

**WHEN RECORDED RETURN TO:**

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

**ORDINANCE NO. 2026-05**

**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 10.3 ACRES FROM SUBURBAN AGRICULTURAL (SAG) TO SINGLE-FAMILY RESIDENTIAL – 10,000 (R-1-10); SAID PROPERTY BEING IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 1-2098-101-2790-001, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.**

**WHEREAS**, on January 12, 2026, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from Rick Simon, applicant, acting on behalf of property owner Robin French, to change the zoning of the property hereafter legally described in Section 3 and identified as Assessor's Parcel Number 1-2098-101-2790-001; and

**WHEREAS**, following the January 12, 2026 open-record public hearing, the Richland Hearing Examiner issued a 10-page written recommendation to the Richland City Council that concluded with a favorable recommendation to approve the requested rezone; and

**WHEREAS**, the Richland City Council has considered the written recommendation of the Richland Hearing Examiner and the record created during the January 12, 2026 open-record public hearing; and

**WHEREAS**, as required by RMC 19.20.030, the Richland City Council conducted a closed-record decision hearing on March 17, 2026 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 February 13, 2026, attached hereto as **Exhibit B** 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 Single-Family Residential – 10,000 (R-1-10) when consideration is given to the interests of the public.

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

Parcel No. 1-2098-101-2790-001

SECTION 20 TOWNSHIP 9 RANGE 28 QUARTER NE; SHORT PLAT NO. 2790, LOT 1, 2/20/2004, AUDITOR'S FILE NO. 2004-005496, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 2790, RECORDS OF BENTON COUNTY, WASHINGTON.

Section 4. Said property depicted in **Exhibit A** and legally described in Section 3 herein is hereby rezoned from Suburban Agricultural (SAG) to Single-Family Residential – 10,000 (R-1-10).

Section 5. Richland Municipal Code Title 23 and the Official Zoning Map of the City, as adopted by Section 23.08.040 of said Title, are hereby amended by amending Sectional Map No. 18, which is one of a series of maps constituting said Official Zoning Map, as shown on the attached **Exhibit A**, and bearing the number and date of passage of this Ordinance, and by this reference made a part of this Ordinance and of the Official Zoning Map of the City.

Section 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Map No. 18, duly certified by the City Clerk as a true copy, together with **Exhibit B** (Richland Hearing Examiner's Report).

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.

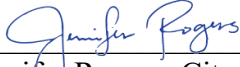
Section 9. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

**PASSED** by the City Council of the City of Richland, Washington, at a regular meeting on the 7<sup>th</sup> day of April, 2026.



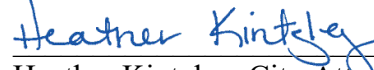
Theresa Richardson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to Form:



Heather Kintzley, City Attorney

First Reading: March 17, 2026  
Second Reading: April 7, 2026  
Date Published: April 12, 2026



**Exhibit B to Ordinance No. 2026-05**

Before Hearing Examiner  
Gary N. McLean

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

Regarding the Application to <i>Rezone</i> a	)	
10+acre site from SAG (Suburban	)	<b>File No. PLN-T3A-2025-00003</b>
Agriculture) to R-1-10 (Single Family	)	
Residential), which is consistent with	)	
Comprehensive Plan’s Low Density	)	<b>FINDINGS OF FACT,</b>
Residential (LDR) land use designation	)	<b>CONCLUSIONS AND</b>
assigned to the area, submitted by	)	<b>RECOMMENDATION</b>
	)	
RICK SIMON OF RPS PLANNING ON BEHALF	)	
THE PROPERTY OWNER <b>ROBIN FRENCH,</b>	)	
	)	
<b>Applicant</b>	)	
_____	)	

**I. SUMMARY OF RECOMMENDATION.**

The applicant, Rick Simon, of RPS Planning Consultant, LLC, on behalf the property owner, Robin French, can meet their burden of proof to demonstrate that the pending rezone request merits approval.

