



Agenda
City Council Regular Meeting
Tuesday, May 3, 2022
Richland City Hall ~ 625 Swift Boulevard
[Zoom](#) - Public Telephone Access: (206) 337-9723 or (253) 215-8782
Meeting ID No. 505 625 7380

This meeting will accommodate virtual and in-person attendance. Those desiring to participate virtually are encouraged to join the meeting via Zoom using the information provided. If you are a virtual participant wishing to provide comments for the Public Hearing and/or Public Comment portion of the meeting, please [register here](#) by 4:00 p.m. on the day of the meeting. Only those virtual participants who register by the 4:00 p.m. deadline will be permitted to speak during the meeting. Individuals attending in-person may offer comments during the Public Hearing and/or Public Comment portions of the meeting at Richland City Hall. The meeting will be conducted remotely via Zoom and broadcast live on CityView Channel 192, on the City's website, and on the City's YouTube Channel.

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

Welcome and Roll Call

Pledge of Allegiance

Approval of Agenda: (Approved by Motion)

Presentations:

1. Economic Development Week Proclamation
 - Mayor Alvarez
2. Neurofibromatosis Awareness Month Proclamation
 - Mayor Alvarez
3. Benton-Franklin Council of Governments Annual Presentation
 - Michelle Holt, Benton-Franklin Council of Governments Executive Director
4. Tri-City Animal Control Authority Update
 - Dave Zabell, Pasco City Manager
 - Zach Ratkai, Pasco Community and Administrative Services Director
 - Autum White, Benton-Franklin Humane Society
5. New Hires & 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 by 4:00 p.m. the day of the meeting for distribution.

6. Proposed Relinquishment of a Utility Easement at 1819 Hunt Avenue, Resolution No. 2022-66
 - Pete Rogalsky, Public Works Director

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 by 4:00 p.m. the day of the meeting 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:

7. Approval of the April 19, 2022 City Council Regular Meeting Minutes and the April 26, 2022 City Council Workshop Meeting Minutes
 - Heather Kintzley, City Attorney

Ordinances - First Reading:

8. Ordinance No. 2022-16, Amending the 2022 Budget in the General Fund to Include Seattle Police Department Internet Crimes Against Children Pass-Through Funding
 - Brigit Clary, Chief of Police

Ordinances - Second Reading & Passage:

9. Ordinance No. 2022-14, Repealing Richland Municipal Code Section 9.22.020 Related to Failure to Return Books
 - Heather Kintzley, City Attorney

Resolutions - Adoption:

10. Resolution No. 2022-64, Authorizing Award of Bid to Industrial Construction of Washington LLC for the Sodium Hypochlorite Facilities Upgrade Project
 - Pete Rogalsky, Public Works Director
11. Resolution No. 2022-65, Approving the Complete Streets Funding Agreement with the Transportation Improvement Board
 - Pete Rogalsky, Public Works Director
12. Resolution No. 2022-66, Relinquishing a Utility Easement at 1819 Hunt Avenue
 - Pete Rogalsky, Public Works Director
13. Resolution No. 2022-67, Authorizing an Agreement with The Cloudburst Group to Develop the HOME-ARP Allocation Plan for the HOME Consortium
 - Kerwin Jensen, Development Services Director
14. Resolution No. 2022-68, Authorizing a Purchase Agreement with Virginia Transformer Corporation for Procurement of Two Power Transformers for the City View Substation Bank 2 Substation Addition and the Stevens Substation Bank 1 Rebuild
 - Clint Whitney, Energy Services Director

Items - Approval:

15. Appointment to the Utility Advisory Committee: Harry Staven
 - Heather Kintzley, City Attorney

Items of Business:

16. Ordinance No. 2022-15, Approving the Rezone of 3.9 Acres Located at 1842 Jadwin Avenue from Neighborhood Retail (C-1) to Limited Business (C-LB)(Closed Record-First Reading)
 - Mike Stevens, Planning Manager

Reports and Comments:

1. City Manager
2. City Council
3. Mayor

Adjournment



Proclamation

WHEREAS, economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base; and

WHEREAS, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions, and

WHEREAS, economic developers attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions.

NOW, THEREFORE, I, Michael Alvarez, by virtue of the authority vested in me as Mayor of the City of Richland, Washington, do hereby proclaim May 9-13, 2022 to be

"Economic Development Week"

In the City of Richland, and remind all members in our community of the importance of this community celebration which supports expanding career opportunities and making lives better.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the official seal of the City of Richland, Washington, on this 3rd day of May, 2022.


Michael Alvarez, Mayor



Proclamation

WHEREAS, the Children's Tumor Foundation is observing May 2022 as Neurofibromatosis (NF) Awareness Month to educate the public about this rare genetic disorder; and

WHEREAS, although over 2 million people worldwide are living with NF and 1 in every 3,000 births is diagnosed with NF, it is still relatively unknown to the public; and

WHEREAS, NF affects all populations equally, regardless of race, ethnicity or gender; and

WHEREAS, NF causes tumors to grow on nerves throughout the body and also can affect development of the brain, cardiovascular system, bones and skin. The disorder can lead to blindness, deafness, bone abnormalities, disfigurement, learning disabilities, disabling pain, and cancer; and

WHEREAS, the Children's Tumor Foundation leads efforts to promote and financially sponsor world-class medical research to find effective treatments and, ultimately, a cure for NF; and

WHEREAS, the Children's Tumor Foundation is actively fostering collaborative partnerships in both science and industry to speed the drug research and development process, and works to improve access to quality patient healthcare through its national NF Clinic Network; and

WHEREAS, the Children's Tumor Foundation also provides patient and family support through its information resources, youth programs, and local chapter activities; and

WHEREAS, much remains to be done in raising public awareness of NF to help promote early diagnosis, proper management and treatment, prevention of complications, and support for research.

NOW, THEREFORE, I, Michael Alvarez, by virtue of the authority vested in me as Mayor of the City of Richland, Washington, do hereby proclaim May 2022 as

"NEUROFIBROMATOSIS (NF) AWARENESS MONTH"

in Richland, and I encourage all citizens to visit www.ctf.org to become informed and involved in the fight to eradicate this rare genetic disorder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the official seal of the City of Richland, Washington on this 3rd day of May, 2022.


Michael Alvarez, Mayor



BENTON-FRANKLIN
COUNCIL OF GOVERNMENTS

Michelle Holt,
Executive Director

Benton-Franklin Council of Governments

Benton-Franklin Council of Governments (BFCOG) was established by voluntary association of the local units of government in 1966 with the vision of providing a forum for improved communication, multi-jurisdictional decision making, regional planning, and lead agency capacity for provision of multi-jurisdictional programs. The services currently provided to the member jurisdictions are outlined by Interlocal Agreement and can evolve with the needs of the region. BFCOG currently fulfills the following designations on behalf of the Benton-Franklin region:

- **Regional Planning Commission** (RCW 36.70.60)
- **Conference/Council of Governments** (RCW 36.64.80)
- **Regional Transportation Planning Organization** (RCW 47.80.20) (WSDOT)
- **Metropolitan Planning Organization/Transportation Management Area** (Federal Highway Administration, Federal Transit Administration)
- **Economic Development District** (US Department of Commerce, Economic Development Administration)

What is a Council of Governments?

Council of Governments –We exist to study regional and governmental problems of mutual interest and concern, to formulate recommendations for review and action by member jurisdictions legislative bodies. *(RCW 36.54.080)*

Councils of Governments are unique, reflecting the needs of their respective regional needs.





Solutions for Shared Regional Problems

Benton-Franklin Council of Governments convenes local governments to collaboratively plan, fund, and administer solutions to shared community needs.





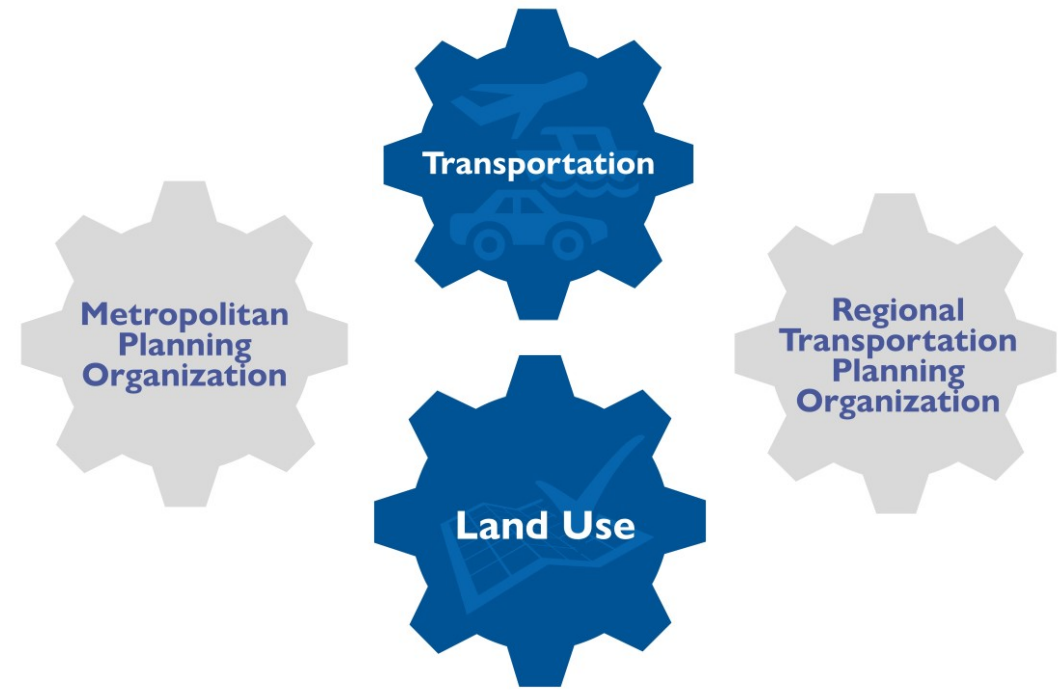
Regional Planning

Call for Projects Funding Allocation makes available roughly \$5M annually to local jurisdictions for local multi-modal projects through a competitive process in cooperation with WSDOT. This funding is only available to jurisdictions through the local MPO.

Metropolitan Transportation Plan (MTP) is a long range, multi-modal planning document that identifies the mobility needs of the region for 20+ years. It provides a policy framework for the investment of anticipated federal, state, and local funds based on the anticipated needs and regional goals and objective. Transportation projects that are not part of the MTP are not eligible for state and federal transportation funding.

Transportation Improvement Program (TIP) Assistance is provided to local jurisdictions to ensure projects are entered into the WSDOT project software. Projects not entered are not eligible for state or federal/state pass through funds.

Regional Transportation Priorities is an annually compiled list of collaborative transportation projects for the Tri-Cities region highlighting the highest priority projects as adopted by the BFCOG. This listing is useful to local, state, and federal agencies in accomplishing planning tasks and provides information to support pursuit of projects and funding including grant applications.



Comprehensive Plan Growth Management Act Certification: Review of the transportation element of local jurisdiction comp plans to ensure consistency with GMA requirements, then issue required GMA certification.

Travel Demand Modeling Data and Land Use Scenarios for developments and comprehensive planning is provided to local jurisdictions and regularly updated on behalf of the region. This service would have to be procured by each individual jurisdiction if not provided by BFCOG.

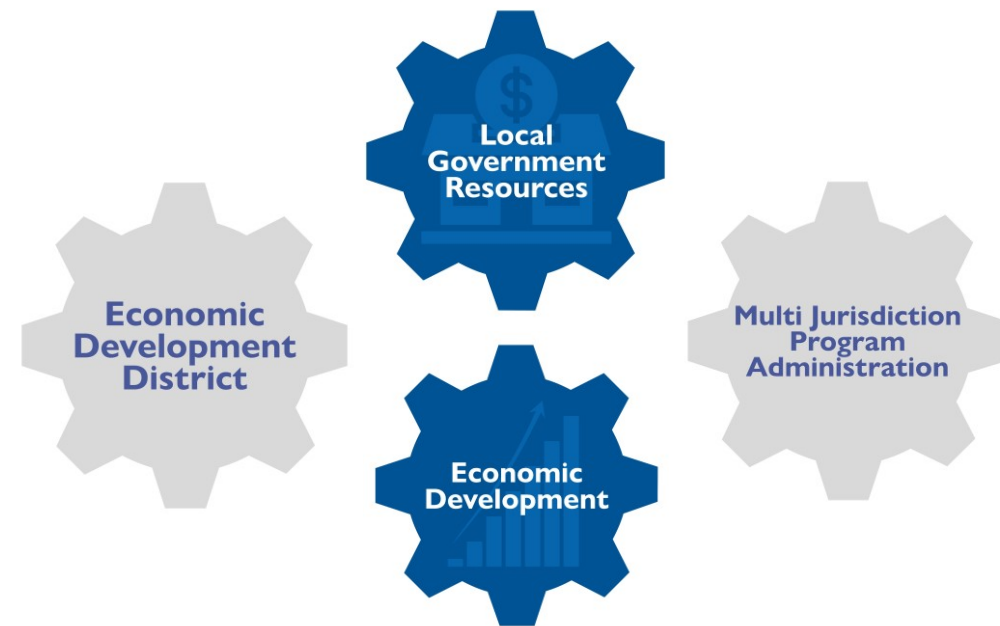
Additional services available upon request by local jurisdictions include **Land Use Planning, Land Suitability Analysis, Mapping Services,** and **Equity Data Support.**



Comprehensive Economic Development Strategy (CEDS) is produced by BFCOG on behalf of the region. The CEDS, which showcases projects and regional economic areas of emphasis, is a requirement of the Economic Development Administration (EDA) to support investment of EDA grant funding in the region. Since 2009 more than \$12.5M has been invested by the EDA for projects in this region.

Regional Revolving Loan Funds are administered by BFCOG, for loans to spur economic growth. Since inception, these loan funds have funded \$16.4M loans through 177 small businesses loans throughout the region.

Funding Technical Assistance is provided to local jurisdictions to facilitate the flow of state and federal funding into the region through grants and ongoing programs. We do this by providing education and networking with program administrators like EDA – which has over \$3.5B available nationally for community building programs. The IIJA is filled with funding opportunities. BFCOG is the Notice of Record resource for Sen. Murray and Cantwell's offices for dissemination of federal Notice of Funding Opportunities (NOFO) to regional jurisdictions.



Lead Agency Capability is available for BFCOG to by the applicant and administrator for state or federal programs that allow collaboration and impact to more than one jurisdiction in the region. One such program is the EPA Brownfields Program where BFCOG was awarded a \$600K competitive grant for Brownfields Assessments across the region.

Regional Brownfields Program is a new initiative to identify and prioritize brownfield sites to facilitate potential redevelopment or reuse through environmental assessment, remediation, and site-specific planning. An environmental consulting firm has been contracted to support these activities and identification of other funding support for related activities.



Funding Sources

BFCOG receives operating revenues through 4 funding sources.

- **Renewing Program Funding** (Grants/Federal & State Allocations)
- **Single Opportunity Grants** (Direct/Lead Agency)
- **Contracted Services**
- **Local Funds** (Jurisdictional Member Assessments)

Renewing Program Funding – Per Biennium

Federal Transportation Funding – 13.5% Local Match Required

Federal Highway Administration Planning Program (FHAPL) - \$384,000*

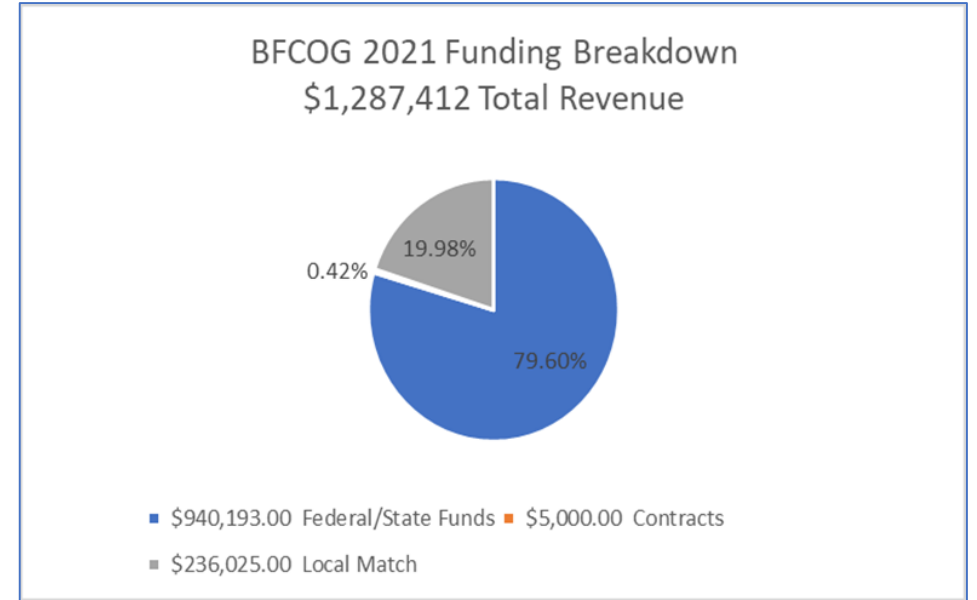
Federal Transit Administration 5303 Program (FTA5303) - \$134,400*

Surface Transportation Block Grant (STBG) - \$279,800*

**This process allocates roughly \$5M annually to local transportation projects in the region through competitive call for projects.*

WSDOT RTPO Funding (No Local Match Required) - \$247,500*

(*Annual amounts can vary due to funder allocation changes and carry-over funds)



Economic Development Administration Funding – 100% Local Match Required

Comprehensive Economic Development Strategy Planning Grant (CEDS) Renewable 3-Year \$225K grant (\$75K per year) to produce and update the CEDS, which EDA uses to determine potential economic impact related to EDA grant making within the region.

Since 2009 **\$12.5M in EDA grants** have been awarded in our region to the benefit of the cities of West Richland, Pasco & Connell, and all three of the Ports for infrastructure projects.



Funding Sources

Single Opportunity Grants

- Awarded directly to BFCOG for a program that is part of the BFCOG mission or awarded to BFCOG as “Lead Agency” on behalf of one or more local jurisdictions.
-

Direct Grant Award Example – EDA Covid Relief Grant 2020

BFCOG received \$400,000 to provide economic and environmental resiliency support and to add economic resiliency planning into the CEDS. These funds were used to hire our Economic Recovery Coordinator Position. *This funding expires in June 2022. ARPA Requests Pending*

Lead Agency Grant Award Example – EPA Brownfields Coalition Assessment Grant

BFCOG received a 3-Year, \$600,000 grant to work with a local coalition made up of cities of Kennewick, Pasco & Richland to identify, rank by potential economic impact, and assess multiple Brownfield properties within the Benton-Franklin region. A ranking and selection criteria will determine sites to be assessed and is open to properties within Benton or Franklin counties.

Contracted Services

- RCW 39.34.010, BFCOG can enter into a cooperative contracting agreement with any other local government entity for the purpose of mutual advantage to provide services and facilities that accord with factors influencing the needs and development of local communities.

Benton County PFD & Tri-City Regional PFD Administration

BFCOG provides administrative support for two Public Facilities Districts. This provides only a nominal source of revenue as these two districts require a minimal time on behalf of BFCOG staff.

Annually this is less than \$2,500 total and minimal net revenue.



Funding Sources

Local Funds

- As part of the BFCOG Interlocal Agreement, member jurisdictions agree to fund the operations of BFCOG. Local funds are required to balance the organizational budget after all other forms of funding have been applied.

FY2022 Local Funding Total - \$260,774

Federal Transportation Programs – 13.5% Local Match

WSDOT RTPO Program – No Required Local Match

CEDS Planning Grant – 100% Local Match (\$75K per year*)

No other current program funding requires a local match. BFCOG board must approve any grant application that would require local matching dollars on behalf of the jurisdiction members.

Important Note About Local Funds

BFCOG has limited its annual dues to only those funds required for required program matching for many years.

BFCOG has operated with limited operational staff, subsidizing overhead expenses, when necessary, from its reserve funds, which have been nearly depleted.

The only source of operational funds beyond what is recouped through indirect rates on our federal programs are local funds.





Summary of Support Provided to: **City of Richland**

Transportation Planning & Funding:

- **\$6,139,142** in Transportation Project funding since 2017
- Projects include Columbia River to Visa Field - Grade Separated Crossing; Vantage Highway Path - Phase 2; Columbia Park Trail - East; South George Washington Way Intersection Improvements; SR 240 - Aaron Flyover
- Participated in studies for Island View to Vista Field and South George Washington Way.
- Letter of Support for Rep. Fey supporting funding for SR240/Aaron Drive Interchange and the Island View to Vista Field Trail System projects.

Economic Development:

- **\$100,000** in funded projects including the Richland Downtown Corridor Parking Study, and Phase I & Phase II Environmental Assessment for 515 George Washington Way project through the 2021-2024 EPA Brownfields Coalition Assessments Grant
- Horn Rapids Industrial Park North Project included in the *2021 Comprehensive Economic Development Strategy* document to support the acquisition of future project funding.
- Facilitation of quarterly Technical Assistance meeting opportunities with BFCOG and Congressional Staff.

Fiscal Impact to: **City of Richland**

2022 Dues Assessment: \$40,596 (Federal Matching Only – 15.57% of Assessment Budget)

- Total Assessment Investment since 1997: \$823,481
- **5 Year ROI: \$29 return for every \$1 Invested**





BENTON-FRANKLIN
COUNCIL OF GOVERNMENTS

Questions?

Tri-City Animal Control Authority

+

Regional Update
Kennewick City Council
April 26, 2022

Currently

- + Benton-Franklin Humane Society takeover
 - + November 2021
- + Challenges
 - + Transition of Staff
 - + Records and Fosters
 - + Second Location for BFHS
- + Establishing New Team

Changes and Efforts

- +Re-Establish/Update Records
- +New Volunteer Training Program
- +Fleet Repairs/Deferred Maintenance
- +New ACO Hiring Process

Continuation of Service

- +BFHS Contract Extension
- +Qualified Organization
- +Willingness to Keep Working
- +Established in Area
- +Two Years Extension

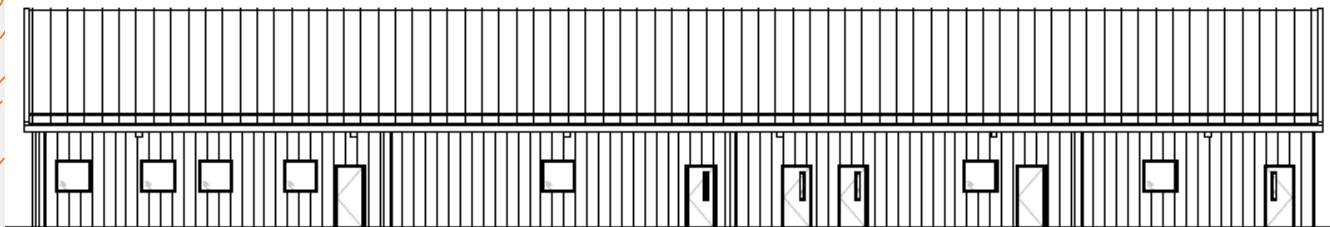
What's Next?

- + Continue Staffing Up
- + Transition of Records
 - + Better upkeep
- + Transition of Animals
 - + Auxiliary Shelter at BFHS
- + Continue New Shelter Project



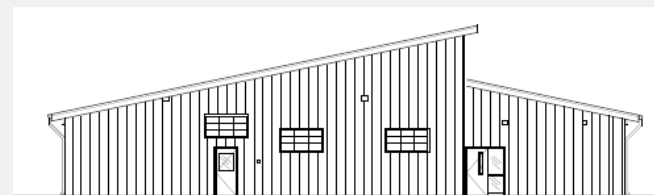
NORTH ELEVATION

$1/16" = 1'-0"$



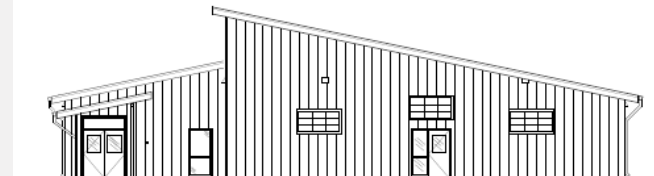
SOUTH ELEVATION

$1/16" = 1'-0"$



EAST ELEVATION

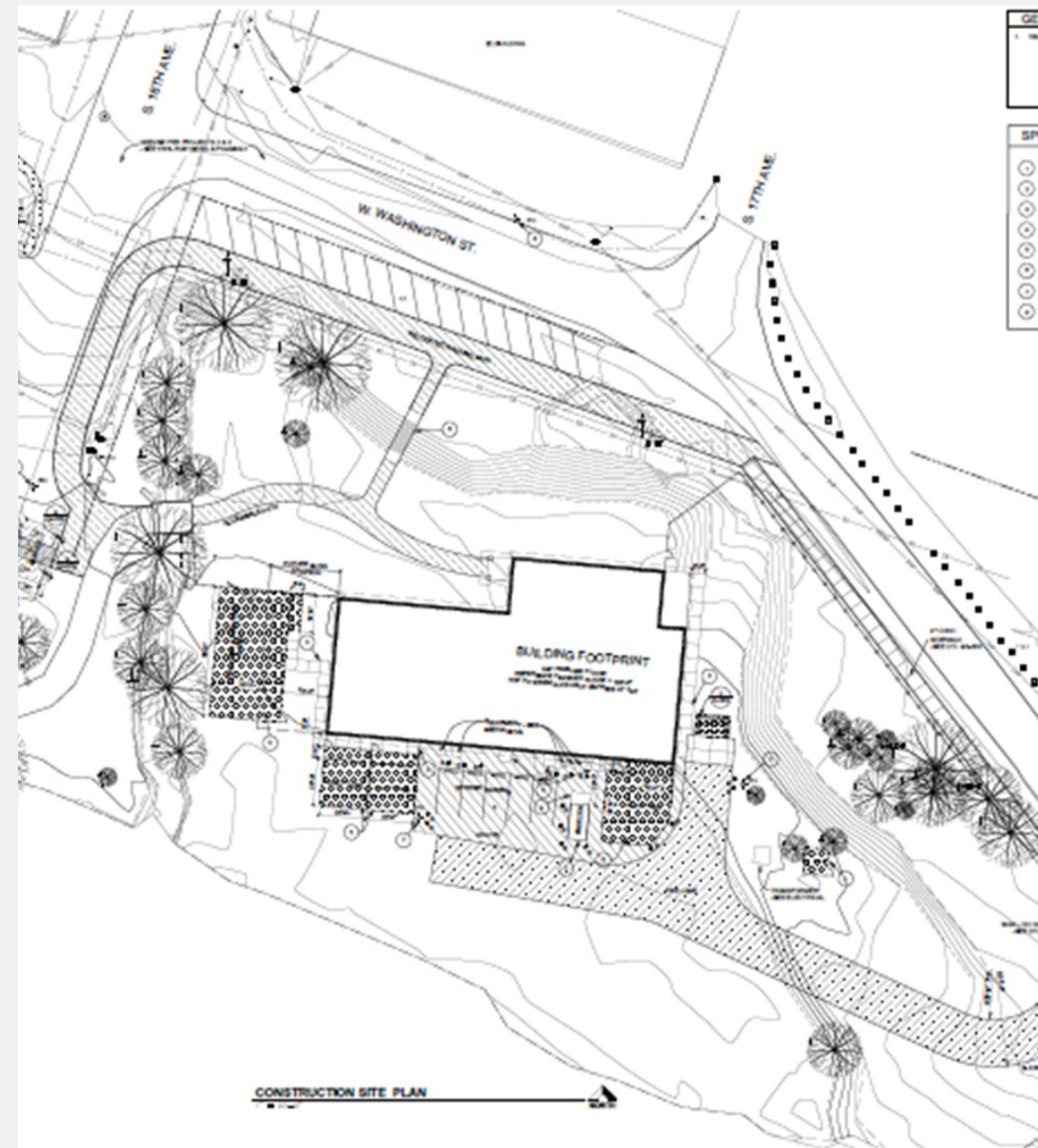
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WEST ELEVATION

$1/8" = 1'-0"$

New TCAS Shelter



Public Improvements

-  Trail Relocation
-  8" Water Line
-  Roadway Project
-  Shelter Lot
-  Approx Shelter Location



Auxiliary Shelter – BFHS

- + Renovation for Expanded Capacity
- + Re-Location of TCAS in Summer 2022
- + Single Location for BFHS
- + Newer facility for Animals/Staff
- + Permanent Emergency Shelter for Region
- + 10 Weeks, Regional Investment
 - + 25% for each agency (\$113,000)



Benton-Franklin Humane Society



The background is a dark, textured surface filled with numerous question marks of varying sizes and shades of gold and brown. Overlaid on this are several thin, white, wavy lines that meander across the frame. In the center, a large, bright white question mark is partially obscured by the word "Questions?".

Questions?

+



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Minutes

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Approval of the April 19, 2022 City Council Regular Meeting Minutes and the April 26, 2022 City Council Workshop Meeting Minutes

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
Minutes

Recommended Motion:

Approve the meeting minutes of the City Council regular meeting held on April 19, 2022 and the City Council workshop meeting held on April 26, 2022.

Summary:

Draft meeting minutes from the regular meeting held on April 19, 2022 and the workshop meeting held on April 26, 2022 are presented for Council's consideration and approval.

Fiscal Impact: None.

Attachments:

1. DRAFT April 19, 2022 City Council Meeting Minutes
2. DRAFT April 26, 2022 City Council Workshop Meeting Minutes



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, April 19, 2022

Richland City Hall ~ 625 Swift Boulevard

Zoom - Public Telephone Access: (206) 337-9723 or (253) 215-8782

Meeting ID No. 505 625 7380

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

Mayor Alvarez called the Council meeting to order at 6:00 p.m. The meeting was a hybrid of in-person and online attendance via Zoom.

Welcome and Roll Call

Mayor Alvarez welcomed those in the audience and expressed appreciation for their attendance.

Attendance: Mayor Alvarez and Councilmembers Jones, Kent, Lukson, Lemley and Richardson were present. Mayor Pro Tem Christensen was absent.

Also present were City Manager Amundson, Assistant City Manager Florence, City Attorney Kintzley, Chief of Police Clary, Fire Chief Huntington, Development Services Director Jensen, Public Works Director Rogalsky, Parks & Public Facilities Director Schiessl, Energy Services Director Whitney, Finance Director Allen, Human Resources Director Paulsen and City Clerk Rogers.

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

Pledge of Allegiance

Members of Girl Scout Troop No. 2129 led Council and audience in the recitation of the Pledge of Allegiance.

Brian Newberry, Chief Executive Officer of the Girl Scouts of Eastern Washington and Northern Idaho, thanked City Council for its support and for allowing members of Troop No. 2129 lead the Pledge of Allegiance.

Mayor Alvarez thanked members of Girl Scouts Troop No. 2129 for leading the Pledge of Allegiance and presented each with an "I Sold Cookies to a VIP" patch in recognition of the several boxes of cookies purchased by Mayor Alvarez prior to the start of the meeting.

Approval of Agenda

COUNCILMEMBER KENT MOVED AND COUNCILMEMBER LUKSON SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 6-0.

Presentations

1. Hanford Communities Annual Update

David Reeploeg, Hanford Communities Executive Director and Vice-President of the Tri-City Development Council (TRIDEC) Federal Programs, provided a brief overview of the Hanford Communities formation, objectives and purpose. With the aid of a PowerPoint presentation, Mr. Reeploeg, provided a high-level overview of the Hanford Communities Annual Update with 2022 priorities. At the conclusion of the update, Mr. Reeploeg engaged in a question and answer session with City Council. Mayor Alvarez thanked Mr. Reeploeg for the presentation.

2. Richland Public Library Board of Trustees Annual Presentation

Parks & Public Facilities Director Schiessl introduced members of the Richland Public Library Board of Trustees in the audience and turned the floor over to Board Member Kurt Maier.

With the aid of a PowerPoint presentation, Mr. Maier presented the annual Richland Public Library Board of Trustees update with goals for 2022.

At the conclusion of the presentation, Councilmember Kent thanked members of the Richland Public Library Board for the time, passion and interest dedicated towards improving policies and services of the Richland Public Library. Councilmember Kent then spoke positively of the level of staff engagement and community participation received in connection with the Library's strategic planning process.

Mr. Maier and Parks & Public Facilities Director Schiessl engaged in a lengthy question and answer session with Council. Discussions included topics such as: researching potential partnership opportunities with the REACH Museum, increasing the number of library locations, examining operating expenses, and a suggested merger with Mid-Columbia Libraries (MCL).

Mayor Alvarez thanked Mr. Maier for the presentation.

Public Hearing

None.

Public Comments

City Clerk Rogers read the Public Comments procedures. No public comments were offered.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

COUNCILMEMBER RICHARDSON MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED.

THOSE IN FAVOR: MAYOR ALVAREZ AND COUNCILMEMBERS JONES, KENT, LEMLEY, LUKSON AND RICHARDSON. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

Minutes

3. Approval of the April 5, 2022 City Council Regular Meeting Minutes

Ordinances - First Reading

4. Ordinance No. 2022-14, Repealing Richland Municipal Code Section 9.22.020 Related to Failure to Return Books

Ordinances - Second Reading & Passage

5. Ordinance No. 2022-09, Amending the 2022 Budget in the General, City Streets, Park Reserve, Streets Capital Improvement, Capital Improvement, Fire Station Construction, Park Project Construction, Solid Waste, Stormwater, Medical Services and Equipment Replacement Funds

Ordinances - Third Reading & Passage

6. Ordinance No. 2022-13, Approving the Rezone of 9.4 Acres Located at 2500 Chester Road from Agriculture (AG) to General Business (C-3)

Resolutions - Adoption

7. Resolution No. 2022-41, Authorizing a Purchase and Sale Agreement with Public Utility District No. 1 of Benton County related to the Center Parkway North Extension Project
8. Resolution No. 2022-55, Amending the 2022 Fee Schedule related to the Richland Public Library's Overdue Fine-Free Circulation Policy
9. Resolution No. 2022-56, Awarding 2022 Park Partnership Program Grants
10. Resolution No. 2022-57, Authorizing a Business License Reserve Fund Grant to Visit Tri-Cities

11. Resolution No. 2022-58, Approving the Final Plat of White Bluffs – Phase 7
12. Resolution No. 2022-59, Approving the Final Plat of Siena Hills – Phase 2
13. Resolution No. 2022-60, Declaring Real Property Located at 350 Thayer Surplus to the City's Needs

Items - Approval

14. Appointment to the Code Enforcement Board: Tamara Wright-Chavez

Expenditures – Approval

15. Expenditures from March 1, 2022 to March 31, 2022 for \$35,251,534.49 including Travel Check Nos. 20085-20107, Accounts Payable Check Nos. 298393-299230, Accounts Payable Wire Nos. 8961-9003, Payroll Wires & ACH Nos. 12608-12673, Payroll Direct Deposit & Check Nos. 190373-192005 and Pension Check Nos. 6110-6138.

Items of Business

16. Appointment to the Planning Commission: Heather Nicholson and Jet Richardson

At the start of this business item, Councilmember Richardson recused herself due to a conflict of interest and exited Council Chambers for the duration of deliberation and voting.

COUNCILMEMBER LEMLEY MOVED AND COUNCILMEMBER LUKSON SECONDED THE MOTION TO APPOINT HEATHER NICHOLSON AND JET RICHARDSON TO THE RICHLAND PLANNING COMMISSION. THOSE IN FAVOR: MAYOR ALVAREZ AND COUNCILMEMBERS JONES, KENT, LEMLEY AND LUKSON. THOSE OPPOSED: NONE. MOTION CARRIED 5-0. COUNCILMEMBER RICHARDSON DID NOT PARTICIPATE IN DELIBERATION OR VOTE.

COUNCILMEMBER RICHARDSON RETURNED TO THE COUNCIL CHAMBERS.

17. Ordinance No. 2022-12, Rezone of 3.9 Acres Located at 1842 Jadwin Avenue from Retail Business (C-1) to Commercial Limited Business (C-LB)(Second Reading)

Development Services Director Jensen explained that Ordinance No. 2022-12 should not receive Council approval due to procedural deficiencies in the notice process. After first reading, it was discovered that notice of the pending application was sent to the wrong addresses within 300 feet of the land use action. For this reason, the process needed to be re-noticed to the correct recipients and return to the Richland Hearing Examiner to ensure due process.

City Attorney Kintzley advised that it was important to build a clear record of rejection for Ordinance No. 2022-12 since an identical ordinance will come forward at a future date. A new closed-record decision hearing is necessary since those receiving notice of and participating in the open-record public hearing before the Richland Hearing Examiner will be different from those who received notice under Ordinance No. 2022-12. City Council was asked to affirmatively reject Ordinance No. 2022-12 on second reading based solely on procedural deficiencies in the record and without prejudice to the applicant.

COUNCILMEMBER LEMLEY MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO REJECT ORDINANCE NO. 2022-12, REZONING 3.9 ACRES LOCATED AT 1842 JADWIN AVENUE FROM RETAIL BUSINESS (C-1) TO COMMERCIAL LIMITED BUSINESS (C-LB) BASED ON PROCEDURAL DEFICIENCIES. THOSE IN FAVOR: MAYOR ALVAREZ AND COUNCILMEMBERS JONES, KENT, LEMLEY, LUKSON AND RICHARDSON. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

18. Resolution No. 2022-61, Authorizing Submittal of a Recreation & Conservation Office Youth Athletic Facilities Program Grant Application

Parks & Public Facilities Director Schiessl provided an overview of the Recreation & Conservation Office (RCO) Youth Athletic Facilities Program grant application, adding that funding received will be spent to support the development of outdoor athletic facilities at Hanford Legacy Park. Grant funding would provide matching funds of up to \$350,000 to be awarded in June of 2023.

COUNCILMEMBER LEMLEY MOVED AND COUNCILMEMBER LUKSON SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2022-61, AUTHORIZING SUBMITTAL OF A RECREATION & CONSERVATION OFFICE YOUTH ATHLETIC FACILITIES PROGRAM GRANT APPLICATION. THOSE IN FAVOR: MAYOR ALVAREZ AND COUNCILMEMBERS JONES, KENT, LEMLEY, LUKSON AND RICHARDSON. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

19. Resolution No. 2022-62, Approving the One Washington Opioid Memorandum of Understanding

City Manager Amundson provided an overview of the One Washington Opioid Memorandum of Understanding (MOU). The MOU governs the allocation, distribution and expenditure of any settlement proceeds paid in connection with statewide opioid litigation.

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER RICHARDSON SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2022-62, APPROVING THE ONE WASHINGTON OPIOID MEMORANDUM OF UNDERSTANDING. THOSE IN FAVOR: MAYOR ALVAREZ AND COUNCILMEMBERS JONES, KENT, LEMLEY, LUKSON AND RICHARDSON. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

Reports and Comments

City Manager

City Manager Amundson highlighted vacancies on the Richland Public Facilities District Board and the Richland Arts Commission and encouraged those interested to visit the City's website for more information and to apply online.

City Council

Councilmember Lemley announced that he consulted with staff at the Municipal Research and Services Center (MRSC) to confirm there is no conflict of interest or nepotism issue with the appointment of a candidate to the planning commission who has a familial connection to a sitting councilmember. In addition, Councilmember Lemley provided statements opposing a merger of the Richland Public Library with Mid-Columbia Libraries. Lastly, Councilmember Lemley announced it was National Garlic Day.

