



NOTICE OF DECISION

PURSUANT TO RICHLAND MUNICIPAL CODE SECTION 19.60.080 NOTICE IS HEREBY GIVEN THAT THE CITY OF RICHLAND CITY COUNCIL, ON MARCH 5, 2024, PASSED ORDINANCE 2024-04 REZONING APPROXIMATELY 4.7 ACRES OF LAND FROM AGRICULTURE (AG) AND SUBURBAN AGRICULTURE (SAG) TO RETAIL BUSINESS COMMERCIAL (C-2) (CITY FILE NO. Z2023-106):

**DESCRIPTION
OF ACTION:**

Rezoning approximately 4.7 acres of land from agriculture (AG) and Suburban Agriculture (SAG) to Retail Business Commercial (C-2)

SEPA REVIEW:

Pursuant to WAC 197-11-800(6)(C) the rezone application is exempt from SEPA review.

APPROVED:

The rezone application is approved.

PROJECT LOCATION:

2155 Keene Rd.

APPEALS:

Appeals to the above described action may be made to the Benton County Superior Court by any Party of Record. Appeals must be filed within 21 days of issuance of this notice, which is March 13, 2024

Mike Stevens,
Planning Manager

March 13, 2024
Date

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING TITLE 23: ZONING REGULATIONS OF THE RICHLAND MUNICIPAL CODE AND THE OFFICIAL ZONING MAP OF THE CITY TO CHANGE THE ZONING ON 4.7 ACRES FROM AGRICULTURE (AG) AND SUBURBAN AGRICULTURE (SAG) TO RETAIL BUSINESS COMMERCIAL (C-2); SAID PROPERTY BEING IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 1-2298-300-0002-005, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.

WHEREAS, on July 14, 2023, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from the applicant Columbia Valley Property Holdings, Mallikarjuna Vallem, to change the zoning of the property hereafter described in Section 2 and identified as Assessor's Parcel Number 1-2298-300-0002-005; and

WHEREAS, following the July 14, 2023 open-record public hearing, the Richland Hearing Examiner issued an 18-page written recommendation to the Richland City Council that concluded with a favorable recommendation to approve the requested rezone subject to execution of a Property Use and Development Agreement; and

WHEREAS, the Richland City Council has considered the written recommendation of the Richland Hearing Examiner and the record created during the July 14, 2023 open-record public hearing; and

WHEREAS, as required by RMC 19.20.030, the Richland City Council conducted a closed-record decision hearing on February 20, 2024 and has considered the totality of the record.

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

Section 1. The findings of fact and conclusions of law contained in the Richland Hearing Examiner's Report dated December 6, 2023, attached hereto as **Exhibit A** and incorporated herein by this reference, are hereby adopted as the findings and conclusions of the Richland City Council.

Section 2. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is Retail Business Commercial (C-2), with additional land use restrictions imposed by a duly executed *Property Use and Development Agreement*, when consideration is given to the interests of the public.

Section 3. Contingent upon the recordation, as provided in Section 6 herein and within 90 days of passage of this Ordinance, of a duly executed, delivered and accepted *Property Use and Development Agreement* substantially in the form attached hereto as **Exhibit B** by Petitioner for rezone of the property identified herein, restricting the use and development of such property more specifically described as follows:

REVISED LOT 3 OF RECORD OF SURVEY 5735

such property is rezoned from Agriculture (AG) and Suburban Agriculture (SAG) to Retail Business Commercial (C-2) subject to the land use limitations of the *Property Use and Development Agreement* attached as **Exhibit B**.

Section 4. Title 23 of the Richland Municipal Code and the Official Zoning Map of the City of Richland as adopted by RMC 23.08.040 are hereby amended by amending Sectional Maps Nos. 16 and 17, which are two (2) of a series of maps constituting said Official Zoning Map of the City of Richland, as shown on the attached Sectional Map Nos. 16 and 17 bearing the number and date of passage of this Ordinance, and by this reference made a part of this Ordinance and of the Official Zoning Map of the City of Richland.

Section 5. Upon receipt of a duly executed *Property Use and Development Agreement*, as contemplated in Section 3 herein, the City Manager is authorized to execute the same for and on behalf of the City, and to file said document with the City Clerk.

Section 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Map Nos. 16 and 17, duly certified by the City Clerk as a true copy, together with **Exhibit A** (Richland Hearing Examiner's Report) and **Exhibit B** (the duly executed *Property Use and Development Agreement*).

Section 7. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 8. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of March, 2024.

Theresa A Richardson

Theresa Richardson, Mayor

Attest:

Jennifer Rogers

Jennifer Rogers, City Clerk

Approved as to Form:

