



Agenda
City Council Regular Meeting
Tuesday, July 5, 2022
Richland City Hall Council Chambers
625 Swift Boulevard

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

Welcome and Roll Call

Pledge of Allegiance

Approval of Agenda: (Approved by Motion)

Resolution for Adoption:

1. Resolution No. 2022-96, Confirming the Appointment of D. Shayne VanDyke as Interim Councilmember to Position No. 5 on the Richland City Council
 - City Council

Presentations:

2. Swearing-In of Interim Councilmember D. Shayne VanDyke to Position No. 5 on the Richland City Council
 - Jennifer Rogers, City Clerk
3. The Arc of Tri-Cities
 - Cindy O'Neill, The Arc of Tri-Cities Executive Director
4. New Hires & Retirements
 - Lacey Paulsen, Human Resources Director

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

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

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

Minutes:

5. Approval of the following Richland City Council Meeting Minutes:
 - June 21, 2022 City Council Regular Meeting

- June 28, 2022 City Council Special Meeting
- June 28, 2022 City Council Workshop Meeting
- Heather Kintzley, City Attorney

Ordinances - First Reading:

6. Ordinance No. 2022-24, Amending Richland Municipal Code Sections 24.14.020, 24.14.040, 24.14.090 and 24.14.100 related to Procedures for Processing Binding Site Plans
 - Heather Kintzley, City Attorney

Ordinances - Second Reading & Passage:

7. Ordinance No. 2022-20, Annexing Approximately 12 Acres on Brantingham Road (Badger Mountain Estates)
 - Mike Stevens, Planning Manager
8. Ordinance No. 2022-21, Annexing Approximately 300.1 Acres Located at Tax Parcel Numbers 1-11080000000000 and 1-14081000001003 (USDOE)
 - Mike Stevens, Planning Manager
9. Ordinance No. 2022-22, Amending Richland Municipal Code Title 8: Health and Sanitation, to add Chapter 8.10 entitled Regulating Public Camping
 - Heather Kintzley, City Attorney
10. Ordinance No. 2022-23, Amending Chapter 9.22 of the Richland Municipal Code related to City Property
 - Heather Kintzley, City Attorney

Resolutions - Adoption:

11. Resolution No. 2022-91, Authorizing a Funding Agreement with Benton County for the Center Parkway - North Extension Project
 - Pete Rogalsky, Public Works Director
12. Resolution No. 2022-92, Authorizing a Weatherwise Contractor Agreement with Solstice Heating and Air Inc. for Weatherwise Program Participation
 - Clint Whitney, Energy Services Director
13. Resolution No. 2022-93, Authorizing an Award of Bid to Total Site Services, LLC for the Uptown ADA Parking Lot Improvement Project
 - Joe Schiessl, Parks & Public Facilities Director
14. Resolution No. 2022-94, Declaring 1,348 square feet of Claybell Park Surplus to the City's Needs
 - Joe Schiessl, Parks & Public Facilities Director
15. Resolution No. 2022-95, Ratifying Execution of an Interagency Agreement with the Washington State Department of Ecology on behalf of Hanford Communities
 - Jon Amundson, City Manager

Items - Approval:

16. Appointment to the Richland Public Facilities District Board of Directors: Miriam Kerzner
 - Heather Kintzley, City Attorney

Items of Business:

17. 2023 Budget Process Presentation
 - Brandon Allen, Finance Director

Reports and Comments:

1. City Manager
2. City Council
3. Mayor

Adjournment

This meeting will be broadcast live on [CityView Channel 192](#) on the City's website and on the [City's YouTube Channel](#).

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



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Resolution for Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 2022-96, Confirming the Appointment of D. Shayne VanDyke as Interim Councilmember to Position No. 5 on the Richland City Council

Department:
City Council

Ordinance/Resolution Number:
2022-96

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2022-96, confirming the appointment of D. Shayne VanDyke as Interim Councilmember to Position No. 5 on the Richland City Council.

Summary:

On May 27, 2022, Councilmember Phillip Lemley announced his resignation effective June 1, 2022 from Position No. 5 on the Richland City Council. The Richland City Charter provides that a vacancy in the Council shall be filled by a duly elected candidate during the next regular general election following the occurrence of the vacancy, and that the City Council, by majority vote, shall appoint someone to serve as an interim councilmember until the general election is held.

Council promptly sought applications from interested citizens to fill the vacancy left by Councilmember Lemley. 12 applications were received and all applicants were determined to be eligible pursuant to the Richland City Charter.

On June 28, 2022, Council interviewed three applicants and voted unanimously to appoint D. Shayne VanDyke to serve as interim councilmember in Position No. 5. Resolution No. 2022-96 confirms Richland City Council's appointment.

Per Article II, Section 2.04 of the Richland City Charter, an interim councilmember's appointment to the Richland City Council is effective from the date of appointment until the duly elected successor takes office at the first meeting, regular or special, after the 2023 general election has been certified. D. Shayne VanDyke's interim appointment to Position No. 5 of the Richland City Council is effective with his swearing-in on July 5, 2022.

Fiscal Impact: None.

Attachments:

- I. Resolution No. 2022-96

RESOLUTION NO. 2022-96

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
CONFIRMING THE APPOINTMENT OF D. SHAYNE VANDYKE
AS INTERIM COUNCILMEMBER IN POSITION NO. 5 ON THE
RICHLAND CITY COUNCIL.**

WHEREAS, effective June 1, 2022, Councilmember Phillip Lemley resigned from the Richland City Council, thereby creating a vacancy in Position No. 5; and

WHEREAS, Richland City Council sought applications from qualified individuals interested in serving as interim councilmember in Position No. 5 until the first regular or special meeting after the 2022 general election is certified; and

WHEREAS, 12 applications were received and certified by the City Clerk's Office as eligible for consideration consistent with Article II, Section 2.02 of the Richland City Charter; and

WHEREAS, Richland City Council convened on June 21, 2022 to discuss the candidates for appointment to elected office, after which the City announced Richland City Council's three (3) preferred candidates to interview; and

WHEREAS, on June 28, 2022, Richland City Council interviewed the three (3) candidates in a duly noticed open public meeting; and

WHEREAS, at the conclusion of the interviews, Richland City Council voted unanimously to appoint D. Shayne VanDyke to serve as interim councilmember in Position No. 5 until a duly elected successor is determined by the 2023 General Election.

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

Section 1. The appointment of D. Shayne VanDyke as interim councilmember to Position No. 5, as made by unanimous vote of the Richland City Council on June 28, 2022, is hereby confirmed.

Section 2. The appointment of D. Shayne VanDyke is effective July 5, 2022 upon his swearing in, and will continue until a duly elected successor as determined by the 2023 General Election takes office for the term of Position No. 5 on the Richland City Council, or in the absence of a duly elected successor, until Richland City Council makes a subsequent appointment to Position No. 5.

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

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ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Presentations

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Swearing-In of Interim Councilmember D. Shayne VanDyke to Position No. 5 on the Richland City Council

Department:
City Manager

Ordinance/Resolution Number:

Document Type:
Presentation

Recommended Motion:

None.

Summary:

City Manager Jon Amundson will swear in D. Shayne VanDyke to serve as interim councilmember in Position No. 5.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Minutes

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Approval of the following Richland City Council Meeting Minutes:

- June 21, 2022 City Council Regular Meeting
- June 28, 2022 City Council Special Meeting
- June 28, 2022 City Council Workshop Meeting

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
Minutes

Recommended Motion:

Approve the meeting minutes from the City Council regular meeting held on June 21, 2022, the City Council special meeting held on June 28, 2022, and the City Council workshop meeting held on June 28, 2022.

Summary:

Draft minutes from the following meetings are presented for the Council's consideration and approval:

- June 21, 2022 City Council Regular Meeting
- June 28, 2022 City Council Special Meeting
- June 28, 2022 City Council Workshop Meeting

Fiscal Impact:

None.

Attachments:

1. DRAFT June 21, 2022 City Council Regular Meeting Minutes
2. DRAFT June 28, 2022 City Council Special Meeting Minutes
3. DRAFT June 28, 2022 City Council Workshop Meeting Minutes



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, June 21, 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, Mayor Pro Tem Christensen, and Councilmembers Jones, Kent, Lukson and Richardson were present. Council Position No. 5 is vacant.

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, Human Resources Director Paulsen, Planning Manager Stevens and City Clerk Rogers.

Pledge of Allegiance

Mayor Alvarez led the Council and audience in the recitation of the Pledge of Allegiance.

Approval of Agenda

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 6-0.

Presentations

1. Benton Franklin Recovery Coalition

With the aid of a PowerPoint presentation, Benton Franklin Recovery Coalition (BFRC) Co-Founder and Chair, Michele Gerber, presented the agency's background, mission, core beliefs and goals. Ms. Gerber emphasized the need to provide local detoxification, inpatient residential and mental health services to treat substance use disorders (SUD).

Ms. Gerber shared data from the Community Health Needs Assessment (CHNA) commissioned by the Benton-Franklin Health District, which indicates that SUDs, mental health and suicide are the greatest unmet needs in the region. Ms. Gerber also shared

the economic benefits of having a regional recovery treatment center.

Co-presenter and BFRC member, Cameron Fordmeir, provided a comprehensive overview of services that would be provided at the recovery center and BFRC funding sources.

Ms. Gerber announced that the BFRC is expected to open in 2024 with certain treatment services to be provided sooner. Ms. Gerber also promoted criminal justice treatment alternatives as preferable to immediate arrests and incarceration.

Councilmembers provided comments supporting the services to be offered by BFRC and commended individuals who have a part in its operations. Councilmember Lukson stated he would like the City of Richland to participate in contributing funds to BFRC.

2 Richland Public Facilities District

Richland Public Facilities District President Bill King and REACH Museum Executive Director Rosanna Sharpe presented an REACH Museum update. With the aid of a PowerPoint presentation, Ms. Sharpe discussed the REACH Museum's mission statement and shared an overview of the Museum's programs, events, resources and educational activities. Ms. Sharpe also listed agencies who have partnered with the REACH Museum.

Ms. Sharpe invited Council to attend a Members Only: Meet the Artist reception event on Friday, June 24, 2022 at the REACH Museum. Lastly, Ms. Sharpe announced the showcase of "Columbia & Cascade," a new art exhibit featuring the works of artists who excelled in documenting the landscape while surveying the railway route.

Mr. King's portion of the presentation consisted of an overview of the Museum's budget and funding sources, after which he and Ms. Sharpe engaged in a question and answer session with Council.

Public Hearing

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

3 Proposed Annexation of Approximately 12 Acres on Brantingham Road (Badger Mountain Estates), Ordinance No. 2022-20

Mayor Alvarez opened and closed the public hearing at 6:57 p.m. No testimony was offered.

4 Proposed Annexation of Approximately 300.1 Acres Located at Tax Parcel Numbers 1-1108000000000 and 1-14081000001003 (USD OE), Ordinance No. 2022-21

Mayor Alvarez opened the public hearing at 6:57 p.m. The following individual provided

public testimony:

- Aaron Lambert - 3431 George Washington Way, Richland WA: Mr. Lambert, a representative of Pacific Northwest National Laboratory (PNNL), stated his support of the proposed annexation.

No other testimony was offered. Mayor Alvarez closed the public hearing at 6:58 p.m.

Public Comments

The following individual provided general public comments to be read into the record:

- Robert Benedetti - 400 Broadmoor St. Richland, WA: Mr. Benedetti provided comments opposing the zoning change of property owned by Hayden Homes and Big River, LLC for the construction of a multi-family project. Mr. Benedetti believes there will be undesirable environmental impacts associated with the two construction projects.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

COUNCILMEMBER KENT MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED THE MOTION TO APPROVE THE CONSENT AGENDA AS PUBLISHED. THOSE IN FAVOR: MAYOR ALVAREZ, MAYOR PRO TEM CHRISTENSEN, AND COUNCILMEMBERS JONES, KENT, LUKSON AND RICHARDSON. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

Minutes

5. Approval of the June 7, 2022 City Council Regular Meeting Minutes

Ordinances - First Reading

6. Ordinance No. 2022-23, Amending Chapter 9.22 of the Richland Municipal Code related to City Property

Ordinances - Second Reading & Passage

None.

Resolutions - Adoption

7. Resolution No. 2022-70, Rejecting All Bids received for the Wastewater Treatment Plant Aeration Basin Retrofit Project

8. Resolution No. 2022-86, Authorizing a Funding Agreement with the Washington State Department of Transportation for the Vantage Highway Pathway - Phase 2 Project
9. Resolution No. 2022-87, Ratifying the Establishment of a Joint Retirement Plans Committee to Provide Fiduciary Oversight for all City of Richland Retirement Investment Plans
10. Resolution No. 2022-88, Authorizing a Consultant Agreement with JUB Engineers, Inc. for Design of Improvement to Clubhouse Lane and its Utilities
11. Resolution No. 2022-89, Authorizing a Purchase Agreement with Myers Power Products, Inc. for Procurement of the City View Substation Transformer Bank 2 Metalclad Switchgear
12. Resolution No. 2022-90, Authorizing Purchase of Park Property from Nor Am Investment, LLC in Badger Mountain South

Items - Approval

13. Appointment to the Arts Commission: Alex Boecker and Talia Wolfgramm

Expenditures - Approval

14. Expenditures from May 1, 2022 to May 31, 2022 for \$30,577,010.67 including Travel Check Nos. 20128-20154, Accounts Payable Check Nos. 300158- 300996, Accounts Payable Wire Nos. 5060-9089, Payroll Wires & ACH Nos. 12726-12773, Payroll Direct Deposit & Check Nos. 193133-194257 and Pension Check Nos. 6166-6190.

Items of Business

15. Ordinance No. 2022-20, Annexing Approximately 12 Acres on Brantingham Road (Badger Mountain Estates)

Planning Manager Stevens provided an overview of the proposed annexation of Lots 1-8 of Badger Mountain Estates as provided in the staff report, then engaged in a question and answer session with Council.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER RICHARDSON SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2022-20, ANNEXING APPROXIMATELY 12 ACRES ON BRANTINGHAM ROAD (BADGER MOUNTAIN ESTATES), FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR ALVAREZ, MAYOR PRO TEM CHRISTENSEN AND COUNCILMEMBERS JONES, KENT, LUKSON AND RICHARDSON. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

16. Ordinance No. 2022-21, Annexing Approximately 300.1 Acres Located at Tax Parcel Numbers 1-11080000000000 and 1-14081000001003 (USDOE)

Planning Manager Stevens provided an overview of the proposed annexation request as presented in the staff report, then engaged in a question and answer session with Council. Specific questions were raised regarding the tax implications of annexing federal property.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2022-21, ANNEXING APPROXIMATELY 300.1 ACRES LOCATED AT TAX PARCEL NUMBERS 1-11080000000000 AND 1-14081000001003 (USDOE), FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR ALVAREZ, MAYOR PRO TEM CHRISTENSEN AND COUNCILMEMBERS JONES, KENT, LUKSON AND RICHARDSON. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

17. Ordinance No. 2022-22, Amending Richland Municipal Code Title 8: Health and Sanitation, to add Chapter 8.10 entitled Regulating Public Camping

With the aid of a PowerPoint presentation, City Attorney Kintzley provided an overview of Ordinance No. 2022-22, which would create a comprehensive approach to regulating public camping.

City Attorney Kintzley explained the strategies developed by the State of Washington and Benton County to proactively shift individuals experiencing homelessness out of unauthorized encampments on public property and right-of-way. City Attorney Kintzley further explained that the Washington State Department of Commerce and Benton County both have a legal obligation to develop and implement strategic plans to eliminate homelessness, and that although cities do not have an affirmative legal obligation to provide resolution for homelessness, Richland can provide support to state and county efforts by adopting code provisions that are an exercise of general police power and focus on the health, safety and welfare of its citizens.

Proposed Chapter 8.10 RMC allows the City to enforce no-camping provisions on public property so long as there is a legal alternative available for individuals experiencing homelessness to obtain shelter. The City will partner with the Benton County Department of Human Services to ensure that resources are available and personally offered before enforcement action is taken. The proposed code section also identifies a number of high-visibility/high-use locations in the City where encampments and unauthorized camping will never be allowed, regardless of whether enforcement is suspended.

At the conclusion of the presentation, staff fielded questions from Council.

COUNCILMEMBER RICHARDSON MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2022-22, AMENDING RICHLAND MUNICIPAL CODE TITLE 8: HEALTH AND SANITATION, TO ADD

CHAPTER 8.10 ENTITLED REGULATING PUBLIC CAMPING, FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR ALVAREZ, MAYOR PRO TEM CHRISTENSEN, AND COUNCILMEMBERS JONES, KENT, LUKSON AND RICHARDSON. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

Reports and Comments

City Manager

City Manager Amundson identified three (3) upcoming meetings with alternative dates and times for Council consideration. A general consensus was reached to make the following scheduling adjustments:

- Reschedule the August 2, 2022 City Council Regular meeting to August 1, 2022
- Reschedule the August 23, 2022 City Council Workshop meeting to August 30, 2022
- Advance the September 6, 2022 City Council regular meeting start time to 5:30 p.m.

Because the Richland Municipal Code requires formal action to adjust regular meeting dates, the scheduling matter will come forward on the July 19, 2022 meeting agenda.

City Council

Mayor Pro Tem Christensen and Councilmembers Lukson and Richardson had no comments.

Councilmember Kent thanked those who presented throughout the meeting, and commended those who submitted an application for appointment to the Richland City Council. Lastly, Councilmember Kent expressed enthusiasm for selecting a candidate who will represent all citizens in Richland.

Mayor

Reiterating his pride in our country and in military service in general, Mayor Alvarez spoke highly of the display of exemplary military strength and patriotism portrayed in a recently released film.

Executive Session

Executive Session Per RCW 42.30.110(1)(i): Discuss Current or Potential Litigation with Legal Counsel (30 minutes)

COUNCIL ENTERED INTO EXECUTIVE SESSION AT 7:40 P.M.

Individuals present for the executive session included Mayor Alvarez, Mayor Pro Tem Christensen, and Councilmembers Jones, Kent, Lukson and Richardson. Others present included City Manager Amundson, Assistant City Manager Florence, City Attorney Kintzley and retained legal counsel Ken Harper (by phone).

COUNCIL EXITED EXECUTIVE SESSION AT 8:10 P.M.

Executive Session Per RCW 42.30.110(1)(h): Evaluate the Qualifications of Candidates for Appointment to Elective Office (45 minutes)

COUNCIL ENTERED INTO EXECUTIVE SESSION AT 8:10 P.M.

Individuals present for the executive session included Mayor Alvarez, Mayor Pro Tem Christensen, and Councilmembers Jones, Kent, Lukson and Richardson. City Manager Amundson was also present.

COUNCIL EXITED EXECUTIVE SESSION AT 8:53 P.M.

Adjournment

Mayor Alvarez adjourned the meeting at 8:53 p.m.

APPROVED:

ATTEST:

Michael Alvarez, Mayor

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



MINUTES

RICHLAND CITY COUNCIL SPECIAL MEETING

Tuesday, June 28, 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 Special Meeting - 3:00 p.m.

Mayor Alvarez called the Special meeting to order at 3:00 p.m. The meeting was a hybrid of in-person and online attendance via Zoom.

Attendance: Mayor Alvarez, Mayor Pro Tem Christensen, and Councilmembers Jones, Kent, Lukson and Richardson. Council Position No. 5 is vacant.

Also present were City Manager Amundson and Assistant City Manager Florence.

Agenda Items

1. Interviews for Position No. 5 on the Richland City Council

City Council interviewed KaeRae Parnell, Damon Shayne VanDyke and Gregory Levy for appointment to Position No. 5 on the Richland City Council. The vacancy is the result of Phillip Lemley's resignation effective June 1, 2022.

Executive Session

2. Executive Session Per RCW 42.30.110(1)(h): Evaluate the Qualifications of a Candidate for Appointment to Elective Office

COUNCIL ENTERED INTO EXECUTIVE SESSION AT 4:30 P.M.

Individuals present during the executive session included Mayor Alvarez, Mayor Pro Tem Christensen, and Councilmembers Jones, Kent, Lukson and Richardson. City Manager Amundson was also present.

COUNCIL EXITED EXECUTIVE SESSION AT 4:58 P.M.

Business Items

3. Appointment to Position No. 5 of the Richland City Council

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO APPOINT DAMON SHAYNE VANDYKE TO SERVE AS INTERIM COUNCILMEMBER IN POSITION NO. 5 ON THE RICHLAND CITY COUNCIL. MOTION CARRIED 6-0.

Adjournment

Mayor Alvarez adjourned the meeting at 4:59 p.m.

APPROVED:

Michael Alvarez, Mayor

ATTEST:

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



MINUTES

RICHLAND CITY COUNCIL WORKSHOP MEETING

Tuesday, June 28, 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 Workshop - 6:00 p.m.

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

Attendance: Mayor Pro Tem Christensen and Councilmembers Jones, Kent and Richardson were present. Mayor Alvarez and Councilmember Lukson were absent. Position No. 5 is vacant.

Also present were City Manager Amundson, Assistant City Manager Florence, City Attorney Kintzley, Parks & Public Facilities Director Schiessl, Chief of Police Clary, Fire Chief Huntington, Finance Director Allen, Development Services Director Jensen, Energy Services Director Whitney, Police Commander Judge, Library Manager Nulph and City Clerk Rogers.

Agenda Items

1. WCIA Training: City Council Best Practices

With the aid of a PowerPoint presentation, Washington Cities Insurance Authority (WCIA) Deputy Director Rob Roscoe presented *Council Dos and Don'ts*, a training session intended to inform councilmembers of the risks associated with certain conduct while serving as an elected official for a local agency. Mr. Roscoe entertained questions from Council throughout the 1-hour training.

2. Richland Police Department Space Analysis

With the aid of a PowerPoint presentation, Chief of Police Clary and Parks & Public Facilities Director Schiessl provided an in-depth presentation on the limitations of the current police station, and suggested a range of solutions with cost estimates for Council consideration. Council offered initial impressions on the options presented and asked questions of staff throughout the presentation.

3. West Village Park Long Range Plan

With the aid of a PowerPoint presentation, Parks & Public Facilities Director Schiessl provided a high-level overview of the proposed Long Range Plan for West Village Park, a city amenity to be developed in the Badger Mountain South (BMS) neighborhood. The draft Plan is currently undergoing a second public review, and the Parks & Recreation Commission is expected to provide a final recommendation on the Plan at a future

meeting. Staff anticipates presenting the Plan to Richland City Council for review and approval in July. Staff addressed questions of Council throughout the presentation.

4. Draft Richland Public Library Strategic Plan

With the aid of a PowerPoint presentation, Library Manager Nulph presented a detailed overview of the proposed Richland Public Library Strategic Plan. The Plan was developed with significant public participation in various types of forums, and will be presented to the Richland Public Library Board of Trustees for approval at its July 12, 2022 meeting. If approved, Richland City Council will be asked to ratify the Plan during the first meeting in August.

Library Manager Nulph and Parks & Public Facilities Director Schiessl fielded questions from Council throughout the presentation.

5. Hanford Legacy Park Market and Feasibility Analysis

With the aid of a PowerPoint presentation, Parks & Public Facilities Director Schiessl provided a brief summary of the Hanford Legacy Park market assessment, feasibility analysis and cost and revenue implications. Hanford Legacy Park was recently included in a regional sports tourism study commissioned by Visit Tri-Cities. Based on costs, staff recommends reevaluating construction after the market settles, and/or possibly reconsidering the tourism model. Staff responded to inquiries throughout the presentation.

Additional Closing Comments

City Manager Amundson announced that due to the holiday falling on a Monday this year, the annual 4th of July update provided to Council at the regular meeting on July 5, 2022 will only capture major concerns that occurred on the holiday and days preceding. The more in-depth 4th of July update will be presented at the July 19, 2022 City Council regular meeting.

Adjournment

Mayor Pro Tem Christensen adjourned the meeting at 8:48 p.m.

APPROVED:

ATTEST:

Michael Alvarez, Mayor

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 2022-24, Amending Richland Municipal Code Sections 24.14.020, 24.14.040, 24.14.090 and 24.14.100 related to Procedures for Processing Binding Site Plans

Department:
City Attorney

Ordinance/Resolution Number:
2022-24

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2022-24, amending Richland Municipal Code Sections 24.14.020, 24.14.040, 24.14.090 and 24.14.100 related to procedures for processing binding site plans.

Summary:

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

In October 2014, through Ordinance No. 27-14, the City adopted a hearing examiner system and shifted a number of the Richland Planning Commission's quasi-judicial duties to the Richland Hearing Examiner. As part of that initial effort, the language in Ch. 24.14 RMC was changed for processing binding site plans. Unfortunately, the code edits failed to capture all of the references in Ch. 24.14 RMC related to the hearing examiner's jurisdiction over binding site plan determinations. This housekeeping action is necessary to resolve the conflict created by contradictory references.

Proposed Ordinance No. 2022-24 will correct the existing conflict in Ch. 24.14 RMC by removing references to the planning commission and inserting references to the City's hearing examiner.

Staff recommends approval of Ordinance No. 2022-24 for first reading, by title only.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 2022-24

ORDINANCE NO. 2022-24

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE SECTIONS 24.14.020, 24.14.040, 24.14.090 AND 24.14.100 RELATED TO PROCEDURES FOR PROCESSING BINDING SITE PLANS.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code to resolve conflicts and eliminate ambiguity; and

WHEREAS, an unintended conflict currently exists within Chapter 24.14 RMC related to jurisdiction for review of binding site plans; and

WHEREAS, the edits contained herein are necessary to resolve the conflict.

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

Section 1. Richland Municipal Code Section 24.14.020, entitled Overview of procedures, as adopted by Ordinance No. 47-94, is hereby amended to read as follows:

24.14.020 Overview of procedures.

The general procedures for processing a binding site plan shall consist of the following steps:

A. Preparation and submittal of a preliminary site plan (optional) for review by affected city departments and other appropriate agencies;

B. Submittal of an application for binding site plan processing:

1. For a lot containing less than 200,000 square feet in surface area, administrative review and action on the binding site plan;
2. For a lot containing 200,000 square feet or more in surface area, review and recommendation by the technical advisory committee and review and action by the [hearing examiner](#) ~~physical planning commission~~;

C. Approval by the city engineer of appropriate engineering design plans for streets and other public improvements and either construction of improvements or provision of bonding or other legally sufficient assurance of improvement as required;

D. Approval of the binding site plan by the administrator; and

E. Recording of binding site plan with the Benton County auditor.

Section 2. Richland Municipal Code Section 24.14.040, entitled Application for binding site plan approval, as first adopted by Ordinance No. 47-94, and last amended by Ordinance No. 13-96, is hereby amended to read as follows:

24.14.040 Application for binding site plan approval.

Prior to the division of commercial or industrial land, a binding site plan application shall be filed.

If the property to be divided is 200,000 square feet or more in surface area, application for binding site plan approval shall be filed with the administrator at least 30 calendar days prior to the [hearing examiner](#) ~~physical planning commission~~ meeting at which the application is to be considered. The application shall include:

A. A completed application form;

B. Fifteen copies of the binding site plan prepared by a registered professional land surveyor and one set of letter size (eight and one-half inches by 11 inches) or legal size (eight and one-half inches by 14 inches) reductions of the binding site plan;

C. For properties containing over 200,000 square feet in surface area, a report from a title insurance company showing:

1. Ownership of the property involved;
2. Easements, exceptions and restrictions of record;
3. A list of names and addresses of owners of property within 300 feet of the property involved, exclusive of the public rights-of-way and other property owned by the applicant; and
4. A key map showing the property involved and delineating the adjacent property exclusive of the public rights-of-way with each parcel that is shown numbered to correspond with the ownership report.

D. For properties containing less than 200,000 square feet in surface area, a report from a title insurance company showing:

1. Ownership of the property involved; and
2. Easements, exceptions, and restrictions of record.

E. Application fee as required by RMC 19.80.020.

Section 3. Richland Municipal Code Section 24.14.090, entitled Commercial and industrial subdivisions and binding site plan, as first adopted by Ordinance No. 47-94, and last amended by Ordinance No. 31-03, is hereby amended to read as follows:

24.14.090 Commercial and industrial subdivisions and binding site plan.

In addition to the design criteria found elsewhere in this chapter, commercial and industrial property proposed to be divided under the binding site plan provisions of this title shall be evaluated according to the following criteria:

A. Streets. Where necessary to meet the criteria for length and width of commercial and industrial blocks or where shown on the comprehensive plan, access streets shall be dedicated to the public. The design and improvement of commercial and industrial streets shall conform to the applicable

criteria and standards for streets elsewhere in this code. In addition, they shall be designed and improved in a manner sufficient to accommodate the types of vehicles and volume of traffic expected as determined by the city engineer. The city engineer may require commercial or industrial access streets to be developed to a greater width than required for residential access streets. Where it is proposed that frequent truck and bus traffic will share roadways with passenger vehicles, turning radii shall be such that encroachment of trucks and buses into adjacent lanes is minimized.

B. Access Roadways. In addition to any required public streets, private roadways or traffic aisles shall provide access to lots created such that the traffic generated by ultimate development within the boundaries of the property to be divided will be separated from through traffic on collector and arterial streets. The number of intersections of commercial and industrial access roadways with collector and arterial streets shall be minimized.

1. Except for driveway entrances of corner lots, the number of intersections of private streets and traffic aisles with arterial streets on any one street frontage of any block shall be limited to one for every 400 feet of street frontage, or portion thereof, on that side of the block, except where specifically permitted by the reviewers;
2. Corner lots shall be permitted a maximum of two driveway entrances for each street frontage and all driveway entrances shall be at least 25 feet from the right-of-way line of an intersecting street;
3. Corner lots shall have access to the access roadways for other lots in the block as described in this section;
4. As nearly as is practicable, intersections of access roadways with public streets, including driveway entrances, shall be evenly spaced; and
5. All access roadways shall be a minimum of 20 feet in width and shall be designed and improved in a manner sufficient to accommodate the type of vehicles and volume of traffic expected as determined by the city engineer.

C. Trails, Walkways, and Paths. Safe and convenient pedestrian and bicycle access shall be provided from public streets to commercial and industrial lots as determined by the reviewers.

D. Utilities and Storm Drainage. Utility plans and storm drainage plans shall be reviewed and approved by the utilities and public works group and community and development services group prior to approval of any binding site plan.

E. Blocks. Block length shall normally not exceed 2,000 feet or be less than 600 feet. Block width shall normally not exceed 1,000 feet or be less than 300 feet. When staff or the [hearing examiner commission](#) reviews and approves a detailed site plan containing specific location of building and design of traffic aisles and parking areas, or when special circumstances are found to exist, they may waive this requirement.

Section 4. Richland Municipal Code Section 24.14.100, entitled Appeals, as first adopted by Ordinance No. 47-94, and last amended by Ordinance No. 27-14, is hereby amended to read as follows:

24.14.100 Appeals.

Any action taken by the hearing examiner on a binding site plan application may be appealed ~~to the city council~~ in accordance with the requirements set forth in RMC Title 19 for a Type II permit application.

Section 5. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 6. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 7. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

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

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area 3 - Increase Economic Vitality

Subject:

Ordinance No. 2022-20, Annexing Approximately 12 Acres on Brantingham Road (Badger Mountain Estates)

Department:
Development Services

Ordinance/Resolution Number:
2022-20

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2022-20, annexing approximately 12 acres on Brantingham Road into the City of Richland as provided therein.

Summary:

The City is considering the annexation of approximately 12 acres of land near Brantingham Road (Badger Mountain Estates Lots 1 - 8). The subject property is a county island containing six (6) residential units. Annexation of the subject property will allow these houses to be served by city services.

Council will hold a public hearing on June 21, 2022 and deliberate thereafter whether to accept the proposed annexation area into city limits. To date, no public comments for or against the proposed annexation have been received by the City, and the process has progressed without any issues.

Staff recommends approval of Ordinance No. 2022-20 for second reading and passage.

Fiscal Impact: None.

Attachments:

1. Ordinance No. 2022-20
2. Full Staff Report Badger Mountain Estates Annexation
3. Vicinity Map

WHEN RECORDED RETURN TO:

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

ORDINANCE NO. 2022-20

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, ANNEXING LOTS 1-8 OF BADGER MOUNTAIN ESTATES CONSISTING OF APPROXIMATELY 12 ACRES AND LOCATED AT 1560 BRANTINGHAM ROAD, 1570 BRANTINGHAM ROAD, 1600 BRANTINGHAM ROAD, 1620 BRANTINGHAM ROAD, 1640 BRANTINGHAM ROAD, 1650 BRANTINGHAM ROAD AND 1660 BRANTINGHAM ROAD IN SECTION 26, TOWNSHIP 9 NORTH, RANGE 28 EAST W.M., BENTON COUNTY, WASHINGTON, PROVIDING FOR ASSUMPTION OF EXISTING CITY INDEBTEDNESS, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF RICHLAND.

WHEREAS, the City received a notice of intent to annex from Joseph & Colleen Lane (1560 Brantingham Road), Wayne & Sue Flaten (1570 Brantingham Road), Mark & Barbara Buckmaster (1600 Brantingham Road), Eric Van Mason (1620 Brantingham Road), Jonathan Guymon (1640 Brantingham Road), Dustin Gillespie (1650 Brantingham Road) and Daniel & Claudia Becker (1660 Brantingham Road), the value of which constituted 84.61% of the proposed annexation area and so qualified the owners to commence annexation proceedings for annexation into the City of Richland; and

WHEREAS, on July 6, 2021, a meeting was held between the initiating parties of this annexation and the Richland City Council, at which time City Council adopted Resolution No. 84-21, accepting the notice of intention to commence annexation proceedings for the real property legally described in **Exhibit A** attached hereto, subject to simultaneous adoption of the Comprehensive Plan for the proposed annexation area, and the assumption of the appropriate share of all existing City indebtedness; and

WHEREAS, Resolution No. 84-21 further authorized and directed the Richland Planning Commission to develop and forward a recommendation to the Richland City Council as to the most appropriate zoning designation for the area proposed to be annexed; and

WHEREAS, the Richland Planning Commission held a public hearing on October 13, 2021 to consider an appropriate zoning designation for the proposed annexation area, and recommended the adoption of Suburban Agriculture (SAG) zoning for the property; and

WHEREAS, on December 7, 2021, Richland City Council adopted Resolution No. 152-21, authorizing the circulation of an annexation petition for annexation of the real property legally described in **Exhibit A** attached hereto; and

WHEREAS, a petition was circulated and signed by property owners representing 84.61% of the assessed value of the proposed annexation area, thereby exceeding the state requirement that owners representing at least sixty percent (60%) of the value of the proposed annexation area petition the City for annexation, with such value determined according to the assessed valuation for general taxation; and

WHEREAS, the Richland City Council held a public hearing to consider the annexation on June 21, 2022, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation and through the mailing of notice to all property owners within the annexation area, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, having given the matter and all information in the record due consideration, the Richland City Council has determined that the annexation would be of general benefit to the residents of the City of Richland.

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

Section 1. The real property legally described in **Exhibit A** attached hereto is hereby annexed to the City of Richland and is hereby declared to be within the corporate limits of the City of Richland, Benton County, Washington (the “Annexed Area”).

Section 2. The Richland Comprehensive Plan, adopted October 3, 2017 by passage of Ordinance No. 45-17 and as thereafter amended, shall serve as the comprehensive plan for the Annexed Area. All properties within the Annexed Area shall be designated as Low-Density Residential under the land use map that is part of the Richland Comprehensive Plan.

Section 3. The property within the Annexed Area shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments or taxes in payment for all or of any portion of the outstanding indebtedness of the City, approved by the voters, contracted, or incurred prior to, or existing at the date of annexation.

Section 4. Title 23 of the City of Richland Municipal Code (RMC) 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 No. 16, which is one of a series of maps constituting said Official Zoning Map, as shown on the attached **Exhibit B** bearing the number 16 together with 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. It is hereby found, as an exercise of the City's police power, that the best zoning for the properties included in the Annexed Area shall be Suburban Agriculture (SAG), as depicted on **Exhibit B**, attached hereto, when consideration is given to the interest of the general public.

Section 6. The City Clerk is directed to file a copy of this annexation with the Board of Commissioners of Benton County and the State of Washington in the manner required by law. The City Clerk is also directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance, and shall attach the amended sectional map, as necessary, and an amended Annexation map, duly certified by the City Clerk as a true copy.

Section 7. As authorized and required by RCW 35.13.280, the City shall negotiate a new franchise with the solid waste collection service provider currently serving the Annexed Area on terms that are acceptable to the City and that comply with the City's Solid Waste Management Plan.

Section 8. This Ordinance shall take effect on the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: June 21, 2022
Second Reading: July 5, 2022
Date Published: July 10, 2022

Exhibit A to Ordinance No. 2022-20
Legal Description for Proposed Badger Mountain Estates Annexation

The Badger Mountain Estates annexation consists of the following:

Lots 1, 2, 3, 4, 5, 6, 7 & 8 Plat of Badger Mountain Estates, located within Section 26, Township 9 North, Range 28 East, W.M., Benton County, Washington.

This description includes the following **County Parcel Identification Numbers**:

126983020000025

126983020000024

126983020000006

126983020000023

126983020000019

126983020000002

126983020000003

STAFF REPORT

TO: CITY COUNCIL
FILE NO.: ANX2021-101

PREPARED BY: MIKE STEVENS
MEETING DATE: JUNE 21, 2022

GENERAL INFORMATION:

APPLICANT: JOSEPH & COLLEEN LANE, WAYNE & SUE FLATEN,
MARK & BARBARA BUCKMASTER, ERIC VAN MASON,
JONATHAN GUYMON, DUSTIN GILLESPIE AND DANIEL
& CLAUDIA BECKER (ANX2021-101).

REQUEST: CONSIDERATION OF ANNEXATION.

LOCATION: LAND LOCATED AT 1560, 1570, 1600, 1620, 1640, 1650 and
1660 BRANTINGHAM ROAD.

REASON FOR REQUEST:

The City is currently considering the annexation of approximately 12 acres located at 1560, 1570, 1600, 1620, 1640, 1650 and 1660 Brantingham Road.

BACKGROUND

The City is evaluating a proposal to annex seven (7) tax parcels (8 lots) of land totaling approximately 12 acres on Brantingham Road. Six of the seven tax parcels contain single-family residential development.

The City Council passed Resolution No. 84-21 authorizing the annexation proceedings to begin. The next step required the Planning Commission to consider what zoning designation(s) would be appropriate if the property were to be annexed. During the Planning Commission's public hearing for zoning consideration it was decided that Suburban Agriculture (SAG) should be applied to the property because the SAG zone best represents the characteristics of the properties subject to the annexation request. Each of the sites are approximately 1.5 acres in size and have very little chance for further residential development given how the existing residential development has occurred on each of the developed sites.

City Council authorized the circulation of the annexation petition as a result of Resolution No. 152-21 on December 7, 2021. Upon receipt of the completed petition Planning Staff sent the applicable information to the Benton County Assessor's Office for certification. After receipt of the certification notice from the Assessor, City Council adopted Resolution No. 2022-50, which established June 21, 2022 as the date on which Council would conduct a public hearing to consider the annexation petition.

SITE DATA

Size: Approximately 12 acres.

Ownership: The proposed annexation site is comprised of seven (7) tax parcels (8 lots) under separate ownership (Lane, Flaten, Buckmaster, Van Mason (2), Guymon, Gillespie and Becker).

Current Use: Six of the seven tax parcels have been developed with single-family residential dwellings and various types/sizes of accessory out-buildings.

Comprehensive Plan: The site is within the City of Richland's adopted Urban Growth Area (UGA) boundary and is designated as suitable for low density residential development based on the Richland Comprehensive Plan. The Suburban Agriculture (SAG) zone is appropriate for areas that are designated as low density by the Comprehensive Plan.

Utilities: City water, city sewer and city electrical services are available in the vicinity to serve the proposed annexation area. The annexation is being requested in order to provide each of the homes with city water and sewer services as a result of the adjacent Marcello Estates subdivision.

Existing County Zoning: Urban Growth Area Residential.

SURROUNDING LAND USES

Properties surrounding the proposed annexation area are located within the City of Richland and are zoned R-1-10 (Low Density Residential) and PUD (Planned Unit Development).

ANALYSIS

The R-1-10, R-1-12 and SAG zones would each be consistent with the comprehensive plan designation of Low Density Residential. R-1-10 zoning surrounds most of the annexation area and, if the property were undeveloped, it is staff's opinion that R-1-10 would be the zoning district best suited for the proposed annexation area. However, since six of the seven tax parcels have been developed on tax parcels ranging in size from 1.5-acres to 3-acres and the existing development essentially precludes the parcels from being subdivided, it was staff's and Planning Commission's opinion that the site should be zoned SAG (Suburban Agriculture). Implementation of a different zoning district, while possible, would not represent the best zoning for the annexation area given the fact that a majority of the land has already been developed in a manner that encumbers a vast majority of six of the seven tax parcels. The Planning Commission determined that application of the SAG zoning represents the most appropriate zoning designation for the proposed annexation area as it would be consistent with the City's Comprehensive Plan and existing development pattern within the proposed annexation area.

SUMMARY

Staff recommends that the Council conduct a public hearing on the matter and vote to accept the proposed annexation area into the city limits. As of the date this staff report was prepared no comments either for, or against, the proposed annexation request had been received. The annexation application has made its way through the annexation review process and no issues have arisen that would affect staff's recommendation (below).

