Notice is hereby given that the Washington State Department of Natural Resources has applied to rezone approximately 300 acres of land from Agriculture (AG) to Low Density Residential (R-1-10), Medium Density Residential (R-2), High Density Residential (R-3), Commercial (C-3) and Parks and Public Facilities (PPF). The proposed rezone will result in zoning districts which implement the intent of the existing City of Richland Comprehensive Plan Land Use map. The site is located north of Kennedy Road between Truman Avenue and the eastern limits of the City of West Richland. The property is located within Sections 16 and 21, Township 9 North, Range 28 East, W.M., Benton County, WA (APN#116982000001001 & 116981000005001).

A public hearing on the proposed rezone will be held before the Hearing Examiner on Monday, March 11, 2019 at 6:00 pm in the Council Chambers, 505 Swift Blvd., Richland WA 99352. Application materials are available to the public and can be viewed at www.ci.richland.wa.us.

Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Shane O’Neill, Senior Planner, 505 Swift Blvd., MS#35, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to soneill@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Wednesday, February 27, 2019 to be incorporated into the staff report. Comments received after that date will be entered into the record during the hearing.
Petition for Change of Zoning District Classification

Application is hereby made to the City of Richland for a change of zone, pursuant to Section 23.82.190 of the City of Richland Municipal Code.

The following required information must be typed or printed legibly in the appropriate spaces.

**SECTION I - APPLICANT INFORMATION**

<table>
<thead>
<tr>
<th>Applicant's Name:</th>
<th>WA State Department of Natural Resources (DNR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>1111 Washington Street SE</td>
</tr>
<tr>
<td>City:</td>
<td>Olympia</td>
</tr>
<tr>
<td>State:</td>
<td>WA</td>
</tr>
<tr>
<td>Zip:</td>
<td>98504</td>
</tr>
<tr>
<td>Phone:</td>
<td>360-902-1059</td>
</tr>
<tr>
<td>Fax:</td>
<td>360-902-1789</td>
</tr>
<tr>
<td>Other and/or e-mail address:</td>
<td><a href="mailto:richard.scrivner@dnr.wa.gov">richard.scrivner@dnr.wa.gov</a></td>
</tr>
</tbody>
</table>

Please check under what capacity you are filing:
- [ ] Recorded owner of the property as of 1889; the subject property is a Federally Granted Trust Land.
- [ ] Purchasing under contract as of
- [X] The lessee as of
- ✓ The authorized agent of any of the foregoing, duly authorized in writing (written authorization must be attached to application).

**SECTION II - PROPERTY LOCATION AND GENERAL DESCRIPTION**

Street address(es) of property for which the zone change is requested, if applicable: NA; currently being used as an orchard

Relationship to adjacent streets (i.e., west of Main Street between 1st Avenue and 2nd Avenue):

The subject property is adjacent to Truman Avenue to the east and Kennedy Road to the south. The jurisdictional boundary line between the Cities of Richland and West Richland represents the west boundary of the subject property.

General description of development status (i.e., vacant, agricultural, buildings, or miscellaneous improvement): The subject property is currently undeveloped with respect to structures. It is currently being managed under an orchard lease (Lease No. 12-67116) which is due to expire 01/01/2021. The lease will not be renewed. The request for the comprehensive rezone is so the subject property can be eventually segregated, then sold and/or leased for a variety of compatible developments in the future, consistent with the City of Richland's land use and zoning regulations.

Size of petition area: 300 +/- Acres

**SECTION III - CHANGE OF ZONE REQUEST**
A change of zone from Agriculture (AG) To Six (6) different zone classifications.

SECTION IV – JUSTIFICATION

State the reason(s) for the requested change of zone:
See Attached Narrative of Rezone Request.

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COMPLETE.

DATED THIS _______ DAY OF DECEMBER, 2018.

Duane M. Emmons, Acting Division Manager
Product Sales & Leading Division

Applicant's Signature

1111 Washington Street SE
Address

Olympia, WA 98504
City, State, Zip

360-902-1059
Phone

FOR OFFICE USE ONLY

Date accepted for filing

Items enclosed: Filing fee and Title Insurance Company Ownership Report showing all property Owners of Record within 300-feet.

City Official's Signature

S:/Planning_Apps/Petition for Change of Zoning District Classification 7-10
December 5, 2018

To: City of Richland Planning Department…c/o Mr. Shane O’Neill, Senior Planner

From: WA State Department of Natural Resources (DNR)

Re: Rezone Application

The request for rezone comprises approximately 300 acres, owned/managed by DNR. The subject property is located in the western part of the City, specifically bordered by Truman Avenue to the east, Kennedy Road to the south, the City of West Richland to the west and Benton County to the north.

The subject property is currently zoned Agriculture (AG). This comprehensive rezone request is divided into six (6) different classifications. The specific reasons for the request are as follows:

1) To bring the zoning into compliance with the existing Comprehensive Plan’s land use designations, as approved by the City Council, 10/03/2017, under Ordinance No. 42-17.

