

When recorded, return to:
Richland City Clerk
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 39-19

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 of Richland to change zoning on certain parcels or portions of parcels to conform to the updated Comprehensive Plan of the City of Richland.

WHEREAS, this area-wide rezone includes reclassifying all, or portions of, parcels as indicated in Section 1 herein and depicted in **Exhibit A**; and

WHEREAS, the Richland Development Services Department completed environmental review (SEPA) for the land use changes and issued a Threshold Determination of Non-Significance (DNS) on June 21, 2019, which was not appealed; and

WHEREAS, on April 16, 2019, Richland City Council held a Council workshop to review the 2018-2019 Comprehensive Plan Policies, Maps and Code Amendments Docket; and

WHEREAS, on May 21, 2019, Richland City Council passed Resolution No. 66-19 authorizing the 2018-2019 Comprehensive Plan Policies, Maps and Code Amendments Docket which included private and City-initiated amendments to the Comprehensive Plan of the City of Richland; and

WHEREAS, the Richland Planning Commission held a workshop on June 12, 2019 to review the 2018-2019 Comprehensive Plan Policies, Maps and Code Amendments Docket; and

WHEREAS, the Planning Commission held a duly advertised public hearing on June 26, 2019 and accepted all testimony from anyone wishing to speak for or against the proposed changes; and

WHEREAS, the Planning Commission continued the public hearing to July 24, 2019 in order to deliberate on the proposed changes prior to making a formal recommendation to Richland City Council; and

WHEREAS, on July 24, 2019, the Richland Planning Commission voted to accept staff's suggested findings, conclusions and recommendations on the proposed amendments as evidenced in the Planning Commission's adopted meeting minutes; and

WHEREAS, on September 17, 2019, Richland City Council held a public hearing to consider the proposed amendments and the recommendation of the Planning Commission. All testimony from anyone wishing to speak for or against the changes was accepted, after which Council deliberated on the proposed changes; and

WHEREAS, Richland City Council reviewed the application materials, staff report, and comments concerning the rezoning; and

WHEREAS, on September 17, 2019, Richland City Council voted to amend the City's Comprehensive Plan and change the land use designations for the associated parcels by approval of Ordinance No. 38-19 for first reading, by title only; and

WHEREAS, also on September 17, 2019, Richland City Council voted to approve the proposed area-wide rezone and accept the staff's recommended findings of fact, conclusions of law and recommendations by approval of Ordinance No. 39-19 for first reading, by title only; and

WHEREAS, Richland City Council finds the proposed amendments to be in compliance with the Comprehensive Plan of the City of Richland as amended by Ordinance No. 38-19 and area-wide rezone criteria of the Richland Municipal Code.

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

Section 1. Change in Zones. To implement the 2018-2019 amendments to the Comprehensive Plan of the City of Richland as adopted by Ordinance No. 38-19, the property listed below is rezoned as follows:

- Parcel No. 1-3408-100-0029-000 (2.05 acres) is rezoned from undesignated to Parks & Public Facilities as depicted in **Exhibit A**.
- Parcel Nos. 1-2298-300-0006-002 and 1-2298-300-0006-003 (approximately 10.25 acres) is rezoned from Low-Density Residential R-1-12 to High-Density Residential – R3 as depicted in **Exhibit A** and subject to a Property Use and

Development Agreement as set forth in **Exhibit B** and incorporated herein by reference.