The site is now designated as suitable for Low Density Residential land uses under applicable provisions of the City’s Comprehensive Plan and is currently zoned SAG (Suburban Agriculture), limiting development opportunities for the property which is surrounded by properties already designated or zoned for low-density residential uses. The Estates at White Bluffs subdivision to the south of this site was the subject of a comparable rezone request considered and approved by the City Council earlier this year.<sup>1</sup> The pending application would rezone the site to R-1-10, one of the available Low Density Residential zoning districts found in current City codes, which allows for zero to five dwellings per acre as described in RMC 23.18.010(B).

<sup>1</sup> See Ordinance No. 2025-41, adopted by the Richland City Council on Jan. 6, 2026, addressing requested Rezone for “the Estates at White Bluffs” property, located immediately south of the “French Meadows” parcel addressed in this rezone application.

**FINDINGS OF FACT, CONCLUSIONS AND  
RECOMMENDATION OF APPROVAL FOR THE  
FRENCH MEADOWS REZONE APPLICATION –  
FILE NO. PLN-T3A-2025-00003**

**GARY N. MCLEAN**  
**HEARING EXAMINER FOR THE CITY OF RICHLAND**  
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1 This requested rezone does not approve any development activity on the site. As with  
2 all development proposals, City Development Regulations, including without limitation  
3 subdivision codes, will apply to any specific projects that may eventually be proposed on the  
4 site. The same applicant is pursuing a preliminary plat application for the rezone property,  
which is subject to a separate review and approval by the Hearing Examiner. If this rezone  
is denied, the proposed plat application would be null and void.

5 Because applicant’s only vest to zoning and development regulations in effect at the  
6 time of a complete application for a preliminary plat proposal, the applicant has assumed all  
7 risk associated with pursuing approval of a plat that is dependent on the Council’s legislative  
8 discretion to approve or deny this requested rezone. This Recommendation should not be  
9 read to create any expectation or assumption on the applicant’s part that applicable law  
10 mandates approval of their requested rezone. It does not. To the contrary, the City Council  
11 holds full discretion and authority to reach its own decisions regarding site-specific rezones.  
12 For example, in this matter, City codes include at least two zoning designations that are  
considered Low Density Residential, the requested R-1-10 zone, and the current Suburban  
Agriculture (SAG) zone. *(See RMC 23.18.010(B), explaining that R-1-10 zoning may be  
applied to areas designated low-density residential in the Comp. Plan; and RMC  
23.14.010(B), explaining that SAG zoning may be applied to areas designated for low-density  
residential uses in the Comp. Plan).*

13 In any event, for reasons explained below, the Hearing Examiner respectfully  
14 recommends that the City Council approve the applicant’s pending request to rezone their  
15 parcel from SAG to the R-1-10 zoning district.

16 **II. BACKGROUND and APPLICABLE LAW.**

17 In this matter, the Hearing Examiner has jurisdiction to conduct an open record public  
18 hearing on the site-specific rezone application at issue and is directed to issue a written  
19 recommendation for consideration and final action by the Richland City Council. *See*  
20 Richland Municipal Code (RMC) 19.20.010(D)(identifies “site-specific rezones” as Type  
21 IIIA permit applications); RMC 23.70.210(A)(“The hearing examiner shall conduct an open  
22 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 19.25.010(hearing examiner system created to  
process various matters, including site-specific rezone applications); and RCW  
35A.63.170(state statute regarding hearing examiner system).

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

25 **FINDINGS OF FACT, CONCLUSIONS AND**  
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19.60.060.

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

**III. QUESTIONS PRESENTED.**

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

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

*Short Answer:* Yes to both. The site is designated for Low Density Residential uses in applicable provisions of City’s Comprehensive Plan, and both the existing and requested zoning classifications are listed among those that can be applied to low density residential areas. As with the adjacent property to the South, the proposed rezone would benefit the City by allowing the maximum number of new homes allowed in an area designated for low-density residential development. This would help provide additional housing inventory in the city and region, where there is no dispute that a housing shortage now exists. The property is now undeveloped, generally unattended, and in a relatively distressed condition, which is not in the public interest. (*Staff Report, page 13*). The applicant is pursuing a separate application for a preliminary plat that is designed under R-1-10 zoning standards. The City has anticipated development on this property, and future road connections and routes through the property would provide connectivity and better circulation for adjacent developments and neighborhoods, all in a manner consistent with current city comprehensive plan goals and policies. Residential development now exists on surrounding properties, and housing demand continues to increase, showing a 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?