2) As stated in Section II Property Location and General Description of the Application, “The request for rezone is so the property can be eventually segregated, then sold and/or leased for a variety of compatible developments in the future, consistent with the City of Richland’s land use and zoning regulations.”

3) Most, if not all of DNR’s trust lands located within an urban-setting or city jurisdiction, start out as an agriculturally managed property and evolve into a higher and better use classification. The Richland 16 property is no different, as evidenced by its location being in the direct path of development…it is adjacent to major arterials…it has direct access to existing public infrastructure…the current agricultural use is inconsistent and incompatible with the adjacent urban-type land uses. It is DNR’s fiduciary responsibility to pursue diversified trust land management practices. This collaborative effort creates an effective working relationship with local jurisdictions and it provides long-term assurances and protection to the underlying trust beneficiaries.

The specific rezone classifications are to reflect the underlying land use designations for each parcel, as approved by the City Council, and made a part of the City’s Comprehensive Plan. Each rezone classification and its estimated acreage are as follows:

Low Density Residential…142.62 acres
Medium Density Residential…24.63 acres
High Density Residential…33.77 acres
Commercial…54.51 acres
Public Facility…40.00 acres
Developed Open Space…5.02 acres
Total Estimated Acreage…300.55 acres
The attached exhibits, as prepared by DNR's Senior Land Surveyor, are preliminary and not for recording purposes. However, by utilizing a 100' right-of-way width for the proposed and future location of the interior arterials, indicated as tentative by the City, each parcel is legally described to the center-line of the proposed arterial, except where known otherwise.

Respectfully Submitted,

Richard K. Scrivner
Planning Manager
Department of Natural Resources

I. OVERVIEW

Authority to act on behalf of the Commissioner and the Department is specifically retained or delegated by the Commissioner of Public Lands, the Deputy Commissioner (if appointed), the Department Supervisor, and the Deputy Supervisors, as set forth in this Delegation Order. Delegated authority may be further delegated unless specifically addressed in this order. Inherent in each delegation of authority is the ability to exercise that authority at any level higher in the chain of command. Each level retains the authority delegated to subordinate staff by this order, and may recall any delegated authority. All other authority to act on behalf of the Commissioner and the Department not specifically reserved in the body of this Order is delegated to subordinate staff to ensure the smooth day-to-day operations of the Department.

The delegated and retained authorities of the Commissioner of Public Lands, Deputy Commissioner (if appointed), Department Supervisor, Deputy Supervisors, Directors, Division Managers, and Region Managers, unless more specifically outlined in Section IV (signature authorities), are as follows:

**Commissioner** The Commissioner may delegate any reserved authority to address specific situations or as circumstances may dictate. Any such delegation must be made in writing, or orally with written authorization to follow.

The Commissioner delegates all authority necessary to operate the Department of Natural Resources to the Deputy Commissioner (if appointed), Department Supervisor, Deputy Supervisors, Directors, Division Managers, and Region Managers except the following, which shall be exercised exclusively by the Commissioner:

- The authority to set the organizational structure of the Department’s executive management and regions;
- The authority to hire, appoint, discipline, or terminate any exempt employee;
- The authority to set internal pay and/or pay structures for all Washington Management Service and exempt staff;
- The authority to approve any contract or action that by statute must be approved solely by the Commissioner (such as coal leases, oil and gas leases, vacation of waterways, and any Commissioner Orders);
- The authority to approve all final budget allotments, and make adjustments to budget allotments greater than $500,000; and,
- The authority to purchase, sell, or exchange any real property subject to approval by the Board of Natural Resources.
Deputy Commissioner  The Deputy Commissioner's authority, if a Deputy Commissioner is appointed by the Commissioner, is established by the appointment, pursuant to RCW 43.12.021. This includes any authorities reserved to the Commissioner in this delegation order.

Department Supervisor  The authority of the Department Supervisor is set forth in RCW 43.30.430. In addition, the Department Supervisor is delegated the authority to act on behalf of the Department on any matter, contract, commitment, or activity not specifically reserved to the Commissioner and to ensure the smooth day-to-day operations of the Department.

Deputy Supervisors and Directors The Commissioner's Executive Management Team includes the Deputy Supervisors and the Directors. The Deputy Supervisors include the Deputy Supervisor for Aquatics, Geology, Human Resources & IT; the Deputy Supervisor for Forest Practices; the Deputy Supervisor for State Uplands; the Deputy Supervisor for Wildfire; and the Deputy Supervisor for Administration. The Directors include the Chief of Staff, the Communications & Outreach Director, the Community Development Director, the Legislative Director, the Director of Tribal Relations, and the Policy Director. The Chief of Law Enforcement and the Safety Program Manager are delegated authority at the Director level for purposes of this Delegation Order.

