

**CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION  
STAFF REPORT TO THE HEARING EXAMINER**

GENERAL INFORMATION:

PROPOSAL NAME: 801 Dalton Street Zoning Map Amendment

LOCATION: 801 Dalton Street

APPLICANT: Matt Fredrickson

PROPERTY OWNER: MFJG Holdings, LLC.

FILE NO.: Z2023-108

DESCRIPTION: Request to rezone three (3) parcels from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (APNs: 1-23083013398002, 1-23083013398003, and 1-23083013398004)

PROJECT TYPE: Type IIIA Site-Specific Rezone

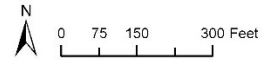
HEARING DATE: November 13, 2023

REPORT BY: Matthew Howie, Senior Planner

RECOMMENDED ACTION: Recommendation to City Council for Approval

## Vicinity Map

Item: 801 Dalton St Zone Change  
Applicant: Matt Fredrickson  
File #: Z2023-108



**Figure 1 - Vicinity Map**

### **DESCRIPTION OF PROPOSAL**

The current request is to make a Zoning Map Amendment (rezone) to three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M). The applicant claims that the B-C zoning that has existing on site for some time is not as economically viable as a more traditional light-industrial uses permitted within the Medium Industrial land use zoning classification (APNs: 1-23083013398002, 1-23083013398003, and 1-23083013398004). *Figure 1* (above) shows the subject site within its larger context.

### **REASON FOR REQUEST**

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner. See additional RMC guidance for the Hearing Examiner, below:

#### 19.20.010 Procedures for processing development permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IIIA.

D. Type IIIA permits include the following types of permit applications:

1. Site-specific rezones;

19.60.060 Burden of proof.

Except for Type IV actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

23.70.210(A) Public hearing and recommendation to council.

Reclassification. The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application. The recommendation shall include written findings of fact and the reasons for the hearing examiner's action; and shall refer expressly to the maps, description and other matters intended by the hearing examiner to constitute the reclassification.

Additional Considerations.

Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent must demonstrate that there has been a change of circumstances since the original zoning provided if a proposed rezone implements the policies of the comprehensive plan, a showing of changed circumstances is usually not required; and (3) the rezone must have a substantial relationship to the public health, safety, morals or general welfare.

For the purposes of this rezone request, the central questions presented are:

1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and /or whether there has been a change of circumstances since the original Agricultural [AG] zoning was adopted for the site?
2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

**REVIEW AUTHORITY**

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner.

**SITE DESCRIPTION & ADJACENT LAND USES**

The subject site is comprised of three (3) parcels totaling approximately 3.93 acres, roughly four-sided, hedged in by Dalton Street to the north, Fermi Drive to the east, Curie Street to the south, and Stevens Drive to the west. The parcel is roughly in 480 feet wide from east to west and 390 feet wide (on average) from north to south.

The subject site is essentially flat with only nodes of elevation in places occupied by former building pads. Staff assumes this was the former location of Hanford support facilities, long since abandoned. The area will be accessed most directly from the access drive between Dalton and Curie Streets.

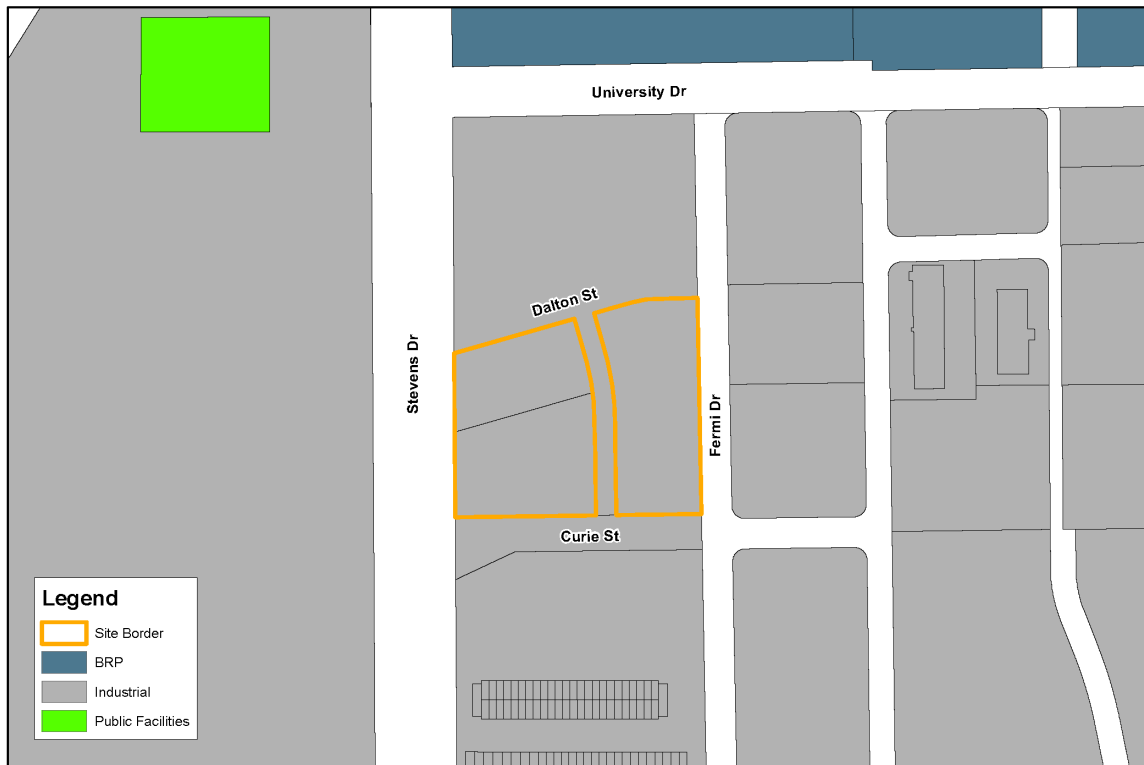
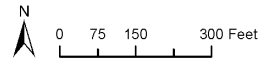
The northwestern corner of the site is approximately 470 feet south of the intersection of Stevens and University Drives. The northern boundary of the subject site is Dalton Street. The western boundary is Stevens Drive. The southern boundary of the site is Curie Street. The eastern boundary is Fermi Drive.

**CURRENT LAND USE DESIGNATION AND USES**

- North:** Industrial (IND), office and strip mall development
- East:** Industrial (IND), open lot
- South:** Industrial (IND), future Luxelocker open storage
- West:** Industrial (IND), open lot

**Land Use  
Map**

Item: 801 Dalton St Zone Change  
Applicant: Matt Fredrickson  
File #: Z2023-108



**Figure 2 – Comprehensive Plan Land Use Map**

**COMPREHENSIVE PLAN**

As illustrated in Figure 2 (above), the Comprehensive Plan Land Use designation for the subject site and much of the surrounding area is Industrial (IND).

**Applicable Goals & Policies**

Provided below is a set of Comprehensive Plan goals & policies which are particularly applicable to the subject residential subdivision.

*Land Use Goal 1:* Plan for growth within the urban growth area and promote compatible land use.

*Policy 2:* Facilitate planned growth and infill developments within the City.

*Land Use Goal 2:* Establish land uses that are sustainable and create a livable and vibrant community.

*Policy 3:* Ensure that the intent of the land use and districts are maintained.

*Land Use Goal 4:* Promote commercial and industrial growth that supports the City's economic development goals.

*Policy 6:* Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.

### **CURRENT ZONING**

The subject site is zoned Business and Commerce (B-C). Surrounding parcels are zoned as follows:

**North:** B-C, Business and Commerce use district

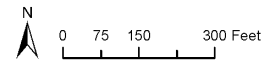
**East:** I-M, Medium Industrial use district

**South:** I-M, Medium Industrial use district

**West:** I-M, Medium Industrial use district

### **Zoning Map**

Item: 801 Dalton St Zone Change  
Applicant: Matt Fredrickson  
File #: Z2023-108



**Figure 3 – Zoning Map**

The business and commerce use zoning classification (B-C) is intended to provide locations for a range of business and commerce uses, in a business park setting, where such uses are in close proximity to residential lands. It is also a purpose of this zoning classification to place appropriate use limitations and restrictions on business and commerce uses to ensure the protection of nearby residential uses. Areas of restriction include such items as increased building setbacks, stringent landscaping standards, restrictions on outdoor storage, architectural controls, outdoor lighting standards and access controls. The business and commerce zoning classification provides opportunities for employment in modern, attractive buildings on well-landscaped sites which may be close to residential areas, thereby resulting in a reduction of travel time to and from work. Developments that include several businesses with integrated building architecture, landscaping, and infrastructure are encouraged. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan.

RMC 23.28.010(B)

### **23.28.020(C). B-C Business Commerce.**

It is the intent of this section that:

1. Uses shall be conducted primarily within enclosed buildings.
2. On-site hazardous waste treatment and storage facilities shall be located a minimum of 300 feet from surface water, residential zones and public gathering places.
3. Development of a trail system through landscaped areas is encouraged and should, where possible, connect to adjoining trail systems and public sidewalks.
4. Uses shall not inflict upon the surrounding properties smoke, dirt, glare, vibrations, or noise beyond the maximum permissible levels hereby established:
  - a. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.
  - b. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property in accordance with state regulations as set forth in WAC Title 173, as codified or as hereinafter amended.
  - c. Heat, Glare and Humidity (Steam). In the B-C district any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the B-C district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the B-C district.