FINDINGS OF FACT

1. The site is within the City of Richland's Urban Growth Area boundary as those boundaries were established with the adoption of the Benton County Comprehensive Plan in 1998 and subsequent periodic updates;
2. City Council passed Resolution 73-21 establishing July 6, 2021 as the date for Council to meet with the proponents of the annexation.
3. City Council passed Resolution 84-21 which accepted the request for annexation and required that the Planning Commission review the proposal and forward a recommendation to City Council as to the most zoning designation(s) for the area proposed for annexation.
4. The Planning Commission conducted a public hearing on October 13, 2021 to determine the appropriate zoning for the site.
5. City Council passed Resolution 152-21 on December 7, 2021 authorizing circulation of the annexation petition.
6. City Council passed Resolution 2022-50 on April 5, 2022 recognizing certification of the annexation petition by the Benton County Assessor and establishing June 21, 2022 as the date on which Council would conduct a public hearing to consider the annexation petition.
7. The City's comprehensive plan designates the proposed annexation area as suitable for low density residential uses;
8. The Suburban Agriculture (SAG) district can be applied to property within the low density residential land use designation;
9. City water, city sewer and city electrical services are available in the vicinity to serve the proposed annexation area. The annexation is being requested in order to provide each of the homes with city water and sewer services as a result of the adjacent Marcello Estates subdivision.
10. Properties surrounding the proposed annexation area are located within the City of Richland and are zoned R-1-10 (Low Density Residential) and PUD (Planned Unit Development);

11. The Planning Commission determined that application of the SAG zoning represents the most appropriate zoning designation for the proposed annexation area as it would be consistent with the City's Comprehensive Plan and existing development pattern within the proposed annexation area.

CONCLUSIONS OF LAW:

1. Based on the above findings of fact, assignment of Suburban Agriculture (SAG) zoning would be in the best interest of the City of Richland.

RECOMMENDATION

Staff recommends that the City Council approve the annexation request and subsequently concur with the findings and conclusions set forth by the Planning Commission in Planning Commission Staff Report (ANX2021-101) and assign Suburban Agriculture (SAG) zoning to the site.

EXHIBITS

- A. Application Materials
- B. Resolution No. 73-21
- C. Resolution No. 84-21
- D. Resolution 152-21
- E. Resolution 2022-50
- F. Planning Commission Staff Report (ANX2021-101)

Exhibit A



City of Richland
Development Services

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

Application for Annexation

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

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: Badger Mountain Estates Association (BMEA), Owners specified in attachment and letter

Address: Brantingham RD

Phone: see letter

Email: see letter

APPLICANT INFORMATION (If different)

☒ Contact Person

Company:

UBI#

Contact: Eric Van Mason (BMEA Vice President)

Address: 1620 Brantingham RD

Phone: 509-713-0457

Email: eric.vanmason@gmail.com

DESCRIPTION OF REQUEST

Annexation request associated with agreement with RP Development and P&R construction regarding provision of City utilities to BMEA property owners per preliminary plat approval for Marcello Estates (City Counsel Resolution No. 39-19. See condition No. 32)

PROPERTY INFORMATION

Parcel #: multiple parcels, see attached descriptions

Legal Description: attached

Current Comp. Plan: LD residential

Requested Zoning: SAG

Size of Property: approx 1.5 acres each

Domestic Water Supply: ☐ City ☒ Private Well

Sewage Disposal: ☐ City ☒ Septic

Irrigation Source: ☐ City ☐ Private Well ☐ Columbia Irrig. District ☒ Kennewick Irrig. District ☐ BMID

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. A "Notice of Intent" form requesting annexation to the City of Richland
3. Full legal description of the proposed annexation area
4. A map showing all of the following: general vicinity of proposed annexation in relation to the City of Richland, the proposed boundaries of the annexation, and all public roads near the annexation area
5. Other information as determined by the Administrator

ANSWER QUESTIONS BELOW AS COMPLETELY AS POSSIBLE – USE ADDITIONAL SHEET(S) IF NECESSARY

Why are you requesting annexation into the City of Richland?

In order to receive City utilities per agreement with RP Development and P&R construction (City Counsel Resolution No. 39-19. See condition No. 32)

What use, building or structure is intended for the property?
Residential and home based business use

What changes have occurred in the area that justify the requested annexation?
Proposed development of Marcello Estates adjacent to BMW EA parcels

Are there any other properties in your neighborhood that could be part of your annexation request? If so, have you spoken to the owners about joining your annexation request?
No.

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.

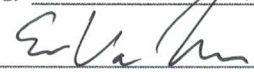
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation 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 submittals.
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 the 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: Eric Van Mason, BMEA

Applicant Signature:  Date 5/3/2021

Owner	Mark and Barbara Buckmaster
Address	1600 Brantingham Rd Richland, WA 99352
Phone	509-627-1321
Email	markbuckmaster@frontier.com
Parcel Number	126983020000003
Legal Description	BADGER MOUNTAIN ESTATES:LOT 3: CERT OF WATER RIGHT AUT#87-16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WEEL CONTROL AGREEMENT 1/8/87: PROTECTIVE COVENANTS 4/20/73

Owner	Wayne and Sue Flaten
Address	1570 Brantingham Rd Richland, WA 99352
Phone	509-627-4810
Email	Flatenwlsk345@gmail.com
Parcel Number	126983020000002
Legal Description	BADGER MOUNTAIN ESTATES:LOT 2: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73

Owner	Joe and Colleen Lane
Address	1560 Brantingham Rd Richland, WA 99352
Phone	509-438-9344
Email	lanefamily7@gmail.com
Parcel Number	126983020000019
Legal Description	BADGER MOUNTAIN ESTATES:LOT 1: CERT OF WATER RIGHT AUD#87-16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL ESMT 1/8/87 & PROTECTIVE COVENANTS 4/20/73

Owner	Eric Van Mason
Address	1620 Brantingham Rd Richland, WA 99352
Phone	509-374-4005
Email	Eric.vanmason@gmail.com
Parcel Number	126983020000023
Legal Description	SECTION 26, TOWNSHIP 9 NORTH, RANGE 28 EAST, QUARTER SW: BADGER MOUNTAIN ESTATES:LOT 4: CERT OF WATER RIGHT 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGREEMENT 1/8/87 PROTECTIVE COVENANTS 4/20/73 TOGETHER WITH BADGER MOUNTAIN ESTATES:LOT 5: COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (TAX CONSOLIDATION PER CONSOLIDATION FORM, DATED 12/31/2014)

Owner	Jonathan Guymon
Address	1640 Brantingham Rd Richland, WA 99352
Phone	509-947-4794
Email	jwguymon@gmail.com
Parcel Number	126983020000006
Legal Description	BADGER MOUNTAIN ESTATES:LOT 6: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73

Owner	Dustin Gillespie
Address	<i>Undetermined</i> Brantingham Road
Phone	509-440-2030
Email	dustin@gillespiehomesnw.com
Parcel Number	126983020000024
Legal Description	BADGER MOUNTAIN ESTATES:LOT 7: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL

	AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (SEGREGATIONS FOR TAX PURPOSES FORM DATED 6/8/2020)
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Owner	Daniel and Claudia Becker
Address	1660 Brantingham Rd Richland, WA 99352
Phone	509-627-2464
Email	dncbecker@frontier.com
Parcel Number	126983020000025
Legal Description	BADGER MOUNTAIN ESTATES:LOT 8: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (SEGREGATIONS FOR TAX PURPOSES FORM DATED 6/8/2020)

Badger Mountain Estates Association (BMEA)

Brantingham Road, Richland, WA

Mr. Mike Stevens

625 Swift Blvd, MS-35

Richland, WA 99352

Mr. Stevens,

Pursuant to agreements between Badger Mountain Estates Association (BMEA) and RP Development, and the attached application, the below signed property owners request annexation into the City of Richland for all BMEA parcels.

BMEA expects that annexation will allow for provision of City of Richland utilities and services to the annexed properties with further development of the Marcello Estates project.

If you have any questions please contact Eric Van Mason at 713-0457 or Jon Guymon at 947-4794.

Sincerely,

BMEA parcel owners

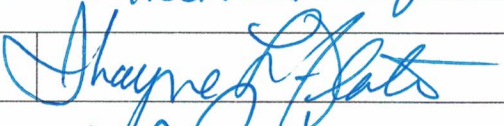
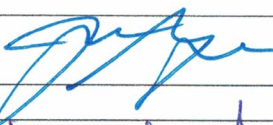
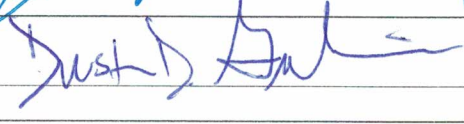
Owner	Signature	Date
Joe and Coleen Lane		4/24/21
Wayne and Sue Flaten		4/25/21
Mark and Barbara Buckmaster		4/24/21
Eric and Gloria Van Mason		4/24/21
Jonathan and Natalie Guymon	 Natalie Guymon	4/24/21
Dustin Gillespie		4/30/21
Dan and Claudia Becker	 Claudia Becker	4/24/21



Exhibit B

RESOLUTION NO. 73-21

A RESOLUTION of the City of Richland setting a meeting date to review a proposed annexation of Lots 1–8 of Badger Mountain Estates consisting of approximately 12 acres and located at 1560 Brantingham Road, 1570 Brantingham Road, 1600 Brantingham Road, 1620 Brantingham Road, 1640 Brantingham Road, 1650 Brantingham Road and 1660 Brantingham Road in Section 26, Township 9 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for the annexation of properties owned by Joseph & Colleen Lane (1560 Brantingham Road), Wayne & Sue Flaten (1570 Brantingham Road), Mark & Barbara Buckmaster (1600 Brantingham Road), Eric Van Mason (1620 Brantingham Road), Jonathan Guymon (1640 Brantingham Road), Dustin Gillespie (1650 Brantingham Road) and Daniel & Claudia Becker (1660 Brantingham Road); and

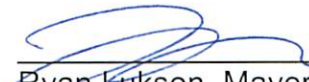
WHEREAS, Richland City Council was presented with the request at its regular meeting on June 15, 2021; and

WHEREAS, RCW 35.13.125 requires the legislative body to set a date for a meeting with the annexation petitioners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regular meeting date of **July 6, 2021** is hereby established as the date on which the Richland City Council will meet with the annexation petitioners.

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 15th day of June, 2021.


Ryan Lukson, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to form:

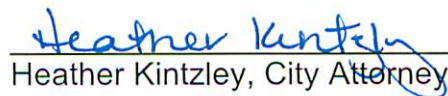

Heather Kintzley, City Attorney

Exhibit C

RESOLUTION NO. 84-21

A RESOLUTION of the City of Richland accepting a request for annexation of Lots 1-8 of Badger Mountain Estates consisting of approximately 12 acres and located at 1560 Brantingham Road, 1570 Brantingham Road, 1600 Brantingham Road, 1620 Brantingham Road, 1640 Brantingham Road, 1650 Brantingham Road and 1660 Brantingham Road in Section 26, Township 9 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for annexation of properties owned by Joseph & Colleen Lane (1560 Brantingham Road.), Wayne & Sue Flaten (1570 Brantingham Road), Mark & Barbara Buckmaster (1600 Brantingham Road), Eric Van Mason (1620 Brantingham Road), Jonathan Guymon (1640 Brantingham Road), Dustin Gillespie (1650 Brantingham Road) and Daniel & Claudia Becker (1660 Brantingham Road); and

WHEREAS, on June 15, 2021, Richland City Council was presented with the request for annexation and passed Resolution No. 73-21, establishing July 6, 2021 as the date for Council to meet with the proponents of the annexation; and

WHEREAS, as required by RCW 35.13.125, Richland City Council met with the annexation proponents on July 6, 2021 and reviewed the proposed annexation.

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

Section 1. The City of Richland hereby accepts the request for annexation subject to the following conditions:

1. That the annexation be accepted as proposed.
2. That simultaneous adoption of the City's Comprehensive Plan for the proposed annexation is required.
3. That the City requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed.

Section 2. The Richland Planning Commission is hereby directed to review the proposal and forward a recommendation to City Council as to the most appropriate zoning designation(s) for the area proposed for annexation.

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 6th day of July, 2021.



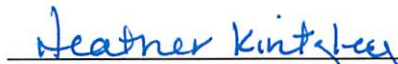
Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Exhibit D

RESOLUTION NO. 152-21

A RESOLUTION of the City of Richland authorizing the circulation of a petition proposing annexation of Lots 1-8 of Badger Mountain Estates consisting of approximately 12 acres and located at 1560 Brantingham Road, 1570 Brantingham Road, 1600 Brantingham Road, 1620 Brantingham Road, 1640 Brantingham Road, 1650 Brantingham Road and 1660 Brantingham Road in Section 26, Township 9 North, Range 28 East W.M., Benton County, Washington.

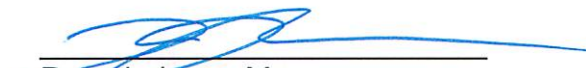
WHEREAS, Richland City Council has, through adoption of Resolution No. 84-21 on July 6, 2021, accepted a request for the annexation of Lots 1-8 of Badger Mountain Estates consisting of approximately 12 acres subject to certain conditions; and

WHEREAS, the Richland Planning Commission held a public hearing on October 13, 2021 to consider appropriate zoning designations for the proposed annexation area, thus fulfilling the directives included in Resolution No. 84-21.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that circulation of the attached petition calling for the annexation of Lots 1-8 of Badger Mountain Estates consisting of approximately 12 acres is hereby authorized.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 7th day of December, 2021.



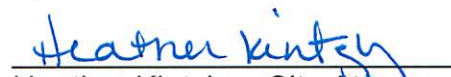
Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to Form:



Heather Kintzley, City Attorney

**PETITION FOR ANNEXATION
TO CITY OF RICHLAND, WASHINGTON**

Proposed Annexation Name: **Badger Mountain Estates Association**

The Honorable Mayor and City Council:

WE, the undersigned, who are the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation, of the real property geographically depicted on the map attached hereto as Attachment 1 and legally described in Attachment 2 attached hereto, lying contiguous to the City of Richland, Washington, do hereby petition that such territory be annexed to and made a part of the City of Richland under the provisions of RCW 35.13.130 et. seq. A list of all assessors' tax parcel numbers of the parcels within the proposed annexation area, the record owner of each parcel, and the assessed value of each parcel is set forth in Attachment 3.

Prior to the circulation of this petition, a meeting was held on the sixth day of July, 2021, between the initiating parties of this annexation and the Council of the City of Richland, at which time the Council passed Resolution No. 84-21, accepting the notice of intention to commence annexation proceedings for the real property geographically depicted on the map attached hereto as Attachment 1 and legally described in Attachment 2 attached hereto. Resolution No. 84-21 also (1) required that the annexation be accepted as proposed; (2) required the simultaneous adoption of the City's Comprehensive Plan to serve as the Comprehensive Plan for the proposed annexation area; (3) required the assumption of an appropriate share of all existing indebtedness of the City by the area to be annexed upon annexation authorized; and (4) directed the planning commission to propose and forward a recommendation to the city council as to the most appropriate zoning designation for the area proposed to be annexed.

On October 13, 2021, the Richland Planning Commission conducted a public meeting and recommended that SAG Suburban Agriculture zoning was the most appropriate zoning designation for the proposed annexation area. On December 7, 2021, the Council passed a resolution authorizing the circulation of an annexation petition for annexation of the real property geographically depicted on the map attached hereto as Attachment 1 and legally described in Attachment 2 attached hereto.

WHEREFORE, petitioners pray that the City Council of the City of Richland, Washington entertain this petition, fix a date for a public hearing hereon, and cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the City, and to post the notice in three public places within the area proposed for annexation specifying the time and place of the hearing and inviting all interested persons to appear and voice approval or disapproval of the annexation.

INSTRUCTIONS FOR SIGNING PETITION

The following conditions should be noted for those signing the petition as owners of property:

1. Each signature shall be executed in ink or indelible pencil and shall be followed by the name of the signer, the date of signing, and the property description of the property within the proposed annexation owned by the signor.
2. The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;
3. In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;
4. In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;
5. Any officer of a corporation owning land within the area involved, who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign under oath on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority.
6. When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the equivalent to the signature of the owner of the property; and
7. When a parcel of property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient.

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. *See RCW 35.21.005.*

Assessor's Parcel Numbers: 126983020000003
Property Owners: Mark and Barbara Buckmaster
Site Address: 1600 Brantingham Road

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Assessor's Parcel Numbers: 126983020000002
Property Owners: Wayne and Sue Flaten
Site Address: 1570 Brantingham Road

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Assessor's Parcel Numbers: 126983020000019
Property Owners: Joe and Colleen Lane
Site Address: 1560 Brantingham Road

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Assessor's Parcel Numbers: 126983020000023
Property Owners: Eric Van Mason
Site Address: 1620 Brantingham Road

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Signature: By: _____ Date: _____

Name of Person Signing: _____

Assessor's Parcel Numbers: 126983020000006

Property Owners: Jonathan Guymon

Site Address: 1640 Brantingham Road

Signature: By: _____ Date: _____

Name of Person Signing: _____

Signature: By: _____ Date: _____

Name of Person Signing: _____

Assessor's Parcel Numbers: 126983020000024

Property Owners: Dustin Gillespie

Site Address: 1650 Brantingham Road

Signature: By: _____ Date: _____

Name of Person Signing: _____

Signature: By: _____ Date: _____

Name of Person Signing: _____

Assessor's Parcel Numbers: 126983020000025

Property Owners: Daniel and Claudia Becker

Site Address: 1660 Brantingham Road

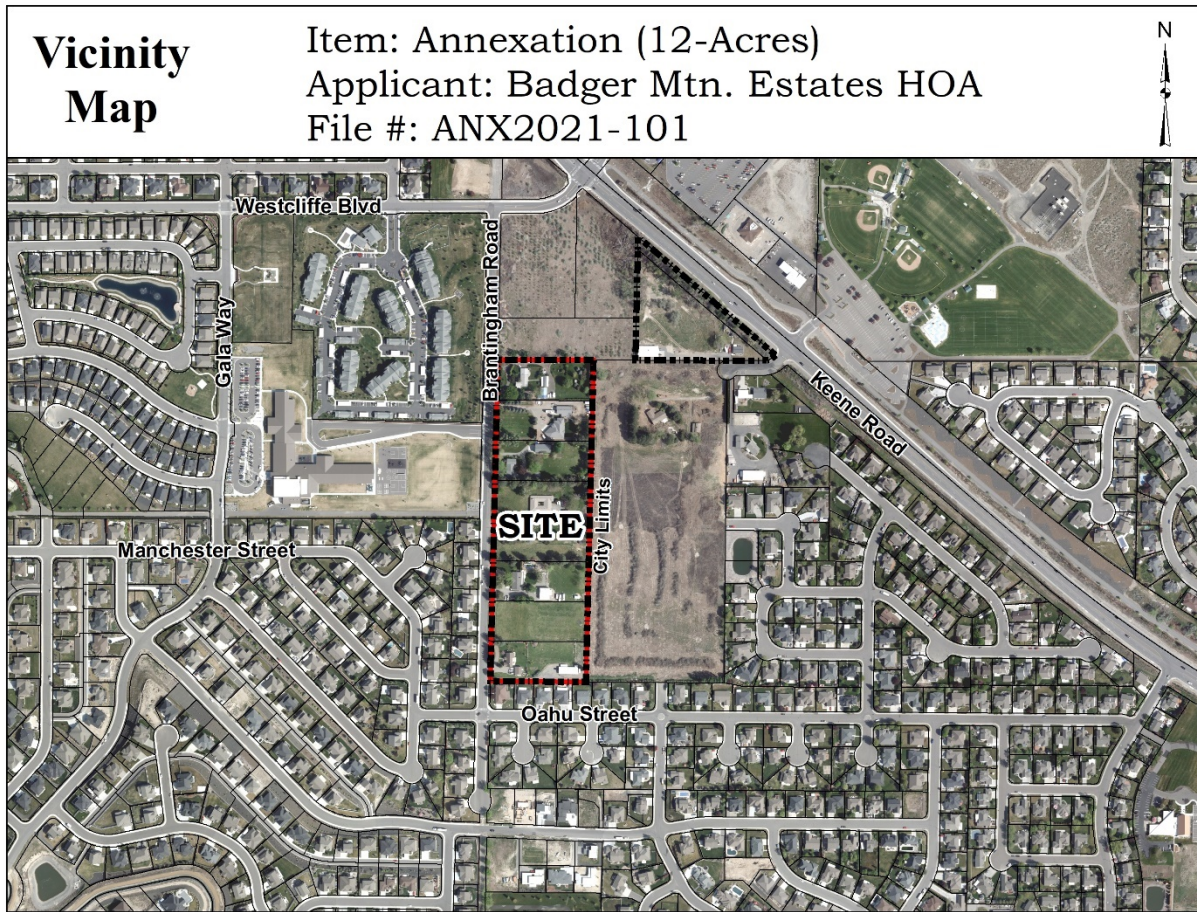
Signature: By: _____ Date: _____

Name of Person Signing: _____

Signature: By: _____ Date: _____

Name of Person Signing: _____

Attachment 1
Proposed Badger Mountain Estates Annexation



Attachment 2
Legal Description for Proposed Badger Mountain Estates Annexation

The Badger Mountain Estates annexation consists of the following:

Lots 1, 2, 3, 4, 5, 6, 7 & 8 Plat of Badger Mountain Estates, located within Section 26, Township 9 North, Range 28 East, W.M., Benton County, Washington.

This description includes the following **County Parcel Identification Numbers**:

126983020000025

126983020000024

126983020000006

126983020000023

126983020000019

126983020000002

126983020000003

Attachment 3
Proposed Badger Mountain Estates Annexation

Parcel #	Owner	Parcel Address	Lot Size (ft²)	Assessed Value
126983020000025	Daniel & Claudia Becker	1660 Brantingham Rd.	65,775.60	271,120
126983020000024	Dustin Gillespie	1650 Brantingham Rd.	65,775.60	100,300
126983020000023	Eric Van Mason	1620 Brantingham Rd.	131,551.00	379,790
126983020000006	Jonathan Guymon	1640 Brantingham Rd.	65,775.60	328,130
126983020000019	Joe & Colleen Lane	1560 Brantingham Rd.	66,211.20	278,110
126983020000002	Wayne & Sue Flaten	1570 Brantingham Rd.	65,775.60	452,110
126983020000003	Mark & Barbera Buckmaster	1600 Brantingham Rd.	65,775.60	329,120

Exhibit F

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: ANX2021-101

PREPARED BY: MIKE STEVENS
MEETING DATE: OCTOBER 13, 2021

GENERAL INFORMATION:

APPLICANT: JOSEPH & COLLEEN LANE, WAYNE & SUE FLATEN, MARK & BARBARA BUCKMASTER, ERIC VAN MASON, JONATHAN GUYMON, DUSTIN GILLESPIE AND DANIEL & CLAUDIA BECKER (ANX2021-101)

REQUEST: CONSIDERATION OF APPROPRIATE ZONING FOR A PROPOSED ANNEXATION.

LOCATION: LAND LOCATED AT 1560, 1570, 1600, 1620, 1640, 1650 and 1660 BRANTINGHAM ROAD

REASON FOR REQUEST:

The City is currently considering the annexation of approximately 12 acres located at 1560, 1570, 1600, 1620, 1640, 1650 and 1660 Brantingham Road. City Council authorized the annexation process to begin through the adoption of Resolution No. 84-21, which directed the Planning Commission to consider what zoning would be appropriate for this site.

BACKGROUND

The City is evaluating a proposal to annex seven (7) tax parcels of land totaling approximately 12 acres on Brantingham Road. Six of the seven sites each contain single-family residential development.

The City Council passed resolution No. 84-21 authorizing the annexation proceedings to begin. The next step includes the Planning Commission to consider what zoning designation(s) would be appropriate if the property were to be annexed.

SITE DATA

Size: Approximately 12 acres.

Ownership: The proposed annexation site is comprised of seven (7) tax parcels (8 lots) under separate ownership (Lane, Flaten, Buckmaster, Van Mason (2), Guymon, Gillespie and Becker).

Current Use: Six of the seven tax parcels have been developed with single-family residential dwellings and various types/sizes of accessory out-buildings.

Comprehensive Plan: The site is within the City of Richland's adopted Urban Growth Area (UGA) boundary and is designated as suitable for low density residential development based on the Richland Comprehensive Plan.

Utilities: Both City water and sewer services are available in the vicinity to serve the proposed annexation area. In fact, the annexation is being requested in order to provide each of the homes with city water and sewer services as a result of the adjacent Marcello Estates subdivision.

Existing County Zoning: Urban Growth Area Residential.

SURROUNDING LAND USES

Properties surrounding the proposed annexation area are located within the City of Richland and are zoned R-1-10 (Low Density Residential) and PUD (Planned Unit Development).

PROPOSED ZONING

There are three single family zoning designations that could be applied to the property that would implement the low density residential comprehensive plan designation: The R-1-10 and R-1-12 zones and Suburban Agriculture (SAG). A copy of the residential and agriculture zoning codes are attached as well as a copy of the existing county zoning (Urban Growth Area Residential).

ANALYSIS

The R-1-10, R-1-12 and SAG zones would each be consistent with the comprehensive plan designation of Low Density Residential. R-1-10 zoning surrounds most of the annexation area and, if the property were undeveloped, it is staff's opinion that R-1-10 would be the zoning district best suited for the proposed annexation area. However, since six of the seven tax parcels have been developed on tax parcels ranging in size from 1.5-acres to 3-acres and the existing development essentially precludes the parcels from being subdivided, it is staff's opinion that the site should be zoned SAG (Suburban Agriculture). Implementation of a different zoning district, while possible, would not represent the best zoning for the annexation area given the fact that a majority of the land has already been developed in a manner that encumbers a vast majority of six of the seven tax parcels.

SUMMARY

Application of the SAG zoning represents the most appropriate zoning designation for the proposed annexation area as it would be consistent with the City's Comprehensive Plan and existing development pattern within the proposed annexation area.

FINDINGS OF FACT

1. The site is within the City of Richland's Urban Growth Area boundary as those boundaries were established with the adoption of the Benton County Comprehensive Plan in 1998 and subsequent periodic updates;
2. The City's comprehensive plan designates the proposed annexation area as suitable for low density residential land uses;
3. Six of the seven tax parcels have been developed on tax parcels ranging in size from 1.5-acres to 3-acres and the existing development essentially precludes those parcels from being subdivided;
4. Six of the seven separate tax parcels contain an existing single-family residence;
5. Properties surrounding the proposed annexation area are all zoned R-1-10 or PUD by the City of Richland;
6. Application of SAG (Suburban Agriculture) zoning district is appropriate for an area that is designated as low density residential under the current comprehensive plan designation.

CONCLUSIONS OF LAW:

1. Based on the above findings of fact, assignment of SAG (Suburban Agriculture) zoning would be in the best interest of the City of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (ANX2021-101) and recommend to the City Council assignment of SAG (Suburban Agriculture) zoning.

EXHIBITS

- A. Annexation Request Letter and Resolution No. 73-21
- B. Resolution No. 84-21
- C. Chapter 23.18 of the Richland Municipal Code – Residential Zones
- D. Chapter 23.14 of the Richland Municipal Code – Agriculture Zones
- E. Chapter 11.07 of the Benton County Zoning Code – Urban Growth Area Residential District (UGAR)
- F. Maps

Exhibit A



City of Richland
Development Services

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

Application for Annexation

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

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: Badger Mountain Estates Association (BMEA), Owners specified in attachment and letter

Address: Brantingham RD

Phone: see letter

Email: see letter

APPLICANT INFORMATION (If different)

☒ Contact Person

Company:

UBI#

Contact: Eric Van Mason (BMEA Vice President)

Address: 1620 Brantingham RD

Phone: 509-713-0457

Email: eric.vanmason@gmail.com

DESCRIPTION OF REQUEST

Annexation request associated with agreement with RP Development and P&R construction regarding provision of City utilities to BMEA property owners per preliminary plat approval for Marcello Estates (City Counsel Resolution No. 39-19. See condition No. 32)

PROPERTY INFORMATION

Parcel #: multiple parcels, see attached descriptions

Legal Description: attached

Current Comp. Plan: LD residential

Requested Zoning: SAG

Size of Property: approx 1.5 acres each

Domestic Water Supply: ☐ City ☒ Private Well

Sewage Disposal: ☐ City ☒ Septic

Irrigation Source: ☐ City ☐ Private Well ☐ Columbia Irrig. District ☒ Kennewick Irrig. District ☐ BMID

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. A "Notice of Intent" form requesting annexation to the City of Richland
3. Full legal description of the proposed annexation area
4. A map showing all of the following: general vicinity of proposed annexation in relation to the City of Richland, the proposed boundaries of the annexation, and all public roads near the annexation area
5. Other information as determined by the Administrator

ANSWER QUESTIONS BELOW AS COMPLETELY AS POSSIBLE – USE ADDITIONAL SHEET(S) IF NECESSARY

Why are you requesting annexation into the City of Richland?

In order to receive City utilities per agreement with RP Development and P&R construction (City Counsel Resolution No. 39-19. See condition No. 32)

What use, building or structure is intended for the property?
Residential and home based business use

What changes have occurred in the area that justify the requested annexation?
Proposed development of Marcello Estates adjacent to BMW EA parcels

Are there any other properties in your neighborhood that could be part of your annexation request? If so, have you spoken to the owners about joining your annexation request?
No.

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.

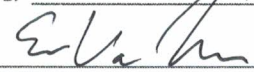
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation 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 submittals.
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 the 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: Eric Van Mason, BMEA

Applicant Signature:  Date 5/3/2021

Owner	Mark and Barbara Buckmaster
Address	1600 Brantingham Rd Richland, WA 99352
Phone	509-627-1321
Email	markbuckmaster@frontier.com
Parcel Number	126983020000003
Legal Description	BADGER MOUNTAIN ESTATES:LOT 3: CERT OF WATER RIGHT AUT#87-16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WEEL CONTROL AGREEMENT 1/8/87: PROTECTIVE COVENANTS 4/20/73

Owner	Wayne and Sue Flaten
Address	1570 Brantingham Rd Richland, WA 99352
Phone	509-627-4810
Email	Flatenwlsk345@gmail.com
Parcel Number	126983020000002
Legal Description	BADGER MOUNTAIN ESTATES:LOT 2: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73

Owner	Joe and Colleen Lane
Address	1560 Brantingham Rd Richland, WA 99352
Phone	509-438-9344
Email	lanefamily7@gmail.com
Parcel Number	126983020000019
Legal Description	BADGER MOUNTAIN ESTATES:LOT 1: CERT OF WATER RIGHT AUD#87-16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL ESMT 1/8/87 & PROTECTIVE COVENANTS 4/20/73

Owner	Eric Van Mason
Address	1620 Brantingham Rd Richland, WA 99352
Phone	509-374-4005
Email	Eric.vanmason@gmail.com
Parcel Number	126983020000023
Legal Description	SECTION 26, TOWNSHIP 9 NORTH, RANGE 28 EAST, QUARTER SW: BADGER MOUNTAIN ESTATES:LOT 4: CERT OF WATER RIGHT 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGREEMENT 1/8/87 PROTECTIVE COVENANTS 4/20/73 TOGETHER WITH BADGER MOUNTAIN ESTATES:LOT 5: COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (TAX CONSOLIDATION PER CONSOLIDATION FORM, DATED 12/31/2014)

Owner	Jonathan Guymon
Address	1640 Brantingham Rd Richland, WA 99352
Phone	509-947-4794
Email	jwguymon@gmail.com
Parcel Number	126983020000006
Legal Description	BADGER MOUNTAIN ESTATES:LOT 6: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73

Owner	Dustin Gillespie
Address	<i>Undetermined</i> Brantingham Road
Phone	509-440-2030
Email	dustin@gillespiehomesnw.com
Parcel Number	126983020000024
Legal Description	BADGER MOUNTAIN ESTATES:LOT 7: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL

	AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (SEGREGATIONS FOR TAX PURPOSES FORM DATED 6/8/2020)
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Owner	Daniel and Claudia Becker
Address	1660 Brantingham Rd Richland, WA 99352
Phone	509-627-2464
Email	dncbecker@frontier.com
Parcel Number	126983020000025
Legal Description	BADGER MOUNTAIN ESTATES:LOT 8: CERT OF WATER RIGHT AUD#16324 10/15/87 COMMUNITY WELL AGREEMENT 1/8/87: VAC OF WELL CONTROL AGR 1/8/87 PROTECTIVE COVENANTS 4/20/73 (SEGREGATIONS FOR TAX PURPOSES FORM DATED 6/8/2020)

Badger Mountain Estates Association (BMEA)

Brantingham Road, Richland, WA

Mr. Mike Stevens

625 Swift Blvd, MS-35

Richland, WA 99352

Mr. Stevens,

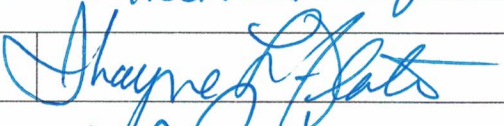
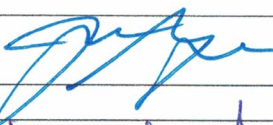
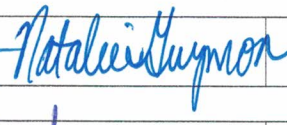
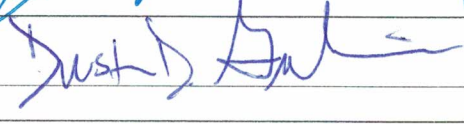
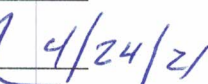
Pursuant to agreements between Badger Mountain Estates Association (BMEA) and RP Development, and the attached application, the below signed property owners request annexation into the City of Richland for all BMEA parcels.

BMEA expects that annexation will allow for provision of City of Richland utilities and services to the annexed properties with further development of the Marcello Estates project.

If you have any questions please contact Eric Van Mason at 713-0457 or Jon Guymon at 947-4794.

Sincerely,

BMEA parcel owners

Owner	Signature	Date
Joe and Coleen Lane		4/24/21
Wayne and Sue Flaten		4/25/21
Mark and Barbara Buckmaster		4/24/21
Eric and Gloria Van Mason		4/24/21
Jonathan and Natalie Guymon	 	4/24/21
Dustin Gillespie		4/30/21
Dan and Claudia Becker	 	4/24/21

RESOLUTION NO. 73-21

A RESOLUTION of the City of Richland setting a meeting date to review a proposed annexation of Lots 1–8 of Badger Mountain Estates consisting of approximately 12 acres and located at 1560 Brantingham Road, 1570 Brantingham Road, 1600 Brantingham Road, 1620 Brantingham Road, 1640 Brantingham Road, 1650 Brantingham Road and 1660 Brantingham Road in Section 26, Township 9 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for the annexation of properties owned by Joseph & Colleen Lane (1560 Brantingham Road), Wayne & Sue Flaten (1570 Brantingham Road), Mark & Barbara Buckmaster (1600 Brantingham Road), Eric Van Mason (1620 Brantingham Road), Jonathan Guymon (1640 Brantingham Road), Dustin Gillespie (1650 Brantingham Road) and Daniel & Claudia Becker (1660 Brantingham Road); and

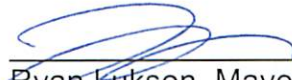
WHEREAS, Richland City Council was presented with the request at its regular meeting on June 15, 2021; and

WHEREAS, RCW 35.13.125 requires the legislative body to set a date for a meeting with the annexation petitioners.

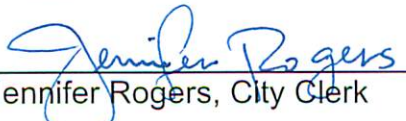
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regular meeting date of **July 6, 2021** is hereby established as the date on which the Richland City Council will meet with the annexation petitioners.

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 15th day of June, 2021.


Ryan Lukson, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to form:

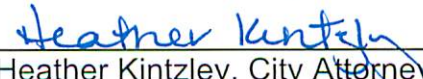

Heather Kintzley, City Attorney

Exhibit B

RESOLUTION NO. 84-21

A RESOLUTION of the City of Richland accepting a request for annexation of Lots 1-8 of Badger Mountain Estates consisting of approximately 12 acres and located at 1560 Brantingham Road, 1570 Brantingham Road, 1600 Brantingham Road, 1620 Brantingham Road, 1640 Brantingham Road, 1650 Brantingham Road and 1660 Brantingham Road in Section 26, Township 9 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for annexation of properties owned by Joseph & Colleen Lane (1560 Brantingham Road.), Wayne & Sue Flaten (1570 Brantingham Road), Mark & Barbara Buckmaster (1600 Brantingham Road), Eric Van Mason (1620 Brantingham Road), Jonathan Guymon (1640 Brantingham Road), Dustin Gillespie (1650 Brantingham Road) and Daniel & Claudia Becker (1660 Brantingham Road); and

WHEREAS, on June 15, 2021, Richland City Council was presented with the request for annexation and passed Resolution No. 73-21, establishing July 6, 2021 as the date for Council to meet with the proponents of the annexation; and

WHEREAS, as required by RCW 35.13.125, Richland City Council met with the annexation proponents on July 6, 2021 and reviewed the proposed annexation.

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

Section 1. The City of Richland hereby accepts the request for annexation subject to the following conditions:

1. That the annexation be accepted as proposed.
2. That simultaneous adoption of the City's Comprehensive Plan for the proposed annexation is required.
3. That the City requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed.

Section 2. The Richland Planning Commission is hereby directed to review the proposal and forward a recommendation to City Council as to the most appropriate zoning designation(s) for the area proposed for annexation.

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 6th day of July, 2021.



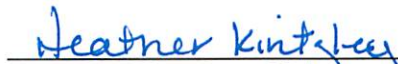
Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Chapter 23.18

RESIDENTIAL ZONING DISTRICTS

Sections:

- 23.18.010 Purpose of residential use districts.
- 23.18.020 Residential performance standards and special requirements.
- 23.18.025 Single-family residential design standards.
- 23.18.030 Residential use districts permitted land uses.
- 23.18.040 Site requirements for residential use districts.
- 23.18.050 Parking standards for residential use districts.

23.18.010 Purpose of residential use districts.

Five residential zone classifications permit a variety of housing and population densities without conflict. Protection is provided against hazards, objectionable influences, traffic, building congestion and lack of light, air and privacy. Certain essential and compatible public service installations are permitted in residential use districts.

A. The single-family residential – 12,000 (R-1-12) is a residential zone classification requiring the lowest density of population within the city, providing protection against hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

B. The single-family residential – 10,000 (R-1-10) is a residential zone classification requiring a low density of population, providing protection against hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

C. The medium-density residential (R-2) is a residential zone classification permitting a higher density of population including the establishment of duplex dwellings and providing for these single-and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

D. The medium-density residential small lot (R-2S) is a residential zone classification permitting a higher density of population, encouraging small lot development conducive to energy conservation and to other factors contributing to the production of affordable housing, and including the establishment of duplex dwellings and providing for these one- and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

E. The multiple-family residential use district (R-3) is a residential zone classification allowing for the location of multiple-family dwellings, duplexes and attached and detached one-family dwellings and providing a high degree of protection for such uses and adjacent low-density residential development. This classification shall be designed to give protection from hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and installations are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated high-density residential (10.1 or more dwellings per acre) under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

23.18.020 Residential performance standards and special requirements.

A. High-Density Residential Small Lot Special Requirements. In order to assure consistency with the purpose of the R-2S district, as stated in RMC 23.18.010(D), and further to avoid potential negative and undesirable effects that

may result from the higher density of development afforded in an R-2S zone, the following special requirements and provisions shall apply:

1. Any application for reclassification of land to R-2S shall be accompanied by an application for preliminary plat approval submitted in accordance with RMC 24.12.010. In addition, the following information shall be submitted with the application for preliminary plat:
 - a. A street landscaping plan showing the location and type of landscaping proposed;
 - b. Information showing the location, dimensions and character of recreational facilities and/or open space, including paths and trails; and
 - c. Utilization of curvilinear, cul-de-sac and/or loop streets or other appropriate design solutions to assist in modulating the interface of the residential buildings with the streets.
2. The planning commission and city council may, in keeping with the intent of this section, impose requirements and conditions on the approval of the preliminary plat or zoning reclassification as deemed appropriate. These conditions may include, but are not limited to, architectural design parameters, screening and buffering treatments, and supplemental open space and/or recreational facility requirements. Compliance with these conditions shall be demonstrated precedent to final plat and/or building permit approval as appropriate.
3. A combined front yard setback configuration and street-facing residential architectural elevation may be repeated continuously on no more than five lots before a different combination must be utilized. Regardless of the street facing architectural elevation, a front yard setback configuration may be repeated on no more than 10 lots before a different setback configuration must be utilized. The administrative official may approve variations to this requirement which, in his judgment, accomplish the intent of avoiding a monotonous interface of the residential buildings with the streets, or are necessary due to constraints or unique characteristics of the site. This requirement shall be satisfied at the time of building permit application.

B. Multiple-Family Residential Use District Special Requirements. In any multifamily residential (R-3) zoning district that directly abuts a single-family zoning district, the following buffer, setback and building height regulations shall apply to all multifamily residential structures:

1. 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, R-1-10 – single-family residential, 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.
2. Buildings that are within 50 feet of any property that is zoned for single-family residential use (as defined in subsection (B)(1) of this section) 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 multifamily zoning district.
3. 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. 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.
4. Recreational vehicle parks are permitted in the multifamily residential district (R-3) subject to the issuance of a special use permit meeting the requirements of RMC 23.42.220 and 23.42.240. Further, applicants must demonstrate that their proposed recreational vehicle parks are immediately adjacent to a state highway and that appropriate provisions are put in place to protect adjacent land uses. [Ord. 28-05 § 1.02].

23.18.025 Single-family residential design standards.

Any one-family attached dwelling, one-family detached dwelling or designated manufactured home shall meet the following minimum requirements:

A. All dwellings shall be placed on permanent foundations.

B. At the time of construction, all new single-family dwellings shall be new, not having been previously titled to a retail purchaser and not meeting the definition of a “used mobile home” as defined in RCW 82.45.032(2). [Ord. 28-05 § 1.02].