- Parcel No. 1-2008-300-0009-010 (approximately 54.40 acres) is rezoned from Low-Density Residential R-1-10 and Medium-Density Residential R-2 to Medium Density Residential R-2S as depicted in **Exhibit A**.
- Parcel No. 1-1598-101-3592-002 (1.81 acres) is rezoned from Parks & Public Facilities (PPF) to High-Density Residential R-3 as depicted in **Exhibit A**.
- Parcel No. 1-1598-101-3592-004 (2.02 acres) is rezoned from Parks & Public Facilities (PPF) to Retail Business (C-2) as depicted in **Exhibit A**.
- A portion of Parcel No. 1-1198-102-0624-001 (lying in Leslie Groves Park) is rezoned from Parks & Public Facilities to Natural Open Space (NOS) as depicted in **Exhibit A**.
- Parcel No. 1-0188-300-0002-000 (Amon Preserve East) is rezoned from Low Density Residential R-1-10 to Natural Open Space (NOS) as depicted in **Exhibit A**.
- Parcel No. 1-3698-305-0009-001 (Amon Preserve North) is rezoned from Multiple Family Residential (R-3) to Natural Open Space (NOS) as depicted in **Exhibit A**.
- Portions of Parcel Nos. 1-0998-100-0004-000, 1-0998-100-0005-000, 1-0998-100-0006-000 and 1-0998-400-0004-000 (lying in W.E. Johnson Park) are rezoned from Parks & Public Facilities (PPF) to Natural Open Space (NOS) as depicted in **Exhibit A**.

Section 2. 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 Nos. 5, 7, 8, 12, 13, 16, 20 and 21, which are eight (8) maps in a series of maps constituting said Official Zoning Map, as shown on the attached **Exhibit A** 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 3. 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 4. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

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

Section 6. 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 1st day of October, 2019.


ROBERT J. THOMPSON
Mayor

ATTEST:

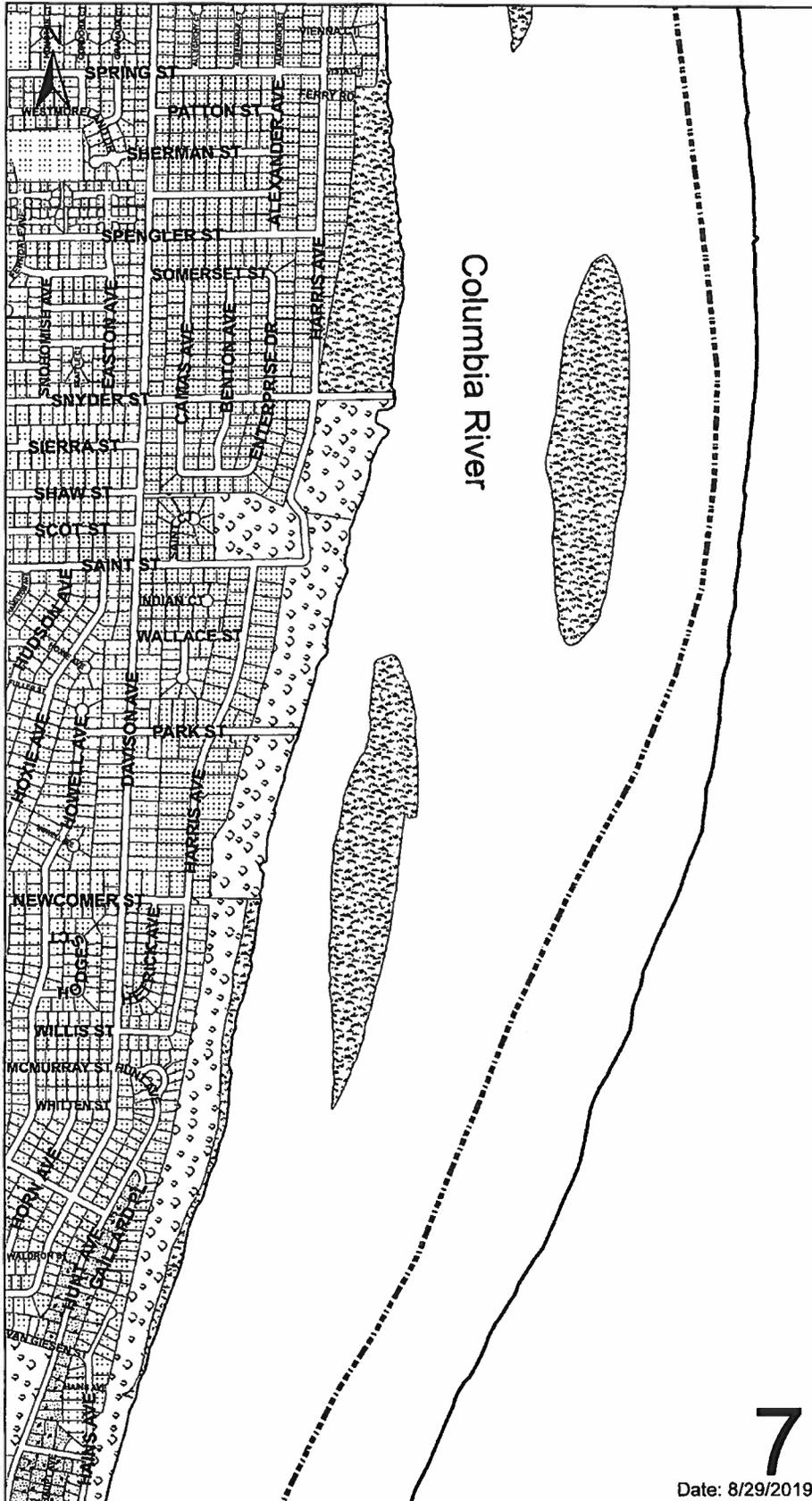

TONI FULTON, Acting Deputy City Clerk

