining Richland's attractive physical appearance. Proper landscaping can highlight an area's features and add aesthetic value. Landscaping is applicable for both public and private developments. Given the hot-arid climate in the Tri-Cities area, native landscape and plants are more desirable. Using xeriscape principles can make a water-efficient landscape and signify the area's climate and geology. Selection of trees that offer shade on hot summer days is important for this area.

Figure LU-3: Future Land Use Map



This would remain public facility, as this would be overarching category that UNIV zoning would fall under.

Figure LU-4: Critical Areas Map

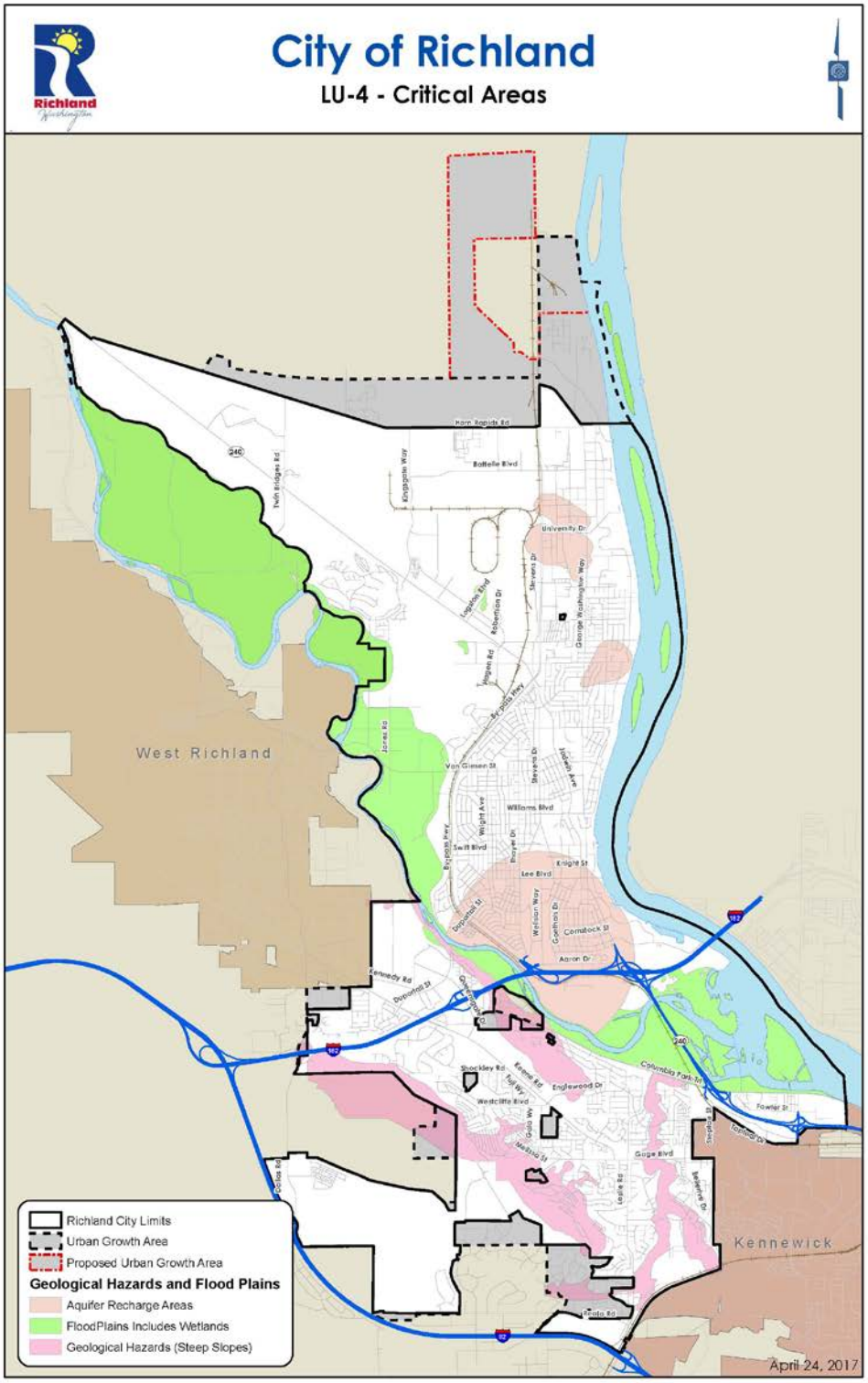


Figure LU-5: Shoreline Map

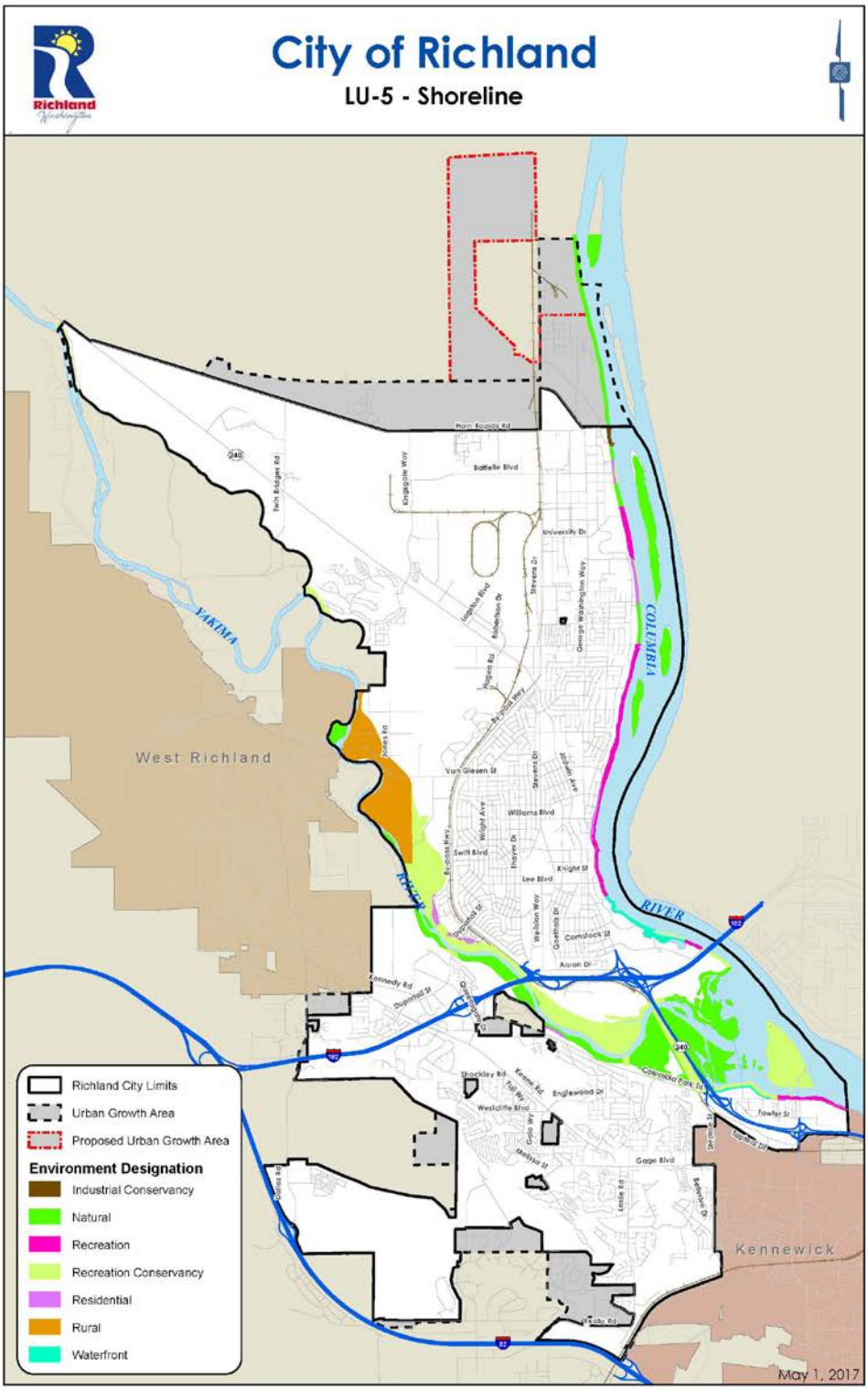
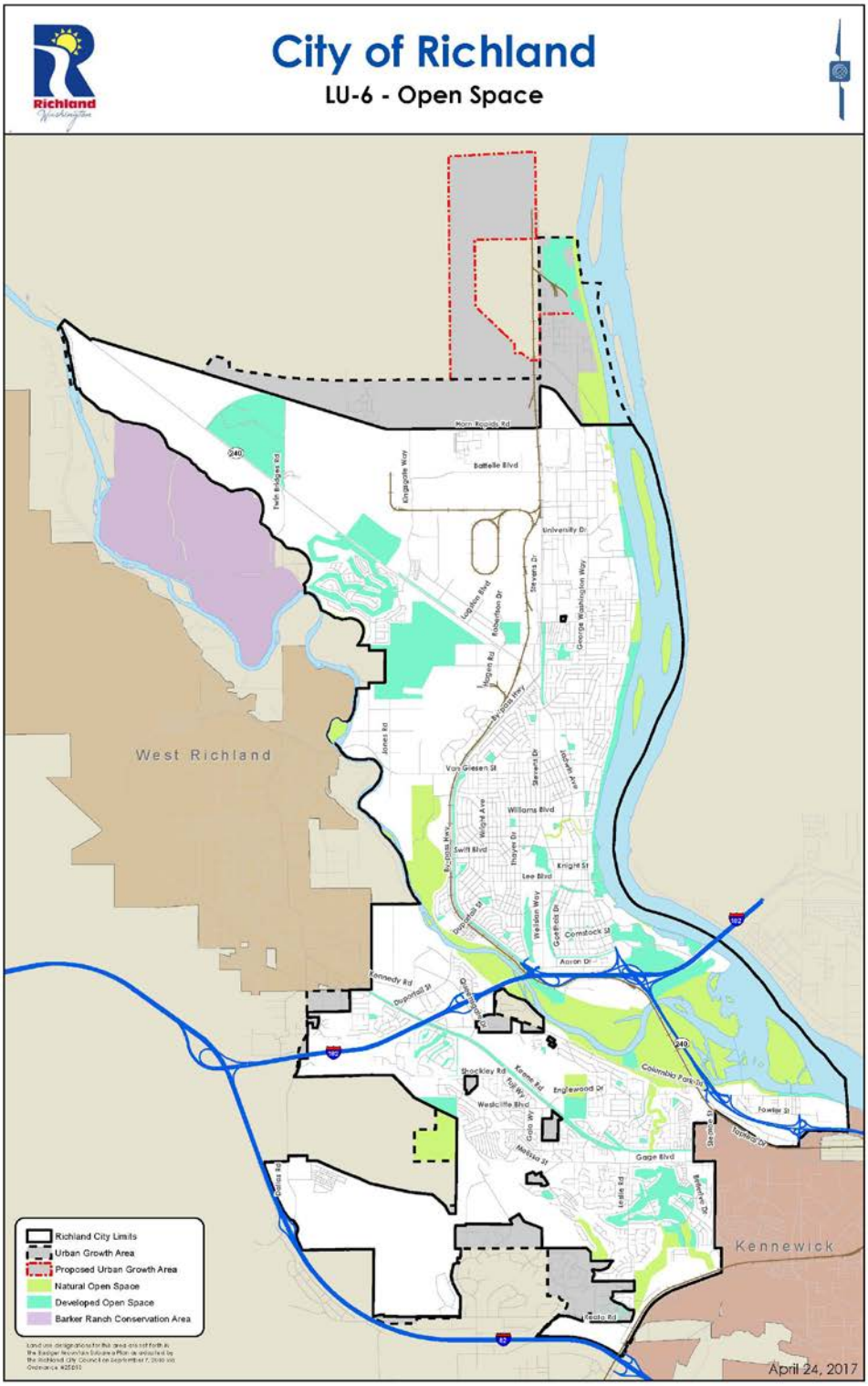


Figure LU-6: Open Space Map



City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
(509) 942-7794
(509) 942-7764

Code Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

APPLICANT		☒ Contact Person
Company:	Washington State University	UBI#:
Contact:	Damien Sinnott	
Address:	2710 Crimson Way, Richland, WA 99354	
Phone:	509-372-7481	Email: damien.sinnott@wsu.edu

DESCRIPTION OF PROPOSED AMENDMENT

Add an additional zoning district designation for a University district (UNIV), associated with Institutions of higher education, as defined in RCW 28B.07.020(4) or 28B.10.016(4). This new zone recognizes that university campuses comprise a wide variety of uses which are unique and various. This amendment would solve the challenge that currently exists where the higher education campus is regulated in the same fashion that a K-12 school, park, or undefined public facility might be.

APPLICATON MUST INCLUDE:

1. Completed application and filing fee
2. SEPA Checklist (if necessary)
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE:

Section(s) of code proposed to be amended (include code citation):

23.08.010 - add UNIV district to the end of the public use districts in the Primary District Table
23.30.010 - add paragraph "C" to define purpose of the UNIV - University district
23.30.020 - add an additional column and rows to Public Use District permitted land use table
23.30.030 - add an additional column to Site requirements table and paragraph "D"
23.30.040 - add a second paragraph to this section to define unique nature of campus parking

Summary of requested code amendment(s):

Amend the RMC zoning code to add the additional zone for the UNIV - University District - the references above would result in a new zone being applicable to the campus of WSU Tri-Cities.

Reason(s) for code amendment(s):

The current zoning designations available to the City of Richland do not adequately address the multitude of uses that can occur on a University campus. As the WSU Tri-Cities campus develops, the application of the PPF zoning designation causes difficulties for uses that are normal and compatible with a university campus but not for a park or public facility.

Is the proposed amendment consistent with the applicable provisions of the Comprehensive Plan? Is a Comprehensive Plan amendment necessary to implement the proposed amendment?

A concurrent amendment to the Comprehensive Plan is required to allow this new zoning district. The amendment is compatible and consistent with the goals and details of the comprehensive plan.

Does the proposed amendment bear a substantial relation to the public health, safety, welfare and protection of the environment? Please explain:

These amendments do have a relation to public health, safety, welfare and protection of the environment, as they will allow the City of Richland and WSU Tri-Cities to develop in a manner that is predictable and controllable to both entity's mutual interest. The current situation relies on individual discretion and interpretations that may not be relied upon over time.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application. The information provided in this application contains no misstatement of fact.
2. I am an owner(s), authorized agent(s) of an owner(s), or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW, or I am exempt from the requirements of Chapter 18.27 RCW.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Damien Sinnott

Applicant Signature: Damien Sinnott Date 02/21/23

City of Richland

University Zone – amendment items

Richland Municipal Code items requiring modification as a result of this amendment:

23.08.010 Establishment of use districts

End of Primary District table add (red text):

Parks and public facilities	PPF	Parks, playgrounds, and public facility uses
Natural open space district	NOS	Undeveloped open space, pedestrian trails
University district	UNIV	Uses related to University Campus

Web reference for full ordinance text:
https://www.codepublishing.com/WA/Richland/#!/Richland23/Richland2308.html#23.08

Proposed University Zoning District amendment draft

02/21/23

Chapter 23.30
PUBLIC USE ZONING DISTRICTS

Sections:

23.30.010 Purpose of public use districts.
23.30.020 Public use districts permitted land uses.
23.30.030 Site requirements for public use districts.

23.30.010 Purpose of public use districts.

A. The parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.

B. The natural open space use district (NOS) is a special use classification intended to provide area for the retention of publicly owned, natural open spaces that, due to their proximity to wetlands, shorelines, floodplains or critical habitat areas, are too sensitive for intensive use or development. This zoning classification is intended to be applied to those portions of the city that are designated as natural open space under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 08-20 § 2].

C. The University district (UNIV) is a public use classification intended to provide area for the development of public university campus for the institutions of higher educations. The term University shall include all entities covered by the definition of 'Higher Education' in RCW 28B.07.020(4) or the definition of 'Institutions of higher education' in RCW28B.10.016(4). Property owned by entities meeting the definition of a University shall be eligible for this zoning designation. This zoning district recognizes that university campuses can have a variety of uses that support the overall mission of the university and may not specifically be educational uses. This zone will furnish areas for the location of university services and facilities to promote Washington State University's goal of excellence in higher education and furthering the land grant university mission of extending higher education opportunities throughout the state; and encourage cooperation between the city and Washington State University in planning the physical development of the community. This zoning classification is intended to be applied to those portions of the city that are designated as University District under the city of Richland comprehensive plan. [red text = PROPOSED AMENDMENT].

23.30.020 Public use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol "P" appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol "S" appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol "A" appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	PPF	NOS	UNIV
Public/Quasi-Public Uses			
Alternative School	P[1]		P[1]
Churches	P[2]		
Clinics, School-Based	S		P
Clubs or Fraternal Societies	P[2]		P[2]
Cultural Institutions	P[2]		P[2]
General Park Maintenance and Operations	P	P	P
Golf Courses	P		
Passive Open Space Uses	P	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P[3]	P[3]	P[3]
Public Agency Buildings	P[3]	P[3]	P[3]
Public Agency Facilities	P[3]	P[3]	P[3]
Public Campgrounds	P		P
Public Parks	P	P	P
Schools	P[4]		P

Land Use	PPF	NOS	UNIV
Higher Education Institution – Educational & Research Buildings			P
Special Events Including Concerts, Tournaments, and Competitions, Fairs, Festivals and Similar Public Gatherings	P		P
Trail Head Facilities	P	P	P
Trail for Equestrian, Pedestrian or Nonmotorized Vehicle Use	P	P	P
Recreational Uses			
Art Galleries	P		P
Boat Mooring Facilities	P		P
Retail Uses			
Concessionaire	P[6]	P[6]	P[6]
Parking Lot	P	S[5]	P
Macro-Antennas	P		S
Miscellaneous Uses			
On-Site Hazardous Waste Treatment and Storage	A	A	A
Cemetery	P		
Residential Uses			
Apartment/Condominium (3 or More Units)			P
Day Care Center			P
Dormitories, Fraternities and Sororities			P
Private Swimming Pools			P
Recreational Club			P

[red text = PROPOSED AMENDMENT].

1. RMC 23.42.260
2. RMC 23.42.050
3. RMC 23.42.200
4. RMC 23.42.250
5. RMC 23.42.183

[Ord. 28-05 § 1.02; Ord. 13-08; Ord. 04-09; Ord. 07-19 § 9; Ord. 08-20 § 2].

23.30.030 Site requirements for public use districts.

A. A lot in a parks and public facilities district shall have at least an area sufficient to satisfy the requirements for minimum yard and off-street parking as required by this title.

B. The minimum yard requirements in the parks and public facilities district shall be the same as those in the adjacent zone district. Where there is more than one zone district adjacent to

the parks and public facilities zone district, the yard requirement in the parks and public facilities district shall be the same as the one in the adjacent zone having the most compatible setback requirement.

C. In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	PPF	NOS	UNIV
Maximum Building Height – Main Building	55 feet	0 feet[1]	55 feet

1. Permanent structures designed for human occupancy are not permitted in the NOS district.

[Ord. 28-05 § 1.02; amended during 2011 recodification].

D. Given that Washington State University maintains a capital planning and development operation to administer its own university development standards, no specific development standards are set forth in this Title for the WSU zone district. Furthermore, none of the standards contained in the following Chapters shall apply to the WSU zone district:

Chapter 23.38 Supplementary Yard and Area Regulations

Chapter 23.54 Off-Street Parking and Landscaping

[red text = PROPOSED AMENDMENT].

23.30.040 Parking standards for public use districts.

Off-street parking space shall be provided in parks and public facilities zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

Off-street parking space shall be provided in University district zone in general compliance with the requirements of Chapter 23.54 RMC where such uses can be identified. The parking requirements shall consider the nature of the campus and that some uses may require different parking quantities than those strictly defined in Chapter 23.54 RMC. Parking requirements shall be reviewed by the City Planning Manager and be established having the most compatible parking requirement considering the full array of campus parking options.

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Zoning Map Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: Washington State University	
Address: 2710 Crimson Way, Richland, WA 99354	
Phone: 509-372-7481	Email: damien.sinnott@wsu.edu

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company: Design West Architects	UBI#:
Contact: Ned Warnick	
Address: 830 N. Columbia Center Blvd.; Kennewick, WA 99336	
Phone: 509-332-3113	Email: nwarnick@designwestpa.com

DESCRIPTION OF WORK

Add an additional zoning district designation for a University district, associated with the WSU Tri-Cities campus. This new zone recognizes that university campuses comprise a wide variety of uses which are unique and various. This amendment would solve the challenge that currently exists where the higher education campus is regulated in the same fashion that a park, recreational field, K-12 school or undefined public facility might be.

PROPERTY INFORMATION

Parcel #: Reference below & attached document.

Legal Description: 359 University Dr. – parcel # 123084000004000; 2700 Crimson Way – parcel # 123084000002000
2940 George WA Way – parcel # 123084000003000; triangle riverfront parcel – parcel # 124081000000000

Current Zoning: PPF	Current Comp Plan: Public Facility	Requested Zoning: *UNIV* (new)
Current Use: University campus	Proposed Use: University campus	Area of Property: 112.79 acres

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

The WSU Tri-Cities campus is a full four-year public university, and as such is unique in the City of Richland. WSU's State mandated mission differs from the types of public City based uses found in PPF zones. By re-zoning WSU owned property as a newly created UNIV zone, it will allow the University and the City to more accurately and predictably regulate the development on the campus.

Any hardship that may result in the event the rezone is not granted:

The current situation is unpredictable and requires city planners to exercise discretion in the enforcement of the PPF zoning. In order for WSU Tri-Cities to grow, and include the full range of uses and services on campus, a more accurate and appropriate zoning district must be created.

The manner in which the proposed rezone conforms to patterns in adjacent zones:

The rezone conforms to the current development patterns in the adjacent zones, the newly created zoning designation recognizes the unique nature of the university campus but does not significantly change the current development patterns. Two lots of R-1-12 zoned property occur at the southeast corner of the proposed revision, and the remainder of the adjacent parcels are PPF and B-RP. The result of this rezone will not significantly impact those zones potential value or uses.

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

There would be no adverse effects on the adjacent and surrounding zones. The newly created UNIV zoning designation would only apply to the WSU owned property. The significant benefit to the neighbors is the improved predictability in applying land use regulations and the regulations more accurately categorizes it to the uses and requirements associated with a higher education campus.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

The proposed rezone is compatible with and furthers the goals of the comprehensive plan. WSU Tri-Cities is an important public institution offering four-year higher education within the City of Richland. Specifically, this change relates to several of the Economic Development and Land Use goals (reference ED1, ED2, ED4, ED5, LU1, LU2, LU4, LU5, and LU7, please see attachment)

The benefits or detriments accruing to the City which would result from the granting or denial of this special permit:

The primary benefit to the City in granting the re-zone is the more accurate classification and regulation of an area of land that is currently used as a University campus. The current zoning for parks and public facilities is difficult and unpredictable to administer, by having a zone specific to WSU Tri-Cities the land use management will be improved. The use chart included in the amended version of Chapter 23.30 will restrict discretion in the regulating uses in the new UNIV zone.

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

The rezone will result in a better and more accurate land use designation, as envisioned by the comprehensive plan. The new zoning designation will allow for the continued expansion and development of the WSU Tri-Cities campus, to the overall benefit of the City of Richland.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

No, the zone is defined by land owned and used by the WSU Tri-Cities campus. The 112.79 acres represents a substantial land area that will accommodate the foreseeable growth of the core campus area. A larger area would result in area not required for university uses being regulated inappropriately.

Identify impacts on the environment and public safety:

The addition of a specific zone that accurately reflects the use of the land as a university campus will allow the city to more predictably regulate and plan for city services in this area. With the certainty that this land will be used for university campus uses will allow public safety services and environmental regulation to be applied in the most efficient manner possible.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Damien Sinnott

Applicant Signature: Damien Sinnott Date 02/21/23

WSU Tri-Cities Campus

Rezone Parcels Description

Street Address: 359 UNIVERSITY DR

Parcel #123084000004000

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 23; TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF A PARCEL AS DEPICTED ON RECORD SURVEY NO. 1-1199 RECORDS OF ABOVE SAID COUNTY THENCE NORTH 89¦ 58' 01" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL 1330.68 FEET TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 52¦ 27' 32" WEST CONTINUING ALONG SAID NORTHERLY LINE 239.20 FEET TO THE SOUTHWEST CORNER OF THE WASHINGTON STATE UNIVERSITY PARCEL AS DESCRIBED IN AF#9337620, RECORDS OF SAID COUNTY AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 00¦ 51' 02" WEST ALONG THE WESTERLY LINE OF SAID WASHINGTON STATE UNIVERSITY PARCEL 324.27 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FIRST STREET; THENCE SOUTH 44¦ 06' 47" WEST ALONG SAID SOUTHERLY LINE 559.92 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT THE RADIUS POINT WHICH BEARS NORTH 45¦ 53' 13" WEST 200.00 FEET; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 45¦ 02' 48" AN ARC LENGTH OF 157.24 FEET; THENCE SOUTH 89¦ 09' 55" WEST ALONG SAID LINE 58.29 FEET; THENCE SOUTH 01¦ 24' 41" EAST 12.15 FEET; THENCE SOUTH 43¦ 35' 19" WEST 39.60 FEET; TO THE EASTERLY RIGHT OF WAY LINE OF GEORGE WASHINGTON WAY; THENCE SOUTH 01¦ 24' 41" EAST ALONG SAID LINE 134.93 FEET TO THE SOUTHERLY LINE OF THE PORT OF BENTON PROPERTY THENCE SOUTH 81¦ 15' 37" EAST ALONG SAID LINE 174.65 FEET TO AN ANGLE POINT IN SAID LINE; THENCE NORTH 52¦ 27' 32" EAST ALONG SAID LINE 560.67 FEET TO THE SAID TRUE POINT OF BEGINNING. TOGETHER WITH AND SUBJECT TO EASEMENTS, COVENANTS, RESERVATIONS, RIGHT OF WAYS, AND RESTRICTIONS OF RECORD. (BOUNDARY LINE ADJUSTMENT PER QCD, AF#2010-025330, 9/03/2010, SEE SURVEY #4127).

Street Address: 2700 Crimson Way

Parcel # 123084000002000

A PARCEL OF LAND IN GOVERNMENT LOTS 3 AND 4 AND IN THE WEST 1/2 OF THE SOUTHEAST OF SECTION 23, TOWNSHIP 10, RANGE 28 DEFINED AS FOLLOWS: THE PORTION OF SECTION 23 LYING WITHIN SAID DESCRIPTION: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23, THENCE NORTH 89¦ 38' 05' EAST A DISTANCE OF 28.78 FEET. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 27.41 FEET TO A POINT, WHICH POINT IS MARKED BY UNITED STATES CORPS OF ENGINEERS' BRONZE MARKER 'CH-25, 1955'. AND WHICH POINT ALSO IS THE TRUE POINT OF BEGINNING. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 896.98 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-24, 1955'. THENCE NORTH 30¦ 32' 06'

EAST A DISTANCE OF 273.04 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-23, 1955'. THENCE NORTH 52¦ 25' 34' EAST A DISTANCE OF 304.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'A'. THENCE CONTINUING NORTH 52¦ 25' 34' EAST A DISTANCE OF 496.00 FEET TO A POINT (SAID POINT BEING LOCATED BY REFERENCE TO THE WASHINGTON STATE COORDINATE SYSTEM, SOUTH ZONE, AT COORDINATES NORTH 367,270.56, AND EAST 2,311,208.80). THENCE EAST 1331.20 FEET TO A POINT (SAID POINT BEING LOCATED AT COORDINATES NORTH 367,270.56, AND EAST 2,312,540.00 ON SAID WASHINGTON STATE COORDINATE SYSTEM). THENCE SOUTH 22¦ 36' 23' EAST 944.05 FEET. THENCE SOUTH 17¦ 47' 03' EAST 764.90 FEET TO A POINT AT COORDINATES NORTH 365,670.70, AND EAST 2,313,136.51. THENCE NORTH 89¦ 38' 05' EAST 3.58 FEET. THENCE SOUTH 11¦ 29' 06' EAST 1.97 FEET THENCE SOUTH 89¦ 37' 40' WEST 39.13 FEET TO UNITED STATES CORPS OF ENGINEERS MARKER 'CH-28, 1955'. THENCE SOUTH 89¦ 37' 22' WEST A DISTANCE OF 1372.73 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-27, 1955'. THENCE SOUTH 89¦ 37' 10' WEST A DISTANCE OF 1079.57 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-26, 1955'. THENCE SOUTH 89¦ 36' 49' WEST 231.36 FEET TO THE POINT OF BEGINNING. LESS PORTION DEFINED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 23 HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 365,623.18, EAST 2,310,388.41. THENCE NORTH 46¦ 45' 39' EAST A DISTANCE OF 42.83 FEET TO CAMP HANFORD MONUMENT 'CH-25, 1955' HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 365,650.77, EAST 2,310,417.75 WHICH IS THE TRUE POINT OF BEGINNING, THENCE NORTH 89¦ 36' 50' EAST A DISTANCE OF 30.66 FEET. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 896.98 FEET. THENCE SOUTH 89¦ 36' 50' WEST A DISTANCE OF 30.66 FEET TO CAMP HANFORD MONUMENT 'CH-24, 1955' HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 366,547.56, EAST 2,310,436.03. THENCE SOUTH 01¦ 10' 04' WEST 896.98 FEET TO THE TRUE POINT OF BEGINNING ALL WITHIN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD 1-12-66. TOGETHER WITH EASEMENTS 9-2-71. RELINQUISHMENT OF EASEMENTS 4-19-69.

Street Address: 2940 George Washington Way #A

Parcel # 123084000003000

Section 23 Township 10 Range 28. A portion described as follows: Beginning at the intersection of First Street and Waterfront Drive as shonw on Record of Survey No. 713, as recorded in Volume 1, Page 713, records of Benton County, Washington. Said intersection is marked with a 5/8" rebar: Thence south 89 degrees 08 minutes 02" West along the centerline of said First Street, 25.62 feet: Thence South 00 degrees 50 minutes 56 seconds East leaving said centerline 30.00 feet to a point at the intersection of the south margin of said First street and the west margin of said Waterfront Drive, said point is the True point of Beginning: Thence South 09 degrese 50 minutes 55 seconds east along the west margin of said Waterfront Drive, 984.62 feet to the northeast corner of Record of Survey No. 1199 as recorded in volume 1, page 1199, records of Benton county, Washington: Thence North 89 degrees 57 minutes 55 seconds west along the north line of said Record of Survey No. 1199, 1331.20 feet: Thence continuing along said north line South 52 degrees 27 minutes 39 seconds west 241.59 feet to the intersecion of said north line of Record Survey No. 1199 and the "projected" east margin of "E" Street, also

known as Port of Benton Blvd, : thence leaving said north line North 00 degrees 46 minutes 54 seconds west along said "projected" east margin 325.33 feet, to a point on the south margin of said First Street: Thence North 44 degrees 07 minutes 32 seconds east along said south margin of First Street 770.18 feet to the beginning of a tangent curve concave to the northwest, having a radius of 405.00 feet and a central angle of 17 degrees 00 minute s00 seconds: Thence northeasterly along said curve 120.17 feet to its point of tangency: Thence continuing along said south margin North 27 degrees 07 minutes 32 seconds east 74.90 feet to the beginning of a tangent curve concave to the southeast having a radius of 120.00 feet and a central angle of 62 degrees 01 minutes 31 seconds: Thence northeasterly along said curve 129.91 feet to its point of tangency: Thence north 89 degrees 09 minutes 02 seconds east continuing along said south margin 613.71 feet to the true point of beginning. (12/6/93 AF#93-37620)

Street Address: Undetermined (triangle riverfront parcel)

Parcel # 124081000000000

THE PORTION OF THE SOUTHWEST OF THE SOUTHWEST OF SECTION 24, TOWNSHIP 10, RANGE 28 DEFINED AS FOLLOWS (THIS IS ALL OF 24-10-28 / THIS PORTION IS LYING SOUTHWESTERLY OF RIVER) THE PORTION OF SECTION 24 LYING WITHIN SAID DESCRIPTION: COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 23. THENCE NORTH 89 DEGREES 38'05' EAST A DISTANCE OF 28.78 FEET. THENCE NORTH 01 DEGREE 10'04' EAST 27.41 FEET TO A POINT, WHICH POINT IS MARKED BY UNITED STATES CORPS OF ENGINEERS' BRONZE MARKER 'CH-25, 1955'. AND WHICH POINT ALSO IS THE TRUE POINT OF BEGINNING: THENCE NORTH 01 DEGREE 10'04' EAST A DISTANCE OF 896.98 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-24, 1955'. THENCE NORTH 30 DEGREES 32'06' EAST A DISTANCE OF 273.04 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-23, 1955'. THENCE NORTH 52 DEGREES 25'34' EAST 304.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT ' A '. THENCE CONTINUING NORTH 52 DEGREES 25'34' EAST A DISTANCE OF 496.00 FEET TO A POINT (SAID POINT BEING LOCATED BY REFERENCE TO THE WASHINGTON STATE COORDINATE SYSTEM, SOUTH ZONE, AT COORDINATES NORTH 367,270.56 AND EAST 2,311,208.80). THENCE EAST 1331.20 FEET TO A POINT (SAID POINT BEING LOCATED AT COORDINATES NORTH 367,270.56 AND EAST 2,312,540.00 ON SAID WASHINGTON STATE COORDINATE SYSTEM). THENCE SOUTH 22 DEGREES 36'23' EAST A DISTANCE OF 944.05 FEET. THENCE SOUTH 17 DEGREES 47'03' EAST FOR A DISTANCE OF 764.90 FEET TO A POINT AT COORDINATES NORTH 365,670.70 AND EAST 2,313,136.51. THENCE NORTH 89 DEGREES 38'05' EAST FOR A DISTANCE OF 3.58 FEET. THENCE SOUTH 11 DEGREES 29'06' EAST FOR A DISTANCE OF 1.97 FEET. THENCE SOUTH 89 DEGREES 37'40' WEST FOR A DISTANCE OF 39.13 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-28, 1955'. THENCE SOUTH 89 DEGREES 37'22' WEST FOR A DISTANCE OF 1372.73 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-27, 1955'. THENCE SOUTH 89 DEGREES 37'10' WEST FOR A DISTANCE OF 1079.57 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-26, 1955'. THENCE SOUTH 89 DEGREES 36'49' WEST FOR A DISTANCE OF 231.36 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD 1-12-66.

City of Richland

Zoning GIS Map[1]

Proposed area of zone change

Primary Zoning Districts

- AG - Agricultural
- B-C - Business Commerce
- B-RP Business Research Park
- C-1 - Neighborhood Retail Business
- C-2 - Retail Business
- C-3 - General Business
- CBD - Central Business District
- C-LB - Limited Business
- CR - Commercial Recreation
- FP - Flood Plain
- I-M - Medium Industrial
- M-2 - Heavy Manufacturing
- NOS - Natural Open Space
- PPF - Parks & Public Facilities
- PUD - Planned Unit Development
- R-1-12 - Single Family Residential
- R-1-10 - Single Family Residential
- R-2 - Medium Density Residential
- R-2S - Medium Density Residential Small Lot
- R-3 - Multiple Family Residential
- SAG - Suburban Agriculture
- WF - Waterfront
- CW - Commercial Winery
- Badger Mountain South Area

Zoning districts and regulations for this area are set fourth in the Master Agreement and associated Land Use and Development Regulations (LUDR) for the Badger Mountain Master Planned Area adopted December 7, 2010.

N

0 1/8 1/4 1/2 3/4 1

Scale in Miles

Legend

- City Limits
- Railroad

Notes

1- THIS IS A SMALL SCALE ZONING MAP FOR GENERAL ILLUSTRATIVE AND INFORMATIONAL PURPOSE. CONTACT THE CURRENT PLANNING SECTION STAFF FOR OFFICIAL ZONING VERIFICATION.

2- PLANNED UNIT DEVELOPMENTS (AND SOMETIMES OTHER REZONES) HAVE SPECIAL CONDITIONS WHICH ARE SET FORTH BY THE ADOPTING ZONING ORDINANCE. CONTACT THE CURRENT PLANNING SECTION STAFF IF YOU HAVE ANY QUESTIONS.

3- THIS MAP DOES NOT SHOW OVERLAY ZONING DISTRICTS SUCH AS FLOODPLAIN. CONTACT THE CURRENT PLANNING SECTION STAFF FOR THIS INFORMATION.

LAST AMENDMENT - ORD. 42-21 JANUARY 2022

Generated : February 2022

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Attachment to Zoning Map Amendment Application

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan

The proposed rezone is compatible with and furthers the goals of the comprehensive plan. WSU Tri-Cities is an important public institution offering four-year higher education within the City of Richland. Specifically, this change relates to several of the Economic Development and Land Use goals (reference ED1, ED2, ED4, ED5, LU1, LU2, LU4, LU5, and LU7, please see below for more specific information). *Italic text excerpted from the current City of Richland Comprehensive Plan.*

ED Goal 1: *Build the diversity, resiliency, and equity of the City's economy to ensure opportunities for growth and shared prosperity.*

Policy 1: Support the growth of a balanced mix of companies in the following sectors: high technology, professional service, personal service, retail trade, agricultural processing, energy industries, manufacturing, and tourism.

Generally, the presence of WSU Tri-Cities in the City of Richland is one element of the support that attracts, supports, and retains the companies that make up the economy of the city. By providing a zone to allow for the future expansion of the WSU Tri-Cities campus, it in turn supports the city's economy.

Policy 2: Support expansion and improvement of business recruitment, retention and expansion programs to provide outreach and assistance to startup and existing businesses.

Reference comment for Policy 1 above.

Policy 3: Encourage educational institutions and non-profits to train a skilled future workforce.

This zoning code and map amendment will allow WSU Tri-Cities to expand and develop facilities to educate the citizens and future workforce of the City of Richland. The identification of a specific zone for higher education will support and encourage the development of the city to include areas for education and training.

Policy 4: Recognize that infrastructure, including transportation and utility planning are vital to economic development and attracting businesses.

ED Goal 2: *Make Richland a center of entrepreneurial business, and research and development opportunities.*

Policy 1: Develop a detailed strategy to help grow technology businesses in the City of Richland.

Policy 2: Leverage scientific and technology research at PNNL and WSU-Tri-Cities for spin-off local businesses.

For the City of Richland to support WSU Tri-Cities in leveraging public sector research and education to create spin-off businesses, the university requires a campus to allow that scientific and technological research to occur. The requested zone change will allow for more accurate and predictable land use regulation for the campus to expand and develop to support this goal and specific policy.

Policy 3: Enhance Richland's physical and business environment for technology-based companies.

Generally, the presence of WSU Tri-Cities in the City of Richland is one element of the support that attracts, supports, and retains technology-based companies. By providing a zone to allow for the future expansion of the WSU Tri-Cities campus, it in turn supports the city's economy.

Policy 4: Remove unnecessary barriers for start-ups and entrepreneurs.

ED Goal 4: *Work closely with healthcare, education, and other regional institutional partners to strengthen collaboration.*

Policy 1: Enhance the connection between sectors – medical, educational, research, and technology to encourage collaboration and skilled job placement.

Policy 2: Engage local and regional partners in discussions about land use, transportation, and facilities to complement business development.

Policy 3: Support growth and expansion of Kadlec Regional Medical Center and diverse medical companies, WSU Tri-Cities, Columbia Basin College, and PNNL within the City.

This zoning code and map amendment is a specific and tangible method for the City of Richland to support the growth and expansion of the WSU Tri-Cities. The identification of a specific zone for higher education will support and encourage the development of the campus which in turn will result in more collaboration between the campus and the various institutional partners in the City.

ED Goal 5: *Ensure that Richland's economic development goals are aligned with regional economic development and marketing efforts.*

Policy 1: Coordinate with local, regional, and state economic development organizations in activities to attract new businesses and industries to the community.

Generally, the presence of WSU Tri-Cities in the City of Richland is one element of what can attract, support, and retains new business and industries to the community. By providing a zone to allow for the future expansion of the WSU Tri-Cities campus, it in turn supports the growth of the city's economy.

Policy 2: Facilitate collaboration with Tri-City Development Council (TRIDEC) and the Tri-Cities Visitor and Convention Bureau to develop and implement seamless, collaborative, low-cost, and effective marketing efforts designed to recruit new businesses, expand existing businesses, and build a positive national image.

Policy 3: Accommodate the continued use of the Port of Benton barging facilities in north Richland, consistent with the City's Shoreline Master Program (SMP).

Policy 4: Market the newly transferred 1,341 areas land from DOE to the City, the Port of Benton, and Energy

***LU Goal 1**: Plan for growth within the urban growth area and promote compatible land use.*

Policy 1: Revitalize areas that are already within the City, especially areas within the Central Business District, such as the Parkway and Uptown, and the Island View areas.

Policy 2: Facilitate planned growth and infill developments within the City.

This zoning code and map amendment will allow WSU Tri-Cities to expand and develop facilities for higher education in the City of Richland. The identification of a specific zone for higher education will support and encourage the development of the city to include areas for education and training. The current zoning designation for this area is inaccurate and unpredictable, and as such hampers future development of this infill area for the purposes of the university campus.

***LU Goal 2:** Establish land uses that are sustainable and create a livable and vibrant community.*

Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

Policy 2: Ensure that adequate public services are provided in a reasonable time frame for new developments.

Policy 3: Ensure that the intent of the land use and districts are maintained.

As the WSU Tri-Cities campus has developed into a full-service four-year university it has become clear that the current PPF zone is not adequate to address the possible uses that might occur on a university campus. To ensure that land use planning and regulation continues to work for this area of the city accurately and predictably it is important to evolve the zoning code and map to address this evolution.

***LU Goal 4:** Promote commercial and industrial growth that supports the City's economic development goals.*

Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

This zoning code and map amendment will allow WSU Tri-Cities to expand and develop facilities to the benefit the City of Richland. The identification of a specific zone for higher education realizes that this use is unique and requires separate regulation from other public land uses. This additional zone will allow the city to regulate and plan for a wider variety of land uses in the city.

Policy 2: Promote developments such as business and research parks, office parks, technology centers, manufacturing and processing facilities, and other types for high-tech uses.

Policy 3: Locate neighborhood-oriented commercial land uses in Neighborhood Retail Business areas.

Policy 4: Encourage the use of buffers or transition zones between non-compatible land uses.

Policy 5: In areas where residential uses are in close proximity to industrial or commercial lands, adequate development standards should be used in industrial or commercial developments to mitigate the impacts on residential uses.

Policy 6: Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.

LU Goal 5: *Ensure connectivity that enhances community access and promotes physical, social, and overall well-being so residents can live healthier and more active lives.*

This zoning code and map amendment will allow WSU Tri-Cities to expand and develop facilities to the benefit the City of Richland. By recognizing and supporting the development of a four-year university in the city, this will ensure convenient access to local citizens seeking degrees in the fields offered by the university.

Policy 1: Locate commercial uses so that they conveniently serve the needs of residential neighborhoods, workplaces, and are easily accessible via non-motorized modes of transport.

Policy 2: Promote pedestrian and bicycle circulation throughout the community by connecting with the infrastructure and the City's network of parks and trail system.

LU Goal 7: *Encourage efficient use and location of public facilities such as transit centers, utility facilities, schools, parks, and other public uses.*

Policy 1: Locate municipal facilities within their service areas and ensure the grouping of facilities within neighborhoods, whenever feasible.

Policy 2: Ensure that the scale, and location of public facilities are compatible with or buffered from existing and planned surrounding areas.

This zoning code and map amendment will allow WSU Tri-Cities to expand and develop facilities for higher education in the City of Richland. The identification of a specific zone for higher education will support and encourage the development of the city to include areas for education and training. The current zoning designation for this area is inaccurate and unpredictable, and as such leaves future development at the discretion of planners at the time of any given campus project's submittal. The revised zoning regulations will ensure that planning is applied in a predictable manner.

Policy 3: Wherever possible, the City will locate park and school facilities together for efficient use of public facilities.

Policy 4: Encourage the development of private and public regional sports and recreational facilities of a size and quality to attract significant numbers of users and spectators.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

A. Background Find help answering background questions

1. **Name of proposed project, if applicable:**

Amendments to City of Richland Comprehensive Plan, Zoning Ordinances, and Zoning Map to provide for the addition of a new zoning designation for University District.

2. **Name of applicant:**

Washington State University

3. **Address and phone number of applicant and contact person:**

27109 Crimson Way
Richland, WA 99354
Damien Sinnott

4. **Date checklist prepared:**

February 24, 2023

5. **Agency requesting checklist:**

City of Richland, Planning Department

6. **Proposed timing or schedule (including phasing, if applicable):**

The proposed comprehensive plan and zoning amendments would be considered through the City's typical yearly docketing process, and if accepted the new zoning designation might go into effect late in 2023 or early 2024 depending on the public review processes involved.

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

No, the proposed amendments are defined in the applications themselves and based on current planning that the applicant has completed, there is no plans for further expansion or additions. Should that come to pass at some later date it would be subject to similar public review processes.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

The proposal consists of three separate land use planning and regulation amendment applications to be placed before the City of Richland. The applications themselves contain the applicable information for the city to consider and rule on the proposed amendments. Beyond this information there is no environmental studies or information that has been prepared for this proposal.

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

There are currently projects submitted or under consideration for the property covered by this proposal, but the findings regarding these amendment applications does not have a direct impact on these on-going project on the WSU Tri-Cities Campus.

10. **List any government approvals or permits that will be needed for your proposal, if known.**

The applicant is unaware of any other governmental approvals or permits that are necessary to this proposal.

12. **Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

The proposal consists of three proposed amendments to the City of Richland's land use planning regulations. These consist of amendments to the Comprehensive Plan, Zoning Code, and the Zoning Map. The proposal would create a new zoning designation for a University District in the City of Richland. This proposal recognizes that institutions of higher education, are not like public parks or K-12 public schools and as such a zoning designation is required that recognizes the variety of land uses that may occur on a university campus.

13. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The proposal would revise the zoning designation of these street addresses: 359 University Drive, 2700 Crimson Way, 2940 George Washington Way #A, along with an unaddressed riverfront parcel adjacent to 2700 Crimson Way. Attachment "A" provides the legal descriptions and a vicinity map indicating the location of the proposal.

B. Environmental Elements

1. Earth Find help answering earth questions

a. General description of the site:

The campus of Washington State University Tri-Cities is adjacent to the Columbia River on the east and bounded by Sprout Road to the south, George Washington Way on the west and University Drive to the north. The area is partially developed for campus uses and expected to fill in over time for further development of the University.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

Approximately 10% slopes occur at the bench step between the flat area adjacent to the river and the upper level adjacent to George Washington Way at the northwest corner of the site.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Finely graded fine sandy loam.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

The soils in this area are from river deposits. Based on experience with building projects on the campus in the surrounding area the soil is stable.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

No cut or fill is directly associated with this environmental action. Future projects may excavate or fill on the site, but these possible future projects would be subject to a separate SEPA Checklist process.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

No erosion will be directly associated with this environmental action. Future projects may result in the need to address possible erosion, but these possible future projects would be subject to a separate SEPA Checklist process.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No impervious surfacing will be directly associated with this environmental action. Future projects may result in additional impervious surfaces, but these possible future projects would be subject to a separate SEPA Checklist process.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

No erosion, stormwater increases, or other development will be directly associated with this environmental action. Future projects may result in the need to address possible concerns in this regard but these possible future projects would be subject to a separate SEPA Checklist process.

2. Air Find help answering air questions

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

No emissions to the air will be directly associated with this environmental action. Current operations of the WSU Tri-Cities campus will continue and comply with applicable environmental regulation. Future projects may result in the need to address possible emissions concerns, but these possible future projects would be subject to a separate SEPA Checklist process.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No known off-site emissions will affect this proposal.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

No on-site or off-site emissions to the air are directly associated with this environmental action. Current operations of the WSU Tri-Cities campus will continue and comply with applicable environmental regulation. Future projects may result in the need to address possible emissions concerns, but these possible future projects would be subject to a separate SEPA Checklist process.

3. Water Find help answering water questions

a. Surface Water: Find help answering surface water questions

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Yes, the WSU Tri-Cities campus is adjacent to the Columbia River.

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

No physical construction work will be directly associated with this environmental action. Current operations of the WSU Tri-Cities campus will continue and comply with applicable environmental regulations associated with the Columbia River shoreline. Future projects, that may occur on the campus near the river, would be subject to a separate SEPA Checklist process.

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

No fill or dredge material will occur that is directly associated with this environmental action. Future projects may result in the need to address possible fill & dredge material concerns, but these possible future projects would be subject to a separate SEPA Checklist process.

4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

No surface water withdrawals or diversions will occur that is directly associated with this environmental action. Future projects may result in the need to address possible surface water withdrawal or diversion concerns, but these possible future projects would be subject to a separate SEPA Checklist process.

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

No, the area in question does not occur in the 100-year floodplain.

6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No discharges of waste to surface waters will occur that is directly associated with this environmental action. Future projects may result in the need to address possible waste discharge concerns, but these possible future projects would be subject to a separate SEPA Checklist process.

b. Ground Water: Find help answering ground water questions

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

No, groundwater will not be withdrawn from a well as part of this proposed environmental action.

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

No, waste material will be discharged into the ground as part of this proposed environmental action.

c. Water Runoff (including stormwater):

1. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

There will be no change to the current handling of stormwater runoff as a part of this environmental action. Currently runoff will be generated as stormwater. Runoff from the roof will be collected and directed into a biofiltration swale or similar treatment facility that meets the SWMMEW and City of Richland Standards. Stormwater from hardscapes will either surface flow or be collected by inlets and conveyed to a treatment facility. All runoff will be disposed of with infiltration into the ground and will not directly flow into the river. There will be no surface outfalls.

2. **Could waste materials enter ground or surface waters? If so, generally describe.**

No, there will be no change to the current handling of water runoff as a result of the proposed environmental action.

3. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

No, there will be no change to the current handling of water runoff because of the proposed environmental action.

4. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

There will be no change to the current handling of water runoff because of the proposed environmental action. On site runoff is disposed of with infiltration into the subsurface during design events. Stormwater is contained on-site and infiltrated per the SWMMEW and City of Richland standards.

4. Plants Find help answering plants questions

a. Check the types of vegetation found on the site:

☐ **deciduous tree: alder, maple, aspen, other**

- ■ evergreen tree: fir, cedar, pine, other
- ■ shrubs
- ■ grass
- ☐ pasture
- ☐ crop or grain
- ■ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

No removal or alteration of existing vegetation will occur that is directly associated with this environmental action. Future projects may result in the removal or alteration of existing vegetation, but these possible future projects would be subject to a separate SEPA Checklist process.

c. List threatened and endangered species known to be on or near the site.

No threatened or endangered species are known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

No removal or alteration of existing vegetation will occur that is directly associated with this environmental action. Future projects may result in the removal or alteration of existing vegetation, but these possible future projects would be subject to a separate SEPA Checklist process.

e. List all noxious weeds and invasive species known to be on or near the site.

The site is currently maintained by WSU Tri-Cities, and the site maintenance program seeks to comply with City of Richland Municipal Code 10.04.040 to ensure that noxious weeds and invasive plant species are controlled on the site. No change related to control of noxious weeds and invasive species will occur that is directly associated with this environmental action.

5. Animals Find help answering animal questions

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Birds that have been observed at or near the site include hawks, herons, and songbirds.
Mammals that have been observed at or near the site include deer, and beaver.
Fish that have been observed at or near the site include salmon and trout.

Examples include:

- **Birds: hawk, heron, eagle, songbirds, other:**
- **Mammals: deer, bear, elk, beaver, other:**
- **Fish: bass, salmon, trout, herring, shellfish, other:**

b. List any threatened and endangered species known to be on or near the site.

No threatened or endangered species are known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

No, the site is not known to a part of a migration route.

d. Proposed measures to preserve or enhance wildlife, if any.

The proposed land use actions that are a part of this proposal will not have a direct impact on wildlife. With the further development of the WSU Tri-Cities campus some of the wildlife might be displaces but may return to pass through the site. The important habitat along the river is not being altered and will continue to be available for all wildlife. Future projects may be subject to the SEPA Checklist process to review possible preservation or enhancements measures.

e. List any invasive animal species known to be on or near the site.

No, invasive animal species are not known to be on or near the site.

6. Energy and Natural Resources Find help answering energy and natural resource questions

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Currently the WSU Tri-Cities campus is served by electrical and natural gas utilities. There is no energy use that is directly associated with this environmental action. Future projects may result in the need to address possible energy source concerns, but these possible future projects would be subject to a separate SEPA Checklist process.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No, the revised land use regulations will not affect the potential use of solar energy by adjacent properties.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

There is no energy use that is directly associated with this environmental action. The revisions to the zoning requirements will allow the WSU Tri-Cities campus to develop as a full service, self-contained four-year higher education institution. By avoiding having all students need to commute to the campus, the zoning regulations will allow for energy conservation by way of a compact, self-contained college campus. Future projects may result in the need to address possible energy conservation concerns, but these possible future projects would be subject to a separate SEPA Checklist process.

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

There are no environmental health hazards that are directly associated with this environmental action. Future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

1. Describe any known or possible contamination at the site from present or past uses.

No, the site is not known to have any possible contamination from present or past uses.

a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

No, the site is not known to have any existing hazardous chemical/conditions that might affect future development or design.

b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

There are no toxic or hazardous chemicals that are directly associated with this environmental action. The proposal does not include any toxic or hazardous chemicals. Future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

c. Describe special emergency services that might be required.

No additional or special emergency services are directly associated with this environmental action. Future projects may result in the need to address possible concerns in this regard but these possible future projects would be subject to a separate SEPA Checklist process.

d. Proposed measures to reduce or control environmental health hazards, if any.

None. There are no environmental health hazards associated with this proposal.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

There are no unusual noise conditions that exist in the area that would affect this environmental action. The campus has some traffic noise associate with the surrounding streets, and building equipment causes some low level ambient, but all these sources do not exceed ordinary background noise levels.

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?

There are no specific noise concerns that are directly associated with this environmental action. The WSU Tri-Cities campus will generate ordinary levels of traffic, construction, and operations noise during normal university hours (approximately 7:00 AM through 10:00 PM), but the implementation of these land use regulation changes will not alter that. Future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

3. Proposed measures to reduce or control noise impacts, if any.

None, please see response to item directly above.

8. Land and Shoreline Use Find help answering land and shoreline use questions

a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The site of the proposes land use regulation changes is currently the campus of WSU Tri-Cities. Adjacent land uses include a small area or residential lots to the southeast, Hanford HS to the South, and Research and Industrial uses to the west and north of the site. The proposal to identify this area as a specific University District will provide greater accuracy and certainty for the land use regulations in the area.

b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

Possibly, but not for over 50 years. No agricultural or forest resources land will be lost by the implementation of this proposal.

1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No, it will not.

c. **Describe any structures on the site.**

The site includes the current WSU Tri-Cities academic and research buildings including Elson Floyd Building, East Building, West Building, Collaboration Hall, Consolidated Information Center, Student Union Building, Annex Complex, Brelsford Vineyard Apartments, Ste. Michelle Wine Science Center. The buildings are three stories or less in height, and are used for a variety of teaching, research, student support, and residential uses.

d. **Will any structures be demolished? If so, what?**

There structure demolition is associated with this environmental action. Future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

e. **What is the current zoning classification of the site?**

The current zoning designation of the site is PPF – Public Parks & Facilities. This proposal would revise the zoning to UNIV - University District.

f. **What is the current comprehensive plan designation of the site?**

The current comprehensive plan designation of the site is Public Facility. This proposal would leave the comprehensive plan designations as Public Facility, as that would be the overarching category for the newly created UNIV - University District.

g. **If applicable, what is the current shoreline master program designation of the site?**

Urban

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No, the has not been classified as a critical area.

i. Approximately how many people would reside or work in the completed project?

The current population of people who reside and/or work in the proposal area is approximately 2,000. Over time it is expected that the WSU Tri-Cities University will continue to grow to support the City of Richland and the surrounding region.

j. Approximately how many people would the completed project displace?

None, this proposal will not result in the displacement of any people.

k. Proposed measures to avoid or reduce displacement impacts, if any.

None, please see the response to the question direction above.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

This proposal is being made in the framework of the City of Richland's regular land use amendment process. This process includes City Council leadership, planning commission review, and public hearing input. This process ensures that the proposed changes to the City's land use regulations will be compatible with the overall plans and regulations that the city is administering.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

This proposal will not have any impact to productive agricultural or forest lands.

9. Housing Find help answering housing questions

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

No additional housing units are directly associated with this environmental action. It is possible that future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing units will be eliminated as a part of this environmental action. It is possible that future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

c. Proposed measures to reduce or control housing impacts, if any.

This proposal is not directly related to housing impacts. It is possible that the revisions to the current zoning regulations will allow additional housing to be developed within the new University District.

10. Aesthetics Find help answering aesthetics questions

a. What is the tallest height of any proposed structure(s), not including antennas; what is

the principal exterior building material(s) proposed?

There will be no change to the tallest allowed structures because of this environmental action. The current PPF zoning regulations and the new UNIV zoning district limit the maximum height of structures to 55'. This specific proposal does not include any new buildings of changes to exterior building materials. It is possible that future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

b. What views in the immediate vicinity would be altered or obstructed?

No views in the immediate vicinity of this environmental action will be altered or obstructed. It is possible that future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

c. Proposed measures to reduce or control aesthetic impacts, if any.

WSU Tri-Cities include administrative and facilities staff that focus on maintaining and improving the aesthetics of the campus. This proposal to revise the zoning code recognizes that the City of Richland and WSU have a joint interest in having a university campus that is attractive and able to develop to fulfill the educational needs of the region.

11. Light and Glare Find help answering light and glare questions

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The campus has lighted parking lots, walkways and building entrances for the safety and security of the students and staff. This will not change because of this proposal.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No, the campus lighting is and will continue to be designed, installed, and operated to avoid causing a safety hazard or interfering with views.

c. What existing off-site sources of light or glare may affect your proposal?

None

d. Proposed measures to reduce or control light and glare impacts, if any.

Campus lighting will continue to be designed, installed, and operated to control light and glare impacts on campus users and surrounding properties.

12. Recreation Find help answering recreation questions

a. What designated and informal recreational opportunities are in the immediate vicinity?

There is a popular pedestrian/bicycle trail along the Columbia River in the area of this proposal, and the adjacent athletic fields at Hanford HS are also in the immediate vicinity.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No, this proposal will not displace any existing recreational uses.

c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.**

This proposal does not include any specific measures related to recreation, however the university campus will continue to grow and may include additional recreational facilities to support that growth.

Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

There are no known objects listed on or proposed for national, state, or local preservation registers on or next to this site. All nearby development is less than 45 years old and is not eligible for listing on any preservation register.

b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

According to the "Cultural Resources Survey of the Washington State University Tri-Cities Branch Campus Properties" study by David A. Harder from the Center for Northwest Anthropology (1995), one chipped stone flake was found on the campus in the vicinity of the CIC building. On recent construction projects, cultural consultants have observed the work and no native American artifacts have been uncovered.

c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

There will be no potential impacts to cultural or historic resources directly associated with this environmental action. It is possible that future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

No disturbance is anticipated as a part of this proposal, please reference the response to the question directly above.

13. Transportation Find help with answering transportation questions

a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The site of this proposal is served by Sprout Road to the south, George Washington Way on the west and University Drive to the north. These streets provide private vehicular and public transit access throughout the site.

b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

The site is currently served by Route 26 of the Ben Franklin Transit system.

c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

There is no plan to provide new or improved transportation facilities directly associated with this environmental action. It is possible that future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

The proposed site will not be directly served by water, rail, or air transportation.

e. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

There will be no change in vehicular traffic directly associated with this environmental action. The revision of zoning designation will not result in increase or decrease in vehicle traffic. It is possible that future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

f. **Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

No, this proposal will not affect the movement of agricultural or forest products in the area.

g. **Proposed measures to reduce or control transportation impacts, if any.**

Not applicable, please reference the response to the two questions directly above.

14. Public Services Find help answering public service questions

a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No, the proposal will not increase the need for public services.

b. **Proposed measures to reduce or control direct impacts on public services, if any.**

Not applicable, please reference the response to the question directly above.

15. Utilities Find help answering utilities questions

a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

There will be no change in utility infrastructure directly associated with this environmental action. It is possible that future projects may result in the need to address possible concerns in this regard, but these possible future projects would be subject to a separate SEPA Checklist process.

C. Signature Find help about who should sign

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X Damien Sinnott

SEPA Responsible Offical

Type name of signee: Damien Sinnott

Position and agency/organization: Interim Vice Chancellor for Finance & Administration

Date submitted: February 27, 2023

D. Supplemental sheet for nonproject actions Find help for the nonproject actions worksheet

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; pro-duction, storage, or release of toxic or hazardous substances; or production of noise?**

This proposal will not increase the discharge to water; emissions to air; pro-duction, storage, or release of toxic or hazardous substances; or production of noise. The proposed revisions to the City of Richland's comprehensive plan, zoning code and zoning amendments will not result any changes from status quo to these concerns.

- **Proposed measures to avoid or reduce such increases are:**

As stated above this proposal will not result in such increases. Future projects will be regulated by way of the City of Richland's land use and development regulations, and where applicable future SEPA Checklists may address possible concerns in this regard.

2. **How would the proposal be likely to affect plants, animals, fish, or marine life?**

This proposal will not increase the impact to plants, animals, fish or other marine life, from current land use regulations. The proposed revisions to the City of Richland's comprehensive plan, zoning code and zoning amendments will not result any changes from status quo to these concerns.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

As stated above this proposal will not result in further need to protect or conserve plants, animals, fish or marine life. Future projects will be regulated by way of the City of Richland's land use and development regulations, and where applicable future SEPA Checklists may address possible concerns in this regard.

3. **How would the proposal be likely to deplete energy or natural resources?**

This proposal will not deplete energy or natural resources in any way from current land use regulations. The proposed revisions to the City of Richland's comprehensive plan, zoning code and zoning amendments will not result any changes from status quo to these concerns.

- **Proposed measures to protect or conserve energy and natural resources are:**

As stated above this proposal will not result in further need to protect or conserve energy or natural resources. Future projects will be regulated by way of the City of Richland's land use and development regulations, and where applicable future SEPA Checklists may address possible concerns in this regard.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

This proposal will not use or affect environmentally sensitive areas or areas designated for governmental protection in any way from current land use regulations. As stated in the previous sections of this SEPA Checklist, the proposal does not impact areas that are designated as such. The proposed revisions to the City of Richland's comprehensive plan, zoning code and zoning amendments will not result any changes from status quo related to these concerns.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

As stated above this proposal will not result in further need to protect or reduce impacts to such resources. Future projects will be regulated by way of the City of Richland's land use and development regulations, and where applicable future SEPA Checklists may address possible concerns in this regard.

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

This proposal will not alter or affect the land and shoreline use in the area, in any way from current land use regulations. The proposed revisions to the City of Richland's comprehensive plan, zoning code and zoning amendments will not result any changes from status quo related to these concerns.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

As stated above this proposal will not alter or affect land and shoreline uses in the area. Future projects will be regulated by way of the City of Richland's land use and development regulations, and where applicable future SEPA Checklists may address possible concerns in this regard.

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

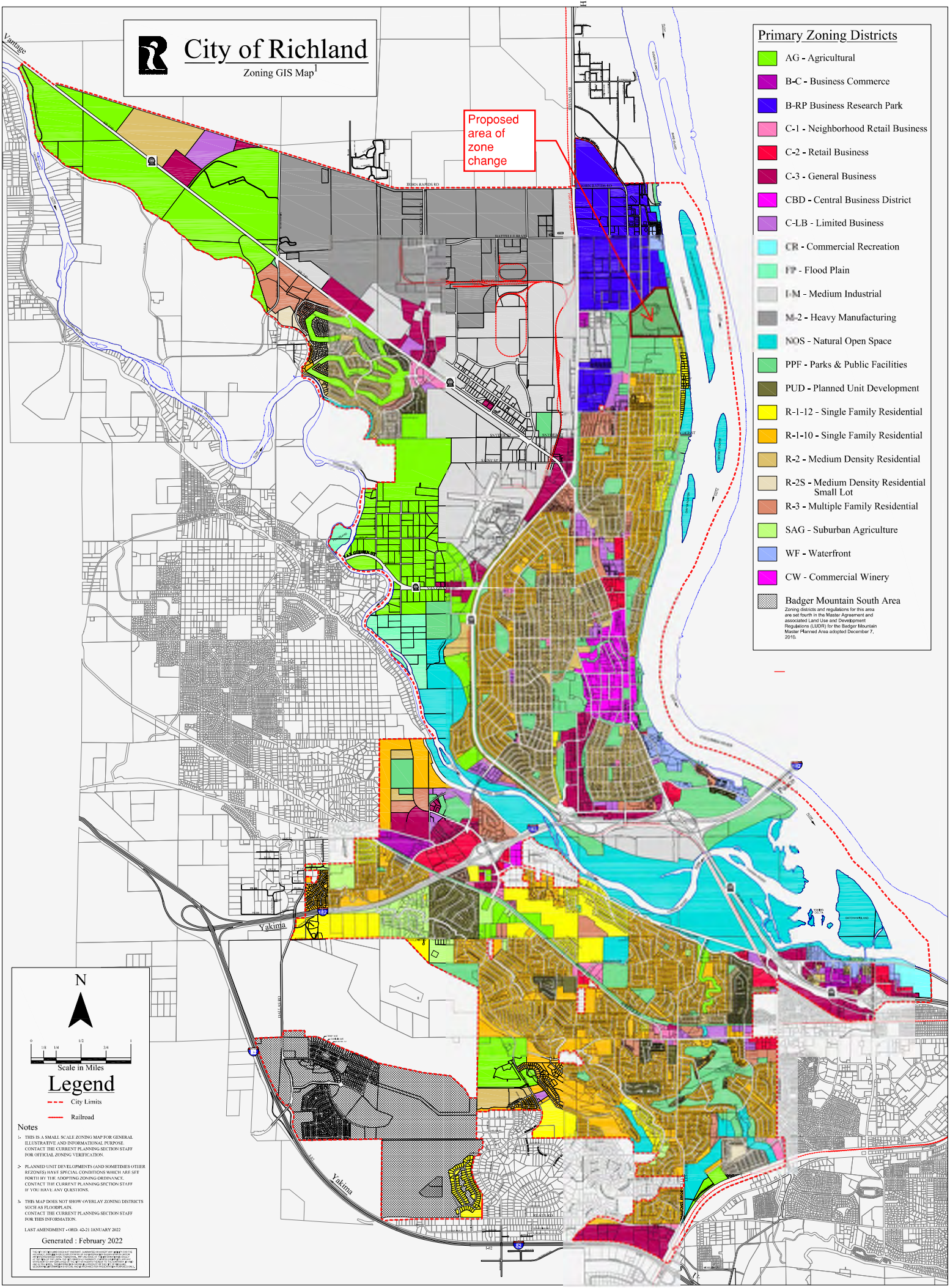
This proposal will not alter or affect the demands on transportation, public services, and utilities in the area, in any way from current land use regulations. The proposed revisions to the City of Richland's comprehensive plan, zoning code and zoning amendments will not result any changes from status quo related to these concerns.

- **Proposed measures to reduce or respond to such demand(s) are:**

As stated above this proposal will not increase demands on public services beyond what is allowed under current regulation. Future projects will be regulated by way of the City of Richland's land use and development regulations, and where applicable future SEPA Checklists may address possible concerns in this regard.

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposal does not conflict with local, state, or federal laws or environmental protection requirements.


City of Richland
Zoning GIS Map[1]
Proposed area of zone change
Primary Zoning Districts
AG - Agricultural
B-C - Business Commerce
B-RP Business Research Park
C-1 - Neighborhood Retail Business
C-2 - Retail Business
C-3 - General Business
CBD - Central Business District
C-LB - Limited Business
CR - Commercial Recreation
FP - Flood Plain
I-M - Medium Industrial
M-2 - Heavy Manufacturing
NOS - Natural Open Space
PPF - Parks & Public Facilities
PUD - Planned Unit Development
R-1-12 - Single Family Residential
R-1-10 - Single Family Residential
R-2 - Medium Density Residential
R-2S - Medium Density Residential Small Lot
R-3 - Multiple Family Residential
SAG - Suburban Agriculture
WF - Waterfront
CW - Commercial Winery
Badger Mountain South Area
Zoning districts and regulations for this area are set fourth in the Master Agreement and associated Land Use and Development Regulations (LUDR) for the Badger Mountain Master Planned Area adopted December 7, 2010.
Vantage
Yakima
Yakima
N
Scale in Miles
Legend
City Limits
Railroad
Notes
1- THIS IS A SMALL SCALE ZONING MAP FOR GENERAL ILLUSTRATIVE AND INFORMATIONAL PURPOSE. CONTACT THE CURRENT PLANNING SECTION STAFF FOR OFFICIAL ZONING VERIFICATION.
2- PLANNED UNIT DEVELOPMENTS (AND SOMETIMES OTHER REZONES) HAVE SPECIAL CONDITIONS WHICH ARE SET FORTH BY THE ADOPTING ZONING ORDINANCE. CONTACT THE CURRENT PLANNING SECTION STAFF IF YOU HAVE ANY QUESTIONS.
3- THIS MAP DOES NOT SHOW OVERLAY ZONING DISTRICTS SUCH AS FLOODPLAIN. CONTACT THE CURRENT PLANNING SECTION STAFF FOR THIS INFORMATION.
LAST AMENDMENT - ORD. 42-21 JANUARY 2022
Generated : February 2022

WSU Tri-Cities Campus

Rezone Parcels Description

Street Address: 359 UNIVERSITY DR

Parcel #123084000004000

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 23; TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF A PARCEL AS DEPICTED ON RECORD SURVEY NO. 1-1199 RECORDS OF ABOVE SAID COUNTY THENCE NORTH 89¦ 58' 01" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL 1330.68 FEET TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 52¦ 27' 32" WEST CONTINUING ALONG SAID NORTHERLY LINE 239.20 FEET TO THE SOUTHWEST CORNER OF THE WASHINGTON STATE UNIVERSITY PARCEL AS DESCRIBED IN AF#9337620, RECORDS OF SAID COUNTY AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 00¦ 51' 02" WEST ALONG THE WESTERLY LINE OF SAID WASHINGTON STATE UNIVERSITY PARCEL 324.27 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FIRST STREET; THENCE SOUTH 44¦ 06' 47" WEST ALONG SAID SOUTHERLY LINE 559.92 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT THE RADIUS POINT WHICH BEARS NORTH 45¦ 53' 13" WEST 200.00 FEET; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 45¦ 02' 48" AN ARC LENGTH OF 157.24 FEET; THENCE SOUTH 89¦ 09' 55" WEST ALONG SAID LINE 58.29 FEET; THENCE SOUTH 01¦ 24' 41" EAST 12.15 FEET; THENCE SOUTH 43¦ 35' 19" WEST 39.60 FEET; TO THE EASTERLY RIGHT OF WAY LINE OF GEORGE WASHINGTON WAY; THENCE SOUTH 01¦ 24' 41" EAST ALONG SAID LINE 134.93 FEET TO THE SOUTHERLY LINE OF THE PORT OF BENTON PROPERTY THENCE SOUTH 81¦ 15' 37" EAST ALONG SAID LINE 174.65 FEET TO AN ANGLE POINT IN SAID LINE; THENCE NORTH 52¦ 27' 32" EAST ALONG SAID LINE 560.67 FEET TO THE SAID TRUE POINT OF BEGINNING. TOGETHER WITH AND SUBJECT TO EASEMENTS, COVENANTS, RESERVATIONS, RIGHT OF WAYS, AND RESTRICTIONS OF RECORD. (BOUNDARY LINE ADJUSTMENT PER QCD, AF#2010-025330, 9/03/2010, SEE SURVEY #4127).

Street Address: 2700 Crimson Way

Parcel # 123084000002000

A PARCEL OF LAND IN GOVERNMENT LOTS 3 AND 4 AND IN THE WEST 1/2 OF THE SOUTHEAST OF SECTION 23, TOWNSHIP 10, RANGE 28 DEFINED AS FOLLOWS: THE PORTION OF SECTION 23 LYING WITHIN SAID DESCRIPTION: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23, THENCE NORTH 89¦ 38' 05' EAST A DISTANCE OF 28.78 FEET. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 27.41 FEET TO A POINT, WHICH POINT IS MARKED BY UNITED STATES CORPS OF ENGINEERS' BRONZE MARKER 'CH-25, 1955'. AND WHICH POINT ALSO IS THE TRUE POINT OF BEGINNING. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 896.98 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-24, 1955'. THENCE NORTH 30¦ 32' 06'

EAST A DISTANCE OF 273.04 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-23, 1955'. THENCE NORTH 52¦ 25' 34' EAST A DISTANCE OF 304.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'A'. THENCE CONTINUING NORTH 52¦ 25' 34' EAST A DISTANCE OF 496.00 FEET TO A POINT (SAID POINT BEING LOCATED BY REFERENCE TO THE WASHINGTON STATE COORDINATE SYSTEM, SOUTH ZONE, AT COORDINATES NORTH 367,270.56, AND EAST 2,311,208.80). THENCE EAST 1331.20 FEET TO A POINT (SAID POINT BEING LOCATED AT COORDINATES NORTH 367,270.56, AND EAST 2,312,540.00 ON SAID WASHINGTON STATE COORDINATE SYSTEM). THENCE SOUTH 22¦ 36' 23' EAST 944.05 FEET. THENCE SOUTH 17¦ 47' 03' EAST 764.90 FEET TO A POINT AT COORDINATES NORTH 365,670.70, AND EAST 2,313,136.51. THENCE NORTH 89¦ 38' 05' EAST 3.58 FEET. THENCE SOUTH 11¦ 29' 06' EAST 1.97 FEET THENCE SOUTH 89¦ 37' 40' WEST 39.13 FEET TO UNITED STATES CORPS OF ENGINEERS MARKER 'CH-28, 1955'. THENCE SOUTH 89¦ 37' 22' WEST A DISTANCE OF 1372.73 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-27, 1955'. THENCE SOUTH 89¦ 37' 10' WEST A DISTANCE OF 1079.57 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-26, 1955'. THENCE SOUTH 89¦ 36' 49' WEST 231.36 FEET TO THE POINT OF BEGINNING. LESS PORTION DEFINED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 23 HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 365,623.18, EAST 2,310,388.41. THENCE NORTH 46¦ 45' 39' EAST A DISTANCE OF 42.83 FEET TO CAMP HANFORD MONUMENT 'CH-25, 1955' HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 365,650.77, EAST 2,310,417.75 WHICH IS THE TRUE POINT OF BEGINNING, THENCE NORTH 89¦ 36' 50' EAST A DISTANCE OF 30.66 FEET. THENCE NORTH 01¦ 10' 04' EAST A DISTANCE OF 896.98 FEET. THENCE SOUTH 89¦ 36' 50' WEST A DISTANCE OF 30.66 FEET TO CAMP HANFORD MONUMENT 'CH-24, 1955' HAVING WASHINGTON SOUTH ZONE COORDINATES NORTH 366,547.56, EAST 2,310,436.03. THENCE SOUTH 01¦ 10' 04' WEST 896.98 FEET TO THE TRUE POINT OF BEGINNING ALL WITHIN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD 1-12-66. TOGETHER WITH EASEMENTS 9-2-71. RELINQUISHMENT OF EASEMENTS 4-19-69.

Street Address: 2940 George Washington Way #A

Parcel # 123084000003000

Section 23 Township 10 Range 28. A portion described as follows: Beginning at the intersection of First Street and Waterfront Drive as shonw on Record of Survey No. 713, as recorded in Volume 1, Page 713, records of Benton County, Washington. Said intersection is marked with a 5/8" rebar: Thence south 89 degrees 08 minutes 02" West along the centerline of said First Street, 25.62 feet: Thence South 00 degrees 50 minutes 56 seconds East leaving said centerline 30.00 feet to a point at the intersection of the south margin of said First street and the west margin of said Waterfront Drive, said point is the True point of Beginning: Thence South 09 degrese 50 minutes 55 seconds east along the west margin of said Waterfront Drive, 984.62 feet to the northeast corner of Record of Survey No. 1199 as recorded in volume 1, page 1199, records of Benton county, Washington: Thence North 89 degrees 57 minutes 55 seconds west along the north line of said Record of Survey No. 1199, 1331.20 feet: Thence continuing along said north line South 52 degrees 27 minutes 39 seconds west 241.59 feet to the intersecion of said north line of Record Survey No. 1199 and the "projected" east margin of "E" Street, also

known as Port of Benton Blvd, : thence leaving said north line North 00 degrees 46 minutes 54 seconds west along said "projected" east margin 325.33 feet, to a point on the south margin of said First Street: Thence North 44 degrees 07 minutes 32 seconds east along said south margin of First Street 770.18 feet to the beginning of a tangent curve concave to the northwest, having a radius of 405.00 feet and a central angle of 17 degrees 00 minute s00 seconds: Thence northeasterly along said curve 120.17 feet to its point of tangency: Thence continuing along said south margin North 27 degrees 07 minutes 32 seconds east 74.90 feet to the beginning of a tangent curve concave to the southeast having a radius of 120.00 feet and a central angle of 62 degrees 01 minutes 31 seconds: Thence northeasterly along said curve 129.91 feet to its point of tangency: Thence north 89 degrees 09 minutes 02 seconds east continuing along said south margin 613.71 feet to the true point of beginning. (12/6/93 AF#93-37620)

Street Address: Undetermined (triangle riverfront parcel)

Parcel # 124081000000000

THE PORTION OF THE SOUTHWEST OF THE SOUTHWEST OF SECTION 24, TOWNSHIP 10, RANGE 28 DEFINED AS FOLLOWS (THIS IS ALL OF 24-10-28 / THIS PORTION IS LYING SOUTHWESTERLY OF RIVER) THE PORTION OF SECTION 24 LYING WITHIN SAID DESCRIPTION: COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 23. THENCE NORTH 89 DEGREES 38'05' EAST A DISTANCE OF 28.78 FEET. THENCE NORTH 01 DEGREE 10'04' EAST 27.41 FEET TO A POINT, WHICH POINT IS MARKED BY UNITED STATES CORPS OF ENGINEERS' BRONZE MARKER 'CH-25, 1955'. AND WHICH POINT ALSO IS THE TRUE POINT OF BEGINNING: THENCE NORTH 01 DEGREE 10'04' EAST A DISTANCE OF 896.98 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-24, 1955'. THENCE NORTH 30 DEGREES 32'06' EAST A DISTANCE OF 273.04 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-23, 1955'. THENCE NORTH 52 DEGREES 25'34' EAST 304.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT ' A '. THENCE CONTINUING NORTH 52 DEGREES 25'34' EAST A DISTANCE OF 496.00 FEET TO A POINT (SAID POINT BEING LOCATED BY REFERENCE TO THE WASHINGTON STATE COORDINATE SYSTEM, SOUTH ZONE, AT COORDINATES NORTH 367,270.56 AND EAST 2,311,208.80). THENCE EAST 1331.20 FEET TO A POINT (SAID POINT BEING LOCATED AT COORDINATES NORTH 367,270.56 AND EAST 2,312,540.00 ON SAID WASHINGTON STATE COORDINATE SYSTEM). THENCE SOUTH 22 DEGREES 36'23' EAST A DISTANCE OF 944.05 FEET. THENCE SOUTH 17 DEGREES 47'03' EAST FOR A DISTANCE OF 764.90 FEET TO A POINT AT COORDINATES NORTH 365,670.70 AND EAST 2,313,136.51. THENCE NORTH 89 DEGREES 38'05' EAST FOR A DISTANCE OF 3.58 FEET. THENCE SOUTH 11 DEGREES 29'06' EAST FOR A DISTANCE OF 1.97 FEET. THENCE SOUTH 89 DEGREES 37'40' WEST FOR A DISTANCE OF 39.13 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-28, 1955'. THENCE SOUTH 89 DEGREES 37'22' WEST FOR A DISTANCE OF 1372.73 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-27, 1955'. THENCE SOUTH 89 DEGREES 37'10' WEST FOR A DISTANCE OF 1079.57 FEET TO UNITED STATES CORPS OF ENGINEERS' MARKER 'CH-26, 1955'. THENCE SOUTH 89 DEGREES 36'49' WEST FOR A DISTANCE OF 231.36 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD 1-12-66.

Exhibit 5

TRANSMITTAL

DATE: February 28, 2023

TO: Mike Stevens, Planning Manager
City of Richland
625 Swift Boulevard, MS-35
Richland, Washington, 99352

FROM: Judith R. Perez, AICP, PBS Engineering and Environmental Inc. Sr. Planning Group Manager

PBS PROJECT: 66336.000

REGARDING: Comprehensive Plan Amendment Application

MD&D Investment, LLC is respectfully requesting a Comprehensive Plan Amendment to reclassify portions of parcel ID numbers 134982010595001 and 134982000005004. The applicant proposes a mix of medium-density residential and commercial for the Bermuda Frontage site, commercial on the Commercial site, and civic/schools on the School site. The proposal will diversify the housing type availability, providing for a variety of housing at different price points. In addition, the proposal will provide complete streets and multi-use paths to ensure residents have multimodal accessibility to the future elementary school and neighborhood friendly retail establishments.

The project site is part of the Peach Tree Estates subdivision. Peach Tree Estates is a planned low- and medium-density residential development located in Richland, Washington, on the west side of the Bermuda Road and Legacy Lane intersection. The site has undeveloped land on three of its sides and single-family homes on its eastern boundary. The adopted comprehensive land use designations for the site include civic/schools, medium density residential (MDR), commercial (COM), and low density residential (LDR).

We believe our application is consistent with the submittal requirements set forth by the City. If you are in need of additional information or clarification, please advise us as soon as possible.

Thank you for your review of this application. We look forward to working with you toward approval of our application.

Attachment(s):
Comprehensive Plan Map Amendment Application
Narrative for Comprehensive Plan Map Amendment
Legal Descriptions
Exhibits
Title Reports
SEPA Checklist

cc: *Jason Mattox, PE, PBS Engineering and Environmental Inc.*
Alex Rietmann, MD&D Investment, LLC

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
(509) 942-7794
(509) 942-7764

Comprehensive Plan Amendment Application

☑ Comprehensive Plan Land Use Map ☐ Text of Comprehensive Plan

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: *MD&D Investments, LLC*	
Address: 63615 E Jacobs Rd. Benton City, Washington 99320	
Phone: 509.778.2373	Email: alexr@gooseridge.com

APPLICANT/CONTRACTOR INFORMATION (if different)	☑ Contact Person
Company: *MD&D Investments, LLC*	UBI#: *604 811 343*
Contact: Alex Rietmann	
Address: 63615 E Jacobs Rd. Benton City, Washington 99320	
Phone: 509.778.2373	Email: alexr@gooseridge.com

PROPERTY INFORMATION	
Legal Description: See attached legal description.	
Parcel Number: 134982000005004 **134982010595001**	
Current Zoning: AG	Current Land Use Designation: **COM, Public Facility, LDR, and MDR**

APPLICATION REQUIREMENTS – Submit as required or attach written statements explaining the following:

1. Completed application and filing fee;
2. The purpose of the proposed amendment;
3. Describe how the amendment is consistent with Washington State Growth Management Act-RCW 36.70A (the goals of the Act are listed in 36.70A.020);
4. How the amendment is consistent with the adopted countywide planning polices;
5. How the amendment furthers the purpose of the City's comprehensive plan;
6. How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;
7. If applicable, how the project will meet concurrency requirements for transportation;
8. As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator;
9. **Comprehensive Plan TEXT AMENDMENT applications must also include:**
    a. The proposed element, chapter, section and page number of the comp. plan to be amended;
    b. The proposed text change, with new text underlined and deleted text crossed out;
10. **Comprehensive Plan MAP AMENDMENT applications must also include:**
    a. The current land use map designation for the subject parcel(s);
    b. The land use map designation requested;
    c. A complete legal description describing the combined area of the subject parcel(s);
    d. A vicinity map showing:
        i. All land use designations within 300 feet of the subject parcel(s);
        ii. All parcels within 300 feet of the subject parcel and all existing uses of those parcels;
        iii. All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads;
        iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;

v. The location of existing utilities serving the subject parcels, including electrical, water, and sewer;
vi. The location and uses of existing structures located on the subject parcel(s);

e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 feet (1:200);
f. The current official zoning map designation for the subject parcel(s);
g. A detailed plan which indicates any proposed improvements to:
   i. Paved streets;
   ii. Storm drainage control and detention facilities;
   iii. Public water supply;
   iv. Public sanitary sewers;
   v. Circulation and traffic patterns for the development and the surrounding neighborhoods;
h. A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from, and after, the comprehensive plan amendment;
i. A description of any associated development proposals. Development proposals shall not be processed concurrently with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact(s) of the proposed development.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Alex Rietmann

Applicant Signature: Alex Rietmann Date 2/27/2023

RICHARD KRASNER
2/28/23

Narrative for Comprehensive Plan Map Amendment

Peach Tree Estates
Richland, Washington

Prepared for:
MD&D Investment, LLC
63615 E Jacobs Road
Benton City, Washington 99320

March 1, 2023
PBS Project 66336.000

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PROJECT SUMMARY

Introduction

This narrative accompanies the comprehensive plan map amendment application for Goose Ridge Development Corporation (applicant). The application package was submitted to the City of Richland (City) in accordance with Title 19 of the Richland Municipal Code (RMC).

Site Information

The project site comprises two tax lots, totaling 26.35 acres. The site is identified by the Benton County Assessor as Parcel ID numbers 134982000005004 and 1349820100595001.

The project site is part of the Peach Tree Estates subdivision. Peach Tree Estates is a planned low- and medium-density residential development located in Richland on the west side of the Bermuda Road and Legacy Lane intersection. The site has undeveloped land on three of its sides—parcel number 134983000001005 to its southern boundary, parcel number 129982012465001 to its western boundary, and parcel numbers 127983000002020 and 134982000006000 to the northern boundary—and single-family homes to its eastern boundary. See Figure 1 for the vicinity map.

The adopted comprehensive land use designations for the site include civic/schools, medium density residential (MDR), commercial (COM), and low density residential (LDR). The site is currently zoned as agriculture (AG). The current comprehensive land use designations map can be found on Figure 2.

Surrounding Uses and Zones

The uses and zones surrounding the site are noted as follows:

Table 1. Surrounding Uses and Zones

Direction	Land Uses	Zone
North	Medium Density Residential (MDR), City of Richland	AG – Agriculture, City of Richland
South	Medium Density Residential (MDR), City of Richland	AG – Agriculture, City of Richland
East	Low Density Residential (LDR), City of Richland	AG – Agriculture, City of Richland
West	Rural Remote, Benton County	Rural Lands Five Acres District (RL-5), Benton County

Project Description

The applicant proposes to amend the Land Use Map for approximately 27.40 acres from civic/schools (public facility) and MDR to civic/schools (public facility), from COM and MDR to COM, and LDR to MDR and COM on the comprehensive plan map, and to apply comprehensive plan land use designations to the entire project area as shown on Figure 3. The proposal will diversify the housing type availability, providing for a variety of housing at different price points. In addition, the proposal will provide complete streets and multi-use paths to ensure residents have multimodal accessibility to the future elementary school and neighborhood friendly retail establishments.

The proposed land use designations include civic/schools, COM, and MDR.

Table 2. Proposed Land Use Designations

	Site 1 – School	Site 2 – Commercial	Site 3 – Bermuda Frontage
Existing Acres	14.53 acres	3.44 acres	8.38 acres
Acres	14.66 acres	4.37 acres	8.38 acres
Current Zoning	AG – Agriculture	AG – Agriculture	AG – Agriculture
Parcel ID Numbers	1349820100595001	134982000005004	134982000005004
Current Land Use Designation	Civic/Schools (Public Facility) and MDR	COM and MDR	LDR
Proposed Land Use Designation	Civic/Schools	COM	MDR and COM

PURPOSE OF PROPOSED AMENDMENT

The Badger Mountain Subarea Plan (BMSP) is consistent with the City of Richland Comprehensive Plan, the Benton County-Wide Planning Policies, and the Washington State Growth Management Act (GMA). The BMSP further implements those goals in an identified area where the City's growth will occur, accommodating its future land use needs.

The purpose of the proposed comprehensive plan map amendment is to reclassify portions of parcel ID numbers 134982000005004 and 134982000005004. The applicant proposes a mix of medium-density residential and commercial for the Bermuda Frontage site, commercial on the Commercial site, and civic/schools on the School site. The proposed comprehensive plan land use designation can be found on Figure 3.

GROWTH MANAGEMENT ACT CONSISTENCY

Response: The GMA identifies planning goals in the Revised Code of Washington (RCW) 36.70A.020. The table below lists each goal and explains how the proposed land use map amendment is consistent with each goal.

Table 3. Consistency with GMA Planning Goals

GMA Planning Goal	Project Consistency
Urban Growth. *Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*	The proposed sites for reclassification are located in the defined urban setting and are located within both the city limits and its urban growth area of Richland. The sites are or will be served by public facilities and services, including streets, water, sanitary sewer and stormwater systems, schools, fire protection, emergency, and police services. The request does not seek an expansion of the urban growth area, nor does it seek to rescind the City's previous approval of the site as an area designated for urban growth. Rather, this action simply seeks to revise the site's prior-approved land use classification areas.

GMA Planning Goal	Project Consistency
Reduce Sprawl. *Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*	The three sites are designated in the City's current comprehensive plan, urban growth area, and city limits. The sites' area adjacent to developed and developing properties make this proposal a natural extension of the adjacent development. The proposed amendment could not be reasonably described as sprawl. The vision is to create a development that provides a range of residential densities and supporting commercial uses to provide employment opportunities and services within walking distance or reduce the need for vehicles.
Transportation. *Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*	The site will be served by Queensgate Drive/Bermuda Road, the extension of Gage Boulevard, and a series of to-be-constructed local streets. The concept of Peach Tree Estates includes the incorporation of multi-use paths to connect greenbelts and parks with schools, neighborhoods, and retail centers. The proposed amendment will not result in significant adverse impacts to the transportation network and will not place uncompensated burdens upon existing or planned services.
Housing. *Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*	The proposed comprehensive plan amendment would not negatively impact housing affordability. If approved the proposal will increase the availability of middle housing types, diversifying the housing price point options. No decrease in the land area available for housing would result from approval of the application.
Economic Development. *Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*	The proposed comprehensive plan amendment would neither increase or decrease the amount of land available for the expansion or retention of businesses and so it does not have an impact on this goal.
Property Rights. *Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.*	The proposal does not involve the taking of private lands for public purposes. The proposed request is being submitted to the City for due and fair consideration through the appropriate process prescribed by city and state law. The prescribed process protects the property rights of landowners from arbitrary and discriminatory actions. Accordingly, the request is consistent with this goal.

GMA Planning Goal	Project Consistency
Permits. *Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.*	This request for a comprehensive plan map amendment does not involve an application for a state permit. As per RMC 19.90.060, the required local government application will be considered during the current annual review period. Accordingly, the request is consistent with this goal.
Natural Resource Industries. *Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands and discourage incompatible uses.*	The proposed site will not enhance or detract any natural resource industry such as timber, high producing agricultural lands, or fishery industries. The site does not contain, nor is it adjacent to, any productive timber or fisheries industries. No productive forest lands will be removed since the site does not contain any forest lands. The site is presently in use for agricultural purposes, and that use will cease once the land is developed. However, it is noted that the site is within the city limits, is designated for development in the City's comprehensive plan, is within the urban growth area, and is not part of any area that has been designated for exclusive farm use.
Open Space and Recreation. *Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.*	The proposed application will not remove any existing or proposed recreational activities. Future applications for development of the site will include parks and multi-use trails.
Environment. *Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.*	The proposed application will reclassify three sites from civic/schools (public facility) and MDR to civic/schools (public facility), from COM and MDR to COM, and LDR to MDR and central business district. The site has been disturbed in the past and is surrounded by residential development. Consequently, it lacks natural vegetation and viable wildlife habitat. The proposed comprehensive plan amendment would not negatively impact the environment. The proposed plan would not result in either impacts to air or water quality. Any future development of, on, or to the site will comply with all state and federal environmental regulations
Citizen Participation and Coordination. *Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.*	The site will be subject to several public hearings if the application is approved to move forward. The public will have the opportunity to comment of the Comprehensive Plan Amendment, and the State Environmental Policy Act (SEPA) application. The City's Planning Commission will hold a public hearing and make a recommendation, followed by the City Council's review and consideration of the request during a regular City Council hearing. Accordingly, the request is consistent with this goal.
Public Facilities and Services. *Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.*	Collectively, the proposed comprehensive plan amendment would not result in increased demands for City water, sewer, or power. A future development proposal will provide details regarding Peach Tree Estates demands on the City's water and sewer. As part of the review process of future development actions and applications, utilities plans will be submitted for review and approval.

GMA Planning Goal	Project Consistency
Historic Preservation. *Identify and encourage the preservation of lands, sites, and structures, which have historical or archaeological significance.*	There are no known historical or archaeological resources on the site. This request does not entail any ground disturbance. Development will comply with all applicable state rules and regulations that are in place to protect historical or archaeological resources. A cultural report will be completed as part of the planned action Environmental Impact Statement (EIS).

As noted in the above table, the proposed comprehensive plan land use map amendment is consistent with the planning goals identified in the GMA.

HOW THE AMENDMENT IS CONSISTENT WITH THE ADOPTED COUNTY'S PLANNING POLICIES

The county-wide planning policies serve as guidelines and principles used by all cities within Benton County (County) to ensure regional coordination and smart growth. It is also used to avoid inconsistences or incompatible strategies, particularly transportation networks, public services, and provisions for affordable housing. Specifically, pertinent to land use, page 13 of the Comprehensive Plan states that the land use element "is written with the intent to be harmonious with the policies set forth in Benton County's Countywide Planning Policies, which is intended to serve as a framework for this Comprehensive Plan." On page 28, the Comprehensive Plan states: "In accordance with Benton Countywide Planning Policy #2, the City plans for future population growth based on the published, official projections of the state Office of Financial Management, and the allocation for the city as provided by the County" and "the Benton Countywide Planning Policies apply to the City's planning efforts and are intended to provide a framework for development of the Comprehensive Plan." This narrative shows consistency with the City's comprehensive plan, thereby also showing consistency with the county-wide planning policies since the City's comprehensive plan was adopted as being "compatible" and "harmonious" with the county-wide planning policies.

Following is a brief statements identifying how the proposed comprehensive plan amendment relates to the adopted county-wide planning policies.

County's Policies	Response
Policy 1: *The County shall allocate future projected populations through the use of the latest population projections published by the Washington State Office of Financial Management (OFM). Allocation of future populations shall be based on the following distribution: City of Kennewick 40% of total county population; City of Richland 28% of total county population, Benton County 19% of total county population; City of West Richland 8% of total county population; City of Prosser 3% of total county population and City of Benton City 2% of total county population. The County, in consultation with the Cities will review the OFM population projection ranges (Low, Medium, and High) and allocation percentages whenever OFM publishes new GMA population projections.*	The proposed comprehensive plan amendment would not have any direct impacts on population projections for either the County or the City and would not involve any changes to the population allocation formula.

County's Policies	Response
Policy 3: *The locating of Urban Growth Areas within the County shall be accomplished through the use of accepted planning practices which provide sufficient land and service capacity, up to the determined need, to meet project populations at urban densities and service standards within the Cities, and urban densities for those portions of the County located within the urban growth areas.*	The proposed comprehensive plan amendment would not alter population projections, urban densities, or service standards and therefore does not impact this policy.
Policy 4: *That Urban Growth Areas of each City shall be based upon official and accepted population projections for minimum of 20 years. The gross undeveloped and underdeveloped acreage within the city limits and the Urban Growth Area shall be sufficient to meet all the land requirements, for the following. Community and essential public facilities, population projection, commercial and industrial activities, employment projections, infill and to prevent inflation of land cost due to a limited land supply. (Note: The formula for identifying per capita land needs included in this policy has not been reprinted here.)*	The proposed comprehensive plan amendment would not impact population projections, nor the amount of land allocated for various future land uses.
Policy 5: *That within the urban growth area, urban uses shall be concentrated in and adjacent to existing urban services or where they are shown on a Capital Improvement Plan to be available within 6 years.*	The proposed comprehensive plan amendment occurs in an area where urban services and development already exist.
Policy 6: *That cities limit the extension of service district boundaries and water and sewer infrastructure to areas within each jurisdiction's urban growth area contained in their adopted Comprehensive Plan. Utility plans should attempt to reflect possible needs for 50 years.*	The proposed comprehensive plan amendment occurs in an area where urban services and development already exist.
Policy 7: *Within each Comprehensive Plan, the Land Use Plan for urban growth areas shall designate urban densities and indicate the general locations of greenbelt and critical areas.*	The proposed comprehensive plan amendment would not result in the change of any urban growth area boundaries, alter urban densities, or impact critical areas.
Policy 8: *Wherever possible, given consideration of all other variables, such as existing unused service infrastructure, the placement of an urban growth line into an area of existing commercial agriculture shall be avoided.*	The proposed comprehensive plan amendment does not involve either the movement of an urban growth boundary or the conversion of commercial agricultural lands.
Policy 9: *The appropriate directions for the expansion of urban growth areas are those which are unincorporated land with existing service infrastructure and lands adjacent to corporate limits.*	The proposed comprehensive plan amendment does not involve an expansion of an urban growth area boundary. The site is located within the existing urban growth area and falls within the limits of the City.
Policy 10: *All policies within each jurisdiction's Comprehensive Plans shall be modified to be consistent with adopted Countywide Policies.*	The proposed comprehensive plan amendment would not require the amendment of any policies within the City of Richland Comprehensive Plan.

County's Policies	Response
Policy 11: *The County and Cities, along with public participation shall develop a cooperative regional process to site essential public facilities of regional and statewide importance. The objective of the process shall be to ensure that such facilities are located so as to protect environmental quality, optimize access and usefulness to all jurisdictions, and equitably distribute economic benefits/burdens throughout the region or county.*	The proposed comprehensive plan amendment does not involve the siting of essential public facilities.
Policy 12: *Support the existing solid waste program that promotes and maintains a high level of public health and safety, protects the natural and human environment of Benton County, and encourages public involvement by securing representation of the public in the planning process.*	The proposed comprehensive plan amendment would not impact existing solid waste programs.
Policy 13: *Encourage and expand coordination and communication among all jurisdictions and solid waste agencies/firms in Benton and Franklin Counties in order to develop consistent and cost-effective programs that avoid duplication of effort and gaps in program activities.*	The proposed comprehensive plan amendment would not impact existing solid waste programs.
Policy 14: *Maintain active County-City participation in the Regional Transportation Planning Organization in order to facilitate City, County and State coordination in planning regional transportation facilities and infrastructure improvements to serve essential public facilities including Port District facilities and properties.*	The proposed comprehensive plan amendment would not impact existing City, County, or regional transportation plans.
Policy 15: *The County and Cities within shall work together to provide housing for all economic segments of the population. All jurisdictions shall seek to create the conditions necessary for the construction of affordable housing, at the appropriate densities within the cities and county. The following actions should be accomplished:* *a. Jointly quantify and project total countywide housing needs by income level and housing type (i.e., rental, ownership, senior, farm worker housing, group housing.)* *b. Establish a mechanism whereby the housing efforts/programs of each jurisdiction address the projected countywide need.* *c. Address the affordable housing needs of very low-, low- and moderate-income households, and special needs individuals through the Comprehensive Housing Affordability Strategy (CHAS).* *d. Develop design standards for implementation within the Comprehensive Plan with special attention to be given to the residential needs of low to moderate income families.*	The proposed comprehensive plan amendment would increase the availability of middle housing types in the area, diversifying the housing units' price point for future residents.

County's Policies	Response
Policy 16: *Urban growth areas may include territory located outside of a city if such territory may be characterized by urban growth or is adjacent to territory already characterized by urban growth. Within urban growth areas, only urban development may occur.*	The proposed comprehensive plan amendment is in an area that is incorporated within the City and is already part of Richland's Urban Growth Area. Therefore, the proposed amendment would not impact urban growth area boundaries.
Policy 17: *To encourage logical expansion of corporate boundaries into urban growth areas, and to enable the most cost-efficient expenditure of public funds for the provision of urban services into newly annexed areas. The County and each City shall jointly develop and implement development, land division and building standards, and coordinated permit procedures for the review and permitting of new subdivision within Urban Growth Areas.*	As the proposed comprehensive plan amendment site is located within the City, it does not impact City/County efforts to establish joint development standards.
Policy 18: *Consistent with the protection of public health, safety, welfare and the use of natural resources on a long-term sustainable basis, the ability of service capacity to accommodate demands, and the expressed desires of each community, Comprehensive Plans shall jointly and individually support the County and region's economic prosperity in order to promote employment and economic opportunity for all citizens.*	The proposed comprehensive plan amendment would not impact the region's economic prosperity or affect the use of natural resources on a sustainable basis.
Policy 19: *The County and Cities have historically partnered with each other as well as with other organizations to achieve economic development throughout the region. It is the intention of the County and Cities to continue to actively pursue mutually beneficial partnerships that promote growth in all sectors of business and industry, including but not limited to areas of agriculture, agri-business, industrial, commercial, public schools, recreation, and tourism. Key strategies will include promoting family wage jobs, increasing business formation, expansion, and retention, and creating jobs and financial investment to improve the economics of our communities.*	Neither the existing land use designation nor the proposed comprehensive plan amendment contemplate any economic related development of the site, so the application does not impact this policy.
Policy 20: *Capital Improvement Plans and Land Use Plans, shall conduct fiscal analyses which identify and refine the most cost-effective use of regional and local public services.*	The proposed comprehensive plan amendment would not impact regional and local public services.
Policy 21: *Support the development of public schools in areas where utilities are present or can be extended, is financially supportable at urban densities, where the extension of public infrastructure will protect health and safety and the school locations are consistent with the analysis recommended by WAC 365-196-425(3)(b).*	The proposed comprehensive plan amendment would support the development of public schools where utilities are present or can be extended.

County's Policies	Response
Policy 22: *The Growth Management Act requires counties planning under the Act to adopt a countywide planning policy in cooperation with the cities located in the county. The countywide planning policy is to be a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this (GMA) chapter. The purpose for the Benton County Wide Planning Policies is to meet this requirement of the Act. This document is a tool that will provide the necessary guidance to achieve consistency during the updating of comprehensive plans for the county and the cities.*	The proposed comprehensive plan amendment would not directly impact this county-wide planning policy.

HOW THE AMENDMENT FURTHERS THE PURPOSE OF THE CITY'S COMPREHENSIVE PLAN

The goals and policies of the City's comprehensive plan are below followed by a brief response describing how the application is consistent with the goals and policies.

Comprehensive Plan Goal/Policy	Response
LU Goal 1: *Plan for growth within the urban growth area and promote compatible land use.* *Policy 1: Revitalize areas that are already within the City, especially areas within the Central Business District, such as the Parkway and Uptown, and the Island View areas.* *Policy 2: Facilitate planned growth and infill developments within the City.*	The proposed comprehensive plan amendment would facilitate planned growth and promote compatible land uses. As such, the application is compatible with existing development.
LU Goal 2: *Establish land uses that are sustainable and create a livable and vibrant community.* *Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.* *Policy 2: Ensure that adequate public services are provided in a reasonable time frame for new developments.* *Policy 3. Ensure that the intent of the land use and districts are maintained.*	The amendment would be a benefit to residents and would help to maintain a livable and vibrant neighborhood.
LU Goal 3: *Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.* *Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.* *Policy 2: Encourage higher residential densities especially in and near the Central Business District area.*	The proposed comprehensive plan amendment will expand the variety of housing opportunities available in the City.

Comprehensive Plan Goal/Policy	Response
Policy 3: Innovative and non-traditional residential developments can occur through the use of planned unit developments, density bonuses, new types of housing, and multi-use or mixed-use developments.	
LU Goal 4: *Promote commercial and industrial growth that supports the City's economic development goals.* *Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.* *Policy 2: Promote developments such as business and research parks, office parks, technology centers, manufacturing and processing facilities, and other types for high- tech uses.* *Policy 3: Locate neighborhood-oriented commercial land uses in Neighborhood Retail Business areas.* *Policy 4: Encourage the use of buffers or transition zones between non-compatible land uses.* *Policy 5: In areas where residential uses are in close proximity to industrial or commercial lands, adequate development standards should be used in industrial or commercial developments to mitigate the impacts on residential uses.* *Policy 6: Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.*	The proposed comprehensive plan amendment only involves residential lands and does not have a direct impact on this goal relating to commercial/industrial lands.
LU Goal 5: *Ensure connectivity that enhances community access and promotes physical, social, and overall well-being so residents can live healthier and more active lives.* *Policy 1: Locate commercial uses so that they conveniently serve the needs of residential neighborhoods, workplaces, and are easily accessible via non-motorized modes of transport.* *Policy 2: Promote pedestrian and bicycle circulation throughout the community by connecting with the infrastructure and the City's network of parks and trail system.*	The proposed comprehensive plan amendment would allow for multiuse paths throughout the development and therefore will promote the overall well-being of neighborhood residents. These paths will provide a safe place for homeowners to walk and ride their bikes.
LU Goal 6: *Develop an attractive and vibrant Central Business District that displays the unique character of Richland.* *Policy 1: Revitalize declining commercial areas by promoting clean, safe, and pedestrian- and bicycle- friendly environments.* *Policy 2: Designate land use and zoning for higher-density residential uses, mixed-use, and business uses within and adjacent to the Central Business District.* *Policy 3: Encourage infill development and redevelopment in the Central Business District.*	This proposed comprehensive plan amendment is not located near the existing central business district. However, the proposal will incorporate mixed-used development, using the allowable land uses under the central business district land use designation to showcase and display the unique characters of the Badger Mountain South development and specifically Peach Tree Estates.

Comprehensive Plan Goal/Policy	Response
LU Goal 7: *Encourage efficient use and location of public facilities such as transit centers, utility facilities, schools, parks, and other public uses.* *Policy 1: Locate municipal facilities within their service areas and ensure the grouping of facilities within neighborhoods, whenever feasible.* *Policy 2: Ensure that the scale, and location of public facilities are compatible with or buffered from existing and planned surrounding areas.* *Policy 3: Wherever possible, the City will locate park and school facilities together for efficient use of public facilities.* *Policy 4: Encourage the development of private and public regional sports and recreational facilities of a size and quality to attract significant numbers of users and spectators.*	The unique circumstances addressed in these land use policies do not apply to this application, as the site is not near a Ben Franklin Transit route.
LU Goal 8: *Address unique land use situations in the urban area with policies specific to those situations that ensure compatibility between land uses without infringing on private property rights.* *Policy 1: Ensure that lands designated Urban Reserve remain in this holding category to serve future demand for land.* *Policy 2: Apply the Agricultural designation in the Yakima River floodplain.* *Policy 3: At designated Waterfront land use locations, encourage an active mix of commercial, residential, and marine uses as allowed in the SMP.* *Policy 4: Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.* *Policy 5: Define and identify mineral resource lands located within its boundaries that are not already compromised by on-site, immediate, or adjacent urban growth and that have long-term significance for the extraction of minerals on a commercially viable basis.* *Policy 6: Property and/or mineral rights owners should work with the City and appropriate agencies for protection of these sites. Designate mineral resource lands located in the City of Richland that meet the Criteria for Classification of Mineral Resources (WAC 365-190-070).* *Policy 7: Ensure that land uses surrounding the Richland Airport are compatible with existing and future airport operations and do not restrict the airport's ability to maintain or expand its existing and future aviation demands. Coordinate with the Port of Benton to restrict land uses in airport areas that would create conflict or negatively impact the safe and effective airport operations.*	The unique circumstances addressed in these land use policies do not apply to this application, as the site is not used for agricultural production; is not near the waterfront; is without any known historical or archeological significance; is not a mineral resource area; or near the Richland Airport.

Comprehensive Plan Goal/Policy	Response
LU Goal 9: *Within Island View, the City will implement a Single-Family Overlay land use designation for clusters of property that are currently used as single-family residences which have high probability of being redeveloped with non-residential land uses.* *Policy 1: The city will use the Single-Family Overlay concept only in those instances where the majority of property owners have expressed a preference for its use.* *Policy 2: Areas designated as Single-Family Overlay will be zoned for single-family residential uses, as identified in the city's R-2 Medium Density Residential zoning district.* *Policy 3: Areas designated as Single-Family Overlay will remain as such until property owner(s) bring forward a request to remove the overlay and change the zoning to the designation contained in the Island View Subarea Plan. In such cases, an amendment to the comprehensive plan is not necessary.* *Policy 4: Applicants bringing forward a request to change the zoning of property designated Single Family Overlay should demonstrate that the land proposed for amendment is a) large enough to support redevelopment for non-single family residential land uses; and b) will have sufficient access to City streets and utility systems to support redevelopment.* *Policy 5: Whenever properties designated with the Single-Family Overlay are rezoned for non-single family residential uses in accordance with Policy 4 above, the Single Family Overlay designation should be removed from the subject property.*	The site is not located within the Island View area, so these land use policies do not apply.
LU Goal 10: *Follow controlling law and constitutional requirements, both state and federal, to ensure the appropriate protection of private property rights.* *Policy 1: Monitor evolving state and federal statutory amendments and judicial precedent so that timely amendments or changes can be made in the process of implementing the comprehensive plan policies and development regulations.* *Policy 2: Process comprehensive plan amendments and development regulations using a fair and open hearing process, with adequate public notice and opportunities to participate to ensure the protection of all due process rights.* *Policy 3: Process timely, fair, and predictable processing and review of land use permit applications in conformance with applicable federal and state legal and regulatory requirements.*	The application has been prepared and filed in compliance with City regulations that are in place to facilitate a fair and open hearing process and provide the public with adequate notice.

Comprehensive Plan Goal/Policy	Response
Natural Environment NE Goal 1*: Promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas as unique assets to the community, and provide public access for enjoyment of such facilities based on the ability of the resource to support the use.* *Policy 1: Use the critical areas ordinance, SMP, the state environmental policy act (SEPA), and other ordinances, as applicable, to designate and protect the critical areas and natural environment.* *Policy 2: Consider the goals and policies of the SMP as part of this Comprehensive Plan. Encourage development of water-oriented recreational, cultural, and commercial facilities in certain Columbia River locations, consistent with the SMP and its criteria of no net loss of ecological functions, to enhance and diversify Richland's community recreational resources and its attractiveness to tourists.* *Policy 3: Ensure public access to shorelines on public land, subject to regulations protecting public safety, sensitive habitat areas, and wildlife.* *Policy 4: Encourage the public and/or private acquisition of the prominent ridges in the south Richland area to preserve views, protect shrub- steppe habitat, and to provide public access. Consider the preservation of the ridges and hillside areas through various standards.* *Policy 5: Develop an integrated pedestrian trail system to provide access through the City's important natural features, such as prominent ridges and Rivershore areas and provide necessary trail linkages between these natural features.*	Shoreline policies do not apply to the site. This site does not include prominent ridges, shrub-steppe habitat, sensitive habitat areas, or wildlife habitat areas. The site has not been identified as a critical area on City critical areas maps. The future development does provide for future multi-use paths across the site and would provide expansion of pedestrian trails within the neighborhood.
Historic and Cultural Resources HP Goal 1: *Preserve significant historic structures, districts, and cultural resources that are unique to Richland.* *Policy 1: Encourage preservation and promotion of adaptive reuse of historic "Alphabet Homes "of Richland.* *Policy 2: Coordinate with local tribes, federal, state, and local agencies to protect historic and cultural resources.*	There are no structures on site and no known historic or cultural resources are present.
UD Goal 1: *Create a physically attractive and culturally vibrant, pedestrian- and bicycle-friendly environment in the City.* *Policy 1: Establish and enhance the positive attributes of residential, commercial, central business, and other districts with appropriate transition between them.* *Policy 2: Encourage redevelopment and upgrade of suitable commercial areas.* *Policy 3: Improve streetscape and connectivity for safe and pedestrian-friendly environments.* *Policy 4: Promote public arts, museums, and interpretive centers in coordination with public plazas and community spaces that reflect the unique history and culture of Richland.*	The proposed plan amendment for future development provides multiuse paths across the site and so would make the Peach Tree Estates more and active transportation friendly.

Comprehensive Plan Goal/Policy	Response
UD Goal 2: *Revitalize commercial areas, such as areas in the Central Business District including the Uptown retail area and the Island View area.* *Policy 1: Enhance the appearance, image, and design character of the Central Business District.* *Policy 2: Ensure adequate public transit, bicycle, and pedestrian access in the commercial centers along with parking and landscaping.* *Policy 3: Enhance the welcoming experience into the community through well-designed gateway features in prominent locations.* *Policy 4. Design the public realm, including streetscapes, parks, plazas, and civic amenities for the community to gather and interact.* *Policy 5: Provide continuity among adjacent uses by using cohesive landscaping, decorative paving, street furniture, public art, and integrated infrastructure elements.*	This urban design goal is not directly applicable to the proposed plan amendment.
UD Goal 3*: Development through appropriate design, should protect natural features such as rivers, shorelines, ridgelines, steep slopes, and archaeological and historical resources.* *Policy 1: Development should be sensitive to existing topography and landscape and should minimize environmental impacts.* *Policy 2: Hillside development should, as much as practical, blend with the natural shape and texture of the land.* *Policy 3: Lighting should be designed so as to promote public safety as well as promote "Dark Sky" principals.*	The site of the proposed plan amendment does not contain shorelines, steep slopes, or ridgelines and there are no known archeological or historical resources on-site. Therefore, this urban design goal is not directly applicable to this proposed plan amendment.
UD Goal 4: *Promote community beautification by enhancing public spaces and thoroughfares and encouraging private property beautification.* *Policy 1: Improve the appearance of all city- owned space and major thoroughfares.* *Policy 2. Promote programs to improve landscaping. Encourage xeriscaping and use of native plants.* *Policy 3: Promote more attractive signage throughout the City, especially in commercial districts.*	The proposed plan amendment would provide opportunities for landowners to make investments to beautify their private property.

HOW THE AMENDMENT IS INTERNALLY CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN

Consistency with the City's Comprehensive Plan is detailed in this narrative on pages 9 through 11. Other adopted city plans and codes, including the BMSP and the Capital Improvements Plan, were adopted to meet and satisfy goals, policies, and objectives outlined in the City's Comprehensive Plan. Accordingly, consistency with the Comprehensive Plan also means consistency with the plans and codes adopted to meet the Comprehensive Plan requirements.

IF APPLICABLE, HOW THE PROJECT WILL MEET CONCURRENCY REQUIREMENTS FOR TRANSPORTATION

The proposed amendment will not result in significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services.

Future development of the site will complete public improvements including streets, city water extension, city sewer extension, installation of fire hydrants, installation of required stormwater systems, and parks/opens/trail improvements for the benefit of the site. Such improvements will be designed and reviewed as part of future development applications and will be installed once appropriate approvals have been received.

DESCRIPTION OF ANY ASSOCIATED DEVELOPMENT PROPOSALS

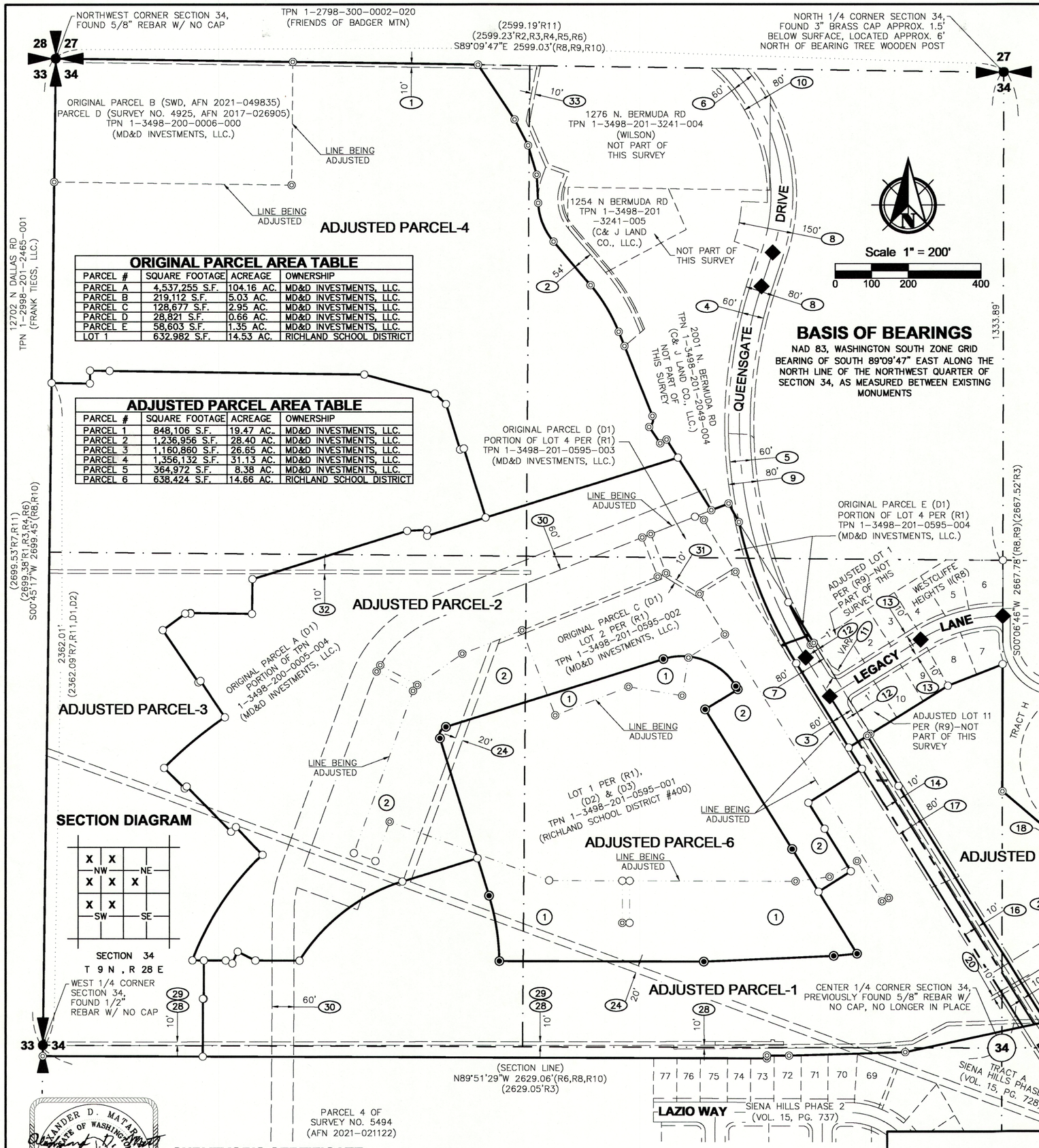
There are no associated development proposals with this application. If Comprehensive Plan Map Amendment is accepted, the applicant would like to move forward with a preliminary plat application for Peach Tree Estates.

Survey #5724 Pg 1 of 9

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.



ORIGINAL PARCEL AREA TABLE

PARCEL #	SQUARE FOOTAGE	ACREAGE	OWNERSHIP
PARCEL A	4,537,255 S.F.	104.16 AC.	MD&D INVESTMENTS, LLC.
PARCEL B	219,112 S.F.	5.03 AC.	MD&D INVESTMENTS, LLC.
PARCEL C	128,677 S.F.	2.95 AC.	MD&D INVESTMENTS, LLC.
PARCEL D	28,821 S.F.	0.66 AC.	MD&D INVESTMENTS, LLC.
PARCEL E	58,603 S.F.	1.35 AC.	MD&D INVESTMENTS, LLC.
LOT 1	632,982 S.F.	14.53 AC.	RICHLAND SCHOOL DISTRICT

ADJUSTED PARCEL AREA TABLE

PARCEL #	SQUARE FOOTAGE	ACREAGE	OWNERSHIP
PARCEL 1	848,106 S.F.	19.47 AC.	MD&D INVESTMENTS, LLC.
PARCEL 2	1,236,956 S.F.	28.40 AC.	MD&D INVESTMENTS, LLC.
PARCEL 3	1,160,860 S.F.	26.65 AC.	MD&D INVESTMENTS, LLC.
PARCEL 4	1,356,132 S.F.	31.13 AC.	MD&D INVESTMENTS, LLC.
PARCEL 5	364,972 S.F.	8.38 AC.	MD&D INVESTMENTS, LLC.
PARCEL 6	638,424 S.F.	14.66 AC.	RICHLAND SCHOOL DISTRICT

SECTION DIAGRAM

SECTION 34
T 9 N , R 28 E
WEST 1/4 CORNER SECTION 34, FOUND 1/2" REBAR W/ NO CAP

LEGEND

✥	FOUND SURVEY MONUMENT AS NOTED
◎	FOUND SURVEY PIN – SEE FOUND SURVEY PIN KEY, SHEET 5
◆	FOUND BRASS CAP IN MONUMENT CASE, STAMPED "2018 PLS 46318" PER (R8) OR AS NOTED
◉	SET 5/8" x 30" IRON REBAR WITH YPC STAMPED: "MATARAZZO 46318" WITH THIS SURVEY
○	CALCULATED POINT, NOT FOUND OR SET
(R#)/(D#)	DENOTES SURVEY REFERENCE/DEED REFERENCE, SEE LIST, ALSO DENOTES MEASURED DIMENSION MATCHES RECORD DIMENSION UNLESS NOTED OTHERWISE
AFN	AUDITOR FILE NUMBER
ESMT	EASEMENT
OPC	ORANGE PLASTIC CAP
S.F. / AC.	SQUARE FEET / ACRES
(VOL. , PG.)	VOLUME, PAGE
YPC	YELLOW PLASTIC CAP
— · — · — · —	SECTION OR SECTION SUB-DIVISION LINE
———	RIGHT-OF-WAY
———	RIGHT-OF-WAY CENTERLINE
— — — —	EXISTING PROPERTY LINE
— — — —	EASEMENT BOUNDARY
———	ADJUSTED PARCEL BOUNDARY
— · — · —	TRANSFER PORTION BOUNDARY – SEE TRANSFER PORTION KEY

TRANSFER PORTION KEY

(1) TRANSFER PORTION FROM MD&D INVESTMENTS, LLC TO RICHLAND SCHOOL DISTRICT – SEE SHEET 7 FOR LEGAL DESCRIPTION

(2) TRANSFER PORTION FROM RICHLAND SCHOOL DISTRICT TO MD&D INVESTMENTS, LLC – SEE SHEET 7 FOR LEGAL DESCRIPTION

NOTES:

1. SEE SHEETS 2 THRU 4 FOR ADJUSTED PARCELS 1 THROUGH 6 DETAILS.
2. SEE SHEET 5 FOR FOUND SURVEY PIN KEY– (X), EXISTING EASEMENT KEY– (X) & COMPLETE LINE AND CURVE TABLES.

SURVEY / DEED REFERENCES

(R1) SHORT PLAT NO. 595 FOR MILO BAUDER (AFN 771566) BY WEBBER
(R2) SURVEY NO. 848 AMENDING SURVEY NO. 822 (AFN 887321) BY WEBBER
(R3) SHORT PLAT NO. 2049 (AFN 1994-017574) BY BAALMAN
(R4) SURVEY NO. 2164 FOR BMID (AFN 1996-12391) BY ROGERS
(R5) SHORT PLAT NO. 3241 (AFN 2010-007065) BY YAMASHITA
(R6) SURVEY NO. 4140 (AFN 2010-026670) BY MATARAZZO
(R7) SURVEY NO. 5031 (AFN 2018-018513) BY BAALMAN
(R8) FINAL PLAT OF WESTCLIFFE HEIGHTS II (AFN 2018-015773) BY MATARAZZO
(R9) SURVEY NO. 5036 (AFN 2018-019538) BY MATARAZZO
(R10) SURVEY NO. 5494 (AFN 2021-021122) BY MATARAZZO
(R11) SURVEY NO. 5521 (AFN 2021-030634) BY BAALMAN

(D1) STATUTORY WARRANTY DEED (AFN 2021-049835)
(D2) STATUTORY WARRANTY DEED (AFN 2021-022771)
(D3) STATUTORY WARRANTY DEED (AFN 774082)
(D4) STATUTORY WARRANTY DEED (AFN 781372)

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF MONSON DEVELOPMENT WASHINGTON, LLC IN 2022.

Alexander D. Matarazzo

10/12/2022
ALEXANDER D. MATARAZZO, PLS 46318 — DATE

10/12/2022

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF October, 2022 AT 2:45 P M. IN VOLUME 01 OF SURVEYS AT PAGE 5724 AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

Brenda Chilton, by Merry Boatright, deputy
COUNTY AUDITOR

PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: 1" = 200'
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 1 OF 9

2022-033094 B: 01 P: 5724 SUR
10/14/2022 02:45 PM Pages: 1 of 9 Fee: $327.50
Per RCW 36.18.010 Environmental Is Fee
Benton County Auditor's Office

Survey # 5724 Pg 2 of 9

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

NORTHWEST CORNER SECTION 34, FOUND 5/8" REBAR W/ NO CAP

TPN 1-2798-300-0002-020 (FRIENDS OF BADGER MTN)

649.80'(R7,R11,D1,D2)(649.81'R3,R5)

1157.16'(1157.34'R7,R11)

337.44'(R7,R11)(337.42'R3,R6)

887.49'

ORIGINAL PARCEL B (SWD, AFN 2021-049835)
PARCEL D (SURVEY NO. 4925, AFN 2017-026905)
TPN 1-3498-200-0006-000
(MD&D INVESTEMENTS, LLC.)

LINE BEING ADJUSTED

LINE BEING ADJUSTED

FOUND 5/8" REBAR W/ YPC: "LS 12365" PER SURVEY NO. 1743, FOUND 0.12' SOUTHERLY OF CALCULATED, HELD FOR N-S PROPERTY LINE PROJECTION, HELD AS REPLACEMENT OF ORIGINAL

507.36'(507.49'R6)
(507.54'R7,D1,D2)
(507.55'R11)

10'

FOUND 5/8" REBAR W/ YPC: "LS 46318" PER SURVEY NO. 4140, FOUND 0.13' SOUTHEASTERLY OF CALCULATED, HELD FOR NW-SE PROPERTY LINE PROJECTION

(2599.19'R11)
(2599.23'R2,R3,R4,R5,R6)
N89°09'47"W 2599.03'(R8,R9,R10)

S33°55'58"E 179.99'
(179.76'R7
,R11,D1,D2)
(179.86'R6)

S27°38'46"E
(80.00'R7
,R11,D1,D2)
79.89'
(79.99'R6)

S16°32'19"E
(83.44'R7
,R11,D1,D1)
(83.10'R6)
83.41'

S03°04'35"E
(77.55'R7
,R11,D1,D2)
77.58'R6)
77.62'

C1

S40°10'17"E 156.06'
(155.89'R7,R11
,D1,D2)
(155.76'R5,R6)

C2

S21°59'37"E
(42.43'R7,R11
,D1,D2)
(42.47'R5)
42.39'

S22°02'34"E 205.67'
(205.46'R7,R11,D1,D2)

C3

L1

C4

L2

S32°20'10"E 229.31'
(229.32'R11)

170.68'

L3

1276 N. BERMUDA RD
TPN 1-3498-201-3241-004
(WILSON)

1254 N. BERMUDA RD
TPN 1-3498-201-3241-005
(C& J LAND CO., LLC.)

1232 N. BERMUDA RD
TPN 1-3498-201-3241-003
(C& J LAND CO., LLC.)

2001 N. BERMUDA RD
TPN 1-3498-201-2049-004
(C& J LAND CO., LLC.)

DRIVE

QUEENSGATE

60'
80'
150'
54'

FOUND BRASS CAP: "2018 PLS 46318", IN CASE PER WESTCLIFFE HEIGHTS II (VOL. 15, PG. 608)

FOUND BRASS CAP: "2018 PLS 46318", IN CASE PER WESTCLIFFE HEIGHTS II (VOL. 15, PG. 608)

12702 N DALLAS RD
TPN 1-2998-201-2465-001
(FRANK TIEGS, LLC.)

(2699.53'R7,R11)
(2699.38'R1,R3,R4,R6)
N00°45'17"E 2699.45'(R8,R10)

1811.96'

S89°14'43"E
54.01'

S89°14'43"E
104.98'

N00°48'16"E
35.17'

S89°09'47"E 698.33'

S74°58'55"E 199.70'

L18

S17°17'40"E
130.01'

L17

S17°17'40"E 198.02'

552.96'

N72°42'20"E 719.81'

N86°48'28"E
54.01'

L16

166.85'

N72°42'20"E 444.07'

10'

60'

ORIGINAL PARCEL A (D1)

ADJUSTED PARCEL-3
SEE ADJUSTED PARCEL AREA TABLE, SHEET 1

ADJUSTED PARCEL-4
SEE ADJUSTED PARCEL AREA TABLE, SHEET 1

ADJUSTED PARCEL-2
SEE ADJUSTED PARCEL AREA TABLE, SHEET 1

N28°W 0.32' FROM CALCULATED, NOT HELD

N07°E 0.39' FROM CALCULATED, NOT HELD, SHOWN AT SPINHOLE

LINE BEING ADJUSTED

ORIGINAL PARCEL D (D1)
PORTION OF LOT 4 PER (R1

Scale 1" = 100'
0 50 100 200

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	RECORD ARC LENGTH
C1	116.02'	179.00'	37°08'14"	N21°45'13"W	114.00'	(116.14'R6)(116.15'R7,R11,D1,D2)
C2	149.38'	471.00'	18°10'17"	N31°09'18"W	148.75'	(149.70'R5,R6)(149.61'R7,R11,D1,D2)
C3	33.94'	25.00'	77°47'46"	S16°44'23"W	31.40'	(33.87'R6,R7,R11,D1,D2)
C4	20.16'	173.00'	6°40'38"	N59°00'22"E	20.15'	(20.01'R11)

LINE TABLE

LINE	BEARING	DISTANCE	RECORD DISTANCE
L1	S34°16'51"E	54.02'	(54.00'R6,R7,R11,D1,D2)
L2	S32°20'10"E	58.63'	
L3	N68°24'08"E	50.01'	(50.01'R11)
L16	S03°11'32"E	16.34'	
L17	S72°42'20"W	10.82'	
L18	N46°50'00"W	42.12'	

BASIS OF BEARINGS

NAD 83, WASHINGTON SOUTH ZONE GRID BEARING OF SOUTH 89°09'47" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 34, AS MEASURED BETWEEN EXISTING MONUMENTS

NOTES:

1. SEE SHEET 1 FOR LEGEND AND AREA TABLES.
2. SEE SHEET 5 FOR FOUND SURVEY PIN KEY- (X), EXISTING EASEMENT KEY- (X) & COMPLETE LINE AND CURVE TABLES.

TRANSFER PORTION KEY

(1) TRANSFER PORTION FROM MD&D INVESTMENTS, LLC TO RICHLAND SCHOOL DISTRICT – SEE SHEET 7 FOR LEGAL DESCRIPTION

(2) TRANSFER PORTION FROM RICHLAND SCHOOL DISTRICT TO MD&D INVESTMENTS, LLC – SEE SHEET 7 FOR LEGAL DESCRIPTION

SURVEY / DEED REFERENCES

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(R10) SURVEY NO. 5494 (AFN 2021-021122) BY MATARAZZO
(R11) SURVEY NO. 5521 (AFN 2021-030634) BY BAALMAN

(D1) STATUTORY WARRANTY DEED (AFN 2021-049835)
(D2) STATUTORY WARRANTY DEED (AFN 2021-022771)
(D3) STATUTORY WARRANTY DEED (AFN 774082)
(D4) STATUTORY WARRANTY DEED (AFN 781372)

MATCH LINE - SEE SHEET 3

MATCH LINE - SEE SHEET 3

MATCH LINE - SEE SHEET 3

MATCH LINE - SEE SHEET 4

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF October, 2022 AT 2:45 P M. IN VOLUME 01 OF SURVEYS AT PAGE 5724 AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

Brenda Chilton by Merry Boatright, deputy
COUNTY AUDITOR

ALEXANDER D. MATARAZZO
STATE OF WASHINGTON
46318
REGISTERED PROFESSIONAL LAND SURVEYOR

10/12/2022

PBS

PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: 1" = 100'
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 2 OF 9

Survey #5724 Pg 3 of 9

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

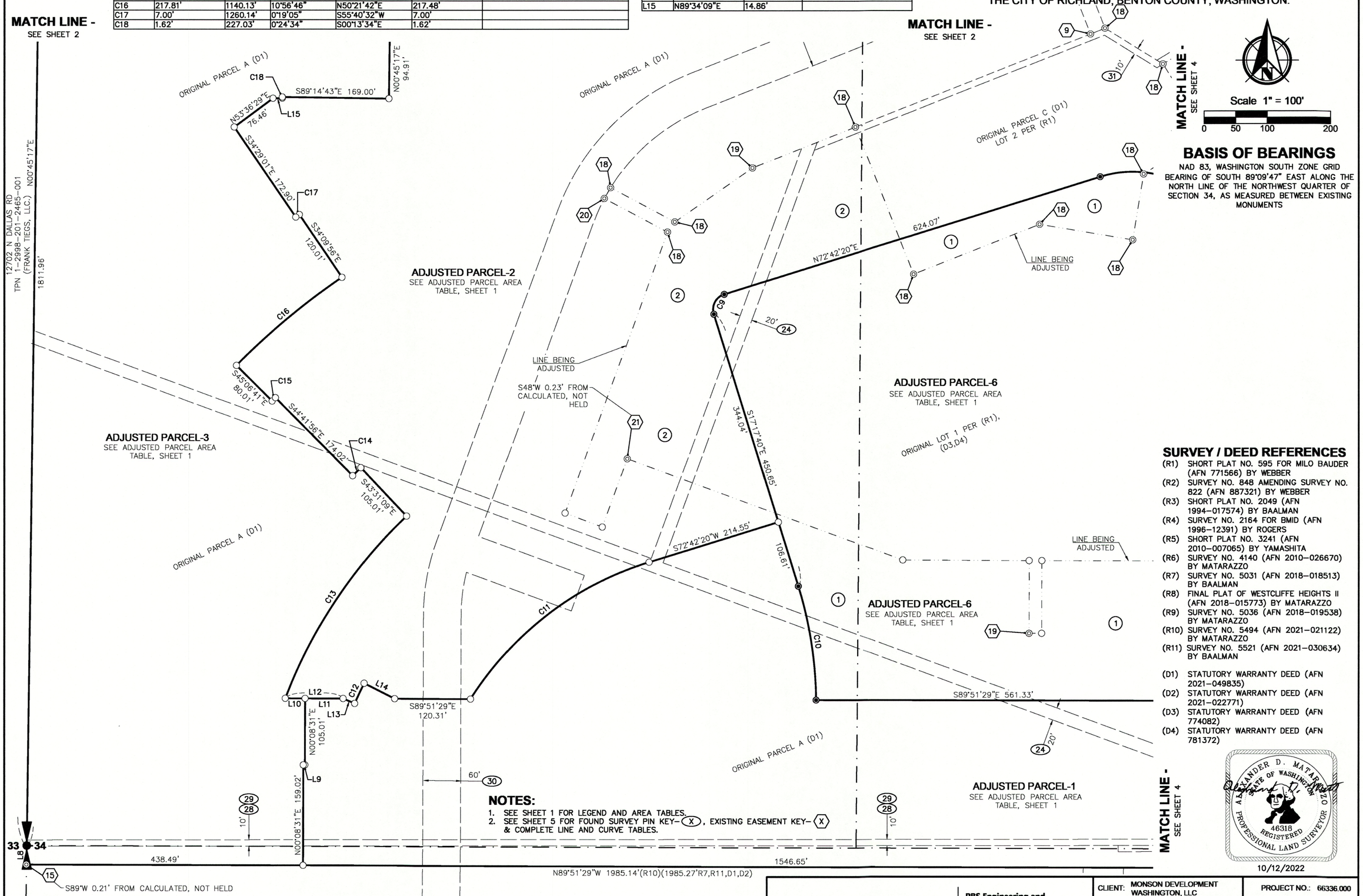
LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	RECORD ARC LENGTH
C9	39.27'	25.00'	90°00'00"	S27°42'20"W	35.36'	
C10	182.43'	627.07'	16°40'08"	S08°57'36"E	181.79'	
C11	363.25'	517.06'	40°15'08"	S52°34'46"W	355.83'	
C12	35.21'	676.07'	2°59'02"	S25°01'40"W	35.20'	
C13	349.22'	781.09'	25°37'00"	S33°40'21"W	346.32'	
C14	18.24'	886.10'	1°10'47"	S45°53'27"W	18.24'	
C15	7.63'	1060.12'	0°24'45"	S45°05'41"W	7.63'	
C16	217.81'	1140.13'	10°56'46"	N50°21'42"E	217.48'	
C17	7.00'	1260.14'	0°19'05"	S55°40'32"W	7.00'	
C18	1.62'	227.03'	0°24'34"	S00°13'34"E	1.62'	

LINE TABLE

LINE	BEARING	DISTANCE	RECORD DISTANCE
L8	N00°45'21"E	30.02'	(R10)(29.94'R7,R11,D1,D2)
L9	S89°51'29"E	2.51'	
L10	N89°51'29"W	31.49'	
L11	S89°51'29"E	60.21'	
L12	S89°51'29"E	91.70'	
L13	S66°27'51"E	20.00'	
L14	S63°28'49"E	54.01'	
L15	N89°34'09"E	14.86'	



BASIS OF BEARINGS

NAD 83, WASHINGTON SOUTH ZONE GRID BEARING OF SOUTH 89°09'47" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 34, AS MEASURED BETWEEN EXISTING MONUMENTS

SURVEY / DEED REFERENCES

(R1) SHORT PLAT NO. 595 FOR MILO BAUDER (AFN 771566) BY WEBBER
(R2) SURVEY NO. 848 AMENDING SURVEY NO. 822 (AFN 887321) BY WEBBER
(R3) SHORT PLAT NO. 2049 (AFN 1994-017574) BY BAALMAN
(R4) SURVEY NO. 2164 FOR BMID (AFN 1996-12391) BY ROGERS
(R5) SHORT PLAT NO. 3241 (AFN 2010-007065) BY YAMASHITA
(R6) SURVEY NO. 4140 (AFN 2010-026670) BY MATARAZZO
(R7) SURVEY NO. 5031 (AFN 2018-018513) BY BAALMAN
(R8) FINAL PLAT OF WESTCLIFFE HEIGHTS II (AFN 2018-015773) BY MATARAZZO
(R9) SURVEY NO. 5036 (AFN 2018-019538) BY MATARAZZO
(R10) SURVEY NO. 5494 (AFN 2021-021122) BY MATARAZZO
(R11) SURVEY NO. 5521 (AFN 2021-030634) BY BAALMAN

(D1) STATUTORY WARRANTY DEED (AFN 2021-049835)
(D2) STATUTORY WARRANTY DEED (AFN 2021-022771)
(D3) STATUTORY WARRANTY DEED (AFN 774082)
(D4) STATUTORY WARRANTY DEED (AFN 781372)

NOTES:

1. SEE SHEET 1 FOR LEGEND AND AREA TABLES.
2. SEE SHEET 5 FOR FOUND SURVEY PIN KEY- (X), EXISTING EASEMENT KEY- (X) & COMPLETE LINE AND CURVE TABLES.

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF October, 2022 AT 2:45 P M. IN VOLUME 01 OF SURVEYS AT PAGE 5724 AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

Brenda Chilton by Sherry Boatright deputy
COUNTY AUDITOR

TRANSFER PORTION KEY

(1) TRANSFER PORTION FROM MD&D INVESTMENTS, LLC TO RICHLAND SCHOOL DISTRICT – SEE SHEET 7 FOR LEGAL DESCRIPTION

(2) TRANSFER PORTION FROM RICHLAND SCHOOL DISTRICT TO MD&D INVESTMENTS, LLC – SEE SHEET 7 FOR LEGAL DESCRIPTION

ALEXANDER D. MATARAZZO STATE OF WASHINGTON 46318 REGISTERED PROFESSIONAL LAND SURVEYOR

10/12/2022

PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

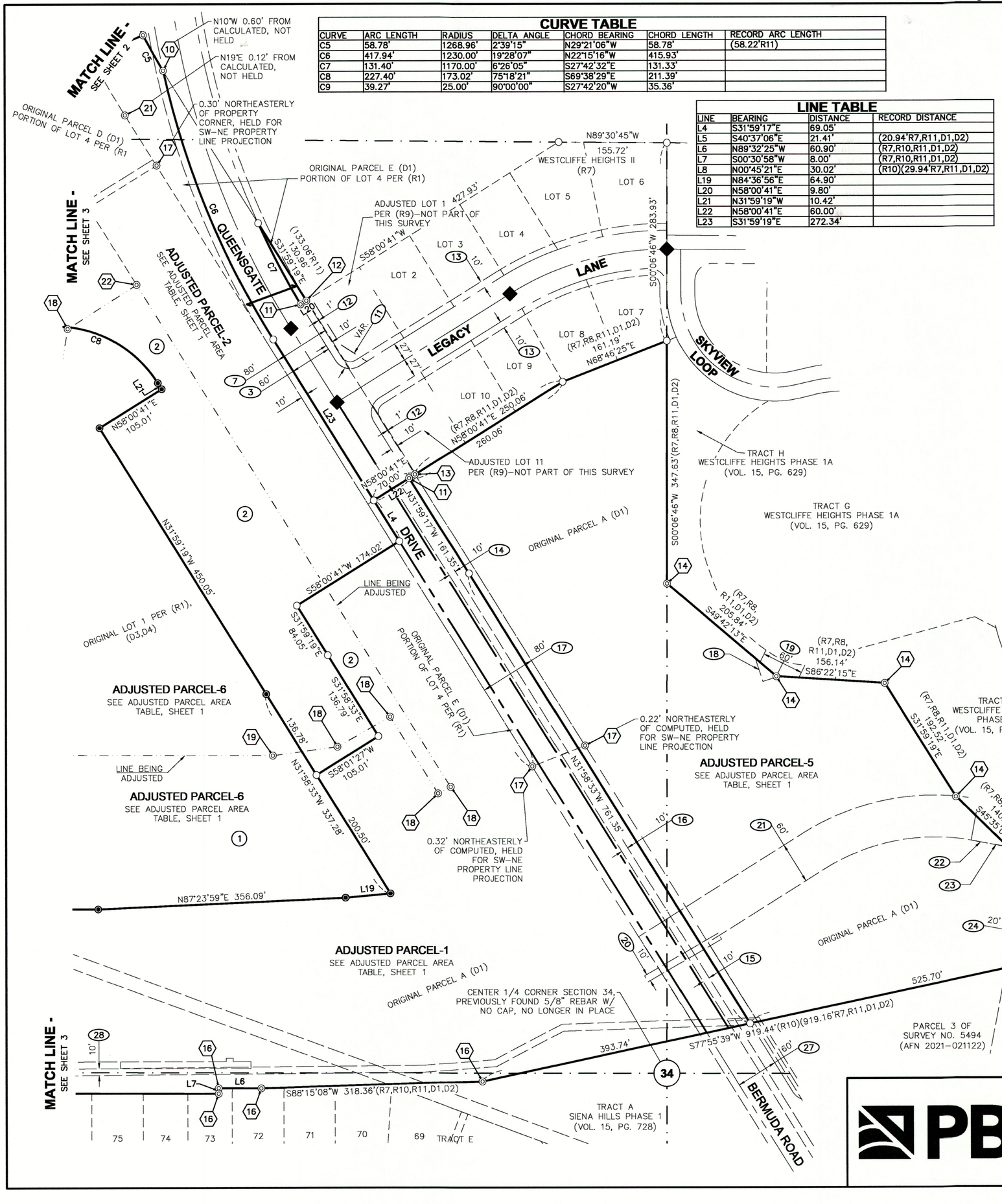
CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: 1" = 100'
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 3 OF 9

Survey #5724 Pg 4 of 9

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.



CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	RECORD ARC LENGTH
C5	58.78'	1268.96'	2°39'15"	N29°21'06"W	58.78'	(58.22'R11)
C6	417.94'	1230.00'	19°28'07"	N22°15'16"W	415.93'	
C7	131.40'	1170.00'	6°26'05"	S27°42'32"E	131.33'	
C8	227.40'	173.02'	75°18'21"	S69°38'29"E	211.39'	
C9	39.27'	25.00'	90°00'00"	S27°42'20"W	35.36'	

LINE TABLE

LINE	BEARING	DISTANCE	RECORD DISTANCE
L4	S31°59'17"E	69.05'	
L5	S40°37'06"E	21.41'	(20.94'R7,R11,D1,D2)
L6	N89°32'25"W	60.90'	(R7,R10,R11,D1,D2)
L7	S00°30'58"W	8.00'	(R7,R10,R11,D1,D2)
L8	N00°45'21"E	30.02'	(R10)(29.94'R7,R11,D1,D2)
L19	N84°36'56"E	64.90'	
L20	N58°00'41"E	9.80'	
L21	N31°59'19"W	10.42'	
L22	N58°00'41"E	60.00'	
L23	S31°59'19"E	272.34'	

Scale 1" = 100'

0 50 100 200

BASIS OF BEARINGS

NAD 83, WASHINGTON SOUTH ZONE GRID BEARING OF SOUTH 89°09'47" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 34, AS MEASURED BETWEEN EXISTING MONUMENTS

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(1) TRANSFER PORTION FROM MD&D INVESTMENTS, LLC TO RICHLAND SCHOOL DISTRICT – SEE SHEET 7 FOR LEGAL DESCRIPTION

(2) TRANSFER PORTION FROM RICHLAND SCHOOL DISTRICT TO MD&D INVESTMENTS, LLC – SEE SHEET 7 FOR LEGAL DESCRIPTION

NOTES:

1. SEE SHEET 1 FOR LEGEND AND AREA TABLES.
2. SEE SHEET 5 FOR FOUND SURVEY PIN KEY- (X), EXISTING EASEMENT KEY- (X) & COMPLETE LINE AND CURVE TABLES.

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(D3) STATUTORY WARRANTY DEED (AFN 774082)
(D4) STATUTORY WARRANTY DEED (AFN 781372)

ALEXANDER D. MATARAZZO
STATE OF WASHINGTON
46318
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/12/2022

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF October, 2022 AT 2:45 P M. IN VOLUME 01 OF SURVEYS AT PAGE 5724 AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

Brenda Chilton by Merry Boatright, Deputy
COUNTY AUDITOR

PBS Engineering and Environmental Inc.
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Richland, WA 99352
509.942.1600
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CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: 1" = 100'
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 4 OF 9

Survey #5724 Pg 5 of 9

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

EASEMENT KEY

(1) 10' BENTON PUBLIC UTILITY DISTRICT NO. 1 EASEMENT PER AFN 1993-34114
(2) 54' PRIVATE ROAD EASEMENT FOR USE OF 3 LOTS PER SHORT PLAT 3241 AFN 2010-007065
(3) 60' RIGHT OF WAY PER AFN 2018-017826
(4) 60' RIGHT OF WAY PER AFN 2018-017827
(5) 60' RIGHT OF WAY PER AFN 2018-017828
(6) 60' RIGHT OF WAY PER AFN 2018-017829
(7) 80' ACCESS AND UTILITY EASEMENT TO CITY OF RICHLAND PER AFN 2017-019386
(8) 80'/150' ACCESS AND UTILITY EASEMENT TO CITY OF RICHLAND PER AFN 2017-019387
(9) 80' ACCESS AND UTILITY EASEMENT TO CITY OF RICHLAND PER AFN 2017-019388
(10) 80' ACCESS AND UTILITY EASEMENT TO CITY OF RICHLAND PER AFN 2017-019389
(11) VARIABLE WIDTH LANDSCAPE & ENTRY MONUMENT EASEMENT PER AFN 2018-037686
(12) 1' NO ACCESS/SCREENING EASEMENT PER (R7)
(13) 10' PUBLIC UTILITY EASEMENT PER (R7)
(14) 10' WATERLINE EASEMENT TO CITY OF RICHLAND PER AFN 2018-001484
(15) 10' WATERLINE EASEMENT TO CITY OF RICHLAND PER AFN 2018-001483
(16) 10' WATERLINE EASEMENT TO CITY OF RICHLAND PER AFN 2018-001482
(17) 80' ACCESS & UTILITY EASEMENT PER AFN 2019-001554
(18) VARIABLE WIDTH EASEMENTS TO BADGER MOUNTAIN IRRIGATION DISTRICT PER AFN 718936 PARTIALLY TERMINATED PER AFN 2019-005050
(19) 60' SPILLWAY EASEMENT TO BADGER MOUNTAIN IRRIGATION DISTRICT PER AFN 2018-037403
(20) 10' IRRIGATION EASEMENT TO BADGER MOUNTAIN IRRIGATION DISTRICT PER AFN 2020-033644
(21) 60' ACCESS EASEMENT PER AFN 862635, BENEFITING ALL LANDS IN SECTION 34, EXCEPT THE N 1/2 OF THE NE 1/4 THAT PORTION OF SECTION 35 LYING SOUTHERLY AND WESTERLY OF THE K.I.D. EAST LATERAL CANAL RIGHT-OF-WAY
(22) 60' INGRESS-EGRESS, UTILITY & IRRIGATION EASEMENT PER AFN 898901 IN FAVOR OF LAND NOW BEING SHORT PLAT NO. 1452 (ADJACENT PORTION IN TRACT A OF WESTCLIFFE HEIGHTS II TERMINATED BY 2019-002642)
(23) 60' INGRESS-EGRESS EASEMENT PER AFN 87-16073, BENEFITING ALL LANDS IN SECTION 34, EXCEPT THE N 1/2 OF THE NE 1/4 & THAT PORTION OF SECTION 35 LYING SOUTHERLY AND WESTERLY OF THE K.I.D. EAST LATERAL CANAL RIGHT-OF-WAY (ADJACENT PORTION IN TRACT A OF WESTCLIFFE HEIGHTS II TERMINATED BY AFN 2019-000678)
(24) 20' BADGER MOUNTAIN IRRIGATION DISTRICT EASEMENT AS DEPICTED ON (R4)
(25) 10' RIGHT-OF-WAY EASEMENT TO BENTON PUBLIC UTILITY DISTRICT NO. 1 PER AFN 728681
(26) 10' UTILITY EASEMENT TO CITY OF RICHLAND PER AFN 2016-004839
(27) 60' RIGHT-OF-WAY PER SIENA HILLS PHASE 1 AFN 2021-051239
(28) 10' UTILITY EASEMENT TO CITY OF RICHLAND PER AFN 2016-004839 (PORTION TO SOUTH TERMINATED BY AFN 2022-004850)
(29) 10' UTILITY EASEMENT TO CITY OF RICHLAND PER AFN 2014-006658
(30) 60' INGRESS & EGRESS EASEMENT PER AFN 765776, IN FAVOR OF LAND LABELED AS "PROPERTY" (AKA LOTS 1-4 OF (R1))
(31) 10' IRRIGATION EASEMENT PER (R1)
(32) 10' BENTON PUBLIC UTILITY DISTRICT NO. 1 ELECTRICAL EASEMENT PER AFN 85-4566
(33) 10' UTILITY EASEMENT PER SHORT PLAT NO. 3241 AFN 2010-007065

FOUND PIN AND MONUMENT KEY

(1) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) MARKED "LS 12365" PER SURVEY NO. 1743 - HELD AS REPLACEMENT OF ORIGINAL
(2) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) MARKED "LS 46318" PER SURVEY NO. 4140
(3) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) "ILLEGIBLE" PER SURVEY NO. 4140
(4) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SURVEY NO. 4140 - HELD AS REPLACEMENT OF ORIGINAL
(5) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SHORT PLAT NO. 3241 - HELD AS REPLACEMENT OF ORIGINAL
(6) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) MARKED "LS 36814" PER SHORT PLAT NO. 3241
(7) 5/8" REBAR NO CAP PER SHORT PLAT NO. 3241
(8) 5/8" REBAR NO CAP PER SHORT PLAT NO. 3241 - BENT, SHOT AT SPIN HOLE
(9) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SURVEY NO. 5521
(10) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SURVEY NO. 5521 - OVER 0.10' FROM COMPUTED POSITION AS NOTED - NOT HELD
(11) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) MARKED "LS 46318" PER SURVEY NO. 5036
(12) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) MARKED "LS 46318" PER PLAT OF WESTCLIFFE HEIGHTS AUDITORS FILE NUMBER 2018-015773
(13) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SURVEY NO. 4925
(14) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SURVEY NO. 4925
(15) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SURVEY NO. 5031
(16) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SURVEY NO. 5031
(17) 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) MARKED "LS 41028" PER SURVEY NO. 5521 - OVER 0.10' FROM COMPUTED POSITION AS NOTED - HELD AS NOTED
(18) 5/8" REBAR W/ NO CAP PER SHORT PLAT NO. 595, BENT - SHOWN AT SPINHOLE
(19) 5/8" REBAR W/ NO CAP PER SHORT PLAT NO. 595
(20) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) MARKED "LS 14120" PER SHORT PLAT NO. 595
(21) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) MARKED "LS 14120" PER SHORT PLAT NO. 595 - OVER 0.10' FROM COMPUTED POSITION AS NOTED - NOT HELD
(22) 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) "ILLEGIBLE" PER SHORT PLAT NO. 595 - HELD AS REPLACEMENT OF ORIGINAL

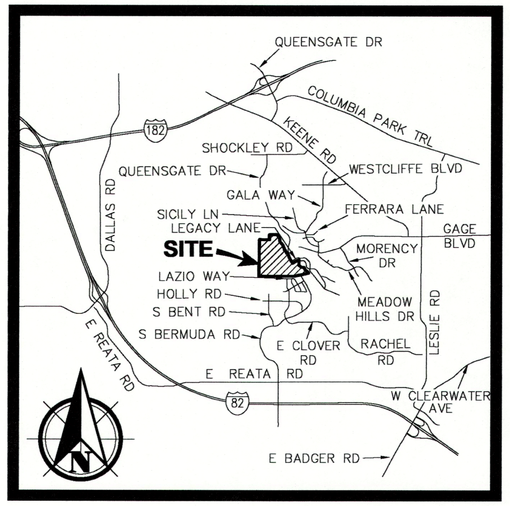
NARRATIVE

THIS SURVEY WAS PERFORMED AT THE REQUEST OF MD&D INVESTMENT, LLC AND RICHLAND SCHOOL DISTRICT, TO PERFORM A BOUNDARY LINE ADJUSTMENTS BETWEEN LOT 1 OF SHORT PLAT NO. 595, RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 UNDER AUDITOR'S FILE NO. 771566, PARCEL A PER STATUTORY WARRANTY DEED FILED UNDER AUDITOR'S FILE NUMBER 2021-049835, PARCEL B PER STATUTORY WARRANTY DEED FILED UNDER AUDITOR'S FILE NUMBER 2021-049835, FORMERLY PARCEL D OF SURVEY NO. 4925, FILED UNDER AUDITOR'S FILE NUMBER 2017-026905, PARCEL C PER STATUTORY WARRANTY DEED FILED UNDER AUDITOR'S FILE NUMBER 2021-049835, FORMERLY LOT 2 OF SHORT PLAT NO. 595, RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 UNDER AUDITOR'S FILE NO. 771566, PARCEL D PER STATUTORY WARRANTY DEED FILED UNDER AUDITOR'S FILE NUMBER 2021-049835, FORMERLY A PORTION OF LOT 4 OF SHORT PLAT NO. 595, RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 UNDER AUDITOR'S FILE NO. 771566, AND PARCEL E PER STATUTORY WARRANTY DEED FILED UNDER AUDITOR'S FILE NUMBER 2021-049835, FORMERLY A PORTION OF LOT 4 OF SHORT PLAT NO. 595, RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 UNDER AUDITOR'S FILE NO. 771566.

THIS PROJECT IS BOUND ON THE NORTH BY TAX PARCEL 1-2798-300-0002-020, ON THE EAST BY TAX PARCELS 1-3498-201-3241-004, 1-3498-201-3241-005, 1-3498-201-2049-004, LOTS 1 AND 11 OF SURVEY NO. 5036 RECORDED UNDER AFN 2018-019538, LOTS 7 THROUGH 10 OF THE FINAL PLAT OF WESTCLIFFE HEIGHTS II RECORDED UNDER AFN 2018-015773, TRACTS F, G & H OF THE FINAL PLAT OF WESTCLIFFE HEIGHTS PHASE 1A RECORDED UNDER AFN 2019-001945 AND LOTS 57 THROUGH 59 OF THE FINAL PLAT OF WESTCLIFFE HEIGHTS PHASE 1B RECORDED UNDER AFN 2019-001949, ON THE SOUTH BY PARCEL 3 OF SURVEY NO. 5494 RECORDED UNDER AFN 2021-021122, TRACT A OF THE PLAT OF SIENA HILLS PHASE 1 RECORDED UNDER AFN 2021-051239, LOTS 69 THROUGH 77 OF THE PLAT OF SIENA HILLS PHASE 2 RECORDED UNDER AFN 2022-015989 AND PARCEL 4 OF SURVEY NO. 5494 RECORDED UNDER AFN 2021-021122, ON THE WEST BY TAX PARCEL 1-2998-201-2465-001, ALL RECORDS BEING OF BENTON COUNTY, WASHINGTON.

ALL FOUND MONUMENTS AND PROPERTY CORNERS SHOWN ON THIS SURVEY WERE VISITED BETWEEN APRIL OF 2016 & JANUARY OF 2022. INDICATED PROPERTY CORNERS WERE SET IN OCTOBER OF 2022.

THIS SURVEY WAS PERFORMED USING TRIMBLE R8 GNSS GPS RECEIVERS IN RTK MODE, HAVING A STANDARD ERROR OF 1CM+2PPM TIMES MEASURED LENGTH.



VICINITY MAP

NOT TO SCALE

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	RECORD ARC LENGTH
C1	116.02'	179.00'	37°08'14"	N21°45'13"W	114.00'	(116.14'R6)(116.15'R7,R11,D1,D2)
C2	149.38'	471.00'	18°10'17"	N31°09'18"W	148.75'	(149.70'R5,R6)(149.61'R7,R11,D1,D2)
C3	33.94'	25.00'	77°47'46"	S16°44'23"W	31.40'	(33.87'R6,R7,R11,D1,D2)
C4	20.16'	173.00'	6°40'38"	N59°00'22"E	20.15'	(20.01'R11)
C5	58.78'	1268.96'	2°39'15"	N29°21'06"W	58.78'	(58.22'R11)
C6	417.94'	1230.00'	19°28'07"	N22°15'16"W	415.93'	
C7	131.40'	1170.00'	6°26'05"	S27°42'32"E	131.33'	
C8	227.40'	173.02'	75°18'21"	S69°38'29"E	211.39'	
C9	39.27'	25.00'	90°00'00"	S27°42'20"W	35.36'	
C10	182.43'	627.07'	16°40'08"	S08°57'36"E	181.79'	
C11	363.25'	517.06'	40°15'08"	S52°34'46"W	355.83'	
C12	35.21'	676.07'	2°59'02"	S25°01'40"W	35.20'	
C13	349.22'	781.09'	25°37'00"	S33°40'21"W	346.32'	
C14	18.24'	886.10'	1°10'47"	S45°53'27"W	18.24'	
C15	7.63'	1060.12'	0°24'45"	S45°05'41"W	7.63'	
C16	217.81'	1140.13'	10°56'46"	N50°21'42"E	217.48'	
C17	7.00'	1260.14'	0°19'05"	S55°40'32"W	7.00'	
C18	1.62'	227.03'	0°24'34"	S00°13'34"E	1.62'	

LINE TABLE

LINE	BEARING	DISTANCE	RECORD DISTANCE
L1	S34°16'51"E	54.02'	(54.00'R6,R7,R11,D1,D2)
L2	S32°20'10"E	58.63'	
L3	N68°24'08"E	50.01'	(50.01'R11)
L4	S31°59'17"E	69.05'	
L5	S40°37'06"E	21.41'	(20.94'R7,R11,D1,D2)
L6	N89°32'25"W	60.90'	(R7,R10,R11,D1,D2)
L7	S00°30'58"W	8.00'	(R7,R10,R11,D1,D2)
L8	N00°45'21"E	30.02'	(R10)(29.94'R7,R11,D1,D2)
L9	S89°51'29"E	2.51'	
L10	N89°51'29"W	31.49'	
L11	S89°51'29"E	60.21'	
L12	S89°51'29"E	91.70'	
L13	S66°27'51"E	20.00'	
L14	S63°28'49"E	54.01'	
L15	N89°34'09"E	14.86'	
L16	S03°11'32"E	16.34'	
L17	S72°42'20"W	10.82'	
L18	N46°50'00"W	42.12'	
L19	N84°36'56"E	64.90'	
L20	N58°00'41"E	9.80'	
L21	N31°59'19"W	10.42'	
L22	N58°00'41"E	60.00'	
L23	S31°59'19"E	272.34'	

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400 Bradley Blvd, Ste 106
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CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: NA
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 5 OF 9

ORIGINAL PARCEL LEGAL DESCRIPTIONS

RICHLAND SCHOOL DISTRICT PROPERTY:

LOT 1, SHORT PLAT NO. 595, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER RECORDING NO. 771566, RECORDS OF BENTON COUNTY, WASHINGTON.

MD&D INVESTMENTS, LLC. PROPERTY:

PARCEL A:

THAT PORTION OF SECTION 34 TOWNSHIP 9 NORTH, RANGE 28 EAST WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE SOUTH 89°09'22" EAST ALONG THE NORTH LINE OF SAID SECTION 34 649.80 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°09'22" EAST 507.54 FEET TO A POINT ON THE EAST LINE OF THAT PARCEL DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2017-023127, RECORDS OF BENTON COUNTY; THENCE THE FOLLOWING 31 COURSES ALONG THE EAST LINE OF SAID PARCEL;

THENCE SOUTH 33°54'20" EAST 179.76 FEET;
THENCE SOUTH 27°38'19" EAST 80.00 FEET;
THENCE SOUTH 16°29'23" EAST 83.44 FEET;
THENCE SOUTH 03°07'43" EAST 77.55 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 179.00 FEET;
THENCE SOUTHEASTERLY 116.15 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°10'37";
THENCE SOUTH 40°17'50" EAST 155.89 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 471.00 FEET;
THENCE SOUTHEASTERLY 149.61 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°12'00" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 31°06'39" EAST 148.99 FEET);
THENCE SOUTH 21°55'36" EAST 42.43 FEET;
THENCE SOUTH 22°01'50" EAST 205.46 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET;
THENCE SOUTHWESTERLY 33.87 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77°37'55" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 16°48'11" WEST 31.34 FEET);
THENCE SOUTH 34°23'11" EAST 54.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 173.00 FEET;
THENCE NORTHEASTERLY 111.15 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 36°48'43" (THE LONG CHORD OF SAID CURVE BEARS NORTH 74°01'11" EAST 109.25 FEET);
THENCE SOUTH 87°34'27" EAST 132.44 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET;
THENCE SOUTHEASTERLY 39.29 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°03'27";
THENCE SOUTH 62°06'35" EAST 89.64 FEET;
THENCE SOUTH 76°13'31" EAST 248.55 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 55.00 FEET;
THENCE NORTHEASTERLY 95.47 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 99°27'15" (THE LONG CHORD OF SAID CURVE BEARS NORTH 63°30'07" EAST 83.93 FEET);
THENCE NORTH 01°54'19" EAST 139.23 FEET; THENCE SOUTH 80°20'29" EAST 151.61 FEET; THENCE SOUTH 62°10'48" EAST 145.70 FEET; THENCE SOUTH 00°06'53" WEST 300.90 FEET; THENCE NORTH 89°30'45" WEST 155.72 FEET; THENCE SOUTH 58°00'41" WEST 427.93 FEET; THENCE SOUTH 31°59'17" EAST 294.04 FEET; THENCE NORTH 58°00'41" EAST 250.06 FEET; THENCE NORTH 68°56'25" EAST 161.19 FEET; THENCE SOUTH 00°06'46" WEST 347.63 FEET; THENCE SOUTH 49°42'13" EAST 205.84 FEET; THENCE SOUTH 86°22'15" EAST 156.14 FEET; THENCE SOUTH 31°59'19" EAST 192.52 FEET; THENCE SOUTH 45°35'07" EAST 140.43 FEET; THENCE SOUTH 45°52'40" EAST 144.22 FEET;
THENCE SOUTH 40°37'06" EAST 20.94 FEET;
THENCE LEAVING SAID EAST BOUNDARY SOUTH 77°55'41" WEST 919.16 FEET;
THENCE SOUTH 88°15'10" WEST 318.36 FEET;
THENCE NORTH 89°32'23" WEST 60.90 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL DESCRIBED AS PARCEL #134983000001004 IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2012-016993, RECORDS OF BENTON COUNTY;
THENCE SOUTH 00°31'00" WEST 8.00 FEET ALONG SAID NORTH LINE;
THENCE NORTH 89°51'27" WEST 1985.27 FEET ALONG SAID NORTH LINE TO THE WEST LINE OF SAID SECTION 34;
THENCE NORTH 00°45'17" EAST 29.94 FEET ALONG SAID WEST LINE TO THE WEST QUARTER CORNER OF SAID SECTION 34;
THENCE NORTH 00°45'17" EAST 2362.09 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 89°14'50" EAST 650.73 FEET TO THE SOUTHEAST CORNER OF SAID NORTH HALF;
THENCE NORTH 00°35'46" EAST 336.41 FEET ALONG THE EAST LINE OF SAID NORTH HALF TO THE TRUE POINT OF BEGINNING.

EXCEPT LOTS 1, 2, 3, & 4 OF SHORT PLAT 595, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 595, RECORDS OF BENTON COUNTY
AND EXCEPT THAT PORTION THEREOF LYING EASTERLY OF THE EASTERLY OF QUEENSGATE DRIVE AS DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2018-017828, AND LYING NORTHERLY OF THE NORTH BOUNDARY OF THE PLAT OF WESTCLIFFE HEIGHTS II, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 608, RECORDS OF BENTON COUNTY, WASHINGTON.

AND EXCEPT THAT PORTION THEREOF LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE;

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE SOUTH 89°09'22" EAST 1157.34 FEET ALONG THE NORTH LINE OF SAID SECTION 34 TO THE NORTHWEST CORNER OF PARCEL A OF RECORD SURVEY 4140, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 2010-026670, RECORDS OF BENTON COUNTY, WASHINGTON;
THENCE THE FOLLOWING 8 COURSES ALONG THE WEST BOUNDARY OF SAID PARCEL A; THENCE
SOUTH 33°54'20" EAST 179.76 FEET;
THENCE SOUTH 27°38'19" EAST 80.00 FEET;
THENCE SOUTH 16°29'23" EAST 83.44 FEET;
THENCE SOUTH 03°07'43" EAST 77.55 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 179.00 FEET;
THENCE SOUTHEASTERLY 116.15 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°10'37";
THENCE SOUTH 40°17'50" EAST 155.89 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 471.00 FEET;
THENCE SOUTHEASTERLY 149.61 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°12'00" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 31°06'39" EAST 148.99 FEET)
THENCE SOUTH 21°55'36" EAST 42.43 FEET;
THENCE THE FOLLOWING FOUR COURSES ALONG THE EAST BOUNDARY OF PARCEL 2, RECORD SURVEY 5031, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 2018-018513, RECORDS OF BENTON COUNTY, WASHINGTON;
(CONT.)

MD&D INVESTMENTS, LLC. PROPERTY: (CONT.)

THENCE SOUTH 22°01'50" EAST 205.46 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET;
THENCE SOUTHWESTERLY 33.87 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EAST LINE OF SAID NEW PARCEL 2 THROUGH A CENTRAL ANGLE OF 77°37'55" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 16°48'12" WEST 31.34 FEET),
THENCE SOUTH 34°23'11" EAST 54.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 173.00 FEET;
THENCE NORTHEASTERLY 20.01 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EAST LINE OF SAID NEW PARCEL 2 THROUGH A CENTRAL ANGLE OF 06°37'39" (THE LONG CHORD OF SAID CURVE BEARS NORTH 58°55'39" EAST 20.00 FEET),
THENCE LEAVING THE BOUNDARY OF SAID NEW PARCEL 2 SOUTH 32°20'23" EAST 229.32 FEET TO THE NORTH LINE OF LOT 4 OF SHORT PLAT 595, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 595, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE NORTH 68°29'19" EAST 50.00 FEET ALONG THE NORTH LINE OF SAID LOT 4 TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1268.96 FEET; THENCE SOUTHEASTERLY 58.22 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EAST LINE OF SAID LOT 4 THROUGH A CENTRAL ANGLE OF 02°37'43" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 29°32'11" EAST 58.21 FEET) TO THE WESTERLY RIGHT OF WAY MARGIN OF QUEENSGATE DRIVE, AS DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2018-017828, RECORDS OF BENTON COUNTY, AND THE TERMINUS OF SAID DESCRIBED LINE.

PARCEL B:

REAL PROPERTY SITUATED IN BENTON COUNTY, WASHINGTON BEING THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE W.M.

PARCEL C:

LOT 2, SHORT PLAT NO. 595, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER RECORDING NO. 771566, RECORDS OF BENTON COUNTY, WASHINGTON.

PARCEL D:

LOT 3, SHORT PLAT NO. 595, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER RECORDING NO. 771566, RECORDS OF BENTON COUNTY, WASHINGTON.

PARCEL E:

LOT 4, SHORT PLAT NO. 595, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER RECORDING NO. 771566, RECORDS OF BENTON COUNTY, WASHINGTON, EXCEPT THAT PORTION CONVEYED TO CITY OF RICHLAND BY QUIT CLAIM DEED, RECORDED JUNE 20, 2018, UNDER RECORDING NO. 2018-017826, DESCRIBED AS FOLLOWS:

REAL PROPERTY LOCATED IN EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, STATE OF WASHINGTON, BEING A PORTION OF LOT 4 OF SHORT PLAT 595 AS RECORDED WITH THE BENTON COUNTY, UNDER AUDITOR'S FILE NUMBER 771566, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE SOUTH 89°09'47" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,852.34 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 46°20'40" WEST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 541.43 FEET, WITH A DELTA ANGLE OF 62°002'35", A CHORD BEARING OF SOUTH 12°38'03" EAST, AND A CHORD LENGTH OF 515.36 FEET; THENCE SOUTH 18°23'15" WEST A DISTANCE OF 97.63 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 1200.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 744.36 FEET, WITH A DELTA ANGLE OF 35°32'26", A CHORD BEARING OF SOUTH 00°37'02" WEST, AND A CHORD LENGTH OF 732.48 FEET TO THE NORTHEASTERLY MARGIN OF SAID LOT 4 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 31°59'19" WEST ALONG THE NORTHEASTERLY MARGIN OF SAID LOT 4 A DISTANCE OF 78.30 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,268.81 FEET; THENCE ALONG SAID CURVE AND NORTHEASTERLY MARGIN OF SAID LOT 4, HAVING AN ARC LENGTH OF 24.12 FEET, WITH A DELTA ANGLE OF 01°05'22", A CHORD BEARING OF NORTH 31°26'38" WEST, AND A CHORD LENGTH OF 24.12 FEET TO A POINT OF NON-TANGENT REVERSE CURVATURE TURNING TO THE LEFT, HAVING A RADIUS OF 1,230.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 77°28'00" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 417.66 FEET, WITH A DELTA ANGLE OF 19°27'19", A CHORD BEARING OF SOUTH 22°15'39" EAST, AND A CHORD LENGTH OF 415.65 FEET TO A POINT ON A LINE BEING A 10.00 FOOT OFFSET TO THE NORTHEAST OF THE SOUTHWESTERLY MARGIN OF SAID LOT 4; THENCE SOUTH 31°59'19" EAST ALONG SAID OFFSET LINE A DISTANCE OF 272.34 FEET; THENCE NORTH 58°00'41" EAST A DISTANCE OF 60.00 FEET TO A POINT ON A LINE BEING A 10.00 FOOT OFFSET TO THE SOUTHWEST OF THE NORTHEASTERLY MARGIN OF SAID LOT 4; THENCE NORTH 31°59'19" WEST ALONG SAID OFFSET LINE A DISTANCE OF 95.01 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 23.119 FEET, WITH A DELTA ANGLE OF 53°07'55", A CHORD BEARING OF NORTH 05°25'21" WEST, AND A CHORD LENGTH OF 22.36 FEET TO THE NORTHEASTERLY MARGIN OF SAID LOT 4; THENCE NORTH 31°59'19" WEST A DISTANCE OF 64.01 FEET ALONG THE NORTHEASTERLY MARGIN OF SAID LOT 4 TO A POINT ON THE ARC OF A NON-TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH
04°52'46" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 23.19 FEET, WITH A DELTA ANGLE OF 53°07'55", A CHORD BEARING OF NORTH 58°33'17" WEST, AND A CHORD LENGTH OF 22.36 FEET TO A POINT ON A LINE BEING A 10.00 FOOT OFFSET TO THE SOUTHWEST OF THE NORTHEASTERLY MARGIN OF SAID LOT 4; THENCE ALONG SAID OFFSET LINE THE FOLLOWING COURSES;

THENCE NORTH 31°59'19" WEST A DISTANCE OF 73.32 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,170.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 153.09 FEET, WITH A DELTA ANGLE OF 07°29'50", A CHORD BEARING OF NORTH 28°14'24" WEST, AND A CHORD LENGTH OF 152.98 FEET TO THE NORTHEASTERLY MARGIN OF SAID LOT 4;
THENCE NORTH 31°59'19" WEST ALONG THE NORTHEASTERLY MARGIN OF SAID LOT 4 A DISTANCE OF 154.60 FEET TO THE SAID TRUE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION CONVEYED BY QUIT CLAIM DEED RECORDED JULY 12, 2018, UNDER RECORDING NO. 2018-020341, DESCRIBED AS FOLLOWS:

REAL PROPERTY LOCATED IN SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:
(CONT.)