23.18.030 Residential 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	R-1-12	R-1-10	R-2	R-2S	R-3
Residential Uses					
Accessory Apartments	A ¹	A ¹	A ¹	A ¹	A ¹
Accessory Buildings ¹⁴	A	A	A	A	A
Adult Family Home	P	P	P	P	P
Apartment/Condominium (3 or More Units)					P
Assisted Living Facility					P
Bed and Breakfast	S ²	S ²	S ²	S ²	P
Day Care Center	S ³	S ³	S ³	S ³	P ³
Designated Manufactured Home	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Dormitories, Fraternities and Sororities					P
Dwelling, One-Family Attached			P ⁴	P ⁴	P ⁴
Dwelling, One-Family Detached	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Dwelling, Two-Family Detached			P	P	P
Home Occupations	A ⁵	A ⁵	A ⁵	A ⁵	A ⁵
Family Day Care Home	A ³	A ³	A ³	A ³	A ³
Manufactured Home Park			S ⁶	S ⁶	S ⁶

Land Use	R-1-12	R-1-10	R-2	R-2S	R-3
Playground Developed in Conjunction with School, Park or Community Clubhouse	P	P	P	P	P
Nursing or Rest Home					P
Rental of Rooms to Not More Than Four Persons Other Than the Family Occupying the Single-Family Dwelling	A	A	A	A	A
Private Swimming Pools	A ⁷	A ⁷	A ⁷	A ⁷	A ⁷
Recreational Club	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸
Senior Housing					P
Public/Quasi-Public Uses					
Churches	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Clubs or Fraternal Societies	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Cultural Institutions	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
General Park Operations and Maintenance Activities	P	P	P	P	P
Golf Courses	P	P	P	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Public Agency Buildings	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Public Agency Facilities	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Public Parks	P	P	P	P	P
Schools	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P	P	P	P
Trail Head Facilities	P	P	P	P	P
Miscellaneous Uses					
Macro-Antennas	P	P	P	P	P
Parking Lots	P	P	P	P	P
Raising Crops, Trees, Vineyards	P	P	P	P	P
Recreational Vehicle Parks					S ^{12,13}

1. RMC 23.42.020
2. RMC 23.42.045
3. RMC 23.42.080
4. RMC 23.18.025
5. RMC 23.42.090
6. RMC 23.42.140
7. RMC 23.42.300
8. RMC 23.42.210
9. RMC 23.42.050
10. RMC 23.42.200
11. RMC 23.42.250
12. RMC 23.42.220
13. RMC 23.18.020(B)(4)
14. Accessory buildings and structures are subject to RMC 23.38.020 – 23.38.070 [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 07-19 § 5].

23.18.040 Site requirements for residential use districts.

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. If a number appears in the box at the intersection of the column and row, that number represents the dimensional standard that applies to that zoning district.

Standard	R-1-12	R-1-10	R-2	R-2S	R-3
Minimum Lot Area Requirement – One-Family Detached Dwelling	10,000 feet ¹	8,000 feet	6,000 feet	4,000 feet	4,000 feet
Minimum Lot Area Requirement – Two-Family Detached Dwelling	N/A	N/A	10,000 feet	7,000 feet	7,000 feet
Minimum Lot Area Requirement – One-Family Attached Dwellings	N/A	N/A	N/A	3,000 feet	3,000 feet
Maximum Density – Multifamily Dwellings (Units/Square Foot)	N/A	N/A	N/A	N/A	1:3,000
Minimum Lot Width – One-Family Detached Dwelling	90 feet	70 feet	50 feet	42 feet	42 feet
Minimum Lot Width – Two-Family Detached Dwelling	N/A	N/A	70 feet	64 feet	64 feet
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A	N/A	30 feet	30 feet
Average Lot Size Requirement ²	12,000	10,000	None	None	None
Minimum Front Yard Setback ³	20 feet	20 feet	20 feet	15 feet/18 feet ⁴	20 feet ^{6,10}
Minimum Side Yard Setback	10 feet	10 feet	6 feet	6 feet ⁵	6,10
Minimum Alley/Private Access Easement Setback	6 feet	6 feet	6 feet	6 feet	6 feet
Minimum Rear Yard Setback	25 feet	25 feet	25 feet	20 feet/3 feet ⁷	25 feet ^{6,10}
Maximum Lot Coverage ⁸	40%	40%	40%	50%	33%/45% ^{9,10}
Maximum Building Height – Main Building	30 feet	30 feet	30 feet	30 feet	40 feet ¹⁰
Maximum Building Height – Detached Accessory Buildings ¹¹	16 feet	16 feet	16 feet	16 feet	16 feet

1. The minimum lot size in existing residential neighborhoods shall be based on the mean average lot size of existing platted R-1-12 lots within a radius of 500 feet of the property proposed for subdivision. However, in no case shall the minimum lot requirement exceed 12,000 square feet, nor be less than 10,000 square feet.

2. Minimum average lot area per subdivision, exclusive of the area of streets and lots designated for nonresidential uses. In calculating average lot size, at least 35 percent of all lots shall be larger than the average lot size requirement.

3. Front yard setbacks are required from all street rights-of-way adjoining a lot as shown in the table above, except as follows:

a. In single-family residence districts and in R-2 and R-3 districts where more than 50 percent of the normal or average-size lots in a block fronting on one side of the street are developed with existing buildings, other than accessory buildings, with front yard setbacks less than that required for the district, a new single-family or duplex dwelling shall adopt a minimum front yard setback dimension which is the average of the setbacks of the buildings on the two adjoining lots, existing prior to July 22, 1960, but in no case shall this dimension be less than 15 feet nor need it exceed 30 feet.

b. Residential Districts. In any R district, or any combination therewith, on any corner lot where there is provided a side yard along the interior side lot line at least equal in width to the minimum depth of the rear yard required for the district, the main building may encroach upon the required rear yard up to a line where the remaining rear yard is no less in depth than the minimum width of the side yard required for the district. No accessory buildings may be located in said side yard, except a patio shelter enclosed on no more than two sides by walls or other enclosures and in conformity with the other provisions of this title.

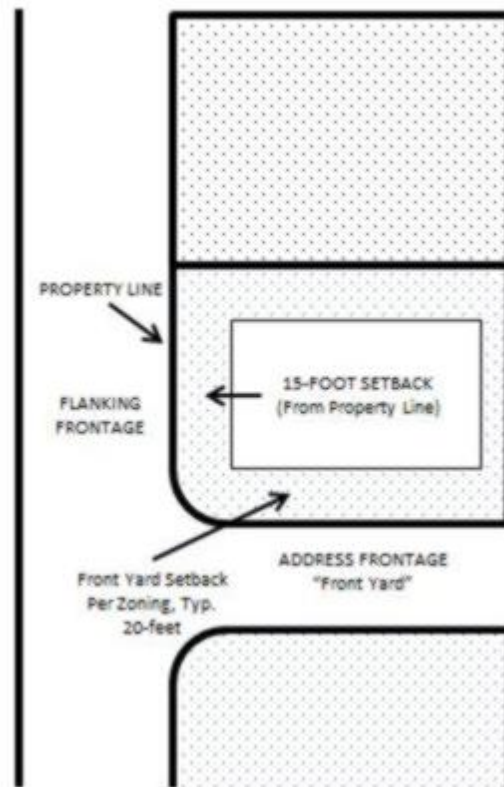
c. The flanking frontage or nonaddress front yard of a corner lot may reduce the front yard setback of said frontage to 15 feet; see diagram below.

4. Front yards shall not be less than 15 feet in front of living areas, up to a maximum of 55 percent of the front lot line, and not less than 18 feet in front of all other areas.

5. Detached one-family or detached two-family dwellings shall have two side yards with each side yard having a width of not less than six feet. A nonattached side of an attached one-family dwelling shall have a side yard having a width of not less than six feet.

6. For multiple-family dwellings and other allowable uses other than one-family attached and one-family and two-family detached dwellings, front yards shall be 20 feet, side yards shall be equal to one foot of side yard for each three feet or portion thereof of building height, and rear yards shall be 25 feet, except as required by RMC 23.18.020(B) when multifamily development is located adjacent to a single-family residential zoning district or development.

7. Rear yards shall be not less than 20 feet in back of living areas and three feet in back of garages or carports up to a maximum of 60 percent of the rear lot line for the garage or carport portion of the rear yard.
8. Lot coverage includes all buildings, including accessory buildings or structures on any lot in a residential district, exclusive of patios without roof coverings or patios with only open lattice or similar type roof construction.
9. Buildings in an R-3 district shall cover not more than 33 percent of the area of the lot except one-family attached dwellings, which may cover up to 45 percent of the area of the lot.
10. Setbacks, building heights, and lot coverage requirements for one-family attached, one-family detached and two-family detached dwellings in the R-3 zoning district shall be the same as those set forth for development in the R-2S zoning district.
11. Detached accessory structures built pursuant to the setback provisions of RMC 23.38.020 are limited to one story.



[Ord. 28-05 § 1.02; Ord. 04-09; Ord. 20-10 § 1.01; amended during 2011 recodification; Ord. 14-11 § 1.01; Ord. 32-11 § 3; Ord. 20-14 § 1.01].

23.18.050 Parking standards for residential use districts.

Off-street parking space shall be provided in all residential zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

Chapter 23.14

AGRICULTURAL ZONING DISTRICTS

Sections:

- 23.14.010 Purpose of agricultural use districts.
- 23.14.020 Agricultural performance standards and special requirements.
- 23.14.030 Agricultural use districts permitted land uses.
- 23.14.040 Site requirements for agricultural use districts.
- 23.14.050 Parking standards for agriculture use districts.

23.14.010 Purpose of agricultural use districts.

A. The agricultural use district (AG) is a primary zone classification permitting essentially open land uses such as grazing lands or pasture, agriculture, and development of part-time small tract farming and other compatible uses of an open nature such as a cemetery, park, and recreational or similar uses on land which has favorable combinations of slope, climate, availability of water, or soil conditions. This zoning classification is intended to be applied to some portions of the city that are designated as agriculture or as urban reserve under the city of Richland comprehensive plan.

B. The suburban agricultural use district (SAG) is a zone classification providing for residential areas, rural in nature, with sufficiently large lots to allow for the maintenance of certain animals and farm crops, while at the same time establishing and maintaining a living environment of high standards for residential uses. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

23.14.020 Agricultural performance standards and special requirements.

A. The following standards relate to the raising and keeping of livestock in an AG district:

1. A permitted structure, pen or building in which livestock is kept shall be located not less than 25 feet from any lot line and not less than 40 feet from any one-family dwelling;
2. A pasture, including perimeter fencing, shall be located not less than 15 feet from any one-family dwelling located on the same lot;
3. Uses, structures and buildings shall comply with the applicable yard and area requirements of RMC 23.38.010 through 23.38.090.

B. The following standards relate to the agricultural activities permitted in the SAG district:

1. Limited agricultural uses such as orchards, vineyards, vegetable gardens, field crops and pastures;
2. Sale of products grown on the premises;
3. Limited raising or keeping of large livestock as follows:
 - a. Horses, ponies, mules, donkeys, burros, and similar animals;
 - b. Dairy cattle, beef cattle, buffalo and similar animals;
 - c. Sheep, goats, and similar animals;
 - d. A maximum of two animal units (one animal unit equals approximately 1,000 pounds of animal weight) may be kept per one acre gross pasture area. Gross pasture area is that portion of a lot which is fenced and used solely for the grazing and keeping of large livestock. The following are examples of animal unit usages:
 - i. One horse and one cow per gross pasture acre;

- ii. Two cows or two horses per gross pasture acre;
 - iii. Ten sheep or 10 goats per gross pasture acre;
 - iv. Eight sheep and two goats per gross pasture acre;
- e. If any additional animal(s) born on the premises causes the maximum allowable number of animals to be exceeded, adjustments must be made to bring the total number of animals into compliance with this chapter within the corresponding time limits specified below:
- i. Horses and similar animals: one year from date of birth;
 - ii. Cattle and similar animals: one year from date of birth;
 - iii. Sheep, goats, and similar animals: six months from date of birth;
- f. If any additional animal(s) are acquired by any means other than by birth, and cause the maximum allowable number of animals to be exceeded, adjustments must be made to bring the total number of animals into compliance with this chapter within 90 days after placement of the additional animal(s) on the premises. In addition, a fence must be constructed prior to the acquisition of any large livestock to ensure containment of the livestock on the premises;

4. Limited raising or keeping of small livestock as follows:

- a. Rabbits and similar animals;
- b. Chickens, ducks, geese, turkeys, and other similar fowl.

A maximum of 12 animals or fowl, as defined above, may be raised or kept per one acre gross lot area.

In addition, a shed, coop, hutch, or similar containment structure must be constructed prior to the acquisition of any small livestock to ensure containment of the livestock on the premises.

Standings under roofed stable must be made of material and which provides for proper drainage so as not to create offensive odors, fly or insect breeding, or other nuisances.

Manure must be collected at least once a week and shall be disposed of in one or more of the following manners:

- i. Placement of manure in a fly-proof container with periodic removal of manure from the lot;
- ii. Adequate burying of the manure;
- iii. Removal of manure from the lot.

Fences, pens, corrals or similar enclosures must be of sufficient height and strength to retain animals.

Any structures used for the keeping of livestock shall be set back a minimum of 50 feet from any property line. [Ord. 28-05 § 1.02].

23.14.030 Agricultural 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	AG	SAG
Agriculture		
Agricultural Use	P	P
Business and Personal Services		
Animal Shelter	S ¹	
Commercial Kennel	S ¹	
Hospital Clinic – Large Animal	S ¹	
Hospital Clinic – Small Animal	S ¹	
Industrial Uses		
Excavating, Processing, Removal of Topsoils, Sand, Gravel, Rock or Similar Natural Deposits	S ²	
Public Uses		
Churches	p ³	p ³
Clubs or Fraternal Societies	p ³	p ³
Cultural Institutions	p ³	p ³
General Park Maintenance and Operations	P	P
Golf Courses	P	P
Passive Open Space Uses	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	p ⁴	p ⁴
Public Agency Buildings	p ⁴	p ⁴
Public Agency Facilities	p ⁴	p ⁴
Public Parks	P	P
Schools	p ⁵	p ⁵
Special Events Including Concerts, Tournaments, and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P
Trail Head Facilities	P	P
Trail for Equestrian, Pedestrian or Nonmotorized Vehicle Use	P	P
Recreational Uses		
Commercial Recreation, Outdoor	S ⁶	
Recreational Vehicle Campgrounds	S ⁷	

Land Use	AG	SAG
Stable, Public	S ⁸	
Retail Uses		
Landscaping Material Sales	S ⁹	
Nursery, Plant	S ⁹	
Parking Lot	A	A
Residential Uses		
Accessory Apartments	A ¹⁰	A ¹⁰
Adult Family Home	P	P
Bed and Breakfast	S ¹¹	S ¹¹
Day Care Center	S ¹²	S ¹²
Designated Manufactured Home	p ¹³	p ¹³
Dwelling, One-Family Detached	p ¹³	p ¹³
Family Day Care Home	A ¹²	A ¹²
Home Occupations	A ¹⁴	A ¹⁴
Private Swimming Pools	A ¹⁵	A ¹⁵
Recreational Club	p ¹⁶	p ¹⁶
Rental of Rooms to Not More Than Four Persons Other Than the Family Occupying the Single-Family Dwelling	A	A
Miscellaneous Uses		
Cemetery	P	
Macro-Antennas	P	P
Raising Crops, Trees or Vineyards	P	P

1. RMC 23.42.040
2. RMC 23.42.070
3. RMC 23.42.050
4. RMC 23.42.200
5. RMC 23.42.250
6. RMC 23.42.175
7. RMC 23.42.230
8. RMC 23.42.190
9. RMC 23.42.105
10. RMC 23.42.020
11. RMC 23.42.045
12. RMC 23.42.080
13. RMC 23.18.025
14. RMC 23.42.090
15. RMC 23.42.300
16. RMC 23.42.210

[Ord. 28-05 § 1.02; amended during 2011 recodification; Ord. 07-19 § 4].

23.14.040 Site requirements for agricultural use districts.

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. If a number appears in the box at the intersection of the column and row, that number represents the dimensional standard that applies to that zoning district.

Standard	AG	SAG
Minimum Lot Area Requirement	5 acres	43,560 square ft.
Minimum Lot Width	None	145 feet
Minimum Lot Depth	None	145 feet
Minimum Street Frontage	None	40 feet
Minimum Front Yard Setback	25 feet	20 feet
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	25 feet	25 feet ¹
Maximum Lot Coverage ²	None	20%
Maximum Building Height – Main Building	30 feet	30 feet
Maximum Building Height – Accessory Buildings	24 feet	24 feet

¹. Main structures shall be set back a minimum of 25 feet and accessory structures shall meet the requirements of RMC 23.38.020 except that structures intended for the keeping of livestock shall meet the setback requirements of 50 feet as established in RMC 23.14.020(B)(4)(iii).

². Lot coverage includes all buildings, including accessory buildings or structures on any lot in a residential district, exclusive of patios without roof coverings or patios with only open lattice or similar type roof construction.
[Ord. 28-05 § 1.02; Ord. 04-09; amended during 2011 recodification].

23.14.050 Parking standards for agriculture use districts.

Off-street parking space shall be provided in all agricultural zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

CHAPTER 11.07

URBAN GROWTH AREA RESIDENTIAL DISTRICT (UGAR)

SECTIONS:

11.07.010	Purpose
11.07.020	Applicability
11.07.030	Allowable Uses
11.07.040	Accessory Uses
11.07.050	Uses Subject to Planning Administrator Review and Approval
11.07.060	Uses Requiring a Conditional Use Permit
11.07.070	Uses Prohibited
11.07.080	Property Development Standards--General Standards
11.07.090	Property Development Standards--Setback Requirements
11.07.100	Severability
11.07.110	Effective Date

11.07.010 PURPOSE. The Urban Growth Area Residential District (UGAR) are lands within Urban Growth Areas (UGAs) that have been designated to accommodate the land use needs of a city's projected future population growth. The UGAR District allows higher densities and a variety of uses similar to those typically found in the adjacent cities. The densities, uses and development provisions allowed within this district assure that development prior to annexation by a city results in densities, land uses and development patterns that are consistent with that city's Comprehensive Plan.
[Ord. 611 (2018) § 21]

11.07.020 APPLICABILITY. Provided all applicable code provisions are satisfied, the provisions of this chapter shall apply to the areas designated as an Urban Growth Area Residential

District (UGAR) on the official zoning maps of Benton County and located within an Urban Growth Area of unincorporated Benton County.

[Ord. 611 (2018) § 22]

11.07.030 ALLOWABLE USES. Provided all applicable code provisions are satisfied, the following uses are allowed within the Urban Growth Area Residential District (UGAR) on a single parcel of record:

- (a) Single Family Dwelling (SFD).
- (b) Duplex, subject to the provisions of BCC 11.07.080(a).
- (c) On any tract of land having an area of one (1) acre or more, the keeping of one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.
- (d) Church.
- (e) Adult Family Home.
- (f) Crisis residential center.

[Ord. 611 (2018) § 23]

11.07.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Urban Growth Area Residential District (UGAR) on a single parcel of record:

- (a) One (1) or more accessory buildings and uses (commonly appurtenant to a single family dwelling).
- (b) Yard Sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.
- (c) Kennel, Private.

(d) Solar Power Generator Facility, Minor

(e) Uses subject to Planning Administrator review and approval, specified in BCC 11.07.050(b) (c) (d) .
[Ord. 611 (2018) § 24]

11.07.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL. The following uses may be allowed within the Urban Growth Area Residential District (UGAR) on a single parcel of record upon the review and approval of the Planning Administrator:

(a) Temporary Dwelling, subject to BCC 11.42.110.

(b) Home Occupation, subject to the provisions of Chapter 11.49 BCC, involving business activities not otherwise expressly allowed or requiring a permit under BCC 11.07.060.

(c) Child Day Care Facility, Type A, subject to the provisions of BCC 11.42.050.

(d) Accessory dwelling unit (within or attached to a single family home), subject to the provisions of BCC 11.42.020.
[Ord. 611 (2018) § 25]

11.07.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Urban Growth Area Residential District (UGAR) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided in BCC 11.50.040.

(a) School, library, community clubhouse, grange hall, senior center and/or other non-profit organizational hall.

(b) Fire department facility, law enforcement facility, and/or medical facility.

(c) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

- (d) Public transit center.
- (e) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.
- (f) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.
- (g) Nursery.
- (h) A Park.
- (i) Hiking and non-motorized biking trails.
- (j) Utility substation facility.
[Ord. 611 (2018) § 26]

11.07.070 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.07.030, BCC 11.07.040, BCC 11.07.050 or BCC 11.07.060 is prohibited within the Urban Growth Area Residential District (UGAR).
[Ord. 611 (2018) § 27]

11.07.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS. All lands, structures and uses in the Urban Growth Area Residential District (UGAR) shall conform to the following general standards, and if applicable, to the standards set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.

(a) Minimum parcel size. Except as otherwise set forth herein, the minimum parcel size that may be created in the UGAR District is seven thousand five hundred (7,500) square feet; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions. Duplexes may only be located on parcels of at least fifteen thousand (15,000) square feet; provided, the Benton-Franklin

Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions.

(b) Lot Width. Each parcel shall have an average lot width of no less than seventy (70) feet.

(c) Maximum Lot Coverage. Sixty (60) percent.
[Ord. 611 (2018) § 28]

11.07.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Urban Growth Area Residential (UGAR) shall meet the following setback requirements, and if applicable, the setback requirements set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.

(a) Setback Requirements. The following minimum setbacks shall apply:

(1) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of twenty (20) feet from the property line bordering any public road right-of-way; and a setback of twenty (20) feet from the closest edge of any legally-established boundary line of a private access easement.

(2) Each dwelling unit shall have a setback of fifteen (15) feet from the rear parcel lines.

(3) Each accessory building and accessory use shall have a setback of ten (10) feet from all alleys and the rear parcel lines.

(4) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of ten (10) feet from the side parcel lines.

(5) All shelters, coops, or other structures used for the

habitation of livestock shall have a setback of at least thirty (30) feet from every property line of the parcel on which it is located, unless a greater setback is otherwise required under the Benton County Code.

(6) All dwelling units and swimming pools shall have a setback of one hundred fifty feet (150) from any parcel located partially or wholly within the Growth Management Act Agricultural District (GMAAD) and from any adjacent orchard, hop yard, or vineyard (or combination thereof) of ten (10) acres or more on one parcel or on contiguous parcels under common ownership.

(7) Cornices, eaves, belt courses, sills, fireplace chimneys, and open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project from a building three (3) feet into any required setback area. However, none of these architectural features may be located within any easements.

(8) Ground floor uncovered, unenclosed porches, platforms, or landings may extend or project from a building six (6) feet into the setback area but no closer than five (5) feet from any parcel line; provided, none of these architectural features may be located within any easements.

[Ord. 611 (2018) § 29]

11.07.100 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

[Ord. 611 (2018) § 249]

11.07.110 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.

[Ord. 611 (2018) § 250]

Exhibit E

RESOLUTION NO. 2022-50

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE PROPOSED ANNEXATION OF LOTS 1-8 OF BADGER MOUNTAIN ESTATES CONSISTING OF APPROXIMATELY 12 ACRES AND LOCATED AT 1560, 1570, 1600, 1620, 1640, 1650 AND 1660 BRANTINGHAM ROAD IN SECTION 26, TOWNSHIP 9 NORTH, RANGE 28 EAST W.M., BENTON COUNTY, WASHINGTON.

WHEREAS, a petition for annexation to the City of Richland has been received from the owners representing eighty-four point sixty-one percent (84.61%) of valuation for the annexation of the described property, attached hereto as **Exhibit A**; and

WHEREAS, RCW 35.13.130 sets forth requirements that an annexation petition must be signed by the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation, of the property for which annexation is petitioned; and

WHEREAS, such petition was duly certified by the Benton County Auditor on January 26, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regularly scheduled City Council meeting to be held on **June 21, 2022** is hereby established as the date on which Council will conduct a public hearing to consider the annexation petition.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of April, 2022.


Michael Alvarez, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:

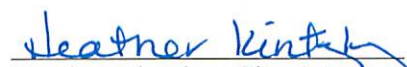

Heather Kintzley, City Attorney

Exhibit A

Legal Description for Proposed Badger Mountain Estates Annexation

The Badger Mountain Estates annexation consists of the following:

Lots 1, 2, 3, 4, 5, 6, 7 & 8 Plat of Badger Mountain Estates, located within Section 26, Township 9 North, Range 28 East, W.M., Benton County, Washington.

This description includes the following **County Parcel Identification Numbers**:

126983020000025

126983020000024

126983020000006

126983020000023

126983020000019

126983020000002

126983020000003

Vicinity Map

Item: Annexation (12-Acres)
Applicant: Badger Mtn. Estates HOA
File #: ANX2021-101





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area 3 - Increase Economic Vitality

Subject:

Ordinance No. 2022-21, Annexing Approximately 300.1 Acres Located at Tax Parcel Numbers I-I1080000000000 and I-I4081000001003 (USDOE)

Department:
Development Services

Ordinance/Resolution Number:
2022-21

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2022-21, authorizing the annexation of approximately 300.1 acres of land owned by the Department of Energy and located upon tax parcel numbers I-I1080000000000 and I-I4081000001003.

Summary:

The City is considering the annexation of approximately 300.1 acres of land in north Richland owned by the U.S. Department of Energy.

Council held a public hearing on June 21, 2022 and deliberated thereafter whether to accept the proposed annexation area into the city limits. To date, no public comments for or against the proposed annexation have been received by the City, and the process has progressed without any issues.

Staff recommends approval of Ordinance No. 2022-21 for second reading and passage.

Fiscal Impact: None.

Attachments:

1. Ordinance No. 2022-21
2. ANX2021-102 Staff Report
3. Vicinity Map

WHEN RECORDED RETURN TO:

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

ORDINANCE NO. 2022-21

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, ANNEXING APPROXIMATELY 300.1 ACRES OF LAND OWNED BY THE UNITED STATES DEPARTMENT OF ENERGY. THE PROPERTY IS DESCRIBED AS ASSESSOR'S TAX PARCEL NOS. 1-11080000000000 AND 1-14081000001003 AND IS GENERALLY LOCATED NORTH OF THE INTERSECTION OF HORN RAPIDS ROAD AND GEORGE WASHINGTON WAY, EAST OF STEVENS DRIVE, WEST OF THE COLUMBIA RIVER WITH THE NORTHERN BOUNDARY BEING THE SOUTH FENCE LINE OF THE "300 AREA" IN SECTIONS 10, 11, 14 & 15, TOWNSHIP 10 NORTH, RANGE 28 EAST W.M., BENTON COUNTY, WASHINGTON, PROVIDING FOR ASSUMPTION OF EXISTING CITY INDEBTEDNESS, AND AMENDING THE OFFICIAL ZONING MAP.

WHEREAS, the City received a notice of intent to annex from Pacific Northwest National Laboratory (PNNL) on behalf of the United States Department of Energy (DOE), owner of real property described as Assessor's Tax Parcel Nos. 1-11080000000000 and 1-14081000001003, the value of which constituted 100% of the proposed annexation area and so qualified to commence annexation proceedings for annexation into the City of Richland; and

WHEREAS, on July 20, 2021, a meeting was held between the initiating party of this annexation and the Richland City Council, at which time City Council adopted Resolution No. 95-21, accepting the notice of intention to commence annexation proceedings for the real property legally described in **Exhibit A** attached hereto, subject to simultaneous adoption of the Comprehensive Plan for the proposed annexation area, and the assumption of the appropriate share of all existing City indebtedness; and

WHEREAS, Resolution No. 95-21 further authorized and directed the Richland Planning Commission to develop and forward a recommendation to the Richland City Council as to the most appropriate zoning designation for the area proposed to be annexed; and

WHEREAS, the Richland Planning Commission held a public hearing on October 13, 2021 to consider an appropriate zoning designation for the proposed annexation area, and recommended adoption of Business Research Park (B-RP) and Natural Open Space (NOS) zoning for the property; and

WHEREAS, on December 7, 2021, Richland City Council adopted Resolution No. 153-21, authorizing the circulation of an annexation petition for annexation of the real property legally described in **Exhibit A** attached hereto; and

WHEREAS, a petition was circulated and signed by the property owner representing 100% of the assessed value of the proposed annexation area, thereby exceeding the state requirement that owners representing at least sixty percent (60%) of the value of the proposed annexation area petition the City for annexation, with such value determined according to the assessed valuation for general taxation; and

WHEREAS, the Richland City Council held a public hearing to consider the annexation on June 21, 2022, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation and through the mailing of notice to all property owners within the annexation area, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, having given the matter and all information in the record due consideration, the Richland City Council has determined that the annexation would be of general benefit to the residents of the City of Richland.

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

Section 1. The real property legally described in **Exhibit A** attached hereto is hereby annexed to the City of Richland and is hereby declared to be within the corporate limits of the City of Richland, Benton County, Washington (the “Annexed Area”).

Section 2. The Richland Comprehensive Plan, adopted October 3, 2017 by passage of Ordinance No. 45-17 and as thereafter amended, shall serve as the comprehensive plan for the Annexed Area. All property within the Annexed Area shall be designated as Business Research Park and Natural Open Space under the land use map that is part of the Richland Comprehensive Plan.

Section 3. Unless otherwise legally exempted, the property within the Annexed Area shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments or taxes in payment for all or of any portion of the outstanding indebtedness of the City, approved by the voters, contracted, or incurred prior to, or existing at the date of annexation.

Section 4. Title 23 of the City of Richland Municipal Code (RMC) 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 Nos. 1, 2 and 3, which are three (3) maps of a series of maps constituting said Official Zoning Map, as shown on the attached **Exhibit B** bearing the numbers 1, 2 and 3 together with 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. It is hereby found, as an exercise of the City's police power, that the best zoning for the properties included in the Annexed Area shall be Business Research Park (B-RP) and Natural Open Space (NOS), as depicted on **Exhibit B**, attached hereto, when consideration is given to the interest of the general public.

Section 6. The City Clerk is directed to file a copy of this annexation with the Board of Commissioners of Benton County and the State of Washington in the manner required by law. The City Clerk is also directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance, and shall attach the amended sectional maps, as necessary, and an amended Annexation map, duly certified by the City Clerk as a true copy.

Section 7. As authorized and required by RCW 35.13.280, the City shall negotiate a new franchise with the solid waste collection service provider currently serving the Annexed Area on terms that are acceptable to the City and that comply with the City's Solid Waste Management Plan.

Section 8. This Ordinance shall take effect on the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: June 21, 2022
Second Reading: July 5, 2022
Date Published: July 10, 2022

Exhibit A

Legal Description for Proposed 300.1-Acre USDOE/PNNL Annexation

The 300.1-Acre USDOE/PNNL annexation consists of the following:

THOSE PORTIONS OF SECTIONS 14, 15 AND 11, TOWNSHIP 10 NORTH, RANGE 28 EAST, OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, LYING WESTERLY OF THE ORDINARY HIGH WATER LINE OF THE COLUMBIA RIVER AND NORTHERLY, NORTHEASTERLY, AND EASTERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON LINE WHICH BEAR N 89°09'09" E, 49.42 FEET FROM UNITED STATES CORPS OF ENGINEERS MONUMENT (U.S.C.O.E.) "CH-2" ON THE NORTH BOUNDARY OF THAT TRACT OF LAND CONVEYED TO THE PORT OF BENTON, AS DESCRIBED IN QUIT CLAIM DEED FROM THE U.S.A. TO THE PORT OF BENTON, RECORDED IN AUDITOR'S FILE NO. 521608, RECORDS OF BENTON COUNTY; SAID POINT BEING AT THE INTERSECTION OF SAID LINE WITH THE ORDINARY HIGH WATERLINE OF THE COLUMBIA RIVER; THEN S 89°08'17" W, 504.97 FEET ALONG SAID NORTH BOUNDARY TO U.S.C.O.E. MONUMENT DESIGNATED AS "CH-3"; THENCE S 89°11'36" W, 833.29 FEET ALONG SAID BOUNDARY TO U.S.C.O.E. MONUMENT DESIGNATED "CH-4"; THENCE S 89°10'51" W, 391.11 FEET ALONG SAID BOUNDARY TO A POINT ON CURVE ON THE WESTERLY RIGHT OF WAY OF GEORGE WASHINGTON WAY; (THE RADIUS CENTER OF SAID CURVE BEARS S 57°44'17" W, 1265.82 FEET); THENCE NORTHWESTERLY, 101.70 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°36'12" TO A POINT OF TANGENCY; THENCE N 36°51'59" W, 2335.88 FEET ALONG THE WESTERLY MARGIN OF GEORGE WASHINGTON WAY TO A POINT OF CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 855.00 FEET; THENCE NORTHWESTERLY, 573.62 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°26'24" TO A POINT OF TANGENCY; THENCE N 75°18'23" W, 613.33 FEET TO A LINE BEING THE NORTHERLY PROJECTION OF THE EASTERLY RIGHT OF WAY LINE OF STEVENS DRIVE; THENCE N 00°19'06" W, 748.55 FEET ALONG SAID LINE; THENCE N 89°10'00" E, 3886.22 FEET TO THE ORDINARY HIGH WATERLINE OF THE COLUMBIA RIVER AND THE TERMINUS OF SAID DESCRIBED LINE.

CONTAINS 214.5 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND-

ALL THAT PORTION OF THE SOUTH HALF OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, LYING EASTERLY OF THE MOST EASTERLY LANE OF STEVENS DRIVE AND WESTERLY OF THE ORDINARY LINE OF HIGH WATER OF THE COLUMBIA RIVER DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF THAT TRACT OF LAND SHOWN AS THE BATTELLE-PSE SITE, ACCORDING TO RECORD SURVEY RECORDED IN VOLUME 1 OF SURVEYS, PAGE NO. 3673, UNDER AUDITOR'S FILE NO. 2006-034599 (SAID POINT BEARS N 01°47'33"W, 3270.55 FEET FROM NATIONAL GEODETIC SURVEY MONUMENT "8324");

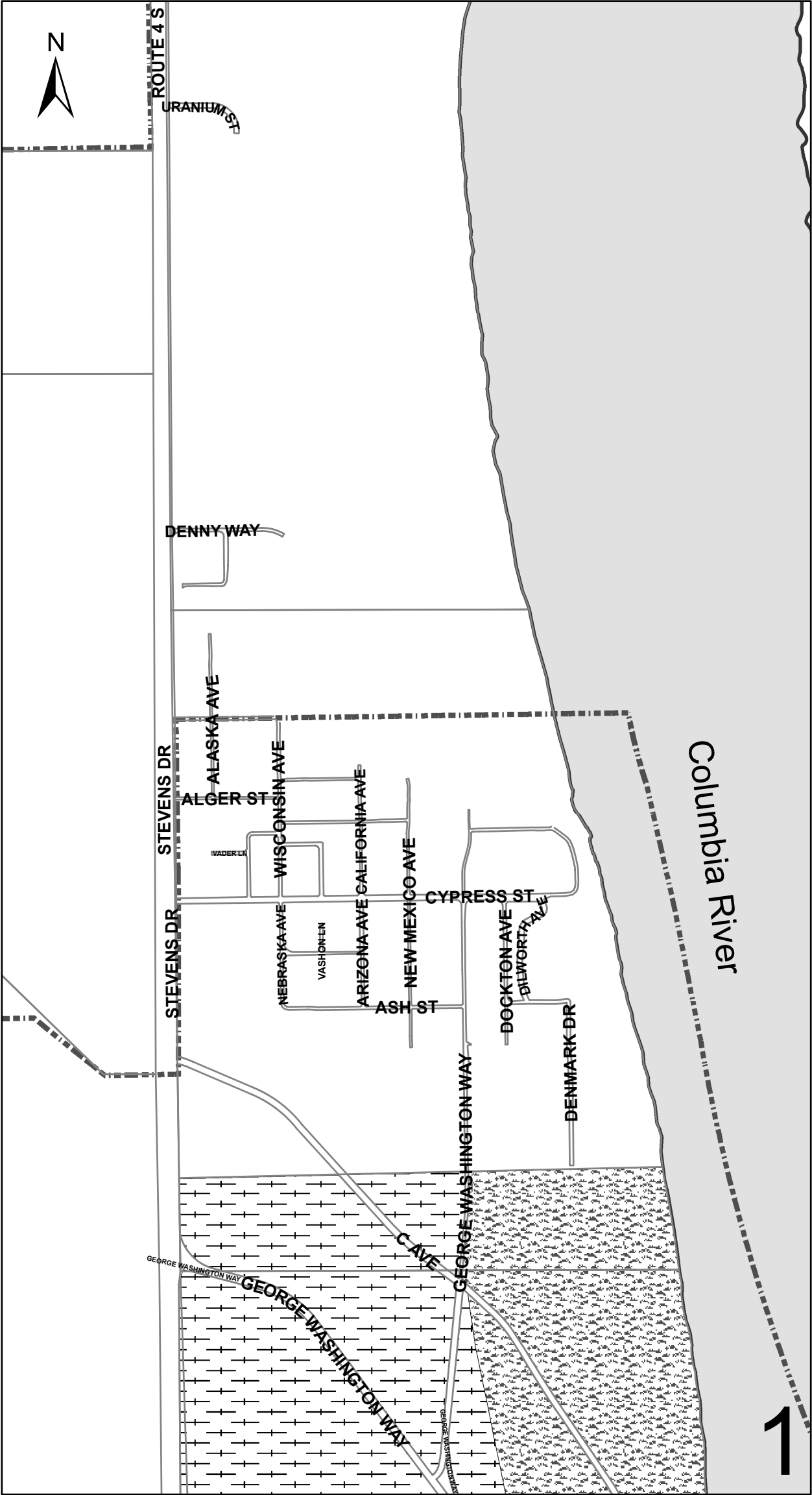
THENCE N 00°19'06" W, 979.72 FEET ALONG THE EAST LINE OF STEVENS DRIVE; THENCE N 89°09'20" E, 3699.7 FEET MORE OR LESS TO THE LINE OF ORDINARY HIGH WATER OF THE COLUMBIA RIVER; THENCE SOUTHERLY 996.4 FEET ALONG SAID LINE OF ORDINARY HIGH WATER TO THE NORTH LINE OF SAID RECORD SURVEY NO. 3673; SAID POINT BEARS N 89°10'00" E, 3886.22 FEET FROM THE POINT OF BEGINNING.

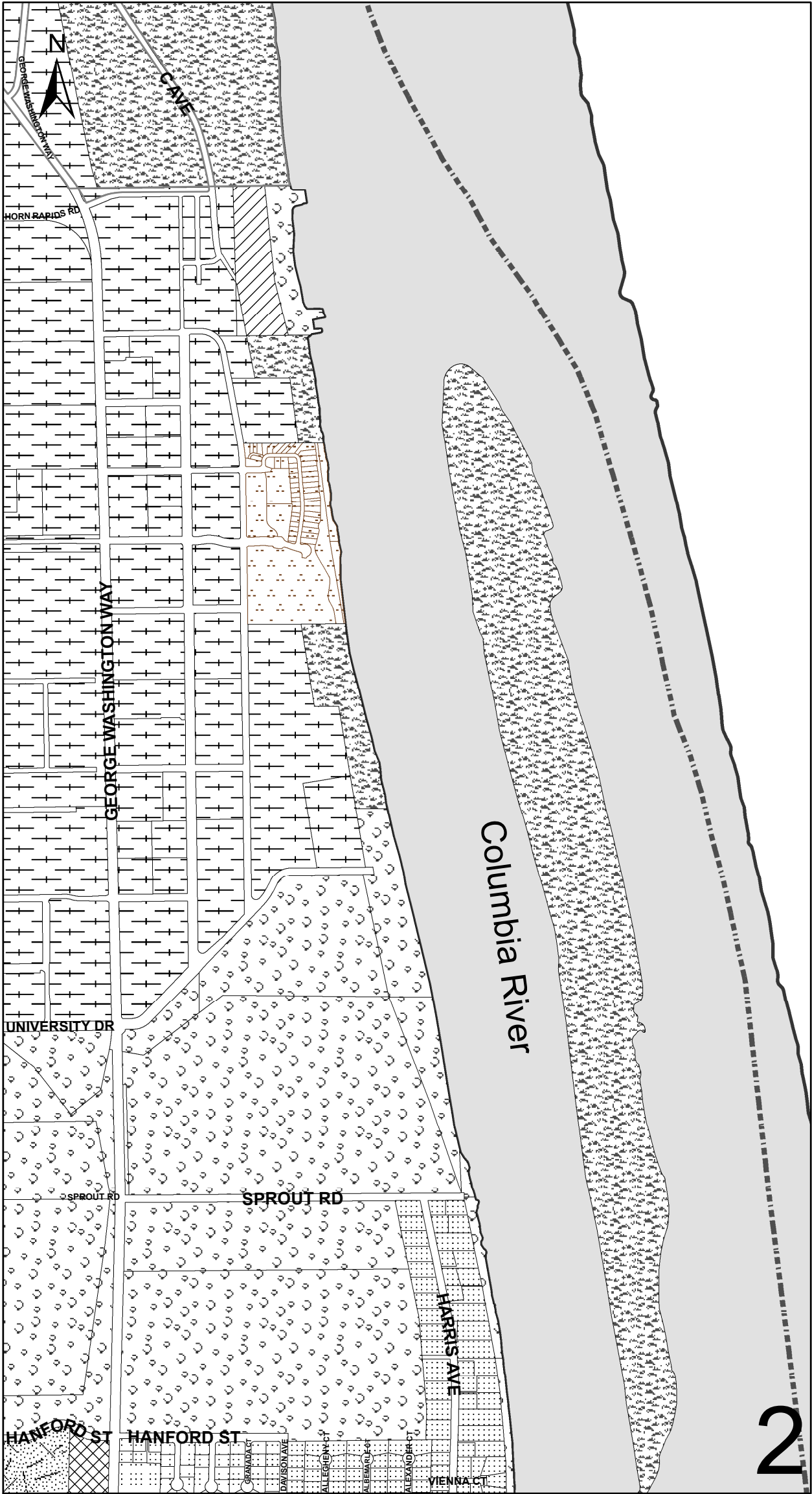
CONTAINING 85.6 ACRES, MORE OR LESS.