- d. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland as set forth in the International Building Code and International Fire Code as adopted by the city of Richland or as hereinafter amended.
5. Wherever the B-C zone is applied to any property or properties, there shall be site design standards put in place that shall regulate the appearance of buildings within the B-C district. This requirement for site design standards shall be met in one of the following ways:
- a. The property or properties that are part of the B-C zone shall also be subject to the standards set forth in subsection (D) of this section; or
  - b. The property or properties that are part of the B-C zone shall be subject to private conditions, covenants, and restrictions as proposed by applicants for a zone change proposal. Said conditions, covenants and restrictions shall include site design standards that are deemed appropriate for the intended character, appearance and physical characteristics of the property or properties that are a part of the B-C zone and the immediate vicinity. Such conditions, covenants, and restrictions shall be recorded at the time the zone change ordinance is approved and shall be binding on all new development that occurs on the property or properties that are a part of the B-C zone. Such conditions, covenants, and restrictions shall not be amended without the approval of the city of Richland.

### **23.28.020(D). B-C Site Design Standards.**

The following standards apply to the design of buildings within the B-C zone:

1. Building Design.
  - a. Wall planes shall not run in one continuous direction for more than 60 feet without an offset or setback in the building face, unless the building face contains windows, alcoves, canopies, cornices, cupolas, or similar architectural features.
  - b. At least 25 percent of the wall area fronting on a street should be occupied with windows, alcoves, canopies, cornices, cupolas, or similar architectural features.
  - c. Large buildings should have height variations to give the appearance of distinct elements.
  - d. Rooftop or outdoor mechanical equipment shall be fully screened from public view in a manner which is architecturally integrated with the structure. Screening shall be constructed to a finished standard using materials and finishes consistent with the rest of the building.
  - e. Roof-mounted equipment should be painted a compatible color with the roof screen.
  - f. Exterior building colors should be subdued. Primary colors or other bright colors should generally be used only as accents to enliven the architecture.
  - g. Reflective glass is not permitted for glazing.
  - h. Buildings whose exterior surfaces are more than 50 percent comprised of metal, excluding roof surfaces, are not permitted.
2. Loading and Service Areas.
  - a. Truck docks and loading areas shall not be permitted on the side of the building that faces or abuts a public street.
  - b. Refuse areas and service areas shall be screened from view of the public street.
3. Site Lighting.

- a. Lighting should be used to provide reasonable illumination for the security and safety of on-site areas such as parking, loading, shipping, and pathways.
- b. Lighting shall be designed to minimize glare or objectionable effects to adjacent properties.
- c. Site lighting poles shall not exceed 20 feet in height and shall direct the light downward.
- d. Lighting sources shall be shielded from adjacent properties.

#### 4. On-Site Utilities.

- a. All site utilities shall be placed underground.
- b. Pad mounted equipment shall be appropriately located and screened in a manner consistent with required access and safety requirements.

5. Alternative Design. In the event that a proposed building and/or site does not meet the literal standards identified in this section, a property owner may apply to the Richland planning commission for a deviation from these site design standards. The Richland planning commission shall consider said deviation and may approve any deviation based on its review and a determination that the application meets the following findings:

- a. That the proposal would result in a development that offers equivalent or superior site design than conformance with the literal standards contained in this section;
- b. The proposal addresses all applicable design standards of this section in a manner which fulfills their basic purpose and intent; and
- c. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

### **REQUESTED ZONING**

Following the applicant's request, Staff has prepared this Report and associated application materials for a site-specific rezone of 3.93 acres.

The medium industrial use district (I-M) is a zone providing for limited manufacturing, assembly, warehousing and distribution operations and retail and wholesale sales of products manufactured on the premises or products allied thereto; and administrative and research and development facilities for science-related activities and commercial uses that are supportive and compatible with other uses allowed in the district. Regulations are intended to prevent frictions between uses within the district, and also to protect nearby residential districts. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan.

RMC 23.26.010(A)

#### **23.26.020 Industrial performance standards and special requirements.**

A. I-M – Medium Industrial and M-2 – Heavy Manufacturing. The maximum permissible limits of the detrimental effects specified in this chapter shall be as defined in this section:

1. Smoke. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringlemann Chart as published by the U.S. Bureau of Mines is



prohibited, except that Ringlemann No. 3 will be permitted for three minutes during any eight-hour period for the purpose of building fires or soot blowing.

2. Dust and Other Particulate Matter. The total net rate of emission from all sources within the boundaries of a lot in the I-M or M-2 district shall not exceed one pound per acre of lot area during any one hour. The emission from all sources within any lot area of particulate matter containing more than 10 percent by weight of particles having a diameter larger than 44 microns is prohibited.

Dust and other types of air pollution carried by a wind from such sources as storage yards, piled materials, yards, roads, etc., shall be included in particulate matter measurements and limitations, and shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling, sprinkling, or other acceptable means. Measurements shall be taken at the source of the emission.

3. Method of Measuring Emission of Particulate Matter from All Sources.

Determination of the total net rate of emission of all particulate matter within the boundaries of any lot shall be made as follows:

- a. Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross hourly rate of emission in pounds per acre.
- b. For each gross hourly rate of emission, deduct the height of emission correction factor from the following table, interpolating as necessary for heights not given:

#### ALLOWANCE FOR HEIGHT OF EMISSION

Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

The result is the net hourly rate of emission in pounds per acre from each source of emission.

Adding together individual net rates of emission gives the total net rate of emission from all sources of emission within the boundaries of the lot.

4. Noise. In the I-M and M-2 districts, the sound pressure level resulting from any activity shall not exceed the maximum decibel level set forth in Chapter 173-60 WAC, Maximum Environmental Noise Levels for Class C Industrial Zones.

5. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.

6. Odor. All measurements of odor for purposes of this standard shall be made according to the "dilution method" as prescribed in ASTM D1391-57. The following odor restrictions apply to this medium industrial use district:

a. At the district boundary, the odor from any source within the district must not exceed one odor unit per cubic foot, as measured by the procedures in ASTM D1391-57.

b. Within the district, the odor from any source within a given property or lot must not exceed 10 odor units per cubic foot at the boundary of the property, again measured by the procedures in ASTM D1391-57, except that uses existing prior to the effective date of the ordinance codified in this chapter shall be required to comply with only this subsection (A)(6)(b).

For the purposes of estimating the dilution of odors by the atmosphere between their point of origin and either the property boundary or the district boundary, the method of Pasquill ("The Estimation of the Dispersion of Windborne Material," *Meteorol. Mag.*, 90, 1063, 33-49, 1961) as modified by Gifford ("Uses of Routine Meteorological Observations for Estimating Atmospheric Dispersion," *Nuclear Safety*, 2, 47-51, 1961) shall be used.

The atmospheric conditions to be assumed for this calculation are:

i. Stability Category F, moderately stable air;

ii. Surface wind speed of one meter/second (about two mph).

A procedure and necessary graphs for making this estimate are given in D. Bruce Turner's "Workbook of Atmospheric Dispersion Estimates," Dept. HEW, Environmental Health Series, Public Health Service Publication No. 999-AP-26, Revised 1969.

7. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property.

8. Heat, Glare and Humidity (Steam). In the I-M or M-2 districts any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the I-M or M-2 district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the I-M or M-2 district.

9. Industrial Wastes. The disposal of industrial wastes shall be subject to the regulations of the state Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

10. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland.

**Site requirements for use districts.**

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	B-C	I-M
Minimum Lot Area	None	None
Maximum Site Area (in acres)	None	N/A
Minimum Front Yard Setback	Varies <sup>3</sup>	0 feet <sup>1</sup>
Minimum Side Yard Setback	Varies <sup>3</sup>	None
Minimum Rear Yard Setback	Varies <sup>3</sup>	None
Maximum Building Height – Main Building	45 feet <sup>7</sup>	55 feet <sup>2</sup>