Heather Kintzley

Heather Kintzley, City Attorney

First Reading: February 20, 2024

Second Reading: March 5, 2024

Date Published: March 10, 2024

Ordinance No. 2024-04 Passed 03/05/2024
AG and SAG to C-2 Zoning with PUDA

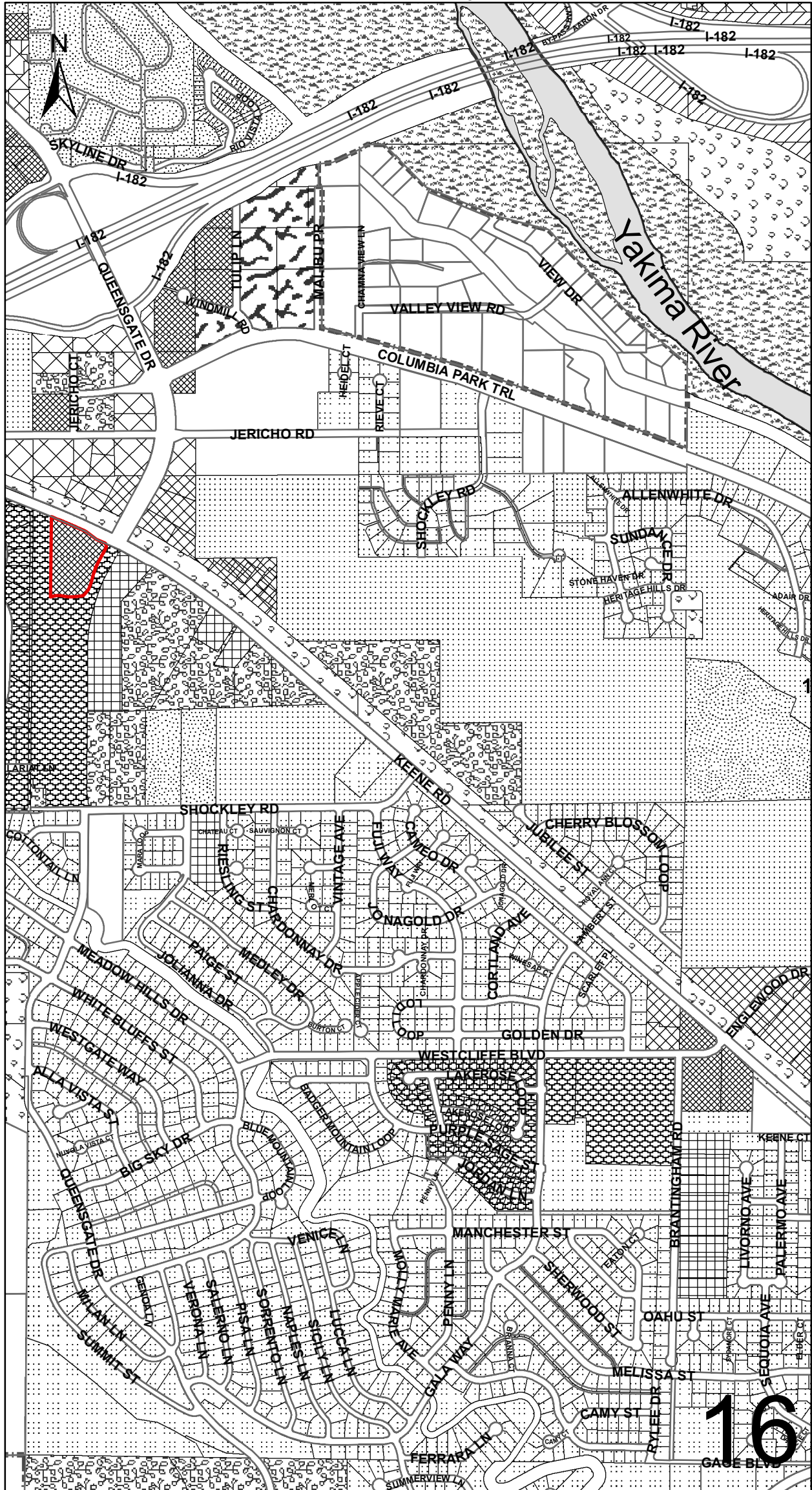


Exhibit A to Ordinance No. 2024-04

Before Hearing Examiner
Gary N. McLean

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND**

Regarding the Application to *Rezone* a 4.7-)
acre parcel from AG (Agriculture) and SAG)
(Suburban Agriculture) to C-2 (Retail)
Business Commercial), submitted by)
COLUMBIA VALLEY PROPERTY HOLDINGS)
(MALLIKARJUNA VALLEM),)
Applicant/Owner)

File No. Z2023-106

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

Subject to terms of a concomitant agreement regarding future use and development of the site, the applicant can meet its burden of proof to demonstrate that its requested rezone merits approval.

The property at issue is now zoned AG (Agriculture) and SAG (Suburban Agriculture), though most of the parcel is designated as suitable for Commercial development, with a small portion on the western boundary designated as low-density residential. There is no dispute that the current AG and SAG zoning designations are inconsistent with the City’s Comprehensive Plan.

While this application is for a site-specific rezone, the property is subject to terms of a Development Agreement initially approved by the City Council in 2010 (*Ex. 4, Contract 92-10*), amended by the City Council in 2022 (*Ex. 5, Ordinance No. 2022-03*), which have generated disagreement between the applicant, surrounding property owners, and City staff. In short, there is a distinct difference of opinion regarding what sort of uses and activities can or should be permitted to occur in the portion of the site that is generally designated as a “buffer” area separating potential commercial development from the Country Ridge neighborhood to the west. The Development Agreement explains how the buffer area should

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL FOR 2155
KEENE ROAD REZONE APPLICATION –
FILE NO. Z2023-106**

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HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
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1 be subject to low-density residential standards (R-1-12 zoning), among other things, with the
2 indisputable purpose being to provide a meaningful buffer.

3 As explained below, the size of the “buffer” between the Country Ridge property
4 boundary and the rezone site would be 204 feet, which would include 59 feet of the
5 westernmost portion of the rezone site. The applicant proposed a 204-foot building setback
6 for any new commercial buildings; whereas Staff and some local residents prefer the 204-
7 foot buffer to restrict more than just placement of a commercial building, but associated
8 commercial activities and uses, like parking, loading, and large trash-containers commonly
9 found along the back side of retail/grocery/hardware stores and other commercial buildings.

10 The pending application would rezone the entire site to C-2 (Retail Business
11 Commercial) – subject to terms of a proposed concomitant agreement intended to satisfy the
12 buffer and other requirements found in the Development Agreement, as amended in 2022.
13 The disagreement focuses on the width of any buffer (is it really 204-feet for all commercial
14 activities or is it just a 204-foot commercial building setback?) and what sort of measures
15 should be included in a concomitant agreement to satisfy the intent and purpose of the buffer
16 and other development standards addressed in the Development Agreement.

17 This requested rezone does not approve any development activity on the site. As with
18 all development proposals, City Development Regulations will apply to any specific projects
19 that may eventually be proposed on the site.

20 Based on substantial input from the applicant, Staff, and adjacent property owners,
21 and additional research by the Examiner, for reasons explained below, the Hearing Examiner
22 respectfully recommends that the City Council approve the applicant’s pending request to
23 rezone their parcel from AG and SAG to the C-2 zoning district, subject to terms of an
24 appropriate concomitant agreement that will address use and development of the site in a
25 manner that is consistent with the Development Agreement (Contract 92-10), as amended in
26 2022 (Ord. 2022-03).

II. BACKGROUND and APPLICABLE LAW.

In this matter, the Hearing Examiner has jurisdiction to conduct an open record public hearing on the site-specific rezone application at issue and is directed to issue a written recommendation for consideration and final action by the Richland City Council. *See* Richland Municipal Code (RMC) 19.20.010(D)(identifies “site-specific rezones” as Type IIIA permit applications); RMC 23.70.210(A)(“The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application.”); and RMC 19.20.030(granting jurisdiction to Hearing Examiner to conduct public hearing and issue recommendation to City Council); RMC 19.25.110(authority for Examiner actions,

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1 including conditions of approval on applications or appeals); and RCW 35A.63.170(state
2 statute regarding hearing examiner system).

3 The applicant bears the burden of proof to show that its application conforms to the
4 relevant elements of the city’s development regulations and comprehensive plan, and that
5 any significant adverse environmental impacts have been adequately addressed. RMC
6 19.60.060.