Councilmember Kent congratulated Chief of Police Clary on her promotion. Councilmember Kent then provided historical information on the Richland Public Library, to include services and programs offered and their associated cost. Councilmember Kent shared that certain services and programs are offered without the expectation of generating revenue, and are instead offered as a way of investing in the community.

Councilmember Jones wished everyone a happy tax week.

Councilmember Lukson congratulated Chief of Police Clary on her promotion and added that she has the support of the community and Council. Councilmember Lukson then expressed an interest in duplicating a program similar to The HIVE in Spokane, specifically for the purpose of utilizing additional meeting facilities. Councilmember Lukson suggested the City explore underutilized facilities such as the REACH Museum. Lastly, Councilmember Lukson recommended the immediate creation of a City Manager Performance Objectives Committee to develop calendar year 2022 performance goals for City Manager Jon Amundson. Mayor Alvarez concurred with Councilmember Lukson's suggestion.

Councilmember Richardson announced that in addition to it being National Garlic Day, it was National Lineworker Appreciation Day. Councilmember Richardson encouraged citizens to view the video on the City's social media page which pays tribute to line workers. Councilmember Richardson then inquired as to Council's interest in providing an educational opportunity for local non-profit organizations to present their organization's mission and community impact during a council meeting. There was consensus among councilmembers to proceed with the suggestion.

Mayor

Mayor Alvarez voiced support of City Manager Amundson's decision to promote Brigit

Clary to the role of Chief of Police and offered his congratulations. Mayor Alvarez then reiterated his support for local youth programs and thanked the local Girl Scouts for leading the Pledge of Allegiance at the start of the meeting.

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

COUNCIL ENTERED INTO EXECUTIVE SESSION AT 7:44 P.M.

Individuals present for the executive session included Mayor Alvarez and Councilmembers Jones, Kent, Lemley, Lukson and Richardson, City Manager Amundson, Assistant City Manager Florence and City Attorney Kintzley.

COUNCIL EXITED EXECUTIVE SESSION AT 8:30 P.M.

Adjournment

Mayor Alvarez adjourned the meeting at 8:30 p.m.

APPROVED:

ATTEST:

Michael Alvarez, Mayor

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



MINUTES

RICHLAND CITY COUNCIL REGULAR WORKSHOP MEETING

Tuesday, April 26, 2022

Richland City Hall ~ 625 Swift Boulevard

Zoom - Public Telephone Access: (206) 337-9723 or (253) 215-8782

Meeting ID No. 505 625 7380

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

Mayor Alvarez called the workshop meeting to order at 6:00 p.m. This workshop was a hybrid of in-person and online attendance via Zoom.

Attendance: Mayor Alvarez, Mayor Pro Tem Christensen, and Councilmembers Jones and Richardson were present. Councilmembers Kent, Lemley and Lukson were absent.

Also present were Assistant City Manager Florence, City Attorney Kintzley, Fire Chief Huntington, Energy Services Director Whitney, Development Services Director Jensen, Planning Manager Stevens, Police Commander Judge and City Clerk Rogers.

Agenda Items

1. 2022 Comprehensive Plan and Development Regulation Update

With the aid of a PowerPoint presentation, Planning Manager Stevens provided a detailed overview of the four (4) proposed comprehensive plan amendment applications and associated development regulation amendments.

- City of Richland Parks & Public Facilities - Replace the existing CF-1 map with an updated version that includes recreational trail data adopted in the 2019-2025 Parks & Recreation Master Plan via Resolution No. 94-19.
- City of Richland Economic Development Department - Amending a portion of a parcel of land on City View Street from High Density Residential (DHR) to Commercial (COM). This amendment is accompanied by an associated rezone of Commercial Limited Business (C-LB) to Retail Business Use District (C-2).
- Hayden Homes, LLC - Map amendment of Clearwater Creek Lot 9 of Phase 3 from Commercial (COM) to Medium Density Residential (MDR). This amendment is accompanied by an associated rezone of Neighborhood Retail Business Use District (C-1) to Medium Density Residential Small Lots (R-2S).
- Teresa Reents and Ken Hofstad - Rezone 12.9 acres of open space in Tract C of the Plat of Reata Ridge from Badger Mountain South Subarea Civic (BMS-Civic) to Low Density Residential (BMLDR). This request is accompanied by an associated rezone of BMS LUDR to Single Family Residential (R-I-12).

Staff presented next steps associated with the proposed annual Comprehensive Plan updates.

Council engaged in a question and answer session with staff throughout the presentation.

Adjournment

Mayor Alvarez adjourned the meeting at 6:33 p.m.

APPROVED:

Michael Alvarez, Mayor

ATTEST:

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 2022-16, Amending the 2022 Budget in the General Fund to Include Seattle Police Department Internet Crimes Against Children Pass-Through Funding

Department:
Police

Ordinance/Resolution Number:
2022-16

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2022-16, Amending the 2022 Budget in the General Fund to include Seattle Police Department pass-through funds.

Summary:

The Seattle Police Department (SPD) receives funding to support the investigation and prosecution of Internet Crimes Against Children (ICAC) crimes. The Richland Police Department is a member of the ICAC Task Force and a recipient of shared funding from SPD.

These funds will help cover the costs of RPD ICAC overtime, travel/training, equipment, and software for the Richland Police Department to use in ICAC investigations. The funding will not exceed \$55,000. The terms and conditions surrounding receipt of this funding is contained in a Memorandum of Understanding (MOU) between the City of Richland and the City of Seattle Police Department, the term of which is January 1, 2022 to September 30, 2022.

An amendment to the 2022 Budget to appropriate this new money is necessary in order to spend it as intended.

Staff recommends approval of Ordinance No. 2022-16 for first reading, by title only.

Fiscal Impact:

Pass-through funds total \$55,000 and will be spent as detailed in the 2022 MOU with the Seattle Police Department.

Attachments:

1. Ordinance No. 2022-16
2. 2022 Seattle Police Department ICAC MOU

ORDINANCE NO. 2022-16

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING THE 2022 BUDGET TO PROVIDE FOR ADDITIONAL
APPROPRIATIONS IN THE CITY'S GENERAL FUND.**

WHEREAS, on November 16, 2021, the Richland City Council approved Ordinance No. 39-21 approving the 2022 Budget; and

WHEREAS, the Seattle Police Department (SPD) is the Lead Agency for Washington State's Internet Crimes Against Children (ICAC) Task Force; and

WHEREAS, SPD receives funding to support investigations and prosecution of ICAC crimes, and shares this funding with participating Task Force members such as the Richland Police Department (RPD) to further the mission of the Task Force; and

WHEREAS, SPD, as lead agency for the Washington State ICAC Task Force, will provide to RPD state pass-through funds in an amount not to exceed \$55,000 to be used to support RPD's ICAC overtime, travel/training, equipment and software necessary for ICAC investigation; and

WHEREAS, no funds were appropriated in the 2022 Budget in the General Fund for the state pass-through funds.

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

Section 1. Amendment of the 2022 Budget. The 2022 Budget is hereby amended to provide additional appropriations in the General Fund from the Seattle Police Department as follows:

Fund

Current Appropriation: \$ 83,869,820

Increase in Appropriation: \$ 55,000

Amended Appropriation: \$ 83,924,820

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

This space intentionally left blank.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the _____ day of _____, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____



MEMORANDUM OF UNDERSTANDING

City of Richland
On Behalf of the Richland Police Department
625 Swift Blvd
Richland, WA 99352

THIS AGREEMENT is made and entered into by and between the City of Seattle Police, hereinafter referred to as "SPD" and the City of Richland on behalf of the Richland Police Department, hereinafter referred to as "RPD".

WHEREAS, the Seattle Police Department is the Lead Agency for Washington State's Internet Crimes Against Children (ICAC) Task Force; and

WHEREAS, RPD is a member of the ICAC Task Force and requires funding to support its investigation and prosecution of ICAC crimes; and

WHEREAS, the Seattle Police Department receives funding to support investigation and prosecution of ICAC crimes and wishes to share this funding with Task Force Members to further the mission of the Task Force.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance of the scope of work contained herein, or as attached and made a part hereof, the parties hereto agree as follows:

IT IS THEREFORE MUTUALLY AGREED THAT:

This agreement is to support RPD's ICAC overtime, travel/training, equipment, and software necessary for ICAC investigations.

In the event the MOU requires a change in scope or an increase in cost beyond the amount agreed to, the SPD and RPD shall agree to any such changes in writing prior to the commencement of Services requiring the change in the scope or cost increase.

TERM OF AGREEMENT

This Agreement shall begin January 1, 2022 and terminate September 30, 2022. During the life of this agreement, it may be modified and continued, by amendment, for work beyond this date by mutual agreement of the parties.

PAYMENT

SPD will pay RPD for work covered in the Scope of Work for actual costs incurred by RPD.

The funding limit shall not exceed **\$55,000** and shall reflect the Parties' best estimate of the cost of work to be accomplished under this Agreement. SPD shall not be obligated for any expenditure in excess of the funding limit unless prior written authorization is received. Actual amounts reimbursed under this Agreement shall be based on actual costs incurred by RPD. In no event shall any Party be paid for costs that are not documented pursuant to the requirements of this Agreement.

All requests for travel reimbursement will include receipts for all claimed travel expenses, with the exception of meals. The Recipient shall submit requests for reimbursement in accordance with the following restrictions:

- Lodging expenses shall not exceed the federal lodging rates.
- Travel expenses shall be the most economical rate available in coach.
- Meal expenses must be in accordance with the federal per diem rates.
- Ground travel expenses - only as necessary.
- Parking expenses - only as necessary.

SPD will pay RPD pursuant to the following provisions, unless otherwise agreed in writing:

1. RPD shall submit to SPD an invoice for Services performed no later than thirty (30) calendar days following the month in which the Services were performed. Invoice shall include a summary of total costs billed to date. Any request for payment for work performed prior to the issuance of a notice to begin work, or work billed later than ninety (90) calendar days after its completion shall not be eligible for payment.
2. Unless otherwise directed, RPD shall submit invoices and appropriate supporting materials to:
Seattle Police Department
Attn: Fiscal Office
PO Box 34986
Seattle, WA 98124-4986
spdap@seattle.gov
3. RPD agrees to submit a final bill to SPD within thirty (30) calendar days after the end date of this Contract, and will label the invoice "FINAL BILL."
4. Funding Source:

FEDERAL AWARD INFORMATION

GRANT AWARD TITLE	Washington ICAC Task Force Program FY21	
Must match registered name in SAM		
FEDERAL AWARD ID #	UEI NUMBER	CFDA NUMBER
15PJDP-21-GK-03807-MECP	RGJ5CPK2YHK1	#16.543
FEDERAL AWARD DATE	SUBAWARD PERIOD OF PERFORMANCE START DATE	SUBAWARD PERIOD OF PERFORMANCE END DATE
12/06/2021	01/01/2022	09/30/2022
FUNDS OBLIGATED FOR THIS AGREEMENT	TOTAL GRANT AWARD	FEDERAL AWARD AGENCY
\$55,000.00	\$573,845.00	OFFICE OF JUSTICE PROGRAMS - OJJDP

Recipient's UEI#: KMRXS36K5921

INDEMNIFICATION AND HOLD HARMLESS

RPD shall defend, indemnify, and hold the City of Seattle harmless from and against all claims, demands, losses, damages or costs, including but not limited to damages arising

out of bodily injury or death to persons and damage to property, caused by or resulting from:

- The sole negligence or willful misconduct of RPD, its officials, officers, employees, and agents;
- The concurrent negligence of RPD, its officials, officers, employees, or agents but only to the extent of the negligence of RPD, its officials, officers, employees, and agents;
- The negligent performance or non-performance of the contract by RPD; and

RPD waives its immunity under Title 51 RCW only to the extent it is required to indemnify, defend and hold harmless the City of Seattle and its officials, agents, and employees.

INSURANCE

The RPD agrees that it will maintain premises operations and vehicle liability insurance in force with coverages and limits of liability typically maintained by consultants performing work of a scope and nature similar to that called for under this Agreement, but in no event less than the coverages and/or limits required by Washington state law. Membership in a risk pool and evidence of comparable coverage satisfies the insurance requirements of this section. Workers compensation insurance shall also be maintained if required by Washington state law.

TERMINATION

Either party may terminate this Agreement without recourse by the other party upon written notice to terminate. Notice of termination shall be given by the party terminating this Agreement to the other, not fewer than fifteen (15) business days prior to the effective date of termination.

AGENCY CONTACTS

Contact between the Parties regarding Agreement administration will be between the representatives of each Party or their designee as follows:

Richland Police Department	Seattle Police Department
Name: Chief Brigit Clary	Name: Kelly Crouch
Phone: 509-942-7774	Phone: 206.386.9140
Email: bclary@ci.richland.wa.us	Email: Kelly.crouch@seattle.gov

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the latest day and year written below.

CITY OF RICHLAND for the
RICHLAND POLICE DEPARTMENT

SEATTLE POLICE DEPARTMENT

Name: Jon Amundson, ICMA-CM
Title: City Manager

Brian G. Maxey
Chief Operating Officer

Date: _____

Date: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area 5 - Maximize Community Amenities

Subject:

Ordinance No. 2022-14, Repealing Richland Municipal Code Section 9.22.020 Related to Failure to Return Books

Department:
City Attorney

Ordinance/Resolution Number:
2022-14

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2022-14, repealing RMC 9.22.020 related to failure to return books to the Richland Public Library.

Summary:

The City has need, from time to time, to update the Richland Municipal Code (RMC) to eliminate ambiguities and provide clarity.

Pursuant to RMC 9.22.020, failure to return books to the Richland Public Library is a gross misdemeanor punishable by up to 364 days in jail and a \$5,000 fine. The same offense under state law is a civil infraction pursuant to RCW 27.12.340.

On April 19, 2022, Council approved Resolution No. 2022-55, amending the Richland Fee Schedule to remove overdue fees for late library materials. Instead of imposing fees, the Richland Public Library holds patrons accountable for not returning materials within thirty (30) days of the due date by marking the item as lost, charging the patron's account for the cost of the item, and suspending library circulation privileges until fees are paid or the items are returned.

Consistent with the effort to remove barriers and increase library usage, the Richland Public Library Board of Trustees recommends that Richland City Council decriminalize failure to return library materials under the Richland Municipal Code.

Staff recommends approval of Ordinance No. 2022-14 for second reading and passage.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 2022-14

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 9.22 OF THE RICHLAND MUNICIPAL CODE TO REPEAL RMC 9.22.020 RELATED TO FAILURE TO RETURN BOOKS.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code (RMC) to provide clarity and address emerging issues; and

WHEREAS, pursuant to RMC 9.22.020, failure to return books to the Richland Public Library is a gross misdemeanor punishable by up to 364 days in jail and a \$5,000 fine; and

WHEREAS, the same offense under state law is a civil infraction pursuant to RCW 27.12.340; and

WHEREAS, the Richland Public Library holds patrons accountable for not returning materials within thirty (30) days of the due date by marking the item as lost, charging the patron's account for the cost of the item, and suspending library circulation privileges until fees are paid or the items are returned; and

WHEREAS, on January 12, 2021, the Richland Public Library Board of Trustees recommended that Richland City Council decriminalize failure to return library materials under the Richland Municipal Code.

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

Section 1. Chapter 9.22 of the Richland Municipal Code, entitled City Property, as first enacted by Ordinance No. 99-76, and last amended by Ordinance No. 2022-08, is hereby amended as follows:

Chapter 9.22 CITY PROPERTY

Sections:

9.22.010 Library property – Damage and destruction.

~~**9.22.020 Library property – Failure to return books.**~~

9.22.030 Library property – Taking property without permission.

9.22.040 Library property – Unlawful possession.

9.22.050 *Repealed.*

9.22.060 Interfering with monuments.

9.22.070 Park property.

9.22.075 Park hours.

9.22.080 *Repealed.*

9.22.090 *Repealed.*

9.22.095 Public property affected.

9.22.096 Repealed.

9.22.097 Repealed.

9.22.100 Repealed.

9.22.010 Library property – Damage and destruction.

It is unlawful for any person intentionally to damage, deface, cut, mark, or destroy any property owned by, on loan to, or possessed by the city on deposit with or held by the Richland public library or any branch thereof. Any person violating any provision of this section shall be guilty of a gross misdemeanor.

~~9.22.020 Library property – Failure to return books.~~

~~It is unlawful for any person, having borrowed the same, to fail to return any property owned by, on loan to, or possessed by the city on deposit with or held by the public library, or any branch thereof, before the expiration of 30 days next following the mailing to the person of a notice in writing to return the same, given after the expiration of the time by which the rules of the public library state that the property may be retained by the person. The notice shall be mailed to the address of the borrower on file with the library and shall on its face refer by reference number to this section. Any person violating any provision of this section shall be guilty of a gross misdemeanor.~~

9.22.030 Library property – Taking property without permission.

It is unlawful for any person, without lawful authority, or by making use of a borrower's card of another without the permission of the owner thereof, or by the aid or use of any fraud or false representation, impersonation or pretense, or by any false token or writing, or by any device or trick, to take or obtain from the public library, or any branch thereof, any property belonging therein or thereto. Any person violating any provision of this section shall be guilty of a gross misdemeanor.

9.22.040 Library property – Unlawful possession.

It is unlawful for any person to knowingly possess, without lawful authority, any property of the city deposited with or held by the public library or any branch thereof, unless such person returns that property to the library or branch as soon as practicable after discovering or obtaining possession of that property. Any person violating any provision of this section shall be guilty of a gross misdemeanor.

9.22.050 Breaking windows.

Repealed by Ord. 18-12.

9.22.060 Interfering with monuments.

It is unlawful for any person to remove, alter, pull, destroy, or in any manner interfere with any surveyor's monument or witness stake established or set within the city, except by authority of the city manager or his designee or of the person, firm, corporation or governmental agency which established or set the monument or witness stake. Any authorization by the city manager or his designee to any person not employed by the city must be in writing to be valid. Any person violating any provision of this section shall be guilty of a gross misdemeanor.

9.22.070 Park property.

A. Use of Park Property. It is unlawful for any person except city employees and other authorized persons in the performance of their duties or pursuant to a special permit issued by the city manager to drive, stand or park any motor vehicle or to ride any horse, except where allowed by subsection (E) of this section, upon the footpaths, bicycle paths, or any grassed or landscaped areas in any public park or other public land of the city, or to pick any flowers or plants, or to damage or mutilate any of the shrubs or trees, monuments, or works of art, or in any manner damage any property of the city in any public park or other public land of the city, or to violate any of the rules or regulations relating to the public parks. It shall be unlawful to violate any of the following rules and regulations which shall apply in all parks throughout the city of Richland:

1. There shall be no unauthorized motorized vehicles allowed in the parks.
2. The possession of weapons in the parks is prohibited including, but not limited to, air rifles, paintball guns, bows and arrows, crossbows, swords and pellet guns. This section shall not apply to the open carry of a firearm except where prohibited or to firearms permitted under Chapter 9.41 RCW.
3. There shall be no intentional dumping of personal trash, litter or garbage outside a receptacle provided by the city and/or which is appropriate for that purpose allowed in the parks.
4. There shall be no intentional destruction of vegetation.
5. There shall be no unauthorized burning.
6. There shall be no unauthorized camping per subsection (D) of this section.
7. There shall be no alcoholic beverages consumed in the parks without the appropriate permits.
8. There shall be no littering in the parks.
9. Dogs must be in compliance with existing leash law as set forth in RMC 7.03.050, or in compliance with rules established for designated off-leash dog areas within the city park system.
10. There shall be no sound made by the use of a musical instrument, whistle, sound amplifier, juke box, radio, television, iPod or other similar device so as to be audible greater than 75 feet from the device.

Any person violating any provision of this section, except subsections (B) and (C) of this section, shall be guilty of a gross misdemeanor. The above actions may be allowed under park land leases or special events when permitted at the discretion of the city manager and upon obtaining a permit from the parks and public facilities department no later than two weeks prior to the event.

B. Mooring Watercraft. It is a civil infraction for any person to moor or dock any watercraft at any city float, pier or dock (except for Marina Park docks) for a period in excess of 12 consecutive hours in any five-day period, except as permitted by prior written agreement authorized by the city

manager or designee for vessels carrying more than 20 passengers. Violation of this mooring watercraft time limitation shall be a civil infraction and carry a civil penalty of \$250.00. Each day of violation of the provisions of this subsection shall be a separate violation. A notice of infraction may be issued by a police officer based upon the written affidavit of any individual.

C. Marina Park Overnight Moorage. It is lawful for privately owned watercraft to moor at Marina Park transient moorage docks for a period of time not to exceed 10 nights in any 365-day period. "Night" shall be considered any duration of time between 11:00 p.m. and 5:00 a.m. Overnight watercraft moorage in excess of 10 nights in any 365-day period shall be a civil infraction and carry a penalty of \$250.00. Each day of violation of the provisions of this subsection shall be a separate violation. A notice of infraction may be issued by a police officer based upon the written affidavit of any individual.

D. Camping. It is unlawful to camp in any park or in or upon any public land or property of the city except at places set aside for such purpose by the city manager and so designated by signs.

E. Equestrian Use of Park Property. It is lawful for horses to be allowed on the following park properties for equestrian purposes only:

1. South Columbia Point.
2. Chamna Natural Preserve.
3. Amon Creek Natural Preserve including the natural open space set aside in Claybell Park.
4. Trailhead Park.
5. Tapteal Trail (current and future sections).
6. W.E. Johnson Park.
7. Any state or federal lands that permit equestrian use.

F. Speed on Shared Use Pathways. Unless a lower speed is posted, speed on the city's shared use pathways is limited to not more than 15 miles per hour when one or more other users are present. For purposes of this section, the city's shared use pathways are those identified by list on the city's website.

G. Rules and Regulations. The city manager is authorized to adopt rules and regulations for the implementation and enforcement of this section.

9.22.075 Park hours.

City property, which consists of dedicated or designated public parks, shall be available for use and activities during the hours of 5:00 a.m. and 11:00 p.m. unless a more restrictive time period is posted. It shall be unlawful for any person to be present in or use these public facilities from 11:00 p.m. to 5:00 a.m. or during any posted restricted time period. Any person violating any provision

of this section shall be guilty of a misdemeanor, unless such use falls within permitted exceptions as provided herein:

- A. Activities for which a permit is issued by the parks and recreation department of the city.
- B. Fishing during the hours the park is closed so long as the person fishing has the appropriate state licensing.
- C. Putting boats into and taking boats out of the river.
- D. Camping in areas which have been set aside in RMC 9.22.070(D).
- E. Individuals utilizing paved walking trails for walking, jogging, and nonmotorized cycling activities.

9.22.080 City property – Removal or damage.

Repealed by Ord. 18-12.

9.22.090 City property – Unlawful possession.

Repealed by Ord. 18-12.

9.22.095 Public property affected.

Any city-owned property within the city limits of Richland shall be included in the coverage of this chapter. As required by state statute, the city will post a sign at each entrance of a parking facility notifying persons of the times a vehicle may be impounded as an unauthorized vehicle and also in a clearly conspicuous and visible location to all who park on such property. Additionally, the city will include on the sign the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

9.22.096 Prohibitions and penalties.

Repealed by Ord. 20-11.

9.22.097 Unauthorized vehicle.

Repealed by Ord. 20-11.

9.22.100 Violation – Penalties.

Repealed by Ord. 20-11.

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 3rd day of May, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: April 19, 2022
Second Reading: May 3, 2022
Date Published: May 8, 2022



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2022-64, Authorizing Award of Bid to Industrial Construction of Washington LLC for the Sodium Hypochlorite Facilities Upgrade Project

Department:
Public Works

Ordinance/Resolution Number:
2022-64

Document Type:
Resolution

Recommended Motion:

Approve Resolution No. 2022-64, authorizing award of bid to Industrial Construction of Washington LLC for completion of the Sodium Hypochlorite Facilities Upgrade Project.

Summary:

The 2022 - 2027 Capital Improvement Plan (CIP) includes the Water Treatment Plant Renewal & Replacement Program and the Wastewater Treatment Plant Infrastructure Replacement Program, aimed at timely renewal and replacement of compromised structural, mechanical and control systems. Staff identified the need to replace elements of the chlorination systems at both treatment plants and to upgrade the capacity of each system. The chlorination systems are critical elements to ensure compliance with public health regulations governing water and wastewater systems.

Public Works staff and a consultant have prepared the project design for bid and solicited bids in accordance with City purchasing policies. On April 12, 2022, the City received three (3) bids for this work, the lowest responsible bid being provided by Industrial Construction of Washington LLC.

The City's best interests are served by awarding this contract to ensure compliance with the City's obligations under federal regulations.

Staff recommends adoption of Resolution No. 2022-64.

Fiscal Impact:

This project was budgeted in the Capital Improvement Plan (CIP) for 2021 and 2022. The estimated cost for the water portion of the project is \$250,000. The estimated cost for the sewer portion of the project is \$150,000. The water project's available balance is \$2,964,533 and the wastewater project's available balance is \$2,142,349. Both funds have sufficient budget to complete this work, including construction management, construction and contingency.

Attachments:

1. Resolution No. 2022-64
2. Bid Tab - Sodium Hypochlorite Facilities Upgrade - ITB 22-0017 - Industrial Construction of WA

RESOLUTION NO. 2022-64

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AWARDING A CONSTRUCTION CONTRACT TO INDUSTRIAL
CONSTRUCTION OF WASHINGTON LLC FOR THE SODIUM
HYPOCHLORITE FACILITIES UPGRADE PROJECT.**

WHEREAS, the 2021-2026 Capital Improvement Plan (CIP) includes the Water Treatment Plant Renewal & Replacement Program and the Wastewater Treatment Plant Infrastructure Replacement Program, aimed at timely renewal and replacement of compromised structural, mechanical and control systems; and

WHEREAS, both the Water and Wastewater plants use sodium hypochlorite to achieve required disinfection of treated water; and

WHEREAS, both the Water and Wastewater plants have sodium hypochlorite generation equipment that is in need of replacement (the “Project”); and

WHEREAS, all project development and design work necessary to advance the Project to construction has been completed; and

WHEREAS, bids were solicited in accordance with the City’s purchasing policies, with three (3) bids received and opened on April 12, 2022; and

WHEREAS, Industrial Construction of Washington LLC submitted the lowest responsible bid of the three (3) received; and

WHEREAS, sufficient funding is available to complete the Project; and

WHEREAS, the City’s best interests are served by completing the Project in accordance with the CIP, project design and lowest responsible bid.

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 construction contract with Industrial Construction of Washington LLC in the amount of \$314,956.78 for the Sodium Hypochlorite Facilities Upgrade Project, and to execute change orders in an aggregate amount not to exceed \$75,000 as needed to fulfill the Project’s intent.

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

This space intentionally left blank.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of May, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

City of Richland

DATE BIDS OPENED: April 12, 2022	ITB # 22-0017
SODIUM HYPOCHLORITE FACILITIES UPGRADE	

				ENGINEER'S ESTIMATE		INDUSTRIAL CONSTRUCTION OF WA WEST RICHLAND, WA		ALLSTAR CONSTRUCTION GROUP, INC RICHLAND, WA	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	SCHEDULE A - ON-SITE SODIUM HYPOCHLORITE GENERATION BUILDING								
1	Site Work (Demo, Restoration, Fencing)	1	LS	\$5,560.00	\$5,560.00	21,059.61	21,059.61	39,517.00	39,517.00
2	Equipment Pad	1	LS	11,120.00	11,120.00	15,268.03	15,268.03	26,807.00	26,807.00
3	Mechanical	1	LS	144,610.00	144,610.00	141,785.80	141,785.80	145,425.00	145,425.00
4	Electrical & Controls	1	CY	13,760.00	13,760.00	17,596.32	17,596.32	20,511.00	20,511.00
SCHEDULE A SUBTOTAL					\$175,050.00		\$195,709.76		\$232,260.00
8.6% SALES TAX					15,054.30		16,831.04		19,974.36
SCHEDULE A TOTAL					\$190,104.30		\$212,540.80		\$252,234.36
	SCHEDULE B -WWTP CHLORINATION BUILDING								
1	Demolition	1	LS	\$15,290.00	15,290.00	8,051.08	8,051.08	23,778.00	23,778.00
2	Mechanical	1	LS	95,095.00	95,095.00	79,293.71	79,293.71	95,477.00	95,477.00
3	Electrical & Controls	1	LS	4,865.00	4,865.00	6,960.90	6,960.90	12,018.00	12,018.00
SCHEDULE B SUBTOTAL					\$115,250.00		\$94,305.69		\$131,273.00
8.6% SALES TAX					9,911.50		8,110.29		11,289.48
SCHEDULE B TOTAL					\$125,161.50		\$102,415.98		\$142,562.48
SCHEDULE A TOTAL					\$190,104.30		\$212,540.80		\$252,234.36
SCHEDULE B TOTAL					\$125,161.50		\$102,415.98		\$142,562.48
GRAND TOTAL					\$315,265.80		\$314,956.78		\$394,796.84

City of Richland

DATE BIDS OPENED: April 12, 2022	ITB # 22-0017
SODIUM HYPOCHLORITE FACILITIES UPGRADE	

VINCENT BROTHERS LLP PASCO, WA		
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Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	SCHEDULE A - ON-SITE SODIUM HYPOCHLORITE GENERATION BUILDING								
1	Site Work (Demo, Restoration, Fencing)	1	LS	43,000.00	43,000.00		-		-
2	Equipment Pad	1	LS	15,000.00	15,000.00		-		-
3	Mechanical	1	LS	200,000.00	200,000.00		-		-
4	Electrical & Controls	1	CY	20,000.00	20,000.00		-		-
SCHEDULE A SUBTOTAL					\$278,000.00		\$0.00		\$0.00
8.6% SALES TAX					23,908.00		-		-
SCHEDULE A TOTAL					\$301,908.00		\$0.00		\$0.00
	SCHEDULE B -WWTP CHLORINATION BUILDING								
1	Demolition	1	LS	12,000.00	12,000.00		-		-
2	Mechanical	1	LS	100,000.00	100,000.00		-		-
3	Electrical & Controls	1	LS	4,000.00	4,000.00		-		-
SCHEDULE B SUBTOTAL					\$116,000.00		\$0.00		\$0.00
8.6% SALES TAX					9,976.00		-		-
SCHEDULE B TOTAL					\$125,976.00		\$0.00		\$0.00
SCHEDULE A TOTAL					\$301,908.00		\$0.00		\$0.00
SCHEDULE B TOTAL					\$125,976.00		\$0.00		\$0.00
GRAND TOTAL					\$427,884.00		\$0.00		\$0.00



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2022-65, Approving the Complete Streets Funding Agreement with the Transportation Improvement Board

Department:
Public Works

Ordinance/Resolution Number:
2022-65

Document Type:
Resolution

Recommended Motion:

Approve Resolution No. 2022-65, authorizing execution of a grant agreement with the Washington State Transportation Improvement Board for a Complete Streets award.

Summary:

Complete Streets is a nation-wide initiative to promote planning, designing, building, operating and maintaining a transportation system that enables safe access by all people, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Since 2005, with the adoption of the City's first Citywide Transportation Plan, the City has embraced Complete Streets principles by dedicating chapters of the Plan to the needs of various modes of transportation. In 2017, the City codified its Complete Streets Policy in Chapter 12.06 RMC. The Washington State Transportation Improvement Board (TIB) operates a grant program to promote and recognize cities and counties that adopt and implement Complete Streets policies. The TIB program uses a nomination process whereby the TIB receives nominations for Complete Streets awards from authorized nominating agencies. City staff solicited nominations from several agencies, namely the Washington State Department of Transportation and the Washington State Department of Health, and were notified by the TIB in January that the City had been nominated for an award. TIB staff required a set of three proposed work plans for consideration of awards between \$300,000 and \$500,000. At its March 25, 2022 meeting, the TIB approved a Complete Streets award to the City of Richland in recognition of the City's adopted Complete Streets policy and its demonstrated commitment to implementation. The Complete Streets award is accompanied by a grant of \$450,000 to advance the City's implementation of its Complete Streets Policy. No matching funds are required.

The agreement authorizes spending on items listed in the approved work plan and allows the City until March of 2025 to complete the work. The work plan includes \$300,000 dedicated to eliminating several segments of missing sidewalk from a prioritized list of sidewalk infill needs, \$150,000 for installation of one or more enhanced pedestrian crossings of busy streets, and \$50,000 to perform an engineering evaluation of speed limit-setting policy to investigate the impact of changes in traffic engineering practice being advanced across the country. A list of candidate sidewalk infill projects and pedestrian crossings is attached. The grant will enable work on only a small sample of the listed projects.

Staff recommends adoption of Resolution No. 2022-65 to accept the Complete Streets award to further the City's Complete Streets Policy implementation.

Fiscal Impact:

The agreement will deliver \$450,000 in new revenue to the City. No matching funds are required. Staff will propose a future budget amendment to bring the grant funds into the 2022 Budget.

Attachments:

1. Resolution No. 2022-65
2. Richland Complete Streets Grant Agreement
3. TIB - Complete Streets Work Plan
4. Sidewalk Route Infill List
5. RRFB Ranking Matrix

RESOLUTION NO. 2022-65

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
APPROVING A COMPLETE STREETS GRANT AGREEMENT
WITH THE TRANSPORTATION IMPROVEMENT BOARD.**

WHEREAS, Complete Streets is a nationwide initiative to promote planning, designing, building, operating and maintaining a transportation system that enables safe access by all people, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities; and

WHEREAS, the Washington State Transportation Improvement Board operates a grant program to promote and recognize cities and counties that adopt and implement Complete Streets policies; and

WHEREAS, the Transportation Improvement Board, at its March 25, 2022 meeting, approved a Complete Streets Award to the City of Richland in recognition of the City's adopted Complete Streets policy as codified in Richland Municipal Code Chapter 12.06 and the City's demonstrated commitment to implement the policy; and

WHEREAS, the Complete Streets Award is accompanied by a grant of \$450,000 to advance the City's implementation of its Complete Streets policy; and

WHEREAS, the City's best interests are served by accepting the Complete Streets Award contract since it requires no matching funds and enables further implementation of the City's adopted Complete Streets policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to accept the grant award and execute the Complete Streets Grant Agreement with the Transportation Improvement Board.

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 3rd day of May, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



City of Richland
C-E-171(001)-1
Complete Streets Award

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
CITY OF RICHLAND
GRANT AGREEMENT

THIS GRANT AGREEMENT ("Agreement") is made and entered into between the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD ("TIB") and the CITY OF RICHLAND, a Washington state municipal corporation ("RECIPIENT").

WHEREAS, the TIB has developed a grant program, Complete Streets, to provide for the retrofit of streets and roads ("Project") for eligible cities, towns, and counties to provide access to all users, including bicyclists, pedestrians, motorists, and public transportation riders, and

WHEREAS, the above-identified RECIPIENT is eligible to receive a Project grant pursuant to ordinance 33-17 and that it has the legal authority to receive such grant and to perform the Project pursuant to the terms of this grant

NOW, THEREFORE, pursuant to chapter 47.26 RCW, RCW 47.04.320, and WAC 479-10-500 *et seq*, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, and performances contained herein, and the attached Exhibits, if any, which are made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. GRANT

TIB agrees to grant funds in the amount of FOUR HUNDRED FIFTY THOUSAND AND NO/100 dollars (\$450,000) for the Project pursuant to the terms contained herein, and the RECIPIENT agrees to accept such grant funds and agrees to perform and be subject to the terms and conditions of this Agreement.

2. PROJECT AND BUDGET

The Project shall provide for the retrofit of identified streets or roads on the RECIPIENT's approved work plan. In accordance with applicable laws and ordinances, the RECIPIENT agrees to enter into an agreement with an independent contractor and/or material providers, or otherwise provide for the Project work plan to be completed by the RECIPIENT's own forces. The RECIPIENT further agrees that it shall be solely responsible for and shall pay its independent contractor and/or material providers. If RECIPIENT uses its own forces, it shall be solely responsible for paying the costs thereof. Under no circumstances shall the TIB be responsible to any third party for the payment of labor or materials used in completing the Project work plan. The Project work plan may be amended by the Parties, pursuant to Section 7.

3. PROJECT WORK PLAN AND DOCUMENTATION



The RECIPIENT agrees to and shall make reasonable progress and submit timely Project documentation, as applicable, throughout the term of this Agreement and Project.

Required documents include, but are not limited to the following:

- a) Project work plan describing eligible items with estimated costs;
- b) Documentation to support all costs expended on the Project work plan; and
- b) Project work plan Closeout Form.

4. PAYMENT AND RETURN OF GRANT FUNDS

TIB will pay the full grant award to the RECIPIENT after TIB approves the Project work plan and the Parties fully execute this Agreement; provided that there are legislatively appropriated funds available. The RECIPIENT agrees that it shall hold the grant funds in a separate and identifiable account and only use said funds to pay the actual direct and related indirect costs of the approved Project work plan. Grant funds not expended on approved Project work plan items by March 25th, 2025 shall be returned to TIB within ninety (90) days after receipt of TIB's written notification.

5. USE OF COMPLETE STREETS GRANT FUNDS

RECIPIENT agrees that the grant funds shall only be used to complete the approved Project work plan. Otherwise, RECIPIENT is subject to the Default and Termination provisions of Section 9.

6. RECORDS MAINTENANCE

6.1 The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the Project work plan, including but not limited to accounting procedures and practices which sufficiently and properly reflect all actual direct and related indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years after the completion of the Project work plan and TIB's acceptance of the Project work plan Closeout Form. At no cost to TIB, these records shall be provided when requested; including materials generated under the Agreement, and shall be subject at all reasonable times to inspection, review or audit by TIB personnel, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

6.2 If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

7. REVISIONS TO THE PROJECT WORK PLAN

RECIPIENT may request revisions to the Project work plan, including the addition or removal of items. Requests must be made in writing, and TIB, in its sole discretion, will determine whether to accept the proposed revisions. Should the TIB approve a Project work plan revision, the Parties shall amend this Agreement pursuant to Section 14. The RECIPIENT shall be solely responsible for all costs incurred in excess of the Agreement grant award.



8. TERM OF AGREEMENT

This Agreement shall be effective upon execution by the Parties and shall continue through closeout of the grant amount, or amendment thereof, or unless terminated as provided herein. In no event shall the Agreement term exceed three years, unless extended by Agreement amendment pursuant to Section 14.

9. NON-COMPLIANCE, DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement and applicable rules under WAC 479-10-500 *et seq*, TIB shall notify the RECIPIENT, in writing, of RECIPIENT's non-compliance.
- b) RECIPIENT shall provide a written response within ten (10) business days of receipt of TIB's notice of non-compliance, which shall include either a detailed plan to correct the non-compliance, a request to amend the Project work plan, or a denial accompanied by supporting documentation. An agreement to amend the Project work plan must be pursuant to Section 14.
- c) RECIPIENT shall have thirty (30) days in which to make reasonable progress toward compliance pursuant to its Project work plan to correct or implement an amendment to the Project work plan.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and, in its sole discretion, TIB may require the RECIPIENT to stop incurring additional Project work plan costs during the investigation. Should TIB require the RECIPIENT to stop incurring additional costs to be paid with the grant funds, the RECIPIENT shall be solely obligated for paying any additional costs incurred by such suspension of work, contractor claims, or litigation costs; such costs cannot be paid for with grant funds.