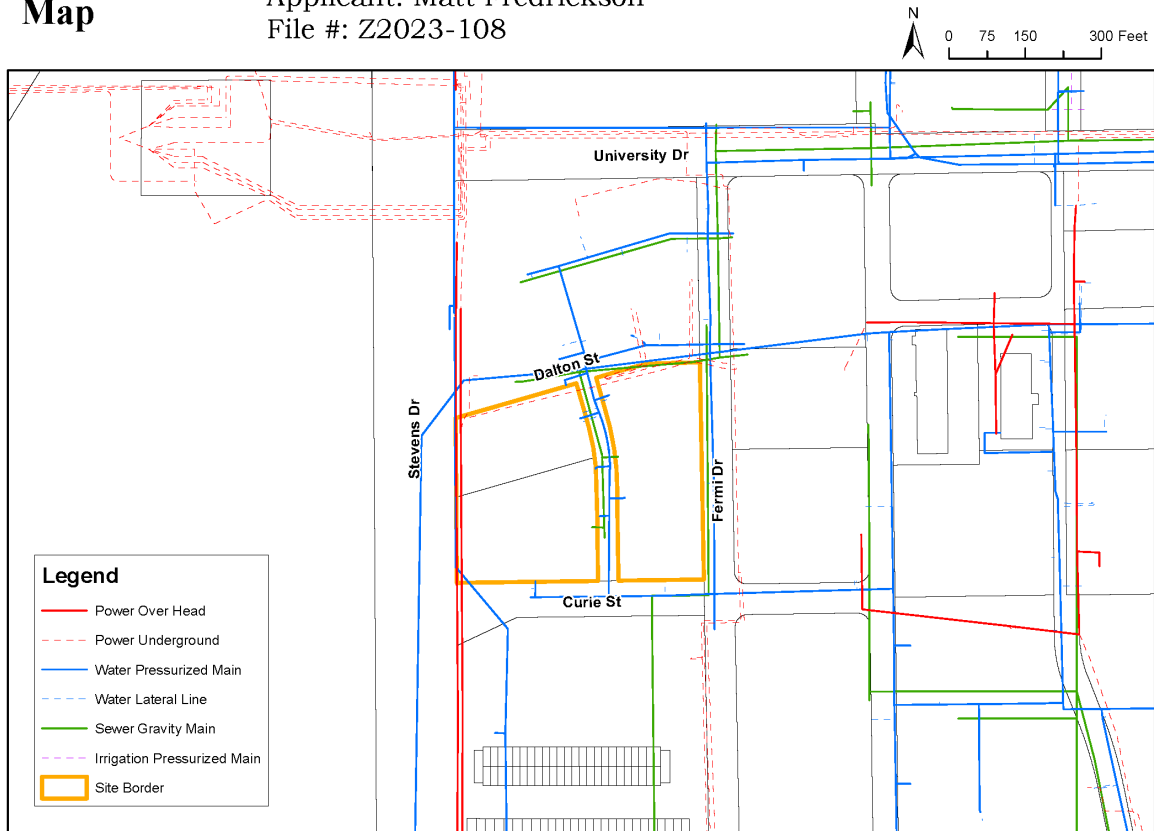
1. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
2. Except as otherwise provided in this section, the maximum building height in the I-M district shall be 55 feet:
  - a. Any building or structure located within 300 feet of any residential use district shall be limited to 24 feet in height.
  - b. Any building further than 300 feet but less than 600 feet from districts described in note (2)(a) of this section shall not exceed 55 feet in height.
  - c. Except as provided in notes (2)(a) and (b) of this section, buildings may exceed the maximum height in accordance with the provisions of RMC 23.38.090.
3. The following minimum setbacks shall apply in the B-C zoning district:
  - a. Wherever a B-C zoned property abuts any property or properties that are a part of any PPF, SAG, R-1-12, R-1-10, R-2, R-2S, R-3 or residential PUD, a minimum building setback of 50 feet shall be provided, except that whenever a B-C zoned property abuts any property that is designated as single-family residential overlay within the Island View subarea plan, setbacks as set forth in subsection (c) of this footnote shall apply.
  - b. Where property lines of a parcel in the B-C district are not adjacent to properties located in other zoning districts, or are adjacent to a public right-of-way or to M-2, I-M, B-RP, or C-3 zoned properties, the following minimum yard requirements shall apply:
    - i. Front yard – 20 feet.
    - ii. Side yard – zero feet.
    - iii. Rear yard – zero feet.
  - c. Wherever a B-C zoned property abuts any property or properties that are part of a C-1, C-2, C-LB, CBD, WF or AG zones or wherever a B-C zoned property abuts any property that is designated as single-family residential overlay within the Island View subarea plan, the following minimum yard requirements shall apply:
    - i. Front yard – 20 feet.
    - ii. Side yard – 10 feet.
    - iii. Rear yard – 10 feet.
7. No building in a B-C district shall exceed 45 feet in height. The planning commission may authorize an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building would be situated in a fashion so as not to interfere with views from surrounding properties. Exception: Private communications facilities may exceed the height limitation.

**UTILITY AVAILABILITY**

There are existing domestic water, sewer, storm, natural gas, and electrical connections in place, available within existing rights-of-way near the site with adequate capacity to supply the proposed project.

## Utility Map

Item: 801 Dalton St Zone Change  
Applicant: Matt Fredrickson  
File #: Z2023-108



**Figure 4 – Utilities Map**

### Sewer

There are existing 8-inch PVC gravity main connections available to future development under Dalton Street and an unnamed access connection running between Dalton Street and Curie Street. A smattering of 4-inch and 6-inch domestic connections are likewise already in place in several locations along those mains.

### Water

There are existing 8-inch PVC potable water distribution mains under Dalton Street and the unnamed access connection running between Dalton Street and Curie Street. Additional 8-inch lines are also under Curie Street and Fermi Drive. A number of 4-inch and 2-inch domestic connections have already been stubbed in.

### Irrigation

There is no existing dedicated irrigation infrastructure within or near to the parcels subject to this rezone request.

### Stormwater

There are existing, private storm ponds along Dalton Street and the unnamed access connection between Dalton and Curie Streets installed as part of Innovation Center Block 13 Improvements.

Power

There are in-place underground primary conductors under Dalton Street and Fermi Drive available for connection.

Natural Gas

There are 2-inch Cascade Natural Gas main lines under Dalton Street available for connection.

**TRANSPORTATION & ACCESS**

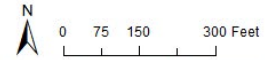
Primary access into the site will come from the private access drive that connects Dalton and Curie Street. Most likely, this private access will be the main vehicle ingress/egress to the site. Dalton Street, Curie Street, and Fermi Drive are all private streets that will provide connection back to Stevens and University Drives classified by the City as a "Principal Arterial" and "Major Collector", respectively.

This area is largely characterized as one still in transition from former territory associated with AEC/DOE pursuits to a mix of industrial and business/institutional campus activities. There are nodes of housing in the attempt to collocate housing with employment but the distances involved negate the idea of this area being walkable, though other active transportation means could broaden the public's ability to go to destinations without motor vehicle. The area still has no neighborhood-serving commercial to make the area more friendly to active transportation.

Sidewalks are not in place along Stevens Drive, though they are otherwise already installed in the near vicinity of the subject site. Existing on-street bicycle routes are in place along both Stevens and University Drives. There are no nearby, current (nor proposed) Ben Franklin Transit bus routes.

**Transportation  
Map**

Item: 801 Dalton St Zone Change  
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File #: Z2023-108



**Figure 5 – Transportation Map**

**EASEMENTS**

There are a number of easements currently encumbering the site for access and utilities. These are contemporary based on the buildout of the current street grid so these should all be anticipated to stay in place moving forward.

**FIRE SAFETY**

The City of Richland Fire Department will provide fire protection services to the subject property and resulting development. Currently, there are a number of hydrants along Fermi Drive and Curie Street, but also adjacent to the access drive connecting Dalton and Curie Streets. More hydrants may be required depending on the intensity of future, proposed uses.

**SCHOOLS**

The plat falls within the boundaries of the Richland School District. Hanford High School is only a half-mile to the southeast. Primary education is significantly further away.

### **SEPA**

The proposal is not subject to State environmental review under the State Environmental Policy Act. Pursuant to WAC 197-11-800(6)(c) the rezone application qualifies as a categorically exempt action.

### **Critical Areas**

The subject site does lie within an existing, recognized Critical Area. Critical Area requirements are not applicable with this proposal though future development proposals will be required to complete an Aquifer Recharge Report.

### **Shoreline Master Program**

The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.

### **AGENCY COMMENTS**

A variety of public agencies and City departments were given an opportunity to comment on the proposal. Agency comments were received regarding and are included in *Exhibit 4*.

### **PUBLIC COMMENTS**

Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. As of the date of this report, Staff have received no public comments regarding this proposed zoning action.

### **PUBLIC NOTICE**

Notice of Hearing Mailed:	October 19, 2023
Notice of Hearing Posted:	October 20, 2023
Notice of Hearing Published:	October 22, 2023
Public Hearing:	November 13, 2023

Notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in *Exhibit 3*.

### **ANALYSIS**

The B-C zoning district is intended to act as a transition between industrial and residential, providing spaces where residential and more-benign industrial uses can be in closer proximity, and provide potential for more active transportation opportunities between those uses than would typically be possible within traditional Euclidian zoning schemes. Indeed, this area of Richland has a mix of Medium Industrial (I-M), Business Research Park (B-RP), and Parks and Public Facilities (PPF) land use districts in close proximity to meet these very aims. That said, in the absence of a larger vision or more assertive control over the placement of residential

uses within B-RP, the buffer associated with this B-C area, which sits between the I-M and B-RP zones, has been undercut over time. While residential could be developed north of University Drive within the B-RP area, it will still find itself across from I-M to the south and west no matter the outcome of this site-specific rezone. Ultimately, the loss of the B-C designation on this 3.93-acre site will not be to the detriment of the any meaningful buffer between I-M and B-RP. [B-RP, itself, already allows a fair number of uses which may or may not be ideally suited to be adjacent to dense residential enclaves as currently written.]

It is the opinion of Staff that while B-C can provide a meaningful buffering function between residential and industrial within its development Code, this particular outcropping of B-C has long since ceased being a meaningful buffer between industrial and potentially residential uses.

This requested rezone does not approve any development activity on the site. As with all development proposals, City development regulations will apply to any specific projects that may eventually be proposed on the site. Following public notices and reviews conducted in accord with City practices for all other private or public rezone applications, there is no evidence in this record that would provide a basis in fact or law to deny the pending rezone request.