The Deputy Supervisors and Directors are delegated the authority to act on behalf of the Department on any matter, contract, commitment, or activity within their functional area unless specifically reserved to the Commissioner or Department Supervisor and to ensure the smooth day-to-day operations of the programs or units which they manage.

The Deputy Supervisors and Directors may further delegate the authorities delegated to them through this Order. Any such delegation must be made in writing or orally with written authorization to follow from the Department Supervisor or Chief of Staff.

The Deputy Supervisors and Directors may delegate all authority necessary to operate the Department to their chain-of-command, except for the following authorities and those in Section IV, which shall be exclusively reserved:

- The authority to change the organizational structure within their functional area;
- The authority to approve any reductions in force;
- The authority, within the available allotted biennial budget, to approve the hiring or request the reallocation/reclassification of all new or vacant positions within the Washington Management Services (WMS);
- The authority, within the available allotted biennial budget, to approve the creation of any new positions or request the reallocation/reclassification or elimination of any existing positions;
- The authority to approve any long-term commitment which obligates the Department, encumbers any of its resources, affects deliverable or has broad policy implications, whether by lease, easement, contract, memorandum of understanding, or agreement, and amendments thereto, when the amendment constitutes a material change to the
commitment.

These reserved authorities of Deputy Supervisors and Directors may not be further delegated except during times of extended absences. Any further delegation may be made by the Deputy Supervisor or Director in writing, or orally with written record to follow.

**Division Managers** The Division Managers, in addition to providing advice, plans, suggestions, and recommendations to their designated Deputy Supervisor, act as line managers to the extent required to maintain their responsibilities for control of functional activities assigned to them. They are delegated responsibility for the successful, cost-effective operation of assigned programs. Division Managers exercise overall program administrative responsibilities for program design, development, planning, and budgeting.

Division Managers are delegated the authority to ensure the smooth day-to-day operations of the programs or units which they manage. They are delegated authority to spend their allotted budgets and to act on behalf of the Department on any matter, contract, commitment, or activity within their functional area unless specifically reserved to the Commissioner, Department Supervisor, Deputy Supervisors, or Directors. They are delegated authority to hire, appoint, discipline, and terminate all employees within their chain-of-command.

Division Managers whose programs are implemented by Region Managers are responsible for providing programmatic direction to Region Managers, either directly or as communicated by their respective Deputy Supervisors, to assure their programs are properly implemented in the field through the Region Managers.

Division Managers may not further delegate the authorities specifically delegated to them through this Order without notifying the Deputy Supervisor to whom they report. Any such delegation must be made by the Division Manager in writing, or orally with written record to follow. Division Managers may never delegate their authority over appointment, discipline, or termination decisions.

**Region Managers** Region Managers are responsible for managing the affairs of the Department in designated large geographic areas. They have line authority extending down through their assistants to the units in the field. While they report directly to the Department Supervisor, they also receive direction from other Deputy Supervisors and Division Managers. Region Managers are responsible for implementing department programs following the programmatic direction provided to them by Deputy Supervisors and Division Managers. Balancing of functional activities and major personnel decisions within the region is the responsibility of the Region Manager.

Region Managers are delegated the authority to ensure the smooth day-to-day operations of the programs or units which they manage. They are delegated authority to spend their allotted budgets and to act on behalf of the Department on any matter, contract, commitment, or activity within their regional boundaries unless specifically reserved to the Commissioner, Department Supervisor, Deputy Supervisors, Directors, or Division Managers. They are delegated authority to hire, appoint, discipline, and terminate all employees within their chain-of-command.
Region Managers may not further delegate the authorities specifically delegated to them through this Order without notifying the Department Supervisor. Any such delegation must be made by the Region Manager in writing, or orally with written record to follow. Region Managers may never delegate their authority over appointment, discipline, or termination decisions.

II. SPECIAL DELEGATIONS

Presiding Officers of Brief Adjudicative Proceedings Region Managers and Assistant Region Managers are designated to serve as the presiding officers of brief adjudicative proceedings for matters arising within regions.

Emergency Fire Suppression During emergency fire suppression actions, Region Managers, the Wildfire Division Manager, and their designees, shall have the authority to enter into contract, regardless of amount, within normal department purchasing authorities, to authorize expenditures regardless of amount, and to hire and terminate temporary employees (including exempt seasonal hires) utilized in the emergency fire suppression actions. This special delegation supersedes any inconsistent reservation of authorities contained in the delegation order.

Region Managers and the Wildfire Division Manager are responsible for fire suppression efforts and are delegated the corresponding authority to fulfill those responsibilities in consultation with the Deputy Supervisor for Wildfire. As Agency Administrators, Region Managers are designated as liaisons between the Department and Incident Commanders, and may delegate authority to carry out incident response and business functions to the Incident Management Team.