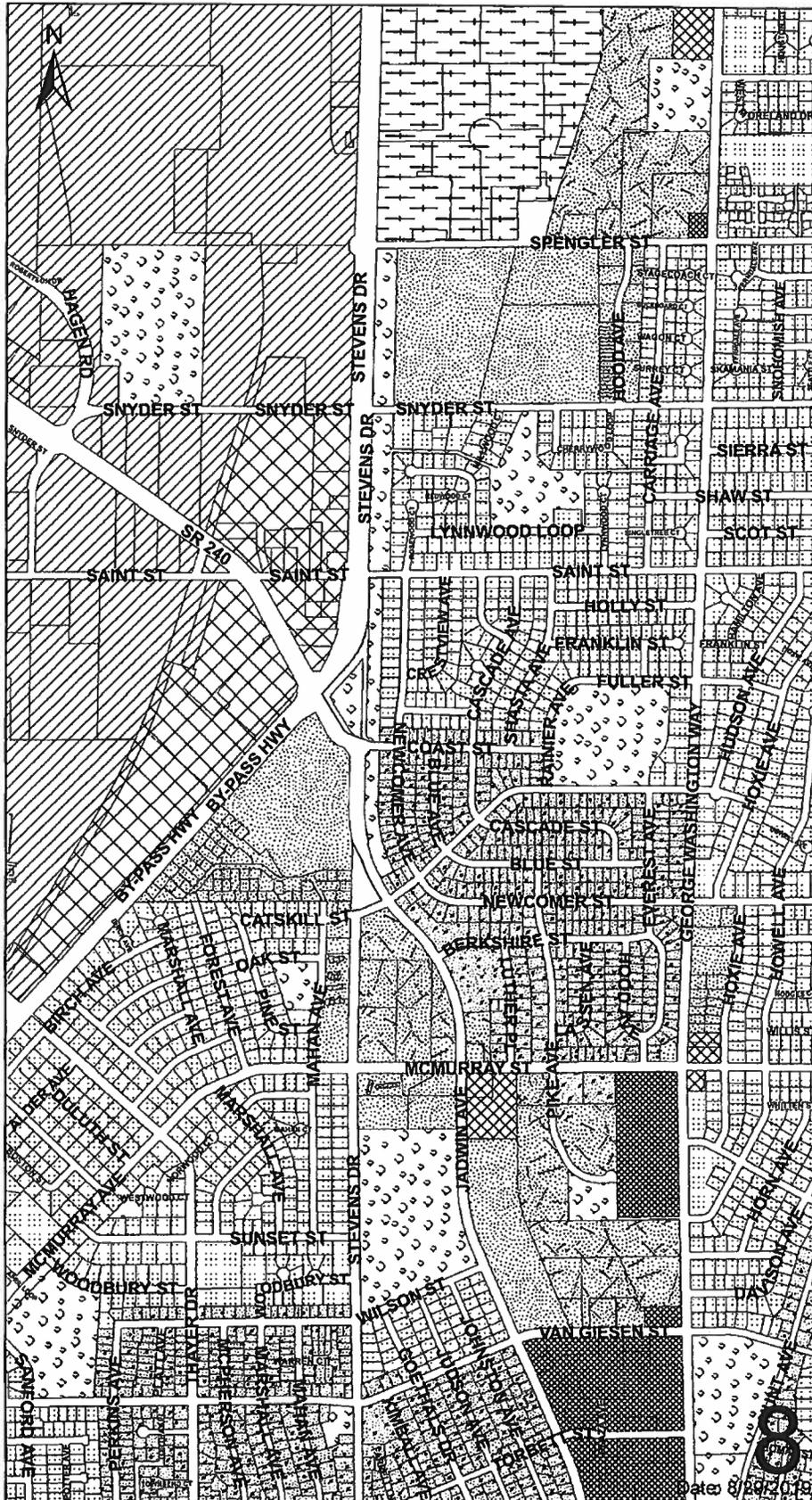