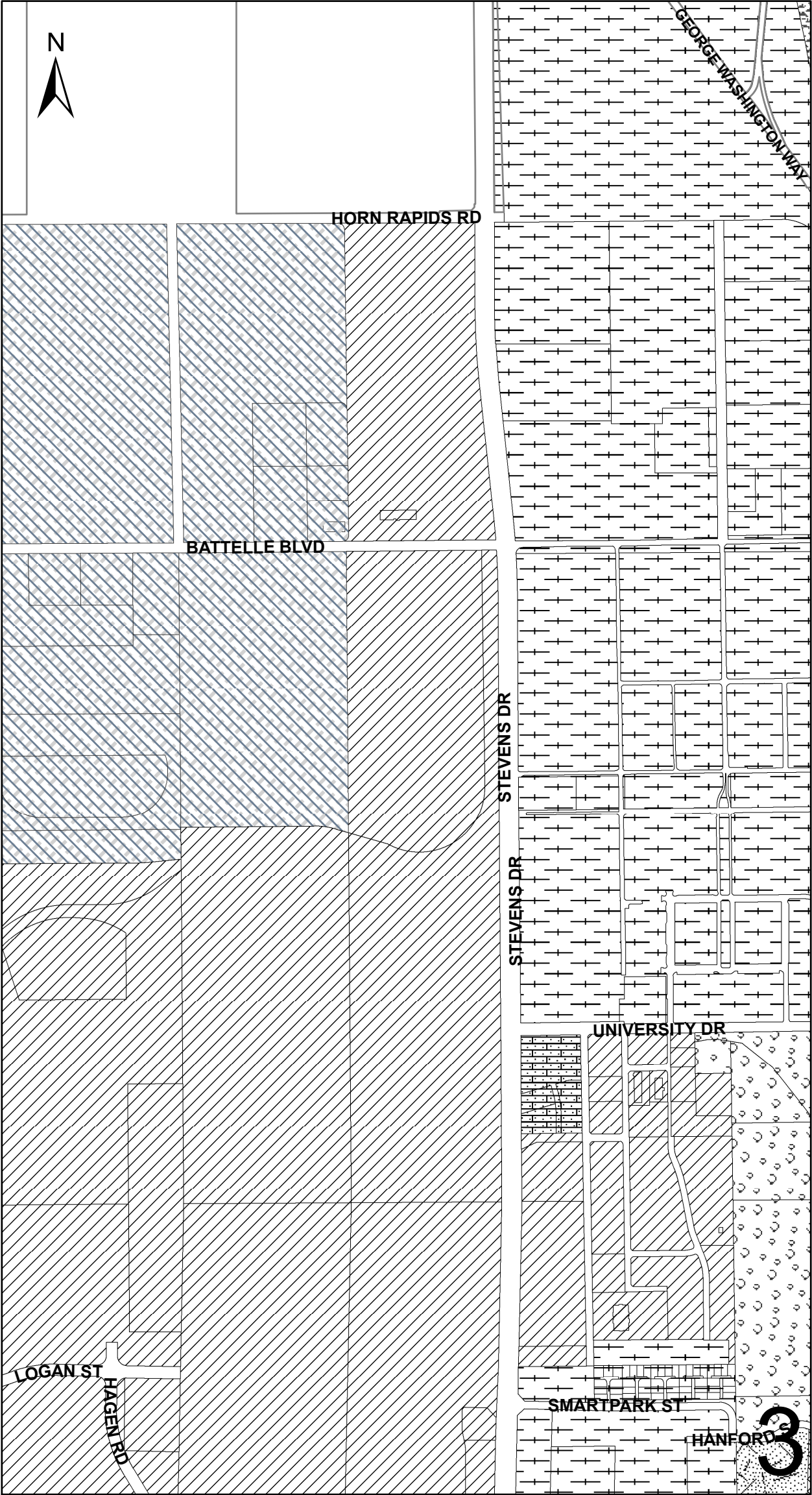
This description includes the following **County Parcel Identification Numbers:**

114081000001003

A Portion of: 111080000000000







STAFF REPORT

TO: CITY COUNCIL
FILE NO.: ANX2021-102

PREPARED BY: MIKE STEVENS
MEETING DATE: JUNE 21, 2022

GENERAL INFORMATION:

APPLICANT: PACIFIC NORTHWEST NATIONAL LABORATORY (PNNL)
ON BEHALF OF THE UNITED STATES DEPARTMENT OF
ENERGY (DOE)(ANX2021-102).

REQUEST: CONSIDERATION OF ANNEXATION.

LOCATION: THE PROPERTY IS DESCRIBED AS ASSESSOR'S TAX
PARCEL NOS. 111080000000000 AND 114081000001003
AND IS GENERALLY LOCATED NORTH OF THE
INTERSECTION OF HORN RAPIDS ROAD AND GEORGE
WASHINGTON WAY, EAST OF STEVENS DRIVE, WEST
OF THE COLUMBIA RIVER WITH THE NORTHERN
BOUNDARY BEING THE SOUTH FENCE LINE OF THE
"300 AREA" IN SECTIONS 10, 11, 14 & 15, TOWNSHIP 10
NORTH, RANGE 28 EAST W.M., BENTON COUNTY,
WASHINGTON.

REASON FOR REQUEST:

The City is currently considering the annexation of approximately 300.1 acres of land owned by the US Dept. of Energy.

BACKGROUND

The City is currently evaluating a proposal to annex approximately 300.1 acres of land owned by the US Dept. of Energy.

The City Council passed Resolution No. 95-21 authorizing the annexation proceedings to begin. The next step required the Planning Commission to consider what zoning designation(s) would be appropriate if the property were to be annexed. During the Planning Commission's public hearing for zoning consideration it was decided that Business Research Park (B-RP) and Natural Open Space (NOS) were the only two zoning districts that can be applied to the property because the Business Research Park land use designation only allows for Business Research Park (B-RP) zoning, while the Natural Open Space land use designation only allows for Natural Open Space (NOS) zoning. As a result, the Planning Commission had no choice but to apply the B-RP and NOS zoning districts in a manner consistent with the underlying land use designations.

City Council authorized the circulation of the annexation petition as a result of Resolution No. 153-21 on December 7, 2021. Upon receipt of the completed petition Planning Staff sent the applicable information to the Benton County Assessor's Office for certification. After receipt of the certification notice from the Assessor, City Council adopted Resolution No. 2022-49, which established June 21, 2022 as the date on which Council would conduct a public hearing to consider the annexation petition.

SITE DATA

Size: Approximately 300.1 acres.

Ownership: The proposed annexation site is approximately 300.1 acres in size and is currently owned by the DOE.

Current Use: The proposed annexation site is currently undeveloped.

Comprehensive Plan: The site is within the City of Richland's adopted Urban Growth Area (UGA) boundary and is designated as Business Research Park and Natural Open Space based on the Richland Comprehensive Plan.

Utilities: City water, city sewer and city electrical services are available in the vicinity to serve the proposed annexation area.

Existing County Zoning: Light Industrial and Park District.

SURROUNDING LAND USES

Properties located south of the proposed annexation area that are within the City of Richland are zoned B-RP (Business Research Park), Medium Industrial (I-M) and PPF (Parks and Public Facilities). Properties located to the west and to the north, which are located within unincorporated Benton County are currently zoned Light Industrial and Unclassified (Hanford Nuclear Reservation). The City's Economic Development Division has recently submitted an annexation request to annex the land located to the west, which is currently within unincorporated Benton County. That request will be coming before Council in the very near future.

ANALYSIS

As indicated above, the Planning Commission had no choice but to recommend that the B-RP and NOS zoning districts be applied to the subject property as those are the only two zoning categories which are allowed to effectuate the intent of the Comprehensive Plan Land Use Map designations.

SUMMARY

Staff recommends that the Council conduct a public hearing on the matter and vote to accept the proposed annexation area into the city limits. As of the date this staff report was prepared no comments either for, or against, the proposed annexation request had been received. The annexation application has made its

way through the annexation review process and no issues have arisen that would affect staff's recommendation (below).

FINDINGS OF FACT

1. The site is within the City of Richland's Urban Growth Area boundary as those boundaries were established with the adoption of the Benton County Comprehensive Plan in 1998 and subsequent periodic updates;
2. City Council passed Resolution 79-21 establishing July 20, 2021 as the date for Council to meet with the proponents of the annexation.
3. City Council passed Resolution 95-21 which accepted the request for annexation and required that the Planning Commission review the proposal and forward a recommendation to City Council as to the most zoning designation(s) for the area proposed for annexation.
4. The Planning Commission conducted a public hearing on October 13, 2021 to determine the appropriate zoning for the site.
5. City Council passed Resolution 153-21 on December 7, 2021 authorizing circulation of the annexation petition.
6. City Council passed Resolution 2022-49 on April 5, 2022 recognizing certification of the annexation petition by the Benton County Assessor and establishing June 21, 2022 as the date on which Council would conduct a public hearing to consider the annexation petition.
7. The City's comprehensive plan designates the proposed annexation area as suitable for business research park and natural open space uses;
8. There are only two zoning districts that can be applied to the property that would implement the Business Research Park and Natural Open Space comprehensive plan designations;
9. The Business Research Park land use designation only allows for Business Research Park (B-RP) zoning, while the Natural Open Space land use designation only allows for Natural Open Space (NOS) zoning.
10. The approximately 300.1 acres of land subject to the proposed annexation request are currently undeveloped;
11. Properties located south of the proposed annexation area that are within the City of Richland are zoned B-RP (Business Research Park), Medium Industrial (I-M) and PPF (Parks and Public Facilities);

12. Properties located to the west and to the north, which are located within unincorporated Benton County are currently zoned Light Industrial and Unclassified (Hanford Nuclear Reservation).

CONCLUSIONS OF LAW:

1. Based on the above findings of fact, assignment of B-RP (Business Research Park) and NOS (Natural Open Space) zoning would be in the best interest of the City of Richland.

RECOMMENDATION

Staff recommends that the City Council concur with the findings and conclusions set forth by the Planning Commission in Planning Commission Staff Report (ANX2021-102) and assign B-RP (Business Research Park) and NOS (Natural Open Space) zoning to the site.

EXHIBITS

- A. Application Materials
- B. Resolution No. 79-21
- C. Resolution No. 95-21
- D. Resolution 153-21
- E. Resolution 2022-49
- F. Planning Commission Staff Report (ANX2021-102)

**Pre-Application Conference Waiver**

PROPERTY OWNER INFORMATION		☐ Contact Person
Owner: United States Department of Energy, Pacific Northwest Site Office - Office of Science		
Address: P.O. Box 350, MS K9-42, Richland, WA 99352		
Phone: (509) 372-4005	Email:	

APPLICANT/CONTRACTOR INFORMATION (if different)		☒ Contact Person
Company:	UBI# N/A	
Contact: Ryan Kilbury, Business Division Director		
Address:		
Phone: (509) 375-4030	Email: Ryan.Kilbury@Science.doe.gov	

PROPERTY INFORMATION	
Parcel #: A) 111080000000000 B) 114081000001003	
Legal Description: See Record of Survey #'s 3673 & 4768 found in application	

TYPE II APPLICATIONS		TYPE III APPLICATION	
☐	Flood Plain Variance	☐	Non-residential Shoreline Substantial Development
☐	Critical Areas & Resource Lands Variance/Viable Use	☐	Residential Shoreline Substantial Development
☐	Binding Site Plan	☐	Shoreline Variance/Conditional Use
☐	Administrative Variance	☐	Conditional Use
☐		☐	Subdivision
☐		☐	Rezone (site specific)
☐		☐	Vacation/Alteration of a Subdivision
☐		☐	Variance
☒	Other: Type IV Annexation per RMC 19.20.010.E.5		

I understand the waiver of a pre-application conference increases the maximum time for review for technically complete status and increases the risk the application will be rejected or processing will be delayed.

Applicant Printed Name: Ryan Kilbury

Applicant Signature: Ryan M. Kilbury Date 5/20/2021



**Department of Energy
Office of Science**
Pacific Northwest Site Office
P.O. Box 350, K9-42
Richland, Washington 99352

JUN 2, 2021

21-PNSO-0158

Mr. Mike Stevens
Planning Manager
City of Richland, PNNL Annexation
625 Swift Boulevard, MS-35
Richland, WA 99352

Dear Mr. Stevens:

**U.S. DEPARTMENT OF ENERGY PACIFIC NORTHWEST SITE OFFICE (DOE-PNSO)
ACKNOWLEDGEMENT OF ANNEXATION REQUEST APPLICATION - PACIFIC
NORTHWEST NATIONAL LABORATORY (PNNL), NORTH CAMPUS**

In response to PNNL letter dated May 17, 2021 (OUT-0172-2021), this letter is to acknowledge that I, Ryan Kilbury, on behalf of the DOE-PNSO Office of Science, Richland, WA, hereby grants PNNL, its employees, and agents, and assigns the authority to submit an Annexation Request to the City of Richland on behalf of DOE-PNSO for the following parcel numbers and portions thereof totaling 300.1 acres:

1. 111080000000000 – 85.6 Acres (*portion of primary parcel per Record Survey 4768*)
2. 114081000001003 – 214.5 Acres (*per Record Survey 3673*)

The legal descriptions are found on the enclosed record of surveys from Rogers Surveying, Inc. If you have any questions or comments, please feel free to contact me at (509) 372-4030 or via email Ryan.Kilbury@Science.doe.gov.

Sincerely,

**Ryan M.
Kilbury**

Ryan M. Kilbury
Business Division Manager

Digitally signed by Ryan
M. Kilbury
Date: 2021.06.02 11:26:55
-07'00'

BUS:RMK

Enclosure

cc w/encl:
T. L. Doyle, PNNL
A. Lambert, PNNL
D. M. Storms, PNNL
P. Weaver, PNNL



902 Battelle Boulevard
P.O. Box 999, MSIN J2-33
Richland, WA 99352
(509) 372-4826
tracy.spooner@pnnl.gov
www.pnnl.gov

OUT-0172-2021

May 17, 2021

Mr. Mike Stevens
Planning Manager
City of Richland
625 Swift Boulevard, MS-35
Richland, WA 99352

Dear Mr. Stevens:

**CONTRACT NO. DE-AC05-76RL01830 – SUBMITTAL OF APPLICATION FOR
ANNEXATION FOR THE PACIFIC NORTHWEST NATIONAL LABORATORY NORTH
CAMPUS**

On behalf of the US Department of Energy (DOE) Office of Science, Pacific Northwest Site Office, please accept this letter as a formal request for the City of Richland to consider annexation of 300 acres of land owned by DOE. Please find the Application for Annexation and Exhibits attached.

The property is located north of the Pacific Northwest National Laboratory campus, is within the City of Richland's urban growth area, and consists of two parcels identified as follows:

- 1) 111080000000000 – 85.6 Acres (*portion of primary parcel per Record Survey 4768*)
- 2) 114081000001003 – 214.5 Acres (*per Record Survey 3673*)

The specific acreage and legal descriptions are found on the attached record of surveys from Rogers Surveying, Inc., exhibits 2A & 2B.

If you have any questions or comments, please contact me at (509) 372-4826 or Aaron Lambert, Facilities and Infrastructure Strategic Planner, at (509) 371-7038 or email aaron.lambert@pnnl.gov.

Sincerely,

Tracy Spooner Digitally signed by Tracy Spooner
Date: 2021.05.17 20:15:11 -07'00'

Tracy L. Spooner
Division Director
Campus Development



OUT-0172-2021

Mr. Mike Stevens

May 17, 2021

Page 2

TLS/ATL/tpr/ral

Attachment (s): as stated

cc: Ryan Kilbury, PNSO
Dana M. Storms, PNNL



Application for Annexation

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

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: United States Department of Energy, Pacific Northwest Site Office - Office of Science

Address: P.O. Box 350, MS K9-42, Richland, WA 99352

Phone: (509) 372-4005

Email:

APPLICANT INFORMATION (if different)

☒ Contact Person

Company:

UBI# N/A

Contact: Ryan Kilbury, Business Division Director

Address:

Phone: (509) 372-4030

Email: Ryan.Kilbury@Science.doe.gov

DESCRIPTION OF REQUEST

The Department of Energy is seeking to annex approximately 300.1 acres of land found within two parcels on the north end of the PNNL Richland Campus. The land is in unincorporated Benton County and the City of Richland Urban Growth Area. The location of the undeveloped land is generally north of the intersection of Horn Rapids Rd. and George Washington Way, east of Stevens Drive, west of the Columbia River with the northern boundary being the south fence line of the "300 Area".

PROPERTY INFORMATION

Parcel #: A) 111080000000000 B) 114081000001003

Legal Description: See attached Record of Survey #'s 3673 & 4768

Current Comp. Plan: BRP & NOS

Requested Zoning: BRP & NOS

Size of Property: 300.1 Acres

Domestic Water Supply: ☒ City ☐ Private Well

Sewage Disposal: ☒ City ☐ Septic

Irrigation Source: ☒ City ☐ Private Well ☐ Columbia Irrig. District ☐ Kennewick Irrig. District ☐ BMID

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. A "Notice of Intent" form requesting annexation to the City of Richland
3. Full legal description of the proposed annexation area
4. A map showing all of the following: general vicinity of proposed annexation in relation to the City of Richland, the proposed boundaries of the annexation, and all public roads near the annexation area
5. Other information as determined by the Administrator

ANSWER QUESTIONS BELOW AS COMPLETELY AS POSSIBLE – USE ADDITIONAL SHEET(S) IF NECESSARY

Why are you requesting annexation into the City of Richland?

The intent of the annexation is so that the entirety of the land managed by the Department of Energy, Office of Science is located under the same local jurisdiction. Future development in this area is dependent on city services such as water, sewer and electrical, which is already provided by the city of Richland under a previous agreement. Incorporation into the City is consistent with the level of services already provide and future services such as Fire and Emergency.

What use, building or structure is intended for the property?

The planned use of the property is to support the future expansion of the PNNL Richland Campus with laboratory and research buildings and supporting facilities. The development will be similar to the development on other parts of the PNNL Richland campus to the south. The future development will be incremental and likely occur from the south to the north with phased infrastructure extensions.

What changes have occurred in the area that justify the requested annexation?

PNNL has entered into an agreement with the City of Richland to provide fire protection for the buildings north of Horn Rapids and the adjacent 300 area to the north of the campus which includes the subject area. This increase in city services aligns with the City's comprehensive plan to expand jurisdictional boundaries to the north. The provision of city fire response is consistent with existing city services such as water and sewer.

Are there any other properties in your neighborhood that could be part of your annexation request? If so, have you spoken to the owners about joining your annexation request?

The remaining property in the 300 Area is managed by a different office of the Department of Energy, the Office of Environmental Management (EM) and has no plans for future development.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

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

1. I have read and examined this permit application and have documented all applicable requirements on the submittals.
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 the Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

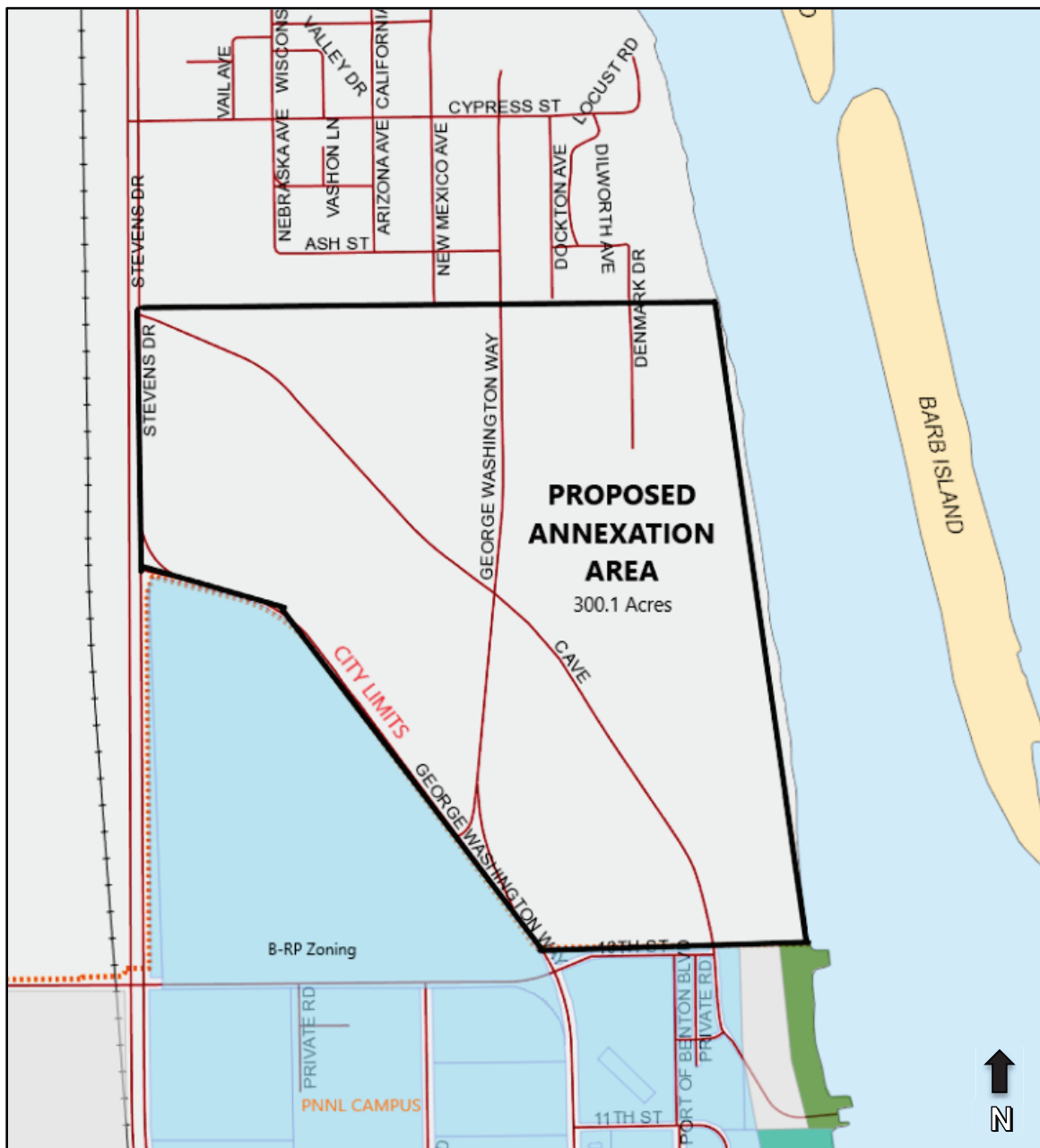
Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent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

Applicant Signature: Ryan M. Kilbury Date 3/30/2021

2021 North Campus Annexation Request

EXHIBIT 1A – Overall Annexation Area



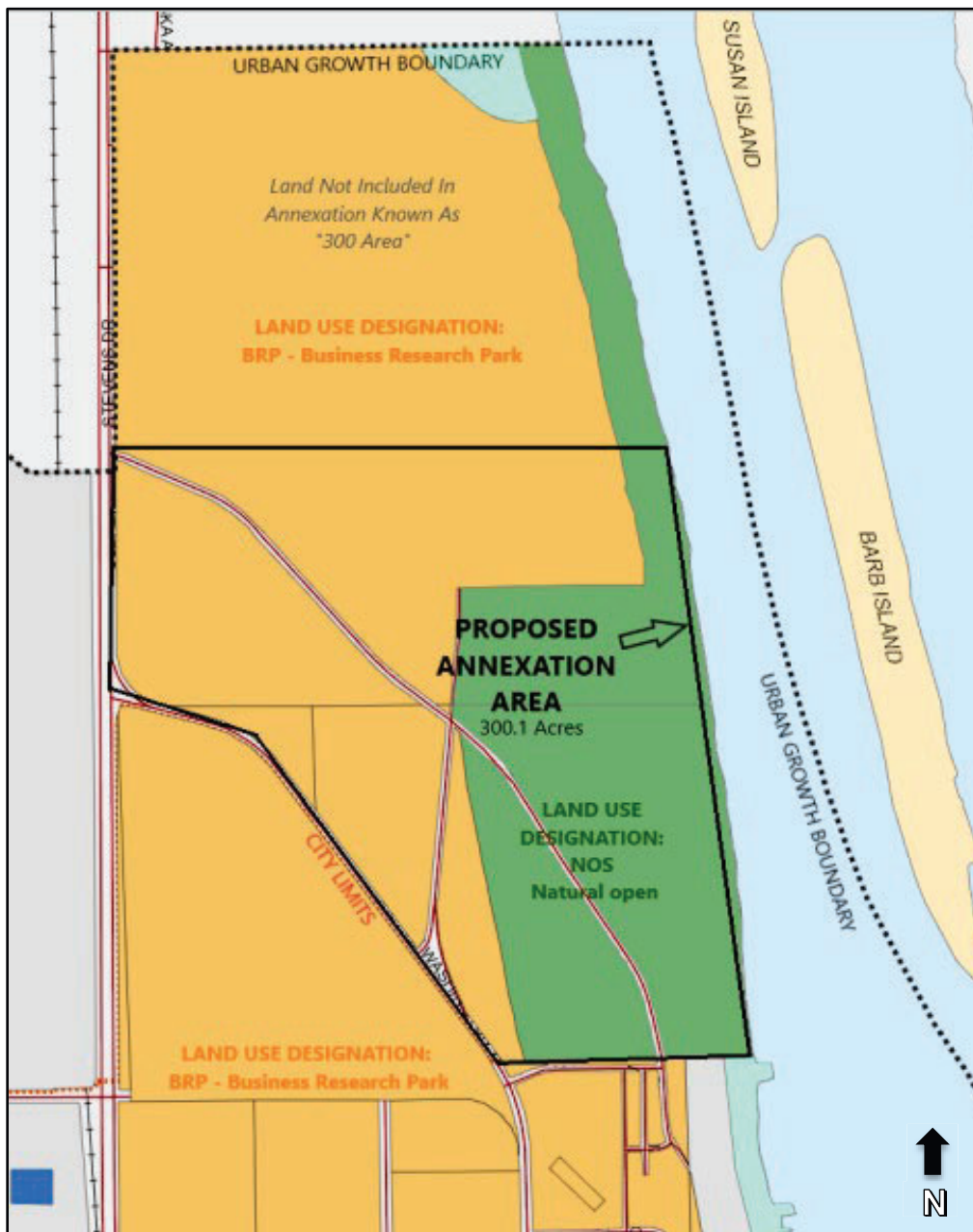
2021 North Campus Annexation Request

EXHIBIT 1B – Overall Annexation Area Aerial Photo



2021 North Campus Annexation Request

EXHIBIT 1C – Annexation Area Comprehensive Plan Designations

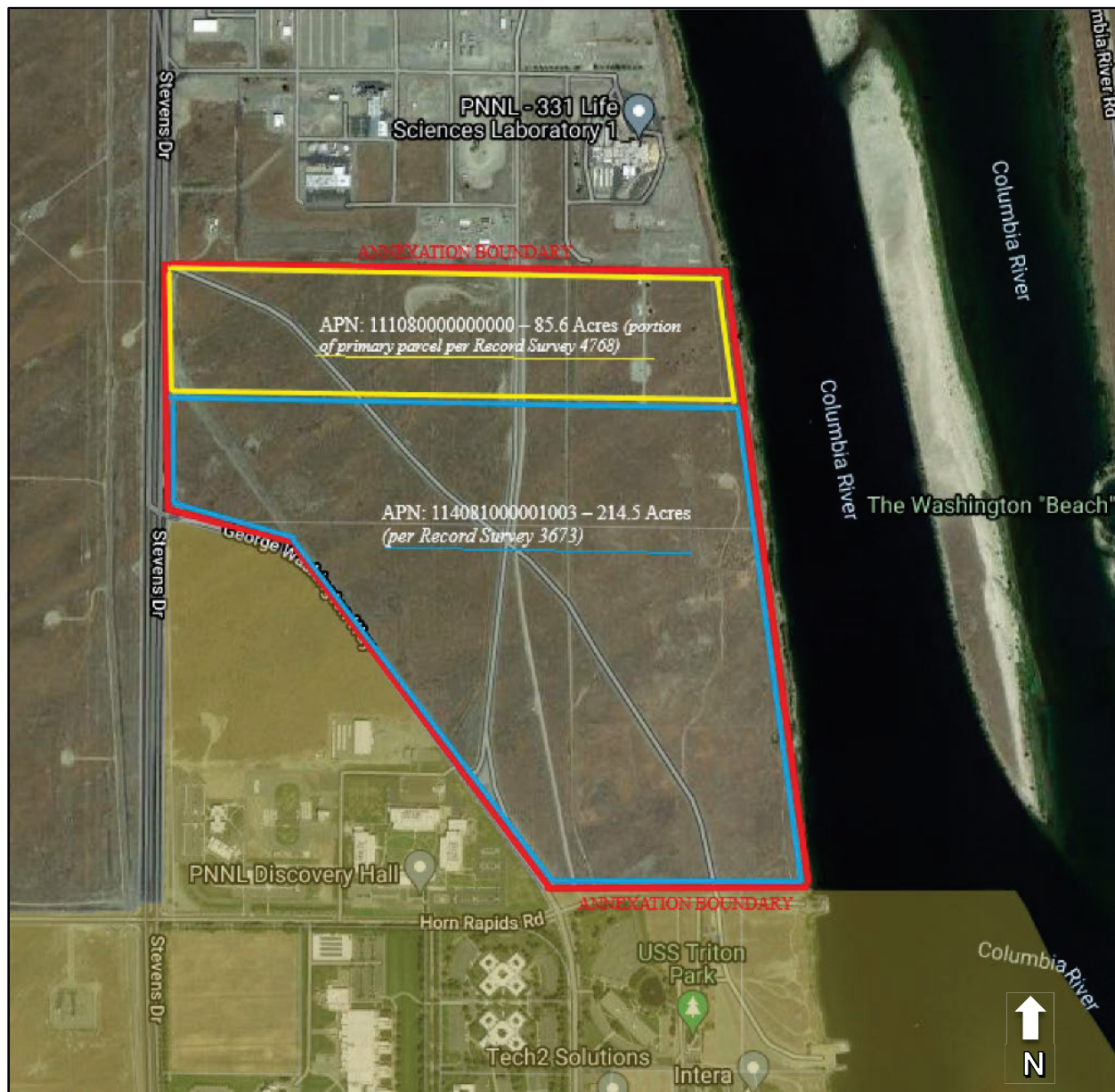




902 Battelle Boulevard
Richland, WA 99352

2021 North Campus Annexation Request

EXHIBIT 1D – Annexation Parcels, Aerial Photo



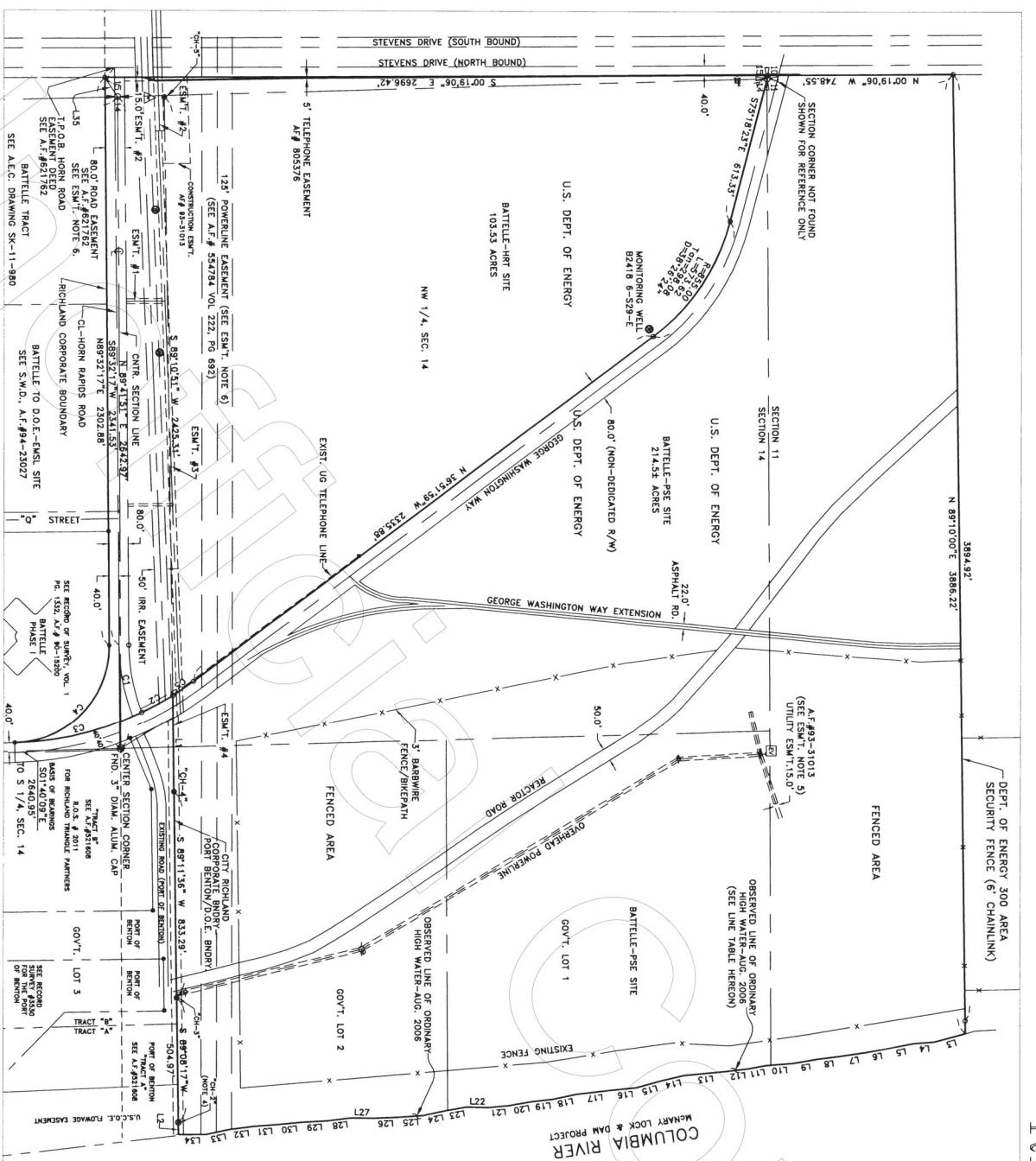
10.11, 14, 15-10-28

3673

12

RECORD SURVEY

FOR BATTELLE MEMORIAL INSTITUTE
PORTIONS OF SECTIONS 10, 11, 14 & 15
TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M.
BENTON COUNTY, WASHINGTON



LINE TABLE

LINE	BEARING	DISTANCE
L1	N89°09'09"E	49.42
L2	N89°09'09"E	49.42
L3	N15°04'24"W	130.58
L4	N09°15'51"W	83.39
L5	N09°15'51"W	83.39
L6	N09°45'41"W	82.87
L7	N08°51'25"W	109.25
L8	N07°01'54"W	95.47
L9	N09°48'42"W	99.74
L10	N04°38'28"W	108.88
L11	N10°40'13"W	21.82
L12	N02°35'35"W	173.88
L13	N02°24'35"W	173.88
L14	N15°15'52"W	101.33
L15	N15°15'52"W	96.13
L16	N06°12'28"W	98.80
L17	N06°10'31"W	130.55
L18	N12°09'13"W	79.22
L19	N10°14'52"W	97.59
L20	N05°13'08"W	82.70
L21	N01°02'31"E	91.07
L22	N10°04'20"W	85.69
L23	N12°18'55"W	95.72
L24	N02°35'35"W	99.17
L25	N02°24'35"W	91.86
L26	N00°50'54"E	113.99
L27	N02°23'15"W	93.23
L28	N02°23'15"W	93.23
L29	N02°23'15"W	93.23
L30	N06°03'48"W	91.42
L31	N04°45'58"W	99.50
L32	N12°12'27"W	94.44
L33	N12°12'27"W	111.53
L34	N06°29'09"W	94.09
L35	S56°07'38"W	94.09

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	DIRECTION	CHORD
C1	20°48'29"	787.38	276.89	N79°08'03"E	277.18
C2	6°24'00"	1265.82	51.69	N87°03'43"W	61.52
C3	2°09'40"	353.50	609.82	N12°12'27"W	550.48
C4	4°56'12"	1265.82	101.70	N43°53'49"W	101.68

EASEMENT NOTES:

1. 20' WIDE UTILITY EASEMENT RECORDED UNDER A.F.#4 3888 TO THE CITY OF RICHLAND
2. 25' WIDE UTILITY EASEMENT RECORDED UNDER A.F.#3-3256 TO THE CITY OF RICHLAND
3. 25' WIDE UTILITY EASEMENT RECORDED UNDER A.F.#3-3256 TO THE CITY OF RICHLAND
4. 40' WIDE UTILITY EASEMENT RECORDED UNDER A.F.#3-3256 TO THE CITY OF RICHLAND
5. THE EASEMENT SHOWN HEREON IS BASED ON THE "AS-BUILT" LOCATION OF THE EXISTING POWERLINE. THE EASEMENT DESCRIPTION PER A.F.#3-31013 IS NOT CONSISTENT WITH THE AS-BUILT LOCATION.
6. EASEMENT DUTY CLAIM DED FROM THE ATOMIC ENERGY COMMISSION TO CITY OF RICHLAND FOR PUBLIC ROAD OR STREET RIGHT OF WAY RECORDED IN VOLUME 281, PAGE 102.

AUDITOR'S CERTIFICATION

FILED FOR RECORD THIS 18 DAY OF Oct, 2006 A.D. AT 47 MINUTES PAST 10:00 A.M. AND RECORDED IN VOLUME 3673, AT THE REQUEST OF ROGERS SURVEYING.

Page 3673, AT THE REQUEST OF ROGERS SURVEYING.

Public Records by the name of Rogers Surveying

RECORD SURVEY NUMBER XX10281XX01



SURVEYOR'S CERTIFICATION

I, GARY B. WAGNER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS THE SURVEY RECORDED HEREON, AND THAT I AM AWARE OF THE REQUIREMENTS OF THE SURVEY RECORDED ACT, CHAPTER 50, LAWS OF 1973, FILED FOR RECORD AT THE REQUEST OF PNL (BATTELLE).

DATE 10/17/06

ROGERS SURVEYING INC., P.S.
1465 COLUMBIA PARK TRAIL
RICHLAND, WA 99352
PHONE (509) 785-8141
WWW.ROGERSURVEYING.COM

PROJECT BATTELLE PACIFIC NW DIVISION
RECORD SURVEY
NORTH RICHLAND, SECS 14 & 15 T.10N., R.28E.

DRAWN BY TKG
SCALE 1" = 300'
DATE 8-11-06
FILED 19706.DWG

JOB 19706
SHEET 1

FOR BATTELLE MEMORIAL INSTITUTE

BENTON COUNTY, WASHINGTON

PSE PARCEL

HRT PARCEL

THOSE PORTIONS OF SECTIONS 14 AND 15, TOWNSHIP 10 NORTH, RANGE 28 EAST, OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

CONTAINS 100.00 ABOVE, MORE OR LESS AND SUBJECT TO ENGINEERING AND RESERVATIONS OF RECORD.

SURVEYOR'S CERTIFICATION

DATE 10-1-80RECORD SURVEY NUMBER XX10281XX01

REV: 09/13/06

BATTELLE PACIFIC NW DIVISION
19706

PROJECT	RECORD SURVEY
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NORTH RICH AND SEC'S 14 & 15 T 10N B 28E

MONTE KILPATRICK, DEC 9 4 30 PM '11

DRN. BY	TXG	SCALE 1" = 300'	F. B. NO.	NONE	SHEET 2
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APPROVED	DATE
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LDDPROJ- 19706	
E11C. 19706 DWG	
OF 2	

DATE:	0-1-00	FILE:	19/00/000	OF	1
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NARRATIVE:

THE CENTRALE ALIGNMENT OF HORN RAPIDS ROAD WAS ESTABLISHED FROM RECORD DATA ACCORDING TO THE A.E.C. MAP OF THE "BATTELLE TRACT, DRAWING SK-11-980, AND THE "CAMP HANFORD" MAP, DRAWING SK-11-981, BOTH OF WHICH ARE REFERENCED IN SHEET 1. OUR INTEREST OF RECORDING SECTIONS OF THE CITY OF RICHLAND, WASHINGTON, IS LIMITED TO THE CITY OF RICHLAND, WASHINGTON, AND NOT A DEDICATED RIGHT OF WAY, THEREFORE, THE SOUTHERLY BOUNDARY OF THIS SITE EXTENDS TO THE SOUTH LINE OF THE HORN RAPIDS ROAD EASEMENT. HORN RAPIDS ROAD EAST OF GEORGE WASHINGTON WAY IS OWNED BY THE PORT OF BENTON. THE WESTERLY PORTION OF THIS ROAD, IS THE NORTHERN EXTENSION OF THE STEVENS DRIVE RIGHT OF WAY AS SHOWN ON THE A.E.C. MAP OF THE "BATTELLE TRACT, DRAWING SK-11-980, AND THE "CAMP HANFORD" MAP, DRAWING SK-11-981, BOTH OF WHICH ARE REFERENCED IN SHEET 1. THE STEVENS DRIVE RIGHT OF WAY FOR STEVENS DRIVE DOES NOT EXTEND BEYOND THE SOUTH LINE OF THE HORN RAPIDS ROAD EASEMENT.

DURING THIS SURVEY, WE DISCOVERED THE WEST ONE-QUARTER CORNER BETWEEN SECTIONS 14 AND 15, TOWNSHIP 14 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, BEING REMOVED AND RE-SET AT THE PROPER LOCATION RELATIVE TO THE SECTION CONTROL EAST, SOUTH AND WEST.

SURVEY REFERENCES:

1. BASIS OF BEARING FOR THIS SURVEY IS THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, BEING THE BOUNDARY BETWEEN THE CITY OF RICHLAND, WASHINGTON, AND THE CITY OF BENTON, WASHINGTON, AS SHOWN ON THE A.E.C. MAP OF THE "BATTELLE TRACT, DRAWING SK-11-980, AND THE "CAMP HANFORD" MAP, DRAWING SK-11-981, BOTH OF WHICH ARE REFERENCED IN SHEET 1. THE STEVENS DRIVE RIGHT OF WAY FOR STEVENS DRIVE DOES NOT EXTEND BEYOND THE SOUTH LINE OF THE HORN RAPIDS ROAD EASEMENT.