III. SPECIAL DELEGATED APPOINTMENTS

Consistent with the authorities listed below, the Commissioner appoints, designates, or otherwise delegates authority through an individually numbered Commissioner's Order signed by the Commissioner of Public Lands and authenticated by a seal, pursuant to RCW 79.02.220. Such orders shall be filed with the Title and Records Office within the Department of Natural Resources.

State Forester The role of the State Forester is one that arises from federal programs related to fire, landowner assistance, and other resource protection programs. The Commissioner of Public Lands shall designate a State Forester who is authorized to and shall carry out those functions as set forth in state and federal law, and shall represent the Department at the National Association of State Foresters and the Council of Western State Foresters. Among those functions, the State Forester is responsible for implementing the Cooperative Forestry Assistance Act of 1978, and maintaining a Forest Action Plan for Washington State pursuant to the Food, Conservation, and Energy Act of 2008. The State Forester may not delegate any of his/her duties.

Law Enforcement Officers In accordance with RCW 43.12.065, the Commissioner shall individually commission, by order, each law enforcement officer in the Department of Natural Resources with the authority to utilize full police power of custodial arrest, and to carry and use
firearms.

**Internal Auditor** In accordance with RCW 43.12.031, the Commissioner shall designate the Internal Auditor for the Department. The Internal Auditor shall report directly to the Department Supervisor.

**Records Officer** In accordance with RCW 40.14.040, the Commissioner shall designate a Records Officer who shall supervise its records program and represent the office in all contacts with the state records committee and the state division of archives and records management.

**Public Records Officer** In accordance with RCW 42.56.580, the Commissioner shall appoint and publicly identify a Public Records Officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records, and to oversee the agency’s compliance with the public records disclosure requirements.

**Oil and Gas Supervisor** In accordance with RCW 78.52.037, the Commissioner shall designate a state Oil and Gas Supervisor, and may designate an Oil and Gas Deputy Supervisor.

**Aquatic Resources Rental Dispute Appeals Officer (RDAO)** The Deputy Supervisor for State Uplands is designated to serve as the Rental Dispute Appeals Officer for aquatic resources rental disputes, under WAC 332-30-128(2).

**State Geologist** In accordance with RCW 43.92.010, the Commissioner shall appoint a geologist of established reputation as supervisor of the survey of the state, to be known as the State Geologist.

**Tribal Liaison** In accordance with RCW 43.376.020, the Commissioner shall appoint a tribal liaison. In accordance with RCW 43.376.030, the Tribal Liaison shall serve as a contact person with tribal governments, maintain communication between the Department and affected tribal governments, and coordinate training of state agency employees in government-to-government relations.

## IV. APPROVALS AND SIGNATURE AUTHORITIES

In addition to the general delegation authorities described above, action approval and signature authorities are delegated as follows. These authorities are reserved to the designated authority and may not be further delegated except during times of extended absences. Any such delegation must be made by the designated authority in writing, or orally with written record to follow.

<table>
<thead>
<tr>
<th>Action</th>
<th>Action Sub-Level (If none specified, all)</th>
<th>Delegated Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreed Order</td>
<td>Agency-wide implications</td>
<td>Deputy Supervisors</td>
</tr>
<tr>
<td></td>
<td>Program-Specific</td>
<td>Program Managers</td>
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<tr>
<td>Consent Decrees</td>
<td>Department Supervisor</td>
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<tr>
<td>Settlement Agreements</td>
<td>Agency-wide implications</td>
<td></td>
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<tr>
<td></td>
<td>Program-Specific</td>
<td></td>
</tr>
<tr>
<td>Contract, Interagency Agreements &amp; Grants, including amendments, that have not been included in a biennial budget allotment and/or spending plan, or represent a significant change from initial plans. ¹,²</td>
<td>Department Supervisor</td>
<td></td>
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<td></td>
<td>Deputy Supervisors</td>
<td></td>
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<tr>
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<td>Commissioner</td>
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<td></td>
<td>Department Supervisor</td>
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<tr>
<td></td>
<td>Deputy Supervisor for Administration</td>
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<tr>
<td>Budget Allotment Adjustments ³</td>
<td>$250,000-$499,999</td>
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<td></td>
<td>Commissioner</td>
<td></td>
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<tr>
<td>Budget Allotment Adjustments ³</td>
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<td></td>
<td>Deputy Supervisor for Administration</td>
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<tr>
<td>Geoduck Contracts</td>
<td>≥ $500,000</td>
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<td>Aquatics Division Manager</td>
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<td>Geoduck Contracts</td>
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<td>Deputy Supervisor for State Uplands</td>
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<tr>
<td>Firefighting Cost Recovery for Negligence</td>
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<td>Deputy Supervisor for Wildfire</td>
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<tr>
<td>Land Use Agreements – Aquatics Lands (Length) ⁴</td>
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<td>Deputy Supervisor for Aquatics</td>
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<td>Land Use Agreements – Aquatics Lands (Length) ⁴</td>
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<td>Land Use Agreements – State Uplands (Length) ⁴</td>
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<td>Land Use Agreements – State Uplands (Length) ⁴</td>
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<td>Land Use Agreements (Value) ⁴</td>
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<tr>
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<tr>
<td>Land Use Agreements (Value) ⁴</td>
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<td>Overtime (non-fire)</td>
<td>Any overtime requiring additional funds (i.e., increased budget allotment)</td>
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<tr>
<td>Overtime (non-fire)</td>
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<td>Overtime (non-fire)</td>
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<tr>
<td>Overtime (non-fire)</td>
<td>Division and Region Managers</td>
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<tr>
<td>Timber Sales, Silviculture, Related Road &amp; Work Orders &amp; Amendments</td>
<td>Region Managers</td>
<td></td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td>Warden Appointments</td>
<td>Division and Region Managers</td>
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<td>Agency Policies</td>
<td>Deputy Supervisors</td>
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<tr>
<td>Agency Rules, not requiring Board of Natural Resources or Forest Practices Board approval</td>
<td>Deputy Supervisors</td>
<td></td>
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<tr>
<td>Agency guidance, including Procedures, Guidelines &amp; Tasks</td>
<td>Division Managers</td>
<td></td>
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</tbody>
</table>