<sup>2</sup> *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).

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*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, subdivision codes, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application. Vacant, undeveloped, Residential-designated property in an area already served with newer transportation and utility infrastructure is not consistent with state and local policies that encourage residential development in designated urban growth areas, like those in the Richland City limits. The proposed rezone is an effort to expedite residential development potential for the site, as shown in the applicant’s proposed residential subdivision for the property. Given the housing shortage facing the city and region, the current SAG zoning designation applied to the site is no longer appropriate or in the public interest.

**IV. RECORD.**

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing held in council chambers on January 12, 2026, 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. (*Staff Report, page 14; Exhibit 4, noticing materials*).

**Hearing Testimony:** The hearing record for the requested rezone includes sworn testimony from the City’s Senior Planner, Ryan Nelson; Planning Manager, Mike Stevens; the applicant’s representative, Rick Simon; and Daniel Tiffell, Kennewick Irrigation District Engineering Manager. Mr. Nelson summarized the Staff Report, showing maps and illustrations establishing how the rezone site is already surrounded on most sides by properties with residential development and zoning the same as that requested in this application. On behalf of the applicant, Mr. Simon concurred with the Staff Report, its findings, and recommendation of approval. No members of the public or others provided testimony or written evidence through the hearing process that would serve as a basis to deny this rezone application.

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

- 1. Application Materials for requested rezone

- 2. Comprehensive Plan Land use and Zoning Maps
- 3. SEPA DNS and Checklist
- 4. Public Notices and confirmation materials

The Examiner has visited the road network and vicinity of the proposed rezone on multiple occasions over the past few years in connection with other applications, personally visited the site on the day of and again 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, Robin French, via their designated representative, Rick Simon, requests a rezone of property from Suburban Agriculture (SAG) to R-1-10, a low density residential classification. (*Ex. 1, Application materials; Staff Report; Testimony of Mr. Simon*). The application materials and Staff Report refer to the property at issue in this rezone application as “French Meadows”, referenced in this recommendation as “the Property.” The Property is on a single tax parcel, assigned Benton County Parcel No. 120981012790001.

2. The Property is a 10+acre site, part of what is commonly known as the “French Orchard,” located in the west side of the City of Richland, north of Interstate 182, west of Keene Road, east of Dallas Road. The future Estates at White Bluffs subdivision is immediately south of the site, the already-developed White Bluffs subdivision is to the west, and the Hearthstone No. 2 and No. 3 subdivisions are to the east.

3. The site slopes down from the west to east and will be accessed from Cayuse Drive on the west, and from Jasper Street to the east. (*Staff Report, page 5*).

4. Just like the Estates at White Bluffs project to the south of this site, the French Meadows property was annexed into the City of Richland in 1995, at which time the current Suburban Agriculture (SAG) zone was applied to the site. (*Annexation Ord. No. 21-95, referenced in Staff Report for Estates at White Bluffs rezone application*).

5. Since the Property was annexed into the City in 1995, there is no credible dispute that the City of Richland and the Tri-Cities region has experienced high growth in population, and increased demand for more housing.

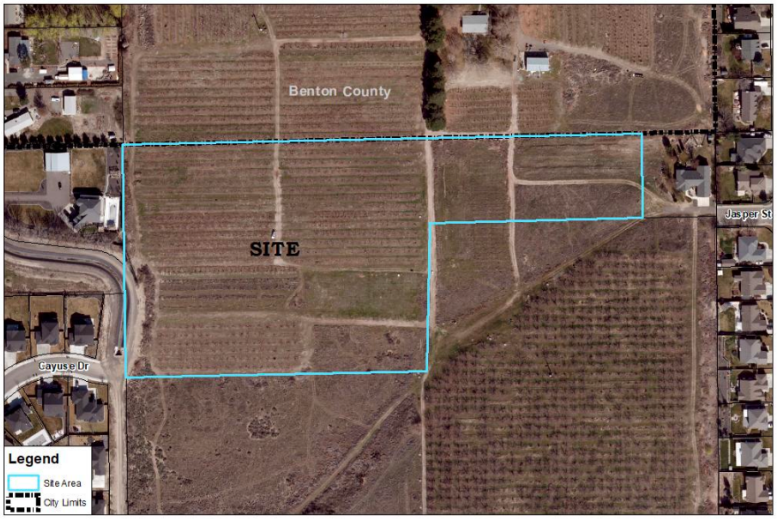
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6. Lands to the south, east, and west of the Property are currently zoned R-1-10, and already feature or will soon be developed with homes and lot sizes that would be consistent with those that could be developed on the applicant's Property, if it were rezoned to the requested R-1-10 zone. (Site visit; Zoning Maps; Staff Report, page 5).