7 Washington Courts apply three basic rules when reviewing appeals of rezone
8 applications: (1) there is no presumption favoring the rezone request; (2) the proponent of a
9 rezone must demonstrate that there has been a change of circumstances since the original
10 zoning, PROVIDED if a proposed rezone implements the policies of a comprehensive plan,
11 a showing of changed circumstances is usually not required¹; and (3) the rezone must have a
12 substantial relationship to the public health, safety, morals, or general welfare. *Woods v.*
13 *Kittitas County*, 162 Wn.2d 597 (2007), citing *Citizens for Mount Vernon*, 133 Wn.2d 861,
14 at 875 (1997); *Parkridge v. City of Seattle*, 89 Wn.2d 454, 462 (1978).

15 Finally, this is not a simple site-specific rezone application – because it involves a
16 binding Development Agreement that applies to the site, and controversy as to how wide a
17 buffer should be and the types of uses or activities that should be allowed to occur in such
18 buffer.

19 **III. QUESTIONS PRESENTED.**

20 For purposes of the pending rezone application, the central questions presented are:

21 A. Whether the requested rezone implements applicable policies of the City’s
22 Comprehensive Plan, and/or whether there has been a change of circumstances since the
23 current AG (Agriculture) and SAG (Suburban Agriculture) zoning was adopted for the site?

24 *Short Answer:* Yes to both, subject to adoption of an appropriate concomitant
25 agreement that will ensure future development and activities on the site fulfill special
26 considerations addressed in the Development Agreement for the property. The rezone
would effectuate that Comprehensive Plan and eliminate a nonconformity that
currently exists between such Plan and city zoning maps. The requested C-2 zone
would allow for a mix of retail business uses that could provide access to products
and services for the growing population in the immediate area, none of which is
allowed in the AG or SAG zone. Commercial development is occurring on properties
along both the Keene Road and Queensgate corridors at a rapid pace, showing a

¹ *Save Our Rural Env't v. Snohomish County*, 99 Wn.2d 363, 370-71 (1983); *Henderson v. Kittitas County*, 124 Wn. App.
747, 754 (Div. III, 2004); *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846 (Div. III, 1995).

change of circumstances that supports this requested rezone.

B. Whether the rezone bears a substantial relationship to the public health, safety, morals, or general welfare?

Short Answer: Yes, because the rezone is consistent with the City’s Comprehensive Plan, and any future, project-specific proposal will have to meet city development regulations, including SEPA, relevant zoning provisions, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application. Vacant, undeveloped, Commercial-designated property in an area already served with newer transportation and utility infrastructure is not consistent with state and local policies that encourage such development in designated urban growth areas, like those in the Richland City limits. The current AG and SAG zoning designations applied to the site are no longer appropriate or in the public interest. This recommendation is conditioned on the Council’s concurrent adoption of an appropriate concomitant agreement that would address future use and development of the property, so as to address legitimate concerns raised by adjacent property owners and staff, and to comply with the terms of prior City Council actions guiding development of the site, particularly the 2010 Development Agreement as amended in 2022.

IV. RECORD.

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the City of Richland, and may be examined or reviewed by contacting the City Clerk’s Office.

Public notices regarding the application and public hearing were mailed, posted, and published as required by city codes prior to the public hearing, which opened in June with a continuance granted to the July 2023 agenda. (*Staff Report, page 11; Exhibit 8; Testimony of Mr. Stevens*).

Hearing Testimony: The following individuals provided testimony at the public hearing, held in person at Richland City Hall on July 14, 2023, with the Zoom online platform coordinated by staff to allow testimony or observation from a remote location:

1. Mike Stevens, the City’s Planning Manager;
2. Peter Hartster, Applicant’s project engineer;
3. Rick Simon, Applicant’s land use consultant;
4. Hamed Aziz, in-house counsel for the applicant;
5. Michael Froehlich, local resident, spoke for the Country Ridge HoA;

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- 6. Natalie Martinez, Country Ridge resident; and
- 7. Nader Samaan, Country Ridge resident.

Exhibits: The Development Services Division Staff Report for the requested Rezone, including a recommendation of approval subject to terms of a Property Use and Development Agreement, was provided to the Examiner in the week before the hearing. The Staff Report, and the following Exhibits, were all accepted into the Record in their entirety without modification:

- 1. Rezone Application Materials
- 2. Zoning and Land Use maps
- 3. Ordinance No. 21-10, which adopted the original Development Agreement in 2010 for the property and included Findings and Conclusions in Sec. 1.01 that were essentially ratified and confirmed by the City Council in 2022 through approval of Ord. No. 2022-03, which adopted such findings and conclusions by reference.
- 4. Contract 92-10
- 5. Ordinance No. 2022-03
- 6. BLA 2022-115
- 7. PUD 2022-101, site plan (Terraces at Queensgate PUD)
- 8. Public Notices & Affidavits
- 9. Agency comments
- 10. Public Comments
- 11. Analysis and discussions regarding road locations
- 12. Applicant’s requested changes to Staff’s recommended conditions for Property Use and Development Agreement, submitted at the public hearing by Mr. Simon

Post-hearing submittals and additional public records, all as authorized or added by the Examiner:

- 13. Email from Mr. Stevens, including Staff Response memo addressing the applicant’s preferred conditions, and requesting additional time for the applicant and Country Ridge HoA parties to respond.
- 14. Applicant’s reply to Staff’s Response, via email from attorney M. Fickes.
- 15. Country Ridge HoA response to applicant’s “proposed amendments” to recommended conditions of approval, in form of an email from Michael Froelich.
- 16. Email from the Examiner to Mr. Stevens (to forward to other parties), confirming record was open to allow for responses from the applicant and Country Ridge HoA, with final word from the applicant.
- 17. Undated, final comments from the applicant.
- 18. Recommendation of Approval from the Examiner for the applicant’s “Terraces at Queensgate South” PUD, dated Feb. 14, 2023.
- 19. Ordinance No. 2023-07, approving Terraces PUD, adopting recommended conditions of the Examiner, adopted by the City Council on May 2, 2023.

The Examiner has visited the road network and neighborhoods in the vicinity of the

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proposed rezone on multiple occasions over the past few years in connection with other applications, including two site visits in weeks after the public hearing, and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.