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

MD&D INVESTMENTS, LLC. PROPERTY: (CONT.)

REAL PROPERTY LOCATED IN SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHEASTERLY LINE OF LOT 4 OF THAT SHORT PLAT RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 UNDER AUDITOR'S FILE NO. 771566, RECORDS OF BENTON COUNTY, WASHINGTON, BEING NORTH 31°59'19" WEST ALONG SAID NORTHEASTERLY LIEN A DISTANCE OF 458.72 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 4, SAID COMMENCEMENT POINT IS ALSO MARKED BY A 5/8 INCH REBAR WITH ORANGE PLASTIC CAP STAMPED: "LS 41028" IN TURN MARKING THE SOUTHWEST CORNER OF LOT 11 OF WESTCLIFFE HEIGHTS II, RECORDED IN VOLUME 15 OF PLATS AT PAGE 608 UNDER AUDITOR'S FILE NO. 2018-015773, BEING SOUTH 11°25'32" WEST A DISTANCE OF 1845.21 FEET FROM A WASHINGTON STATE RECLAMATION SERVICE 3" BRASS CAP MARKING THE NORTH QUARTER CORNER OF SAID SECTION 34, AND BEING THE TRUE POINT OF BEGINNING;
THENCE SOUTH 58°00'41" WEST A DISTANCE OF 10.00 FEET TO A LINE BEING A 10.00 FOOT SOUTHWESTERLY OFFSET OF THE LINE COMMON TO SAID LOT 4AND SAID LOT 11 AND ALSO BEING THE NORTHEASTERLY MARGIN OF THE PROPOSED 60.00 FOOT RIGHT OF WAY FOR QUEENSGATE DRIVE/BERMUDA ROAD; THENCE NORTH 31°59'19" WEST ALONG SAID OFFSET LINE AND NORTHEASTERLY RIGHT OF WAY MARGIN A DISTANCE OF 95.01 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE, LEAVING SAID OFFSET LINE AND CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY MARGIN, HAVING AN ARC LENGTH OF 23.19 FEET, WITH A DELTA ANGLE OF 53°07'55", A CHORD BEARING OF NORTH 05°25'21" WEST, AND A CHORD LENGTH OF 22.36 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 4 AND THE NORTHWEST CORNER OF SAID LOT 11;
THENCE SOUTH 31°59'19" EAST ALONG SAID COMMON LINE BETWEEN LOT 4 AND LOT 11 A DISTANCE OF 115.01 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION CONVEYED BY QUIT CLAIM DEED RECORDED JULY 12, 2018, UNDER RECORDING NO. 2018-020342, DESCRIBED AS FOLLOWS:

REAL PROPERTY LOCATED IN SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHEASTERLY LINE OF LOT 4 OF THAT SHORT PLAT RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 UNDER AUDITOR'S FILE NO. 771566, RECORDS OF BENTON COUNTY, WASHINGTON, BEING SOUTH 31°59'19" EAST ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 363.86 FEET FROM THE END POINT OF THE CURVE ALSO DELINEATING SAID LOT 4, SAID COMMENCEMENT POINT IS ALSO MARKED BY A 5/8 INCH REBAR WITH YELLOW PLASTIC CAP STAMPED: "MATARAZZO 46318" IN TURN MARKING THE NORTHWEST CORNER OF LOT 1 OF WESTCLIFFE HEIGHTS II, RECORDED IN VOLUME 15 OF PLATS AT PAGE 608 UNDER AUDITOR'S FILE NO. 2018-015773, BEING SOUTH 18°29'09" WEST A DISTANCE OF 1644.09 FEET FROM A WASHINGTON STATE RECLAMATION SERVICE 3" BRASS CAP MARKING THE NORTH QUARTER CORNER OF SAID SECTION 34, AND BEING THE TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 31°59'19" EAST ALONG THE LINE COMMON BETWEEN SAID LOT 4 AND SAID LOT 1 A DISTANCE OF 115.01 FEET THE SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY MARGIN OF THE PROPOSED 60.00 FOOT RIGHT OF WAY FOR QUEENSGATE DRIVE/BERMUDA ROAD AND ALSO BEING A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 04°52'46" EAST; THENCE ALONG SAID CURVE COINCIDING WITH THE NORTHEASTERLY MARGIN OF SAID RIGHT OF WAY, HAVING AN ARC LENGTH OF 23.19 FEET, WITH A DELTA ANGLE OF 53° 07'55", A CHORD BEARING OF NORTH 58° 33'17" WEST, AND A CHORD LENGTH OF 22.36 FEET TO A LINE BEING A 10.00 FOOT SOUTHWESTERLY OFFSET OF SAID COMMON LINE BETWEEN LOT 4AND LOT 1; THENCE NORTH 31° 59'19" WEST ALONG SAID OFFSET LINE AND CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY MARGIN A DISTANCE OF 73.32 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,170.00 FEET;
THENCE ALONG SAID CURVE, LEAVING SAID OFFSET LINE AND CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY MARGIN, HAVING AN ARC LENGTH OF 21.70 FEET, WITH A DELTA ANGLE OF 01°03'45", A CHORD BEARING OF NORTH 31° 27'27" WEST, AND A CHORD LENGTH OF 21.69 FEET; THENCE LEAVING SAID NORTHEASTERLY RIGHT OF WAY MARGIN NORTH 58° 00'41" EAST A DISTANCE OF 9.80 FEET TO THE TRUE POINT OF BEGINNING.

SURVEY / DEED REFERENCES

(R1) SHORT PLAT NO. 595 FOR MILO BAUDER (AFN 771566) BY WEBBER
(R2) SURVEY NO. 848 AMENDING SURVEY NO. 822 (AFN 887321) BY WEBBER
(R3) SHORT PLAT NO. 2049 (AFN 1994-017574) BY BAALMAN
(R4) SURVEY NO. 2164 FOR BMID (AFN 1996-12391) BY ROGERS
(R5) SHORT PLAT NO. 3241 (AFN 2010-007065) BY YAMASHITA
(R6) SURVEY NO. 4140 (AFN 2010-026670) BY MATARAZZO
(R7) SURVEY NO. 5031 (AFN 2018-018513) BY BAALMAN
(R8) FINAL PLAT OF WESTCLIFFE HEIGHTS II (AFN 2018-015773) BY MATARAZZO
(R9) SURVEY NO. 5036 (AFN 2018-019538) BY MATARAZZO
(R10) SURVEY NO. 5494 (AFN 2021-021122) BY MATARAZZO
(R11) SURVEY NO. 5521 (AFN 2021-030634) BY BAALMAN

(D1) STATUTORY WARRANTY DEED (AFN 2021-049835)
(D2) STATUTORY WARRANTY DEED (AFN 2021-022771)
(D3) STATUTORY WARRANTY DEED (AFN 774082)
(D4) STATUTORY WARRANTY DEED (AFN 781372)

ALEXANDER D. MATARAZZO
STATE OF WASHINGTON
46318
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/12/2022

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF October, 2022 AT 2:45 P M. IN VOLUME 01 OF SURVEYS AT PAGE 5724 AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

Brenda Chilton by Mary Boatright, Deputy
COUNTY AUDITOR

PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: NA
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 6 OF 9

Survey #5724 Pg 7 of 9

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

LEGAL DESCRIPTION FOR TRANSFER PORTIONS FROM MD&D INVESTMENTS, LLC TO RICHLAND SCHOOL DISTRICT

REAL PROPERTY LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 2158.03 FEET; THENCE SOUTH 89°14'43" EAST LEAVING SAID WEST LINE A DISTANCE OF 1179.51 FEET TO THE SOUTHERLY BOUNDARY OF LOT 1 OF SHORT PLAT FOR MILO BAUDER RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595, FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 771566, RECORDS OF BENTON COUNTY, STATE OF WASHINGTON AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE BOUNDARY OF SAID LOT 1 THE FOLLOWING COURSES:
THENCE SOUTH 69°51'52" EAST A DISTANCE OF 214.55 FEET;
THENCE SOUTH 89°44'14" EAST A DISTANCE OF 200.23 FEET;
THENCE SOUTH 00°04'46" WEST A DISTANCE OF 114.94 FEET;
THENCE SOUTH 89°52'50" EAST A DISTANCE OF 19.90 FEET;
THENCE NORTH 00°08'24" EAST A DISTANCE OF 114.90 FEET;
THENCE SOUTH 89°52'00" EAST A DISTANCE OF 455.20 FEET;
THENCE NORTH 82°21'13" EAST A DISTANCE OF 42.18 FEET;
THENCE SOUTH 31°58'33" EAST LEAVING SAID BOUNDARY A DISTANCE OF 240.23 FEET;
THENCE SOUTH 84°36'56" WEST A DISTANCE OF 64.90 FEET;
THENCE SOUTH 87°23'59" WEST A DISTANCE OF 356.09 FEET;
THENCE NORTH 89°51'29" WEST A DISTANCE OF 561.33 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 627.07 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 89°22'28" WEST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 182.43 FEET, WITH A DELTA ANGLE OF 16°40'08", A CHORD BEARING OF NORTH 08°57'36" WEST, AND A CHORD LENGTH OF 181.79 FEET;
THENCE NORTH 17°17'40" WEST A DISTANCE OF 120.83 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 208,078 SQUARE FEET, 4.78 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

TOGETHER WITH THE FOLLOWING:

REAL PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 1612.05 FEET; THENCE SOUTH 89°14'43" EAST LEAVING SAID WEST LINE A DISTANCE OF 1758.96 FEET TO THE SOUTHERLY BOUNDARY OF LOT 2 OF SHORT PLAT FOR MILO BAUDER RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 771566, RECORDS OF BENTON COUNTY, STATE OF WASHINGTON AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE BOUNDARY OF SAID LOT 2 THE FOLLOWING COURSES:
THENCE SOUTH 57°34'37" WEST A DISTANCE OF 4.22 FEET;
THENCE SOUTH 09°16'14" WEST A DISTANCE OF 105.78 FEET;
THENCE NORTH 80°30'44" WEST A DISTANCE OF 150.04 FEET;
THENCE SOUTH 68°28'26" WEST A DISTANCE OF 214.80 FEET;
THENCE NORTH 21°27'30" WEST A DISTANCE OF 59.37 FEET;
THENCE NORTH 72°42'20" EAST LEAVING SAID BOUNDARY A DISTANCE OF 332.83 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 173.02 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 73.19 FEET, WITH A DELTA ANGLE OF 24°14'09", A CHORD BEARING OF NORTH 84°49'25" EAST, AND A CHORD LENGTH OF 72.64 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 24,170 SQUARE FEET, 0.55 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

LEGAL DESCRIPTION FOR TRANSFER PORTIONS FROM RICHLAND SCHOOL DISTRICT TO MD&D INVESTMENTS, LLC

A PORTION OF LOT 1 OF THE SHORT PLAT FOR MILO BAUDER RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 771566, LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 1612.05 FEET; THENCE SOUTH 89°14'43" EAST LEAVING SAID WEST LINE A DISTANCE OF 1758.96 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 1 AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE BOUNDARY OF SAID LOT 1 THE FOLLOWING COURSES:
THENCE NORTH 57°34'37" EAST A DISTANCE OF 113.44 FEET;
THENCE SOUTH 31°59'03" EAST A DISTANCE OF 849.63 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 540.00 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 25°35'44" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 20.08 FEET, WITH A DELTA ANGLE OF 02°07'50", A CHORD BEARING OF SOUTH 63°20'21" WEST, AND A CHORD LENGTH OF 20.08 FEET;
THENCE NORTH 32°00'28" WEST A DISTANCE OF 129.62 FEET;
THENCE SOUTH 60°32'16" WEST A DISTANCE OF 86.98 FEET;
THENCE SOUTH 82°21'13" WEST A DISTANCE OF 51.77 FEET;
THENCE NORTH 31°58'33" WEST LEAVING SAID BOUNDARY A DISTANCE OF 97.05 FEET;
THENCE NORTH 31°59'19" WEST A DISTANCE OF 450.05 FEET;
THENCE NORTH 58°00'41" EAST A DISTANCE OF 105.01 FEET;
THENCE NORTH 31°59'19" WEST A DISTANCE OF 10.42 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 173.02 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 154.22 FEET, WITH A DELTA ANGLE OF 51°04'12", A CHORD BEARING OF NORTH 57°31'25" WEST, AND A CHORD LENGTH OF 149.16 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 99,760 SQUARE FEET, 2.29 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

TOGETHER WITH THE FOLLOWING:

A PORTION OF LOT 1 OF THE SHORT PLAT FOR MILO BAUDER RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 595 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 771566, LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 2158.03 FEET; THENCE SOUTH 89°14'43" EAST LEAVING SAID WEST LINE OF SECTION 34 A DISTANCE OF 1179.51 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 1 AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE BOUNDARY OF SAID LOT 1 THE FOLLOWING COURSES:
THENCE NORTH 69°51'52" WEST A DISTANCE OF 250.66 FEET;
THENCE SOUTH 20°04'32" WEST A DISTANCE OF 114.90 FEET;
THENCE NORTH 69°30'12" WEST A DISTANCE OF 62.75 FEET;
THENCE NORTH 20°03'15" EAST A DISTANCE OF 472.64 FEET;
THENCE NORTH 62°08'09" WEST A DISTANCE OF 113.26 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 310.00 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 61°20'09" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 19.77 FEET, WITH A DELTA ANGLE OF 03°39'17", A CHORD BEARING OF NORTH 30°29'30" EAST, AND A CHORD LENGTH OF 19.77 FEET;
THENCE SOUTH 62°02'39" EAST A DISTANCE OF 115.13 FEET;
THENCE NORTH 55°16'50" EAST A DISTANCE OF 149.96 FEET;
THENCE NORTH 68°23'03" EAST A DISTANCE OF 175.62 FEET;
THENCE SOUTH 21°27'30" EAST A DISTANCE OF 190.87 FEET;
THENCE SOUTH 72°42'20" WEST LEAVING SAID BOUNDARY A DISTANCE OF 291.24 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 39.27 FEET, WITH A DELTA ANGLE OF 90°00'00", A CHORD BEARING OF SOUTH 27°42'20" WEST, AND A CHORD LENGTH OF 35.36 FEET;
THENCE SOUTH 17°17'40" EAST A DISTANCE OF 329.82 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 127,047 SQUARE FEET, 2.92 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

SURVEY / DEED REFERENCES

(R1) SHORT PLAT NO. 595 FOR MILO BAUDER (AFN 771566) BY WEBBER
(R2) SURVEY NO. 848 AMENDING SURVEY NO. 822 (AFN 887321) BY WEBBER
(R3) SHORT PLAT NO. 2049 (AFN 1994-017574) BY BAALMAN
(R4) SURVEY NO. 2164 FOR BMID (AFN 1996-12391) BY ROGERS
(R5) SHORT PLAT NO. 3241 (AFN 2010-007065) BY YAMASHITA
(R6) SURVEY NO. 4140 (AFN 2010-026670) BY MATARAZZO
(R7) SURVEY NO. 5031 (AFN 2018-018513) BY BAALMAN
(R8) FINAL PLAT OF WESTCLIFFE HEIGHTS II (AFN 2018-015773) BY MATARAZZO
(R9) SURVEY NO. 5036 (AFN 2018-019538) BY MATARAZZO
(R10) SURVEY NO. 5494 (AFN 2021-021122) BY MATARAZZO
(R11) SURVEY NO. 5521 (AFN 2021-030634) BY BAALMAN

(D1) STATUTORY WARRANTY DEED (AFN 2021-049835)
(D2) STATUTORY WARRANTY DEED (AFN 2021-022771)
(D3) STATUTORY WARRANTY DEED (AFN 774082)
(D4) STATUTORY WARRANTY DEED (AFN 781372)

ALEXANDER D. MATARAZZO
STATE OF WASHINGTON
46318
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/12/2022

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF October, 2022 AT 2:45 P M. IN VOLUME 01 OF SURVEYS AT PAGE 5724 AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

Brenda Chilton by Merry Boatright, deputy
COUNTY AUDITOR

PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: NA
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 7 OF 9

Survey #5724 Pg 8 of 9

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

ADJUSTED LEGAL DESCRIPTIONS

MD&D INVESTMENTS, LLC. PROPERTIES:

ADJUSTED PARCEL 1:

REAL PROPERTY LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER, THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP;
THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 2699.45 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34 MARKED BY A 1/2 INCH REBAR WITH NO CAP; THENCE SOUTH 00°45'21" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 30.02 FEET TO THE NORTHWEST CORNER OF PARCEL 4 OF SURVEY NO. 5494 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5494 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021–021122; THENCE SOUTH 89°51'29" EAST ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 4 A DISTANCE OF 438.49 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH BOUNDARY THE FOLLOWING COURSES:

THENCE SOUTH 89°51'29" EAST A DISTANCE OF 1,546.65 FEET;
THENCE NORTH 00°30'58" EAST A DISTANCE OF 8.00 FEET;
THENCE SOUTH 89°32'25" EAST A DISTANCE OF 60.90 FEET;
THENCE NORTH 88°15'08" EAST A DISTANCE OF 318.36 FEET;
THENCE NORTH 77°55'39" EAST A DISTANCE OF 393.74 FEET;
THENCE NORTH 31°58'33" WEST LEAVING SAID NORTH BOUNDARY A DISTANCE OF 761.35 FEET;
THENCE NORTH 31°59'17" WEST A DISTANCE OF 161.35 FEET TO THE SOUTHEASTERLY CORNER OF A 60 FOOT RIGHT OF WAY FOR QUEENSGATE DRIVE ESTABLISHED PER QUIT CLAIM DEED RECORDED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018–017826;
THENCE SOUTH 58°00'41" WEST ALONG THE SOUTH LINE OF SAID RIGHT OF WAY A DISTANCE OF 60.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID RIGHT OF WAY;
THENCE SOUTH 31°59'17" EAST LEAVING SAID RIGHT OF WAY A DISTANCE OF 69.05 FEET;
THENCE SOUTH 58°00'41" WEST A DISTANCE OF 174.02 FEET;
THENCE SOUTH 31°59'19" EAST A DISTANCE OF 84.05 FEET;
THENCE SOUTH 31°58'33" EAST A DISTANCE OF 136.79 FEET;
THENCE SOUTH 58°01'27" WEST A DISTANCE OF 105.01 FEET;
THENCE SOUTH 31°58'33" EAST A DISTANCE OF 200.50 FEET;
THENCE SOUTH 84°36'56" WEST A DISTANCE OF 64.90 FEET;
THENCE SOUTH 87°23'59" WEST A DISTANCE OF 356.09 FEET;
THENCE NORTH 89°51'29" WEST A DISTANCE OF 561.33 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 627.07 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 89°22'28" WEST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 182.43 FEET, WITH A DELTA ANGLE OF 16°40'08", A CHORD BEARING OF NORTH 08°57'36" WEST, AND A CHORD LENGTH OF 181.79 FEET;
THENCE NORTH 17°17'40" WEST A DISTANCE OF 106.61 FEET;
THENCE SOUTH 72°42'20" WEST A DISTANCE OF 214.55 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 517.06 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 363.25 FEET, WITH A DELTA ANGLE OF 40°15'08", A CHORD BEARING OF SOUTH 52°34'46" WEST, AND A CHORD LENGTH OF 355.83 FEET;
THENCE NORTH 89°51'29" WEST A DISTANCE OF 120.31 FEET;
THENCE NORTH 63°28'49" WEST A DISTANCE OF 54.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 676.07 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 63°28'49" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 35.21 FEET, WITH A DELTA ANGLE OF 02°59'02", A CHORD BEARING OF SOUTH 25°01'40" WEST, AND A CHORD LENGTH OF 35.20 FEET;
THENCE NORTH 66°27'51" WEST A DISTANCE OF 20.00 FEET;
THENCE NORTH 89°51'29" WEST A DISTANCE OF 60.21 FEET;
THENCE SOUTH 00°08'31" WEST A DISTANCE OF 105.01 FEET;
THENCE NORTH 89°51'29" WEST A DISTANCE OF 2.51 FEET;
THENCE SOUTH 00°08'31" WEST A DISTANCE OF 159.02 FEET TO THE NORTH BOUNDARY OF SAID PARCEL 4 AND THE TRUE POINT OF BEGINNING.

HAVING AN AREA OF 848,106 SQUARE FEET, 19.47 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

ADJUSTED PARCEL 2:

REAL PROPERTY LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP;
THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 2699.45 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34 MARKED BY A 1/2 INCH REBAR WITH NO CAP; THENCE SOUTH 00°45'21" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 30.02 FEET TO THE NORTHWEST CORNER OF PARCEL 4 OF SURVEY NO. 5494 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5494 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021–021122; THENCE SOUTH 89°51'29" EAST ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 4 A DISTANCE OF 438.49 FEET;
THENCE NORTH 00°08'31" EAST LEAVING SAID NORTH BOUNDARY A DISTANCE OF 159.02 FEET;
THENCE SOUTH 89°51'29" EAST A DISTANCE OF 2.51 FEET;
THENCE NORTH 00°08'31" EAST A DISTANCE OF 105.01 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°51'29" EAST A DISTANCE OF 60.21 FEET;
THENCE SOUTH 66°27'51" EAST A DISTANCE OF 20.00 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 676.07 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 66°27'51" EAST;
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 35.21 FEET, WITH A DELTA ANGLE OF 02°59'02", A CHORD BEARING OF NORTH 25°01'40" EAST, AND A CHORD LENGTH OF 35.20 FEET;
THENCE SOUTH 63°28'49" EAST A DISTANCE OF 54.01 FEET;
THENCE SOUTH 89°51'29" EAST A DISTANCE OF 120.31 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 517.06 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 57°32'48" EAST;
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 363.25 FEET, WITH A DELTA ANGLE OF 40°15'08", A CHORD BEARING OF NORTH 52°34'46" EAST, AND A CHORD LENGTH OF 355.83 FEET;
THENCE NORTH 72°42'20" EAST A DISTANCE OF 214.55 FEET;
THENCE NORTH 17°17'40" WEST A DISTANCE OF 344.04 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 39.27 FEET, WITH A DELTA ANGLE OF 90°00'00", A CHORD BEARING OF NORTH 27°42'20" EAST, AND A CHORD LENGTH OF 35.36 FEET;
THENCE NORTH 72°42'20" EAST A DISTANCE OF 624.07 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 173.02 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 227.40 FEET, WITH A DELTA ANGLE OF 75°18'21", A CHORD BEARING OF SOUTH 69°38'29" EAST, AND A CHORD LENGTH OF 211.39 FEET;
THENCE SOUTH 31°59'19" EAST A DISTANCE OF 10.42 FEET;
THENCE SOUTH 58°00'41" WEST A DISTANCE OF 105.01 FEET;
THENCE SOUTH 31°59'19" EAST A DISTANCE OF 450.05 FEET;
THENCE SOUTH 31°58'33" EAST A DISTANCE OF 136.78 FEET;
THENCE NORTH 58°01'27" EAST A DISTANCE OF 105.01 FEET;
THENCE NORTH 31°58'33" WEST A DISTANCE OF 136.79 FEET;
THENCE NORTH 31°59'19" WEST A DISTANCE OF 84.05 FEET;
THENCE NORTH 58°00'41" EAST A DISTANCE OF 174.02 FEET;
THENCE NORTH 31°59'17" WEST A DISTANCE OF 69.05 FEET;
THENCE NORTH 31°59'19" WEST A DISTANCE OF 272.34 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,230.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 417.94 FEET, WITH A DELTA ANGLE OF 19°28'07", A CHORD BEARING OF NORTH 22°15'16" WEST, AND A CHORD LENGTH OF 415.93 FEET TO THE SOUTHERLY MOST CORNER OF NEW PARCEL II OF SURVEY NO. 5521 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5521 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021–030634 BEING A POINT ON A CURVATURE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,268.96 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 59°19'17" EAST; THENCE ALONG SAID CURVE AND SAID SOUTHERLY BOUNDARY, HAVING AN ARC LENGTH OF 58.78 FEET, WITH A DELTA ANGLE OF 02°39'15", A CHORD BEARING OF NORTH 29°21'06" WEST, AND A CHORD LENGTH OF 58.78 FEET;
THENCE SOUTH 68°24'08" WEST A DISTANCE OF 50.01 FEET;
THENCE NORTH 32°20'10" WEST ALONG THE WESTERLY BOUNDARY OF SAID NEW PARCEL II A DISTANCE OF 170.68 FEET;
THENCE SOUTH 72°42'20" WEST LEAVING SAID WESTERLY BOUNDARY A DISTANCE OF 719.81 FEET;
THENCE NORTH 03°11'32" WEST A DISTANCE OF 16.34 FEET;
THENCE SOUTH 86°48'28" WEST A DISTANCE OF 54.01 FEET;
THENCE SOUTH 72°42'20" WEST A DISTANCE OF 444.07 FEET;
THENCE SOUTH 00°45'17" WEST A DISTANCE OF 94.91 FEET;
THENCE NORTH 89°14'43" WEST A DISTANCE OF 169.00 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 227.03 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 89°58'43" EAST;
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 1.62 FEET, WITH A DELTA ANGLE OF 00°24'34", A CHORD BEARING OF SOUTH 00°13'34" EAST, AND A CHORD LENGTH OF 1.62 FEET;
THENCE SOUTH 89°34'09" WEST A DISTANCE OF 14.86 FEET;
THENCE SOUTH 53°36'29" WEST A DISTANCE OF 76.46 FEET;
THENCE SOUTH 34°29'01" EAST A DISTANCE OF 172.90 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,260.14 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 34°29'01" EAST;
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 7.00 FEET, WITH A DELTA ANGLE OF 00°19'05", A CHORD BEARING OF NORTH 55°40'32" EAST, AND A CHORD LENGTH OF 7.00 FEET;
THENCE SOUTH 34°09'56" EAST A DISTANCE OF 120.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 1,140.13 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 34°09'56" EAST;
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 217.81 FEET, WITH A DELTA ANGLE OF 10°56'46", A CHORD BEARING OF SOUTH 50°21'42" WEST, AND A CHORD LENGTH OF 217.48 FEET;
THENCE SOUTH 45°06'41" EAST A DISTANCE OF 80.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,060.12 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 45°06'41" EAST;
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 7.63 FEET, WITH A DELTA ANGLE OF 00°24'45", A CHORD BEARING OF NORTH 45°05'41" EAST, AND A CHORD LENGTH OF 7.63 FEET;
THENCE SOUTH 44°41'56" EAST A DISTANCE OF 174.02 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 886.10 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 44°41'56" EAST;
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 18.24 FEET, WITH A DELTA ANGLE OF 01°10'47", A CHORD BEARING OF NORTH 45°53'27" EAST, AND A CHORD LENGTH OF 18.24 FEET;
THENCE SOUTH 43°31'09" EAST A DISTANCE OF 105.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 781.09 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 43°31'09" EAST;
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 349.22 FEET, WITH A DELTA ANGLE OF 25°37'00", A CHORD BEARING OF SOUTH 33°40'21" WEST, AND A CHORD LENGTH OF 346.32 FEET;
THENCE SOUTH 89°51'29" EAST A DISTANCE OF 31.49 FEET TO THE TRUE POINT OF BEGINNING.

HAVING AN AREA OF 1,236,153 SQUARE FEET, 28.38 ACRES MORE OR LESS.

(SEE CONTINUED)

ADJUSTED PARCEL 2:

(CONTINUED)

TOGETHER WITH;

REAL PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 89°09'47" EAST ALONG THE NORTH LINE OF SAID SECTION 34 A DISTANCE OF 2599.03 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34 MARKED BY A 3" BRASS CAP; THENCE SOUTH 00°06'46" WEST A DISTANCE OF 1,333.89 FEET TO THE NORTHEAST CORNER OF LOT 6 OF THE PLAT OF WESTCLIFFE HEIGHTS II RECORDED IN VOLUME 15 OF PLATS AT PAGE 608 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018–015773;
THENCE NORTH 89°30'45" WEST ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF WESTCLIFFE HEIGHTS II A DISTANCE OF 155.72 FEET;
THENCE SOUTH 58°00'41" WEST A DISTANCE OF 427.93 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 31°59'19" WEST A DISTANCE OF 130.96 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF QUEENSGATE DRIVE ESTABLISHED PER QUIT CLAIM DEED RECORDED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018–01826 BEING A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 1,170.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 65°30'31" EAST; THENCE ALONG SAID CURVE AND RIGHT OF WAY MARGIN, HAVING AN ARC LENGTH OF 131.40 FEET, WITH A DELTA ANGLE OF 06°26'05", A CHORD BEARING OF SOUTH 27°42'32" EAST, AND A CHORD LENGTH OF 131.33 FEET TO THE NORTHWEST CORNER OF ADJUSTED LOT 1 OF SURVEY NO. 5036 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5036 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018–019538;
THENCE NORTH 58°00'41" EAST ALONG THE NORTHERLY BOUNDARY OF SAID ADJUSTED LOT 1 A DISTANCE OF 9.80 FEET TO THE TRUE POINT OF BEGINNING.

HAVING AN AREA OF 803 SQUARE FEET, 0.02 ACRES, MORE OR LESS.

WITH A COMBINED TOTAL AREA OF 1,236,956 SQUARE FEET, 28.40 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

SURVEY / DEED REFERENCES

(R1) SHORT PLAT NO. 595 FOR MILO BAUDER (AFN 771566) BY WEBBER
(R2) SURVEY NO. 848 AMENDING SURVEY NO. 822 (AFN 887321) BY WEBBER
(R3) SHORT PLAT NO. 2049 (AFN 1994–017574) BY BAALMAN
(R4) SURVEY NO. 2164 FOR BMID (AFN 1996–12391) BY ROGERS
(R5) SHORT PLAT NO. 3241 (AFN 2010–007065) BY YAMASHITA
(R6) SURVEY NO. 4140 (AFN 2010–026670) BY MATARAZZO
(R7) SURVEY NO. 5031 (AFN 2018–018513) BY BAALMAN
(R8) FINAL PLAT OF WESTCLIFFE HEIGHTS II (AFN 2018–015773) BY MATARAZZO
(R9) SURVEY NO. 5036 (AFN 2018–019538) BY MATARAZZO
(R10) SURVEY NO. 5494 (AFN 2021–021122) BY MATARAZZO
(R11) SURVEY NO. 5521 (AFN 2021–030634) BY BAALMAN

(D1) STATUTORY WARRANTY DEED (AFN 2021–049835)
(D2) STATUTORY WARRANTY DEED (AFN 2021–022771)
(D3) STATUTORY WARRANTY DEED (AFN 774082)
(D4) STATUTORY WARRANTY DEED (AFN 781372)

ALEXANDER D. MATARAZZO
STATE OF WASHINGTON
46318
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/12/2022

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF October, 2022 AT 2:45 P M. IN VOLUME 01 OF SURVEYS AT PAGE 5724 AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

Brenda Chilton by Merry Boatright, deputy
COUNTY AUDITOR

PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: NA
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 8 OF 9

Survey #5724 Pg 9 of 9

RECORD OF SURVEY

FOR BOUNDARY LINE ADJUSTMENT

LOCATED IN THE NW 1/4, A PORTION OF THE SW 1/4 OF THE NE 1/4 AND A PORTION OF THE N 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

ADJUSTED LEGAL DESCRIPTIONS

MD&D INVESTMENTS, LLC. PROPERTIES:

ADJUSTED PARCEL 3:

REAL PROPERTY LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP;
THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 887.49 FEET TO THE TRUE POINT OF BEGINNING.

THENCE SOUTH 89°14'43" EAST LEAVING SAID WEST LINE A DISTANCE OF 104.98 FEET;
THENCE NORTH 00°48'16" EAST A DISTANCE OF 35.17 FEET;
THENCE SOUTH 89°14'43" EAST A DISTANCE OF 54.01 FEET;
THENCE SOUTH 89°09'47" EAST A DISTANCE OF 698.33 FEET;
THENCE SOUTH 74°58'55" EAST A DISTANCE OF 199.70 FEET;
THENCE SOUTH 46°50'00" EAST A DISTANCE OF 42.12 FEET;
THENCE SOUTH 17°17'40" EAST A DISTANCE OF 130.01 FEET;
THENCE NORTH 72°42'20" EAST A DISTANCE OF 10.82 FEET;
THENCE SOUTH 17°17'40" EAST A DISTANCE OF 198.02 FEET;
THENCE SOUTH 72°42'20" WEST A DISTANCE OF 166.85 FEET;
THENCE NORTH 03°11'32" WEST A DISTANCE OF 16.34 FEET;
THENCE SOUTH 86°48'28" WEST A DISTANCE OF 54.01 FEET;
THENCE SOUTH 72°42'20" WEST A DISTANCE OF 444.07 FEET;
THENCE SOUTH 00°45'17" WEST A DISTANCE OF 94.91 FEET;
THENCE NORTH 89°14'43" WEST A DISTANCE OF 169.00 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 227.03 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 89°58'43" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 1.62 FEET, WITH A DELTA ANGLE OF 00°24'34", A CHORD BEARING OF SOUTH 00°13'34" EAST, AND A CHORD LENGTH OF 1.62 FEET;
THENCE SOUTH 89°34'09" WEST A DISTANCE OF 14.86 FEET;
THENCE SOUTH 53°36'29" WEST A DISTANCE OF 76.46 FEET;
THENCE SOUTH 34°29'01" EAST A DISTANCE OF 172.90 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,260.14 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 34°29'01" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 7.00 FEET, WITH A DELTA ANGLE OF 00°19'05", A CHORD BEARING OF NORTH 55°40'32" EAST, AND A CHORD LENGTH OF 7.00 FEET;
THENCE SOUTH 34°09'56" EAST A DISTANCE OF 120.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 1,140.13 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 34°09'56" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 217.81 FEET, WITH A DELTA ANGLE OF 10°56'46", A CHORD BEARING OF SOUTH 50°21'42" WEST, AND A CHORD LENGTH OF 217.48 FEET;
THENCE SOUTH 45°06'41" EAST A DISTANCE OF 80.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,060.12 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 45°06'41" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 7.63 FEET, WITH A DELTA ANGLE OF 00°24'45", A CHORD BEARING OF NORTH 45°05'41" EAST, AND A CHORD LENGTH OF 7.63 FEET;
THENCE SOUTH 44°41'56" EAST A DISTANCE OF 174.02 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 886.10 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 44°41'56" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 18.24 FEET, WITH A DELTA ANGLE OF 01°10'47", A CHORD BEARING OF NORTH 45°53'27" EAST, AND A CHORD LENGTH OF 18.24 FEET;
THENCE SOUTH 43°31'09" EAST A DISTANCE OF 105.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 781.09 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 43°31'09" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 349.22 FEET, WITH A DELTA ANGLE OF 25°37'00", A CHORD BEARING OF SOUTH 33°40'21" WEST, AND A CHORD LENGTH OF 346.32 FEET;
THENCE SOUTH 89°51'29" EAST A DISTANCE OF 31.49 FEET;
THENCE SOUTH 00°08'31" WEST A DISTANCE OF 105.01 FEET;
THENCE NORTH 89°51'29" WEST A DISTANCE OF 2.51 FEET;
THENCE SOUTH 00°08'31" WEST A DISTANCE OF 159.02 FEET TO THE NORTHERLY BOUNDARY OF PARCEL 4 OF SURVEY NO. 5494 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5494 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-021122;
THENCE NORTH 89°51'29" WEST ALONG SAID NORTHERLY BOUNDARY A DISTANCE OF 438.49 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 4 BEING ALSO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER SAID SECTION 34;
THENCE NORTH 00°45'21" EAST ALONG SAID WEST LINE A DISTANCE OF 30.02 FEET TO THE WEST QUARTER CORNER OF SECTION 34, MARKED BY A 1/2 INCH REBAR WITH NO CAP;
THENCE NORTH 00°45'17" EAST ALONG SAID WEST LINE OF THE NORTHWEST QUARTER A DISTANCE OF 1,811.96 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 1,160,860 SQUARE FEET, 26.65 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

ADJUSTED PARCEL 4:

REAL PROPERTY LOCATED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP;
THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SAID SECTION 34 A DISTANCE OF 887.49 FEET;
THENCE SOUTH 89°14'43" EAST LEAVING SAID WEST LINE A DISTANCE OF 104.98 FEET;
THENCE NORTH 00°48'16" EAST A DISTANCE OF 35.17 FEET;
THENCE SOUTH 89°14'43" EAST A DISTANCE OF 54.01 FEET;
THENCE SOUTH 89°09'47" EAST A DISTANCE OF 698.33 FEET;
THENCE SOUTH 74°58'55" EAST A DISTANCE OF 199.70 FEET;
THENCE SOUTH 46°50'00" EAST A DISTANCE OF 42.12 FEET;
THENCE SOUTH 17°17'40" EAST A DISTANCE OF 130.01 FEET;
THENCE NORTH 72°42'20" EAST A DISTANCE OF 10.82 FEET;
THENCE SOUTH 17°17'40" EAST A DISTANCE OF 198.02 FEET;
THENCE NORTH 72°42'20" EAST A DISTANCE OF 552.96 FEET TO THE EASTERLY BOUNDARY OF NEW PARCEL IV OF SURVEY NO. 5521 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5521 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-030634;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING COURSES:

THENCE NORTH 32°20'10" WEST A DISTANCE OF 58.63 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 173.00 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 27°39'19" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 20.16 FEET, WITH A DELTA ANGLE OF 06°40'38", A CHORD BEARING OF SOUTH 59°00'22" WEST, AND A CHORD LENGTH OF 20.15 FEET;
THENCE NORTH 34°16'51" WEST A DISTANCE OF 54.02 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 25.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 34°21'45" WEST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 33.94 FEET, WITH A DELTA ANGLE OF 77°47'46", A CHORD BEARING OF NORTH 16°44'23" EAST, AND A CHORD LENGTH OF 31.40 FEET;
THENCE NORTH 22°02'34" WEST A DISTANCE OF 205.67 FEET;
THENCE NORTH 21°59'37" WEST A DISTANCE OF 42.39 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 471.00 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 67°55'51" WEST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 149.38 FEET, WITH A DELTA ANGLE OF 18°10'17", A CHORD BEARING OF NORTH 31°09'18" WEST, AND A CHORD LENGTH OF 148.75 FEET;
THENCE NORTH 40°10'17" WEST A DISTANCE OF 156.06 FEET;
TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 179.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 49°40'40" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 116.02 FEET, WITH A DELTA ANGLE OF 37°08'14", A CHORD BEARING OF NORTH 21°45'13" WEST, AND A CHORD LENGTH OF 114.00 FEET;
THENCE NORTH 03°04'35" WEST A DISTANCE OF 77.62 FEET;
THENCE NORTH 16°32'19" WEST A DISTANCE OF 83.41 FEET;
THENCE NORTH 27°38'46" WEST A DISTANCE OF 79.89 FEET;
THENCE NORTH 33°55'58" WEST A DISTANCE OF 179.99 FEET TO THE NORTH LINE OF SAID SECTION 34;
THENCE NORTH 89°09'47" WEST ALONG SAID NORTH LINE A DISTANCE OF 1,157.16 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 1,356,132 SQUARE FEET, 31.13 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

ADJUSTED PARCEL 5:

REAL PROPERTY LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 89°09'47" EAST ALONG THE NORTH LINE OF SAID SECTION 34 A DISTANCE OF 2599.03 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34 MARKED BY A 3" BRASS CAP; THENCE SOUTH 00°06'46" WEST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1617.82 FEET TO THE SOUTHERLY BOUNDARY OF LOT 7 OF THE PLAT OF WESTCLIFFE HEIGHTS II RECORDED IN VOLUME 15 OF PLATS AT PAGE 608 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018-015773 AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE SOUTHWESTERLY PLAT BOUNDARY OF SAID WESTCLIFFE HEIGHTS II THE FOLLOWING COURSES:

THENCE SOUTH 00°06'46" WEST A DISTANCE OF 347.63 FEET;
THENCE SOUTH 49°42'13" EAST A DISTANCE OF 205.84 FEET;
THENCE SOUTH 86°22'15" EAST A DISTANCE OF 156.14 FEET;
THENCE SOUTH 31°59'19" EAST A DISTANCE OF 192.52 FEET;
THENCE SOUTH 45°35'07" EAST A DISTANCE OF 140.43 FEET;
THENCE SOUTH 45°52'40" EAST A DISTANCE OF 144.22 FEET;
THENCE SOUTH 40°37'06" EAST A DISTANCE OF 21.41 FEET TO THE NORTHEAST CORNER OF PARCEL 3 OF SURVEY NO. 5494 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5494 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-021122;
THENCE SOUTH 77°55'39" WEST ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 3 A DISTANCE OF 525.70 FEET;
THENCE NORTH 31°58'33" WEST LEAVING SAID NORTHERLY BOUNDARY A DISTANCE OF 761.35 FEET;
THENCE NORTH 31°59'17" WEST A DISTANCE OF 161.35 FEET TO THE SOUTHERLY BOUNDARY OF ADJUSTED LOT 11 OF SURVEY NO. 5036 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5036 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018-019538; THENCE NORTH 58°00'41" EAST ALONG SAID SOUTHERLY BOUNDARY AND CONTINUING ALONG THE SOUTHERLY BOUNDARY OF SAID WESTCLIFFE HEIGHTS II A DISTANCE OF 260.06 FEET;
THENCE NORTH 68°46'25" EAST CONTINUING ALONG SAID SOUTHERLY BOUNDARY OF WESTCLIFFE HEIGHTS II A DISTANCE OF 161.19 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 364,972 SQUARE FEET, 8.38 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

RICHLAND SCHOOL DISTRICT PROPERTY:

ADJUSTED PARCEL 6:

REAL PROPERTY LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP;
THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 2699.45 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34 MARKED BY A 1/2 INCH REBAR WITH NO CAP; THENCE SOUTH 00°45'21" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 30.02 FEET TO THE NORTHWEST CORNER OF PARCEL 4 OF SURVEY NO. 5494 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5494 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-021122; THENCE SOUTH 89°51'29" EAST ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 4 A DISTANCE OF 438.49 FEET;
THENCE NORTH 00°08'31" EAST LEAVING SAID NORTH BOUNDARY A DISTANCE OF 159.02 FEET;
THENCE SOUTH 89°51'29" EAST A DISTANCE OF 2.51 FEET;
THENCE NORTH 00°08'31" EAST A DISTANCE OF 105.01 FEET;
THENCE SOUTH 89°51'29" EAST A DISTANCE OF 60.21 FEET;
THENCE SOUTH 66°27'51" EAST A DISTANCE OF 20.00 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 676.07 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 66°27'51" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 35.21 FEET, WITH A DELTA ANGLE OF 02°59'02", A CHORD BEARING OF NORTH 25°01'40" EAST, AND A CHORD LENGTH OF 35.20 FEET;
THENCE SOUTH 63°28'49" EAST A DISTANCE OF 54.01 FEET;
THENCE SOUTH 89°51'29" EAST A DISTANCE OF 120.31 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 517.06 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 57°32'48" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 363.25 FEET, WITH A DELTA ANGLE OF 40°15'08", A CHORD BEARING OF NORTH 52°34'46" EAST, AND A CHORD LENGTH OF 355.83 FEET;
THENCE NORTH 72°42'20" EAST A DISTANCE OF 214.55 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 17°17'40" EAST A DISTANCE OF 106.61 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 627.07 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 182.43 FEET, WITH A DELTA ANGLE OF 16°40'08", A CHORD BEARING OF SOUTH 08°57'36" EAST, AND A CHORD LENGTH OF 181.79 FEET;
THENCE SOUTH 89°51'29" EAST A DISTANCE OF 561.33 FEET;
THENCE NORTH 87°23'59" EAST A DISTANCE OF 356.09 FEET;
THENCE NORTH 84°36'56" EAST A DISTANCE OF 64.90 FEET;
THENCE NORTH 31°58'33" WEST A DISTANCE OF 337.28 FEET;
THENCE NORTH 31°59'19" WEST A DISTANCE OF 450.05 FEET;
THENCE NORTH 58°00'41" EAST A DISTANCE OF 105.01 FEET;
THENCE NORTH 31°59'19" WEST A DISTANCE OF 10.42 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 173.02 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 227.40 FEET, WITH A DELTA ANGLE OF 75°18'21", A CHORD BEARING OF NORTH 69°38'29" WEST, AND A CHORD LENGTH OF 211.39 FEET;
THENCE SOUTH 72°42'20" WEST A DISTANCE OF 624.07 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 39.27 FEET, WITH A DELTA ANGLE OF 90°00'00", A CHORD BEARING OF SOUTH 27°42'20" WEST, AND A CHORD LENGTH OF 35.36 FEET;
THENCE SOUTH 17°17'40" EAST A DISTANCE OF 344.04 FEET TO THE TRUE POINT OF BEGINNING.

HAVING AN AREA OF 638,424 SQUARE FEET, 14.66 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

SURVEY / DEED REFERENCES

(R1) SHORT PLAT NO. 595 FOR MILO BAUDER (AFN 771566) BY WEBBER
(R2) SURVEY NO. 848 AMENDING SURVEY NO. 822 (AFN 887321) BY WEBBER
(R3) SHORT PLAT NO. 2049 (AFN 1994-017574) BY BAALMAN
(R4) SURVEY NO. 2164 FOR BMID (AFN 1996-12391) BY ROGERS
(R5) SHORT PLAT NO. 3241 (AFN 2010-007065) BY YAMASHITA
(R6) SURVEY NO. 4140 (AFN 2010-026670) BY MATARAZZO
(R7) SURVEY NO. 5031 (AFN 2018-018513) BY BAALMAN
(R8) FINAL PLAT OF WESTCLIFFE HEIGHTS II (AFN 2018-015773) BY MATARAZZO
(R9) SURVEY NO. 5036 (AFN 2018-019538) BY MATARAZZO
(R10) SURVEY NO. 5494 (AFN 2021-021122) BY MATARAZZO
(R11) SURVEY NO. 5521 (AFN 2021-030634) BY BAALMAN

(D1) STATUTORY WARRANTY DEED (AFN 2021-049835)
(D2) STATUTORY WARRANTY DEED (AFN 2021-022771)
(D3) STATUTORY WARRANTY DEED (AFN 774082)
(D4) STATUTORY WARRANTY DEED (AFN 781372)

ALEXANDER D. MATARAZZO
STATE OF WASHINGTON
46318
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/12/2022

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF October, 2022 AT 2:45 P M. IN VOLUME 01 OF SURVEYS AT PAGE 5724 AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

Brenda Chilton by Merry Boatright, Deputy
COUNTY AUDITOR

PBS
PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

CLIENT: MONSON DEVELOPMENT WASHINGTON, LLC		PROJECT NO.: 66336.000
SURVEYOR: ALEX D. MATARAZZO		DATE: 10/12/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: NA
SECTION: 34	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 9 OF 9

LEGAL DESCRIPTION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 34, MARKED BY A 1/2 INCH REBAR;
THENCE NORTH 00°45'17" EAST ALONG THE WEST LINE OF SAID SECTION A DISTANCE OF 2,699.45 FEET TO THE NORTHWEST CORNER THEREOF, MARKED BY A 5/8 INCH REBAR;
THENCE SOUTH 00°45'17" WEST BACK ALONG SAID WEST SECTION LINE A DISTANCE OF 1,291.17 FEET;
THENCE SOUTH 89°14'43" EAST A DISTANCE OF 1,035.28 FEET TO AN ANGLE POINT ALONG THE BOUNDARY OF ADJUSTED PARCEL 2 AS DEPICTED ON THAT RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT FILED IN VOLUME 1 OF SURVEYS AT PAGE 5724 UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2022–033094;

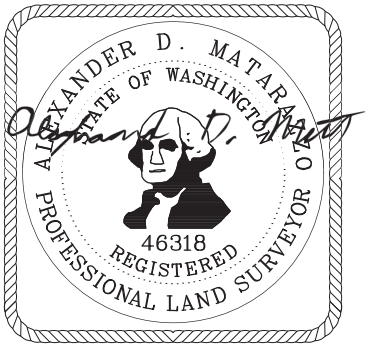
THENCE ALONG SAID BOUNDARY THE FOLLOWING COURSES:

THENCE NORTH 72°42'20" EAST A DISTANCE OF 719.81 FEET;
THENCE SOUTH 32°20'10" EAST A DISTANCE OF 144.86 FEET;

THENCE LEAVING SAID BOUNDARY SOUTH 27°12'21" WEST A DISTANCE OF 159.44 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,060.12 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 23°35'53" WEST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 116.63 FEET, WITH A DELTA ANGLE OF 06°18'13", A CHORD BEARING OF SOUTH 69°33'14" WEST, AND A CHORD LENGTH OF 116.57 FEET;
THENCE SOUTH 72°42'20" WEST A DISTANCE OF 520.56 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 39.27 FEET, WITH A DELTA ANGLE OF 90°00'00", A CHORD BEARING OF NORTH 62°17'40" WEST, AND A CHORD LENGTH OF 35.36 FEET;
THENCE NORTH 17°17'40" WEST A DISTANCE OF 148.72 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 173.02 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 42.58 FEET, WITH A DELTA ANGLE OF 14°06'08", A CHORD BEARING OF NORTH 10°14'36" WEST, AND A CHORD LENGTH OF 42.48 FEET;
THENCE NORTH 03°11'32" WEST A DISTANCE OF 45.52 FEET TO THE TRUE POINT OF BEGINNING.

HAVING AN AREA OF 190,556 SQUARE FEET, 4.37 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

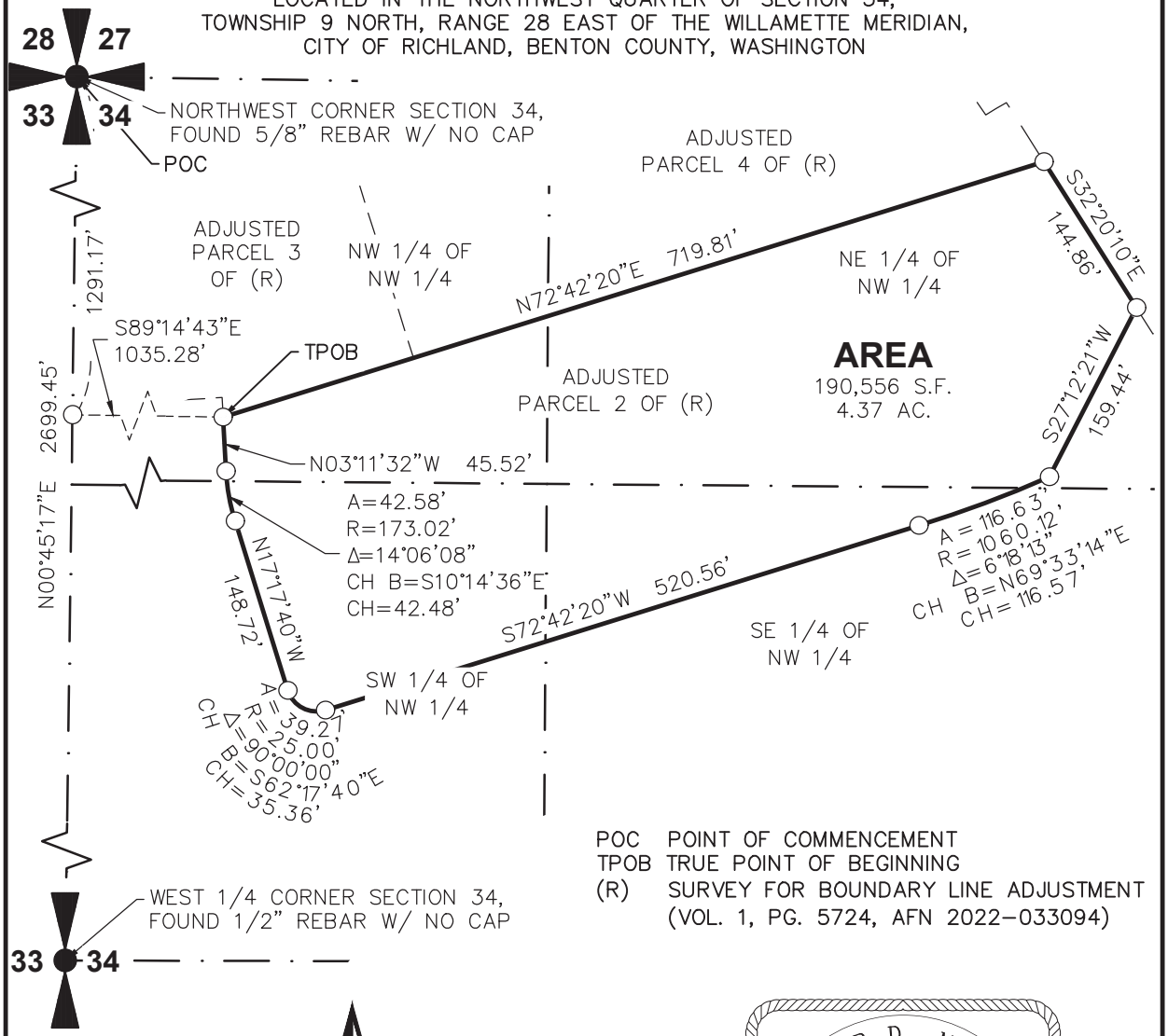


02/13/2023

PBS Engineering and Environmental Inc. pbsusa.com	DRAWN BY: ROP	SCALE: N/A	DATE: 02/13/2023
	CHECKED BY: ADM	PROJECT NO.: 66336.000	SHEET 1 OF 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 34,
TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



POC POINT OF COMMENCEMENT
TPOB TRUE POINT OF BEGINNING
(R) SURVEY FOR BOUNDARY LINE ADJUSTMENT
(VOL. 1, PG. 5724, AFN 2022-033094)

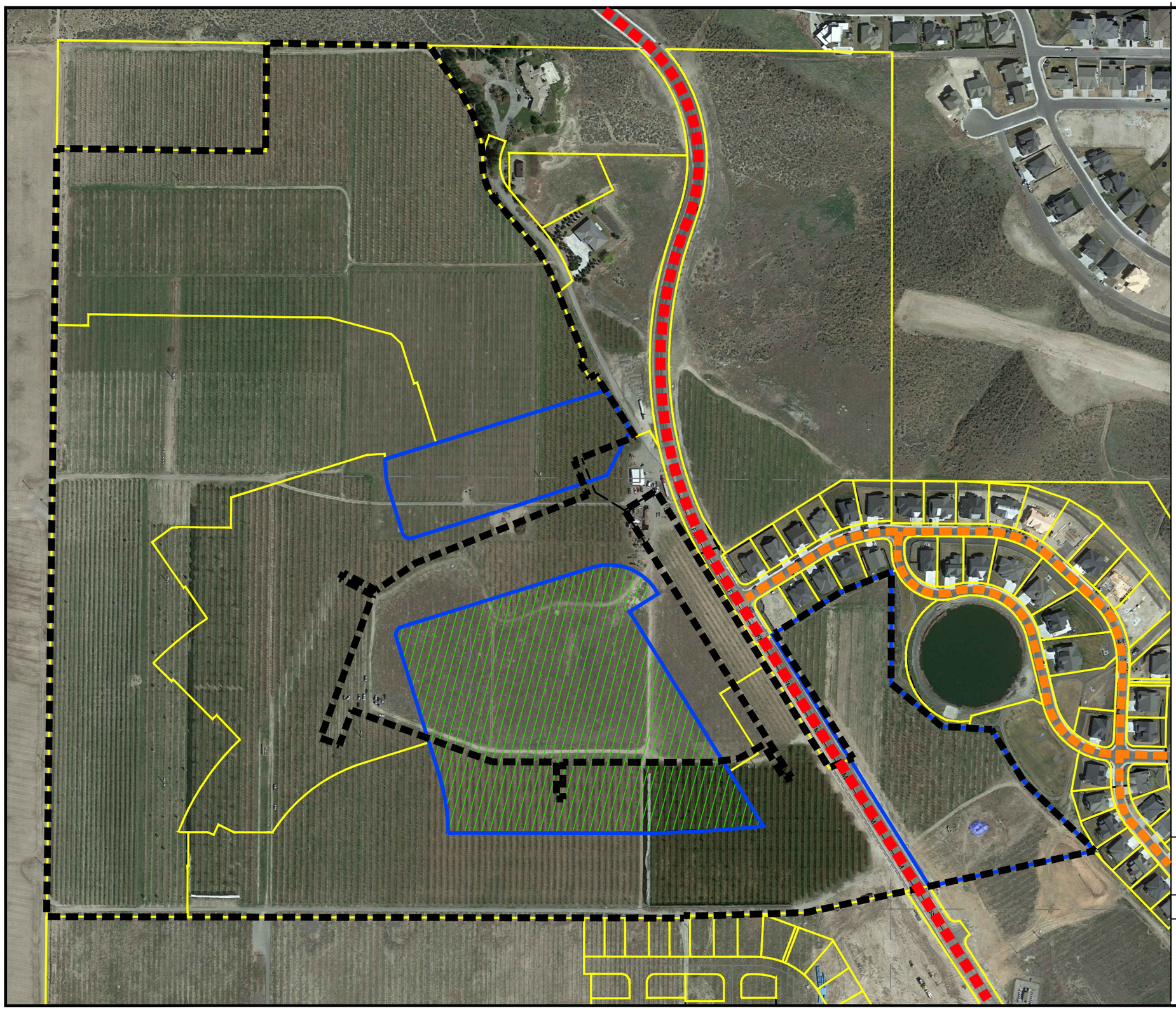
Scale 1" = 150'

0 75 150 300

ALEXANDER D. MATARAZZO
STATE OF WASHINGTON
46318
REGISTERED
PROFESSIONAL LAND SURVEYOR

02/13/2023

PBS Engineering and Environmental Inc. pbsusa.com	DRAWN BY: ROP	SCALE: 1" = 150'	DATE: 02/13/2023
	CHECKED BY: ADM	PROJECT NO.: 66336.000	SHEET 2 OF 2



PROJECT BOUNDARY

- PROJECT BOUNDARY
- PROJECT PARCELS
- NEWLY DEDICATED SCHOOL AREA AS OF BLA
- PROPERTY BOUNDARY

ROADWAY CLASSIFICATION

- MAJOR COLLECTOR
- MINOR COLLECTOR

Scale 1" = 300'

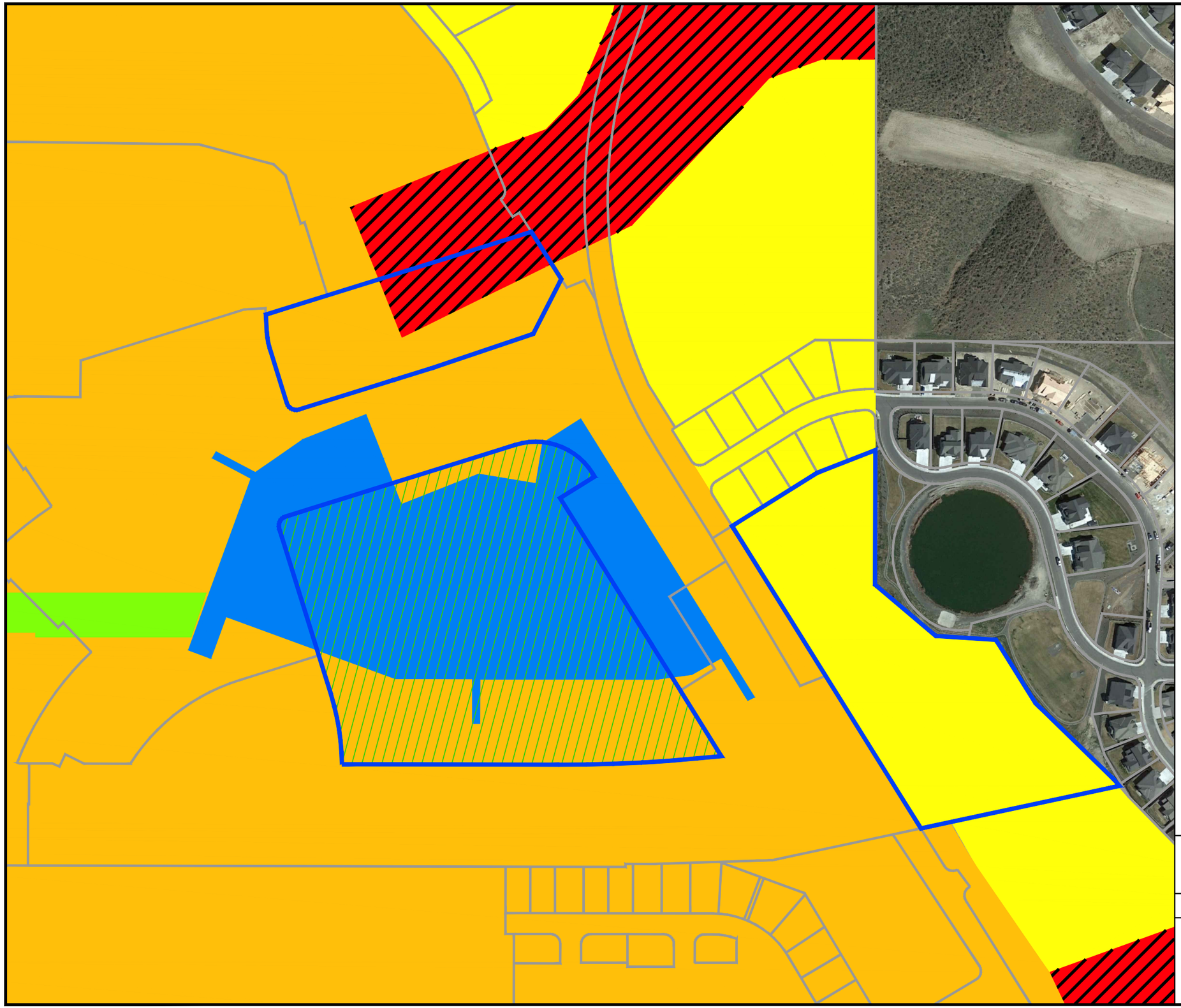
0 150 300 600

PEACH TREE ESTATES
VICINITY MAP EXHIBIT

DATE: FEB 2023 - PROJECT: 66336.000

PBS

FIGURE
1



PROJECT BOUNDARY

- PROJECT BOUNDARY
- PROJECT PARCELS
- NEWLY DEDICATED SCHOOL AREA AS OF BLA

BMS SUBAREA LAND USE

- COMMERCIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- CIVIC (PARKS, TRAILS, OPEN SPACE)
- CIVIC SCHOOLS

Scale 1" = 250'

0 125 250 500

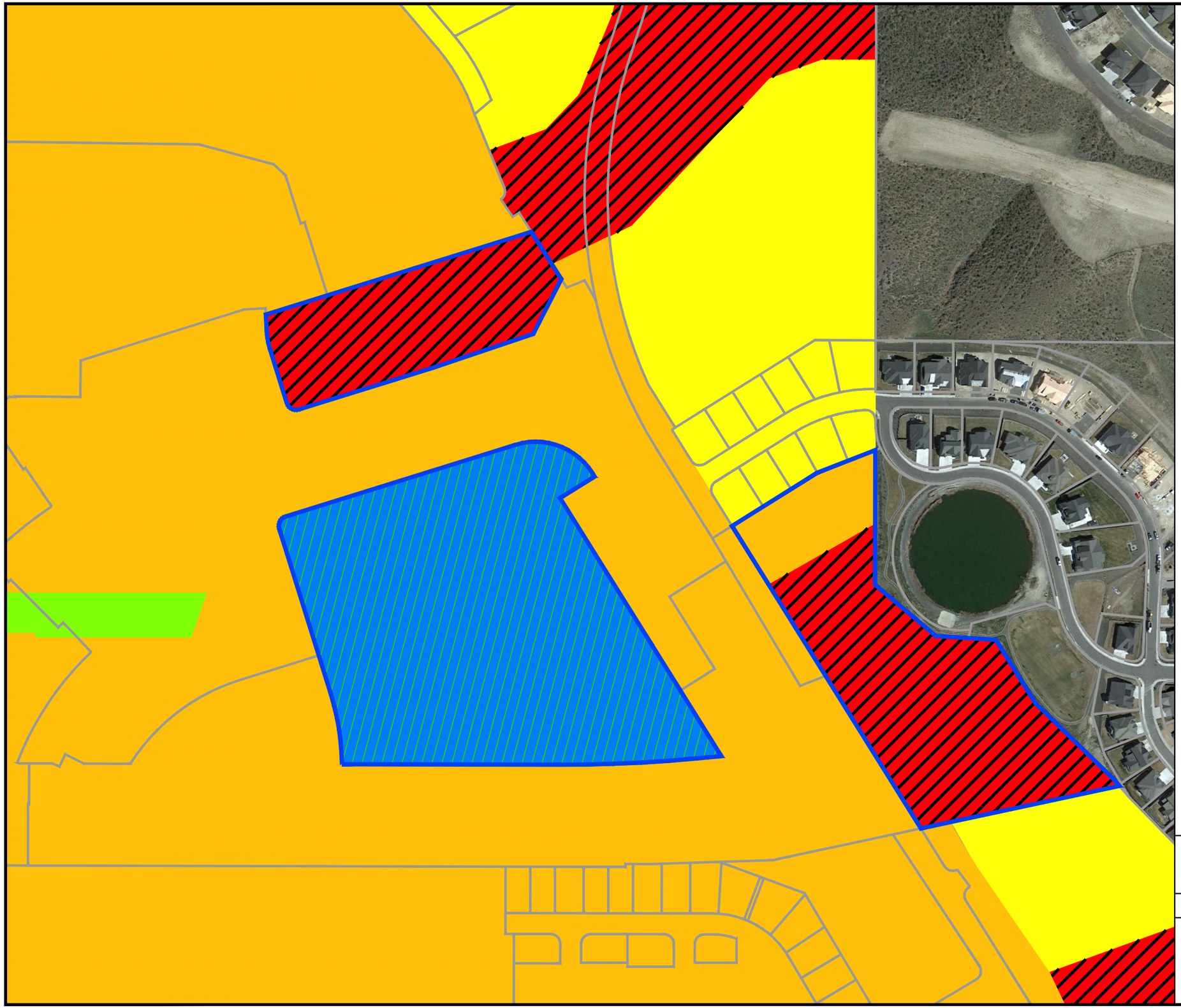
PEACH TREE ESTATES

CURRENT LAND USE

DATE: FEB 2023 - PROJECT: 66336.000

PBS

FIGURE
2



PROJECT BOUNDARY

- PROJECT BOUNDARY
- PROJECT PARCELS
- NEWLY DEDICATED SCHOOL AREA AS OF BLA

BMS SUBAREA LAND USE

- COMMERCIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- CIVIC (PARKS, TRAILS, OPEN SPACE)
- CIVIC SCHOOLS

Scale 1" = 250'

0 125 250 500

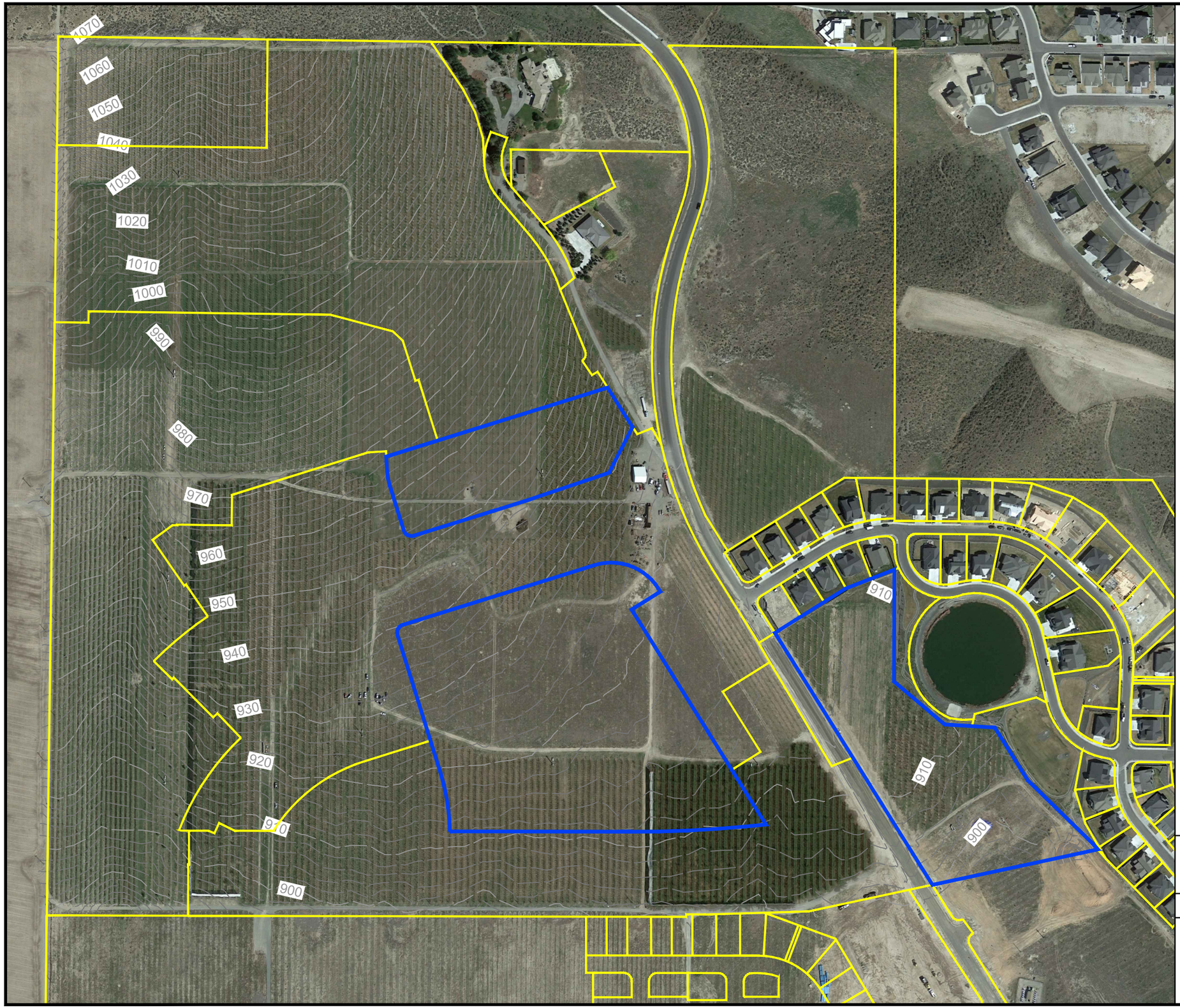
PEACH TREE ESTATES

PROPOSED LAND USE

DATE: FEB 2023 - PROJECT: 66336.000

PBS

FIGURE 3



PROJECT BOUNDARY

PROJECT BOUNDARY

PROJECT PARCELS

LINE TYPE LEGEND

———xxx——— EXISTING MAJOR CONTOURS

———xxx——— EXISTING MINOR CONTOURS

Scale 1" = 300'

0 550 300 600

PEACH TREE ESTATES
TOPOGRAPHY EXHIBIT

DATE: FEB 2023 - PROJECT: 66336.000

PBS

FIGURE
4

PROJECT BOUNDARY

- PROJECT BOUNDARY
- PROJECT PARCELS

ZONING USE

- R-1-12 SINGLE FAMILY RESIDENTIAL
- R-2 MEDIUM DENSITY RESIDENTIAL
- C-LB LIMITED BUSINESS
- AG AGRICULTURAL

N

Scale 1" = 250'

0 525 250 500

PEACH TREE ESTATES
CURRENT ZONING EXHIBIT

DATE: FEB 2023 - PROJECT: 66336.000

PBS

FIGURE
5

SEPA Environmental Checklist

PBS Project 66336.000
Client: City of Kennewick

Purpose of Checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for Applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. *You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.* You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the State Environmental Policy Act (SEPA) process as well as later in the decision making process.

The checklist questions apply to *all parts of your proposal*, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of Checklist for Nonproject Proposals

For nonproject proposals (such as ordinances, regulations, plans, and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for nonprojects) questions in Part B—Environmental Elements—that do not contribute meaningfully to the analysis of the proposal.

Background

a. Name of proposed project, if applicable:
   Peach Tree Estates

b. Name of applicant:
MD&D Investments, LLC

c. Address and phone number of applicant and contact person:

63615 E Jacobs Road NE
Benton City, Washington 99320
509-778-2373

d. Date checklist prepared:
February 2023

e. Agency requesting checklist:
City of Richland

f. Proposed timing or schedule (including phasing, if applicable*):*
This is a non-project proposal. It addresses proposed comprehensive plan map amendments. No construction is proposed at this time.

g. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
The future plans include development of the project. This will include extension of public facilities to and within the project. Development of a street system to support the development for commercial, residential, mixed use, and civic uses.

h. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
A Phase I Environmental Site Assessment, soil testing, and a geologic engineering report were done for the area.

i. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
No, there are no known projects in the project areas currently seeking government approval that would directly affect this project.

j. List any government approvals or permits that will be needed for your proposal, if known.
This SEPA checklist is a non-project checklist; when the area within the Comprehensive Plan is developed, the projects will seek the required approvals and permits. The requested comprehensive plan map amendments and the requested zoning map requires approval by the City of Richland of an ordinance adopting the proposed amendments.

k. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The applicant proposes to modify three areas of the approved Badger Mountain Subarea Comprehensive Plan. All portions of this SEPA Checklist submittal are non-project at this time. Any future projects will provide project related SEPA Checklist information, as required.
The Comprehensive Plan Amendment proposal includes three project sites: the school site, the commercial site, and the Bermuda Frontage site as shown in the table, below.

	1 – School Site	2 - Commercial	3 – Bermuda Frontage
Existing Acres	14.53 ac	3.44 ac	8.38 ac
Acres	14.67 ac	4.35 ac	8.38 ac
Current Land Use	Civic/Schools (Public Facility) and Medium Density Residential (MDR)	Commercial (COM) and Medium Density Residential (MDR)	Low Density Residential (LDR)
Future Land Use	Civic/Schools	Commercial	Medium Density Residential & Central Business District

l. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The three areas within the adopted Badger Mountain Subarea Plan can be generally described as;

Bermuda Frontage located in the SW 1/4 of the NE 1/4 and the SE 1/4 of the NW 1/4 of Section 34, Township 9 North, Range 28 East, W.M. within the city of Richland, Benton County, Washington.

Commercial: located in the NW 1/4 of Section 34, Township 9 North, Range 28 East, W.M. within the city of Richland, Benton County, Washington.

School: located in the south half of the NW 1/4 of Section 34, Township 9 North, Range 28 East, W.M. within the city of Richland, Benton County, Washington.

Environmental Elements

Earth

a. General description of the site:
Topography ranges from nearly rolling to steep.

(Circle one): flat, **rolling,** hilly, **steep slopes**, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?
According to the PBS Engineering and Environmental survey, the slopes within the proposed Commercial project area are mapped as 4% to 10%, with a portion reaching 9% to 10% slope. The slopes within the proposed School project area are mapped as 0.9% to 6%, with a portion reaching 4.6% to 6% slope. The

slopes within the proposed Bermuda Frontage project area are mapped as 0.2% to 5%, with a portion reaching 3% to 5% slope.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
HeE—Hezel loamy fine sand, 0 to 30 percent slopes, KnE—Kiona very stony silt loam, 0 to 30 percent slopes,
KnF—Kiona very stony silt loam, 30 to 65 percent slopes, QuE—Quincy loamy sand, 0 to 30 percent, ShE3—Shano silt loam, 15 to 30 percent slopes, severely eroded, ShF—Shano silt loam, 30 to 65 percent slopes,
WdAB—Warden silt loam, 0 to 5 percent slopes, WdD—Warden silt loam, 8 to 15 percent slopes, WdE3—Warden silt loam, 15 to 30 percent slopes, severely eroded, WfC2—Warden very fine sandy loam, 0 to 15 percent slopes

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. any filling, excavation, and grading proposed.
There are no known indications or history of unstable soils.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. No construction is proposed at this time.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. No construction is proposed at this time.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. No construction is proposed at this time.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. No construction is proposed at this time.

Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. No construction is proposed at this time.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. No construction is proposed at this time.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. No construction is proposed at this time.

Water

Surface Water

a. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
There are no surface waterbodies on or in the immediate vicinity of the site.

b. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
The project will not require any work within 200 feet of waterbodies.

c. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
Fills within the wetlands and waters will be clean fill generated from on-site grading activities. Streambed gravels to be placed within the new stream channels will consists of washed cobbles and gravels from an off-site source.
This is a non-project SEPA Checklist - no development is planned at this time.

d. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
This is a planning related project, and no surface water withdraws are planned.

e. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan
The site is not located within the 100-year floodplain.

f. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
No waste materials will be discharged to surface waters.

Ground Water

a. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
The project will not involve any groundwater withdrawals.

b. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals: agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
No waste material will be discharged into the ground.

Water Runoff (Including Stormwater):

a. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
This is a planning related project, and no grading or development to change runoff patterns is proposed.

b. Could waste materials enter ground or surface waters? If so, generally describe.
There are no known opportunities for waste materials to enter ground or surface waters.

c. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.
The project will not affect drainage patterns within the surrounding area.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:
None

Plants

a. Check the types of vegetation found on the site:

☐ deciduous tree: alder, maple, aspen, other
☐ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
☐ pasture
☐ crop or grain
☐ Orchards, vineyards or other permanent crops.
☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☐ water plants: water lily, eelgrass, milfoil, other
☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?
This is a planning related project, and no vegetation removal will occur.

c. List threatened and endangered species known to be on or near the site.
There are no known ESA listed plant species on or within close proximity to the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
This is a planning related project, and no landscaping is proposed at this time.

e. List all noxious weeds and invasive species known to be on or near the site.
No known noxious weeds occur on site.

Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: **hawk**, heron, eagle, **songbird**s, other:
mammals: **deer**, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

Wildlife is limited to common passerine songbirds and small rodents.

b. List any threatened and endangered species known to be on or near the site.
There are no threatened or endangered species known to occur within the project area or general vicinity.

c. Is the site part of a migration route? If so, explain.
The site is part of the Pacific Flyway for migratory birds.

d. Proposed measures to preserve or enhance wildlife, if any:
No measures are proposed at this time.

e. List any invasive animal species known to be on or near the site.
No invasive animal species are known to occur on or near the site.

Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
This is a non-project SEPA Checklist - no development is planned at this time.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
This is a non-project SEPA Checklist - no development is planned at this time.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
This is a non-project SEPA Checklist - no development is planned at this time.

Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.
The Washington Department of Ecology Database shows no known spills or potential contaminants within the project area.

1. Describe any known or possible contamination at the site from present or past uses.
The Washington Department of Ecology Database shows no known spills or potential contaminants within the project area.

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
None. The Washington Department of Ecology Database shows no known spills or potential contaminants within the project area.

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

No Construction activities are planned at this time so no hazardous or toxic chemicals will be utilized.

4. Describe special emergency services that might be required.
None.

5. Proposed measures to reduce or control environmental health hazards, if any:
None.

Noise

a. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
This is non-project application. There a no known noise generators in the area that would impact the project.

b. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
This is a non-project proposal. Future development on the site will generate construction-associated noise. As development occurs, traffic and noise associated with the residential and commercial uses would be expected.

c. Proposed measures to reduce or control noise impacts, if any:
This is a non- project application. At this time, no measures to reduce or control noise are being considered.

Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. No construction is proposed at this time.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
The area has been used as working farmlands. This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. As no construction is proposed at this time, the acreage of converted land cannot be accurately calculated.

c. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:
This is a non-project application. The application is for amendments to the Badger Mountain Subarea Plan. As no construction is proposed at this time, the impact on surrounding working farmland cannot be accurately calculated.

d. Describe any structures on the site.
There is an existing pole barn structure that is used for agricultural storage on the property.

e. Will any structures be demolished? If so, what?
Not applicable at time, as this is a non-Project SEPA Checklist.

f. What is the current zoning classification of the site?
Agricultural (AG).

g. What is the current comprehensive plan designation of the site?
Current land use designation is commercial, medium density residential, low density residential, civic/schools.

h. If applicable, what is the current shoreline master program designation of the site?
Not applicable. There is no shoreline within the project area.

i. Has any part of the site been classified as a critical area by the city or county? If so, specify.
According to the WDFW mapping, there are no critical areas in the non-project areas. There are areas of Benton County Presumptive Shrubsteppe to the east of the site.

j. Approximately how many people would reside or work in the completed project?
Not applicable at time, as this is a non-Project SEPA Checklist. Future design and zoning code would determine the number of people.

k. Approximately how many people would the completed project displace?
To the applicant's knowledge, future projects will not cause displacement.

l. Proposed measures to avoid or reduce displacement impacts, if any:
To the applicant's knowledge, future projects will not cause displacement.

m. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Any future projects will be required to comply with the underlying zoning codes as enforced by the City of Richland.

n. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:
None proposed at this time. Impacts to these land uses are not anticipated.

Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
Not applicable at time, as this is a non-Project SEPA Checklist. Housing design would be considered with future projects.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable at time, as this is a non-Project SEPA Checklist. Housing design would be considered with future projects.

c. Proposed measures to reduce or control housing impacts, if any:
Not applicable at time, as this is a non-Project SEPA Checklist. Housing design would be considered with future projects.

Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
Not currently applicable, as this is a non-Project SEPA Checklist. Building height would be considered during future design and would follow zoning regulations.

b. What views in the immediate vicinity would be altered or obstructed?
Not currently applicable, as this is a non-Project SEPA Checklist. Views would be considered during future design.

c. Proposed measures to reduce or control aesthetic impacts, if any:
Not applicable at time, as this is a non-Project SEPA Checklist. Aesthetics would be considered during future design.

Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
Not applicable at time, as this is a non-Project SEPA Checklist. When the projects occur in the future, the glare will likely come from the residences and commercial areas, along with the accompanying transit areas.

b. Could light or glare from the finished project be a safety hazard or interfere with views?
The lighting in the project will likely come from the single family houses to the east and the south, along with the accompanying transit areas. Most of the glare would occur during darkness.

c. What existing off-site sources of light or glare may affect your proposal?
When future development occurs, there could be ambient light from the developed portions of Richland to the north and to the southeast.

d. Proposed measures to reduce or control light and glare impacts, if any:
When future projects occur, along with the applicable regulations, the proposed lighting would be directed downward to reduce glare.

Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?
Badger Mountain Trail, Chamna Natural Preserve, Claybell Park, Columbia Park Trail, Brookstone Park have recreational opportunities around the general area.

b. Would the proposed project displace any existing recreational uses? If so, describe.
Not to the applicant's knowledge.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
This is a non-project SEPA Checklist – the future projects will follow State and local guidelines to reduce or control impacts on recreation.

Historic and Cultural Preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
To the applicant's knowledge, there are no building, sites, or structures listed or eligible for listing in any preservation registers.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
This is a non-project SEPA Checklist – the applicant will follow State and local guidelines regarding protocol prior to future project construction.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
This is a non-project SEPA Checklist – the applicant will follow State and local guidelines regarding protocol prior to future project construction. When future projects do occur, assessment of potential impacts include the use of Google Earth imagery and the Washington Information System for Architectural and Archaeological Records Data (WISSARD) from the Washington State Department of Archaeology and Historic Preservation.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
This is a non-project SEPA Checklist, as such, there are no plans or permits at this time. The applicant will follow State and local guidelines regarding protocol prior to future project construction.

Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
The area is served by Queensgate Drive, Interstate 182, Interstate 82, and North Bermuda Road, as well as a variety of smaller roads.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
There is not currently bus service offered in this area. At this time, the nearest service is route 123, which runs along Keene Road and Gage Boulevard.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
As this is a non-project SEPA Checklist, this information is not currently available. When future projects occur, the applicant will follow City of Richland Code to formulate parking space amount.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
Yes, the future projects will look to dedicate right of way and install public streets, as required.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
None of the above listed transportation modes occur within the general vicinity.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non passenger vehicles). What data or transportation models were used to make these estimates?
As this is a non-project SEPA Checklist, this information is not currently available. When the future projects are designed, the transportation demands will be studied as required. Any new development is anticipated to increase trips per day.

g. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
No, the project is not expected to interfere with agricultural equipment.

h. Proposed measures to reduce or control transportation impacts, if any:
As this is a non-project SEPA Checklist, this information is not currently available. When the future projects are designed, the transportation demands will be studied, as required.

Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
Yes, the future projects would require additional need for fire protection, police protection, public transit, schools. The site is seeking to provide housing and commercial uses to the project area.

b. Proposed measures to reduce or control direct impacts on public services, if any.
The completed project would be subject to property tax value increases and levies upon completion to pay toward public services.

Utilities

a. Circle utilities currently available at the site:
As this is a non-project SEPA Checklist in an undeveloped area, the future utilities in the area may include the following.
electricity, **natural gas, water**, **refuse service**, **telephone**, **sanitary sewer**, septic system, other
_____

b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed.
It is assumed that public water, sewer, industrial sewer service will be extended with road construction and will be provided by the City of West Richland. Electricity will be provided by Benton REA. Cable, Internet, and telephone would be provided by Spectrum.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Alex Rietmann 2/27/2023

Date

Exhibit 6

DEPARTMENT OF NATURAL RESOURCES

STRATEGIC PLANNING DIVISION
1111 WASHINGTON ST. SE
OLYMPIA, WA 98504-7014

360-742-2170
TINA.HOCHWENDER@DNR.WA.GOV
WWW.DNR.WA.GOV

Via email: mstevens@CI.RICHLAND.WA.US

February 14, 2023

Mr. Mike Stevens
Planning Manager
City of Richland
625 Swift Blvd., MS-35
Richland, WA 99352

Re: Comprehensive Plan Amendment and Rezone Request
Lot 2, Richland 16 – Parcel No. 116982000001003

Dear Mike,

On behalf of the Department of Natural Resources (DNR), please consider this letter as our formal request for a Comprehensive Plan Amendment and Zoning Map Amendment of the southern 16 acres of Lot 2 of the Richland 16 property. Accompanying this request, please find the attached completed applications and supporting documents as follows:

1. Comprehensive Plan Amendment
    a. Application Form
    b. Supplemental Questions
    c. Vicinity Maps, including proposed streets
    d. Topographical Map

2. Zoning Map Amendment Application
    a. Application Form
    b. Title Report

Lot 2, the subject property, is part of the DNR's 375-acre Richland 16 property located in Section 16-Township 9N-Range 28E, northwest of the intersection of Queensgate Drive and Truman Avenue. The Richland 16 property was previously managed as an orchard. The orchard has been decommissioned, the property entered DNR's Urban/Transition Land Program, and is no longer being actively managed for forest or agricultural resource purposes. In 2019, the Richland 16 property was segregated into 10 Lots and each lot's land use and zoning designation was approved in preparation of future development.

Lot 4, located south of Lot 2 and consisting of approximately 42 acres, was being considered for purchase by the Richland School District for the future site of a school and was designated PBF-Public Facility and zoned PPF Parks & Public Facilities. In 2022, the Richland School District requested to purchase only the southern 26 acres of Lot 4 for the location of a future school. To accommodate the Richland School District's request to reduce the size of Lot 4, a Boundary Line Adjustment (BLA) between Lots 2 and 4 was recently submitted and approved. The northern 16 acres of Lot 4 is now combined with Lot 2 resulting in Lot 2's southern 16-acre portion with a land use designation of PBF- Public Facility and zoned PPF Parks & Public Facilities and Lot 2's northern 12-acre portion with a land use designation of MDR-Medium Density Residential and zoned R-2 Medium Density Residential.

A comprehensive plan land use map amendment and accompanying zoning map amendment is now necessary to reclassify the southern 16 acres designated PBF- Public Facility and zoned PPF Parks & Public Facilities, previously as part of Lot 4 and now combined with Lot 2, to MDR-Medium Density Residential land use designation and R-2 Medium Density Residential zoning matching the rest of Lot 2. The reclassification is consistent with the adjacent and surrounding land uses and zones and beneficial for the eventual sale of the lot for future residential development.

As mentioned above, DNR manages this property as part of its statewide Urban/Transition Lands Program. Part of the responsibility in managing these lands is to proactively determine which lands may be "ripe" for increased efficiency and proper land use development. This approach creates a higher and best use scenario for the specific parcel and is a primary tenant of our fiduciary responsibility when managing urban-type trust assets.

In conclusion, DNR is seeking the City of Richland's support and approval of our request to appropriately amend the Comprehensive Plan and Rezone the subject property, accordingly. We believe our application is consistent with the submittal requirements set forth by the City. If you have any questions or require additional information, please do not hesitate to reach out.

Thank you for your assistance with these applications. We look forward to working with you toward the approval of our applications.

Sincerely,

Tina Hochwender
Transition Lands Planning Manager
Cell: 360-742-2170

cc: Robin Hamill, DNR, ADM Transactions Manager
Kaerlek, Janislampi, DNR, SE Region, ARM State Lands
Ryan Cloud, DNR, SE Region, AG Field Program Manager

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City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Comprehensive Plan Amendment Application

☒ **Comprehensive Plan Land Use Map** ☐ **Text of Comprehensive Plan**

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: Washington State Department of Natural Resources (DNR)	
Address: PO Box 47014, Olympia, WA 98504-7014	
Phone: (360) 902-1088	Email: Duane.Emmons@dnr.wa.gov

APPLICANT/CONTRACTOR INFORMATION (if different)	☒ Contact Person
Company: Washington State Department of Natural Resources (DNR)	UBI#: Not Applicable
Contact: Tina Hochwender, DNR Transition Lands Planning Manager	
Address: PO Box 47014, Olympia, WA 98504-7014	
Phone: (360) 742-2170	Email: Tina.Hochwender@dnr.wa.gov

PROPERTY INFORMATION

Legal Description:

Richland 16
Section 16, Township 9 North, Range 28 East, W.M.
Lot 2-A

Portions of the NE 1/4 NW 1/4 and NW 1/4 NW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19’51” East along the north line of said section 16, 1,590.09 feet; thence South 11°49’33” East 591.69 feet to the True Point of Beginning; thence South 11°49’33” East 377.85 feet; thence South 0°00’12” West 702.65 feet; thence South 89°38’29” West 1175.95 feet; thence North 0°07’22” East 1067.04 feet; thence North 89°19’51” East 1096.32 feet to the True Point of Beginning.

Contains 28.53 acres, more or less.

Parcel #: 116982000001003, Richland 16, Lot 2-A

Current Zoning: PPF - Parks and Public Facilities	Current Use: Vacant land, previously Agriculture (former orchard site)

APPLICATION MUST INCLUDE

1. Completed application and filing fee;
2. The purpose of the proposed amendment;
3. Describe how the amendment is consistent with Washington State Growth Management Act-RCW 36.70A (the goals of the Act are listed in 36.70A.020);
4. How the amendment is consistent with the adopted countywide planning polices;
5. How the amendment furthers the purpose of the City's comprehensive plan;
6. How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;
7. If applicable, how the project will meet concurrency requirements for transportation;
8. As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator;
9. Comprehensive Plan TEXT AMENDMENT applications must also include:
    a. The proposed element, chapter, section and page number of the comp. plan to be amended;

b. The proposed text change, with new text underlined and deleted text crossed out;

10. Comprehensive Plan MAP AMENDMENT applications must also include:
    a. The current land use map designation for the subject parcel(s);
    b. The land use map designation requested;
    c. A complete legal description describing the combined area of the subject parcel(s);
    d. A vicinity map showing:
        i. All land use designations within 300 feet of the subject parcel(s);
        ii. All pa reels within 300 feet of the subject pa reel and a II existing uses of those pa reels;
        iii. All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads;
        iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;
    e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 feet (1:200);
    f. The current official zoning map designation for the subject parcel(s);
    g. A detailed plan which indicates any proposed improvements to:
        i. Paved streets;
        ii. Storm drainage control and detention facilities;
        iii. Public water supply;
        iv. Public sanitary sewers;
        v. Circulation and traffic patterns for the development and the surrounding neighborhoods;
    h. A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from, and after, the comprehensive plan amendment;
    i. A description of any associated development proposals. Development proposals shall not be processed concurrently with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to a meliorate the adverse impact(s) of the proposed development.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Duane Emmons

DocuSigned by:

Applicant Signature: _____ Date 2/14/2023

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SUPPLEMENTAL QUESTIONS

2. The purpose of the proposed amendment:

The purpose of the proposed comprehensive plan land use map amendment is to reclassify the southern 16 acres of Lot 2 of the Richland 16 property from its current land use designation of PBF- Public Facility to MDR-Medium Density Residential land use designation. Lot 2 is part of the Washington State Department of Natural Resources' (DNR) 375-acre Richland 16 property located northwest of the intersection of Queensgate Drive and Truman Avenue. In 2019, DNR's Richland 16 property was segregated into 10 Lots and each lot's land use and zoning designation was approved. Lot 4, located south of Lot 2 and consisting of approximately 42 acres, was being considered for purchase by the Richland School District for the site of a school and was designated PBF-Public Facility and zoned PPF Parks & Public Facilities. In 2022, the Richland School District requested to purchase only the southern 26 acres of Lot 4 for the location of a future school. To accommodate the Richland School District's request to reduce the size of Lot 4, a Boundary Line Adjustment (BLA) between Lots 2 and 4 was recently submitted and approved. The northern 16 acres of Lot 4 is now combined with Lot 2 resulting in Lot 2's southern 16-acre portion with a land use designation of PBF- Public Facility and zoned PPF Parks & Public Facilities and Lot 2's northern 12-acre portion with a land use designation of MDR-Medium Density Residential and zoned R-2 Medium Density Residential.

A comprehensive plan land use map amendment and accompanying zoning amendment is now necessary to reclassify the 16 acres designated PBF- Public Facility and zoned PPF Parks & Public Facilities, previously as part of Lot 4 and now combined with Lot 2, to MDR-Medium Density Residential land use designation and R-2 Medium Density Residential zoning matching the rest of Lot 2. The reclassification is consistent with the adjacent and surrounding land uses and zones and beneficial for the eventual sale of the lot for future residential development.

3. Describe how the amendment is consistent with Washington State Growth Management Act-RCW 36.70A (the goals of the Act are listed in 36.70A.020):

The goals of the Washington State Growth Management Act (RCW 36.70A.020) are reprinted below with a brief statement identifying how the proposed comprehensive plan amendment relates to the GMA goal.

1) *Urban growth*. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

RESPONSE: The proposed comprehensive plan amendment would occur in an area entirely located within the city limits of Richland, the Richland urban growth area, and within an urban infill area. The City's comprehensive plan identifies the area as an area "the City is planning to accommodate future growth." Adequate public facilities and services are nearby and will be planned and provided for in an efficient manner as specific development proposals are submitted.

2) *Reduce sprawl*. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

RESPONSE: The proposed comprehensive plan amendment will reclassify 16 acres designated PBF- Public Facility and zoned PPF Parks & Public Facilities, previously as part of Lot 4 for a school and now combined with Lot 2, to MDR-Medium Density Residential land use designation and R-2 Medium Density Residential zoning matching the rest of Lot 2. The reclassification will provide for the property no longer needed for a school to be developed as medium density residential along with the rest of Lot 2. Lot 2 is surrounded on the south by public facility land use and zoning; and on the north, east and west by low density residential land use and R-1-10 Single Family Residential zoning. The reclassification is consistent with the adjacent and surrounding land uses and zones. The proposed amendment encourages infill development.

3) *Transportation*. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

RESPONSE: The City's comprehensive plan identifies multiple transportation projects involving Queensgate Drive. Retail development is concentrated in the Queensgate Retail Center, a community shopping district located along the north side of I-182 along Duportail Street. The Queensgate Drive interchange with I-182 provides easy access to the area. Additionally, residential neighborhoods have developed to the north and northwest, generally along or with access to Keene Road. Keene Road has become a principal arterial street and a primary commuter route, funneling neighborhood residents toward Queensgate and I-182. The recently approved Boundary Line Adjustment (BLA), increasing Lot 2 to accommodate the Richland School District's request to reduce Lot 4, included recordation of the right-of-way easements for the proposed new Kingsgate Way north of Kennedy Road through DNR's Richland 16 property along Lot 2 and extending Queensgate Drive to connect to the new Kingsgate Way. The proposed new road alignment and 10% design for the new Kingsgate Way and Queensgate Drive was approved by the City. Both proposed new roads are major collector streets and will include sidewalks and bike lanes. The roads, sidewalks, bike lanes and accompanying street elements will be will constructed and installed as the future development proposals are submitted and approved.

4) *Housing*. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

RESPONSE: The proposed comprehensive plan amendment and accompanying rezoning request would create an additional 16 acres of land area available for medium density housing, increasing the supply of available higher density residential development property, including affordable housing development. According to the Projected Needs of the Housing Section on page 41 of the City's comprehensive plan, to accommodate Richland's population growth an additional 1,270 housing units will be required in the next 20 years.

5) *Economic development*. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

RESPONSE: The proposed comprehensive plan amendment does not promote economic opportunities through retention and expansion of existing businesses and recruitment of new businesses. However, by providing additional land available for medium density residential development, the amendment does encourage economic development consistent with the City of Richland's adopted comprehensive plan's "Economic Development Goal 6: Encourage vibrant mixed-use areas in Tri-Cities as destinations to live, work, and visit. Policy 7. Support development of higher density housing."

6) *Property rights*. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

RESPONSE: The proposal does not involve the taking of private lands for public purposes. Right-of-way easements for the proposed new Kingsgate Way north of Kennedy Road and extending Queensgate Drive to connect to the new Kingsgate Way, have been recorded and will be dedicated to the City of Richland upon approval of final plat (s).

7) *Permits*. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

RESPONSE: The proposed comprehensive plan amendment has been filed in accordance with City regulations. All applicable site plans, environmental reviews, and building permits will be obtained prior to the construction of any residential structures. And applicable construction, grading, stormwater, and right of way permits will be obtained prior to ground disturbing activities.

8) *Natural resource industries*. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

RESPONSE: Under GMA, Office of Financial Management (OFM) develops population projections for the state and each county, then the counties and cities use this info to create designated "urban growth areas" ("UGAs") to accommodate the projected growth. Lot 2 is part of a former orchard property that transitioned from a natural resource land into land expected to be urban and included in the City of Richland's land use plans and designated UGAs as such.

9) *Open space and recreation*. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

RESPONSE: The proposed comprehensive plan land use amendment will not contribute to open space and recreation opportunities. However, the City of Richland intends to purchase Lot 5 of DNR's Richland 16 property, consisting of 5 acres, for a city park.

10) *Environment*. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

RESPONSE: The proposed comprehensive plan amendment would not negatively impact the environment. The site has been disturbed and lacks natural vegetation and viable wildlife habit. Lot 2 is part of a former orchard property that transitioned from a natural resource land into land expected to be urban. According to the City's Comprehensive Plan in the Proposed Land Use section, the City identifies the Richland 16 subdivision, an area "located on the southwest side near the City View area, abutting Kennedy Road to the south and Queensgate Drive to the east" as an area "the City is planning to accommodate future growth."

11) *Citizen participation and coordination*. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

RESPONSE: The application was filed in accordance with existing City regulations, which will require public notification and hearings before both the Planning Commission and City Council.

12) *Public facilities and services*. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

RESPONSE: Utilities exist at the site from the former orchard activities. Any proposed and future development of this property would need to be consistent with the City's development regulations, in order to maintain appropriate levels of service in the area. All utilities (water, sewer, power and natural gas) exist on or near the subject property and in speaking with City staff, it is our understanding that adequate supplies from these utilities can be achieved through extensions from existing lines and/or installation of new improvements as necessary to accommodate the future development of this area.

13) *Historic preservation*. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

RESPONSE: There are no historic structures on the site and no known sites of historical or archaeological significance. The future development of the site is not known at this time. Additional SEPA will be conducted once the design information for a proposed development becomes available and any impacts can be realized.

4. How the amendment is consistent with the adopted countywide planning polices:

The proposed amendment is consistent with the Benton County countywide planning policies most recently adopted by the Benton County Commission on February 7, 2017 as follows:

Policy 1: The comprehensive plans of Benton County and each of the cities therein shall be prepared and adopted with the objective to facilitate economic prosperity by accommodating growth consistent with the goals of the Growth Management Act.

RESPONSE: Please see responses in the previous section above detailing how this amendment application is consistent with the goals of the Growth Management Act.

Policy 5: That within the urban growth area, urban uses shall be concentrated in and adjacent to existing urban services or where they are shown on a Capital Improvement Plan to be available within 6 years.

RESPONSE: The proposed comprehensive plan amendment occurs in an area where urban services and development already exist. The proposed amendment encourages infill development.

Policy 6: That cities limit the extension of service district boundaries and water and sewer infrastructure to areas within each jurisdiction's urban growth area contained in their adopted Comprehensive Plan. Utility plans should attempt to reflect possible needs for 50 years.

RESPONSE: The proposed comprehensive plan amendment does not involve the extension of service district boundaries and occurs in an area where existing utility infrastructure is already in place and is located inside the City urban growth area. The proposed amendment encourages infill development.

Policy 15: The County and Cities within shall work together to provide housing for all economic segments of the population. All jurisdictions shall seek to create the conditions necessary for the construction of affordable housing, at the appropriate densities within the cities and county.

RESPONSE: The proposed comprehensive plan amendment and accompanying rezoning request would create an additional 16 acres of land area available for medium density housing, increasing the supply of available higher density residential development property, including affordable housing development.

Policy 16: Urban growth areas may include territory located outside of a city if such territory may be characterized by urban growth or is adjacent to territory already characterized by urban growth. Within urban growth areas, only urban development may occur.

RESPONSE: The proposed comprehensive plan amendment is in an area that is incorporated within the City of Richland and is already part of Richland's Urban Growth Area. Therefore, the proposed amendment would not impact urban growth area boundaries.

The proposed amendment has no impact on the remaining policies within the Benton County countywide planning policies.

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5. How the amendment furthers the purpose of the City's comprehensive plan:

This proposed amendment furthers the overall purpose and intent of the City's Comprehensive Plan updated Oct. 1, 2019 as follows:

Land Use Goal 1, Policy 2: Facilitate planned growth and infill developments within the City.

RESPONSE: The proposed amendment facilitates planned growth and is an infill development project.

Land Use Goal 2, Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

RESPONSE: The proposed amendment maintains the variety of land use designations in the area and will take advantage of the existing infrastructure network of the area.

Land Use Goal 3, Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

RESPONSE: The proposed amendment will contribute to the distribution residential uses and densities throughout the urban growth area consistent with the City's vision.

Land Use Goal 7, Policy 3: Wherever possible, the City will locate park and school facilities together for efficient use of public facilities.

RESPONSE: Adjacent Lot 4 is being sold to the Richland School District for a future school and adjacent to that, Lot 5 is being sold to the City for a future public park. The future growth of this area's school and park needs will be met.

The Proposed Land Use section on Page 29 identifies the Richland 16 subdivision area "located on the southwest side near the City View area, abutting Kennedy Road to the south and Queensgate Drive to the east" as an area "the City is planning to accommodate future growth."

Reclassifying and rezoning the remainder of Lot 2 to medium density residential will allow the area to be better utilized to meet the City's need for an additional 1, 270 housing units as identified in the Projected Needs of the Housing Section on page 41 of the City's Comprehensive Plan.

The proposed amendment contributes to the extension of Queensgate Drive and other collector road improvements to serve the developing area as identified in the Existing and Future Improvements, Motorized System, Automobile section of the Transportation element of the of the Comprehensive Plan, pages 45-46. The proposed new road alignment and 10% design for the new Kingsgate Way and Queensgate Drive was approved by the City. Both proposed new roads are major collector streets and will include sidewalks and bike lanes. The roads, sidewalks, bike lanes and accompanying street elements will be will constructed and installed as the future development proposals are submitted and approved.

6. How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes:

As detailed above, the amendment is consistent with the City's comprehensive plan and other adopted City plans and codes. Specifically, the amendment is for Lot 2 of the Richland 16 subdivision area which is identified in the City's comprehensive plan on page 29 as the area "located on the southwest side near the City View area, abutting Kennedy Road to the south and Queensgate Drive to the east"; and as an area "the City is planning to accommodate future growth."

The proposed comprehensive plan amendment has been filed in accordance with City regulations. All applicable site plans, environmental reviews, and building permits will be obtained prior to the construction of any residential structures and in compliance with all City plans and codes. And applicable construction, grading, stormwater, and right of way permits will be obtained prior to ground disturbing activities and in compliance with all City plans and codes.

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7. If applicable, how the project will meet concurrency requirements for transportation:

Concurrency requirements are not applicable to this proposed comprehensive plan amendment.

The proposed amendment does contribute to the extension of Queensgate Drive and other collector road improvements to serve the developing area as identified in the Existing and Future Improvements, Motorized System, Automobile section of the Transportation element of the of the Comprehensive Plan, pages 45-46. The proposed new road alignment and 10% design for the new Kingsgate Way and Queensgate Drive was approved by the City. Both proposed new roads are major collector streets and will include sidewalks and bike lanes. The roads, sidewalks, bike lanes and accompanying street elements will be will constructed and installed as the future development proposals are submitted and approved.

8. As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator:

None determined at this time.

9. Comprehensive Plan TEXT AMENDMENT applications must also include:

Not applicable. The proposed amendment does not include a text amendment.

10. Comprehensive Plan MAP AMENDMENT applications must also include:

a. The current land use map designation for the subject parcel(s):

The current land use map designation for the subject parcel is PBF- Public Facility.

b. The land use map designation requested:

The requested land use designation is MDR-Medium Density Residential.

c. A complete legal description describing the combined area of the subject parcel(s):

Richland 16

Section 16, Township 9 North, Range 28 East, W.M.

Lot 2-A

Portions of the NE 1/4 NW 1/4 and NW 1/4 NW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19’51” East along the north line of said section 16, 1,590.09 feet; thence South 11°49’33” East 591.69 feet to the True Point of Beginning; thence South 11°49’33” East 377.85 feet; thence South 0°00’12” West 702.65 feet; thence South 89°38’29” West 1175.95 feet; thence North 0°07’22” East 1067.04 feet; thence North 89°19’51” East 1096.32 feet to the True Point of Beginning.

Contains 28.53 acres, more or less.

d. A vicinity map showing: SEE ATTACHED VICINITY MAPS.

i. All land use designations within 300 feet of the subject parcel(s);
ii. All parcels within 300 feet of the subject parcel and existing uses of those parcels;
iii. All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads; and
iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable.

e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 ft (1:200):

SEE ATTACHED TOPOGRAPHICAL MAP.

f. The current official zoning map designation for the subject parcel(s):

The current zoning map designation for the subject parcel is PPF - Parks and Public Facilities.

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g. A detailed plan which indicates any proposed improvements to Paved streets; Storm drainage control and detention facilities; Public water supply; Public sanitary sewers; and Circulation and traffic patterns for the development and the surrounding neighborhoods:

The recently approved Boundary Line Adjustment (BLA), increasing Lot 2 to accommodate the Richland School District's request to reduce Lot 4, included recordation of the right-of-way easements for the proposed new Kingsgate Way north of Kennedy Road through DNR's Richland 16 property along Lot 2 and extending Queensgate Drive to connect to the new Kingsgate Way. The proposed new road alignment and 10% design for the new Kingsgate Way and Queensgate Drive was approved by the City. Both proposed new roads are major collector streets and will include sidewalks and bike lanes. The roads, sidewalks, bike lanes and accompanying street elements will be will constructed and installed as the future development proposals are submitted and approved and in compliance with all City plans and codes.

See Attachment 10d and 10g for a copy of the proposed right-of-way easements for the proposed new Kingsgate Way north of Kennedy Road through DNR's Richland 16 property along Lot 2 and extending Queensgate Drive to connect to the new Kingsgate Way.

h. A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps.

The corresponding zoning map amendment application to maintain consistency between the land use and zoning maps is included as a separate attachment to this comprehensive plan amendment application.

i. A description of any associated development proposals:

There are no associated development proposals at this time for Lot 2.

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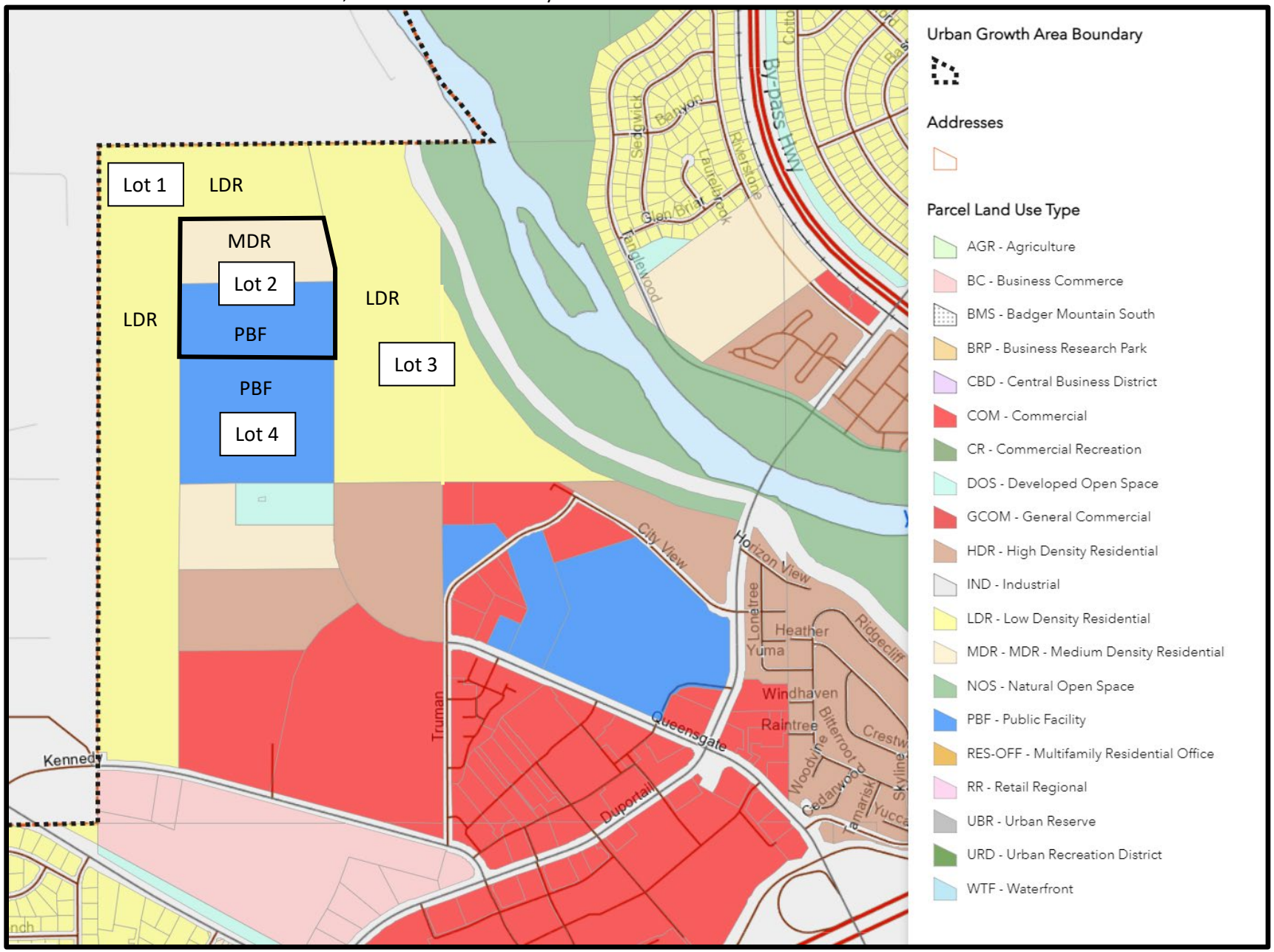
Southern 16 Acres of Lot 2, Richland 16

10d. VICINITY MAP of Surrounding Land Use Designations

i. All land use designations within 300 feet of the subject parcel(s) are: MDR – Medium Density Residential on the north, LDR – Low Density Residential on the east and west, and PBF – Public Facility on the south



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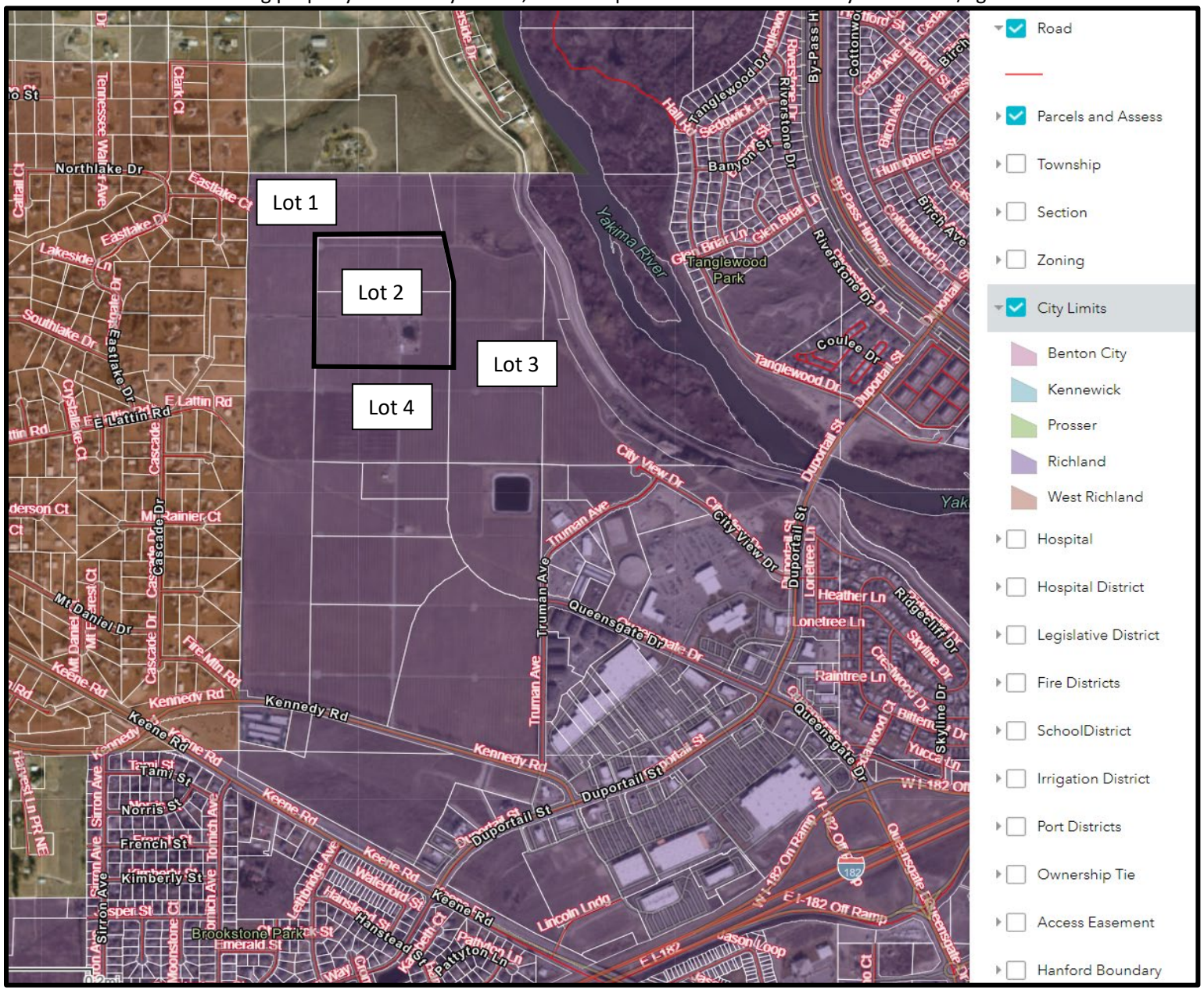
Southern 16 Acres of Lot 2, Richland 16

10d. VICINITY MAP of Surrounding Parcels and their Existing Uses

ii. All parcels within 300 feet of the subject parcel and all existing uses of those parcels are as follows:

a. Lots 1, 2, 3 and 4 of DNR's Richland 16 property surround the property within 300 feet.

b. All of the surrounding property is currently vacant, undeveloped land that was formerly an orchard/agricultural land.



DocuSign Envelope ID: B835E54A-A9EB-40AF-B1AA-C656C61A5467

Southern 16 Acres of Lot 2, Richland 16

10d. VICINITY MAP of Abutting Roads and Access Roads

iii. All roads abutting and/or providing access to the subject parcel, including information on road classification (arterial, collector, access) and improvements to such roads are as follows:

- Road access to Lot 2 is planned to be provided through the newly proposed Kingsgate Way from existing Kennedy Road and the new proposed extension of Queensgate Drive as depicted in this map.
- Both Kingsgate Way and Queensgate Drive are major collector streets and will include sidewalks and bike lanes.
- The preliminary 10% design of Kingsgate Way and Queensgate Drive has been approved by the City of Richland.

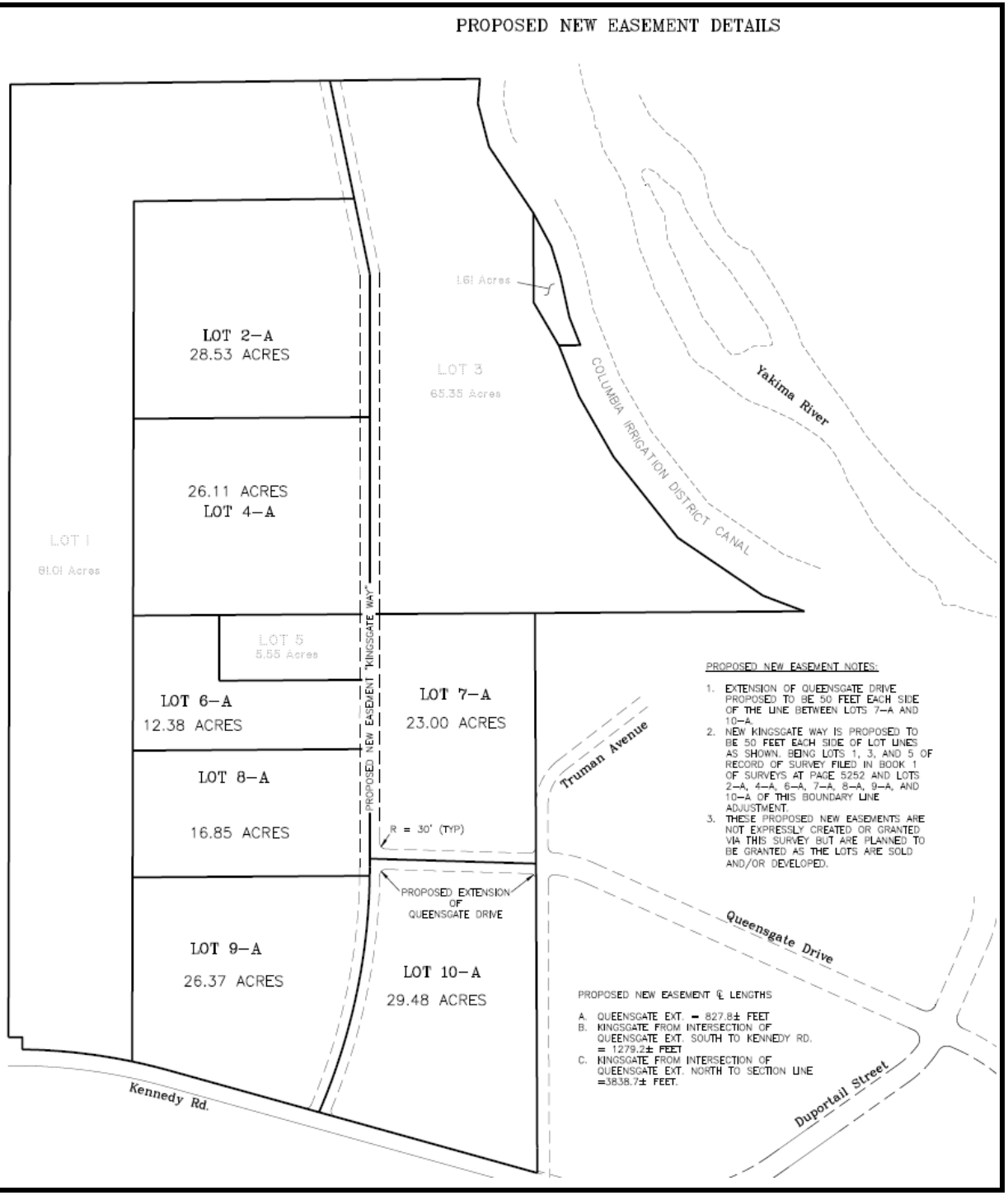
10d. VICINITY MAP of Shoreline and Critical Areas

iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable, are as follows:

a. There are no shorelines or critical areas on or within 300 feet of the site

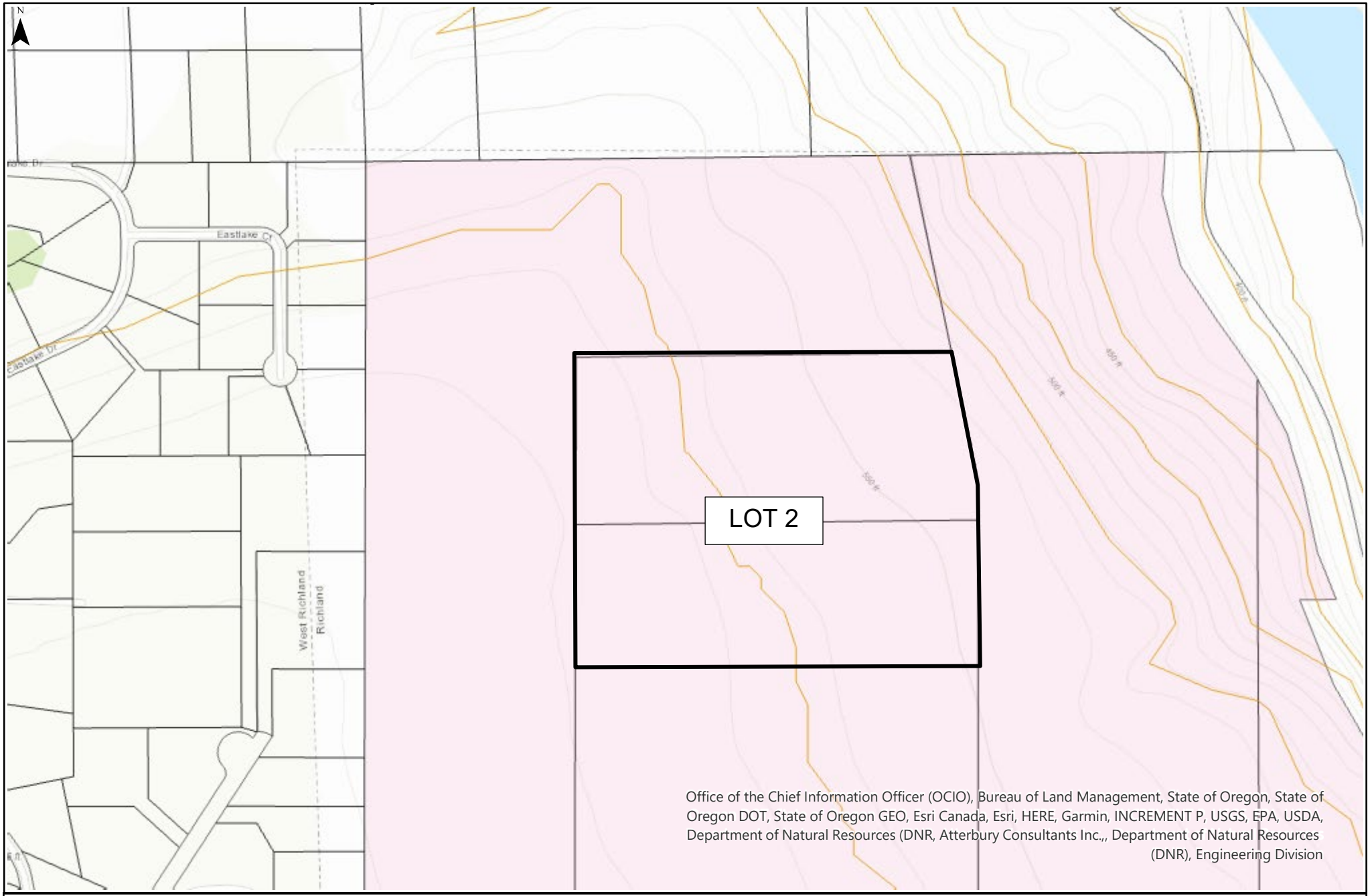
10g. Proposed Street Improvements

This map depicts the proposed street improvements planned at this time. All lots in Richland 16 will be developed in accordance with all City of Richland plans, codes and permitting upon sale and/or development.



DocuSign Envelope ID: B835E54A-A9EB-40AF-B1AA-C656C61A5467

TOPOGRAPHICAL MAP of the subject parcels and abutting



Approximate Scale : 1:4,514

0 0.02 0.04 0.06 0.08 Miles

2/14/2023 9:26 AM

Coordinate System: NAD 1983 HARN StatePlane Washington South FIPS 4602 Feet

WASHINGTON STATE DEPT OF NATURAL RESOURCES

Extreme care was used during the compilation of this map to ensure accuracy. However, due to changes in data and the need to rely on outside information, the Department of Natural Resources cannot accept responsibly for errors or omissions, and therefore, there are no warranties which accompany this material.

Southern 16 Acres of Lot 2, Richland 16

Contours 40-Foot

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City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Zoning Map Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: Washington State Department of Natural Resources (DNR)	
Address: PO Box 47014, Olympia, WA 98504-7014	
Phone: (360) 902-1088	Email: Duane.Emmons@dnr.wa.gov

APPLICANT/CONTRACTOR INFORMATION (if different)	☒ Contact Person
Company: Washington State Department of Natural Resources (DNR)	UBI#:
Contact: Tina Hochwender, DNR Transition Lands Planning Manager	
Address: PO Box 47014, Olympia, WA 98504-7014	
Phone: (360) 742-2170	Email: Tina.Hochwender@dnr.wa.gov

DESCRIPTION OF WORK

Rezone southern 16 acres portion of Lot 2 zoned PPF Parks and Public Facilities to R-2 Medium Density Residential to remove multiple zonings on Lot 2 and match the rest of Lot 2's existing R-2 zoning allowing for eventual sale of the lot for consistent future development as residential.

PROPERTY INFORMATION

Parcel #: 116982000001003, Richland 16, Lot 2-A

Legal Description:

Richland 16
Section 16, Township 9 North, Range 28 East, W.M.
Lot 2-A

Portions of the NE 1/4 NW 1/4 and NW 1/4 NW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 591.69 feet to the True Point of Beginning; thence South 11°49'33" East 377.85 feet; thence South 0°00'12" West 702.65 feet; thence South 89°38'29" West 1175.95 feet; thence North 0°07'22" East 1067.04 feet; thence North 89°19'51" East 1096.32 feet to the True Point of Beginning.

Contains 28.53 acres, more or less.

Current Zoning:	**Current Comp Plan:**	**Requested Zoning:**
PPF Parks and Public Facilities	Public Facility	R-2 Medium Density Residential
Current Use:	**Proposed Use:**	**Area of Property:**
Vacant land, previously Agriculture	Medium Density Residential	15.72 acres, more or less

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

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ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

Boundary line adjustments (BLAs) of DNR's Richland 16 parcels Lot 2 and Lot 4 were completed in order to accommodate reducing the size of Lot 4 as requested by and for its eventual sale to the Richland School District. The BLA then increased the size of Lot 2 and created multiple zonings. The portion of Lot 4 now combined with Lot 2 is zoned Parks and Public Facilities (PPF) and the remainder of Lot 2 is Medium Density Residential (R-2). Lot 2 now has multiple zonings. DNR intends to sell Lot 2 for future development. The PPF zoning limits the future development opportunities of the property.

Any hardship that may result in the event the rezone is not granted:

If rezoning the PPF portion to R-2 is not granted, then the marketing, sale and potential future development opportunities of the property are limited.

The manner in which the proposed rezone conforms to patterns in adjacent zones:

The proposed rezone of the PPF portion of Lot 2 to R-2 is consistent with and conforms to patterns in the adjacent zones. A portion of Lot 2 is currently zoned R-2. Lot 2 is surrounded on the south by PPF; and on the north, east and west by R-1-10 Single Family Residential.

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

No adverse effects anticipated. Beneficially, rezoning the southern portion of Lot 2 zoned PPF to R-2 to match the rest of Lot 2's existing R-2 zoning will be consistent with the adjacent and surrounding zones for their eventual sale and future development.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

No adverse impacts anticipated. Granting the rezone will be meet the overall purpose and intent of the Proposed Land Use section on Page 29 of the City's Comprehensive Plan, in which the City identifies the Richland 16 subdivision, an area "located on the southwest side near the City View area, abutting Kennedy Road to the south and Queensgate Drive to the east" as an area "the City is planning to accommodate future growth."

The benefits or detriments accruing to the City which would result from the granting or denial of this special permit:

Benefits to the City in granting the rezoning to R-2 will increase the supply of available residentially zoned property to accommodate Richland's population growth will require an additional 1,270 housing units in the next 20 years as identified in the Projected Needs of the Housing Section on page 41 of the City's Comprehensive Plan. Plus, additional property tax revenue will be generated if the area is rezoned from the publicly owned PPF zoning designation to an R-2 zoning designation allowing for the entire site to be developed privately.

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

As stated previously, granting the rezone will be meet the overall purpose and intent of the City's Comprehensive Plan, in which the City identifies the Richland 16 subdivision as an area "the City is planning to accommodate future growth." Adjacent Lot 4 is being sold to the Richland School District for a future school and adjacent to that, Lot 5 is being sold to the City for a future public park. Land Use Goal 7, Policy 3, of the Comprehensive Plans states: "Wherever possible, the City will locate park and school facilities together for efficient use of public facilities." The future growth of this area's school and park needs will be met. Rezoning the remainder of Lot 2 to R-2 will allow the area to be better utilized to meet the City's need for an additional 1, 270 housing units as identified in the Projected Needs of the Housing Section on page 41 of the City's Comprehensive Plan.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

The proposed rezone does not represent spot zoning.

Identify impacts on the environment and public safety:

No impacts to the environment or public safety anticipated.

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I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Duane Emmons

Applicant Signature: DocuSigned by: 6EC3B5F48EFE4DA... Date 2/14/2023

CASCADE TITLE COMPANY
OF BENTON-FRANKLIN COUNTIES

8203 W. Quinault Ave., Ste. 10 - Kennewick, WA 99336
P / 509.783.0660 F / 509.783.0675

Invoice

Date	Invoice #
4/7/2021	12605

Bill To
KRISTEN BLOOMFIELD Kristen.Bloomfield@dnr.wa.gov

Reference
WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES

Due Date	Terms
5/7/2021	Net 30

Description	Amount
Limited Liability Report	1,000.00T

PLEASE REMIT PAYMENT USING OUR REFERENCE NUMBER THANK YOU!

Sales Tax (8.6%)	$86.00
Total	$1,086.00

CASCADE TITLE COMPANY
OF BENTON-FRANKLIN COUNTIES
8203 WEST QUINAULT AVE, SUITE 10, KENNEWICK, WA 99336
Phone: 509-783-0660 Fax: 509-783-6612

DISTRIBUTION LIST

Our Order No.: CBF12605
Reference No: 12605
Re: STATE OF WASHINGTON, ACTING BY AND THROUGH THE DEPARTMENT OF NATURAL RESOURCES/
Property Address: VACANT
RICHLAND, WA 99352

This Preliminary Commitment has been prepared and distributed to the following parties:

	Lender
Selling Agent	**Listing Agent**
Additional Selling Agent	**Additional Listing Agent**
Buyer's Attorney	**Seller's Attorney**
Mortgage Broker	**Additional Lender**
Contact: Kristen Bloomfield Email: kristen.bloomfield@dnr.wa.gov	

LIMITED LIABILITY REPORT

SCHEDULE A

Office File Number	Effective Date	Premium
CBF12605	**April 05, 2021**	**$1,000.00**
Ref. No.:	at 8:00 a.m.	

THE ASSURED REFERRED TO ON THE FACE PAGE ARE: **STATE OF WASHINGTON, ACTING BY AND THROUGH THE DEPARTMENT OF NATURAL RESOURCES**

THAT ACCORDING TO THE COMPANY'S PROPERTY RECORDS RELATIVE TO THE FOLLOWING DESCRIBED REAL PROPERTY (BUT WITHOUT EXAMINATION OF THOSE COMPANY RECORDS MAINTAINED AND INDEXED BY NAME):

SEE ATTACHED EXHIBIT "A"

A. THE LAST RECORDED INSTRUMENT PURPORTING TO TRANSFER TITLE TO SAID REAL PROPERTY INDICATES THAT TITLE WAS CONVEYED TO:

STATE OF WASHINGTON, ACTING BY AND THROUGH THE DEPARTMENT OF NATURAL RESOURCES

B. THERE ARE NO MORTGAGES OR DEEDS OF TRUST WHICH PURPORT TO AFFECT SAID PROPERTY, OTHER THAN THOSE SHOWN BELOW UNDER EXCEPTIONS.

NO GUARANTEE IS MADE REGARDING (A) MATTERS AFFECTING THE BENEFICIAL INTEREST OF ANY MORTGAGE OR DEED OF TRUST WHICH MAY BE SHOWN HEREIN AS AN EXCEPTION, OR (B) OTHER MATTERS WHICH MAY AFFECT ANY SUCH MORTGAGE OR DEED OF TRUST.

NO GUARANTEE IS MADE REGARDING ANY LIENS, CLAIMS OF LIEN, DEFECTS OR ENCUMBRANCES OTHER THAN THOSE SPECIFICALLY PROVIDED FOR ABOVE, AND, IF INFORMATION WAS REQUESTED BY REFERENCE TO A STREET ADDRESS, NO GUARANTEE IS MADE THAT SAID REAL PROPERTY IS THE SAME AS SAID ADDRESS.

EXCEPTIONS:

1. **THE COUNTY ASSESSOR'S OFFICE RECORDS INDICATE THAT THE GENERAL TAXES FOR THE YEAR 2021, ARE EXEMPT;**
   TAX ACCOUNT NO.: 1-1698-200-0001-002; 1-1698-200-0001-003; 1-1698-200-0001-004; 1-1698-200-0001-005; 1-1698-200-0001-006; 1-1698-300-0001-007; 1-1698-300-0001-008; 1-1698-300-0001-009; 1-1698-300-0001-010; 1-1698-300-0001-011; 1-1698-300-0001-012 AND 1-1698-300-0001-013

2. **OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;**
   AMOUNT: $12.96
   TAX ACCOUNT NO.: 1-1698-200-0001-002
   AFFECTS: PARCEL A

3. **OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;**
   AMOUNT: $9.20
   TAX ACCOUNT NO.: 1-1698-200-0001-003
   AFFECTS: PARCEL B

CONTINUED

4. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
   AMOUNT: $11.15
   TAX ACCOUNT NO.: 1-1698-200-0001-004
   AFFECTS: PORTION OF PARCEL C

5. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
   AMOUNT: $9.44
   TAX ACCOUNT NO.: 1-1698-200-0001-005
   AFFECTS: REMAINING OF PARCEL C

6. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
   AMOUNT: $10.80
   TAX ACCOUNT NO.: 1-1698-200-0001-006
   AFFECTS: PARCEL D

7. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
   AMOUNT: $8.81
   TAX ACCOUNT NO.: 1-1698-300-0001-007
   AFFECTS: PARCEL E

8. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
   AMOUNT: $9.18
   TAX ACCOUNT NO.: 1-1698-300-0001-008
   AFFECTS PARCEL F

9. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
   AMOUNT: $9.60
   TAX ACCOUNT NO.: 1-1698-300-0001-009
   AFFECTS: PARCEL G

10. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
    AMOUNT: $9.44
    TAX ACCOUNT NO.: 1-1698-300-0001-010
    AFFECTS: PARCEL H

11. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
    AMOUNT: $9.53
    TAX ACCOUNT NO.: 1-1698-300-0001-011
    AFFECTS: PARCEL I

12. OUTSTANDING MISCELLANEOUS ASSESSMENTS FOR THE YEAR 2021;
    AMOUNT: $10.66
    TAX ACCOUNT NO.: 1-1698-300-0001-012
    AFFECTS PORTION OF PARCEL J

13. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $7,138.34
    AMOUNT DUE: $3,569.17
    AFFECTS: PARCEL A

CONTINUED

14. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $1,219.26
    AMOUNT DUE: $609.63
    AFFECTS: PARCEL B

15. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $4,295.96
    AMOUNT DUE: $2,147.98
    AFFECTS: PORTION OF PARCEL C

16. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $66,514.85
    AMOUNT DUE: $33,257.43
    AFFECTS: REMAINDER OF PARCEL C

17. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $3,738.77
    AMOUNT DUE: $1,869.39
    AFFECTS: PARCEL D

18. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $589.17
    AMOUNT DUE: $294.59
    AFFECTS: PARCEL E

19. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $1,188.89
    AMOUNT DUE: $594.45
    AFFECTS: PARCEL F

20. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $1,834.60
    AMOUNT DUE: $917.30
    AFFECTS: PARCEL G

CONTINUED

21. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $1,587.25
    AMOUNT DUE: $793.63
    AFFECTS: PARCEL H

22. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $1,732.19
    AMOUNT DUE: $866.10
    AFFECTS: PARCEL I

23. IRRIGATION ASSESSMENT, BY COLUMBIA IRRIGATION DISTRICT, FOR THE YEAR 2021. THE FIRST HALF THEREOF MUST BE PAID ON OR BEFORE APRIL 30, 2021, TO AVOID INTEREST AND PENALTIES;
    AMOUNT BILLED: $3,517.45
    AMOUNT DUE: $1,758.73
    AFFECTS: PORTION OF PARCEL J

24. RESERVATION OF MINERALS OR MINERAL LANDS, ACCESS RIGHTS AND USE OF SURFACE AREA FOR MINING OPERATIONS, CONTAINED IN DEED;
    FROM: THE NORTHERN PACIFIC RAILROAD COMPANY
    RECORDED: JANUARY 1918
    RECORDING NO.: VOLUME 43, PAGE 450
    AFFECTS: PORTION OF PARCEL J

    THE PRESENT OWNERSHIP OR ENCUMBRANCES UPON THE ESTATE OR INTEREST REFERRED TO IN THIS EXCEPTION ARE NOT INCLUDED HEREIN AND NO INVESTIGATION HAS BEEN MADE THERETO.

25. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
    RECORDED: DECEMBER 7, 1921
    RECORDING NO.: 75507
    IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY
    FOR: ELECTRIC TRANSMISSION AND DISTRIBUTING LINE
    AFFECTS: PORTION OF PARCELS A, B, C AND D

26. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
    RECORDED: MAY 20, 1952
    RECORDING NO.: 289858
    IN FAVOR OF: UNITED STATES OF AMERICAN
    FOR: TO CONSTRUCT, OPERATE AND MAINTAIN ELECTRIC TRANSMISSION LINE
    AFFECTS: PORTION OF PARCELS A, E, F, G AND H

CONTINUED

27. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
RECORDED: APRIL 11, 1968
RECORDING NO.: 589447
IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY
FOR: ELECTRIC TRANSMISSION AND DISTRIBUTING LINE
AFFECTS: PORTION OF PARCELS A, B, C AND D

28. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
RECORDED: MAY 1, 1960
RECORDING NO.: 590119
IN FAVOR OF: COLUMBIA IRRIGATION DISTRICT
FOR: A PIPE LINE, SUMP AND APPURTENANT FIXTURES
AFFECTS: PORTION OF PARCEL C

29. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
RECORDED: JUNE 30, 1976
RECORDING NO.: 706028
IN FAVOR OF: BLUE MOUNTAIN SERVICE CORPORATION
FOR: A UTILITY
AFFECTS: PORTION OF PARCEL A

NOTE: RELINQUISHMENT OF EASEMENT RECORDED DECEMBER 28, 1981, UNDER RECORDING NO. 854324, EXECUTED BY BLUE MOUNTAIN CORPORATION.

30. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
RECORDED: MARCH 26, 1979
RECORDING NO.: 787202
IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY
FOR: TRANSMISSION LINE
AFFECTS: PORTION OF PARCELS C AND D

31. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
RECORDED: OCTOBER 5, 1981
RECORDING NO.: 850213
IN FAVOR OF: STATE OF WASHINGTON
FOR: DOMESTIC WATER PIPELINE AND AN IRRIGATION LINE
AFFECTS: PORTION OF PARCELS A, E, F, G AND H

32. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
RECORDED: DECEMBER 28, 1981
RECORDING NO.: 854325
IN FAVOR OF: BLUE MOUNTAIN SERVICE CORPORATION
FOR: TO PLACE TELEPHONE, TELEGRAPH, AND TELEVISION CABLE CIRCUITS AND GAS PIPING
AFFECTS: PORTION OF PARCEL A

CONTINUED

33. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
    RECORDED: FEBRUARY 17, 1995
    RECORDING NO.: 95-3864
    IN FAVOR OF: BENTON RURAL ELECTRIC ASSOCIATION
    FOR: TO CONSTRUCT, RECONSTRUCT, REPHASE, REPAIR, OPERATE AND MAINTAIN AN ELECTRICAL DISTRIBUTION SYSTEM
    AFFECTS: PORTION OF PARCELS E AND G

34. TERMS, COVENANTS AND PROVISIONS OF THAT CERTAIN EASEMENT, AS CREATED BY INSTRUMENT;
    RECORDED: MARCH 24, 1995
    RECORDING NO.: 95-6427
    IN FAVOR OF: BENTON RURAL ELECTRIC ASSOCIATION
    FOR: TO CONSTRUCT, RECONSTRUCT, REPHASE, REPAIR, OPERATE AND MAINTAIN AN ELECTRICAL DISTRIBUTION SYSTEM
    AFFECTS: PORTION OF PARCELS E AND G

35. LEASE, DISCLOSED BY NOTICE THEREOF, INCLUDING THE TERMS, COVENANTS, CONDITIONS AND PROVISIONS THEREOF, AND ANY FAILURE TO COMPLY WITH THE TERMS, COVENANTS, CONDITIONS AND PROVISIONS THEREOF;
    NOTICE DATED: OCTOBER 20, 2000
    RECORDED: NOVEMBER 24, 2003
    RECORDING NO.: 2003-057983
    LEASE DATED: MARCH 31, 1992
    LESSOR: STATE OF WASHINGTON
    LESSEE: CHIAWANA ORCHARDS, A PARTNERSHIP
    AFFECTS: ALL PARCELS B, E, F, G, H, I AND J AND PORTION OF PARCELS A, C AND D

    ASSIGNMENT OF LESSEE'S INTEREST:
    RECORDED: NOVEMBER 24, 2003
    RECORDING NO.: 2003-057983
    ASSIGNEE: CHIAWANA ORCHARDS, LLC

36. TERMS, CONDITIONS AND PROVISIONS AS CONTAINED IN THAT OVERRIDING ROYALTY ASSIGNMENT:
    RECORDED: AUGUST 1, 2006
    RECORDING NO.: 2006-024986
    AFFECTS: ALL PARCELS

37. MATTERS AS DISCLOSED BY THAT SURVEY NO. 5252:
    RECORDED: OCTOBER 28, 2009
    RECORDING NO.: 2009-033491
    AFFECTS: ALL PARCELS

38. ANY SECURITY IN CROPS GROWING OR TO BE GROWN ON SAID PREMISES AND GOODS WHICH ARE OR MAY BECOME FIXTURES LOCATED ON SAID PREMISES CREATED OR EXISTING UNDER PROVISIONS OF UNIFORM COMMERCIAL CODE R.C.W. 62-A.

CONTINUED

39. UNRECORDED LEASEHOLDS, RIGHTS OF VENDORS AND HOLDERS OF SECURITY INTERESTS ON PERSONAL PROPERTY INSTALLED ON THE PREMISES AND RIGHTS OF TENANTS TO REMOVE TRADE FIXTURES, IF ANY SUCH INTEREST EXISTS.

40. LOCAL IMPROVEMENT DISTRICT ASSESSMENTS, IF ANY, LEVIED BY COLUMBIA IRRIGATION DISTRICT FOR THE CURRENT AND PRIOR YEARS, AMOUNTS OF WHICH ARE UNAVAILABLE TO THIS OFFICE.
AFFECTS: ALL PARCELS
PLEASE CALL 509-586-6118, FOR AMOUNT(S).

41. LIABILITY FOR FUTURE ASSESSMENTS BY COLUMBIA IRRIGATION DISTRICT.

END OF SCHEDULE A EXCEPTIONS.

EXHIBIT "A"

PARCEL A:

Portion of the Southwest Quarter Southwest Quarter and of the Northwest Quarter Southwest Quarter and of the Southwest Quarter Northwest Quarter and of the Northwest Quarter Northwest Quarter, and of the Northeast Quarter Northwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Beginning at the intersection of The West line of Section 16 and The North margin of Kennedy Road as it exists after the adoption of City of Richland Ordinance No. 06-03 as recorded under Benton County Auditor's File No. 2003-011331;
Thence North 0°07'22" East along the West line of said Section 16, 4,675.63 feet more or less to the corner common to Sections 8,9,17 and 16;
Thence North 89°19'51" East along the North line of said Section 16, 1,590.09 feet;
Thence South 11°49'33" East 591.69 feet;
Thence South 89°19'51" West 1,096.32 feet;
Thence South 0°07'22" West 4,221.50 feet more or less to the North margin of Kennedy Road as previously described;
Thence Westerly along said North margin of Kennedy Road to the point of beginning, TOGETHER WITH that portion of vacated Kennedy Road lying adjacent to the South line by City of Richland Ordinance No. 06-03, recorded March 13, 2003 under Recording No. 2003-011331.
(Also known as: Lot 1, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

PARCEL B:

Portion of the Northeast Quarter Northwest Quarter and of the Northwest Quarter Northwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the Northwest corner of said Section 16;
Thence North 89°19'51" East along the North line of said Section 16, 1,590.09 feet;
Thence South 11°49'33" East 591.69 feet to the True Point of Beginning;
Thence South 11°49'33" East 377.85 feet;
Thence South 0°00'12" West 116.59 feet;
Thence South 89°19'51" West 1,174.79 feet;
Thence North 0°07'22" East 487.33 feet;
Thence North 89°19'51" East 1,096.32 feet to the True Point of Beginning.
(Also known as: Lot 2, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

CONTINUED

PARCEL C:

Portion of the Northeast Quarter Northwest Quarter and of the Southeast Quarter Northwest Quarter and of the Northwest Quarter Northeast Quarter, and of the Southwest Quarter of the Northeast Quarter of Section16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the Northwest corner of said Section 16;
Thence North 89°19'51" East along the North line of said Section 16, 1,590.09 feet to the True Point of Beginning;
Thence continuing along said North line 746.27 feet to the Westerly line of the Columbia Irrigation District Canal shown as Condemnation Case #722 on Record of Survey Book 1, Page 1318, records of Benton County;
Thence South 4°20'19" West 123.12 feet;
Thence South 14°39'41" East 217.49 feet;
Thence South 34°11'03" East 392.17 feet to the East line of the Northeast Quarter of the Northwest Quarter;
Thence South 0°14'44" East along said subdivision line 439.71 feet;
Thence South 30°43'42" East 245.22 feet;
Thence South 21°49'41" East 269.32 feet;
Thence South 30°09'41" East 343.77 feet;
Thence South 38°49'41" East 508.86 feet;
Thence South 56°09'41" East 510.41 feet;
Thence South 69°29'41" East 220.20 feet more or less to the South line of the Northeast Quarter of said Section 16;
Thence South 89°38'29" West 2,163.03 feet along the East-West centerline of said Section 16;
Thence North 0°00'12" East 1,668.99 feet;
Thence North 11°49'33" West 969.54 feet more or less to the True Point of Beginning.

Together with that portion of Northwest Quarter of the Northeast Quarter lying between the Columbia Irrigation canal and the Easterly line of the above described main body.
(Also known as: Lot 3, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

CONTINUED

PARCEL D:

Portion of the Northeast of the Northwest and of the Northwest Quarter of Northwest Quarter and of the Southeast Quarter of Northwest Quarter and of the Southwest Quarter of the Northwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the Northwest corner of said Section 16;
Thence North 89°19'51" East along the North line of said Section 16, 1,590.09 feet;
Thence South 11°49'33" East 591.69 feet;
Thence South 89°19'51" West 1,096.32 feet;
Thence South 0°07'22" West 487.33 feet to the True Point of Beginning;
Thence North 89°19'51" East 1,174.79 feet;
Thence South 0°00'12" West 1,552.40 feet to the South line of the Northwest Quarter of said Section 16;
Thence along said South line South 89°38'29" West 1,177.96 feet;
Thence North 0°07'22" East 1,546.06 feet to the True Point of Beginning.
(Also known as: Lot 4, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

PARCEL E:

Portion of the Northeast of the Southwest and of the Northwest Quarter of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the Northwest corner of said Section 16;
Thence North 89°19'51" East along the North line of said section 16, 1, 590.09 feet;
Thence South 11°49'33" East 969.54 feet;
Thence South 0°00'12" West 1,668.99 feet to the East - West centerline of said Section 16 and the True Point of Beginning;
Thence along said centerline South 89°38'29" West 749.29 feet;
Thence South 0°07'22" West 322.41 feet;
Thence North 89°38'29" East 749.97 feet;
Thence North 0°00'12" East 322.41 feet to the True Point of Beginning.
(Also known as: Lot 5, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

CONTINUED

PARCEL F:

Portion of the Northeast Quarter of the Southwest Quarter and of the Northwest Quarter of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the Northwest corner of said Section 16;
Thence North 89°19'51" East along the North line of said Section 16, 1,590.09 feet;
Thence South 11°49'33" East 591.69 feet;
Thence South 89°19'51" West 1,096.32 feet;
Thence South 0°07'22" West 2,033.39 feet to the East-West centerline of said Section 16 and the True Point of Beginning;
Thence North 89°38'29" East 428.67 feet along said centerline;
Thence South 0°07'22" West 322.41 feet;
Thence North 89°38'29" East 749.97 feet;
Thence South 0°00'12" West 82.26 feet;
Thence along a non-tangent curve concave to the Northeast with a radius of 817.89 feet, length of 261.95 feet, a chord bearing of South 9°10'20" East and chord length of 260.83 feet;
Thence South 89°38'29" West 1,220.94 feet;
Thence North 0°07'22" East 662.43 feet to the True Point of Beginning.
(Also known as: Lot 6, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

PARCEL G:

Portion of the Northeast Quarter of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the Northwest corner of said Section 16;
Thence North 89°19'51" East along the North line of said Section 16, 1,590.09 feet;
Thence South 11°49'33" East 969.54 feet;
Thence South 0°00'12" West 1,668.99 feet to the East - West centerline of said Section 16 and the True Point of Beginning;
Thence South 0°00'12" West 404.66 feet;
Thence along a curve to the left with a radius of 817.89 feet along an arc length of 1,294.29 feet to a point on the North - South centerline of said Section 16 from which the Quarter corner common to Sections 16 and 21 bears South 0°14'44" East 1,396.80 feet as shown on the Plat of City View Phase 1, as recorded in Volume 15 of Plats at Page 67, records of Benton County, Washington;
Thence North 0°14'44" West along said centerline 1,227.70 feet to the North line of the Southwest Quarter of said Section 16;
Thence along said North line South 89°38'29" West 822.13 feet to the True Point of Beginning.
(Also known as: Lot 7, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

CONTINUED

PARCEL H:

Portion of the Northeast Quarter of the Southwest and of the Northwest Quarter of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the Northwest corner of said Section 16;
Thence North 89°19'51" East along the North line of said Section 16, 1,590.09 feet;
Thence South 11°49'33" East 969.54 feet;
Thence South 0°00'12" West 1,668.99 feet to the East - West centerline of said Section 16;
Thence along said centerline South 89°38'29" West 1,177.96 feet;
Thence South 0°07'22" West 662.43 feet to the True Point of Beginning;
Thence North 89°38'29" East 1,220.94 feet;
Thence with a non tangent curve concave to the Northeast with an arc length of 296.16 feet, with a radius of 817.89 feet, with a chord bearing of South 28°43'15" East, with a chord length of 294.54 feet;
Thence South 55°27'14" West 196.36 feet;
Thence with a curve turning to the left with an arc length of 350.45 feet, with a radius of 813.77 feet, with a chord bearing of South 43°07'00" West, with a chord length of 347.74 feet;
Thence South 89°38'29" West 964.39 feet;
Thence North 00°07'22" East 621.89 feet to the Point of Beginning.
(Also known as: Lot 8, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

PARCEL I:

Portion of the Northeast Quarter of the Southwest and of the Northwest Quarter of the Southwest and of the Southwest Quarter of the Southwest Quarter and of the Southeast Quarter of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the Northwest corner of said Section 16;
Thence North 89°19'51" East along the North line of said Section 16, 1,590.09 feet;
Thence South 11°49'33" East 591.69 feet;
Thence South 89°19'51" West 1,096.32 feet;
Thence South 0°07'22" West 4,221.50 feet to the North margin of Kennedy Road and the True Point of Beginning;
Thence North 0°07'22" East 903.78 feet;
Thence North 89°38'29" East 964.39 feet;
Thence along a non-tangent curve, concave to the Southeast, with a radius of 813.77 feet, a chord bearing of South 21°22'55" West and a chord length of 265.75 feet along an arc length of 266.95 feet;
Thence South 11°59'03" West 864.18 feet more or less to the North margin of Kennedy Road;
Thence Westerly along said North margin to the True Point of Beginning, TOGETHER WITH that portion of vacated Kennedy Road lying adjacent to the South line by City of Richland Ordinance No. 06-03, recorded march 13, 2003 under Recording No. 2003-011331.
(Also known as: Lot 9, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

CONTINUED

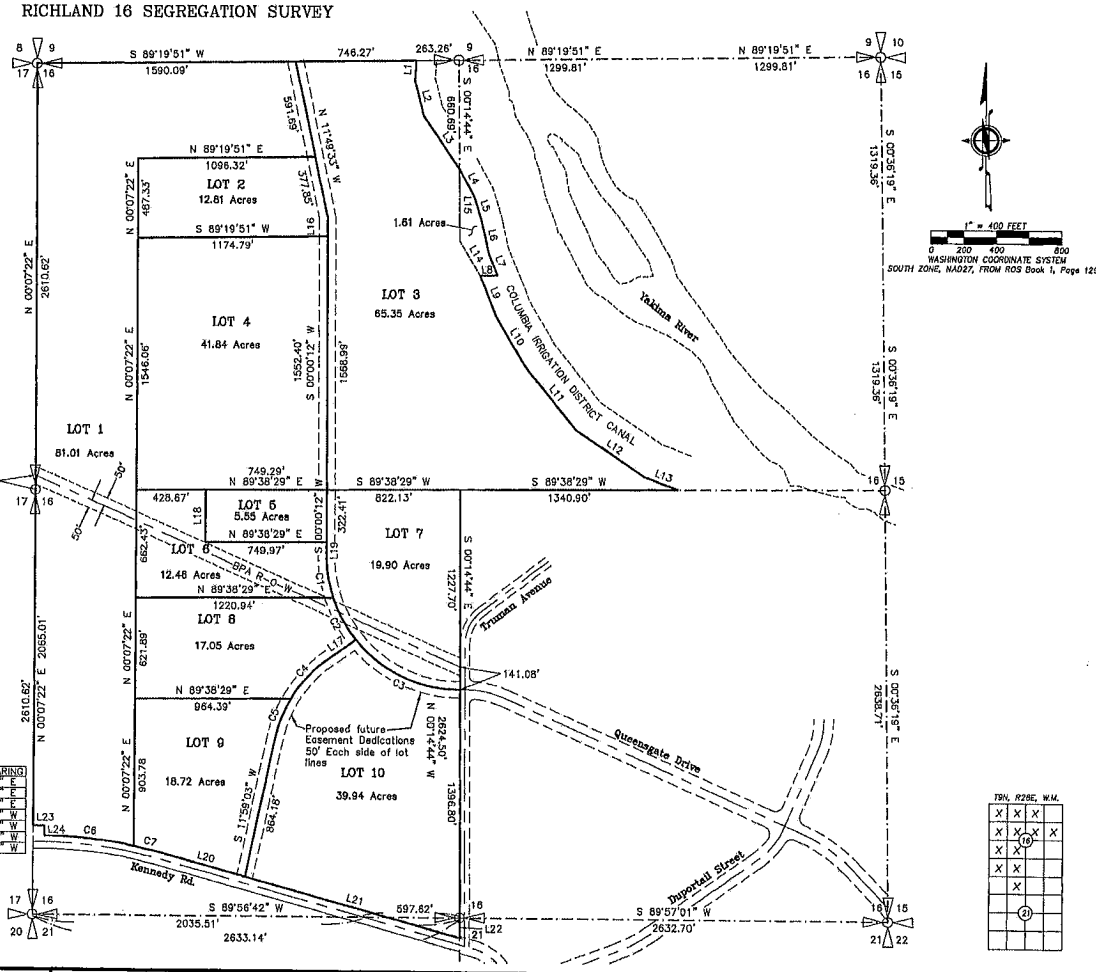
PARCEL J:

Portion of the Northeast Quarter of the Southwest Quarter and of the Southeast Quarter of the Southwest Quarter of Section 16, and portion of the Northeast Quarter of the Northwest Quarter of Section 21, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Beginning at the Quarter corner common to said Sections 16 and 21;
Thence North 0°14'44" West along the East line of the Southwest Quarter of said Section 16, 1,396.80 feet;
Thence along a non-tangent curve concave to the Northeast with a radius of 817.89 feet, a chord bearing of North 64°52'49" West and a chord length of 711.58 feet along an arc length of 736.18 feet;
Thence South 55°27'14" West 196.36 feet;
Thence along a curve to the left with a radius of 813.77 feet along an arc length of 617.40 feet;
Thence South 11°59'03" West 864.18 feet, more or less to the North margin of Kennedy Road;
Thence Southeasterly along said North margin to its intersection with the North - South centerline of said Section 21;
Thence Northerly along said centerline to the Quarter corner common to said Section 16 and 21,
TOGETHER WITH that portion of vacated Kennedy Road lying adjacent to the South line by City of Richland Ordinance No. 06-03, recorded March 13, 2003 under Recording No. 2003-011331.
(Also known as: Lot 10, Survey No. 5252, recorded October 28, 2019, under Recording No. 2019-033491)

RICHLAND 16 SEGREGATION SURVEY

RECORD OF SURVEY FOR EXEMPT PARCEL SEGREGATIONS IN SECTIONS 16 AND 21 TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.



ORIGINAL PARCEL DESCRIPTION:

THOSE PORTIONS SECTIONS 16 AND 21, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 16 LYING NORTH OF KENNEDY ROAD; TOGETHER WITH THAT PORTION OF THE NORTH ONE-HALF OF SAID SECTION 16 LYING WEST OF THE COLUMBIA IRRIGATION DISTRICT CANAL; TOGETHER WITH THAT PORTION OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 21 LYING NORTH OF KENNEDY ROAD.

LINE	BEARING	DISTANCE
L1	N 04°20'19" E	123.12'
L2	S 14°39'41" E	217.49'
L3	S 34°11'03" E	392.17'
L4	S 28°39'41" E	186.39'
L5	S 17°59'41" E	155.77'
L6	S 12°29'41" E	205.44'
L7	S 21°49'41" E	147.12'
L8	S 89°29'12" W	107.33'
L9	S 21°49'41" E	268.32'
L10	S 30°09'41" E	343.77'
L11	S 38°49'41" E	508.86'
L12	S 56°09'41" E	510.41'
L13	S 69°29'41" E	220.20'
L14	S 30°43'42" E	245.22'
L15	S 00°14'44" E	439.71'
L16	S 00°00'12" W	116.59'
L17	S 55°27'14" W	196.36'
L18	N 00°07'22" E	322.41'
L19	S 00°00'12" W	82.26'
L20	S 74°38'58" E	524.19'
L21	N 74°38'58" W	1375.43'
L22	S 00°09'47" E	123.25'
L23	N 89°37'00" W	69.62'
L24	N 00°44'08" E	59.60'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING
C1	261.95'	817.89'	18°21'02"	S 09°10'29" E
C2	295.15'	817.89'	20°44'49"	S 28°43'15" E
C3	736.18'	817.89'	51°34'18"	S 64°59'49" E
C4	350.45'	813.77'	24°40'27"	S 43°07'00" W
C5	1266.95'	813.77'	18°47'44"	S 21°22'55" W
C6	551.14'	2805.00'	10°52'13"	N 83°49'37" W
C7	189.76'	2805.00'	3°44'33"	N 76°31'15" W

TSN, R28E, W.M.

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 28th DAY OF October, 2019
AT 12:02 P.M. IN BOOK 01 OF SURVEYS AT PAGE 52152
AT THE REQUEST OF THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES. 2019-033491

Brenda Chilton
BENTON COUNTY AUDITOR

Myriam Gutierrez
DEPUTY

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES IN FEBRUARY, 2019.

JUSTIN J. HOLT, P.L.S.

10/28/2019
PLS #41027

JUSTIN JAMES HOLT — STATE OF WASHINGTON — 41027 — REGISTERED PROFESSIONAL LAND SURVEYOR

RECORD OF SAURVEY IN SECTIONS 16 & 21
TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
LAND SURVEY SECTION–P.O. BOX 47030
OLYMPIA, WASHINGTON 98504–7030 (360)902–1206

RICHLAND 16 SEGREGATION
FIELD CREW: from the '80s Engelhard, Francis, Steele
FIELD BOOK: 650.16/650.18A
02/20/2019

F.M.# 2091
SHEET 1 OF 2

2019-033491 01 P: 52152 OSR 10/28/2019 12:02:50 Benton County Auditor Fee: $102.00

EXEMPT SEGREGATION SURVEY IN SECTIONS 16 AND 21, T9N, R28E, W.M.
NEW LOT DESCRIPTIONS

LOT 1

PORTIONS OF THE SW 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 NW 1/4, AND NE 1/4 NW 1/4 OF SECTION 16, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SECTION 16 AND THE NORTH MARGIN OF KENNEDY ROAD AS IT EXISTS AFTER THE ADOPTION OF CITY OF RICHLAND ORDINANCE NO. 06-03 AS RECORDED UNDER BENTON COUNTY AF NO. 2003-011331; THENCE NORTH 0°07'22" EAST ALONG THE WEST LINE OF SAID SECTION 16, 4,675.63 FEET MORE OR LESS TO THE CORNER COMMON TO SECTIONS 5, 9, 17, AND 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET; THENCE SOUTH 11°49'33" EAST 591.69 FEET; THENCE SOUTH 89°19'51" WEST 1,096.32 FEET; THENCE SOUTH 0°07'22" WEST 4,221.50 FEET MORE OR LESS TO THE NORTH MARGIN OF KENNEDY ROAD AS PREVIOUSLY DESCRIBED; THENCE WESTERLY ALONG SAID NORTH MARGIN OF KENNEDY ROAD TO THE POINT OF BEGINNING.

CONTAINS 81.01 ACRES, MORE OR LESS.

LOT 2

PORTIONS OF THE NE 1/4 NW 1/4 AND NW 1/4 NW 1/4 OF SECTION 16, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET; THENCE SOUTH 11°49'33" EAST 591.69 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 11°49'33" EAST 377.65 FEET; THENCE SOUTH 0°00'12" WEST 116.59 FEET; THENCE SOUTH 89°19'51" WEST 1174.79 FEET; THENCE NORTH 0°07'22" EAST 487.33 FEET; THENCE NORTH 89°19'51" EAST 1098.32 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 12.61 ACRES, MORE OR LESS.

LOT 3

PORTIONS OF THE NE 1/4 NW 1/4, SE 1/4 NW 1/4, NW 1/4 NE 1/4, AND SW 1/4 NE 1/4 OF SECTION 16, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE 746.27 FEET TO THE WESTERLY LINE OF THE COLUMBIA IRRIGATION DISTRICT CANAL SHOWN AS CONDEMNATION CASE #722 ON RECORD OF SURVEY BOOK 1, PAGE 1318, RECORDS OF BENTON COUNTY; THENCE SOUTH 4°20'19" WEST 123.12 FEET; THENCE SOUTH 14°39'41" EAST 217.49 FEET; THENCE SOUTH 34°10'03" EAST 382.17 FEET; TO THE EAST LINE OF THE NE 1/4 NW 1/4; THENCE SOUTH 0°14'44" EAST ALONG SAID SUBDIVISION LINE 439.71 FEET; THENCE SOUTH 30°43'42" EAST 245.22 FEET; THENCE SOUTH 21°49'41" EAST 269.32 FEET; THENCE SOUTH 30°09'41" EAST 343.77 FEET; THENCE SOUTH 38°48'41" EAST 508.85 FEET; THENCE SOUTH 56°09'41" EAST 510.41 FEET; THENCE SOUTH 89°20'41" EAST 220.20 FEET MORE OR LESS TO THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 16; THENCE SOUTH 89°38'29" WEST 2,163.03 FEET ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 16; THENCE NORTH 0°00'12" EAST 1668.99 FEET; THENCE NORTH 11°49'33" WEST 959.64 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINS 85.35 ACRES, MORE OR LESS.

TOGETHER WITH THAT PORTION OF THE NW 1/4 NE 1/4 LYING BETWEEN THE COLUMBIA IRRIGATION CANAL AND THE EASTERLY LINE OF THE ABOVE DESCRIBED MAIN BODY OF LOT 3.

CONTAINING AN ADDITIONAL 1.61 ACRES

LOT 4

PORTIONS OF THE NORTHEAST, NORTHWEST, SOUTHEAST AND SOUTHWEST QUARTERS OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET; THENCE SOUTH 11°49'33" EAST 591.69 FEET; THENCE SOUTH 89°19'51" WEST 1096.32 FEET; THENCE SOUTH 0°07'22" WEST 487.33 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°19'51" EAST 1174.79 FEET; THENCE SOUTH 0°00'12" WEST 1,552.40 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE ALONG SAID SOUTH LINE SOUTH 89°38'29" WEST 1,177.96 FEET; THENCE NORTH 0°07'22" EAST 1548.06 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 41.84 ACRES, MORE OR LESS.

LOT 5

PORTIONS OF THE NORTHEAST AND NORTHWEST QUARTERS OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET; THENCE SOUTH 11°49'33" EAST 980.54 FEET; THENCE SOUTH 0°00'12" WEST 1668.99 FEET TO THE EAST - WEST CENTERLINE OF SAID SECTION 16 AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE SOUTH 89°38'29" WEST 749.29 FEET; THENCE SOUTH 0°07'22" WEST 322.41 FEET; THENCE NORTH 89°38'29" EAST 749.87 FEET; THENCE NORTH 0°00'12" EAST 322.41 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 5.55 ACRES, MORE OR LESS.

LOT 6

PORTIONS OF THE NE 1/4 SW 1/4 AND NW 1/4 SW 1/4 OF SECTION 16, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET; THENCE SOUTH 11°49'33" EAST 591.69 FEET; THENCE SOUTH 89°19'51" WEST 1096.32 FEET; THENCE SOUTH 0°07'22" WEST 2,033.39 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 16 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°38'29" EAST 428.87 FEET ALONG SAID CENTERLINE; THENCE SOUTH 0°07'22" WEST 322.41 FEET; THENCE NORTH 89°38'29" EAST 749.87 FEET; THENCE SOUTH 0°00'12" WEST 82.26 FEET; THENCE ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 817.89 FEET, LENGTH OF 281.85 FEET, A CHORD BEARING OF SOUTH 9°10'20" EAST AND CHORD LENGTH OF 280.53 FEET; THENCE SOUTH 89°38'29" WEST 1,220.94 FEET; THENCE NORTH 0°07'22" EAST 682.43 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 12.46 ACRES, MORE OR LESS.

LOT 7

PORTIONS OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET; THENCE SOUTH 11°49'33" EAST 980.54 FEET; THENCE SOUTH 0°00'12" WEST 1668.99 FEET TO THE EAST - WEST CENTERLINE OF SAID SECTION 16 AND THE TRUE POINT OF BEGINNING, THENCE SOUTH 0°00'12" WEST 404.66 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 817.89 FEET ALONG AN ARC LENGTH OF 1,294.29 FEET TO A POINT ON THE NORTH - SOUTH CENTERLINE OF SAID SECTION 16 FROM WHICH THE QUARTER CORNER COMMON TO SECTIONS 16 AND 21 BEARS SOUTH 0°14'44" EAST 1,396.80 FEET AS SHOWN ON THE PLAT OF CITY VIEW PHASE 1, AS RECORDED IN VOLUME 15 OF PLATS AT PAGE 67, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE NORTH 0°14'44" WEST ALONG SAID CENTERLINE 1227.70 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE ALONG SAID NORTH LINE SOUTH 89°38'29" WEST 822.13 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 19.90 ACRES, MORE OR LESS

LOT 8

PORTIONS OF THE NORTHEAST AND NORTHWEST QUARTERS OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET; THENCE SOUTH 11°49'33" EAST 869.54 FEET; THENCE SOUTH 0°00'12" WEST 1668.99 FEET TO THE EAST - WEST CENTERLINE OF SAID SECTION 16; THENCE ALONG SAID CENTERLINE SOUTH 89°38'29" WEST 1,177.96 FEET; THENCE SOUTH 0°07'22" WEST 982.43 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°38'29" EAST 1220.94 FEET; THENCE WITH A NON TANGENT CURVE CONCAVE TO THE NORTHEAST WITH AN ARC LENGTH OF 298.16 FEET, WITH A RADIUS OF 817.89 FEET, WITH A CHORD BEARING OF SOUTH 28°43'15" EAST , WITH A CHORD LENGTH OF 296.54 FEET; THENCE SOUTH 55°27'14" WEST 198.36 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 350.45 FEET, WITH A RADIUS OF 813.77 FEET, WITH A CHORD BEARING OF SOUTH 43°07'00" WEST , WITH A CHORD LENGTH OF 347.74 FEET; THENCE SOUTH 89°38'29" WEST 964.39 FEET; THENCE NORTH 0°07'22" EAST 621.89 FEET TO THE POINT OF BEGINNING.

CONTAINS 17.05 ACRES, MORE OR LESS

LOT 9

PORTIONS OF THE NORTHEAST NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF THE SOUTHWEST QUARTER OF SECTION 16, AND PORTIONS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89°19'51" EAST ALONG THE NORTH LINE OF SAID SECTION 16, 1,590.09 FEET; THENCE SOUTH 11°49'33" EAST 591.69 FEET; THENCE SOUTH 89°19'51" WEST 1096.32 FEET; THENCE SOUTH 0°07'22" WEST 4,221.50 FEET TO THE NORTH MARGIN OF KENNEDY ROAD AND THE TRUE POINT OF BEGINNING; THENCE NORTH 0°07'22" EAST 903.78 FEET; THENCE NORTH 89°38'29" EAST 984.39 FEET; THENCE ALONG A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, WITH A RADIUS OF 813.77 FEET, A CHORD BEARING OF SOUTH 21°22'55" WEST AND A CHORD LENGTH OF 263.75 FEET ALONG AN ARC LENGTH OF 266.05 FEET; THENCE SOUTH 31°59'03" WEST 864.16 FEET MORE OR LESS TO THE NORTH MARGIN OF KENNEDY ROAD; THENCE WESTERLY ALONG SAID NORTH MARGIN TO THE TRUE POINT OF BEGINNING

CONTAINS 18.72 ACRES, MORE OR LESS

LOT 10

PORTIONS OF THE NORTHEAST AND SOUTHEAST QUARTERS OF THE SOUTHWEST QUARTER OF SECTION 16, AND PORTIONS OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE QUARTER CORNER COMMON TO SAID SECTIONS 16 AND 21; THENCE NORTH 0°14'44" WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, 1,396.80 FEET; THENCE ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 817.89 FEET, A CHORD BEARING OF NORTH 64°52'49" WEST AND A CHORD LENGTH OF 711.56 FEET ALONG AN ARC LENGTH OF 738.18 FEET; THENCE SOUTH 55°27'14" WEST 198.36 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 813.77 FEET ALONG AN ARC LENGTH OF 617.40 FEET; THENCE SOUTH 11°59'03" WEST 864.16 FEET, MORE OR LESS TO THE NORTH MARGIN OF KENNEDY ROAD; THENCE SOUTHEASTERLY ALONG SAID NORTH MARGIN TO ITS INTERSECTION WITH THE NORTH - SOUTH CENTERLINE OF SAID SECTION 21; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE QUARTER CORNER COMMON TO SAID SECTIONS 16 AND 21.