1Department officials are empowered to spend their allotted budgets in the manner described within this Delegation Order. Service contracts, agreements, and grant expenditures that are authorized within a biennial budget allotment do not require additional signature authority. This provision applies where a deviation from an initial allotment and/or spending plan is necessary. All contracts, irrespective of delegated level, shall be performed in accordance with applicable statewide and DNR-specific regulations and procedures, and placed on file with the Records Office. For purposes of delegation, the value of an amendment, renewal, or change order is measured separately from the original agreement.

2This provision does not apply to the approval of timber sale contracts or geoduck auction sales, and excludes the duties of the State Forester with respect to federal grant awards.

3Including the creation of new positions that require a budget allotment adjustment.

4When determining delegated authority for land use agreements, both 1) length of encumbrance and 2) value of encumbrance and amendments must be considered: if the delegation order is different for these two considerations, authority lies with the higher order official.

V. GLOSSARY OF TERMS

The terms used in the Delegation Order have the following means, and any questions about the scope of the delegated authority shall be addressed to the Commissioner of Public Lands or Department Supervisor:

**Agreed Order** shall mean a substantive judicial or administrative order, the terms of which have been agreed upon by the parties, that does not resolve liability or dismiss the issues under controversy. In the hazardous waste context, the agreed order may be approved by an agency with regulatory authority over the subject matter.

**Budget Adjustments** shall mean any change to the approved Budget Allotment.

**Budget Allotment** shall mean the allocation of the biennial legislative appropriation among divisions, regions, work groups, units, or programs of the Department, for the purpose of carrying out agency functions.

**Change Order** shall mean the definition given in any Contract entered by the Department for work conducted on state-owned lands.
Consent Decree shall mean a final court order, the terms of which have been agreed upon by the parties, that resolves liability and dismisses the issues under litigation.

Contract shall mean all documents that represent an agreement on a particular subject of transaction entered on behalf of the Department, pursuant to the Department’s statutory authority.

Contract Amendment shall mean any revision to any existing Contract that changes or alters in any way the obligations of the Department or other party or parties to the Contract.

Geoduck Contract shall mean any agreement authorizing the planting, harvest or sale of geoduck from state-owned aquatic lands governed by Ch. 79.135 RCW.

Grant shall mean the acceptance or award of funds to or from an external entity for a particular purpose, where it does not meet the definition of a contract.

Land Encumbrance shall mean any commitment that imposes burdens or confers benefits upon state-owned land managed by the Department, or that otherwise results in obligations by the Department with respect to the use or management of state-owned lands managed by the Department, whether by lease, easement, right-of-entry, license, memorandum of understanding, or other legal instrument.

Land Transaction shall mean any commitment that involves the acquisition, conveyance, transfer, or exchange of a fee simple interest in real property managed by the Department.

Length of Encumbrance shall mean the length of time land will be encumbered by the current action, not cumulative length of time that land has been/will be encumbered by the current action and previous actions.

Organizational Structure shall mean the manner in which any division, region, work group, or unit of the Department is established to perform its functions.

Policy shall mean any currently effective policy adopted by the Department as defined in the document entitled Department Policy Manual, Policies of the Department of Natural Resources, March 15, 2002, as amended, and as published by the Department electronically or in hard copy.

Rangers shall mean persons appointed as ex officio rangers pursuant to RCW 76.04.045.

Rulemaking shall mean the process for formulation and adoption of a rule pursuant to statutory authority and as defined in RCW 34.05.010.

Settlement Agreement shall mean any Contract entered by the Department for the purpose of resolving a legal claim or dispute between the Department and any person or entity.

