

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-07
Richland, WA 99352

ORDINANCE NO. 03-21

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 2.9 acres from Limited Business (C-LB) to General Business (C-3) subject to the land use limitations of a Property Use and Development Agreement; said property being located at 1769 Leslie Road, and adopting the findings and conclusion of the Richland Hearing Examiner as the findings and conclusions of the Richland City Council with certain modifications.

WHEREAS, on January 11, 2021, the Richland Hearing Examiner held a duly advertised public hearing to consider a petition from Goodwill Industries of the Columbia to change the zoning of the property located at 1769 Leslie Road; and

WHEREAS, on February 2, 2021, the Richland Hearing Examiner issued a written decision recommending approval of the requested rezone; and

WHEREAS, after holding a closed-record review hearing, Richland City Council has considered the record created at the January 11, 2021 public hearing and the written recommendation of the Richland Hearing Examiner.

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

Section 1. The findings and conclusions of the Richland Hearing Examiner, as provided in the February 2, 2021 written recommendation, are hereby adopted as the

findings and conclusions of the Richland City Council, with the additional finding that the predominant zoning classification for surrounding commercial properties is C-1 – Neighborhood retail business district, and the additional conclusion that limited C-3 zoning is appropriate to achieve compatibility with surrounding commercial and residential properties as accomplished through a Property Use and Development Agreement.

Section 2. 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 General Business (C-3) when consideration is given to the interest of the general public.

Section 3. Said property, depicted in **Exhibit A**, attached hereto and incorporated by this reference, is more particularly described as follows:

LOT 3, SHORT PLAT NO. 2770

Section 4. Such property is rezoned from Limited Business (C-LB) to General Business (C-3) subject to the land use limitations of the Property Use and Development Agreement attached as **Exhibit C** and incorporated herein by this reference.

Section 5. Richland Municipal Code Title 23 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. 15, 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 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Map No. 15, duly certified by the City Clerk as a true copy.

Section 7. 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 March, 2021.




Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:

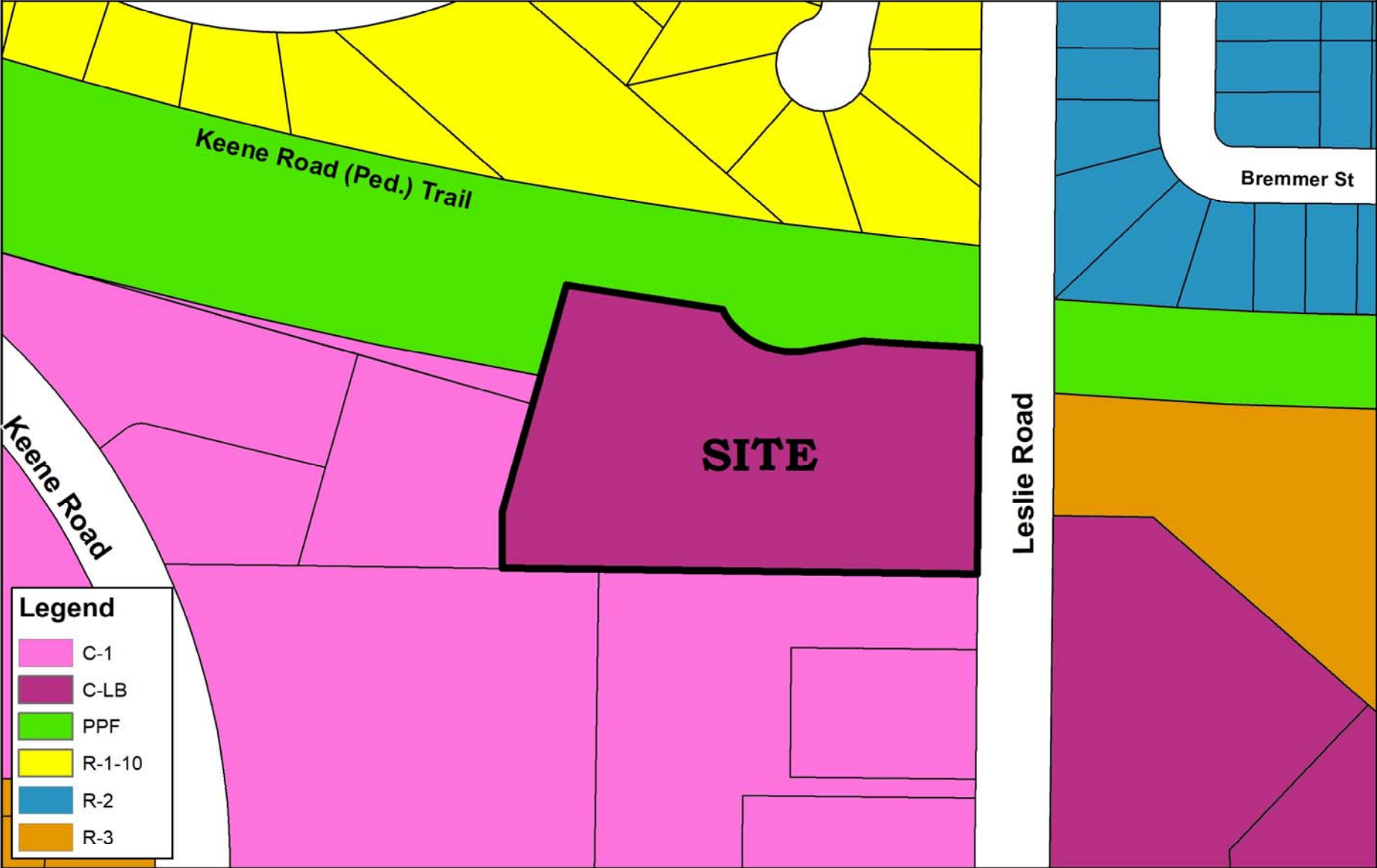


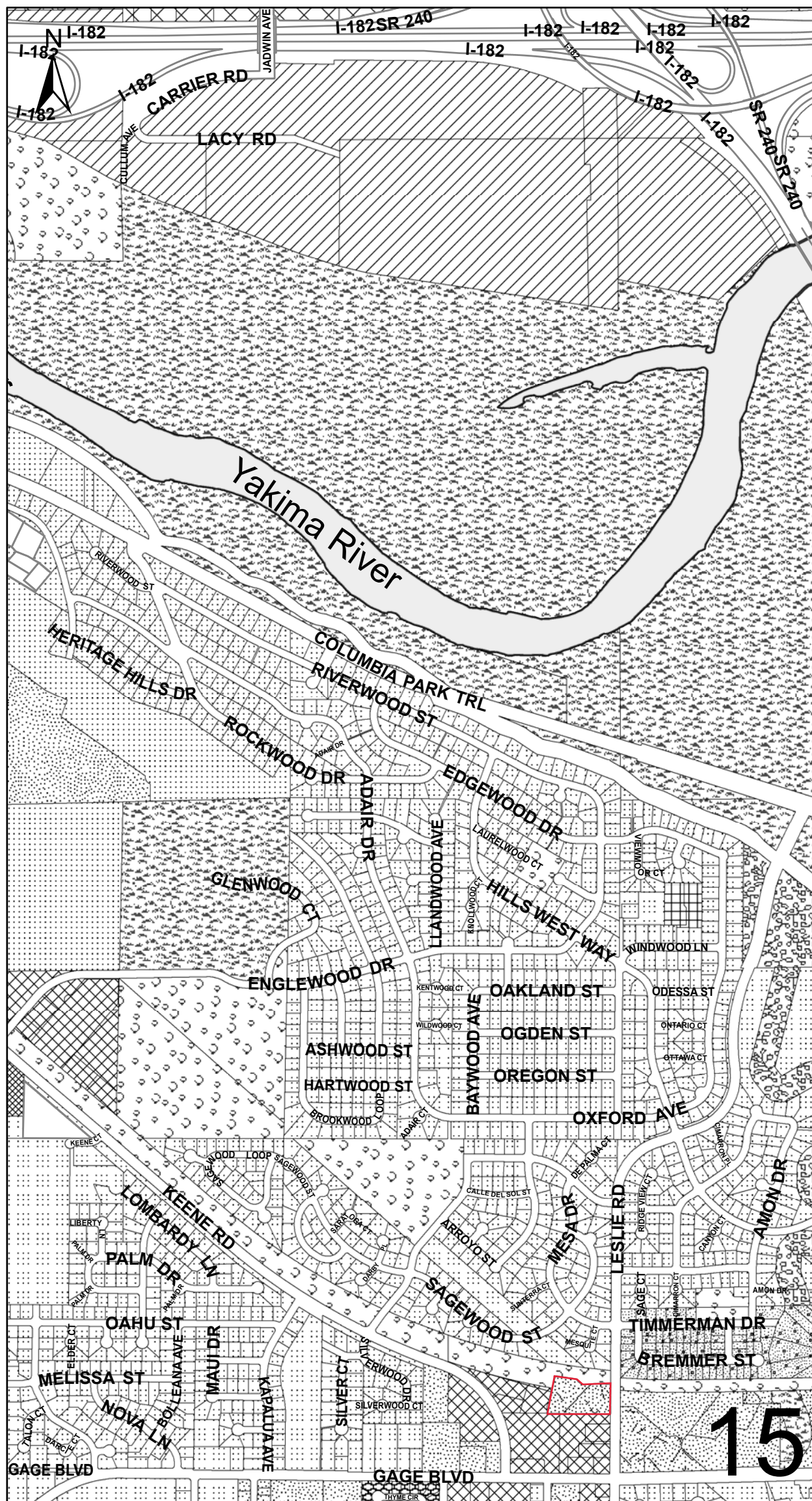
Heather Kintzley, City Attorney

Date Published: March 7, 2021

Zoning Map

Item: Rezone C-LB to C-3
Applicant: Goodwill Industries of the Columbia
File #: Z2020-104





PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2021, by and between the **CITY OF RICHLAND**, a Washington municipal corporation and **CHUCK AND GAYLE STACK**, property owners.

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

WHEREAS, the City of Richland is currently entertaining an application by Chuck and Gayle Stack (hereinafter "Petitioners") for a change of zone covering a 2.92-acre parcel, being Benton County Tax Parcel No. 1-2698-401-2770-003 located at 1769 Leslie Road (hereinafter "Property") and more particularly described in Ordinance No. 03-21.

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from C-LB – Limited Business to C-3 – General Business, Petitioners, for themselves and for and on behalf of their heirs, successors and assigns, covenant and agree as follows:

1. To assure that probable, specific, identifiable impacts on nearby properties will be adequately mitigated, use of the property shall be restricted from containing any of the following uses otherwise allowed in the C-3 zoning classification:

- Automotive Repair – Major
- Boat Building
- Bottling Plants
- Farm Equipment and Supplies Sales
- Heavy Equipment Sales and Repair
- Manufactured Homes Sales Lot
- Marine Equipment Rentals
- Marine Repair
- Towing, Vehicle Impound Lots
- Truck Rentals