9.2 DEFAULT

RECIPIENT is in default if TIB determines, in its sole discretion, that:

- a) RECIPIENT is not making reasonable progress toward correction and compliance with this Agreement and the Project work plan;
- b) TIB denies the RECIPIENT's request to amend the Project work plan; and
- c) After investigation, TIB confirms RECIPIENT'S non-compliance.

9.3 TERMINATION

- a) In the event of default as determined pursuant to Section 9, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which may be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop incurring costs chargeable against the grant funds and/or take such actions necessary as may be directed by TIB to protect TIB's grant funds.
- b) In the event of termination, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of all grant funds.



- c) The rights and remedies of TIB provided in this Agreement are not exclusive and are in addition to any other rights and remedies provided by law.

10. DISPUTE RESOLUTION

- a) The Parties shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this Agreement. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this Agreement.
- b) Informal Resolution. The Parties shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the Parties are unable to resolve the dispute, the Parties shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The Parties shall share equally in the costs of the mediator.
- d) Each Party agrees to participate to the fullest extent possible and in good faith in resolving the dispute in order to avoid delays or additional incurred cost to the Project work plan.
- e) The Parties agree that they shall have no right to seek relief in a court of law in accordance with Section 11, until and unless the Dispute Resolution process has been exhausted.

11. GOVERNANCE, VENUE, AND ATTORNEYS FEES

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County. The Parties agree that each Party shall be responsible for its own attorneys' fees and costs.

12. INDEMNIFICATION, HOLD HARMLESS, AND WAIVER

12.1 RECIPIENT, shall protect, defend, indemnify, and save harmless the TIB, its officers, officials, employees, and authorized agents, while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property), arising out of, or in any way resulting from, RECIPIENT'S negligent acts or omissions which may arise in connection with its performance under this Agreement. RECIPIENT shall not be required to indemnify, defend, or save harmless the TIB if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of TIB; provided that, where such claims, suits, or actions result from the concurrent negligence of the Parties, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of RECIPIENT's own negligence

12.2 RECIPIENT agrees that its obligations under this section extends to any claim, demand and/or cause of action brought by, or on behalf of, any of its officers, officials, employees or authorized agents. For this purpose, RECIPIENT, by mutual negotiation, hereby waives, with respect to TIB only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions of Title 51 RCW.



12.3 The obligations of this indemnification and waiver Section shall survive termination of this Agreement.

13. ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights or obligations under this Agreement.

14. AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

15. INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

16. ENTIRE AGREEMENT

This Agreement, together with the Exhibits, if any, the provisions of chapter 47.26 RCW, chapter 479 WAC, and TIB Policies, constitute the entire Agreement between the Parties and supersedes all previous written or oral agreements between the Parties. RECIPIENT agrees to abide by all applicable federal, state and local laws, ordinances, and rules when performing under the terms of this Agreement.

RECIPIENT

Transportation Improvement Board

Chief Executive Officer

Date

Date

Print Name

Print Name

Approved as to Form

By: _____
ANN E. SALAY

Senior Assistant Attorney General

NOTE: Any changes to the terms of this Agreement shall require further approval of the Office of the Attorney General



Transportation Improvement Board Complete Streets Work Plan

Agency City of Richland

Agency Contact Carlo D'Alessandro

Phone 509-942-7461

Email cdalessandro@ci.richland.wa.us



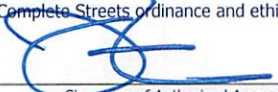
Total Work Plan
Complete Streets Funding \$500,000

Proposed Work Item	Description	Complete Streets Funding	Estimated Completion Year
Sidewalk connectivity improvements	Design and construct approx. 1300 ft of sidewalk on Gala Way (irrigation canal to Hunter), McMurray St (Forest to Mahan), and Humphreys St (Wright to Winslow) and plus additional sidewalk on various routes (as indicated on city Sidewalk Route Infill List attached). Associated ADA curb ramps, curb and gutter will also be addressed. City will utilize Sidewalk Route Infill List to prioritize as ROW, community acceptance and funding allows.	\$ 300,000	2023
Pedestrian crossing improvements	Design and construct rectangular rapid flashing beacons, for crosswalks at various locations (as indicated on city RRFB Ranking Matrix attached). Associated signs, pavement markings, ADA curb ramps, curb and gutter will also be addressed. City will utilize RRFB Ranking Matrix to prioritize as ROW, community acceptance and funding allows.	\$ 150,000	2023
Speed Study	Perform a speed study of city streets with injury minimization approach.	\$ 50,000	2023

Work must be completed within three years of board approval or funds will be returned. All work plan items must be completed before agency is eligible for future nominations.

Agency Certification

Certification is hereby given that the proposed work plan represents projects that support and reflect our commitment to the Complete Streets ordinance and ethic.



Signature of Authorized Agency Official
Jon Amundson - City Manager

Agency Official Name & Title

TIB Approval

Hbk

2/15/22
Date

Project Engineer Review _____ Date _____

Executive Director _____ Date _____



Transportation Improvement Board Complete Streets Work Plan

Agency City of Richland

Agency Contact Carlo D'Alessandro

Phone 509-942-7461

Email cdalessandro@ci.richland.wa.us



Total Work Plan
Complete Streets Funding \$400,000

Proposed Work Item	Description	Complete Streets Funding	Estimated Completion Year
Sidewalk connectivity improvements	Design and construct approx. 1300 ft of sidewalk on Gala Way (irrigation canal to Hunter), McMurray St (Forest to Mahan), and Humphreys St (Wright to Winslow) and other citywide needs on various routes (as indicated on city Sidewalk Route Infill List attached). Associated ADA curb ramps, curb and gutter will also be addressed. City will utilize Sidewalk Route Infill List to prioritize as ROW, community acceptance and funding allows.	\$ 300,000	2023
Pedestrian crossing improvements	Design and construct rectangular rapid flashing beacons, for crosswalks at various locations (as indicated on city RRFB Ranking Matrix attached). Associated signs, pavement markings, ADA curb ramps, curb and gutter will also be addressed. City will utilize RRFB Ranking Matrix to prioritize as ROW, community acceptance and funding allows.	\$ 100,000	2023

Work must be completed within three years of board approval or funds will be returned. All work plan items must be completed before agency is eligible for future nominations.

Agency Certification

Certification is hereby given that the proposed work plan represents projects that support and reflect our commitment to the Complete Streets ordinance and ethic.

Signature of Authorized Agency Official

Jon Amundson - City Manager

Agency Official Name & Title

HOK

2/15/22
Date

TIB Approval

Project Engineer Review

Date

Executive Director

Date



Transportation Improvement Board Complete Streets Work Plan

Agency City of Richland

Agency Contact Carlo D'Alessandro

Phone 509-942-7461

Email cdalessandro@ci.richland.wa.us



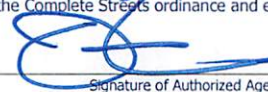
Total Work Plan
Complete Streets Funding \$300,000

Proposed Work Item	Description	Complete Streets Funding	Estimated Completion Year
Sidewalk connectivity improvements	Design and construct approx. 830 ft of sidewalk on various routes (as indicated on city Sidewalk Route Infill List attached). Associated ADA curb ramps, curb and gutter will also be addressed. City will utilize Sidewalk Route Infill List to prioritize as ROW, community acceptance and funding allows.	\$ 200,000	2023
Pedestrian crossing improvements	Design and construct rectangular rapid flashing beacons, for crosswalks at various locations (as indicated on city RRFB Ranking Matrix attached). Associated signs, pavement markings, ADA curb ramps, curb and gutter will also be addressed. City will utilize RRFB Ranking Matrix to prioritize as ROW, community acceptance and funding allows.	\$ 100,000	2023

Work must be completed within three years of initial board approval or funds will be returned. All work plan items must be completed before agency is eligible for future nominations.

Agency Certification

Certification is hereby given that the proposed work plan represents projects that support and reflect our commitment to the Complete Streets ordinance and ethic.


Signature of Authorized Agency Official
Jon Amundson - City Manager
Agency Official Name & Title

TIB Approval

2/18/22
Date

Project Engineer Review

Date

Executive Director

Date

Sidewalk Route Infill Projects

Street	Limits	Length (ft)	Planning Level Cost Estimate	Priority	Comments
McMurray St	South side from Forest Ave to Stevens Drive	652	\$ 150,500.00	1	Connection to BFT transit stop on McMurray
Gala Way	East side from irrigation canal to Hunter St	186	\$ 35,000.00	1	Connection to school walk route for Orchard Elementary
Humphreys St	Both sides from Wright Ave to Winslow Ave	389	\$ 105,000.00	1	Connection to school walk route for Marcus Whitman Elementary
Gray St	South side from Winslow Ave to Snow Ave	459	\$ 135,000.00	1	Connection to school walk route for Marcus Whitman Elementary
Bradley Blvd	North side from Amon Park drive to 120 ft east of intersection.	120	\$ 30,000.00	2	Connection to BFT transit stop on Bradley
Abbot St	Both sides from Casey Ave to Jadwin Ave	303	\$ 75,000.00	2	Connection to school walk route for Lewis and Clark Elementary School
Williams Blvd	South side from Wright Avenue to Stevens Drive	1469	\$ 395,400.00	2	Connection between BFT transit stops on Wright, Thayer, Stevens and Williams. Connection to school walk route for Liberty Christian School.
Falley St	North side from Jadwin Ave to George Washington Way	582	\$ 165,000.00	2	Connection to school walk route for Lewis and Clark Elementary School
Comstock St	Noth side from Goethals Dr to George Washington Way	2398	\$ 650,100.00	2	Connection to school walk route for Lewis and Clark Elementary School
Comstock St	South side from Goethals Dr to George Washington Way	2464	\$ 668,000.00	2	Connection to school walk route for Lewis and Clark Elementary School
Winslow Ave	Both sides from Snow Ave to Lee Blvd	1502	\$ 406,600.00	2	Connection to school walk route for Marcus Whitman Elementary
Snow Ave	Both sides from Duportail St to Hoffman St	1569	\$ 430,000.00	2	Connection to school walk route for Marcus Whitman Elementary
Jadwin Ave	East side from Aaron Dr to Gillespie St.	4172	\$ 1,125,800.00	2	Connection to school walk route for Lewis and Clark Elementary School
Jadwin Ave	West side from Abbot St to Benham St	1416	\$ 383,300.00	2	Connection to school walk route for Lewis and Clark Elementary School

TOTAL \$ of Priority 1 \$ 425,500.00

TOTAL \$ of Priority 2 \$ 4,329,200.00

TOTAL Length of Priority 1 (ft) 1686

TOTAL Length of Priority 2 (ft) 15995

RRFB Ranking Matrix	ADT			Speed			Lanes			Ped/Bike Related Crashes	Transit Stops	Public Facility, Path or School	Curve or Other Distraction	Point Total	Rank	Comments
	<9,000	9,000-15,000	>15,000	≤30	35	≥40	2	3	4+							
Location/Weighted Points Scale	0	1	2	0	1	2	0	1	2	3	2	2	1			
Jadwin Avenue at Catskill		X			X				X	X	X	X	X	12	1	Inclusion in Jadwain overlay project. 4 bicycle crashes since 2010 at crossing.
George Washington & Newton			X		X				X	X		X		10	2	Hold. Reanalyze after one-way Couplet. Fatal due to MC crash, a rear-end for crossing ped
George Washington & Fuller			X		X				X		X	X		9	3	
Aaron & Jadwin	X					X			X	X		X		9	3	2 bike crashes.
Stevens at Mansfield		X		X				X		X	X	X		9	3	8 Rear-end collisions due to pedesrtrians stopped in crosswalk.
Van Giesen & Birch		X		X			X			X	X	X		8	6	Ped Fatal and Bike crash nearby
Leslie just south of Mattis		X				X		X			X	X		8	6	
Gage west of Venus			X			X			X		X			8	6	BFT Request
George Washington north of Uptown (Torbett)			X		X				X			X		7	9	Two ped crashes, though both while crossing side street. One bus stop. Park and school
Jadwin Avenue (Arterial) at Jadwin (collector)		X		X				X			X	X	X	7	9	Hold. Reanalyze after one-way Couplet. Connection from Jadwin into town. Also UGT
CCB & Fowler	X				X			X			X	X	X	7	9	BFT Request
Leslie & Center Parkway		X				X		X				X	X	7	9	Part of Center Parkway Extension Project
Stevens at Knight		X		X				X		X		X		7	9	Two Rear-end crashes due to Pedestrian in crosswalk.
Lee Blvd at Goethals	X			X				X		X	X			6	14	Near UGT, Post Office, Downtown. Two Rear-end Crashes due to pedestrians in crosswalk.
Jadwin at Parkway Driveway (and Tres Margaritas D/W)		X		X					X			X	X	6	14	Market & City Parking
Columbia Point at WinCo (2nd Driveway)	X				X				X		X		X	6	14	BFT request. Curve and busy driveway
Thayer & Long	X			X				X			X	X	X	6	14	BFT request @ highschool
Jadwin at Mansfield or slightly north		X		X					X			X		5	18	Hold. Reanalyze after one-way Couplet.
McMurray & Pike	X			X			X			X		X		5	18	Access to path and public garden, senior living. One bicycle crash and a rear-end due to ped crossing
Bellerive at Path Crossing	X			X			X			X		X		5	18	
Knight at Parkway	X			X				X				X	X	4	21	



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Resolutions - Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 2022-66, Relinquishing a Utility Easement at 1819 Hunt Avenue

Department:
Public Works

Ordinance/Resolution Number:
2022-66

Document Type:
Resolution

Recommended Motion:

Approve Resolution No. 2022-66, authorizing relinquishment of all portions of the existing utility easement at 1819 Hunt Avenue as provided therein.

Summary:

The property owner at 1819 Hunt Avenue has requested relinquishment of all portions of a public utility easement encumbering the property. Staff analysis suggests that relinquishment is appropriate because replacement easements have been granted that better match the existing necessary utilities.

RCW 35.94.040 identifies the process for relinquishment of easements originally acquired for utility purposes. A key feature of the process is a public hearing before the City Council.

A duly advertised public hearing is scheduled to be held during tonight's agenda (May 3, 2022). Absent compelling testimony at the public hearing, staff recommends approval of Resolution No. 2022-66.

Fiscal Impact:

The property owner will pay document recording fees required by this transaction.

Attachments:

- I. Resolution No. 2022-66

RESOLUTION NO. 2022-66

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
DECLARING SURPLUS AND AUTHORIZING RELINQUISHMENT
OF ALL PORTIONS OF A UTILITY EASEMENT AT 1819 HUNT
AVENUE.**

WHEREAS, the property owner at 1819 Hunt Avenue, Lynn M. Reberger, has requested relinquishment of all portions of a public easement initially intended for utility purposes at 1819 Hunt Avenue; and

WHEREAS, the requested easement, as depicted by hatching on **Exhibit A**, is no longer needed for municipal purposes as new easements have been granted to better match existing utilities; and

WHEREAS, RCW 35.94.040 provides for the disposal of surplus property originally obtained for public utility purposes; and

WHEREAS, on May 1, 2022, notice was published that a public hearing would be held on May 3, 2022 to take public testimony regarding this surplus action.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that all portions of the existing easement, originally acquired for utility purposes and described as follows, is hereby found to be surplus to the City's needs:

All that portion of said easement lying in the Northeast Quarter of Section 2, Township 9 North, Range 28E, W.M., Lot 15, Block 819, Plat of Richland, Benton County Washington, as depicted by hatching on **Exhibit A**.

BE IT FURTHER RESOLVED that the consideration in support of this relinquishment, which covers the City's administrative processing fees and recording costs, shall be paid by the applicant.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign and execute all documents necessary to release the City's interest in all portions of the public utility easement described herein and depicted by hatching on **Exhibit A**, and to deliver the same upon payment.

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

This space intentionally left blank.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of May, 2022.

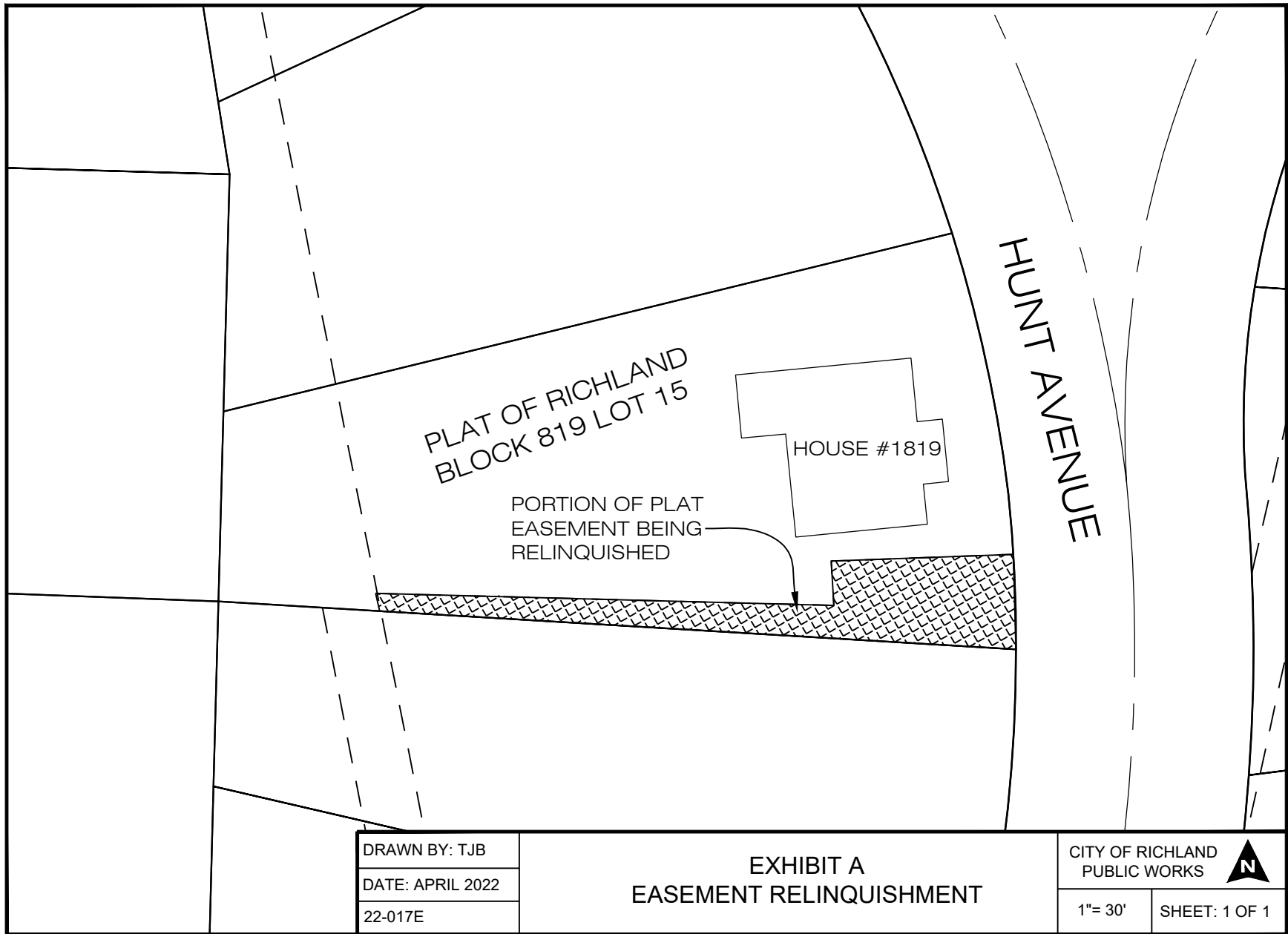
Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Resolutions - Adoption

Core Focus Area 3 - Increase Economic Vitality

Subject:

Resolution No. 2022-67, Authorizing an Agreement with The Cloudburst Group to Develop the HOME-ARP Allocation Plan for the HOME Consortium

Department:

Development Services

Ordinance/Resolution Number:

2022-67

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 2022-67, authorizing the City Manager to sign and execute an agreement with The Cloudburst Group for the development of a HOME ARP Allocation Plan for the Tri-Cities HOME Consortium.

Summary:

On March 11, 2021, ARP (American Rescue Plan) was signed into law, which provides over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals and businesses. To address the need for homelessness assistance and supportive services, \$5 billion in ARP funds have been appropriated to be administered through the HOME Investment Partnerships Program (HOME) through a HOME ARP Allocation Plan.

On September 20, 2021, the U.S. Department of Housing and Urban Development (HUD) awarded the Tri-Cities HOME Consortium approximately \$2.4 million in HOME ARP allocations.

Richland entered into a HOME Consortium Agreement with Kennewick and Pasco in 1995 in order to achieve federal HOME funds eligibility. Richland is lead agency for the Tri-Cities HOME Consortium. Approval of the HOME ARP Allocation Plan is required by HUD to expend federal one-time HOME ARP allocations.

In February 2022, a Request for Proposals (RFP) was issued from the HOME Consortium for the development of the HOME ARP Allocation Plan. Four (4) proposals were received. Consortium staff members evaluated the proposals and determined that The Cloudburst Group provided the most comprehensive proposal. Data and input from numerous stakeholders and other sources will be collected and analyzed to develop a plan to identify the unmet needs and gaps in housing and service delivery systems for qualifying populations.

Staff recommends adoption of Resolution No. 2022-67.

Fiscal Impact:

The base cost for assistance in the preparation of the HOME ARP Allocation Plan is within the 15% Administration and Planning set-aside of the HOME ARP allocation. The total contract cost is \$81,246.

Attachments:

1. Resolution No. 2022-67
2. Draft Cloudburst Consulting Agreement

RESOLUTION NO. 2022-67

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING A CONSULTANT AGREEMENT WITH THE
CLOUDBURST GROUP FOR DEVELOPMENT OF THE HOME
AMERICAN RESCUE PLAN FOR THE TRI-CITIES HOME
CONSORTIUM.**

WHEREAS, the Tri-Cities HOME Consortium (hereafter “Consortium”) received approximately \$2.4 million of HOME American Rescue Plan (HOME-ARP) funding through the U.S. Department of Housing and Urban Development; and

WHEREAS, the Consortium is responsible for the development and implementation of a HOME-ARP Plan in order to distribute the funds for approved projects; and

WHEREAS, the City of Richland, as lead entity for the Consortium, issued a Request for Proposals (RFP) in compliance with the City’s purchasing policies; and

WHEREAS, the City received four (4) responses to the RFP; and

WHEREAS, The Cloudburst Group was selected as the most qualified vendor to complete the development of the HOME-ARP Plan; and

WHEREAS, the City of Richland will pay the cost from the 15% Administration and Planning set-aside of the HOME-ARP allocation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager, as representative of the lead agency of the Tri-Cities HOME Consortium, is authorized to sign and execute a consultant agreement with The Cloudburst Group for preparation of the HOME-ARP Plan.

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 3rd day of May, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



AGREEMENT BETWEEN CITY AND CONSULTANT

HOME – American Rescue Plan Program (HOME ARP) Allocation Plan

This Agreement is entered into this _____ day of May, 2022 (“Effective Date”) by and between the **City of Richland** (“**City**”), a Washington municipal corporation located at 625 Swift Blvd. Richland, WA 99352, and **Cloudburst Consulting Group, Inc.** (“**Consultant**”), a foreign for-profit corporation with service at 8400 Corporate Drive, Suite 550, Landover, MD 20785-2238. **City** and **Consultant** are referred to individually herein as a “Party” and collectively herein as the “Parties.”

WITNESSETH:

1. SCOPE OF WORK

- a. Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work outlined in Exhibit A. In performing these services, Consultant shall at all times comply with all federal, state and local statutes, rules and ordinances applicable to the performance of such services. In addition, these services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance. All services performed under this Agreement will be conducted solely for the benefit of the City and will not be used for any other purpose without written consent of the City.
- b. This Agreement consists of this Agreement and other documents listed below. These form the entire Agreement between the Parties, and are fully integrated into this Agreement as if stated or repeated herein. In the event of a conflict between documents, the order of precedence will be the order listed below. An enumeration of the Agreement documents is set forth below (mark all that apply):
 1. ☒ City of Richland Agreement No. _____
 2. ☐ Exhibit A: Scope of Work
 3. ☒ City Richland Solicitation No. RFP 22-0020
 4. ☒ Exhibit B: Solicitation No. RFP 22-0020 proposal response submitted by Consultant dated March 15, 2022.
 5. ☐ Additional Documents – **Identify by name.**

2. TIME FOR COMPLETION

Consultant shall not begin any work under the terms of this Agreement until authorized in writing by the City. Consultant agrees to use best efforts to complete all work described under this Agreement by December 31, 2022.

3. TERM

The term of this Agreement shall commence on the Effective Date identified above and end at midnight on January 31, 2023.

4. PAYMENT

- a. Services rendered by Consultant under this Agreement will be paid at the rate set forth in Exhibit A Scope of Work, but in no event shall the total compensation for services rendered under this Agreement exceed **Eighty-one thousand two hundred forty-six dollars (\$81,246.00)**, including all fees and those reimbursable expenses listed in Exhibit A.
- b. City shall pay Consultant for services rendered after receipt of a detailed invoice. Invoices not in dispute by the City will be paid net thirty (30) days and shall reference the contract number and/or purchase order applicable to the work. The invoice shall provide sufficient detail on the work being billed and include detailed receipts for any invoices.
- c. Partial payments to cover the percentage of work completed may be requested by Consultant. These payments shall not be more than one (1) per month.
- d. Pre-approved travel, meals and lodging will be reimbursed at cost and only when consultant travels at least 150 miles per one way trip. Reimbursable expenses are limited to the following: coach airfare, ground transportation (taxi, shuttle, car rental), hotel accommodations as provided below, personal or company vehicle use at the then-current federal mileage rate, and meals at the current federal per-diem meal allowance or up to the current federal per-diem with detailed receipts, no alcohol, and a 20% maximum gratuity.
 - i. Hotel accommodations: eligible lodging expenses include the room cost only; itemized receipts must be provided for hotel reimbursements.
 - ii. Hotel reimbursement is limited to the single room rate. If two or more consultants are sharing a room, reimbursement is allowable for only one consultant at the double room rate.
 - iii. The maximum reimbursement should be limited to the best discount rate available and allowable that meets traveler's business needs and basic needs for health, safety and cleanliness. Non-smoking rooms are authorized even if they are more expensive.
- e. Reimbursement for extra services/reimbursable expenses are not authorized under this Agreement unless detailed in the Scope of Work or agreed upon in writing as a modification to this Agreement.
- f. Consultant will allow access to the City, State of Washington, Federal Grantor Agency, Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions. Unless otherwise provided, said records must be retained for three (3) years from the date of receipt of final payment. If any litigation, claim, or audit arising out of, in connection with, or relating to this Agreement is initiated before the expiration of the three-year period, the records shall be retained until such litigation, claim, or audit involving the records is completed.

5. INDEPENDENT CONTRACTOR

Consultant, and any and all employees of Consultant or other persons engaged in the performance of any work or services required of Consultant under this Agreement, are

independent contractors and shall not be considered employees of the City. Any and all claims that arise at any time under any Workers' 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 Consultant's employees or other persons engaged in any of the work or services required to be provided herein, shall be the sole obligation and responsibility of Consultant.

6. OWNERSHIP OF DOCUMENTS

Any and all data, analyses, documents, photographs, plans, designs, drawings, specifications, surveys, films, documents, reports and other work products created, prepared, produced, constructed, assembled, made, performed, or otherwise produced by Consultant or Consultant's subcontractors for delivery to the City pursuant to this Agreement shall become the sole and absolute property of the City upon completion of the services and payment in full of all payment due to Consultant of the fees set forth in this Agreement. Such property shall constitute "work made for hire" as defined by the U.S. Copyright Act of 1976, 17 U.S.C. § 101, and the ownership of the copyright and any other intellectual property rights in such property shall vest in the City at the time of its creation. Ownership of the intellectual property includes the right to copyright, patent, and register, and the ability to transfer these rights. Material which Consultant uses to perform this Agreement but is not created, prepared, constructed, assembled, made, performed or otherwise produced for or paid for by the City is owned by Consultant and is not "work made for hire" within the terms of this Agreement. Consultant will ensure that all independent contractors have written agreements in place that transfers ownership of all Intellectual Property created by them or provided by them to the City.

The City may make or permit to be made any modifications to the plans and specifications without the prior written authorization of Consultant. The City agrees to waive any claim against Consultant arising from any unauthorized reuse of the plans and specifications, and to indemnify and hold Consultant harmless from any claim, liability or cost arising or allegedly arising out of any reuse of the plans and specifications by the City or its agent not authorized by Consultant.

7. TERMINATION

- a. This Agreement may be terminated by either Party upon thirty (30) days' written notice. In the event this Agreement is terminated by Consultant, the City shall be entitled to reimbursement of costs occasioned by such termination. In the event the City terminates this Agreement, the City shall pay Consultant for the work performed, which shall be an amount equal to the percentage of completion of the work as mutually agreed between the City and Consultant.
- b. If any work covered by this Agreement shall be suspended or abandoned by the City before Consultant has completed the assigned work, Consultant shall be paid an amount equal to the costs incurred up to the date of termination or suspension as mutually agreed upon between the City and Consultant.

8. AVAILABILITY OF RECORDS FOR PUBLIC INSPECTION

- a. As a public contract, all records prepared, generated or used by Consultant or its agents, employees and subcontractors relating to this Agreement and associated work (hereinafter "public records") may be subject to disclosure under the Washington State Public Record Act, Chapter 42.56 RCW.

- b. Contractor shall maintain and retain all such public records in a manner that is readily accessible for a minimum term of no less than three (3) years following completion of the contract work. City shall have the right to timely review all such public records upon request. Contractor shall provide copies of any public records requested by City within thirty (30) calendar days of City's request. If City requests that copies of public records be provided to City in an electronic format, said records shall be provided at no cost to City. If paper copies are requested by City, City shall pay \$.10 per page. Payment for paper copies shall be rendered to Consultant within twenty (20) calendar days of receipt.
- c. All records subject to a public disclosure request will be provided to a requester unless exempted from disclosure by law. The City's decision to exempt or redact any public record shall be based only upon valid exemptions that apply to the City. City will not refrain from disclosing any record under an exemption that may be personal to Consultant. In the event Consultant objects to release of any public record under this Agreement, Consultant may seek judicial approval to prevent such disclosure at Consultant's sole expense. City shall neither aid nor interfere with Consultant's request for an injunction to prevent disclosure of any public record under this Agreement.
- d. Consultant shall insert this provision in all contracts with subcontractors or agents providing services relating to this Agreement.

9. DISPUTE RESOLUTION

- a. The City and Consultant 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.
- b. All disputes between the City and Consultant not resolved by negotiation between the Parties may be arbitrated only by mutual agreement of the City and Consultant. If not mutually agreed to resolve the claim by arbitration, the claim will resolve by legal action.

10. DEBARMENT CERTIFICATION

Consultant certifies that neither Consultant nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this contract by any federal or state department or agency. Further, Consultant agrees not to enter into any arrangements or contracts related to completion of the work contemplated under this Agreement with any party that is on the "General Service Administration List of Parties Excluded from Federal Procurement or Non-Procurement Programs" which can be found at:

www.sam.gov and <https://secure.lni.wa.gov/verify/>

11. VENUE, APPLICABLE LAW AND PERSONAL JURISDICTION

In the event that either Party deems it necessary to initiate a legal action to enforce any right or obligation under this Agreement, the Parties agree that any such action shall be initiated in the Superior Court of the State of Washington situated in Benton County. The Parties 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. Consultant hereby consents to the personal jurisdiction of the Superior Court of the State of Washington situated in Benton County.

12. ATTORNEY'S FEES

The Parties agree that should legal action be necessary to enforce any of the provisions of this Agreement, that the substantially prevailing Party will be awarded its reasonable attorney's fees and costs in action, including costs and attorney's fees on appeal if appeal is taken.

13. INSURANCE

Consultant 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 performance of the work hereunder by Consultant, its agents, representatives, or employees.

- a. No Limitation. Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.
- b. Minimum Scope of Insurance. Consultant shall obtain insurance of the types described below:
 1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
 2. Commercial General Liability insurance shall be as least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
 3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
 4. Professional Liability, Errors or Omissions insurance appropriate to the Consultant's profession. Coverage shall be provided if Consultant is providing services under this Agreement as a licensed professional, including, but not limited to, engineers, architects, accountants, surveyors, and attorneys.
- c. Minimum Amounts of Insurance. Consultant shall maintain the following insurance limits:
 1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
 2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.
 3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.
- d. Other Insurance Provisions. Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be

primary insurance with respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of Consultant's insurance and shall not contribute with it.

- e. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- f. Verification of Coverage. Consultant 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 Consultant before commencement of the work.
- g. Notice of Cancellation. Consultant shall provide the City with written notice of any policy cancellation within two (2) business days of Consultant's receipt of such notice.
- h. Failure to Maintain Insurance. Failure on the part of Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due Consultant from the City.
- i. Public Entity Full Availability of Consultant Limits. If Consultant maintains higher insurance limits than the minimum shown above, the City shall be insured for the full available limits of the Commercial General and Excess or Umbrella liability maintained by Consultant, irrespective of whether such limits maintained by Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by Consultant.

14. INDEMNIFICATION / HOLD HARMLESS

- a. Consultant shall defend, indemnify, and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the willful or negligent acts, or alleged willful or alleged negligent acts, errors or omissions of the Consultant or the Consultant's employees or agents in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.
- b. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.

15. STANDARD OF CARE

The professional services will be furnished in accordance with the care and skill ordinarily used by members of the same profession practicing under similar conditions at the same time and in the same locality.

16. 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 non-assigning Party, which may be given in the non-assigning Party's sole discretion.

17. NOTICES

Any notices required under this Agreement will be in writing, addressed to the appropriate Party at the address which appears below (as modified in writing from time to time by such party), and given by electronic submission, by facsimile personally, by registered or certified mail, return receipt requested, or by nationally recognized overnight courier service. All notices shall be effective upon the date sent.

Purchasing Manager
City of Richland
625 Swift Blvd., MS-11
Richland, WA 99352
Email: purchasing@ci.richland.wa.us
Phone: (509) 942-7710
Fax: (509) 942-7397

Contact Name: Michelle Hayes, President
Name of Firm: Cloudburst Consulting Group, Inc.
Address: 8400 Corporate Drive, Suite 550
Address: Landover, MD 20785-2238
Email: Michelle.Hayes@cloudburstgroup.com
Phone Number: (202) 253-2346
Fax Number: (301) 918-4400

18. EQUAL OPPORTUNITY AGREEMENT

Consultant agrees that Consultant will not discriminate against any employee or job applicants for work under this Agreement for reasons of race, sex, nationality, religious creed, or sexual orientation.

19. SEVERABILITY

If any provision of this Agreement conflicts with applicable law, or its application is found to be invalid by a court of competent jurisdiction, the remainder of this Agreement shall not be affected, and to this end, the terms of this Agreement are declared to be severable.

20. AMENDMENTS

All amendments must be in writing and be approved and signed by both Parties.

21. CHANGE IN LAW

The Parties hereto agree that in the event legislation is enacted or regulations are promulgated, or a decision of court is rendered, or any interpretive policy or opinion of any governmental agency charged with the enforcement of any such law or regulation is published that affects or may affect the legality of this Agreement or any part thereof or that materially and adversely affects the ability of either Party to perform its obligations or receive the benefits intended hereunder ("Adverse Change in Law"), then within fourteen (14) calendar days following written notice by either Party to the other Party of such adverse change in law, the Parties shall meet to negotiate in good faith an amendment which will carry out the original intention of the Parties to the extent possible. If, despite good faith attempts, the Parties cannot reach agreement upon an amendment within sixty (60) calendar days after

commencing negotiation, then this Agreement may be terminated by either Party as of the earlier of: (i) the effective date of the adverse change in law, or (ii) the expiration of a period of sixty (60) days following written notice of termination provided by one Party to the other.

22. CONFIDENTIALITY

In the course of performing under this Agreement, Consultant, including its employees, agents or representatives, may receive, be exposed to, or acquire confidential information. Confidential information may include, but is not limited to, patient information, contract terms, sensitive employee information, or proprietary data in any form, whether written, oral, or contained in any computer database or computer readable form. Consultant shall: i) not disclose or sell confidential information except as permitted by this Agreement; (ii) only permit use of such confidential information by employees, agents and representatives having a need to know in connection with performance under this Agreement; and (iii) advise each of its employees, agents, and representatives of their obligations to keep such information confidential.

23. CHANGES OF WORK

- a. When required to do so, and without any additional compensation, Consultant shall make such changes and revisions in the completed work of this Agreement as necessary to correct or revise any errors, omissions, or other deficiencies in the design, drawings, specifications, reports, and other similar documents which Consultant is responsible for preparing or furnishing under this Agreement.
- b. Should the City find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, Consultant shall make such revisions as directed by the City. This work shall be considered as Extra Work and will be paid for as herein provided under Section 24, Extra Work.

24. EXTRA WORK

The City may desire to have Consultant perform work or render additional services within the general scope of this Agreement. Such work shall be considered as extra work and will be specified in a written supplement to this Agreement which will set forth the nature of the scope, schedule for additional work, additional fees and the method of payment. Work under a supplemental Agreement shall not proceed until authorized in writing by the City.

25. ENTIRE AGREEMENT

This Agreement contains the entire agreement of the Parties hereto and supersedes all previous understandings and agreements, written and oral, with respect to this transaction. Neither Party shall be liable to the other for any representations made by any person regarding the terms of this Agreement, except to the extent that the same are expressed in this Agreement.

26. AUTHORITY TO EXECUTE

Each person executing this Agreement on behalf of another person, corporation, partnership, company, or other organization or entity represents and warrants that he or she is fully authorized to so execute and deliver this Agreement on behalf of the entity or party for which he or she is signing. The Parties hereby warrant to each other that each has full power and authority to enter into this Agreement and to undertake the actions contemplated herein, and that this Agreement is enforceable in accordance with its terms.

27. COUNTERPART ORIGINALS

Execution of this Agreement and any amendment or other document related to this Agreement may be by electronic signature and in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one whole agreement.

(Signature page to follow)

Draft

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

CITY OF RICHLAND

CONSULTANT

Jon Amundson, ICMA-CM
City Manager

Signature

Attest:

Printed Name

Jennifer Rogers, City Clerk

Title

Approved as to form:

Heather Kintzley, City Attorney

Draft

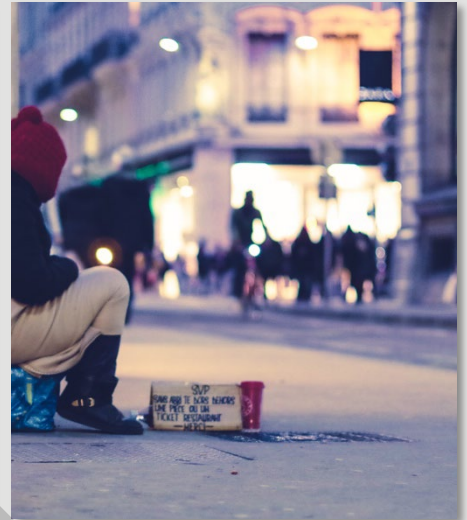
EXHIBIT A: Detailed Scope of Work

Exhibit A to follow

Draft

Additional Fees/Travel

- 1) Consultant applies general and administrative (G&A) indirect burden to travel and other direct costs (ODCs) consistent with practices that have been reviewed and approved by its cognizant audit agency, U.S. Department of Housing and Urban Development (HUD). The G&A rate used (23%) is consistent with its current agreement with HUD which can be provided upon request.
- 2) Consultant has established travel policies and procedures in place which are consistent with Federal Acquisition Regulations (FAR) as well as Federal Travel Regulations (FTR) and Department of State Per Diems and Allowances.
- 3) The maximum reimbursement should be limited to the government rate. Non-smoking rooms are authorized even if they are more expensive.