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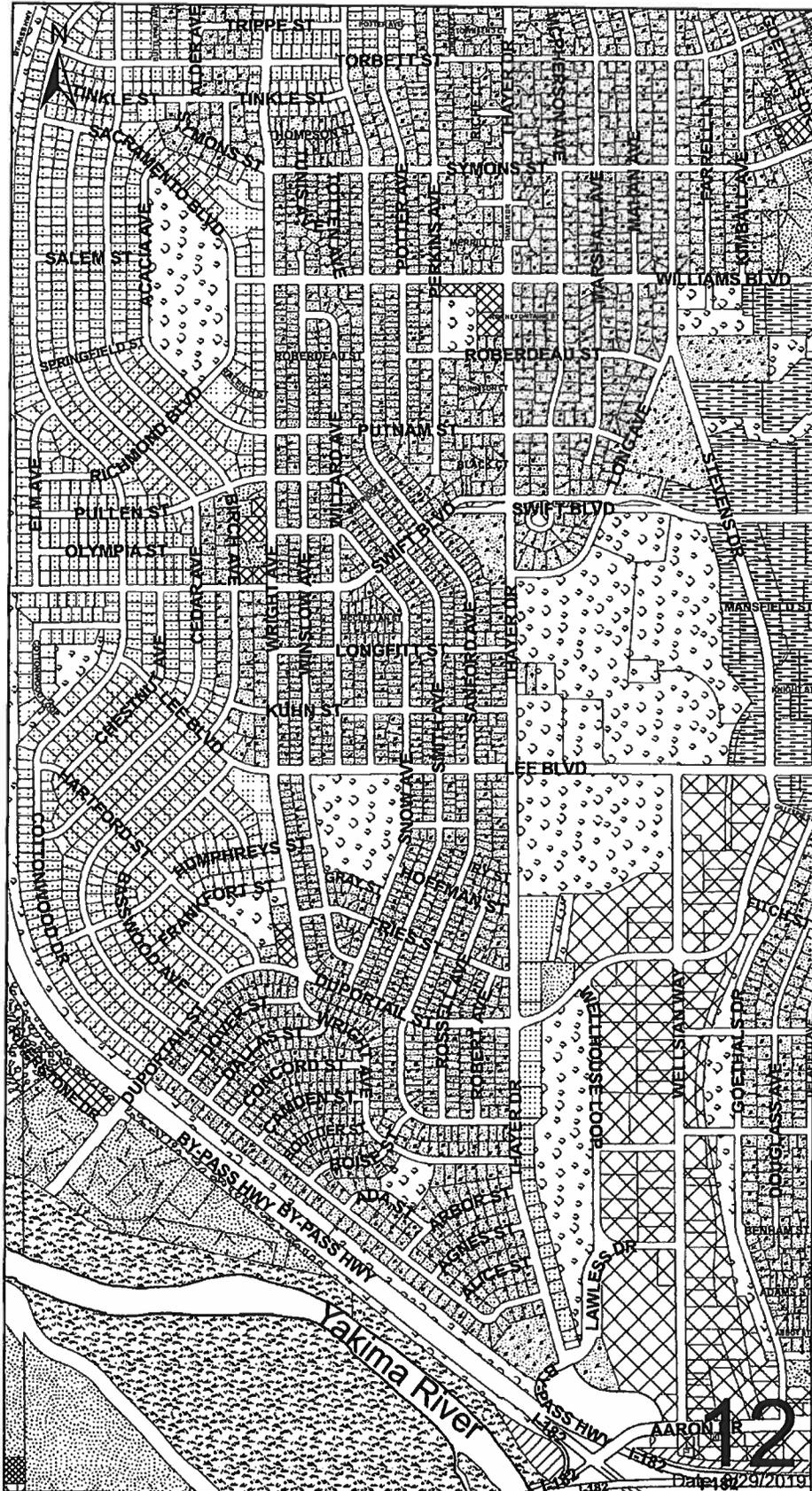