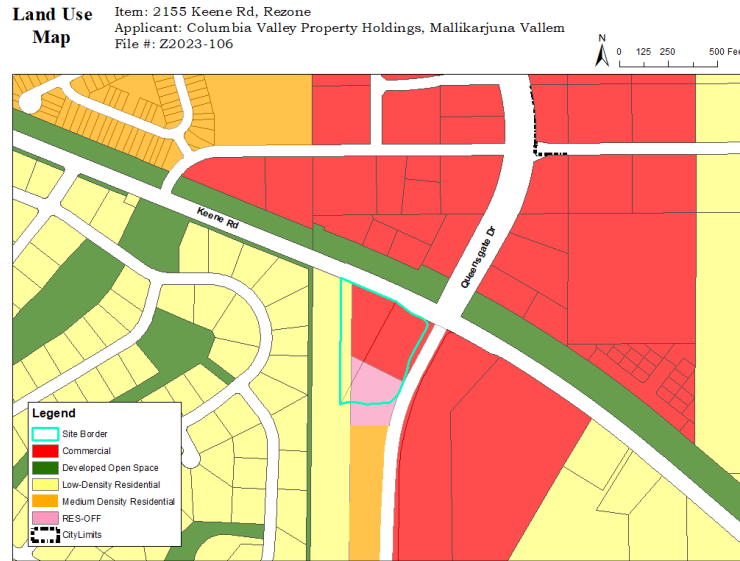
V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

Application, Site Location and Conditions.

1. In this application, the applicant and property owner, Columbia Valley Property Holdings, LLC, with Mallikarjuna Vallem as its Managing Member, requests a rezone of a parcel of property from Agriculture (AG) and Suburban Agriculture to C-2 (Retail Business Commercial). (*Ex. 1, Application materials*).

2. The property and boundaries addressed in this rezone application were established in October of last year, when the applicant obtained approval for a Boundary Line Adjustment (*Ex. 6*), resulting in a 4.7-acre parcel located and configured as outlined in green in the following map provided in the Staff Report, which also shows how the applicant’s recently-reconfigured property includes a strip of land in its western border that is designated for Low-Density Residential uses in the City’s Comprehensive Plan. This is part of the area that is described as a “buffer” in the Development Agreement addressed in this Recommendation.



(Staff Report, page 5, Figure 2 – Comprehensive Plan Land Use Map).

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1 3. There is no dispute that the rezone site is a portion of a much larger (47 acre)
2 collection of properties that are subject to terms of a Development Agreement adopted by the
3 Richland City Council in 2010 and amended in 2022. The following background findings
4 are largely based upon recitals and findings found in Ordinance No. 2022-03, amending the
original development agreement. (See Ex. 4, original 2010 Development Agreement; Ex. 3,
Ord. No. 21-10 approving 2010 Development Agreement; and Ex. 5, Ord. No. 2022-03).

5 **Background.**

6 4. On July 20, 2010, the City entered into a Development Agreement affecting 47 acres
7 south of Keene Road and east of the Plat of Country Ridge (the “Original Agreement”, aka
8 Richland Contract No. 92-10, included in the Record as Ex. 4).

9 5. The Original Agreement was entered into pursuant to RCW 36.70B.170(1) and as
10 authorized by City of Richland Ordinance No. 21-10 (Ex. 3) for the purpose of settling an
11 appeal filed by the Country Ridge Homeowners Association related to the City’s 2009
Comprehensive Plan amendments affecting the property (see Eastern Washington Growth
Management Hearing Board Appeal No. 09-1004).

12 6. Despite execution of the Original Agreement in 2010, the property has remained
13 undeveloped, likely due to the fact that its ownership has been divided among multiple
unrelated individuals.

14 7. At some point in the last few years, the 47-acre property came under the common
15 ownership of Columbia Valley Property Holdings, LLC, with Mallikarjuna Vallem listed as
16 its managing member/Governor. (SoS Website, LLC registration information).

17 8. After taking control and ownership of the site, the applicant submitted a request from
18 to amend the Original Agreement, with a letter of support from the Country Ridge
19 Homeowners Association. The City Council noted that “the proposed First Amendment to
20 Development Agreement maintains critical components of the Original Agreement and
appears to be consistent with the intent of the 2010 settlement agreement and the Richland
Comprehensive Plan amendments adopted by Ordinance No. 21-10.” (Preamble, Ord. No.
2022-03).

21 9. While amending the Original Development Agreement, the City Council adopted all
22 findings and conclusions contained in Section 1.01 of Ordinance No. 21-10 by reference.
23 (See Ex. 5, Ord. No. 2022-03, Section 1). Of particular relevance to this pending rezone
24 application, those findings and conclusions include without limitation the following:

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1 10. The area adjacent to Keene Road and the future Keene Road/Queensgate Drive
2 intersection is suitable for commercial land uses given the existing and proposed
3 transportation system in the area and the proximity of existing commercial uses
4 located directly north of the subject properties;

5 12. The proposed agreements provide a number of specific mitigation measures that
6 will ensure that future development of the site will be appropriately buffered.
7 Measures include the provision of low density residential development
8 immediately adjacent to adjoining properties; the construction of a masonry wall;
9 the provision of buffers; restrictions on the nature of future commercial uses and
10 the provision of design standards to guide the appearance and size of future
11 commercial buildings;

12 16. The conditions listed in the development agreement are necessary and desirable
13 to ensure that appropriate separation of differing land uses is provided to mitigate
14 land use impacts

15 *(Ex. 3, Ord. No. 21-10, Section 1.01, Finding Nos. 10, 12, and 16).*

16 10. The Development Agreement included express conditions addressing “Future Uses”,
17 found in Section 10 of such Agreement, some of which remained unchanged by the 2022
18 Ordinance. Those provisions include Sec. 10(a) and 10(e) that mandate a “buffer area” along
19 the western property boundary and “buffer standards” for the eastern boundary of the site,
20 which clearly reflect concerns that adequate separation should be provided between
21 commercial uses and adjacent low density residential sites. Sections 10(a) and 10(e) of the
22 Development Agreement still read as follows:

23 a) A buffer area of Low density residential development designated along the
24 westerly property boundary of the Site, adjacent to the Country Ridge
25 property line and zoned for R-1-12. The buffer would provide for two tiers of
26 single family residential lots separated by a road corridor, providing for an
overall density not to exceed three (3) lots per acre (inclusive of such road
corridor). A Planned Unit Development may be utilized to achieve a density
average consistent with this agreement. These lots would meet all R-1-12
zoning standards, and such lots adjoining the adjacent Country Ridge
development shall be laid out with their rear yards facing the County Ridge
property line.

e) Buffer standards for the eastern boundary of the site shall be established at the
time a specific zoning proposal is submitted to the City and at a minimum
shall address:

- 1. Building setbacks;
- 2. Maximum building height;
- 3. Landscape screening and/or fencing;
- 4. Restrictions on outdoor lighting;

25 **FINDINGS OF FACT, CONCLUSIONS AND**
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1 5. Restrictions on location of outdoor storage areas, truck loading docks,
2 refuse collection areas.