7. A Zoning Map, showing the Property boundaries in blue [\*not yet updated to show that the Estates at White Bluffs property just south of the site has been rezoned to R-1-10], and an aerial view showing various transportation features, city limit lines, and existing development in the area, are included in the Staff Report on pages 2 and 6, and are republished below:



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8. As shown on the illustrations above, the Property is surrounded by, or will soon be surrounded by, residential development on most sides and is located in an area close to thriving commercial development. The Property has convenient access to regional transportation routes and urban amenities.

9. The Comprehensive Plan designates the Property as Low Density Residential [LDR] (1-5 dwellings per acre), and RMC 23.18.010(B) identifies the R-1-10 zone as a classification that can be applied to Low Density Residential lands.

10. No portion of the rezone Property is located in the City’s Shoreline jurisdiction. While the Property includes some shrubsteppe areas identified as Fish and Wildlife Habitat Conservation Area, such considerations are not applicable to this rezone application, and would, instead, be addressed in connection with any future subdivision or development application for the site.

11. Because staff deemed the application to be consistent with the City’s Comprehensive Plan, which already designates the rezone site as suitable for low density residential land uses, and the City’s plan was analyzed in an environmental impact statement at the time of its adoption, the pending rezone application could be deemed categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). However, and to the applicant and Staff’s credit, the Council should take notice that the associated preliminary plat application with this rezone request were the subject of a full SEPA review process and threshold determination, which resulted in issuance of a Determination of Non-Significance, issued on or about December 29, 2025. (*Staff Report, page 12; Ex. 3, SEPA DNS and Checklist*).

12. The Staff Report confirms that public notices were issued in accord with city requirements, including those found in RMC 19.30.040. No one provided a preponderance of written evidence or testimony during the hearing process for this rezone application that would serve as a basis to deny the applicant’s request to rezone their Property from SAG to R-1-10.

13. Changed circumstances since 1995 – when the current SAG zoning was applied to the Property – clearly support the requested rezone from the SAG to the R-1-10 zone. Residential development has occurred around the rezone site. The current Agricultural zoning no longer serves a useful purpose in this location, where public infrastructure already exists at a scale to easily serve future residential development.

14. The Examiner concurs with the opinion of staff and finds that the proposed R-1-10 zoning with its associated residential land uses, densities, and types of housing, is compatible with the vicinity and that the site’s proximity to well-built roadways, utilities, retail

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1 establishments, restaurants, and recreational amenities in the area, should make the property  
2 a highly desirable site for future homebuyers. *(Site visits).*

3 15. The record does not include any evidence that the requested R-1-10 zone could allow  
4 for any uses that would be incompatible with surrounding uses.

5 16. The Staff Report’s analysis of this application stands un rebutted. The requested  
6 rezone is consistent with land use policy goals in the City’s Comprehensive Plan. *(Staff  
7 Report, all findings and analysis regarding consistency with the City’s Comp. Plan).*

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

9 17. As part of the review process, City staff confirmed that, adequate utilities, including  
10 without limitation water, sewer, irrigation, and electricity, are in place and/or readily  
11 available, some with connections needed, but all with adequate capacity, to serve the parcel  
12 that is at issue in this matter. *(Staff Report, pages 8-10).* Fire safety service, including nearby  
13 fire hydrants, and Richland School District facilities are located nearby to serve future  
14 residents. *(Site visits; Staff Report, page 11).*

15 ***Consistency with City Codes and Comprehensive Plan.***

16 18. As explained elsewhere in this Recommendation, the rezone site is already designated  
17 as “LDR” i.e. low density residential, in applicable parts of the City’s Comprehensive Plan,  
18 and this request is to change the Property’s zoning classification from SAG to another  
19 available LDR zoning classification, specifically the R-1-10 zone.