HEATHER KINTZLEY, City Attorney

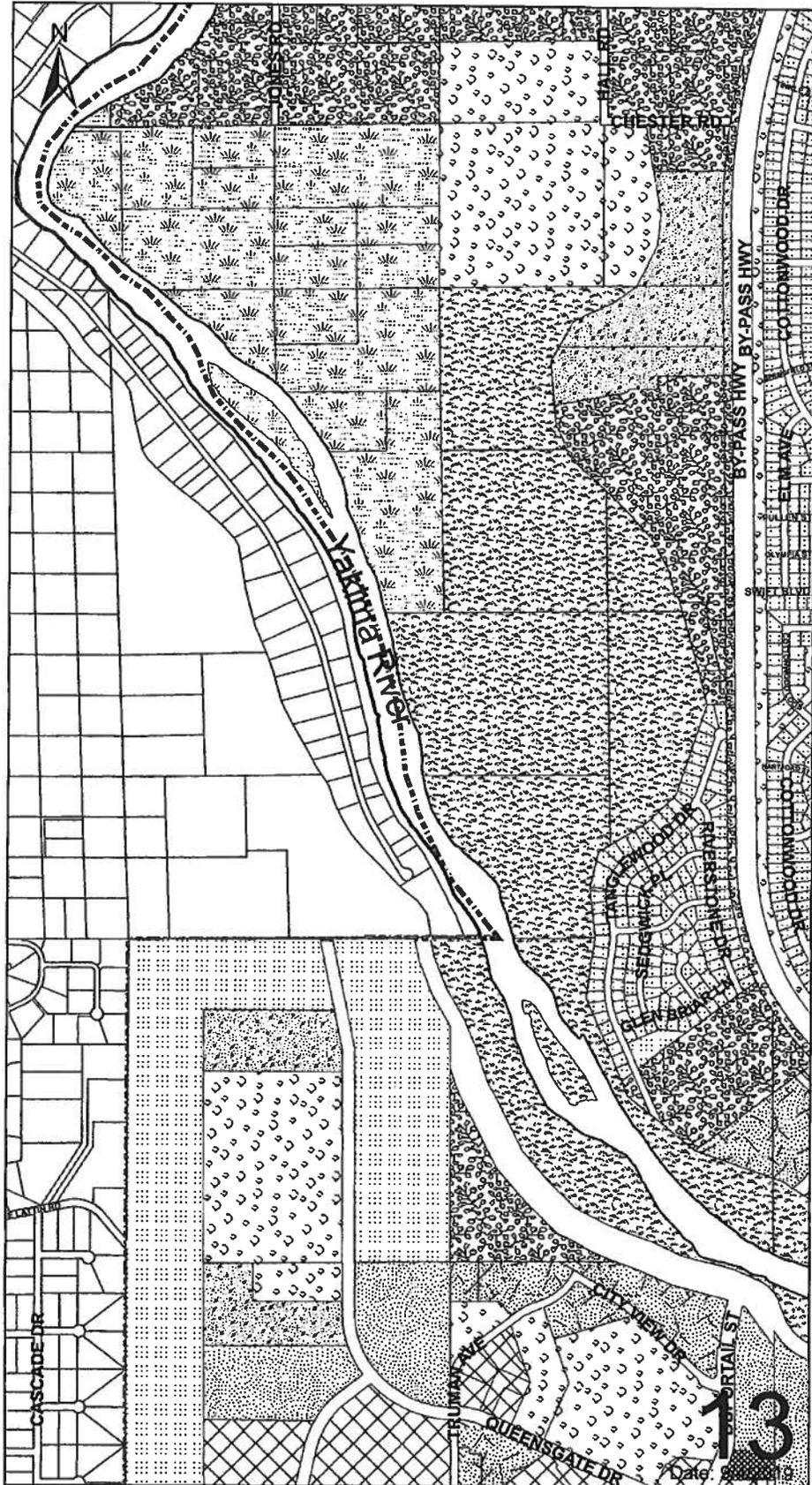
Date Published: October 6, 2019

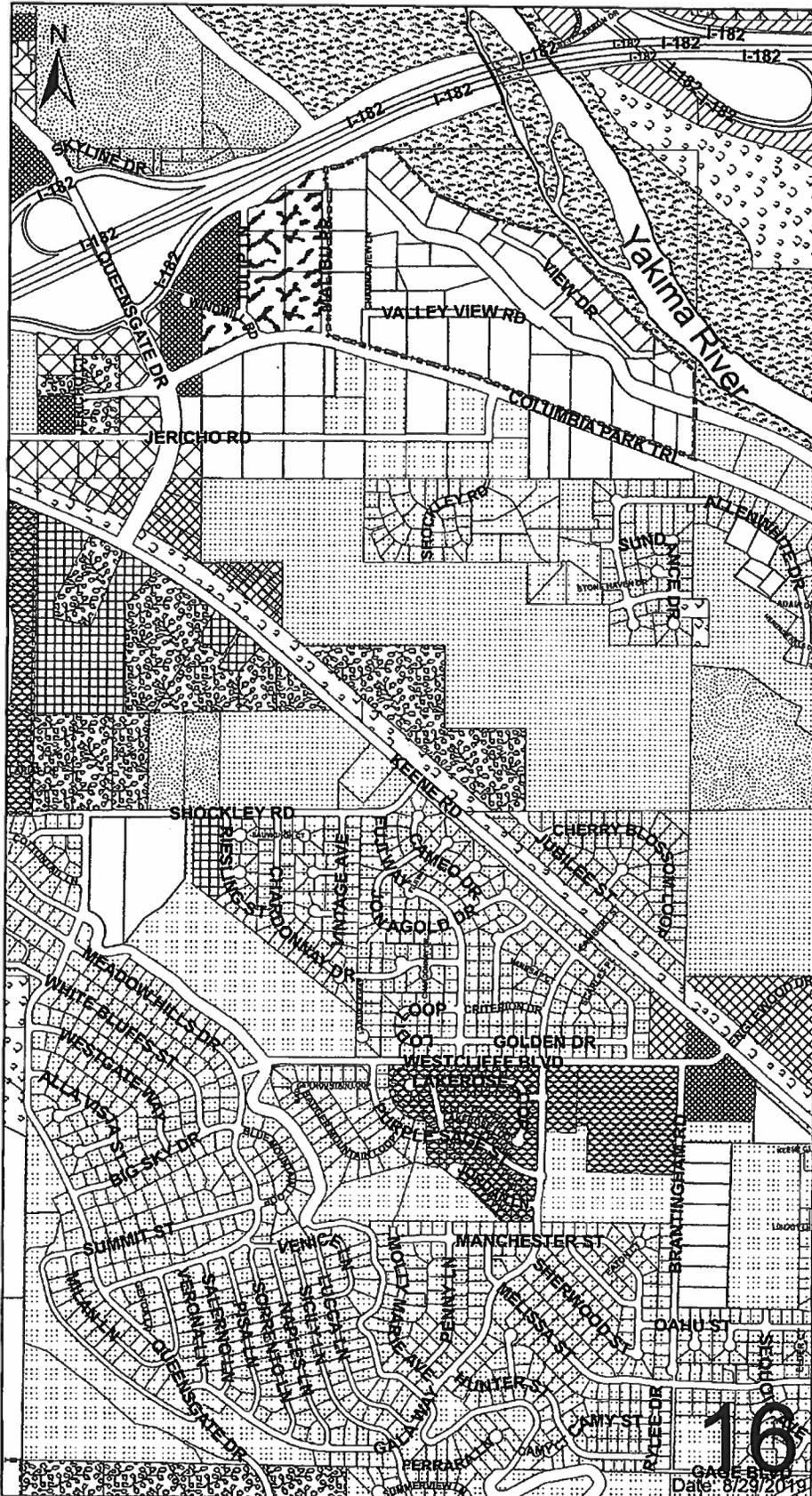


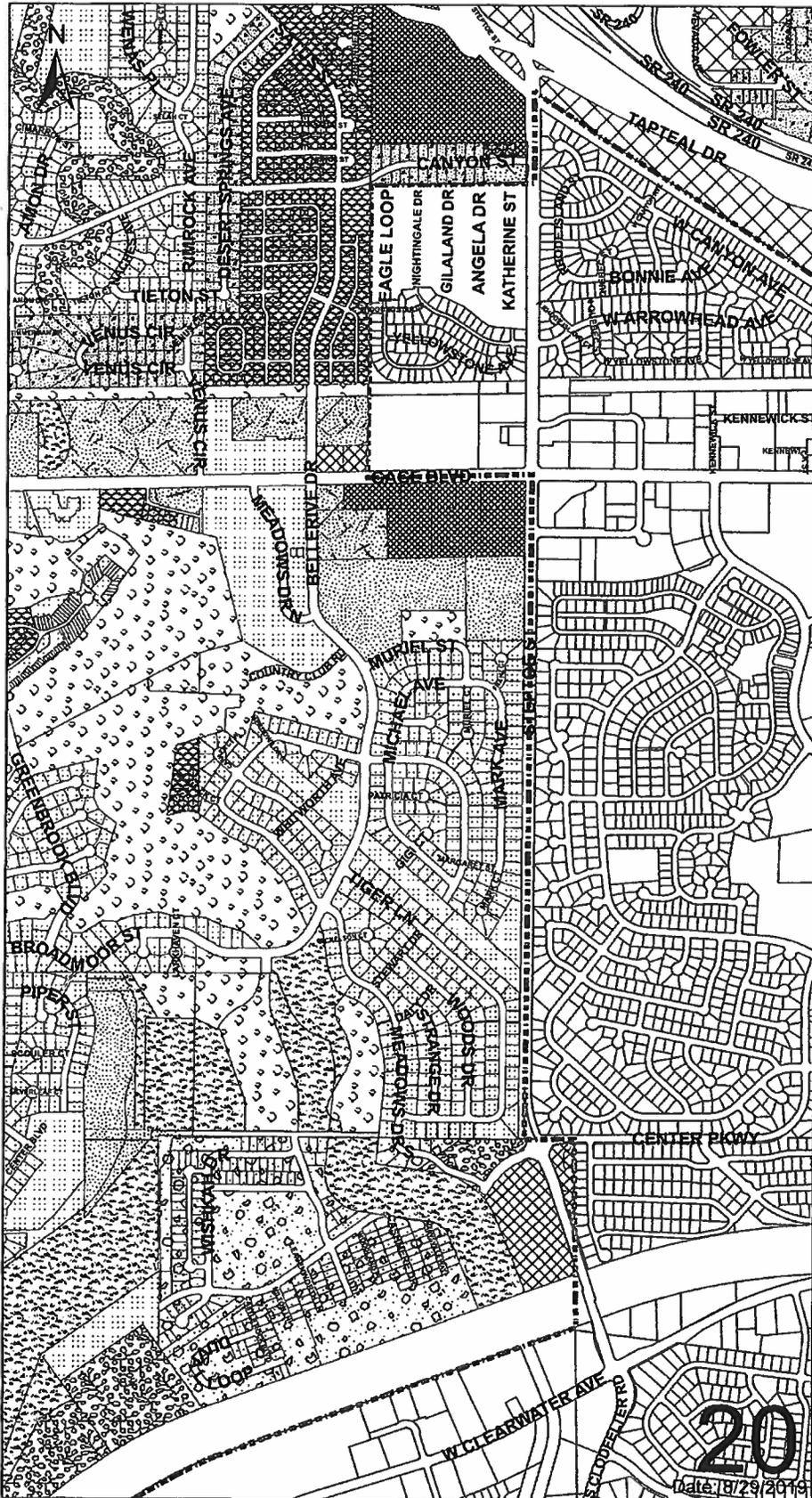












PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2019, by and between the CITY OF RICHLAND, a Washington municipal corporation with service at 625 Swift Boulevard, Richland, WA, 99352 (hereinafter "City") and BETHEL CHURCH OF RICHLAND, WASHINGTON, a Washington non-profit corporation with service at 600 Shockley Road, Richland, WA, 99352 (hereinafter "Petitioner").

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

WHEREAS, the City of Richland is currently entertaining an application received from Petitioner for a change in the Comprehensive Plan of the City of Richland and a change in zoning on a 10.25-acre site, Benton County Tax Parcel Identification Nos. 1-2298-300-0006-002 and 1-2298-300-0006-003 located at the property address of 600 Shockley Road (the "Property") and more particularly described as:

Parcel A: the west 268.37 feet of the east 11131.63 feet of the portion of the west 2054.40 feet of the southwest ¼ of Section 22, lying south of the following description line: beginning at a point on the west line of said section distance 797.55 feet north of the southwest corner thereof, thence east parallel with the south line of said section 