3 The intent of the buffer shall be to provide an adequate separation between the
4 proposed commercial/multi-family residential use and the adjoining low
5 density residential land use to protect the low density residential property
6 from impacts of noise, and light and glare.

7 11. There is no credible dispute that the effect of requiring the western portion of the site
8 – where a portion of the rezone property is located – to “meet all R-1-12 zoning standards”
9 would not allow for outdoor storage areas, truck loading docks, refuse collection areas, or
10 other uses and activities that are commonly associated with commercial development
11 projects.

12 12. Conversely, without a concomitant agreement that would limit or restrict such uses
13 or activities, there is no dispute that the applicant’s requested C-2 zoning for the entire
14 property would allow for “a wide range of retail business uses and services compatible to the
15 core of the city and providing a focal point for the commerce of the city,” where “[a]ll
16 activities shall be conducted within an enclosed building except that off-street loading,
17 parking, and servicing of automobiles may be in the open and except that outdoor storage
18 may be permitted when conducted in conjunction with the principal operation which is in an
19 enclosed adjoining building. (See RMC 23.22.010, captioned “Purpose of commercial use
20 districts,” Sec. C, describing the “C-2” Retail Business Commercial zone).

21 13. Staff submitted a post-hearing response to requests for changes to recommended
22 conditions from the applicant made during the public hearing, which credibly explains that a
23 building setback alone from the western boundary of the rezone site would not adequately
24 take into consideration other commercial activities that could have a negative impact on
25 residents in the Country Ridge neighborhood – including parking lots, light standards [poles,
26 equipment, fixtures], loading/unloading areas for semi-trucks, large trash containers, and
other uses or activities which item 10(a) from the Development Agreement intended to be
separated from the Country Ridge neighborhood via a required buffer. (Ex. 13, Post-hearing
response memo from Staff, referring to Development Agreement, Sec. 10(a)).

14. The Examiner finds and concludes that placement of off-street loading (including
without limitation semi-truck loading docks), customer parking, large light poles and fixtures,
outdoor storage areas, refuse collection areas, and other uses or activities commonly
associated with commercial development projects, within the area of the property that is
intended to serve as a buffer between commercial development and the adjacent Country
Ridge neighborhood, would not be consistent with the Development Agreement.
Accordingly, it is necessary to condition this requested rezone with contemporaneous
approval of an appropriate concomitant agreement that would ensure that commercial

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1 development activities and uses are not placed in the buffer area described for the western
2 portion of the rezone site.

3 15. Again, the City Council findings from 2010 adopting the Development Agreement
4 were ratified and confirmed in 2022 when the Agreement was amended and expressly provide
5 that “The conditions listed in the development agreement are necessary and desirable to
6 ensure that appropriate separation of differing land uses is provided to mitigate land use
7 impacts.” (Finding No. 16, in Sec. 1.01 of Ord. No. 21-10, adopted by reference in Ord. No.
8 2022-03).

9 16. While the applicant’s representatives appear to have sought consensus from adjacent
10 property owners and staff, their requests for changes to the recommended conditions for a
11 concomitant agreement – so that any concomitant agreement would only limit the placement
12 of a commercial building to a particular buffer/setback line without also restricting
13 commercial uses and activities in the buffer area – amplify concerns from neighboring
14 property owners and staff that a future project may indeed come forward and seek to locate
15 outdoor storage, customer parking, loading docks, refuse collection receptacles, and similar
16 activities commonly associated with retail commercial businesses within the buffer area.
17 Placing such activities along the western part of the rezone site would effectively reduce the
18 buffer and increase potential impacts on properties to the west.

19 17. Based on site visits to newer commercial developments throughout the City of
20 Richland, the Examiner finds and concludes that concerns associated with potential noise,
21 light, and glare that might result from placement of commercial activities in the buffer area
22 are legitimate concerns. The applicant’s arguments and suggestions that a narrower buffer
23 should be sufficient seems to be a race to see just how narrow a strip of land that planners
24 and engineers might be able to say would be adequate to fit two tiers of residential lots
25 separated by a road corridor – the general ‘yardstick’ used in the Development Agreement to
26 describe the width of the buffer area on the west side of the site. That does not appear to be
what the Council intended. Instead, a meaningful, genuine “buffer area” is envisioned in the
original Development Agreement, and findings supporting the need for such buffer area were
confirmed by the Council in 2022.

20 ***Discussion.***

21 18. The Staff Report summarizes the applicant’s request – which expressly includes a
22 request (or suggestion) that the rezone should be conditioned upon contemporaneous
23 adoption of an appropriate concomitant agreement (aka property use and development
24 agreement), limiting the type of commercial uses on site, and mandating some specific design
25 standards, among other things. Almost all of the recommended conditions listed on pages
26 15-17 of the Staff Report read the same as those proposed by the applicant in Ex. 1, on .pdf
pages 40-41.

25 **FINDINGS OF FACT, CONCLUSIONS AND
26 RECOMMENDATION OF APPROVAL FOR 2155
KEENE ROAD REZONE APPLICATION –
FILE NO. Z2023-106**

GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

1 19. Specifically, the application materials include the following statement:

2 In order to ensure that the development proceeds in accordance with the descriptions
3 provided within this narrative, the applicants propose that zoning restrictions be made of
4 record through a concomitant agreement or similar document, acceptable to the City and
5 that would include the following restrictions [...]. (Ex. 1, application materials, on page
6 9 of application narrative, .pdf page 40, which then lists more than 20 items).

7 20. The applicant argues that the landscaped storm pond retention area associated with
8 The Terraces at Queensgate South PUD (approved by the City Council in May of this year)
9 will serve as a “superior buffer compared to two tiers of residential lots with a road.” (Ex.
10 17, Applicant’s final written reply to Staff response). While the applicant strongly argues
11 that “a 204 [foot] separation between Country Ridge and the commercial tract is not
12 required²,” the application materials expressly request adoption of Property Use and
13 Development agreement to create a 204-foot building setback between the Country Ridge
14 Boundary and commercial buildings. For instance, a letter from Mr. Simon, included as part
15 of Ex. 1, reads in relevant part as follows:

16 “In response to the assertion made in the staff report that a 204 foot buffer is required
17 between the Country Ridge plat and future commercial development, Columbia Valley
18 Property Holdings is willing to stipulate as a part of the Property Use and Development
19 Agreement, that all future commercial building(s) would be set back 204 feet (emphasis
20 added) from the Country Ridge property boundary, or 59 feet from the boundary of
21 Tract E. We trust that this 204 foot setback will satisfy the staff’s concerns.” (Ex. 1,
22 .pdf page 24, letter from Applicant’s consultant, Mr. Simon).