Timber Sales Contract shall mean any agreement authorizing the harvest or sale of timber from state-owned lands governed by Ch. 79.15 RCW.
Wardens shall mean persons appointed as wardens pursuant to RCW 76.04.035.

Dated this 28th day of March, 2017

HILARY S. FRANZ
Commissioner of Public Lands
Richland 16

Section 16, Township 9 North, Range 28 East, W.M.

Commercial Area 1

Portions of the Northeast and Southeast quarters of the Southwest Quarter of Section 16, and portions of the Northeast quarter of the Northeast Quarter of Section 21, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Beginning at the quarter corner common to said sections 16 and 21; thence North 0°14'44" West along the east line of the southwest quarter of said section 16, 1,396.80 feet; thence along a non-tangent curve concave to the northeast with a radius of 817.89 feet, a chord bearing of North 64°52'49" West and a chord length of 711.58 feet along an arc length of 736.18 feet; thence South 55°27'14" West 196.36 feet; thence along a curve to the left with a radius of 813.77 feet along an arc length of 617.40 feet; thence South 11°59'03" West 864.18 feet, more or less to the north margin of Kennedy Road; thence southeasterly along said north margin to its intersection with the north – south centerline of said section 21; thence northerly along said centerline to the quarter corner common to said sections 16 and 21.

Contains 39.94 acres, more or less

Justin J. Holt, PLS 41027
Washington Dept. of Natural Resources
Engineering & General Services Division
MS 47030 Olympia WA, 98504-7030
360-902-1206
Richland 16
Section 16, Township 9 North, Range 28 East, W.M.
Commercial Area 2

Portions of the Northeast Northwest, Southwest and Southeast quarters of the Southwest Quarter of Section 16, and portions of the Northeast quarter of the Northeast Quarter of Section 21, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19′51″ East along the north line of said section 16, 1,590.09 feet; thence South 11°49′33″ East 561.69 feet; thence South 89°19′51″ West 1096.32 feet; thence South 0°07′22″ West 4,221.50 feet to the north margin of Kennedy Road and the True Point of Beginning; thence North 0°07′22″ East 903.78 feet, thence North 89°38′29″ East 964.39 feet; thence along a non-tangent curve, concave to the southeast, with a radius of 813.77 feet, a chord bearing of South 21°22′55″ West and a chord length of 265.75 feet along an arc length of 266.95 feet; thence South 11°59′03″ West 864.18 feet more or less to the north margin of Kennedy Road; thence westerly along said north margin to the True Point of Beginning

Contains 18.72 acres, more or less

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Engineering & General Services Division
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360-902-1206
Richland 16
Section 16, Township 9 North, Range 28 East, W.M.
High Density Residential Area 1

 Portions of the Northeast quarter of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

 Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 939.54 feet; thence South 0°00'12" West 1668.99 feet to the east – west centerline of said section 16 and the True Point of Beginning; thence South 0°00'12" West 404.66 feet; thence along a curve to the left with a radius of 817.89 feet along an arc length of 1,294.29 feet to a point on the north – south centerline of said section 16 from which the quarter corner common to sections 16 and 21 bears South 0°14'44" East 1,396.80 feet as shown on the Plat of City View Phase 1, as recorded in Volume 15 of Plats at Page 67, records of Benton County, Washington; thence North 0°14'44" West along said centerline 1227.70 feet to the north line of the southwest quarter of said section 16; thence along said north line South 89°38'29" West 822.13 feet to the True Point of Beginning.

 Contains 19.90 acres, more or less

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12/12/2018
Richland 16
Section 16, Township 9 North, Range 28 East, W.M.

High Density Residential Area 2

Portions of the Northeast and Northwest quarters of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 939.54 feet; thence South 0°00'12" West 1668.99 feet to the east – west centerline of said section 16; thence along said centerline South 89°38'29" West 1,177.96 feet; thence South 0°07'22" West 662.43 feet to the True Point of Beginning; thence North 89°38'29" East 1,220.94 feet to the beginning of a non-tangent curve, concave to the northeast which radius point bears North 71°39'09" East 817.89 feet along an arc length of 261.95 feet; thence South 55°27'14" West 196.36 feet; thence along a curve to the left with a radius of 813.77 feet along an arc length of 350.45 feet; thence South 89°38'29" West 964.39 feet; thence North 0°07'22" East 621.89 feet to the True Point of Beginning.

Contains 17.05 acres, more or less

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Richland 16

Section 16, Township 9 North, Range 28 East, W.M.

Medium Density Residential Area 1

Portions of the NE 1/4 NW 1/4 and NW 1/4 NW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19’51” East along the north line of said section 16, 1,590.09 feet; thence South 11°49’33” East 561.69 feet to the True Point of Beginning; thence South 11°49’33” East 377.85 feet; thence South 0°00’12” West 116.59 feet; thence South 89°19’51” West 1174.79 feet; thence North 0°07’22” East 487.33 feet; thence North 89°19’51” East 1096.32 feet to the True Point of Beginning.

Contains 12.81 acres, more or less.

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Richland 16
Section 16, Township 9 North, Range 28 East, W.M.

Medium Density Residential Area 2

Portions of the NE 1/4 NW 1/4 and NW 1/4 NW 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 561.69 feet; thence South 89°19'51" West 1096.32 feet; thence South 0°07'22" West 2,033.39 feet to the east-west centerline of said section 16 and the True Point of Beginning; thence North 89°38'29" East 428.67 feet along said centerline; thence South 0°07'22" West 322.41 feet; thence North 89°38'29" East 749.97 feet; thence South 0°00'12" West 82.26 feet; thence along a curve concave to the northeast with a radius of 817.89 feet, length of 261.95 feet, a chord bearing of South 9°10'20" East and chord length of 260.83 feet; thence South 89°38'29" West 1,220.94 feet; thence North 0°07'22" East 662.43 feet to the True Point of Beginning.

Contains 12.46 acres, more or less.

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12/12/2018
Richland 16
Section 16, Township 9 North, Range 28 East, W.M.

Low Density Residential Area 1

 Portions of the SW 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 NW 1/4, and NE 1/4 NW 1/4
 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly
described as follows:

 Beginning at the intersection of the west line of Section 16 and the north margin of Kennedy Road as it
exists after the adoption of City of Richland ordinance No. 06-03 as recorded under Benton County AF
No. 2003-011331; thence North 0°07′22″ East along the west line of said section 16, 4,675.63 feet more
or less to the corner common to Sections 8, 9, 17, and 16; thence North 89°19′51″ East along the north
line of said section 16, 1,590.09 feet; thence South 11°49′33″ East 591.69 feet; thence South 89°19′51″
West 1,096.32 feet; thence South 0°07′22″ West 4,221.50 feet more or less to the north margin of
Kennedy Road as previously described; thence westerly along said north margin of Kennedy Road to the
point of beginning.

 Contains 81.01 acres, more or less.

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Richland 16

Section 16, Township 9 North, Range 28 East, W.M.

Low Density Residential Area 2

Portions of the Ne 1/4 NW 1/4, SE 1/4 NW 1/4, NW 1/4 NE 1/4, and SW 1/4 NE 1/4 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19’51” East along the north line of said section 16, 1,590.09 feet to the True Point of Beginning; thence continuing along said north line 746.27 feet to the westerly line of the Columbia Irrigation District Canal shown as Condemnation Case #722 on Record of Survey Book 1, Page 1318, records of Benton County; thence South 4°20’19” West 123.12 feet; thence South 14°39’41” East 217.49 feet; thence South 34°11’03” East 392.17 feet; to the east line of the NE 1/4 NW 1/4; thence South 0°14’44” East along said subdivision line 439.71 feet; thence South 30°43’42” East 245.22 feet; thence South 21°49’41” East 269.32 feet; thence South 30°09’41” East 343.77 feet; thence South 38°49’41” East 508.86 feet; thence South 56°09’41” East 510.41 feet; thence South 69°29’41” East 220.20 feet more or less to the south line of the NE 1/4 of said section 16; thence South 89°38’29” West 2,163.03 feet along the east-west centerline of said section 16; thence North 0°00’12” East 1668.99 feet; thence North 11°49’33” West 969.54 feet more or less to the True Point of Beginning.

Contains 68.12 acres, more or less.

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Richland 16

Section 16, Township 9 North, Range 28 East, W.M.

Public Facility Area

Portions of the Northeast, Northwest, Southeast and Southwest quarters of the Northwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19′51″ East along the north line of said section 16, 1,590.09 feet; thence South 11°49′33″ East 561.69 feet; thence South 89°19′51″ West 1096.32 feet; thence South 0°07′22″ West 487.33 feet to the True Point of Beginning; thence North 89°19′51″ East 1174.79 feet; thence South 0°00′12″ West 1,552.40 feet to the south line of the Northwest quarter of said section 16; thence along said south line South 89°38′29″ West 1,177.96 feet; thence North 0°07′22″ East 1546.06 feet to the True Point of Beginning.

Contains 41.84 acres, more or less.

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Richland 16
Section 16, Township 9 North, Range 28 East, W.M.

Developed Open Space Area

Portions of the Northeast and Northwest quarters of the Southwest Quarter of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

Commencing at the northwest corner of said section 16; thence North 89°19'51" East along the north line of said section 16, 1,590.09 feet; thence South 11°49'33" East 939.54 feet; thence South 0°00'12" West 1668.99 feet to the east – west centerline of said section 16 and the True Point of Beginning; thence along said centerline South 89°38'29" West 749.29 feet; thence South 0°07'22" West 322.41 feet; thence North 89°38'29" East 749.97 feet; thence North 0°00'12" East 322.41 feet to the True Point of Beginning.

Contains 5.55 acres, more or less.

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Richland 16

Section 16, Township 9 North, Range 28 East, W.M.

Natural Open Space Area

 Portions of government lot 3 of Section 16, Township 9 North Range 28 East, W.M., Benton County, Washington more particularly described as follows:

 Commencing at the northwest corner of said section 16; thence North 89°19’51” East along the north line of said section 16, 2,599.82 feet to the north quarter corner of said section 16; thence South 0°14’44” East 660.69 feet to the True Point of Beginning; thence South 0°14’44” East 439.71 feet; thence South 30°43’42” East 245.22 feet to the south line of said lot 3; thence North 89°29’12” East 107.33 feet; thence north 21°49’41” West 147.12 feet; thence North 12°29’41” East 205.44 feet; thence North 17°09’41” West 155.77 feet; thence North 28°39’41” West 186.39 feet to the True Point of Beginning.

Contains 1.61 acres, more or less

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EXHIBIT 1A

Legal Description of Premises

N\W\S\W, Government Lot 4 lying west of irrigation canal and SW\W lying north of State Road 305, Section 16, Township 9 North, Range 28 East, W.M., containing 233 acres, more or less, according to the government survey thereof.

Subject to easements for rights of way for pipelines heretofore granted under Application Nos. 39226 and 32521, for indefinite terms.

Subject to easement for right of way for county road, heretofore granted under Application No. CR-2104, for an indefinite term.

Subject to easement for right of way for State road acquired through the filing of State Road Plat No. SR-305, for an indefinite term.

Subject to easement for right of way for transmission line heretofore granted under Application No. 20316.

Lease No. 12-69122  Legal Description of Premises  EXHIBIT 1
STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BRIAN J. BOYLE, Commissioner of Public Lands
Olympia, Washington 98504

Lease No. 12-67116

BY THIS LEASE, between the STATE OF WASHINGTON, Department of Natural Resources, hereinafter called "State," and CHILYANA ORCHARDS PARTNERSHIP, hereinafter called "Lessee," the State leases to the Lessee the following described land, in Benton County, Washington.

SW1/4 of Section 16, Township 9 North, Range 28 East, W.M., containing 80 acres, more or less, according to the government survey thereof.

Subject to easement for right of way for transmission line heretofore granted under Application No. 20316, for an indefinite term.

Subject to easement for right of way for county road heretofore granted under Application No. 2104, for an indefinite term.

Subject to the rights of the holder of Department of Natural Resources Water Rights No. W-0030, filed on March 12, 1981.

Subject to the rights of the holder of Oil and Gas Lease No. 64774, expiring on May 1, 1989.

The State reserves 30 feet along the West line of the SW1/4 of Section 16, Township 9 North, Range 28 East, W.M., for management purposes and access to the N1/2NW1/4 of said section, provided further, the Lessee of the SW1/4 of Section 16, Township 9 North, Range 28 East, W.M., shall be allowed access to the State reserved 30 feet for management and access to his lease.

The State will issue an easement across portions of the N1/2 of Section 16, Township 9 North, Range 28 East, W.M., to provide irrigation water to the SW1/4 of Section 16, Township 9 North, Range 28 East, W.M. The easement will be issued on an "as built" location after installation. The plan for building the irrigation line must be approved by the State before construction is commenced.

SECTION 1 OCCUPANCY

1.01 Term. This lease shall commence October 22, 1986 and continue to the 1st day of January, 2021.

SECTION 2 USE OF PREMISES

2.01 Permitted Use. The Lessee shall develop, irrigate and cultivate the maximum acreage for irrigated orchard or vineyard. The minimum acreage shall be 40 acres by July 1, 1987. The remainder of the premises may be used for irrigated orchard or vineyard, and for other uses as set forth in the approved plan of development on 40 acres except as limited by reserved easements. If the Lessee desires to change the use of the premises or cannot meet the minimum acreage requirement, Lessee must request authorization from the State. Approval, if given, shall be in writing and may include an adjustment of the rent in accordance with the change in acreage or use.

SECTION 3 PAYMENT

3.01 Payment. Payments made hereunder will be applied first to rent and then to Leasehold Tax.

(1) Rent. The Lessee shall pay to the State, at Olympia, Washington 98504, in advance, the required rent of $95.32 for the period of October 22, 1986 to January 1, 1988, which has been paid, then $80.00 annually thereafter for the remaining term of this lease.

(2) Leasehold Excise Tax. The Lessee shall pay to the State, at Olympia, Washington 98504, the Leasehold Excise Tax as set forth in Chapter 82.29A RCW.

ADJUSTMENT
DATE 12-10-96
INITIALS

AMS - DATA COLLECTION
Item: DNR Rezone
Applicant: WA Dept. of Natural Resources
File #: Z2018-109

Legend
- City Limits

Vicinity Map

West Richland