2. O - DENOTES SET 5/8" 324" BEAR WITH YELLOW PLASTIC CAP STAMPED "751-GSW 30440"

3. ● - DENOTES FOUND EXISTING PROPERTY CORNER AS NOTED.

4. ☉ - DENOTES FOUND U.S.C.O.E. "CAMP HANFORD" (CH-) MONUMENTS AS REFERENCED IN EXISTING DEED RECORDS, UNRECORDED A.E.C. MAPS AND CITY OF RICHLAND MAPS. (SEE NARRATIVE ABOVE)

5. (M) = MEASURED (R) = RECORDED (C) = COMPUTED

6. (AEC) = RECORD BEARING & DISTANCE PER AEC PLAT OF SECTION 14.

7. THIS SURVEY WAS PERFORMED IN AUGUST, 2006 AND SUPERCEDES AND AMENDS RECORD SURVEY NO. 3393

8. EQUIPMENT & PROCEDURES USED: THIS SURVEY WAS PERFORMED USING TRIMBLE 5700 GPS RECEIVERS CONFIGURED FOR REAL TIME KINEMATIC SURVEYING AND A TOPCON GTS-225 ELECTRONIC TOTAL STATION.

9. ⊗ - INDICATES EXISTING MONITORING WELL

△ = INDICATES EXISTING U.S.C.A.G.S. BENCH MARK B-324. (DO NOT DESTROY)

NOTES:

1. BASIS OF BEARING FOR THIS SURVEY IS THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, BEING THE BOUNDARY BETWEEN THE CITY OF RICHLAND, WASHINGTON, AND THE CITY OF BENTON, WASHINGTON, AS SHOWN ON THE A.E.C. MAP OF THE "BATTELLE TRACT, DRAWING SK-11-980, AND THE "CAMP HANFORD" MAP, DRAWING SK-11-981, BOTH OF WHICH ARE REFERENCED IN SHEET 1. THE STEVENS DRIVE RIGHT OF WAY FOR STEVENS DRIVE DOES NOT EXTEND BEYOND THE SOUTH LINE OF THE HORN RAPIDS ROAD EASEMENT.

2. O - DENOTES SET 5/8" 324" BEAR WITH YELLOW PLASTIC CAP STAMPED "751-GSW 30440"

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4. ☉ - DENOTES FOUND U.S.C.O.E. "CAMP HANFORD" (CH-) MONUMENTS AS REFERENCED IN EXISTING DEED RECORDS, UNRECORDED A.E.C. MAPS AND CITY OF RICHLAND MAPS. (SEE NARRATIVE ABOVE)

5. (M) = MEASURED (R) = RECORDED (C) = COMPUTED

6. (AEC) = RECORD BEARING & DISTANCE PER AEC PLAT OF SECTION 14.

7. THIS SURVEY WAS PERFORMED IN AUGUST, 2006 AND SUPERCEDES AND AMENDS RECORD SURVEY NO. 3393

8. EQUIPMENT & PROCEDURES USED: THIS SURVEY WAS PERFORMED USING TRIMBLE 5700 GPS RECEIVERS CONFIGURED FOR REAL TIME KINEMATIC SURVEYING AND A TOPCON GTS-225 ELECTRONIC TOTAL STATION.

9. ⊗ - INDICATES EXISTING MONITORING WELL

△ = INDICATES EXISTING U.S.C.A.G.S. BENCH MARK B-324. (DO NOT DESTROY)

SURVEY REFERENCES:

1. BASIS OF BEARING FOR THIS SURVEY IS THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, BEING THE BOUNDARY BETWEEN THE CITY OF RICHLAND, WASHINGTON, AND THE CITY OF BENTON, WASHINGTON, AS SHOWN ON THE A.E.C. MAP OF THE "BATTELLE TRACT, DRAWING SK-11-980, AND THE "CAMP HANFORD" MAP, DRAWING SK-11-981, BOTH OF WHICH ARE REFERENCED IN SHEET 1. THE STEVENS DRIVE RIGHT OF WAY FOR STEVENS DRIVE DOES NOT EXTEND BEYOND THE SOUTH LINE OF THE HORN RAPIDS ROAD EASEMENT.

2. O - DENOTES SET 5/8" 324" BEAR WITH YELLOW PLASTIC CAP STAMPED "751-GSW 30440"

3. ● - DENOTES FOUND EXISTING PROPERTY CORNER AS NOTED.

4. ☉ - DENOTES FOUND U.S.C.O.E. "CAMP HANFORD" (CH-) MONUMENTS AS REFERENCED IN EXISTING DEED RECORDS, UNRECORDED A.E.C. MAPS AND CITY OF RICHLAND MAPS. (SEE NARRATIVE ABOVE)

5. (M) = MEASURED (R) = RECORDED (C) = COMPUTED

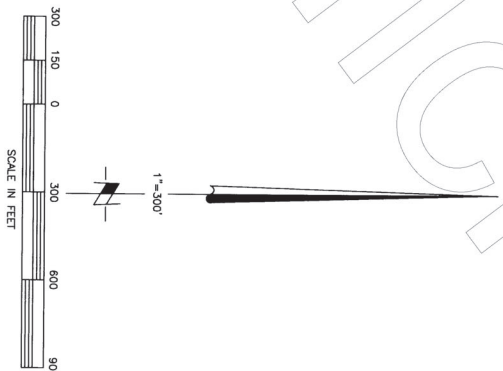
6. (AEC) = RECORD BEARING & DISTANCE PER AEC PLAT OF SECTION 14.

7. THIS SURVEY WAS PERFORMED IN AUGUST, 2006 AND SUPERCEDES AND AMENDS RECORD SURVEY NO. 3393

8. EQUIPMENT & PROCEDURES USED: THIS SURVEY WAS PERFORMED USING TRIMBLE 5700 GPS RECEIVERS CONFIGURED FOR REAL TIME KINEMATIC SURVEYING AND A TOPCON GTS-225 ELECTRONIC TOTAL STATION.

9. ⊗ - INDICATES EXISTING MONITORING WELL

△ = INDICATES EXISTING U.S.C.A.G.S. BENCH MARK B-324. (DO NOT DESTROY)



CLIENT	BATELLE PACIFIC N.W. DIVISION				JOB	02316
PROJECT	PNWL SITE					
	LAND REASSIGNMENT					
DRAWN BY	GBW	SCALE 1"= 300'	F. B. NO. TSC-2	ADWD VER. -2015	SHEET 1	
APPROVED	GBW	DATE 04/17/76	FILE: 02316.DWG		OF 1	

RESOLUTION NO. 79-21

A RESOLUTION of the City of Richland setting a meeting date to review a proposed annexation of approximately 300.1 acres of land owned by the United States Department of Energy described as Tax Parcel Nos. 111080000000000 and 114081000001003 and generally located north of the intersection of Horn Rapids Road and George Washington Way, east of Stevens Drive, west of the Columbia River with the northern boundary being the south fence line of the "300 Area" in Sections 10, 11, 14 & 15, Township 10 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for the annexation of approximately 300.1 acres of property owned by the United States Department of Energy; and

WHEREAS, Richland City Council was presented with the request at its regular meeting on July 6, 2021; and

WHEREAS, RCW 35.13.125 requires the legislative body to set a date for a meeting with the annexation petitioners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regular meeting date of **July 20, 2021** is hereby established as the date on which the Richland City Council will meet with the annexation petitioners.

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 6th day of July, 2021.



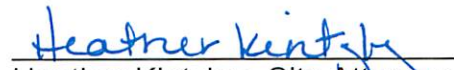
Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Exhibit B

RESOLUTION NO. 95-21

A RESOLUTION of the City of Richland accepting a request for annexation of approximately 300.1 acres of land owned by the United States Department of Energy, described as Assessor's Tax Parcel Nos. 11108000000000 and 114081000001003 and generally located north of the intersection of Horn Rapids Road and George Washington Way, east of Stevens Drive, west of the Columbia River, with the northern boundary being the south fence line of the "300 Area" in Sections 10, 11, 14 and 15, Township 10 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for annexation of properties owned by the United States Department of Energy; and

WHEREAS, on July 6, 2021, Richland City Council was presented with the request for annexation and passed Resolution No. 79-21, establishing July 20, 2021 as the date for Council to meet with the proponents of the annexation; and

WHEREAS, as required by RCW 35.13.125, Richland City Council met with the annexation proponents on July 20, 2021 and reviewed the proposed annexation.

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

Section 1. The City of Richland hereby accepts the request for annexation subject to the following conditions:

1. That the annexation be accepted as proposed.
2. That simultaneous adoption of the City's Comprehensive Plan for the proposed annexation is required.
3. That the City requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed.

Section 2. The Richland Planning Commission is hereby directed to review the proposal and forward a recommendation to City Council as to the most appropriate zoning designation(s) for the area proposed for annexation.

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 20th day of July, 2021.


Ryan Lukson, Mayor

Attest:


for Jennifer Rogers, City Clerk

Approved as to form:

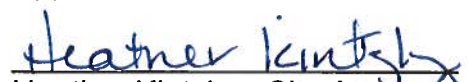

Heather Kintzley, City Attorney

Exhibit C

RESOLUTION NO. 95-21

A RESOLUTION of the City of Richland accepting a request for annexation of approximately 300.1 acres of land owned by the United States Department of Energy, described as Assessor's Tax Parcel Nos. 111080000000000 and 114081000001003 and generally located north of the intersection of Horn Rapids Road and George Washington Way, east of Stevens Drive, west of the Columbia River, with the northern boundary being the south fence line of the "300 Area" in Sections 10, 11, 14 and 15, Township 10 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for annexation of properties owned by the United States Department of Energy; and

WHEREAS, on July 6, 2021, Richland City Council was presented with the request for annexation and passed Resolution No. 79-21, establishing July 20, 2021 as the date for Council to meet with the proponents of the annexation; and

WHEREAS, as required by RCW 35.13.125, Richland City Council met with the annexation proponents on July 20, 2021 and reviewed the proposed annexation.

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

Section 1. The City of Richland hereby accepts the request for annexation subject to the following conditions:

1. That the annexation be accepted as proposed.
2. That simultaneous adoption of the City's Comprehensive Plan for the proposed annexation is required.
3. That the City requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed.

Section 2. The Richland Planning Commission is hereby directed to review the proposal and forward a recommendation to City Council as to the most appropriate zoning designation(s) for the area proposed for annexation.

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 20th day of July, 2021.


Ryan Lukson, Mayor

Attest:


for Jennifer Rogers, City Clerk

Approved as to form:

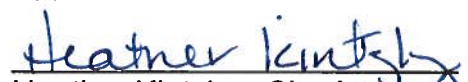

Heather Kintzley, City Attorney

Exhibit D

RESOLUTION NO. 153-21

A RESOLUTION of the City of Richland authorizing the circulation of a petition proposing annexation of approximately 300.1 acres of land owned by the United States Department of Energy, described as Assessor's Tax Parcel Nos. 111080000000000 and 114081000001003 and generally located north of the intersection of Horn Rapids Road and George Washington Way, east of Stevens Drive, west of the Columbia River with the northern boundary being the south fence line of the "300 Area" in Sections 10, 11, 14 & 15, Township 10 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, Richland City Council has, through adoption of Resolution No. 95-21 on July 20, 2021, accepted a request for annexation of 300.1 acres located north of the intersection of Horn Rapids Road and George Washington Way, east of Stevens Drive, west of the Columbia River with the northern boundary being the south fence line of the "300 Area" subject to certain conditions; and

WHEREAS, the Richland Planning Commission held a public hearing on October 13, 2021 to consider appropriate zoning designations for the proposed annexation area, thus fulfilling the directives included in Resolution No. 95-21.

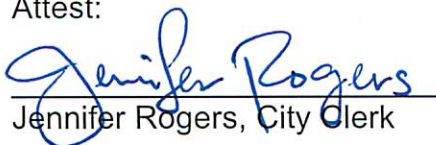
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that circulation of the attached petition calling for the annexation of 300.1 acres located north of the intersection of Horn Rapids Road and George Washington Way, east of Stevens Drive, west of the Columbia River with the northern boundary being the south fence line of the "300 Area" is hereby authorized.

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

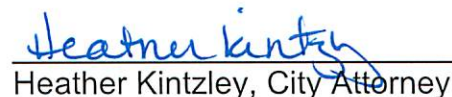
ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 7th day of December, 2021.


Ryan Lukson, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

**PETITION FOR ANNEXATION
TO CITY OF RICHLAND, WASHINGTON**

Proposed Annexation Name: **300.1-Acre US Dept. of Energy (DOE) and PNNL**

The Honorable Mayor and City Council:

WE, the undersigned, who are the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation, of the real property geographically depicted on the map attached hereto as Attachment 1 and legally described in Attachment 2 attached hereto, lying contiguous to the City of Richland, Washington, do hereby petition that such territory be annexed to and made a part of the City of Richland under the provisions of RCW 35.13.130 et. seq. A list of all assessors' tax parcel numbers of the parcels within the proposed annexation area, the record owner of each parcel, and the assessed value of each parcel is set forth in Attachment 3.

Prior to the circulation of this petition, a meeting was held on the twentieth day of July, 2021, between the initiating parties of this annexation and the Council of the City of Richland, at which time the Council passed Resolution No. 95-21, accepting the notice of intention to commence annexation proceedings for the real property geographically depicted on the map attached hereto as Attachment 1 and legally described in Attachment 2 attached hereto. Resolution No. 95-21 also (1) required that the annexation be accepted as proposed; (2) required the simultaneous adoption of the City's Comprehensive Plan to serve as the Comprehensive Plan for the proposed annexation area; (3) required the assumption of an appropriate share of all existing indebtedness of the City by the area to be annexed upon annexation authorized; and (4) directed the planning commission to propose and forward a recommendation to the city council as to the most appropriate zoning designation for the area proposed to be annexed.

On October 13, 2021, the Richland Planning Commission conducted a public meeting and recommended that B-RP (Business Research Park) and NOS (Natural Open Space) zoning was the most appropriate zoning designations for the proposed annexation area. On December 7, 2021, the Council passed a resolution authorizing the circulation of an annexation petition for annexation of the real property geographically depicted on the map attached hereto as Attachment 1 and legally described in Attachment 2 attached hereto.

WHEREFORE, petitioners pray that the City Council of the City of Richland, Washington entertain this petition, fix a date for a public hearing hereon, and cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the City, and to post the notice in three public places within the area proposed for annexation specifying the time and place of the hearing and inviting all interested persons to appear and voice approval or disapproval of the annexation.

INSTRUCTIONS FOR SIGNING PETITION

The following conditions should be noted for those signing the petition as owners of property:

1. Each signature shall be executed in ink or indelible pencil and shall be followed by the name of the signer, the date of signing, and the property description of the property within the proposed annexation owned by the signor.
2. The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;
3. In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;
4. In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;
5. Any officer of a corporation owning land within the area involved, who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign under oath on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority.
6. When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the equivalent to the signature of the owner of the property; and
7. When a parcel of property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient.

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. *See RCW 35.21.005.*

Assessor's Parcel Numbers: 111080000000000 and 114081000001003

Property Owners: US Department of Energy (DOE) Office of Science

Site Address: No Address Currently Assigned by the City of Richland

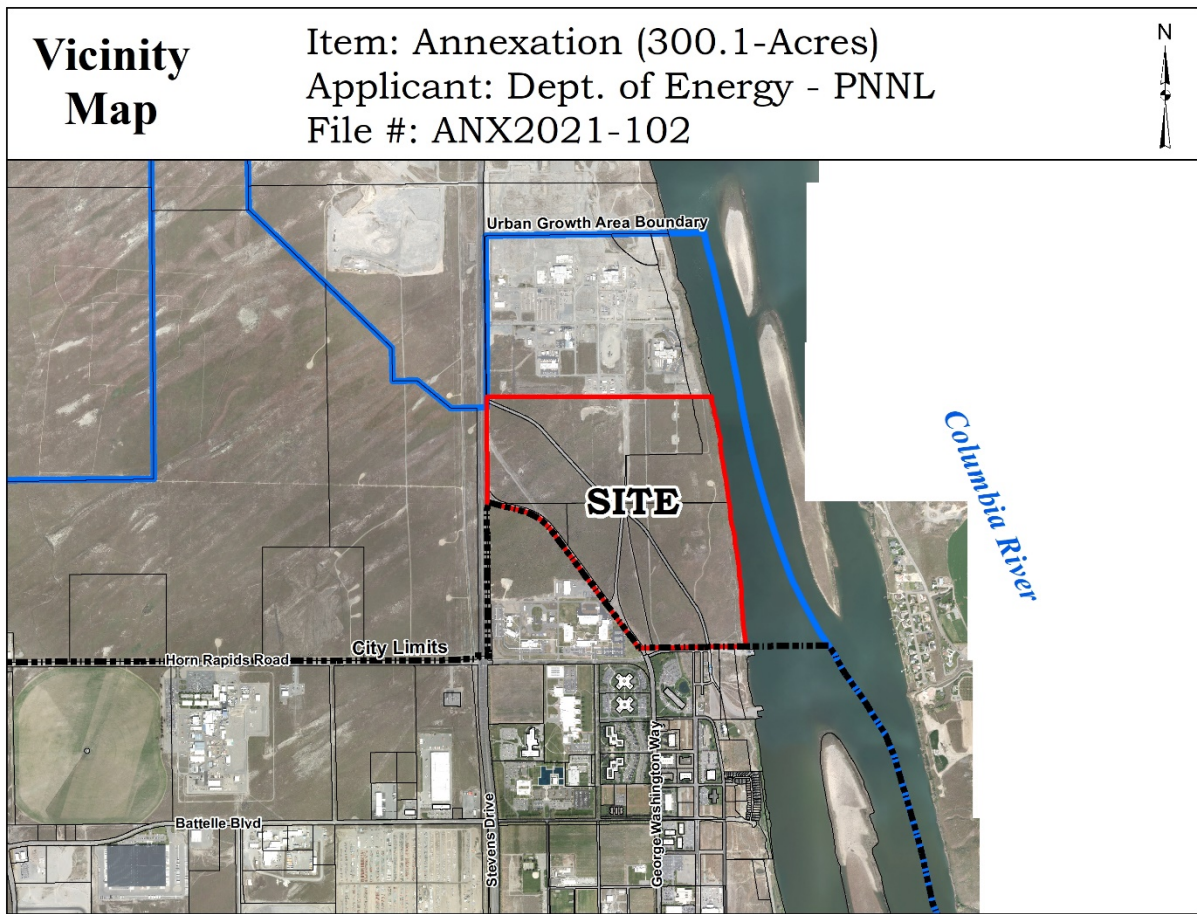
Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Proposed 300.1-Acre DOE/PNNL Annexation



Legal Description for Proposed 300.1-Acre USDOE/PNNL Annexation

The 300.1-Acre USDOE/PNNL annexation consists of the following:

THOSE PORTIONS OF SECTIONS 14, 15 AND 11, TOWNSHIP 10 NORTH, RANGE 28 EAST, OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, LYING WESTERLY OF THE ORDINARY HIGH WATER LINE OF THE COLUMBIA RIVER AND NORTHERLY, NORTHEASTERLY, AND EASTERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON LINE WHICH BEAR N 89°09'09" E, 49.42 FEET FROM UNITED STATES CORPS OF ENGINEERS MONUMENT (U.S.C.O.E.) "CH-2" ON THE NORTH BOUNDARY OF THAT TRACT OF LAND CONVEYED TO THE PORT OF BENTON, AS DESCRIBED IN QUIT CLAIM DEED FROM THE U.S.A. TO THE PORT OF BENTON, RECORDED IN AUDITOR'S FILE NO. 521608, RECORDS OF BENTON COUNTY; SAID POINT BEING AT THE INTERSECTION OF SAID LINE WITH THE ORDINARY HIGH WATERLINE OF THE COLUMBIA RIVER; THEN S 89°08'17" W, 504.97 FEET ALONG SAID NORTH BOUNDARY TO U.S.C.O.E. MONUMENT DESIGNATED AS "CH-3"; THENCE S 89°11'36" W, 833.29 FEET ALONG SAID BOUNDARY TO U.S.C.O.E. MONUMENT DESIGNATED "CH-4"; THENCE S 89°10'51" W, 391.11 FEET ALONG SAID BOUNDARY TO A POINT ON CURVE ON THE WESTERLY RIGHT OF WAY OF GEORGE WASHINGTON WAY; (THE RADIUS CENTER OF SAID CURVE BEARS S 57°44'17" W, 1265.82 FEET); THENCE NORTHWESTERLY, 101.70 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°36'12" TO A POINT OF TANGENCY; THENCE N 36°51'59" W, 2335.88 FEET ALONG THE WESTERLY MARGIN OF GEORGE WASHINGTON WAY TO A POINT OF CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 855.00 FEET; THENCE NORTHWESTERLY, 573.62 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°26'24" TO A POINT OF TANGENCY; THENCE N 75°18'23" W, 613.33 FEET TO A LINE BEING THE NORTHERLY PROJECTION OF THE EASTERLY RIGHT OF WAY LINE OF STEVENS DRIVE; THENCE N 00°19'06", 748.55 FEET ALONG SAID LINE; THENCE N 89°10'00" E, 3886.22 FEET TO THE ORDINARY HIGH WATERLINE OF THE COLUMBIA RIVER AND THE TERMINUS OF SAID DESCRIBED LINE.

CONTAINS 214.5 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND-

ALL THAT PORTION OF THE SOUTH HALF OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, LYING EASTERLY OF THE MOST EASTERLY LANE OF STEVENS DRIVE AND WESTERLY OF THE ORDINARY LINE OF HIGH WATER OF THE COLUMBIA RIVER DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF THAT TRACT OF LAND SHOWN AS THE BATTELLE-PSE SITE, ACCORDING TO RECORD SURVEY RECORDED IN VOLUME 1 OF SURVEYS, PAGE NO. 3673, UNDER AUDITOR'S FILE NO. 2006-034599 (SAID POINT BEARS N 01°47'33", 3270.55 FEET FROM NATIONAL GEODETIC SURVEY MONUMENT "8324"); THENCE N 00°19'06" W, 979.72 FEET ALONG THE EAST LINE OF STEVENS DRIVE; THENCE N 89°09'20" E, 3699.7 FEET MORE OR LESS TO THE LINE OF ORDINARY HIGH WATER OF THE COLUMBIA RIVER; THENCE SOUTHERLY 996.4 FEET

ALONG SAID LINE OF ORDINARY HIGH WATER TO THE NORTH LINE OF SAID RECORD SURVEY NO. 3673; SAID POINT BEARS N 89°10'00" E, 3886.22 FEET FROM THE POINT OF BEGINNING.

CONTAINING 85.6 ACRES, MORE OR LESS.

This description includes the following **County Parcel Identification Numbers:**

114081000001003

111080000000000

Proposed 300.1-Acre USDOE/PNNL Annexation

Parcel #	Owner	Parcel Address	Lot Size (ft²)	Assessed Value
Portion of APN # 111080000000000	US DEPT. OF ENERGY	NO ADDRESS ASSIGNED	3,728,736	+/- \$6,650,370
Portion of APN # 114081000001003	US DEPT. OF ENERGY	NO. ADDRESS ASSIGNED	9,343,620	+/- \$11,739,420

Exhibit E

RESOLUTION NO. 2022-49

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE PROPOSED ANNEXATION OF APPROXIMATELY 300.1 ACRES OF LAND OWNED BY THE UNITED STATES DEPARTMENT OF ENERGY. THE PROPERTY IS DESCRIBED AS ASSESSOR'S TAX PARCEL NOS. 111080000000000 AND 114081000001003 AND IS GENERALLY LOCATED NORTH OF THE INTERSECTION OF HORN RAPIDS ROAD AND GEORGE WASHINGTON WAY, EAST OF STEVENS DRIVE, WEST OF THE COLUMBIA RIVER WITH THE NORTHERN BOUNDARY BEING THE SOUTH FENCE LINE OF THE "300 AREA" IN SECTIONS 10, 11, 14 & 15, TOWNSHIP 10 NORTH, RANGE 28 EAST W.M., BENTON COUNTY, WASHINGTON.

WHEREAS, a petition for annexation to the City of Richland has been received from the owners representing one hundred percent (100.00%) of valuation for the annexation of the described property, attached hereto as **Exhibit A**; and

WHEREAS, RCW 35.13.130 sets forth requirements that an annexation petition must be signed by the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation, of the property for which annexation is petitioned; and

WHEREAS, such petition was duly certified by the Benton County Auditor on February 16, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regularly scheduled City Council meeting to be held on **June 21, 2022** is hereby established as the date on which Council will conduct a public hearing to consider the annexation petition.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of April, 2022.


Michael Alvarez, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

Exhibit A

Legal Description for Proposed 300.1-Acre USDOE/PNNL Annexation

The 300.1-Acre USDOE/PNNL annexation consists of the following:

THOSE PORTIONS OF SECTIONS 14, 15 AND 11, TOWNSHIP 10 NORTH, RANGE 28 EAST, OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, LYING WESTERLY OF THE ORDINARY HIGH WATER LINE OF THE COLUMBIA RIVER AND NORTHERLY, NORTHEASTERLY, AND EASTERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON LINE WHICH BEAR N 89°09'09" E, 49.42 FEET FROM UNITED STATES CORPS OF ENGINEERS MONUMENT (U.S.C.O.E.) "CH-2" ON THE NORTH BOUNDARY OF THAT TRACT OF LAND CONVEYED TO THE PORT OF BENTON, AS DESCRIBED IN QUIT CLAIM DEED FROM THE U.S.A. TO THE PORT OF BENTON, RECORDED IN AUDITOR'S FILE NO. 521608, RECORDS OF BENTON COUNTY; SAID POINT BEING AT THE INTERSECTION OF SAID LINE WITH THE ORDINARY HIGH WATERLINE OF THE COLUMBIA RIVER; THEN S 89°08'17" W, 504.97 FEET ALONG SAID NORTH BOUNDARY TO U.S.C.O.E. MONUMENT DESIGNATED AS "CH-3"; THENCE S 89°11'36" W, 833.29 FEET ALONG SAID BOUNDARY TO U.S.C.O.E. MONUMENT DESIGNATED "CH-4"; THENCE S 89°10'51" W, 391.11 FEET ALONG SAID BOUNDARY TO A POINT ON CURVE ON THE WESTERLY RIGHT OF WAY OF GEORGE WASHINGTON WAY; (THE RADIUS CENTER OF SAID CURVE BEARS S 57°44'17" W, 1265.82 FEET); THENCE NORTHWESTERLY, 101.70 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°36'12" TO A POINT OF TANGENCY; THENCE N 36°51'59" W, 2335.88 FEET ALONG THE WESTERLY MARGIN OF GEORGE WASHINGTON WAY TO A POINT OF CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 855.00 FEET; THENCE NORTHWESTERLY, 573.62 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°26'24" TO A POINT OF TANGENCY; THENCE N 75°18'23" W, 613.33 FEET TO A LINE BEING THE NORTHERLY PROJECTION OF THE EASTERLY RIGHT OF WAY LINE OF STEVENS DRIVE; THENCE N 00°19'06", 748.55 FEET ALONG SAID LINE; THENCE N 89°10'00" E, 3886.22 FEET TO THE ORDINARY HIGH WATERLINE OF THE COLUMBIA RIVER AND THE TERMINUS OF SAID DESCRIBED LINE.

CONTAINS 214.5 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND-

ALL THAT PORTION OF THE SOUTH HALF OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, LYING EASTERLY OF THE MOST EASTERLY LANE OF STEVENS DRIVE AND WESTERLY OF THE ORDINARY LINE OF HIGH WATER OF THE COLUMBIA RIVER DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF THAT TRACT OF LAND SHOWN AS THE BATTELLE-PSE SITE, ACCORDING TO RECORD SURVEY RECORDED IN VOLUME 1 OF SURVEYS, PAGE NO. 3673, UNDER AUDITOR'S FILE NO. 2006-034599 (SAID POINT BEARS N 01°47'33", 3270.55 FEET FROM NATIONAL GEODETIC SURVEY MONUMENT "8324"); THENCE N 00°19'06" W, 979.72 FEET ALONG THE EAST LINE OF STEVENS DRIVE; THENCE

N 89°09'20" E, 3699.7 FEET MORE OR LESS TO THE LINE OF ORDINARY HIGH WATER OF THE COLUMBIA RIVER; THENCE SOUTHERLY 996.4 FEET ALONG SAID LINE OF ORDINARY HIGH WATER TO THE NORTH LINE OF SAID RECORD SURVEY NO. 3673; SAID POINT BEARS N 89°10'00" E, 3886.22 FEET FROM THE POINT OF BEGINNING.

CONTAINING 85.6 ACRES, MORE OR LESS.

This description includes the following **County Parcel Identification Numbers:**

114081000001003

111080000000000

Exhibit F

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: ANX2021-102

PREPARED BY: MIKE STEVENS
MEETING DATE: OCTOBER 13, 2021

GENERAL INFORMATION:

APPLICANT: PACIFIC NORTHWEST NATIONAL LABORATORY (PNNL)
ON BEHALF OF THE UNITED STATES DEPARTMENT OF
ENERGY (DOE)(ANX2021-102).

REQUEST: CONSIDERATION OF APPROPRIATE ZONING FOR A
PROPOSED ANNEXATION.

LOCATION: THE PROPERTY IS DESCRIBED AS ASSESSOR'S TAX
PARCEL NOS. 111080000000000 AND 114081000001003
AND IS GENERALLY LOCATED NORTH OF THE
INTERSECTION OF HORN RAPIDS ROAD AND GEORGE
WASHINGTON WAY, EAST OF STEVENS DRIVE, WEST
OF THE COLUMBIA RIVER WITH THE NORTHERN
BOUNDARY BEING THE SOUTH FENCE LINE OF THE
"300 AREA" IN SECTIONS 10, 11, 14 & 15, TOWNSHIP 10
NORTH, RANGE 28 EAST W.M., BENTON COUNTY,
WASHINGTON.

REASON FOR REQUEST:

The City is currently considering the annexation of approximately 300.1 acres of land owned by the US Dept. of Energy. City Council authorized the annexation process to begin through the adoption of Resolution No. 95-21, which directed the Planning Commission to consider what zoning would be appropriate for this site.

BACKGROUND

The City is currently evaluating a proposal to annex approximately 300.1 acres of land owned by the US Dept. of Energy.

The City Council passed resolution No. 95-21 authorizing the annexation proceedings to begin. The next step includes the Planning Commission to consider what zoning designation(s) would be appropriate if the property were to be annexed.

SITE DATA

Size: Approximately 300.1 acres.

Ownership: The proposed annexation site is approximately 300.1 acres in size and is currently owned by the DOE.

Current Use: The proposed annexation site is currently undeveloped.

Comprehensive Plan: The site is within the City of Richland's adopted Urban Growth Area (UGA) boundary and is designated as Business Research Park and Natural Open Space based on the Richland Comprehensive Plan.

Utilities: City water, city sewer and city electrical services are available in the vicinity to serve the proposed annexation area.

Existing County Zoning: Light Industrial and Park District.

SURROUNDING LAND USES

Properties located south of the proposed annexation area that are within the City of Richland are zoned B-RP (Business Research Park), Medium Industrial (I-M) and PPF (Parks and Public Facilities). Properties located to the west and to the north, which are located within unincorporated Benton County are currently zoned Light Industrial and Unclassified (Hanford Nuclear Reservation).

PROPOSED ZONING

There are only two zoning districts that can be applied to the property that would implement the Business Research Park and Natural Open Space comprehensive plan designations: The Business Research Park land use designation only allows for Business Research Park (B-RP) zoning, while the Natural Open Space land use designation only allows for Natural Open Space (NOS) zoning. As a result, the Planning Commission has no choice but to apply the B-RP and NOS zoning districts in a manner consistent with the underlying land use designations.

ANALYSIS

As indicated above, the Planning Commission has no choice but to recommend that the B-RP and NOS zoning districts be applied to the subject property as those are the only two zoning categories which are allowed to effectuate the intent of the Comprehensive Plan Land Use Map designations.

SUMMARY

Application of the B-RP and NOS zoning represents the most appropriate zoning designation for the proposed annexation area as it would be consistent with the City's Comprehensive Plan and existing development pattern within the proposed annexation area.

FINDINGS OF FACT

1. The site is within the City of Richland's Urban Growth Area boundary as those boundaries were established with the adoption of the Benton County Comprehensive Plan in 1998 and subsequent periodic updates;

2. The City's comprehensive plan designates the proposed annexation area as suitable for business research park and natural open space uses;
3. There are only two zoning districts that can be applied to the property that would implement the Business Research Park and Natural Open Space comprehensive plan designations;
4. The Business Research Park land use designation only allows for Business Research Park (B-RP) zoning, while the Natural Open Space land use designation only allows for Natural Open Space (NOS) zoning.
5. The approximately 300.1 acres of land subject to the proposed annexation request are currently undeveloped;
6. Properties located south of the proposed annexation area that are within the City of Richland are zoned B-RP (Business Research Park), Medium Industrial (I-M) and PPF (Parks and Public Facilities);
7. Properties located to the west and to the north, which are located within unincorporated Benton County are currently zoned Light Industrial and Unclassified (Hanford Nuclear Reservation).

CONCLUSIONS OF LAW:

1. Based on the above findings of fact, assignment of B-RP (Business Research Park) and NOS (Natural Open Space) zoning would be in the best interest of the City of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (ANX2021-102) and recommend to the City Council assignment of B-RP (Business Research Park) and NOS (Natural Open Space) zoning.

EXHIBITS

- A. Annexation Request Letter and Resolution No. 79-21
- B. Resolution No. 95-21
- C. Chapter 23.28 of the Richland Municipal Code – Business Zoning
- D. Chapter 23.30 of the Richland Municipal Code – Public Use Zoning
- E. Maps



Pre-Application Conference Waiver

PROPERTY OWNER INFORMATION		☐ Contact Person
Owner: United States Department of Energy, Pacific Northwest Site Office - Office of Science		
Address: P.O. Box 350, MS K9-42, Richland, WA 99352		
Phone: (509) 372-4005	Email:	

APPLICANT/CONTRACTOR INFORMATION (if different)		☒ Contact Person
Company:	UBI# N/A	
Contact: Ryan Kilbury, Business Division Director		
Address:		
Phone: (509) 375-4030	Email: Ryan.Kilbury@Science.doe.gov	

PROPERTY INFORMATION	
Parcel #: A) 111080000000000 B) 114081000001003	
Legal Description: See Record of Survey #'s 3673 & 4768 found in application	

TYPE II APPLICATIONS		TYPE III APPLICATION	
☐	Flood Plain Variance	☐	Non-residential Shoreline Substantial Development
☐	Critical Areas & Resource Lands Variance/Viable Use	☐	Residential Shoreline Substantial Development
☐	Binding Site Plan	☐	Shoreline Variance/Conditional Use
☐	Administrative Variance	☐	Conditional Use
☐		☐	Subdivision
☐		☐	Rezone (site specific)
☐		☐	Vacation/Alteration of a Subdivision
☐		☐	Variance
☒	Other: Type IV Annexation per RMC 19.20.010.E.5		

I understand the waiver of a pre-application conference increases the maximum time for review for technically complete status and increases the risk the application will be rejected or processing will be delayed.

Applicant Printed Name: Ryan Kilbury

Applicant Signature: Ryan M. Kilbury Date 5/20/2021



**Department of Energy
Office of Science**
Pacific Northwest Site Office
P.O. Box 350, K9-42
Richland, Washington 99352

JUN 2, 2021

21-PNSO-0158

Mr. Mike Stevens
Planning Manager
City of Richland, PNNL Annexation
625 Swift Boulevard, MS-35
Richland, WA 99352

Dear Mr. Stevens:

**U.S. DEPARTMENT OF ENERGY PACIFIC NORTHWEST SITE OFFICE (DOE-PNSO)
ACKNOWLEDGEMENT OF ANNEXATION REQUEST APPLICATION - PACIFIC
NORTHWEST NATIONAL LABORATORY (PNNL), NORTH CAMPUS**

In response to PNNL letter dated May 17, 2021 (OUT-0172-2021), this letter is to acknowledge that I, Ryan Kilbury, on behalf of the DOE-PNSO Office of Science, Richland, WA, hereby grants PNNL, its employees, and agents, and assigns the authority to submit an Annexation Request to the City of Richland on behalf of DOE-PNSO for the following parcel numbers and portions thereof totaling 300.1 acres:

1. 111080000000000 – 85.6 Acres (*portion of primary parcel per Record Survey 4768*)
2. 114081000001003 – 214.5 Acres (*per Record Survey 3673*)

The legal descriptions are found on the enclosed record of surveys from Rogers Surveying, Inc. If you have any questions or comments, please feel free to contact me at (509) 372-4030 or via email Ryan.Kilbury@Science.doe.gov.

Sincerely,

**Ryan M.
Kilbury**

Ryan M. Kilbury
Business Division Manager

Digitally signed by Ryan
M. Kilbury
Date: 2021.06.02 11:26:55
-07'00'

BUS:RMK

Enclosure

cc w/encl:
T. L. Doyle, PNNL
A. Lambert, PNNL
D. M. Storms, PNNL
P. Weaver, PNNL



902 Battelle Boulevard
P.O. Box 999, MSIN J2-33
Richland, WA 99352
(509) 372-4826
tracy.spooner@pnnl.gov
www.pnnl.gov

OUT-0172-2021

May 17, 2021

Mr. Mike Stevens
Planning Manager
City of Richland
625 Swift Boulevard, MS-35
Richland, WA 99352

Dear Mr. Stevens:

**CONTRACT NO. DE-AC05-76RL01830 – SUBMITTAL OF APPLICATION FOR
ANNEXATION FOR THE PACIFIC NORTHWEST NATIONAL LABORATORY NORTH
CAMPUS**

On behalf of the US Department of Energy (DOE) Office of Science, Pacific Northwest Site Office, please accept this letter as a formal request for the City of Richland to consider annexation of 300 acres of land owned by DOE. Please find the Application for Annexation and Exhibits attached.

The property is located north of the Pacific Northwest National Laboratory campus, is within the City of Richland's urban growth area, and consists of two parcels identified as follows:

- 1) 111080000000000 – 85.6 Acres (*portion of primary parcel per Record Survey 4768*)
- 2) 114081000001003 – 214.5 Acres (*per Record Survey 3673*)

The specific acreage and legal descriptions are found on the attached record of surveys from Rogers Surveying, Inc., exhibits 2A & 2B.

If you have any questions or comments, please contact me at (509) 372-4826 or Aaron Lambert, Facilities and Infrastructure Strategic Planner, at (509) 371-7038 or email aaron.lambert@pnnl.gov.

Sincerely,

Tracy Spooner Digitally signed by Tracy Spooner
Date: 2021.05.17 20:15:11 -07'00'

Tracy L. Spooner
Division Director
Campus Development



OUT-0172-2021

Mr. Mike Stevens

May 17, 2021

Page 2

TLS/ATL/tpr/ral

Attachment (s): as stated

cc: Ryan Kilbury, PNSO
Dana M. Storms, PNNL



Application for Annexation

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

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: United States Department of Energy, Pacific Northwest Site Office - Office of Science

Address: P.O. Box 350, MS K9-42, Richland, WA 99352

Phone: (509) 372-4005

Email:

APPLICANT INFORMATION (if different)

☒ Contact Person

Company:

UBI# N/A

Contact: Ryan Kilbury, Business Division Director

Address:

Phone: (509) 372-4030

Email: Ryan.Kilbury@Science.doe.gov

DESCRIPTION OF REQUEST

The Department of Energy is seeking to annex approximately 300.1 acres of land found within two parcels on the north end of the PNNL Richland Campus. The land is in unincorporated Benton County and the City of Richland Urban Growth Area. The location of the undeveloped land is generally north of the intersection of Horn Rapids Rd. and George Washington Way, east of Stevens Drive, west of the Columbia River with the northern boundary being the south fence line of the "300 Area".

PROPERTY INFORMATION

Parcel #: A) 111080000000000 B) 114081000001003

Legal Description: See attached Record of Survey #'s 3673 & 4768

Current Comp. Plan: BRP & NOS

Requested Zoning: BRP & NOS

Size of Property: 300.1 Acres

Domestic Water Supply: ☒ City ☐ Private Well

Sewage Disposal: ☒ City ☐ Septic

Irrigation Source: ☒ City ☐ Private Well ☐ Columbia Irrig. District ☐ Kennewick Irrig. District ☐ BMID

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. A "Notice of Intent" form requesting annexation to the City of Richland
3. Full legal description of the proposed annexation area
4. A map showing all of the following: general vicinity of proposed annexation in relation to the City of Richland, the proposed boundaries of the annexation, and all public roads near the annexation area
5. Other information as determined by the Administrator

ANSWER QUESTIONS BELOW AS COMPLETELY AS POSSIBLE – USE ADDITIONAL SHEET(S) IF NECESSARY

Why are you requesting annexation into the City of Richland?

The intent of the annexation is so that the entirety of the land managed by the Department of Energy, Office of Science is located under the same local jurisdiction. Future development in this area is dependent on city services such as water, sewer and electrical, which is already provided by the city of Richland under a previous agreement. Incorporation into the City is consistent with the level of services already provide and future services such as Fire and Emergency.

What use, building or structure is intended for the property?

The planned use of the property is to support the future expansion of the PNNL Richland Campus with laboratory and research buildings and supporting facilities. The development will be similar to the development on other parts of the PNNL Richland campus to the south. The future development will be incremental and likely occur from the south to the north with phased infrastructure extensions.

What changes have occurred in the area that justify the requested annexation?

PNNL has entered into an agreement with the City of Richland to provide fire protection for the buildings north of Horn Rapids and the adjacent 300 area to the north of the campus which includes the subject area. This increase in city services aligns with the City's comprehensive plan to expand jurisdictional boundaries to the north. The provision of city fire response is consistent with existing city services such as water and sewer.

Are there any other properties in your neighborhood that could be part of your annexation request? If so, have you spoken to the owners about joining your annexation request?