23 21. The Examiner finds and concludes that the applicant’s reduced buffer area proposal,
24 which would only provide for a 204-foot building setback from the Country Ridge boundary,
25 would not be in the public’s interest, and appears to be inconsistent with the City Council’s
26 intent that a genuine buffer – of at least 204-feet – should be placed between commercial
activities on the rezone site and the Country Ridge boundary. Again, the applicant’s
suggested language would still allow for delivery truck loading and unloading, outdoor
storage, parking, large light poles and equipment, and other commercial activities all in the
open, within the 59-foot area they wish to exclude from the 204-foot buffer. Such activities,
if allowed to occur within an area the same width as that needed to place two rows of
residential lots and a roadway in the recently approved Terraces PUD, would not be
consistent with the buffer requirement emphasized and described in several portions of the
applicable Development Agreement, as amended.

27 _____
28 ² Ex. 17, Applicant’s final written reply to Staff response.

22. Subject to appropriate terms in a concomitant agreement (aka property use and development agreement), including without limitation a meaningful buffer area of 204-feet, this application would eliminate the site’s nonconformity with the City’s Comp. Plan, by replacing the current AG and SAG zoning with the C-2 zone. Thus, the requested rezone can be approved in a manner that is consistent with and will implement policies in the City’s Comp. Plan and the applicable Development Agreement, which applies to this property.

23. Changed circumstances also support the requested rezone. Rapid residential development in the surrounding area has increased density in a potential retail service area, and demand for retail businesses and services has increased for properties like the rezone site. The current Agriculture/SAG zoning does not serve a useful purpose in this location.

24. The Examiner concurs with the opinion of staff and finds that the proposed C-2 zoning, approved with an appropriate property use and development agreement, would be compatible with the vicinity and that the site’s proximity to well-built roadways, utilities, public infrastructure, and potential customers living in surrounding residential areas, should make the property a highly desirable site for retail businesses and commercial uses allowed under this application. *(Site visits; terms of proposed property use and development agreement, limiting some uses, and applying other appropriate conditions that are supported by the record and provisions of the Development Agreement).*

25. Because staff deemed the application to be consistent with the City’s Comprehensive Plan and terms of the Development Agreement – subject to adopting of an appropriate property use and development agreement along with the requested rezone – the pending application is categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). *(Staff Report, page 10).*

26. The proposed property use and development agreement is written to prohibit a list of more than a dozen uses that would not be compatible with surrounding uses on adjacent properties. *(Staff Report, page 12; Ex. 1, application materials, on .pdf page 40).* The list of commercial uses that will not be permitted reads as follows:

- a. Automotive Repair Uses;
- b. Car Wash;
- c. Fuel Station/Mini Mart;
- d. Truck Rentals;
- e. Truck Stop;
- f. Vehicle Sales;
- g. Contractor’s Offices;
- h. Funeral Establishments;
- i. Laundry/Dry Cleaning Uses;
- j. Telemarketing Services;
- k. Emergency Shelters;

FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION OF APPROVAL FOR 2155 KEENE ROAD REZONE APPLICATION – FILE NO. Z2023-106

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CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

- l. Transitional Housing;
- m. Secondhand Store.

Public services and utilities are adequate and readily available to serve the site.

27. As part of the review process, City staff confirmed that, adequate utilities, including without limitation water, sewer, stormwater, irrigation, and electricity, are in place and/or readily available, some with connections needed, but all with adequate capacity, to serve the parcel that is at issue in this matter. *(Staff Report, pages 8, 9).*

Consistency with City Codes and Comprehensive Plan.

28. There is no dispute that the rezone site is already designated as suitable for Retail Business (C-2) zoning. *(Development Agreement, as amended).* The recommended terms of an appropriate property use and development agreement are necessary to ensure that future commercial activities on the site are consistent with provisions of the Development Agreement that applies to this property, including without limitation those that clearly envision a meaningful buffer of about 204-feet between Country Ridge and commercial activities on the rezone site.

General findings.

29. Subject to terms of the recommended property use and development agreement – the requested rezone bears a substantial relationship to the public health, safety, and general welfare; and the requested rezone will be appropriate in the context of adjacent properties.

30. The Development Services Division Staff Report, prepared by Mr. Hendricks, includes a number of specific findings and explanations that establish how the underlying application satisfies provisions of applicable law and is consistent with the city’s Comprehensive Plan and zoning regulations. Except as modified in this Recommendation, all Findings contained in the Staff Report are incorporated herein by reference as Findings of the undersigned-hearing examiner.

31. Any factual matters set forth in the foregoing or following sections of this Recommendation are hereby adopted by the Hearing Examiner as findings of fact and incorporated into this section as such.

VI. CONCLUSIONS.

Based upon the record, and the Findings set forth above, the Examiner issues the following Conclusions:

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL FOR 2155
KEENE ROAD REZONE APPLICATION –
FILE NO. Z2023-106**

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RICHLAND, WASHINGTON 99352**

1 1. The applicant met its burden to demonstrate that the requested rezone conforms to,
2 and in fact implements objectives of, the City’s Comprehensive Plan and the applicable
3 Development Agreement, if the rezone approval is subject to terms of a property use and
4 development agreement addressed in this Recommendation. *Findings; Staff Report.*

5 2. The applicant met its burden to demonstrate that the requested rezone bears a
6 substantial relationship to the public health, safety, or welfare.

7 3. The Staff Report and testimony in the record demonstrate that the proposed rezone
8 will not require new public facilities and that there is capacity within the transportation
9 network, the utility system, and other public services, to accommodate all uses permitted in
10 the C-2 zone requested herein.

11 4. Subject to compliance with terms of the recommended property use and development
12 agreement, the rezoned site will not be materially detrimental to uses or property in the
13 immediate vicinity of the subject property. The rezone will help facilitate retail commercial
14 development on the property, thereby implementing City goals and policies, including
15 without limitation those that seek to provide access to commercial uses that serve the needs
16 of adjacent residential neighborhoods, and promote economic development. *(Staff Report,*
17 *pages 5-6).*

18 5. While the pending rezone application is categorically exempt from formal SEPA
19 review, the record demonstrates that the potential for adverse impacts is highly unlikely, the
20 rezone approval is conditioned upon terms of an appropriate property use and development
21 agreement for the site.

22 6. As required by RMC 19.50.010(C), the transportation system is sufficient to
23 accommodate the type of development envisioned with the proposed rezone. The
24 surrounding road network is fully functional, and no transportation concurrency problems are
25 likely to arise as a result of the rezone for the site. Development regulations, including
26 without limitation those detailing frontage improvements, limited access, roadway
27 improvements, impact fees, setbacks, and the like, will apply to any future project built on
28 the site.