CONTAINS 39.94 ACRES, MORE OR LESS

SURVEY REFERENCES:

1. RECORD OF SURVEY BY DNR IN BOOK 1, PAGE 947 DATED 12/3/1984, BENTON COUNTY RECORDS
2. RECORD OF SURVEY BY DNR IN BOOK 1, PAGE 1096 DATED 4/7/1987, BENTON COUNTY RECORDS
3. RECORD OF SURVEY BY DNR IN BOOK 1, PAGE 1236 DATED 10/3/1989, BENTON COUNTY RECORDS
4. RECORD OF SURVEY BY DNR IN BOOK 1, PAGE 1290 DATED 3/13/1990, BENTON COUNTY RECORDS
5. RECORD OF SURVEY BY DNR IN BOOK 1, PAGE 1318 DATED 6/27/1990, BENTON COUNTY RECORDS
6. UNRECORDED REVISION TO SURVEY IN BOOK 1, PAGE 1318 DATED 3/23/1993 ON FILE AT DNR PUBLIC LAND SURVEY OFFICE.
7. BPA RIGHT OF WAY PLATS DATED 1948 ON FILE AT DNR PUBLIC LAND SURVEY OFFICE
8. PLAT OF CITY VIEW PHASE 1, IN BOOK 15 OF PLATS AT PAGE 67, RECORDS OF BENTON COUNTY
9. CITY OF RICHLAND ORDINANCE 21-01 RECORDED UNDER AFN 2002-000784
10. CITY OF RICHLAND ORDINANCE 06-03 RECORDED UNDER AFN 2003-011331
11. CITY OF RICHLAND ORDINANCE 28-19 RECORDED UNDER AFN 2019-013740
12. DEED RECORDED IN BOOK 450 PAGE 1092, RECORDS OF BENTON COUNTY
13. DEED RECORDED IN BOOK 618 PAGE 810, RECORDS OF BENTON COUNTY

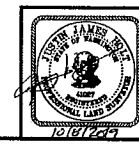
NARRATIVE:

THIS SEGREGATION SURVEY IS DONE TO CREATE LOTS THAT CONFORM TO THE ZONING CHANGES OF THE PARENT PARCEL DONE UNDER DNR'S REZONE APPLICATION, CITY OF RICHLAND FILE NO. ZZ018-109, AND ORDINANCE NO. 28-19 WHICH IS RECORDED UNDER AUDITOR'S FILE NO. 2019-013740, RECORDS OF BENTON COUNTY, WASHINGTON.

LOT 1 AND LOT 3 CONFORM TO THE AREA DESIGNATED AS SINGLE FAMILY RESIDENTIAL DISTRICT (R-1-10) EXCEPT FOR THE PORTION OF LOT 3 WHICH IS IDENTIFIED AS AN ADDITIONAL 1.61 ACRES IN ITS LEGAL DESCRIPTION THAT WAS NOT A PART OF THE RE-ZONE APPLICATION.
LOT 2 AND LOT 6 CONFORM TO THE AREA DESIGNATED AS MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)
LOT 4 AND LOT 5 CONFORM TO THE AREA DESIGNATED AS PARKS AND PUBLIC FACILITIES (PPF)
LOT 7 AND LOT 8 CONFORM TO THE AREA DESIGNATED AS MULTI FAMILY RESIDENTIAL DISTRICT (R-3)
LOT 9 AND LOT 10 CONFORM TO THE AREA DESIGNATED AS GENERAL BUSINESS (C-3)

SURVEYOR'S NOTES:

1. FIELD WORK FOR THIS SURVEY WAS PERFORMED BY DNR SURVEY CREWS IN 1982 - 1984, INSTRUMENTATION USED WAS A KERN DKM2 WITH A DM503 ELECTRONIC DISTANCE METER TRAVERSES WERE CLOSED LOOPS OR CLOSED INTO EXISTING CONTROL POINTS, ALL TRAVERSES MET OR EXCEEDED CLOSURE REQUIREMENTS IN WAC 332-130-090
2. REFER TO SURVEY REFERENCES #1 THROUGH #6 FOR MONUMENT VISITATION DATES AND CORNER DESCRIPTIONS.
3. THIS SURVEY IS PREPARED ACCORDING TO WAC 332-130-090 STANDARDS FOR LAND BOUNDARY SURVEYS. THIS SURVEY WAS NOT PERFORMED OR CERTIFIED TO MEET THE MINIMUM STANDARD DETAIL REQUIREMENTS OR "ACCURACY STANDARDS" FOR ALTA/NSPS LAND TITLE SURVEYS. THEREFORE, THE USE OF THIS MAP FOR ISSUANCE OF AN ALTA/NSPS OWNERS EXTENDED COVERAGE POLICY IS STRICTLY PROHIBITED.
4. THIS SURVEY DOES NOT PURPORT TO SHOW THE EXISTENCE OF ALL EASEMENTS AND OR ENCUMBRANCES RECORDED OR UNRECORDED THAT MAY AFFECT THIS PROPERTY.
5. PORTIONS OF QUEENSGATE DRIVE, TRUMAN AVENUE AND DUPORTAIL STREET ARE SHOWN FOR GRAPHICAL PURPOSES ONLY



RECORD OF SURVEY SECTIONS 16 & 21
TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
LAND SURVEY SECTION-P.O. BOX 47030
OLYMPIA, WASHINGTON 98504-7030 (360)902-1206

RICHLAND 16 SEGREGATION

02/20/2019

F.M.# 2091
SHEET 2 OF 2

2019-033491 8 of 2 Pgs 0.00 SAB
10/28/2019 12:02:30 PM
Benton County, Washington
Auditor's Office

2019-033492 D
10/28/2019 12:02:30 PM Pages 9 Fee $111.50
State Of Wa, Dept Of Natural Resources
Benton County, Benton County Auditor's Office

AFTER RECORDING RETURN TO:
Department of Natural Resources
Conservation, Recreation, and Transactions Division
ATTN: Deb Whitney
PO Box 47014
Olympia, WA 98504-7014

146708

BENTON CO TREASURER
$10.00
OCT 28 2019
EXCISE TAX PAID

QUITCLAIM DEED
Benton County

Grantor: State of Washington, acting by and through the Department of Natural Resources.

Grantee: State of Washington, acting by and through the Department of Natural Resources.

Abbreviated Legal Desc.: Portions of S16 & S21, T9N, R28E

Tax Parcel #: 116981000005001, 116982000001001 & 121981000002020

THE GRANTOR, STATE OF WASHINGTON, acting by and through the Department of Natural Resources, hereby conveys and quitclaims to STATE OF WASHINGTON, acting by and through the Department of Natural Resources GRANTEE, all interest in the real property situated in Benton County, Washington, and described in Exhibit A, attached hereto, which by this reference is made a part hereof.

This deed is executed in compliance with the County of Benton's subdivision requirements for creating ten (10) subdivided lots as described in Exhibit A, and shown on Record of Survey, recorded on October 28, 2019 under AFN #2019-033491. The lot subdivision was approved by the City of Richland Development Services Department by letter dated August 23, 2019, attached as Exhibit B, attached hereto, which by this reference is made a part hereof.

Signed this 15th day of October, 2019.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

HILARY S. FRANZ
Commissioner of Public Lands

Approved as to form this 1st day of October, 2019.

Assistant Attorney General

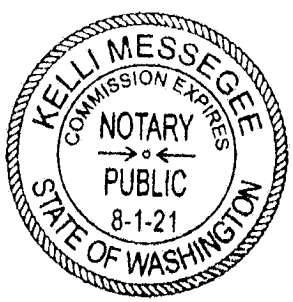
State Deed No. 26918
State Record of Deeds, Volume 14, Page 130.
Transaction File No. 02-098246

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

On this 15th day of October, 2019, personally appeared before me HILARY S. FRANZ, to me known to be the Commissioner of Public Lands, and administrator of the Department of Natural Resources of the State of Washington, that she executed the within and foregoing instrument on behalf of the State of Washington, and acknowledged said instrument to be the free and voluntary act and deed of the State of Washington for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument and that the seal affixed is the official seal of the Commissioner of Public Lands for the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Kelli Messegee
Notary Public in and for the State of Washington,
residing at Lacey.

My appointment expires 8-1-21.

EXHIBIT A TO QUITCLAIM DEED

Legal Description - Lot Segregation

The parcels to be created are described by the following legal descriptions:

Lot 1

Portions of the SW 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 NW 1/4, and NE 1/4 NW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Beginning at the intersection of the west line of Section 16 and the north margin of Kennedy Road as it exists after the adoption of City of Richland ordinance No. 06-03 as recorded under Benton County AF No. 2003-011331; thence North 0°07'22" East along the west line of said section 16, 4,675.63 feet more or less to the corner common to Sections 8, 9, 17, and 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 591.69 feet; thence South 89°19'51" West 1,096.32 feet; thence South 0°07'22" West 4,221.50 feet more or less to the north margin of Kennedy Road as previously described; thence westerly along said north margin of Kennedy Road to the point of beginning.

Lot 2

Portions of the NE 1/4 NW 1/4 and NW 1/4 NW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 591.69 feet to the True Point of Beginning; thence South 11°49'33" East 377.85 feet; thence South 0°00'12" West 116.59 feet; thence South 89°19'51" West 1174.79 feet; thence North 0°07'22" East 487.33 feet; thence North 89°19'51" East 1096.32 feet to the True Point of Beginning.

Lot 3

Portions of the Ne 1/4 NW 1/4, SE 1/4 NW 1/4, NW 1/4 NE 1/4, and SW 1/4 NE 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet to the True Point of Beginning; thence continuing along said north line 746.27 feet to the westerly line of the Columbia Irrigation District Canal shown as Condemnation Case #722 on Record of Survey Book 1, Page 1318, records of Benton County; thence South 4°20'19" West 123.12 feet; thence South 14°39'41" East 217.49 feet; thence South 34°11'03" East 392.17 feet; to the east line of the NE 1/4 NW 1/4; thence South 0°14'44" East along said subdivision line 439.71 feet; thence South 30°43'42" East 245.22 feet; thence South 21°49'41" East 269.32 feet; thence South 30°09'41" East 343.77 feet; thence South

38°49'41" East 508.86 feet; thence South 56°09'41" East 510.41 feet; thence South 69°29'41" East 220.20 feet more or less to the south line of the NE 1/4 of said section 16; thence South 89°38'29" West 2,163.03 feet along the east-west centerline of said section 16; thence North 0°'00'12" East 1668.99 feet; thence North 11°49'33" West 969.54 feet more or less to the True Point of Beginning.

Together with that portion of the NW 1/4 NE 1/4 lying between the Columbia Irrigation canal and the easterly line of the above described main body of lot 3.

Lot 4

Portions of the Northeast, Northwest, Southeast and Southwest quarters of the Northwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 591.69 feet; thence South 89°19'51" West 1096.32 feet; thence South 0°07'22" West 487.33 feet to the True Point of Beginning; thence North 89°19'51" East 1174.79 feet; thence South 0°00'12" West 1,552.40 feet to the south line of the Northwest quarter of said section 16; thence along said south line South 89°38'29" West 1,177.96 feet; thence North 0°07'22" East 1546.06 feet to the True Point of Beginning.

Lot 5

Portions of the Northeast and Northwest quarters of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 969.54 feet; thence South 0°00'12" West 1668.99 feet to the east – west centerline of said section 16 and the True Point of Beginning; thence along said centerline South 89°38'29" West 749.29 feet; thence South 0°07'22" West 322.41 feet; thence North 89°38'29" East 749.97 feet; thence North 0°00'12" East 322.41 feet to the True Point of Beginning.

Lot 6

Portions of the NE 1/4 SW 1/4 and NW 1/4 SW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 591.69 feet; thence South 89°19'51" West 1096.32 feet; thence South 0°07'22" West 2,033.39 feet to the east-west centerline of said section 16 and the True Point of Beginning; thence North 89°38'29" East 428.67 feet along said centerline; thence South 0°07'22" West 322.41 feet; thence North 89°38'29" East 749.97 feet; thence South 0°00'12" West 82.26 feet; thence along a non-tangent

curve concave to the northeast with a radius of 817.89 feet, length of 261.95 feet, a chord bearing of South 9°10'20" East and chord length of 260.83 feet; thence South 89°38'29" West 1,220.94 feet; thence North 0°07'22" East 662.43 feet to the True Point of Beginning.

Lot 7

Portions of the Northeast quarter of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 969.54 feet; thence South 0°00'12" West 1668.99 feet to the east – west centerline of said section 16 and the True Point of Beginning; thence South 0°00'12" West 404.66 feet; thence along a curve to the left with a radius of 817.89 feet along an arc length of 1,294.29 feet to a point on the north – south centerline of said section 16 from which the quarter corner common to sections 16 and 21 bears South 0°14'44" East 1,396.80 feet as shown on the Plat of City View Phase 1, as recorded in Volume 15 of Plats at Page 67, records of Benton County, Washington; thence North 0°14'44" West along said centerline 1227.70 feet to the north line of the southwest quarter of said section 16; thence along said north line South 89°38'29" West 822.13 feet to the True Point of Beginning.

Lot 8

Portions of the Northeast and Northwest quarters of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 969.54 feet; thence South 0°00'12" West 1668.99 feet to the east – west centerline of said section 16; thence along said centerline South 89°38'29" West 1,177.96 feet; thence South 0°07'22" West 662.43 feet to the True Point of Beginning; thence North 89°38'29" East 1220.94 Feet; thence with a non tangent curve concave to the northeast with an arc length of 296.16 feet, with a radius of 817.89 feet, with a chord bearing of South 28°43'15" East , with a chord length of 294.54 feet; thence South 55°27'14" West 196.36 feet; thence with a curve turning to the left with an arc length of 350.45 feet, with a radius of 813.77 feet, with a chord bearing of South 43°07'00" West , with a chord length of 347.74 feet; thence South 89°38'29" West 964.39 feet; thence North 00°07'22" East 621.89 feet to the point of beginning,

Lot 9

Portions of the Northeast Northwest, Southwest and Southeast quarters of the Southwest Quarter of Section 16, and portions of the Northeast quarter of the Northeast Quarter of Section 21, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 591.69 feet; thence South 89°19'51" West 1096.32 feet; thence South 0°07'22" West 4,221.50 feet to the north margin of Kennedy Road and the True Point of Beginning; thence North 0°07'22" East 903.78 feet; thence North 89°38'29" East 964.39 feet; thence along a non-tangent curve, concave to the southeast, with a radius of 813.77 feet, a chord bearing of South 21°22'55" West and a chord length of 265.75 feet along an arc length of 266.95 feet; thence South 11°59'03" West 864.18 feet more or less to the north margin of Kennedy Road; thence westerly along said north margin to the True Point of Beginning

Lot 10

Portions of the Northeast and Southeast quarters of the Southwest Quarter of Section 16, and portions of the Northeast quarter of the Northwest Quarter of Section 21, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Beginning at the quarter corner common to said sections 16 and 21; thence North 0°14'44" West along the east line of the southwest quarter of said section 16, 1,396.80 feet; thence along a non-tangent curve concave to the northeast with a radius of 817.89 feet, a chord bearing of North 64°52'49" West and a chord length of 711.58 feet along an arc length of 736.18 feet; thence South 55°27'14" West 196.36 feet; thence along a curve to the left with a radius of 813.77 feet along an arc length of 617.40 feet; thence South 11°59'03" West 864.18 feet, more or less to the north margin of Kennedy Road; thence southeasterly along said north margin to its intersection with the north – south centerline of said section 21; thence northerly along said centerline to the quarter corner common to said sections 16 and 21.

Justin J. Holt, PLS 41027
Washington Dept. of Natural Resources
Engineering & General Services Division
MS 47030 Olympia WA, 98504-7030
360-902-1206

EXHIBIT B TO QUITCLAIM DEED

Approval Letter for Lot Segregation (page 1 of 2)

CITY OF RICHLAND
DEVELOPMENT SERVICES DEPARTMENT
505 Swift Boulevard, MS-35
Richland, WA 99352
Telephone (509) 942-7794
Fax (509) 942-7764
CI.RICHLAND.WA.US · 509-942-7390

August 23, 2019

BENTON COUNTY ASSESSORS OFFICE
P.O. BOX 902
PROSSER, WA 99350

RE: EXEMPTION FROM PLATTING REQUIREMENTS – PROPOSED PARCEL CREATIONS WITHIN SECTION 16 & 21, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WA.

To Whom It May Concern:

Our office has reviewed the proposed tax parcel segregations proposed by the Washington State Department of Natural Resources (map and legal descriptions). The proposed tax parcel segregations will create ten (10) new legal parcels of record, each of which will be five acres in size or greater. Our records indicate that the proposed parcels are currently a portion of tax parcel Nos. 116981000005001, 116982000001001 & 1219810000002020.

The division of property where the lot(s) created are no less than five acres in size is exempt from the City's platting requirements per Richland Municipal Code (RMC) Section 24.04.030(B). The proposed parcel sizes are as follows:

Lot 1 = 81.01 Acres	City of Richland File No. TPS2019-111
Lot 2 = 12.81 Acres	City of Richland File No. TPS2019-112
Lot 3 = 65.35 Acres	City of Richland File No. TPS2019-113
Lot 4 = 41.84 Acres	City of Richland File No. TPS2019-114
Lot 5 = 5.55 Acres	City of Richland File No. TPS2019-115
Lot 6 = 12.46 Acres	City of Richland File No. TPS2019-116
Lot 7 = 19.90 Acres	City of Richland File No. TPS2019-117
Lot 8 = 17.05 Acres	City of Richland File No. TPS2019-118
Lot 9 = 18.72 Acres	City of Richland File No. TPS2019-119
Lot 10 = 39.94 Acres	City of Richland File No. TPS2019-120

We request that your office accept for recording a Quit Claim Deed that will create the new legal parcel(s) of record.

If you have any questions on this matter, please contact me at 942-7596.

Sincerely,

Mike Stevens
Planning Manager
City of Richland
(509)942-7596
mstevens@ci.richland.wa.us

C: File TPS2019-111 - 120

A-3945

B 619 (46)
10697

2003-011331
Pg: 1 of 7
03/13/2003 11:17A
CITY OF RICHLAND ORD 25.00 Benton County

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY K Hooper DEPUTY
3-13-03

Benton County Recording Cover Sheet

Return Address:
CITY ATTORNEY
CITY OF RICHLAND
P.O. BOX 190
RICHLAND, WA 99352

PLEASE PRINT OR TYPE INFORMATION:

Document Title(s)(or transactions contained therein):
1. ORDINANCE NO. 06-03
2.
3. VACATION OF A PORTION OF KENNEDY ROAD
4.

Grantor(s)(Last name first, first name, middle initials):
1. CITY OF RICHLAND
2.
3.
4.
Additional names on page NA of document.

Grantee(s)(Last name first, first name, middle initials):
1. KID - 1-1698-300-0001-000 1-2198-200-0002-000
2. STATE OF WASHINGTON - 1-1698-200-0001-001
3.
4.
Additional names on page NA of document.

Legal description (abbreviated: ie. lot, block, plat or section, township, range, qtr./qrt.)
A PORTION OF SW 1/4 SEC. 16-9-28 AND NW 1/4 SEC. 21-9-28. PORTION OF KENNEDY ROAD (SEE ATTACHED DESCRIPTION)
Additional legal is on page 3-5 of document.

References Number(s) of documents assigned or released:
RESOLUTION NO. 05-03

Additional names on page NA of document.

Assessor's Property Tax Parcel/Account Number
PTN. 1-1698-300-0001-000 PTN. 1-2198-200-0002-000
Property Tax Parcel ID is not yet assigned. PTN. 1-1698-200-0001-001
Additional parcel numbers on page NA of document.

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY K Hoopack DEPUTY
3-13-03

2003-011331
Pg: 2 of 7
03/13/2003 11:17A
Benton County

ORDINANCE NO. 06-03

AN ORDINANCE of the City of Richland providing for the vacation of a portion of Kennedy Road in Benton County Washington, further described in Exhibit A to this ordinance.

WHEREAS, as a result of the construction of Interstate I-182, the recent development of the City View Plat and the soon to be constructed Keene Road realignment, the use of Kennedy Road has changed from being a part of a State Highway to becoming a minor arterial street; and

WHEREAS, the right-of-way standards for a state highway differ from the standards of a minor arterial street; and

WHEREAS, it is necessary to vacate a portion of Kennedy Road in order to facilitate further development in the City View area; and

WHEREAS, by Resolution No. 05-03, adopted January 21, 2003, the City Council fixed February 18, 2003, at 7:30 p.m., in the Council Chambers of the City Hall as the time and place to receive public comments regarding the vacation of a portion of Kennedy Road; and

WHEREAS, the vacation of that portion of roadway has been reviewed by the engineering and utility services department staff with a finding that the request should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND AS FOLLOWS:

Section 1.01. The portion of Kennedy Road is hereby ordered vacated.

Section 1.02. Upon vacation, the property described in Exhibit A of this ordinance shall be returned to the owners of record for the property abutting both sides of the road right-of-way.

Section 1.03. A certified copy of this ordinance shall be recorded by the City Clerk with the office of the Auditor of Benton County as required in R.C.W. 35.79.030.

Section 1.04. This ordinance shall take effect on the day following the date of its publication in the official newspaper of the City.

PASSED by the City Council of the City of Richland, at a regular open public meeting thereof, this 4th day of March, 2003.

Gerald R. Greenfield
for ROBERT J. THOMPSON
Mayor

ATTEST:

Kenneth R. Bays
KENNETH R. BAYS
City Clerk

APPROVED AS TO FORM:

Thomas O. Lampson
THOMAS O. LAMPSON
City Attorney

Date of Publication: 3/9/03

2003-011331
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03/13/2003 11:17A
CITY OF RICHLAND ORD 26.00 Benton County

VACATION OF A PORTION OF KENNEDY ROAD

PTN: 1-1698-200-0001-001

That portion of Kennedy Road (Former State Highway No. 3) right of way shown on sheet 3 of 6 sheets of the Washington Department of Highways Plans of Primary State Highway No. 3, Richland Road Jct. To Kiona, situated in the Southwest ¼ of Section 16, Township 9 North, Range 28 East, W.M., City of Richland, Benton County, Washington, described ad follows:

Commencing at a point 100.00 feet right of Station 230+68.44 of said Highway No. 3, being the point of intersection of the northerly right of way of said Kennedy Road with the westerly line of said Section 16; thence along said northerly right of way easterly 69.51 feet along the arc of a circular curve concave to the southwest, said curve having a radius of 2965.00 feet, a central angle of 1°20'36" and a long chord that bears South 89°56'10" East 69.51 feet to a point 100.00 feet right of Station 230+00 according to said right of way plans; thence along a radial (non-tangent) line South 00°44'08" West 50.00 feet to a point on the northerly right of way or said Kennedy Road, said point being the REAL POINT OF BEGINNING;

Thence along said northerly right of way the following course and distances:
Southeasterly 743.56 feet along the arc of a non-tangent circular curve concave to the Southwest, said curve having a radius 2915.00, a central angle of 14°36'54" and a long chord that bears South 81°57'25" East 741.54 feet to a point 50.00 feet right of Station 226+00;
Thence South 74°38'58" East 1472.29 feet to a point on the Southerly line of the Southwest ¼ of said Section 16 (from which the South ¼ Corner of said Section 16 bears North 89°56'50" East 409.33 feet);
Thence leaving said Northerly right of way along said Southerly line South 89°56'50" West 37.65 feet to a line parallel with (at right angles to) and 40 feet northerly from the center line of said Kennedy Road;
Thence westerly along said parallel line the following courses and distances:
North 74°38'58" West 1435.99 feet;
Thence westerly 741.01 feet along the arc of a circular curve concave to the southwest, said curve having a radius of 2905.00 feet, a central angle of 14°36'54" and a long chord that bears North 81°57'25" West 739.00 feet to a point 40.00 feet right of Station 230+00;
Thence leaving said parallel line North 00°44'08" East 10.00 feet to the REAL POINT OF BEGINNING.

Comprising 0.50 acres, more of less, being subject to existing easements and rights of way of record or appearing on said tract.

TOGETHER WITH

PTN: 1-1698-300-0001-000

That portion of Kennedy Road (Former State Highway No. 3) right of way shown on Sheet 3 of 6 sheets of the Washington Department of Highways plans of Primary State Highway No. 3, Richland road Jct. To Kiona, situated in Sections 16 and 21, Township 9 North, Range 28 East, W.M., City of Richland, Benton County, Washington, described as follows:

Commencing at a point 100.00 feet left of Station 230+68.44 of said Highway No. 3 being the point of intersection of the Southerly right of way of said Kennedy Road with the Westerly line of said Section 16 (from which the Southwest Corner of said Section 16 bears South 00°07'22" West 345.61 feet), said point being the REAL POINT OF BEGINNING;

Thence along said Southerly right of way the following courses and distances:
Easterly 453.41 feet along the arc of a circular curve concave to the Southwest, said curve having a radius of 2765.00 feet, a central angle of 9°23'44" and a long chord that bears South 85°57'46" East 452.90 feet;
Thence along a radial (non-tangent) line North 08°44'06" East 50.00 feet to a point 50.00 feet left of Station 226+00;
Thence Easterly 325.03 feet along the arc of a non-tangent circular curve concave to the Southwest, said curve having a radius of 2815.00 feet, a central angle of 6°36'56" and a long chord that bears South 77°57'26" East 324.85 feet;
Thence South 74°38'58" East 1924.93 feet to a point on the Easterly line of the Northwest ¼ of said Section 21;
Thence leaving said Southerly right of way along said Easterly line North 00°10'55" West 10.38 feet to a line parallel with (at right angles to) and 40.00 feet Southerly from the centerline of said Kennedy Road;
Thence Westerly along said parallel line the following courses and distances:
North 74°38'58" West 1922.15 feet;
Thence Westerly 788.61 feet along the arc of a circular curve concave to the Southwest, said curve having a radius of 2825.00 feet, a central angle of 15°59'40" and a long chord that bears North 82°38'47" West 786.05 feet to the Westerly line of said Section 16;
Thence leaving said parallel line in a non-tangent direction along said Westerly line South 00°07'22" West 60.00 feet to the REAL POINT OF BEGINNING.

Comprising 0.96 acres, more or less, being subject to existing easements and rights of way of record or appearing on said tract.

TOGETHER WITH

2003-011331
Pg: 6 of 7
03/13/2003 11:17A
CITY OF RICHLAND ORD 25.00 Benton County

PTN: 1-2198-200-0002-000

That portion of Kennedy Road (Former State Highway No. 3) right of way shown on sheet 3 of 6 sheets of the Washington Department of Highways plans of Primary State Highway No. 3, Richland Road Jct. To Kiona, situated in the Northwest ¼ of Section 21, Township 9 North, Range 28 East, W.M. City of Richland, Benton County, Washington, described as follows:

Commencing at the point of intersection of the Northerly right of way of said Kennedy Road with the Northerly line of said Section 21 (from which the North ¼ Corner of said Section 21 bears North 89°56'50" East 409.33 feet), said point being the REAL POINT OF BEGINNING;

Thence along said Northerly right of way South 74°38'58" East 424.85 feet to a point 50.00 feet right of Station 203+50.3 of said Highway No. 3, being a point on the Easterly line of the Northwest ¼ of said Section 21;
Thence leaving said Northerly line along said Easterly line South 00°10'55" East 10.38 feet to a line parallel with (at right angles to) and 40.00 feet Northerly from the center line of said Kennedy Road;
Thence Westerly along said parallel line North 74°38'58" West 463.93 feet to the Northerly line of said Section 21;
Thence leaving said parallel line along said Northerly line North 89°56'50" East 37.65 feet to the REAL POINT OF BEGINNING.

Comprising 0.10 acres, more or less, being subject to existing easements and rights of way of record or appearing on said tract.

2003-011331
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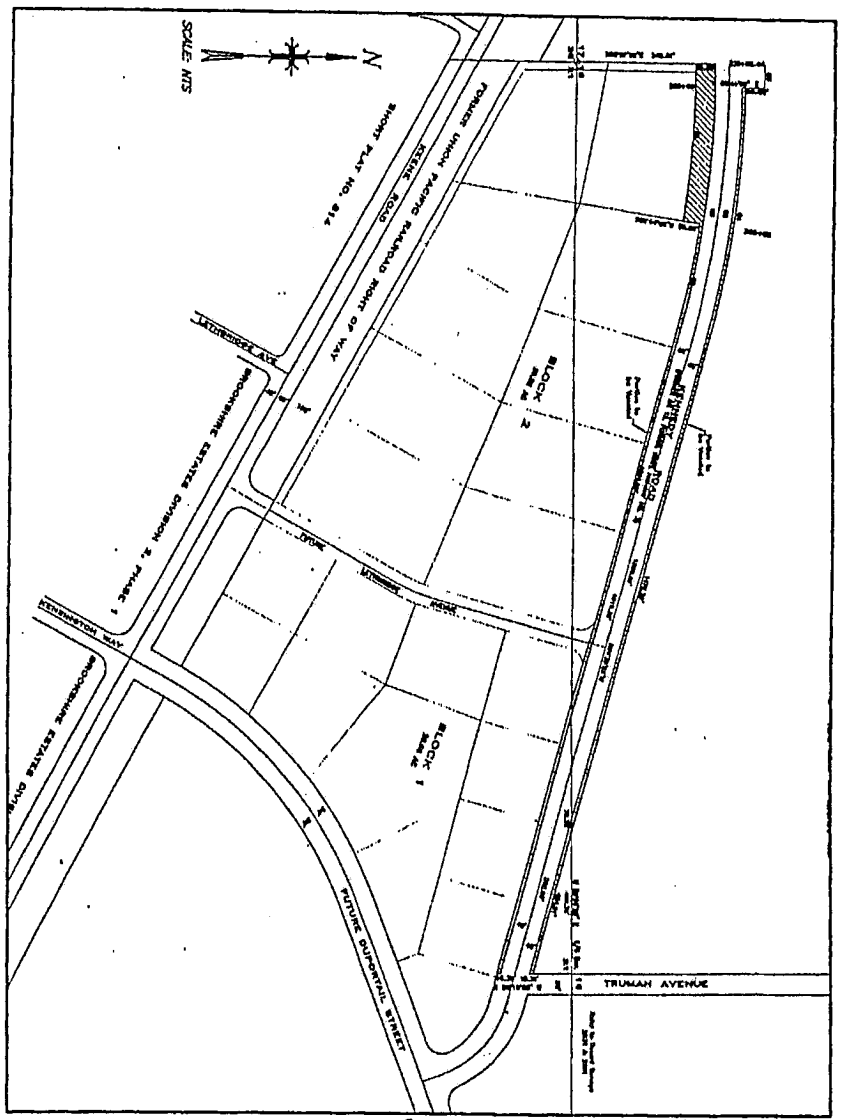
Benton County
CITY OF RICHLAND ORD 25.00



Part of Contract No. 8804 KKK Deed No. 21163-W 43/458

WASHINGTON DIVISION

NORTHERN PACIFIC RAILWAY COMPANY

THIS DEED, Made the thirtieth day of January in the year of our Lord one thousand nine hundred and eighteen by the Northern Pacific Railway Company, a corporation of the State of Wisconsin, grantor, to Yakima River Farms Co., a corporation of the State of Washington, of Seattle in the County of King and State of Washington, grantee, WITNESSETH:

WHEREAS, by a contract in writing entered into on the fifteenth day of April A. D. 1916 the grantor contracted to sell and convey to Charles W. Measly, to whose rights the grantee has duly succeeded for the consideration hereinafter expressed, the premises hereinafter described, which contract has been duly performed and the grantee has become entitled to a conveyance of the premises.

NOW, THEREFORE, the grantor, in consideration of the sum of eighteen hundred eighty one and 25/100 ($1881.25) dollars, unto it paid, according to said contract the receipt whereof is acknowledged, grants, bargains, sells, and conveys unto the grantee, its successors and assigns, the following described tract of land situate in the County of Benton and State of Washington, to-wit:

Sections seventeen (17) and twenty one(21) in Township nine (9) North of Range twenty eight (28) east of the Willamette Meridian; subject to the rights of the North Coast Railway under deed dated November 19, 1908, whereby the grantor herein conveyed for railroad right of way a portion of the premises described as follows; A strip of land (or so much of such strip of land as may be within the premises hereinafter described) of the width of one hundred (100) feet, being fifty (50) feet wide on each side of the center line of the main track of said railway as the same is now located and constructed over and across the southwest quarter of northwest quarter (SW¼ of NW¼) north half of southwest quarter (N½ of S.¼) southeast quarter of southwest quarter (SE¼ of SW¼) and south half of southeast quarter (S½ of SE¼) of said section seventeen, (17); the north half of northwest quarter (N½ of NW¼) southeast quarter of northwest quarter (SE¼ of NW¼) south half of northeast quarter (S½ of NE¼) and northeast quarter of southeast quarter (NE¼ of SE¼) of said section twenty one (21) the tracts of land herein conveyed,

containing, according to the United States Government survey twelve hundred fifty three and 83/100 (1253.83) acres, more or less; excepting and reserving unto the grantor, its successors and assigns, forever, all minerals of any nature whatsoever, including coal, iron, natural gas and oil, upon or in said land, together with the use of such of the surface as may be necessary for exploring for and mining or otherwise extracting and carrying away the same; but the grantor, its successors and assigns, shall pay to the grantee, or to its successors or assigns, the market value at the time mining operations are commenced of such portion of the surface as may be used for such operations or injured thereby, including any improvements thereon; the lands hereby conveyed being subject, however, to an easement in the public for any public roads heretofore laid out or established, and now existing over and across any part of the premise.

Together with the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

To have and to hold the said lands and appurtenances unto the grantee its successors and assigns, forever, the grantor will forever warrant and defend the title to the premises, except as against liens, charges and incumbrances originating after the date of the aforesaid contract of sale.

IN WITNESS WHEREOF, the grantor has caused these presents to be sealed with its corporate seal, and signed by its President, the day and year first above written.

(Seal)
Northern Pacific Railway Company
1896.

Northern Pacific Railway Company
By Jule M. Hannaford, President.

Signed, Sealed and Delivered in the Presence of:
J. H. Deebach
Russell H. Dick.

Attest: H. H. Relf, Assistant Secretary.

I. R. S. $2.00

STATE OF MINNESOTA, }
COUNTY OF RAMSEY. } SS

On this eighteenth day of February in the year 1918, before me J. H. Cook a Notary Public personally appeared Jule M. Hannaford, to me known to be the President of the Northern Pacific Railway Company, the corporation which executed the foregoing instrument, and who being duly sworn did say, that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said Jule M. Hannaford acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office, in the City of St. Paul, the day and year last aforesaid.

(Seal)
Notarial Seal
Ramsey County, Minn.

J. H. Cook
Notary Public, Ramsey County, Minnesota.
My commission expires July 31, 1923.

Filed for record at the request of Benton Co. Abstract [illegible] 1918 [illegible]

75507

EASEMENT DEED

16-9-28 S/2 NW

THIS GRANTORS, P. Van Arsdale and Isabell Van Arsdale, of Seattle, King County, Washington for and in consideration of ($45.00) Forty five Dollars, in hand paid, convey and warrant to PACIFIC POWER & LIGHT COMPANY a corporation, its successors and assigns, an easement or right-of -way for an electric transmission and distributing line of one or more wires and all necessary or desirable appurtenances (including telephone and telegraph wires, towers, poles, props, guys and other supports and including the right to place all said lines in underground conduits) at or near the location and along the general course now located staked out and/or constructed by the Grantee over, across and upon the following described premises, located in Benton County, Washington to-wit:

The South Half (S½) of the North-west Quarter (NW¼), and the North-west Quarter(NW¼) of the South-east Quarter (SE¼), and the South-east Quarter (SE¼) of the South-east Quarter(SE¼), and Lot Seven (7), all in Section Sixteen (16), Township Nine (9) North, Range Twenty-eight (28) East, W. M.

The Grantee shall be liable to the Grantors, their heirs or assignees, for all damages that may result to said Grantors, their heirs or assignees, by reason of injury to person or property caused by the operation and maintainance of said transmission line, or from the acts of it's employees, agents or servants doing work on or about said transmission line.

Together with the right of ingress and egress over the adjacent lands of the Grantors for the purpose of constructing, reconstructing, stringing new wires on, maintaining and removing said lines and appurtenances, and exercising other rights hereby granted.

All rights hereunder shall cease when said lines have been abandoned.

50/499

Dated this 26th day of November 1921.

In the presence of
Wm. H. Galvani

P. Van Arsdale
Isabell Van Arsdale

STATE OF WASHINGTON
ss
COUNTY OF KING

I, the undersigned, a Notary Public in and for said State, do hereby certify that on the 26th day of November 1921, personally appeared before me P. Van Arsdale and Isabell Van Arsdale, to me known to be the individuals described in and who executed the within instrument and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this the day and year first in this certificate above written.

(Seal)
D. M. Mogneten, Notary Public
State of Washington
Commission Expires Nov. 28, 1923

D. M. Mogneten
Notary Public for Wash. Residing at Seattle.

Filed for record at the request of John Gest, December 7, 1921 at 4:30 P. M.

Kathryn Neveryns, County Auditor
By [illegible] Deputy

Arb. No. 3940

Instrument ORDER & CERT OF GRANT OF R/W

File No. 289858

State of Washington, Dept of Public Lands

Vol. **Pg.**

To

Dated 3/7/52

Filed 5/20/52

United States of America

Cons. $150.00

Rev. None

Granting Words: USA has obtained rt, power, priv & auth to const, operate & maintain elec trans lns through, over & acr the fdre:

DESCRIPTION:

Those pts of SW NW, N½ SW, NW SE, & S½ SE, Sec 16-9-28, included within the limits of a strip of land 100' of width & having 50' of such width on each side of the fd c/ln/
Baap on W ln of sd sec 16, which is S 2°07' E 2522.6' fr NW cor of sd sec, & running th S 66°07' E 5864.2' to a pt on E ln of sd sec which is N 0° 52' W 370.9' fr SE cor of sd sec 16, & having a total area of 13.50 ac ac to the plat thof on file in the office of the Com of Public Lands at Olympia, Washington

Cert of exemption fr 1% r e tax by Co Treas dtd 5/20/52

Signature Correct? x Jack Taylor, Commissioner
Corporate Seal? x
Acknowledgement Correct? x Frank Yates, Assistant Commissioner
Assignment Attached?

Filed By R H Memovich
Mailed To Bonneville Power Adm, Box 3537 Portland 8, Oregon.

589447

VOL 239 PAGE 222

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BERT L. COLE, Commissioner of Public Lands

Critchlow, Williams

APR 11 8 59 AM '68

VERNE [illegible] AUDITOR
DEPUTY
RECORDED VOL. 239

In re: Application No. 32321 by
Dennis E. Davin
for Right of Way for
A Water Pipeline and Water Pump Plant
over certain State-owned Lands in **Benton**
County, Washington

DRAWN BY [illegible]
CHECKED BY _____

AGREEMENT NO. 32321

THIS AGREEMENT, Made and entered into on the date endorsed herein, by and between the STATE OF WASHINGTON, acting by and through the DEPARTMENT OF NATURAL RESOURCES, hereinafter called the "State" and **DENNIS E. DAVIN, P. O. Box 307, Walla Walla, Washington 99362**
hereinafter called the "Grantee."

WITNESSETH, The parties hereto, each in consideration of the agreements and the performance thereof on the part of the other, do agree:

1-0 Subject to the terms and conditions hereof, the State hereby grants to the Grantee:

1-1 An easement in accordance with the authority set forth in Chapter 73, Session Laws of 1961, for a right of way for the construction, operation, use and maintenance of a water pipe line, over and across State-owned lands in Benton County, Washington, more particularly described in Schedule 1, which is attached hereto and by this reference made a part hereof, together with the right to clear said right of way of brush, timber, structures, and fire hazards, it being understood and agreed that any growing crops other than trees shall not constitute a fire hazard.

1-2 An easement in accordance with the authority set forth in Section 102, Chapter 255, Session Laws of 1927 (RCW 79-01.408) for a right of way for the construction, operation, use and maintenance of a water pump plant over and across State-owned land in Benton County, Washington, more particularly described in said Schedule 1.

2-0 This Agreement is subject to the terms and conditions hereinafter set out and to the terms and conditions of Schedule 2 attached hereto and by this reference made a part hereof.

3-0 This Agreement and the rights granted herein shall not be assigned, leased, or subleased, nor shall any interest of the Grantee herein or hereunder be transferred or assigned without prior written notice to the State, ~~except that~~ said rights may be used by any employee, contractor or representative of the Grantee while engaged in the Grantee's operations.

4-0 The consideration paid by the Grantee to the State is as follows:

Damages	**$50.00**
Statutory Fee	**$ 5.00**
Total	**$55.00**

0-74
8-25-66.
Right of Way

Mail to
Critchlow, Williams & Ryals

5-0 The term of this Agreement shall be for the period this easement is used for the purposes specified herein. Should the Grantee or its assigns cease to use this easement for the purposes specified herein for a period of two years, it shall notify the State of such nonuse and the rights granted herein shall revert to the State, its successors or assigns.

6-0 To the extent that it can legally do so, the Grantee agrees to comply or to cause compliance with all applicable state, county, and municipal laws, ordinances and regulations.

7-0 The Grantee shall cause its employees, permittees, contractors, and subcontractors to comply with those requirements and conditions set forth hereinafter which are applicable to the operations of each.

8-0 In addition to compliance with those laws of the State of Washington pertaining to forest protection, the Grantee shall contact the State's District Administrator at Ephrata, Washington, who shall determine any extra requirements pertaining to burning procedure, blasting, watchmen, extra patrol, pumpers, tankers, fire hose, fire tools, etc., which are deemed necessary for prevention and suppression of fire resulting from construction operations. Such requirements will be included in the Grantee's invitations to bid and will be made part of the contract with the successful bidder.

9-0 The State shall have the right to use, without charge, for any and all purposes deemed necessary or desirable in connection with the control, management, harvest, and administration of State-owned lands and the resources thereof, all existing roads described herein or located on the State-owned lands described herein and those roads constructed and/or reconstructed by the Grantee under this Agreement. The State shall also have the right to extend such right and privileges to others.

Further, it is agreed that the State shall have the right to make reasonable rules and regulations, in addition to any specified in Schedule 2, concerning priority of use, and use and maintenance of said roads. Such rules and regulations shall apply to all users including the Grantee, the State's contractors, and others, and shall include, but shall not be limited to the following:

9-1 Road Maintenance - Single User. During periods when said roads, or portions thereof, are being solely used by one party, that portion of the road so used shall be maintained by said party at its own expense and, at the termination of each period of such use, shall be left in a condition equal to or better than the condition of the road immediately prior to said use.

9-2 Road Maintenance - Joint Use. During periods when said roads, or portions thereof, are used by more than one party, use shall be contingent upon the parties entering into a written, State-approved road maintenance agreement. Said agreement shall provide for maintenance and/or maintenance payments based on each party's proportional share of use.

Provided, the State reserves the right to maintain or appoint a party as the maintainer who will be responsible for all maintenance on said roads. In this event, all users will be required to pay to the State or its designated maintainer their proportional share of the cost of maintenance.

9-3 Road Damage and Repair. Required maintenance and/or maintenance payments shall not relieve any user from liability for repair of damage to said roads, including bridges, culverts, cattleguards, fences, gates and other improvements, resulting from negligence on the part of said user. Any facilities so damaged shall be immediately repaired by the user who caused said damage.

Provided, however, that nothing herein shall preclude or interfere with the action of the Grantee in the event of an emergency.

Provided further, that if the Grantee is a Federal agency, all obligations under this Agreement which are relative to road use, maintenance, and repair and which involve the expenditure of money of the United States Government, shall be subject to the availability of appropriations for such purposes.

10-0 The State, its successors, assigns and grantees, shall have the right to cross and recross the right of way herein granted without charge for any and all purposes deemed necessary or desirable in connection with the control, management, harvest and administration of State-owned lands or the resources thereof. Provided such crossings by others shall be controlled so it will not interfere unduly with the use of said right of way by the Grantee.

11-0 The State shall notify the Grantee by United States mail, addressed to the address shown on the application for this easement on file with the State in Olympia, Washington, of any instance of noncompliance by the Grantee, its employees, permittees, contractors or subcontractors with any of the terms and conditions hereof. Such notice will specifically identify the manner of noncompliance herewith.

In the event the Grantee does not undertake or cause to be undertaken, remedial action within fifteen days following receipt of said notice, the State, acting by and through its District Administrator at Ephrata, Washington, may suspend the Grantee's operations until such time as effective remedial action is taken.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as below subscribed.

Dated this 23rd day of October, 1967.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

By _____
BERT L. COLE
Commissioner of Public Lands

_____
DENNIS H. DAVIN

P. O. Box 307
Walla Walla, Washington 99362
Address

App. No. 32321
nl

SCHEDULE I

That portion of the N 1/2 NW 1/4, Section 16, Township 9 North, Range 28 East, W.M., included within the limits of a strip of land 20 feet in width, having 10 feet of such width on each side of the following described centerline;

Beginning at a point on the west line of said Section 16, which is S 0° 30' W 1,320.0 feet from the northwest corner thereof, running thence N 69° 07' E 2,691.3 feet to a point in the NE 1/4 NW 1/4 said Section 16, which is S 81° 48' E 2,529.64 feet from the northwest corner said Section 16, having an area of 1.24 acres as shown on the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

App. No. 32321

SCHEDULE II

1. SOIL PROTECTION

1-1 Grantee shall refrain from operation of equipment when ground condition is such that excessive damage will result to adjacent lands.

1-2 Grantee further agrees that temporary roads and trails, not required after construction and/or reconstruction of facilities, will be left in such condition as to eliminate excessive damage through soil erosion. Provided, further, all soil otherwise disturbed is to be leveled and left in such condition as to eliminate excessive damage through soil erosion.

1-3 All soil surfaces on the right of way which are devoid of natural cover as a result of the Grantee's construction operations shall be reseeded by the Grantee to a grass mixture recommended by the local office of the Soil Conservation Service.

2. DAMAGE LIABILITY

2-1 The Grantee shall save and hold harmless the State from every claim, damage, or expense of any kind arising out of the occupancy and use of the right of way by the Grantee and/or any employee, contractor, or agent of the Grantee during the term hereof.

3. PRESERVATION OF SURVEYS

3-1 All legal subdivision survey corners and witness objects are to be preserved. If such are destroyed or distrubed, the Grantee shall re-establish same in accordance with U.S. General Land Office standards at his own expense. Those corners that must be necessarily disturbed or destroyed in process of contruction must be adequately referenced prior to removal of the corner and/or witness object. Grantee shall record these references in the respective offices of the local County Engineer and the Commissioner of Public Lands.

4. INSTALLATION SPECIFICATIONS

4-1 Grantee shall so place, protect, and/or bury said pipeline as to allow the unobstructed movement of any equipment or materials across the surface of the right of way and shall install said pipeline at such depth as to not interfere with the normal and usual use of the land.

5. INSTALLATION IDENTIFICATION

5-1 The Grantee shall mark the location of said buried pipeline with metal posts and signs placed at the approximate entrance to, and exit from State lands, and they shall be painted so they are clearly visible. Said signs shall identify the installation as a buried pipeline and shall designate ownership of the installation.

6. RESERVATIONS

6-1 The State, its successors and assigns, shall have the right to develop, improve, and utilize the land and natural resources contained within the limits of the right of way granted herein; provided, that said development, improvement, and utilization shall be restricted and/or limited so that it will not interfere unduly with the rights of the Grantee or endanger the facilities and/or employees, contractors, or representatives of the Grantee who may be engaged in the Grantee's operations; said restrictions and/or limitations shall be determined by the State notifying the Grantee of its intentions and subsequent negotiations between the State and the Grantee.

SCHEDULE II, continued

7. REVERSION OF EASEMENT--NONUSE

7-1 In the event that any portion of the right of way located within the limits described by the centerline description in Schedule 1 is not used by the Grantee, its successors, or assigns for the purpose for which it was granted within a period of five years, the rights of the Grantee within said portion of the right of way shall revert to the State, its successors or assigns and said portion of the right of way shall be freed from the easement as fully and completely as if this agreement had not been entered into.

VOL 237 PAGE 878

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CRITCHLOW, WILLIAMS & RYALS
MAY 1 8 46 AM '68
VERNON W. AUDITOR
DEPUTY
RECORDED IN VOL. 237
INDEXED BY
CHECKED BY

BENTON COUNTY EXCISE TAX
1% Excise Tax $ -0-
Excise Tax Credit $
Rec. No.
Dated 1
TAX PAID $ 2 -0-
THIS DATE 4-23-68
Rec. No. 3
EILEN BERDNT, TREASURER
By
Deputy Treasurer

CRITCHLOW, WILLIAMS & RYALS
ATTORNEYS AT LAW
1119 JADWIN BUILDING
P. O. BOX 868
RICHLAND, WASH.

EASEMENT GRANT

THIS AGREEMENT made and entered into this 12th day of April, 1968, by and between COLUMBIA IRRIGATION DISTRICT, a municipal corporation, hereinafter referred to as "Grantor", and DENNIS E. DAVIN, hereinafter referred to as "Grantee".

WHEREAS, on the 9th day of October, 1967, the parties hereto entered into an agreement whereby the Grantor agreed to make available to the Grantee a certain amount of water for irrigation purposes, and

WHEREAS, said agreement did not specifically grant to the Grantee an easement for the laying of pipes, and appurtenant structures to allow the Grantee to move the water from the Grantor's canal to the Grantee's property,

NOW THEREFORE, the parties hereto hereby agree as follows:

1. The Grantor does hereby grant and convey unto the Grantee, the right to construct, maintain, inspect, operate, protect, repair, replace, alter, and/or remove a pipe line, sump, and appurtenant fixtures for the transportation of water over, under, and through that portion of the Grantor's lands as the same shall be more particularly designated and set forth in Exhibit A attached hereto and by this reference incorporated herein, said easement herein granted to touch and concern these lands of the Grantor only. Grantee shall have the right of reasonable access over and across the Grantor's abutting lands for the purpose of ingress and egress, provided, however, that such right shall be exercised in a manner without damage to the Grantor or the interference with the Grantor's operations.

2. All of the rights and responsibilities of the parties which are set forth in the agreement of October 9, 1967, as amended are by this reference made a part of this easement grant and a condition of the same as though they are fully set forth herein.

IN WITNESS WHEREOF, the Grantor herein has executed this instrument this 12th day of ~~Fe~~April, 1968.

COLUMBIA IRRIGATION DISTRICT,
a municipal corporation

By: Everett Dague
Chairman

ATTEST:

Francis Zarndt
Director

Claude McCormick
Secretary

Wadus B. Tate
Director

STATE OF WASHINGTON)
) ss
County of Benton)

On this day personally appeared before me Everett Dague and Francis Zarndt and Wadus B. Tate, to me known to be the Directors of the corporation that executed the foregoing instrument, and Claude McCormick, to me known to be the Secretary of the said corporation, acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Given under my hand and official seal this 12th day of April, 1968.

Thomas B. Gess
Notary Public in and for the State of Washington, residing at Kennewick.

The foregoing grant is hereby accepted, subject to all of the stipulations therein contained.

DATED: This 12th day of ~~Fe~~April, 1968.

Dennis E. Davin
DENNIS E. DAVIN

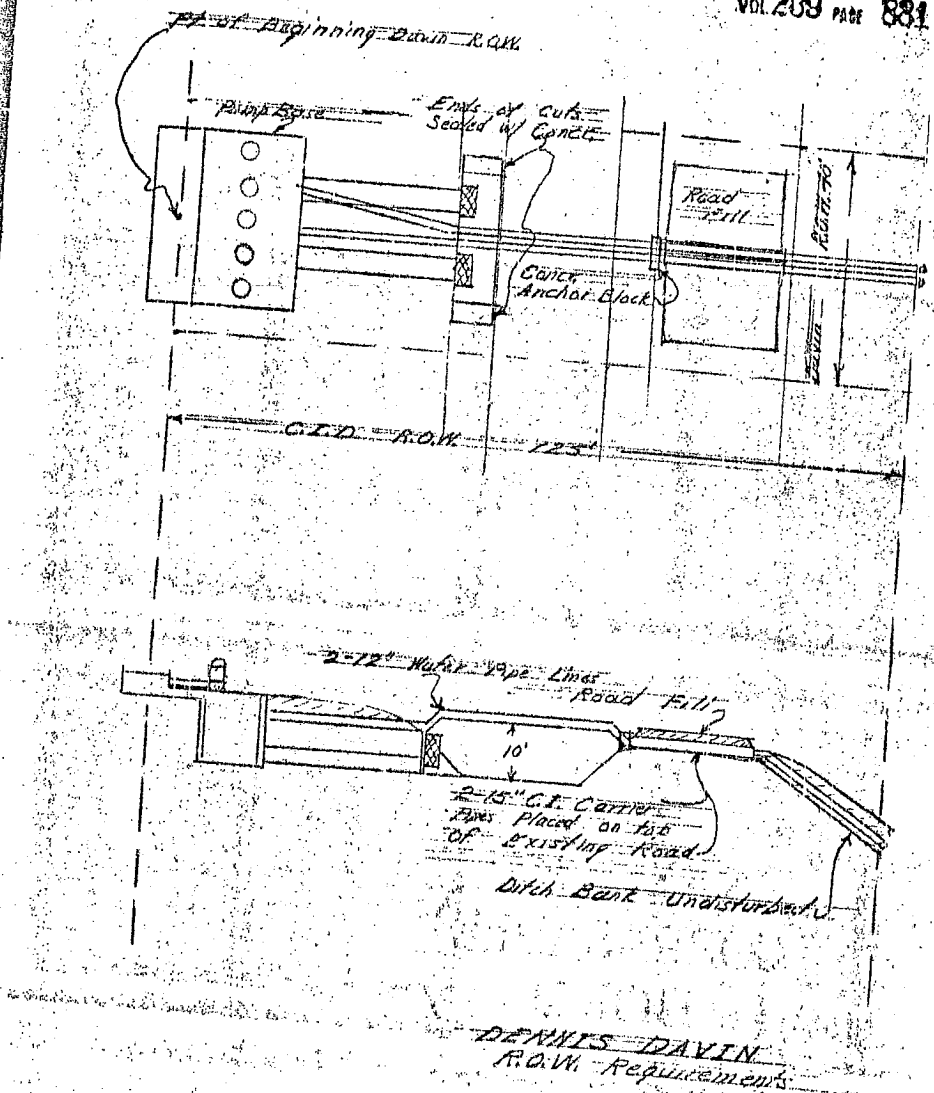
CRITCHLOW, WILLIAMS & RYALS
ATTORNEYS AT LAW
1177 JADWIN BUILDING
P. O. BOX 888
RICHLAND, WASH.

EXHIBIT "A"

A strip of land 20 feet on either side of the following described line:

Starting at a point on the westerly right of way line of the Columbia Irrigation District Canal which lies South 360.6' and East 2503.8' from the northwest corner of Section 16, Township 9 North, Range 28 East, W.M., thence North 69° 07' East 125.0' to the easterly right of way line of the Columbia Irrigation District Canal.

CRITCHLOW, WILLIAMS & RYALS
ATTORNEYS AT LAW
1177 JADWIN BUILDING
P. O. BOX 349
RICHLAND, WASH.



DENNIS DAVIN
R.O.W. Requirements

706028

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16-9-28 NWSW

EASEMENT DEED

The Grantor, City of Richland, Washington, a municipal corporation, for and in consideration of the sum of One Dollar ($1.00) and other valuable considerations, conveys and quit claims to Blue Mountain Service Corporation, a Washington corporation, an easement in, over and under the following described property situated in the County of Benton, State of Washington:

CITY OF RICHLAND
JUN 30 9 52 AM '76
311

An easement for the purpose of installation and maintenance of a water pipe line over, across and under the right-of-way of the Bombing Range Road located in the northwest quarter of the southwest quarter of Section 16, T 9 N, R 28 E, W.M., Benton County, Washington. Said easement being described as follows:

Commencing at the southwest corner of said Section 16; thence N 00°07'57" E along the west line of said Section 16, a distance of 2648.30 feet; thence S 67°07'00" E, a distance of 77.94 feet to the TRUE POINT OF BEGINNING; said point being on the west right-of-way of Bombing Range Road and the north line of said easement; thence N 67°07'00" E, a distance of 130.60 feet to the east right-of-way of Bombing Range Road; thence S 39°46'03" E, along the west right-of-way, a distance of 43.53 feet; thence N 67°07'00" W, a distance of 130.60 feet to the east right-of-way of Bombing Range Road; thence N 39°46'03" W along the west right-of-way, a distance of 43.53 feet the TRUE POINT OF BEGINNING.

for the purpose of constructing, installing, maintaining, repairing and operating a utility easement with full right to go upon said premises at any time for such purposes, together with the right to trim brush and trees that may interfere with the construction, maintenance and operation of same and the right to permit franchise holders and utility licensees of Blue Mt. Service Corp. to place telephone, telegraph, and television cable circuits and gas piping in said easement.

Dated this 29th day of June, 1976.

Larry R. Coons
Richland City Manager

Leslie A. Koch
Richland City Clerk

STATE OF WASHINGTON)
) ss
COUNTY OF BENTON)

On this 3rd day of June, 1976, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Larry R. Coons and Leslie A. Kroh to me known to be the City Manager and City Clerk, respectively of The City of Richland, a municipal corporation, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Linda L. Alger
Notary Public in and for the State of Washington, residing at Pasco.

LINDA L. ALGER
NOTARY PUBLIC
STATE OF
MY COMMISSION EXPIRES
Dec. 1, 1978

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VOL 372 PAGE 272
MAR 26 11 28 AM '79
AUDITOR
DEPUTY
RECORDED IN VOL. 372
INDEXED BY
CHECKED BY

B-10697

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

QUITCLAIM DEED

and

COMMISSIONER'S ORDER

RECEIVED
FEB 26 1979
COMMISSIONER OF PUBLIC L...
No.

WHEREAS, PACIFIC POWER & LIGHT COMPANY, a Maine corporation, by easement document dated August 28, 1923, was granted the right to construct a transmission line for the purpose of transmitting electric power, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same and moreover was granted the right to cut standing timber, if any, within a radius of two hundred feet on either side of the transmission line right of way as hereinafter more specifically described, said easement having been granted by the Commissioner of Public Lands at Olympia, Washington 98504, and

WHEREAS, said easement was granted over and across the following described lands situated Benton County, Washington, to wit:

All those portions of the S½ of NW¼, NW¼ of SE¼, SE¼ of SE¼, and Lot 7, Section 16, Township 9 North, Range 28 East, W.M., included within the limits of a strip of land 50 feet in width having 25 foot of such width on each side of the following described centerline:

Beginning at a point on the west line of said section which is S 1° 24' E 2,263.5 feet distant from the northwest corner of said section and running thence N 83° 48' E 680 feet, N 88° 21' E 1,198 feet, S 87° 49' E 900 feet, S 79° 22' E 294 feet, S 64° 01' E 300 feet, S 54° 19' E 304 feet, S 53° 11' E 305 feet, S 49° 26' E 288 feet, S 40° 52' E 305 feet and S 39° 06' E 1,672.5 feet to a point on the east line of said Section 16, which is N 2° 07' W 626.7 feet distant from the southeast corner thereof.

The right of way hereinabove described has an area of 6.07 acres, according to the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

WHEREAS, the State of Washington, Department of Natural Resources has retained ownership of the tract of land contained within the confines of the right of way described in Government Lot 7, and the S½NW¼, NW¼SE¼ and the SE¼SE¼ of Section 16, Township 9 North, Range 28 East, W.M., and

WHEREAS, said easement was for electric power transmission purposes, and Pacific Power & Light Company no longer has any need for such easement rights, as was granted by said easement and wishes to clear the encumbrance from title to said described real property.

NOW THEREFORE, Pacific Power & Light Company does hereby convey and quitclaim all its right, title, and interest in and to the aforesaid easement, to the State of Washington, acting by and through the Department of Natural Resources.

I hereby ...

IN WITNESS WHEREOF Pacific Power & Light Company, hereto have caused this instrument to be executed as below subscribed.

Dated this 12th day of February, A.D. 1979.

PACIFIC POWER & LIGHT COMPANY

By Jack T. Stiles
Vice President Title

Attest T. L. Selliken
Assistant Secretary Title

The foregoing Quitclaim Deed is accepted this 1st day of March, 1979, and the easement is hereby canceled.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

By Bruce W. Deere
Joe Bert L. Cole
BERT L. COLE
Commissioner of Public Lands

App. No. 11177
jac

CHECK LIST WDC
DATE 1-25-79

STATE OF OREGON)
) ss
County of Multnomah)

On this 12th day of February, 1979, before me personally appeared Jack T. Stiles and T. L. Selliken, to me known to be the Vice President and Assistant Secretary, respectively, of Pacific Power & Light Company, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Barbara J. Argabrite
Notary Public in and for the State of Oregon, residing at Portland.

My Commission Expires: ~~August 14, 1982~~ April 2, 1982

850213

B-10657

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BERT L. COLE, Commissioner of Public Lands

Agreement No. 39226

THIS AGREEMENT, made effective the 1st day of October, 1976, by and between THE HILLS, a limited partnership, herein called the "Grantee," and the STATE OF WASHINGTON, acting by and through the Department of Natural Resources, herein called the "State," WITNESSETH:

The State, for and in consideration of the terms and conditions specified herein, hereby grants and conveys to the Grantee, its successors and assigns:

An easement for a right of way for the construction, operation, use and maintenance of a domestic water pipeline and an irrigation line, over and across a location as shown on Plat No. 39226, filed in the office of the Commissioner of Public Lands at Olympia, Washington, a reduction of which is attached as Exhibit A, indicating said right of way in red, and by this reference made a part hereof, all in Benton County, Washington.

This Agreement is subject to the terms and conditions hereinafter set out.

Subject, however, to an easement for right of way for county road, granted to Benton County on February 16, 1956, under Application No. 2104.

Subject, however, to an easement for right of way for a water pipeline, granted to the City of Richland on June 1, 1971, under Application No. 35440.

Subject, however, to an easement for a right of way granted to the City of Richland on February 10, 1962, under Application No. 27622.

Consideration

The consideration paid by the Grantee to the State is as follows:

Statutory Fee $5.00

Annual Rental

The annual rental of $350.00, the first payment due on October 1, 1976, and each succeeding payment shall be due on October 1 of each succeeding year.

Provided, however, in the event the Grantee exceeds two hundred seventy five (275) customer hookups the annual payment due on October 1 of each year shall be based on the value established by adding $75.00 to the amount derived by multiplying the number of customers by a rate of $1.00 per customer. At the time of making such payment the Grantee shall submit a statement satisfactory to the State certifying the number of customer hookups. The State shall have access at all reasonable times to such of the Grantee's books and records as may be necessary to audit those records for the purpose of confirming the number of customer hookups.

Provided, the rental will be subject to adjustment by the State no more frequently than at five (5) year intervals.

App. No. 39226

Leasehold Tax

The Grantee shall pay to the State at Olympia, Washington, 98504, the leasehold tax as set forth in chapter 61, Laws of 1976, 2nd Ex. Sess., or as may be amended. The tax shall be due and payable at the same time the rental charged herein is due and payable. Failure to pay said tax when due and payable shall be considered a breach of the provisions of this agreement and the State shall be entitled to all remedies they are entitled to by law, and the remedies provided herein for a breach of a provision of this agreement. Any delinquent taxes shall be a debt to the State and in the event the State is subject to any penalties or interest because of the failure of the Grantee to pay such taxes, such penalties and interest shall be payable by the Grantee to the State and shall be considered a debt to the State. In the event the State suffers any costs of whatsoever nature, including attorney fees, or other costs of litigation in collecting said tax, such costs shall be payable by the Grantee and shall be considered a debt due and owing to the State by the Grantee.

Assignment

This Agreement, or any of the rights granted herein, shall not be assigned without prior written consent of the State, except that said rights granted herein may be used by any employee, contractor, or representative of the Grantee, hereinafter collectively referred to as "Permittee," while engaged in the Grantee's operations.

Term

Should the Grantee, or its assigns, cease to use this easement for the purposes specified herein for a period of two (2) years, it shall notify the State of such nonuse; and the rights granted herein shall revert to the State, its successors or assigns.

Forfeiture

In the event that any portion of the right of way as shown on attached Exhibit A is not used by the Grantee, or its assigns, for the purpose for which it was granted, within a period of five (5) years, the rights of the Grantee within said portion of the right of way shall revert to the State, its successors or assigns; and said portion of the right of way shall be freed from the easement as fully and completely as if this Agreement had not been entered into; provided, however, an extension of time may be granted upon written request prior to the expiration date of said 5-year period and upon the terms and conditions as specified by the State; such terms and conditions shall be limited to the State's right to extend said period and modify the considerations due the State which shall include, but not be limited to, additional charges for administrative costs and appreciation of land and valuable material.

Reservations to State

State reserves for itself, its successors and assigns, the right at all times and for any purpose to cross and recross said right of way at any place on grade or otherwise, and to use said right of way for road purposes, insofar as is compatible with Grantee's operation, and provided such reserved rights shall be exercised in a manner that will not unreasonably interfere with the rights of the Grantee hereunder.

The State reserves to itself, its successors and assigns, the right to develop, improve, and utilize the land and natural resources thereon, within the limits of the right of way granted herein, insofar as such reservations are compatible with the Grantee's operation and insofar as such action will not unreasonably interfere with the rights of the Grantee.

In the event the State, its successors or assigns elects to act within the reservation, it shall give written notice to the Grantee of such

App. No. 39226

election and will then assume responsibility for allowing no growth or obstruction on the right of way that will be incompatible or interfere with the Grantee's use thereof.

When so notified, Grantee will not eradicate by broadcast brush spraying, or other methods of removal, any growth on the portion of the right of way being so used by the State. In the event the Grantee injures or damages growth while responding to an emergency such as, but not limited to, a fire, flood, or facility failure, or necessary repair to such facility, the State shall have no recourse or cause of action against the Grantee for or on account of such injury.

Furthermore, the State shall notify the Grantee in writing of any cessation of any management plan enacted, and such notice will relieve the State of growth and obstruction control; provided, upon such notice of cessation, the State shall remove or cause to be removed, all growth and obstruction on the right of way that will interfere with the Grantee's use thereof.

The State may grant to third parties, upon such terms as it chooses, any or all of the rights reserved by it herein; provided that use by such third party shall be subject to the terms and conditions of this easement and shall not unreasonably interfere with the rights granted hereunder.

Compliance with Laws and Regulations

The Grantee shall comply with all applicable laws to the extent that it can legally do so, including all Department of Natural Resources regulations, county and municipal laws, ordinances, or regulations in effect and authorized by law or laws of the State of Washington.

The Grantee shall cause its Permittee to comply with those requirements and conditions set forth hereinafter which are applicable to the Permittee's operation.

In addition to compliance with those laws of the State of Washington pertaining to forest protection, the Grantee shall contact the State's Area Manager at Ellensburg, Washington, who shall determine any extra requirements pertaining to burning procedure, blasting, watchman, extra patrol, pumpers, tankers, fire hose, fire tools, etc., which are deemed necessary for prevention and suppression of fire resulting from construction operations. Such requirements will be included in the Grantee's invitation to bid and will be made part of the contract with the successful bidder.

Damage and Protection from Damage

Grantee, when using the rights granted herein, shall repair or cause to be repaired, at its sole cost and expense, all damage to improvements on State lands occasioned by it, which is in excess of that which it would cause through normal and prudent use of such rights.

During operations under this Agreement, including the construction of roads and facilities, the Grantee shall take such precautions as necessary to minimize, insofar as possible, soil erosion and damage to the soil. Equipment will not be operated when ground conditions are such that excessive damage will result.

All soil surfaces on the right of way, temporary roads and skid trails, which are devoid of natural cover as a result of the operations hereunder, shall be reseeded to a grass mixture recommended by the local office of the County Extension Agent.

All legal subdivision survey corners and witness objects are to be preserved. If such are destroyed or disturbed, the Grantee shall re-establish same in accordance with the U. S. General Land Office standards at his own expense. Those corners that must be necessarily disturbed or destroyed in process of construction must be adequately referenced prior to removal of the corner and/or witness object. The Grantee shall record these references in the respective offices of the local county engineer and the Commissioner of Public Lands.

The Grantee shall prevent, at its own cost, the establishment of weeds upon, and the spread of weeds from, any portion of the right of way herein granted which is adjacent to cultivated State lands, and shall comply with the county noxious weed control board rules and regulations established under the Uniform Noxious Weed Control Statute (Chapter 113, Laws of 1969 Ex. Sess.).

In the event the county noxious weed control board directs the Grantee to control weeds or the Grantee elects to kill or control the growth of weeds and/or brush by chemical treatment within or in proximity to said right of way, he shall use only those chemical agents, the container labels of which have been registered with the Washington State Department of Agriculture. Such use must be in accordance with labeled directions and approved of jointly by the Washington State Department of Agriculture and the County Extension Agent before commencement of any control program.

Preinstallation Requirement

The Grantee's operations specified herein shall be conducted in accordance with the provisions of the State approved Plan of Operation in force at the time of construction, reconstruction, or development of the right of way.

Provided, however, thirty (30) days prior to the commencement of said operations, the Grantee shall submit to the Area Manager at Ellensburg, Washington, for written approval, a complete and detailed Plan of Operation for the development of the right of way. The Grantee shall provide for the examination of the right of way, with the State's Area Manager, before any construction, reconstruction, or development is commenced.

Installation Specifications

The Grantee shall so place, protect, and/or bury said pipeline and irrigation line as to allow the unobstructed movement of any equipment or materials across the surface of the right of way and shall install said pipeline and irrigation line at such depth as to not interfere with the normal and usual use of the land.

Provided that the pipeline and irrigation line shall be buried at a minimum depth of thirty six (36) inches below the surface of said right of way.

The Grantee shall mark the location of said buried pipeline and irrigation line with painted metal posts and signs placed at the approximate beginning and termination points of the right of way. Said signs shall identify the installation as a buried pipeline and irrigation line and shall designate ownership of the installation.

Response to an Emergency

Nothing contained herein shall prevent the Grantee from responding to an emergency relating to the facilities on the right of way.

Notice of Noncompliance

The State shall notify the Grantee by United States mail, addressed to the address shown on the application for this easement on file in the office of the Commissioner of Public Lands in Olympia, Washington, of any instance of noncompliance with any of the terms and conditions hereof. Such notice will specifically identify the manner of noncompliance herewith. Upon receipt of such notice the Grantee shall immediately take or cause to be taken effective remedial action.

In the event the Grantee does not undertake, or cause to be undertaken, remedial action within fifteen (15) days following receipt of said notice,

the State, acting by and through its Area Manager at Ellensburg, Washington, may suspend the Grantee's operations on State lands until such time as effective remedial action is taken.

IN WITNESS WHEREOF, the parties hereto have executed this instrument, in duplicate, as of the day and year first above written.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

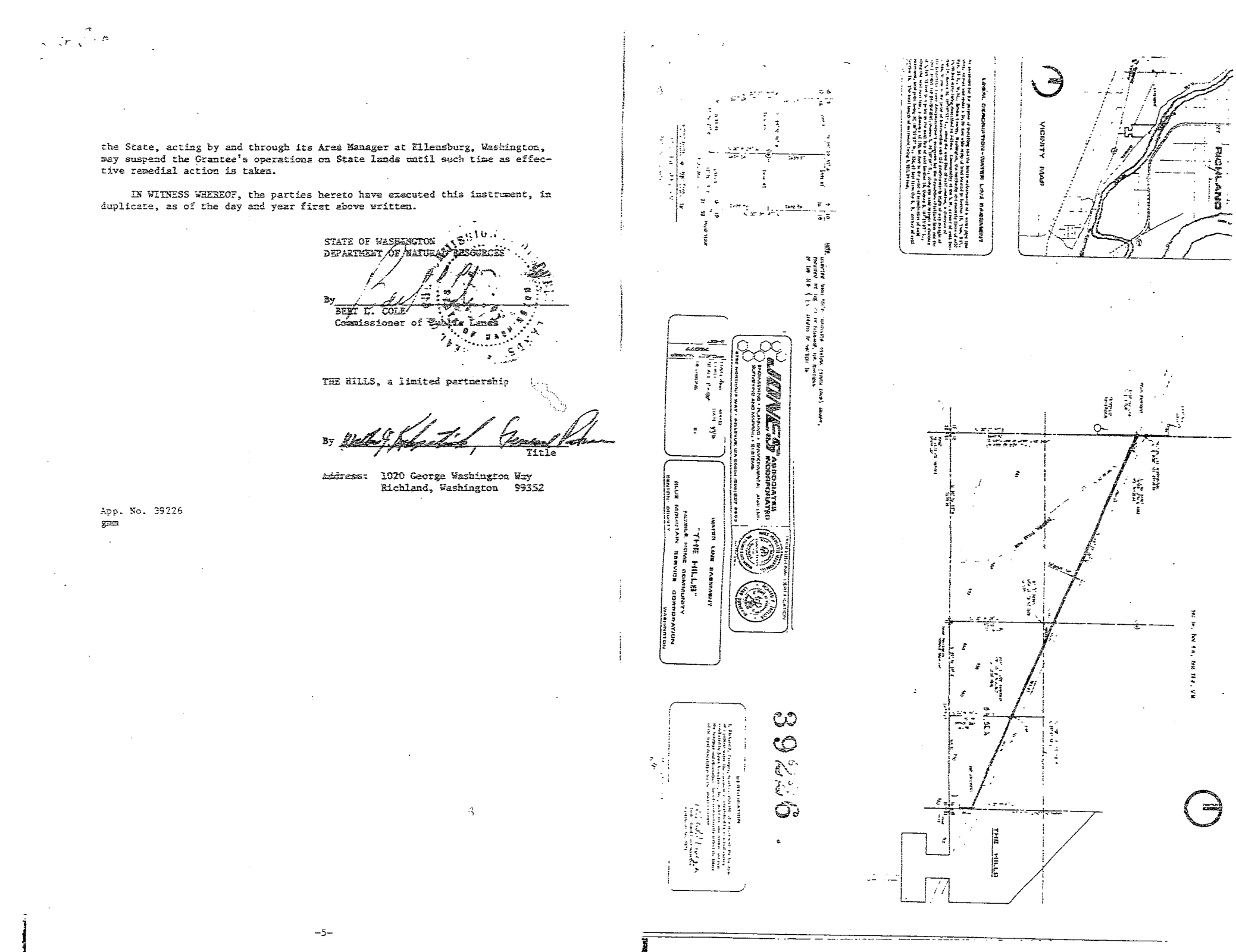
By _____
BERT L. COLE
Commissioner of Public Lands

THE HILLS, a limited partnership

By _____
Title

Address: 1020 George Washington Way
Richland, Washington 99352

App. No. 39226
gmm



16-9-28 NW SW

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RELINQUISHMENT OF EASEMENT

VOL 418 PAGE 79

THE BLUE MOUNTAIN SERVICE CORPORATION, WASHINGTON, a corporation organized under the laws of the State of Washington, for consideration paid, hereby relinquishes to the City of Richland, Washington the following described underground easement to-wit:

Commencing at the southwest corner of Section 16, Township 9 North, Range 28 East, W.M.; Thence N 00°07'57" E along the west line of said Section 16, a distance of 2648.30 feet; Thence S 67°07'00"E, a distance of 77.94 feet to the TRUE POINT OF BEGINNING; said point being on the west right-of-way of Bombing Range Road and the north line of said easement; Thence N 67°07'00"E, a distance of 130.60 feet to the east right-of-way of Bombing Range Road; thence S 39°46'03"E, along the west right-of-way, a distance of 43.53 feet; Thence N 67°07'00"W, a distance of 130.60 feet to the east right-of-way of Bombing Range Road; Thence N 39°46'03"W along the west right-of-way, a distance of 43.53 feet to the TRUE POINT OF BEGINNING.

IN WITNESS WHEREOF, the Blue Mountain Corporation has caused this instrument to be executed by its proper officers this 1st day of Dec., 19 81.

BLUE MOUNTAIN CORPORATION

By Jeff D. Roberts
JEFF D. ROBERTS
Executive Vice-President

ATTEST:

LESLIE A. SMITH, CITY CLERK

CITY OF RICHLAND
FILED BY
DEC 28 3 44 PM '81
VERNON MILLER, AUDITOR
DEPUTY
RECORDED IN VOL 418

BENTON COUNTY EXCISE TAX PAID

67952

STATE OF WASHINGTON)
) ss
COUNTY OF BENTON)

On this 1 day of December, 19 81, before me the undersigned, a notary public in and for the State of Washington, personally appeared Jeff D. Roberts to me known to be the Executive Vice-President for the Blue Mountain Corporation, the corporation that executed the foregoing instrument and acknowledged the same instrument to be the free and voluntary act and deed of said corporation, for the use and purposes therein mentioned.

WITNESS my hand and official seal hereunto affixed the day and year in this certificate above written.

MARILYN A. COTÉ NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES AUG. 24, 1982

Marilyn A. Coté
Notary Public in and for the State of Washington residing at Kennewick

16-9-28 NW SW

854325

VOL 418 PAGE 80 EASEMENT DEED

The Grantor, City of Richland, Washington, a municipal corporation, for and in consideration of the sum of One Dollar ($1.00) and other valuable considerations, conveys and quit claims to Blue Mountain Service Corporation, a Washington Corporation, for the benefit of the Hills Mobile Home Park, an easement in, over and under the following described property situated in the County of Benton, State of Washington:

An easement for the purpose of installation and maintenance of a water pipeline over, across and under the right-of-way of the Bombing Range Road located in the northwest quarter of the southwest quarter of Section 16, T 9 N, R 28 E, W.M., Benton County, Washington. Said easement being described as follows:

Commencing at the southwest corner of Section 16, Township 9 North, Range 28 East, W.M.; Thence N 00°07'57" E along the west line of said Section 16, a distance of 2648.30 feet; Thence S 67°07'00"E, a distance of 77.94 feet to the TRUE POINT OF BEGINNING; said point being on the west right-of-way of Bombing Range Road and the north line of said easement; Thence S 67°07'00"E, a distance of 130.60 feet to the east right-of-way of Bombing Range Road; thence S 39°46'03"E, along the east right-of-way, a distance of 43.53 feet; Thence N 67°07'00"W, a distance of 130.60 feet to the west right-of-way of Bombing Range Road; Thence N 39°46'03"W along the west right-of-way, a distance of 43.53 feet to the TRUE POINT OF BEGINNING.

with full right to go upon said premises at any time for such purposes, together with the right to trim brush and trees that may interfere with the construction, maintenance and operation of same and the right to permit franchise holders and utility licensees of Blue Mountain Service Corporation to place telephone, telegraph, and television cable circuits and gas piping in said easement.

BENTON COUNTY EXCISE TAX PAID

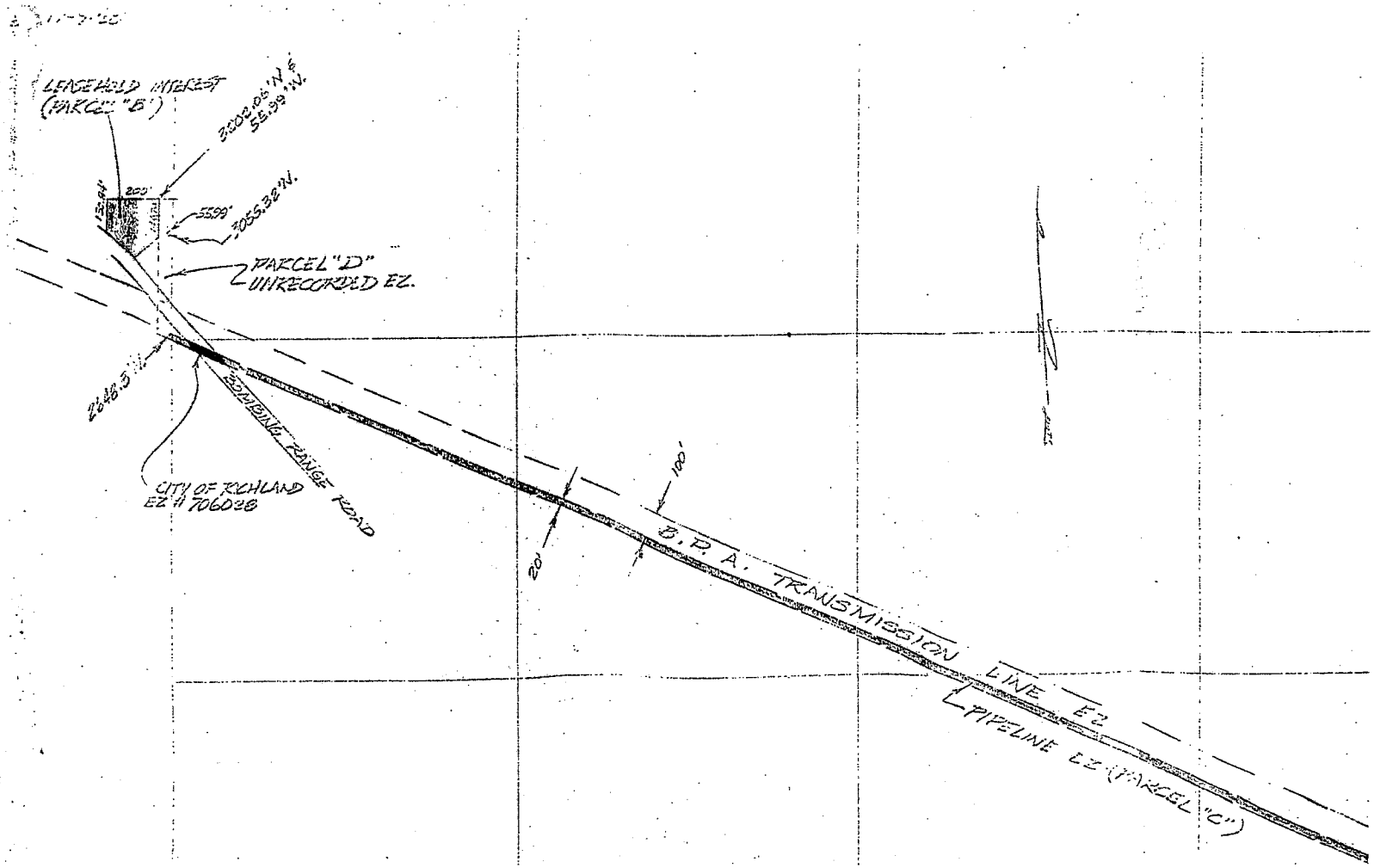
97952

Dated this 8th day of December, 1981.

CITY OF RICHLAND
FILED BY
DEC 28 3 44 PM '81
DEPUTY
RECORDED IN VOL 418

Neal J. Shulman
Richland City Manager

Leslie A. Smith
Richland City Clerk


LEASEHOLD INTEREST
(PARCEL "B")
3202.06'N &
55.99'W.
200'
55.99'
3055.32'N.
PARCEL "D"
UNRECORDED EZ.
2245.3'N.
BOMBING RANGE ROAD
CITY OF RICHLAND
EZ # 706028
100'
20'
B.P.A. TRANSMISSION LINE EZ
PIPELINE EZ (PARCEL "C")

VOL. 624 PAGE 802 95 3864

FILED BY
FEB 17 3 21 PM '95
BENTON COUNTY, AUDITOR

OFFICIAL RECORDS

BENTON RURAL ELECTRIC ASSOCIATION

ELECTRIC LINE
RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned, CHIAWANA ORCHARDS, for good and valuable consideration the receipt of which is hereby acknowledged, as Grantor, has granted and does hereby give, grant, and convey unto the Benton Rural Electric Association, a Corporation, as Grantee, and to its successors and sub-lessee or assigns, easement along, over, under and across the following described tracts of land located in Benton County, Washington, together with right of ingress and egress for repairs, improvements, or removal, to wit:

Section 16, Township 9 North, Range 28 East, W.M., Benton County, Washington.

A twenty (20) foot wide electric utility easement for Benton Rural Electric Association, being ten (10) feet on either side of the centerline described herein.

Beginning at the center 1/4 corner of Section 16; thence S0°00'00"E for 25 feet; thence N90°00'00"W for 493 feet, this being the true point of beginning; thence N90°00'00"W for 830 feet to the terminus.

(See attached Exhibit "A")

The purpose of this easement is to construct, reconstruct, rephase, repair, operate and maintain an electrical distribution system. The undersigned agree that trees can be cut that may interfere or threaten the system and that all poles, wire, cables and other facilities installed on the above-described land, shall remain the property of Benton Rural Electrical Association, removable at the option of Benton Rural Electric Association. Grantee releases and agrees to indemnify Grantor for any injury, loss or damage arising on account of the sole negligence of Grantee in the exercise of rights granted hereunder.

IN WITNESS WHEREOF,

the Grantor herein name have signed this instrument on this 1 day of Feb, 1995.

Chiawana Orchards by Bruce Allen

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY [illegible] 2/17/95 DEPUTY

STATE OF WASHINGTON)
)ss.
COUNTY OF BENTON)

I certify that I know or have satisfactory evidence that Bruce Allen and _____ signed this instrument and acknowledged it to be (his/her/their) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Feb 1, 1995

(SEAL)

Signature of Notary Public Deborah K Parker

DEBORAH K. PARKER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
DEC. 29, 1995

Title

My appointment expires 12-29-95

BENTON RURAL ELECTRIC
Member owned & controlled since 1937.
P.O. Box 1150 Prosser, WA 99350

OFFICIAL RECORDS

VOL. 624 PAGE 803

Benton REA

Washington 8 Benton

Staking Sheet

Name Chiawana Orchards

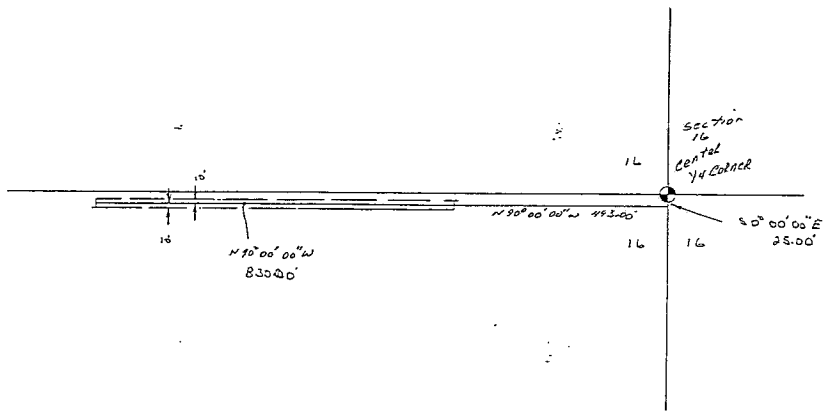
Location

Block 50 Twp 9N R 28E Sec. 16 Phone Number

Work Order No. 1541

Sheet No. 1 of 1

By: AWB Chked



EXCEL\ENGV\TAK_SHT.XLS Revised 7/8/93

16-9-28

BENTON RURAL ELECTRIC ASSOCIATION

95 6427

ELECTRIC LINE
RIGHT-OF-WAY EASEMENT

VOL. 625 PAGE 3121

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned, CHIAWANA ORCHARDS, for good and valuable consideration the receipt of which is hereby acknowledged, as Grantor, has granted and does hereby give, grant, and convey unto the Benton Rural Electric Association, a Corporation, as Grantee, and to its successors and sub-lessee or assigns, easement along, over, under and across the following described tracts of land located in Benton County, Washington, together with right of ingress and egress for repairs, improvements, or removal, to wit:

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(See attached Exhibit "A")

The purpose of this easement is to construct, reconstruct, rephase, repair, operate and maintain an electrical distribution system. The undersigned agree that trees can be cut that may interfere or threaten the system and that all poles, wire, cables and other facilities installed on the above-described land, shall remain the property of Benton Rural Electrical Association, removable at the option of Benton Rural Electric Association. Grantee releases and agrees to indemnify Grantor for any injury, loss or damage arising on account of the sole negligence of Grantee in the exercise of rights granted hereunder.

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY 24Mar95 DEPUTY

IN WITNESS WHEREOF,
the Grantor herein name have signed this instrument on this 17 day of March, 1995.

Chiawana Orchards
by [signature]

FILED BY
MAR 24 4 19 PM '95
DORIS GAGNER
BENTON COUNTY, AUDITOR

STATE OF WASHINGTON)
)ss.
COUNTY OF BENTON)

I certify that I know or have satisfactory evidence that Bruce Allen and _____ signed this instrument and acknowledged it to be (his/her/their) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated March 17, 1995
Signature of Notary Public Deborah K Parker
Title Customer Service
My appointment expires 12-29-95

(SEAL)

DEBORAH K. PARKER
COMMISSION EXPIRES
NOTARY
PUBLIC
DEC. 29, 1995
STATE OF WASHINGTON

BENTON RURAL ELECTRIC
Member owned & controlled since 1937.
P.O. Box 1150 Prosser, WA 99350

Benton REA

Washington 8 Benton

Staking Sheef

Name Chiawana Orchards

Location

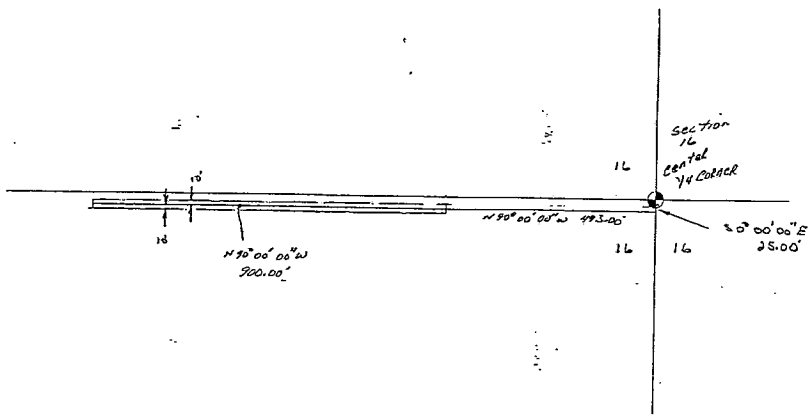
Block 50 Twp 9N R 28E Sec. 16 Phone Number

Work Order No. 1541

Sheet No. 1 of 1

By: MKB Chked

VOL 625 PAGE 3122



C:\EXCEL\ENGISTAK_SHT.XLS Revised 7/8/93

16-9-28

Gvt LT 4
N½NW
SW

2003-057983
Pg: 1 of 4
11/24/2003 01:49p
Benton County

AFTER RECORDING RETURN TO:
Fidelity Title
406 N. 2nd St
Yakima, WA 98901
49917-DK

CHICAGO TITLE INSURANCE

DOCUMENT TITLE(s) (or transactions contained therein):

1. Lease Assignment

REFERENCE NUMBER(s) of documents assigned or released:

GRANTOR(s):

1. Chiawana Orchards, A Partnership

additional names on page_____of document

GRANTEE(s):

1. Chiawana Orchards, LLC

additional names on page_____of document

LEGAL DESCRIPTION:
Ptn 16-9-28

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(s):
8-1698-200-0001-001

2003-057983
Pg1 2 of 4
11/24/2003 01:49P
CHICAGO TITLE ASSGN 22.00 Benton County

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
JENNIFER M. BELCHER, Commissioner of Public Lands
Olympia, Washington

VOLUNTARY LEASE ASSIGNMENT

Agreement No. 12-A69122

For and in consideration of the sum of ten dollars and other valuable consideration the hereinafter named assignor(s) hereby assign(s), set(s) over, and transfer(s) all of their right, title, and interest in and to that portion of the lease or contract No. 12-069122; herein described:

N½NW¼, Government Lot 4 lying west of irrigation canal, and the SW¼ lying north of State Road 305, Section 16, Township 9 North, Range 28 East, W.M., Benton County, Washington, containing 233 acres, more or less, according to the government survey thereof;

unto: **Chiawana Orchards, L.L.C.** whose address is: **611 Vaughn Road, Yakima, WA 98908**, and said assignee(s) hereby binds and obligates themselves to perform all the conditions and covenants of said lease or contract.

In the event the assignee is a corporation, and if at any time during the term of this lease any part or all of the corporate shares of the assignee be transferred by sale, assignment, bequest, inheritance, operation of law, or other disposition so as to result in a change in the present control of the assignee by the person or persons now owning a majority of the corporate shares, such change shall be deemed an assignment of this lease, which, to become legally effective, requires the prior written approval of the Department of Natural Resources.

Approval of this assignment by the department is not a discharge of the assignor or assignor's surety from any or all liabilities, obligations, or duties incurred under contract No. 12-069122, dated March 31, 1992, made prior to the date of consent of this assignment. Assignor shall be and remain jointly and severally liable with the assignee or transferee for all future obligations under the lease or contract, unless released in writing by the State. Assignor's obligations shall continue in full force and affect as to and include any additional obligations created by any renewal, amendment, modification, extension, assignment or transfer of the lease or contract whether or not assignor shall have received notice of or consented to the same.

CHICAGO TITLE ASSGN 22.00 2003-057983 Pg: 3 of 4 11/24/2003 01:49P Benton County

Assignor waives all surety defenses and waives notice of any breach by a subsequent assignee or transferee.

ASSIGNOR:

CHIAWANA ORCHARDS, A Partnership
UBI #: 601 137 833

Dated: OCTOBER 30, 2000.

BRUCE D. ALLEN, Partner

WALTER G. MEYER, Partner

ALAN A. McDONALD, Partner

DAVID NEWMAN, Partner

611 VAUGHN ROAD
YAKIMA, WA 98908

ASSIGNEE:

CHIAWANA ORCHARDS, L.L.C.
UBI #: 602 001 417

Dated: OCTOBER 30, 2000.

BRUCE D. ALLEN, Member

WALTER G. MEYER, Member

ALAN A. McDONALD, Member

DAVID NEWMAN, Member

611 VAUGHN ROAD
YAKIMA, WA 98908

(Commissioner's Seal)

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: June 22, 2001.

WILLIAM O. BOYUM
Southeast Region Manager

The Commissioner of Public Lands will not approve any assignment unless the lease or contract is in good standing, and the assignee and assignor's signatures have been properly notarized. The original lease or contract must be submitted along with three (3) copies of this assignment form, three (3) copies of the Loan Security Agreement form, and a $25.00 fee.

CHICAGO TITLE ASSGN 22.00 2003-057983 Pg: 4 of 4 11/24/2003 01:49P Benton County

NOTARIAL CERTIFICATE-ASSIGNOR
ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY

STATE OF Washington)
) ss.
COUNTY OF Yakima)

I certify that I know or have satisfactory evidence that Bruce D. Allen, Walter G. Mayer, Alan A. McDonald & David Newman [name(s)] (is / are) the person(s) who appeared before me, and said person(s) acknowledged that (he / she / they) signed this instrument, on oath stated that (he / she / they) (was / were) authorized to execute the instrument, and acknowledged it as the Partners [office(s) or title(s)] of Chiawana Orchards (business name of the Lessee) to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in the instrument.

DATED: OCTOBER 30, 2003

(Seal or Stamp)

Roxanna M. Price
NOTARY PUBLIC in and for the
State of Washington
My appointment
expires Mar. 1, 2004

NOTARIAL CERTIFICATE-ASSIGNEE
ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY

STATE OF Washington)
) ss.
COUNTY OF Yakima)

I certify that I know or have satisfactory evidence that Bruce D. Allen, Walter G. Mayer, Alan A. McDonald & David Newman [name(s)] (is / are) the person(s) who appeared before me, and said person(s) acknowledged that (he / she / they) signed this instrument, on oath stated that (he / she / they) (was / were) authorized to execute the instrument, and acknowledged it as the Members [office(s) or title(s)] of Chiawana Orchards, L.L.C. (business name of the Lessee) to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in the instrument.

DATED: OCTOBER 30, 2003

(Seal or Stamp)

Roxanna M. Price
NOTARY PUBLIC in and for the
State of Washington
My appointment
expires Mar. 1, 2004

2006-024986
Pg: 1 of 21
08/01/2006 02:26P
BILL RODGERS ASSGN 52.00 Benton County

Return To:

Jerry R. Fish
Stoel Rives LLP
900 SW Fifth Ave.
Portland, OR 97204

Benton County – Recording Cover Sheet

Document Title:	**OVERRIDING ROYALTY ASSIGNMENT**
Reference Nos.:	**Unrecorded State Lease (additional Reference Nos. on attached Exhibit A of document)**
Grantor/Assignor:	**Edward J. Sterne**
Grantee/Assignee:	**Van Eck Absolute Return Advisers Corp.**
Legal Description:	**T6N-R26E W.M., Sec. 16: All**

Additional legal description on Pages 1-17 of Exhibit A of attached document.

Assessor's property tax parcel/account number(s):

116660000000000, 116670000000000, 136780000000000, 116690000000000,
116341000002001, 136670000000000, 136660000000000

2006-024986
Pg: 2 of 21
08/01/2006 02:26P
BILL RODGERS ASSGN 52.00 Benton County

Recording Requested by and
When Recorded Return to:

Jerry R. Fish
Stoel Rives LLP
900 SW Fifth Ave.
Portland, OR 97204

OVERRIDING ROYALTY ASSIGNMENT

[BENTON COUNTY, WASHINGTON]

This Overriding Royalty Assignment (this "Assignment"), dated effective as of July 24, 2006 (the "Effective Date"), is from Edward J. Sterne ("Assignor"), whose address is 1981 W Briarwood Avenue, Littleton, CO 80120, to Van Eck Absolute Return Advisers Corp. ("Assignee"), a Delaware corporation , whose address is c/o Van Eck Associates Corporation, 99 Park Avenue, 8th Floor, New York, NY 10016.

PART I
GRANTING AND HABENDUM CLAUSES

For ten dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which Assignor acknowledges, Assignor has sold, transferred, bargained, conveyed, and assigned, and does by executing and delivering this Assignment sell, transfer, bargain, convey, and assign to Assignee, effective for all purposes as of the Effective Date, 66.66% of 100% of all of Assignor's right, title and interest in and to an overriding royalty in oil and gas leases in the State of Washington, and in all extensions and renewals of such leases, received by Assignor, whether before or after the Effective Date, including but not limited to such percentage of Assignor's overriding royalty in the oil and gas leases listed on attached Exhibit A (all such interest conveyed to Assignee referred to collectively, the "Overriding Royalty");

TO HAVE AND TO HOLD the Overriding Royalty unto Assignee, its successors and assigns, forever. This Assignment incorporates and is made subject to the covenants, representations and warranties of the parties in that certain Purchase and Sale Agreement between Edward J. Sterne and Van Eck Absolute Return Advisers Corp. dated May 19, 2006. In this Assignment, the leases described on attached Exhibit A and any other leases in the State of Washington in which Assignor acquires an overriding royalty pursuant to the Savant Agreement shall be referred to as the "Leases."

PART II
MISCELLANEOUS

2.1 Warranty; Subrogation. Assignor warrants and will forever defend title to the Overriding Royalty against all claims of persons claiming by, through or under Assignor, and Assignor represents that the Overriding Royalty is free and clear of any liens, encumbrances, obligations or defects that arise as a result of actions taken by Assignor (or effective) or omitted, before the Effective Date. This assignment is made with full substitution and subrogation of Assignee, and all persons claiming by, through and under Assignee, to the extent assignable, in and to all covenants and warranties of Assignor's predecessors in title and with full subrogation of all rights accruing under the applicable statutes of limitation or prescription under the laws of the State of Washington and all rights of action against any third party with respect to the Overriding Royalty.

2.2 Further Assurances. So long as authorized by applicable law so to do, Assignor agrees to execute, acknowledge and deliver to Assignee all such other additional instruments, notices, division orders, transfer orders and other documents and to do all such other and further acts and things as may be necessary to more fully and effectively convey and assign to Assignee the Overriding Royalty conveyed by this Assignment or intended so to be conveyed to Assignee.

2.3 Successors and Assigns. This Assignment shall bind and inure to the benefit of Assignor and Assignee and their respective successors and assigns.

2.4 Governing Law. This Assignment shall be governed by and interpreted in accordance with the laws of the State of Washington, without regard to any conflicts of law rule that would direct application of the laws of another jurisdiction.

2.5 Exhibits. The Exhibits attached to this Assignment are made a part of this Assignment for all purposes. References in such Exhibits to instruments on file in the public records are made for all purposes. Unless provided otherwise, all recording references in such Exhibits are to the appropriate records of the counties in which the Leases are located.

2.6 Captions. The captions in this Assignment are for convenience only and shall not be considered a part of or affect the construction or interpretation of any provision of this Assignment.

2.7 Participation of Rosanne Sterne. Assignor's spouse, Rosanne L. P. Sterne, represents that she has no and disclaims any interest in the Overriding Royalty to be conveyed under this Assignment, either directly or indirectly as marital property. Rosanne L. P. Sterne's execution of this Assignment is done solely to make this representation and to quitclaim to

Assignee any interest in the Overriding Royalty that she might be deemed to have. Other than as to this Section 2.7 Rosanne L. P. Sterne is not a party to any other provision in this Assignment.

2.8 Counterparts. This Agreement may be executed in any number of original counterparts all of which, taken together, shall constitute one agreement.

EXECUTED as of the Effective Date:

ASSIGNOR:

EDWARD J. STERNE

Edward J. Sterne

ROSANNE L. P. STERNE

Rosanne L. P. Sterne

STATE OF COLORADO)
) ss.
COUNTY OF Arapahoe)

NOTARY PUBLIC
AMANDA KARA
LUMB-HILAIRE
STATE OF COLORADO
My Comm Expires 12-27-2009

On this 24 day of July, 2006, before me, Edward & Rosanne Sterne personally appeared Edward J. Sterne and Rosanne L. P. Sterne, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Amanda Kara Lumb-Hilaire
Notary Public in and for the State of Colorado
My commission expires:

List of Exhibits:

Exhibit A Leasehold Interests

EXHIBIT "A"
ATTACHED TO AND MADE A PART OF THAT CERTAIN OVERRIDING ROYALTY ASSIGNMENT FROM EDWARD J. STERNE TO VAN ECK ABSOLUTE RETURN ADVISERS CORP.

LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
63-073601	STATE OF WASHINGTON	BENTON	ENCANA OIL & GAS (USA) INC.	08/01/05	6N	26E	16	ALL	640.00	NOT REC
63-073603	STATE OF WASHINGTON	BENTON	ENCANA OIL & GAS (USA) INC.	08/01/05	6N	27E	16	ALL	640.00	NOT REC
63-073604	STATE OF WASHINGTON	BENTON	ENCANA OIL & GAS (USA) INC.	08/01/05	7N	28E	36	ALL	640.00	NOT REC
63-073608	STATE OF WASHINGTON	BENTON	ENCANA OIL & GAS (USA) INC.	08/01/05	6N	29E	16	ALL	640.00	NOT REC
63-074013	STATE OF WASHINGTON	BENTON	ENCANA OIL & GAS (USA) INC.	08/01/05	13N	24E	16	W2NE4, SE4NE4, W2, SE4	600.00	NOT REC
63-074077	STATE OF WASHINGTON	BENTON	ENCANA OIL & GAS (USA) INC.	08/01/05	13N	24E	6	E2, N2NW4, SE4NW4, NE4SW4, S2SE4	521.20	NOT REC
63-075288	STATE OF WASHINGTON	BENTON	ENCANA OIL & GAS (USA) INC.	08/01/05	6N	26E	36	ALL	640.00	NOT REC
63-075313	STATE OF WASHINGTON	BENTON	ENCANA OIL & GAS (USA) INC.	08/01/05	6N	27E	36	ALL	640.00	NOT REC
WA227	STATE 63-072465	BENTON	SAVANT RESOURCES LLC	09/01/01	7N	27E	16	ALL	640.00	NOT REC
WA228	STATE 63-072466	BENTON	SAVANT RESOURCES LLC	09/01/01	7N	27E	36	ALL	640.00	NOT REC
WA229	STATE 63-072467	BENTON	SAVANT RESOURCES LLC	09/01/01	6N	28E	6	LOTS 3, 4, 5, 6, 7, SENW, E2SW	317.90	NOT REC
WA230	STATE 63-072468	BENTON	SAVANT RESOURCES LLC	09/01/01	6N	28E	8	ALL	663.59	NOT REC
WA231	STATE 63-072469	BENTON	SAVANT RESOURCES LLC	09/01/01	6N	28E	10	S2	327.98	NOT REC
WA232	STATE 63-072470	BENTON	SAVANT RESOURCES LLC	09/01/01	6N	28E	14	NE, NWSE	204.93	NOT REC
WA233	STATE 63-072471	BENTON	SAVANT RESOURCES LLC	09/01/01	6N	28E	24	NW	162.35	NOT REC
WA234	STATE 63-072472	BENTON	SAVANT RESOURCES LLC	09/01/01	6N	28E	36	ALL	650.78	NOT REC
WA235	STATE 63-072473	BENTON	SAVANT RESOURCES LLC	09/01/01	7N	28E	16	ALL	640.00	NOT REC
WA236	BLM WAOR-56303	BENTON	PINEY CREEK LAND & ROYALTY	07/01/01	6N	27E	12	SW	160.00	NOT REC
WA237	BLM WAOR-56304	BENTON	PINEY CREEK LAND & ROYALTY	07/01/01	6N	28E	22	NW, SE	1,920.00	NOT REC
					6N	28E	24	NE		
					6N	28E	26	W2		
					6N	28E	28	N2NE, SENE, SWNW, S2		
					6N	28E	34	ALL		
WA265 A 1	FARMLAND RESERVE, INC.	BENTON	SAVANT RESOURCES LLC	11/01/01	5N	26E	1	S2	70,129.70	2002-004853
					5N	26E	2	E2SW, E2SWSW, NWSWSW		
					5N	26E	3	LOT 1, SENE, E2SE LYING NORTH OF		
					"	"	"	STATE HIGHWAY 14		
					5N	27E	1	LOTS 1, 2, 3, 4, S2N2, S2		
					5N	27E	2	NENE OR LOT 1, LOTS 2, 3, 4, S2N2, SW,		
					"	"	"	E2SESE, N2NENESE, W2SE, S2SWSESE		
					5N	27E	3	LOTS 1, 2, 3, 4, S2N2, S2		

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BILL RODGERS
ASSGN
52.00
2006-024986
Pg: 5 of 21
08/01/2006 02:26P
Benton County

EXHIBIT "A"

ATTACHED TO AND MADE A PART OF THAT CERTAIN OVERRIDING ROYALTY ASSIGNMENT FROM EDWARD J. STERNE TO VAN ECK ABSOLUTE RETURN ADVISERS CORP.

LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					5N	27E	4	LOTS 1, 2, 3, 4, S2N2, SW, S2SE, NWSE		
					5N	27E	5	LOTS 1, 2, 3, 4, S2N2, S2		
					5N	27E	6	LOTS 1, 6, 7, SENE, E2SW, SE		
					5N	27E	7	E2 LESS PORTION OF E2 LYING SOUTHERLY OF		
					"	"	"	THE FOLLOWING DESCRIBED LINE: BEGINNING		
					"	"	"	AT THE NW CORNER OF THE S2S2 OF SAID		
					"	"	"	SECTION; THENCE SOUTHEASTERLY IN A		
					"	"	"	STRAIGHT LINE TO THE SW CORNER OF THE		
					"	"	"	SESE OF SAID SECTION AND TERMINUS OF		
					"	"	"	SAID LINE		
					5N	27E	8	NE, W2		
					5N	27E	9	N2, SE		
					5N	27E	10	N2N2		
					5N	27E	12	N2N2, SENE, NESWNW, SESWNE, SWNW,		
					"	"	"	S2SENW, AND NWNESW LYING NORTH OF		
					"	"	"	PORTLAND & SEATTLE RAILWAY COMPANY		
					5N	27E	16	ALL LYING NORTH OF PORTLAND AND SEATTLE		
					"	"	"	RAILWAY ROW LESS THOSE LANDS DESCRIBED		
					"	"	"	IN BOOK 518, PAGE 1499 OF AUDITOR'S		
					"	"	"	OFFICE, BENTON COUNTY, WA.		
					5N	27E	17	ALL LYING NORTH OF PORTLAND AND SEATTLE		
					"	"	"	RAILWAY ROW LESS THOSE LANDS DESCRIBED		
					"	"	"	IN BOOK 518, PAGE 1499 OF AUDITOR'S		
					"	"	"	OFFICE, BENTON COUNTY, WA.		
					5N	28E	1	LOTS 1, 2, 3, 4, LESS AND EXCEPTING FROM		
					"	"	"	SAID LANDS THE SOUTH 600 FT OF LOTS 1, 2, 3, 4		
					5N	28E	4	LOT 4, SWNW, W2SW LESS SOUTH 1496.21 FT.		
					5N	28E	5	LOTS 1, 2, 3, 4, S2N2, N2SW, N2SE LYING		
					"	"	"	NORTH OF COUNTY ROAD		
					5N	28E	6	LOTS 1, 7, E2SW, SENE, NESE LYING NORTH		
					"	"	"	OF THE S. P. & S. RAILROAD ROW LINE;		
					"	"	"	LESS AND EXCEPTING THE PORTION THEREOF		
					"	"	"	CONDEMNED BY THE USA IN US DISTRICT CASE		
					"	"	"	NO. 339 AND AS DESCRIBED IN DECLARATION		
					"	"	"	OF TAKING, RECORDED 1/12/1949 UNDER		
					"	"	"	AUDITOR'S FILE NO. 228854; WEST 3-1/3		
					"	"	"	RODS OF THE EAST 83-1/3 RODS OF THE E2		
					"	"	"	OF SAID SEC. 6 LESS THAT PORTION DEEDED		
					"	"	"	TO USA BY DEED RECORDED UNDER AUDITOR'S		
					"	"	"	FILE NO. 297088.		
					5N	29E	4	SE		
					5N	29E	5	LOTS 1, 2, 3, 4, S2N2, N2S2		
					5N	29E	6	S2NE, N2NESE, NESENW AND ALL THAT		
					"	"	"	PORTION OF THE NWSE, S2NESE, SESE LYING		
					"	"	"	NORTHERLY OF THE NORTHERLY ROW OF		
					"	"	"	EXISTING SPOKANE, PORTLAND AND SEATTLE		
					"	"	"	RAILWAY EXCEPTING THEREFROM A PORTION OF		
					"	"	"	THE ABOVE-DESCRIBED TRACT OF LANDS LYING		
					"	"	"	BELOW 374 FT ABOUT MEAN SEA LEVEL.		
					6N	26E	1	LOTS 1, 2, 3, 4, S2N2, S2		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					6N	26E	2	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	26E	3	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	26E	4	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	26E	5	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	26E	8	ALL		
					6N	26E	9	ALL		
					6N	26E	10	ALL		
					6N	26E	11	ALL		
					6N	26E	12	ALL		
					6N	26E	13	ALL		
					6N	26E	14	ALL		
					6N	26E	15	ALL		
					6N	26E	22	E2, W2 LESS THAT PORTION OF LAND		
					"	"	"	DESCRIBED AS FOLLOWS: BEGINNING AT THE		
					"	"	"	NW CORNER OF SAID SEC. 22; THENCE SOUTH		
					"	"	"	89 DEGREES 54 MINUTES 38 SECONDS EAST		
					"	"	"	ALONG THE NORTH LINE THEREOF, 439.21 FT;		
					"	"	"	THENCE SOUTH 14 DEGREES 09 MINUTES 53		
					"	"	"	SECONDS EAST 1188.86 FT; THENCE SOUTH		
					"	"	"	18 DEGREES 05 MINUTES 32 SECONDS EAST		
					"	"	"	800.51 FT; THENCE SOUTH 35 DEGREES 32		
					"	"	"	MINUTES 35 SECONDS EAST 350.85 FT;		
					"	"	"	THENCE SOUTH 24 DEGREES 18 MINUTES 21		
					"	"	"	SECONDS EAST 787.83 FT; THENCE SOUTH 02		
					"	"	"	DEGREES 18 MINUTES 13 SECONDS EAST		
					"	"	"	440.44 FT; THENCE SOUTH 27 DEGREES 55		
					"	"	"	MINUTES 35 SECONDS EAST 860.95 FT;		
					"	"	"	THENCE SOUTH 26 DEGREES 18 MINUTES 05		
					"	"	"	SECONDS EAST 1079.06 FT; THENCE SOUTH 45		
					"	"	"	DEGREES 36 MINUTES 31 SECONDS EAST		
					"	"	"	455.92 FT TO THE SOUTH QTR CORNER OF		
					"	"	"	SEC. 22; THENCE NORTH 89 DEGREES 43		
					"	"	"	MINUTES 49 SECONDS WEST ALONG THE SOUTH		
					"	"	"	LINE OF SEC. 22, 2694.73 FT TO THE SW		
					"	"	"	CORNER OF SEC. 22; THENCE NORTH 00		
					"	"	"	DEGREES 23 MINUTES 39 SECONDS WEST		
					"	"	"	5392.43 FT TO THE POB AS DESCRIBED IN		
					"	"	"	VOL. 558, PAGE 1033, BENTON COUNTY		
					"	"	"	RECORDS.		
					6N	26E	23	NE, SW		
					6N	26E	24	ALL		
					6N	26E	25	N2N2		
					6N	26E	27	NWNE, S2NE, SE		
					6N	27E	1	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	27E	2	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	27E	3	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	27E	4	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	27E	5	LOTS 1, 2, 3, 4, S2N2, S2		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					6N	27E	6	LOTS 1, 2, 3, 4, 5, 6, 7, S2NE, SENW, E2SW, SE		
					"	"	"			
					6N	27E	7	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	27E	8	ALL		
					6N	27E	9	ALL		
					6N	27E	10	ALL		
					6N	27E	11	ALL		
					6N	27E	12	E2, NWNW, S2NW		
					6N	27E	13	ALL		
					6N	27E	14	ALL		
					6N	27E	15	ALL		
					6N	27E	17	ALL		
					6N	27E	18	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	27E	19	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	27E	20	ALL		
					6N	27E	21	ALL		
					6N	27E	22	ALL		
					6N	27E	23	ALL		
					6N	27E	25	W2		
					6N	27E	26	NE, S2		
					6N	27E	27	SENE, N2NE, NW, S2		
					6N	27E	28	ALL		
					6N	27E	29	E2, E2SW, S2SWSW		
					6N	27E	31	E2E2		
					6N	27E	32	ALL		
					6N	27E	33	ALL		
					6N	27E	34	ALL		
					6N	27E	35	ALL		
					6N	28E	1	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	28E	2	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	28E	3	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	28E	4	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	28E	5	LOTS 1, 2, 3, 4, S2N2, S2		
					6N	28E	6	LOTS 1, 2, S2NE, SE		
					6N	28E	7	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	28E	9	ALL		
					6N	28E	10	N2		
					6N	28E	11	ALL		
					6N	28E	13	ALL		
					6N	28E	14	SW, NESE, S2SE		
					6N	28E	15	ALL		
					6N	28E	21	E2, E2W2		
					6N	28E	22	NE, SW		
					6N	28E	23	ALL		
					6N	28E	24	SW		
					6N	28E	25	ALL		
					6N	28E	26	E2		
					6N	28E	27	ALL		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					6N	28E	29	E2E2, W2SE, S2SW		
					6N	28E	31	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	28E	33	ALL		
					6N	28E	35	N2, N2S2		
					6N	29E	7	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	29E	8	W2		
					6N	29E	9	ALL		
					6N	29E	15	ALL		
					6N	29E	17	ALL		
					6N	29E	19	ALL		
					6N	29E	20	W2		
					6N	29E	21	ALL		
					6N	29E	27	ALL		
					6N	29E	28	E2, NW		
					6N	29E	29	ALL		
					6N	29E	30	SE		
					6N	29E	31	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	29E	33	ALL		
					6N	29E	34	NE, E2SE		
					7N	27E	20	THAT PORTION OF SEC. 20 DESCRIBED AS		
					"	"	"	FOLLOWS: BEGINNING AT THE SE CORNER OF		
					"	"	"	SAID SEC. 20, THENCE NORTH 01 DEGREES 01		
					"	"	"	MINUTES 58 SECONDS EAST ALONG THE EAST		
					"	"	"	LINE OF SEC 20, 4359.14 FT; THENCE SOUTH		
					"	"	"	56 DEGREES 28 MINUTES 21 SECONDS WEST		
					"	"	"	594.29 FT; THENCE SOUTH 37 DEGREES 02		
					"	"	"	MINUTES 41 SECONDS WEST 477.16 FT;		
					"	"	"	THENCE SOUTH 46 DEGREES 28 MINUTES 33		
					"	"	"	SECONDS WEST 1661.28 FT; THENCE SOUTH 11		
					"	"	"	DEGREES 16 MINUTES 44 SECONDS WEST		
					"	"	"	286.71 FT; THENCE SOUTH 37 DEGREES 35		
					"	"	"	MINUTES 23 SECONDS WEST 668.23 FT;		
					"	"	"	THENCE SOUTH 614.92 FT; THENCE SOUTH 27		
					"	"	"	DEGREES 33 MINUTES 06 SECONDS WEST		
					"	"	"	1156.49 FT TO THE SOUTH LINE OF SEC 20;		
					"	"	"	THENCE SOUTH 88 DEGREES 45 MINUTES 19		
					"	"	"	SECONDS EAST 3026.33 FT TO THE POB.		
					7N	27E	21	ALL		
					7N	27E	22	ALL		
					7N	27E	23	S2NE, NWNE, NW, S2		
					7N	27E	25	ALL		
					7N	27E	26	ALL		
					7N	27E	27	ALL		
					7N	27E	28	ALL		
					7N	27E	33	ALL		
					7N	27E	34	ALL		
					7N	27E	35	ALL		
					7N	28E	19	LOTS 1, 2, 3, 4, E2W2, E2, LESS AND		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					"	"	"	EXCEPTING THOSE LANDS MORE PARTICULARLY		
					"	"	"	DESCRIBED AS FOLLOWS: STARTING AT THE NW		
					"	"	"	CORNER OF SEC 19 AND THENCE SOUTH 325 FT		
					"	"	"	ALONG THE WEST LINE OF SEC 19; THENCE NE		
					"	"	"	TO A POINT 525 FT EAST OF THE NW CORNER		
					"	"	"	OF SEC 19, AND ALONG THE NORTH LINE OF		
					"	"	"	SEC 19 (3.91 ACRES).		
					7N	28E	20	W2NW, SW		
					7N	28E	27	S2		
					7N	28E	28	S2NE, W2, SE		
					7N	28E	29	ALL		
					7N	28E	30	LOTS 1, 2, 3, 4, E2W2, E2		
					7N	28E	31	LOTS 1, 2, 3, 4, E2W2, E2		
					7N	28E	32	ALL		
					7N	28E	33	ALL		
					7N	28E	34	ALL		
					7N	28E	35	ALL		
WA300	BLM WAOR-57483	BENTON	SAVANT RESOURCES LLC	09/01/02	9N	28E	34	N2NE	1,077.74	NOT REC
					9N	28E	28	NENE		
					9N	28E	26	NW		
					9N	28E	20	ALL		
					9N	28E	18	UNNUMBERED LOT NWSW, UNNUMBERED		
					"	"	"	LOT SWSW, NWNESW, S2NESW, SESW, SWSWSE		
WA305	FARMLAND RESERVE, INC.	BENTON	SAVANT RESOURCES LLC	11/01/01	5N	26E	1	LOTS 1, 2, 3, 4, S2N2	6,538.52	2002-05013
					5N	27E	6	LOTS 2, 3, 4, 5, SWNE, SENW		
					6N	26E	25	S2N2, S2		
					6N	26E	35	ALL		
					6N	27E	25	E2		
					6N	27E	29	NW, NWSW, N2SWSW		
					6N	27E	30	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	27E	31	LOTS 1, 2, 3, 4, E2W2, W2E2		
					6N	28E	17	ALL		
					6N	28E	18	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	28E	19	LOTS 1, 2, 3, 4, E2W2, E2		
					6N	28E	20	N2		
					6N	28E	21	W2W2		
					6N	28E	29	NW, W2NE, N2SW		
					6N	28E	30	LOTS 1, 2, E2NW, E2		
WA317	TRIPLE S FARMS, INC.	BENTON	SAVANT RESOURCES LLC	05/30/03	8N	26E	1	LOTS 1, 2, 3, 4, S2N2, S2	3,403.26	2003-053373
					8N	26E	2	LOTS 1, 2, 3, 4, S2N2, SE		
					8N	26E	12	E2, NW		
					9N	26E	25	ALL LESS THAT PORTION LYING		
					"	"	"	NORTHEASTERLY OF THE FOLLOWING LINE:		
					"	"	"	BEGINNING AT THE NW CORNER OF SAID		
					"	"	"	SECTION, THENCE SOUTH 0 DEGREES		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					"	"	"	14'45" WEST ALONG THE WEST LINE		
					"	"	"	THEREOF 502.86 FT. TO THE TRUE POINT OF		
					"	"	"	BEGINNING OF SAID LINE. THENCE SOUTH 74		
					"	"	"	DEGREES 06' EAST 1,260 FT. TO A POINT ON		
					"	"	"	THE EAST LINE OF SAID SEC. 25, WHICH		
					"	"	"	BEARS SOUTH 1 DEGREE 44' WEST A DISTANCE		
					"	"	"	OF 5,121.8 FT. FROM THE NE CORNER OF		
					"	"	"	SAID SECTION AND TERMINUS OF SAID		
					"	"	"	DESCRIBED LINE CONTAINING 254.45 ACRES		
					"	"	"	MOL.		
					9N	26E	26	ALL LESS THAT PORTION IN NENE DEFINED AS		
					"	"	"	FOLLOWS: BEGINNING AT THE NE CORNER OF		
					"	"	"	SAID SECTION THENCE SOUTH 0 DEGREES		
					"	"	"	14'45" WEST ALONG EAST LINE THEREOF FOR		
					"	"	"	502.86 FT. THENCE NORTH 45 DEGREES		
					"	"	"	35'27" EAST ALONG SAID NORTH LINE OF		
					"	"	"	SAID SECTION 26. THENCE SOUTH 87		
					"	"	"	DEGREES 52' EAST ALONG SAID NORTH LINE		
					"	"	"	482.74 FT. TO THE NE CORNER THEREOF AND		
					"	"	"	AT THE POINT OF BEGINNING CONTAINING 637		
					"	"	"	ACRES MOL.		
					9N	26E	35	ALL		
					8N	27E	6	LOT 3 EXCEPT THE EAST 343' THEREOF; ALL		
					"	"	"	OF LOT 4.		
					9N	27E	31	LOTS 1, 2, 3, 4, E2W2		
WA318	WILEY RANCHES, INC.	BENTON	SAVANT RESOURCES LLC	06/08/03	8N	26E	11	ALL	2,085.28	2003-053374
					8N	26E	13	ALL		
					8N	26E	14	N2, SW		
					8N	27E	7	W2 (AKA LOTS 1-4, E2W2)		
WA319	CHRISTEN ACRES LLC	BENTON	SAVANT RESOURCES LLC	06/05/03	8N	26E	3	LOTS 1, 2, 3, 4, S2N2, S2	1,394.64	2003-053375
					8N	26E	10	ALL		
					8N	26E	14	SE		
WA323 A	DAVID W. PEARSON ETUX	BENTON	SAVANT RESOURCES LLC	06/12/03	8N	27E	11	ALL	1,280.00	2003-053376
					8N	27E	14	ALL		
WA323 B	RICHARD H. PEARSON	BENTON	SAVANT RESOURCES LLC	06/12/03	8N	27E	11	ALL	1,280.00	2003-053377
					8N	27E	14	ALL		
WA323 C	WAYNE R. PEARSON	BENTON	SAVANT RESOURCES LLC	06/12/03	8N	27E	11	ALL	1,280.00	2003-053378
					8N	27E	14	ALL		
WA370 A	CHESTER HENSON ETUX, TRST	BENTON	SAVANT RESOURCES LLC	07/14/03	8N	27E	2	LOT 4, SWNW, W2SW	4,261.85	2003-053379
					8N	27E	3	LOTS 1, 2, 3, 4, S2N2, S2		
					8N	27E	4	S2N2, S2		
					8N	27E	6	LOTS 5, 6,7, SENW, S2NE, E2SW, SE		
					8N	27E	7	E2		
					8N	27E	8	NW, S2		

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					8N	27E	9	ALL		
					8N	27E	10	ALL		
					8N	27E	17	W2, SE		
WA370 B	CHESTER L HENSON, TRUSTEE	BENTON	SAVANT RESOURCES LLC	07/14/03	8N	27E	6	LOTS 5, 6,7, SENW, S2NE, E2SW, SE	1,763.90	2003-053380
					8N	27E	7	E2		
					8N	27E	8	NW, S2		
					8N	27E	17	W2, SE		
WA400	BLM WAOR-59677	BENTON	SAVANT RESOURCES LLC	02/01/04	9N	26E	19	LOT 5 EXCLUDING LOT 8, BLK. 144, LOTS	39.89	NOT REC
					"	"	"	22, 23, BLK. 146, PLAT OF YAKITAT.		
WA401	BLM WAOR-59678	BENTON	SAVANT RESOURCES LLC	02/01/04	10N	26E	10	NESE	40.00	NOT REC
WA402	BLM WAOR-59679	BENTON	SAVANT RESOURCES LLC	02/01/04	9N	27E	2	SESE	40.00	NOT REC
WA403	BLM WAOR-59680	BENTON	SAVANT RESOURCES LLC	02/01/04	10N	27E	8	S2	1,131.97	NOT REC
					10N	27E	18	UNNUMBERED LOTS NWNW, SWNW, NWSW, SWSW,		
					"	"	"	E2, E2W2 (ALL)		
					10N	27E	30	LOT 2		
					10N	27E	32	S2NE, SENW		
					10N	27E	34	SWNW		
WA419 A	BERNICE BOHOSKEY	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033190
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 B	GRATIA RUTH BROWN	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033191
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 C	STEPHANIE JO ANN LINDAHL	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033192
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					8N	26E	20	NE, NENW		
					8N	26E	21	ALL		
					8N	26E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 D	SUSAN APRIL STOVAL	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033193
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 E	MARJORIE T BRONSON ESTATE	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033194
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 F	ARTHUR SCHADE	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033195
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 G	CONSTANCE KOCH	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033196
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 H	CHARLES W. BOHOSKEY	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033198
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 I	KATHERINE A. BARR	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033197
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 J	BOHOSKEY LLC	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033199
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		

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					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA419 K	CONSTANCE E. LUCIANO	BENTON	SAVANT RESOURCES LLC	06/14/04	8N	28E	6	LOTS 3, 4, 5, 7, SENW, SE	10,581.12	2004-033200
					8N	28E	7	LOTS 1-4, E2W2, E2		
					8N	28E	15	THAT PART OF S2SW SOUTH OF BADGER ROAD		
					8N	28E	17	THAT PART OF S2S2 SOUTH OF BADGER CANAL		
					8N	28E	19	LOTS 1-4, E2W2, E/2		
					8N	28E	20	NE, NENW		
					8N	28E	21	ALL		
					8N	28E	22	N2NW, N2S2NW		
					9N	25E	25	ALL LESS N2N2NW		
					9N	26E	10	LOTS 6-8		
					9N	26E	14	N2, S2N2SE, S2SE BEING THAT PART OF ALL		
					"	"	"	DESCRIBED LYING SOUTH OF IRRIGATION		
					"	"	"	CANAL		
					9N	26E	15	N2 LESS N2N2, N2SW, W2W2SWSW, SESW, SWSE		
					9N	26E	17	LOT 8, SESE		
					9N	26E	19	ALL SOUTH OF NPRR ROW		
					9N	26E	20	SWNW, LOTS 1&2		
					9N	26E	21	E2		

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LEASE NO.	LESSOR	COUNTY	LESSEE	LEASE DATE	TWN	RNG	SEC	LEGAL DESCRIPTION	GROSS ACRES	AUDITORS FILE NUMBER
					9N	26E	23	ALL LESS 5A IN N2SWSESE		
					9N	27E	8	N2SE		
					9N	27E	12	W2		
					9N	27E	21	NE, SENW, S2		
					9N	27E	23	NENE, NENW, W2W2, W2SE		
					9N	27E	25	N2NWNE, NENW, SWNW, NWSW, E2SW, S2SE		
					9N	27E	26	N2NE, SENE, NENW		
					9N	27E	27	N2 LESS S2S2NW		
					9N	27E	34	NWNW		
					9N	27E	35	ALL		
					9N	28E	5	NESW SOUTHWESTERLY OF CANAL, NWSW, S2SW		
					9N	28E	7	NENE, SWSE		
					9N	28E	9	LOTS 3&4 WEST OF CANAL ROW, NWSW, SWSW,		
					"	"	"	LOTS 7&8 SOUTHWEST OF CANAL ROW		
					9N	28E	28	ALL LESS NENE		
					9N	28E	29	ALL		
					9N	28E	32	E2E2, SWNW, SW, SWSE		
WA532 A	DAVID PEARSON ETUX	BENTON	SAVANT RESOURCES LLC	06/09/04	7N	27E	6	LOTS 1, 2, S2NE, LOTS 6, 7, E2SW, SE	3,195.84	2004-027266
					7N	27E	8	ALL		
					7N	28E	8	N2, SE		
					8N	27E	31	LOTS 1, 2, 3, 4, E2W2, E2		
					8N	27E	32	S2		
					8N	27E	34	ALL		
WA532 B	RICHARD H. PEARSON	BENTON	SAVANT RESOURCES LLC	06/09/04	7N	28E	8	N2, SE	480.00	2004-027267
WA535	WAYNE R. PEARSON	BENTON	SAVANT RESOURCES LLC	06/09/04	8N	27E	22	S2	320.00	2004-027268
WA536	WILEY RANCHES, INC.	BENTON	SAVANT RESOURCES LLC	06/02/04	8N	26E	22	ALL	1,634.93	2004-027269
					8N	26E	24	NE		
					8N	27E	28	ALL		
					8N	27E	29	MEETS & BOUNDS DESCRIPTION CONTAINING		
					"	"	"	194.93 ACRES		
WA537	GREG SMITH ETAL	BENTON	SAVANT RESOURCES LLC	06/03/04	7N	27E	10	ALL	2,721.60	2004-027270
					8N	26E	24	NW		
					8N	27E	30	LOTS 1, 2, 3, 4, E2W2, E2		
					8N	27E	33	ALL LESS 75' OF THE NORTH 625' OF		
					"	"	"	WEST 150' OF NW		
					8N	27E	35	ALL		
WA598	STATE 63-073605	BENTON	SAVANT RESOURCES LLC	08/01/05	9N	28E	16	W2NE, SENE, W2, NESE, NWSE, S2SE	541.75	NOT REC
WA627	STATE 63-075292	BENTON	SAVANT RESOURCES LLC	08/01/05	8N	26E	16	S2NW,S2N2NW,W2NENWNW,E2NWNENW,	630.00	NOT REC
					"	"	"	NENENW,NE,S2,NWNW		
WA628	STATE 63-075294	BENTON	SAVANT RESOURCES LLC	08/01/05	9N	26E	16	ALL	640.00	NOT REC
WA629	STATE 63-075295	BENTON	SAVANT RESOURCES LLC	08/01/05	9N	26E	36	ALL	640.00	NOT REC

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WA630	STATE 63-075296	BENTON	SAVANT RESOURCES LLC	08/01/05	10N 10N	26E 26E	5 14	S2NW4 SW4SW4	120.00	NOT REC
WA631	STATE 63-075297	BENTON	SAVANT RESOURCES LLC	08/01/05	10N	26E	20	ALL	640.00	NOT REC
WA632	STATE 63-075298	BENTON	SAVANT RESOURCES LLC	08/01/05	10N	26E	36	ALL	640.00	NOT REC
WA633	STATE 63-075315	BENTON	SAVANT RESOURCES LLC	08/01/05	8N	27E	16	ALL	640.00	NOT REC
WA634	STATE 63-075320	BENTON	SAVANT RESOURCES LLC	08/01/05	9N "	27E "	20 "	NE4,E2NW4,N2N2SW4,SE4NW4SW4, NE4NE4SW4SW4,S2NE4SE4	352.50	NOT REC
WA635	STATE 63-075325	BENTON	SAVANT RESOURCES LLC	08/01/05	10N	27E	16	SE4NW4,NE4,S2	571.50	NOT REC
WA636	STATE 63-075326	BENTON	SAVANT RESOURCES LLC	08/01/05	10N	27E	32	SE4,E2SW4,SW4SW4	280.00	NOT REC
WA637	STATE 63-075327	BENTON	SAVANT RESOURCES LLC	08/01/05	10N	27E	36	ALL EXCEPT S2SE4NE4SE4	630.00	NOT REC
WA640	STATE 63-075331	BENTON	SAVANT RESOURCES LLC	08/01/05	8N	28E	16	ALL	640.00	NOT REC
WA641	STATE 63-075332	BENTON	SAVANT RESOURCES LLC	08/01/05	8N	28E	20	N2SE4	80.00	NOT REC
WA642	STATE 63-075333	BENTON	SAVANT RESOURCES LLC	08/01/05	8N	28E	36	ALL	640.00	NOT REC
WA643	STATE 63-075334	BENTON	SAVANT RESOURCES LLC	08/01/05	9N	28E	30	ALL	669.31	NOT REC
WA644	STATE 63-075335	BENTON	SAVANT RESOURCES LLC	08/01/05	9N	28E	36	ALL	640.00	NOT REC

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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

A. Background Find help answering background questions

1. **Name of proposed project, if applicable:**

   DNR Richland 16, Lot 2 Comprehensive Plan Map Amendment and Rezone

2. **Name of applicant:**

   Washington State Department of Natural Resources (DNR)

3. **Address and phone number of applicant and contact person:**

   Applicant and Contact:
   Tina Hochwender, Transition Lands Planning Manager
   Washington State Department of Natural Resources (DNR)
   PO Box 47014 – 1111 Washington St SE
   Olympia, WA 98504
   (360) 742-2170

4. **Date checklist prepared:**

   02/28/2023

5. **Agency requesting checklist:**

   City of Richland, WA

6. **Proposed timing or schedule (including phasing, if applicable):**

   The city is allowed to amend its Comprehensive Plan once per year. Anticipate this proposal adopted in the city's upcoming Comprehensive Plan amendment process subsequent to the rezone request.

   The proposal is in preparation for DNR to auction the property in 2024 for future development by others.

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

   The proposal is in preparation for DNR to auction the property. DNR has no plans to develop the property. The future purchaser will complete future development of the property.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

   No environmental information has been prepared or will be prepared directly related to this proposal. It is likely the property will require further environmental review when the future purchaser proposes the future development.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

The rezone application will be acted upon subsequent to the Comprehensive Plan Map Amendment.

10. List any government approvals or permits that will be needed for your proposal, if known.

- Boundary Line Adjustment, City of Richland
- SEPA review, City of Richland
- Comprehensive Plan Map Amendment, City of Richland
- Rezone, City of Richland
- Future development by future purchaser will need additional permitting based up the Richland Municipal Code

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The purpose of the proposed comprehensive plan map amendment is to reclassify the southern 16 acres of Lot 2 of the Richland 16 property from its current land use designation of PBF- Public Facility to MDR-Medium Density Residential land use designation. Lot 2 is part of the Washington State Department of Natural Resources' (DNR) 375-acre Richland 16 property. In 2019, DNR's Richland 16 property was segregated into 10 Lots and each lot's land use and zoning designation was approved. Lot 4, located south of Lot 2 and consisting of approximately 42 acres, was being considered for purchase by the Richland School District for the site of a school and was designated PBF-Public Facility and zoned PPF Parks & Public Facilities. In 2022, the Richland School District requested to purchase only the southern 26 acres of Lot 4 for the location of a future school. To accommodate the Richland School District's request to reduce the size of Lot 4, a Boundary Line Adjustment (BLA) between Lots 2 and 4 was completed to combine the northern 16 acres of Lot 4 with Lot 2. This resulted in Lot 2's southern 16-acre portion with a land use designation of PBF-Public Facility and zoned PPF Parks & Public Facilities and Lot 2's northern 12-acre portion with a land use designation of MDR-Medium Density Residential and zoned R-2 Medium Density Residential.

A comprehensive plan map amendment and accompanying zoning amendment is now necessary to reclassify the 16 acres designated PBF- Public Facility and zoned PPF Parks & Public Facilities, previously as part of Lot 4 and now combined with Lot 2, to MDR-Medium Density Residential land use designation and R-2 Medium Density Residential zoning matching the rest of Lot 2.

Site	Parcel #	Size (Acres)	Current Land Use Designation	Requested Land Use Designation	Current Zoning	Requested Zoning
Richland 16, Lot 2	Portion of Parcel # 116982000001003	16 acres	PBF- Public Facility	MDR - Medium Density Residential	PPF - Parks and Public Facilities	R-2 - Medium Density Residential

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Richland 16, Lot 2 is part of the Washington State Department of Natural Resources' (DNR) 375-acre Richland 16 property located northwest of the intersection of Queensgate Drive and Truman Avenue. Lot 2 is located in portions of the NE 1/4 NW 1/4 and NW 1/4 NW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington. See maps submitted with the comprehensive plan map amendment and accompanying zoning amendment applications.

B. Environmental Elements

1. Earth Find help answering earth questions

a. General description of the site:

Circle or highlight one: **Flat,** rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

According to the Natural Resources Conservation Service (NRCS) Soil Resource report, the proposed project site is located in an area with 0 to 2 percent slopes.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The NRCS Soil Resource report map shows the soils within the proposed project area are Quincy loamy sand, 0 to 2 percent slopes. The soil is rated as "Farmland of Statewide Importance" and is non-hydric.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

The project site has previously been disturbed and stabilized. There are no indications of unstable soils.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable. This is a non-project action. Future development proposals may include filling, excavation, or grading, and will be subject to applicable environmental project review at the time.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

Not applicable. This is a non-project action. Future projects may result in erosion, but will be subject to applicable environmental project review at the time.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable. This is a non-project action. Future projects will likely result in impervious coverage. Specific project will be reviewed for compliance with all local, state, and/or federal regulations, as applicable, at time of development.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable. This is a non-project action. Future projects will be subject to applicable environmental project review at the time.

2. Air Find help answering air questions

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable. This is a non-project action. Future development projects could result in an increase of emissions. To be reviewed at project time.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable. This is a non-project action

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

Not applicable. This is a non-project action.

3. Water Find help answering water questions

a. **Surface Water:** Find help answering surface water questions

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The proposed project site is located approximately 0.3 mile southwest of the Yakima River, a tributary of the Columbia River that is located approximately 5 miles downstream. The Yakima River is a year-round river that originates in the Cascade Mountains and flows 214 miles downstream to its confluence with the Columbia River. The Yakima River is confined by levees

that were constructed by the U.S. Army Corps of Engineers to control flooding and protect properties adjacent to the river.

The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory map shows no natural or artificial wetlands at the proposed project site.

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

   No. Not applicable. This is a non-project action.

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

   Not applicable. This is a non-project action.

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.

   Not applicable. This is a non-project action.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

   The proposed map amendment site is not located within the 100-year floodplain.

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

   Not applicable. This is a non-project action and will not involve discharge of waste material to surface waters.

b. **Ground Water:** Find help answering ground water questions

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.

   No. Future development will have access to city water and will be required to comply with all land use and zoning requirements at the time of specific development activity, as well as any/all requirements to connect to public water systems

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe

the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No. Future development is unknown at this time. Future development will be required to comply with all land use and zoning requirements at the time of specific development activity, as well as any/all requirements to connect to public sewer systems.

c. **Water Runoff (including stormwater):**

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable. This is a non-project action. Future development may need stormwater management.

2. Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable. This is a non-project action. Future development proposals are unknown at this time.

3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable. This is a non-project action. Future development proposals are unknown at this time.

4. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.

Not applicable. This is a non-project action. Future development proposals would be required to comply with all local regulations pertaining to stormwater runoff, as well as implement measures to reduce or control surface, ground, runoff water, and natural drainage pattern impacts.

4. Plants [Find help answering plants questions]

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

☐ water plants: water lily, eelgrass, milfoil, other
☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None. This is a non-project action.

c. List threatened and endangered species known to be on or near the site.

No threatened or endangered plant species are known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

None. This is a non-project action.

e. List all noxious weeds and invasive species known to be on or near the site.

No noxious weeds or invasive species are known to exist on or near the proposed project site.

5. Animals Find help answering animal questions

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- Birds: **hawk**, heron, **eagle**, **songbirds**, other:
- Mammals: **deer**, bear, elk, beaver, other: **Rabbits, mice, raccoon, squirrels, small rodents, etc.**
- Fish: bass, salmon, trout, herring, shellfish, other:

Birds and animals in the general area commonly found in developed environments.

b. List any threatened and endangered species known to be on or near the site.

Listed species in the vicinity of the proposed project site were obtained from the US Fish and Wildlife Service (USFWS). The USFWS list indicates that two threatened species may occur in the vicinity of the proposed project site. Bull Trout (Salvelinus confluentus) conterminous U.S.A. Distinct Population Segment (DPS) is listed as threatened and should be anticipated to occur in the Yakima River, which is 0.3 mile from the proposed project site. The western U.S. yellow-billed cuckoo (Coccyzus americanus) DPS is listed as threatened; however, the preferred habitat of this species is dense riparian forests, which are not present at the proposed project site. Additionally, the Monarch butterfly (Danaus plexippus), which is listed as a candidate species for federal protection, may also occur in the proposed project site.

The Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) website identifies the potential for Townsend's Ground Squirrel (Urocitellus townsendii

townsendii), which is listed as a candidate species for federal protection, to occur in the vicinity of the proposed project site.

c. Is the site part of a migration route? If so, explain.

The proposed project lies within the Pacific Flyway for migratory birds. This is a non-project and will not impact on migratory birds.

d. Proposed measures to preserve or enhance wildlife, if any.

None. This is a non-project action.

e. List any invasive animal species known to be on or near the site.

No invasive animal species are known to exist on or near the site.

6. Energy and Natural Resources Find help answering energy and natural resource questions

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None. This is a non-project action.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No. This is a non-project action.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

None. This is a non-project action.

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

No. This is a non-project action.

1. Describe any known or possible contamination at the site from present or past uses.

None known.

a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known. This is a non-project action.

b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

None known. This is a non-project action.

c. Describe special emergency services that might be required.

None. This is a non-project action.

d. Proposed measures to reduce or control environmental health hazards, if any.

None. This is a non-project action.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None. This is a non-project action.

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?

None. This is a non-project action.

3. Proposed measures to reduce or control noise impacts, if any.

None. This is a non-project action.

8. Land and Shoreline Use Find help answering land and shoreline use questions

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The current use of the site and adjacent properties is vacant undeveloped land. The site was previously a working orchard. This is a non-project action and will not affect the current land uses on nearby or adjacent properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The site was previously part of a 300-plus acre working orchard. In 2018, the City of Richland approved the land division and rezone of the property creating 10 lots and modifying the zoning from agriculture to a mix of commercial, residential, and public facility zoning. In 2020, the orchard reached the end of its useful life and ceased operations. No agricultural or forest land of long-term commercial significance will be converted to other uses because of this proposal. This proposal converts a portion of the previously approved public facility zoned land to residential.

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?

   No. This is a non-project action.

c. Describe any structures on the site.

A metal pole-barn exists on the site. Estimated to be constructed between 1985 and 1996.

d. Will any structures be demolished? If so, what?

No. This is a non-project action.

e. What is the current zoning classification of the site?

Current zoning is PPF - Parks and Public Facilities.

f. What is the current comprehensive plan designation of the site?

The currently comprehensive plan land use designation of the site is PBF- Public Facility

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

According to the City of Richland Comprehensive Plan 2017 and Benton County Critical Areas Ordinance, no part of the proposed project site has been classified as a critical area.

i. Approximately how many people would reside or work in the completed project?

None. This is a non-project action.

j. Approximately how many people would the completed project displace?

None. This is a non-project action.

k. Proposed measures to avoid or reduce displacement impacts, if any.

None. This is a non-project action.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

The proposed amendment will contribute to the distribution of residential uses and densities throughout the urban growth area consistent with the City's vision.

The Proposed Land Use section on Page 29 of the City's Comprehensive Plan identifies the Richland 16 subdivision area "located on the southwest side near the City View area, abutting Kennedy Road to the south and Queensgate Drive to the east" as an area "the City is planning to accommodate future growth."

Reclassifying and rezoning the remainder of Lot 2 to medium density residential will allow the area to be better utilized to meet the City's need for an additional 1, 270 housing units as identified in the Projected Needs of the Housing Section on page 41 of the City's Comprehensive Plan.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

None. This is a non-project action.

9. Housing Find help answering housing questions

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None. This is a non-project action. However, reclassifying and rezoning the remainder of Lot 2 to medium density residential will allow the area to be better utilized to meet the City's need for an additional 1, 270 housing units as identified in the Projected Needs of the Housing Section on page 41 of the City's Comprehensive Plan.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None. This is a non-project action.

c. Proposed measures to reduce or control housing impacts, if any.

None. This is a non-project action.

10. Aesthetics Find help answering aesthetics questions

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

None. This is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed?

None. This is a non-project action.

c. Proposed measures to reduce or control aesthetic impacts, if any.

None. This is a non-project action.

11. Light and Glare Find help answering light and glare questions

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None. This is a non-project action.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No. This is a non-project action.

c. What existing off-site sources of light or glare may affect your proposal?

None. This is a non-project action.

d. Proposed measures to reduce or control light and glare impacts, if any.

None. This is a non-project action.

12. Recreation Find help answering recreation questions

a. What designated and informal recreational opportunities are in the immediate vicinity?

No designated or informal recreational opportunities exist in the immediate vicinity.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No. This is a non-project action.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

None. This is a non-project action.

13. Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

No buildings or structures known to be older than 45 years exist on the property. Three historic properties are located within 1 mile of the project area; two (373 Cottonwood and Benton Water Company Canal bench) are determined not eligible. Columbia Canal twin bridges, located approximately 0.35 mile east of the project area, have been determined eligible.

According to the Washington Information System for Archaeological and Architectural Records Data (WISAARD) database, 15 previous cultural resource surveys, resulting in the identification of five cultural resources, are located within 1 mile of the proposed project area. These surveys have been conducted for power line installation, road widening, cell tower installation, bridge construction, and public access projects. None of the surveys overlap the project area.

Five cultural resources have been previously identified within 1 mile of the project area and are all located within close proximity to the Yakima River, north and east of the project area. Site types include several precontact lithic isolates and two precontact stone tool sites.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

An 1865 General Land Office (GLO) survey map indicates the project area and surrounding area are vacant and undeveloped, though land along the Yakima River (approximately 0.25 mile northeast of the project area) has been divided into parcels (GLO, 1865). GLO patent records indicate the project area was patented by the state of Washington in 1975.

U.S. Geological Survey (USGS) topographic maps indicate the project area and vicinity were generally undeveloped in 1917, though two-track roads and irrigation canals are present between the project area and Yakima River. An Oregon-Washington Railroad and Navigation Company railroad line is present 0.5 mile southwest of the project area (USGS, 1917). Overhead power was installed just south of the project area by 1951, and a borrow pit, water tanks, and aqueduct have been installed within 1 mile of the project area by 1978 (USGS, 1951, 1978).

A 1976 Metsker map of Benton County shows the project area owned by the state. The immediate vicinity of the project area has been included in Richland city limits, and a network of

roads is proposed but did not come to fruition. The project area remains undeveloped (Metsker, 1976).

Historical USGS aerial imagery corroborates the vacancy of the area until the late twentieth century. According to Google Earth imagery, a detention pond and pole barn on the project area was constructed between 1985 and 1996.

Historical, archaeological, and ethnographic evidence indicates that the vicinity of the current project area occurs within a region attributed to the Walla Walla, Yakama, and Wanapum groups. The project area is in proximity to Tamákpikus, a camp site on the Yakima River where two canoes would float downstream with nets fishing for silver salmon, and Čamná, a fishing and gathering ground near a village at the mouth of the Yakima River (Hunn et. al, 2015). The Washington State Department of Archaeology and Historic Preservation (DAHP) Statewide Predictive Model indicates the project area is high risk for encountering cultural resources.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

None. This is a non-project action.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None. This is a non-project action.

14. Transportation Find help with answering transportation questions

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

New public streets, Kingsgate Way and extended Queensgate Drive, will serve the site. These new roads have been approved by the City. Both proposed new roads are major collector streets and will include sidewalks and bike lanes. The roads, sidewalks, bike lanes and accompanying street elements be will constructed and installed as the future development proposals are submitted and approved.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The immediate geographic area is served by Ben Franklin Transit; the nearest route (Route 170) is approximately 0.8 mile from the proposed project site, and the nearest transit center is the Knight Street Transit Center, which is approximately 2.6 miles from the proposed project site.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No. This is a non-project action. However, new public streets, Kingsgate Way, and the newly extended Queensgate Drive, will serve the site. These new roads have been approved by the City. Both proposed new roads are major collector streets and will include sidewalks and bike lanes. The roads, sidewalks, bike lanes and accompanying street elements be will constructed and installed as the future development proposals are submitted and approved.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No. This is a non-project action.

e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

None. This is a non-project action.

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No. This is a non-project action.

g. Proposed measures to reduce or control transportation impacts, if any.

None. This is a non-project action.

15. Public Services Find help answering public service questions

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No. This is a non-project action. Future development may result in the need for increased public services and will be reviewed for impacts to public services at time of application.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None. This is a non-project action.

16. Utilities Find help answering utilities questions

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

All typical municipal utilities are available within the City of Richland.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.

None. This is a non-project action and does not require any utilities to be completed.

C. Signature Find help about who should sign

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

SEPA Responsible Official

Type name of signee: Tina Hochwender
Position and agency/organization: DNR Transition Lands Planning Manager
Date submitted: 3/2/2023

D. Supplemental sheet for nonproject actions Find help for the nonproject actions worksheet

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

   As a non-project action, the proposal will not directly increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. Future proposed projects will be reviewed individually for site-specific impacts. Future projects may include discharges to water or emissions to air as allowed in the Residential zoning districts. Future residential development will produce noise typical of residential home construction and then residential use.

   - Proposed measures to avoid or reduce such increases are:

   All new development will be required to comply with the City's Municipal Code and SEPA.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

   Future development of the site will include vegetation removal.

   - Proposed measures to protect or conserve plants, animals, fish, or marine life are:

   None proposed. All site-specific projects are required to comply with all local, state, and federal laws regarding the protection of endangered species.

3. How would the proposal be likely to deplete energy or natural resources?

   The proposal includes reducing the amount of land designated for public facilities and adds residential land. The result likely will not change the demand on energy or natural resources.

   - Proposed measures to protect or conserve energy and natural resources are:

   None proposed. Future residential development will require subdivision site plan review; and will be reviewed for site-specific impacts. All new development will be required to conform to the State of Washington Energy Code.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

   The proposal includes reducing the amount of land designated for public facilities and adds residential land. The result likely will not change the impact to the environment.

- Proposed measures to protect such resources or to avoid or reduce impacts are:

None proposed. Future residential development will require subdivision site plan review; and will be reviewed for site-specific impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not within the shoreline jurisdiction and will have no impact on the shoreline.

The proposal includes reducing the amount of land designated for public facilities and adds residential land. The residential land use is consistent with the adjacent and surrounding land uses and zones; and is consistent with the City's Comprehensive Plan and other adopted City plans and codes. The proposal is in an area identified in the City's Comprehensive Plan as an area "the City is planning to accommodate future growth."

- Proposed measures to avoid or reduce shoreline and land use impacts are:

None proposed. Any proposed use or development within the city is governed by the City's Comprehensive Plan and implementing regulations.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal includes reducing the amount of land designated for public facilities and adds residential land. The result will likely increase single use demands on transportation and public services and utilities by serving multiple individual residences rather than one multi-use public facility.

- Proposed measures to reduce or respond to such demand(s) are:

None proposed. Any proposed use or development will be required to meet transportation impacts per the City's municipal code and will be responsible for connecting to public services and utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The adoption of the proposed amendments to the City of Richland's Comprehensive Plan and Zoning Map are legislative in nature and will not conflict with any local, state, or federal laws for the protection of the environment.

Exhibit 7

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Comprehensive Plan Amendment Application

☐ Comprehensive Plan Land Use Map ☑ Text of Comprehensive Plan

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☑ Contact Person
Owner: City of Richland, Public Works, Carlo D'Alessandro	
Address: 625 Swift Blvd, Richland, WA 99352	
Phone: 509-942-7461	Email: cdalessandro@ci.richland.wa.us

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company:	UBI#:
Contact:	
Address:	
Phone:	Email:

PROPERTY INFORMATION	
Legal Description: N/A	
Parcel Number: N/A	
Current Zoning: N/A	Current Land Use Designation: N/A

APPLICATION REQUIREMENTS – Submit as required or attach written statements explaining the following:

1. Completed application and filing fee;
2. The purpose of the proposed amendment; (Attached memo and editted documents)
3. Describe how the amendment is consistent with Washington State Growth Management Act-RCW 36.70A (the goals of the Act are listed in 36.70A.020);
4. How the amendment is consistent with the adopted countywide planning polices;
5. How the amendment furthers the purpose of the City's comprehensive plan;
6. How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;
7. If applicable, how the project will meet concurrency requirements for transportation;
8. As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator;
9. **Comprehensive Plan TEXT AMENDMENT applications must also include:**
    a. The proposed element, chapter, section and page number of the comp. plan to be amended;
    b. The proposed text change, with new text underlined and deleted text crossed out;
10. **Comprehensive Plan MAP AMENDMENT applications must also include:**
    a. The current land use map designation for the subject parcel(s);
    b. The land use map designation requested;
    c. A complete legal description describing the combined area of the subject parcel(s);
    d. A vicinity map showing:
        i. All land use designations within 300 feet of the subject parcel(s);
        ii. All parcels within 300 feet of the subject parcel and all existing uses of those parcels;
        iii. All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads;
        iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;

v. The location of existing utilities serving the subject parcels, including electrical, water, and sewer;
vi. The location and uses of existing structures located on the subject parcel(s);

e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 feet (1:200);
f. The current official zoning map designation for the subject parcel(s);
g. A detailed plan which indicates any proposed improvements to:
   i. Paved streets;
   ii. Storm drainage control and detention facilities;
   iii. Public water supply;
   iv. Public sanitary sewers;
   v. Circulation and traffic patterns for the development and the surrounding neighborhoods;
h. A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from, and after, the comprehensive plan amendment;
i. A description of any associated development proposals. Development proposals shall not be processed concurrently with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact(s) of the proposed development.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Carlo D'Alessandro

Applicant Signature: _____ Date 3/29/2023

PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: Mike Stevens, Planning Manager

FROM: Carlo D'Alessandro

DATE: 3/29/2023

SUBJECT: 2017 Comprehensive Plan – 2023 Amendment

Per the application requirements for the Comprehensive Plan Amendment, I offer the following responses:

1. **Completed application and filing fee;**
   This document is attached.
2. **The purpose of the proposed amendment;**
   The proposed amendment makes changes to the Transportation Element of the Supporting Analysis of the Comprehensive Plan. The purpose of the amendment is to reflect changes made over the past 6 years to the existing transportation system in Richland, street functional classifications, additional short-term transportation improvements, additional long term transportation improvements, future impacts of the City's collector street system on properties, the City's traffic impact fee program, and amending the level-of-service language to meet concurrency.
3. **Describe how the amendment is consistent with Washington State Growth Management Act-RCW 36.70A (the goals of the Act are listed in 36.70A.020);**
   Editing the transportation element will encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans for known changes to the transportation needs of the City.
4. **How the amendment is consistent with the adopted countywide planning polices;**
   No changes to the adopted countywide policies are proposed with this amendment.
5. **How the amendment furthers the purpose of the City's comprehensive plan;**
   The amendment ensures that the City's transportation system is efficient and multi-modal. Richland's neighborhoods are well connected for car and transit,

and safe for bike and pedestrian traffic. It maintains efficient connectivity with neighboring jurisdictions.

6. **How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;**
   This amendment does not change the goals and policies of the Transportation Element of the plan, but provides greater clarity of transportation projects and level of service thresholds to meet the policy objectives. It meets the requirements of code to have the City's traffic impact fee program projects noted in the Comprehensive Plan.
7. **If applicable, how the project will meet concurrency requirements for transportation;**
   Not applicable. No specific land use project proposed.
8. **As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator;**
   Not applicable.
9. **Comprehensive Plan TEXT AMENDMENT applications must also include:**
   a. **The proposed element, chapter, section and page number of the comp. plan to be amended;**
      Comprehensive Plan Supporting Analysis, Transportation, pages 40, 44, 45, 46, 49, 50, 51, and Figures T-1, T-2, and T-12.
   b. **The proposed text change, with new text underlined and deleted text crossed out;**
      Text provided in the edited Supporting Analysis document.
10. **Comprehensive Plan MAP AMENDMENT applications must also include:**
    Not applicable. No specific land use changes proposed. New maps T-1, T-2 and T-12 for the Supporting Analysis are provided.

City of Richland

COMPREHENSIVE PLAN SUPPORTING ANALYSIS

October 3, 2017

Prepared for:

City of Richland

Prepared by:

Oneza & Associates

With assistance from:

Anchor QEA

ECONorthwest

J-U-B Engineers Inc.

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INTRODUCTION AND BACKGROUND

SECTION ONE

INTRODUCTION

This document elaborates on the discussion in the Core Comprehensive Plan. It also contains technical analysis of most of the Comprehensive Plan elements. Organization of this document follows the same hierarchy of elements as in the Core Comprehensive Plan with additional information included in it.

Every comprehensive plan must include key pieces to fulfill its purpose of providing a yardstick for future government activities. The following terms have special meanings in comprehensive planning and it's important to understand their meaning and purpose.

Vision Statement: The Vision Statement is the target the City decides to aim for. It is a verbal picture of what Richland will be like at the end of the period covered by a comprehensive plan. An important part of future decision-making should be to ask, "Which of our choices will best help us become like the City described in the vision statement?"

Existing Conditions Inventory: We can't decide how to get from the present to our desired future without a clear picture of where we are today. That's why comprehensive plans must include a detailed inventory of the existing state of the City: How are our roads? Is our water system adequate to accommodate future growth? Do we have the parks and other recreation facilities to satisfy the community's desire for such public amenities?

Goals: If the Vision Statement defines the target for comprehensive planning, then goals are like individual points on the target. We set as goals the distinct achievements we hope for: maintain adequate and affordable housing; avoid traffic congestion; protect natural resources; ensure economic vitality. We have reached our vision if all our goals are accomplished.

Policies: Goals are what we want to accomplish; policies define how we accomplish them. For each goal established in a comprehensive plan, one or more policies define the steps that goal calls for. If we have a goal of protecting natural resources, for example, we might establish a policy that says that development shall be restricted on and near wetlands.

Planning Time Frame: A comprehensive plan must define time frames for achieving its vision and goals. These time frames are called the planning horizons. In Washington State, comprehensive plans use both a ten-year short-term planning horizon and a 20-year long-term planning horizon. The long-term planning horizon is the full period for achieving the vision in our Vision Statement. The short-term planning horizon is the period for which we can make more concrete plans for specific steps toward our goals.

These are the features that a Comprehensive Plan needs to include in order to act as our yardstick for the future. The Comprehensive Plan must apply these features to specific aspects of the City's life. The parts of a plan addressing each of these are commonly called "elements." Under State law, all Washington city and county comprehensive plans must address at least five specific elements: land use, transportation, utilities, capital facilities, and housing. Each element includes an inventory of existing conditions as well as goals and policies specific to the element. In addition to the required

five elements, the City of Richland has chosen to include an optional economic development element in this Comprehensive Plan.

The final feature of comprehensive plans in Washington is a Finance Plan. This is the proposal for specific capital improvements required over the short-term (six-year) planning horizon. It describes projects to be carried out, their estimated costs, a schedule for completing them, and a plan to pay for them. Financing plans from the City's Capital Improvement Plan (CIP) are included under the Capital Facilities and Utilities Chapters in this document.

GMA AND BACKGROUND

The Washington State Growth Management Act (GMA) includes 14 broad goals for comprehensive planning, which local governments must balance to develop an approach consistent with their vision of the future. The 14 GMA goals are as follows:

1. Urban Growth - Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. Reduce Sprawl - Reduce inappropriate conversion of undeveloped land into sprawling, low-density development.
3. Transportation - Encourage efficient multi-modal transportation systems based on regional priorities and coordinated with county and city comprehensive plans.
4. Housing - Encourage the availability of affordable housing to all economic segments of the population of the state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
5. Economic Development - Encourage economic development throughout the state consistent with adopted comprehensive plans, promote economic opportunity for all citizens of the state, especially for the unemployed and the disadvantaged, and encourage growth in areas experiencing insufficient economic growth, all within the capacity of the state's natural resources, public services, and public facilities.
6. Property Rights - Private property shall not be taken for public use without just compensation. The property rights of landowners shall be protected from arbitrary and discriminatory action.
7. Permits - Application for state and local government permits should be processed in a timely and fair manner.
8. Natural Resource Industries - Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
9. Open Space and Recreation - Encourage the retention of open space and development of recreation opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
10. Environment - Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
11. Citizen Participation and Coordination - Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to resolve conflicts.

12. Public Facilities and Service - Ensure that public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use, without decreasing the current service levels below locally established minimum standards.
13. Historic Preservation - Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.
14. Shoreline Management – Develop a Shoreline Master Program (SMP) pursuant to Shoreline Management Act (SMA). The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered a part of the county or city's comprehensive plan.

Under the GMA, comprehensive plans should identify essential public facilities that often are difficult to site and ensure that locations for them will be available. These facilities include airports, state education facilities, state, or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes. Local comprehensive plans may not prevent outright the location or provision of such facilities. Richland will participate in the siting study for any of these facilities when they are identified for potential siting within the City.

CONSISTENCY AND CONCURRENCY

GMA requires that the Comprehensive Plan must be internally consistent for objectives, goals, policies, text, and maps. At the same time, the comprehensive plans of adjacent jurisdictions must also be consistent and capital budget decisions must be made in conformance with each jurisdiction's adopted Comprehensive Plan.

The consistency progresses from the broad goal, through its policies, and then to specific actions. The maps of the Plan augment both the text and even the goals and policies. For example, the land use map included in the Land Use Element is, in essence, a graphic policy statement regarding future land development in Richland. As such, the land use policy serves, and is served by, the transportation, housing, utilities, and capital facilities elements. Based upon the land use designations on the Land Use Map, private and public sector service providers can project future locational demands for water, sewer, natural gas, electrical power, roads, fire protection, transit, emergency response, communications, and other services

All development regulations within the City of Richland are required to match with each other and with the Comprehensive Plan. These include the zoning and subdivision codes, the Critical Areas Ordinance, the Shoreline Master Program, and any other City regulation as contained in the Richland Municipal Code and other adopted plans such as the Park & Recreation Plan and the Storm Water Management Plan. A complete listing of adopted plans is included as an Appendix of the Core Comprehensive Plan.

The consistency also applies to adjacent jurisdictions such as Benton County, through the County-wide Planning Policies (CWPP), and the adjacent cities of West Richland and Kennewick.

GMA defines concurrency to mean that needed improvements for water, sewer, and transportation are in place at the time of development; or in the case of transportation, that a financial commitment exists to complete the improvements within six years.

There must be a baseline standard established to use when evaluating the anticipated impacts of new development to determine if concurrency can be met. The minimum acceptable performance level has been chosen as the baseline, and is defined as the level of service (LOS). Levels of service should

be realistic. Setting them too high could result in little or no growth, and would be contrary to GMA. Setting them too low could cause unmanaged growth without optimum service.

AMENDMENTS

Amendments to the comprehensive plan are legislative actions requiring City Council approval. Amendments must be approved as prescribed by GMA. With a few exceptions, they cannot be considered more often than once per year and in accordance with specific procedures. Major updates occur by legislative action on an eight-year cycle as established by RCW 36.70A.130 (4)(c).

Amendments can be requested by the City or by private individuals. Multiple applications for amendments will be considered in a single legislative review process in order to evaluate the potential cumulative effect of the requests. All amendment requests require a public hearing with the Planning Commission. They make a recommendation to the City Council. The City Council will approve or deny the amendments in a public hearing. Public involvement with this process is required and encouraged through direction of the Richland Public Participation Plan.

Annual amendments will address the issues of major or minor land use classification changes; changes to the goals, policies, and text of the comprehensive plan; changes to supporting data and implementation; changes to the land use maps; and changes to the inventories and technical documents.

Every ten years, the annual amendment review may be combined with the required review of the urban growth area to determine the next twenty-years' anticipated growth. This ten-year review will use the comprehensive plans of each county and city and the permitted densities of the incorporated and un-incorporated areas pursuant to RCW 36.70A.130(3).

Exceptions to the annual amendment limitation, according to RCW 36.70A.130, include the adoption of a subarea plan; the development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment; shoreline master programs; or the amendment of the capital facilities element occurring concurrently with the adoption or amendment of the City's budget.

ECONOMIC DEVELOPMENT

SECTION ONE

INTRODUCTION

PURPOSE

The economic development element of the comprehensive plan is intended to guide investments through a framework of strategy and policy with the overall goal of growing economic opportunities in the City. The intent is to identify sound economic development practices to build a strong economy where local businesses are welcomed and encouraged by the City and ensure the economy is resilient, dynamic, and sustainable for current and future generations.

The City's ability to understand their competitive advantages and proactively work to attract cutting edge employers will in turn create more living wage jobs which will in turn produce municipal revenues for maintaining and enhancing quality service levels, infrastructure, and facilities.

Strategies outlined in the economic development element are designed to work in concert with the other comprehensive plan elements herein. This element is intended to be consistent with and build upon existing documents such as the policies and strategies outlined in the CWPP, Strategic Leadership Plan, and community visioning documents. The roles of the policies laid out in this plan are to 1) create strong City leadership for economic development, 2) ensure that appropriate land capacity and infrastructure can support future employment and housing growth, and 3) articulate a business environment that supports a dynamic, prosperous, and equitable economy.

BACKGROUND AND OVERVIEW

Washington State's GMA includes economic development as a central goal and integral to a thriving city. Economic development connects to and is instrumental in informing the other elements of the comprehensive plan; without a strong local economy, goals related to land use, housing, capital planning, and transportation serve little value.

It is due to the hard work and good fortune of the residents and businesses located in the City of Richland that the City has a strong and growing economic base. It is important, however, to consider Richland within the context of the other two Tri-Cities – Pasco and Kennewick – to which the region's economy is inextricably linked.

The City of Richland's economy is explored in this section by first examining what drives the growth in the regional economy and then discussing Richland's role in the economy and some implications for growing as part of this plan.

SECTION TWO

EXISTING CONDITIONS

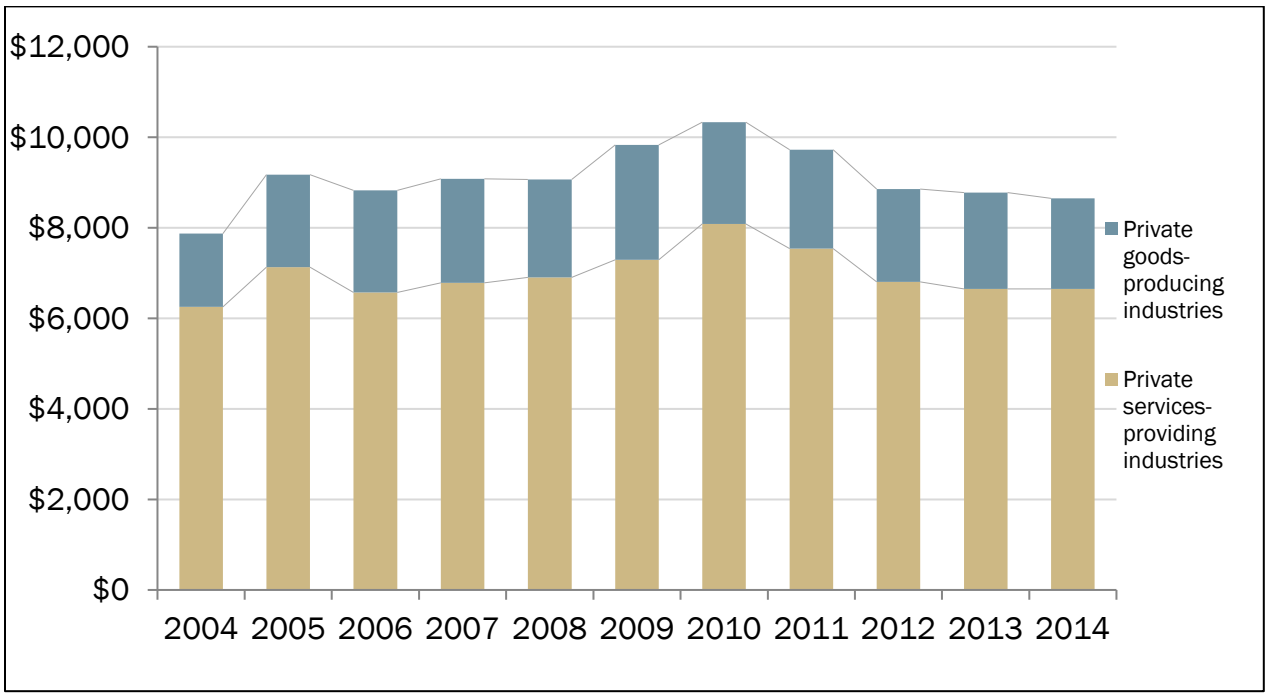
REGIONAL ECONOMIC TRENDS

Gross Domestic Product

The economy of the Tri-Cities region is primarily a service-based economy. Goods producing industries (such as manufacturing) make up less than 25 percent of the total economic output. Figure

ED-1 shows the trend of gross domestic product (GDP) in 2016 inflation-adjusted dollars. The Tri-Cities economy was less impacted by the recession in 2008 than the rest of the nation due to the increase in employment at Hanford and PNNL as part of the American Recovery and Reinvestment Act (ARRA) of 2009. The total output declined from $10.3 billion in 2010 to $8.6 billion in 2014, partly due to the end of ARRA and partly reflecting the national recession trends. However, most recent data (not shown) have indicated that economic conditions have continued to improve over the past two years.

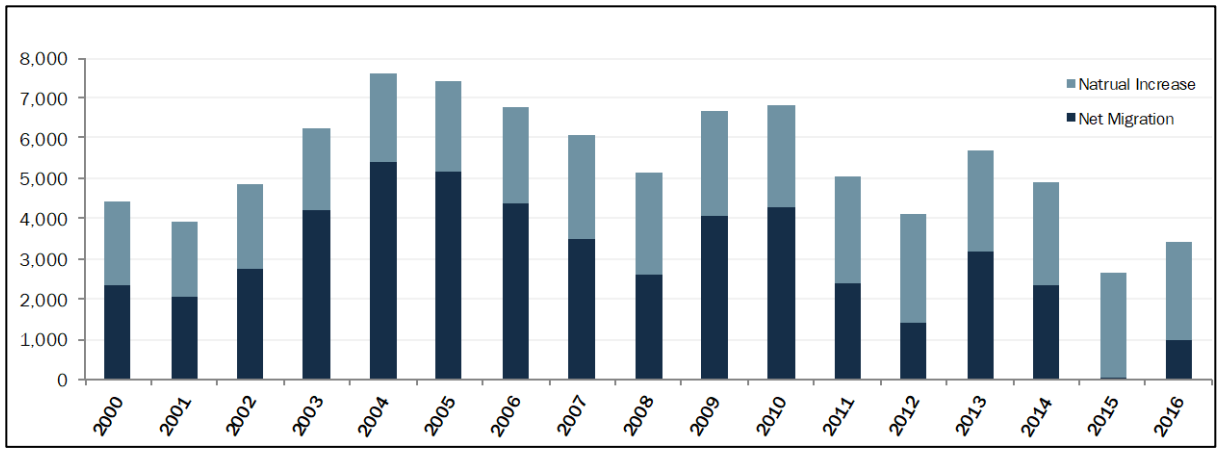
Figure ED-1: Real GDP Kennewick-Richland Metropolitan Statistical Area (in millions)



Source: Bureau of Economic Analysis, 2016

The Tri-Cities region (Benton and Franklin Counties) has realized strong population growth over the last 20 years, averaging an annual growth rate of 2.4 percent. Much of that growth occurred in the mid 2000's fueled by in-migration responding to the growth in jobs, but population growth has slowed since 2010. Calendar year 2015 was the first year in 20 years where net in-migration was nearly zero, where the same amount of people moved out of the region than to the region.