The remaining property in the 300 Area is managed by a different office of the Department of Energy, the Office of Environmental Management (EM) and has no plans for future development.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

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

1. I have read and examined this permit application and have documented all applicable requirements on the submittals.
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 the Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

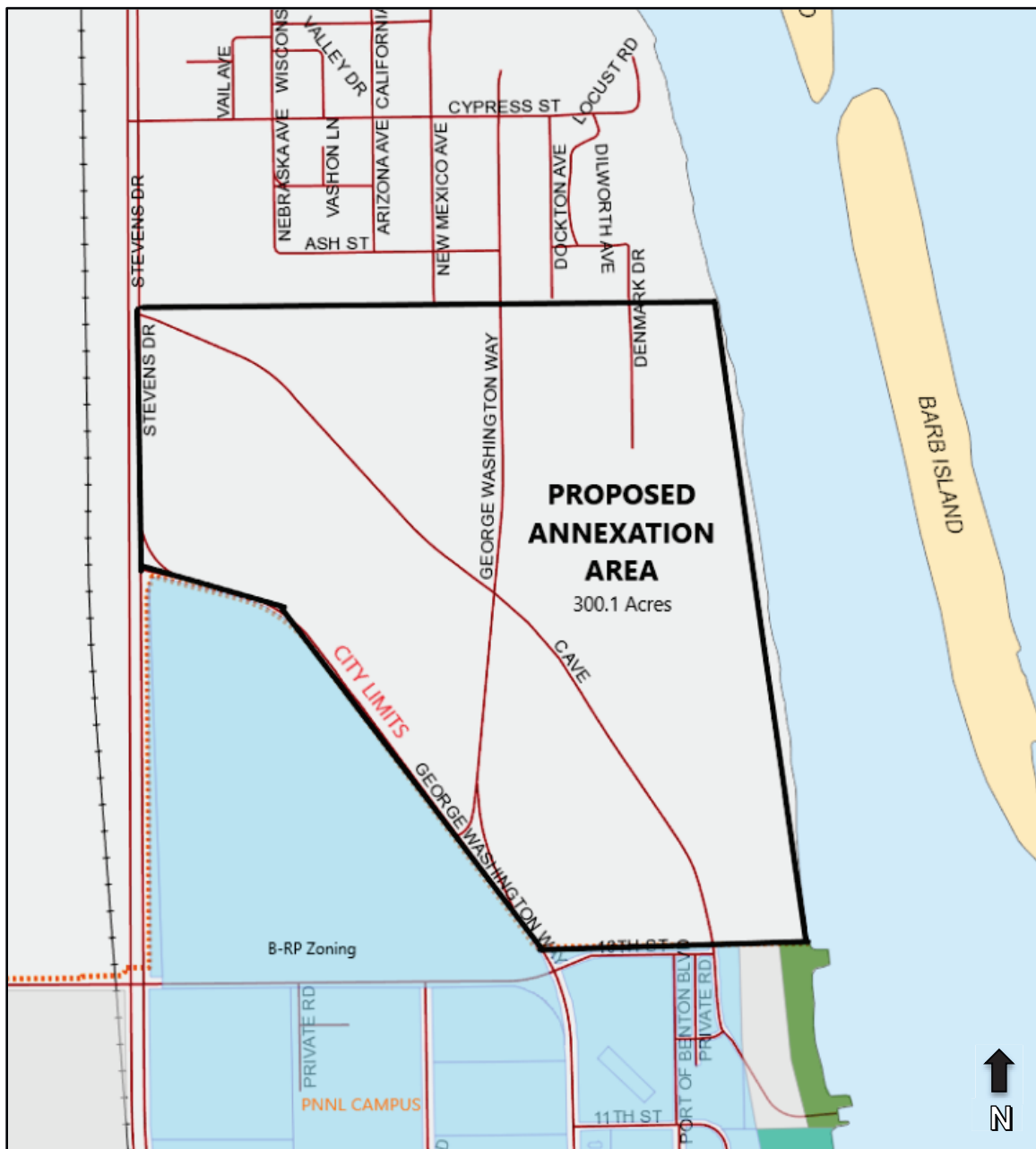
Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent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

Applicant Signature: Ryan M. Kilbury Date 3/30/2021

2021 North Campus Annexation Request

EXHIBIT 1A – Overall Annexation Area



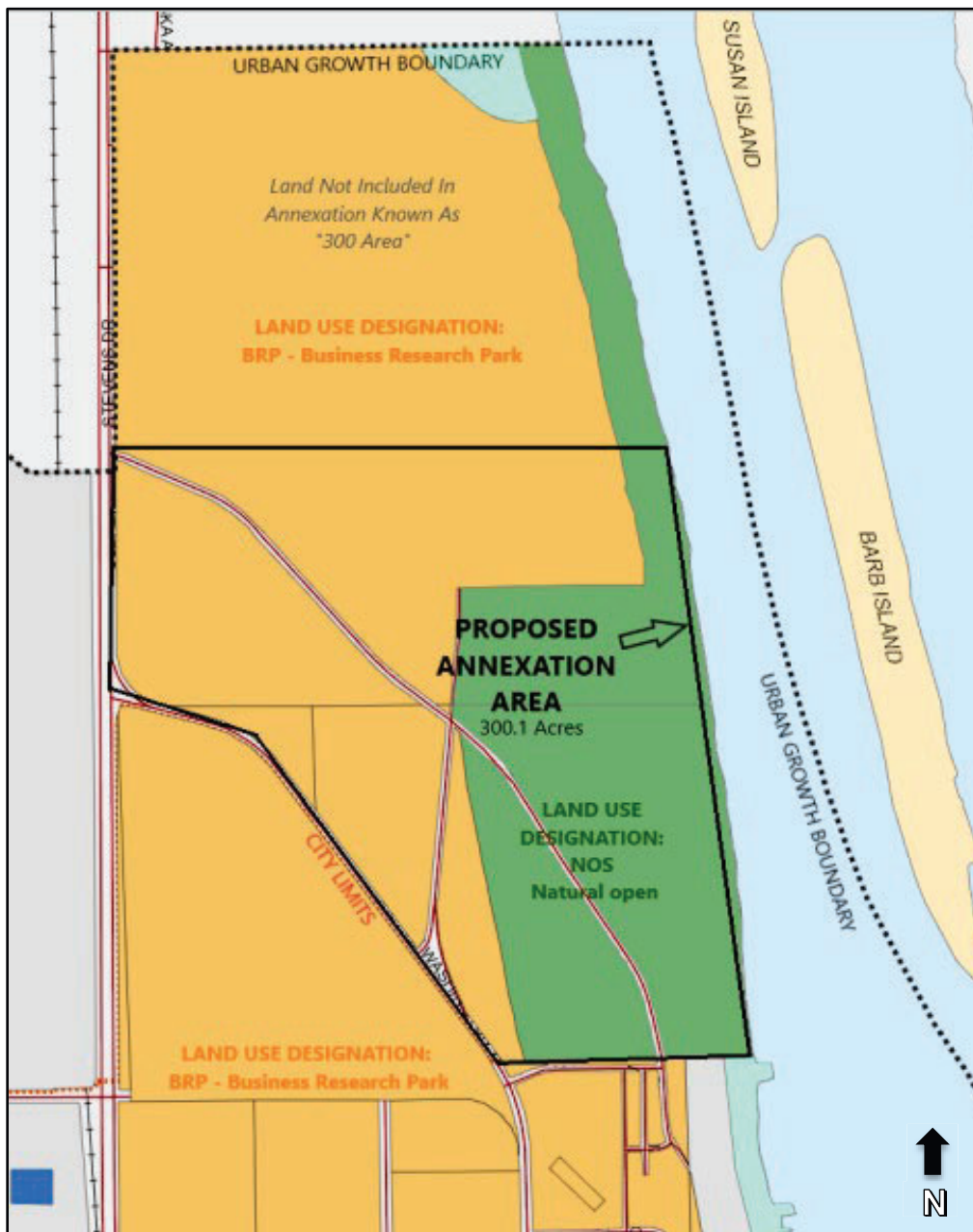
2021 North Campus Annexation Request

EXHIBIT 1B – Overall Annexation Area Aerial Photo



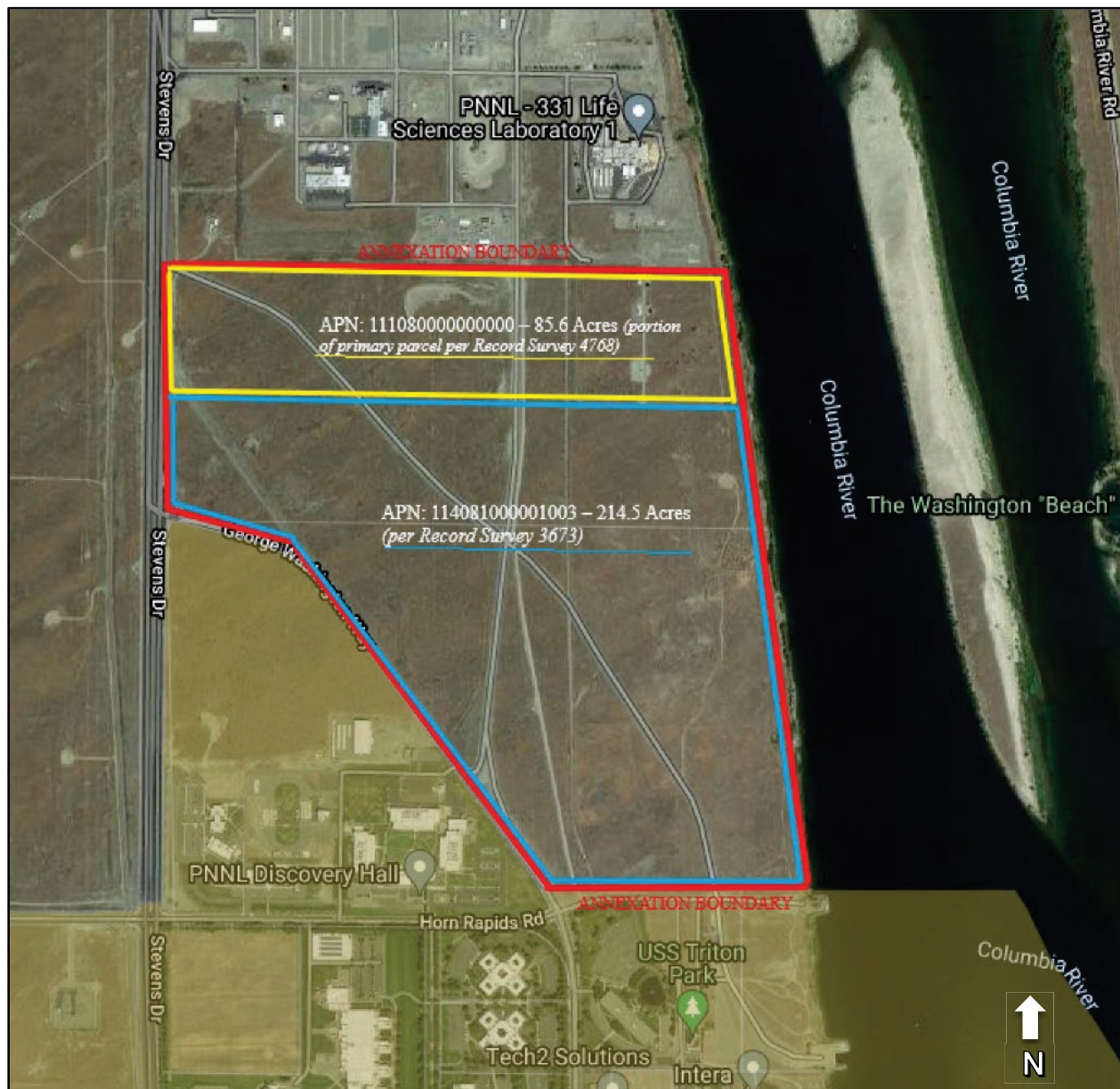
2021 North Campus Annexation Request

EXHIBIT 1C – Annexation Area Comprehensive Plan Designations



2021 North Campus Annexation Request

EXHIBIT 1D – Annexation Parcels, Aerial Photo



FOR BATTELLE MEMORIAL INSTITUTE
PORTIONS OF SECTIONS 10, 11, 14 & 15
TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M.
BENTON COUNTY, WASHINGTON



DRN. 01	IXG	SCALE 1" = 300'	T. B. NO. NONE	SHEET
APPROVED	GBW	DATE 8-11-06	LDDPROJ- 19706	OF 2
			FILE: 19706.DWG	

FOR BATTELLE MEMORIAL INSTITUTE

BENTON COUNTY, WASHINGTON

PSE PARCEL

HRT PARCEL

MS-

RESERVATIONS OF RECORD.

Bobbie Gagner of Utah 7/1/June

REV: 09/13/06

19706

R.28E.

SHEET 5

EXPIRES 11-09-0

DATE _____

1973. FILED FOR RECORD AT THE REQUEST OF PNL (BATTELLE)

RECORD SURVEY NUMBER

PROCEPS

SURVEYING INC., P.S.

RICHLAND, WA. 99352
PHONE (509) 783-4141

www.rogerssurveying.com

10. $\triangle$ = INDICATES EXISTING U.S.C.&G.S. BENCH MARK B-324. (DO NOT DESTROY)

SURVEY REFERENCES

FILE NO. 94-23027.

NOTES

10. $\triangle$ = INDICATES EXISTING U.S.C.&G.S. BENCH MARK B-324. (DO NOT DESTROY)

SURVEYORS CERTIFICATION

1973. FILED FOR RECORD AT THE REQUEST OF PNL (BATTELLE)

DATE _____

PROCEPS

SURVEYING INC., P.S.

RICHLAND, WA. 99352
PHONE (509) 783-4141

www.rogerssurveying.com

RESOLUTION NO. 79-21

A RESOLUTION of the City of Richland setting a meeting date to review a proposed annexation of approximately 300.1 acres of land owned by the United States Department of Energy described as Tax Parcel Nos. 111080000000000 and 114081000001003 and generally located north of the intersection of Horn Rapids Road and George Washington Way, east of Stevens Drive, west of the Columbia River with the northern boundary being the south fence line of the "300 Area" in Sections 10, 11, 14 & 15, Township 10 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for the annexation of approximately 300.1 acres of property owned by the United States Department of Energy; and

WHEREAS, Richland City Council was presented with the request at its regular meeting on July 6, 2021; and

WHEREAS, RCW 35.13.125 requires the legislative body to set a date for a meeting with the annexation petitioners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regular meeting date of **July 20, 2021** is hereby established as the date on which the Richland City Council will meet with the annexation petitioners.

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 6th day of July, 2021.


Ryan Lukson, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to form:

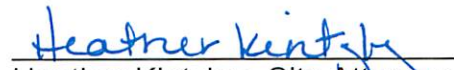

Heather Kintzley, City Attorney

Exhibit B

RESOLUTION NO. 95-21

A RESOLUTION of the City of Richland accepting a request for annexation of approximately 300.1 acres of land owned by the United States Department of Energy, described as Assessor's Tax Parcel Nos. 111080000000000 and 114081000001003 and generally located north of the intersection of Horn Rapids Road and George Washington Way, east of Stevens Drive, west of the Columbia River, with the northern boundary being the south fence line of the "300 Area" in Sections 10, 11, 14 and 15, Township 10 North, Range 28 East W.M., Benton County, Washington.

WHEREAS, the City received a written request for annexation of properties owned by the United States Department of Energy; and

WHEREAS, on July 6, 2021, Richland City Council was presented with the request for annexation and passed Resolution No. 79-21, establishing July 20, 2021 as the date for Council to meet with the proponents of the annexation; and

WHEREAS, as required by RCW 35.13.125, Richland City Council met with the annexation proponents on July 20, 2021 and reviewed the proposed annexation.

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

Section 1. The City of Richland hereby accepts the request for annexation subject to the following conditions:

1. That the annexation be accepted as proposed.
2. That simultaneous adoption of the City's Comprehensive Plan for the proposed annexation is required.
3. That the City requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed.

Section 2. The Richland Planning Commission is hereby directed to review the proposal and forward a recommendation to City Council as to the most appropriate zoning designation(s) for the area proposed for annexation.

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

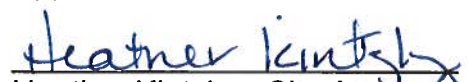
ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 20th day of July, 2021.


Ryan Lukson, Mayor

Attest:


for Jennifer Rogers, City Clerk

Approved as to form:


Heather Kintzley, City Attorney

Chapter 23.28 BUSINESS ZONING DISTRICTS

Sections:

[23.28.010 Purpose of business use districts.](#)

[23.28.020 Business performance standards and special requirements.](#)

[23.28.025 Enforcement of performance standards.](#)

[23.28.030 Business use districts permitted land uses.](#)

[23.28.040 Site requirements for business use districts.](#)

[23.28.050 Parking standards for business use districts.](#)

[23.28.060 Landscaping requirements.](#)

23.28.010 Purpose of business use districts.

A. The business research park use zoning classification (B-RP) is intended to provide locations for a range of business research and business park uses, including office and administrative uses, designed to be conducted wholly within enclosed buildings. It is also a purpose of this zoning classification to protect a portion of the existing industrial land base for research park facility development, which provides high-technology employment opportunities. Light manufacturing uses that complement the business park or research park use that are free from offense in the form of odor, dust, gas, fumes, smoke, soot, heat, glare, explosions, liquids, waste, noise, vibrations, and disturbances in this use district may be permitted if pertinent to the primary use. The business research park zoning classification provides opportunities for employment in modern, attractive buildings on well-landscaped sites which may be close to residential areas, thereby resulting in a reduction of travel time to and from work. Campus type developments that include several buildings with a mix of uses that are related to the primary businesses are encouraged. This zoning classification is intended to be applied to those portions of the city that are designated business research park under the city of Richland comprehensive plan.

B. The business and commerce use zoning classification (B-C) is intended to provide locations for a range of business and commerce uses, in a business park setting, where such uses are in close proximity to residential lands. It is also a purpose of this zoning classification to place appropriate use limitations and restrictions on business and commerce uses to ensure the protection of nearby residential uses. Areas of restriction include such items as increased building setbacks, stringent landscaping standards, restrictions on outdoor storage, architectural controls, outdoor lighting standards and access controls. The business and commerce zoning classification provides opportunities for employment in modern, attractive buildings on well-landscaped sites which may be close to residential areas, thereby resulting in a reduction of travel time to and from work.

Developments that include several businesses with integrated building architecture, landscaping, and infrastructure are encouraged. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

23.28.020 Business performance standards and special requirements.

A. B-RP Business Research. It is the intent of this section that:

1. Uses shall be conducted entirely within enclosed buildings;
2. On- and off-site hazardous waste treatment and storage facilities shall be located a minimum of 300 feet from surface water, residential zones and public gathering places;
3. Public pedestrian access around and through a site is encouraged and should include clearly marked travel pathways from the public street, through parking areas, to primary building entries;
4. Development of a trail system through landscaped areas is encouraged and should, where possible, connect to trail systems on adjacent sites; and
5. No more than 15 percent of the total number of acres in the B-RP zone or within a specific business park shall be developed with commercial uses. The applicant proposing a commercial use shall identify the properties that he/she is relying on to comply with this requirement. In the event that the applicant is relying upon property(ies) that are not under the ownership of the applicant, then the applicant shall submit a written statement to the city signed by the affected property owners consenting to the application for a commercial use.

B. B-RP Residential, Day Care and Preschool Standards.

1. Residential development is permitted in the B-RP zone at an average density of eight dwellings per acre within a business park. Average density shall be determined by a calculation of the total land area (in acres) within a business park that are both developed and proposed for development with residential uses divided by the total number of dwelling units that are both developed and proposed for development. Any residential development approved through a special use permit must maintain a minimum density of six dwelling units per acre. Construction of residential units shall proceed as identified or conditioned in a special use permit approved by the Richland hearing examiner;
2. Detached single-family dwellings are prohibited unless:
 - a. Detached single-family dwellings are part of a residential development as approved through the special use permit process, in which no more than 25 percent of the total number of dwelling units approved through the special use permit are detached single-family dwellings; and

- b. Detached single-family dwellings are a part of a common maintenance program, such as a homeowners' association, with attached conditions, covenants and restrictions to be approved by the city at the time of development and recorded by deed to run in perpetuity to the individual properties;
3. Dwelling units may be incorporated into a building occupied by a nonresidential use;
4. No more than 20 percent of the total number of acres in the B-RP zone or within a specific business park or master planned area shall be developed exclusively for residential uses. The applicant for a residential use project shall identify the properties that he/she is relying upon to comply with this requirement. In the event that the applicant is relying upon property(ies) that are not under the ownership of the applicant, then the applicant shall submit a written statement from the affected property owners consenting to the application for an exclusive residential use;
5. No site developed exclusively for residential uses shall exceed 10 acres in area;
6. No parcel or parcels of property developed exclusively for residential uses shall be contiguous to any other parcel or parcels of property developed exclusively for residential uses, if the combined total of all contiguous parcels developed exclusively for residential uses exceeds 20 acres in area;
7. Mixed use buildings that contain permitted uses (as identified in RMC [23.28.030](#)) on the main floor of the building and residential uses on the upper floors of the building are permitted without regard to subsections (B)(4) through (6) of this section. All other provisions regulating the placement of residential uses in the B-RP zone shall apply;
8. Day care and preschool uses are permitted without regard to subsections (B)(4) through (6) of this section. All other provisions regulating the placement of day care and preschool uses in the B-RP zone shall apply;
9. Residential projects in the B-RP zone shall include provisions to connect with permitted uses in the zone which have the effect of minimizing the need for automotive commutes. Such connections may include shared open space, pedestrian trails, computer and/or communication links between buildings, or other similar features. Residential projects should also be designed to be compatible with the architectural character of existing, adjacent business parks;
10. Parking for residential structures shall be required in addition to any requirement for other permitted uses on the site; and
11. The applicant shall ensure that an emergency response plan is prepared by Benton County emergency services and that such emergency response plan is implemented prior to or simultaneously with the issuance of a certificate of occupancy for a project.

a. Prior to the submittal of a special use permit, the applicant shall consult with Benton County emergency services to determine the following:

- i. The specific hazards to residential, day care and/or preschool populations that exist in the vicinity of the project site resulting from existing industrial land uses in the general area. Such hazards shall be determined and assessed through the review of risk management hazard plans that are on file with Benton County emergency services;
- ii. The parameters of the emergency services plan that are necessary to support the proposal. Such plan will at a minimum address the following:
 - (A) Provisions for emergency notification;
 - (B) Identification of evacuation routes;
 - (C) Identification of special populations that may reside or be located within the proposed project (small children, seniors, individuals with mobility restrictions, etc.) for identification of specific provisions to address the safety of these special populations;
- iii. Identification of any plans for sheltering residential populations during an emergency event and any specific building or site design features to be incorporated into the project to mitigate potential hazards created by nearby industrial facilities; and
- iv. Identification of plans to inform the future residents of the residential project of the specific emergency notification procedures and actions that would be taken during an emergency event.

b. Following completion of the consultation process, the applicant shall obtain a written statement from Benton County emergency services that either:

- i. Indicates that the proposed project site is located outside of any known hazard area which represents a threat to residential, day care or preschool populations as identified in the risk management plans on file with Benton County emergency services and that the requirement for a specific emergency response plan is waived; or
- ii. Identifies the known hazards to residential, day care or preschool populations that are known to exist in or near the project site. Such report shall identify the specific mitigation measures that will be included in the emergency response plan. The applicant shall sign a statement acknowledging and agreeing to the mitigation measures included in the emergency response plan.
- iii. The applicant is required to provide any information requested by Benton County emergency services for the preparation of an emergency response plan.

C. B-C Business Commerce. It is the intent of this section that:

1. Uses shall be conducted primarily within enclosed buildings.
2. On-site hazardous waste treatment and storage facilities shall be located a minimum of 300 feet from surface water, residential zones and public gathering places.
3. Development of a trail system through landscaped areas is encouraged and should, where possible, connect to adjoining trail systems and public sidewalks.
4. Uses shall not inflict upon the surrounding properties smoke, dirt, glare, vibrations, or noise beyond the maximum permissible levels hereby established:
 - a. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.
 - b. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property in accordance with state regulations as set forth in WAC Title 173, as codified or as hereinafter amended.
 - c. Heat, Glare and Humidity (Steam). In the B-C district any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the B-C district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the B-C district.
 - d. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland as set forth in the International Building Code and International Fire Code as adopted by the city of Richland or as hereinafter amended.
5. Wherever the B-C zone is applied to any property or properties, there shall be site design standards put in place that shall regulate the appearance of buildings within the B-C district. This requirement for site

design standards shall be met in one of the following ways:

- a. The property or properties that are part of the B-C zone shall also be subject to the standards set forth in subsection (D) of this section; or
- b. The property or properties that are part of the B-C zone shall be subject to private conditions, covenants, and restrictions as proposed by applicants for a zone change proposal. Said conditions, covenants and restrictions shall include site design standards that are deemed appropriate for the intended character, appearance and physical characteristics of the property or properties that are a part of the B-C zone and the immediate vicinity. Such conditions, covenants, and restrictions shall be recorded at the time the zone change ordinance is approved and shall be binding on all new development that occurs on the property or properties that are a part of the B-C zone. Such conditions, covenants, and restrictions shall not be amended without the approval of the city of Richland.

D. B-C Site Design Standards. The following standards apply to the design of buildings within the B-C zone:

1. Building Design.

- a. Wall planes shall not run in one continuous direction for more than 60 feet without an offset or setback in the building face, unless the building face contains windows, alcoves, canopies, cornices, cupolas, or similar architectural features.
- b. At least 25 percent of the wall area fronting on a street should be occupied with windows, alcoves, canopies, cornices, cupolas, or similar architectural features.
- c. Large buildings should have height variations to give the appearance of distinct elements.
- d. Rooftop or outdoor mechanical equipment shall be fully screened from public view in a manner which is architecturally integrated with the structure. Screening shall be constructed to a finished standard using materials and finishes consistent with the rest of the building.
- e. Roof-mounted equipment should be painted a compatible color with the roof screen.
- f. Exterior building colors should be subdued. Primary colors or other bright colors should generally be used only as accents to enliven the architecture.
- g. Reflective glass is not permitted for glazing.
- h. Buildings whose exterior surfaces are more than 50 percent comprised of metal, excluding roof surfaces, are not permitted.

2. Loading and Service Areas.

- a. Truck docks and loading areas shall not be permitted on the side of the building that faces or abuts a public street.
- b. Refuse areas and service areas shall be screened from view of the public street.

3. Site Lighting.

- a. Lighting should be used to provide reasonable illumination for the security and safety of on-site areas such as parking, loading, shipping, and pathways.
- b. Lighting shall be designed to minimize glare or objectionable effects to adjacent properties.
- c. Site lighting poles shall not exceed 20 feet in height and shall direct the light downward.
- d. Lighting sources shall be shielded from adjacent properties.

4. On-Site Utilities.

- a. All site utilities shall be placed underground.
- b. Pad mounted equipment shall be appropriately located and screened in a manner consistent with required access and safety requirements.

5. Alternative Design. In the event that a proposed building and/or site does not meet the literal standards identified in this section, a property owner may apply to the Richland planning commission for a deviation from these site design standards. The Richland planning commission shall consider said deviation and may approve any deviation based on its review and a determination that the application meets the following findings:

- a. That the proposal would result in a development that offers equivalent or superior site design than conformance with the literal standards contained in this section;
- b. The proposal addresses all applicable design standards of this section in a manner which fulfills their basic purpose and intent; and
- c. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity. [Ord. 28-05 § 1.02; Ord. 07-11 § 1.01; Ord. 55-15 § 2; Ord. 48-17 § 3].

23.28.025 Enforcement of performance standards.

It is the intent of this section that:

A. If in the opinion of the administrative officials a violation of the performance standards in RMC [23.28.020](#) has occurred, the administrative official shall send a written notice of the violation to the owners of the property and the manager of the operation involved by certified mail. The manager or responsible person shall have 30 days to correct the violation, unless in the opinion of the administrative official there is imminent peril to the life and property of persons adjacent to the alleged violation, in which case the violation shall be corrected immediately.

B. Where determinations of violation can be made by the administrative official using equipment normally available to the city or obtainable without extraordinary expense, such determination shall be so made before notice of violation is issued.

C. Where technical complexity or extraordinary expense make it unreasonable for the city to maintain the personnel or equipment necessary to make the determination of violation, then the city shall call in properly qualified experts to make the determination. If expert findings indicate a violation of the performance standards, the costs of the determination shall be assessed against the properties or persons responsible for the violation in addition to the other penalties prescribed by this title. If no violation is found, cost of the determination shall be paid entirely by the city. [Ord. 28-05 § 1.02].

23.28.030 Business 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	B-RP	B-C
Automotive, Marine and Heavy Equipment Uses		

Automotive Repair – Major		P
Automotive Repair – Minor		P
Automotive Repair – Specialty Shop		P
Automobile Service Station	P	p ¹⁴
Bottling Plants	P	P
Car Wash – Automatic or Self-Service		p ¹
Fuel Station/Mini Mart	P	p ¹⁴
Business and Personal Services		
Automatic Teller Machines	P	P
General Service Businesses	P	P
Health/Fitness Facility	P	P
Health/Fitness Center	P	P
Laundry/Dry Cleaning, Retail	P	P
Mini-Warehouse		p ²
Mailing Service	P	P
Personal Loan Business	P	P
Personal Services Businesses	P	P
Photo Processing, Copying and Printing Services	P	P
Telemarketing Services	S	P
Video Rental Store	P	P
Food Service		
Cafeterias	A	A
Delicatessen	A	A
Drinking Establishments	P	P
Portable Food Vendors	p ³	p ³
Restaurants/Drive-Through	A ⁴	A ⁴
Restaurants/Lounge	P	P
Restaurants/Sit Down	P	P
Restaurants/Take Out	P	P

Restaurants with Entertainment/Dancing Facilities	P	P
Vehicle-Based Food Service	P ¹⁵	P ¹⁵
Industrial/Manufacturing Uses		
Light Manufacturing Uses	P	P
Research, Development and Testing Facilities	P	P
Warehousing, Storage and Distribution		A
Wholesale Facilities and Operations		P
Office Uses		
Financial Institutions	P	P
Medical, Dental and Other Clinics	P	P
Newspaper Offices and Printing Works		P
Office – Consulting Services	P	P
Office – Corporate	P	P
Office – General	P	P
Office – Research and Development	P	P
Radio and Television Studios		P
Schools, Commercial	P	P
Schools, Trade	P	P
Travel Agencies	P	P
Public/Quasi-Public Uses		
Alternative Schools		P ⁵
Churches		P ⁶
Clubs or Fraternal Societies		P ⁶
Cultural Institutions		P ⁶
General Park Operations and Maintenance Activities	P	P
Passive Open Space Use	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ⁷	P ⁷
Public Agency Buildings	P ⁷	P ⁷

Public Agency Facilities	P ⁷	P ⁷
Public Parks	P	P
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P
Trail Head Facilities	P	P
Trails for Equestrian, Pedestrian, or Nonmotorized Vehicle Use	P	P
Residential Uses		
Accessory Dwelling Unit	A	A
Apartment, Condominium (3 or More Units)	S ⁸	
Day Care Center	S ^{8,9}	A ⁹
Designated Manufactured Home	S ^{8,10, 11}	
Dormitories, Fraternities, and Sororities	S ⁸	
Dwelling, One-Family Attached	S ^{8,10,11}	
Dwelling, One-Family Detached	S ^{8,10,11}	
Dwelling, Duplex	S ⁶	
Dwelling Units for a Resident Watchman or Custodian	A	A
Hotels or Motels	S ⁸	P
Nursing or Rest Home		P
Temporary Residence	P ^{8,10}	P ¹⁰
Retail Uses		
Parking Lot or Structure	P	P
Department Stores		P
Specialty Retail Stores	P	P
Miscellaneous Uses		
Bus Terminal	P	P
Bus Transfer Station	P	P
Community Festivals and Street Fairs	P	P
Convention Center	P	P
Farming of Land	P	P

Macro-Antennas	P	P
Monopole	P ¹²	S ¹²
Outdoor Storage	P ¹³	P ¹³
Storage in an Enclosed Building	P	P

1. RMC 23.42.270
2. RMC 23.42.170
3. RMC 23.42.185
4. RMC 23.42.047
5. RMC 23.42.260
6. RMC 23.42.050
7. RMC 23.42.200
8. RMC [23.28.020](#)(B)
9. RMC 23.42.080
10. RMC 23.42.110
11. RMC 23.18.025
12. Chapter 23.62 RMC
13. RMC 23.42.180
14. Permitted when located adjacent to a principal or minor arterial street as identified in Chapter 12.02 RMC, Street Functional Classification Plan.
15. RMC 23.42.325

[Ord. 28-05 § 1.02; Ord. 28-07; Ord. 07-11 § 1.02; Ord. 23-11 § 1.01; Ord. 43-17 § 1; Ord. 48-17 § 4; Ord. 07-19 § 8].

23.28.040 Site requirements for business use districts.

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the

horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	B-RP	B-C
Minimum Lot Area	None	None
Maximum Site Area (in acres)	Varies ¹	None
Minimum Density – Dwelling units/acre	6 units per acre	N/A
Average Density – Dwelling units/acre	8 units per acre	N/A
Minimum Front Yard Setback	Varies ²	Varies ³
Minimum Side Yard Setback	Varies ⁴	Varies ³
Minimum Rear Yard Setback	20 feet ⁵	Varies ³
Maximum Building Height – Main Building	55 feet ⁶	45 feet ⁷

1. Retail and service uses shall be clustered on sites no larger than five acres in size. Sites devoted exclusively to residential uses shall be located on sites no larger than 10 acres in size. Other permitted uses do not have a maximum site area.
2. The front yard setback area shall be landscaped. The front yard setback for all uses except residential uses shall be 25 feet. Residential uses shall maintain the following front yard setbacks:
 - a. Front yard to living area and/or side of garage: 10 feet.
 - b. Front yard to garage door: 20 feet.
 - c. Front yard to covered porch and/or deck: 10 feet.
3. The following minimum setbacks shall apply in the B-C zoning district:

- a. Wherever a B-C zoned property abuts any property or properties that are a part of any PPF, SAG, R-1-12, R-1-10, R-2, R-2S, R-3 or residential PUD, a minimum building setback of 50 feet shall be provided, except that whenever a B-C zoned property abuts any property that is designated as single-family residential overlay within the Island View subarea plan, setbacks as set forth in subsection (c) of this footnote shall apply.
 - b. Where property lines of a parcel in the B-C district are not adjacent to properties located in other zoning districts, or are adjacent to a public right-of-way or to M-2, I-M, B-RP, or C-3 zoned properties, the following minimum yard requirements shall apply:
 - i. Front yard – 20 feet.
 - ii. Side yard – zero feet.
 - iii. Rear yard – zero feet.
 - c. Wherever a B-C zoned property abuts any property or properties that are part of a C-1, C-2, C-LB, CBD, WF or AG zones or wherever a B-C zoned property abuts any property that is designated as single-family residential overlay within the Island View subarea plan, the following minimum yard requirements shall apply:
 - i. Front yard – 20 feet.
 - ii. Side yard – 10 feet.
 - iii. Rear yard – 10 feet.
4. The side yard setback for all uses except commercial and residential uses is 20 feet. The side yard setback for multiple-family dwelling units is one foot of side yard per three feet of building height. The side yard setbacks for single-family detached dwelling units and an unattached side of attached dwelling units shall be five feet. The side yard setback for commercial uses is 20 feet when the adjoining property is developed with noncommercial uses and zero feet when the adjoining property is developed with commercial uses or a parking lot.
5. The rear yard setback for all uses except residential uses shall be 20 feet, except when commercial uses adjoin property that is developed with other commercial uses or a parking lot, then the rear yard setback shall be zero feet. Residential uses shall have a minimum rear yard setback of 10 feet.
6. Maximum Building Height. No building in a B-RP district shall exceed 55 feet in height. The planning commission may authorize an increase in building height to a maximum height of 100 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 at sufficient distance from the Columbia River to avoid creating a visual barrier. Exception: Private communications facilities may exceed the height limitation.

7. No building in a B-C district shall exceed 45 feet in height. The planning commission may authorize an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building would be situated in a fashion so as not to interfere with views from surrounding properties. Exception: Private communications facilities may exceed the height limitation.

[Ord. 28-05 § 1.02; Ord. 04-09; Ord. 20-09; amended during 2011 recodification].

23.28.050 Parking standards for business use districts.

Off-street parking space shall be provided in all industrial zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

23.28.060 Landscaping requirements.

A. In the B-RP zoning district, the following minimum landscaping requirement applies: At least 25 percent of a business park shall be landscaped. Landscaped areas may incorporate pedestrian amenities such as meandering pathways or trails, street furniture such as benches, public art features or similar features. Specific parcels of property within a business park do not have to meet the required percentage of landscaping; provided, that the overall business park maintains the minimum landscaping requirement of 25 percent for all developed parcels within the park; provided further, that parking lot landscaping as required in RMC 23.54.140 and landscaping within a required front yard shall be required in all cases.

B. The following landscaping standards apply to the development of property within the B-C district.

1. All off-street parking areas designed for employee and/or customer parking shall be paved and shall meet the landscape standards set forth in RMC 23.54.140. Parking/loading dock areas designed for truck maneuvering, parking and/or loading shall meet the requirements for perimeter landscaping only. No interior landscaping for truck parking/loading areas shall be required.

2. Wherever a B-C zoned property abuts any property or properties that are a part of any PPF, SAG, R-1-12, R-1-10, R-2, R-2S, R-3 or residential PUD zone, a landscape buffer strip a minimum of 25 feet in width shall be provided, except that B-C zoned property that abuts any property or properties that are designated as single-family residential overlay within the Island View subarea plan shall be exempt from this requirement. Perimeter landscape strips required for off-street parking areas, as set forth in RMC 23.54.140, may be included within the required landscape buffer. Evergreen and deciduous trees, of which no more than 40 percent of the trees may be deciduous, shall be planted within the required landscape buffer. A minimum of five trees per 1,000 square feet of buffer area shall be required. The landscape buffer is intended as a screen, and need not completely obscure the development.

3. A landscape buffer strip a minimum of 10 feet in width shall be provided adjacent to any public right-of-way. Perimeter landscape strips required for off-street parking areas, as set forth in RMC 23.54.140, may

be included within the required landscape buffer.

4. All areas not covered by buildings, paved parking areas or sidewalks or other pedestrian paths shall be landscaped.

5. All landscaped areas shall be served by an underground irrigation system or shall be provided with a readily available water supply with at least one outlet located within 150 feet of all plant material requiring irrigation.

6. All delivery truck and maintenance vehicle parking areas, all truck dock and loading areas, all refuse and service areas and all outdoor storage areas shall be screened by means of a sight-obscuring fence or sight-obscuring landscaping materials or a combination of landscaping and fencing materials that together create a six-foot-tall sight-obscuring screen. Outdoor storage shall not extend above the height of the sight-obscuring screen.

7. Landscaped areas may incorporate pedestrian amenities such as meandering pathways or trails, street furniture such as benches, public art features or similar features.

8. Wherever trees are required in landscape buffer strips, the following minimum standards shall apply: Evergreen trees shall be a minimum height of five feet at the time of planting. Deciduous trees shall be a minimum height of 10 feet at the time of planting. [Ord. 28-05 § 1.02; Ord. 20-09].

Chapter 23.30 PUBLIC USE ZONING DISTRICTS

Sections:

[23.30.010 Purpose of public use districts.](#)

[23.30.020 Public use districts permitted land uses.](#)

[23.30.030 Site requirements for public use districts.](#)

[23.30.040 Parking standards for public use districts.](#)

23.30.010 Purpose of public use districts.

A. The parks and public facilities district (PPF) is a special use classification intended to provide areas for the retention of public lands necessary for open spaces, parks, playgrounds, trails and structures designed for public recreation and to provide areas for the location of buildings and structures for public education, recreation and other public and semi-public uses. This zoning classification is intended to be applied to those portions of the city that are designated as developed open space and public facility under the city of Richland comprehensive plan.

B. The natural open space use district (NOS) is a special use classification intended to provide area for the retention of publicly owned, natural open spaces that, due to their proximity to wetlands, shorelines, floodplains or critical habitat areas, are too sensitive for intensive use or development. This zoning classification is intended to be applied to those portions of the city that are designated as natural open space under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 08-20 § 2].

23.30.020 Public use districts permitted land uses.

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol “S” appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	PPF	NOS
Public/Quasi-Public Uses		
Alternative School	P ¹	
Churches	P ²	
Clinics, School-Based	S	
Clubs or Fraternal Societies	P ²	
Cultural Institutions	P ²	
General Park Maintenance and Operations	P	P
Golf Courses	P	
Passive Open Space Uses	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ³	P ³
Public Agency Buildings	P ³	P ³
Public Agency Facilities	P ³	P ³
Public Campgrounds	P	
Public Parks	P	P
Schools	P ⁴	
Special Events Including Concerts, Tournaments, and Competitions, Fairs, Festivals and Similar Public Gatherings	P	
Trail Head Facilities	P	P
Trail for Equestrian, Pedestrian or Nonmotorized Vehicle Use	P	P
Recreational Uses		
Art Galleries	P	
Boat Mooring Facilities	P	
Retail Uses		
Concessionaire	P ⁶	P ⁶
Parking Lot	P	S ⁵

Miscellaneous Uses		
Macro-Antennas	P	
On-Site Hazardous Waste Treatment and Storage	A	A
Cemetery	P	

1. RMC 23.42.260
2. RMC 23.42.050
3. RMC 23.42.200
4. RMC 23.42.250
5. RMC 23.42.183

[Ord. 28-05 § 1.02; Ord. 13-08; Ord. 04-09; Ord. 07-19 § 9; Ord. 08-20 § 2].

23.30.030 Site requirements for public use districts.

A. A lot in a parks and public facilities district shall have at least an area sufficient to satisfy the requirements for minimum yard and off-street parking as required by this title.

B. The minimum yard requirements in the parks and public facilities district shall be the same as those in the adjacent zone district. Where there is more than one zone district adjacent to the parks and public facilities zone district, the yard requirement in the parks and public facilities district shall be the same as the one in the adjacent zone having the most compatible setback requirement.