29 7. Based on the record, the applicant demonstrated its rezone application merits
30 approval, meeting its burden of proof imposed by RMC 19.60.060. Approval of this rezone
31 will not and does not constitute, nor does it imply any expectation of, approval of any permit
32 or subsequent reviews that may be required for development or other regulated activities on
33 the site of the subject rezone.

34 8. Any finding or other statement contained in this Recommendation that is deemed to
35 be a Conclusion is hereby adopted as such and incorporated by reference.

36 **FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL FOR 2155
KEENE ROAD REZONE APPLICATION –
FILE NO. Z2023-106**

GARY N. MCLEAN
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VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the Columbia Valley Property Holdings application (File No. Z2023-106) to rezone a 4.7-acre site located at 2155 Keene Road from its current AG (Agriculture) and SAG (Suburban Agriculture) zone to the C-2 (Retail Business) zoning district, which is consistent with the land use designation assigned to the area in its Comprehensive Plan and the Development Agreement for the property, should be **APPROVED, subject to contemporaneous adoption of a property use and development agreement that includes conditions provided as part of this Recommendation.**

ISSUED this 6th Day of December, 2023



Gary N. McLean
Hearing Examiner

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**CONDITIONS OF APPROVAL
TO INCLUDE AS PART OF A
PROPERTY USE AND DEVELOPMENT AGREEMENT
FOR THE
COLUMBIA VALLEY HOLDINGS REZONE**

FILE NO. Z2023-106
LOCATION: 2155 KEENE ROAD

In accord with authority granted in the Richland Municipal Code, the hearing examiner recommends approval of the above-referenced rezone application subject to conditions, modifications and restrictions set forth below, all found necessary to make the application compatible with the environment, and carry out applicable state laws and regulations, and the regulations, policies, objectives and goals of the city’s comprehensive plan, zoning code, and the applicable Development Agreement for the project site, and other ordinances, policies and objectives of the city.

General Conditions:

1. Should development occur upon Parcel 3 (the Rezone property) prior to the completion of the Terraces at Queensgate Planned Unit Development project, the owner/applicant shall be required to complete the full buildout of the adjacent roadways and/or all associated frontage improvements along Parcel 3.
2. The location/establishment of driveways for Parcel 3 have been pre-approved as a result of The Terraces at Queensgate PUD project. Additional and/or relocated driveways onto Parcel 3 will not be allowed.
3. Any applicable or relevant Conditions of Approval for the Terraces at Queensgate PUD shall remain in full force and effect for the rezone property (Parcel 3) following approval of this rezone.

Uses:

4. Future use of the subject properties shall be consistent with the land uses as identified in the C-2 Retail Business zone as it exists today (time of council review) or as it may be amended in the future, provided that the following uses shall not be permitted:
 - a. Automotive Repair Uses;
 - b. Car Wash;
 - c. Fuel Station/Mini Mart;
 - d. Truck Rentals;
 - e. Truck Stop;
 - f. Vehicle Sales;
 - g. Contractor’s Offices;

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL FOR 2155
KEENE ROAD REZONE APPLICATION –
FILE NO. Z2023-106**

**GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352**

- h. Funeral Establishments;
- i. Laundry/Dry Cleaning Uses;
- j. Telemarketing Services;
- k. Emergency Shelters;
- l. Transitional Housing;
- m. Secondhand Store;

Design Standards:

- 5. Buildings over 50 feet wide shall use one or more of the following techniques to divide building elevations into smaller parts: pronounced changes in massing; pronounced changes in wall planes; significant variations in the cornice/roofline.
- 6. Building colors shall emphasize muted earth tones.
- 7. The use of highly reflective or glossy materials shall be used for accents only.
- 8. Rich materials and a variety of materials are encouraged on both wall planes, roof and ground plane. If used, stone or decorative block veneers shall highlight significant building features and massed elements.
- 9. All sides of a building shall express consistent architectural detail and character.
- 10. Site walls and screen walls shall be architecturally integrated with the building.
- 11. Screening devices, site walls and enclosed service, loading and refuse areas should be designed to be an integral part of building architecture. All outdoor storage and refuse collection areas shall be screened.
- 12. Extensive use of floor to ceiling glass storefronts is appropriate only under arcaded areas.
- 13. Rooftop mechanical equipment shall be screened.
- 14. All outdoor lighting for building security and for lighting parking areas shall be screened in a manner consistent with City outdoor lighting standards and shall generally be consistent with dark sky standards.
- 15. All utilities serving commercial buildings shall be undergrounded.
- 16. Building setbacks shall be consistent with C-2 zoning standards.
- 17. Off-street parking requirements shall meet the minimum standards as identified in the City zoning code.
- 18. Building height shall be limited to a maximum of 40 feet.

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL FOR 2155
KEENE ROAD REZONE APPLICATION –
FILE NO. Z2023-106**

GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
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19. Any building located on or near the western buffer of the site must be oriented away from the Country Ridge property boundary. If there are multiple buildings constructed on the site, buildings located on the easter half of the site may be oriented towards the west.

Buffer and Screening Requirements:

20. A buffer measuring 204-feet shall be provided between the eastern property boundary of Country Ridge Homeowners Association (Benton County Parcel # 121984020001019) and future commercial uses and activities on the rezone site, to provide the buffer addressed in Contract 92-10, Ordinance 2022-03, and PUD2022-101. Commercial uses, activities, facilities, features, and equipment commonly associated with such uses – including without limitation off-street loading and unloading areas, loading docks, parking, outdoor storage, refuse/garbage collection areas, garbage containers, and large light poles and fixtures – are prohibited within the buffer, but landscaping, stormwater drainage improvements, fencing and/or other screening may be allowed, subject to review and approval by the Administrator.

21. Landscaping and screening within the open space area on Tract E of the Terraces at Queensgate South PUD shall be in accordance with approved plans and shall be installed prior to or simultaneously with the completion of any commercial building within the rezone site.

22. Landscaping, screening, or combination thereof shall be included as part of any future development project on the site to block headlights on vehicles entering or exiting the site from shining onto adjacent residential properties.

23. Tract E of the Terraces at Queensgate South PUD, along with an additional 59’ located along the western boundary of the rezone site, comprises the 204’ buffer addressed in Condition 20, above, and shall be reserved for storm drainage facilities, landscaping, fencing and/or other screening subject to review and approval by the Administrator. Other possible improvements permitted within the required buffer area shall be limited to walking or bicycle trails and possible park furniture such as benches, picnic tables or gazebos.