Staff here address questions posed to Hearing Examiner via “Reason for Request”:

1. Whether the requested rezone implements policies of the City’s Comprehensive Plan, and/or whether there has been a change of circumstances since the original zoning was adopted for the site?

The B-C zoning use table (Richland Municipal Code [RMC] 23.28.030) already allows for some mix of light-industrial uses. Medium Industrial (I-M) is the next ratchet up of industrial intensity from Business and Commerce (B-C). I-M zoned parcels are in place on three of the four sides across Stevens and Fermi Drives and Curie Street. The choice to zone a majority of the area I-M and not a continuous hedge of B-C south of University Drive in efforts to better buffer the B-RP areas north of University Drive has largely rendered the subject site’s capacity to buffer more intensive uses from less intensive uses largely moot. Furthermore, while B-RP can have limited, dense, residential uses within it, it is not the ideal use to buffer from heavier industrial uses as B-RP can have a number of noxious uses indigenous to its own classification district. This change will not meaningfully be a detriment to its neighbors and is contextual to its largely I-M surroundings.
2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

As stated by the applicant in provided documentation [*Exhibit 1*] the B-C land use designation has proven difficult to market. Anecdotally, Staff has previously been aware of vacancies in the B-C commercial development north of Dalton Street. To the extent a lot “improved” by contextually-appropriate development is more a public benefit than a dust-propagating open lot, this change could contribute to the increased general welfare. As argued before, Staff also fails to see



how this site-specific rezone will yield any particular detriment to the health, safety or morals of the larger area.

### **Recommendation**

The Planning Department requests the Hearing Examiner recommend the proposed zoning map amendment to the Richland City Council.

### **SUGGESTED FINDINGS AND CONCLUSIONS**

Staff has completed its review of the request for a change in zoning (Z2023-108) and recommends approval of the request based on the following:

1. The property owner in this matter is MFJG Holdings, LLC., with Matt Fredrickson acting on behalf of, and, as lead contact.
2. The application is to rezone a portion of one parcel: Benton County Assessor's Tax Parcel Numbers 1-23083013398002, 1-23083013398003 & 1-23083013398004.
3. The three (3) subject parcels are zoned as a Business and Commerce use district (B-C).
4. The requested zone map amendment is to rezone three (3) parcels to Medium Industrial (I-M).
5. The subject parcels have been previously disturbed as a (likely government) building site.
6. The site is essentially flat, with only abbreviated changes in elevation near former building pads.
7. The surrounding area is transitioning from government uses to a mix of light industrial, commercial, and institutional campuses.
8. The Comprehensive Plan designates these parcels as Industrial (IND).
9. The current Business and Commerce (B-C) zone does effectuate the Comprehensive land use designation, Industrial (IND).
10. Per RMC 23.28.010, the Business and Commerce use zoning classification (B-C) "is intended to be applied to some portions of the city that are designated industrial [IND] under the [C]ity of Richland [C]omprehensive [P]lan".
11. No portion of this proposed rezone is in the Shoreline Management Program's jurisdiction.
12. All of this proposed rezone is in a Critical Aquifer Recharge Area (CARA). No other critical areas have been identified.
13. The proposed site is encumbered by existing easements, some to be relocated, some to be relinquished, some to stay in place.
14. The application is exempt from the provisions of the State Environmental Policy Act (SEPA), as identified in WAC 197-11-800(6)(c).
15. Notice requirements of RMC 19.30.040 have been met:
  - a. Notice of Hearing Mailed: October 19, 2023
  - b. Notice of Hearing Posted: October 20, 2023
  - c. Notice of Hearing Published: October 22, 2023
16. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

**EXHIBIT LIST**

1. Application Materials
2. Vicinity Map
3. Public Notices & Affidavits
4. Agency Comments



## Exhibit I

# Application Materials



## Zoning Map Amendment Application

**Note: A Pre-Application meeting is required prior to submittal of an application.**

### PROPERTY OWNER INFORMATION

Contact Person

Owner: MFJG Holdings, LLC

Address: 98602 E Brooklyn Drive, Kennewick WA 99338

Phone: 509-727-2441

Email: mfredrickson@dgrgrantinc.com

### APPLICANT/CONTRACTOR INFORMATION (if different)

Contact Person

Company:

UBI#:

Contact:

Address:

Phone:

Email:

### DESCRIPTION OF WORK

Rezone 3 parcels on the same block from Business commerce to Light industrial. Once rezoned, market and build to suite all 3 parcels on long term leases.

Additional Legal descriptions:

Section 23, Township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 3. Recorded in volume 1 of short Plats, page 3398, records of Benton County

Section 23, Township 10 North, Range 28 EA Quarter SW: Short Plat #3398, Lot 4. Recorded in volume 1 of short plats. page 3398, Records of Benton County

### PROPERTY INFORMATION

Parcel #: 123083013398002, 123083013398003, 123083013398004

Legal Description: section 23, township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 2. Recorded in volume 1 of short plats, page 3398, Records of Benton County

Current Zoning: Business Commerce

Current Comp Plan:

Requested Zoning: Light Industrial

Current Use: Undeveloped

Proposed Use: Warehouse/Office Space

Area of Property: All

### APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

### ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

Surrounding area is mostly industrial, light industrial and government business. Limited housing in the area and lack of residential neighborhoods presents a difficult market to less buildings under the current Business commerce zoning

Any hardship that may result in the event the rezone is not granted:

Property as currently zoned does not appear to be marketable for the area. Parcel to the north is already zoned business commerce with a building vacant that has been vacant for some time. Light industrial will be more marketable for the area.

The manner in which the proposed rezone conforms to patterns in adjacent zones:

Mosts adjacent properties are zoned industrial

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

Beneficial for the other areas due to increased presence of people once properties are developed and leased out.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

Beneficial due to much increased chance of filling these future buildings with Tenants increasing the population of this area. Current area is fields driving no commerce.

The benefits or detriments accruing to the City which would result from the granting or denial of this special permit:

More possibly tax revenue. Current properties are just raw land. New zoning grants a much stronger chance of developing this area and finding tenants for this area.

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

Light commercial would be a better use of land. This propsoed zoning fits with the use of this area. Parcel to the North is already zoned business commerce and is struggling to find and keep tenants due to the nature of the businesses in the area.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

Rezoning to light industrial will fit with the surrounding zoning.

Identify impacts on the environment and public safety:

None

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

*Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.*

Applicant Printed Name: MATT FREDRICKSON

Applicant Signature:  Date 10/9/23



City of Richland  
Development Services

625 Swift Blvd. MS-35  
Richland, WA 99352  
509-942-7794  
509-942-7764

## Pre-Application Conference Waiver

PROPERTY OWNER INFORMATION		<input checked="" type="checkbox"/> Contact Person
Owner: MFJG Holdings, LLC		
Address: 98602 E Brooklyn Drive, Kennewick WA 99338		
Phone: 509-727-2441	Email: mfredrickson@dgrgrantinc.com	

APPLICANT/CONTRACTOR INFORMATION (if different)		<input type="checkbox"/> Contact Person
Company:	UBI#	
Contact:		
Address:		
Phone:	Email:	

PROPERTY INFORMATION
Parcel #: 123083013398002, 123083013398003, 12383013398004
Legal Description: <small>Section 23, Township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 2. Recorded in volume 1 of short plats, page 3398. Records of Benton County Section 23, Township 10 North, Range 28 East, Quarter SW: Short plat #3398, Lot 3. Recorded in volume 1 of short plats, page 3398. Records of Benton County Section 23, Township 10 North, Range 28 East, Quarter SW: Short plat #3398, Lot 4. Recorded in volume 1 of short plats, page 3398, records of Benton County</small>

TYPE II APPLICATIONS		TYPE III APPLICATION	
<input type="checkbox"/>	Flood Plain Variance	<input type="checkbox"/>	Non-residential Shoreline Substantial Development
<input type="checkbox"/>	Critical Areas & Resource Lands Variance/Viable Use	<input type="checkbox"/>	Residential Shoreline Substantial Development
<input type="checkbox"/>	Binding Site Plan	<input type="checkbox"/>	Shoreline Variance/Conditional Use
<input type="checkbox"/>	Administrative Variance	<input type="checkbox"/>	Conditional Use
		<input type="checkbox"/>	Subdivision
		<input checked="" type="checkbox"/>	Rezone (site specific)
		<input type="checkbox"/>	Vacation/Alteration of a Subdivision
		<input type="checkbox"/>	Variance
<input type="checkbox"/>	Other:		

I understand the waiver of a pre-application conference increases the maximum time for review for technically complete status and increases the risk the application will be rejected or processing will be delayed.