Response to Request for Proposals: HOME-ARP Allocation Plan

RFP #22-0020

Submitted on: March 15, 2022

Submitted by:

Michelle Hayes, President
Clodburst Consulting Group, Inc.
8400 Corporate Drive, Suite 550
Landover, MD 20785-2238
Phone: (202) 253-2346
Fax: (301) 918-4400
Michelle.Hayes@clodburstgroup.com

Submitted to:

Irma Bottineau
City of Richland Purchasing Division
2700 Duportail Street, Bldg. 200
Richland, WA 99352
Phone: (509) 942-7710
Submitted via Richland, WA—Public Purchase
Website

Women-Owned Small Business (WOSB)

DUNS: 602539111

NAICS Code: 541611

Professional Services Schedule Contract Number: GS10F0218U

Tax Identification Number: 26-0121775

RESTRICTION ON DISCLOSURE AND USE OF DATA

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror because of, or in connection with, the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in all pages/sheets and attachments of this proposal.



Irma Bottineau
City of Richland Purchasing Division
2700 Duportail Street, Bldg. 200
Richland, WA 99352

March 15, 2022

Dear Ms. Bottineau,

The Cloudburst Group (Cloudburst) is pleased to submit this proposal to assist the Tri-Cities HOME Consortium in developing its HOME Investment Partnerships—American Rescue Plan (HOME-ARP) Allocation Plan. Cloudburst offers expertise in all U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) programs and often supports work that includes new and developing funding streams from the Coronavirus Aid, Relief, and Economic Security (CARES) Act and American Rescue Plan (ARP).

Cloudburst has significant experience with several communities in Washington including the Tri-Cities HOME Consortium. Recent projects include a Homeless Needs and Gaps Analysis for Clallam County, a Public Service Needs Assessment for the City of Auburn, and the Tri-Cities HOME Consortium's Consolidated Plan and Analysis of Impediments to Fair Housing (AI). Cloudburst is also currently working with the State of Washington to develop housing needs projections in response to State House Bill 1220 as a subcontractor to Berk Consulting. Cloudburst is familiar with current trends impacting communities in the Pacific Northwest and will assign staff to this project who reside in Washington and Oregon. The team will leverage our experience with planning and implementing supportive housing, shelter, and services across HUD program areas to create a strategic HOME-ARP Allocation Plan for the Tri-Cities Consortium.

Our cost estimate is based on our understanding of the RFP and with a robust outreach plan and consultation strategy that includes 2 site visits to conduct up to 10 in-person meetings. We have also allocated resources to work with one or more local engagement partners. We are willing to adjust the budget estimate if there are components within the Work Plan section that the Consortium would prefer to modify.

Cloudburst welcomes the opportunity to discuss this proposal further and looks forward to assisting you in this effort. As the president of Cloudburst, I am authorized to represent Cloudburst in any negotiations and to sign any resulting contract. If you have any questions or would like to request revisions to this proposal, please contact me at (202) 253-2346 or at Michelle.Hayes@cloudburstgroup.com.

Sincerely,

Michelle Hayes, President

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A. Preface

As outlined in the Proposal Submittal Requirements, the Preface section includes the following documents:

- Attachment A - RFP Signature Form and Addendum Acknowledgement
- Current Internal Revenue Service Form W-9

	City of Richland	Solicitation Number: RFP 22-0020
	Attachment A RFP Signature Form and Addendum Acknowledgement	

HOME – American Rescue Plan Program (HOME-ARP)

Allocation Plan

ALL PROPOSERS COMPLETE THIS PAGE AND INCLUDE WITH SUBMITTAL:

1. By submitting a response, the Proposer certifies that the Proposer has fully read and understands this RFP document and has full knowledge of the scope, nature, quantity, and quality of work to be performed; the detailed requirements of the services to be provided; and the conditions under which the services are to be performed.
2. The Proposer certifies that he or she has read and understands all terms and conditions of this solicitation.
3. By signing this document, the Proposer certifies that they have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding. If the City determines that collusion has occurred among the Proposers, none of the submittals from the participants of such collusion will be considered. The City's determination will be final.
4. The Proposer acknowledges that the person who signs below is fully authorized to sign on behalf of the firm listed and to fully bind the firm to all conditions and provisions thereof.
5. The Proposer acknowledges receipt of the following addenda: 1 through 1.

Respectfully submitted this 11th day of March, 2022.

Name of Firm: Cloudburst Consulting Group, Inc.

Address: 8400 Corporate Drive, Suite 550, Landover, MD 20785-2238

Signature: 

Name (Print): Michelle L. Hayes

Title: President and CEO

Email: michelle.hayes@cloudburstgroup.com

Phone: 202-253-2346

**Request for Taxpayer
Identification Number and Certification**

**Give Form to the
requester. Do not
send to the IRS.**

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Cloudburst Consulting Group, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC
☐ C Corporation
☒ S Corporation
☐ Partnership
☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
8400 Corporate Drive, Suite 550

6 City, state, and ZIP code
Landover, MD 20785-2238

7 List account number(s) here (optional)

8 Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number
____ - ____ - ____

OR
Employer identification number
2 6 - 0 1 2 1 7 7 5

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ *[Signature]* Date ▶ *1/12/2022*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1099-T (taxation)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

B. Executive Summary

As outlined in the Proposal Submittal Requirements, the Executive Summary includes the following sections:

- Introduction to The Cloudburst Group
- Cloudburst Expertise, Past Experience, and Consulting Team Overview
- Project and Contract Management Location and Contact Information
- Cooperative Purchasing Information

1. Introduction to the Cloudburst Consulting Group

Legal name of business:	Cloudburst Consulting Group, Inc. (dba The Cloudburst Group)
State of incorporation:	Maryland
Address:	8400 Corporate Drive, Suite 550 Landover, MD 20785-2238 Phone: 301-918-4400 Fax: 301-918-4900
Organizational structure:	Corporation; Women-Owned Small Business Registered with the Small Business Administration (SBA)
Length of time operational:	17 years (incorporated July 2005)
Staff:	72 employees located in 19 states
DUNS number:	602539111
Cloudburst website:	http://www.cloudburstgroup.com/
State of WA registration:	Cloudburst is registered to work in Washington.
Organizational points of contact	Michelle Hayes, President/CEO 202-253-2346 Michelle.Hayes@cloudburstgroup.com Denise Lomuntad, Senior Contracts Manager Phone: 301-412-9229 Denise.Lomuntad@cloudburstgroup.com Stephanie Jennings, Project Manager (located in Eugene, OR) Phone: 240-582-3634 Stephanie.Jennings@cloudburstgroup.com

2. Cloudburst Expertise, Past Experience, and Consulting Team Overview

The Cloudburst Group (Cloudburst) is a mission-driven, Women-Owned Small Business based in Landover, MD working to improve social, economic, and environmental resilience in the U.S. and across the globe. Over the past 15 years, Cloudburst has worked extensively with HUD as well as state and local governments to provide comprehensive technical assistance (TA) to communities to design, manage, and evaluate their HUD CPD programs, including the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) programs. More recently, in support of the CARES Act and ARP, Cloudburst has provided grantees with regulatory and programmatic support to develop coordinated community responses to COVID-19, create strategies for short- and long-term housing needs, and rapidly expand programs under challenging conditions.

Cloudburst has worked with grantees across the country to improve access to services, shelter, and stable housing for low-income and vulnerable populations. Cloudburst has designed and conducted numerous needs and gaps analyses to identify unmet needs for people experiencing or at risk of experiencing homelessness. Cloudburst also has considerable experience working with communities to plan and strategically implement service, shelter, and supportive housing activities related to Continuum of Cares (CoCs) and ESG programs. Additionally, Cloudburst has developed over 30 Consolidated Plans and AIs for grantees across the country including multiple HOME Consortia. The team previously assisted the Tri-Cities Consortium with their 2020–2024 Consolidated Plan and AI and understands the nuances of developing priority needs and strategic goals for multiple jurisdictions.

While HOME-ARP is a new funding source and program, its processes and eligible activities relate to multiple existing programs. In this proposal, Cloudburst leverages the expertise of its housing, homelessness, domestic violence, and community development staff to help the Tri-Cities Consortium successfully create a HOME-ARP Allocation Plan that meets their local needs and HUD requirements. This process is also intended to help the Tri-Cities Consortium build capacity and partnerships to successfully implement HOME-ARP activities.

The proposed project team, depicted in the table below, will work with the Tri-Cities staff to identify one or more local entities to support community outreach and engagement activities. Resources have been included in the budget for this purpose. Please refer to the Team Organization section of the proposal for complete staff bios and resumes.

Staff	Project Role	Location
Stephanie Jennings	Ms. Jennings will be the Project Manager, utilizing over 20 years of experience managing affordable housing, homelessness, and community development plans, programs, and projects. This experience includes 12 years as the Grants Manager for the City of Eugene’s HOME and CDBG programs and significant experience with services, shelter, and supportive housing.	Eugene, OR
Joel Warren	Mr. Warren will be the Community Engagement & Data Specialist for the project, drawing on 7 years of experience as a nationally recognized expert in HUD program regulations and systems as well as his prior experience managing the development of the Consolidated Plan and AI for the Tri-Cities Consortium.	Port Orchard, WA

Faith Walker	Ms. Walker will be the Project Coordinator and will leverage her experience with project management, data analysis, and data visualization to support the team and develop project deliverables.	Landover, MD
Jon Kunz	Mr. Kunz will be the Strategic Planning Specialist for the project, utilizing over 25 years of experience as a national expert in the HOME and CDBG programs.	Cedar, MI
Katie Peterson	Ms. Peterson will be the Homeless Needs and Services Subject Matter Expert (SME) and will provide guidance using her 10 years of experience providing TA on HUD programs to serve persons experiencing homelessness and her time as a HUD Supervisory Management Analyst at the Chicago Field Office.	Glenview, IL
Suzanne Marcus	Ms. Marcus will be the Domestic Violence SME for the project and will provide guidance based on her 20 years of experience working at the intersection of domestic and sexual violence, homelessness, and housing.	Silver Spring, MD

3. Project and Contract Management Location and Contact Information

The project will be remotely managed by the Project Manager, Stephanie Jennings, who works and resides in Eugene, OR and the Community Engagement & Data Specialist, Joel Warren, who works and resides in Port Orchard, WA. Ms. Jennings and Mr. Warren will participate in the proposed site visits due to their skill sets and proximity to the Consortium. More information on the proposed site visits is described in the Work Plan. The project team will be supported with finance, accounting, contractual, human resources, and IT support managed out of Cloudburst's Landover, MD office.

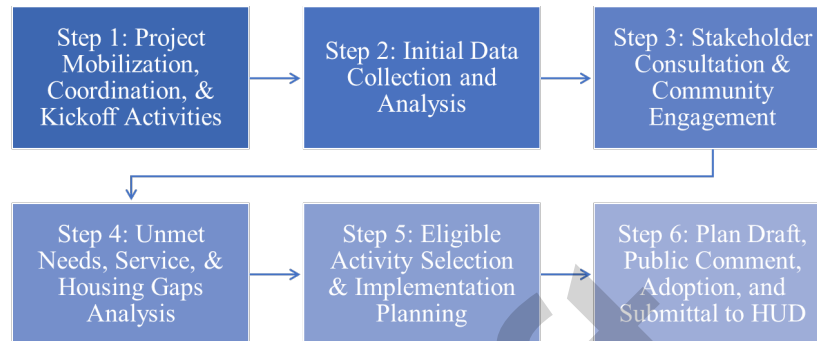
4. Cooperative Purchasing Information

Cloudburst is willing to offer the same services to other governmental entities in alignment with the intent of Clause 6.1 Cooperative Purchasing. Cloudburst reserves the right to offer a revised technical approach and price in response to specific needs.

C. Project Approach and Schedule

1. Work Plan

Cloudburst’s proposed Work Plan provides a strategic process to create a HOME-ARP Allocation Plan that supports the four HOME-ARP qualifying populations following the goals of the Tri-Cities Consortium and HUD requirements. Cloudburst anticipates the process and approval of the plan will occur within eight months following six Work Plan steps outlined in the graphic below. Please note that robust public and stakeholder participation is part of multiple steps in the HOME-ARP Allocation process.



Step 1: Project Mobilization, Coordination, & Kickoff Activities

The Cloudburst team will hold an initial remote kick-off meeting with the Consortium to review the HOME-ARP Allocation Plan process and its requirements, determine roles and responsibilities, and finalize a project schedule. Cloudburst will facilitate initial discussions with the Consortium to cover several topics. The team will develop and deliver a HOME-ARP overview presentation for Consortium staff to review HUD requirements and answer any staff questions. Cloudburst will also clarify the Consortium’s preferred platforms for document sharing and coordination. These initial discussions will also include the identification of key stakeholders to be consulted as well as local engagement partners to support public engagement and participation, as working with trusted local organizations improves community engagement for vulnerable populations. Lastly, Cloudburst will request copies of existing plans and reports from the Consortium to review and summarize for information pertaining to the HOME-ARP Allocation Plan.

Project Manager Stephanie Jennings will provide oversight and lead regular check-in meetings with the Consortium’s point of contact. She will facilitate coordination meetings, manage the project schedule, submit monthly invoices with activity summaries, and ensure all tasks and deliverables are delivered on time. Project Coordinator Faith Walker will manage scheduling, organize documents, and provide additional coordination as needed. Cloudburst will use Zoom as the platform to host all project check-in meetings unless the Consortium has another preferred platform. Documents will be shared through Dropbox or another platform that is accessible to Tri-Cities staff.

Deliverable	Cloudburst Role	Consortium Role
HOME-ARP overview presentation	Develop and deliver the presentation to Consortium staff as part of the Project Mobilization Meeting.	Richland will assist Cloudburst in coordinating with Pasco and Kennewick.
Summary of findings and recommendations from existing plans and reports	Review plans and reports and summarize key points related to HOME-ARP.	Provide Cloudburst with copies of current plans or reports that will assist in the development of the HOME-ARP Plan.

Step 2: Initial Data Collection and Analysis

Cloudburst will gather and analyze data to identify trends impacting the four HOME-ARP qualifying populations within Consortium boundaries to create an initial profile of needs. This profile will inform the subsequent steps in the Work Plan including stakeholder consultations and the unmet needs and gaps analysis. Qualifying populations for HOME-ARP funds include:

- Individuals and families experiencing homelessness
- Individuals and families at-risk of homelessness
- Individuals and families fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Other populations for whom supportive services or assistance would prevent homelessness or serve those with the greatest risk of housing instability

The team will collect and analyze data on the following:

- **Qualifying population profiles**—The size and demographic composition of each qualifying population, including an equity analysis of racial and ethnic groups, persons with disabilities, and other specific sub-populations. The profiles will also include the number of people in each qualifying population that are sheltered, unsheltered, in transitional housing, or in unstable housing. Data sources will include the Homeless Management Information System (HMIS), the Homeless Point-In-Time (PIT) Count, American Community Survey (ACS), and Comprehensive Housing Affordability Strategy (CHAS) data.
- **Current shelter and housing inventory**—The number of current shelter beds, transitional housing, and supportive and special needs housing units. Data sources will include the Housing Inventory Count (HIC) and the Tri-Cities Consolidated Plan. If available, data will also be compiled on additional shelter beds and housing under development as well as the number of units targeted to specific populations.
- **Use of rent assistance and services**—Information on the number of family and adult-only households who are currently housed with emergency or temporary rental assistance. This will include information on the number of households requesting housing, services, or assistance to prevent homelessness as well as the number and types of agencies providing housing stability services to qualifying populations.

Deliverable	Cloudburst Role	Consortium Role
Inventory of primary and supplemental data sources	Compile an inventory of data sources and facilitate a meeting with the Consortium to discuss primary and supplemental data sources.	Provide an introduction to the area's CoC. Identify and provide any supplemental data sources for use in the HOME-ARP Plan.
High-level summary of data collected	Draft a high-level overview of the team's initial data analysis to outline trends in the data from the inventory.	Review and provide one round of consolidated comments on the data analysis summary.

Step 3: Stakeholder Consultation & Community Engagement

Following initial data collection and analysis, Cloudburst will hold a series of in-person stakeholder consultation and community engagement sessions to develop a more complete picture of the qualifying populations; their needs and barriers to housing stability; and existing or planned services, shelter, and supportive housing. The findings from these sessions will inform *Step 4: Unmet Needs & Gaps Analysis of Services, Shelter, and Housing*.

Stakeholder Consultations

Per HOME-ARP requirements, Cloudburst will organize and facilitate in-person stakeholder consultations with service, shelter, and housing agencies whose clientele include HOME-ARP-qualifying populations. At a minimum, these consultations should include the Benton Franklin CoC, the public housing agencies (PHAs), homeless service and shelter providers, domestic violence service providers, fair housing and civil rights organizations, organizations that serve people with disabilities, and other public agencies that serve the qualifying populations. Cloudburst also recommends including culturally specific organizations that serve qualifying populations and affordable housing providers. Data collected and analyzed during Step 2 may indicate a need to include other types of service providers.

Upon identifying all organizations to consult, Cloudburst and the Consortium will work together to determine how best to group participants for the consultation sessions. Up to six in-person group consultations are anticipated. Cloudburst will develop meeting agendas and all presentation materials to make the sessions effective. The Tri-Cities Consortium will provide the physical space for these meetings and assist with sending invitations to participants. Cloudburst will facilitate each consultation session, take notes, and provide a session summary. Cloudburst will conduct up to six remote consultations with key stakeholders unable to attend an in-person meeting.

The consultation sessions will focus on the needs and challenges of HOME-ARP-qualifying populations and gaps in services, emergency, and permanent housing options to meet the needs of those populations. The structure of the consultation sessions will follow HUD's [Discussion Guide for HOME-ARP Consultation Meetings](#) as well as specific topics identified by the Consortium or Cloudburst for discussion. Prior to each meeting, consulting partners will be provided with the purpose of the discussion, topics to be discussed, and presentation data that will support the discussion. Cloudburst staff with specific expertise on the qualifying populations will be engaged in the consultation sessions as appropriate.

Community Engagement

Cloudburst will seek to gather perspectives from both the broader community as well as people with lived experience who are members of a HOME-ARP-qualifying population. Strategies for community engagement are frequently more successful when they are implemented with trusted community partners. Since the Tri-Cities HOME Consortium seeks to provide broader opportunities for engagement, Cloudburst has reserved resources to partner with one or more local community organizations to conduct outreach activities, leveraging local and culturally relevant lead organizations that can utilize networks, relationships, and experience engaging on similar matters in the community. Cloudburst will rely on the Tri-Cities Consortium to assist in the identification of potential outreach partners.

Potential community engagement methods may include a survey of community members, an in-person open house-type event, and/or small group interviews. Cloudburst will work with the Tri-Cities Consortium and community partners to determine the most effective and appropriate methods. Cloudburst will sub-contract with one or more community organizations to encourage and coordinate participation in the process, host events, arrange focus groups, and/or translate materials. Up to \$4,500 has been set aside in the budget for this purpose.

Deliverable	Cloudburst Role	Consortium Role
Up to six in-person consultation sessions and a summary of each session (two Cloudburst staff onsite)	Cloudburst will plan and facilitate on-site consultation sessions with Consortium input and prepare summaries of each meeting.	Provide physical spaces for consultation sessions and assist in inviting participants.

Strategy for engaging broader community and persons with lived experiences	Cloudburst will work with the Consortium to select community engagement methods and partners and develop materials for and facilitate engagement sessions with the assistance of one or more local community organizations.	Provide input on engagement methods and partners that will be the most effective for Tri-Cities communities.
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Step 4: Unmet Needs & Gaps Analysis of Services, Shelter, & Housing

In Step 4, Cloudburst will prepare an analysis of unmet needs for each qualifying population and gaps in services, shelter, and housing. This analysis will build on the results of the initial data analysis, stakeholder consultations, and community engagement process. Cloudburst will synthesize the trends, needs, and gaps identified in the data analysis and by stakeholders through the community engagement process to develop a cohesive assessment of the factors impacting the Tri-Cities' qualifying populations. The analysis will include the required sections as outlined in the [HOME-ARP Allocation Plan Template](#), including an evaluation of the qualifying populations, unmet needs, and gaps in the current shelter and housing inventory as well as the service delivery system.

Cloudburst will facilitate up to five remote group consultation sessions with stakeholders to share this analysis and begin to identify which HOME-ARP-eligible activities may be suited to address unmet needs. HOME-ARP-eligible activities include 1) Tenant-Based Rental Assistance, 2) services, 3) rental housing, 4) non-congregate shelter, and 5) non-profit operating support and capacity-building.

The Cloudburst team includes SMEs on homelessness systems and domestic violence programs to further inform the unmet needs and gaps analysis. Cloudburst's SMEs will also support the facilitation of the remote stakeholder sessions to help make the transition from identifying needs and gaps to activity selection impacting relevant qualifying populations. Through the consultation process, the team will seek to identify project and program models that could inform activities and potential partnerships for implementing HOME-ARP activities.

Deliverable	Cloudburst Role	Consortium Role
Summary analysis of the unmet needs and services, shelter, and housing gaps analysis	Develop the Unmet Needs and Gaps Analysis section of the HOME-ARP Action Plan template.	Supply data outlined in the RFP to be used in the Unmet Needs and Gaps Analysis.
Up to 5 remote consultation sessions with stakeholders to review analysis, prioritize needs, and identify potential activities	Facilitate each remote session, providing the agenda, meeting materials, and follow-up summary.	Support sending invites to participants.

Step 5: Eligible Activity Selection & Implementation Planning

Cloudburst will work closely with Consortium staff to move from public participation and consultation to priority needs, activity selection, identification of preferences for qualifying population, housing production goals, and implementation strategies. This will be achieved through up to seven remote working sessions with Consortium staff. These sessions may include additional implementation partners as needed, such as CoCs, PHAs, and other stakeholders.

Cloudburst sees the activity selection process as a methodical series of choices and will support the Tri-Cities Consortium in making those decisions by supplying experts and providing suggestions based on experience and an understanding of HOME-ARP program requirements. Cloudburst will develop meeting agendas and any presentation materials to make the sessions effective. Cloudburst will facilitate each working session, bringing in the team's experts on housing models, qualifying populations, and implementation to

methodically develop a sound foundation for the eventual drafting of a HOME-ARP Allocation Plan that meets all the requirements. Following each session, Cloudburst will provide the Consortium with a summary of the topics discussed and outline action items.

Deliverable	Cloudburst Role	Consortium Role
Up to seven remote working sessions and summaries of each with key action items	Facilitate each working session to determine priority needs, activity selection, preferences, housing production goals, and implementation strategies. Provide the Consortium with a summary of each session with identified action items.	Participate in each working session and be the primary decision-maker in each part of the activity selection process.

Step 6: Plan Draft, Public Comment, Adoption, and Submittal to HUD

Cloudburst will draft each section of the HOME-ARP Allocation Plan based on the accumulation of qualitative and quantitative information discussed in Steps 2–5. Cloudburst will facilitate one remote working session to review the finalized plan and incorporate final edits based on this working session. The Tri-Cities Consortium will then receive a completed draft for one round of consolidated written review and comment. Cloudburst will incorporate any necessary edits and changes to the plan and provide the Consortium with a revised version that can be posted on each city’s website for public comment.

Following the 15-day public comment period, Cloudburst will update the HOME-ARP Plan to include a summary of any comments received on the final version of the plan. The team will provide the Consortium with both Microsoft Word and PDF versions that can be uploaded to the HOME-ARP Allocation Plan link on the AD-26 Administration screen of the 2021 Action Plan in the Integrated Disbursement and Information System (IDIS). Additionally, Cloudburst will support the Consortium in compiling the SF-424 forms and specific HOME-ARP combined certifications. Cloudburst will remain available for on-call support and TA during HUD’s review period for the HOME-ARP Plan.

It is anticipated that one Cloudburst staff member will be on-site for two days to deliver up to three in-person presentations—one to each city’s leadership/council. Cloudburst understands that not all city council meetings may occur in that window of time. Cloudburst will present remotely if unable to present in person. The team will prepare all materials for in-person presentations, including a PowerPoint presentation and supplemental data to be submitted to city leadership. Additionally, Cloudburst will facilitate one in-person meeting with key partners to discuss HOME-ARP implementation activities and HUD TA resources.

Deliverable	Cloudburst Role	Consortium Role
Draft and final versions of the HOME-ARP Allocation Plan	Draft each section of the HOME-ARP Allocation Plan and include rationales for decisions based on summaries from working sessions in Step 5.	Participate in the HOME-ARP Allocation Plan draft review working session and provide written feedback to the HOME-ARP Allocation Plan.
HOME-ARP presentations (one Cloudburst staff onsite) to each city council	Deliver up to three presentations to city leadership.	Schedule and publish notices for the public hearing.

One working session to discuss HOME-ARP implementation steps	Facilitate one in-person meeting on HOME-ARP Allocation Plan with implementation partners.	Participate in the meeting and support sending invites to participants.
Written summary of public comments	Summarize any comments received on the proposed HOME-ARP Allocation Plan during the public comment period and public hearing.	Publish the HOME-ARP Allocation Plan to the city website.

2. Methodology

Project Management Tools and Communication

The Project Manager will be responsible for reporting status updates to the Consortium on a routine basis, submitting monthly invoices with activity summaries, noting any deviations from the Work Plan, and ensuring that Consortium resources are confirmed in advance when participation is required to provide input, feedback, or review for Work Plan activities. Cloudburst manages all projects within a risk management framework where the Project Manager proactively identifies any planned risks that could impact deliverables and/or deadlines and identifies solutions or actions that work to mitigate risk in advance. For this proposal, the greatest foreseen risk is partnering successfully with a local organization to assist with the community engagement work. Working closely with Consortium staff, Ms. Jennings will use her experience to identify potential partners, solidify the contractual obligations, and create clear tasks and feedback loops. In the rare instance where a change to scope, cost, and schedule are needed, the Cloudburst contracts department will work with the client to negotiate a modification.

Data Collection and Consultation Methodologies

Cloudburst will analyze both quantitative and qualitative data to better understand the Consortium's qualifying populations, access to housing assistance and supportive services, and unmet needs. The team will gather this information through data analysis and consultations. Using Cloudburst's data analytics expertise and past performance conducting needs and gaps assessments, the team will use multiple analytical methods to identify trends, gaps, and unmet needs for the qualifying populations.

Due to the current COVID-19 pandemic, Cloudburst proposes conducting interviews and focus groups using a combination of on-site and virtual meetings. While interviews with local stakeholders could occur virtually, Cloudburst believes in-person interviews and focus groups may be more effective in other situations. For example, individuals with lived experience may feel more comfortable speaking to the project team if an interview were to take place in a familiar setting such as the location of a service provider or through an introduction from a local agency with ties to the community. Cloudburst will, therefore, coordinate with the Consortium to identify a local agency that could help the project team gather input and feedback from harder-to-reach groups within the qualifying populations.

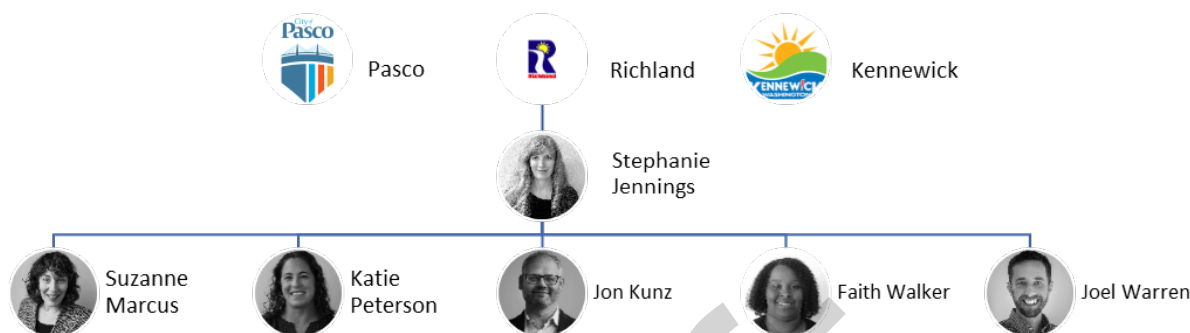
3. Team Organization

Cloudburst proposes the following staff to develop the Consortium's HOME-ARP Allocation Plan. The team, and the planned local outreach partner(s) working as subcontractors, will be managed and led by Stephanie Jennings who will serve as the primary point of contact to the Consortium and will lead a team of SMEs, data analysts, and stakeholder engagement specialists to carry out the tasks outlined in the scope. She will oversee team scheduling to ensure the Consortium receives high-quality deliverables on time and within scope and budget.

Cloudburst has structured its team to provide staff who are well-versed in the programmatic and regulatory challenges facing the Consortium. Cloudburst believes small teams that work closely with grantees throughout the engagement process develop a more complete understanding of the community conditions

and provide cost-effective results. The proposed team has worked together extensively, collaborating to design, plan, and implement a unified process that provides high-quality deliverables. Through the utilization of Cloudburst management systems and tools, Ms. Jennings will also coordinate schedules and keep Consortium staff informed of regular progress, a role that Ms. Jennings has effectively played in the past. The following staff chart outlines the structure of the team while the staff table indicates the team's qualifications and project roles.

Staff Chart



Staff Table

Staff	Stephanie Jennings, Sr. TA Advisor	Time Spent on Project	30%
Project Role	Project Manager and Affordable Housing SME	Time Spent on Other Projects	60%
- Act as primary point of contact and manage deliverables/timeline/ team performance. - Overall project oversight, including monthly invoicing reports and risk management protocols. - Conduct remote and on-site consultation and public participation.			
Qualifications & Experience			
Ms. Jennings has over 20 years of experience developing affordable housing and community development policies and programs. She served as Grants Manager for the City of Eugene, OR for 12 years where she managed a staff team responsible for planning and implementing HOME and CDBG programs. Previously, she served as a Housing Finance Analyst and was responsible for HOME Consortium management and project implementation. In 2020, Ms. Jennings started her own consulting firm to provide assistance with implementing housing and service programs, including work as a sub-consultant to Cloudburst. In January 2022, she joined Cloudburst as a Senior TA Advisor.			
Staff	Joel Warren, Sr. Analyst	Time Spent on Project	15%
Project Role	Community Engagement & Data Specialist	Time Spent on Other Projects	75%
- Conduct remote and on-site consultation and public participation. - Support development of Needs Assessment and Gap Analysis.			
Qualifications & Experience			

Mr. Warren is a nationally recognized expert in HUD program regulations and systems, including the eCon Planning Suite and IDIS, and is a frequent contributor to the development of tools and guidance published on the HUD Exchange to assist grantees in managing and reporting on HUD CPD programs. With more than 5 years of experience, Mr. Warren has served both HUD and state and local communities in the development of Consolidated Plans, Annual Action Plans, and fair housing objectives aimed at bringing community stakeholders from a variety of settings together to create impactful goals aiming to achieve a housing environment that is suitable, safe, and equitable. Mr. Warren is well versed in housing and socioeconomic data analysis, strategic planning, goal development, outcome measurement, and CPD program regulations and requirements.

Staff	Faith Walker, Jr. Analyst	Time Spent on Project	25%
Project Role	Project Coordinator	Time Spent on Other Projects	65%

- Provide support in collection and analysis of data.
- Support for project management activities.

Qualifications & Experience

Ms. Walker supports the development and implementation of TA projects for HUD-funded programs and direct engagements with state and local government clients in the areas of community development, homeless assistance, affordable housing, grants management, compliance, reporting, and planning. She provides TA to federally funded programs in the areas of compliance and capacity-building to address homelessness. Additionally, Ms. Walker is the coordinator for the HUD Coordinated Entry Equity Initiative, managing product development, facilitating schedules, and tracking community progress. Ms. Walker serves as an instructor for an HMIS Data Analytics course and has worked on a range of data analysis and visualization projects. Prior to joining Cloudburst, Ms. Walker worked with state and local governments to improve public infrastructure through the utilization and evaluation of emerging technological solutions

Staff	Jon Kunz, Sr. & Technical Management Advisor	Time Spent on Project	10%
Project Role	Strategic Planning Specialist	Time Spent on Other Projects	80%

- Support selection of eligible activities and implementation planning.
- Support development of Needs Assessment and Gap Analysis.

Qualifications & Experience

Mr. Kunz has more than 25 years of CPD experience and is a national expert in HUD CPD programs. He has trained thousands of grantees through HUD TA engagements and has supported the development of over 30 Consolidated Plans, Action Plans, AIs, and Consolidated Annual Performance and Evaluation Reports (CAPERs)/Performance Evaluation Reports (PERs). Mr. Kunz has worked with grantees of varying sizes, including Kent County and Grand Rapids, MI in the development of their regional HOME Consortium Consolidated Plan.

Staff	Katie Peterson, Sr. TA Provider	Time Spent on Project	5%
Project Role	Homeless Needs/Services SME	Time Spent on Other Projects	85%

- Provide guidance on qualifying populations in the areas of stakeholder engagement, the Needs Assessment and Gap Analysis, and eligible activities.

Qualifications & Experience

Ms. Peterson is an SME with over 10 years of experience with HUD programs as both a TA provider and former HUD Supervisory Management Analyst in the Chicago Field Office. She works alongside communities to prevent and end homelessness by providing TA to CoC grantees and ESG recipients; develops training, tools, and products; and advises on program design, strategic planning, and program effectiveness. Ms. Peterson built a Coordinated Entry system that housed over 5,000 homeless veterans, created housing solutions in HUD's public housing and multifamily programs for homeless households, and established a pilot program to provide housing choice vouchers to trafficking survivors—the first program in the nation to intentionally address housing issues for those who have experienced human trafficking.

Staff	Suzanne Marcus, Grants Management Specialist	Time Spent on Project	5%
Project Role	Domestic Violence SME	Time Spent on Other Projects	85%

- Provide guidance on qualifying populations in the areas of stakeholder engagement, the Needs Assessment and Gap Analysis, and eligible activities.

Qualifications & Experience

Ms. Marcus has more than 20 years of experience working at the intersection of domestic and sexual violence, homelessness, and housing. She served in key leadership roles on federal and local inter-agency task force initiatives. She has designed creative grants management solutions that leverage funding, including flexible funding solutions, between various federal grant programs to extend the reach and impact of domestic violence and housing programs. Ms. Marcus has authored leading guidance, policies, regulations, procedures, and practices for federally funded domestic violence grantees and stakeholders, and is an experienced trainer and TA provider on a range of safe housing topics, including housing protections for survivors afforded through the Violence Against Women Act (VAWA) and other federal laws.

4. Project Schedule

Cloudburst assumes the formal Notice to Proceed is April 7, 2022. Should Cloudburst be selected for the project and a Notice to Proceed is not provided by April 7, 2022, Cloudburst will discuss an adjusted schedule with Richland. The following Gantt chart reflects the tasks, workflow, and timeline described in the Work Plan.

Tasks	April 2022	May 2022	June 2022	July 2022	August 2022	September 2022	October 2022	November 2022
Step 1: Project Mobilization, Coordination, & Kickoff Activities								
Step 2: Initial Data Collection and Analysis								
Step 3: Stakeholder Consultation & Community Engagement								
Step 4: Unmet Needs, Service, & Housing Gaps Analysis								
Step 5: Eligible Activity Selection & Implementation Planning								
Step 6: Plan Draft, Public Comment, Adoption, and Submittal to HUD								

5. Cost

Cloudburst proposes a budget of \$81,246 to support the Tri-Cities Consortium in developing the HOME-ARP Allocation Plan. This estimate is based on our understanding of the RFP and the responses from Richland based on our inquiries. The cost is organized by task described in the Work Plan and contains hourly labor assignments, matching expertise to the task. This budget is illustrative. Cloudburst may substitute staff and adjust budgeted hours and/or rates within and/or between tasks provided that the overall project budget is not exceeded.

			Step 1: Project Mobilization, Coordination, & Kickoff Activities		Step 2: Initial Data Collection and Analysis		Step 3: Stakeholder Consultation & Community Engagement		Step 4: Unmet Needs, Service, & Housing Gaps Analysis		Step 5: Eligible Activity Selection & Implementation Planning		Step 6: Plan Draft, Public Comment, Adoption, and Submittal to HUD		TOTAL	
Team Member	Role	Rate	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Dollars
Stephanie Jennings	Project Manager & Affordable Housing SME	\$ 148	22	\$ 3,256	6	888	38	\$ 5,624	36	\$ 5,328	32	\$ 4,736	54	\$ 7,992	188	\$ 27,824
Joel Warren	Engagement & Data Specialist	\$ 108	4	\$ 432	14	1512	38	\$ 4,104	26	\$ 2,808	12	\$ 1,296	26	\$ 2,808	120	\$ 12,960
Faith Walker	Program Analyst	\$ 76	22	\$ 1,672	22	1672	18	\$ 1,368	16	\$ 1,216	14	\$ 1,064	23	\$ 1,748	115	\$ 8,740
Jon Kunz	Strategic Planning Specialist	\$ 173	5	\$ 865	2	346	3	\$ 519	11	\$ 1,903	12	\$ 2,076	6	\$ 1,038	39	\$ 6,747
Katie Peterson	Homeless Needs/Services SME	\$ 148	0	\$ -	4	592	3	\$ 444	15	\$ 2,220	4	\$ 592	6	\$ 888	32	\$ 4,736
Suzanne Marcus	Domestic Violence SME	\$ 148	0	\$ -	4	592	1	\$ 148	11	\$ 1,628	4	\$ 592	4	\$ 592	24	\$ 3,552
Cori Eriksen	Communications	\$ 76	0	\$ -	0	0	4	\$ 304	0	\$ -	4	\$ 304	14	\$ 1,064	22	\$ 1,672
Miyah Powe	Communications	\$ 76	0	\$ -	4	304	8	\$ 608	0	\$ -	0	\$ -	20	\$ 1,520	32	\$ 2,432
LABOR TOTAL			53	\$ 6,225	56	5,906	113	\$ 13,119	115	\$ 15,103	82	\$ 10,660	153	\$ 17,650	572	\$ 68,663
Travel				\$ -				\$ 3,283		\$ -		\$ -		\$ 1,703		\$ 4,987
Local Outreach Agency - Engagement Support				\$ -				\$ 5,535		\$ -		\$ -		\$ -		\$ 5,535
Reproduction/Materials/Teleconference				\$ 187		177		\$ 394		\$ 453		\$ 320		\$ 530		\$ 2,061
TOTAL				\$ 6,412		\$ 5,906		\$ 22,331		\$ 15,556		\$ 10,980		\$ 19,883	572	\$ 81,246

Key Budget Assumptions

Travel:

Step 3 site visit—Stephanie Jennings & Joel Warren on-site for two nights with rental cars.