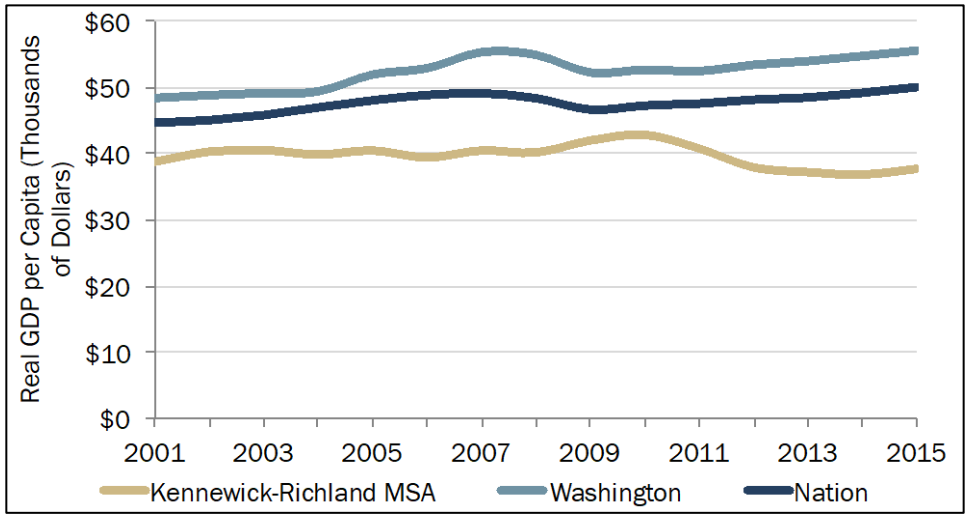
Figure ED-2: Benton and Franklin County Annual Population Growth, 2000-2016



Source: Washington Office of Financial Management, 2016

On a GDP per capita basis, the Tri-Cities region is not as productive when compared to Washington State and to the nation. On this measure, the region has been slower to recover than the state as whole. GDP per capita is the most common economic performance indicator of regions. GDP per capita is calculated by measuring Gross Domestic Product in a year, and dividing it by the population. The reasons for the lower GDP per capita in the region are complex but are due to the large presence of government-supported activities. These activities are, on the whole, less productive than emerging information technology or business services, which have become increasingly productive by comparison.

Figure ED-3: GDP per Capita, 2001-2015



Source: Bureau of Economic Analysis, 2016

EMPLOYER TRENDS

The Tri-Cities is unique in that its employment base is dominated by a select number of large employers. Roughly one in five of estimated 116,000 jobs in the Benton-Franklin area are for one of the ten largest firms/agencies listed below. Eight of the ten top employers in the Tri-Cities are located in Richland, a legacy largely of significant federal investments in the Hanford Nuclear Reservation. These sectors employ many talented workers, many of whom live in Richland.

Table ED-1: Top Ten Tri-Cities Employers

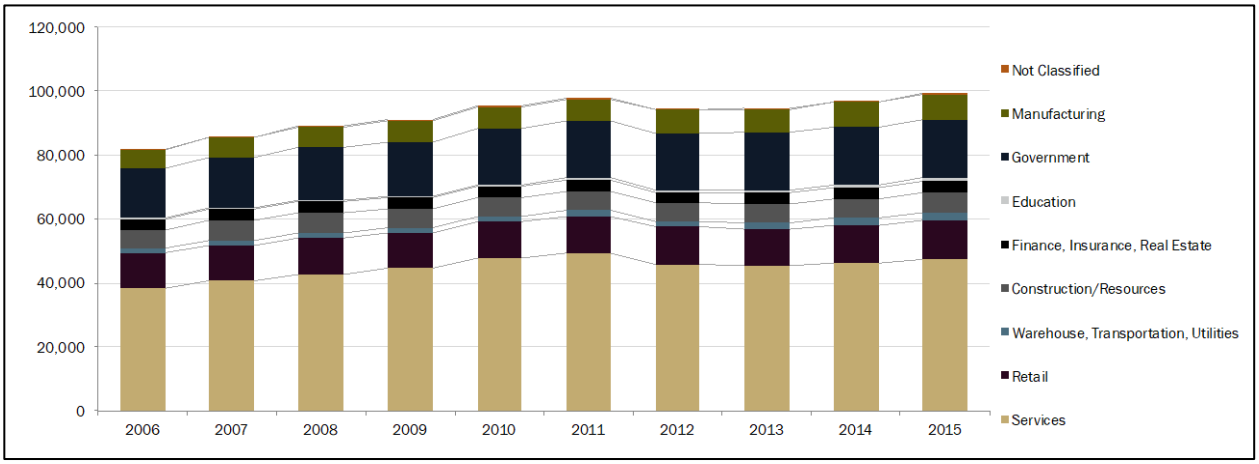
	Company	Industry	Employees
1	Battelle/Pacific Northwest National Laboratory	Research & Development	4,365
2	Kadlec Regional Medical Center	Health Services	3,304
3	Bechtel National	Engineering & Construction	2,898
4	ConAgra Foods	Food Processing	2,727
5	Kennewick School District	Education	2,130
6	Washington River Protection Solutions	Environmental Remediation Services	2,077
7	Pasco School District	Education	2,015
8	Mission Support Alliance, LLC	Support Services, Hanford/DOE Site	1,928
9	Richland School District	Education	1,500
10	CH2M Hill	Environmental Remediation Services	1,400

Source: Tri-City Development Council (TRIDEC), link. Accessed February 14, 2017

Total Employment by Industry Sector

Employment in the Tri-Cities region increased from 2006-2015 by over 22,000 jobs with an average annual growth rate of 2.0 percent. There are roughly 116,000 jobs in the region. All industries experienced positive employment growth by the end of the 10-year period. However, from 2011 to 2014 employment slightly declined as spending cuts at Hanford impacted the entire regional economy.

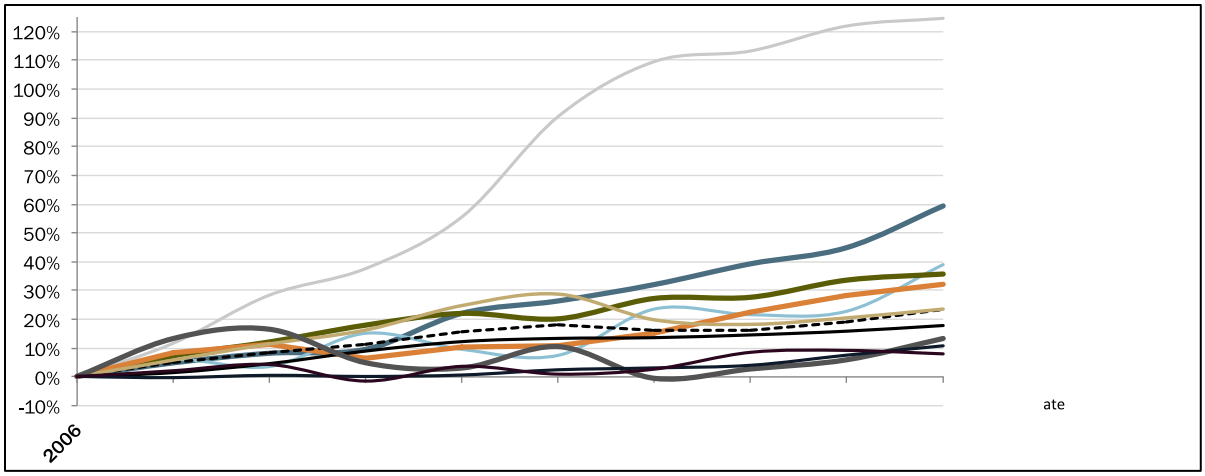
Figure ED-4: Benton and Franklin Counties Cumulative Employment by Sector



Source: Washington State Employment Security Department

Education, while small in total numbers, grew the most in the region. Warehousing, transportation, and utilities; manufacturing; wholesale trade (the main users of industrial land); and agriculture all grew faster than the regional average. Employment in the retail and finance, insurance, and real estate sectors grew the least.

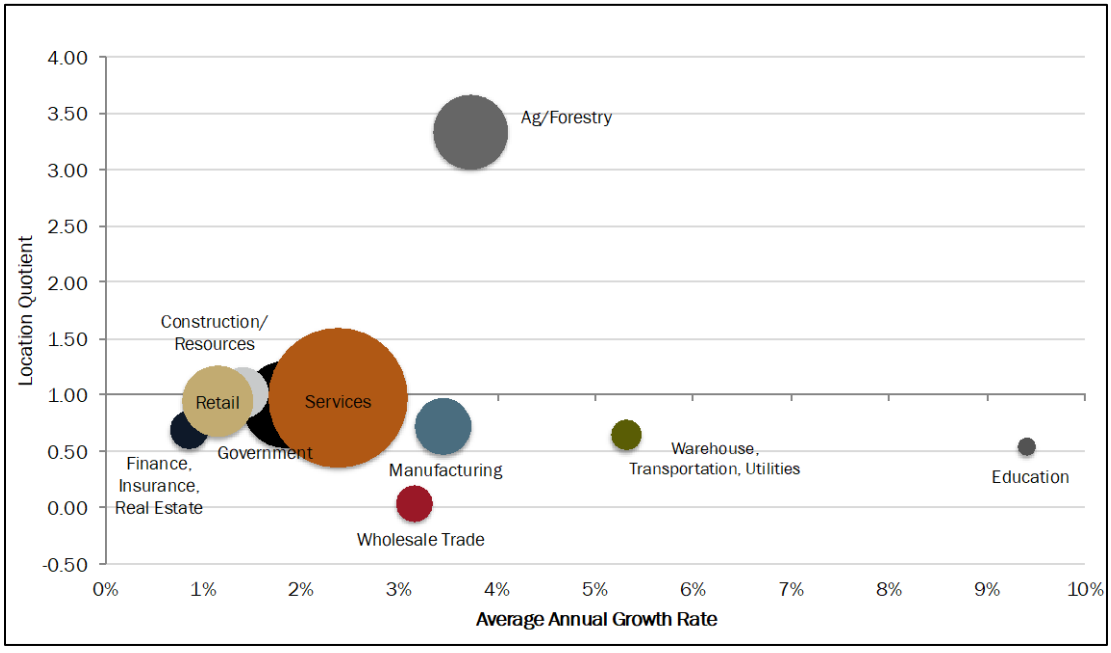
Figure ED-5: Benton and Franklin Counties Cumulative Percent Employment Growth by Sector



Source: Washington State Employment Security Department

The chart below shows the local concentration of jobs by sector (location quotient) along with measures of industry size and average annual employment change in the Tri-Cities region. Location quotients measure the concentration of jobs in a sector compared to the statewide average. A value of 1.0 signifies that the sector possesses the same level of employment concentration as the state. Values above 1.0 are more concentrated than the state average. The size of the bubble represents the number of jobs within that sector. Sectors with sizable employment and higher than average concentration, represent strengths for the region. Fast growing sectors, even if they are not very large, represent potential opportunity areas.

Figure ED-6: Benton and Franklin Counties Employment Concentration and Change by Sector, 2006-2015



Source: Washington State Employment Security Department

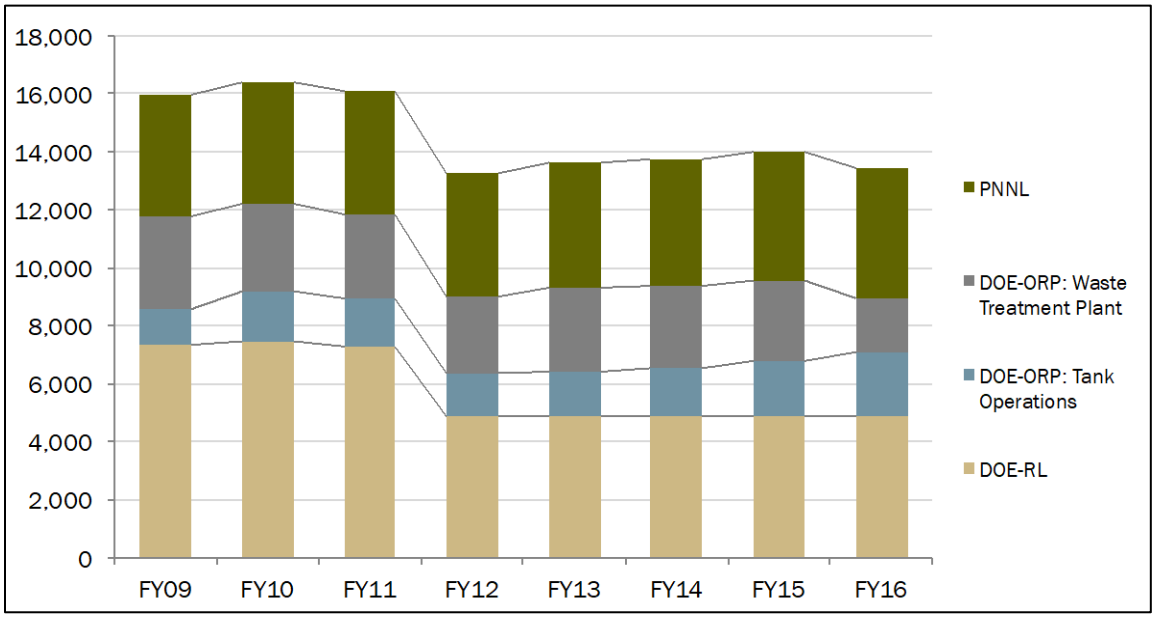
In the Tri-Cities region, the largest sectors - services and government - have a similar concentration as the state and the region are growing at a rate of one to three percent a year, indicating they are the base of the regional economy. The agriculture sector is a strength in the Tri-Cities; it is much more

concentrated relative to the state and is growing at a rate of 3.7 percent per year. Education; manufacturing; wholesale trade; and warehousing, transportation, and utilities are also growing at a rate of more than three percent a year, but are smaller and less prevalent in the Tri-Cities compared to the state. Much of the growth in food manufacturing; wholesale trade; and warehousing, transportation and utilities may be related to the growth and prevalence of the agriculture sector in the Tri-Cities.

Hanford Employment

While total employment increased over the last ten years, employment at Hanford decreased by over 2,800 jobs in the 2012 fiscal year as part of federal spending cuts. This decrease was part of a region-wide decline in employment from 2012 and 2013, and also the end of ARRA funding. It may also be what led to the decrease in regional GDP shown in Figure ED-1.

Figure ED-7: Hanford and PNNL Employment, Fiscal Year 2009 to Fiscal Year 2016



Source: Tri-City Development Council (TRIDEC), 2016

COMMERCIAL REAL ESTATE TRENDS

With much of the Hanford, PNNL and health care activities located in Richland, the City is home to much of the built commercial real estate in the region. It trails only Kennewick, which is home to the region's shopping malls. According to the Benton County Assessor, Richland holds the highest share of office and industrial building square footage but lags considerably with respect to retail businesses, primarily located in Kennewick.

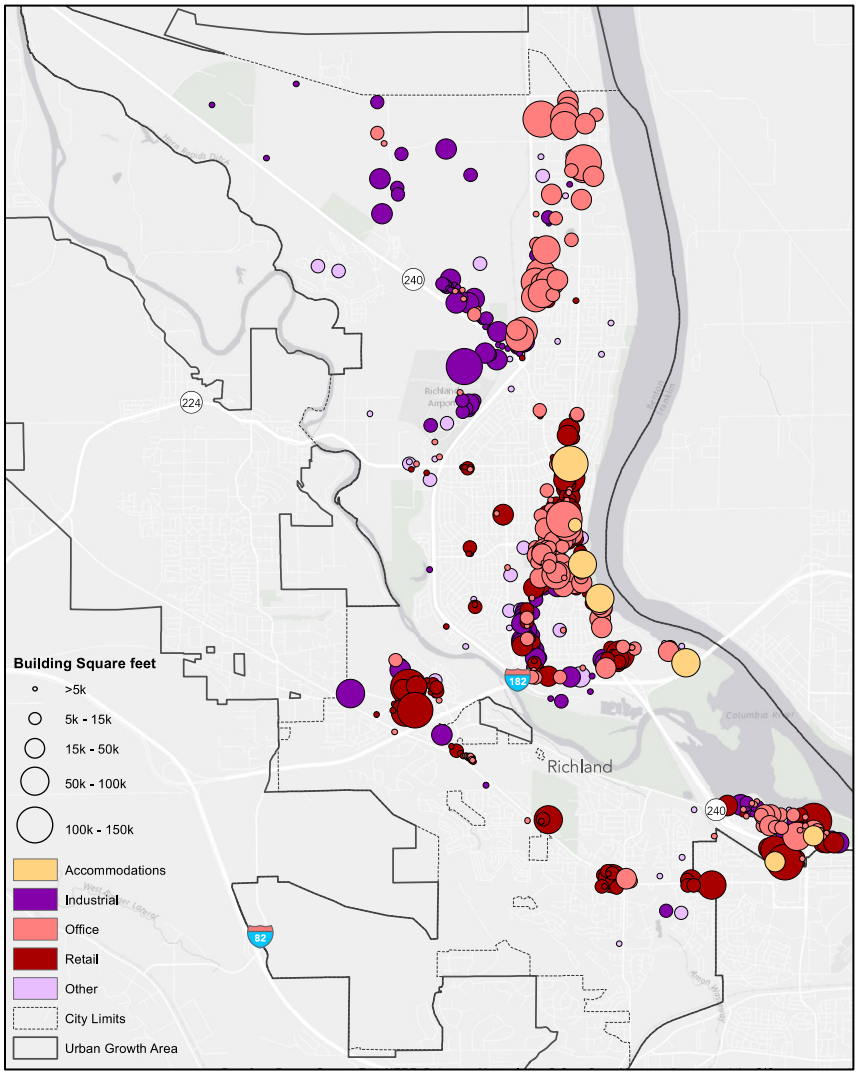
Figure ED-8 below shows that office and retail uses are clustered in the downtown core as to be expected; retail is also heavy but isolated near the Queensgate area; a considerable amount of industrial development is located to the north in Horn Rapids; and a cluster of office and retail to the south in Island View.

Table ED-2: Building Square Footage, by Type

Use	Richland	West Richland	Kennewick	Prosser	Rest of County	Total
Retail	2,775,000	205,000	5,089,000	421,000	123,000	8,613,000
Industrial	2,803,000	282,000	2,475,000	924,000	1,381,000	7,866,000
Office	3,259,000	52,000	2,645,000	110,000	57,000	6,123,000
Accommodations	462,000	-	633,000	54,000	-	1,149,000
Other	326,000	59,000	1,087,000	57,000	259,000	1,788,000
Total Commercial	9,626,000	597,000	11,930,000	1,566,000	1,821,000	25,540,000

Source: Benton County Assessor, 2016, Washington Office of Financial Management Estimates.

Figure ED-8: Commercial Building Sizes and Types in Richland



Source: Benton County Assessor, 2016

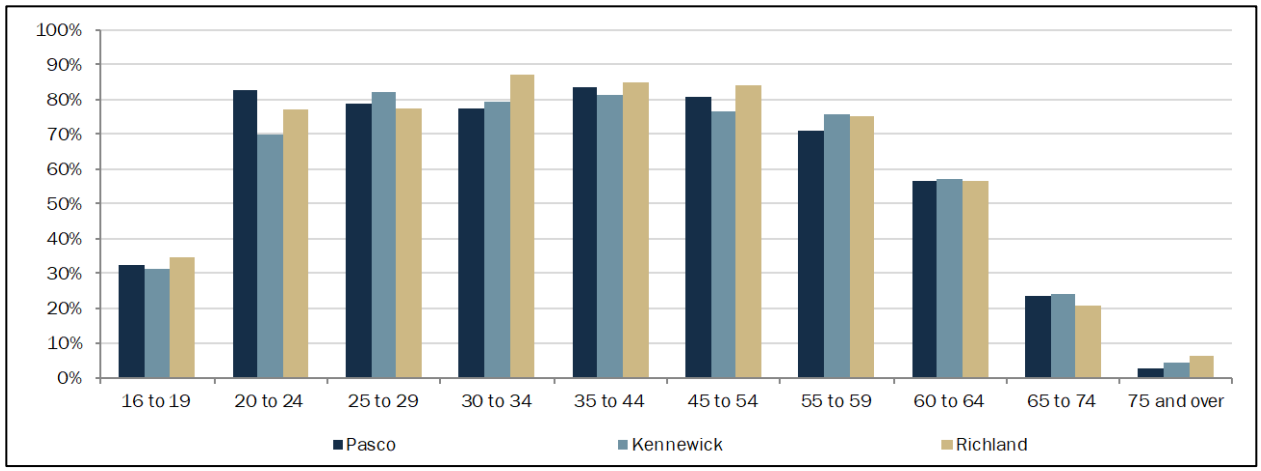
EMPLOYMENT AND HOUSEHOLD TRENDS

The following section summarizes selected relevant employment and household characteristics that frame the economic performance in Richland.

Employment Status, Income, and Demographic Characteristics

Relative to Kennewick and Pasco, Richland has high labor force participation for residents with ages between 30 and 54. This typically is the prime working age for most Americans, a time when they are most productive as workers. Rates for younger populations are slightly lower than in Pasco due to a higher share of full-time students in higher education. Similarly, rates are lower for those 65 and older due to their long-term financial stability enabling retirement.

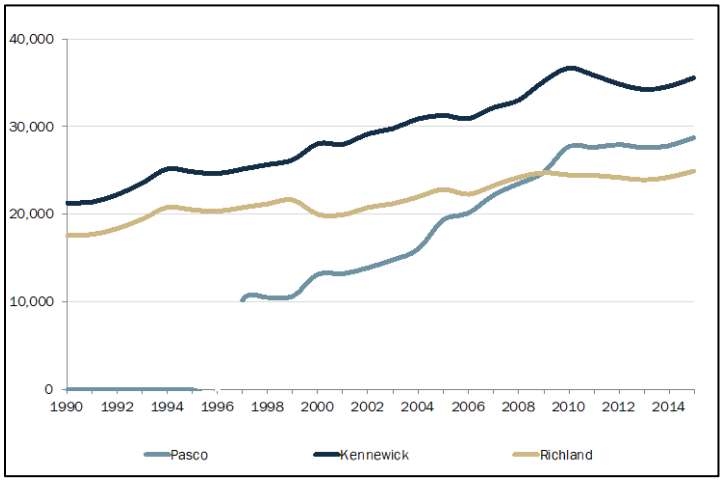
Figure ED-9: Labor Force Participation



Source: US Census Bureau, American Community Survey, 5-Year ACS, Table S2301

Total employment in Richland has grown over the past 25 years. Current estimates of employment in the City place the number at approximately 25,000. Growth in employment in Kennewick and Pasco has been a function of higher rates of population and labor force growth over the same time.

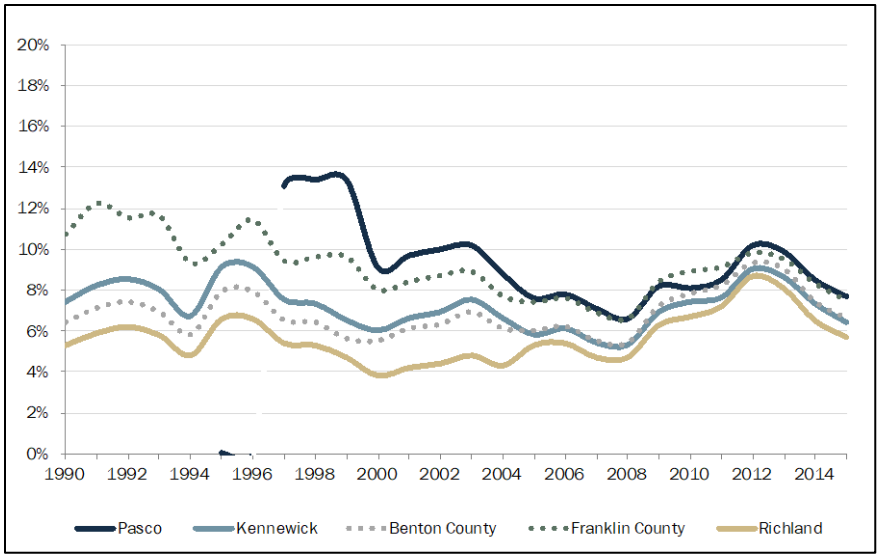
Figure ED-10: Total Employment, 1990 - 2016



Source: Bureau of Labor Statistics, Local Area Unemployment Statistics.

Benton County's unemployment rate is currently 7.0%, which is higher than the state average of 5.3%, but lower than in adjacent Franklin County (Employee Security Department/LMPA, March 2016). Richland has consistently fared better than the cities of Kennewick and Pasco as well as Benton County and Franklin County.

Figure ED-11: Unemployment Rate, 1990 - 2016

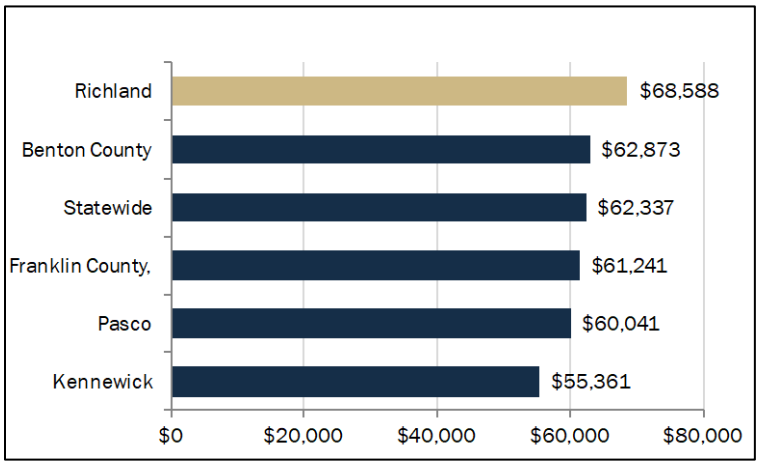


Source: Bureau of Labor Statistics, Local Area Unemployment Statistics.

Federal funding for Hanford has been a significant economic catalyst for the Tri-Cities Region, generally with Richland at the forefront. Even with significant downsizing at Hanford in the 1990s, household incomes in Franklin and Benton Counties continued to grow steadily.

Today, household incomes for Richland residents are nearly ten percent higher than the County average and more than twenty percent higher when compared to those of Kennewick residents. Richland enjoys economic prosperity not just compared to its Tri-Cities neighbors, but compared to state averages as well as illustrated in Figure ED-12 below. Higher incomes are the result of technical and professional positions that require higher levels of education, as illustrated below in Table ED-3- Educational Attainment, 2011 - 2015.

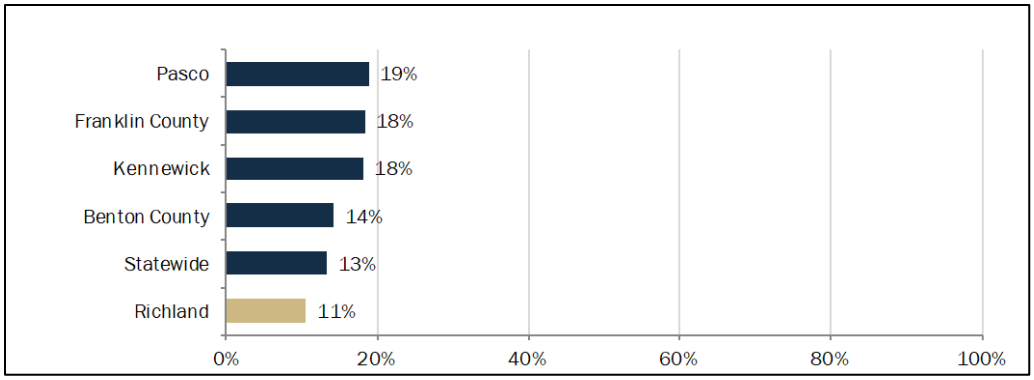
Figure ED-12: Median Household Income



Source: US Census Bureau, American Community Survey, 2015 5-year, Table B19013A

Similarly, Richland has fewer households living in poverty when compared to Benton County on the whole, Franklin County, and the statewide average. This indicates a strong economy and access to opportunity.

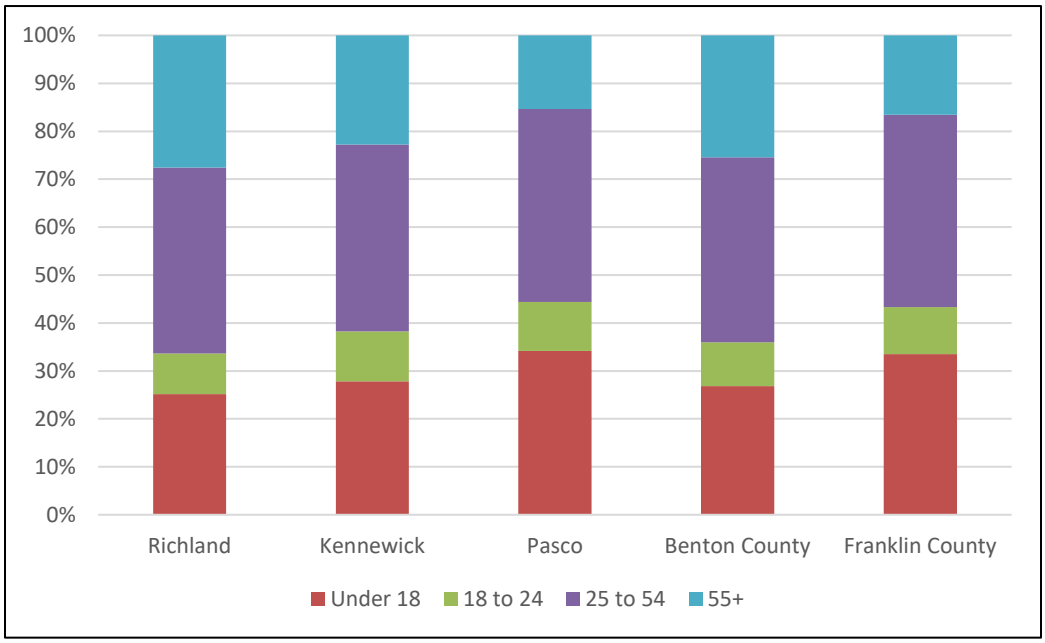
Figure ED-13: Share of Population Living in Poverty, 2011 - 2015



Source: US Census Bureau, American Community Survey, 2015 5-year, Table S1701.

The population living in Richland is not drastically different from the region with respect to age, but upon further examination of job force impacts there are some important differences. For employment purposes, prime working age is defined as 25 to 54 years old. The statewide average for population that falls into prime working age is 41%. Richland's is 39%, the same for Kennewick, and slightly lower than Pasco's 40%. However, Richland has a relatively high population of residents over age 55 (28%) as compared to Kennewick (23%) and Pasco (15%). Given this, the share of children, those under 18 years of age, in Richland is low (25%) as compared to Kennewick (28%) and Pasco (34%).

Figure ED-14: Age Distribution, Average from 2011 – 2015



Source: US Census Bureau, American Community Survey, 2015 5-year, Table B01001.

Relative to Kennewick and Pasco, Richland is home to a highly educated workforce. The demand for educated engineers and scientists generated by Hanford , PNNL and their subsidiary research and development activities has been a central employment and demographic characteristic for the Tri-Cities Region, in particular for Richland.

Table ED-3: Educational Attainment, 2011 - 2015

	Population 25 Years and Over	High School Diploma/GED	Associate's Degree	Bachelor's Degree	Graduate Degree
Richland	34,712	95%	56%	45%	19%
Kennewick	47,478	86%	33%	22%	7%
Pasco	37,479	72%	25%	16%	5%
Benton County	118,423	89%	40%	29%	11%
Franklin County	49,013	74%	25%	16%	5%
Statewide	4,721,438	90%	43%	33%	12%

Source: US Census Bureau, American Community Survey, 2015 5-year, Table B15003.

Housing Stock

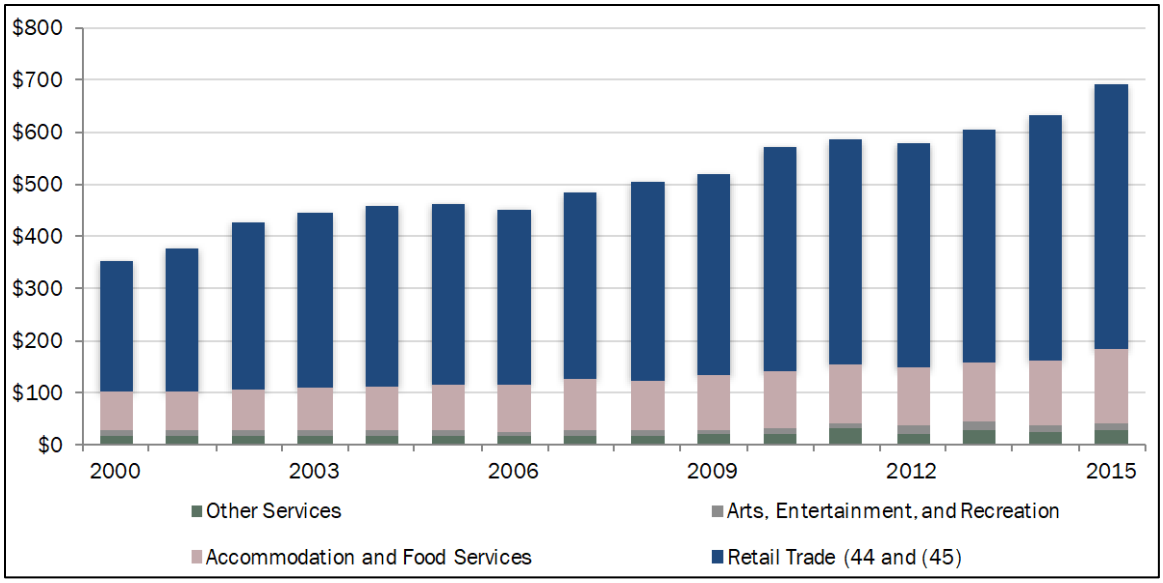
Housing in Richland is generally characterized as single-family (62%) and mostly owner-occupied (65%) with moderate vacancy rates similar to those seen in Kennewick and double that of Pasco; roughly 6%. Most homeowners spend less than 20% of their income on housing (57%) – a larger share than in Kennewick (50%) or Pasco (41%). However, 18% of homeowners are considered cost-burdened defined as spending more than 35% of their income on housing. This is slightly higher than the 17% seen in Kennewick and Pasco. For more on housing conditions, see the Housing Element.

Retail Performance

The location of retail stores and their economic performance are important to cities for two reasons. First, the proximity and mix of retail services is an essential service and amenity for area residents. Second, the importance of sales taxes in funding essential services means jurisdictions have a built-in preference for maximizing the scale, scope, and productivity of the retail sales base. The following set of charts examines the productivity data of taxable retail sales in Richland.

As shown below, the data for Richland show steady growth in retail sales over the past 15 years. The City has seen strong growth in the accommodation and food service sectors with more restaurants taking hold in recent years. Compared to its regional neighbors, Richland has comparable sales to Pasco but both are about half of Kennewick's totals.

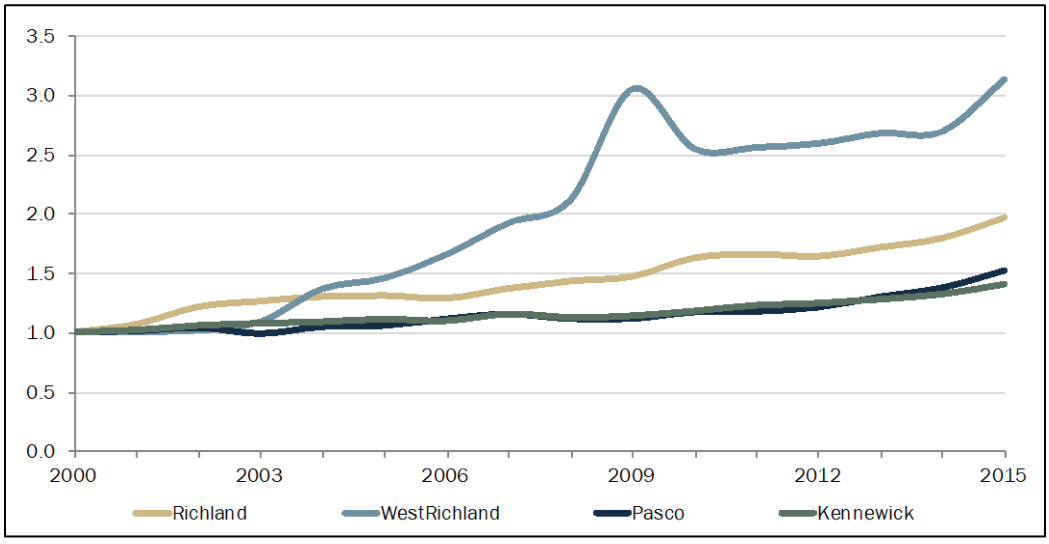
Figure ED-15: Select Category Sales, Richland in 2016 Dollars (in Millions)



Source: Washington State Department of Revenue, Taxable Retail Sales Link. Accessed October 24, 2016

Richland has seen higher increases in taxable retail sales relative to both Kennewick and Pasco since 2000, as seen in Figure ED-16. This indicates the retail sector is growing and increasing its market share while retail sales in Pasco and Kennewick have slowed relatively. While West Richland has seen significant increases (2009 saw three times their 2000 sales), it continues to provide only a very small share of the overall market.

Figure ED-16: Taxable Retail Sales in Millions Indexed to 2000



Source: Washington State Department of Revenue. Accessed October 24, 2016

FUTURE GROWTH FORECASTS

Employment Forecasts

Short-term industry forecasts for the region continue to expect positive growth in the region. Strongest growth is forecast in the service sector, specifically business and health services – two sectors where Richland is driving the region's growth and that are well positioned for future growth.

Table ED-4: Employment Forecast by Industry for the MSA

				Change		
	2014	2019	2024	#	%	AAGR[1]
Construction	6,300	7,300	7,600	1,300	21%	1.9%
Manufacturing	7,800	8,200	8,400	600	8%	0.7%
Wholesale Trade	3,300	3,700	3,900	600	18%	1.7%
Retail Trade	12,200	13,400	14,100	1,900	16%	1.5%
Transportation, Warehousing and Utilities	2,700	3,000	3,100	400	15%	1.4%
Information	800	800	900	100	13%	1.2%
Financial Activities	4,300	4,400	4,400	100	2%	0.2%
Professional and Business Services	20,600	23,400	26,000	5,400	26%	2.4%
Education and Health Services	14,400	16,100	17,600	3,200	22%	2.0%
Leisure and Hospitality	9,900	10,900	11,800	1,900	19%	1.8%
Other Services	3,300	3,600	3,800	500	15%	1.4%
Government	18,500	19,800	20,700	2,200	12%	1.1%
Federal	1,200	1,200	1,200	0	0%	0.0%
State	8,100	8,600	8,900	800	10%	0.9%
Local	9,200	10,000	10,600	1,400	15%	1.4%

[1] *Annual Average Growth Rate*

Source: Benton Franklin Council of Governments

The Benton Franklin Council of Government's transportation and land use model also provides some forecasts on land use and employment for transportation planning purposes. Based on these model results, Richland is estimated to reach some 40,000 jobs by 2030.

Table ED-5: Employment Forecast in Richland

	2014	2017	2024	2037	2014-2019 AAGR[1]	2019-2024 AAGR
Services	16,414	17,305	19,577	24,617	1.78%	1.78%
Professional Technical Services[2]	7,548	7,548	7,548	7,548	0.00%	0.00%
Retail and Food	5,012	5,306	6,060	7,755	1.92%	1.92%
Warehousing, Transportation & Utilities	2,308	2,466	2,878	3,834	2.23%	2.23%
Manufacturing	1,523	1,569	1,683	1,917	1.01%	1.01%
Construction	1,390	1,518	1,866	2,737	2.99%	2.99%
Government	1,251	1,303	1,433	1,710	1.37%	1.37%
Resources	118	124	141	177	1.77%	1.77%[3]
Total	35,564	37,675	41,185	50,295	1.94%	1.31%

[1] Annual Average Growth Rate

[2] Assumes no new growth; implies e.g. PNNL employees find new related jobs but no new growth

[3] Assumes same growth as in 2014-2019

Source: US Census, OnTheMap; Washington Employment Security Department; ECONorthwest

SUMMARY OF EXISTING ECONOMIC CONDITIONS AND FORECAST

Richland is at the epicenter of the major driving economic forces on the Tri-Cities area. The work performed at the Hanford Site, in tandem with the research at Pacific Northwest National Laboratory (PNNL), has driven economic development in the region and City for decades. This circumstance is currently the region's largest economic strength and a source of its greatest economic fears. These dual assets have driven the need for urban land development and created strong markets for housing, retail, and household services. Along with the agricultural sector, they have also created the foundation for a larger regional economy, which has supported more economic opportunity overall, allowing other unrelated industries to take hold in the area. However, the exposure of such a large segment of the economy to a single entity is a cause for concern for regional leadership and local residents. Recent spending cuts following the recession demonstrate the extent to which the economy depends on government spending to support these activities.

The region has shown strong growth in economic output over the past several decades leading to sustained employment growth. From a regional economic perspective, the agricultural sector is one of the most competitive for the region, which is not surprising given the region's agricultural advantages. The region has a strong industrial/manufacturing base that has sustained itself over time yet the largest portion of the economy is service-based (both professional/business and personal) that continues to drive economic growth in the recent decade. However, growth in most other sectors have mirrored the nation as a whole; fueling economic conversations that the region needs to find new growth in sectors that can produce and sustain both comparative and competitive advantages.

The City of Richland specifically has been the location where much of the professional service sector is located. The City is home to the two largest non-governmental employers in the region in PNNL and Kadlec Health that account for nearly 8,000 employees in the City. From a land use perspective, Richland has more than half of the region's commercial office space and industrial space, respectively; and is second only to Kennewick in the amount of retail space. Examination of the recent commercial real estate productivity suggests that much of the built space is well occupied and rents

have been resilient. Richland has seen stronger retail growth and has outpaced growth in the region as a whole.

Richland has strong demographics for future economic growth. Employees and households are on average better educated, better paid, and with a larger segment of the population in its prime working age. The community is also relatively less-burdened with the costs of poverty when compared to the region. Future forecasts of economic growth remain positive of the regions outlook with growth in the service and health sector continuing to drive growth in the future. From this perspective, the City should be well positioned to capitalize on its past performance and existing assets to extend its economic growth.

SECTION THREE

CHALLENGES AND OPPORTUNITIES

Upon review of existing economic conditions, survey results, and in conversations with elected officials, local economic development professionals, visioning work sessions, and through public outreach with business leaders and the general public, stakeholders collectively identified several recurring themes: the need for stronger economic resiliency able to withstand future economic shocks; the need to harness the entrepreneurial spirit and create a more dynamic economy and economic opportunity; leverage the natural landscape and heritage within the City and region to create sustainable economic development opportunities; and diversify and more intensely use the available land within the City. The following is a summary of the primary concerns and goals related to achieving a thriving Richland economy.

Area 1. Create a Resilient Economy

The single greatest threat to the Richland and Tri-Cities economy is the winding down of business and employment and Hanford without suitable economic opportunities in place that would provide for a comparable standard of living. A reduction in work at Hanford will mean less direct employment in Richland and large negative impacts on the businesses that support them directly as well as the resulting households whose wages they support. However, Hanford is also an asset to the community and has been effective at attracting a highly educated workforce in science and technology. These fields produce professional-wage jobs and have produced spinoff businesses coming from PNNL.

To ensure the stability and resiliency of the economy, the City should leverage existing assets but adapt them to a changing economy. These efforts should focus on increasing primary sector, non-Hanford -related science and tech employment by creating a business environment that encourages and welcomes local business. Additionally, the City should develop partnerships with the Tri-Cities Development Council (TRIDEC), PNNL, Kadlec Medical Center, and other major employers to plan for expansion and delivery of adequate infrastructure and services.

Area 2. Build and attract a more entrepreneurial and dynamic economy

Richland is the regional hub for highly educated, science and technology professionals. Labor force participation is high, particularly for the most productive segment of the population – 30 to 54 year olds. With access to innovation partners and relatively low land costs when compared to bigger cities like Seattle, the climate for entrepreneurial startup companies is present. However, attracting innovation and investment is a goal of many municipalities. The City can advance this environment through infrastructure investment, streamlined regulation, and "second paycheck" benefits such as livability and access to recreation. Working with its regional education and economic development

partners, the City can play its role creating and supporting a rich "entrepreneurial ecosystem" in the area.

Area 3. Leverage the natural landscape as an asset for economic development

Richland's location along the Columbia and Yakima Rivers offers exceptional opportunities to easily access attractive, natural, recreational spaces, as well as close proximity to the region's vibrant agritourism and wine industries. In addition to this, professional service employees living in Richland enjoy lifestyle amenities, also called the "second paycheck." These include access to parks, walkable business districts, good schools, diverse housing options, quality restaurants, and arts and cultural activities. Richland's ability to leverage its natural environment to directly spur economic activities and provide an attractive setting for professionals will further enhance its competitive advantage. However, residents must be cognizant of maintaining a healthy balance between environmental preservation and economic development activities.

Area 4. Closely monitor zoning and land use in the City

The City has the dual challenge of planning for urban infill development as well as planning to accommodate development on many large and relatively undeveloped sites within the City. To ensure zoning is responsive to market conditions, it should be monitored periodically to evaluate potential hindrances. Working to concentrate development in areas with existing infrastructure and near jobs centers will be instrumental to optimize the City's funding.

LAND USE

SECTION ONE

INTRODUCTION

Due to the linear geographic pattern of the City along the Columbia River, Richland's land is distributed primarily from north to south covering a little over 27,000 acres in the current incorporated City limits and additional 3,000 acres in the Urban Growth Area (UGA).

Land use patterns determine individual neighborhoods, businesses, amenities, public facilities, and the types and locations of future development and redevelopment. Land use patterns also determine traffic patterns. This element includes future population projections and needs for land use types for the next 20 years. The Comprehensive Plan land use map identifies land use categories within the City limits and the UGA. This section also elaborates on critical areas, shoreline and open space lands in Richland.

SECTION TWO

DESCRIPTION OF LAND USES

Agriculture (AG) - This category includes uses devoted primarily to the tilling of soil, the raising of crops, horticulture, livestock, poultry, feed lots, and related commercial and industrial activities. It allows residential densities up to one dwelling unit per five acres.

Low Density Residential (LDR) - The LDR category includes single-family residential uses with an average density of 3.5 dwelling units per acre.

Medium Density Residential (MDR) - The MDR category includes single-family residential uses with an average density of eight dwelling units per acre.

High Density Residential (HDR) - The HDR category includes multifamily residential uses with an average density of 15 dwelling units per acre. In transitional areas between more intensive commercial uses and lower density residential uses, limited office/institutional uses may also be located within the HDR designated areas.

Badger Mountain South (BMS) - This includes land uses set forth in the Badger Mountain Subarea Plan as adopted by the Richland City Council on September 7, 2010.

Multifamily Residential Office (RO) - This designation applies to areas within Island View where senior housing and condominium projects would be encouraged. Compatible office projects and light commercial uses also would be allowed within this designation.

Central Business District (CBD) - This classification includes a mix of residential, retail, service, and business uses that provide for the daily convenience needs of on-site and nearby employees and residents. The purpose is to provide for pedestrian- and transit-oriented high density employment and cultural uses, together with complementary retail and higher density residential and other compatible uses that enhance the Central Business District.

Commercial (C) - The commercial land use category includes a variety of retail, wholesale, and office uses. Within this category are professional business offices, hotels, motels, and related uses. It also includes a variety of retail and service uses oriented to serving residential neighborhoods, such as grocery stores, hardware supply, and garden supply. Other commercial uses include automobile-

related uses, and uses that normally require outdoor storage and display of goods. In transitional areas between more intensive commercial uses and lower density residential uses, high-density residential development may also be located within the Commercial designated areas.

Retail Regional (RR) - This designation is applied to the existing retail area that is commonly known as Columbia Center North, as well as other nearby locations on Columbia Center Boulevard and Fowler Street. Within this designation infill development is encouraged. Large format region-serving retail establishments are also encouraged on parcels large enough to support such uses.

General Commercial (GC) - This designation is applied to lands in the southernmost portions of Island View that are adjacent to and visible from SR 240. Within this category, new and used auto sales, RV, truck dealers, and similar retail uses are encouraged. Service-related businesses that require a central location within the Tri-Cities are also included in this designation.

Business Commerce (BC) - This designation applies to the Spaulding Business Park and some adjacent properties. It is intended to encourage a variety of professional office buildings, medical and/or dental laboratories, and light industrial uses.

Single Family Overlay (SFO) - This designation is applied to several pockets of single family residences throughout the Island View area where property owners have expressed a preference for this designation. The comprehensive land use plan map identifies a land use designation other than single family residential for all properties within Island View. For these identified parcels, there are two land use designations: the Single Family Overlay designation and another land use designation. The Single Family Overlay designation will remain in effect, allowing for continued residential use of the property, until such time the owner(s) seeks a change in the use of the property. At that time, the City will remove the Single Family Overlay and apply the other land use designation as identified in the comprehensive plan land use map in accordance with Land Use Goal #9, Single Family Overlay.

Commercial Recreation (CR) - This designation typically applies to properties under the ownership of the local, state or federal government. These properties are typically used to site regional recreational, educational, water-oriented facilities, and associated uses.

Waterfront (WF) - The Waterfront category includes a variety of water-oriented uses such as marinas, boat docks, resorts, mixed commercial/residential development, hotels, motels, and offices along the Columbia River shoreline. The intent is to bring significant development to the Columbia riverfront that is consistent with the City's vision and that incorporates public access recreational features and attractive and high quality development.

Industrial (I) - This category includes a variety of light and heavy manufacturing, assembly, and warehousing and distribution uses. It also includes uses devoted to the sale of retail and wholesale products manufactured on-site, and a variety of research and development uses for science-related activities.

Business/Research Park (BRP) - The Business/Research Park designation provides for a variety of office and research and development facilities in a planned business park setting. Permitted uses include science-related research and development and testing facilities; administrative offices for those uses; and other general office uses.

Public Facility (PF) - This category includes a variety of public and institutional uses including facilities operated by federal, state, county, municipal, or other government agencies; public educational institutions; public libraries; hospitals; cemeteries; and some developed parks.

Urban Recreation (UR) - The Urban Recreation designation includes uses that are intended to provide the public with places to gather for public events as well as provide some limited urban amenities, passive recreation opportunities and open space uses. It is the intent of the UR land use to

provide for a disbursed pattern of development that recognizes and protects both culturally and environmentally sensitive areas.

Developed Open Space (DOS) - This category includes golf courses, federal power transmission and irrigation wasteway easements, private open space, riverfront parks, undeveloped parks, and parks intended for long-term open space.

Natural Open Space (NOS) - The Natural Open Space category includes public lands intended to remain as long-term undeveloped open space with appropriate public access. This category primarily includes, for example, lands associated with the Yakima River floodplain, islands in the Columbia River, steeply sloped areas, sensitive areas along the Amon Basin, and other designated areas. Natural Open Space lands are managed as natural areas and may include riparian corridors along creeks and rivers, wetlands, shrub-steppe, open ridges, and hillsides.

Mineral Resource (MRL) - This classification includes lands that have long-term significance for the extraction of minerals on a commercially-viable basis and are not already compromised by on-site, immediate, or adjacent urban growth. Mineral Resource designation must be requested by the owner of the property and/or of the mineral rights, or her/his designated agent.

Urban Reserve (UR) - The Urban Reserve designation is assigned to lands that are to be held in reserve during the 20-year planning period of the comprehensive plan. A significant amount of the land in this designation is in agricultural use. Uses of land designated Urban Reserve are intended to be temporary to provide the City a basis to evaluate future needs for additional land in other land use designations.

Table LU-1 indicates the land use distribution within the City and in the UGA.

Table LU-1: Existing Land Use Acreage

Land Use Designation	City Limits (acres)	Area within UGA(acres)	Total Acreage[1]	% of total
Residential				
Low Density Residential	4,598	689	5,287	18.15
Med. Density Residential	1,427		1,427	4.90
High Density Residential	530		530	1.82
Badger Mountain South	1,431		1,431	4.91
Commercial				
Business Commerce	28		28	0.10
Central Business District	222		222	0.77
Commercial	1,046	16	1,062	3.7
General Commercial	79		79	0.28
Retail Regional	31		31	0.11
Waterfront	140		140	0.49
Commercial Recreation	50		50	0.17
Public Lands/Open Space				
Developed Open Space	2,170	144	2,314	7.62
Natural Open Space	2,154	322	2,476	8.52
Public Lands/Facilities				
Public Facility[2]	1,014	27	1,041	3.63
Industrial				
Business Research Park	750	437	1,187	3.78
Industrial	5,374	1,050	6,424	22.39
Other Designations			0	
Agricultural	903		903	3.15
Residential Office	21		21	0.07
Urban Reserve	1,214		1,214	4.23
Public Service Lands				
Rights of Way	2,947	163	3,110	10.84
Total	25,846	2,848	28,694	100.00%

[1] Does not include water area

[2] Public facilities lands include public school sites, WSU campus, City owned facilities, and cemeteries

[3] Includes proposed UGA expansion area related to Department of Energy land transfer

SECTION THREE

POPULATION TREND

Richland and the Tri-Cities area experienced strong growth from 1973 to 1981 due to the development of nuclear power plants for the Washington Public Power Supply System. In the 1980s, however, the power plant program was discontinued, as was the federal government's production of nuclear material at the Hanford Site. These changes created a difficult economic period throughout Benton County and neighboring Franklin County as indicated in the reduced growth in 1990 data.

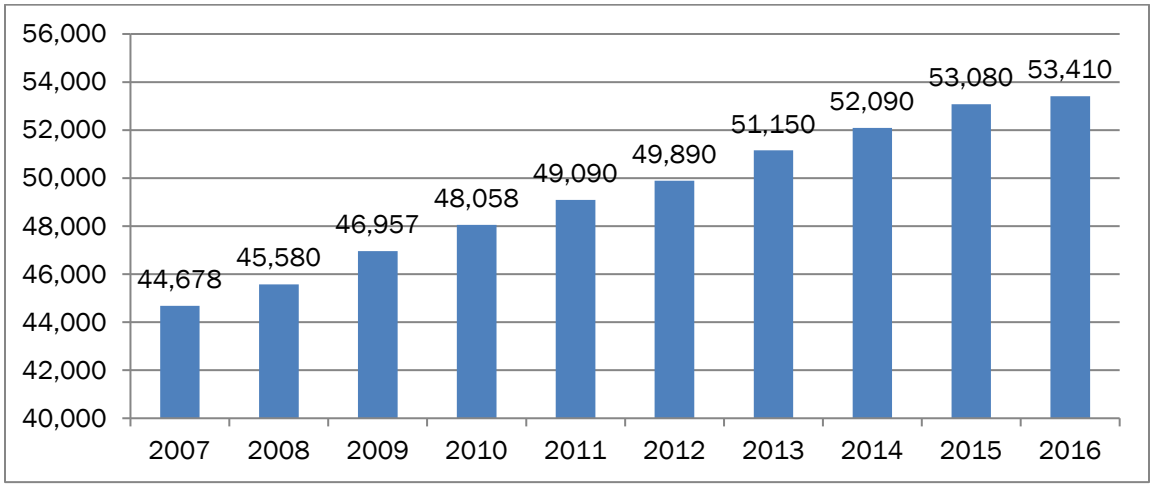
With plutonium production discontinued at the Hanford Site, the federal government redefined its mission there. The new mission became environmental restoration or cleanup of the site, together with ongoing management of the hazardous wastes stored there. In association with these missions, areas near the Hanford Site has become a hub for research and development into energy, health, waste management, and the environment, as well as development for new technologies in these fields in the last two decades. As a result, population in Richland grew 13.87 percent in a decade in 2000, and 24.16 percent in a decade in 2010. Table LU-2 below indicates the historic population growth in Richland and Benton County.

Table LU-2: Historic Population Growth in Richland and Benton County

Year	Richland	% Change Richland	Benton County	% Change Benton County
1950	21,809	n/a	Data not available	Data not available
1960	23,548	7.97%	62,070	Data not available
1970	26,290	11.64%	67,540	8.81%
1980	33,578	27.72%	105,800	56.65%
1990	33,993	1.24%	112,560	6.39%
2000	38,708	13.87%	142,475	26.58%
2010	48,058	24.16%	175,177	22.95%

Population in Richland has grown significantly in the last decade from 44,678 in 2007 to 53,410 in 2016. Much of this growth can be linked with the Department of Energy's nuclear cleanup and related operations at the Hanford Site. However, the economy in the Tri-Cities area is becoming more diverse with the growth of other employment sectors such as healthcare and education. It appeared from the past trends that many of the individuals retiring from Hanford chose to stay in Richland or in the Tri-Cities area. Table ED-14 indicates about 28 percent of Richland's population are 55 years or older, and 25 percent of the total population are 18 years or under. These contribute to Richland's family-friendly environment and education sector improvement.

Figure LU-1: Population Growth in Richland in the Last 10 Years



As discussed in the Economic Development section, Richland's median household income is the highest in the Tri-Cities, $70,806 in 2017, with Kennewick at $52,831 and Pasco at $53,950 (TRIDEC, 2017). Over 95 percent of the residents in Richland are high school graduates or graduates with higher degrees (US Census, 2015).

POPULATION FORECAST

WASHINGTON GMA REQUIREMENTS

The Washington State GMA requires the Land Use Element to include population densities and estimates of future growth (RCW 36.70A.070(1)). The Benton County CWPP contains several provisions addressing population growth and capacity. They include agreement or cooperation in determining the following:

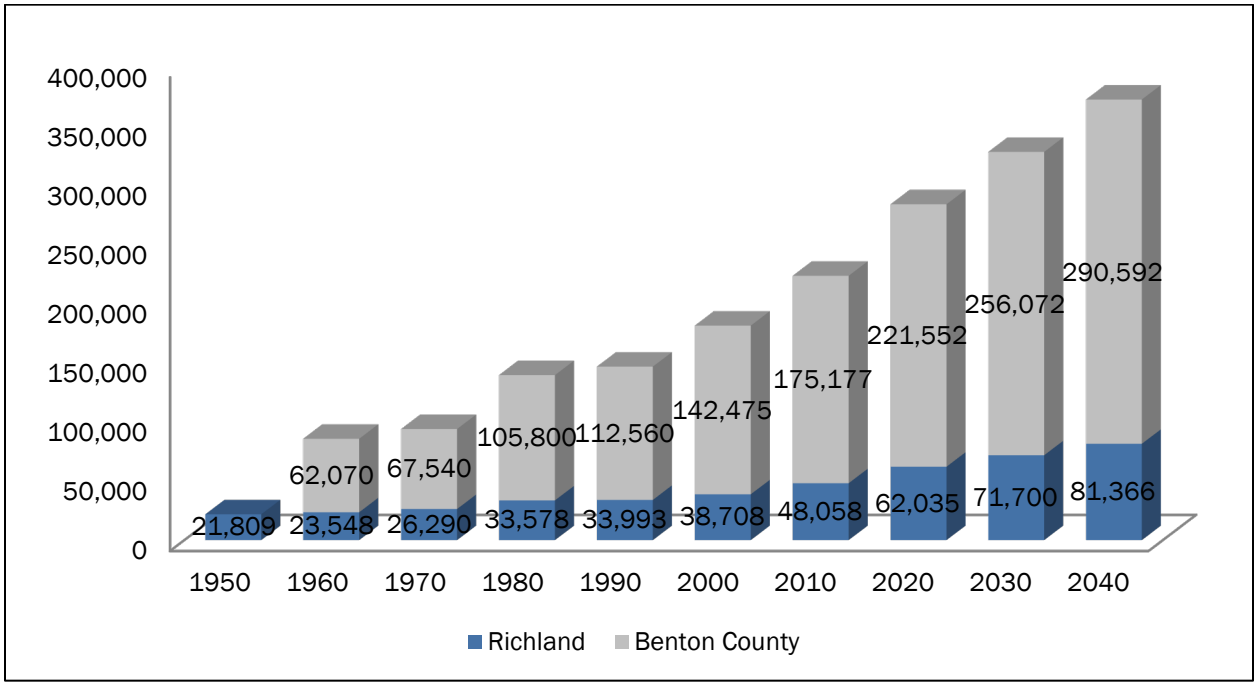
- The portion of the 20-year population forecast allocated to the City of Richland.
- The boundaries of the urban growth area.
- The amount of land necessary to provide sufficient service capacity to meet projected populations at urban densities and service standards.
- Consistency with Benton County CWPP.

FORECAST

Based on the 2016 estimate of Office of Financial Management (OFM), Richland and its UGA contain a population of 54,733 (53,410 within City limits, 1,323 in the UGA). Benton County's county-wide allocation and projected population for Richland are 76,533 for the year 2035, and 81,366 for the year 2040.

The current population and the additional 20-year projected population equals 78,431 persons in the year 2037. The projected additional population that will be added to the City during the next twenty years, per consultation between the cities and Benton County and based upon the official projections from the OFM, is 23,699 persons.

Figure LU-2: Richland and Benton County's Population Forecast



FUTURE LAND CAPACITY

In order to identify land necessary to meet the future demand, a land capacity analysis was performed. The analysis used the City's existing land use density and land inventory.

The first part of this analysis is based on the capacity of existing vacant and underdeveloped residential land to add additional units. This doesn't reflect the property owners' intention of development; neither does it require the property owners to develop their properties.

In this methodology, all vacant and undeveloped lands were identified. Critical areas or environmentally sensitive lands present on the land were excluded in order to estimate the amount of buildable land. Twenty percent of the buildable land area was allocated for infrastructure. The remaining acreage was identified to be buildable and units were projected according to the City's average land use density.

As discussed in the previous section, 23,699 persons will be added to the City during the next twenty years. This will require 9,874 residential units (23,699/2.4) considering Richland's average household size of 2.4 persons/unit. In order to assess adequate land for future growth, the second phase analyzes residential units projected primarily on Low Density, Medium Density, High Density lands, and the Badger Mountain South area. Additionally, a percentage of vacant Commercial and Waterfront lands are projected to be developed with multi-family housing. Table LU-3 below indicates projected residential development within different land use categories.

Table LU-3: Land's Capacity for Future Residential Development

Land Use Category	Projected Units
Low Density Residential Undeveloped = 1230 acres	BLM ownership (135 acres) 300 Area (23 acres) McDonald (14 acres) = 172 acres 515 acres constrained by steep slopes 1,058 acres – 515 = 543 acres 543 acres x 80% (after infrastructure) = 434 acres @ 3.5 units/acre = 1,520 units 515 x 80% (after infrastructure) = 412 acres @ 2 units/acre = 824 units ***2,344 units projected***
Medium Density Residential Undeveloped = 255 acres	Horn Rapids Open Space areas = 25 acres 230 acres x 80% (after infrastructure) = 184 acres 184 x 6.5 units/acre = 1196 units ***1,196 units projected***
High Density Residential Undeveloped = 107 acres	107 x 80% (after infrastructure) = 86 acres 86 x 75% (available for residential) = 65 acres Average density = 15 units/acre 65 x 15 = 975 ***975 units projected***
Badger Mountain South Undeveloped = 1416 acres	Currently 60 dwellings Total Projection at Full Build Out: 4,150 to 5,000 units ***4,090 units projected***
Commercial Undeveloped = 471 acres 39 acres undeveloped in Commercial Limited Business zoned land (8% of undeveloped commercial land)	Average density = 15 units/acre 39 x 80% (after infrastructure) = 31 acres ***465 units projected***
Waterfront Undeveloped = 56 acres	10 acres unusable (landfill/shoreline setback areas) 1/3 waterfront area used for residential 15 acres @15 units/acre = 225 units ***225 units projected***
Total	**9,295 units projected**

As indicated in the table above, 9,295 residential units can be developed at full buildout to accommodate 22,308 people. This still leaves the City with the need to accommodate an additional 1391 people (23,699-22,308) in a full buildout scenario. The City currently has an urban reserve land use category. Re-designation of this land for residential uses will satisfy the City's need for an additional residential land base.

Table LU-4: Vacant and Developed Commercial, Industrial and Public Lands

Land Use	Developed (acres)	Vacant (acres)	Total Acres
Commercial (City)	1,007	538	1,546
Commercial (UGA)	11	5	16
Industrial (City)	2,914	2,026	4,940
Industrial[1] (UGA)	447	1863.5	1,487
Public Lands[2] (City)	4,385	953	5,338
Public Lands[2] (UGA)	351	0	351

[1] *Includes Department of Energy (DOE) transferred land*

[2] *Includes open space and public facilities land*

The amount of vacant commercial land is anticipated to be sufficient to meet the needs of the projected population expected over the 20-year planning period. Re-development of underutilized lands within the Central Business District will also help to satisfy the demands for commercial lands created by an expanding population.

The City's industrial land base has recently been expanded significantly by an act of Congress that transferred 1,641 acres from the Department of Energy (DOE) to the City, the Port of Benton, and Energy Northwest. This land is located north of Horn Rapids Road and is specifically set aside for industrial development. The City and Port plan to market the property to industrial developers as "mega-sites" of 200 acres or larger. The proximity of this land to highways, rail, and utility services together with the large acreages available provide development opportunities for industries that exist in very few places throughout the Pacific Northwest.

Industrial lands located south of Horn Rapids Road will continue to be developed with industrial developments of a more typical scale. The available industrial lands within these two areas will ensure that the City has an adequate industrial land base throughout the planning period.

LANDS FOR PUBLIC PURPOSES

According to RCW 36.70A.150, the county and jurisdictions within it are required to work together to identify the needs for public facilities, including lands for public purposes. Current City-owned public facilities include parks and open spaces, transportation, water, sewer, storm water, solid waste, energy, and municipal facilities. Other public facilities include schools, irrigation, natural gas, and telecommunication services. Table LU-1 indicates public facility and transportation rights of way lands.

Table LU-5: Public Land in the City and UGA

Land Use	Acres in the City	Acres in the UGA	Total
Developed Open Space	2,170	144	2,314
Natural Open Space	2,154	322	2,476
Public Facility[2]	1,014	27	1,041
Public Lands Subtotal	5,338	493	5, 831

[2]Public facility lands includes public school sites, WSU campus, City owned facilities and cemeteries

Excluding the open space land, there are about 361 acres of vacant public facility land within the City limits. Richland's current land per capita for public facility use (without including open space per capita) is 0.0122 acres. Based on this ratio, the additional 23,699 people will require 289 acres (23,699 x 0.0122) of land. Considering the vacant 361 acres, the City will have a surplus of approximately 72 acres of land for public facilities.

This analysis indicates the total land deficits and surpluses. However, the surplus land may not always be useful to meet specific needs due to its location and compatibility for specific public use. Additional information regarding park and open space lands can be found in the Capital Facilities Chapter of the Plan under "Parks, Recreation, and Open Space".

ADDRESSING THE DEMAND

The City is planning to accommodate additional growth in two currently undeveloped areas to the north and west sides all within the City limits. One area is located on the southwest side of the City near the City View and Queensgate area, abutting Kennedy Road to the south and Queensgate Drive to the east. The other area is located on the north side abutting the Horn Rapids residential development to the south. See Figure LU-3 and Appendix C of the Comprehensive Plan for details.

The land use in these areas is re-designated from underutilized Urban Reserve to a mix of Low, Medium, and High Density Residential, Commercial, Public Facility, and Developed and Natural Open Spaces as shown in Table LU-6.

Table LU-6: Proposed Land Use in Horn Rapids Northwest and City View West

Land Use	Existing Land Use (acres)	Proposed Land Uses (acres)
Horn Rapids Northwest		
Urban Reserve	272	
Low Density Residential		230
Medium Density Residential		42
Total	**272**	**272**
City View West		
Urban Reserve	340	
Low Density Residential		143
Medium Density Residential		25
High Density Residential		34
Commercial		55
Public Facility		40
Developed Open Space		5
Natural Open Space		38
Total	**340**	**340**

Additional land use re-designation includes a portion of an area in Columbia Point South, re-designated from Developed Open Space and Public Facility to Urban Recreation. The proposed land use is shown in Table LU-7. Also see Figure LU-3, the Future Land Use Map.

Table LU-7: Proposed Land Uses in Columbia Point South

Land Use	Existing Land Use (acres)	Proposed Land Uses (acres)
Public Facility	33	
Developed Open Space	71	
Natural Open Space	153	177
Urban Recreation		80
Total	**257**	**257**

Figure LU-3: Future Land Use Map

SECTION FOUR

NATURAL ENVIRONMENT

CRITICAL AREAS

Richland's critical areas include wetlands, fish and wildlife habitat areas, aquifer recharge areas, and geologically hazardous areas.

The critical areas map in the Comprehensive Plan, Figure LU-4, indicates floodplains, geologic hazard areas (steep slopes), and wetlands in Richland.

- **Wetlands.** Wetlands are ecosystems that serve a number of important beneficial functions. They help maintain water quality, store and convey storm water and floodwater, and recharge groundwater. Wetlands provide important wildlife habitat and serve as areas for recreation, educational and scientific study, and aesthetic appreciation.
- **Fish and Wildlife Habitat Areas.** These areas are important for maintaining flora and fauna species diversity; providing opportunities for food, cover, nesting, breeding, and movement for fish and wildlife; serving as areas for recreation, educational and scientific study, and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.
- **Frequently Flooded Areas.** Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas should include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP).
- **Aquifer Recharge Areas.** Critical aquifer recharge areas are defined as those areas having a critical recharging effect on aquifer use for potable water in community systems. They consist primarily of wellhead protection areas associated with City water supplies and are intended to protect public health and safety, prevent degradation of ground water supplies, and control risks to the degradation of ground water quality and quantity.
- **Other Critical Areas.** These are characterized by geologic hazards that pose a risk to public and private property and human life and safety. Geologically hazardous areas include areas susceptible to landslide, erosion, or seismic activity. Because of this susceptibility, these areas may not be suitable for new development. In many cases, hazards can be reduced or mitigated through engineering design or modified construction practices.

The City uses the best available science (BAS) in developing policies and development regulations to protect the functions and values of critical areas and give special consideration to conservation or protection measures. The BAS involves adopting information from local, state, or federal natural resource agencies that are appropriate for local circumstances; consultation with a qualified scientific expert or team to assess applicability to the local critical area; and determination if a person is a qualified scientific expert.

SHORELINE

The GMA requires that Shoreline Management Plan (SMP) goals and policies are included in the Comprehensive Plan and that they are consistent with each other. The City of Richland received grant funding from the Washington State Department of Ecology to develop an updated SMP. A primary purpose of this effort is to update the SMP to comply with Chapter 90.58 Revised Code of Washington

(RCW), the Shoreline Management Act (SMA), and the Department of Ecology's 2003 Shoreline Master Program Guidelines (Chapter 173-26 Washington Administrative Code [WAC]).

The City of Richland worked closely with the citizens and the Department of Ecology and updated the SMP in 2014. The goals and policies of the SMP are incorporated by reference in the Comprehensive Plan.

The City has prepared an Inventory and Analysis of local shoreline ecological, land use, and other resources to provide the scientific basis of the program. The City has approximately 2,600 acres of land on the Columbia and Yakima Rivers shoreline. The City's overall approach of shoreline use is as follows:

- The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.
- The utilization of shorelines and the waters they encompass for public access and recreation.
- Protection and restoration of the ecological functions of shoreline natural resources.
- Protection of the public right of navigation and corollary uses of waters of the state.
- The protection and restoration of buildings and sites having historic, cultural, and educational value.
- Planning for public facilities and utilities correlated with other shoreline uses.
- Prevention and minimization of flood damages.
- Recognizing and protecting private property rights.
- Coordination of the SMP with other relevant local, state, and federal programs.

OPEN SPACE

Open space in the Richland and its UGA comprises over 17 percent of the total land. These areas include natural areas (Natural Open Space) and more formal developed parks and trails (Developed Open Space). Park and trail facilities are discussed in detail in the Capital Facilities Element. This section discusses the natural elements of Richland's open space system, which comprise approximately 9 percent of the land area within the City.

The Tapteal Greenway, located on the lower Yakima River, is one of Richland's most notable open space areas. The entire Greenway is a 35-mile natural corridor that runs from Kiona at Benton City to the river's confluence with the Columbia River at Bateman Island in Richland. It goes through the Chamna Natural Preserve and W.E. Johnson Park that are discussed below. It has been preserved as an area where wildlife, natural vegetation, and people can co-exist. It provides potential opportunities for non-motorized recreation, education, and habitat protection.

The Chamna Natural Preserve is about 276 acres and is located on the north bank of the Yakima River. It is part of the Yakima River delta and is managed by the Tapteal Greenway Association. The Tapteal Greenway Association manages other lands owned by the USACE as a nature preserve with limited non-motorized access. Habitat area includes about 100 acres of upland, with 50 acres of abandoned farm fields (Anchor QEA, 2014). Riverview Preserve is a 268-acre area owned and managed by the USACE at the confluence of the Yakima and Columbia Rivers; Bateman Island is 160 acres in the Yakima River Delta under USACE ownership and leased to the City.

W.E. Johnson Park is primarily a natural open space area consisting of 236 acres. It has about a half mile of Yakima River frontage. It is located south of Van Giesen Street.

The Amon Basin includes approximately 75 acres of City-owned open space and is located on the southeast side of the City east of Leslie Road. The Amon Basin Natural Preserve has been preserved

as compensatory mitigation for SR 240 bridge expansion project over the Yakima River delta that took place in 2005. The mitigation area includes upland and wetland habitat. Irrigation canal system operations, raised groundwater tables and associated seepage and return flow surface in this natural drainage and run through the Amon Basin and other areas into the Yakima River near the confluence with the Columbia River.

On the Columbia River, the City managed major open space land includes Leslie Groves Park located between Snyder Street and Ferry Street; and the Columbia Point South area, which is a largely undeveloped area of 230 acres located at the confluence of the Yakima River and the Columbia River. Other major open space land includes the islands on the river that are part of the McNary National Wildlife Refuge.

MINERAL RESOURCES

Mineral resource lands are natural resource lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

Each city and county planning under the Washington State GMA is required to designate natural resource lands where appropriate, and adopt development regulations to assure the conservation of agricultural, forest, and mineral resource lands (RCW 36.70A.060, RCW 36.70A.170). Jurisdictions need to designate mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.

In order to classify mineral resource lands, cities and counties are required to consult with the Department of Natural Resources. Lands from which extraction of mineral occurs or can be anticipated shall be identified and classified as mineral resource lands (WAC 365-190-070).

Classification criteria shall be established according to the state guidelines in WAC 365- 190-070. Areas shall be classified as mineral resource lands based on geologic, environmental, and economic factors, existing land uses, and land ownership. Cities and counties should classify lands with long-term commercial significance for extracting at least one of the following minerals: sand, gravel, and valuable metallic substances. Other minerals may be classified as appropriate. Classification should be based on the maps and information provided by the Washington State Department of Natural Resources and the United States Bureau of Mines.

The City undertook a detailed analysis of its mineral resources in 1998 and determined that no lands within the Richland Urban Growth Area should be designated as mineral resource lands.

HOUSING

SECTION ONE

INTRODUCTION

The Washington State GMA established Housing as one of the fourteen planning goals to be used exclusively for guiding the development of comprehensive plans and development regulations. The adopted goal for Housing states: "Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety residential densities and housing types, and encourage preservation of existing housing stock." This section analyzes existing housing and projected housing demand in Richland.

SECTION TWO

EXISTING INVENTORY AND PROGRAMS

The 2015 American Community Survey (ACS) data indicates 22,130 housing units in Richland. About 65 percent of the housing units are owner-occupied, and 35 percent renter-occupied. Table HE-1 below indicates housing types and occupancy.

Table HE-1: Existing Housing Inventory

	Estimate in 2015	%
Total Housing units	22,130	100.00
Occupied housing units	20,792	94.00
Vacant housing units	1,338	6.00
Owner-occupied housing units	13,622	65.50
Renter-occupied housing units	7,170	34.50
Unit types		
1-unit, detached	13,858	62.60
1-unit, attached	1,142	5.20
2 units	1,356	6.10
3 or 4 units	666	3.00
5 to 9 units	1,098	5.00
10 to 19 units	1,077	4.90
20 or more units	2,112	9.50
Mobile home	786	3.60
Boat, RV, van, etc.	35	0.20

Source: American Community Survey, 2015

The US Department of Housing and Urban Development provides the City of Richland with federal Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funds on an annual basis.

In 2016, $468,330 of HOME funds was awarded to the Tri Cities HOME Consortium (Cities of Richland, Kennewick, and Pasco). Each year, ten percent of the award is used for administrative purposes, fifteen percent is set aside for a Community Housing Development Organization (CHDO) affordable housing development project, and the balance of the award is divided among the three Cities. The HOME funds were used to provide eligible low- and moderate-income first-time homebuyers with the necessary funds to assist with down payment and closing costs, making it more affordable to purchase their first home in Richland. In 2016, the City provided approximately $ 163,581 in funding to assist sixteen borrowers with the purchase of their first home.

A portion of CDBG funds are made available each year through the revolving loan fund to eligible low- and moderate-income homeowners to make needed health and safety repairs to the home they own and are living in through the Owner-Occupied Rehabilitation program. Homeowners can apply for up to $20,000 to make needed repairs and weatherization improvements to their home. The loan is secured by a lien on the property. The loan is zero percent interest, non-payment. The loan is due and payable when the homeowner refinances, sells, or no longer uses the property as their primary residence.

Similar to the rest of the state, Richland faces the challenge of homelessness. The total number of homeless population in Benton and Franklin Counties in 2014 was 226 (Benton-Franklin Health District, 2014). The City recognizes the need to address homelessness through various measures, programs and outreach.

SECTION THREE

PROJECTED NEEDS

As discussed in the Land Use Chapter, Richland's population is expected to grow from 53,410 in 2016 to 78,431 in 20 years, adding 23,699 people in the City and UGA by 2037. Using the average household size of 2.4 persons per unit, this additional population will require 9,875 housing units. According to the land use analysis, existing vacant buildable land will provide 9,295 units in a variety of housing types (single-family, multi-family, townhome, condo, etc.). An additional 580 housing units will be required to meet the demand of future housing.

Currently, there is a shortage of senior affordable housing in Richland. Based on the discussion with the affordable housing groups for seniors (Shalom Ecumenical Center and Luther Senior Center), over the period of 2010 and 2016, occupancy at the senior housing communities averaged 98%. Some senior rental housing communities also have a long waiting list.

RECOMMENDATIONS

This demand of additional housing will be met by developments in the existing planned areas, infill developments, and by re-designating two underutilized areas currently designated Urban Reserve to a mix of residential, commercial, and public facilities land use. One area is located on the west side near the City View area, and the other area is located on the north side near the Horn Rapids development. Details of the land uses are discussed in the Land Use Chapter of this Plan.

The City's current housing assistance programs - CDBG and HOME - will continue to assist homeownership for Richland citizens.

TRANSPORTATION

SECTION ONE

INTRODUCTION

Washington's 1990 GMA requires rapidly growing cities and counties in Washington State to develop comprehensive plans that describe and plan for their future development. These plans must discuss facilities, functions, and financing for specific elements of the community. The specific goal of the GMA with regard to transportation is to "encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans." The GMA also requires that local comprehensive plans, including the land use and transportation elements, be consistent and coordinated with required regional programs.

The ability to move goods and people is essential for a healthy community, and the Transportation Element of Richland's comprehensive plan describes how it is done now and will be done in the future. To meet GMA requirements, the Transportation Element must identify existing transportation system characteristics, establish standards for levels of service (LOS), and identify existing and future deficiencies based on traffic growth projections.

The GMA also requires that a jurisdiction's transportation plan contain a funding analysis of the capital transportation projects it recommends. This analysis covers funding needs and resources, and includes a multi-year funding plan. The purpose of the analysis is to ensure that each jurisdiction's transportation plan is affordable and achievable.

PURPOSE AND INTENT

Over the next 20 years Richland is projected to experience a 28 percent increase in population. This growth will result in an increase in traffic volumes to, from, through, and within the City. Transportation strategies must be developed to maintain or achieve acceptable levels of congestion and roadway condition. This Transportation Element will serve as Richland's strategy for accommodating anticipated growth. It combines technical and financial analyses of the City's transportation system using methods that meet GMA requirements.

The Transportation Element analyzes the current transportation system, identifies what improvements need to be made to serve the City, and determines how the improvements can be financed. Levels of service have been developed to reflect the system's ability to serve City users, applied to the existing facilities to determine current deficiencies, and used to predict deficiencies for the horizon years. Each year the City prepares a 6-year Transportation Improvement Program. In accordance with the GMA, the plan will be updated each year, maintaining the 6-year planning horizon.

Coordination with other elements of the City's Comprehensive Plan and the plans of adjacent jurisdictions is important to the success of this element. The land use designations from the Land Use Element are used to forecast traffic, and the City's transportation goals and policies are used to guide project selection. The City has shared information and coordinated with the Benton-Franklin Council of Governments (BFCOG), the Washington State Department of Transportation (WSDOT), and neighboring cities in the preparation of this element. The plan meets the concurrency requirement of the GMA, under which improvements are required to match growth and development.

This element is divided into the following sections: existing conditions, level-of-service development and analysis, and existing and future deficiencies and recommendations. The roadway system

inventory detailed in the Existing Conditions section and land use information from the Land Use Element are used together with a traffic model and the desired level of service to form the basis for the analysis of conditions in 2040. The results of this analysis are reported in the Deficiencies and Recommendations section. In addition to the roadway system, non-motorized transportation systems, air, rail and transit systems are also discussed.

ANALYSIS METHODOLOGY

The Transportation Element of the 2008 Comprehensive Plan was based on the 2005 Transportation Plan and the significant evaluation of the transportation system that was completed at that time. The City of Richland has completed many of the projects identified in the current Transportation Plan and continues to perform studies and develop projects that address transportation needs within the City. Since a formal update of the City Transportation Plan has not been completed since 2005, substantial evaluation of the system has been undertaken for this current effort. For the purposes of this Comprehensive Plan Update, four primary inputs have been used to evaluate the transportation system for the need for transportation improvements.

1. Results of recent studies where known deficiencies exist and solutions have been identified.
2. Roadway segment traffic volumes collected by the Benton Franklin Council of Governments during 2016 were used to evaluate the vast majority of functionally classified roadway segments and intersections of functionally classified roads at a planning level.
3. Other projects developed by City staff to address issues and concerns.
4. Future conditions have been evaluated through the use of the Benton Franklin Council of Governments' regional traffic model which incorporates future population and land use projections to forecast year 2040 traffic volumes throughout the Tri-Cities region.

SECTION TWO

EXISTING CONDITIONS

The Tri-Cities is the largest metropolitan area between Spokane to the northeast, Seattle to the northwest, Portland to the west, and Boise to the southeast. Because of its location, the Tri-Cities is a major transportation hub for travelers and commodities in the Pacific Northwest. As part of the Tri-Cities, Richland has easy, direct access to all modes of commercial transportation services. This section provides an inventory of the existing transportation system, which will be used as the baseline for assessing future development of the system.

DATA COLLECTION AND REVIEW

This element focuses on facilities operated by the City of Richland, as well as those operated by others, within the UGA. Additional facilities and services operated outside this area by other jurisdictions that are critical to the functioning of the transportation system are briefly described. Data for this section were obtained from the City of Richland Public Works Department, Information Services Department and the Benton Franklin Council of Governments. Data for non-City-operated transportation systems were obtained from service providers and secondary documents.

EXISTING ROADWAY SYSTEM

Each City roadway is classified according to its function within the system. The currently approved functionally classified roadway system is shown in Figure T-1. The City uses the following street classifications, based on the amount of traffic and the origin and destination of the traffic:

- Interstate (4.84 miles)
- Other freeway/expressway (14.87 miles)
- Principal arterials (~~15.57~~18.0 miles)*
- Minor arterials (~~28.62~~23.0 miles)*
- Collectors (~~22.97~~59.0 miles)*
- Local (residential) streets (~~191.97~~203.3 miles)*

*as updated in 2023

The Tri-Cities is connected to the interstate highway system. I-82 links the Tri-Cities metropolitan area to I-90 to the north and west, through Yakima, and to I-84 to the south, in northern Oregon. I-182, which passes through Richland, links Richland to these interstates and US 395. US 12 links the Tri-Cities to the interstates and to US 395, and provides access to Walla Walla and other southeastern Washington locales. The limited-access interstates serving the Tri-Cities carry between 40,000 and 60,000 vehicles per day. SR 240, which originates at US 395, links Richland and Kennewick and provides a western bypass route around the City to the Hanford Site, then continues northwest to connect with SR 24. Access to West Richland is via SR 224 (Van Giesen Street) and I-182. WSDOT is responsible for maintaining an adequate level of service on these highways.

Arterials are used in an urban setting and are divided into principal and minor arterials. They carry the highest volumes of traffic within the urban roadway system, provide connections within the system for traffic using other classifications of roadways, and link high-volume destinations and land uses, such as major employers or larger commercial centers

Collectors connect traffic from residential streets to arterials. They can be used for through trips, or they may be the origin or destination of trips for purposes such as neighborhood services.

Residential streets are low volume roadways serving specific residential areas. They are typically not used for through trips, and are often the origin or destination of vehicle trips. Residential streets are typically designed for travel at no more than 25 miles per hour.

The existing number of lanes on City streets is shown in Figure T-2, with the existing traffic control at intersections of functionally classified roads shown in Figure T-3. As shown in Figure T-3, there are 66 traffic signals within the City of Richland, some of these are operated by the Washington State Department of Transportation or through partnership by the City of Kennewick.

The Benton Franklin Council of Governments collected roadway segment volumes on the vast majority of the functionally classified roadways in the region from which to calibrate the regional traffic model. The results of these traffic counts within the City of Richland are shown in Figures T-2 and T-3 representing average weekday traffic volumes and PM peak hour traffic volumes.

EXISTING NON-MOTORIZED SYSTEM

Pedestrian Facilities

Pedestrian facilities within the City of Richland are mainly composed of sidewalks constructed in association with streets and a separate bicycle and pedestrian trail discussed below. Current design standards for residential collectors and residential streets include provisions for 5-foot sidewalks; current standards for the Central Business District and C-2, C-3 zoning areas adjacent to collectors is 8-foot. However, not all existing residential areas have sidewalks. Bicycle paths, described below, also serve as pedestrian pathways.

Bicycle Facilities

The City of Richland currently has a bicycle/pedestrian path network of about 30 miles of Class I trails that run along the Columbia River as part of the Sacajawea Heritage Trail network that traverses both sides of the Columbia River throughout the Tri-Cities area, Keene Road, SR-240 By-Pass, and a portion of the Yakima River. The bicycle/pedestrian network of facilities also includes 6.38 miles of secondary trails and more than 36 miles of soft trails primarily in natural areas of Badger Mountain, South Columbia Point, Chamna Natural Preserveand the Amon Basin. There are continued plans to expand this bikeway network through the construction of additional segments. Since the last Comprehensive Plan Update, the City has designated about 68 miles of City streets as bicycle routes, including principal and minor arterials and some collectors, which now provide major routes through and across the City. Links to the other cities in the area are also included in the bicycle route network. Figure T-6 shows the existing bicycle route system.

OTHER TRANSPORTATION SYSTEMS

Airport Facilities

Primary air traffic to Richland uses the Tri-City Airport in Pasco. Downtown Richland and Richland's industrial areas are a 20 minute drive via I-182 to the airport. The airport is classified as an air carrier airport, and offers direct passenger service to Seattle, Portland, Salt Lake City, San Francisco, Minneapolis/St. Paul, Denver, Los Angeles, Las Vegas, and Mesa, Arizona. Commuter airlines also link the Tri-Cities with other regional cities. Tri-City Airport passenger carriers include Allegiant, Delta, Alaska/Horizon, and United Express. UPS, Federal Express, and Ameriflight freight service is also provided. MedStar provides air ambulance service from the Tri-Cities Airport. In 2016, annual passenger enplanements at the Tri-Cities airport were over 375,000, making it the third busiest airport in the state of Washington. The Port of Pasco owns the Tri-City Airport, which features a newly expanded 110,000 square-foot terminal with state of the art services. The airport contains 2,235 acres and has three runways. The airport master plan identifies a runway extension to accommodate larger aircraft to serve the region.

The Richland Airport, owned and operated by the Port of Benton, is classified as a commuter service airport. Located northwest of Richland's core area, it is the second largest airport in the area. A system of roadways links hangars, fixed-based operators, and commuter terminal facilities to associated industrial properties. The 650-acre airport has two 4,000-foot runways capable of supporting commuter aviation. The airport master plan calls for a runway extension to the north for a total of 5,000 feet in order to accommodate faster aircraft and corporate jets. This runway extension will require study and potential mitigation since the Runway Protection Zone will be extended over SR 240 and some developed industrial properties. At this time, the airport serves general aviation aircraft only, with 165 aircraft based there. This is a marked increase in recent years due to the closure of Vista Field in Kennewick. DHL provides daily flights for domestic and international shipping from the Richland Airport. MedStar also provides air ambulance service from the Richland Airport.

Rail Freight Facilities

Both the Burlington Northern and Union Pacific railroads provide mainline rail service to more than 35 states from the Tri-Cities, including service from Richland's industrial area. The Tri-Cities urban region is the only major metropolitan and manufacturing area between the Cascade Range and the Rocky Mountains offering this level of service from these two major national carriers.

Burlington Northern, the nation's longest railroad, has its Pacific Northwest hub in the Tri-Cities. Union Pacific, the nation's second longest railroad, connects the Tri-Cities to the Great Lakes and the Gulf of Mexico. Union Pacific operates the largest fleet of refrigerated rail cars in the nation.

Tri-City rail service passes through Pasco's computerized terminal or through the Kennewick rail yard. Both are within 10 miles of downtown Richland. Computerized rail service and flatcar ramps provide quick, efficient truck-to-rail exchanges, an important consideration for the area's large fresh, frozen, and processed food industry. Significant extensions of the rail system have been made in recent years to serve the Horn Rapids Industrial Park, including a loop that accommodates Unit Trains which are typically longer than one mile in length. Total length of railroad track within the City of Richland is 30 miles and is shown in Figure T-7. There are 11 at-grade crossings of the railroad.

The Port of Benton owns a railroad track connecting Richland to the Union Pacific Railroad and Burlington Northern Santa Fe systems. The Port track enables rail service to the City's Horn Rapids Industrial Park, in which the City has developed a City-owned industrial service railroad track. Several existing industrial businesses now take rail service over these tracks. Additional available development property could expand rail shipping businesses in the future. At present the Port leases its track to the Tri-City Railroad, who maintains the Port's track and provides local rail connection to the Union Pacific Railroad.

The United States Department of Energy controls rail entry into the Hanford Site north of Richland. Both Burlington Northern and Union Pacific have unlimited access to these tracks, which pass near Richland's industrial areas. A public rail dock has been constructed on Richland's northwest side, and there are plans to extend tracks west into Richland's vacant industrial area, north of the Richland Airport.

Passenger Rail Facilities

Amtrak's Empire Builder line provides passenger rail service daily from the Tri-Cities to Spokane and to Portland. Trains use the passenger station at West Clark Street and Tacoma Avenue in Pasco.

Port Facilities and Barge Services

Three port districts operate on the Columbia and Snake Rivers in the Tri-Cities metropolitan area. The Port of Benton has more than 6,000 feet of Columbia River frontage zoned for heavy industrial use at the Richland Industrial Park, which includes a barge facility that includes a high dock as well as a barge slip with 14 feet depth berths. The Port of Pasco has nearly two miles of waterfront, including a 650-foot dock, 20-foot-depth berths, and a 36-ton overhead crane. The neighboring 28-acre marine terminal facility has the largest bulk cargo tonnage movement on the upper Columbia River system. The Port of Kennewick has dock facilities along a 12-mile stretch of the Columbia

The Columbia-Snake River System is one of the most modern transportation networks in the nation. Numerous barge lines dock in the Tri-Cities, 325 river miles inland from the Pacific Ocean, furnishing easy, direct access to domestic and Pacific Rim markets. River transportation is a cost-effective shipping mode for the Tri-Cities. Commodities often move from the Tri-Cities to Pacific Rim nations at a time advantage when compared to ports in San Francisco and Los Angeles. Nearly three million tons of barge freight, composed of a wide variety of bulk and raw agricultural and industrial cargoes and intermodal container cargoes, enter and leave the Tri-Cities annually. Seven barge companies service the Tri-Cities, with a container dock offering direct access to truck and rail service. Port facilities are shown in Figure T-7.

Public Transit System

Ben Franklin Transit provides community fixed route bus service in Richland as shown in Figure T-8 and throughout the Tri-Cities area. This service radiates from the Bob Ellis/Knight Street Transit Center in the core area of Richland, with routes, 23, 25, 26, 27, and 39 providing local service within the Richland City limits. Route 10 serves West Richland; routes 110, 120, 170, 225 and 815 provide inter-city connections between West Richland, Richland, Kennewick, and Pasco. Current fares are $1.50 for adults and $1.00 for youths (ages 6 to High School); senior citizens 65 and over and children under 6 ride free. Monthly passes are available as well. The fixed route bus system does not operate on Sundays, but evening and Sunday transit service can be obtained through TransPlus. Ben Franklin Transit serves some areas of the community through a shuttle service called Taxi Feeder. Such areas within and near Richland include: Broadmoor/Bellerive, Crested Hills, Rancho Reata and Willowbrook. Ben Franklin Transit also provides transit and vanpool services to the Hanford Site.

Trucking Lines

Richland and the Tri-Cities metropolitan area are served by more than 35 local, regional and national trucking lines. Eleven western states, Alberta, and British Columbia are within second-morning delivery service of the Tri-Cities.

Other Services

Several taxi and limousine services operate in the Tri-Cities area. Greyhound Bus Lines also serves the Tri-Cities, with daily stops at the joint Amtrak station in Pasco. Connections can be made there through the Ben Franklin Transit System In addition, several transportation companies offer charter bus service throughout the region on an as-needed basis.

SECTION THREE

LEVEL OF SERVICE

LOS DEVELOPMENT

The GMA requires jurisdictions to maintain standards for transportation LOS. These standards are used during transportation studies to determine appropriate improvements to achieve acceptable Levels of Service. For future conditions, these standards are also used in conjunction with forecasts that come from a computerized model of the City's roadway system to analyze the transportation network and determine deficiencies under the Comprehensive Plan.

A capacity-based system for measuring LOS, developed by the Transportation Research Board, is outlined in the Highway Capacity Manual. Levels of service for different types of transportation facilities are based on parameters that best describe operating conditions for that type of facility, as well as the perceptions of drivers and passengers. These parameters are called measures of effectiveness. The measures of effectiveness used for Richland's transportation system are outlined in Table T-1.

Table T-1: LOS Measures of Effectiveness

Type of Facility	Measure of Effectiveness
Freeways (basic segments)	Density (vehicles/mile/lane)
Multi-lane highways	Density (vehicles/mile/lane) or Free-flow speed (miles/hour)
Arterials	Average travel speed (miles/hour)
Signalized intersections	Average stopped delay (seconds/vehicle)
Un-signalized intersections	Average total delay (seconds/vehicle)

Levels of service are expressed using a scale with letter designations ranging from A to F. LOS A represents the highest level and the best operating conditions, and LOS F is the lowest level. The computerized traffic model replicates the operating conditions of the network and is used to assign an LOS to each roadway segment and intersection. Table T-2 generally defines the LOS rating scale.

LOS MEASUREMENT

Methodology

Levels of Service for Richland used during traffic impact studies and corridor studies are measured using the Highway Capacity Manual procedures and methods.

The afternoon peak time period (PM peak hour) was used for the traffic modeling; this has been determined through research to provide the best overall results and is a standard used in all traffic model preparation. Roadway data collected from City records included traffic counts, locations of stop signs and signals, speed limits, and lane configurations. Land use data were collected for existing employment and housing. The model output can be expressed in terms of both traffic volumes and average speeds. These are used to determine levels of service.

Table T-2: Level of Service Criteria for Intersections

LOS Rating	Signalized Intersections and Roundabouts Control Delay per Vehicle (s/veh)	Un-signalized Intersections Control Delay per Vehicle (s/veh)
A	> 0-10	>0 - 10
B	> 10-20	>10 - 15
C	> 20-35	>15 – 25
D	> 35-55	>25 – 35
E	> 55-80	>35 – 50
F	> 80	>50

Threshold LOS

To determine whether service levels of a roadway system are deficient, a threshold LOS must be established. Any roadway with an LOS better than the threshold is considered acceptable, and a roadway with an LOS worse than the threshold is considered deficient. For this analysis, the threshold is LOS D, which is the same level adopted by Benton Franklin Council of Governments and used in the Regional Transportation Plan. Existing conditions was evaluated using a single peak-hour

calculation. As with the previous analysis, the minimum threshold LOS will be D, and roads with an average LOS of E or F will be considered deficient.

The threshold for all movements in signalized intersections and roundabouts is LOS D. Signalized intersections and roundabouts at LOS D or better, but have movements at LOS E or F then analysis of queues impacting adjacent signalized intersections and movement delay is required. If failures to individual movements are caused by delay, then exceptions may be considered by demonstrating a volume to capacity ratio of 95% or less for left-turn movements while demonstrating a volume to capacity ratio of 85% or less for thru movements, while still achieving an overall LOS D for the intersection. 95th percentile queue length extending into adjacent signalized or roundabout intersections or major driveways (over 1000 vehicles per day) are considered deficient.

Unsignalized intersections at LOS E may not be considered deficient if all minor street movements operate at LOS E or better. Unsignalized intersections at LOS F may not be considered deficient if an accessible signalized intersection or roundabout operating at LOS D or better is within a quarter mile of the unsignalized intersection as an alternative route than using the unsignalized intersection.

SECTION FOUR

DEFICIENCIES AND IMPROVEMENTS

The City meets its transportation concurrency requirements by identifying deficiencies based on the LOS established above, and addressing deficiencies through short and long term improvements. The City plans to provide adequate transportation facilities within it growth areas as growth occurs according to the GMA.

SHORT TERM IMPROVEMENTS

As mentioned above, existing conditions analysis was performed for the purposes of this Comprehensive Plan update by reviewing recent studies that have been performed within the City of Richland to determine the impacts of proposed development. Other studies have been commissioned by the City to evaluate corridors for which short and long-range improvements were necessary in order to address congestion caused by growth in the region. City staff's knowledge of the transportation system has also contributed to identifying where problems are, especially at existing stop-controlled intersections.

Traffic volumes collected by the Benton Franklin Council of Governments in 2016 were reviewed as well and examined at a planning level for both roadway segments and intersection levels to identify other potential areas of concern that may not meet City LOS standards. The resulting roadway network PM peak hour existing volume to capacity ratios are shown in Figure T-9. Intersection entering volumes were also examined and evaluated for two conditions. First, whether stop control is adequate when comparing major street and minor street traffic volumes. Second, for signalized intersections, whether additional turn lanes are warranted based on volume to capacity ratios. Because of these studies, several roadway network improvements have been identified and are shown in Figure T-10.

As shown in Figure T-10, new traffic signals, and associated roadway improvements as applicable, are proposed at six existing un-signalized intersections. Improvements to existing signalized intersections are proposed, as determined through various studies to increase capacity at six locations as well. The most significant areas of concern are in the Queensgate Corridor from just north of I-182 south to Keene Road, and George Washington Way north of I-182.

Table T-3: City of Richland 2017 - 2022 Transportation Improvement Program as amended by City of Richland 2022 – 2028 Transportation Improvement Program

Project Title	Project Description	Total Cost ($)
Duportail Bridge	New bridge and roadway over Yakima River	35,000,000.00
Center Parkway Extension	Extend Center Parkway from Tapteal Drive to Gage Boulevard	1,334,120.00
I-182/Queensgate Drive Ramp Terminal Improvements	Construct roundabout at EB I-182 ramp terminals	2,715,000.00
Queensgate Drive/Columbia Park Trail Improvements	Add lanes to Queensgate Drive between Keene Road and I-182. Construct roundabout at Queensgate/Columbia Park Trail	1,700,000.00
Swift Boulevard Improvements	Pavement rehab, widen sidewalks, reduce lanes, streetscaping	1,365,000.00
Vantage Highway Pathway - Phase 2	Separated multi-use pathway between Robertson Drive and Stevens Drive	670,000.00
S. George Washington Way Intersection Improvements	Reconfigure GWW/Col. Point Drive intersection and modify I-182/SR 240 ramps	9,890,000.00
Columbia Park Trail - East	Reconstruct roadway to provide 3 lanes, curb and gutter, sidewalks, bike lanes, and streetscaping	1,300,000.00
Steptoe Street/Tapteal Drive Intersection Improvements	Realign Tapteal Drive to construct a new intersection with Steptoe Street including modifications to the at-grade rail crossing	1,380,000.00
Rachel Road Improvements	Construct a collector street between Bellerive Drive and Leslie Road	2,200,000.00
Queensgate Drive Extension	Construct a 3-lane roadway between Shockley Road and Keene Road	1,100,000.00
Gage Boulevard Improvements	Add bike lanes, shoulders, sidewalks, street lights, and storm drainage between Penny Royal and Morency	825,000.00
Bellerive Drive Extension	Construct a two-lane collector street between Wenatchee Lane and Rachel Road	70,000.00
Marcus Whitman Elementary - SRTS	Construct sidewalks and frontage improvements and overlay on Snow Avenue between Duportail Street and Hoffman Street, and Gray Street between Snow Avenue and Winslow Avenue	491,200.00
Stevens Drive Pathway	Construct a separated multi-use pathway on the east side of Stevens Drive between Spengler Street and Horn Rapids Road	950,000.00

Project Title	Project Description	Total Cost ($)
Queensgate Drive - Phase II	Construct a two-lane collector street between Bermuda Road and Alla Vista Road, including frontage improvements	3,400,000.00
Vantage Highway Pathway - Phase 3	Construct a separated multi-use pathway on the north side of SR 240 between Twin Bridges Road and Kingsgate Way	600,000.00
Downtown Connectivity Improvements	Conversion of George Washington Way and Jadwin Avenue to a one-way couplet between Symons Street and Jadwin Avenue. Add active transportation connectivity and safety improvements.	16,000,000
Systemic Pedestrian Crossing Safety Improvements	Construct safety improvements at various pedestrian crossings identified in the Local Road Safety Plan	1,300,000
Systemic Stop-Controlled Intersections Safety Improvements	Construct safety improvements at various stop-controlled intersections identified in the Local Road Safety Plan.	2,200,000

LONG TERM IMPROVEMENTS

This section discusses the future roadway network to serve the anticipated growth within the City. It identifies additional bicycle and pedestrian projects as well.

Future Functionally Classified Roadway Network

Growth in the City of Richland is anticipated in several undeveloped areas, including the south Richland area south of the Yakima River, as well as the Badger Mountain South sub-area and the Horn Rapids Industrial Park in north Richland. The City of Richland has planned a roadway network to serve these developing areas and many of the improvements will be paid for by private development.

The City Municipal Code has definitions for various types of streets, identifying the purpose for each road along with associated standards. The code divides collectors into two types, the Arterial Collector and Neighborhood Collector, which is somewhat different than the currently approved state classified system. The future functionally classified street system of roadways is shown in Figure T-11 and is the network towards which the City is working to provide in order to serve development. It includes the following mileages of the various types of roads.

FUTURE DEFICIENCIES

Roadway System

The GMA requires that communities forecast anticipated growth in traffic volumes for at least a 10-year horizon based on the adopted land use plan to provide information on the needs of future growth.

As a tool in preparing the Regional Transportation Plan (RTP), the Benton Franklin Council of Governments maintains a set of regional computerized transportation models. The model is developed using current traffic data and land uses in the region using Transportation Analysis Zones

(TAZs) that are defined by various attributes describing the number and type of households and employees as well as other land uses within each zone. The model is calibrated for existing conditions using Federal Highway Administration procedures and methods. Once calibrated for existing conditions, changes in assumptions for future land uses and roadway networks can be made to determine the potential impacts of developments and roadway scenarios. Land use assumptions representing future conditions are developed to determine various impacts on the roadway network at a regional level. The future year model representing the year 2032 developed by Benton Franklin Council of Governments and prepared in 2012 represents the best land use and roadway assumptions available at the time it was created and substantially represents the land use scenario presented in this Comprehensive Plan Update. The current RTP is in the process of being updated to the year 2040 but is unavailable during this Comprehensive Plan Update. Once updated, the City will review the results and plan accordingly to address congestion that is anticipated in the long-range scenarios beyond those that are already identified.

It must be recognized that although traffic models are calibrated within acceptable ranges, the model is just one tool in transportation planning and traffic forecasting. The Benton Franklin Council of Governments model is a PM peak hour model that provides roadway segment volumes (not specific turn movement volumes).

A major transportation challenge within the City of Richland transportation system is for north-south travel. Several factors contribute to this situation, including the major regional employers situated north of the City, combined with the fact that significant housing that is provided south and east of the Yakima and Columbia Rivers within the region. Regional commute traffic from south Richland, Kennewick and Pasco, is currently limited to SR 240 and George Washington Way for north-south travel through the City of Richland because of the challenge of providing adequate capacity to cross the Yakima River to the south and Columbia River to the east. I-182 also creates a barrier given that there are only three access points and four crossings within the City as well.

Congestion as a result of this north-south demand at commute times is manifest at the I-182/George Washington Way interchange and also at I-182/SR 240/Aaron Drive interchange as well as most other cross-streets of SR 240 such as Duportail Street, Swift Boulevard, Van Giesen Street and Jadwin Avenue. A related issue with this north-south congestion is the associated congestion at city street facilities that interface with the state highway facilities. For example SR 240/Columbia Park Trail and I-182/Queensgate Drive.

The 2032 Regional Transportation Model was reviewed for deficiencies, and as noted above identifies several locations of anticipated future deficiencies. Many of the corridors discussed above have been studied by the City to better understand future conditions in more detail and to determine appropriate solutions to address anticipated transportation issues. Such studies have considered the following improvements for these corridors, and the projects have already been included above in Table T-3 Transportation Improvement Program:

- Southern portion of the George Washington Way corridor in the vicinity of I-182 interchange
- Queensgate Drive/I-182 Interchange eastbound ramps to the south

Relatively few congestion issues exist on the local street system as the City has engaged in planning and financing efforts for the South Richland Collector system. Completed projects such as Steptoe Street south of Gage Boulevard to Clearwater Avenue have helped to alleviate congestion. The extension of Rachel Road between Leslie Road and Steptoe Street will also help to address congestion on other facilities such as Gage Boulevard. Some long range projects, in addition to those listed above under existing deficiencies, have already been identified by City Staff and are included in the 2040 regional modeling process, that to address issues identified in the 2032 regional traffic model. Major projects of note include:

- I-182 / SR240 / Aaron Drive Interchange Improvements
- Kingsgate / Queensgate Corridor

These projects are listed below in the recommendations section as well, along with other projects identified in the South Richland Collector Financing Program that has set impact fees for development.

The BFCOG also conducted a study for an additional crossing of the Columbia River. Although not likely to be funded within the next 20 years, the City of Richland is supportive of an alternative north of the Hanford 300 Area in north Richland.

Air and Rail Services

Growth in Richland and the Tri-Cities area will increase demand for airport services, but air transportation demand is more directly related to regional changes. For example, the closure of Vista Field in the City of Kennewick significantly increased the number of based aircraft at the Richland Airport and therefore the demand for more hangars. As mentioned earlier, the Richland Airport Master Plan calls for a runway extension to the north for a total of 5,000 feet in order to accommodate faster aircraft and corporate jets. This runway extension will cause the Runway Protection Zone (RPZ) to be extended over SR 240 and some developed industrial properties. The Federal Aviation Administration (FAA) in recent years has taken significant interest in development within Runway Protection Zones, thus this action will require study and potential mitigation. Of note also is the fact that the future roadway deficiencies list the widening of SR 240 between Stevens Drive and Kingsgate Way. Since this roadway widening is within the future RPZ, the FAA would require an RPZ Analysis as well.

Demand for freight and passenger rail facilities could increase, depending on the type of new commercial and industrial development the plan's economic strategy attracts. The City of Richland has put significant investment into additional rail lines to serve the Horn Rapids Industrial Park. Additional rail lines may be warranted as well to serve areas to the north of Horn Rapids Road.

Bicycle and Pedestrian Facilities

The Benton Franklin Council of Governments completed a Regional Active Transportation Plan in 2016. As part of the planning process several workshops were held to give participants the opportunity to identify issues and concerns with providing facilities that foster active transportation. Specific issues within the City of Richland ranged from specific maintenance locations as well as barriers such as missing trail segments, railroad crossings, freeway overpasses, and shared parking lanes that make bicycle travel more challenging. Five specific projects within the City of Richland were identified, four of which were listed in the TIP projects for 2017 – 2022 in Table T-3. The fifth project is a pedestrian overpass along Columbia Center Boulevard over SR 240.

The City also considers multi-modal needs in new corridors and in street standards for when new roadway facilities are constructed.

There are no identified deficiencies in bicycle and pedestrian facilities within the City from a Level of Service perspective. However, the City regularly develops stand-alone bicycle and pedestrian projects and also incorporates bicycle and pedestrian facilities into roadway projects to enhance the transportation system and improve the quality of life of its citizens and visitors.

Improvement Projects

The Comprehensive Plan will require improvement projects for both planning periods to address level of service deficiencies. Additional improvements will be needed as part of the Plan's proactive

strategy to encourage economic development. Projects also may be needed to address safety or maintenance needs. Table T-4 shows the preliminary recommended improvements to address LOS deficiencies. It also includes projects anticipated to be constructed not just to address LOS deficiencies, but to provide the future functionally classified network shown earlier in Figure T-11. Improvements identified in both tables T-3 and T-4 are shown in Figure T-12.

Some projects will be City's responsibility; others will be the responsibility of the Washington State Department of Transportation (WSDOT), and in many cases developers will be required to construct improvements associated with proposed subdivisions or other developments.

Table T-4: Long Range Transportation Improvements

Project Title	Project Description	Total Cost [1] ($)
~~Queensgate~~ Kingsgate ~~North~~ South Extension	New arterial route from the existing west end of Queensgate to SR224 (Van Giesen)(Portions of the route will likely be on Jones Road right of way)	60,000,000
Kingsgate ~~South~~ North Extension	New arterial route from south end of Kingsate @ SR 240 to SR 224 (Van Giesen). Portions of the route will likely be on the Jones Road right of way	4,280,000
Queensgate West Extension	New arterial route from the existing west end of Queensgate to west of the Kingsgate South extension	3,000,000
City View Extension	New route extension from Duportail Street to Kingsgate.	2,000,000
I-182 / Eastbound Onramp	New eastbound onramp at Queensgate / I-182 Interchange	15,000,000
I-182 / SR240 / Aaron Drive Interchange Improvements	Interchange improvements to grade-separate key movements	40,000,000
SR240 Pedestrian Overpass	Pedestrian bridge parallel to Columbia Center Blvd. over SR240	4,000,000
SR240 / Twin Bridge Road Improvements	Twin Bridge extension to Horn Rapids Road and signal at SR240	1,425,000
SR240 Widening	Add travel lanes between ~~Kingsgate~~Beardsley Road and Stevens Drive	~~1,700,000~~ 5,000,000
SR240 Intersection Improvements	Improve intersections of SR-240 and Logston, Kingsgate, Twin Bridges, and Beardsley.	8,000,000
Gage Boulevard Improvements	Extension from Morency to Queensgate	1,250,000
~~Badger Mountain Parkway~~Trowbridge Boulevard	New route extension from Dallas Road to Queensgate	2,625,000

Project Title	Project Description	Total Cost [1] ($)
Dallas Road Improvements	Urban street improvements between I-82 and Keene Road	2,904,300
Shockley Road	New route extension from Keene Road to Columbia Park Trail	360,000
Reata Road Improvements	Urban street improvements between KID Canal and Leslie Road with signal at Leslie	3,045,735
Van Giesen, Swift Blvd. Duportail Street / SR240 Intersection Improvements	Add lanes	1,700,000
Columbia Park Trail/Leslie Road	Add traffic signal	300,000
Badger South Sub-Area Plan	Collector roadway network	TBD, Developer Funded
Horn Rapids Industrial Area	Collector roadway network	TBD, Developer Funded

[1]*Funding for these projects will come from a variety of sources, including impact fees, developer construction, City General Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.*

Transportation Demand Management

Consistent with TE Goal 1, Policy 4, the City of Richland also actively participates in the preparation of the Regional Transportation Plan and the planning process with the Benton Franklin Council of Governments. This process regularly includes efforts regarding all modes of travel including transit, bicycle and pedestrian facilities, rail, and air. The Regional Transportation Plan includes a chapter on Transportation Choices that discusses the results and benefits of these alternative modes of travel that can reduce congestion, postpone the need for roadway improvements and improve air quality.

Other common strategies to reduce the automobile travel and the need for roadway improvements include the following:

- Assignment of a transportation coordinator to help employees find alternative commuting options;
- Cash-out parking programs that pay employees to give up their parking spaces;
- Employer-sponsored shuttles or vanpools;
- Carpool or vanpool incentives or subsidies;
- Ride-matching services;
- Preferential carpool and vanpool parking;
- Commute alternatives information;
- Provision of showers and locker facilities for bicycle and pedestrian commuters;

- Employer-provided travel allowances that employees can use to pay for parking or to commute by a travel alternative;
- Flexible work hours;
- Compressed work-week schedules; and
- Telecommuting programs allowing employees to work from home for certain tasks or positions.
- Form a transportation demand management committee made up of major employers and government representatives.
- Develop park-and-ride facilities near freeway interchanges.
- Develop pedestrian and bicycle facilities between key destinations.

FINANCING AND RECOMMENDATIONS

The City receives funding for transportation projects from a variety of sources, including impact fees, developer construction, City General Funds, Arterial Street Funds, Transportation Improvement Board grants, Highway Safety Program grants, State funding, Federal Surface Transportation Program funding as well as other Federal Grants.

The City collects impact fees established in the Richland Municipal Code (12.03) and began in 2004. It is called the ~~South~~ Richland Street Collector Financing Plan and assists to develop the arterial street network in ~~south~~ Richland and to make other improvements such as traffic signals as traffic volumes grow. The impact fee area generally involves four~~two~~ zones. South Richland's fee zones~~and~~ covers the area south of the Yakima River in two zones with the exception of the Badger Mountain South Sub-Area which is covered in a third zone. A fourth zone was added in 2022 and covers the area north of Van Giesen/SR-224 and west of Stevens Drive in north Richland. The impact fee was updated in 2008~~ and~~, 2012~~, and is expected to be updated again in 2017~~2018, 2022, and another update expected in 2023. Projects that identified in the Richland Municipal Code (12.03) are also shown on Figure T-12.

Richland CIP and Transportation Improvement Plan (TIP) are updated every year. The TIP prioritized projects that are listed in Table T-3 above~~.~~.

Figure T-1: Functionally Classified Roads

Figure T-2: Number of Lanes

Figure T-3: Intersection Traffic Control

Figure T-4: 2016 All Day Traffic Counts

Figure T-5: 2016 Peak Traffic Volumes

Figure T-6: Bike Routes and Paths

Figure T-7: Airport and Port Facilities

Figure T-8: Transit Routes

Figure T-9: Volume to Capacity Ratio

Figure T-10: Intersection Traffic Control Evaluations

Figure T-11: 2017 - 2022 Six-Year TIP

Figure T-12: Transportation Improvements

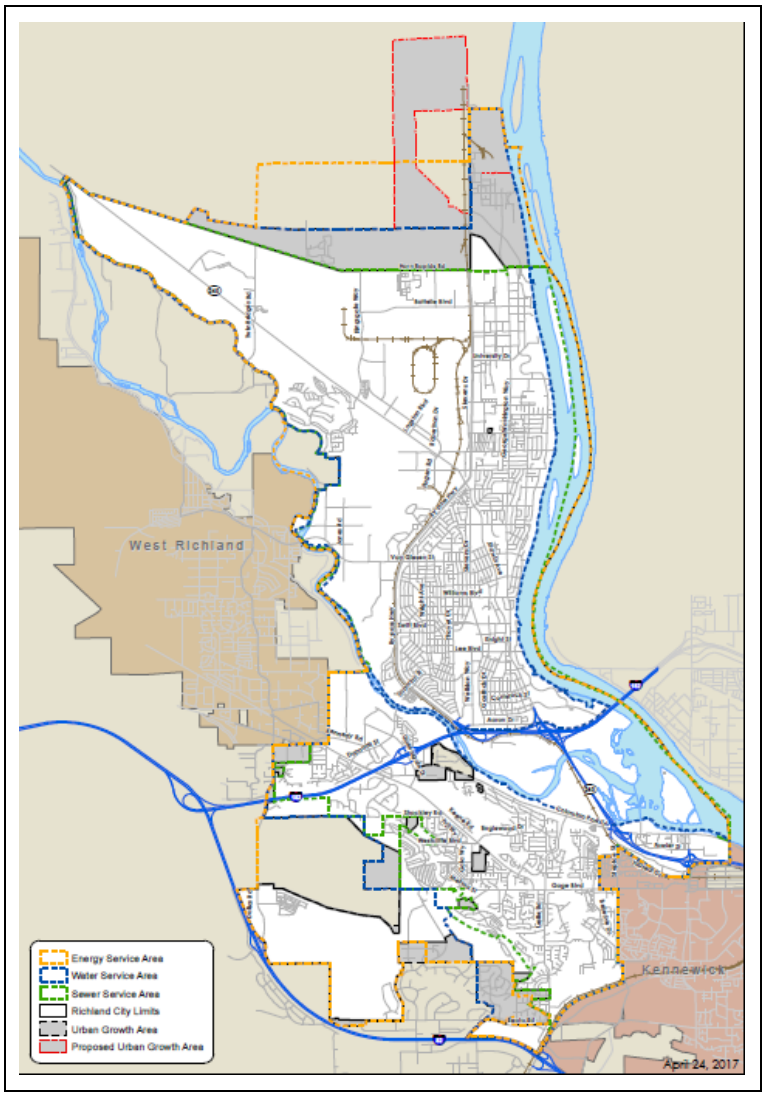
UTILITIES

SECTION ONE

INTRODUCTION

This section was developed in accordance with RCW 36.70A070 to address utility service within the City of Richland over the next 20 years. It consists of the general location, proposed location, and capacity of all existing utilities in the UGA. General utility corridors are identified in utility and transportation elements as many utilities are placed in conjunction with the transportation corridors. Utilities include wastewater, water, storm water, solid waste, and energy services provided by the City. This section also discusses utilities served by other providers in Richland. These are natural gas supply, tele-communications, and irrigation.

Figure U-1: Utility Service Areas



SECTION TWO

WASTEWATER FACILITIES

EXISTING CONDITIONS

The Richland sanitary sewer system was originally developed to serve the area around the CBD and the surrounding residential areas, but has been extended to other areas as they have developed, including north Richland, the Badger Mountain area, and the Horn Rapids community. The City's wastewater collection system serves the majority of Richland residents, but some outlying areas are still served by onsite septic systems; there are currently approximately 475 people served with onsite septic systems within the Richland City limits.

The sanitary sewer system includes a conveyance system, a wastewater treatment facility, and effluent disposal. Limited monitoring and analysis of the major trunks and interceptors were done in 1990s that showed that the system was in relatively good condition, with low levels of infiltration and inflow. However, the assessment data has become dated, and the City is planning on a more comprehensive assessment of the condition of the collection system in the next few years.

Sanitary Sewer Collection System

The existing Richland sanitary sewer collection system serves approximately 40 square miles of area, divided into seventeen drainage basins. The sewer service area boundary is shown in Figure U-2.

The collection system consists of over 262 miles of gravity collection pipes which range in size from six inches in diameter to 54 inches in diameter. Much of the Richland sewer service area is flat, making it difficult to construct sewers with the minimum slopes necessary for sewage flow. Pump stations receive sewage by gravity and augment the flow by pumping it to the treatment facility.

The City owns and operates 14 pump stations, ranging in size from 1.5 to 35 horsepower. Because of the cost of operation and maintenance, it is desirable to minimize the number of pump stations; many have already been eliminated by the interceptor improvements.

The 2015 General Sewer Plan Update included hydraulic modeling of all of the sanitary sewer pipes ten inches in diameter and larger. Overall, the collection system had adequate hydraulic capacity to convey current flows as well as future flows. Although the hydraulic analysis indicated relatively few capacity issues, the collection system is showing its age and a proactive renewal and replacement program has been developed to address this. A pipe replacement program was developed to prioritize sanitary sewer pipes with the greatest need for replacement each budget year. A significant element of this program includes an intensive survey of the existing pipes in order to determine condition ratings – this is scheduled to occur over the next three years.

The components of Richland's wastewater flow are sanitary flow, infiltration, and inflow. Sanitary flow includes wastewater discharged to the sewer from residential, commercial, and industrial sources. Infiltration refers to groundwater that enters the collection system through cracks in pipes and loose connections. The rate of infiltration is likely to be higher in older sections of the City because of older pipes and construction methods. New sewers are usually constructed with precast manholes and rubber-gasketed pipe, which effectively limit infiltration. Inflow is surface water that enters the system through downspouts, area drains, ponding over manhole covers, or cross connections with storm drains. Due to Richland's desert climate, storm-related inflow does not have a significant impact on the system.

Seasonal variations in wastewater flows are slight, with the total daily flow ranging from five to seven million gallons per day (MGD). The lowest flows occur during the winter months, the highest during

the summer. Because Richland has a fairly permanent population and does not experience high tourist or vacation activity, the higher flows appear to be caused by elevated groundwater levels from irrigation, which results in higher infiltration. The wastewater flow characteristics are given in Table U-1.

Table U-1: Wastewater Flow Characteristics

Average Daily Flow	5.7 MGD
Peak Daily Flow	7.1 MGD
Residential Population	53,054 (2015)

Source: City of Richland General Sewer Plan, 2015

Wastewater Treatment Facilities

All flows collected by the Richland sanitary sewer collection system are transported to and treated at the Richland Wastewater Treatment Plant. Since its completion in 1985, the plant has consistently achieved the discharge requirements specified in its National Pollution Discharge Elimination System (NPDES) permit. The plant provides primary sedimentation, followed by secondary treatment using an activated sludge process. Plant effluent is disinfected with chlorine prior to discharge to the Columbia River. The design criteria and the current loadings for flow, organic loading, and suspended solids are summarized in Table U-2.

Table U-2: Richland Wastewater Treatment Plant Design Criteria

	Design Criteria	2015
Average daily flow for maximum month	11.4 MGD	6.25 MGD
BOD_5 loading for maximum month	17,250 lbs/day	14,099 lbs/day
TSS loading for maximum month	21,200 lbs/day	18,146 lbs/day
NH_3-N loading for maximum month	2,750 lbs/day	2,063 lbs/day

a. BOD = biochemical oxygen demand

b. TSS = total suspended solids

Source: City of Richland General Sewer Plan, 2015

The NPDES permit requires the City to submit a plan and a schedule for maintaining capacity whenever the actual flow or load reaches 85% of any one of the design criteria for three consecutive months. This is projected to occur in 2020.

LEVEL OF SERVICE

The service area for the City of Richland sewer system matches the UGA, although not all areas have sewer service. The City's 2015 General Sewer Plan addresses proposed future system improvements based upon current land uses within the UGA.

Current LOS standards for elements of the wastewater facilities system, contained in the 2015 Plan, are listed in Table U-3. Improvements recommended in the City of Richland Comprehensive Plan Utilities Element are aimed at maintaining these guideline LOS standards.

Table U-3: Wastewater Guideline LOS Standards

Element	LOS Standard
Residential Unit Flows[a]	160 GPDU[b]
Commercial Unit Flows	625 GPAD[c]
Industrial Unit Flows	1,250 GPAD[c]
Manning pipe roughness coefficient	0.012
Min velocity	2 feet/second

a. Based on 2.42 people per dwelling unit

b. GPDU = gallons per dwelling unit

c. GPAD = gallons per acre per day

Source: City of Richland General Sewer Plan, 2015

FUTURE DEFICIENCIES

The 2015 General Sewer Plan includes a CIP through the year 2024. For the planning period of 2017-2022, planned costs amount to approximately $18 million.

The 2015 General Sewer Plan also includes a financial plan that allows the wastewater utility to remain financially viable during the planning period. The analysis considers the historical financial condition of the utility, the financial impact of executing the CIP, the sufficiency of the utility reserves to meet future financial and policy obligation, and rate affordability.

RECOMMENDATIONS

The improvements described in the 2015 General Sewer Plan will address deficiencies resulting from growth for the planning period. The General Sewer Plan includes long term improvement plans from 2015 to 2024. The 2017 Capital Improvement Program identifies the priority projects and associated financing as shown in tables U-4 and U-5 below.

Table U-4: Capital Improvement Project Costs

Facilities	Total Cost	Time-frame
City View Sewer Relocation	$180,000	2017
Collection System Renewal & Replacement	$12,244,000	2017 - 2022
WWTP Influent Upgrades	$2,183,000	2017
WWTP Renewal & Replacement	$3,343,000	2017 - 2022
Total	**$17,950,000**	**2017 - 2022**

Table U-5: Capital Improvement Funding Sources

Funding Source	Total Fund	Time-frame
Bonds - Future Issue	$2,183,000	2017
Rate Revenue	$11,567,000	2017 - 2022
Wastewater Facility Fees	$4,200,000	2017 - 2022
Total	**$17,950,000**	**2017 - 2022**

Long term projects include collection system upgrades for the Bellerive Lift Station in South Richland and the Upper North Interceptor in North Richland. These projects would cost approximately $3,000,000 and will be funded by connection fees. In addition, there is about $4,000,000 projected cost for annual renewal/replacement projects for both the collection system and the Wastewater Treatment Plan. These will be funded by rates.

Figure U-2: Sanitary Sewer Mains

SECTION THREE

WATER SUPPLY SYSTEM

EXISTING CONDITIONS

The majority of the population within the corporate limits of the City of Richland is served by the City of Richland Water Utility. The Utility serves approximately 18,689 connections (as of 2016), which includes residential, commercial, and industrial users. The Utility is managed by the City as part of the Public Works Department.

The Richland water system was constructed during the 1940s to support the wartime activities at the Hanford Site. This temporary system has developed into the modern permanent water system used in the City today.

The utility service area is bordered on the southwest by the City of West Richland utility service area, which has a wholesale water service intertie agreement with Richland. This intertie is located along Keene Road. The City of Kennewick's water and sewer utility area lies to the southeast and has an emergency intertie located at Gage Boulevard connection on Columbia Center Boulevard near Tapteal Drive. The Badger Mountain Irrigation District has a potable water service utility area that lies to the south of the City with an emergency intertie located on Rachel Road.

The City has one private water district within its corporate limits. Tri-City Estates, a residential housing development, maintains its own water supply system. It has an emergency water supply agreement whereby the City of Richland would supply water to that area if its system proves inadequate. Two private water districts exist beyond the City limits. The Badger Mountain Irrigation District (BMID) operates a potable water system that serves the Rancho Reata area beyond the southern boundary of Richland's service area (an area north of I-82). The BMID uses a wholesale water supply intertie with the City.

The City's water supply system consists of wells, a water treatment plant, pump stations and chlorinators, interties, water lines, and reservoirs.

Source of Supply

According to the 2016 Comprehensive Water System Plan (WSP), the City has a total available water right of 34,948 acre-feet per year and 43,786 gpm for instantaneous flow. This total available water right covers to a Maximum Day Demand (MDD) of 63.0 MGD. The 2015 population-based MDD is 38.4 MGD. The WSP projects that MDD will be 55 MGD in 2035. Therefore, the City appears to have adequate water rights for future growth.

The City's potable water sources include a wellfield and the Columbia River Water Treatment Plant (WTP). The wellfield has a total capacity of 15 MGD while the WTP has a capacity of 36 MGD. The City maintains the quality and quantity of groundwater used for public water supplies through Best Management Practices in the wellfield and the Water Treatment Plant. Water supplied to the City of Richland is of high quality, meeting federal and state drinking water standards.

The locations of the sources of supply as well as the distribution system are shown in Figure U-3.

Distribution System

The City has approximately 340 miles of pipeline in the water distribution system ranging in size from two inches in diameter to 36 inches in diameter. There are ten storage facility sites that provide

approximately 22 million gallons of storage and ten booster pumping stations that provide direct water storage to seven pressure zones within the City.

The water system characteristics are summarized in Table U-6.

Table U-6: Water System Characteristics

Average Annual Supply	6.2 billion gallons
Residential Population	54,466 (2016)

Source: City of Richland Water System Plan, 2016

LEVEL OF SERVICE

The service area for the City of Richland water system matches the UGA. The City's 2016 Water System Plan addresses proposed future system improvements based upon current land uses within the UGA.

Current LOS standards for elements of the water system facilities, contained in the 2016 Plan, are listed in Table U-7. Improvements recommended in the City of Richland Comprehensive Plan Utilities Element are aimed at maintaining these guideline LOS standards.

Table U-7: Water Guideline LOS Standards

Element	LOS Standard
Demand per ERU[a]	1,032 gallons per day
Demand per ERU[b]	181 gallons per day
MDD[c]/ADD[d] Factor	2.33
PHD[d]/MDD Factor	1.32
Service Pressure	40 – 80 psi

a. ERU = equivalent residential unit, assuming domestic water is used for irrigation

b. ERU = assuming a non-domestic irrigation source

c.MDD = maximum daily demand

d. ADD = average daily demand

e. PHD = peak hour demand

Source: City of Richland Water System Plan, 2016

FUTURE DEFICIENCIES

The 2016 Water System Plan includes a CIP through the year 2036. For the planning period of 2017-2022, planned costs amount to approximately $23 million.

The 2016 Water System Plan also includes a financial plan that allows the water utility to remain financially viable during the planning period. The analysis considers the historical financial condition of the utility, the financial impact of executing the CIP, the sufficiency of the utility reserves to meet future financial and policy obligation, and rate affordability.

RECOMMENDATIONS

The improvements described in the 2016 Water System Plan will address deficiencies resulting from growth for the planning period. The 2017 Capital Improvement Program identifies the priority projects and associated financing as follows.

Table U-8: Water System Capital Improvement Project Costs

Facilities	Total Cost	Time-frame
Automatic Meter Reading System	$3,235,000	2017-2018
Broadmoor Street Conversion from Tap I to Tap II	$107,000	2021
Chief Joseph Middle School Irrigation Well	$150,000	2018
Columbia River Intake Screen Upgrade	$4,630,000	2018 - 2020
Core Y Additional Plant Replacement Value (PRV)	$406,000	2021
Distribution System Repairs & Replacement	$1,950,000	2017 - 2022
Duportail Street Transmission Main	$750,000	2017
Duportail Street Well	$500,000	2017
High Meadows St. and Leslie Road PRV	$102,000	2021
Irrigation Utility Capital Improvements	$730,000	2017 - 2022
Orchard Way Conversion from Tap I to Tap II	$35,000	2021
Tapteal I Pump Station Upgrade	$500,000	2020-2021
Tapteal II Loop	$114,000	2020
Tapteal VI Water Main	$487,000	2021
Water Treatment Plant Renewals & Replacement	$1,716,000	2017 - 2022
WTP Solids Handling Improvements	$400,000	2021
Yakima River Crossing Pipeline Replacement	$7,499,000	2017 - 2019
Total	**$23,311,000**	**2017 - 2022**

Table U-9: Water System Capital Improvement Funding Sources

Funding Source	Total Fund	Time-frame
Facility Fees	$3,223,500	2017 - 2021
Federal Emergency Management Agency Grant	$1,893,301	2017 - 2018
Irrigation Utility Rate Revenue	$755,000	2017 - 2022
Private Development	$601,000	2017 - 2022
Rate Revenue	$6,202,500	2017 - 2022
Revenue Bond Issue	$9,935,699	2017 - 2020
Richland School District	$50,000	2017
Surplus Property Sale	$400,000	2021
West Richland	$250,000	2020 - 2021
Total	**$23,311,000**	**2017 - 2022**

Figure U-3: Water Mains

SECTION FOUR

STORM WATER SYSTEM

EXISTING CONDITIONS

The storm water service area in Richland is divided into nine drainage areas covering over 30,000 acres. These are: North Richland (NR), Columbia River (CR), Richland Core Area (RC), Yakima River North (YRN), Yakima River South (YRS), CID Main Canal (CM), Amon Wasteway (AW), Badger East Canal (BEC), and Badger Mountain South (BMS).

The City's storm water system facilities consist of the following:

- Collection and conveyance
- Pumps
- Underground injection control (UIC) facilities
- Regional detention/ water quality facilities
- Regional outfalls

The collection and conveyance system includes catch basins, manholes and pipes. Tables U-10 and U-11 indicates existing collection and conveyance facilities.

Table U-10: Storm Water Collection Structures

Owner	Catch Basins and Manhole Catch Basins	Catch Basins and Manhole Catch Basins with OWS[1]	Manhole	Manholes with OWS
City	3,995	166	1,928	12
Port of Benton	160	0	0	0
[1] Oil Water Separator				

Table U-11: Storm Water Conveyance Facilities (length in Units of Miles)

Gravity Pipe	Force Main	Perforated Pipe and Underdrain	Culvert	Open Chanel
127.3	0.7	2.6	3.2	11.5

The storm water system includes public and privately owned seven pump stations throughout the City as indicated in Table U-12 below.

Table U-12: Storm Water System Pumps

Name	Owner	Capacity (GPM)
Carriage Pump Station	City	1,045
McMurray Pump Station	City	5,790
Berkshire	City	Unknown
Corps of Engineers Pump Station	USACE	Unknown
Horn Rapids Triangle Pump Station	City	Unknown
Lawless Pump Station	Private	Unknown
Wellsian Pump Station	Private	Unknown

Some storm water runoff generated within the City is infiltrated via the City's underground injection control facilities. There are over 280 UIC facilities in the City. The City's regional detention/ water quality facilities include 22 ponds, 2 bioretention cells, 6 underground storm chambers, and 21 swales. Stormwater runoff that does not infiltrate within the service area is conveyed to surface receiving waters via regional outfalls that discharge to the Columbia River, the Yakima River, and the Amon Wasteway. There are 11 outfalls discharging to the Columbia River, two discharging to the Yakima River, and eight discharging to the Amon Wasteway.

The City's 2016 Stormwater Management Plan provides detailed information on the system facilities. The Management Plan also provides guidance for the City's maintaining the requirements of the Phase II Eastern Washington Municipal Stormwater Permit (Phase II Permit), received from the Department of Ecology. This Permit regulates operation of the City's Municipal Separated Storm Sewer System (MS4).

FUTURE DEFICIENCIES AND RECOMMENDATIONS

The City strives to maintain the level of service of the storm water system by addressing existing and potential issues. Improvements are identified with the intent of reducing:

- Existing conveyance capacity and flooding issues;
- Potential future conveyance capacity and flooding issues;
- Pollutant loading to receiving water bodies; and
- Chronic system maintenance needs.

Identification of capital projects are based on the criteria such as projects previously identified in the management plan but not yet constructed, chronic maintenance issues identified by staff, etc.

The 2016 Stormwater Management Plan categorizes capital projects into one of four types based on the primary objective of the project:

- Flood risk (FR) – Projects that primarily address hydraulic deficiencies to help reduce flooding or surcharging of the system.
- Renewal and replacement (RR) – Projects that primarily repair or replace existing system components to help restore the original design function.
- Water quality retrofit (WQ) – Projects that primarily address water quality through treatment of stormwater runoff prior to discharging to receiving waters.

- Development Driven (DD) – Projects that may be built based on future development. These projects are assumed to be partially paid for by developers. See Section 8 for detailed documentation on funding assumptions.

The 2017 CIP identifies the priority projects and associated financing in Tables U-13 and U-14.

Table U-13: Storm Water Management Facilities Financing 2017-2030

Facilities	Total Cost	Time-frame
Leslie Road Storm Drain Replacement	$839,000	2018
Storm Water Rehabilitation & Replacement	$2,616,090	2015-2022
Water Quality Retrofit Program	$2,618,717	2015-2022
Total	**$6,073,807**	**2017-2022**

Table U-14: Storm Water Capital Improvement Funding Sources 2017-2030

Funding Source	Total Fund	Time-frame
Grant – WA State Department of Ecology	$759,717	2015-2016
Grant Funds (Unsecured)	$1,285,500	2017-2022
Rate Revenue	$4,028,590	2015-2022
Total	**$6,073,807**	**2017-2022**

Figure U4: Storm Water

SECTION FIVE

SOLID WASTE MANAGEMENT

GENERAL LOCATIONS AND CAPACITY

State RCW 70.95.030 defines solid waste or waste as "all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials." Each municipality may fulfill its solid waste management responsibilities in one of three ways:

1. Prepare its own solid waste management plan for integration into the county comprehensive solid waste plan;
2. Participate with the county in preparing a joint city-county plan for solid waste management; or
3. Authorize the county to prepare a plan for the City's solid waste management for inclusion in the county comprehensive plan.

The City of Richland has chosen the first option. RCW 70.95.080(3)(a) defines that option as: "Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan".

In 2009, the City chose to develop their own solid waste management plan as a tool to guide the continued development of their collection system and landfill. The City's Plan was updated in August 2011. This updated Plan was prepared in accordance with the Department of Ecology's "Guidelines for Development of Local Comprehensive Solid Waste Management Plans and Plan Revision", January 2010. The City's Plan was submitted for inclusion in Benton County's 2013 update of its Solid Waste and Moderate Risk Waste Plan. The County's 2013 Plan was subsequently approved by the Washington State Department of Ecology. The Department of Ecology's action formalized the completion of the City's planning responsibilities under RCW 70.95.030.

The City's Solid Waste Management includes these goal statements as guiding principles for its solid waste services:

- Goal 1: Manage solid waste in compliance with State and local regulations to promote and protect human and environmental health and safety.
- Goal 2: Optimize the solid waste management system to provide for long-term stability in a cost-effective manner.
- Goal 3: Provide solid waste programs with emphasis on customer service and satisfaction.
- Goal 4: Identify the types of recyclables and establish programs to efficiently and effectively recycle and market these materials.
- Goal 5: Promote programs and balance incentives and disincentives to encourage reduction, reuse, and recycling.
- Goal 6: Educate businesses and the public on opportunities available for waste reduction, reuse, and recycling.
- Goal 7: Encourage and support the research and development of new technologies for solid waste management and recycling.

Solid Waste Collection and Disposal

The City of Richland Solid Waste Division provides municipal solid waste collection and disposal services to residences and businesses within the City limits. Solid Waste Collection services for lands outside the City limits is provided by private waste haulers licensed through the Washington State Utilities and Transportation Commission. This City's landfill accepts waste from the surrounding areas on an individual load basis. The City has no disposal contracts with private haulers or other government agencies.

Solid waste collection services for the City of Richland are provided by the City's Public Works Department, except in newly annexed areas. The Department administers user-fee-funded refuse collection services, and bills its customers through the City Administrative Services Department. Solid waste collection in Richland is available five days a week. Industrial and commercial pickup is provided by the City of Richland. Commercial waste pickup can range from one to five times a week.

Collection services within newly annexed areas are provided by private solid waste hauling companies operating under contracts with the City. The contracts, which are required by State law, provide for a ten-year transition period during which the private solid waste haulers continue services in keeping with their State-authorized permits. The haulers do not align their services with the City's Solid Waste Management Plan. At the expiration of the contracts the City may choose to extend the contracts or assume service to the area customers. When the City elects to assume these service areas, it will provide services consistent with the Solid Waste Management Plan and its adopted rate structure.

About 26 percent of solid waste is recycled in Richland based on the 2015 data of generation, recycling, and disposal as shown in the table below:

Table U-15: Solid Waste Generation

	Tons	%
Generation	77,697	100
Recycling	22,216	26
Disposal	55,481	74

Petroleum-contaminated soils are accepted occasionally at the Richland landfill. They are treated in a separate area on the landfill property and ultimately disposed of in the landfill. Dewatered bio-solids from the City's wastewater treatment plant are combined with yard waste in a composting process conducted at the Richland landfill. The finished compost material is tested to confirm compliance with U.S. Composting Council quality criteria and marketed to area contractors, nurseries, and local agencies.

Richland residents can dispose of self-hauled waste at the resident rate. Oil, antifreeze, and automotive batteries are accepted for recycling at the landfill. Benton County operates a household hazardous waste program that accepts many other categories of wastes that are not accepted at the Richland landfill.

Solid waste collected by service type is shown in table below.

Table U-16: Solid Waste Collection

Service Type	% of Total Tonnage Collected
Residential	40%
Commercial	40%
Dropbox	20%

Richland Landfill

The City of Richland owns and operates the Richland Landfill (also known as the Horn Rapids Landfill), located on 275 acres of designated landfill space approximately 3.5 miles northwest of the City center on Highway 240 (see Figure CF-3, Facilities Map). Approximately 46 acres are permitted for solid waste disposal. The Benton Franklin Health District has issued a permit in 2017, for use of an additional 90 acres for landfill disposal. Also on the landfill property are a 14-acre composting facility, a residential and small commercial customer transfer station, scalehouse and administration building, and an operations and equipment maintenance building.

The current capacity of the permitted disposal area will be exhausted by the year 2020.

The Richland Landfill currently meets minimum functional standards (Chapter 173-351 WAC) and operates under a solid waste disposal permit issued and renewed annually by the Benton Franklin Health District. The site is designed and operated as an arid-climate landfill, and therefore, has no bottom liner or leachate collection system. Vadose zone moisture monitoring has been implemented within a portion of the current 46 acre fill area for data collection. In the late 1990's groundwater contamination with volatile organic compounds was detected in several of the landfill's monitoring wells. The City installed the methane gas extraction / flare stations. The City initially implemented an independent remedial action program in compliance with Washington State Law (RCW 70.105D.040). In 2017 the City entered into an Agreed Order with the Washington State Department of Ecology to advance the characterization and remediation of the contamination.

Recycling

The City of Richland offers curbside recycling to its residential and commercial customers. In addition, the City currently operates seven drop-box recycling collection centers throughout the City and delivers the collected recyclable items to Clayton-Ward Recycling in Richland, which prepares the recyclable material and transports it to material processing facilities in the Portland or Seattle areas.

The recycling centers currently accept scrap paper, plastic beverage containers, tin and aluminum cans, newspaper, telephone directories, magazines, catalogs and calendars, glass jars and bottles, cardboard, and brown paper bags. In 2015, the City collected 1,524 tons in the drop box collection centers and 1,099 tons through curbside collection.

Composting

The Horn Rapids Compost Facility is a treatment facility for bio-solids coming from the City's Wastewater Treatment Plant, the residential green waste program and green waste self-haul. The compost facility opened in 2010, and accepts residential green yard waste with no charge to the resident. It saves landfill space and provides finished compost material to the public through a number of wholesale customers.

Household Hazardous Waste

The Benton County Moderate-Risk Waste Facility is located at a facility on Ely Street in Kennewick and which can collect Household Hazardous Waste and Small Quantity Generator Waste from residents of Benton County. The facility is jointly funded by the Washington Department of Ecology, Benton County, and the Cities of Kennewick, Richland, West Richland, Prosser, and Benton City.

Moderate-risk waste includes material such as waste oil, paints, flammable materials, and anti-freeze. The facility also collects hazardous waste from commercial businesses classified as small quantity generators (SQG). SQGs are conditionally exempt from federal and state regulation when they generate or accumulate hazardous waste in quantities below a 220 pound per month threshold.

LEVEL OF SERVICE

According to Richland's Solid Waste Management Plan, the following solid waste management facility areas will likely require no major capital improvements during the 20-year planning period:

- Domestic and Commercial Waste Collection Services - No current deficiencies are identified in the service provided by the City's Solid Waste Utility.
- The City's existing curbside and drop boxes recycling program is sufficient to meet customer demands. A minority of residents indicate through surveys that they favor universal curbside recycling. To date the costs of this service expansion and the compulsory nature of it have not been adopted by the City Council.

FUTURE DEFICIENCIES

Estimates of solid waste generation are based on population projections. Based on Richland's 2011 Solid Waste Management Plan (Appendix H), annual waste generation is forecast to increase to 80,000 tons in 2031. This forecast utilizes the per capita rate of 6 pounds per person per day and population projections.

The current capacity in the Landfill will be exhausted sometime in 2020. The City is planning for its future solid waste disposal capacity by exploring two options:

1. Expand landfill capacity on the current site by building a landfill that meets current state and federal design regulations; as part of preparing for the possible expansion of the landfill, the City has submitted and received a permit from the DOH for expansion of approximately 90 acres. or
2. Building a transfer station and hauling waste to a large regional landfill.

A consultant is assisting City staff in preparing information to support this decision. It is expected that a decision will be made in calendar year 2017, after which preparations will be made to construct the necessary facilities. Regardless of the disposal alternative selected, the City anticipates maintaining its current customer service levels at the Richland landfill.

RECOMMENDATIONS

It is recommended that the City:

- Selects a preferred solid waste disposal approach that is cost effective, maintains service levels, and mitigates risk to the City; and
- Provides and maintains collection services to all City residents consistent with adopted service levels and Solid Waste Management Plan goals and objectives.

Table U-17: Solid Waste Management Facilities Financing 2014-2030

Facilities	Total Cost	Funding Sources	Time Frame
Disposal Capacity Improvements	8,003,512	Bonds – future issue	2017-2019
Landfill Closure, Phase 2	3,780,000	Solid waste fund	2017-2020
Container Maintenance Facility/ Facility Improvements	$185,000	Rate Revenue	2017-2018

Figure U-5: Solid Waste

SECTION SIX

ENERGY/ELECTRICAL POWER

EXISTING CONDITIONS

Richland's electrical service is provided primarily by Richland Energy Services (RES) Department. RES provides electric service to over 25,000 residential, commercial, industrial, and irrigation customers throughout the City's 50-square mile service territory, using 552 miles of primary line and eight substations. Ownership and operation of these facilities is shared by the City and the Bonneville Power Administration (BPA). Bulk transmission of electrical power supply to customers in the UGA has historically been provided from the BPA transmission grid, with the local utilities providing final pass-through services. BPA is contractually obligated to supply all of the City's power requirements through 2028.

Electric system planners design and build facilities to follow population and employment projections for the City and county. The electric load is determined from these plans and projections. An electric system plan is then developed to serve those loads at the reliability level prescribed by the individual utility, taking into account environmental, economic, financial, and operational factors. Utility construction is coordinated with the appropriate jurisdictions and agencies, and is typically phased in as actual growth occurs. Transmission lines and substations are installed based upon projections and early growth while electrical distribution lines are installed at customer request with the continued growth.

Future electrical service plans are designed not only to provide for future growth and accommodate new and increased loads, but also include changes to the existing systems to improve reliability, maintain power quality, and maintain redundancy backup service in the system.

The City has service area agreements with Benton County PUD (BPUD) and Benton Rural Electric Association (BREA). Approximately 102 customers within the City service area are being served by BPUD while no customers within the City service area are served by BREA. The City transfers remaining customers served by BPUD within the City service area based upon the terms within the service area agreement. All 102 are expected to be transferred by 2021.

Table U-18: City of Richland Electric Substations

Substation	Total Capacity	Used Capacity (2014)	Remaining Capacity (2014)
Sandhill Crane	45,000 KVA	31,000 KVA	14,000 KVA
First Street	45,000 KVA	32,000 KVA	13,000 KVA
Snyder	23,000 KVA	20,000 KVA	3,000 KVA
Stevens	46,000 KVA	41,000 KVA	5,000 KVA
Thayer	53,000 KVA	29,000 KVA	24,000 KVA
Richland Switch	23,000 KVA	10,000 KVA	13,000 KVA
Tapteal	45,000 KVA	37,000 KVA	8,000 KVA
City View	23,000 KVA	19,000 KVA	4,000 KVA
Total System	**303,000 KVA**	**219,000 KVA**	**84,000 KVA**

Source: City of Richland 2014 Long Range Plan – Richland Energy Services

Energy Efficiency Program

RES offers energy efficiency programs to its commercial and residential customers. Commercial and industrial customers are offered incentives for lighting and custom projects that reduce energy use. Custom projects include heating, ventilation, and air conditioning (HVAC), motor efficiency upgrades, etc. For residential customers, Richland offers rebates and low-interest loans to qualified customers for energy efficient HVAC equipment and weatherization measures including insulation, windows, and doors. Customers can select a rebate only or apply for a low-interest loan with a rebate. Richland also offers energy efficiency program specifically designed for low-income families for insulation, duct sealing, ductless heat pumps, windows, and doors for their home.

Renewable Option Program

Through the City's partnership with the Renewable Option Program offered by the Bonneville Environmental Foundation (BEF), Richland residents can affordably purchase the environmental benefits of wind power generated throughout the Pacific Northwest. BEF's Green-e Energy Certified Renewable Option Renewable Energy Credits (RECs) represent renewable energy sources from Pacific Northwest projects where clean zero-emission wind energy has been delivered to the North American power grid to replace fossil fuel based electricity.

Each block of Renewable Option RECs represents the environmental attributes of 100 kilowatt-hours of electricity generated from wind energy facilities throughout the Pacific Northwest.

Solar Power and Net Metering

The City offers low-interest loans to promote the use of solar power. The loan period is up to 10 years for up to $5,000 per installed kilowatt (kW), not to exceed $15,000. The customer must agree to maintain the system and allow the City to claim the environmental benefits.

LEVEL OF SERVICE (UTILITY SERVICE AREA)

The level of service set by the RES and BPA for their respective portions of the system is based on performance. The goal is an N-1 contingency, which means that one failure in system equipment will not cause the failure of other system components, and the failure can be picked up by other components within eight hours.

The City of Richland currently provides electrical service throughout most of the UGA. Under its Utility Service Area Policy, it is the City's goal to provide service throughout the City limits, UGA, and service area agreements with adjoining BPUD and BREA utilities. The greater of the City limits, UGA, and service area agreements constitutes its current utility service area and planned future service areas.

FUTURE DEFICIENCIES AND RECOMMENDATIONS

The City has identified power supply system capital improvement projects that will be needed to meet the demands of growth as detailed in the Energy Service Department's Capital Facilities Plan for 2016-2027. The list consists of electrical projects with an estimated cost of approximately $60 million during this period. The $60 million capital cost is derived from the latest long-range capital expenditure forecast and extrapolating the average annual expenditure through calendar year 2027.

Specific projects have been identified for the second planning period. Critical service deficiencies in this period could result unless needed capital improvements are identified and implemented.

The Energy Services Department has identified electric utility capital improvement projects that will be needed to meet the demands of growth through calendar year 2022. Cost of service and sources of funding are identified in Table U-19.

Table U-19: Electrical Power Facilities Improvement and Fund Resources

Facilities	**Total Cost**	**Time-frame**
Miscellaneous Electrical Projects	$81,754,000	2017-2022
Funding Source	**Total Fund**	
Benton PUD Contributions	$1,250,000	2016-2020
Bonds - Future Issue	$21,955,000	2018-2022
Bonds - Prior Issue	$21,254,000	2016-2018
Facility Fees	$6,200,000	2016-2022
RAISE (LRF)	$980,000	2017-2022
Rate Revenue	$30,115,000	2016-2018
Total	**$81,754,000**	

Long-range capital projects for the power supply system are identified and will be based on the need for improvements to serve growth in the second planning period and on the ability of the City to finance them. Implementation of improvements will be planned as part of an overall finance plan for all City-owned utilities and capital facilities. Projects and related costs identified through 2022 by the Energy Services Department include:

- Dallas Road Area Improvement - Plan, design, and construct a new electrical system substation and connect via new and existing transmission power lines into the electric system grid. Total Estimated Cost: $9,222,000.
- Kingsgate Substation - New substation for the Horn Rapids Industrial Park. One 28,000 KVA capacity transformer and major materials purchased by City. Substation to be constructed and commissioned by the end of 2021. Total Estimated Cost: $4,236,000.
- Leslie Rd Substation - Plan, design, and construct a new electrical system substation and connect into the electrical system grid operated by the BPA. Additionally, plan, design, and construct primary underground distribution feeders from new substation to the City's new and existing electrical system. Total Estimated Cost: $10,081,000.
- Smart Grid – Advanced Metering Infrastructure - Complete a detailed design and implement an electrical utility smart grid program to cost-effectively improve utility operations and provide the utility customers with options to control their power consumption and usage patterns. Total Estimated Cost: $10,600,000.
- Purchase Southwest Service Area Infrastructure - Per 2005 Electrical Service Area Agreement, purchase the depreciated value of BPUD infrastructure currently serving Hidden Hills Phase 1, Badger Mountain Irrigation District pumping station, and Reata Ridge in 2015 and other PUD facilities in 2020 serving any new City-annexed properties in the southwest service area. Total Estimated Cost: $812,000.

The capital improvements identified by the City will address deficiencies resulting from growth during the second planning period. Mitigating system improvements will have to be identified by the City for the second planning period.

Figure U-6: Major Electrical Transmission Lines

UTILITIES BY OTHER PROVIDERS

SECTION ONE

NATURAL GAS SUPPLY

EXISTING CONDITIONS

Cascade Natural Gas Corporation builds, operates, and maintains natural gas distribution facilities serving the City of Richland. Cascade is an investor-owned utility serving customers in 68 communities in Washington and Oregon. Interstate pipelines transmit Cascade's natural gas from production areas in the Rocky Mountains and western Canada. The Cascade headquarters is located in Kennewick, WA (Cascade Natural Gas, 2017).

Cascade's service areas are concentrated in western, central, and southeast Washington; and central and eastern Oregon. Richland's natural gas supply system currently meets existing demand.

LEVEL OF SERVICE

Natural gas service and availability are currently sufficient to meet existing demand. Cascade Natural Gas works with its suppliers to ensure that local gas supply needs are met.

Future levels of availability and service will be maintainable through market demand. Cascade Natural Gas and its affiliates will need to coordinate with the City to ensure that future service extensions are consistent with local growth plans.

FUTURE DEFICIENCIES AND RECOMMENDATIONS

Natural gas will be made available concurrently with growth to the best of the purveyor's ability. No deficiencies in the natural gas supply have been identified. The City will promote locating utility distribution lines together and using existing utility easements wherever possible.

SECTION TWO

TELECOMMUNICATIONS

EXISTING CONDITIONS

Telecommunications is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. In Richland, telecommunication utilities include telephone, cellular telephone, Internet, and cable television.

The telecommunications industry is undergoing tremendous advances in technology as cellular and optical fiber technologies transform the way service is delivered. Additionally, advances in computer technology, particularly the Internet, will have an impact on the type and quantity of services provided by the industry. As the distinctions that separate data, video, and voice technologies disappear, it becomes more difficult to assess the future configuration of telecommunications service.

Many telecommunication utilities are under the directive by their licensing agency and franchise agreements to provide a specific level of service to their service area. Most of these utilities are regulated at the state level by the Washington Utilities and Transportation Commission.

Nearly all land uses require one or more of the utilities involving telecommunications. As growth occurs within the residential, commercial, and industrial areas throughout the City and urban growth area, demand for reliable telecommunication services is placed on these utilities.

Many new providers have entered the market and provide options that create a very competitive environment in the telecommunications field; therefore, it is very difficult to accurately assess the way in which telecommunications will be provided throughout the City.

While the provision of advanced communications technology is important to the City's residents and businesses, and vital to the continued economic development of the City, the associated infrastructure can be aesthetically unattractive and present negative impacts to existing services. The City strives to encourage and facilitate the continued development of high quality communications infrastructure while minimizing any associated adverse impacts upon the community or upon the reliability of existing services that are often delivered via the public rights-of-way.

Cable TV

The City of Richland currently franchises Charter Communications Holding Company, LLC, to serve its population in compliance with Federal Communications Commission (FCC) regulations.

Charter Communications provides television services in the Tri-Cities area from a central facility to individual subscriber sets. An electronic control center ("head-end" site) processes reception and generation for distribution through the cable system. The signal can be received from a hard line (cable), a satellite dish, a microwave antenna, or a TV antenna.

Charter Communications' direct cable facilities in Richland include trunk lines and smaller distribution lines. Distribution lines run either along poles on space leased from an electrical or telephone utility, or underground, along the street right of way.

Phone and Internet

Basic and enhanced telecommunication services in Richland and much of the Northwest is provided by Frontier. For the cellular network, almost all nation-wide companies serve the City such as Verizon, Cellular One, U.S. Cellular, AT&T Wireless, T-Mobile, and Cingular Wireless.

Cell towers may be located on tall poles, lattice towers, or buildings. Each cellular site facility includes antennas, radios, air conditioners, and computerized switching equipment. Most sites also contain backup power equipment. Sites located on buildings typically house the associated equipment in self-contained shelters. Cell sites do not emit smoke or loud noise during normal operation. The location of cell sites is typically affected by terrain, other existing cell sites with which new sites must interact, and the cellular company's ability to reach agreement on leases with potential land owners.

The Federal Communications Commission (FCC) licenses cellular companies to operate within strict guidelines. The license allows the licensee the right to use a group of radio frequencies to provide telephone service.

LEVEL OF SERVICE

Federal and state regulations require that telecommunications purveyors provide adequate telecommunications services on demand.

FUTURE DEFICIENCIES & RECOMMENDATIONS

No deficiencies in the telecommunications system were identified under the Comprehensive Plan, therefore, no improvement recommendations were developed.

SECTION THREE

IRRIGATION DISTRICT FACILITIES

EXISTING CONDITIONS

Irrigation is not typically considered an urban service, nor is it a public service or utility provided by the City. However, irrigation water is used for lawns and landscaping by public facilities and grounds, schools, and residential subdivisions. Irrigation water lessens the demand on public drinking water supplies for these urban irrigation purposes.

Only portions of the City of Richland currently have irrigation services. The southern part of the City is served by the Columbia and Kennewick Irrigation Districts. Columbia Irrigation District operates an irrigation canal and a pump station in that area.

Within the unincorporated UGA, irrigation services are provided by the Columbia, Kennewick, and Badger Mountain Irrigation Districts. The Kennewick Irrigation District is composed of local improvement districts which collectively provide irrigation water for a large area in Richland. It serves an area along Keene Road and Gage Boulevard via Division 4 Canal and Amon Pump Lateral. The Badger Mountain Irrigation District serves irrigation water to 4,800 acres in the Badger Mountain vicinity. The service area in Richland City limits includes the Heritage Hills, Westcliffe, Crested Hills, and Country Ridge subdivisions; Badger Mountain School and Park; and Cherrywood and Sundance Badger Mountain School.

FUTURE RECOMMENDATIONS

No improvement recommendations are made as part of this Comprehensive Plan.

CAPITAL FACILITIES

SECTION ONE

INTRODUCTION

PURPOSE OF THE ELEMENT

The Capital Facilities Element, required under the Washington State GMA, addresses capital facilities needs in the City of Richland and UGA and represents the City's policy plan for the next 20 years.

This Capital Facilities Element was developed to be consistent with the Benton CWPP and integrated with all other plan elements to ensure consistency throughout the Comprehensive Plan. The Capital Facilities Element considers the public capital facilities necessary to support the other Comprehensive Plan elements.

The Capital Facilities Element promotes efficiency by prioritizing capital improvements for the first planning period, 2017 through 2022, and second planning period, 2023 through 2037. Long-range financial planning enables the City to schedule projects so that the steps in development logically follow one another based on relative urgency, economic desirability, and community benefit. The identification of adequate funding sources results in the prioritization of needs and allows tradeoffs between projects to be evaluated explicitly. The Capital Facilities Element will guide decision-making to achieve the community goals as defined in the Comprehensive Plan.

According to the GMA Procedural Criteria, Chapter 365-195 WAC, the Capital Facilities Element should contain at least the following features:

- An inventory of existing capital facilities;
- A forecast of the future needs for such capital facilities;
- Proposed locations and sizes of expanded or new capital facilities;
- A six-year plan to finance such capital facilities; and
- A requirement to reassess the Land Use Element if funding falls short of meeting capital facilities' needs, and to ensure consistency between the Land Use Element and the Capital Facilities Element and associated Finance Plan.

The Capital Facilities Element documents all capital projects needed to accommodate projected growth. The Finance Plan identifies the City-provided facilities and the sources and levels of financial commitment and revenues necessary to meet the concurrency requirements of the GMA. Concurrency means that needed capital facilities must be installed and available for use at the time of development, or within a reasonable time period following completion of the development.

Richland CIP uses many revenue sources to fund the capital investment projects identified in the plan, including sales tax, business and occupation tax, utility rates, state revenues, bonds, and grants. City also collects park impact fees to mitigate park impacts. Impact fees collected from specific park zones are used within that park district to address the impact by providing park and facilities according to the standards set in the Parks, recreation and Open Space Plan.

The capital facilities covered in this element are as follows:

- Parks, Recreation and Open Space Facilities
- Municipal Facilities
- Fire and Emergency Service Facilities

- Police Service Facilities
- Library Facilities
- Schools

SECTION TWO

PARKS, RECREATION, AND OPEN SPACE

EXISTING CONDITIONS

Existing Parks and Recreation Sites

The City of Richland has a total of 2,286 acres of city-owned park land within its corporate limits. Richland's park land inventory includes neighborhood, community, regional, linear, natural open space, and special use parks. Richland's open space is discussed under the Land Use Element.

Neighborhood parks are intended to serve specific neighborhoods within one mile. It is generally located in the center of a service area and adjacent to, or in close proximity to other open space or school sites. Community parks serve multiple neighborhoods and are larger in size than the neighborhood parks. Regional parks offer recreational opportunities that attract a diverse group of people from the Tri-Cities metropolitan or county area. Special use parks offer major specialized or single-purpose facilities, with a service area generally being community wide or larger. Linear parks are developed for recreational travel, or to enjoy linear resources such as waterways, shelterbelts, streetscapes, or similar amenities. They are typically long and narrow in shape, with a community wide or larger service area. Detailed criteria for each type of park are identified in the Parks, Trails, Open Space and Facilities Master Plan, 2014-2019.

Table CF-1: Park Area Total

Park type	Acres	Number of Parks
Neighborhood Parks	78.6	25
Community Parks	220	4
Regional Parks	170	2
Special Use Areas	702	11
Linear Parks	240	9
Natural Open Space	873.98	7
Total Parks and Recreation Areas	**2,285.6**	**58**

Each park's classification, acreage, and development status is shown in Table CF-2. The location of all parks is shown in the parks and open space map in the Comprehensive Plan.

Table CF-2: Inventory of Existing City Parks

Park	Acreage	Type1
Barth Park	0.35	Neighborhood park, developed
Beverly Heights Park	2.6	Neighborhood park, developed
Brookshire Park	2.5	Neighborhood park, developed

Park	Acreage	Type1
Chaparral Park	3	Neighborhood park, developed
Craighill Park	3.41	Neighborhood park, developed
Crested Hills Park	5.8	Neighborhood park, developed
Desert Rim Park	2.84	Neighborhood park, developed
Drollinger Park	1.5	Neighborhood park, developed
Frankfort Park	2.86	Neighborhood park, developed
Gala Park	3	Neighborhood park, developed
Goethals Park	2	Neighborhood park, developed
Heritage Hills Park	1.59	Neighborhood park, developed
Hills West Park	2.06	Neighborhood park, developed
Jadwin/Stevens Triangle	1.41	Neighborhood park, developed
Jason Lee Park	4.1	Neighborhood park, developed
Jefferson Park	8.71	Neighborhood park, developed
Lynnwood Loop Park	10.9	Neighborhood park, developed
McMurray park	3.04	Neighborhood park, developed
Meadows East Park	3.04	Neighborhood park, developed
Oak Park	3.1	Neighborhood park, developed
Overlook Park	0.91	Neighborhood park, developed
Paul Liddell Park	2.75	Neighborhood park, developed
Rodney Block Park	3.1	Neighborhood park, developed
Stevens Park	1.41	Neighborhood park, developed
McMurray Park	3.04	Neighborhood park, undeveloped
Westwood Park	0.89	Neighborhood park, developed
Wye Neighborhood Park	3.15	Neighborhood park, developed
Unnamed Park in Badger Mountain South	6.0	Neighborhood park, undeveloped
Badger Mountain Community Park	80	Partially Developed
Claybell Park	46	Community park, partially developed, includes natural open space
Hanford Legacy Park	117	Community park, partially developed
Trailhead park	40	Community park, partially developed
Unnamed Park in Badger Mountain South	30	Community park, undeveloped and undedicated
Howard Amon Park	45.91	Regional park, developed
Leslie Groves Park	149.2	Regional park, developed

Park	Acreage	Type1
Abbott Shelterbelt	4.1	Linear park, developed
Bypass Shelterbelt	55.74	Linear park, developed
Gillespie Parkway	2.9	Developed
Goethals Shelterbelt	15	Linear park, developed
Haines Levee	19	Linear park, developed
James Lawless Park	34	Linear park, undeveloped
Keene Road Trail Corridor	78.7	Linear park, undeveloped
Marjorie Sutch Greenway	14.6	Linear park, partially developed
Stevens Islands	16.27	Linear park, developed
Amon Basin Natural Preserve	75	Natural open space, undeveloped
Badger Mountain Park	80	Community park, partially developed, includes natural open space
Bateman Island[1]	160	Natural open space, undeveloped
Chamna Natural Preserve[1]	293	Natural open space, undeveloped
Columbia Point South	116	Natural open space, undeveloped
W.E. Johnson Park	236	Natural open space, partially developed
Wye Levee	21	Developed
Bradley Boulevard Park	0.2	Special use areas, developed
Carol Woodruff Plaza	0.1	Special use areas, developed
Columbia Park West[2]	65	Special use areas, partially developed
Columbia Playfield (includes George Prout Pool)	28.89	Special use areas, developed
Columbia Point Golf Course	170	Special use areas, developed
Columbia Point Marina Park	13.2	Special use areas, developed
Horn Rapids Athletic Complex	24	Special use areas, developed
Horn Rapids ORV Park	300	Special use areas, developed
Jeanette Taylor Park	2.02	Developed
John Dam Plaza	3.9	Developed
South Columbia Point	116	Special use areas, partially developed

[1] "Developed" is used for parks using irrigation and landscape at a minimum; "partially developed" describes parks that include both developed and natural open space

[2] US Army Corps of Engineers owned, leased to the City of Richland

Trails and Bicycle Paths

The City has a system of trails, consisting of Class 1 trails, secondary trails, and soft trails as identified in Table CF-3 below. See Figure T-6 for bike and route maps within the City.

Table CF-3: Inventory of Existing Trails

Park Type	Acres
Existing Class 1 Trails	
Richland Riverfront Trail (Horn Rapids Road to I-182 Bridge)	7.22 mi
Leslie Groves Bike Trail	1.6 mi
Bypass Shelterbelt (Wellsian Way to Jadwin Ave)	4.36 mi
Sacagawea Heritage Trail	3.67 mi
Chamna/Coulee Street Trail	0.96 mi
Keene Road/ Gage Boulevard Trail	4.5 mi
Stevens Drive Trail	0.82 mi
Existing Secondary Trails	
Aaron Drive Trail	0.54 mi
Badger Mountain Community Park	0.71 mi
Crested Hills Park	0.34 mi
Desert Rim Park	0.25 mi
Urban Greenbelt Trail	2.68 mi
Lynwood Loop Park	.25 mi
McMurray Park	0.35 mi
Paul Liddell Park	0.14 mi
Sagewood Meadows Open Area	0.56 mi
Claybell Park	0.56 mi
Existing Soft Trails	
W.E. Johnson Park	>5 mi
Badger Mountain Centennial Preserve[1]	6 mi
Trailhead Park canyon trail 0.26/Badger Flats Trail 0.4	0.3
Claybell Park	>2 mi
Tapteal Greenway Trail	2 mi
Badger Mountain Overlook	>1 mi
Riverview Management Unit[2]	2 mi
Chamna Natural Preserve[2]	> 11 mi
Bateman Island[2]	> 2 mi
James Lawless Park	>1 mi
Amon Basin	>2 mi
South Columbia Point	>2 mi
Rivers to Ridges Trail (Falconcrest)	0.36 mi

Park Type	Acres
[1] *Owned and maintained by Benton County; portion of the park is in the City's UGA*	
[2] *US Army Corps of Engineers owned, leased to the City of Richland*	

In addition to facilities mentioned above, the Barker Ranch trail exists as an easement on City property also encumbered by an irrigation main easement. The City is in the process of relocating this trail to City property adjacent to the irrigation main.

Other Recreational Activities

In addition to City-owned park land and indoor recreational facilities, other facilities include the 647-acre Badger Mountain Centennial Preserve owned by Benton County, 1,112 acres of USACE-owned open space, and various Richland School District facilities. The USACE manages two open space preserves in the Yakima River delta area, the Yakima Delta Habitat Management Unit totaling 1,112 acres. Other private entities such as private schools, neighborhood clubs, private health clubs, and employers provide many indoor and outdoor sports, recreational, and health facilities.

Community Center

The Richland Community Center is available to all citizens of Richland. The Center serves as the venue for a wide variety of programs and activities designed for individuals and groups of all ages. The Center is used for City sponsored and administered recreational activities and programs, and for rental. A number of the facility's rooms are designed and used as multi-purpose spaces for a variety of activities.

Hanford Reach Interpretive Center

The Hanford Reach Interpretive Center is located in Columbia Park West. It opened to the public in 2014. This is a center exhibiting local culture and history and it promotes education and tourism. The structure is owned by the Richland Public Facilities District (PFD) on USACE property leased by the City of Richland and subleased to the PFD.

Motor Cross

The Off Road Vehicle Park (ORV Park) has a public motor cross (MX) course, an All-Terrain Vehicle (ATV) course, open trails, mini/pee-wee MX track, and RV camping. Portions of the park are leased for remote controlled airplanes and go-karts.

The Horn Rapids Athletic Complex provides a public Bicycle Motor Cross (BMX) course and four men's softball fields.

Aquatic Facilitates

The George Prout Aquatic Complex provides public swimming and swim classes. The facility has a 25-meter pool with dive tank and a 1,100-square foot wading pool. The Howard Amon Park has a 1,962-square foot wading pool, and Badger Mountain Park has a 6,000-square foot splash and spray park. Both Leslie Groves and Howard Amon Parks have roped off areas for swimming in the Columbia River.

Water-Oriented Facilities on the River

Boat launches and moorage are provided at Leslie Groves Park, Howard Amon Park, Columbia Point Marina Park, and Columbia Park West. A dock for large watercraft is provided at the end of Lee Boulevard in Howard Amon Park. Primitive launch sites are provided at Wye Park, the north end of

Snively Road, Hyde Road, and Duportail Street. Transient moorage is provided at Columbia Point Marina Park and Columbia Park West. Private moorage is available at Columbia Park West.

Sports Facilities

Columbia Playfield provides five game-ready lit softball fields. Badger Mountain Community Park and Jefferson Park provide five additional game-ready little league fields. Many City Parks and School District facilities contain backstops for informal ballfield practice.

Jeannette Taylor Park contains a 22,000-square foot concrete skate park for skateboards and BMX bicycles. Many of the City parks provide shared areas or dedicated practice fields for soccer, baseball, and basketball. Football fields are mostly provided within the school facilities. Columbia Point provides a golf course; James Lawless Park includes one 18-hole disc golf course. Table CF-4 indicates current facilities within the City.

Private Recreational Facilities

Several neighborhoods, apartment complexes, private businesses, and churches throughout Richland have built private facilities, such as swimming pools, tennis courts, gymnasiums, golf courses, and playgrounds for their residents, members, and employees. While these amenities are not considered in the inventory of available public facilities, private facilities reduce the demand on public facilities.

LEVEL OF SERVICE

Parks

City of Richland level of service standards have been established for the location of neighborhood and community Parks. Neighborhood parks should be available within a one-mile radius from any dwelling unit. The level of service for community parks is a two-mile radius from any dwelling unit. For the purpose of establishing level of service standards, community and regional parks are considered to provide Neighborhood Park service. Park area level of service standards have not been established for the other park types, as they are developed based upon specific activity needs of the City.

Trails

There are no established national standards for trails. The City of Richland has chosen not to identify a level of service standard for trails. Currently, Richland has 30 miles of paved Class 1 trails, or 0.49 miles per 1,000 population.

Natural Open Space

There are no established national standards for open space. The City of Richland has chosen not to identify a level of service standard for natural open space. As discussed in Table CF-1, the City has 874 acres of natural open space in seven parks. With additional acres managed by other government agencies within, or adjacent to the City limits, the total natural open space area in the City limits and UGA is 2,476 acres (Table LU-1). This equates to approximately 40 acres per 1,000 population or 1,730 square foot per resident.

Aquatics

The National Recreation and Park Association's (NRPA) Recreation, Park, and Open Space Standards and Guidelines recommend that the City of Richland should provide one swimming pool per 20,000 residents and the pools should be able to accommodate 3-5 percent of the total population or 1,964

people at a time. The City has no adopted standards for aquatic facilities. Several private, neighborhood pools exist in the City and are not included in this evaluation.