Applicant Printed Name: MATT FREDRICKSON

Applicant Signature:  Date: 10/9/23

## Commitment for Title Insurance

Title Officer: Tracy Rosane  
Email: Julie.Bowman@ctt.com  
Phone No.: 509-820-0457  
Fax No.: 844-894-6828  
Title No.: 62242301710

Escrow Officer: Julie Bowman  
Email: Tracy.Rosane@ctt.com  
Phone No.: (509)735-1575 Main  
Fax No.: (509)735-0707

Property Address: 800 and 801 Dalton St. and 990 and 750 Currie St. Richland, WA 99354

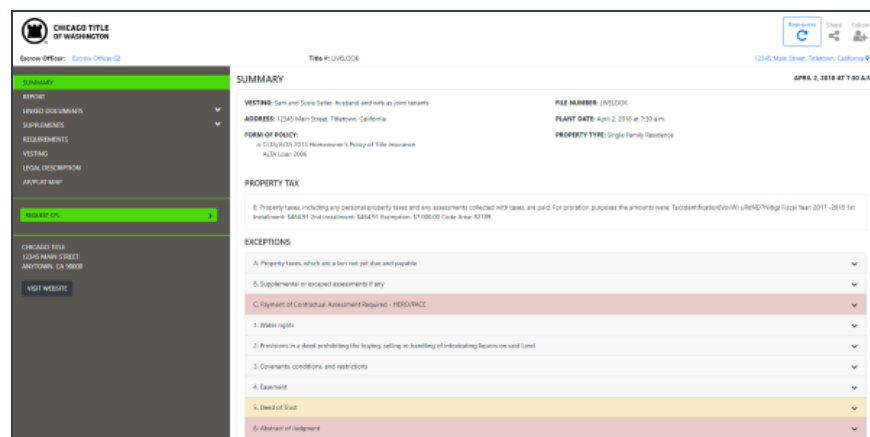
### Introducing



LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

Access title reports, exception documents, an easy-to-use summary page, and more, at your fingertips and your convenience.

[To view your new Chicago Title PreVIEW powered by LiveLOOK report, Click Here](#)



**Effortless, Efficient, Compliant, and Accessible**



# ALTA COMMITMENT FOR TITLE INSURANCE

issued by agent:



**CHICAGO TITLE**  
COMPANY OF WASHINGTON

Commitment Number:

**62242301710**  
**Revision 1**

## NOTICE

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

## COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

## Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Dylan Strait  
Authorized Officer or Agent

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CHICAGO TITLE COMPANY OF WASHINGTON

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Tracy Rosane Chicago Title Company of Washington 9001 W. Tucannon Avenue, Suite 220 Kennewick, WA 99336 Phone: 509-820-0457 Fax: 844-894-6828 Main Phone: (509)735-1575 Email: Tracy.Rosane@ctt.com	Escrow Officer: Julie Bowman Chicago Title Company of Washington 9001 W. Tucannon Avenue, Suite 220 Kennewick, WA 99336 Main Phone: (509)735-1575 Main Fax: (509)735-0707 Email: Julie.Bowman@ctt.com

Order Number: 62242301710

SCHEDULE A

1. Commitment Date: September 11, 2023 at 08:00 AM
2. Policy to be issued:
  - (a) ALTA Owner's Policy 2021 w-WA Mod
 

Proposed Insured:	MFJG Holdings, LLC, a Washington limited liability company
Proposed Amount of Insurance:	\$2,000,000.00
The estate or interest to be insured:	Fee Simple
Premium:	\$ 4,203.00
Tax:	\$ 365.66
Rate:	General Schedule Standard
Total:	\$ 4,568.66
3. The estate or interest in the Land at the Commitment Date is:
 

Fee Simple
4. The Title is, at the Commitment Date, [vested in:](#)

IC University Square LLC, a Washington limited liability company
5. The Land is described as follows:
 

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): [123083013398001](#), [123083013398002](#), [123083013398003](#) and [123083013398004](#)**

---

Lot 1, 2, 3, and 4, Short Plat No 3398, according to the Survey thereof recorded under Auditor's File No. 2013-019453, records of Benton County, Washington.

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AMERICAN  
LAND TITLE  
ASSOCIATION



**SCHEDULE B, PART I - Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.
6. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.
7. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
8. If documents for this transaction are to be signed using Remote Online Notary, we require the use of company approved RON providers which can be found here:  
<https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>.

The Notarial Certificate must state "This notarial act involved the use of communication technology."

We require a copy of the notarization video for our file documentation prior to closing. Additional underwriting requirements may need to be satisfied.

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**SCHEDULE B, PART I - Requirements**  
(continued)

9. Payment of the real estate excise tax, if required.

The Land is situated within the boundaries of local taxing authority of City of Richland.

The rate of real estate excise tax for properties which are not formally classified and specially valued as timberland or agricultural land is:

State portion: 1.10% on any portion of the sales price of \$525,000 or less;  
1.28% on any portion of the sales price above \$525,000, up to \$1,525,000;  
2.75% on any portion of the sales price above \$1,525,000, up to \$3,025,000;  
3.00% on any portion of the sales price above \$3,025,000;

The rate of excise for properties formally classified as timberland or agriculture land will be 1.28% for the State portion on the entire sales price.

Local portion: 0.50% on the entire sales price.

An additional \$5.00 State Technology Fee must be included in all excise tax payments.

If the transaction is exempt, an additional \$5.00 Affidavit Processing Fee is required.

Any conveyance document must be accompanied by the official Washington State Excise Tax Affidavit, which can be found online [HERE <https://dor.wa.gov/get-form-or-publication/forms-subject/real-estate-excise-tax>](https://dor.wa.gov/get-form-or-publication/forms-subject/real-estate-excise-tax). The applicable excise tax must be paid and the affidavit approved at the time of the recording of the conveyance documents. (NOTE: Real Estate Excise Tax Affidavits must be printed as legal size forms).

10. Property taxes and assessments for the year(s) 2023 are to be paid, pro rata by the buyer and seller at settlement.
11. Liability, if any, for personal property taxes pursuant to RCW 84.56.070 wherein no sale can be made without prepayment of said tax, including advance tax for the following calendar year.
12. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.
13. NOTE: We have reviewed the authority documentation for IC University Square LLC. Based on our review, the requirement(s) in paragraph(s) will not appear on the policy issued if the following conditions are met on the instrument to be insured:
1. IC University Square Investments LLC must sign as as Manager of said entity by its manager Innovation Center TCRD LLC by its Managers Wayne M. Perry and/or Lisa J. Cannon.
  2. All signature(s) must be notarized in an appropriate representative capacity.

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**SCHEDULE B, PART I - Requirements**  
(continued)

14. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
15. According to the application for title insurance, this Company has been requested to issue an Owner's Policy in the following amount, which sales price is less than the assessed value of the property according to the County Tax Rolls. The forthcoming policy must be issued in an amount at least equal to the full value of the estate insured in accordance with our Rating Schedule on file in the Office of the Insurance Commissioner.
- Amount of Sales Price: \$2,000,000.00  
Assessed Value: \$4,285,030.00
16. According to the application for title insurance, the purchase price in the proposed transaction is less than the assessed valuation of the property. The COUNTY will require documentation validating the purchase price as bona fide offer. Said documentation may be in the form of a copy of the Purchase and Sale Agreement AND MUST BE SENT IN WITH THE RECORDING PACKAGE or your package will be rejected by the County Recorder's Office and closing may be delayed.
17. NOTE: We have reviewed the authority documentation for MFJG LLC. Based on our review:
1. Jennifer Grillo and Matthew Fredrickson must sign as Members of said entity.
  2. All signature(s) must be notarized in an appropriate representative capacity.

**END OF REQUIREMENTS****NOTES**

The following matters will not be listed as Special Exceptions in Schedule B of the policy. There will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted or excluded from coverage or are not matters covered under the insuring provisions of the policy.

Note A: Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Note B: Note: The Company is willing to issue an Extended Coverage Loan Policy. General Exceptions A-D, K, inclusive, are hereby deleted and will not appear on the forthcoming Loan Policy.

ALTA 22-06, ALTA 8.1 and ALTA 9-06 Endorsements will issue with the forthcoming Loan Policy.

Note C: Note: The Public Records indicate that the address of the improvement located on said Land is as follows:

800 and 801 Dalton St. and 990 and 750 Currie St.  
Richland, WA 99354

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**SCHEDULE B, PART I - Requirements**

(continued)

Note D: Note: FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:

Lot 1, 2, 3, and 4, Short Plat No 3398

[Tax Account No.: 123083013398001](#), 123083013398002, 123083013398003 and 123083013398004

Note E: Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

Note F: Note: Examination of the Public Records discloses no judgments or other matters pending against the name of the vested owner.

Note G: Note: Examination of the Public Records discloses no judgments or other matters pending against the name(s) of the proposed insured which would appear as exceptions in the policy.

Note H: Note: This [map/plat](#) is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

Note I: Please be advised we submit documents to the county for processing and recording via e-filing using a 3rd party vendor.

Please make checks for excise tax and recording fees payable to the Company.

There is a \$5.44 e-recording surcharge per EACH document for this service.

NOTE: Not all recordings qualify for e-filing.

Note J: Recording charges (per document title) for closings on July 26, 2021, and after, for all Washington counties:

Deed of Trust - \$204.50 and \$1 for each additional page.

Most other Docs, except as noted below - \$203.50 and \$1 for each additional page.

Assignment of Deed of Trust, Substitution or Appointment of Successor Trustee - \$18.00 and \$1 for each additional page

Multiple titled documents are charged per applicable title.

There is an additional \$5.44 fee per document for electronic recording.

**RECORDING CHARGES ARE SUBJECT TO CHANGE WITHOUT NOTICE.**

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**SCHEDULE B, PART I - Requirements**  
(continued)

- Note K: In the event the transaction fails to close and this commitment is cancelled, a fee will be charged to comply with the State Insurance Code and the filed schedule of this Company.
- Note L: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.
- Note M: As part of the Company's commitment to the environment, we encourage the paperless distribution of our products whenever possible. To help conserve natural resources, we will automatically issue the forthcoming original policy(ies) electronically.