C. In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	PPF	NOS
Maximum Building Height – Main Building	55 feet	0 feet ¹

1. Permanent structures designed for human occupancy are not permitted in the NOS district.

[Ord. 28-05 § 1.02; amended during 2011 recodification].

23.30.040 Parking standards for public use districts.

Off-street parking space shall be provided in parks and public facilities zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].

2021 North Campus Annexation Request

EXHIBIT 1B – Overall Annexation Area Aerial Photo





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area 5 - Maximize Community Amenities

Core Focus Area 6 - Enhance Neighborhood & Community Safety

Subject:

Ordinance No. 2022-22, Amending Richland Municipal Code Title 8: Health and Sanitation, to add Chapter 8.10 entitled Regulating Public Camping

Department:
City Attorney

Ordinance/Resolution Number:
2022-22

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2022-22, amending Richland Municipal Code Title 8: Health and Sanitation, to add a new Chapter 8.10 entitled Regulating Public Camping.

Summary: In recent years, Richland has experienced an increase in the number of homeless utilizing public property for habitation. Citizens and staff have noted people camping or squatting on park property, specifically Howard Amon Park and Leslie Groves Park. Individuals have been using park restrooms as temporary housing, which precludes their use by the public as restrooms. The City has also noted a number of instances where people are camping in RVs and camp trailers along roadways. This is unsafe for a number of reasons, including risk of significant injury or death if another vehicle hits the RV/trailer. Further, the lack of sanitary waste disposal facilities creates a significant risk of disease and contamination.

Parks and rights-of-way are intended for shared use by the public for park or transportation purposes, and are not intended for use for habitation. Like many communities, Richland seeks to further exercise its police powers to regulate these public areas within the constraints of the law. As identified in *Martin v. Boise*, 920 F.3d 584 (9th. Cir. 2019), cities have authority to preclude such public camping, with some constraints. The primary holding in the *Martin* case was that if there was no shelter bed space or lawful alternative available at the time enforcement was sought, then the person could not be cited. However, the Court went on to say that cities could identify certain areas where no public camping could occur, provided there was not a total ban. Ordinance No. 2022-22 includes the following important components:

1. Generally prohibits camping on public property, including rights-of-way (roadways, sidewalks), stormwater property, City Hall, parks and park facilities, and any other public property where camping would materially interfere with the intended public use of the property.
2. Prohibits encampments, which are characterized by accumulations and belongings typically associated with camping. If an encampment is found on non-park public property, a 72-hour notice to vacate would be issued, after which the belongings would be collected and stored for at least 60 days. For park property, there would be no 72-hour notice, and instead the person must remove the belongings immediately. If no person is present, then the City would collect and store the belongings for at least 60 days, with notice posted near where the belongings were collected and providing information on where they could be collected.
3. Consistent with the *Martin* case, Ordinance No. 2022-22 would not be enforced if an alternative legal location for habitation is not available. There would be certain areas where public camping is never allowed, including but not limited to City Hall, Howard Amon Park and John Dam Plaza.

Staff recommends approval of Ordinance No. 2022-22 for second reading and passage.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 2022-22

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE TITLE 8: HEALTH AND SANITATION, ADDING CHAPTER 8.10 ENTITLED REGULATING PUBLIC CAMPING.

WHEREAS, the City of Richland is a first class charter city formed under Article XI, Section 10 of the Washington State Constitution; and

WHEREAS, pursuant to Article XI, Section 11 of the Washington State Constitution, RCW 35.22.195 and RCW 35A.11.020, the City of Richland (City) is authorized to regulate public property, including City Hall, John Dam Plaza, parks, public rights-of-way, and all other public property within the City; and

WHEREAS, camping on public property, including City Hall and other city facilities, John Dam Plaza, parks, public rights-of-way, and other public property is a public health and safety concern due to interference with other intended uses, such as daily operations of the City, events at John Dam Plaza, park recreational activities, pedestrian, bicycle and vehicular traffic, and other public uses; and

WHEREAS, camping without adequate sanitation services, such as sewer, water, and garbage, presents a public health and safety concern due to increased risk of spread of disease and potential for citizens contracting illnesses; and

WHEREAS, public property is intended for, and should be, available to the public for its intended purposes, including daily City operations, park recreational use, pedestrian, bicycle and vehicular transportation, and other public areas; and

WHEREAS, camping in such public areas does not allow the public to use those areas for the untended purposes; and

WHEREAS, camping should only occur in designated campgrounds with proper facilities; and

WHEREAS, pursuant to *Martin v. City of Boise*, 920 F. 3d 584 (9th Cir. 2019) the Ninth Circuit Court of Appeals: 1) determined that the United States Constitution prohibits imposition of criminal penalties for sitting, sleeping, or lying outside on public property on homeless individuals who could not obtain shelter; and 2) identified that ordinances prohibiting sitting, lying, or sleeping outside at particular times or in particular locations may be constitutionally permissible since other public space would still be available, regardless of available shelter space; and

WHEREAS, the City Council hereby finds that the regulatory requirements established by the proposed amendments to the Richland Municipal Code are necessary for the preservation of the public health, safety and welfare.

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

Section 1. The recitals set forth above are hereby adopted as findings of the Richland City Council for this Ordinance and are incorporated herein by reference.

Section 2. Title 8 of the Richland Municipal Code is hereby amended to add a new Chapter 8.10 entitled Regulating Public Camping.

Title 8 HEALTH AND SANITATION

Chapters:

8.04 Health District

8.08 Food Establishments

8.10 Regulating Public Camping

8.16 Repealed

Chapter 8.10 REGULATING PUBLIC CAMPING

Sections:

8.10.010 Purpose.

8.10.020 Definitions.

8.10.030 Unlawful camping.

8.10.040 Storage of personal property in public places.

8.10.050 Removal of unauthorized encampments and individual camps.

8.10.060 Penalty for violations.

8.10.070 Enforcement suspended.

8.10.080 Severability.

8.10.010 Purpose.

It is the purpose of this chapter to prevent harm to the health and safety of the public and environment, and to promote the public health, safety and general welfare and environment by keeping public streets, sidewalks, parks, and other City-owned and/or City-maintained public property within the City readily accessible to the public, and to prevent use of City-owned and/or City-maintained public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended.

8.10.020 Definitions.

The following definitions are applicable in this chapter unless the context otherwise requires:

“Actively engaged in the process of exiting homelessness” means an individual is presently participating in the activities necessary to achieve housing, whether temporary or permanent. The City of Richland recognizes that availability of permanent housing, transitional housing and treatment services will impact an individual’s ability to successfully move out of homelessness into housing; and therefore, there are no specific timelines outlined within Chapter 8.3 RMC. Such

status shall be determined by the city manager or designee. When determining whether an individual is actively engaged in the process of exiting homelessness, the city manager or designee shall take into account whether the individual is:

1. In a local database maintained by the Benton County Department of Human Services (BCDHS) with an active enrollment in an outreach project and/or coordinated entry; or

2. Working with a non-BCDHS entering service provider; or

3. Actively working with a street outreach project towards permanent housing or any other intervention requested by the individual (for example, treatment). “Actively working” includes:

a. The outreach worker is building rapport with the individual and has not yet entered any enrollment into BCDHS’s database; or

b. The outreach worker and individual are (i) in the documentation gathering phase for purposes of accessing housing or treatment facilities, and (ii) the individual is attending required appointments in order to achieve housing or treatment options; or

4. Participating in any other activity, program, or process deemed necessary to secure permanent housing.

“Camp” means to pitch, erect or occupy camp facilities, or to use camp paraphernalia or both, for the purpose of, or in such a way as will facilitate, remaining overnight, or parking a camper, recreational vehicle, trailer, or other vehicle for the purpose of remaining overnight.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, campers, recreational vehicles, or trailers.

“Camp paraphernalia” includes but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“Contraband” means any property that is unlawful to produce or possess.

“Litter” shall have the same meaning as used in RCW 70.93.030(6) and (11) as adopted or may be amended.

“Park or park facility” means any real property, building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, or other physical property owned or controlled by the City for park purposes. Park or park facility includes all associated areas, including but not limited to parking lots for parks and pools.

“Personal property” means an item that is:

1. reasonably recognizable as belonging to a person;
2. in its present condition has apparent utility and/or value; and

3. is not hazardous or unsanitary.

"Right-of-way" shall have the same meaning as is stated in RMC 12.08.010.

"Solid waste" shall have the same meaning as used in RCW 70.95.030(22) as adopted or may be amended.

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

"Stormwater drainage facility" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, evaporate, divert, treat, or filter stormwater. Stormwater facilities include, but are not limited to, pipes, ditches, culverts, street gutters, detention ponds, retention ponds, evaporation ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and swales.

"Trail" means a public path constructed for the primary purpose of allowing recreational non-motorized transportation.

"Unauthorized encampment" means two or more camp facilities in an identifiable area which appear to be used for unlawful camping. For purposes of this chapter an identifiable area includes areas where the camp facilities are in sight of each other and/or areas where each camp facility is located within 300 feet of another camp facility.

8.10.030 Unlawful camping.

It is unlawful for any person to camp in the following City-owned and/or City-maintained areas, except as otherwise provided by the Richland Municipal Code or where specifically designated:

A. Any right-of-way;

B. Any trail, park, or park facility;

C. Any publicly owned parking lot or publicly owned area, improved or unimproved;

D. Any publicly owned stormwater drainage facility; or

E. Any other City-owned or City-maintained property.

8.10.040 Storage of personal property in public places.

It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following City-owned and/or City-maintained areas, except as otherwise provided by the Richland Municipal Code:

A. Any right-of-way;

B. Any trail, park, or park facility;

C. Any publicly owned parking lot or publicly owned area, improved or unimproved;

D. Any publicly owned stormwater drainage facility; or

E. Any other City-owned or City-maintained property.

This section shall not apply to vehicles, including trailers, recreational vehicles, and campers, which are unoccupied and parked in rights-of-way, unless otherwise prohibited by law.

8.10.050 Removal of unauthorized encampments and individual camps.

Upon a determination by law enforcement or designated City personnel that an area constitutes an unauthorized encampment or that an individual is engaged in unlawful camping or storage of personal property in public places, the personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed subject to the following provisions:

A. If the unauthorized encampment, unlawful camping, or unlawful storage of personal property results in an immediate and significant risk of harm to any person or impedes pedestrian or vehicular traffic, then police, City staff, or contracted agent may immediately remove any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste, which shall be stored or disposed in the same manner as set forth in RMC 8.10.050(B)(2).

B. Prior to removing property from an unauthorized encampment or unlawful camp, or removing personal property unlawfully stored on City-owned or City-maintained public property other than those specified in RMC 8.10.050(A), the following shall occur:

1. The City shall post at least a 72-hour advanced notice, which shall include the following:

a. The address or location of the unauthorized encampment, unlawful camping, or unlawful storage of personal property;

b. A statement that camping or storage activity is prohibited by RMC 8.10.030, RMC 8.10.040, and/or RMC 8.10.050;

c. A statement that any individual continuing to use the area for unlawful camping or storage of personal property may be subject to criminal penalties pursuant to Chapter 8.10 RMC;

d. A statement that any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste remaining after the notice period is subject to removal and, as may be applicable, temporary storage by the City.

2. At the end of the 72-hour notice period, any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed by City personnel or agents thereof.

a. Any personal property that is removed shall be stored by the City for at least sixty (60) days prior to being disposed.

b. Notice of where personal property removed from the encampment may be claimed shall be posted at the location.

c. If the name and contact information for the owner of a particular item of personal property can reasonably be identified, the City shall attempt to contact the identified owner and provide notice that the item has been removed and how to claim the item.

d. Any contraband located at the area shall be seized and properly disposed or retained as evidence of criminal activity.

e. Any litter or solid waste found at the area shall be properly disposed.

C. Any individual who receives a notice under this section, or whose property is removed from an area pursuant to this section, has a right to meet with the city manager or designee to raise any concerns, objections, or extenuating circumstances. At the conclusion of the meeting, a City representative present for the meeting shall prepare a written decision detailing the individual's concerns, as well as the City's response. Notice and procedure to set up a meeting shall be posted at or near the encampment site. If an individual requests a meeting prior to removal of property, the removal of the individual's property shall be stayed pending resolution of the meeting; provided, that removal may still occur if the personal property, camping paraphernalia, camp facilities, or other property, contraband, litter, and solid waste constitutes an immediate threat to the public health, safety, or welfare.

8.10.060 Penalty for violations.

Violation of any of the provisions of Chapter 8.10 RMC is a misdemeanor, and shall be punished upon conviction of such violation by a fine of not more than \$1,000 or by confinement not to exceed 90 days, or by both such fine and confinement.

8.10.070 Enforcement suspended.

A. Except as otherwise provided in this section, enforcement of criminal provisions of this chapter shall be suspended any time there is no space or beds available through the voucher program operated by Benton County Department of Human Services, to the extent such available space or beds are required by law. In such circumstances, all provisions of this chapter shall continue to apply to camping, storage of personal property, including camp facilities and camp paraphernalia, and unauthorized encampments at the following:

1. The real property containing:

- a. Richland City Hall (Benton County PID No. 1-11982020629019);
- b. John Dam Plaza (Benton County PID No. 1-11983020625000);
- c. Howard Amon Park (Benton County PID No. 1-11984012586008; 1-11981020636002);
- d. Leslie Groves Park (Benton County PID No. 1-35084020923000; 1-35081020922000; 1-36081000000000);
- e. Riverfront Trail (Benton County PID No. 1-11981020624001);

- f. Columbia Playfields (Benton County PID No. 1-10981020600036);
- g. George Prout Memorial Pool (Benton County PID No. 1-10981020600005);
- h. Columbia Point Marina (Benton County PID No. 1-13983020018002);
- i. Richland Public Library (Benton County PID No. 1-11982020629012);
- j. Richland Police Department (Benton County PID No. 111981020623003); and
- k. Richland City Shops (Benton County PID No. 1-16984020002002).

2. Park facilities, including but not limited to all buildings, structures, equipment, signs, shelters, swimming pools, water recreation facilities, playgrounds, bathrooms, courts or designated sports fields available for reservation, or any other fixture or improvement and the real property within 30 feet of such facilities. Unless constructed as a part of such park facility, natural vegetation shall not be considered to be a “park facility” for purposes of this section;

3. Public rights-of-way and City-owned real property marked No Trespassing; and

4. Publicly owned stormwater drainage facilities.

B. Enforcement of the criminal provisions of this chapter may also be temporarily suspended by law enforcement or the city manager or designee for the purpose of allowing an individual actively engaged in the process of exiting homelessness to continue working towards exiting homelessness; provided, that such suspension shall not authorize any individual to be located at any of the locations identified in RMC 8.10.070(A). Such suspension may only occur during the period while an individual is actively engaged in the process of exiting homelessness. Nothing in this section shall guarantee or create rights to have enforcement of this chapter waived or suspended for any individual found to be violating the terms of this chapter. This section shall not preclude enforcement of this chapter against a person actively engaged in exiting homelessness where the violation results in a significant risk of harm to any person or impedes pedestrian or vehicular traffic, or where the person violates any other federal, state, or local law. Further, nothing in this section shall preclude the City from requiring an individual to move from any location identified in RMC 8.10.070(A) to other available public property. Failure to work toward exiting homelessness and/or failure to follow other park and City regulations will result in immediate enforcement of Chapter 8.10 RMC subject to shelter bed availability (through the voucher program) as required by law.

The city manager may adopt such rules and procedures necessary to identify individuals actively engaged in exiting homelessness and to notify the Richland Police Department of such individuals.

C. Nothing in this chapter shall preclude enforcement of any other federal, state, or local laws, including enforcement of Chapter 9.22 RMC.

8.10.080 Severability.

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected.

Section 3. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 4. 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 5. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: June 21, 2022
Second Reading: July 5, 2022
Date Published: July 10, 2022



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area 5 - Maximize Community Amenities

Core Focus Area 6 - Enhance Neighborhood & Community Safety

Subject:

Ordinance No. 2022-23, Amending Chapter 9.22 of the Richland Municipal Code related to City Property

Department:
City Attorney

Ordinance/Resolution Number:
2022-23

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2022-23, amending Chapter 9.22 of the Richland Municipal Code related to park property.

Summary:

The City has need, from time to time, to update the Richland Municipal Code to bring into alignment with other laws and established practices.

Tonight's agenda includes Ordinance No. 2022-22, which provides a comprehensive regulation related to camping on City-owned property. If adopted, Ordinance No. 2022-22 creates a conflict with Chapter 9.22 RMC that must be remedied so the two codes can be read in harmony. Proposed Ordinance No. 2022-23 amends specific portions of Chapter 9.22 RMC to bring it into alignment with the anticipated Chapter 8.10 RMC, Regulating Public Camping.

Staff recommends approval of Ordinance No. 2022-23 for second reading and passage.

Fiscal Impact: None.

Attachments:

I. Ordinance No. 2022-23

ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 9.22 OF THE RICHLAND MUNICIPAL CODE RELATED TO CITY PROPERTY.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring into alignment with other laws and established practices; and

WHEREAS, through Ordinance No. 2022-22, the Richland City Council adopted a comprehensive regulation related to camping on City-owned property; and

WHEREAS, approval of Ordinance No. 2022-22 creates a conflict with Chapter 9.22 RMC that requires resolution via amendment.

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. 2022-14, is hereby amended as follows:

Chapter 9.22 CITY PROPERTY

Sections:

- 9.22.010 Library property – Damage and destruction.**
- 9.22.020 *Repealed.***
- 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.

Repealed by Ord. 2022-14.

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 or storage of personal property per Chapter 8.10 RMC 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~~D. 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.

~~FE~~. 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.

~~GF~~. 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. to 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 [per Chapter 8.10 RMC](#) ~~in RMC 9.22.070(D)~~.
- E. Individuals utilizing paved walking trails for walking, jogging, and non-motorized 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 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: June 21, 2022
Second Reading: July 5, 2022
Date Published: July 10, 2022



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2022-91, Authorizing a Funding Agreement with Benton County for the Center Parkway - North Extension Project

Department:
Public Works

Ordinance/Resolution Number:
2022-91

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2022-91, authorizing the City Manager to sign a funding agreement with Benton County for additional Rural County Capital Fund (RCCF) funding for construction of the Center Parkway - North Extension project.

Summary:

The City's Transportation Improvement Program (TIP) and the 2022-2027 Capital Improvement Plan (CIP) include the Center Parkway - North Extension project (the "Project"). The Project, when completed, will enhance the economic development opportunities in a potentially highly productive commercial area. Through a 2001 interlocal agreement, the cities of Richland and Kennewick are partners in the Project with Richland acting as the lead agency.

The Project has a long complex development history, including complex funding, permitting and litigation. The Project is now ready to proceed to construction, with all permits and property rights secured. To complete construction, the Project requires additional funding.

Benton County operates its Rural County Capital Fund to fund projects leading to enhanced economic development. In 2020, Richland applied for and was granted an award from the Fund for the Center Parkway - North Extension Project. The 2020 award was designated to fund the remainder of the property acquisitions and the engineering design. With those processes now complete, staff sought a second award from the Rural County Capital Fund to support project construction. Benton County has prepared a funding agreement that would provide up to \$1,600,000 for construction of the Project. Staff believes this funding will complete the necessary funding package to enable completion of this long-awaited road extension of Center Parkway to Tapteal Drive.

Staff recommends approval of Resolution No. 2022-91.

Fiscal Impact:

The proposed agreement will provide \$1,600,000 for construction of the Center Parkway - North Extension project.

Attachments:

1. Resolution No. 2022-91
2. RCCF - Center Parkway Extension No. 2 - Disbursement Agreement

RESOLUTION NO. 2022-91

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING A RURAL COUNTY CAPITAL FUNDS FUNDING
AGREEMENT WITH BENTON COUNTY FOR CONSTRUCTION
OF THE CENTER PARKWAY - NORTH – GAGE BOULEVARD TO
TAPTEAL DRIVE PROJECT.**

WHEREAS, the City’s Transportation Improvement Program (TIP) and 2022-2027 Capital Improvement Plan (CIP) include the Center Parkway – North – Gage Boulevard to Tapteal Drive project (the “Project”); and

WHEREAS, the Project, when completed, will enhance the economic development opportunities in a potentially highly productive commercial area; and

WHEREAS, by a 2001 interlocal agreement, the cities of Richland and Kennewick are partners in the Project with Richland acting as the lead agency; and

WHEREAS, the Project requires additional funding for construction; and

WHEREAS, Benton County established the Rural County Capital Fund to fund projects leading to enhanced economic development; and

WHEREAS, Richland City Council authorized an application to the Benton Country Rural County Capital Fund by approval of Resolution No. 117-20; and

WHEREAS, Richland City Council, through the adoption of Resolution No. 147-20 on November 3, 2020, authorized a funding agreement with Benton County for rural county capital funds to support the Project’s design and right-of-way acquisition needs; and

WHEREAS, the Project is ready to solicit construction bids, as design and right-of-way acquisition work is complete; and

WHEREAS, capacity exists in the Benton County Rural County Capital Fund to support the Project’s construction; and

WHEREAS, the City’s best interests are served by leveraging the Benton County Rural County Capital Fund to complete the Center Parkway - North – Gage Boulevard to Tapteal Drive project.

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 funding agreement with Benton County to receive rural county capital funds for the construction of the Center Parkway - North – Gage Boulevard to Tapteal Drive project.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

DISBURSEMENT AGREEMENT

FOR USE OF RURAL COUNTY CAPITAL FUNDS

This Agreement, between Benton County (hereinafter “County”) and the City of Richland (hereinafter “City”) shall be effective upon execution by both parties.

WHEREAS, the County has previously agreed to distribute certain funds received from the State of Washington that it has deposited in its Rural County Capital Fund (hereinafter “Fund”) after April 1, 2016 for the financing of certain “public facilities [projects] serving economic development purposes” as contemplated by State statute (RCW 82.14.370) and in conformance with County policy (Resolution 2017-103, adopted January 31, 2017); and,

WHEREAS, the County and the City are authorized, including under Chapter 39.34 of the Revised Code of Washington, to contract with each other and other public agencies in order to effectively and efficiently operate, administer, and carry out their programs and public projects; and,

WHEREAS, the purpose of this Agreement is to fund the extension of Center Parkway from Gage Boulevard to Tapteal Drive to improve access into and circulation throughout the Tapteal Business Park, which currently has 33 acres of undeveloped, high-visibility, commercially zoned property. This work will consist of demolition of existing improvements, business relocation expenses, construction of water and sewer mains, conduit for other utilities, relocation of existing utility facilities, an at-grade railroad crossing system, street improvements consisting of curb, gutter, and sidewalk, subgrade preparation, crushed rock base, asphalt pavement, pavement markings and signs, street lights, and stormwater management facilities (hereinafter, the “Project”); and,

WHEREAS, the purpose of the Project is to facilitate commercial site development and redevelopment near the new street segment in both Richland and Kennewick; and,

WHEREAS, upon completion the new street, connectivity is predicted to support development of 33 acres of commercially zoned property with high visibility from SR-240 and close proximity to the vibrant Columbia Center area. The Project is predicted to draw more than \$200 million in private capital investment and lead to more than 900 new jobs. In addition, a number of presently vacant properties near the new street segment are likely to be redeveloped or reoccupied adding additional investment and employment; and,

WHEREAS, the City previously requested and was granted an appropriation of \$980,000 from the Fund (Resolution 2020-839 – November 10, 2020) for completion of earlier phases of the Project, which have been successfully completed; and,

WHEREAS, the Project has been widely supported, with funding provided by the Cities of Richland and Kennewick, the Port of Kennewick, the Benton Franklin Council of Governments and the Washington State Transportation Improvement Board; and,

WHEREAS, the City has requested \$1,600,000 for the Project from that portion of the Fund allocated to it by the County to be reimbursed to the City by the County, and,

WHEREAS, the County’s evaluation of the Project confirms funding eligibility.

NOW THEREFORE, in consideration of the mutual covenants, conditions, and terms contained herein, the County and the City mutually agree to the following:

1. Based on the City's request for reimbursement from the Fund, the County agrees to reimburse the City for up to \$1,600,000 of qualified direct costs incurred by the City for the Project between the date of the execution of this Agreement and December 31, 2024; contingent upon: (i) such funds being less than the amount of the Fund balance allocated to the City; and (ii) that each reimbursement is consistent with the County's Rural County Capital Fund Disbursement Policy.
2. The City represents that the use of revenues from the Fund for the Project is consistent with RCW 82.14.370.
3. The City agrees to use all funds allocated by this Agreement solely for the purpose of financing the Project and warrants that all expenditures by the City for which it seeks reimbursement will comply with RCW 82.14.370.
4. The parties agree that funds will be disbursed only as reimbursement for actual, direct costs incurred by the City in connection with the Project.
5. The City shall invoice the County every ninety (90) days after the effective date of this Agreement, identifying all Project costs incurred by the City during the prior quarter that are eligible for and for which reimbursement is sought. All invoices shall be mailed to the County at the following address:

Benton County Commissioners Office
ATTN: Sustainable Development Manager
7122 West Okanogan Place
Kennewick, Washington 99336

6. All approved reimbursement payments will be made via check mailed directly to the City at:

Richland City Hall
625 Swift Boulevard
Richland, Washington 99352
7. The City shall not hold the County liable for any delay in disbursements, but the County agrees to use its best efforts to make appropriate disbursement payments to the City in a reasonably timely fashion.
8. The City shall be responsible for establishing policies for implementing this Agreement, monitoring progress of the Project, and monitoring the fulfillment of the Parties' responsibilities under the Agreement. In addition to other responsibilities set forth in this Agreement, the City is responsible for following applicable bid and prevailing wage law policies and procedures when awarding bids for the Project contemplated by this Agreement.
9. The City agrees to provide the County with a quarterly report along with each invoice outlining the status of the Project, including a spreadsheet detailing all costs being reimbursed by the County.

10. If Rural County Capital Funds are applied by the City toward non-eligible expenditures, the County may cease all disbursements and the City shall repay to the County all monies inappropriately expended.
11. The records and documents with respect to all matters covered by this Agreement shall be subject to inspection by the parties during the term of this Agreement and for three years after its termination. This Agreement shall be filed by the City with the Benton County Auditor.
12. It is not the intention that a separate legal entity be established with respect to the Project, nor is the joint acquisition, holding, or disposing of real or personal property anticipated.
13. The City agrees to indemnify the County from and against any claims, actions, losses, costs, penalties, damages, attorneys' fees, and all other liabilities and costs of defense of any nature arising out of the County's agreement to disburse funds under this Agreement.
14. The City shall not have the right to assign the rights under this Agreement nor to terminate its obligations hereunder without first securing the written consent of the County.
15. The County's obligation to disburse funds under this Agreement only extends to direct Project costs incurred prior to December 31, 2024. After that date, the County's rights under this Agreement shall continue, but the County may use the funds previously allocated under this Agreement for any purpose allowable under state law.
16. This Agreement contains the entire, complete, and integrated statement of each and every term agreed-to by and between the City and the County, and this Agreement supersedes any and all prior written and unwritten agreements and understandings pertaining to the Project.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date signed below.

BENTON COUNTY

Shon Small, Commission Chairman

Date: _____

ATTEST:

Cami McKenzie, Clerk to the Board

APPROVED AS TO FORM:

Chief Deputy Prosecuting Attorney

CITY OF RICHLAND

Jon Amundson, City Manager

Date: _____

ATTEST:

Jennifer Rogers, City Clerk

APPROVED AS TO FORM:

Heather Kintzley, City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2022-92, Authorizing a Weatherwise Contractor Agreement with Solstice Heating and Air Inc. for Weatherwise Program Participation

Department:
Energy Services

Ordinance/Resolution Number:
2022-92

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2022-92, authorizing the City Manager to sign and execute an agreement with Solstice Heating and Air Inc. for participation in the City's Weatherwise Program.

Summary:

City-authorized contractors install energy efficiency improvements for Richland electric utility customers as part of the Energy Services Department's Weatherwise Program. Typical improvements include heat pumps, windows, doors, and building insulation.

Contractors go through a uniform process to qualify as a Weatherwise Program Authorized Contractor. This process includes: 1) satisfactorily completing an application; 2) meeting the licensing, insurance, and bonding requirements; and 3) fee payment and program orientation compliance. The one-time fee is intended to cover program administrative costs. Approved contractors must continue to meet program requirements to remain on the program list.

The Weatherwise Program Authorized Contractor List is on the City's website and is provided to customers inquiring about energy efficiency upgrades. Staff makes no recommendations to customers about one contractor compared to another.

Solstice Heating and Air Inc. has met all application requirements, and is therefore eligible to be included on the list of Weatherwise Program Authorized Contractors.

Staff recommends approval of Resolution No. 2022-92.

Fiscal Impact: None.

Attachments:

1. Resolution No. 2022-92
2. Proposed Agreement - Solstice

RESOLUTION NO. 2022-92

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING A WEATHERWISE CONTRACTOR AGREEMENT
WITH SOLSTICE HEATING AND AIR INC. FOR WEATHERWISE
PROGRAM PARTICIPATION.**

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, the City authorizes contractors to install energy conservation improvements for Richland electric customers under the energy efficiency Weatherwise Program; and

WHEREAS, the City specifies program procedures, minimum bonding and insurance requirements, electric heat and conservation improvement requirements, delisting procedures, and other program and regulatory requirements; and

WHEREAS, upon meeting all contractual requirements, and on the condition that licensing and bonding be maintained at all times during participation in the program, Solstice Heating and Air Inc. will be added as an authorized contractor for the City's Weatherwise Program.

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 Weatherwise Contractor Agreement with Solstice Heating and Air Inc. for participation in the City's Weatherwise Program.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



CITY-AUTHORIZED CONTRACTOR AGREEMENT

THIS AGREEMENT, made this _____ day of July, 2022, between the **City of Richland**, a municipal corporation and city of the first class located in Benton County, Washington, hereinafter referred to as the "City," and **Solstice Heating and Air**, hereinafter referred to as "Contractor."

W-I-T-N-E-S-S-E-T-H:

I. Recitals

WHEREAS, the Community directly benefits from promoting energy efficiency within the City's utility service area; and

WHEREAS, effective October 1, 1994, the City entered into the Conservation Resource Acquisition Agreement with the Bonneville Power Administration (BPA) in order to acquire cost-effective conservation resources; and

WHEREAS, the Conservation Resource Acquisition Agreement was superseded by an Energy Conservation Agreement between the City and BPA, effective September 7, 2017, an agreement providing the current legal conditions by which the parties are pursuing cost-effective conservation resources; and

WHEREAS, upon contracting with BPA, the City's Residential Weatherwise Agreement became an extension of the master Conservation Resource Acquisition Agreement and its successor Energy Conservation Agreement; and

WHEREAS, the Energy Conservation Agreement provides the City with the flexibility to determine the conservation program activities and incentive levels necessary to achieve conservation objectives; and

WHEREAS, conservation objectives are achieved through a three-party contracting effort between the City, a City-Authorized Contractor tasked with performing energy-efficient improvements, and the benefiting property owner;

NOW, THEREFORE, in consideration of the covenants and agreements herein contained and the terms and conditions hereof, the parties agree as follows:

II. Agreement

1. Scope of Work - Contractor agrees to furnish all labor, materials, bonding, insurance, supervision and equipment required to install energy conservation measures

available through the City's Weatherwise Service. All understandings related to this scope of work shall be in writing. No verbal agreements between the benefiting property Owner ("Owner"), Contractor, and the City will supersede this Agreement.

2. Duration and Termination - The term of this Agreement shall be for one year from the above date, and shall automatically renew on the annual anniversary date each successive year. Either party may terminate this agreement without cause at any time upon thirty (30) days' written notice to the other party.
 - a. Contractor's failure to respond to any requests made by the City related to insurance requirements or bonding information shall result in immediate termination of this Agreement.
 - b. Contractor is obligated to satisfactorily and timely complete all projects that are in progress as of the date of termination of this Agreement.
3. Procedure - The City and Contractor share the responsibility to market and promote the City's Weatherwise Service.
 - a. The City shall market the Weatherwise Service, including City-Authorized Contractors, through utility billing inserts, radio and print advertising, and other appropriate media. In response to a request for a proposal that resulted from the City's marketing efforts, the Contractor shall promote the benefits of energy efficiency and participation in the City's Weatherwise Service to the Owner. The Contractor may also use its own client lists and sales leads to solicit participation in the Weatherwise Service.
 - b. The Contractor may market the Weatherwise Service and their status as a City-Authorized Contractor. All Contractor marketing and advertising that has any reference to the City's Weatherwise Service or their status as a City-Authorized Contractor shall be submitted to the Energy Services Director (ESD) or designee for advance written approval.
 - c. The Contractor's performance goal shall be to consistently obtain a sales amount equal to, or in excess of, the average Contractor Weatherwise Service sales amount. Achievement of the performance goal will be periodically monitored to determine, in the Energy Service Director's reasonable judgment, if the Contractor has achieved the performance goal. The Contractor shall be required to submit a marketing plan to achieve this goal at the time of execution of this Agreement. The marketing plan shall be subject to City review and acceptance.
 - d. No work will be authorized without the Owner's completion of the City's Weatherwise application, and the Contractor's completion of the City's proposal form. The Contractor and Owner share the responsibility to determine whether the building meets the City's Eligibility Criteria, and to indicate such on the Weatherwise proposal. The Contractor is responsible for identifying and informing the City and the Owner of all required actions that do not qualify for

payment under the Weatherwise Service. The Contractor shall only propose materials and equipment that are pre-approved by the City. Contractor shall not receive any payment under this Agreement until City approves final inspection and acceptance of the work performed.

4. Eligibility Criteria - In order to qualify, a home must have electric heating equipment that meets one of the City's Eligibility Criteria defined in the City's loan application. Further, Owners of residences must receive electric utility service from the City.
5. Energy Conservation Measure Availability - Homes must meet the City's energy conservation measure availability defined in the City's Weatherwise Loan Service Standard Terms and Conditions. The Contractor agrees to restrict its weatherization materials, products, and installation methods to those currently approved by the City.
6. Commencement - Once a signed Owner's Application and City proposal form are received, the City will schedule loan closing with the Owner. The City reserves the right to reject any proposal to perform work under this Agreement at the sole discretion of the City.
 - a. All changes that result in an increase in the bid price or increased scope of work after Notice to Proceed is issued must be approved in writing by the City and the Owner. Reductions in the scope of work and cost may be made, and the Weatherwise Statement may be revised, upon City installation acceptance without requiring a revision to the Loan Agreement.
 - b. Contractor shall not commence work on an Owner's residence until an authorized City representative has issued the Notice to Proceed based on the Owner's acceptance of the City's Application, Contractor's Proposal and City Loan Agreement. No new work may be issued to the Contractor by the City until all jobs which have been in progress for more than one-hundred and twenty (120) days have passed all required inspections. The Contractor's failure to complete all work and obtain City inspection and acceptance within one-hundred and twenty (120) days from the date of the City's Notice to Proceed enables the City and/or Owner to cancel the Loan Agreement without incurring Contractor cancellation costs.
 - c. The City may cancel the Loan Agreement for just cause, and shall not be responsible for any Owner or Contractor damages.
 - d. Prior to the commencement of work, the Owner may request to cancel the Loan Agreement. Such request to cancel shall be submitted to the City in writing. If the Loan Agreement is canceled by the Owner after the City has given notice to proceed to the Contractor, the Owner is responsible to pay any cancellation costs to the Contractor identified in the proposal.

7. Warranty - Contractor warrants that the work and materials furnished under this Agreement shall comply with accepted industry standards and the requirements established by the City. These requirements are included in this Agreement by reference. The City may revise its requirements at any time based on one or more health or safety concerns. All other City requirements may be revised semi-annually.
- a. If any defect in the Contractor's workmanship or materials is discovered within two (2) years after the completion of any work, the Contractor shall expeditiously remedy, repair, correct, replace or cause to be remedied, repaired, or replaced at the Contractor's expense such defect in materials or workmanship.
 - b. Sealed insulated glass units and heat pumps shall be warranted against failure for a minimum period of five (5) years. Insulation shall be warranted against failure for a minimum of two (2) years. The Contractor shall provide to the City and the Owner a written warranty for the sealed insulated glass units, heat pumps, and insulation.
 - c. The foregoing warranties shall survive any inspection the City may elect to make.
8. Acceptance and Payment - Upon completion of the work, the Contractor will notify the City that the job is complete, and upon inspection approval by the City and acceptance by the Owner, Contractor may then invoice the City for the amount stated in the Notice to Proceed. The Contractor will be paid within thirty (30) days subsequent to City acceptance of the work and after an acceptable detailed invoice has been received by the City. The Contractor shall promptly pay all subcontractors or materials providers employed by the Contractor in connection with installations undertaken pursuant to this Agreement.
- a. All material and workmanship shall be subject to inspection, examination and testing by duly authorized agents of the City at any time during or after installation of materials. Such inspection will verify the home meets the relevant Eligibility Criteria, and that the energy conservation measures are available and meet all City material and installation requirements. The Owner and Contractor must be present at the time of inspection.
 - b. The City shall have the right to reject defective material and workmanship and/or require its correction without cost or expense to the City or the Owner. Contractor shall be given timely notice of the defect and a reasonable opportunity to cure. In the event the Contractor fails or refuses to correct any defect as set forth herein, the City may, at its option, deduct an equitable amount from any payment owing or to be owed to the Contractor, or take such other steps as it deems appropriate.
 - c. The City reserves the right to levy penalty charges for re-inspection due to work or materials failing previous inspection. Charges will be billed to the Contractor on a monthly basis. The City reserves the right to collect re-inspection penalty charges which are outstanding and past due by deducting the amount owing for

re-inspection from subsequent payments owed to the Contractor for completed work.

- d. If the Contractor's work fails to pass on the third inspection, the City may, in consultation with the Owner, determine to correct the work and deduct the cost from the amount due the Contractor.
 - e. The Owner may submit a written complaint within five (5) business days of City inspection acceptance. If an Owner complaint is not received in writing within five business days of City inspection acceptance, the materials and their installation have been accepted by the Owner. If in the opinion of the Energy Services Director a reasonable written complaint is received within this period the City may withhold payment to the Contractor. The Contractor must resolve reasonable Owner written complaints within five business days of receipt. If the Owner and Contractor cannot resolve the complaint within ten business days of City inspection acceptance, the Contractor agrees to relieve the City from all responsibilities including payment under this Agreement.
9. Indemnification/Hold Harmless - The Contractor 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 in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. 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 Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor'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.
10. Waiver of Liens - Contractor understands that the City does not wish construction liens or materialmen's liens to be placed upon the property of participating Owners as a result of any services or materials provided by Contractor pursuant to the City's Weatherwise Service. Therefore, Contractor hereby waives any common law or statutory right it may have to any construction, materialmen, or other lien against such property, and agrees that it will not file, nor by failure to pay any materialmen or subcontractor, cause any other person to file a construction, materialmen, or other lien against the real property owned by participating Owners.
- a. If Contractor does file, or permits to be filed, or by its failure to pay lawful obligations causes to be filed any such lien in contravention of this Agreement, without City approval, the City, without prejudice to any other rights it may have,

may take such action it deems necessary or advisable so as to remove any such lien, and Contractor shall reimburse the City for all expenses, including attorney's fees, incurred by the City in resolving the issue of the lien and obtaining or attempting to release the lien.

- b. Advance City permission to file such liens may be obtained on a case by case basis under certain conditions. A contractor's request to file such liens shall be made in writing to the Energy Services Director. The request shall identify a justifiable reason for the lien.

11. Liability Insurance -

- a. *Duty to Obtain*: The Contractor 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 the Contractor, their agents, representatives, employees or subcontractors.
- b. *No Limitation*: Contractor's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.
- c. *Minimum Scope of Insurance*: Contractor shall obtain insurance of the types described below:
 - i. 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. If necessary, the policy shall be endorsed to provide contractual liability coverage.
 - ii. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, contractors pollution liability, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 11 85 or an equivalent endorsement. There shall be no endorsement or modification of the Commercial General Liability Insurance for liability arising from explosion, collapse or underground property damage. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

- iii. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
 - d. *Minimum Amounts of Insurance*: Contractor shall maintain the following insurance limits:
 - i. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
 - ii. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.
 - e. *Other Insurance Provision*: The Contractor'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 insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.
 - f. *Acceptability of Insurers*: Companies writing the insurance to be obtained under this Agreement shall be licensed to do business under Chapter 48 RCW. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII, and the ratings shall be indicated on the insurance certificates.
 - g. *Verification of Coverage*: Prior to commencement of work, Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor.
 - h. *Subcontractors*: The Contractor shall be solely responsible for determining the insurance coverage and limits required, if any, to be obtained by all subcontractors, which determination shall be made in accordance with reasonable and prudent business practices.
12. Bonding - In accordance with the Revised Code of Washington (RCW) 39.08 and (where applicable) RCW 60.28, Contractor shall provide the City with a payment bond and a performance bond covering all work performed under this Agreement, in an amount of not less than \$20,000. Each bond shall be executed on the forms provided by the City, and must be issued by a company registered to do business in the State of Washington.
13. Certifications and Permits - The Contractor shall give all required notices and comply with all applicable laws, ordinances, rules and regulations, and certification requirements, and shall procure and pay for all necessary municipal or other governmental permits, licenses and inspections.