Recreation Programing

The City of Richland Recreation Department provides recreational opportunities on a continuous, year-round basis, with up-to-date event/activity guides and calendars available online for the public. These facilities and programs are intended to enhance residents' health and provide comfortable access to their local government and other community amenities. Listed below is a brief sample of activity categories with categories changing based on demand.

- Aquatics-swim lessons, lap swim, open swim pre-school educational activities
- Arts & Crafts, General Education-chess, juggling, hunter education, first aid and more
- Dog training, park ranger programs, geocaching, hikes and classes
- Home and garden, language, computer and technologies
- Fitness
- Yoga, martial arts, dance, wellness-check-ups
- Sports: team and individual sports
- Adventure camps-for youth
- Cards, socials trips

FUTURE DEFICIENCIES

Parks

The City is not in need of any additional neighborhood park land. The development of Horn Rapids and Badger Mountain South neighborhood parks will provide adequate park service. New areas near City View re-designated with this Comprehensive Plan update will require one additional community park to serve the area.

The four community parks (Badger Mountain, Claybell, Hanford Legacy, and Trailhead) provide adequate land for development of needed park amenities. There is a need to complete the park amenities at Badger Mountain Park and Hanford Legacy Park. Master plans have been completed for each community park with the exception of Trailhead Park.

Natural Open Space

An analysis on park land in low density cities indicates only eight cities in US have more than 40 acres per 1000 population of park land, which Richland has (The Trust for Public Land, 2015). With the park and natural open space combined, Richland has 79 acres per 1000 people. With the projected 20 years' population, this ratio will be 55 acres per 1000 people. The land use changes indicated in Tables LU-6 and LU-7 will increase the Natural Open Space, and decrease the Developed Open Space. Approximately 38 acres of Urban Reserve land along the Yakima River is re-designated to Natural Open Space (Table LU-6). With these changes, Richland will have about 78.7 acres of open space per 1000 people. For the next 20 years' population, this ratio will remain about 55 acres of open space per 1000 people. The proposed land use changes will result in 54 acres of increase in Natural Open Space and 67 acres of decrease in Development Open Space with a net reduction of 17 acres.

Although Richland includes more open space than communities around the nation, there is a community interest in preserving and expanding open space. The need of open space should be further assessed through stakeholder and public involvement.

Recreation

Table CF-4: Recreational Facilities Inventory and Deficiency

Facility Type	Existing Inventory	Build-out Demand	Additional Need
Youth Baseball Game Fields	10 Fields	10 Fields	0
Youth Baseball Practice Fields	12 Fields	18 Fields	6 Fields
Youth Softball Game Fields	5 Fields	6 Fields	2 Fields
Youth Softball Practice Fields	10 Fields	16 Fields	6 Fields
Adult Softball Fields	4 Fields	6 Fields	2 Fields
Indoor Basketball Practice Courts	7 Courts	16 Courts	9 Courts
Indoor Basketball Game Courts	5 Courts	7 Courts	2 Courts
Indoor Volleyball Courts	21 Courts	14 Courts	4 Courts
Youth Soccer Practice Fields	27 Fields	38 Fields	15 Fields
Youth Lacrosse Game Fields	0 Fields	8 Fields	4 Fields
Youth Lacrosse Practice Fields	0 Fields	2 Fields	2 Fields
Youth Football Game Fields	1 Field	3 Fields	2 Fields
Youth Football Practice Fields	0 Field	0 Fields	0 Fields
Golf Driving Ranges	1 Range	2 Ranges	1 Range
Golf, 18-Hole Courses	1 Course	2 Courses	1 Course
Archery Ranges	1 Course	2 Courses	1 Course
Skateboard Park	22,700 sf	30,000 sf	7,300 sf
Outdoor Tennis Courts	28 Courts	45 Courts	17 Courts
Indoor Swimming Pools	1 Pool	4 Pools	3 Pool

(Based on a 2030 Population 70,000; Source: 2014-2019 Parks, Trails, Open Space and Facilities Master Plan)

RECOMMENDATIONS

Table CF-5: Parks, Trail, Recreation, and Open Space Financing

Facilities	Total Cost[1] ($)	Funding Sources	Time Frame
Badger Mountain Park	1,950,000	Park Reserve Fund Park Districts 5 RCO Grant General Fund	2019 - 2020
Columbia Playfield Improvement	1,096,109	Right-of-way Sale Lodging tax Grant Re Excise tax 1st ¼%	2018
Gateway Entrance Improvement	361,000	Re Excise tax 1st ¼%	2012 - 2017
Hanford Legacy Park	7,600,000	Lodging tax Fund RCO Grant	2013 - 2030

Facilities	Total Cost[1] ($)	Funding Sources	Time Frame
		Re Excise tax 1st ¼%	
John Dam Plaza Improvements	2,000,000	Business License reserve Fund Private Donations Re Excise tax 1st ¼%	2018
Park, Facilities and Trail Signage	1,70,000	Undesignated Park Reserve Fund Re Excise tax 1st ¼%	2017 - 2030
Park, Facilities Deferred Maintenance	2,140,725	Park Districts 3 Undesignated Park Reserve Fund RCO Tier 1 Big Grant Donation	2013 - 2030
Shoreline Deferred Maintenance	280,000	Undesignated Park Reserve Fund Re Excise tax 1st ¼%	2014 - 2030
Tree Replacement and Deferred Maintenance	120,000	Re Excise tax 1st ¼% WCIA Insurance Settlement Payment	2014 - 2030
West Village Park at Badger Mountain South	250,000	Park District 4	2017
[1]Includes amount that has already been spent in previous years starting in 2012; projects with budget already spent before 2017 is not included in this table.			

Park and recreational facility improvements will be met through proactive long-term planning. Programs and planning shall be done in accordance with the Parks, Trails, Open Space and Facilities Plan. The 2014 – 2019 Parks, Trails, and Open Space Facilities Master Plan indicates major facilities proposed for parks and recreation and their funding sources for a timeframe between 2017 and 2030.

The 2017 Capital Improvement Plan provides a detailed project list for 2017 through 2022. Additional projects in the CIP include:

- Bypass Shelterbelt, budgeted for $1,206,458 in 2020 through 2022
- Conversion of State Funded Recreation Land Mitigation, budgeted for $60,000 in 2017
- Craighill Park, budgeted and spent $50,000 in 2016
- Drollinger Park, budgeted for $120,000; remains $60,000 for 2018
- Gala Park, budgeted for $398,386; remains $70,000 for 2019
- Horn Rapids Athletic Complex, budgeted for $650,000 for 2017 through 2021
- Parks Facilities ongoing maintenance, budgeted for $4,192,000 for 2017 through 2022

Land use change indicated in Tables LU-6 and -7 will result in 50 acres on increase in Natural Open Space and 67 acres of decrease in Development Open Space with a net reduction of 17 acres of Open Space. However, this will increase Commercial Recreational land that will offer water-oriented recreational opportunities.

Figure CF-1: Parks, Schools and Open Space

SECTION THREE

MUNICIPAL FACILITIES

EXISTING CONDITIONS

The City of Richland provides many services at municipal facilities throughout the City. Many of these services are discussed in detail in other sections of this Capital Facilities Element and in the Utilities Element. This section describes the City of Richland's administrative buildings and civic center municipal facilities, including City Hall, City Hall Annex, Community Center, Development Services Center, and the City Shops and Warehouse Facility.

City Hall in downtown Richland houses the Council Chambers, Finance Division, and Administrative Services. It also houses the Cable Communications and the Public Information Officer. The City Hall Annex, adjacent to City Hall, houses the City Manager's office, Assistant City Manager and City Clerk, City Attorney, and Hanford Communities.

The Community Center, a 13,000-square foot facility built in 2002, serves a dual role as a new senior center and a recreation and meeting facility. The facility has a dividable multi-purpose assembly room, game room, commercial kitchen, meeting rooms, and fitness facility. It also houses the administrative offices of the Parks Department.

The Development Services Center houses the Building and Permit Services Division, the Housing Resource Division, Electrical Administration and Engineering, and Public Works Administration and Engineering groups. The building was acquired from the Federal government as surplus property and renovated to become a one-stop planning and development facility during the City's construction expansion period. The renovated area provides increased space and improved working conditions for existing staff. With these services becoming centralized, productivity and efficiency improvements are being recognized.

Staffing for these operations includes 217 employees. The location of major municipal facilities is shown in Figure CF-3, Facilities Map. No municipal facilities are located in the unincorporated areas of the UGA.

In 1994 the City purchased a 160-acre parcel near the Kennedy Road/I-182 interchange, of which 33 acres are dedicated to the construction of a new city shops complex. This campus-style complex completed in 1999 houses the Information Technology and Human Resource Divisions and the construction and maintenance divisions of the electric, water, and solid waste utilities, parks and facilities, fleet services, as well as purchasing and warehousing. In 2010 the City constructed an addition that houses the Information Technology Data Center. The complex consists of three separate buildings and outdoor storage.

LEVEL OF SERVICE

Planning for municipal facilities is based on employment trends, current occupancy, life cycle of the building, efficiency of use, and expansion requirements. Space plans are also determined based on the program objectives of individual departments. Studies prepared by ALSC Architects in April 1992 and 2003, evaluated municipal buildings and recognized that some municipal facilities within the City of Richland were operating at a substandard level.

Assessment of Facilities

City Hall is a 27,914-square foot two-story building. Apart from a minor cosmetic remodeling of the Council Chambers and addition of technology, minimal improvements have been made since it was

constructed in 1959. A facilities analysis, completed by ALSC Architects in April 1992 and again in 2003, evaluated each building for the adequacy of architectural, structural, mechanical, electrical, and safety qualities. The study identified facility needs for City divisions to remain at the site after relocation of the Service Functions and Senior Center. The study concluded that the City Hall Complex is inadequate in size and flexibility and is not in compliance with basic accessibility and energy code requirements. The HVAC system is well beyond its intended life cycle and consists of an electric steam boiler original to the building and a cooling tower. Currently, the City is undertaking a review of its various administrative facilities.

The 5,600-square foot Administrative Building was built in 1977 and has only had minor cosmetic improvements. The ALSC study concluded that the building is basically sound and, is in compliance with building codes. Minor additional aesthetic improvements to the interior finish and carpeting in part of the building were recommended. The HVAC system is running at half of its design capability and cannot be repaired without significant investment.

FUTURE DEFICIENCIES

Municipal facility needs that are affected by growth include equipment and space needs as well as additional staff time to process building permits, conduct development plan reviews, and perform City administrative functions. Future growth and development will place increased demand on the City's municipal facilities and services. However, many factors that influence the need for municipal facilities space do not correlate directly with population growth. With technological advances that affect space demands and the trend toward the "right-sizing" of government, it cannot be assumed that municipal facility needs will increase proportionally with growth.

RECOMMENDATIONS

Currently a plan is underway for the construction of a new City Hall that will combine the City Hall, the City Hall Annex, and the Development Services Building into one facility, therefore eliminating three aging buildings. Construction of a 46,000-square foot facility will begin in 2017 and be complete in 2018.

The Facilities Matrix below in Table CF-6 evaluates major facilities' lifecycles. The lifecycle of a facility can be measured based on the age of a building and cost of operation and maintenance over time. Efficiency in the building design can reduce the maintenance cost. Maintenance and operation cost rises as the building gets older until it reaches a point when maintenance is no longer cost-effective. The average age of an office building can range from 30 to 50 years. However, a building can reach its lifecycle sooner if it does not meet current code and safety requirements, and the cost of retrofitting outweighs the benefit. Future municipal facilities planning should assess the lifecycle of facilities and plan in advance to maintain desired level of service.

Table CF-6: Municipal Facilities Matrix and Lifecycle Assessment

Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/ Replacement Allocation in CIP ($)
City Hall	1959	Inadequate in size and flexibility; not in compliance with energy code or ADA requirements; major MEP components are failing and the cost of maintenance is increasing every year	The facility has passed its effective lifecycle. The building is in year 59 of a 50 year lifecycle and will be replaced within 2 years.	18,500,000 for new facility to be completed in 2018
City Shops 100, 200, 300	1998	The facility is still functioning very well for its intended purpose. The MEP systems have been well maintained and are performing as expected. The roof material has failed and will need to be replaced in 2018	The facility is on a 50-year lifecycle. If a proactive maintenance program continues, the building should meet its intended lifecycle. The current remaining lifecycle is 60%	
Development Services Building	1944	Major MEP failure throughout the building	The facility has passed its effective lifecycle and will be replaced within 2 years as part of the new City Hall	18,500,000 for new facility to be completed in 2018
Fire Station 71	1953	Even though the facility was remodeled in 1992, it is not performing well. The MEP systems are failing	The facility is currently on year 64 of a 50 year lifecycle. The facility is well past its effective lifecycle and is requiring significant maintenance to keep it functioning properly	$5, 000,000
Fire Station 72	1991	The facility has sustained water damage over the years based on a poor roof and parapet design. The facility will	The facility was intended for a 50 year lifecycle. Based on the current status, its	

Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/ Replacement Allocation in CIP ($)
		require a significant remodel in 2017 to address the water damage. Overall, the major MEP components are functioning properly	actual lifecycle has been reduced based on water damage. The remaining lifecycle is approximately 40%	
Fire Station 73	1958	The facility is not performing well and requires significant maintenance to sustain operations. The MEP systems are at the end of their life	The facility is currently on year 59 of a 50-year lifecycle. It is well past its effective lifecycle	$4,100,000
Fire Station 74	2015	The facility is performing extremely well	98% lifecycle remaining	
Landfill	1977, additions and updates 2001, 2003, 2008	Customer areas such as transfer station and administrative offices scheduled for update or relocation as part of capacity improvements 2018-2019	5% - 10%	$8,003,512
Police Station	2001	The facility has performed well other than normal MEP and building maintenance	70% lifecycle remaining	
Richland Community Center	2001	The facility has performed well other than normal MEP and building maintenance. The roof is an area of concern and will require significant maintenance	70% lifecycle remaining	
Richland Library	2009	The facility has performed well other than normal MEP and building maintenance. The roof has been a concern and will require replacement well before its intended lifecycle	80% lifecycle remaining	Money is being held in the library reserve fund to replace the roof

Facilities	Year Built	Status of the Facility	% of the Lifecycle Remaining	Improvement/ Replacement Allocation in CIP ($)
Water Treatment Plant	2005	Renewal/Replacement projects scheduled for 2017-2021		$4,382,770
Waste Water Treatment Plant	1985/1986	Repair/Replacement of influent building and treatment facility are scheduled for update in 2017-2018		$2,283,000 – Influent Upgrades $6,611,369 – Treatment Facility

Figure CF-2: Municipal Facilities

SECTION FOUR

FIRE AND EMERGENCY SERVICES AND FACILITIES

EXISTING CONDITIONS

Fire and emergency medical services are a key part of public safety services for the citizens of Richland and the thousands of visitors and workers who pass through the City. The City of Richland has a professional fire department, which provides fire and life safety protection, emergency medical services (EMS), technical rescue, and hazardous materials response to citizens, visitors and the business community.

The Richland Fire & Emergency Services Department also provides Advanced Life Support EMS through Interlocal Agreements to segments of unincorporated areas of Benton County.

Existing Fire Stations are located as follows:

- Fire Station 71 at 1000 George Washington Way.
- Fire Station 72 at 710 Gage Blvd.
- Fire Station 73 at 1900 Jadwin Avenue.
- Fire Station 74 at 2710 Duportail Street.

The map indicates existing and future Fire Stations serving the City.

LEVEL OF SERVICE

Emergency Response Standard

Richland Fire & Emergency Service historic LOS dates back prior to 2000. Minimum level of service goal is a response time of 5 minutes to 90% of all emergency calls within the City of Richland. The 5-minute response time is defined from time of dispatch to arrival on scene.

Professional Industry Standard

Richland Fire & Emergency Services was given an Insurance Service Office (ISO) rating of 3 following an evaluation conducted in 1994 and again in 2016. ISO ratings range from 1 to 10, with lower numbers being better.

FUTURE DEFICIENCIES

- Inability to meet the City's historic minimum level of service in the northern and southern perimeters of the City as outlined in CFPS Goal 1 policies 1, 2 & 3.
- Enhanced difficulties maintaining WAC training compliance without having access to a training complex.

RECOMMENDATIONS

The following facility recommendations are based on the Comprehensive Plan goals and desire to maintain a level of service standard for the time period of 2017 to 2037.

Short Term 2017-2021 Capital Cost Estimate $12.9 to $14.1 million

1. Relocation of the north station (Jadwin & McMurray) further north near the intersection of SR 240 and Stevens Drive (Capital cost estimate: $4.1 million). Optimal timing for relocation of north station is simultaneous with the completion of the Duportail Bridge. Historic note:

earlier comprehensive plans from the 1990s identified the replacement of station 73 (Jadwin & McMurray) in 2004.

   a. Secure property and change zone and land use designation.
   b. Construct emergency response facility

2. Construct a satellite/decentralized fire and emergency services facility in north Richland (Capital cost estimate: for facility $1.8 to $3 million based on existing or new construction plus $1 million for apparatus).
   a. Secure property in appropriate geographic area in North Richland for future facility (Science/tech Park)
   b. Construct emergency response facility
   c. Include cost of apparatus: Fire Engine and Ambulance
3. Secure property in appropriate geographic area in northwest Richland for future facility (Horn Rapids Golf Community). City currently owns land in targeted area. Need to confirm zoning and land use change (Capital cost estimate: $5.7 million).
4. Relocation of Central Fire Station #71 located at George Washington Way & Swift Boulevard to an area near the Richland Police Station (Capital cost estimate: $5 million).
5. Construct a decentralized fire and emergency services facility in southeast Richland.
   a. Secure property in appropriate geographic area in southeast Richland for future facility (Capital/property cost estimate: $500,000).
6. Construct a satellite/decentralized fire and emergency services facility in Badger South area of Richland.
   a. Secure properties in appropriate geographic areas in South Badger for future facilities (Capital/property cost estimate: $500,000; total cost: 4.5 million).

Figure CF-3: Emergency Service Zone

SECTION FIVE

POLICE SERVICE FACILITIES

EXISTING CONDITIONS

The City of Richland has its own Police Department to provide law enforcement services within the City limits. Law enforcement within the unincorporated UGA is currently provided by the Benton County Sheriff's office. The Police Department is located at 871 George Washington Way. The Department employed commissioned officers and civilian employees.

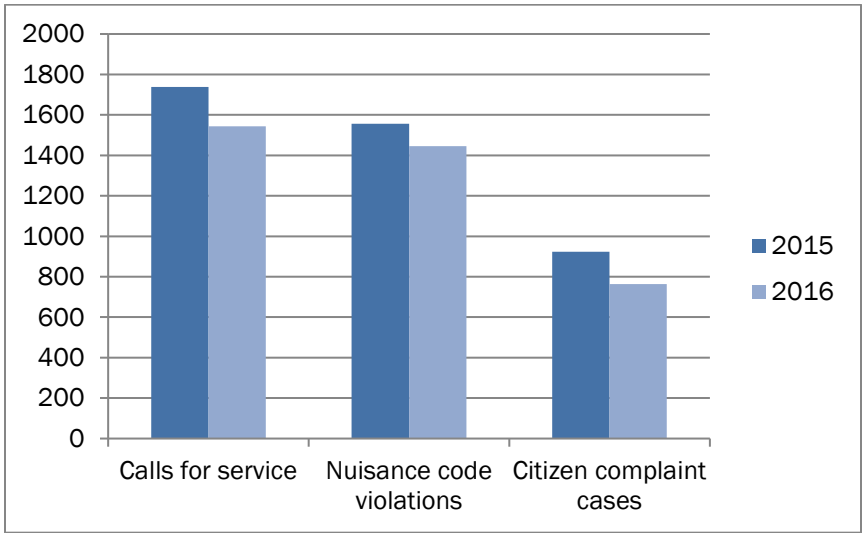
The Richland Police Department established a partnership with the Washington State Department of Corrections (DOC) in 2002 to better monitor criminals who are under active DOC supervision and living in Richland. At present, Richland Police is also leading the Benton County Emergency Management Agency's activities.

Crime rates are decreasing in some categories, while increasing in other categories, based on 2015 and 2016 National Incident-Based Reporting System (NIBRS) data for Richland. Robbery, motor vehicle theft, and stolen property offences have increased slightly, but kidnapping and burglary have decreased. For code enforcement cases, calls for service, code violations, and citizen complaints have decreased as shown in the Table CR-7 below.

Table CF-7: NIBRS Crime Statistics for Richland

Crime Categories	Total Crimes 2015	Total Crimes 2016
Robbery	6	11
Aggravated Assault	53	69
Simple assault	337	313
Kidnapping	15	5
Burglary	217	178
Arson	6	6
Larceny	1111	1100
Motor vehicle theft	48	80
Fraud	190	179
Stolen property offences	29	42
Destruction/ vandalism	461	444
Drug/ Narcotic offences	175	201

Figure CF-4: Code Enforcement Incidents



Current average response times to high priority calls range from one to seven minutes, depending on the type of call and location. The priority categories of police response to calls for service are as follows:

1. Priority I calls are where the safety of people is involved and in progress calls, officers will respond with all urgency, using emergency response equipment when justified.
2. Priority II calls are calls that just occurred. These calls do receive a high-priority response, again using emergency equipment when justified.
3. Priority III calls do not require an emergency response. These calls will be handled as soon as practical but will have lower priority than Category I or II calls. Officers answer Priority III calls when time allows.

Law enforcement within Richland's unincorporated UGA is provided by the Benton County Sheriff's Office. The City of Richland and Benton County have signed a Consent Agreement for Mutual Aid Peace Officers Powers in accordance with the Washington Mutual Aid Peace Officers Powers Act (Chapter 10.93 RCW). By signing this agreement, the jurisdictions agree to provide cooperative enforcement of the law beyond their territorial boundaries as requested by the jurisdiction in need of assistance.

The Police Services Division occupies a police station constructed in 2001.

LEVEL OF SERVICE

Richland Police provides a value-based service. Instead of measuring levels of service by officers per population, Richland measures its levels of service for public safety based on the committed and uncommitted time of the officers and support staff. A balance of committed vs. uncommitted time allows for an efficient response to citizen's calls for service while allocating uncommitted time to allow for proactive police work throughout the community. This balance generally needs to stay at 60 percent committed time and 40 percent uncommitted time.

FUTURE DEFICIENCIES

Future growth will increase demand for police protection services and police department community programs. This may result in a need for additional police officers, equipment, and support staff in the long term.

RECOMMENDATIONS

The Police Department is currently not seeking an increase in the number of police officers as it aims to meet its demand through an efficient allocation of committed time. It continues its current programs of community services and crime prevention programs.

Figure CF-5: Police Patrol Zone

SECTION SIX

LIBRARY FACILITIES

EXISTING CONDITIONS

Library services for Richland residents are provided primarily by the Richland Public Library, operated by the City of Richland Parks and Public Facilities Department. Additional library services are available at the Washington State University (WSU) Consolidated Information Center (CIC), Columbia Basin College in Pasco, and the Mid-Columbia Library System in the adjacent jurisdictions. The Kadlec Neurological Resource Center has a specialized library on neurological disorders that is open to public. The PNNL campus master plan also indicates an on-campus library that is available only to PNNL staff and visiting officials. The Richland Public Library and the WSU CIC are both located within Richland City limits. In addition to those listed above, other library facilities in Richland include school libraries at each school in the Richland School District except Rivers Edge High School.

The Richland Public Library is located at 955 Northgate Drive, is a single facility with no bookmobile or branch outlets. The library serves all of Richland's population and the population in the region. The current library facility was expanded and remodeled in 2009 with state of the art facilities, such as two 19 feet x 24 feet meeting rooms with adjustable lighting and dividers. Each room can accommodate 32 people and the rooms can be combined into a single 38 feet x 24 feet room accommodating 64 people. A 62 feet x 32 feet room seating 132 people was also added. This room features a projector, retractable movie screen, retractable black-out shades as well as conventional shades, a sound system, and DVD player.

The remodel also included the addition of a second floor, which allowed for the expansion of the library's collection as well as the addition of multiple study tables, a fire place, and upholstered seating.

The remodeled lobby features exhibit space that is highly sought after for the display of paintings and sculptures. Glass display cases, a vendor kiosk, and a bookstore were also a part of the building's expansion. During an average week, the library is open 69 hours. Hours of operation vary from winter to summer months. During winter months the library is open from 9:30 a.m. to 9:00 p.m. on Monday through Thursday, 9:30 a.m. to 5:00 p.m. on Friday and Saturday, and 1:00 p.m. to 5:00 p.m. on Sunday. During summer months, the library is closed on Sundays.

LEVEL OF SERVICE

The library facilities are currently operating to serve the population within the City and the UGA. Its service and capacity level is adequate to serve its existing population.

FUTURE DEFICIENCIES

With the future growth of the City, there may be a need for additional library facilities on the south side of the City.

RECOMMENDATIONS

Based on the current Urban Growth Boundary and population growth projections, the City of Richland should look forward to one or more branches or explore other ways to expand service.

SECTION SEVEN

SCHOOLS

EXISTING CONDITIONS

Richland is mostly served by the Richland School District. Table CF-8 describes all facilities that serve residents within the UGA although some schools are located outside the UGA. Table CF-9 lists the special purpose facilities, such as gymnasiums and libraries, in those schools.

Table CF-8: School Buildings

	Building Area (square feet)	Grounds (acres)	Main Buildings	Classrooms
Richland School District				
Elementary Schools				
Badger Mountain	48,371	15	1	25
Jason Lee	78,905	17	1	28
Jefferson	50,882	12	2	24
Lewis and Clark	43,412	15	1	20
Marcus Whitman	43,312	13	1	20
Orchard	72,000	12.33	1	27
Sacajawea	44,100	16	1	21
Tapteal	48,371	15	1	25
White Bluffs	72,626	15	1	
William Wiley	49,138	13.5	1	25
Amon Creek Elementary	76,218	≈ 13	1	38
Middle Schools				
Carmichael	107,066	26	1	31
Chief Joseph	116,837	22	1	31
Enterprise	91,300	40	1	36
High Schools				
Richland High	271,536	35	6	69
Hanford High	243,031	72	8	75
Rivers Edge	8,811	1	1	6
Three Rivers HomeLink (located on Jason Lee Elementary)	16,780	N/A	1	8
Kennewick School District				
Elementary School				
Vista	38,026	11.5	1	20
Middle School				
Desert Hills	88,362	20	4	37

	Building Area (square feet)	Grounds (acres)	Main Buildings	Classrooms
High School				
Kamiakin	192,841	30	5	67
Special Schools Outside Richland				
Delta High School (Science, Technology, Engineering, Math) [2]	44,013	6	1	20
Tri-Tech Skills Center[1]				

[1] Serves the region and operated by multiple school districts.

[2] Located in Pasco. Serves the region and operated by multiple school districts. Students are selected by lottery. Richland has a lottery allocation of 133 students accepted per year.

Table CF-9: Special Purpose Facilities

School	Gymnasiums	Auditoriums	Cafeterias	Libraries
Badger Mountain	1	0	0	1
Jason Lee	1	1	1	1
Jefferson	1	0	0	1
Lewis and Clark	1	0	0	1
Marcus Whitman	1	0	0	1
Orchard	1	0	1	1
Sacajawea	1	0	0	1
Tapteal	1	0	0	1
White Bluffs	1	0	1	1
William Wiley	1	0	0	1
Carmichael	2	1	1	1
Chief Joseph	2	1	1	1
Richland High	3	1	1	1
Hanford High	3	1	1	1
Rivers Edge (Alternative)	0	0	0	0

Source: Richland School District, 2017.

LEVEL OF SERVICE

Schools will be designed to accommodate the following:

- Elementary: 500 to 600 students per school;
- Middle: 650 to 800 students per school; and
- High: 1,500 to 1,750 students per school.

DEFICIENCIES AND RECOMMENDATIONS

The Richland School District is required by the State of Washington to provide annual enrollment projections. The District uses the Cohort Survival Method, with consideration of other factors, as the basis for these projections. The Cohort Survival Method uses a five-year average of the percent of

students progressing from grade to grade. The average over the most recently completed five-year period is used to project enrollment for the next five years.

A long range planning study, done for the school district by E.D. Hovee & Company in 2011, developed projections and long range enrollment trends in four areas of the school district: north Richland, central Richland, south Richland, and West Richland. These planning projections, summarized below, were used to develop the bond issue in 2013.

The planned growth of the Badger Mountain South area (BMS) is creating the need for future schools in that area of the city. The school district owns approximately 54 acres in BMS for schools. Improved transportation to meet the access needs of the new schools will also need to be planned. Construction of a middle school (Leona Libby Middle School) is underway and is expected to open in 2017 near Belmont Boulevard and Keene Road, West Richland. The Richland School District purchased 72 acres for a potential high school near the Leona Libby Middle School site. An elementary school is also being planned in this area.

Figure CF-6: Schools

SECTION EIGHT

ESSENTIAL PUBLIC FACILITIES

According to the GMA, Essential Public Facilities (EPF) include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities as defined in RCW 47.06.140; regional transit authority facilities as defined in RCW 81.112.020; state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

EXISTING FACILITIES

The City provided essential public facilities are already identified under the Utility Elements. This includes Richland's landfill in the Horn Rapids area. Other facilities within the City but operated by the state or other public agency include the existing airport, Interstate Highway I-182, interregional State principal arterials of SR 240 and SR 224, and the freight railroad system (BNSF, Union Pacific, Port of Benton). The Columbia-Snake River System is also identified as an EPF as it provides an important inter-modal commercial transportation network for the state extending to the Pacific Ocean. Other EPF provided by institutions in Richland include mental health facilities associated with Kadlec and the Lourdes Counseling Center.

SITING

The siting process should be consistent with the Benton CWPP. Policy 11 of the CWPP indicates that the County and Cities, along with public participation, shall develop a cooperative regional process to site essential public facilities of regional and statewide importance. The objective of the process shall be to ensure that such facilities are located so as to protect environmental quality, optimize access and usefulness to all jurisdictions, and equitably distribute economic benefits/burdens throughout the region or county.

At the Countywide and multi-county level, the following action should be accomplished:

1. Develop a uniform siting procedure which enables selection of optimum project sites and appropriate size and scale relative to intended benefit area.

Richland's Capital Facilities Goal 2 Policy 3 states to locate capital facilities identified as essential public facilities so as to provide the necessary service to the intended users with the least impact on surrounding land uses.

The City establishes the siting criteria with the understanding that some EPF may not pose any siting difficulties beyond those associated with commercial or public developments. Richland reviews the siting of essential public facilities with a process established in the Richland Municipal Code (RMC 23.42.060, Essential Public Facilities). This process first identifies criteria for determining if the facility is to be reviewed as an EPF. The process reviews and addresses mitigation of potential impacts.

REFERENCES

Anchor QEA, 2014. City of Richland Shoreline Inventory, Analysis and Characterization Report. 2014.

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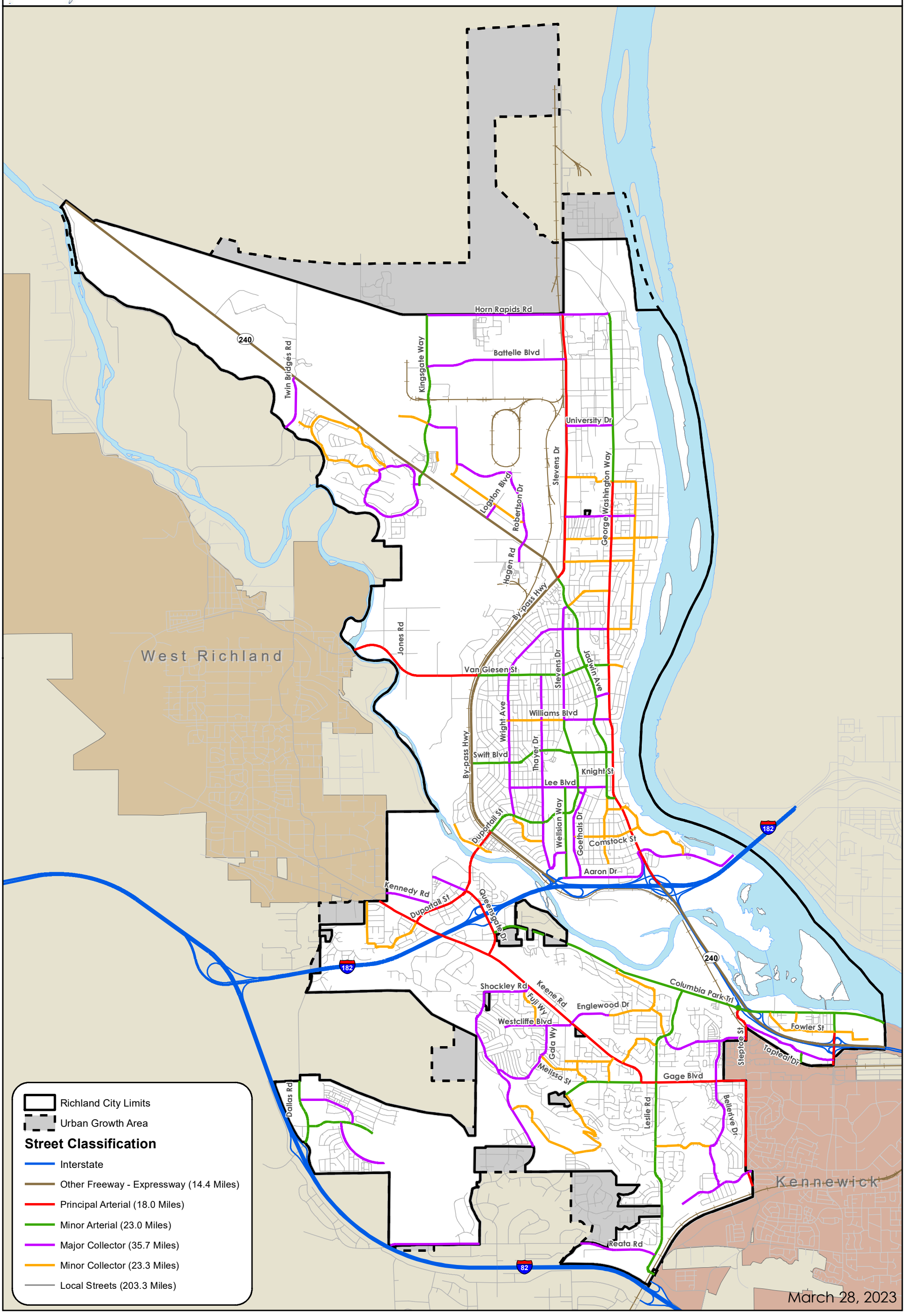
Cascade Natural Gas, 2017. Cascade Natural Gas Corporation. Available from: https://www.cngc.com/utility-navigation/about-us. Accessed on March 17, 2017

The Trust for Public Land, 2015. 2015 City Park Facts. April 2015.

TRIDEC 2016. Tri-Cities Washington 2016 Factsheet. Available from: https://www.tridec.org/wp-content/uploads/2016-Fact-Sheet-Updated-April-2016-for-TRIDEC-Website.pdf. Accessed on February 16, 2017

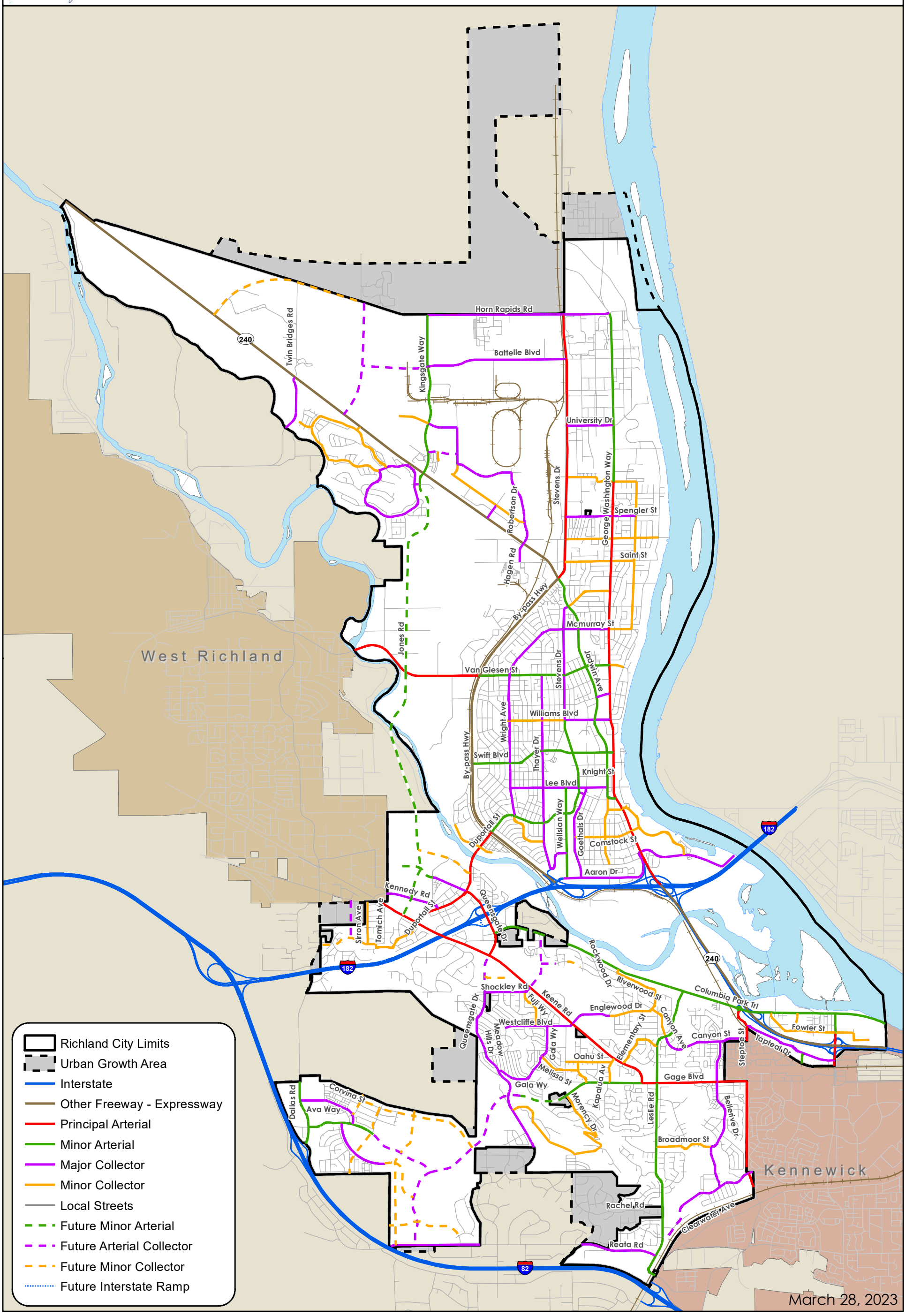
City of Richland

T-1 - Street Functional Classification System



City of Richland

T-11 - Future Functionally Classified Street Network



City of Richland

T-12 -Transportation Improvements

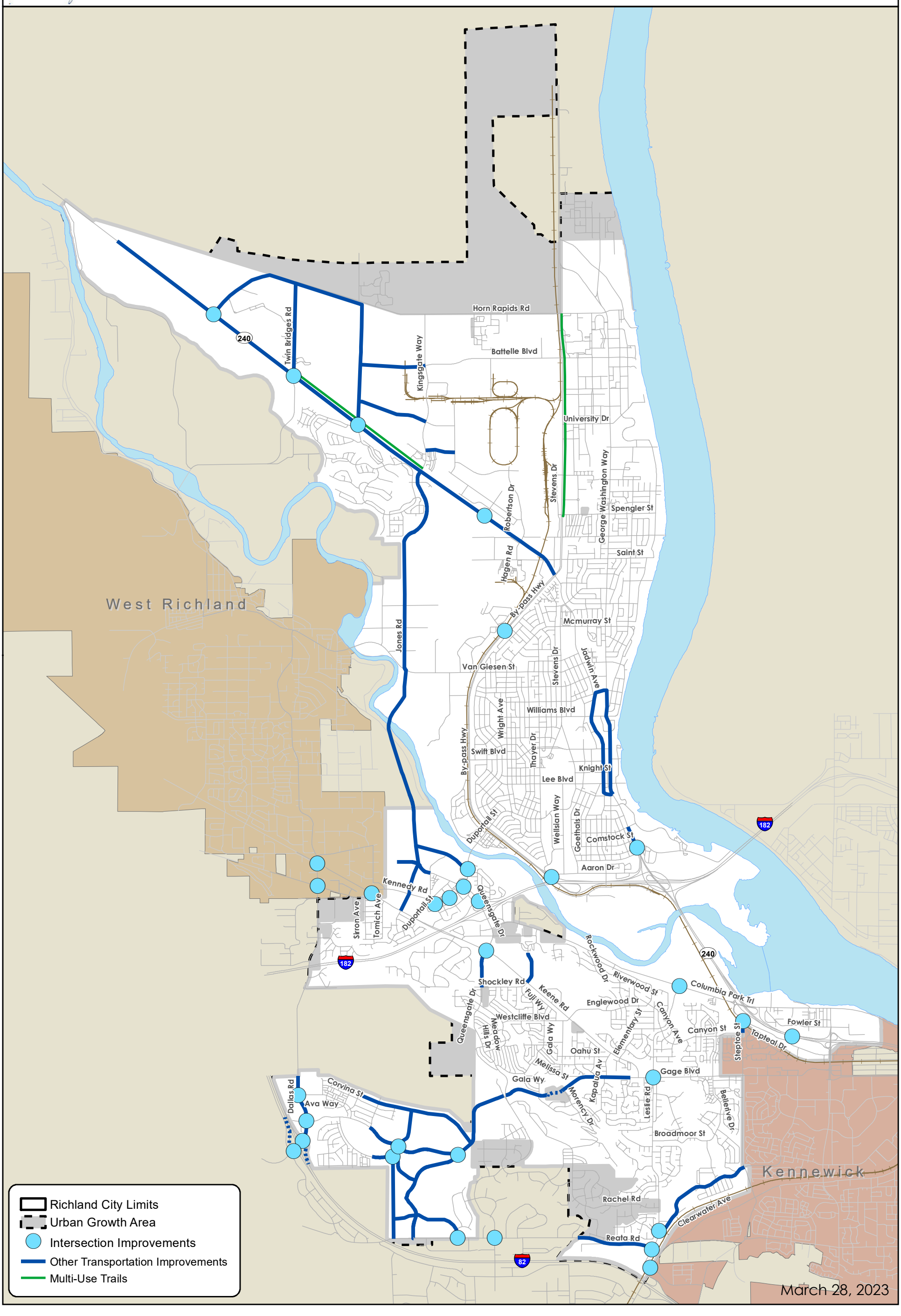


Exhibit 8

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
(509) 942-7794
(509) 942-7764

Comprehensive Plan Amendment Application

☒ Comprehensive Plan Land Use Map ☐ Text of Comprehensive Plan

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: City of Richland - Attn. Kerwin Jensen, Development Services Director	
Address: 625 Swift Blvd, Richland, WA	
Phone: (509) 942-7586	Email: kjensen@ci.richland.wa.us

APPLICANT/CONTRACTOR INFORMATION (if different)	☒ Contact Person
Company: AHBL, Inc.	UBI#:
Contact: Nicole Stickney, AICP	
Address: 5804 Road 90, Suite H Pasco, WA 99353	
Phone: (509) 916-7131	Email: nstickney@ahbl.com

PROPERTY INFORMATION	
Legal Description: None available at this time	
Parcel Number: TBD	
Current Zoning: TBD	Current Land Use Designation: None

APPLICATION REQUIREMENTS – Submit as required or attach written statements explaining the following:

1. Completed application and filing fee;
2. The purpose of the proposed amendment;
3. Describe how the amendment is consistent with Washington State Growth Management Act-RCW 36.70A (the goals of the Act are listed in 36.70A.020);
4. How the amendment is consistent with the adopted countywide planning polices;
5. How the amendment furthers the purpose of the City's comprehensive plan;
6. How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;
7. If applicable, how the project will meet concurrency requirements for transportation;
8. As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator;
9. **Comprehensive Plan TEXT AMENDMENT applications must also include:**
    a. The proposed element, chapter, section and page number of the comp. plan to be amended;
    b. The proposed text change, with new text underlined and deleted text crossed out;
10. **Comprehensive Plan MAP AMENDMENT applications must also include:**
    a. The current land use map designation for the subject parcel(s);
    b. The land use map designation requested;
    c. A complete legal description describing the combined area of the subject parcel(s);
    d. A vicinity map showing:
        i. All land use designations within 300 feet of the subject parcel(s);
        ii. All parcels within 300 feet of the subject parcel and all existing uses of those parcels;
        iii. All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads;
        iv. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;

v. The location of existing utilities serving the subject parcels, including electrical, water, and sewer;
vi. The location and uses of existing structures located on the subject parcel(s);

e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 feet (1:200);
f. The current official zoning map designation for the subject parcel(s);
g. A detailed plan which indicates any proposed improvements to:
   i. Paved streets;
   ii. Storm drainage control and detention facilities;
   iii. Public water supply;
   iv. Public sanitary sewers;
   v. Circulation and traffic patterns for the development and the surrounding neighborhoods;
h. A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from, and after, the comprehensive plan amendment;
i. A description of any associated development proposals. Development proposals shall not be processed concurrently with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact(s) of the proposed development.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Nicole Stickney

Applicant Signature: Nicole Stickney Date April 13, 2023

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
(509) 942-7794
(509) 942-7764

Comprehensive Plan Amendment Application

SUPPLEMENT

APPLICATION REQUIREMENTS — Submit as required or attach written statements explaining the following:

1. **Completed application and filing fee;**

   Submitted (Filing Fee TBD per internal City coordination).

2. **The purpose of the proposed amendment;**

   The proposed amendment is to establish the land use classification of a portion of land (referred to as the "subject site") as "Commercial."

3. **Describe how the amendment is consistent with Washington State Growth Management Act—RCW 36.70A (the goals of the Act are listed in 36.70A.020);**

   The following is a list of the GMA topics and the applicability of each to the proposed map change.

   (1) **Urban growth.** The requested change will accommodate development in an urban growth area and within city limits where adequate public facilities and services exist, consistent with the GMA goal.

   (2) **Reduce sprawl.** The proposal would allow a currently undeveloped site to be developed. Such infill development (development occurring near existing development and where infrastructure already exists) does not promote sprawl.

   (3) **Transportation.** The GMA calls for communities to encourage efficient multimodal transportation. The site has access vis Lawless Drive and Thayer Drive, which are both Major Collectors. The site is also proximate to Ben Franklin Transit routes.

   (4) through (9): The goals related to Housing, Economic development, property rights, permits, natural resource industries, open space and recreation do not directly apply.

   (10) **Environment.** The proposal will not result in any changes to existing environmental protection of the site, and any future project specific applications will be subject to environmental review.

   (11) **Citizen participation and coordination.** The proposal will be considered during a public hearing, providing an opportunity for citizen participation.

   (12) **Public facilities and services**. A initial traffic study has been completed to ascertain the maximum amount of additional trips that could be managed at the site with existing facilities (and only minor modifications to the existing intersection. This ensures the site will not be developed at an intensity which would exceed the intersection capacity.

   (13) and (14): The goals relating to Historic preservation and Shoreline management do not apply.

4. **How the amendment is consistent with the adopted countywide planning polices;**

   The amendment is consistent with the adopted Benton County Countywide Planning Policies (CWPPs), particularly with those policies focusing on developing areas appropriately where adequate services are available. The proposal site is within proximity to adequate public facilities, including multi-modal transportation options, stormwater infrastructure, water and sanitary sewer, and energy utilities.

5. **How the amendment furthers the purpose of the City's comprehensive plan;**

   The proposed amendment will be consistent with Richland's adopted Comprehensive Plan, including the City's vision statement and objectives to retain the community and neighborhood character which is described as *"vibrant, progressive, safe, diverse and family-friendly….with opportunities for…housing…."* Moreover, the proposal supports many of City's goals, polices or objectives as expressed in the Plan, and does not come into conflict with them.

   The proposed amendment aligns with the following Richland Comprehensive Plan Goals and Policies:

   General Community Goals

   GC Goal 1: Ensure and enhance the continuing sense of a livable and sustainable community in Richland.

   Land Use Goals

   LU Goal 1: Plan for growth within the urban growth area and promote compatible land use.
   - Policy 2: Facilitate planned growth and infill developments within the City.

   LU Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.
   - Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

   LU Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.
   - Policy 1: : Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

6. **How the amendment is internally consistent with the City's comprehensive plan, as well as other adopted City plans and codes;**

   The proposed CPA is internally consistent with the City of Richland's Comprehensive Plan as described above in the response for question #5, as well as the following adopted plans and codes:

   - RMC 12.06 Complete Streets Policy
   - RMC 22.10 Critical Areas
   - RMC 23.22 Commercial Zoning Districts

   In addition, there is no conflict with adopted codes and plans such, as but not limited to, the Shoreline Master Program, adopted subarea plans, Business Improvement Districts, etc. Those codes and plans do not apply.

7. **If applicable, how the project will meet concurrency requirements for transportation;**

A Comprehensive Plan Land Use map change to Commercial is not anticipated to result in traffic volumes that would result in a failing level of service at the Thayer Dr. / Lawless Dr. intersection.

8. **As necessary, supplemental environmental review and/or critical areas review, as determined by the Administrator;**

   SEPA checklist – *enclosed*

9. **Comprehensive Plan TEXT AMENDMENT applications must also include**:
   a. **The proposed element, chapter, section and page number of the comp. plan to be amended;**
   b. **The proposed text change, with new text underlined and deleted text crossed out;**

      Not applicable as this is a map amendment request.

10. **Comprehensive Plan MAP AMENDMENT applications must also include**:
    a. **The current land use map designation for the subject parcel(s);**

       None

    b. **The land use map designation requested;**

       COM - Commercial

    c. **A complete legal description describing the combined area of the subject parcel(s);**

       Not available at this time.

    d. **A vicinity map showing:**
       i. **All land use designations within 300 feet of the subject parcel(s);**
       ii. **All parcels within 300 feet of the subject parcel and all existing uses of those parcels;**
       iii. **All roads abutting and/or providing access to the subject parcel(s) including information on road classification (arterial, collector, access) and improvements to such roads;**
       iv. **Location of shorelines and critical areas on or within 300 feet of the site, if applicable;**
       v. **The location of existing utilities serving the subject parcels, including electrical, water, and sewer;**
       vi. **The location and uses of existing structures located on the subject parcel(s);**

       A vicinity map named *"Lawless Drive CPA Vicinity Map"* is attached which includes all the required information except the utilities. The utilities information is shown on the attached *"Lawless Drive Utilities Map"* (from the City of Richland online data).

       As shown on the vicinity map, the land northeast of the subject site (and abutting the site) is designated as "Commercial" while land is designated "Public Facility" at the BPA Electrical Substation (west of the site and across from the road right of way) with a small strip of land classified as "Developed Open Space" flanking the substation. All remaining surrounding land is in the right-of-way and therefore does not have Comprehensive Plan land use map designation.

Approval of the proposed map amendment will facilitate a logical extension of the Commercial land use classification. Accordingly, granting approval can facilitate a cohesive and complementary land use designation bearing substantial consistency with what the City has already guided and allowed for the surrounding area and adjoining properties.

e. Topographical map of the subject parcels and abutting properties at a minimum scale of one inch represents 200 feet (1:200);

A topographical map is attached: *"Lawless Drive CPA Topo Map"*

f. The current official zoning map designation for the subject parcel(s);

None.

g. A detailed plan which indicates any proposed improvements to:
- **i. Paved streets;**
- **ii. Storm drainage control and detention facilities;**
- **iii. Public water supply;**
- **iv. Public sanitary sewers;**
- **v. Circulation and traffic patterns for the development and the surrounding neighborhoods;**

Not applicable at this time.

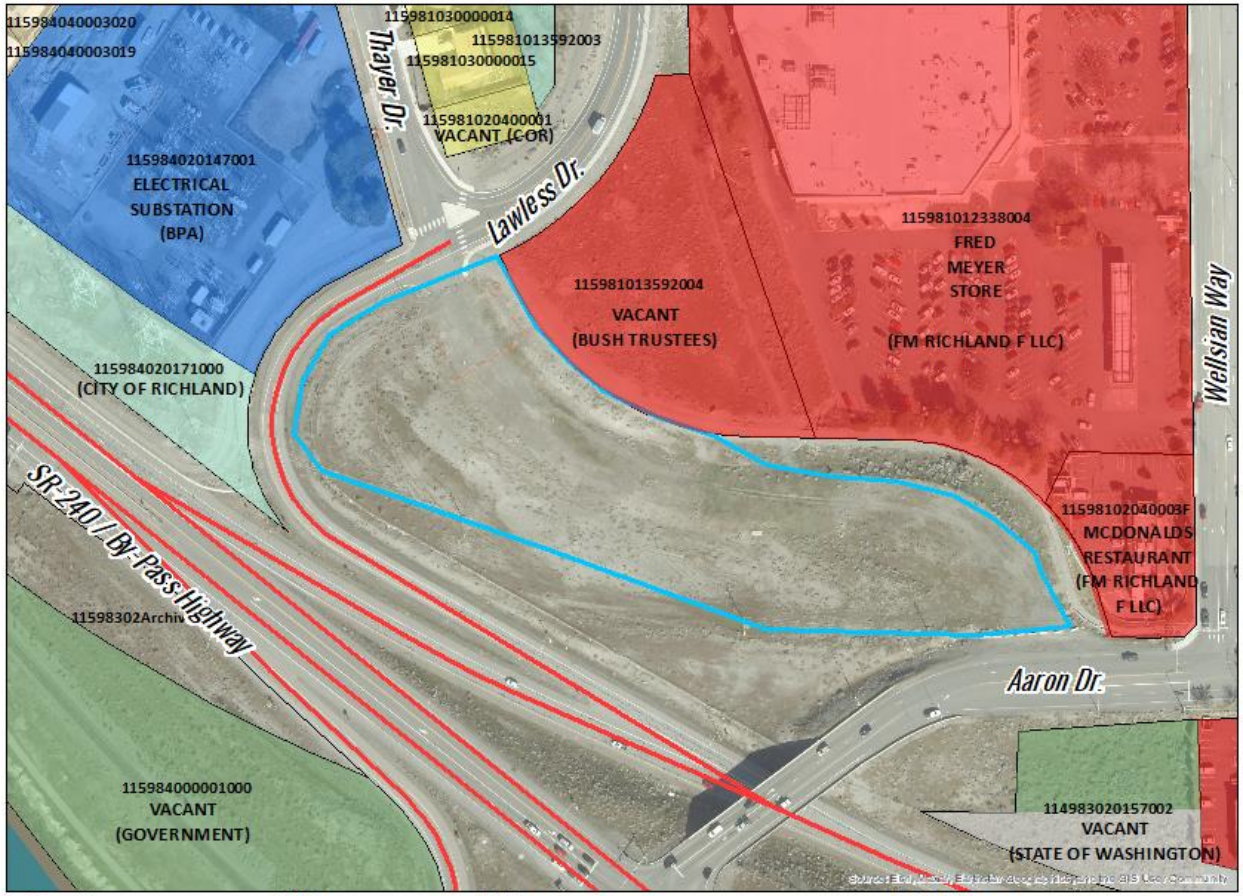
h. A corresponding zoning map amendment application, where necessary, to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from, and after, the comprehensive plan amendment;

Pending.

i. A description of any associated development proposals. Development proposals shall not be processed concurrently with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact(s) of the proposed development.

None at this time.

Lawless Drive CPA Vicinity



Legend

- COM - Commercial
- DOS - Developed Open Space
- HDR - High Density Residential
- IND - Industrial
- LDR - Low Density Residential
- MDR - Medium Density Residential
- NOS - Natural Open Space
- PBF - Public Facility
- Subject Site (Approx. /Not a parcel)
- Parcels

ROADS:
Lawless Drive (Major Collector, 2-lanes)
Thayer Drive (Major Collector, 4-lanes)

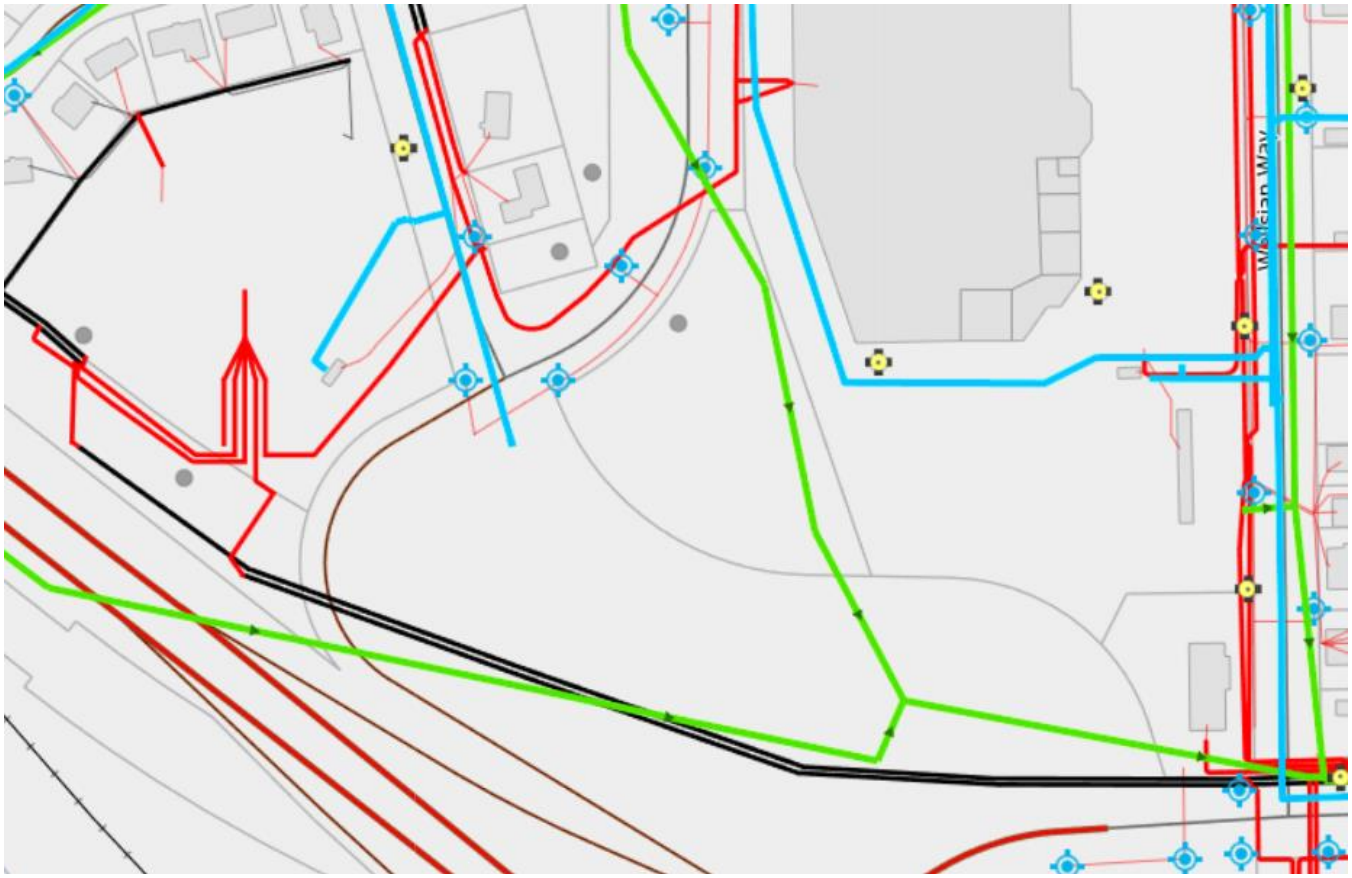
STRUCTURES:
None, except for overhead powerlines & poles

SHORELINE:
None within 300'

CRITICAL AREAS:
Critical Aquifer Recharge Areas (CARA)

Sources: City of Richland GIS, ESRI, Benton County

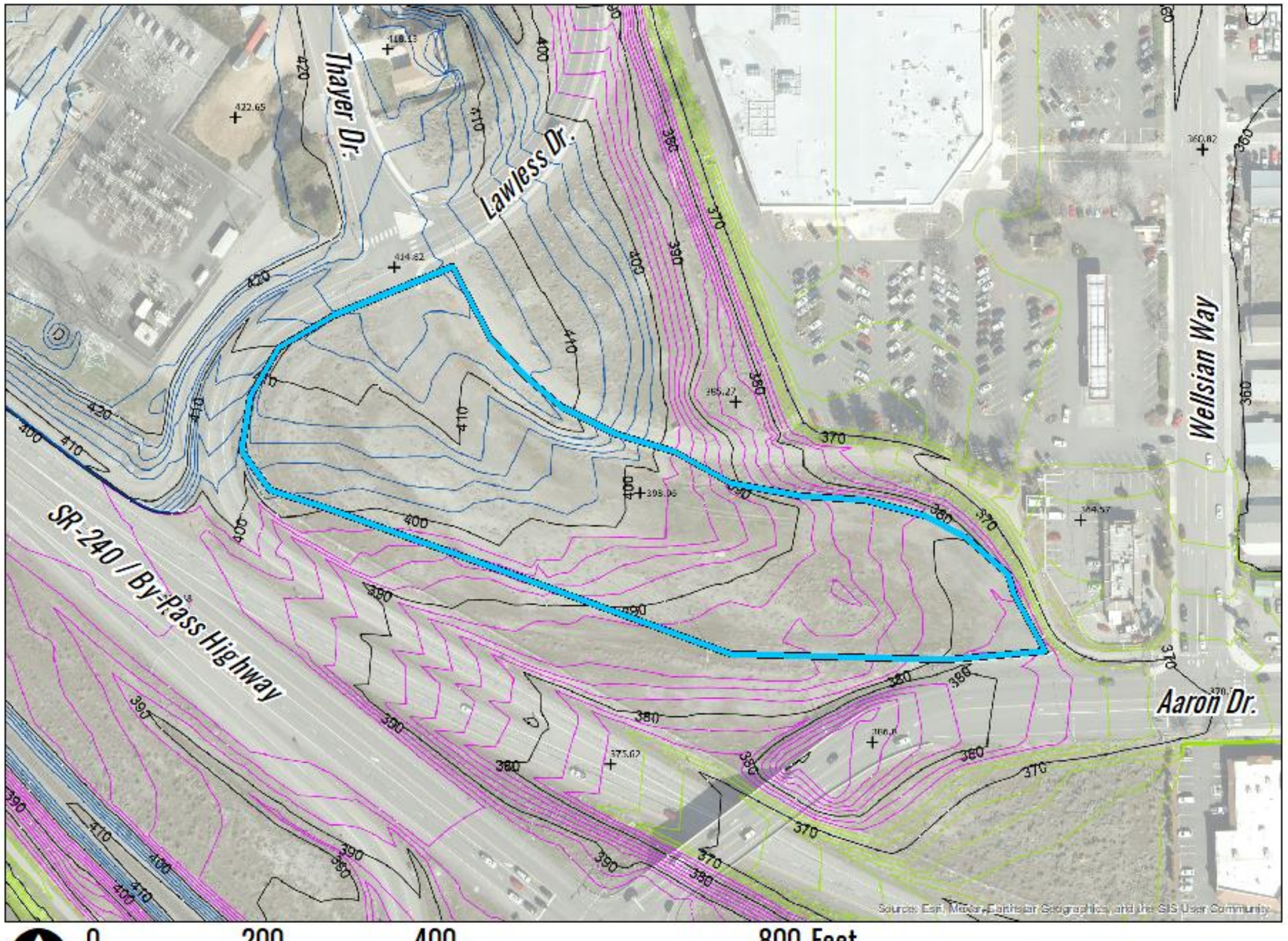
Lawless Drive CPA Utilities Map



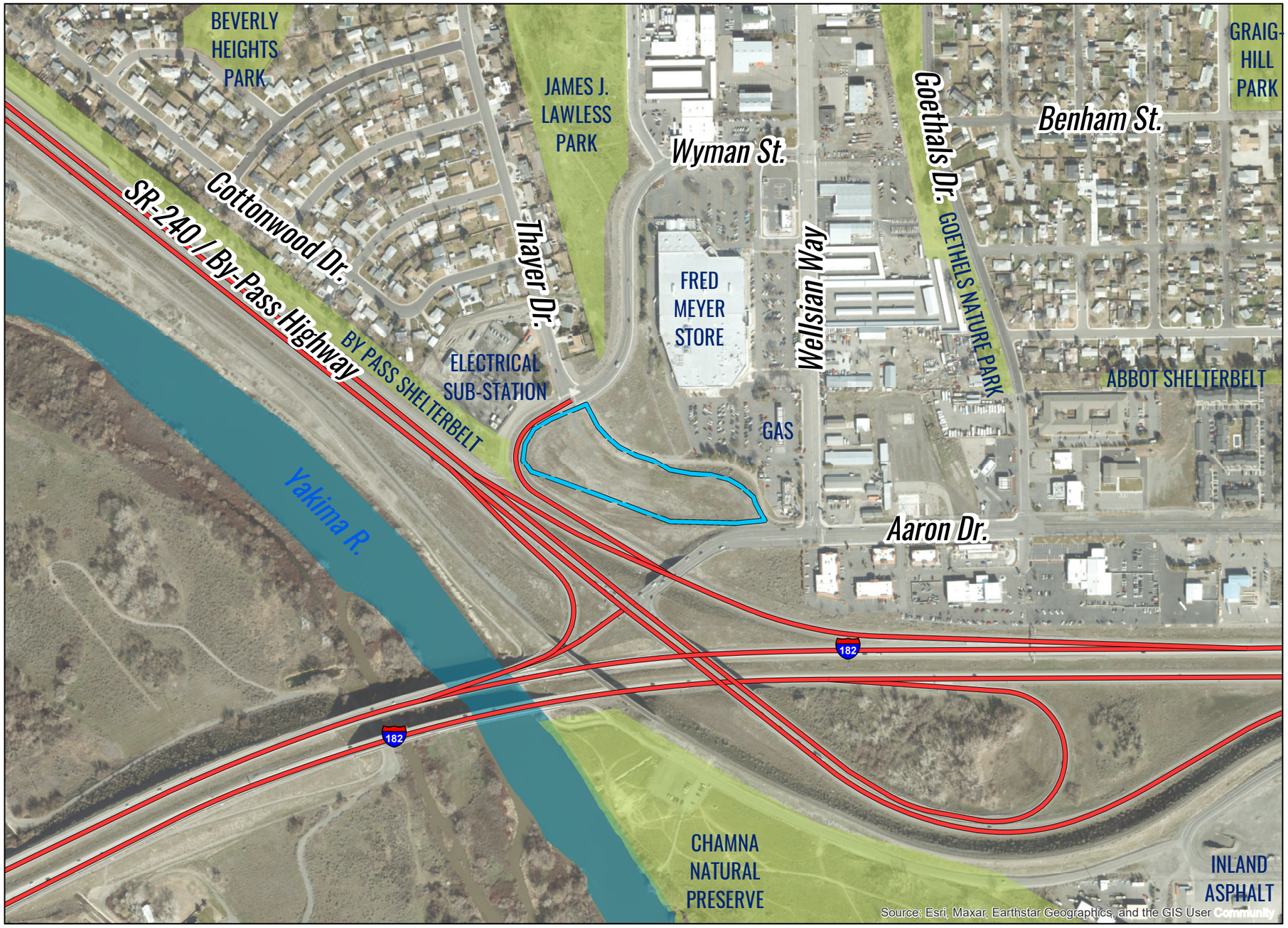
Source: Richland Utilities map at https://richlandwa.maps.arcgis.com/apps/webappviewer/index.html?id=1541b5feb5644ef888a1e8cf7a8c3349

KEY	
Green Line	Sewer
Blue Line	Water
Red Line	Electric
	Hydrant
	Light

Lawless Drive CPA Topo Map



Lawless Drive CPA Vicinity



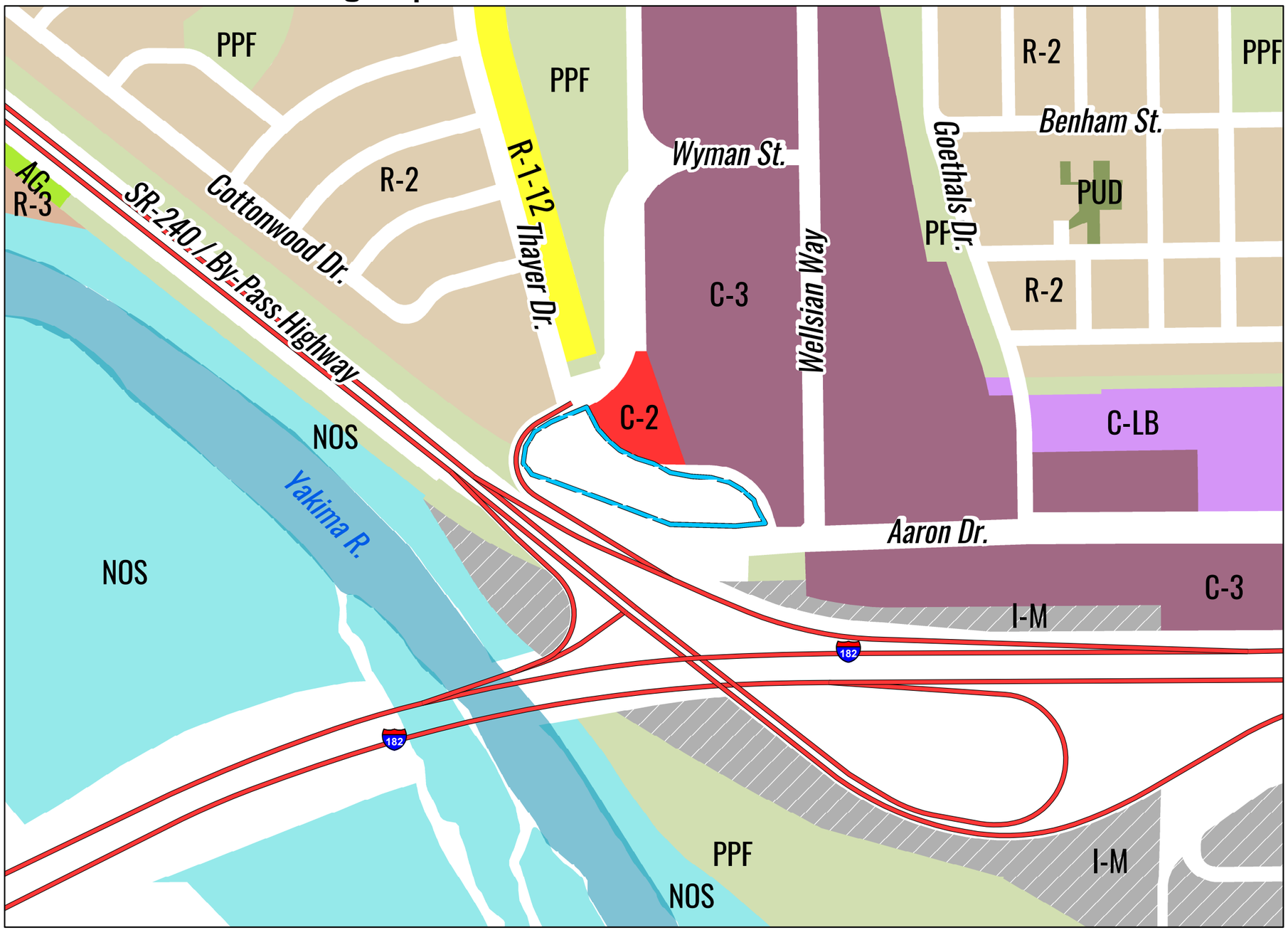
Legend

Subject Site (Approx. /Not a parcel)

0 500 1,000 2,000 Feet

Sources: City of Richland GIS, ESRI

Lawless Drive CPA Zoning Map

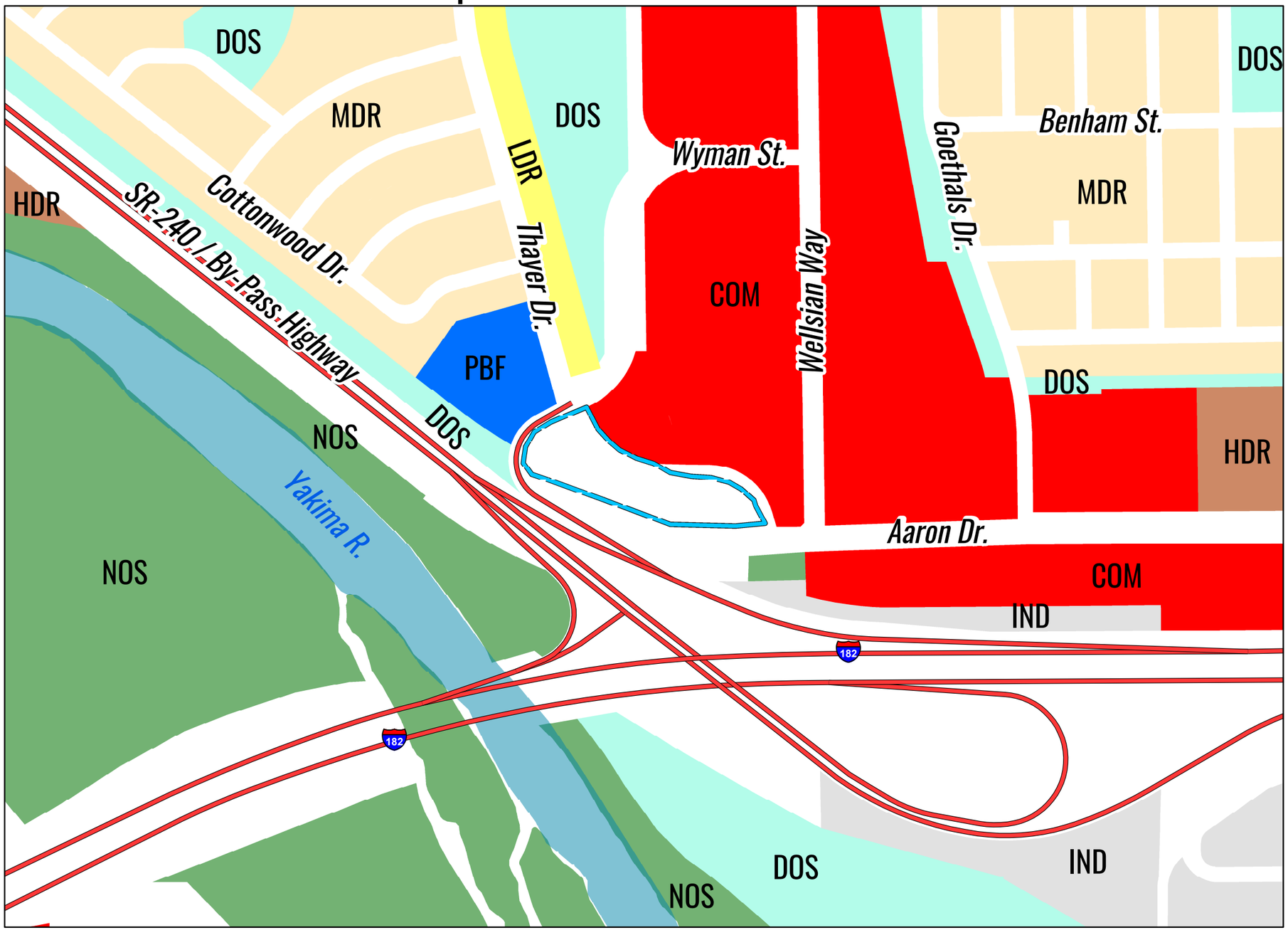


Legend

- Subject Site (Approx. /Not a parcel)
- Agricultural (AG)
- Natural Open Space (NOS)
- Limited Business (C-LB)
- Neighborhood Retail Bus. (C-1)
- Retail Business (C-2)
- General Business (C-3)
- Medium Industrial (I-M)
- Business Commerce (B-C)
- Parks & Public Facilities (PPF)
- Single Family Residential (R-1-12)
- Medium Density Residential (R-2)
- Multiple Family Res. (R-3)
- Planned Unit Development (PUD)

Source: City of Richland GIS

Lawless Drive CPA Land Use Map



Legend

- Subject Site (Approx. /Not a parcel)
- COM - Commercial
- DOS - Developed Open Space
- HDR - High Density Residential
- IND - Industrial
- LDR - Low Density Residential
- MDR - Medium Density Residential
- NOS - Natural Open Space
- PBF - Public Facility

Source: City of Richland GIS

RICHLAND LAWLESS DRIVE SITE FEASIBILITY STUDY

APRIL 2023

Prepared for:

RICHLAND WASHINGTON

By:

AHBL

INTRODUCTION

The purpose of this report is to summarize and synthesize the information we have gathered regarding a vacant City of Richland property ("subject site") located northeast of the I-182 and Bypass highway interchange. This serves as a record of the existing site conditions and additionally provides an analysis of probable "best and highest" use assuming a future sale of the property to a private party / developer.

In this report we have taken into account site constraints (particularly due to access limitations), and other considerations owing to general site topography, available utilities (per City GIS mapping), potential parcel size and additional general attributes that may factor into future decisions regarding Land Use classifications and Zoning District assignment. This approach is being used as the basis for our suggestions intended to inform a staff decision on direction to take for a proposed Comprehensive Plan land use designation for the property. Currently the property is lacking a Comprehensive Plan land use designation (as it was previously assumed to be right of way held by WSDOT) and a proposal for a classification will need to be considered by the city's planning commission and city council.

This work product comprises a "land use planning" exercise and excludes any real estate or economic / market analysis.

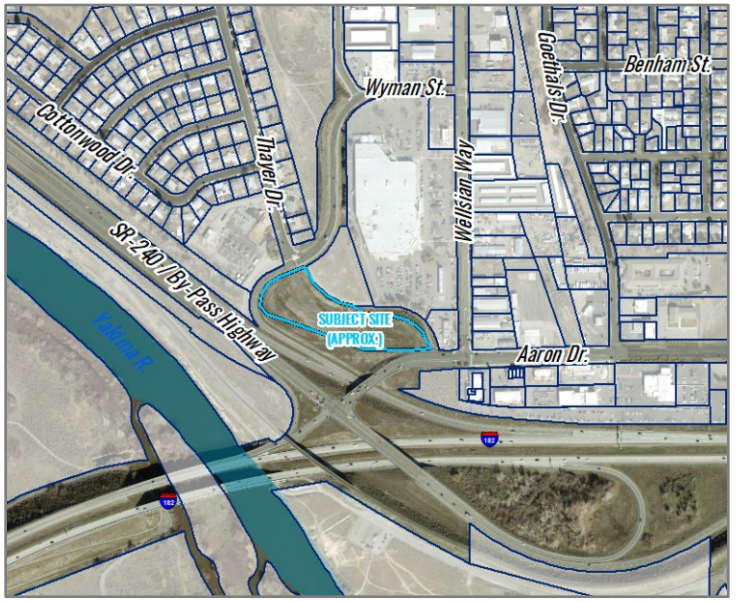


Figure 1: Subject Site and Surrounding Parcel and Road Network

BACKGROUND

The subject property is situated north of the I-182 interstate highway and east of the Bypass Highway and encompasses approximately 4.3 acres of land[1],

[1] *Based on GIS calculations and excluding the steep slope area abutting the Fred Meyer property – the parcel size may be larger yet only up to 4.3 acres would be "buildable"*

which has not been assigned a parcel identification number and does not carry a zoning designation.

The City of Richland staff has ascertained that the subject property is likely surplus to the City's needs and likely available for the city to market and sell to a private developer to use for a business purpose (pending any such decisions by the City Council). Accordingly, the city staff anticipates that Council could approve a sale of the property as a "surplus" asset, since the property won't be needed for public uses.

Since the land was assumed to be public right of way, no parcel number is assigned from the Benton County Assessor's office. However, it is our understanding that the WSDOT (who owns and controls lands in the right of way to the immediate south) and the city have both confirmed that the land should not have been assumed to be right-of-way and can be used for other purposes.

This is a unique opportunity for the City to plan for the future of the rather large, contiguous area of largely undeveloped land within the Richland City limits. The City staff wishes to approach council with a concept(s) for future development and has commissioned a Feasibility Plan in order to make well-researched and practical recommendations to the Council.

The Feasibility Plan will set out potential options for the land use and zoning of the site. The plan is intended to describe various viable uses for the area that will harmonize with the surrounding developments and natural setting.

Figure 2: Simulated Google Earth Image: Lawless Drive/ Thayer Drive Intersection

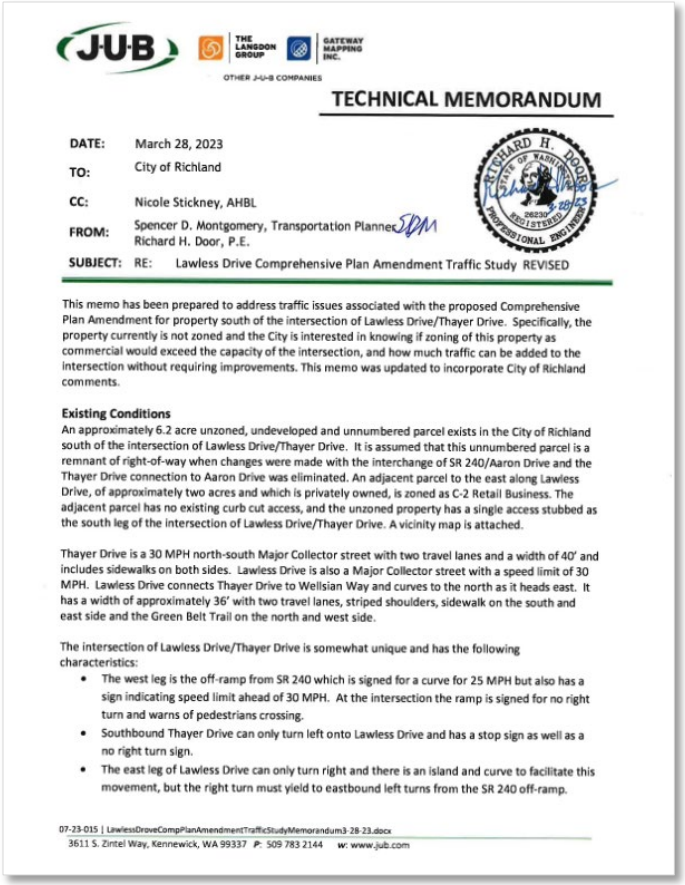
INTERSECTION CAPACITY

The city's Development Services Director and Deputy City Manager have both aptly identified that a chief factor that should be taken into consideration in this analysis is the capacity of the intersection of Lawless Drive and Thayer Drive. For this reason, a preliminary Traffic Study was commissioned to evaluate existing

conditions and site access at an early stage. Looking at available data, the Traffic Study was additionally completed to determine how the intersection will perform upon different development scenarios which will produce / attract vehicle trips. The scope of the analysis was expanded to also account for future development of the currently undeveloped property immediately north of the site, which is approximately two acres and zoned Retail-Business (C-2) and therefore entitled to be used for a wide-range of uses permitted in that zoning district.

The intersection of Lawless Drive and Thayer Drive is currently performing well in the PM peak hour, with a current Level of Service rating of B. Unique characteristics of the intersection (turning movements limited according to signage /physical barriers; pedestrian travel route crossing conflicts; intersection channelization, striping and signage; sight distance) are identified in detail.

The authors of the traffic study (at J-U-B Engineering) concluded that commercial zoning of the subject property can be accommodated, and up to 66,000 square feet of Shopping Plaza-type development could be added without signalization or other upgrades of the intersection, provided that less extensive improvements to ensure adequate site distance requirements and other safety considerations are assured. Likewise, up to approximately 336 apartments (which J-U-B considered to be the upper limit of scale of development for the site size) could be accommodated and would be anticipated to have PM Peak Hour trip count below the maximum threshold.



JUB | THE LANGDON GROUP | GATEWAY MAPPING INC.
OTHER J-U-B COMPANIES

TECHNICAL MEMORANDUM

DATE: March 28, 2023
TO: City of Richland
CC: Nicole Stickney, AHBL
FROM: Spencer D. Montgomery, Transportation Planner
Richard H. Door, P.E.
SUBJECT: RE: Lawless Drive Comprehensive Plan Amendment Traffic Study REVISED

This memo has been prepared to address traffic issues associated with the proposed Comprehensive Plan Amendment for property south of the intersection of Lawless Drive/Thayer Drive. Specifically, the property currently is not zoned and the City is interested in knowing if zoning of this property as commercial would exceed the capacity of the intersection, and how much traffic can be added to the intersection without requiring improvements. This memo was updated to incorporate City of Richland comments.

Existing Conditions
An approximately 6.2 acre unzoned, undeveloped and unnumbered parcel exists in the City of Richland south of the intersection of Lawless Drive/Thayer Drive. It is assumed that this unnumbered parcel is a remnant of right-of-way when changes were made with the interchange of SR 240/Aaron Drive and the Thayer Drive connection to Aaron Drive was eliminated. An adjacent parcel to the east along Lawless Drive, of approximately two acres and which is privately owned, is zoned as C-2 Retail Business. The adjacent parcel has no existing curb cut access, and the unzoned property has a single access stubbed as the south leg of the intersection of Lawless Drive/Thayer Drive. A vicinity map is attached.

Thayer Drive is a 30 MPH north-south Major Collector street with two travel lanes and a width of 40' and includes sidewalks on both sides. Lawless Drive is also a Major Collector street with a speed limit of 30 MPH. Lawless Drive connects Thayer Drive to Wellsian Way and curves to the north as it heads east. It has a width of approximately 36' with two travel lanes, striped shoulders, sidewalk on the south and east side and the Green Belt Trail on the north and west side.

The intersection of Lawless Drive/Thayer Drive is somewhat unique and has the following characteristics:

- The west leg is the off-ramp from SR 240 which is signed for a curve for 25 MPH but also has a sign indicating speed limit ahead of 30 MPH. At the intersection the ramp is signed for no right turn and warns of pedestrians crossing.
- Southbound Thayer Drive can only turn left onto Lawless Drive and has a stop sign as well as a no right turn sign.
- The east leg of Lawless Drive can only turn right and there is an island and curve to facilitate this movement, but the right turn must yield to eastbound left turns from the SR 240 off-ramp.

07-23-015 | LawlessDroveCompPlanAmendmentTrafficStudyMemorandum3-28-23.docx
3611 S. Zintel Way, Kennewick, WA 99337 P: 509 783 2144 w: www.jub.com

Figure 3: Technical Memorandum by J-U-B Engineers

LOCATION & SURROUNDING DEVELOPMENT

The site has convenient access to and from surrounding areas, including the I-182 and SR-240 (By-Pass Highway) highway interchange. The site is located a very short distance from the west off-ramp of Interstate 182. Interstate 182 connects with Interstate 82 to the west as well.

The proximity to areas and vital transportation corridors greatly benefits the development potential and attractiveness of the site.

While access from the highway is a positive attribute for mobility, the site's proximity on its southern boundary to the highway presents visual and noise impacts to the site which may impact development and property land use options.

The site is also accessible from the SR-240 / Bypass Highway which leads to major employment centers such as the Hanford Site, the PNNL campus, the Tri-Cities research district in North Richland, and surrounding areas.

To the general northwest of the site there is Medium Density Residential zoning, a Green Belt Trail, and the City's James J. Lawless Park (Disc Golf Course). Additionally, east of the site there is vacant land zoned Retail Business. On Wellsian Way is a McDonalds restaurant and Fred Meyer store (with additional retail tenants and fueling stations).

NATURAL LANDMARKS

The site benefits from its proximity to natural landmarks such as the Yakima River to the west. Additionally, the Chamna Natural Preserve is a popular destination for passive recreation and nature viewing, situated south of the site on the opposite side of I-182.

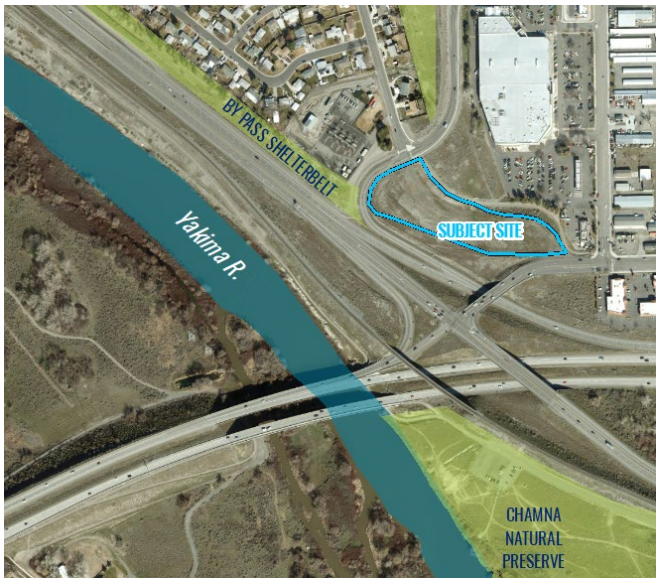


Figure 4: Site Proximity to Natural Landmarks

OWNERSHIP

According to City staff, one hundred percent of the land (by acreage) is owned by the City of Richland. Proceeds of any land sale will likely benefit the city's transportation funds.

Due to the circumstances identified below, City leaders are encouraged to take a cautious approach before making assumptions that the land may not

otherwise be encumbered. For example, easements or other restrictions could be applicable to the property which would affect the ability for the property to be developed. While the city may sell the property with "no warranty" and set out that all due diligence is the exclusive responsibility of a future purchaser, it would nonetheless be rational for the city to conduct a general analysis of the property to understand what they are selling, which can be partially ascertained with the generation of a Title Report by a reputable company.

For example, there is a power conveyance system traversing the south end of the subject site that is in view and which likely connects to the city's electrical substation between the Bypass Highway and Thayer Drive (Figure 5). As such, the potential presence of BPA or other easements should be contemplated.

Figure 5: Power Line Crossing

Next, examination of Short Plat No. 3592 (AFN 2018-036918) shows that a sewer easement "per plat of Richland" is located north of the site and likely continues through at least a portion of the subject property.

Another question that should be contemplated, if it hasn't already been considered, is if the land of the subject site is in fact available to the city to be used or sold by the city (since WSDOT has affirmed, as we were informed by staff, that they don't have any claims to, or use for, the land). Or, should perhaps the procedures of RCW 35.79, RCW 36.87 (or other codes or statutes of relevance) be applied where generally the original adjoining land owners (or their successors) would be beneficiaries of the land (as divided from the centerline)? Consultation with a real estate attorney could be appropriate.

LIMITATIONS

When contemplating and arriving at potential uses, we stress that it is important to consider anything reasonably probable and "legal" from a zoning perspective (which is part of the objective of this study and investigation). Alternatives which should be disregarded if they are not physically possible, could be appropriately

supported, or financially feasible. There is an essential objective to determine what uses would likely represent a "highest and best use."

COMPREHENSIVE PLAN CONSIDERATIONS

The City plans under the state Growth Management Act (GMA) which means that the City's Comprehensive Plan document holds primacy for, and guides development; all development within the city is required to conform to the city's Comprehensive Plan. Paying close attention to the City's Comprehensive Plan is especially important for situations such as this one, where the city owns land and must determine a proper course of action for future development by a future land purchaser, to the extent feasible.

The intent is that during the current Comprehensive Plan cycle, the Planning Commission and City Council will contemplate a staff's recommended land-use designation for the property. In doing so, goals and policies of the Comprehensive Plan should be taken into due consideration to align future development with community preferences.

We begin by focusing on the Vision statement which was developed following an extensive public process involving hundreds of people residing and /or doing business in Richland:

Richland is a progressive, safe, and family-friendly community that welcomes diversity. It is noted for excellence in technology, medicine, education, recreation, tourism, and citizen participation. This dynamic city, situated on two rivers, actively supports opportunities for economic development that are in harmony with the area's unique natural resources.

It is important to ensure that future development of the site is capable of being consistent with (and not counter to) the vision statement. Themes related to

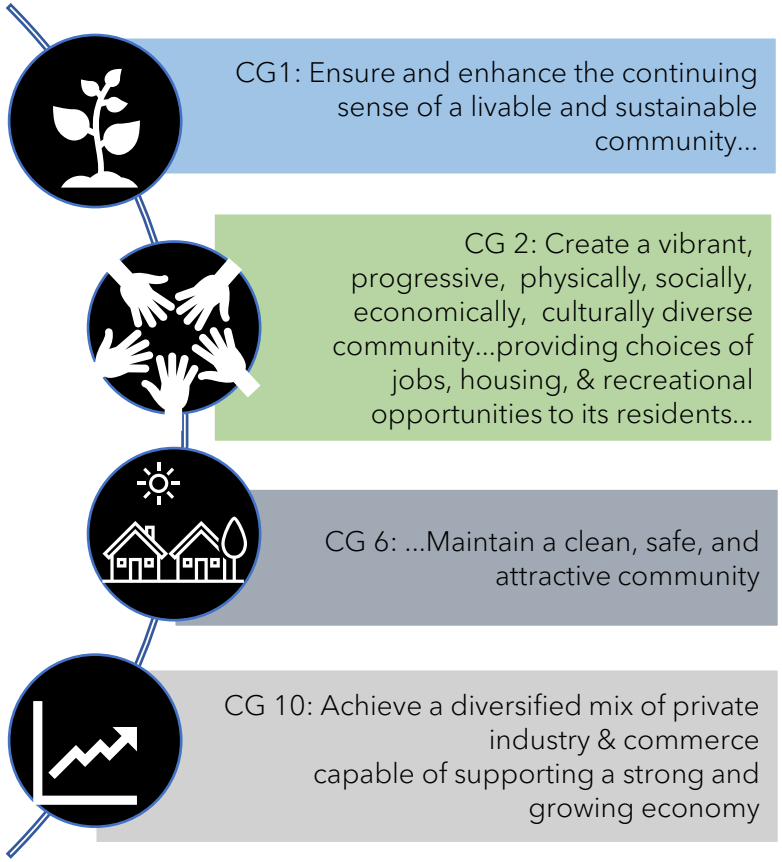


Figure 6: Comprehensive Plan Goals (Selected)

this vision statement which are also particularly important to consider are *Economic Development* (it would be excellent to provide an opportunity for business creation or expansion at the site, particularly for technology, medical services, or research if possible) and *Urban Design and Culture* (uses which support the community's diverse cultural heritage in the arenas of the arts, culture and education are important to the community).

There are twelve Community Goals (CGs) listed in the Comprehensive Plan. However, not all of the goals are directly applicable to this situation *(such as CG 3 relating to regional government, CG 4 relating to historic preservation, CG 5 relating to outdoor recreation, CG 7 pertaining to the city's Central Business District, CG 8 relating to infrastructure, CG 9 relating to the delivery of a transportation network CG 11 relating to the City's Strategic Plan and CG 12 relating to community involvement*). The goals which do generally apply are listed in Figure 6.

DEVELOPMENT FEASIBILITY

Tables 1 through 8 on the following pages set out further details and information pertaining to site characteristics and development considerations.

TABLE 1: GENERAL SITE INFORMATION

LOCATION DESCRIPTION	The site is situated north of I-182 Interstate and generally east of Bypass Highway; bounded to the north by Lawless Drive and to the south by I-182 Interstate.
SIZE AND SHAPE	The property appears to be sufficiently sized and configured (shaped) to accommodate a variety of uses; the future parcel would not likely be too oddly shaped, narrow, or insufficiently sized to accommodate development of a building plus ancillary off-street parking , space landscaping, stormwater facilities, land for infrastructure and driveways for development.
TOPOGRAPHY	The site slopes downward to the southwest.
EXISTING USES	Undeveloped
EXISTING ZONING	The property currently has no zoning assignment. Neighboring parcels are zoned C-2 (Retail Business) and C-3 (General Business).
EXISTING LAND USE DESIGNATION	The Comprehensive Plan Land Use map presently has no designations for the property as was assumed to be WSDOT right-of-way.
VISIBILITY AND TRAFFIC COUNTS	Many businesses place a high value on experiencing visibility from the road travel. This can be from a primary perspective (like a fast food, gas station or other auto-mobile oriented business) to attract visitors that are passing by and identify businesses visually as they drive in the area. Alternatively, being in a prominent location can attract customers in a more subtle or gradual way. For example, an orthodontist may want to establish in a good-looking building that people drive by such that once they are looking for this type of service, they would be familiar that the business is available at said location. Financial institutions (i.e., banks and credit unions) want to establish prominence in the community and get their name out before potential clients and customers. Similarly, having a location with high traffic counts is another important asset that provides numerous benefits to business. Moreover, many chain stores and national brands commonly have minimum traffic counts that must be present in order for site selection to potentially occur.
VEGETATION	Isolated shrub-steppe habitat may be present. On-site vegetation is comprised of low sagebrush, grasses, small shrubs, and noxious weeds. A mixture of large and small rocks is scattered throughout the site.

TABLE 2: SURROUNDING AREA / IMPACTS

ADJACENT PARCELS	1-1598-101-3592-004 (Bush Trustees; 2.02 Acres; 1383 Lawless Drive) 1-1598-101-2338-004 (FM Richland F LLC; 14.15 Acres; 101 Wellsian Way)
SURROUNDING DEVELOPMENT AND COMP PLAN LAND USE DESIGNATIONS	*North:* Bounded by Lawless Drive; to homes on LDR land & park on Developed Open Space (DOS) *East:* Commercial (COM) developed location for Fred Meyer (at a lower topographical grade) *South:* Bounded by Aaron Drive, with a portion designated for Natural Open Space (NOS) *West:* Bounded by By-Pass Highway and Lawless Drive; a substation is located further west (PBF)
NOISE	Noise impacts from surrounding activity occurs; noise comes from the adjacent I-182 corridor as well as from the adjacent Fred Meyer location to the northeast of the property
AIR QUALITY	Blowing dust occurs from the natural landscape and topography due to the sandy soil and wind; Air pollution occurs from vehicular traffic on the adjacent interstate and bypass highway.

TABLE 3: DISTRICTS & COMMUNITY SERVICES

PORT DISTRICT	Port of Benton
SCHOOL DISTRICT	Richland School District
POLICE/ FIRE	City of Richland Fire and Emergency Services
LIBRARY	Richland Library System

TABLE 4: ENVIRONMENTALLY CRITICAL AREAS

FEMA FLOOD ZONE	*No factor* - The subject site is outside the 100-year floodplain (FEMA FIRM panel no. 5355330015E).
WETLANDS / STREAMS	*No factor* – There are no wetlands or wetland buffers at the site. The closest mapped wetlands are to the north, splitting Lawless Drive. The mapped wetlands are within approximately 900' of the site. The Yakima River is located to the west of the property, across By-pass Highway, approximately 700' from the site.
GEOLOGIC HAZARDS	*No factor* - The site is approximately 2,800 feet from a geological hazards area.
CRITICAL AQUIFER RECHARGE AREA	The site is within a CARA. The storage of certain materials related to industrial / manufacturing uses may be prohibited or would not be suitable without appropriate mitigation.
ENDANGERED SPECIES / PROTECTED HABITATS	*No factor* - Within 1,000 feet of the site there is a mapped terrestrial habitat (Shrub Steppe); an aquatic habitat (freshwater forested/shrub wetland); and a terrestrial habitat (Yakima River Delta), per the WDFW Priority Habitats and Species (PHS) online digital data. However, due to surrounding development and the adjacent presence of I-182 we don't anticipate any mitigation will be required.

TABLE 5: SOILS

SOIL TYPE	Per NRCS Soil Survey, the site contains two soil types, the majority is Quincy loamy sand (which is excessively drained and less than 4 percent is Pasco silt loam which is poorly drained.)
DISCUSSION	The site and adjacent areas are subject to periodic blowing dust due to the natural topography and natural sandy soils.

TABLE 6: UTILITIES

WATER	
PURVEYOR	Richland City Water; The site is not located within a numbered City of Richland pressure zone.
LOCATION OF / DISTANCE TO CONNECTION POINT	Near northeast corner of the property, near Lawless Drive, there is an 8-inch pressurized water main line with a system valve gate.
SYSTEM CAPACITY	TBD – the line is 8 inches; site topography may warrant further study for the water pressure zones
FIRE HYDRANT SPACING AND FLOW	The nearest fire hydrants are located (1) approximately 350 feet north of the property on Thayer Drive (2) at the northeast corner of Wellsian Way and Aaron Drive and (3) at the south end of the Wellsian Way driveway just north of the McDonalds property; Fire Flow requirements are dependent on the final building types proposed. It appears that modeling may be required.
SEWER	
PURVEYOR	Richland City Sewer (Sewer basin C)
LOCATION OF / DISTANCE TO CONNECTION POINT	From the northwest edge of the site there is a 12-inch main sewer line (gravity) that runs through the site and three manholes on site.
SYSTEM CAPACITY	TBD – the line is 12 inches; Modeling may be required.
STORMWATER	
PURVEYOR	Richland City Stormwater Utility; The site is within Storm Basin "AP."
IRRIGATION	
PURVEYOR	City of Richland
CONNECTION POINT	A 16-inch diameter Pressurized Irrigation Main traverses the site at the eastern corner.

TABLE 7: CULTURAL RESOURCES

CULTURAL RESOURCES	We consulted the Washington Information System for Architectural and Archeological Records Data (WISAARD) predictive model, which suggests varied risk throughout the site, ranging from high risk (category 4 of 5) to very high risk (category 5 of 5). This indicates a survey is "highly advised." However, the site has previously been highly disturbed, so no additional study or investigation requirements are generally anticipated, particularly if city staff can locate previous surveys or studies completed for other projects. Nonetheless, we recommend early consultation with the DAHP.

TABLE 8: TRANSPORTATION AND ACCESS

CURRENT ACCESS	There are no developed access points to the site; the site is adjacent to Lawless Drive. Shared access / reciprocal access easements with the undeveloped property to the north may be desirable.
NEARBY FACILITIES	The site is adjacent to and south of Lawless Drive and adjacent to and north of Aaron Drive. Both are classified as major collector roads. Lawless Drive is a 2-lane road, whereas Aaron Drive is a 4-lane road. The site is within half-mile to I-182 off ramps.
EXISTING CONDITIONS	The existing Fred Meyer and gas station are located nearby on Wellsian Way (North of Aaron) which generates an estimated total of 13,628 average daily trips, including 5,426 North/Eastbound and 8,202 South/Westbound (according to the 2018 Traffic Counts supplied by the BFCOG). Average daily trips at Lawless Drive West of Wellsian generates an estimated total of 3,890 average daily trips, including 2,788 North/Eastbound and 1,102 South/Westbound according to the 2018 Traffic Counts supplied by BFCOG. Additionally, average daily trips at Aaron Drive West of Goethals generates an estimated total of 7,912 average daily trips, including 3,549 North/Eastbound and 4,354 South/ Westbound.
TRANSIT	Richland is served by Ben Franklin Transit (BFT). The nearest transit stop is located at Thayer and Lawless intersection and is served by Route 25. Additionally, the southeast edge is served by Route 170. Both stops are approximately within a half mile from the nearest edge of the property. Sidewalks and bike lanes partially connect the site to the transit stops but large gaps and unsafe conditions exist.
ACCESS AND FRONTAGE REQUIREMENTS	Future roadway and driveway development associated with this property are to be built per Richland City Standards and Specifications. All residential and commercial driveways shall be constructed in accordance with the applicable code(s). Furthermore, frontage improvements will likely be required to bring the street(s) into conformance with the minimum City standards, including curb, gutter, streetlights, and sidewalks.

POTENTIAL OPTIONS FOR CONSIDERATION

Given the site characteristics, site constraints, location, and context of the site, the following range of development options could be considered. For the commercial / hospitality related options, some of the examples listed are the types of businesses that could be particularly well-suited given the visibility from and access to the freeway.

The listed recommended maximum size (or development intensity description) aligns with the maximum number of trips produced / attracted that are assumed to be possible to accommodate at the site without signalization or lane channelization as identified in the J-U-B Technical Memorandum, as summarized in the "Intersection Capacity" section above. However, in cases where density or development limitations provide a lower threshold for development intensity, we have identified that limitation or noted other requirements (such as parking) that could constrain the development capacity.

These scenarios are illustrative and while some detail and supporting information is provided (such as parking requirements), no site planning or spatial analysis of building / parking / access / utility improvements has been performed.

SCENARIO AND POTENTIAL LAND USE CLASSIFICATION / ZONING DISTRICT	EXAMPLE(S)	COMMENTS AND CONSIDERATIONS (Parking requirements are listed per RMC 23.54; GLA stands for Gross Leasable Area; GFA stands for Gross Floor Area)	DEVELOPMENT INTENSITY LIMITATION (TO AVOID NEGATIVE IMPACTS TO IMPACTED INTERSECTION AND PREVENT INTERSECTION IMPROVEMENTS)
MULTI-FAMILY RESIDENTIAL *(Land Use Designation: **Residential**, Implemented with **R-3 or C-LB** Zoning* *OR Land Use Designation: **Commercial** implemented with the **C-LB** zoning district)*	Apartments or other similar multi-family housing structure. *(Note: The site may not be considered ideal for residential use due to the close location of the freeway which produces elevated noise and air impacts, however, sound-proofing measures and options could be explored.)*	• Per the Table in RMC 23.18.040, the Maximum Density for Multifamily Dwellings is 1 unit per 3,000 square feet • The parking requirement is 1.5 off-street parking spaces per dwelling unit	We estimate up to around 62 apartments* could be built meeting the maximum density limitations in the RMC for R-3 zoning, considering the lot size. This would require a minimum of 93 parking spaces. However, this estimated figure increases to 122 units* if zoned C-LB. The parking requirement would be a min. of 183 parking spaces. Per the J-U-B Technical Memo the intersection at Lawless/ Thayer Drive could handle the increased traffic at this development intensity. (*Maximum Lot coverage and/or building height regulations could further limit the number of units that could be constructed.)
GENERAL OFFICE BUILDINGS *(Land Use Designation: **Commercial**, Implemented with C-LB, C-2 or C-3 zoning should be contemplated; perhaps C-1 would be an ideal fit as it does have some options for Offices but with certain limitations)*	Offices for various professional services such as engineering, insurance, legal services, corporate support, etc.	• Per ITE 10th Ed., general office buildings in urban or suburban settings generate 1.15 trips per 1,000 GLA in the PM Peak Hour • These uses require 1 off-street parking space per every 350 sq. ft. of Gross Floor Area (GFA)	Max. Development would be a total of 290,000 GFA General Office Buildings as they would generate 333 trips (would need 828 parking spaces which could not be accomplished with surface parking)

SCENARIO AND POTENTIAL LAND USE CLASSIFICATION / ZONING DISTRICT	EXAMPLE(S)	COMMENTS AND CONSIDERATIONS (Parking requirements are listed per RMC 23.54; GLA stands for Gross Leasable Area; GFA stands for Gross Floor Area)	DEVELOPMENT INTENSITY LIMITATION (TO AVOID NEGATIVE IMPACTS TO IMPACTED INTERSECTION AND PREVENT INTERSECTION IMPROVEMENTS)
MEDICAL & DENTAL CLINICS *(Land Use Designation: **Commercial**, Implemented with C-LB, C-1, C-2, or C-3 Zoning)*	Orthodontist clinic, Outpatient Surgical Center, etc.	• Per ITE 10th Edition, Clinics in Urban/ Suburban settings generate 3.28 trips per 1,000 GLA in the PM Peak Hour • Per ITE 10th Edition, Medical/ Dental "office" buildings generate 3.46 trips per 1,000 GLA in the PM Peak Hour • These uses require 1 off-street parking space per every 250 sq. ft. of Gross Floor Area (GFA)	The likely maximum development for vehicle trips would be a total of 101,000 GFA Clinics in Urban/ Suburban = 331 trips (would need 404 parking spaces – which would likely require structured parking) Or, max. development would be up to 96,000 GFA Medical/ Dental "office" buildings = 332 trips (would need 384 parking spaces)
FINANCE, INSURANCE, REAL ESTATE *(Land Use Designation: See recommendation above for "General Office Buildings")*	Banks, businesses, or professional offices without a Drive-Through	• These uses require 1 off-street parking space / 350 sq. ft. GFA • Per ITE 10th Ed., Walk-in banks generate 12.13 trips per 1,000 GLA in the PM Peak Hour • Per ITE 10th Ed., general office buildings in urban or suburban settings generate 1.15 trips per 1,000 GLA (PM Peak Hr.)	Max. development for vehicle trips would be a total of 290,000 GFA General Office Buildings which would generate 333 trips (would need 828 parking spaces, likely in structured parking)
MANUFACTURING *Note: Assuming no "tasting rooms"* *(Land Use Designation: **Industrial**, Implemented with I-M Zoning)*	Food manufacturing, winery / beer / spirits production facility, bottling plants, other small-scale use. not producing "industrial" sewer waste or air impacts	• These uses require 1 off-street parking space per two employees on the largest shift • Per ITE 10th Edition, Manufacturing uses generate 0.67 trips per 1,000 GFA in the PM Peak Hour	Max. Development would be 193,000 sq. ft. / *TBD* parking spaces for manufacturing, which would result in up to 340 PM Peak hour trips

SCENARIO AND POTENTIAL LAND USE CLASSIFICATION / ZONING DISTRICT	EXAMPLE(S)	COMMENTS AND CONSIDERATIONS (Parking requirements are listed per RMC 23.54; GLA stands for Gross Leasable Area; GFA stands for Gross Floor Area)	DEVELOPMENT INTENSITY LIMITATION (TO AVOID NEGATIVE IMPACTS TO IMPACTED INTERSECTION AND PREVENT INTERSECTION IMPROVEMENTS)
RETAIL *Food stores, markets, drugstores, liquor stores, and designed shopping centers more than 3,000 square feet GFA (exclusive of basement areas)* *Land Use Designation:* ***Commercial****, Implemented with C-1, C-2, or C-3 Zoning, with C-3 being the most broad-based option for retailers)*	Furniture stores, specialty food retailer, outdoor gear / sporting equipment, Salon, etc. This could be a new locally-based venture, an additional location of a store already located in the market area, or new locations of chain stores located in the Pacific Northwest but not presently in the Tri Cities such as Cost Plus World Market (typically 16,000 to 18,000 square feet) imports, Bass Pro Shop / Cabela's Outpost (typically 40,000 square feet), Duluth Trading Company (typically 12,000+ square feet), etc.	• These uses require 1 off-street parking space per every 300 sq. ft. of GFA • Per ITE 10th Edition, Shopping plaza without supermarket (821) would generate 5.16 trips per 1,000 GFA in the PM Peak Hour • 66,000 square feet of retail space would translate to 220 required parking spaces • Per ITE 10th Edition, Furniture stores generate 0.52 trips per 1,000 sq. ft. GFA in the PM Peak Hour Per ITE 10th Edition, Sporting Good Superstores generate 2.02 trips per 1,000 sq. ft. GLA in the PM Peak Hour	Max. Development for trips would be 66,000 sq. ft. / 220 parking spaces for a Shopping Plaza (without shopping market) which would result in up to 340 PM Peak hour trips Likewise, a 66,000 sq. ft. Sporting Goods Superstore would generate 134 peak hour PM trips (still needing 200 parking spaces)) Or, a 66,000 square foot Furniture Store would generate only 34 peak hour PM trips (but requiring 220 parking spaces).

SCENARIO AND POTENTIAL LAND USE CLASSIFICATION / ZONING DISTRICT	EXAMPLE(S)	COMMENTS AND CONSIDERATIONS (Parking requirements are listed per RMC 23.54; GLA stands for Gross Leasable Area; GFA stands for Gross Floor Area)	DEVELOPMENT INTENSITY LIMITATION (TO AVOID NEGATIVE IMPACTS TO IMPACTED INTERSECTION AND PREVENT INTERSECTION IMPROVEMENTS)
RESTAURANT – SEATED CUSTOMERS *(Land Use Designation: **Commercial**, Implemented with C-1, C-2 or, C-3 Zoning)*	This could be a new locally based venture, an additional location of a restaurant already located in the market area, or new locations of chain restaurants located in the PNW but not presently in the Tri-Cities such as Cracker Barrell, Wingers Restaurant & Alehouse, Café Rio Mexican Grill, Dave & Busters, BJ's, etc.	• These uses require 1 off-street parking space per every 100 sq. ft. of GFA • Per ITE 10th Edition, a "quality restaurant" generates 7.8 trips while a "high-turnover", seated restaurant generates 9.2 trips (per 1,000 sq. ft. GFA in the PM Peak Hour)	An 8,000 square foot "quality restaurant" would generate 62 peak hour trips (would require up to 80 parking spaces) whereas a 10,000 square foot "quality restaurant" would generate 78 peak hour trips (would require up to 100 parking spaces) An 8,000 square foot "high turnover" seated restaurant would generate 74 PM peak hour trips (would require 80 parking spaces)
HOTEL / MOTEL *(Land Use Designation: **Commercial**, Implemented with C-LB, C-2 or, C-3 Zoning)*	This could be a new locally-based venture, an additional location of a business already located in the market area or new locations of chain hotels located in the PNW but not presently in the Tri-Cities market such as Oxford Suites or Simple Suite.	• Parking space requirements are 1 space per room, plus required space for any restaurant (1 space per 100 sq. ft. of GFA*), plus 50% of required spaces for other associated uses • Per ITE 10th Edition, Hotels generate 0.60 trips per room in the PM Peak Hour • Per ITE 10th Edition, All-suites Hotels generate 0.36 trips per room in the PM Peak Hour • Per ITE 10th Edition, Motels generate 0.38 trips per room in the PM Peak Hour	***With up to 80 Guest Rooms:*** An 80-room "hotel" would generate 48 PM Peak Hour Trips while an 80-room "all-suites hotel" would generate 29 PM Peak Hour Trips and an 80-room "motel" would generate 31 PM Peak Hour trips (all three types would require 80 parking spaces) ***With up to 120 Guest Rooms:*** A 120-room "hotel" would generate 72 PM Peak Hour Trips while a 120-room "all-suites hotel" would generate 44 PM Peak Hour Trips and an 120-room "motel" would generate 47 PM Peak Hour trips (all three types would require 120 parking spaces)

SCENARIO AND POTENTIAL LAND USE CLASSIFICATION / ZONING DISTRICT	EXAMPLE(S)	COMMENTS AND CONSIDERATIONS (Parking requirements are listed per RMC 23.54; GLA stands for Gross Leasable Area; GFA stands for Gross Floor Area)	DEVELOPMENT INTENSITY LIMITATION (TO AVOID NEGATIVE IMPACTS TO IMPACTED INTERSECTION AND PREVENT INTERSECTION IMPROVEMENTS)
WHOLESALE *Wholesale stores, warehouses, storage buildings, motor vehicle or machinery sales* *(Land Use Designation: **Commercial**, Implemented with C-3 Zoning)*	N/A – *Wholesale stores, warehouses, storage buildings, motor vehicle or machinery sales are not recommended for the Site.*	• Per ITE 10th Edition, Wholesale Markets (code 860) generate 1.76 trips per 1,000 GFA in the PM Peak Hour • The parking requirement is 1 space per employee, with a minimum of 4 spaces	Max. Development would be 193,000 sq. ft. / *TBD* parking spaces for a Wholesale / Warehousing which would result in up to 340 PM Peak hour trips

RECOMMENDATION

Given the features, assets and limitations of the subject property, it appears that a ***Commercial*** land use designation would align best with the surrounding area, maintain consistency with the land use designation given to adjoining lands to the north, and provide the highest degree of flexibility for future development.

REFERENCES / SOURCES:

• City of Richland Municipal Code, Title 23 Zoning
• Washington Department of Fish and Wildlife Priority Habitat Species on the Web
• US Department of Agriculture Natural Resources Conservation Service Web Soil Survey
• Department of Archeology and Historic Preservation
• City of Richland 2018 Traffic Counts
• City of Richland Maps and GIS data
• Ben Franklin Transit
• Google Earth
• 2017 City of Richland Comprehensive Plan (Prepared by Oneza & Associates October 3, 2017 and updated October 1, 2019) – City of Richland

J-U-B | THE LANGDON GROUP | GATEWAY MAPPING INC.

OTHER J-U-B COMPANIES

TECHNICAL MEMORANDUM

DATE: ~~March 28, 2023~~ **Revision No. 2 April 18, 2023**

TO: City of Richland

CC: Nicole Stickney, AHBL

FROM: Spencer D. Montgomery, Transportation Planner
Richard H. Door, P.E.

RICHARD H. DOOR STATE OF WASHINGTON 26230 REGISTERED PROFESSIONAL ENGINEER 4-18-23

SUBJECT: RE: Lawless Drive Comprehensive Plan Amendment Traffic Study REVISED

This memo has been prepared to address traffic issues associated with the proposed Comprehensive Plan Amendment for property south of the intersection of Lawless Drive/Thayer Drive. Specifically, the property currently is not zoned and the City is interested in knowing if zoning of this property as commercial would exceed the capacity of the intersection, and how much traffic can be added to the intersection without requiring improvements. This memo was updated to incorporate City of Richland comments.

Existing Conditions

An approximately 6.2 acre unzoned, undeveloped and unnumbered parcel exists in the City of Richland south of the intersection of Lawless Drive/Thayer Drive. It is assumed that this unnumbered parcel is a remnant of right-of-way when changes were made with the interchange of SR 240/Aaron Drive and the Thayer Drive connection to Aaron Drive was eliminated. An adjacent parcel to the east along Lawless Drive, of approximately two acres and which is privately owned, is zoned as C-2 Retail Business. The adjacent parcel has no existing curb cut access, and the unzoned property has a single access stubbed as the south leg of the intersection of Lawless Drive/Thayer Drive. A vicinity map is attached.

Thayer Drive is a 30 MPH north-south Major Collector street with two travel lanes and a width of 40' and includes sidewalks on both sides. Lawless Drive is also a Major Collector street with a speed limit of 30 MPH. Lawless Drive connects Thayer Drive to Wellsian Way and curves to the north as it heads east. It has a width of approximately 36' with two travel lanes, striped shoulders, sidewalk on the south and east side and the Green Belt Trail on the north and west side.

The intersection of Lawless Drive/Thayer Drive is somewhat unique and has the following characteristics:

- The west leg is the off-ramp from SR 240 which is signed for a curve for 25 MPH but also has a sign indicating speed limit ahead of 30 MPH. At the intersection the ramp is signed for no right turn and warns of pedestrians crossing.
- Southbound Thayer Drive can only turn left onto Lawless Drive and has a stop sign as well as a no right turn sign.
- The east leg of Lawless Drive can only turn right and there is an island and curve to facilitate this movement, but the right turn must yield to eastbound left turns from the SR 240 off-ramp.

3611 S. Zintel Way, Kennewick, WA 99337 *P*: 509 783 2144 *w*: www.jub.com

- The south leg provides access to the study parcel but is currently only stubbed to the site.

There is also a paved pathway that follows the east side of the parcel down to the northwest corner of the intersection of Aaron Drive/Wellsian Way.

Traffic volumes were collected by the Benton Franklin Council of Governments on both Lawless Drive and Thayer Drive, while traffic volumes on the off-ramp were obtained from the Washington Department of Transportation (WSDOT) GIS data portal. A site map is attached showing the study parcels, traffic control and traffic volumes. Pictures of the intersection study are also attached. A summary of traffic data is below, with detailed data attached.

Summary of 2021 Traffic Volumes

Location	Daily	PM Peak Hour	
		NB/EB	SB/WB
Lawless Dr west of Wellsian Way	3712	231	97
Thayer Dr north of Lawless Drive	2975	232	57
SR 240 off-ramp to Thayer Drive	3417	323	--

These traffic volumes were evaluated for capacity and delay with the Highway Capacity Software (HCS). The current Level of Service (LOS) at the intersection is "B", with the southbound stop-controlled approach having an average vehicle delay of 13.7 seconds per vehicle during the PM peak hour. This meets the City of Richland standard for LOS which is "D" for minor street approaches at stop-controlled intersections.

Site Access

One question to be answered by this study was how much additional traffic could be served by the intersection without needing improvements. For the purposes of this study "needing improvements" is interpreted as not needing to upgrade traffic control to a traffic signal or a roundabout, but that simple feasible turn lanes would be acceptable. Also the feasibility of adding an access to the adjacent parcel was considered important. Four access scenarios were considered and are described below:

1. Existing geometry – this scenario has a single eastbound approach lane for thru and left turns which would add right turns from the same lane into the site. It also has a single southbound approach lane which would be converted from left turns only to allow through vehicles from the same lane into the site. The westbound approach would still have the channelized right turn and the bollards would need to be removed to allow the existing pavement to accommodate left turns into the site. This scenario assumes that the adjacent parcel would be served with a combined access point and a cross-access easement.

   It will be important to modify pavement striping and signage to allow these new movements at the intersection, and special attention should be given to prevent a westbound through movement wrong way onto the off-ramp. It may be valuable to add a physical barrier such as a bulb-out on the northwest side of the off-ramp that would reinforce the fact that there is no westbound through movement. Also important for safety purposes is to ensure that there is adequate sight distance for all the new movements at the intersection. For the new northbound

approach to see traffic approaching from the off-ramp the sight distance should be 290'. (Using the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets", 2018, Table 9.9. Design Intersection Sight Distance, Case B2, Right Turn from Stop, 30 MPH design speed.) Given the topography and the curve of the ramp, it is likely that grading will be needed to lower the ground level which creates an obstruction since the off-ramp is below the level of the intersection. Structures and vegetation should not be allowed in the sight triangle. Another feature that will need to be considered in development of the parcel is the location of the existing pathway. The new westbound left turn from the major street sight distance should be 245' (AASHTO Table 9-17. Case F Left Turn from the Major Road, 30 MPH design speed). A graphic depicting the sight distance to the west to accommodate the right turn only access driveway is attached.

2. Additional Lanes – this scenario would include the cross-access easement between the two parcels. It would also add an exclusive eastbound right turn lane as ingress to the site as well as construct an exclusive northbound right turn lane as egress from the site. It would also restripe the 40' width of the southbound Thayer approach to allow both a southbound left turn and through lane. These improvements are relatively minor and will increase capacity of the intersection and allow additional development on the two parcels.
3. In addition to the additional lanes included in Scenario 2, this scenario adds a separate access to the parcel to the east for right-out turn movements only – this scenario would create a second access at least 200' to the east to meet the City of Richland access spacing requirements consistent with Transportation Research Board (TRB) Access Management Manual, 2nd Edition, Exhibit 15-16, Best Practice Driveway Spacing for 30 MPH Posted Speed. Based on sight distance it appears as though further to the east would be better due to the closeness of the crest of the vertical curve of the off-ramp and Lawless Drive which is just west of the intersection of Lawless Drive/Thayer Drive. Using available GIS data and the profile of the road, an access of less than 200' appears that it may not meet sight distance requirements for the right turn only access, but should verified through detailed survey. For this scenario it is assumed that a cross-access easement between the two parcels would be created and only egress towards the east would be allowed.
4. This access Scenario assumes that there would be no cross-access easement. Access to the unzoned parcel would be that described in Scenario 2 with additional lanes at the existing Thayer Drive/Lawless Drive intersection. The adjacent privately owned parcel would be full-access. From an access management perspective, this access should be at least 200' east of Thayer Drive/Lawless Drive intersection as explained above. Given the 200' access spacing for Best Practices, it is impractical to accommodate two accesses to the smaller privately owned parcel since the length of the parcel along Lawless Drive would only give spacing of approximately 330' from Thayer Drive. From a sight distance perspective, the full access driveway would need to accommodate 335' for the left turn (AASHTO Table 9-7 Case B1, Left Turn from Stop for 30 MPH design speed). In order to accommodate this sight distance the new driveway would need to be pushed even further to the east approaching nearly 300' from Thayer Drive as possible and should be verified in design of the parcel. Sight Distance to the northeast is good. A graphic depicting the sight distance to the west to accommodate the left

turn at the full access driveway is attached. Depending on the amount of development on the parcel, Lawless Drive may need to be widened to accommodate turn lanes.

Potential Trips

There is no current proposal for a specific development for the site. Commercial zoning of C-2, such as exists on the adjacent property can accommodate many different kinds of land uses such as banks, medical-dental offices, convenience store with fueling, health/fitness club, fast food restaurants, hotel/motels as well as housing in the form of apartments. Potentially the site could accommodate multiple commercial uses.

The Institute of Transportation Engineers (ITE) *Trip Generation Manual* (11th Edition) was researched and it was found that some favorable changes had been made since the previous edition. Shopping Center (Land Use 820) has been broken up into three categories:

- Shopping Center (Land Use 820) – an integrated group of commercial establishments that has at least 150,000 square feet of gross leasable area (GLA).
- Shopping Plaza (Land Use 821) - an integrated group of commercial establishments that has between 40,000 -150,000 square feet of GLA. This land use also offers further breakdown of the type of development based on whether there is a supermarket or not.
- Strip Retail Plaza (Land Use 822) - an integrated group of commercial establishments that has less than 40,000 square feet of GLA.

A typical Floor Area Ratio (FAR) for commercial development can be in the range of 20% to 30% depending on the specific type of development and other factors. This would account for parking area, provision of storm water retention, landscaping. The range of FAR firmly places this size of development within the Shopping Plaza land use with 25% FAR for 8 acres resulting in approximately 87,000 sq feet of GLA. A Shopping Plaza typically contains more than retail merchandising facilities. Office space, a movie theater, restaurants, a post office, banks, a health club and recreational facilities are common tenants. Attached are more details regarding Shopping Plaza land uses and trip generation rates.

To begin a capacity analysis year 2021 volumes were increased 2% per year for five years to account for background growth to year 2028 and the HCS was used to determine LOS and delay. The forecast No-Build delay is anticipated to increase by one second per vehicle for LOS “B” for stop controlled southbound approach.

Next a sensitivity analysis was performed using the trip generation rate for the Shopping Plaza. Given the close proximity of the Fred Meyer shopping it was assumed that the subject parcel would not have a supermarket. The PM peak hour trip generation rate for a Shopping Plaza without the presence of a supermarket is 5.19 trips per 1,000 sq ft of GLA, with 49% inbound and 51% outbound. Trips were added to the intersection using the existing traffic patterns for entering vehicles to the intersection and exiting vehicles, obviously with no trips exiting to the west. Trips were added to the intersection for each of the first three site access scenarios described above until the intersection did not meet the City standard of LOS of “D” for each approach. The threshold for the square footage of Shopping Plaza GLA and number of trips generated are shown in an attached table, and summarized below:

Summary of development and new trip thresholds by Scenario

Scenario	Sq Ft Gross Leasable Area	PM Peak Hour Trips		
		In	Out	Total
1 - existing lane configurations	66	168	175	343
2 - adds exclusive EB right turn lane and SB left turn lane and NB right turn lane	93	237	246	483
3 - adds second northbound right turn egress on Lawless Drive	99	252	262	514

For Scenario 4 the trips associated with Scenario 3 were redistributed with two-thirds of the trips accessing the shopping area using the Lawless Drive/Thayer Drive intersection and the other one-third of trips using the new driveway to the east. The resulting trips are also shown in the attached tables. With the second access the delay is slightly lower than Scenario 3, but nearly all the vehicles must still pass through the Lawless Drive/Thayer Drive intersection. Capacity worksheets are also attached. A right turn lane analysis using the Washington State Department of Transportation Design Manual Guidelines in Exhibit 1310-19 is also attached for the various scenarios, which will help to determine when turn lanes should be considered. Much will depend on the level of development proposed at the time of development.

For comparative purposes the number of trips that could be generated if the parcels were developed as apartments was estimated. The C-2 zone has no maximum density, but does have a height limitation of 80'. For the purposes of this evaluation it is assumed that a total of 42 apartment units per acre could be accommodated which is approximately one apartment per 1,500 sq ft of land up to 80' in height. This would amount to approximately 336 apartments. The PM peak hour trip generation rate for apartments (Mid-rise, land use 221) is 0.44 trips which would total approximately 148 total trips to the two parcels combined, which is clearly within the capacity of the existing Lawless Drive/Thayer Drive intersection.

Conclusion

Commercial zoning of the unzoned parcel of land south of the Lawless Drive/Thayer Drive intersection is appropriate and is within the available capacity of the intersection without major improvements beyond pavement markings and turn lanes. The intersection could accommodate up to 99,000 square feet of Shopping Plaza type development without needing a higher form of traffic control such as a traffic signal or roundabout.

Depending on the level of development that is eventually proposed for the site, and the access accommodations for the adjacent parcel and whether a cross-access easement and/or a separate access to Lawless Drive east of Thayer Drive is implemented, the following mitigation measures may be needed:

- Design considerations should include grading and the placement of structures to meet sight distance requirements for new movements at the intersection of Lawless Drive/Thayer Drive.

- The one-way nature of the west leg should also be given careful thought as to features that will reinforce safety at the intersection, such as curb extension or other treatment to block wrong-way entry to the freeway ramp.
- Widening for an eastbound right turn lane.
- Detailed survey grade evaluation of sight distance for a new driveway to the adjacent private parcel as the road profile causes an obstruction.
- Consider widening and right-turn taper or pocket for new second driveway to adjacent parcel on Lawless Drive east of Thayer Drive.
- Replacement of pathway on reasonable alignment between Lawless Drive/Thayer Drive and Wellsian Way/Aaron Drive intersections.

Richland Lawless Drive
Property Analysis
Vicinity Map
Thayer Dr
Wellsian Way
Goethals Dr
Comstock St
Benham St
Abbot St
Aaron Dr
Cottonwood Dr
Lawless Dr
240
182
12
SubjectParcels
0
0.2
Miles
N
JUB
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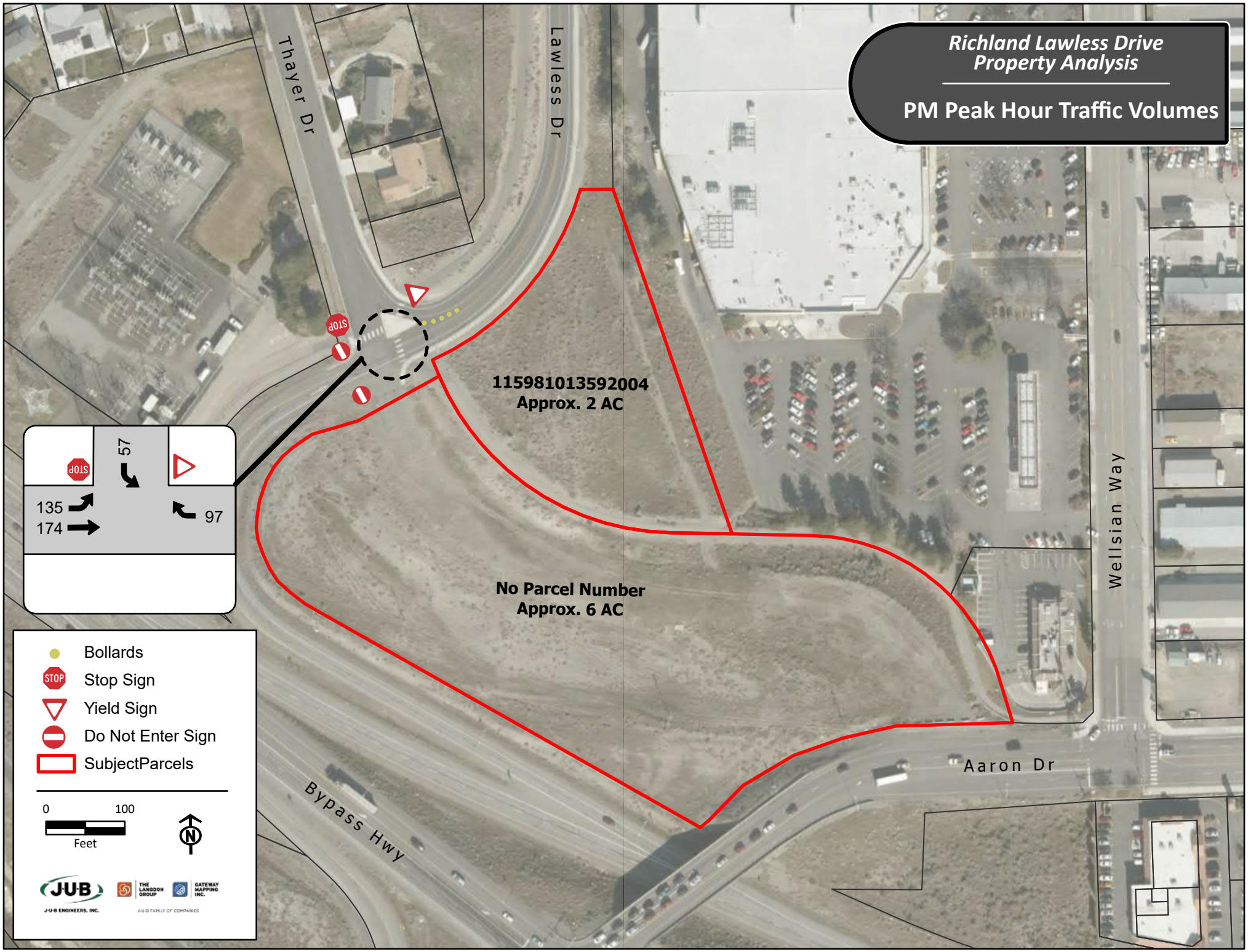
GATEWAY MAPPING INC.
J-U-B FAMILY OF COMPANIES


Richland Lawless Drive
Property Analysis
PM Peak Hour Traffic Volumes
Thayer Dr
Lawless Dr
Wellsian Way
Aaron Dr
Bypass Hwy
115981013592004
Approx. 2 AC
No Parcel Number
Approx. 6 AC
STOP
57
135
174
97
Bollards
Stop Sign
Yield Sign
Do Not Enter Sign
SubjectParcels
0
100
Feet
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Thayer Drive looking south

Lawless Drive looking west

Lawless Drive looking northeast approximately 200’ east of Thayer Drive at location of potential new driveway

Lawless Drive looking west approximately 200’ east of Thayer Drive at location of potential new driveway

Location: LAWLESS DR W-O WELLSIAN WAY

Date Range: 9/7/2021 - 9/13/2021

Site Code: 385

	Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday			Monday			Mid-Week Average		
	9/7/2021			9/8/2021			9/9/2021			9/10/2021			9/11/2021			9/12/2021			9/13/2021					
Time	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total
12:00 AM	12	3	15	7	5	12	2	1	3	-	-	-	-	-	-	-	-	-	-	-	-	7	3	10
1:00 AM	3	0	3	8	3	11	3	0	3	-	-	-	-	-	-	-	-	-	-	-	-	5	1	6
2:00 AM	1	0	1	3	1	4	2	0	2	-	-	-	-	-	-	-	-	-	-	-	-	2	0	2
3:00 AM	9	4	13	7	3	10	10	1	11	-	-	-	-	-	-	-	-	-	-	-	-	9	3	11
4:00 AM	28	2	30	20	1	21	28	5	33	-	-	-	-	-	-	-	-	-	-	-	-	25	3	28
5:00 AM	36	6	42	42	8	50	33	6	39	-	-	-	-	-	-	-	-	-	-	-	-	37	7	44
6:00 AM	82	13	95	78	16	94	87	15	102	-	-	-	-	-	-	-	-	-	-	-	-	82	15	97
7:00 AM	145	37	182	137	41	178	150	28	178	-	-	-	-	-	-	-	-	-	-	-	-	144	35	179
8:00 AM	168	42	210	145	31	176	128	34	162	-	-	-	-	-	-	-	-	-	-	-	-	147	36	183
9:00 AM	170	47	217	134	45	179	171	40	211	-	-	-	-	-	-	-	-	-	-	-	-	158	44	202
10:00 AM	208	57	265	197	47	244	188	65	253	-	-	-	-	-	-	-	-	-	-	-	-	198	56	254
11:00 AM	189	78	267	188	90	278	179	85	264	-	-	-	-	-	-	-	-	-	-	-	-	185	84	270
12:00 PM	226	86	312	175	55	230	211	66	277	-	-	-	-	-	-	-	-	-	-	-	-	204	69	273
1:00 PM	241	61	302	170	81	251	200	66	266	-	-	-	-	-	-	-	-	-	-	-	-	204	69	273
2:00 PM	222	79	301	225	73	298	222	73	295	-	-	-	-	-	-	-	-	-	-	-	-	223	75	298
3:00 PM	209	98	307	204	79	283	211	86	297	-	-	-	-	-	-	-	-	-	-	-	-	208	88	296
4:00 PM	214	79	293	255	114	369	223	97	320	-	-	-	-	-	-	-	-	-	-	-	-	231	97	327
5:00 PM	192	87	279	258	101	359	233	99	332	-	-	-	-	-	-	-	-	-	-	-	-	228	96	323
6:00 PM	173	51	224	183	66	249	147	78	225	-	-	-	-	-	-	-	-	-	-	-	-	168	65	233
7:00 PM	98	40	138	103	51	154	108	45	153	-	-	-	-	-	-	-	-	-	-	-	-	103	45	148
8:00 PM	78	27	105	77	28	105	100	38	138	-	-	-	-	-	-	-	-	-	-	-	-	85	31	116
9:00 PM	59	13	72	44	13	57	72	16	88	-	-	-	-	-	-	-	-	-	-	-	-	58	14	72
10:00 PM	22	5	27	23	6	29	52	10	62	-	-	-	-	-	-	-	-	-	-	-	-	32	7	39
11:00 PM	11	6	17	15	8	23	38	4	42	-	-	-	-	-	-	-	-	-	-	-	-	21	6	27
Total	**2,796**	**921**	**3,717**	**2,698**	**966**	**3,664**	**2,798**	**958**	**3,756**	-	-	-	-	-	-	-	-	-	-	-	-	**2,764**	**948**	**3,712**
Percent	**75%**	**25%**	-	**74%**	**26%**	-	**74%**	**26%**	-	-	-	-	-	-	-	-	-	-	-	-	-	**74%**	**26%**	-

1. Mid-week average includes data between Tuesday and Thursday.

Location: THAYER DR N-O LAWLESS DR

Date Range: 9/7/2021 - 9/13/2021

Site Code: 383

	Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday			Monday			Mid-Week Average		
	9/7/2021			9/8/2021			9/9/2021			9/10/2021			9/11/2021			9/12/2021			9/13/2021					
Time	NB	SB	Total	NB	SB	Total	NB	SB	Total	NB	SB	Total	NB	SB	Total	NB	SB	Total	NB	SB	Total	NB	SB	Total
12:00 AM	11	1	12	13	2	15	7	0	7	-	-	-	-	-	-	-	-	-	-	-	-	10	1	11
1:00 AM	5	3	8	4	3	7	2	2	4	-	-	-	-	-	-	-	-	-	-	-	-	4	3	6
2:00 AM	3	0	3	2	1	3	2	2	4	-	-	-	-	-	-	-	-	-	-	-	-	2	1	3
3:00 AM	4	1	5	5	2	7	2	1	3	-	-	-	-	-	-	-	-	-	-	-	-	4	1	5
4:00 AM	12	6	18	7	6	13	16	8	24	-	-	-	-	-	-	-	-	-	-	-	-	12	7	18
5:00 AM	26	15	41	21	12	33	24	12	36	-	-	-	-	-	-	-	-	-	-	-	-	24	13	37
6:00 AM	116	32	148	98	31	129	114	29	143	-	-	-	-	-	-	-	-	-	-	-	-	109	31	140
7:00 AM	253	64	317	257	46	303	170	33	203	-	-	-	-	-	-	-	-	-	-	-	-	227	48	274
8:00 AM	113	53	166	106	47	153	112	37	149	-	-	-	-	-	-	-	-	-	-	-	-	110	46	156
9:00 AM	79	40	119	79	36	115	66	41	107	-	-	-	-	-	-	-	-	-	-	-	-	75	39	114
10:00 AM	117	41	158	99	45	144	97	45	142	-	-	-	-	-	-	-	-	-	-	-	-	104	44	148
11:00 AM	135	52	187	112	41	153	114	42	156	-	-	-	-	-	-	-	-	-	-	-	-	120	45	165
12:00 PM	128	48	176	113	45	158	123	58	181	-	-	-	-	-	-	-	-	-	-	-	-	121	50	172
1:00 PM	108	46	154	130	32	162	109	35	144	-	-	-	-	-	-	-	-	-	-	-	-	116	38	153
2:00 PM	188	48	236	211	51	262	213	52	265	-	-	-	-	-	-	-	-	-	-	-	-	204	50	254
3:00 PM	181	75	256	179	52	231	175	48	223	-	-	-	-	-	-	-	-	-	-	-	-	178	58	237
4:00 PM	200	55	255	228	63	291	214	49	263	-	-	-	-	-	-	-	-	-	-	-	-	214	56	270
5:00 PM	224	49	273	240	53	293	231	68	299	-	-	-	-	-	-	-	-	-	-	-	-	232	57	288
6:00 PM	137	47	184	139	56	195	156	40	196	-	-	-	-	-	-	-	-	-	-	-	-	144	48	192
7:00 PM	95	27	122	92	34	126	106	29	135	-	-	-	-	-	-	-	-	-	-	-	-	98	30	128
8:00 PM	66	27	93	62	29	91	74	41	115	-	-	-	-	-	-	-	-	-	-	-	-	67	32	100
9:00 PM	28	16	44	32	15	47	45	17	62	-	-	-	-	-	-	-	-	-	-	-	-	35	16	51
10:00 PM	24	6	30	22	6	28	30	5	35	-	-	-	-	-	-	-	-	-	-	-	-	25	6	31
11:00 PM	15	5	20	19	4	23	18	3	21	-	-	-	-	-	-	-	-	-	-	-	-	17	4	21
Total	**2,268**	**757**	**3,025**	**2,270**	**712**	**2,982**	**2,220**	**697**	**2,917**	-	-	-	-	-	-	-	-	-	-	-	-	**2,253**	**722**	**2,975**
Percent	**75%**	**25%**	-	**76%**	**24%**	-	**76%**	**24%**	-	-	-	-	-	-	-	-	-	-	-	-	-	**76%**	**24%**	-

1. Mid-week average includes data between Tuesday and Thursday.

Land Use: 821
Shopping Plaza (40-150k)

Description

A shopping plaza is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has between 40,000 and 150,000 square feet of gross leasable area (GLA). The term "plaza" in the land use name rather than "center" is simply a means of distinction between the different shopping center size ranges. Various other names are commonly used to categorize a shopping plaza within this size range, depending on its specific size and tenants, such as neighborhood center, community center, and fashion center.

Its major tenant is often a supermarket but many sites are anchored by home improvement, discount, or other stores. A shopping plaza typically contains more than retail merchandising facilities. Office space, a movie theater, restaurants, a post office, banks, a health club, and recreational facilities are common tenants. A shopping plaza is almost always open-air and the GLA is the same as the gross floor area of the building.

The 150,000 square feet GLA threshold value between shopping plaza and shopping center (Land Use 820) is based on an examination of trip generation data. For a shopping plaza that is smaller than the threshold value, the presence or absence of a supermarket within the plaza has a measurable effect on site trip generation. For a shopping center that is larger than the threshold value, the trips generated by its other major tenants mask any effects of the presence or absence of an on-site supermarket.

The 40,000 square feet GFA threshold between shopping plaza and strip retail plaza (Land Use 822) was selected based on an examination of the overall shopping center/plaza database. No shopping plaza with a supermarket as its anchor is smaller than 40,000 square feet GLA.

Shopping center (>150k) (Land Use 820), strip retail plaza (<40k) (Land Use 822), and factory outlet center (Land Use 823) are related uses.

Land Use Subcategory

The presence or absence of a supermarket in a shopping plaza has been determined to have a measurable effect on site trip generation. Therefore, data are presented for two subcategories for this land use: sites with a supermarket anchor and sites without a supermarket.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), British Columbia (CAN), California, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New York, Ontario (CAN), Oregon, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, and Wisconsin.

Source Numbers

105, 110, 156, 159, 186, 198, 204, 211, 213, 239, 259, 260, 295, 301, 304, 305, 307, 317, 319, 358, 376, 390, 400, 404, 437, 444, 446, 507, 580, 598, 658, 728, 908, 926, 944, 946, 960, 973, 974, 1004, 1009, 1025, 1069

Shopping Plaza (40-150k) - Supermarket - No (821)

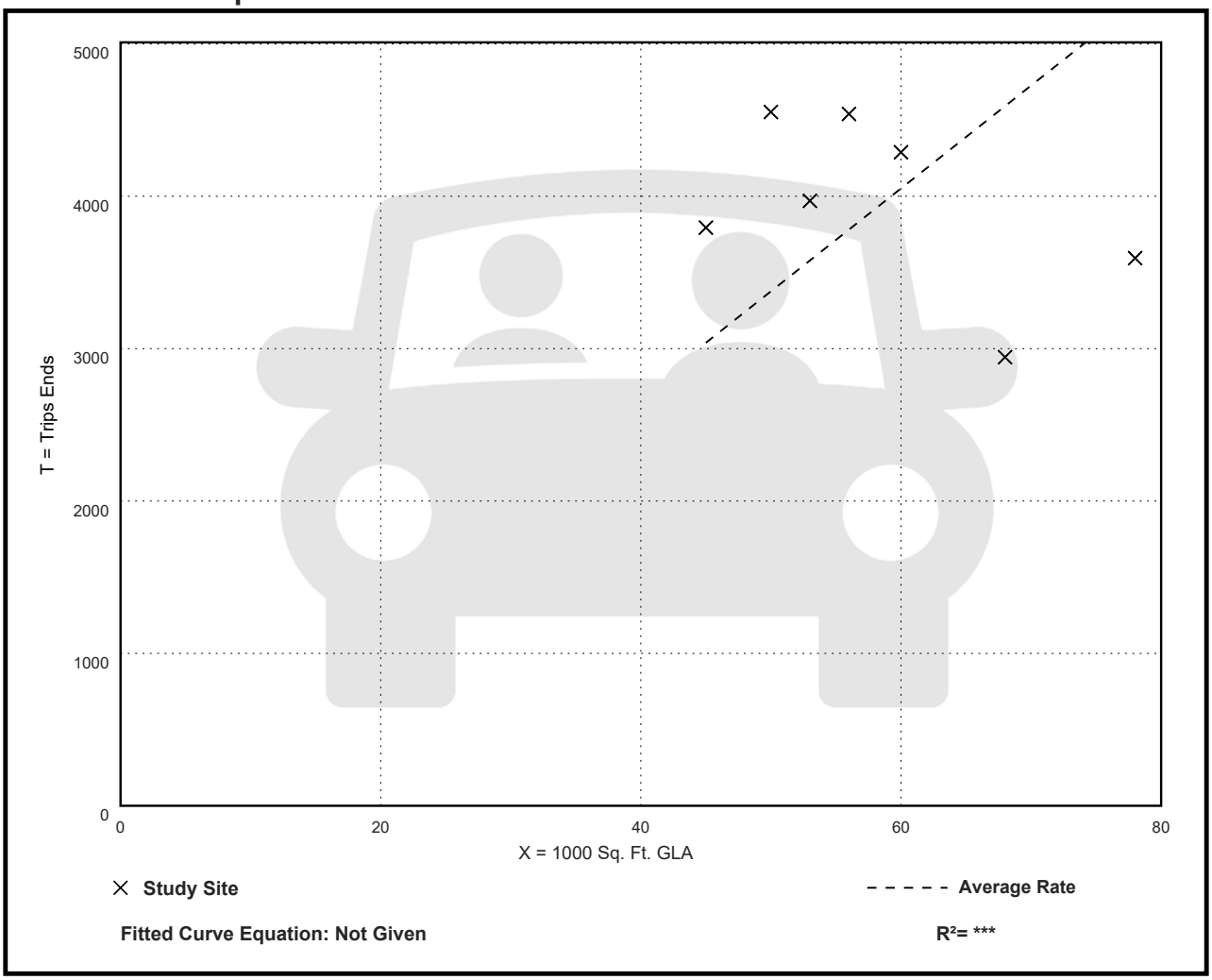
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. 1000 Sq. Ft. GLA: 59
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
67.52	43.29 - 91.06	19.25

Data Plot and Equation



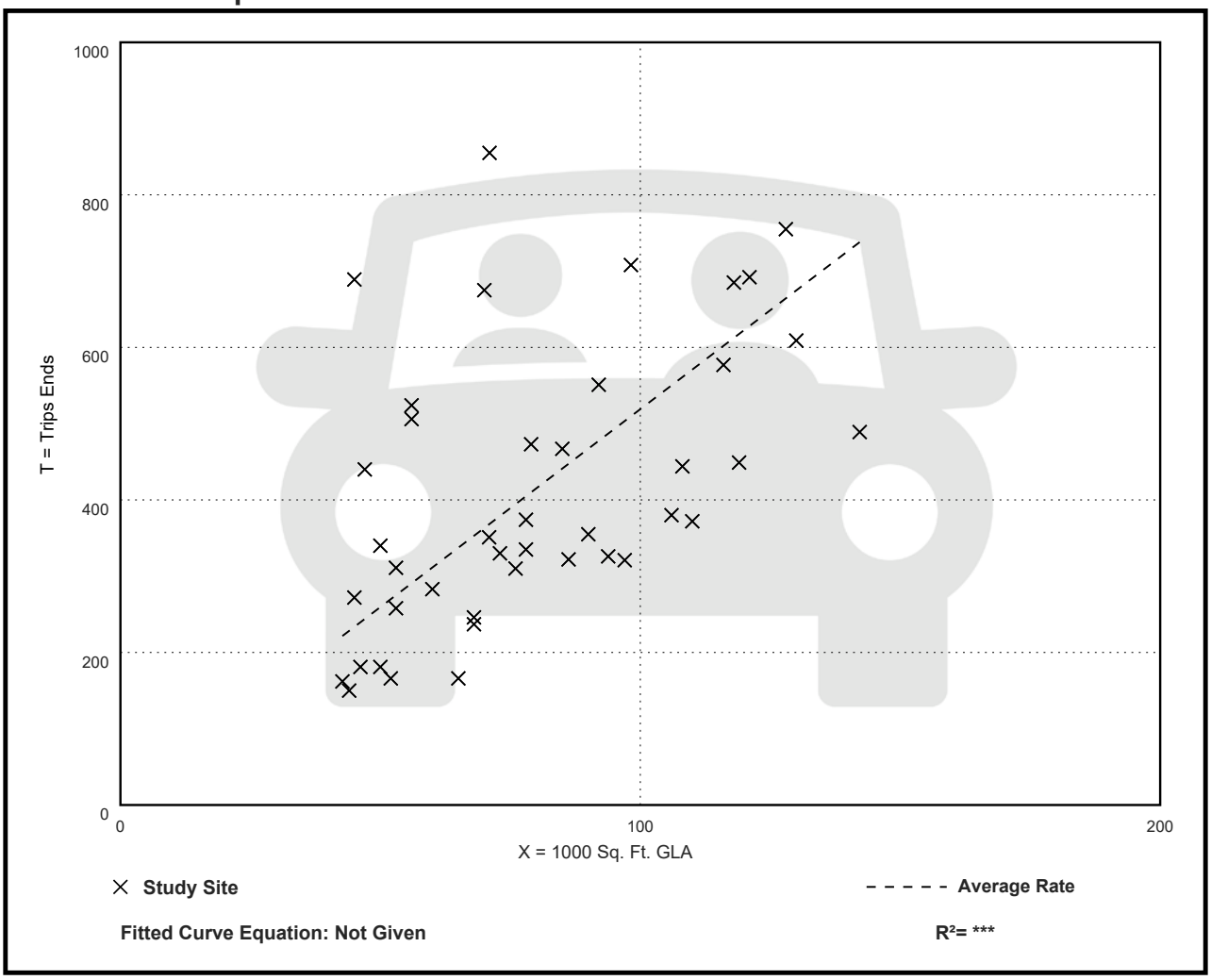
Shopping Plaza (40-150k) - Supermarket - No (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 42
Avg. 1000 Sq. Ft. GLA: 79
Directional Distribution: 49% entering, 51% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
5.19	2.55 - 15.31	2.28

Data Plot and Equation



Trip Generation Estimates

Land Use: Shopping Plaza (Code 821, ITE Trip Generation 11th Edition)

Lane Configuration Scenario	Units Gross Leasable Area	Trip Generation Rate				Expected Units	Trips				Acres	Floor Area Ratio
		Weekday Average	Peak Hour	Percent In	Percent Out		Daily Trips	PM Peak Hour Trips	PM Trips In	Trips Out		
1	1,ooo Sq Ft	67.52	5.19	0.49	0.51	66	4456	343	168	175	8.2	18%
2	1,ooo Sq Ft	67.52	5.19	0.49	0.51	93	6279	483	237	246	8.2	26%
3	1,ooo Sq Ft	67.52	5.19	0.49	0.51	99	6684	514	252	262	8.2	28%

Percentages of Trips Inbound Outbound

	Northbound			Southbound			Eastbound			Westbound		
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
	0	0.44	0.56	0	27%	0	0	0	37%	36%	0	0

Existing, Total and Forecast Trips By Scenario

Lawless/Thayer

Scenario 1 Lane Configuration = EB shared left/thru/right lane, WB left and right lanes, NB shared thru/ right lane, SB shared thru/left lane

	Northbound			Southbound			Eastbound			Westbound			Total Volume
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Existing				57			135	174				97	463
Background	0	0	0	63	0	0	149	192	0	0	0	107	511
New Trips	0	77	98	0	45	0	0	0	62	60	0	0	342
Total	0	77	98	63	45	0	149	192	62	60	0	107	853

Scenario 2 - adds EB exclusive right turn lane, SB exclusive left turn lane and NB exclusive right turn lane

	Northbound			Southbound			Eastbound			Westbound			Total Volume
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Existing				57			135	174				97	463
Background	0	0	0	63	0	0	149	192	0	0	0	107	511
New Trips	0	108	138	0	64	0	0	0	88	85	0	0	483
Total	0	108	138	63	64	0	149	192	88	85	0	107	994

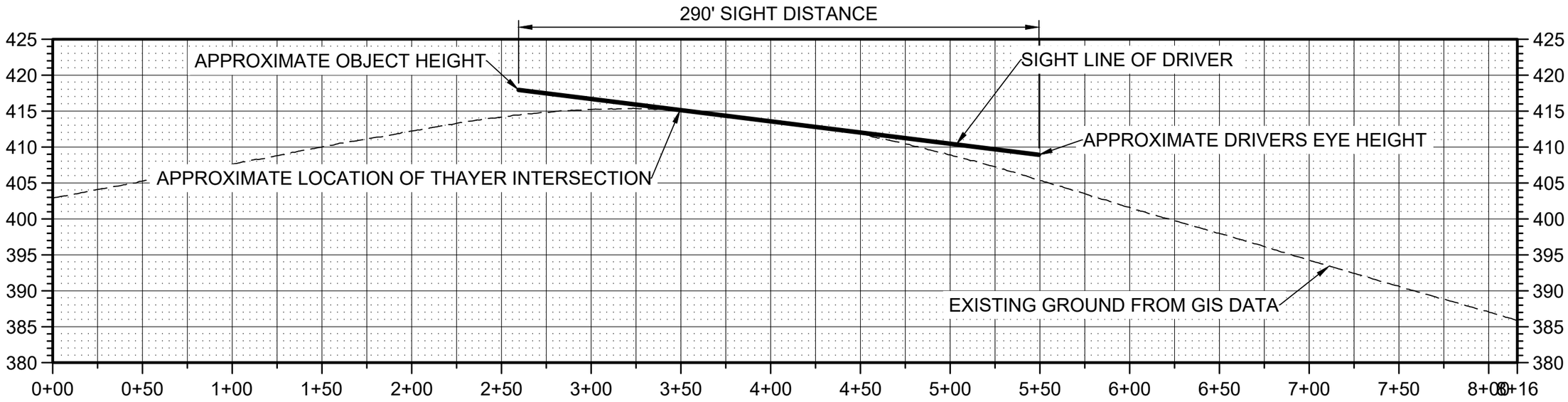
Scenario 3 - adds a second northbound right turn egreess east on Lawless

	Northbound			Southbound			Eastbound			Westbound			Total Volume
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Existing				57			135	174				97	463
Background	0	0	0	63	0	0	149	192	0	0	0	107	511
New Trips*	0	115	110	0	68	0	0	0	93	91	0	0	477
Total	0	115	110	63	68	0	149	192	93	91	0	107	988

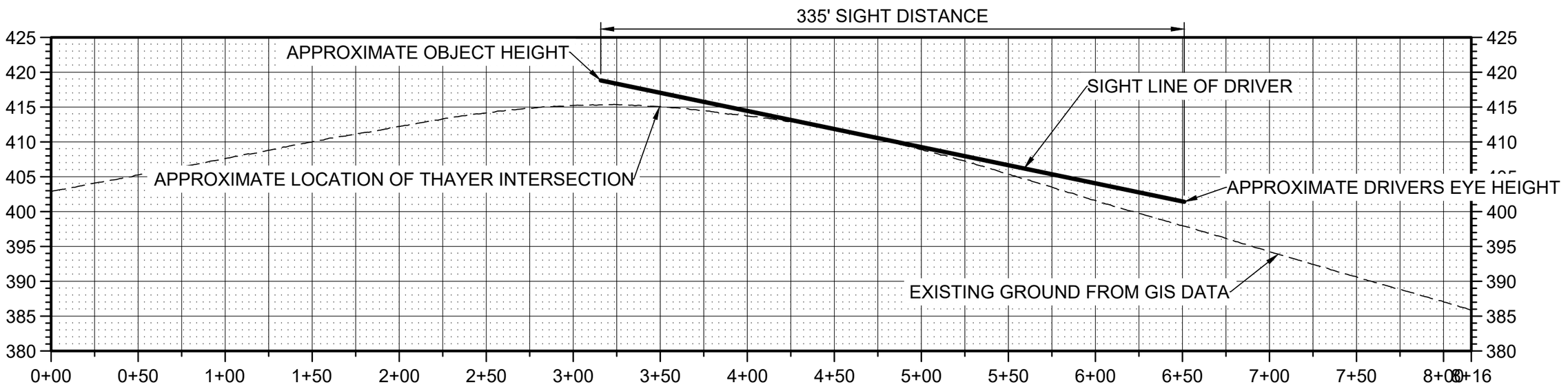
* 25% of northbound right turn is assumed to turn right at a secondary access to the east

Scenario 4 - no cross-access easement, full access to the east on Lawless, 1/3 of traffic accesses at new driveway

	Northbound			Southbound			Eastbound			Westbound			Total Volume
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Lawless/Thayer		77	98	86	45		149	223	62	61		145	946
new driveway	38	0	49	0	0	0	0	353	54	30	168	0	692



RIGHT TURN FROM STOP



LEFT TURN FROM STOP

Plot Date:4/17/2023 12:29 PM Plotted By: William Gillen
Date Created:4/17/2023 \\JUB.COM\CENTRAL\CLIENTS\WA\AHBL\PROJECTS\07-23-015 RICHLAND\LAWLESSDR\ANALYSIS\DESIGN\CAD\EXHIBITS\SIGHTDISTANCE.DWG

LAST UPDATED: 4/17/2023
PLOT DATE: 4/17/2023
FILE: SIGHTDISTANCE

J-U-B ENGINEERS, INC.

Richland Lawless Dr Analysis
AHBL

SIGHT DISTANCE EXHIBIT

HCS7 Two-Way Stop-Control Report

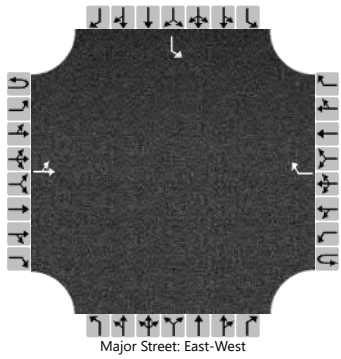
General Information

Analyst	Montgomery
Agency/Co.	J-U-B Engineers
Date Performed	3/3/2023
Analysis Year	2023
Time Analyzed	PM peak hour
Intersection Orientation	East-West
Project Description	Lawless/Thayer Comp Plan Evaluation

Site Information

Intersection	Lawless Dr/Thayer Dr
Jurisdiction	City of Richland
East/West Street	SR 240 off ramp/Lawless
North/South Street	Thayer Dr/Site access
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	0	1		0	0	0		1	0	0
Configuration		LT						R						L		
Volume (veh/h)		135	174					97						57		
Percent Heavy Vehicles (%)		3												3		
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized							Yes									
Median Type | Storage			Undivided													

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		
Critical Headway (sec)		4.13												6.43		
Base Follow-Up Headway (sec)		2.2												3.5		
Follow-Up Headway (sec)		2.23												3.53		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		150												63		
Capacity, c (veh/h)		1617												478		
v/c Ratio		0.09												0.13		
95% Queue Length, Q_{95} (veh)		0.3												0.5		
Control Delay (s/veh)		7.5												13.7		
Level of Service (LOS)		A												B		
Approach Delay (s/veh)		3.7												13.7		
Approach LOS														B		

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HCS7 Two-Way Stop-Control Report

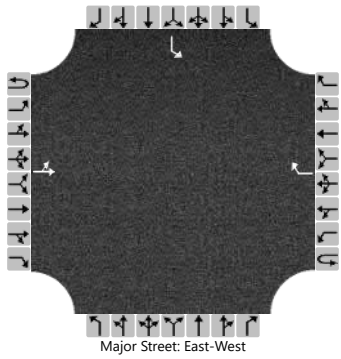
General Information

Analyst	Montgomery
Agency/Co.	J-U-B Engineers
Date Performed	3/3/2023
Analysis Year	2028
Time Analyzed	PM peak hour No-Build
Intersection Orientation	East-West
Project Description	Lawless/Thayer Comp Plan Evaluation

Site Information

Intersection	Lawless Dr/Thayer Dr
Jurisdiction	City of Richland
East/West Street	SR 240 off ramp/Lawless
North/South Street	Thayer Dr/Site access
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	0	1		0	0	0		1	0	0
Configuration		LT						R						L		
Volume (veh/h)		149	192					107						63		
Percent Heavy Vehicles (%)		3												3		
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized							Yes									
Median Type | Storage			Undivided													

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		
Critical Headway (sec)		4.13												6.43		
Base Follow-Up Headway (sec)		2.2												3.5		
Follow-Up Headway (sec)		2.23												3.53		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		166												70		
Capacity, c (veh/h)		1617												440		
v/c Ratio		0.10												0.16		
95% Queue Length, Q_{95} (veh)		0.3												0.6		
Control Delay (s/veh)		7.5												14.7		
Level of Service (LOS)		A												B		
Approach Delay (s/veh)		3.8												14.7		
Approach LOS														B		

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HCS7 Two-Way Stop-Control Report

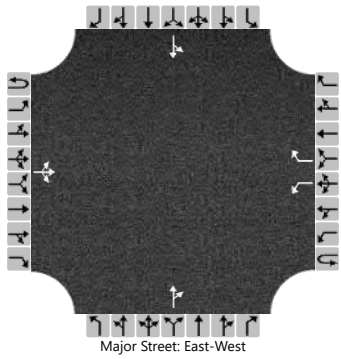
General Information

Analyst	Montgomery
Agency/Co.	J-U-B Engineers
Date Performed	3/3/2023
Analysis Year	2028
Time Analyzed	PM pk hr Scen1-343 trips
Intersection Orientation	East-West
Project Description	Lawless/Thayer Comp Plan Evaluation

Site Information

Intersection	Lawless Dr/Thayer Dr
Jurisdiction	City of Richland
East/West Street	SR 240 off ramp/Lawless
North/South Street	Thayer Dr/Site access
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	1	0	1		0	1	0		0	1	0
Configuration			LTR			L		R				TR		LT		
Volume (veh/h)		149	192	62		60		107			77	98		63	45	
Percent Heavy Vehicles (%)		3				3					3	3		3	3	
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized						Yes										
Median Type | Storage		Undivided														

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1					6.5	6.2		7.1	6.5	
Critical Headway (sec)		4.13				4.13					6.53	6.23		7.13	6.53	
Base Follow-Up Headway (sec)		2.2				2.2					4.0	3.3		3.5	4.0	
Follow-Up Headway (sec)		2.23				2.23					4.03	3.33		3.53	4.03	

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		166				67						194		120		
Capacity, c (veh/h)		1617				1274						456		239		
v/c Ratio		0.10				0.05						0.43		0.50		
95% Queue Length, Q_{95} (veh)		0.3				0.2						2.1		2.6		
Control Delay (s/veh)		7.5				8.0						18.7		34.4		
Level of Service (LOS)		A				A						C		D		
Approach Delay (s/veh)	3.3				2.9				18.7				34.4			
Approach LOS									C				D			

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HCS7 Two-Way Stop-Control Report

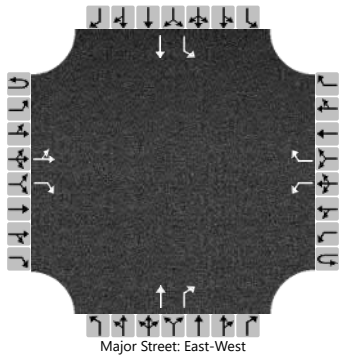
General Information

Analyst	Montgomery
Agency/Co.	J-U-B Engineers
Date Performed	3/3/2023
Analysis Year	2028
Time Analyzed	PM pk hr Scen2-483 trips
Intersection Orientation	East-West
Project Description	Lawless/Thayer Comp Plan Evaluation

Site Information

Intersection	Lawless Dr/Thayer Dr
Jurisdiction	City of Richland
East/West Street	SR 240 off ramp/Lawless
North/South Street	Thayer Dr/Site access
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	1	0	1	0	1		0	1	1		1	1	0
Configuration		LT		R		L		R			T	R		L	T	
Volume (veh/h)		149	192	88		85		107			108	138		63	64	
Percent Heavy Vehicles (%)		3				3					3	3		3	3	
Proportion Time Blocked																
Percent Grade (%)										0				0		
Right Turn Channelized		No				Yes				No						
Median Type | Storage		Undivided														

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1					6.5	6.2		7.1	6.5	
Critical Headway (sec)		4.13				4.13					6.53	6.23		7.13	6.53	
Base Follow-Up Headway (sec)		2.2				2.2					4.0	3.3		3.5	4.0	
Follow-Up Headway (sec)		2.23				2.23					4.03	3.33		3.53	4.03	

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		166				94					120	153		70	71	
Capacity, c (veh/h)		1617				1244					283	824		159	248	
v/c Ratio		0.10				0.08					0.42	0.19		0.44	0.29	
95% Queue Length, Q_{95} (veh)		0.3				0.2					2.0	0.7		2.0	1.1	
Control Delay (s/veh)		7.5				8.1					26.8	10.4		44.2	25.2	
Level of Service (LOS)		A				A					D	B		E	D	
Approach Delay (s/veh)		3.0				3.6				17.6				34.6		
Approach LOS										C				D		

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HCS7 Two-Way Stop-Control Report

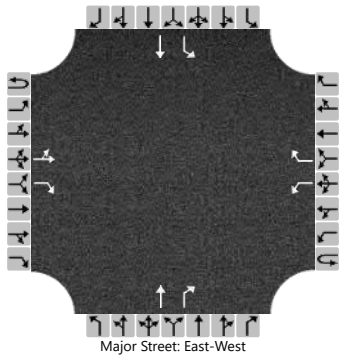
General Information

Analyst	Montgomery
Agency/Co.	J-U-B Engineers
Date Performed	3/3/2023
Analysis Year	2028
Time Analyzed	PM pk hr Scen3-514 trips
Intersection Orientation	East-West
Project Description	Lawless/Thayer Comp Plan Evaluation

Site Information

Intersection	Lawless Dr/Thayer Dr
Jurisdiction	City of Richland
East/West Street	SR 240 off ramp/Lawless
North/South Street	Thayer Dr/Site access
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	1	0	1	0	1		0	1	1		1	1	0
Configuration		LT		R		L		R			T	R		L	T	
Volume (veh/h)		149	192	93		91		107			115	110		63	68	
Percent Heavy Vehicles (%)		3				3					3	3		3	3	
Proportion Time Blocked																
Percent Grade (%)										0				0		
Right Turn Channelized		No				Yes				No						
Median Type | Storage		Undivided														

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1					6.5	6.2		7.1	6.5	
Critical Headway (sec)		4.13				4.13					6.53	6.23		7.13	6.53	
Base Follow-Up Headway (sec)		2.2				2.2					4.0	3.3		3.5	4.0	
Follow-Up Headway (sec)		2.23				2.23					4.03	3.33		3.53	4.03	

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		166				101					128	122		70	76	
Capacity, c (veh/h)		1617				1238					276	824		161	241	
v/c Ratio		0.10				0.08					0.46	0.15		0.44	0.31	
95% Queue Length, Q_{95} (veh)		0.3				0.3					2.3	0.5		2.0	1.3	
Control Delay (s/veh)		7.5				8.2					28.8	10.1		43.7	26.7	
Level of Service (LOS)		A				A					D	B		E	D	
Approach Delay (s/veh)		3.0				3.8				19.7				34.8		
Approach LOS										C				D		

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HCS7 Two-Way Stop-Control Report

General Information

Analyst	Montgomery
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Date Performed	3/3/2023
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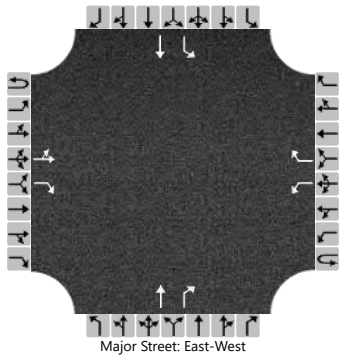
Time Analyzed	PM pk hr Scen4-514 trips
Intersection Orientation	East-West
Project Description	Lawless/Thayer Comp Plan Evaluation

Site Information

Intersection	Lawless Dr/Thayer Dr
Jurisdiction	City of Richland
East/West Street	SR 240 off ramp/Lawless
North/South Street	Thayer Dr/Site access
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	1	0	1	0	1		0	1	1		1	1	0
Configuration		LT		R		L		R			T	R		L	T	
Volume (veh/h)		149	223	62		61		145			77	98		86	45	
Percent Heavy Vehicles (%)		3				3					3	3		3	3	
Proportion Time Blocked																
Percent Grade (%)										0				0		
Right Turn Channelized		No				Yes				No						
Median Type | Storage		Undivided														

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1					6.5	6.2		7.1	6.5	
Critical Headway (sec)		4.13				4.13					6.53	6.23		7.13	6.53	
Base Follow-Up Headway (sec)		2.2				2.2					4.0	3.3		3.5	4.0	
Follow-Up Headway (sec)		2.23				2.23					4.03	3.33		3.53	4.03	

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		166				68					86	109		96	50	
Capacity, c (veh/h)		1617				1238					296	789		204	270	
v/c Ratio		0.10				0.05					0.29	0.14		0.47	0.19	
95% Queue Length, Q_{95} (veh)		0.3				0.2					1.2	0.5		2.3	0.7	
Control Delay (s/veh)		7.5				8.1					22.0	10.3		37.3	21.3	
Level of Service (LOS)		A				A					C	B		E	C	
Approach Delay (s/veh)		3.0				2.4				15.5				31.9		
Approach LOS										C				D		

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HCS7 Two-Way Stop-Control Report

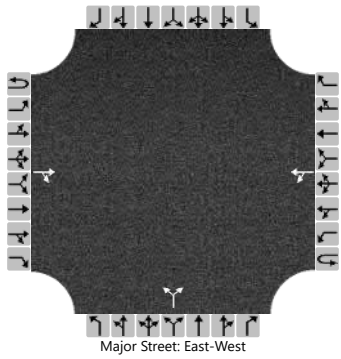
General Information

Analyst	Montgomery
Agency/Co.	J-U-B Engineers
Date Performed	3/3/2023
Analysis Year	2028
Time Analyzed	PM pk hr Scen4-514 trips
Intersection Orientation	East-West
Project Description	Lawless/Thayer Comp Plan Evaluation

Site Information

Intersection	Lawless Dr/2nd Site Acces
Jurisdiction	City of Richland
East/West Street	Lawless
North/South Street	Adjacent Parcel Driveway
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes


Major Street: East-West

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			353	54		30	168			38		49				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type | Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						33					97					
Capacity, c (veh/h)						1103					506					
v/c Ratio						0.03					0.19					
95% Queue Length, Q_{95} (veh)						0.1					0.7					
Control Delay (s/veh)						8.4					13.8					
Level of Service (LOS)						A					B					
Approach Delay (s/veh)					1.5				13.8							
Approach LOS					B											

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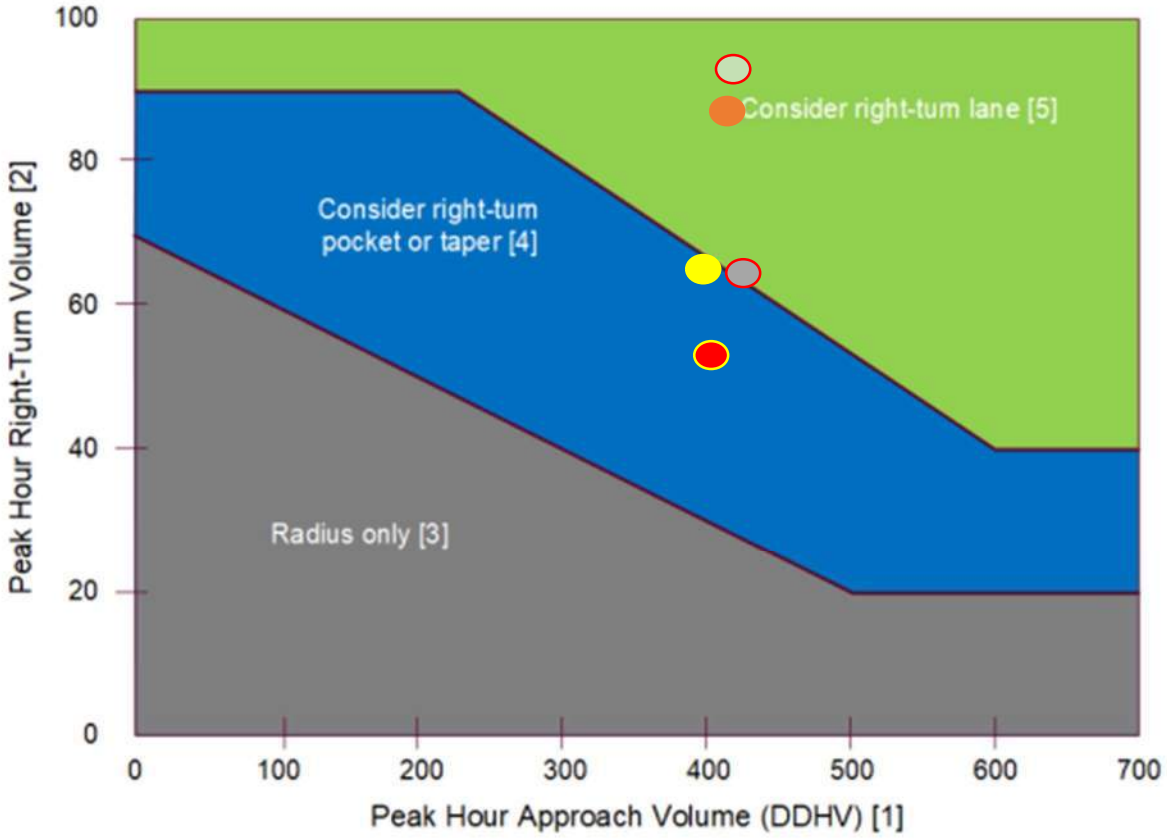
Exhibit 1310-19 Right-Turn Lane Guidelines



Notes:

[1] For two-lane highways, use the peak hour DDHV (through + right-turn). For multilane, highways (posted speed 45 mph or above), use the right-lane peak hour approach volume (through + right-turn).

