

WHEN RECORDED RETURN TO:

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

ORDINANCE NO. 32-18

AN ORDINANCE of the City of Richland amending Title 23: Zoning Regulations of the Richland Municipal Code and the Official Zoning Map of the City to change the zoning on 0.44 acres from Parks & Public Facilities (PPF) to General Business (C-3) subject to the land use limitations of a Property Use and Development Agreement.

WHEREAS, on May 3, 2018 the Richland Hearing Examiner held a duly advertised public hearing to consider a petition to change the zoning of the property hereafter described in Section 2, and generally located north of Keene Road and West of Queensgate Drive; and

WHEREAS, upon Council approval, petitioner Greg Markel, President of Washington Securities & Investment Corporation, will execute a Property Use and Development Agreement (PUDA) regarding said property as a condition of approval; and

WHEREAS, on May 17, 2018, the Richland Hearing Examiner issued a written decision recommending approval of the requested rezone subject to the land use limitations of the PUDA; and

WHEREAS, Richland City Council has considered the record created at the May 3, 2018 public hearing, and has considered the written recommendation of the Richland Hearing Examiner.

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

Section 1. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is C-3 General Business when consideration is given to the interest of the general public.

Section 2. Said property is more particularly described as follows:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 22, SAID CORNER BEING THE NORTHWEST CORNER OF LOT 3, SHORT PLAT NO. 2302, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 2302, RECORDS OF SAID COUNTY AND STATE; THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 AND THE WEST LINE OF SAID LOT 3 SOUTH 00°29'36" WEST 16.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3 AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE SOUTH LINE OF SAID LOT 3 SOUTH 68°03'36" EAST 250.80 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE AND ALONG A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 03°24'38" HAVING A RADIUS OF 5920.55 FEET AND AN ARC LENGTH OF 352.43 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE PROJECTION OF THE EAST LINE OF SAID LOT 3 SOUTH 27°19'33" WEST 34.02 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS SOUTH 25°20'21" WEST, THROUGH A CENTRAL ANGLE OF 03°23'57" HAVING A RADIUS OF 5886.55 FEET AND AN ARC LENGTH OF 349.24 FEET; THENCE NORTH 68°03'36" WEST 179.41 FEET; THENCE NORTH 23°02'40" EAST 15.50 FEET; THENCE NORTH 68°03'36" WEST 64.42 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE NORTH 00°29'36" EAST ALONG SAID WEST LINE 19.88 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 0.44 ACRES MORE OR LESS.

Section 3. Such property is rezoned from Parks & Public Facilities (PPF) to General Business (C-3) subject to the land use limitations of the Property Use and Development Agreement attached as **Exhibit A** and incorporated herein by this reference.

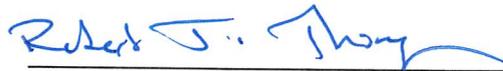
Section 4. Title 23 of the City of Richland Municipal Code and the Official Zoning Map of the City, as adopted by Section 23.08.040 of said title, are amended by amending Sectional Map No.16, which is one of a series of maps constituting said Official Zoning

Map, as shown on the attached **Exhibit B** and bearing the number and date of passage of this ordinance, and by this reference made a part of this ordinance and of the Official Zoning Map of the City.

Section 5. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this ordinance and the attached amended zoning map, duly certified by the Clerk as a true copy.

Section 6. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

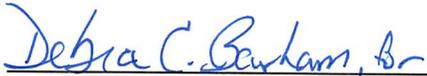
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day of October, 2018.



ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:



MARCIA HOPKINS, City Clerk



HEATHER KINTZLEY, City Attorney

Date Published: October 8, 2018

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this 11 day of SEPT, 2018, by and between the CITY OF RICHLAND and WASHINGTON SECURITIES & INVESTMENT CORPORATION, a Washington for-profit corporation (Petitioner).

W-I-T-N-E-S-S-E-T-H:

WHEREAS, the City of Richland is currently entertaining an application by Gregory Markel on behalf of Washington Securities Investment Corporation (hereinafter "Petitioner") for a change of zone covering a 0.44-acre portion of a 10.4-acre parcel, being Benton County Tax Parcel #1-2298-300-001-0000 located at 2390 Keene Road (hereinafter "Property") and more particularly described in Ordinance No. 32-18.

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from PPF - Parks and Public Facilities to C-3 - General Business, Petitioner for himself and for and on behalf of his heirs, successors and assigns, covenants and agrees as follows:

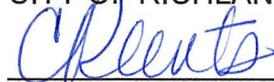
- 1) Any and all building(s) constructed on the property shall not exceed a maximum height of thirty-five (35) feet as measured from the elevation of that portion of Keene Road lying directly south of the site, to the peak of any portion of the roof not including ancillary rooftop appurtenances such as HVAC equipment, vent pipes and similar features related to the mechanical function of the building(s).
- 2) To assure that probable, specific, identifiable impacts on nearby properties will be adequately mitigated, use of the property shall be restricted from containing any "Adult Use Establishments" as defined in the Richland Municipal Code, as currently adopted in RMC 23.06.030 or as hereinafter amended. Performance standards and special requirements of the C-3 zone as set forth in RMC 23.22.020(C), as currently adopted or as hereinafter amended, remain in effect.

This agreement shall be filed with the Benton County Auditor as a matter of record, and the terms and conditions thereof shall be a covenant running with the land and included in each deed and real estate contract executed by Petitioner or Petitioner's heirs, successors and assigns with respect to the subject Property or any part thereof.

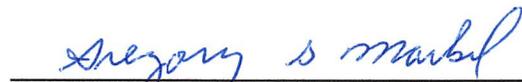
The City of Richland shall be deemed a beneficiary of this covenant without regard to whether it owns any land or interest therein in the locality of the subject Property and shall have the right to enforce this covenant in any court of competent jurisdiction.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

CITY OF RICHLAND

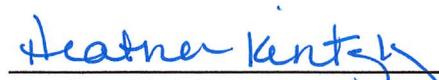


Cindy Reents, City Manager
City Manager



Greg Markel, President of WSIC
Petitioner

APPROVED AS TO FORM:



Heather Kintzley, City Attorney

Exhibit B to Ordinance No. 32-18