- a. Heat Pump contractors shall employ a minimum of one Refrigeration Service Engineer's Society (R.S.E.S.) certified employee to maintain its status as a City-Authorized Heat Pump Contractor.
 - b. All Contractors shall request an in-progress inspection from the Energy Services Business Services Division for construction work that may become concealed (e.g., closed-blows and advanced air-sealing).
 - c. Copies of all required permits and certifications, including, but not limited to a City building permit, State electrical permit, Air Pollution Control Authority asbestos abatement permit, and insulation certification shall be attached to the invoice for each completed job.
 - d. In the event the Energy Services Business Services Division inspector does not complete both inspections on behalf of the City, the Contractor will be required to request an inspection from both the City's Building Inspection Division and Business Services Division for all work performed under this Agreement.
14. Subcontractors - The Contractor is solely responsible for identifying and hiring a competent subcontractor to perform subcontracted work. Contractor shall be fully responsible to the City and Owner for acts or omissions of any subcontractor performing any portion of the work under this Agreement, or any person directly or indirectly employed by the Contractor, and nothing contained herein shall create any contractual relationship between subcontractors and the City. Contractor is responsible for ensuring all subcontractors' compliance with the terms of this Agreement, and for immediately addressing issues raised by the City regarding subcontractor performance.
15. Kickbacks - Kickbacks, rebates, price reductions or inducements for participation or non-participation or other non-service benefits from the Contractor to an Owner are strictly prohibited, and such acts may be subject to prosecution or civil action under federal law. Bid rigging or bid collusion may subject the parties to triple damages under federal law in addition to any other penalties prescribed by law.
16. Clean-up - Contractor shall at all times keep Owner's premises and work areas free from accumulation of waste materials or rubbish, and prior to completion of work, remove any rubbish from the premises, including but not limited to tools, scaffolding, equipment, and materials. Upon completion of work, Contractor shall leave the premises in a condition satisfactory to the City and the Owner. In the event the Contractor fails to comply with any of the foregoing in a prompt and workmanlike manner after reasonable notice, the City may, after such notice, perform the clean-up work and removal at the expense of the Contractor. Expenses associated with the City's clean-up and removal of waste and/or materials on the Contractor's behalf shall be deducted from any balance owing to Contractor for completed work before final payment is made.

17. Independent Contractor - Contractor is an independent contractor. This is no partnership, agency, or employment of contractor relationship between Contractor or any of the Contractor's employees and the City. The parties expressly understand and agree that the equipment used, and the personnel employed by Contractor in performing the work contemplated by this Agreement shall at all times be under the sole and exclusive control of the Contractor. The Contractor shall not create any obligation or assume any responsibility for the City, nor shall the Contractor attempt to bind the City in any way whatsoever; nor shall Contractor represent in any manner that he or she is an agent of the City or associated or affiliated with the City in any capacity other than as an independent contractor. The parties' express intent is that no vicarious liability be created by the contractual relationship between Contractor and the City.
18. Assignment - Contractor shall not assign or transfer any right, title or interest under the terms of this Agreement without the prior written approval of the City.
19. Survival - The provisions covering Warranty, Waiver of Liens and Indemnification shall survive termination, cancellation, or expiration of this Agreement.
20. City-Authorized Contractor List - The City Authorized Contractor List will be posted on the City's website at www.ci.richland.wa.us/EnergyServices as an alphabetized list of authorized contractors.
21. Violations – The following procedure shall be followed for all perceived violations of this Agreement:
 - a. If the City has reason to believe that Contractor is in violation of this Agreement, the Energy Services Director shall promptly notify Contractor in writing of the violation. The written notice shall set forth the nature of the alleged violation and identify the desired remedy.
 - b. Contractor shall respond in writing within thirty (30) days of receipt of such notice. Contractor's response shall either be: 1) an indication and explanation that the violation has been cured, along with any supporting documentation to evidence the cure; or 2) a written cure plan that satisfies the Energy Services Director; or 3) an explanation that refutes the alleged violation with documentation to support Contractor's position that the alleged violation did not occur.
 - c. If, after review, the Energy Services Director agrees that no violation occurred, no further action is necessary. However, if, after review, the Energy Services Director determines in his reasonable judgment that the violation has not been cured within the time allowed, and no satisfactory cure plan has been presented and approved, Contractor may be removed from the City-Authorized Contractor list, and City may take any action authorized by law or equity to enforce the terms of this Agreement.

- d. If the nature of the violation is such that it cannot be fully cured within thirty (30) days due to circumstances beyond Contractor's control, the period of time in which Contractor must cure the violation may be extended in writing by the Energy Services Director for such additional time as is reasonably necessary to complete the cure, provided that: 1) Contractor shall have promptly commenced the cure; and 2) in the Energy Services Director's reasonable judgment, Contractor is diligently pursuing its efforts to cure the violation. If, in the Energy Services Director's reasonable judgment, the violation has not been cured within the extended time allowed, Contractor may be removed from the City-Authorized Contractor list, and City may take any action authorized by law or equity to enforce the terms of this Agreement.
 - e. In the event a Contractor's name is removed from the City-Authorized Contractor list, Contractor may request to be reinstated on the list by curing violation(s) of this Agreement or providing a cure plan that satisfies the Energy Services Director.
 - f. The Energy Services Director may authorize a Contractor who has been voluntarily or involuntarily removed from the City-Authorized Contractor list to complete work under the Weatherwise Service. Such authorization would permit the Contractor to serve owners, but the Contractor would not enjoy the benefits of being listed as a City-Authorized Contractor.
22. Amendments - All amendments to this Agreement, except as identified herein, shall be in writing and signed by both parties. The Weatherwise Material & Installation Specifications, the Eligibility Criteria definitions, and the definitions of Energy Conservation Measure Availability are incorporated by reference into this Agreement, and may be periodically amended by the City in its sole discretion. When written changes to referenced documents are issued by an authorized City representative, the amendments shall automatically become effective and incorporated into this Agreement.
23. Asbestos Notice to Contractors - Notice is hereby given that there is a strong possibility that many heating, ventilation, and air conditioning systems and pre-fabricated, pre-cut, government-built and other buildings located within the City of Richland contain asbestos. Contractors are solely responsible for taking proper precautions to protect their employees, the benefiting property Owners, and their tenants from the release of asbestos fibers into the environment. Contractor shall immediately notify the City if any area of a structure has had any asbestos removed by other than an EPA-approved procedure documented in writing by an EPA-certified contractor. Any structure that is known or suspected to have had asbestos removed shall be considered as contaminated until decontamination has been performed and certified, and all written documentation has been accepted by the City. Decontamination and all other types of asbestos abatement are costs borne by the Owner. The Contractor is responsible for determining and documenting on the City's proposal form whether the scope of work will affect or disturb asbestos.

24. Covenant Not to Compete/Conflict of Interest - For a period of two (2) years following the completion of City service by a City employee, the City shall not transact business or interface with any former City employee who has been directly concerned or who personally participated in the activities which form the subject of this Agreement while they were employed by the City of Richland. The City shall have the right to request replacement of the former City employee by another company employee who does not have this conflict of interest. The City retains the right to terminate this Agreement should the Contractor not comply with the request.
25. Americans with Disabilities Act - The City of Richland adheres to and promotes the requirements of the federally-legislated Americans with Disabilities Act of 1990. By signing this Agreement, the Contractor certifies and agrees that they will adhere to and promote the requirements of the Americans with Disabilities Act. The Contractor will assure that a similar statement to this certification will become a part of all agreements with any subcontractor with whom they contract.
26. Notices - All notices required to be given to Contractor or City under this Agreement shall be in writing and shall be deemed served when delivered by hand or by Federal Express or similar service during normal business hours; or when mailed via certified mail, return receipt requested. They parties may, upon mutual agreement, determine to accept notice via email.

Notices shall be given to the following:

For the City of Richland

For the Contractor:

Energy Services Director

Owner's Name: Andrew Roberts

City of Richland

Company Name: Solstice Heating & Air

625 Swift Blvd., MS-23

Mailing Address: 202 E. 16th Avenue

Richland, WA 99352

City, State Zip Kennewick, WA 99337

(509) 942-7403

Business Phone: 509.460.2060

Business Fax: _____

Contact Email: Andy@CallSolstice.com

27. Severability - If any provision of this Agreement is found by a court of competent jurisdiction to be invalid or unenforceable as written, the remainder of the Agreement or the applications of the remainder of the Agreement shall not be affected.
28. Governing Law/Forum Selection - Unless otherwise controlled by federal law, the interpretation and enforcement of this Agreement shall be governed by the laws of the State of Washington. The parties agree that Benton County is the appropriate

venue for filing of any civil action arising out of this Agreement. Contractor expressly agrees to submit to personal jurisdiction in Benton County Superior Court.

29. Legal Action - The parties agree that should legal action be necessary to enforce any of the provisions of this Agreement, that the prevailing party will be awarded its reasonable attorney's fees and costs in action.

IN WITNESS WHEREOF, the Contractor has obtained all certificates, bonds, licenses, certifications and insurance in compliance with this Agreement, and the parties have entered into the City-Authorized Contractor Agreement as of the day and year written below.

CITY OF RICHLAND, WASHINGTON

SOLSTICE HEATING & AIR

Jon Amundson
City Manager

Date

Authorized Representative

Date

Printed Name

ATTEST:

Jennifer Rogers
City Clerk

APPROVED AS TO FORM:

Heather Kintzley
City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2022-93, Authorizing an Award of Bid to Total Site Services, LLC for the Uptown ADA Parking Lot Improvement Project

Department:

Parks & Public Facilities

Ordinance/Resolution Number:

2022-93

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 2022-93, authorizing an award of bid to Industrial Construction of Washington, LLC for completion of the Uptown ADA Parking Lot Improvement Project.

Summary:

The City owns parking lots and sidewalks that serve the privately-owned Uptown Shopping Center. In an effort to modernize the facility, the City contracted with a qualified Americans with Disabilities Act (ADA) expert for design services to bring the existing facility into compliance with current ADA standards. The City solicited bids to construct the design in accordance with the City's purchasing policies and four (4) bids were received and opened on June 23, 2022. Total Site Services, LLC submitted the lowest responsible bid of \$512,857.47.

Staff recommends adoption of Resolution No. 2022-93.

Fiscal Impact:

This project was budgeted January 18, 2022 via Ordinance No. 2022-09 in the amount of \$550,000. There is sufficient budget to complete the work.

Attachments:

1. Resolution No. 2022-93
2. Bid Tabulation

RESOLUTION NO. 2022-93

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING AN AWARD OF BID TO TOTAL SITE SERVICES,
LLC FOR THE UPTOWN ADA PARKING LOT IMPROVEMENTS
PROJECT.**

WHEREAS, in 1949, the United States government constructed the Uptown Shopping Center;
and

WHEREAS, in 1960, the United States government divided the property and sold the Uptown Shopping Center to private business owners who each took a fractional ownership in the adjoining parking lot; and

WHEREAS, in 1993, the City purchased the fractional ownership interests in the parking lot and sidewalks from the individual Uptown Shopping Center property owners and became the sole owner of the Uptown parking lot; and

WHEREAS, in 1994, the City executed an improvement project that included constructing a new parking lot at the Uptown Shopping Center; and

WHEREAS, the City-owned parking lot and sidewalks serving the Uptown Shopping Center are in need of several improvements consistent with the 1990 Americans with Disabilities Act (ADA) standards; and

WHEREAS, the City contracted with a qualified ADA expert for design services to bring the existing Uptown Shopping Center parking lot and sidewalks into compliance with current ADA standards (“the Project”); and

WHEREAS, all project development and design work required to advance the Project to construction is complete; and

WHEREAS, on January 18, 2022, through adoption of Ordinance No. 2022-09, Richland City Council amended the 2022 Budget to allocate \$550,000 for the Project; and

WHEREAS, bids were solicited in accordance with the City’s purchasing policies, with four (4) bids received and opened on June 23, 2022; and

WHEREAS, Total Site Services, LLC submitted the lowest responsible bid of \$512,857.47;
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 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 Total Site Services, LLC in the amount of \$512,857.47 for the Uptown ADA Parking Lot Improvement Project, as identified herein.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



City of Richland

DATE BIDS OPENED: 6/23/22	ITB # 22-0048
UPTOWN ADA PARKING LOT IMPROVEMENTS	

ENGINEER'S ESTIMATE	TOTAL SITE SERVICES, LLC RICHLAND, WA	ELLISON EARTHWORKS, LLC RICHLAND, WA
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Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID									
A-1	Complete Demolition and Construction of Uptown ADA Parking Lot Improvements, per Contract documents, Drawings and Specifications	1	LS	433,568.14	433,568.14	471,810.00	471,810.00	508,262.10	508,262.10
BASE BID SUBTOTAL					\$433,568.14	\$471,810.00		\$508,262.10	
8.7% SALES TAX					37,720.43	41,047.47		44,218.80	
BASE BID TOTAL					\$471,288.57	\$512,857.47		\$552,480.90	
GRAND TOTAL					\$471,288.57	\$512,857.47		\$552,480.90	

433,568.14



City of Richland

DATE BIDS OPENED: 6/23/22	ITB # 22-0048
UPTOWN ADA PARKING LOT IMPROVEMENTS	

ESF DEVELOPMENT, LLC (DBA ESF SOLUTIONS)	ALLSTAR CONSTRUCTION GROUP, INC.	
WALLA WALLA, WA	RICHLAND, WA	

Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID									
A-1	Complete Demolition and Construction of Uptown ADA Parking Lot Improvements, per Contract documents, Drawings and Specifications	1	LS	523,000.00	523,000.00	788,087.15	788,087.15		-
BASE BID SUBTOTAL					\$523,000.00	\$788,087.15		\$0.00	
8.7% SALES TAX					45,501.00	68,563.58		-	
BASE BID TOTAL					\$568,501.00	\$856,650.73		\$0.00	
GRAND TOTAL					\$568,501.00	\$856,650.73		\$0.00	



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Resolutions - Adoption

Core Focus Area 4 - Manage our Natural Resources

Subject:

Resolution No. 2022-94, Declaring 1,348 square feet of Claybell Park Surplus to the City's Needs

Department:

Parks & Public Facilities

Ordinance/Resolution Number:

2022-94

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 2022-94 declaring 1,341 square feet of Claybell Park encumbered by a pre-ownership encroachment originating from 341 Gleneagles Court surplus to the City's needs.

Summary:

The City acquired property in 1980 to expand Claybell Park in the Meadow Springs neighborhood. A fence encroachment of 1,348 square feet associated with a house constructed in 1976 at 341 Gleneagles Court presumably predates the City's acquisition.

Resolution No. 2022-94 will declare the encroachment area surplus to the City's needs. The action is recommended by the Parks & Recreation Commission, Planning Commission and Economic Development Committee, provided that the future land sale proceeds benefit the Amon Basin Preserve. In addition, the Tapteal Greenway Association engaged on this item, and while not enthusiastic, the Association supports the declaration of surplus and future sale provided the proceeds benefit the Amon Basin Preserve.

Tonight's action will declare the property surplus to the City's needs and eligible for disposition through sale. A future action is needed to sell the property to the owner of 341 Gleneagles Court, who is the only party able to benefit from the lawful non-buildable lot created through this process.

Staff recommends adoption of Resolution No. 2022-94.

Fiscal Impact:

Declaring the property surplus has no fiscal impact on the City's budget. A future positive fiscal impact will be realized when the property is sold, with land proceeds benefitting the Amon Basin Preserve.

Attachments:

1. Resolution No. 2022-94
2. 341 Gleneagles Court Request and Exhibit

RESOLUTION NO. 2022-94

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
DECLARING 1,348 SQUARE FEET OF CLAYBELL PARK
SURPLUS TO THE CITY'S NEEDS.**

WHEREAS, on September 1, 1976, the City issued a building permit to construct a single-family home at 341 Gleneagles Court; and

WHEREAS, on April 8, 1980, the City acquired Tract C of Willowbrook No. 1 in as-is condition representing an expansion to the existing Claybell Park; and

WHEREAS, in 2021, the City was made aware of an encroachment onto the former Tract C of Willowbrook No. 1 (Claybell Park) originating from 341 Gleneagles Court; and

WHEREAS, the encroachment represents 1,348 square feet consisting of an extension of a fence originating from 341 Gleneagles Court, presumably pre-existing the City's acquisition of Tract C of Willowbrook No. 1; and

WHEREAS, at its January 27, 2022 meeting, the Richland Parks & Recreation Commission favorably recommended that Richland City Council declare as surplus the 1,348 square feet of encroachment area; and

WHEREAS, at its April 27, 2022 meeting, the Richland Planning Commission favorably recommended that Richland City Council declare as surplus the 1,348 square feet of encroachment area; and

WHEREAS, at its May 23, 2022 meeting, the Richland Economic Development Committee (EDC) favorably recommended that Richland City Council declare as surplus the 1,348 square feet of encroachment area; and

WHEREAS, pursuant to Chapter 3.06 of the Richland Municipal Code (RMC), the City of Richland has full authority to negotiate the sale of surplus property in the best interests of the City; and

WHEREAS, the surplus of 1,348 square feet adjacent to Gleneagles Court will not result in a legal buildable lot and the area will only have value to the adjacent owner at 341 Gleneagles Court.

NOW, THEREFORE, BE IT RESOLVED that 1,348 square feet of Claybell Park encumbered by a pre-ownership encroachment originating from 341 Gleneagles Court is no longer needed for municipal purposes and is therefore surplus to the City's needs.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

July 30, 2021

Joe Schiessl
City of Richland
Parks and Public Facilities
625 Swift Blvd
Richland, WA 99352

RE: 341 Gleneagles Court - Encroaching Land Purchase Request

Dear Mr. Schiessl:

My name is John Corbin and I own a residence 341 Gleneagles Court in Richland, where my family has lived since 1978. The Benton County Parcel Number is 13698302000200 and the legal description of the property is known as Lot 8, Block 2, Meadow Springs Second Nine Phase, according to the plat thereof recorded in volume 9 of plats, page 6, records of Benton County, Washington.

The backyard of my property presently encroaches upon City property, more specifically known as Benton County Parcel Number 136983050009001, part of Claybell Park and is graphically depicted below from the Benton County Assessor's webpage. You can see the encroachment area clearly from here and this portion of City property is undeveloped.

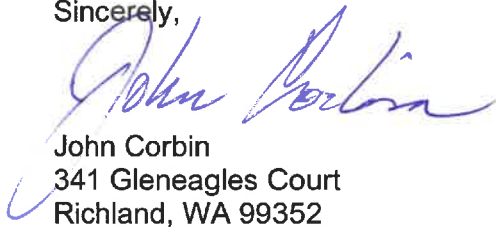


I engaged the design services of Knutzen Engineering to make a small addition to my house and backyard. I've since learned that I can't continue to move forward with my project, due to the required setbacks, which I mistakenly thought were fine due to measuring the distance from my wall which I thought was my property line as opposed to my actual legal property line. We then engaged John Becker, PLS (AHBL) to perform a Record of Survey that graphically depicts the extent of the present encroachment (attached).

To allow me to continue my project of improving my backyard, **I hereby request that the City consider selling me this encroached upon portion of property**, which would give me adequate legal setbacks to keep moving my home improvement project forward. I understand this is a process, that the land would need to be declared surplus and public hearing(s), but I am happy to wait to for the due process of this effort to come to fruition.

Thank you in advance for your assistance in resolving this issue. If you need an exact legal description prepared for the portion I am requesting to purchase I can have my surveyor provide that. My engineer tells me that it's approximately 1,348 sf in total.

Sincerely,



John Corbin
341 Gleneagles Court
Richland, WA 99352

Attachment: AHBL Survey

RECORD OF SURVEY
A PORTION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M.,
BENTON COUNTY, WASHINGTON.

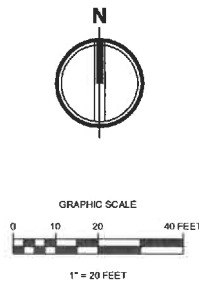
SHEET 1 OF 1

LEGAL DESCRIPTION

PER DEED OF TRUST AFN 2002-036801
MEADOW SPRINGS SECOND NINE PHASE ONE, BLOCK #2, LOT #8
LOT 8, BLOCK 2, MEADOW SPRINGS SECOND NINE PHASE ONE, ACCORDING
TO THE PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGE 6,
RECORDS OF BENTON COUNTY, WASHINGTON

BASIS OF BEARING

HELD A BEARING OF SOUTH 00° 35' 46" WEST FOR THE CENTER LINE OF
GLENEAGLES COURT PER THE PLAT OF MEADOW SPRINGS SECOND NINE
PHASE ONE AS RECORDED IN VOLUME 9, PAGE 6 RECORDS OF BENTON
COUNTY, WASHINGTON.



LEGEND

- FOUND MONUMENT AS NOTED
- ⊞ WATER METER
- FOUND PROPERTY CORNER
- DECIDUOUS TREE AS NOTED
- X---X--- FENCE

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS ____ DAY OF _____
20__ AT ____ MINUTES PAST ____ M. RECORDS OF
THE ____ COUNTY AUDITOR, ____ WASHINGTON.
RECORDING NUMBER _____

COUNTY AUDITOR _____

FEE _____

BY _____

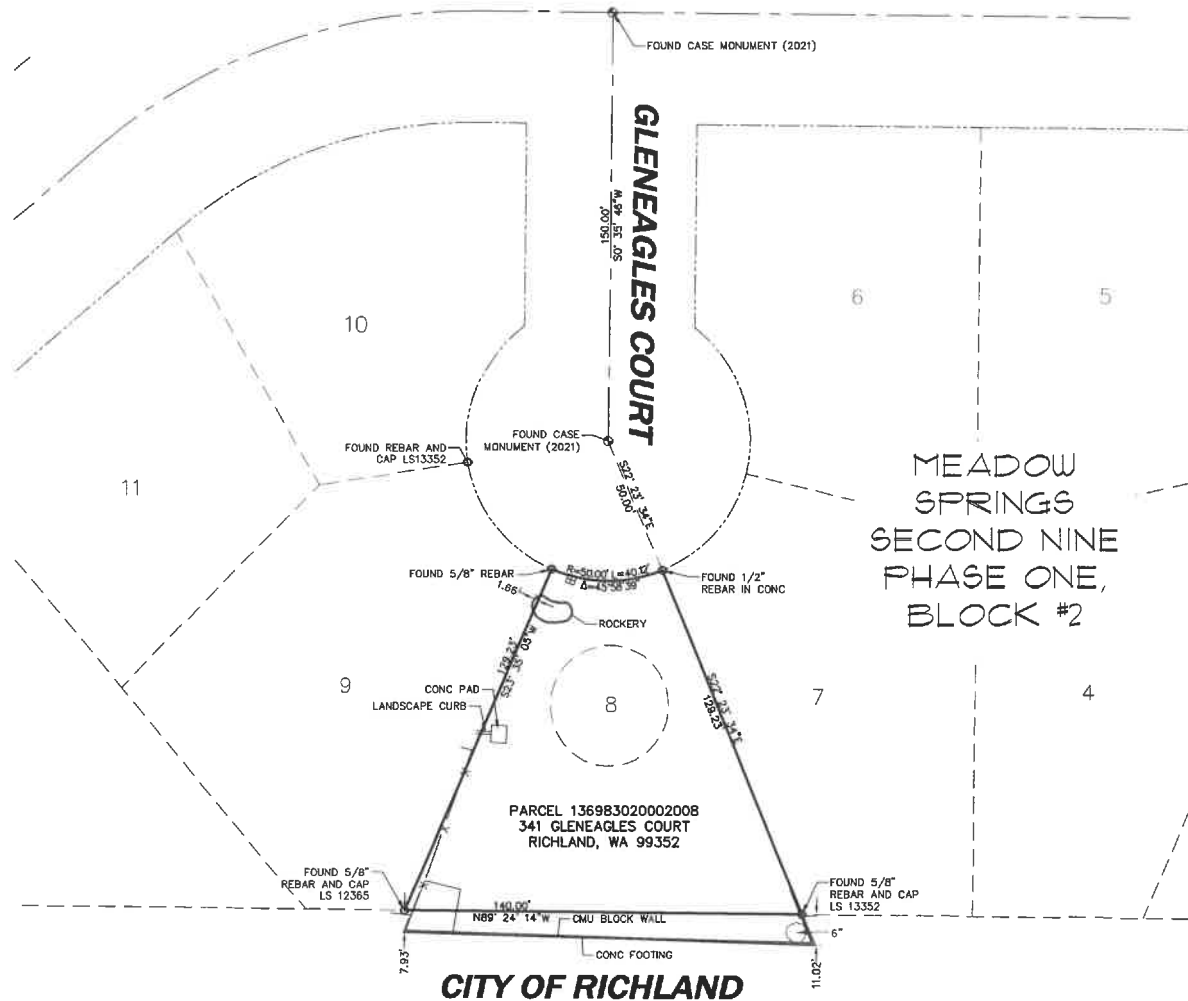
SURVEY FOR

C JOHN CORBIN
341 GLENEAGLES COURT
RICHLAND, WA, 99352

EQUIPMENT USED

3" TOTAL STATION USING STANDARD FIELD
TRAVERSE METHODS FOR CONTROL AND STAKING.

BROADMOOR STREET



CITY OF RICHLAND

SURVEYOR'S CERTIFICATE

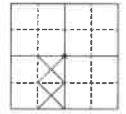
I, JOHN W. BECKER, A PROFESSIONAL LAND SURVEYOR IN THE
STATE OF WASHINGTON, HEREBY CERTIFY THAT THIS MAP
CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY
DIRECT SUPERVISION IN JUNE, 2021, IN COMPLIANCE WITH THE
REQUIREMENTS OF THE SURVEY RECORDING ACT, CHAPTER 58.09
R.C.W. AND 332-130 W.A.C., AT THE REQUEST OF C JOHN CORBIN.

JOHN W. BECKER, PLS 38480

DATE _____



SECTION INDEX
S 36, T 09 N, R 28 E, WM
BENTON COUNTY, WA



DWN. BY	DATE
SW	06/25/21
CHKD. BY	JOB NO.
JB	2210436





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Resolutions - Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 2022-95, Ratifying Execution of an Interagency Agreement with the Washington State Department of Ecology on behalf of Hanford Communities

Department:
City Manager

Ordinance/Resolution Number:
2022-95

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2022-95, ratifying the City Manager's execution of an Interagency Agreement with the Washington State Department of Ecology on behalf of Hanford Communities.

Summary:

Since 2005, the counties of Benton and Franklin and the cities of Richland, Kennewick, Pasco and West Richland (the "Participating Jurisdictions") have joined together under the Interlocal Cooperation Act, Chapter 39.34 RCW, to form an administrative agency known as Hanford Communities. A succession of interlocal agreements were executed in 2005, 2009, 2014, 2016 and 2022. The current interlocal agreement executed by the Participating Jurisdictions is valid from January 1, 2022 to December 31, 2026. The purpose of Hanford Communities is to review, evaluate and monitor conditions at the Hanford Nuclear Reservation, and the policies, programs and operations of the U.S. Department of Energy (DOE) and others in regard to Hanford.

On April 16, 2020, the Participating Jurisdictions executed a First Amendment to the Hanford Communities Interlocal Agreement to allow TRIDEC to serve as the Operating Jurisdiction of Hanford Communities. To facilitate this transition, the City of Richland, on behalf of Hanford Communities, renewed the contract with the Washington State Department of Ecology to help Ecology meet its goal to support and engage the entities that comprise the Hanford Communities. Because the City of Richland, as former Operating Jurisdiction for Hanford Communities, has a long-standing contractual relationship with the Department of Ecology on behalf of Hanford Communities, Richland is willing to continue to contract with the Department of Ecology on behalf of Hanford Communities for this important funding. This approach will ensure that all Participating Jurisdictions continue to receive the benefit of the funding made available by the Department of Ecology.

The most recent interagency agreement with the Department of Ecology for funding in support of Hanford Communities expired June 30, 2022. The City of Richland executed a replacement agreement on June 24, 2022, prior to the June 30, 2022 deadline, to prevent a gap in funding. Ratification of the interagency agreement is now required.

Staff recommends adoption of Resolution No. 2022-95.

Fiscal Impact:

None. The City of Richland serves as a pass-thru for the benefit of Hanford Communities. This agreement does not impact the City of Richland's budget.

Attachments:

1. Resolution No. 2022-95
2. City of Richland (Hanford Communities) IAA

RESOLUTION NO. 2022-95

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, RATIFYING EXECUTION OF AN INTERAGENCY AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF ECOLOGY ON BEHALF OF HANFORD COMMUNITIES.

WHEREAS, Since 2005, the counties of Benton and Franklin and the cities of Richland, Kennewick, Pasco and West Richland (the “Participating Jurisdictions”) have joined together under the Interlocal Cooperation Act, Chapter 39.34 RCW, to form an administrative agency known as Hanford Communities; and

WHEREAS, the purpose of Hanford Communities is to review, evaluate and monitor conditions at the Hanford Nuclear Reservation, and the policies, programs and operations of the U.S. Department of Energy (DOE) and others in regard to Hanford; and

WHEREAS, the current interlocal agreement executed by the Participating Jurisdictions is valid to and through December 31, 2026; and

WHEREAS, on April 16, 2020, the Participating Jurisdictions executed a First Amendment to the Hanford Communities Interlocal Agreement to allow TRIDEC to serve as the Operating Jurisdiction of Hanford Communities; and

WHEREAS, to facilitate this transition in 2020, the City of Richland, on behalf of Hanford Communities, renewed the contract with the Washington State Department of Ecology to help Ecology meet its goal to support and engage the entities that comprise the Hanford Communities; and

WHEREAS, the City of Richland, as former Operating Jurisdiction for Hanford Communities, has a long-standing contractual relationship with the Department of Ecology on behalf of Hanford Communities; and

WHEREAS, the City of Richland is willing to continue to contract with the Department of Ecology on behalf of Hanford Communities to ensure that all Participating Jurisdictions continue to receive the benefit of the funding made available by the Department of Ecology; and

WHEREAS, the current interagency agreement with the Department of Ecology for funding in support of Hanford Communities expired on June 30, 2022; and

WHEREAS, to ensure that Hanford Communities continues to receive the benefit of funding made available by the Department of Ecology, a new funding agreement covering July 1, 2022 to June 30, 2023 was executed on June 24, 2022 and requires ratification.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager’s execution of an interagency agreement with the Washington State Department of Ecology for funding in support of Hanford Communities is hereby ratified.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of July, 2022.

Michael Alvarez, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



DEPARTMENT OF
ECOLOGY
State of Washington

IAA No. C2300001

INTERAGENCY AGREEMENT (IAA)

BETWEEN

THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

AND

CITY OF RICHLAND (HANFORD COMMUNITIES)

THIS INTERAGENCY AGREEMENT (“Agreement” or “IAA”) is made and entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and the City of Richland, on behalf of and hereinafter referred to as the “HANFORD COMMUNITIES,” and “CONTRACTOR,” pursuant to the authority granted by Chapter 39.34 RCW.

WHEREAS, the purpose of this Agreement is for HANFORD COMMUNITIES to continue work started under ECOLOGY Contract No. C9900100, to help ECOLOGY meet its goal to support and engage the entities that comprise the Hanford Communities. The Hanford clean-up effort began 30 years ago, and is expected to continue for at least another 50 years. During this long project, public support and involvement remains critical, both to ensure that the clean-up remains responsive to public needs and expectations, and to ensure continued political support for the significant federal funding required to do the work. The local communities – citizens, governments, and businesses – are most directly affected and potentially most influential on both public clean-up oversight and advocacy for adequate funding; and

WHEREAS, ECOLOGY has legal authority authority (RCW 70A.300 Hazardous Waste Management Act), and the City of Richland has legal authority under RCW 35.21.010 and pursuant to the Hanford Communities Interlocal Agreement (Richland Contract No. 22-94) that allows each party to undertake the actions in this Agreement.

THEREFORE, IT IS MUTUALLY AGREED THAT:

1. SCOPE OF WORK

HANFORD COMMUNITIES shall furnish the necessary personnel, equipment, material and/or service(s) and otherwise do all things necessary for or incidental to the performance of the work set forth in **Appendix A**, *Statement of Work and Budget*, attached hereto and incorporated herein.

State of Washington, Department of Ecology
 IAA No. 2300001
 City of Richland, Hanford Communities

2. PERIOD OF PERFORMANCE

The period of performance of this IAA will commence on July 1, 2022, and be completed by June 30, 2023, unless the Agreement is terminated sooner as provided herein. Amendments extending the period of performance, if any, shall be at the sole discretion of ECOLOGY.

3. COMPENSATION

Compensation for the work provided in accordance with this IAA has been established under the terms of RCW 39.34.130 and RCW 39.26.180(3). This is a performance-based agreement, under which payment is based on the successful completion of expected deliverables.

The source of funds for this IAA is Mixed Waste Fee. Both parties agree to comply with all applicable rules and regulations associated with these funds.

The parties have determined that the cost of accomplishing the work identified herein will not exceed one hundred thousand dollars (\$100,000.00), including any indirect charges. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree via an amendment to a higher amount. Compensation for services shall be based on the terms and tasks set forth in **Appendix A, Statement of Work and Budget**. ECOLOGY will not make payment until it has reviewed and accepted the work.

ECOLOGY may, at its sole discretion, terminate or suspend this Contract, or withhold payments claimed by the CONTRACTOR for services rendered, if the CONTRACTOR fails to satisfactorily comply with any term or condition of this Agreement.

4. BILLING AND PAYMENT PROCEDURE

Payment requests shall be submitted on state form, Invoice Voucher A19-1A. Invoice voucher shall reference the Agreement (IAA) number and clearly identify those items that relate to performance under this Agreement. Invoices shall describe and document to ECOLOGY's satisfaction a description of the work performed, the progress of the work, and related costs. Attach supporting documentation to the invoice.

Send invoices to:

State of Washington Department of Ecology Nuclear Waste Program Attn: Ryan Miller 3100 Port of Benton Blvd. Richland, WA 99354

Payment requests may be submitted on a quarterly basis. Upon expiration of this Agreement, any claim for payment not already made shall be submitted to ECOLOGY within thirty (30) days after the expiration date or the end of the fiscal year, whichever is earlier.

Payment will be made within thirty (30) days of submission of a properly completed invoice (form A19-1A) with supporting documentation. All expenses invoiced shall be supported with copies of invoices paid.

Payment will be issued through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment, CONTRACTOR must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website: <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. For questions about the vendor registration process, contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.

State of Washington, Department of Ecology
IAA No. 2300001
City of Richland, Hanford Communities

5. ALTERATIONS AND 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 personnel authorized to bind each of the parties.

6. ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

7. ASSURANCES

Parties to this Agreement agree that all activity pursuant to this Agreement will be in accordance with all current, applicable federal, state, and local laws, rules, and regulations.

8. CONFORMANCE

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. DISPUTES

Parties to this Agreement shall employ every effort to resolve a dispute themselves without resorting to litigation. In the event that a dispute arises under this Agreement that cannot be resolved among the parties, it shall be determined by a Dispute Board in the following manner. Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, agreement terms, and applicable statutes and rules, and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto, unless restricted by law. The cost of resolution will be borne by each party paying its own cost. The parties may mutually agree to a different dispute resolution process.

10. FUNDING AVAILABILITY

ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, for convenience or to renegotiate the Agreement subject to new funding limitations and conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the CONTRACTOR through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and CONTRACTOR. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments.

11. GOVERNING LAW AND VENUE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws. This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be the Superior Court for Thurston County.

State of Washington, Department of Ecology
IAA No. 2300001
City of Richland, Hanford Communities

12. INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

13. ORDER OF PRECEDENCE

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable federal and state of Washington statutes, regulations, and rules.
- b. Mutually agreed upon written amendments to this Agreement.
- c. This Agreement, number C2300001.
- d. Appendix A, *Statement of Work and Budget*.
- e. Any other provisions or term of this Agreement, including materials incorporated by reference or otherwise incorporated.

14. RECORDS MAINTENANCE

The parties to this Agreement shall each maintain books, records, documents, and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These materials shall be subject to inspection, review, or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other materials relevant to this Agreement must be retained for six years after expiration of this Agreement. The Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period. Each party will utilize reasonable security procedures and protections for all materials related to this Agreement. All materials are subject to state public disclosure laws.

15. RESPONSIBILITIES OF THE PARTIES

Each party of this Agreement hereby assumes responsibility for claims and/or damages to persons and/or property resulting from any act or omissions on the part of itself, its employees, its officers, and its agents. Neither party will be considered the agent of the other party to this Agreement.

16. RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "work made for hire" as defined by the United States Copyright Act, Title 17 U.S.C. section 101 and shall be owned by state of Washington, ECOLOGY. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, and register these items, and the ability to transfer these rights.

17. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

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18. SUBCONTRACTORS

CONTRACTOR agrees to take complete responsibility for all actions of any Subcontractor used under this Agreement for performance. When federal funding is involved, additional contractor and subcontractor requirements and reporting will apply. Prior to performance, all subcontractors who will be performing services under this Agreement must be identified, including their name, the nature of services to be performed, address, telephone, WA State Department of Revenue Registration Tax number (UBI), federal tax identification number (TIN), and anticipated dollar value of each subcontract. Provide such information to ECOLOGY's Agreement manager.

19. SUSPENSION FOR CONVENIENCE

ECOLOGY may suspend this Agreement or any portion thereof for a temporary period by providing written notice to the CONTRACTOR a minimum of seven (7) calendar days before the suspension date. CONTRACTOR shall resume performance on the first business day following the suspension period unless another day is specified in writing by ECOLOGY prior to the expiration of the suspension period.

20. TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within fifteen (15) business days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

21. TERMINATION FOR CONVENIENCE

Either party may terminate this Agreement without cause upon thirty (30) calendar days' prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

22. WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a written amendment to this Agreement signed by an authorized representative of the parties.

23. AGREEMENT MANAGEMENT

The representative for each of the parties shall be responsible for and shall be the contact person for all communications, notifications, and billings questions regarding the performance of this Agreement. The parties agree that if there is a change in representatives, they will promptly notify the other party in writing of such change, such changes do not need an amendment.

The ECOLOGY Representative is:	The HANFORD COMMUNITIES Representative is:
Name: Ryan Miller Address: 3100 Port of Benton Blvd. Richland, WA 99354 Phone: (509) 537-2228 Email: rymi461@ecy.wa.gov	Name: Jon Amundson Address: 625 Swift Boulevard, MS-04 Richland, WA 99352 Phone: (509) 942-73817380 Email: jamundson@ci.richland.wa.us

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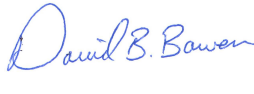
24. ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement. 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.

IN WITNESS WHEREOF, the parties below, having read this Agreement in its entirety, including all attachments, do agree in each and every particular as indicated by their signatures below.

**State of Washington
Department of Ecology**

By: 

Digitally signed by
Dahmen, Lois (ECY)
Date: 2022.06.27
14:32:27 -07'00'

Signature

Date

Print Name: David Bowen

Title: Nuclear Waste Program Manager

City of Richland, Hanford Communities

By:



Signature

June 24, 2022

Date

Print Name: Jon Amundson

Title: Richland City Manager

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APPENDIX A STATEMENT OF WORK AND BUDGET

Introduction

ECOLOGY and HANFORD COMMUNITIES initiated work under Contract C9900100 in 1999. Contracts have been continued every year. HANFORD COMMUNITIES has a unique role and a credible voice to generate local awareness and involvement in Hanford clean-up efforts. This Agreement ensures that it has sufficient funding to continue with its work to inform and generate local public involvement in the Hanford clean-up.

- 1) A Quarterly status report is required to document status and completion of planned work.
- 2) Quarterly meetings will be conducted between Ecology's Nuclear Waste Program communications manager and the Hanford Communities Executive Director to discuss emerging contract issues, and to document any workload adjustments through the contract term.

Task 1

Continue to expand new "hanfordcommunities.org" website. Work to maintain a more dynamic presence, reflecting new developments and changing circumstances relating to Hanford. Promote the website on social media.

- **Quarterly:** Provide website analytics to show changes – growth and areas for improvement. These analytics are part of the quarterly status report.

Task 2

Continue to enhance the Hanford Communities presence on social media platforms and continue to build audiences on each platform.

- **Quarterly:** Provide analytics to track engagement. These analytics are part of the quarterly status report.

Task 3

Distribute Hanford Communities newsletters digitally. Consider shorter, more frequent distributions.

- **Quarterly:** Report number of digital distributions; number of recipients per digital distribution.

Task 4

Work to incorporate or maintain the following principles in ongoing communications:

- Maintain website with updated and relevant information.
- Share information about public meetings, comment periods, and other public engagement opportunities on website, social media platforms, and with newsletter recipients.
- Publication of (at least) three newsletters annually.
- Create content that is relatively brief, easily digestible and shareable.
- As the need arises, coordinate and/or support 'town hall' events that engage and inform the community.
- Seek opportunities for interviews on local radio stations and potentially establish reoccurring updates or appearances.

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- Seek opportunities to build relationships with established and credible online news sources (web series, podcasts, etc.) and coordinate interviews and appearances when possible.
 - Seek out opportunities to maintain and support a Hanford speaker's bureau.
- **Quarterly:** Report on activities – number of public meetings, newsletters, relationship-building and other achievements covered in this list.

Budget
July 1, 2022 – June 30, 2023

Total Staffing Costs	\$75,000
Support Services Contract	\$25,000
Total Contract	\$100,000



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Items - Approval

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Appointment to the Richland Public Facilities District Board of Directors: Miriam Kerzner

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Reappoint Miriam Kerzner to Position No. 1 on the Richland Public Facilities District Board of Directors.

Summary:

The following vacancies are forthcoming on the Board of the Richland Public Facilities District:

- Position No. 1, currently held by Miriam Kerzner, expires July 15, 2022.
- Position No. 2, currently held by Daniel Boyd, expires July 15, 2022.
- Position No. 3, currently held by Shirley Long, expires July 15, 2025.

Applicants applying for Position Nos. 1, 2 and 3 are required by state law to submit a letter of recommendation from a local organization. One (1) application from Miriam Kerzner was received as a result of advertising for the three (3) vacancies. Ms. Kerzner seeks reappointment to Position No. 1.

Daniel Boyd has served the maximum number of terms allowed, but will continue to hold over in Position No. 2 until a successor is appointed.

Shirley Long is holding over in Position No. 3 until a successor is appointed. Ms. Long's original term expired in May 2021, and recruitment efforts to fill this position have been continuous since that time.

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

Fiscal Impact: None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/5/2022

Agenda Category: Items of Business

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

2023 Budget Process Presentation

Department:

Assistant City Manager

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

None.

Summary:

Presentation of the 2023 budget process and timeline will be reviewed with Council.

No action is needed. This is just an informational item.

Fiscal Impact:

None.

Attachments: