



NOTICE OF DECISION **SUP2019-101**

PURSUANT TO RICHLAND MUNICIPAL CODE SECTIONS 19.60.080 & 23.46.050, NOTICE IS HEREBY GIVEN THAT THE RICHLAND BOARD OF ADJUSTMENT HELD A PUBLIC HEARING ON MAY 16, 2019 TO CONSIDER AN APPLICATION SUBMITTED BY CHRIST THE KING CATHOLIC SHURCH FOR A SPECIAL USE PERMIT TO CONSTRUCT AND OPERATE A CHILD DAYCARE CENTER IN THE R-2 (MEDIUM-DENSITY RESIDENTIAL) ZONE.

REQUEST: Construct and operate a child daycare center in the R-2 (Medium-Density Residential) zone

LOCATION: 1111 Stevens Drive (APN 1-11982010917002).

DESCRIPTION OF ACTION: Special Use Permit approved subject to the following findings of fact, conclusions of law and conditions of approval.

FINDINGS OF FACT:

1. The City of Richland Comprehensive Plan designates the subject site as suitable for medium density residential land uses;
2. The subject site is located within the R-2 Medium Density Residential zone;
3. Daycare centers are permitted in the R-2 zone through the issuance of a special use permit as stipulated in RMC 23.18.040;
4. The applicant has filed a special use permit application to operate a daycare center in the R-2 zone;
5. Daycare centers the R-2 Medium Density Residential zone are subject to the performance requirements contained in RMC 23.42.080;
6. Churches, institutions, clubs and similar public and semi-public use buildings are subject to the standards contained in RMC 23.42.050;
7. Applications for special use permit are evaluated under and are subject to the criteria contained in RMC 23.46.040;

8. Pursuant to RMC 23.46.025 the Board of Adjustment is granted the authority to conduct the review of special use permit applications for daycare centers in the R-2 zone;
9. A special use permit is classified as a Type II application under RMC 19.20.010;
10. RMC 19.20.030 and RMC 23.46.025 together specify the Board of Adjustment shall make a final decision on an application unless appealed to City Council;
11. Public notice of the application and hearing was provided via mail to surrounding land owners within 300 feet of the site; through the posting of a sign on-site and through a legal advertisement in the *Tri-City Herald*, all in accordance with the notice provisions contained in RMC 19.40.010;
12. The applicant filed an environmental checklist, which was reviewed by City staff who entered a Determination on Non-Significance into the record on April 26, 2019. A 14 day comment period was provided to agencies with jurisdiction, thus satisfying the requirements of the State Environmental Policy Act;
13. The daycare center facility is proposed to be setback 31.5 feet from the nearest shared property line (to the south) and so is consistent with the enhanced setback requirement set forth in RMC 23.42.050(3);
14. The 35-foot minimum building setback may be administratively reduced to 31.5-feet through the application of the ten percent variance available for dimensional standard under RMC 23.70.080;
15. The proposed daycare center would have 11 off-street parking spaces. Pursuant to the parking standards in RMC 23.54.020.B, 11 parking stalls allows for up to 5 facility employees;
16. The daycare center is proposed on a fully developed site complete with curbs, gutters and sidewalks around the entire parcel frontage;
17. The subject parcel fronts three public roadways: Stevens Drive, Long Avenue and Swift Boulevard;
18. Adjacent properties are developed with a child daycare center and a church which are similar and compatible land uses;
19. The applicant has provided evidence of State child care licensing, thereby fulfilling the criterion contained in RMC 23.42.080.B;
20. The size of the property is adequate to support the proposed use, as evidenced by the project's conformity to building setbacks and off-street parking requirements;
21. The physical conditions of the site are suitable for the proposed development, given the proposed enhanced setback from the nearest neighboring property;

22. Public utilities and street access are in place and available to serve the proposed development. All utility systems have adequate capacity to serve the proposed development;
23. The proposal, as conditioned, is consistent with the City's comprehensive plan and the provisions of the R-2 zone;
24. The proposal is exempt from the provisions of the City's sensitive areas ordinance and the shoreline management regulations given the absence of wetlands, water bodies, flood plains, steep slopes or geologically hazardous areas on site or in close proximity to the site;
25. As conditioned, the project meets the criteria for the issuance of a special use permit as established in RMC 23.46.040.

CONDITIONS OF APPROVAL:

1. The project proceed in substantial conformance with the site plan included herein as Exhibit 2.
2. All on-site lighting proposed as part of the daycare center development shall be shielded above the horizontal and shall be directed away from adjacent properties.
3. Prior to issuance of a City business license for the subject daycare facility, the applicant shall demonstrate compliance with Richland Municipal Code section 23.42.080.
4. Outdoor lighting proposed with development of the daycare center shall conform with the Outdoor Lighting Standards contained in Richland Municipal Code section 23.58.
5. A geotechnical study shall be required and conducted in accordance with the 2015 IBC Section 1803 and submitted with the building permit application package.
6. Consistent with RMC 23.46.090, the validity of this special use permit shall be contingent upon exercise of the special use, as granted, and the special use permit shall run with the property regardless of a change in ownership of the property. This decision granting the underlying special use permit shall be recorded with the Benton County auditor's office as a special covenant, which shall run with the property regardless of a change in ownership of the property. Such recording shall be the responsibility of the permit-holder/applicant, and a conformed copy of the recorded instrument reflecting a valid recording number shall be filed with the city prior to the conduct of any child daycare center on the property. Any change in the special use for which the original permit is issued, which is determined to be substantial by the administrative official, shall void the original permit and necessitate the submission of a new application.
7. Special Use Permit (SUP2019-101) approval for the daycare center shall be null and void if a complete City of Richland building permit application for the daycare is not received by June 30, 2021.

APPEAL PROCEDURES: Written notice of appeal to the city council, together with such fees as are required by RMC [19.80.020](#), must be filed with the city clerk within 10 days from the date of the issuance of this notice of decision. Such appeal shall be consistent with the requirements set forth in Chapter [19.70](#) RMC for appeal of decisions on Type II permit applications. Appeals must be filed within 10 business days of issuance of this notice. The deadline for filing an appeal is May 28, 2019.



Mike Stevens,
Planning Manager

May 17, 2019
Date