Step 6 site visit—Stephanie Jennings on-site for two nights with a rental car.

Local Outreach Agency:

The \$5,535 line item includes the \$4,500 reserved to partner with a local agency and a 23 percent administration fee (\$1,035) for Cloudburst to manage the sub-contract. Cloudburst may utilize these funds should any outreach activities get pulled back internally.

Staff Resumes



STEPHANIE A. JENNINGS, Project Manager

EDUCATION

Master of Regional Planning, University of North Carolina at Chapel Hill, 1999

Master of Public Administration, University of North Carolina at Chapel Hill, 1998

BS Political Science & International Studies, Guilford College, 1996

SUMMARY OF EXPERIENCE

Stephanie Jennings has over 20 years of experience leading affordable housing and community development policy development, grant and loan programs, and cross-sector initiatives. Ms. Jennings specializes in the field-based knowledge of best practices in planning, housing policy, affordable housing development, public facilities, human/homeless services, fair housing, and cross-sector collaboration. She has significant direct experience with Consolidated Plans, Fair Housing Plans, CDBG, HOME, HUD Sustainable Communities, ARRA, CARES Act, and ARP funding. She is a team-oriented professional with strong strategic planning, coalition management, team supervision, project management, writing, presentation, and analytical skills.

PROJECT EXAMPLES

CDBG-CV Public Facilities Cohort, HUD

Provided technical assistance (TA) to a cohort of CDBG-CV grant recipients to advance CDBG-CV public facility projects. Developed materials, presented, and facilitated 12 training sessions as part of a team. Provided TA to participating entities to support their project planning and implementation including guidance on CDBG-CV and other regulatory requirements and best practices.

CDBG-CV Public Facilities Quick Guide and Presentation, HUD

Prepared a comprehensive TA quick guide to using CDBG-CV funds for a range of public facility projects. Delivered training at HUD CARES Act National Virtual Conference 2021.

HOME Training for Iowa, Iowa Housing Finance Agency (IFA)

Developed and delivered HOME training as part of a TA team for IFA staff. Training included multiple aspects of the HOME program including administration, rental housing development, homebuyer assistance and development, supporting Community Housing Development Organizations (CHDOs), and program monitoring.

On Demand Assistance, City of Ventura, California

Provided project review and underwriting assistance for HOME and CDBG-DR rental housing development projects for the City of Ventura to utilize over \$5 million in funding. Reviewed and revised HOME project underwriting and monitoring procedures.

WORK EXPERIENCE

1/22 - Present: Sr. Technical Assistance Advisor, The Cloudburst Group, Landover, MD

Provides TA to local jurisdictions and states to strategically utilize federal resources to implement successful affordable housing, fair housing, human service, and community development programs using CDBG, CDBG-CV, HOME, and HOME-ARP funds. Provides support to assess and prioritize community needs, allocate federal funds, build grantee and partner capacity, create programs, and successfully implement real estate development projects.

8/20 - 12/21: Director, Abode Community Consulting, Eugene, OR

Provided consulting assistance to public and philanthropic funders to help create and implement successful affordable housing, community development, and financial capability programs. Created TA tools and trainings on HUD funds including HOME, CDBG, CDBG-CV, and CDBG-DR as a subconsultant with The Cloudburst Group. Participated on consultant teams to develop quick guides, hold training webinars, answer questions, and create toolkits for HUD entitlement jurisdictions and grantees. Provided tailored trainings and program support to specific states and entitlement jurisdictions. Facilitated a one-year housing and financial stability initiative with ten participating social service and affordable housing organizations on behalf of the Lane Community Health Council. Researched, developed, and delivered monthly trainings on assessing financial and housing stability programs, boundary spanning leadership, collective impact, and coalition building.

1/09 - 2/20: Grants Manager, Community Development, City of Eugene, OR

Led the City's team for affordable housing development, community development, and human service programs including policy development, management of federal and local resources, regulatory compliance, ongoing relationships with community partners, and communication with City leadership and elected officials. Led the strategic planning and allocation process and use of over \$35 million in HUD funds including CDBG, HOME, and American Recovery and Reinvestment Act funds. Facilitated affordable housing discussions with the City Council, intergovernmental boards and commissions, and multiple City Advisory Committees. Collaborated with local and statewide entities to advance affordable housing and community development programs.

1/11 - 6/14: Project Manager, Lane Livability Consortium

Served as Project Manager for the Lane Livability Consortium, a collaboration of 12 agencies created to implement regional initiatives among housing, public health, transportation, and economic development. Supervised a team of five people to implement innovative programs for affordable housing development, fair housing, land acquisition, housing preservation, social service operations and capital facilities, homelessness prevention, and homebuyer assistance. Ensured compliance with federal environmental review, acquisition, and relocation for all programs using federal CDBG and HOME funds.

11/05 - 12/08: Housing Finance Analyst, City of Eugene, OR

Served as staff lead for housing policy development and analysis at the local, state, and federal levels on a wide range of affordable housing issues.

5/01 - 5/05: Manager, National Initiatives, Fannie Mae Foundation, Washington, D.C.

7/00 - 5/01: Research Fellow, Program Development

6/99 - 7/00: Program Associate, Program Development

Served as Program Officer and Project Manager for a wide range of programs and initiatives seeking to advance national policy, practice, research, and organizational effectiveness related to affordable housing and community development. In this capacity, she:

- Managed over 65 grants and loans totaling over \$4 million to national and local nonprofits engaged in affordable housing production and preservation, policy, and research. Reviewed proposals, conducted site visits, structured grants, prepared recommendations, negotiated outcomes, and assessed progress.
- Managed the Foundation's University-Community Partnership Initiative, a \$5 million multi-year initiative.
- Supported the formation and execution of a \$14 million multi-year strategy to advance the nation's most effective regional and national affordable housing developers, counseling agencies, and financiers.
- Created and executed the funding strategy for reusing vacant land and abandoned properties which created a national technical assistance network and two best practices studies on state and local strategies.
- Served on the Board of the Funders' Network for Smart Growth and Livable Communities and advanced a suite of grants to link affordable housing and planning issues.



JOEL WARREN, Community Engagement & Data Specialist

EDUCATION

M.S.W, Macro Social Work, Catholic University of America, 2017

B.S., Applied Psychology, University of Michigan - Flint, 2012

SUMMARY OF EXPERIENCE

Joel Warren has 7 years of housing and community development experience, during which time he has worked as a Case Manager in a Permanent Supportive Housing program for veterans. With Clodburst, Mr. Warren supports HUD grantees in the development of their five-year Consolidated Plan and fair housing objectives aimed at bringing community stakeholders from a variety of settings together to create impactful goals aiming to achieve a housing environment that is suitable, safe, and equitable. Mr. Warren also supports communities as they operate in HUD online systems such as IDIS and the eCon Planning Suite. Mr. Warren has experience in data and system analysis, strategic planning, goal development, community engagement, outcome measurement, and CPD program regulations and requirements.

Examples of Joel Warren's experience are provided below.

Consulting Services: Analyst, Clodburst Consulting Group. Mr. Warren has provided data collection, entry and analysis for all sections of the Consolidated Plan for states, local governments, regions, and consortia. Mr. Warren excels at working alongside communities to develop Strategic Plan Goals and Priority Needs based on data analysis and input from impacted communities. Contact: Rob Sronce, Clodburst Consulting Group, 530-341-3282

Incorporating Fair Housing into eCon Planning Suite, Analyst, Clodburst Consulting Group. Mr. Warren assisted in developing guidance on how jurisdictions should incorporate Fair Housing goals into their Consolidated Plans and Annual Action Plans within the eCon Planning Suite. This guidance consisted of developing a matrix tool to increase effectiveness and clarity when integrating AFH goals into the IDIS template. Similarly, Mr. Warren has experience gathering and analyzing demographic data, group discussion outcomes, fair housing complaint data, and data trends to inform the development of fair housing goals. Contact: Rob Sronce, Clodburst Consulting Group, 530-341-3282

Community Outreach and Individual Case Management, Community Connections. As a veteran and a member of the Veteran's Team at a mental health core service agency, Mr. Warren conducted community outreach aimed at keeping veterans engaged in services. At the community level, Mr. Warren worked with local non-profits to understand processes and norms, building rapport and trust between organizations based on shared goals. At the individual level, Mr. Warren engaged with homeless veterans and those veterans receiving agency services.

EMPLOYMENT HISTORY

05/20 - Present: Senior Program Analyst, The Clodburst Group, Landover, MD.

Provides direct support to grantees in developing Consolidated Plans, including oversight of data gathering, analysis, community outreach, organizational consultations, and drafting the Consolidated Plan. Mr. Warren has experience developing data tools, performing detailed analyses, and creating strategic plans.

10/17 – 04/20: Program Analyst, The Clodburst Group, Landover, MD. Responsibilities include providing system based technical assistance to HUD grantees, conducting data analytics on HUD program and system information, and assisting grantees to develop Consolidated Plans, Assessments of Fair Housing, and other planning documents.

6/15 – 9/17: Facilities Maintenance Analyst, National Park Service, Washington, DC. Responsibilities included the management and oversight of property, equipment, and labor database records used to track and

project park costs and facility condition status. Developed a quality workflow system to maintain park assets resulting in efficient use of contractor and park labor personnel.

8/16 – 6/17: Government Research Fellow, Food Research & Action Center, Washington DC. Synthesized complex government reports and data on federal programs to effectively communicate with program delivery agencies at the state and local levels. Created briefs for audiences, simplifying in-depth Congressional hearings and reports for use by research and advocacy organizations across the country.

8/14 – 5/15: Veterans Housing Case Manager, Community Connection, Washington, DC. Assisted clients of the Permanent Supportive Housing program in the search for adequate housing suitable to their needs. Worked directly with clients to attain client-identified goals. Analyzed HMIS program data to identify client trends and possible programmatic gaps, leading to the formation of new outreach efforts and program supplements.

9/13 – 6/14: Medical Support Assistant, Dept. of Veterans Affairs, Reading, PA. Supported a team of primary care providers, social workers, and psychologists in carrying out thoughtful and quality health care for veterans. Counseled veterans on benefits available and patients' rights leading to a health care setting where patients were educated on all options available to them regarding their health care.

4/12 – 6/13: Research Coordinator, AmeriCorps VISTA, Anchorage, AK. Conducted market research to create a business plan for an agricultural subsidiary of a Boys & Girls Club. Maintained the State of Alaska's Summer Food Service Program (SFSP) website through collaboration with all Anchorage based service sites, allowing children and families to easily access program distribution locations.

Draft

FAITH WALKER, Program Analyst

EDUCATION

Bachelor of Science, International Affairs, Georgia Institute of Technology, 2019

SUMMARY OF EXPERIENCE

Faith Walker is a Junior Analyst who works within the Housing and Community Development practice area. In her role Ms. Walker provides support for the development and implementation of technical assistance projects for HUD-funded programs and direct engagements with state and local government clients in the areas of community development, homeless assistance, affordable housing, grants management, compliance, reporting and planning. Prior to joining Cloudburst, Ms. Walker worked with state and local governments to improve public infrastructure through the utilization and evaluation of emerging technological solutions. Ms. Walker has a B.S. in International Affairs with a minor in Global Development from Georgia Institute of Technology.

Examples of Ms. Walker's project experience are provided below.

Website Design and Branding, Business Development Consultant, Employer: Strategic Leadership Forum. Ms. Walker worked to develop, maintain, and publish the main website of an emerging woman and minority-owned small business. *Contact: Wanda Walker, Strategic Leadership Forum, 301-882-2220*

Automated Incident Detection Cameras, Georgia Department of Transportation, Intelligent Transportation Systems Intern, Employer: AECOM. Ms. Walker conducted quantitative and qualitative analysis to determine the number of necessary cameras needed within the given project scope. Ms. Walker configured the software of the cameras and evaluated their performance. This \$2.1 million project was successfully implemented and deployed automated incident detection cameras for the first time in the state of Georgia. *Contact: RJ Surgi, AECOM, 770-331-0357*

Terminal Site Upgrades, Georgia Department of Transportation, Project Engineering Intern, Employer: AECOM. Ms. Walker drafted a Front-End Engineering Design (FEED) study to identify the main costs and evaluate potential risks of project upgrades. In addition, Ms. Walker drafted the initial project designs for the successfully commissioned project totaling \$250,000. If the project is completed include a description of the result or impact. *Contact: Brian Phillips, Motiva Enterprises LLC, 713-854-6932*

EMPLOYMENT HISTORY**9/20 – Present: Junior Analyst, Cloudburst Consulting Group Inc., Landover, MD.**

Responsibilities include providing administrative and general support for various project teams including the coordination of product development, the development of business proposals, and the tracking and reporting of monthly project statuses and budgets.

6/19 – 5/20: Business Development Consultant, Strategic Leadership Forum, Upper Marlboro, MD.

Responsibilities included creating a public-facing company website, identifying opportunities to improve the quality and efficiency of branding and marketing materials, and producing training resources for non-profit clients.

6/19 – 5/20: Intelligent Transportation Systems Intern, AECOM, Atlanta, GA.

Responsibilities included planning, designing, evaluating, and documenting the performance of communications networks, physical infrastructure, and data facilities.

6/19 – 5/20: Project Engineering Intern, Shell Oil Company, Houston, TX.

Responsibilities included coordinating multiple projects, drafting project proposals, and researching background materials.

SKILLS

R, STATA, Tableau, Qualtrics, Website Design, Project Management, Presentation Design, Training and Development.

HONORS, AWARDS AND FELLOWSHIPS

2016 Georgia Tech Idea's to Serve Competition. 2nd Place.

Draft

JONATHAN KUNZ, Strategic Planning Specialist

EDUCATION

MCP, Urban Studies and Planning, Massachusetts Institute of Technology, 1991

B.A., Economics, St. Lawrence University, 1985, magna cum laude, Phi Beta Kappa

SUMMARY OF EXPERIENCE

Mr. Kunz has over 25 years of experience in improving the capacity of public agencies and nonprofit organizations to effectively provide affordable housing and community development services to their constituents. Mr. Kunz has led Community Planning and Development (CP) practices, overseeing a broad range of planning, training, technical assistance (TA) and evaluation activities related to HUD funded community development, affordable housing, and economic development programs. He is a nationally-recognized expert in HUD CPD planning, financial and reporting systems including the Integrated Disbursement and Information System (IDIS), serving as a curricular designer and national trainer in the rollout of the Consolidated Plan, IDIS, and the eCon Planning Suite. He continues to work directly with HUD on data analytics, with a focus on using HUD reporting and financial systems on grantee risk and performance analysis across CPD programs.

EMPLOYMENT HISTORY

2017-Present, Senior Technical and Management Advisor, The Cloudburst Group, Landover, MD. Serves as subject matter expert and provides senior management on Data Analytics, Grants Management, and CPD projects across the practice area.

- **CDBG-CV and CARES Act:** Provides TA, develops guidance on CDBG-CV to respond to COVID-19, and responds to grantee questions on the CDBG-CV Ask-A-Question (AAQ) help desk. Develops quick guides and materials on CDBG-CV for emergency rental assistance, public facility improvements, and annual performance and financial reporting. Provides quality assurance testing for the development of a national quarterly CDBG-CV performance report.
- **Data Analytics:** Manages validation, analysis, and customer support on HUD CPD programs. Oversees and supports the development of risk-indicators and grants management dashboards, analysis of risk and program performance data, data validation and cleanup initiatives, and grants management system evaluations.
- **IDIS TA and Training:** Provides TA for CDBG, CDBG-CV, HOME, and ESG grantees, including troubleshooting, reconciliation, financial management, and accomplishment reporting.
- **Consolidated Planning:** Develops and manages projects for the development of tools and resources for CPD grantees on the Consolidated Plan and IDIS, including e-learning products and webinars. Works directly with grantees to develop Consolidated Plans, Analysis of Impediments (AI), and other planning documents.

2008 - 2017: Project Director, The Cloudburst Group, Landover, MD.

Directed national TA and evaluation projects for HUD including:

- **Community Compass and OneCPD Technical Assistance:** Led Cloudburst's CPD portfolio, overseeing a broad range of planning, training, TA and evaluation activities related to HUD CPD programs. Ensured high-quality services across multiple federal and local government contracts and cooperative agreements. Led on-site TA engagements across the nation. Oversaw or participated in the development of live and virtual curricula, system and data evaluation, national AAQ responses for HUD, and Consolidated Plans and AIs.
- **College of Experts:** Managed and provided TA to Community Development Departments on CDBG, HOME and Homeless Entitlement funds.

- **CDBG Community Development TA (CD-TA Program);** Led remote and in-person training sessions for CDBG grantees on HUD programs and cross-cutting regulations.
- **ESG Data Cleanup and Analysis:** Supported HUD's Office of Special Needs Assistance Programs (SNAPs) to improve financial and performance data quality, especially related to the Emergency Shelter Block Grant (ESG) and Homelessness Prevention and Rapid Re-Housing Program (HPRP). Performed data analysis, developed data integrity tests, provided TA to HUD field offices and grantees, and developed programmatic guidance. Developed business rules and provided Quality Assurance testing for IDIS OnLine, a re-engineered version of the legacy IDIS.

2002 - 2008: Independent Consultant, Cedar, MI. Provided affordable housing and community development consulting services including strategic planning and program management for HUD entitlement communities. Program management services include preparation of Consolidated Plans and Action Plans, Performance Measurement, development of Consolidated Annual Performance and Evaluation Reports (CAPER), IDIS training and TA, CDBG policies and procedures, and OMB requirements.

2004 - 2008: The QED Group, LLC, Washington, DC/Cedar, MI. Provided analysis, system design, TA, and other support to HUD's Office and HIV/AIDS Housing and Office of Block Grant Assistance to improve performance outcome measurements.

1999 - 2002: Program Director/Managing Director, Housing and Community Development Practice, TONYA, Inc, Washington, DC. Led a team of 20 staff to provide project management, facilitation, management, and TA services to HUD, state and local governments, nonprofits, and Public Housing Authorities throughout the nation. Provided expertise in affordable housing, homelessness services, economic and community development, and program management. Worked with the Executive Team on strategic planning and directed a Consolidated Planning contract with HUD.

1997 - 1999: Project Manager, IDIS Training, TONYA, Inc, Washington, DC. Led the national conversion of over 1,000 HUD entitlement communities and state grantees to IDIS. Conducted hands-on training and TA in all 50 states and US territories for over 4,000 IDIS users. Developed the curriculum, prepared training materials and exercises, and ensured training reflected evolving policy and system enhancements. Trained staff and managed conference and computer logistics. Led team in development of interactive computer-based training application that was distributed to all CPD entitlement grantees.

1994 - 1997: Field Service Manager, TONYA, Inc, Washington, DC. Managed and implemented a variety of HUD CPD projects. Coordinated TA for HUD field offices and their constituents on HOME and CDBG. Conducted Consolidated Plan software training sessions; managed HUD CPD national symposiums. Developed materials and provided TA on Consolidated Planning, the Consolidated Planning Software/MapInfo, IDIS, HOME, CDBG, SHP, LIHPHRA, HOPE III, system integration, and strategic planning.

1991 - 1994: Program Specialist/Budget Analyst, Community Based Organization and Affordable Housing Training and Technical Assistance Project, TONYA, Inc, Washington, DC. Developed training curriculum and materials to introduce community-based nonprofit organizations to the 1990 National Affordable Housing Act (NAHA), including CDBG, HOME, LIHPHRA, HOPE III. Coordinated TA programs for community-based organizations and resident councils.



KATIE PETERSON, Homeless Needs/Services Subject Matter Expert

EDUCATION

J.D., University of Denver Sturm College of Law, 2008

B.A., Sociology, Lehigh University, 2001

SUMMARY OF EXPERIENCE

Katie Peterson is a Subject Matter Expert who works alongside communities to prevent and end homelessness by providing technical assistance (TA) to Continuum of Care (CoC) grantees and Emergency Solutions Grant (ESG) recipients; developing training, tools, and products; and advising on program design, strategic planning, and program effectiveness. Ms. Peterson has more than a decade of experience with HUD programs. She built a Coordinated Entry system that housed over 5,000 homeless veterans, created housing solutions in HUD's public housing and multifamily programs for homeless households, and established a pilot program to provide housing choice vouchers to trafficking survivors, the first program in the nation to intentionally address housing issues for those who have experienced human trafficking. Additionally, Ms. Peterson collaborated with federal and state agencies to oversee housing recovery planning and response to disasters in a six-state region and update a major seismic zone earthquake plan. Ms. Peterson deployed and worked in disaster recovery centers and joint field offices following Hurricanes Sandy and Harvey.

Examples of Katie Peterson's project experience are provided below.

Stimulus Response Core Team, S1 Coordinator, Employer: The Cloudburst Group. Provides on-call support to 10 coaches working to implement rehousing strategies in large cities across the country. Works as an Assistant Coach in Southern Nevada to implement a large housing surge. *Contact: William Snow, U.S. Department of Housing and Urban Development, 202-402-4541*

C19 Disaster Response, Resource Curator, Employer: The Cloudburst Group. Served as the resource curator for C19 coaches and coordinators to research and compile federal, state, and local COVID-19 resources. Created and maintained the Disaster Response Rehousing Website to serve a resource of TA-created documents, HUD partner resources, and community examples.

Merger Technical Assistance, Project Lead, Employer: The Cloudburst Group. Facilitated discussions in Maryland to create a Balance of State Continuum of Care (CoC) from five smaller CoCs. Successfully merged a defunct CoC in Arkansas into the Balance of State CoC and worked to increase capacity and effectiveness. *Contact: William Snow, U.S. Department of Housing and Urban Development, 202-402-4541*

Shared Housing Module, Lead, Employer: The Cloudburst Group. Researched and created a module on HUD Regulations around Shared Housing. LeSar Development is using the module in their 10-part Shared Housing training around the country. *Contact: Jamie Taylor, LeSar Development, 860-716-7392*

Chicago's Ending Veteran Homelessness Initiative (EVHI), Co-Chair Leadership Team, Employer: U.S. Department of Housing and Urban Development. Co-chaired the EVHI initiative to help create the Coordinated Entry system for the homeless veteran population. Allocated resources, removed barriers, and designed system policies to house more than 5,000 homeless veterans while leading a cross-functional team of over 30 organizations from private and public sector agencies. *Contact: Jim Cunningham, U.S. Department of Housing and Urban Development, 312-913-8139*

Human Trafficking Survivor Pilot, Lead, Employer: U.S. Department of Housing and Urban Development. Initiated, designed, and led the first pilot in the nation to pair HUD housing and HHS resources for human trafficking survivors. Negotiated with the Chicago Housing Authority to set aside 60 HCVs for trafficking survivors obtaining services from HHS grantees. *Contact: Jim Cunningham, U.S. Department of Housing and Urban Development, 312-913-8139*

New Madrid Seismic Zone, Housing Recovery Support Function (RSF) Lead, Employer: U.S. Department of Housing and Urban Development. Collaborated with FEMA, federal agencies, and state agencies to update New Madrid Seismic Zone Plan to proactively prepare seven states for response to a large earthquake.

Multifamily Homeless Preference, Lead, Employer: U.S. Department of Housing and Urban Development. Lead Chicago team to develop a homeless preference marketing campaign to HUD multifamily owners and agents. Established a referral process with community partners, created sample documents used by TA providers in toolkit, presented to owners and agents, and trained other cities in best practices and lessons learned.

Home for the Holidays, Lead, Employer: U.S. Department of Housing and Urban Development. Directed Home for the Holidays event housing 52 homeless veterans in one day. Managed over 20 agencies to solicit landlords, pre-inspect units, create event process maps, and manage donations for lunch, furniture, and gift certificates for the housed veterans.

Region V Mayors' Challenge conference, Lead, Employer: U.S. Department of Housing and Urban Development. Designed and hosted a conference to showcase best practices around housing homeless veterans for 56 attendees from six states.

EMPLOYMENT HISTORY

5/19 – present: Subject Matter Expert, Cloudburst Consulting Group Inc, Landover, MD.

Responsibilities include providing TA to CoC grantees, developing training, tools, and products, and advising communities on program design, strategic planning, and program effectiveness.

3/16 – 6/19: Supervisory Management Analyst, U.S. Department of Housing and Urban Development, Chicago, IL. Responsibilities included advising and working with cities in Region V to end homelessness as the Regional Homeless Liaison, creating and leading the Human Trafficking Survivor Pilot, managing and overseeing the housing recovery planning and response to disasters in Region V as the Regional Disaster Liaison, facilitating the strategic plan for the Chicago Regional Office, and supervising staff. Deployed to Texas to co-manage Joint Field Office after Hurricane Harvey and collaborated with FEMA and other federal agencies to update New Madrid Seismic Zone Plan.

8/12 – 3/16: Sr. Management Analyst, U.S. Department of Housing and Urban Development, Chicago, IL. Responsibilities included leading the Multifamily Homeless Preference project, managing the Home for the Holidays event, facilitating and hosting the Region V Mayors' Challenge conference, serving as the Regional Disaster Liaison, and deploying to Long Island after Hurricane Sandy to work at a disaster recovery center.

8/08 – 8/12: Sr. Management Analyst, U.S. Department of Housing and Urban Development, Hartford, CT. Participated in the Presidential Management Fellowship program, oversaw website content for HUD State of Connecticut pages, monitored American Recovery and Reinvestment Act (ARRA) grantees, served as the CT Sustainable Communities Liaison, and managed a project to include HUD-assisted units in Connecticut's Weatherization Assistance Program.

Suzanne Marcus, Domestic Violence Subject Matter Expert

EDUCATION

M.S., Nonprofit Management, Robert J. Milano Graduate School of Management and Urban Policy, New School University, New York, NY, 2004

B.A., Women's Studies, University of Maryland at College Park, 1998

SUMMARY OF EXPERIENCE

Ms. Marcus has more than 20 years of experience working at the intersection of domestic and sexual violence, homelessness, and housing. She served in key leadership roles on federal and local inter-agency task force initiatives and has designed creative grants management solutions that leverage funding, including flexible funding solutions, between various federal grant programs to extend the reach and impact of domestic violence and housing programs. Ms. Marcus has authored leading guidance, policies, regulations, procedures, and practices for federally funded domestic violence grantees and stakeholders and is an experienced trainer and technical assistance (TA) provider on a range of safe housing topics, including housing protections for survivors afforded through the Violence Against Women Act (VAWA) and other federal laws.

Examples of Suzanne Marcus' project experience are provided below.

Domestic Violence Bonus Project, U.S. Department of Housing and Urban Development (HUD), Director of Partnerships and Community Engagement, Employer: National Alliance for Safe Housing. Supported the creation of the Domestic Violence Bonus Project in HUD's Continuum of Care (CoC) Notice of Future Award (NOFA) and drafted language on safe housing program elements of the Domestic Violence Bonus Project to be included in the grant solicitation; co-created clarifying written documents and webinars to encourage victim service programs to respond to the HUD NOFA; and provide ongoing TA to support grantee success on such topics as VAWA compliance; trauma-informed coordinated entry; and developing partnerships with the homeless and victim service sectors.

Domestic Violence and Housing Technical Assistance Consortium, Director of Partnerships and Community Engagement, Employer: National Alliance for Safe Housing. Collaborated with national TA partners and federal funders, including U.S. Department of Housing and Urban Development (HUD), Department of Justice (DOJ) and Department of Health and Human Services (HHS), to advise on policy and practice topics at the intersection of domestic and sexual violence, homelessness, and housing. Activities included: delivering webinar trainings; developing FAQs, toolkits, and issue briefs; and presenting training on emerging models, evaluation research and national best practice to intervention and prevention programs that address violence against women and housing.

Technical Assistance Tools and Products, Director of Partnerships and Community Engagement, Employer: National Alliance for Safe Housing. Co-authored the first comprehensive toolkit on how to develop, build, and operate permanent supportive housing for survivors of domestic violence. Conducted community assessments, including evaluating grantee performance and compliance, by engaging survivors and stakeholders in the development of survey tools, conducting listening sessions and stakeholder interviews, and generating policy recommendations to facilitate the alignment of victim services and homeless/housing systems to advance racially equitable safe housing options for survivors. Worked with over 50 federal, state, and community-based housing program directors, administrators, researchers, and funders through the creation and on-going coordination of a national peer network in support of providing financial assistance (flexible funding) to promote economic self-sufficiency and housing stability for survivors. Shared innovative practices, model policies and procedures, survivor outcomes and implementation barriers among network members to promote the full potential of flexible funding, particularly as it relates to addressing COVID-specific needs.

EMPLOYMENT HISTORY

11/21 – Present: Grants Management Specialist, The Cloudburst Group Inc., Landover, MD. Provides grants management support to the U.S. Department of Health and Human Services (HHS) Family Violence

Prevention Administration's (FVPSA) grants programs. Works with the HHS FVPSA Director and the HHS Director for the Division of Family Protection and Resilience Grants to create and implement grants management training, materials, and an overall TA strategy to promote effective grants management for FVPSA grantees. Co-facilitates monthly internal grants management roundtable discussions to generate strategies for identifying and tracking grantee TA needs, as well as strengthening grantee skills and abilities to effectively manage multiple funding streams. Leads the development of written guidance and training tools to FVPSA grantees in line with program regulations and requirements. Designs, implements, and evaluates dynamic training on federal code, internal controls, and other key grants management topics for FVPSA grantees and subgrantees.

10/14 – 10/21: Director of Partnerships and Community Engagement, National Alliance for Safe Housing, Washington, DC. Provided TA to DOJ, HUD, and HHS grantees and other stakeholders on a variety of grant management policies, regulations, procedures, and practices that support compliance with safety, confidentiality, and housing protections afforded to survivors through the Violence Against Women Act (VAWA), Americans with Disabilities Act (ADA), Fair Housing Act and other topics including the planning, development and implementation of survivor-centered, racially equitable housing models; innovative safe housing practices; and funding opportunities.

3/07 – 9/13: Co-founder and Deputy Director, District Alliance for Safe Housing, Washington, DC. Developed and implemented an innovative safe housing nonprofit program for domestic violence, dating violence, sexual assault, and stalking survivors that continues to serve as a model for the field. Analyzed community needs and best practices and developed the organizational mission, goals, funding strategy, and program and staffing structure. Developed policies, procedures, and training to ensure that grant rules and regulations were consistently applied. Program services included emergency and transitional housing, housing subsidies, community-based housing advocacy, and cash assistance as homelessness prevention. An evaluation of the program found that it helped 96% of survivors maintain housing stability after six months.

9/05 – 7/07: Program Director, Lang House, Safe Horizon, New York, NY. Managed a transitional housing program for survivors of domestic violence and their children. Oversaw resident intake, resident services, adherence to City and State regulations and grant rules, and management of billing and budgeting. Developed collaborations with community-based organizations and funders. Designed and implemented survivor informed programming and advocacy. Developed and implemented an accessible mental health program for survivors and their children through establishing a partnership with a community-based mental health center to provide residents with on-site, long-term counseling. Participated in a shelter-wide policy workgroup to review and evaluate policies.

6/04 – 7/05: Program Analyst, Vera Institute of Justice, New York, NY. Supported TA projects to build the capacity of service providers to address violence against women with disabilities. Coordinated TA engagements and authored materials for jurisdictions to improve the criminal justice system response to domestic violence.

D. Related Project Experience/References

1. Recent Experience

Cloudburst possesses the skills and expertise to best support the Tri-Cities HOME Consortium in the development of its HOME-ARP Allocation Plan. The team's skills and expertise have been acquired through directly administering CPD programs as grantees, overseeing programs as HUD staff, and delivering TA and training to grantees across the country. Cloudburst's familiarity with various facets of HUD CPD programs and first-hand knowledge of the challenges grantees currently face enables the team to meet the Consortium where they are. As seasoned TA providers adept at translating HUD rules and regulations for grantees, Cloudburst knows that the team can support the Consortium in enhancing the reach and impact of its CPD programs.

Within the past five years, Cloudburst has worked with several communities to develop needs and gaps analyses to identify unmet needs for people experiencing or at risk of experiencing homelessness. For example, the team assisted Clallam County Health and Human Services by conducting a Homeless Needs and Gaps Assessment to identify model programs and outline actionable recommendations for the county to improve outcomes for individuals experiencing homelessness. Currently, Cloudburst is partnering with Berk Consulting to provide projections for permanent supportive housing, emergency shelter, and housing affordability by income level for the State of Washington Department of Commerce. Drawing on HMIS and administrative data, these projections will be broken down for each county over the next ten years and include estimations for special housing population needs, such as people with disabilities.

In addition to Cloudburst's experience developing needs and gaps analyses, the team has also worked extensively with HOME consortia on planning and assessment documents involving HOME funds including Consolidated Plans, Annual Action Plans, Assessment of Fair Housing Plans, AIs, and HOME policy and procedure manuals. Within the past five years, Cloudburst has assisted seven unique HOME consortia with the development of their Consolidated Plans, Annual Action Plans, and/or AIs including Eugene and Springfield, OR; King County, WA; Marion County, FL; North Suburban Consortium, MA; Tri-Cities Consortium, WA; Stanislaus Urban County/Turlock, CA; and Ventura County, CA. Through these experiences, Cloudburst recognizes the importance of maintaining collaborative relationships with multiple jurisdiction members and their stakeholders. Cloudburst also understands the nuance and intricacy that comes with developing priority needs and aligning strategic goals within a HOME Consortium.

2. References for Similar Services

Project	Project Manager	Budget
Auburn, WA Community Needs Assessment	Joel Warren	\$23,878
Client Contact	Original Schedule	Completed Schedule
Joy Scott 25 W Main Street, Auburn, WA 98001 jfscott@auburnwa.gov 253-876-1965	May–December 2019	May–December 2019

Relevant Project Highlights
- Analyzed budget and outcomes data to gain a deeper understanding of the community, its needs, and gaps in human services. - Organized a comprehensive in-person and remote outreach strategy including focus groups, interviews, and online surveys to collect input from stakeholders, service providers, and persons with lived experience. - Synthesized quantitative and qualitative information to assess unmet needs and service gaps and then worked with the city to prioritize funding decisions based on available resources.
Summary of Services Provided
Cloudburst worked with the City of Auburn’s Human Services Committee to develop a Community Needs Assessment as a decision-making tool within the human service funding process that would ultimately aid council and committee members in their efforts to utilize funds to create the most impact. The team analyzed data on a variety of topics including demographic, income, housing, workforce, community development, healthcare, and education to paint a detailed picture of the community profile. Cloudburst also facilitated focus groups and interviews with human service providers and persons with lived experience, distributed online surveys, and conducted phone interviews with program staff to gather valuable input on unmet needs and service gaps. Together with the data analysis, this information allowed the team to assist the city in prioritizing human services funding based on the most pressing needs facing the community.

Project	Project Manager	Budget
Clallam County Homeless Needs and Gaps Analysis	Scott Pruitt	\$61,822
Client Contact	Original Schedule	Completed Schedule
Jenny Oppelt Behavioral Health & Homelessness Program Coordinator Clallam County Health & Human Services 111 E. 3rd Street, Port Angeles, WA 98362 joppelt@co.clallam.wa.us 360-417-2431	February–June 2021	February–June 2021
Relevant Project Highlights		
- Analyzed HMIS data and conducted interviews with local providers and people experiencing homelessness. - Provided a final presentation on the report, its findings, and the team’s recommendations to the county’s Board of Health and Homeless Task Force.		

Summary of Services Provided

For Clallam County Washington Health and Human Services, Cloudburst conducted a **Homeless Needs and Gaps Assessment**. This included a complete analysis of local HMIS data, interviews with current homeless system clients, a provider survey that included all homeless system partners, and in-depth discussions with provider agencies. The project applied an equity lens to the mix of services currently being funded by the county, identifying gaps for specific subgroups, including people with disabilities, and disparate outcomes for people of color. The report, which was presented to the Board of Health and Homeless Task Force, identified model programs and specific recommendations for the county to close service gaps, improve coordination, and create equitable outcomes for all individuals experiencing a housing crisis in the county.

Project	Project Manager	Budget
2020–2024 Regional Consolidated Plan and Analysis of Impediments to Fair Housing Choice for the Ventura County HOME Consortium	Laura Detert	\$151,947
Client Contact	Original Schedule	Completed Schedule
Tracy McAulay, Management Analyst Community Development Division 800 S. Victoria Avenue, L#1940, Ventura, CA 93009 805-662-6792 tracy.mcaulay@ventura.org	May 2019– September 2020	May 2019– September 2020
Relevant Project Highlights		
- Coordinated a public outreach strategy that consulted over 120 entities and consisted of six community meetings with residents, six stakeholder meetings, three focus groups, and two online surveys. - Organized a remote meeting with homeless service providers to identify local data sources and develop an inventory of resources serving the region’s homeless population. - Incorporated data analysis and stakeholder input into succinct recommendations to guide housing and community development investments in each member’s Consolidated Plan and address the obstacles to fair housing identified in the countywide AI. - Presented a high-level overview of the data analysis—including charts, maps, tables, and other data visualizations—to county staff. - Drafted the Consolidated Plan and AI for Ventura County and helped each entitlement community align the language used in their Strategic Plans to achieve a unified framework within the Consortium.		
Summary of Services Provided		
Cloudburst worked with Ventura County, a multi-jurisdictional CDBG entitlement jurisdiction and HOME Consortium in California, to develop its 2020–2024 Regional Consolidated Plan and AI. The team coordinated an extensive public outreach campaign to gather feedback from a diverse group of residents and stakeholders across Ventura County. With input from over 120 entities—including nonprofit organizations, affordable housing providers, social service providers, government agencies, and advocacy organizations—this strategy enabled the team to better assess the most pressing housing and community development needs impacting Ventura County. Built on an equity framework, the community		

engagement strategy accommodated primarily Spanish-speaking residents by providing translated materials and translation services for sessions. Overall, the process included a social media campaign, radio/cable TV announcements, six community meetings with residents, six stakeholder meetings, three focus groups, and two online surveys. In addition to the community engagement process, Cloudburst analyzed local, state, and federal data on socioeconomic, housing, and market trends to lay the foundation for the Needs Assessment and Market Analysis of the Consolidated Plan and the AI. The team presented high-level findings from the data analysis to county staff prior to drafting each document. Lastly, Cloudburst provided on-call TA throughout the online reporting process to ensure proper data alignment and compliance with federal regulations.

Project	Project Manager	Budget
2020–2024 Consolidated Plan for Turlock/Stanslaus Urban County Consortium & Stanislaus County Analysis of Impediments	Joel Warren	\$96,708
Client Contact	Original Schedule	Completed Schedule
Ana San Nicolas Stanislaus County Planning & Community Development Dept. 1010 10th Street, Suite #3400, Modesto, CA 95354 SANNICOLASA@stancounty.com	May 2019–October 2020	May 2019–October 2020
Relevant Project Highlights		
- Created an online countywide community survey to solicit feedback on public and private housing needs from key stakeholders and residents. - Assisted Consortium staff in developing a community outreach strategy that leveraged virtual and in-person workshops, community meetings, and focus groups to gather input from a diverse array of voices and perspectives across Stanislaus County. - Analyzed local, state, and federal data to better understand the Consortium’s housing, community development, and fair housing needs.		
Summary of Services Provided		
Cloudburst assisted Stanislaus Urban County and the City of Turlock in the development of the Consortium’s 2020–2024 Consolidated Plan and the Stanislaus County AI. The team created community profiles for Stanislaus Urban County and Turlock that synthesized local, state, and federal data to better understand the region’s demographic, economic, housing, and community development trends. Cloudburst also helped organize and implement a public outreach strategy that included creating an online survey, coordinating in-person and virtual community workshops with stakeholders, facilitating community meetings with residents, and leading targeted focus groups with key partners. Built on an equity framework, this public outreach strategy collected feedback from a diverse range of voices and perspectives across the county. For the final Consolidated Plan and AI, Cloudburst developed a series of recommendations for the Consortium to address the priority needs identified in the Consolidated Plan and suggestions for jurisdictions across the county to mitigate the obstacles highlighted in the AI.		