Please provide us with a current e-mail address for the new owner and/or lender prior to closing or by emailing [WRCPF.PolicyDesk@TitleGroup.FNTG.com](mailto:WRCPF.PolicyDesk@TitleGroup.FNTG.com). Hard copy versions may be issued upon request.

**END OF NOTES**

**END OF SCHEDULE B, PART I**

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**SCHEDULE B, PART II - Exceptions**

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

**GENERAL EXCEPTIONS**

- A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.
- B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.
- D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.
- E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.
- F. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.
- G. Unpatented mining claims, and all rights relating thereto.
- H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.
- I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
- J. Water rights, claims or title to water.
- K. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

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**SCHEDULE B, PART II - Exceptions**  
(continued)

## SPECIAL EXCEPTIONS

1. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year: 2023  
Tax Account No.: [123083013398001](#)  
 Levy Code: R1 RA1  
 Assessed Value-Land: \$1,319,390.00  
 Assessed Value-Improvements: \$1,649,660.00

General and Special Taxes:  
 Billed: \$29,316.51  
 Paid: \$14,658.28  
 Unpaid: \$14,658.23

2. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year: 2023  
Tax Account No.: [123083013398002](#)  
 Levy Code: R1 RA1  
 Assessed Value-Land: \$314,460.00  
 Assessed Value-Improvements: \$0.00

General and Special Taxes:  
 Billed: \$3,117.17  
 Paid: \$1,558.60  
 Unpaid: \$1,558.57

3. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year: 2023  
Tax Account No.: [123083013398003](#)  
 Levy Code: R1 RA1  
 Assessed Value-Land: \$438,750.00  
 Assessed Value-Improvements: \$0.00

General and Special Taxes:  
 Billed: \$4,342.50  
 Paid: \$2,171.28  
 Unpaid: \$2,171.22

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**SCHEDULE B, PART II - Exceptions**

(continued)

4. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year: 2023  
Tax Account No.: [123083013398004](#)  
 Levy Code: R1 RA1  
 Assessed Value-Land: \$562,770.00  
 Assessed Value-Improvements: \$0.00

## General and Special Taxes:

Billed: \$5,565.17  
 Paid: \$2,782.63  
 Unpaid: \$2,782.54

5. Liability, if any, for personal property taxes pursuant to RCW 84.56.070 wherein no sale can be made without prepayment of said tax, including advance tax for the following calendar year.
6. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.
7. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The City of Richland  
 Recorded: August 5, 1966  
Recording No.: [565166](#)

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The City of Richland  
 Purpose: Water line  
 Recording Date: June 29, 1965  
Recording No.: [544519](#)

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: United Telephone Company of the Northwest  
 Purpose: Underground telephone communication facilities and appurtenances  
 Recording Date: July 11, 1977  
Recording No.: [732062](#)

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**SCHEDULE B, PART II - Exceptions**

(continued)

10. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America by and through the Atomic Energy Commission

Recorded: November 12, 1959

[Recording No.: 426757](#)

11. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America by and through the Atomic Energy Commission

Recorded: February 7, 1961

[Recording No.: 450541](#)

12. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America

Recorded: June 3, 1964

[Recording No.: 521608](#)

13. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America

Recorded: November 16, 1964

[Recording No.: 530869](#)

14. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America

Recorded: April 29, 1966

[Recording No.: 560632](#)

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Port of Benton

Purpose: Access and Landscape Easement

Recording Date: January 27, 2006

[Recording No.:](#) [2006-002813](#)

NOTE: Said instrument is a re-recording of 2006-001747

Relinquishment of Access and Landscaping Easement and Relinquishment of Irrigation Easement recorded May 2, 2011 under Auditor's [File No. 2011-012530](#).

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**SCHEDULE B, PART II - Exceptions**

(continued)

16. City of Richland Ordinance No. 28-11 and the terms and conditions thereof:  
Recorded: November 9, 2011  
[Recording No.: 2011-031746](#)
17. Exceptions, reservations, covenants as contained in Deed recorded May 13, 2011 under Auditor's [File No. 2011-013617](#) and Correction Deed recorded October 2, 2015 under Auditor's [File No. 2015-029727](#).
18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: City of Richland  
Purpose: Waterline easement  
Recording Date: November 2, 2012  
[Recording No.:](#) [2012-034462](#)
19. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: City of Richland  
Purpose: Sewer easement  
Recording Date: November 2, 2012  
[Recording No.:](#) [2012-034463](#)
20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: City of Richland  
Purpose: Utility easement  
Recording Date: November 2, 2012  
[Recording No.:](#) [2012-034465](#)
21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: City of Richland  
Purpose: Utility easement  
Recording Date: June 7, 2013  
[Recording No.:](#) [2013-019428](#)
22. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Short Plat No. 3398:

Recording No: 2013-019453

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**SCHEDULE B, PART II - Exceptions**

(continued)

23. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey No. 4111:

[Recording No: 2010-018731](#)

24. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey No. 4048:

[Recording No: 2009-037192](#)

**END OF SCHEDULE B, PART II**

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**COMMITMENT CONDITIONS****1. DEFINITIONS**

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
  - b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
  - c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
  - d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
  - e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
  - f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
  - g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
  - h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
  - i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
  - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
  3. The Company's liability and obligation is limited by and this Commitment is not valid without:
    - a. the Notice;
    - b. the Commitment to Issue Policy;
    - c. the Commitment Conditions;
    - d. Schedule A;
    - e. Schedule B, Part I-Requirements; and
    - f. Schedule B, Part II-Exceptions; and
    - g. a counter-signature by the Company or its issuing agent that may be in electronic form.

**4. COMPANY'S RIGHT TO AMEND**

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

**5. LIMITATIONS OF LIABILITY**

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I-Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.

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(continued)

- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. CLAIMS PROCEDURES**

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

**10. CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

**11. ARBITRATION - INTENTIONALLY DELETED****END OF CONDITIONS**

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## RECORDING REQUIREMENTS

Effective January 1, 1997, document format and content requirements have been imposed by Washington Law. Failure to comply with the following requirements may result in rejection of the document by the county recorder or imposition of a \$50.00 surcharge.

### First page or cover sheet:

3" top margin containing nothing except the return address.

1" side and bottom margins containing no markings or seals.

Title(s) of documents.

Recording no. of any assigned, released or referenced document(s).

Grantors names (and page no. where additional names can be found).

Grantees names (and page no. where additional names can be found).

Abbreviated legal description (Lot, Block, Plat Name or Section, Township, Range and Quarter, Quarter Section for unplatted). Said abbreviated legal description is not a substitute for a complete legal description which must also appear in the body of the document.

Assessor's tax parcel number(s).

Return address (in top 3" margin).

\*\*A cover sheet can be attached containing the above format and data if the first page does not contain all required data.

### Additional Pages:

1" top, side and bottom margins containing no markings or seals.

### All Pages:

No stapled or taped attachments. Each attachment must be a separate page. All notary and other pressure seals must be smudged for visibility. Font size of 8 points or larger.



Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## **FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE**

Effective January 1, 2023

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: [aginquiries@ag.state.nv.us](mailto:aginquiries@ag.state.nv.us).

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

For Virginia Residents: For additional information about your Virginia privacy rights, please email [privacy@fnf.com](mailto:privacy@fnf.com) or call (888) 714-2710.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice; Notice Changes**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

### **Accessing and Correcting Information; Contact Us**

If you have questions or would like to correct your Personal Information, visit FNF's [Privacy Inquiry Website](#) or contact us by phone at (888) 714-2710, by email at [privacy@fnf.com](mailto:privacy@fnf.com), or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