[2] When all three of the following conditions are met, reduce the right-turn DDHV by 20:
- The posted speed is 45 mph or below
- The right-turn volume is greater than 40 VPH
- The peak hour approach volume (DDHV) is less than 300 VPH

[3] For right-turn corner design, see Exhibit 1310-6.

[4] For right-turn pocket or taper design, see Exhibit 1310-20.

[5] For right-turn lane design, see Exhibit 1310-21.

Scenario 1 EB total approach = 403, right turn = 62
Scenario 2-EB total approach = 429, right turn = 88
Scenario 3-EB total approach = 434, right turn =93
Scenario 4 (Thayer) EB total approach = 434, right turn = 62
Scenario 4 (new driveway) EB total approach = 407, right turn = 54

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Zoning Map Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: City of Richland - Attn. Kerwin Jensen, Development Services Director	
Address: 625 Swift Blvd, Richland, WA	
Phone: (509) 942-7586	Email: kjensen@ci.richland.wa.us

APPLICANT/CONTRACTOR INFORMATION (if different)	☒ Contact Person
Company: AHBL, Inc.	UBI#:
Contact: Nicole Stickney, AICP	
Address: 5804 Road 90, Suite H Pasco, WA 99353	
Phone: (509) 916-7131	Email: nstickney@ahbl.com

DESCRIPTION OF WORK

We are requesting the City assign C-2 (Retail Business) Zoning to the property, to allow for future Commercial Development, at the subject site which currently does not have a zoning district assignment.

This rezone request accompanies a Comprehensive Plan Map Amendment application to establish the underlying Comprehensive Plan Land Use classification of ***Commercial***.

We understand that this rezone application will only be considered following approval of the pending Comprehensive Plan land use classification change.

PROPERTY INFORMATION

Parcel #: TBD (None assigned)

Legal Description: TBD (the site is situated in the SE quarter of Section 15, Township 9 N, Range 28 E, W.M.)

Current Zoning: None assigned	Current Comp Plan: None assigned	Requested Zoning: C-2
Current Use: Vacant	Proposed Use: Commercial Development	Area of Property: Approx. 4.3 acres

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

The subject property is situated north of I-182 and east of the Bypass Highway (SR 240), encompassing approx. 4.3 acres of land which has not been assigned a parcel number and does not carry a zoning designation (the land was assumed to be "right-of-way"). The City of Richland staff has ascertained that the property is likely surplus to the City's needs and likely available for the city to market and sell to a private developer in the future. It is prudent to first establish a Comprehensive Plan Land Use Designation and appropriate zoning to entitle the land to a range of appropriate uses.

Any hardship that may result in the event the rezone is not granted:

Establishing zoning for the property is an appropriate and necessary procedure, given that the property has been identified as not being right-of-way (which it was long assumed to be).

The manner in which the proposed rezone conforms to patterns in adjacent zones:
Surrounding zoning includes a mixture of ***R-2 Medium Density Residential*** zoning to the north (where the BPA substation is, together with housing development) with some ***PPF- Parks and Public Facilities***, ***C-2 Retail Business*** and ***C-3 General Business*** zoning. Establishing C-2 zoning for the subject property will represent a logical extension of the C-2 zoning which is immediately north of, and adjacent to, the site.

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

Granting "C-2" zoning should not produce any adverse effects on adjacent or surrounding lands because new commercial uses will complement what is already in place. Adequate road infrastructure is in place to support Commercial Uses, up to an established PM Peak hour trip threshold, without any detrimental impacts. Subsequent commercial development of the site will have a positive affect on surrounding properties because it will complement activities and land uses that are already in place.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

Assigning Commercial zoning will be consistent with Richland′s adopted Comprehensive Plan, including the City′s vision statement that sets out "This dynamic city, situated on two rivers, actively supports opportunities for economic development that are in harmony with the area's unique natural resources." Moreover, the proposal supports many of City′s goals, polices or objectives as expressed in the Plan, and does not conflict with them.

The benefits or detriments accruing to the City which would result from the granting or denial of this ~~special permit~~ *ZONE CHANGE*:
Subsequent commercial development of the site will have a positive affect on the City and to the City's residents and business community because it will create additional opportunities for retail / commercial activity, enhancing local opportunities while potentially expanding services offered in the community (which may include job creation, generate sales tax and boost the property tax base).

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone: N/A

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:
Assuming that the Comprehensive Plan Map Amendment application to change the Land Use designation to Commercial is approved, no "spot zoning" would occur because the C-2 zoning district would implement the City's land use designation (effectively precluding any possible spot zoning). Moreover, there are existing Commercial uses in the vicinity and C-2 would fit in with those uses. A larger area is not recommended for a rezone.

Identify impacts on the environment and public safety: The subject site is suitable for a range of commercial development options from an environmental and public safety standpoint, as the only on-site critical areas are a critical aquifer recharge area and steep slopes (limited to only the eastern portion of the site and additionally could be mitigated for if necessary). An initial transportation analysis confirms that site access concerns can be addressed with development and that the adjacent intersection can accommodate a certain number of trips (to a threshold) without any Level of Service impacts.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Nicole Stickney

Applicant Signature: Nicole Stickney Date April 20, 2023

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

A. Background Find help answering background questions

1. Name of proposed project, if applicable:

Lawless Drive property Comprehensive Plan Amendment (CPA) – Map Change and Zoning

2. Name of applicant:

Nicole Stickney, AICP from AHBL, Inc.
for the City of Richland (landowner)

3. Address and phone number of applicant and contact person:

AHBL, Inc.
5804 Road 90 Suite H
Pasco, WA 99353

4. Date checklist prepared:

April 20, 2023

5. Agency requesting checklist:

City of Richland Planning Dept.

6. Proposed timing or schedule (including phasing, if applicable):

Undetermined at this time.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

There are no specific plans for development at this time, but it is anticipated that City Council will approve the sale of the property to a private party for development.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- Technical Memorandum prepared by J-U-B Engineering regarding Lawless Drive Comprehensive Plan Amendment Traffic Study (REVISED, April 18, 2023).
- Richland Lawless Drive Site Feasibility Study by AHBL, Inc (April 2023).

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

The subject property will be reviewed to determine a suitable Land Use Map classification per the City's Comprehensive Plan.

10. List any government approvals or permits that will be needed for your proposal, if known.

At this time only a Comprehensive Plan land use map designation and is being sought, together with a zoning designation to implement the comprehensive plan, along with related State Environmental Policy Act (SEPA) review.

In the future, a variety of actions to include assignment of a parcel ID number, approval of a sales agreement, site plan review, building plan approval, utility / civil development plans, etc. could occur, which may be subject to separate SEPA review, as applicable.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

At this time, only a Comprehensive Plan Amendment to the City's Land Use map and zoning of the property is proposed. The purpose is to establish a land use classification and zoning designation for the property which had not previously been classified (or zoned) due to its proximity to state highway right-of-way (and misunderstanding that the property was right-of-way).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The site is situated in central Richland, north of the I-182 Interstate and generally east of Bypass Highway; bounded to the north by Lawless Drive and to the south by the I-182 Interstate**:**

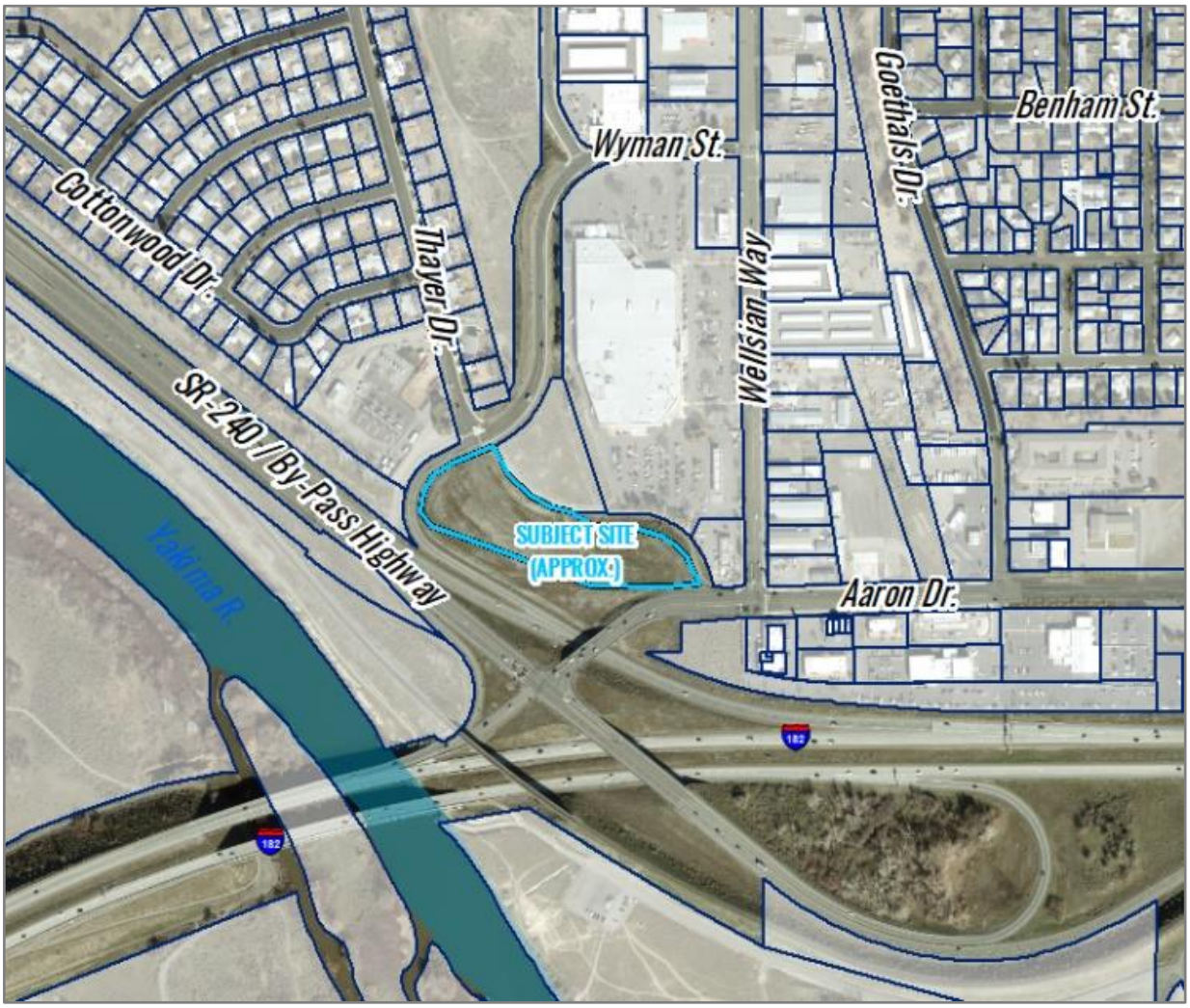


Figure 1: Subject Site and Surrounding Parcel and Road Network

The location is further described as lying within the SE quarter of Section 15, Township 9 North, Range 28 East, W.M.

B. Environmental Elements

1. Earth Find help answering earth questions

a. General description of the site:

The undeveloped site is approximately 4.3-acres in size and it slopes downward to the southwest. The site is a Native Shrub-steppe habitat comprised of low sagebrush, grasses, small shrubs, and noxious weeds. There is a mixture of large and small rocks scattered throughout the site. Access is via Lawless Drive.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

Approx. 17 percent is the steepest slope on the developed area of the site (steeper slopes are present to the immediate east, where there is a precipitous drop).

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The site is primarily Quincy loam which is a well-drained soil. Less than 4 percent of the site is Pasco silt loam which is poorly drained. The site is located within the City of Richland incorporation limits and has not been designated as Agricultural Lands of Long-Term Commercial Significance (ALLTCS).

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not determined at this time – this is a non-project action.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

Not determined at this time – this is a non-project action.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not determined at this time – this is a non-project action. The City of Richland's Zoning code sets out a maximum lot coverage percentage for various zoning districts that will apply to future development.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

None proposed.

2. Air Find help answering air questions

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not determined at this time – this is a non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Yes, the site is adjacent to the I-182 right of way and the freeway accommodates vehicular traffic producing emissions and odors.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

None proposed.

3. Water Find help answering water questions

a. Surface Water: Find help answering surface water questions

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

No surface water bodies are on or in the immediate vicinity of the site. The Yakima River is approximately 700 feet west of the site, and physically separated from the site by the freeway.

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

No.

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

This is a non-project action. Future development would not result in any such impacts.

4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

This is a non-project action. Future development would not result in any such impacts.

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

No.

6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No.

b. Ground Water: Find help answering ground water questions

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

No. Any future development of the site would be served by municipal water and no well would be needed.

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

None. Any future development of the site would be served by municipal sewer services and no waste discharge would be needed.

c. Water Runoff (including stormwater):

a) **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Not determined at this time – this is a non-project action. Any future development will require on-site treatment of storm water.

b) **Could waste materials enter ground or surface waters? If so, generally describe.**

Not determined at this time – this is a non-project action.

c) **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

Not determined at this time – this is a non-project action. Any future development will need to be designed to avoid negative impacts to off-site drainage patterns in the vicinity of the site.

d) **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

None proposed at this time.

4. Plants Find help answering plants questions

a. Check the types of vegetation found on the site:

- ☐ **deciduous tree: alder, maple, aspen, other**
- ☐ **evergreen tree: fir, cedar, pine, other**
- ☒ **shrubs**
- ☐ **grass**
- ☐ **pasture**
- ☐ **crop or grain**
- ☐ **orchards, vineyards, or other permanent crops.**
- ☐ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
- ☐ **water plants: water lily, eelgrass, milfoil, other**
- ☐ **other types of vegetation**

b. What kind and amount of vegetation will be removed or altered?

Not determined at this time – this is a non-project action.

c. List threatened and endangered species known to be on or near the site.

None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

Not determined at this time – this is a non-project action. Future development of the site will be required to conform to applicable city standards for landscaping.

e. List all noxious weeds and invasive species known to be on or near the site.

None known.

5. Animals Find help answering animal questions

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Likely birds and animals include hawk, heron, songbirds, rodents, voles and moles.

Examples include:

- **Birds: hawk, heron, eagle, songbirds, other:**
- **Mammals: deer, bear, elk, beaver, other:**
- **Fish: bass, salmon, trout, herring, shellfish, other:**

b. List any threatened and endangered species known to be on or near the site.

None known.

c. Is the site part of a migration route? If so, explain.

Yes, the entire region is a part of the Pacific Flyway.

d. Proposed measures to preserve or enhance wildlife, if any.

None proposed.

e. List any invasive animal species known to be on or near the site.

None known.

6. Energy and Natural Resources Find help answering energy and natural resource questions

1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not determined at this time – this is a non-project action.

2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not determined at this time – this is a non-project action.

3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

None proposed at this time.

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

Not determined at this time – this is a non-project action.

1. Describe any known or possible contamination at the site from present or past uses.

Not determined at this time – this is a non-project action. The site is vacant and has not been farmed for many decades (and may never have been farmed at all). Site contamination is considered unlikely.

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known.

3. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Not determined at this time – this is a non-project action.

4. **Describe special emergency services that might be required.**

Not determined at this time – this is a non-project action.

5. **Proposed measures to reduce or control environmental health hazards, if any.**

None proposed.

b. Noise

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

The site lies directly north and east of interstate / highway facilities which produce a lot of noise, primarily in the daytime hours.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

Not determined at this time – this is a non-project action.

3. **Proposed measures to reduce or control noise impacts, if any.**

None proposed.

8. Land and Shoreline Use Find help answering land and shoreline use questions

a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The site is vacant. To the south and west are freeway/ highway facilities. There is an electrical substation located west of the site, on the opposite side of Lawless Drive.

b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many**

acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

No farming uses are known to have occurred on the site in the recent decades.

1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No.

c. Describe any structures on the site.

None except for several power poles.

d. Will any structures be demolished? If so, what?

No.

e. What is the current zoning classification of the site?

The site is not classified under any zoning district as it was assumed to be right-of-way lands.

In addition, the site is not located within the city's CBD- Medical District, the CBD- Uptown District, or CBD- Parkway District (RMC 23.22)

f. What is the current comprehensive plan designation of the site?

The site does not currently have a comprehensive plan land use designation because it was assumed to be right-of-way lands.

g. If applicable, what is the current shoreline master program designation of the site?

The site is not within Shoreline Jurisdiction and therefore does not have a Shoreline Environment Designation.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes, the site is located within a Critical Aquifer Recharge Area (CARA).

i. Approximately how many people would reside or work in the completed project?

Not determined at this time – this is a non-project action.

j. Approximately how many people would the completed project displace?

Not determined at this time – this is a non-project action. Because the property is vacant there will be no displacement upon future development.

k. Proposed measures to avoid or reduce displacement impacts, if any.

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

The City of Richland Planning Commission and City Council will evaluate the proposed Land Use designation for compatibility with the City's Comprehensive Plan and opportunities for public involvement will be granted to seek public comments and feedback.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

None.

9. Housing Find help answering housing questions

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not determined at this time – this is a non-project action.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not determined at this time – this is a non-project action. No housing units are currently on the site and therefore none will be eliminated.

c. Proposed measures to reduce or control housing impacts, if any.

None.

10. Aesthetics Find help answering aesthetics questions

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not determined at this time – this is a non-project action. Any future development will be subject to development regulations for building heights per the applicable zoning district.

b. What views in the immediate vicinity would be altered or obstructed?

None.

c. Proposed measures to reduce or control aesthetic impacts, if any.

None at this time.

11. Light and Glare Find help answering light and glare questions

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not determined at this time – this is a non-project action. Any future development will likely require security and safety lighting.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Future development will need to be carefully reviewed for impacts to distracting or unsafe conditions given the location in relation to the freeway.

c. What existing off-site sources of light or glare may affect your proposal?

The I-182 freeway has lighting and additionally accommodates vehicular traffic which produces light impacts.

d. Proposed measures to reduce or control light and glare impacts, if any.

Measures may need to be taken (such as a deed restriction) to ensure that future development will not negatively impact travel on the I-182 corridor due to distracting lights (i.e. message boards) or other lighting/ glare.

12. Recreation Find help answering recreation questions

a. What designated and informal recreational opportunities are in the immediate vicinity?

Recreational activities occurs at the nearby James J. Lawless park(disc golf facility), and on the Yakima River (non-motorized boating, fishing, floating).

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

None.

13. Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

The WISAARD site indicates that *BPA Richland Substation Control House* near the site has been assigned a property ID # 708526 and is "Determined Eligible." The site further indicates that the *White Bluffs-Richland No. 1 Transmission Line / BPA Richland Substation Switchyard* has

been assigned property ID #728853 and is also labeled as "Determined Eligible" with a build date of 1949.

Both of these properties are near the subject site but physically separated by the Lawless Drive right of way.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known. WISAARD's predictive model suggests varied risk on the property, ranging from high risk (category 4 of 5) to very high risk (category 5 of 5). However, the site has previously been highly disturbed so no additional study or investigation requirements are anticipated. Nonetheless, early consultation with the Department of Archeology and Historic Preservation (DAHP) is appropriate.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Consultation via the Washington State Dept. of Archaeology and Historic Preservation (DAHP) WISSARD tool.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None at this time.

14. Transportation Find help with answering transportation questions

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The site is adjacent to and south of Lawless Drive and adjacent to and north of Aaron Drive. Both are classified as major collector roads. Lawless Drive is a 2-lane road, whereas Aaron Drive is a 4-lane road. The site is within half-mile to I-182 off ramps.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Richland is served by Ben Franklin Transit (BFT). The nearest transit stop is located at Thayer and Lawless intersection and is served by Route 25. Additionally, the southeast edge is served by Route 170. Both stops are approximately within 0.5 miles from the nearest edge of the property. Sidewalks and bike lanes partially connect the site to the transit stops but large gaps and unsafe conditions exist. The route serves Benton City, Prosser, and Richland.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not determined at this time – this is a non-project action.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The site is not immediately proximate to water, rail or air transportation, although all of these transportation modes are available in the community.

e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not determined at this time – this is a non-project action.

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

g. Proposed measures to reduce or control transportation impacts, if any.

None.

15. Public Services Find help answering public service questions

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not determined at this time – this is a non-project action.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None at this time.

16. Utilities Find help answering utilities questions

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

Note: Natural gas is available within the immediate area, although it is not clear if it is readily available at the site.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not determined at this time – this is a non-project action.

C. Signature Find help about who should sign

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Type name of signee: Nicole Stickney, AICP

Position and agency/organization: Senior Planning Project Manager, AHBL, Inc.

Date submitted: April 20, 2023

D. Supplemental sheet for nonproject actions Find help for the nonproject actions worksheet

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

As a non-project action, the proposal will not increase discharges to water; emissions to air; production, storage, or release of toxic or hazardous substances; nor result in noise production.

Future site development may result in slight impacts within the categories listed in this question, however, any potential increases to the elements can be identified and mitigated through project-level SEPA environmental review.

- **Proposed measures to avoid or reduce such increases are:**

  In addition to SEPA environmental review, other applicable regulations such as the Washington Stat Clean Air Act, the City of Richland Critical Areas Ordinance are the implementing codes that future development must comply with. Future proposed projects will be individually reviewed for site-specific impacts.

2. **How would the proposal be likely to affect plants, animals, fish. or marine life?**

As a non-project action, the proposal will not increase discharges to water; emissions to air; production, storage, or release of toxic or hazardous substances; nor result in noise production.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

  All site specific projects are required to comply with all local, state, and federal laws regarding the protection of endangered species.

3. **How would the proposal be likely to deplete energy or natural resources?**

   As a non-project action, the proposal will not deplete energy or natural resources. Future proposed projects may result in increases to energy and natural resource use; however, any potential increases will be identified and mitigated through project level environmental review.

- **Proposed measures to protect or conserve energy and natural resources are:**

  Future proposed projects will be individually reviewed for site-specific impacts. The Washington State Energy code will apply to future development.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

As a non-project action, the proposal will not affect environmentally sensitive areas or areas designated (or eligible or under study) for any such government protection.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

Future proposed projects will be individually reviewed for site-specific impacts and will be subject to any relevant regulations of the Washington State Department of Archaeology and Historic Preservation.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

There will be no impacts to shoreline uses.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

None proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

As a non-project action, the proposal will not impact demands on transportation or public services and utilities. Any future development will be individually reviewed for specific needs and demands, and initial technical studies has confirmed that commercial development of the property can be accommodated with additional capacity that exists for traffic at the Lawless Drive / Thayer Drive intersection.

- **Proposed measures to reduce or respond to such demand(s) are:**

None proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

It is not the intent of the proposal to conflict with local, state, or federal laws or requirements for the protection of the environment.

Exhibit 9

CITY OF RICHLAND
NOTICE OF PUBLIC HEARING FOR THE 2023 CITY OF RICHLAND ANNUAL COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS UPDATE

Notice is hereby given that the Richland Planning Commission will conduct a public hearing on Wednesday, September 13, 2023 at 6:00 p.m. to consider proposed amendments to the City's adopted comprehensive plan and zoning ordinance. You are receiving this notice because you own property located within 300 feet of one of the proposed amendment locations. The proposed amendments are as follows:

- **CPA2023-101 & Z2023-101:** Nicole Stickney, AHBL on behalf of Washington State University, is proposing to change the Comprehensive Plan Land Use designation for 3.37 acres of an existing 19.62-acre parcel from Public Facility (PBF) to High-Density Residential (HDR) and rezone the 3.37 acres from Parks & Public Facilities (PPF) to Multi-Family Residential (R-3). (Assessor's Parcel Number 1260820000001003, located along the west side of George Washington Way between University Drive and Hanford Street).

- **CPA2023-102 & Z2023-102:** Washington State University is proposing text amendments to both the Comprehensive Plan and RMS Title 23, Zoning, to create a new zoning district to be referred to as University District (UNIV). Zoning map amendments would also be required. (This is City-wide but would apply only to properties associated with institutions of higher education, as defined in RCW 28B.07.020(4) or 28B.10.016(4)).

- **CPA2023-103:** MD&D Investment, LLC is proposing to change the Badger Mountain Subarea Plan Land Use designations to reclassify portions of Assessor's Parcel ID numbers 134982010595001 and 134982000005004 to a mix of medium-density residential and commercial for the Bermuda Frontage site, commercial on the Commercial site, and civic/schools on the school site.

- **CPA2023-104 & Z2023-103:** Washington State Department of Natural Resources is proposing to increase the amount of Medium Density Residential within the area commonly referred to as "The Richland 16" due to a recent boundary line adjustment that reduced the size of the parcel to be transferred to the Richland School District and increased the size of the residential parcel directly to the north. DNR is also proposing to rezone the additional land area to Medium Density Residential (R-2). (Location: Richland DNR 16 located west of Truman Ave and north of Kennedy Road, behind Target shopping complex).

- **CPA2023-105:** The City of Richland Public Works Department proposes a text amendment to the Transportation Element of the City's Comprehensive Plan in order to reflect changes which have been made over the past 6 years to the existing transportation system in Richland, including, but not limited to: Street

functional classifications, short-term transportation improvements, long term transportation improvements, future impacts to the City's collector street system, the City's traffic impact fee program, and amending the level-of-service language to meet concurrency requirements.

- **CPA2023-106 & Z2023-105:** AHBL, on behalf of the City of Richland Economic Development Division, is proposing the establishment of the Commercial Land Use Designation on approximately 4.3 acres located at 24 Lawless Drive. The site is also proposed to be zoned Retail Business (C-2).

Environmental Review: The proposals are subject to environmental review. As lead agency, the City of Richland reviewed the project(s) for probable adverse environmental impacts and issued a determination of non-significance (DNS) for these amendments on August 2, 2023. The end of the SEPA comment period was August 16, 2023.

Any person desiring to express their views or to be notified of any decisions pertaining to any of these amendment requests should notify Mike Stevens, Planning Manager, 625 Swift Boulevard, Richland, WA 99352. Comments may also be emailed to mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Wednesday, September 6, 2023 to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. The requested amendment materials are available to the public and can be viewed at www.ci.richland.wa.us . The staff report and recommendation will be available on the city's website beginning Friday, September 8, 2023.

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.

2. On the 17th day of August,2023, I mailed a copy of the attached NOTICE OF PUBLIC HEARING (2023 City of Richland Annual Comprehensive Plan and Development Regulations Update) to the attached list of individuals via regular USPS on the date indicated above. The Richland Planning Commission will conduct a public hearing and review of the application on September 13, 2023.

Signed: Jodi Hogan

SIGNED AND SWORN to before me this 18th day of August 17,2023 by Jodi Hogan.

Notary Public in and for the State of Washington,

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Carly Kirkpatrick
Print Name

Residing at Benton County

My appointment expires: Oct. 6, 2027

Address list attached.

Notary Public
State of Washington
CASEY KIRKPATRICK
LICENSE # 21055
MY COMMISSION EXPIRES
OCTOBER 6, 2017

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Matthew Howie**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.

2. On the 6th day of September, 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number CPA2023-101 through 106 (sequentially) apart of the 2023 Comprehensive Plan Amendment Docket in the following locations:

Northeast corner of George Washington Way and Sprout Road Intersection

Northeast corner of Hanford Street and Smartpark Street Intersection

Northern terminus of Queensgate Drive on Truman Avenue

Western terminus of Legacy Lane on Bermuda Road

Approximately 250 feet west of the intersection of Aaron Drive and Wellsian Way on the north side of Aaron Drive

Signed: Matthew Howie

SIGNED AND SWORN to before me this 6th day of September, 2023, by Matthew Howie.

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Signature of Notary

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: Oct. 6, 2027

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	452270	Print Legal Ad-IPL01342940 - IPL0134294	SEPA EA2023-125	$131.86	1	42 L

Attention: Jennifer Anderson

CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

janderson@ci.richland.wa.us

CITY OF RICHLAND
NOTICE OF SEPA
DETERMINATION

Date Notice Issued: August 2, 2023, per WAC 197-11-340(2)
File #: EA2023-125
Proponent: City of Richland, Development Services Department 625 Swift Blvd., MS-35 Richland, WA 99352
Proposal: City of Richland 2023 Comprehensive Plan Amendment Docket and Associated Rezones. The City received six (6) applications and SEPA Checklists for map and/or text amendments. The items have been consolidated into the 2023 Docket of Comprehensive Plan Policies, Maps and Zone Code Amendments (as established by City Council on July 6, 2023) and is file number CPA2023-107. Staff has prepared a SEPA Checklist to consolidate environmental review and consider the cumulative effects of the docketed proposals. https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1609
Location of Proposal(s):
City-Wide
Public Comments Due:
August 16, 2023
Contact: Mike Stevens, Planning Manager
625 Swift Boulevard, MS-35
Richland, WA 99352
mstevens@ci.richland.wa.us
Date Published: Sunday, August 6, 2023
IPL0134294
Aug 6 2023

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 08/06/2023, and ending on 08/06/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
08/06/23

Stefani Beard
(Signature of Legals Clerk)

Sworn to and subscribed before me this 5th day of September in the year of 2023

Stephanie Hatcher
Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
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San Luis Obispo Tribune
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AFFIDAVIT OF PUBLICATION

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36823	452270	Print Legal Ad-IPL01342940 - IPL0134294	SEPA EA2023-125	$131.86	1	42 L

Attention: (company)

CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

janderson@ci.richland.wa.us

CITY OF RICHLAND
NOTICE OF SEPA
DETERMINATION

Date Notice Issued: August 2, 2023, per WAC 197-11-340(2)
File #: EA2023-125
Proponent: City of Richland, Development Services Department 625 Swift Blvd., MS-35 Richland, WA 99352
Proposal: City of Richland 2023 Comprehensive Plan Amendment Docket and Associated Rezones. The City received six (6) applications and SEPA Checklists for map and/or text amendments. The items have been consolidated into the 2023 Docket of Comprehensive Plan Policies, Maps and Zone Code Amendments (as established by City Council on July 6, 2023) and is file number CPA2023-107. Staff has prepared a SEPA Checklist to consolidate environmental review and consider the cumulative effects of the docketed proposals. https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1609
Location of Proposal(s):
City-Wide
Public Comments Due:
August 16, 2023
Contact: Mike Stevens, Planning Manager
625 Swift Boulevard, MS-35
Richland, WA 99352
mstevens@ci.richland.wa.us
Date Published: Sunday, August 6, 2023
IPL0134294
Aug 6 2023

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 08/06/2023, and ending on 08/06/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
08/06/23

Stefani Beard
(Signature of Legals Clerk)

Sworn to and subscribed before me this 5th day of September in the year of 2023

Stephanie Hatcher
Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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Exhibit 10

Stevens, Mike

From: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Sent: Monday, August 7, 2023 11:59 AM
To: Stevens, Mike
Cc: Sears, Tricia (DNR); Davenport, Steve (COM)
Subject: Richland's Comprehensive Plan update: WGS comments

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

8/7/23

Hello Mike,

In keeping with the interagency correspondence principles, I am providing you with draft comments on Richland's Comprehensive Plan update (Commerce ID# 2023-S-6304).

I looked at the entire proposal and focused on areas related to WGS work.

There are no changes related to mineral resource lands. There are no changes to geologically hazardous areas in the text.

If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. Geologic Information Portal | WA - DNR

If you have not checked out our Geologic Planning page, you may wish to do so. Geologic Planning | WA - DNR

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 10/1/23.

Cheerio,
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison
Washington Geological Survey (WGS)
Washington Department of Natural Resources (DNR)
Cell: 360-628-2867 | Email: tricia.sears@dnr.wa.gov

Stevens, Mike

From: Chris Sittman <CSittman@kid.org>
Sent: Wednesday, August 9, 2023 8:32 AM
To: Stevens, Mike
Subject: RE: 2023 Comprehensive Plan and Development Regulations Update

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

KID has no comments.

Chris D. Sittman
Engineering Dept./CAD Specialist
Kennewick Irrigation District
2015 S. Ely St.
Kennewick, WA 99337
Desk: 509-460-5435
Cell: 509-873-1123

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Wednesday, August 2, 2023 3:24 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Anderson, Ryan (ECY) <rand461@ECY.WA.GOV>; Ashley Morton <AshleyMorton@ctuir.org>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; BC Planning - Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Catherine Dickson <catherinedickson@ctuir.org>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; Gary Graff <gary.graff@ecy.wa.gov>; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Hogan, Jodi <jhogan@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <JMcShane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth Defoe

<SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Steve Davenport (steve.davenport@commerce.wa.gov) <steve.davenport@commerce.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; WSDOT Aviation <AviationLandUse@wsdot.wa.gov>
Subject: 2023 Comprehensive Plan and Development Regulations Update

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The City of Richland has issued a SEPA DNS for its 2023 Comprehensive Plan and Development Regulations Update. A copy of the entire SEPA packet, including all applicable application materials can be found by visiting: **https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1609** .

Please submit any comments you may have back to me by 5:00 PM, Wednesday, August 16, 2023.

Thank you!

Mike Stevens
Planning Manager
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7596

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CITY OF RICHLAND
PUBLIC WORKS ENGINEERING

DATE: August 16th, 2023 # SEPA DNS EA2023-125

REVIEW BY: JOHN WHITTIER – CIVIL ENGINEER
JASON REATHAFORD – ENGINEERING TECH
CARLO D'ALESSANDRO, TRANSPORTATION & DEV MANAGER

PROJECT NAME: 2023 COMPREHENSIVE PLAN AMENDMENT

PROJECT ADDRESS: LOCATIONS VARY

The Public Works Engineering Division has reviewed the 2023 Comprehensive Plan Amendments for various locations received in this office on August 2nd, 2023 for the above referenced projects and has the following comments.

CPA2023-101 & Z2023-101

1. SEPA Item 14d – Improvements to streetlight system and ADA ramps will be required on both impacted frontages (George Washington Way & Hanford St.). The improvements will need to meet current standard for improvements at the time of future permit submissions.
2. An overview of all present utilities and easements for the entire parcel is needed to understand the full extents of the impact to the parcel from the zoning change.
3. *Advisory Comment Only:* Note that if the parcel intends to subdivide to create the new parcel in the future, then both utility extensions and ADA ramp improvements (if present) will need to be completed prior to approval of the subdivision action.

CPA2023-102 & Z2023-102

1. Provide a schematic with the full breakdown of the site, including all existing utilities and easements present on the site.

CPA2023-104 & Z2023-103

1. SEPA Items 14a & 14c – Alignment and ROW width for Kingsgate Way and Queensgate Drive have been reviewed and accepted by Public Works based on a 10% street design effort in establishing the lot layouts on site. Alterations to ROW width or alignment may be necessary to accommodate intersections or existing elevations. The Kingsgate Way and Queensgate Drive will be designated minor arterials and not major collectors.

2. Future plans will need to account for potential impacts to the south side of Lot 3 and north side of Lot 7-A from the planned expansion of City View Dr. between current City View Dr. and future Kingsgate Way.
3. As documented in the City's Comprehensive Plan provided with CPA2023-105 in the packet, an extension of Queensgate Dr. on Lot 8-A to serve Lot 1 is planned for future development. The proposed improvement will need to reference these changes as well.
4. Per Municipal code, future residential development of these parcels will be required to supply a secondary water source (other than City of Richland domestic water) for irrigating purposes.
5. *Advisory Comment Only:* Note that anticipated future transportation impacts need to include information about impacted local streets. These impacts will be reviewed upon initiating future development projects.

Should the applicant have questions or comments regarding the above plan review comments, please contact the Public Works Engineering Division at (509) 942-7500 or (509) 942-7742.

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items of Business

Strategic Priority 1 - High Performance Government

Subject:
Ordinance No. 2024-08, Amending Richland Municipal Code Title 23: Zoning Regulations and the City's Official Zoning Map to Conform to the Updated 2017 Comprehensive Plan

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-08	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2024-08, amending Richland Municipal Code Title 23: Zoning Regulations and the City's Official Zoning Map to conform to the updated 2017 Comprehensive Plan.

Summary:
In coordination with the 2023 Comprehensive Plan updates, the City is also obligated to implement changes to its development regulations as part of the yearly update process. Associated with the various requests to amend the Comprehensive Plan, five (5) separate applications to amend the Official Zoning Maps and/or Richland Municipal Code Title 23: Zoning were received. The Planning Commission conducted a public hearing after the 2023 Comprehensive Plan update hearing and voted to recommend changes to the Official Zoning Maps and/or Title 23 of the Richland Municipal Code as reflected in Ordinance No. 2024-08. Each of the proposed amendments to the zoning code will effectuate the changes to the 2017 Comprehensive Plan implemented through approval of Ordinance No. 2024-07.

Zoning code text and zoning district amendments are identified as Type IV permit applications under RMC 19.20.010. Both the Planning Commission and the City Council hold public hearings, and the decision to approve or reject proposed changes is vested with the City Council.

The staff report submitted to the Planning Commission in support of Ordinance No. 2024-07 is the same staff report submitted for this Ordinance No. 2024-08. It has not been reproduced under this agenda item; please see Ordinance No. 2024-07 for the Planning Commission staff report.

Staff recommends approval of Ordinance No. 2024-08, for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-08

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE TITLE 23: ZONING REGULATIONS AND THE OFFICIAL ZONING MAP OF THE CITY OF RICHLAND TO CHANGE ZONING ON CERTAIN PARCELS OR PORTIONS OF PARCELS TO CONFORM TO THE UPDATED COMPREHENSIVE PLAN OF THE CITY OF RICHLAND AND TO CREATE A NEW ZONING DISTRICT ENTITLED UNIVERSITY DISTRICT.

WHEREAS, this area-wide rezone includes reclassifying all, or portions of, parcels as indicated in Section 1 herein and depicted in **Exhibit A**; and

WHEREAS, this Ordinance No. 2024-08 creates a new zoning district entitled University District; and

WHEREAS, on May 23, 2023, Richland City Council held a workshop to review the proposed 2023 Comprehensive Plan Policies, Maps and Zoning Code Amendments Docket; and

WHEREAS, on July 6, 2023, Richland City Council passed Resolution No. 2023-110, authorizing the 2023 Comprehensive Plan Policies, Maps and Zoning Code Amendments Docket; and

WHEREAS, the Richland Development Services Department completed an environmental review (SEPA) for the land use changes and issued a Threshold Determination of Non-Significance (DNS) on August 16, 2023, which was not appealed; and

WHEREAS, on September 13, 2023, the Richland Planning Commission held a duly advertised public hearing to accept testimony from anyone wishing to speak for or against the proposed changes; and

WHEREAS, on September 13, 2023, the Richland Planning Commission voted to recommend approval of all four (4) proposed zoning map amendments as evidenced in the Planning Commission's meeting minutes; and

WHEREAS, on March 5, 2024, Richland City Council held a duly advertised public hearing to consider the proposed amendments and the recommendation of the Planning Commission. All testimony from anyone wishing to speak for or against the changes was accepted, after which Council deliberated on the proposed changes; and

WHEREAS, Richland City Council reviewed the application materials, staff report, and comments concerning the proposed rezoning action; and

WHEREAS, on March 5, 2024, by approval of Ordinance No. 2024-07 for first reading, Richland City Council voted to amend the City of Richland Comprehensive Plan and change the land use designations for the four (4) parcels that were recommended for zoning map change approval by the Planning Commission (one Comprehensive Plan Land Use Map change did not include an associated rezone request); and

WHEREAS, Richland City Council finds the proposed amendments to be in compliance with the Comprehensive Plan of the City of Richland as amended by Ordinance No. 2024-07 and area-wide rezone criteria of the Richland Municipal Code.

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

Section 1. Change in Zones. To implement the 2023 amendments to the Comprehensive Plan of the City of Richland as adopted by Ordinance No. 2024-07, the property listed below is rezoned as follows:

- Parcel Number 1-2608-201-3796-001 (3.38 Acres) is rezoned from Parks & Public Facilities (PPF) to Multiple Family Residential (R-3) (Washington State University; Sectional Map No. 3).

- Parcel Nos. 1-2308-400-0002-000, 1-2308-400-0004-000 and 1-2308-400-0003-000 (112.4 Acres) are rezoned from Parks & Public Facilities (PPF) to University District (UNIV) (Washington State University; Sectional Map No. 2).

- Parcel No. 1-1698-200-0001-003 (16 Acres) is rezoned from Parks & Public Facilities (PPF) to Medium Density Residential (R-2) (Department of Natural Resources; Sectional Map No. 13).

- Parcel No. 1-1598-405-0000-000 (5.85 Acres) is zoned (C-2) Retail Business Use District (the site was previously not zoned) (City of Richland; Sectional Map No. 12).

Section 2. Subsection 23.08.010 of the Richland Municipal Code, entitled Establishment of use districts, as reenacted by Ordinance No. 28-05, and last amended by Ordinance No. 04-09, is hereby amended as follows:

23.08.010 Establishment of use districts.

In order to classify, segregate, and regulate the use of land, buildings, and structures, the city is divided into the following use districts:

PRIMARY DISTRICTS

Description	Symbol	Typical Uses
Floodplain district	FP	Pasture, recreation, agriculture
Agricultural district	AG	Agriculture, horticulture, five-acre minimum subdivision
Suburban agricultural district	SAG	Residential uses 43,560 square feet minimum lot size; limited agriculture
Single-family residential district 12,000	R-1-12	Residential uses 12,000 square feet average lot size
Single-family residential district 10,000	R-1-10	Residential uses 10,000 square feet average lot size
Medium-density residential district	R-2	Residential uses 6,000 square feet minimum lot size for a single-family dwelling; 8,000 square feet for duplex dwelling
Medium-density residential – small lot use district	R-2S	Residential uses 4,000 square feet minimum lot size for detached one-family dwelling, 7,000 square feet minimum lot size for two-family dwelling, and 3,000 square feet minimum lot size for attached one-family dwelling
Multiple-family residential district	R-3	Single-family, duplex, multifamily residential; single-family 6,000 square feet; duplex 8,000 square feet;

PRIMARY DISTRICTS

Description	Symbol	Typical Uses
		multifamily 1,500 square feet per dwelling unit
Limited business district	C-LB	Offices, clubs, motels, hotels, clinics, apartments
Neighborhood retail business district	C-1	Convenience stores serving immediate neighborhood
Retail business district	C-2	Retail activities, motels, hotels, etc.
General business district	C-3	Retail-wholesale; small fabricating; used/new car sale
Central business district	CBD	Central business mixed uses
Waterfront	WF	Commercial and residential water-oriented uses
Commercial winery	CW	Wineries and supporting uses
Commercial recreation	CR	Marina, resort, hotel, recreation
Medium industrial	I-M	Manufacturing district
Heavy manufacturing district	M-2	Manufacturing, warehousing and related uses
Business and commerce use district	B-C	Business and commercial uses
Business research park use district	B-RP	Business research and business park uses
Parks and public facilities	PPF	Parks, playgrounds, and public facility uses
Natural open space district	NOS	Undeveloped open space, pedestrian trails
University district	UNIV	Uses related to University campus

This space intentionally left blank.

Section 3. Chapter 23.30 of the Richland Municipal Code, entitled Public Use Zoning Districts, as reenacted by Ordinance No. 28-05, and last amended by Ordinance No. 08-20, is hereby amended as follows:

Chapter 23.30
PUBLIC USE ZONING DISTRICTS

Sections:

23.30.010 Purpose of public use districts.
23.30.020 Public use districts permitted land uses.
23.30.030 Site requirements for public use districts.
23.30.040 Parking standards for public use districts.

23.30.010 Purpose of public use districts.

A. The parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.

B. The natural open space use district (NOS) is a special use classification intended to provide area for the retention of publicly owned, natural open spaces that, due to their proximity to wetlands, shorelines, floodplains or critical habitat areas, are too sensitive for intensive use or development. This zoning classification is intended to be applied to those portions of the city that are designated as natural open space under the city of Richland comprehensive plan.

C. The University district (UNIV) is a public use classification intended to provide an area for the development of public university campuses for institutions of higher education. The term University shall include all entities covered by the definition of 'Higher Education' in RCW 28B.07.020(4) or the definition of 'Institutions of higher education' in RCW 28B.10.016(4). Property owned by entities meeting the definition of a University shall be eligible for this zoning designation. This zoning district recognizes that university campuses can have a variety of uses that support the overall mission of the university and may not specifically be educational uses. This zone will furnish areas for the location of university services and facilities to promote Washington State University's goal of excellence in higher education and furthering the land grant university mission of extending higher education opportunities throughout the state; and encourage cooperation between the City and Washington State University in planning the physical development of the community. This zoning classification is intended to be applied to those portions of the City of Richland that are designated University District under the City of Richland Comprehensive Plan.

23.30.020 Public use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol "P" appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol "S" appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol "A" appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	PPF	NOS	UNIV
Public/Quasi-Public Uses			
Alternative School	P[1]		P
Churches	P[2]		
Clinics, School-Based	S		P
Clubs or Fraternal Societies	P[2]		P
Cultural Institutions	P[2]		P
General Park Maintenance and Operations	P	P	P
Golf Courses	P		
Passive Open Space Uses	P	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P[3]	P[3]	P
Public Agency Buildings	P[3]	P[3]	P
Public Agency Facilities	P[3]	P[3]	P
Public Campgrounds	P		
Public Parks	P	P	P
Schools	P[4]		P
Private Swimming Pools			P
Recreation Center			P

Land Use	PPF	NOS	UNIV
Special Events Including Concerts, Tournaments, and Competitions, Fairs, Festivals and Similar Public Gatherings	P		P
Trail Head Facilities	P	P	P
Trail for Equestrian, Pedestrian or Nonmotorized Vehicle Use	P	P	P
Recreational Uses			
Art Galleries	P		P
Boat Mooring Facilities	P		P
Retail Uses			
Concessionaire	P[6]	P[6]	P
Parking Lot	P	S[5]	A
Bookstores			P
Café/Coffee Shops			P
Miscellaneous Uses			
Macro-Antennas	P		S
On-Site Hazardous Waste Treatment and Storage	A	A	A
Cemetery	P		
Campus Uses			
Apartment/Condominium (3 or more units)			P
Day Care Center			P
Dormitories, Residence Halls, Fraternities and Sororities			P
Libraries			P
Lecture Halls			P
Research Facilities			P
Student Centers			P
Staff Offices			P
Dining Halls/Cafeterias			P
Auditoriums/Gymnasiums			P
Other (buildings/uses intended to create a campus environment (as determined by the Planning Manager)			P

1. RMC 23.42.260
2. RMC 23.42.050
3. RMC 23.42.200
4. RMC 23.42.250
5. RMC 23.42.183

23.30.030 Site requirements for public use districts.

A. A lot in a parks and public facilities district shall have at least an area sufficient to satisfy the requirements for minimum yard and off-street parking as required by this title.

B. The minimum yard requirements in the parks and public facilities district shall be the same as those in the adjacent zone district. Where there is more than one zone district adjacent to the parks and public facilities zone district, the yard requirement in the parks and public facilities district shall be the same as the one in the adjacent zone having the most compatible setback requirement.

C. In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	PPF	NOS	UNIV
Maximum Building Height – Main Building	55 feet	0 feet[1]	N/A

1. Permanent structures designed for human occupancy are not permitted in the NOS district.

D. Washington State University maintains a capital planning and development operation to administer its own university development standards. Therefore, no specific development standards are set forth for the University zoning district. Furthermore, the standards contained in the following chapters of this code shall apply to the University zoning district: Chapter 23.38 RMC Supplementary Yard and Area Regulations; Chapter 23.54 RCW Off-Street Parking and Landscaping.

23.30.040 Parking standards for public use districts.

Off-street parking space shall be provided in parks and public facilities zones in compliance with the requirements of Chapter 23.54 RMC.

Off-street parking space shall be provided in the University district zone in general compliance with the requirements of Chapter 23.54 RMC where such uses can be identified. The parking requirements shall consider the nature of the campus and recognize that some uses may require different parking quantities than those strictly defined in Chapter 23.54 RMC. Parking requirements shall be reviewed by the City's planning manager and be established to provide the most compatible parking requirement considering the full array of campus parking options.

Section 4. Title 23 of the Richland Municipal Code and the Official Zoning Map of the City of Richland as adopted by RMC 23.08.040 are hereby amended by amending Sectional Maps Nos. 2, 3, 12 and 13, which are four (4) of a series of maps constituting said Official Zoning Map of the City of Richland, as shown on the attached Sectional Map Nos. 2, 3, 12 and 13 bearing the number and date of passage of this Ordinance, and by this reference made a part of this Ordinance and of the Official Zoning Map of the City of Richland.

Section 5. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Map Nos. 2, 3, 12 and 13 (**Exhibit A**), duly certified by the City Clerk as a true copy.

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

Section 7. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 8. 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 ___ day of _____, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

Exhibit A - Pg. 1 to Ordinance No. 2024-08 Passed 03/__/2024
Adoption and application of University Zoning District

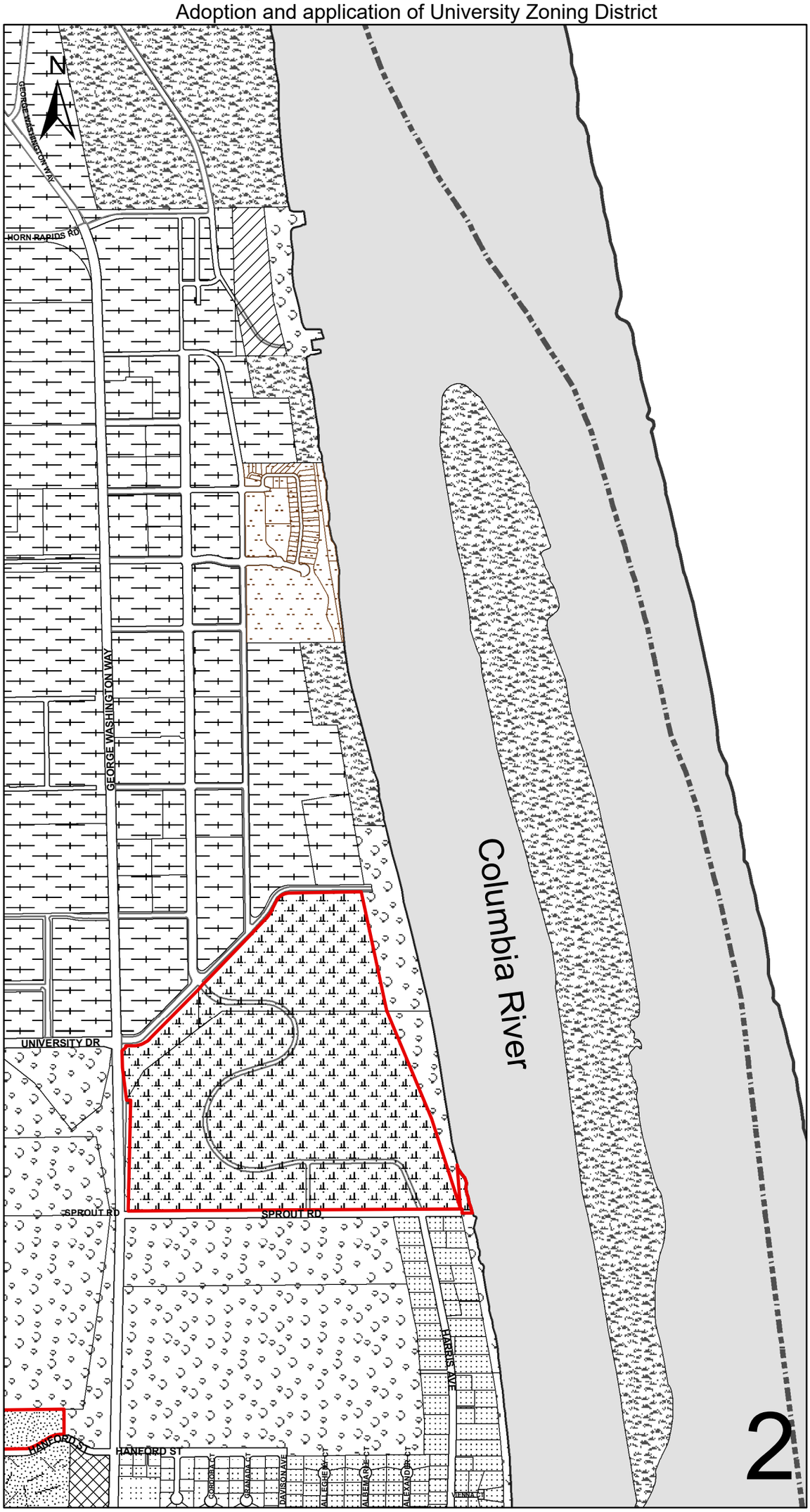


Exhibit A - Pg. 2 to Ordinance No. 2024-08 Passed 03/__/2024
Parks & Public Facilities (PPF) to Multi-Family Residential (R-3)

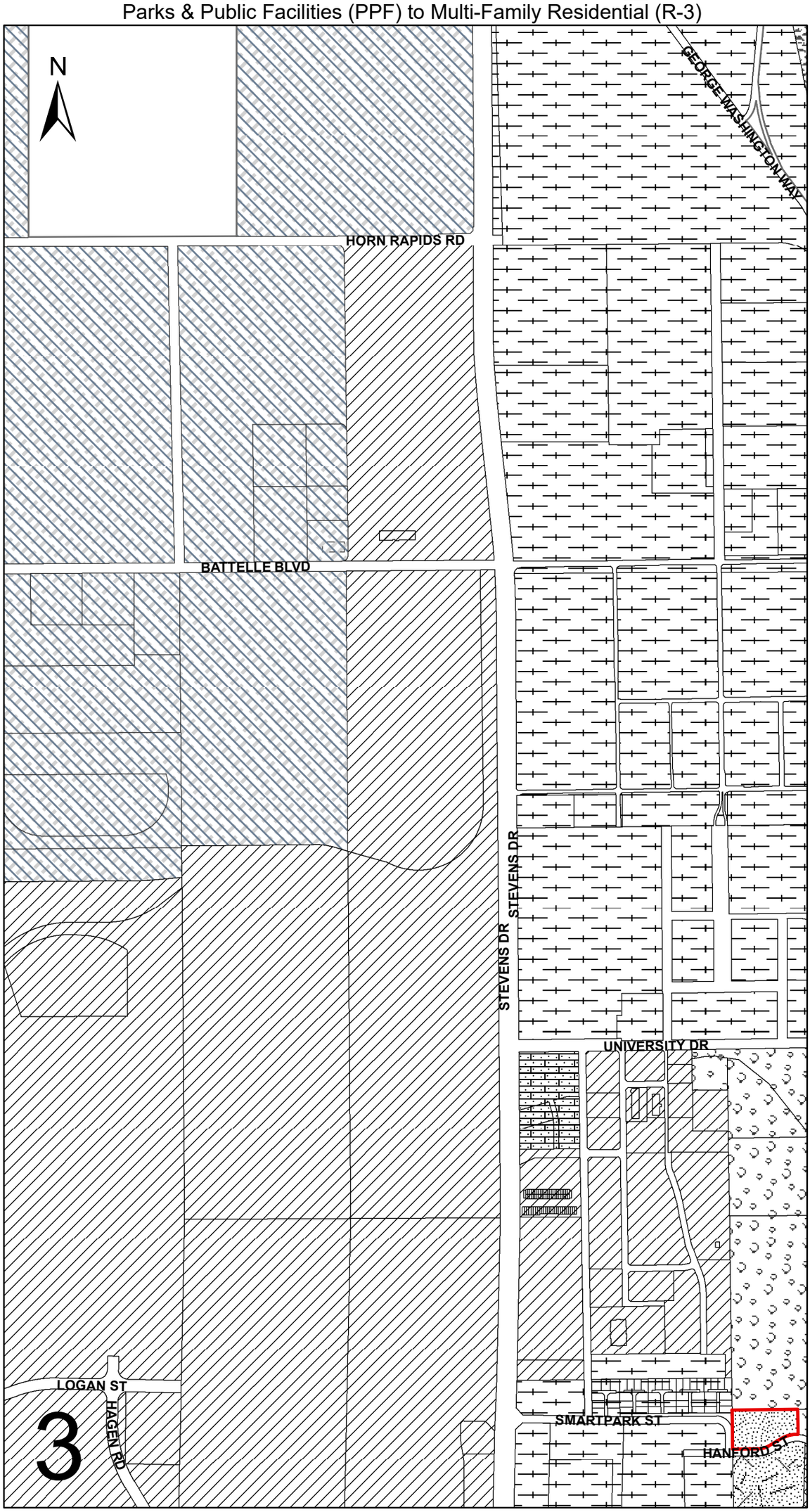


Exhibit A - Pg. 3 to Ordinance No. 2024-08 Passed 03/__/2024
Application of Retail Business (C-2) Zoning

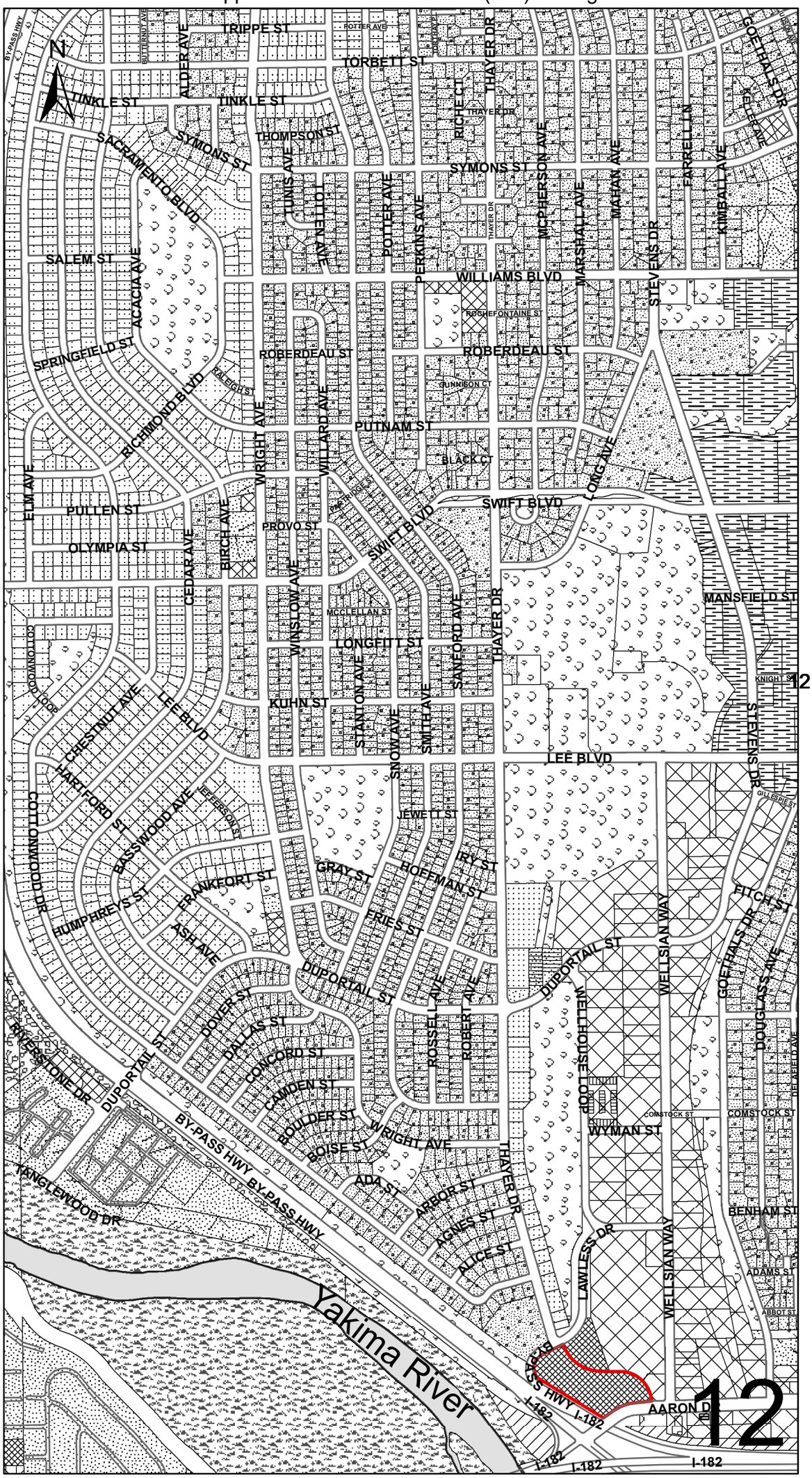
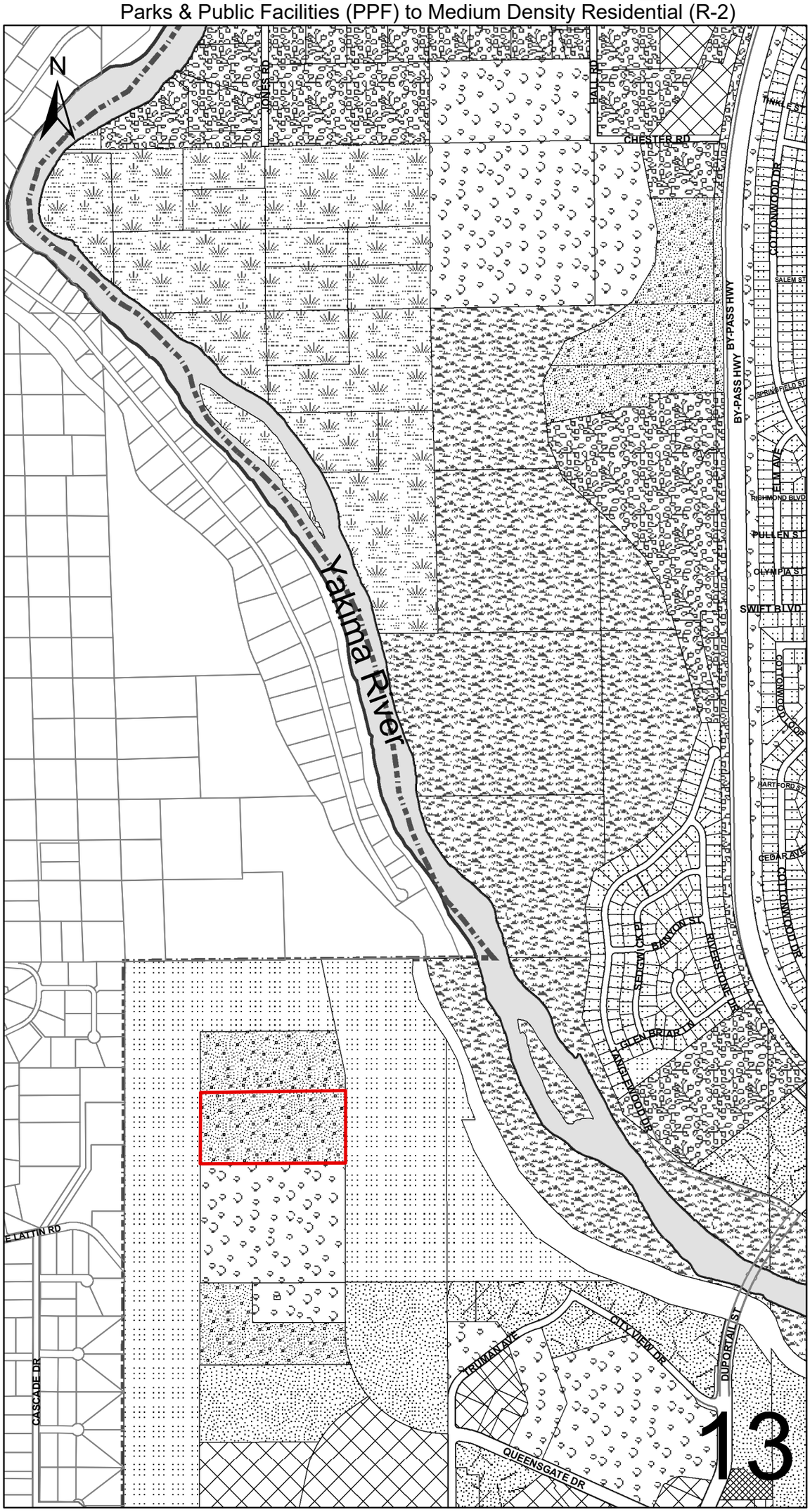


Exhibit A - Pg. 4 to Ordinance No. 2024-08 Passed 03/__/2024
Parks & Public Facilities (PPF) to Medium Density Residential (R-2)



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items of Business

Core Focus Area 3 - Increase Economic Vitality

Subject:
Ordinance No. 2024-09, Rezoning Three Parcels of Property at 801 Dalton Street from Business and Commerce (B-C) to Medium Industrial (I-M) (Closed Record)

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-09	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2024-09, approving the rezone of 3.93 acres on three (3) parcels located along Stevens Drive and Dalton Street from Business and Commerce (B-C) to Medium Industrial (I-M).

Summary:
Matt Fredrickson, acting on behalf of MFJG Holdings, LLC, filed a rezone request to change the zoning on approximately 3.93 acres on three (3) parcels (1-2308-301-3398-002, 1-2308-3013-398-003, and 1-2308-301-3398-004) from Business and Commerce (B-C) to Medium Industrial (I-M). The site is located along Stevens Drive and Dalton Street, and has received basic infrastructure improvements like sewer and water stubs and private street access in the recent past. The City of Richland Comprehensive Plan designates the subject site as suitable for industrial development.

On November 13, 2023, the Richland Hearing Examiner held an open-record public hearing to consider the rezone application and recommended approval. No members of the public provided testimony in either written or verbal form.

Site-specific rezones are Type IIIA permit applications under RMC 19.02.010. An open-record public hearing is held by the Richland Hearing Examiner, and a closed-record decision hearing is held by Richland City Council before taking action on the rezone request. The full record is available for review at https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1609

Staff recommends approval of Ordinance No. 2024-09 for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-09
2. Z2023108 801 Dalton Street Full Staff Report

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2024-09

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING TITLE 23: ZONING REGULATIONS OF THE RICHLAND MUNICIPAL CODE AND THE OFFICIAL ZONING MAP OF THE CITY TO CHANGE THE ZONING ON 3.93 ACRES FROM BUSINESS AND COMMERCE (B-C) TO MEDIUM INDUSTRIAL (I-M); SAID PROPERTY BEING IDENTIFIED AS ASSESSOR'S PARCEL NOS. 1-2308-301-3398-002, 1-2308-301-3398-003 AND 1-2308-301-3398-004, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.

WHEREAS, on November 13, 2023, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from applicant Matt Fredrickson, acting on behalf of MFJG Holdings, LLC, to change the zoning of the property hereafter described in Section 3 and identified as Assessor's Parcel Nos. 1-2308-301-3398-002, 1-2308-301-3398-003 and 1-2308-301-3398-004; and

WHEREAS, following the November 13, 2023 open-record public hearing, the Richland Hearing Examiner issued a 9-page written recommendation to the Richland City Council that concluded with a favorable recommendation to approve the requested rezone; and

WHEREAS, the Richland City Council has considered the written recommendation of the Richland Hearing Examiner and the record created during the November 13, 2023 open-record public hearing; and

WHEREAS, as required by RMC 19.20.030, the Richland City Council conducted a closed-record decision hearing on March 5, 2024 and has considered the totality of the record.

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

Section 1. The findings of fact and conclusions of the Richland Hearing Examiner's Report dated January 30, 2024, attached hereto as **Exhibit B** and incorporated herein by this reference, are hereby adopted as the findings and conclusions of the Richland City Council.

Section 2. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is Medium Industrial (I-M) when consideration is given to the interests of the public.

Section 3. Said property, depicted in **Exhibit A**, attached hereto and incorporated by this reference, is more particularly described as follows:

SHORT PLAT #3398, Lot 2 recorded in volume 1 of Short Plats, page 3398, records of Benton County.

SHORT PLAT #3398, Lot 3 recorded in volume 1 of Short Plats, page 3398, records of Benton County.

SHORT PLAT #3398, Lot 4 recorded in volume 1 of Short Plats, page 3398, records of Benton County.

Section 4. Said property described in Section 3 herein is hereby rezoned from Business and Commerce (B-C) to Medium Industrial (I-M).

Section 5. Title 23 of the Richland Municipal Code and the Official Zoning Map of the City of Richland as adopted by RMC 23.08.040 are hereby amended by amending Sectional Map No. 3, which is one (1) of a series of maps constituting said Official Zoning Map of the City of Richland, as shown on the attached Sectional Map No. 3 bearing the number and date of passage of this Ordinance (**Exhibit A**), and by this reference made a part of this Ordinance and of the Official Zoning Map of the City of Richland.

Section 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Map No. 3, duly certified by the City Clerk as a true copy, together with **Exhibit B** (Richland Hearing Examiner's Report).

Section 7. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 8. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9. 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 ___ day of _____, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

Exhibit A to Ordinance No. 2024-09 passed 03/__/2024
Business and Commerce (C-B) to Medium Industrial (I-M) Zoning

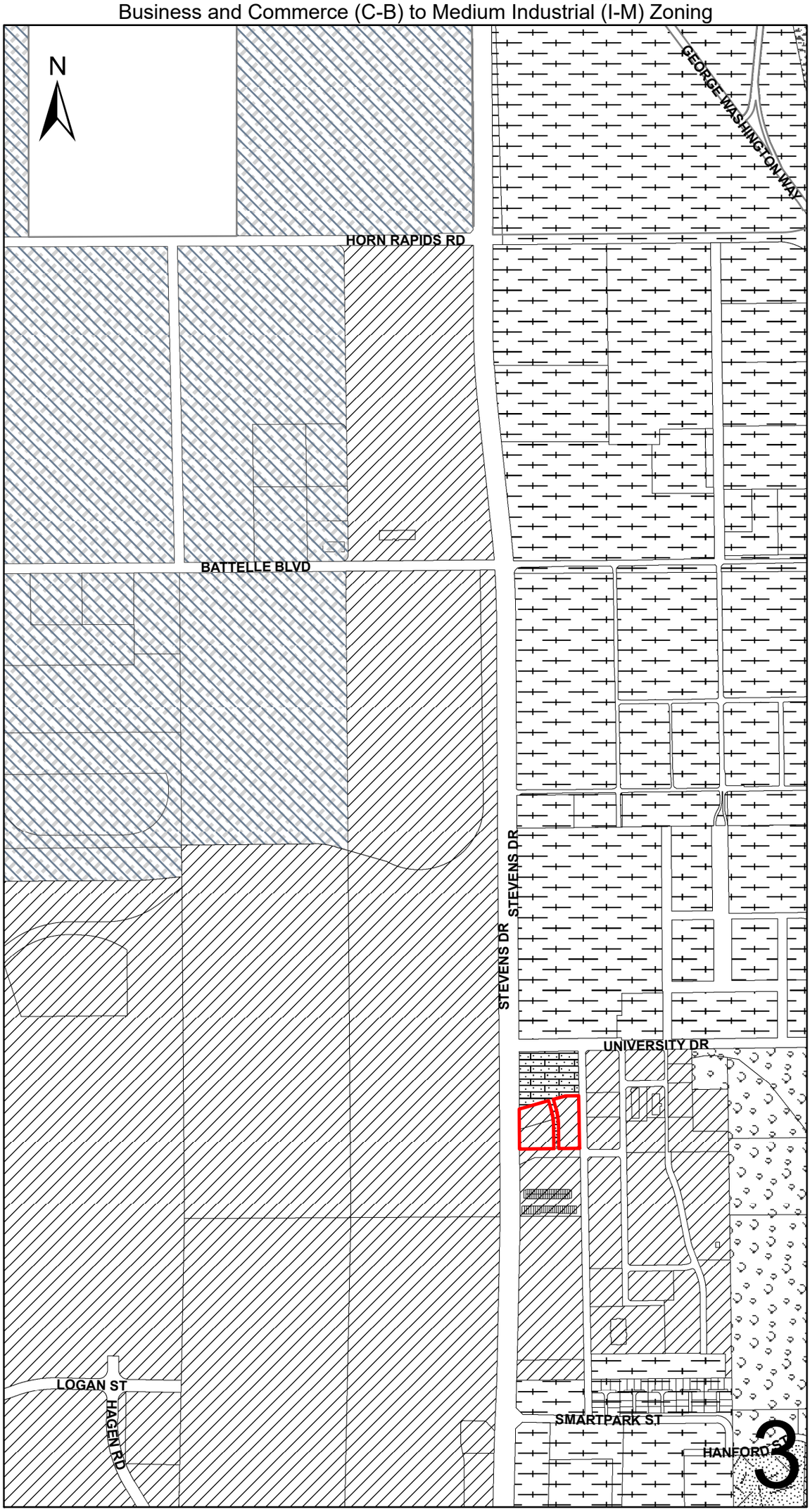


Exhibit B to Ordinance No. 2024-09

Before Hearing Examiner
Gary N. McLean

BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND

Regarding the Application to ***Rezone*** about 4-acres of property from B-C (Business and Commerce) to I-M (Medium Industrial), which is fully consistent with the Comprehensive Plan's IND (Industrial) land use designation assigned to the area, submitted by **MFJG HOLDINGS, LLC** (MATT FREDRICKSON), Applicant	**File No. Z2023-108** **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

The applicant can meet its burden of proof to demonstrate that its requested rezone merits approval.

The site is now designated for Industrial land uses under applicable provisions of the City's Comprehensive Plan. While both the existing zone (B-C) and the requested zone (I-M) are both zones used for properties designated for Industrial land uses, the applicant and Staff presented unrebutted evidence showing that the rezone site has remained vacant and difficult to market under current zoning. The applicant believes the requested I-M zone, already assigned to many surrounding parcels, will make their property more marketable for future development.

This requested rezone does not approve any development activity on the site. As with all development proposals, City Development Regulations will apply to any specific projects that may eventually be proposed on the site.

GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

II. BACKGROUND AND APPLICABLE LAW.

In this matter, the Hearing Examiner has jurisdiction to conduct an open record public hearing on the site-specific rezone application at issue and is directed to issue a written recommendation for consideration and final action by the Richland City Council. *See* Richland Municipal Code (RMC) 19.20.010(D)(identifies "site-specific rezones" as Type IIIA permit applications); RMC 23.70.210(A)("The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application."); and RMC 19.20.030(granting jurisdiction to Hearing Examiner to conduct public hearing and issue recommendation to City Council); RMC 19.25.110(authority for Examiner actions, including conditions of approval on applications or appeals); and RCW 35A.63.170(state statute regarding hearing examiner system).

The applicant bears the burden of proof to show that its application conforms to the relevant elements of the city's development regulations and comprehensive plan, and that any significant adverse environmental impacts have been adequately addressed. RMC 19.60.060.

Finally, Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent of a rezone must demonstrate that there has been a change of circumstances since the original zoning, PROVIDED if a proposed rezone implements the policies of a comprehensive plan, a showing of changed circumstances is usually not required[1]; and (3) the rezone must have a substantial relationship to the public health, safety, morals, or general welfare. *Woods v. Kittitas County,* 162 Wn.2d 597 (2007), citing *Citizens for Mount Vernon,* 133 Wn.2d 861, at 875 (1997); *Parkridge v. City of Seattle, 89 Wn.2d 454, 462* (1978).

III. QUESTIONS PRESENTED.

For purposes of the pending rezone application, the central questions presented are:

A. Whether the requested rezone implements policies of the City's Comprehensive Plan, and/or whether there has been a change of circumstances since the current B-C (Business and Commerce) zoning was adopted for the site?

Short Answer: Yes to both. The site is already designated for Industrial uses in the City's Comprehensive Plan, so the requested rezone from B-C to I-M would be consistent with and effectuate the Comprehensive Plan. While both the existing and requested zoning districts are available for Industrial designated properties[2], the lack of development and consistent

[1] *Save Our Rural Env't v. Snohomish County*, 99 Wn.2d 363, 370-71 (1983); *Henderson v. Kittitas County*, 124 Wn. App. 747, 754 (Div. III, 2004); *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846 (Div. III, 1995).

[2] See RMC 23.28.010(A), which explains that the B-C zone is intended to be applied to some portions of the city that are designated Industrial under the city of Richland comprehensive plan; and RMC 23.26.010(A), which explains that the I-M

occupancy for the few buildings placed immediately north of the rezone site over the years tends to support the applicant's belief that the requested I-M zone is a better fit for their property and should make the parcels more marketable and improve the site's development potential.

B. Whether the rezone bears a substantial relationship to the public health, safety, morals, or general welfare?

Short Answer: Yes, because the rezone is fully consistent with the City's Comprehensive Plan, and any future, project-specific proposal will have to meet city development regulations, including SEPA, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application. Longstanding vacancies and lack of development on property intended for Industrial uses, in an area already well-served by or with ready access to public infrastructure, is not in the public interest. The proposed rezone appears to be an effort to expedite development potential for the site, noting that it has remained undeveloped under its current zoning designation.

IV. RECORD.

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the City of Richland, and may be examined or reviewed by contacting the City Clerk's Office.

Public notices regarding the application and public hearing were mailed, posted, and published as required by city codes prior to the public hearing. *(Staff Report, page 15; Exhibit 3).*

Hearing Testimony: The City's Senior Planner, Matthew Howie, and the applicant, Matt Fredrickson, were the only individuals who asked to present testimony under oath during the public hearing. The Examiner conducted the public hearing using a hybrid format, with the Examiner appearing in person with Staff from the City Council chambers and an online communication platform, coordinated by city staff, available for participation or observation by people appearing remotely. No members of the public or other interested parties asked to speak or presented any written comments opposing the requested rezone.

Exhibits: The Development Services Division Staff Report for the requested Rezone, including a recommendation of approval, was provided to the Examiner in the week before the hearing. The Staff Report, and the following Exhibits, were all accepted into the Record in their entirety without modification:

1. Rezone Application Materials;

---

zone is intended to be applied to some portions of the city that are designated Industrial under the city of Richland comprehensive plan.

2. Vicinity map;
3. Public Notices & Affidavits; and
4. Agency Comments, with none objecting or raising questions that would serve as a basis to deny the requested rezone.

The Examiner has visited the road network and vicinity of the proposed rezone on multiple occasions over the past few years in connection with other applications and did so again on the day of the public hearing; and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.

V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

Application, Site Location and Conditions.

1. On or about September 14, 2023, MFJG Holdings, LLC (Matt Fredrickson), the applicant in this matter, purchased three abutting parcels of land with about 4-acres, generally addressed as 801 Dalton Street, with Dalton Street on the north, Fermi Drive on the east, Curie Street on the south, and Stevens Drive on the west, assigned Benton County Assessor Parcel Numbers 123083013398002, 123083013398003, and 123083013398004. *(Ex. 1, Application Materials; Ex. 2, Vicinity map; Benton County Assessor online records, sales history for parcels).* At the same time, the applicant purchased a larger parcel, immediately north, that is not part of this rezone request, addressed as 800 Dalton Street, and assigned Parcel No. 123083013398001. The parcels are in the upper northeast portion of the City limits, on land that was once used for Hanford support facilities, long since abandoned. *(Staff Report, page 3).*

2. The applicant's 3 parcels at issue in this request for a rezone are currently designated for "Industrial" land uses in the City's Comprehensive plan and are zoned B-C (Business and Commerce), which is a zoning designation applied to some portions of the city that are designated Industrial in the Comprehensive Plan. *(See Staff Report, page 4; Ex. 1, Application materials; and RMC 23.28.010(A)).*

3. In this application, the owner/applicant seeks approval to rezone three parcels to another available "Industrial" zoning classification, specifically the I-M (Medium Industrial) zone, which is also applied to some portions of the city that are designated for Industrial uses in the Comprehensive Plan. *(See RMC 23.26.010(A); Ex. 1, Application materials; Staff Report, analysis on pages 15-17)*

4. Some of the reasons for this requested rezone appear in response to questions asked on the application form, portions of which are republished below:

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

Surrounding area is mostly industrial, light industrial and government business. Limited housing in the area and lack of residential neighborhoods presents a difficult market to less buildings under the current Business commerce zoning

Any hardship that may result in the event the rezone is not granted:

Property as currently zoned does not appear to be marketable for the area. Parcel to the north is already zoned business commerce with a building vacant that has been vacant for some time. Light industrial will be more marketable for the area.

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

Light commercial would be a better use of land. This propsoed zoning fits with the use of this area. Parcel to the North is already zoned business commerce and is struggling to find and keep tenants due to the nature of the businesses in the area.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

Rezoning to light industrial will fit with the surrounding zoning.

(Ex. 1, Application materials, signed by the applicant, Mr. Fredrickson, on pages 1 and 2).

5. There is no dispute that the requested rezone is consistent with and will implement policies in the City's Comprehensive Plan, especially if the properties are finally developed and utilized for their intended Industrial purposes in an area with robust transportation system facilities and adequate utilities.

6. Changed circumstances also support the requested rezone from the B-C to the I-M zone. The area of this rezone is still in transition from its historic use as part of former Hanford/Department of Energy endeavors to a mix of industrial and business/institutional campus uses. *(Site visits; Staff Report, page 13).* The presumed intent of the current B-C zoning, i.e. to serve as some sort of buffer between potential residential uses that might have been developed on adjoining properties allowing for multi-family residential uses, among other things, has been undercut by rezones and development on surrounding parcels, meaning the three parcels addressed in this application no longer provide any meaningful buffer purpose. *(See Staff Report, analysis on pages 15-17).*

7. The Examiner concurs with the opinion of staff and finds that the proposed I-M zoning with its associated permitted land uses is compatible with other uses in the vicinity. The parcel to the north – also owned by the applicant – will remain under B-C zoning, providing the 'buffer' between I-M parcels to the south and B-RP zoned properties to the north, across University Drive. Figure 3 on page 5 of the Staff Report shows the current zones assigned to the applicant's rezone parcels (outlined in orange) and surrounding parcels, and is republished below for the reader's convenience:

Zoning Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108

8. This application essentially argues that lands have remained vacant so a rezone is in order, to try something else that might spur development. The same arguments have been presented in other areas of the City, in the context of development proposals connected with plats, as well as rezone requests. In most all circumstances, the decision-makers must consider whether goals and vision statements in planning documents – like providing a mix of residential and residential-friendly commercial uses placed on parcels used as a buffer between more intense 'industrial' uses and potential, future residential projects – have been given adequate time to come to reality. In this matter, the utility of the three parcels at issue serving as any meaningful buffer appears minimal, at best, especially when viewing the current zoning map of surrounding parcels, provided above, where all parcels to the west, south, and east are already zoned I-M.

9. Through the public comment and hearing process, no one submitted any comments, evidence, or legal authority that would serve as a basis to deny this requested rezone.

10. Because staff deemed the application to be consistent with the City's Comprehensive Plan, which already designates the rezone site as suitable for Industrial land uses, and the City's plan was

analyzed in an environmental impact statement at the time of its adoption, the pending application is categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). *(Staff Report, page 15; Official notice from record of previous rezone matters re: City SEPA process(es) undertaken when Comprehensive Plan was adopted and amended).*

11. The record does not include any evidence that the requested I-M zone could allow for any uses that would be incompatible with surrounding uses. In fact, parcels to the south, west, and east of the rezone site are already zoned I-M. *(Staff Report, Figure 3 – Zoning Map of rezone area, on page 5).*

12. The Staff Report's analysis of this application stands unrebutted. No one submitted written evidence or provided public testimony through the public hearing process that questioned or opposed the proposed rezone. The requested rezone is fully consistent with land use policy goals in the City's Comprehensive Plan.

Public services and utilities are adequate and readily available to serve the site.

13. As part of the review process, City staff confirmed that adequate utilities, including without limitation water, sewer, stormwater, natural gas, and electricity, are in place and/or readily available to serve the parcels addressed in this matter. *(Staff Report, pages 11-13).*

Consistency with City Codes and Comprehensive Plan.

14. As explained elsewhere in this Recommendation, the rezone site is already designated as "Industrial" in the City's Comprehensive Plan, and the request is change the zoning from one available Industrial zoning classification (B-C) to another (I-M), which based on the site's failure to develop over an extended period of time, appears to be a better fit, and should enhance the property's development potential.

15. Standing alone, the requested rezone conforms to the Comprehensive Plan, because the plan already identifies the property as suitable for Industrial uses.

General findings.

16. The requested rezone bears a substantial relationship to the public health, safety, and general welfare. The requested rezone is appropriate in the context of adjacent properties.

17. The Development Services Division Staff Report, prepared by Mr. Howie, includes a number of specific findings and explanations that establish how the underlying application satisfies provisions of applicable law and is consistent with the city's Comprehensive Plan and zoning regulations. Except as modified in this Recommendation, all Findings contained in the Staff Report are incorporated herein by reference as Findings of the undersigned-hearing examiner.

18. Any factual matters set forth in the foregoing or following sections of this Recommendation are hereby adopted by the Hearing Examiner as findings of fact and incorporated into this section as such.

VI. CONCLUSIONS.

Based upon the record, and the Findings set forth above, the Examiner issues the following Conclusions:

1. The applicant met its burden to demonstrate that the requested rezone conforms to, and in fact implements objectives of, the City's Comprehensive Plan. *Findings; Staff Report.*

2. The applicant met its burden to demonstrate that the requested rezone bears a substantial relationship to the public health, safety, or welfare.

3. The rezoned site will not be materially detrimental to uses or property in the immediate vicinity of the subject property**.** In fact, the rezone may enhance the site's development potential, implementing goals and policies in the City's Comprehensive Plan.

4. While the pending rezone application is categorically exempt from formal SEPA review, the record demonstrates that the potential for adverse impacts is very unlikely. And, after public notices issued for the application, no one spoke or submitted any written comments opposing the pending rezone request.

5. As required by RMC 19.50.010(C), the transportation system is sufficient to accommodate the type of development envisioned with the proposed rezone. The surrounding road network is fully functional, and no transportation concurrency problems are likely to arise as a result of the rezone for the site. Development regulations, including without limitation those detailing frontage improvements, access, roadway improvements, traffic mitigation, setbacks, and the like, will apply to any future project built on the site.

6. Based on the record, the applicant demonstrated its rezone application merits approval, meeting its burden of proof imposed by RMC 19.60.060.

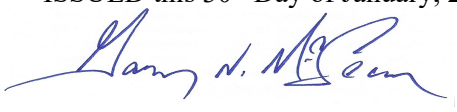
7. Approval of this rezone will not and does not constitute, nor does it imply any expectation of, approval of any permit or subsequent reviews that may be required for development or other regulated activities on the site of the subject rezone.

8. Any finding or other statement contained in this Recommendation that is deemed to be a Conclusion is hereby adopted as such and incorporated by reference.

VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the MFJG Holdings, LLC application (File No. Z2023-108) to rezone three parcels with about 4-acres from their current B-C (Business and Commerce) zone to the I-M (Medium Industrial) zoning district, which is consistent with the Comprehensive Plan's "Industrial" land use designation assigned to the area, should be **APPROVED.**

ISSUED this 30th Day of January, 2024



Gary N. McLean
Hearing Examiner

GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER

GENERAL INFORMATION:

PROPOSAL NAME:	801 Dalton Street Zoning Map Amendment
LOCATION:	801 Dalton Street
APPLICANT:	Matt Fredrickson
PROPERTY OWNER:	MFJG Holdings, LLC.
FILE NO.:	Z2023-108
DESCRIPTION:	Request to rezone three (3) parcels from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (APNs: 1-23083013398002, 1-23083013398003, and 1-23083013398004)
PROJECT TYPE:	Type IIIA Site-Specific Rezone
HEARING DATE:	November 13, 2023
REPORT BY:	Matthew Howie, Senior Planner
RECOMMENDED ACTION:	Recommendation to City Council for Approval

Vicinity Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108

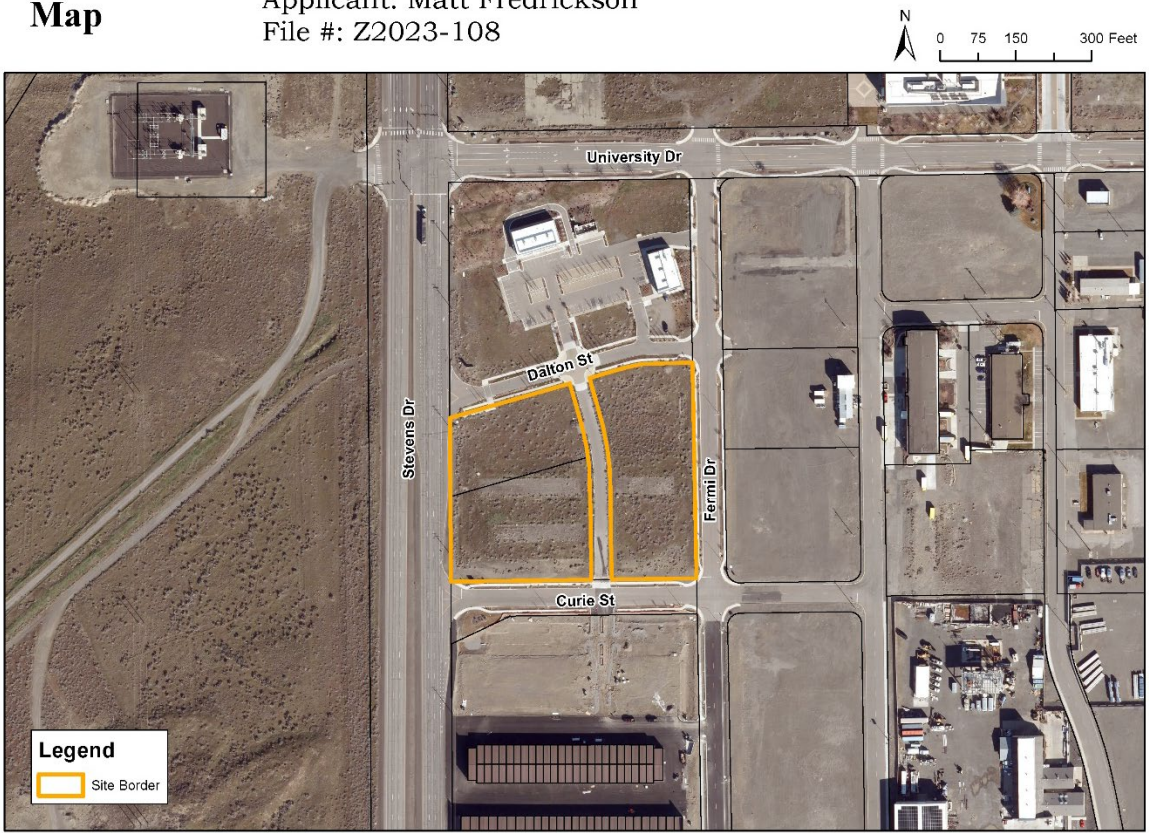


Figure 1 - Vicinity Map

DESCRIPTION OF PROPOSAL

The current request is to make a Zoning Map Amendment (rezone) to three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M). The applicant claims that the B-C zoning that has existing on site for some time is not as economically viable as a more traditional light-industrial uses permitted within the Medium Industrial land use zoning classification (APNs: 1-23083013398002, 1-23083013398003, and 1-23083013398004). *Figure 1* (above) shows the subject site within its larger context.

REASON FOR REQUEST

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner. See additional RMC guidance for the Hearing Examiner, below:

19.20.010 Procedures for processing development permits.
For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IIIA.

D. Type IIIA permits include the following types of permit applications:

1. Site-specific rezones;

19.60.060 Burden of proof.
Except for Type IV actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

23.70.210(A) Public hearing and recommendation to council.
Reclassification. The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application. The recommendation shall include written findings of fact and the reasons for the hearing examiner's action; and shall refer expressly to the maps, description and other matters intended by the hearing examiner to constitute the reclassification.

Additional Considerations.
Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent must demonstrate that there has been a change of circumstances since the original zoning provided if a proposed rezone implements the policies of the comprehensive plan , a showing of changed circumstances is usually not required; and (3) the rezone must have a substantial relationship to the public health, safety, morals or general welfare.

For the purposes of this rezone request, the central questions presented are:

1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and /or whether there has been a change of circumstances since the original Agricultural [AG] zoning was adopted for the site?
2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

REVIEW AUTHORITY

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner.

SITE DESCRIPTION & ADJACENT LAND USES

The subject site is comprised of three (3) parcels totaling approximately 3.93 acres, roughly four-sided, hedged in by Dalton Street to the north, Fermi Drive to the east, Curie Street to the south, and Stevens Drive to the west. The parcel is roughly in 480 feet wide from east to west and 390 feet wide (on average) from north to south.

The subject site is essentially flat with only nodes of elevation in places occupied by former building pads. Staff assumes this was the former location of Hanford support facilities, long since abandoned. The area will be accessed most directly from the access drive between Dalton and Curie Streets.

The northwestern corner of the site is approximately 470 feet south of the intersection of Stevens and University Drives. The northern boundary of the subject site is Dalton Street. The western boundary Stevens Drive. The southern boundary of the site is Curie Street. The eastern boundary is Fermi Drive.

CURRENT LAND USE DESIGNATION AND USES

North: Industrial (IND), office and strip mall development
East: Industrial (IND), open lot
South: Industrial (IND), future Luxelocker open storage
West: Industrial (IND), open lot

Land Use Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108

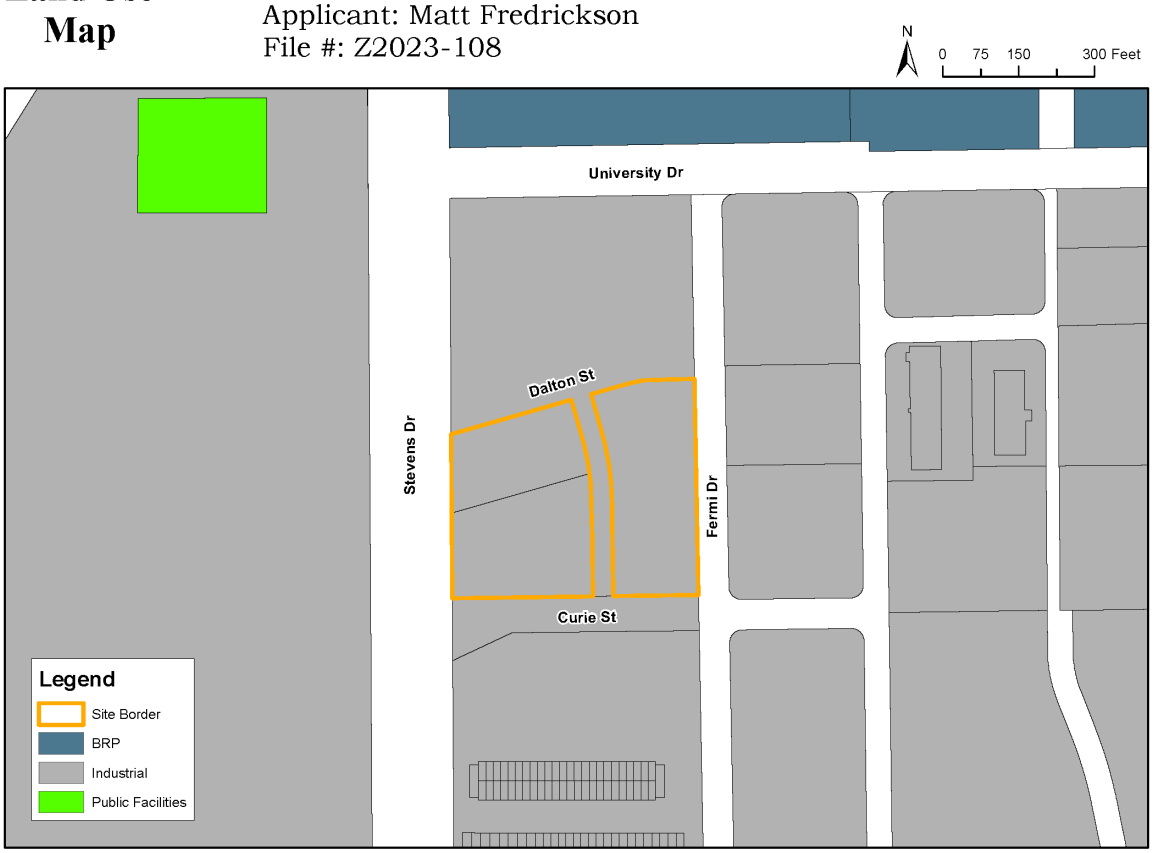


Figure 2 – Comprehensive Plan Land Use Map

COMPREHENSIVE PLAN

As illustrated in Figure 2 (above), the Comprehensive Plan Land Use designation for the subject site and much of the surrounding area is Industrial (IND).

Applicable Goals & Policies

Provided below is a set of Comprehensive Plan goals & policies which are particularly applicable to the subject residential subdivision.

Land Use Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 2: Facilitate planned growth and infill developments within the City.

Land Use Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

Policy 3: Ensure that the intent of the land use and districts are maintained.

Land Use Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 6: Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.

CURRENT ZONING

The subject site is zoned Business and Commerce (B-C). Surrounding parcels are zoned as follows:

North: B-C, Business and Commerce use district
East: I-M, Medium Industrial use district
South: I-M, Medium Industrial use district
West: I-M, Medium Industrial use district

Zoning Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108

Figure 3 – Zoning Map

> The business and commerce use zoning classification (B-C) is intended to provide locations for a range of business and commerce uses, in a business park setting, where such uses are in close proximity to residential lands. It is also a purpose of this zoning classification to place appropriate use limitations and restrictions on business and commerce uses to ensure the protection of nearby residential uses. Areas of restriction include such items as increased building setbacks, stringent landscaping standards, restrictions on outdoor storage, architectural controls, outdoor lighting standards and access controls. The business and commerce zoning classification provides opportunities for employment in modern, attractive buildings on well-landscaped sites which may be close to residential areas, thereby resulting in a reduction of travel time to and from work. Developments that include several businesses with integrated building architecture, landscaping, and infrastructure are encouraged. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan.
>
> RMC 23.28.010(B)

23.28.020(C). B-C Business Commerce.

It is the intent of this section that:

1. Uses shall be conducted primarily within enclosed buildings.
2. On-site hazardous waste treatment and storage facilities shall be located a minimum of 300 feet from surface water, residential zones and public gathering places.
3. Development of a trail system through landscaped areas is encouraged and should, where possible, connect to adjoining trail systems and public sidewalks.
4. Uses shall not inflict upon the surrounding properties smoke, dirt, glare, vibrations, or noise beyond the maximum permissible levels hereby established:
   a. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.
   b. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property in accordance with state regulations as set forth in WAC Title 173, as codified or as hereinafter amended.
   c. Heat, Glare and Humidity (Steam). In the B-C district any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the B-C district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the B-C district.

d. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland as set forth in the International Building Code and International Fire Code as adopted by the city of Richland or as hereinafter amended.

5. Wherever the B-C zone is applied to any property or properties, there shall be site design standards put in place that shall regulate the appearance of buildings within the B-C district. This requirement for site design standards shall be met in one of the following ways:

a. The property or properties that are part of the B-C zone shall also be subject to the standards set forth in subsection (D) of this section; or

b. The property or properties that are part of the B-C zone shall be subject to private conditions, covenants, and restrictions as proposed by applicants for a zone change proposal. Said conditions, covenants and restrictions shall include site design standards that are deemed appropriate for the intended character, appearance and physical characteristics of the property or properties that are a part of the B-C zone and the immediate vicinity. Such conditions, covenants, and restrictions shall be recorded at the time the zone change ordinance is approved and shall be binding on all new development that occurs on the property or properties that are a part of the B-C zone. Such conditions, covenants, and restrictions shall not be amended without the approval of the city of Richland.

23.28.020(D). B-C Site Design Standards.

The following standards apply to the design of buildings within the B-C zone:

1. Building Design.

a. Wall planes shall not run in one continuous direction for more than 60 feet without an offset or setback in the building face, unless the building face contains windows, alcoves, canopies, cornices, cupolas, or similar architectural features.

b. At least 25 percent of the wall area fronting on a street should be occupied with windows, alcoves, canopies, cornices, cupolas, or similar architectural features.

c. Large buildings should have height variations to give the appearance of distinct elements.

d. Rooftop or outdoor mechanical equipment shall be fully screened from public view in a manner which is architecturally integrated with the structure. Screening shall be constructed to a finished standard using materials and finishes consistent with the rest of the building.

e. Roof-mounted equipment should be painted a compatible color with the roof screen.

f. Exterior building colors should be subdued. Primary colors or other bright colors should generally be used only as accents to enliven the architecture.

g. Reflective glass is not permitted for glazing.

h. Buildings whose exterior surfaces are more than 50 percent comprised of metal, excluding roof surfaces, are not permitted.

2. Loading and Service Areas.

a. Truck docks and loading areas shall not be permitted on the side of the building that faces or abuts a public street.

b. Refuse areas and service areas shall be screened from view of the public street.

3. Site Lighting.

a. Lighting should be used to provide reasonable illumination for the security and safety of on-site areas such as parking, loading, shipping, and pathways.
b. Lighting shall be designed to minimize glare or objectionable effects to adjacent properties.
c. Site lighting poles shall not exceed 20 feet in height and shall direct the light downward.
d. Lighting sources shall be shielded from adjacent properties.

4. On-Site Utilities.

a. All site utilities shall be placed underground.

b. Pad mounted equipment shall be appropriately located and screened in a manner consistent with required access and safety requirements.

5. Alternative Design. In the event that a proposed building and/or site does not meet the literal standards identified in this section, a property owner may apply to the Richland planning commission for a deviation from these site design standards. The Richland planning commission shall consider said deviation and may approve any deviation based on its review and a determination that the application meets the following findings:

a. That the proposal would result in a development that offers equivalent or superior site design than conformance with the literal standards contained in this section;

b. The proposal addresses all applicable design standards of this section in a manner which fulfills their basic purpose and intent; and

c. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

REQUESTED ZONING

Following the applicant's request, Staff has prepared this Report and associated application materials for a site-specific rezone of 3.93 acres.

> The medium industrial use district (I-M) is a zone providing for limited manufacturing, assembly, warehousing and distribution operations and retail and wholesale sales of products manufactured on the premises or products allied thereto; and administrative and research and development facilities for science-related activities and commercial uses that are supportive and compatible with other uses allowed in the district. Regulations are intended to prevent frictions between uses within the district, and also to protect nearby residential districts. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan.
>
> RMC 23.26.010(A)

23.26.020 Industrial performance standards and special requirements.

A. I-M – Medium Industrial and M-2 – Heavy Manufacturing. The maximum permissible limits of the detrimental effects specified in this chapter shall be as defined in this section:

1. Smoke. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringlemann Chart as published by the U.S. Bureau of Mines is

prohibited, except that Ringlemann No. 3 will be permitted for three minutes during any eight-hour period for the purpose of building fires or soot blowing.
2. Dust and Other Particulate Matter. The total net rate of emission from all sources within the boundaries of a lot in the I-M or M-2 district shall not exceed one pound per acre of lot area during any one hour. The emission from all sources within any lot area of particulate matter containing more than 10 percent by weight of particles having a diameter larger than 44 microns is prohibited. Dust and other types of air pollution carried by a wind from such sources as storage yards, piled materials, yards, roads, etc., shall be included in particulate matter measurements and limitations, and shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling, sprinkling, or other acceptable means. Measurements shall be taken at the source of the emission.
3. Method of Measuring Emission of Particulate Matter from All Sources. Determination of the total net rate of emission of all particulate matter within the boundaries of any lot shall be made as follows:

a. Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross hourly rate of emission in pounds per acre.

b. For each gross hourly rate of emission, deduct the height of emission correction factor from the following table, interpolating as necessary for heights not given:

ALLOWANCE FOR HEIGHT OF EMISSION

Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

The result is the net hourly rate of emission in pounds per acre from each source of emission.
Adding together individual net rates of emission gives the total net rate of emission from all sources of emission within the boundaries of the lot.
4. Noise. In the I-M and M-2 districts, the sound pressure level resulting from any activity shall not exceed the maximum decibel level set forth in Chapter 173-60 WAC, Maximum Environmental Noise Levels for Class C Industrial Zones.
5. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.

6. Odor. All measurements of odor for purposes of this standard shall be made according to the “dilution method” as prescribed in ASTM D1391-57. The following odor restrictions apply to this medium industrial use district:

a. At the district boundary, the odor from any source within the district must not exceed one odor unit per cubic foot, as measured by the procedures in ASTM D1391-57.

b. Within the district, the odor from any source within a given property or lot must not exceed 10 odor units per cubic foot at the boundary of the property, again measured by the procedures in ASTM D1391-57, except that uses existing prior to the effective date of the ordinance codified in this chapter shall be required to comply with only this subsection (A)(6)(b).

For the purposes of estimating the dilution of odors by the atmosphere between their point of origin and either the property boundary or the district boundary, the method of Pasquill (“The Estimation of the Dispersion of Windborne Material,” Meteorol. Mag., 90, 1063, 33-49, 1961) as modified by Gifford (“Uses of Routine Meteorological Observations for Estimating Atmospheric Dispersion,” Nuclear Safety, 2, 47-51, 1961) shall be used. The atmospheric conditions to be assumed for this calculation are:

i. Stability Category F, moderately stable air;

ii. Surface wind speed of one meter/second (about two mph).

A procedure and necessary graphs for making this estimate are given in D. Bruce Turner’s “Workbook of Atmospheric Dispersion Estimates,” Dept. HEW, Environmental Health Series, Public Health Service Publication No. 999-AP-26, Revised 1969.

7. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property.

8. Heat, Glare and Humidity (Steam). In the I-M or M-2 districts any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the I-M or M-2 district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the I-M or M-2 district.

9. Industrial Wastes. The disposal of industrial wastes shall be subject to the regulations of the state Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

10. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland.

Site requirements for use districts.
In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	B-C	I-M
Minimum Lot Area	None	None
Maximum Site Area (in acres)	None	N/A
Minimum Front Yard Setback	Varies[3]	0 feet[1]
Minimum Side Yard Setback	Varies[3]	None
Minimum Rear Yard Setback	Varies[3]	None
Maximum Building Height – Main Building	45 feet[7]	55 feet[2]

1. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
2. Except as otherwise provided in this section, the maximum building height in the I-M district shall be 55 feet:
   a. Any building or structure located within 300 feet of any residential use district shall be limited to 24 feet in height.
   b. Any building further than 300 feet but less than 600 feet from districts described in note (2)(a) of this section shall not exceed 55 feet in height.
   c. Except as provided in notes (2)(a) and (b) of this section, buildings may exceed the maximum height in accordance with the provisions of RMC 23.38.090.
3. The following minimum setbacks shall apply in the B-C zoning district:
   a. Wherever a B-C zoned property abuts any property or properties that are a part of any PPF, SAG, R-1-12, R-1-10, R-2, R-2S, R-3 or residential PUD, a minimum building setback of 50 feet shall be provided, except that whenever a B-C zoned property abuts any property that is designated as single-family residential overlay within the Island View subarea plan, setbacks as set forth in subsection (c) of this footnote shall apply.
   b. Where property lines of a parcel in the B-C district are not adjacent to properties located in other zoning districts, or are adjacent to a public right-of-way or to M-2, I-M, B-RP, or C-3 zoned properties, the following minimum yard requirements shall apply:
      i. Front yard – 20 feet.
      ii. Side yard – zero feet.
      iii. Rear yard – zero feet.
   c. Wherever a B-C zoned property abuts any property or properties that are part of a C-1, C-2, C-LB, CBD, WF or AG zones or wherever a B-C zoned property abuts any property that is designated as single-family residential overlay within the Island View subarea plan, the following minimum yard requirements shall apply:
      i. Front yard – 20 feet.
      ii. Side yard – 10 feet.
      iii. Rear yard – 10 feet.
7. No building in a B-C district shall exceed 45 feet in height. The planning commission may authorize an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building would be situated in a fashion so as not to interfere with views from surrounding properties. Exception: Private communications facilities may exceed the height limitation.

UTILITY AVAILABILITY

There are existing domestic water, sewer, storm, natural gas, and electrical connections in place, available within existing rights-of-way near the site with adequate capacity to supply the proposed project.

Utility Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108

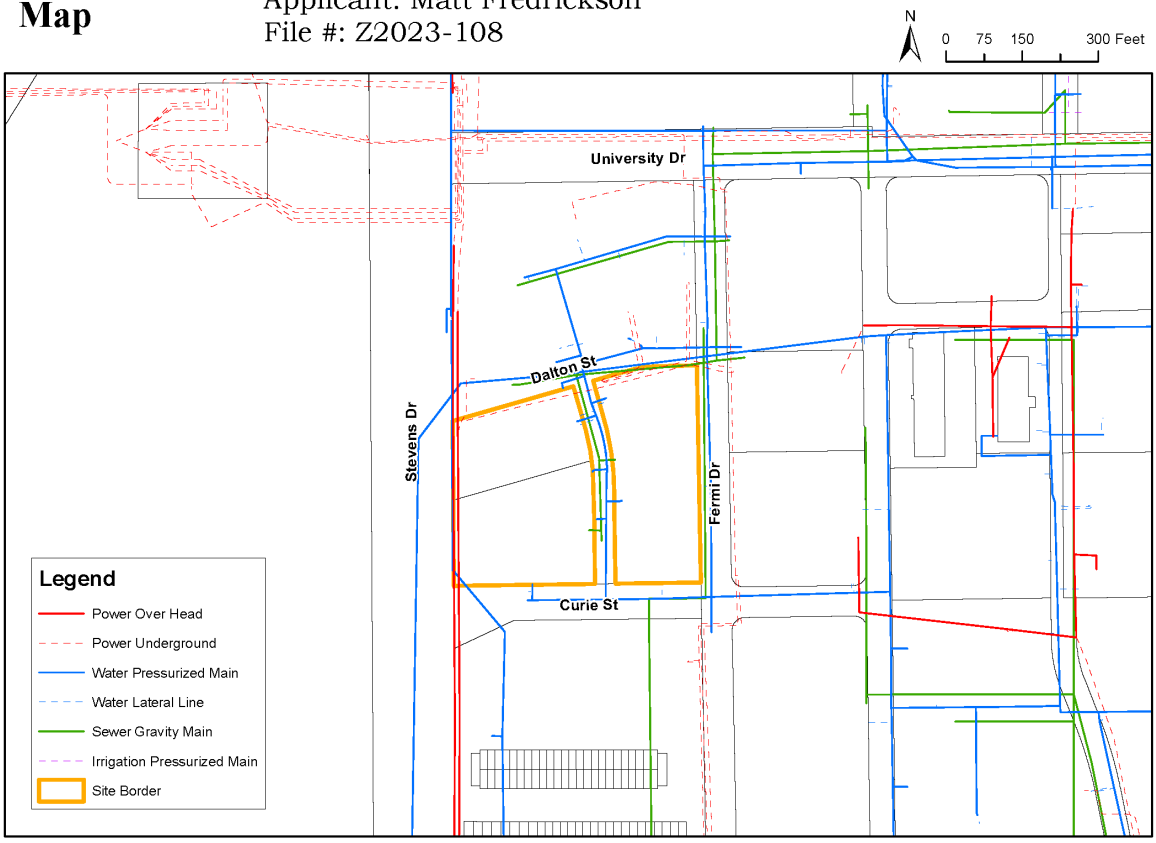


Figure 4 – Utilities Map

Sewer

There are existing 8-inch PVC gravity main connections available to future development under Dalton Street and an unnamed access connection running between Dalton Street and Curie Street. A smattering of 4-inch and 6-inch domestic connections are likewise already in place in several locations along those mains.

Water

There are existing 8-inch PVC potable water distribution mains under Dalton Street and the unnamed access connection running between Dalton Street and Curie Street. Additional 8-inch lines are also under Curie Street and Fermi Drive. A number of 4-inch and 2-inch domestic connections have already been stubbed in.

Irrigation

There is no existing dedicated irrigation infrastructure within or near to the parcels subject to this rezone request.

Stormwater

There are existing, private storm ponds along Dalton Street and the unnamed access connection between Dalton and Curie Streets installed as part of Innovation Center Block 13 Improvements.

Power
There are in-place underground primary conductors under Dalton Street and Fermi Drive available for connection.

Natural Gas
There are 2-inch Cascade Natural Gas main lines under Dalton Street available for connection.

TRANSPORTATION & ACCESS

Primary access into the site will come from the private access drive that connects Dalton and Curie Street. Most likely, this private access will be the main vehicle ingress/egress to the site. Dalton Street, Curie Street, and Fermi Drive are all private streets that will provide connection back to Stevens and University Drives classified by the City as a “Principal Arterial” and “Major Collector”, respectively.

This area is largely characterized as one still in transition from former territory associated with AEC/DOE pursuits to a mix of industrial and business/institutional campus activities. There are nodes of housing in the attempt to collocate housing with employment but the distances involved negate the idea of this area being walkable, though other active transportation means could broaden the public’s ability to go to destinations without motor vehicle. The area still has no neighborhood-serving commercial to make the area more friendly to active transportation.

Sidewalks are not in place along Stevens Drive, though they are otherwise already installed in the near vicinity of the subject site. Existing on-street bicycle routes are in place along both Stevens and University Drives. There are no nearby, current (nor proposed) Ben Franklin Transit bus routes.

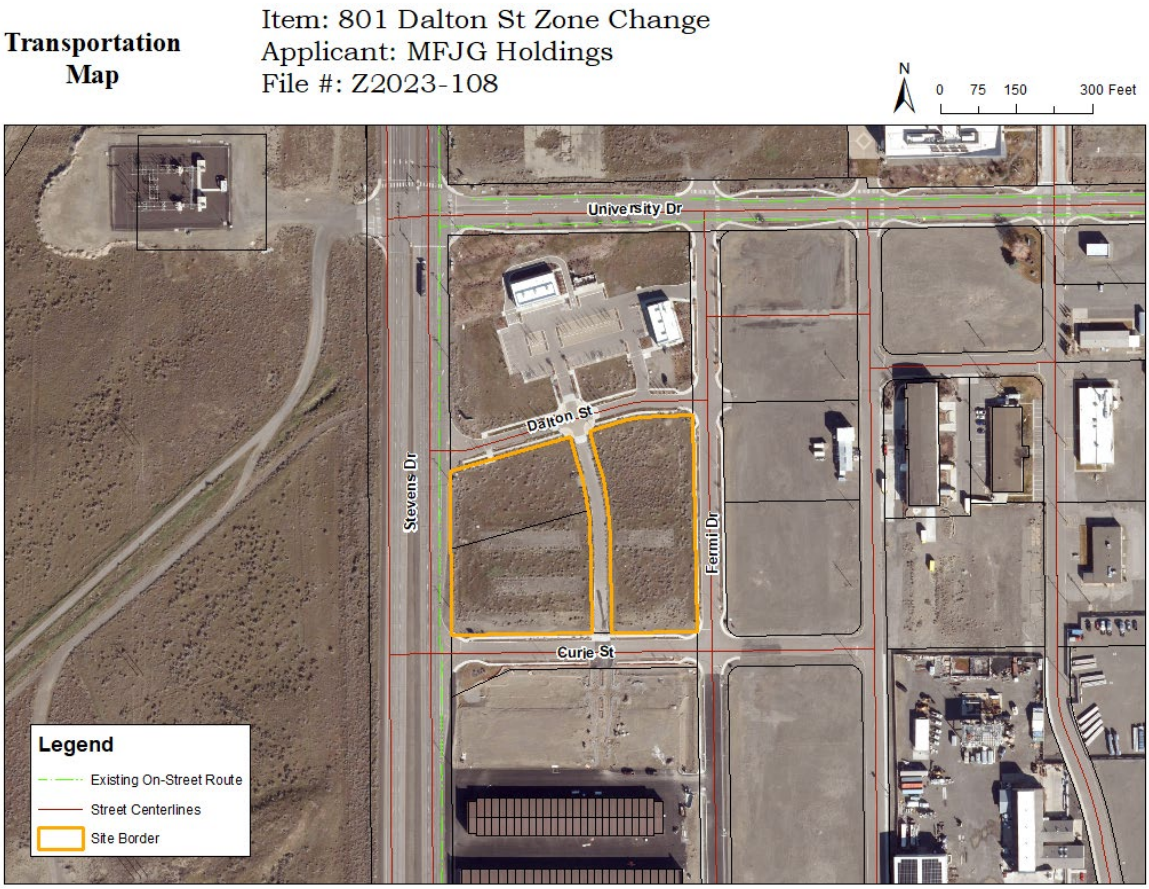


Figure 5 – Transportation Map

EASEMENTS

There are a number of easements currently encumbering the site for access and utilities. These are contemporary based on the buildout of the current street grid so these should all be anticipated to stay in place moving forward.

FIRE SAFETY

The City of Richland Fire Department will provide fire protection services to the subject property and resulting development. Currently, there are a number of hydrants along Fermi Drive and Curie Street, but also adjacent to the access drive connecting Dalton and Curie Streets. More hydrants may be required depending on the intensity of future, proposed uses.

SCHOOLS

The plat falls within the boundaries of the Richland School District. Hanford High School is only a half-mile to the southeast. Primary education is significantly further away.

SEPA

The proposal is not subject to State environmental review under the State Environmental Policy Act. Pursuant to WAC 197-11-800(6)(c) the rezone application qualifies as a categorically exempt action.

Critical Areas

The subject site does lie within an existing, recognized Critical Area. Critical Area requirements are not applicable with this proposal though future development proposals will be required to complete an Aquifer Recharge Report.

Shoreline Master Program

The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.

AGENCY COMMENTS

A variety of public agencies and City departments were given an opportunity to comment on the proposal. Agency comments were received regarding and are included in *Exhibit 4*.

PUBLIC COMMENTS

Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. As of the date of this report, Staff have received no public comments regarding this proposed zoning action.

PUBLIC NOTICE

Notice of Hearing Mailed:	October 19, 2023
Notice of Hearing Posted:	October 20, 2023
Notice of Hearing Published:	October 22, 2023
Public Hearing:	November 13, 2023

Notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in *Exhibit 3*.

ANALYSIS

The B-C zoning district is intended to act as a transition between industrial and residential, providing spaces where residential and more-benign industrial uses can be in closer proximity, and provide potential for more active transportation opportunities between those uses than would typically be possible within traditional Euclidian zoning schemes. Indeed, this area of Richland has a mix of Medium Industrial (I-M), Business Research Park (B-RP), and Parks and Public Facilities (PPF) land use districts in close proximity to meet these very aims. That said, in the absence of a larger vision or more assertive control over the placement of residential

uses within B-RP, the buffer associated with this B-C area, which sits between the I-M and B-RP zones, has been undercut over time. While residential could be developed north of University Drive within the B-RP area, it will still find itself across from I-M to the south and west no matter the outcome of this site-specific rezone. Ultimately, the loss of the B-C designation on this 3.93-acre site will not be to the detriment of the any meaningful buffer between I-M and B-RP. [B-RP, itself, already allows a fair number of uses which may or may not be ideally suited to be adjacent to dense residential enclaves as currently written.]

It is the opinion of Staff that while B-C can provide a meaningful buffering function between residential and industrial within its development Code, this particular outcropping of B-C has long since ceased being a meaningful buffer between industrial and potentially residential uses.

This requested rezone does not approve any development activity on the site. As with all development proposals, City development regulations will apply to any specific projects that may eventually be proposed on the site. Following public notices and reviews conducted in accord with City practices for all other private or public rezone applications, there is no evidence in this record that would provide a basis in fact or law to deny the pending rezone request.

Staff here address questions posed to Hearing Examiner via “Reason for Request”:

1. Whether the requested rezone implements policies of the City’s Comprehensive Plan, and/or whether there has been a change of circumstances since the original zoning was adopted for the site?

   The B-C zoning use table (Richland Municipal Code [RMC] 23.28.030) already allows for some mix of light-industrial uses. Medium Industrial (I-M) is the next ratchet up of industrial intensity from Business and Commerce (B-C). I-M zoned parcels are in place on three of the four sides across Stevens and Fermi Drives and Curie Street. The choice to zone a majority of the area I-M and not a continuous hedge of B-C south of University Drive in efforts to better buffer the B-RP areas north of University Drive has largely rendered the subject site’s capacity to buffer more intensive uses from less intensive uses largely moot. Furthermore, while B-RP can have limited, dense, residential uses within it, it is not the ideal use to buffer from heavier industrial uses as B-RP can have a number of noxious uses indigenous to its own classification district. This change will not meaningfully be a detriment to its neighbors and is contextual to its largely I-M surroundings.

2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

   As stated by the applicant in provided documentation [*Exhibit 1*] the B-C land use designation has proven difficult to market. Anecdotally, Staff has previously been aware of vacancies in the B-C commercial development north of Dalton Street. To the extent a lot “improved” by contextually-appropriate development is more a public benefit than a dust-propagating open lot, this change could contribute to the increased general welfare. As argued before, Staff also fails to see

how this site-specific rezone will yield any particular detriment to the health, safety or morals of the larger area.

Recommendation

The Planning Department requests the Hearing Examiner recommend the proposed zoning map amendment to the Richland City Council.

SUGGESTED FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a change in zoning (Z2023-108) and recommends approval of the request based on the following:

1. The property owner in this matter is MFJG Holdings, LLC., with Matt Fredrickson acting on behalf of, and, as lead contact.
2. The application is to rezone a portion of one parcel: Benton County Assessor's Tax Parcel Numbers 1-23083013398002, 1-23083013398003 & 1-23083013398004.
3. The three (3) subject parcels are zoned as a Business and Commerce use district (B-C).
4. The requested zone map amendment is to rezone three (3) parcels to Medium Industrial (I-M).
5. The subject parcels have been previously disturbed as a (likely government) building site.
6. The site is essentially flat, with only abbreviated changes in elevation near former building pads.
7. The surrounding area is transitioning from government uses to a mix of light industrial, commercial, and institutional campuses.
8. The Comprehensive Plan designates these parcels as Industrial (IND).
9. The current Business and Commerce (B-C) zone does effectuate the Comprehensive land use designation, Industrial (IND).
10. Per RMC 23.28.010, the Business and Commerce use zoning classification (B-C) "is intended to be applied to some portions of the city that are designated industrial [IND] under the [C]ity of Richland [C]omprehensive [P]lan".
11. No portion of this proposed rezone is in the Shoreline Management Program's jurisdiction.
12. All of this proposed rezone is in a Critical Aquifer Recharge Area (CARA). No other critical areas have been identified.
13. The proposed site is encumbered by existing easements, some to be relocated, some to be relinquished, some to stay in place.
14. The application is exempt from the provisions of the State Environmental Policy Act (SEPA), as identified in WAC 197-11-800(6)(c).
15. Notice requirements of RMC 19.30.040 have been met:
    a. Notice of Hearing Mailed: October 19, 2023
    b. Notice of Hearing Posted: October 20, 2023
    c. Notice of Hearing Published: October 22, 2023
16. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

EXHIBIT LIST

1. Application Materials
2. Vicinity Map
3. Public Notices & Affidavits
4. Agency Comments

Exhibit 1

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Zoning Map Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☑ Contact Person
Owner: MFJG Holdings, LLC	
Address: 98602 E Brooklyn Drive, Kennewick WA 99338	
Phone: 509-727-2441	Email: mfredrickson@dgrgrantinc.com

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company:	UBI#:
Contact:	
Address:	
Phone:	Email:

DESCRIPTION OF WORK

Rezone 3 parcels on the same block from Business commerce to Light industrial. Once rezoned, market and build to suite all 3 parcels on long term leases.

Additional Legal descriptions:

Section 23. Township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 3. Recorded in volume 1 of short Plats, page 3398, records of Benton County

Section 23, Township 10 North, Range 28 EA Quarter SW: Short Plat #3398, Lot 4. Recorded in volume 1 of short plats. page 3398, Records of Benton County

PROPERTY INFORMATION		
Parcel #: 123083013398002, 123083013398003, 123083013398004		
Legal Description: section 23, township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 2. Recorded in volume 1 of short plats, page 3398, Records of Benton County		
Current Zoning: Business Commerce	Current Comp Plan:	Requested Zoning: Light Industrial
Current Use: Undeveloped	Proposed Use: Warehouse/Office Space	Area of Property: All

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

Surrounding area is mostly industrial, light industrial and government business. Limited housing in the area and lack of residential neighborhoods presents a difficult market to less buildings under the current Business commerce zoning

Any hardship that may result in the event the rezone is not granted:

Property as currently zoned does not appear to be marketable for the area. Parcel to the north is already zoned business commerce with a building vacant that has been vacant for some time. Light industrial will be more marketable for the area.

The manner in which the proposed rezone conforms to patterns in adjacent zones:

Mosts adjacent properties are zoned industrial

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

Beneficial for the other areas due to increased presence of people once properties are developed and leased out.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

Beneficial due to much increased chance of filling these future buildings with Tenants increasing the population of this area. Current area is fields driving no commerce.

The benefits or detriments accruing to the City which would result from the granting or denial of this special permit:

More possibly tax revenue. Current properties are just raw land. New zoning grants a much stronger chance of developing this area and finding tenants for this area.

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

Light commercial would be a better use of land. This propsoed zoning fits with the use of this area. Parcel to the North is already zoned business commerce and is struggling to find and keep tenants due to the nature of the businesses in the area.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

Rezoning to light industrial will fit with the surrounding zoning.

Identify impacts on the environment and public safety:

None

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: MATT FREDRICSON

Applicant Signature: _____ Date 10/9/23

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Pre-Application Conference Waiver

PROPERTY OWNER INFORMATION	☑ Contact Person
Owner: MFJG Holdings, LLC	
Address: 98602 E Brooklyn Drive, Kennewick WA 99338	
Phone: 509-727-2441	Email: mfredrickson@dgrgrantinc.com

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company:	UBI#
Contact:	
Address:	
Phone:	Email:

PROPERTY INFORMATION
Parcel #: 123083013398002, 123083013398003, 12383013398004
Legal Description: Section 23, Township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 2. Recorded in volume 1 of short plats, page 3398. Records of Benton County Section 23, Township 10 North, Range 28 East, Quarter SW: Short plat #3398, Lot 3, Recorded in volume 1 of short plats, page 3398, Records of Benton County Section 23, Township 10 North, Range 28 East, Quarter SW: Short plat #3398, Lot 4, Recorded in volume 1 of short plats, page 3398, records of Benton County

	TYPE II APPLICATIONS
☐	Flood Plain Variance
☐	Critical Areas & Resource Lands Variance/Viable Use
☐	Binding Site Plan
☐	Administrative Variance
☐	Other:

	TYPE III APPLICATION
☐	Non-residential Shoreline Substantial Development
☐	Residential Shoreline Substantial Development
☐	Shoreline Variance/Conditional Use
☐	Conditional Use
☐	Subdivision
☑	Rezone (site specific)
☐	Vacation/Alteration of a Subdivision
☐	Variance

I understand the waiver of a pre-application conference increases the maximum time for review for technically complete status and increases the risk the application will be rejected or processing will be delayed.

Applicant Printed Name: MATT FREDRICKSON

Applicant Signature: _____ Date 10/9/23

CHICAGO TITLE OF WASHINGTON

Chicago Title
9001 W. Tucannon Avenue, Suite 220
Kennewick, WA 99336

Commitment for Title Insurance

Title Officer: Tracy Rosane
Email: Julie.Bowman@ctt.com
Phone No.: 509-820-0457
Fax No.: 844-894-6828
Title No.: 62242301710

Escrow Officer: Julie Bowman
Email: Tracy.Rosane@ctt.com
Phone No.: (509)735-1575 Main
Fax No.: (509)735-0707

Property Address: 800 and 801 Dalton St. and 990 and 750 Currie St. Richland, WA 99354

Introducing

CHICAGO TITLE

CHICAGO TITLE PreVIEW Powered by LiveLOOK

LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

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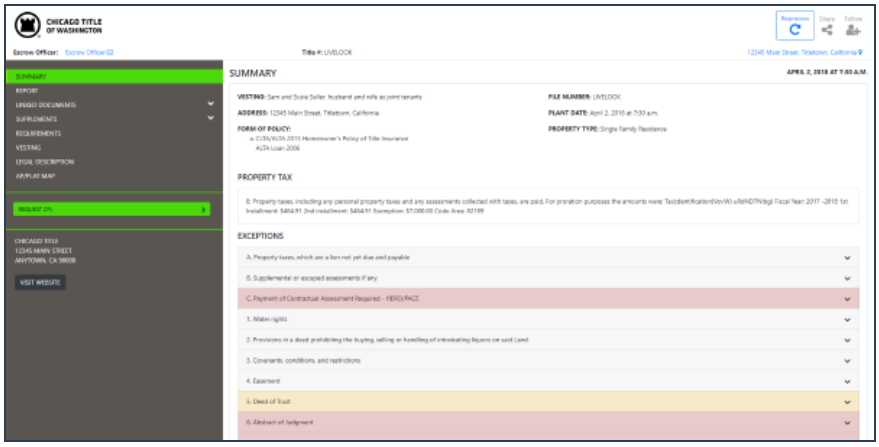

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ALTA COMMITMENT FOR TITLE INSURANCE

issued by agent:

CHICAGO TITLE
COMPANY OF WASHINGTON

Commitment Number:

62242301710
Revision 1

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Chicago Title Insurance Company

By:

Michael J. Nolan, President

Countersigned By:

Dylan Strait
Authorized Officer or Agent

Attest:

Marjorie Nemzura, Secretary

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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AMERICAN LAND TITLE ASSOCIATION

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Tracy Rosane Chicago Title Company of Washington 9001 W. Tucannon Avenue, Suite 220 Kennewick, WA 99336 Phone: 509-820-0457 Fax: 844-894-6828 Main Phone: (509)735-1575 Email: Tracy.Rosane@ctt.com	Escrow Officer: Julie Bowman Chicago Title Company of Washington 9001 W. Tucannon Avenue, Suite 220 Kennewick, WA 99336 Main Phone: (509)735-1575 Main Fax: (509)735-0707 Email: Julie.Bowman@ctt.com

Order Number: 62242301710

SCHEDULE A

1. Commitment Date: September 11, 2023 at 08:00 AM

2. Policy to be issued:

   (a) ALTA Owner's Policy 2021 w-WA Mod

Proposed Insured:	MFJG Holdings, LLC, a Washington limited liability company	
Proposed Amount of Insurance:	$2,000,000.00	
The estate or interest to be insured:	Fee Simple	
Premium:	$	4,203.00
Tax:	$	365.66
Rate:	General Schedule Standard	
Total:	$	4,568.66

3. The estate or interest in the Land at the Commitment Date is:

   Fee Simple

4. The Title is, at the Commitment Date, vested in:

   IC University Square LLC, a Washington limited liability company

5. The Land is described as follows:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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EXHIBIT "A"

Legal Description

For APN/Parcel ID(s): 123083013398001, 123083013398002, 123083013398003 and 123083013398004

Lot 1, 2, 3, and 4, Short Plat No 3398, according to the Survey thereof recorded under Auditor's File No. 2013-019453, records of Benton County, Washington.

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SCHEDULE B, PART I - Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.

6. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.

7. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

8. If documents for this transaction are to be signed using Remote Online Notary, we require the use of company approved RON providers which can be found here: <https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>.

   The Notarial Certificate must state "This notarial act involved the use of communication technology."

   We require a copy of the notarization video for our file documentation prior to closing. Additional underwriting requirements may need to be satisfied.

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SCHEDULE B, PART I - Requirements
(continued)

9. Payment of the real estate excise tax, if required.

The Land is situated within the boundaries of local taxing authority of City of Richland.

The rate of real estate excise tax for properties which are not formally classified and specially valued as timberland or agricultural land is:

State portion: 1.10% on any portion of the sales price of $525,000 or less;
1.28% on any portion of the sales price above $525,000, up to $1,525,000;
2.75% on any portion of the sales price above $1,525,000, up to $3,025,000;
3.00% on any portion of the sales price above $3,025,000;

The rate of excise for properties formally classified as timberland or agriculture land will be 1.28% for the State portion on the entire sales price.

Local portion: 0.50% on the entire sales price.

An additional $5.00 State Technology Fee must be included in all excise tax payments.

If the transaction is exempt, an additional $5.00 Affidavit Processing Fee is required.

Any conveyance document must be accompanied by the official Washington State Excise Tax Affidavit, which can be found online HERE <https://dor.wa.gov/get-form-or-publication/forms-subject/real-estate-excise-tax>. The applicable excise tax must be paid and the affidavit approved at the time of the recording of the conveyance documents. (NOTE: Real Estate Excise Tax Affidavits must be printed as legal size forms).

10. Property taxes and assessments for the year(s) 2023 are to be paid, pro rata by the buyer and seller at settlement.

11. Liability, if any, for personal property taxes pursuant to RCW 84.56.070 wherein no sale can be made without prepayment of said tax, including advance tax for the following calendar year.

12. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

13. NOTE: We have reviewed the authority documentation for IC University Square LLC. Based on our review, the requirement(s) in paragraph(s) will not appear on the policy issued if the following conditions are met on the instrument to be insured:

1. IC University Square Investments LLC must sign as as Manager of said entity by its manager Innovation Center TCRD LLC by its Managers Wayne M. Perry and/or Lisa J. Cannon.
2. All signature(s) must be notarized in an appropriate representative capacity.

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SCHEDULE B, PART I - Requirements
(continued)

14. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

15. According to the application for title insurance, this Company has been requested to issue an Owner's Policy in the following amount, which sales price is less than the assessed value of the property according to the County Tax Rolls. The forthcoming policy must be issued in an amount at least equal to the full value of the estate insured in accordance with our Rating Schedule on file in the Office of the Insurance Commissioner.

    Amount of Sales Price: $2,000,000.00
    Assessed Value: $4,285,030.00

16. According to the application for title insurance, the purchase price in the proposed transaction is less than the assessed valuation of the property. The COUNTY will require documentation validating the purchase price as bona fide offer. Said documentation may be in the form of a copy of the Purchase and Sale Agreement AND MUST BE SENT IN WITH THE RECORDING PACKAGE or your package will be rejected by the County Recorder's Office and closing may be delayed.

17. NOTE: We have reviewed the authority documentation for MFJG LLC. Based on our review:

    1. Jennifer Grillo and Matthew Fredrickson must sign as Members of said entity.
    2. All signature(s) must be notarized in an appropriate representative capacity.

END OF REQUIREMENTS

NOTES

The following matters will not be listed as Special Exceptions in Schedule B of the policy. There will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted or excluded from coverage or are not matters covered under the insuring provisions of the policy.

Note A: Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Note B: Note: The Company is willing to issue an Extended Coverage Loan Policy. General Exceptions A-D, K, inclusive, are hereby deleted and will not appear on the forthcoming Loan Policy.

ALTA 22-06, ALTA 8.1 and ALTA 9-06 Endorsements will issue with the forthcoming Loan Policy.

Note C: Note: The Public Records indicate that the address of the improvement located on said Land is as follows:

800 and 801 Dalton St. and 990 and 750 Currie St.
Richland, WA 99354

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SCHEDULE B, PART I - Requirements
(continued)

Note D: Note: FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:

Lot 1, 2, 3, and 4, Short Plat No 3398
Tax Account No.: 123083013398001, 123083013398002, 123083013398003 and 123083013398004

Note E: Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

Note F: Note: Examination of the Public Records discloses no judgments or other matters pending against the name of the vested owner.

Note G: Note: Examination of the Public Records discloses no judgments or other matters pending against the name(s) of the proposed insured which would appear as exceptions in the policy.

Note H: Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

Note I: Please be advised we submit documents to the county for processing and recording via e-filing using a 3rd party vendor.

Please make checks for excise tax and recording fees payable to the Company.

There is a $5.44 e-recording surcharge per EACH document for this service.

NOTE: Not all recordings qualify for e-filing.

Note J: Recording charges (per document title) for closings on July 26, 2021, and after, for all Washington counties:

Deed of Trust - $204.50 and $1 for each additional page.
Most other Docs, except as noted below - $203.50 and $1 for each additional page.
Assignment of Deed of Trust, Substitution or Appointment of Successor Trustee - $18.00 and $1 for each additional page
Multiple titled documents are charged per applicable title.

There is an additional $5.44 fee per document for electronic recording.

RECORDING CHARGES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

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SCHEDULE B, PART I - Requirements
(continued)

Note K: In the event the transaction fails to close and this commitment is cancelled, a fee will be charged to comply with the State Insurance Code and the filed schedule of this Company.

Note L: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

Note M: As part of the Company's commitment to the environment, we encourage the paperless distribution of our products whenever possible. To help conserve natural resources, we will automatically issue the forthcoming original policy(ies) electronically.

Please provide us with a current e-mail address for the new owner and/or lender prior to closing or by emailing WRCPF.PolicyDesk@TitleGroup.FNTG.com. Hard copy versions may be issued upon request.

END OF NOTES

END OF SCHEDULE B, PART I

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SCHEDULE B, PART II - Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS

A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.

B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.

D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.

E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.

F. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.

G. Unpatented mining claims, and all rights relating thereto.

H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.

I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.

J. Water rights, claims or title to water.

K. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

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SCHEDULE B, PART II - Exceptions
(continued)

SPECIAL EXCEPTIONS

1. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2023
Tax Account No.:	123083013398001
Levy Code:	R1 RA1
Assessed Value-Land:	$1,319,390.00
Assessed Value-Improvements:	$1,649,660.00
General and Special Taxes:	
Billed:	$29,316.51
Paid:	$14,658.28
Unpaid:	$14,658.23

2. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2023
Tax Account No.:	123083013398002
Levy Code:	R1 RA1
Assessed Value-Land:	$314,460.00
Assessed Value-Improvements:	$0.00
General and Special Taxes:	
Billed:	$3,117.17
Paid:	$1,558.60
Unpaid:	$1,558.57

3. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2023
Tax Account No.:	123083013398003
Levy Code:	R1 RA1
Assessed Value-Land:	$438,750.00
Assessed Value-Improvements:	$0.00
General and Special Taxes:	
Billed:	$4,342.50
Paid:	$2,171.28
Unpaid:	$2,171.22

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SCHEDULE B, PART II - Exceptions
(continued)

4. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2023
Tax Account No.:	123083013398004
Levy Code:	R1 RA1
Assessed Value-Land:	$562,770.00
Assessed Value-Improvements:	$0.00

General and Special Taxes:	
Billed:	$5,565.17
Paid:	$2,782.63
Unpaid:	$2,782.54

5. Liability, if any, for personal property taxes pursuant to RCW 84.56.070 wherein no sale can be made without prepayment of said tax, including advance tax for the following calendar year.

6. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

7. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The City of Richland
Recorded: August 5, 1966
Recording No.: 565166

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	The City of Richland
Purpose:	Water line
Recording Date:	June 29, 1965
Recording No.:	544519

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	United Telephone Company of the Northwest
Purpose:	Underground telephone communication facilities and appurtenances
Recording Date:	July 11, 1977
Recording No.:	732062

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SCHEDULE B, PART II - Exceptions
(continued)

10. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America by and through the Atomic Energy Commission
Recorded: November 12, 1959
Recording No.: 426757

11. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America by and through the Atomic Energy Commission
Recorded: February 7, 1961
Recording No.: 450541

12. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America
Recorded: June 3, 1964
Recording No.: 521608

13. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America
Recorded: November 16, 1964
Recording No.: 530869

14. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America
Recorded: April 29, 1966
Recording No.: 560632

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Port of Benton
Purpose:	Access and Landscape Easement
Recording Date:	January 27, 2006
Recording No.:	2006-002813

NOTE: Said instrument is a re-recording of 2006-001747

Relinquishment of Access and Landscaping Easement and Relinquishment of Irrigation Easement recorded May 2, 2011 under Auditor's File No. 2011-012530.

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SCHEDULE B, PART II - Exceptions
(continued)

16. City of Richland Ordinance No. 28-11 and the terms and conditions thereof:
Recorded: November 9, 2011
Recording No.: 2011-031746

17. Exceptions, reservations, covenants as contained in Deed recorded May 13, 2011 under Auditor's File No. 2011-013617 and Correction Deed recorded October 2, 2015 under Auditor's File No. 2015-029727.

18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	City of Richland
Purpose:	Waterline easement
Recording Date:	November 2, 2012
Recording No.:	2012-034462

19. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	City of Richland
Purpose:	Sewer easement
Recording Date:	November 2, 2012
Recording No.:	2012-034463

20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	City of Richland
Purpose:	Utility easement
Recording Date:	November 2, 2012
Recording No.:	2012-034465

21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	City of Richland
Purpose:	Utility easement
Recording Date:	June 7, 2013
Recording No.:	2013-019428

22. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Short Plat No. 3398:

Recording No: 2013-019453

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SCHEDULE B, PART II - Exceptions
(continued)

23. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey No. 4111:

Recording No: 2010-018731

24. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey No. 4048:

Recording No: 2009-037192

END OF SCHEDULE B, PART II

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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COMMITMENT CONDITIONS

1. DEFINITIONS

a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.

b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.

c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.

e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.

f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.

g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.

i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.

j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

a. the Notice;

b. the Commitment to Issue Policy;

c. the Commitment Conditions;

d. Schedule A;

e. Schedule B, Part I-Requirements; and

f. Schedule B, Part II-Exceptions; and

g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

i. comply with the Schedule B, Part I-Requirements;

ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or

iii. acquire the Title or create the Mortgage covered by this Commitment.

b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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(continued)

e. The Company is not liable for the content of the Transaction Identification Data, if any.

f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.

g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.

c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.

f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION - INTENTIONALLY DELETED

END OF CONDITIONS

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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RECORDING REQUIREMENTS

Effective January 1, 1997, document format and content requirements have been imposed by Washington Law. Failure to comply with the following requirements may result in rejection of the document by the county recorder or imposition of a $50.00 surcharge.

First page or cover sheet:

3" top margin containing nothing except the return address.

1" side and bottom margins containing no markings or seals.

Title(s) of documents.

Recording no. of any assigned, released or referenced document(s).

Grantors names (and page no. where additional names can be found).

Grantees names (and page no. where additional names can be found).

Abbreviated legal description (Lot, Block, Plat Name or Section, Township, Range and Quarter, Quarter Section for unplatted). Said abbreviated legal description is not a substitute for a complete legal description which must also appear in the body of the document.

Assessor's tax parcel number(s).

Return address (in top 3" margin).

**A cover sheet can be attached containing the above format and data if the first page does not contain all required data.

Additional Pages:

1" top, side and bottom margins containing no markings or seals.

All Pages:

No stapled or taped attachments. Each attachment must be a separate page. All notary and other pressure seals must be smudged for visibility. Font size of 8 points or larger.

WIRE SAFE™ | Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
http://www.fbi.gov

Internet Crime Complaint Center:
http://www.ic3.gov

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FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE

Effective January 1, 2023

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (*e.g.*, name, address, phone number, email address);
- demographic information (*e.g.*, date of birth, gender, marital status);
- identity information (*e.g.* Social Security Number, driver's license, passport, or other government ID number);
- financial account information (*e.g.* loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (https://fnf.com/pages/californiaprivacy.aspx) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: aginquiries@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

For Virginia Residents: For additional information about your Virginia privacy rights, please email privacy@fnf.com or call (888) 714-2710.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions or would like to correct your Personal Information, visit FNF's Privacy Inquiry Website or contact us by phone at (888) 714-2710, by email at privacy@fnf.com, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

Vicinity Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108

Exhibit 2

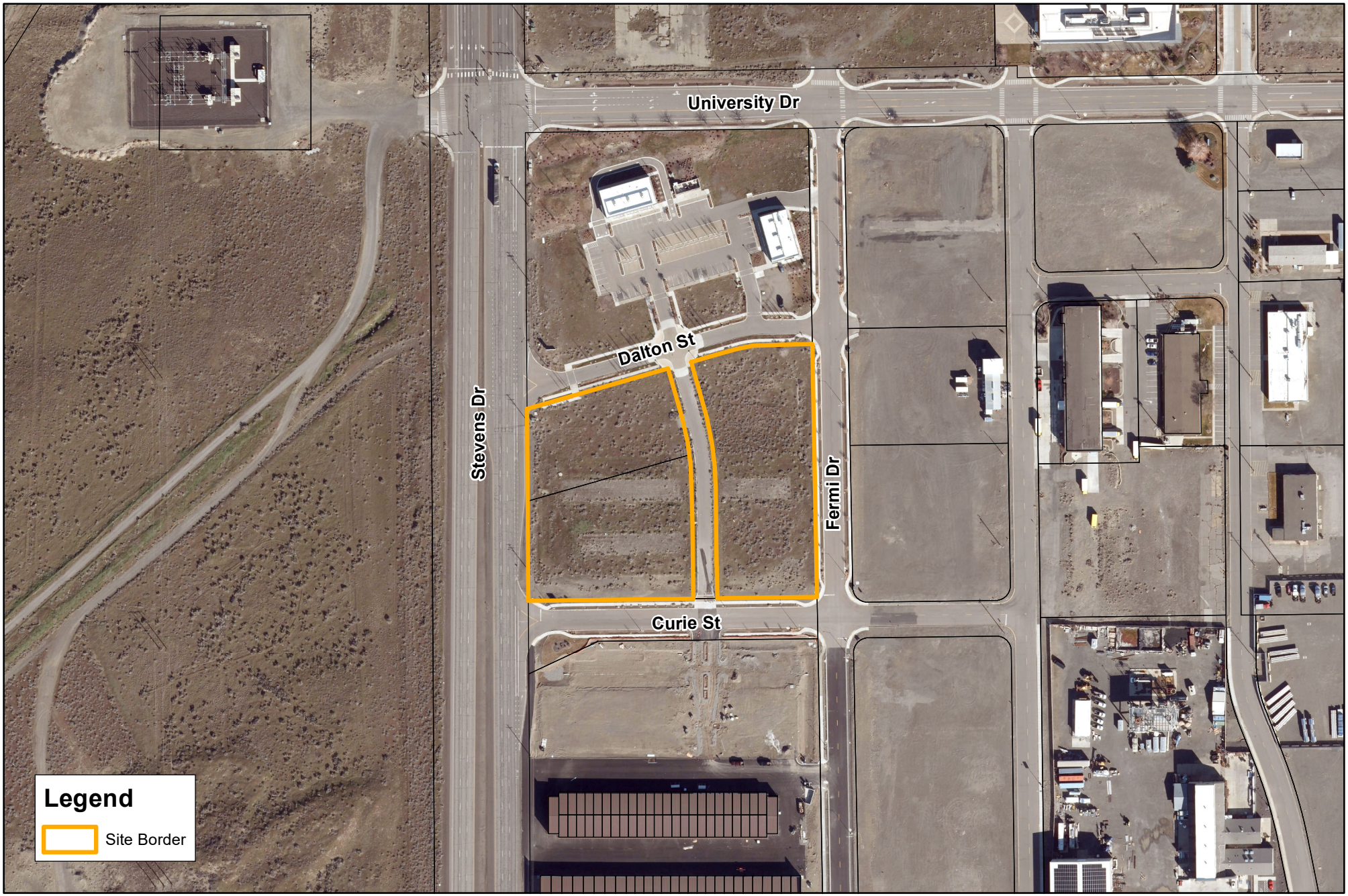


Exhibit 3

CITY OF RICHLAND
NOTICE OF APPLICATION & PUBLIC HEARING (Z2023-108)

Notice is hereby given that Matt Fredrickson on behalf of MFJG Holdings, LLC. has filed a Zoning Map Amendment application to rezone three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (801 Dalton Street Zoning Map Amendment). The subject parcels are bounded by Dalton Street to the north, Fermi Drive to the east, Curie Street to the south, and Stevens Drive to the west. Altogether the parcels are roughly square in shape 470 feet south of the intersection of Stevens and University Drives (APNs: 1-23083013398002, 1-23083013398003 & 1-23083013398004).

Public Hearing: The Richland Hearings Examiner will conduct a public hearing and review of the application at 6:00 p.m., Monday, November 13th, 2023 at City Hall in Council Chambers. Interested parties are also invited to participate virtually by visiting the City of Richland website (www.ci.richland.wa.us).

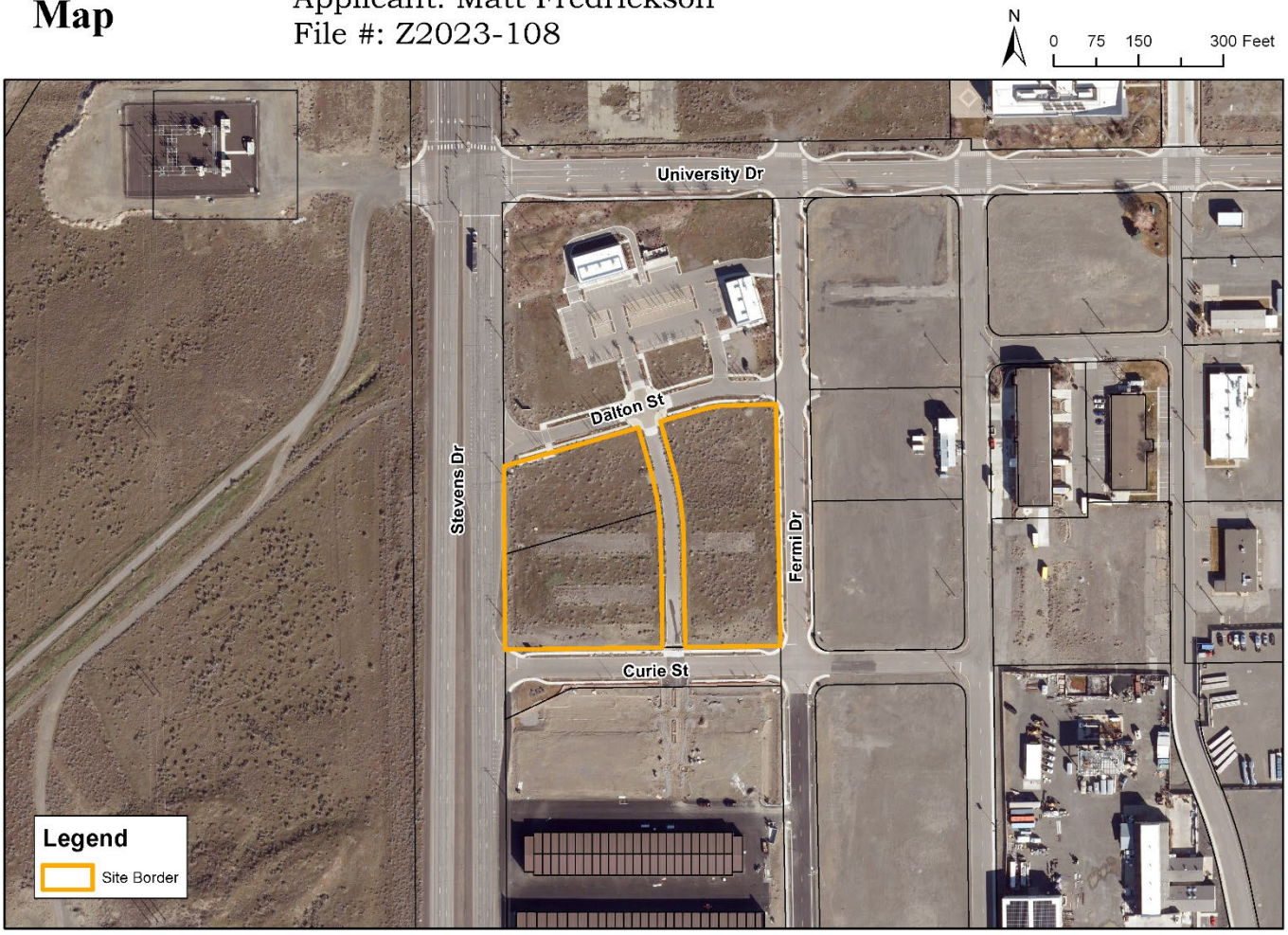
Environmental Review: The proposal is not subject to environmental review according to WAC 197-11-904.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may emailed to mhowie@ci.richland.wa.us. The deadline for written comments is 6:00 p.m., Monday, November 13th. However, written comments must be received no later than 5:00 p.m. on Friday, November 3rd to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 23 Zoning. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

Vicinity Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108



AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.

2. On the 19th day of October 2023, I mailed a copy of the attached NOTICE OF PUBLIC HEARING (Z2023-108) to the attached list of individuals via regular USPS on the date indicated above. The Richland Hearing Examiner will conduct a public hearing and review of the application on Monday, November 13, 2023.

Jodi Hogan
Signed: Jodi Hogan

SIGNED AND SWORN to before me this 23rd day of October 2023 by Jodi Hogan.

Carly Kirkpatrick
Notary Public in and for the State of Washington,

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

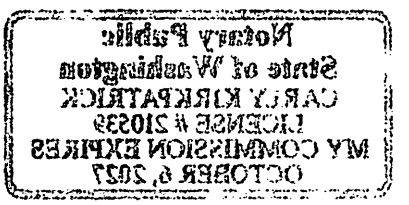
Carly Kirkpatrick
Print Name

Residing at Benton County

My appointment expires: Oct. 6, 2027

AFFIDAVIT OF MAILING
Address list attached.

PORT OF BENTON
3250 PORT OF BENTON BLVD WA RICHLAND 99354
IC UNIVERSITY SQUARE LLC C/O PRODIGY PROPERTY MANAGEMENT
1955 JADWIN AVE STE 350 WA RICHLAND 99354



AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Matthew Howie**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 20th day of October 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number Z2023-108 (801 Dalton Street Zoning Map Amendment) in the following location:

At the northwest corner of Stevens Drive and Curie Street

Signed: Matthew Howie

SIGNED AND SWORN to before me this 23rd day of October, 2023, by Matthew Howie.

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Signature of Notary

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: Oct. 6, 2027

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	481192	Print Legal Ad-IPL01446420 - IPL0144642	HE PHNZ 2023-101	$187.70	1	64 L

Attention: (company)
CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

janderson@ci.richland.wa.us

CITY OF RICHLAND
NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS

Date Notice Issued: October 22, 2023, per WAC 197-11-340(2)
File #: Z2023-108
Proponent: Matt Fredrickson on behalf of MFJG Holdings, LLC

Proposal: A Zoning Map Amendment application to rezone three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (801 Dalton Street Zoning Map Amendment).

Location of Proposal(s): The subject parcels are bound by Dalton Street to the north, Fermi Drive to the east, Curie Street to the south, and Stevens Drive to the west. Altogether the parcels are roughly square in shape, 470 feet south of the intersection of Stevens and University Drives (APNs: 1-23083013398002, 1-23083013398003 & 1-23083013398004).

Public Hearing: The Richland Hearing Examiner will conduct a public hearing and review of the application on **Monday, November 13, 2023 at 6:00 p.m.** in the Richland City Council Chambers, 625 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing or visit the City of Richland's website at **www.ci.richland.wa.us** and join via Zoom.

Public Comments Due: The deadline for written comments is 6:00 p.m. on Monday, November 13, 2023. However, written comments must be received no later than 5:00 p.m. on Friday, November 3, 2023, to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

Contact: Matthew Howie,
Senior Planner
625 Swift Boulevard, MS-35
Richland, WA 99352
mhowie@ci.richland.wa.us

Date Published: Sunday, October 22, 2023
IPL0144642
Oct 22 2023

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 10/22/2023, and ending on 10/22/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
10/22/23

Stefani Beard
(Signature of Legals Clerk)

Sworn to and subscribed before me this 23rd day of October in the year of 2023

Stephanie Hatcher
Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Exhibit 5

From: Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ
To: Howie, Matthew
Cc: Cummings,Nicole M (BPA) - TERR-TRI CITIES RMHQ; Kinch,James L (BPA) - TERR-BELL-1
Subject: RE: [EXTERNAL] Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet
Date: Friday, November 3, 2023 8:28:42 AM
Attachments: image001.png

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Matthew,

Bonneville Power Administration (BPA) has had the opportunity to review Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet. The request is to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M)Drive in Richland, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately 615 feet west of the subject property. BPA does not have any objections to the approval of this request at this time.

If you have any questions or need additional information, please feel free to contact Nicole Cummings at (509) 542-5499, by email at nmcummings@bpa.gov or Luke Kinch at (509) 468-3095, by email at JLKinch@bpa.gov.

Thank you,

Actalent
People to Possible

Deborah Rodgers
Realty Technician Contractor
2211 North Commercial Avenue, Pasco, WA 99301
Bonneville Power Administration | TERR/Tri-Cities-RMHQ
Real Property Field Services |P 509.544.4749
dxrodgers@bpa.gov

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Wednesday, October 18, 2023 2:44 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>;

KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: [EXTERNAL] Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet

Hello all,

Please see the attached Referral Packet for a zoning map amendment application to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M).

Comments are due by Friday, November 3rd, at 5pm PST.

Matthew Howie
Senior Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7587

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

From: Chris Sittman
To: Howie, Matthew
Subject: RE: Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet
Date: Tuesday, October 24, 2023 8:20:31 AM
Attachments: image001.png

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

KID has no comments, this is outside of our District!

Chris D. Sittman
Engineering Dept./CAD Specialist
Kennewick Irrigation District
2015 S. Ely St.
Kennewick, WA 99337
Desk: 509-460-5435
Cell: 509-873-1123

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Wednesday, October 18, 2023 2:44 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <JMcShane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello all,

Please see the attached Referral Packet for a zoning map amendment application to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M).

Comments are due by Friday, November 3rd, at 5pm PST.

Matthew Howie
Senior Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7587

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items of Business

Strategic Priority 1 - High Performance Government

Subject:
Ordinance No. 2024-10, Rezoning Approximately 366 Acres near Twin Bridges Road and State Highway 240 from Agricultural (AG) to Public Parks & Facilities (PPF) (Closed Record)

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-10	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2024-10, rezoning approximately 336 acres near Twin Bridges Road and SR-240 from Agricultural (AG) to Public Parks & Facilities (PPF).

Summary:
The City of Richland is proposing to rezone approximately 366 acres of land near Twin Bridges Road and State Highway 240 (SR-240) from Agricultural (AG) to Public Parks & Facilities (PPF). The subject property is a portion of a larger parcel and has been zoned for Agricultural (AG) use since its annexation nearly 60 years ago. The City entered into an agreement to allow for an outdoor recreation vehicle (RV) park in the early 2000s. In addition, the property north of SR-240 has been used for kart and off-road vehicle racing tracks, paintball, and remote controlled vehicle recreation for nearly 20 years under the AG zoning category in accordance with the contractual agreements previously created and amended.

The City of Richland Comprehensive Plan designates this area as Developed Open Space. This zone change request is to bring the official zoning into compliance with the City's vision of this property. Approval of this zone change will more properly support and complement the activities that have already taken place on this property for many years.

Approval of the zone change will officially add approximately 366 acres to the Public Parks & Facilities (PPF) zoning category, which will streamline the process for additional recreation options to be established on this property in the future.

No testimony for or against this proposal was received at the public hearing. On January 30, 2024, the Richland Hearing Examiner favorably recommended approval of the requested zone change from Agricultural (AG) to Public Parks & Facilities (PPF).

Site-specific rezones are Type IIIA permit applications under RMC 19.02.010. An open-record public hearing is held by the Richland Hearing Examiner, and a closed-record decision hearing is held by Richland City Council before taking action on the rezone request. The full record is available for review online at: https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1609

Staff recommends approval of Ordinance No. 2024-10 for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-10
2. 3229 Twin Bridges Road Rezone - Full Staff Report (Z2023-107)

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING TITLE 23: ZONING REGULATIONS OF THE RICHLAND MUNICIPAL CODE AND THE OFFICIAL ZONING MAP OF THE CITY TO CHANGE THE ZONING ON 366 OF 495 ACRES NORTH OF STATE HIGHWAY ROUTE 240 FROM AGRICULTURE (AG) TO PUBLIC PARKS AND FACILITIES (PPF); SAID PROPERTY BEING IDENTIFIED AS A PORTION OF ASSESSOR'S PARCEL NUMBER 1-1808-100-0002-001, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.

WHEREAS, on September 5, 1967, the City of Richland annexed the property that is the subject of this Ordinance into its boundaries from the Government of the United States and subsequently zoned this parcel as Agriculture; and

WHEREAS, on April 6, 2007, the City of Richland entered into a lease agreement which allowed for the use of an Outdoor Recreation Vehicle Park on said property (*see* Richland Contract No. 47-07); to date this agreement has been amended five times; and

WHEREAS, on September 11, 2023, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from the City of Richland to change the zoning of the property hereafter described in Section 3 and identified as Assessor's Parcel Number 1-1808-100-0002-001; and

WHEREAS, following the September 11, 2023 open-record public hearing, the Richland Hearing Examiner issued an 8-page written recommendation to the Richland City Council that concluded with a favorable recommendation to approve the requested rezone; and

WHEREAS, the Richland City Council has considered the written recommendation of the Richland Hearing Examiner and the record created during the September 11, 2023 open-record public hearing; and

WHEREAS, as required by RMC 19.20.030, the Richland City Council conducted a closed-record decision hearing on March 5, 2024 and has considered the totality of the record.

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

Section 1. The findings of fact and conclusions of law contained in the Richland Hearing Examiner's Report dated January 30, 2024, attached hereto as **Exhibit B** and incorporated herein by this reference, are hereby adopted as the findings and conclusions of the Richland City Council.

Section 2. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is Public Parks & Facilities (PPF) when consideration is given to the interests of the public.

Section 3. Said property depicted in **Exhibit A**, attached hereto and incorporated by this reference, is more particularly described as follows:

ALL OF SECTION 18, TOWNSHIP 10, RANGE 28 SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF HORN RAPIDS ROAD, AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE FORMER RICHLAND IRRIGATION DISTRICT CANAL. LESS 18.73 ACRES FOR STATE HIGHWAY 11-C. RAILROAD RIGHT-OF-WAY EXCLUDING AREA SOUTH OF THE NORTH RIGHT-OF-WAY BOUNDARY OF VANTAGE HWY.

Section 4. Said portion of the property described in Section 3 herein is hereby rezoned from Agriculture (AG) to Public Parks & Facilities (PPF).

Section 5. Title 23 of the Richland Municipal Code and the Official Zoning Map of the City of Richland as adopted by RMC 23.08.040 are hereby amended by amending Sectional Map Nos. 5 and 6, which are two (2) of a series of maps constituting said Official Zoning Map of the City of Richland, as shown on the attached Sectional Map Nos. 5 and 6 bearing the number and date of passage of this Ordinance (**Exhibit A**), and by this reference made a part of this Ordinance and of the Official Zoning Map of the City of Richland.

Section 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Map Nos. 5 and 6, duly certified by the City Clerk as a true copy, together with **Exhibit B** (Richland Hearing Examiner's Report).

Section 7. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 8. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9. 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 ___ day of _____, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

Exhibit A - Pg. 1 to Ordinance No. 2024-10 passed 03/__/2024
Agriculture (AG) to Public Parks & Facilities (PPF) Zoning

Exhibit A - Pg. 2 to Ordinance No. 2024-10 passed 03/__/2024
Agriculture (AG) to Public Parks & Facilities (PPF) Zoning

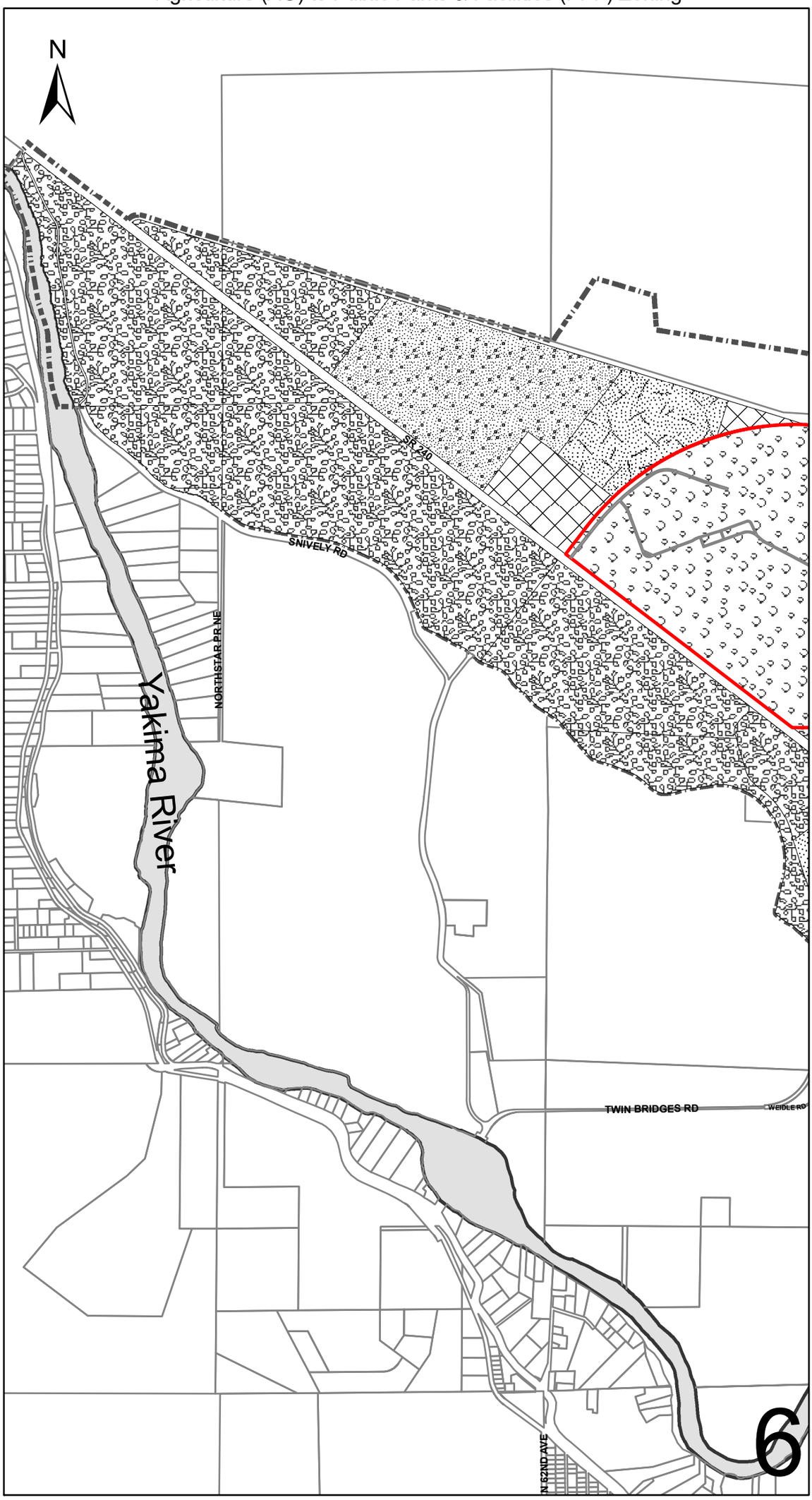


Exhibit B to Ordinance No. 2024-10

Before Hearing Examiner
Gary N. McLean

BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND

Regarding the Application to ***Rezone*** a 366-acre portion of a 495-acre parcel from AG (Agriculture) to Public Parks and Facilities (PPF), which is fully consistent with Comprehensive Plan's Developed Open Space (DOS) land use designation assigned to the area, submitted by **CITY OF RICHLAND**, Applicant	**File No. Z2023-107** **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

The City of Richland, as the property owner and applicant in this matter, can meet its burden of proof to demonstrate that its requested rezone merits approval.

The site is now designated as Developed Open Space under applicable provisions of the City's Comprehensive Plan, but it is currently zoned AG (Agriculture), meaning the current outdoor recreational uses on the site may be inconsistent with general agricultural reserve purposes, and proposals to establish new recreational uses on the site might be discouraged or more complicated under current zoning. The pending application would rezone the site to Public Parks and Facilities (PPF), to more easily implement the intent and purpose of lands designated for Developed Open Space purposes.

This requested rezone does not approve any development activity on the site. As with all development proposals, City Development Regulations will apply to any specific projects that may eventually be proposed on the site.

II. BACKGROUND AND APPLICABLE LAW.

In this matter, the Hearing Examiner has jurisdiction to conduct an open record public hearing on the site-specific rezone application at issue and is directed to issue a written recommendation for consideration and final action by the Richland City Council. *See* Richland Municipal Code (RMC) 19.20.010(D)(identifies "site-specific rezones" as Type IIIA permit applications); RMC 23.70.210(A)("The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application."); and RMC 19.20.030(granting jurisdiction to Hearing Examiner to conduct public hearing and issue recommendation to City Council); RMC 19.25.110(authority for Examiner actions, including conditions of approval on applications or appeals); and RCW 35A.63.170(state statute regarding hearing examiner system).

The applicant bears the burden of proof to show that its application conforms to the relevant elements of the city's development regulations and comprehensive plan, and that any significant adverse environmental impacts have been adequately addressed. RMC 19.60.060.

Finally, Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent of a rezone must demonstrate that there has been a change of circumstances since the original zoning, PROVIDED if a proposed rezone implements the policies of a comprehensive plan, a showing of changed circumstances is usually not required[1]; and (3) the rezone must have a substantial relationship to the public health, safety, morals, or general welfare. *Woods v. Kittitas County,* 162 Wn.2d 597 (2007), citing *Citizens for Mount Vernon,* 133 Wn.2d 861, at 875 (1997); *Parkridge v. City of Seattle, 89 Wn.2d 454, 462* (1978).

III. QUESTIONS PRESENTED.

For purposes of the pending rezone application, the central questions presented are:

A. Whether the requested rezone implements policies of the City's Comprehensive Plan, and/or whether there has been a change of circumstances since the current AG (Agriculture) zoning was adopted for the site?

Short Answer: Yes to both. The site is already designated for Developed Open Space uses in the City's Comprehensive Plan, and the rezone would effectuate that Comprehensive Plan and eliminate a perceived nonconformity that currently exists between such Plan, current recreational uses, and anticipated future park and recreational uses of the site. The requested PPF zone allows for some recreational uses that may not currently allowed outright in the AG

[1] *Save Our Rural Env't v. Snohomish County*, 99 Wn.2d 363, 370-71 (1983); *Henderson v. Kittitas County*, 124 Wn. App. 747, 754 (Div. III, 2004); *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846 (Div. III, 1995).

zone, and there are many undeveloped acres of land in the rezone area that would be easier to develop for park and recreation uses after the rezone is approved. Staff is seeking approval of this rezone to bring the property's zoning into closer alignment with the City's Comprehensive Plan.

B. Whether the rezone bears a substantial relationship to the public health, safety, morals, or general welfare?

Short Answer: Yes, because the rezone is fully consistent with the City's Comprehensive Plan, and any future, project-specific proposal will have to meet city development regulations, including SEPA, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application. The proposed rezone appears to be an effort to make it easier to review and approve future park and recreational uses of the site.

IV. RECORD.

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the City of Richland, and may be examined or reviewed by contacting the City Clerk's Office.