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Resolutions - Adoption

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2022-68, Authorizing a Purchase Agreement with Virginia Transformer Corporation for Procurement of Two Power Transformers for the City View Substation Bank 2 Substation Addition and the Stevens Substation Bank I Rebuild

Department:
Energy Services

Ordinance/Resolution Number:
2022-68

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2022-68, authorizing the City Manager to sign and execute a purchase agreement with Virginia Transformer Corporation for the procurement of two power transformers for the City View Substation Bank 2 Substation addition and the Stevens Substation Bank I rebuild.

Summary:

The proposed purchase agreement is for two (2) 25 MVA substation power transformers that will be located at Richland Energy Services' (RES) existing City View Substation and existing Stevens Substation. This purchase is included in the 2022-2027 Capital Improvement Plan (CIP) and the approved 2022 Budget.

The City View Bank 2 transformer addition is a pivot from Dallas Road Substation that was listed in the 2022 Budget. Dallas Road Substation interconnection with BPA is delayed until 2025 when BPA completes transmission reinforcements to the Tri-Cities. The City View Bank 2 transformer will serve the customer loads that Dallas Road Substation was planned to serve until the Dallas Road Substation can be interconnected with BPA in 2025. RES is expanding the existing City View Substation to include a second bank in response to economic growth in the Badger Mountain South area. As both residential and commercial customers continue to develop in the Badger Mountain South area, additional capacity is needed to support continued load increases.

In addition, RES is rebuilding the existing Stevens Substation Bank I to support existing load and to increase reliability for Stevens Substation, which contains two (2) of the City's oldest power transformers constructed in 1948.

A formal Invitation to bid was issued to solicit bids for power transformers to meet RES specifications. Five (5) bids were received and evaluated for compliance with RES specifications and total life cycle owning cost. Niagara Power Transformers was the lowest responsive bidder but could not meet the construction timeline and ability to offload City View Bank I prior to summer 2023. For this reason, staff recommends awarding the bid to Virginia Transformer Corporation, of Pocatello, ID, as the second lowest responsive bidder capable of meeting the construction timeline with only a 2% price increase over the lowest responsive bidder.

Staff recommends adoption of Resolution No. 2022-68.

Fiscal Impact:

This total purchase price is \$2,372,910 inclusive of sales tax. The transformers are expected to be delivered and paid for in 2023 with budgeted 2022 funds and proposed 2023 budget funds. The proposed amount budgeted for the substation material purchases is \$2,400,000.

Attachments:

1. Resolution No. 2022-68
2. ITB 22-0008 Bid Tab

RESOLUTION NO. 2022-68

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING A PURCHASE AGREEMENT WITH VIRGINIA TRANSFORMER CORPORATION FOR THE PURCHASE OF TWO POWER TRANSFORMERS.

WHEREAS, the City of Richland operates an electric utility providing customers reliable service at the lowest reasonable cost through wholesale power purchases, efficient operations and energy efficiency; and

WHEREAS, in response to economic growth in the Badger Mountain South area, the City is taking affirmative steps to continue to support load growth and provide connectivity for increased reliability by constructing an additional bank at the City View Substation; and

WHEREAS, construction of the City View Substation Bank 2 addition and associated purchase of a new power transformer is identified in the City's 2022-2027 Capital Improvement Plan (CIP); and

WHEREAS, the City is taking affirmative steps to continue to support existing load and to increase reliability for the Stevens Substation, which contains two of the City's smallest and oldest power transformers constructed in 1948; and

WHEREAS, rebuild of the Stevens Substation Bank 1 and associated purchase of a new power transformer is identified in the City's 2022-2027 CIP; and

WHEREAS, the 2022 Budget and proposed 2023 Budget in the electric fund includes substation material purchase costs of \$2,400,000; and

WHEREAS, the City issued Solicitation No. 22-0008 in accordance with the City's purchasing policies; and

WHEREAS, on March 15, 2022, the City opened five (5) responsive bids; and

WHEREAS, although Niagara Power Transformers submitted the lowest responsive bid, Niagara's lead time would prevent compliance with the project schedule and limit the City's ability to offload City View Bank 1 prior to summer 2023; and

WHEREAS, Virginia Transformer Corporation submitted the next lowest responsive bid which was 2% more than the Niagara Power Transformers bid, excluding sales tax; and

WHEREAS, Virginia Transformer Corporation's responsive bid in the amount of \$2,185,000 is for purchase of two units excluding sales tax; and

WHEREAS, the City's best interests are served by completing the projects in accordance with the 2022-2027 CIP, project design and the lowest responsible bid that also meets the schedule, and

by purchasing a second power transformer for the Stevens Substation Bank 1 rebuild project in response to significant supply chain issues resulting in schedule delays and price increases.

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 purchase agreement with Virginia Transformer Corporation in the amount of \$2,372,910.00, inclusive of sales tax, for the purchase of two substation power transformers in support of the City's 2022-2027 Capital Improvement Plan.

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 3rd day of May, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

				Hitachi Energy		McLaren - Pennsylvania Transformer		Niagara Power Transformers	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE A - BASE BID									
A1	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Second Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS	\$1,567,975.00	1,567,975.00	1,144,210.00	1,144,210.00	1,072,213.00	1,072,213.00
A2	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):			Truck		N/A		Truck with open uncovered trailer w/ impact records and GPS on main tank	
A3	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS	62-66	WEEKS ARO	60-64	WEEKS ARO	75	WEEKS ARO
SCHEDULE A - BASE BID				SUBTOTAL		\$1,144,210.00		\$1,072,213.00	
8.6%				SALES TAX		98,402.06		92,210.32	
SCHEDULE A - BASE BID				TOTAL		\$1,242,612.06		\$1,164,423.32	

SCHEDULE A -ADDITIVE 1A									
A4a	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Fourth Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS	\$1,567,975.00	1,567,975.00	1,144,210.00	1,144,210.00	1,072,213.00	1,072,213.00
A5a	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):			Truck		N/A		Truck with open uncovered trailer w/ impact records and GPS on main tank	
A6a	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS	62-66	WEEKS ARO	60-64	WEEKS ARO	75	WEEKS ARO
SCHEDULE A -ADDITIVE 1A				SUBTOTAL		\$1,144,210.00		\$1,072,213.00	
8.6%				SALES TAX		98,402.06		92,210.32	
				1					



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

				Hitachi Energy		McLaren - Pennsylvania Transformer		Niagara Power Transformers	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE A - ADDITIVE 1A				TOTAL		\$1,702,820.85		\$1,242,612.06	
SCHEDULE A - ADDITIVE 1B									
A4b	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Fourth Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS	\$1,567,975.00	1,567,975.00	1,144,210.00	1,144,210.00	1,233,045.00	1,233,045.00
A5b	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):			Truck		N/A		Truck with open uncovered trailer w/ impact records and GPS on main tank	
A6b	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS	62-66	WEEKS ARO	60-64	WEEKS ARO	75	WEEKS ARO
SCHEDULE A - ADDITIVE 1B				SUBTOTAL		\$1,567,975.00		\$1,144,210.00	
8.6%				SALES TAX		134,845.85		98,402.06	
SCHEDULE A - ADDITIVE 1B				TOTAL		\$1,702,820.85		\$1,242,612.06	
								\$1,339,086.87	
SCHEDULE A - ADDITIVE 2									
A7	Additional cost for expedited delivery	1	LS	N/A	N/A	N/A	N/A	N/A	N/A
A8	Expedited delivery requested: Number of weeks for Delivery ARO (after receipt of order)		WEEKS ARO	N/A	WEEKS ARO	N/A	WEEKS ARO	N/A	WEEKS ARO
Additive A4, Expedited Delivery									
Additive A5, Expedited - Number of weeks for delivery									
8.6%				SALES TAX					
						\$0.00		\$0.00	
SCHEDULE A - ADDITIVE 3									
A9	Additional cost for reduced sound levels MS-XFR-30 Specification section 3.12, Audible Sound Level, should be specified as down to 63/65/66	1	LS	N/A	N/A	N/A	N/A	15,000.00	\$15,000.00
SCHEDULE A - ADDITIVE 3				SUBTOTAL				15,000.00	
8.6%				SALES TAX				1,290.00	
SCHEDULE A - ADDITIVE 3				TOTAL		\$0.00		\$0.00	
								\$16,290.00	



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

				Hitachi Energy		McLaren - Pennsylvania Transformer		Niagara Power Transformers	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE A - Evaluated Cost of Losses									
Loss Data - (Refer to Special Instructions Section 2.0 and 3.0):									
	Guaranteed maximum no load losses , referenced to 20°C, at 55°C ONAN (15) MVA rating, with NLTC at position 3 (115 kV). Evaluated at \$5,800/kW.	\$ 5,800.00	KW	12.30	\$ 71,340.00	15.00	\$ 87,000.00	10.80	\$ 62,640.00
	Guaranteed maximum load losses , referenced to 85°C, at 55°C ONAN (15) MVA rating, with NLTC at position 3 (115 kV). Evaluated at \$900/kW	\$ 900.00		55.30	\$ 49,770.00	67.00	\$ 60,300.00	76.70	\$ 69,030.00
	Guaranteed maximum auxiliary losses , at 55°C ONAF/ONAF (15) MVA rating, stage one and two cooling operating. Evaluated at \$900/kW	\$ 900.00		3.60	\$ 3,240.00	4.80	\$ 4,320.00	4.00	\$ 3,600.00
Total Cost of Losses					\$ 124,350.00		\$ 151,620.00		\$ 135,270.00
Delivery Schedule:									
Describe schedule, after receipt of order, for transmittal of approval drawings:				Drawings will take 18-22 weeks to be completed		16 weeks		Drawings: (1) weeks after receipt of Purchase Order	
Describe schedule, after receipt of order for delivery F.O.B. Destination Unloaded on Substation Pad or storage pad at substation site.				delivery will be 62-66 weeks ARO		shipment 60-64 weeks ARO		Drawings: (10) Weeks after receipt of Purchase order. Delivery of Transformer: (65) Weeks after Drawings are approved.	
Witness/Inspection Location									
Tanking Location									
Acceptance Testing Location									
Exceptions to bid									
Exceptions to bid				Prices listed with "with price adjustment policy"					



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

Item	Description	Qty	Unit	Hitachi Energy		McLaren - Pennsylvania Transformer		Niagara Power Transformers	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	Pertinent notes					Commitment Letter Missing			
	SCHEDULE A (Line A1)- BASE BID INCL. SALES TAX				1,702,820.85		1,242,612.06		1,164,423.32
	SCHEDULE A ADDITIVE 1A (Line A4a)- BASE BID INCL. SALES TAX				1,702,820.85		1,242,612.06		1,164,423.32
	(N/A) SCHEDULE A - ADDITIVE 2 INCL. SALES TAX				0.00		0.00		16,290.00
	SCHEDULE A - Evaluated Cost of Losses				248,700.00		303,240.00		270,540.00
	Total Evaluated Cost				3,654,341.70		2,788,464.12		2,599,386.64
	SCHEDULE A -(LINE A4) ADDITIVE 1 FOR ADD'L COST FOR EXPEDITED DELIVERY				0.00		0.00		0.00
	Total Includes Line A5, A8, A9				3,654,341.70		2,788,464.12		2,599,386.64
	PURCHASE COST				3,135,950.00		2,288,420.00		2,144,426.00
	8.6% SALES TAX				269,691.70		196,804.12		184,420.64
	PURCHASE COST PLUS SALES TAX				3,405,641.70		2,485,224.12		2,328,846.64



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

				Virginia Transformers		WEG Transformers			
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE A - BASE BID									
A1	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Second Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS	1,092,500.00	1,092,500.00	1,519,032.00	1,519,032.00		-
A2	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):			Truck		Truck			
A3	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS	42-46	WEEKS ARO	90-95	WEEKS ARO		WEEKS ARO
SCHEDULE A - BASE BID				SUBTOTAL		\$1,519,032.00		\$0.00	
8.6%				SALES TAX		130,636.75		-	
SCHEDULE A - BASE BID				TOTAL		\$1,649,668.75		\$0.00	
SCHEDULE A -ADDITIVE 1A									
A4a	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Fourth Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS	1,092,500.00	1,092,500.00	1,519,032.00	1,519,032.00		-
A5a	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):			Truck		Truck			
A6a	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS	42-46	WEEKS ARO	90-95	WEEKS ARO		WEEKS ARO
SCHEDULE A -ADDITIVE 1A				SUBTOTAL		\$1,519,032.00		\$0.00	
8.6%				SALES TAX		130,636.75		-	



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

				Virginia Transformers		WEG Transformers			
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE A - ADDITIVE 1A				TOTAL		\$1,186,455.00		\$1,649,668.75	
SCHEDULE A - ADDITIVE 1B									
A4b	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Fourth Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS	1,092,500.00	1,092,500.00	1,519,032.00	1,519,032.00		-
A5b	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):			Truck		Truck			
A6b	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS	42-46 as desired schedule	WEEKS ARO	90-95	WEEKS ARO		WEEKS ARO
SCHEDULE A - ADDITIVE 1B				SUBTOTAL		\$1,092,500.00		\$1,519,032.00	
8.6%				SALES TAX		93,955.00		130,636.75	
SCHEDULE A - ADDITIVE 1B				TOTAL		\$1,186,455.00		\$1,649,668.75	
SCHEDULE A - ADDITIVE 2									
A7	Additional cost for expedited delivery	1	LS	N/A	N/A	N/A	N/A		\$0.00
A8	Expedited delivery requested: Number of weeks for Delivery ARO (after receipt of order)		WEEKS ARO	N/A	WEEKS ARO	N/A	WEEKS ARO	N/A	\$0.00
Additive A4, Expedited Delivery				-		-		-	
Additive A5, Expedited - Number of weeks for delivery				-		N/A		-	
8.6%				SALES TAX		-		-	
				\$0.00		\$0.00		\$0.00	
SCHEDULE A - ADDITIVE 3									
A9	Additional cost for reduced sound levels MS-XFR-30 Specification section 3.12, Audible Sound Level, should be specified as down to 63/65/66	1	LS	\$22,500.00	22,500.00	19,610.00	19,610.00		\$0.00
SCHEDULE A - ADDITIVE 3				SUBTOTAL		22,500.00		19,610.00	
8.6%				SALES TAX		1,935.00		1,686.46	
SCHEDULE A - ADDITIVE 3				TOTAL		24,435.00		\$21,296.46	



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

DATE BID OPENED: 3/15/22 11:00 a.m. PROJECT NAME: ITB 22-0008 Power Transformer (New)				Virginia Transformers		WEG Transformers			
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE A - Evaluated Cost of Losses									
Loss Data - (Refer to Special Instructions Section 2.0 and 3.0):									
	Guaranteed maximum no load losses , referenced to 20°C, at 55°C ONAN (15) MVA rating, with NLTC at position 3 (115 kV). Evaluated at \$5,800/kW.	\$ 5,800.00	KW	15.20	\$ 88,160.00	13.00	75,400.00		-
	Guaranteed maximum load losses , referenced to 85°C, at 55°C ONAN (15) MVA rating, with NLTC at position 3 (115 kV). Evaluated at \$900/kW	\$ 900.00		66.00	\$ 59,400.00	53.50	48,150.00		-
	Guaranteed maximum auxiliary losses , at 55°C ONAF/ONAF (15) MVA rating, stage one and two cooling operating. Evaluated at \$900/kW	\$ 900.00		3.60	\$ 3,240.00	3.00	2,700.00		-
Total Cost of Losses					\$ 150,800.00		\$ 126,250.00		\$ -
Delivery Schedule:									
	Describe schedule, after receipt of order, for transmittal of approval drawings:			Approval drawings will be supplied eight to sixteen (8-16) weeks after receipt of technically and commercially approved order.					
	Describe schedule, after receipt of order for delivery F.O.B. Destination Unloaded on Substation Pad or storage pad at substation site.			VTC would be able to ship the unit in 42-46 weeks after receipt of technically and commercially clear order. Delivery to site and Offload to Pad by 48 weeks ARO.					
Witness/Inspection Location									
Tanking Location									
Acceptance Testing Location									
Exceptions to bid									
	Exceptions to bid			Pricing noted with *VTC Price Policy applies to quoted pricing					



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

Item	Description	Qty	Unit	Virginia Transformers		WEG Transformers			
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	Pertinent notes								
	SCHEDULE A (Line A1)- BASE BID INCL. SALES TAX				1,186,455.00		1,649,668.75		0.00
	SCHEDULE A ADDITIVE 1A (Line A4a)- BASE BID INCL. SALES TAX				1,186,455.00		1,649,668.75		
	(N/A) SCHEDULE A - ADDITIVE 2 INCL. SALES TAX				24,435.00		21,296.46		0.00
	SCHEDULE A - Evaluated Cost of Losses				301,600.00		252,500.00		0.00
	Total Evaluated Cost				2,674,510.00		3,551,837.50		0.00
	SCHEDULE A -(LINE A4) ADDITIVE 1 FOR ADD'L COST FOR EXPEDITED DELIVERY				0.00		0.00		0.00
	Total Includes Line A5, A8, A9				2,674,510.00		3,551,837.50		0.00
	PURCHASE COST				2,185,000.00		3,038,064.00		0.00
	8.6% SALES TAX				187,910.00		261,273.50		0.00
	PURCHASE COST PLUS SALES TAX				2,372,910.00		3,299,337.50		0.00



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

Item	Description	Qty	Unit	Unit Price	Total Price
SCHEDULE A - BASE BID					
A1	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Second Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS		-
A2	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):				
A3	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS		WEEKS ARO
SCHEDULE A - BASE BID				SUBTOTAL	\$0.00
8.6%				SALES TAX	-
SCHEDULE A - BASE BID				TOTAL	\$0.00
SCHEDULE A -ADDITIVE 1A					
A4a	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Fourth Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS		-
A5a	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):				
A6a	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS		WEEKS ARO
SCHEDULE A -ADDITIVE 1A				SUBTOTAL	\$0.00
8.6% 9				SALES TAX	-



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

Item	Description	Qty	Unit	Unit Price	Total Price
SCHEDULE A -ADDITIVE 1A			TOTAL		\$0.00
SCHEDULE A -ADDITIVE 1B					
A4b	Power Transformer with Load Tap Changer per Attachment B, Material Specification MS-XFR-30, Rev. 6 - with the following ratings: 115,000Y/66,395 V – 12,470Y/7,200 V 15/20/25 MVA, @ 55oC 16.8/22.4/28 MVA, @ 65oC Five (5) year warranty Desired delivery of Unit Fourth Quarter 2023 after receipt of order. FOB Destination substation pad or designated storage pad at substation site, including offloading transformer onto the substation or storage pad.	1	LS		-
A5b	Specify the delivery method(s) to substation site (preferred delivery is by truck which will be given preference over rail delivery):				
A6b	Number of weeks for Delivery ARO (after receipt of order).	N/A	WEEKS		WEEKS ARO
SCHEDULE A -ADDITIVE 1B			SUBTOTAL		\$0.00
8.6%			SALES TAX		-
SCHEDULE A -ADDITIVE 1B			TOTAL		\$0.00
SCHEDULE A - ADDITIVE 2					
A7	Additional cost for expedited delivery	1	LS		\$0.00
A8	Expedited delivery requested: Number of weeks for Delivery ARO (after receipt of order)		WEEKS ARO	N/A	WEEKS ARO
Additive A4, Expedited Delivery				-	-
Additive A5, Expedited - Number of weeks for delivery			N/A	-	-
8.6%			SALES TAX		-
					\$0.00
SCHEDULE A - ADDITIVE 3					
A9	Additional cost for reduced sound levels MS-XFR-30 Specification section 3.12, Audible Sound Level, should be specified as down to 63/65/66	1	LS		-
SCHEDULE A - ADDITIVE 3			SUBTOTAL		-
8.6%			SALES TAX		-
SCHEDULE A - ADDITIVE 3			TOTAL		\$0.00



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

Item	Description	Qty	Unit	Unit Price	Total Price
SCHEDULE A - Evaluated Cost of Losses					
Loss Data - (Refer to Special Instructions Section 2.0 and 3.0):					
	Guaranteed maximum no load losses , referenced to 20°C, at 55°C ONAN (15) MVA rating, with NLTC at position 3 (115 kV). Evaluated at \$5,800/kW.	\$ 5,800.00	KW		\$ -
	Guaranteed maximum load losses , referenced to 85°C, at 55°C ONAN (15) MVA rating, with NLTC at position 3 (115 kV). Evaluated at \$900/kW	\$ 900.00			\$ -
	Guaranteed maximum auxiliary losses , at 55°C ONAF/ONAF (15) MVA rating, stage one and two cooling operating. Evaluated at \$900/kW	\$ 900.00			\$ -
Total Cost of Losses					\$ -
Delivery Schedule:					
	Describe schedule, after receipt of order, for transmittal of approval drawings:				
	Describe schedule, after receipt of order for delivery F.O.B. Destination Unloaded on Substation Pad or storage pad at substation site.				
Witness/Inspection Location					
Tanking Location					
Acceptance Testing Location					
Exceptions to bid					
	Exceptions to bid				



City of Richland

DATE BID OPENED: 3/15/22 11:00 a.m.
PROJECT NAME: ITB 22-0008 Power Transformer (New)

Item	Description	Qty	Unit	Unit Price	Total Price
	Pertinent notes				
	SCHEDULE A (Line A1)- BASE BID INCL. SALES TAX				0.00
	SCHEDULE A ADDITIVE 1A (Line A4a)- BASE BID INCL. SALES TAX				
	(N/A) SCHEDULE A - ADDITIVE 2 INCL. SALES TAX				0.00
	SCHEDULE A - Evaluated Cost of Losses				0.00
	Total Evaluated Cost				0.00
	SCHEDULE A -(LINE A4) ADDITIVE 1 FOR ADD'L COST FOR EXPEDITED DELIVERY				0.00
	Total Includes Line A5, A8, A9				0.00
	PURCHASE COST				0.00
	8.6% SALES TAX				0.00
	PURCHASE COST PLUS SALES TAX				0.00



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Items - Approval

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Appointment to the Utility Advisory Committee: Harry Staven

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Appoint Harry Staven to Position No. 5 on the Richland Utility Advisory Committee.

Summary:

A vacancy in Position No. 5 on the Utility Advisory Committee (UAC) was created by the resignation of Mr. Charlton Campbell effective March 1, 2022. One (1) application was received as a result of advertising for the vacant position.

On April 21, 2022, the UAC interview panel reviewed the application packet with the applicant in attendance. Based on the applicant's previous experience and knowledge of the UAC, the UAC interview panel is recommending the appointment of Mr. Harry Staven to serve the unexpired term of Position No. 5.

The term for unexpired Position No. 5 is the date of appointment through September 30, 2023.

The application packet is on file in the City Clerk's Office.

Fiscal Impact: None.

Attachments:

- I. Utility Advisory Committee Recommendation of Appointment Memo



MEMORANDUM

TO: City Council

FROM: Utility Advisory Committee Interview Panel

THROUGH: Jon Amundson, City Manager

DATE: April 21, 2022

SUBJECT: Utility Advisory Committee Candidate Recommendation

One application packet was received as a result of advertising for the unexpired Utility Advisory Committee (UAC) vacancy.

On April 21, 2022, UAC Chair Don Gregoire, Council Liaison Lemley, and Staff Liaison Whitney reviewed the candidate packet. The applicant previously served on the UAC and has knowledge and experience relevant to City utilities. The candidate has demonstrated commitment to the activities of the UAC.

The UAC interview panel is recommending the appointment of Harry Staven to serve the unexpired term of Position No.5 on the UAC.

Pending Council approval of appointment, the term for this unexpired position is May 4, 2022 through September 30, 2023.

The candidate's application and resume are on file in the City Clerk's Office.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 5/3/2022

Agenda Category: Items of Business

Core Focus Area 3 - Increase Economic Vitality

Subject:

Ordinance No. 2022-15, Approving the Rezone of 3.9 Acres Located at 1842 Jadwin Avenue from Neighborhood Retail (C-1) to Limited Business (C-LB)(Closed Record-First Reading)

Department:

Development Services

Ordinance/Resolution Number:

2022-15

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2022-15, approving the rezoning of 3.9 acres located near Jadwin Avenue and McMurray Street from Retail Business (C-1) to Commercial Limited Business (C-LB).

Summary:

ADL Holdings has filed a rezone request on behalf of the property owner (Greg Markel of Washington Securities & Investment Corporation) to change the zoning on a 3.9-acre site from C-1 (Neighborhood Retail Business) to C-LB (Commercial Limited Business). The site is undeveloped land lying near the southeast corner of the intersection of McMurray Street and Jadwin Avenue. The Comprehensive Plan designates the subject site as suitable for commercial land uses.

On April 11, 2022, the Richland Hearing Examiner held an open-record public hearing to consider the rezone application and has recommended approval.

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. Since the record is officially closed, only those individuals who testified at the open-record hearing are eligible to testify, and their testimony is limited to information already shared during the public hearing. Closed-record decision hearings are quasi-judicial in nature, and must meet requirements related to conflict of interest and appearance of fairness.

Staff recommends approval of Ordinance No. 2022-15 for first reading, by title only.

Fiscal Impact:

None.

Attachments:

1. Ordinance No. 2022-15
2. Staff Report - ADL Holdings C-1 to C-LB
3. Richland Hearing Examiner's April 12, 2022 Recommendation

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2022-15

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 3.9 ACRES FROM NEIGHBORHOOD RETAIL (C-1) TO LIMITED BUSINESS (C-LB); SAID PROPERTY BEING LOCATED APPROXIMATELY 200 FEET SOUTH AND EAST OF THE JADWIN AVENUE AND MCMURRAY STREET INTERSECTION, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.

WHEREAS, on April 11, 2022, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from ADL Holdings, LLC, acting on behalf of Washington Securities & Investment Corporation (Greg Markel), to change the zoning of the property hereafter described in Section 2 and located approximately 200 feet south and east of the intersection of Jadwin Avenue and McMurray Street; and

WHEREAS, following the April 11, 2022 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 April 11, 2022 open-record public hearing; and

WHEREAS, as required by RMC 19.20.030, the Richland City Council conducted a closed-record decision hearing on May 3, 2022 and has considered the totality of the record.

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

Section 1. 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 Limited Business (C-LB) when consideration is given to the interests of the public.

Section 2. Said property, depicted in **Exhibit A**, attached hereto and incorporated by this reference, is more particularly described as follows:

THE NORTHERLY 530.46 FEET OF BLOCK 745, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON. EXCEPT THE NORTHERLY 196 FEET OF THE WESTERLY 207 FEET THEREOF.

Section 3. Such property is rezoned from Neighborhood Retail (C-1) to Limited Business (C-LB).

Section 4. Richland Municipal Code Title 23 and the Official Zoning Map of the City, as adopted by Section 23.08.040 of said Title, are hereby amended by amending Sectional Map Number 8, which is one of a series of maps constituting said Official Zoning Map, as shown on the attached **Exhibit B**, and 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.

Section 5. The findings of fact and conclusions of the Richland Hearing Examiner as provided in the Hearing Examiner's April 12, 2022 written recommendation are hereby adopted as the findings of fact and conclusions of the Richland City Council.

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. 8, duly certified by the City Clerk as a true copy.

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.

This space intentionally left blank.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

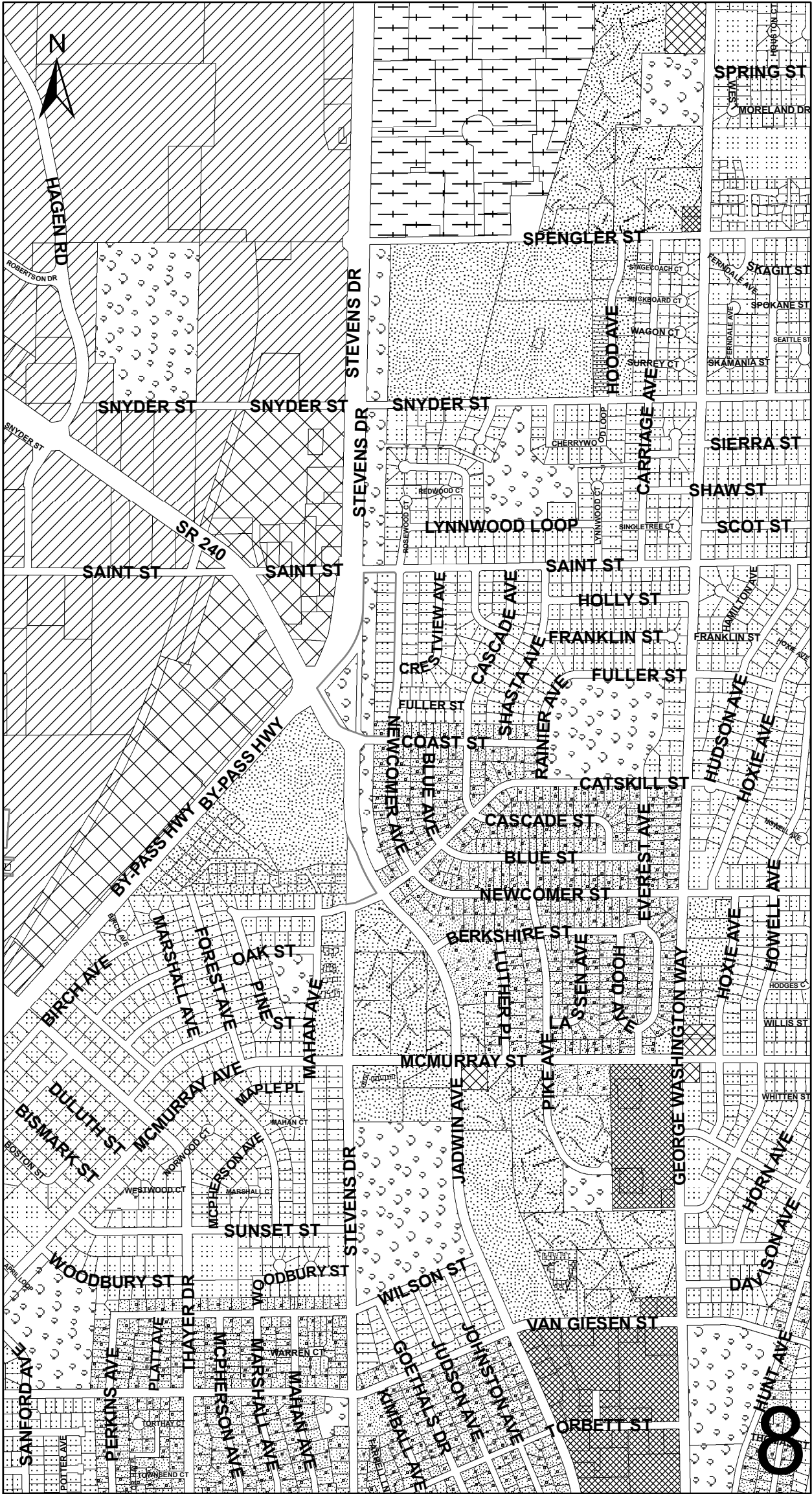
Date Published: _____

Exhibit A

Item: Rezone C-1 to C-LB
Applicant: ADL Holdings
File #: Z2021-108

EXHIBIT A





**CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER**

GENERAL INFORMATION:

PROPOSAL NAME: ADL Holdings Rezone

LOCATION: 1842 Jadwin Avenue

APPLICANT: ADL Holdings on behalf of Greg Markel

FILE NO.: Z2021-108

DESCRIPTION: Request to change zoning on 3.9 acres from C-1 (Neighborhood Retail Business) to C-LB (Commercial Limited Business)

PROJECT TYPE: Type 3 Site-specific rezone

HEARING DATE: February 14 & April 11, 2022

REPORT BY: Shane O'Neill, Senior Planner

RECOMMENDED
ACTION: Approval

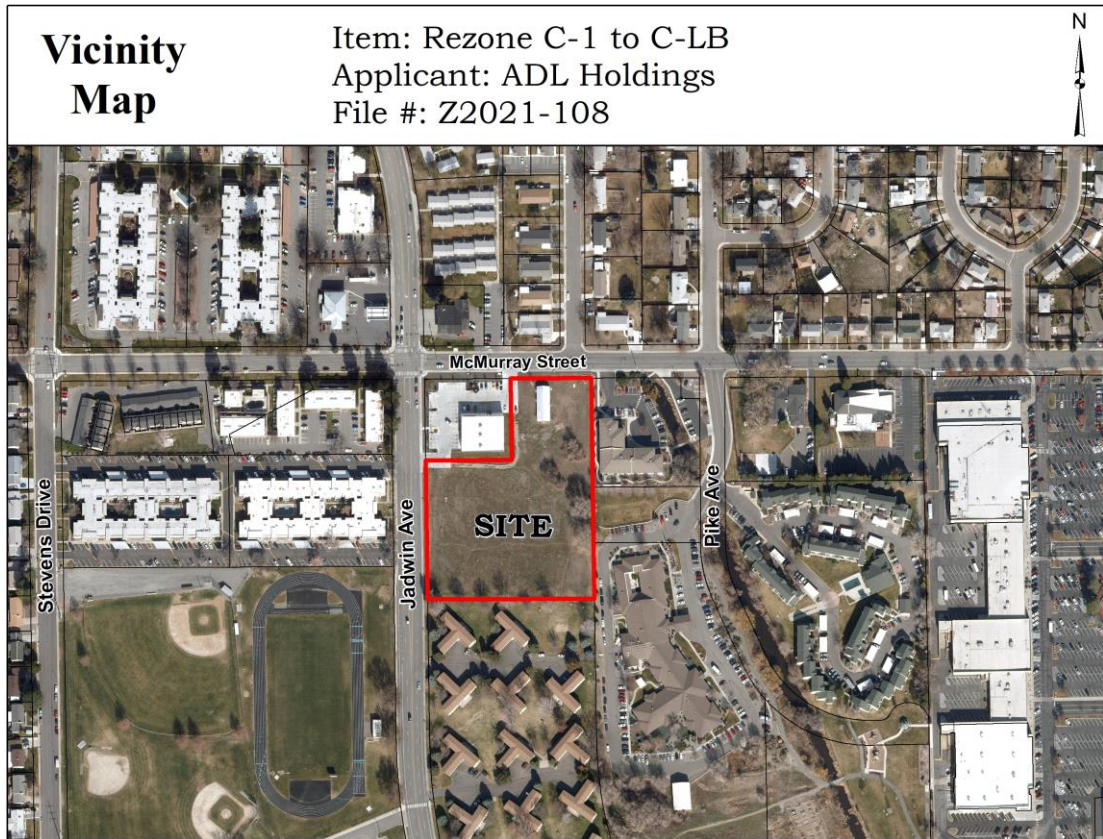


Figure 1 - Vicinity Map

DESCRIPTION OF PROPOSAL

ADL Holdings has filed a rezone request on behalf of the property owner (Greg Markel of Washington Securities & Investment Corporation) to change the zoning on a 3.9-acre site from C-1 (Neighborhood Retail Business) to C-LB (Commercial Limited Business). The application is attached herein as Exhibit 1. A proposed site plan nor building elevations/designs accompany the application to rezone the site, neither of which are necessary to review a rezoning proposal based upon its land use merits.

The existing C-1 (Neighborhood Retail) zoning is a retail business zone appropriate for areas which primarily provide retail products and services for the convenience of nearby neighborhoods with minimal impact on surrounding residential neighborhoods. Whereas the C-LB (Commercial Limited Business) zone is designed for the location of professional and business offices, motels, hotels, and their associated accessory uses and other compatible uses serving as an administrative district for the enhancement of the Central Business District. C-LB zoning may also serve as a buffer zone between residential areas and other commercial districts. This zone may be applied to lands designated commercial or high-density residential under Richland's Comprehensive Plan

(RMC 23.22.010). Refer to RMC Section 22.18.020 (Exhibit 2) for the list of land uses allowed in both the existing C-1 zone and the proposed C-LB zone.

SITE DESCRIPTION & ADJACENT LAND USES

The site is a 3.9-acre parcel of undeveloped land lying near the southeast corner of the intersection of McMurray Street and Jadwin Avenue. As depicted in Figure 1 (above) the small parcel precisely at the road intersection is developed with an auto parts store, and the subject parcel surrounds it on both sides. The trapezoidal property is generally level and is bordered by McMurray Street to the north and by Jadwin Avenue to the west.

The site is situated in an area of mixed uses. Adjacent property immediately to the south is zoned R-3 and is developed with several multi-family residential apartment buildings. Adjoining properties to the east are zoned C-LB and contain retirement apartments and a rehabilitation center. Properties on the north side of McMurray Street contain residential duplexes (R-2) and a fire station (C-LB). Parcels on the west side of Jadwin Avenue are zoned R-3 and contain multi-family residential apartments.

An aerial photo of the site in Figure 1 above and ground-level site photos taken by city staff are provided in Exhibit 3.

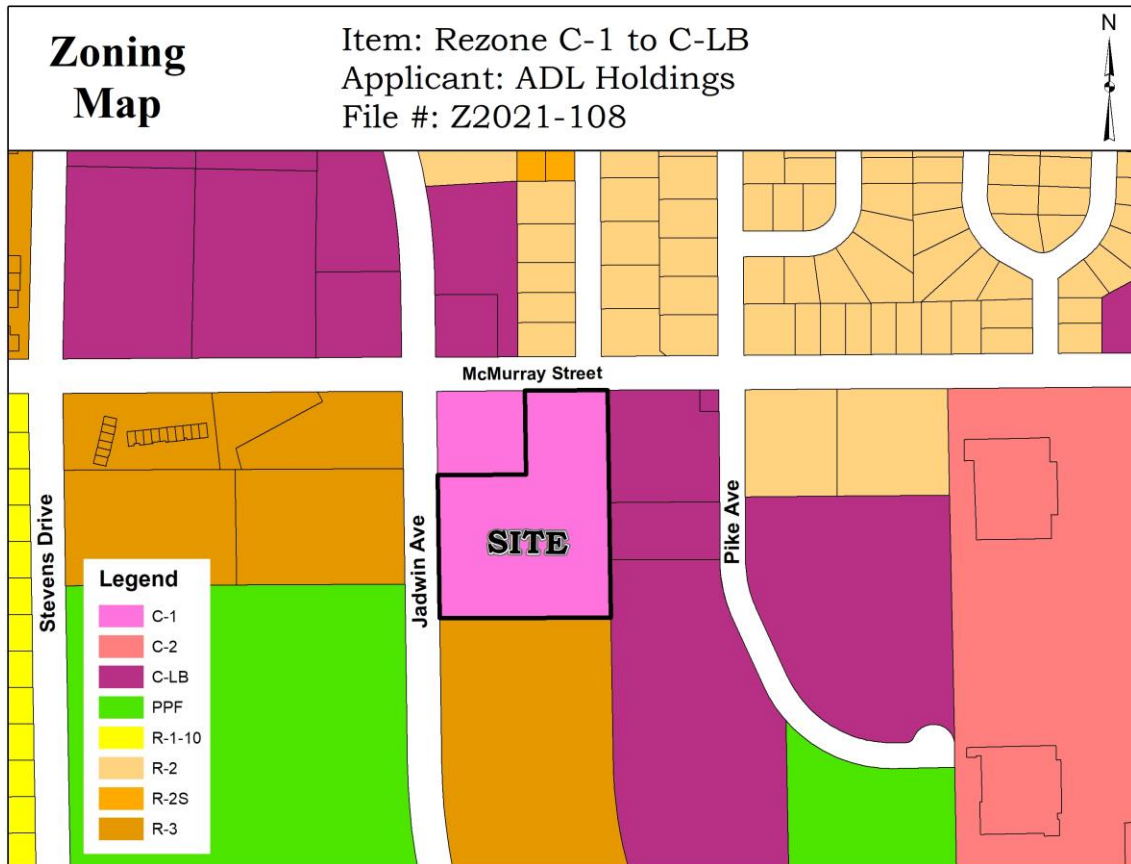


Figure 2 – Zoning Map

ZONING

As illustrated in the Zoning Map above, the site is surrounded by a variety of commercial and residential zones and land uses. The site is currently zoned C-1 (Neighborhood Retail Business) which allows a variety of neighborhood-scale retail businesses, as the name implies. The C-1 zone precludes “big box” large-scale retail businesses.