- Truck Stop – Diesel Fuel Sales
- Truck Terminal
- Vehicle Leasing/Renting
- Vehicle Sales
- Warehousing, Wholesale Use
- Animal Shelter
- Commercial Kennel
- Hospital/Clinic – Large Animal
- Newspaper Offices and Printing Works
- Radio and Television Studios
- Schools, Trade
- Hospitals
- Homeless Shelter
- Public Campgrounds
- Cinema, Indoor
- Cinema, Drive-In
- Commercial Recreation, Indoor
- Commercial Recreation, Outdoor
- House Banked Card Rooms
- Recreational Vehicle Campgrounds
- Recreational Vehicle Parks
- Stable, Public
- Dwelling Units for a Resident Watchman or Custodian
- Hotels or Motels
- Adult Use Establishments
- Landscaping Material Sales

- Hospital/Clinic – Small Animal
- Laundry/Dry Cleaning, Commercial
- Micro-Brewery
- Laundry and Cleaning Plants
- Light Manufacturing Uses
- Warehousing and Distribution Facilities
- Wholesale Facilities and Operations
- Wineries – Production
- Lumberyards
- Nursery, Plant
- Pawn Shop
- Retail Hay, Grain and Feed Stores
- Bus Station
- Bus Terminal
- Mini-Warehouse
- Convention Center

as defined in the Richland Municipal Code (RMC) 23.06.030, as presently existing or 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 hereafter amended, remain in effect.

This agreement shall be placed 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 Petitioners and Petitioners 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

PETITIONERS

Jon Amundson, ICMA-CM
Interim City Manager

Chuck Stack, Owner

Attest:

Gayle Stack, Owner

Jennifer Rogers, City Clerk

Approved as to form:

Heather Kintzley, City Attorney