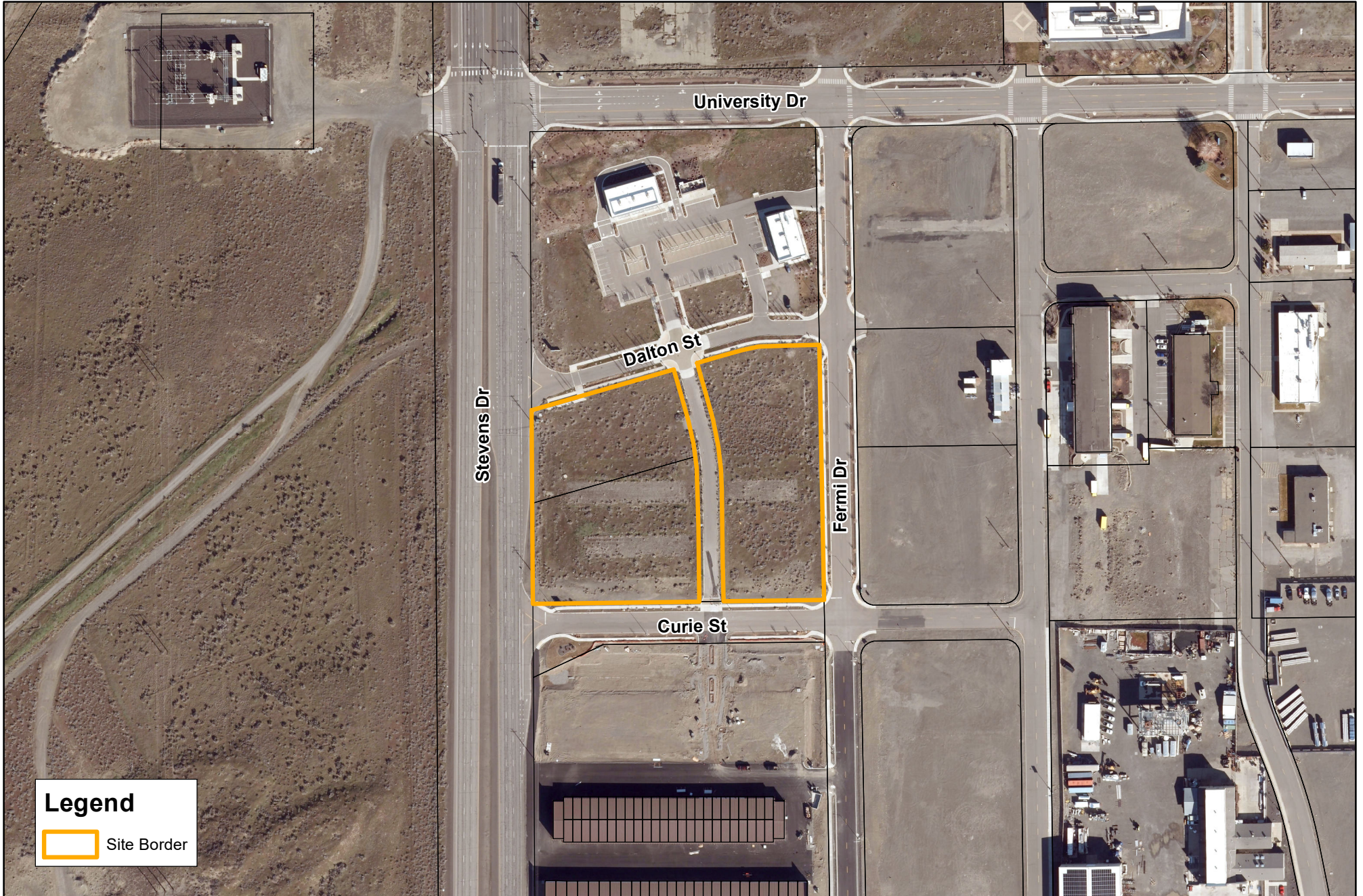
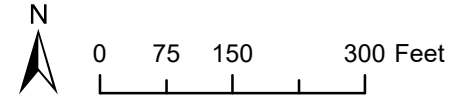


## Exhibit 2

### Vicinity Map

# Vicinity Map

Item: 801 Dalton St Zone Change  
Applicant: Matt Fredrickson  
File #: Z2023-108



## Legend

 Site Border



## Exhibit 3

# Public Notice and Affidavits





## CITY OF RICHLAND NOTICE OF APPLICATION & PUBLIC HEARING (Z2023-108)

Notice is hereby given that Matt Fredrickson on behalf of MFJG Holdings, LLC. has filed a Zoning Map Amendment application to rezone three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (801 Dalton Street Zoning Map Amendment). The subject parcels are bounded by Dalton Street to the north, Fermi Drive to the east, Curie Street to the south, and Stevens Drive to the west. Altogether the parcels are roughly square in shape 470 feet south of the intersection of Stevens and University Drives (APNs: 1-23083013398002, 1-23083013398003 & 1-23083013398004).

**Public Hearing:** The Richland Hearings Examiner will conduct a public hearing and review of the application at 6:00 p.m., Monday, November 13<sup>th</sup>, 2023 at City Hall in Council Chambers. Interested parties are also invited to participate virtually by visiting the City of Richland website ([www.ci.richland.wa.us](http://www.ci.richland.wa.us)).

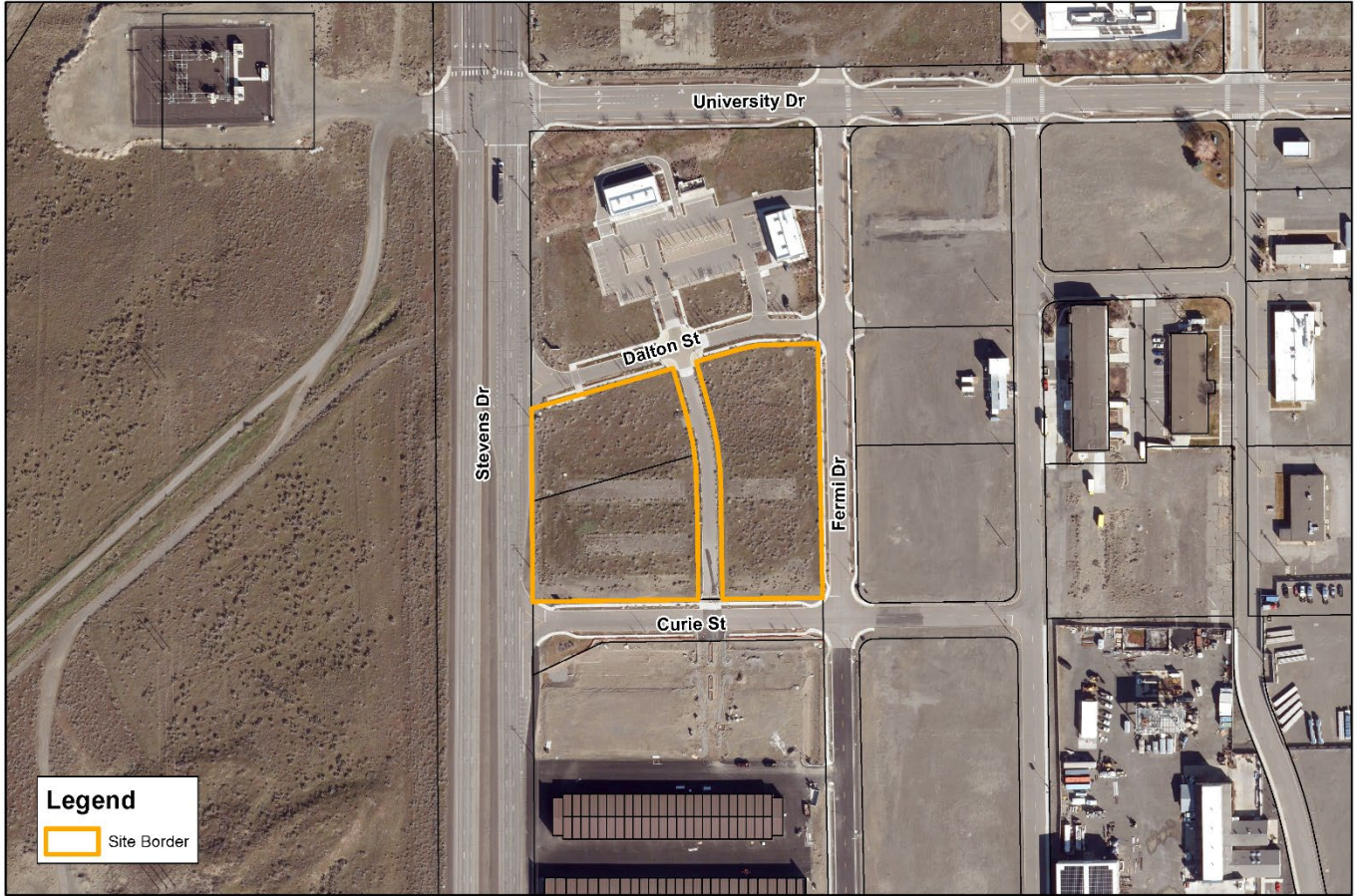
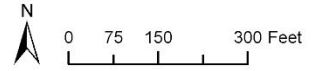
**Environmental Review:** The proposal is not subject to environmental review according to WAC 197-11-904.

**Public Comment:** Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may emailed to [mhowie@ci.richland.wa.us](mailto:mhowie@ci.richland.wa.us). The deadline for written comments is 6:00 p.m., Monday, November 13<sup>th</sup>. However, written comments must be received no later than 5:00 p.m. on Friday, November 3<sup>rd</sup> to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

**Appeal:** The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 23 Zoning. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

# Vicinity Map

Item: 801 Dalton St Zone Change  
Applicant: Matt Fredrickson  
File #: Z2023-108



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**AFFIDAVIT OF MAILING**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF BENTON )

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

- 1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
- 2. On the 19<sup>th</sup> day of October 2023, I mailed a copy of the attached NOTICE OF PUBLIC HEARING (Z2023-108) to the attached list of individuals via regular USPS on the date indicated above. The Richland Hearing Examiner will conduct a public hearing and review of the application on Monday, November 13, 2023.

Jodi Hogan  
Signed: Jodi Hogan

SIGNED AND SWORN to before me this 23<sup>rd</sup> day of October 2023 by Jodi Hogan.

Carly Kirkpatrick  
Notary Public in and for the State of Washington,



Carly Kirkpatrick  
Print Name

Residing at Benton County

My appointment expires: Oct. 6, 2027

AFFIDAVIT OF MAILING  
Address list attached.