PROPERTY USE AND DEVELOPMENT AGREEMENT
Re: 2155 Keene Road

THIS AGREEMENT made and entered into this ____ day of _____, 2024, by and between the **CITY OF RICHLAND**, a Washington municipal corporation and **COLUMBIA VALLEY PROPERTY HOLDINGS LLC**, a Washinton limited liability company. (Petitioner).

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

WHEREAS, Columbia Valley Property Holdings LLC (hereinafter "Petitioner") submitted an application for a change of zone covering a 4.7-acre parcel located at 2155 Keene Road identified by Parcel ID No. 1-2298-300-0002-005 and more particularly described in Ordinance No. 2024-04 (hereinafter the "Property").

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from Agriculture (AG) and Suburban Agriculture (SAG) to Retail Business Commercial (C-2), Petitioner for itself, and for and on behalf of Petitioner's heirs, successors and assigns (also referred to as the "Applicant" or "Developer"), covenants and agrees that development and use of the Property shall be limited as follows:

1. Should development occur upon the Property (also referred to as Lot 3) prior to the completion of the Terraces at Queensgate Planned Unit Development project, the owner/applicant shall be required to complete the full build-out of the adjacent roadways and/or all associated frontage improvements along Lot 3.
2. The location/establishment of driveways for the Property (Lot 3) have been pre-approved as a result of The Terraces at Queensgate PUD project. Additional and/or relocated driveways onto the Property (Lot 3) are not allowed.
3. Any applicable or relevant Conditions of Approval for the Terraces at Queensgate PUD shall remain in full force and effect for the Property (Lot 3) following approval of Ordinance No. 2024-04.
4. Future use of the Property shall be consistent with the land uses identified in the C-2 Retail Business zone codified in RMC Title 23, as amended, provided that the following uses shall not be permitted:

• Automotive Repair Uses	• Funeral Establishments
• Car Wash	• Laundry/Dry Cleaning Uses
• Fuel Station/Mini Mart	• Telemarketing Services
• Truck Rentals	• Emergency Shelters
• Truck Stop	• Transitional Housing
• Vehicle Sales	• Secondhand Store
• Contractor's Offices	

5. Buildings over fifty (50) feet wide shall use one or more of the following techniques to divide building elevations into smaller parts: pronounced changes in massing; pronounced changes in wall planes; significant variations in the cornice/roofline.
6. Building colors shall emphasize muted earth tones.
7. The use of highly reflective or glossy materials shall be used for accents only.
8. Rich materials and a variety of materials are encouraged on both wall planes, roof and ground plane. If used, stone or decorative block veneers shall highlight significant building features and massed elements.
9. All sides of a building shall express consistent architectural detail and character.
10. Site walls and screen walls shall be architecturally integrated with the building.
11. Screening devices, site walls and enclosed service, loading and refuse areas should be designed to be an integral part of building architecture. All outdoor storage and refuse collection areas shall be screened.
12. Extensive use of floor to ceiling glass storefronts is appropriate only under arcaded areas.
13. Rooftop mechanical equipment shall be screened.
14. All outdoor lighting for building security and for lighting parking areas shall be screened in a manner consistent with City of Richland outdoor lighting standards and shall generally be consistent with dark sky standards.
15. All utilities serving commercial buildings shall be undergrounded.
16. Building setbacks shall be consistent with C-2 zoning standards.
17. Off-street parking requirements shall meet the minimum standards as identified in the City of Richland zoning code.
18. Building height shall be limited to a maximum of forty (40) feet.
19. Any building located on or near the western buffer of the site must be oriented away from the Country Ridge property boundary. If there are multiple buildings constructed on the site, buildings located on the eastern half of the site may be oriented towards the west.

20. A buffer measuring 204 feet shall be provided between the eastern property boundary of Country Ridge Homeowners Association (Benton County Parcel No. 121984020001019) and future commercial uses and activities on the Property to comply with Contract No. 92-10, Ordinance No. 2022-03 and PUD2022-101. Commercial uses, activities, facilities, features, and equipment commonly associated with such uses – including without limitation off-street loading and unloading areas, loading docks, parking, outdoor storage, refuse/garbage collection areas, garbage containers, and large light poles and fixtures – are prohibited within the buffer, but landscaping, stormwater drainage improvements, fencing and/or other screening may be allowed, subject to review and approval by the City.
21. Landscaping and screening within the open space area on Tract E of the Terraces at Queensgate South PUD shall be in accordance with approved plans and shall be installed prior to or simultaneously with the completion of any commercial building within the Property.
22. Landscaping, screening, or a combination thereof shall be included as part of any future development project on the Property to block headlights on vehicles entering or exiting the Property from shining onto adjacent residential properties.
23. Tract E of the Terraces at Queensgate South PUD, along with an additional fifty-nine (59) feet located along the western boundary of the Property, comprises the 204-foot buffer addressed in Condition 20, above, and shall be reserved for storm drainage facilities, landscaping, fencing and/or other screening subject to review and approval by the City. Other possible improvements permitted within the required buffer area shall be limited to walking or bicycle trails and possible park furniture such as benches, picnic tables or gazebos.

This Agreement shall be recorded in the public records of Benton County, and the terms and conditions thereof shall be a covenant running with the land and included in each deed and real estate contract executed by Petitioner with respect to the subject Property or any part thereof, until such time as the terms of the Agreement are fulfilled.

The City of Richland shall be deemed a beneficiary of this covenant without regard to whether it owns any land or interest therein in the locality of the subject Property and shall have the right to enforce this covenant in any court of competent jurisdiction.

This Agreement is formed and shall be construed under the laws of the State of Washington.

[Signature pages to follow]

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

CITY OF RICHLAND

Jon Amundson
City Manager

Mallikarjuna R. Vallem
Petitioner

APPROVED AS TO FORM:

Heather Kintzley
City Attorney

ACKNOWLEDGEMENT

STATE OF WASHINGTON)
 : SS
COUNTY OF BENTON)

On this _____ day of _____, 2024, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Jon Amundson, City Manager** for the City of Richland, to me known to be authorized and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the use and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

IN WITNESS WHEREOF, my hand and official seal hereon affixed the day and year above written.

Signature

Notary Public in and for the State of _____
Residing at _____
My appointment expires _____

STATE OF WASHINGTON)
 : SS
COUNTY OF BENTON)

On this _____ day of _____, 2024, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Mallikarjuna R. Vallem, Authorized Agent** for **Columbia Valley Property Holdings LLC**, to me known to be authorized and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the use and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

IN WITNESS WHEREOF, my hand and official seal hereon affixed the day and year above written.

Signature

Notary Public in and for the State of _____
Residing at _____
My appointment expires _____