20 19. Standing alone, the requested rezone conforms to the Comprehensive Plan, because  
21 the plan already identifies the property as suitable for low density residential uses. There is  
22 nothing in this record to justify holding the property as an SAG zoned site, especially given  
23 that population growth and housing demand that the city has experienced since 1995, which  
24 fully justifies this requested rezone as a small step to help address the housing demand in  
25 Richland and the Tri-Cities region. In short, this rezone would facilitate infill residential  
26 development on the same scale as that in surrounding neighborhoods, which would serve the  
public interest.

***General findings.***

20. The requested rezone bears a substantial relationship to the public health, safety, and  
general welfare. The requested rezone is appropriate in the context of adjacent properties.

21. The Development Services Division Staff Report, prepared by Senior Planner, Ryan  
Nelson, includes a number of specific findings and explanations that establish how the

1 underlying application satisfies provisions of applicable law and is consistent with the city’s  
2 Comprehensive Plan and zoning regulations. Except as modified in this Recommendation,  
3 all Findings contained in the Staff Report are incorporated herein by reference as Findings of  
4 the undersigned-hearing examiner.

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

8 **VI. CONCLUSIONS.**

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

11 1. The applicant met its burden to demonstrate that the requested rezone conforms to,  
12 and in fact implements objectives of, the City’s Comprehensive Plan. *Findings; Staff Report.*

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

15 3. The Staff Report and testimony in the record demonstrate that the proposed rezone  
16 will not require new public facilities and that there is capacity within the transportation  
17 network, the utility system, and other public services, to accommodate all uses permitted in  
18 the R-1-10 zone requested herein.

19 4. The rezoned site will not be materially detrimental to uses or property in the  
20 immediate vicinity of the subject property. In fact, the rezone will help facilitate residential  
21 development on the property applying the same zoning standards and scale of development  
22 as now exists on lands to the south, east, and west of the Property, thereby implementing City  
23 Comprehensive Plan goals and policies, including without limitation those that seek to  
24 adequate housing to serve the needs of local residents.

25 5. The record, including the SEPA DNS issued for this project, demonstrates that the  
26 potential for adverse impacts is very unlikely. Future development on the site, if any, will  
27 have to satisfy City development regulations and environmental standards, among other  
28 things.

29 6. As required by RMC 19.50.010(C), the record establishes that the transportation  
30 system is sufficient to accommodate the type of development envisioned with the proposed  
31 rezone. The surrounding road network is fully functional, and no transportation concurrency  
32 problems are likely to arise as a result of the rezone for the site. Development regulations,  
33 including without limitation those detailing frontage improvements, limited access, roadway

34 **FINDINGS OF FACT, CONCLUSIONS AND  
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improvements, impact fees, setbacks, and the like, will apply to any future project built on the site.

7. Based on the record, the applicant demonstrated its rezone application merits approval, meeting its burden of proof imposed by RMC 19.60.060.

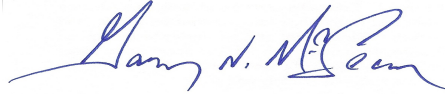
8. Approval of this rezone will not and does not constitute, nor does it imply any expectation of, approval of any permit or subsequent reviews that may be required for development or other regulated activities on the site of the subject rezone.

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

**VII. RECOMMENDATION.**

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the French Meadows Rezone application (File No. PLN-T3A-2025-00003) to reclassify a 10+acre site from its current SAG (Suburban Agriculture) zone to another Low Density Residential (LDR) land use designation, specifically the R-1-10 zoning district, which is consistent with the Comprehensive Plan’s LDR land use designation assigned to the area, should be **APPROVED**.

ISSUED this 13<sup>th</sup> Day of February, 2026



Gary N. McLean  
Hearing Examiner