The applicant is requesting the current C-1 zoning be converted to Commercial Limited Business (C-LB). The stated purposes of the C-1 and C-LB zones (as set forth in RMC 23.22.010) are as follows:

C-1 Zone Purpose

The neighborhood retail business use district (C-1) is a limited retail business zone classification for areas which primarily provide retail products and services for the convenience of nearby neighborhoods with minimal impact to the surrounding residential area. 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.

C-LB Zone Purpose

The limited business use district (C-LB) is a zone classification designed to provide an area for the location of buildings for professional and business offices, motels, hotels, and their associated accessory uses, and other compatible uses serving as an administrative district for the enhancement of the central business districts, with regulations to afford protection for developments in this and adjacent districts and in certain instances to provide a buffer zone between residential areas and other commercial and industrial districts. This zoning classification is intended to be applied to some portions of the city that are designated either commercial or high-density residential under the city of Richland comprehensive plan.

There are some differences in the dimensional requirements associated with the existing and proposed zone, as shown in the following table:

Zoning	Existing C-1	Proposed C-LB
STANDARD	REQUIRED/ALLOWED	REQUIRED/ALLOWED
Min. Lot Area	None	None
Max. Lot Coverage	None	None
Building Setbacks		
Front	45 ft.	20 ft.
Side(s)	0 ft.	0 ft.
Rear	0 ft.	0 ft.
Building Height	30 ft.	55 ft.

Table 1 – Comparison of C-1 & C-LB Dimensional Standards

Noteworthy is the point that the front setback reduction to twenty (20) feet incurred with assigning C-LB zoning is consistent with the minimum front setback applied to residential properties in the vicinity. The commercial land use table (RMC 23.22.030) is provided as Exhibit 2 to illustrate specific differences between each zone in terms of permitted land uses.

The dimensional standards table above, applies to non-residential development in each zone. In the case of residential development proposals in the C-LB zone the following performance standards drawn from RMC 23.22.020(A) apply:

1. Minimum Yard Requirements.

a. Front Yard. Twenty feet except as provided by footnote (3) of RMC 23.18.040.

b. Side Yards. Each side yard shall provide one foot of side yard for each three feet or portion thereof of building height.

c. Rear Yards. Twenty-five feet.

2. Required Court Dimensions. Each court on which windows open from any room other than a kitchen, bathroom or a closet, shall have all horizontal dimensions measured at right angles from the windows to any wall or to any lot line other than a front lot line equal to not less than the height of the building above the floor level of the story containing the room, but no dimension shall be less than 20 feet.

3. Distance between Buildings. No main building shall be closer to any other main building on the lot than a distance equal to the average of their heights. This provision shall not apply if no portion of either building lies within the space between the prolongation of lines along any two of the opposite walls of the other building, but in any such situation the buildings shall not be closer to each other than a distance of 10 feet.

4. Percentage of Lot Coverage. Apartment buildings in a C-LB district shall cover not more than 33 percent of the area of the lot.

PUBLIC NOTICE

Application Date:	December 28, 2021
Notice of Application & Hearing Mailed:	January 12 & March 22, 2022
Notice of Application & Hearing Published:	January 23 & March 27, 2022
Notice of Application & Hearing Posted:	January 22 & March 21, 2022
Public Hearing:	February 14 & April 11, 2022

Public notice of the Feb. 14 hearing was distributed to an incorrect set of property owners. To correct this matter, staff is conducting a second hearing on April 11, 2022. Notice of application and public hearing was provided through posting of the property, mailing of notice to the correct set of property owners within 300 feet of the site, re-publication in the *Tri-City Herald* newspaper and was posted on the City's website. Copies of the original notices and affidavits advertising the Feb. 14 hearing are included in Exhibit 4. Copies of the revised notices and affidavits advertising the April 11 hearing are provided as Exhibit 4a.

PUBLIC COMMENTS

At the time this report was written, only one comment had been received. Said comment (Exhibit 5) was received from the Washington State Department of Transportation stating certain development constraints/review criteria. No additional comments were revived in response to the second round of notices.

UTILITY AVAILABILITY

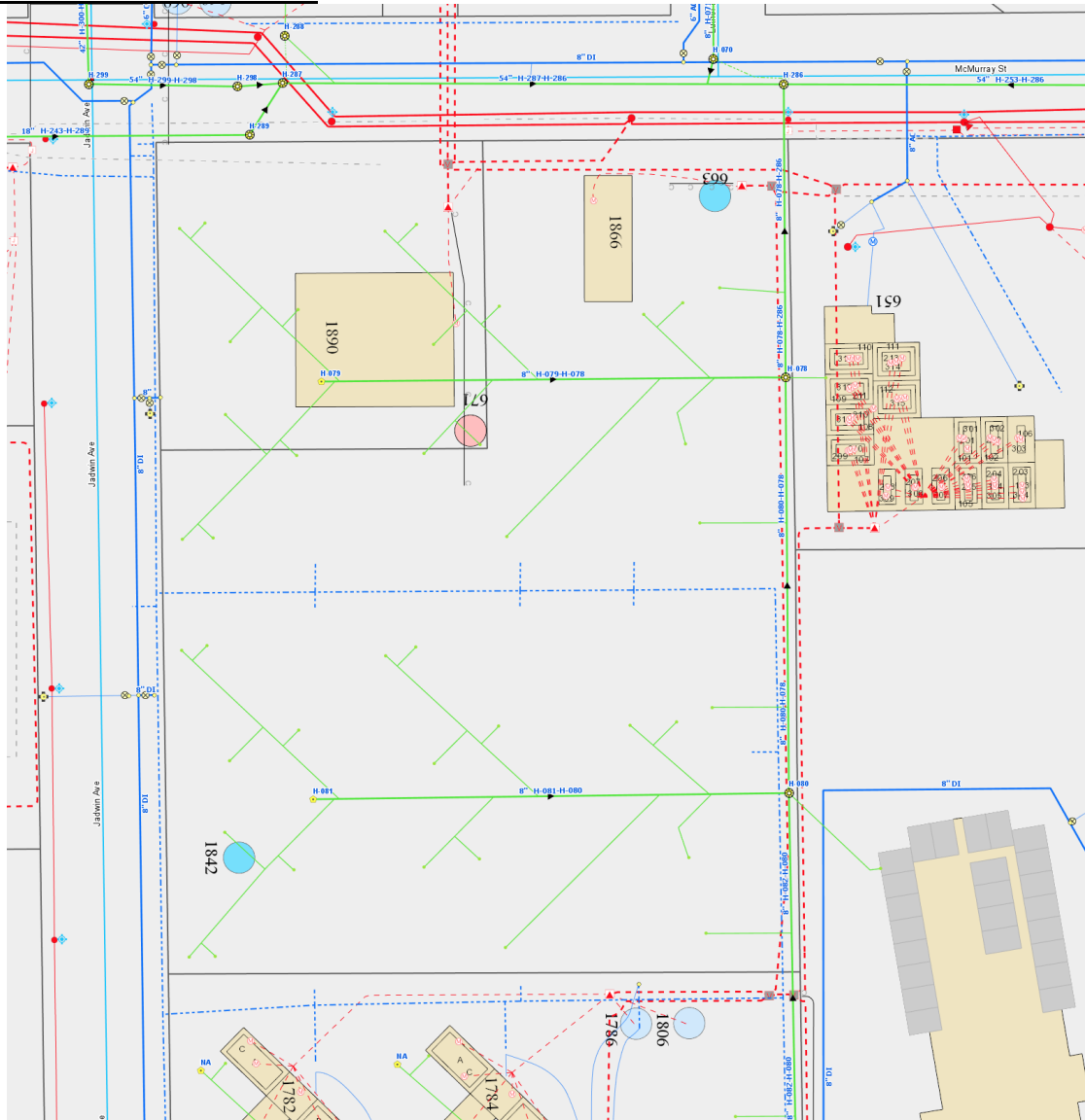


Figure 3 – Utility Map
(Blue = water, Green = sewer, Red = electrical power)

Sewer

An eight-inch sewer main extends along the east property line from McMurray Street and continues south to serve other properties on the block. City utility records indicate existing sewer stubs on-site in the identical configuration as the residential apartments immediately to the south. These sewer stubs imply the site may have previously contained apartments belonging to the same original government residential development.

Water

Eight-inch water mains currently extend along both parcel road frontages within the McMurray Street and Jadwin Ave rights-of-way. Both water mains are sufficiently sized and have capacity to serve future site development.

Power

McMurray Street contains overhead electrical power distribution lines. Underground power lines run inside and parallel to the east property line. Richland Energy Services confirmed the underground lines have adequate capacity to serve future site development types allowed in the C-LB zone.

TRANSPORTATION

Jadwin Avenue is classified as a minor arterial roadway in the City's Transportation Plan. McMurray Street is classified as a major collector roadway in the City's Transportation Plan. Both roads have existing capacity to support additional commercial and residential development. Specific design and assessment of transportation related improvements, if any are required, will be determined when specific development plans are submitted to the City. Jadwin Avenue belongs to Ben-Franklin Transit route #123. There is a transit bus stop on the site's Jadwin Ave. frontage.

SEPA

No environmental review was conducted as part of this rezone application, based on the categorical exemption in WAC 197-11-800(6)(c) which provides for exemptions under the following circumstances:

Where an exempt project requires a rezone, the rezone is exempt only if:

- (i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;*
- (ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and*
- (iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.*

In this case, the proposed project is located with the City and within Richland's urban growth area; the proposed action is consistent with the City's comprehensive plan; and the City's comprehensive plan was analyzed through the preparation of an environmental impact statement.

The following Land Use Map illustrates the City's Comprehensive Plan commercial land use designation of the site. As shown in the Existing Zoning

section of this report (above) the C-LB zoning classification is intended to be applied to portions of the city that are designated either commercial or high-density residential under the city of Richland Comprehensive Plan. This site is designated for commercial land uses and therefore supports the proposed rezone.

COMPREHENSIVE PLAN

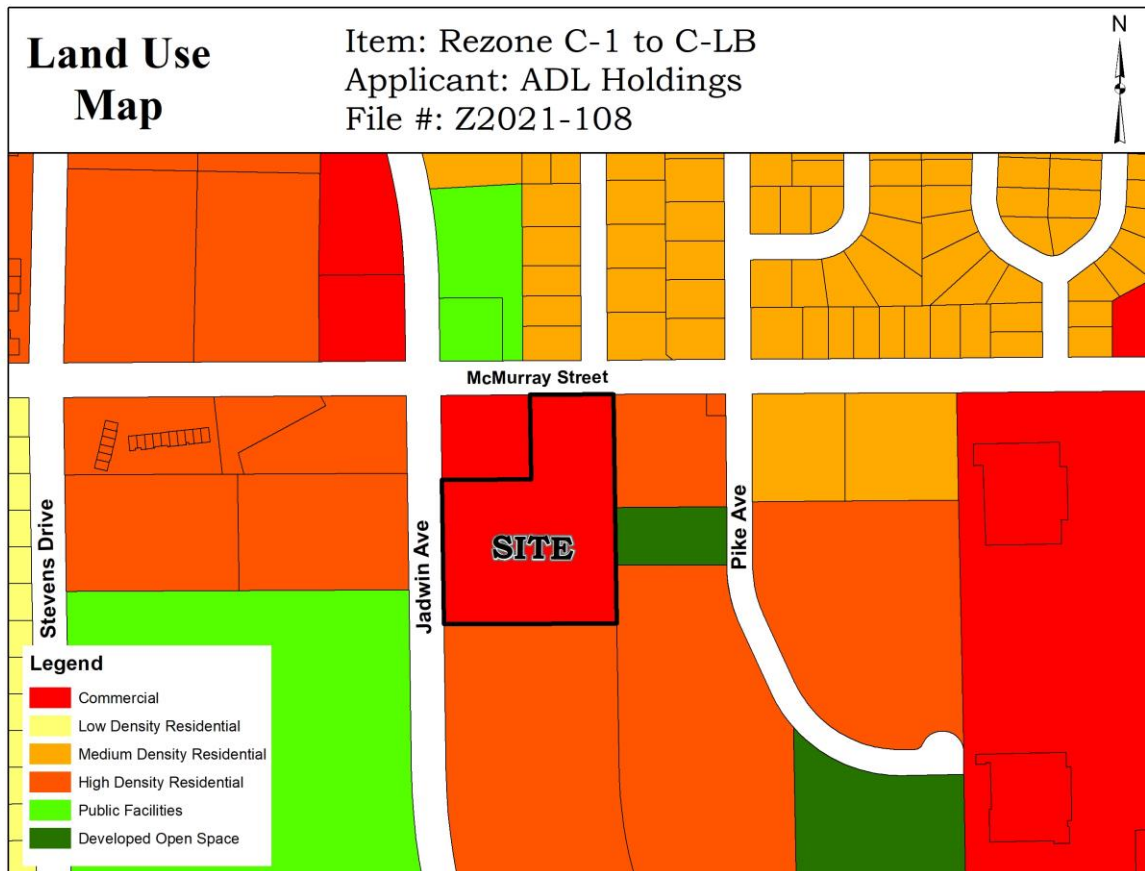


Figure 4 – Comprehensive Plan Map

The comprehensive plan contains the following goal and policy statements generally viewed as being in support of the proposed rezone application:

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 [and] commercial... uses that will take advantage of the existing infrastructure network.

Land Use Goal 3:

Maintain a broad range of residential land uses and designations to accommodate a variety of lifestyles and housing opportunities

Policy 1 - Distribute residential densities throughout the urban growth area consistent with the City's vision.

Policy 2 – Encourage higher residential densities in and near the Central Business District area.

Land Use 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.

ANALYSIS

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.

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 C-1 (Neighborhood Retail) zoning was adopted for the site?

The site is already designated for commercial uses by the City's Comprehensive Plan, and the rezone request would only change the zoning from one Commercial zoning district (C-1) to another (C-LB). The subject property remains undeveloped. The site has been left unattended and while

it is not overgrown with weeds and noxious vegetation, leaving it in a distressed/undeveloped condition which is not in the public interest. The requested rezone is meant to facilitate the applicant's plans to develop the site in a manner fully authorized by the C-LB zoning regulations.

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, possible subdivision codes, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application.

The subject site, together with the adjacent parcel at the road intersection corner, form a commercially designated "island" amidst a patchwork of other land uses, land use designations and zones. The 4-way intersection of Jadwin Avenue and McMurray Street is signalized with a traffic light. The vicinity is viewed as a moderately high-impact area suitable for commercial and high-density residential land uses.

While the adjacent commercial and residential properties have been developed, the subject parcel has remained vacant. Having two direct frontages on two public roads, the site offers ample opportunities for vehicle ingress and egress. Municipal utilities already serve the site or are immediately available. The site does not adjoin any single-family homes/zones.

Transitioning the site's zoning from C-1 to C-LB is effectively a downgrade in allowable land use intensity. For instance, if approved, the site would no longer be available for fuel stations/mini-marts, vehicle service stations, contractor's offices with lay-down yards, building supply stores and grocery stores, bars/taverns or restaurants. Instead, the most intense land use permitted in the C-LB zone is multi-family residential (apartments).

Primarily an office zone and secondly a high-density residential zone, the C-LB district is well applied to transitional areas of the community to serve as a buffer between commercial and residential land uses. Transitioning this site to C-LB zoning would expand residential development opportunities while reducing the intensity of allowable commercial uses. It is reasonable to presume that the surrounding residents may appreciate the elimination of the site's potential to be developed with high customer volume businesses currently allowed under the existing C-1 zone. In the opinion of staff, the proposed C-LB zoning with its associated permitted land uses, is generally compatible with the vicinity. For the reasons listed above staff does not feel it is necessary to impose site specific development restrictions by way of a property use and development agreement.

The City's comprehensive plan designates the site as suitable for commercial land uses. In the purpose statement of the C-LB zone it is written: *"This zoning classification is intended to be applied to some portions of the city that are designated either commercial or high-density residential under the city of Richland comprehensive plan."* In this way the subject rezone application is consistent with the city's Comprehensive Plan.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a change in zoning (Z2021-108) and recommends approval of the request based on the following:

1. The City of Richland Comprehensive Plan designates the subject site as suitable for commercial land uses.
2. The sites' immediate adjacency to both Jadwin Avenue and McMurray Street eliminated the need for future developments to traverse through other sites for access.
3. Residential or office development of the site uses is consistent with the intent of the Comprehensive Plan.
4. The site is situated in a transitional area of zoning and is surrounded by high-density residential and retail developments.
5. Transitioning the site to C-LB zoning would reduce the intensity level of commercial development opportunities; thereby buffering the surrounding residences from traffic on Jadwin Avenue.
6. The project is exempt from the provisions of the State Environmental Policy Act, as identified in WAC 197-11-800(6) (c).
7. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

RECOMMENDATION:

Based upon the findings and conclusions listed above, Richland Planning staff recommends the Hearing Examiner approve the proposed rezone request without the use of a property use and development agreement.

EXHIBIT LIST

1. Application Form
2. Commercial Zoning – Chapter 18.22 of the Richland Municipal Code
3. Site Photos
4. Public Notices and Affidavits (Feb. 14 Hearing)
- 4.a Public Notices & Affidavits (April 11 Hearing)
5. Comment(s) received



Exhibit 1

Zoning Map Amendment Application

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

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: Washington Securities, & Investment Corporation

Address: 8901 W Tucannon Ave Suite 110, Kennewick, WA 99336

Phone: 509-531-4711

Email: wsic@eltopia.com

APPLICANT/CONTRACTOR INFORMATION (if different)

☒ Contact Person

Company: ADL Holdings LLC

UBI#: 603370315

Contact: Isaac Chamberlin & Aaron Locke

Address: 718 Rainier Ave S, Suite G - Seattle, WA 98144

Phone: 206-427-6485

Email: aaron@foundationgroupe.com

DESCRIPTION OF WORK

Rezone parcel (102982020745003) from C1 to CLB.

PROPERTY INFORMATION

Parcel #: 102982020745003

Legal Description: (attached in title report)

Current Zoning: C-1

Current Comp Plan: Commercial

Requested Zoning: C-LB

Current Use: Vacant Land

Proposed Use: NA

Area of Property: 172001.00

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:
Property is in negotiation for sale.

Any hardship that may result in the event the rezone is not granted:
Sale may or may not go through.

The manner in which the proposed rezone conforms to patterns in adjacent zones: CLB is an adjacency to the East of the parcel, there is residential abutting the property to the East and the South.
Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones: No adverse effects
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 change to the comprehensive plan so 'Not applicable'.
The benefits or detriments accruing to the City which would result from the granting or denial of this special permit: This rezone will allow for an increased likelihood of future development.
Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone: This may allow for a more dense development which would create a more feasible enviroment for future development.
Whether the proposed rezone represents spot zoning and whether a larger area should be considered: not a spot zone.
Identify impacts on the environment and public safety: no impact to the environment or public safety.

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: Aaron Locke

eSigned via SeamlessDocx.com

Aaron Locke

Applicant Signature:

Key: 5c72afa08fc56080740d56b45e4d4d4d

Date December 22, 2021

Chapter 23.22

COMMERCIAL ZONING DISTRICTS

Sections:

- [23.22.010](#) Purpose of commercial use districts.
- [23.22.020](#) Performance standards and special requirements.
- [23.22.030](#) Commercial use districts permitted land uses.
- [23.22.040](#) Site requirements and development standards for commercial use districts.
- [23.22.050](#) Parking standards for commercial use districts.

23.22.010 Purpose of commercial use districts.

A. The limited business use district (C-LB) is a zone classification designed to provide an area for the location of buildings for professional and business offices, motels, hotels, and their associated accessory uses, and other compatible uses serving as an administrative district for the enhancement of the central business districts, with regulations to afford protection for developments in this and adjacent districts and in certain instances to provide a buffer zone between residential areas and other commercial and industrial districts. This zoning classification is intended to be applied to some portions of the city that are designated either commercial or high-density residential under the city of Richland comprehensive plan.

B. The neighborhood retail business use district (C-1) is a limited retail business zone classification for areas which primarily provide retail products and services for the convenience of nearby neighborhoods with minimal impact to the surrounding residential area. 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.

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.

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 designated commercial under the city of Richland comprehensive plan.

E. The waterfront use district (WF) is a special commercial and residential zoning classification providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices, and other similar commercial, apartment, and multifamily uses which are consistent with waterfront oriented development, and which are in conformance with RMC Title [26](#), Shoreline Management, and with applicable U.S. Corps of Engineers requirements. This zoning classification encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities. Any combination of listed uses may be located in one building or one development (i.e., related buildings on the same lot or site). This zoning classification is intended to be applied to those portions of the city that are designated waterfront under the city of Richland comprehensive plan.

F. The central business district (CBD) is a special mixed use zoning classification designed to encourage the transformation of the central business district from principally a strip commercial auto-oriented neighborhood to a more compact development pattern. The central business district is envisioned to become a center for housing, employment, shopping, recreation, professional service and culture. The uses and development pattern will be integrated and complementary to create a lively and self-supporting district. Medium rise buildings will be anchored by pedestrian oriented storefronts on the ground floor with other uses including housing on upper floors. Projects will be well designed and include quality building materials. Appropriate private development will be encouraged via public investments in the streetscape and through reduction in off-street parking standards. Uses shall generally be conducted completely within an enclosed building, except that outdoor seating for cafes, restaurants, and similar uses and outdoor product display is encouraged. Buildings shall be oriented to the fronting street or accessway, to promote a sense of enclosure and continuity along the street or accessway. This zoning classification is intended for those portions of the city that are designated as central business district, as well as some properties designated as commercial and waterfront, under the Richland comprehensive plan. The central business district zone contains overlay districts titled medical, parkway, and uptown. The overlay districts implement varying site development requirements.

G. The commercial recreation district (CR) is a special commercial district providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, and other commercial uses which are consistent with waterfront oriented development, and which are in conformance with RMC Title [26](#), Shoreline Management, and with the U.S. Corps of Engineers requirements, and providing for regulations to protect the business and residents of the city from objectionable influences, building congestion and lack of light, air and privacy. This zoning classification is intended for those portions of the city that are designated as waterfront or commercial under the Richland comprehensive plan.

H. The commercial winery use district (CW) is a zone classification designed to provide an area for the operation of commercial wineries, including all aspects of the wine making industry, from the raising of crops to the production, storage and bottling of wine and the retail sales of wine and related products. Other uses, which support winery-related tourism, such as restaurants, entertainment venues, retail services such as gift shops and bed and breakfast facilities are also permitted, along with other uses that are compatible with wineries. [Ord. 28-05 § 1.02; Ord. 04-09].

23.22.020 Performance standards and special requirements.

A. Commercial Limited Business. Residential uses permitted in the C-LB district must comply with the following standards except as provided by footnote (6) of RMC [23.22.040](#):

1. Minimum Yard Requirements.

- a. Front Yard. Twenty feet except as provided by footnote (3) of RMC [23.18.040](#);
- b. Side Yards. Each side yard shall provide one foot of side yard for each three feet or portion thereof of building height;
- c. Rear Yards. Twenty-five feet.

2. Required Court Dimensions. Each court on which windows open from any room other than a kitchen, bathroom or a closet, shall have all horizontal dimensions measured at right angles from the windows to any wall or to any lot line other than a front lot line equal to not less than the height of the building above the floor level of the story containing the room, but no dimension shall be less than 20 feet.

3. Distance Between Buildings. No main building shall be closer to any other main building on the lot than a distance equal to the average of their heights. This provision shall not apply if no portion of either building lies within the space between the prolongation of lines along any two of the opposite walls of the other building, but in any such situation the buildings shall not be closer to each other than a distance of 10 feet.

4. Percentage of Lot Coverage. Apartment buildings in a C-LB district shall cover not more than 33 percent of the area of the lot.

B. Neighborhood Retail Business. All uses permitted in a C-1 district must comply with the following performance standards:

1. All business, service, repair, processing, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking, the sale of gasoline, and self-service car washes. Limited outdoor display of merchandise is permitted; provided, that such display shall include only those quantities sold in a day's operation.

2. Outdoor storage areas incidental to a permitted use shall be enclosed with not less than a six-foot-high fence and shall be visually screened from adjoining properties. All storage areas shall comply with building setbacks.

3. Not more than three persons shall be engaged at any one time in fabricating, repairing, cleaning, or other processing of goods other than food preparation in any establishment. All goods produced shall be primarily sold at retail on the premises where produced.

4. Lighting, including permitted illuminated signs, shall be shielded or arranged so as not to reflect or cause glare to extend into any residential districts, or to interfere with the safe operation of motor vehicles.

5. Noise levels resulting from the operation of equipment used in the conduct of business in the C-1 district shall conform to the requirements of Chapter 173-60 WAC, Maximum Environmental Noise Levels.

6. No single retail business, except for a food store, shall operate within a building space that exceeds 15,000 square feet in area, unless approved by the planning commission through the

issuance of a special use permit upon the finding that the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhoods.

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.

D. Waterfront. It is the intent of this section that:

1. Uses should be oriented primarily to the waterfront and secondarily to the public street to facilitate public access to the waterfront; and

2. Public pedestrian access shall include clearly marked travel pathways from the public street through parking areas to primary building entries.

E. Central Business District. New buildings shall conform to the following design standards:

1. The maximum setback area shall only be improved with pedestrian amenities including but not limited to: landscaping, street furniture, sidewalks, plazas, bicycle racks, and public art.

2. Building facades facing streets shall include:

a. Glass fenestration on 50 percent to 80 percent of the ground floor of the building facade. A window display cabinet, work of art, decorative grille or similar treatment may be used to cover an opening for concealment and to meet this standard on those portions of the ground floor facade where the applicant can demonstrate that the intrusion of natural light is detrimental to the ground floor use. Examples of such uses include, but are not limited to, movie theaters, museums, laboratories, and classrooms.

b. At least two of the following architectural elements:

i. Awnings;

ii. Wall plane modulation at a minimum of three feet for every wall more than 50 feet in length;

iii. Pilasters or columns;

iv. Bays;

v. Balconies or building overhangs; or

vi. Upper story windows (comprising a minimum of 50 percent of the facade).

3. At least one pedestrian, nonservice entrance into the building will be provided on each street frontage or provided at the building corner.

4. Variation of exterior building material between the ground and upper floors of multi-story buildings.

5. All buildings with a flat roof shall use a modulated height parapet wall for wall lengths greater than 50 feet. The modulation of parapet heights is encouraged to identify building entrances.
6. All new buildings that utilize parapet walls shall include a projecting cornice detail to create a prominent edge.
7. Public street and sidewalk improvements are required per Richland Municipal Code to implement approved street cross-sections. Curb cuts are encouraged to be located adjacent to property lines and shared with adjacent properties, via joint access agreement.
8. Service bays, loading areas, refuse dumpsters, kitchen waste receptacles, outdoor storage locations, and rooftop mechanical equipment shall be located away from public rights-of-way via site planning and screened from view with landscaping, solid screening or combination.
9. Alternative Design. In the event that a proposed building and/or site does not meet the literal standards identified in this section, or the maximum setback standards set forth in RMC [23.22.040](#) or the maximum parking standards set forth in RMC [23.22.050](#), a project representative 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; and
 - 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. [Ord. 28-05 § 1.02; Ord. 07-06; Ord. 04-09; Ord. 07-10 § 1.01; amended during 2011 recodification; Ord. 32-11 § 4].

23.22.030 Commercial 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	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Agricultural Uses								
Raising Crops, Trees, Vineyards								P
Automotive, Marine and Heavy Equipment								
Automotive Repair – Major				P				
Automotive Repair – Minor		P	P	P	S			
Automotive Repair – Specialty Shop		S	P	P	S			
Automobile Service Station		P ₁	P ₁	P ₁	S ₁			

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Auto Part Sales		P	P	P	S			
Boat Building				P				
Bottling Plants				P				P ₂₈
Car Wash – Automatic or Self-Service		P ₂	P ₂	P ₂	S ₂			
Equipment Rentals			P	P				
Farm Equipment and Supplies Sales				P				
Fuel Station/Mini Mart	S	P	P	P	P			
Heavy Equipment Sales and Repair				P				
Manufactured Home Sales Lot				P				
Marinas						P	P	
Marine Equipment Rentals				P		P	P	
Marine Gas Sales						A	A	
Marine Repair				P		P	P	
Towing, Vehicle Impound Lots				S ₃				
Truck Rentals			P	P				
Truck Stop – Diesel Fuel Sales			S	P				
Truck Terminal				P				

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Vehicle Leasing/Renting			P ⁴	P	S ⁴			
Vehicle Sales			P ⁴	P	S ⁴			
Warehousing, Wholesale Use				P				
Business and Personal Services								
Animal Shelter				S ⁵				
Automatic Teller Machines	P	P	P	P	P	P		P
Commercial Kennel				P ⁵				
Contractors' Offices		P	P	P	P			
Funeral Establishments			P	P				
General Service Businesses	A	P	P	P	P	P		
Health/Fitness Facility	A	P	P	P	P	A	P	
Health/Fitness Center			P	P	P		P	
Health Spa		P	P	P	P	P		P
Hospital/Clinic – Large Animal				S ⁵				
Hospital/Clinic – Small Animal			S ⁵	P ⁵	P			
Laundry/Dry Cleaning, Com.				P	P ²⁹			
Laundry/Dry Cleaning, Neighborhood		P	P	P	P			

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Laundry/Dry Cleaning, Retail	P	P	P	P	P	P		
Laundry – Self-Service		P	P	P	P			
Mini-Warehouse				P ₆				
Mailing Service	P	P	P	P	P	P		
Personal Loan Business	P	P	P	P	P			
Personal Services Businesses	A	P	P	P	P	P		
Photo Processing, Copying and Printing Services	P	P	P	P	P	P		
Telemarketing Services	P		P	P	P			
Video Rental Store		P	P	P	P	P		P
Food Service								
Cafeterias	A		A	A	A	A	A	
Delicatessen	P	P	P	P	P	P	P	P
Drinking Establishments		P ₇	P	P	P	P	P	P
Micro-Brewery			P	P	P	P	P	P
Portable Food Vendors ²⁶	A ²⁷	A ²⁷	A ²⁷	A ²⁷	A ²⁷	A ²⁷	A ²⁷	A ²⁸
Restaurants/Drive-Through		S ₈	P ₈	P ₈	S _{8, 9}	S _{8, 9}		
Restaurants/Lounge		P ₇	P	P	P	P	P	P

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Public Campgrounds				S			S	
Public Parks	P	P	P	P	P		P	P
Schools	P ₁₂	P ₁₂	P ₁₂	P ₁₂	P ₁₂	P ₁₂		
Schools, Alternative	P ₁₃	P ₁₃	P ₁₃	P ₁₃	P ₁₃			
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P	P	P	P	P	P	P
Trail Head Facilities	P	P	P	P	P	P	P	P
Trails for Equestrian, Pedestrian, or Nonmotorized Vehicle Use	P	P	P	P	P	P	P	P
Recreational Uses								
Art Galleries			P	P	P	P	P	P
Arcades		P	P	P	P	P	P	
Boat Mooring Facilities						P	P	
Cinema, Indoor			P	P	P	P	P	
Cinema, Drive-In			P	P				
Commercial Recreation, Indoor		S ₇	P	P	P	P	P	
Commercial Recreation, Outdoor			P	P		P	P	

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
House Banked Card Rooms				P ₁₄	P ₁₄	P ₁₄	P ₁₄	
Recreational Vehicle Campgrounds				S ₁₅			S ₁₅	
Recreational Vehicle Parks				S ₁₆			S ₁₆	
Stable, Public				S ₁₇				
Theater		P ₇	P	P	P	P	P	P
Residential Uses								
Accessory Dwelling Unit		A	A	A	A	A		A
Apartment, Condominium (3 or more units)	P		P ₁₈		P	P		
Assisted Living Facility	P		P		P ₁₈	P		
Bed and Breakfast	P	P	P	P	P	P	P	P
Day Care Center	P ₁₉	P ₁₉	P ₁₉	P ₁₉	P ₁₉	P ₁₉		
Dormitories, Fraternities, and Sororities	P				P	P		
Dwelling, One-Family Attached						P ₂₅		
Dwelling, Two-Family Detached						P		
Dwelling Units for a Resident Watchman or Custodian				A				P ₂₈
Family Day Care Home	P ₁₉					P ₁₉		
Houseboats						P	P	

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Hotels or Motels	P		P	P	P	P	P	P
Nursing or Rest Home	P		P		P ₁₈	P		
Recreational Club	A				A	A		
Senior Housing	P				P ₁₈	P		
Temporary Residence	P ₂₀	P ₂₀	P ₂₀	P ₂₀	P ₂₀	P ₂₀		P
Retail Uses								
Adult Use Establishments				P ₂₁				
Apparel and Accessory Stores		P	P	P	P	P		P
Auto Parts Supply Store		P	P	P	P			
Books, Stationery and Art Supply Stores	A	P	P	P	P	P		P
Building, Hardware, Garden Supply Stores		P	P	P	P			
Department Store			P	P	P			
Drug Store/Pharmacy	A	P/S ²²	P	P	P	P		
Electronic Equipment Stores		P	P	P	P	P		
Food Stores		P	P	P	P	P		
Florist		P	P	P	P	P		P
Furniture, Home Furnishings and Appliance Stores		P	P	P	P			

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Landscaping Material Sales			A	P				
Lumberyards				P				
Nursery, Plant				P				P
Office Supply Store	A	P	P	P	P	P		
Outdoor Sales				P				
Parking Lot or Structure	P	P	P	P	A	P		P
Pawn Shop				P				
Pet Shop and Pet Supply Stores		P	P	P	P			
Retail Hay, Grain and Feed Stores				P				
Secondhand Store			P	P	P	P		
Specialty Retail Stores		P	P	P	P	P		P
Miscellaneous Uses								
Bus Station				P	P			
Bus Terminal				P	P			
Bus Transfer Station	P		P	P	P		P	
Cemetery	P		P	P				
Community Festivals and Street Fairs	P	P	P	P	P	P	P	P

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Convention Center	P		P	P	P	P	P	
Micro- and Macro-Antennas	P	P	P	P	P	P	P	P
Monopole			S ²³	P/S ²³	S ²³			
On-Site Hazardous Waste Treatment and Storage	A	A	A	A	A	A	A	A
Outdoor Storage		A ²⁴	A ²⁴	P ²⁴				
Storage in an Enclosed Building	A	A	A	A	A	A	A	A ²⁸

1. RMC [23.42.280](#)
2. RMC [23.42.270](#)
3. RMC [23.42.320](#)
4. RMC [23.42.330](#)
5. RMC [23.42.040](#)
6. RMC [23.42.170](#)
7. RMC [23.42.053](#)
8. RMC [23.42.047](#)
9. RMC [23.42.055](#)
10. RMC [23.42.050](#)
11. RMC [23.42.200](#)
12. RMC [23.42.250](#)
13. RMC [23.42.260](#)
14. RMC [23.42.100](#)
15. RMC [23.42.230](#)
16. RMC [23.42.220](#)
17. RMC [23.42.190](#)
18. Use permitted on upper stories of multi-story buildings, if main floor is used for commercial or office uses.
19. RMC [23.42.080](#)
20. RMC [23.42.110](#)
21. RMC [23.42.030](#)
22. Use permitted, requires special use permit with drive-through window.
23. Chapter [23.62](#) RMC
24. RMC [23.42.180](#)
25. RMC [23.18.025](#)
26. See definition, RMC [23.06.780](#)
27. RMC [23.42.185](#)
28. Activities permitted only when directly related to and/or conducted in support of winery operations.
29. Within the central business district (CBD), existing commercial laundry/dry cleaning uses, established and operating at the time the CBD district was established, are allowed as a permitted use. All use of the land and/or buildings necessary and incidental to that of the commercial laundry/dry cleaning use, and existing at the effective date of the CBD district, may be continued. Commercial laundry/dry cleaning uses not established and operating at the time the CBD district was established are prohibited.

23.22.040 Site requirements and development standards for commercial 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-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Minimum Lot Area	None	None	None	None	None	None	None	None
Maximum Density – Multifamily Dwellings (units/square feet)	1:1,500	N/A	N/A	N/A	None	1:1,500	N/A	N/A
Minimum Lot Width – One- Family Attached Dwellings	N/A	N/A	N/A	N/A	N/A	30 feet	N/A	N/A
Minimum Front Yard Setback ¹⁴	20 feet	45 feet ¹	0 feet ²	0 feet ²	CBD, Parkway, Uptown Districts: 0 feet min. – 20 feet max. ^{3, 11, 13} Medical District: 0 feet min.	Note 4,5	Note 4	20 feet
Minimum Side Yard Setback	0 feet ⁶	0 feet ⁷	None	None	0 feet ^{6,8}	0 feet ^{5,9}	0 feet	0 feet ^{6,8}
Minimum Rear Yard Setback	0 feet ^{6,8}	0 feet ⁷	None	None	0 feet ^{6,8}	0 feet ^{5,8,10}	0 feet	0 feet ^{6,8}
Maximum Building Height ¹⁴	55 feet	30 feet	80 feet	80 feet	CBD – 110 feet Medical – 140 feet Parkway – 50 feet Uptown – 50 feet	35/55 feet ¹²	35/55 feet ¹²	35 feet

Standard	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Minimum Dwelling Unit Size (in square feet, excluding porches, decks, balconies and basements)	500 feet	N/A	N/A	N/A	500 feet	500 feet	N/A	N/A

1. Each lot shall have a front yard 45 feet deep or equal to the front yards of existing buildings in the same C-1 district and within the same block.
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.
3. Unless a greater setback is required by Chapter [12.11](#) RMC, Intersection Sight Distance.
4. Front and Side Street. No building shall be closer than 40 feet to the centerline of a public right-of-way. The setback area shall incorporate pedestrian amenities such as increased sidewalk width, street furniture, landscaped area, public art features, or similar features.
5. In the case of attached one-family dwelling units, setback requirements shall be as established for attached dwelling units in the medium-density residential small lot (R-2S) zoning district. Refer to RMC [23.18.040](#).
6. In any commercial limited business (C-LB), central business (CBD) or in any commercial winery (CW) zoning district that directly abuts a single-family zoning district, the following buffer, setback and building height regulations shall apply to all structures:
 - a. Within the commercial limited business (C-LB), the central business district (CBD) and the commercial winery (CW) districts, buildings shall maintain at least a 35-foot setback from any property that is zoned for single-family residential use. Single-family residential zones include R-1-12 – single-family residential 12,000, R-1-10 – single-family residential 10,000, R-2 – medium-density residential, R-2S – medium-density residential small lot, or any residential planned unit development that is comprised of single-family detached dwellings.
 - b. Buildings that are within 50 feet of any property that is zoned for single-family residential use in commercial limited business (C-LB) and the commercial winery (CW) districts and buildings that are within 50 feet of any property that is zoned for and currently developed with a single-family residential

use in the central business district (CBD) (as defined in footnote (6)(a)) shall not exceed 30 feet in height. Beyond the area 50 feet from any property that is zoned for single-family residential use, building height may be increased at the rate of one foot in building height for each additional one foot of setback from property that is zoned for single-family residential use to the maximum building height allowed in the C-LB, CW and CBD zoning districts, respectively.

c. A six-foot-high fence that provides a visual screen shall be constructed adjacent to any property line that adjoins property that is zoned for single-family residential use, or currently zoned for and developed with a single-family residential use in the CBD district. Additionally, a 10-foot landscape strip shall be provided adjacent to the fence. This landscape strip may be used to satisfy the landscaping requirements established for the landscaping of parking facilities as identified in RMC [23.54.140](#).

d. In the C-LB and CW districts, a 20-foot setback shall be provided for any side yard that adjoins a street.