PORT OF BENTON

3250 PORT OF BENTON BLVD

WA RICHLAND 99354

IC UNIVERSITY SQUARE LLC

C/O PRODIGY PROPERTY MANAGEMENT

1955 JADWIN AVE STE 350

WA RICHLAND 99354

Notary Public  
State of Washington  
CARY KRIBATICK  
LICENSE # 21033  
MY COMMISSION EXPIRES  
OCTOBER 8, 2021

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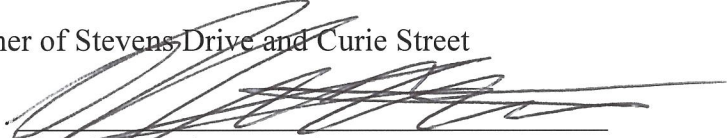
**AFFIDAVIT OF POSTING**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF BENTON )

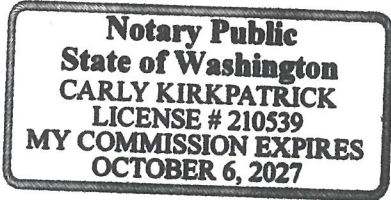
COMES NOW, **Matthew Howie**, who, being first duly sworn upon oath deposes and says:

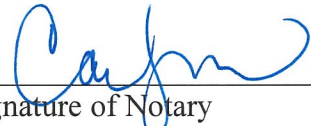
1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 20<sup>th</sup> day of October 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number Z2023-108 (801 Dalton Street Zoning Map Amendment) in the following location:

At the northwest corner of Stevens Drive and Curie Street

  
Signed: Matthew Howie

SIGNED AND SWORN to before me this 23<sup>rd</sup> day of October, 2023, by Matthew Howie.



  
Signature of Notary

Carly Kirkpatrick  
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: Oct. 6, 2027



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	481192	Print Legal Ad-IPL01446420 - IPL0144642	HE PHNZ 2023-101	\$187.70	1	64 L

**Attention:** (company)  
 CITY OF RICHLAND/LEGALS  
 625 SWIFT BLVD. MS-05  
 RICHLAND, WA 99352

janderson@ci.richland.wa.us

**CITY OF RICHLAND  
 NOTICE OF APPLICATION,  
 PUBLIC HEARING AND  
 OPTIONAL DNS**

**Date Notice Issued:** October 22, 2023, per WAC 197-11-340(2)  
**File #:** 22023-108  
**Proponent:** Matt Fredrickson on behalf of MFJG Holdings, LLC

**Proposal:** A Zoning Map Amendment application to rezone three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (801 Dalton Street Zoning Map Amendment).

**Location of Proposal(s):** The subject parcels are bound by Dalton Street to the north, Femi Drive to the east, Curie Street to the south, and Stevens Drive to the west. Altogether the parcels are roughly square in shape, 470 feet south of the intersection of Stevens and University Drives (APNs: 1-23083013398002, 1-23083013398003 & 1-23083013398004).

**Public Hearing:** The Richland Hearing Examiner will conduct a public hearing and review of the application on **Monday, November 13, 2023 at 6:00 p.m.** in the Richland City Council Chambers, 625 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing or visit the City of Richland's website at [www.ci.richland.wa.us](http://www.ci.richland.wa.us) and join via Zoom.

**Public Comments Due:** The deadline for written comments is 6:00 p.m. on Monday, November 13, 2023. However, written comments must be received no later than 5:00 p.m. on Friday, November 3, 2023, to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

**Contact:** Matthew Howie,  
 Senior Planner  
 625 Swift Boulevard, MS-35  
 Richland, WA 99352  
[mhowie@ci.richland.wa.us](mailto:mhowie@ci.richland.wa.us)

Date Published: Sunday, October 22, 2023  
 IPL0144642  
 Oct 22 2023

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 10/22/2023, and ending on 10/22/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:  
 10/22/23

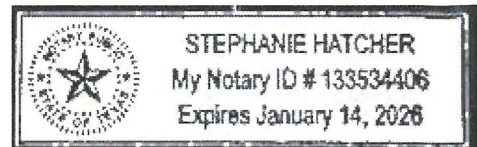
*Stefani Beard*

(Signature of Legals Clerk)

Sworn to and subscribed before me this 23rd day of October in the year of 2023

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



## Exhibit 4

# Agency Comments

**From:** [Rodgers,Deborah \(CONTR\) - TERR-TRI CITIES RMHQ](#)  
**To:** [Howie, Matthew](#)  
**Cc:** [Cummings,Nicole M \(BPA\) - TERR-TRI CITIES RMHQ](#); [Kinch,James L \(BPA\) - TERR-BELL-1](#)  
**Subject:** RE: [EXTERNAL] Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet  
**Date:** Friday, November 3, 2023 8:28:42 AM  
**Attachments:** [image001.png](#)

---

**[EXTERNAL EMAIL]** Exercise caution before clicking links or opening attachments.

Matthew,

Bonneville Power Administration (BPA) has had the opportunity to review Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet. The request is to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M) Drive in Richland, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately 615 feet west of the subject property. BPA does not have any objections to the approval of this request at this time.

If you have any questions or need additional information, please feel free to contact Nicole Cummings at (509) 542-5499, by email at [nmcummings@bpa.gov](mailto:nmcummings@bpa.gov) or Luke Kinch at (509) 468-3095, by email at [JLKinch@bpa.gov](mailto:JLKinch@bpa.gov).

Thank you,



*Deborah Rodgers*

Realty Technician Contractor  
2211 North Commercial Avenue, Pasco, WA 99301  
Bonneville Power Administration | TERR/Tri-Cities-RMHQ  
Real Property Field Services | P 509.544.4749  
[dxrogers@bpa.gov](mailto:dxrogers@bpa.gov)

---

**From:** Howie, Matthew <[mhowie@ci.richland.wa.us](mailto:mhowie@ci.richland.wa.us)>  
**Sent:** Wednesday, October 18, 2023 2:44 PM  
**To:** Acevedo, Mizael <[macevedo@CI.RICHLAND.WA.US](mailto:macevedo@CI.RICHLAND.WA.US)>; Badger Mountain Irrigation District <[bmidmanager@badgermountainirrigation.com](mailto:bmidmanager@badgermountainirrigation.com)>; Benton County - Segregations <[Segregations@co.benton.wa.us](mailto:Segregations@co.benton.wa.us)>; Bill Barlow <[bbarlow@bft.org](mailto:bbarlow@bft.org)>; Orr, Bruce <[borr@CI.RICHLAND.WA.US](mailto:borr@CI.RICHLAND.WA.US)>; Hamilton, Craig <[C.Hamilton@bces.wa.gov](mailto:C.Hamilton@bces.wa.gov)>; DAlessandro, Carlo <[cdalessandro@CI.RICHLAND.WA.US](mailto:cdalessandro@CI.RICHLAND.WA.US)>; Darrick Dietrich <[darrick@basindisposal.com](mailto:darrick@basindisposal.com)>; David Billetdeaux <[david@portofbenton.com](mailto:david@portofbenton.com)>; Davis, Deanna <[d.davis@bces.wa.gov](mailto:d.davis@bces.wa.gov)>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <[dxrogers@bpa.gov](mailto:dxrogers@bpa.gov)>; Deskins, John <[jdeskins@CI.RICHLAND.WA.US](mailto:jdeskins@CI.RICHLAND.WA.US)>; gis@co.benton.wa.us; Hill, Kelly <[khill@CI.RICHLAND.WA.US](mailto:khill@CI.RICHLAND.WA.US)>; Jason McShane <[jmcshane@kid.org](mailto:jmcshane@kid.org)>; Joseph Cottrell <[jecottrell@bpa.gov](mailto:jecottrell@bpa.gov)>; Junior Campos <[junior.campos@charter.com](mailto:junior.campos@charter.com)>; Katherine Cichy <[katherine.cichy@ziply.com](mailto:katherine.cichy@ziply.com)>; Kelly Cooper <[kelly.cooper@doh.wa.gov](mailto:kelly.cooper@doh.wa.gov)>; Kevin Knodel <[kevin.knodel@rsd.edu](mailto:kevin.knodel@rsd.edu)>; Kevin Sliger <[KSliger@bft.org](mailto:KSliger@bft.org)>;



KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; ReathaFord, Jason <JReathaFord@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov  
**Subject:** [EXTERNAL] Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet

Hello all,

Please see the attached Referral Packet for a zoning map amendment application to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M).

Comments are due by Friday, November 3<sup>rd</sup>, at 5pm PST.



**Matthew Howie**  
Senior Planner  
625 Swift Blvd., MS-35 | Richland, WA 99352  
(509) 942-7587

---

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**From:** [Chris Sittman](#)  
**To:** [Howie, Matthew](#)  
**Subject:** RE: Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet  
**Date:** Tuesday, October 24, 2023 8:20:31 AM  
**Attachments:** [image001.png](#)

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**[EXTERNAL EMAIL]** Exercise caution before clicking links or opening attachments.

KID has no comments, this is outside of our District!

**Chris D. Sittman**  
Engineering Dept./CAD Specialist  
Kennewick Irrigation District  
2015 S. Ely St.  
Kennewick, WA 99337  
Desk: 509-460-5435  
Cell: 509-873-1123

---

**From:** Howie, Matthew <mhowie@ci.richland.wa.us>  
**Sent:** Wednesday, October 18, 2023 2:44 PM  
**To:** Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers, Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <JMcShane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; M. Deklyne <mjdekllyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaforde, Jason <JReathaforde@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov  
**Subject:** Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello all,

Please see the attached Referral Packet for a zoning map amendment application to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M).

Comments are due by Friday, November 3<sup>rd</sup>, at 5pm PST.



**Matthew Howie**

Senior Planner

625 Swift Blvd., MS-35 | Richland, WA 99352

(509) 942-7587

---

*Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.*