Public notices regarding the application and public hearing were mailed, posted, and published as required by city codes prior to the public hearing. *(Staff Report, page 10; Exhibit 3).*

Hearing Testimony: City Planner, Kyle Hendricks, was the only person who asked to present testimony under oath during the public hearing. The Examiner conducted the public hearing using a hybrid format, with the Examiner appearing via an online communication platform, coordinated by city staff, and Staff appearing from the City Council chambers. Staff confirmed that no one else was in the hearing room, or online, to participate in the hearing.

Exhibits: The Development Services Division Staff Report for the requested Rezone, including a recommendation of approval, was provided to the Examiner in the week before the hearing. The Staff Report, and the following Exhibits, were all accepted into the Record in their entirety without modification:

1. Rezone Application Materials;
2. Lease Agreements, and amendments to lease, between the City and operator of an off-road vehicle park on a portion of the rezone site;
3. Public Notices & Affidavits; and
4. Agency Comments, with none objecting or raising questions that would serve as a basis to deny the requested rezone.

The Examiner has visited the road network and vicinity of the proposed rezone on multiple

occasions over the past few years in connection with other applications, and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.

V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

Application, Site Location and Conditions.

1. Since 1967, the City of Richland has owned a large piece of property (about 495-acres) west of Twin Bridges Road, east of Beardsley Road, north of State Route 240, and south of Horn Rapids Road. *(Testimony of Mr. Hendricks; Staff Report).* The entire area has been zoned Agricultural (AG) since that time.

2. Since 2007, the City has allowed use of some of the property – all located north of SR 240 – as an off-road recreational vehicle (ORV) park under terms of a lease agreement with the ORV park operator. *(Ex. 2).*

3. Consistent with rezone applications processed by the City in the last several years, where Planning staff seek to update zoning maps to implement and eliminate inconsistencies with the City's Comprehensive Plan, staff recently submitted an application to rezone about 366 acres of City-owned land – all located north of SR 240 – from AG to PPF, Public Parks and Facilities, to better implement provisions of the Comprehensive Plan, which designates the area as Developed Open Space. *(Ex. 1, application; Staff Report).* The current AG zoning is not the most appropriate zone for areas of the City where parks and recreational uses, i.e. Developed Open Space, are or might be located.

4. The proposed rezone site is generally located at 3229 Twin Bridges Road, comprised of rolling hills, covering about 366 acres of the larger 495 acres in the parcel where it is situated, Benton County Parcel No. 118081000002001. A majority of the rezone site is developed open space consisting of off-road recreational vehicle racing tracks and a paintball facility. *(Staff Report, page 4).*

5. The application materials explain the rezone request as follows:

> "Rezone a portion of parcel 1-18081000002001 (Richland Off Road Vehicle Park) from Agriculture to Parks & Public Facilities to bring the property into conformance with the Comprehensive Land Use Plan designation of Developed Open Space and current use as an off-road vehicle park. The property is owned by the City of Richland and leased to operators in support of an off-road vehicle park and other supportive uses." *(Ex. 1, Application form, Applicant's description of request).*

6. RMC 23.30.010(A) explains that the "parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces,

parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.

7. There is no dispute that the property at issue is currently designated for Developed Open Space uses in the City's Comprehensive Plan. This application would eliminate the site's nonconformity with the City's Comprehensive Plan, by replacing the current AG zone with the PPF zone, which is expressly intended for portions of the city designated as developed open space in the City's Comprehensive Plan. *(See RMC 23.30.010(A), discussed above).* Thus, the requested rezone is consistent with and will implement policies in the City's Comp. Plan.

8. Changed circumstances also support the requested rezone from the AG to the PPF zone. Since its annexation into and coming under ownership by the City of Richland. The subject site was annexed into the City in 1967. *(Staff testimony during public hearing).* As was the case with many large, vacant properties annexed into the City decades ago, the land was zoned for Agricultural uses, now identified as the "AG" zoning district. In or about 2007, the City entered into Lease Agreements, which have been amended, allowing for the off-road recreational vehicle races and activities, among other uses, on the site, which have generated economic value to the City. *(Ex. 2, Lease Agreements and amendments; Staff Report, pages 4 and 11).* The Staff Report explains that the site's location is appropriate for PPF zoning, primarily because the intent of "developed open space" – like that at issue in this rezone request – is to provide ample opportunities for outdoor recreational activities that residents can enjoy, including possible new park facilities in the rezoned area. (Staff Report, page 5). The PPF zoning designation should make it easier to develop unused acreage on the site for various park and recreation purposes. *(Staff testimony during public hearing).*

9. The Examiner concurs with the opinion of staff and finds that the proposed PPF zoning with its associated permitted land uses is compatible with other uses in the vicinity as well as current uses on the site.

10. Through the public comment and hearing process, no one submitted any comments, evidence, or legal authority that would serve as a basis to deny this requested rezone.

11. Because staff deemed the application to be consistent with the City's Comprehensive Plan, which already designates the rezone site as suitable for Developed Open Space land uses, and the City's plan was analyzed in an environmental impact statement at the time of its adoption, the pending application is categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). *(Staff Report, page 10; Official notice from record of previous rezone matters re: City SEPA process(es) undertaken when Comprehensive Plan was adopted and amended).*

12. The record does not include any evidence that the requested PPF zone could allow for any uses that would be incompatible with surrounding uses.

13. The Staff Report's analysis of this application stands unrebutted. No one submitted written evidence or provided public testimony through the public hearing process that questioned or opposed the proposed rezone. The requested rezone is fully consistent with land use policy goals in the City's Comprehensive Plan. *(Staff Report, pages 5-6).*

Public services and utilities are adequate and readily available to serve the site.

14. As part of the review process, City staff confirmed that, except for sewer, adequate utilities, including without limitation water, irrigation, and electricity, are in place and/or readily available to serve the parcel that is at issue in this matter. *(Staff Report, pages 7-8).* Future development projects may need to propose appropriate engineering measures to connect with current City sewer lines or comply with sewage treatment regulations associated with future uses on the site that might require such services.

Consistency with City Codes and Comprehensive Plan.

15. As explained elsewhere in this Recommendation, the rezone site is already designated as "Developed Open Space" in the City's Comprehensive Plan, and the request is to eliminate the AG classification for the site and replace it with the PPF, Public Parks and Facilities zone, which is a better fit for the types of uses currently on portions of the site, and should also serve to make it simpler for new park and recreational projects to be developed on unused acreage.

16. Standing alone, the requested rezone conforms to the Comprehensive Plan, because the plan already identifies the property as suitable for Developed Open Space uses. There is nothing in this record to justify holding the property as an AG zoned site, as might be the case where certain unique uses are needed in the immediate area in order to best serve the public interest.

General findings.

17. The requested rezone bears a substantial relationship to the public health, safety, and general welfare. The requested rezone is appropriate in the context of adjacent properties.

18. The Development Services Division Staff Report, prepared by Mr. Hendricks, includes a number of specific findings and explanations that establish how the underlying application satisfies provisions of applicable law and is consistent with the city's Comprehensive Plan and zoning regulations. Except as modified in this Recommendation, all Findings contained in the Staff Report are incorporated herein by reference as Findings of the undersigned-hearing examiner.

19. Any factual matters set forth in the foregoing or following sections of this Recommendation are hereby adopted by the Hearing Examiner as findings of fact and incorporated into this section as such.

VI. CONCLUSIONS.

Based upon the record, and the Findings set forth above, the Examiner issues the following Conclusions:

1. The applicant met its burden to demonstrate that the requested rezone conforms to, and in fact implements objectives of, the City's Comprehensive Plan. *Findings; Staff Report.*

2. The applicant met its burden to demonstrate that the requested rezone bears a substantial relationship to the public health, safety, or welfare.

3. The rezoned site will not be materially detrimental to uses or property in the immediate vicinity of the subject property**.** In fact, the rezone may serve as a boost for new park and recreational development options on the property.

4. While the pending rezone application is categorically exempt from formal SEPA review, the record demonstrates that the potential for adverse impacts is very unlikely. And, after public notices issued for the application, no one spoke or submitted any written comments opposing the pending rezone request.

5. As required by RMC 19.50.010(C), the transportation system is sufficient to accommodate the type of development envisioned with the proposed rezone. The surrounding road network is fully functional, and no transportation concurrency problems are likely to arise as a result of the rezone for the site. Development regulations, including without limitation those detailing frontage improvements, access, roadway improvements, traffic mitigation, setbacks, and the like, will apply to any future project built on the site.

6. Based on the record, the applicant demonstrated its rezone application merits approval, meeting its burden of proof imposed by RMC 19.60.060.

7. Approval of this rezone will not and does not constitute, nor does it imply any expectation of, approval of any permit or subsequent reviews that may be required for development or other regulated activities on the site of the subject rezone.

8. Any finding or other statement contained in this Recommendation that is deemed to be a Conclusion is hereby adopted as such and incorporated by reference.

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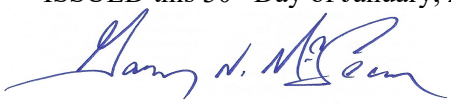
VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the City's application (File No. Z2023-107) to reclassify an approximately 366-acre site from its current AG (Agriculture) zone to the PPF (Public Parks and Facilities) zoning district, which is consistent with the Comprehensive Plan's land use designation assigned to the area, should be **APPROVED.**

ISSUED this 30th Day of January, 2024



Gary N. McLean
Hearing Examiner

CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER

GENERAL INFORMATION:

PROPOSAL NAME:	3229 Twin Bridges Road, Rezone
LOCATION:	3229 Twin Bridges Road - Richland, Washington
APPLICANT:	City of Richland
PROPERTY OWNER:	City of Richland
FILE NO.:	Z2023-107
DESCRIPTION:	Request to rezone a 366-acre portion of Parcel 118081000002001 (495 total acres) from Agriculture (AG) to Public Parks and Facilities (PPF).
PROJECT TYPE:	Type IIIA Site-Specific Rezone
HEARING DATE:	September 11, 2023
REPORT BY:	Kyle Hendricks, Planner
RECOMMENDED ACTION:	Approval

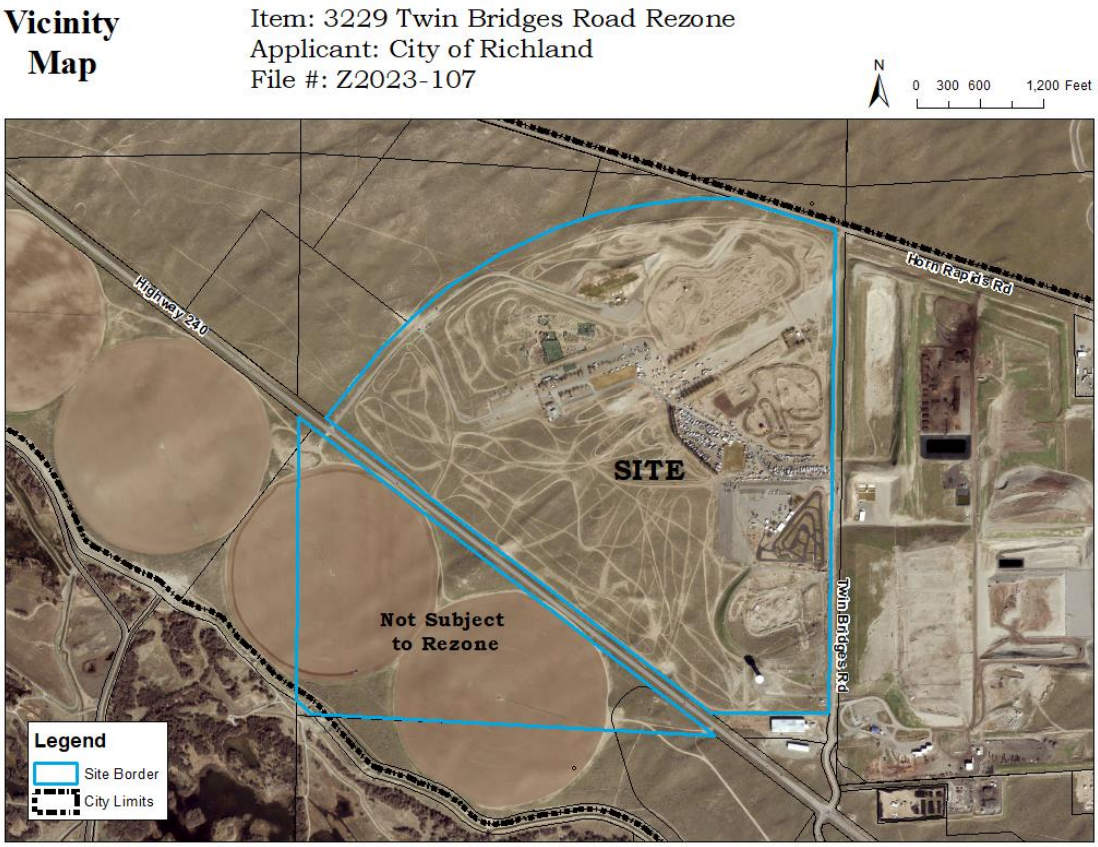


Figure 1 - Vicinity Map

DESCRIPTION OF PROPOSAL

This application proposes to rezone approximately 366 acres of a 495 acre parcel from Agriculture (AG) to Public Parks and Facilities (PPF). Figure 1 (above) shows the site within its larger context.

REASON FOR REQUEST

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner. See additional RMC guidance for the Hearing Examiner, below:

19.20.010 Procedures for processing development permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IIIA.

D. Type IIIA permits include the following types of permit applications:

1. Site-specific rezones;

19.60.060 Burden of proof.

Except for Type IV actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable

elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

23.30.030 Site requirements for public use districts
A. A lot in a parks and public facilities district shall have at least an area sufficient to satisfy the requirements for minimum yard and off-street parking as required by this title.

B. The minimum yard requirements in the parks and public facilities district shall be the same as those in the adjacent zone district. Where there is more than one zone district adjacent to the parks and public facilities zone district, the yard requirement in the parks and public facilities district shall be the same as the one in the adjacent zone having the most compatible setback requirement.

C. In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	PPF	NOS
Maximum Building Height – Main Building	55 Feet	0 Feet[1]

1. Permanent structures designed for human occupancy are not permitted in the NOS district.

23.70.210(A) Public hearing and recommendation to council.
Reclassification. The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application. The recommendation shall include written findings of fact and the reasons for the hearing examiner's action; and shall refer expressly to the maps, description and other matters intended by the hearing examiner to constitute the reclassification.

Additional Considerations.
Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent must demonstrate that there has been a change of circumstances since the original zoning provided if a proposed rezone implements the policies of the comprehensive plan , a showing of changed circumstances is usually not required; and (3) the rezone must have a substantial relationship to the public health, safety, morals or general welfare.

For the purposes of this rezone request, the central questions presented are:
1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and /or whether there has been a change of circumstances since the original Medium Density Residential (R-2) zoning was adopted for the site?
2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

REVIEW AUTHORITY

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner.

SITE DESCRIPTION & ADJACENT LAND USES

The site at 3229 Twin Bridges Road is triangular in shape, and can be characterized as rolling hills topography, covering an area of approximately 366 acres of an overall 495 acre parcel. A majority of the lot is developed open space consisting of off-road recreational vehicle racing tracks and a paintball facility. The land is owned by the city and in April 2007 the city entered into a lease agreement to establish the off-road recreational vehicle park and it has operated since with various amendments and agreements included in Exhibit 2.

CURRENT LAND USE DESIGNATION AND USES :

North: COM & IND (Commercial & Industrial) Vacant land and the city boundary
East: IND (Industrial) City landfill and Police Training center
South: LDR & MDR (Low & Medium Density Residential) Vacant Land
West: COM (Commercial) Vacant Land

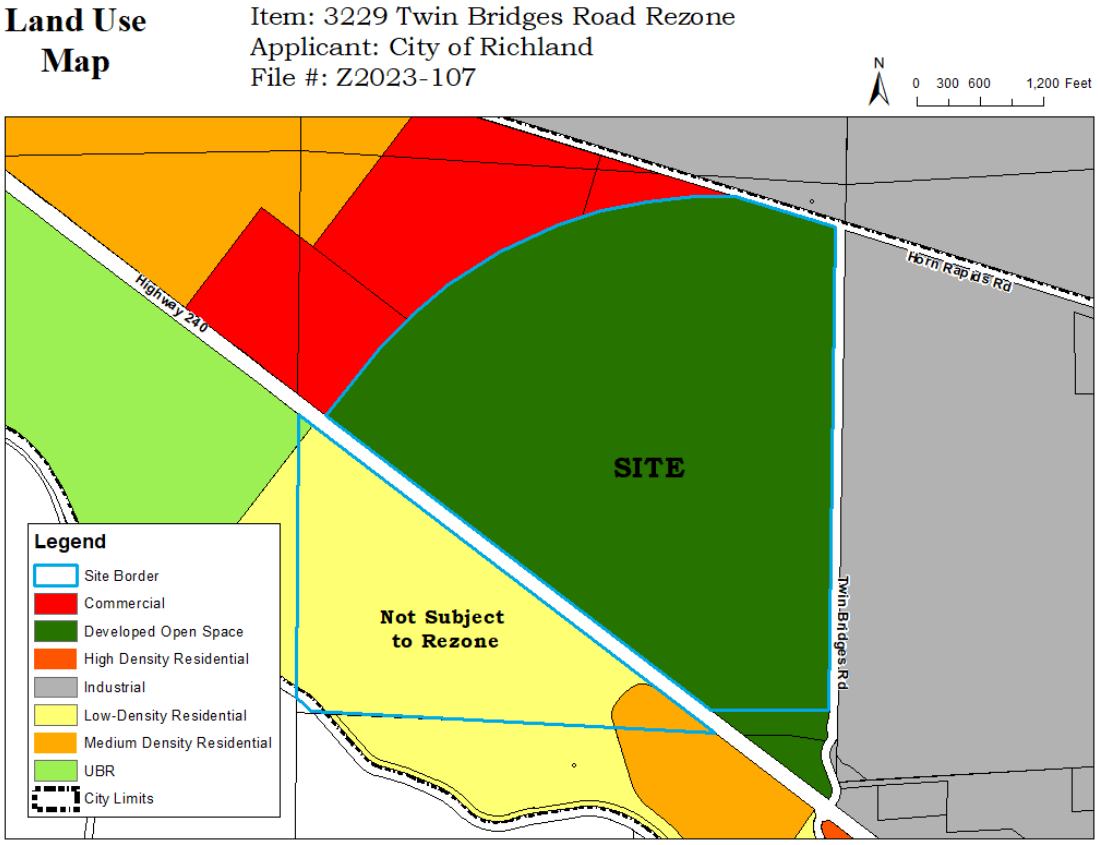


Figure 2 – Comprehensive Plan Land Use Map

COMPREHENSIVE PLAN

As illustrated in Figure 2 (above), the Comprehensive Plan Land Use designates the subject site for Developed Open Space. The intent of a developed open space is to provide ample opportunity for outdoor recreational activities for all residents to enjoy. Developed open spaces are often parks, and that is no different for this area considering it has operated as an outdoor recreational vehicle park for a considerable amount of time now.

Applicable Goals & Policies

Provided below is a set of Comprehensive Plan goals & policies which are particularly applicable to the subject property and associated proposals.

Community Goal 2: Create a vibrant, progressive, and physically, socially, economically, and culturally diverse community providing choices of jobs, housing, and recreational opportunities to its residents of all ages.

Community Goal 5: Encourage the identification, preservation, and restoration of the City's open space and natural areas to maintain habitat, provide opportunities for residents to connect with nature, and meet educational, health, and outdoor recreational needs with associated economic opportunities to the community.

Economic Development Goal 7: Recognize parks, natural areas, and a built environment with quality design for the value they offer as major attractions.

> *Policy 1:* Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

Land Use Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

> *Policy 1:* Preserve open space areas and associated functions and values.
> *Policy 2:* Work with public and private groups to support these areas.
> *Policy 3:* Provide opportunities for active and passive recreation in parks and open spaces.

Capital Facilities Goal 5: Provide diverse active and passive recreational opportunities for residents and visitors of all ages, based on needs.

> *Policy 1:* Develop participation and interest in organized and individual recreation based on trends and changing lifestyles.
> *Policy 2:* Provide adequate facilities to meet the sports and active recreational needs of different age groups.
> *Policy 3:* Help citizens make full use of existing facilities through increased public awareness, revised and clear maps, and directional signage.

Parks and Recreation Master Plan Applicable Goals & Policies

Goal 2: Provide diverse and accessible parks, trail facilities, recreational programs and events that enhance quality of life, support active lifestyles, and promote economic development.

Objective 5: Collaborate with and encourage private sector development to share in providing neighborhood park and recreation facilities in growing neighborhoods.

Objective 6: Encourage private sector investment and development of facilities that serve specialized communities or meet regional economic development goals.

CURRENT ZONING

The subject site is zoned AG, Agriculture use district. Surrounding parcels are zoned as follows:

North: C-3 General Business, C-LB Commercial Limited Business, and city limits
East: M-2 Heavy Manufacturing
South: AG Agriculture
West: C-3 General Business, and AG Agriculture

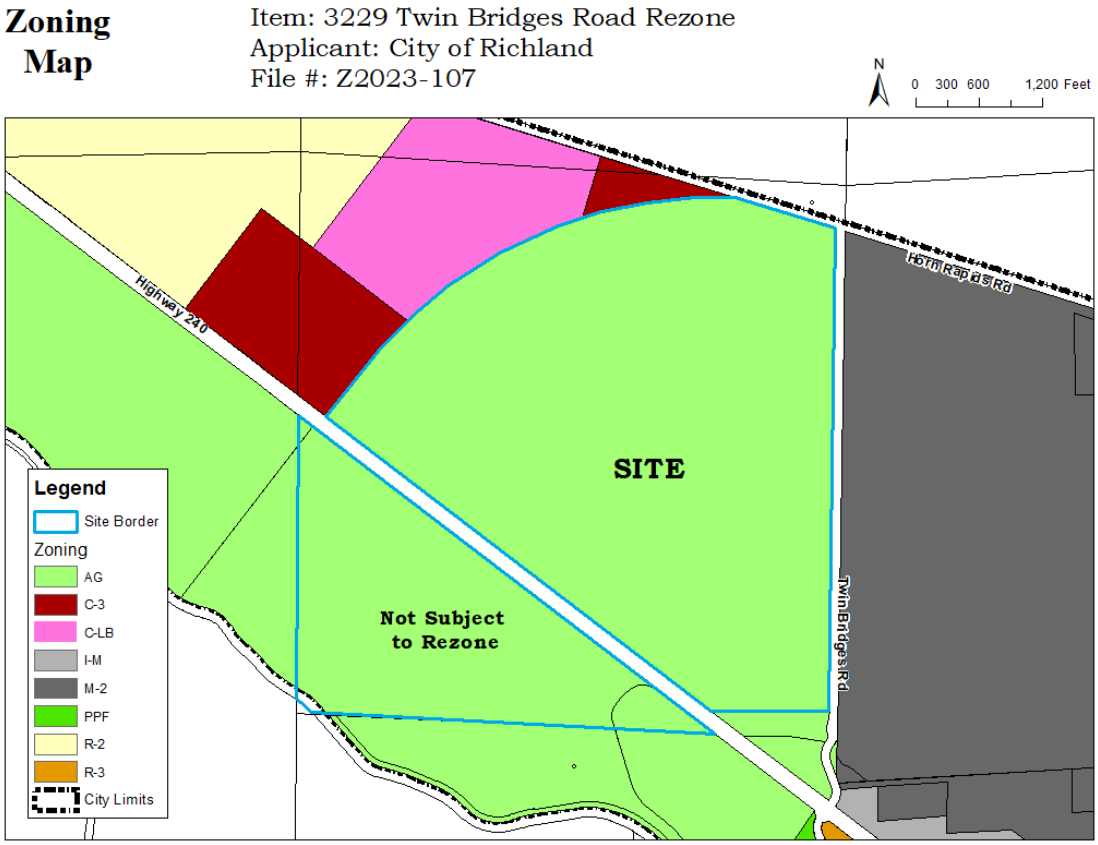


Figure 3 – Zoning Map

The agricultural use district (AG) is a primary zone classification permitting essentially open land uses such as grazing lands or pasture, agriculture, and development of part-time small tract farming and other compatible uses of an open nature such as a cemetery, park, and recreational or similar uses on land which has favorable combinations of slope, climate, availability of water, or soil conditions. This zoning classification is intended to be applied to some portions of the city that are designated as agriculture or as urban reserve under the city of Richland comprehensive plan.

REQUESTED ZONING

Following the applicant's request, City staff is presenting this staff report and associated application materials for a site-specific rezone of approximately 366 acres.

The parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.

As the name of the requested suggests, the majority of City of Richland parks are within PPF zones. The addition of the proposed site into the PPF zone will compliment the uses that have been established for some time now.

UTILITY AVAILABILITY

There are existing water, irrigation, and electrical power line connections in place, available near the site with adequate capacity to supply the property. There are currently no sewer connections to the property.

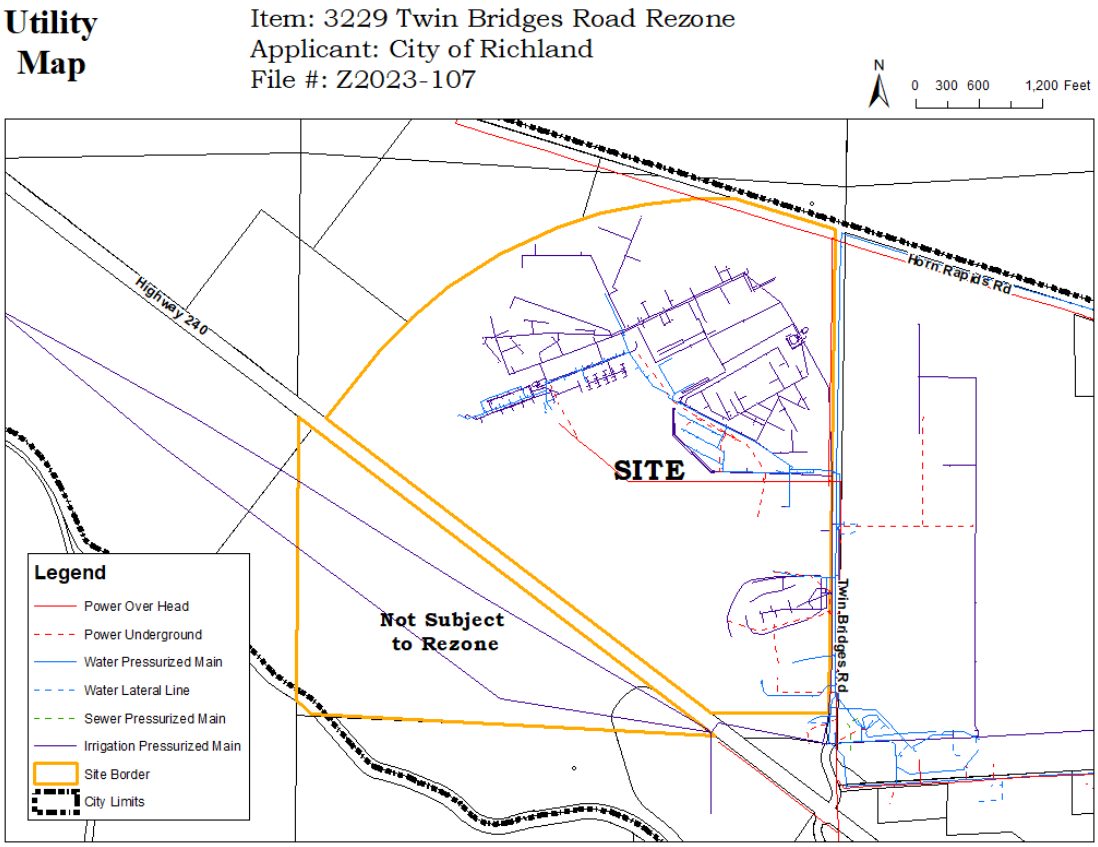


Figure 4 – Utilities Map

Sewer
There is no sewer currently in the city database.

Water
There is a 16" distribution main along Twin Bridges Road, and four-inch distribution main throughout the interior of the site.

Power
The site has an existing overhead primary conductor running along the eastern boundary of the proposed site, along Twin Bridges Road. Various over-head and underground power lines also extend into the property from the line along Twin Bridges Road.

TRANSPORTATION & ACCESS

The site is currently accessed from State Highway Route 240. There are two access roads, Twin Bridges Road and Beardsley Road. As show in Figure 5 below, a site visit by staff shows that Twin Bridges Road is generally paved of minimal quality.

On the day of the site visit as noted below, the gate accessing the interior of the site was closed. Staff did not visit Beardsley Road, but aerial imagery available to staff from February 2022, the road appears to be roughly the same quality. Portions of the

interior road appear to be newer quality. The roads and parking appear to be geared towards hosting race events, with the inclusion of recreational vehicle water hookups.

Photograph by staff facing southwest approximately 3,065 feet north of Twin Bridges Road, State Route 240 intersection, near gate.

Figure 5 – Site Photo August 21, 2023

EASEMENTS

The only easement on the site appears to be a 10 foot phone line easement that runs along Twin Bridges Road for approximately 2,250 feet then diverts to the west and runs approximately 2,500 feet into the site.

FIRE SAFETY

The nearest fire hydrant is located near the first entrance gate onto the site, approximately 1,102 feet north of the Twin Bridges Road and State Route 240 intersection. Another hydrant is approximately 1,530 feet north of the previously mentioned hydrant, Along Twin Bridges Road. Another hydrant is approximately 486 feet north of this hydrant, near the entrance to the racing facility. Another hydrant is approximately 330 feet west of the hydrant near the racing facility entrance. A final hydrant is located approximately 1,272 feet northwest of the previously mentioned hydrant. Finally a hydrant is also located near the Horn Rapids Road and Twin Bridges Road intersection.

SCHOOLS

The site is not near any Richland schools and does not have an appropriate pedestrian/bicycle connection from a school or nearby residential areas due to the highway and lack of paths that would be appropriate for pedestrian/cycling use. The nearest Richland school is Sacajawea Elementary School, more than four and a half miles away.

SEPA

The proposal is not subject to State environmental review under the State Environmental Policy Act. Pursuant to WAC 197-11-800(6)(c) the rezone application qualifies as a categorically exempt action.

Critical Areas

The subject site does not lie within a critical area.

Shoreline Master Program

The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.

AGENCY COMMENTS

A variety of public agencies and City departments were given an opportunity to comment on the proposal, no comments were received regarding this zoning action.

PUBLIC COMMENTS

Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. As of the date of this report, city staff have received no public comments regarding this proposed zoning action.

PUBLIC NOTICE

Notice of Hearing Mailed:	August 18, 2023
Notice of Hearing Posted:	August 21, 2023
Notice of Hearing Published:	August 27, 2023
Public Hearing:	September 11, 2023

Notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in *Exhibit 3*.

ANALYSIS

As previously mentioned, the proposed zone change is meant to create consistency between the Comprehensive plan designation of DOS and the zoning designation, which is currently AG. The AG zoning designation is not a compatible zone for DOS, whereas the proposed PPF zone would be. Additionally, the PPF zone would reinforce the existing uses of the property, various outdoor recreational facilities which have operated for multiple years under lease agreements provided in Exhibit 2. Formally designating this site as a park area will benefit the public by allowing a more streamlined process for establishing future recreational uses.

This requested rezone does not approve any development activity on the site. As with all development proposals, City development regulations will apply to any specific projects that may eventually be proposed on the site. Following public notices and reviews conducted in accord with City practices for all other private or public rezone applications, there is no evidence in this record that would provide a basis in fact or law to deny the pending rezone request.

Staff also want to address questions posed to Hearing Examiner under "Reason for Request":

1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and /or whether there has been a change of circumstances since the original zoning was adopted for the site?
   The site is already designated for developed open space [DOS] uses by the City's Comprehensive Plan. The requested rezone is meant to bring the zoning into compliance with the Comprehensive Plan.
2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?
   It appears that the proposed rezone is consistent with this criterion because the rezone is consistent with the City's Comprehensive Plan, and any future, project-specific proposal will have to meet city development regulations, including SEPA, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application.

The Planning Department requests the Hearing Examiner recommend the proposed zoning map amendment to the Richland City Council.

SUGGESTED FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a change in zoning (Z2021-102) and recommends approval of the request based on the following:

1. The property owner and applicant (City of Richland) leases the site to HRMC inc.
2. The application is to rezone 366 acres of the overall 495 acre Benton County Assessor's Tax Parcel Number 118081000002001.
3. The overall parcel is much larger (495 acres) and extends across State Highway Route 240, however only the portion north of the highway is subject to the zone change. The portion south of the highway will remain AG.
4. The application is consistent with the criteria found in RMC 23.30.
5. The lot is zoned as Agricultural use district (AG).
6. The requested zone change is to change the parcel to Public Parks and Facilities (PPF).
7. The site is generally flat, but more specifically characterized as having minor rolling hills which contribute to existing off road vehicle tracks.
8. The site has hosted numerous off road recreational vehicle races, bringing economic value to the city.

9. It is unclear how well Twin Bridges Road and Beardsley Road serve the site during competitions in their current condition. Future improvements may need to be considered to adequately serve the traffic generated.
10. As found in the lease, the portion of Twin Bridges Road that is adjacent to the site, behind the entrance gate shall be maintained by the Lessee. The small portion of road that accesses the city landfill, before the entrance gate is the responsibility of the city to maintain.
11. Although easily accessible with motor vehicles, there are no reasonable pedestrian or bicycle connections to the site.
12. No portion of this proposed rezone is in the Shoreline Management Program's jurisdiction.
13. The lot in this proposed rezone is not within a Critical Aquifer Recharge Area (CARA). No other critical areas have been identified.
14. The proposed site has a 10-foot-wide phone easement along its eastern boundary and through the interior of the site.
15. The application is exempt from the provisions of the State Environmental Policy Act (SEPA), as identified in WAC 197-11-800(6)(c).
16. Notice requirements of RMC 19.30.040 have been met:
    a. Notice of Hearing Mailed: August 18, 2023
    b. Notice of Hearing Posted: August 21, 2023
    c. Notice of Hearing Published: August 27, 2023
17. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

EXHIBIT LIST

1. Application Materials
2. Lease Agreements and amendments
3. Public Notices & Affidavits
4. Agency Comments

Exhibit 1

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Zoning Map Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☒ Contact Person
Owner: City of Richland (contact: Joe Schiessl, Deputy City Manger)	
Address: 625 Swift Blvd, Richland, WA 99352	
Phone: 509.942.7778	Email: jschiessl@ci.richland.wa.us

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company:	UBI#:
Contact:	
Address:	
Phone:	Email:

DESCRIPTION OF WORK

Rezone a portion of parcel 1-18081000002001 (Richland Off Road Vehicle Park) from Agriculture to Parks & Public Facilities to bring the property into conformance with the Comprehensive Land Use Plan designation of Developed Open Space and current use as an off-road vehicle park. The property is owned by the City of Richland and leased to operators in support of an off-road vehicle park and other supportive uses.

PROPERTY INFORMATION			
Parcel #: Portion of Benton County TID No. 1-18081000002001			
Legal Description: ALL OF SECTION 18, TOWNSHIP 10, RANGE 28 SOUTH OF THE SOUTH RIGHT-OF- WAY LINE OF HORN RAPIDS ROAD, AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE FORMER RICHLAND IRRIGATION DISTRICT CANAL. LESS 18.73 ACRES FOR STATE HIGHWAY 11-C. RAILROAD RIGHT-OF-WAY EXCLUDING AREA SOUTH OF THE NORTH RIGHT-OF-WAY BOUNDARY OF VANTAGE HWY.			
Current Zoning: *Agriculture*	Current Comp Plan: *Dev Open Space*	Requested Zoning: *PPF*	
Current Use: *Off-road vehicle park*	Proposed Use: *Off-road vehicle park*	Area of Property: *15,965,789 sf*	

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

None known.

Any hardship that may result in the event the rezone is not granted:

None known.

The manner in which the proposed rezone conforms to patterns in adjacent zones:

Adjacent land is vacant and is zoned Business Commerce and Commercial Limited Business. A Park & Public Facility zoning designation is consistent with adjacent zoning designations.

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

None known.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

None known.

The benefits or detriments accruing to the City which would result from the granting or denial of this special permit:

None known.

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

Yes, Park & Public Facility zoning is consistent with the current use of the property as an off road vehicle park. The current land use (off road vehicle park) is not consistent with the existing agricultural zoning designation.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

No.

Identify impacts on the environment and public safety:

There are no known impacts to changing the zoning designation of the existing off road vehicle park.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: *Joe Schiessl*

Applicant Signature: Joe Schiessl Date *8.11.23*

Exhibit 2

Contract No. C47-07

ORV PARK OPERATING LEASE AGREEMENT

THIS AGREEMENT, entered into this 6th day of APRIL 2007 by and between the City of Richland, 505 Swift Ave., Richland, Washington, (hereinafter called the "CITY"), and Ray Coffman and Steve Baze, HRMC Inc. (hereinafter called the "LESSEE").

WITNESSETH:

1. DEFINITIONS

As used in this Agreement, the following term shall mean:

Premises: That portion of the property within the complex under the jurisdiction and control of the Lessee. This area does not include: 1) Kart Track facilities within the fenced boundary, 2) Jet-sprint facilities within the fenced boundary, 3) Model Aviation facility, 4) Trails outside ORV Park fence boundary, and 5) City owned arboretum near the drag strip.

2. GENERAL DESCRIPTION OF PROPERTY:

Property (Premises) Defined:

A PORTION OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M., THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS:

ALL OF SAID SECTION 18, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY OF HORN RAPIDS ROAD, AS DESCRIBED BY QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 621665 RECORDS OF SAID COUNTY AND STATE, AND NORTHWESTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY OF STATE ROUTE 240, AND NORTHERLY AND EASTERLY OF A PARCEL 1 OF RECORD OF SURBEY NO. 3487 DESCRIBED BY STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NO. 2005-026115, RECORDS OF SAID COUNTY AND STATE, AND LYING SOUTHEASTERLY OF A PARCEL DESCRIBED BY STATUTORY WARRANTY DEED AS RECORDED UNDER AUDITOR'S FILE NO. 96-26535 RECORDS OF SAID COUNTY AND STATE.

EXCEPT

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 10, NORTH, RANGE 20 EAST, W.M., CITY OF RICHLAND, BENTON COUNTY, WASHINGTON AS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTH 00° 57' 05" EAST 1617.97 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18 TO A POINT; THENCE NORTH 89° 02' 55" WEST 93.20 FEET LEAVING SAID EAST LINE TO A POINT ON A FENCE, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE NORTH 83° 14' 45" WEST 702.71 FEET ALONG A FENCE TO A POINT; THENCE NORTH 00° 06' 38" EAST 479.65 FEET ALONG A FENCE; THENCE SOUTH 89° 03' 11" WEST 192.00 FEET ALONG A FENCE; THENCE NORTH 01° 36' 50" EAST 255.00 FEET ALONG A FENCE; THENCE NORTH 32° 04' 54" EAST 52.88 FEET ALONG A FENCE; THENCE NORTH 89° 59' 17" EAST 493.00 FEET ALONG A FENCE; THENCE NORTH 77° 53' 36" EAST 71.59 FEET ALONG A FENCE; THENCE NORTH 89° 59' 17" EAST 296.00 FEET ALONG A FENCE; THENCE SOUTH 00° 21' 11" WEST 874.02 FEET ALONG A FENCE BACK TO THE TRUE POINT OF BEGINNING.

EXCEPT

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 10, NORTH RANGE 28 EAST, W.M. CITY OF RICHLAND, BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 18 SAID POINT BEING A STONE WITH AN 'X', THENCE, NORTH 00° 57' 05" EAST 1066.63 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 18; (SAID LINE BEING THE BASIS OF BEARING AS SHOWN ON RECORD OF SURVEY NUMBER 2173) TO A POINT ON SAID EAST LINE; THENCE NORTH 89° 02' 55" WEST LEAVING SAID EAST LINE 80.00 FEET TO THE "TRUE POINT OF BEGINNING"; THENCE CONTINUING NORTH 89° 02' 55" WEST 1215.93 FEET; THENCE NORTH 00° 57' 05" EAST 1380.24 FEET; THENCE NORTH 89° 59' 17" EAST 302.49 FEET; THENCE SOUTH 00° 12' 20" E 114.00 FEET; THENCE NORTH 89° 33' 54" EAST 189.41 FEET TO A FENCE CORNER; THENCE SOUTH 00° 07' 02" WEST 653.61 FEET TO A FENCE CORNER; THENCE SOUTH 83° 14' 45" EAST 715.97 FEET ON A LINE PROJECTED THROUGH A FENCE CORNER TO A POINT BEING 80.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 18, MEASURED AT RIGHT ANGLES TO SAID EAST LINE; THENCE SOUTH 00° 57' 05" WEST 550.00 FEET PARALLEL TO SAID EAST LINE OF SAID SECTION TO THE TRUE POINT OF BEGINNING.

EXCEPT

That portion currently leased to the Tri-City Remote Control Modelers.

Reference documents: U.S.A. to the City of Richland Auditor's file No. 2003.046817 Records of said County and State.

Record of Survey No. 3487 as recorded in Volume 1 of Surveys on Page 3487 under Auditor's file No. 2005-019982 records of said County and State.

The intent of this description is to clarify the boundaries of the Horn Rapids Triangle ORV Park as established by the Master Plan Report. The only change from the original description is the portion sold per said Record of Survey No. 3487.

3. SCOPE OF WORK

Permitted use: The LESSEE shall provide capital improvements, management, operations, repair, and maintenance services for the City of Richland HORN RAPIDS ORV Park. Capital improvements and services to be provided are detailed in the attached HORN RAPIDS ORV PARK BUSINESS PLAN 2007–2012 dated April 6, 2007, Exhibit "A" and are made part of this Agreement.

Restrictions on Use: LESSEE shall not cause or permit any damage to natural resources on Premises.

Conformance with Laws: LESSEE shall, at all times, keep current and comply with all conditions and terms of any local, state and/or federal permits, licenses, certificates, regulations, ordinances, statutes, and other government rules and regulations regarding its use or occupancy of the property.

4. USE OF PREMISES

The Premises are to be used for the purpose of conducting the following business: a motorsport complex to include MX track, ATV track, 4x4 relay track, 4x4 obstacle course, sand drags, and camp ground. And for no other purpose other than as allowed in this agreement without the written prior consent of LESSOR. LESSEE shall promptly, but in no event later than fourteen (14) days prior to the date the LESSEE proposes to put said change in effect, notify LESSOR of any proposed change in use of the PREMISES.

5. ACCEPTANCE OF PREMISES

Unless otherwise provided in this agreement, LESSEE, having made a careful, complete and thorough inspection of the Premises, accepts the same in their present condition without any representation or warranties as to their condition or their suitability for the LESSEE's intended use, and subject to any conditions that a careful, complete and thorough inspection might reveal.

6. TERM

A. Term Defined:

The term of this Agreement is five (5) years (the "Term"), beginning on the 6th day of April 2007 (the "Commencement Date"), and ending on the 6th day of April, 2012 (the "Termination Date"), unless terminated sooner under the terms of this Agreement.

B. Renewal of Agreement:

LESSEE shall have the option to renew this Agreement for three (3) additional Terms of five (5) years each. Thereafter, parties may agree to renegotiate terms of existing Agreement. LESSEE shall exercise this option by providing written notice of its election

to renew at least ninety (90) days prior to the Termination Date of the initial Term or any renewal term of this Agreement. Term renewals shall be approved by the City Council. LESSEE shall not be entitled to renew if it is in default under the terms of this Agreement at the time the option to renew is exercised. The terms and conditions of any renewal shall be the same as set forth in this Agreement, except that rent and/or fees may be recalculated, the required amounts of financial security may be revised, and provisions dealing with hazardous waste or impacts to natural resources may be changed at the time of renewal.

C. Surrender of Premises at End of Term:

Upon expiration or termination of the Term or extended term, as applicable, unless parties agree to renegotiate, LESSEE shall surrender Premises to the CITY in the same or better condition as on the Commencement Date, reasonable wear and tear accepted.

7. RENT

The LESSEE shall pay the CITY a monthly rental fee of (a) 2% of the gross receipts from revenues from operation of the Premises by the LESSEE, for all amounts up to $300,000; (b) 3% of the gross receipts from the operation of the Premises, for all amounts in excess of $300,000. The LESSEE shall maintain detailed accounting records in accordance with generally accepted accounting principles and practice to substantiate all rental payments.

The rent shall be paid 10 calendar days after each calendar month during which there are gross receipts from the operation of the Premises.

Within sixty days after the first day of the calendar year the LESSEE shall provide the LESSOR with an operating statement prepared by an Accountant setting forth its gross receipts for the previous calendar year and the basis for calculating the rent set forth herein.

A late charge of 5% will be added to all amounts of rent not received by the 10th calendar day of each month for the proceeding month.

8. ORV PARK FEES

FEE schedules as established in Exhibit "A" may be increased at an annual rate of not to exceed 10% per year.

The fees established in Exhibit "A" may also be adjusted during the term of the contract to reflect changes made in the Minimum State Wage schedule as set by the Washington Department of Labor & Industries. The wages shall be understood to mean the hourly rates including any mandatory insurance and fringe benefits as required by the State.

If the LESSEE proposes fee increases due to unforeseen incurred operating costs such as fuel, insurance and utilities, in excess of 10% or Minimum Wages increase, such fee increases shall be reviewed by the Parks and Recreation Commission and approved by the City Council.

9. UTILITIES

For the initial five year period of the agreement the City shall pay for all utilities associated with the Premises. Utilities shall be renegotiated if Lease Term is extended or renewed. If natural gas, sanitary sewer or any other utilities are provided to the site they shall be extended at the LESSEE'S cost.

Telephone and solid waste collection and removal shall be the Lessee's obligation from the date of this agreement. During the first five year period of the agreement the City shall pay the monthly charge for two six yard containers with dumping once a week. If additional waste disposal fees are incurred, they shall be paid by the LESSEE.

LESSEE agrees to follow any and all regulations adopted by the CITY pertaining to recycling.

10. SIGNS

Any signs or symbols placed on or off the Premises by the LESSEE or its agents shall comply with any applicable laws, ordinances and regulations including but not limited to the zoning regulations set forth in the CITY'S zoning ordinance. Any signs or symbols placed on the Premises shall be removed by the LESSEE at the termination of this lease and the LESSEE shall repair any related damage or injury to the Premises. If not so removed by LESSEE, the CITY may have the same removed and repairs performed at LESSEE'S expense.

11. OBLIGATIONS OF CITY

a) Support IAC Development grant for capital projects when available.
b) Support promotion of the facility and events through CITY website.
c) Provide technical information concerning the facility during transition or as needed for up to six months from the date of this agreement
d) Unless specified in this Agreement the City will not provide resources to the LESSEE for the operation, maintenance or improvement to the premises.
e) Maintain Twin Bridges Road/Grosscup Road from SR-240 to the ORV Park Gate in no less a condition than it is in at the time of entering this agreement.
f) "Rent" will be earmarked for reinvestment back to the ORV Park as matching funds for grant applications.
g) Pay difference to LESSEE the amount invoiced for services for City scheduled race event fees through June 3, 2007 and fees collected by LESSEE. Payment not to exceed $3,428 per event.

12. OBLIGATION OF LESSEE

a) The LESSEE shall comply with the HORN RAPIDS ORV PARK BUSINESS PLAN 2007-2012 (and as updated), attached as Exhibit A to this agreement.
b) Every five years the LESSEE shall submit a revised five-year HORN RAPIDS ORV PARK BUSINESS PLAN to the City for approval.

c) Liability waivers and parental permission forms shall be signed by all riders, participants, campers and spectators entering the Premises. The CITY shall be listed on said waiver in addition to the LESSEE.

e) Race events, scheduled through June 3, 2007 by the City, shall be operated and managed.

f) Offer event insurance to promoters for purchase for race event insurance per section 23 of this agreement.

g) Repair and maintenance of all structures, drainfields and entry road (from existing gate to the MX course entry gate).

h) Provide weed control per Exhibit "A".

13. IMPROVEMENTS

A. Existing Improvements:

Existing structures currently located within the boundaries of the ORV Park are:

1) All Terrain Vehicle Picnic Shelter
2) Comfort Station and Showers
3) Motocross Score Tower
4) Motocross Starting Gate - New
5) Motocross Starting Gate – Old
6) Booster Pump located by Potato Shed on Twin Bridges Road
7) Playground equipment
8) Sand Drag Score Tower
9) Shop Building
10) 2 each Large open Shelters
11) Motocross Tunnel
12) Office Trailer
13) Pump House
14) ORV Shelter across from Motocross Track
15) Water Line Vault
16) ATV Scorer Tower
17) 4 X 4 Score Tower

The CITY does not guarantee the condition of any of the above structures or the premises and no warranty of any kind has been or is being made by the CITY as regards the structures and Premises. The LESSEE recognizes and acknowledges that the above described structures and Premises are leased in an "as is" condition without warranty to its fitness or safety and that any verbal representations to the contrary are repudiated hereby in this document.

B. LESSEE-owned Improvements:

So long as this agreement remains in effect, LESSEE shall retain ownership of all authorized improvements and trade fixtures it may place on Property. LESSEE-owned improvements shall not include any construction, reconstruction, alteration, or addition to any unauthorized Improvements made on the Property without CITY'S prior consent.

C. Construction:

Prior to any construction, alteration, replacement, removal, or major repair of any improvements (whether CITY-owned or LESSEE-owned), LESSEE shall submit to CITY plans and specifications which describe proposed activity. Construction shall not proceed until CITY has approved those plans and specifications in writing and when requested by the CITY, LESSEE has obtained a performance and payment bond (for any permanent structure with a value in excess of $25,000) in an amount equal to 100% of the estimated cost of construction. The performance bond shall be maintained until the costs of construction, including all laborers and material persons, have been paid in full. CITY'S consent and approval shall not be required for any routine maintenance or repair of improvements made by LESSEE pursuant to its obligation to maintain the Property in good order and that does not result in construction, alteration, replacement, or major repair of any improvements on the property.

D. Removal:

LESSEE-owned improvements shall be removed by LESSEE by Termination Date unless CITY notifies LESSEE that LESSEE-owned improvements may remain. To the extent that LESSEE-owned Improvements include items of personal property which may be removed from the Premises without harming the Property or the improvements, the CITY asserts no ownership interest in these improvements unless the parties agree otherwise in writing upon termination of the lease.

E. Unauthorized Improvements:

Improvements made on the property without the CITY'S prior consent or which are not in conformance with plans submitted to and approved by CITY ("Unauthorized Improvements") shall immediately become the property of the CITY, unless the CITY elects otherwise. Regardless of ownership of Unauthorized Improvements, CITY may, at its option, require LESSEE to sever, remove, and dispose of them, charge LESSEE for the use of them, or both. If LESSEE fails to remove an Unauthorized Improvement upon request, CITY may remove it and charge LESSEE for the cost of removal and disposal.

F. Maintenance/Repairs by LESSEE:

Except as otherwise provided, LESSEE shall keep and maintain the PREMISES in a neat, clean, safe and sanitary condition including equipment, all electrical wiring and fixtures, all plumbing and sewage facilities within or attached to the PREMISES.

14. HAZARDOUS MATERIALS AND ENVIRONMENTAL COMPLIANCE

A. Definition: "Hazardous Materials" as used herein shall mean:

Any toxic substances or waste, sewage, petroleum products, radioactive substances, medical, heavy metals, corrosive, noxious, acidic, bacteriological or disease-producing substances or any dangerous waste or hazardous waste as defined in Washington Hazardous Waste Management Act as now existing or hereafter amended (RCW Ch. 70.105) or as defined in Resource Conservation and Recovery Act as now existing or hereafter amended (42 U.S.C. Sec. 6901 et seq.); or

B. Definition: "Hazardous Substance" as used herein shall mean:

Any substance which now or in the future becomes regulated or defined under any federal, state, or local statute, ordinance, rule, regulation, or other law relating to human health, environmental protection, contamination or cleanup, including, but not limited to, the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA") as now existing or hereafter amended (42 U.S.C. Sec. 9601 et seq.) and Washington's Model Toxics Control Act ("MTCA") as now existing or hereafter amended (RCW Ch. 70.105); or

Any pollutants, contaminants, or substances posing a danger or threat to public health, safety or welfare, or the environment, which are regulated or controlled as such by any applicable federal, state or local laws, ordinances or regulations as now existing or hereafter amended.

C. Use of Hazardous Substances:

LESSEE covenants and agrees that Hazardous Substances will not be used, stored, generated, processed, transported, handled, released, or disposed of in, on, or above the Property, except in accordance with all applicable laws.

D. Environmental Compliance:

LESSEE shall, at LESSEE's own expense, comply with all federal, state and local laws, ordinances and regulations now or hereafter affecting the Premises, CITY'S business, or any activity or condition on or about the Premises, including, without limitation, all laws, ordinances and regulations related to Hazardous Materials and all other environmental laws relating to the improvements on the Premises, soil and groundwater, storm water discharges, or the air in and around the Premises, as well as such rules as may be formulated by the CITY ("the Laws"). LESSEE warrants that its business and all activities to be conducted or performed in, on, or about the Premises shall comply with all the Laws. LESSEE agrees to change, reduce, or stop any non-complying activity, or install necessary equipment, safety devices, pollution control systems, or other installations may be necessary at any time during the term of this Agreement to comply with the Laws.

LESSEE shall not cause or permit to occur any violation of the Laws on, under, or about the Premises, or arising from contractor's use or occupancy of the Premises, including, but not limited to, soil and ground water conditions.

LESSEE shall promptly notify CITY and provide all information regarding any activity of LESSEE related to Hazardous Materials on or about the Premises that is requested by the CITY. If LESSEE fails to fulfill any duty imposed under this section within a reasonable time, CITY may do so at the cost of Lessee; and in such case, LESSEE shall cooperate with CITY in order to prepare all documents CITY deems necessary or appropriate to determine the applicability of the Laws to the Premises and LESSEE's use thereof, and for all compliance therewith, and LESSEE shall execute all documents promptly upon City's request. No such action by CITY and no attempt made by CITY to mitigate damages shall constitute a waiver of any LESSEE's obligations under this paragraph.

LESSEE shall, at LESSEE's own expense, make all submissions to, provide all information required by, and comply with all requirements of all governmental authorities ("the Authorities") under the Laws.

Should any Authority demand that a cleanup plan be prepared and that a cleanup be undertaken because of any deposit, spill, discharge or other release of Hazardous Materials that occurs during the term of this Agreement and which arises at any time from LESSEE's use of occupancy of the Premises, then LESSEE shall, at LESSEE's own expense, prepare and submit the required plans and all related bonds and other financial assurances; and LESSEE shall carry out all such cleanup plans. Any such plans and cleanup are subject to city's prior written approval.

If a release of Hazardous Substances occurs in, on, under, or above the Property, or other property, arising out of any action, inaction, or event described or referred to in this document, LESSEE shall at its sole expense, promptly take all actions necessary or advisable to clean up the Hazardous Substance. Cleanup actions shall include, without limitation, removal, containment and remedial actions and shall be performed with all applicable laws, rules, ordinances, and permits. LESSEE shall be solely responsible for all cleanup, administrative, and enforcement costs of governmental agencies, including natural resource damage claims, arising out of any action, inaction, or event described or referred to in this document.

E. LESSEE Indemnification:

LESSEE shall be fully and completely liable to the CITY for any and all cleanup costs, and any and all other charges, fees, penalties (civil and criminal) imposed by any Authority with respect to LESSEE'S use, disposal, transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of Hazardous Materials in or about the Premises, common area, or buildings. LESSEE shall indemnify, defend, and save the CITY harmless from any and all of the costs, fees, penalties, and charges assessed against or imposed upon CITY (as well as CITY'S attorney's fees and costs) by any Authority as a result of LESSEE'S use, disposal, transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of Hazardous Materials, or from LESSEE'S failure to provide all information, make all submissions, and take all steps required by all Authorities under the Laws.

LESSEE shall indemnify and hold CITY harmless from any and all claims, liabilities, lawsuits, damages, and expenses including reasonable attorney's fees for bodily injury or death, property damage, loss, or costs caused by or arising from the use, disposal, transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of Hazardous Materials by LESSEE or any of its agents, representatives or employees in, on, or about the Premises occurring during the term of this agreement.

F. CITY Indemnification:

CITY shall indemnify and hold the LESSEE harmless from any and all claims, liabilities, lawsuits, damages, and expenses, including reasonable attorney's fees arising from third party actions brought against LESSEE that are caused by or arise from the use, disposal, transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of Hazardous Materials by CITY or any of its agents, representatives or employees in, on, or about the Premises.

G. Reporting requirements:

LESSEE shall comply with the Laws requiring the submission, reporting, or filing of information concerning Hazardous Materials with the Authorities, and shall provide to CITY a full copy of such filing or report as submitted within 15 days of such submission.

H. Right To Check On LESSEE'S Environmental Compliance:

CITY expressly reserves the right, and LESSEE shall fully cooperate in allowing, from time to time, such examinations, tests, inspections, and reviews of the Premises as CITY, in its sole and absolute discretion, shall determine to be advisable in order to evaluate any potential environmental problems.

I. Remedies:

Upon LESSEE'S default under this Section, **Hazardous Materials and Environmental Compliance**, CITY shall be entitled to the following rights and remedies in addition to any other rights and remedies that may be available to the CITY:

1) At CITY'S option, to terminate this Agreement immediately, notwithstanding the notice of Section 9; and/or.

2) At CITY'S option, to perform such response, remediation and/or cleanup as is required to bring the Premises and any other areas of CITY property affected by LESSEE'S default into compliance with the Laws and to recover from LESSEE all of the CITY'S costs on connection therewith; and/or

3) To recover from LESSEE any and all damages associated with the default, including but not limited to response, remediation and cleanup costs and charges, civil and criminal penalties and fees, adverse impacts on marketing the Premises or any other adjacent area of CITY property, loss of business and sales by CITY and other CITY lessees, diminution of value of the Premises and/or other adjacent areas owned by CITY, the loss or restriction of useful space on the Premises and/or other adjacent areas owned by CITY, any and all damages and claims asserted by third parties, and CITY'S attorney's fees and costs.

J. Remediation On Termination Of Agreement:

Upon the expiration or earlier termination of this agreement, LESSEE shall remove, remediate or cleanup any Hazardous Materials on or emanating from the Premises, provided that the presence of Hazardous Materials arises from LESSEE'S use or occupancy of the Premises or LESSEE'S acts or omissions exacerbate the cost of remediation and LESSEE shall undertake whatever other action may be necessary to bring the premises into full compliance with the Laws ("Termination Cleanup"). The process for such termination Cleanup is subject to CITY'S prior written approval. If LESSEE fails or refuses to commence the Termination Cleanup process, or fails to reasonably proceed toward completion of such process, CITY may elect to perform such Termination Cleanup after providing LESSEE with written notice of the CITY'S intent to commence Termination Cleanup, and after providing LESSEE a reasonable opportunity, which shall be not less than ninety (90) days after such notice (unless CITY

is given notice by a government agency with jurisdiction over such matter that Termination Cleanup must commence within a shorter time, in which case CITY shall give LESSEE notice of such shorter time), to commence or resume the Termination Cleanup process. If city performs such Termination Cleanup after said notice and contractor's failure to perform same, LESSEE shall pay all CITY costs.

K. Survival:

LESSEE'S obligations and liabilities under this section **Hazardous Materials and Environmental Compliance** , shall survive the expiration of this Agreement.

15. EMPLOYMENT

Any and all employees of the LESSEE or other persons while engaged in the performance of any work or services required of the LESSEE under this Agreement, shall be considered employees of the LESSEE only and not of the CITY, and any and all claims that may or might arise under any Workmen's Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a third party as a consequence of any act or omission on the part of the LESSEE'S employees or other persons while so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the LESSEE.

16. OTHER PARTIES

It is mutually agreed that this Agreement is not transferable by either signatory to a third party without the consent of the other principal party.

17. PERFORMANCE STANDARDS

The LESSEE shall meet the Performance Standards as set forth in the HORN RAPIDS ORV PARK BUSINESS PLAN FOR 2007 – 2012, Exhibit "A" to this agreement, and as revised thereafter. Failure to meet performance standards shall be justification for termination as set forth in paragraph 18. Modifications to the performance standards and justifications supporting the requested modifications shall be submitted to and approved by the City.

18. TERMINATION / DEFAULT

This Agreement may be terminated by either party for cause upon thirty (30) days written notice, by registered mail, or mailed to the other party at his usual place of business and as follows:

A. BY LESSEE:

In the event of termination by the LESSEE, and except as provided herein, the LESSEE shall have the right to remove removable supporting structures, buildings, and other improvements placed upon the Premises by the LESSEE at any time within 120 days after such termination. The LESSEE shall restore the Premises to its original condition during the same time frame allowed for removal of the structure(s).

B. BY CITY:

In the event of termination by the CITY, as provided herein and section 17 above or at the end of the term of this Agreement, the CITY shall have the right for a period of 90 days after termination to purchase the support structures, buildings, and other improvements from the LESSEE at a price to be mutually agreed upon. In the event the CITY shall not exercise its right to purchase the support structures, buildings, and other improvements within the 90 day period, the LESSEE shall remove the same within 120 days after the expiration of such period and restore the Premises to its original condition during the same time frame.

C. Removal of structures at Termination/Default:

In the event of termination for any reason provided herein; and the LESSEE does not remove the supporting structures, buildings and other improvements placed upon the Premises by the LESSEE within the time frames set forth herein, the CITY may at its option, (1) on the payment of one dollar ($1.00) take title to said property; or (2) dismantle, remove and store such property at a location convenient to the CITY and charge to the LESSEE a fee for dismantling, removing, transporting and storing said property.

19. DISPUTE RESOLUTION

The CITY and the LESSEE agree to negotiate in good faith for a period of thirty (30) days from the date of notice of all disputes between them prior to exercising their rights under this Agreement, or under law.

All disputes between the CITY and the LESSEE not resolved by negotiation between the parties may be arbitrated only by mutual agreement of the CITY and the LESSEE. If not mutually agreed to resolve the claim by arbitration, the claim will be resolved by legal action. Arbitration of all claims will be in accordance with the Arbitration Rules of the American Arbitration Association.

20. CUMULATIVE REMEDIES

No provision of this agreement precludes CITY from pursuing any other remedies the CITY may have herein or at law for LESSEE'S failure to perform his obligations.

21. VENUE, APPLICABLE LAW AND PERSONAL JURISDICTION

In the event that either party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the parties hereto agree that any such action shall be initiated in the Superior Court of the State of Washington, situated in Benton County. The parties hereto agree that all questions shall be resolved by application of Washington law and that the parties to such action shall have the right of appeal from such decision of the Superior Court in accordance with the laws of the State of Washington. The LESSEE hereby consents to the personal jurisdiction of the Superior Court of the State of Washington, situated in Benton County.

22. ATTORNEY'S FEES

Attorney's fees which are reasonable and costs, including those on appeal, if appeal is taken, shall be allowed to the prevailing party by any court hearing a dispute under this Agreement.

23. INSURANCE

The LESSEE shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the LESSEE'S operations and use of the leased Premises.

A. Minimum Scope of Insurance

LESSEE shall obtain insurance of the types described below:

Commercial General Liability including Participant Injury Legal Liability (PILL) insurance shall be written on ISO occurrence form CG 00 01 and shall cover premises and contractual liability. The CITY shall be named as an insured under the Lessee's Commercial General Liability insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or a substitute endorsement providing equivalent coverage.

Property insurance shall be written on an all risk basis.

B. Minimum Amounts of Insurance

LESSEE shall maintain the following insurance limits:

Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence.

Property Insurance shall be written covering the full value of City's property and improvements with no coinsurance provisions.

C. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability insurance:

The LESSEE'S insurance coverage shall be primary insurance as respect the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the LESSEE'S insurance and shall not contribute with it.

The LESSEE'S insurance shall be endorsed to state that the coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the CITY.

D. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. best rating of not less than A:VII.

E. Verification of Coverage

LESSEE shall furnish the CITY with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Lessee.

The City is entitled to a certified copy of the insurance policy upon request.

A new certificate of coverage and AI coverage form shall be provided every policy year and shall be reviewed to ensure that there has been no

F. Waiver of Subrogation

LESSEE and CITY hereby release and discharge each other from all claims, losses, and liabilities arising from or caused by any hazard covered by property insurance on or on connection with the premises or said building. This release shall apply only to the extent that such claim, loss or liability is covered by insurance.

24. INDEMNIFICATION / HOLD HARMLESS

The LESSEE shall defend, indemnify, and hold harmless the CITY, its officers, officials, employees and volunteers harmless from any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of LESSEE'S use of Premises of from the conduct of LESSEE'S business, or from any activity, work or thing done, permitted, or suffered by LESSEE in or about the Premises, except only such injury or damage as shall have been occasioned by the sole negligence of the CITY.

25. COMPLIANCE WITH LEASEHOLD EXCISE TAX

The LESSEE hereby acknowledges that this Agreement is subject to the "leasehold excise tax" as set forth by chapter 82.29 RCW, as now or hereinafter amended, and the same shall be promptly paid by LESSEE.

26. SPECIAL CONDITIONS

A. Events. The schedule for park events will be established annually and provided to the City a minimum of one month prior to a single event or one month prior to the beginning of the race season.

B. Emergency Services. The LESSEE shall coordinate with the City of Richland Fire Department in all matters concerning fire safety and emergency vehicle access.

C. Sanitation. In addition and without limitation, the LESSEE shall at all times during the term of this agreement, at its own cost and expense, keep and maintain the Premises free from litter and/or debris The LESSEE shall provide the necessary chemical toilets to serve the participants during events if necessary. The number and placement will be to the approval of the Benton-Franklin Health Department.

D. Security, Parking, Crowd And Traffic Control. The LESSEE shall be responsible for providing security for the area described in Section 1 of this Agreement during the term of this Agreement. The LESSEE shall provide personnel to adequately control crowds and vehicle parking and to assist in traffic control as it pertains to events as necessary.

E. Annual Reporting Requirement. The LESSEE shall submit an annual report to the Parks and Recreation Department and Parks and Recreation Commission in December of each year. The report shall contain a breakdown of park attendance including events including spectator and participants. The report shall summarize all marketing and advertising efforts made by the LESSEE to attract Richland residents and out-of-town visitors to the facility. Financial records shall be submitted to the City

in a format consistent with standard accounting practices. The City reserves the right to audit the financial records upon demand.

F. Audit Information. The LESSEE shall make available to the LESSOR or the Washington State Auditor or their duly authorized representatives, at any time during normal operating hours, all records, books or pertinent information which the LESSEE has kept in conjunction with this agreement or which the LESSOR may be required by law to include or make part of its auditing procedures, an audit trail or which may be required for the purpose of funding the services contracted for herein.

27. NOTICES

All notices and demands required or allowed to be given hereunder shall be in writing and sent by certified mail, return receipt requested, or hand delivered and receipted for, to the respective parties at the following addresses, or at such other address that either party may designate by notice in writing:

CITY: City of Richland
Phil Pinard
500 Amon Park Drive, Richland, WA 99352
509-942-7463
ppinard@ci.richland.wa.us

LESSEE: HRMC, Inc.
Ray Coffman, President
14620 E. 12th Ave., Spokane Valley, WA. 99037
509-314-0302

28. SUCCESSORS OR ASSIGNS

All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the parties hereto, and their respective successors and assigns; provided, however, that no assignment of the Agreement shall be made without written consent of the parties to the Agreement.

29. SUBLEASES

The LESSEE may sublease portions of the Premises. All sublease agreements shall meet the requirements of this agreement unless specific circumstances require exceeding the minimum conditions of this agreement. All subleases shall be approved by the City.

If consent to the assignment or subletting is granted, it may be granted on such reasonable conditions as the LESSOR may deem appropriate in light of all of the circumstances, including the proposed use by the assignee or sublessee, and any

change in conditions since the commencement of this agreement. The conditions may include a reasonable additional charge for administrative services of the LESSOR incident to the transaction

30. EQUAL OPPORTUNITY AGREEMENT

The LESSEE agrees that he will not discriminate against any employee or job applicants for work on this Agreement for reasons of race, sex, nationality or religious creed.

31. PARTIAL INVALIDITY

Any provision of this Agreement which is found to be invalid or unenforceable shall be ineffective to the extent of such invalidity or unenforceability, and the invalidity or unenforceability of such provision shall not affect the validity or enforceability of the remaining provisions hereof.

32. ENTIRE AGREEMENT/MODIFICATIONS

This Agreement contains the entire agreement between the parties and supersedes any prior or inconsistent agreements, negotiations, representations and promises, written or oral.

This Agreement may only be modified or amended in writing signed by an authorized representative of both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF RICHLAND, WASHINGTON

JOHN C. DARRINGTON
City Manager

Ray Coffman, President, HRMC Inc.

Steve Baze, Vice President, HRMC Inc.

ATTEST:

CYNTHIA D. JOHNSON
City Clerk

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

ACKNOWLEDGMENT

State of Washington
County of Benton

On this 6th day of April, 2007, Cynthia D. Johnson personally appeared before me,

X who is personally known to me,
____ whose identity I verified on the basis of _____,
____ whose identity I verified on the oath/affirmation of _____,
a credible witness,

to be the signer of the foregoing document, and he/she acknowledged that he/she signed it.

ELLEN E. KUKLINSKI COMMISSION EXPIRES NOTARY PUBLIC 5-21-08 STATE OF WASHINGTON

Ellen E. Kuklinski
Notary Public

My Commission Expires: 5-21-08

Attribution Clause: This Certificate is prepared for, and exclusively belongs to, the accompanying document entitled

ORV Park-Lease Agreement *which consists of* 16 *page(s) and is dated* April 6, 2007.

If this Certificate is appropriated to any document other than the one described herein, it shall be deemed null and void.

#0421

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ACKNOWLEDGMENT

State of Washington
County of Benton

On this 6th day of April, 2007, Ray Coffman personally appeared before me,

____ who is personally known to me,
X whose identity I verified on the basis of Wash. State Driver's License,
____ whose identity I verified on the oath/affirmation of _____,
a credible witness,

to be the signer of the foregoing document, and he/she acknowledged that he/she signed it.

ELLEN E. KUKLINSKI COMMISSION EXPIRES NOTARY PUBLIC 5-21-08 STATE OF WASHINGTON

Ellen E. Kuklinski
Notary Public

My Commission Expires: 5-21-08

Attribution Clause: This Certificate is prepared for, and exclusively belongs to, the accompanying document entitled

ORV Park Lease Agreement *which consists of* 16 *page(s) and is dated* April 6, 2007

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EXHIBIT A

HORN RAPIDS ORV PARK BUSINESS PLAN

2007-2012

For purposes of this document
Ray Coffman and Steve Baze are referred to as HRMC, Inc.

Prepared for

City of Richland
505 Swift Boulevard
Richland, Washington 99352

Horn Rapids ORV Park Business Plan

HRMC

Chapter 1
Mission, Goals and Objectives

Mission Statement

It is the mission of HRMC to develop and maintain a family destination point, ORV park system that serves the needs of off road vehicle users at a reasonable cost.

Goals and Objectives

Provide recreational opportunities to users through continued maintenance, management and operation of Horn Rapids ORV Park.

- Interactively operate/manage the park by soliciting input from users to ensure needs are being met and to identify potential improvements.
- Develop and adhere to a maintenance plan for each 5-year term.
- Maintain ongoing public relations campaign to promote the ORV Park and its activities.

Ensure diversified opportunities for users through the provision of competitive, family, and practice events.

- Schedule a mix of competitive and non-competitive events to satisfy all users.
- Maintain day use opportunities.
- Coordinate scheduled use of non ORV facilities to ensure use will not impact ORV events.
- Keep park groomed and ready for activity during and between events.

Increase the operational capacity of the park based on user demand and increases in revenue.

- Develop and implement techniques to operate the park at maximum financial efficiency.
- Maintain as much operational and fiscal control over the park as possible in order to implement park improvements.
- Focus non-safety related facility improvements/expansions first on those generating the highest return on investment.

Chapter 2
Current Conditions

Overview

Horn Rapids ORV Park is located 3.5 miles west of Richland at the intersection of SR 240 and Twin Bridges Road, adjacent to the City Landfill. Included within the park's 300 acres are; 4X4 tracks, an MX track, an ATV track, a sand drag strip, campgrounds with restrooms, parking, go-kart track, sprint boat track, remote control model area, and open trails.

The main portion of the park is open to the public February through November for practice and casual play riding on Mondays, Tuesdays and Wednesdays until sundown. The park's tracks and trails are also open Saturdays and Sundays year round when no ORV events are scheduled. The park is CLOSED to the public on City Holidays and Thursdays and Fridays all year. Tracks being prepared for events remain closed on Saturdays prior to racing. ATV use of the MX track is limited to Sundays from 8:30 am to 12:30 pm.

The go-kart, sprint boat and radio control model areas are not open to the general public except during scheduled events.

Horn Rapids ORV Park is one of three publicly owned ORV track facilities in Washington State that serve the needs of off-road vehicle users.

The City developed the site in 1982 using IAC-NOVA funds. Since that time, the City has improved, renovated, maintained and managed the park through the use of park generated revenues, IAC grant funds, and City General Fund monies.

Planning Area – For the purposes of this proposal, the planning area for the Horn Rapids ORV Park – HRMC consists of the entire 300 acres located within the park boundaries except that the go-kart, sprint boat and remote control model leased areas will be excluded (Please refer to Map #1)

Facilities – Horn Rapids ORV Park is an intensive use facility which includes an open riding area, MX track, ATV track, 4x4 relay track, 4x4 obstacle course, sand drags, restrooms with showers, campground, group shelters, play ground equipment and spectator areas with bleachers.

Land Use – The ORV park is currently zoned Agricultural and has a Comprehensive Plan Land Use Designation of Developed Open Space.

Authority

The City of Richland owns the land that comprises the park.

Inventory Analysis
The following categories identify existing park inventory (excluding the go-kart, sprint boat and radio control model leased areas)

1. Total Land Area: 260.5 acres (less the remote control model leased area. Actual acreage was not known at the time of printing)

2. Support Facilities: Access road; RV/tent camping; playground; two restroom buildings one with showers; picnic shelter; MX score tower; MX starting gate (old & new); sand drag score tower; two open shelters; MX tunnel; shelter near MX track; ATV score tower and a 4x4 score tower.

3. Service and Utility Facilities: Maintenance shop; office trailer; water line vault; pump house; booster pump facility (located by potato shed on Twin Bridges Rd.)

4. Equipment:

ORV Park Office:
- 1-Metal desk
- 1-Wood desk
- 1-Plan holder
- 1-Safe
- 1-Single space locker
- 3-Double space lockers
- 2-Four drawer file cabinets
- 2-Plastic deck chairs
- 6-Office chairs
- 5-Metal folding chairs
- 1-30"x36" plastic table
- 3-6' Folding tables
- 1-4' Round table
- 1-24" Square table
- 1-Phone/answering combo machine

ORV Park Maintenance Shop:
- 1-300 gal. fuel tank
- 4-Storage cabinets w/doors
- 3-Storage cabinets w/out doors
- 1-4'x8' work table
- 1-2'x6' work table
- 2-Wood storage shelves
- 1-Metal locker
- 1-8'x9' wood storage bin
- 2-9'x4' wood storage bins

ORV Park Irrigation System:
- Rainbird ESP-12MC controller
- Pumps-30 HP Centrifugal Baldor, 30 HP Centrifugal US Electric, and 1 submersible well pump
- MX track-18 to 20 F100 Nelson Big Gun irrigation heads
- 4x4 track-12 F100 Nelson Big Gun irrigation heads
- 1-15 wheel irrigation line along drag strip

Miscellaneous Equipment:
- 1-box scraper
- 1-roller/packer
- 1-disc
- 3-drags
- 6-five row wood bleachers
- 50- picnic tables
- 45- 55 gal. trash cans
- P/A system – Working, good condition but insufficient – will not play CDs.
- Speakers - Good condition, however the amplifier is old

Service Area
Regional Market Area - The regional market area for the HRMC ORV Park consists of Washington State, the northernmost portions of Oregon State, Montana, Idaho, and the easternmost portion of Utah.

Recreational Uses
HRMC intends to open the ORV Park to the widest variety of permitted uses to satisfy as much of the existing demand as possible. Established uses at the park include individual recreational activities, competitive and sponsored events, specialized activities. Individual recreational activities may include: MX and ATV practice, trail riding, 4X4 driving.

Competitive, sponsored and organized events may include: MX and ATV racing, 4x4 events, sand drag racing, trail events, and ORV special events.

Specialized recreational activities may include: RV and tent camping, children's play opportunities, ORV shows and merchandising.

ORV safety/use training may include: 4x4 vehicles, motorcycles, ATVs.

Chapter 3
Operation Strategy

The Horn Rapids ORV Park will be managed and operated by HRMC (Ray Coffman and Steve Baze, principals). Originally opened and managed in 1982 by the City of Richland, the ORV Park has served the recreational needs of off road enthusiasts for approximately 25 years. It is the intent of HRMC, with the support of park users, to manage the park toward the end goal of becoming a self sustaining enterprise.

Period of Operation
HRMC plans to operate the park year round, weather permitting. The fall/winter schedule is weekends only. Currently, peak use occurs during March-June and September–November.

Functional Use
Functional use categories for the park include day use, camping, ORV events, and training.

- General Day Use – This category consists of non-competitive type activities including 4x4 vehicle activities, two-wheel motorcycles, and ATVs.
- Camping – Currently the designated camping area accommodates 25 dry campsites and 20 wet campsites for campers, RVs and tents. The facility offers a dump site and restrooms/ showers. HRMC intends to upgrade campsite facilities in the MX area to offer water and electric utility hookups and operate the campgrounds year round to generate additional revenue.
- Competitive/Organized Events and Activities – This category includes MX and ATV racing, 4x4 play days, dirt track racing, drag racing, sprint racing, trail events, and rally events.
- Other Recreation Functions – This category includes trail riding, track use, offroad use.

Proposed Fee Schedule
The following represents the proposed fee schedule for HRMC's first season of operation:

Camping $15.00/night (dry camping)
Camping $25.00/night (full hookup & includes sewer dump)

Open Area Riding (outside of skill based designated area/MX track)
- Family $5.00/person/day
- Individual $8.00/person/day
- Spectator $3.00/person/day

MX Practice $15.00/person/day or $5.00/person/hour up to 3 hour maximum
$10.00/person/day (Richland residents only)

All Area Access
- Family $45.00/day up to 4 immediate family members*
  $20.00/day up to 2 immediate family members*
  *family is defined as a parent or parents, plus unmarried children up to age 18 living at home
- Richland Resident $10.00/person/day

Rider Packages
- Bronze $200 / month (includes 1 spectator)
- Silver $1,000 / year (includes 2 spectators)
- Gold $1,500 / year (includes 2 spectators, unlimited facility use, 1 competition class of choice for PRO and HRMC INC only. Full camping hookups for series of choice HRMC INC. up to 8 evening uses - non event camping)

Event Fees Event gate fees are set by the sponsor per event and a negotiated amount is paid to HRMC. These fees will be reviewed by HRMC on an annual basis to determine cost/benefit. Fees may be adjusted as necessary.

HRMC has the ability to offer for purchase event insurance to sponsors through its insurance carrier.

HRMC commits to one (1) "free spectator day" per week. Additionally, HRMC intends to pursue other community type events as funding allows: They include but are not limited to:
- Free community days - 3 per year
- Ladies Day, play days, picnics, BBQs, etc.

Practice cards and rider/sponsor opportunity packages will also be considered.

Maintenance and Operation

The maintenance and operational needs of the park fall into three major categories including seasonal needs, buildings, and mechanical systems.

Seasonal needs include the following:
- Season Opening
  - Domestic water on to restrooms and drinking fountains
  - Fill pond with well water for MX track
  - Place garbage cans and picnic tables out to spectator areas and camp ground

- Clean shelters and score towers
- Check fencing for damaged or vandalized areas
- Burn tumbleweeds from fence lines
- Stock restrooms with cleaning and paper supplies
- Irrigation water on when available
- Set timers for MX, Obstacle, 4x4 Track to coordinate with sprint boat, go-kart and radio control model area watering schedules
- Check irrigation systems for proper operation
- Check playground for safety hazards
- Check hoses, nozzles and repair or replace as needed
- Check quick couplers in MX track
- Repair straw bales for tunnel jump as needed
- Check starting gate for proper operation
- Remove sand buildup from along fence lines
- Order additional Port-a-lets as needed
- Pump out disposal site

- Operating Season – as needed basis unless otherwise noted
  - Maintain MX, Obstacle, ATV, and 4X4 tracks
  - Garbage collection
  - Restroom cleaning
  - Prune trees and shrubs
  - Fertilize grass areas
  - Mow grass
  - Flail infield of MX
  - Weed eat grass areas and around cannons on MX
  - Track grooming
  - Track and grass irrigation and repair
  - Mole hill spectator area, grass, shrub irrigation of jeep track
  - Tree well building around pine trees
  - Hose and sprinkler repair
  - Janitorial duties to trailer, restrooms, and maintenance building
  - Tumble weed burning as necessary
  - Setting track markers
  - Building maintenance repairs
  - Vandalism repairs
  - Track changes and re-build
  - Road and parking lot grading
  - Repair of picnic tables, bleachers and fire rings
  - Fence, gate and lock repair
  - Maintain fire breaks
  - Grading for weed control in pit areas
  - Painting of hydrants, drinking fountains, decks, stairs, valve markers, ticket booth, etc
  - Sign maintenance and repair
  - Herbicide program for parking lots and campground
  - Safety inspection of tracks, playground equipment, buildings, tables, etc.
  - Plumbing repairs
  - Clean pond
  - Monitor pump out station

    - Clean shelters and score towers (Weekly)
    - Open and close park (Daily)

- Season Closing
    - Irrigation winterization
    - Domestic water winterization
    - Clean restrooms
    - Clean shelters and score towers
    - Put garbage cans and picnic tables in storage
    - Repair garbage cans and picnic tables as needed
    - Store hoses and nozzles in maintenance building
    - Maintain tracks (weather pending)
    - Lower count of Port-a-lets
    - Continue to monitor fence lines for tumbleweed build up or vandalism
    - Open and close park

- Off Season
    - Daily - Patrol grounds, keep phone messages and signs current
    - Weekly – Inspect playground for maintenance and safety needs
    - Twice per year – Perform major playground inspections as recommended in the Public Playground Safety Handbook guidelines

Building needs include the following:

- Daily – Clean restrooms, every two hours (if needed) during events
- After use – Clean shelters and score towers
- Weekly – Check all water, drainage and electrical systems
- Monthly – Check irrigation pump station
- Annually – Clean walls, windows, floors and exterior, clean and check roofs and gutters, service all locks of all buildings
- Annually – Winterize and secure all buildings as necessary, facilitate fire extinguisher inspection
- Paint – as needed

Mechanical systems needs include the following:

- Inventory annually
- Schedule service for mechanical systems
- Keep all items in safe working condition, store properly after each use

Management Strategy

HRMC's management strategy for the park is to keep the functional uses available to the general public. This management strategy will facilitate ongoing dialog between HRMC and park users to ensure that the park grows toward the needs of the users. Vendors or concessionaires will be used on an as-needed basis.

In order to increase park revenues and reduce safety hazards a revision in the park layout that allows for congruent, multiple uses is recommended. The campground facilities should also be upgraded and maintained/operated on a year round basis.

In the event that it becomes necessary to engage a vendor or concessionaire in park operations

HRMC will maintain responsibility for assuring compliance with all applicable State and Federal requirements and all IAC Agreement compliance obligations.

All agreements for the operation of IAC assisted projects by vendor/concessionaire or other private organizations or individuals will include the following:

- The right and authority of the HRMC to periodically review the performance of the vendor/concessionaire and terminate the lease or agreement if its terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility are not met.

Before execution of the lease/agreement between the HRMC and the vendor or concessionaire, the document will be reviewed and approved by the IAC and the City of Richland.

HRMC may sublease portions of the ORV Park described as the "Premises" in the lease agreement with the City. All sublease agreements shall meet the requirements of HRMC's agreement with the City unless specific circumstances require exceeding the minimum conditions of the agreement. All subleases shall be approved by the City and if necessary the IAC.

Economic Performance

The following financial statement presents the first full year financial forecast for park operations and a five year financial forecast for capital improvements. The associated Budget Forecast Notes provide line item explanations.

Projected Revenue – 1st full year of operation

Practice fees	$10,800
Spectators fees	$2,160
Event Fees - Rider	$60,000
Event Fees - Spectators	$52,500
Sponsorships Funds	$25,000
Educational Classes	$5,000
Season Passes	$30,000
Concessions	$7,500
Total Projected Revenues	**$192,960.00**

Expenditures – 1st full year of operation

Personnel	$61,888
Insurance	$32,000
Entity Establishment Costs	$20,000
Lease Fees	$3,852
Other Operating Costs	$62,600
Capital Equipment	$70,000
Capital Improvements	$60,000
Total Projected Expenditures	**$310,340.00**
Projected Capital Investment by HRMC	**$117,380.00**

Budget Notes:

- Personnel
    - Park Manager, etc.
        - Oversee day to day activities
        - Available for daily customer support
        - Manage daily funds and safety issues
        - Maintenance of facility
        - Manage and oversee track personnel
        - Reporting daily activities and documentation
- Insurance
    - Based on initial market estimate and assumes purchase of coverage through THE.
- Entity Establishment Costs
    - Charges include corporation set-up fees and related costs, attorney retainer, equipment deposits.
- Lease Fees
    - Assumes 2% of gross revenue up to $300,000; 3% of gross revenue of $300,001 and up
- Other Operating Costs
    - Includes all other operating costs such as maintenance and operations.
    - Maintenance tractor/water truck $2,000
    - PA system upgrade $1,000
- Capital Equipment

  These costs have increased significantly from original submittal (summer 2006) due to missed opportunity.
    - Tractor and accessories $15,000
    - Dozer $40,000
    - Water truck $10,000
    - Utility truck $5,000
- Capital Improvements
    - Includes immediate site and facility improvements
    - Upgrade track to approved safety standards
    - Establish designated control points for traffic into and out of facility
    - Establish safe staging areas
    - Remove track hazards to ensure visibility and safe flow

Chapter 4
Demand and Need

Operations and Maintenance – Increases in operational personnel, customer service and safety personnel may be necessary as the park grows in attendance and need.

Additional equipment purchases will be necessary to support operations and maintenance activities. The following items are needed for daily park operations but may be purchased, rented or leased as the budget allows. Associated cost estimates have been included but are not limited to:

Additional full time staff	$30,000
Grading implements	$ 8,000

Explanation of Needs

- Campgrounds - HRMC intends to upgrade the existing dry camping area to facilitate year-round use. Recreational vehicle campsites will be upgraded to include water and electrical services. Tent campsites will include group water service. Restroom and shower facilities will also be added. The project is anticipated to be completed in stages.
- Signage - Signs throughout the interior of the park as well as at the entrance are needed. These include regulatory, directional and informational signage.
- Entry roads - In order to accommodate the separation of traffic and address current hazards, existing access points must be reconstructed. HRMC recommends inbound traffic be rerouted to the back entrance to the park and outbound traffic exit through the main gate.
- Track separation and layout - The existing track system needs to be separated and changes need to be made in the park layout to accommodate separate use areas. These changes will allow for multiple activities to occur at the same time thereby increasing park usage and revenues. Initial areas identified include: motocross track; skill based tracks; open riding area, ATV, 4x4, training and safety areas; and a drag course.
- Develop kiosks and signage for the park including emergency contacts, evacuation routes, business and user group advertising.
- Future Needs - HRMC encourages Park users to communicate future needs.

Capital Improvement Program

A capital improvement plan is a list of fundable major improvements needed over the next five years. These improvements are arranged in order of need to ensure that the priority projects are addressed first, in accord with available funding. This plan will be reviewed by HRMC annually for needed adjustments.

The projects identified in the improvement plan are designed to ensure the operability and safety of the park, meet ORV user needs, and improve/upgrade the facilities as the budget allows.

Five Year Improvement Plan

1st year	$60,000
2nd year	180,000
3rd year	100,000
4th year	225,000
5th year	100,000
Total	**$665,000**

Capital Improvement Projects - Five Year Plan

*This category is for planning purposes only and does not assume grant funding approvals.

PROJECT	ESTIMATED COST BY YEAR				
	Year 1	Year 2	Year 3	Year 4	Year 5
Upgrade track to approved standards & starting gate	45,000				
Signage (enforcement/directional)	5,000				
Upgrade water system	10,000				
Improve campground/RV (electrical, water, sanitation upgrades)		100,000			
Additional track improvements (skill based riding areas)		50,000			
Continue campground/RV improvements		30,000	50,000		
1st Phase track lighting & purchase structure			50,000		
Entry/Exit road surface (widen & move traffic away from users/spectators				125,000	
2nd Phase track lighting				100,000	
Complete campground/RV improvements					100,000
Total - $665,000	$60,000	$180,000	$100,000	$225,000	$100,000

Other improvements needing immediate attention:

Establish control points for ingress/egress Expand spectator area for safe viewing
Establish safe staging area Address equipment maintenance
Remove track hazards to ensure visibility & safe flow
Upgrade sound system
Purchase equipment
Establish spectator bleacher area Safety fencing

Chapter 5
Public Involvement

The Horn Rapids ORV Park has a long history of public involvement and HRMC intends to continue that practice. Although the ongoing maintenance and operation of the park will be supported by HRMC, public participation through volunteerism will aide HRMC in pursuing improvement grants.

Many suggestions were received during the development of this plan. HRMC has worked very hard to address concerns and incorporate as many suggestions as practical.

HRMC intends to coordinate and cooperate with all other lessees within the entire ORV Park system.

Chapter 6
Funding Strategy

The funding strategy for the park identifies available opportunities for possible sources of revenue. Revenue sources may include user fees, in-kind/volunteer labor and services, private donations, and grant funds.

User Fees
User fees are a direct funding opportunity available to support the Horn Rapids ORV Park.. Fees for events, day use, camping, and other activities will be collected in order to subsidize the maintenance and operation of the park. Please refer to Operation Strategy, proposed fee schedule for specific activities and associated fees. To the extent possible, HRMC will work with volunteers as a means to reduce fees. Volunteers are encouraged to contact HRMC to discuss service needs, requirements and qualifications and negotiate individual terms.

In-Kind/Volunteer Labor and Services
Volunteer labor and services for the maintenance and operation of the ORV Park may be donated or traded as an offset to individual gate admission, race entry fees and/or season passes. HRMC intends to negotiate individually with interested parties. In some cases, the dollar equivalent of donated labor and services can be used as matching funds for grant funded projects.

Private Donations
Equipment, goods and/or funds may be donated to HRMC and earmarked for public recreational use at the Horn Rapids ORV Park.

Grants
Interagency Committee for Outdoor Recreation (IAC)

I. Nonhighway and Off-Road Vehicle Activities Program (NOVA) -ORV grant program, Fuel Tax monies, distributed in accordance with RCW 46.09.170

   Off-Road Vehicle (ORV) grants primarily assist ATV, four-wheel drive, and dirt bike recreation in both backcountry and competition track environments.

   Funding process:
   This program involves an open and highly competitive process in which funding relies heavily on an applicant's oral responses to a published set of IAC board approved evaluation questions. The

applicant makes this presentation before an advisory committee assembled by IAC to help prepare funding recommendations. The committee, appointed by IAC's Director, is composed of government representatives and non-highway road, non-motorized, ORV citizen members. IAC staff presents these recommendations to IAC's board for approval.

- No matching funds required.
- Park and recreation plan required.
- Evaluation criteria:
    - Need/Need fulfillment
    - One of the following:
        - Acquisition proposals -Site Suitability
        - Development proposals - Project Design
        - Maintenance proposals - Maintenance
        - Planning proposals – Planning
    - Readiness to Proceed
    - Project Support
    - Cost-Benefit
    - Matching Shares
    - Population Proximity
    - GMA Preference

Grant application timeline (approximate)

- March – letter of intent
- May – Application due
- August – current recreation plan due
- October – evaluation meeting (oral presentation)
- November – Grants awarded

II. Nonhighway and Off-Road Vehicle Activities Program (NOVA) – ORV grant program, ORV permit fees, distributed in accordance with RCWs 46.09.110, 46.09.170, and 46.09.280.

ORV permit fee funds are added to the fuel tax money of the NOVA Off-Road Vehicle grant program and distributed though the IAC NOVA Off-Road Vehicle grant program. The process to secure ORV permit fees is exactly the same as the fuel tax grant process as outlined above.

All NOVA Off-Road Vehicle grant applications are ranked during the evaluation process. Fuel tax money is expended first to ranked projects, then the ORV permit fees are distributed to subsequent projects by a subset of the NOVA advisory committee outlined in RCW 46.09.280 (2).

RCW 46.09.280 (2) After the advisory committee has made recommendations regarding the expenditure of the fuel tax revenue portion of the non-highway and off-road vehicle account moneys, the advisory committee's ORV and mountain biking recreationists, governmental representatives, and land managers will make recommendations regarding the expenditure of funds received under RCW 46.09.110 (Disposition of ORV moneys).

ORV Permit Fee distribution process:

Permit fees are collected under RCW 46.09.070,
Distributed under RCW 46.09.110 & RCW 46.09.170, by a subset of the NOVA committee as outline in RCW 46.09.280 (2).

III. Washington Wildlife Recreation Program (WWRP) grant program.

The ORV track facilities would NOT be eligible for any funding in this category.

RV campground development or renovation at the ORV Park could be eligible for WWRP grant program through the local park category. Projects need to match expressed community priorities to do well in this program. Maintenance and operation funding is NOT available through WWRP, only development and acquisition.

- Park and recreation plan required.
- Minimum matching share of non-IAC funds is 50% for each project.
- Maximum IAC share for acquisition is $500,000.
- Maximum IAC share for development is $300,000.

Chapter 7
Performance Standards

1. Completion of improvement projects.
2. . Hours of park operation are equal to or exceed hours currently provided by the City
3. Maintenance of facility as defined in this document
4. Payments remitted per the agreement
5. Compliance with reporting and insurance requirements
6. Performance defaults are remedied within 30 days of notice

Chapter 8
Exit Strategy

This exit strategy statement outlines the course of events that will be followed in the event that HRMC can no longer sustain activities at the ORV Park.

In the event that park closure for uses for ORV-related recreation is imminent HRMC will provide notification to the City of Richland and impacted ORV users in a timely manner so as to facilitate ample review and comment, and disclose justification for closure.

Date: 4-06-07

Ray Coffman, President HRMC, Inc.

Steve Baze, Vice President HRMC, Inc.

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/05/2007

PRODUCER 509-482-0880

JIM BANNON & ASSOCIATES
INSURANCE AGENCY INCORPORATED
P.O. BOX 48141
SPOKANE, WA 99228,

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

HRMC, LLC.
14620 E. 12TH
SPOKANE VALLEY, WA 99037

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: T.H.E. INSURANCE COMPANY	12866
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCUR [X] PART. LGL LIA SUBLIMIT $10,000. GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO› JECT [ ] LOC	M7LB6050	02/23/07	02/23/08	EACH OCCURRENCE	$ 1,000,000.00
						DAMAGE TO RENTED PREMISES (Ea occurence)	$
						MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$ 1,000,000.00
						GENERAL AGGREGATE	$
						PRODUCTS › COMP/OP AGG	$ 1,000,000.00
		AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON›OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	$
						BODILY INJURY (Per person)	$
						BODILY INJURY (Per accident)	$
						PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY › EA ACCIDENT	$
						OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY [ ] OCCUR [ ] CLAIMS MADE [ ] DEDUCTIBLE [ ] RETENTION $				EACH OCCURRENCE	$
						AGGREGATE	$
							$
							$
							$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				[ ] WC STATU› TORY LIMITS [ ] OTH› ER	
						E.L. EACH ACCIDENT	$
						E.L. DISEASE › EA EMPLOYEE	$
						E.L. DISEASE › POLICY LIMIT	$
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

COVERAGE IS FOR MOTOCROSS RACE & PRACTICE EVENTS. IT IS AGREED AND UNDERSTOOD THIS IS A SPECTATOR LIABILITY AND PARTICIPANT INJURY LEGAL LIABILITY POLICY ONLY. NO PARTICIPANT ACCIDENT COVERAGE IS AFFORDED BY THIS POLICY. FOR COVERAGE TO BE EFFECTED, A PREMIUM MUST BE MAILED 24 HOURS PRIOR TO THE EVENT'S COMMENCEMENT.
PRACTICE DATE: 04/07/07.
ADDITIONAL INSURED(S): CITY OF RICHLAND, WA.

CERTIFICATE HOLDER

CITY OF RICHLAND
C/O STAN JOHNSON
500 AMON PARK DRIVE
RICHLAND, WA 99352

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE James W. Bannon

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C47-07 (1)

AMENDMENT NUMBER 1
TO THE
HORN RAPIDS ORV PARK
OPERATING LEASE AGREEMENT

WHEREAS, the City of Richland and HRMC, Inc. entered into the Horn Rapids ORV Park Operating Lease Agreement ~~#C47007~~ on April 6, 2007, with respect to operation of the Horn Rapids ORV Park; and C47-07

WHEREAS, the City Council authorized the City Manager to sign a Lease Agreement with the Lessee on August 7, 2007; and

WHEREAS, the parties to that Agreement desire to amend said Agreement by including additional property and facilities into the Agreement; and

WHEREAS, the Premises are amended to be described as that portion of the property within the complex under the jurisdiction and control of the Lessee; and

WHEREAS, this Amendment will include the following changes to the Lease Agreement:

1. The first paragraph, third sentence: the names Ray Coffman and Steve Baze shall be removed.

2. Section 2, "General Description of Property" shall be revised per this Amendment.

3. Section 3, "Scope of Work". The Horn Rapids ORV Park Business Plan, an attachment to the Agreement, shall be modified as follows:

   Chapter 3, "Operation Strategy", Competitive/Organized Events and Activities, add: "Supercross MX/SX."

   Chapter 3, "Operation Strategy" Capital Improvements, add: "converting the former sprint boat facility to a supercross track."

4. Section 13, "Improvements", added to the Agreement:

   - Irrigation pump
   - Underground irrigation system
   - Underground electrical distribution system, above ground transformers and other appurtenances
   - 11 picnic tables
   - 32' x 12' modular office building
   - 4 bleachers
   - 10 stadium lights with 4-8 lamps
   - 8 single lamp street lights
   - 18 power pedestals
   - 3 flag poles

5. Page 16, signature of Steve Baze, Vice President, HRMC, Inc. shall be deleted.

NOW THEREFORE, the Horn Rapids ORV Park Operating Lease Agreement is amended to include that portion of the property formerly leased to the Tri-City Watersports Association for the purpose of jet-sprint boat racing, less the parking lot for that facility, within the fenced boundary of the ORV Park, and legally defined as:

A portion of Section 18, Township 10 North, Range 28 East, W.M., the City of Richland, Benton County, Washington, described as follows:

All of said Section 18, lying Southwesterly of the Southwesterly right-of-way of Horn Rapids Road, as described by Quit claim deed recorded under Auditor's file No. 621665 records of said County and State, and Northwesterly of the Northeasterly right-of-way of State Route 240, and Northerly and Easterly of Record of Survey No. 1551 as recorded in Volume 1 of Surveys on Page 1551, records said County and State, and lying Southeasterly of a parcel described by Statutory Warranty deed as recorded under Auditor's file No. 96-26535 records of said County and State.

TOGETHER WITH:

SUPERCROSS MX/SX

A portion of Section 18, Township 10 North, Range 28 East, W.M., the City of Richland, Benton County, Washington, described as follows:

Beginning at the Northeast corner of said Section 18, (found Brass cap); Thence South 00°53'55" West a distance of 5281.89 feet along the East line of said Section 18, to the Southeast corner of said Section 18, (found Stone with "X"). Thence North 00°53'55" East along said East line a distance of 1617.30 feet to a point; Thence North 89°06'05" West leaving said East line a distance of 90.00 feet to the **TRUE POINT of BEGINNING**; Thence North 83°18'56" West a distance of 707.20 feet; Thence South 66°56'25" West a distance of 68.24 feet; Thence South 42°31'51" West a distance 330.09 feet; Thence South 24°37'34" West a distance of 159.06 feet to a tangent point on a curve to the left, said curve having a radius of 350.00 feet; Thence Southerly along the arc of said curve a distance of 503.66 feet, through a central angle of 82°27'02" to it's point of tangency; Thence South 57°49'28" East a distance of 321.57 feet; Thence South 87°31'58" East a distance of 134.51 feet; Thence South 62°36'30" East a distance of 171.13 feet; Thence South 73°35'43" East a distance of 176.47 feet; Thence North 86°39'58" East a distance of 188.57 feet to a point on a line 80.00 feet Westerly and parallel to the East line of said Section 18; Thence North 00°53'55" East a distance of 1068.95 feet along said parallel line; thence North 89°06'05" West a distance of 10.00 feet back to the true point of beginning.

Contains 23.0 acres +/-

<u>EXCEPT</u> THE FOLLOWING DESCRIBED PARCELS:

GO-KART TRACK

A portion of Section 18, Township 10 North, Range 28 East, W.M., The City of Richland, Benton County, Washington, described as follows:

Beginning at the Northeast corner of said Section 18, (found Brass cap); Thence South 00°53'55" West a distance of 5281.89 feet along the East line of said Section 18, to the Southeast corner of said Section 18, (found Stone with "X"). Thence North 00°53'55" East along said East line a distance of 1617.30 feet to a point; Thence North 89°06'05" West leaving said East line a distance of 90.00 feet to the **TRUE POINT of BEGINNING**; Thence North 83°18'56" West a distance of 707.20 feet; Thence North 22°03'51" West a distance of 510.35 feet; Thence North 00°14'30" East a distance of 256.01 feet; Thence North 34°36'54" East a distance of 55.15 feet; Thence North 89°48'28" East a distance of 495.04 feet; Thence North 76°28'03" East a distance of 70.34 feet; Thence North 89°39'43" East a distance of 302.01 feet to a point on a line 100.00 feet Westerly and parallel to the East line of said Section 18; Thence South 00°53'55" West a distance of 47.39 feet along said parallel line; Thence South 89°06'05" East a distance of 10.00 feet to a point on a line 90.00 feet

Westerly and parallel to the East line of said Section 18; Thence South 00°53'55" West a distance of 829.15 feet along said parallel line back to the true point of beginning.

Contains 15.8 acres +/-

TRI-CITY REMOTE CONTROL MODELERS (TCRCM)

A portion of Section 18, Township 10 North, Range 28 East, W.M., The City of Richland, Benton County, Washington, described as follows:

Beginning at the Northeast corner of said Section 18, (found Brass cap); Thence South 00°53'55" West a distance of 5281.89 feet along the East line of said Section 18, to the Southeast corner of said Section 18, (found Stone with "X"). Thence North 00°53'55" East a distance of 4109.56 feet along said East line of said Section 18; Thence North 89°06'03" West leaving said East line a distance of 1894.42 feet to the **TRUE POINT of BEGINNING**; Thence South 29°53'39" West a distance of 294.16 feet to a point; Thence North 70°03'00" West a distance of 896.34 feet to a point; Thence North 17°56'08" East a distance of 281.85 feet to a point; Thence North 73°52'29" East a distance of 1152.18 feet to a point; Thence South 21°54'18" East a distance of 260.83 feet to a non-tangent point on a curve concave to the Southeast, said curve having a radial bearing of S13°01'58" East a distance of 200.00 feet; thence Southwesterly along the arc of said curve a distance of 164.32 feet through a central angle of 47°04'23" to it's point of tangency; Thence South 29°53'39" West a distance of 348.12 feet back to the true point of beginning.

Contains 14.4 acres +/-

TWIN BRIDGES ROAD RIGHT-OF-WAY

A portion of Section 18, Township 10 North, Range 28 East, W.M., and a portion of the Northwest quarter of Section 20, Township 10 North, Range 28 East, W.M., The City of Richland, Benton County, Washington, described as follows:

Beginning at the Northeast corner of said Section 18, (found Brass cap); Thence South 00°53'55" West a distance of 5281.89 feet along the East line of said Section 18, to the Southeast corner of said Section 18, (found Stone with "X"), said Stone being the **TRUE POINT of BEGINNING**; Thence South 38°27'48" West leaving said East line, a distance of 57.43 feet to an angle point; Thence South 35°37'52" West a distance of 4.17 feet to a point on a tangent curve to the left, said curve having a radius of 166.00 feet; Thence Southerly along the arc of said curve a distance 165.44 feet, through a central angle of 57°06'10" to it's point of tangency; Thence South 21°28'18" East a distance of 210.04 feet to a point on a curve to the right, said curve having a radius of 214.00 feet; Thence Southerly along the arc of said curve a distance of 219.76 feet, through a central angle of 58°50'12" to it's point of tangency; Thence South 37°21'54" West a distance of 13.77 feet to a point on the Northerly right-of-way of State Route 240, as shown on Record of Survey No. 1551, as recorded in Volume 1 of Surveys on Page 1551, records of said County and State; Thence North 52°38'06" West a distance of 80.00 feet along said Northerly right-of-way to the Southeast of said Record of Survey No. 1551; Thence North 37°21'52" East leaving said Northerly right-of-way a distance of 13.77 feet along the Easterly line of said Survey to a point on a tangent curve to the left, said curve having a radius of 134.00 feet; Thence Northerly along the arc of said curve and said Easterly line, a distance 137.60 feet, through a central angle of 58°50'12" to it's point of tangency; Thence North 21°28'18" West a distance of 210.04 feet along said Easterly line to a point on a curve to the right, said curve having a radius of 246.00 feet; Thence Northerly along the arc of said curve a distance 245.17 feet, through a central angle of 57°06'10" to it's point of tangency; Thence North 35°37'52" East a distance of 4.17 feet along said Easterly line of said Survey to a point on a curve to the left, said curve having a radius of 74.00 feet; Thence Northerly along the arc of said curve a distance

67.05 feet, through a central angle of 51°54'38" to a point of reverse curve to the right, said curve having a radius of 196.00 feet; Thence Northerly along the arc of said curve a distance 96.41 feet, through a central angle of 28°10'58" along said Easterly line, to it's point of tangency; Thence North 11°54'12" East a distance of 125.11 feet along said Easterly line to the Northeast corner of said Record of Survey No. 1551; Thence South 89°51'29" West leaving said Easterly line along the Northerly line of said Survey, a distance of 7.87 feet to a point; Thence North 00°53'55" East a distance of 1335.25 feet parallel to said East of said Section 18; Thence North 89°06'05" West a distance of 10.00 feet to a point; Thence North 00°53'55" East a distance of 829.15 feet parallel to said East of said Section 18; Thence North 89°06'05" West a distance of 10.00 feet to a point; Thence North 00°53'55" East a distance of 2401.71 feet parallel to said East of said Section 18, to a point on the Southerly right-of-way of Horn Rapid Road; Thence South 72°52'53" East leaving said parallel along said Southerly right-of-way a distance of 104.15 feet to a point on said East line of said Section 18; Thence South 00°53'55" West a distance of 4819.07 feet along said East line back to the true point of beginning.

Contains 11.4 acres +/-

HORN RAPIDS WATER STORAGE RESERVOIR AND OVERFLOW AREA
RESERVOIR SITE

A portion of Section 18, Township 10 North, Range 28 East, W.M., The City of Richland, Benton County, Washington, described as follows:

Beginning at the Northeast corner of said Section 18, (found Brass cap); Thence South 00°53'55" West a distance of 5281.89 feet along the East line of said Section 18, to the Southeast corner of said Section 18, (found Stone with "X"). Thence North 00°53'55" East along said East line a distance of 1617.30 feet to a point; Thence North 89°06'05" West leaving said East line a distance of 90.00 feet; Thence North 83°18'56" West a distance of 707.20 feet; Thence South 66°56'25" West a distance of 68.24 feet; Thence South 42°31'51" West a distance 330.09 feet; Thence South 24°37'34" West a distance of 159.06 feet to a tangent point on a curve to the left, said curve having a radius of 350.00 feet; Thence Southerly along the arc of said curve a distance of 503.66 feet, through a central angle of 82°27'02" to it's point of tangency; Thence South 57°49'28" East a distance of 140.04 feet to the **TRUE POINT of BEGINNING**; Thence continuing South 57°49'28" East a distance of 181.53 feet; Thence South 87°31'58" East a distance of 134.51 feet; Thence South 62°36'30" East a distance of 171.13 feet; Thence South 73°35'43" East a distance of 176.47 feet; Thence North 86°39'58" East a distance of 188.57 feet to a point on a line 80.00 feet Westerly and parallel to the East line of said Section 18; Thence South 00°53'55" West a distance of 266.30 feet along said parallel line to a point on the North line of Record of Survey No. 1551, as recorded in Volume 1 of Surveys on Page 1551, records of said County and State; Thence South 89°51'29" West a distance of 792.13 feet along said North line to a point; Thence North 00°08'31" West leaving said North line a distance of 488.29 feet back to the true point of beginning.

Containing 6.2 acres +/-

OVERFLOW AREA

A portion of Section 18, Township 10 North, Range 28 East, W.M., The City of Richland, Benton County, Washington, described as follows:

Beginning at the Northeast corner of said Section 18, (found Brass cap); Thence South 00°53'55" West a distance of 5281.89 feet along the East line of said Section 18, to the Southeast corner of said Section 18, (found Stone with "X". Thence North 00°53'55" East along said East line a distance of 1617.30 feet to a point; Thence North 89°06'05" West

leaving said East line a distance of 90.00 feet; Thence ~~South~~ North 83°18'56" West a distance of 707.20 feet; Thence South 66°56'25" West a distance of 68.24 feet; Thence South 42°31'51" West a distance 330.09 feet; Thence South 24°37'34" West a distance of 159.06 feet to a tangent point on a curve to the left, said curve having a radius of 350.00 feet; Thence Southerly along the arc of said curve a distance of 503.66 feet, through a central angle of 82°27'02" to it's point of tangency; Thence South 57°49'28" East a distance of 140.04 feet; Thence South 00°08'31" East a distance of 488.29 feet to a point on the North line of said Record of Survey No1551, and the **TRUE POINT of BEGINNING**; Thence South 89°51'29" West a distance of 330.40 feet along said North line to the Northwest corner of said Survey and a point on the Northerly right-of-way of State Route 240 as shown on said Record of Survey No. 1551; Thence North 52°38'06" West a distance of 700.00 feet along said Northerly right-of-way; Thence North 37°21'54" East leaving said Northerly right-of-way a distance of 200.00 feet; Thence South 52°38'06" East a distance of 200.00 feet; Thence South 37°21'54" West a distance of 180.00 feet to a point Northerly and 20.00 feet parallel to said Northerly right-of-way; Thence South 52°38'06" East a distance of 493.21 feet along said parallel line to a point that intersects a line 20.00 feet Northerly and parallel to the said North line of said Record of Survey No. 1551; Thence North 89°51'29" East a distance of 323.61 feet along said parallel line; Thence South 00°08'31" East leaving said parallel line a distance of 20.00 feet back to the true point of beginning.

Contains 1.3 acres +/-

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on this 6th day of MAR, 2008.

CITY OF RICHLAND, WASHINGTON

CYNTHIA D. JOHNSON,
City Manager

HRMC, INC.

RAY COFFMAN
President

ATTEST:

DEBRA BARHAM,
Chief Deputy City Clerk

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

Amendment No 2. to 47-07 CONSENT ITEM #2

Approved for Agenda CJ
Date 8/28/08

TO: **City Council**

FROM: **Parks and Recreation**

DATE: **September 2, 2008**

SUBJECT: **APPROVAL OF HORN RAPIDS ORV PARK FEE SCHEDULE INCREASE OF 37.5 PERCENT WITHIN THE OPERATING LEASE AGREEMENT WITH HRMC, INC.**

RECOMMENDATION

The Parks and Recreation Commission (PRC) recommends Council approve a one-time fee schedule increase of 37.5 percent for the Horn Rapids ORV Park within the Operating Lease Agreement with HRMC, Inc.

COMMUNITY PRIORITIES

[X] Strengthen Economic Development

[ ] Improve Our Quality of Life

[X] Be Careful Stewards of Our Public Resources

FISCAL IMPACT

HRMC, Inc. pays the City a monthly rental fee of two percent from gross receipts. If the Horn Rapids ORV Park fee schedule increase is approved, then the City's monthly rental fee revenue will increase as well.

BACKGROUND

On **March 20, 2007**, Council approved an Operating Lease Agreement (Agreement) with HRMC, Inc. for the operation of the Horn Rapids ORV Park. The Agreement limits fee schedule increases up to ten percent annually. However, unforeseen expenses since March 2007 have risen to the point that HRMC, Inc. cannot continue to operate at the same service level. Fuel costs have doubled, affecting all aspects of track maintenance. In 2007, HRMC, Inc. endured two minimum wage increases and a reclassification by Washington State Department of Labor and Industries to campground status, further increasing employees costs by 52 percent. In 2008, vandalism has cost HRMC, Inc. $8,500 to date. In response, the Richland Police Department has agreed to step-up patrols, as all of the vandalism occurred on non-operation days (Monday and Tuesday). Also in 2008, HRMC, Inc. endured a 35 percent increase in operational insurance costs.

No one could have foreseen these increases. Standard business practice necessitates making adjustments in order that an existing level of service is maintained. With the current contractual restrictions, the only alternatives to offset price increases would mean reduced staffing, track grooming, and facility supervision increasing the operation's potential liability risks. The ten percent fee increase restriction has placed a strain on the operational growth of HRMC, Inc. As a result, it will ultimately affect the user. Consistent monitoring of the facility is necessary to maintain and assure a working infrastructure and disciplined use of the facility to ensure maximum safety. All operational funding for this 300-acre facility comes from the revenue of the users. If the Horn Rapids ORV Park is to be self-sustaining, HRMC, Inc. must have adequate operational flexibility or the current level of service cannot be maintained.

Section 8 of the Agreement (Attachment) states:

> *"If the LESSEE proposes fee increases due to unforeseen incurred operating costs such as fuel, insurance and utilities, in excess of 10% or Minimum Wages increase, such fee increases shall be reviewed by the Parks and Recreation Commission and approved by the City Council."*

The Parks and Recreation Commission recommended Council approve the one-time fee increase at their August 14, 2008 meeting.

ANALYSIS

The current day-use fee is $16.00 per rider ($11.00 for Richland residents). In comparison:

Facility and Location	Fee per rider
Toes Motocross Park, Royal City, Washington	$30.00
Woodland, Vancouver, Washington	$30.00
Washougal Motocross, Washougal, Washington	$30.00
Burnt Ridge, Silver Creek, Washington	$25.00
Rogue Valley MX, Medford, Oregon	$25.00
Albany Motorsports Park, Albany, Oregon	$25.00
Extreme Motor Sports, Spokane, Washington	$20.00
Eugene Motorcross, Eugene, Oregon	$20.00
*Straddleline ORV Park, Grays Harbor, Washington	$15.00

**Straddleline ORV Park is subsidized by a Recreation and Conservation Office (RCO) operating grant, allowing a lower rate.*

A one-time fee increase of 37.5 percent will align HRMC, Inc. with the current market.

Horn Rapids MX Practice	Current Fee	Proposed Fee	% of Increase
Resident	$11.00	$15.00	37.5%
Non-Resident	$16.00	$22.00	37.5%

Since HRMC, Inc. has managed the Horn Rapids ORV Park, it has been staffed at all times during scheduled hours. HRMC, Inc. employs 18 part-time and five full-time employees, in comparison with the City's past ability to employ less than one employee (.90 FTE) at the Horn Rapids ORV Park.

Operational changes include:

- The main entrance was reconfigured to allow for safer traffic flow and new signage was posted.
- The rules are consistently enforced, with monitoring throughout the day.
- A skill-based riding schedule has been established to ensure riders of similar skill and similar sized machine use the motocross track at the same time, resulting in a significant reduction in medical emergency calls.
- The track is certified and licensed with the State of Washington as an EMS Agency with medical services on-site during events and routine practice.
- HRMC, Inc. supports the Blake Webb Motorcycle Safety Awareness Foundation and uses the Foundation's caution flags, themed 'Grab a Flag, Save a Life!'
- The former jet sprint boat course was converted and now operates as a lighted super-cross facility.
- A $500,000 RCO grant was awarded in June 2008 for a new bathroom and campground facilities.

With the facility and operational improvements, HRMC, Inc. is ahead of the scheduled capital improvements as noted in the Agreement.

CONCLUSION

Approval of a one-time fee schedule increase of 37.5 percent for the Horn Rapids ORV Park within the Operating Lease Agreement with HRMC, Inc. will align with the current market and allow HRMC, Inc. to maintain a successful level of service at the ORV Park.

PREPARED BY: Laurel Strand, Recreation Program and Facility Manager
Stan Johnson, Recreation Coordinator

REVIEWED BY: Tom Lampson, City Attorney
Doug Strong, Parks and Recreation Director

ATTACHMENT

Agreement. LESSEE shall exercise this option by providing written notice of its election to renew at least ninety (90) days prior to the Termination Date of the initial Term or any renewal term of this Agreement. Term renewals shall be approved by the City Council. LESSEE shall not be entitled to renew if it is in default under the terms of this Agreement at the time the option to renew is exercised. The terms and conditions of any renewal shall be the same as set forth in this Agreement, except that rent and/or fees may be recalculated, the required amounts of financial security may be revised, and provisions dealing with hazardous waste or impacts to natural resources may be changed at the time of renewal.

C. Surrender of Premises at End of Term:

Upon expiration or termination of the Term or extended term, as applicable, unless parties agree to renegotiate, LESSEE shall surrender Premises to the CITY in the same or better condition as on the Commencement Date, reasonable wear and tear accepted.

7. RENT

The LESSEE shall pay the CITY a monthly rental fee of (a) 2% of the gross receipts from revenues from operation of the Premises by the LESSEE, for all amounts up to $300,000; (b) 3% of the gross receipts from the operation of the Premises, for all amounts in excess of $300,000. The LESSEE shall maintain detailed accounting records in accordance with generally accepted accounting principles and practice to substantiate all rental payments.

The rent shall be paid 10 calendar days after each calendar month during which there are gross receipts from the operation of the Premises.

Within sixty days after the first day of the calendar year the LESSEE shall provide the LESSOR with an operating statement prepared by an Accountant setting forth its gross receipts for the previous calendar year and the basis for calculating the rent set forth herein.

A late charge of 5% will be added to all amounts of rent not received by the 10th calendar day of each month for the proceeding month.

8. ORV PARK FEES

FEE schedules as established in Exhibit "A" may be increased at an annual rate of not to exceed 10% per year.

The fees established in Exhibit "A" may also be adjusted during the term of the contract to reflect changes made in the Minimum State Wage schedule as set by the Washington Department of Labor & Industries. The wages shall be understood to mean the hourly rates including any mandatory insurance and fringe benefits as required by the State.

If the LESSEE proposes fee increases due to unforeseen incurred operating costs such as fuel, insurance and utilities, in excess of 10% or Minimum Wages increase, such fee increases shall be reviewed by the Parks and Recreation Commission and approved by the City Council.

9. UTILITIES

For the initial five year period of the agreement the City shall pay for all utilities associated with the Premises. Utilities shall be renegotiated if Lease Term is extended or renewed. If natural gas, sanitary sewer or any other utilities are provided to the site they shall be extended at the LESSEE'S cost.

Contract No. 47-07

AMENDMENT NUMBER 3
TO THE
HORN RAPIDS ORV PARK
OPERATING LEASE AGREEMENT

WHEREAS, the City of Richland and HRMC, Inc. entered into the Horn Rapids ORV Park Operating Lease Agreement No. 47-07 on April 6, 2007, with respect to operation of the Horn Rapids ORV Park; and

WHEREAS, the City Council authorized the City Manager to sign a Lease Agreement with the Lessee on August 7, 2007; and

WHEREAS, the parties to that Agreement desire to amend said Agreement by extending the Term of the Agreement; and

WHEREAS, this Amendment will include the following changes to the Lease Agreement:

1. Section 6, "Term", shall be amended to read:

A. Term Defined:

The term of the Agreement is fifteen (15) years (The Term), beginning on the 6th day of April 2007 (the "Commencement Date"), and ending on the 6th day of April 2022 (the "Termination Date"), unless terminated before under the terms of this Agreement.

B. Renewal of Agreement:

LESSEE shall have the option to renew the Agreement for three (3) additional terms of ten (10) years each. Thereafter, the City and LESSEE may agree to renegotiate the terms of the existing Agreement. The LESSEE shall exercise this option by providing written notice of its election . . .

2. Section 7, "Rent", shall be amended by adding:

The rental fee shall be reviewed and negotiated every 10 years, beginning April 6, 2007.

3. Section 9, "Utilities" shall be amended to read:

For the initial five year period of the Agreement the City shall pay all utilities associated with the Premises. Utilities shall be renegotiated every five years. If natural gas, sanitary sewer or any other utilities are extended to the site, it will be at the LESSEE'S cost.

4. Section 13, "Improvements", shall be amended by adding:

G. Inventory. The City and HRMC shall jointly conduct an inventory of all equipment and structures every five years beginning April 7, 2007.

NOW THEREFORE, the Horn Rapids ORV Park Operating Lease Agreement is amended to incorporate the modifications herein; all other terms and conditions of the agreement dated April 6, 2007 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on this 18 day of August, 2010.

CITY OF RICHLAND, WASHINGTON

acting for
CYNTHIA D. JOHNSON,
City Manager

ATTEST:

DEBRA BARHAM,
Chief Deputy City Clerk

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

HRMC, INC.

RAY COFFMAN,
President

19620 E. 12th St.
Address

Spokane, WA 99037
City, State, ZIP

509-496-2958
Phone

ray.coffman@hornrapidsmx.com
E-mail

CONTRACT NO. 47-07

FOURTH AMENDMENT TO ORV PARK OPERATING LEASE AGREEMENT
Between
CITY OF RICHLAND
And
HRMC, INC.

This **Fourth Amendment** to the April 6, 2007 ORV Park Operating Lease Agreement (hereinafter "Original Agreement") is made and entered into on this 19th day of January, 2016, by and between **HRMC, Inc.** ("HRMC") and the **City of Richland**, a Washington municipal corporation ("City").

I. Recitals

WHEREAS, on March 20, 2007, Richland City Council authorized the City Manager to enter into a Lease Agreement ("Lease") with Ray Coffman and Steve Baze, HRMC, Inc. for operation of the Horn Rapids ORV Park; and

WHEREAS, said Lease was executed on April 6, 2007 and identified as Richland Contract #47-07; and

WHEREAS, on March 16, 2008, a First Amendment to the Lease was executed which incorporated additional property into the leased area and removed Ray Coffman and Steve Baze, in their individual capacity, from the Lease; and

WHEREAS, on September 2, 2008, Richland City Council approved a one-time 37.5 percent increase to the Horn Rapids ORV Park Fee Schedule (referred to as the Second Amendment to the Lease); and

WHEREAS, on August 18, 2010, a Third Amendment was executed which extended the term of the Lease to April 6, 2022 and increased the renewal terms to 10 years; and

WHEREAS, both parties now agree that the Lease should be modified to address the ownership of grant-purchased equipment and improvements, and to clarify the responsibility of grant match requirements.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and HRMC hereby agree as follows:

II. Agreement

1. Incorporation of Recitals and Ratification. The recitals set forth above are hereby incorporated by reference, and the actions described therein are hereby ratified by the Parties to the Lease.

2. A new Section 33 shall be added to the Lease and shall read as follows:

33. **Grants**. The City, on behalf of HRMC, may apply for Washington State Recreation and Conservation Office (RCO) and other grants as applicable for development and maintenance of the ORV Park. The City and HRMC shall jointly agree on the scope of the project and grant match responsibilities. Upon receipt of the grant, HRMC shall be responsible for providing all HRMC grant match amounts as specified in the grant application, including but not limited to cash, in-kind services, and materials. HRMC shall be responsible for providing all the necessary documentation to the City to support grant payment invoices. All improvements to the Premises and/or equipment purchased utilizing grant funds are and shall remain the property of the City.

3. Except as expressly modified by this Amendment or previous Amendments, the Lease is and shall continue to be in full force and effect in accordance with the terms thereof.

4. This Amendment shall be construed in accordance with and governed by the laws of the state of Washington.

5. The headings contained in this Amendment are for ease of reference only and shall not be considered in construing this Amendment.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment on the 20th day of January, 2016.

CITY OF RICHLAND

CYNTHIA D. REENTS, ICMA-CM
City Manager

HRMC, INC.

By:
Its: PRES/HRMC, INC.

APPROVED AS TO FORM:

HEATHER D. KINTZLEY
City Attorney

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this day personally appeared before me Raymond L. Coffman, to me known to be the President of **HRMC, INC.** and the individual who executed the within and foregoing Fourth Amendment to ORV Park Operating Lease Agreement, and acknowledged that said instrument is to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal this 20th day of January, 2016.

Marya G. Braese
NOTARY PUBLIC in and for the State of
Washington, residing at: Spokane Valley, WA
My Commission Expires: May 25, 2019

Notary Public
State of Washington
MARYA G. BRAESE
MY COMMISSION EXPIRES
MAY 25, 2019

STATE OF WASHINGTON)
) ss.
County of Benton)

On this day personally appeared before me CYNTHIA D. REENTS, known to be the CITY MANAGER for the **CITY OF RICHLAND** and the person who executed the within and foregoing Fourth Amendment to ORV Park Operating Lease Agreement and acknowledged that the said instrument is to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

GIVEN under my hand and official seal this 11 day of February, 2016.

Debra C Barham
NOTARY PUBLIC in and for the State of
Washington, residing at: Benton County
My Commission Expires: 11/16/16

DEBRA C BARHAM
Commission Expires
NOTARY
PUBLIC
11-16-2016
STATE OF WASHINGTON

Notary Public
State of Washington
MARYA G. BRAESE
MY COMMISSION EXPIRES
MAY 25, 2019

CONTRACT NO. 47-07

FIFTH AMENDMENT TO ORV PARK OPERATING LEASE AGREEMENT
Between
CITY OF RICHLAND
And
HRMC, INC.

This **Fifth Amendment** to the April 6, 2007 Horn Rapids ORV Park Operating Lease Agreement (hereinafter "Lease Agreement") is made and entered into on this 7th day of May, 2019, by and between **HRMC, Inc.** ("HRMC") and the **City of Richland**, a Washington municipal corporation ("City").

I. Recitals

WHEREAS, on March 20, 2007, Richland City Council authorized the City Manager to enter into a Lease Agreement with Ray Coffman and Steve Baze, HRMC, Inc. for operation of the Horn Rapids ORV Park; and

WHEREAS, said Lease Agreement was executed on April 6, 2007 and identified as Richland Contract No. 47-07; and

WHEREAS, on March 16, 2008, a First Amendment to the Lease Agreement was executed which incorporated additional property into the leased area and removed Ray Coffman and Steve Baze, in their individual capacity, from the Lease; and

WHEREAS, on September 2, 2008, Richland City Council approved a one-time 37.5 percent increase to the Horn Rapids ORV Park Fee Schedule (referred to as the Second Amendment to the Lease Agreement); and

WHEREAS, on August 18, 2010, a Third Amendment was executed which extended the term of the Lease Agreement to April 6, 2022 and increased the renewal terms to 10 years; and

WHEREAS, on January 19, 2016, the Parties executed a Fourth Amendment that modified the Lease Agreement to address the ownership of grant-purchased equipment and improvements, and clarified the responsibility of grant match requirements; and

WHEREAS, HRMC, Inc. has need to demonstrate long-term control of the property in order to program the facility with events designed to meet the City's sports tourism objectives; and

WHEREAS, to met this goal, HRMC, Inc. has requested early renewal of the Lease Agreement for another ten (10) years under its first of three (3) contractually authorized term extensions, thereby extending the Lease Agreement termination date to April 6, 2032.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and HRMC hereby agree as follows:

II. Agreement

1. The recitals set forth above are hereby incorporated by reference, and the actions described therein are hereby ratified by the Parties to the Lease Agreement.

2. The Term identified in Section 6 of the Lease Agreement, as amended, is extended an additional ten (10) years from April 6, 2022 to April 6, 2032 (the "Termination Date"), unless terminated sooner under the terms of the Agreement.

3. Except as expressly modified by this Amendment or previous Amendments, the Lease Agreement is and shall continue to be in full force and effect in accordance with the terms thereof.

4. This Amendment shall be construed in accordance with and governed by the laws of the state of Washington.

IN WITNESS WHEREOF, the Parties have executed this Fifth Amendment on the date first indicated above.

CITY OF RICHLAND

CYNTHIA D. REENTS
City Manager

HRMC, INC.

By:
Its: PRESIDENT

APPROVED AS TO FORM:

HEATHER D. KINTZLEY
City Attorney

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this day personally appeared before me Raymond L. Coffman, to me known to be the President of **HRMC, INC.** and the individual who executed the within and foregoing Fifth Amendment to Horn Rapids ORV Park Operating Lease Agreement, and acknowledged that said instrument is to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal this 29th day of May, 2019.

Marya G. Braese
NOTARY PUBLIC in and for the State of
Washington, residing at: Spokane Valley, WA
My Commission Expires: 5/25/2023

NOTARY PUBLIC
STATE OF WASHINGTON
MARYA BRAESE
15054
MY COMMISSION EXPIRES
MAY 25, 2023

STATE OF WASHINGTON)
) ss.
County of Benton)

On this day personally appeared before me CYNTHIA D. REENTS, known to be the CITY MANAGER for the **CITY OF RICHLAND** and the person who executed the within and foregoing Fifth Amendment to Horn Rapids ORV Park Operating Lease Agreement and acknowledged that the said instrument is to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

GIVEN under my hand and official seal this 31 day of May, 2019.

Debra C Barham
NOTARY PUBLIC in and for the State of
Washington, residing at: Benton County
My Commission Expires: 11/16/2020

DEBRA C BARHAM
Commission Expires
NOTARY
PUBLIC
11-16-2020
STATE OF WASHINGTON

RESOLUTION NO. 59-19

A RESOLUTION of the City of Richland authorizing a Fifth Amendment to the Horn Rapids ORV Park Operating Lease Agreement.

WHEREAS, on March 20, 2007, the Richland City Council authorized an Operating Lease Agreement (Richland Contract No. C47-07) with Ray Coffman and Steve Baze, owners of Horn Rapids Motorsports Complex, Inc. ("HRMC, Inc.") for operation of the Horn Rapids ORV Park; and

WHEREAS, the Agreement was executed on April 6, 2007; and

WHEREAS, on March 16, 2008, a First Amendment to the Agreement was executed, incorporating additional property and facilities and removing Ray Coffman and Steve Baze in their individual capacities; and

WHEREAS, on September 2, 2008, a Second Amendment was executed, adjusting the Horn Rapids ORV Park Fee Schedule; and

WHEREAS, on August 18, 2010, a Third Amendment was executed, extending the term of the Agreement to April 6, 2022 and providing the option for HRMC, Inc. to renew the Agreement for three (3) additional ten (10) year terms; and

WHEREAS, on January 20, 2016, a Fourth Amendment was executed, describing and clarifying grant application and award responsibilities; and

WHEREAS, on February 21, 2019, the City received a request from HRMC, Inc. to extend the Agreement for an additional ten (10) year term as provided under the Agreement as amended; and

WHEREAS, on April 11, 2019, the Parks and Recreation Commission voted unanimously to advance a favorable recommendation to City Council regarding the requested extension of the Agreement to April 6, 2032.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a Fifth Amendment to the Horn Rapids ORV Park Operating Lease Agreement, thereby extending the term through April 6, 2032.

BEIT FURTHER RESOLVED that all other terms and conditions of the Horn Rapids ORV Park Operating Lease Agreement, as amended, remain unchanged.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 7th day of May, 2019.

ROBERT J. THOMPSON
Mayor

ATTEST:

DEBBY BARHAM, Deputy City Clerk

APPROVED AS TO FORM:

HEATHER KINTZLEY, City Attorney

SUBLEASE

THIS SUBLEASE is made and entered into this 26th day of February, 2022, by and between HRMC, Inc., a Washington Corporation whose address is 3432 Beardsley Dr. Bldg. A., Richland, WA. 99354 ("Landlord") and Timothy W. Osborn, Suzanne J. Osborn, husband and wife, doing business as Red Dot Paintball, whose address is 345 Molokai Street, Richland, Washington, 99352 ("Tenant").

1. **BASIC LEASE PROVISIONS.**

A. **Property Address:** 3432 Beardsley RD. BLDG A. Richland, WA. 99354

B. **Tenant's Address until the Commencement Date:** 3430 Beardsley DR Richland, WA 99354; thereafter, the Premises.

C. **Landlord's Address (for notices):**

HRMC, INC.
3432 Beardsley Dr. Bldg. A
Richland, WA 99354

D. **Prime Landlord:**

City of Richland
Attn: P & PF Contracts Administrator
625 Swift Blvd., MS-13
Richland, WA 99352

E. **Prime Landlord's Address (for notices):**

City of Richland
Attn: P & PF Contracts Administrator
625 Swift Blvd., MS-13
Richland, WA 99352

F. **Identification of Prime Lease and all amendments thereto:**

Dated the 28 day of March, 2022 between HRMC, Inc. as Lessee, and the City of Richland as Lessor, as amended by amendment dated the 28 day of March, 2022.

G. **Sublease Term:** April 1, 2022 through April 1, 2032. The Prime Lease contains two (2) five (5) year options for Lessee to extend. Lessee intends to exercise that option, and Tenant agrees, upon exercise of that option, this Lease shall extend an additional five (5) years for 2 terms ending April 1, 2042.

H. **Commencement Date (subject to change as specified in Section 4 or Section 5 hereof)**: April 1, 2022

I. **Expiration Date**: Expiration date is April 1, 2032 upon exercise of Lessee's ten (10) year option. Provided Tenant is not in default, and Landlord is in possession, Tenant may exercise two additional five (5) year option (to April 1, 2042) upon written notice to Landlord three months prior to expiration of the initial term, upon a rental rate to be negotiated, but not less than the rental herein reserved, nor greater than a three percent increase, except that if Landlord's rent increases under the Prime Lease greater than three percent, then the Sublease rental amount shall be the greater of three percent or the rental increase under the Prime Lease.

J. **Base Rent**: $3,408.56 per month through April 26, 2032, per lease schedule. At the time of execution of this Lease, Tenant shall pay Landlord the sum of which sum includes rent for March thru Nov.

K. **Payee of Rent**: HRMC, Inc.

L. **Address for Payment of Rent**: 3432 Beardsley Dr., Bldg. A. Richland, WA 99354 or direct deposit to HRMC, Inc.

M. **Sublease Share**: All utilities payable by Tenant.

N. **Description of Premises**: A portion of the Horn Rapids Motorsports Complex as described as Exhibit A.

O. **Security Deposit**: $2,500.00 to be made By April 1, 2022

P. **Tenant's Use (set forth with specificity)**: Paintball; must be available for ORV use when Paintball is not being played. No other use is permitted except as the Landlord may approve in writing.

2. **PRIME LEASE.** Landlord is the tenant under a Prime Lease (*see City of Richland Contract No.47-07*) with the Prime Landlord identified in *Section 1(D)*, bearing the date specified in *Section 1(F)*. Landlord represents and warrants to Tenant that (a) Landlord has delivered to Tenant a full and complete copy of the Prime Lease and all other agreements between Prime Landlord and Landlord relating to the leasing, use, and occupancy of the Premises, (b) the Prime Lease is, as of the date hereof, in full force and effect, and (c) no event of default has occurred under the Prime Lease and, to Landlord's knowledge, no event has occurred and is continuing which would constitute an event of default but for the requirement of the giving of notice and/or the expiration of the period of time to cure. Tenant shall comply with each condition imposed on Landlord by the Prime Landlord under the Master Lease.

3. **SUBLEASE.** Landlord, for and in consideration of the rents herein reserved and of the covenants and agreements herein contained on the part of the Tenant to be performed, hereby subleases to the Tenant, and the Tenant accepts from the Landlord, certain space described in *Section 1(N)* (the "Premises") situated on and a part of the property (the "Property") legally described in *Exhibit A* attached hereto and made a part hereof.

4. **TERM.** Subject to *Section 5*, the term of this Lease (hereinafter "Term") shall commence on the date (hereinafter "Commencement Date") which is the earlier to occur of:

A. The date specified in *Section 1(H), provided* Landlord shall provide access to the Premises for "set-up" upon Tenants' signature of this Sublease;

B. The Term shall expire on the date ("Expiration Date") specified in *Section 1(I)*, unless sooner terminated as otherwise provided elsewhere in this Sublease.

5. **POSSESSION.** The Premises are to be delivered by Landlord to Tenant AS IS. Taking of possession by Tenant shall be deemed conclusively in current acceptance of the tenant as is.

6. **TENANT'S USE.** The Premises shall be used and occupied only for the Tenant's Use set forth in *Section 1(P)*.

7. **RENT.** Except as otherwise provided in the Rent Schedule herein, beginning on the Commencement Date, Tenant agrees to pay the Base Rent set forth in *Section 1(J)* to the Payee specified in *Section 1(K)*, at the address specified in *Section 1(L)*, or to such other payee or at such other address as may be designated by notice in writing from Landlord to Tenant, without prior demand therefor and without any deduction whatsoever. Base Rent shall be paid in monthly installments in advance on the first day of each month of the Term, except that the first installment of Base Rent shall be paid by Tenant to Landlord upon execution of this Sublease by Tenant. Base Rent shall be pro-rated for partial months at the beginning and end of the Term. All charges, costs and sums required to be paid by Tenant to Landlord under this Sublease in addition to Base Rent shall be deemed "Additional Rent," and Base Rent and Additional Rent shall hereinafter collectively be referred to as "Rent." Tenant's covenant to pay Rent shall be independent of every other covenant in this Lease. If Rent is not paid when due, Tenant shall pay, relative to the delinquent payment, a latecharge of 5% if the Rent is not received by the 10th calendar day following the Rent due date.

Rent Schedule:

Pursuant to RCW 84.36.451 and RCW 82.29A.120(1), Landlord pays the Prime Landlord a tax of 12.84% as leasehold excise tax, or such other amount as determined by law from time to time. Tenant shall pay Landlord the leasehold excise tax in the amount attributable to its revenues from operation of the Premises monthly on the date that Rent is payable hereunder. This sum has been included in the rent computation of $3,408.56 and is subject to change.

8. **PUBLIC RESTROOMS.** Tenant may use the public restroom located 3430 Beverly Dr. In the event Tenant has more than 200 persons per day, Tenant shall supply "sanitary cans" portable toilets for the occasion or event.

9. **TENANT'S OBLIGATIONS.** Tenant shall be responsible for, and shall pay the following:

A. All utility consumption costs, including without limitation, electric and other charges incurred in connection with lighting, and providing electrical power to the Premises. Tenant shall hold Landlord hannless from all costs or expenses Landlord may incur from Tenant's failure to pay utility bills or to perform any of its obligations with respect to the purchase of utilities.

B. All maintenance, repairs and replacements as to the Premises and its equipment, to the extent Landlord is obligated to perform the same under the Prime Lease.

C. Tenant shall pay for all garbage removal.

D. Tenant shall meet or exceed all current and future industry standards in the operations of its facility.

10. **QUIET ENJOYMENT.** Landlord represents that is it has full power and authority to enter into this Sublease, subject to the consent of the Prime Landlord, if required under the Prime Lease. So long as Tenant is not in default in the performance of its covenants and agreements in this Sublease, Tenant's quiet and peaceable enjoyment of the Premises shall not be disturbed or interfered with by Landlord, or by any person claiming by, through, or under Landlord. Except that where the Premises in not used by Tenant it shall be available for ORV use by Landlord and its invitees.

11. **TENANT'S INSURANCE.** Tenant shall procure and maintain, at its own cost and expense, commercial general liability insurance with limits no less than $2,000,000 per each occurrence; together with property insurance covering the full liability of the Prime Landlord's improvements with no coinsurance provisions. Such liability insurance as is required to be carried by Landlord under the Prime Lease, naming Landlord, as well as Prime Landlord, in the manner required therein, and such property insurance as is required to be carried by Landlord under the Prime Lease to the extent such property insurance pertains to the Premises. If the Prime Lease requires Landlord to insure leasehold improvements or alterations, then Tenant shall insure such leasehold improvements which are located in the Premises, as well as alterations in the Premises made by Tenant. Tenant shall furnish to Landlord a certificate of Tenant's insurance required hereunder not later than ten (10) days prior to Tenant's taking possession of the Premises. Each party hereby waives claims against the other for property damage provided such waiver shull not invalidate the waiving party's property insurance; each party shall attempt to obtain from its insurance carrier a waiver of its right of subrogation. Tenant hereby waives claims against Prime Landlord and Landlord for property damage to the Premises or its contents if and to the extent that Landlord waives such claims against Prime Landlord under the

Prime Lease. Tenant agrees to obtain, for the benefit of Prime Landlord and Landlord, such waivers of subrogation rights from its insurer as are required of Landlord under the Prime Lease. Landlord agrees to use reasonable efforts in good faith to obtain from Prime Landlord a waiver of claims for insurable property damage losses and an agreement from Prime Landlord to obtain a waiver of subrogation rights in Prime Landlord's property insurance, if and to the extent that Prime Landlord waives such claims against Landlord under the Prime Lease or is required under the Prime Lease to obtain such waiver of subrogation rights.

12. ASSIGNMENT OR SUBLETTING

A. Tenant shall not (i) assign, convey or mortgage this Sublease or any interest under it; (ii) allow any transfer thereof or any lien upon Tenant's interest by operation of law; (iii) further sublet the Premises or any part thereof; or (iv) permit the occupancy of the Premises or any part thereof by anyone other than Tenant. Landlord's consent to an assignment of this Sublease or a further sublease of the Premises shall not be unreasonably withheld, and if Landlord consents thereto, Landlord shall use reasonable efforts to obtain the consent of Prime Landlord if such consent is required to be obtained under the Prime Lease. Any cost of obtaining Prime Landlord's consent shall be borne by Tenant.

B. No permitted assignment shall be effective and no permitted sublease shall commence unless and until any default by Tenant hereunder shall have been cured. No permitted assignment or subletting shall relieve Tenant from Tenant's obligations and agreements hereunder and Tenant shall continue to be liable as a principal and not as a guarantor or surety to the same extent as though no assignment or subletting had been made.

13. RULES. Tenant agrees to comply with all rules and regulations that Prime Landlord has made or may hereafter from time to time make for the Building. Landlord shall not be liable in any way for damage caused by the non-observance by any of the other tenants of such similar covenants in their leases or of such rules and regulations.

14. REPAIRS AND COMPLIANCE. Tenant shall promptly pay for the repairs set forth in *Section 9(B)* hereof and Tenant shall, at Tenant's own expense, comply with all laws and ordinances, and all orders, rules and regulations of all governmental authorities and of all insurance bodies and their fire prevention engineers at any time in force, applicable to the Premises or to Tenant's particular use or manner of use thereof, except that Tenant shall not hereby be under any obligation to comply with any law, ordinance, rule or regulation requiring any structural alteration of or in connection with the Premises, unless such alteration is required by reason of Tenant's particular use or manner of use of the Premises, or a condition which has been created by or at the sufferance of Tenant, or is required by reason of a breach of any of Tenant's covenants and agreements hereunder. As used herein "structure" or "structural" shall have the definition ascribed to it in the Prime Lease or if no specific definition is given therein "structure" or "structural" shall mean that portion of the Building which is integral to the integrity of the Building as an existing

enclosed unit and shall, in any event, include footings, foundation, outside walls, skeleton, bearing columns and interior bearing walls, floor slabs, roof and roofing system.

15. **FIRE OR CASUALTY OR EMINENT DOMAIN.** In the event of a fire or other casualty affecting the Building or the Premises, or of a taking of all or a part of the Building or Premises under the power of eminent domain, Landlord shall not exercise any right which may have the effect of terminating the Prime Lease without first obtaining the prior written consent of Tenant. In the event Landlord is entitled, under the Prime Lease, to a rent abatement as a result of a fire or other casualty or as a result of a taking under the power of eminent domain, then Tenant shall be entitled to the Sublease Share of such rent abatement unless the effect on the Premises of such fire or other casualty or such taking shall be substantially disproportionate to the amount of the abatement, in which event the parties shall equitably adjust the abatement as between themselves, based on the relative impact of the fire or other casualty, or the taking, as the case may be. If the Prime Lease imposes on Landlord the obligation to repair or restore leasehold improvements or alterations, Tenant shall be responsible for repair or restoration of leasehold improvements or alterations; Tenant shall make any insurance proceeds resulting from the loss which Landlord is obligated to repair or restore available to Landlord and shall permit Landlord to enter the Premises to perform the same, subject to such conditions as Tenant may reasonably impose.

16. **ALTERATIONS.** Tenant shall not make any alterations in or additions to the Premises ("Alterations") if to do so would constitute a default under the Prime Lease. If Tenant's proposed Alterations would not constitute a default under the Prime Lease, Landlord's consent thereto shall nonetheless be required, but Landlord's consent to such Alterations shall not be unreasonably withheld, and if Landlord consents thereto, Landlord shall use reasonable efforts to obtain the consent of Prime Landlord, if such consent is required under the Prime Lease. If Alterations by Tenant are permitted or consented to as aforesaid, Tenant shall comply with all of the covenants of Landlord contained in the Prime Lease pertaining to the performance of such Alterations. In addition, Tenant shall indemnify, defend and hold harmless Landlord against liability, loss, cost, damage, liens and expense imposed on Landlord arising out of the performance of Alterations by Tenant.

17. **SURRENDER.** Upon the expiration of this Sublease, or upon the termination of the Sublease or of the Tenant's right to possession of the Premises, Tenant will at once surrender and deliver up the Premises, together with all improvements thereon, to Landlord in good condition and repair, reasonable wear and tear excepted; conditions existing because of Tenant's failure to perform maintenance, repairs or replacements as required of Tenant under this Sublease shall not be deemed "reasonable wear and tear." Said improvements shall include all plumbing, lighting, electrical, heating, cooling and ventilating fixtures and equipment and other articles of personal property used in the operation of the Premises (as distinguished from operations incident to the business of Tenant). Tenant shall surrender to Landlord all keys to the Premises and make known to Landlord the combination of all combination locks which Tenant is permitted to leave on the Premises. All Alterations in or upon the Premises made by Tenant shall become a part of and shall remain upon the Premises upon such termination without compensation,

allowance or credit to Tenant; provided, however, that Landlord shall have the right to require Tenant to remove any Alterations made by Tenant, or portion thereof. Said right shall be exercisable by Landlord's giving written notice thereof to Tenant on or before thirty (30) days prior to such expiration or on or before twenty (20) days after such termination. Tenant shall also remove any Alterations made by Tenant, or portion thereof, which Prime Landlord may require Landlord to remove, pursuant to the terms of the Prime Lease. In any such event, Tenant shall restore the Premises to their condition prior to the making of such Alteration, repairing any damage occasioned by such removal or restoration. If Landlord or Prime Landlord requires removal of any Alteration made by Tenant, or a portion thereof, and Tenant does not make such removal in accordance with this Section, Landlord may remove the same (and repair any damage occasioned thereby), and dispose thereof, or at its election, deliver the same to any other place of business of Tenant, or warehouse the same. Tenant shall pay the costs of such removal, repair, delivery and warehousing on demand. As between Landlord and Tenant, Tenant shall not be required to remove any Alterations performed by Landlord prior to the Commencement Date or to restore the Premises to their condition prior to the making of such Alterations. If, however, the term of the Sublease expires at or about the date of the expiration of the Prime Lease, and if Landlord is required under or pursuant to the terms of the Prime Lease to remove any Alterations performed prior to the Commencement Date, Tenant shall permit Landlord to enter the Premises for a reasonable period of time prior to the expiration of the Sublease, subject to such conditions as Tenant may reasonably impose, for the purpose of removing its Alterations and restoring the Premises as required.

18. **REMOVAL OF TENANT'S PROPERTY.** Upon the expiration of this Sublease, Tenant shall remove Tenant's articles of personal property incident to Tenant's business ("Trade Fixtures"); provided, however, that Tenant shall repair any injury or damage to the Premises which may result from such removal and shall restore the Premises to the same condition as prior to the installation thereof. If Tenant does not remove Tenant's Trade Fixtures from the Premises prior to the expiration or earlier termination of the Term, Landlord may, at its option, remove the same (and repair any damage occasioned thereby and restore the Premises as aforesaid) and dispose thereof or deliver the same to any other place of business of Tenant, or warehouse the same, and Tenant shall pay the cost of such removal, repair, restoration, delivery or warehousing to Landlord on demand, or Landlord may treat said Trade Fixtures as having been conveyed to Landlord with this Lease as a Bill of Sale, without further payment or credit by Landlord to Tenant.

19. **HOLDING OVER.** Tenant shall have no right to occupy the Premises or any portion thereof after the expiration of this Sublease or after termination of this Sublease or of Tenant's right to possession in consequence of an Event of Default hereunder. In the event Tenant or any party claiming by, through or under Tenant holds over, Landlord may exercise any and all remedies available to it at law or in equity to recover possession of the Premises, and to recover damages, including without limitation, damages payable by Landlord to Prime Landlord by reason of such holdover. For each and every month or partial month that Tenant or any party claiming by, through or under Tenant remains in occupancy of all or any portion of the Premises after the expiration of this Sublease or after termination of this Sublease or Tenant's right to possession, Tenant shall pay, as minimum

damages and not as a penalty, monthly rental at a rate equal to double the rate of Base Rent and Additional Rent payable by Tenant hereunder immediately prior to the expiration or other termination of this Sublease or of Tenant's right to possession. The acceptance by Landlord of any lesser sum shall be construed as payment on account and not in satisfaction of damages for such holding over.

20. **ENCUMBERING TITLE.** Tenant shall not do any act which shall in any way encumber the title of Prime Landlord in and to the Building or the Property, nor shall the interest or estate of Prime Landlord or Landlord be in any way subject to any claim by way of lien or encumbrance, whether by operation of law by virtue of any express or implied contract by Tenant, or by reason of any other act or omission of Tenant. Any claim to, or lien upon, the Premises, the Building or the Property arising from any act or omission of Tenant shall accrue only against the sublease hold estate of Tenant and shall be subject and subordinate to the paramount title and rights of Prime Landlord in and to the Building and the Property and the interest of Landlord in the premises leased pursuant to the Prime Lease. Without limiting the generality of the foregoing, Tenant shall not permit the Premises, the Building or the Property to become subject to any mechanics', laborers' or materialmen's lien on account of labor or material furnished to Tenant or claimed to have been furnished to Tenant in connection with work of any character performed or claimed to have been performed on the Premises by, or at the direction or sufferance of, Tenant, provided, however, that if so permitted under the Prime Lease, Tenant shall have the right to contest in good faith and with reasonable diligence, the validity of any such lien or claimed lien if Tenant shall give to Prime Landlord and Landlord such security as may be deemed satisfactory to them to assure payment thereof and to prevent any sale, foreclosure, or forfeiture of the Premises, the Building or the Property by reason of non-payment thereof, provided further, however, that on final determination of the lien or claim of lien, Tenant shall immediately pay any judgment rendered, with all proper costs and charges, and shall have the lien released and any judgment satisfied.

21. **INDEMNITY.** Tenant agrees to indemnify Landlord and hold Landlord harmless from all losses, damages, liabilities and expenses which Landlord may incur, or for which Landlord may be liable to Prime Landlord, arising from the acts or omissions of Tenant which are the subject matter of any indemnity or hold harmless of Landlord to Prime Landlord under the Prime Lease.

22. **LANDLORD'S RESERVED RIGHTS.** Landlord reserves the right, on reasonable prior notice, to inspect the Premises, or to exhibit the Premises to persons having a legitimate interest at any time during the Sublease term. Landlord also reserves the right to use the Premises for certain periodic events, in which case 1/30th of the rent will be deducted for use of the paintball facility from the Tenant for each day used by the Landlord. The facility will be used for use as ORV activities. These events will be scheduled in advance and upon approval of Tenant, which approval will not be unreasonably withheld. It is understood that 2 events are currently scheduled for long term consecutive activity: These events are: x-country race type activities early spring (Feb or Mar) for one day and late fall (Nov) for one day each.

23. **DEFAULTS.** Tenant further agrees that any one or more of the following events shall be considered Events of Default as said term is used herein, that is to say, if:

A. Tenant shall be adjudged an involuntary bankrupt, or a decree or order approving, as properly filed, a petition or answer filed against Tenant asking reorganization of Tenant under the Federal bankruptcy laws as now or hereafter amended, or under the laws of any State, shall be entered, and any such decree or judgment or order shall not have been vacated or stayed or set aside within sixty (60) days from the date of the entry or granting thereof; or

B. Tenant shall file, or admit the jurisdiction of the court and the material allegations contained in, any petition in bankruptcy, or any petition pursuant or purporting to be pursuant to the Federal bankruptcy laws now or hereafter amended, or Tenant shall institute any proceedings for relief of Tenant under any bankruptcy or insolvency laws or any laws relating to the relief of debtors, readjustment of indebtedness, reorganization, arrangements, composition or extension; or

C. Tenant shall make any assignment for the benefit of creditors or shall apply for or consent to the appointment of a receiver for Tenant or any of the property of Tenant; or

D. Tenant shall admit in writing its inability to pay its debts as they become due; or

E. The Premises are levied on by any revenue officer or similar officer; or

F. A decree or order appointing a receiver of the property of Tenant shall be made and such decree or order shall not have been vacated, stayed or set aside within sixty (60) days from the date of entry or granting thereof; or

G. Tenant shall abandon the Premises during the Term hereof; or

H. Tenant shall default in any payment of Rent required to be made by Tenant hereunder when due as herein provided and such default shall continue for five (5) days after notice thereof in writing to Tenant; or

I. Tenant shall default in securing insurance or in providing evidence of insurance as set forth in *Section 11* of this Sublease or shall default with respect to lien claims as set forth in *Section 20* of this Sublease and either such default shall continue for five (5) days after notice thereof in writing to Tenant; or

J. Tenant shall, by its act or omission to act, cause a default under the Prime Lease and such default shall not be cured within the time, if any permitted for such cure under the Prime Lease; or

K. Tenant shall default in any of the other covenants and agreements herein contained to be kept, observed and performed by Tenant, and such default shall continue for thirty (30) days after notice thereof in writing to Tenant.

24. **REMEDIES.** Upon the occurrence of any one or more Events of Default, Landlord may exercise any remedy against Tenant which Prime Landlord may exercise for default by Landlord under the Prime Lease.

25. **SECURITY DEPOSIT.** To secure the faithful performance by Tenant of all the covenants, conditions and agreements in this Sublease set forth and contained on the part of Tenant to be fulfilled, kept, observed and performed including, but not by way of limitation, such covenants and agreements in this Sublease which become applicable upon the termination of the same by re-entry or otherwise, Tenant has deposited with Landlord the Security Deposit as specified in *Section 1(l)* on the understanding that: (a) the Security Deposit or any portion thereof not previously applied, or from time to time, such one or more portions thereof, may be applied to the curing of any default that may then exist, without prejudice to any other remedy or remedies which Landlord may have on account thereof, and upon such application Tenant shall pay Landlord on demand the amount so applied which shall be added to the Security Deposit so the same may be restored to its original amount; (b) should the Prime Lease be assigned by Landlord, the Security Deposit or any portion thereof not previously applied may be turned over to Landlord's assignee and if the same be turned over as aforesaid, Tenant hereby releases Landlord from any and all liability with respect to the Security Deposit and/or its application or return; (c) if permitted by law, Landlord or its successor shall not be obligated to hold the Security Deposit as a separate fund, but on the contrary may commingle the same with its other funds; (d) if Tenant shall faithfully fulfill, keep, perform and observe all of the covenants, conditions and agreements in this Sublease set forth and contained on the part of Tenant to be fulfilled, kept, performed and observed, the sum deposited or the portion thereof not previously applied, shall be returned to Tenant without interest no later than thirty (30) days after the expiration of the Term of this Sublease or any renewal or extension thereof, provided Tenant has vacated the Premises and surrendered possession thereof to Landlord at the expiration of the Term or any extension or renewal thereof as provided herein; (e) in the event that Landlord terminates this Sublease or Tenant's right to possession by reason of an Event of Default by Tenant, Landlord may apply the Security Deposit against damages suffered to the date of such termination and/or may retain the Security Deposit to apply against such damages as may be suffered or shall accrue thereafter by reason of Tenant's default; (f) in the event any bankruptcy, insolvency, reorganization or other creditor-debtor proceedings shall be instituted by or against Tenant, or its successors or assigns, the Security Deposit shall be deemed to be applied first to the payment of any Rent due Landlord for all periods prior to the institution of such proceedings, and the balance, if any, of the Security Deposit may be retained or paid to Landlord in partial liquidation of Landlord's damages.

26. **NOTICES AND CONSENTS.** All notices, demands, requests, consents or approvals which may or are required to be given by either party to the other shall be in writing and shall be deemed given when received or refused if sent by United States

registered or certified mail, postage prepaid, return receipt requested or if sent by overnight commercial courier service (a) if to Tenant, addressed to Tenant at the address specified in *Section 1(B)* or at such other place as Tenant may from time to time designate by notice in writing to Landlord or (b) if for Landlord, addressed to Landlord at the address specified in *Section 1(C)* or at such other place as Landlord may from time to time designate by notice in writing to Tenant. Each party agrees promptly to deliver a copy of each notice, demand, request, consent or approval from such party to Prime Landlord and promptly to deliver to the other party a copy of any notice, demand, request, consent or approval received from Prime Landlord. Such copies shall be delivered by overnight commercial courier.

27. **PROVISIONS REGARDING SUBLEASE.** This Sublease and all the rights of parties hereunder are subject and subordinate to the Prime Lease. Each party agrees that it will not, by its act or omission to act, cause a default under the Prime Lease. In furtherance of the foregoing, the parties hereby confirm, each to the other, that it is not practical in this Sublease agreement to enumerate all of the rights and obligations of the various parties under the Prime Lease and specifically to allocate those rights and obligations in this Sublease agreement. Accordingly, in order to afford to Tenant the benefits of this Sublease and of those provisions of the Prime Lease which by their nature are intended to benefit the party in possession of the Premises, and in order to protect Landlord against a default by Tenant which might cause a default or event of default by Landlord under the Prime Lease:

A. Provided Tenant shall timely pay all Rent when and as due under this Sublease, Landlord shall pay, when and as due, all base rent, additional rent and other charges payable by Landlord to Prime Landlord under the Prime Lease;

B. Except as otherwise expressly provided herein, Landlord shall perform its covenants and obligations under the Prime Lease which do not require for their performance possession of the Premises and which are not otherwise to be performed hereunder by Tenant on behalf of Landlord. For example, Landlord shall at all times keep in full force and effect all insurance required of Landlord as tenant under the Prime Lease.

C. Except as otherwise expressly provided herein, Tenant shall perform all affirmative covenants and shall refrain from performing any act which is prohibited by the negative covenants of the Prime Lease, where the obligation to perform or refrain from performing is by its nature imposed upon the party in possession of the Premises. If practicable, Tenant shall perform affirmative covenants which are also covenants of Landlord under the Prime Lease at least five (5) days prior to the date when Landlord's performance is required under the Prime Lease. Landlord shall have the right to enter the Premises to cure any default by Tenant under this Section.

D. Landlord shall not agree to an amendment to the Prime Lease which might have an adverse effect on Tenant's occupancy of the Premises or its use of the Premises for their intended purpose, unless Landlord shall first obtain Tenant's prior written approval thereof.

E. Landlord hereby grants to Tenant the right to receive all of the services and benefits with respect to the Premises which are to be provided by Prime Landlord under the Prime Lease. Landlord shall have no duty to perform any obligations of Prime Landlord which are, by their nature, the obligation of an owner or manager of real property. For example, Landlord shall not be required to provide the services or repairs which the Prime Landlord is required to provide under the Prime Lease. Landlord shall have no responsibility for or be liable to Tenant for any default, failure or delay on the part of Prime Landlord in the performance or observance by Prime Landlord of any of its obligations under the Prime Lease, nor shall such default by Prime Landlord affect this Sublease or waive or defer the performance of any of Tenant's obligations hereunder except to the extent that such default by Prime Landlord excuses performance by Landlord, under the Prime Lease. Notwithstanding the foregoing, the parties contemplate that Prime Landlord shall, in fact, perform its obligations under the Prime Lease and in the event of any default or failure of such performance by Prime Landlord, Landlord agrees that it will, upon notice from Tenant, make demand upon Prime Landlord to perform its obligations under the Prime Lease and, provided that Tenant specifically agrees to pay all costs and expenses of Landlord and provides Landlord with security reasonably satisfactory to Landlord to pay such costs and expenses, Landlord will take appropriate legal action to enforce the Prime Lease.

28. **ADDITIONAL SERVICES.** Landlord shall cooperate with Tenant to cause Prime Landlord to provide services required by Tenant in addition to those otherwise required to be provided by Prime Landlord under the Prime Lease. Tenant shall pay Prime Landlord's charge for such services promptly after having been billed therefor by Prime Landlord or by Landlord. If at any time a charge for such additional services is attributable to the use of such services both by Landlord and by Tenant, the cost thereof shall be equitably divided between Landlord and Tenant.

29. **PRIME LANDLORD'S CONSENT.** This Sublease and the obligations of the parties hereunder are expressly conditioned upon Landlord's obtaining prior written consent hereto by Prime Landlord, if such written consent is required under the Prime Lease. Tenant shall promptly deliver to Landlord any information reasonably requested by Prime Landlord (in connection with Prime Landlord's approval of this Sublease) with respect to the nature and operation of Tenant's business and/or the financial condition of Tenant. Landlord and Tenant hereby agree, for the benefit of Prime Landlord, that this Sublease and Prime Landlord's consent hereto shall not (a) create privity of contract between Prime Landlord and Tenant; (b) be deemed to have amended the Prime Lease in any regard (unless Prime Landlord shall have expressly agreed in writing to such amendment); or (c) be construed as a waiver of Prime Landlord's right to consent to any assignment of the Prime Lease by Landlord or any further subletting of premises leased pursuant to the Prime Lease, or as a waiver of Prime Landlord's right to consent to any assignment by Tenant of this Sublease or any sub-subletting of the Premises or any part thereof. Prime Landlord's consent shall, however, be deemed to evidence Prime Landlord's agreement that Tenant may use the Premises for the purpose set forth in *Section 1(R)* and that Tenant shall be entitled to any waiver of claims and of the right of subrogation for

damage to Prime Landlord's property if and to the extent that the Prime Lease provides such waivers for the benefit of Landlord. If Prime Landlord fails to consent to this Sublease within thirty (30) days after the execution and delivery of this Sublease, either party shall have the right to terminate this Sublease by giving written notice thereof to the other at any time thereafter, but before Prime Landlord grants such consent.

30. **BROKERAGE.** Each party warrants to the other that it has had no dealings with any broker or agent in connection with this Sublease and covenants to pay, hold harmless and indemnify the other party from and against any and all costs (including reasonable attorneys' fees), expense or liability for any compensation, commissions and charges claimed by any broker or agent with respect to this Sublease or the negotiation thereof on behalf of such party.

31. **FORCE MAJEURE.** Landlord shall not be deemed in default with respect to any of the terms, covenants and conditions of this Sublease on Landlord's part to be performed, if Landlord's failure to timely perform same is due in whole or in part to any strike, lockout, labor trouble (whether legal or illegal), civil disorder, failure of power, restrictive governmental laws and regulations, riots, insurrections, war, shortages, accidents, casualties, acts of God, acts caused directly by Tenant or Tenant's agents, employees and invitees or any other cause beyond the reasonable control of Landlord. This Section shall not be applicable, however, if Landlord's failure timely to perform creates a default by Landlord under the prime Lease.

32. **ADDITIONAL PROVISIONS.** This Lease shall be governed by the law of the State of Washington. The parties consent to jurisdiction in any federal or state court sitting in the State of Washington. Venue for any dispute hereunder shall be Benton County, Washington. The prevailing party in any such dispute shall be entitled to recover from the other party its costs and reasonable attorney fees, including attorney fees on appeal and in any bankruptcy or receivership proceeding.

The parties have executed this Sublease the day and year first above written.

HRMC, Inc.

By: _____
Its: _____

RED DOT PAINTBALL

_____
TIMOTHY W. OSBORN

_____
SUZANNE J. OSBORN

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this 12th day of April, 2022, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared to me Raymond Coffman, to me known to be the President of HRMC, INC., the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument.

WITNESS my hand the day and year first above written.

CYNTHIA A LLOYD
APPOINTMENT EXPIRES
OCTOBER 03, 2023
NOTARY
PUBLIC
Commission # 21160
STATE OF WASHINGTON

Cynthia A. Lloyd
Notary Public in and for the State of
Washington, residing at Spokane
My Commission Expires: October 03, 2023

STATE OF WASHINGTON)
) ss.
County of Benton)

On this 29 day of March, 2022, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared to me Timothy W. Osborn and Suzanne J. Osborn, d/b/a Red Dot Paintball, the individuals that executed the foregoing instrument, and acknowledged under oath the said instrument to be their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand the day and year first above written.

MARISELA DE LA TORRE
Notary Public
State of Washington
Commission # 161546
My Comm. Expires Oct 8, 2024

Notary Public in and for the State of
Washington, residing at Pasco
My Commission Expires: Oct 08, 2024

EXHIBIT "A"

A portion of the property legally described as:

A PORTION OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M., THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS:

ALL OF SAID SECTION 18, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY OF HORN RAPIDS ROAD, AS DESCRIBED BY QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 621665 RECORDS OF SAID COUNTY AND STATE, AND NORTHWESTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY OF STATE ROUTE 240, AND NORTHERLY AND EASTERLY OF A PARCEL 1 OF RECORD OF SURBEY NO. 3487 DESCRIBED BY STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NO. 2005-026115. RECORDS OF SAID COUNTY AND STATE, AND LYING SOUTHEASTERLY OF A PARCEL DESCRIBED BY STATUTORY WARRANTY DEED AS RECORDED UNDER AUDITOR'S FILE NO. 96-26535 RECORDS OF SAID COUNTY AND STATE.

EXCEPT

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 10, NORTH, RANGE 20 EAST, W.M., CITY OF RICHLAND, BENTON COUNTY, WASHINGTON AS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTH 00° 57' 05" EAST 1617.97 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18 TO A POINT; THENCE NORTH 89° 02' 55" WEST 93.20 FEET LEAVING SAID EAST LINE TO A POINT ON A FENCE, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 83° 14' 45" WEST 702.71 FEET ALONG A FENCE TO A POINT; THENCE NORTH 00° 06' 38" EAST 479.65 FEET ALONG A FENCE; THENCE SOUTH 89° 03' 11" WEST 192.00 FEET ALONG A FENCE; THENCE NORTH 01° 36' 50" EAST 255.00 FEET ALONG A FENCE; THENCE NORTH 32° 04' 54" EAST 52.88 FEET ALONG A FENCE; THENCE NORTH 89° 59' 17" EAST 493.00 FEET ALONG A FENCE; THENCE NORTH 77° 53' 36" EAST 71.59 FEET ALONG A FENCE; THENCE NORTH 89° 59' 17" EAST 296.00 FEET ALONG A FENCE; THENCE SOUTH 00° 21' 11" WEST 874.02 FEET ALONG A FENCE BACK TO THE TRUE POINT OF BEGINNING.

EXCEPT

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 10, NORTH RANGE 28 EAST, W.M. CITY OF RICHLAND, BENTON COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 18 SAID POINT BEING A STONE WITH AN 'X', THENCE, NORTH 00° 57' 05" EAST 1066.63 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 18; (SAID

LINE BEING THE BASIS OF BEARING AS SHOWN ON RECORD OF SURVEY NUMBER 2173) TO A POINT ON SAID EAST LINE; THENCE NORTH 89° 02' 55" WEST LEAVING SAID EAST LINE 80.00 FEET TO THE "TRUE POINT OF BEGINNING"; THENCE CONTINUING NORTH 89° 02' 55" WEST 1215.93 FEET; THENCE NORTH 00° 57' 05" EAST 1380.24 FEET; THENCE NORTH 89° 59' 17" EAST 302.49 FEET; THENCE SOUTH 00° 12' 20" E 114.00 FEET; THENCE NORTH 89° 33' 54" EAST 189.41 FEET TO A FENCE CORNER; THENCE SOUTH 00° 07' 02" WEST 653.61 FEET TO A FENCE CORNER; THENCE SOUTH 83° 14' 45" EAST 715.97 FEET ON A LINE PROJECTED THROUGH A FENCE CORNER TO A POINT BEING 80.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 18, MEASURED AT RIGHT ANGLES TO SAID EAST LINE; THENCE SOUTH 00° 57' 05" WEST 550.00 FEET PARALLEL TO SAID EAST LINE OF SAID SECTION TO THE TRUE POINT OF BEGINNING.

EXCEPT

That portion currently leased to the Tri-City Remote Control Modelers.

Reference documents: U.S.A. to the City of Richland Auditor's file No. 2003.046817 Records of said County and State.

Record of Survey No. 3487 as recorded in Volume 1 of Surveys on Page 3487 under Auditor's file No. 2005-019982 records of said County and State.

The intent of this description is to clarify the boundaries of the Horn Rapids Triangle ORV Park as established by the Master Plan Report. The only change from the original description is the portion sold per said Record of Survey No. 3487.

A copy of a blueprint attached hereto as Exhibit "B" highlights the portion of the property that is subleased and is shown in the color pink and marked 4WD Obstacle course. The 4WD Obstacle course is totally fenced in its perimeter, no paintball will be allowed outside this property area as shown in the blueprint section.

The Portion of parking used for Red Dot Paintball is the immediate parking area including restroom, which is also included within the pink area.

r:\[illegible]\sublease8-9-10.doc

CITY OF RICHLAND
OFFICE OF THE CITY MANAGER
625 Swift Boulevard, MS-04
Richland, WA 99352
Telephone (509) 942-7381
Fax (509) 942-7379

CI.RICHLAND.WA.US · 509-942-7390

July 18, 2022

Raymond Coffman, President
HRMC, INC.
3432 Beardsley Dr.
Richland, WA 99354

RE: Sublease to Sandstorm Beach Volleyball; Prime Lease Contract Number 47-07

Dear Mr. Coffman:

The City has reviewed your request to sublease a portion of the Horn Rapids ORV Park to Sandstrom Beach Volleyball. This letter serves as permission to modify the Sx facility to incorporate volleyball courts. Lease terms and conditions related to tenant improvements will apply.

The City of Richland wishes Sandstrom Beach Volleyball the best of luck in their endeavors. We appreciate your efforts to provide additional recreational opportunities at the Horn Rapids ORV Park.

Sincerely,

Jon Amundson, ICMA-CM
City Manager

cc: Contract File No. 47-07

Exhibit 3

CITY OF RICHLAND
NOTICE OF APPLICATION, PUBLIC HEARING (Z2023-107)

Notice is hereby given that the City of Richland, has filed a change of zoning application to rezone approximately 366 acres near the intersection of Twin Bridges Road and State Highway 240 from Agricultural (AG) to Public Parks and Facilities (PPF). This change of zoning is intended to implement the Comprehensive Plan which designates this area as Developed Open Space. The site is generally located west of Twin Bridges Road, east of Beardsley Road, north of State Highway Route 240, and south of Horn Rapids Road this parcel is specifically known as parcel number APN 118081000002001 along with the unaffected portion to the south of the highway, only the portion north of State Highway Route 240 is subject to this zone change.

A public hearing on the proposed site plan review will be held before the Hearing Examiner on Monday, September 11, 2023 at 6:00 PM within the City Council Chambers located at 625 Swift Blvd. All interested parties are invited to attend and present testimony at the public hearing or via Zoom by visiting the City's website: www.ci.richland.wa.us.