7. Side yard and rear yard setbacks are not required except for lots adjoining a residential development, residential district, or a street. Lots adjoining either a residential development or residential district shall maintain a minimum 15-foot setback. Lots adjoining a street shall maintain a minimum 20-foot setback. Required side or rear yards shall be landscaped or covered with a hard surface, or a combination of both. No accessory buildings or structures shall be located in such yards unless otherwise permitted by this title.

8. No minimum required, except parking shall be set back a minimum of five feet to accommodate required landscape screening as required under RMC [23.54.140](#).

9. Side Yard. No minimum, except parking shall be set back a minimum of five feet, and buildings used exclusively for residences shall maintain at least one foot of side yard for each three feet or portion thereof of building height. Side yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.

10. No minimum, except parking shall be set back a minimum of five feet. Rear yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.

11. Commercial developments such as community shopping centers or retail centers over 40,000 square feet in size and typically focused around a major tenant, such as a supermarket grocery, department store or discount store, and supported with smaller “ancillary” retail shops and services

located in multiple building configurations, are permitted front and street side maximum setback flexibility for the largest building. Maximum setback standards on any other new buildings may be adjusted by the planning commission as part of the alternative design review as set forth in the performance standards and special requirements of RMC [23.22.020](#)(E)(9).

12. All buildings that are located in both the waterfront (WF) district and that fall within the jurisdictional limits of the Shoreline Management Act shall comply with the height limitations established in the Richland shoreline master program (RMC Title [26](#)). Buildings in the WF district that are not subject to the Richland shoreline master program shall not exceed a height of 35 feet; unless the planning commission authorizes 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 is located a sufficient distance from the Columbia River to avoid creating a visual barrier.

13. Physical additions to existing nonconforming structures are not subject to the maximum front yard setback requirements.

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).

PLATE NO. 1 - 23.22.040

PLATE 1



CBD - MEDICAL DISTRICT

PLATE NO. 2 - 23.22.040

PLATE 2



CBD - UPTOWN DISTRICT

PLATE NO. 3 - 23.22.040

PLATE 3



CBD - THE PARKWAY DISTRICT

23.22.050 Parking standards for commercial use districts.

A. Off-street parking space shall be provided in all commercial zones in compliance with the requirements of Chapter [23.54](#) RMC.

B. Central Business District Off-Street Parking. All uses have a responsibility to provide parking. The parking responsibility for any new use or change in use shall be determined in accordance with the requirements of Chapter [23.54](#) RMC. The maximum number of parking spaces provided on site shall not exceed 125 percent of the minimum required parking as specified in Chapter [23.54](#) RMC; provided, that any number of parking spaces beyond the established maximum may be approved by the planning commission subject to RMC [23.22.020](#)(E)(9) (Alternative Design).

1. The off-street parking requirement may be reduced as follows:

a. The planning commission may reduce the parking responsibility as provided by RMC [23.54.080](#), joint use; and/or

b. Within a 600-foot radius of the property, and within the CBD zoning district, a 25 percent credit will be provided for each on-street parking space and/or for each off-street parking space located in a city-owned public parking lot. The allowed combined reduction in required off-street parking shall not exceed 50 percent of the overall off-street parking requirement (including any reductions contained in RMC [23.54.080](#)).

Example: one off-street space will be credited if four on-street spaces are located within 600 feet of the property. Parking space dimensions are found in RMC [23.54.120](#). Only those streets designated for on-street parking shall be considered for the credit. Curb cuts, driveways, hydrant frontages, and similar restricted parking areas shall be excluded from the calculation.

2. Any parking lot that has frontage on a public street or accessway shall be screened with a combination of trees planted at no less than 30 feet on center and shrubs planted to form a uniform hedge within five years. A masonry wall not lower than 18 inches and not higher than 36 inches may be substituted for the shrubs. The landscaping and masonry wall, if used, shall be at no greater setback than the maximum setback for a front or street side (RMC [23.22.040](#)). Masonry walls are subject to the performance standards found in RMC [23.22.020](#)(E), and must be granted approval by the public works director for compliance with vision clearance requirements for traffic safety before installation.

Looking North



SITE

Looking East



Looking East



Looking Southeast



Looking South



Looking West



SITE



CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (Z2021-108)

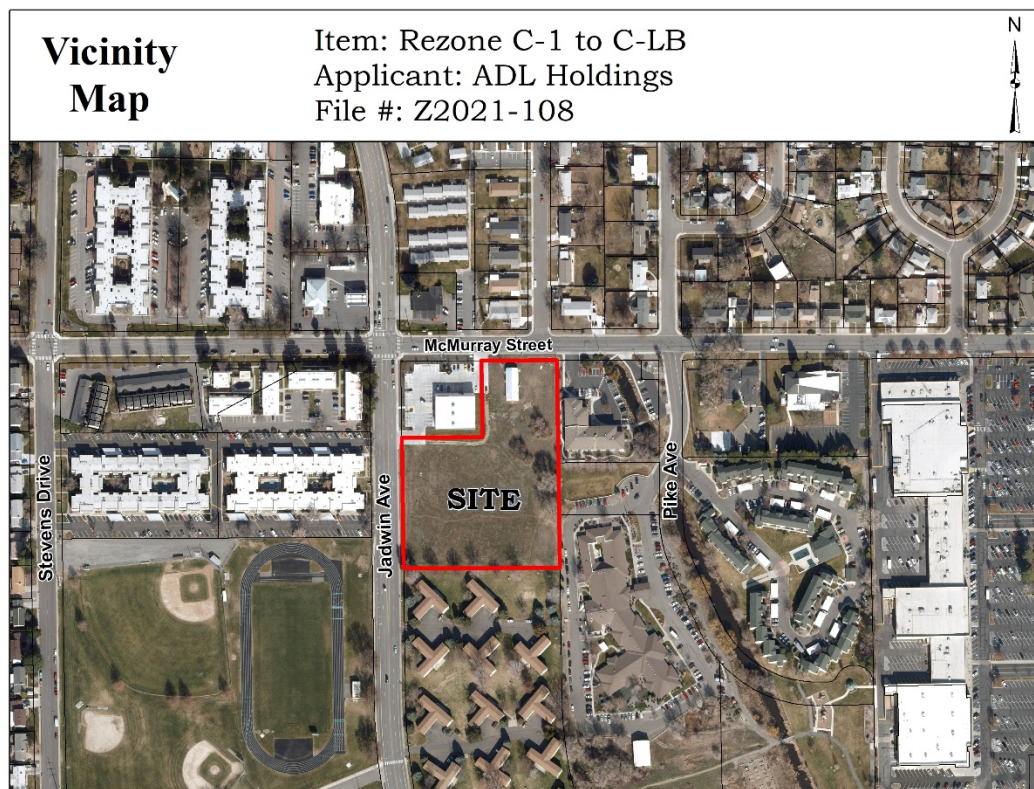
Notice is hereby given that ADL Holdings has filed a request to rezone a 3.9-acre parcel from C-1 (Retail Business) to Commercial Limited Business (C-LB). The project site is located near the southeast corner of the intersection of Jadwin Avenue and McMurray Street (APN 1-02982020745003). Application materials can be viewed online at www.ci.richland.wa.us.

The Richland Hearing Examiner will conduct a virtual public hearing and review of the application at 6:00 p.m., Monday, February 14, 2022. All interested parties are invited to participate in the virtual public hearing by visiting the City of Richland website (www.ci.richland.wa.us).

Environmental Review: The proposal is not subject to environmental review. Pursuant to WAC 197-11-800(6)(c) the rezone application qualifies as a categorically exempt action.

Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Shane O'Neill, Senior Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to soneill@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, January 31, 2022 to be incorporated into the staff report. Written comments received after Jan. 31 will be provided to the Hearing Examiner on the day of the public hearing. Written comment will not be accepted after 6 p.m. on February 13; however verbal comments may be presented during the public hearing.

The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration. 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.



AFFIDAVIT OF POSTING

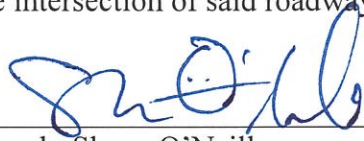
STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Shane O'Neill**, 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 January 2022, I posted the attached NOTICE OF PUBLIC HEARING, File Number Z2021-108 (ADL Holdings Rezone) in the following location:

On the Jadwin Ave and McMurray Street road frontages of parcel # 1-02982020745003); generally near the southeast corner of the intersection of said roadways, Richland WA


Signed: Shane O'Neill

SIGNED AND SWORN to before me this 18th day of January 2022, by Shane O'Neill.




Signature of Notary

Jennifer Schuster
Printed Name

Notary Public in and for the State of Washington,
Residing in 625 Swift Blvd, Richland

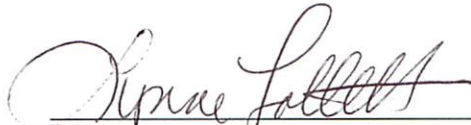
My appointment expires: 4-25-23

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

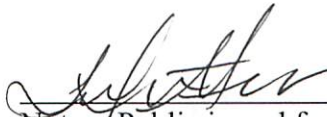
COMES NOW, Lynne Follett, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.
2. On the 12th day of January, 2022, I mailed a copy of the attached NOTICE OF APPLICATION AND PUBLIC HEARING to the attached list of individuals via regular USPS or E-mail on the date indicated above. The Notice of application to rezone a 3.9 acre site located near the southeast corner of the intersection of Jadwin Avenue and McMurray Street (APN 1-02982020745003), C-1 (Retail Business) to Commercial Limited Business (C-LB).


Signed Name: Lynne Follett

SIGNED AND SWORN to before me this 12th day of January, 2022 by Lynne Follett.




Notary Public in and for the State of Washington,
Residing at 625 Swift Blvd, Richland
My appointment expires: 4-25-23
Jennifer Schuster
Printed Name

owner	addr_line1	addr_state	addr_city	addr_zip
DAN & DEBRA BROWN	1915 HARRIS AVE	WA	RICHLAND	99354-2339
LOUISE LEWIS	3233 35TH AVE W	WA	SEATTLE	98199
BRUCE WILSON	1913 HARRIS AVE	WA	RICHLAND	99354-2339
DAVID NEIL HARBINSON	1911 HARRIS AVE	WA	RICHLAND	99354-2339
WILLIAM E JR & DENISE HART	1922 HETRICK ST	WA	RICHLAND	99354-2310
STEPHAN E & JANET SCHOEL	1918 HETRICK ST	WA	RICHLAND	99354-2310
LINO NICCOLI TRUSTEE	1923 HARRIS AVE	WA	RICHLAND	99352-2339
JAMES BARNARD	1930 HETRICK ST	WA	RICHLAND	99354-2310
BRIAN WADE & CHERYL SMITH	1926 HETRICK ST	WA	RICHLAND	99354
LAWRENCE WOJDAC	1933 HARRIS AVE	WA	RICHLAND	99354-2339
DAVID & KAREN HARVEY	1931 HARRIS AVE	WA	RICHLAND	99354-2339
DIANNE GREEN	1927 HARRIS AVE	WA	RICHLAND	99354
NORMAN WILBURN	1922 HARRIS AVE	WA	RICHLAND	99354-2340
CHARLES KINCAID	1926 HARRIS AVE	WA	RICHLAND	99354-2340
BRENDA DAU	1932 HARRIS AVE	WA	RICHLAND	99354
ELSIE GOLDING TRUSTEE	1930 HARRIS AVE	WA	RICHLAND	99354-2340
GEORGE MOREY	1830 HUNT AVE	WA	RICHLAND	99352
CHRISTENSEN NATHAN JOSHUA &				
ZIMNEY CARRIE POFELSKI	1910 HARRIS AVE	WA	RICHLAND	99354
WILLIAM & KRISTINE POWELL	1912 HARRIS AVE	WA	RICHLAND	99354-2340
KATHLEEN METHOD	2851 MATTISON LN	CA	SANTA CRUZ	95065
LESLIE WALKER	1914 HARRIS AVE	WA	RICHLAND	99354-2340
LARRY & TERESA LYNN KESSIE	1832 HUNT AVE	WA	RICHLAND	99354
THOMAS & RORY TAYLOR	1828 HUNT AVE	WA	RICHLAND	99354-5712
STANLEY & DEBORAH PITMAN	1826 HUNT AVE	WA	RICHLAND	99354-5712
KENNETH LAGERGREN	1824 HUNT PT	WA	RICHLAND	99354-5712
MAYNARD & YVONNE PLAHUTA TRUSTEES	1822 HUNT AVE	WA	RICHLAND	99354-5712
DIANA MOELLER	1918 HARRIS AVE	WA	RICHLAND	99354
EDWARD & SUSAN MILLER	1920 HARRIS AVE	WA	RICHLAND	99354-2340
USA CORP OF ENGINEERS	201 N 3RD AVE	WA	WALLA WALLA	99362



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	199459	Print Legal Ad - IPL0055804	HE PHN Z2021-108	\$145.63	1	59 L

Attention: Jana Duncan
CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-11
RICHLAND, WA 99352

CITY OF RICHLAND NOTICE OF PUBLIC HEARING (Z2021-108)

Notice is hereby given that ADL Holdings has filed a request to rezone a 3.9 acre parcel from C-1 (Retail Business) to Commercial Limited Business (C-LB). The project site is located near the southeast corner of the intersection of Jadwin Avenue and McMurray Street (APN 1-02982020745003). Application materials may be viewed on the City of Richland's website at www.ci.richland.wa.us/landuse.

The Richland Hearing Examiner will conduct a virtual public hearing and review of the application on **Monday, February 14, 2022 at 6:00 p.m.** All interested parties are invited to participate in the virtual public hearing by visiting the City of Richland's website at www.ci.richland.wa.us.

Environmental Review: The proposal is not subject to environmental review. Pursuant to WAC 197-11-800(6)(c), the rezoning application qualifies as a categorically exempt action. Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Shane O'Neill, Senior Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may also be faxed to 509-942-7764 or emailed to soneill@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, January 31, 2022 to be incorporated into the staff report. Written comments received after January 31 will be provided to the Hearing Examiner on the day of the public hearing. Written comments will not be accepted after 6:00 p.m. on February 13; however, verbal comments may be presented during the public hearing.

The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration. 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.

Published: Sunday, January 23, 2022
IPL0055804
Jan 23 2022

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

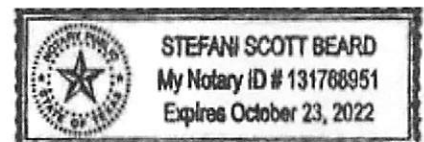
Keriann Leenerts, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for 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 01/23/2022, and ending on 01/23/2022 and that said newspaper was regularly distributed to its subscribers during all of this period.

(Signature of Legals Clerk)

Sworn to and subscribed before me this 24th day of January in the year of 2022

Stefani Beard

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



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



CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (Z2021-108)

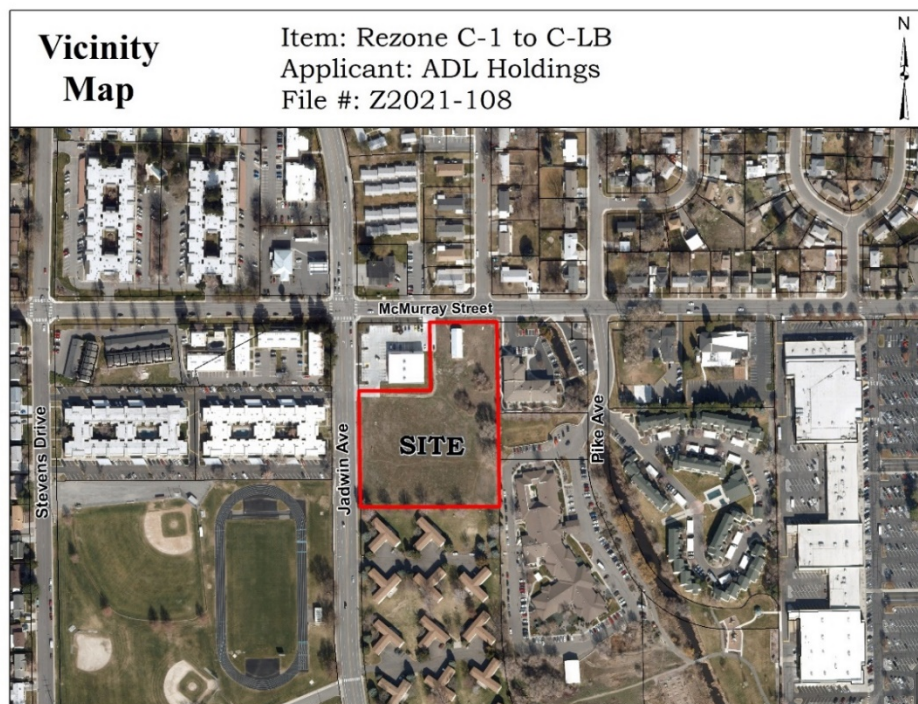
Notice is hereby given that ADL Holdings has filed a request to rezone a 3.9-acre parcel from C-1 (Retail Business) to Commercial Limited Business (C-LB). The project site is located near the southeast corner of the intersection of Jadwin Avenue and McMurray Street (APN 1-02982020745003). Application materials can be viewed online at www.ci.richland.wa.us.

The public hearing on the proposed rezone will be held before the Hearing Examiner on Monday, April 11, 2022, at 6:00 pm in the Council Chambers, 625 Swift Blvd., Richland WA 99352. All interested parties are invited to participate in the public hearing by attending in person or by visiting the City of Richland website (www.ci.richland.wa.us) and joining via Zoom. Application materials are available to the public and can be viewed at www.ci.richland.wa.us.

Environmental Review: The proposal is not subject to environmental review. Pursuant to WAC 197-11-800(6)(c) the rezone application qualifies as a categorically exempt action.

Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Shane O'Neill, Senior Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to soneill@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, April 4, 2022, to be incorporated into the staff report. Written comments received after April 4, will be provided to the Hearing Examiner on the day of the public hearing. Written comment will not be accepted after 6 p.m. on April 10; however verbal comments may be presented during the public hearing.

The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration. 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.



AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Shane O'Neill**, 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.

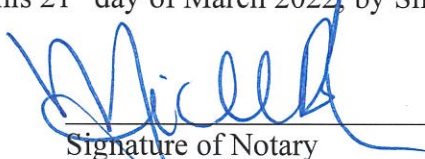
2. On the 21st day of March 2022, I posted a NOTICE OF PUBLIC HEARING for File Number Z2021-108 (ADL Holdings Rezone) in the following location:

On the Jadwin Ave and McMurray Street road frontages of (parcel # 1-02982020745003); generally near the southeast corner of the intersection of said roadways, Richland WA


Signed: Shane O'Neill

SIGNED AND SWORN to before me this 21st day of March 2022, by Shane O'Neill.




Signature of Notary

Michelle L Burden
Printed Name

Notary Public in and for the State of Washington,

Residing in Kennewick

My appointment expires: 3.21.2022



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	237210	Print Legal Ad - IPL0065966	D2586000 4401 HE PH	\$150.56	1	61 L

Attention: Jana Duncan
CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-11
RICHLAND, WA 99352

CITY OF RICHLAND NOTICE OF PUBLIC HEARING (2021-108)

Notice is hereby given that ADL Holdings has filed a request to rezone a 3.9 acre parcel from C-1 (Retail Business) to Commercial Limited Business (C-LB). The project site is located near the southeast corner of the intersection of Jadwin Avenue and McMurray Street (APN 1-02982020745003). Application materials may be viewed on the City of Richland's website at www.ci.richland.wa.us/landuse.

The Richland Hearing Examiner will conduct a public hearing and review of the application on **Monday, April 11, 2022 at 6:00 p.m.** in the Council Chambers, 625 Swift Blvd., Richland WA 99352. All interested parties are invited to attend in-person or participate in the virtual public hearing by visiting the City of Richland's website at www.ci.richland.wa.us.

Environmental Review: The proposal is not subject to environmental review. Pursuant to WAC 197-11-800(6)(c), the rezoning application qualifies as a categorically exempt action. Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Shane O'Neill, Senior Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may also be faxed to 509-942-7764 or emailed to soneill@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, April 4, 2022, to be incorporated into the staff report. Written comments received after April 4 will be provided to the Hearing Examiner on the day of the public hearing. Written comments will not be accepted after 6:00 p.m. on April 10; however, verbal comments may be presented during the public hearing.

The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration. 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.

Published: Sunday, March 27, 2022
IPL0065966
Mar 27 2022

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

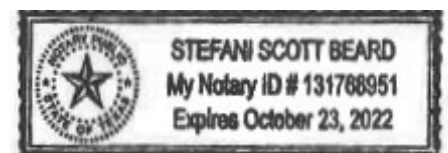
Keriann Leenerts, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for 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 03/27/2022, and ending on 03/27/2022 and that said newspaper was regularly distributed to its subscribers during all of this period.

(Signature of Legals Clerk)

Sworn to and subscribed before me this 28th day of March in the year of 2022

Stefani Beard

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



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

1
2 **AFFIDAVIT OF MAILING**

3
4 STATE OF WASHINGTON)
5) ss.
6 COUNTY OF BENTON)

7
8 COMES NOW, Kevin Damrell, who, being first duly sworn upon oath deposes and says:

9 1. I am an employee in the Planning & Development Department for the City of Richland.

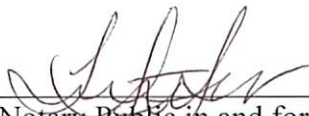
10 2. On the 22nd day of March, 2022, I mailed a copy of the attached NOTICE OF APPLICATION
11 AND PUBLIC HEARING (Z2021-108) to the attached list of individuals via regular USPS on the
12 date indicated above. The Richland Hearing Examiner will conduct a public hearing at 6:00 PM on
13 Monday, April 11, 2022.

14
15 
16 Signed: Kevin Damrell

17
18 SIGNED AND SWORN to before me this 22nd day of March, 2022 by Kevin Damrell.



23
24
25


Notary Public in and for the State of Washington,

Print Name
Residing at 425 Swift Blvd
My appointment expires: 4-25-2023

owner	Address	State	City	State	situs_zip
THREE RIVERS SENIOR HOUSING LLLP	6120 STONERIDGE MALL RD	CA	PLEASANTON	WA	99354-2283
RICHLAND WASHINGTON LLC / C/O TAX ESCROW DEPT	303 INTERNATIONAL CIRCLE	MD	HUNT VALLEY	WA	99352
EDT2017 LLC	777 MCMURRAY ST	WA	RICHLAND	WA	99354-2266
JADWIN STEVENS APARTMENTS LLC	1955 JADWIN AVE STE 350	WA	RICHLAND	WA	99354-2518
KATHLEEN BETTE HODGES	1900 LUTHER PL	WA	RICHLAND	WA	99354
DAVID STANLEY & KANDICE HALL	1906 LUTHER PL	WA	RICHLAND	WA	99354-2236
BRIAN & STACIE PRATT	1912 LUTHER PL	WA	RICHLAND	WA	99354-2236
DANIEL CLARK BIGGS JR	1901 PIKE AVE	WA	RICHLAND	WA	99354-2247
NATHAN SCHWEIGER	1300 GEORGE WASHINGTON WAY	WA	RICHLAND	WA	99354-2247
GEORGIE DEAN	1905 PIKE AVE	WA	RICHLAND	WA	99354
BRIAN & BRANDY FORTNEY	1303 KENSINGTON WAY	WA	RICHLAND	WA	99354-2235
LUTHER SENIOR CENTER EAST	818 W RIVERSIDE AVE STE 300	WA	SPOKANE	WA	99354-2235
SAHOTA INVESTMENTS INC	1903 JADWIN AVE	WA	RICHLAND	WA	99354-2271
RICHLAND SCHOOL DISTRICT #400	615 SNOW AVE	WA	RICHLAND	WA	99354
LIH COLUMBIA PARK LP	1200 5TH AVE STE 825	WA	SEATTLE	WA	99354-2544
WASHINGTON SECURITIES & INVESTMENT CORP	8901 W TUCANNON AVE STE 110	WA	KENNEWICK	WA	99354
O'REILLY AUTO ENTERPRISES LLC	PO BOX 9167	MO	SPRINGFIELD	WA	99352



Aviation Division
7702 Terminal St SW
Tumwater, WA 98501
360-709-8015 / FAX: 360-709-8009
Toll Free: 1-800-552-0666
TTY: 1-800-833-6388
www.wsdot.wa.gov

January 27, 2022

City of Richland Development Services
625 Swift Blvd, MS-35
Richland, WA 99352

RE: NOTICE OF APPLICATION AND PUBLIC HEARING (Z2021-108)

Dear Mr. O'Neill:

Thank you for allowing the Washington State Department of Transportation (WSDOT) Aviation Division to provide input on the NOA and Public Hearing for the ADL Holdings LLC Jadwin Ave Rezone (Z2021-108).

The subject property of the ADL Holdings Rezone is in the airport influence area of the Richland Municipal Airport and is within Zones 3 and 6 of the WSDOT Land-Use Compatibility zones. Commercial developments are allowed in these zones. However, development plans in this zone should be reviewed to ensure that they will not create a height hazard obstruction, smoke, glare, electronic, wildlife attractants or other airspace hazards.

We appreciate the opportunity to offer written comments. Our office is available for any questions or further discussions. Please don't hesitate to contact me at 360-890-5258 or plattst@wsdot.wa.gov.

Sincerely,

Thomas S. "Max" Platts
Aviation Planner
360-890-5258
plattst@wsdot.wa.gov

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND**

Regarding the Application to *Rezone* a 3.9-)
acre site from one Commercial land use)
designation, the C-1 (Neighborhood Retail))
zoning district, to another Commercial)
designation, the C-LB (Commercial Limited)
Business) zoning district, which is fully)
consistent with Comprehensive Plan's)
Commercial land use designation assigned to)
the area, submitted by)

File No. Z2021-108

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

ADL HOLDINGS LLC ON BEHALF THE)
PROPERTY OWNER, WASHINGTON)
SECURITIES, & INVESTMENT CORPORATION)
(GREG MARKEL),)
Applicant)
_____)

I. SUMMARY OF RECOMMENDATION.

The applicant, ADL Holdings LLC on behalf the property owner, Washington Securities, & Investment Corporation (Greg Markel)¹, 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-1 (Neighborhood Retail). The pending application would rezone the site to another Commercial zoning district, the C-LB (Commercial Limited Business) zone.

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

¹ Staff Report identifies Mr. Markel as owner, on page 2, supplementing the Washington Securities entity listed on the Assessor's website as owner.

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: ADL HOLDINGS
APPLICATION TO CHANGE A 3.9-ACRE SITE
FROM THE C-1 TO C-LB ZONING DISTRICT –
FILE NO. Z2021-108**

GARY N. McLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

eventually be proposed on the site.

A single written comment from WSDOT (*Ex. 5*) notes that Commercial development is allowed on the site, but any future development should comply with height limits and avoid activities and uses and might be incompatible with or present hazards for air traffic using the Richland airport.² Future development proposals will be required to comply with all applicable City development regulations, including bulk, height, and setback standards, and do not provide a basis in fact or law to deny the pending rezone request.

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 required³; 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).

² “The subject property of the ADL Holdings Rezone is in the airport influence area of the Richland Municipal Airport and is within Zones 3 and 6 of the WSDOT Land-Use Compatibility zones. Commercial developments are allowed in these zones. However, development plans in this zone should be reviewed to ensure that they will not create a height hazard obstruction, smoke, glare, electronic, wildlife attractants or other airspace hazards.” *Ex. 5, part of WSDOT comment letter.*

³ *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).

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION RE: ADL HOLDINGS
APPLICATION TO CHANGE A 3.9-ACRE SITE
FROM THE C-1 TO C-LB ZONING DISTRICT –
FILE NO. Z2021-108**

GARY N. McLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

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-1 zoning was adopted for the site?

Short Answer: Yes to both. 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-1 (Neighborhood Retail) zone to C-LB (Commercial Limited Business). Unlike surrounding properties, the rezone site remains undeveloped, and the applicant believes the new zone will enhance its 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, possible subdivision codes, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application. Vacant, undeveloped 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, 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 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.

Public notices regarding the application and public hearing were mailed, posted, and published as required by city codes prior to the public hearing, which occurred on February 14, 2022. (*Staff Report, page 6; Exhibit 4*). Before the hearing, the City only received one written comment. (*Ex. 5*). The day after the February hearing concluded, the Examiner issued a written recommendation of approval to the City Council. Weeks later, City Staff discovered that the hearing notices were not mailed to the correct list of property owners living in proximity to the proposed rezone area. Instead of mailing the notices to property owners holding parcels near the intersection of McMurray Street and Jadwin Avenue where the rezone site is located, they went to owners of property far to the east, near the Columbia River. (*See list of mailings in Ex. 4*). To satisfy applicable public notice requirements, this application was re-noticed and a new public hearing occurred on April 11, 2021. The Examiner reviewed the list of mailings for the re-noticed April hearing to confirm that it appears

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the correct list of owners received the notice, as owners of parcels near the proposed rezone site. City staff confirmed that the new list of mailings for the second public hearing was correct.

Hearing Testimony: Only Senior Planner, Shane O'Neill, and the applicant's designated representative, Isaac Chamberlin, a commercial real estate broker, asked to present testimony under oath during both public hearings, in February and in April. Given the ongoing limits placed on public gatherings due to the Covid-19 public health emergency, the Examiner conducted the public hearings via online communication means, coordinated by city staff, which included video images of participants and several exhibits. Staff confirmed that no one else was online, in the Council Chamber, or phoned in to participate in the hearings.

Exhibits: The Development Services Division Staff Reports for the requested Rezone, including a recommendation of approval, were provided to the Examiner in the week before each hearing. The Staff Reports, with the original for the February hearing and the revised version for the re-noticed hearing in April, and the following Exhibits, were all accepted into the Record in their entirety without modification:

1. Application Form
2. Commercial Zoning code provisions – Chapter 18.22 of the Richland Municipal Code
3. Site Photos
4. Public Notices and Affidavits for the February hearing date
- 4A. Public Notices and Affidavits for the re-noticed April hearing date
5. Comments received

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 late December of 2021, the above-captioned applicant filed an application with the City, petitioning to rezone a 3.9-acre site from one Commercial zoning district to another, specifically from the Neighborhood Retail zone (C-1) to the Commercial Limited Business (C-LB) zone. (*Staff Report, page 6; and Exhibit 1, Application form*).

2. The site is a 3.9-acre parcel of long-undeveloped land, lying near the southeast corner of the intersection of McMurray Street and Jadwin Avenue. As depicted in Figure 1 on page 2 of the Staff Report, the smaller, corner parcel at the road intersection is developed with an auto parts store, and

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the subject parcel surrounds it on two sides. The applicant's trapezoidal property is generally level and is bordered by McMurray Street to the north and by Jadwin Avenue to the west.

3. The site is situated in an area of mixed uses. Adjacent property immediately to the south is zoned R-3 and is developed with several multi-family residential apartment buildings. Adjoining properties to the east are zoned C-LB and contain retirement apartments and a rehabilitation center. Properties on the north side of McMurray Street contain residential duplexes (R-2) and a fire station (C-LB). Parcels on the west side of Jadwin Avenue are zoned R-3 and contain multi-family residential apartments. (*Staff Report, discussion on pages 2 and 3*).

4. The project site is a single tax parcel, numbered 102982020745003. (*Ex. 1, Application form; Benton County Assessor records*).

5. There is no dispute that the property at issue is currently designated for Commercial uses in the City's Comprehensive Plan. This application would simply change the specific zoning classification from one Commercial zone to another.

6. There is also no dispute that most surrounding properties have already been developed with various uses, including multifamily residential projects and other business uses that are expressly permitted in the requested C-LB zone. However, the rezone-property has remained undeveloped for a number of years, indicating that development options for C-1 projects may not be favored by investors at this location. The applicant representative generally expressed hope that the requested C-LB zone will facilitate site development at some point in the near future. (*Testimony of Mr. Chamberlin*).

7. Changed circumstances also support the requested rezone from C-1 to the C-LB zone. For example, the requested C-LB zone will hopefully provide future owners and developers with economically viable and realistic options for redeveloping the property with the variety of uses allowed in the C-LB zone that can serve the growing tri-cities area, which would clearly be in the public's interest.

8. If approved, the rezoned site would no longer be available for fuel stations/mini-marts, vehicle service stations, contractor's offices with lay-down yards, building supply stores and grocery stores, bars/taverns or restaurants, as it is today, in its vacant form, under the C-1 zone. Instead, the most intense land use permitted in the C-LB zone is multi-family residential (apartments). The Staff Report credibly explains that the C-LB zone is primarily an "office zone" and secondly a "high-density residential zone," and that the C-LB district is well applied to transitional areas of the community to serve as a buffer between commercial and residential land uses. Transitioning this proposed rezone site to C-LB zoning would expand residential development opportunities while reducing the intensity of allowable commercial uses. It is reasonable to presume that the surrounding residents may appreciate the elimination of the site's potential to be developed with high customer volume businesses currently allowed under the existing C-1 zone.

9. The Examiner concurs with the opinion of staff and finds that the proposed C-LB zoning with its associated permitted land uses, is generally compatible with the vicinity, and that unlike many

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rezones processed by the City Council in the last twenty years, it is not necessary to impose site specific development restrictions by way of a property use and development agreement in this instance. *(Staff Report, discussion and analysis on pages 11 and 12).*

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. The single written comment (*Ex. 5*) generally focused on conditions and considerations that could be relevant in future development application processes, but not this rezone application.

11. 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 8; Official notice from record of previous rezone matters re: City SEPA process(es) undertaken when Comprehensive Plan was adopted and amended).*

12. The rezone is not likely to have any material impact on capacity for the existing local street system serving the property. The Staff Report explains that: Jadwin Avenue is classified as a minor arterial roadway in the City's Transportation Plan; McMurray Street is classified as a major collector roadway in the City's Transportation Plan; Both roads have existing capacity to support additional commercial and residential development; Specific design and assessment of transportation related improvements, if any are required, will be determined when specific development plans are submitted to the City; and that Jadwin Avenue belongs to Ben-Franklin Transit route no. 123, with a transit bus stop already located on the site's Jadwin Avenue frontage. *(Staff Report, page 8).*

13. The Staff Report credibly explains that city utilities have capacity to serve the types of uses that could occur on the site under its requested C-LB zoning designation. *(Staff Report, pages 7-8).*

14. The record does not include any evidence that the requested C-LB zone could allow for any uses that would be incompatible with surrounding uses. Instead, the Staff Report describes the surrounding area with its mix of uses and zones, noting: how adjacent property immediately to the south is zoned R-3 and is developed with several multi-family residential apartment buildings; that adjoining properties to the east are zoned C-LB and contain retirement apartments and a rehabilitation center; that properties on the north side of McMurray Street contain residential duplexes (R-2) and a fire station (C-LB); and that parcels on the west side of Jadwin Avenue are zoned R-3 and contain multi-family residential apartments. *(Staff Report, discussion on page 3, zoning map for area on page 4).*

Summary of Public Hearings.

15. As explained above, the first public hearing for this matter occurred on February 14, 2022. Mr. O'Neill made a brief presentation regarding the application, current site conditions, its vacant condition in the midst of development on most surrounding sites, and his recommendation of approval, as explained in the Staff Report. The applicant's hearing representative, Mr. Chamberlin, confirmed that he accepted the analysis and recommendation included in the Staff Report without

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objection or changes. No members of the general public appeared during the online hearing, by phone, in-person in the council chambers, or computer, and Staff confirmed that no one reached out to say that they planned to participate in the hearing, other than people who were online for the hearing.

15A. Weeks after the February hearing, Staff discovered that they mistakenly used the wrong list of property owners for purposes of mailing notices regarding this rezone application. To satisfy public notice requirements for rezone applications, this matter was re-noticed for a second public hearing on April 11, 2022, for which staff verified and confirmed under oath that the proper list of property owners received notice by mail. (Ex. 44). At the April hearing, the same individuals provided substantially similar testimony to that they provided in the February hearing, and there were no additional public comments, in writing or in-person during the second hearing.

16. The Staff Report's analysis of this application stands un rebutted. The requested rezone is fully consistent with land use policy goals in the City's Comprehensive Plan. (Staff Report, pages 9-10). No one testified to express concerns with or opposition to this rezone application.

Public services and utilities are adequate and readily available to serve the site.

17. Again, as part of the review process, City staff confirmed that adequate utilities, including without limitation water, power, and sewer, are in place and/or readily available to serve the parcel that is at issue in this matter. (Staff Report, pages 7-8).

Consistency with City Codes and Comprehensive Plan.

18. 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-1) to another (C-LB).

19. 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-1 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.

20. 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.

21. The Development Services Division Staff Reports, prepared by Mr. O'Neill, include 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 Reports are incorporated herein by reference as Findings of the undersigned-hearing examiner.

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22. 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-LB zone requested herein.

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 realistic development options on the property.

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

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1 Conclusion is hereby adopted as such and incorporated by reference.

2 **VII. RECOMMENDATION.**

3 Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that
4 the ADL Holdings Rezone application (File No. Z2021-108) to reclassify a 3.9-acre site from its
5 current C-1 (Neighborhood Retail) zone to another Commercial land use designation, the C-LB
6 (Commercial Limited Business) zoning district, which is consistent with the Comprehensive Plan's
7 Commercial land use designation assigned to the area, should be **APPROVED**.

8 ISSUED this 12th Day of April, 2022

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11 Gary N. McLean
12 Hearing Examiner
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