733 feet, thence easterly in a straight line to a point on the east line of said west 2054.40 feet which is 827.10 feet north of the south line of said section and the term of said description line; except the south 30 feet for roads (per Survey No. 960 1-21-85).

Parcel B: Portion of the southwest ¼ defined as follows: the west 284.02 feet of the east 845.31 feet of the portion of the west 2054.40 feet of the southwest ¼ of Section 22, lying south of the following description line: beginning at a point on the west line of said section distance 797.55 feet north of the southwest corner thereof thence east parallel with the south line of said section 22, 733 feet thence easterly in a straight line to a point of east line of said west 2054.40 feet which is 827.10 feet north of the south line of said section and term of said description line: except the south 30 feet thereof for roads (per Survey No. 960 1-21-85); and

WHEREAS, the City desires to ensure that the property is used only as articulated by Petitioner during the 2018-2019 Comprehensive Plan amendment process and as

articulated in this Agreement; and

WHEREAS, Petitioner agrees to utilize the property only as articulated in this Agreement in the event the requested change of zone is authorized by the City of Richland.

NOW THEREFORE, it is agreed between City and Petitioner that if the subject Property is rezoned from R-1-12 Single Family Residential to R-3 Multi-Family Residential, Petitioner, for itself and for and on behalf of its heirs, successors and assigns, covenants and agrees as follows:

1. Future development of the subject Property shall conform to the R-3 Multiple Family Residential Use District regulations as set forth in RMC 23.18 for Residential Zoning Districts and currently enacted or hereafter amended, except that the following uses are expressly prohibited:
 - a. Apartments;
 - b. Bed and Breakfast;
 - c. Day Care Center;
 - d. Dormitories, fraternities and sororities;
 - e. Dwelling, Two-Family Detached (duplex);
 - f. Manufactured home parks;
 - g. Recreational vehicle parks;
 - h. Schools.
2. No development within the subject Property shall exceed an overall density of ten (10) dwelling units per acre.
3. This Agreement shall be placed on 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 for itself and for and on behalf of its heirs, successors and assigns with respect to the subject Property or any part thereof. The City of Richland is 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.

[Signature Page to Follow]

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

CITY OF RICHLAND

PETITIONER

Cynthia D. Reents
City Manager

Steven Wallace
Executive Pastor, Bethel Church

Approved as to Form:

Heather Kintzley
City Attorney