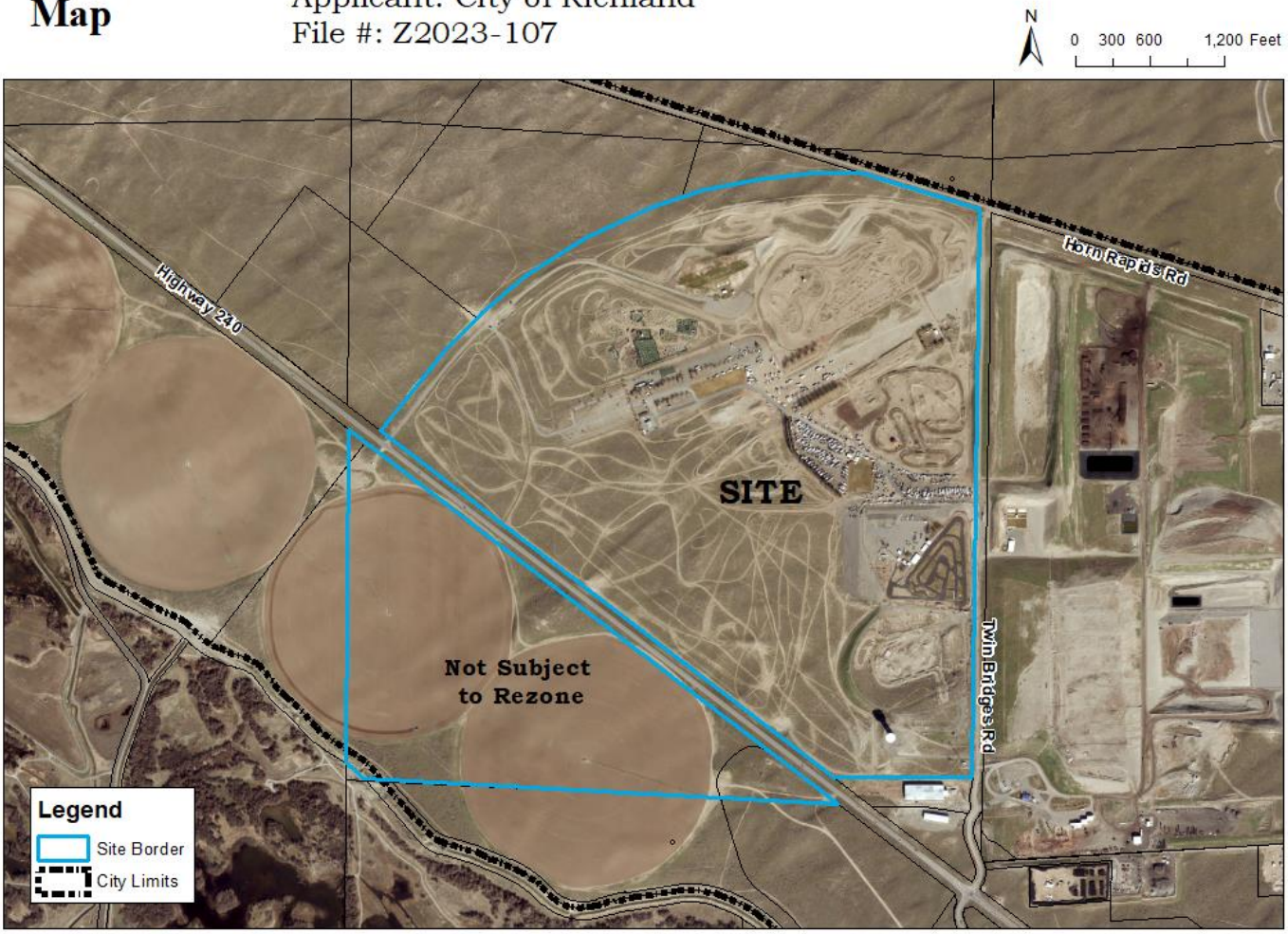
Environmental Review: The proposal is not subject to environmental review according to WAC 197-11-904.

Public Comment: Any person desiring to express their views or to be notified of any decision pertaining to this application should notify Kyle Hendricks, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to khendricks@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Friday, September 1st, 2023, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comment will not be accepted after 6 p.m. on Sunday, September 10th, 2023; however verbal comments may be presented during the public hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 23 Zoning. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

Vicinity Map

Item: 3229 Twin Bridges Road Rezone
Applicant: City of Richland
File #: Z2023-107



AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Kyle Hendricks**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.

2. On the 21st day of August, 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number Z2023-107 (3229 Twin Bridges Road Rezone) in the following location:

Near the south west corner entrance to the Outdoor Recreational Vehicle Park, approximately 1,150 feet north from the Twin Bridges Road and State Highway Route 240 intersection along the western edge of Twin Bridges Road. (parcel # 1-18081000002001), Richland WA.

Signed: Kyle Hendricks

SIGNED AND SWORN to before me this 21st day of August, 2023, by Kyle Hendricks.

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Signature of Notary

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,
Residing in Benton County
My appointment expires: Oct. 6, 2027

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.

2. On the 18th day of August,2023, I mailed a copy of the attached NOTICE OF PUBLIC HEARING (Z2023-107 3229 Twin Bridges Rd) to the attached list of individuals via regular USPS on the date indicated above. The Richland Planning Commission will conduct a public hearing and review of the application on September 11, 2023.

Jodi Hogan
Signed: Jodi Hogan

SIGNED AND SWORN to before me this 18th day of August 18,2023 by Jodi Hogan.

Notary Public in and for the State of Washington,

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Carly Kirkpatrick
Print Name

Residing at Benton County

My appointment expires: Oct. 6, 2027

Address list attached.

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210359
MY COMMISSION EXPIRES
OCTOBER 6, 2021

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	458054	Print Legal Ad-IPL01363690 - IPL0136369	HE PHNZ 2023-107	$175.01	1	59 L

Attention: Jennifer Anderson

CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

janderson@ci.richland.wa.us

CITY OF RICHLAND
NOTICE OF APPLICATION AND PUBLIC HEARING

Notice is hereby given that the City of Richland has filed a change of zoning application to rezone approximately 366 acres near the intersection of Twin Bridges Road and State Highway Route 240 from Agricultural (AG) to Public Parks and Facilities (PPF). This change of zoning is intended to implement the Comprehensive Plan which designates this area as Developed Open Space. The site is generally located west of Twin Bridges Road, east of Beardsley Road, north of State Highway Route 240, and south of Horn Rapids Road. This parcel is specifically known as parcel number APN 118081000002001, along with the unaffected portion to the south of the highway; only the portion north of State Highway Route 240 is subject to this zone change.

The Richland Hearing Examiner will conduct a public hearing on the proposed rezone on **Monday, September 11, 2023 at 6:00 p.m.** in the Richland City Council Chambers, 625 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing or visit the City of Richland's website at www.ci.richland.wa.us and join via Zoom.

Environmental Review: The proposal is not subject to environmental review according to WAC 197-11-904.

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Date Published: Sunday, August 27, 2023
IPL0136369
Aug 27 2023

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 08/27/2023, and ending on 08/27/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
08/27/23

Stefani Beard
(Signature of Legals Clerk)

Sworn to and subscribed before me this 28th day of August in the year of 2023

Stephanie Hatcher
Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	458054	Print Legal Ad-IPL01363690 - IPL0136369	HE PHN Z 2023-107	$175.01	1	59 L

Attention: (company)
CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

janderson@ci.richland.wa.us

CITY OF RICHLAND
NOTICE OF APPLICATION AND PUBLIC HEARING

Notice is hereby given that the City of Richland has filed a change of zoning application to rezone approximately 366 acres near the intersection of Twin Bridges Road and State Highway Route 240 from Agricultural (AG) to Public Parks and Facilities (PPF). This change of zoning is intended to implement the Comprehensive Plan which designates this area as Developed Open Space. The site is generally located west of Twin Bridges Road, east of Beardsley Road, north of State Highway Route 240, and south of Horn Rapids Road. This parcel is specifically known as parcel number APN 118081000002001, along with the unaffected portion to the south of the highway; only the portion north of State Highway Route 240 is subject to this zone change.

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Environmental Review: The proposal is not subject to environmental review according to WAC 197-11-904.

Any person desiring to express their views or to be notified of any decision pertaining to this application should notify Kyle Hendricks, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to khendricks@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Friday, September 1, 2023, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comments will not be accepted after 6:00 p.m. on Sunday, September 10, 2023; however, verbal comments may be presented during the public hearing.

Date Published: Sunday, August 27, 2023
IPL0136369
Aug 27 2023

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 08/27/2023, and ending on 08/27/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
08/27/23

Stefani Beard
(Signature of Legals Clerk)

Sworn to and subscribed before me this 28th day of August in the year of 2023

Stephanie Hatcher
Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Exhibit 4

Hendricks, Kyle

From: Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>
Sent: Friday, September 1, 2023 12:37 PM
To: Hendricks, Kyle
Cc: Cummings,Nicole M (BPA) - TERR-TRI CITIES RMHQ; Kinch,James L (BPA) - TERR-BELL-1
Subject: RE: [EXTERNAL] Z2023-107 3229 Twin Bridges Rd Zone Change

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Kyle,

Bonneville Power Administration's (BPA) has had the opportunity to review 606 Columbia Pt Dr. SP2023-109, to rezone approximately 366 acres of land from Agriculture (AG) to Public Parks and Facilities. The property is generally located west of Twin Bridges Road, east of Beardsley Road, north of State Highway Route 240, and south of Horn Rapids Road in Richland, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately 1200 feet north of the subject property. BPA does not have any objections to the approval of this request at this time.

If you have any questions or need additional information, please feel free to contact Nicole Cummings at (509) 542-5499, by email at nmcummings@bpa.gov or Luke Kinch at (509) 468-3095, by email at JLKinch@bpa.gov.

Thank you for the opportunity to review this application.

Actalent
People to Possible

Deborah Rodgers
Realty Technician Contractor
2211 North Commercial Avenue, Pasco, WA 99301
Bonneville Power Administration | TERR/Tri-Cities-RMHQ
Real Property Field Services |P 509.544.4749
dxrodgers@bpa.gov

From: Hendricks, Kyle <khendricks@ci.richland.wa.us>
Sent: Friday, August 18, 2023 11:01 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Ashley Garza <agarza3605@gmail.com>; Ashley Morton <AshleyMorton@ctuir.org>; Aviation <AviationLandUse@wsdot.wa.gov>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Clark Posey <clark.posey@co.benton.wa.us>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Damrell, Kevin <kdamrell@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Doan, Charles <cdoan@ci.richland.wa.us>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday (BFHD senior env health manager) <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>;

Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Steve Davenport AICP Growth Management WDC Planner <steve.davenport@commerce.wa.gov>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>
Subject: [EXTERNAL] Z2023-107 3229 Twin Bridges Rd Zone Change

Hello,

Attached is a referral packet for a zone change request by the City of Richland. The request is to change the zoning of approximately 366 acres of land from Agriculture (AG) to Public Parks and Facilities (PPF) in order to comply with the Comprehensive plan of Developed Open Space (DOS). This land is home to the Horn Rapids Outdoor Recreational Vehicle facility. The site is generally located west of Twin Bridges Road, east of Beardsley Road, north of State Highway Route 240, and south of Horn Rapids Road this parcel is specifically known as parcel number APN 118081000002001 along with the unaffected portion to the south of the highway, only the portion north of State Highway Route 240 is subject to this zone change. The parcel (APN 118081000002001) does include a portion south of State Route 240, however this portion is not subject to the zone change. This proposal is exempt from environmental review according to WAC 197-11-904.

Please review and reply with any comments by end of day Friday September 1st, 2023

Thank you,

Kyle Hendricks
Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7683

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

Hendricks, Kyle

From: Buechler, Ken
Sent: Friday, September 1, 2023 3:46 PM
To: Hendricks, Kyle
Subject: RE: Z2023-107 3229 Twin Bridges Rd Zone Change

Fire is also good with this one as well.

Kenneth Buechler
Fire Marshal
625 Swift Blvd., MS-16 | Richland, WA 99352
(509) 942-7556
(509) 578-9321

From: Hendricks, Kyle <khendricks@ci.richland.wa.us>
Sent: Friday, August 18, 2023 11:01 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Ashley Garza <agarza3605@gmail.com>; Ashley Morton <AshleyMorton@ctuir.org>; Aviation <AviationLandUse@wsdot.wa.gov>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Clark Posey <clark.posey@co.benton.wa.us>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Damrell, Kevin <kdamrell@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Doan, Charles <cdoan@ci.richland.wa.us>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday (BFHD senior env health manager) <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Steve Davenport AICP Growth Management WDC Planner <steve.davenport@commerce.wa.gov>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>;

Whittier, John <jwhittier@CI.RICHLAND.WA.US>
Subject: Z2023-107 3229 Twin Bridges Rd Zone Change

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Kyle Hendricks
Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7683

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Hendricks, Kyle

From: Chris Sittman <CSittman@kid.org>
Sent: Wednesday, August 23, 2023 9:53 AM
To: Hendricks, Kyle
Subject: RE: Z2023-107 3229 Twin Bridges Rd Zone Change

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

KID has no comments.

Chris D. Sittman
Engineering Dept./CAD Specialist
Kennewick Irrigation District
2015 S. Ely St.
Kennewick, WA 99337
Desk: 509-460-5435
Cell: 509-873-1123

From: Hendricks, Kyle <khendricks@ci.richland.wa.us>
Sent: Friday, August 18, 2023 11:01 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Ashley Garza <agarza3605@gmail.com>; Ashley Morton <AshleyMorton@ctuir.org>; Aviation <AviationLandUse@wsdot.wa.gov>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Clark Posey <clark.posey@co.benton.wa.us>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Damrell, Kevin <kdamrell@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Doan, Charles <cdoan@ci.richland.wa.us>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday (BFHD senior env health manager) <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <JMcShane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth Defoe

<SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Steve Davenport AICP Growth Management WDC Planner <steve.davenport@commerce.wa.gov>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>
Subject: Z2023-107 3229 Twin Bridges Rd Zone Change

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Please review and reply with any comments by end of day Friday September 1st, 2023

Thank you,

Kyle Hendricks
Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7683

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Hendricks, Kyle

From: WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>
Sent: Monday, August 21, 2023 10:04 AM
To: Hendricks, Kyle
Subject: RE: [EXTERNAL] Z2023-107 3229 Twin Bridges Rd Zone Change

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

M Hendricks,

WSDOT Aviation Division reviewed the provided documents on 08/21/2023. We have no comments.

Cheers,

David Ison, PhD | Aviation Planner
Emerging Aviation Technologies & Land Use Compatibility
Washington State Department of Transportation
isond@wsdot.wa.gov C: 360-890-5258

From: Hendricks, Kyle <khendricks@ci.richland.wa.us>
Sent: Friday, August 18, 2023 11:01 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Ashley Garza <agarza3605@gmail.com>; Ashley Morton <AshleyMorton@ctuir.org>; WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Clark Posey <clark.posey@co.benton.wa.us>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Damrell, Kevin <kdamrell@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Doan, Charles <cdoan@ci.richland.wa.us>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday (BFHD senior env health manager) <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Cooper, Kelly (DOH) <Kelly.Cooper@DOH.WA.GOV>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Robin Priddy

<robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; WSDOT SC Planning Mailbox <SCPlanning@WSDOT.WA.GOV>; Davenport, Steve (COM) <Steve.Davenport@commerce.wa.gov>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>
Subject: [EXTERNAL] Z2023-107 3229 Twin Bridges Rd Zone Change

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Thank you,

Kyle Hendricks
Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7683

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Hendricks, Kyle

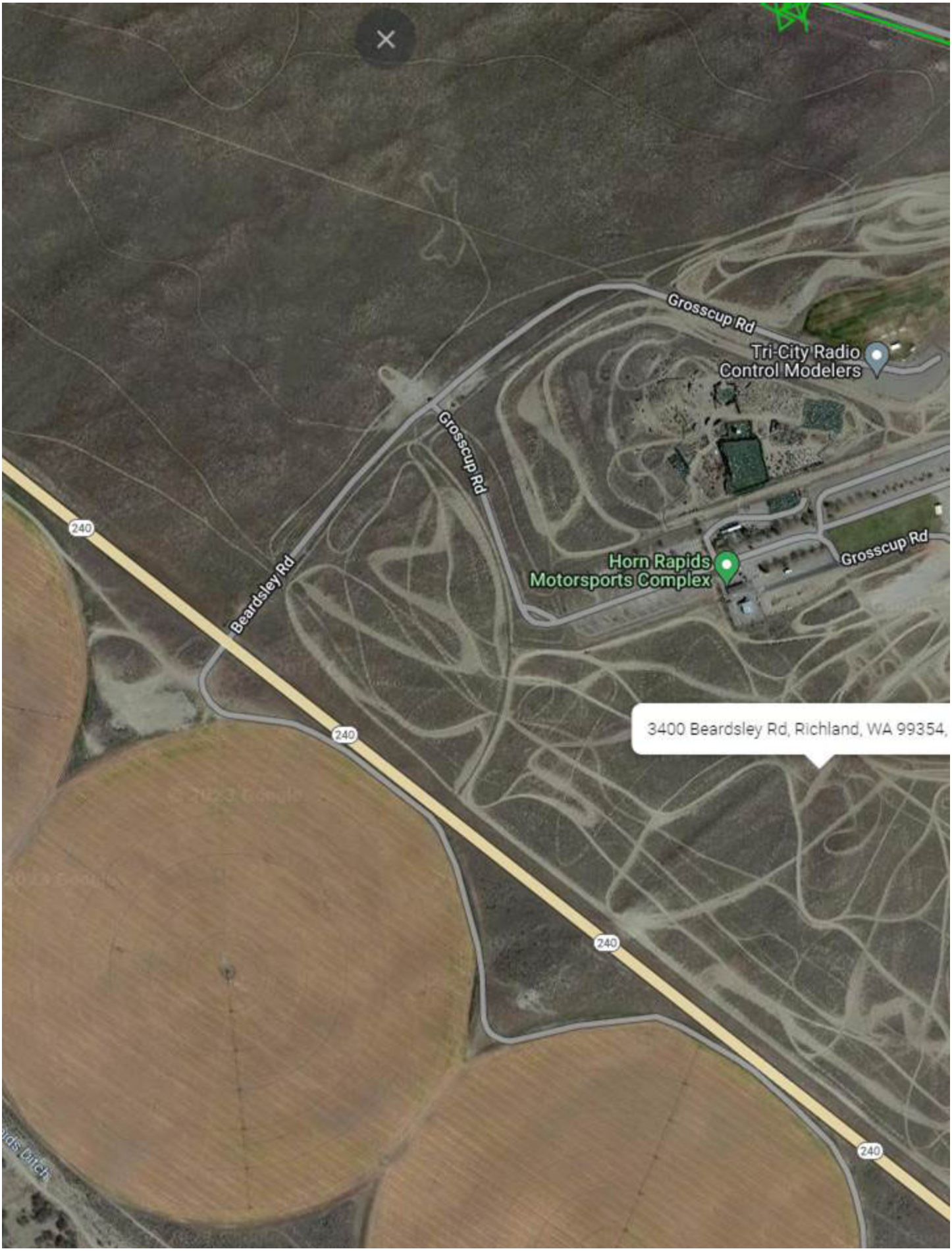
From: Cichy, Katherine <katherine.cichy@ziply.com>
Sent: Friday, August 18, 2023 2:09 PM
To: Hendricks, Kyle
Subject: RE: Z2023-107 3229 Twin Bridges Rd Zone Change

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Kyle,

Ziply does not have any concerns.

We do have an underground line running along the south side of Horn Rapids Rd, but that should not be an issue


Grosscup Rd
Tri-City Radio Control Modelers
Grosscup Rd
Beardsley Rd
240
Horn Rapids Motorsports Complex
Grosscup Rd
3400 Beardsley Rd, Richland, WA 99354,
240
240
240

Thank you,

Katherine Cichy
OSP Engineer
509-410-5035
Katherine.cichy@ziply.com

From: Hendricks, Kyle <khendricks@ci.richland.wa.us>
Sent: Friday, August 18, 2023 11:01 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Ashley Garza <agarza3605@gmail.com>; Ashley Morton <AshleyMorton@ctuir.org>; Aviation <AviationLandUse@wsdot.wa.gov>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Clark Posey <clark.posey@co.benton.wa.us>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Damrell, Kevin <kdamrell@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Doan, Charles <cdoan@ci.richland.wa.us>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday (BFHD senior env health manager) <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Cichy, Katherine <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Tovey, Michael <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Steve Davenport AICP Growth Management WDC Planner <steve.davenport@commerce.wa.gov>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>
Subject: Z2023-107 3229 Twin Bridges Rd Zone Change

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COUNCIL AGENDA ITEM COVERSHEET

Council Date: 3/5/2024 Agenda Category: Items of Business

Strategic Priority 3 - Focused Development

Subject:
Ordinance No. 2024-11, Rezoning One Parcel of Property at 953 Jericho Court from Retail Business (C-2) to General Business (C-3) (Closed Record)

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2024-11	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2024-11, rezoning a 2.07-acre parcel of land located at 953 Jericho Court from Retail Business (C-2) to General Business (C-3).

Summary:
Cedar Creek Architectural Design, on behalf of CCWO13, LLC, has requested to rezone approximately 2.07 acres of land from Retail Business (C-2) to General Business (C-3). The subject property, generally located at the northwest corner of the Jericho Road and Jericho Court intersection, was annexed into the City of Richland in 2000, and has been zoned for Retail Business (C-2) since that time. The application to change the zoning to General Commercial (C-3) is compliant with the Richland Comprehensive Plan which designates this property and all surrounding parcels to the north, east, and south as Commercial land. Although the adjacent properties are currently zoned Agriculture (AG) to the north and east, other parcels that are designated as Commercial land are already zoned C-3. Therefore, this zone change will create a more cohesive zoning area.

Mini warehouse structures were placed on the lot in 1999 and again in 2003. In between, the property was annexed into Richland city limits in 2000. Without an exhaustive review of past zoning and land use code, it is unclear whether a mini warehouse was a permitted use. However, according to the current iteration of the city zoning code, a mini warehouse business is a non-conforming use in the C-2 zone. This zone change to C-3 will allow the property owner to expand its storage unit business, as indicated in its application, because a mini warehouse is a permitted use in the C-3 zone.

No public comments for or against the rezone were received regarding this matter during the comment period. On January 30, 2024, the Richland Hearing Examiner favorably recommended approval of the rezone request.

Site-specific rezones are Type IIIA permit applications under RMC 19.02.010. An open-record public hearing is held by the Richland Hearing Examiner, and a closed-record decision hearing is held by Richland City Council before taking action on the rezone request. The full record is available for review at https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1609

Staff recommends approval of Ordinance No. 2024-11 for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2024-11
2. 953 Jericho Court Rezone - Full Staff Report (Z2023-109)

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING TITLE 23: ZONING REGULATIONS OF THE RICHLAND MUNICIPAL CODE AND THE OFFICIAL ZONING MAP OF THE CITY TO CHANGE THE ZONING ON 2.07 ACRES FROM RETAIL BUSINESS (C-2) TO GENERAL BUSINESS (C-3); SAID PROPERTY BEING IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 1-2298-202-0003-012, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.

WHEREAS, on February 15, 2000, the City of Richland annexed the property that is the subject of this Ordinance into its boundaries and subsequently zoned it C-2; and

WHEREAS, on January 8, 2024, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from Cedar Creek Architectural Design, on behalf of the property owner, CCW013, LLC, to change the zoning of the property hereafter described in Section 3 and identified as Assessor's Parcel Number 1-2298-202-0003-012; and

WHEREAS, following the January 8, 2024 open-record public hearing, the Richland Hearing Examiner issued a 7-page written recommendation to the Richland City Council that concluded with a favorable recommendation to approve the requested rezone; and

WHEREAS, the Richland City Council has considered the written recommendation of the Richland Hearing Examiner and the record created during the January 8, 2024 open-record public hearing; and

WHEREAS, as required by RMC 19.20.030, the Richland City Council conducted a closed-record decision hearing on March 5, 2024 and has considered the totality of the record.

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

Section 1. The findings of fact and conclusions of law contained in the Richland Hearing Examiner's Report dated January 30, 2024, attached hereto as **Exhibit B** and incorporated herein by this reference, are hereby adopted as the findings and conclusions of the Richland City Council.

Section 2. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is General Business (C-3) when consideration is given to the interests of the public.

Section 3. Said property, depicted in **Exhibit A**, attached hereto and incorporated by this reference, is more particularly described as follows:

BADGER HEIGHTS SUBDIVISION BLOCK 3 LOT 12 LESS SOUTH 30 FEET TO STATE ROAD 182.

Section 4. Said Property described in Section 3 herein is hereby rezoned from Retail Business (C-2) to General Business (C-3).

Section 5. Title 23 of the Richland Municipal Code and the Official Zoning Map of the City of Richland as adopted by RMC 23.08.040 are hereby amended by amending Sectional Maps Nos. 16 and 17, which are two (2) of a series of maps constituting said Official Zoning Map of the City of Richland, as shown on the attached Sectional Map Nos. 16 and 17 bearing the number and date of passage of this Ordinance, and by this reference made a part of this Ordinance and of the Official Zoning Map of the City of Richland.

Section 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Maps Nos. 16 and 17, duly certified by the City Clerk as a true copy, together with **Exhibit B** (Richland Hearing Examiner's Report).

Section 7. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 8. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9. 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 ___ day of _____, 2024.

_____
Theresa Richardson, Mayor

Attest:

_____
Jennifer Rogers, City Clerk

Approved as to Form:

_____
Heather Kintzley, City Attorney

First Reading: _____
Second Reading: _____
Date Published: _____

Exhibit A - Pg. 1 to Ordinance No. 2024-11 Passed 03/__/2024
Retail Business (C-2) to General Business (C-3) Zoning

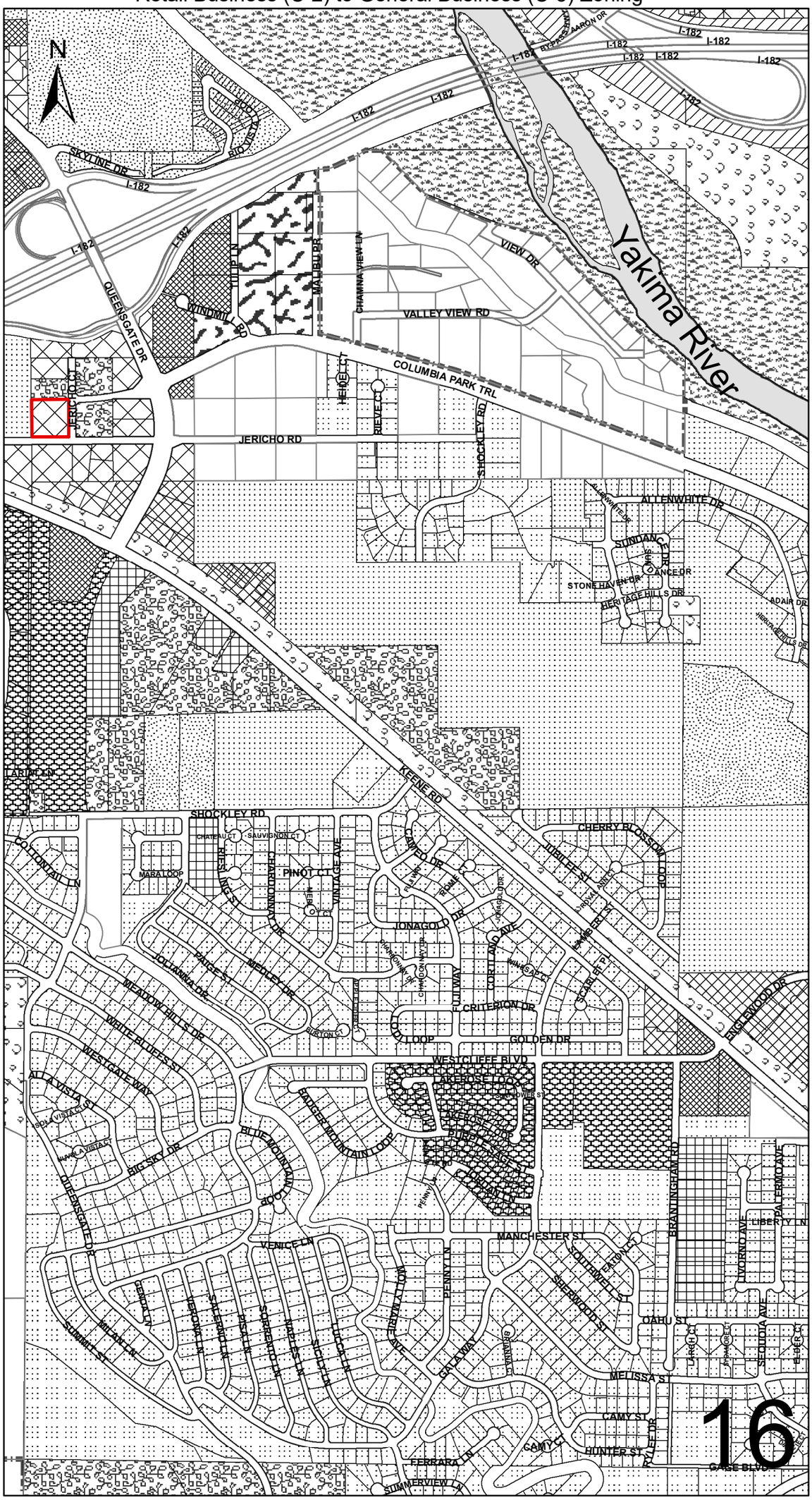

Exhibit A - Pg. 2 to Ordinance No. 2024-11 Passed 03/__/2024
Retail Business (C-2) to General Business (C-3) Zoning

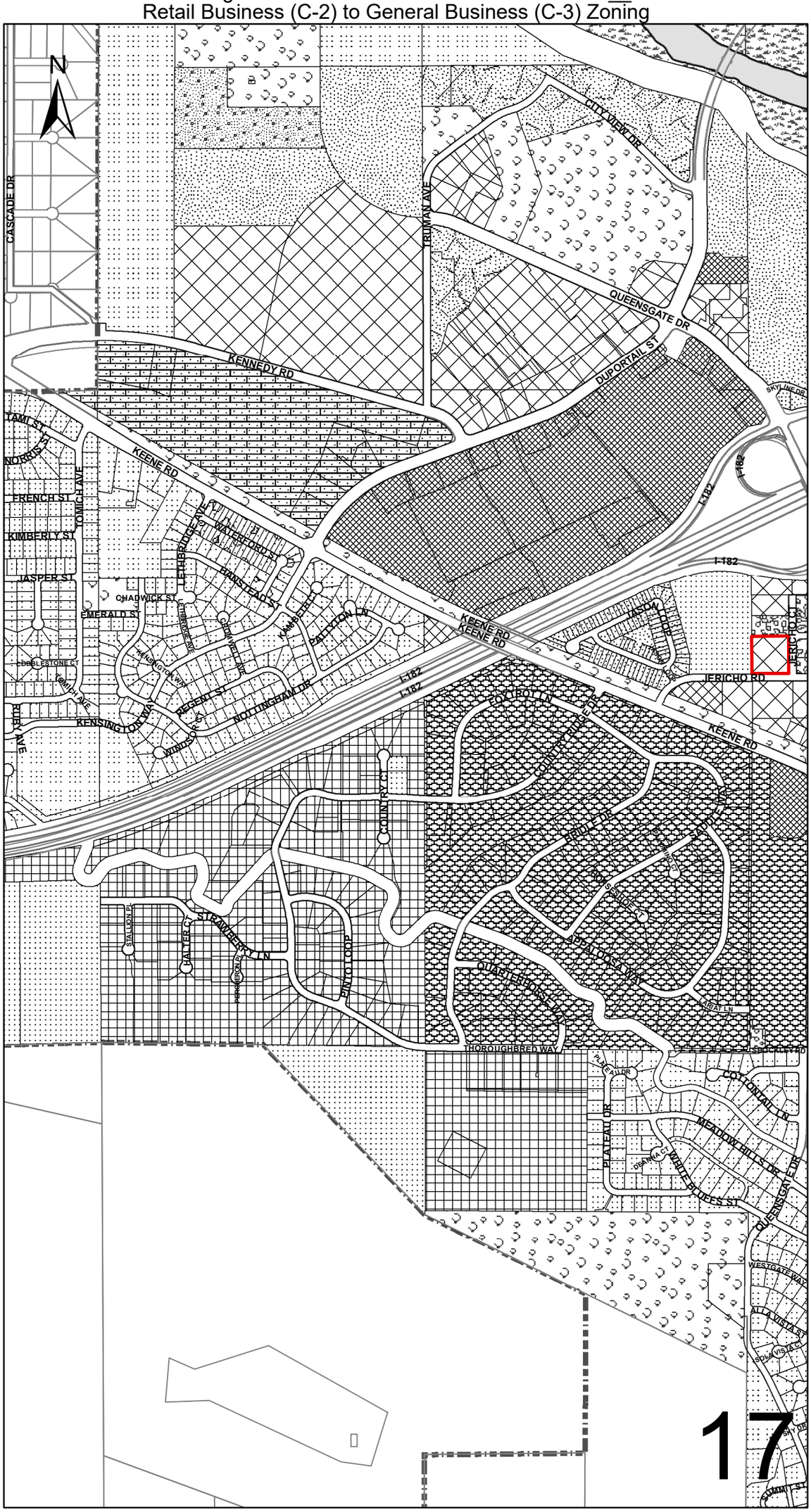

Exhibit B to Ordinance No. 2024-11

Before Hearing Examiner
Gary N. McLean

BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND

Regarding the Application to ***Rezone*** a 2.07-acre site from one Commercial land use designation, the C-2 (Retail Business) zoning district, to another Commercial designation, the C-3 (General Business) zoning district, which is fully consistent with Comprehensive Plan's Commercial land use designation assigned to the area, submitted by **CEDAR CREEK ARCHITECTURAL DESIGN,** ON BEHALF THE PROPERTY OWNER, CCWO13, LLC, Applicant	**File No. Z2023-109** **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

The above referenced applicant, on behalf the property owner**,** can meet its burden of proof to demonstrate that its requested rezone merits approval. The site is now designated as suitable for Commercial land uses under the City's Comprehensive Plan, and it is currently zoned C-2 (Retail Business). The pending application would rezone the site to another Commercial zoning district, the C-3 (General Business) zoning district, which is fully consistent with the Comprehensive Plan's Commercial land use designation assigned to the area.

This requested rezone does not approve any development activity on the site. As with all development proposals, City Development Regulations will apply to any specific projects that may eventually be proposed on the site.

GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

II. BACKGROUND and APPLICABLE LAW.

In this matter, the Hearing Examiner has jurisdiction to conduct an open record public hearing on the site-specific rezone application at issue and is directed to issue a written recommendation for consideration and final action by the Richland City Council. *See* Richland Municipal Code (RMC) 19.20.010(D)(identifies "site-specific rezones" as Type IIIA permit applications); RMC 23.70.210(A)("The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application."); and RMC 19.20.030(granting jurisdiction to Hearing Examiner to conduct public hearing and issue recommendation to City Council); RMC 19.25.110(authority for Examiner actions, including conditions of approval on applications or appeals); and RCW 35A.63.170(state statute regarding hearing examiner system).

The applicant bears the burden of proof to show that its application conforms to the relevant elements of the city's development regulations and comprehensive plan, and that any significant adverse environmental impacts have been adequately addressed. RMC 19.60.060.

Finally, Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent of a rezone must demonstrate that there has been a change of circumstances since the original zoning, PROVIDED if a proposed rezone implements the policies of a comprehensive plan, a showing of changed circumstances is usually not required[1]; and (3) the rezone must have a substantial relationship to the public health, safety, morals, or general welfare. *Woods v. Kittitas County,* 162 Wn.2d 597 (2007), citing *Citizens for Mount Vernon,* 133 Wn.2d 861, at 875 (1997); *Parkridge v. City of Seattle, 89 Wn.2d 454, 462* (1978).

III. QUESTIONS PRESENTED.

For purposes of the pending rezone application, the central questions presented are:

A. Whether the requested rezone implements policies of the City's Comprehensive Plan, and/or whether there has been a change of circumstances since the current C-2 zoning was adopted for the site?

Short Answer: Yes. The site is already designated for Commercial uses in the City's Comprehensive Plan, and the rezone request would simply change the zoning designation from one Commercial zone to another, i.e. from the C-2 (Retail Business) zone to C-3 (General Business). The property was first annexed into the City and zoned C-2 as city codes were written about 24 years ago, in 2000. The requested rezone would bring buildings placed on the site into compliance with current zoning codes and could facilitate the owner's plans to develop portions of the site that are now covered with gravel and no vegetation and used

[1] *Save Our Rural Env't v. Snohomish County*, 99 Wn.2d 363, 370-71 (1983); *Henderson v. Kittitas County*, 124 Wn. App. 747, 754 (Div. III, 2004); *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846 (Div. III, 1995).

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for outdoor storage/parking of numerous boats, recreational vehicles and the like. Future development would have to comply with applicable City landscaping requirements.

B. Whether the rezone bears a substantial relationship to the public health, safety, morals, or general welfare?

Short Answer: Yes, because the rezone is fully consistent with the City's Comprehensive Plan, and any future, project-specific proposal will have to meet city development regulations, including SEPA, landscaping requirements, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application. Vacant, under-developed Commercial property in an area already served with major transportation and utility facilities is not consistent with state and local policies that encourage such development in designated urban growth areas, like those in the Richland City limits. The proposed rezone appears to be an effort to expedite development potential for the site, presumably with buildings that will be more attractive than the current outdoor storage use of the site.

IV. RECORD.

Exhibits entered into evidence as part of the record, and an audio recording of the two public hearings held for this matter are maintained by the City of Richland, and may be examined or reviewed by contacting the City Clerk's Office.

Hearing Testimony: Only City Planner, Kyle Hendricks, and the applicant's designated representative, Chuck Tookey, asked to present testimony under oath during the public hearing. During the hearing process, no one submitted written comments or personal testimony opposing or questioning the requested rezone.

Exhibits: The Development Services Division Staff Report for the requested Rezone, including a recommendation of approval, were provided to the Examiner in the week before each hearing. The Staff Report and the following Exhibits were all accepted into the Record in their entirety without modification:

1. Application materials
2. Vicinity Map
3. Public Notices and confirmation materials
4. Agency comments

During the public hearing, the Examiner requested Staff to verify the date on which the rezone property was first annexed into the City of Richland, and when the property was initially assigned its current C-2 zoning designation. After the hearing, Staff transmitted a copy of the following ordinance, which the Examiner has marked and included as part of the record for this matter:

5. Ordinance No. 16-00, passed by the Richland City Council on May 16, 2000, annexing

property that is included in this pending rezone request; also zones the site C-2; effective date was date of recording with the Benton County Auditor, which occurred on June 8, 2000. Exhibit also includes true and correct copy of Ordinance as recorded with the Auditor, under Recording No. 2000-014221, on 06/08/2000.

The Examiner has visited the road network and vicinity of the proposed rezone on multiple occasions over the past few years in connection with other applications, and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.

V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

Application, Site Location and Conditions.

1. In early 2023, above-captioned property owner purchased property that is now the subject of this rezone. *(Testimony of Mr. Tookey).* During a pre-application conference with Staff after the purchase, the property owner realized they would need a rezone for the site in order to build multi-story ministorage buildings on portions of the site that are now just graveled and used for outdoor parking/storage for boats, RVs, and similar equipment. *(Testimony of Mr. Tookey; Staff Report, page 3).*

2. Subsequently, the applicant's architectural design firm filed an application with the City, petitioning to rezone a site located at 953 Jericho Court from one Commercial zoning district to another, specifically from the Retail Business zone (C-2) to the General Business (C-3) zone. *(Staff Report, page 6; and Exhibit 1, Application materials).*

3. The rezone site is a single 2.07-acre square shaped parcel located at the western terminus of Columbia Park Trail, west of the roundabout with Queensgate Drive, abutting Jericho Road to the south, assigned Parcel No. 122982020003012. Currently, the property features two single-story storage structures on the north end of the parcel, with the remaining, undeveloped areas on the parcel used for outdoor storage of boats, RVs and the like. *(Staff Report, page 3; Site visits).*

4. The site is situated in an area of mixed uses, with most surrounding commercial properties in the area already zoned C-3. *(Staff Report, page 5, zoning map of immediate area shown in Figure 3, and Analysis on page 11; Site visits).* The large, 10+acre parcel immediately west of the rezone site is 504-feet wide, and zoned R-1-12, but now houses a church, so Staff is of the opinion that the existing church use provides a substantial buffer between Commercial zoned sites and residences located further west on Jason Loop. *(Staff Report, Analysis on page 11).* Based on site visits, and reviewing online maps of the immediate area, the Examiner concurs with Staff's opinion.

5. There is no dispute that the property at issue is currently designated for Commercial uses in the City's Comprehensive Plan. So are most properties to the north, east, and south of the site, regardless of their present zoning designation. This application would simply change the specific zoning classification for the applicant's parcel from one Commercial zone to another.

6. The Staff Report confirms that public notices were posted, published, and mailed to property owners in the surrounding area, but no one submitted written comments opposing this requested rezone or offering any evidence that would serve as a basis to deny the applicant's request.

7. Changed circumstances also support the requested rezone from C-2 to the C-3 zone. Benton County Assessor records for the parcel indicate that two pre-engineered steel mini-warehouse structures were placed on the site in 1999 and 2003. *(Benton County Assessor, online Parcel Details for Applicant's property, "Improvement/Building" information).* The existing mini-warehouse buildings are not permitted uses on the parcel under current city codes addressing the C-2 zone, but they would be permitted uses under the requested C-3 zone. *(See list of permitted uses in Commercial zones, provided at RMC 23.22.030).* Again, annexation occurred in 2000. So, without an exhaustive search of City zoning codes as they have evolved over the last twenty years or more, it is possible that the 1999 building has always been nonconforming, or both buildings were conforming as permitted uses before city zoning codes changed the list of permitted uses on the property at some point after the second building was constructed in 2003. Under either circumstance, the requested rezone would bring the two existing mini-storage buildings into compliance with current city zoning codes.

8. Because staff deemed the application to be consistent with the City's Comprehensive Plan, which already designates the rezone site as suitable for Commercial land uses, and the City's plan was analyzed in an environmental impact statement at the time of its adoption, the pending application is categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). *(Staff Report, page 10; Official notice from record of previous rezone matters re: City SEPA process(es) undertaken when Comprehensive Plan was adopted and amended).*

9. The rezone is not likely to have any material impact on capacity for the existing local street system serving the property. Specific design and assessment of transportation related improvements, frontage improvements, access modifications, if any are required, will be determined when specific development plans are submitted to the City.

10. The Staff Report credibly explains that utilities and public infrastructure have capacity to serve the types of uses that could occur on the site under its requested C-3 zoning designation. *(Staff Report, pages 7-9).*

11. Only Staff and an applicant representative provided testimony during the public hearing. No members of the general public, including surrounding homeowners, appeared during the hearing, by phone, in-person in the council chambers, or computer.

12. The Staff Report's analysis of this application stands unrebutted. The requested rezone is fully consistent with land use policy goals in the City's Comprehensive Plan. *(Staff Report, pages 4-5).* No one testified or provided written comments to express concerns with or opposition to this

rezone application.

Consistency with City Codes and Comprehensive Plan.

13. As explained elsewhere in this Recommendation, the rezone site is already designated as "Commercial" in the City's Comprehensive Plan, and the request is to modify the classification from one Commercial zoning designation (C-2) to another (C-3).

14. Standing alone, the requested rezone conforms to the Comprehensive Plan, because the plan already identifies the property as suitable for Commercial uses. There is nothing in this record to justify holding the property as a C-2 zoned site, as might be the case where compatibility with neighboring properties is questionable. Such concerns are not included as part of this record, despite public notices and invitations for interested parties to submit comments or appear during the public hearing.

General findings.

15. The requested rezone bears a substantial relationship to the public health, safety, and general welfare. The requested rezone is appropriate in the context of adjacent properties.

16. The Development Services Division Staff Report, prepared by Mr. Hendricks, includes a number of specific findings and explanations that establish how the underlying application satisfies provisions of applicable law and is consistent with the city's Comprehensive Plan and zoning regulations. Except as modified in this Recommendation, all Findings contained in the Staff Report are incorporated herein by reference as Findings of the undersigned-hearing examiner.

17. Any factual matters set forth in the foregoing or following sections of this Recommendation are hereby adopted by the Hearing Examiner as findings of fact and incorporated into this section as such.

VI. CONCLUSIONS.

Based upon the record, and the Findings set forth above, the Examiner issues the following Conclusions:

1. The applicant met its burden to demonstrate that the requested rezone conforms to, and in fact implements objectives of, the City's Comprehensive Plan. *Findings; Staff Report.*

2. The applicant met its burden to demonstrate that the requested rezone bears a substantial relationship to the public health, safety, or welfare.

3. The Staff Report and testimony in the record demonstrate that the proposed rezone will not require new public facilities and that there is capacity within the transportation network, the utility system, and other public services, to accommodate all uses permitted in the C-3 zone requested herein.

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4. The rezoned site will not be materially detrimental to uses or property in the immediate vicinity of the subject property**.** In fact, the rezone may serve as a boost for more attractive development on the property, which could include landscaping to satisfy city standards.

5. While the pending rezone application is categorically exempt from formal SEPA review, the record demonstrates that the potential for adverse impacts is very unlikely. And, after public notices issued for the application, no one spoke or submitted any written comments opposing the pending rezone request.

6. As required by RMC 19.50.010(C), the transportation system is sufficient to accommodate the type of development envisioned with the proposed rezone. The surrounding road network is fully functional, and no transportation concurrency problems are likely to arise as a result of the rezone for the site. Development regulations, including without limitation those detailing frontage improvements, impact fees, setbacks, and the like, will apply to any future project built on the site.

7. Based on the record, the applicant demonstrated its rezone application merits approval, meeting its burden of proof imposed by RMC 19.60.060.

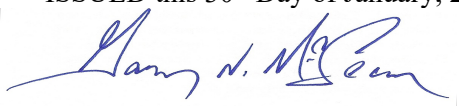
8. Approval of this rezone will not and does not constitute, nor does it imply any expectation of, approval of any permit or subsequent reviews that may be required for development or other regulated activities on the site of the subject rezone.

9. Any finding or other statement contained in this Recommendation that is deemed to be a Conclusion is hereby adopted as such and incorporated by reference.

VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that this Rezone application (File No. Z2023-109) to reclassify a 2.07-acre site located at 953 Jericho Court from its current C-2 (Retail Business) zone to another Commercial land use designation, the C-3 (General Business) zoning district, which is consistent with the Comprehensive Plan's Commercial land use designation assigned to the area, should be **APPROVED.**

ISSUED this 30th Day of January, 2024



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Gary N. McLean
Hearing Examiner

CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER

GENERAL INFORMATION:

PROPOSAL NAME:	953 Jericho Court Zone change
LOCATION:	953 Jericho Court
APPLICANT:	Cedar Creek Architectural Design, on behalf of CCWO13 LLC.
PROPERTY OWNER:	CCWO13 LLC.
FILE NO.:	Z2023-109
DESCRIPTION:	Request to rezone one (1) parcel from Retail Business (C-2) to General Business (C-3) APN: 1-22982020003012
PROJECT TYPE:	Type IIIA Site-Specific Rezone
HEARING DATE:	January 8, 2024
REPORT BY:	Kyle Hendricks, Planner
RECOMMENDED ACTION:	Recommendation to City Council for Approval

Vicinity Map

Item: 953 Jericho Court Zone Change
Applicant: Cedar Creek Architectural Design
File #: Z2023-109

Figure 1 - Vicinity Map

DESCRIPTION OF PROPOSAL

The current request is to make a zone change to one parcel on 2.07 acres from Retail Business (C-2) to General Business (C-3). The applicant claims that the C-3 zoning will allow for greater flexibility in their plans to expand the storage facility. In general, they would like to expand their indoor storage space, in addition to making various landscaping improvements around the site. (APN: 1-22982020003012) *Figure 1* (above) shows the subject site within its larger context.

REASON FOR REQUEST

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner. See additional RMC guidance for the Hearing Examiner, below:

19.20.010 Procedures for processing development permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IIIA.

D. Type IIIA permits include the following types of permit applications:

1. Site-specific rezones;

19.60.060 Burden of proof.
Except for Type IV actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

23.70.210(A) Public hearing and recommendation to council.
Reclassification. The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application. The recommendation shall include written findings of fact and the reasons for the hearing examiner's action; and shall refer expressly to the maps, description and other matters intended by the hearing examiner to constitute the reclassification.

Additional Considerations.
Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent must demonstrate that there has been a change of circumstances since the original zoning provided if a proposed rezone implements the policies of the comprehensive plan , a showing of changed circumstances is usually not required; and (3) the rezone must have a substantial relationship to the public health, safety, morals or general welfare.

For the purposes of this rezone request, the central questions presented are:

1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and /or whether there has been a change of circumstances since the original zoning was adopted for the site?
2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

REVIEW AUTHORITY

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner.

SITE DESCRIPTION & ADJACENT LAND USES

The subject site is a single parcel of approximately 2.07 acres, resembling a square shape. It is located at the northwest corner of the Jericho Road and Jericho Court intersection and is generally depressed a few feet below the elevation of the adjacent streets but is otherwise generally flat.

The subject site is occupied by two single story storage locker structures, a number of boats and recreational vehicles, and covered in gravel with no vegetation. With the rezone the applicant has stated that the site will allow them to have three multistory indoor storage buildings and the paving of the lot. The proposed work would be subject to current landscaping standards found in Richland Municipal Code.

CURRENT LAND USE DESIGNATION AND USES
North: Commercial (COM), Ranch
East: Commercial (COM), Single residence
South: Commercial (COM), Bux Bear Storage
West: Medium Density Residential (MDR), Richland Church of the Nazarene

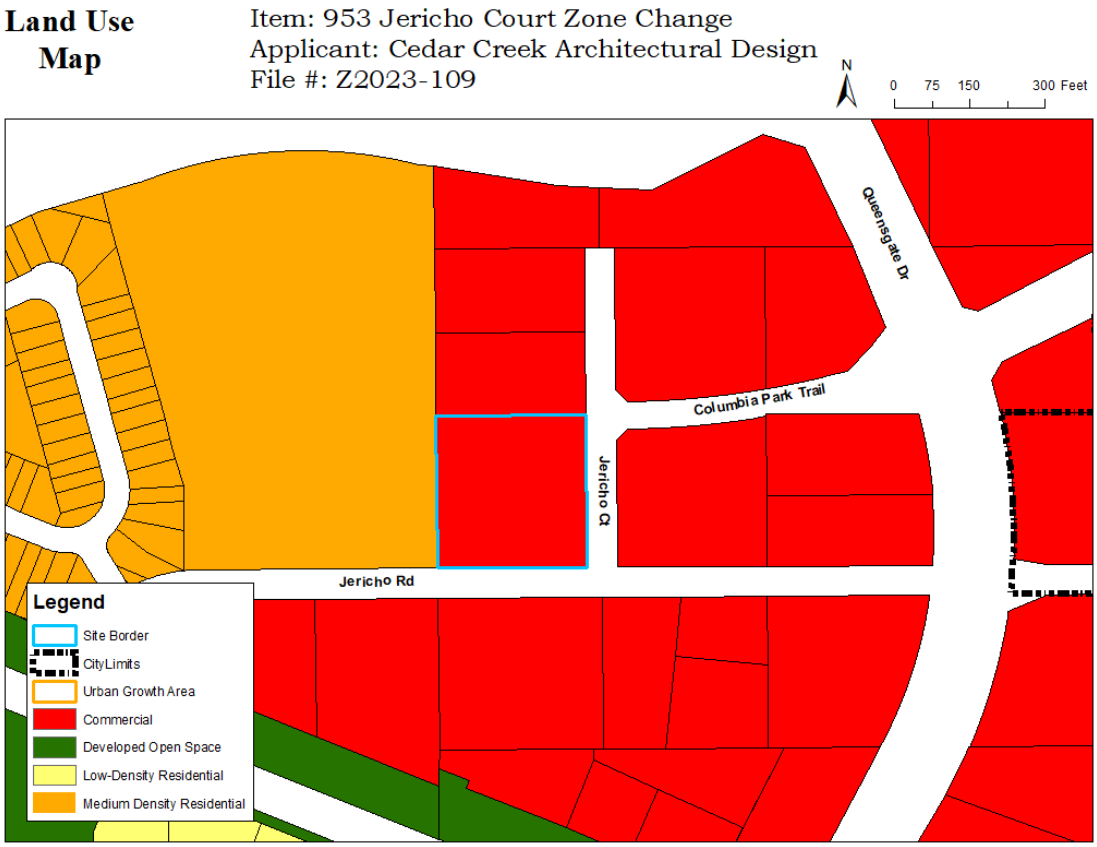

Figure 2 – Comprehensive Plan Land Use Map

COMPREHENSIVE PLAN

As illustrated in Figure 2 (above), the Comprehensive Plan Land Use designation for the subject site and much of the surrounding area is Commercial (COM). The medium density residential immediately adjacent to the subject property is occupied by a church.

Applicable Goals & Policies

Provided below is a set of Comprehensive Plan goals & policies which are particularly applicable to the subject residential subdivision.

Land Use Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 2: Facilitate planned growth and infill developments within the City.

Land Use Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

Policy 3: Ensure that the intent of the land use and districts are maintained.

Land Use Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 5: In areas where residential uses are in close proximity to industrial or commercial lands, adequate development standards should be used in industrial or commercial developments to mitigate the impacts on residential uses.

Urban Design Goal 1: Create a physically attractive and culturally vibrant, pedestrian- and bicycle-friendly environment in the City.

Policy 2: Encourage redevelopment and upgrade of suitable commercial areas.

CURRENT ZONING

The subject site is zoned Retail Business (C-2). Surrounding parcels are zoned as follows:

North: AG, Agriculture use district
East: AG, Agriculture use district
South: C-3, Commercial use district
West: R-1-12, Single Family Residential use district

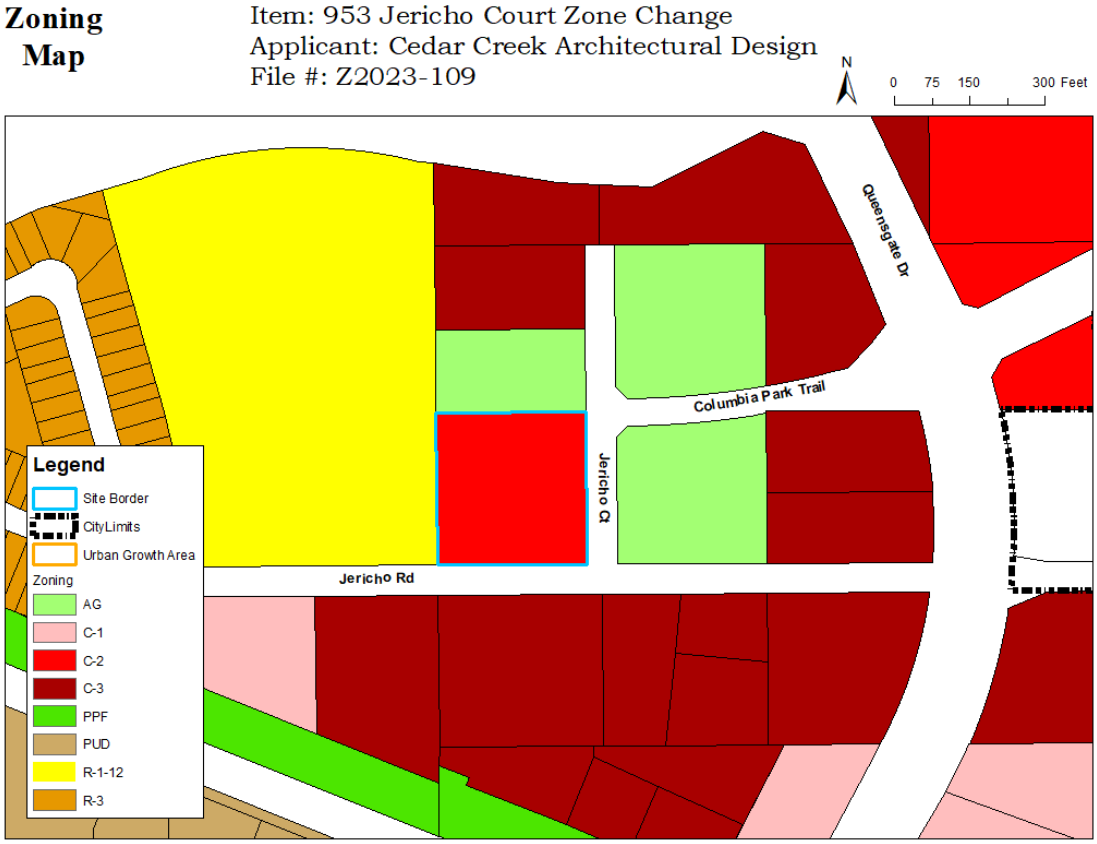

Figure 3 – Zoning Map

> RMC 23.22.010(C) The retail business use district (C-2) is a business zone classification providing for a wide range of retail business uses and services compatible to the core of the city and providing a focal point for the commerce of the city. All activities shall be conducted within an enclosed building except that off-street loading, parking, and servicing of automobiles may be in the open and except that outdoor storage may be permitted when conducted in conjunction with the principal operation which is in an enclosed adjoining building. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan.

REQUESTED ZONING

Following the applicant's request, Staff has prepared this Report and associated application materials for a site-specific rezone of 2.07 acres.

> RMC 23.22.010(D) The general business use district (C-3) is a zone classification providing a use district for commercial establishments which require a retail contact with the public together with incidental shop work, storage and warehousing, or light manufacturing and extensive outdoor storage and display, and those retail businesses satisfying the essential permitted use criteria of the C-2 use district. This zoning classification is intended to be applied to some portions of the city that are either designated as commercial or designated as industrial and located adjacent to SR 240 under the city of Richland comprehensive plan.

23.22.020 Performance standards and special requirements.

C. General Business. All permitted commercial business uses may be located in the C-3 district, provided their performance is of such a nature that they do not inflict upon the surrounding residential areas, smoke, dirt, glare, odors, vibration, noise, excessive hazards or water pollution detrimental to the health, welfare or safety of the public occupying or visiting the areas. The maximum permissible limits of these detrimental effects shall be as herein defined and upon exceeding these limits they shall be as herein considered a nuisance, declared in violation of this title and shall be ordered abated.

1. Smokestacks shall not emit a visible smoke except for one 10-minute period each day, when a new fire is being started. During this period, the density of the smoke shall not be darker than No. 2 of the Ringlemann Chart as published by the U.S. Bureau of Mines.
2. No visible or invisible noxious gases, fumes, fly ash, soot or industrial wastes shall be discharged into the atmosphere from any continuous or intermittent operation except such as is common to the normal operations of heating plants or gasoline or diesel engines in cars, trucks or railroad engines.
3. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare to areas surrounding the C-3 district.
4. Odors of an intensity greater than that of a faint smell of cinnamon which can be detected by persons traveling the roads bordering the lee side of the C-3 district, when a 10 mph wind or less is blowing, are prohibited.

5. Machines or operations which generate air or ground vibration must be baffled or insulated to eliminate any sensation of sound or vibration outside the C-3 district.

Site requirements for use districts.
In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	C-2	C-3
Minimum Lot Area	None	None
Maximum Density – Multifamily Dwellings (units:square feet)	N/A	N/A
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A
Minimum Front Yard Setback[14]	0 feet[2]	0 feet[2]
Minimum Side Yard Setback	None	None
Minimum Rear Yard Setback	None	None
Maximum Building Height – Main Building[14]	80 Feet	80 Feet
Minimum Dwelling Unit Size (in square feet, excluding porches, decks, balconies and basements)	N/A	N/A

2. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.

14. The medical, uptown and parkway districts of the CBD zoning district are established as shown by Plates 23.22.040(1), (2) and (3).

UTILITY AVAILABILITY

There are existing domestic water, sewer, storm, natural gas, and electrical connections in place, available within existing rights-of-way near the site with adequate capacity to supply the proposed project.

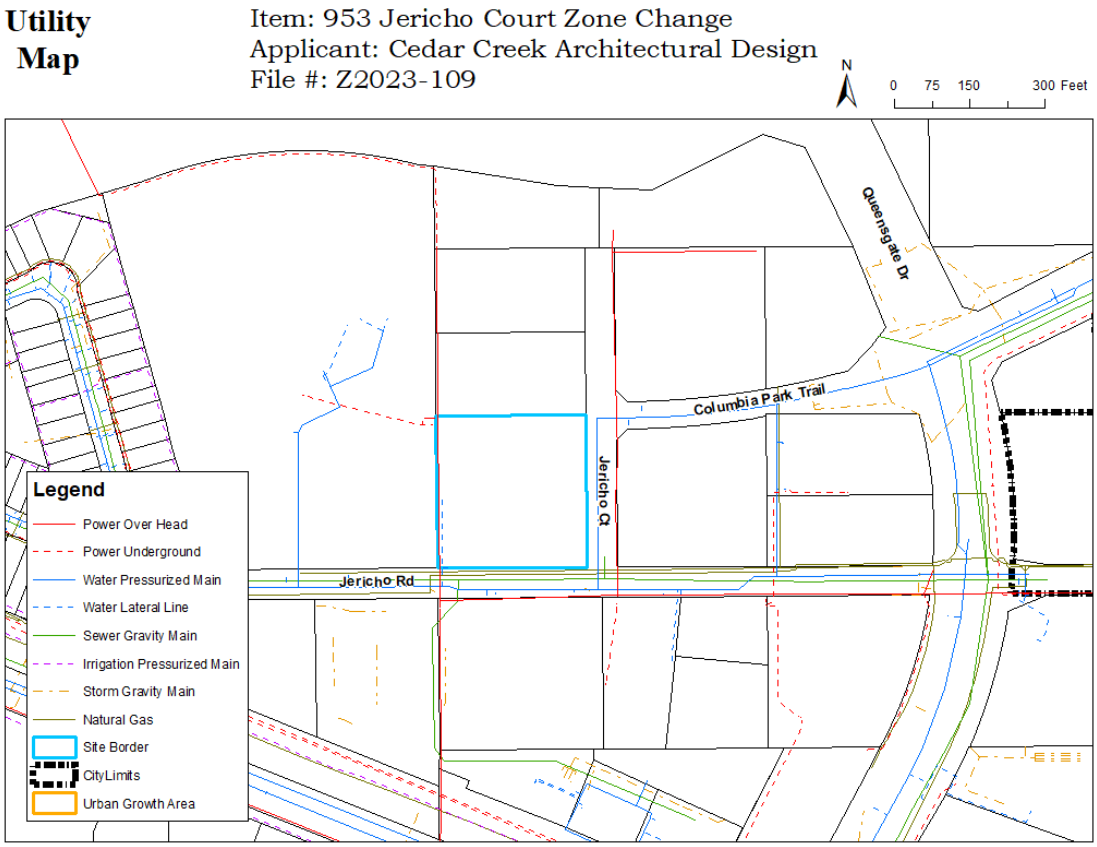

Figure 4 – Utilities Map

Sewer
There is an existing 8-inch ductile iron gravity main connection available to future development under Jericho Road.

Water
There are existing 8-inch ductile iron potable water distribution mains under Jericho Court and Jericho Road. Additionally, there is an 8-inch ductile iron hydrant lateral water line near the western boundary of the subject site.

Irrigation
There is no existing dedicated irrigation infrastructure within or near to the parcels subject to this rezone request.

Stormwater
There are two catch basins within the right of way of Jericho Road. They are approximately located near the southeast and southwest corner of the subject site.

Power
There are overhead primary conductors along Jericho Court and Jericho Road available for connection. It appears on city mapping information, a connection to the property is already in place near the northwest corner.

Natural Gas

There are 2-inch plastic and 6-inch coated steel Cascade Natural Gas main lines under Jericho Road available for connection.

TRANSPORTATION & ACCESS

Primary access into the site currently comes from a driveway located along Jericho Court, approximately 70 feet south from the Columbia Park Trail intersection with Jericho Court. The applicant has shared their belief that this current driveway orientation is a safety hazard and has proposed a driveway to be installed further west upon zone change approval and future development. Driveway location will be reviewed during potential future improvements. Jericho Road and Jericho Court are both considered local roads according to the city's road rating system.

Sidewalks are not in place along Jericho Court and Jericho Road frontages of the subject site, though sidewalks are otherwise already installed in seemingly random locations in the vicinity of the subject site. This includes the storage facility across Jericho Road. Existing on-street bicycle routes are in place along Columbia Park Trail, Queensgate Drive, and nearby Keene Road to the south. Benton Franklin Transit Bus Route 110 runs along Columbia Park Trail and Queensgate Drive. The nearest bus stop for this route is approximately 1,550 feet east of the subject site along Columbia Park Trail.

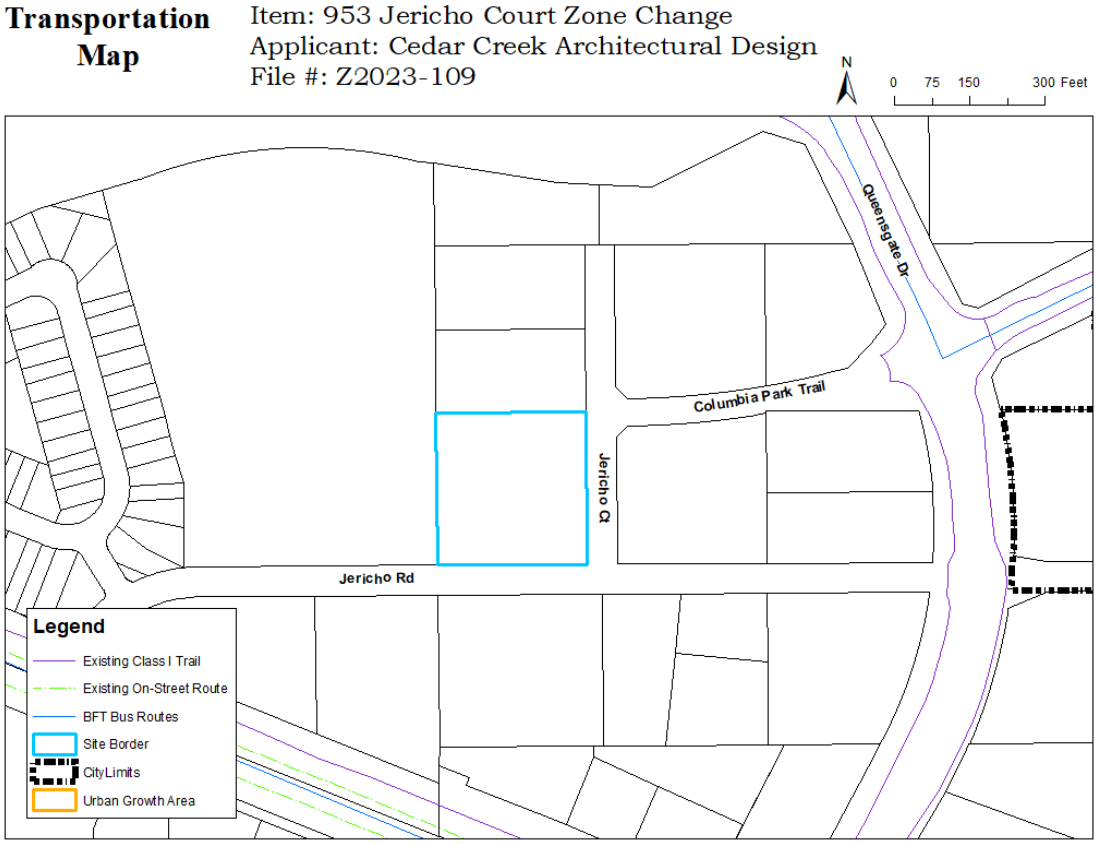

Figure 5 – Transportation Map

EASEMENTS
There is a 10-foot-wide electric utility easement along the southern property boundary, Jericho Road. There is also approximately half of a 10-foot-wide utility easement running along the western subject site boundary, the other half of this easement is on the neighboring church property.

FIRE SAFETY
The City of Richland Fire Department will provide fire protection services to the subject property and resulting development. Currently, there are a number of hydrants along Jericho Road, but also at the corner of Jericho Court and Columbia Park Trail. Additionally, one hydrant is on the subject site.

SCHOOLS
The plat falls within the boundaries of the Richland School District. White Bluffs Elementary is nearly a mile and a half away from the subject site.

SEPA
The proposal is not subject to State environmental review under the State Environmental Policy Act. Pursuant to WAC 197-11-800(6)(c) the rezone application qualifies as a categorically exempt action.

CRITICAL AREAS
The subject site does not lie within an existing, recognized Critical Area.

SHORELINE MASTER PROGRAM
The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.

AGENCY COMMENTS
A variety of public agencies and City departments were given an opportunity to comment on the proposal. Agency comments were received, but did not express significant concern, these comments are included in *Exhibit 4*.

PUBLIC COMMENTS
Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. As of the date of this report, Staff have received no public comments regarding this proposed zoning action.

PUBLIC NOTICE

Notice of Hearing Mailed:	December 5, 2023
Notice of Hearing Posted:	December 4, 2023
Notice of Hearing Published:	December 10, 2023
Public Hearing:	January 8, 2024

Notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication

in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in *Exhibit 3*.

ANALYSIS

The C-3 commercial zoning district allows for the most commercial uses according to the land use table in RMC 23.22.030. A mini-warehouse is permitted in the C-3 zone, whereas it is not permitted in the C-2 zone as the code currently exists. It is planning staff's opinion that the applicant must rezone the property in order to expand their storage operation, as they have described in the application for a zone change. It can be interpreted that bringing the site into zoning compliance is one reason for the request.

Additionally, as shown above in Figure 3, nearly all other commercial lots in the area are also zoned C-3. This rezone would eliminate the outlier C-2 parcel, creating a more harmonious zoning area. It should be noted that there are a few parcels of Agriculture (AG) zoning adjacent to the subject site to the east, northeast, and north of the subject site. As shown in Figure 2 above this entire swath of land is designated as a commercial district in the Richland Comprehensive Plan, therefore in time it would be appropriate for these lots to request a zone change to a commercial zone type. Staff is not aware of these property owners' intention to rezone at this time. Additionally, to the west of the subject site, there is a church on an R-1-12 zoned parcel. This parcel is approximately 10.5 acres in size and is approximately 504 feet wide. It is staff's opinion that this provides a substantial buffer between the commercial site and the residences located on Jason Loop. As noted above, notification was mailed and posted on the site and Planning staff has not received public comment at the time of writing this report.

Included near the end of Exhibit 1, the applicant has provided preliminary renderings of their intent to develop the subject site. It appears to include a new multi-story interior storage building near the Jericho Road frontage, and a new single-story storage building near the western property line.

It should be noted that if this rezone is granted, it would open the parcel to a plethora of C-3 land uses that may be considered intense when placed next to the residential uses like single family homes and the church that are adjacent to the site. While RMC 23.22.020(C) does provide guidance on what is not allowed in the C-3 zone when next to residential areas, these uses shall not inflict various pollutants on the neighboring lots. RMC 23.22.020(B) does provide additional guidance for when a C-1 zone is adjacent to residences, this section may be used as inspiration for additional buffers if it is perceived as necessary to maintain a certain level of public health, safety, or general welfare.

Staff here address questions posed to Hearing Examiner via "Reason for Request":

1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and/or whether there has been a change of circumstances since the original zoning was adopted for the site?

   The C-2 zoning land uses do permit a substantial number of similar uses as the C-3 zone, with the exception of higher intensity uses like manufacturing being allowed in C-3. With that said, the Comprehensive

Plan has designated the subject site as commercial, and the nearby commercial lots are already zoned C-3, so this zone change would create a more continuous swath of zoning. Upon approval of the zone change the applicant has explained in the application materials that they would expand their storage operation, therefore participating in infill development, which is a goal described in the Comprehensive Plan.

2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

   As stated in the site description, the lot is primarily covered in gravel drive lanes. Upon approval of the zone change the applicant has proposed various improvements that would be possible with the higher zoning designation. These improvements include enclosed storage facilities, paving, landscaping, curb, gutter, and sidewalk. Providing sidewalk along a stretch of road which is lacking it, is a commendable improvement for public on its own. The addition of landscaping, which would be required by code for an improvement like the proposed, would also add to the safety and general welfare of the surrounding area.

Recommendation

The Planning Department requests the Hearing Examiner recommend the proposed zoning change to the Richland City Council.

SUGGESTED FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a change in zoning (Z2023-109) and recommends approval of the request based on the following:

1. The property owner in this matter is CCWO13 LLC., with Cedar Creek Architectural Design (Chuck Tookey) acting on behalf of, and, as lead contact.
2. The application is to rezone a portion of one parcel: Benton County Assessor's Tax Parcel Number 122982020003012.
3. The subject parcel is zoned as a Retail Business use district (C-2).
4. The requested zone change is to rezone the parcel to General Business (C-3).
5. The site is essentially flat, with only changes in elevation near the Jericho Road and Jericho Court, street frontages.
6. The Comprehensive Plan designates this parcel as Commercial (COM).
7. Neighboring lots are zoned for Agriculture (AG) and Low density residential (R-1-12). The AG lots have single family dwellings on them, and the R-1-12 lot is occupied by the Richland Church of the Nazarene.
8. The neighboring parcels that are zoned AG, are designated as Commercial in the Richland Comprehensive Plan.
9. No portion of this proposed rezone is in the Shoreline Management Program's jurisdiction.
10. No portion of this proposed rezone is in an identified critical area.
11. There are existing easements along the southern and western boundary of the subject site.
12. The application is exempt from the provisions of the State Environmental Policy Act (SEPA), as identified in WAC 197-11-800(6)(c).
13. Notice requirements of RMC 19.30.040 have been met:
    a. Notice of Hearing Mailed: December 5, 2023

b. Notice of Hearing Posted: December 4, 2023
c. Notice of Hearing Published: December 10, 2023

14. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

EXHIBIT LIST

1. Application Materials
2. Vicinity Map
3. Public Notices & Affidavits
4. Agency Comments

Exhibit 1

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Zoning Map Amendment Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION	☐ Contact Person
Owner: CCWO13 L.L.C.	
Address: P.O. Box 347, Meridian ID 83680	
Phone: 208-871-8158	Email: charlest@cedar.cc

APPLICANT/CONTRACTOR INFORMATION (if different)	☒ Contact Person
Company: Cedar Creek Architectural Design	UBI#: 605085303
Contact: Chuck Tookey	
Address: 80 W Cottonwood Ct, Eagle, ID 83616	
Phone: 208-871-8158	Email: charlest@cedar.cc

DESCRIPTION OF WORK

Construction of a new mini storage drive up unit as well as construction of a new 3 story climate controlled storage facility and all associated paving, landscaping, curb gutter and sidewalk.

PROPERTY INFORMATION

Parcel #: 122982020003012		
Legal Description: BADGER HEIGHTS SUB. BLK 3 LOT 12 LESS SOUTH 30 FEET TO STATE ROAD 182 3-17-81		
Current Zoning: C-2	Current Comp Plan: COM	Requested Zoning: C-3
Current Use: Self Storage	Proposed Use: Self Storage	Area of Property: 2.07 acres

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

There are not any unique characteristics of the property.

Any hardship that may result in the event the rezone is not granted:

This property was purchased with the intent of expansion. If we can't rezone and expand then the owner will take a financial loss.

The manner in which the proposed rezone conforms to patterns in adjacent zones:

The properties to the North and East are zoned AG and will not be affected by the rezone and new storage building constructed. The property to the west is a church. The property to the South is Zoned C-3 and is currently a self storage facility.

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

There will be benefits to granting the rezone allowing for the construction of the storage units. The site will no longer be just gravel and have open storage. It will be enclosed storage and paved and have landscaping on it. Also, the existing entrance to the site is located at the corner of Jericho Road and Jericho Court and is a current hazard. We are moving the entrance to the West eliminating the conflict with the corner.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

By changing the zoning from C-2 to C-3 we will eliminate the unsightly gravel parking lot and open storage and replace it with enclosed storage, paving, landscaping, and curb gutter and sidewalk.

The benefits or detriments accruing to the City which would result from the granting or denial of this special permit:

There would be benefits to the City from the result of the rezone. The existing open storage on gravel would go away and be replaced with a nice looking new building, paving, landscaping, and curb gutter and sidewalk. Also, the tax revenue would go up for the City

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

The proposed zone represents a better use because it allows us to be a legal conforming use and eliminates the open parking storage and gravel lot.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

This is just a spot rezone, we would align with other C-3 parcels in the area.

Identify impacts on the environment and public safety:

There are positive impacts with regards to the environment and public safety. There will not be gravel tracked on to the main roads, the storm watter will be contained more effectively with the curb, gutter and sidewalk. Lastly, the current entrance will be moved from the intersection reducing stacking and confusion.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.
I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Chuck Tookey

Applicant Signature: Chuck Tookey Digitally signed by Chuck Tookey DN: C=US, E=charlest@cedar.cc, OU=Cedar Creek Architectural Design, CN=Chuck Tookey Date: 2023.10.24 13:54:12-06'00' Date 10-24-2023

2022-037797 D
12/16/2022 02:38:52 PM Page 1 of 5 Fees: $207.50
Brenda Chilton, County Auditor, Benton County, WA

When recorded return to:
AJ Osborne
CCWO13 LLC
PO Box 347
Meridian, ID 83680
CTI 223651-NCS

173598 - $255,408.75 - ES - 12/16/2022 - Benton County

STATUTORY WARRANTY DEED

THE GRANTOR(S) Watts & Sons, L.L.C., a Washington limited liability company for and in consideration of Ten and No/100 Dollars ($10.00), and other valuable consideration in hand paid, conveys and warrants to CCWO13 LLC, a Delaware limited liability company

the following described real estate, situated in the County of Benton, State of Washington:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Abbreviated Legal: (Required if full legal not inserted above.)

Lots 1 and 2 Short Plat 1401; Ptn Lots 2, 3, 4 Blk 3, Lot 12 Blk 3 Badger Heights

Tax Parcel Number(s): 120982011401005, 122982020003004, 122982020003012, 122982020003021

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

STATUTORY WARRANTY DEED
(continued)

Dated: 12/14/22

Watts & Sons, L.L.C., a Washington limited liability company

BY: _____
Kurk Watts
Member

BY: _____
Jacqueline Watts
Member

State of WASHINGTON
County of KING

I certify that I know or have satisfactory evidence that Kurk Watts and Jacqueline Watts are the persons who appeared
before me, and said persons acknowledged that he signed this instrument as the Members of Watts & Sons, L.L.C.,, a Washington limited liability company and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 12/14/22

_____
Name: Kim Hooper
Notary Public in and for the State of WA
Residing at: Pasco
My appointment expires: 4/7/26

Notary Public
State of Washington
KIM HOOPER
LICENSE # 97074
MY COMMISSION EXPIRES
APRIL 7, 2026

EXHIBIT "A"

Legal Description

PARCEL A: (120982011401005)
Lots 1 and 2, Short Plat No. 1401, according to the Survey thereof recorded under Auditor's File No.896934, records of Benton County, Washington.

PARCEL B: (122982020003004)
That portion of Lot 4, Block 3, Badger Heights Subdivision, according to the plat thereof recorded in Volume 5 of Plats, page 11, records of Benton County, Washington, lying Southwesterly of a line Beginning at a point opposite Highway Engineer's Station (hereafter referred to as HES) E-TF 17+34.99 P.T. on the E-TF line Survey of SR 182, Goose Gap Road to Road 68 interchange vicinity, and 100 feet Southwesterly therefrom; thence Southeasterly to a point opposite HES E-TF 20+14.09 P.C. and 75 feet Southwesterly therefrom; thence Easterly to a point opposite HES E-TF 21+75 and 75 feet Southerly, when measured radially from said E-TF Line Survey, therefrom and the terminus of this line description.
TOGETHER WITH that portion of right of way vacated by Resolution No. 8-864 and recorded under Auditor's File No. 2008-33748, which would revert to said premises by operation of law.

PARCEL C: (122982020003012)
Lot 12, Block 3, Badger Heights Subdivision, according to the plat thereof recorded in Volume 5 of Plats, Page 11, records of Benton County, Washington; EXCEPT the South 30 feet conveyed to the State of Washington by instrument recorded under Auditor's File No. 837999.

PARCEL D: (122982020003021)
That portion of Lot 2, and 3, Block 3, Badger Heights Subdivision, according to the Plat thereof recorded in Volume 5 of Plats, Page 11, records of Benton County Washington lying Southerly of a line described as beginning at a point opposite Highway Engineer's station (hereinafter referred to as HES) E-TF 20+14.09 P.C. on the E-TF line survey of SR 182, Goose Gap Road to Road 68 Interchange Vicinity, and 75 feet Southwesterly therefrom; thence Southeasterly to a point opposite HES E-TF 21+75 on said E-TF line survey and 75 feet Southeasterly therefrom; thence Northeasterly to a point opposite HES E-TF 22+92.73 P.T. on said E-TF line survey and 50 feet Southeasterly therefrom; thence Northeasterly parallel with said E-TF line survey to a point opposite HES E-TF 24+00 thereon; thence Southeasterly to a point opposite HES TF 104+50 on the TF line survey of said Highway and 70 feet Southwesterly therefrom and the end of this line description. Together with that portion of vacated Right of Way by Resolution 08-0865 recorded under Auditor's File Number 2008-033748 records of Benton County, Washington. All being in the Southwest quarter of the Northwest quarter of Section 22, Township 9 North, Range 28 East, W.M. and described as follows:

Commencing at the Southwest corner of said Northwest quarter of Section 22 being a Brass Cap; thence along the West line of said Northwest quarter North 00°35'56" West for 997.27 feet; thence North 89°39'33" East for 329.29 feet to the centerline of said vacated right of way; thence along said centerline North 00°30'17" West for 120.52 feet to intersect the Right of Way of said SR-182; thence along said Right of Way the following courses and distances, South 87°23'13" East for 106.69 feet; thence North 63°09'20" East for 245.11 feet; thence South 73°08'41" East for 88.59 feet to intersect the Right of Way of Queensgate Boulevard thence along said Right of Way South 25°46'31" East for 219.49 feet to intersect the South line of said Lot 2; thence along the South line of said Lot 2 and Lot 3 extended South 89°39'33" West for 504.45 feet and the True Point of Beginning.

EXHIBIT "B"
Exceptions

Exceptions set forth on this attached exhibit and by this reference made a part hereof as if fully incorporated herein.

1. Future assessments levied by Kennewick Irrigation District.

2. Reservations and Exceptions contained in Patent from the United States of America recorded February 16, 1961, under Auditor's File No. 451098.

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Benton Rural Electrical Association
Purpose: Electric Distribution Lines
Recording Date: May 15, 1964
Recording No.: 520465

4. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Short Plat 1401: Recording No: 896934

5. Utility Connection Annexation Covenant and Power of Attorney recorded January 4, 2011, under Auditor's File No. 2011-325.

6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Richland
Purpose: Waterline Easement
Recording Date: December 27, 2012
Recording No.: 2012-40846

7. Reservations and Exceptions contained in Patent from the United States of America recorded March 7, 1979, under Auditor's File No. 785677.

8. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Badger Heights Subdivision: Recording No: 317551

9. Utility Easement as retained in Ordinance No. 08-865 recorded December 1, 2008 under Auditor's File No. 2008-33748.

10. Reservation by the State of Washington as contained in Quit Claim Deed recorded November 19, 2019 under Auditor's File No. 2019-36437, as follows:
Grantor reserves to itself and its successors and/or assigns, all easement rights of access, light, view and/or air in the property herein conveyed to the extent that the property abuts the state highway right of way; therefore, the grantee herein, including successors or assigns, shall have no right of ingress and egress, to from or between SR 182 and the lands herein described, nor shall the grantee herein, its successors or assigns, be entitled to compensation for any loss of access, light, view and/or air occasioned by the location, construction, reconstruction, maintenance or operation of said highway. The Grantee herein, on behalf of itself and its successors or assigns, as part of this consideration paid herein, waives and/or releases Grantor from any past, present, or future claims for damages directly or indirectly caused by highway drainage or runoff, and further, Grantee, its successors or assigns, shall have no right of compensation for damages to the property herein conveyed caused directly or indirectly by highway drainage runoff.

11. Reservations and Exceptions contained in Patent from the United States of America recorded June 12, 1956 under Auditor's File No. 358324.

12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Benton Rural Electrical Association
Purpose: Right of Way Easement
Recording Date: March 27, 1997
Recording No.: 97-6733

13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Richland
Purpose: Utility Easement Deed
Recording Date: November 14, 1997
Recording No.: 97-29112

14. Reservations and Exceptions contained in Patent from the United States of America recorded October 16, 1959, under Auditor's File No. 425498.

15. Reservations and Exceptions contained in Patent from the United States of America recorded July 27, 1978, under Auditor's File No. 748677.

16. Reservations and Easements contained in Deed from the State of Washington recorded November 24, 1992, under Auditor's File No. 92-29438.

17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Kurk Watts and Jacqueline Watts
Purpose: Ingress, Egress, Utility, Water, Sewer and Irrigation Easement
Recording Date: March 1, 2005
Recording No.: 2005-6306

18. Irrigation and Utility Easement retained in Resolution No. 07-124, recorded March 6, 2007, under Auditor's File No. 2007-6913.

ALTA COMMITMENT FOR TITLE INSURANCE

Issued By agent:

CHICAGO TITLE
COMPANY OF WASHINGTON

Commitment Number:

62242201209
Revision 2

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Chicago Title Insurance Company

By:

Michael J. Nolan , President

Countersigned By:

Authorized Officer or Agent
Gary Duncan

Attest:

Marjorie Nemzura, Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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AMERICAN LAND TITLE ASSOCIATION

CHICAGO TITLE COMPANY OF WASHINGTON

Transaction Identification Data for reference only:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Christopher Hull Chicago Title Company of Washington 6416 W. Okanogan Avenue Kennewick, WA 99336 Phone: (509)735-1575 Fax: (509)735-0707 Main Phone: (509)735-1575 Email: Christopher.Hull@ctt.com	Escrow Officer: Mark Schwarz *Chicago Title Company of Washington 701 5th Avenue, Ste 2700 Seattle, WA 98104 Main Phone: (206)200-2994 Email: mark.schwarz@ctt.com Escrow No.: 223651-NCS

Order Number: 62242201209

SCHEDULE A

1. Commitment Date: August 11, 2022 at 08:00 AM
2. Policy to be issued:

   (a) ALTA Standard Owner's Policy 2006

Proposed Insured:	Cedar Creek Wealth LLC		
Proposed Policy Amount:	$8,795,500.00		
Premium:		$	13,223.00
Tax:		$	1,150.40
Total:		$	14,373.40

3. The estate or interest in the Land described or referred to in this Commitment is:

   Fee Simple

4. The Title is, at the Commitment Date, vested in:

   Watts & Sons, L.L.C., a Washington limited liability company

5. The Land is described as follows:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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TOGETHER WITH that portion of right of way vacated by Resolution No. 8-864 and recorded under Auditor's File No. 2008-33748, which would revert to said premises by operation of law.

PARCEL C: (122982020003012)

Lot 12, Block 3, Badger Heights Subdivision, according to the plat thereof recorded in Volume 5 of Plats, Page 11, records of Benton County, Washington; EXCEPT the South 30 feet conveyed to the State of Washington by instrument recorded under Auditor's File No. 837999.

PARCEL D: (122982020003018 PARENT PARCEL)

That portion of Lot 2, and 3, Block 3, Badger Heights Subdivision, according to the Plat thereof recorded in Volume 5 of Plats, Page 11, records of Benton County Washington lying Southerly of a line described as beginning at a point opposite Highway Engineer's station (hereinafter referred to as HES) E-TF 20+14.09 P.C. on the E-TF line survey of SR 182, Goose Gap Road to Road 68 Interchange Vicinity, and 75 feet Southwesterly therefrom; thence Southeasterly to a point opposite HES E-TF 21+75 on said E-TF line survey and 75 feet Southeasterly therefrom; thence Northeasterly to a point opposite HES E-TF 22+92.73 P.T. on said E-TF line survey and 50 feet Southeasterly therefrom; thence Northeasterly parallel with said E-TF line survey to a point opposite HES E-TF 24+00 thereon; thence Southeasterly to a point opposite HES TF 104+50 on the TF line survey of said Highway and 70 feet Southwesterly therefrom and the end of this line description. Together with that portion of vacated Right of Way by Resolution 08-0865 recorded under Auditor's File Number 2008-033748 records of Benton County, Washington. All being in the Southwest quarter of the Northwest quarter of Section 22, Township 9 North, Range 28 East, W.M. and described as follows:

Commencing at the Southwest corner of said Northwest quarter of Section 22 being a Brass Cap; thence along the West line of said Northwest quarter North 00°35'56" West for 997.27 feet; thence North

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EXHIBIT "A"

Legal Description

89°39’33” East for 329.29 feet to the centerline of said vacated right of way; thence along said centerline North 00°30’17” West for 120.52 feet to intersect the Right of Way of said SR-182; thence along said Right of Way the following courses and distances, South 87°23’13” East for 106.69 feet; thence North 63°09’20” East for 245.11 feet; thence South 73°08’41” East for 88.59 feet to intersect the Right of Way of Queensgate Boulevard thence along said Right of Way South 25°46’31” East for 219.49 feet to intersect the South line of said Lot 2; thence along the South line of said Lot 2 and Lot 3 extended South 89°39’33” West for 504.45 feet and the True Point of Beginning.

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SCHEDULE B, PART I
REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.

6. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

7. If documents for this transaction are to be signed using Remote Online Notary, we require the use of company approved RON providers which can be found here: <https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>.

   The Notarial Certificate must state “This notarial act involved the use of communication technology.”

   We require a copy of the notarization video for our file documentation prior to closing. Additional underwriting requirements may need to be satisfied.

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SCHEDULE B, PART I
REQUIREMENTS
(continued)

8. Payment of the real estate excise tax, if required.

The Land is situated within the boundaries of local taxing authority of Richland.

The rate of real estate excise tax for properties which are not formally classified and specially valued as timberland or agricultural land is:

State portion: 1.10% on any portion of the sales price of $500,000 or less;
1.28% on any portion of the sales price above $500,000, up to $1,500,000;
2.75% on any portion of the sales price above $1,500,000, up to $3,000,000;
3.00% on any portion of the sales price above $3,000,000;

Local portion: .50% on the entire sales price.

An additional $5.00 State Technology Fee must be included in all excise tax payments.

If the transaction is exempt, an additional $5.00 Affidavit Processing Fee is required.

Any conveyance document must be accompanied by the official Washington State Excise Tax Affidavit, which can be found online HERE. The applicable excise tax must be paid and the affidavit approved at the time of the recording of the conveyance documents. (NOTE: Real Estate Excise Tax Affidavits must be printed as legal size forms).

9. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

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SCHEDULE B, PART I
REQUIREMENTS
(continued)

10. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Watts & Sons L.L.C.

a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.

b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.

c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.

d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

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SCHEDULE B, PART I
REQUIREMENTS
(continued)

11. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Cedar Creek Wealth LLC

a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.

b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.

c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.

d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

END OF REQUIREMENTS

NOTES

The following matters will not be listed as Special Exceptions in Schedule B of the policy. There will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted or excluded from coverage or are not matters covered under the insuring provisions of the policy.

Note A: Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Note B: Note: The Public Records indicate that the address of the improvement located on said Land is as follows:

816 N Dallas Road and 953 Jericho Court
Richland, WA 99352

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SCHEDULE B, PART I
REQUIREMENTS
(continued)

Note C: Note: FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:

Lots 1 and 2 Short Plat 1401; Ptn Lots 2, 3, 4 Blk 3, Lot 12 Blk 3 Badger Heights

Note D: Note: Examination of the Public Records discloses no judgments or other matters pending against the name of the vested owner.

Note E: Note: Examination of the Public Records discloses no judgments or other matters pending against the name(s) of the proposed insured which would appear as exceptions in the policy.

Note F: Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

Note G: To avoid delays on all Recordings-
Please email a scanned PDF version of recording packages, instructions, and all related documents for the closing of the herein contemplated transaction to KennewickRecordings@ctt.com as soon as available.

Additionally- Please send the physical Original Documents for recording to the following mailing address at least 24 hours prior to the anticipated closing date:

CT
6416 W. Okanogan Ave.
Kennewick, WA 99336

If you have any question's please call our Recording Department at (509) 783-7833.

Note H: Please be advised we submit documents to the county for processing and recording via e-filing using a 3rd party vendor.

Please make checks for excise tax and recording fees payable to Chicago Title Company of Washington.

There is a $5.43 e-recording surcharge per EACH document for this service.

NOTE: Not all recordings qualify for e-filing and Adams County does not e-File as of the date of this report.

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SCHEDULE B, PART I
REQUIREMENTS
(continued)

END OF NOTES

END OF SCHEDULE B, PART I

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SCHEDULE B, PART II
EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS

A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.

B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.

D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.

E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.

F. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.

G. Unpatented mining claims, and all rights relating thereto.

H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.

I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.

J. Water rights, claims or title to water.

K. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

SPECIAL EXCEPTIONS

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

1. As to Parcel A:
General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2022
Tax Account No.:	120982011401005
Levy Code:	1424
Assessed Value-Land:	$259,380.00
Assessed Value-Improvements:	$879,690.00

General and Special Taxes:	
Billed:	$13,872.63
Paid:	$6,936.35
Unpaid:	$6,936.28

2. As to Parcel A:
Assessment levied by Kennewick Irrigation District for the second half of the year 2022 in the sum of $570.13, which shall become delinquent if unpaid after October 31, 2022. Please contact 509-586-9111 for further information.

3. As to Parcel A:
Reservations and Exceptions contained in Patent from the United States of America recorded February 16, 1961 under Auditor's File No. 451098.

4. As to Parcel A:
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Benton Rural Electrical Association
Purpose:	Electric Distribution Lines
Recording Date:	May 15, 1964
Recording No.:	520465

5. As to Parcel A:
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Benton Rural Electrical Association
Purpose:	Electric Distribution Lines
Recording Date:	January 17, 1977
Recording No.:	719080

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

6. As to Parcel A:
Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Short Plat 1401:

Recording No: 896934

7. As to Parcel A:
Irrigation Pond Maintenance and Easement Agreement and the Terms and Conditions thereof recorded October 19, 2009 under Auditor's File No. 2009-31158.

8. As to Parcel A:
Utility Connection Annexation Covenant and Power of Attorney recorded January 4, 2011 under Auditor's File No. 2011-325.

9. As to Parcel A:
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	City of Richland
Purpose:	Waterline Easement
Recording Date:	December 27, 2012
Recording No.:	2012-40846

10. As to Parcel A:
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Benton County
Purpose:	Temporary Construction Easement
Recording Date:	April 18, 2019
Recording No.:	2019-9652

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

11. As to Parcel B:
General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2022
Tax Account No.:	122982020003004
Levy Code:	R3
Assessed Value-Land:	$332,140.00
Assessed Value-Improvements:	$0.00

General and Special Taxes:	
Billed:	$3,653.92
Paid:	$1,826.99
Unpaid:	$1,826.93

12. As to Parcel B:
Reservations and Exceptions contained in Patent from the United States of America recorded March 7, 1979 under Auditor's File No. 785677.

13. As to Parcels B, C and D:
Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Badger Heights Subdivision:

Recording No: 317551

14. As to Parcel B and D:
Utility Easement as retained in Ordinance No. 08-865 recorded December 1, 2008 under Auditor's File No. 2008-33748.

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

15. As to Parcel B:
Reservation by the State of Washington as contained in Quit Claim Deed recorded November 19, 2019 under Auditor's File No. 2019-36437, as follows:

Grantor reserves to itself and its successors and/or assigns, all easement rights of access, light, view and/or air in the property herein conveyed to the extent that the property abuts the state highway right of way; therefore, the grantee herein, including successors or assigns, shall have no right of ingress and egress, to from or between SR 182 and the lands herein described, nor shall the grantee herein, its successors or assigns, be entitled to compensation for any loss of access, light, view and/or air occasioned by the location, construction, reconstruction, maintenance or operation of said highway.

The Grantee herein, on behalf of itself and its successors or assigns, as part of this consideration paid herein, waives and/or releases Grantor from any past, present, or future claims for damages directly or indirectly caused by highway drainage or runoff, and futher, Grantee, its successors or assigns, shall have no right of compensation for damages to the property herein conveyed caused directly or indirectly by highway drainage runoff.

16. As to Parcel C:
General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2022
Tax Account No.:	122982020003012
Levy Code:	R3
Assessed Value-Land:	$348,830.00
Assessed Value-Improvements:	$522,990.00

General and Special Taxes:	
Billed:	$9,594.20
Paid:	$4,797.14
Unpaid:	$4,797.06

17. As to Parcel C:
Reservations and Exceptions contained in Patent from the United States of America recorded June 12, 1956 under Auditor's File No. 358324.

18. As to Parcel C:
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Benton Rural Electrical Association
Purpose:	Right of Way Easement
Recording Date:	March 27, 1997
Recording No.:	97-6733

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

19. As to Parcel C:
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	City of Richland
Purpose:	Utility Easement Deed
Recording Date:	November 14, 1997
Recording No.:	97-29112

20. As to Parcel D:
General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2022
Tax Account No.:	122982020003018 PARENT PARCEL
Levy Code:	R3
Assessed Value-Land:	$617,470.00
Assessed Value-Improvements:	$0.00

General and Special Taxes:	
Billed:	$6,781.95
Paid:	$6,781.95
Unpaid:	$0.00

21. As to Parcel D:
Reservations and Exceptions contained in Patent from the United States of America recorded October 16, 1959 under Auditor's File No. 425498.

22. As to Parcel D:
Reservations and Exceptions contained in Patent from the United States of America recorded July 27, 1978 under Auditor's File No. 748677.

23. As to Parcel D:
Reservations and Easements contained in Deed from the State of Washington recorded November 24, 1992 under Auditor's File No. 92-29438.

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

24. As to Parcel D:
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Kurk Watts and Jacqueline Watts
Purpose:	Ingress, Egress, Utility, Water, Sewer and Irrigation Easement
Recording Date:	March 1, 2005
Recording No.:	2005-6306

25. As to Parcel D:
Irrigation and Utility Easement retained in Resolution No. 07-124, recorded March 6, 2007 under Auditor's File No. 2007-6913.

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS

1. DEFINITIONS

(a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.

(b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

(c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.

(d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.

(e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

(f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.

(g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.

(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

(a) the Notice;

(b) the Commitment to Issue Policy;

(c) the Commitment Conditions;

(d) Schedule A;

(e) Schedule B, Part I-Requirements;

(f) Schedule B, Part II-Exceptions; and

(g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

(a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

(i) comply with the Schedule B, Part I-Requirements;

(ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or

(iii) acquire the Title or create the Mortgage covered by this Commitment.

(b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

(c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

(d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.

(e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.

(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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(continued)

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

(a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

(d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.

(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

END OF CONDITIONS

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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RECORDING REQUIREMENTS

Effective January 1, 1997, document format and content requirements have been imposed by Washington Law. Failure to comply with the following requirements may result in rejection of the document by the county recorder or imposition of a $50.00 surcharge.

First page or cover sheet:

3" top margin containing nothing except the return address.

1" side and bottom margins containing no markings or seals.

Title(s) of documents.

Recording no. of any assigned, released or referenced document(s).

Grantors names (and page no. where additional names can be found).

Grantees names (and page no. where additional names can be found).

Abbreviated legal description (Lot, Block, Plat Name or Section, Township, Range and Quarter, Quarter Section for unplatted). Said abbreviated legal description is not a substitute for a complete legal description which must also appear in the body of the document.

Assessor's tax parcel number(s).

Return address (in top 3" margin).

**A cover sheet can be attached containing the above format and data if the first page does not contain all required data.

Additional Pages:

1" top, side and bottom margins containing no markings or seals.

All Pages:

No stapled or taped attachments. Each attachment must be a separate page. All notary and other pressure seals must be smudged for visibility. Font size of 8 points or larger.

WIRE SAFE™ | Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
http://www.fbi.gov

Internet Crime Complaint Center:
http://www.ic3.gov

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FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE

Effective August 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (*e.g.*, name, address, phone number, email address);
- demographic information (*e.g.*, date of birth, gender, marital status);
- identity information (*e.g.* Social Security Number, driver's license, passport, or other government ID number);
- financial account information (*e.g.* loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (https://fnf.com/pages/californiaprivacy.aspx) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888)714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's Opt Out Page or contact us by phone at (888) 714-2710 or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

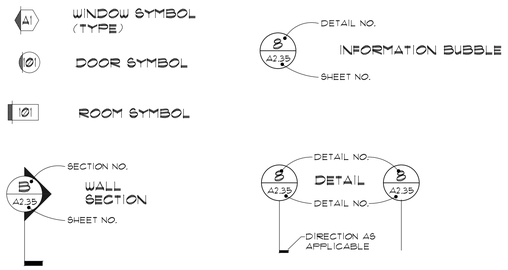
ABBREVIATIONS

ADDITION	ADD
ADHESIVE	ADH
ADJUST	ADJ
ACOUSTIC TILE CEILING	AC
ALIGNMENT	ALIGN
ALUMINUM	ALUM,AL
ANCHOR BOLT	AB
AND	&
ANGLE	L
APPROVED	APPD
APPROXIMATE	APPROX
ARCHITECTURE	ARCH
AT	@
ABOVE FINISHED FLOOR	AFF
BEAM	BM
BLOCKING	BLKG
BOARD	BD
BOTTOM	BOT
BUILDING	BLDG
BEARING	BRG
CARPET	C
CEILING	CLG
CEILING HEIGHT	C.H.
CENTER	CTR
CENTERLINE	CL
CERAMIC TILE	CT
CLEAR	CLR
CONCRETE	CONC
CONCRETE MASONRY UNIT	CMU
CONTRACTION JOINT	CONJ
CONTINUOUS	CONT
CONTRACTOR FURNISHED-INSTALLED	CF-CI
CONSTRUCTION JOINT	CJ
DIAMETER	Ø, DIAM, DIA
DOOR	DR
DOUBLE	DBL
DOWN	DN
DRINKING FOUNTAIN	DF
ELEVATION	ELEV
EQUAL	EQ
EQUIPMENT	EQPT OR EQUIP
EXISTING	EXIST
EXPANSION JOINT	EXP JT
EXPOSED	EXP
EXTERIOR	EXT
FACE OF	FO
FACTORY FINISH	FF
FINISH	FIN
FINISH FLOOR	FIN. FL., F.F.
FINISH GRADE	FIN. GR., F.G.
FIRE EXTINGUISHER CABINET	F.E.C.
FLOOR	FL
FLOOR DRAIN	FD
FOOTING	FTG
FOUNDATION	FND
GAGE (GAUGE)	GA
GALVANIZE	GALV
GYPSUM BOARD	GWB, GYP BD
GLASS	GL
HANDICAP	HC
HARDWARE	HDW
HORIZONTAL	HOR, HORIZ
HOLLOW METAL	HM
INCLUDE	INCL
INSULATION	INSUL
ISOLATION JOINT	IJ
INTERIOR	INT
JOINT	JT
LONG LEG VERTICAL	LLV
MACHINE BOLT	MB
MANHOLE	MH
MANUFACTURE	MFR
MASONRY OPENING	MO
MATERIAL	MAT
METAL BUILDING SYSTEM	MBS
METAL BUILDING SYSTEMS MANUFACTURER	MBSM
METAL	MET
MISCELLANEOUS	MISC
NOT IN CONTRACT	NIC
NOT TO SCALE	NTS
NUMBER	NO.
ON CENTER	O/C, OC
OPENING	OPNG
OVERHEAD	OH
OWNER FURNISHED AND INSTALLED	OF-OI
OWNER FURNISHED - CONTRACTOR INSTALLED	OF-CI
PAINT	P
PAIR	PR
PLATE	PL
PLYWOOD	PLYWD
PORTLAND CEMENT CONCRETE	P.C.C.
PRECAST CONCRETE	PC
QUANTITY	QTY
RADIUS	R OR RAD
REFERENCE	REF
REINFORCING	REINF
REQUIRED	REQ'D.
ROOF DRAIN	RD
ROOM	R OR RM
ROUGH OPENING	RO
RUBBER BASE	RB
SECTION	SEC
SIMILAR	SIM
STAIN AND VARNISH	SV
STEEL	STL
STRUCTURAL	STR OR STRL
TYPICAL	TYP
TEMPERED GLAZING	T
UNLESS NOTED OTHERWISE	U.N.O.
VERTICAL	VERT
VESTIBULE	VEST
VINYL COMPOSITION TILE	VCT
VINYL WALL COVERING	VWC
WAINSCOT	WN
WIDE, WIDTH	W
	W/
	W/O
WOOD BASE	WB
WIRE GLASS	WG

NOTE: REFER TO ARCHITECTURAL, CIVIL, MECHANICAL AND ELECTRICAL SHEETS FOR ADDITIONAL INFORMATION.

SYMBOLS

(NOTE: ALL SYMBOLS MAY OR MAY NOT BE USED)



GENERAL NOTES

1. ALL WORK WILL COMPLY WITH ALL APPLICABLE CODES. THIS INCLUDES BUT NOT LIMITED TO:

2018	INTERNATIONAL BUILDING CODE
2018	INTERNATIONAL EXISTING BUILDING CODE
2017	NATIONAL ELECTRICAL CODE
2018	INTERNATIONAL RESIDENTIAL CODE
2018	FUEL AND GAS CODE
2018	MECHANICAL CODE
2018	INTERNATIONAL ENERGY CONSERVATION CODE

2. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL EXISTING CONDITIONS ON THE JOB BEFORE PROCEEDING WITH THE WORK. DISCREPANCIES, IF ANY, ARE TO BE REFERRED TO THE ARCHITECT IMMEDIATELY.
3. THE CONTRACTOR WILL COORDINATE ALL TRADES.

INDEX OF DRAWINGS

GENERAL

A0.0 TITLE SHEET/GENERAL INFORMATION
SHEET INDEX

ARCHITECTURAL

A0.1 CODE SHEET
SD.1 ARCHITECTURAL SITE PLAN
A1.0 BUILDING A FIRST FLOOR PLAN
A1.1 BUILDING A SECOND FLOOR PLAN
A1.2 BUILDING A THIRD FLOOR PLAN
A1.3 BUILDING A ELEVATIONS
A1.4 BUILDING A ELEVATIONS
A2.0 BUILDING B FLOOR PLAN AND ELEVATIONS

CONSULTANTS

CIVIL ENGINEER:

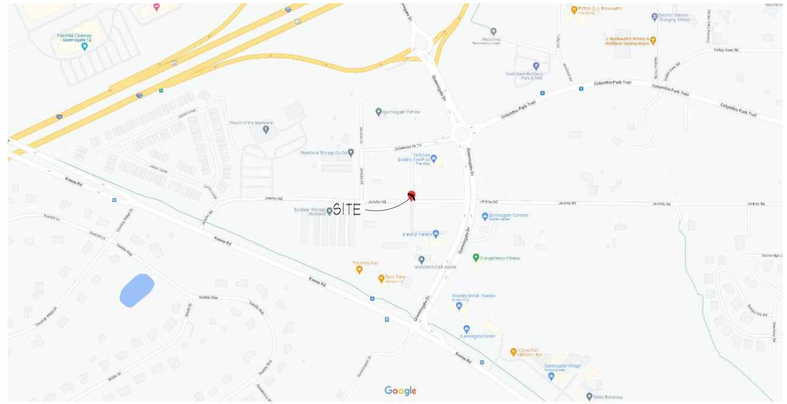
KIMLEY-HORN
1100 W IDAHO STREET, STE 210
BOISE, IDAHO 83702
TEL: (208) 845-0089

STRUCTURAL:

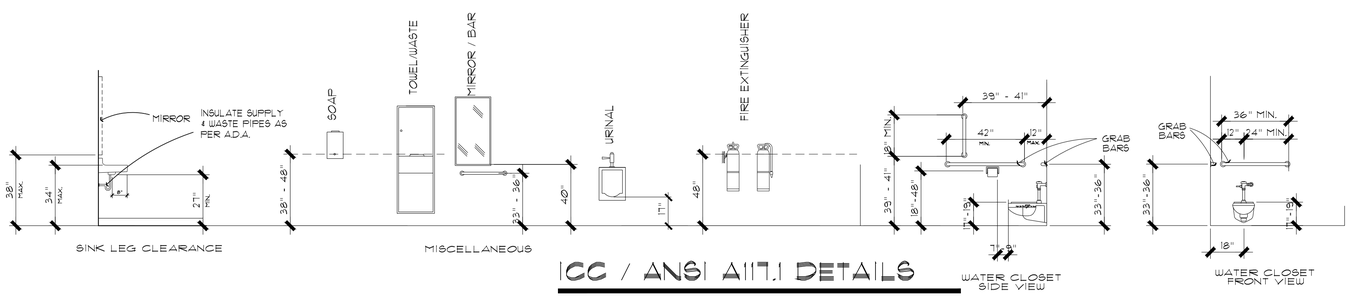
McCLENDON ENGINEERING
1412 W. IDAHO ST
BOISE, ID 83702
PH: 208-342-2919

MECHANICAL / ELECTRICAL:

KARTCHNER BEAUCANNON ASSOCIATES L.L.C.
1301 S FIVE MILE ROAD
BOISE, IDAHO 83709
(208) 888-7145



VICINITY MAP



ICC / ANSI A117.1 DETAILS

SCALE: N.T.S.

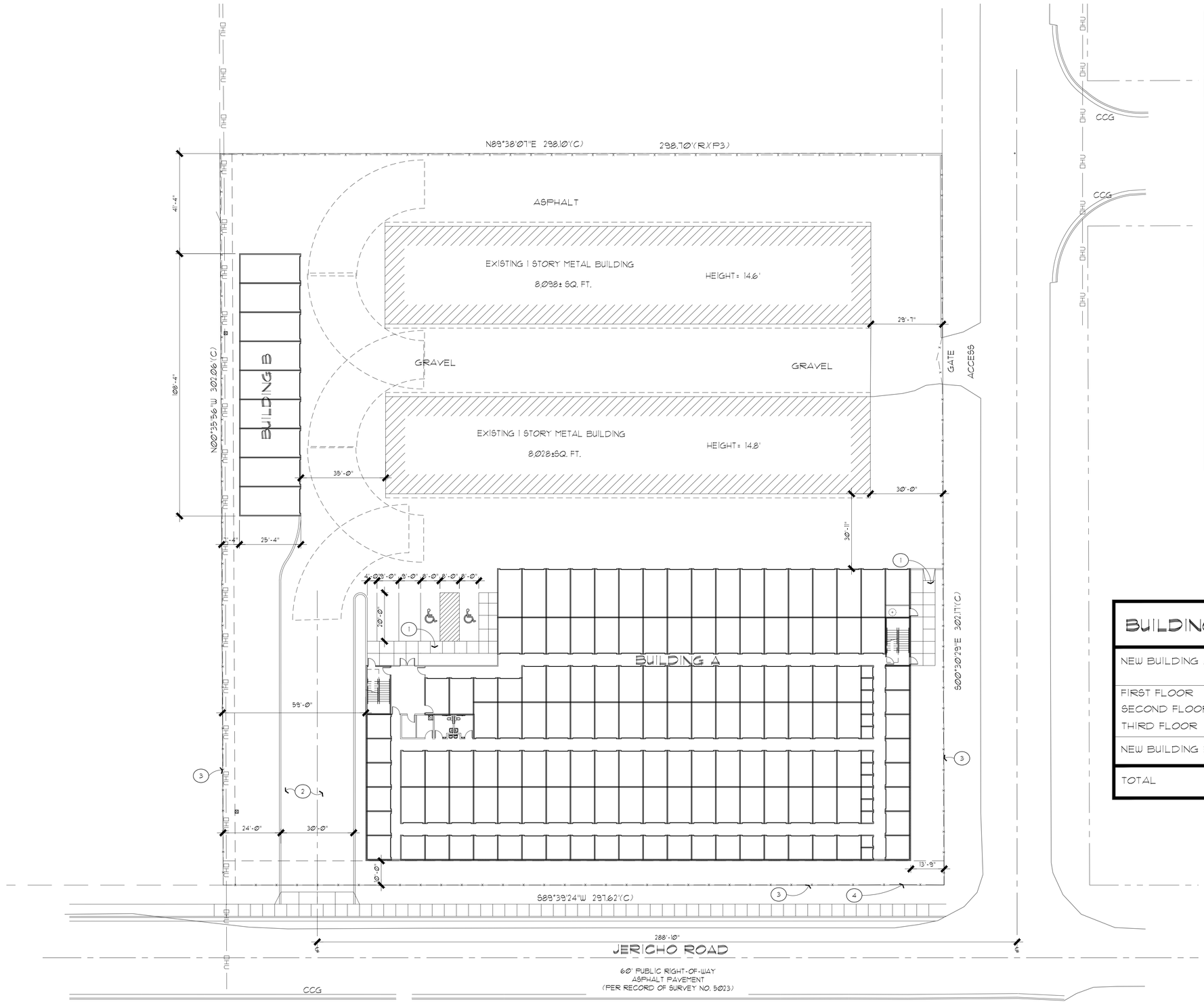
CEDAR CREEK
— ARCHITECTURAL DESIGN —
80 W. COTTONWOOD CT. EAGLE, ID 83616
(208)965-5757

EXTERIOR
SELF STORAGE UNIT EXPANSION
FOR
STORE LOCAL RICHLAND
953 JERICHO COURT, RICHLAND, WA 99352

Date: Feb. 15, 2023
Job No. Jericho-001
Revised:

Sheet No.
A0.0

THE USE OF THESE PLANS SHALL BE RESTRICTED TO THE ORIGINAL PROJECT SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE BEYOND COMPLETION OF THE PROJECT, ALTERATIONS OR EXTENSIONS TO THE PROJECT OR REUSE ON OTHER PROJECTS SHALL BE PROHIBITED, TITLE TO THE PLANS REMAINS WITH THE ARCHITECT AND ARCHITECTS L.L.P. VISUAL CONTACT WITH THESE PLANS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTION.



NORTH

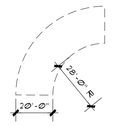
ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'

GENERAL NOTES

1. NOTIFY ARCHITECT IMMEDIATELY IF THERE ARE ANY DISCREPANCYS FOUND.

LEGEND



FIRE TRUCK ACCESS TURNING RADIUS

KEYNOTES

1	CONCRETE SIDEWALK
2	ASPHALT
3	NEW FENCE
4	REMOVE EXISTING GATE
5	
6	
7	
8	
9	

BUILDING INFORMATION UNIT MIX

NEW BUILDING A	75,000 s.f.	(14) 10X20, (175) 10X15, (178) 10X10, (147) 5X10, (121) 5X5
FIRST FLOOR	25,000 s.f.	(14) 10X20, (85) 10X15, (35) 10X10, (17) 5X5
SECOND FLOOR	25,000 s.f.	(73) 10X15, (79) 10X10, (1) 5X10, (19) 5X5
THIRD FLOOR	25,000 s.f.	(17) 10X15, (64) 10X10, (146) 5X10, (85) 5X5
NEW BUILDING B	2,745 S.F.	(9) 12x25
TOTAL	77,745 S.F.	(14) 10X20, (175) 10X15, (178) 10X10, (147) 5X10, (121) 5X5, (9) 12X25

CEDAR CREEK
— ARCHITECTURAL DESIGN —
80 W. COTTONWOOD CT. EAGLE, ID 83616
(208)965-5757

EXTERIOR
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FOR
STORE LOCAL RICHLAND, WA 99352
953 JERICHO COURT, RICHLAND, WA 99352

Date: Feb. 15, 2023
Job No. Jericho-001
Revised:

Sheet No.
SD1.0

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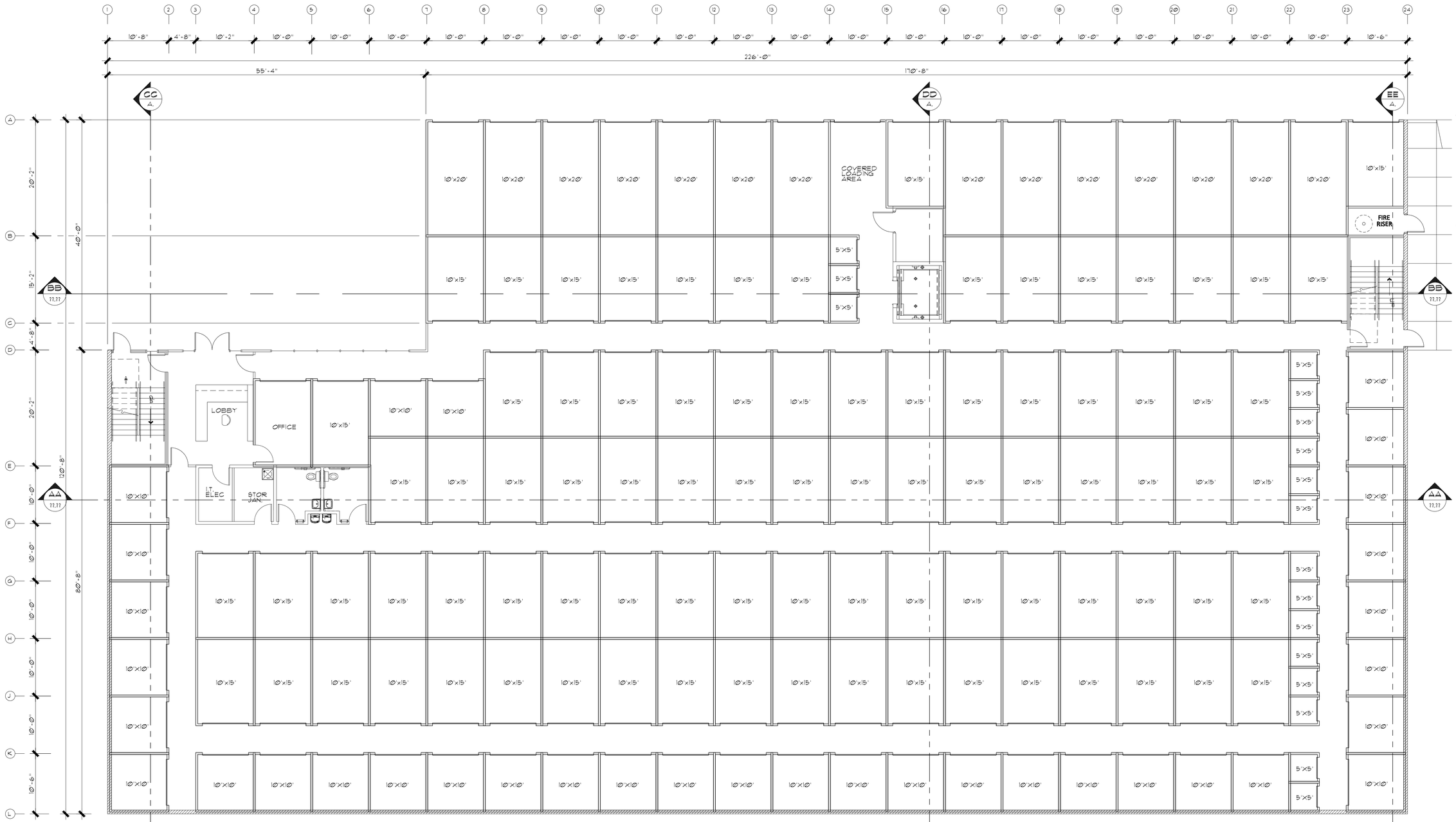

NORTH

FIRST FLOOR PLAN BUILDING A

SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. INSTALL 24 GA METAL GUTTERS AND DOWNSPOUTS AS REQUIRED. COLOR TO MATCH TRIM.

KEYNOTES

1	CLASS 2A RATED FIRE EXTINGUISHER. MAXIMUM TRAVEL DISTANCE BETWEEN FIRE EXTINGUISHERS IS 75'
2	DOWNSPOUT LOCATION
3	ACCESSIBLE STORAGE UNIT. SEE DETAILS SHEET A0.1 5% IF LESS THAN 200 UNITS. 121 UNITS X 0.05 = 6.05 7 UNITS PROVIDED
4	
5	
6	
7	

CEDAR CREEK
ARCHITECTURAL DESIGN
80 W. COTTONWOOD CT. EAGLE, ID 83616
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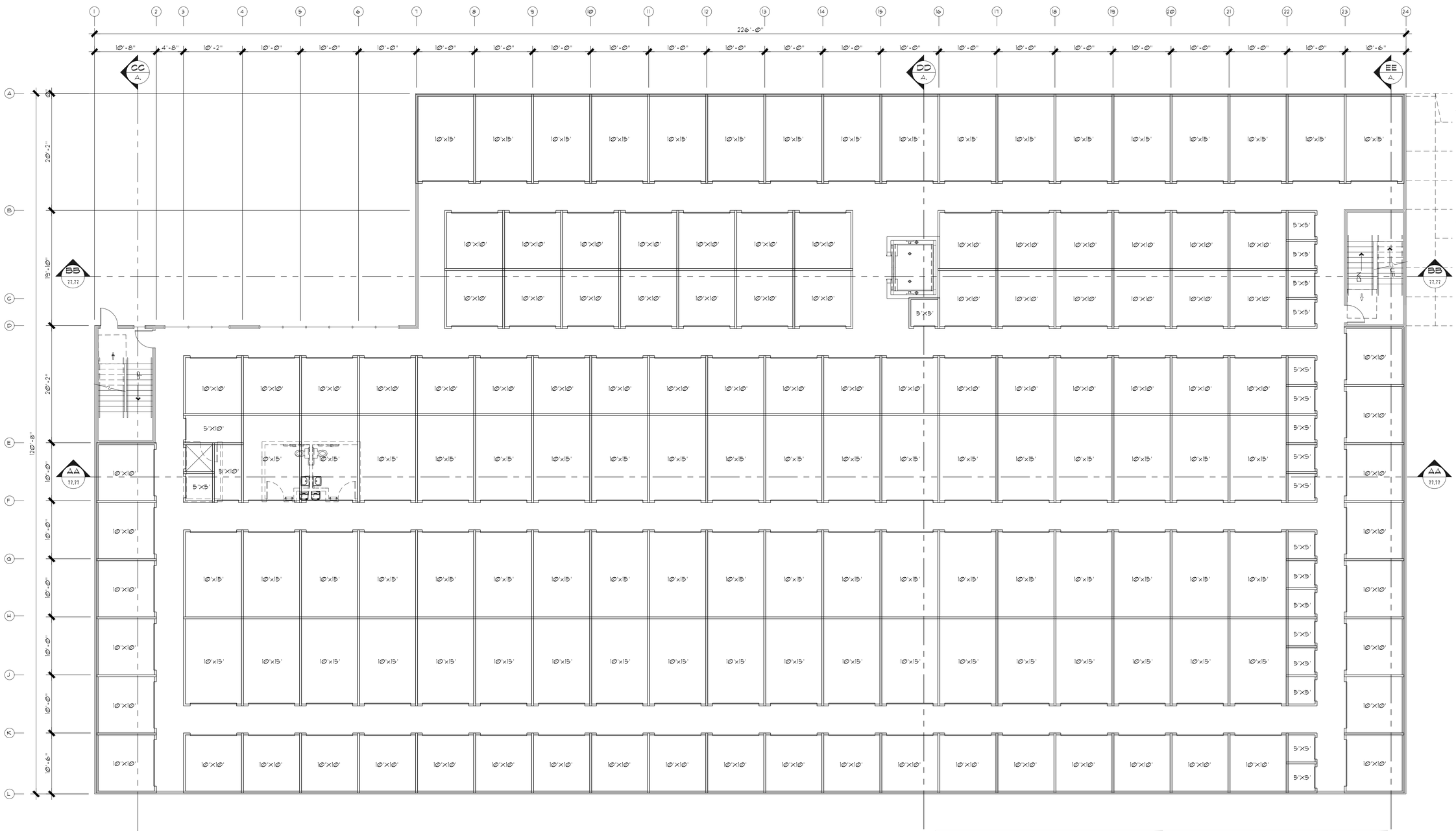

SECOND FLOOR PLAN BUILDING A

NORTH

SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. INSTALL 24 GA METAL GUTTERS AND DOWNSPOUTS AS REQUIRED. COLOR TO MATCH TRIM.

KEYNOTES

1	CLASS 2A RATED FIRE EXTINGUISHER. MAXIMUM TRAVEL DISTANCE BETWEEN FIRE EXTINGUISHERS IS 75'
2	DOWNSPOUT LOCATION
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CEDAR CREEK
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A1.1

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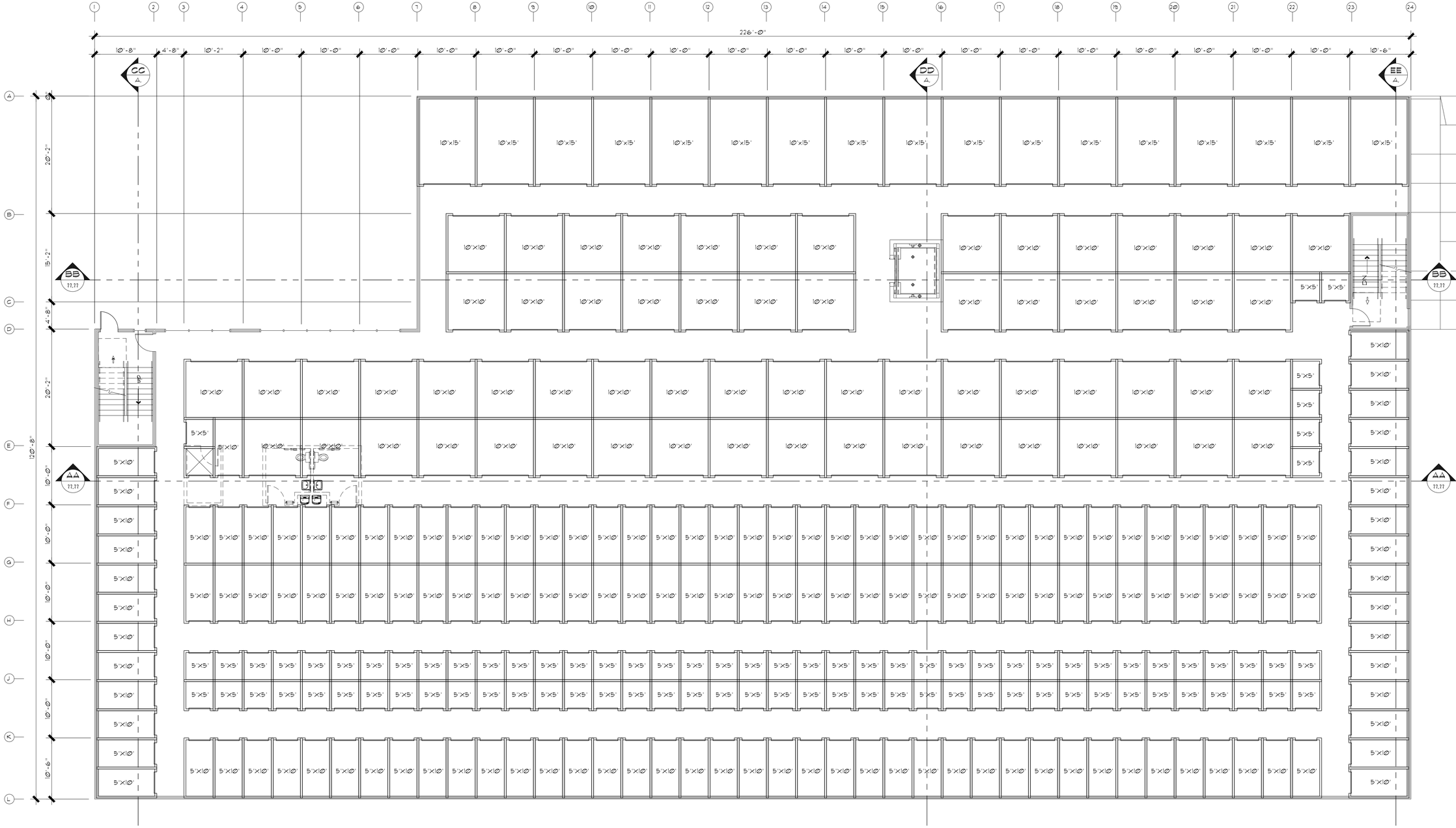


THIRD FLOOR PLAN BUILDING A

NORTH

SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. INSTALL 24 GA METAL GUTTERS AND DOWNSPOUTS AS REQUIRED. COLOR TO MATCH TRIM.

KEYNOTES

1	CLASS 2A RATED FIRE EXTINGUISHER. MAXIMUM TRAVEL DISTANCE BETWEEN FIRE EXTINGUISHERS IS 75'
2	DOWNSPOUT LOCATION
3	ACCESSIBLE STORAGE UNIT. SEE DETAILS SHEET A0.1 5% IF LESS THAN 200 UNITS. 121 UNITS X 0.05 = 6.05 7 UNITS PROVIDED
4	

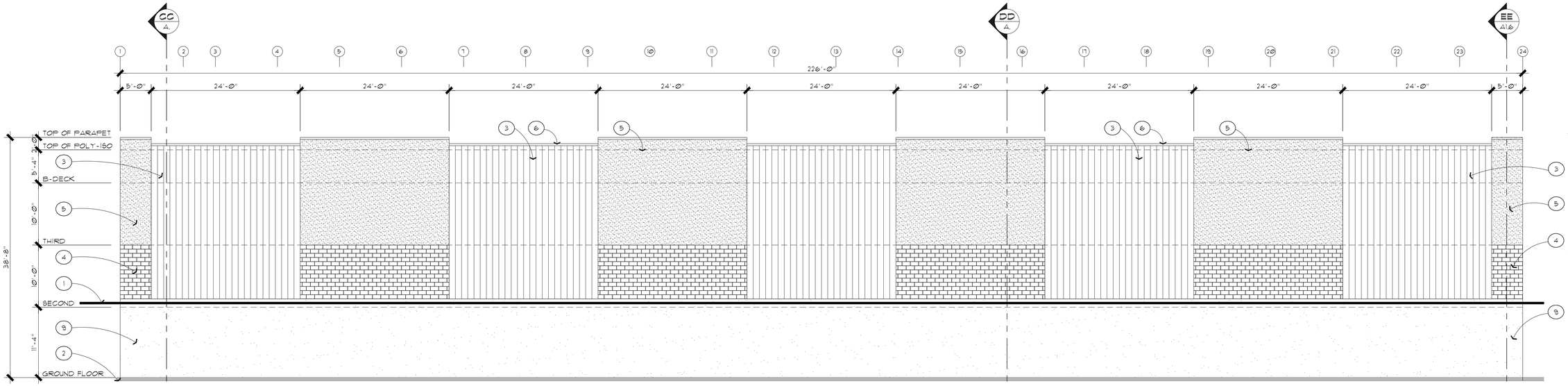
CEDAR CREEK
ARCHITECTURAL DESIGN
80 W. COTTONWOOD CT. EAGLE, ID 83616
(208)965-5757

EXTERIOR
SELF STORAGE UNIT EXPANSION
FOR
STORE LOCAL RICHLAND
953 JERICHO COURT, RICHLAND, WA 99352

Date: Feb. 15, 2023
Job No. Jericho-001
Revised:

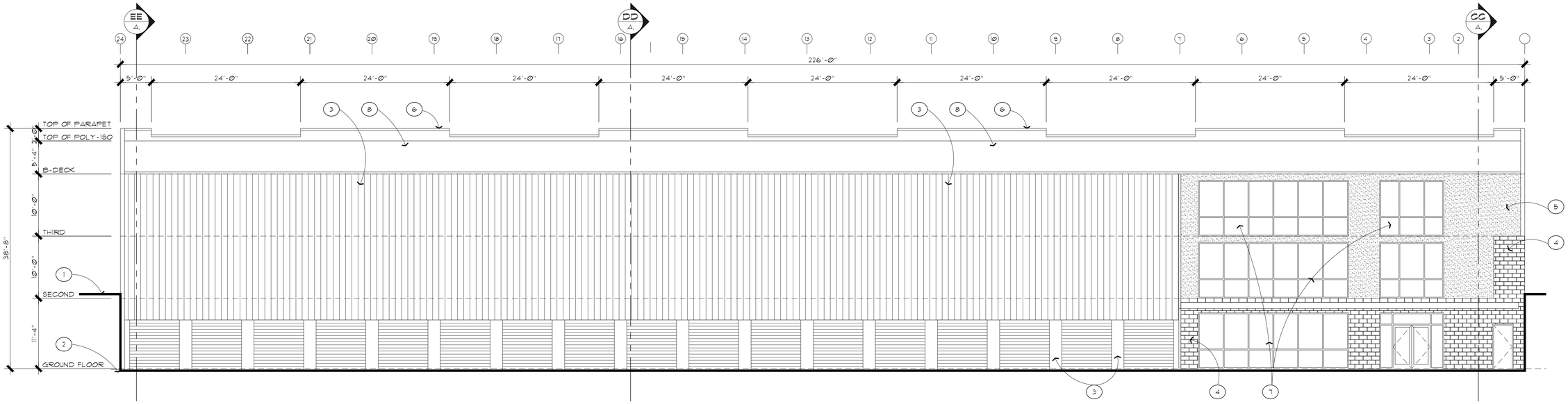
Sheet No.
A1.2

THE USE OF THESE PLANS SHALL BE RESTRICTED TO THE ORIGINAL PROJECT SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO THE PLANS REMAINS WITH MAXEY TOOKEY ARCHITECTS, LLP. VISUAL CONTACT WITH THESE PLANS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTION.



SOUTH ELEVATION BUILDING A

SCALE: 1/8" = 1'-0"



NORTH ELEVATION BUILDING A

SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. INSTALL 24 GA METAL GUTTERS AND DOWNSPOUTS AS REQUIRED. COLOR TO MATCH TRIM.

KEYNOTES

1	GRADE AT STREET
2	GRADE AT ENTRANCE
3	METAL SIDING
4	CONCRETE MASONRY UNITS
5	STUCCO
6	METAL PARAPET CAP
7	ALUMINUM STORE FRONT
8	SINGLE PLY ROOF
9	CONCRETE

CEDAR CREEK
ARCHITECTURAL DESIGN
80 W. COTTONWOOD CT. EAGLE, ID 83616
(208)965-5757

EXTERIOR
SELF STORAGE UNIT EXPANSION
FOR
STORE LOCAL RICHLAND
953 JERICHO COURT, RICHLAND, WA 99352

Date: Feb. 15, 2023
Job No. Jericho-001
Revised:

Sheet No.
A1.3

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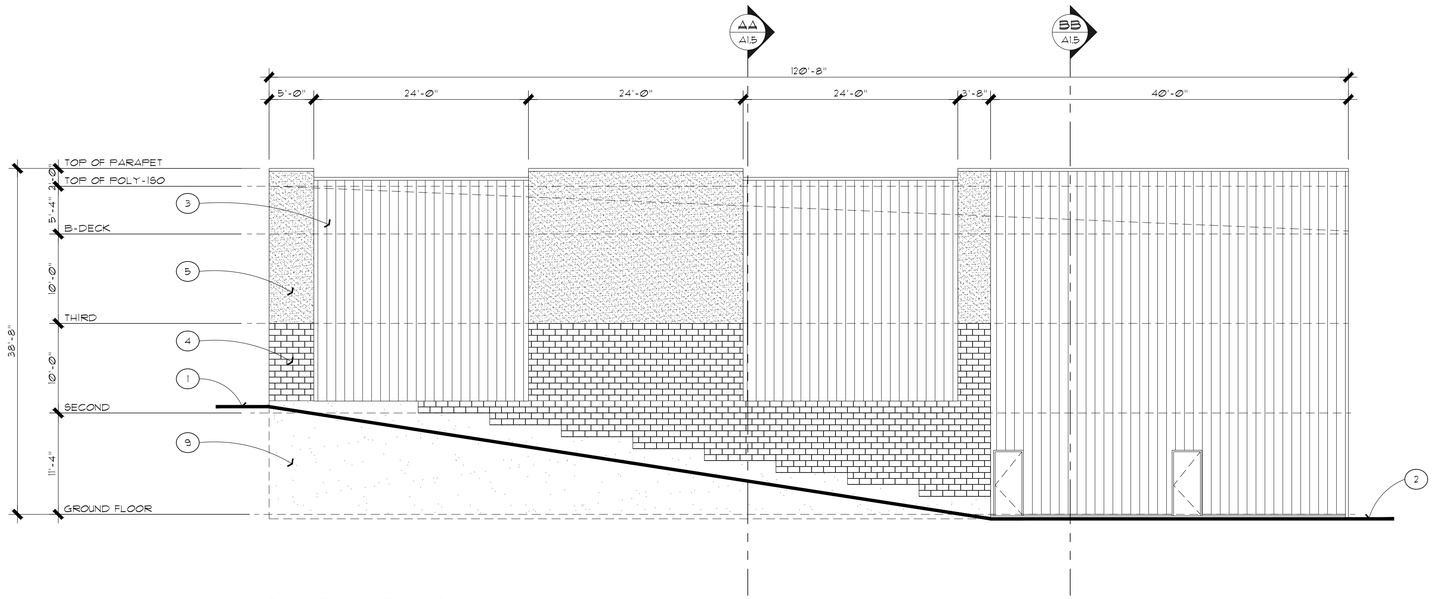
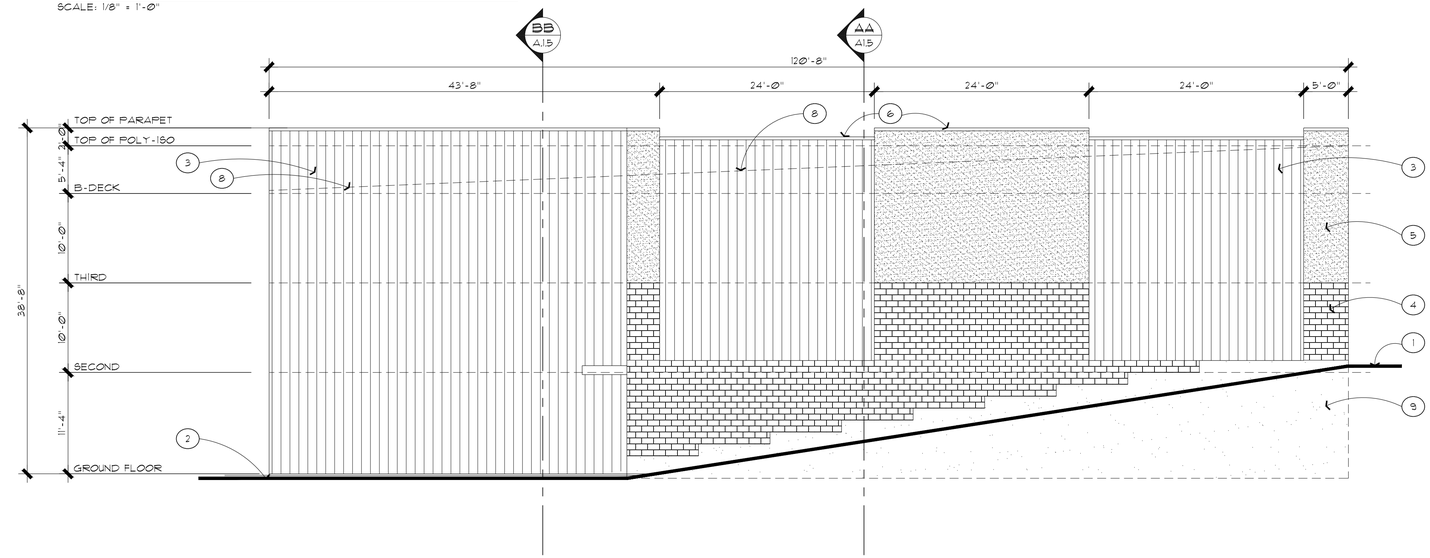


EAST ELEVATION BUILDING A

SCALE: 1/8" = 1'-0"



WEST ELEVATION BUILDING A

SCALE: 1/8" = 1'-0"

GENERAL NOTES

INSTALL 24 GA METAL GUTTERS AND DOWNSPOUTS AS REQUIRED. COLOR TO MATCH TRIM.

KEYNOTES

1	GRADE AT STREET
2	GRADE AT ENTRANCE
3	METAL SIDING
4	CONCRETE MASONRY UNITS
5	STUCCO
6	METAL PARAPET CAP
7	ALUMINUM STORE FRONT
8	SINGLE PLY ROOF (BEYOND)
9	CONCRETE
10	

CEDAR CREEK
ARCHITECTURAL DESIGN
80 W. COTTONWOOD CT. EAGLE, ID 83616
(208)965-5757

EXTERIOR
SELF STORAGE UNIT EXPANSION
FOR
STORE LOCAL RICHLAND
953 JERICHO COURT, RICHLAND, WA 99352

Date: Feb. 15, 2023
Job No. Jericho-001
Revised:

Sheet No.
A1.4

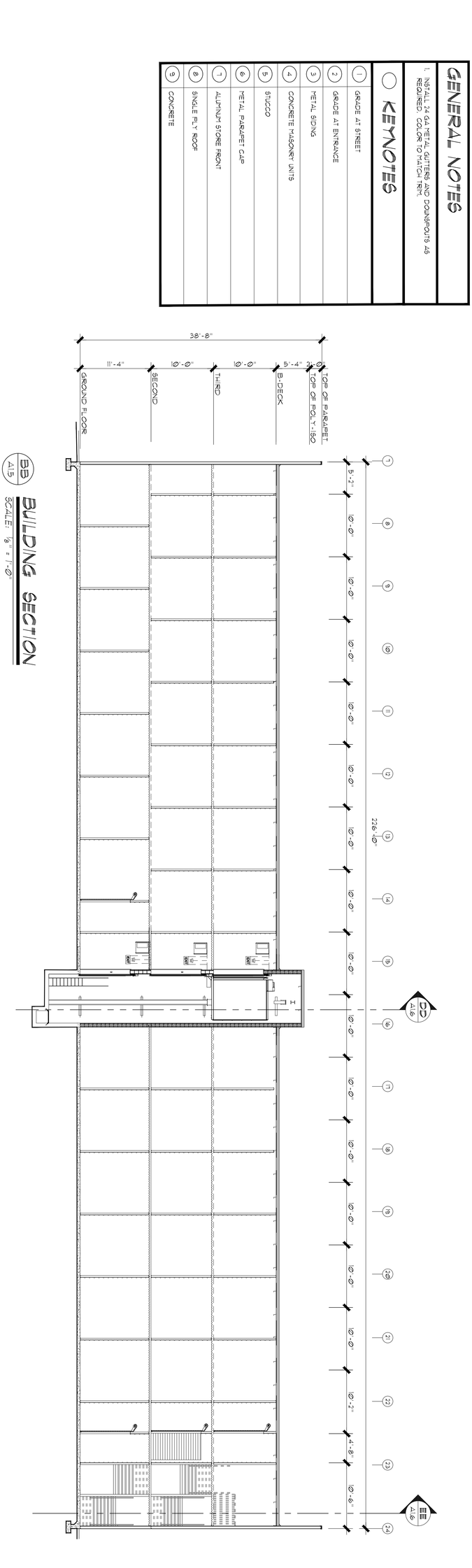
THE USE OF THESE PLANS SHALL BE RESTRICTED TO THE ORIGINAL PROJECT SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS REMAINS WITH MAXEY TOOKEY ARCHITECTS, LLP. VISUAL CONTACT WITH THESE PLANS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTION.

GENERAL NOTES

1. INSTALL 24 GA. METAL GUTTERS AND DOWNSPOUTS AS REQUIRED. COLOR TO MATCH TRIM.

KEYNOTES

1	GRADE AT STREET
2	GRADE AT ENTRANCE
3	METAL SIDING
4	CONCRETE MASONRY UNITS
5	STUCCO
6	METAL PARAPET CAP
7	ALUMINUM STORE FRONT
8	SINGLE PLY ROOF
9	CONCRETE



Sheet No. A1.5

Date: FEB. 15, 2023
Job No. JERICHO-001
Revised:

EXTERIOR
SELF STORAGE UNIT EXPANSION
FOR
STORE LOCAL RICHLAND
953 JERICHO COURT, RICHLAND, WA 99352

CEDAR CREEK
—ARCHITECTURAL DESIGN—
80 W. COTTONWOOD CT. EAGLE, ID 83616
(208)965-5757

"THE USE OF THESE PLANS SHALL BE RESTRICTED TO THE ORIGINAL PROJECT SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE, REPRODUCTION, OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO THE PLANS REMAINS WITH MAXEY TOOKEY ARCHITECTS, LLP. VISUAL CONTACT WITH THESE PLANS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTION"

GENERAL NOTES

1. INSTALL 24 GA METAL GUTTERS AND DOWNSPOUTS AS REQUIRED. COLOR TO MATCH TRIM.

KEYNOTES

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2	GRADE AT ENTRANCE
3	METAL SIDING
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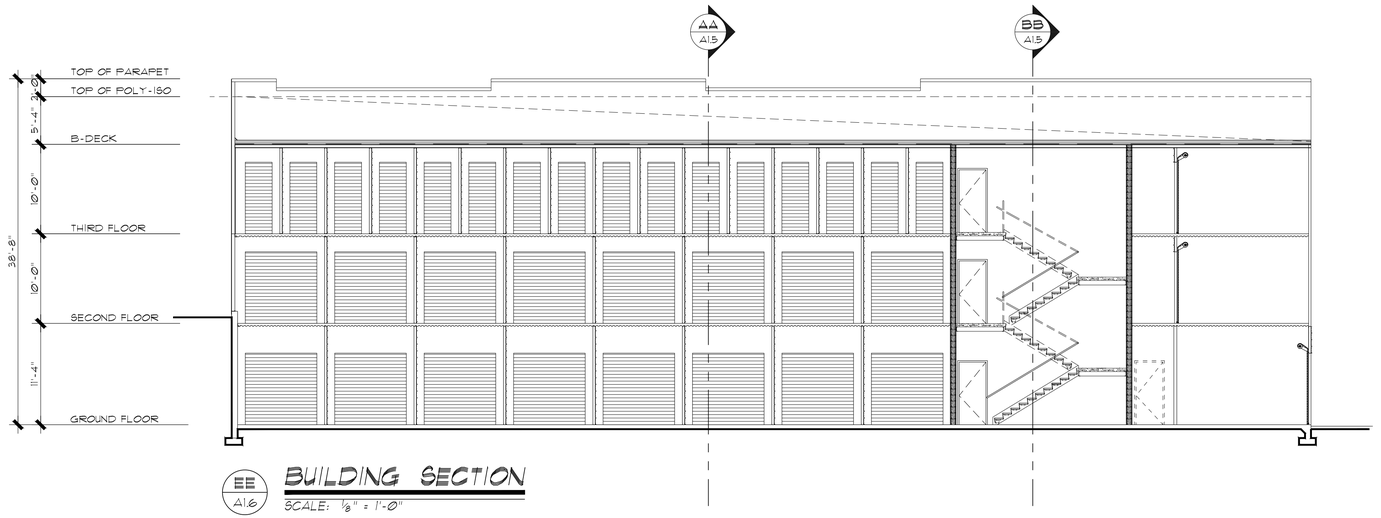
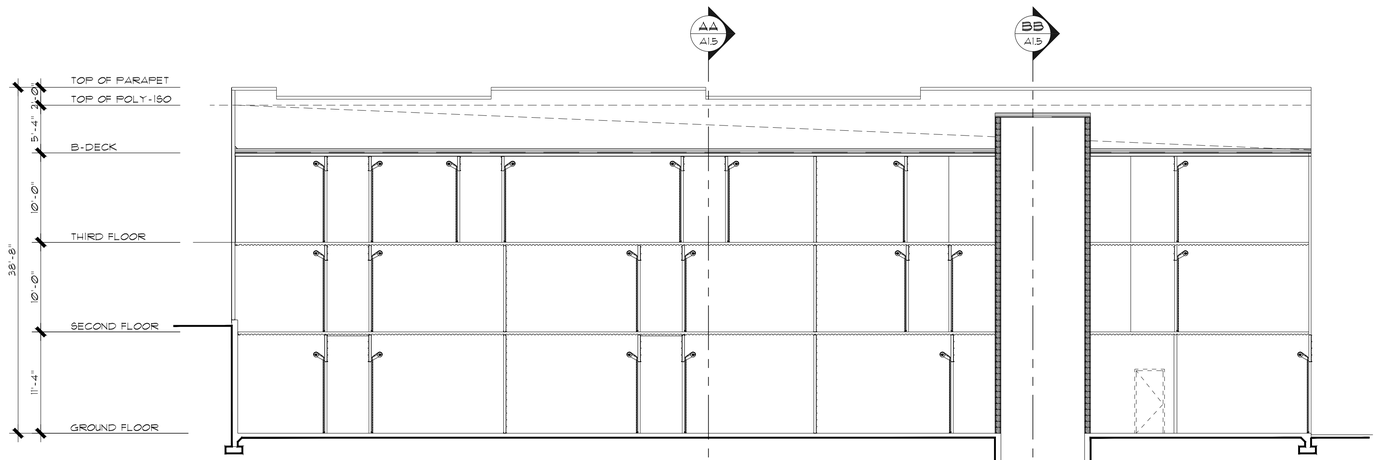
9	CONCRETE



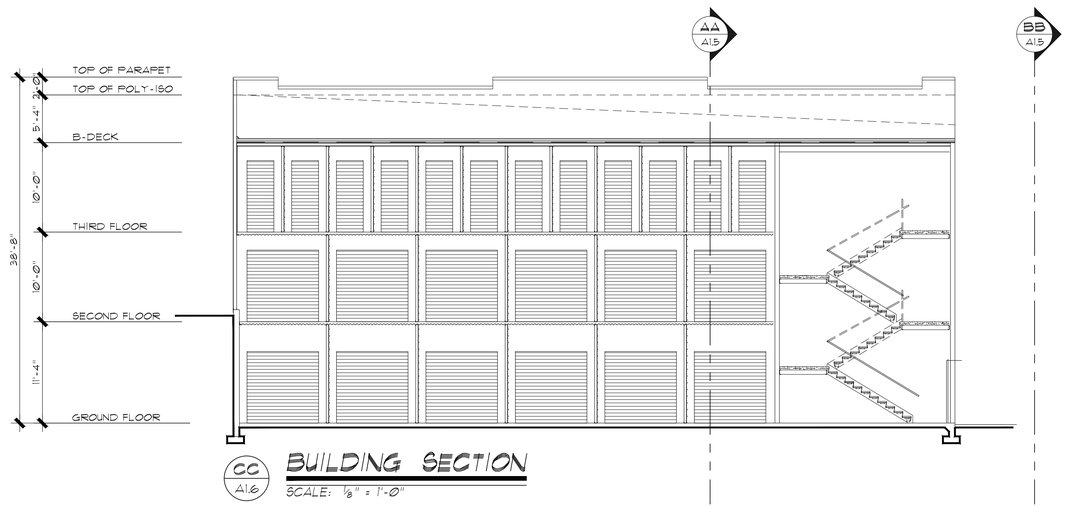
EE A16 **BUILDING SECTION**

SCALE: 1/8" = 1'-0"



DD A16 **BUILDING SECTION**

SCALE: 1/8" = 1'-0"



CC A16 **BUILDING SECTION**

SCALE: 1/8" = 1'-0"

CEDAR CREEK
— ARCHITECTURAL DESIGN —
80 W. COTTONWOOD CT. EAGLE, ID 83616
(208)965-5757

EXTERIOR
SELF STORAGE UNIT EXPANSION
FOR
STORE LOCAL RICHLAND
953 JERICHO COURT, RICHLAND, WA 99352

Date: Feb. 15, 2023
Job No. Jericho-001
Revised:

Sheet No.
A16

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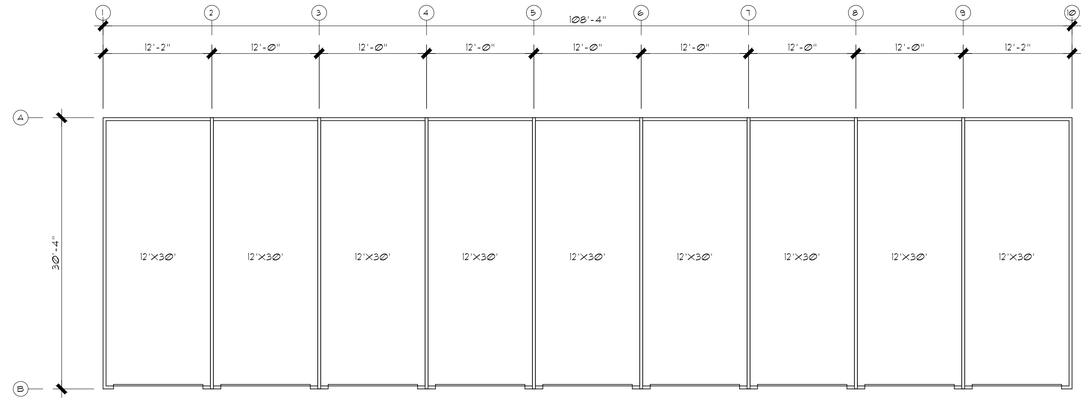

FLOOR PLAN BUILDING B

NORTH

SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. INSTALL 24 GA METAL GUTTERS AND DOWNSPOUTS AS REQUIRED. COLOR TO MATCH TRIM.

KEYNOTES

1	GRADE AT STREET
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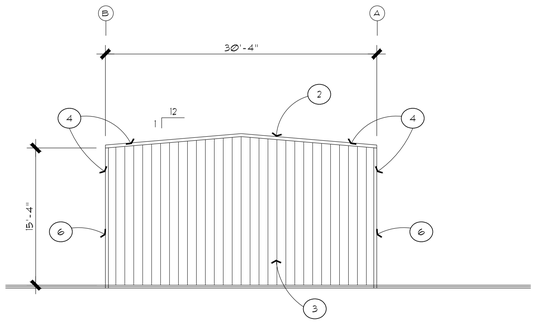
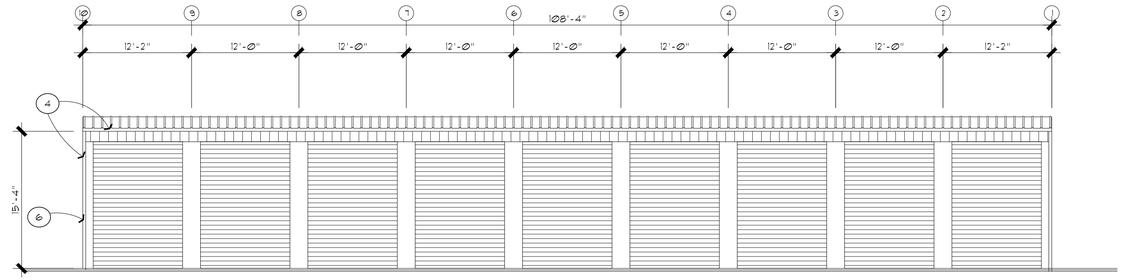


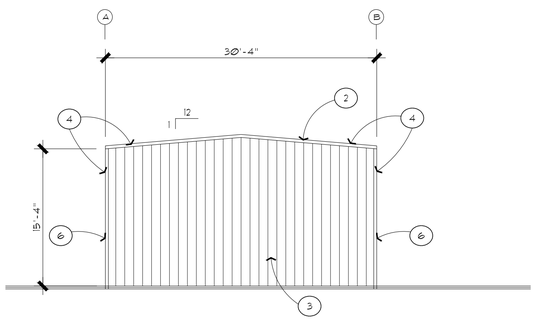
NORTH ELEVATION BUILDING B

SCALE: 1/8" = 1'-0"



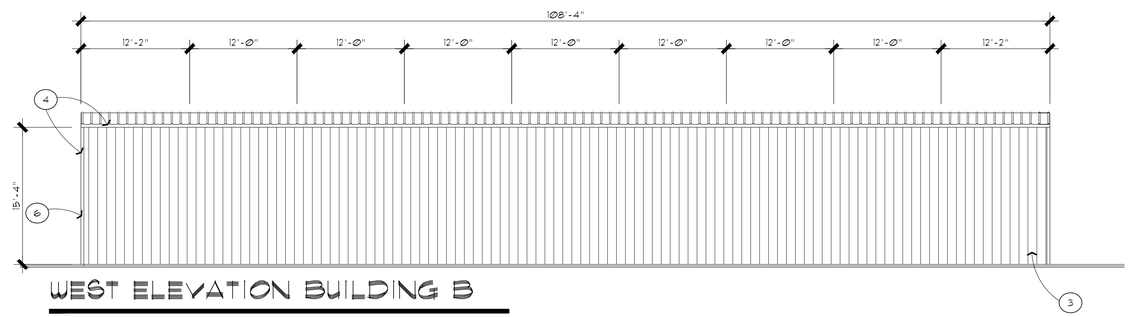
EAST ELEVATION BUILDING B

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION BUILDING B

SCALE: 1/8" = 1'-0"



WEST ELEVATION BUILDING B

SCALE: 1/8" = 1'-0"

CEDAR CREEK
ARCHITECTURAL DESIGN
80 W. COTTONWOOD CT. EAGLE, ID 83616
(208)965-5757

EXTERIOR
SELF STORAGE UNIT EXPANSION
FOR
STORE LOCAL RICHLAND
953 JERICHO COURT, RICHLAND, WA 99352

Date: Feb. 15, 2023
Job No. Jericho-001
Revised:

Sheet No.
A2.0

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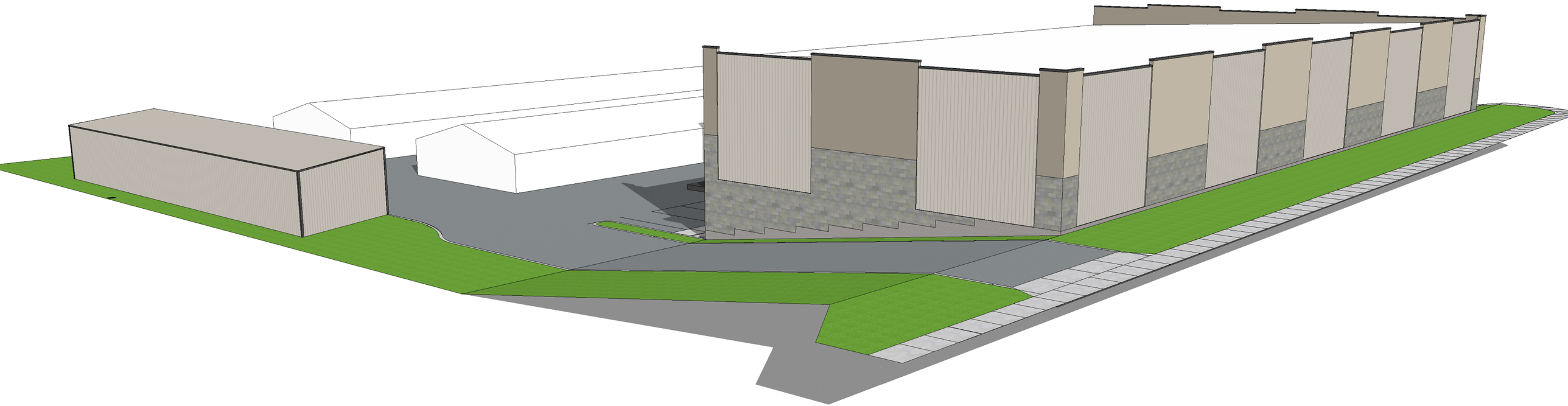

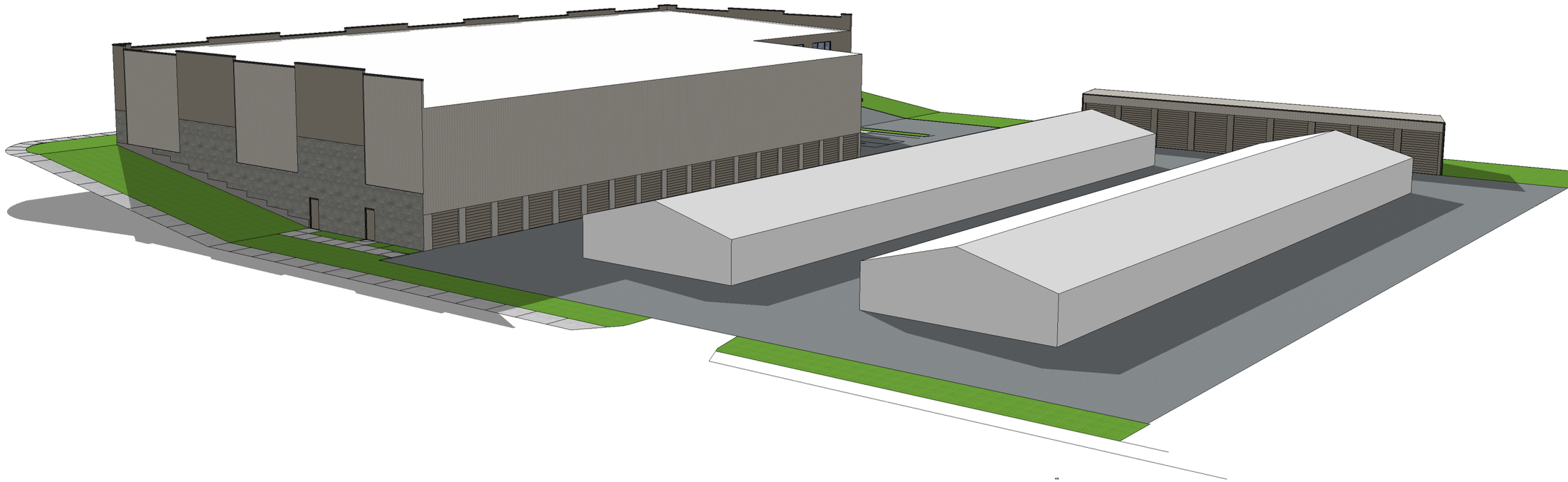

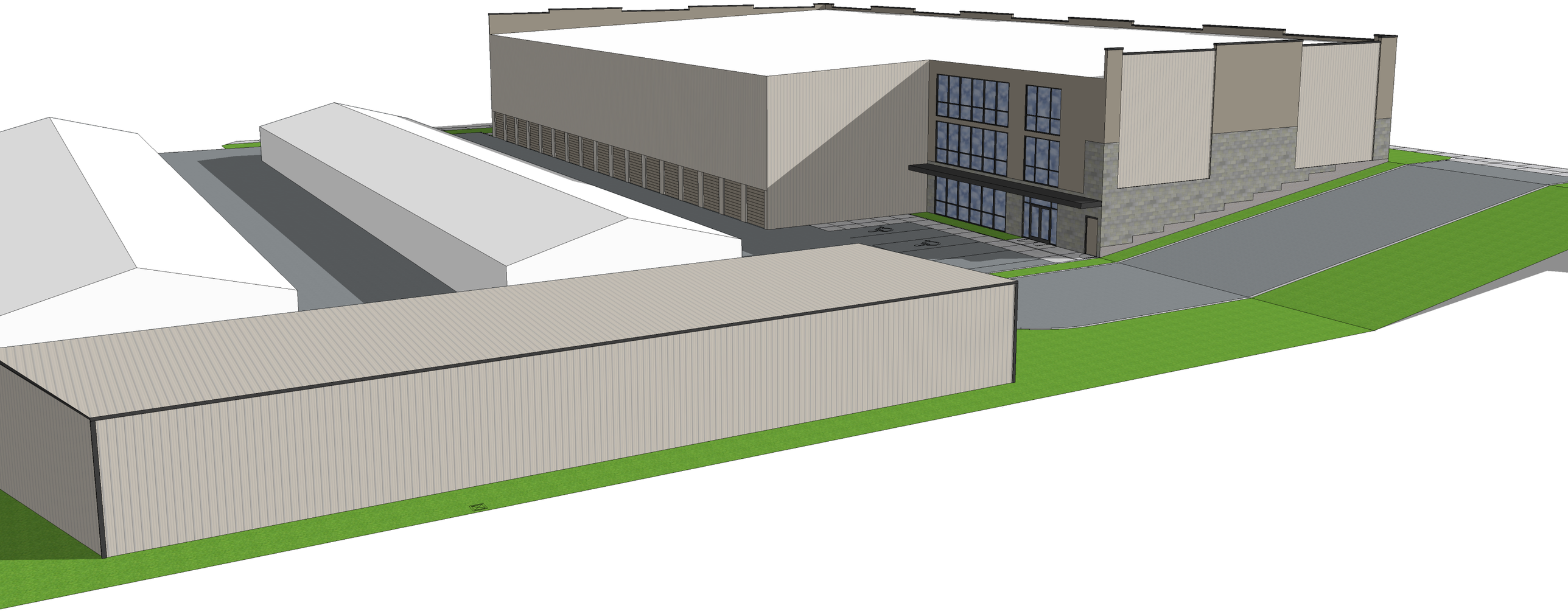

Vicinity Map

Item: 953 Jericho Court Zone Change
Applicant: Cedar Creek Architectural Design
File #: Z2023-109

Exhibit 2

Exhibit 3

CITY OF RICHLAND
NOTICE OF APPLICATION & PUBLIC HEARING (Z2023-109)

Notice is hereby given that Cedar Creek Architectural Design on behalf of CCWO13 LLC has filed a rezone application to rezone 2.07 acres from Retail Business (C-2) to General Business (C-3). The parcel is located at 953 Jericho Court (APN: 122982020003012).

Public Hearing: The Richland Hearings Examiner will conduct a public hearing and review of the application at 6:00 p.m., Monday, January 8th, 2024 at City Hall in Council Chambers. Interested parties are also invited to participate virtually by visiting the City of Richland website (www.ci.richland.wa.us).

Environmental Review: The proposal is not subject to environmental review according to WAC 197-11-904.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Kyle Hendricks, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may emailed to khendricks@ci.richland.wa.us. The deadline for written comments is 6:00 p.m., Sunday, January 7th, 2024. However, written comments must be received no later than 5:00 p.m. on Tuesday, December 19th, 2023 to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 23 Zoning. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

Vicinity Map

Item: 953 Jericho Court Zone Change
Applicant: Cedar Creek Architectural Design
File #: Z2023-109

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Kyle Hendricks**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 4th day of December 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number Z2023-109 (953 Jericho Court Zoning Change) in the following location:

   At the northwest corner of Jericho Court and Jericho Road.

Signed: Kyle Hendricks

SIGNED AND SWORN to before me this 4th day of December, 2023, by Kyle Hendricks.

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Signature of Notary

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: Oct. 6, 2027

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	497804	Print Legal Ad-IPL01510670 - IPL0151067	HE PHN Z 2023-109	$172.47	1	58 L

Attention: (company)
CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

janderson@ci.richland.wa.us

CITY OF RICHLAND
NOTICE OF APPLICATION,
PUBLIC HEARING

Notice: Cedar Creek Architectural Design, on behalf of CCWO13 LLC, has filed a rezone application to re-zone 2.07 acres from Retail Business (C-2) to General Business (C-3). The parcel is located at 953 Jericho Court (APN: 122982020003012).

Public Hearing: The Richland Hearing Examiner will conduct a public hearing and review of the application on **Monday, January 8, 2024 at 6:00 p.m.** in the Richland City Council Chambers, 625 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing or visit the City of Richland's website at **www.ci.richland.wa.us** and join via Zoom.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Kyle Hendricks, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to **khendricks@ci.richland.wa.us**. The deadline for written comments is 6:00 p.m. on Sunday, January 7, 2024; however, written comments must be received no later than 5:00 p.m. on Tuesday, December 19, 2023, to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 23 Zoning. Appeal procedures of decisions related to the above-referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above- referenced address with questions related to the available appeal process.

Date Published: Sunday, December 10, 2023
IPL0151067
Dec 10 2023

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 12/10/2023, and ending on 12/10/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
12/10/23

Stefani Beard
(Signature of Legals Clerk)

Sworn to and subscribed before me this 13th day of December in the year of 2023

Stephanie Hatcher
Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.

2. On the 5th day of December,2023, I mailed a copy of the attached NOTICE OF PUBLIC HEARING (Z2023-109 953 Jericho Ct) to the attached list of individuals via regular USPS on the date indicated above. The Richland Planning Commission will conduct a public hearing and review of the application on January 8th, 2024.

Jodi Hogan
Signed: Jodi Hogan

SIGNED AND SWORN to before me this 5th day of December, 2023 by Jodi Hogan.

Notary Public in and for the State of Washington,

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Carly Kirkpatrick
Print Name

Residing at Benton County

My appointment expires: Oct. 6, 2023

Address list attached.

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 21059
MY COMMISSION EXPIRES
OCTOBER 6, 2021

ROBERTS CRAIG & JOYCE E

2259 JERICHO RD

RICHLAND, WA 99352

CROSBY RANDALL E

8524 W GAGE BLVD # 168

KENNEWICK, WA 99336

REDDINGER DENISE S

915 JERICHO RD

RICHLAND, WA 99352

RICHLAND FIRST CHURCH OF THE NAZARENE

2500 JERICHO RD

RICHLAND, WA 99352

ROBERTS CRAIG & JOYCE E

2259 JERICHO RD

RICHLAND, WA 99352

CCWO13 LLC

PO BOX 347

MERIDIAN , ID 83680

BBS RICHLAND 2373 JERICHO RD WA LLC

345 CALIFORNIA ST STE 600

SAN FRANCISCO, CA 94104

HARMAN DAVID S & KRISTI L

920 JERICHO CT

RICHLAND, WA 99352

CROSBY RANDY E

8524 W GAGE BLVD 168

KENNEWICK, WA 99336

BBS RICHLAND 2373 JERICHO RD WA LLC

345 CALIFORNIA ST STE 600

SAN FRANCISCO, CA 94104

Exhibit 4

Hendricks, Kyle

From: Chris Sittman <CSittman@kid.org>
Sent: Tuesday, December 5, 2023 2:39 PM
To: Hendricks, Kyle
Subject: RE: Z2023-109 Zone change 953 Jericho Ct

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

KID has no comments, this is outside of our District boundaries.

Chris D. Sittman
Engineering Dept./CAD Specialist
Kennewick Irrigation District
2015 S. Ely St.
Kennewick, WA 99337
Desk: 509-460-5435
Cell: 509-873-1123

From: Hendricks, Kyle <khendricks@ci.richland.wa.us>
Sent: Monday, December 4, 2023 2:37 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Ashley Garza <agarza3605@gmail.com>; Ashley Morton <AshleyMorton@ctuir.org>; Aviation <AviationLandUse@wsdot.wa.gov>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton Planning <planning.department@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Doan, Charles <cdoan@ci.richland.wa.us>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday (BFHD senior env health manager) <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <JMcShane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning

<scplanning@wsdot.wa.gov>; Steve Davenport AICP Growth Management WDC Planner <steve.davenport@commerce.wa.gov>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>
Subject: Z2023-109 Zone change 953 Jericho Ct

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Hello,

Attached is a referral packet for an application to rezone approximately 2.07-acre site from Retail Business (C-2) to General Business (C-3). The Richland comprehensive plan designates the area as Commercial, therefore it is exempt from environmental review. The site is located at 953 Jericho Court. The Richland Hearing Examiner will conduct a public hearing on January 8th, 2024.

Please reply with questions or comments by end of day Tuesday December 19th 2023.

Thank you,

Kyle Hendricks
Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7683

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Hendricks, Kyle

From: WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>
Sent: Wednesday, December 6, 2023 10:56 AM
To: Hendricks, Kyle
Subject: RE: [EXTERNAL] Z2023-109 Zone change 953 Jericho Ct

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

M Hendricks,

WSDOT Aviation Division reviewed the provided documentation on 12/06/2023. We have no comments.

Cheers,

David Ison, PhD | Aviation Planner
Emerging Aviation Technologies & Land Use Compatibility
Washington State Department of Transportation
isond@wsdot.wa.gov C: 360-890-5258

From: Hendricks, Kyle <khendricks@ci.richland.wa.us>
Sent: Monday, December 4, 2023 2:37 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Ashley Garza <agarza3605@gmail.com>; Ashley Morton <AshleyMorton@ctuir.org>; WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton Planning <planning.department@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Doan, Charles <cdoan@ci.richland.wa.us>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday (BFHD senior env health manager) <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Cooper, Kelly (DOH) <Kelly.Cooper@DOH.WA.GOV>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Schiessl, Joe

<JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; WSDOT SC Planning Mailbox <SCPlanning@WSDOT.WA.GOV>; Davenport, Steve (COM) <Steve.Davenport@commerce.wa.gov>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>
Subject: [EXTERNAL] Z2023-109 Zone change 953 Jericho Ct

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Hendricks, Kyle

From: Cichy, Katherine <katherine.cichy@ziply.com>
Sent: Wednesday, December 6, 2023 10:37 AM
To: Hendricks, Kyle
Subject: RE: Z2023-109 Zone change 953 Jericho Ct

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Hello Kyle,

Ziply does not have any comments

We have an arial and direct buried line running along the west side of the property, but that should not be an issue.

Thank you,

Katherine Cichy
OSP Engineer
509-410-5035
Katherine.cichy@ziply.com

From: Hendricks, Kyle <khendricks@ci.richland.wa.us>
Sent: Monday, December 4, 2023 2:37 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Ashley Garza <agarza3605@gmail.com>; Ashley Morton <AshleyMorton@ctuir.org>; Aviation <AviationLandUse@wsdot.wa.gov>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton Planning <planning.department@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Doan, Charles <cdoan@ci.richland.wa.us>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday (BFHD senior env health manager) <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Cichy, Katherine <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Tovey, Michael <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Steve Davenport AICP Growth Management WDC Planner <steve.davenport@commerce.wa.gov>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>
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